

CITY OF FAIRFIELD

ORDINANCE NO. 2020-06

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING CHAPTER 25, ARTICLE I OF THE FAIRFIELD CITY CODE (ALSO KNOWN AS THE ZONING ORDINANCE OF THE CITY OF FAIRFIELD) AMENDING: 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

AMENDING CHAPTER 25, ARTICLE IX OF THE FAIRFIELD CITY CODE (ALSO KNOWN AS THE SIGN ORDINANCE OF THE CITY OF FAIRFIELD) ADDRESSING FREEWAY SIGNS RELOCATED DUE TO AN EMINENT DOMAIN ACTION

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

SECTION 1. Statement of Intent

- A. The City of Fairfield has an adopted Zoning Ordinance, Zoning Map, Sign Ordinance, and Noise Ordinance to address development, signs, and noise issues consistent with the Fairfield General Plan and City Policy.
- B. From time to time, it is necessary to revise these Ordinances and the Zoning Map to correct mapping and typographical errors, make minor organizational revisions, clarify language, incorporate amendments that implement City policy and practice, bring the Zoning Ordinance into closer conformance with the General Plan and Specific Plan goals, objectives, and policies, and bring the Ordinances into compliance with State law.
- C. On April 22, 2020, the Planning Commission was presented with the revisions to the Ordinances and Zoning Map contained herein and, after holding a duly noticed

public hearing, voted to recommend that the City Council approve the proposed revisions.

- D. The City has held a duly noticed public hearing on the proposed revisions to the Zoning Ordinance, Sign Ordinance, and Zoning Map in accordance with the rules and regulations regarding such.

SECTION 2. Chapter 25, Article I, Section 25.23 (Heart of Fairfield Land Use Regulations) and Section 25.50 (Definitions) of the Fairfield Municipal Code are hereby amended as follows:

1. Amend Table 25-H1 (Heart of Fairfield Land Use Regulations) to Permit “Fitness Studios” on the ground floor in the HD Zoning District.
2. Amend Table 25-H1 (Heart of Fairfield Land Use Regulations) to Conditionally Permit on the ground floor of buildings facing Texas Street the “Coworking Space” land use in the HD and HDC Zoning Districts within the category of “Offices and Financial Institutions”. Permit this use throughout the HD and HDC Zoning Districts on upper floors and on ground floors facing other streets than Texas Street. Permit this use in the HPO, HWT, and HTD Zoning Districts on all floors.

Amend Section 25.50 to include a definition for the “Coworking Space” land use to read as follows:

“Coworking Space: A facility that contains desks or other workspaces that are made available to individuals or small businesses for short term intervals on a membership, day, or hourly rental basis, and that includes shared business resources (e.g., internet, meeting rooms, office equipment). A Coworking Space may host classes or networking events which are either open to the public or to current or prospective members. Fabrication tools are limited to those that do not generate noise or pollutants in excess of what is customary within a typical office environment.”

3. Amend Table 25-H1 (Heart of Fairfield Land Use Regulations) to delete Note 1 which required a Conditional Use Permit requirement for “Market, Specialty Food and Beverage” establishments that sell alcoholic beverages. Amend Table 25-H1 to make this land use a Permitted Use in the HTD and HPF Zoning Districts.

Amend the Definition in 25.50 to read as follows:

“Market, Specialty Food and Beverage. An establishment emphasizing a unique range of specialty food and beverage products in distinct categories of merchandise such as local farm-to-table products, seafood, specialty butcher, cheese, or specialty wine. This use is distinct from other food or beverage stores in that the market focuses on a range of products not

readily available at a convenience market or grocery. Non-specialty products may only be sold as an ancillary activity. Wine, beer, and spirits tasting, with pours limited to two ounces for beer and wine and ½ ounce for spirits, is permitted as an ancillary activity”.

4. Amend Table 25-H1 (Heart of Fairfield Land Use Regulations) to delete the “Winery Tasting Room or Brew Pub” land use. Add “Tasting Room” as a Permitted land use at all locations within the HD, HDC, and HWT Zoning Districts.

Amend Section 25.50 to delete the definition of “Winery Tasting Room or Brew Pub”

Amend Section 25.50 to add the following definition of “Tasting Room”:

Tasting Room. An establishment operated by a winery, brewery, distiller, or producer of other alcoholic beverages or a cooperative organization that highlights beverages that they produce. Tasting Rooms offer up to two-ounce sample pours of wines and beers or up to half-ounce pours of distilled spirits produced by the winery, brewery or distillery.

Wine, beer, and distilled spirits produced by the operator may be sold for consumption on site or off-site subject to the restrictions of the California Alcoholic Beverages Commission license held by the business. An establishment that sells alcoholic beverages from a variety of producers primarily for on-site consumption would be classified as a Bar.

