

RESOLUTION NO. 37-21

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND APPROVING A GENERAL PLAN AMENDMENT (PLN20-269) TO PROTECT PUBLIC HEALTH AND SAFETY, NATURAL QUALITIES, AND OPEN SPACE AREAS IN THE RICHMOND HILLS

WHEREAS, City of Richmond has prepared a General Plan Amendment and Zoning Amendment to address the Richmond Hills Initiative adopted by the City Council in 2017, which includes revisions to the land use and conservation elements of the General Plan and Zoning Amendment of the site to OS-H, Hillside Open Space, and amendments to Articles 15.04.202, 15.04.206, and 15.04.611, at a site located north and east of Wildcat Canyon Regional Park, consisting of ~430-acre and 38 parcels (APNs: 435-180-005, 435-180-008, 435-190-001, 435-200-004, 435-200-007, 435-200-008, 435-210-001, 435-210-006, 435-210-007, 435-230-004, 435-230-005, 435-230-006, 435-230-007, 435-230-008, 435-230-009, 435-230-011, 435-230-012, 435-230-013, 435-230-014, 435-230-015, 435-230-020, 435-230-021, 435-230-023, 435-230-027, 435-230-028, 435-230-030, 435-230-038, 435-230-040, 435-230-042, 435-230-043, 435-230-045, 435-230-046, 435-230-050, 435-230-051, 435-230-052, 435-240-001, 435-240-002, and 435-300-009 (“subject site”), and

WHEREAS, the General Plan Amendment is subject to the provisions of California Government Code Sections 65358(a), which allows a city’s legislative body to amend its general plan four times a year, if it deems to be in public interest, and

WHEREAS, the Planning Commission has reviewed the General Plan Amendment and Zoning Amendment for conformance with the California Government Code Sections 65358(a) and all other applicable regulations of the Richmond Municipal Code, including Articles 15.04.813 and 15.04.814; and

WHEREAS, the City has determined that the General Plan Amendment and Zoning Amendment are categorically exempt per CEQA Guidelines Section 15308, which are action taken by regulatory agencies, as authorized by the state of local ordinance, to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, and Section 15061(b)(3) because it can be seen with certainty there is no possibility for causing a significant effect on the environment because the amendments only provide protection of the hillsides in the designated area from development and a transfer of density from one area of the City to another, with no increase overall in total residential development capacity over the term of the General Plan. Additionally, in *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, the California Supreme Court held that CEQA does not apply to “citizen-sponsored” initiatives, even where the initiative is adopted by local officials rather than the voters; and

WHEREAS, on March 4, 2021, the Planning Commission conducted a properly noticed public hearing pursuant to California Government Code Section 65090 and duly considered all written and verbal testimony presented before or during the hearing, including the agenda report dated March 4, 2021; and

WHEREAS, on the basis of the application, plans, materials, and testimony submitted at or before the public hearing, the Planning Commission recommend approval of the General Plan Amendment and Zoning Amendment statements of fact to support the findings as required by California Government Code Section 66474 for recommending approval to the City Council of the General Plan Amendment and Zoning Amendment; and

WHEREAS, on April 6, 2021, the City Council conducted a properly noticed public hearing pursuant to California Government Code Section 65090 and RMC Table 15.04. 803.150 and has duly considered all written and verbal testimony presented before or during the hearing, including the agenda report dated April 6, 2021; and

WHEREAS, the City Council has considered the agenda report, a public comments and testimony received prior to and at the hearing, as set forth in this Resolution and the applicable provisions of the Richmond Municipal Code (“the Record”).

NOW, THEREFORE BE IT RESOLVED that the City Council does hereby approve the General Plan Amendment as set forth in Exhibit A (PLN20-269) of this Resolution, based on the following findings pursuant to Richmond Municipal Code (RMC) Section §15.04.813.050:

A. The proposed amendment will contribute to the public health, safety, and general welfare or will be of benefit to the public.

Statement of Fact: *Criterion Satisfied.* Development in this area would be harmful and would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic.

B. The proposed amendment is consistent with the General Plan goals, unless the goals themselves are proposed to be amended.

Statement of Fact: *Criterion Satisfied.* The amendment is consistent with several goals set forth in the General Plan, such as Conservation, Natural Resources, and Open Space. Approval of amendments will serve the public interest by protecting undeveloped rural hillside land in El Sobrante Hills. Development in this area would be harmful and would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic.

C. The proposed amendment retains the internal consistency of the General Plan and is consistent with other adopted plans, unless a concurrent amendment to those plans is also proposed and will result in consistency.

Statement of Fact: *Criterion Satisfied.* The proposed General Plan Amendment is needed to create internal consistency with amendments made to the Housing Element when the Richmond Hills Initiative was adopted in 2017. These amendments carry forward the intent of the Initiative by amending the land use and conservation elements.

D. The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

Statement of Fact: *Criterion Satisfied.* The amendment is categorically exempt per CEQA Guidelines Sections 15308, which are action taken by regulatory agencies, as authorized by the state of local ordinance, to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. It is also categorically exempt per Section 15061(b)(3) because it can be seen with certainty there is no possibility for causing a significant effect on the environment because the amendments only provide protection of the hillsides in the designated area from development and a transfer of density from one area of the City to another, with no increase overall in total residential development capacity over the term of the General Plan. In addition, in *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, the California Supreme Court held that CEQA does not apply to “citizen-sponsored” initiatives, even where the initiative is adopted by local officials rather than the voters.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council hereby adopts the findings contained herein, and approves the General Plan Amendment related to the Richmond Hills Initiative.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held April 6, 2021, by the following vote:

AYES:	Councilmembers Bates, Jimenez, Martinez, McLaughlin, Vice Mayor Johnson III, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	Councilmember Willis.

PAMELA CHRISTIAN

CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

THOMAS K. BUTT
Mayor

Approved as to form:

TERESA STRICKER
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. 37-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 6, 2021.



Pamela Christian, Clerk of the City of Richmond

Attachment: Exhibit A - Proposed General Plan Amendments

RICHMOND GENERAL PLAN 2030

EXHIBIT A



RICHMOND

SHAPING THE NEW 100 YEARS

**General Plan Amendments to Implement
Richmond Hills Initiative**

Revised
November 13, 2020



Monitoring, Evaluating and Amending the General Plan

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General Plan Updates, Review and Amendments

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Amendments

A general plan is intended to be the vision for a city's development and changes are allowed only when there is a clear public purpose. Where amendments to a general plan are deemed necessary, State law allows jurisdictions to amend an adopted general plan up to four times per year. Proposed amendments must be reviewed to ensure consistency with other plan elements and the plan's companion environmental impact report.

In January 2017, the City Council adopted a citizen's initiative for the Richmond Hills area, which amended the General Plan. These amendments are reflected in the Land Use and Urban Design, Conservation, Natural Resources and Open Space, and Housing Elements.



Land Use Classifications

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Place-Based Land Use Classification System

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For categories where residential development is allowed, density ranges are based on net acres. The lower density represents the least amount of development desired. The higher density represents the maximum number of allowable units, except in cases of density transfers, development rights and credits transfers, or when density increases are adopted in order to comply with Government Code section 66300 et seq in order to effectuate a voter initiative.



Vision for Downtown Richmond developed through the Richmond Livable Corridors Form-Based Code Project



While The General Plan establishes a broad vision and framework for land use and urban design in Richmond; it may establish more specific standards to regulate development and use in particular situations. The Zoning Ordinance establishes specific standards ~~to regulate for development throughout the City...~~

Figure 3.2: Residential Neighborhoods

Richmond has a variety of residential neighborhoods that include multifamily and single family housing. Infill development can expand housing options in key corridors and create mixed-use areas with neighborhood-serving retail and commercial developments. Residential land use designations should encourage the development of complete, accessible and diverse neighborhoods.

