



FAIRFAX TOWN COUNCIL MEETING

STAFF REPORT

MEETING DATE: July 17, 2024
PREPARED FOR: Mayor and Town Council
PREPARED BY: Jeffrey Beiswenger, Planning and Building Services Director
SUBJECT: Consider Adopting a Resolution Establishing a Pilot Program for Short-Term Special Events on Private Property

RECOMMENDATION

Adopt a resolution establishing a pilot program for short-term special events on private property.

BACKGROUND

Short-term events are a great way to bring energy and excitement into a downtown area. The Fairfax Special Event Program (SEP) would allow for businesses to host outdoor events on private property with a permit from the Town. The intent of the permit is to ensure that the event can be operated safely, with limited disruptions to neighbors and create a positive experience for the larger community.

Under current zoning regulations, a Conditional Use Permit (CUP) is required for any use that occurs outside of a building. This CUP requirement is important to keep in place for long-term, or frequently occurring outdoor activities that could be disruptive to neighboring properties and residents. The town center has had some frequently occurring events, which did not have the benefit of a CUP and lacked other required permits, which have created noise, traffic, parking and other impacts. Staff has been working with the property owners to either legalize these activities or have them discontinued.

For short-term, temporary events (one or two days), a CUP is not necessary since it may not be the intention of a local business to create a permanent or reoccurring event. For example, a business may want to use the parking lot adjacent to a business to host a special event featuring retail and/or food items for sale, live music and other activities related to the business. Staff recommends the establishment of a pilot program for Special Events with the issuance of a Special Event Permit (SEP). The SEPs would include the following:

- **Application Process.** An application, signed by the property owner and the event proponent would be required, along with a fee of \$250. Any application submittal should include: a description of the event; detailed, dimensioned site plan; and any details on physical features, including, but not limited to vehicles, tents, seating areas, or fencing.

Note: The fee would account for an average of 2 hours of staff time, assuming planning, building, police and fire would all have a simple review, and that planning would compile any conditions of approval and issue the permit. A handout would be provided so that applicants would know what was required as part of the application process.

- **Ross Valley Fire Permit.** In addition to any Town permits, for any outdoor event, an event permit from Ross Valley Fire is required. Additional permits are required for open flames (e.g. BBQ grills), canopy structures larger than 400 square feet and enclosed tent structures larger than 200 square feet. Ross Valley requires a minimum of ten (10) days to review, so some lead time prior to any

event should be anticipated by organizers. The Town would require that any applicant have the appropriate approvals from Ross Valley Fire prior to issuing the SEP.

- **Where Permitted.** Staff recommends that special events be permitted in any commercial or mixed-use zoning district. These would be permitted on private property (not public streets or sidewalks). This could include parking areas, private sidewalk areas, or similar spaces. The permit would not exempt a property owner from obtaining other required permits from the building official or fire department.

Note: The use of sidewalks or streets in front of businesses would require an encroachment permit (Planning Commission decision). The SEP would be independent of parklet permits.

- **Duration.** 1-3 days maximum per event, maximum of five events per year

Note: More events and longer duration may be permitted with a Conditional Use Permit.

- **Noise.** Any live music, and/or amplified noise would need to comply with the Fairfax Noise Ordinance (Municipal Code, Chapter 8.20 (Noise Control)).

Note: The noise ordinance has a threshold at 10:00 P.M. after which the level of noise must be much lower. This is an important threshold for any music (or any amplified noise) in the noise ordinance and is intended to keep outdoor noise levels generally low and very low after 10:00 P.M. To exceed the noise thresholds would require an amendment to the Municipal Code.

- **Food.** Permitted, but note that any tents or other coverings would be limited in size to limit fire hazards. Food trucks may be permitted with appropriate Health Department approvals. Any outdoor cooking equipment (grills, open flame) requires fire department (Ross Valley Fire) review and approval.
- **Alcohol.** Approval from California Alcoholic Beverage Control (ABC) required. ABC will generally require that alcohol is served and consumed in a defined area, typically enclosed with a simple barricade. This approval is separate from the Town SEP.

Staff recommends the SEP as a year-long pilot program. Prior to July of 2025, staff can return to the Planning Commission and Town Council to codify a Special Event Permit into the municipal code if desired, or the program will automatically expire on July 31, 2025 as specified in the attached resolution.

In order to initiate the pilot program, staff recommends that the Town Council adopt the attached resolution. Staff could begin accepting SEP applications immediately.

FISCAL IMPACT

This program would be budget neutral with processing costs covered by the permit fee of \$250.00.

ATTACHMENT

- A. Resolution
- B. Application Form

RESOLUTION NO. 24-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ESTABLISHING A PILOT PROGRAM FOR SHORT-TERM SPECIAL EVENTS ON PRIVATE PROPERTY IN CONJUNCTION WITH AN APPROVED COMMERCIAL USE

WHEREAS, the Town Council intends to assist established local businesses, by encouraging the patronization of local restaurants and other businesses in a safe manner and therefore desires to establish standards that allow restaurants and other businesses to temporarily operate in outdoor areas on private property for special events; and

WHEREAS, the Town desires to establish a pilot program allowing businesses to install dining or merchandise display areas in a safe manner outside of buildings; and

WHEREAS, the Town Council is authorizing the Town Manager to issue Special Event Permits (SEPs) in a streamlined and expedited manner that meet the requirement of the established pilot program; and

WHEREAS, the Town, pursuant to the police powers delegated to it by the State Constitution, has the authority to enact laws that promote the public health, safety, and general welfare of its residents.

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

Section 1. The recitals above are each incorporated by reference and adopted as findings by the Town Council.

Section 2. Nothing in this ordinance shall require the Town to issue a SEP to a Qualifying Business.

Section 3. For purposes of the Program, the following words and phrases shall have the meanings respectively ascribed to them:

"Town Manager" means the Town Manager, or his or her designee.

"Qualifying Business" means any retail business, restaurant, winery, brewery, or bar, that has a business license, no code violations, all required planning and building approvals required to operate the primary use, and is located within a commercial zoning district as identified on the Town of Fairfax, Zoning Map.

"Special Event Permit" means a permit issued by the Town and obtained by a Qualifying Business to operate within the Town on private property in accordance with the provisions of this pilot program.

Section 4. Special Event Permit (SEP).

- A. A Qualifying Business may temporarily host a special event within an outdoor activity area on private property (such as parking lots) as approved through an established SEP approval process.
- B. The Town Council authorizes the Town Manager to create a SEP pilot program to review applications for such a permit, and to issue such permits with any necessary conditions of approval. Qualifying Businesses or their representative may apply to the Town for a revocable permit.

- C. A SEP shall authorize the revocable and limited use of outdoor areas in support of a special event related to a permitted uses of an existing business in adjacent parking lots and other publicly accessible areas, as specified within an approved SEP application, subject to compliance with:
 - a. Operational and safety provisions provided by the Town Manager.
 - b. Requirements of the Marin County Environmental Health Department.
 - c. Approvals from the California Department of Alcoholic Beverage Control, if applicable.
 - d. Approvals from Ross Valley Fire as required for an outdoor event, including permits related to canopy or tent structures, use of open flames, heating mechanism and emergency vehicle access.
 - e. The Americans with Disabilities Act.
- D. Events shall not exceed three days in length and no more than five events are permitted per year on any property.
- E. The applicant shall not be subject to minimum parking requirements specified in the Fairfax Municipal Code or in a previously granted entitlement, for the duration of the term of the SEP. If the applicant intends to use a shared private parking lot, written consent is required from other parties with whom the parking lot is shared, and such consent shall be provided upon submission of the permit application. If the applicant is a tenant, the tenant shall obtain the property owner's consent.
- F. If the application for a SEP is approved:
 - a. The Town Manager may issue a SEP on any terms the Town Manager deems necessary to protect the public health and safety of the Town.
 - b. The Qualifying Business agrees to name the Town as an additional insured on its insurance, and the Town Manager shall determine the minimum insurance coverage and limits required as a condition for the permit. The Qualifying Business shall furnish proof of insurance coverage to the Town Manager prior to the issuance of a permit.
- G. The SEP issued is nontransferable. Only the Qualifying Business for which the SEP was issued shall be permitted to operate under the prescribed terms.
- H. An application fee of \$250 is required upon submittal of an SEP application.
- I. The Town Manager may revoke a SEP issued pursuant to this ordinance if necessary to ensure public health, safety or welfare.

Section 5. CEQA Exemption. The Town Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this resolution, and the prohibitions established hereby, may have a significant effect on the environment, because the resolution only provides for the temporary use of developed space. It is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations. The Town Council further finds that the uses authorized by this Resolution are minor public alterations in the condition of land which do not involve removal of healthy, mature, scenic trees. Therefore, the resolution is exempt from California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15304(e) of the California Code of Regulations.

Section 5. Effective Period. This Resolution shall take effect immediately upon adoption and shall remain valid until July 31, 2024, unless rescinded by the Town Council prior to that date.

