

ORDINANCE NO. \_\_\_\_\_ N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING  
TITLE 16 (ZONING ORDINANCE) OF THE VALLEJO  
MUNICIPAL CODE REGARDING ALCOHOL SALES, SERVICE  
AND PRODUCTION ESTABLISHMENTS

THE 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 Title 16 of the Vallejo Municipal Code. New text shown in *bold italic*, deleted text in ~~strike-through~~.

SECTION 1: The following sections contained in Chapter 16.04 “Definitions” of the Vallejo Municipal Code are hereby amended to read as follows:

- “16.04.0467 Average slope.  
16.04.0479 Banks and financial institutions.  
**16.04.048 Banquet facility, ancillary.**  
**16.04.048.5 Banquet facility, stand alone.**  
**16.04.049 Bar, night club, lounge, tavern, taproom.**  
~~16.04.055 Bona fide eating place.~~  
16.04.055 **Brewpub.**  
16.04.131 Convenience market ~~store.~~  
**16.04.145 Distillery.**  
**16.04.235 Grocery store.**  
**16.04.281 Late night alcohol sales or service.**  
**16.04.285.5 Liquor store, large format.**  
**16.04.286 Live entertainment and dancing.**  
~~16.04.315 Market~~  
**16.04.315 Micro-brewery/micro-distillery.**  
**16.04.316 Mini-market associated with fuel sales.**  
**16.04.383 Regional brewery.**  
**16.04.391 Restaurant, full service.**  
**16.04.392 Restaurant, limited service.**  
**16.04.393 Restaurant with drive-through.**  
**16.04.394 Restaurant with live entertainment or dancing.**  
16.04.571 **Tasting room, accessory use.**  
**16.04.571.5 Tasting room, primary use.**  
**16.04.605 Wine Cellar.**  
**16.04.606 Winery.**  
**16.04.607 Wine Shop.**

**16.04.048 - Banquet facility, ancillary.**

*“Banquet facility, ancillary” means a room or area, or portion thereof, that is rented, leased or otherwise made available to any person or group for a private event or function, whether or not a fee is charged, where the banquet facility use is incidental and subordinate to the facility’s primary use as a restaurant, hotel, golf course, winery, microbrewery or other use.*

**16.04.048.5 - Banquet facility, stand alone.**

*“Banquet facility, stand alone” means a building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, whether or not a fee is charged.*

**16.04.049 - Bar, night club, lounge, tavern, taproom.**

*“Bar, night club, lounge, tavern, taproom” means an establishment that sells beer, wine, and/or distilled spirits in accordance with applicable California Department of Alcoholic Beverage Control regulations and may include live entertainment and/or dancing, and where food service is incidental and subordinate to the sale of alcohol.*

**16.04.055 – Bona fide eating place.**

~~“Bona fide eating place” means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation which has: 1) suitable kitchen facilities; 2) a primary use of sit down service to patrons; 3) adequate seating arrangements for patrons provided on the premises; 4) alcoholic beverages served for consumption on the premises only when served at tables or counters. A bona fide public eating place, which includes, but is not limited to, any facility which has obtained a State Department of Alcoholic Beverage Central license Type 41, On-Sale Beer and Wine Eating Place or Type 47, On-Sale General Eating Place, does not include any billiard or pool hall, video arcade, bowling alley or adult entertainment business. (Adapted in part from the California ABC Central Act, Business and Professions Code, s 23038); and 5) a minimum of sixty-seven percent of the bona fide eating place's gross receipts shall be from the sale of meals and other non-alcoholic products. The owner/operator shall submit at the time of city business license renewal certified evidence of the total meal and other non-alcoholic products sales upon request by city officials, for the purpose of verifying compliance.~~

**16.04.0556 - Brewpub.**

~~“Brewpub” means a small-scale beer manufacturer or microbrewery that produces and sells beer on the premises and may serve food for on-site consumption. A brewpub is considered an on-sale liquor establishment that may include off-site sales as an accessory~~

*activity full service restaurant with an on-site brewery that sells a minimum of twenty five percent of beer brewed on-site for on premise consumption.*

