TOWN OF FAIRFAX
STAFF REPORT

To: **Mayor, Members of the Town Council**

From: **Michael Rock, Town Manager**
Jim Moore, Director of Planning & Building Services

Date: **February 1, 2012**

Subject: **Second Reading and Adoption of Ordinance No. 764, amendments to Chapter 17.020 Design Review Regulations, and various other design review related sections of the Town Code in order to combine the functions of the Design Review Board and the Planning Commission.**

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Waive reading of Ordinance No. 764 and authorize second reading by Title only.
4. Approve second reading and adopt Ordinance No. 764: an Ordinance deleting Chapters 2.40 and amending various sections of Chapter 17 of the Fairfax Town Code to modify the design review regulations and procedures in order to combine the functions of the Design Review Board and the Planning Commission.

BACKGROUND

The introduction and first reading of Ordinance No. 764, attached as **Exhibit A**, occurred at the January 11, 2012 Town Council meeting. Please find the January 11, 2012 staff report to Town Council attached as **Exhibit B**.

DISCUSSION

A minor revision to the Chapter 17.020.090 (A) was approved at the January 11, 2012 Town Council meeting in order to bring the language into compliance with the Permit Streamlining Act.

ATTACHMENTS

Exhibit A – Ordinance No. 764
Exhibit B - January 11, 2012 Staff Report to Town Council

AGENDA ITEM #____

ORDINANCE NO. 764

AN ORDINANCE DELETING CHAPTER 2.40 AND AMENDING VARIOUS SECTIONS OF CHAPTER 17 OF THE FAIRFAX TOWN CODE TO MODIFY THE DESIGN REVIEW REGULATIONS AND PROCEDURES

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

Section 1. Statement of Intent.

(a) The Town Code currently establishes a separate Design Review Board ("DRB") to oversee design review, and further bars consideration and action by the DRB until after the Planning Commission has acted on the other permits or entitlements for the project.

(b) In order to allow a more comprehensive and holistic review of projects that evaluates project design at the same time it evaluates other Code requirements, the Town Council wishes to eliminate the separate DRB and provide for the Planning Commission to implement design review at the same time it acts on the project.

Section 2. Municipal Code Amended:

(a) Chapter 2.40, Design Review Board, is hereby deleted in its entirety.

(b) Chapter 17.020, Design Review Regulations, is hereby deleted in its entirety and replaced by the revised Chapter 17.020, Design Review Regulations, attached hereto as Exhibit A.

(c) Chapter 17.060 is hereby revised as follows:

(i) The term "Design Review Board" is deleted and replaced by the term "Planning Commission" in Sections 17.060.030 (A)(2), 17.060.040 (A)(1), 17.060.040 (B)(1), 17.060.050 (A), 17.060.060 (B), 17.060.070 and 17.060.080.

(ii) The term "Board" is deleted and replaced by the term "Planning Commission" in Sections 17.060.040 (B)(2), 17.060.050 (B), 17.060.090 (A) and 17.060.090 (B).

(iii) Section 17.060.100, Appeals, is hereby deleted in its entirety and replaced with the following revised Section 17.060.100, Appeals:

EXHIBIT # A

"Appeals shall be in accordance with the provisions in § 17.020.110 of this title."

(d) 17.064 is hereby revised as follows:

(i) The term "Design Review Board" is deleted and replaced by the term "Planning Commission" in Sections 17.064.070 (D)(1), 17.064.080 (E), 17.064.100 (A), 17.064.100 (B), 17.064.110 (A), 17.064.110 (B), 17.064.110 (D)(1), 17.064.130 (A) and 17.064.130 (B).

(ii) The term "Board" is hereby deleted and replaced by the term "Planning Commission" in Sections 17.064.110 (B) and 17.064.110 (C).

(iii) Section 17.064.120, Exception, Appeal from Design Review Board Decision, is deleted in its entirety and replaced with the following revised Section 17.064.120, Exception, Appeal from Planning Commission Decision:

(A) Within ten days following the date of a decision by the Planning Commission, an appeal to the Town Council from the decision may be filed with the Town Clerk by the applicant or any aggrieved person on a form prescribed by the Town Clerk.

(B) The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or wherein the decision is not supported by the evidence in the record.

(C) In considering such an appeal, the Town Council shall determine whether the proposed use conforms to the guidelines of § 17.064.140 and to any other applicable criteria, and may approve or disapprove the proposed design, or require such changes as are, in its judgment, necessary to accomplish the general purposes of this chapter.

(D) The determination of the Town Council shall be final.

(e) In Section 17.072.060 (B), the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(f) In Section 17.092.030, the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(g) In Section 17.096.030, the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(h) In Section 17.100.030, the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(i) In Section 17.104.020, the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(j) In Sections 17.108.020 and 17.108.060 (A), the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(k) In Section 17.132.010, the words "or Design Review Board" are hereby deleted.

Section 3. Severability.

If any article, section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Town Council of the Town of Fairfax hereby declares that it would have adopted each article, section, and sentence thereof, irrespective of the fact that any one or more of said provision be declared unconstitutional or invalid.

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 meeting of the Town Council of the Town of Fairfax held in said town on the 2nd day of November, 2011 and thereafter adopted on the 7th day of December, 2011 by the following vote, to wit:

AYES:

NOES:

ABSENT:

_____

_____, MAYOR

ATTEST:

_____

JUDY ANDERSON, TOWN CLERK

EXHIBIT A

Revised Chapter 17.020: Design Review Regulations

Section

17.020.010 Title
17.020.020 Purpose
17.020.030 Applicability
17.020.040 Design review criteria
17.020.050 Application
17.020.060 Preliminary plans
17.020.070 Application; filing fee
17.020.080 Procedure for consideration
17.020.090 Period of consideration
17.020.100 Public hearing; notice
17.020.110 Appeal process
17.020.130 Enforcement

§ 17.020.010 TITLE.

The provisions of this chapter shall be known as "Design Review Regulations."

(Prior Code, § 17.12.010) (Ord. 352, passed - -1973)

§ 17.020.020 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.

(Prior Code, § 17.12.020) (Ord. 352, passed - -1973)

§ 17.020.030 APPLICABILITY.

The provisions of this chapter shall apply to:

(A) New residences and alterations or additions constituting 50 percent remodels, as set forth in Town Code § 17.016.040(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; and

(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 17.060, and residences which have a distance of more than ten feet from the ground to the lowest point of complete enclosure.

(Prior Code, § 17.12.030) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 482, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 515, passed - -1983; Am. Ord. 688, passed 3-6-2002)

§ 17.020.040 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 the 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 Planning Commission 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 Planning Commission and Town Council may adopt design guidelines in order to further the objectives of this section and to illustrate design criteria.

(Prior Code, § 17.12.040) (Ord. 352, passed - -1973; Am. Ord. 605, passed - -1991)

§ 17.020.050 APPLICATION.

(A) Application for consideration shall be made at a meeting of the Planning Commission by the owner of the affected property, or his or her authorized agent, on a form prescribed by the Planning Commission, and shall be filed with Planning Department no later than 30 days prior to the next Planning Commission meeting.

(B) The application shall be accompanied by the 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 and elevations, landscaping plans and operational data.

(Prior Code, § 17.12.050) (Ord. 352, passed - -1973)

§ 17.020.060 PRELIMINARY PLANS.

(A) Applicants are encouraged to submit preliminary plans prior to filing an application for approval so that preliminary agreement between the Planning Commission and the applicant may be achieved.

(B) Approval by the Planning Commission shall be certified to the appropriate town officials prior to the issuance of a building permit, or business license if necessary, as the case may be.

(Prior Code, § 17.12.060) (Ord. 352, passed - -1973)

§ 17.020.070 APPLICATION; FILING FEE.

At the time of filing, the applicant shall pay a filing fee set in accordance with a schedule set by resolution of the Town Council.

(Prior Code, § 17.12.070) (Ord. 352, passed - -1973; Am. Ord. 443, passed - -1978)

§ 17.020.080 PROCEDURE FOR CONSIDERATION.

(A) An application for design review shall be considered by the Planning Commission, which shall determine whether the proposed design conforms to the design review criteria set forth in § 17.020.040 and to any other applicable specific design review criteria.

(B) The Planning Commission may approve or disapprove the design or require the changes as are, in its judgment, necessary to accomplish the general purposes of this title.

(C) The determination of the Planning Commission shall become effective ten days after the date of decision unless appealed to the Town Council.

(D) Any project requiring both design review and other permits or entitlements from the Town of Fairfax shall be considered by the Planning Commission at the same time it considers the other permits or entitlements.

(Prior Code, § 17.12.080) (Ord. 352, passed - -1973; Am. Ord. 693, passed 7-16-2002)

§ 17.020.090 PERIOD OF CONSIDERATION.

(A) A decision shall be rendered by the Planning Commission within six (6) months after the application is deemed complete.

(B) This time limit may be extended by agreement between the Planning Commission and the applicant.

(C) If no agreement is in effect and a decision is not rendered within six (6) months after the application is deemed complete, the application shall be deemed approved.

(Prior Code, § 17.12.090) (Ord. 352, passed - -1973)

§ 17.020.100 PUBLIC HEARING; NOTICE.

(A) Applications for design review shall not be acted upon until a public hearing thereon is held, except for design review of sign permit exception applications.

(B) Notice of the time and place of the public hearing, together with a brief statement of the nature of the application, shall be given in the same manner as provided in § 17.004.070.

(C) Additional notice of the public hearing may be given to owners and renters of other property within 500 feet of applicant's parcel when, in the opinion of the Planning Commission, the properties would be affected by the proceedings so noticed. The subject property shall be posted by the applicant in a manner described in the Town of Fairfax submittal packet at least 10 days prior to the public hearing.

(D) Any error, irregularity, informality or omission as to noticing shall not void or invalidate the proceedings, considerations or disposition of a design review application, except as may be otherwise provided under Cal. Gov't Code § 65010.

(Prior Code, § 17.12.100) (Ord. 352, passed - -1973; Am. Ord. 500, passed - -1982; Am. Ord. 628, passed - -1994; Am. Ord. 716, passed 9-6-2006))

§ 17.020.110 APPEAL PROCESS.

(A) Within ten days following the date of a decision, an appeal from the decision may be filed with the Town Clerk. Decisions shall be appealed to the Town Council.

(B) Appeal shall be made on a form prescribed by the Town Clerk.

(C) The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or wherein the decision is not supported by the evidence in the record.

(D) In considering the appeal, the Town Council shall determine whether the proposed design conforms to the applicable design review criteria and may approve or disapprove the proposed design or require the changes therein or impose reasonable conditions of approval as are, in its reasonable judgment, necessary to ensure conformity to the criteria.

(E) The decision of the Town Council shall be final.

(Prior Code, § 17.12.110) (Ord. 352, passed - -1973; Am. Ord. 693, passed 7-16-2002)

§ 17.020.130 ENFORCEMENT.

In any zone, or in any instance, in which design review is required, no building permit or business license, if necessary, shall be issued unless approval of the proposed development has been granted pursuant to this procedure.

(Prior Code, § 17.12.130) (Ord. 352, passed - -1973)

TOWN OF FAIRFAX
STAFF REPORT

To: **Mayor, Members of the Town Council**

From: **Michael Rock, Town Manager** MKR
Jim Moore, Director of Planning & Building Services

Date: **January 11, 2012**

Subject: **Consideration of Introduction of Ordinance No. 764, amendments to Chapter 17.020 Design Review Regulations, and various other design review related sections of the Town Code in order to combine the functions of the Design Review Board and the Planning Commission.**

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Waive reading of Ordinance No. 764 and authorize introduction by Title only.
4. Approve first reading and introduction of Ordinance No. 764: an Ordinance deleting Chapters 2.40 and amending various sections of Chapter 17 of the Fairfax Town Code to modify the design review regulations and procedures in order to combine the functions of the Design Review Board and the Planning Commission.

BACKGROUND

This item was continued from the December 7, 2011 Town Council meeting to the January 11, 2012 Town Council meeting for further discussion. Please find the December 7, 2011 staff report to Town Council attached as **Exhibit A**.

DISCUSSION

A minor revision to the Chapter 17.020.090 (A) was made since the December 7, 2011 Town Council meeting in order to bring the language into compliance with the Permit Streamlining Act.

ATTACHMENTS

Exhibit A - December 7, 2011 Staff Report to Town Council
Exhibit B - Ordinance No. 764
Exhibit C - Redlined Chapter 17.020 Design Review Regulations Revisions
Exhibit D - Planning Commission Resolution 11-06.
Exhibit E - Letter from Planning Commissioner Barbara Coler

EXHIBIT # B

TOWN OF FAIRFAX
STAFF REPORT

To: **Mayor, Members of the Town Council**

From: **Michael Rock Town Manager** MKR
Jim Moore, Director of Planning & Building Services

Date: **December 7, 2011**

Subject: **Consideration of Introduction of Ordinance No. 764, amendments to Chapter 17.020 Design Review Regulations, and various other design review related sections of the Town Code in order to combine the functions of the Design Review Board and the Planning Commission.**

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Waive reading of Ordinance No. 764 and authorize introduction by Title only.
4. Approve first reading and introduction of Ordinance No. 764: an Ordinance deleting Chapter 2.40 and amending various sections of Chapter 17 of the Fairfax Town Code to modify the design review regulations and procedures in order to combine the functions of the Design Review Board and the Planning Commission.

BACKGROUND

Detailed design review regulations for projects in Fairfax are set by Section 17.020 of the Town Code. Section 2.40 of the Town Code establishes the Design Review Board ("DRB") as a separate body to sit as the decision-making body for design review. Under section 17.020.080 of the Town Code, design review cannot be considered by the DRB until the Planning Commission has acted on the other entitlements for the project.

On November 17, 2011 the Planning Commission reviewed Ordinance No. 764 (**Exhibit A**) and the draft amendments to Chapter 17 of the Fairfax Town Code and voted (4/1 with one member abstaining and one member absent) to forward on these proposed changes to the Town Council via Resolution No. 11-06 (**Exhibit B**) recommending adoption of the ordinance.

EXHIBIT # A

DISCUSSION

Design review is an integral part of the consideration of any potential project which, in practice, is difficult if not impossible to keep separate from the consideration of other entitlements. As a result, the Town's process (i.e., a separate DRB, which acts only after the Planning Commission acts) has at times led to practical complications. For example, the Planning Commission is often in the position of having to make decisions about a project without knowing what the design will look like, and therefore is forced to speculate. Sometimes the DRB's ability to require changes is limited where the entitlements already granted will not permit those changes.

