

RESOLUTION NO. 128-12

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND REQUIRING THE PLANNING DEPARTMENT TO PREPARE AN ORDINANCE WITHIN 60 DAYS OF THE ADOPTION OF THIS RESOLUTION THAT PROVIDES A MEANS THROUGH WHICH NEIGHBORHOODS CAN ADDRESS THE PROLIFERATION OF FORMULA RESTAURANTS IN COMMERCIAL AND C-1 ZONING DISTRICT DESIGNATIONS

WHEREAS, Richmond contains a wealth of unique neighborhoods whose special character residents seek to preserve; some neighborhoods of which encompass vibrant C-1 Commercial Districts as designated by the City's General Plan;

WHEREAS, the City of Richmond's General Plan recognizes neighborhood commercial districts, which have their own unique character and complementary living, working, and business environments, including ethnic character and a diverse retail base with opportunities for smaller or medium-sized business, many of which may be non-traditional or unique;

WHEREAS, the addition of formula restaurants, if not monitored and regulated, could serve to frustrate the unique neighborhood personality of neighborhood commercial districts;

WHEREAS, formula restaurants can have a competitive advantage over independent operators because they are typically better capitalized and can absorb larger startup costs, pay more for lease space, and commit to longer lease contracts, thereby placing existing and future small, independent businesses that create the uniqueness of neighborhood commercial districts at an economic disadvantage;

WHEREAS, money earned by independent businesses is more likely to circulate within the local neighborhood and City economy than money earned by formula restaurants which often have corporate offices and vendors located outside Richmond;

WHEREAS, these districts provide opportunity for local participation and engagement in democratic processes for people in shaping their unique neighborhood commercial character; and

WHEREAS, by the Agenda Report the City Council has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds the above recitals are true and correct and have served, together with the Agenda Report, as the basis for the findings and actions set forth in this Resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council hereby directs the Planning Department to prepare an ordinance within 60 days of the date hereof that provides a means through which neighborhoods can address the proliferation of formula restaurants in Commercial and C-1 Zoning District Designations.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council hereby directs the Planning Department to incorporate the following definitions in the ordinance:

Definition:

Color scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the façade.

Décor shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.

Façade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

Restaurant shall be defined as any retail establishment whose principal business is the sale of meals, including food and beverage, which is eaten on or off the premises.

Restaurant, Formula shall be defined as 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, décor, uniform apparel, standardized architecture design, layout and décor, façade and/or standardized signs, trademarks, service marks or logos or similar standardized features which causes it to be substantially identical to more than three (3) other restaurants regardless of ownership or location.

Service mark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

Sign shall be defined as and include every illustration, lettering, type face, lighting, size, device, insignia or display of any kind, however made, displayed, painted, supported or attached, used for the purpose of advertisement, identification, publicity or notice of any kind.

Standardized does not mean identical, but means “substantially the same.”

Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

Uniform apparel shall be defined as standardized items of clothing worn by employees including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats and pins (other than name tags) as well as standardized colors of clothing.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on December 4, 2012, by the following vote:

AYES: Councilmembers Beckles, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: Councilmembers Bates and Boozé.

ABSENT: Councilmember Butt.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

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

I certify that the foregoing is a true copy of **Resolution No. 128-12**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 4, 2012.