#### **16.04.131 - Convenience market store.**

*“Convenience market store” means a market serving neighborhood needs, of less than five thousand square feet in size, offering a broad selection of goods, but with less than twenty percent of the sales floor area devoted to the display of alcoholic beverages small, neighborhood-serving establishment of less than five thousand square feet that sells a range of food and merchandise oriented to daily convenience shopping needs such as limited groceries, packaged food, tobacco products, non-alcoholic beverages, and other household goods for off-site consumption. A convenience store may sell beer and wine under a California Department of Alcoholic Beverage Control Type 20 license provided the total floor area devoted to display of such products does not exceed ten percent of the gross floor area. A convenience store which sells distilled spirits in addition to beer and wine under a California Department of Alcoholic Beverage Control Type 21 license is a liquor store.*

#### **16.04.145 - Distillery.**

*“Distillery” means a facility authorized to produce, bottle, rectify, process, and store distilled spirits or alcohol (i.e. vodka or grain spirits), including, but not limited to: whiskey, gin, brandy, blended applejack, rum, tequila, cordials and liqueurs. Eating areas, tasting rooms and retail areas are permitted as accessory uses provided the floor area devoted to such uses does not exceed twenty five percent of the gross floor area including kitchen, food preparation, and retail and seating areas.*

#### **16.04.235 - Grocery Store.**

*“Grocery store” means a retail establishment of five thousand square feet or more and where the majority of floor area open to the public is occupied by fresh or packaged food products to be sold for preparation and consumption off-site. “Grocery store” includes retail chains that carry a full range of food and household products and have more than one location, and retail bakeries where any on-site baking is only for on-site sales. “Grocery store” does not include big box stores that combine grocery sales with a retail store.*

**16.04.281 - Late night alcohol sales or service.**

*“Late night alcohol sales or service” means any alcohol sales or service, for either on premise or off premise consumption, after eleven-thirty p.m. Such activity shall be subject to the provisions of Section 16.57.030.*

**16.04.285 - Liquor store.**

*“Liquor store” means a specialty store where the predominant products sold, twenty percent or more of the sales floor area, are alcoholic beverages, including beer and wine, and related items **retail establishment that sells packaged alcoholic beverages including beer, wine, and distilled spirits under a California Department of Alcoholic Beverage Control Type 21 license, not including large format stores.***

**16.04.285.5 - Liquor store, large format.**

*“Liquor store, large format” means a liquor store with seven thousand square feet or more of gross floor area with standard retail hours of operation terminating no later than eleven-thirty p.m.*

**16.04.286 - Live entertainment and dancing.**

*“Live entertainment and dancing” associated with an eating or drinking establishment means any “public dance” and/or live musical performances where fixed seating or chairs are not provided for each patron or customer in attendance. A fee or cover charge may or may not be imposed. A "public dance" shall not include dancing at a banquet facility, where the rental of such hall is for a private function and not open to the general public. “Live entertainment” includes musical acts, karaoke, theatrical acts, stand-up comedy, magic acts, disc jockey, and similar activities.*

**16.04.315 Market.**

*“Market” means a market serving neighborhood and community needs, greater than five thousand square feet in size, and offering a broad selection of goods, but with less than twenty percent of the sales floor area devoted to the display of alcoholic beverages.*

**16.04.315 - Micro-brewery/micro-distillery.**

*“Micro-brewery/micro-distillery” means a small-scale facility that produces and packages a maximum of fifteen thousand barrels (four hundred sixty-five thousand gallons) of alcoholic beverages per year for distribution, retail, or wholesale, on or off premises consumption and which meets all applicable California Department of Alcoholic Beverage Control regulations. Eating areas and tasting rooms are permitted as accessory uses to a micro-brewery/micro-distillery.*

**16.04.316 - Mini-market associated with fuel sales.**

***“Mini-market associated with fuel sales” means an establishment that sells a range of food and merchandise oriented to the motoring public with limited groceries, prepackaged or quick service food products, tobacco products and beverages. Such an establishment may have a California Department of Alcoholic Beverage Control Type 20 license and must meet the requirements of Business and Professions Code Section 23790.5.***

**16.04.383 - Regional brewery.**

***“Regional brewery” means a facility authorized to annually produce over fifteen thousand barrels (four hundred sixty-five thousand gallons) of beer, and is responsible for beer production, storage, bottling or packaging, and other similar activities. Eating areas, tasting rooms and retail areas are permitted as accessory uses provided the floor area devoted to such uses does not exceed twenty-five percent of the gross floor area including kitchen, food preparation, and retail and seating areas.***

**16.04.391 - Restaurant, full service.**

***“Restaurant, full service” means an establishment that serves food and beverages prepared on-site, where orders are delivered to a customer’s seating area for on-site consumption. Take-out service must be optional and ancillary to on-site food service. Bar service areas, if provided, must be clearly incidental and accessory to the primary food service use and meet the California Department of Alcoholic Beverage Control regulations for a Type 41 or 47 license.***

**16.04.392 - Restaurant, limited service.**

***“Restaurant, limited service” means an establishment that prepares food or sells packaged food for on-site consumption, take-out, or delivery. Typically, customers self-serve or are served from a walk-up counter. This classification includes cafeterias, delicatessens, fast-food or quick-service restaurants, sandwich shops, pizza parlors, snack bars, take-out restaurants, and catering businesses or bakeries that have a storefront restaurant component. These uses may have a beer and wine license that meets the California Department of Alcoholic Beverage Control regulations for a Type 41 license but such activity must be clearly incidental and accessory to the primary food service use.***

**16.04.393 - Restaurant with drive-through.**

***“Restaurant with drive-through” means an establishment from which prepared food, coffee, or other non-alcoholic beverages may be purchased by motorists who remain in***

*their vehicles during the sales transaction. Drive-through sales may be the establishment's primary use or may be ancillary to an on-site full service or limited service restaurant.*

**16.04.394 - Restaurant with live entertainment or dancing.**

*“Restaurant with live entertainment or dancing” means a full service or limited service restaurant that also provides live entertainment or dancing to live or recorded music for patrons. “Restaurant with live entertainment or dancing” does not include an establishment which provides coin-operated music player machines (i.e., jukeboxes) or other ambient recorded music. A “restaurant with live entertainment or dancing” is not a billiard or pool hall, video arcade, bowling alley or adult entertainment business.*

**16.04.571- Tasting room, accessory use.**

*“Tasting room, accessory use” means a facility that allows on-site tasting of alcoholic beverages and retail sales and possesses the appropriate California Department of Alcoholic Beverage Control license type. An accessory tasting room may be operated within a winery, micro-brewery/micro-distillery, grocery store, large format liquor store or wine shop as an accessory use provided it does not exceed fifteen percent of the gross building area and does not operate later than eleven-thirty p.m. “Tasting room, accessory use” is not permitted in liquor stores, convenience stores or mini-markets associated with fuel sales.*

*"Tasting room" means a facility licensed by the California Department of Alcohol Beverage Control to allow customers to taste or sample wine, beer, or other alcoholic beverage on the premises as provided by a beer manufacturer or wine grower. A tasting room may hold beer or wine related educational, sales or marketing events. Food sales are allowed. A tasting room is considered an on-sale liquor establishment that includes off-site sales as an accessory activity.*

**16.04.571.5 - Tasting room, primary use.**

*“Tasting room, primary use” means a facility of two thousand five-hundred square feet in gross floor area or less that is used for the sale and sampling of alcoholic beverages and operated in conjunction with a separate alcoholic beverage production facility licensed under a California Department of Alcoholic Beverage Control Type 02 license. Such a facility is located on a different lot or parcel of land than the production facility. Food service is limited and clearly incidental or accessory to the primary use; live entertainment or dancing, and late night alcohol sales and service are prohibited.*

**16.04.605 - Wine Cellar.**

***“Wine cellar” means a storage warehouse facility that is responsible for the blending, cellar treatment, storage, bottling, and/or packaging of wine but does not engage in wine production. Eating areas, tasting rooms and retail areas are permitted as accessory uses provided the floor area devoted to such uses does not exceed twenty-five percent of the gross floor area including kitchen, food preparation, and retail and seating areas.***

**16.04.606 - Winery.**

***“Winery” means a facility authorized to produce wine and responsible for wine production, blending, cellar treatment, storage, bottling or packaging, and other similar activities. Eating areas, tasting rooms and retail areas are permitted as accessory uses provided the floor area devoted to such uses does not exceed twenty-five percent of the gross floor area including kitchen, food preparation, and retail and seating areas.***

**16.04.607 - Wine Shop**

***“Wine Shop” means a retail establishment that specializes solely and exclusively in the sale of wine and wine related products, and which may hold ancillary wine tasting events.”***

**SECTION 2:** Section 16.06.340 “Eating and drinking establishments” contained in Section 16.06 “Use Classifications” of the Vallejo Municipal Code is hereby amended to read as follows:

“16.06.340 Eating and drinking establishments.

The eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption. Typical uses include restaurants, ~~short order eating places or~~ bars, brewpubs and tasting rooms, but does not include adult uses as defined and regulated by Chapter 16.59.”

**SECTION 3:** Section 16.06.500 “Wholesaling, storage and distribution” contained in Section 16.06 “Use Classifications” of the Vallejo Municipal Code is hereby amended to read as follows:

“16.06.500 - Wholesaling, storage, and distribution.

Wholesaling, storage, and distribution refers to establishments or places of business primarily engaged in wholesaling, storage, distribution and open-air handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

- A. Light. Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, food and beverage processing *including micro-brewery/micro-distillery, regional breweries, distilleries, wineries, wine cellars*, and manufacturing plants, storage warehouse or moving and storage firms.
- B. Heavy. Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.”

SECTION 4. Section 16.28.030 “Permitted uses subject to limitations” contained in Chapter 16.28 “Freeway Shopping and Service District” of the Vallejo Municipal Code is hereby amended to read as follows:

“16.28.030 - Permitted uses subject to limitations.

The following use types are permitted subject to the applicable provisions of Chapter 16.57 (the letter in parentheses following the use type refers to the subsection of Section 16.57.020 which applies):

- A. Commercial Use Types
  - 1. Eating and drinking establishments (J, K);
  - 2. Scrap operations: collection facility; small (W);
  - 3. ***Food and beverage retail sales (L)***”

SECTION 5. Subsections (J), (K), and (L) of Section 16.57.020 “Applicability” contained in Chapter 16.57 “Limitations on Permitted Uses” of the Vallejo Municipal Code are hereby amended to read as follows:

“J. Eating and Drinking Establishments.

- 1. ***Eating and drinking establishments offering live entertainment, dancing or late night alcohol beverage service and stand-alone banquet facilities offering alcohol beverage service, and bars, nightclubs, lounges, taverns, and taprooms offering alcohol beverage service in the Neighborhood Shopping and Service District shall require a major conditional use permit, as prescribed in Chapter 16.82. The planning commission may only grant such a permit if it finds, based on the substantial evidence in the record, that the conditions described in Section 16.82.050 exist. The planning commission shall also find that the location and operating characteristics of the proposed alcohol sales will not adversely affect sensitive land uses in the surrounding area, including, but not limited to, residences, schools, parks, playgrounds, places of religious assembly, hospitals, and convalescent homes. For the purposes of this section, "adversely affect" means to impact in a substantial, negative manner the economic value, habitability, or enjoyment of properties in the immediate area.***



**2. Bars, nightclubs, lounges, taverns, and taprooms offering alcoholic beverage service shall require an administrative permit, as prescribed in Chapter 16.96.**

- ~~J. Eating and Drinking Establishments [offering Alcoholic Beverages]. Eating and drinking establishments offering alcoholic beverages for off premises and/or on premises consumption shall be subject to a major conditional use permit, as prescribed in Chapter 16.82. The planning commission may grant such a permit only if, from the facts presented with the application, at the public hearing, or as determined by investigation, it finds that the conditions described in Section 16.82.050 exist. In addition, the commission must find that the location and operating characteristics of the proposed alcohol sales will not adversely affect sensitive land uses in the immediate area, including, but not limited to, residences, schools, parks, playgrounds, places of religious assembly, hospitals, and convalescent homes. For the purposes of this section, "adversely affect" shall mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties in the immediate area.~~
- K. Eating and Drinking Establishments [with a Drive-Through]: All quick service restaurants with a drive-through are subject to a major conditional use permit, as prescribed in Chapter 16.82. All quick service restaurants with a total floor area of two thousand five hundred square feet or more of gross floor area, and without a drive-through, are subject to a minor conditional use permit, as prescribed in Chapter 16.82.
- L. Food and Beverage Retail Sales. Food and beverage retail establishments offering alcoholic beverages for off premises and/or on premises consumption shall be subject to a major conditional use permit, as prescribed in Chapter 16.82.
1. ***Liquor stores, convenience stores, and mini-markets associated with fuel sales offering alcoholic beverages for off-premise consumption shall be subject to a major conditional use permit, as prescribed in Chapter 16.82.*** The planning commission may grant such a permit only if, from the facts presented with the application, at the public hearing, or as determined by investigation, it finds that the conditions described in Section 16.82.050 exist. In addition, the commission must find that the location and operating characteristics of the proposed alcohol sales will not adversely affect sensitive land uses in the immediate area, including, but not limited to, residences, schools, parks, playgrounds, places of religious assembly, hospitals, and convalescent homes. For the purposes of this section, "adversely affect" shall mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties in the immediate area.
  2. ***No liquor store, except for a large format liquor store, or convenience store, or mini-market associated with fuel sales offering alcoholic beverages for off-premise consumption shall be established within one thousand feet of a property containing an existing or approved liquor store, convenience store or mini-market***

