

ORDINANCE NO. 10-11 N.S.

AN URGENCY ORDINANCE, PURSUANT TO GOVERNMENT CODE SECTION 65858, BY THE CITY OF RICHMOND, EXTENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS AND PERMITS FOR OUTDOOR VENDORS IN ANY ZONING DISTRICT WITHIN THE CITY

WHEREAS, Government Code Section 65858 allows a City, including a charter city, without following the procedures otherwise required prior to adoption of a zoning ordinance, to adopt, as an urgency measure, an interim ordinance prohibiting any uses which may be in conflict with any contemplated general plan, specific plan, or zoning ordinance amendment proposal which the legislative body, planning commission, or planning department is intending to study within a reasonable amount of time; and

WHEREAS, the City of Richmond Planning and Building Services Department is in the process of studying proposed amendments to the City's Zoning Ordinance related to outdoor vendors; and

WHEREAS, the City Council finds and determines that the acceptance, processing and approval of applications and permits for outdoor vendors while possible amendments to the 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 community to the extent that overall public health, safety and welfare are detrimentally affected; and

WHEREAS, citizens of the City of Richmond have expressed concerns regarding the inadequacy of current regulations to address the potentially negative impacts of outdoor vendors on the viability of brick-and-mortar establishments offering similar goods and services; and

WHEREAS, it is the intent of the Richmond City Council to consider and adopt revised zoning regulations pertaining to outdoor vendors in order to address the community concerns described above; and

WHEREAS, by Ordinance Number 07-11, the Richmond City Council established a temporary moratorium on the acceptance, processing and approval of applications and permits for outdoor vendors in any zoning district within the City for a period of 45 days, ending on April 1, 2011; and

WHEREAS, extension of the moratorium for up to 10 months and 15 days will allow the City time to gather public input and complete its review and revisions to the Zoning Ordinance; and

WHEREAS, for reasons set forth above, this ordinance is declared by the Richmond City Council to be necessary for preserving the public welfare, health, or safety and to avoid a current, immediate and direct threat to the health, safety, or welfare of the community, and the recitals above taken together constitute the City Council's statements of the reasons constituting such necessity and urgency; and

WHEREAS, adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b)(3).

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, "outdoor vendor" shall have the same definition as in Section 15.04.720(b) of the Richmond Zoning Ordinance.

SECTION 3. Until February 16, 2012, or until such time before then as a zoning ordinance amendment addressing outdoor vendors becomes effective, the City of Richmond declares a moratorium on the acceptance, processing and approval of applications to establish outdoor vendors in any zoning district within the City.

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 and adopted by the City Council of the City of Richmond at a regular meeting thereof held March 15, 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. 10-11 N.S., finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on March 15, 2011.