TOWN OF FAIRFAX
STAFF REPORT

TO:	**Fairfax Town Council**
FROM:	**Michael Rock, Town Manager** MR **Jim Moore, Director of Planning and Building Services**
DATE:	**May 5, 2010**
SUBJECT:	**Introduction and first reading of Ordinance No. 751, Proposed Amendment to the Second Unit Amnesty Ordinance eliminating the requirement for fire suppression sprinklers for existing second units qualifying for legalization**

RECOMMENDATION

Introduce and conduct a first reading of proposed Ordinance No. 751 making amendments to the Second Unit Amnesty Ordinance eliminating the requirement for fire suppression for existing second units qualifying for legalization.

DISCUSSION

At the April 7, 2010 Town Council meeting the Town Council directed staff to prepare a draft Ordinance eliminating the requirement that fire sprinkler suppression systems be installed in Existing Residential Second Units (ERSU's). ERSU's are defined as second units that existed prior to December 31, 2006 when the Second Unit Amnesty program was originally established by the Town of Fairfax.

ATTACHMENTS

Draft Ordinance No. 751

AGENDA ITEM # 8

ORDINANCE NO. 751

AN ORDINANCE OF THE TOWN OF FAIRFAX AMENDING A SECOND UNIT AMNESTY PROGRAM TO ELIMINATE THE REQUIREMENT FOR FIRE SUPPRESSION SPRINKLERS FOR EXISTING SECOND UNITS QUALIFYING FOR LEGALIZATION

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

SECTION 1. FINDINGS.

WHEREAS, second dwelling units have been permitted in the Town of Fairfax since 1985 pursuant to the provisions of Chapter 17.048 of the Town Code (the "Second Unit Ordinance").

WHEREAS, the Fairfax Housing Element, adopted June 7, 2006, includes as a goal encouraging residential second units in all residential neighborhoods as a way to meet the Town's required housing needs. General Plan Housing Policy H8.B, "Establish an Amnesty Program for Un-Permitted Accessory Dwelling Units" calls for establishment of an amnesty program for illegal residential second units and providing a period of time for owners of unpermitted units to register and legalize their accessory dwellings.

WHEREAS, the Fairfax Town Council discussed and received public comment on April 7, 2010, to review the requirement for sprinkler systems by the Ross Valley Fire Department in existing second units created prior to December 31, 2006 as a condition of legalization; and

WHEREAS, The Town Council determined after taking public comment that the cost of sprinkler systems was hindering the legalization of existing second units which has negatively impacted the ability of the Town to provide affordable housing to meet its housing needs.

SECTION 2: MUNICIPAL CODE AMENDED

The following change is in effect for the remaining duration of the Second Unit Amnesty Ordinance 748 for a one-year period ending February 13, 2011:

Subsection A. 5 of § 17.048.180 of the Town Code is hereby deleted in its entirety and replaced by the following:

> "A. 5. The ERSU shall be subject to the requirements of the Town Fire Code and the Town Wildland Urban Interface Code as enforced by the Ross Valley Fire Department; provided, however, that the ERSU shall not be classified as a "newly created second unit" as described in Section 903.2 subsection 2 of the Town Fire Code and an automatic fire sprinkler suppression system shall not be required."

SECTION IV. EFFECTIVE DATE

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 after its final passage and adoption.

SECTION V: VOTE

The Foregoing Ordinance No. amending the Fairfax Town Code was duly and regularly introduced at a regular meeting of the Town Council of the Town of Fairfax held in said Town on May 5, 2010 and was duly passed and adopted at a regular meeting held on June 2, 2010 by the following vote to wit:

AYES:

NOES:

ABSENT:

_____
MAYOR

ATTEST:

_____
Town Clerk