

ORDINANCE NO. 1810 N.C (2d)

**AN ORDINANCE OF THE CITY OF VALLEJO MUNICIPAL CODE AMENDING
TITLE 16 RELATED TO CANNABIS USES**

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

SECTION 1. Section 16.06.020 of the Vallejo Municipal Code is hereby amended to read as follows:

16.06.020 - Listing of use classifications.

All uses are classified into the following use types, which are described in Section 16.06.050 through Section 16.06.630, inclusive. See Section 16.06.030 for classification of combinations of uses resembling different types.

C. Commercial Use Types:

- Administrative and professional services
- Agricultural supplies and services
- Animal sales and services: auctioning
- Animal sales and services: grooming
- Animal sales and services: horse stables
- Animal sales and services: kennels
- Animal sales and services: veterinary (large animals)
- Animal sales and services: veterinary (small animals)
- Automotive and equipment: cleaning
- Automotive and equipment: fleet storage
- Automotive and equipment: parking
- Automotive and equipment: repairs, heavy equipment
- Automotive and equipment: repairs, light equipment
- Automotive and equipment: sales/rentals, farm equipment
- Automotive and equipment: sales/rentals, heavy equipment
- Automotive and equipment: sales/rentals, light equipment
- Automotive and equipment: storage, nonoperating vehicles
- Building maintenance services

Business equipment sales and services
Business support services
Cannabis testing laboratory
Communications services
Construction sales and services
Convenience sales and personal services
Eating and drinking establishments
Explosive storage
Financial, insurance and real estate services
Food and beverage retail sales
Funeral and interment services: cremating
Funeral and interment services: interring
Funeral and interment services: undertaking
Gasoline sales
Laundry services
Live/work
Medical services
Participant sports and recreation: indoor
Participant sports and recreation: outdoor
Personal services, general
Personal services, consumer
Public entertainment
Research services
Retail sales: general
Retail sales: swap meets
Retail sales: cannabis
Scrap operations
Spectator sports and entertainment: limited

Spectator sports and entertainment: general

Transient habitation: campground

Transient habitation: lodging

Transient habitation: resort

Wholesaling, storage and distribution: light

Wholesaling, storage and distribution: heavy

SECTION 2. Chapter 16.06 of Article I is hereby amended adding Section 16.06.305 and Section 16.06.460(D) to the Vallejo Municipal Code to read as follows:

16.06.305 – Cannabis testing laboratory.

A testing laboratory, facility, or entity which offers or performs tests of cannabis goods to determine its chemical profile, the presence of contaminants, or other similar information. This use must obtain and maintain proper licenses from the State of California.

16.06.460 – Retail sales.

Retail sales refers to places of business primarily engaged in the sale of commonly used goods and merchandise, but excludes those classified as agricultural supplies and services, animal sales and services, automotive and equipment, business equipment sales and services, food and beverage retail sales and gasoline sales. The following are retail sales use types:

- A. General. The retail sale or rental, from the premises, of goods and merchandise for personal or household use, but excluding those uses listed above. Typical uses include department stores, apparel stores or furniture stores.
- B. Swap Meets. The display, exchange, barter or sale of new or used common household items or office equipment and furnishings, providing that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged.
- C. Adult Uses. The retail sale or rental, from the premises, of goods and merchandise for adult use as defined and regulated by Chapter 16.59.
- D. Cannabis. The retail sale or dispensation of cannabis and cannabis products.

SECTION 3. Section 16.06.500 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. This use type also excludes wholesaling, storage, and distribution of cannabis. 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 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 16.06.510 of the Vallejo Municipal Code is hereby amended to read as follows:

16.06.510 - General description of industrial use types.

Industrial use types include the on-site production of goods by methods that are not agricultural or extractive in nature. However, cannabis cultivation, medical marijuana distribution, and medical marijuana manufacturing are included in industrial use types. They also include certain uses accessory to the above, as specified in Chapter 16.58, Accessory and Temporary Use Regulations, except cannabis cultivation, distribution and manufacturing.

SECTION 5. Sections 16.06.544, 16.06.545, and 16.06.546 of the Vallejo Municipal Code are hereby amended to read as follows:

16.06.544 – Cannabis cultivation.

The cannabis cultivation use type refers to commercial activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

16.06.545 – Cannabis distribution.

The cannabis distribution use type refers to the procurement, sale, and transport of cannabis and cannabis products between persons who are holders of state licenses and local permits.

16.06.546 – Cannabis manufacturing.

The cannabis manufacturing use type refers exclusively to the non-volatile production, preparation, propagation, or compounding of cannabis or cannabis products whether done directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, at a fixed location.

This classification also includes infusion consisting of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product as well as packaging or repackaging cannabis or cannabis products and/or labels or re-labels its container. Volatile methods of production, preparation, propagation, compounding or infusion are prohibited.

SECTION 6. Section 16.06.550 of the Vallejo Municipal Code is hereby amended to read as follows:

16.06.550 - General description of agricultural use types.

Agricultural use types include the on-site production of plant and animal products by agricultural methods. They also include certain uses accessory to the above as specified in Chapter 16.58, Accessory and Temporary Use Regulations. Agricultural use types excludes cannabis cultivation.

SECTION 7. Chapter 16.18 Limited Office District is hereby amended adding Sub-Section 16.18.050 (A.2.) to the Vallejo Municipal Code to read as follows:

16.18.050 - Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

- A. Commercial Use Types.
 - 1. Live/work.
 - 2. Retail sales: cannabis

SECTION 8. Chapter 16.20 Neighborhood Shopping and Service District is hereby amended adding Sub-Section 16.20.050 (A.2.) to the Vallejo Municipal Code to read as follows:

16.20.050 - Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

- A. Commercial Use Types.
 - 1. Live/work.
 - 2. Retail sales: cannabis

SECTION 9. Chapter 16.22 Linear Commercial District is hereby amended adding Sub-Section 16.22.050 (A.3.) to the Vallejo Municipal Code to read as follows:

16.22.050 - Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

- A. Commercial Use Types.
 - 1. Live/work.
 - 2. Construction sales and services: home improvement materials
 - 3. Retail sales: cannabis.

SECTION 10. Chapter 16.24 Pedestrian Shopping and Service District is hereby amended adding Sub-Section 16.24.050 to the Vallejo Municipal Code to read as follows:

16.24.050 - Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

- A. Commercial Use Types.
 - 1. Retail sales: cannabis.

SECTION 11. Chapter 16.28 Freeway Shopping and Service District is hereby amended adding Sub-Section 16.28.050 (A.2.) to the Vallejo Municipal Code to read as follows:

16.28.050 - Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

- A. Commercial Use Types.
 - 1. Construction sales and services: home improvement materials
 - 2. Retail sales: cannabis.

SECTION 12. Chapter 16.33 Intensive-Use Limited District is hereby amended eliminating Sub-Section 16.33.030(B) and amending Section 16.33.050 of the Vallejo Municipal Code to read as follows:

16.33.030 - Permitted uses subject to limitations.

The following use types are permitted subject to complying with the intent and purpose of this chapter and 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. Animal sales and services: kennels (D);
 - 2. Automotive and equipment: cleaning (F);
 - 3. Food and beverage retail sales (L);
 - 4. Retail sales: adult uses (R).

16.33.050 - Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

- A. Commercial Use Types.
 - 1. Cannabis testing laboratory
 - 2. Retail sales: cannabis
- B. Industrial Use Types
 - 3. Cannabis cultivation
 - 4. Cannabis distribution
 - 5. Cannabis manufacturing

SECTION 13. Chapter 16.34 is hereby amended eliminating Sub-Section 16.34.030(C) and amending Section 16.34.050 of the Vallejo Municipal Code to read as follows:

16.34.030 - Uses subject to limitations.

The following use types are permitted subject to complying with the intent and purpose of this chapter and to the applicable provisions of Chapter 16.57 (the letter in parenthesis following the use type refers to the subsection of Section 16.57.020 which applies):

- A. Civic Use Types.
 - 1. Administrative services.
 - 2. Clinic services.
 - 3. Community education (X).
- B. Commercial Use Types.
 - 1. Animal sales and services: kennels (D);
 - 2. Animal sales and services: veterinary (small animals - outdoor kennels and runs) (E);
 - 3. Automotive and equipment: cleaning (F);
 - 4. Eating and drinking establishments (J), (K);
 - 5. Food and beverage retail sales (L);
 - 6. Transient habitation: emergency shelter for homeless (FF);
 - 7. Wholesaling, storage, and distribution: light (S).

16.34.050 - Uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

- A. Commercial Use Types.

1. Cannabis testing laboratory
 2. Retail sales: cannabis.
- B. Industrial Use Types
1. Cannabis cultivation.
 2. Cannabis distribution
 3. Cannabis manufacturing

SECTION 14. Chapter 16.57 Limitations on Permitted Uses is hereby amended deleting Sub-Section 16.57.020 (II) of the Vallejo Municipal Code as follows:

16.57.020 – Applicability

The following limitations shall apply to uses indicated by the corresponding letter in parentheses in the previous sections entitled "Permitted uses subject to limitations."

- A. Family Residential. All multiple dwelling developments of three to eight units, inclusive, shall be subject to review by the planning department as prescribed in Chapter 16.90, Site Development Plan Approval. All multiple dwelling developments of nine or more units and all condominium projects shall be subject to review by the planning commission, as prescribed in Chapter 16.82, Conditional Use Permit Procedure.
- B. Family Residential. Dwelling units shall be permitted only when located on other than the street level of the building; except in the waterfront shopping and service district where ground level dwelling units associated with the waterfront may be permitted, upon issuance of a major use permit, as prescribed in Chapter 16.82.
- C. Cultural Exhibits and Library Services. Limited to marine museums and marine-related exhibits.
- D. Animal Sales and Services: Kennels. There shall be no kennels within two hundred feet of a residential use or residentially zoned district.
- E. Animal Sales and Services: Veterinary (small animals). There shall be no veterinary facilities within two hundred feet of a residential use or residentially zoned district.
- F. Automotive and Equipment: Cleaning. There shall be no automated car washes located within two hundred feet of any residential use or residentially zoned district.
- G. Automotive and Equipment: Repairs, Light Equipment. Limited to activities conducted indoors and accessory to retail uses.
- H. Automotive and Equipment: Sales/rental, Light Equipment. Limited to activities conducted indoors.
- I. Business Equipment Sales and Services. Limited to establishments dispensing marine products, supplies and services.
- 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.
- K. Eating and Drinking Establishments [with a Drive-Through]: All restaurants with a drive-through are subject to a major conditional use permit, as prescribed in Chapter 16.82.
- L. Food and Beverage Retail Sales.
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 minimarket 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.
- M. Personal Services: General. The following uses are subject to a major use permit, as prescribed in Chapter 16.82: any practice of massage, alcohol rub, or similar

treatment, fomentation, bath, or electric or magnetic treatment; except when such offices are an integral part of and operated by a hospital, convalescent home, sanitarium, medical clinic, medical laboratory, medical education facility, or other medical facility licensed as such by the state or other competent and lawful authority.

- N. **Personal Services: General.** The following uses are not permitted: any practice of massage, alcohol rub, or similar treatment, fomentation, bath, or magnetic treatment; except when such offices are an integral part of and operated by a hospital, convalescent home, sanitarium, medical clinic, medical laboratory, medical education facility, or other medical facility licensed as such by the state or other competent and lawful authority.
- O. **Repair Services: Consumer.** Consumer repair services excludes appliance, radio and T.V. repair shops within this district.
- P. **Repair Services: Consumer.** Limited to establishments dispensing marine products, supplies, and services.
- Q. **Retail Sales: General.** Adult bookstores or adult theaters. This subsection was replaced by Chapter 16.59, Adult Uses.
- R. **Retail Sales: adult uses,** as defined in Chapter 16.59, are prohibited.
- S. **Wholesaling, Storage, and Distribution: Light.** The storage of equipment or materials out-of-doors shall be permitted when screened from view from public streets and other dissimilar uses, as prescribed in Chapter 16.70, screening and landscaping. Beer and wine manufacturing facilities that include on-site tasting rooms shall be subject to a major conditional use permit, as prescribed in Chapter 16.82.
- T. **Animal Raising.** Animal raising shall exclude animal feed yards and the keeping of hogs and turkeys.
- U. **Custom Manufacturing.** Must be in conjunction with retail sales.
- V. **Automotive and Equipment: Repairs, Heavy Equipment; Automotive and Equipment: Sales/rentals, Heavy Equipment.** Limited to boat sales and service.
- W. **Scrap Operations: Collection Facilities.** Small collection facilities are allowed subject to an administrative permit. Chapter 16.96, pursuant to Section 16.58.040G; large collection facilities are allowed upon obtaining development permit as set forth in Section 16.75.050.
- X. **Community Education.** Limited to establishments that offer day care, pre-school, and/or before and after school care services for children between the ages of newborn through twelve years of age; must be licensed by the State Department of Social Services; allowed after issuance of a major use permit, as prescribed in Chapter 16.82.
- Y. **Group Care.** Day care for seven to twelve children between the hours of six a.m. and eight p.m. is considered to be an accessory use, as described in Chapter 16.58, and is allowed subject to the provisions prescribed in Chapter 16.58. Day care for

seven to twelve children between the hours of eight p.m. and six a.m. and all other group care is allowed subject to a minor use permit, as prescribed in Chapter 16.82.

- Z. **Medical Offices.** Medical offices are permitted subject to securing a minor use permit; provided however, that not more than ten percent of the gross floor area of a retail center may be devoted to this use. For the purposes of this definition, a retail center shall mean a building or group of buildings having a gross floor area of at least forty thousand square feet and at least five tenants. Applications for medical offices that collectively occupy more than ten percent are permitted subject to securing a major use permit.
- AA. Telecommunications facilities may be allowed, subject to the provisions of Section 16.75.100A.
- BB. **Live/Work, Residential.** Live/work occupancies in residential zones shall be limited to buildings that were originally constructed or had been previously legally converted for commercial purposes, subject to approval of a minor use permit.
- CC. **Live/Work, Commercial.** Live/work occupancies are not permitted in shopping centers. The front or public portion of any live/work space must be occupied by the "work" component of the occupancy. Approval of a minor use permit is required for all commercial live/work occupancies.
- DD. **Second Family Residential.**
 - 1. **Required Standards.** Any application for a second family residential unit or second unit that meets the following location and development standards shall be processed ministerially and shall not require a zoning permit, per Section 65852.2 of the California Government Code:
 - a. When there is an adopted neighborhood plan, prior to July 1, 2003, for an area of the city, no second unit shall be permitted unless specifically allowed by said neighborhood plan.
 - b. A single-family residential unit or primary unit must exist on the lot, or can be constructed on the lot in conjunction with the construction of the second unit. The second unit can either be attached to the primary unit and located within the living area of that dwelling unit, or detached from the primary unit and located on the same lot as the primary unit.
 - c. The provisions of Chapter 15.20 (regulations of the subdivision of developed lots into lots of less than five thousand square feet) shall not be applicable to any second unit; i.e., no lot with a second unit shall be subdivided into a lot less than five thousand square feet.
 - d. **Number per lot:** No more than one second unit may be located on any lot.
 - e. **Lot Size:** The minimum lot area upon which a second unit is located shall be five thousand square feet.

- f. **Unit Size:** The floor area of the second unit shall not exceed six hundred forty square feet on lots less than ten thousand square feet, and eight hundred square feet on lots over ten thousand square feet. At no time, however, shall the applicable maximum lot coverage standard be exceeded. Efficiency units shall not contain less than one hundred fifty square feet.
- g. **Site Development standards:** (a) Yards, Lot Coverage and Height. The required yards, lot coverage, and structure height standards of the primary unit shall also apply to an attached second unit. Required yards and coverage standards shall apply to detached second units. At no time, however, shall a detached second unit exceed twenty-five feet in height. An existing structure converted to a detached second unit may be within three feet of any side or rear property line, with the approval of a minor exception permit. Detached second units shall be a minimum of five feet from the primary unit and shall not be located closer to the front property line than the primary unit. (b) Privacy. Any window or door of a second story second unit that faces adjacent residences shall utilize one or more of the following techniques to lessen the privacy impacts onto those properties: (1) use of opaque windows; (2) window placement above eye-level (five feet or below) if architecturally compatible; (3) provision of vegetative or other screening treatment installed and effective prior to occupancy; and (4) location of windows and doors on second unit walls facing the interior rather than exterior of the subject lot.
- h. **Architectural Treatment:** Entrances to an attached second unit shall be located on the side or in the rear of the primary structure. The design of the second unit must be architecturally consistent with the existing primary unit. Architectural consistency is defined as having consistency in the (1) shape and style of exterior doors and windows; (2) level and type of architectural design details; (3) building materials and paint color; and (4) roof style and pitch.
- i. **Occupancy:** The applicant of the second unit must be the owner-occupant. Either the primary unit or the second unit must be owner-occupied. The owner-occupant is defined as an individual who uses either the second unit or primary unit as his or her principal residence. The definition of principal residence shall be as established in Section 16.04.362 of the V.M.C. A deed restriction shall be placed on the property outlining the occupancy requirement.
- j. **Off-street Parking and Access:** The second unit must be provided with one additional off-street parking space than required for a single-family dwelling unit. The additional space may be covered or uncovered. No required parking for the primary or second unit shall be located such that parking could block it for the other unit. No more than one covered space shall be provided for the second unit.

- h. A client waiting and intake area shall be provided as interior space and contain a minimum of ten square feet per bed provided at the facility, and a minimum size of one hundred square feet of floor area.
- i. Outdoor charitable food distribution shall be conducted entirely on private property in a covered area during times that are approved by the city, and shall not block accessible pathways.
- j. Outdoor toilets and outdoor public telephones shall not be visible from the public right-of-way or public property.
- k. No signs shall be present on the property relating to its use as a shelter for the homeless.
- l. Donation/collection bins and areas shall be screened from public view and shall be open to the public between the hours of 9:00 a.m. to 6:00 p.m. A sign stating hours of operation shall be placed in a clear, visible location and shall be no larger than fifteen square feet.
- m. Adequate storage for personal belongings shall be provided.
- n. The city may inspect the facility during business hours for compliance with the management plan and any other applicable regulations and standards.
- o. A minimum of one staff person or agent shall be on-duty and awake when the facility is in operation.
- p. Management plan: The applicant or operator shall submit a management and operation plan for the emergency shelter for review and approval by the planning manager prior to approval of a business license. The plan shall include, but not be limited to, the following:
 - 1. Security.
 - 2. Staff training.
 - 3. Neighborhood relations.
 - 4. Pet policy.
 - 5. Client intake process.
 - 6. List of services provided.
 - 7. Facility maintenance.
 - 8. Refuse control.
 - 9. Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity policies.
 - 10. Anti-discrimination policies.The plan may be reviewed as needed by the city with revisions made by the operator.

GG. Limited to assisted living facilities, subject to securing a major use permit.

- HH. Limited to assisted living facilities that include twenty-four hour nursing or other medical services, subject to securing a major use permit.

SECTION 14. Sub-Section 16.58.040 H. of the Vallejo Municipal Code is hereby added to read as follows:

16.58.040 - Specific accessory uses and standards.

The following accessory uses shall be permitted in all zoning districts, except as otherwise stated:

- A. Off-street parking for use by persons living, conducting business, or visiting the premises provided screening requirements described in Section 16.70.030 are met.
- B. Structures housing equipment and materials used exclusively on the premises;
- C. Structures for the conduct of recreational activities for use by persons living on the premises;
- D. The day care of seven to twelve children group care) shall be permitted with the issuance of an administrative permit, except as required in Section 16.57.020, and shall be subject to the criteria and the standards listed in this subsection:
 - 1. The space and staffing standards shall at a minimum meet state requirements.
 - 2. The hours of operation of such child care dwelling shall be between six a.m. and eight p.m.
 - 3. The operator and the premises must be licensed or certified by the California department of social services.
 - 4. The operator must be a full-time resident of the dwelling unit in which the facility is located.
 - 5. The premises shall be subject to fire and health inspection by the city and the use permitted thereon shall be contingent upon compliance with fire and health regulations and requirements.
 - 6. Such use shall not adversely affect the neighborhood in which it is located. For the purposes of this subsection, "adversely affect" shall mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties in the immediate area.
- E. The total number of communications towers for the purpose of supporting amateur radio, television, or citizens band radio antennas which may be erected on the premises for the express use of the occupant of the premises may not exceed three, unless restricted or prohibited by state and/or federal regulations or applicable covenants, conditions and restrictions. Heights of the communications towers in residential districts shall not exceed the following limits: one, seventy-two feet; remaining two, sixty feet;

F. A small collection facility is allowed subject to an administrative permit and to the criteria and the standards listed in this subsection:

1. Permit for multiple sites: A single administrative permit may be granted to allow more than one reverse vending machine or more than one small collection facility, even if located on different sites, but only if:
 - a. The operator of each of the proposed facilities is the same;
 - b. All of the applicable criteria and standards set forth in subdivision 2 of this subsection are met for each such proposed facility; and
 - c. The proposed facilities are determined by the planning director to be similar in nature, size and intensity of activity;
2. Criteria and standards. A recycling facility permitted with an administrative permit shall meet all of the applicable criteria and standards listed in this subdivision. A recycling facility permitted with a site development permit or conditional use permit shall meet the applicable criteria and standards listed below; provided that the planning manager, planning commission or city council, as the case may be, may relax such standards or impose stricter standards, upon a finding that such modifications are reasonably necessary in order to implement the general intent of this part and the purposes of this title. The criteria and standards for a recycling facility are as follows:
 - a. A reverse vending machine:
 - i. Shall be located within thirty feet of the entrance of the host business and shall not obstruct pedestrian or vehicular circulation;
 - ii. Shall be constructed and maintained with durable waterproof and rustproof material and shall be covered;
 - iii. Shall be clearly marked to identify the type of material to be deposited;
 - iv. Shall have a sign area of no more than four square feet and sign(s) shall be attached to the machines;
 - v. Shall number no more than three machines per host business;
 - vi. Shall be no more than fifty cubic feet in bulk and no more than eight feet in height;
 - vii. Shall not occupy parking spaces required by the primary use;
 - viii. Shall be maintained in a clean, litter-free condition on a daily basis;
 - ix. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

Reverse vending machines located indoors do not require any permits under this title.

- b. **Small collection facility:**
- i. Containers shall be constructed and maintained with durable, waterproof and rustproof material and shall be covered;
 - ii. Containers shall be clearly marked to identify the type of recyclable or recyclables which may be deposited;
 - iii. The facility shall be clearly marked to identify the name and telephone number of the facility operator;
 - iv. Site shall be swept and maintained in a dust-free, litter-free condition on a daily basis;
 - v. The facility shall be placed on a site so as not to obstruct on-site or off-site pedestrian or vehicular circulation;
 - vi. The facility shall be set back at least ten feet from any street line;
 - vii. The facility shall not impair the landscaping required for any concurrent use by this title or any permit issued pursuant thereto;
 - viii. Noise level shall not at any time exceed fifty-five dBA as measured at the property line of residentially zoned or occupied property; otherwise shall not exceed seventy dBA;
 - ix. The facility shall not include power-driven sorting and/or consolidation equipment such as crushers or balers, except bulk reverse vending machines;
 - x. Signs shall be provided as follows:
 - (A) An unattended container not over fifty cubic feet in bulk and not over eight feet in height may have a maximum sign area of four feet, and
 - (B) Other containers or units may have one flat-mounted sign per side of container or wall of enclosure of twenty percent of the surface of the side or six square feet, whichever is greater;
 - xi. The minimum average illumination of the site shall be one-half footcandle;
 - xii. Use of the facility for collection of refuse or hazardous waste is prohibited;
 - xiii. The facility shall be removed from the site on the day following permit expiration;
 - xiv. An attended facility shall be in operation only during the hours of operation of the host business;

- xv. The facility shall conform to all development regulations for the zoning district in which it is located; for an attended facility, a minimum of one parking space per attendant shall be provided;
- xvi. The operator of any recycling collection facility shall, on a daily basis, remove any and all recyclable materials or refuse which has accumulated or is deposited outside the containers, bins or enclosures intended as receptacles for such materials;
- xvii. All recyclable material shall be stored in containers or in the mobile unit vehicle;
- xviii. Containers for the twenty-four hour donation of materials shall be at least thirty feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
- xix. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

3. Nonconforming small collection facilities.

- a. The provisions of this section are applicable to any small collection facility which was lawfully erected and maintained prior to adoption of the ordinance codified in this subsection and which now fails to conform to all the provisions of this subsection. It is unlawful for any person to maintain a nonconforming small collection facility beyond the twelve-month period.

G. Residents shall be allowed to hold a "garage sale" to sell personal and household items from their residence, subject to the following standards:

- 1. Residents of a one-unit or two-unit residence shall be allowed to hold a garage sale a maximum of three weekends (Friday, Saturday and Sunday - and Monday if it is a legal holiday) in a twelve consecutive month period.
- 2. Residents of an apartment or condominium complex consisting of three or more units shall be allowed to hold a garage sale as many times as allowed by the apartment manager or owner's association board, but no more than six weekends in a twelve consecutive month period. However, the sale shall not be conducted in a manner which will preclude the use of any parking space, or interfere with traffic moving through the property.
- 3. Neighborhood or "block" garage sales, where at least three households participate, shall be subject to the three weekend limit.
- 4. Signage. Signage shall comply with the requirements of Chapter 16.64. However, signs advertising the garage sale, or giving directions thereto,

shall not be erected before five p.m. the day before the sale and shall be removed before eight a.m. the day following the sale.

- H. The following accessory uses may be permitted, whenever the applicable state permit has been obtained, and subject to an administrative permit as described in this subsection, whenever the principal use is retail sales of cannabis.
1. Cannabis manufacturing may be permitted as an accessory use subject to the following restrictions:
 - a. The extraction process shall consist of separating cannabinoids from cannabis plant material solely by press or non-volatile solvent between the temperatures of 60 and 200 degrees Fahrenheit.
 - b. The extraction shall take place in an area not to exceed one hundred square feet located within or attached and internally connected to the principal structure.
 - c. The infusion process shall consist of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product.
 - d. The cannabis manufacturing shall not exceed 10 percent of the total floor area of the principal use or 500 square feet, whichever is less.
 - e. The manufacturing space is only accessible to employees and shall not be visible to the general public.
 2. Cannabis distribution may be permitted as an accessory use subject to the following restrictions:
 - a. The area utilized for cannabis distribution shall not exceed 30 percent of the total floor area of the principal use or 1,500 square feet, whichever is lesser.
 - b. The distribution storage area shall be fully enclosed within or attached and internally connected to the principal structure.
 - c. The distribution storage area shall only be accessible to employees and shall not be visible to the general public.
 3. A separate application for administrative permit will not be required if the retail sales of cannabis applicant includes manufacturing and/or distribution as accessory use (s) consistent with this chapter, in the initial minor use permit application.
 4. The premises shall be subject to fire, building and health inspection by the city and other regulatory agencies and the accessory use permitted thereon shall be contingent upon compliance with fire, building and health regulations and requirements.
 5. In conformance with the criteria and standards listed in the section, accessory uses shall not adversely affect the neighborhood in which they are located. For the purposes of this subsection, "adversely affect" shall

mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties in the immediate area.

SECTION 15. Section 16.62.100 of the Vallejo Municipal Code is hereby amended to read as follows:

16.62.100 - Table of off-street parking requirements and standards.

TABLE OF OFF-STREET PARKING REQUIREMENTS

Commercial Use Types	
Administrative & Professional Services	E
Agricultural Supplies & Services	F
Animal Sales & Services	E
Automotive & Equipment	G
Building Maintenance Services	E
Business Equipment Sales & Services	E
Business Support Services	F: CL
Cannabis Testing Laboratory	F
Communications Services	F: CL
	E: Other
Construction Sales & Services	E
Convenience Sales & Personal Services	F: C-N
	E: Other
Eating & Drinking Establishments	H
Explosive Storage	P
Financial, Insurance & Real	
Estate Services	F: C-N
	E: Other
Food & Beverage Retail Sales	F: C-N, C-L, C-P
	E: Other
Funeral & Interment Services	I
Gasoline Sales	Q
Laundry Services	E: C-L
Medical Services	M
Participant Sports & Recreation	K

Personal Services	F
Repair Services	F
Research Services	F
Retail Sales: General	E
Retail Sales: Swap Meets	F
Retail sales: cannabis	E
Scrap Operations	P
Spectator Sports & Entertainment	J
Transient Habitation	D
Wholesaling, Storage & Distribution	P
Industrial Use Types	
Custom Manufacturing	P
General Manufacturing	P
Heavy Industrial	P
Cannabis Cultivation	P
Cannabis Distribution	P
Cannabis Manufacturing	P

TABLE OF OFF-STREET PARKING STANDARDS
(Section 16.62.100)

	Standard	Requirement
E	one space for each 250 square feet of gross first floor area, plus one space for each 350 square feet of other floors, plus one space for each 300 square feet of covered accessory storage area, plus one space for each 2,000 square feet of outdoor sales area; one space for each 600 square feet of gross floor area for large item retail	
F	one space for each 350 square feet of gross first floor area, plus one space for each 450 square feet of other floors, plus one space for each 600 square feet of covered accessory storage area, plus one space for each 2,000 square feet of outdoor sales area	
P	four spaces for first 5,000 square feet of floor area and one space for each additional 2,000 square feet of floor area, or one space for each one and one-half employees, whichever is greater	

SECTION 15. Sub-Section 16.64.040 (N) of the Vallejo Municipal Code is hereby amended to read as follows:

16.64.040 - Regulations for special signs

A. Temporary Signs. A temporary sign shall not be permitted except as follows:

1. Except as provided in subsection A4, below, pennants, flags and other attention-getting devices may be permitted for no longer than sixty days immediately following the initial opening of a business on a particular site.
2. A limited number of properly maintained large flags and smaller banners may be permitted for commercial uses of land when such uses are normally conducted outdoors all the time. The development services director shall determine the number and size of flags and banners and determine whether such flags and banners are properly maintained.
3. Except as provided in subsection A2, above, a banner, not to exceed twenty square feet, may be permitted so long as it is not displayed for more than thirty days twice a calendar year.
4. A helium filled blimp or balloon, or a searchlight, may be permitted for fifteen consecutive days immediately following the initial opening of a business. Such blimp or balloon shall not exceed twenty feet in length nor be flown higher than one hundred fifty feet. The use of these blimps or balloons must comply with all applicable regulations of the Federal Aviation Administration.
5. Except as provided in subsection A4, above, a helium filled blimp or balloon, or searchlight, shall not be permitted except upon the issuance of an administrative permit pursuant to Chapter 16.96. In this latter event, such blimp, balloon or searchlight may be displayed or permitted for no more than three days twice a year. Such blimp or balloon shall not exceed twenty feet in length nor be flown higher than one hundred fifty feet. The use of these blimps or balloons must comply with all applicable regulations of the Federal Aviation Administration.

B. Window Signs.

1. Permanent signs shall be permitted provided the total sign area square footage does not exceed fifteen percent of the total ground floor window area or twenty five percent of the second floor window area. These signs shall be subject to a sign permit and shall be included as part of the total sign area. For properties within the area designated as "Old Town" (as that area is described and designated in the "Old Town Master Plan"), permanent signs shall be permitted provided the total sign area square footage does not exceed twenty-five percent of the total ground floor window area or thirty percent of the second floor window area.
2. Temporary signs shall be permitted provided the total sign area does not exceed fifteen percent of the ground floor window area and twenty percent of the second floor window area.

- C. **Construction Signs.** Construction sites may have one construction sign not to exceed sixty-four square feet in area.
- D. **Electric Awning Signs.** Electric awning signs may be attached to buildings or structures subject to the following standards:
 - 1. Minimum clearance shall be eight feet unless projecting over a vehicular right-of-way in which case clearance shall be fourteen feet.
 - 2. Overall height may not exceed twenty-four inches above the established roof line or parapet wall of the building to which it is attached. In no case may the overall height of the electric awning sign exceed the allowable height of buildings in the zone in which it is installed.
 - 3. Such signs shall be limited to single-story buildings or to the first level only of multistory buildings unless, in the opinion of the development services director, treatment of additional levels is warranted.
 - 4. All letter copy, logos, insignias or other identifiable copy shall be considered in sign area square footage limitations. In no case shall the maximum sign copy exceed forty-five percent of total face area.
 - 5. When an electric awning sign covers multiple store fronts, each store or tenant shall be allowed copy space no more than seventy-five percent of the store width.
- E. **Flags.** Flags displaying emblems, insignias, logos or other copy or symbols identifying a business, corporation or non-political division or entity shall be considered signs and are permitted provided the total area does not exceed twenty-four square feet. These signs shall be subject to a sign permit and shall be included as part of the total sign area.
- F. **For Lease Signs.** Subject to the regulations in Section 16.64.050, for lease signs shall be permitted provided such signs do not exceed thirty-two square feet in area.
- G. **Gasoline and Service Station Price Signs.** All gasoline and service stations shall be permitted one price sign per street frontage. Each sign shall not exceed fifteen square feet and shall be placed in a landscaping area whenever possible.
- H. **Murals.** Murals shall not be permitted except upon the issuance of an administrative use permit pursuant to Chapter 16.96.
- I. **Movie and Theater Signs With Marquees.** The sign area for movie and other type theaters with marquees may be permitted to exceed the limits of this chapter provided a comprehensive signing program for the use has been approved by the planning division.
- J. **Political Signs.** The provisions of Section 12.36.110 of this code apply.
- K. **Shopping/Service Center Signs.** All on-site signs for shopping/service center shall be submitted to and reviewed by the development services director as part of a comprehensive signing program. Each shopping center shall be permitted one master identification pole sign to identify the center but not any tenant located therein. Such master identification pole sign shall not exceed twenty-five feet in

height nor exceed seventy-five square feet in total sign area. Centers with secondary street frontage may be permitted an additional pole sign. Tenants or businesses in a center may be identified as part of a monument directory sign, subject to the limitations of the height and square footage of such signs for the particular zoning district. In the presence of a Master Sign Program (MSP), the MSP standards shall prevail for all signs.

- L. Subdivision Signs. All on-site subdivision signs shall be removed from the site within ten days after the last home is sold within the particular subdivision. The developer is required to deposit with the city the sum of one hundred dollars for each on-site identification sign which is placed on the site, which sum or sums shall be returned to the developer if the on-site signs are removed within the ten days as provided above. In the event such signs are not removed as provided above, the city shall remove the signs and the developer shall forfeit to the city the sum or sums deposited.
- M. Street Banner Signs. Street banner signs may be permitted in the public right-of-way upon issuance of an administrative permit pursuant to Chapter 16.96 and subject to the criteria established by the development services director and director of public works.
- N. Retail Sales of Cannabis:
 - 1. Sign Area.
 - a. The aggregate sign area for all permanent signs on a building or site housing a retail cannabis business:
 - i. Shall not exceed one square foot of sign area per linear foot of principal building frontage adjacent to a public right-of-way, except that a building with twenty-five feet or less of street frontage shall be allowed a minimum of twenty-five square feet of total sign area. A business with secondary street frontage for a secondary elevation may be permitted an additional one-half square foot of sign per linear foot of building frontage on the second street frontage; and
 - ii. Shall not exceed one hundred fifty square feet for principal elevation. Shall in no event exceed seventy square feet for secondary elevation; and
 - iii. Shall not exceed two hundred fifty square feet total sign area for all signs per building.
 - 2. Combination Signs. A maximum of two sign types shall be permitted:
 - a. Freestanding;
 - b. Wall sign;
 - c. Projecting sign;
 - d. Canopy sign.

