

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO
AMENDING THE MARE ISLAND 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 Mare Island 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. Subsection (C) “Retail Commercial” within Section 3.2.8 “Mixed Use” of the Mare Island Specific Plan/Master Plan is hereby amended as follows:

“ (C) Retail Commercial

This use category may include neighborhood serving businesses for both residents and workers in mixed use areas. Household serving retail commercial, such as grocery and hardware stores, together with office serving businesses such as banks and financial services, office supply, copy centers, and cafes may comprise the commercial retail component for mixed use areas and are identified in the Specific Plan Development Program (**Table 3-2**) for Reuse Areas 1A, 2A, 3A, 3B, 4 and 5. A small retail commercial component may be desirable for Reuse Area 9 (University Area) and could be included, if feasible, although it is not shown in the Development Program.

Retail commercial uses in single use areas, or centers, may include visitor serving businesses, such as movie theatres and other types of entertainment, restaurants, commercial goods and services, gift stores and restaurants. Single use retail commercial centers are identified in the Land Use Plan for Reuse Areas 2A and 4. (*see Figure 3-1: Land Use*), above.

Permitted retail commercial uses include, but are not limited to, the following:

- Retail: stores and shops that provide goods and services to the general public as well as to residents and workers, *except retail uses with alcohol sales shall be subject to the processing requirements listed in the table below*
- Personal Services: establishments that provide instructional, medical, maintenance and improvement services
- Business Services: smaller establishments that provide financial, real estate, legal and support services

- Eating *and Drinking* Establishments: *uses listed in the table below shall be either Permitted (P), or permitted subject to Administrative Permit (AP) or permitted subject to Major Conditional Use Permit (UP) consistent with the provisions and definitions of the Vallejo Municipal Code* restaurants, bars, brewpubs and tasting rooms; quick service restaurants if less than 2,500 square feet of gross floor area, establishments with 2,500 square feet of gross floor area or more are subject to a minor use permit; delicatessens and snack bars

Eating and Drinking Establishments

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

Retail Uses with Alcohol Sales

Liquor Store	UP
Large Format Liquor Store	P
Grocery Store	P
Wine Shop	P
Convenience Store	UP
Mini-Market Associated with Fuel Sales	UP
Any Retail Use Above that includes Late Night Alcohol Sales or Service	UP

- Entertainment: theaters; amusement centers; and indoor and outdoor sports facilities

While beneficial to the functions of a retail commercial district, certain businesses also create impacts that necessitate a Major Conditional Use Permit in any Reuse Area. These uses include, but are not necessarily limited to, the following:

- Automotive services: service stations with ancillary light or heavy auto repair
- Lodging: hotels, motels, and bed and breakfast inns
- Theaters: cinemas and live performance space”

SECTION 2. Subsection (C) “Light Industrial” within Section 3.2.9 “Industrial” of the Mare Island Specific Plan/Master Plan is hereby amended as follows:

“(C) Light Industrial:

This category includes uses as described above in the mixed use category, ~~and~~ food and beverage processing *including micro-brewery/micro-distillery, regional breweries, distilleries, wineries, and wine cellars*, manufacturing plants, *and ancillary uses consistent with the Vallejo Municipal Code.*”

SECTION 3. Section 3.2.11 “Uses Requiring Major Conditional Use Permits” contained in the Mare Island Specific Plan/Master Plan is hereby amended as follows:

“3.2.11 Uses Requiring Major Conditional Use Permits

Consistent with the City of Vallejo Municipal Code, certain land uses require additional review to ensure that operating characteristics do not impact adjacent uses.

Major Conditional Use Permits will be required for the following uses:

- i Religious establishments such as churches, synagogues, and temples (except St. Peters Chapel)
- ii Counseling
- iii ~~Off-site alcohol sales~~
- iv ~~On-site alcohol sales~~
Tasting rooms and beer and wine manufacturing facilities with on-site tasting rooms are exempt from the one thousand foot restriction contained in Vallejo Municipal Code Section 16.82.060 Q (12).
- iii ~~Automotive services, including service stations as well as facilities providing ancillary, light or heavy auto repair and on-site storage and/or pay parking~~
- iv ~~Hotels, motels, bed and breakfast inns and theatres~~
- v ~~Quick service restaurants with a drive-through~~

SECTION 4. General Findings.

1. The Mare Island 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.
3. On September 12, 2001, the City of Vallejo and Lennar Mare Island, LLC (“LMI”) entered into a Development Agreement for Mare Island, pursuant to which the City granted LMI a vested right to develop the property described therein. Section 2.3.1 of the Development Agreement provides that in the event of a conflict between current law and the applicable law as of the vesting date, applicable law as of the vesting date shall apply unless LMI

elects otherwise. LMI has indicated that it will elect for this Specific Plan Amendment to apply to the property governed by the Development Agreement.

SECTION 5. Master Plan Adequacy.

The City Council hereby finds that the amendment to the Mare Island 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 Mare Island 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 encourage mixed use commercial and industrial development on Mare Island by removing the discretionary permit required for restaurants and retail establishments that sell and serve alcoholic beverages.
- b.) The amended Mare Island 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 Mare Island Specific Plan/Planned Development Master Plan conforms with public convenience, the general welfare and good land use practice.
- d.) The amended Mare Island Specific Plan/Planned Development Master Plan will not be detrimental to the health, safety and general welfare.
- e.) The amended Mare Island 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 Mare Island 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 Mare Island Specific Plan/Planned Development Master Plan.

SECTION 7. Adoption of the Amendment to the Mare Island 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 Mare Island 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.