*associated with fuel sales offering alcoholic beverages for off-premise consumption.”*

SECTION 6. Subsection (B) is hereby added to Section 16.57.030 “General limitations” contained in Chapter 16.57 “Limitations on Permitted Uses” of the Vallejo Municipal Code as follows:

*“B. Late Night Alcohol Sales or Service. Any retail or eating or drinking establishment that sells or serves alcohol after eleven-thirty p.m. shall require a major conditional use permit, as prescribed in Chapter 16.82. In deciding whether to issue a major conditional use permit, the planning commission shall consider the impacts of any discretionary land use that is already subject to a major use permit and that also proposes to engage in late night alcohol sales and/or service. The planning commission, in considering the impacts of late night alcohol sales and service, may approve, conditionally approve, or deny late night alcohol sales and service as it deems necessary to, manage, minimize, mitigate, eliminate or reduce the impacts of that activity on the public health and safety.”*

SECTION 7. Subsection (C) is hereby added to Section 16.62.030 “Computation rules” contained in Chapter 16.62 “Off-street Parking and Loading Regulations” of the Vallejo Municipal Code as follows:

*“C. For wholesaling, storage and distribution uses (including but not limited to breweries, distilleries and wineries) which have ancillary activities such as eating and retail areas, the parking requirement shall be based on the maximum peak use parking demand of either the primary or accessory use. If the peak period of the primary and accessory uses coincide, the parking requirement shall be based on combined demand, or as approved by the Planning Manager.”*

SECTION 8. Section 16.78.120 “Automatic deemed approved status” contained in Chapter 16.78 “Nonconforming Use and Deemed Approved Alcoholic Beverage Sale and Tobacco Retailer Regulations” of the Vallejo Municipal Code is hereby amended as follows:

**“16.78.120 - Automatic deemed approved status.**

All businesses engaged in the sale of alcoholic beverages, including ~~bona fide~~ eating and drinking *establishments* ~~places~~, that were nonconforming uses prior to August 25, 1998 *and not possessing a major conditional use permit for the sale and service of alcohol* shall automatically become deemed approved uses and shall no longer be considered nonconforming uses. ~~Any eating or drinking place that subsequently obtained a major use permit for the sale and service of alcohol between August 25, 1998 and August 1, 2017 shall similarly become deemed approved uses and shall no longer be considered nonconforming uses.~~—Each such deemed approved use shall retain this status *and may continue to engage*

*in late night alcohol service, dancing and/or live entertainment provided such activities were lawfully engaged in prior to August 1, 2017, and as long as it complies with the deemed approved performance standards as specified in Section 16.78.150.* None of the provisions of this chapter restrict any authority to require modification or termination of any deemed approved use which does not conform to the provisions of Section 16.78.150 or which has been declared to be a nuisance by the city council.

*Any business engaged in the sale of alcoholic beverages that obtained a major use permit for the sale and service of alcohol prior to August 1, 2017 may continue to lawfully operate pursuant to the terms and conditions of its major use permit so long as that permit has not been modified, revoked, suspended, or abandoned as set forth in Sections 16.82.110 to 16.82.150.”*

SECTION 9. Subsections (Q) and (R) of Section 16.82.060 “Standards and criteria for certain conditionally permitted uses” contained in Chapter 16.82 “Conditional Use Permit Procedure” of the Vallejo Municipal Code are hereby amended as follows:

~~“Q. On-sale liquor establishments~~ *Eating and drinking establishments that offer live entertainment, dancing and/or late night alcohol sales or service* shall comply with the following restrictions:

1. Shall be permitted only after securing a major *conditional* use permit, as prescribed in Chapter 16.82.
2. If adjacent to residential uses, *the planning commission shall consider imposing appropriate permit conditions to limit the noise impact on the residential properties including but not limited to interior and exterior restrictions such as noise limitation, parking lot orientation, sound barriers and other performance standards.* ~~shall have a soundwall at least six feet in height, to buffer the adjacent residential uses. The soundwall shall not be built to obstruct the view of the building and parking areas from the street. Vegetation shall be planted along the soundwall and be of the type that will provide covering of the fence surface within two years.~~
3. ~~Exterior lighting shall be provided at an intensity to illuminate the property and any parking areas. should be high pressure sodium, or equivalent type, and shall have an illumination intensity of between one and four footcandles. Lights shall be directed and shielded so as not to glare onto adjoining residential properties. Lights shall have a housing to protect against breakage. Broken or burnt out lights shall be replaced within 10 business days. one hundred twenty business hours.~~
4. ~~Shall not sell alcohol for off site consumption, except for tasting rooms and brewpubs approved by the California Department of Alcoholic Beverage Control.~~
5. ~~No exterior vegetation shall be planted that is susceptible to use as a hiding place for persons on the premises.~~

- ~~6. All graffiti shall be removed from the walls, fences, and/or buildings within ten business days one hundred twenty hours of its appearance on the property. If the property is controlled by a "management company," then the tenant shall, within two days, notify the company by "certified mail," of the graffiti.~~
- ~~7. Establish and maintain a "complaint response/community relations" program which coordinates with the local community division of the Vallejo police department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.~~
- ~~b. A local phone number for the area commander of the local police substation in the geographical area where the establishment is located for the receipt of complaints from the community regarding the subject facility and the main Vallejo police department phone number shall be posted at the entry or at the reception desk.~~
- ~~c. A representative of the subject facility should voluntarily meet with representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the establishment.~~
- ~~8. Sign and Advertising:~~
  - ~~a. The following signs shall be prominently posted in English, Spanish, and the predominant language of the facilities' clientele:
    - ~~(1) A sign shall be prominently posted within any subject establishment, and outside so as to be seen by anyone entering the establishment, stating that "California State Law prohibits the sale of alcoholic beverages to persons under twenty one years of age." (A notice shall also be placed on all menus.)~~
    - ~~(2) "No Loitering or Public Drinking" signs shall be posted in the alcohol beverage display areas in a readily visible manner.~~~~
- ~~9. A copy of the conditions of approval of the conditional use permit must be kept on the premises of the establishment and presented to any police officer or any authorized city official upon request.~~
- ~~10. All servers shall within ninety days of employment, complete an approved course in "responsible beverage service training". The outlet shall within ten days provide evidence of the employee's completion of this training to the planning division.~~
- ~~11. Whenever any of the situations identified in Section 16.82.140 occurs, a use permit issued for on site alcohol sales in accordance with this chapter shall become null or void, and a new use permit shall be required prior to resuming the sale of alcoholic products.~~
- ~~12. All new on site alcohol sales establishments, except bona fide eating establishments and on-site tasting rooms that are part of a beer and wine manufacturing facility, shall be located at least one thousand feet from all existing on-site and off-site alcohol sales outlets located on commercially zoned property, except that this separation shall not be measured from any~~

establishment that is not normally available to the general public such as private clubs and lodges.

**R. *Liquor stores, convenience stores, mini-markets associated with fuel sales, and food and beverage retail establishments offering late night alcohol sales or service for off-site consumption*** Off sale liquor establishments shall comply with the following restrictions:

1. Shall be permitted only after securing a major ***conditional*** use permit, as prescribed in Chapter 16.82.
2. ***If adjacent to residential uses, the planning commission shall consider imposing appropriate permit conditions to limit the noise impact on the residential properties including but not limited to interior and exterior restrictions such as noise limitation, parking lot orientation, sound barriers and other performance standards.*** In or adjacent to residential uses, shall have a soundwall at least six feet in height to buffer the adjacent residential uses. The soundwall shall not be built to obstruct the view of the building and parking areas from the street. Vegetation shall be planted along the soundwall and be of the type that will provide covering of the fence surface within two years.
3. All graffiti shall be removed from the walls, fences, and/or buildings within one hundred twenty hours of its appearance on the property.
4. Exterior lighting should be high pressure sodium, or equivalent type, and shall have an illumination intensity of between one and four footcandles. Lights shall be directed and shielded so as not to glare onto adjoining residential properties. Lights shall have a housing to protect against breakage. Broken or burnt out lights shall be replaced within one hundred twenty hours.
5. Trash receptacles, sixty gallons or less in size, shall be located at convenient locations outside the establishment, and the operators of the business shall remove all trash on a daily basis.
6. The sale of alcoholic beverages for on site consumption shall be prohibited.
7. Pay telephones on the site of the establishment must be of the type that only allows outgoing calls.
8. In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street.
9. Establish and maintain a "complaint response/community relations" program which includes the following:
  - a. **Monitoring of Complaints.** The applicant shall:
    - (1) Post at the entry, the reception desk, and provide to the immediate neighbors and the local neighborhood association, if any, the local phone number for the area commander of the local police substation in the geographical area. The phone number posted shall be one which is answered during normal business hours (eight a.m. to five p.m., Monday through Friday).

- ~~(2) Coordinate with the local community division of the Vallejo police department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.~~
- ~~b. A representative of the subject facility should voluntarily meet with representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the establishment.~~
- ~~10. Sign and Advertising. The following signs shall be prominently posted in English, Spanish, and the predominant language of the facilities' clientele:~~
- ~~a. "California State Law prohibits the sale of alcoholic beverages to persons under twenty one years of age." (A notice shall also be placed on all menus.)~~
- ~~b. "No Loitering or Public Drinking" signs shall be posted in the alcohol beverage display areas in a readily visible manner.~~
- ~~c. Signs, noting that it is illegal to consume alcoholic beverages in public parks, except in designated areas where the consumption of alcoholic beverages is permitted.~~
- ~~d. Signs, noting that it is illegal to possess an open container of alcohol in the vicinity of the selling establishment.~~
- ~~11. A copy of the conditions of approval of the conditional use permit must be kept on the premises of the establishment and presented to any police officer or any authorized city official upon request.~~
- ~~12. Applicant shall operate subject facility in a manner appropriate with mitigating alcohol related problems, including, but not limited to: sales to minors, the congregation of individuals, violence on-site, drunkenness, public urination, solicitation, and litter, which negatively impact those individuals living or working in the neighborhood.~~
- ~~13. All sales clerks in off site outlets less than five thousand feet in total area shall, within ninety days of employment, complete an approved course in "responsible beverage service training". The outlet shall within ten days provide evidence of the employee's completion of this training to the planning division.~~
- ~~14. All off-site outlets which also sell motor vehicle fuels shall comply with the restrictions contained in Section 23790.5 of the Business and Professions Code, to wit:~~
- ~~a. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler as of January 1, 1988;~~
- ~~b. No advertisement of alcoholic beverages shall be displayed at motor fuel islands;~~
- ~~c. No sale of alcoholic beverages shall be made from a drive-in window;~~
- ~~d. No display of beer or wine shall be made from an ice tub;~~

- e. ~~No beer or wine advertising shall be located on motor fuel islands, and no self-illuminated advertising for beer or wine shall be located on building or windows; and~~
- f. ~~Employees on duty between ten p.m. and two a.m. who sell beer or wine shall be at least twenty-one years of age.~~

~~Whenever any of the situations identified in Section 16.82.140 occurs, a use permit issued for off-site alcohol sales in accordance with this chapter shall become null or void, and a new use permit shall be required prior to resuming the sale of alcoholic products.~~

- 16. ~~All new off-site alcohol establishments, except retail establishments with a sales display area of at least eleven thousand square feet, shall be located at least one thousand feet from all existing on-site and off-site alcohol sales outlets located on commercially zoned land, except that this separation shall not be measured from any establishment that is not normally available to the general public such as private clubs and lodges.”~~

SECTION 10. Section 16.82.140 “New or amended use permit required” contained in Chapter 16.82 “Conditional Use Permit Procedure” of the Vallejo Municipal Code is hereby amended as follows:

**“16.82.140 - New or amended use permit required.**

A new or amended use permit shall be required ~~if~~ prior to any of the following situations apply:

- A. There is a change in type of license issued by the state of California Department of Alcoholic Beverage Control ~~(ABC)~~ ***for a liquor store, convenience store or mini-market associated with fuel sales.***;
- B. The floor area devoted to the display and/or sales of alcoholic beverages ***for a liquor store, convenience store or mini-market associated with fuel sales*** is to be expanded by more than twenty percent (this requirement does not include expansion of reception, eating, kitchen, service, or storage areas of ~~on-site outlets or expansion of service, storage, or sales areas for items other than alcoholic beverages in off-site outlets.~~)”

SECTION 11. Section 16.96.080 “Administrative Permit procedure for alcohol sales, service or production” is hereby added to Chapter 16.96 “Administrative Permit Procedure” of the Vallejo Municipal Code as follows:

***“16.96.080 Administrative Permit procedure for alcohol sales, service or production.***

- A. ***Purpose and Applicability. Each zoning district within the city permits particular uses suitable to that district. Certain other uses involving alcohol sales, service or production are presumed compatible but may create concerns within the***

*immediate environs depending upon the circumstances of the individual case. The administrative permit process is an expedited discretionary review process. Each permit will be considered individually by the development services director or his or her designee, and permitted, conditionally permitted, or denied. Any conditions of approval must be necessary to address the impacts of the project or necessary to retain the characteristics intended by zoning.*

**B. Application Filing and Processing.** *An applicant seeking a use involving the sales, service or production of alcoholic beverages requiring an administrative permit shall file an administrative permit application containing information on the use and its impacts as prescribed by the development services director and shall pay any processing fees prescribed by the city council. The application shall be processed in accordance with the provisions set forth in this section.*

**C. Review Authority.** *The development services director shall review and approve, conditionally approve, or deny all administrative permit applications. Any permit approval, conditional approval, or denial shall be accompanied by written findings showing:*

- 1. Whether the proposed use is consistent with all applicable sections of the general plan, any applicable specific plan or master plan, or provisions this title of the Municipal Code;*
- 2. Whether the proposed use and the conditions under which it would be operated or maintained will be detrimental to the public health and safety, or be materially injurious to properties or improvements in the vicinity;*
- 3. Whether the proposed use includes late night alcohol sales and service, dancing and/or live entertainment, or a drive-through which would require issuance of a major conditional use permit; and*
- 4. Any other findings as deemed necessary to support approval or denial of the proposed use.*

**D. Notice.** *Prior to action on an administrative permit, the development services director shall provide written notice by direct mail to the applicant, tenants, and property owners on properties within a radius of one hundred feet of the project site's property boundaries, as well as any person who files written request to receive administrative permit notices. Such notice shall advise the applicant, tenants, and property owners of the development services director's intent to issue or deny an administrative permit, including any conditions of approval, within ten days of such mailing unless a written request is received citing specific grounds why the permit should be issued or denied in contradiction to the development services director's preliminary decision, and/or suggesting additional restrictions or considerations for the development services director's consideration. Upon receiving such request within the ten-day review period, the development services director may modify the action and send notice of such action to all the parties noticed and advising of a ten-day appeal period in writing to the planning commission. If no request is received within the ten-day noticing period, then the development services director's action on the administrative permit is deemed final without the ability of appeal.*



***E. Appeals. If an appeal of the development services director's decision is filed within the ten-day appeal period, the development services director shall refer the administrative permit directly to the planning commission for hearing and decision. The hearing before the planning commission shall be conducted in compliance with Section 16.102.030 except that the same mailing list generated for the administrative permit shall be used for noticing of the planning commission hearing.***

***F. Director's Referral. The development services director may refer the administrative permit directly to the planning commission for hearing and decision at any point in the administrative permit process. The hearing before the planning commission shall be conducted in compliance with Section 16.82.030. Public notices for the administrative permit shall be used for noticing the planning commission hearing."***

SECTION 12. The proposed Ordinance is categorically exempt from the requirements of the California Environmental Quality Act. The Ordinance qualifies for a Class 1 Categorical Exemption ("Existing Facilities") under section 15301 of Title 14 of the California Code of Regulations. The proposed amendment affects the regulatory process for uses that are allowed in the zoning districts and will not have a significant impact on the environmental.

SECTION 13. 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 14: Effective Date.

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