

ORDINANCE NO. 05-11 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
PLACING A TEMPORARY MORATORIUM ON THE ACCEPTANCE,
PROCESSING AND APPROVAL OF APPLICATIONS AND PERMITS FOR
FORMULA RESTAURANTS IN THE POINT RICHMOND NEIGHBORHOOD
COMMERCIAL (C-1) DISTRICT**

WHEREAS, the City of Richmond Planning and Building Services Department (“Planning Department”) is in the process of amending the City’s General Plan and Zoning Ordinance; and

WHEREAS, among the issues being considered in the General Plan and Zoning update is the need to preserve the historic character of the Point Richmond Neighborhood Commercial (C-1) District, (the “District”); and

WHEREAS, one method for preserving the District’s historic character may be to place land use restrictions on restaurants offering food and beverage for sale to the public for consumption either on or off the premises and which are required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, decor, uniforms, architecture, or similar standardized features (“formula restaurants”); and,

WHEREAS, the City Council finds and determines that the acceptance, processing, and approval of applications for formula restaurants in the District while possible amendments to the General Plan or Zoning Ordinance are being studied could result in conflicts with any proposed amendments and would undermine the purpose of studying such amendments, thereby reducing the quality of life within the District to the extent that overall public health, safety and welfare are detrimentally affected; and

WHEREAS, it is the intent of the Richmond City Council to consider and adopt an updated General Plan and Zoning Ordinance addressing concerns with formula restaurants within a reasonable period; and

WHEREAS adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15183 (projects consistent with the General Plan, Community Plan and Zoning).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND does ordain as follows:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this ordinance.

SECTION 2. For the purposes of this ordinance, “formula restaurants” shall be defined as, “restaurants offering food and beverage for sale to the public for consumption either on or off the premises and which are required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, decor, uniforms, architecture, or similar standardized features.”

SECTION 3. Until Tuesday, January 3, 2012, or until such time as a General Plan and zoning amendment addressing formula restaurants becomes effective, the City of Richmond declares a moratorium on the acceptance, processing and approval of applications to establish formula restaurants in the Point Richmond Neighborhood Commercial (C-1) District (the “District”).

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

I certify that the foregoing Ordinance was introduced by the City Council of the City of Richmond at a joint meeting thereof held January 18, 2011, and passed and adopted on February 1, 2011, by the following vote:

AYES: Councilmembers Bates, Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: None.

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 05-11 N.S., finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on February 1, 2011.