

AGENDA



VALLEJO PLANNING COMMISSION REGULAR MEETING – 7:00 P.M. COUNCIL CHAMBERS

555 Santa Clara Street, Vallejo, California

Jamar Stamps, Chair
Eric Blind, Vice Chair
Peggy Cohen-Thompson
Donald Douglass
Wanda Madeiros
Anthony Taylor
Tara Beasley-Stansberry

June 3, 2024

NOTICE: Members of the public will be able to participate in-person or remotely via Zoom. City Hall and the Council Chambers will be open to members of the public 30 minutes prior to the start of the meeting.

VIEW THE MEETING:

There are four different ways you can view this public meeting:

- In Person
- Watch Vallejo local channel 28
- Stream from the City website: www.cityofvallejo.net/Streaming
- Join the Zoom webinar: <https://ZoomRegular.Cityofvallejo.net>

IMPORTANT NOTICE

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Planning Commission without prior notice for an item not listed on the AGENDA, no specific answers or responses should be expected at this meeting per State law.

Pursuant to Government Code Section 54954.3 of the Brown Act, members of the public shall be afforded the opportunity to speak on any agenda item of interest to them after being recognized by the presiding officer. Members of the public wishing to be so recognized are requested to submit a completed speaker card to the Secretary of the Planning Commission prior to the consideration of the item or raise their hand via ZOOM: (<https://ZoomRegular.Cityofvallejo.net>) or by phone: Dial (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone. For additional instructions on how to speak remotely during public comment, please visit www.cityofvallejo.net/publiccomment. In person speakers will be recognized first.

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Planning Commission without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Planning Commission will be available on the City of Vallejo website at www.cityofvallejo.net subject to staff's ability to post the documents prior to the meeting.

Disclosure Requirements: Government Code Section 84308 (d) sets forth disclosure requirements which apply to persons who actively support or oppose projects in which they have a "financial interest", as that term is defined by the Political Reform Act of 1974. If you fall within that category, and if you (or your agent) have made a contribution of \$250 or more to any commissioner within the last twelve months to be used in a federal, state or local election, you must disclose the fact of that contribution in a statement to the Commission.

Appeal Rights: The applicant or any party adversely affected by the decision of the Planning Commission may, within ten days after the rendition of the decision of the Planning Commission, appeal the decision by filing a written appeal with the Director of Planning and Development Services. Such written appeal shall state the reason or reasons for the appeal and why the applicant believes he or she is adversely affected by the decision of the Planning Commission. Such appeal shall not be timely filed unless it is actually received by Director of Planning and Development Services or designee no later than the close of business on the tenth calendar day after the rendition of the decision of the Planning Commission. If such date falls on a weekend or City holiday, then the deadline shall be extended until the next regular business day.



The Council Chambers in City Hall is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

If you have any questions regarding any of the following agenda items, please call the assigned planner or project manager at (707) 648-4326.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **CONSENT CALENDAR AND APPROVAL OF AGENDA**

Upon motion of any Commissioner, all items placed upon the consent calendar may be acted upon collectively, and each shall be deemed to have received the action recommended by the Secretary or City Attorney; except that if any Commissioner objects to the placement of an item on the consent calendar, or if any member of the public wishes to address the Commission on any such item, the item shall be removed from the consent calendar and shall be heard and acted upon in its proper place on the agenda as designated by the Presiding Officer.

After making changes in the agenda, if any, as permitted under these rules of order and procedure, the Commission shall approve the agenda which shall constitute the agenda of business to be considered at the meeting. The motion offered to approve the agenda shall include the adoption of the consent calendar.

A. APPROVAL OF AGENDA

B. APPROVAL OF MINUTES

a. May 6, 2024 - Regular Meeting

C. OTHER CONSENT ITEMS -None.

5. **REPORT OF THE CITY COUNCIL LIAISON**

The City Council Liaison may, from time to time, wish to make announcements and report on items of activity that may be of interest to the Commission and the general public.

6. **COMMUNITY FORUM**

The Presiding Officer shall announce that members of the public have the opportunity to directly address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission and not on the current agenda. Up to fifteen (15) minutes shall be set aside for the community forum and each speaker shall be allocated up to three (3) minutes, unless time is extended by the Presiding Officer with the Commission's consent. Items of business listed on the agenda shall not be further discussed under the community forum. Anyone desiring to address the Commission may indicate such interest in one of the two ways listed below:

1. Any interested members of the public desiring to communicate with the Planning Commission for this item may approach the podium to speak when the Presiding Officer opens the Community Forum and indicate that they would like to do so.

*2. Any interested members of the public desiring to communicate with the Planning Commission for this item may do so via ZOOM: (<https://ZoomRegular.Cityofvallejo.net>), or by phone: Dial (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone. For additional instructions on how to speak remotely during public comment, please visit www.cityofvallejo.net/publiccomment. Please know that in-person speakers will be recognized first.*

7. PUBLIC HEARINGS

- A. PROJECT NUMBER(S):** Major Use Permit (UP22-0004)
Planned Development (PD22-0001)
Development Review (DVR22-0012)
Design Review (DR22-0006)
Landscape Review (LR22-0002)
Exception (EXC22-0011)
- PROJECT PLANNER:** Douglass Fenn, Contract Planner
- PROJECT LOCATION:** 4301 Sonoma Blvd / APN: 0051-250-440
- PROJECT SUMMARY:** The proposed project consists of a Major Use Permit, Planned Development Modification, Design Review, Development Review, Landscape, and Exception Review to construct a 2,700-square-foot quick service restaurant with a drive-through with associated on-site improvements, landscaping and 33 off-street parking spaces.
- CEQA DETERMINATION:** Staff recommend that the Planning Commission determine that the project is categorically exempt from the requirements of CEQA under Class 32 (Section 15332 of the CEQA Guidelines) after making the required findings.
- RECOMMENDATION** Staff recommend the Planning Commission open the public hearing, accept comments, and then continue to the item to a date uncertain.
- B. PROJECT:** Capital Improvement Program (CIP) for Fiscal Year 2024-2025 to be in Conformance with the General Plan.
- PROJECT PLANNER:** Daniel Sequeira, PE, Assistant Public Works Director/City Engineer
- PROJECT SUMMARY:** Discuss, Consider and Possibly adopt a Resolution Finding the Proposed Capital Improvement Program (CIP) for Fiscal Year 2024-2025 to be in Conformance with the General Plan and Finding that the General Plan Conformity Review is Not a Project Pursuant to CEQA Guidelines Section 15378.
- RECOMMENDATION** Adopt Resolution PC 24-XX N.C. finding that the proposed Quarter's A project as part of the fiscal year 2024-25 Capital Improvement Program is in conformance with City of Vallejo General Plan 2040.

C. PROJECT NUMBER(S):	Code Text Amendment (CTA24-0002)
PROJECT PLANNER:	Gillian Haen, Assistant City Manager
PROJECT SUMMARY:	Proposed amendments to Title 16 of the Vallejo Municipal Code (Zoning) related to tobacco retail licensing within the City of Vallejo to further the goal of smoking prevention.
CEQA DETERMINATION:	This action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), the “common sense exemption,” because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
RECOMMENDATION	Staff recommend the Planning Commission consider a recommendation to the City Council for the proposed amendments to Title 16 of the Vallejo Municipal Code (Zoning) related to tobacco retail licensing within the City of Vallejo to further the goal of smoking prevention.

8. WRITTEN COMMUNICATIONS

Written communications from the public will be received and filed. Written communications regarding items on the agenda will be noted at the time the item is considered.

9. REGULAR REPORTS

A. SECRETARY’S REPORT

The Secretary may, from time to time, report on items that may be of interest to the Commission and general public.

B. CITY ATTORNEY’S REPORT

The City Attorney may, from time to time, report on items that may be of interest to the Commission and general public.

C. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE PLANNING COMMISSION

The Presiding Officer and any Commissioner may, from time to time, wish to make certain announcements, request information from staff, and to report on items of activity that may be of interest to the Commission and the general public.

D. REPORT OF THE SUBCOMMITTEES

10. OTHER AGENDA ITEMS

A. DISCUSSION OF FUTURE AGENDA ITEMS

- a. Phase 2 Zoning Code Updates
- b. Housing, Safety and Environmental Justice Elements
- c. Overview of new State housing laws

11. ADJOURNMENT

I, Jasmine Thibeaux, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Vallejo Planning Commission, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m. on Friday, May 31, 2024.

Dated: May 31, 2024



Jasmine Thibeaux

CITY OF VALLEJO PLANNING COMMISSION
Regular MEETING MINUTES
COUNCIL CHAMBERS
May 6, 2024

1. CALL TO ORDER

The meeting was called to order by Chair Stamps at 7:01pm.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Chair Stamps, Vice-Chair Blind, Commissioners Cohen-Thompson, Douglass, Madeiros, Taylor, and Beasley-Stansberry

Absent: None

Staff present: Planning Manager Orozco

4. CONSENT CALENDAR AND APPROVAL OF AGENDA

A. APPROVAL OF AGENDA

B. APPROVAL OF MINUTES

a. April 15, 2024 – Regular Meeting

C. OTHER CONSENT ITEMS – None

Action: Moved by Commissioner Cohen-Thompson, seconded by Commissioner Douglass, the Commission approve the agenda, and meeting minutes with the following vote:

VOTE:

AYES: Chair Stamps, Vice-Chair Blind, Commissioners Cohen-Thompson, Douglass, Madeiros, Taylor and Beasley-Stansberry

NOES: None

ABSENT: None

ABSTAIN: None

5. REPORT OF THE CITY COUNCIL LIASION – None

6. COMMUNITY FORUM – None

7. PUBLIC HEARING

A.

PROJECT NUMBER(S):

Major Use Permit (UP22-0004)
Planned Development (PD22-0001)
Development Review (DVR22-0012)

Design Review (DR22-0006)
Landscape Review (LR22-0002)
Exception (EXC22-0011)

PROJECT PLANNER: Douglass Fenn, Contract Planner

PROJECT LOCATION: 4301 Sonoma Blvd / APN: 0051-250-440

PROJECT SUMMARY: The proposed project consists of a Major Use Permit, Planned Development Modification, Design Review, Development Review, Landscape, and Exception Review to construct a 2,700-square-foot quick service restaurant with a drive-through with associated on site improvements, landscaping and 33 off-street parking spaces.

CEQA DETERMINATION: Staff recommend that the Planning Commission determine that the project is categorically exempt from the requirements of CEQA under Class 32 (Section 15332 of the CEQA Guidelines) after making the required findings.

RECOMMENDATION Staff recommend the Planning Commission open the public hearing, accept comments, and then continue to the item to June 3, 2024.

Action: Moved by Commissioner Cohen-Thompson, seconded by Commissioner Beasley-Stansberry, to continue the item to June 3, 2024, with the following vote:

VOTE:

AYES: Chair Stamps, Vice-Chair Blind, Commissioners Cohen-Thompson, Douglass, Madeiros, Taylor and Beasley-Stansberry

NOES: None

ABSENT: None

ABSTAIN: None

8. **ACTION ITEMS** - None

9. **WRITTEN COMMUNICATIONS** – None

10. **REGULAR REPORTS**

A. SECRETARY’S REPORT

Planning Manager Orozco provided an update on the Principal Planner that was in background check and announced the posting of a new recruitment.

B. CITY ATTORNEY’S REPORT - None

C. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE PLANNING COMMISSION

Commissioner Beasley-Stansberry provided a new program Sol Trans is providing free rides for students ages 6-18.

Commissioner Cohen-Thompson provided an update on the amendment Lewis Group is proposing to the residential component of the master plan.

D. REPORT OF THE SUBCOMMITTEES – None

11. **OTHER AGENDA ITEMS**

A. INFORMATIONAL ITEM - None

B. Discussion of Future Agenda Items

- a. Phase 2 Zoning Code Updates
- b. Housing, Safety and Environmental Justice Elements
- c. Overview of new State housing laws

The Planning and Development Services Director provided an update on items under Discussion of Future Agenda Items.

ADJOURNMENT

Chair Stamps adjourned the meeting at 7:12 p.m.

ATTEST:

Jamar Stamps, CHAIR

ATTEST:

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May 6, 2024
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Cesar Orozco
SECRETARY

DRAFT



**STAFF REPORT
CITY OF VALLEJO
PLANNING COMMISSION**

I. PROJECT INFORMATION

Item No. 7A

DATE OF MEETING:

June 3, 2024

PROJECT NUMBER:

Major Use Permit (UP22-0004)
Planned Development (PD22-0001)
Development Review (DVR22-0012)
Design Review (DR22-0006)
Landscape Review (LR22-0002)
Exception (EXC22-0011)

PREPARED BY:

Douglas Fenn, Contract Planner

PROJECT LOCATION:

Vacant site north of 4301 Sonoma Boulevard
APN: 0051-250-680

**APPLICABLE ZONING
CODE SECTION(S):**

Major Use Permit (Vallejo Municipal Code (VMC)
Chapter 16.606)
Planned Development Modification
(VMC Chapter 16.610)
Development Review (VMC Chapter 16.605)
Design Review (VMC Chapter 16.604)
Landscape Review (VMC Chapter 16.504)
Exception (VCM Chapter 16.608)

PROJECT SUMMARY:

The project consists of a new 2,700 square-foot quick-service restaurant with a drive-through for Panda Express. Additionally, new landscaping, off-street parking, site, and frontage improvements are being proposed as part of the project. The Planned Development application is to modify the previously approved Yolano Plaza Master Plan to replace two previously proposed retail buildings that are currently depicted in the planned development.

CEQA DETERMINATION:

The project is exempt from environmental review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Class 32 Categorical Exemption in accordance with CEQA Guidelines Section 15332, In-Fill Development Projects, because the proposed project meets the criteria for categorically exempt in-fill development projects in CEQA Guidelines

Section 15332. None of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 apply, and the project will not have a significant effect on the environment.

RECOMMENDATION:

Staff recommends the Planning Commission continue the public hearing to a date uncertain.

II. PROJECT DATA SUMMARY

APPLICANT:

Luis Guzman
GWA Architects
1000 Corporate Center Dr.
Monterey Park, CA 91754

PROPERTY OWNER:

CFT NV Developments, LLC
1120 N. Town Center Dr. Ste 150
Las Vegas, NV 89144

GENERAL PLAN DESIGNATION:

Business/Limited Residential

ZONING DISTRICT:

Central Corridor Commercial (CC)

SPECIFIC PLAN:

White Slough Specific Plan

EXISTING LAND USE:

Vacant

SURROUNDING LAND USE:

North – Storage Facility and vacant land
South – El Pollo Loco and Arco/ampm station
East – Wetlands, and a Mobile Home Park and commercial uses across Sanoma Boulevard,
West – Vacant land

LOT AREA:

68,354 square feet (1.57 Acres)

TOTAL FLOOR AREA:

2,700 square feet for a quick service restaurant

**PARKING REQUIREMENTS/
PROVIDED:**

Four spaces required /33 spaces proposed

III. STAFF RECOMMENDATION

Staff recommends the Planning Commission continue the public hearing to a date uncertain.



DATE: June 3, 2024
TO: Planning Commission
FROM: Ivette Iraheta, Economic Development Program Manager
SUBJECT: GENERAL PLAN CONFORMANCE REVIEW FOR FISCAL YEAR 2024-25 QUARTER'S A STRUCTURAL REHABILITATION PROJECT

RECOMMENDATION

After a public hearing, adopt Resolution finding that the proposed Quarter's A Structural Rehabilitation Project (Project) as part of the fiscal year 2024-25 Capital Improvement Program is in conformance with City of Vallejo General Plan 2040 (General Plan).

REASONS FOR RECOMMENDATION

Each year, the Planning Commission is required to review the coordinated program of proposed public works projects recommended for planning, initiation or construction during the "ensuing fiscal year" for conformance with the City's General Plan and to convey its findings to the City Council.

Staff proposes that the Project be added to the CIP program for FY 2024-25 so that it is also considered by City Council on June 11, 2024, along with the other projects the Planning Commission found in conformance at its April 15, 2024 meeting.

BACKGROUND AND DISCUSSION

The City of Vallejo's 5-year Capital Improvement Program (CIP) is a multi-year planning tool that identifies anticipated capital improvements and their funding sources for fiscal years 2024/2025 – 2028/2029. It supports the implementation of the community's goals and objectives and encourages discussion of the City's long-range vision. The CIP is updated annually to reflect community priorities, completed projects, updated cost estimates and available funding sources.

On August 29, 2017, the City Council adopted General Plan, a comprehensive statement of the City's land use policies for the next 25 years. The Planning Commission's task relative to the CIP is to review the ensuing year of the CIP and determine whether it conforms with the General Plan. Staff has provided the following documents to aid the Commission in considering the addition of the Project:

- A resolution finding that the proposed FY 2024-25 CIP Project conforms with the General Plan (Attachment 1).
- A General Plan "conformance matrix: which identifies applicable General Plan policies for this project in the FY 2024-25 CIP (Attachment 2).
- The full text of the General Plan policies related to the Project (Attachment 3).
- The appropriations for the Project (Attachment 4).

CONFORMANCE WITH THE GENERAL PLAN

Staff has conducted an audit of General Plan policies and prepared the attached matrix to document how the proposed Project conforms with the City's General Plan (Attachment 2). The project envisions structural rehabilitation design/spec development for the building to make it safe.

A similar matrix including other proposed CIP projects was presented to the Planning Commission on April 15, 2024. The Project was not included in the list because it was not ready to move forward during the time that the CIP list of projects was developed. However, to begin the implementation of the Project, which requires a Request for Qualifications (RFQ) from Architect/Engineering firms, it must first be added to the approved CIP project list for FY 2024-25 and deemed in conformance with General Plan.

The General Plan has a time frame spanning the next 22 years; however, not all General Plan goals or plans may be funded during each year of the CIP. While cost is forecasted five years ahead, the Council adopts fund allocations for only a single year of the CIP. The Project is planned to begin in FY 2024-25 with an RFQ and move into construction before the end of FY 2024-25. The Project is funded with a National Parks Service grant and a required local match from the City. The grant's timeline requires that the Project be completed by September 2026. Adding the Project into the FY 2024-25 CIP program allows the Project to move forward and for staff to work on meeting the grant's timelines.

If this project is deemed in conformance, the design will also go before the Architectural Heritage and Landmarks Commission (AHLC) for approval/recommendations prior to construction. Staff has reviewed the structural rehabilitation scope as proposed in the grant and finds no evidence that it will preclude the City from achieving the envisioned General Plan goals. The project also supports the General Plan's goals for Cultural and Historic Resources and Economic Development.

FISCAL IMPACT

The Project will be funded through a National Parks Service grant in the amount of \$750,000 and an additional local match of \$750,000 from the City's General Fund/CIP budget.

ENVIRONMENTAL REVIEW

Environmental review under NEPA will be completed as part of the Project. The Project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15331: Class 31—Historical resource restoration/rehabilitation.

The Class 31 exemption consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.

ATTACHMENTS

1.	Resolution PC 24-XX N.C.
2.	FY 2024-24 General Plan – CIP Conformance Matrix for Quarter's A Structural Rehabilitation Project
3.	Text of General Plan Policies Applicable to FY 2024-2025 CIP Quarter's A Structural Rehabilitation Project

CONTACT

Melissa Tigbao, PE, Public Works Director (707) 648-4433
Melissa.Tigbao@cityofvallejo.net

CITY OF VALLEJO PLANNING COMMISSION RESOLUTION

NO. PC 24-XX

**A RESOLUTION OF THE PLANNING COMMISSION FINDING THE PROPOSED CAPITAL
IMPROVEMENT PROJECT (QUARTER'S A) FOR FISCAL YEAR 2024-2025 TO BE IN
CONFORMANCE WITH THE GENERAL PLAN**

* * * * *

WHEREAS, California Government Code Section 65401 requires the Planning Commission of the City of Vallejo to determine whether the “ensuing fiscal year” of the City of Vallejo’s Capital Improvement Program (CIP) is in conformance with the General Plan, and to report its determination to the City Council; and

WHEREAS, on August 29, 2017, the City Council adopted General Plan 2040 which serves as a guide for the community’s future growth and development; and

WHEREAS, the CIP is a five-year program adjusted on an annual basis that identifies anticipated capital improvements and the estimated costs to construct these improvements; and

WHEREAS, Government Code Section 65401 requires that the Planning Commission review the ensuing fiscal year’s CIP for conformity with the General Plan; and

WHEREAS, on April 15, 2024, the Planning Commission held a duly noticed public hearing on the proposed CIP for fiscal year 2024-2025 and following the hearing, resolved that it conforms with the Vallejo General Plan 2040; and

WHEREAS, following the hearing, the Planning Commission considered all oral and documentary evidence relating to the conformance of the fiscal year 2024-2025 CIP with General Plan 2040; and

WHEREAS, city staff has brought an additional project for consideration of inclusion in the 2024-25 CIP, due to having secured funding through the National Parks Services Save America’s Treasures Grant program for this new project, Quarter’s A Structural Rehabilitation (Quarter’s A Project); and

WHEREAS, on June 3, 2024, the Planning Commission held a duly noticed public hearing on the Quarters’ A Project as an addition to the proposed 2024-2025 CIP, during which staff of the Public Works Department presented its report and all interested persons had an opportunity to testify; and

WHEREAS, following the hearing, the Planning Commission considered all oral and documentary evidence relating to the conformance of the Quarter’s A Project with General Plan 2040; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Planning Commission’s action to determine whether a proposed new or modified CIP project is in conformance with the General Plan is not subject to CEQA pursuant to CEQA Guidelines Section 15378 in that General Plan conformance findings required by State law are not a project as defined under CEQA.

NOW THEREFORE, the Planning Commission of the City of Vallejo hereby finds, determines, and resolves as follows:

Section 1: The Planning Commission has duly considered the full record before it on this matter, which includes but is not limited to such things as the City staff report, the proposed fiscal year 2024-2025 CIP (including Quarter’s A), testimony by staff and all interested persons, and any other materials or evidence submitted or provided to the Commission. Furthermore, the recitals set

forth above are found to be true and correct and are incorporated herein by reference.

Section 2: This action is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378, since it is not a “project” as defined under CEQA.

Section 3: The proposed fiscal year 2024-2025 CIP, with the addition of the Quarter’s A Project, conforms with the Vallejo General Plan 2040.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 3rd day of June 2024, by the following vote to-wit:

AYES:

NOES:

ABSENT:

ATTEST:

Jamar Stamps, CHAIRPERSON
City of Vallejo Planning Commission

Cesar Orozco, SECRETARY
City of Vallejo Planning Commission

Attachment 2
FY24-25 General Plan-CIP Conformance Matrix
Quarter's A Structural Rehabilitation Project

	Category	Project ID	Project Name	Description	Location	Vallejo General Plan 2040		
						Chapter	Topical Area	Applicable Goals/Policies (all are policies unless otherwise)
New	Structural Rehabilitation	PW9968	Quarter's A Structural Rehabilitation Project	The proposed project is for restoration work on Quarters A, one of the historic mansions that was built in 1900 as single family officer homes. The facility is a 3-story wood light frame structure that rests on unreinforced brick masonry. The foundation dates back to the 1800s as some of the current structure rests on stone foundations that were from the original unreinforced masonry officer's houses that were destroyed in a major earthquake in 1898. In a 2021 engineering report for Quarter A and B, key structural issues and extensive structural upgrades were recommended prior to reuse. This project will assess the structural needs, and based on budget prioritize rehabilitation items with a goal to make the building usable.	Mare Island: 1065 Walnut Avenue	Cultural and Historic Resources and Economy, Education and Training	Cultural Resources; Historic Resources; Historic District, Public Investment, Facility Development	NBE-1.9, NBE-1.10; NBE-1.11; NBE-1.12; EET-1.8; EET-1.11

**GENERAL PLAN 2040 POLICIES RELATED TO
CAPITAL IMPROVEMENTS, PUBLIC FACILITIES AND
INFRASTRUCTURE
(QUARTER'S A STRUCTURAL REHABILITATION PROJECT)**

Chapter 4 – Cultural and Historic Resources

POLICY NBE-1.9 Cultural Resources. Protect and preserve archaeological, historic, and other cultural resources.

- *Action NBE-1.9A. Continue to require that land use activities comply with State requirements and follow best practices to ensure that cultural resources are not impacted and that appropriate agencies and technical experts are involved in the evaluation and protection of resources and sites.*

POLICY NBE-1.10 Historic Resources, Encourage the protection, rehabilitation, and reuse of historic buildings and structure.

- *Action NBE-1.10A. Seek funding to update the City's historic resources inventory.*
- *Action NBE-1.10B Require the identification and protection of all on-site historic resources in conjunction with any proposed development, in compliance with all applicable City provisions (including the Downtown Specific Plan Historical Resource Assessment) and State and federal guidelines for treatment of historic properties.*
- *Action NBE-1.10C Participate in federal and State programs that offer funding and economic incentives for the restoration and preservation of qualified historic buildings, including:*
 - *The federal historic preservation tax credit for qualified rehabilitation projects;*
 - *Reduced development fees for projects that comply with the State Historical Building Code (SHBC) and the*
 - *Secretary of the Interior's Standards;*
 - *The Mills Act Property Tax Abatement Program;*
 - *Income tax deductions for qualified donations of historic preservation easements;*
 - and*
 - *Transfer of Development Rights*

POLICY NBE-1.11 Historic District, Preserve the integrity of the City's historic districts, including downtown, as physical changes occur within them.

POLICY NBE-1.12 Historic Preservation. Promote community awareness of the benefits of historic preservation.

- *Action NBE-1.12A. Work with community, real estate, and commerce organizations to promote the connection between historic resources and the economic and cultural well-being of the community.*

Chapter 5 – Economy, Education, and Training

POLICY EET-1.8 Public Investments, Leverage public investments to enhance Vallejo's economic vitality, and invest resources in ways that ensure that Vallejo is a healthy, safe, and engaged community.

- *Action EET-1.8B. Consider identifying and setting aside funds that can be used as local match funds to solicit grants and non-traditional funding for priority projects not otherwise feasible.*

POLICY EET-1.11 Mare Island. Facilitate development and redevelopment on Mare Island to stimulate citywide job creation.

Attachment 4		
Appropriations for Quarter's A Structural Rehabilitation Project		
Fund No.	Fund Name	FY 24-25 Appropriation
Fund 221	Grant Reimbursement	\$750,000
Fund 201	Capital Outlay	\$750,000
Total		\$1,500,000



**STAFF REPORT
CITY OF VALLEJO
PLANNING COMMISSION**

I. PROJECT INFORMATION

Item No. 7C

DATE OF MEETING:

June 3, 2024

PROJECT:

Tobacco Retail License Ordinance

PREPARED BY:

Christina Ratcliffe, AICP, Planning and
Development Services Director

PROJECT LOCATION:

City-wide

**APPLICABLE ZONING
CODE SECTION(S):**

16.301, Use Standards
16.340, Tobacco Product Sales
16.701, Land Use Terms and Definitions

SUMMARY:

Consider a resolution recommending to Council the amendment of Sections 16.301, 16.340, and 16.701 of the Zoning Code regarding regulations related to tobacco retail products for consistency with the new Tobacco Retail License Ordinance.

CEQA DETERMINATION:

The project is exempt from environmental review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a series of Municipal Code text amendments that address the sale of tobacco, it can be seen with certainty that there is no possibility that the proposed action may result in a significant effect on the environment, and the proposed revisions to the Municipal Code are exempt from further review under CEQA.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the attached Resolution recommending to the Council adoption of the amendments to Chapters 16.301, 16.349 and 16.701 of the Zoning Code.

II. SUMMARY

APPLICANT:

City of Vallejo

500 Santa Clara Street
Vallejo, CA 94590

PROPERTY OWNER:	Various: Ordinance provisions are City-wide
GENERAL PLAN DESIGNATION:	Various: Ordinance provisions are City-wide
ZONING DISTRICT:	Various: Ordinance provisions are City-wide
SPECIFIC PLAN:	Various: Ordinance provisions are City-wide

III. BACKGROUND

The Council has directed staff to bring forward a Tobacco Retail Licensing (TRL) Ordinance for review and approval to ensure that retailers comply with tobacco control laws and business standards, and to protect the health, safety, and welfare of the community, particularly Vallejo youth.

The Vallejo Municipal Code (VMC) regulates the location and sales of tobacco products within the City. These regulations are located in various portions of the Zoning Code. Because the new Ordinance uses different definitions and imposes new regulations, all portions of the VMC that related to the sale of tobacco products need to be amended to be internally consistent.

Staff is proposing the following actions to implement the new TRL Ordinance:

Adding Chapter 5.10, Tobacco Retail Licensing;

Amending Chapters 7.68, Prohibition of Smoking, 16.301 - Table 16-301-A: Land Use, 16.340, Tobacco Product Sales, and

16.701, Land Use Terms and Definitions; and

Repealing

Chapter 7.69, Restrictions on Accessibility to Cigarettes and other Tobacco Products.

In the attached excerpts from the VMC, new language is shown in red underlined, and deleted language is shown in ~~red strikeout~~.

The Planning Commission has purview over changes to the Zoning Code (Title 16) of the VMC. Therefore, staff is bringing these proposed changes to the Planning Commission for recommendation to the Council. Staff notes that the Commission does not have purview over Chapter 5.10, 7.68 or 7.69, but is including these changes in the attachments, as they relate to the changes proposed in Title 16.

The TRL Ordinance would require all tobacco retailers to obtain a license from the City. The Ordinance includes the prohibition of all types of flavored tobacco and flavored tobacco products, including for electronic devices, and imposes minimum size of packaging and pricing and limits on location of tobacco retailers in relation to other tobacco retailers, cannabis retailers, youth facilities and residential districts.

It also limits the number of tobacco retailers in relationship to the population. There are limited exceptions to these location and density requirements for existing retailers. The ordinance outlines a

license application process as well as requiring a fee for licensing, compliance monitoring and suspension or revocation of license, and penalties for those operating without benefit of a license.

General and Specific Plan Conformance

The proposed changes are in conformance with the applicable General and Specific Plan Policies and actions. In particular, Policy CP-1.10 and associated actions (below) are implemented by the proposed new Tobacco Retail License Ordinance and the changes to Title 16.

POLICY CP-1.10 Tobacco Sales and Children. Protect children by restricting the location of tobacco sales.

Action CP-1.10A Amend City regulations to require use permit review to consider the potential negative impacts of uses proposing to sell tobacco in proximity to schools and other youth-serving facilities, and in areas with existing tobacco retailers.

Action CP-1.10B Consider establishing an annual fee on tobacco retailers to fund a regular monitoring program to increase compliance with tobacco related laws.

The proposed changes to Title 16 are as follows:

Table 16.301-A:

Tobacco-Cigar Bar or Lounge with a Major Use Permit added in some districts:

Staff notes that regardless of the permitting and location requirements in the Zoning Code (Title 16), all Tobacco uses would be required to adhere to the location restrictions and licensing requirements set forth in Chapter 5.10. As an example, if a Tobacco Use were allowed in a certain district, they would still have to maintain distance requirements from other tobacco uses, residential districts and Youth Facilities.

Under Commercial Entertainment and Recreation in the table, the use of *Tobacco-Cigar Bar or Lounge* is added as a use requiring a Major Use Permit, requiring a Planning Commission Public Hearing, in the following districts:

Neighborhood Mixed Use (NMX)
Downtown Mixed Use (DMX)
Waterfront Mixed Use (WMX)
Neighborhood Commercial (NC)
Central Corridor Commercial (CC)
Regional Commercial (RC)

These locations correspond with the district in which bars and lounges serving alcohol are permitted with a Minor Use Permit. Staff is proposing that in keeping with the definitions established in the

proposed Section 5.10, Tobacco-Cigar Bar and Lounges require a Major Use Permit, which includes a greater level of scrutiny.

The new definition of Tobacco-Cigar Bar or Lounge is added to Section 16.701 (discussed again below) to read as follows:

“Tobacco-Cigar Bar or Lounge’ means an establishment that is open to the public and is designated for the consumption or use of tobacco products purchased on the premises or elsewhere.”

Staff is proposing adding this use because the recently adopted changes to Chapter 7.68 displaced smokers residing in multi-unit residences from smoking in their homes. The addition of this use is intended to address the desire of smokers to gather indoors to smoke, while protecting the interests of community health.

Smoke Shop or Tobacco Retailer definition changed and Discretionary Permit Added

Under Retail Sales in the Use Table, in keeping with the new definitions in Chapter 5.10, staff proposes replacing “Smoke Shop or Tobacco Retailer” with “Tobacco Retail Store.” The definition is further broken down into two categories, Tobacco Retail Store-Major (having more than 20% of the retail area dedicated to tobacco products), and Tobacco Retail Store-Minor (having 20% or less of the retail area dedicated to tobacco products).

Tobacco Retailer-Major would require a Major Use Permit in the following districts:

Neighborhood Mixed Use (NMX)
Downtown Mixed Use (DMX)
Central Corridor Commercial (CC)
Regional Commercial (RC)

This represents no change from the current requirements for Smoke Shop or Tobacco Retailer.

The Tobacco Retailer-Minor would be allowed with a Minor Use Permit in the following districts:

Residential Low Density (RLD)
Residential Medium Density (RMD)
Residential High Density (RHD)
Neighborhood Mixed Use (NMX)
Downtown Mixed Use (DMX)
Waterfront Mixed Use (WMX)
Neighborhood Commercial (NC)
Waterfront Commercial (WC)
Central Corridor Commercial (CC)
Regional Commercial (RC)
Public & Semi-Public (PS)

These locations correspond with the Districts where Convenience Stores are currently permitted by right or with a Minor Use Permit. To clarify, if a convenience store sold tobacco products and 20% or less of the retail area is dedicated to tobacco products, a Minor Use Permit would be required. However, if the location of the store were less than 1,000 feet from a Youth Facility, tobacco sales would not be allowed.

“Cannabis Retail” would be changed to “Cannabis Business Retailer”

Under “Cannabis” in the Use Table, this is a definition change to conform with the definitions in the new Chapter 5.10.

Note 8 Definition Changed

At the end of the Use Table is a list of notes that relate to certain uses within the Table. Note 8 refers to tobacco uses. It currently references further tobacco-related requirements contained in Chapter 7 and states that a Major Use Permit is required for certain uses. This is proposed to be changed to reference Chapter 5.10 Tobacco Retail Licensing and 16.340 Tobacco Product Sales.

Changes to Section 16.340

There are multiple changes to Section 16.340, “Tobacco Product Sales.” Section 16.340.01, “Purpose and Applicability,” is being changed to conform to the purpose and language to the proposed Chapter 5.10. Likewise, 16.340.02, Requirements, has changes to the requirements places on Tobacco Retail Stores to conform with the new requirements and language in Chapter 5.10.

Section 16.340.03, .04 and .05 previously had language relating to the “deemed approved” status of existing legal non-conforming tobacco retailers. This allowed tobacco existing legal non-conforming tobacco retailers to continue the use under certain circumstances. This language has been removed, as Chapter 5.10 requires all Retail Tobacco Retailers to come into conformance with the new regulations in Chapter 5.10.

Section 16.701

Changes proposed to Section 16.701, Land Use Terms and Definitions are proposed to bring Title 16 into conformance with Chapter 5.10. Changes are:

“Cannabis, retail”: Changed to conform with Chapter 5.10 and Section 16.301

“Convenience Store”: Added language to clarify that tobacco sales are subject to Chapter 5.10 of the VMC.

“Smoke Shop” deleted and “Tobacco Retail Store, Major and Minor” added

“Tobacco-Cigar Bar or Lounge” definition added

“Tobacco related products” changed to Tobacco products and the definition expanded to conform with that in Chapter 5.10

Conclusion

The proposed changes to Title 16 of the VMC bring the Title into conformance with the newly created Chapter 5.10, “Tobacco Retail Licensing.” Although the new Chapter 5.10 and the changes to Chapter 7.68 and the repeal of Chapter 7.69 are all interrelated to the proposed changes to Title 16, the purview of the Planning Commission is over Title 16 alone.

IV. STAFF RECOMMENDATION

After review of the staff report and recommended changes and hearing public comment, adopt a resolution recommending the changes to Chapters 16.301, 16.340 and 16.701 to the City Council.

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 24-XXX

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING AMENDMENTS TO
CHAPTER 16.301, “USE STANDARDS,” CHAPTER 16.340 TOBACCO PRODUCT SALES,
AND CHAPTER 16.701, “LAND USE TERMS AND DEFINITIONS” TO THE VALLEJO
MUNICIPAL CODE RELATING TO TOBACCO RETAIL SALES**

WHEREAS, on _____, 2024, the City Council will be considering an Ordinance adding a new Chapter 5.10 to the Vallejo Municipal Code relating to Tobacco Retail Licensing to ensure that retailers comply with tobacco control laws and to protect the health, safety, and welfare of the community, particularly Vallejo youth; and

WHEREAS, Title 16 of the Vallejo Municipal Code (the “Zoning Code”) regulates the location and sales of tobacco products within the City—in particular, in Chapters 16.301, 16.340, and 16.701 therein. Because the new Ordinance would use different definitions and impose new regulations on tobacco retailers, those portions of the Zoning Code that relate to the sale of tobacco products and which are inconsistent need to be amended to render them consistent; and

WHEREAS, any proposed amendments to the Zoning Code must first be reviewed and recommended by the Planning Commission at a duly noticed public hearing prior to being considered for adoption by the City Council; and

WHEREAS, the proposed amendments to Chapters 16.301, 16.340, and 16.701 are consistent with the General Plan and applicable specific plans; and

WHEREAS, notice of the hearing before the Planning Commission was published in the Vallejo Times Herald on May 19, 2024 and posted at City Hall on May 19, 2024; and

WHEREAS, on June 3, 2024, the Planning Commission held a duly noticed public hearing on the proposed amendments to Chapters 16.301, 16.340, and 16.701, during which staff of the Planning and Development Services Department presented its report and all interested persons had an opportunity to testify; and

WHEREAS, following the hearing, the Planning Commission considered all oral and documentary evidence relating to the proposed amendments to the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the City Council approve the proposed amendments to Chapters 16.301, 16.340, and 16.701 of the Vallejo Municipal Code relating to tobacco retail sales, as set forth in Exhibit A, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 3rd day of June 2024, by the following vote to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMAR STAMPS, CHAIRPERSON

City of Vallejo Planning Commission
Attest:

CESAR OROZCO, SECRETARY
City of Vallejo Planning Commission

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO ADDING CHAPTER 5.10 OF THE VALLEJO MUNICIPAL CODE RELATING TO TOBACCO RETAIL LICENSING AND AMENDING CHAPTERS 7.68, 16.301, 16.340, AND 16.701 AND REPEALING CHAPTER 7.69 REGARDING OTHER REGULATIONS RELATED TO TOBACCO RELATED PRODUCTS

WHEREAS, on August 28, 2020, California Governor Newsom signed SB 793 which ended the sale of most flavored tobacco products statewide; and

WHEREAS, on November 8, 2022, California voters upheld Senate Bill (SB) 793 by approving Proposition 31, which prevents retailers from selling most flavored tobacco products, including menthol cigarettes and electronic smoking devices (vapes); and

WHEREAS, Section 104559.5(g) of the California Health and Safety Code authorizes local governments to adopt local standards that impose greater restrictions on the access to tobacco products than the restrictions imposed by Section 104559.5;

WHEREAS, Section 26200 of the California Business and Professions Code expressly authorize local governments to regulate smoking and cannabis in any manner not inconsistent with state law; and

WHEREAS, Section 22971.3 of the California Business and Professions Code explicitly permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law; and

WHEREAS, the City Council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the council, to protect the health, safety, and welfare of our residents;

WHEREAS, there is no Constitutional right to smoke; and

WHEREAS, the U.S. Environmental Protection Agency has determined tobacco smoke is the major contributor to particulate indoor air pollution; and

WHEREAS, Center for Disease Control and Prevention has determined tobacco use is the number one cause of preventable death in California and continues to be an urgent public health issue; and

WHEREAS, 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness; and

WHEREAS, tobacco use is the number one cause of preventable death in California and continues to be an urgent public health issue, as evidenced by the following:

- 40,000 California adults die from their own smoking annually;
- More than 25% of all adult cancer deaths in California are attributable to smoking;
- Smoking costs California \$13.29 billion in annual health care expenses, \$3.58 billion in Medicaid costs caused by smoking, and \$10.35 billion in smoking-caused productivity losses;
- Tobacco use can cause disease in nearly all of the organs of the body and is responsible for 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all cases of chronic obstructive pulmonary disease in the United States; and

WHEREAS, tobacco use among priority populations in California contributes to health disparities and creates significant barriers to health equity, as evidenced by the following:

- African American (20.4%), Asian or Pacific Islander (11.4%), and Hispanic (15.2%) males all report a higher smoking prevalence than the statewide average among all adults (11.0%);
- American Indian/Alaska Native Californians have the highest smoking prevalence (19.1%) among all reported adult demographic populations;
- Smoking is more prevalent among rural (14.9%) compared to urban (10.6%) Californians;
- Californians with the highest levels of educational attainment and annual household income have the lowest smoking prevalence;
- Adults who identify as lesbian, gay, bisexual, or transgender report smoking at a higher rate (17.4%) than the statewide average (11.0%);
- Those who reported experiencing psychological distress in the past month smoke at rates (26.7%) higher than the statewide average (11.0%); and

WHEREAS, despite the state's efforts to limit youth access to tobacco, youth are still able to access tobacco products, as evidenced by the following:

- In California, research indicates over 67% of current and former adult smokers started by the age of 18 and almost 100% start by age 26;
- In California, from 2017 to 2018, approximately 13% of high school students reported using tobacco;
- Disparities in tobacco use exist among California high school students, with higher rates found among LGBTQ, gender non-binary, American Indian, and Pacific Islander youth;
- Overall, 12.7% of California high school students reported past 30-day tobacco use in 2018, versus 16.4% of gay or lesbian students, 15.5% of bisexual students, 25.2% of transgender students, 20.4% of queer students, 34.1% of intersex or intergender students, 24.1% of gender-nonconforming or genderqueer students, 21.7% of genderfluid students;
- Among California high school students, 12.2% of male students and 11.1 of female students reported tobacco use in 2018, versus 21.8% of students who identify their gender in another way;

- Unless smoking rates decline, an estimated 441,000 of all California youth who are alive today will die prematurely from smoking-related diseases;
- In 2017, 22.8% of high school students in California had tried cigarette smoking;
- Between 2014 and 2018, electronic smoking device use among California youth increased from 14.1% to 46.2%; and

WHEREAS, health care costs and lost productivity incurred by smoking-related disease and death represent a heavy and avoidable financial drain on our community; and

WHEREAS, approximately 480,000 people die in the United States from smoking-related diseases and exposure to secondhand smoke every year, making tobacco use the nation's leading cause of preventable death; and

WHEREAS, the World Health Organization (WHO) estimates that tobacco kills 8 million people and causes over 1.4 trillion dollars in economic damage each year; and

WHEREAS, the tobacco industry encourages youth and young adult tobacco initiation through predatory targeting, as evidenced by the following:

- Tobacco companies target young adults ages 18 to 24 to increase their frequency of tobacco use and encourage their transition to habitual users;
- Tobacco industry documents state that if “a man has never smoked by the age of 18, the odds are three-to-one he never will. By age 24, the odds are twenty-to-one”;
- The tobacco industry spends an estimated \$496 million annually to market tobacco products to California residents;

WHEREAS, California retailers continue to sell tobacco to underage consumers, evidenced by the following:

- 9.3% of high school students in California reported buying their own electronic cigarette from a store;
- 19.1% of California tobacco retailers unlawfully sold tobacco products to underage persons in 2018;
- 21.6% of retailers visited in a region consisting of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano counties unlawfully sold tobacco products to 18- or 19- year old decoys in 2019, exceeding the state average of 17.9%; and

WHEREAS, requiring tobacco retailers to obtain a tobacco retailer license will not unduly burden legitimate business activities of retailers who sell tobacco products to adults but will, however, allow the city to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco control and youth tobacco access laws, as evidenced by the following:

- Tobacco products are the number one seller in U.S. convenience stores, and in 2018, they generated an average of \$595,870 in sales per store;

- Systematic scientific reviews indicate that merchant compliance with youth tobacco sales laws reduces the rate of tobacco use among adolescents;
- Studies found increased retailer compliance and reduced tobacco sales to youth following implementation and active enforcement of youth tobacco sales laws paired with penalties for violations;
- A review of 41 California communities with strong tobacco retailer licensing ordinances found that youth sales rates declined in 40 of these communities after the ordinances were enacted, with an average 69% decrease in the youth sales rate; and

WHEREAS, flavored tobacco products are used by the majority of youth and young adult tobacco users (86.4% and 57.7%, respectively) in California; and

WHEREAS, mentholated and flavored products have been shown to be “starter” products for youth who begin using tobacco and that these products help establish tobacco habits that can lead to long-term addiction; and

WHEREAS, studies indicate that laws prohibiting the sale of flavored tobacco products lead to decreases in youth tobacco use; and

WHEREAS, unlike cigarette use that has steadily declined among youth, the prevalence of the use of non-cigarette tobacco products has increased among California youth; and

WHEREAS, the availability of inexpensive tobacco products leads to increased tobacco use as evidenced by more than 100 academic studies that conclusively show that when tobacco products are made more expensive, fewer people use tobacco, fewer initiate tobacco use, and more people quit tobacco use; and

WHEREAS, research has also consistently shown that increases in cigarettes prices will result in less smoking across various sociodemographic populations; and

WHEREAS, tobacco companies spend considerably to decrease the price of their products in order to counter state and local tobacco control efforts, appeal to price-sensitive consumers, and increase demand for tobacco products. For example, tobacco companies spent the majority of their cigarette marketing budgets on price discounts, accounting for nearly \$6.2 billion of \$8.6 billion advertising and promotional expenditures in 2018; and

WHEREAS, the tobacco industry’s price discounting strategies, such as coupons and multiple-package discounts, are popular among consumers, with more than half of adults using some price minimization strategy and with price-discounted sales account for a substantial proportion of overall tobacco product sales; and

WHEREAS, many retailers sell little cigars and cigars individually, making them more affordable and appealing to youth. Additionally:

- 78.3% of California tobacco retailers sell a popular brand of youth-friendly cigars for less than \$1.00;
- Between 2012 and 2016, annual sales of cigarillos increased by 78% overall and by 155% for “concept-flavored” (e.g., Jazz) cigarillos;

WHEREAS, a 10% increase in cigar prices has been associated with decreased cigar sales and may significantly reduce cigar use among youth; and

WHEREAS, studies have estimated that if price discounts were prohibited across the United States, the number of people who smoke would decrease by more than 13%; the impact of a \$10 federal minimum floor price for cigarettes could reduce the number of packs sold in the United States by 5.7 billion per year and prompt more than 10 million smokers to quit; and that a state-level minimum floor price law designed to raise the average price of cigarette packs by just under \$2.00 could decrease the prevalence of cigarette use and consumption by more than 4% and reduce income-based smoking disparities in California; and

WHEREAS, by selling tobacco products, pharmacies reinforce positive social perceptions of smoking, convey tacit approval of tobacco use, and send a message that it is not so dangerous to smoke; and

WHEREAS, tobacco-free pharmacy sales policies decrease the availability of tobacco products by reducing tobacco retailer density by up to three times compared with communities that do not have such policies, and immediately after the nationwide CVS policy change to not sell tobacco products, cigarette purchases declined and smokers who had previously purchased their cigarettes exclusively at CVS were up to twice as likely to stop buying cigarettes entirely; and

WHEREAS, research indicates that the density and proximity of tobacco retailers increase smoking behaviors, including number of cigarettes smoked per day, particularly in neighborhoods experiencing poverty; and

WHEREAS, the density of tobacco retailers near adolescents' homes has been associated with increased youth smoking rates and initiation of noncigarette tobacco product use; and

WHEREAS, policies to reduce tobacco retailer density have been shown to be effective and can reduce or eliminate inequities in the location and distribution of tobacco retailers; and

WHEREAS, six out of 10 tobacco retailers in California sold cigar products using cannabis-related flavor descriptors and these retailers were more prevalent in school neighborhoods with lower median income; and

WHEREAS, both youth and adult tobacco users are more likely to also use cannabis; and

WHEREAS, strict enforcement of policies prohibiting retail sales of cigarettes to youth, sales of cigarettes via vending machines, and other means through which youth gain access to tobacco in the commercial settings can limit their opportunities to obtain these products; and

WHEREAS, over 180 cities and counties in California have passed tobacco retailer licensing ordinances in an effort to stop youth from using tobacco; and

WHEREAS, 27% of Vallejo City Unified School District (VCUSD) juniors reported ever having tried a vaping product, 9% of VCUSD juniors reported using a vaping product in the past 30 days, and 4% of VCUSD juniors reported vaping at least 20 of the past 30 days; and

WHEREAS, 60% of VCUSD juniors believe it is “fairly easy” or “very easy” to obtain vaping products and 37% of VCUSD juniors believe it is “fairly easy” or “very easy” to obtain cigarettes; and

WHEREAS, the purpose of the City's smoking restrictions is to serve the public health, safety, and welfare due to the known dangers to health posed by smoking; and

WHEREAS, Centers for Disease Control and Prevention report that e-cigarettes contain harmful substances including nicotine, which is highly addictive and can harm adolescent brain development. In addition, electronic smoking devices' vapor emissions and cartridge contents have been found to contain a number of dangerous substances including chemicals known to the State of California to cause cancer such as formaldehyde, acetaldehyde, lead, nickel, and chromium; and

WHEREAS, the Centers for Disease Control and Prevention further report that flavorings in tobacco products can make them more appealing to youth; and

WHEREAS, the City Council has a substantial interest in protecting youth and underserved populations from the harms of tobacco use; and

WHEREAS, the City Council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the City of Vallejo in order to protect the health, safety, and welfare of our residents; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to ensure compliance with the business standards and practices of the city and to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco products to youth, but not to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein; and

WHEREAS, the Planning Commission, after giving all public notices required by State Law and the Vallejo Municipal Code, held a duly noticed public hearing on June 3, 2024, on the proposed Ordinance, including the amendments and recommended adoption thereof to the Vallejo City Council; and

WHEREAS, thereafter, the City Council, after giving all public notices required by State Law and the Vallejo Municipal Code, held a duly noticed public hearing on June 25, 2024, on the proposed Ordinance, including the amendments and considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the Record of Proceedings relating to the proposed project, which are maintained at Vallejo City Clerk’s Office, 555 Santa Clara Street, Vallejo, CA 94590.

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

Section 1. All of the facts set forth in the Recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

Section 2. Prior to taking action on this Ordinance, the City Council considered the Record of Studies in Support of Adoption of Tobacco Retail Licensing Ordinance on file with the City Clerk, and the Record of Proceedings as a whole.

Section 3. Pursuant to the California Environmental Quality Act of 1970, Public Resources Code 21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), the Ordinance does not constitute a "project" within the meaning of CEQA Guidelines Section 15060(c)(2) because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and pursuant to Section 15378 and because the Ordinance has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment.

Further, the adoption of this Ordinance falls within the "common sense" CEQA exemption set forth in CEQA Guidelines Section 15061 (b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Ordinance results in no physical changes whatsoever, it merely sets forth a licensing requirement for tobacco within the City and adopts consistency amendments across other sections of the Vallejo Municipal Code. This determination reflects the City's independent judgment and analysis.

Section 4. The Record of Proceedings includes but is not limited to: (1) the environmental determination for the project; (2) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the project; (3) the Record of Studies in Support of Adoption of Tobacco Retail Licensing Ordinance on file with the City Clerk; (4) the City of Vallejo General Plan and its related EIR; (5) the Vallejo Municipal Code and its related environmental documents; (6) all studies, data, and correspondence submitted to the City in connection with the project; (7) all documentary and oral evidence received at public workshops, meetings, and hearing regarding the project; and (8) all other matters of common knowledge to the City Council including, but not limited to, City state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding environs.

Section 5. The Vallejo Municipal Code is hereby amended by adding Chapter 5.10, as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 6. Chapter 7.68 PROHIBITION OF SMOKING of the Vallejo Municipal Code is hereby amended as set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 7. Chapter 16.301., Table 16.301-A: LAND USE REGULATIONS of the Vallejo Municipal Code is hereby amended as set forth in Exhibit C, attached hereto and incorporated herein by reference.

Section 8. Chapter 16.340 - TOBACCO PRODUCT SALES of the Vallejo Municipal Code is hereby amended as set forth in Exhibit D, attached hereto and incorporated herein by reference.

Section 9. Chapter 16.701 - LAND USE TERMS AND DEFINITIONS of the Vallejo Municipal Code is hereby amended as set forth in Exhibit E, attached hereto and incorporated herein by reference.

Section 10. Chapter 7.69 – RESTRICTIONS ON ACCESSIBILITY TO CIGARETTES AND OTHER TOBACCO PRODUCTS of the Vallejo Municipal Code is hereby repealed.

Section 10. CONSTRUCTION & SEVERABILITY. It is the intent of the Vallejo City Council to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this chapter, or its application to any other person or circumstance. The Vallejo City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 11. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after 30 days after the date of enactment.

Exhibit A - Chapter 5.10 TOBACCO RETAIL LICENSING ORDINANCE

Chapter 5.10 – TOBACCO RETAIL LICENSING ORDINANCE

5.10.010 DEFINITIONS. The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. “Arm’s Length Transaction” means a sale in good faith and for valuable consideration that reflects the fair market value between two informed and willing parties, neither of which is under any compulsion to participate in the transaction.
- B. "Cannabis" has the meaning set forth in California Business and Professions Code Section 26001, as that section may be amended from time to time.
- C. "Cannabis products" has the meaning set forth in California Business and Professions Code Section 26001, as that section may be amended from time to time.
- D. "Cannabis Business Retailer" means any retail establishment in which cannabis or Cannabis products are sold or offered for sale to persons that do not hold a license to engage in commercial cannabis activity issued by the State of California in accordance with California Business and Professions Code Section 26000 et seq., as the same may be amended from time to time.
- E. “Child-Resistant Packaging” means packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2024, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2024.
- F. “Cigar” means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco weighing more than 4.5 pounds per thousand.
- G. “Cigarette” means: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described herein.

- H. “City” means the City of Vallejo, California.
- I. “Compliance checks” means systems the department may use to investigate and ensure that tobacco retailers are following and complying with the requirements of this chapter. Compliance checks may involve the use of persons between the ages of 18 and 20 who purchase or attempt to purchase tobacco products. Compliance checks may also be conducted by the department or other units of government for educational, research, and training purposes or for investigating or enforcing federal, state, or local laws and regulations relating to tobacco products.
- J. “Coupon” means any voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or other form, used for commercial purposes to obtain an article, product, service, or accommodation without charge or at a discounted price.
- K. “Delivery sale” means the sale of any tobacco product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a tobacco retail establishment. Delivery sale includes the sale of any tobacco product when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sale includes delivery by licensees or third parties by any means, including curbside pick-up.
- L. “Department” means the City department in charge of Code Enforcement personnel in the City and any other department or personnel designated by the City Manager to enforce or administer the provisions of this chapter.
- M. “Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.
- N. “Flavored Tobacco Product” means any tobacco product that imparts:
 - 1. a taste or odor, other than the taste or odor of tobacco, that is distinguishable by an ordinary consumer, either prior to or during the consumption of such tobacco product, including but not limited

to, tastes or odors relating to any fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, candy, dessert, alcoholic beverage, herb, or spice; or

2. a cooling or numbing sensation distinguishable by an ordinary consumer during the consumption of such tobacco product.
3. Any communication by or on behalf of the manufacturer or retailer of a tobacco product that such tobacco product imparts a taste or odor other than the taste or odor of tobacco, or that imparts a cooling or numbing sensation, constitutes presumptive evidence that the tobacco product is a flavored tobacco product.

This includes but is not limited to public statements that a product has a minty or cooling effect, such as describing the product as “chill,” “ice,” “fresh,” “arctic,” “frost”, or similar terms.

- O. “Full Retail Price” means the price listed for a tobacco product on its packaging or on any related shelving, advertising, or display where the tobacco product is sold or offered for sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price.
- P. “Little Cigar” means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than 4.5 pounds per thousand. “Little Cigar” includes. But is not limited to tobacco products known or labeled as small cigar, little cigar or cigarillo.
- Q. “Manufacturer” means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product; or imports a finished tobacco product for sale or distribution into the United States.
- R. “Moveable place of business” means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.
- S. “Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- T. “Pharmacy” means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the

retail establishment sells other retail goods in addition to prescription pharmaceuticals.

- U. “Proprietor” means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a 10% or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person has or shares ultimate control over the day-to-day operations of a business.
- V. “Recreation Facility” means an area, place, structure, or other facility that is used either permanently or temporarily for community recreation, even though it may be used for other purposes, and includes but is not limited to a gymnasium, playing court, playing field, and swimming pool.
- W. “Sale” or “Sell” means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.
- X. “Self-Service Display” means the open display or storage of tobacco products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct face-to-face transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.
- Y. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, cannabis, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” includes using an electronic smoking device.
- Z. “Tobacco Product” means:
 - 1. any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or snus; and
 - 2. any electronic device that delivers nicotine or any other substances to the person inhaling from the device, that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine, including, but not limited to, a vaporizer/vape, electronic cigarette, electronic cigar, electronic pipe, or electronic hookah; or

3. any component, part, or accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes.

“Tobacco product” does not include drugs, devices, or products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act or Cannabis Products.

- AA. “Tobacco Retailer” means any person who sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco products. This definition is without regard to the quantity of tobacco products sold, offered for sale, exchanged, or offered for exchange.
- AB. “Tobacco Retailing” means engaging in the activities of a tobacco retailer.
- AC. “Tobacco Retail Store” means any business establishment utilized for the sale of any Tobacco Product.
- AD. “Youth-Oriented Facility” means a parcel in the City that is occupied by:
1. a private or public kindergarten, elementary, middle, junior high, or high school;
 2. a library open to the public;
 3. a playground open to the public;
 4. a youth center, defined as a facility where children, ages 6 to 17, inclusive, come together for programs and activities;
 5. a recreation facility open to the public, defined as an area, place, structure, or other facility that is used permanently for community recreation, even though it may be used for other purposes;
 6. a park open to the public or to all the residents of a private community;
 7. a licensed child-care facility or preschool including, but not limited to, a small-family day care home or a large-family day care home as defined in California Health & Safety Code §1596.78.

5.10.020 GENERAL REQUIREMENTS AND PROHIBITIONS.

- A. TOBACCO RETAILER'S LICENSE REQUIRED. It shall be unlawful for any person to engage in tobacco retailing in the City without first obtaining and maintaining a valid tobacco retailer's license for each location at which tobacco retailing is to occur. Tobacco retailing without a valid tobacco retailer's license is a nuisance as a matter of law.
- B. LAWFUL BUSINESS OPERATION. In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, any of the licensee's agents or employees, or any other person to violate any local, state, or federal law applicable to the sale of tobacco products.
- C. SMOKING GENERALLY PROHIBITED. Smoking, including smoking for the purpose of sampling any tobacco product, is prohibited within the indoor area of any retail establishment licensed under this chapter unless a separate permit for a Cigar-Tobacco Bar or Lounge, smoking room or other similar establishment has been issued in accordance with the Vallejo Municipal Code.
- D. MINIMUM LEGAL SALES AGE. No person engaged in tobacco retailing shall sell a tobacco product to a person under 21 years of age.
- E. DISPLAY OF LICENSE. Each tobacco retailer license shall be prominently displayed in a publicly visible location at the licensed location.
- F. POSITIVE IDENTIFICATION REQUIRED. No person engaged in tobacco retailing shall sell a tobacco product to another person without first verifying by means of government- issued photographic identification that the recipient is at least 21 years of age.
- G. SELF-SERVICE DISPLAYS PROHIBITED. Tobacco retailing by means of a self-service display is prohibited.
- H. ON-SITE SALES. All sales of tobacco products shall be conducted in-person in the licensed location. It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to engage in the delivery sale of tobacco products or to knowingly or recklessly sell or provide tobacco products to any person that intends to engage in the delivery sale of the tobacco product in the city.

5.10.030 SALE OF FLAVORED TOBACCO PRODUCTS AND ELECTRONIC DEVICES PROHIBITED.

- A. FLAVORED TOBACCO PRODUCT SALES PROHIBITED. It shall be unlawful for any tobacco retailer to sell any flavored tobacco product.

- B. **PRESUMPTIVE FLAVORED TOBACCO PRODUCT.** A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has a taste or smell other than tobacco shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

5.10.040 TOBACCO PRODUCT PRICING AND PACKAGING.

- A. **PACKAGING AND LABELING.** No tobacco retailer shall sell any tobacco product to any consumer unless the tobacco product: (1) is sold in the manufacturer's packaging intended for sale to consumers; (2) conforms to all applicable federal labeling requirements; and (3) conforms to all applicable child-resistant packaging requirements.
- B. **DISPLAY OF PRICE.** The price of each tobacco product offered for sale shall be clearly and conspicuously displayed on the tobacco product or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale.
- C. **DISTRIBUTION OF TOBACCO SAMPLES OR PROMOTIONAL ITEMS.** It is unlawful for any person to distribute free or nominally priced tobacco products or tobacco products.
- D. **PROHIBITION OF TOBACCO COUPONS AND DISCOUNTS.** No tobacco retailer shall:
1. Honor or redeem, or offer to honor or redeem, a coupon to allow a consumer to purchase a tobacco product for less than the full retail price;
 2. Sell any tobacco product to a consumer through a multiple-package discount or otherwise provide any such product to a consumer for less than the full retail price in consideration for the purchase of any tobacco product or any other item; or
 3. Provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.
- E. **MINIMUM PACKAGE SIZE REQUIREMENTS FOR CIGARS.** No tobacco retailer shall sell:
1. Any little cigar unless it is sold in a package of at least ten (10) little cigars; or

2. Any cigar unless it is sold in a package of at least ten (10) cigars provided however, that this subsection shall not apply to the sale of a single cigar that has a price of at least \$10.00 per cigar, including all applicable taxes and fees.

F. **MINIMUM PRICE REQUIREMENTS FOR CIGARETTES AND CIGARS.** No tobacco retailer shall sell:

1. Cigarettes at a price that is less than \$10.00 per package of twenty (20) cigarettes, including all applicable taxes and fees;
2. Little Cigars at a price that is less than \$10.00 per package, including all applicable taxes and fees; or
3. Cigars at a price that is less than \$50.00 per package, or \$10.00 per cigar, including all applicable taxes and fees.

G. **ADJUSTMENT OF MINIMUM PRICE.** The prices established in this section shall be adjusted annually by the Department in proportion with the Consumer Price Index, all urban consumers for all items for the Vallejo-Fairfield statistical area as reported by the United States Bureau of Labor Statistics or any successor to that index, using a system established by the Department.

5.10.050 LIMITS ON ELIGIBILITY FOR A TOBACCO RETAILER LICENSE.

- A. **MOBILE VENDING.** No license may be issued to authorize tobacco retailing at other than a fixed location. No tobacco retail license will be issued to a moveable place of business, including, but not limited to a car, cart, tent, or any other movable vendor apparatus.
- B. **LICENSED CANNABIS BUSINESSES RETAILER.** No license may be issued, and no existing license may be renewed, to authorize tobacco retailing at a location licensed for commercial cannabis activity by the State of California under Business and Professions Code Division 10.
- C. **PHARMACIES.** No license may be issued, and no existing license may be renewed, to authorize tobacco retailing in a pharmacy.
- D. **PROXIMITY TO YOUTH-ORIENTED FACILITIES.** No license may be issued, to authorize tobacco retailing within 1000 feet of a youth- oriented facility as measured by a straight line from the nearest point of the property line of the parcel on which the youth-oriented facility is located to the nearest point of the property line of the parcel on which the applicant's business is located.

- E. **PROXIMITY TO OTHER TOBACCO RETAILERS.** No license may be issued, to authorize tobacco retailing within 1000 feet of a tobacco retailer location already licensed pursuant to this chapter or which predates the effective date of this chapter, as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing licensee's business is located.
- F. **PROXIMITY TO CANNABIS BUSINESS RETAILERS.** No license may be issued, to authorize tobacco retailing within 1000 feet of an existing cannabis business retailer as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing cannabis business retailer is located.
- G. **POPULATION AND DENSITY.** The issuing of tobacco retailer licenses is limited as follows:
1. The total number of tobacco retailer licenses within the incorporated area of Vallejo shall be limited to one for each 2,500 inhabitants, or fraction thereof, of the City of Vallejo;
 2. For the purposes of this subsection, the total population of the City shall be determined by the most current published total available from the U.S. Census Bureau or the California State Department of Finance, whichever has been more recently updated, as of the date the license application is filed.
 3. No new license may be issued to authorize tobacco retailing if the number of tobacco retailer licenses already issued equals or exceeds the total number authorized pursuant to subsection G.1. of this section.
- H. **EXISTING RETAILERS EXEMPTED FROM DENSITY AND PROXIMITY REQUIREMENTS.** Notwithstanding subsections D. through G. of this section, a tobacco retailer operating lawfully on the date the ordinance codified in this chapter is introduced that would otherwise be eligible for a tobacco retailer license for the location for which a license is sought may receive or renew a license for that location so long as all of the following conditions are met:
1. The license is obtained on or **before 60 calendar days** after the effective date of this ordinance and is renewed without lapse or permanent revocation (as opposed to temporary suspension);

2. The tobacco retailer is not closed for business or otherwise suspends tobacco retailing for more than 60 consecutive days;
3. The tobacco retailer does not substantially change the business operation. A substantial change to the business operation includes, but is not limited to, the transferring of a business:
 - a. To a new proprietor(s) in an arm's length transaction; or
 - b. To a new location.
4. The tobacco retailer retains the right to operate under all other applicable laws.
5. In the event that a tobacco retailer fails to obtain a tobacco retailer license on or before 60 calendar days after the effective date of this chapter, such tobacco retailer shall be required to comply with all density and location requirements set forth in subsections D. through G. of this section. In the event that the location of the tobacco retail store does not comply with such location and density requirements and has not obtained such tobacco retail license on or before the 60 calendar day period, such retailer shall immediately cease the sale of any and all tobacco products.

I. **LOCATIONS PROHIBITED OR RESTRICTED BY ZONING.** No license may issue to authorize tobacco retailing at a location where:

1. Such use is prohibited at the requested location by Title 16 of the Vallejo Municipal Code; or
2. Such use is required to have a land use entitlement, including, but not limited to a use permit in order to do business at the requested location and such entitlement has been denied or has yet to be approved.

5.10.060 APPLICATION PROCEDURE.

- A. An application for a tobacco retailer's license shall be submitted in the name of each proprietor proposing to conduct retail tobacco sales and shall be signed by each proprietor or an authorized agent thereof. All applications shall be submitted on a form supplied by the Department.
- B. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information, shall be revoked pursuant to Section 5.10.130 C. of this chapter. Nothing in this chapter shall be construed to vest in any person obtaining and maintaining a tobacco

retailer's license any status or right to act as a tobacco retailer in contravention of any provision of law.

C. Applicant submissions shall contain the following information:

1. The name, address, and telephone number of each proprietor of the business seeking a license.
2. The business name, address, and telephone number of the location for which a license is sought.
3. The name and mailing address authorized by each proprietor to receive all communications and notices required by, authorized by, or convenient to the enforcement of this chapter.
4. Proof that the location for which a tobacco retailer's license is sought has been issued all necessary state licenses for the sale of tobacco products and has either been issued or applied for any required land use entitlements/permits required by Title 16 of the Vallejo Municipal Code.
5. Whether or not any proprietor or any agent of the proprietor has admitted violating, or has been found to have violated, this chapter or any other local, state, or federal law governing the sale of tobacco products and, if so, the dates and locations of all such violations within the previous five years.
6. A signed affidavit affirming that the proprietor has not sold and will not sell any tobacco product without a license required by this chapter.
7. Such other information as the Department deems necessary for the administration or enforcement of this chapter as specified on the application form required by this section.

D. A licensed tobacco retailer shall inform the Department in writing of any change in the information submitted on an application for a tobacco retailer's license within 10 business days of a change.

5.10.70 LICENSE ISSUANCE OR DENIAL.

- A. **ISSUANCE OF LICENSE.** Upon the receipt of a complete and adequate application for a tobacco retailer's license and the license fee required by this chapter, the Department may approve or deny the application for a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary.

- B. **DENIAL OF APPLICATION.** The Department may deny an application for a tobacco retailer's license based on any of the following:
1. The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall be a violation of this chapter;
 2. The application seeks authorization for tobacco retailing at a location for which this chapter or any other chapter of the Vallejo Municipal Code prohibits a license to be issued or a tobacco retail store to be operated;
 3. The application seeks authorization for tobacco retailing for a proprietor to whom this chapter prohibits a license to be issued; or
 4. The application seeks authorization for tobacco retailing in a manner that is prohibited pursuant to this chapter, that is unlawful pursuant to any other chapter of this Code, or that is unlawful pursuant to any other law.
 5. Any other suitable reason the granting of a license to the applicant is not consistent with the public health and welfare, including the applicant's history of noncompliance with this chapter and other laws relating to the sale of tobacco products.

5.10.080 LICENSE RENEWAL AND EXPIRATION.

- A. **RENEWAL OF LICENSE.** A tobacco retailer's license is invalid if the appropriate fee has not been timely paid in full or if the term of the license has expired. The term of a tobacco retailer license is 1 year. Each tobacco retailer shall apply for the renewal of their tobacco retailer's license and submit the license fee no later than 60 days prior to expiration of the current license. A retailer that fails to timely submit a renewal application and fee is ineligible for license renewal and must submit a new application pursuant to Section 5.10.060.

5.10.090 LICENSES NOT TRANSFERABLE; PAST VIOLATIONS AT RETAIL LOCATION.

- A. **LICENSES NOT TRANSFERRABLE.** A tobacco retailer's license may not be transferred from one person to another or from one location to another. A new tobacco retailer's license is required whenever a tobacco retailing location has a change in proprietors or location.
- B. **PAST VIOLATIONS.** Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a subsequent location and license ineligibility/suspension periods shall continue to apply to a location unless:

1. the location has been acquired by new proprietor(s) in an arm's length transaction; and
2. the new proprietor(s) provides the city with clear and convincing evidence that the new proprietor(s) have acquired the location in an arm's length transaction.

5.10.100 LICENSE CONVEYS A LIMITED, CONDITIONAL PRIVILEGE.

Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco retailer's license any status or right other than the limited conditional privilege to act as a tobacco retailer at the location in the City identified on the face of the permit. Nothing in this chapter shall be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law.

5.10.110 FEE FOR LICENSE.

The fee to issue or to renew a tobacco retailer's license shall be established from time to time by resolution of the City Council. The fee shall be calculated so as to recover the total cost of administration and enforcement of this chapter, including, but not limited to, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

5.10.120 COMPLIANCE MONITORING.

- A. Compliance with this chapter may be monitored by the Department. In addition, the City Manager may designate additional persons to monitor compliance with this chapter. All licensed premises must be open to inspection by city staff or designated persons during regular business hours.
- B. The Department, or designated persons may inspect each tobacco retailer at least 2 times per 12-month period to ensure compliance with this chapter. At least one of those visits may involve the participation of persons under the age of 21 to enter licensed premises to attempt to purchase tobacco products.
- C. Nothing in this section shall create a right of action in any licensee or other person against the city or its agents.

5.10.130 SUSPENSION OR REVOCATION OF LICENSE.

- A. **SUSPENSION OR REVOCATION OF LICENSE FOR VIOLATION.** In addition to any other penalty authorized by law, a tobacco retailer's

license shall be suspended or revoked if the Department finds, based on a preponderance of the evidence, after the licensee is afforded notice and an opportunity to be heard, that the licensee, or any of the licensee's agents or employees, have violated any of the requirements, conditions, or prohibitions of this chapter; such violation is determined by any court of competent jurisdiction; or the licensee has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law designated in Section 5.10.020 above.

1. Upon a finding by the Department of a first violation of this chapter at a location, the license shall be suspended for 30 days.
2. Upon a finding by the Department of a second violation of this chapter at a location within any 5-year period, the license shall be suspended for 90 days.
3. Upon a finding by the Department of a third violation of this chapter at a location within any 5-year period, the license shall be suspended for 1 year.
4. Upon a finding by the Department of four or more violations of this chapter at a location within any 5-year period, the license shall be revoked.

- B. **APPEAL OF SUSPENSION OR REVOCATION.** A decision of the Department to suspend or revoke a license is appealable to the City Council and any appeal must be filed in writing with the City Clerk within ten (10) calendar days of mailing of the Department's decision along with the appropriate appeal fee. If such an appeal is timely made, it shall stay enforcement of the appealed action. An appeal to Council is not available for a revocation made pursuant to subsection C. below.
- C. **REVOCATION OF LICENSE WRONGLY ISSUED.** A tobacco retailer's license shall be revoked if the Department finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under Section 5.10.070 existed at the time application was made or at any time before the license issued. The decision by the Department shall be the final decision of the City.

5.10.140 TOBACCO RETAILING WITHOUT A VALID LICENSE.

- A. **INELIGIBLE FOR LICENSE.** In addition to any other penalty authorized by law, if the Department finds, or if a court of competent jurisdiction determines, based on a preponderance of evidence after notice and an opportunity to be heard, that any person has engaged in tobacco retailing at a location without a valid tobacco retailer's license, either directly or through the person's agents or employees, the person shall be ineligible to apply for, or to be issued, a tobacco retailer's license as follows:

1. After a first violation of this section at a location, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until 30 days have passed from the date of the violation.
2. After a second violation of this section at a location within any 5 year period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until 90 days have passed from the date of the violation.
3. After of a third violation of this section at a location within any 5 year period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until 1 year has passed from the date of the violation.
4. After a fourth or subsequent violation of this section at a location within any 5 year period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until 5 years has passed from the date of the violation.

5.10.150 ADDITIONAL REMEDIES.

- A. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity, including, but not limited to administrative citation issued by the Department in accordance with Chapter 1.15 of the Vallejo Municipal Code.
- B. Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of 18 years, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.
- C. Violations of this chapter are subject to a civil action brought by the district attorney, or the city attorney and are punishable by a civil fine not less than \$250 and not exceeding \$1,000 per violation. The license holder shall be solely responsible for payment of fines.
- D. Violations of this chapter may, in the discretion of the district attorney or city attorney, as applicable, be prosecuted as infractions or misdemeanors when the interests of justice so require.
- E. Violations of this chapter are hereby declared to be public nuisances.

- F. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the district attorney or city attorney, including administrative proceedings, judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief.
- G. Tobacco products offered for sale in violation of this chapter are subject to seizure by the Department or its designee and shall be forfeited after the licensee or any other owner of the tobacco products seized is given reasonable notice and an opportunity to demonstrate that the tobacco products were not offered for sale in violation of this chapter. The decision by the Department may be appealed pursuant to the procedures set forth in Section 5.10.130 B. Forfeited tobacco products shall be destroyed and properly disposed of at the cost of the seller after all internal appeals have been exhausted and the time in which to seek judicial review pursuant to California Code of Civil Procedure section 1094.6 or other applicable law has expired without the filing of a lawsuit or, if such a suit is filed, after judgment in that suit becomes final.
- H. For the purposes of the civil remedies provided in this chapter:
 - 1. Each day on which a tobacco product is distributed, sold, or offered for sale in violation of this chapter shall constitute a separate violation of this chapter; and
 - 2. Each individual tobacco product that is distributed, sold, or offered for sale in violation of this chapter shall constitute a separate violation of this chapter.
- I. All tobacco retailers are responsible for the actions of their employees relating to the sale, offer to sell, and furnishing of tobacco products at the retail location. The sale of any tobacco product by an employee shall be considered an act of the tobacco retailer. Notwithstanding the provisions of this subsection, enforcement action may also be brought against any employee of a tobacco retailer for a violation of this chapter.

5.10.160 EXCEPTIONS.

- A. Nothing in this chapter prevents the provision of tobacco products to any person as part of an indigenous practice or a lawfully recognized religious or spiritual ceremony or practice.
- B. Nothing in this chapter shall be construed to penalize the purchase, use, or possession of a tobacco product by any person not engaged in tobacco retailing.

EXHIBIT B – AMENDING CHAPTER 7.68 PROHIBITION OF SMOKING

Chapter 7.68 PROHIBITION OF SMOKING

7.68.010 Findings and purposes.

The City Council of the City of Vallejo finds and declares that the purposes of this chapter are:

- A. To protect the public health, safety and general welfare; and
- B. To guarantee the right of nonsmokers, especially children, to breathe smoke-free air, and to recognize that the need to breathe smoke-free air has priority over the desire to smoke; and
- C. To reduce addiction to tobacco products by children and teenagers.

The city council further finds it is within its basic police power to implement and enforce the provisions of this chapter.

7.68.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. "Adjacent unenclosed property" means any unenclosed area of property, publicly or privately owned, that abuts a multi-unit residence, but does not include property containing detached single-family homes.
- B. "Business" means any sole proprietorship, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold, offered for sale, performed or delivered.
- C. "Cannabis" has the meaning set forth in California Business and Professions Code Section 26001~~(f)~~, as that section may be amended from time to time.
- D. "Common area" means any enclosed or unenclosed area of a multi-unit residence or multiunit non-residential premises (such as hotels, motels, mobile home parks, shopping centers, and office buildings) accessible to and usable by more than one resident, tenant, owner, employee, employer, or member of the public, including but not limited to areas such as halls and paths, lobbies, elevators, stairs, laundry rooms, community rooms, cooking areas, dining areas, gym facilities, swimming pools, grassy or landscaped areas, walking/biking paths, seating areas, garages, and parking lots.
- E. "Dining area" means any area, including streets and sidewalks, that is available to or customarily used by the public or an employee, and that is designed, established, or regularly used for consuming food or drink, including but not limited to restaurants.
- F. "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including,

but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

- G. "Employee" means any person who is employed or retained as an independent contractor by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for an employer.
- H. "Employer" means any person, partnership, corporation or other business or nonprofit entity that retains the service of one or more employees.
- I. "Enclosed area" means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has:
 - 1. Any type of overhead cover, whether or not that cover includes vents or other openings, and at least three walls or other vertical constraint to airflow, including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
 - 2. Four walls or other vertical constraints to airflow, including, but not limited to, vegetation, that exceed six feet in height, whether or not those boundaries include vents or other openings.
- J. "Homeowners' association" or "HOA" means an organization or entity established for the purpose of managing or maintaining a common interest development. A homeowners' association shall also mean "association" as defined in California Civil Code Section 4080, or any successor legislation.
- K. "Landlord" means any person or agent of a person who owns real property leased or rented or any person who manages premises including property managers, homeowners' associations, commercial property associations, condominium boards, etc., except that "landlord" does not include sublessors.
- L. "Multi-unit residence" means property containing two or more units that share a wall, including, but not limited to, apartments, condominiums, townhomes, duplexes, triplexes, quadruplexes, a single-family residence with a junior accessory dwelling unit or attached accessory dwelling unit, senior and assisted living facilities, drug and alcohol rehabilitation facilities, and long-term health care facilities, hospitals, and a room in a single room occupancy ("SRO") facility. Includes all personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio. Multi-unit residences do not include the following:
 - 1. A mobile home; ~~and~~

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2. A single-family home, except if used as a health care facility subject to licensing requirements; ~~and~~
 3. A single-family home with a detached accessory dwelling unit permitted pursuant to California Government Code Sections 65852.1, 65852.150, 65852.2, or an ordinance of the city adopted pursuant to those sections, except if the single-family home or accessory dwelling unit is used as a health care facility subject to licensing requirements; ~~and-~~
 4. A single-family home with a junior or attached accessory dwelling unit where neither unit is rented or leased to an individual or entity other than the occupant of the other unit or a member of the immediate family of the occupant of the other unit.
- M. "Nonprofit entity" means any entity that meets the requirements of California Corporations Code Section 5003 as well as any corporation, unincorporated association, or other entity created for charitable, religious, philanthropic, educational, political, social, or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a nonprofit entity within the meaning of this chapter.
- N. "Nonsmoking area" means any enclosed area or unenclosed area in which smoking is prohibited by:
1. This chapter or other law;
 2. Binding agreement relating to the ownership, occupancy, or use of real property; or
 3. A person with legal control over the area.
- O. "Person" means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- P. "Premises" means a piece of land and any improvements thereon such as is usually described in a deed, deed of trust, or mortgage, and includes legally separate but contiguous pieces of land that are owned by the same natural person or by legal persons under common control.
- Q. "Private ~~s~~Smokers' ~~H~~Lounge" means any enclosed area in or attached to a Tobacco Retail Store~~retail tobacco shop, or~~ licensed ~~retail e~~Cannabis Business Retailer, a Tobacco—Cigar Bar, or Lounge that is properly licensed and dedicated to the use of tobacco products or cannabis, ~~including, but not limited to, cigars and pipes.~~
- R. "Public place" means any place, publicly or privately owned, which is open to the public regardless of any fee or age requirement, but does not include a "Private Smokers' Lounge".
- S. "Reasonable distance" means a distance of at least twenty feet in any direction from an area in which smoking is prohibited.
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- T. "Recreational area" means any area including streets and sidewalks publicly or privately owned and open to the public for recreational purposes, regardless of any fee or age requirement. The term "recreational area" includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, amusement parks, marinas, and beaches.
- U. "Restaurant" means any coffee shop, cafeteria, sandwich stand, private and public-school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.
- V. "~~Tobacco Retail Store~~~~Retail tobacco store~~" means any business establishment utilized ~~primarily~~ for the sale of any tobacco products, including but not limited to, cigars, pipe tobacco, and smoking accessories, and in which the sale of other products is merely incidental.
- W. "Service area" means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term "service area" includes, but is not limited to, areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.
- X. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense.
- The term "smoke" includes, but is not limited to, tobacco smoke, vapors from an electronic device, and cannabis smoke.
- Y. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe or any other lighted or heated product containing, made or derived from nicotine, tobacco, cannabis, or other plant, whether natural or synthetic, that is intended for inhalation, weed or plant or other combustible substance whose smoke is intended to be inhaled. "Smoking" includes using an electronic smoking device. Smoking, as defined in this chapter, does not include the use of traditional, sacred tobacco as part of an Indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- Z. "Sports arena" means enclosed or unenclosed sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.
- AA. "Tobacco product" means:
1. Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means,
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including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff or snus; and

2. Any electronic device that delivers nicotine or other substances to the person inhaling from the device, that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine, including, but not limited to, a vaporizer (vape), an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah; and
3. Any component part, or accessory of (1) or (2) whether of not any of these contain tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes.

~~The phrase "Tobacco product" does not include drugs, devices, or a products authorized for sale that has been approved by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act or Cannabis Products for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.~~

BB. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio. "Unit" includes but is not limited to an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a room in a single room occupancy ("SRO") facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an in-law or second unit.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.030 Prohibition of smoking in city-owned vehicles and facilities.

Smoking shall be prohibited in all city-owned vehicles, including buses and other means of public transit under the authority of the city, and all enclosed facilities owned and controlled by the city.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.040 Smoking restrictions in multi-unit residences.

- A. Effective ninety days after the effective date of this ordinance, smoking is prohibited in all multi-unit residences.
- B. No person with legal control over any multi-unit residence shall permit smoking anywhere on the premises of the multi-unit residence except as permitted in subsection 7.68.060(A)(7).

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.050 Prohibition of smoking in enclosed areas.

Smoking is prohibited in the enclosed areas of the following places within the city:

- A. Places of employment;
- B. Public places;
- C. Common areas of multi-unit residences;
- D. Retail tobacco shops; and
- E. Sports arenas.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.060 Prohibition of smoking in unenclosed areas.

A. Except as otherwise provided in this chapter, smoking shall be prohibited in the unenclosed areas of the following places within the city:

- 1. Recreational areas.
- 2. Service areas.
- 3. Dining Areas.
- 4. Places of employment.
- 5. Any private or public sidewalks.
- 6. Public places, except as permitted in subsection 7.68.060(~~AB~~)(7) and (8).
- 7. Common areas of multi-unit residences, provided, however, that a person with legal control over a common area may designate a portion of the unenclosed area of the common area as a designated smoking area if the area:
 - a. Is located a reasonable distance from any unit or enclosed area where smoking is prohibited by this chapter or other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a person with legal control over the property. A person with legal control over a designated smoking area may be obliged to modify, relocate, or eliminate it as laws change, as binding agreements are created, and as nonsmoking areas on neighboring property are established;
 - b. Does not include, and is a reasonable distance from, unenclosed areas primarily used by children and unenclosed areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, school campuses, and sandboxes;
 - c. Is no more than ten percent of the total unenclosed area of the multi-unit residence for which it is designated;
 - d. Has a clearly marked perimeter;

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- e. Is identified by conspicuous signs;
 - f. Is completely within an unenclosed area; and
 - g. Does not overlap with any enclosed or unenclosed area in which smoking is otherwise prohibited by this chapter or other provisions of this code, state law, or federal law.
8. Common areas of commercial properties, provided, however, that a person with legal control over a common area may designate a portion of the unenclosed area of the common area as a designated smoking area if the area:
- a. Is located a reasonable distance from any enclosed area where smoking is prohibited by this chapter or other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a person with legal control over the property. A person with legal control over a designated smoking area may be obliged to modify, relocate, or eliminate it as laws change, as binding agreements are created, and as nonsmoking areas on neighboring property are established;
 - b. Does not include, and is a reasonable distance from, unenclosed areas primarily used by children and unenclosed areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, school campuses, and sandboxes;
 - c. Is no more than ten percent of the total unenclosed area of the commercial property for which it is designated;
 - d. Has a clearly marked perimeter;
 - e. Is identified by conspicuous signs;
 - f. Is completely within an unenclosed area; and
 - g. Does not overlap with any enclosed or unenclosed area in which smoking is otherwise prohibited by this chapter or other provisions of this code, state law, or federal law.
- B. Nothing in this chapter prohibits any person, employer, or nonprofit entity with legal control over any property from prohibiting smoking on any part of such property, even if smoking is not otherwise prohibited in that area.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.070 Smoking optional areas.

