

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO
AMENDING THE WATERFRONT PLANNED DEVELOPMENT
MASTER PLAN REGARDING ALCOHOL SALES, SERVICE
AND PRODUCTION ESTABLISHMENTS WITHIN
THE WATERFRONT AREA**

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

Based on the findings herein as stated in the resolution and the staff report, the City Council hereby adopts the following amendments to the Waterfront 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 the Commercial Land Uses section of Table 3: Permitted and Conditional Land Uses - Commercial and Industrial Types, which is contained in Section 9 “Project Development Profiles” of the Waterfront Planned Development Master Plan, are hereby amended as follows:

Table 3 Permitted and Conditional Land Uses – Commercial and Industrial Types					
Commercial Land Uses	Parcels B & C	Parcels J1 (Frontage on Festival Green) & Parcel L2	Parcels L1 & L4	Parcel S	Parcels T2 & T3
Eating and drinking establishments: <i>(Notes applicable to all uses below.)</i> Quick-service/take-out	P (2)	P (2), (3), (4)	P (2), (3), (4)	P (2), (3), (4)	—
	P (2)(7)	MNUP (2), (3), (4), (7)	MNUP (2), (3), (4), (7)	—	—
<i>Bar, Nightclub, Lounge, Tavern, Taproom</i>	<i>AP</i>	<i>AP</i>	<i>AP</i>	<i>AP</i>	--
<i>With Late Night Alcohol Sales or Service</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	--
<i>With Live Entertainment and/or Dancing</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	--
<i>Restaurant</i>					--
<i>Full Service</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	--
<i>Limited Service (Take Out Restaurant)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	--
<i>Brewpub</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	--

<i>With Beer and Wine Service</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	--
<i>With Full Bar Service</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	--
<i>With Late Night Alcohol Sales or Service</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	--
<i>With Live Entertainment and/or Dancing</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	--
<i>With Ancillary Banquet Facilities</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	--
<i>Banquet Facility (stand-alone)</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	<i>MJUP</i>	--
<i>Micro-brewery/micro-distillery</i>	<i>AP</i>	<i>AP</i>	<i>AP</i>	<i>AP</i>	--
<i>With Tasting room – accessory use</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	--
<i>With Ancillary Banquet facilities</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	--
<i>Tasting room – primary use</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	--
Food and beverage retail sales	--	<i>P</i> <i>(2),(3),(6)</i>	<i>P</i> <i>(2),(3),(6)</i>	--	--
11,000 square feet and under					
Greater than 11,000 square feet	=	<i>MJUP</i> <i>(2),(3),(6)</i>	<i>MJUP</i> <i>(2),(3),(6)</i>	--	--
Fast food/take-out	=	<i>MNUP</i> <i>(2),(3),(6),(7)</i>	<i>MNUP</i> <i>(2),(3),(6),(7)</i>	--	--
Food and beverage retail sales with alcohol sales <i>(Notes applicable to all uses below.)</i>		<i>(2),(3),(6)</i>	<i>(2),(3),(6)</i>		
<i>Liquor Store</i>	--	<i>MJUP</i>	<i>MJUP</i>	--	--
<i>Large Format Liquor Store</i>	--	<i>P</i>	<i>P</i>	--	--
<i>Grocery Store</i>	--	<i>P</i>	<i>P</i>	--	--
<i>Wine Shop</i>	--	<i>P</i>	<i>P</i>	--	--
<i>Convenience Store</i>	--	<i>MJUP</i>	<i>MJUP</i>	--	--
<i>Mini-Market Associated with Fuel Sales</i>	--	<i>MJUP</i>	<i>MJUP</i>	--	--
<i>Any Retail Use Above that includes Late Night Alcohol Sales or Service</i>	--	<i>MJUP</i>	<i>MJUP</i>	--	--

SECTION 2. The row concerning food and beverage processing within the Industrial Land Uses section of Table 3: Permitted and Conditional Land Uses - Commercial and Industrial Types, which is contained in Section 9 “Project Development Profiles” of the Waterfront Planned Development Master Plan is hereby amended as follows:

Table 3

Permitted and Conditional Land Uses – Commercial and Industrial Types

Industrial Land Uses	Parcels B & C	Parcels J1 (Frontage on Festival Green) & Parcel L2	Parcels L1 & L4	Parcel S	Parcels T2 & T3
Food and Beverage Processing Beer and Wine Manufacturing	–	–	–	–	MNUP
Beer and Wine Manufacturing with on-site tasting room <i>Micro-brewery/Micro-distillery, Regional Brewery, Distillery, Winery, and Wine Cellar</i>	--	--	--	--	MJUP AP (3)

SECTION 3. Rows (3) and (7) within the Land Use or Use Condition section of Table 3: Permitted and Conditional Land Uses - Commercial and Industrial Types, which is contained in Section 9 “Project Development Profiles” of the Waterfront Planned Development Master Plan, are hereby amended as follows:

Table 3

Permitted and Conditional Land Uses – Commercial and Industrial Types

	Land Use or Use Condition	Conditions, Limitations or Prohibitions
(3)	Liquor (alcohol) sales	Subject to the <i>definitions and provisions of the</i> restrictions and limitations of VMC. Sections 16.82.060Q (On-sale liquor establishments) and 16.82.060R (Off-sale liquor establishments). Tasting rooms, beer and wine manufacturing with on-site tasting rooms, and brewpubs are exempt from the one thousand foot restriction contained in VMC Section 16.82.060 Q (12), except that the combined number of stand-alone tasting rooms and brewpubs shall not exceed six (6).
(7)	Quick Service Restaurant/take-out (e)*	Permitted if 2,500 gross square feet or less Greater than 2,500 gross square feet – Permitted with a Minor Use Permit (MNUP).

SECTION 4. Row (e) concerning quick-service/take-out within the Definitions of Terms section of Table 3: Permitted and Conditional Land Uses - Commercial and Industrial Types, which is contained in Section 9 “Project Development Profiles” of the Waterfront Planned Development Master Plan, is hereby deleted as follows:

Definitions of Terms		
(e)	Quick-service/take-out	An eating and drinking establishment or a food and beverage retail sales establishment where: –More than 50% of the food, frozen desserts, and/or beverages intended for immediate consumption is available upon a short waiting time, and is packed or presented in such a manner that it may be readily consumed off of the premises, as well as on the premises where it is sold –There are no facilities for on-site consumption (seating), or where such facilities are limited or insufficient for the volume of customers purchasing such items.

SECTION 5. The legend for Table 3: Permitted and Conditional Land Uses – Commercial and Industrial Types, which is contained in Section 9 “Project Development Profiles” of the Waterfront Planned Development Master Plan, is hereby amended as follows:

LEGEND

- P = Permitted
- MJUP = Major Use Permit Required
- MNUP = Minor Use Permit Required
- AP** = **Administrative Permit Required**
- = Not Permitted
- (1) = Land Use Condition, Limitations or Prohibitions
- (a) = Definition

SECTION 6. General Findings.

1. The Waterfront Planned Development Master Plan is the Master Plan for the Waterfront and Vallejo Station Projects.
2. Planned Development Master Plans may be amended pursuant to 16.116.140 of the Vallejo Municipal Code.

SECTION 7. Master Plan Adequacy.

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

- a.) The amended Waterfront Planned Development Master Plan is consistent with the goals and policies of the Vallejo General Plan in that the amendment supports the Vallejo General Plan Waterfront Development Goal to strengthen Vallejo’s distinctive identity with waterfront development that enhances its economic vitality by removing the discretionary permit required for restaurants and retail establishments that sell and serve alcoholic beverages.

- b.) The amended Waterfront Planned Development Master Plan is consistent with the stated purpose of the Planned Development District as the amendment supports the goal to incorporate mixed land uses, which are people-oriented and which will allow the waterfront and downtown areas to evolve into the social, cultural and entertainment hub of the city. 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 Waterfront Planned Development Master Plan is in conformity with public convenience, the general welfare and good land use practice.
- d.) The amended Waterfront Planned Development Master Plan will not be detrimental to the health, safety and general welfare.
- e.) The amended Waterfront Planned Development Master Plan will not adversely affect the orderly development or the preservation of property values.

SECTION 8. Compliance with the California Environmental Quality Act.

The City Council has determined that the proposed amendment to the Waterfront Planned Master Development 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 Waterfront Planned Development Master Plan.

SECTION 9. Adoption of the Amendment to the Waterfront Planned Development Master Plan.

Based on the findings herein and in the resolution approved concurrently with this action, the City Council hereby adopts the Waterfront Planned Development Master Plan regarding alcohol sales, as amended by Plan Development Master Plan Amendment #17-0001, as specified above, holding on first reading of this ordinance.

SECTION 10. 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 provisions may be declared invalid.

SECTION 11. Effective Date.

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