

City of Fairfield Planning Commission

RESOLUTION NO. 2020-8

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD
RECOMMENDING THAT THE CITY COUNCIL APPROVE AN 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 PLANNING COMMISSION OF THE CITY OF FAIRFIELD HEREBY RECITES,
FINDS, DETERMINES, ORDERS, AND RESOLVES AS FOLLOWS:

Section 1. The Planning Commission has found that it is necessary to periodically review and revise Chapter 25, Article I (the Fairfield Zoning Ordinance) to address changes in City policy and ensure conformance with State law.

Section 2. The Planning Commission has held a duly noticed public hearing on April 22, 2020. City staff presented substantial factual information regarding the proposed Zoning Ordinance amendments in staff reports and through oral presentations before the Commission, and the Planning Commission considered all public testimony and information presented during the public hearing regarding this application.

Section 3. Based on the information presented by staff, the Planning Commission has determined that the proposed amendments to the text of the Zoning Ordinance are ministerial and exempt from CEQA review under Public Resources Code Section 20180.17 and CEQA Guidelines Section 15282(h), which exempt ordinances that implement state requirements with respect to ADUs; under CEQA Guidelines Section 15305, which categorically exempts Minor Alterations in Land Use Limitations; and under Section 15061(b)(3), the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment.

Section 4. Based upon factual information, the Planning Commission hereby recommends the City Council adopt the Zoning Ordinance amendments, as attached hereto as Exhibit A.

Section 5. The record of proceedings shall be located at the City's Community Development Department and the Assistant City Manager (Community and Economic Development) shall be the custodian of such documents.

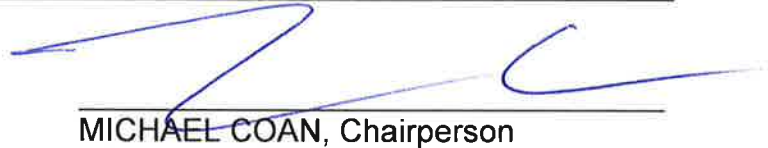
PASSED AND ADOPTED this 22nd day of April, 2020.

AYES: COMMISSIONERS: Jesse BRANCH / Michael COAN (Chair) / Jerome CHILDS / Chris MATTHEWS / Perry PATTIZ / William WESLEY/ Chuck WOOD (Vice)

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE



MICHAEL COAN, Chairperson

ATTEST:



DAVID FEINSTEIN, Secretary

**CITY OF FAIRFIELD
PLANNING COMMISSION
M I N U T E S**

**VIA TELECONFERENCE
Pursuant to Governor Newsom's
Executive Order N-33-20 And N-25-20**

April 22, 2020
Regular Meeting
6:00 p.m.

I. ROLL CALL

Present: Chairperson COAN, Michael;
Vice-Chairperson WOOD, Chuck
Commissioner BRANCH, Jesse
Commissioner CHILDS, Jerome
Commissioner MATTHEWS, Chris
Commissioner PATTIZ, Perry
Commissioner WESLEY, William

Absent:

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Pattiz

III. INFORMATION ON SPEAKER CARDS

IV. APPROVAL OF AGENDA

Commissioner Branch made a motion to approve the agenda as proposed. The motion was seconded by Commissioner Pattiz. Voting was done by roll call, and the motion was approved unanimously.

V. APPROVAL OF MINUTES OF FEBRUARY 26, 2020

Vice-Chairperson Wood made a motion to approve the minutes of February 26, 2020 as proposed. The motion was seconded by Commissioner Pattiz. Voting was done by roll call and, the motion was approved unanimously.

VI. PUBLIC COMMENTS

The planning@fairfield.ca.gov inbox was made available and monitored for public comments. No public comments were received.

VII. SCHEDULED MATTERS

ITEM A APPOINTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ADVISORY COMMITTEE MEMBER

Planning Division Manager made a presentation on the item.

Commissioner Matthews volunteered to serve as the Advisory Committee member. Commissioner Wesley volunteered to serve as the Alternate member. Chairperson Coan

made a motion to appoint Commissioner Matthews as the Committee member with Commissioner Wesley serving as the Alternate member. Voting was done by roll call, and the motion was approved unanimously.

ITEM B GENERAL PLAN CONSISTENCY OF CAPITAL PROJECTS PROGRAM FOR FISCAL YEAR 2020-2021

RESOLUTION 2020-6

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD FINDING THE FISCAL YEAR 2020-2021 CAPITAL PROJECTS PROGRAM CONSISTENT WITH THE CITY OF FAIRFIELD GENERAL PLAN

Associate Planner Brian Miller made a presentation on the item and answered questions. City Engineer Ryan Panganiban also answered questions.

No public comments were received via the planning@fairfield.ca.gov inbox.

Vice-Chairman Wood made a motion to adopt Resolution 2020-6. The motion was seconded by Commissioner Wesley. Voting was done by roll call, and the motion was approved unanimously.

ITEM C 2020 ZONING AND SIGN ORDINANCE UPDATES AND ZONE CHANGE

RESOLUTION 2020-7

PUBLIC HEARING ON REQUEST BY THE CITY OF FAIRFIELD FOR ORDINANCE AMENDMENTS (OA2019-01) ADDRESSING: 1. LAND USES IN THE HEART OF FAIRFIELD INCLUDING: PERMITTING "FITNESS STUDIOS" IN THE HD ZONING DISTRICT; DEFINING AND PERMITTING AND CONDITIONALLY PERMITTING "COWORKING SPACES" IN VARIOUS ZONING DISTRICTS; AMENDING THE REGULATIONS PERTAINING TO MARKET, SPECIALTY FOOD AND BEVERAGE; DEFINING AND PERMITTING "TASTING ROOMS" IN THE HD AND HDC ZONING DISTRICTS; PERMITTING "BARS" AND "ENTERTAINMENT WITH ANY FOOD SERVICE OR BAR" IN THE HD AND HDC ZONING DISTRICTS; AND CONDITIONALLY PERMITTING OUTDOOR THEATERS IN THE HD AND HDC ZONING DISTRICTS; 2. ADDRESSING DEVELOPMENT STANDARDS FOR MIXED USE DEVELOPMENT; 3. UPDATING THE REFERENCE TO STATE CODE PERTAINING TO ALTERNATIVE PUBLIC HEARING NOTICES; 4. PERMITTING "CHURCHES", "CLUB, LODGE, OR MEETING HALL" AND "COMMUNITY CENTER/BANQUET HALL" IN THE IBP ZONING DISTRICT; AND 5. AMENDING THE ZONING MAP OF THE CITY OF FAIRFIELD TO REZONE GREEN VALLEY TECHNICAL PLAZA ON BUSINESS CENTER DRIVE FROM REGIONAL COMMERCIAL (CR) TO OFFICE COMMERCIAL (CO).

AND

ORDINANCE AMENDMENT TO THE SIGN ORDINANCE ADDRESSING FREEWAY SIGNS RELOCATED DUE TO AN EMINENT DOMAIN ACTION. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD DETERMINING THAT THE PROPOSED SALE OF PROPERTY AT 3365 NORTH TEXAS STREET AND 1600 WOOLNER AVENUE AS CONSISTENT WITH THE GENERAL PLAN.

Associate Planner Brian Miller made a presentation on the item and answered questions. Planning Division Manager David Feinstein also answered questions.

Commissioner Matthews made a motion to adopt Resolution 2020-7. The motion was seconded by Commissioner Wesley. Voting was done by roll call, and the motion was approved unanimously.

ITEM D 2020 ACCESSORY DWELLING UNIT UPDATE (ZONING ORDINANCE AMENDMENT)

RESOLUTION 2020-8

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD RECOMMENDING THAT THE CITY COUNCIL APPROVE AN 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

Associate Planner Brian Miller made a presentation on the item and answered questions. Assistant City Attorney Casey Strong also answered questions.

Vice-Chairman Wood made a motion to adopt Resolution 2020-8. The motion was seconded by Commissioner Childs. Voting was done by roll call, and the motion was approved unanimously.

VIII. INFORMATION AND COMMUNICATIONS

ITEM A DIRECTOR'S REPORT AND COMMISSIONER'S COMMENTS

Planning Division Manager Dave Feinstein provided an update on two upcoming items for the Planning Commissions agenda: changes to the City's cannabis regulations and an application for a multifamily project in the One Lake neighborhood. He also introduced new Assistant City Manager David Gassaway who will be overseeing the Community Development Department.

Commissioner Matthews requested that the Commission agendaize a discussion of minimum house sizes. Commissioner Wood suggested also adding a discussion of minimum house heights and any other matters to promote increases in residential density. The Commission unanimously directed that staff agendaize these items for discussion. Planning Division Manager Dave Feinstein indicated that they would likely come back on the Commission's second May 2020 meeting agenda.

IX. ADJOURNMENT TO NEXT MEETING OF MAY 13, 2020

Respectfully submitted,

DAVID FEINSTEIN
Planning Commission Secretary

STAFF REPORT

Meeting

Date: April 22, 2020

To: Chairperson and Members of the Planning Commission

From: Community Development Department

Subject: **ITEM D: 2020 ACCESSORY DWELLING UNIT UPDATE (ZONING ORDINANCE AMENDMENT)**

Resolution No. 2020-8

Ordinance Amendments (OA2020-02)

Location: Citywide

Applicant: City of Fairfield

Property Owners: N/A

Public Hearing on request by the City of Fairfield for an 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 (Planner Brian K. Miller, 707-428-7446, bkmiller@fairfield.ca.gov)

BACKGROUND

The State of California has identified Accessory Dwelling Units (ADUs) as a focus for increasing the supply of affordable housing in the State. In 2019, the State adopted a package of laws establishment new requirements for local government regulation of Accessory Dwelling Units. Note that the requirements of State law preempt any local regulations where conflicts exist. The City has already begun addressing these conflicts at the Building Division and Planning Division public counters. However, it is necessary to codify a new Ordinance that is consistent with State law while providing the City with the tools needed to ensure the proper design and construction of Accessory Dwelling Units in the City. The goal with this Ordinance is to have a fully compliant Accessory Dwelling Unit Ordinance. However, the State continues to review laws governing all aspects of housing production and it is not unlikely that future amendments will be brought before this Commission.

DISCUSSION

The main goals and objectives of the State legislation included:

- Reducing obstacles to approving Accessory Dwelling Units
- Limiting “inappropriate” design review requirements

City of Fairfield
Community Development Department

Prepared by: 

Reviewed by: 

- Codifying a new “Junior Accessory Dwelling Unit” within an existing primary residence
- Clarifying fees that can be assessed.
- Allowing Accessory Dwelling Units in Commercial and Multifamily zones.

To meet the new State requirements, the City Attorney and staff have prepared a new Ordinance.

Definitions

The proposed Ordinance clarifies the definition of Accessory Dwelling Unit in line with State law and introduces the “Junior Accessory Dwelling Unit” located within a primary residence.

Application Process

The Ordinance clearly defines the application process for Accessory Dwelling Units. Because the State legislation is complex, the Ordinance needs to define which units require Planning review and which can proceed directly to Building Permits. The State legislation allows for local review of the location, size, and design of ADUs. The City already has an application form and fee established for Planning review of ADUs. However, units which are within an existing house or accessory structure do not need a Planning permit and can proceed directly to Building Permit submittal. This exemption includes Junior Accessory Dwelling Units.

Where are ADUs permitted?

As is currently allowed in the Zoning Ordinance, the new Ordinance permits ADUs on any lot where a single-family dwelling is permitted. Minimum lot size requirements are, however, no longer permitted by State law. New to this update is the Ordinance allows ADUs to be developed on multifamily properties as well as commercial properties where single family homes are permitted. The language also clarifies that ADUs can be built on properties with duplexes and duets.

Development Standards

For ADUs which only require a Building Permit, development standards are limited to Building Code compliance.

For other ADUs, the new Code adapts exiting Zoning Ordinance requirements, with adaptation to State law as required:

- Four-foot setbacks from rear and side property lines
- Five-foot separation from primary residence
- Compliance with other zoning requirements, except lot coverage regulations must allow at least 800 sf unit.

- Proposed architectural standards are largely adapted from the existing code, with new requirement for window design and placement to reduce privacy concerns for units near neighbors.

Fees and Connection Charges

The Ordinance codifies State policies regarding what fees can be charged for Accessory Dwelling Units. It limits water and sewer connection and meter fees for Junior ADUs and ADUs built within existing primary residences and waives all impact fees from ADUs smaller than 750 square feet. (such as A11600).

Other Minor Amendments

The Ordinance also cleans up land use tables and inconsistent subsections of the existing Zoning Ordinance.

CORRESPONDENCE

Notice of the proposed Zoning Ordinance revisions was published in the newspaper, as required by state law.

ENVIRONMENTAL REVIEW

Staff has determined that the proposed amendments to the text of the Zoning Ordinance are ministerial and exempt from CEQA under Public Resources Code Section 20180.17 and CEQA Guidelines Section 15282(h), which exempt ordinances that implement state requirements with respect to ADUs; under CEQA Guidelines Section 15305, which categorically exempts Minor Alterations in Land Use Limitations; and under Section 15061(b)(3), the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. As most ADUs will be infill projects with minimal potential for environmental impacts, further CEQA review is not required.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2020-8, which recommends the City Council approve the Zoning Ordinance Amendments.

Attachments:

1. Planning Commission Resolution No. 2020-8, with attached:
 - Exhibit A - Draft City Council Ordinance