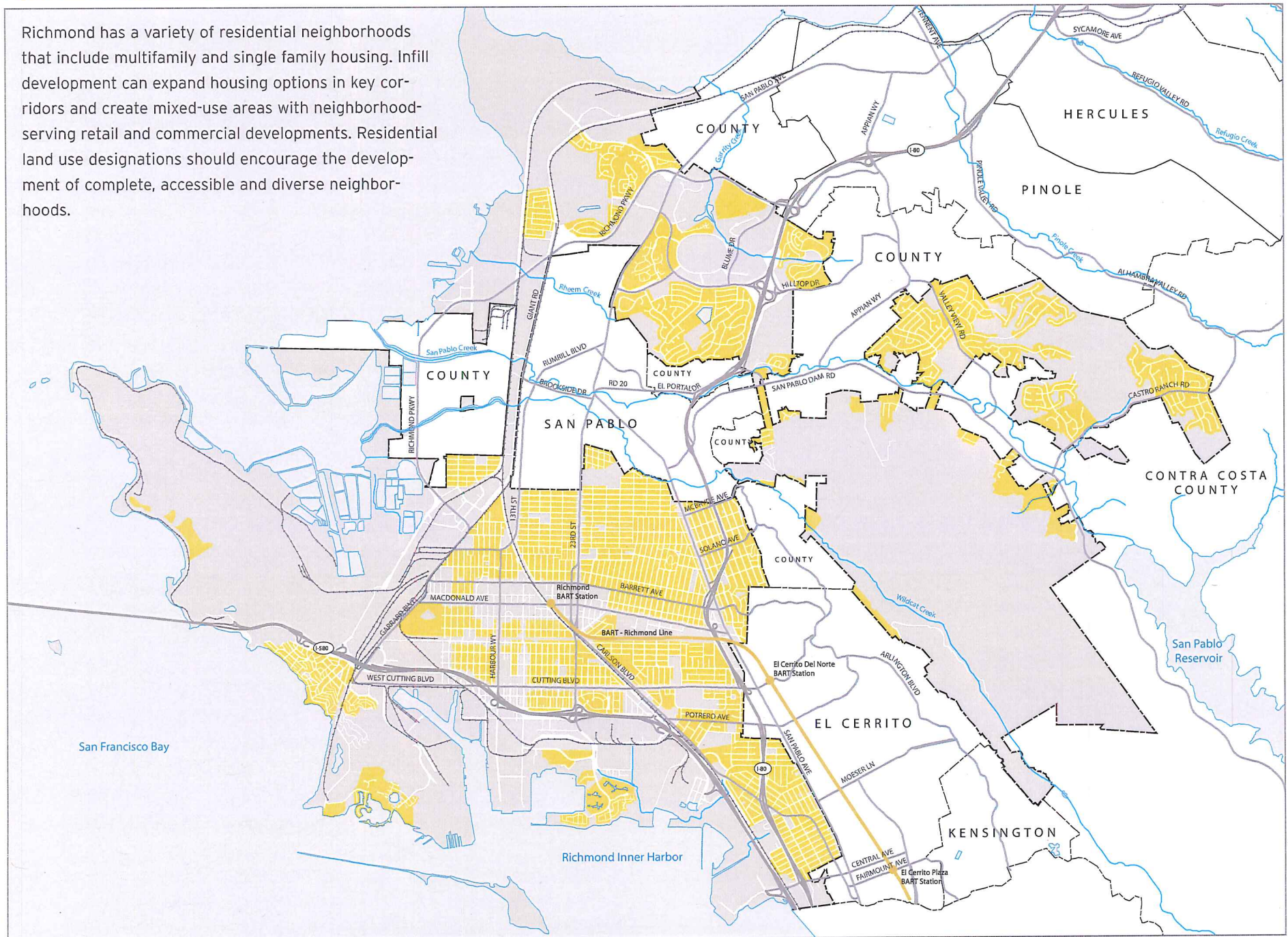


Figure 3.6: Community Areas

Richmond has a wide range of parks, open spaces and civic uses that serve a diverse range of community needs. Natural areas such as the shoreline, hills, wetlands and creeks offer opportunities for preservation, conservation, recreation and interpretation. Public facilities provide opportunities for social and community development. Land use planning should aim to improve these amenities and enhance accessibility for all City residents.

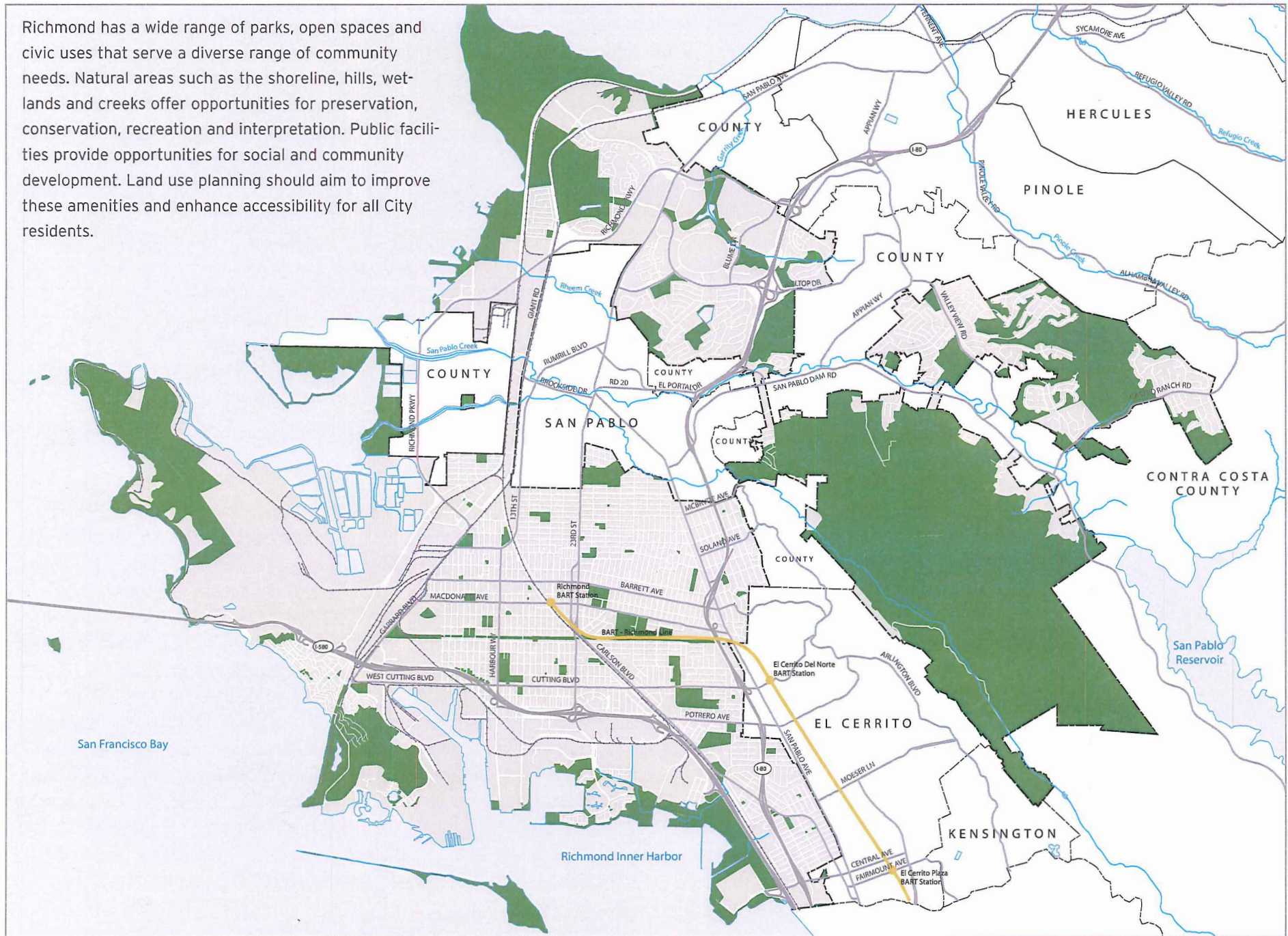


Table 3.5: Community Area Land Use Classifications

Land Use Classification	Ranges	Character
Open Space Includes wetlands, mudflats, creek corridors and other natural preservation areas, as well as private lands used for recreational purposes or deed-restricted for open space preservation, and utilities. Public access should be allowed where appropriate.	Density: Not applicable Intensity: Up to 0.5 FAR Height: Up to 35 feet	
Shoreline Conservation Includes land for activities that relate to the shoreline and the natural environment and provides for a mix of public and private open space, parks and recreational uses and associated concessions, agricultural uses outside resource conservation/buffer areas, and appropriate low-intensity/low impact public, cultural and institutional uses, including utilities, subject to standards to ensure resource protection and conservation of open space.	Density: Not Applicable Intensity: Up to 0.1 FAR plus 0.25 for greenhouses and other temporary structures Height: Up to 20 feet	
Parks and Recreation Includes publicly owned local and regional parks as well as privately owned recreational facilities such as golf courses. Small-scale recreation-supporting uses such as rental shops, bike repair facilities, small restaurants, interpretation centers and museums are also permitted.	Density: Not applicable Intensity: Up to 0.5 FAR Height: Up to 35 feet	
Public, Cultural and Institutional Includes public, semi-public and educational uses such as civic facilities, community centers, libraries, museums, national park facilities, hospitals and schools.	Density: Not applicable Intensity: Up to 1.0 FAR Height: Up to 45 feet	
<u>Richmond Hills Initiative Area</u> Includes (1) agriculture and agricultural processing; (2) rearing, boarding, training, care, rental or sale of horses and other animals; (3) low-intensity outdoor recreation, exercise, and pastimes predominately for active participants, not spectators, and subordinate auxiliary uses; (4) institutional and other non-profit uses that predominantly serve permitted uses in the Richmond Hills Initiative Area and neighboring areas; and small facilities for convalescence, rehabilitation, and hospice care for not more than six patients each, that will not substantially impair the environment; (5) Government and public utility uses that are limited to meeting needs created by permitted uses in the Richmond Hills Initiative Area, except to the extent the City Council finds reasonably substantial public need that cannot be met outside this area; and (6) Occasional short-term events related to agriculture, animals or outdoor recreation that do not interfere materially with agriculture or cause substantial harm, all as more fully set forth in the Richmond Hills Initiative, adopted January 24, 2017 in Ordinance No. 1-17 N.S.	<u>Density:</u> Not applicable <u>Intensity:</u> Not applicable (see § 14 of the Richmond Hills Initiative) <u>Height:</u> Up to 35 feet	

Notes:

- Dwelling units per acre (du/ac) describes residential building density.
- Floor area ratio (FAR) denotes building intensity for non-residential uses.



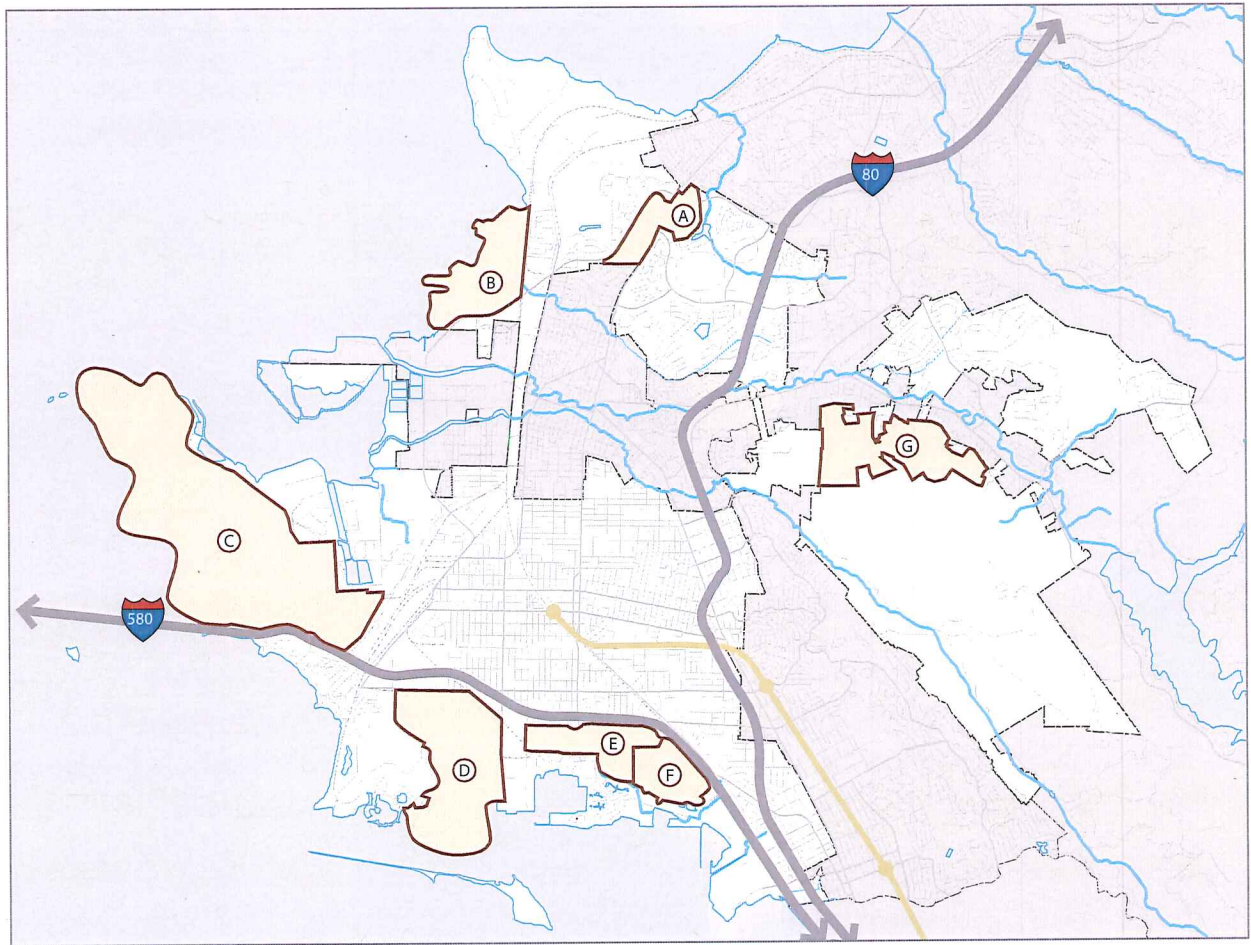
Districts

Districts are areas that provide a unique mix of uses including industrial, office, retail, residential and open space that serve the entire community. They also represent geographic areas or zones where there is concentration of related or complementary activities and uses.

The following change areas are identified as districts. Many of these change areas such as Regatta/Marina Bay provide significant economic development opportunities while others such as the San Pablo Peninsula, and Northshore Area, and Richmond Hills offer opportunities for open space preservation, recreation, and natural habitat protection.

- Northern Parkway (A)
- Northshore (B)
- San Pablo Peninsula Area (C)
- Port Priority Use Area (D)
- Regatta/Marina Bay (E)
- Southern Gateway (F)
- Richmond Hills (G)

Figure 3.10: Map of Richmond's Change Area Districts





Aerial of the Southern Gateway area

Southern Gateway (CA-16)

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Richmond Hills (CA-17)

The Richmond Hills Initiative Area is a 430-acre area in El Sobrante Valley north and east of Wildcat Canyon Regional Park designated by the City Council in response to a citizen initiative as an area for the protection of open space. The findings supporting this land use designation are presented in the Conservation, Natural Resources and Open Space Element of this General Plan.

General Plan Land Use

Within the Richmond Hills Initiative Area, only agricultural, rural, and open space uses are envisioned in order to protect the environment and natural habitats and prevent adverse impacts on water quality.



Potential redevelopment site adjacent to University of California, Berkeley Field Station

- Notwithstanding their literal terms, the provisions of the Richmond Hills Initiative that are incorporated into this General Plan do not apply to the extent that a court determines that if applied they would deprive a person of Constitutional rights or privileges, or otherwise would be contrary to Federal or State law. These explicit limitations on applicability are to make certain that the provisions do not infringe any person's legal rights or privileges, violate the law in any respect, or subject the City to legal liability.
- To the extent that a provision of the Richmond Hills Initiative incorporated into this General Plan does not apply for legal reasons, the City may permit only the minimum parcel creation, development, or use required by law that is most consistent with the Initiative and this General Plan.

Nothing in the land use provisions of the Richmond Hills Initiative that are incorporated into this



Existing industrial buildings in the Seaport area

General Plan shall be applied to prevent City compliance with housing obligations mandated by State law, which are in the Housing Element of this General Plan. To the maximum extent practicable, the City shall meet State housing requirements outside the Richmond Hills Initiative Area. If any required housing must be located in the Richmond Hills Initiative area, no more land shall be used than is necessary to meet State requirements. Minimum parcel size, residential dwelling density limits, and maximum development envelopes and floor areas in the Richmond Hills Initiative shall not apply to the required housing.

Desired Form of Open Space

The minimum parcel size shall be 20 acres. If a parcel smaller than 20 acres (a "subsize" parcel) is contiguous to another subsize parcel or parcels, or if a subsize parcel is linked to another subsize parcel or parcels by an intervening parcel or parcels, whether subsize or not, and all of the parcels in the case were



legally or de facto in common ownership at the time the Richmond Hills Initiative was submitted to the City Clerk for a title and summary (May 3, 2016) or any time thereafter, the parcels shall be treated as though they are a single parcel for all development related purposes under the Richmond Hills Initiative, including the number of dwelling units, the award of development credits, the area that must be included in a development easement, and the application of visibility standards. The parcels involved may be reconstituted in accord with this General Plan and other City plans and ordinances. In no case shall any of these subsize parcels be deemed or treated as legally merged; they are treated as a unit only for purposes of regulating development.

Permissible Uses

Within the Richmond Hills Initiative area shown in Map 3.2a and further defined by parcel number in the Glossary of this Plan, the following uses only, and their normal and appropriate accessory uses and structures, may be permitted, provided that all uses and structures comply with the provisions of this Plan and other City plans and ordinances:

- Agriculture (including grazing, viticulture, arboriculture, horticulture, research, and rearing, care and use of ruminants, pigs, poultry, and bees, but not including feedlots unless most of the feed over a calendar year is grown in the Richmond Hills Initiative Area); provided, however, dairy farms, pig farms, poultry ranches, Christmas tree farms and nurseries are permitted only if they are small-

scale and do not cause substantial environmental harm, including noise, odor or vermin;

- Processing, packaging, storage or sale of agricultural produce, most of which over a calendar year is grown in the Richmond Hills Initiative Area, that has no significant deleterious effects on the environment;
- Rearing, boarding, training, care, rental or sale of horses and other animals not covered by the first bullet above, but not including temporary boarding or day care of household pets, provided that the use does not cause substantial environmental harm, including noise, odors or vermin;
- Low-intensity outdoor recreation, exercise, and pastimes predominately for active participants, not spectators, and subordinate auxiliary uses (including small-scale camps, picnic facilities, provision of food and drink, and safety and sanitary services); these permissible uses do not include, among other uses, amusement or theme parks, golf courses, firearm or rifle ranges, stadiums or arenas (except equestrian riding rings), motor vehicle tracks, courses or off-road use, or recreational vehicle parking. Uses permitted under this paragraph shall be compatible with a rural environment and not contribute to noise or light pollution;
- Institutional and other non-profit uses that predominantly serve permitted uses in the Richmond Hills Initiative Area and neighboring areas; and small facilities for convalescence, rehabilitation, and hospice care for not more than six patients each, that will not substantially impair the environment;

- Government and public utility uses that are limited to meeting needs created by permitted uses in the Richmond Hills Initiative Area, except to the extent the City Council finds reasonably substantial public need that cannot be met outside this area. However, this exception shall not apply to waste disposal, processing or treatment, and electrical power production or transmission primarily for sale. Publicly provided outdoor recreation and pastimes and ancillary accommodations are permitted if like private uses would be allowed;
- Occasional short-term events related to agriculture, animals or outdoor recreation that do not interfere materially with agriculture or cause substantial environmental harm.

Residences, including mobile dwelling units, and residential accessory buildings are not permitted in the Richmond Hills Initiative area. If it is judicially determined that absence of residential use in the Richmond Hills Initiative Area would be a taking for purposes of constitutional law, notwithstanding the nonresidential uses permitted above, the grant of transferable development credits under the Richmond Hills Initiative (see following section), the fact that much of the area is now designated agriculture, and the severe physical difficulties and hazards of residential development because of steep slopes, soil instability, and fire dangers, then:

- One single family dwelling unit may be built on each parcel or each 20 acres of a parcel, with normal and appropriate residential accessory uses and structures, in compliance with the Richmond Hills Initiative and other City plans and ordinances; and



- Home occupations and offices are permitted, provided that they are secondary to residential uses and the occupations are conducted primarily by residents of the home and will not materially increase traffic in the Richmond Hills Initiative Area or on adjacent streets.

Houses built under this provision shall be built as near as reasonably practicable to existing houses and public utilities adjacent to the Richmond Hills Initiative Area, consistent with the provisions of this General Plan.

If a parcel is transferred to another person, a residence may not be built on the parcel unless all of the transferable development credits provided for by the Richmond Hills Initiative for the parcel and its acreage are transferred to the parcel transferee. If one or more of the credits are used or transferred to any person, other than a transferee of the parcel, a residence may not be built on the parcel.

Development Envelopes

All buildings on a parcel must be located within a contiguous area, as compact as reasonably practicable, not to exceed two acres, except for buildings that the Council finds necessarily must be located outside that area for agricultural use, processing, packaging, storage or sale of agricultural produce, rearing, care, training or use of animals, government or public utility use, or to protect residents of other parcels from substantial noise, odor or vermin. Subsize parcels that are treated as a single parcel under "Desired Form of Open Space" are treated as a single parcel under this subsection and the following section on "Maximum Floor Area."

Maximum Floor Areas

The maximum aggregate floor area for all floors in all buildings on a parcel, except basement and cellar floors, may not exceed 10,000 square feet. If residences and residential accessory buildings are permitted, they may not exceed 5,000 square feet of the 10,000 maximum.

- If otherwise appropriate under the provisions of this Plan, the City Council may increase the maximum floor area by up to 10,000 square feet, in aggregate, if necessary for agricultural use, processing, packaging, storage, or sale of produce, rearing, boarding, care and use of animals, or recreational facilities including camps. Up to 20,000 square feet may be permitted for covered riding arenas.
- The permissible floor area of a parcel may be transferred to one or more other parcels within the Richmond Hills Initiative area if there is no building on the transferor parcel. A transfer of floor area does not increase the 5,000 square foot limit for residences and residential accessory buildings on the transferee parcel. No more than 30,000 square feet of floor area in aggregate may be transferred to a parcel from one or more other parcels. If any floor area is transferred, then no building is permitted on the parcel from which the floor area is transferred.

Development Easements

Before a building may be permitted on a parcel, or a development credit or credits based on the parcel used or transferred, other than transferred to a grantee of the parcel, the City must receive

an easement, running with the land, on the parcel that bars development or use not permitted under the Richmond Hills Initiative. The easement shall be conveyed to the City and, if available, jointly to an independent land trust (that complies with the Standards and Practices of the Land Trust Alliance – see <https://www.landtrustalliance.org/about-us>).

The easement shall be negative only; it shall convey no possessory interest to the City or the independent land trust, nor confer any right of public access. The owner retains exclusive occupancy and use. The City has no responsibility or liability because of the easement for acts or omissions on the parcel, except in good faith and effectually to remedy violations of the easement. Easements shall be duly recorded in the County land records in the Office of the County Recorder.

Areas of Special Environmental Concern

In addition to other provisions of the Richmond Hills Initiative, the following restrictions apply within the Richmond Hills Initiative Area:

- **Wetlands:** Development or use is not permitted if by itself or in conjunction with other development or use it would reduce appreciably the quantity or biological quality of wetlands. "Wetlands" are areas permanently or periodically covered or saturated by water where hydrophytic vegetation is present under normal conditions, have soils that are primarily hydric in nature, or are designated as wetlands by Federal or State law.
- **Stream Corridors:** Development or use is not permitted if by itself or in conjunction with other



development or use it would impair appreciably the quantity or quality of water or of native vegetation in a stream corridor, except for otherwise permissible flood control to protect human safety, or preservation of special status species. “Stream corridors” are areas within one hundred (100) horizontal feet of the top of the bank or, if farther, the edge of the riparian canopy of a permanent or intermittent stream.

- **Wildlife:** No development or use is permitted that would reduce appreciably the number, prevent the recovery in number, or impair the genetic variability of one or more special status species.
- **Steep Slopes:** No building may be located, in whole or in part, on a slope of 15% or more. No building may be located on a site that cumulatively has access for more than 25 feet over a slope of 15% or more, unless there is no other site on a parcel. Cultivated agriculture may not be conducted on a slope of 20% or more. No grading may take place on a slope of 15% or more unless necessary to maintain fire roads. Slope percentages are based on the steepness of slopes in their natural, unaltered state, and are calculated by dividing altitude increase over each 20 feet of vertical slope by 20.
- **Elevation:** No building is permitted above 400-foot elevation unless the parcel involved is entirely above 400 feet.

Visual Safeguards

Within the Richmond Hills Initiative Area, new or reconfigured parcels will only be approved if they are created or drawn to limit visibility of develop-

ment from roads and other public places. Structures may not be located on ridgelines or hilltops, or where they will project into the view of a ridgeline or hilltop from public places, unless there is no less obtrusive site on the parcel or on a contiguous parcel in legal or de facto common ownership on or subsequent to the date the Richmond Hills Initiative becomes effective. To the extent practicable, consistent with other provisions of the Richmond Hills Initiative, structures shall be located, including by setbacks from parcel boundaries, on that part of a parcel that minimizes visibility from roads, trails, and other public places. Roads shall be consolidated and located, to the maximum extent feasible, where they are least visible from public places. New utilities shall be installed underground.

- Development shall be subordinate to and blend harmoniously with the natural and open space qualities of the area where located. The alteration of natural topography, vegetation, and other characteristics by grading, excavating, filling or other development activity shall be minimized. In all cases, appropriate landscaping, preservation of vegetation, design, and building materials shall be required by the City to reduce as much as practicable the visibility of development. The height of buildings shall not exceed 35 feet. Signs may not be more numerous, larger or more noticeable than is necessary to provide directions and information about permissible uses in the Richmond Hills Initiative Area.
- Exterior lighting, including roadway lighting, shall be designed and placed to confine direct rays to the parcel or roadway where the lighting

is located and to protect the darkness of the night sky.

- Visibility of development from roads, parks and other public places shall be determined from a reasonable, representative sample of vantage points that will accomplish the objectives of the Richmond Hills Initiative

Transferable Development Credits

As part of General Plan implementation, the City Council shall establish a transferable development credit (TDC) program for the Richmond Hills Initiative Area. The City shall grant one credit to the owner or owners of each parcel, and one credit for each 5 acres of a parcel in excess of 5 acres, unless all remaining permissible residential development has previously been transferred from the parcel. Credits may not be granted for parcels or acres above 400 feet elevation. Each credit may be used to build one residence in a receiving area, with the consent of the parcel owner there.

- TDC-based residences shall be similar in type and size to the residences that exist or otherwise may be built in the zoning district where they are located. Consistent with that similarity and with public health and safety, they do not have to comply with density limitations or other land-use regulations to the extent those regulations would bar or make impracticable their construction. No more than two TDC-based residences may be built on a parcel except as authorized by a Specific Plan or in a Planned Area District.
- The City shall support and facilitate the use of credits, through amendments to Article XV, and shall ensure that they are granted



and used properly, in accordance with this General Plan and other law.

- Development credits may be sold or otherwise transferred to any person, regardless whether they own property in the Richmond Hills Initiative Area or the receiving area, including to and by the City and nonprofit entities. If, however, a residence is built on a parcel, or the right to build vested, the credits based on the parcel or its acreage are void and may not be transferred or used.

Certificates of Compliance

The City shall not grant a certificate or conditional certificate of compliance regarding the validity of any division of land except as provided by State law. All permissible restrictive conditions shall be imposed on a certificate; the owner or subsequent transferees of property involved shall be held to strict compliance with these conditions. A certificate of compliance creates no right to develop, nor diminishes in any respect the City's authority to control development.

Applicability of Initiative Provisions

The Richmond Hills Initiative does not invalidate parcels, structures, uses, or surface alterations to the extent that they existed legally at the time the Initiative becomes effective, except they may not be reestablished if their authorized time limit expires or they are eliminated voluntarily or abandoned, or except if a use is contrary to the provisions on "Areas of Special Environmental Concern" presented above. Parcels, structures, surface alterations or uses may not be expanded or changed, however, to the extent that it would cause a violation of the Richmond

Hills Initiative or would augment or make more serious what would be a violation if created or done after the Initiative becomes effective.

The policies and standards of the Richmond Hills Initiative that are incorporated into the General Plan shall be applied to proposed parcels, development and uses that have not received all required discretionary City approvals and authorizations prior to its effective date. The Richmond Hills Initiative applies to the City and its agencies, officials and properties, as well as to all other persons and entities to the extent warranted and relevant to actions related to land use and development in the Richmond Hills Initiative Area.

Inconsistent City Plans, Ordinances and Actions

Application of a policy, ordinance or other plan is barred to the extent that it is in conflict with the provisions of the Initiative incorporated in to the General Plan, unless voters approved the other provision after Council approval of the Initiative. More specifically, this means that:

- Any special or other City plan, or any ordinance, resolution or regulation may not be applied to the extent that it conflicts with the Richmond Hills Initiative; and
- To the degree inconsistent with the Richmond Hills Initiative, no subdivision or parcel map, development plan or agreement, permit, variance or other action may be approved, permitted or taken by the City, its agencies or officials (includ-

ing approval or permission by operation of law because of inaction) or is valid legally.

Provisions of this General Plan and other City plans, ordinances, resolutions and actions are not in conflict with the Richmond Hills Initiative because they impose prohibitions, restrictions, conditions, requirements or remedies greater than or in addition to those imposed by the Richmond Hills Initiative. This Initiative establishes only minimum prohibitions, restrictions, regulations, requirements, and remedies that the City may augment without creating any inconsistency, provided it does not permit parcels, development, or use barred by the Initiative.

Implementation and Enforcement

The Richmond Hills Initiative shall be interpreted liberally to further its purposes. The Council, City agencies and officials shall carry out and enforce the provisions of the Richmond Hills Initiative diligently and effectually. They shall review uses and the nature, location, amount, visibility, and environmental effects of proposed developments to ensure consistency with the Richmond Hills Initiative. They shall use the most effective means at their disposal, subject to any official discretion required by State law, to prevent, abate and remedy violations. Violations are public nuisances and, as provided by statute, misdemeanors.

- Residents and organizations with members in the City, and others with standing, may enforce the Richmond Hills Initiative and the easements required above by judicial proceedings against any person, group, government agency, or other entity that is in violation of the Richmond Hills



Initiative or an easement, or to prevent violations.

- The City Council has authority to particularize and implement the Richmond Hills Initiative by appropriate legislation and actions, in all cases in full compliance with the substantive content and purposes of the Richmond Hills Initiative.

...



GOAL LU5

Balanced and Compatible Uses

...

Policy LU5.6***Richmond Hills Initiative Area***

Consistent with the provisions of the Richmond Hills Initiative described in the discussion of Change Area 17, only allow the permissible uses listed for this area, subject to the minimum parcel size, maximum floor area, and development envelope restrictions specified. Ensure that the standards for areas of environmental concern and the visual safeguards apply to all uses and development, as appropriate.

See also: CN2.3

Goal LU5: Balanced and Compatible Uses

Action		Lead Responsibility	Supporting Policies
LU5.A	Zoning Ordinance Update	Planning and Building Services	LU5.1, LU5.2, LU5.3, <u>LU5.6</u>
LU5.B	Design Guidelines	Planning and Building Services	LU5.1, LU5.2, LU5.3
LU5.C	Industrial Use Buffers	Planning and Building Services	LU5.1, LU5.3



...

Finding 7: The Richmond Hills Initiative Area should be protected as open space for agricultural, rural and recreational uses, including grazing, horse boarding and riding, hiking, and nature study.

The Richmond Hills Initiative determined that:

- The area to be protected is undeveloped rural land. It includes steep hillsides, dense oak woodlands, streams, vernal pools, and valuable wildlife habitat, which provide a tranquil, beautiful contrast and backdrop to urban development in Richmond.
- Any substantial additional development in this area would be harmful. It would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic in existing residential neighborhoods and along San Pablo Dam Road.
- The Richmond Hills Initiative Area is prone to landslides. They are classified as Category 5 -Unstable, the City's highest risk category. Numerous landslides and slumps have occurred.
- The Richmond Hills Initiative Area is vulnerable to wildfires because of its rugged terrain, flammable brush and grasses, and remoteness. The area is classified as a Very High Fire Hazard Severity Zone, the City's highest risk category.
- A number of special-status plant and animal species occur in the Richmond Hills. These are spe-

cies at risk of extinction. Land use must be carefully controlled to avoid ruining their habitat or obstructing migratory corridors.

- Streams that flow through Richmond arise in the Hills. Development can have an adverse effect on the quality and quantity of water, including flooding. Flood and erosion control projects are often antithetical to preserving the natural qualities of streams.
- A Transfer of Development Credits program can allow property owners in the Initiative Area to transfer housing to other parts of the City, and accordingly to participate in development there.

...



GOAL CN2

Conserved Open Space

...

Policy CN2.3

Natural Topography and Hillside Protection

Protect natural topography to preserve and enhance Richmond's natural beauty, require developers to concentrate residential development below the 400 foot elevation, and only allow agricultural, rural and open space uses in the Richmond Hills Initiative Area. The natural characteristics of the Berkeley Hills, San Pablo Ridge, El Sobrante Ridge, Point Potrero and San Pablo Peninsula should be protected and enhanced by regulating allowable methods of site preparation, grading, soils repair, foundation design and topographic alteration, as well as the height, color, material and siting of structures and roadways, quantities of cut and fill, placement of utility crossings and removal of vegetation, and also allowing for a transfer of development credits and regulating building size in the Richmond Hills Initiative Area.

See also: LU5.6

...

Action CN2.A

Transfer of Development Rights Program

Develop a program that targets areas for Transfer of Development Rights (TDR) which exchange development privileges from natural areas to parts of the City with infill or redevelopment potential. Work closely with the City Attorney to develop the TDR program. Ensure that this program is specifically aligned with the Richmond Hills Initiative and will accommodate the transfer of development credits described in the Initiative, including the specific allowances for credits that can be transferred, and the restrictions on such transfers.

Action CN2.B

Open Space and Development Easements

Consider opportunities for establishing open space easements where natural resources may be protected or accessed on private property within the Richmond Hills Initiative Area and implementing the provision for development easements established in the Initiative, described in the section on Change Area 17. The City may accept or purchase easements from private landowners for open space and resource conservation.

...



Glossary

The following is a glossary of key terminology used throughout this General Plan document.

...

Appreciably

Appreciably means measurably or perceivably, and appreciable means measurable or perceivable, but not minute.

...

Basements and Cellars

The lowest stories of buildings, but only if at least 80% of the story's cubic area is below both the adjacent land level and the natural grade.

...

Building

Any structure with a roof supported by columns or walls, including greenhouses and covered arenas.

...

City

The City of Richmond.

...

Council

The City Council of Richmond.

...

Development

The construction, erection, placement or appreciable alteration of a structure, including mobile dwelling units. it also means appreciable surface alteration, including grading, surfacing, excavation, fill or mounding of land, or deposition of material.

...

Floor Area

The area of all floors, regardless of composition including soil, under roof in or connected to buildings, including porches, decks, carports, and attic floors to the extent that the height of the ceiling is five feet or more above the floor.

...

Including

Includes but is not limited to the items listed, consistent with the text and purposes of the General Plan and the Richmond Hills Initiative.

...

Practicable

Capable of being done or put into effect.

...

Receiving Area

An area where high density or medium density residential development is permitted by this General Plan, low density residential development is permitted by a Specific Plan or in a Planned Area District, or that is designated by the City Council.