Applicants or neighbors who wish to advocate for or against a project must attend multiple hearings that seem to address the same issue. Significantly, in order to accommodate the time limitations of the Permit Streamlining Act, the schedule of both the Planning Commission's and DRB's review must be expedited, which can have the effect of shortening both bodies' time to consider the project. In addition, having separate bodies reviewing projects at different times creates additional staff work during a time of staff cutbacks.

Planning Staff raised these concerns earlier this year, and the Council directed that staff bring back a draft ordinance and draft changes to the Town Code in preparation for possible changes to the process. Subsequently, staff has analyzed the code and reviewed the requirements of other jurisdictions.

In most small cities in California, design review is administered by the Planning Commission and not by a separate DRB. Where there is a separate DRB, it typically deals with design review before the Planning Commission issues the other entitlements. Critically, a municipality has no greater authority to approve or deny a project with separate planning and design review processes than it does where they are combined.

Therefore, staff recommends adoption of Ordinance 764, which deletes Chapter 2.40, Design Review Board, of the Code and revises Chapter 17.020, Design Review Regulations so that design review is acted upon by the Planning Commission at the same time it considers other project entitlements. For your reference, a marked version of Chapter 17.020 is attached as **Exhibit C**.

ATTACHMENTS

Exhibit A - Ordinance No. 764
Exhibit B - Redlined Chapter 17.020 Design Review Regulations Revisions
Exhibit C - Planning Commission Resolution 11-06.
Exhibit D - Letter from Planning Commissioner Barbara Coler

ORDINANCE NO. 764

AN ORDINANCE DELETING CHAPTER 2.40 AND AMENDING VARIOUS SECTIONS OF CHAPTER 17 OF THE FAIRFAX TOWN CODE TO MODIFY THE DESIGN REVIEW REGULATIONS AND PROCEDURES

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

Section 1. Statement of Intent.

(a) The Town Code currently establishes a separate Design Review Board ("DRB") to oversee design review, and further bars consideration and action by the DRB until after the Planning Commission has acted on the other permits or entitlements for the project.

(b) In order to allow a more comprehensive and holistic review of projects that evaluates project design at the same time it evaluates other Code requirements, the Town Council wishes to eliminate the separate DRB and provide for the Planning Commission to implement design review at the same time it acts on the project.

Section 2. Municipal Code Amended:

(a) Chapter 2.40, Design Review Board, is hereby deleted in its entirety.

(b) Chapter 17.020, Design Review Regulations, is hereby deleted in its entirety and replaced by the revised Chapter 17.020, Design Review Regulations, attached hereto as Exhibit A.

(c) Chapter 17.060 is hereby revised as follows:

(i) The term "Design Review Board" is deleted and replaced by the term "Planning Commission" in Sections 17.060.030 (A)(2), 17.060.040 (A)(1), 17.060.040 (B)(1), 17.060.050 (A), 17.060.060 (B), 17.060.070 and 17.060.080.

(ii) The term "Board" is deleted and replaced by the term "Planning Commission" in Sections 17.060.040 (B)(2), 17.060.050 (B), 17.060.090 (A) and 17.060.090 (B).

(iii) Section 17.060.100, Appeals, is hereby deleted in its entirety and replaced with the following revised Section 17.060.100, Appeals:

EXHIBIT # B

"Appeals shall be in accordance with the provisions in § 17.020.110 of this title."

(d) 17.064 is hereby revised as follows:

(i) The term "Design Review Board" is deleted and replaced by the term "Planning Commission" in Sections 17.064.070 (D)(1), 17.064.080 (E), 17.064.100 (A), 17.064.100 (B), 17.064.110 (A), 17.064.110 (B), 17.064.110 (D)(1), 17.064.130 (A) and 17.064.130 (B).

(ii) The term "Board" is hereby deleted and replaced by the term "Planning Commission" in Sections 17.064.110 (B) and 17.064.110 (C).

(iii) Section 17.064.120, Exception, Appeal from Design Review Board Decision, is deleted in its entirety and replaced with the following revised Section 17.064.120, Exception, Appeal from Planning Commission Decision:

(A) Within five days following the date of a decision by the Planning Commission, an appeal to the Town Council from the decision may be filed with the Town Clerk by the applicant or any aggrieved person on a form prescribed by the Town Clerk.

(B) The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or wherein the decision is not supported by the evidence in the record.

(C) In considering such an appeal, the Town Council shall determine whether the proposed use conforms to the guidelines of § 17.064.140 and to any other applicable criteria, and may approve or disapprove the proposed design, or require such changes as are, in its judgment, necessary to accomplish the general purposes of this chapter.

(D) The determination of the Town Council shall be final.

(e) In Section 17.072.060 (B), the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(f) In Section 17.092.030, the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(g) In Section 17.096.030, the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(h) In Section 17.100.030, the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(i) In Section 17.104.020, the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(j) In Sections 17.108.020 and 17.108.060 (A), the term "Design Review Board" is hereby deleted and replaced by the term "Planning Commission."

