

## **RESOLUTION NO. 42-08**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, CERTIFYING THE EIR FOR THE PROPOSED RE- DESIGNATION OF THE CITY OF RICHMOND ENTERPRISE ZONES PROGRAM**

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WHEREAS, the City of Richmond (“Applicant”) applied to the State of California Department of Housing and Community Development for re-designation of certain commercial and industrial areas as a California Enterprise Zone (CALEZ). The Richmond Enterprise Zone was originally designated in 1991; however, the State is requiring that all existing Enterprise Zones be reauthorized through a competitive application process. The area proposed to be re-designated as an Enterprise Zone includes blighted industrial and commercial areas of the City (“Project Site”); and

WHEREAS, the Project Site is composed of industrial and commercial areas of the City that are considered economically depressed with higher than average unemployment rates; and

WHEREAS, pursuant to Government Code Section 65090, notice of the City Council’s hearing was published in accordance with Section 6061 of the Government Code in at least one newspaper of general circulation within the City of Richmond at least ten calendar days before the City Council’s hearing; and

WHEREAS, in 1991, the existing Richmond Enterprise Zone was originally designated, and the State of California is requiring that the Richmond Enterprise Zone, along with all other existing Enterprise Zones in California, be re-authorized through a competitive application process. The City is therefore pursuing re-designation of the Enterprise Zone; and

WHEREAS, an Environmental Impact Report was prepared for the Project on January 7, 2008 and distributed for a 45-day public review and comment period which ended on February 20, 2008; and

WHEREAS, the Final Environmental Impact Report for the proposed re-designation and expansion of the City of Richmond Enterprise Zone program (FEIR) dated March 2008 was prepared to respond to comments on the DEIR; and

WHEREAS, at a duly noticed public hearing on April 22, 2008, the City of Richmond City Council (“the Council”) reviewed the resolution for certification of the Environmental Impact Report (EIR) for the re-designation and expansion of the City of Richmond Enterprise Zone program (FEIR). After considering all oral and written information regarding the FEIR (Attachment 2) as presented at or before that hearing, the Council certified the FEIR as adequate for the purposes of expanding and re-designating the Richmond Enterprise Zone program; and

WHEREAS, the City Council has reviewed and considered the information contained in the FEIR in (Attachment 2), and finds that the re-designation and expansion of the Richmond Enterprise Zone program will have no impacts requiring mitigation; and

WHEREAS, the City Council finds that the proposed Project is consistent with the objectives, policies, general land uses, and programs specified in the 1994 General Plan and Zoning Ordinance as amended; and

WHEREAS, the State of California is the approving body for the Richmond Enterprise Zones re-designation and expansion program; and

WHEREAS, the City Council has determined to certify the FEIR based on the environmental determination that the program will not result in an adverse impact on the environment and

WHEREAS, at its meeting on April 22, 2008, the City Council voted to certify the Final EIR, for the program included in Attachment 1 of the staff report, subject to the findings contained herein.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES HEREBY FIND AND RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council finds that the Enterprise Zone Re-designation Program Final Environmental Impact Report, which consists of the DEIR, Comments on the DEIR, and Response to Comments, has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et. seq).

**SECTION 2.** The City Council further finds:

- (A) The FEIR was prepared, published, circulated and reviewed in accordance with the requirements of the CEQA, and the State CEQA Guidelines, and constitutes an adequate, accurate, objective and complete FEIR addressing all issues relevant to the re-designation and expansion of the Richmond Enterprise Zones program.
- (B) The Council certifies that it has reviewed and considered the information contained within the FEIR and that the FEIR reflects the independent judgment and analysis of the City.
- (C) Pursuant to CEQA Guidelines Section 15093, and in support of its certification of the Richmond Enterprise Zones Program Final Environmental Impact Report, the Council hereby adopts the Findings of Fact (incorporated herein by reference) to require that the City of Richmond continue its application with the State of California, Department of Housing and Community Development for tax incentives and other benefits to stimulate economic growth in economically distressed areas of the City.

**SECTION 3.** Based on the above findings, the City Council hereby certifies the Environmental Impact Report (EIR) for the re-designation and expansion of the City of Richmond Enterprise Zone program.

**SECTION 4.** The custodian and location of the documents or other materials which constitute the record of proceedings upon which the decision in this matter is based are as follows:

City of Richmond  
Planning and Building Services Department  
1401 Marina Way South  
Richmond, CA 94804

**SECTION 6.** Interested parties are hereby notified that legal challenges to this action must be filed within ninety (90) days of the date of hereof (Code of Civil Procedure section 1094.6).

**SECTION 7.** The City Clerk shall certify the passage and adoption of this resolution.

I, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the City Council of the City of Richmond, California, at a regular meeting of said City Council held on the 22nd day of April, 2008, by the following roll call vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSENT: None

ABSTAIN: None

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

APPROVED:

GAYLE McLAUGHLIN  
MAYOR

APPROVED AS TO FORM:

LOUISE RENNE, Interim  
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. 42-08, finally passed and adopted by the Council of the City of Richmond at a meeting held on April 22, 2008.