The foregoing resolution was duly passed and adopted by the Town Council of the Town of Fairfax at a duly noticed meeting held in said Town on the 17th day of July 2024 by the following vote:

AYES:
NOES:
ABSENT:

ATTEST:

BARBARA COLER
MAYOR

CHRISTINE FOSTER
DEPUTY TOWN CLERK



Town of Fairfax

Special Event Permit Application

SEP No. _____

142 Bolinas Road, Fairfax, CA 95930
Phone: 415-458-2346
www.townoffairfax.org

A special event permit (SEP) allows uses or activities with a short-term duration. The Planning & Building Services Director may approve a SEP for events of no more than 3 days in duration. Up to five events, at one location, are permitted in one calendar year. Planning Commission approval of a conditional use permit is required for events that exceed this time threshold. This application requests general information about your event and includes submittal requirements. Supplemental information, statements and/or forms may be required for your specific use or event as determined by staff. In addition to the requested information below a one-time fee of \$250.00 is required to cover processing and review costs.

APPLICANT INFORMATION

Applicant Name: _____

Applicant Phone: _____

Business/Organization Name: _____

Non-Profit Organization? Yes No If yes, provide 501(C) Corporate No. _____

Mailing Address: _____

Email Address: _____

EVENT LOCATION/USE INFORMATION

Description of Event (Attach Additional Information as Needed):

Has the event or use received a SEP from Fairfax in the past? Yes No

Event Location: _____

Event Contact Person: _____ Contact Phone: _____

Event Date(s) From: _____ To: _____ Event Hours From: _____ To: _____

Set-Up Date & Time: _____ Finish/Clean-Up Date & Time: _____

Will the event be open to the general public? Yes No Anticipated number of guests: _____

Organizations Volunteering? Yes No

Will there be on-site security? Yes No If yes, please include security information

Security Company Name: _____ Contact Person: _____

Contact Phone: _____ Number of Officers: _____

SITE PLAN

Please draw or provide a site plan of the event location. Include all affected streets and sidewalk if applicable.

FOOD & DRINK

Are you planning to serve food or drink? Yes No

If yes, please include required information and sign below.

Will there be cooking at the event? Yes No

If yes, Booth Food Truck Other
indicate

I, the applicant/applicant's representative, understand that it is my responsibility to contact the Marin County Environmental Health Services Department at 415-473-6970 before the start of this event to secure necessary approvals and inspections.

Applicant Signature: _____ Date: _____

EVENTS WITH ALCOHOL

Are you planning to serve alcohol? Yes No

If yes, please include a copy of the appropriate ABC license.

FIRE DEPARTMENT APPROVAL

Do you have required permits from the Ross Valley Fire District? Yes No

If yes, please include a copy of the permit(s).

CONTRACTORS, SUB-CONTRACTORS, VENDORS & ENTERTAINMENT

Business Name	Contact Name	Phone Number	Business License #

ADDITIONAL EVENT DETAILS

Please check all the items below that apply to the event and show each item on the site plan.

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Electric Generators | <input type="checkbox"/> Temporary Fencing | <input type="checkbox"/> Open Flame or Use of Propane | <input type="checkbox"/> Traffic Barricades |
| <input type="checkbox"/> Amplified Sound/
Live Music | <input type="checkbox"/> Mechanical Rides | <input type="checkbox"/> Portable Restrooms/Handwashing | <input type="checkbox"/> Signage/Banners |
| <input type="checkbox"/> Tents/Canopies | <input type="checkbox"/> Blocking Parking Areas | <input type="checkbox"/> Trash/Recycle/
Compost Bins | <input type="checkbox"/> Additional Parking |
| <input type="checkbox"/> Food Booths/Trucks | <input type="checkbox"/> Information/Service Table | <input type="checkbox"/> Trailers/Mobil Equipment | <input type="checkbox"/> Stage |
| <input type="checkbox"/> Other | | | |

PROPERTY OWNER AUTHORIZATION FORM

Property Owner or Management Company Name: _____
Contact Name: _____
Phone Number: _____
Email Address: _____
Signature: _____ Date: _____

PROPERTY OWNER AUTHORIZATION FORM

I understand that **submission of this application does not constitute approval** for any administrative review, conditional use, variance, map approval or exception for any other Town regulations, which are not specifically the subject of this application. I understand further that I remain responsible for satisfying requirements of any private restrictions or covenants appurtenant to the property.

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the Town is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Planning & Building Services Director. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission.

I certify that statements made to me about the time it takes to review and process this application are general. The Town has attempted to request everything necessary for an accurate and complete review of your proposal; however, after the Town has taken in your application and reviewed it further, it may be necessary to request additional information and clarification.

Signature of Owner or Authorized Agent: _____ Date: _____