



TOWN OF FAIRFAX NOTICE AND SUMMARY OF ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX, CALIFORNIA AMENDING CHAPTER 17.048: RESIDENTIAL ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS OF THE TOWN OF FAIRFAX MUNICIPAL CODE

Notice is hereby given that on May 7, 2025, the Town Council of the Town of Fairfax will consider the adoption of the Ordinance described below making certain amendments and additions to the Fairfax Municipal Code Title 17 (Zoning).

Changes to the ordinance were made to respond to recent changes in California law, specifically AB 2533 and SB 1211. Changes include:

- Changing the construction-cutoff date from January 1, 2018, to January 1, 2020. This change prevents the Town from denying a permit to legalize an unpermitted ADU or JADU built prior to January 1, 2020, with limited exceptions to protect public safety.
- Replacement Parking Requirements. Existing state law prohibits jurisdictions from requiring off-street parking spaces to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU. The proposed code amends this prohibition to now also prohibit a jurisdiction from requiring replacement parking when an uncovered parking space is demolished for, or replaced with, an ADU.
- The term "livable space" is now defined as "a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation."
- The number of detached ADUs permitted on lots with an existing multifamily dwelling has increased. A lot with an existing multifamily dwelling can have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less.
- A new rent reporting requirement is added to determine compliance with the General Plan Housing Element income production targets. The data would be collected in an anonymous manner and not connected to specific addresses to ensure confidentiality.

The ordinance shall be in full force and effective 30 days after adoption and shall be published and posted as required by law. This ordinance was introduced by the Council of the Town of Fairfax on April 2, 2025 and is scheduled for adoption on May 7, 2025.

Environmental Review: Statutorily Exempt. Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a town implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the Government Code, which is California's ADU law, as defined by section 66313.

Actions: The Town Council heard a staff report, took public testimony and discussed the proposed ordinance, and voted to introduce the ordinance on April 2, 2025.

Inquiries: Questions regarding the ordinance can be directed to Jeffrey Beiswenger, Planning and Building Services Director at 142 Bolinas Road, Fairfax, phone: (415) 453-1584 email: jbeiswenger@townoffairfax.org

Please note that the above is a summary of the Ordinance. To obtain a full understanding of the Ordinance it should be read in its entirety. A copy of the full text of the Ordinance is available for review in the Town Clerk's office at 142 Bolinas Road, Fairfax, CA 94930 and online at www.townoffairfax.org.

Date: May 2, 2025
Christine Foster,
Deputy Town Clerk