

ORDINANCE NO. 1318 N.C. (2d)

AN ORDINANCE AMENDING ORDINANCE NO. 558 N.C. (2d), AS AMENDED, ENTITLED THE LAND USE ZONING ORDINANCE OF THE CITY OF VALLEJO, CHAPTER 16.04, DEFINITIONS, AND CHAPTER 16.82, CONDITIONAL USE PERMIT PROCEDURE, OF THE VALLEJO MUNICIPAL CODE

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

Section 1. That Ordinance No. 558 N.C. (2d) and Chapter 16.04, Definitions, is amended by adding the following sections:

16.04.355 Off-Sale Liquor Establishment

"Off-Sale Liquor Establishment" shall mean any establishment which will be applying for a liquor license from the California Department of Alcoholic Beverage Control, including types: 20(Off-Sale - Beer and Wine), and 21 (Off-Sale - General) to sell alcoholic beverages which will not be consumed on the property on which the alcohol was sold.

16.04.356 On-Sale Liquor Establishment

"On-Sale Liquor Establishment" shall mean any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises including but not limited to any facility which will be applying for an Alcoholic Beverage Control license type 41 (On-Sale - Beer and Wine - Eating Place) type 42 (On-Sale - Beer and Wine), type 47 (On-Sale - General Restaurant), type 48 (On-Sale - General - Public Premises), type 51 (On-Sale - Club), type 52 (On-Sale - Veteran's Club), and type 63 (On-Sale - Beer and Wine - Hospital).

Section 2. That Ordinance No. 558 N.C. (2d) and Chapter 16.82, Conditional Use Permit Procedure, is amended as follows:

16.82.020 Application.

- A. No Change.
- B. No Change.
- C. In addition, all applicants for a conditional use permit to sell alcohol, including beer and wine, shall submit a completed questionnaire, of a form and content as proscribed by the Planning Commission and/or City Council. Said questionnaire shall be mailed along with the public hearing notice, and sent to the State of California Department of Alcoholic Beverage Control.

16.82.060 Standards and criteria for certain conditionally permitted uses.

Whenever a use which is listed below requires a major or minor conditional use permit, the use permit application must demonstrate and the appropriate permit issuing authority shall certify that the use meets the following pertinent standards and criteria:

A. *Amusement arcades* shall be subject to the following conditions:

1. An amusement arcade having five or more amusement machines shall not be allowed except by a major conditional use permit issued pursuant to Section 16.82.030 of this chapter.
2. An amusement arcade having less than five amusement machines shall not be allowed except by a minor conditional use permit issued pursuant to Section 16.82.040 of this chapter.
3. An amusement arcade shall be permitted only in the linear commercial and the pedestrian and freeway shopping and service districts.
4. No amusement arcade shall be allowed within one thousand feet of any elementary or junior high school unless the hours of operation are limited to after school.
5. An amusement arcade may be required to close at nine p.m. depending on the types of adjoining uses, its hours of operation and the type of uses proposed in conjunction with the arcade.
6. An amusement arcade with five or more machines may be required to have a security guard, who shall be armed, after seven p.m. and such additional adult supervision as required by the planning division and/or planning commission.
7. Any use which constitutes an amusement arcade on the date the ordinance codified in this section becomes effective shall comply with the provisions of this subsection within sixty days thereafter.
8. The fee for all permits for amusement arcades shall be waived for persons or businesses which have amusement machines on the effective date of the ordinance codified in this section and which apply for a permit within six months of the effective date of the ordinance codified in this section.

E. *Convenience markets* shall meet all of the following conditions:

1. The site shall be at least fifteen thousand square feet;
2. The site shall be located on a collector street;
3. Lighting and signs shall not adversely affect any residential area, traffic safety or crime deterrence;
4. No automobile repairing/dismantling shall be permitted in or adjacent to the site;

No outdoor storage shall be permitted; and

5. Architectural features shall be similar to or blend in aesthetically with structures in the neighborhood and vicinity.
6. Comply with the provisions of section R below relating to the sale of alcohol for off-site consumption.

N. *Parking areas which are accessory- to nonresidential uses and are located in residential zoning districts* must meet the following conditions:

1. The parking area must be located on or abut the site of the use being served;
2. The parking area must be directly across an alley from the use served; or
3. The parking area must serve an existing use with inadequate parking and may be located across a street.
4. Exterior lighting shall be high pressure sodium type, and shall have an illumination intensity of between 1 and 4 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. Defective or removed lights shall be replaced within 48 business hours from the date of damage or removal.

O. *Automobile service stations and the sale of gasoline* shall meet all of the following standards in order to obtain a major use permit except that no major use permit may be granted authorizing this use in any residential district.

1. The use shall be located at the intersection of two major streets or a major and a collector street, or be part of a planned shopping center, freeway service complex, or other planned commercial concentration.
2. Where the use abuts or is across an alley from a residential zoning district, it shall comply with all the following standards:
 - a. A six-foot masonry wall shall be constructed along the property line which abuts the residential zoning district, or along the property line which is across the alley from said zoning district;
 - b. All site lighting and lighted signs shall be directed away or shielded from the residential zoning district;
 - c. The use shall comply with the front and side yard requirements which apply to the affected residential zoning district. All required yards shall be appropriately landscaped.
3. The use shall have a site area of at least fifteen thousand square feet when the use is not in conjunction with a planned complex.

Section 3. That Ordinance No. 558 N.C. (2d) and Chapter 16.82, Conditional Use Permit Procedure, is amended by adding the following sections:

- Q. *On-Sale Liquor Establishments* shall comply with the following restrictions:
1. Shall be permitted only after securing a major use permit, as prescribed in Chapter 16.82.
 2. If adjacent to residential uses, shall have a soundwall at least 6 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 should be high pressure sodium, or equivalent type, and shall have an illumination intensity of between 1 and 4 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 120 business hours.
 4. Shall not sell alcohol for off-site consumption.
 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 120 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 includes the following:
 - a. 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 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 21 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.

R. *Off-Sale Liquor Establishments* shall comply with the following restrictions:

1. Shall be permitted only after securing a major use permit, as prescribed in Chapter 16.82.
2. In or adjacent to residential uses, shall have a soundwall at least 6 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 120 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 1 and 4 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 120 hours.
5. Trash receptacles, 60 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 (8 am.- 5 pm., 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 representative 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 21 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.

