

ARTICLE 11. DESIGN REVIEW

Sec. 11.00 Applicability and Purpose

11.01 The provisions of this Article shall be known as Design Review regulations.

11.02 The purpose of these regulations is to effect Design Review of all developments, buildings, structures, signs and other facilities constructed or modified in the City of Fairfax, except as herein provided.

11.03 The purpose of this procedure is to foster a good design character through consideration of esthetic and functional relationships to surrounding development, and in order to further enhance the City's appearance and the livability and usefulness of properties.

11.04 The provisions of this Article shall not apply to the following:

- (1) Single family dwellings and structures accessory thereto, except one-family residences which will have a distance of more than ten (10) feet from the ground to the lowest point of complete enclosure.
- (2) Alterations or additions taking place in any one calendar year which have an estimated value less than One Thousand Dollars (\$1,000), as determined by the Building Inspector.

Sec. 11.10 Design Review Criteria

11.11 The following criteria shall be applied in considering an application for Design Review approval:

- (1) The proposed development shall create a well-composed urban design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
- (2) Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances.
- (3) The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
- (4) The proposed development shall conform with all requirements for landscaping, screening, usable open space and the design of parking and off-street loading areas set forth in the Fairfax Zoning Ordinance.

The foregoing ordinance was duly and regularly introduced at a regular adjourned meeting of the City Council of the Town of Fairfax held in said town on the 6th day of December, 1971, and thereafter, at a regular adjourned meeting of said City Council of said Town of Fairfax held in said town on the 13th day of February, 1973, duly passed and adopted by the following vote:

AYES: COUNCILMEN NELDER, PARKERSON, SOUZA and MAYOR GATELY

NOES: COUNCILMAN EGGER

ABSENT: COUNCILMEN: NONE



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

mmend Ordinance No. 352 - Zoning Ordinance

Ord. #352  
Zoning  
Ordinance

erty." At a study session held January 10, 1973 the Planning  
Commission reviewed and took action on Council changes to the  
dmini- proposed zoning ordinance. Council did not accept additional  
ed amendmets suggested by the Planning Commission at the 1-10-73  
e, meeting.

ORDINANCE NO. 352

rt. AN ORDINANCE ESTABLISHING LAND USE ZONES; REGULATING  
THE USES OF LAND AND BUILDINGS; THE HEIGHTS OF BUILD-  
INGS, ~~THE OPEN SPACES ABOUT BUILDINGS AND SETBACK~~  
LINES ALONG STREETS; REQUIRING PERMITS FOR CERTAIN  
t. BUILDINGS AND USES; DEFINING TERMS USED HEREIN;  
SPECIFYING THE PROCEDURE FOR THE AMENDMENTS AND  
ADMINISTRATION AND PRESCRIBING PENALTIES FOR THE  
VIOLATION OF ANY OF THE PROVISIONS HEREOF; REPEAL-  
ING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN  
CONFLICT HEREWITH.

to having been introduced and read by title at the meeting of  
December 6, 1971, was again read by title.

- M/s, Parkerson-Gately, to waive further reading of  
Ordinance No. 352.

AYES: All

s M/s, Parkerson,-Gately, to adopt Ordinance No. 352, as  
transcribed.

Motion to  
Adopt

Comments:

ort Councilman Parkerson: "This ordinance will firmly imple-  
om ment the 1968 Fairfax Area General Plan, turning land use policy  
and into zoning code regulations; will promote a diversified com-  
munity through diversified zones for commercial and residential  
uses; will provide for residential development in all ranges of  
ful income; will assist the businessman in deciding the best loca-  
et- tion for commercial uses oriented to pedestrian or highway trade  
items or special uses such as restaurants or recreation; will help  
preserve the historic balance between open space needs and the  
realistic needs of undeveloped land for housing needs; will  
change lot slope policy into lot slope law, providing equitable  
a decisions by writ rather than motion; will make it possible for  
allot a small town with limited resources and limited staff to pre-  
serve its environment in the best interests of its residents  
and taxpayers."

aly Councilman Egger: "The zoning ordinance is not consistent  
with the objectives of the General Plan; the scope of allowable

multiple development within the town broadens considerably under the proposed ordinance; by use permit eliminates present height restriction (Councilman Egger recommended including strict height limitations and not allow any use permit process)". Expressed concern regarding legal conforming duplexes on lots less than 7,000 sq. ft.

Councilman Nelder: "I do have reservations about this ordinance, but a lot of people did work hard on it and it is a better ordinance than the one we have been working with."

Councilman Souza: "My major reservation concerns the Commercial-Recreation Zone and the matter of apparent taking of property without due compensation. My other reservation is the R-2 Zone and the problem of use permits. The P.D.D. Zone has not worked and I would hope that the Planning Commission will recommend that this zone be removed."

Mayor Gately: "The Commercial-Recreation Zone does not take anyone's property. This property has been used for recreation purposes for years. This ordinance does comply with the General Plan and is a living document. We have a citizens committee to incorporate the new statutory requirements as well as review the density. If there is a change in the General Plan, there will be a change in the zoning ordinance."

Planning Commissioner Lezzeni: "Tandem parking should be allowed in R-2 Zone; use permit application should be automatically approved after 30 days; P.D.D. Zone should be eliminated."

Vote on motion to adopt Ordinance No. 352:

AYES: COUNCILMEN Nelder, Parkerson, Souza and Mayor Gately

NOES: COUNCILMAN Egger

Ord. #352 in full at end of minutes and made a part of official min

Recessed from 10:00 p.m. to 10:10 p.m. Reconvened with

all councilmen present.

Adoption  
Ord. #352

First Fed.  
Savings  
Sign

First Federal Savings and Loan Assn. Sign

The Mayor read a letter from Design Review Board Chairman Lee Eckles advising that during the Board's discussion and review of the First Federal sign the 16 sq. ft. restriction for projecting signs was inadvertently overlooked.

Richard Tarrant, attorney representing First Federal, and Elliott Wilson, salesman for the Federal Sign Corporation, maintained that their client had approached the town in good faith.

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ORDINANCE NO. 500

AN ORDINANCE AMENDING ARTICLE 11, DESIGN REVIEW, TO MODIFY THE DESIGN REVIEW REQUIREMENTS FOR SIGNS AND OTHER STRUCTURES; ARTICLE 27, RIDGELINE SCENIC CORRIDOR, TO MODIFY THE REQUIREMENTS FOR DESIGN REVIEW OF STRUCTURES IN THE CORRIDOR; AND ARTICLE 28, SIGNS, TO MODIFY THE REQUIREMENTS FOR DESIGN REVIEW OF SIGN PERMITS, OF ORDINANCE 352

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The Town Council of the Town of Fairfax does hereby ordain as follows:

SECTION 1

Section 11.04 is hereby amended to read as follows:

11.04 The provisions of this Article shall apply to:

- (1) Alterations or additions in all zones except RD 5.5-7, RS 6 and RS 7.5 which have an estimated value more than \$2,500 as determined by the Building Inspector and/or changes in the exterior color of structures or the alteration of a significant design element which is part of the design of the building.
- (2) New construction in Central Commercial, Limited Commercial, Highway Commercial, Service Commercial, Multiple Residential, Planned Development District, Single Family-Residential Master Plan zones, duplexes in RD 5.5-7 zones and structures in the ridgeline scenic corridor as required in Article 27, and residences which have a distance of more than ten (10) feet from the ground to the lowest point of complete enclosure.

