

ORDINANCE NO. 25-20 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING THE ZONING MAP AND RICHMOND MUNICIPAL CODE
CHAPTER 15.04 (ZONING AND SUBDIVISION REGULATIONS)**

WHEREAS, the general plan is the City’s constitution for future development and any decision by a City affecting land use and development must be consistent with the general plan; and

WHEREAS, Chapter 15.04 of the Richmond Municipal Code provides that “the zoning ordinance whose purpose is to regulate existing uses and uses contemplated in the future shall be made consistent with the general plan as required by State Law; and

WHEREAS, on November 15, 2016, the City Council adopted the Zoning and Subdivision regulations which were updated under comprehensive review and revision in order to ensure that such regulations are consistent with the adopted General Plan 2030 and state and federal laws; and

WHEREAS, in 2018 certain clean up amendments were adopted by the City Council;

WHEREAS, for the past two years since the last clean up amendments were adopted, planning staff has kept a record of minor amendments needed for General Plan consistency, correction of technical and grammatical errors, to eliminate duplication and conflicts, for state law consistency, and to clarify requirements; and

WHEREAS, on February 6, 2020, the Planning Commission voted to recommend the adoption of cleanup amendments to the Zoning Map and Chapter 15.04 - Zoning and Subdivision Regulations of the Richmond Municipal Code, incorporated herein by reference; and

WHEREAS, on September 15, 2020, the City Council held a duly and properly noticed public hearing to consider cleanup amendments to the Zoning Map and Chapter 15.04 - Zoning and Subdivision Regulations of the Richmond Municipal Code, incorporated herein by reference; and

WHEREAS, the City Council has considered the agenda report, all public comments, and the amendments to Chapter 15.04, and as set forth in this ordinance and the applicable provisions of the Richmond Municipal Code (“the Record”).

WHEREAS, on the basis of the application, plans, materials, and testimony at or before the public hearing, the City Council adopts the following findings and statements of fact in approving the proposed amendments:

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

Supporting Statement of Fact: Criteria Satisfied. The proposed clean-up amendments to the Zoning Map and Chapter 15.04 align with the General Plan.

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

Supporting Statement of Fact: Criteria Satisfied. The proposed amendments will benefit the public by having a Zoning Map and Chapter 15.04 that are consistent with the General Plan. The proposed amendments also correct technical and grammatical errors, eliminate duplication and conflicts, and clarify requirements.

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

Supporting Statement of Fact: Criteria Satisfied. The proposed amendments to the Municipal Code are statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Section 65852.2 of the Government Code. The proposed amendments are also exempt from environmental review pursuant to General Rule, Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

4. 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.

Supporting Statement of Fact: Criteria Satisfied. The proposed Zoning Map amendment corrects an error in the Zoning Map to align with the General Plan land use classification.

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

SECTION I. Municipal Code Amendments.

The City Council of the City of Richmond does ordain as follows:

Section 15.04 of the City of Richmond Municipal Code is hereby amended as follows (~~strikeout text~~ indicates deletion; underline text indicates insertion) per Exhibits A and Zoning Map Exhibit B.

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

First read at a meeting of the Council of the City of Richmond held on October 20, 2020, and finally passed and adopted at a regular meeting thereof held on November 10, 2020, by the following vote:

AYES: Councilmembers Choi, Johnson III, Martinez, Myrick, Vice Mayor Bates, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Willis.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM 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 **Ordinance No. 25-20 N.S.** passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 10, 2020.



Pamela Christian, City Clerk of the City of Richmond

15.04.201.020 - Land Use Regulations.

Table 15.04.201.020 prescribes the land use regulations for the Residential Districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.

"C" designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

"L#" designates numbered limitations listed at the end of the table.

"x" designates uses that are not permitted.

Use classifications are defined in Article 15.04.104 (Key Terms and Definitions). In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this article.