3. **Freestanding Signs.** One monument sign is permitted not to exceed five feet in height and thirty square feet in area. The monument sign shall be landscaped around the entire base with a minimum of four feet out from the sign base or proportional amounts. The base of the sign shall architecturally match the principal building. Sign area is limited to the sign face.
4. **Projecting Signs.** One projecting sign may be permitted provided the sign does not project more than four feet from the building, nor two feet into the city right-of-way, nor project over the roof line, provided such sign meets all of the following requirements:
 - a. The minimum clearance under the sign shall be 10 feet.
 - b. The maximum sign area shall be nine square feet.
 - c. The minimum distance between two projecting signs shall be 25 feet.
 - d. The sign shall be mounted at a right angle to the building.
5. **Canopy Signs.**
 - a. **On-canopy.** One on-canopy sign may be permitted in lieu of a wall sign. The on-canopy sign shall not exceed 25 square feet.
 - b. **Under-canopy.** One under-canopy sign may be permitted when a minimum clearance from the grade or sidewalk to the bottom of the sign is at least eight feet and such sign does not extend beyond the edge of the canopy. The under-canopy sign shall not exceed six square feet with a maximum width or height of three feet.

O. Cannabis Cultivation, Cannabis Distribution, Cannabis Manufacturing, and/or Cannabis Testing Laboratory.

1. **Sign Area.**
 - a. The aggregate sign area for all permanent signs on a building or site housing a cannabis cultivation, cannabis distribution, cannabis manufacturing and/or cannabis testing laboratory business:
 - i. Shall not exceed one square foot per foot of principal building frontage adjacent to a public right-of-way, except that a building with twenty-five feet or less of street frontage shall be allowed a minimum of twenty-five square feet of sign area.; and
 - ii. Shall not exceed fifty square feet per building.
2. **Combination Signs.** Signage shall be limited to one wall sign and/or monument sign.
3. **Wall Signs.** Wall signs shall be mounted on the principal building frontage adjacent to the public right-of-way and shall be pin mounted or individually mounted channel letters.

4. **Freestanding Signs.** One monument sign may be permitted not to exceed five feet in height and twenty-five square feet in area. The monument sign shall be landscaped around the base with a minimum depth of 4 feet.

SECTION 16. Section 16.82.060 of the Vallejo Municipal Code is hereby amended to read as follows:

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.
 9. 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.

- B. Car washes shall meet the following requirements:**
- 1. Automated car washes shall be located at least one hundred feet distant from any residential use or residentially zoned district.**
 - 2. The applicant for the conditional use permit agrees to maintain the premises and agrees that if the use of the car wash is abandoned and/or becomes a public nuisance, the city may provide for maintenance of the premises and place a lien against the property to cover the costs of maintenance.**
- C. Cemeteries, crematories, mausoleums, and columbaria shall have direct access to a major street.**
- D. Churches shall have direct access to a collector or major street.**
- 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;**
 - 5. No outdoor storage shall be permitted;**
 - 6. Architectural features shall be similar to or blend in aesthetically with structures in the neighborhood and vicinity; and**
 - 7. Comply with the provisions of subsection R. below relating to the sale of alcohol for off-site consumption.**
- F. Day care of more than twelve children (community education) shall be subject to the following conditions:**
- 1. The facility shall not exceed a total enrollment of seventy children.**
 - 2. The facility shall provide a minimum of forty square feet of interior space per child, and a minimum of eighty-five square feet of exterior space per child.**
 - 3. The ratio of children to teachers shall not exceed four children under the age of two years per one teacher and nine children over the age of two years per one teacher.**
 - 4. The facility shall be designated to create a "residential" environment rather than an "institutional" environment through the use of design elements, such as color and materials, landscaping, and play equipment.**
 - 5. The operator and the premises must be licensed or certified by the State Department of Social Services.**

6. The premises shall be subject to fire and health inspections by the city and the use permitted thereon shall be contingent upon compliance with fire and health regulations and requirements.
- G. Drive-in restaurants shall be located at least one hundred feet from a residential zoning district.
- H. Drive-in theaters shall have direct access to a major street.
- I. Dwelling units in commercial districts shall be located on other than the street level of a building, except that ground level dwellings may be permitted in commercial districts if they meet the following criteria:
 1. The dwelling is attached to a commercial facility.
 2. The parcel of land upon which the dwelling is constructed abuts a residential zone.
 3. The dwelling faces the residential zone, although its entrance may be oriented to either the residential or the commercial zone.
- J. Quick service restaurants shall meet the following requirements:
 1. The site shall be located on a major collector or arterial street.
 2. The proposed location of the quick service restaurant shall not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, the necessity for turning movements due to the relation of its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings; or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.
 3. No quick service restaurant shall preempt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use which is oriented to the same highway or public road.
 4. All lighting located on the premises shall be shaded and screened so as to be directed away from all adjoining residentially zoned or developed property.
 5. An adequate number of litter and trash receptacles shall be provided on the premises, and the quick service restaurant shall maintain an off-premises litter collection program within a six-hundred-foot radius if premises to collect packages and containers which have been carried off the premises and improperly discarded by patrons of the restaurant.
 6. The design of the restaurant structure by its adaptability, absence of trademark architecture, and character shall facilitate its ready conversion to other commercial uses.

7. The applicant for the conditional use permit agrees to maintain the premises, agrees that if the use of the quick service restaurant is abandoned and/or becomes a public nuisance, the city may provide for maintenance of the premises and place a lien against the property to cover the cost of maintenance.
 8. No quick service restaurant containing a drive-through service facility shall be permitted on lots less than fifteen thousand square feet.
- K. In authorizing use permits for junkyards, automobile wrecking, or storage of inoperative vehicles, the planning commission may impose the following conditions:
1. Screening from the public view and from abutting properties by a decorative fence approved by the development services director;
 2. Landscaping as prescribed by the zoning ordinance, and including trees around the perimeter of the site in a manner approved by the development services director;
 3. Hours of operation not earlier than six a.m., and not later than nine p.m.;
 4. Height of storage not to exceed the height of the perimeter fence;
 5. No storage outside and the conducting of all operations within the perimeter fence.

Such uses existing on June 1, 1971, shall not require a use permit; provided, however, that operators of such nonconforming uses, as a prerequisite to the issuance of a business license, shall exhibit to the city treasurer a certificate of compliance with the conditions specified in subdivision 1 through 5, inclusive of this subsection.

- L. Mobile home parks are subject to the mobilehome park standards as adapted by the city council.
- M. Nongovernmental child nurseries and kindergartens, nongovernmental elementary and secondary schools, and nongovernmental institutions of higher learning shall have direct access from a collector or major street when in a residential district.
- 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 about 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 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. Defective or

removed lights shall be replaced within forty-eight 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.
 4. A self-service automobile service station or a partial self-service station, whether newly constructed or a conversion from an existing full-service automobile service station, shall be permitted if the following findings are made:
 - a. Minor emergency health and safety services, including public restrooms, will be available to the motoring public when the availability of such services are considered on a city-wide basis.
- P. Family residential at medium density in a low-density residential district may be allowed on vacant lots in certain areas designated by resolution of the city council; site development standards for medium-density residential district shall apply (Section 16.16.060).
- Q. 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.

- 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 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.
- S. Bed and breakfast inns shall comply with the following restrictions:
1. All bed and breakfast inns shall be owner- occupied or have a resident manager.
 2. Parking shall be provided at the following ratio:
 - a. Two spaces for property owner or resident manager.
 - b. One additional space for each guest room over two rooms. Alternative parking provisions may be approved if the applicant can show availability of on-street parking.
 3. Food service shall be limited to overnight guests and special events.
 4. Special events, as defined in Section 16.04.485, shall be permitted with approval of an administrative permit.
 - a. Such events shall be limited to a maximum of six events per calendar year, with no more than one event per month.
 - b. Events shall be limited to the hours of ten a.m. to ten p.m. and may last no more than six hours.
 - c. No amplified music or speech shall be allowed in conjunction with special events.
 - d. The number of persons allowed at any event shall be limited to those approved in the administrative permit.
 - e. Attendance at events shall be limited to residents and guests of the inn and their invited guests.
 - f. No events that are open to the public without individual invitations shall be allowed.
 5. Accessory structures may be used as guest lodging for bed and breakfast inns.
 6. All structures on property must meet all applicable health, fire, and building code requirements.

7. All new development associated with the bed and breakfast use shall meet all site development requirements of the zoning district in which it is located.
- T. Tobacco retailers shall meet the following requirements.
1. No tobacco retailer shall be located within one thousand feet of any parcel zoned for residential use.
 2. No tobacco retailer shall be located within one thousand feet of any other tobacco retailer, as measured to and from property lines.
 3. No tobacco retailer shall be located within one thousand feet of any parcel of land that contains any of the following specific land uses:
 - a. Church(s)
 - b. Public recreation area(s)
 - c. School(s).
 4. No tobacco retailer shall operate between the hours of ten p.m. and nine a.m.
 5. Tobacco retailers shall be located only on the ground floor.
 6. No tobacco retailer shall violate any applicable provision of any other city, county, state, or federal regulation, ordinance, or statute, especially but not limited to Vallejo Municipal Code Chapters 7.69 (Restrictions on Accessibility to Cigarettes and other Tobacco Products) and 16.64 (Signs.)
 7. Tobacco retail clerks shall be the minimum legal age to purchase tobacco.
 8. Tobacco retailers must be in compliance with all rules, regulations, laws, and administrative requirements of the state board of equalization and any other applicable state and/or federal agency.
- U. Cannabis cultivation, cannabis distribution, cannabis manufacturing and cannabis testing laboratory establishments shall comply with the following restrictions:

Where this code conflicts with Title 16 and MAUCRSA design and development standards, the more restrictive standards shall apply. All applicable district requirements must be met, together with the following requirements:

1. **Permits required to Operate.** Cannabis cultivation, distribution, manufacturing, and testing laboratory uses must obtain and maintain all required State and local permits and licenses including the corresponding local permits required under Chapter 7.200 of this code: CC, CD, CM and CT. Revocation of the State cannabis license (e.g. Microbusiness license) or the local permit to operate under Chapter 7.200 of this code shall be grounds for revocation of the minor use permit for the cannabis cultivation, distribution, manufacturing and testing laboratory use. Valid and applicable State and local licenses and permits shall be publicly displayed at all times during hours of operation. Operations and location requirements must at all times comply with applicable regulations contained in Title 16 of the California

Code of Regulations as those may be updated from time to time by the California Bureau of Cannabis Control.

2. **Locational Limitation.** Any cannabis cultivation, distribution, manufacturing or testing laboratory use may not be located within a six hundred-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center as defined in Health & Safety Code Section 11353.1. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.
3. **Development and Operational Standards:**
 - a. **General:**
 - i. All activities shall occur within a secure fence at least eight feet in height that fully encloses the area. The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress.
 - ii. No person under age eighteen shall be allowed on the property.
 - iii. The site shall not be open to the general public.
 - iv. No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.
 - v. No use, inhalation, smoking, eating, ingestion, or otherwise consumption of cannabis on the property, including the parking areas of the property.
 - vi. No exhibition or product sales area or retail sales are allowed on the premises.
 - b. **Cultivation:**
 - i. The canopy shall not exceed ten thousand square feet; and
 - ii. All cannabis cultivation shall occur indoors, completely enclosed in a structure with opaque walls, and shall not be visible from any public right-of-way
 - c. **Lighting:**
 - i. Exterior perimeter lighting shall be in place prior to operation;
 - ii. Exterior lighting shall be code compliant LED fixtures or high efficacy luminaries, and shall have an illumination intensity of between one and four foot candles;
 - iii. Lights shall be directed and shielded so as not to illuminate into adjoining properties;
 - iv. Lights shall have a housing to protect against breakage;

- v. Broken or burnt out lights shall be replaced within five calendar days;
 - vi. Transitional lighting shall be incorporated in exterior areas going to and from buildings or uses within a site; and
 - vii. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.
- d. Signs:
- i. A sign shall be posted on the door or in view of the entrance stating that no person under the age of eighteen is allowed on site; and
 - ii. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited; and
 - iii. A sign shall be posted stating loitering on or near the premises is prohibited; and
 - iv. A sign shall be posted outside the facility in full public view that contains contact information of the City Manager's Office for both in case of an emergency situations and for public concern of operations.
 - v. Other requirements as prescribed in Chapter 16.64.
- e. Fencing, screening and landscaping:
- i. All fencing shall be eight feet tall, solid fence, masonry or board-on-board as approved by the Planning Manager or designee.
 - ii. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the planning manager or his or her designee shall not exceed 3 feet in height at maturity;
 - iii. Trees shall be pruned up to 6 feet above ground;
 - iv. Trees and shrubs shall be pruned back from windows, doors and walkways;
 - v. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand;
 - vi. Entrances to the site and parking lots shall be defined with landscaping or entry feature;
 - vii. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry; and
 - viii. Other requirements as prescribed in Chapter 16.70.
- f. Noise:
- i. The use of generators is prohibited, except as short-term temporary emergency back-up systems; and

- ii. Other requirements as prescribed in Section 16.72.030.
- g. Odor control: A sufficient odor-absorbing ventilation and exhaust system shall be installed to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other unit located within the same building as the \ cannabis use.
- h. Maintenance:
 - i. Property shall be maintained free of debris, litter and trash; and
 - ii. Comply with Chapter 7.54, Property Maintenance.
- i. Other performance standards: comply with all requirements prescribed in Chapter 16.72.

V. Retail sales of cannabis. Where this code conflicts with Title 16 and MAUCRSA design and development standards, the more restrictive standards shall apply. All applicable district requirements are met, together with the following requirements:

1. Regulatory Permits. Retail sales of cannabis uses must obtain and maintain all required State and local permits and licenses including the local regulatory permit to operate required under Chapter 7.200 of this code. Revocation of the State cannabis license or the local regulatory permit to operate under Chapter 7.200 of this code shall be grounds for revocation of the minor use permit for the Retail sales of cannabis use. Valid and applicable State and local licenses and permits shall be publicly displayed at all times during hours of operation. Operations and location requirements must at all times comply with applicable regulations contained in Title 16 of the California Code of Regulations as those may be updated from time to time by the California Bureau of Cannabis Control.
2. Locational Limitation.
 - a. Any Retail sales of cannabis use may not be located within a six hundred-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center as defined in Health & Safety Code Section 11353.1. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.
 - b. Any applicant for a use permit to conduct retail sales of cannabis, whether for 'adult use' or medicinal purposes, must conduct all retail sales at one site.
3. Development and Operational Standards. Retail sales of cannabis uses shall comply with site development standards specified in the applicable zoning district. Such uses shall also comply with the following standards:
 - a. General:

- i. No person under age eighteen (for medical Retail sales of cannabis) or twenty-one (for recreational Retail sales of cannabis) shall be allowed on the property.
- ii. No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.
- iii. The property shall not include patio or café seating, unless used exclusively for employees in an area not accessible to the general public.
- iv. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis in any form shall be allowed on the property, including the parking areas of the property.
- v. No alcohol shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to customers, employees, guests, visitors, or volunteers.
- vi. No retail sales of cannabis shall occur, in any form, to anyone between the hours of eight (8:00) p.m. and nine (9:00) a.m., except delivery.
- vii. The property complies with all applicable California State Building Code provisions, the city's property maintenance ordinance and is maintained free of debris, litter and trash.
- viii. All transactions, including but not limited to cash or in-kind contributions, reimbursement or compensation, shall be fully documented.
- ix. The owner will have a written security plan including procedures for verifying identification and age of purchasers. The plan must include a description of licensed and uniformed security guards who must be present on site during hours of operation, including their number, location and hours, as well as a theft prevention plan including locked exterior doors and windows during the times the business is closed. The licensed and uniformed security guard best practices shall comply with state law.
- x. The point of sale software used to track retail sales must be acceptable to the finance director.
- xi. Retail sellers of cannabis may only use one name to identify themselves in the minor use permit, the local regulatory permit, the state license and any other state or local permit that may be required.
- b. Limitations on retail area in industrial zones. In the Intensive Use-Limited (IU-L), Intensive Use (IU), and Planned Development Industrial (PDI) Districts, no more than 50 percent of the floor area shall be devoted to retail sales.
- c. Lighting:
 - i. Exterior perimeter lighting shall be in place prior to operation;
 - ii. Exterior lighting shall be code compliant LED fixtures or high efficiency luminaries, and shall have an illumination intensity of between one and four foot candles;

- iii. Lights shall be directed and shielded so as not to illuminate adjoining properties;
 - iv. Lights shall include housing to protect against breakage;
 - v. Broken or burnt out lights shall be replaced within 48 hours;
 - vi. Transitional lighting shall be incorporated in exterior areas providing access to and from buildings or uses within a site; and
 - vii. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.
- d. Signs:
- i. A sign shall be posted on the door or in view of the entrance stating that no person under the age of eighteen (for medical Retail sales of cannabis) or twenty-one (for recreational Retail sales of cannabis) is allowed on site.
 - ii. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited.
 - iii. A sign shall be posted stating loitering on or near the premises is prohibited.
 - iv. A sign shall be posted outside the facility in full public view containing City contact information for both emergency situations and information regarding public concern about operations.
 - v. Other requirements as prescribed in Chapter 16.64.
- e. Windows. In order to promote a strong pedestrian connection for retail safety, visibility, Crime Prevention Through Environmental Design and a positive active environment, support natural lighting, and enhance curb appeal and value of retail space:
- i. No display of cannabis or cannabis product shall be permitted within 10 feet of the window.
 - ii. Storefronts must maintain transparent windows that allow visibility into the store, with a minimum of 60 percent transparency on the street frontage at the ground level and allow visibility into the building at a minimum of four feet above the ground.
- f. Screening and landscaping:
- i. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the planning manager or his or her designee shall not exceed three feet in height at maturity.
 - ii. Trees shall be pruned up to six feet above ground.
 - iii. Trees and shrubs shall be pruned back from windows, doors and walkways.
 - iv. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand.
 - v. Entrances to the site and parking lots shall be defined with landscaping or entry features.
 - vi. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry.
 - vii. Other requirements as prescribed in Chapter 16.70.
- g. Noise:

- i. The use of generators is prohibited, except as short-term temporary emergency back-up systems; and
- ii. Other requirements as prescribed in Section 16.72.030 shall apply.
- h. Odor control: A sufficient odor-absorbing ventilation and exhaust system shall be installed and operated to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other separate use or unit located within the same building as the Retail sales of cannabis use.
 - i. Maintenance:
 - 1. Property shall be maintained free of debris, litter and trash; and
 - 2. The use shall comply with Chapter 7.54, Property Maintenance.
- j. Other performance standards: The use shall comply with all requirements prescribed in Chapter 16.72.

SECTION 17. Sub-Section 16.82.150(C) of the Vallejo Municipal Code Use permit abandoned is hereby amended to read as follows:

C. A use permit, or portion of a use permit, authorizing retail sales of cannabis, cannabis testing laboratory, cannabis cultivation, distribution, or manufacturing uses shall be deemed to be abandoned if the use ceases operation and remains "not in use" for twelve consecutive months. A new use permit shall be secured prior to the resumption of the cannabis cultivation, distribution, manufacturing, testing laboratory and/or retail sales of cannabis use.

SECTION 18. Chapter 16.110 Planned Development and Industrial District is hereby amended moving Section 16.110.021 to section 16.110.026 of the Vallejo Municipal Code to read as follows:

16.110.026 - Permitted uses subject to a minor use permit.

The following use types are permitted upon issuance of a minor use permit, as provided in Chapter 16.82:

- A. Commercial Use Types.
 - 1. Cannabis testing laboratory
 - 2. Retail sales: cannabis.
- B. Industrial Use Types
 - 1. Cannabis Cultivation.
 - 2. Cannabis Distribution
 - 3. Cannabis Manufacturing

SECTION 19. Vallejo Municipal Code Chapter 16.110 Planned Development and Industrial District notes section is hereby amended to read as follows:

16.110.030 - Development standards.

Note: The Screening and Landscaping Regulations (Chapter 16.70) and the Site Development Standards Chapter 16.75) are not applicable to this district. However, minor use permits involving cannabis cultivation, distribution, manufacturing, testing laboratory and retails sales of cannabis uses are subject to specific regulations and standards contained in those chapters.

SECTION 20. Effective Date.

First read at a regular meeting of the Council of the City of Vallejo held on the 11th day of December 2018 and finally passed and adopted at a regular meeting of the Council of the City of Vallejo held on the 18th day of December 2018 by the following vote:

AYES: Mayor Sampayan, Vice Mayor Miessner, Councilmembers Dew-Costa, Malgapo, McConnell, Sunga, and Verder-Aliga
NOES: None
ABSENT: None
ABSTAIN: None



BOB SAMPAYAN, MAYOR

ATTEST:



DAWN G. ABRAHAMSON, CITY CLERK