

**City of Fairfield Planning Commission**

**RESOLUTION NO. 2021-03**

**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 CHAPTER 25,  
ARTICLE I, SECTION 25.38 OF THE FAIRFIELD CITY CODE (ALSO KNOWN AS  
THE DENSITY BONUS ORDINANCE OF THE CITY OF FAIRFIELD) TO CLARIFY  
DEFINITIONS, CLARIFY APPLICATION PROCEDURES, AMEND  
REQUIREMENTS FOR RECEIVING A DENSITY BONUS AND RELATED  
BENEFITS, AND DEFINE FINDINGS FOR THE DENIAL OF A REQUEST FOR A  
INCENTIVES AND CONCESSIONS AND WAIVERS OF DEVELOPMENT  
STANDARDS, ALL TO BRING THE FAIRFIELD MUNICIPAL CODE INTO  
CONFORMANCE WITH CURRENT STATE LAW**

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 City's Housing Element provides that the City will amend the existing density bonus ordinance to bring it into conformance with current State Law, and that the City will continue offering density bonuses and other incentives to developers who include affordable units within residential developments.

Section 3. The California Legislature has adopted bills to Government Code Section 65915 several times since 2012, most recently with the enactment of Assembly Bill 2345, and the City wishes to update the Municipal Code to ensure consistency with State law and clarify how to implement its density bonus program.

Section 4. The Planning Commission has held a duly noticed public hearing on February 10, 2021. 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 5. Based on the information presented by staff, the Planning Commission has determined that the proposed amendments exempt from the California Environmental Quality Act (CEQA) as there is no possibility that this Ordinance would have a significant impact on the environment pursuant to State CEQA Guideline Section 15061(b)(3). This Ordinance merely

incorporates State law, allowing applicants to seek a density bonus pursuant to Government Code Section 65915.

Section 6. Based upon factual information, the Planning Commission hereby recommends the City Council adopt the proposed Ordinance amendments, as attached hereto as Exhibit A.

Section 7. 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.

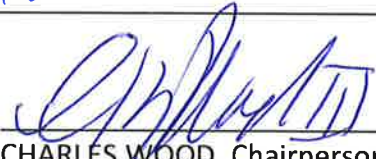
PASSED AND ADOPTED this 10<sup>th</sup> day of February, 2021.

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

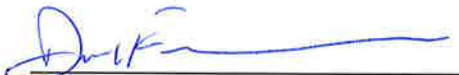
NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: COAN

  
CHARLES WOOD, Chairperson

ATTEST:

  
DAVID FEINSTEIN, Secretary

# STAFF REPORT

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Meeting

Date: February 10, 2021

To: Chairperson and Members of the Planning Commission

From: Community Development Department

Subject: **ITEM C: 2021 DENSITY BONUS ORDINANCE UPDATE (ZONING ORDINANCE AMENDMENT)**

Resolution No. 2021-03

Ordinance Amendments (OA2020-011)

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 Chapter 25, Article I, Section 25.38 of the Fairfield City Code (also known as the Density Bonus Ordinance of the City of Fairfield) to clarify definitions, amend requirements for receiving a Density Bonus, provide for additional incentives, define findings for the denial of a request for a density bonus, and to bring the Fairfield Municipal Code into conformance with current State law. (Planner Brian K. Miller, 707-428-7446, [bkmiller@fairfield.ca.gov](mailto:bkmiller@fairfield.ca.gov))

## BACKGROUND

The Density Bonus Ordinance (Section 25.38 of the Zoning Ordinance) is intended to provide incentives to encourage the production of quality affordable housing for lower income and senior citizen households in Fairfield. This Section implements the General Plan Housing Element and California Density Bonus Law (California Government Code Section 65915). The primary focus of the Ordinance is to allow project proponents to work with the City to identify incentives, including but not limited to additional density above the base zoning, which can facilitate the development of housing which meets the needs of the community.

In addition to additional units, other incentives and waivers of development standards might include reduced (or no) parking, modifications to setbacks, and flexibility in meeting open space and common facility requirements. Incentives are identified and permitted on a sliding scale depending on the degree of affordability and the populations targeted for the proposed housing development. Currently, incentives and density bonuses can allow for up to 35% additional housing units over the number permitted by the base zoning.

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**City of Fairfield**  
**Community Development Department**

Prepared by: BKM  
Reviewed by: DF

As with many State requirements related to housing, the State code regulating density bonuses continues to change regularly. In 2019 and 2020, the State enacted several housing and land use laws to address the significant housing shortage and spur housing production-especially affordable housing. These changes included AB1763, which increased the incentives available to develop fully affordable housing developments, including the elimination of any parking requirements for certain affordable housing projects. Our current Density Bonus Ordinance has not been comprehensively amended since 2012. The proposed Ordinance brings the City into conformance with current State law and is designed to be flexible enough to maintain this conformance as the State amends the Government Code over time.

The City has seen limited interest in the existing Density Bonus Ordinance provisions of the Zoning Ordinance. However, one example of a recent project that used the (then existing) Density Bonus Ordinance was the 72-unit Santa Monica Street housing development approved by the City in 2020. The applicant requested three concessions and/or waivers or reductions of a development standard based on State density bonus law:

- A waiver of the requirement to provide private open space (balconies and patios)
- A reduction in required parking
- A fee credit to reduce total development fees.

Note that the applicant did not request an increase in the number of units, as their project met the density limits in the RH (Residential High Density) zoning district. This illustrates that the “Density Bonus” program is a flexible program designed to meet the varying needs of project proponents designing affordable housing projects.

### DISCUSSION

Density bonus law is a state mandate. In other words, a developer that meets the requirements under state law is entitled to receive the density bonus and other benefits as a matter of right.

The amount of density bonus and the number of incentives and concessions and parking ratios that a project is entitled to is based on the number of affordable units and the project type. The maximum density bonus currently available for most projects is 35%, except that 100% affordable projects may be entitled to a density bonus of 80%. The maximum number of required incentives/concessions is four, but there is no maximum number of waivers of development standards that can be requested. In all cases, however, the waiver must be for a development standard that would physically prevent the project from being built at the proposed density and with the granted incentives/concessions.

A “housing development” is defined as a project that includes 5+ residential units, including mixed use projects. In other words, a duplex or quadruplex isn’t eligible for a density bonus.

The proposed ordinance makes the following changes from the existing Code provisions:

- Adds definitions for “childcare facility,” “development standard,” “housing development,” “incentives and concessions,” “lower income households,” “major transit

stop,” “maximum allowable residential density,” “moderate income households,” “senior citizen housing development,” and “very low income households.”

- Includes additional details about how density bonus applications will be processed and approved by the City.
- Updates the code to include new types of project added by the State, including projects that provide housing for transitional foster youth, disabled veterans, homeless persons, and lower income students. The ordinance also provides that a project is ineligible if it would redevelop existing dwelling units or units demolished in the previous 5 years that were restricted to or occupied by lower income households, unless those affordable units are replaced.
- Includes the findings the City would need to make to deny a request for an incentive or concession, or a waiver of development standards.
- Includes the reduced parking requirements that an eligible project is entitled to upon request, including certain types of projects that are entitled to no minimum parking requirements.

The revised Ordinance does not amend the *process* for developing the package of incentives and development waivers. The Ordinance requires a project proponent to use the City’s Conceptual Review process to identify potential incentives and development standard waivers.

#### CORRESPONDENCE

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

#### ENVIRONMENTAL REVIEW

Staff has determined that this Ordinance is exempt from the California Environmental Quality Act (CEQA) as there is no possibility that this Ordinance would have a significant impact on the environment pursuant to State CEQA Guideline Section 15061(b)(3). This Ordinance merely incorporates State law, allowing applicants to seek a density bonus pursuant to Government Code Section 65915.

#### RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2021-03, which recommends the City Council approve the Zoning Ordinance Amendments.

#### ATTACHMENTS:

1. Planning Commission Resolution No. 2021-03, with attached:
  - Exhibit A - Draft Proposed City Council Ordinance

**CITY OF FAIRFIELD  
PLANNING COMMISSION  
MINUTES**

Via Teleconference

February 10, 2021  
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 Wesley.

**III. INFORMATION ON SPEAKER CARDS**

**IV. APPROVAL OF AGENDA**

Commissioner Childs 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 Commissioners Coan absent.

**V. APPROVAL OF MINUTES OF NOVEMBER 18, 2021**

Commissioner Wesley made a motion to approve the minutes of November 18, 2021 as proposed. The motion was seconded by Commissioner Childs. Voting was done by roll call, and the motion was approved unanimously, with Commissioners Coan absent.

**VI. PUBLIC COMMENTS**

No persons spoke during Public Comments, and no comments were received via the [planning@fairfield.ca.gov](mailto:planning@fairfield.ca.gov) inbox.

**VII. SCHEDULED MATTERS**

**ITEM A      CORDELIA RV DIGITAL BILLBOARD**

**RESOLUTION NO. 2021-01**

**RESOLUTION OF THE FAIRFIELD PLANNING COMMISSION APPROVING SIGN PERMIT (SN2020-050) FOR A DOUBLE-FACED FREEWAY FREESTANDING SIGN WITH DIGITAL DISPLAY AT 4850 AUTO PLAZA CT. (APN: 0180-110-040)**

Amy Kreimeier made a presentation on the item and answered questions. She also noted a needed amendment to the proposed resolution regarding the CEQA finding, changing the exemption from "Infill" to "Existing Facilities".

The following person spoke during the Public Comments

- Erik Neese, 401 Slobe Avenue, Sacramento on behalf of the applicant

No comments were received via the [planning@fairfield.ca.gov](mailto:planning@fairfield.ca.gov) inbox.

Vice-Chairperson Matthews made a motion to adopt Resolution 2021-01, with a modification that the CEQA exemption should be Section 15301 Existing Facilities, rather than Infill. 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 CEMENT HILL CONVENIENCE MARKET, GAS STATION, AND CARWASH**

### RESOLUTION 2021-02

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING THE ZONING OF TWO PARCELS FROM LIMITED INDUSTRIAL (IL) TO NEIGHBORHOOD COMMERCIAL (CN) AND, CONTINGENT UPON CITY COUNCIL ACTION, APPROVING MINOR DEVELOPMENT REVIEW (MD2020-010), AND USE PERMIT (UP2020-010) FOR A GASOLINE SERVICE STATION, CONVENIENCE MARKET WITH ALCOHOL SALES, CAR WASH AND ASSOCIATED SITE IMPROVEMENTS OF SITE IMPROVEMENTS ON TWO PARCELS LOCATED AT THE SOUTHWEST CORNER OF CEMENT HILL ROAD AND PEABODY ROAD (APNs 0170-250-030, AND -040).

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

The following person spoke during the Public Comments:

- Julio Tinajero, 1500 Peterson Road, Suisun City, on behalf of the applicant

No comments were received via the [planning@fairfield.ca.gov](mailto:planning@fairfield.ca.gov) inbox.

Commissioner Childs made a motion to adopt Resolution 2021-02. 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 2021 DENSITY BONUS ORDINANCE UPDATE**

### RESOLUTION 2021-03

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 CHAPTER 25, ARTICLE I, SECTION 25.38

OF THE FAIRFIELD CITY CODE (ALSO KNOWN AS THE DENSITY BONUS ORDINANCE OF THE CITY OF FAIRFIELD) TO CLARIFY DEFINITIONS, CLARIFY APPLICATION PROCEDURES, AMEND REQUIREMENTS FOR RECEIVING A DENSITY BONUS AND RELATED BENEFITS, AND DEFINE FINDINGS FOR THE DENIAL OF A REQUEST FOR INCENTIVES AND CONCESSIONS AND WAIVERS OF DEVELOPMENT STANDARDS, ALL TO BRING THE FAIRFIELD MUNICIPAL CODE INTO CONFORMANCE WITH CURRENT STATE LAW.

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

No persons spoke during the Public Comments and no comments were received via the [planning@fairfield.ca.gov](mailto:planning@fairfield.ca.gov) inbox.

Vice-Chairperson Matthews made a motion to adopt Resolution 2021-03. 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**

### **A. DIRECTOR'S REPORT AND COMMISSIONER'S COMMENTS**

Planning Division Manager Dave Feinstein highlighted the previous night's joint City Council-Planning Commission study session on the General Plan Update, and invited members of the public to attend one of the two workshops that week. He also noted the Commission's comments on seeking to facilitate housing and density, and noted that the General Plan Update is the right opportunity to address those issues. Mr. Feinstein indicated that there will be items scheduled for the next Commission meeting, and at least one, if not both March meetings. He noted that the remodel to the Commission's regular meeting space in the City Council Chambers was nearly complete, and that when the Commission meets in person again, it will be in the Chambers. Lastly, he updated the Commission regarding the annual Planning Commissioners Conference, normally held in early March. He indicated that the League of California Cities intends to hold the conference remotely this year, either in late March or in April, at a date still to be scheduled. Mr. Feinstein will provide more details for the Commission as they become available.

## **IX. ADJOURNMENT TO NEXT MEETING OF FEBRUARY 24, 2021**

Respectfully submitted,

DAVID FEINSTEIN  
Planning Commission Secretary