

ORDINANCE NO. 01-19 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
APPROVING ZONING TEXT AMENDMENT AND REZONING PORTIONS OF
CHANGE AREA 12 – NORTHSHORE (PLN17-609)**

WHEREAS, in January 2017, the City Council directed staff to initiate a General Plan amendment for Change Area 12 (Northshore) to address new information on shoreline planning that had been published since the adoption of the General Plan 2030 that has the potential to impact the public health safety and welfare. Specifically, the Federal Emergency Management Agency (FEMA) has prepared and issued new Flood Insurance Rate Map (FIRM) (dated September 30, 2015) for many shoreline areas of the City, including Change Area 12 (Northshore). In addition, the Bay Conservation Development Commission also released its Adapting to Rising Tides Contra Costa County Sea Level Rise Vulnerability Assessment report on February 2016, which includes a broad assessment of Contra Costa County's, including City of Richmond's, shoreline exposure to flooding or inundation from sea level rise scenarios of 36 to 66 inches and extreme tide events from the 1-year to the 500-year extreme tide event; and

WHEREAS, these levels of inundation would impede public access along the shoreline and create significant flood hazard issues for much of the area where the land has not been subdivided, graded, and ground level raised. Sea level rise could also result in a gradual degradation of below-grade infrastructure and could lead to more dependent on pumping of storm waters. Underground utilities, pipes and structures also would be affected by rising groundwater levels. Portions of Change Area 12 are likely to be affected by sea level rise and extreme tides and are therefore appropriate for open space, parks, agriculture, and temporary structures or structures that could be designed as being resilient to these future conditions; and

WHEREAS, the East Bay Regional Parks District owns 155 acres in Change Area 12 as part of the Point Pinole Regional Shoreline, with the Dotson Family Marsh being the centerpiece. The existing and planned alignments of the San Francisco Bay Trail within Change Area 12 will provide access to these lands for recreational users; and

WHEREAS, the City adopted the Richmond Bay Specific Plan (RBSP), which is anticipated to accommodate growth along Richmond's southern shoreline, including approximately 11.4 million square feet of new research and development, business, and service space as well as housing near transit within the South Richmond Priority Development Area. With adoption of the RBSP, the role of Change Area 12 in the City needed to be reassessed to consider whether anticipated job growth in certain sectors should be directed to the Richmond Bay Specific Plan area and whether the supply of vacant and underutilized industrial land elsewhere in the City is more than sufficient to meet future needs for industrial space; and

WHEREAS, forecasts of regional job growth, particularly in the industrial sector, are less robust because of the effects of the 2008 recession on the regional economy, with 2030 projections from the Association of Bay Area Governments now showing a potential reduction of 118,800 industrial sector jobs from the number on which General Plan was based, of which 63,000 are in the manufacturing and wholesale/distribution sector, meaning there is less demand for the type of industrial land designated for this use in Change Area 12 (only 65 to 130 acres are likely to be needed citywide); and

WHEREAS, the supply of vacant and underutilized industrially-zoned land elsewhere in the City (264 acres excluding Change Area 12) is more than sufficient to meet this reduced demand over the 2013 to 2040 planning period;

WHEREAS, based on technical analysis and community input, certain areas of Change Area 12 have been determined to have unique attributes, making them appropriate for a new General Plan land use classification of Industrial Agriculture with a broad range of uses that can provide reasonable economic returns for landowners and also relate to and/or would benefit from proximity to the shoreline and are compatible

with natural resources and development constraints, including grazing and crop production, hydroponics and aquaculture, agricultural research and development, artisanal manufacturing, and limited industrial and manufacturing facilities related to agricultural activities, accessory business services and offices for agricultural uses and related activities, cannabis cultivation within greenhouses, on-site cannabis processing and ancillary uses, micro-breweries, small-scale health/fitness facilities for employees, communication facilities, and utilities; and

WHEREAS, other areas of Change Area 12 warrant another new General Plan land use classification of Shoreline Conservation that also can provide reasonable economic returns for landowners by allowing for a mix of public and private open space, parks and recreational uses and associated concessions, agricultural uses outside resource conservation/buffer areas, including cannabis cultivation and processing, and appropriate low-intensity/low impact public, cultural, and institutional uses, including utilities, subject to development standards to ensure resource protection and conservation of open space; and

WHEREAS, the proposed Change Area 12 General Plan Amendment and associated zoning and zoning text amendments are subject to the requirements of the California Environmental Quality Act, as amended (Public Resources Code Sections 21000-21178), and the California Environmental Quality Act Guidelines (California Code of Regulations Title 14, Chapter 3) (collectively, "CEQA"); and

WHEREAS, on April 24, 2012, the Council adopted the CEQA Findings of Fact, Statement of Significance, and Mitigation Monitoring and Reporting Program, and certified the Environmental Impact Report, for the Richmond General Plan 2030 (SCH#2008022018) (the "Richmond General Plan 2030 EIR"); and

WHEREAS, pursuant to CEQA Guidelines Section 15164, the City has prepared a proposed addendum affirming that the analysis contained in the Richmond General Plan 2030 EIR adequately addresses the potential physical impacts associated with the proposed Change Area 12 General Plan amendment and associated zoning and zoning text amendments (the "proposed Addendum"); and

WHEREAS, the proposed Addendum demonstrates that none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or negative declaration have occurred; and

WHEREAS, on October 30, 2017, a community workshop was held to inform the public about Change Area 12 and the planning context, and to gather input on the guiding principles and the alternative land use concepts; and

WHEREAS, on November 16, 2017, the Planning Commission held a study session on the emerging concepts for the Change Area 12 General Plan amendment and received public comments; and

WHEREAS, on January 30, 2018, the City Council held a study session on the emerging concepts for the Change Area 12 General Plan amendment and received public comments; and

WHEREAS, based on Planning Commission, City Council, and public feedback, a General Plan amendment and associated zoning and zoning text amendments were prepared for consideration; and

WHEREAS, Article 15.04.813 and 15.04.814 of the Zoning Ordinance provides procedures for the Planning Commission to recommend amendments to the Zoning Ordinance and General Plan; and

WHEREAS, on June 7, 2018, the Planning Commission held a duly noticed public hearing to consider a recommendation to the City Council on the draft EIR Addendum, proposed Change Area 12 General Plan Amendments and associated zoning map and zoning text amendments (collectively referred to as "zoning amendments"); and

WHEREAS, on June 7, 2018, the Planning Commission voted to recommend adoption of the draft EIR Addendum and proposed Change Area 12 General Plan Amendments and associated zoning amendments to the City Council; and

WHEREAS, on November 13, 2018, the City Council held a duly noticed public hearing to consider adoption of the EIR Addendum, and the approval of proposed Change Area 12 General Plan Amendment and associated zoning and zoning text amendments; and

WHEREAS, on November 13, 2018, after reviewing all oral and written evidence in the public record, the City Council adopted Resolution _____ adopting the EIR Addendum and approved a General Plan Amendment; and

WHEREAS, the City Council has considered the agenda report, all public comments, and the proposed Change Area 12 Zoning Amendments, as set forth in this Ordinance and the applicable provisions of the Richmond Municipal Code (“the Record”).

NOW, THEREFORE, the City Council of the City of Richmond does ordain as follows:

SECTION I. The City Council finds and determines the following in approving the zoning amendments:

A. The proposed amendment is consistent with the General Plan.

Statement of Fact: Criterion Conditionally Satisfied. If the Council approved the proposed General Plan amendment, the Zoning map and Zoning Ordinance will need to be modified to maintain consistency between documents, and these modifications are reflected in the zoning amendments for Change Area 12.

B. The proposed amendment is necessary for public health, safety, and general welfare or will be of benefit to the public.

Statement of Fact: Criterion Satisfied. The amendments include objective criteria and standards to implement the General Plan goals and policies for Change Area 12, as amended.

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

Statement of Fact: Criterion Satisfied. The City has prepared an addendum affirming that the analysis contained in the Richmond General Plan 2030 EIR adequately addresses the potential physical impacts associated with the proposed Change Area 12 General Plan amendment and associated zoning and zoning text amendments.

D. For a change to the Zoning Maps, that the subject property is suitable for the uses permitted in the proposed zone in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations, and that the proposed change of zoning district is not detrimental to the use of adjacent properties.

Statement of Fact: Criterion Satisfied. The amendments include objective criteria, development standards, and buffering requirements to implement the General Plan goals and policies for Change Area 12, as amended, and to protect adjacent properties.

SECTION II. By this ordinance, the City Council approves the Zoning Text Amendments as set forth in Exhibit A (“Zoning Text Amendments”), and Rezoning portions of Change Area 12 as set forth in Exhibit B, (“Zoning Map Amendments”), incorporated herein and made part hereof.

SECTION III. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such

inconsistencies and no further, are hereby repealed.

SECTION IV. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

SECTION V. Effective Date. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

Exhibit A: Rezoning Map

Exhibit B: Plan Area Plan and Master Plan and Design Framework

First introduced at a regular meeting of the City Council of the City of Richmond held December 18, 2018, and finally passed and adopted at a regular meeting held January 15, 2018, by the following vote:

AYES:	Councilmembers Bates, Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
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 **Ordinance No. 01-19 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on January 15, 2019.

Pamela Christian, City Clerk of the City of Richmond

Attachment: Exhibit A – Proposed Zoning Text Amendments for Change Area 12