...

Richmond Hills Initiative Area

Richmond Hills Initiative Area is the land designated by Assessor's Parcel Numbers 435-190-001, 435-200-004, 435-200-007, 435-200-008, 435-210-001, 435-210-006, 435-210- 007, 435-230-004, 435-230-005, 435-230-006, 435-230-007,



435-230-008, 435-230-009, 435-230-011, 435-230-012, 435-230-013, 435-230-014, 435-230-015, 435-230-020, 435-230-021, 435-230-023, 435-230-027, 435-230-028, 435-230-030, 435-230-038, 435-230-040, 435-230-042, 435-230-043, 435-230-045, 435-230-046, 435-230-050, 435-230-051, 435-230-052, 435-240-001, 435-240-002, 435-180-008, 435-180-005, and 435-300-009.

...

Small-scale Farms and Ranches

Small-scale dairy farms, pig farms, poultry ranches, Christmas tree farms or nurseries are those that are commonly classified as, or considered to be small in their respective lines of activity. (The City Council can particularize these definitions by appropriate legislation and actions, in all cases in full compliance with the substantive content and purposes of the Richmond Hills Initiative, if applicable.)

Special Status Species

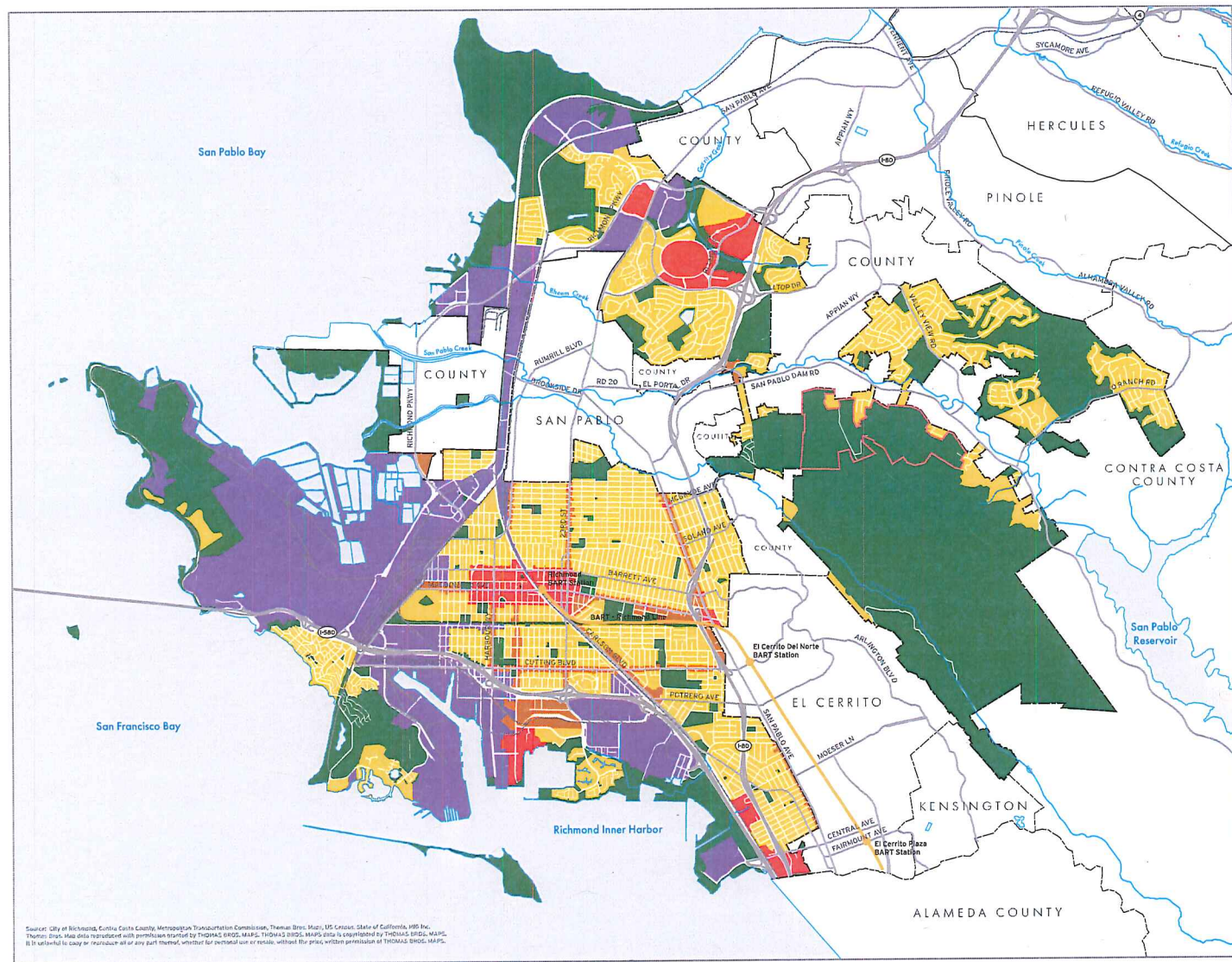
Plants and animals that are listed, proposed for listing, or candidates for listing as endangered or threatened under the Federal or State Endangered Species Acts, rare or endangered under the California Environmental Quality Act, including locally rare species addressed in California Code of Regulations Sections 15380 and 15125(c), listed as rare under the California Native Plant Protection Act, or protected under California Fish and Game Code Sections 3511, 4700, 5050, and 5515.

...

Structure

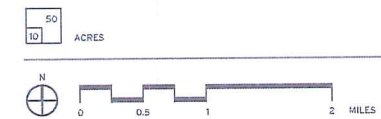
Any building, tower, utility line, dam, tank, or any other artifact constructed, erected, or placed on a parcel, the existence or use of which requires location on the ground or attachment to something located directly or indirectly on the ground.

...

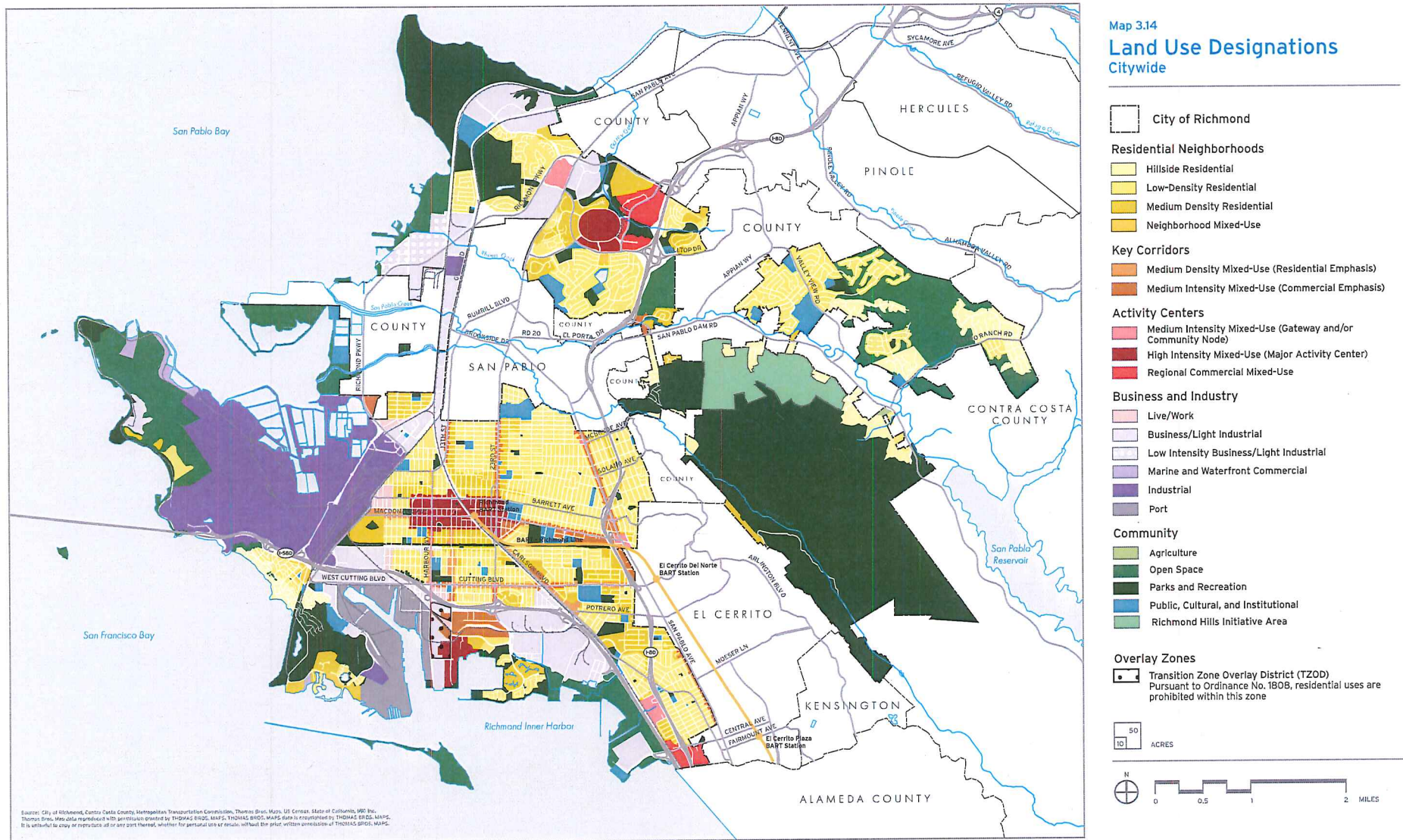


Map 3.2a
General Plan Land Use Areas
Citywide

- City of Richmond
- Land Use Areas**
 - Residential Neighborhoods
 - Key Corridors
 - Activity Centers
 - Business and Industry
 - Community
 - Richmond Hills Initiative



Source: City of Richmond, Contra Costa County Metropolitan Transportation Commission, Thomas Bros. Maps, US Census, State of California, USGS, and other sources. Map data is provided with permission from the City of Richmond. Map data is copyrighted by THOMAS BROS. MAPS. It is unlawful to copy or reproduce all or any part thereof, whether for personal use or resale, without the prior written permission of THOMAS BROS. MAPS.





