

## ORDINANCE NO. 1546

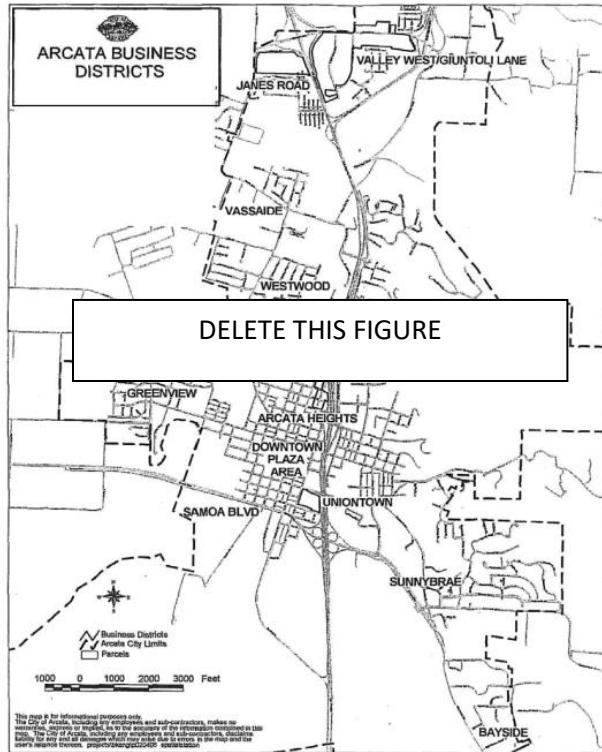
### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING ZONING REGULATIONS PERTAINING TO FORMULA RESTAURANTS

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

**Section 1. Zoning text Amendment, Sections 9.42.164.** Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 4, *Standards for Specific Uses*, Chapter 9.42, *Standards for Specific Uses*, Section 9.42.164, *Formula Restaurants*, is hereby amended as shown in the following strike through and double underscore text:

#### **9.42.164 Formula Restaurants**

Where restaurants are allowed by Article 2 (Zoning Districts and Allowable Land Uses), after July 5, 2002, the number of formula restaurants in the City shall be limited to nine establishments. A new formula restaurant shall only be allowed if it replaces an existing formula restaurant in one of the following business districts: Janes Road (one restaurant allowed), Northtown (one restaurant allowed), Uniontown (two restaurants allowed), and Valley West/Giuntoli Lane (five restaurants allowed). Replacement Formula Restaurants are allowed within the business district boundaries as identified Figure 4-3. No other business district shall allow a formula restaurant.



**Figure 4.3—Arcata Business Districts**

This Section establishes standards and procedures for the siting and operation of Formula Restaurants, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. Formula Restaurants shall comply with the following standards.

1. The total number of Formula Restaurants in the City at any one time shall be limited to nine.
2. Formula Restaurants are prohibited in the Central Conservation Area and Plaza Area Historic District;
3. No more than six Formula Restaurants may establish in the Valley West Neighborhood at any one time.
4. A mobile food and beverage vendor associated with, and branded by, a Formula Restaurant may only locate on the premises of the associated Formula Restaurant.

B A Restaurant, Cafe, or Coffee Shop operated as an Accessory Use that is not independently branded from the Primary Use, and is not franchised from, or owned by, a parent company that is a Restaurant, Cafe, or Coffee Shop, shall not be regulated as a Formula Restaurant.

**Section 2. Zoning text Amendment, Sections 9.100.20.** Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 10, *Glossary*, Section 9.100.20, *Definitions of Specialized Terms and Phrases*, is hereby amended as shown in the following strike through and bold double underscore text (unchanged text within the Table is omitted and is shown by “\* \* \*”):

**9.100.020 Definitions of Specialized Terms and Phrases**

\* \* \*

**Restaurant, Cafe, Coffee Shop.** A retail business operating as a permanent food facility<sup>1</sup>, principally engaged in selling menu-ordered, ready-to-eat food<sup>1</sup>, which may include food that is edible with no, or minimal, additional preparation, and/or beverages prepared for on- or off-premise consumption, which is provided through counter service, table service, drive-through, delivery, or other means. (See also Bar, Pub, Tavern).

<sup>1</sup> “Permanent food facility” and “ready-to-eat food” are used here as defined in the California Retail Food Code, Health and Safety Code Division 104, Part 7.

A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption (“counter service”); and establishments where customers are served food at their tables for on-premise consumption (“table service”), that may also provide food for take-out.

\* \* \*

**Restaurant, Formula.** A restaurant**Restaurant, Cafe, Coffee Shop** that 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 11 other ~~restaurants~~Restaurant, Cafe, Coffee Shop, regardless of ownership or location.

**Section 3. Findings of Approval.** Based upon the whole record, information received in public hearings, comments from responsible agencies, and the Arcata Planning Commission recommendation PC-21-02, dated May 25, 2021, the following findings are hereby adopted:

1. The proposed amendments are consistent with the General Plan in accordance with California Government Code, Section 65860; and
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

**Section 4. California Environmental Quality Act (CEQA) Determination.** This Ordinance is subject to the California Environmental Quality Act (CEQA) Guidelines §15061(b)(3) general rule and will not have a significant effect on the environment. The amendment clarifies specific regulations and limitations on formula restaurants, but does not authorize any particular action. Restaurants are principally permitted in most commercial zoning districts. This regulation would not change the allowable uses. Under both current and new regulation, each individual permit is required to evaluate project level environmental impact. Therefore, the amendment does not have the potential to affect the environment.

**Section 5. Severability.** If any provision of this ordinance is invalidated by any court of competent jurisdiction, 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 30 days after adoption.

**DATED:** June 16, 2021

**ATTEST:**

/s/ Bridget Dory  
City Clerk, City of Arcata

**APPROVED:**

/s/ Sofia Pereira  
Mayor, City of Arcata

### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1546, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 16<sup>th</sup> day of June, 2021, by the following vote:

**AYES: PEREIRA, WATSON, GOLDSTEIN, SCHAEFER**

**NOES: NONE**

**ABSENT: ATKINS-SALAZAR**

**ABSTENTIONS: NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata