

City of Fairfield Planning Commission

RESOLUTION NO. 2020-16

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) AMENDING THE DEFINITION OF "BOARDING HOUSE," AMENDING THE DEVELOPMENT STANDARDS FOR BOARDING HOUSES, AMENDING THE LAND USE TABLES PERMITTING "BOARDING HOUSE, SMALL" IN ALL RESIDENTIAL ZONING DISTRICTS, CONDITIONALLY PERMITTING "BOARDING HOUSE, LARGE" IN THE RM, RH, AND RVH ZONING DISTRICTS, CONDITIONALLY PERMITTING "BOARDING HOUSES, SMALL" AND "BOARDING HOUSES, LARGE" IN THE CN, CO, CT, CC, AND CM ZONING DISTRICTS, PERMITTING "BOARDING HOUSES, SMALL" IN THE HO, HR, AND HWT ZONING DISTRICTS, AND PERMITTING "BOARDING HOUSES, LARGE" IN THE HWT AND HTD ZONING DISTRICTS

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 the Fairfield City Code to clarify City policy and address changing circumstances.

Section 2. The Planning Commission has held a duly noticed public hearing on September 23, 2020. City staff presented substantial factual information regarding the proposed 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 are exempt from further CEQA review under CEQA Guidelines Section 15305, which categorically exempts Minor Alterations in Land Use Limitations; Section 15301, which categorically exempts leasing of existing facilities; 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 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 Director of Community Development shall be the custodian of such documents.

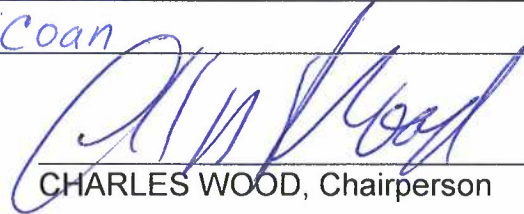
PASSED AND ADOPTED this 23rd day of September, 2020.

AYES: COMMISSIONERS: Jerome CHILDS / ~~Michael COAN~~ / Melissa CRUZEN / Lerecia EVANS / Chris MATTHEWS (Vice) / William WESLEY / Charles WOOD (Chair)

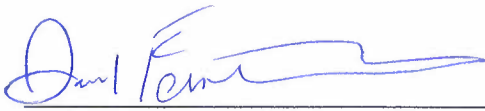
NOES: COMMISSIONERS: None

ABSTAIN: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Coan


CHARLES WOOD, Chairperson

ATTEST:


DAVID FEINSTEIN, Secretary

**EXHIBIT A
DRAFT**

CITY OF FAIRFIELD

ORDINANCE NO. 2020-___

**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)
AMENDING THE DEFINITION OF “BOARDING HOUSE,” AMENDING THE
DEVELOPMENT STANDARDS FOR BOARDING HOUSES, AMENDING THE LAND
USE TABLES PERMITTING “BOARDING HOUSE, SMALL” IN ALL RESIDENTIAL
ZONING DISTRICTS, CONDITIONALLY PERMITTING “BOARDING HOUSE,
LARGE” IN THE RM, RH, AND RVH ZONING DISTRICTS, CONDITIONALLY
PERMITTING “BOARDING HOUSES, SMALL” AND “BOARDING HOUSES,
LARGE” IN THE CN, CO, CT, CC, AND CM ZONING DISTRICTS, PERMITTING
“BOARDING HOUSES, SMALL” IN THE HO, HR, AND HWT ZONING DISTRICTS,
AND PERMITTING “BOARDING HOUSES, LARGE” IN THE HWT AND HTD ZONING
DISTRICTS**

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 and Fairfield.
- B. Boarding houses in which multiple households or individuals share a single-family home or dwelling unit can offer lower cost housing options to meet the needs of existing and future residents.
- C. Boarding houses can provide affordable, flexible housing for students, workers, and others, and offer housing opportunities for persons with special needs, including supportive and transitional housing.
- D. The City’s existing regulations limit boarding houses to medium-density and high-density zoning districts and require a Conditional Use Permit in those districts.
- E. It is likely that there are many boarding houses operating in the City that do not meet current Zoning requirements but provide affordable housing within the community, including boarding houses providing housing for special needs populations under local or County housing programs.
- F. The proposed regulations revise and clarify the City’s requirements for boarding houses, differentiate between small boarding houses with six or fewer households and large boarding houses, permit small boarding houses in all single-family residential

districts, establish minimum standards, and establish a process for review and approval for each boarding house in the City of Fairfield.

SECTION 2. The definition of "Boarding House" in subsection B of Section 25.50.2 (Land Use Definitions) of Chapter 25, Article I is hereby replaced by the following definitions:

"Boarding House, Small. The renting of rooms within a dwelling to three to six separate households where each household is subject to a separate rental or lease agreement or other payment arrangement with the property owner. Small Boarding Houses may include but are not limited to fraternity or sorority houses, housing for migrant farm workers, and supportive and transitional housing programs. Meals may or may not be provided, but there is one common kitchen facility. Small Boarding Houses differ from the Community Care Facility-Residential in that they are not licensed by the State of California.

Boarding House, Large. The renting of rooms within a dwelling to seven or more separate households where each household is subject to a separate rental or lease agreement or other payment arrangement with the property owner. Large Boarding Houses may include but are not limited to fraternity or sorority houses, housing for migrant farm workers, supportive and transitional housing programs, and residential motels and hotels, except for those facilities that meet the Single Room Occupancy land use definition. Meals may or may not be provided, but there is one common kitchen facility. Large Boarding Houses differ from the Community Care Facility-Residential in that they are not licensed by the State of California."

SECTION 3. Chapter 25, Article I Section 25.32.12 is hereby amended as follows, with additions in underline and deletions in strikethrough text:

25.32.12 Boarding Houses

Small Boarding Houses including facilities for single migrant farm workers, shall obtain Zoning Clearance from the Community Development Department prior to establishment of a boarding house use.

Large Boarding Houses shall obtain a Zoning Clearance or a Conditional Use Permit, depending on the Zoning District, prior to initial establishment of the Large Boarding House use.

All boarding houses shall be subject to the following requirements:

1. There shall be no exterior signage indicating the use.
2. All boarding houses shall meet applicable housing, fire, and building codes.

3. Boarding houses shall be separated by a minimum 300-foot distance from each other. No boarding house shall be located in the same block as another boarding house.

4. Boarding houses shall provide one parking space for each household, lease, or payment arrangement. For boarding houses whose residents do not possess drivers' licenses or registered vehicles, the Community Development Director or his designee may waive or reduce this requirement. However, a change in tenancy may require parking spaces be provide for households with additional licenses or registered vehicles. Parking spaces shall meet the following requirements:

- a. At least two covered parking spaces shall be provided within a garage or accessory structure on the property.
- b. Driveways shall not exceed 60% of the width of the property frontage.
- c. Tandem parking may meet the parking requirements of this section.
- d. On street parking fronting only on the residential property may be used to meet the requirements of this section.

SECTION 4. Table 25-1 (Residential Land Use Regulations) is hereby amended to Permit "Boarding Houses, Small" in all residential zoning districts.

SECTION 5. Table 25-1 (Residential Land Use Regulations) is hereby amended to Conditionally Permit "Boarding Houses, Large" in the RM, RH, and RVH zoning districts.

SECTION 6. Table 25-9 (Commercial Land Use Regulations) is hereby amended to Conditionally Permit "Boarding Houses, Small," and "Boarding Houses, Large," in the CN, CO, CT, CC, and CM Zoning Districts.

SECTION 7. Table 25-H1 (Heart of Fairfield Land Use Regulations) is hereby amended to Permit "Boarding Houses, Small" in the HO, HR, and HWT Zoning Districts.

SECTION 8. Table 25-H1 (Heart of Fairfield Land Use Regulations) is hereby amended to Permit "Boarding Houses, Large" in the HWT and HTD Zoning Districts.

SECTION 9. Table 25-H1 (Heart of Fairfield Land Use Regulations) is hereby amended to Conditionally Permit "Boarding Houses, Large" in the HO and HR Zoning Districts.

SECTION 10. 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 15301 the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures. As this

Ordinance establishes regulations for the operation of existing residential properties, the Ordinance is exempt from further CEQA review.

SECTION 11. 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 12. 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 ____ day of _____, 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

STAFF REPORT

Meeting

Date: September 23, 2020

To: Chairperson and Members of the Planning Commission

From: Community Development Department

Subject: **ITEM C: 2020 BOARDING HOUSE REGULATIONS UPDATE (ZONING ORDINANCE AMENDMENT)**

Resolution No. 2020-16

Ordinance Amendments (OA2020-009)

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) amending the Definition Of "Boarding House," amending the Development Standards for Boarding Houses, amending the Land Use Tables Permitting "Boarding House, Small" in all Residential Zoning Districts, Conditionally Permitting "Boarding House, Large" in the RM, RH, And RVH Zoning Districts, Conditionally Permitting "Boarding Houses, Small" and "Boarding Houses, Large" in the CN, CO, CT, CC, and CM Zoning Districts, Permitting "Boarding Houses, Small" in the HO, HR, and HWT Zoning Districts, and Permitting "Boarding Houses, Large" in the HWT And HTD Zoning Districts (Planner Brian K. Miller, 707-428-7446, bkmillier@fairfield.ca.gov)

BACKGROUND

Boarding houses are a form of housing in which tenants, be they individuals or households, share a single residential unit, typically a single-family home or small apartment building. Tenants are on separate leases, and typically only common areas such as the kitchen are accessible to all occupants. The Fairfield Zoning Ordinance currently defines Boarding Houses as follows:

"Boarding House. The renting of rooms within a dwelling to three or more separate households where each household is subject to a separate rental or lease agreement or other payment arrangement with the property owner. Boarding house includes but is not limited to fraternity or sorority houses, housing for migrant farm workers, and residential motels and hotels. Meals may or may not be provided, but there is one common kitchen facility. Boarding houses differ from the Community Care Facility-Residential in that they are not licensed by the State of California."