The foregoing ordinance was duly and regularly introduced by the Town Council of the Town of Fairfax at a regular meeting thereof held on the 8th day of November 1982, and thereafter adopted at an adjourned meeting thereof held in said town on the 15th day of November, 1982, by the following vote, to wit:

AYES: COUNCILMEMBERS Arnold, Egger, Willmann and Mayor Sherman

NOES: COUNCILMEMBERS (None)

ABSENT: COUNCILMEMBERS Lippi

*Carol Sherman*

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MAYOR

ATTEST:

*Charles A. Grasso*

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TOWN CLERK

17.12.010

## Chapter 17.12

### DESIGN REVIEW REGULATIONS

#### Sections:

17.12.010	Title.
17.12.020	Purpose.
17.12.030	Applicability.
17.12.040	Design review criteria.
17.12.050	Application.
17.12.060	Preliminary plans.
17.12.070	Application—Filing fee.
17.12.080	Procedure for consideration.
17.12.090	Period of consideration.
17.12.100	Public hearing—Notice.
17.12.110	Appeal to commission.
17.12.120	Appeal to council.
17.12.130	Enforcement.

#### 17.12.010 Title.

The provisions of this chapter shall be known as design review regulations. (Ord. 352 § 11.01, 1973)

#### 17.12.020 Purpose.

A. The purpose of these regulations is to effect design review of all developments, buildings, structures, signs and other facilities constructed or modified in the town of Fairfax, except as herein provided.

B. The purpose of this procedure is to foster a good design character through consideration of aesthetic and functional relationships to surrounding development, and in order to further enhance the town's appearance and the livability and usefulness of properties. (Ord. 352 §§ 11.02 — 11.03, 1973)

#### 17.12.030 Applicability.

The provisions of this chapter shall apply to:

A. Alterations or additions in all zones except RD 5.5-7, RS-6 and RS-7.5 which have an estimated value of more than two

thousand five hundred dollars as determined by the building inspector and/or changes in the exterior color of structures or the alteration of a significant design element which is part of the design of the building;

B. New construction in Central Commercial, Limited Commercial, Highway Commercial, Service Commercial, Multiple Residential, Planned Development District, Single Family-Residential Master Plan zones, duplexes in RD 5.5-7 zones and structures in the Ridgeline Scenic Corridor as required in Chapter 17.32, and residences which have a distance of more than ten feet from the ground to the lowest point of complete enclosure. (Ord. 515 § 11, 1983; Ord. 500 § 1, 1982; Ord. 482 § 2, 1981; Ord. 476 § 2, 1980; Ord. 352 § 11.04, 1973)

#### 17.12.040 Design review criteria.

The following criteria shall be applied in considering an application for design review approval:

A. The proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community;

B. Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances;

C. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area;

D. The proposed development shall conform with all requirements for landscaping, screening, usable open space and the design

of parking and off-street loading areas set forth in this title;

E. Where the proposed development is located in an area where a neighborhood plan or precise plan has been adopted by the town, the design of the development shall conform in all significant respects with such plans;

F. There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance;

G. The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance;

H. The extent to which the structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained and is found to be architecturally desirable;

I. The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used;

J. The extent to which natural features, including trees, shrubs, creeks and rocks, and the natural grade of the site are to be retained;

K. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets;

L. The reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites, and separating building areas from paved areas to provide access from buildings to open space areas;

M. In the case of any commercial or industrial structure, the board shall consider its proximity to any residential district and

shall consider the effect of the proposed structure upon the character and value of the adjacent residential district area;

N. The design review board may recommend design guidelines to the planning commission and town council for adoption in order to further the objectives of this section and to illustrate design criteria. (Ord. 605 § 1 (14) and (15), 1991; Ord. 352 § 11.11, 1973)

#### 17.12.050 Application.

A. Application for consideration shall be made at a meeting of the design review board by the owner of the affected property, or his authorized agent, on a form prescribed by the planning commission, and shall be filed with the secretary of the board no later than fifteen days prior to the next meeting of the board.

B. The application shall be accompanied by such information as may be required to allow applicable design review criteria to be applied to the proposed action. This information may include site and building plans, drawings



## ORDINANCE NO. 688

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
AMENDING SECTION 17.12.030(A) OF THE FAIRFAX TOWN CODE TO EXPAND  
THE FAIRFAX DESIGN REVIEW BOARD'S DUTIES TO INCLUDE REVIEW AND  
APPROVAL OF ALL PROPOSALS FOR NEW RESIDENCES AND ALTERATIONS  
OR ADDITIONS TO RESIDENCES THAT CONSTITUTE 50% REMODELS PER  
TOWN CODE §17.10.040(B)

The Town Council of the Town of Fairfax does ordain as follows:

### Section 1:

Town Code Chapter 17.12.030(A), shall be amended as follows:

A. New residences and alterations or additions constituting 50% remodels as set forth in Town Code § 17.10.040(B)] in all zones including Residential RD 5.5-7 Zones, Residential RS 6 Zones, Residential RS 7.5 Zones and Upland Residential UP Zones.

### Section 2:

Copies of the foregoing ordinance shall within fifteen (15) days after its final passage and adoption be posted in three public places in the Town of Fairfax, to wit:

- (a) Bulletin Board, Fairfax Town Offices, Town Hall;
- (b) Bulletin Board, Fairfax Post Office; and
- (c) Bulletin Board, Fairfax Women's Club Building,

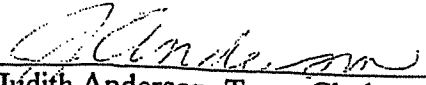
which said places are hereby designated for that purpose, and shall be in full force and effect thirty (30) days from and after its final passage and adoption.

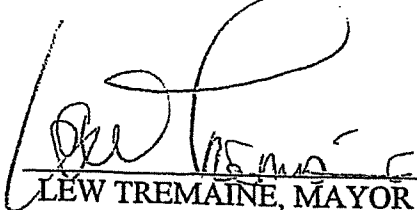
The foregoing ordinance was duly and regularly introduced at a regular adjourned meeting of the Town Council of the Town of Fairfax held in said town on the 5<sup>th</sup> day of February, 2002 and thereafter adopted on the 6<sup>th</sup> day of March, 2002 by the following vote, to wit:

AYES: Brandborg, Egger, Tremaine

NOES: Caldararo, Ghringhelli

Attest:

  
Judith Anderson, Town Clerk

  
LEW TREMAINE, MAYOR

1/17/02 PLANNING COMMISSION MEETING

Conditional Use in the Central Commercial Zones, He said he has no problem with a birthing center in Fairfax, but he feels it should not be permitted in the Central Commercial zone. He feels that the proposed Ordinance Amendment is being proposed to accommodate one applicant and he feels the applicant will not be able to open because they do not have the staff to operate legally in the State of California. He said he thought the Town should not change the Code because this could open up the possibility of other similar uses in the Central Commercial zone on the first floor which would break up our retail area. He also recommended changing the wording to an "Alternative Birthing Center" so that the Town is using the same language as the State.

M/S Hailer-Madsen motion to adopt resolution 01-01 with the modification that the center must be licensed by the State and the wording used by the Town to refer to the center be changed from "Midwifery Center" to "Alternative Birthing Center".

AYES: Herbert, Hailer, Madsen, Arguimbau, Chair Shaiken

NOES: Alvillar, Craine

**Proposed Zoning Ordinance Amendment and Resolution No. 01-02: consideration of amendment to Town Code § 17.12.030(A) expanding the Design Review Board's review of projects to include all new residences and alterations or additions constituting 50% remodels in the Residential RD 5.5-7 Zone, the Residential RS 6 Zone, the Residential RS 7.5 Zone and the Upland Residential UP Zone.**

Planning Director Kirkey gave the staff report and recommended approval of the Resolution No. 01-02.

Commissioner Madsen asked staff if this would increase the cost to the applicants.

Planning Director Kirkey said yes it would increase the application cost.

Commissioner Madsen asked what the increase would be.

Planning Director Kirkey said the cost would increase by about \$500 for a new residence. He said there are projects proposed in the flat areas of the Town that don't receive Design Review and the staff opinion is that it would be beneficial for the Design Review Board to review those projects.

Commissioner Hailer asked if this would increase the staff's workload.

Planning Director Kirkey said yes and it would also increase the Design Review Boards work load.

Commissioner Craine asked staff if there is anyway to discourage nuisance appeals.

Planning Director Kirkey said under the current framework the answer is no. He also said given the Permit Streamlining Act as well as a desire to have a more predictable process for the applicants it is likely that the order in which projects are reviewed by the Planning Commission and the Design Review Board may need to be changed. He said the appeal issue could be looked into at that time.

Commissioner Alvillar asked staff if this would require noticing of all residence within 300 feet for all Design Review applications.

Planning Director Kirkey said yes.

Stan Schriebman, 51 Hickory, said he feels there are too many restrictions and ordinances already and he urged the Commission to deny this item.

Ian Roth, 74 Spruce and Chair of the Design Review Board, requested the Commission to pass this ordinance. He said he thought a design review of all 50% remodels and new residences could improve the quality of the community. He also encouraged the Commissioners to come to a Design Review meeting and he said he is encouraging the Design Review Board members to attend a Planning Commission meeting. He indicated that if each group has a better understanding of what the other group does, the process will work more smoothly for everyone.

Commissioner Hailer said she felt that it is not necessary to have every 50% remodel to go through the Design Review Board process.

Commissioner Alvillar said she is in favor of this amendment with the condition that any applications that are subject to the Planning Commission review go to the Commission first so that applicants are not delayed. She also said the flat area of Town that is not subject to Design Review and a lot of the lots in the flat areas are substandard, and she said all substandard lots in the hillside areas are subject to a discretionary permit review.

Chair Shaiken said he supports this amendment because he feels this will maintain the character of the Town.

M/S Alvillar-Craine motion to recommend approval of the Town Council proposed amendment to the Town Code 17.12.030 A expanding the Design Review Boards duties to include review of all new residences and 50% remodels with the condition that all Design Review subject to Planning Commission applications go to the Commission first.

Ian Roth, 74 Spruce Rd., said the placement of all applications first before the Planning Commission review before the Design Review Board makes a lot of sense.

Commissioner Herbert said he is torn by this issue. He said the Design Review Board is doing a great job but he is concerned about adding another layer to the application process.

AYES: Alvillar, Craine, Chair Shaiken

NOES: Herbert, Hailer, Madsen

#### **ELECTION OF 2002 OFFICERS - PLANNING COMMISSION CHAIR AND VICE CHAIR TREE COMMITTEE MEMBER, AND ALTERNATE**

The Commissioners unanimously agreed to continue the matter until the February 2002 Commission meeting.

#### **PLANNING DIRECTOR'S REPORT ON TOWN COUNCIL MEETING**

Planning Director Kirkey said the General Plan Advisory Committee (GPAC) has been meeting monthly since September. The group has been focusing on completing the out of date housing element, especially since the State is closely monitoring what cities and towns are doing to encourage new affordable

2/5/02 TOWN COUNCIL MINUTES

Ken Hughes, 363 Forrest, said that Ordinance No. 613, setting the Utility Users Tax at 6%, should have been repealed long ago and that he would like to see the fund of the overcharged money go to the restoration of the Pavilion.

Vince D'Amico, Arboleda Circle, said that he would like to see the money be returned to the people who had paid it.

Mayor Tremaine closed the Public Hearing.

M/S, Brandborg/Egger, Motion to waive further reading of Ordinance No. 687 repealing Ordinance No. 613 regarding the Utility Users Tax

AYES: All

M/S Brandborg/Caldararo, Motion to adopt Ordinance 687 repealing Ordinance No. 613 regarding the Utility Users Tax

Roll Call Vote: Brandborg: AYE, Caldararo: AYE, Ghiringhelli: AYE, Egger: AYE, Tremaine: AYE

It was the consensus of the Council that the names of the vendors that had been continuing to charge 6% be provided to the Council.

Introduction and First Reading of Ordinance No. 688 expanding the scope of the Design Review Board

Planning Director Kirkey presented the staff report. He said that the proposed amendment to Town Code §17.12.030(a) would expand the Design Review Board's review of projects to include all new residences and alterations or additions constituting 50% remodels in the Residential RD 5.5-7 Zone, the Residential RS 6 Zone, Residential RS 7.5 Zone and the Upland Residential UP Zone; that the current Town Code provided the Design Review Board with purview over new construction and 50% remodels on residential properties with a slope greater than 20%; that the proposed amendment would expand the Board's oversight to encompass all new residences and 50% remodels on properties with slopes of 20% or less.

Mayor Tremaine opened the Public Hearing.

Ian Roth, 74 Spruce, Chair, Design Review Board, said that at the January Planning Commission meeting the vote to expand the purview of the Design Review board had been split three to three; that the Design Review Board was in full support of the proposed amendment; that they would address the issues of Floor Area Ratio and "monster homes," ensuring that building projects would fit within their context; that the Design Review Board was requesting the support of the Town Council; and that they could revisit the amendment in a year to evaluate its effectiveness.

Stan Schriebman, 51 Hickory Rd. said that he had been present when the Council had voted 3-2 against an emergency ordinance prohibiting the building of large homes over 3200 square feet and that he saw this amendment as another level of preventing people from building their dream homes.

Mayor Tremaine closed the Public Hearing.

M/S, Brandborg/Caldararo, Motion to waive further reading of Ordinance No. 688, an Ordinance of the Town Council of the Town of Fairfax Amending Section 17.12.030(a) of the Fairfax Town Code to expand the Fairfax Design Review Board's duties to include review and approval of all proposals for new residences and alterations or additions to residences that constitute 50% remodels per Town Code §17.10.040(b)

AYES: All

M/S, Caldararo/Egger, Motion to introduce Ordinance No.688, an Ordinance of the Town Council of the Town of Fairfax Amending Section 17.12.030(a) of the Fairfax Town Code to expand the Fairfax Design Review Board's duties to include review and approval of all proposals for new residences and alterations or additions to residences that constitute 50% remodels per Town Code §17.10.040(b)

Roll Call Vote: Brandborg: AYE, Caldararo: AYE, Egger: AYE, Ghiringhelli: NO, Tremaine: AYE

Introduction and First Reading of Ordinance No. 689 adding Midwifery as a permitted use in the Downtown Commercial Zone

Planning Director Kirkey presented the staff report. He said that the Planning Commission had approved a Use Permit for a midwifery center at 145 Bolinas Road subject to compliance with the Fairfax Parking Ordinance, among other conditions; that the Town Attorney advised the Commission that a parking variance could not be granted for such a use; that the applicant appealed the Commission's condition of approval requiring four on-site parking spaces; that the Town Council directed the staff to prepare a change in the Zoning Ordinance to add birthing centers as a permitted use in the Central Commercial Zone; that the proposed amendment to Section 17.52.040(a), Principal Permitted Uses and Structures, would be amended to include "Alternative Birthing Centers Licensed by the State of California Department of Health Services"; and that, at their January Meeting, the Planning Commission adopted Resolution No. 01-01, recommending that the Town Council approve Ordinance No. 689.

Councilmember Caldararo asked what the Town's potential liability would be if the birthing center were not licensed by the State and a death occurred on the premises related to its use.

Town Attorney Brecher said that in the event that such an incident took place and the clinic was not licensed by the State the Town would not be liable and that it was not the Town's business to enforce State requirements.

Mayor Tremaine opened the Public Hearing.

Tim Chambers, Attorney for Circle of Life, said that the item was a zoning issue rather than a medical issue; that the current wording of the proposed amendment was too narrow to allow for midwifery as a principal permitted use in the Central Commercial Zone; that he felt that it singled out midwifery centers; and that he had a list of other centers that had been approved by the State and that didn't have alternative birth center licenses.

Discussion followed regarding insurance; whether licensing of alternative birth centers was required by the State; the zoning and permitted uses of the area in question; the number of Alternative Birth Centers in the State of California; and the language of the proposed amendment.

Diane Holzer, 17 Valley Rd., midwife, said that the current law addressed MediCal and County peri-natal insurance providers; that licensed midwives currently could not accept MediCal; and that denial of the project would create a restraint of trade issue.

Tim Chambers, Attorney for Circle of Life, said that it would be better to have the wording say that midwifery centers would be licensed as alternative birth centers if required by the State; that they would be willing to obtain licensing if required by the State; and that they didn't want to be in the position of having to obtain licensing if only required by Fairfax.

3/6/02 TOWN COUNCIL MINUTES

Stan Schriebman, 51 Hickory Rd., thanked Councilmember Brandborg for her leadership role at the February 26, 2002 budget presentation meeting and said that there was not enough reporting being done on the issue.

Louise Matthews, San Anselmo, said that it was essential for the taxpayers that the Check Summary show information such as voided checks, and what department an expenditure came from and why.

Terri Alvillar, Box 1014, said that she objected to two disbursements, namely, that Fox & Schmidt had been paid over \$18,000 for an internal personnel investigation and that \$2,000 had been paid in attorney fees to Bertrand and Associates; that the Council should wait for justification for such disbursements and pay the total amount at one time; and that she wanted to know who signed the contract with Fox & Schmidt.

Town Administrator Bengyel said that the disbursement that Ms. Alvillar referred to was the only payment made and was for the entire services rendered; that approval to hire an outside service for an internal affairs investigation was made in a verbal agreement by the previous Interim Town Administrator; and that Bertrand and Associates was still providing legal services.

Barbara Dolan, Fairfax, said that it seemed that the internal investigation was very confusing and not an orderly process and that making decisions would be difficult without a good point of reference.

Suzanne Lindelli, San Anselmo, questioned what appeared to be an open expenditure to Attorney Bertrand.

Town Administrator Bengyel said that the investigation was not a planned activity and that the payments were made when billed.

Discussion continued regarding the internal investigation of a personnel matter and related expenditures.

Chief of Police Hughes said that the issue was an internal personnel matter and that to comment on any of the public's questions would be very improper.

It was the consensus of the council to continue any unheard items to an adjourned meeting.

Second Reading and Adoption of Ordinance No. 688 expanding the scope of the Design Review Board

Planning Director Kirkey presented the staff report. He said that the proposed amendments to the Town Code would expand the Design Review Board's (DRB) review of projects to include all new residences and alterations or additions constituting 50% remodels in the Residential RD 5.5-7 Zone, the Residential RS 6 Zone, the Residential RS 7.5 Zone and the Upland Residential UP Zone; and that the Town Council introduced Ordinance No. 688 at the February 5, 2002 meeting.

Mayor Tremaine opened and closed the public hearing when no speakers came forward.

M/S, Egger/Brandborg, Motion to waive further reading of Ordinance No. 688, an ordinance of the Town Council of the Town of Fairfax amending Section 17.12.030(A) of the Fairfax Town Code to expand the Fairfax Design Review Board's duties to include review and approval of all proposals for new residences and alterations or additions to residences that constitute 50% remodels per Town code §17.10.040(B).

AYES: All

M/S, Brandborg/Egger, Motion to adopt Ordinance No. 688, an ordinance of the Town Council of the Town of Fairfax amending Section 17.12.030(A) of the Fairfax Town Code to expand the Fairfax Design Review Board's duties to include review and approval of all proposals for new residences and alterations or additions to residences that constitute 50% remodels per Town code §17.10.040(B).

