

CITY OF FAIRFIELD

ORDINANCE NO. 2020-05

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING VARIOUS SECTIONS OF CHAPTER 25, ARTICLE I OF THE FAIRFIELD CITY CODE (ALSO KNOWN AS THE ZONING ORDINANCE OF THE CITY OF FAIRFIELD) TO UPDATE AND BRING INTO CONFORMANCE WITH STATE LAW THE REGULATIONS REGARDING ACCESSORY DWELLING UNITS

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings and Purpose.

- A. The availability of housing is a substantial concern throughout the State of California.
- B. Accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”) offer lower cost housing options to meet the needs of existing and future residents.
- C. The Fairfield General Plan Housing Element supports the development of ADUs as one mechanism for meeting the housing needs of the community.
- D. Since 2016, the California Legislature has amended Government Code Sections 65852.2 and 65852.22 several times to limit the standards cities may impose on new ADUs and JADUs; to require city ordinances to incorporate State-mandated standards for certain types of ADUs; and to provide that ADUs are allowed pursuant to a ministerial permit process or building permit process. The most recent amendments, Senate Bill 13 (“SB 13”), Assembly Bill 68 (“AB 68”), and Assembly Bill 881 (“AB 881”), are effective as of January 1, 2020.
- E. The City’s existing ADU regulations are codified in Section 25.20.4.11 of the Zoning Ordinance. In the absence of a State-compliant ordinance, a city’s existing ADU regulations may be considered null and void.

SECTION 2. The definition of “Accessory Dwelling Unit” in subsection A of Section 25.50.2 (Land Use Definitions) of Chapter 25, Article I is hereby revised to read in its entirety as follows:

“Accessory Dwelling Unit (ADU). An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

An ADU also includes an “Efficiency Unit” as defined in Health and Safety Code Section 17958.1 and a “Manufactured Home” as defined in Health and Safety Code Section 18007. An ADU shall be considered an accessory use.”

SECTION 3. Subsection A of Section 25.50.2 (Land Use Definitions) is hereby amended to add a new definition for Junior Accessory Dwelling Unit, which shall read as follows:

“Accessory Dwelling Unit, Junior (JADU). A residential dwelling unit that provides complete independent living facilities for one or more persons, is no more than 500 square feet in size, and is contained entirely within a single-family residence. A duet is considered a single-family residence for the purposes of building an Accessory Dwelling Unit, Junior”

SECTION 4. The definition of “Dwelling, Granny Flat” is hereby deleted from Subsection D of Section 25.50.2 (Land Use Definitions).

SECTION 5. Section 25.20.4.11 (Accessory Dwelling Units) within Section 25.20 (Residential Zoning Districts) of Chapter 25, Article I of the Fairfield City Code is hereby deleted in its entirety and replaced with the following:

“25.20.4.11 Accessory Dwelling Units and Junior Accessory Dwelling Units

A. Purpose and Applicability. The purpose of this Section is to establish procedures for permitting accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on lots zoned for residential uses, and to implement state law requiring consideration of such uses. ADU and JADU are defined in Section 25.50. In accordance with state law, ADUs and JADUs are accessory uses and shall not be counted as an additional dwelling for the purposes of calculating permitted General Plan or residential zoning density.

B. Application Procedures.

1. Before constructing an ADU or JADU, an applicant shall obtain permits in accordance with this section.
2. Projects Subject to ADU Permit Review.
 - a. Except as otherwise exempted herein, for all ADUs, an application for a Planning ADU Permit shall be submitted to the Planning Division on prescribed forms that demonstrates that the ADU complies with the requirements of this section.
 - b. An application for a Planning ADU Permit shall be processed and considered ministerially, without discretionary review or a public hearing, consistent with the requirements of this section and state law, within 60

days of submittal of a complete application. The 60-day review period shall not apply when:

- i. If a Planning ADU Permit application is submitted with an application for a single-family or multi-family dwelling that is subject to discretionary review under this Chapter 25, the ADU permit application shall be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
 - ii. The applicant seeks a delay.
 - c. In addition to obtaining a Planning ADU Permit, the applicant shall be required to obtain a building permit and any other applicable construction-related permits prior to construction of the unit.
3. Projects Exempt from Obtaining a Planning ADU Permit.
 - a. An applicant shall not be required to obtain a Planning ADU Permit if the proposed unit meets the requirements of Government Code Section 65852.2(e)(1) and the California Building Standards Code, as amended by the City. Any applicant for an ADU which does not require an ADU permit may submit a building permit application directly to the Building Division.
 - b. JADUs are exempt from obtaining a Planning ADU permit and may submit a building permit application directly to the Building Division.
 4. Except for ADUs and JADUs that are exempt from obtaining an ADU permit under subsection (3) above, any illegal building additions or accessory structures located on the parcel shall be brought into compliance with the City Code prior to approval of an ADU.
 5. The City shall not issue a certificate of occupancy for an ADU or JADU before issuing a certificate of occupancy for the primary dwelling.
 6. Applications to construct an ADU or JADU on a property that is designated as historic resources by the City, the State of California, or by the National Register of Historic Places, shall show substantial compliance with the guidelines of the Secretary of the Interior for development on such properties.

C. General Restrictions.

1. No ADU or JADU shall be sold separately from the primary residence.

2. An ADU or JADU may only be rented, leased, and/or occupied for residential purposes. If an ADU or JADU is rented, it shall not be rented for a period of less than 30 consecutive days.
3. All ADUs and JADUs shall comply with the California Building Standards Code, as amended by the City.
4. No additional parking shall be required to be provided for either an ADU or a JADU.
5. If a fire sprinkler system is required for the primary residence, a fire sprinkler system must be installed in an ADU.

D. ADU Standards.

1. Location and number of ADUs.
 - a. Subject to the requirements in this section, one ADU is permitted on a lot where a single-family, duplex, duet, or multi-family dwelling is a permitted use, and there is an existing or proposed single-family dwelling.
 - b. One detached ADU and one JADU may be permitted on a property with a proposed or existing single-family dwelling, including a duet, where the requirements of Government Code Section 65852.2(e)(1)(A) and (B) are satisfied.
 - c. One or more ADUs may be permitted on a lot with an existing multi-family dwelling or duplex where the requirements of Government Code Section 65852.2(e)(1)(C) or (D) are satisfied.
2. Development Standards. Except for those ADUs exempt from obtaining an ADU Permit, as provided in subsection (B)(3) above, ADUs shall comply with the following:
 - a. Unit Size and Height.
 - i. An attached ADU shall not exceed 50 percent of the floor area of the primary dwelling or 1,200 square feet, whichever is less.
 - ii. A detached ADU shall not exceed 1,200 square feet.
 - iii. The maximum height for an ADU shall be 16 feet, measured to the roof peak. When more than 50% of the gross floor area of an ADU is

located above an existing or proposed garage, the entire combined structure shall not exceed 25 feet in height.

b. Setbacks.

- i. No setbacks shall be required for conversion of an existing living area or accessory structure into an ADU, or the new construction of an ADU in the same location and to the same dimensions of an existing structure.
- ii. For all other ADUs, the required setback from side and rear lot lines shall be four feet, and the ADU shall conform to the front yard setback regulations applicable to the zoning district in which it is located.
- iii. A detached ADU shall be a minimum of five feet from the primary dwelling, measured from the closest point of the ADU (whether wall, balcony, eave, etc.) to the closest point of the primary dwelling.

- c. ADUs shall comply with the development standards applicable to the zoning district in which they are located, except as modified herein. Where the application of lot coverage, floor area ratio, setbacks, or other development regulations would not permit construction of an 800-square-foot ADU that is 16 feet in height with four-foot side and rear yard setbacks, the regulation(s) at issue shall be waived to permit such an ADU.

3. Architectural Design.

- a. An ADU shall have a separate exterior access independent from the primary dwelling.
- b. Where an ADU will be visible from a public street, design elements shall be used that are similar in materials, color, style, and form to the primary dwelling, including the exterior siding, trim and color, roof materials, and window placement and type. An ADU that is located behind the primary dwelling and that will not be visible from the public street shall use decorative exterior cladding and window treatments suitable for a permanent residence.
- c. Windows Within 15 Feet of a Property Line
 - i. All windows that face a side yard adjoining a side yard of an adjacent property and are located within 15 feet of the shared property line

shall be clerestory (minimum of 6.5 feet above the finished floor height).

- ii. The requirement in i. above does not apply if the residential structure on the adjacent property has no windows or only clerestory windows on the building elevation that faces the ADU.
 - iii. Other window types may be allowed on the building elevation following submittal of an application for and approval of a Plan Review application by the Zoning Administrator or with written approval from the adjacent property owner that faces the window(s).
- d. Exterior lighting shall be shielded or directed so that it does not glare off-site or illuminate the primary residence or an adjacent property.
 - e. All ADUs must have a permanent foundation.
 - f. No more than 40 percent of the frontage of a parcel shall be devoted to driveways. This standard may be modified for lots in a cul-de-sac, flag-lot, or at an expanded corner with narrow frontage (see Section 25.50, Definitions of Terms and Phrases).

E. JADU Standards.

1. Subject to the requirements in this section, one JADU is permitted on any property where single-family residential use is a permitted use and there is an existing or proposed single-family dwelling.
2. Development Standards.
 - a. JADUs shall comply with the development standards applicable to the zoning district in which they are located, except as modified herein.
 - b. A JADU shall be a minimum of 220 square feet and a maximum of 500 square feet.
 - c. A JADU must be contained entirely within the walls of an existing or proposed single-family dwelling.
 - d. A JADU shall, at a minimum, include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
 - e. A JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit. JADUs that share sanitation facilities with the principal dwelling unit are required to

maintain an interior connection between the JADU and the primary dwelling.

- f. Any exterior improvements associated with the development of a JADU shall conform to the zoning regulations applicable to the property.

F. Utilities and Fees.

1. ADUs and JADUs shall be subject to the payment of all water, sewer, or other utility fees, except as otherwise provided in this section or in Government Code Sections 65852.2 and 65852.22.
 - a. Except where constructed with a new single-family dwelling, an ADU or JADU that meets the requirements of Government Code Section 65852.2(e)(1)(A) shall not be required to install a new or separate utility connection directly between the ADU/JADU and the utility, and shall not be charged a connection fee or capacity charge.
 - b. For any ADU or JADU not exempted under subsection (a) above, the City may require a new or separate utility connection between the ADU/JADU and the utility and may charge a connection fee or capacity charge, at the discretion of the Building Official. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU/JADU, based on its square feet or the number of drainage fixture unit (DFU) values, upon the water or sewer system.
 - c. An ADU or JADU shall not be considered a new residential use for purposes of calculating connection fees or capacity charges, except where constructed with a new single-family dwelling.
2. JADUs and ADUs less than 750 square feet shall not be subject to any impact fees. ADUs that are 750 square feet or larger shall be subject to applicable impact fees, charged proportionately in relation to the square footage of the primary dwelling. For purposes of this section, "impact fee" shall have the same meaning as in Government Code Section 65852.2(f)."

SECTION 6. Section 25.20.4.3 (Garage Conversions) of Chapter 25, Article 1 of the Fairfield City Code is hereby deleted in its entirety.

SECTION 7. The "Residential Accessory Uses and Improvements" section of Table 25-1 (Residential Land Use Regulations) is hereby amended to refer to "Accessory dwelling units and junior accessory dwelling units," and to reference Section 25.20.4.11 across all zoning districts as shown below:

Accessory dwelling units and junior accessory dwelling units	Section 25.20.4.11
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SECTION 8. The “Accessory dwelling units” row within the “Residential Accessory Uses and Improvements” section of Table 25-H1 (Heart of Fairfield Land Use Regulations) within Section 25.23.2 (Allowed Uses and Permit Requirements) is hereby amended to refer to “Accessory dwelling units and junior accessory dwelling units.”

SECTION 9. A new “Accessory dwelling units” row is hereby added to the “Residential” section of Table 25-9 (Commercial District Land Use Regulations) within Section 25.22.2 (Allowed Uses and Permit Requirements), which shall reference Section 25.20.4.11 across all zoning districts as shown below:

Accessory dwelling units	Section 25.20.4.11
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SECTION 10. A new subsection 6 is hereby added to Subsection B (Exceptions from Setback Requirements) of Section 25.30.6 (Exceptions to Height Limits and Setback Requirements) of Chapter 25, Article 1 of the Fairfield City Code, to read as follows:

“6. ADUs, which are instead subject to the setback requirements identified in Section 25.20.4.11.”

SECTION 11. The reference to “second units” in Subsection A (Nonconforming Uses of Land) of Section 25.46.2 (Restrictions on Nonconforming Structures and Uses) is hereby replaced with the term “accessory dwelling units.”

SECTION 12. Based on the information presented by staff, the City Council has determined that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code and Section 15282(h) of the CEQA Guidelines, because it implements the provisions of Government Code Section 65852.2.

SECTION 13. This ordinance shall be effective 30 days following its adoption by the City Council. A summary of this ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

SECTION 14. The City Clerk is hereby directed to submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 19th day of May, 2020; and

PASSED AND ADOPTED this _____ day of _____, 2020, by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / TIMM / VACCARO

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK