

RESOLUTION No. 117-08

A RESOLUTION ADOPTING THE CONTRA COSTA COUNTY MEASURE L URBAN LIMIT LINE (ULL) AS THE CITY OF RICHMOND'S ADOPTED ULL, FOR THE PURPOSES OF COMPLIANCE WITH MEASURE J TO ESTABLISH A VOTER-APPROVED ULL

WHEREAS, the Measure J (2004) Transportation Expenditure Plan includes a growth Management Program (GMP) which contains an Urban Limit Line (ULL) component mandating that local jurisdictions must adopt and continuously comply with a voter approved ULL no later than April 1, 2009 in order to receive their shares of Measure J Local Street Maintenance and Improvement Funds and to be eligible to receive Measure J Transportation for Livable Community funds; and

WHEREAS, Measure J also includes Principles of Agreement for Establishing the Urban Limit Line (*the ULL Principles*) as Attachment A to the GMP, incorporated therein by reference; and

WHEREAS, the *ULL Principles*, as amended by the Authority on November 15, 2006, state that a local jurisdiction may adopt a "County ULL", which is defined as the ULL adopted by the Contra Costa County Board of Supervisors and passed by the voters at a countywide election (after November, 2004); and

WHEREAS, Measure L (2006), the Contra Costa County Board of Supervisor ULL, was passed by a majority of voters in Contra Costa at the November 7, 2006 election; and

WHEREAS, the Measure L ULL was also approved by a majority of the voters in the City of Richmond at the November 7, 2006 election, as certified by the County Clerk; and

WHEREAS, the City of Richmond wishes to adopt the Measure L ULL (referred to hereinafter as the *County ULL*) as its ULL specifically as it applies to the Richmond boundaries for the purpose of compliance with the Measure J GMP; and

WHEREAS, on July 25, 2006, the Contra Costa County Board of Supervisors, as the lead agency for the project under the California Environmental Quality Act (CEQA), adopted a Negative Declaration (State Clearinghouse No. 2006012134) on the "November 7, 2006 General Election, Urban Limit Line Ballot Measure Sponsored by Contra Costa County Board of Supervisors"; and

WHEREAS, the Negative Declaration determined that the adoption of the Measure L ULL would not have any significant impacts on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES RESOLVE AS FOLLOWS:

Section 1. The City of Richmond accepts, adopts, and approves, for the purposes of compliance with the Measure J GMP, the *County ULL* boundary for urban development as its applicable voter-approved ULL with regard to both the boundaries of the City of Richmond.

Section 2. The City of Richmond can make adjustments of 30 or fewer acres to revise the physical boundary of the *County ULL* based on one of more of the following conditions:

- a) A natural or man-made disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the ULL.
- b) An objective study has determined that the ULL is preventing the City from providing its fair share of affordable housing or regional housing as required by State law, and the City finds that a change to the ULL is necessary and the only feasible means to enable the City to meet these requirements of State law.
- c) A minor change to the ULL will more accurately reflect topographical characteristics or legal boundaries.
- d) A change is required to conform to applicable California or federal law.
- e) A five (5) year cyclical review of the ULL has determined, based on criteria and factors for establishing the ULL set forth above, that new information (from City or County growth

management studies or otherwise) or circumstances have changed, warranting a change to the ULL.

Section 3. The City of Richmond shall not make adjustment of greater than 30 acres to the physical boundary of the adopted County ULL unless those adjustments have been approved by the voters in accordance with the *ULL Principles*.

Section 4. The City of Richmond has considered the environmental effects of the project as shown in the Negative Declaration prepared by the County directs that a Notice of Determination in accordance with State CEQA Guidelines sections 15075 and 15096(i) be filed within five (5) working days after the approval of this resolution.

Section 5. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Richmond on October 21, 2008 by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

APPROVED:

GAYLE McLAUGHLIN
Mayor

APPROVED AS TO FORM:

RANDY RIDDLE
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. 117-08, finally passed and adopted by the Council of the City of Richmond at a meeting held on October 21, 2008.