

ORDINANCE NO. _____ N.C. (2d)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO
AMENDING THE DOWNTOWN VALLEJO SPECIFIC PLAN/MASTER
PLAN REGARDING ALCOHOL SALES, SERVICE AND
PRODUCTION ESTABLISHMENTS**

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

Based on the findings herein and as stated in the resolution and the staff report, the City Council hereby adopts the following amendments to the Downtown Vallejo Specific Plan/Planned Development Master Plan regarding alcohol sales, service and production establishments:

New text shown in *bold italic*; deleted text in ~~strike through~~.

SECTION 1. The rows concerning eating and drinking establishments and food and beverage retail sales within Table 8.1: Permitted and Conditional Land Uses contained in Section 8 “Land Use Regulations” of the Downtown Vallejo Specific Plan/Master Plan are hereby amended as follows:

Table 8.1

LAND USE(1)	SPECIFIC PLAN DISTRICTS				
	1 Georgia Street Corridor	2 Central Downtown	3 Civic Center	4 Outer Downtown	5* Southwest Downtown
Eating and drinking Establishments Quick service/take-out (2)	P (B,C,D) MUNP (B,C,D,K)	P (B,C,D) MUNP (B,C,D,K)	P (B,C,D) MUNP (B,C,D,K)	P (B,C,D) MUNP (B,C,D,K)	P* (B,C,D) MUNP (B,C,D,K)
Food and beverage retail sales 11,000 square feet and under Greater than 11,000 square ft Quick service/take-out (2)	P (B,C,D) MNUP (B,C,I) MNUP (B,C,I,J,K)	P (B,C,I) MNUP (B,C,I) MNUP (B,C,I,J,K)	P (B,C) MNUP (B,C,I) MNUP (B,C,I,J,K)	MNUP (B,C,I) MNUP (B,C,I) MNUP (B,C,I,J,K)	P* (B,C,I) MNUP* (B,C,I) MNUP* (B,C,I,K)

SECTION 2. Rows C, K, and S within Table 8.2: Special Land Use Regulations contained in Section 8 “Land Use Regulations” of the Downtown Vallejo Specific Plan/Master Plan are hereby amended as follows:

Table 8.2

C	Liquor (Alcohol) sales	Liquor (Alcohol) sales <i>All Districts convenience sales, eating and drinking establishments and uses that sell or serve alcohol in any district are subject to the provisions in Table 8.3. restrictions and limitations of VMC Sections 16.82.060Q (On-sale liquor establishments) and 16.82.060R (Off-sale liquor establishments), with the following exceptions:</i>
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		<p>A. Off-sale liquor establishments with a sales display area between 8,000 and 11,000 square feet are exempt from the restriction contained in VMC Section 16.82.060 R (16).</p> <p>B. Within the Downtown Specific Plan Arts & Entertainment District (See Figure 4.2), or as specified below, the following shall apply:</p> <p>1.— Uses existing as of March 9, 2011 on Virginia Street, and within District 1 East of Sonoma Boulevard, and classified as Spectator Sports and Entertainment as defined in VMC Section 16.06.480 (A), are exempt from the one thousand foot restriction contained in VMC Section 16.82.060 Q (12) of the Vallejo Municipal Code.</p> <p>2.— Tasting rooms are exempt from the one thousand foot restriction contained in VMC Section 16.82.060 Q (12) of the Vallejo Municipal Code, except that the number of tasting rooms shall not exceed six (6).</p>
K	Quick service/take out (2)	<p>Permitted if less than 2,500 square feet of gross floor area. 2,500 square feet of gross floor area or more permitted with a Minor User Permit.</p> <p>Subject to the Development Standards in Section 9 of the Specific Plan.</p>
S	Public Entertainment	<p>Public Entertainment Uses shall be allowed only within the Downtown Specific Plan Arts & Entertainment District (See Figure 4.2) and only upon obtainment of a Major Conditional Use permit as governed by VMC Chapter 16.82. The Major Conditional Use Permit is referenced herein as an Entertainment Permit, and may be referenced as such in all staff reports, notices and hearings. The standards and criteria for the Entertainment Permit are as follows:</p> <p>All new establishments that provide public entertainment either by itself or together with another use shall obtain an Entertainment Permit subject to the process in VMC Chapter 16.82, with the following standards and criteria:</p> <p>A.— An Entertainment Permit is not required for Eating and Drinking Establishments if full meals are being served concurrently with the Public Entertainment. To qualify for this exception, meals must be served and continue to be available up to one hour prior to the conclusion of the Public Entertainment activity.</p> <p>B.— Existing establishments which propose new or additional Public Entertainment uses beyond what is currently provided as of the adoption of this amendment must obtain an Entertainment Permit.</p> <p>C.— Establishments which are required to obtain an Entertainment Permit shall comply with the following provisions to be incorporated in the conditions of approval:</p> <p>1) Noise shall be prevented from emanating beyond the premises of the business which is disturbing or unreasonably loud to persons on neighboring properties.</p> <p>2) At all times while public entertainment is provided, it is recommended that one security personnel be provided on duty for every fifty patrons and guests on site, unless otherwise required by the Chief of Police who shall be authorized to “require” such personnel and increase the number of security personnel as deemed necessary to protect the public health, safety and welfare. At least one such personnel shall be bonded, licensed and registered and maintain a valid registration status with the State of California’s Department of Consumer Affairs.</p>

		<p>3) The owner/manager shall ensure that no patrons, guests waiting in line, rope, or any other mechanism used to control the line, impedes pedestrian travel in the pedestrian walkway outside the premises at any time. Lines shall also be arranged so as to prevent the blockage of neighboring businesses, minimize impacts on any adjacent uses, and prevent disturbances of the public peace.</p> <p>4) If alcohol sales are provided, the owner/manager shall ensure that no one under the age of twenty-one is on the premises after public entertainment begins, with the exception of performing arts theaters that involve the participation of minors.</p> <p>5) The owner/manager shall comply with the maximum occupancy load as set by the Building Official or Fire Marshall, and may be required to maintain an occupancy count during business operations.</p> <p>6) The owner/manager shall comply with any additional measures as may be required by the Vallejo Police Department including metal detectors, searches, and other security measures. Such measures shall be reported to the owner/manager and Planning Division to be included in the Entertainment Permit file.</p> <p>7) Failure to comply with the above standards may result in revocation or suspension of the Entertainment Permit, pursuant to VMC Sections 16.02.110, 120, and 130. Non-compliance may also lead to punitive action by the City and ABC License revocation if on-site alcohol sales are provided.</p> <p>8) No fee shall be imposed for the Entertainment Permit if processed as part of the Major Use Permit for on-site alcohol sales. If processed separately, the fee for the Entertainment Permit shall be the same as a Major Use Permit.</p>
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SECTION 3. Table 8.3 is hereby added to Section 8 “Land Use Regulations” directly after Table 8.2 within the Downtown Vallejo Specific Plan/Master Plan as follows:

Convenience Sales, Eating and Drinking Establishments and Food and Beverage Retail Sales listed below shall be either Permitted (P), permitted subject to an Administrative Permit (AP), or permitted subject to a Major Conditional Use Permit (UP) consistent with the provisions and definitions of the Vallejo Municipal Code.

Table 8.3

Eating and Drinking Establishments

Bar, Nightclub, Lounge, Tavern, Taproom	AP
With Late Night Alcohol Sales or Service	MJUP
With Live Entertainment and/or Dancing	MJUP
Restaurant	
Full Service	P
Limited Service (Take Out Restaurant)	P
Brewpub	P
With Drive-Thru	MJUP
With Beer and Wine Service	P
With Full Bar Service	P
With Late Night Alcohol Sales or Service	MJUP
With Live Entertainment and/or Dancing	MJUP
With Ancillary Banquet Facilities	P
Banquet Facility (stand-alone)	MJUP
Micro-brewery/micro-distillery	AP
With Tasting room – accessory use	P
With Ancillary Banquet facilities	P

<i>Tasting room – primary use</i>	<i>P</i>
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Food and Beverage Retail with Alcohol Sales

<i>Liquor Store</i>	<i>MJUP</i>
<i>Large Format Liquor Store</i>	<i>MJUP</i>
<i>Grocery Store (11,000 square feet)</i>	<i>MJUP</i>
<i>Wine Shop</i>	<i>P</i>
<i>Convenience Store</i>	<i>MJUP</i>
<i>Mini Market Associated with Fuel Sales</i>	<i>MJUP</i>
<i>Any Retail Use Above that includes Late Night Alcohol Sales or Service</i>	<i>MJUP</i>

SECTION 4. General Findings.

1. The Downtown Vallejo Specific Plan is also the Planned Development Master Plan for Mare Island.
2. Planned Development Master Plans may be amended pursuant to 16.116.140 of the Vallejo Municipal Code.

SECTION 5. Master Plan Adequacy.

The City Council hereby finds that the amendment to the Downtown Vallejo Specific Plan/Planned Development Master Plan regarding alcohol sales, service and production establishments meets the requirements of Vallejo Municipal Code Section 16.116.060 in that:

- a.) The amended Downtown Vallejo Specific Plan/Planned Development Master Plan is consistent with the goals and policies of the Vallejo General Plan in that the amendment supports the Specific Plan goal to enrich the mix of downtown uses, Policy 4.3.3 to promote Central Downtown as Vallejo’s Arts and Entertainment district, and Program 4.3.c to attract restaurants and specialty retail to Central Downtown by removing the discretionary permit required by for restaurants and retail establishments that sell and serve alcoholic beverages.
- b.) The amended Downtown Vallejo Specific Plan/Planned Development Master Plan is consistent with the stated purpose of the Planned Development District as the amendment supports the goal to create jobs and other economic development opportunities to sustain and improve the economic conditions in Vallejo and nearby areas. The removal of a discretionary permit for restaurants and retail establishments that sell and serve alcoholic beverages may promote new businesses in the City.
- c.) The amended Downtown Vallejo Specific Plan/Planned Development Master Plan is in conformity with public convenience, the general welfare and good land use practice.

- d.) The amended Downtown Vallejo Specific Plan/Planned Development Master Plan will not be detrimental to the health, safety and general welfare.
- e.) The amended Downtown Vallejo Specific Plan/Planned Development Master Plan will not adversely affect the orderly development or the preservation of property values.

SECTION 6. Compliance with the California Environmental Quality Act.

The City Council has determined that the proposed amendment to the Downtown Vallejo Specific Plan/Planned Development Master Plan is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. It can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment, as the proposal contemplates uses similar to those already allowed in the Downtown Vallejo Specific Plan/Planned Development Master Plan.

SECTION 7. Adoption of the Amendment to the Downtown Vallejo Specific Plan/Planned Development Master Plan.

Based on the findings herein and in the resolution approved concurrently with this action, the City Council hereby adopts the Downtown Vallejo Specific Plan/Planned Development Master Plan regarding alcohol sales, service and production establishments as amended by Specific Plan Amendment (SPA) #17-0001, as specified above, holding on first reading of this Ordinance.

SECTION 8. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 9. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.