City of Fairfield
Community Development Department

Prepared by: *BM*
Reviewed by: *DF*

Boarding houses were traditionally a type of communal housing suitable for a variety of households and individuals who could not afford or chose not to rent traditional apartments or single-family homes. As such, they represent a source of flexible, affordable housing for many people. Boarding houses can serve as student or workforce housing, and they can also provide transitional or supportive housing suitable for the disabled, those suffering from addictions, and persons transitioning out of homelessness. Solano County Health and Human Services has made available funding for such facilities, which provide services, counseling, and an affordable place to live for this special needs population

Fairfield has in the past not been particularly supportive of boarding houses, limiting their location to higher density zones and requiring a Conditional Use Permit (“CUP”). Currently, Boarding Houses are not permitted in Fairfield’s traditional single-family zoning districts. This land use is conditionally permitted in the higher density residential zones (RM, RH, RVH).

Despite their unpermitted status, it is likely that boarding houses are operating throughout the City with no formal approvals, registration, or even City knowledge. In some cases, public and nonprofit funding is available to operators of such boarding houses. City approvals cannot be granted under the current Zoning Ordinance in most cases, which leads to a conflict between public goals of providing a variety of affordable housing options, including transitional and supportive housing, and current regulations. In addition, in areas where boarding houses may be allowed under the current zoning the requirement to obtain a CUP introduces a costly barrier to establishing a legal boarding house. Finally, enforcing code compliance complaints against unpermitted boarding houses can be difficult and legally fraught, which leads to further frustration among homeowners in our residential neighborhoods.

Staff is proposing a menu of amendments to the Zoning Ordinance that attempts to reconcile the need for affordable and special needs housing with neighborhood concerns, while legalizing unpermitted boarding houses.

DISCUSSION

The main objectives of the proposed Ordinance include:

- Bring existing non-permitted boarding houses into legal status.
- Provide clear differentiation between smaller boarding houses that can be integrated into traditional single-family neighborhoods with lesser impacts and larger homes more suitable for commercial or higher density neighborhoods.
- Identify appropriate zoning districts for each class of boarding house.
- Develop clear and defensible objective standards, including location and concentration, parking, and design.
- Identify a ministerial process for approving smaller boarding houses while retaining the Conditional Use Permit process for larger boarding houses.

Definitions

The proposed Ordinance defines two classes of Boarding Houses as follows:

- Small: 3-6 separate households and payment arrangements
- Large: 7 or more separate households and payment arrangements

A residential unit with one or two tenancies is not included within the definition of small or large boarding house and continues to be considered a permitted residential use of the property in all zoning districts.

Development Standards

The proposed Ordinance requires boarding houses to meet all life safety and building code requirements. New to this ordinance is separation requirement, which provides that boarding houses must be at least 300 feet apart and cannot be located on the same block, and a parking requirement, which requires one space per household unless a waiver is granted by the Community Development Director.

Approval Process

Staff is recommending a Zoning Clearance for Small Boarding Houses in zoning districts where permitted. For small boarding houses (six or fewer tenancies), the Zoning Clearance is the ministerial approval process required, and no further Planning review is required.

For Large Boarding Houses, the Ordinance requires a Zoning Clearance or a Conditional Use Permit depending on the specific zone.

Note that Zoning Clearance does not replace conformance with City and State housing, building, and fire code requirements.

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 further CEQA review under CEQA Guidelines Section 15305, which categorically exempts Minor Alterations in Land Use Limitations; Section 15301, which categorically exempts leasing of existing facilities; 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.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2020-16, which recommends the City Council approve the Zoning Ordinance Amendments.

Attachments:

1. Planning Commission Resolution No. 2020-16, with attached:
 - Exhibit A - Draft City Council Ordinance

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

Fairfield-Suisun Unified School District Board Room
2490 Hilborn Road

September 23, 2020
Regular Meeting
6:00 p.m.

I. ROLL CALL

Present: Chairperson WOOD, Chuck
Vice-Chairperson MATTHEWS, Chris
Commissioner CHILDS, Jerome
Commissioner CRUZEN, Melissa
Commissioner EVANS, Lerecia
Commissioner WESLEY, William

Absent: Commissioner COAN, Michael

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Evans.

III. INFORMATION ON SPEAKER CARDS

IV. APPROVAL OF AGENDA

Vice-Chairperson Matthews made a motion to approve the agenda as proposed. The motion was seconded by Commissioner Evans. Voting was done by roll call, and the motion was approved unanimously, with Commissioner Coan absent.

V. APPROVAL OF MINUTES OF AUGUST 12, 2020

Commissioner Childs made a motion to approve the minutes of July 8, 2020 as proposed. The motion was seconded by Vice-Chairperson Matthews. Voting was done by roll call, and the motion was approved unanimously, with Commissioner Coan absent.

VI. PUBLIC COMMENTS

No persons spoke during Public Comments, and no comments were received via the planning@fairfield.ca.gov inbox.

VII. SCHEDULED MATTERS

ITEM A: 7 FLAGS ELECTRONIC MESSAGE BOARD

Resolution No. 2020-13

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD APPROVING SIGN PERMIT (SN2020-027) FOR A MONUMENT SIGN WITH ELECTRONIC MESSAGE BOARD AT 1206 NORTH TEXAS STREET (APN: 030-172-040)

Associate Planner Anna Noel made a presentation on the item.

No persons spoke during the Public Hearing, and no comments were received via the planning@fairfield.ca.gov inbox.

Vice-Chairperson Matthews made a motion to adopt Resolution 2020-14 as proposed. The motion was seconded by Commissioner Childs. Voting was done by roll call, and the motion was approved unanimously, with Commissioner Coan absent.

ITEM B: SB743 IMPLEMENTATION

RESOLUTION 2020-15

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD RECOMMENDING THAT THE CITY COUNCIL ADOPT THE CITY OF FAIRFIELD SENATE BILL 743 IMPLEMENTATION PROCEDURES AND THE THRESHOLDS OF SIGNIFICANCE AND MITIGATION MEASURES FOR VEHICLE MILES TRAVELED (VMT) AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES IMPLEMENTING SB743, TO ADDRESS ENVIRONMENTAL REVIEW OF TRANSPORTATION IMPACTS UNDER CEQA

Associate Planner Brian Miller and Erin Vaca, consultant to the City with DKS Associates made a presentation on the item and answered questions.

No persons spoke during the Public Hearing, and no comments were received via the planning@fairfield.ca.gov inbox.

Vice-Chairperson Matthews made a motion to adopt Resolution 2020-15 as proposed. The motion was seconded by Commissioner Evans. Voting was done by roll call, and the motion was approved unanimously, with Commissioner Coan absent.

ITEM C: 2020 BOARDING HOUSE REGULATIONS UPDATE

Resolution No. 2020-16

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) AMENDING THE DEFINITION OF "BOARDING HOUSE," AMENDING THE DEVELOPMENT STANDARDS FOR BOARDING HOUSES, AMENDING THE LAND USE TABLES PERMITTING "BOARDING HOUSE, SMALL" IN ALL RESIDENTIAL ZONING DISTRICTS, CONDITIONALLY PERMITTING "BOARDING HOUSE, LARGE" IN THE RM, RH, AND RVH ZONING DISTRICTS, CONDITIONALLY PERMITTING "BOARDING HOUSES, SMALL" AND "BOARDING HOUSES, LARGE" IN THE CN, CO, CT, CC, AND CM ZONING DISTRICTS, PERMITTING "BOARDING HOUSES, SMALL" IN THE HO, HR, AND HWT ZONING DISTRICTS, AND PERMITTING "BOARDING HOUSES, LARGE" IN THE HWT AND HTD ZONING DISTRICTS

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

No persons spoke during the Public Hearing, and no comments were received via the planning@fairfield.ca.gov inbox.

Commissioner Evans made a motion to adopt Resolution 2020-16 as proposed. The motion was seconded by Commissioner Childs. Voting was done by roll call, and the motion was approved unanimously, with Commissioner Coan absent.

VIII. INFORMATION AND COMMUNICATIONS

ITEM A: DIRECTOR'S REPORT AND COMMISSIONER'S COMMENTS

Planning Division Manager Dave Feinstein noted staff would bring a discussion regarding tiny house regulations to the Commission at its next meeting of October 14. Chairperson Wood asked that the item include a discussion of multifamily height regulations as well, in light of recent higher density projects that required special considerations for height. Mr. Feinstein indicated that that item would be included in the discussion.

Commissioner Wesley asked for additional information be included in the minutes to document comments by the Commission. Mr. Feinstein provided background on the minutes, which simply record actions by the Commission, with full commission discussion available on video record. He indicated that staff would return with further information on the potential to include Commissioner comments in the minutes.

IX. ADJOURNMENT TO NEXT MEETING OF AUGUST 26, 2020

Respectfully submitted,

DAVID FEINSTEIN
Planning Commission Secretary