RICHMOND
SHAPING THE NEW 100 YEARS

City of Richmond General Plan 2030 Housing Element

Amendments to Implement the Richmond Hills Initiative



**Revised
November 13, 2020**

Housing Resources and Opportunities

...

Adequate Sites: Available Sites for Housing

Under State law, the City is required to demonstrate that its land inventory can adequately accommodate its share of the region's projected growth. This is accomplished through an evaluation of vacant and underutilized residential and mixed-use properties with potential for residential development within the timeframe of the Housing Element.

...

The maximum unit capacity for each ~~vacant~~ parcel was calculated ... In addition, the housing element only identified sites determined to have the greatest viability for residential development within the planning period ~~given the size of sites and location, which is smaller than;~~ these sites are many fewer than the sites with actual development potential in Richmond. **Table 5.54** summarizes ~~vacant~~ land by zoning designation, including acreage, number of parcels, allowable density, maximum unit capacity, and realistic unit capacity. Richmond currently has approximately ~~228~~ 148 acres of developable ~~vacant~~ land zoned for residential and mixed-use development within the City limits that can accommodate ~~1,912~~ 2,323 residential units. Of the ~~1,912~~ 2,323 potential residential units, ~~1,254~~ 446 could be developed in single-family and multifamily zoning districts. An additional ~~658~~ 1,877 units could be developed in mixed-use commercial zoning districts Several large commercial sites suitable for higher density housing exist in various areas of the City. The Hilltop Mall, for example, has extensive underutilized parking lots and is for sale. The Mall and surrounding parcels to the south are planned and zoned for High-Intensity Mixed Use for high-density residential development. Substantially all of the new housing there will be moderate and above-moderate income units...

In addition to the ~~vacant~~ residential land shown in **Table 5.54**, **Table 5.55** lists recently constructed projects that have produced new residential units since January 1, 2014 or are currently permitted and expected to result in new single family and multifamily construction during the 2015-2023 planning period...

The MFR-2, MFR-3 and commercial zoning districts have historically been developed at higher densities and with units affordable to lower income households, and thus are areas most likely to accommodate a substantial amount of Richmond's share of the regional housing need for lower income households. As shown in **Table 5.56**, approximately ~~31.7~~ 87.6 acres are located in high density (greater than 30 du/acre) MFR-3 and commercial zones with a potential unit capacity of ~~668~~ 1,835 residential units, exceeding the remaining need of 314 units for low and very low income housing. Approximately ~~196~~ 60.1 acres of vacant land with allowed densities below 30 du/acre are available to accommodate up to ~~1,243~~ 488 housing units suitable for moderate and above moderate income levels. While this total ~~falls 158 units is~~ short of the remaining need of 1,401 units, ~~some of this remaining need may~~ can be met by excess capacity in higher density residential land, as well as through Additional planning and zoning efforts now underway that will further increase available land and unit capacity for both market rate and affordable housing, as described below."

Table 5.54
Total Vacant Residential Sites

Zone	Acres	# of Parcels	Allowable Density (du/ac)	Max Unit Capacity	Realistic Unit Capacity Density ^a
Residential					
SFR-1 Single Family Rural Residential Districts	24.9518.34	21	4	9973	7958
SFR-2 Single Family Very Low Density Residential District	147.2311.75	3723	7.3	406985	85568
SFR-3 Single Family Low Density Residential District	16.90	83	11.6	196	157
MFR-1 Multifamily Residential District	7.2	36	26.4	190	152
MFR-3 Multifamily High Density Residential District					
Subtotal	196.5354.44	160145		1,567557	1,254446
Commercial					
C-2 General Commercial (Live/Work)	5.90	1	15	88	53
C-1 Neighborhood Commercial	3.33	16	34.8	116	70
C-2 General Commercial	20.2624.51	2829	34.8	706852	424511
C-3 General Commercial	3.1752.51	410	34.8	1101,827	661,096
CB Central Business District	2.614.97	4624	34.8	91172	55103
CC Coastline Commercial District	2.08	2	34.8	73	44
Subtotal	31.4593.30	6382		1,0963,128	6581,877
Total	227.98147.74	223227		2,6643,685	1,9122,323
<i>Sites suitable to accommodate Richmond's share of regional housing need for lower income households (max density at least 30 du/acre)</i>	31.7087.65	6583		1,1103,053	6681,835
^a Based on historical trends and assumption that development standards combined with unique sites features may not always lead to 100 percent buildout. Assumes 80 percent realistic unit capacity for residential zones and 60 percent for commercial zones. Note: Some totals may not add due to rounding.					

Table 5.56
Comparison of Regional Growth Need and Vacant Sites

Income Group	Remaining RHNA	Density ^a	Vacant Acres	Units Accommodated
Very Low	274	>30 du/acre	31.787.65	6681,835
Low	(132)			
Moderate	410	<30 du/acre	196.2860.09	1,243488
Above Moderate	991			
Total	1,543		227.98147.74	1,9112,323
^a Per Government Code Section 65583.2(c)(3)(B), sites zoned for densities greater than 30 du/acre are deemed appropriate to accommodate Richmond's share of regional housing need for lower income households.				

Source: City of Richmond, Regional Housing Need Plan for the San Francisco Bay Area:2014-2022

Appendix C:
“Vacant Land Inventory and Vacant Land Maps”

City of Richmond Housing Element Update 2015-23											
APPENDIX C: Vacant Land Inventory Summary											
...											
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
435300009	4	SFR-1	HR	288,165	6.62	4.0	26	24	Vacant		Yes
573020010	2	SFR-1	HR	798,687	18.34	4.0	73	58	Vacant		Yes
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
435180005	3	SFR-2	HR	1,165,139	26.75	7.3	194	155	Vacant		Yes
435200008	4	SFR-2	HR	2,928,278	67.22	7.3	488	390	Vacant	100-Year-Floodplain, Brownfield Site	Yes
435210004	5	SFR-2	HR	85,973	1.97	7.3	14	11	Vacant		Yes
435210005	6	SFR-2	HR	58,970	1.35	7.3	10	8	Vacant		Yes
435210006	7	SFR-2	HR	266,779	6.12	7.3	44	36	Vacant		Yes
435222001	8	SFR-2	HR	194,300	4.46	7.3	32	26	Vacant		Yes
435230008	9	SFR-2	HR	11,008	0.25	7.3	2	4	Vacant		Yes
435230014	10	SFR-2	HR	7,683	0.18	7.3	1	1	Vacant		Yes
435230015	11	SFR-2	HR	10,584	0.24	7.3	2	1	Vacant		Yes
435230021	12	SFR-2	HR	11,650	0.27	7.3	2	2	Vacant		Yes
435230027	13	SFR-2	HR	9,581	0.22	7.3	2	1	Vacant		Yes
435230028	14	SFR-2	HR	82,265	1.89	7.3	14	11	Vacant		Yes
435230030	15	SFR-2	HR	7,122	0.16	7.3	1	1	Vacant		Yes
435230040	16	SFR-2	HR	12,118	0.28	7.3	2	2	Vacant		Yes
435230046	17	SFR-2	HR	261,715	6.01	7.3	44	35	Vacant		Yes
435240001	18	SFR-2	HR	1,041,344	23.91	7.3	174	139	Vacant		Yes
...											
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
561110042	233	C-2	CMU	185,130	4.250	34.8	147	88	Vacant	100 Yr Floodplain	Yes
561144002	234	C-2	LW	256,960	5.899	15	88	53	Vacant		Yes
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
405303012	235	C-3	HIMU	99,099	2.275	34.8	79	48	Commercial: used car lot, car rental agency		Yes
405320001	236	C-3	HIMU	26,136	0.600	34.8	21	13	Commercial: shopping center parking lot		Yes

