



TOWN OF FAIRFAX

STAFF REPORT

July 7, 2021

TO: Mayor and Town Council

FROM: Linda Neal, Principal Planner

SUBJECT: Second reading by title only and Adoption of an Ordinance Amending Chapter 17.020 and Adding Section 17.020.030(c) to Include the Requirement of a Design Review Permit for Changes in the Exterior Color of a Structure or the Alteration of a Significant Design Element Which is a Part of the Design of the Building in Limited Commercial CL, Highway Commercial CH, Central Commercial CC, Service Commercial CS, Commercial Recreation CR, Planned Development District PDD, Multiple Family Residential RM and Multiple Family Residential-Senior Residential RM-S Zones

RECOMMENDATION

Waive second reading and read by title only and adopt an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.020 and Adding Section 17.020.030(c) to Include the Requirement of a Design Review Permit for Changes in the Exterior Color of a Structure or the Alteration of a Significant Design Element Which is a Part of the Design of the Building in Limited Commercial CL, Highway Commercial CH, Central Commercial CC, Service Commercial CS, Commercial Recreation CR, Planned Development District PDD, Multiple Family Residential RM and Multiple Family Residential-Senior Residential RM-S Zones.

DISCUSSION

The Town Council introduced the attached ordinance at their June 2, 2021, meeting with several changes made prior to the introduction. Those changes are reflected in the "redline" copy of the attached ordinance. A clean copy is also attached for convenience. Tonight is the second reading and adoption. If adopted, the ordinance will go into effect in thirty days.

The ordinance specifies that the single-family RD 5.5-7, RS 6, RS 7.5, UR 7, and UR 10 zones are the only districts where exterior color changes or changes in a significant design element which is a part of the building do not trigger design review. Please note that single-family homes located in multi-family or commercial districts will be subject to this design review requirement (e.g., RM Multiple Family Residential).

FISCAL IMPACT

The fee for applicants to apply for an exterior color change/exterior design alteration would currently be \$388.00 but would increase to \$427.00 on July 1, 2021.

ATTACHMENTS

- A. Proposed Ordinance
- B. Redline of Ordinance

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING CHAPTER 17.020 AND ADDING SECTION 17.020.030(C) TO INCLUDE THE
REQUIREMENT OF A DESIGN REVIEW PERMIT FOR CHANGES IN THE EXTERIOR
COLOR OF A STRUCTURE OR THE ALTERATION OF A SIGNIFICANT DESIGN ELEMENT
WHICH IS A PART OF THE DESIGN OF THE BUILDING IN LIMITED COMMERCIAL CL,
HIGHWAY COMMERCIAL CH, CENTRAL COMMERCIAL CC, SERVICE COMMERCIAL CS,
COMMERCIAL RECREATION CR, PLANNED DEVELOPMENT DISTRICT PDD, MULTIPLE
FAMILY RESIDENTIAL RM AND MULTIPLE FAMILY RESIDENTIAL-SENIOR
RESIDENTIAL RM-S ZONES**

WHEREAS, the Town of Fairfax contains a small but colorful downtown area filled with small, one- and two-story commercial buildings; and

WHEREAS, the community of Fairfax values “the small-town feel” of the commercial areas; and

WHEREAS, the exterior color and structural design components of the buildings create and maintain an experience unique to Fairfax that is reflective of the historical nature of the commercially, planned development and multiple-family residential developed properties including but not limited to those along Sir Francis Drake Boulevard, Broadway, Bolinas, and Center Boulevard; and

WHEREAS, being able to guide development, restoration, and improvements to the existing structures to maintain the historic, small scale of the built infrastructure of the downtown area is essential. Incorporating into the design review process the review of exterior color changes and significant exterior design element changes is essential to maintaining the diversity and unique characteristics of the built infrastructure of the downtown in the essential commercial, planned development and multiple-family residential areas; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on March 18, 2021 and April 15, 2021 to consider the draft ordinance; and

WHEREAS, adoption of this Ordinance is consistent with and will further the following Fairfax General Plan Goals, objectives, policies, and programs of the Town’s General Plan:

1. Land Use Element Goal LU-7
2. Land Use Element Objective LU-7.1
3. Land Use Element Objective LU-7.1.2
4. Town Center Element Goal TC-2
5. Town Center Policy TC-2.1.1; and

WHEREAS, the Town Council conducted a duly noticed public hearing on June 2, 2021, to consider the draft ordinance, heard the presentation of a staff report, and received public comment on the matter.

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Section 17.020.030 (“APPLICABILITY”) OF THE Fairfax Municipal Code, Chapter 17.020 (“Design Review Regulations”), is revised to include subsection “(C)” as follows:

§ 17.020.030(C) Changes in the exterior color of a structure or the alteration of a significant design element which is a part of the design of the building in Limited Commercial CL, Highway Commercial CH, Central Commercial CC, Service Commercial CS, Commercial Recreation CR, Planned Development District PDD, Multiple Family Residential RM and Multiple Family Residential Senior-Residential RM-S Zones. A significant design element alteration is anything that changes the shape, line, color, pattern, or texture of the exterior of a building, including, but not limited to, changes in any exterior building materials, roofline, window or door shape, size or location, and changes to awnings.

SECTION 2: Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”). Adoption of this Ordinance will enact only minor changes in land use regulations, and the proposed Ordinance does not constitute a “project” within the meaning of the California Environment Quality Act of 1970 (CEQA) Guidelines Section 15060(c)(2), 15061(b)(3) because there is no potential for either a direct physical change on the environment, or a reasonably foreseeable indirect physical change in the environment and categorical exemptions 15305 and 15378 because the code amendment will not result in any changes in land use density, is not a project, and is in compliance with the Fairfax 2010-2030 Fairfax General Plan; and

SECTION 3: Severability. If any section, subsection, sentence, clause, phrase, or work of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Town Council of the Town of Fairfax hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or work thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or work might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation; and

SECTION 4: Effective Date and Posting. This Ordinance shall become effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit:

1. Bulletin Board, Town Hall Offices. 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Fairfax on the 2nd day of June 2021, and duly adopted at the next regular meeting of the Town Council on the 7th day of July 2021, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

BRUCE ACKERMAN, Mayor

ATTEST: _____
Michele Gardner, Town Clerk

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
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REQUIREMENT OF A DESIGN REVIEW PERMIT FOR CHANGES IN THE EXTERIOR
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WHEREAS, the Town of Fairfax contains a small but colorful downtown area filled with small, one- and two-story commercial buildings; and

WHEREAS, the community of Fairfax values “the small-town feel” of the commercial areas; and

WHEREAS, the exterior color and structural design components of the ~~commercial~~ buildings create and maintain ~~an experience unique to and Fairfax that is reflective of the historical character~~ nature of the ~~the small-town character and historical nature of the~~ commercially planned development and multiple-family residential developed properties including but not limited to those along Sir Francis Drake Boulevard, Broadway, Bolinas, and Center Boulevard; and

WHEREAS, being able to guide development, restoration, and improvements to the existing structures to maintain the historic, small ~~town, character~~ scale of the built infrastructure of the downtown area is essential. Incorporating into the design review process the review of exterior color changes and significant exterior design element changes is essential to maintaining the ~~historic scaled~~ diversity and unique characteristics of the built infrastructure of the downtown in the diversity and unique character of the essential commercial, planned development and multiple-family residential areas; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on March 18, 2021 and April 15, 2021 to consider the draft ordinance; and

WHEREAS, adoption of this Ordinance is consistent with and will further the following Fairfax General Plan Goals, objectives, policies, and programs of the Town’s General Plan:

1. Land Use Element Goal LU-7: ~~Preserve community and neighborhood character.~~
2. Land Use Element Objective LU-7.1: ~~Preserve and enhance the community’s small town scale and character.~~

ATTACHMENT B

3. Land Use Element Objective LU-7.1.2: ~~New and/or renewed development in the Town Center area should preserve and enhance the village character of the Town Center area in the mix of land uses, architectural styles and ornamentation, materials, colors, and textures.~~
4. Town Center Element Goal TC-2: ~~Maintain and preserve the historic character of the Town Center Area:~~
5. Town Center Policy TC-2.1.1: ~~New and/or renewed development in the Town Center Planning Area should be compatible with the architectural character of the downtown in terms of height, design treatment, colors, textures, and materials; and; and~~

WHEREAS, the Town Council conducted a duly noticed public hearing on June 2, 2021, to consider the draft ordinance, heard the presentation of a staff report, and received public comment on the matter.

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§ 17.020.030(C) Changes in the exterior color of a structure or the alteration of a significant design element which is a part of the design of the building in ~~all~~ zones ~~except RD 5.5-7, RS 6, RS 7.5, UR 7 and UR 10. Significant design element alterations include but are not limited to height, color, signs, landscaping and appurtenances~~ Limited Commercial CL, Highway Commercial CH, Central Commercial CC, Service Commercial CS, Commercial Recreation CR, Planned Development District PDD, Multiple Family Residential RM and Multiple Family Residential Senior-Residential RM-S Zones. A significant design element alteration is anything that changes the shape, line, color, pattern, or texture of the exterior of a building, including, but not limited to, -changes in any exterior building materials, roofline, window or door shape, size or location, and changes to awnings.

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decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Town Council of the Town of Fairfax hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or work thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or work might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation; and

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BRUCE ACKERMAN, Mayor

ATTEST: _____
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