

City of Fairfield Planning Commission

RESOLUTION NO. 2021-17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRFIELD RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING CHAPTER 25, ARTICLE I (ALSO KNOWN AS THE ZONING ORDINANCE OF THE CITY OF FAIRFIELD AMENDING THE REGULATIONS PERTAINING TO LARGE FAMILY DAY CARE, AND RE-ESTABLISHING REGULATIONS PERTAINING TO GARAGE CONVERSIONS IN ALL RESIDENTIAL ZONING DISTRICT

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 "Zoning Ordinance") to implement the General Plan and adopted Specific Plans and to keep up to date with current practices and City policy, bring the City into conformance with State law, and correct errors and omissions where they have been identified.

SECTION 2. The commission has held a duly noticed public hearing on July 28, 2021. City staff presented substantial factual information regarding the proposed Zoning Ordinance amendments in staff reports and through oral presentations before the commission, and the commission considered all public testimony and information presented during the public hearing regarding this matter.

SECTION 3. Based on the information contained in the staff report and presented by staff on July 28, 2021, the commission has determined that the proposed amendments to the text of the Zoning Ordinance are exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, which categorically exempts operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures; Section 15303, which categorically exempts construction and location of new, small facilities or structures and the conversion of existing small structures from one use to another with only minor modifications made to the exterior; 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. The text amendments make minor changes to clarify existing standards and requirements for existing structures under State law and regulate minor conversions to existing structures; these changes will not result in any new substantial physical change to the environment.

SECTION 4. Based upon the factual information contained in the staff report and presented by staff on June 28, 2021, the commission hereby finds that the proposed amendments to the text of the Zoning Ordinance are consistent with the General Plan and 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 director of community development shall be the custodian of such documents.


PASSED AND ADOPTED this 28th day of July 2021.

AYES: COMMISSIONERS: Jerome CHILDS / Melissa CRUZEN / Lerecia EVANS / Chris MATTHEWS (Vice) / Shawn SMITH / Tina WERBLIN / Charles WOOD (Chair)

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE


CHARLES WOOD, Chairperson

ATTEST:


DAVID FEINSTEIN, Secretary

STAFF REPORT

Meeting

Date: July 28, 2021

To: Chairperson and Members of the Planning Commission

From: Community Development Department

Subject: **ITEM C: 2021 SUMMER ZONING ORDINANCE UPDATE**

Resolution No. 2021-17

Ordinance Amendments (OA2021-004)

Location: Citywide

Applicant: City of Fairfield

Property Owners: N/A

Public hearing on request by the City of Fairfield for Ordinance Amendments (OA2021-004) Amending Various Sections of Chapter 25, Article I of the Fairfield Municipal Code Also Known as the Zoning Ordinance of the City of Fairfield Updating the Regulations Pertaining to Large Family Day Cares as Required by State, and Re-Establishing Regulations Pertaining to Garage Conversions in All Residential Zoning Districts (Planner: Brian K. Miller, 707-428-7446, bkmiller@fairfield.ca.gov)

BACKGROUND/DISCUSSION



At least once a year, Planning staff reviews and recommends revisions to the Fairfield Zoning Ordinance. Such revisions keep the zoning code up to date with current planning practice, state law, City policy goals, and correct inadvertent errors and omissions.

1. Large Family Day Care Regulations

In 2019, the state Legislature adopted SB234, which prohibits cities and counties from requiring any Family Child Care Home licensed by the Department of Social Services, Community Care Licensing Division, large or small as defined in Health and Safety Code 1596.78, from having to obtain a land use/zoning permit and/or business license for their operation. The objective of the state was to facilitate the development of family day care homes in California.

The proposed Zoning Ordinance Amendment simplifies the Fairfield Municipal Code by removing the distinction between Small and Large Family Day Care to create one category, Family Day Care, which allows in-home care of children for any number below 14 children. The proposed ordinance amendment also eliminates the requirement for a Conditional Use

City of Fairfield
Community Development Department

Prepared by: 
Reviewed by: 

Permit for large family day care homes. As required by the state, the City will rely upon state regulation of Child Care to address health and safety issues.

2. Garage Conversions.

In 2020, the City adopted a complete overhaul of its regulations permitting Accessory Dwelling Units (ADUs). At this time, the City deleted the then extant Section 25.20.4.3 regulating “garage conversions” because that provision could potentially conflict with the ADU regulations. However, this left the City with no zoning regulations addressing the vast majority of garage conversions, which typically involve conversion of garage space to an extra living room, family entertainment rooms, and the like, and that do not involve the conversion of space into an ADU or JADU. Staff recommends readopting the previous zoning language with a clarification that the regulations do not apply to ADUs or JADUs.