5. Amend Table 25-H1 (Heart of Fairfield Land Use Regulations) to make “Bars” a Permitted use in all locations in the HD and HDC Zoning Districts.

Add new Section 25.23.4 titled “Specific Regulations” and a new Section 25.23.4.1 titled “Bars in the Heart of Fairfield” to read as follows:

“25.23.4.1 Bars in the Heart of Fairfield. Bars are permitted in all locations in the HD and HDC Zoning Districts if they comply with the following requirements:

1. The Bar shall not be operated in a manner that results in a disproportionate number of police service calls in comparison to other bars/lounges in the City. As determined necessary, the City will review calls for police service related to illegal activities, public disturbances or nuisances and compare the amount of calls for service at like establishments. A pattern of service calls that are disproportionate in comparison to other bars/lounges in the City will be deemed a public nuisance operation. In such event, the City Council may impose additional requirements, such as the provision

of private security, the modification of operating hours or other limits on the use of the premises. In the alternative, the City may initiate proceedings for the revocation of the Business License, and where appropriate, may work with California Alcoholic Beverages Commission to support revocation of an alcoholic beverages license. Revocation proceedings may be initiated for violations of law or public nuisance activities on or related to the premises, including, but not limited to, the following:

- a. Sales of alcoholic beverages to minors or intoxicated persons.
 - b. Public nuisance conditions associated with the business or its customers, including but not limited to: public drunkenness, public urination, excessive noise, harassment of passersby, off-site litter attributable to the business, open container violations, and other violations of law on the property or attributable to customers of the business.
 - c. Failure to enforce loitering regulations.
 - d. The bar shall only be occupied during normal business hours. Occupying the bar for private use or parties after the bar is closed is prohibited.
 - e. The number of customers shall not exceed the maximum number of occupants, as calculated by the Fairfield Fire Marshall.
2. The floor plan of the bar shall remain such that the bartender is allowed an unobstructed view of the entire interior of the establishment.
 3. Kitchen and storage areas shall be restricted to and be signed for employee access only.
 4. All windows must allow visibility into and out of the establishment.
 5. Adequate interior light levels shall be provided.
 6. Consumption of alcoholic beverages shall be permitted only between 8:00 a.m. and 2:00 a.m. during each business day.
 7. A separate live entertainment permit must be approved by the Police Department prior to any live entertainment as required by Chapter 12A of the Fairfield Municipal Code.

8. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages outside the business premises is prohibited.
9. Loitering or congregating by customers shall not be permitted at the front or rear of the building or on the sidewalks and parking areas adjacent to the building. Signs prohibiting loitering shall be posted on the interior or exterior of the building prior to occupancy of the bar. Operator shall also enforce the City of Fairfield Downtown Smoking Ordinance and shall post a "No Smoking" sign by any front and/or rear doors.
10. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the owner/operator shall be removed or painted over within 48 hours of being applied.
11. The owner/operator shall be responsible for maintaining and removing litter from the premises and adjacent areas over which they have control.
12. Any rear parking area/alley of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons adjacent to the bar in the rear alley. The position of such lighting shall not disturb the normal privacy and use of any neighboring properties.
13. The owner/operator shall post and maintain a professional quality sign at least two feet square with two-inch block lettering facing the rear alley that reads in English and Spanish as follows:

NO LOITERING, NO LITTERING
NO DRINKING OF ALCOHOLIC BEVERAGES
VIOLATORS ARE SUBJECT TO ARREST
14. The bar shall use closed circuit television with no less than 1/3" high resolution color cameras, digital surveillance, and recording equipment that is able to view the inside of the entire public access area of the premises and all exterior areas. The video must be recorded and saved for no less than 30 days and capable of being monitored online. The location and placement of the cameras shall be subject to approval by the Fairfield Police Department.
15. No pay phone shall be maintained on the premises.

16. Loitering is prohibited, and the owner/operator shall monitor the area under their control to prevent the loitering of persons about the premises.
 17. Signs shall be posted with the Age 21 limit warning that “California State Law prohibits sale of alcoholic beverages to persons who are under 21 years old”.
6. Amend Table 25-H1 (Heart of Fairfield Land Use Regulations) to make “Entertainment with any Food Service or Bar” a Permitted land use at any location in the HD and HDC Zoning Districts.

Add new Section 25.23.4.2 titled “Entertainment with any Food Service or Bar in the Heart of Fairfield” which shall read as follows:

25.23.4.2 Entertainment with Any Food Service or Bar in the Heart of Fairfield. Entertainment with any Food Service or Bar is permitted in all locations in the HD and HDC Zoning Districts if it complies with the following requirements:

1. Establishments with entertainment will require an Entertainment Permit from the Fairfield Police Department. Contact the Police Department for further information. The Department may impose specific operational requirements for and establishment offering entertainment.
2. Entertainment events shall not result in a disproportionate number of police service calls in comparison to other establishments in the City. As determined necessary, the City will review calls for police service related to illegal activities, public disturbances or nuisances and compare the amount of calls for service at like establishments. A pattern of service calls that are disproportionate in comparison to other restaurants/bars/lounges in the City will be deemed a public nuisance operation. In such event, the City Council may impose additional requirements, such as the provision of private security, the modification of operating hours or other limits on the use of the premises. In the alternative, the City may initiate proceedings for the revocation of the Business License, and where appropriate, may work with California Alcoholic Beverages Commission to support revocation of an alcoholic beverages license. Revocation proceedings may be initiated for violations of law or public nuisance activities on or related to the premises, including, but not limited to, the following:
 - a. Sales of alcoholic beverages to minors or intoxicated persons.

- b. Public nuisance conditions associated with the business or its customers, including but not limited to: public drunkenness, public urination, excessive noise, harassment of passersby, off-site litter attributable to the business, open container violations, and other violations of law on the property or attributable to customers of the business.
 - c. Failure to enforce loitering regulations.
 - d. The establishment shall only be occupied during normal business hours. Occupying the establishment for private use or parties after the bar is closed is prohibited.
 - e. The number of customers shall not exceed the maximum number of occupants, as calculated by the Fairfield Fire Marshall.
3. The floor plan shall remain such that the manager or bartender is allowed an unobstructed view of the entire interior of the establishment.
4. Kitchen and storage areas shall be restricted to and be signed for employee access only.
5. All windows must allow visibility into and out of the establishment.
6. Adequate interior light levels shall be provided.
7. Consumption of alcoholic beverages shall be permitted only between 8:00 a.m. and 2:00 a.m. during each business day.
8. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages outside the business premises is prohibited.
9. Loitering or congregating by customers shall not be permitted at the front or rear of the building or on the sidewalks and parking areas adjacent to the building. Signs prohibiting loitering shall be posted on the interior or exterior of the building prior to occupancy of the bar. Operator shall also enforce the City of Fairfield Downtown Smoking Ordinance and shall post a "No Smoking" sign by any front and/or rear doors.

10. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the owner/operator shall be removed or painted over within 48 hours of being applied.
11. The owner/operator shall be responsible for maintaining and removing litter from the premises and adjacent areas over which they have control.
12. Any rear parking area/alley of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons adjacent to the bar in the rear alley. The position of such lighting shall not disturb the normal privacy and use of any neighboring properties.
13. The owner/operator shall post and maintain a professional quality sign at least two feet square with two-inch block lettering facing the rear alley that reads in English and Spanish as follows:

NO LOITERING, NO LITTERING
NO DRINKING OF ALCOHOLIC BEVERAGES
VIOLATORS ARE SUBJECT TO ARREST

14. The establishment shall use closed circuit television with no less than 1/3" high resolution color cameras, digital surveillance, and recording equipment that is able to view the inside of the entire public access area of the premises and all exterior areas. The video must be recorded and for no less than 30 days and capable of being monitored online. The location and placement of the cameras shall be subject to approval by the Fairfield Police Department.
 15. No pay phone shall be maintained on the premises.
 16. Loitering is prohibited and the owner/operator shall police the area under their control in an effort to prevent the loitering of persons about the premises.
 17. Signs shall be posted with the Age 21 limit warning that "California State Law prohibits sale of alcoholic beverages to persons who are under 21 years old".
7. Amend Table 25-H1 (Heart of Fairfield Land Use Regulations) to make "Outdoor Theaters" a Conditionally Permitted use in all locations in the HD and HDC Zoning Districts.

SECTION 3. Chapter 25, Article I, Section 25.24, Table 25-11 (Industrial District Land Use Regulations) is amended to make “Churches”, “Club, Lodge, or Meeting Hall” and “Community Center/Banquet Hall” Permitted uses in the IBP zoning district.

SECTION 4. Chapter 25, Article I, Sections 25.22.4.3 A and B.4. (Mixed Use Residential Development Regulations) are amended as follows:

A. Density and intensity. The maximum permitted residential density for any mixed-use development project shall be 32 dwelling units per acre in the CO, CC, CM, and CT zoning districts and 20 dwelling units per acre in CN zoning district. To achieve this density, the maximum allowable floor area ratio (FAR) in the CN, CO, CC, CM, and CT zoning districts shall be increased to .85. The calculation of FAR shall not include the area covered by ground floor parking structures or any ground floor area devoted to parking.