(k) In Section 17.132.010, the words "or Design Review Board" are hereby deleted.

Section 3. Severability.

If any article, section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The Town Council of the Town of Fairfax hereby declares that it would have adopted each article, section, and sentence thereof, irrespective of the fact that any one or more of said provision be declared unconstitutional or invalid.

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 meeting of the Town Council of the Town of Fairfax held in said town on the 2nd day of November, 2011 and thereafter adopted on the 7th day of December, 2011 by the following vote, to wit:

AYES:

NOES:

ABSENT:

_____

_____, MAYOR

ATTEST:

_____

JUDY ANDERSON, TOWN CLERK

EXHIBIT A

Revised Chapter 17.020: Design Review Regulations

Section

17.020.010 Title
17.020.020 Purpose
17.020.030 Applicability
17.020.040 Design review criteria
17.020.050 Application
17.020.060 Preliminary plans
17.020.070 Application; filing fee
17.020.080 Procedure for consideration
17.020.090 Period of consideration
17.020.100 Public hearing; notice
17.020.110 Appeal process
17.020.130 Enforcement

§ 17.020.010 TITLE.

The provisions of this chapter shall be known as "Design Review Regulations."

(Prior Code, § 17.12.010) (Ord. 352, passed - -1973)

§ 17.020.020 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.

(Prior Code, § 17.12.020) (Ord. 352, passed - -1973)

§ 17.020.030 APPLICABILITY.

The provisions of this chapter shall apply to:

(A) New residences and alterations or additions constituting 50 percent remodels, as set forth in Town Code § 17.016.040(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; and

(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 17.060, and residences which have a distance of more than ten feet from the ground to the lowest point of complete enclosure.

(Prior Code, § 17.12.030) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 482, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 515, passed - -1983; Am. Ord. 688, passed 3-6-2002)

§ 17.020.040 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 the 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 Planning Commission 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 Planning Commission and Town Council may adopt design guidelines in order to further the objectives of this section and to illustrate design criteria.

(Prior Code, § 17.12.040) (Ord. 352, passed - -1973; Am. Ord. 605, passed - -1991)

§ 17.020.050 APPLICATION.

(A) Application for consideration shall be made at a meeting of the Planning Commission by the owner of the affected property, or his or her authorized agent, on a form prescribed by the Planning Commission, and shall be filed with Planning Department no later than 30 days prior to the next Planning Commission meeting.

(B) The application shall be accompanied by the 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 and elevations, landscaping plans and operational data.

(Prior Code, § 17.12.050) (Ord. 352, passed - -1973)

§ 17.020.060 PRELIMINARY PLANS.

(A) Applicants are encouraged to submit preliminary plans prior to filing an application for approval so that preliminary agreement between the Planning Commission and the applicant may be achieved.

(B) Approval by the Planning Commission shall be certified to the appropriate town officials prior to the issuance of a building permit, or business license if necessary, as the case may be.

(Prior Code, § 17.12.060) (Ord. 352, passed - -1973)

§ 17.020.070 APPLICATION; FILING FEE.

At the time of filing, the applicant shall pay a filing fee set in accordance with a schedule set by resolution of the Town Council.

(Prior Code, § 17.12.070) (Ord. 352, passed - -1973; Am. Ord. 443, passed - -1978)

§ 17.020.080 PROCEDURE FOR CONSIDERATION.

(A) An application for design review shall be considered by the Planning Commission, which shall determine whether the proposed design conforms to the design review criteria set forth in § 17.020.040 and to any other applicable specific design review criteria.

(B) The Planning Commission may approve or disapprove the design or require the changes as are, in its judgment, necessary to accomplish the general purposes of this title.

(C) The determination of the Planning Commission shall become effective five days after the date of decision unless appealed to the Town Council.

(D) Any project requiring both design review and other permits or entitlements from the Town of Fairfax shall be considered by the Planning Commission at the same time it considers the other permits or entitlements.

(Prior Code, § 17.12.080) (Ord. 352, passed - -1973; Am. Ord. 693, passed 7-16-2002)

§ 17.020.090 PERIOD OF CONSIDERATION.

(A) A decision shall be rendered by the Planning Commission within six (6) months after the application is deemed complete.

(B) This time limit may be extended by agreement between the Planning Commission and the applicant.

(C) If no agreement is in effect and a decision is not rendered within six (6) months after the application is deemed complete, the application shall be deemed approved.

(Prior Code, § 17.12.090) (Ord. 352, passed - -1973)

§ 17.020.100 PUBLIC HEARING; NOTICE.

(A) Applications for design review shall not be acted upon until a public hearing thereon is held, except for design review of sign permit exception applications.

(B) Notice of the time and place of the public hearing, together with a brief statement of the nature of the application, shall be given in the same manner as provided in § 17.004.070.