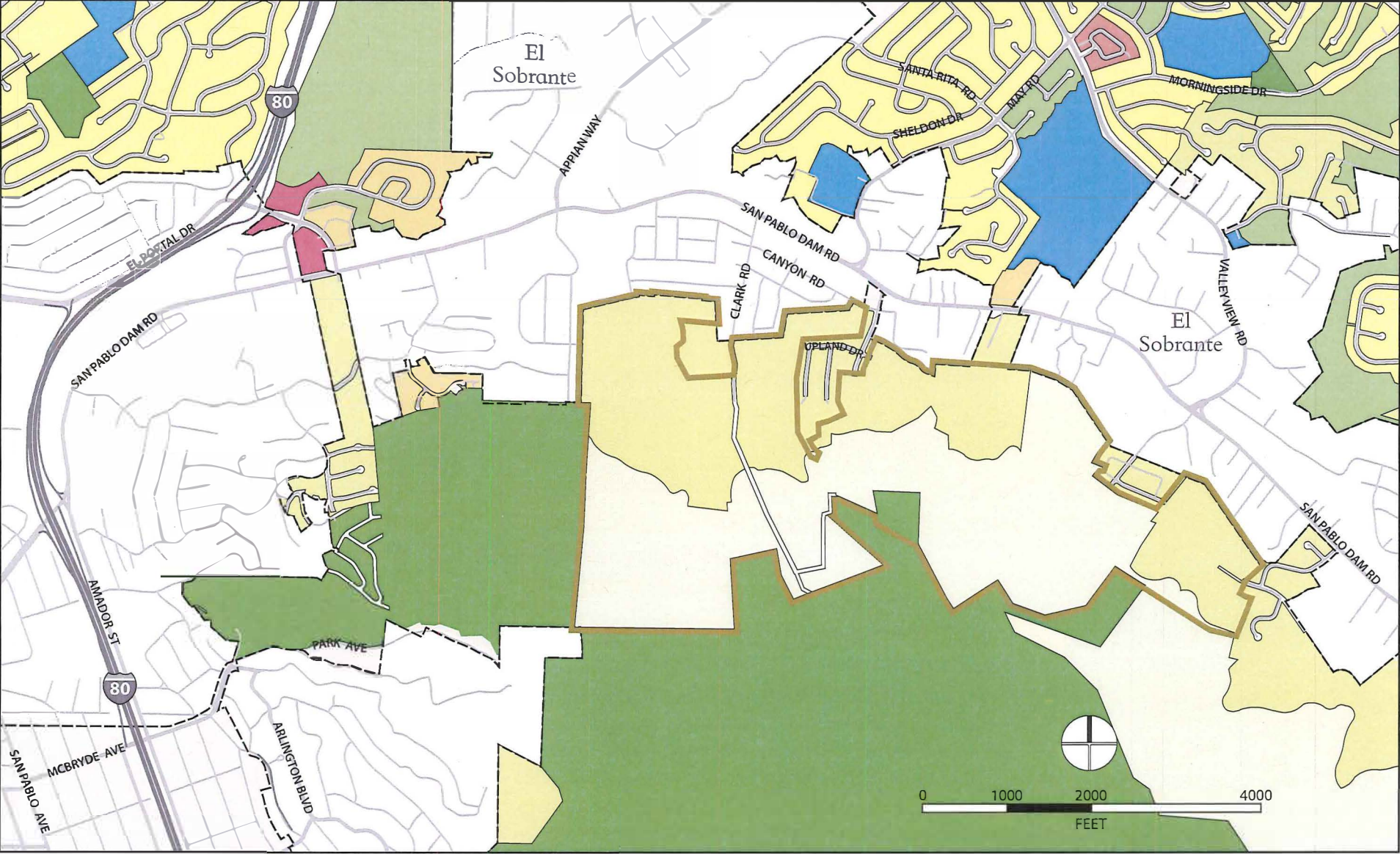
City of Richmond Housing Element Update 2015-23

APPENDIX C: Vacant Land Inventory Summary

<u>405320005</u>	<u>237</u>	<u>C-3</u>	<u>HIMU</u>	<u>375,400</u>	<u>11.610</u>	<u>34.8</u>	<u>404</u>	<u>242</u>	Commerical: shopping center parking lot		<u>Yes</u>
<u>405320007</u>	<u>238</u>	<u>C-3</u>	<u>HIMU</u>	<u>166,835</u>	<u>3.830</u>	<u>34.8</u>	<u>133</u>	<u>80</u>	Commerical: shopping center parking lot		<u>Yes</u>
<u>405320011</u>	<u>239</u>	<u>C-3</u>	<u>HIMU</u>	<u>9,148</u>	<u>0.210</u>	<u>34.8</u>	<u>7</u>	<u>4</u>	Commerical: shopping center parking lot		<u>Yes</u>
<u>405320012</u>	<u>240</u>	<u>C-3</u>	<u>HIMU</u>	<u>479,160</u>	<u>11.000</u>	<u>34.8</u>	<u>383</u>	<u>230</u>	Commerical: shopping center parking lot		<u>Yes</u>
<u>405320018</u>	<u>241</u>	<u>C-3</u>	<u>HIMU</u>	<u>375,400</u>	<u>8.618</u>	<u>34.8</u>	<u>300</u>	<u>180</u>	Commerical: shopping center parking lot		<u>Yes</u>
<u>405320019</u>	<u>242</u>	<u>C-3</u>	<u>HIMU</u>	<u>248,509</u>	<u>5.705</u>	<u>34.8</u>	<u>199</u>	<u>119</u>	Commerical: shopping center parking lot		<u>Yes</u>
<u>405320020</u>	<u>243</u>	<u>C-3</u>	<u>HIMU</u>	<u>239,318</u>	<u>5.490</u>	<u>34.8</u>	<u>191</u>	<u>115</u>	Commerical: shopping center parking lot		<u>Yes</u>
<u>APN</u>	<u>Number</u>	<u>Zoning</u>	<u>Land Use</u>	<u>SF</u>	<u>Acres</u>	<u>Density</u>	<u>MaxUnit</u>	<u>RealUnit</u>	<u>Use</u>	<u>Environmental</u>	<u>Infrastructure</u>
<u>540081001</u>	<u>244</u>	<u>CB</u>	<u>HIMU</u>	<u>5,375</u>	<u>0.124</u>	<u>34.8</u>	<u>4</u>	<u>2</u>	<u>Parking Lot</u>		<u>Yes</u>
<u>540081002</u>	<u>245</u>	<u>CB</u>	<u>HIMU</u>	<u>5,375</u>	<u>0.124</u>	<u>34.8</u>	<u>4</u>	<u>2</u>	<u>Parking Lot</u>		<u>Yes</u>
<u>540081005</u>	<u>246</u>	<u>CB</u>	<u>HIMU</u>	<u>5,375</u>	<u>0.124</u>	<u>34.8</u>	<u>4</u>	<u>2</u>	<u>Parking Lot</u>		<u>Yes</u>
<u>540081020</u>	<u>247</u>	<u>CB</u>	<u>HIMU</u>	<u>21,758</u>	<u>0.500</u>	<u>34.8</u>	<u>17</u>	<u>10</u>	<u>Vacant</u>		<u>Yes</u>
<u>540081021</u>	<u>248</u>	<u>CB</u>	<u>HIMU</u>	<u>6,795</u>	<u>0.156</u>	<u>34.8</u>	<u>5</u>	<u>3</u>	<u>Vacant</u>		<u>Yes</u>
<u>540081024</u>	<u>249</u>	<u>CB</u>	<u>HIMU</u>	<u>5,906</u>	<u>0.136</u>	<u>34.8</u>	<u>4</u>	<u>2</u>	<u>Vacant</u>		<u>Yes</u>
<u>540081026</u>	<u>250</u>	<u>CB</u>	<u>HIMU</u>	<u>15,849</u>	<u>0.364</u>	<u>34.8</u>	<u>12</u>	<u>7</u>	<u>Vacant</u>		<u>Yes</u>
<u>540092016</u>	<u>251</u>	<u>CB</u>	<u>HIMU</u>	<u>36,087</u>	<u>0.830</u>	<u>34.8</u>	<u>28</u>	<u>17</u>	<u>Vacant</u>		<u>Yes</u>

Note: Nonvacant parcels in the inventory are used as parking lots with no substantial structures that would interfere with their use for moderate and above-moderate income housing up to the maximum allowable density. No minimum commercial development is required on those sites.

Richmond Hills Initiative Area: Existing General Plan Land Use Designations



- | | | | |
|----------------------------|------------------------|-------------|-----------------------------|
| Hillside Residential | Neighborhood Mixed Use | Open Space | OS-Hillside Initiative Area |
| Low Density Residential | Public/Institutional | Agriculture | City of Richmond |
| Medium Density Residential | Parks and Recreational | | |

General Plan Amendment for Richmond Hills Initiative Area