B. Development Regulations.

4. **Ground Floor Residential Uses.** For all buildings facing an arterial public street, no more than 50% of the occupied frontage façade on the ground floor facing the street shall be devoted to a residential use. Residential uses may occupy 100% of the ground floor frontage facing any local or collector street, parking area, or landscaped area

SECTION 5. Chapter 25, Article I, Section 25.43.2(B) (Method of notice distribution) pertaining to alternative public hearing notices is amended to replace the existing reference to California Government Code Section 65091 (a) (3) with the correct current reference to California Government Code Section 65091(a)(4)

SECTION 6. Chapter 25, Article I, Section 25.12.3 of the Fairfield City Code, also known as the City of Fairfield Zoning Map, is hereby amended as shown on the Sectional Zoning Map Exhibit (ZC2020-01) attached hereto as Exhibit A.

Pursuant to Section 25.47 of the Zoning Ordinance, the City Council finds as follows:

- A. The proposed Zoning Map changes are consistent with the goals, policies and actions of the General Plan; and
- B. The proposed Zoning Map changes would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
- C. The existing developments on the sites are physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations; and

- D. The proposed Zoning Map changes are in compliance with the provisions of the California Environmental Quality Act (CEQA) as approved by the Fairfield City Council.

SECTION 7. Chapter 25, Article IX (the Sign Ordinance, Section 25.1302 is amended to read in its entirety as follows:

“25.1302 Applicability

This Section applies to signs erected, placed, or maintained outdoors, or signs placed inside a building if the sign is placed within three feet of an exterior window and visible from outside the building. The following are exempt from this Article:

- A. Non-commercial holiday decorations, signs on products or product containers, public information and safety signs, historical markers, signs required by local, state or federal law, and non-commercial messages placed on lawful signs.
- B. Off-site advertising signs for which a relocation agreement is entered into by the City and the owner of the off-site advertising sign in connection with an eminent domain proceeding, consistent with California Business and Professions Code Section 5412, provided that:
1. The relocation of the sign does not result in a net increase in the total number of off-site advertising sign faces in the City; and
 2. The relocated sign is not within 500 linear feet of a residential zoning district; and
 3. If the relocated sign is an electronic message board, (a) the relocation of the sign results in a net reduction in the total number of off-site advertising sign faces in the City, and (b) the relocated sign is not within 2,500 linear feet of another electronic message board.
 4. Prior to execution of a relocation agreement, the owner of the off-site advertising sign must provide the City with satisfactory evidence of the right to use the new site for the relocated sign(s). Relocation agreements shall be reviewed and approved by the City Council.”

SECTION 8. A summary of this ordinance shall be printed and published twice in the Daily Republic, a newspaper of general circulation, printed and published in the City of Fairfield.

SECTION 9. The City Council hereby makes the following findings pursuant of the California Environmental Quality Act.

- A. The changes to the Heart of Fairfield Land Use Table and land use definitions are exempt under CEQA Guidelines Section 15301, which categorically exempts permitting and minor alterations to existing facilities; Section 15303, which categorically exempts the construction or conversion of small facilities or structures; Section 15305, which categorically exempts Minor Alterations in Land Use Limitations; and 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. In addition, the amendments facilitate the vision of the Heart of Fairfield Specific Plan, were contemplated by the Heart of Fairfield Plan Environmental Impact Report (EIR), and will result in the same or lesser environmental impacts than the impacts analyzed and mitigated therein.
- B. The proposed changes permitting churches and secular assembly uses in the IBP zone would be exempted under CEQA Guidelines Sections 15301, 15303, and 15061(b)(3).
These uses would occupy existing space during a limited number of off-peak hours.
- C. The proposed amendments to the Mixed-Use Development Standards are minor in scope, clarifying the density range for an already permitted residential use and the potential distribution of floor space fronting on an arterial street. This change would qualify 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.
- D. Correcting the cross reference to public hearing proceedings is not a project under CEQA and it is a minor typographical correction.
- E. The proposed amendment to the Sign Ordinance is exempt from CEQA review under Section 15061(b)(3), as it allows (but does not require) the City to enter into a relocation agreement for an off-site advertising sign in connection with an eminent domain proceeding. The amendment does not identify the sites where signs may be relocated and does not require or approve the relocation of any particular off-site advertising sign. If a relocation agreement is proposed for approval, the installation of the relocated sign would be subject to environmental review for analysis of potential environmental impacts, including aesthetics.
- F. Finally, the Zone Change for Business Center Drive is exempt under Section 15061(b)(3) and Section 15305, as it represents a minor change to land use limitations and can be seen with certainty there will not be a significant effect on the environment. The proposed change impacts an existing, developed office park with no vacant land suitable for additional development. Land uses permitted under the proposed CO Zoning are less intense and less likely to have environmental

impacts than the more intensive regional commercial land uses potentially allowed under the existing CR zoning.

SECTION 10. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within 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.

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