

ORDINANCE NO. 1333

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE AND
DEVELOPMENT GUIDE, TO DEFINE RESTAURANTS AND FORMULA RESTAURANTS
AND TO LIMIT THE CURRENT NUMBER OF FORMULA RESTAURANTS
IN THE COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS
OF THE CITY TO NINE (9) ESTABLISHMENTS.**

The City Council of the City of Arcata does hereby ordain as follows:

SECTION 1. Amendment of Various Code Sections and the Appendix of the Land Use and Development Guide.

The following amendments to Title IX are hereby adopted:

- A. Add to the Definitions Section, Appendix A, "Restaurant" to read as follows:

Any retail establishment whose principal business is the sale of meals, including food and beverage, which is eaten on or off the premises.

- B. Add to the Definitions Section, Appendix A, "Restaurant, Formula" to read as follows:

A retail establishment primarily devoted to the on-site preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, decor, uniforms, architecture, signs or similar standardized features and which causes it to be substantially identical to more than eleven (11) other restaurants regardless of ownership or location.

- C. Modify Section 1-0216.1 Permitted Uses, (a) Commercial Uses to read as follows:

Restaurants (except Formula Restaurants; no new stand alone, combined or operated with another business unless an existing Formula Restaurant is replaced.)

- D. Modify Section 1-0217.1 Permitted Uses, (b) Commercial Uses to read as follows:

Restaurants (except Formula Restaurants; no new stand alone, combined or operated with another business unless an existing Formula Restaurant is replaced.)

- E. Modify Section 1-0218.1 Permitted Uses, (a) Commercial Uses to read as follows:

Restaurants (except Formula Restaurants; no new stand alone, combined or operated with another business unless an existing Formula Restaurant is replaced.)

- F. Modify Section 1-0219.2 Conditionally Permitted Uses, Reviewable by Zoning Administrator, (a) Commercial Uses to read as follows:

Restaurants/Bars (except Formula Restaurants; no new stand alone, combined or operated with another business unless an existing Formula Restaurant is replaced.)

Bus or Truck Terminals (except Formula Restaurant within a terminal.)

- G. Modify Section 1-0220.1 Permitted Uses, (a) Commercial Uses to read as follows:

Auto and Truck Service, Storage and Repair - includes tire recapping, body and fender shops, spray painting, bus and truck terminals, etc. Does not include wrecking yards or Formula Restaurants within a bus or truck terminal.

Section 2. Formula Restaurants Limitations

The number of Formula Restaurants in Arcata shall be limited to nine (9) establishments from the date of the adoption of this ordinance. A new Formula Restaurant shall only be allowed if it replaces an existing Formula Restaurant in one of the following business districts: Janes Road [1], Northtown [1], Uniontown [2], and Valley West/Giuntoli Lane [5]. The allowed number of Formula Restaurants per business district has been indicated in the brackets, and replacement Formula Restaurants are allowed within the business district boundaries as identified in Attachment 1. All other business districts, as labeled in Attachment 1, shall not allow Formula Restaurants.

Section 3. Findings of Approval

Based on information received in the public hearing, including the staff report and attachments, the following findings are hereby adopted.

1. The proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860.
2. The public health, safety, and general welfare require the adoption of the proposed amendment.

Section 4. Exemption from CEQA

The amendments herein are hereby declared exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines. In this Section, CEQA exempts a project if it can be found with certainty that the activity in question has no possibility to cause a significant effect on the environment. This activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

The text amendments, through their restrictive nature, do not promote significant new construction or growth issues for the community. The ordinance language involves a limitation on the number of existing formula restaurants which caps growth within that specialized market area.

Section 5. Severability

If any court of competent jurisdiction invalidates any provision of this ordinance, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 6. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 7. Effective Date

This ordinance shall take effect thirty (30) days after its adoption by the City Council.

DATED: June 5, 2002

ATTEST:

APPROVE:

S/ Dan Hauser
City Clerk, City of Arcata

s/ J. A. Test
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1333, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 5th day of June, 2002, by the following vote:

AYES: Ornelas, Stewart, Test.

NOES: Machi, Noble.

ABSENT: None.

ABSTENTIONS: None

S/ Dan Hauser
City Clerk, City of Arcata