(C) Additional notice of the public hearing may be given to owners and renters of other property within 500 feet of applicant's parcel when, in the opinion of the Planning Commission, the properties would be affected by the proceedings so noticed. The subject property shall be posted by the applicant in a manner described in the Town of Fairfax submittal packet at least 10 days prior to the public hearing.

(D) Any error, irregularity, informality or omission as to noticing shall not void or invalidate the proceedings, considerations or disposition of a design review application, except as may be otherwise provided under Cal. Gov't Code § 65010.

(Prior Code, § 17.12.100) (Ord. 352, passed - -1973; Am. Ord. 500, passed - -1982; Am. Ord. 628, passed - -1994; Am. Ord. 716, passed 9-6-2006))

§ 17.020.110 APPEAL PROCESS.

(A) Within ten days following the date of a decision, an appeal from the decision may be filed with the Town Clerk. Decisions shall be appealed to the Town Council.

(B) Appeal shall be made on a form prescribed by the Town Clerk.

(C) The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or wherein the decision is not supported by the evidence in the record.

(D) In considering the appeal, the Town Council shall determine whether the proposed design conforms to the applicable design review criteria and may approve or disapprove the proposed design or require the changes therein or impose reasonable conditions of approval as are, in its reasonable judgment, necessary to ensure conformity to the criteria.

(E) The decision of the Town Council shall be final.

(Prior Code, § 17.12.110) (Ord. 352, passed - -1973; Am. Ord. 693, passed 7-16-2002)

§ 17.020.130 ENFORCEMENT.

In any zone, or in any instance, in which design review is required, no building permit or business license, if necessary, shall be issued unless approval of the proposed development has been granted pursuant to this procedure.

(Prior Code, § 17.12.130) (Ord. 352, passed - -1973)

EXHIBIT A

Revised Chapter 17.020: Design Review Regulations

Section

17.020.010 Title

17.020.020 Purpose

17.020.030 Applicability

17.020.040 Design review criteria

17.020.050 Application

17.020.060 Preliminary plans

17.020.070 Application; filing fee

17.020.080 Procedure for consideration

17.020.090 Period of consideration

17.020.100 Public hearing; notice

17.020.110 Appeal ~~to~~ process

~~17.020.120 Appeal to Council~~

17.020.130 Enforcement

§ 17.020.010 TITLE.

The provisions of this chapter shall be known as "Design Review Regulations."

(Prior Code, § 17.12.010) (Ord. 352, passed - -1973)

§ 17.020.020 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 ~~thetown~~the town's appearance and the livability and usefulness of properties.

(Prior Code, § 17.12.020) (Ord. 352, passed - -1973)

§ 17.020.030 APPLICABILITY.

The provisions of this chapter shall apply to:

(A) New residences and alterations or additions constituting 50 percent remodels, as set forth in Town Code § 17.016.040(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; and

(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 17.060, and residences which have a distance of more than ten feet from the ground to the lowest point of complete enclosure.

(Prior Code, § 17.12.030) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 482, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 515, passed - -1983; Am. Ord. 688, passed 3-6-2002)

§ 17.020.040 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 the 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~~Planning Commission 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~~may adopt design guidelines in order to further the objectives of this section and to illustrate design criteria.

(Prior Code, § 17.12.040) (Ord. 352, passed - -1973; Am. Ord. 605, passed - -1991)

§ 17.020.050 APPLICATION.

(A) Application for consideration shall be made at a meeting of the ~~Design Review Board~~Planning Commission by the owner of the affected property, or his or her authorized agent, on a form prescribed by the Planning Commission, and shall be filed with ~~the Secretary of the Board~~Planning Department no later than ~~15~~30 days prior to the next Planning Commission meeting ~~of the Board~~.

(B) The application shall be accompanied by the 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 and elevations, landscaping plans and operational data.

(Prior Code, § 17.12.050) (Ord. 352, passed - -1973)

§ 17.020.060 PRELIMINARY PLANS.

(A) Applicants are encouraged to submit preliminary plans prior to filing an application for approval so that preliminary agreement between the ~~Board~~Planning Commission and the applicant may be achieved.

(B) Approval by the ~~Board~~Planning Commission shall be certified to the appropriate town officials prior to the issuance of a building permit, or business license if necessary, as the case may be.

(Prior Code, § 17.12.060) (Ord. 352, passed - -1973)

§ 17.020.070 APPLICATION; FILING FEE.

At the time of filing, the applicant shall pay a filing fee set in accordance with a schedule set by resolution of the Town Council.

(Prior Code, § 17.12.070) (Ord. 352, passed - -1973; Am. Ord. 443, passed - -1978)

§ 17.020.080 PROCEDURE ~~FORCONSIDERATION~~FOR CONSIDERATION.

(A) An application for design review shall be considered by the ~~Design Review Board~~Planning Commission, which shall determine whether the proposed design conforms to the design review criteria set forth in § 17.020.040 and to any other applicable specific design review criteria.

(B) The ~~Design Review Board~~Planning Commission may approve or disapprove the design or require the changes as are, in its judgment, necessary to accomplish the general purposes of this title.

(C) The determination of the ~~Design Review Board~~Planning Commission shall become effective five days after the date of decision unless appealed to the ~~Planning Commission~~Town Council.

(D) Any project requiring ~~the review and approval of both the Planning Commission and Design Review Board shall be approved~~both design review and other permits or entitlements from the Town of Fairfax shall be considered by the Planning Commission ~~prior to being considered by the Design Review Board~~at the same time it considers the other permits or entitlements.

(Prior Code, § 17.12.080) (Ord. 352, passed - -1973; Am. Ord. 693, passed 7-16-2002)

§ 17.020.090 PERIOD OF CONSIDERATION.

(A) A decision shall be rendered by the ~~Design Review Board~~Planning Commission within ~~60 days~~six (6) months after ~~filing~~the application is deemed complete.

(B) This time limit may be extended by agreement between the ~~Board~~Planning Commission and the applicant.

(C) If no agreement is in effect and a decision is not rendered within ~~60 days~~six (6) months after ~~filing~~the application is deemed complete, the application shall be deemed approved.

(Prior Code, § 17.12.090) (Ord. 352, passed - -1973)

§ 17.020.100 PUBLIC HEARING; NOTICE.

(A) Applications for design review shall not be acted upon until a public hearing thereon is held, except for design review of sign permit exception applications.

(B) Notice of the time and place of the public hearing, together with a brief statement of the nature of the application, shall be given in the same manner as provided in § 17.004.070.

(C) Additional notice of the public hearing may be given to owners and renters of other property within 500 feet of applicant's parcel when, in the opinion of the ~~Design Review Board~~Planning Commission, the properties would be affected by the proceedings so noticed. The subject property shall be posted by the applicant in a manner described in the Town of Fairfax submittal packet at least 10 days prior to the public hearing.

(D) Any error, irregularity, informality or omission as to noticing shall not void or invalidate the proceedings, considerations or disposition of a design review application, except as may be otherwise provided under Cal. Gov't Code § 65010.

(Prior Code, § 17.12.100) (Ord. 352, passed - -1973; Am. Ord. 500, passed - -1982; Am. Ord. 628, passed - -1994; Am. Ord. 716, passed 9-6-2006))

§ 17.020.110 APPEAL PROCESS.

(A) Within ten days following the date of a decision, an appeal from the decision may be filed with the Town Clerk. ~~Projects requiring the review and approval of both the Planning Commission and the Design Review Board~~Decisions shall be appealed to the Town Council. ~~Projects requiring only the review of the Design Review Board shall be appealed to the Planning Commission.~~

(B) Appeal shall be made on a form prescribed by the ~~Planning Commission~~Town Clerk.

(C) The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the ~~Design Review Board~~Planning Commission, or wherein the decision is not supported by the evidence in the record.

(D) In considering ~~such an~~the appeal, the ~~Planning Commission~~Town Council shall determine whether the proposed ~~use~~design conforms to the applicable design review criteria and ~~to any other applicable criteria and~~ may approve or disapprove the proposed design or require ~~such~~the changes therein or impose reasonable conditions of approval as are, in its reasonable judgment, necessary to ~~accomplish the general purposes of this title~~ensure conformity to the criteria.

(E) The ~~determination of the Planning Commission shall become effective five days after the date of decision, unless appeal to~~decision of the Town Council ~~is filed with the Town Clerk in accordance with § 17.020.120.~~shall be final.

(Prior Code, § 17.12.110) (Ord. 352, passed - -1973; Am. Ord. 693, passed 7-16-2002)

~~§ 17.020.120 APPEAL TO COUNCIL.~~

~~(A) Within five days following the date of a decision by the Planning Commission on an application for design review, an appeal may be made to the Town Council by the applicant or any aggrieved person.~~

~~(B) An appeal shall be made on a form prescribed by the Town Council and shall be filed with the Town Clerk.~~

~~(C) The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Commission or wherein the decision is not supported by the evidence in the record.~~

~~(D) In considering the appeal, the Council shall determine whether the proposed design conforms to the applicable design review criteria and may approve or disapprove the proposed design or require the changes therein or impose reasonable conditions of approval as are, in its reasonable judgment, necessary to ensure conformity to the criteria.~~

~~(E) The decision of the Council shall be final.~~

~~(Prior Code, § 17.12.120) (Ord. 352, passed - -1973)~~

§ 17.020.130 ENFORCEMENT.

In any zone, or in any instance, in which design review is required, no building permit or business license, if necessary, shall be issued unless approval of the proposed development has been granted pursuant to this procedure.

