



FAIRFAX TOWN COUNCIL MEETING

STAFF REPORT

MEETING DATE	December 4, 2024
PREPARED FOR	Mayor and Town Council
PREPARED BY	Jeffrey Beiswenger, AICP, Planning & Building Services Director
SUBJECT	Waive Second Reading, Read by Title Only, and Adopt Ordinance 891 to Amend Zoning Regulations Related to Short-Term Rentals, Updating the Following Chapters Within Title 17 (Zoning) of the Fairfax Municipal Code: 17.008 ('Definitions'), 17.044 ('Exceptions and Modifications'), 17.052 ('Off-Street Parking and Loading Requirements'), 17.084 ('RD-5.5-7 Residential Zone, High Density'), 17.088 ('RM Multiple-Family Residential'), 17.092 ('CL Limited Commercial Zone'), 17.096 ('CH Highway Commercial Zone'), and 17.100 ('CC Central Commercial Zone').
CEQA	Categorically Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to Categorical Exemption Number 15301, Existing Facilities.

RECOMMENDATION

Waive second reading, read by title only and adopt Ordinance 891 to amend zoning regulations related to short-term rentals updating the following chapters within Title 17 (Zoning) of the Fairfax Municipal Code: Chapters 17.008 ('Definitions'), 17.044 ('Exceptions and Modifications'), 17.052 ('Off-Street Parking and Loading Requirements'), 17.084 ('RD-5.5-7 Residential Zone, High Density'), 17.088 ('RM Multiple-Family Residential'), 17.092 ('CL Limited Commercial Zone'), 17.096 ('CH Highway Commercial Zone'), and 17.100 ('CC Central Commercial Zone')

BACKGROUND

The code amendments were introduced at a public hearing held during a special meeting of the Fairfax Town Council on November 19, 2024. The following is a summary of proposed code amendments:

- Amend the definition of Short-Term Rental in Chapter 17.008 ('Definitions'). The change would allow for an STR in any type of dwelling unit.
- Allow for an STR in any zoning district that allows for residential uses. The amendments would add STRs as accessory uses in the following districts: RD-5.5-7 Residential Zone, High Density; RM Multiple-Family Residential Zone; CL Limited Commercial Zone; CH Highway Commercial Zone; and CC Central Commercial Zone.
- Amend parking requirements. Simplify the parking requirement and allow for a waiver if STR operators can demonstrate that additional parking is not needed or would have minimal impact on the neighborhood. Chapter 17.052.030 ('Off-Street Parking and Loading Requirements') and Section 17.044.090 ('Authority to Grant Waivers), subsection (J) ('Exclusions') would be amended.

ATTACHMENT

- A. Ordinance

ORDINANCE NO. 891

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX REVISING REGULATIONS RELATED TO SHORT-TERM RENTALS BY AMENDING TOWN CODE TITLE 17 (ZONING), CHAPTERS 17.008 ('DEFINITIONS'), 17.044 ('EXCEPTIONS AND MODIFICATIONS'), 17.052 ('OFF-STREET PARKING AND LOADING REQUIREMENTS'), 17.084 ('RD-5.5-7 RESIDENTIAL ZONE, HIGH DENSITY'), 17.088 ('RM MULTIPLE-FAMILY RESIDENTIAL'), 17.092 ('CL LIMITED COMMERCIAL ZONE'), 17.096 ('CH HIGHWAY COMMERCIAL ZONE'), AND 17.100 ('CC CENTRAL COMMERCIAL ZONE').

WHEREAS, on July 6, 2022 the Fairfax Town Council adopted an Ordinance to regulate the operation of short-term rentals in Fairfax as Town Code Chapter 5.57, Short-Term Rental Regulations; and

WHEREAS, on July 6, 2022, the Fairfax Town Council (Council) adopted an Ordinance amending Title 17 (Zoning) to allow short-term rentals within certain single-family zones and apply certain development standards by amending Chapters: 17.008 ('Definitions'), 17.052 ('Off-Street Parking and Loading Requirements'), 17.076 ('RS-7.5 Single-Family Residential Zone, Medium Density'), 17.080 ('RS-6 Single-Family Residential Zone, High Density'), and 17.124 ('UR Upland Residential Zone'); and

WHEREAS, the Council determined that it is necessary to regulate the short-term rentals to ensure that the short-term rental activities do not become a nuisance or threaten the public health safety or welfare of neighboring properties, while also assuring that their existence is regulated in a manner that allows the Town to maintain its long-term rental housing stock in Fairfax; and

WHEREAS, the Town Council has found that short-term rentals provide an added financial benefit to owners of residential properties and can help individuals meet their financial responsibilities and has documented with this resolution the intention of the Town to issue short-term rental business permits to the widest population base of permanent residents that are natural persons and not a business, corporation, et cetera; and

WHEREAS, after implementing the short-term rental program, Town staff identified that certain amendments to the Municipal Code could be warranted; and

WHEREAS, the Planning Commission conducted a public hearing on September 19, 2024 to consider zoning ordinance amendments, and continued the public hearing to October 17, 2024 for additional discussion and deliberation; and

WHEREAS, on October 17, 2024, the Planning Commission of the Town of Fairfax voted to recommend Town Council adoption of ordinance amendments; and

WHEREAS, a duly and properly noticed public hearing regarding the Ordinance was conducted by the Town Council on November 19, 2024, and the Town Council carefully considered all pertinent testimony and the staff report offered at the public hearing.

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

Section 1: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.008, Section 17.008.020 ('Definitions'), the definition of Short-Term Rental is amended as follows, with additions identified with deletions identified with a strike-out:

Short-Term Rental ~~An existing single-family residence or portion of an existing single-family residence, or an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling unit (JADU) established prior to January 1st, 2020, in which overnight accommodations are provided to guests for compensation that is rented for thirty (30) consecutive days or less. All short-term rentals must comply with the Short-Term Rental requirement contained in Town Code, Title 5, Division II ('Specific Business Regulations'), Chapter 5.57 ('Short-Term Rental Regulations').~~

Section 2: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.052 ('Off-Street Parking and Loading Requirements'), Section 17.052.030 ('Required Parking Spaces') is amended as follows with additions identified with an underline and deletions identified with a strike-out:

[subsection (A) to (O), no changes]

STR type	Required parking
House/portion of house	One 9 ft. x 19 ft. space for every four guests in addition to two spaces required for the long-term residents (if only a portion of the house is used as a STR)
JADU/ADU	One 9 ft. x 19 ft. space for units with up to two bedrooms & for studio units; one space for every four guests in units with three or more bedrooms

(P) Short-term rentals (STR's).

- (1) Short-term rentals must provide one additional parking space for every one to four guests, on-site, in addition to the required parking for the existing residential use. comply with the following:
 - (2) If a short-term rental use meets all other requirements of the zoning ordinance, the applicant may apply for a waiver from the parking requirement, according to the following:
 - (a) Apply under the procedures in Section 17.044.090 (Authority to Grant Waivers) and Section 17.044.100 (Application Requirements and Review Procedures for Waivers).
 - (b) The waiver may be approved by the Director if it can be demonstrated that the lack of parking will not result in undue hardship on adjacent properties and if one or more of the following conditions exist and the findings in Section 17.044.100 can be met:
 - (i) Parking is available on the site, but it does not meet the standard size or configuration requirements specified in the code.
 - (ii) On-street or off-site parking is readily available within 300 feet of the site.
 - (iii) The applicant demonstrates that the unique characteristics of the Short-term Rental use does not necessitate additional parking.
 - (iv) Providing additional parking has a negative environmental impact on the site (e.g. requiring removal a significant tree, requiring significant excavation, etc.).
 - (c) Upon approval of a waiver, notification to the applicant and property owners within 300 feet shall be provided with a notification of appeal rights under Chapter 17.036 (Appeals and Directed Referrals).
- ~~— Preferential parking spaces and parking spaces located within the public right-of-way may not be used to meet the short-term rental parking requirements~~

~~unless the preferential parking was created for the main house and the entire main house is being used as a short-term rental unit.~~

Section 3: Town Code, Title 17 ('Zoning'), Section 17.044.090 ('Authority to Grant Waivers), subsection (J) ('Exclusions') is amended as follows with additions identified with an underline:
[subsection 1, 2, 4, 5 and 6, no changes]

3. Minimum number of required parking spaces (except in the case of a short-term rental);

Section 4: The following Zone Districts lists of permitted uses are amended as follows, with additions identified with an underline:

Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.084 (RD-5.5-7 Residential Zone, High Density), Section 17.084.040 ('Accessory Use and Structures') is amended to include subsection (E) Short-Term Rental uses contained within an existing structure permitted for residential use as long as the residential unit is an ADU/JADU constructed prior to 1/1/2020.

Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.088 (RM Multiple-Family Residential Zone), Section 17.088.040 ('Accessory Use and Structures') is amended to include subsection (D) Short-Term Rental uses contained within an existing structure permitted for residential use as long as the residential unit is an ADU/JADU constructed prior to 1/1/2020.

Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.092 (CL Limited Commercial Zone), Section 17.092.060 ('Accessory Use and Structures') is amended to include subsection (C) Short-Term Rental uses contained within an existing structure permitted for residential use as long as the residential unit is an ADU/JADU constructed prior to 1/1/2020.

Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.096 (CH Highway Commercial Zone), Section 17.096.040 ('Accessory Use and Structures') is amended to include subsection (C) Short-Term Rental uses contained within an existing structure permitted for residential use as long as the residential unit is an ADU/JADU constructed prior to 1/1/2020.

Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.100 (CC Central Commercial Zone), Section 17.100.060 ('Accessory Use and Structures') is amended to include subsection (C) Short-Term Rental uses contained within an existing structure permitted for residential use as long as the residential unit is an ADU/JADU constructed prior to 1/1/2020.

Section 5: The Town Council finds that this ordinance is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to categorical exemption number 15301, Existing Facilities.

Section 6: This Ordinance shall be in full force and effect thirty days from and after its final passage and adoption.

Section 7: Copies of the forgoing ordinance shall, within fifteen days after its final passage and adoption, be posted in three public places in the Town of Fairfax which places are designated

for that purpose:

1. Bulletin Board, Town Hall offices, located at 142 Bolinas Road, Fairfax;
2. Bulletin Board, Fairfax Post Office, located at 773 Center Boulevard, Fairfax; and
3. Bulletin Board, Fairfax Women’s Club building, located at 46 Park Road, Fairfax.

The foregoing ordinance was duly and regularly introduced at a special meeting of the Fairfax Town Council held in said Town on the 19th day of November, 2024, and thereafter adopted at a regular meeting of the Town Council, held in said Town on the 4th day of December, 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____, Mayor

Attest:

Deputy Town Clerk