- A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:
- 1. Private detached single-family residences, except when used as a family day care or health care facility.
 - 2. Private smokers' lounges.
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3. An enclosed place of employment which employs only the owner and no other employee, provided that:
 - (a) The place of employment is not a public place; and
 - (b) The place of employment does not share a ventilation system with any other enclosed place of employment or public place.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.080 Reasonable smoking distance required.

- A. Smoking in all unenclosed areas shall be prohibited within a reasonable distance from any doorway, window, opening, crack, or vent into an enclosed area in which smoking is prohibited.
- B. Smoking in unenclosed areas shall be prohibited within a reasonable distance from any unenclosed areas in which smoking is prohibited under Section 7.68.060.
- C. The prohibitions in subsections (A) and (B) of this section shall not apply to unenclosed areas of private residential properties that are not multi-unit residences.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.090 Nonsmoking buffer zones.

- A. Smoking is prohibited in adjacent unenclosed property located within twenty feet in any direction of any doorway, window, opening, or other vent into an enclosed area of a multi-unit residence.
- B. Subsection (A) of this section does not apply to a person who is smoking in the restricted buffer zone area while actively passing on the way to another destination.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.100 Notice and posting of signs.

- A. Every landlord and homeowner association shall deliver the following, on or before the effective date of the ordinance codified in this chapter plus ninety days, to each unit of a multi-unit residence or multi-tenant non-residential premises:
 1. A written notice clearly stating:
 - a. All units are designated nonsmoking units and smoking is illegal in a unit, including any associated exclusive-use enclosed area or unenclosed area, such as a private balcony, porch, deck, or patio, as of the effective date of the ordinance plus ninety days; and
 - b. Smoking in all common areas, except for specifically designated smoking areas, is a violation of this chapter as of the effective date of the ordinance codified in this chapter.

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2. A copy of this chapter.
- B. As of the effective date of the ordinance codified in this chapter, every landlord shall provide prospective tenants with written notice clearly stating that:
 1. Smoking is prohibited in units, including any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio, as of effective date of the ordinance codified in this chapter; and
 2. Smoking is prohibited in all common areas, except for specifically designated smoking areas, as of effective date of ordinance codified in this chapter.
 - C. As of the effective date of the ordinance codified in this chapter, every seller of a unit in a multi-unit residence or non-residential premises shall provide prospective buyers with written notice clearly stating that:
 1. Smoking is prohibited in units, including any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio, as of the effective date of the ordinance codified in this chapter; and
 2. Smoking is prohibited in all common areas, except for specifically designated smoking areas, as of the effective date of the ordinance codified in this chapter.
 - D. The person or persons with legal control over common areas shall post clear and unambiguous "No smoking" signs in sufficient numbers and locations in common areas where smoking is prohibited by this chapter or other law. In addition, the person or persons with legal control over the multi-unit residence shall post signs in sufficient numbers and locations in the multi-unit residence to indicate that smoking is prohibited in all units. The person or persons with legal control over the common areas shall maintain such signs. The absence of signs shall not be a defense to a violation of any provision of this chapter.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.110 Required and implied lease terms.

- A. Every lease or other rental agreement for the occupancy of a unit in a multi-unit residence or multi-tenant space in a non-residential premises, entered into, renewed, or continued month to month after the effective date of the ordinance codified in this chapter, shall include the provisions set forth in subsection (B) of this section on the earliest possible date allowable by law.
 - B. Every lease or other rental agreement for the occupancy of a unit in a multi-unit residence or multi-tenant space in a non-residential premises, entered into, renewed, or continued month to month after the effective date of the ordinance codified in this chapter, shall be amended to include the following provisions:
 1. A clause providing that as of the effective date of the ordinance codified in this chapter, it is a material breach of the agreement to knowingly or intentionally allow, or engage in, smoking in the unit, including exclusive-use areas such as balconies, porches, or patios.
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2. A clause providing that it is a material breach of the agreement for tenant to knowingly and intentionally allow, or engage in, smoking in any common area of the multi-unit residence or multi-tenant space in a non-residential premises other than a designated smoking area.
 3. A clause providing that it is a material breach of the agreement for tenant to violate any law regulating smoking while anywhere on the property, or knowingly and intentionally allow any other person subject to the control of the tenant to engage in such behavior.
 4. A clause expressly conveying third-party beneficiary status to all occupants of the multi-unit residence or multi-tenant space in a non-residential premises as to the smoking provisions of the lease or other rental agreement.
- C. Whether or not a landlord complies with subsections (A) and (B) of this section, the clauses required by those subsections shall be implied and incorporated by law into every agreement to which subsection (A) or (B) of this section apply and shall become effective as of the earliest possible date on which the landlord could have made the insertions pursuant to subsection (A) or (B) of this section.
- D. A tenant who breaches, or knowingly and intentionally allows any other person subject to the control of the tenant to breach, a smoking provision of a lease or other rental agreement for the occupancy of a unit in a multi-unit residence or multi-tenant space in a non-residential premises shall be liable for the breach to (1) the landlord; and (2) any occupant of the multi-unit residence or multi-tenant space in a non-residential premises who is exposed to smoke or who suffers damages as a result of the breach. A landlord shall not be liable to any person for a tenant's breach of smoking regulations if the landlord has fully complied with this section.
- E. Failure to enforce any smoking provision required by this chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.
- (Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.120 Nuisance.

- A. The provisions of this chapter are restrictive only and establish no new rights for a person who engages in smoking. Notwithstanding (1) any provision of this chapter or of this code, (2) any failure by any person to restrict smoking under this chapter or (3) any explicit or implicit provision of this code that allows smoking in any place, nothing in this code shall be interpreted to limit any person's legal rights under other laws with regard to smoking, including, for example, rights in nuisance, trespass, property damage, and personal injury or other legal or equitable principles.
- B. For all purposes within the jurisdiction of the city, nonconsensual exposure to smoke occurring on or drifting into residential property is a nuisance, and the uninvited presence of smoke on residential property is a nuisance.
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- C. Pursuant to California State law, Health and Safety Code Section 11362.3, smoking cannabis is prohibited wherever smoking tobacco is prohibited.
 - D. Notwithstanding any provision to the contrary, nothing in this chapter shall be interpreted to restrict or otherwise regulate the use of a drug, device, or combination product authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.130 Other requirements and prohibitions.

- A. No person, employer, or nonprofit entity shall knowingly permit smoking in an area which is under the legal or de facto control of that person, employer, or nonprofit entity and in which smoking is prohibited by law.
- B. No person, employer, or nonprofit entity shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any right to a smoke-free environment afforded by this chapter.
- C. It shall be unlawful for any person to smoke in any area where smoking is prohibited under this chapter.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.140 Penalties and enforcement.

- A. The remedies provided by this chapter are cumulative and in addition to any other remedies available under this code, at law, and/or in equity.
- B. Enforcement of this chapter shall be implemented by the city manager or his/her designee and may be enforced by any peace officer or code enforcement official.

Prohibition of smoking in multi-unit residences and private outdoor spaces shall be enforced by the landlord and/or tenant.

- C. Notwithstanding any other provision of this chapter, a private citizen may bring legal action to enforce this chapter.
- D. Each incident of smoking in violation of this chapter is an infraction subject to
 - 1. A fine, not exceeding one hundred dollars and/or five days of community service, for the first violation.
 - 2. A fine, not exceeding two hundred dollars and/or ten days of community service, for a second violation of this section within one year.
 - 3. A fine not exceeding five hundred dollars and/or fifteen days of community service, for a third violation or any subsequent violation of this section within one year.

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- E. Each instance of smoking in violation of this chapter shall constitute a separate violation. For violations other than for smoking, each day of a continuing violation of this chapter shall constitute a separate violation.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

7.68.150 Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking when it is otherwise restricted or prohibited by other applicable laws.

(Ord. No. 1863 N.C. (2d) , §§ 2, 3, 5-24-2022)

TOBACCO RETAIL LICENSING ORDINANCE EXHIBIT C
AMENDING Title 16 - ZONING
PART III - USE STANDARDS
Chapter 16

TABLE 16.301-A: LAND USE

TABLE 16.301-A: LAND USE REGULATIONS																			
USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Development Review (Section 16.605) is required for new construction, reconstruction, rehabilitation alteration, or other improvements to the exterior of a structure, (See Parts II and V for Development Standards).																			
KEY: P: Permitted; may be subject to Zoning Compliance Review determination; ZC: Zoning Compliance Review required; MNP: Minor Use Permit required; MJP: Major Use Permit required; "-" Not permitted; #: See Notes at end of table																			
AGRICULTURAL																			
Animal Husbandry	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
Cultivation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
Agricultural Processing														MNP	P				
Agricultural Production	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
COMMERCIAL																			
Adult Use Business	-	-	-	-	-	-	-	-	-	MJP	-	-	-	-	-	-	-	-	Note 6, Note 8 , and Chapter 16.304, Adult Use Regulations
Adult Motion Picture	-	-	-	-	-	-	-	-	-	MJP	-	-	-	-	-	-	-	-	
Adult Retail Store	-	-	-	-	-	MJP/11	-	-	-	MJP	-	-	-	-	-	-	-	-	
Animal Care, Sales and Services	(See sub-classifications below)																		
Animal Boarding	MNP	-	-	-	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	Chapter 16.306, Animal Keeping and Services
Auctioning	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	
Grooming and Pet Store	-	-	-	-	P	P/11	-	P/13	-	P	P	-	-	-	-	-	-	-	
Horse Stables	MNP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	Chapter 16.306, Animal Keeping and Services
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	
Pet Clinic/Hospital	-	-	-	-	MNP/13	MNP	-	P/13	-	P	P	-	-	P	P	-	-	-	
Pet Day Care Service	P			P	-	P	MNP	-	P	P	-	-	P	-	-	-	-	-	
Auto/Vehicle and Equipment Facilities	(See sub-classifications below)																		
Commercial Vehicle/Fleet Storage, Commissary	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
Commercial Vehicles and Equipment	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	MNP	P	-	-	-	
Recreational Vehicles Storage, Public	-	-	-	-	-	-	-	-	-	-	MNP	-	-	MNP	P	-	-	-	
Auto/Vehicle Sales	(See sub-classifications below)																		
Auto Broker, Office Only	-	-	-	-	P	P	P	P	P	P	P	P	-	P	-	-	-	-	Chapter 16.308, Automobile /Vehicle Sales, Leasing and Rentals
Auto Broker, Office w/Indoor Display	-	-	-	-	P	-	-	-	-	P	P	-	-	P	-	-	-	-	
Auto/Vehicle New Sales, Leasing and Rentals - Major	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	-	-	-	-	
Auto/Vehicle New Sales, Leasing and Rentals - Minor	-	-	-	-	MNP	MNP /11, 26	-	-	-	MNP/ 16	MNP/ 16	-	-	MNP	-	-	-	-	
Auto/Vehicle Used Sales	-	-	-	-	MNP /21	-	-	-	-	MNP	-	-	-	MNP/ 21	MNP	-	-	-	
Auto/Vehicle Services	(See sub-classifications below)																		

Alternative Fuels and Recharging Facilities	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	P	Chapter 16.309, Automobile/Vehicle Repair, Light and Heavy
Auto Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
Auto/Vehicle Washing Detailing	-	-	-	-	MNP	-	-	-	-	MNP	MNP	-	-	P	P	-	-	-	Chapter 16.310, Automobile/Vehicle Washing
Auto/Vehicle Washing/Detailing, Under 2,500 sq ft	-	-	-	-	MNP	-	-	P	-	P	P	-	-	P	P	-	-	-	
Auto/Vehicle/Equipment Repair - Heavy	-	-	-	-	-	-	-	-	-	P	MNP	-	-	MNP	P	-	-	-	Chapter 16.309, Automobile/Vehicle Repair, Light and Heavy
Auto/Vehicle/Equipment Repair - Light	-	-	-	-	MNP	-	-	-	-	P	P	-	-	P	P	-	-	-	
Service Station - Full Service	-	-	-	-	MJP	-	-	MJP	-	MNP	MNP	-	-	P	P	-	-	-	Chapter 16.307, Automobile Service Stations
Service Station - Minimum Service	-	-	-	-	MNP	-	-	-	-	MNP	MNP	-	-	MNP	MNP	-	-	-	
Salvage and Wrecking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	-	-	-	
Banks and Financial Institutions	(See sub-classifications below)																		
Bank and Credit Union	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	-	-	-	
Check Cashing Business	-	-	-	-	MNP	MNP	-	-	-	P	P	-	-	P	-	-	-	-	
Business Services	-	-	-	-	P	P	P	P	P	P	P	P	P/18	P/19	-	-	-	-	
Catering Service	-	-	-	-	MNP	MNP	P	MNP	-	P	P	-	-	P	P	-	-	-	
Commercial Entertainment and Recreation	(See sub-classifications below)																		
Electronic Game Center	-	-	-	-	P	MNP /11	MNP	MNP/ 13	-	P	P	-	-	-	-	-	-	-	Note 8, Note 10, Chapter 16.304, Adult Use Regulations, and 16.305, Alcoholic Beverage Sales
Entertainment Facility, Large-scale (Indoor)	-	-	-	-	MNP	MNP	MNP	-	-	-	MJP	-	-	-	-	P/23	-	MJP	
Entertainment Facility, Large-scale (Outdoor)	-	-	-	-	-	MJP /11	MJP	-	MNP	MNP	MNP	-	-	-	-	-	-	MJP	
Entertainment Facility, Small-Scale	-	-	-	-	P	P	MNP	P	P	P	P	-	-	-	-	-	-	MJP	
Live Theatre	-	-	-	-	MNP	MNP	MNP	MNP/ 13	MNP	MNP	MNP	-	-	-	-	-	-	MJP	
Movie Theater	-	-	-	-	MNP	MNP	MNP	-	-	MNP	MNP	-	-	-	-	-	-	-	
Tobacco-Cigar Bar or Lounge	-	-	-	-	MJP	MJP	MJP	MJP	MJP	MJP	MJP	-	-	-	-	-	-	-	Note 8
Eating and Drinking Establishments	(See sub-classifications below)																		
Bar/Tavern/Lounge	-	-	-	-	MNP	MNP	MNP	MJP	MNP	MNP	MNP	-	-	-	-	-	-	-	Note 8, Note 10; Chapter 16.305, Alcoholic Beverage Sales, 16.316, and 16.330
Brewpub	-	-	-	-	MNP	MNP	MNP	MJP	MNP	MNP	MNP	-	-	-	-	-	-	-	
Nightclub	-	-	-	-	MJP	MNP	MNP	-	-	MNP	MNP	-	-	-	-	-	-	-	
Restaurant with Drive-Through	-	-	-	-	MJP	-	-	-	-	MJP	MJP	-	-	-	-	-	-	-	
Restaurant, Full Service	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-	-	
Restaurant, Limited Service	-	P/3	P/3	P/3	P	P	P	P	P	P	P	P	P/19	P/19	-	P/23	-	P/25	
Tasting Room/Wine Bar	-	-	-	-	MNP	MNP	MNP	MNP	MNP	MNP	MNP	-	-	-	-	-	-	-	

Mobile Food Vending, Off-street	-	-	-	-	ZC	ZC	ZC	ZC	-	ZC	ZC	-	-	-	-	-	-	-	Chapter 16.327, Mobile Food Vending
Equipment Rental	-	-	-	-	-	-	P/12	-	P/12	P	P	-	-	P	P	-	-	-	
Financial, Insurance and Real Estate Services	-	-	-	-	P	P	P	P/19	P/19	P	P	-	-	-	-	-	-	-	
Food and Beverage Retail Sales	(See sub-classifications below)																		
Convenience Store	-	MNP /3	MNP /3	MNP /3	P	P	MNP	MNP /19	MNP /19	MNP /13	MNP /13	-	-	-	-	-	-	P/25	Note 8 , Note 10; Chapter 16.305, Alcoholic Beverage Sales
Farmers' Market	-	-	-	-	MNP	MNP	MNP	MNP	-	MNP	MNP	-	-	-	-	-	-	-	Note 21; Chapters 16.318, Farmer's Markets and 16.305, Alcoholic Beverage Sales
Grocery Store/Supermarket Small (Less than 10,000 sf)	-	MNP /3	MNP /3	MNP /3	P	P	P	P	MNP	P	P	-	-	-	-	-	-	-	Note 8 , Note 10; Chapter 16.305, Alcoholic Beverage Sales
Grocery Store/ Supermarket Medium (10,000 sf - 50,000 sf)	-	-	-	-	MNP	MNP	MNP	-	-	P	P	-	-	-	-	-	-	-	
Grocery Store/Supermarket Large (50,001 to 75,000 sf)	-	-	-	-	MJP	MJP	MJP	-	-	MNP	P	-	-	-	-	-	-	-	
Liquor Store	-	-	-	-	MJP	MJP	MJP	-	-	MJP	-	-	-	-	-	-	-	-	Note 8
Produce Store	-	-	-	-	P	P	P	P	MNP	P	P	-	-	-	-	-	-	-	Note 8 , Note 10; Chapter 16.305, Alcoholic Beverage Sales
Public Market Small (Less than 30,000 sf)	-	-	-	-	MJP	MJP	MJP	-	-	MNP	MNP	-	-	P	P	-	-	-	
Public Market Large (30,000 or More)	-	-	-	-	-	MJP	-	-	-	MJP	MJP	-	-	MNP	MNP	-	-	-	
Funeral and Interment Service	-	-	-	-	MJP	-	-	-	-	MJP	MJP	-	-	-	-	-	-	-	
Laboratory	-	-	-	-	P/13	P	-	-	-	P	P	P	P	P	P	-	-	-	
Live/Work Unit	-	MNP	MNP	MNP	ZC	ZC	MNP	MNP	MNP	ZC	ZC	MNP /20	-	MNP	-	-	-	-	Chapter 16.324, Live/Work Units
Lodging	(See sub-classifications below)																		
Bed and Breakfast	MNP	MNP	MNP	MNP	-	-	MNP	MNP	-	-	MNP	-	-	-	-	-	-	-	Chapter 16.311, Bed and Breakfast Lodging
Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	-	-	
Hotels, Motels	-	-	-	MJP /5	MNP	MNP	MNP	-	MNP	P	P	-	-	-	-	-	-	-	
Maintenance or Repair Services	-	-	-	-	P	P	-	P/13	P	P	P	-	-	P	P	-	-	-	
Nursery and Garden Center	(See sub-classifications below)																		
Nursery and Garden Center, Small (Less than 10,000 sf)	-	-	-	-	P	P	-	P	-	P	P	-	-	P	P	-	-	-	
Nursery and Garden Center, Large (10,000 sf or More)	-	-	-	-	MNP	-	-	MNP	-	P	P	-	-	P	P	-	-	-	
Offices	(See sub-classifications below)																		
Business and Professional Offices	-	-	-	-	P	P	P	P/13	P/13	P	P	P	P	-	-	-	-	-	

Medical and Dental Office	-	MNP /3	MNP /4	MNP /4	P	P	P	P/13	P/13	P	P	P	P	-	-	-	-	-	
Parking Facilities, Commercial	-	-	-	-	P	MNP	MNP	-	-	MNP	MNP	P	P	P	P	-	-	-	
Personal Services	(See sub-classifications below)																		
General Personal Services	-	MNP /3	MNP	MNP	P	P	P	-	-	-	-	P	-	-	-	-	-	-	
Massage Service	-	-	-	-	ZC/7	ZC/7, 11	ZC/7	ZC/7	ZC/7	ZC/7	C/7	ZC/7	ZC/7	-	-	-	-	-	Chapter 16.326, Massage Establishments
Massage Therapy	-	-	-	-	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	-	-	-	-	-	
Personal Services, Physical Training	-	-	MNP	MNP	-	-	-	P	P	P	P	-	-	-	-	P/23	-	-	
Retail Sales	(See sub-classifications below)																		
Building Materials, Sales and Services	-	-	-	-	MNP /26	MNP /26	-	-	-	MNP	MNP	-	-	P	P	-	-	-	
Cannabis, Retail	-	-	-	-	MNP	-	-	-	-	MNP	MNP	-	-	MNP	MNP	-	-	-	Vallejo Municipal Code Chapter 7.100, Marijuana; Chapter 16.312, Cannabis Processing, Cultivation, Distribution, Testing and Retail
Firearm Sales	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	-	-	-	-	-	
General Retail Small (Less than 10,000 sf)	-	MNP /3	MNP /3	MNP /3	P	P	P	P	P	P	P	P	-	-	-	-	-	-	Note 8, Note 10; Chapter 16.305, Alcoholic Beverage Sales
General Retail Large (10,000 sf - 75,000 sf)	-	-	-	-	MNP	-	MNP	-	-	P	P	-	P	-	-	-	-	-	
Large Format Retail (More than 75,000 sf)	-	-	-	-	-	-	-	-	-	MJP	MJP	-	-	MJP	-	-	-	-	Note 8, Note 10; Chapters 16.322, Large Format Retail and 16.305, Alcoholic Beverage Sales
Pawnshop	-	-	-	-	-	MNP	-	-	-	MNP	MNP	-	-	-	-	-	-	-	
Smoke Shop or Tobacco Retailer Tobacco Retail Store-Major (More than 20% of retail area dedicated to Tobacco Products)	-	-	-	-	MJP /8	MJP /8	-	-	-	MJP /8	MJP /8	-	-	-	-	-	-	-	Note 8, Chapter 16.340, Tobacco Product Sales
Tobacco Retail Store-Minor (20% or less of retail area dedicated to Tobacco Products)	-	MNP/3	MNP/3	MNP/3	MNP	MNP	MNP	MNP/19	MNP/19	MNP/13	MNP/13	-	-	-	-	-	-	MNP/25	
Swap Meet (Indoor)	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-	-	-	-	
Swap Meet (Outdoor)	-	-	-	-	MJP	-	-	-	-	MNP	MNP	-	-	-	-	-	-	-	
INDUSTRIAL																			
Artisan/Small-Scale Manufacturing	-	-	-	-	P	P	P	P/13	P	P	P	-	-	P	P	-	-	-	
Artist's Studio	(See sub-classifications below)																		
Artist's Studio-Light	-	-	-	-	P	P	P	P	P	P	P	-	-	P	-	-	-	-	

Artist's Studio-Heavy	-	-	-	-	MNP	MNP	MNP	-	-	MNP	MNP	-	-	P	P	-	-	-	
Breweries	(See sub-classifications below)																		
Brewery, Brew-on-Premises	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	Note 8 , Note 19; Chapter 16.305, Alcoholic Beverage Sales
Brewery Production - Micro	-	-	-	-	MNP	MNP	MNP	MNP	MNP	MNP	MNP	-	-	P	P	-	-	-	Note 8 , Note 10; Chapter 16.305, Alcoholic Beverage Sales and Chapter 16.330, Outdoor Dining and Seating;
Brewery Production - Large	-	-	-	-	-	MNP	MNP	-	-	MNP	MNP	-	-	P	P	-	-	-	
Cannabis	(See sub-classifications below)																		
Cannabis Cultivation	-	-	-	-	-	-	-	-	-	MNP/15	-	-	-	MNP	MNP	-	-	-	Note 8 ; Vallejo Municipal Code Chapter 7.200, Marijuana; Chapter 16.312, Cannabis Processing, Cultivation, Distribution, Testing and Retail
Cannabis Distribution	-	-	-	-	-	-	-	-	-	MNP/15	-	-	-	MNP	MNP	-	-	-	
Cannabis Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	-	
Cannabis Business, Retailer	-	-	-	-	MNP	-	-	-	-	MNP	MNP	-	-	MNP	MNP	-	-	-	
Cannabis Testing Laboratory	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	-	
Contractors' Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	Chapter 16.501.06, Outdoor Storage
Industry, General	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	P	-	-	-	
Media Production	(See sub-classifications below)																		
Media Production Support Facility	-	-	-	-	P	P	P	P	-	P	P	P	-	P	P	-	-	-	
Media Production Full-Service Facility	-	-	-	-	-	-	-	-	-	MNP	MNP	P	-	P	P	-	-	-	
Recycling Facilities	(See sub-classifications below)																		
Recycling, Large	-	-	-	-	-	-	-	-	-	MJP	-	-	-	MJP	P	-	-	-	Chapter 16.333, Recycling Facilities
Recycling, Small	-	-	-	-	MNP	-	-	MNP	-	MNP	MNP	-	-	ZC	ZC	-	-	-	
Research and Development	-	-	-	-	P	P	P	-	-	P	P	P	P	MNP	MNP	-	-	-	
Warehousing, Storage and Distribution	(See sub-classifications below)																		
Chemical, Mineral, and Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	-	-	-	Chapter 16.320, Hazardous Materials Handling and Storage
Indoor Warehousing and Storage	-	-	-	-	-	-	-	-	-	MNP/17	MNP/17	-	-	P	P	-	-	-	
Outdoor Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	Chapter 16.501.06, Outdoor Storage

Mini-Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	MJP	-	-	-	Chapter 16.331, Personal Storage
PUBLIC AND SEMI-PUBLIC																			
Adult Day Care	(See sub-classifications below)																		
Small (6 or fewer and less than 5,000 sf)	P	P	P	P	P	P	P	MNP	-	MJP	-	-	-	-	-	-	-	P	Chapter 16.315, Day Care, Adult and Child
Large (More than 6 and 5,000 sf or larger)	MNP	MNP	MNP	MNP	MNP	MNP	MNP	P	-	MJP	-	-	-	-	-	-	-	P	
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	-	MJP	
Childcare Center/Family Day Care	(See sub-classifications below)																		
Small (Less than 5,000 sf)	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	-	-	P	Chapter 16.315, Day Care, Adult and Child
Large (5,000 sf or More)	-	-	-	-	MNP	MNP	-	MNP	-	P	P	-	-	-	-	-	-	P	
Child Care and Early Education Facility	(See sub-classifications below)																		
Small (Less than 5,000 sf)	P	MNP	MNP	MNP	MNP	MNP	-	-	-	-	-	-	-	-	-	-	-	P	Chapter 16.315, Day Care, Adult and Child
Large (5,000 sf or More)	MNP	MNP	MNP	MNP	-	-	-	-	-	MNP	-	-	-	-	-	-	-	P	
Colleges and Trade Schools, Public or Private	(See sub-classifications below)																		
Small (Less than 10,000 sf)	P	MNP	MNP	MNP/11	MNP	MNP	-	-	-	P	P	P	P/18	MJP	-	-	-	MNP	
Large (10,000 sf or More)	MJP	-	MJP	MJP	MJP	MJP	-	-	-	MNP	MNP	MNP	MNP/18	-	-	-	-	MNP	
Community Assembly	(See sub-classifications below)																		Chapter 16.313, Community Assembly
Small (Less than 5,000 sf)	P	P	P	P	P	P	P	P	MNP	P	P	P	P	-	-	-	-	MNP	
Large (5,000 sf or More)	MNP	MNP	MNP	MNP	MNP	MJP	MJP	-	MJP	MJP	MJP	MNP	MNP	-	-	-	-	-	
Community Garden	ZC	ZC	ZC	ZC	ZC	-	-	ZC	-	ZC	ZC	-	-	-	-	ZC	-	-	Chapter 16.314, Community Gardens
Conference/Convention Facility	-	-	-	-	-	MNP	MNP	-	MJP	MJP	MJP	-	-	-	-	-	-	MJP	
Cultural Facility	-	MJP	MJP	MJP	P	P	P	P	MNP	P	P	-	-	-	-	MNP	MNP	MJP	
Emergency Shelters	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	MJP	Chapter 16.317, Emergency Shelters
Government Office	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P/26	-	P	
Hospitals and Clinics	(See sub-classifications below)																		
Extended Care	-	-	MJP	MJP	MNP	-	-	MNP	-	MNP	MNP	-	-	-	-	-	-	P	
Hospital	-	-	-	-	MJP	-	-	-	-	MJP	MJP	-	MJP	-	-	-	-	MJP	
Park and Recreation Facilities, Public	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	MNP	P	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-	-	P	
School (K-12)	(See sub-classifications below)																		Chapter 16.335, Schools
Small (Less than 10,000 sf)	MNP/2	MNP/2	MNP P/2	MNP/2	P	P	-	P	-	MNP	MNP	-	-	-	-	-	-	P	
Large (10,000 sf or More)	-	-	-	-	MJP	MJP	-	P	-	MJP	MJP	-	-	-	-	-	-	-	
Social Services Center	(See sub-classifications below)																		Chapter 16.337, Social Service Centers
Small (Less than 5,000 sf)	-	-	-	-	P	P	P	P	MNP	P	P	-	-	-	-	-	-	P	

Large (5,000 sf or More)	-	-	-	-	MNP/13	MNP	MNP		MNP	MNP	MNP	MNP	-	-	-	-	-	MNP	
RESIDENTIAL																			
Single-unit Residential	(See sub-classifications below)																		
Single-unit, Attached	-	P/1	P/1	P/1	P/1	P/1, 11	P/1	P/1	-	P/1	P/1	-	-	-	-	-	-	-	Chapters 16.202.05, Small Lot Development, 16.303, Accessory Dwelling Units and 16.321, Home-Based Business
Single-unit, Detached	P/1	P/1	P/1	P/1	-	-	P/1	-	-	-	-	-	-	-	-	-	-	-	
Duplex	-	P/1	P/1	P/1	-	-	-	P/1	-	P/1	P/27	-	-	-	-	-	-	-	Chapters 16.321, Home-Based Business and 16.202.05, Small Lot Development
Multi-Unit Residential (Three or More Units)	-	-	P/1	P/1	P/1	P/1	P/1	P/1	-	P/1	MNP/1,27	MNP/1	MNP/1	-	-	-	-	-	
Small Lot Development	-	MNP	MNP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	Chapters 16.303, Accessory Dwelling Units and Chapter 16.321, Home-Based Business
Guest House	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Group Residential	(See sub-classifications below)																		
Small (6 or fewer)	P	P	P	P	P	P	-	P	-	P	P	-	-	-	-	-	-	-	Chapter 16.319, Group Residential
Large (More than 6)	MNP	MNP	MNP	MNP	MNP	MJP	-	MNP	-	MNP	MNP	-	-	-	-	-	-	-	
Mobile Home Park	-	MJP	MJP	MJP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Chapter 16.328, Mobile Home Parks
Residential Care Facility	(See sub-classifications below)																		
Limited	P	P	P	P	MNP	-	-	-	-	-	-	-	P	-	-	-	-	-	Chapter 16.334, Residential Care, General
Senior	P	P	P	P	MNP	MNP/11	MJP	-	-	MNP	MNP	-	MNP	-	-	-	-	-	
Hospice, General	MNP	MNP	MNP	MNP	-	-	-	-	-	-	-	-	P	-	-	-	-	-	
Hospice, Limited	P	P	P	P	-	-	-	-	-	-	-	MNP	P	-	-	-	-	-	
Skilled Nursing Facility	MJP	MJP	MJP	MJP	-	-	-	-	-	-	-	-	P	-	-	-	-	-	
Shopkeeper Unit	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	-	-	-	
Single Room Occupancy	-	-	MNP	MNP	MNP	MJP/11	-	P	-	MNP	MNP	-	-	-	-	-	-	-	Chapter 16.336, Single-Room Occupancy Housing
Supportive Housing	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	
Transitional Housing	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	
TRANSPORTATION, COMMUNICATION AND UTILITIES																			
Airport and Heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	
Communication Facilities	(See sub-classifications below)																		
Communications Antenna	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	-	Chapter 16.341, Wireless Telecommunications
Communications Tower	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	MJP	
Communications Equipment within Buildings	MNP	MNP	MNP	MNP	P	P	P	P	P	P	P	MNP	MNP	P	P	-	-	P/24	
Freight/Truck Terminal and Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	
Light Fleet-based Service	-	-	-	-	MNP	-	-	-	-	MNP	-	-	-	MNP	P	-	-	-	

Marina	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-	
Passenger Station	-	-	-	-	MJP	MJP	MJP	-	P	P	P	-	-	-	-	-	-	MJP	
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities, Major	-	-	-	-	-	-	-	-	-	-	-	MJP	MJP	MJP	MJP	MJP	MJP	P	
OTHER																			
Accessory Use	Chapters 16.302, Accessory Uses, 16.303, Accessory Dwelling Units, and 16.306, Animal Keeping and Services				Chapters 16.302, Accessory Uses and 16.303, Accessory Dwelling Units														
Non-conforming Use	Chapter 16.105, Non-Conforming Uses																		Note 8
Temporary Use	Chapter 16.339, Temporary Uses																		

NOTE	DESCRIPTION
1	2-10 units permitted subject to Director decision. 11-49 units permitted subject to Director decision with Design Review Board recommendation. 50 or more units requires Design Review Board recommendation and Planning Commission decision. If project complies with State Gov. Code Sec. 65589.4, project is exempt from Design Review Board and Planning Commission review.
2	Minor Use Permit is required for an expansion of an existing school. A Major Use Permit is required for a new K-12 school, either new construction or conversion of a non-educational school building or facility.
3	Only allowed when 2,500 sq. ft. or less and located along a major corridor.
4	Only allowed on the ground floor in mixed-use buildings; a Major Use Permit is required for more than 2,500 sq. ft.
5	Major Use Permit is required and hotel shall not exceed 20 guest rooms.
6	May not be located within 500 ft. of a school, park or 1,000 of other Adult Use.
7	May not be located within 500 ft. from other Massage Services or 1,000 ft. of a school or park; a Major Use Permit is required for 3 or more operators.
8	May not be located within 1,000 ft. from another Tobacco Shop, or 1,000 ft. of a residential district, school or park. A Major Use Permit is required to include a Cigar/Hookah Lounge, Bar, or Cafe. See Chapter 5.10 Tobacco Retail Licensing and 16.340 Tobacco Product Sales
9	Only allowed on the ground floor of a building; a Major Use Permit is required for more than 25,000 sq. ft.
10	Any retail or eating or drinking establishment that sells or serves alcohol after Midnight (12 a.m.) shall require a Major Use Permit.
11	Not permitted within the Georgia Street Corridor between Sonoma Boulevard and Mare Island Way.
12	Limited to Marina-related Equipment Sales.
13	A Minor Use Permit is required between 2,500 sq. ft. and 5,000 sq. ft. and a Major Use Permit is required for more than 5,000 sq. ft.
14	Permitted along Solano Avenue between Georgia and Mariposa Streets.
15	Not permitted except in the White Slough Specific Plan Area, Zone 1A.
16	Minor Use Permit not required for new auto sales on Auto Mall Parkway and west side of Sonoma Blvd. between Yolano Drive and Highway 37.
17	Allowed as an indoor accessory use, consistent with Chapter 16.302, Accessory Uses.
18	Limited to uses related to medical education.
19	Limited to small businesses (5,000 sq. ft. or less).
20	Only permitted above the ground level.
21	Minor Use Permit not required for Used Auto Sales on west side of Broadway between Tuolumne Street and Highway 37.
22	Only indoor cultivation allowed, including within greenhouses.
23	Limited to uses related to parks and recreation facilities, golf courses, or other public buildings.
24	Only as a secondary use in a Cultural Facility or Governmental Office.
25	Only in a mixed-use building to serve employees and visitors.
26	Indoor display or storage only. Outdoor display or storage is prohibited.

Exhibit D - Chapter 16.340 TOBACCO PRODUCT SALES

Chapter 16.340 TOBACCO PRODUCT SALES

16.340.01 Purpose and applicability.

These regulations implement the policies of the general plan to promote the public health, safety and general welfare by reducing the harmful effects of tobacco use, including exposure to secondhand smoke and tobacco sales to children, by regulating tobacco sales. More specifically, to impose reasonable controls on the location of Tobacco Retail Stores effects and availability of tobacco products, with the requirement for tobacco retailers or smoke shops, including those that are non-conforming due to a change in the Zoning Code, to meet the performance standards and requirements aligned with the following objectives:

- A. To protect adjacent neighborhoods from the harmful effects attributable to the sale of tobacco related products;
- B. To provide opportunities for businesses which primarily sell tobacco related products to operate in a mutually beneficial relationship to each other, and other identified land uses~~other commercial and civic services and sensitive land uses~~;
- C. ~~To provide mechanisms to address problems often associated with the public consumption of tobacco-related products such as litter, loitering, graffiti, unruly behavior and escalated noise levels;~~
- ~~D.~~ To ensure that businesses classified as Tobacco Retail Stores—Majorers are not the source of undue public nuisances in the community;
- E. To ensure that sites where Tobacco Retail Stores—Major etailers are located are properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.;
- ~~F.~~ ~~To monitor deemed approved uses to ensure that they do not substantially change their mode or character of operation.~~

16.340.02 Requirements.

- A. Major Use Permit Required. A Tobacco Retail Store - Major ~~tobacco retail establishment that contains more than twenty percent of the sales display area is considered a tobacco retailer and~~ shall require a major use permit, pursuant to Chapter 16.606, Minor and Major Use Permits.
- B. Minor Use Permit Required. A Tobacco Retail Store – Minor shall require a minor use permit, pursuant to Chapter 16.606, Minor and Major Use Permits.
- C. Tobacco Retail Store applicants shall ~~retail establishment that offers tobacco-related products but is not considered a tobacco retailer may be required to~~ provide a floor plan to

verify the amount of sales display area devoted to tobacco related products. ~~is less than twenty percent.~~

~~CD.~~ In addition to the findings required by Chapter 16.606, a Tobacco Retail Store- Major shall meet the following additional finding for the issuance of a Major Use Permit requirements in the districts where they are allowed:

~~D1.~~ The proposed use would be located greater than No tobacco retailer shall be located within one thousand feet from of any parcel zoned for residential use.

E. In addition to the findings required by Chapter 16.606, a Tobacco Retail Store- Major and Minor shall meet the following additional findings for the issuance of a Major or Minor Use Permit, as applicable, in the districts where they are allowed:

1. E. No tobacco retailer shall be located within one thousand feet of any other tobacco retailer, as measured to and from property lines.

~~—F.~~ The proposed use would be located greater than No tobacco retailer shall be located within one thousand feet from of any parcel of land that contains any of the following specific land uses:

a1. Another Tobacco Retail Store;

b. Community Assembly Use Religious Institution assembly;

c2. Public Park and Recreation Facilities, Public, or a park open to the public or to all the residents of a private community recreation areas;

d3. Childcare Facility or Childcare Centers and schools; -

e. a public or private, preschool, kindergarten, elementary, middle, junior high or high school;

f. a playground open to the public;

g. a youth center, defined as a facility where children, ages 6 to 17, inclusive, come together for programs and activities;

h. a recreation facility open to the public, defined as an area, place, structure, or other facility that is used for community recreation, even though it may be used for other purposes;

i. a licensed child-care facility or preschool other than a small-family day care home or a large-family day care home as defined in California Health & Safety Code § 1596.78;

j. Public Library; or

k. Cannabis Business Retailer.

E.G. No tobacco retailer shall operate between the hours of 10:00 p.m. and 9:00 a.m.

~~H.~~ Tobacco retailers shall be located only on the ground floor.

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- I. ~~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 Chapters 7.69, Restrictions on Accessibility to Cigarettes and other tobacco products, of the Vallejo Municipal Code, and Chapter 16.509, Signs.~~
 - J. ~~Tobacco retail clerks shall be the minimum legal age to purchase tobacco.~~
 - K. ~~Tobacco retailers shall 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.~~
 - L. ~~The tobacco retailer shall ensure the site is maintained free of litter and graffiti at all times. The owner or operator is responsible for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within fifty feet of the premises. One permanent, non-flammable trash receptacle shall be installed near all public entrances and exits to the establishment.~~
 - M. ~~Employees of the establishment shall walk a one hundred foot radius from the facility at some point prior to thirty minutes after closing and shall pick up and dispose of any trash left by patrons.~~

16.340.03 ~~Deemed approved~~ Other regulations.

- A. 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, Chapters 7.695.10, Tobacco Retail Licensing, Restrictions on Accessibility to Cigarettes and other tobacco products, of the Vallejo Municipal Code, and Chapter 16.509, Signs, of the Vallejo Municipal Code.
- J. Tobacco retail clerks shall be the minimum legal age to purchase tobacco.
- K. Tobacco retailers shall 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.
- L. The tobacco retailer shall ensure the site is maintained free of litter and graffiti at all times. The owner or operator is responsible for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within a one hundred fifty foot radius from the premises. One permanent, non-flammable trash receptacle shall be installed near all public entrances and exits to the establishment.
- M. Employees of the establishment shall walk a one-hundred-foot radius from the premises facility at some point prior to thirty minutes after closing and shall pick up and dispose of any trash left by patrons.

~~Automatic deemed approved status. Tobacco retailers in existence prior to December 8, 2009 that are non-conforming due to the fact that the zoning district they are located in prohibits the use or required a use permit for tobacco retail sales shall automatically become deemed approved uses and shall not be considered non-conforming uses.~~

- 1. ~~Each such deemed approved use shall retain this status as long as it complies with the deemed approved performance standards as specified in Chapter 16.502, Performance Standards.~~

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2. ~~None of the provisions of this chapter restrict any authority to require modification or termination of any deemed approved use which does not conform to the provisions this code, or which has been declared to be a nuisance by the city council.~~

16.340.04 Deemed approved tobacco retailers—Abandonment.

~~Whenever a deemed approved tobacco retailer use discontinues active operation for a continuous period of twelve months, such deemed approved use shall not be resumed. Related structures may be utilized thereafter only for a permitted use. Furthermore, if another use has been substituted before the lapsing of twelve months, the original deemed approved use may not be resumed thereafter.~~

16.340.05 Performance standards and requirements applicable to deemed approved retailers.

~~A deemed approve tobacco retailer shall retain its deemed approved status only if it conforms with all of the following standards and requirements:~~

- ~~A.—It does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.~~
- ~~B.—It does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to any of the following: disturbance of the peace, illegal drug activity, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests. Whether repeated nuisance activities are occurring shall be determined by the city manager or his/her designee by examination of the calls for service and written complaints pertaining to the tobacco retailer business.~~
- ~~C.—It does not result in violations to any applicable provision of any other city, county, state, or federal regulation, ordinance, or statute, especially but not limited to Chapter 7.69, Restrictions on Accessibility to Cigarettes and other Tobacco Products, of the Vallejo Municipal Code, and Chapter 16.509, Signs, of the Zoning Code, including covering a window with any sign, display, decoration, or any other object that prevents the observation of indoor activity on the premises from any public way or from any location outside the building.~~
- ~~D.—Its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding area.~~
- ~~E.—No tobacco retailer shall operate between the hours of 10:00 p.m. and 9:00 a.m.~~
- ~~F.—Tobacco retailers shall 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.~~

~~G.—A deemed-approved tobacco retailer status may be abated or revoked by the planning commission as provided in Chapter 16.615, Enforcement and Abatement.~~

Exhibit E- Title 16 - ZONING
PART VII - GENERAL TERMS
Chapter 16.701 LAND USE TERMS AND DEFINITIONS

Chapter 16.701 LAND USE TERMS AND DEFINITIONS

16.701.01 Purpose and applicability.

- A. Purpose. This part establishes the precise meaning of words and phrases to facilitate consistent application of the Zoning Code's regulations and requirements. The land use terms and definitions are also intended to:
1. Eliminate vagueness and ambiguity that may create confusion especially when words and phrases may be subject to differing interpretations;
 2. Make technical jargon understandable to all Zoning Code users;
 3. Help to ensure implementation of the Zoning Code is consistent with applicable and related federal, state, and city statutes and case law by using the same terms and citing such laws as appropriate; and,
 4. Ensure that the meaning of words and terms is consistent with their generally accepted meaning.
- B. Applicability. The meaning and construction of words and phrases defined in this Part apply throughout the Zoning Code.
1. Land use terms and definitions are distinguished from standards, measurements and other requirements that regulate the defined word or phrase;
 2. Land use terms and definitions in this part only apply to words and phrases that this Zoning Code uses;
 3. All citations to state or federal law mean existing provisions and any subsequent amendments.

16.701.02 Land use terms and definitions.

"Abandonment." Ceasing continuous use of a non-conforming building, parcel, activity or permit without any authorization that may be granted under the provisions of the Zoning Code.

"Abutting lot." A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

"Access." The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Code.

"Accessory dwelling unit (ADU)." An attached or detached residential dwelling unit as defined by Section 65852.2(j) of the California Code, as may be amended, which provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation and is situated on the same parcel as the single-unit dwelling with which it is associated. This term also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and manufactured home, as defined in Section 18007 of the California Health and Safety Code. This use is distinguished from a duplex, which is not subject to the requirements of state law for accessory dwelling units.

"Accessory equipment, wireless telecommunications facility." Equipment associated with the installation of a wireless telecommunications facility, including but not limited to, cabling, generators, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment structures, pedestals, meters, vault, splice boxes, and surface location markers.

"Accessory parking." An area of a lot, structure, or any other area, which is designed and reserved for off-street parking to serve a building or use that is the primary or main use of the lot.

"Accessory use." An activity or a structure that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use.

"Act of nature." A natural occurrence such as an earthquake, flood, landslide, tidal wave, hurricane, fire, tornado or similar event, which causes substantial damage to buildings or property.

"Addition." The creation of any new portion of a building that results in a vertical or horizontal extension of the building, or results in any new gross floor area that was not present in the building prior to construction of the addition. The creation of a mezzanine or loft, or a conversion of a previously unused attic or underfloor space to usable floor area, shall be considered an addition for the purposes of this Zoning Code.

"Adjacent." Having a boundary or lot property line(s) in common or bordering directly, or separated by a natural barrier, street, or other public right-of-way.

"Adjacent grade." The lowest elevation of ground surface within five feet of the building exterior wall.

"Adjudicative decision." An action involving approval or denial of a specific project, application or set of facts based on evaluation of compliance with an adopted policy, rule, regulation or similar adopted set of rules or policies such as an ordinance or specific plan. Sometimes called "quasi-judicial" action.

"Administrative review." The process for permit/project review with a formal decision by the planning and development services director or designated staff with approval authority.

"Adult use definitions." The following are definitions related to the regulations of Chapter 16.304, Adult Use Regulations of this Zoning, Code.

1. Adult Business. Shall mean any one or more of the following:
 - a. Adult Arcade. An establishment where, for a fee or any other form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - b. Adult Bookstore. An establishment that has thirty percent or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and or specified anatomical areas.
 - c. Adult Cabaret. A nightclub, restaurant, or similar business establishment which: (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) which regularly features persons who appear semi-nude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - d. Adult Hotel/Motel. A hotel or motel or similar business establishment offering public accommodations for a fee or any other form of consideration which, (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for

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- less than a six-hour period, or rents, leases, or lets any single room more than twice in a twenty-four-hour period.
- e. Adult Motion Picture Theater. A business establishment where, for a fee or any other form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - f. A theater, concert hall, auditorium, or similar establishment which, for a fee or any other form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.
 - g. Adult Modeling Studio. A business which provides, for a fee or any other form of consideration, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying the consideration. "Modeling studio" does not include schools maintained in compliance with standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities."
 - h. Adult retail store. An establishment that, for any form of consideration, as a regular and substantial course of conduct offers for sale, rent, or viewing either adult entertainment material, adult entertainment merchandise or both.
- 2. Adult Use Operator ("Operator"). A person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business or the conduct or activities occurring on the premises thereof.
 - 3. Bar. Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.
 - 4. Distinguished or Characterized by an Emphasis Upon. The dominant or essential theme of the object described by the phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See *Pringle v. City of Covina*, 115 Cal. App. 3 151 (1981).
 - 5. Establishment of an adult use shall mean and include any of the following:
 - a. The opening or commencement of any adult-use as a new business;
 - b. The conversion of an existing business, whether or not an adult use to any adult use;
 - c. The addition of any of the adult use to any other existing adult use; or
 - d. The relocation of any adult use.
 - 6. Figure Model. Any person who poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted, in return for monetary compensation.
 - 7. Nudity or a State of Nudity. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
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8. Operate an Adult-Oriented Business. The supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult-oriented business or activities within an adult-oriented business.
 9. Permittee. "Permittee" means the person to whom an adult-use.
 10. Police Chief. The police chief of the city of Vallejo or the authorized representatives thereof.
 11. Regularly Features. With respect to an adult theater or adult cabaret, "regularly features" means a regular and substantial course of conduct. The fact that live performances that are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two or more occasions within a thirty-day period; three or more occasions within a sixty-day period; or four or more occasions within a one hundred eighty-day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.
 12. School. As used in Section 16.304, Adult Use Regulations, any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.
 13. Semi-Nude. A state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.
 14. Specified Anatomical Areas. Shall mean and include any of the following:
 - a. Less than completely and opaquely covered human (a) genitals or pubic region; (b) buttocks; and (c) female breast below a point immediately above the top of the areola;
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - c. Any device, costume or covering that simulates any of the body parts included in 1. or 2. above.
 15. Specified Sexual Activities. Shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - b. Sex acts, actual or simulated, including intercourse, oral copulations or sodomy;
 - c. Masturbation, actual or simulated; or
 - d. Excretory functions as part of or in connection with any of the other activities described in 1. through 3. above.

"Adult day care." Establishments providing non-medical care for persons eighteen years of age or older on a less-than-twenty-four-hour basis licensed by the State of California.

"Agricultural processing." Establishments performing a variety of operations on crops after harvest, to prepare them for market onsite or further processing and packaging at a distance from the agricultural area, including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; tree nut hulling and shelling; wineries; alcohol fuel production; and receiving and processing of green material, other than that produced on site. This does not include commercial composting or the stockpiling or processing of manure for commercial purposes.

"Agricultural production." The production of any grass or crop attached to the surface of the land, whether or not the grass or crop is to be sold commercially, and the production of any farm animals, whether or not the animals are to be sold commercially.

"Agricultural-support services." Agriculturally related services, such as storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment; farm animal veterinary clinics; custom farming services; agriculturally related building, feed, and farm-supply stores; agricultural waste handling and disposal services; and other similar related services.

"Agriculture." The production, keeping, or maintenance of plants and/or animals useful to people for purposes including, but not limited to, food and fiber crops, livestock forage and grazing, orchards, and cultivation of nursery and ornamental plants.

"Airport" and "heliport." Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal buildings and parking, air freight terminals, baggage handling facilities, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. This also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops, and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

"Alcoholic beverage." Any beverage, including, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, that contains one-half of one percent or more of alcohol by volume and is fit for human consumption, either alone or when diluted, mixed, or combined with other substances, and sales of which require a California Department of Alcoholic Beverage Control license.

"Alcoholism" or "drug abuse recovery or treatment facility." As defined at Health and Safety Code Section 11834.02, as may be amended, licensed by the State.

"Alley." A public or private thoroughfare other than a street that is permanently reserved for access to the rear or side of a property abutting a street.

"Allowed use." A use of land as a permitted or conditionally permitted that may be established with zoning compliance review (for an "as-of-right" or permitted use) or a land use permit for a conditionally permitted use and use permitted with any other applicable planning application and/or building permit approval, subject to compliance with all applicable provisions of the Zoning Code.

"Alteration, major." Construction or demolition of structures, any change in the supporting members of a building or structure, changes in maximum height, total floor area, number of bedrooms, facade materials, or dwelling units, creation or removal of parking, or projects that require grading subject to a grading permit, changes to the exterior of an historic structure and work that requires a building permit.

"Alteration, minor." Modifications to a building or structure affecting the interior or exterior of a structure that comply in all respects with the Zoning Code, are cosmetic in nature, do not result in a change in height, floor area, or lot coverage or affect an historic property or structure, and do not require work in the public right-of-way. Typical projects include minor in-kind repairs, reroofing, improvements to plumbing, electrical and mechanical systems, installation of cabinets, exterior cladding, siding, new or relocated windows or doors, and work on interior partitions other than bearing walls, and work for which no building permit is required.

"Alteration." Any change, addition or modification that changes the interior construction or exterior architectural appearance or materials of a structure. This includes but is not limited to changes in exterior surfaces, changes in materials, additions, remodels, demolitions, landscaping, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

"Alternative fuels" and "recharging facilities." A commercial facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., biofuels, Liquified Petroleum Gas - LPG) as well as equipment to recharge electric-powered vehicles.

"Amusement machine." Any device, machine, apparatus, or other instrument operated electrically, mechanically or manually, for amusement purposes only (other than those now or hereafter prohibited by the ordinances of the city or laws of the state, and other than mechanical and electrical musical devices), for the use of which a coin, token, or thing of value must be deposited.

"Animal boarding." The provision of shelter and care for small animals on a commercial basis including keeping, feeding, exercising, grooming, and incidental medical care. This includes animal shelters and kennels.

"Animal care, sales" and "services." Retail sales and services related to the boarding, grooming, and care of household pets.

"Animal hospital, livestock." A place where livestock (horses, cows, etc.) and small animals are given medical or surgical treatment. Boarding of animals is incidental to such hospital use.

"Animal husbandry" and "agricultural education project." A temporary animal husbandry or agricultural education activity or project conducted primarily for education purposes.

"Animal husbandry." Breeding and raising of domesticated animals, poultry, and beekeeping for personal use or sale, or in order to use or sell products such as meat, honey, milk, eggs, and fibers.

"Animal keeping." The keeping of animals, such as household pets or farm animals, for personal use and enjoyment customarily within a dwelling or a yard.

"Animal raising." The raising, grazing, or feeding of animals for animal products, animal increase, or value increase, and dairying as an accessory use on farms with dairy cattle.

"Animal shelter." Any place where stray, lost, abandoned or surrendered animals, mostly dogs and cats, and sometimes sick or wounded wildlife are kept and rehabilitated.

"Animals, domestic (household pets)." Small pets such as cats, dogs, and birds. This definition excludes exotic animals and large animals, such as horses, goats, cattle, swine and similar size animals, and farm animals, such as chickens, pigs, and ducks.

"Antenna." The part of a wireless telecommunication facility designed to radiate or receive radio frequency signals or electromagnetic waves for the provision of services, including but not limited to, cellular, personal communication services, and microwave communications. Such devices include but are not limited to, directional antennas such as panel antennas, microwave dishes, and satellite dishes; omnidirectional antennas and wireless access points (Wi-Fi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

"Applicant." Any entity or person who applies for a ministerial or discretionary permit, certificate, zoning approval or other entitlement.

"Arcade booth." Any enclosed or partially enclosed portion of an establishment in which an adult arcade is located, where a live performance is presented, on a regular or substantial basis, or where the "material" presented is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

"Architectural feature." An exterior building feature, including but not limited to a roof, walls, windows, doors, porches, posts, pillars, cornices, awnings, recesses or projections, and exterior articulation or walls, and other building surfaces.

"Area." Any geographical area, for example a portion of a block, a block, or a larger district.

"Artisan/small-scale manufacturing." The artisan/small-scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacturers.

"Artist's studio." Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students. It does not include joint living and working units (See "Live-Work").

"Artist's studio-heavy." Art production on a medium or large scale generally using heavy equipment. Typical uses include large-scale metal and woodworking studios.

"Artist's studio-light." Small-scale art production that is generally of a low impact. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.

"Assisted living." A commercial development that includes studio or one/two room bedroom suites with a private bath and kitchenette, where residents require assistance with at least one activity of daily living (i.e. bathing, dressing, grooming, transferring, medication reminders, etc.), and where residents may receive meals, and limited supportive and nursing services. Facilities may also include a dining room and other informal "gathering spaces", along with the necessary administrative offices and other staff space.; and are licensed by the State and must meet State requirements or qualifications for an assisted living facility. See also "Residential Care Facility".

"Attic." The area less than the minimum height that the California Building Code requires, which is located above the ceiling of the top story and below the roof and is not usable as habitable or commercial space and is not considered a story.

"Auctioning." Auctioning of livestock on a wholesale or retail basis with the incidental storage of animals produced off property for periods not exceeding forty hours. Typical uses include animal auctions or livestock auction yards.

"Auto auction." A facility that sells new or used automobiles and other vehicles through a bidding process. The facility typically includes a storage lot.

"Auto broker, office only." An establishment engaged in arranging, negotiating and assisting in the sale of new or used automobiles or other vehicles within an enclosed building with no vehicle display or storage.

"Auto broker, office w/display." An establishment engaged in arranging, negotiating and assisting in the sale of new or used automobiles or other vehicles within an enclosed building with an indoor vehicle display area.

"Auto/vehicle" and "equipment facilities." Commercial spaces that provide for the sales and/or servicing of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats.

"Auto/vehicle (new) sales" and "leasing." The sale, or leasing of automobiles, trucks, tractors, construction or agricultural equipment, recreational vehicles, and similar equipment, including storage and incidental maintenance and repair. This use may also include used car sales.

"Auto/vehicle leasing" and "rental (major)." Rental of automobiles or equipment with vehicle storage (more than five parking spaces) and maintenance on the same site including maintenance requiring pneumatic lifts.

"Auto/vehicle leasing" and "rental (minor)." Rental of automobiles or equipment with limited vehicle storage (five parking spaces or less) and maintenance on the same site but excluding maintenance requiring pneumatic lifts.

"Auto/vehicle sales." Retail or wholesale businesses that sell, lease or rent automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles.

"Auto/vehicle services." The repair and maintenance of auto/vehicles and the sales, and installation of related equipment.

"Auto/vehicle used sales." Sales of used or pre-owned vehicles with incidental maintenance, repair work, outdoor display or outdoor storage.

"Auto/vehicle washing/detailing." Washing, detailing, waxing or cleaning of automobiles or similar light duty motor vehicles including self-service washing facilities.

"Automobile washing facility, small scale." Washing and detailing businesses that do not occupy more than one thousand square feet and are located within a structure, service station, or other auto-related establishment.

"Auto/vehicle/equipment repair." The repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. These include auto repair shops, body and fender shops, wheel and brake shops, oil change shops, auto glass sales and installation, stereo and alarm sales and installation, and tire sales and installation, but not vehicle dismantling or salvage and tire retreading or recapping.

"Auto/vehicle/equipment repair, heavy." Body, auto glass, tire replacement and painting services related to the repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, but not vehicle dismantling or salvage and tire retreading or recapping.

"Auto/vehicle/equipment repair, light." Minor servicing and repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including oil change shops and stereo and alarm sales and installation.

"Automobile storage lot." A property used for short- or long-term parking of operable vehicles for sale or lease at an automobile dealership or rental agency on a separate lot.

"Average grade." A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building and average slope of a site.

"Awning." An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework that projects from and is supported by the exterior wall of a building.

"Balcony." A platform that projects horizontally from the wall of a building thirty inches or more above grade, is accessible from the building's interior, and is not accessible from the ground.

"Banks" and "credit union." A bank, savings and loan, credit union, or other financial institution that provides retail-banking services to individuals and businesses but excluding check cashing businesses. These include only those institutions engaged in the on-site circulation of cash money. For administration, headquarters, or other offices of banks and credit unions without retail banking services/on-site circulation of money, see Finance, Insurance and Real Estate Services.

"Banks" and "financial institutions." A bank, savings and loan, credit union, or other financial institution that provides retail-banking services to individuals and businesses but excluding check cashing businesses. These include only those institutions engaged in the on-site circulation of cash money.

"Banquet facility." A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, whether or not a fee is charged and is the primary use at the site.

"Bar/tavern/lounge." Establishments that operate under a Type 48 Department of Alcoholic Beverage Control license (On-sale General—Public Premises) and sell beer, wine and distilled spirits for consumption on the premises or Type 42 license (On-sale Beer and Wine-Public Premises) but do not necessarily sell food. Tavern also includes bars and pubs that operate under a Type 40 license (On-sale Beer) and which sell sandwiches or snacks

but not wine or distilled spirits. This use does not include night clubs as defined by these regulations or restaurants that operate under a Type 48 License.

"Base station." As defined by the Federal Communication Commission (FCC) in 47 Code of Federal Regulations (CFR) Section 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 CFR Section 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to: equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services, fixed wireless services such as microwave backhaul, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).

"Basement." The lowest usable space of a building, for non-habitable use such as, but not limited to, garage or storage use, which is partly below and partly above grade, but so located that it is not considered a story.

"Bathroom." A room containing toilet, sink, and bathing facilities that meets Building Code standards.

"Bay window." A portion of a building cantilevered to project out from a wall and containing angular or curved windows.

"Bed" and "breakfast." An establishment offering lodging on less than a weekly basis in a residential structure in which the property owner or manager lives on site with incidental eating and drinking service for lodgers only provided from a single kitchen on the premises. Bed and breakfast does not include vacation rentals or other short-term rental accommodations available for rent or hire where the owner or manager occupies the premises while paying guests are present.

"Bedroom." Any room meeting Building Code standards as a sleeping room.

"Block." An area designated on an official map of the city, which is bounded on all sides by the public right-of-way, a railroad right-of-way, private streets or a boundary line of un-subdivided acreage or any combination of such thoroughfares.

"Bonus units." Dwelling units allowed pursuant to Section 16.214.05, Calculation of Density Bonus that exceed the otherwise allowable maximum residential density for a residential development.

"Brewery." An establishment licensed by the state to manufacture beer, ale, mead, hard cider and similar brewed beverages with or without food service subject to the requirements of the Zoning Code. See Brewery Production, for additional detail.

"Brewery large." An establishment that annually produces fifteen thousand barrels or more of ales, beers, meads, hard ciders and/or similar beverages onsite subject to a Type 1 license. Production breweries may also serve beverages onsite, with or without the service of food, and sell beverages for offsite consumption pursuant to the regulations of this code, the California Department of Alcohol Beverage Control, and the federal Bureau of Alcohol, Tobacco, and Firearms.

"Brewery micro." An establishment licensed by the California Department of Alcohol Beverage Control to less than fifteen thousand barrels of ales, beers, meads, hard ciders and/or similar beverages onsite with or without food subject to a Type 23 license. Micro-breweries may also serve beverages onsite and sell beverages for offsite consumption pursuant to the regulations of the California Department of Alcohol Beverage Control and the Federal Bureau of Alcohol, Tobacco, and Firearms. This also includes a do-it-yourself brewery where customers produce craft style beer or wine on the premises of a brewery or microbrewery. Customers also may purchase the ingredients, rent the equipment, time and space, and be assisted/trained by an on-site brew master.

"Brewery, production." A facility licensed by the state to manufacture beer, ale, mead, hard cider and similar brewed beverages.

"Brewpub." A full-service or limited-service restaurant with a micro-brewery as an accessory use. It may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.

"Buffer." An open area or barrier used to separate potentially incompatible activities, land uses, and/or development features.

"Building code." Any ordinance adopted by the city that governs the type and method of construction of buildings, signs, and sign structures as it may be amended including, but not limited to, the California Building Code, the State Historic Building Code, and other State-adopted uniform codes.

"Building face" or "facade." That portion of any exterior elevation of a building extending vertically from grade to top of a parapet, wall or eaves, and horizontally across the entire front width of the building elevation.

"Building frontage." That portion of the exterior building wall constituting primary access to a single place of business or residence that is both adjacent to and parallel to either a public street, or walkway or parking lot.

"Building materials, sales" and "service." Retailing, wholesaling or rental of building supplies or equipment. These uses include lumberyards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes the exclusive retail sales of paint and hardware, plant nurseries, and activities classified under auto/vehicle sales and services - sales and leasing. Accessory sales of paint and hardware are permitted.

"Building, accessory." A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if connected structurally, by a common roofline, or a fully enclosed space.

"Building, principal." A building in which the principal use of the parcel is conducted except for an accessory dwelling unit as defined in the Zoning Code.

"Building." Any enclosed structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, business, land use, or materials.

"Bungalow court." A type of residential development consisting of a series of small detached structures arranged around a shared court that is typically perpendicular to the adjacent street.

"Business" and "professional offices." Offices of firms or organizations providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office.

"Business services." Establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, quick printing services, and blueprint services.

"By right." Uses or construction that are deemed permitted if they meet the objective dimensional standards and requirements of the Zoning Code. Uses allowed by right do not require discretionary review or approval.

"California Environmental Quality Act (CEQA)-related terms." Public Resources Code Sections 21000 et seq. is a law enacted by the State of California in 1970 requiring review of public agency decisions to inform government officials and the public about the potential significant effect of proposed activities on the physical environment for the purpose of identifying ways to avoid or significantly reduce environmental damage.

"Campground." Land upon which temporary shelters (such as tents, travel trailers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. This includes such permanent structures and facilities as are normally associated with the operation of a campground. This definition does not include mobile home parks where mobile homes or manufactured housing units are occupied as permanent living accommodations.

"Camping." the occupancy of any place by the property owner or with the permission of the property owner for temporary living, sleeping, or other human occupancy purposes. this definition does not include parking or

storage of an unoccupied and otherwise unused trailer coach, recreational vehicle, or tent trailer on a privately-owned parcel or the occupancy of a trailer or recreational vehicle for any accessory use that this Zoning Code allows.

"Cannabis." Cannabis has the same meaning as cannabis concentrate, cannabis products, and edible cannabis product as defined in California Business & Professions Code Section 26001. words or phrases related to cannabis uses, used in this chapter, shall be given the definitions specified in Chapter 7.100, Marijuana, of the Vallejo Municipal Code.

"Cannabis cultivation." commercial activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

"Cannabis distribution." The procurement, sale, and transport of marijuana and marijuana products between holders of state licenses and local permits but excludes retail sales to medical marijuana customers.

"Cannabis manufacturing." A facility involved in the non-volatile production, preparation, propagation, or compounding of marijuana or marijuana products either 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 that packages or repackages medical marijuana or medical marijuana products or labels or re-labels its container.

"Cannabis medical." Cannabis or a cannabis or marijuana product intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health & Safety Code, by a medical cannabis patient who possesses a state of California licensed and board-certified physician's recommendation or identification card issued pursuant to state law. Words or phrases related to medical cannabis uses, wherever used in this chapter, shall be given the definitions specified in Chapter 7.100, Marijuana, of the Vallejo Municipal Code.

"Cannabis testing laboratory." A testing laboratory, facility, or entity, which offers or performs tests of cannabis, cannabis concentrate or cannabis products to determine chemical profile, the presence of contaminants, or other similar information.

"Cannabis uses." Establishments involved in the planting, growing, harvesting, drying, curing, grading, trimming, or distribution of marijuana as defined in this code and Chapter 7.100, Marijuana of the Vallejo Municipal Code.

"Cannabis Business- retail." Any storefront that dispenses, sells, or makes available cannabis to another person or entity.

"Canopy, structure." A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

"Canopy, vegetative." Tree or plant canopy refers to the extent of the outer layer of leaves of an individual tree, plant, or group of trees or plants.

"Care facility, large, licensed." Any one of the following residential or nonresidential care facilities, which serves seven or more residents (or clients): A health facility, as defined by Health and Safety Code Section 1250, as it may be amended, including general acute care hospital; acute psychiatric hospital; skilled nursing facility; intermediate care facility; intermediate care facility/developmentally disabled - rehabilitative; special hospital; intermediate care facility/developmentally disabled; intermediate care facility/developmentally disabled - nursing; congregate living health facility; correctional treatment center (including in-patient health services and not including facilities providing offender rehabilitation services); nursing facility; and intermediate care facility/developmentally disabled - continuous nursing.

"Care facility, large, unlicensed." A residential facility, not licensed by the state, for seven or more individuals with a disability who are not living together as a household (as defined) and in which every person residing in the

facility is an individual with a disability (except the licensee, members of the licensee's family, or persons employed as facility staff).

"Care facility, small, licensed." A community care facility as defined by Health and Safety Code Section 1502, as may be amended, which serves six or fewer residents (not including the licensee or members of the licensee's family or staff) and is licensed by the California State Department of Social Services to provide non-medical care and supervision.

"Care facility, small, unlicensed." A residential facility, not licensed by the state, for six or fewer total residents managed under a single operator and in which every person residing in the facility is an individual with a disability (except the licensee, members of the licensee's family, or persons employed as facility staff).

"Caretaker unit." Living accommodations for employees and their immediate families employed for the exclusive purpose of on-site management, maintenance, or upkeep. Also known as a building manager's unit.

"Carpool." A motor vehicle occupied by two to six persons traveling together to and from a worksite for at least fifty-one percent of the total commute distance.

"Carport." A permanently roofed structure enclosed on not more than two sides, designed, constructed, and maintained for the parking or temporary storage of one or more motor vehicles.

"Catering services." Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

"CBD." Not considered cannabis and regulated by the Zoning Code.

"Cellar." See "Basement".

"Cemetery." A place, either public or private, religious or secular, for the interment of human or animal remains, including mausoleums, burial places, columbarium, memorial gardens, statuary and incidental structures for storage, maintenance, administrative functions, and memorial services.

"Centerline of street." The geographic center of a public or private road right-of-way.

"CEQA guidelines." California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq., is a set of regulations issued by the State Resources Agency that prescribes how State and local agencies shall comply with CEQA requirements.

"Change of use." The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the character or type of use. A residential change of use includes, but is not limited to, the elimination of any dwelling unit, a reduction in the floor area or habitability of a dwelling unit, or a reduction in the floor area or habitability of bedroom or sleeping quarters in a group living accommodation or residential hotel, when a new use will replace a previous use. A commercial change of use includes a change to a different category of commercial or manufacturing use but does not include changes between uses that are classified in the same category of commercial or manufacturing use. It does not include a change of ownership, tenancy, or management associated with a use when the previous type of use will remain substantially unchanged or the establishment of a home-based business that complies with the requirements of this Zoning Code.

"Check cashing business." Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in California Civil Code Section 1789.33. This does not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies; nor retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money orders incidental to their main purpose or business.

"Chemical, mineral," and "explosives storage." Storage and handling of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

"Childcare" and "early education facility." Establishments providing non-medical care for persons less than eighteen years of age on a less-than-twenty-four-hour basis other than family day care (small and large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children, and any other day care facility licensed by the state of California.

"Childcare center." A facility licensed by the state where persons other than their parents care for infants, preschool children, and school children outside of school hours. As used in the Zoning Code, this definition does not include family day care facilities operated in the care provider's place of residence.

"Christmas tree recycling." The temporary recycling activity conducted for nonprofit purposes.

"Christmas tree sales." A temporary facility used for the sale of Christmas trees and other related permitted items.

"Clinic." A facility providing medical, mental health, or surgical services exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis.

"Collection facility." A facility for the redemption or drop-off of recyclable materials. Such a facility does not process materials except limited bailing, batching and sorting of materials other than glass.

"Colleges" and "trade schools, public or private." Institutions of higher education, including public or private colleges and universities granting associate arts degrees, certificates, undergraduate and graduate degrees, junior colleges, business and computer schools, management training, technical and trade schools, but excluding personal instructional services such as music lessons. These facilities typically offer classrooms, laboratories, and staff offices within a shared office building, often containing typical business and professional office suites and conference centers and academic retreats associated with such institutions. This use may include student housing (e.g., dormitories, fraternities, multi-family housing, or sororities) administrative centers, student unions, libraries, and cafeteria facilities.

"Collocation." As defined by the Federal Communications Commission (FCC) in 47 CFR Section 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC's definition effectively means "to add" and does not necessarily refer to more than one wireless facility installed at a single site.

"Columbarium." A building that contains vaults with recesses for storage of cinerary or cremation remains.

"Commercial entertainment" and "recreation." Provision of participant or spectator entertainment for commercial purposes. This use includes theaters, concert halls, cinemas, nightclubs, and comedy clubs, and restaurants, snack bars, and other incidental food and beverage service for patrons.

"Commercial kitchen." Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include catering and commissary facilities. This classification does not include businesses involved in the processing or manufacturing of wholesale food products (See "Industry, Limited").

"Commercial districts." Any property within the city which is designated as " - Neighborhood Corridor", "Business/Limited Residential", "Business/Limited Industrial", "District", "Central Corridor", and "Retail/Entertainment" on the general plan land use map.

"Commercial lodging." An establishment primarily engaged in the provision of overnight accommodations for patrons who maintain a permanent place of residence elsewhere. Incidental food, drink and other sales and services intended for the convenience of guests may be provided.

"Commercial vehicle/fleet storage." A property where vehicles owned or operated by a person, company or business which is used for purposes of delivery, pick up or service to patrons is the primary use. A fleet vehicle may also be a commercial vehicle.

"Commercial vehicle commissary." An establishment where mobile food vending trucks and other food service providers may prepare and store food, and mobile vendors park vehicles and store equipment overnight.

"Commercial vehicles" and "equipment facilities." An establishment that sells, rents or services or repairs construction, farm or other heavy equipment, as well as vehicles for moving or towing property, such as cranes, earthmoving equipment, forklifts, tractors, cargo trucks, heavy trucks, trailers and vans. It does not include autos, trucks and other passenger vehicles used for personal or business travel.

"Common interest development." A common interest development ("CID") is a real property development where property owners share a common set of financial obligations, property and easement rights established in a set of recorded restrictions (commonly referred to as Covenants, Conditions and Restrictions "CC&Rs"). These require property owners in CIDs to "give up a certain degree of freedom of choice which [they] might otherwise enjoy in separate, privately owned property." (Nahrstedt v. Lakeside Village Condo. Owners Assn. (1994) 8 Cal. 4th 361, 374.)

"Communications facilities." Broadcasting, recording, and other communication services through electronic or telephonic mechanisms, but excluding major utilities and wireless telecommunications antenna facilities.

"Community assembly." A facility for public or private meetings, including community centers, banquet facility, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities that represent more than twenty percent of overall square footage, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

"Community care facility." As defined by Health and Safety Code Section 1502, as it may be amended, including: residential facility; adult day program; therapeutic day services facility; foster family agency; foster family home; small family care home; social rehabilitation facility; community treatment facility; full-service adoption agency; noncustodial adoption agency.

"Community garden." Land used for the cultivation of edible and non-edible plants grown for and maintained by a group of individuals in the community. They may produce food for individual consumption or food for sale, may be designed for beautification of the community, and/or may be used for educational purposes. They may be accessory to public or institutional uses, but do not include gardens that are on a property in residential use, when access is limited to those who reside on the property. It does not include medical marijuana dispensaries or the cultivation of cannabis for personal use, whether medicinal or recreational.

"Community park." Facilities that are usually eight or more acres in size and are designed primarily for recreational activities of all age groups. They may be combined with or be located adjacent to junior high or high school sites. They may include open, multi-use turf areas, sports fields, play apparatus areas, park-like landscaped areas, tennis courts, swim centers, recreation buildings, lighted ballfields, picnic areas, parking, and sanitation facilities meant to serve a larger community than just nearby neighborhoods.

"Commute trip." A home-to-work or work-to-home trip.

"Concessions" and "incentives." Regulatory concessions as defined by California Code Section 65915(k).

"Condition of approval." A requirement imposed on a land use permit or entitlement by a Review Authority, which makes the validity of the permit or entitlement contingent on compliance with such requirement.

"Conditional use." A use generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, intensity and density of use and structures, and may require the imposition of conditions of approval to ensure the appropriateness of the use at that particular location.

"Conference/convention facility." One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities. It may be associated with or include lodging accommodations, restaurants, and other facilities that are separately classified and regulated.

"Confronting lot." A lot whose front property line is intersected by a line perpendicular to and intersecting the front property line of the subject lot.

"Construction office." A temporary construction office used during the construction of a building or road, including grading related thereto.

"Construction." Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, building elements, or land, together with any scientific surveys, such as geologic, hydrological, or biological surveys, conducted in connection with construction.

"Container development." A structure developed from a steel shipping container previously used for carrying goods on trains, trucks, and ships that complies with Zoning and Building Codes.

"Contractor's yard." Storage yard for a contractor's large equipment, vehicles, construction materials, or other items commonly used in the contractor's business; repair and maintenance of a contractor's own equipment; and buildings or structures for uses such as offices and repair facilities. This classification excludes vehicle storage and impound yards.

"Convenience store." A retail store of three thousand five hundred square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience and travelers' shopping needs, including a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. This includes small retail stores on the same lot as or operated in conjunction with a fuel Service Station but does not include small general markets, delicatessens or specialty food shops. Any store that sells tobacco products is subject to Chapter 5.10.

"Corner lot." A lot or parcel bounded on two or more sides by street lines.

"Corral." An enclosure designed for use as an open holding area for horses or other animals, for the purpose of confinement for an indeterminate period of time.

"Correctional facility." A facility owned and/operated by an individual, a for-profit, or a non-profit entity used for housing or provision of services for persons who are either (1) serving a sentence from a federal, State or county court and are under restraint, supervision, or security or (2) have served a sentence or have been released from a federal, State, or county prison or jail and are living under government supervision by a government-funded program. This includes prisons, jails, reformatories detention centers, correction centers, re-entry centers, halfway houses, and pre-release centers.

"Corridor." An area generally located along a major or secondary road including lots and or blocks adjacent to the thoroughfare as defined by applicable adopted policies and regulations.

"Cottage food operation." A business operated by a person, in compliance with state and Solano County regulations, for the production and/or preparation of certain non-potentially hazardous food or drink products in a kitchen within the person's primary dwelling. (See Microenterprise Home Kitchen Operation)

"Courtyard." An open, unoccupied and unobstructed space, other than a required yard, on the same lot with a building or group of buildings that may be mostly enclosed by fences, walls, or other screening but not including any off-street parking or loading area, street, or road right-of-way

"CPUC." The California Public Utilities Commission established in the California Constitution, Article XII, Section 5, or its duly appointed successor agency.

"Crematory." A place with a building or structure containing a furnace used for the reduction of human remains by way of incineration.

"Cultivation." The planting, raising, and harvesting of tree, vine, field, forage, and other plant crops grown to provide food or fibers. This excludes the cultivation of cannabis and wholesale or retail nurseries.

"Cultural facility." A facility engaged in activities to serve and promote cultural educational interest in the community that are open to the public on a regular basis. This use classification includes libraries, museums, art galleries, performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; historical and archaeological sites; aquariums; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

"Days." Calendar days unless this Zoning Code or state law specifies otherwise.

"Deck." A platform, either freestanding or attached to a building that is supported by pillars or posts. See also "Balcony".

"Deemed approved use." A business or entity that uses a building, structure, or site, or portion of such, for the sale of alcoholic beverages, tobacco or tobacco related products, that was lawfully established and maintained (not terminated for a period of twelve continuous months), but no longer conforms to the relevant provisions of the Zoning Code. A "deemed approved use" is not a "non-conforming use."

"Density bonus below market rate (BMR) unit." A dwelling unit that is not a below market rate unit that is required by Chapter 16.214.05; is offered at an affordable rent or affordable ownership cost to moderate-, low- or very low-income households.

"Density bonus housing agreement." An agreement between the city and a developer setting forth the terms and conditions of the award of a density bonus, and which the city council finds is required to make an affordable housing project economically feasible (California Code Section 65915(h)).

"Density bonus." An increase in density over the otherwise maximum allowable residential density under the applicable zoning district and land-use element of the general plan as of the date of application by the developer to the city (California Code 65915(f)) as it may be amended).

"Density, residential." The computation expressing number of dwelling units per acre.

"Designated ridgeline area." A visible or prominent area along the highest points of a ridge that the city has designated on a map and which is subject to restrictions as to its density of development.

"Development standard." A site or construction condition that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation. A "site and construction condition" is a development regulation or law that specifies the physical development of a site and buildings on the site in a residential development.

"Development." The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, without limitation, subdivision pursuant to the California Government Code, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use; and change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

"Discretionary decision." An action requiring the exercise of judgment that is based on a subjective determination of compliance with qualitative standards or criteria. Discretionary permits include, but are not limited to, minor and major use permits, variances, development review, adoption and amendment of specific plans, and Zoning Code and map amendments. The planning commission, director, other designated planning official, or other review authority may approve, deny, or approve with conditions discretionary permits.

Discretionary decisions require public notice and a hearing and are subject to appeal and to environmental review under the California Environmental Quality Act.

"Distance, radius." The radius around a subject property line to another property line in any direction.

"Distillery." A facility authorized to produce, bottle, rectify, process, and store distilled spirits or alcohol (i.e. vodka or grain spirits), including, but not limited to whiskey, gin, brandy, blended applejack, rum, tequila, cordials and liqueurs.

"District/citywide park." These facilities afford contact with the natural and/or historic environment and possess a unique character or function not found in neighborhood or community parks. Improvements may include a variety of special use facilities such as swimming, boating, fishing, golf, hiking, interpretive facilities, scenic overlooks, picnic areas, and other similar facilities meant to serve citizens citywide.

"Dooryard." The yard adjacent to the front entry door of a house or onto which the front door opens.

"Dormer." A roofed structure, typically containing a window that projects vertically beyond the plane of a pitched roof.

"Drive-in" and "drive-through facilities." Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies, and other commercial uses.

"Duplex (or duet)." A single building that contains two dwelling units or two single unit dwellings on a single lot. This use is distinguished from an accessory dwelling unit.

"Dwelling unit." One or more habitable rooms, which are occupied, or which are intended or designed to be occupied by one family with facilities for living, that includes room areas for sleeping, bathing, cooking and eating.

"Easement." A grant to the use of land by a property owner to a public agency, corporation, or a private entity or person for specific purposes such as access, construction of utilities, drainage or other specified activity.

"Eating" and "drinking establishment." A business primarily engaged in the selling and serving of prepared food and beverages for consumption on or off premises. Typical uses include restaurants, bars, brewpubs and tasting rooms, but does not include adult uses as defined and regulated by this code.

"Eave." The projecting lower edges of a roof overhanging the wall of a building.

"Effective date." The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

"Efficiency unit." A dwelling unit having a living area of not less than one hundred fifty square feet of total floor area and an additional space for a separate bathroom containing a water closet, lavatory, and bathtub or shower. The unit shall be provided with a separate closet, a kitchen sink, cooking appliance and refrigeration facilities, each having a clear work area of not less than thirty inches in front. Light and ventilation must conform to the Building Code.

"Electronic game center." Establishment that provides more than four amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when played or used involves skill, and which is activated by coin, key, or token.

"Eligible facilities request." As defined by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified in 47 USC Section 1455(a), and defined by the FCC in 47 CFR Section 1.40001(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change its physical dimensions and involves a: (1) collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

"Eligible support structure." As defined by the FCC in 47 CFR Section 1.40001(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC's Section 6409(a) (Eligible Facilities) regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, exists by this definition.

"Emergency shelters." A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided. This does not include transitional housing or supportive housing.

"Employee." Any person hired by an employer, including any part-time employee, temporary employee hired through an agency; or any independent contractor, partner, or joint venture participant; and who normally works at least twelve consecutive weeks per year.

"Employer." Any public, private, or nonprofit employer, which has a permanent worksite in the city of Vallejo. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer. "Employer" shall not include contractors with no permanent place of business in the city and other businesses with no permanent worksite location in the city.

"Entertainment assembly." The temporary gathering of people for commercial entertainment such as a circus, carnival, festival, car show, or trade show, that is open to the general public. This does not include neighborhood gatherings, community-oriented functions, or private parties or gatherings.

"Entertainment facility, large-scale (outdoor)." A large outdoor facility typically greater than twenty-five acres such as amusement and theme park, amusement arcades, sports stadium and arena, racetrack, amphitheater, drive-in theater, miniature golf courses, driving range, golf courses, and riding stables.

"Entertainment facility, large-scale (indoor)." It also includes indoor facilities with more than twenty-five thousand square feet in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities, ice- or roller-skating rink; swimming or wave pools, bowling alley; and archery or indoor shooting ranges.

"Entertainment facility, small-scale." Small, generally indoor facilities that occupy less than twenty-five thousand square feet of building area, such as card rooms, electronic game centers, health clubs, yoga studios, music studios, dance halls, small tennis club facilities, poolrooms, and amusement arcades.

"Environmental impact report (EIR)." A detailed document providing information about the effect a proposed project is likely to have on the environment, listing ways in which the significant effects of the project might be minimized, and identifying alternatives to the project.

"Environmental initial study." A preliminary analysis prepared to determine if a project may have significant effects on the environment and whether they can be reduced or avoided.

"Environmental review." An evaluation process conducted pursuant to the California Environmental Quality Act to determine whether a proposed project may have a significant impact on the environment.

"Equipment rental." Establishment engaged in rental of equipment, such as medical devices and party equipment to individuals and businesses, and whose activities may include storage and delivery of items to customers. This use type does not include the rental of machines or vehicles.

"Equipment within buildings." Indoor facilities containing primarily communication equipment and storage devices such as computer servers.

"Erect." To build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.

"Existing building." The continuing but temporary use of an existing, lawfully established building during construction of a new building on the same building site.

"Existing grade." On vacant parcels before any land development activities are undertaken, the elevation of the ground at any point on a lot as shown on the required survey submitted with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

"Exotic animal." A rare or unusual animal or pet that is generally considered to be a wild species including, but not limited to, snakes, hedgehogs, tigers, bears, and monkeys.

"Extended care." An establishment providing care on a twenty-four-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

"Family (household)." One or more persons living together as a single household in a dwelling unit with access to and common use of all living and eating areas and facilities for preparation and storage of food.

"Family day care." A home at which the resident of the home provides regular nonmedical care, protection, and supervision of up to fourteen children for periods of less than twenty-four-hours per day while the parents or authorized representatives are away. The provider shall be licensed per the California Health and Safety Code unless specifically exempted therein.

"Family day care home, large." A family day care home that provides family day care for up to fourteen children, including children who reside at the home pursuant to California Health and Safety Code Section 1597, as may be amended.

"Family day care home, small." A family day care home that provides family day care for up to eight, including children who reside at the home, pursuant to Health and Safety Code Section 1597, as may be amended.

"Farm stand." A stand located on an active farm that sells processed agricultural products, such as jams, preserves, pickles, juices, cured olives, and other "value-added" products made with ingredients produced on or near the farm. These are accessory to on-site agricultural operations in order to promote the sale of locally grown fresh produce.

"Farmers' market." An outdoor market certified for direct retail sales by farms to the public by the state or county agricultural commission under California Code of Regulations Title 3, Chapter 3, Article 6.5. Additional activities including, but not limited to, retail sales of other food products, mobile food vendors, performance artists, etc. which may occur at the same location subject to approval by the market operator.

"Farmworker dwelling unit." A single-unit residential structure providing accommodations for six or fewer farmworkers at any one time.

"Farmworker housing complex." Farm employee housing other than a farmworker dwelling unit that is licensed by the State and contains a maximum of thirty-six beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of twelve residential units. A farmworker housing complex is occupied exclusively by farmworkers and their households.

"Farmworker housing." A housing accommodation developed for and/or provided to farmworkers including any living quarters, dwelling, boarding house, tent, barracks, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodation maintained in one or more buildings and on one or more sites.

"Facade." The building front surface or face. Typically, a single-building side or elevation.

"FCC shot clock." The reasonable time frame within which the city generally must act on a given wireless telecommunications application, as defined by the FCC and as may be amended.

"FCC." The Federal Communications Commission or a duly appointed successor agency.

"Feasible." Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and other relevant factors.

"Fence." A horizontal or vertical barrier that functions as a means of protection or confinement or obscures sight to provide privacy, including a wall, hedge, or structure made of metal, wood or similar material.

"Fenestration." The arrangement, proportioning, and design of windows and doors on each building elevation or side.

"Financial, insurance" and "real estate services." The finance, insurance and real estate services use type refers to establishments primarily engaged in the provision of financial, insurance, real estate or securities brokerage services. These include investment banks, insurance agencies or real estate firms, but not on-site circulation of cash.

"Findings." A statement explaining the reasoning supporting a discretionary decision based on information in the record before the decision-maker. Findings are required for zoning and planning decisions such as approval, approval with conditions, or denial of a major or minor use permit or variance, environmental document, and other planning and zoning land use decisions.

"Finished grade." The average elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building. Also called grade plane.

"Firearms sales." The retail sale of firearms or ammunition by a firearms dealer, whether it is the principal sales item or incidental to the overall sales. This use includes firearms dealers that transfer and lease any firearms.

"Flag lot." A lot whose sole access from a public street frontage is either over a private access driveway owned and maintained by the owner of said lot or over a private access easement. The shape of the lot resembles a flag with the driveway as the "flag pole" or stem. Other terms for flag lots are "dog-leg" or "pot handle" lots.

"Floor area." The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or structure, including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building unless otherwise stipulated.

"Floor." See "Story".

"Food" and "beverage retail sales." Retail sales of food and beverages retail for consumption off-premises. Typical uses include groceries, produce stores, liquor stores delicatessens, bakeries, and other specialty food stores.

"Food vending." The sale of ready-to-eat food or drink for immediate consumption by a vendor typically from a portable food booth, food cart, or food truck located in a street or other public place under public or private ownership.

"Freeway." A public right-of-way which is declared to be in compliance with the California Streets and Highways Code as it may be amended, and to which the owners of abutting lands have limited or restricted right of easement of access,.

"Freight/truck terminal" and "warehouse." Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

"Front lot line, corner lot." The narrowest lot line abutting a public or private street or lane.

"Front lot line." On an interior lot, that portion abutting a public or private street. On a flag or panhandle lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

"Front yard." A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard is a distance specified for the zoning district in which it is located and measured inward from the front lot line.

"Frontage, street." That portion of a lot or parcel of land that borders a public street.

"Funeral/interment service." An establishment providing services involving the care, preparation, or disposition of human remains for burial including arranging and managing funerals but not including cemeteries, crematories, columbariums, or religious assembly uses, which are separately regulated.

"Garage." A building or portion of a building, either private or public, in which motor and other vehicles are stored or kept.

"General personal services." Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, day/health spas (massage service as accessory), nail salons, tanning salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, photography studios, and travel agencies mainly intended for the consumer. This classification also includes massage establishments that are in full compliance with the applicable provisions of the Vallejo Municipal Code, and in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612, but excludes gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction. (See "Personal Services, Physical Training")

"General retail." The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with seventy-five thousand square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with ten thousand square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation).

"Glare." The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

"Government office." Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes public safety facilities, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

"Grade." The location of the ground surface.

"Grocery store/supermarket." The retail sale of food and beverages for off-site preparation or consumption. This use may also include bakeries and the provision of other services (e.g., banks, copy services, dry cleaners, film processing, food take-outs, pharmacies, florists, etc.) on the premises. The use includes produce market where a majority of the floor area is used for selling fresh fruits and vegetables, fresh and frozen meats, fish, and poultry as well as other items intended for home preparation and consumption.

"Grooming" and "pet store." Retail sales and services of dogs, cats, birds, and similar small animals, including grooming, on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, sales of pet supplies and equipment, and boarding of domestic animals for a maximum period of forty-eight hours completely within a structure. This classification excludes dog walking and similar pet care services not performed at a fixed location.

"Group residential." Shared living quarters with or without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes clean and sober facilities, rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, farmworker housing, and private residential clubs but

excludes residential care facilities licensed by the state department of social services and hotel and motel establishments intended for transient occupancy, both of which types are classified separately.

"Guest house." An attached or detached habitable structure with only sleeping, living, and bathroom provisions, which does not have an indoor kitchen or cooking facilities, is occupied on a temporary basis by guests of the residents who live on the premises, and which is not rented to paying guests.

"Habitable space." A conditioned living space within a building or structure that is designed to be or can be used for habitation including, but not limited to rooms or spaces intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. "Habitable space" also includes any space, which has finished walls (sheetrock or plaster) and/or is heated with any fixed furnace or central heating system, including bathrooms, halls, garages and laundry rooms and storage areas with over seven feet of vertical space. Specifically excluded are balconies, open porches, mechanical equipment rooms, and unfinished attics, basements, and other unfinished spaces that have less than seven feet of height.

"Hardscape." Landscaping elements such as stone, concrete or tiled paving, fountains, benches, fences, arbors, gazebos and similar durable features.

"Heavy automobile repair." Service and repair of automobiles, trucks, motorcycles, including incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission repair, wheel and brake shops, vehicle painting, tire sales and installation, and installation of car alarms, vehicle radios, and navigation systems, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

"Home-based business." Any activity of a nonresidential nature carried on within a living unit, garage or accessory structure, by an occupant of the living unit and which is clearly incidental and secondary to the residential use of the living unit. A home-based business may include, but is not limited to, the handicraft manufacture of products, the conduct of an art or profession, the offering of a service, home office, or the conduct of a business. Also called home occupation.

"Horse stables." Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables with indoor or outdoor rings, a dressing room, a harness room, a staff area, watering place, and a room for animal care services.

"Hospice, general." A facility that provides residential living quarters for more than six terminally ill persons.

"Hospice, limited." A facility that provides residential living quarters for up to six terminally ill persons.

"Hospital." A facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. It may include a facility that provides continuous skilled nursing care and supportive care to patients whose primary need is for skilled nursing care on an extended basis.

"Hospitals" and "clinics." State-licensed public, private, and non-profit facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals.

"Household." See "Family."

"Incentive." A regulatory or financial concession, grant, refund, or waiver which may reduce or avoid project costs or increase project feasibility which may be awarded through the density bonus application process.

"Incidental use." A use of a lot and/or building that is secondary to the primary or principal use of the property and is not customarily associated with such use but which could be independent of the primary use.

"Industrial land use districts." Any property within the city that is designated "limited industrial" and "industrial" on the general plan land use map.

"Industry, general." The manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products, primarily from extracted or raw materials, or bulk storage and handling of the products and materials; and involve an incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. These include auto dismantling within an enclosed building; biomass energy conversion; food processing and packaging, laundry and dry-cleaning plants greater than five thousand square feet in size, production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing, concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation.

"Industry, limited." The manufacturing of finished parts or products primarily from previously prepared materials; and provision of industrial services within an enclosed building, such as: processing, fabrication of products from components that may be manufactured elsewhere, assembly and treatment, commercial laundries and dry-cleaning plants with five thousand square feet or less; monument works; printing, engraving, and publishing; sign painting shops; machine and electrical shops; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. It also includes the preparation, manufacturing, and/or packaging of food for off-site consumption. It excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services and commercial bakeries that provide seating for on-site consumption, which are classified as take-out restaurants.

"Infrastructure improvement." Projects constructed, financed, installed, or agreed to installed by a property owner, subdivider, public agency, private utility, any other entity approved by the city, or a combination thereof including, street work and utilities on land to be used for public or private streets, highways, ways and easements, as are necessary for the general use of the lot owners and to meet local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map; and any other specific infrastructure, such as streets and sidewalks, trails, drainage, utilities, or other types of physical improvements, the installation of which is necessary to ensure consistency with or implementation of the general plan or any applicable specific plan.

"Interior lot." A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots, or that is bounded by more than one street.

"Interior side yard." A yard extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the interior side lot line.

"Junkyard." Any yard, plot, space, enclosure, building, or other place where discarded items are collected, stored, gathered or kept.

"Kennel." A commercial, non-profit, or government facility for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator on a twenty-four-hour basis. This classification includes animal shelters and pet hospitals that provide boarding for animals not receiving services on the site but excludes boarding for periods of forty-eight hours or less.

"Key lot." An interior lot, the front of which adjoins the side property line of a corner lot.

"Kitchen." A room that is primarily used for cooking and preparation of food that contains a kitchen sink, stove, and cooking equipment. (See CA Building Code)

"Laboratory." An establishment providing dental or medical laboratory services; or an establishment providing analytical, photographic, testing services, or similar uses.

"Land use." The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

"Large format liquor store." Liquor store with seven thousand square feet or more of gross floor area with standard retail hours of operation.

"Large format retail." Retail establishments with more than seventy-five thousand square feet of sales area that sell merchandise and bulk goods for individual consumption, of which more than ten thousand square feet is used for the sale of non-taxable merchandise, including, but not limited to, food and beverage retail sales. This includes membership warehouse clubs and similar retail establishments known as "superstores".

"Legally established" or "constructed." Physical improvements in accordance with all applicable municipal, state, and federal codes.

"Legislative decision." An action by the city council approving a plan, ordinance, or other set of guidelines, policies, standards, or other rules for the use or development of land and property subject to the city of Vallejo's jurisdiction.

"Light fleet-based service." Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than ten thousand lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see automobile/vehicle sales and service, towing and impound) or taxi or delivery services with two or fewer fleet vehicles on-site.

"Light automobile repair." The service and repair of automobiles, light-duty trucks, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tune-up and brake and muffler shops where repairs are made, or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of heavy trucks, limousines or construction vehicles.

"Liquor store." A retail establishment licensed by the State Department of Alcoholic Beverage Control to sell alcoholic beverages for off-site consumption.

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

"Live theater." Facility designed and used for live entertainment, including plays, comedies, and musicals, which typically contains a stage upon which movable scenery and theatrical appliances, or musical instruments and equipment are used.

"Live/work unit." A unit that combines a workspace and incidental residential occupancy, in which the work component is the primary use and the residential component is secondary, occupied by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity. The "work" activity is conducted by a person or persons for whom the living space is their principal residence.

"Living accommodations." Shared living quarters with or without separate kitchen or bathroom facilities for each room or unit.

"Living room." The principal room in a dwelling unit designed for general living purposes rather than for sleeping.

"Lodging." Any place of business that provides overnight accommodations for a fee, including but not limited to: hotels; motels; bed and breakfast inns; spas; dude ranches; golf resorts; youth hostels; farm stay; campgrounds; recreational vehicle parks; and rental properties such as condominiums, cabins, houses, and apartments.

"Long-term parking." An area designed for employee or non-employee-related uses, such as overnight parking, or parking when a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.

"Lot." A parcel or plot of land of record lawfully created and recorded in Solano County as required by state law and city ordinance and which is used or capable of being used under the regulations of the Zoning Code.

"Lot area." The area of a lot measured horizontally between bounding lot lines.

"Lot area, net." The lot area minus any public rights-of-way, public easements, floodplains, environmentally sensitive areas, and areas with archaeological or cultural resources.

"Lot coverage." The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, patios with covers that are fifty percent or less open to the sky, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies.

"Lot line." The boundary between a lot and other property or the public right-of-way. Legally established parcel lines.

"Maintenance" and "repair, structure/building." The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the same character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition. This includes in-kind replacement or repair activities that do not involve a change to the architectural or historic value, style or general design of the building, structure, or object.

"Maintenance" or "repair services." An establishment providing appliance repair, office machine repair, or building maintenance services. This use does not include the maintenance and repair of vehicles (see Vehicle/Equipment Repair).

"Major transit stop." A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of fifteen minutes or less during the morning and afternoon peak commute periods as defined in California Public Resources Code Section 21064.3.

"Major automobile sales" and "leasing." Sales and leasing of vehicles with incidental maintenance or repair work, outdoor display or outdoor storage.

"Manufactured home." A dwelling unit having a permanent foundation system that is transported to the site and which was either constructed after September 15, 1971, and has an insignia of approval from the California Department of Housing and Community Development, or constructed after July 1, 1976, and has an insignia of approval from the U.S. Department of Housing and Urban Development, and which has not been altered in violation of applicable codes. This includes residential buildings, dwelling units, or building components either wholly or partially manufactured at an offsite location to be wholly or partially assembled on a legally-established building site in compliance with the California Factory-Built Housing Law (Health and Safety Code, Division 13, Part 6, Sections 19960 to 19997.) Not a mobile home.

"Marijuana." See "Cannabis."

"Marina." Facilities for the docking of boats and related accessory uses, including boat rentals, boat repairs, boat fueling facilities, harbormasters office, and other maritime uses.

"Material, adult business." Adult businesses, shall mean and include, but not limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes or electronically generated images or devices including computer software, or any combination thereof.

"Maximum residential density." The maximum number of dwelling units permitted in a residential development by this Zoning Code and by the land use element of the general plan on the date that the application for the residential development is deemed complete, excluding any density bonus. If the maximum density allowed by this Title is inconsistent with the density allowed by the land use element of the general plan, the land use element density shall prevail.

"Media production." Establishments engaged in the production of movies, video, music and similar forms of intellectual property. Typical facilities include movie and sound recording studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, post-production facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations. This classification does not include facilities for live audiences (see commercial entertainment and recreation) or transmission and receiving equipment for radio or television broadcasting (see communication facility).

"Media production facility, full-service." Indoor and outdoor production facilities, distribution facilities, post-production facilities, set construction facilities, sound stages, special effects facilities, and other media-related production operations.

"Media production support facility." Administrative and technical production support facilities such as offices, editing and sound recording studios, film laboratories, and similar functions that occur entirely within a building.

"Medical" and "dental offices." Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the state of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services. These offices include clinics.

"Mezzanine." An intermediate floor within a building interior without complete enclosing interior walls or partitions that is not separated from the floor or level below by a wall and has a floor area that is no greater than one third of the total floor area of the floor below. Sometimes called a loft.

"Microenterprise home kitchen operation." A type of cottage food operation conducted by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers on the day it is prepared. See "cottage food operation".

"Mini-storage." A storage facility that is characterized by individual separate spaces which are accessible by customers for the storing and retrieval of personal effects, household goods, business supplies or products offered for off-site sales. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, office or other business services, or human habitation on the premises. Also called self-service storage or personal storage facilities.

"Ministerial permit." Any permit that staff approves or issues after determining that the use or proposed project conforms with all applicable objective standards and requirements. Ministerial approvals include, but are not limited to, such approvals as home based business permits, accessory dwelling units located within an existing dwelling unit, and temporary use permits. Ministerial permits are not discretionary and are not subject to environmental review under CEQA. The approval of a ministerial permit is subject to appeal on the grounds that the determination of compliance was incorrect.

"Minor automobile sales" and "leasing." Sales and leasing within an enclosed structure without any incidental maintenance or repair work, outdoor display, or outdoor storage.

"Mitigated negative declaration (MND)." A declaration prepared for a project when the initial study has identified potentially significant effects on the environment but (1) the applicant has made or agreed to revisions that would reduce potentially significant impacts to less than significant levels before the initial study and negative declaration has been released for public review; and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

"Mixed-use." Any development in a single building or multiple structures on the same lot that includes both residential and non-residential uses with at least two-thirds of the floor area are designated for residential use.

"Mobile food truck off-street." Commercial vending of food and beverages from vehicles parked off-street.

"Mobile food vending." The sale of food from any motorized or trailer vehicle that is portable and not permanently attached to the ground from which food and beverages are sold, served free or sampled, displayed or offered for sale.

"Mobile home." A structure designed for human habitation and for being moved on a street or highway under permit pursuant to the California Vehicle and Health and Safety Codes. Mobile home does not include recreational vehicle, commercial coach, noncommercial coach or manufactured home. A mobile home may be designed to be used with or without a permanent foundation system.

"Mobile home park." Any area or tract of land where two or more lots are used to accommodate mobile homes for human habitation in compliance with the California Health and Safety Code Section 18214, or any successor regulation. This use type includes facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium, or other form of resident ownership.

"Mobile recycling unit." An automobile truck, trailer or van, licensed by the California Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

"Mobile unit" or "structure as accessory use." The temporary use of a mobile unit or structure as a caretaker's or manager's residence or as a residence during the construction of a new residential unit on the same parcel.

"Mobile unit" or "structure used for industrial or storage purposes." Mobile unit or structure means any structure not permanently affixed to the ground with a foundation, as determined by the chief building official. This includes, but is not limited to, any trailer, house car, or mobile home, whether or not wheels are attached, or cargo container.

"Movie theater." A facility that provides for indoor display of films and motion pictures.

"Multi-unit residential." Three or more dwelling units within a single building or within two or more buildings on a site or lot(s), including a triplex or fourplex. These include garden apartments, senior housing developments, and multi-story apartment buildings. The classification is distinguished from group residential.

"Negative declaration." A written finding approved by the city council or designated staff with approval authority that a proposed project would have no effect on the environment and briefly stating the findings and reasons for that determination.

"Neighborhood park." Facilities typically less than seven acres in size, which are designed primarily to provide facilities for preschool, and elementary age children. They may be combined with or be located adjacent to elementary school site and may include open, multiuse turfed playfields, play apparatus areas, park-like landscaped areas, multigame court areas, sanitation facilities and/or meeting facilities meant to serve nearby neighborhoods.

"Nightclub." An establishment engaged primarily in offering entertainment to the general public, in the form of music for dancing or live or recorded performances. The establishment may or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises.

"Non-conforming lot." A lot that was legally established in compliance with regulations applicable at the time but which does not conform with current standards for area, width, frontage or other such standards for the zoning district in which the lot is located because of annexation or amendments to this Zoning Code.

"Non-conforming sign." A sign that was legally created and erected in compliance with regulations applicable at the time but which does not conform to the current general regulations for signs and the sign regulations standards for the zoning district where the sign is located.

"Non-conforming structure." A structure that was legally constructed in compliance with regulations applicable at the time but which does not conform with current height, setback, coverage or other measurable standards for the zoning district in which the structure is located because of annexation or amendments to the Zoning Code.

"Non-conforming use." A use of a building, structure, or site, or portion thereof, or a building, structure or facility itself, which was legally established, and has been maintained, erected or altered in compliance with applicable regulations but which no longer conforms to the specific current regulations applicable to it. Provided however, that this term shall not apply to any use involving the sale of alcoholic beverages (See Deemed approved use). Non-conforming uses include, but are not limited to, uses that are no longer conforming because of annexation or amendments to this Zoning Code.

"Nude entertainment business." Any amusement, performance, exhibition or diversion, which includes the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. This does not include incidental nudity in a theatre or film performance or exhibition.

"Nursery" and "garden center." A retail establishment selling plants, seeds, shrubs, and various gardening equipment. Garden products such as trees, shrubs, plants, seeds, bulbs, and sod are predominantly grown elsewhere. All merchandise other than plants is kept within an enclosed structure or fully screened. Fertilizers of any type are stored and sold in package form only.

"Nursing facility, nursing home." A common name for an establishment licensed as a skilled nursing facility by the California State Department of Health Services providing twenty-four-hour medical, convalescent or chronic care to individuals who, due to advanced age, chronic illness or infirmity, are unable to care for themselves, including without limitation rest homes and convalescent hospitals.

"Occupancy." The purpose for which a building or portion of a building is used or intended to be used for. The term also includes the building or room housing such use. Change of occupancy is not intended to include change of tenants or owners, but of uses.

"Off-sale beer" and "wine." A store operating under a Type 20 license authorizing sale of beer and wine for consumption off the premises.

"Off-sale general." A store operating under a Type 21 license authorizing sale of distilled spirits, beer, wine, and other alcoholic beverages for consumption off the premises.

"Off-sale liquor establishment/liquor store." Any establishment that requires a liquor license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages that will not be consumed on the property on which the alcohol is sold.

"Offices." Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see banks and financial institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities (See research and development) and hospitals (see hospitals and clinics).

"On-sale liquor establishment." Any establishment that requires a liquor license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages that will be consumed on the premises on the property on which the alcohol is sold.

"On-site construction yards." On-site contractors' construction yards, including temporary trailers and storage of equipment, in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction, whichever occurs first.

"Opacity." The degree of being impervious or obscure to light and sight.

"Open space." Open areas that provide visual relief from the urban landscape and provide opportunities for passive and active recreation.

"Open space, common." Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit. Common areas typically consist of landscaped areas, walks, patios, swimming pools, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.

"Open space, private." Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Private areas typically consist of courtyards, balconies, decks, patios, fenced yards, and other similar areas.

"Open space, useable." Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

"Overlay district." A zoning designation specifically delineated on the zoning map establishing land use requirements that govern in addition, or as an alternative, to the standards set forth in the underlying base district.

"Owner." A person or persons holding single or unified beneficial title to the property, including but not limited to the settlor of a grantor trust, a general partner, firm or corporation.

"Paddock." A small field or enclosure where horses or ponies are kept or exercised. See "Corral".

"Parapet." A wall or railing that extends above the roofline and along all or a portion of its perimeter.

"Parcel." See "Lot".

"Park." Any publicly or privately-owned property which is designated "neighborhood park" or "community park" on the general plan land use map or is used for open space and/ or recreational purposes, including activities by minors.

"Park" and "recreation facilities, public." Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the general public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

"Parking area." An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

"Parking facilities, commercial." Surface lots and structures for the use of occupants, employees, patrons, or the general public for a fee when such use is not incidental to another on-site activity.

"Parklet." A small public sidewalk extension including up to two parallel and four diagonal parking spaces that includes temporary furniture and other material such as tables, seating, shrubs, bicycle parking or other features approved by the city or permanent fixtures, available for use by the general public, and maintained by the owner of the adjacent business.

"Passenger station." Facilities for passenger transportation operations. This classification includes rail, bus and ferry stations and terminals but does not include terminals serving airports or heliports. Typical uses include ticket purchasing and waiting areas out of the public right-of-way, restrooms, and accessory uses such as cafes.

"Patio." A leveled, surfaced area usually adjacent to a principal building that may be covered with a solid or open roof structure, which may be attached to the building or another structure. Patio does not include any area used for vehicle parking, storage rooms, or as a habitable room.

"Pawnshop." An establishment engaged in the buying, selling, trading, accepting for consignment, accepting for auctioning, or auctioning of new or secondhand merchandise and offering loans in exchange for or secured by personal property.

"Pedestrian friendly." An area where the design and use of buildings and streets is regulated to attract and accommodate pedestrians by incorporating features such as a variety of ground floor uses providing retail goods and services visible to pedestrians through transparent windows and doors, landscaping along sidewalks, buffers separating pedestrians from vehicle traffic, street furniture, narrow vehicle thoroughfares with pedestrian crossings that slow motorists, and an absence or limited number of driveways crossing the sidewalk. The term pedestrian-oriented is also used to describe areas with such features.

"Pedestrian way." A right-of-way designed for use by pedestrians and bicyclists that is not designed for or used by automotive vehicles and is not located within a street right-of-way.

"Personal services" and "general personal services." Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, day/health spas (massage service as accessory), nail salons, tanning salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, photography studios, and travel agencies mainly intended for the consumer. This also includes tattoo or body modification parlors.

"Personal services, massage service." Any premises, place of business or membership club where the primary use is providing or giving for a fee or other form of consideration a massage, bath, manipulation of the body, electric or magnetic treatment, alcohol rub or other similar massage service or procedure. A use where accessory massage occurs i.e., chair massage services in a supermarket, massage services in the courtyard of an outdoor or indoor shopping center) shall not be classified as a massage establishment.

"Personal services, massage therapy." Massage operations in conjunction with and on the same premises and when accessory to a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist who are duly state-licensed to practice their respective professions in the State of California, trainers of athletes, and state-licensed barbers, beauticians, manicurists, cosmetologists, and estheticians while engaging in practices as part their license.

"Personal services, physical training." Gyms, exercise clubs, or studios offering martial arts, physical exercise, yoga training and similar types of instruction to classes and groups of more than five persons.

"Personal wireless services." As defined in 47 USC Section 332(c) (7) (C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

"Personal wireless service facilities." As defined in 47 USC Section 332(c) (7)(C)(ii), as may be amended, which defines the term as facilities that provide personal wireless services.

"Persons with disabilities." Persons who have a medical, physical, or mental condition, disorder or disability as defined in the California Government Code or the Americans With Disabilities Act, that limits one or more major life activities.

"Pet clinic/hospital." Establishments where small animals receive medical and surgical treatment. This classification only includes facilities that are enclosed, soundproofed, and air-conditioned. Grooming and temporary boarding of domestic animals is included if incidental to the hospital use.

"Pet day care service." A commercial, non-profit, or governmental facility for keeping four or more dogs, cats, or other household pets not owned by the kennel owner or operator primarily for periods of less than twenty-four hours.

"Planting strip." The area between the curb, or in the case where there is no curb the edge of the roadway, and the abutting property line, that is not improved by surfacing intended for the use of pedestrians, is designed to separate the sidewalk from the roadway or to prevent access to abutting properties and is intended to be planted with trees or otherwise landscaped.

"Playground." An improved outdoor area publicly or privately owned, designed, equipped and set aside for children's play that is not intended for use as an athletic playing field or athletic court. This definition includes a restaurant operating a playground open to the public.

"Porch." A roofed open area that provides access to a doorway and typically extends from the exterior wall of the structure and requires ground supports.

"Pre-existing." In existence before the effective date of the ordinance updating this Zoning Code and any subsequent amendments thereto.

"Predominant, predominantly." A feature or element that is primary, prevalent, more important or noticeable than any other; typically, but not necessarily, the largest or biggest.

"Premises." An area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit.

"Primary unit." The larger of two dwelling units on a property with an accessory dwelling unit (ADU).

"Primary use." A primary, principal or dominant use established, or proposed to be established, on a lot and occupies at least seventy percent of the gross floor area of the tenant space or building.

"Principal residence." The dwelling unit in which a person lives the majority of the time or which is considered his/her primary residence as determined by factors that may include but are not limited to the address used on voting registration, driver's license, income tax forms, and passport.

"Private facilities." Facilities operated by an organization and open only to bona fide members of such organization.

"Produce store." A retail food store where a majority of the floor area is used for selling fresh fruits and vegetables, fresh and frozen meats, fish, and poultry as well as other items intended for home preparation and consumption.

"Project." Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure or use, that is subject to the provisions of this Zoning Code. This term includes, but is not limited to, any action that qualifies as a "project" as defined by the California Environmental Quality Act.

"Public facility." A facility operated by a public or quasi-public agency or organization that are open to the general public. An admission fee may be required, and hours of operation limited.

"Public hearing." A meeting noticed as required by the Zoning Code in which testimony and arguments are presented publicly before any of the hearing bodies established by this code including commissions, boards, city council, or staff approval authority.

"Public market." Indoor and or outdoor retail year round use with multiple food vendors that are owner-operated shops, stalls, and/or day-tables. The market may include a food hall with independent purveyors with common seating area. The public market may sell in season, fresh and farm products, artisan, crafts, limited

production products. The public market may be owned and operated by public or non-profit entities. May include a farmer's market and chain stores and franchises, which are an accessory to independent purveyors.

"Public right-of-way." A street, including adjacent sidewalks, providing the principal means of access to abutting property and dedicated to, or maintained by, the city; or a street providing the principal means of access to abutting property and with right-of-way or easement, and paved and otherwise improved to meet city standards or planned to be improved to city standards.

"Public safety facility." A facility for public safety and emergency services, including police and fire protection, with incidental storage, training and maintenance facilities. This use includes facilities used by the National Guard or the Military Reserve.

"Public services." Includes, but is not limited to, water, sewer, gas, cable television, communications and electric power distribution lines.

"Quick-service restaurant (QSR)." An establishment serving food and beverages prepared on-site where customers may order full meals from a walk-up counter or drive-through facility for either on- or off-site consumption. Generally referred to as fast-food restaurant.

"Real estate office within a subdivision." A temporary real estate office and other permitted uses for the first sale of dwellings and lots within a recorded subdivision.

"Rear lot line." The lot line that is opposite and most distant from the front lot line. Where no lot line is within forty-five degrees of being parallel to the front lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

"Rear yard." A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified for the zoning district in which it is located. If a lot has no rear lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

"Reasonable accommodation." Any deviation requested and/or granted from the strict application of the city's zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

"Reclassification of land." An amendment to the zoning map, which amendment changes the classification of any property from one zoning district to another zoning district provided for in the Zoning Code.

"Recreation facilities." Indoor or outdoor establishments or places where participants can engage in sports, have contact with the natural or historical environment, obtain visual relief from developed areas, or partake of or other activities for exercise and/or enjoyment. Spectators are incidental on a recurring basis.

"Recreational vehicles." A vehicle which is built on a single chassis or capable of being placed in or on a vehicle; designed to be self-propelled or towable by a light duty truck; and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use. The basic entities are travel trailer, camping trailer, truck or van camper, tent trailer and motor home, or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes as defined in Sections 18009 and 18010 of the California Health and Safety Code.

"Recreational vehicle sales." An establishment that sells, rents and/ or leases motor homes, trailers, and boats, including incidental storage, installation of accessories and maintenance. This includes facilities that repair or service recreational vehicles.

"Recreational vehicle storage." On-site parking of recreational vehicle(s) on a parking space approved for a recreational vehicle and that is separate from the required off-street parking provided.

"Recreational vehicle storage, private." Recreational vehicle storage that is owned and operated by an individual homeowner or homeowners' association and used exclusively by the homeowner or members of that association.

"Recreational vehicle storage, public." Recreational vehicle storage that is provided for use by the general public.

"Recyclable material." Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, re-manufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with the California Health and Safety Code.

"Recycling facilities." A collection facility for recycling materials including glass, metal, paper products and other materials as may be determined by the director. This use includes donation collection facilities, mobile recycling units, reverse vending machines and small and large collection facilities.

"Recycling facility, large." A recycling facility over seven hundred square feet for the drop-off or deposit of recyclable materials. These uses may be indoor or outdoor and may include mobile recycling units, storage bins, and required enclosures and reverse vending machines collectively over seven hundred square feet.

"Recycling facility, small." A recycling facility of seven hundred square feet or less for the deposit or drop-off of CRV recyclable materials. These uses may be indoor or outdoor and include mobile recycling units, storage bins, and required enclosures and reverse vending machines.

"Review authority." The decision-making body or official responsible for approving, approving with conditions, or denying an application, including decisions on appeals. For example, the planning commission is the review authority over an application for a major use permit, the planning and development services director is the review authority over an application for a minor use permit.

"Religious institution." A facility used primarily for religious assembly or worship and related religious activities and having a conditional use permit if required by the review authority.

"Remodel." See "Alteration, major and minor".

"Research" and "development." A facility for scientific research and the design development, and testing of and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, technology components and products, and other similar uses in advance of product manufacturing. This classification includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities. It may also include offices as a secondary use. Typical uses include electronics research laboratories, space research and development firms, and pharmaceutical research labs but excludes medical testing, analysis, and product testing.

"Residential care facility." A type of care facility that is State-licensed and provides permanent living accommodations and twenty-four-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit or not-for-profit institutions including group homes for minors, persons with disabilities, people in recovery from alcohol or drug addictions, and hospice facilities.

"Residential care, general." State licensed facility, family home, group care facility, or similar facility that is maintained and operated to provide twenty-four-hour nonmedical residential care for seven or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance.

"Residential care, limited." State licensed facility, family home, group care facility, or similar facility that is maintained and operated to provide twenty-four-hour nonmedical residential care for six or fewer adults, children,

or adults and children as-in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual and which is required by State law to be treated as a single housekeeping unit for zoning purposes. This use includes the administration of limited medical assistance.

"Residential care, senior." As defined by California Health and Safety Code Section 1569.2, as it may be amended, as a housing arrangement chosen voluntarily by persons sixty years of age or over (or their authorized representative) where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on their varying needs.

"Residential land use districts." Any property within the city which is designated "Primarily Single-Family", "Mix of Housing Types/Medium Density" and "Primarily Multi-Family" on the general plan land use map.

"Residential use in property zoned planned development (PD)." A planned development which contains residential units an any property within the PD zoning district as set forth on the zoning map, as it may be amended from time to time. For purposes of applying distance locational limitations in this code, only the portion of the area zoned PD actually containing residential units shall be considered the residential land use designation.

"Restaurant with drive-through." Establishment where food or coffee-type beverages are purchased by motorists who remain in their vehicles during the sales transaction including drive-up service.

"Restaurant, full service." Restaurant providing food and beverage services to patrons who order and are served while seated and pay after eating. Take-out service may also be provided. Full-service restaurant includes eating places authorized to sell beer, wine, and distilled spirits for consumption on-site under Type 47 Department of Alcoholic Beverage Control license and eating places that are authorized to sell beer and wine under a Type 41 License.

"Restaurant, limited service." Establishment where food and beverages are consumed on the premises, taken out, or delivered, and where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, quick service restaurants/fast-food establishments, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products.

"Retail sales." The purchase of finished goods and services by consumers and businesses.

"Reversed corner lot." A corner lot, the rear of which abuts a key lot.

"Reversed frontage lot." A double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line.

"Ridesharing." Any mode of transportation other than a single occupancy vehicle that transports one or more persons to a worksite.

"Rooming house" and/or "boardinghouse." A building or portion thereof, other than a hotel or motel, providing room and/or board for compensation with or without meals.

"Salvage" and "wrecking." Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods, including, but not limited to any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

"School." Any institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the state board of education and has an approved conditional use permit, if required, under the applicable jurisdiction. This definition includes nursery schools, kindergartens, elementary schools, junior high schools, senior high schools, or special institutions of learning under the jurisdiction of the state department of education. The definition of school does not include a vocational institution.

"Screening." A wall, fence, hedge, informal planting, or berm provided for the purpose of buffering a building or activity from neighboring areas, different land uses, visual impacts, or from the street.

"Section 6409." Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 USC Section 1455(a), as may be amended.

"Security grate." A metal grate that rolls up over, or slides across, a window or door to provide protection against unwanted entry. It also can be a fixed metal fixture over window openings.

"Senior citizen housing development." A residential development with at least thirty-five dwelling units, meeting the definition of a senior citizen housing development set forth in California Civil Code Section 51.3.

"Senior citizen." As defined in California Civil Code Section 51.3, a person sixty-two years of age or older, or fifty-five years of age or older who may occupy a senior citizen housing development.

"Senior housing." Residential development designed for senior citizen households. Any age restrictions must be consistent with federal and state requirements.

"Sensitive land use." A residence, public or private school, public library, public or private park, public or private playground, or religious institution, where minors would likely be present.

"Service stations." An establishment engaged in the retail sale of vehicle and equipment fuel, lubricants, parts and accessories. These uses include service stations with convenience stores, self-service auto washes and facilities having service bays for vehicle service and repair. The service and repair may include incidental maintenance and repair of automobiles and light trucks but shall not include maintenance and repair of large trucks, or body and fender work or automobile painting on any vehicles. Light auto/vehicle/equipment repair is allowed here but not heavy as described above.

"Service stations, full service." A service station that has one or more service bays.

"Service stations, minimum service." A service station that has no service bays.

"Setback." The minimum or maximum distance that is required between a building or building feature and a property line, right-of-way, shoreline or other place or line the Zoning Code or other ordinances establishes to govern the placement of structures.

"Shared parking." An arrangement in which multiple uses with different peak parking demand periods use the same off-street parking spaces.

"Shopkeeper unit." A dwelling unit located above and with an internal connection to a ground floor commercial space that is operated by the resident of the dwelling unit and meets applicable occupancy separation requirements of the California Building Code. This use type is distinguished from a live-work unit.

"Side lot line." Any lot line that is not a front or rear lot line.

"Sign copy." The visually communicative elements mounted on a sign. Also called copy.

"Sign." A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product.

"Significant tree." Any tree or stand of trees on private property having either a height of twenty-five feet measured above ground level, or a diameter of ten or more inches.

"Signs, abandoned." A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.

"Signs, awning." A sign copy or logo attached to or painted to the outside surface of an awning.

"Signs, cabinet." A sign which contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated. Also called a can or panel sign.

"Signs, construction." A temporary sign announcing/describing a construction project, architect, builder/developer, engineer, etc. in words and/or drawings.

"Signs, directional." An exterior on-site sign that directs or guides pedestrian and/or vehicular traffic and which does not include general advertising for hire but may direct persons to specific locations of public facilities or parts of an establishment that have separate exterior entrances. Examples include accessible parking, one-way, exit, entrance, rest rooms, emergency room, garage, underground utilities, and such similar functions. Also called directional signage.

"Signs, flag." A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol, which is capable of movement, or fluttering in moving air or wind.

"Signs, freestanding." A sign supported by structures or supports that are placed on, or anchored in, the ground and which are structurally independent from any building including "monument signs," "pole signs," "pylon signs," and "ground signs."

"Signs, freeway oriented." A sign that orients primarily to the traveling public using a freeway or expressway and installed for the purpose of identifying major business locations within certain commercial zoning districts in close proximity to a freeway or expressway.

"Signs, illuminated (indirect/internal illumination)." A sign that is illuminated with an artificial source of light. An indirectly illuminated sign is a sign whose light source is external to the sign and which casts its light onto the sign from some distance. An internally illuminated sign is a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

"Signs, monument." A low-profile freestanding sign erected upon or supported solely by a planter, pedestal base, or similar ground structure approximately the same width as the sign and which is designed to incorporate the architectural theme and building material of the building on the premises. Internal supports, open braces, poles or pylons, if any, are enclosed by decorative covers or otherwise not exposed to view.

"Signs, off-site." A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premises, does not constitute the principal item for sale or manufactured on the premises. The on-site/off-site distinction does not apply to non-commercial messages. This includes billboards. Contrast: on-site sign.

"Signs, on-site." A sign identifying a use, facility, service, or product which is located, sold, or manufactured on the same premises as the sign. The on-site/off-site distinction does not apply to non-commercial messages. Contrast: off-site sign.

"Signs, permanent." A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

"Signs, pole (pylon sign)." An elevated freestanding sign that is supported by one or more exposed poles or columns that are permanently attached directly into or upon the ground.

"Signs, portable." A freestanding sign that is not permanently affixed, anchored or secured to either the ground or a structure on the property it occupies.

"Signs, projecting." A building wall sign, the surface of which is not parallel to the face of the supporting wall and which is supported wholly by the wall.

"Signs, real estate for sale" or "lease." A temporary sign that advertises the sale, lease or rental of the property but not including temporary subdivision signs or signs on establishments offering transient occupancy such as hotels, motels, and inns.

"Signs, roof." A sign constructed upon or over a roof or placed so as to extend above the edge of the roof.

"Signs, temporary." A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property. Temporary signs do not include portable signs.

"Signs, tenant." A sign that identifies a tenant, occupant, or establishment whether residential or commercial on the site. A multi-tenant sign displays the names of each tenant, occupant, or establishment whether residential or commercial on the site.

"Signs, wall (wall-mounted sign)." A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

"Signs, window." A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within five feet of the window.

"Single occupancy vehicle." A privately-operated motor vehicle whose only occupant is the driver, including for hire vehicles with one passenger.

"Single room occupancy." A facility providing dwelling units where each unit meets the requirements of California Health and Safety Code Section 17958.1 as an efficiency unit or guest room. The unit may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

"Single-unit dwelling, attached." A dwelling unit that is designed for occupancy by one household located on a single lot that does not contain any other unit (except an accessory dwelling unit, where permitted) and is attached through common vertical walls to one or more dwellings on an abutting lot; sometimes called a "townhouse" or "zero-lot line" development.

"Single-unit dwelling, detached." A dwelling unit that is designed for occupancy by one household, located on a single lot that does not contain any other dwelling unit (except an accessory dwelling unit, where permitted), and not attached to another dwelling unit on an abutting lot. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

"Single-unit residential." A building containing one dwelling unit located on a single lot. These include mobile homes and manufactured housing installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

"Site." A continuous area of land used comprised of one or more lots intended for a use or group of uses.

"Site, wireless facility." As defined by the FCC in 47 CFR Section 1.40001(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower, any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

"Skilled nursing facility." A facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides twenty-four-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

"Small lot development." A residential project with a detached single-unit structure or structures, or attached townhouse units with separate walls that abut or are separated by a smaller amount of space on lots that are smaller than conventional single-unit development.

"Small wireless facilities (small cell wireless facilities)." As defined by the FCC in its "Declaratory Ruling and Third Report and Order" adopted September 26, 2018, encompasses facilities that meet the following conditions: Are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR Section 1.1320(d); or Are mounted on structures no more than ten percent taller than other adjacent structures; or Do not extend above existing structures on which they are located to a height of more than fifty feet or by more than ten percent, whichever is greater; Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR Section 1.1320(d)), is no more than three cubic feet in volume; All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than twenty-eight cubic feet in volume; The facilities do not require antenna structure registration under 47 CFR Part 17; The facilities are not located on tribal lands, as defined under 36 CFR Section 800.16(x); and The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR Section 1.1307(b).

~~"Smoke shop" or "tobacco retailer." Any establishment that devotes twenty percent or more of the display area to the sale or exchange of tobacco products and/or tobacco paraphernalia. (See Definition.) This does not include retail sales of cannabis for recreational or medical purposes, which are separately regulated.~~

"Social services center." Facility providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-twenty-four-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (See adult day care and early education facility), clinics (see clinic), and emergency shelters providing twenty-four-hour or overnight care (see emergency shelter).

"Specified anatomical areas." Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct even if completely and opaquely covered: Human genitals, pubic region; buttock; or female breast below a point immediately above the top of the areola; or human or simulated male genitals in a discernible turgid state even if completely and opaquely covered.

"Specified sexual activities." Human genitals in a state of sexual stimulation or arousal; and/or acts of human masturbation, sexual stimulation or arousal; and/or use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or masochism, erotic or sexually oriented torture, beating, or the infliction of pain; and/or human excretion, urination, menstruation, vaginal or anal irrigation; and/or fondling or erotic touching of human genitals, pubic region, buttock, or female breast.

"Stable." A building for the lodging and care of horses, ponies, and similar animals.

"Stable, commercial." A stable for horses to be let, hired, kept, bred, trained, or used for compensation.

"Stable, private." A stable owned and operated by the owner or an occupant of the property for his or her own use.

"Stoop." A staircase, typically smaller than a deck, porch or patio that provides access to a building entry.

"Storage, outdoor." Storage of vehicles or commercial goods or materials that are not contained within a building. Typical uses include monument or stone yards, grain elevators or open storage yards.

"Story." That portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

"Street." A public or private thoroughfare providing a primary means of access to property.

"Street frontage." The length of the property line of any one premises parallel to and along the public right-of-way that it borders, and which is identified by an officially assigned street address.

"Street side lot line." Any side lot line that abuts a public street.

"Street side yard." A yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the street side lot line.

"Street tree." Any tree of any species or size planted in parkways, sidewalk areas, easements, and rights-of-way granted to the city.

"Street wall." All contiguous walls of a building whose overall limits comprise the building facade.

"Structural alterations." Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders, including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape. See "Alterations, major and minor".

"Structure height." The vertical distance between a point or all points on top of a structure or any of its appurtenances and the ground below.

"Structure, accessory." A detached subordinate structure used only as incidental to the main structure on the same lot. "Accessory structure" shall not mean an Accessory Dwelling Unit (ADU), as defined in this Zoning Code.

"Structure, detached." A structure, no part of which is attached by any means to any other structure.

"Structure, existing." A structure erected prior to the effective date of the Zoning Code, or one for which a valid legal building permit has been issued prior to this effective date of the Zoning Code.

"Structure, non-conforming." See "Non-conforming Structure".

"Structure, primary (structure, main)." A structure housing the principal use of a site or functioning as the principal use.

"Structure, temporary." A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

"Structure." A physical structure that is manufactured, built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner.

"Subdivider." Any person who 1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision, or 2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or 3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

"Substantial change, wireless facility." As defined by the FCC in 47 CFR Section 1.40001(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). This definition organizes the FCC's criteria and thresholds for a substantial change according to the wireless facility type and location. The collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or The proposed collocation or modification increases the overall height more than ten percent or the height of one additional antenna array not to exceed twenty feet (whichever is greater); or For towers in the public rights-of-way and for all base stations, a substantial change occurs when: The proposed collocation or modification increases the overall height more than ten percent or ten feet (whichever is greater); or The proposed collocation or modification increases the width more than twenty feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or The proposed collocation or modification increases the width more than six feet from the edge of the wireless tower or base station; or The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site. The proposed collocation or modification involves excavation outside the area in proximity to the structure or other

transmission equipment already deployed on the ground. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent larger in height or volume than any existing ground-mounted equipment cabinets; or The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets, or excavation that is inconsistent with the thresholds for a substantial change described in this subsection.

"Supportive housing." Housing with no limit on length of stay that is occupied by the target population and is linked to an on-site or off-site service that assists supportive housing residents in retaining housing, improving their health status, and maximizing their ability to live independently.

"Swap meet." The display, exchange, barter or sale of new or used common household items or office equipment and furnishings, clothing, personal effects, household furnishings and household appliances at an approved location. These include both indoor and outdoor swap meets, conducted on either a permanent or recurring basis. Also known as a flea market.

"Target population." Persons with low incomes who have one or more disabilities including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

"Tasting room, accessory." A space for on-site tasting of alcoholic beverages and retail sales that is licensed by the California Department of Alcoholic Beverage Control and operated within a winery, micro-brewery/micro-distillery, grocery store, large format liquor store or wine shop but not within a liquor store or a convenience store or mini-market associated with fuel sales.

"Tasting room/wine bar, stand-alone." An establishment or place within a winery or brewery or other premises or a separate establishment licensed by the state department of alcoholic beverage control where wine, beer, and other alcoholic beverages produced, grown, or processed on the same site or off-site are offered for sale or without charge to members of the public. Food may also be served. Tasting rooms may be established and operated by a single winery or brewery or collectively by a group of producers.

"Telecommuting." Any employee(s) working at home, off-site, or at a telecommuting center for a full workday, eliminating the trip to work or reducing travel distance by more than fifty percent.

"Temporary real estate sales office." A temporary real estate sales office within the area of an approved development project, solely for the first sale of units, approved as part of the overall project.

"Temporary use." A use of a building or property that is limited in duration and does not permanently alter the character or physical facilities of the premises or property.

"Through lot." A lot having frontage on two parallel or approximately parallel streets.

"Tobacco-Cigar Bar or Lounge" means an establishment that is open to the public and is designated for the consumption or use of tobacco products purchased on the premises or elsewhere.

"Tobacco Retail Store"- means any business establishment utilized for the sale of any tobacco product.

Tobacco Retail-Major: Over 20% of retail area is dedicated to tobacco products.

Tobacco Retail-Minor: 20% or less of retail area is dedicated to tobacco products.

"Tobacco ~~related~~ products."

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1. Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff or snus;
 2. Any electronic device that delivers nicotine or any other substances to the person inhaling from the device, that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine, including but not limited to a vaporizer/vape, electronic cigarette, electronic cigar, electronic pipe, or electronic hookah;
 3. Any component, part, or accessory of (1) (2), whether or not any of these contain tobacco or nicotine, including but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces and pipes.
"Tobacco Product" does not include drugs, devices, or products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act or cannabis products.
1. ~~Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. Any implement or object that is or may be used in conjunction with the consumption, inhalation or ingestion of either tobacco or other like dried plant material or other substance which may be consumed in the same manner, including instruments or paraphernalia for the smoking or ingestion of tobacco or other like plant, herbal or fruit products.~~

"Tower." As defined by the FCC in 47 CFR Section 1.40001(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles (i.e., a bare, unconcealed pole solely intended to support wireless transmission equipment), mono-trees, and lattice towers.

"Townhouse." An attached, privately owned single-unit dwelling that is adjacent to another similarly owned single-unit dwelling unit/s with which it shares a common party wall having no doors, windows, or other provisions for human passage or visibility. Also called a row house.

"Trail systems." This includes district/citywide pathways using public easements, rights-of-way, and natural features such as watercourses and ridgelines, providing a non-vehicular circulation system throughout the city and district to connect major facilities and points of activity and interest. Such a trail system increases the effectiveness of recreational opportunities by providing the linkage between separate facilities to create a continuous recreational network. Such a system itself also provides recreation opportunities, such as walking, jogging, bicycling, nature study, photography, and the like.

"Transit." A shared passenger transportation service, which is available for use by the general public, as distinct from modes such as taxicabs, carpools, or vanpools which are not shared by strangers without a private arrangement. Transit includes buses, ferries, trams, trains, rail, or other conveyance which provides to the general public a service on a regular and continuing basis. Also known as public transportation, public transit or mass transit.

"Transitional housing." Dwelling units with a limited length of stay that are operated under a program requiring recirculation to another program recipient at some future point in time. It may be designated for homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section

50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. This classification includes domestic violence shelters.

"Transmission equipment." As defined by the FCC in 47 CFR Section 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

"Transportation allowance." A financial incentive offered to employees instead of a parking subsidy to provide employees flexibility in mode choice. Employees are typically required to execute an agreement that they do not commute in a single-occupant vehicle in order to be eligible to receive the benefit

"Transportation alternatives." Walking, bicycling, taking transit, carpooling, vanpooling, and telecommuting.

"Transportation demand management (TDM)." A system designed and implemented to reduce traffic congestion, demand for parking and associated air pollution noise, fuel consumption.

"Transportation management organization (TMO)." Transportation management organizations (TMOs) are city-certified organizations that provide transportation services in a particular area or citywide. They are generally public-private partnerships, consisting primarily of area businesses with local government support. TMOs provide an institutional framework for TDM programs and services.

"Undevelopable land." All portions of the site that, if developed, would subject persons or property to a high level of risk for personal injury or property damage due to its proximity to a known hazard, including, but not limited to, any portion of the site within fifty feet of a cliff, or fault line, biologically sensitive areas, sites with overall slopes greater than thirty percent, sites within an unrepaired slide area or in a ravine. Areas of undevelopable land are included from calculations of net site area, allowable floor area, allowable residential units, minimum lot size, and density.

"Unenclosed." Open on at least one side.

"Urban farm." An agricultural use in an urban area, in a zoning district where urban land uses predominate. Urban farms may be of any size, though permit requirements will differ. Community gardens, community-supported agriculture farms, and private farms are all considered urban farms.

"Urban villages." An area in a mixed-use corridor that is served by public transit and provides a combination of retail shops and services as well as spaces and facilities for civic uses catering to the daily needs of residents who live in mixed-use buildings in the village and in the surrounding residential neighborhoods. Urban villages are intended to accommodate pedestrians and cyclists.

"Use." The purpose for which land, premises or structure thereon is designed, arranged, or intended, or for which it is or may be occupied or used.

"Use classification." A system of classifying uses into a limited number of use types based on common functional, product, or compatibility characteristics (e.g., residential, retail, commercial and office; institutional and community facilities, industrial, and transportation, communication, and utilities).

"Use permit." A discretionary permit, such as minor use permit, or major use permit, that provides for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, that are not permitted by right but may be approved upon completion of a review process and, where necessary, the imposition of conditions of approval.

"Use type." A category that classifies similar uses based on common functional, product, or compatibility characteristics.

"Use, non-conforming." See "Non-conforming Use".

"Utility pole." A pole or tower owned by any utility company that is primarily used to support wires or cables necessary for the provision of electrical or other utility services regulated by the California Public Utilities Commission.

"Utility, major." Generating plants, electrical substations, aboveground electrical transmission lines, refuse collection or disposal facilities, dredge disposal sites, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

"Utility, minor." A utility facility that is necessary to support a legally established use and involves only minor structures (e.g., electrical distribution lines).

"Vanpool." A van or similar motor vehicle in which seven to fifteen persons commute to and from the worksite for the majority (at least twenty-one percent) of the commute trip.

"Variance." A discretionary permit allowing a departure from specific provisions of a zoning ordinance such as setbacks, side yards, frontage requirements, and lot size, but not involving the actual use or structure, thus relieving a property owner from strict adherence to development standards when some special circumstances exist which deprive the property owner from developing the property in a manner enjoyed by similar properties.

"Vehicle." Any passenger car or truck, including Zero Emission Vehicles (ZEVs), used for commute purposes including any motorized two-wheeled vehicle. Vehicles shall not include bicycles, transit services, buses serving multiple worksites, or vehicles that stop only to load or unload passengers or materials at a worksite while on route to other worksites.

"Vehicle miles traveled (VMT)." A method used in transportation planning to measure the amount of travel for all vehicles in a geographic region over a given period of time, typically a one-year period. VMT is calculated as the sum of the number of miles traveled by each vehicle.

"Viewing room, adult use." The room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital videodisc, or other video reproduction.

"Visibility triangle." A triangular area at the intersection of any two public streets or a driveway, alley, or path with a public street within which height limitation apply to structures or vegetation that may interfere with the visibility of a pedestrian, cyclist, or other vehicle operator. Also called a Sight distance triangle.

"Visible." Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

"Walk-in clientele office." Offices providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, private utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (See Banks and Financial Institutions).

"Wall." Any vertical exterior surface of building or any part thereof, including windows.

"Warehouse." A building used primarily to store goods and materials.

"Warehousing, storage," and "distribution." Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

"Warehousing" and "storage, indoor." Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials. This includes cold storage, draying or freight, moving and storage, and warehouses, but not the storage of hazardous chemical, mineral, and explosive materials.

"Wetlands." Marshes, swamps or other areas characterized by wet soil conditions either permanently or seasonally, which are important to sustaining wildlife and biological resources.

"Wine cellar." A storage room or warehouse facility for the blending, cellar treatment, storage, bottling, and/or packaging of wine but not wine production. It may include eating areas, tasting rooms and retail areas as accessory uses.

"Wireless." Any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

"Wireless telecommunication facility." Any facility constructed, installed, or operated for wireless service, including but not limited to, antennas or other types of equipment for the transmission or receipt of such signals, telecommunication towers, or similar structures supporting such equipment, related accessory equipment, equipment buildings, and other accessory equipment. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

"Worksite." The place of employment, base of operation, or any work location in the city of Vallejo of an employee. It includes all of the employer's buildings or facilities, including outdoor facilities.

"Wrecking, towing" and "impound." The storage of operative or inoperative vehicles. These uses include storage of parking tow-aways, impound yards, and storage lots for buses and recreational vehicles, but do not include vehicle dismantling.

"Yard." An open space on a lot, other than a court on a lot, that is unoccupied and unobstructed from the ground upward.

"Yard depth." That dimension of a yard measured at a right angle and horizontally from an abutting property line.

"Yard, required." The strip of land which abuts property lines and is unoccupied or unobstructed except as permitted by the Zoning Code. Also called "setback".

"Zero lot line." A building or structure constructed at a property line. Typically, a detached single-unit dwelling or attached units such as townhomes.