(Prior Code, § 17.12.130) (Ord. 352, passed - -1973)

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Document comparison by Workshare Professional on Tuesday, December 20, 2011 2:54:00 PM

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Description	#1399205v1<RWGIMAN1> - Chap. 17.020; Design Review Regulations
Document 2 ID	interwovenSite://RWGDMS2/RWGIMAN1/1399205/2
Description	#1399205v2<RWGIMAN1> - Chap. 17.020; Design Review Regulations
Rendering set	standard

Legend:	
Insertion	
~~Deletion~~	
~~Moved from~~	
Moved to	
Style change	
Format change	
~~Moved deletion~~	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	33
Deletions	53
Moved from	7
Moved to	7
Style change	0
Format changed	0
Total changes	100

RESOLUTION NO. 11-06

A RESOLUTION OF THE FAIRFAX PLANNING COMMISSION FORWARDING PROPOSED CHANGES TO CHAPTER 17.020, DESIGN REVIEW REGULATIONS, AND VARIOUS OTHER DESIGN REVIEW RELATED SECTIONS OF THE TOWN CODE IN ORDER TO COMBINE THE FUNCTIONS OF THE DESIGN REVIEW BOARD AND THE PLANNING COMMISSION

WHEREAS, The Planning Commission has considered the changes to Chapter 17.020, Design Review Regulations, and various other Design Review related sections of the Town Code; and

WHEREAS, The Planning Commission has considered and reviewed a draft Ordinance amending the Town Code in order to combine the functions of the Design Review Board and the Planning Commission; and

WHEREAS, the Planning held a duly noticed public hearing on this matter on November 17, 2011; and

WHEREAS, The Planning Commission, per Section 17.004.030 (B) of the Town Code initiates an amendment to Town Code by resolution;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby forwards a draft Ordinance including changes to Chapter 17.020 the Design Review Regulations and other Design Review related sections of the Town Code to the Town Council, with the recommended changes to 17.020.110(D), for review and adoption.

The foregoing resolution was duly introduced and adopted on the 17rd day of November 17, 2011, by the following vote:

AYES:
NOES:
ABSTAIN:

_____
Brannon Ketcham, Chairperson

ATTEST:

_____
James M. Moore
Director of Planning and Building Services

EXHIBIT # D

PC Barbara Coler B. Coler 11/17/2011

The Planning Commission is a state-mandated body for all cities, towns and counties to carry out the provisions of the Planning and Zoning Law, including developing, adopting and implementing the Town's General Plan, and administering the Town's zoning and subdivision ordinances.

The Commission is comprised of seven volunteer members appointed by the Town Council for four-year terms to **develop the Town's general plan and review and act on development proposals in accordance with the Town's land use and development ordinances.**

The Fairfax Design Review Board is made up of resident volunteers appointed by the Town Council to **review and approve the design elements of development proposals** in the residential and commercial areas.

Layperson terms: The DRB addresses design elements (technical details) while the PC role is much broader, representing the community voice and interests, reviewing and acting on proposals consistent with the land use and development ordinances. The PC considers a much broader range of factors than technical details of proposals.

Concerns with the proposal:

- Staff reports states that most small cities, DR is administered by the PC. In my limited research on Marin County, I don't find this to be accurate. Some do, others don't. Only PC – Sausalito, Corte Madera, Larkspur, San Anselmo. DRB & PC- San Rafael, Tiburon, Novato, Marin County. Ross seems to have only DRB reporting to the Town Council.
- Staff report points out issues with entitlements issued by PC which start the clock for permit streamlining and limit projects. Also that cities with both DRB & PC have entitlements issued after DRB completes their work. Have staff evaluated "switching the entitlements after DRB" – please provide pros/cons. I know in the past this was the process and it appeared to work well.
- Potential conflict BTW goals/purpose of DRB and PC. I view the DRB as more of a "pure" technical body addressing only technical aspects of projects. Those members of the PC with architect expertise would possibly lead on most projects, which would potentially address the design elements but not the broader view of the PC role. So, we could miss the "forest" because of being mired down in the "trees."
- The Staff report does not highlight the need for eliminating the DRB well. I am not convinced.

EXHIBIT # E

- Other issues: I do not concur with the change in 17.020.080 (D) which requires that the PC take up both DRB & PC elements at the same time. At a minimum there should be two steps. Projects would not have sufficient time for review & likely would result in projects inconsistent with either design elements or the broader factors considered by the PC.
- Some have suggested that this would necessitate having more architects on the PC. Don't concur for reasons stated previously, "blurring the lines" on roles of both entities.
- Don't concur with 17.020.110 (D) insertion of "reasonable" in two places. This does provide boundaries as to the applicable criteria for determining the appeal outcome and instead can lead to arguments or more court action to determine "what is reasonable." It can lead to more arbitrary decision-making in appeals. I do not concur that there should be any changes made in this section.
- If the DRB and the PC are combined, it is likely that this would result in two or more meetings per month for the PC that would be very time-consuming. Once the economy picks up, there may be a need to meet even more frequently and/or meetings that go to midnight or beyond. This will lead to "burn-out" of Planning Commissioners and likely resignations. It may also be necessary to expand the PC from 7 members to 9.
- PC receive our packets on the Friday before the meeting on the following Thursday. There would not be sufficient time to review the projects for both design review elements in addition to the PC broader issues.