CORRESPONDENCE

Notice of the proposed Zoning Ordinance was published in the newspaper of record, 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 California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, which categorically exempts operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures; Section 15303, which categorically exempts construction and location of new, small facilities or structures and the conversion of existing small structures from one use to another with only minor modifications made to the exterior; 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. The text amendments make minor changes to clarify existing standards and requirements for existing structures under state law and regulate minor conversions to existing structures; these changes will not result in any new substantial physical change to the environment.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution 2021-17, which recommends the City Council approve the Zoning Ordinance Amendments.

Attachments:

1. Planning Commission Resolution No. 2021-17, with attached:
 - Exhibit A - Draft City Council Ordinance

**CITY OF FAIRFIELD
PLANNING COMMISSION
MINUTES**

FAIRFIELD COUNCIL CHAMBERS
1000 WEBSTER ST. FAIRFIELD, CA 94533

July 28, 2021
Regular Meeting
6:00 p.m.

I. ROLL CALL

Present: Chairperson WOOD, Chuck
Vice-Chairperson MATTHEWS
Commissioner CHILDS, Jerome
Commissioner CRUZEN, Melissa
Commissioner EVANS, Lerecia
Commissioner SMITH, Shawn
Commissioner WERBLIN, Tina

Absent: None

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Cruzen.

III. INFORMATION ON SPEAKER CARDS

IV. APPROVAL OF AGENDA

Commissioner 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 Chairperson Coan and Commissioner Childs absent.

V. APPROVAL OF MINUTES OF MAY 26, 2021

Commissioner Childs made a motion to approve the minutes of May 26, 2021 as proposed. The motion was seconded by Vice-Chairperson Matthews. The motion was approved unanimously, with Commissioners Smith and Werblin abstaining.

VI. PUBLIC COMMENTS

No persons spoke during Public Comments.

VII. SCHEDULED MATTERS

ITEM A: ELECTION OF CHAIR AND VICE-CHAIR FOR FISCAL YEAR 2021-2022

Commissioner Childs nominated Vice-Chairperson Matthews to be the Chair for Fiscal Year 2021-22. No other members were nominated. Vice-Chairperson Matthews was unanimously selected as Chair.

Vice-Chairperson Matthews nominated Commissioner Childs to be the Vice-Chair for Fiscal Year 2021-22. No other members were nominated. Commissioner Childs was unanimously selected as Vice-Chair.

ITEM B: RED TOP ROAD DIGITAL BILLBOARD

RESOLUTION 2021-16

RESOLUTION OF THE FAIRFIELD PLANNING COMMISSION APPROVING SIGN PERMIT (SN2021-025) FOR A DOUBLE-FACED FREEWAY FREESTANDING SIGN WITH DIGITAL DISPLAY AT RED TOP ROAD AND INTERSTATE 80 (APN: 0180-110-040)

Associate Planner Anna Noel made a presentation on the item and answered questions. Planning Division Manager Dave Feinstein and Assistant City Manager David Gassaway answered questions on the item.

The following persons spoke during the public hearing:

- Ralph Hallquist, Producers Dairy Foods; Red Top Road, Fairfield
- Jeff McCuen, on behalf of the applicant

Vice-Chairperson Commissioner Matthews made a motion to adopt Resolution 2021-16. The motion was seconded by Commissioner Smith. The motion was approved unanimously.

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Associate Planner Brian Miller made a presentation on the item and answered questions.

No persons spoke during the public hearing.

Commissioner Childs made a motion to adopt Resolution 2021-17. The motion was seconded by Commissioner Werblin. 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 various upcoming agenda items, and noted that the next meeting of August 11, 2021, would most likely be cancelled, but that the agenda through the fall would be quite full.

Vice-Chairperson Matthews requested that staff provide an update on the City's plans for Electric Vehicle charging. Mr. Feinstein noted that he would discuss with staff and bring a presentation to the Commission in the next few months.

Chairperson Wood announced that he would be resigning from the Commission effective August 1, 2021, as he will be moving out of the City. Commissioner Matthews led comments from the Commission highlighting Chairperson Wood's service of more than ten years on the Commission, in two separate appointments.

IX. ADJOURNMENT TO NEXT MEETING OF AUGUST 11, 2021

Respectfully submitted,

DAVID FEINSTEIN
Planning Commission Secretary