Roll Call Vote:

Brandborg: AYE, Caldararo: NO, Egger: AYE, Ghiringhelli: NO, Tremaine: AYE

Second Reading and Adoption of Ordinance No. 689 adding "Alternative Birthing Center" as a permitted use in the Downtown Commercial Zone

Planning Director Kirkey presented the staff report. He said that the proposed amendment to the Town Code would include Alternative Birthing Centers as permitted uses in the Central Commercial CC District; that the Town Council introduced the proposed ordinance at the February 5, 2002, meeting; and that the Council made the following change to the wording of the ordinance: Section 17.52.040(A), Principle Permitted Uses and Structures, shall be amended to include "Alternative Birthing Centers Licensed by the State of California Department of Health Services Unless Such Requirement Is Waived By The State of California" in the list of permitted uses.

Mayor Tremaine opened and closed the public hearing when no speakers came forward.

M/S Egger/Ghiringhelli, Motion to waive further reading of Ordinance No. 689, An Ordinance Of The Town Of Fairfax Amending Chapter 17.52 Of The Fairfax Town Code To Include As A Permitted Use Alternative Birthing Centers Licensed By The State Of California Department Of Health Services Unless Such Requirement Is Waived By the State of California in the list of permitted uses.

AYES: All

M/S, Egger/Ghiringhelli, Motion to adopt Ordinance No. 689, An Ordinance Of The Town Of Fairfax Amending Chapter 17.52 Of The Fairfax Town Code To Include As A Permitted Use Alternative Birthing Centers Licensed By The State Of California Department Of Health

RESOLUTION NO. 2216

A RESOLUTION OF INTENTION OF THE FAIRFAX TOWN COUNCIL TO AMEND SECTION 17.12.030(A) OF THE FAIRFAX ZONING ORDINANCE TO EXPAND THE FAIRFAX DESIGN REVIEW BOARD'S AUTHORITY TO INCLUDE REVIEW AND APPROVAL OF ALL PROPOSALS FOR NEW RESIDENCES AND ALTERATIONS OR ADDITIONS TO RESIDENCES THAT CONSTITUTE 50% OR GREATER REMODELS PER TOWN CODE §17.10.040(B)

WHEREAS, the Fairfax Town Council, having conducted a public hearing at their September 4, 2001 regular meeting, determined that the current Zoning Ordinance does not include regulations adequate to preserve the character of the Town from negative impacts related to current development trends; and

WHEREAS, the Fairfax Town Council has determined that the proposed amendment is necessary to protect the quality of life in the varied residential neighborhoods of Fairfax; and

WHEREAS, the Fairfax Design Review Board has the necessary expertise to review issues related to the siting, mass, size, and design of residential structures; and

WHEREAS, there will be no physical impacts to the environment as a result of expanding the review authority of the existing Design Review Board;

NOW THEREFORE, BE IT RESOLVED,

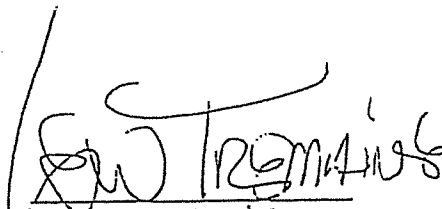
We the Fairfax Town Council direct staff to initiate a proposed amendment to Section 17.12.030(A) of the Fairfax Town Code, expanding the duties of the Fairfax Design Review Board to include review and approval of all new residences and alterations or additions to residences that constitute 50% remodels per Town code section 17.10.040(B). We further direct staff to send the proposed amendment to the Planning Commission for their review and action at the regular December 20th, 2001 meeting of the Fairfax Planning Commission.

The foregoing resolution was duly presented and adopted at a regular meeting of the Fairfax Town Council of the Town of Fairfax held in said Town on the 4th, day of December 2001, by the following vote to wit:

AYES: Brandborg, Caldararo, Egger, Tremaine

NOES: None

ABSENT: Ghiringhelli

  
Lew Tremaine, Mayor

ATTEST: 