

ORDINANCE NO. 1780 N.C. (2d)

**AN EMERGENCY ORDINANCE OF THE CITY OF VALLEJO MUNICIPAL CODE AMENDING
TITLE 16 RELATED TO MEDICAL MARIJUANA USES**

WHEREAS, The City of Vallejo zoning ordinance, Title 16 has consistently and properly been interpreted that any use of land not expressly enumerated as constituting a permissible use is an impermissible use, and the City seeks to expressly set forth that rule of statutory construction; and

WHEREAS, It is the purpose and intent of this chapter to accommodate the needs of the seriously ill and protect their health and safety, while protecting neighborhood character and specifically neighborhoods, children, and businesses from negative impacts and comply with state law and federal guidelines; and

WHEREAS, It is the intent of this chapter to regulate the cultivation, distribution and manufacturing of medical marijuana in a manner which is responsible and protects the health, safety, and welfare of the City of Vallejo, its residents, environs and neighborhoods. It is the intent of the City of Vallejo to have strong and effective development standards that work with regulatory and enforcement systems that addresses public safety, health, and other law enforcement interests through robust procedures that are effective in practice; and

WHEREAS, studies indicate the use of marijuana by minors is harmful to their health and brain development. Furthermore, nothing in state law or federal guidelines permits the distribution of marijuana to minors. Notwithstanding the foregoing, all persons who choose to be involved with medical marijuana do so entirely at their own risk that their involvement may constitute a violation of federal or state law; and

WHEREAS, the City Charter at Section 316 provides that no ordinance shall become effective until 30 days after adoption, with the exception of an emergency ordinance adopted in the manner provided by the Charter; and

WHEREAS, the City Charter at Section 312 provides that any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing a statement of the reasons for its urgency may be introduced and adopted at the same meeting if passed by at least five affirmative votes; and

WHEREAS, the state legislature passed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) in June 2017 and minor amendments through AB 133 in September 2017, which set forth a state licensing framework for commercial marijuana activity and deeming the activity permitted by state license not unlawful so long as permitted pursuant to local authorization; and

WHEREAS, MAUCRSA requires state licensing agencies to begin issuing state licenses by January 1, 2018, and provides that the state licensing agencies may adopt emergency regulations which shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare; and

WHEREAS, the state licensing agencies issued emergency regulations on November 16, 2017, and the Office of Administrative Law issued is expected to issue its proposed decision on the adoption of the regulations on or before December 8, 2017, and a final decision by January 1, 2018; and

WHEREAS, the City of Vallejo has provided permits authorizing medical marijuana dispensaries to operate in the City, and proposes permitting the dispensaries to engage in cultivation, distribution, and manufacturing pursuant to local requirements; and

WHEREAS, the City Council finds that immediate adoption will increase protection of the public and the environment from the harms associated with an unregulated commercial marijuana market and prevent access to marijuana by persons under age 21 who do not possess a valid physician's recommendation; and

WHEREAS, the City Council finds that immediate adoption of the ordinance and making the ordinance effective January 1, 2018, is necessary for the preservation of the public peace, health and safety.

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

SECTION 1. Section 16.02.040 of the Vallejo Municipal Code is hereby amended to read as follows:

16.02.040 - Applicability.

This title shall be applicable to all of the incorporated areas of the city. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the district in which the land is located. Except as provided in this title:

- A. **Conformity of Buildings and Land.** No building, structure, or premises shall be used or occupied, and no building or parts thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district, as shown on the official map, in which it is located.
- B. **Conformity of Buildings.** No building, structure or premises shall be erected, altered or used so as to produce greater heights, smaller yards or less unoccupied area, and no building shall be occupied by more families than prescribed for such building, structure or premises for the district in which it is located.
- C. **Conformity of Open Spaces.** No yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space similarly required for any other building, structure or dwelling under this title.
- D. **Permitted Uses.** Any use that is not listed or enumerated in this title is prohibited. Unless specified in this chapter, no land use may be established within the city by right. All persons wishing to establish a use within the city must check with the planning manager or his or her designee to ascertain if the proposed use is permitted, and must apply for and receive approval for the proposed use as provided in this title.

- E. Permits. Any person desiring to operate, establish, expand, convert one use to another, or relocate any use shall file with the planning division an application for the appropriate permit on a standard application form supplied by the planning division.
- F. Use Justification. It is the burden of the applicant to supply evidence to justify the granting of the desired use.

SECTION 2. Sections 16.04.113, 16.04.313, and 16.04.314 of the Vallejo Municipal Code are hereby added to read as follows:

“16.040.113 – Canopy.

“Canopy” means (1) The designated area(s) at a licensed premises that will contain plants at any stage of growth; (2) Canopy shall be calculated in square feet and measured around the outermost perimeter of each separate and discrete area of marijuana cultivation at the dripline of the canopy, including all of the space(s) within the boundaries; (3) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or open space; and (4) If plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.”

“16.04.313 – Marijuana.

“Marijuana” has the same meaning as cannabis, cannabis concentrate, cannabis products, and edible cannabis product as defined in California Business & Professions Code Section 26001.

16.04.314 –Marijuana, medical.

“Medical marijuana” means marijuana or a 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 marijuana 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 marijuana uses, wherever used in this Chapter, shall be given the definitions specified in Chapter 7.200, Cultivation, Distribution, and Manufacturing of Medical Marijuana.

SECTION 3. Section 16.06.020 of the Vallejo Municipal Code is hereby amended to read as follows:

16.06.020 - Listing of use classifications.

D. Industrial Use Types:

- Custom manufacturing
- General industrial
- Heavy industrial
- Live/work
- Medical marijuana cultivation
- Medical marijuana distribution

Medical marijuana manufacturing

SECTION 4. Section 16.06.460 of the Vallejo Municipal Code is hereby amended to read as follows:

16.06.460 - Retail sales.

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

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

SECTION 5. Section 16.06.500 of the Vallejo Municipal Code is hereby amended to read as follows:

16.06.500 - Wholesaling, storage, and distribution.

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

- A. Light. Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, food and beverage processing and manufacturing plants, storage warehouse or moving and storage firms.
- B. Heavy. Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.

SECTION 6. Section 16.06.510 of the Vallejo Municipal Code is hereby amended to read as follows:

16.06.510 - General description of industrial use types.

Industrial use types include the on-site production of goods by methods that are not agricultural or extractive in nature. However, medical marijuana cultivation, medical

marijuana distribution, and medical marijuana manufacturing are included in industrial use types. They also include certain uses accessory to the above, as specified in Chapter 16.58, Accessory and Temporary Use Regulations, except marijuana cultivation, distribution and manufacturing.

SECTION 7. Sections 16.06.544, 16.06.545, and 16.06.546 of the Vallejo Municipal Code are hereby added to read as follows:

16.06.544 – Medical marijuana cultivation.

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

16.06.545 – Medical marijuana distribution.

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

16.06.546 – Medical marijuana manufacturing.

The medical marijuana manufacturing use type refers to the non-volatile production, preparation, propagation, or compounding of medical marijuana or medical 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.

SECTION 8. Section 16.06.550 of the Vallejo Municipal Code is hereby amended to read as follows:

16.06.550 - General description of agricultural use types.

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

SECTION 9. Section 16.33.030 of the Vallejo Municipal Code is hereby amended to read as follows:

16.33.030 - Permitted uses subject to limitations.

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

- A. Commercial Use Types.
 - 1. Animal sales and services: kennels (D);
 - 2. Automotive and equipment: cleaning (F);
 - 3. Food and beverage retail sales (L);
 - 4. Retail sales: adult uses (R).
- B. Industrial Types.
 - 1. Medical marijuana cultivation (II);
 - 2. Medical marijuana distribution (II);
 - 3. Medical marijuana manufacturing (II).

SECTION 10. Section 16.34.030 of the Vallejo Municipal Code is hereby amended to read as follows:

16.34.030 - Uses subject to limitations.

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

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

SECTION 11. Section 16.57.020 of the Vallejo Municipal Code is hereby amended to read as follows:

16.57.020 - Applicability.

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

- II. Where this code conflicts with Title 16 and MAUCRSA design and development standards, the more restrictive standards shall apply. Medical marijuana cultivation, distribution, and manufacturing uses are allowed subject to approval of a minor use permit as set forth in Chapter 16.82, as long as all applicable district requirements are met, together with the following requirements:

1. **Regulatory Permits.** Medical marijuana cultivation (P-CLT), distribution (P-DST) and manufacturing (P-MFG) uses must obtain and maintain all required State and local permits and licenses including the local permit required under Chapter 7.200 of this Code. Revocation of the State marijuana license (e.g. Microbusiness license) or the local permit under Chapter 7.200 of this Code shall be grounds for revocation of the minor use permit for the medical marijuana cultivation, distribution, and manufacturing use. Valid and applicable State and local licenses and permits shall be publicly displayed at all times during hours of operation.
2. **Locational Limitation.** Any medical marijuana cultivation, distribution, or manufacturing use may not be located within a six hundred-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center as defined in Health & Safety Code Section 11353.1. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.
3. **Development and Operational Standards.** Cultivation, distribution and manufacturing uses shall comply with site development standards specified in the applicable zoning district (i.e., Section 16.33.060 in the Intensive Use-Limited District, Section 16.34.060 in the Intensive Use District, and Section 16.110.030 in the Planned Development Industrial District). Such uses shall also comply with the following standards:
 - a. **General:**
 - i. All activities shall occur within a secure fence at least eight (8) feet in height that fully encloses the area. The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress.
 - ii. No person under age 18 shall be allowed on the property.
 - iii. The site shall not be open to the general public.
 - iv. No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.
 - v. No use, inhalation, smoking, eating, ingestion, or otherwise consumption of marijuana on the Property, including the parking areas of the property.
 - vi. No exhibition or product sales area or retail sales are allowed on the premises.
 - b. **Cultivation:**
 - i. The canopy shall not exceed ten thousand square feet; and
 - ii. All medical marijuana cultivation shall occur indoors, completely enclosed in a structure with opaque walls, and shall not be visible from any public right-of-way
 - b. **Lighting:**
 - i. Exterior perimeter lighting shall be in place prior to operation;
 - ii. Exterior lighting shall be code compliant LED fixtures or high efficacy luminaries, and shall have an illumination intensity of between one and four foot candles;
 - iii. Lights shall be directed and shielded so as not to illuminate into adjoining properties;
 - iv. Lights shall have a housing to protect against breakage;

- v. Broken or burnt out lights shall be replaced within five calendar days;
 - vi. Transitional lighting shall be incorporated in exterior areas going to and from buildings or uses within a site; and
 - vii. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.
- c. Off-street parking: as prescribed in Chapter 16.62.
- d. Signs:
- i. A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site; and
 - ii. A sign shall be posted stating that the use or consumption of marijuana or marijuana products on or near the premises is prohibited; and
 - iii. A sign shall be posted stating loitering on or near the premises is prohibited; and
 - iv. Signs shall be limited to one wall sign and/or monument sign. Wall signs shall be pin mounted or individually mounted channel letters not to exceed fifty square feet in total area. Monument signs may not exceed six feet in height and twenty-five total square feet, and must have landscaping along the base of the sign. Wall sign must face the principle building frontage adjacent to the public right-of-way.
 - v. A sign shall be posted outside the facility in full public view containing City contact information for both in case of an emergency situations and City contact information for public concern of operations.
 - vi. Other requirements as prescribed in Chapter 16.64.
- e. Fencing, screening and landscaping:
- i. All fencing shall be eight feet tall, solid fence, masonry or board-on-board as approved by the Planning Manager or designee.
 - ii. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the planning manager or his or her designee shall not exceed 3 feet in height at maturity;
 - iii. Trees shall be pruned up to 6 feet above ground;
 - iv. Trees and shrubs shall be pruned back from windows, doors and walkways;
 - v. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand;
 - vi. Entrances to the site and parking lots shall be defined with landscaping or entry feature;
 - vii. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry; and
 - viii. Other requirements as prescribed in Chapter 16.70.
- f. Noise:
- i. The use of generators is prohibited, except as short-term temporary emergency back-up systems; and
 - ii. Other requirements as prescribed in Section 16.72.030.
- g. Odor control: A sufficient odor-absorbing ventilation and exhaust system shall be installed to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other unit located within the same building as the medical marijuana use.
- h. Maintenance:
- i. Property shall be maintained free of debris, litter and trash; and

- ii. Comply with Chapter 7.54, Property Maintenance.
- i. Other performance standards: comply with all requirements prescribed in Chapter 16.72.

SECTION 12. Section 16.60.050 of the Vallejo Municipal Code is hereby amended to read as follows:

16.60.050 - Exclusions.

The following activities shall not in any case qualify as a home occupation:

- A. Teaching of organized classes totaling more than six persons at one time or a business that has more than ten clients per day;
- B. Banks and financial institutions, including but not limited to, nontraditional financial institutions;
- C. Care, treatment or boarding of animals for profit;
- D. Operation of food handling, processing or packing that is not in compliance with Solano County Environmental Health regulations and Section 113758 of the California Health and Safety Code;
- E. On-site vehicle-related uses such as, but not limited to, storing of either operational or non-operational vehicles, cleaning, dismantling, embellishing, installing, manufacturing, repairing or servicing, selling, leasing or renting, and towing, driving schools, dispatching of vehicles, boat towing, scrap yards, parts sales or any storage of autos. Where the person conducting the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers in which case all articles shall be received, stored and sold directly to customers at off-premises locations;
- F. Any on-premises retail sales including, but not limited to, firearms, weaponry, ammunition, liquor, tobacco, or medicinal marijuana, and any off-premises sales of tobacco or tobacco related products. Retail sales consistent with provisions of cottage food operations shall be allowed per Section 113758 of the California Health and Safety Code;
- G. Funeral and interment services, including but not limited to, crematories, mortuaries, mausoleums and undertaking;
- H. Uses as defined and regulated in California Health and Safety Code Section 1500 et seq.;
- I. Transient habitation, with the exception of bed and breakfast inns as defined in Section 16.06.490(A);
- J. Bona fide eating and drinking places, including but not limited to, bars, nightclubs and restaurants;
- K. Laundry and dry cleaning services;
- L. Communication facilities, including, but not limited to, transmission towers;
- M. Businesses involving hazardous materials, including, but not limited to, waste facilities, transfer, storage and treatment;
- N. Adult uses, including but not limited to, retail and performance oriented;
- O. Any use not allowed in Chapter 16 of the Vallejo Municipal Code.
- P. Businesses involving medical marijuana activity.

SECTION 13. Section 16.62.100 of the Vallejo Municipal Code is hereby amended to read as follows:

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

TABLE OF OFF-STREET PARKING REQUIREMENTS

Industrial Use Types	
Custom Manufacturing	P
General Manufacturing	P
Heavy Industrial	P
Medical Marijuana Cultivation	P
Medical Marijuana Distribution	P
Medical Marijuana Manufacturing	P

TABLE OF OFF-STREET PARKING STANDARDS

(Section 16.62.100)

	Standard	Requirement
P		four spaces for first 5,000 square feet of floor area and one space for each additional 2,000 square feet of floor area, or one space for each one and one-half employees, whichever is greater

SECTION 14. Section 16.82.150 of the Vallejo Municipal Code is hereby amended to read as follows:

16.82.150 - Use permit abandoned.

- A. A use permit, or portion of a use permit, authorizing adult uses as provided in Chapter 16.59, or the sale of alcoholic beverages shall be deemed to be abandoned if the adult use or the sale of alcoholic beverages ceases and remains "not in use" for twelve consecutive months. A new use permit shall be secured prior to the resumption of the adult use or the sale of alcoholic beverages.
- B. A use permit, or portion of a use permit, authorizing adult uses as provided in Chapter 16.59 shall be deemed to be abandoned if the adult use ceases operation and remains "not in use" for twelve consecutive months. A new use permit shall be secured prior to the resumption of the adult use.
- C. A use permit, or portion of a use permit, authorizing medical marijuana cultivation, distribution, or manufacturing uses shall be deemed to be abandoned if the use ceases operation and remains "not in use" for twelve consecutive months. A new use permit shall be secured prior to the resumption of the medical marijuana cultivation, distribution, or manufacturing use.

SECTION 15. Section 16.100.045 of the Vallejo Municipal Code is hereby added to read as follows:

16.100.045 – Permit revocation.

- A. For purposes of this chapter, a “permit” includes any administrative permit, minor use permit, major use permit, site development plan, unit plan, planned development permit or any other land use entitlement granted by the planning manager or his or her designee, the planning commission, or the city council, as may be applicable, pursuant to the requirements of the city’s zoning ordinance contained in Title 16.
- B. No permit issued pursuant to the provisions of this title may be revoked except in compliance with the procedures of this chapter.
- C. Whenever the City Manager or his or her designee has sufficient cause to believe that the holder of a permit is in violation of the provisions of this title, or has failed to maintain a use in accordance with the specific conditions of approval attached to the permit, the City Manager or his or her designee shall give notice to the property owner(s) and the occupant(s) that the manner of use of the property is violation with the provisions of this title or the conditions of approval attached to the permit. The notice shall specify the violation(s) and identify the date by which the corrective action(s) must occur.
- D. If the corrective action specified by the City Manager or his or her designee does not occur by the date set in the notice, the City Manager or his or her designee shall issue a written notice of hearing on the proposed permit revocation, together with written notification of the specific grounds of complaint against the property owner(s) and the occupant(s). These shall be personally delivered or sent by certified mail to the property owner and the occupant at least 14 calendar days prior to the hearing.
- E. The public hearing on the permit revocation shall be scheduled for consideration by the planning commission within 60 calendar days of the date set in the notice, and shall be in accordance with the provisions of this title, including sections 16.82.130 or 16.116.150 as may be applicable.
- F. The planning commission may revoke, modify or take no action on the permit. Any additional conditions imposed on the permit shall be in keeping with the applicable standards for the use and the zoning district in which the property is located.
- G. The planning commission's decision shall be in writing, and shall be hand delivered or mailed to the property owner and the occupant.
- H. The planning commission shall make its decision within 30 calendar days of the public hearing.
- I. The decision of the planning commission shall be final.
- J. In the event a permit is revoked pursuant to this chapter, a new permit for the same use may not be issued for twelve months after the date of such revocation.

SECTION 16. Section 16.100.048 of the Vallejo Municipal Code is hereby added to read as follows:

16.100.048 - Grounds for revocation.

A permit may be revoked by the city on the basis of any of the following:

- A. That the business or activity has been conducted in a manner which violates the provisions of this title, or is a public nuisance in violation of the Vallejo Municipal

Code, or fails to adhere to one or more of the conditions of approval imposed upon the issuance of the permit, or which fails to conform to the plans and procedures described in the application.

- B. That the permittee has failed to obtain or maintain all required city and state licenses and permits required for its operation.
- C. That the permittee is engaging in a use that is not allowed or a use that is different from that for which the permit was issued.

SECTION 17. Section 16.100.050 of the Vallejo Municipal Code is hereby amended to read as follows:

16.100.050 - Conditions of approval.

Any condition of approval attached to the granting of a use permit, planned unit development permit, variance permit or site development plan review approval, or any other permit or approval provided for in this title shall have the same force and effect as if it were a requirement mandated by this title. Maintaining a use in the absence of, or in a manner inconsistent with, a previously imposed condition of approval is a public nuisance.

SECTION 18. Section 16.110.021 of the Vallejo Municipal Code is hereby added to read as follows:

16.110.021 - Permitted uses subject to limitations.

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

- A. Industrial Types.
 - 1. Medical marijuana cultivation (II);
 - 2. Medical marijuana distribution (II);
 - 3. Medical marijuana manufacturing (II).

SECTION 19. Section 16.110.030 of the Vallejo Municipal Code is hereby amended to read as follows:

16.110.030 - Development standards.

As part of the planned development permit procedures, as described in Chapter 16.116, a set of development standards shall be submitted to the planning division. These development standards will be evaluated on the following criteria:

- A. Size, configuration, orientation and location of the site;
- B. Circulation patterns, including delineation of arterial, collector and local streets, pedestrian access, public transit;
- C. Topography of the site, including vegetation, soils, proposed grading, slopes;
- D. Preservation of natural resources, including ridgetops, riparian areas, unique features, trees, drainage;
- E. Relationship to surrounding area, including visual and land use compatibility;
- F. Architecture;

- G. Landscaping;
- H. Availability of public improvements and facilities;
- I. Development intensity;
- J. Intent and purpose of the proposed project, including consistency with the Vallejo general plan and stated purpose of this district.


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

SECTION 20. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each one all provisions hereof, irrespective of the fact one or more provisions may be declared invalid.

SECTION 21. Effective Date. This Emergency Ordinance shall take effect and be in full force and effect on January 1, 2018.

Adopted by the City Council of the City of Vallejo as an emergency ordinance at a regular meeting held on December 12, 2017 by the following vote:

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



BOB SAMPAYAN, MAYOR

ATTEST:



DAWN G. ABRAHAMSON, CITY CLERK