TABLE 15.04.201.020: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS						
Uses	RH	RL1	RL2	RM1	RM2	Additional Regulations
RESIDENTIAL						
Single Family	See subclassifications below					See § 15.04.201.070 Residential Development Types; § 15.04.610.020 Accessory Dwelling Units
<i>Detached</i>	L7	P	P	P	P	
<i>Attached</i>	L7	P	P	P	P	
Accessory Dwelling Unit	P	P	P	P	P	
Duplex	x	L14	L13	P	P	
Multi-Unit Dwelling	L1	L1	L1	P	P	
Group Residential	See subclassifications below					See § 15.04.610.210 Group Residential
<i>Congregate Housing</i>	L6	L6	L6	L6	L6	
<i>Senior Group Residential</i>	L6	L6	L6	L6	L6	
NOTES:						
L1 Existing multifamily residential structures may be improved, subject to the nonconforming provisions of Article 15.04.606, if applicable. No new residential structures allowed.						
L2 Only allowed on the ground floor in mixed-use buildings; a conditional use permit is required for more than 3,000 sq. ft.						
L3 The Contra Costa County animal keeping regulations, which are incorporated by reference, apply; an administrative use permit is required to increase up to 10 percent in the number of animals allowed in these regulations. No slaughtering of animals is allowed.						
L4 Permitted with 10 or fewer beds only. All of the standards of Section 15.04.610.180 (Emergency Shelters), or Ordinance 15-15 N.S., adopted on May 19, 2015, are hereby incorporated by reference and apply.						
L5 Allowed as a temporary use within a residential structure with a conditional use permit.						
L6 Permitted if the primary use of the property remains residential; requires a conditional use permit if it is the primary use.						
L7 Only attached and detached single-family housing on subdivided parcels and clustered multi-family residential are						

allowed with design review on developable portions of hillside parcels below the 400-foot elevation. Hillside development standards and density controls in Section 15.04.201.100 of the Zoning Ordinance apply.

L8 Up to 10 units allowed with a conditional use permit in a neighborhood mixed-use development at a neighborhood node.

L9 Allowed with a conditional use permit if the hotel has no more than 20 guest rooms.

L10 An administrative use permit is required if a new school will be located in an existing building and any new space added to the building will not exceed 20 percent of existing floor area, excluding space in portable classrooms. A conditional use permit is required for construction of new schools and for additions to existing buildings in which new schools will be located that exceed 20 percent of existing floor area.

L11 Allowed with a conditional use permit on lots of two acres or more.

L12 Commercial-only development is not allowed, and this use is only permitted in a mixed use building with a conditional use permit. The area devoted to commercial uses cannot exceed 30 percent of the total building floor area or 50 percent if it's a corner store with one or more dwelling units above the store.

L13 A duplex may be allowed with an administrative use permit on lots 5,000 square-feet or larger. L14 A duplex may be allowed with an administrative use permit on lots 7,500 square feet or larger.

15.04.204.020 - Land Use Regulations.

Table 15.04.204.020 prescribes the land use regulations for Industrial Districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.

"C" designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

"L#" designates numbered limitations listed at the end of the table.

"x" designates uses that are not permitted.

Use classifications are defined in Article 15.04.104 (Key Terms and Definitions). In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.

TABLE 15.04.204.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS						
<i>Uses</i>	<i>ILL</i>	<i>IB</i>	<i>IL</i>	<i>IG</i>	<i>IW</i>	<i>Additional Regulations</i>
INSTITUTIONAL AND COMMUNITY FACILITIES						
College and Trade School	C	C	L9	x	x	
Community Garden	C	C	C	x	x	See §15.04.610.290 Nurseries and Garden Centers
Government Buildings	P	P	P	P	P	
Hospitals and Clinics	See subclassifications below					
<i>Clinic</i>	x	x	L9	x	x	
Park and Recreation	L12	L12	L12	x	x	
Public Safety Facility	x	x	x	P	P	
Schools ¹	x	x	x	x	x	See § 15.04.610.370 Schools

L1 Only allowed in mixed-use buildings; an administrative use permit is required for more than 3,000 sq. ft.

L2 An administrative use permit is required for more than 3,000 sq. ft.

- L3 Small-scale establishments serving local businesses and workers occupying less than 1,000 sq. ft. are allowed. A conditional use permit is required for outdoor dining and seating.
- L4 Prohibited as a principal use; allows as an accessory use for a nursery, building materials, construction services and contractors yards, marine-related industrial uses, and allowable uses within the IG and IW districts if screened from view for any abutting residential or Mixed-Use district.
- L5 Only small-scale marine-related services occupying less than 3,000 sq. ft. are allowed.
- L6 Transportation equipment, ship and boat building and repair are allowed; industrial uses including more than incidental use of hazardous materials require a conditional use permit.
- L7 Biological research or commercial testing in a laboratory rated for a Biosafety Level (BSL) 3 or higher according to criteria of the federal Center for Disease Control requires a conditional use permit. Research and development laboratories designed for BSL 1 or 2 are permitted without a use permit.
- L8 Only allowed with a conditional use permit on a site with a service station.
- L9 Requires a conditional use permit and not allowed in the Industrial Buffer Zone shown on the Zoning Map. This Industrial Buffer Zone is functionally equivalent to the Industrial Buffer Zone/Transition Zone established by Ordinance No. 18-18 N.S.
- L10 Only centers that primarily sell wholesale or "to the trade" are allowed.
- L11 Permitted except for petroleum refining and related oil and gas production, storage, and distribution, all of which requires a conditional use permit.
- L12 Only on City-owned land with a conditional use permit.

15.04.610.060 - Alcoholic Beverage Sales.

Retail establishments that sell alcoholic beverages, including liquor stores and convenience markets, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Applicability.** These standards apply to alcohol sales for off-sale and on-sale consumption.
- B. **Use Permit Required.** Alcoholic beverage sales shall be allowed only in Industrial, Commercial and Mixed-Use zoning districts. A conditional use permit is required except an administrative use permit may be issued for on-sale beer and wine as part of a restaurant. In addition to the findings required for use permits by Section 15.04.806.040, the Planning Commission or Zoning Administrator must find that all of the following criteria have been met:
 1. That the proposed use will not aggravate existing problems in the neighborhood created by the sale of alcohol; and
 2. That the proposed use will not adversely affect adjacent or nearby uses, including churches and other places for religious assembly, schools, hospitals, parks, recreation centers, and residences; and
 3. That the proposed use will not interfere with vehicular or pedestrian circulation along a public street or sidewalk; and
 4. That the proposed use will be compatible with or enhance, where appropriate, the visual quality of the surrounding area; and
 5. That there is not an “undue concentration” of alcoholic beverage establishments in the surrounding area, as defined in Business and Professions Code Section 23958.4, and that the number of alcoholic beverage sales licenses in the census tract where the use will be located does not exceed the limit set by the California Department of Alcoholic Beverage Control; or
 6. If the criteria set forth in subparagraph 5 above are not met, then the Planning Commission or Zoning Administrator, as the case may be, must find that the public convenience or necessity would be served by approving retail alcoholic beverage sales at the proposed location for any two or more of the following reasons:
 - a. The sale of alcoholic beverages will enhance recreational or entertainment opportunities in the area.
 - b. The sale of alcoholic beverages will promote the economic viability of the area in which it is proposed.
 - c. The sale of alcoholic beverages complements the sale of other goods and merchandise at the location.
 - d. The issuance of a license at the proposed location will improve the safety and convenience of area residents who purchase alcoholic beverages.
- C. **Location of off-sale retail establishments.**
 1. Minimum distance from other liquor stores and convenience markets: 600 feet.
 2. Minimum distance from schools, recreational centers and public parks: 600 feet.

3. *Exception.* These distance restrictions do not apply to general markets with an off-sale alcoholic beverage license that meet the following criteria: 25 or more full-time employees and/or a floor area of 20,000 square feet or more.

D. Prohibited Products. To discourage nuisance activities, off-sale alcohol licensees shall be prohibited from selling any of the following products:

1. Wine or distilled spirits in containers of less than 750 milliliters;
2. Malt beverage products with alcohol content greater than 5-1/2 percent by volume;
3. Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two years;
4. Single containers of beer or malt liquor (except craft beer, made by a small, independent, and traditional brewery, in a 22oz size or larger container);
5. Containers of beer or malt liquor not in their original factory packages of six-packs or greater, notwithstanding the exception set forth above;
6. Containers of beer or malt liquor larger than 39 ounces;
7. Cooler products, either wine- or malt-beverage-based, in less than four-pack quantities.

E. Standard List of Conditions of Approval for Alcoholic Beverage Sales

1. **Hours of Operation.** Days and hours of operation shall be between 8:00 a.m. and 8:00 p.m., seven days a week. Additional hours may be allowed by the Planning Commission or Zoning Administrator with appropriate conditions of approval.
2. **Lighting.** All off-street parking areas and building entries serving a business selling alcoholic beverages must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.
3. **Signs.** The following signs must be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:
 1. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
 2. "No Loitering or Public Drinking"; and
 3. "It is illegal to possess an open container of alcohol in the vicinity of this establishment".
4. **Presentation of Documents.** A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license must be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
5. **State License.** Liquor stores shall comply with all provisions of any license required for such stores by the California Department of Alcoholic Beverage Control.
6. **Security Cameras.** At least two 24-hour time-lapse security cameras are required to be installed and properly maintained on the exterior of the building at locations recommended by the Police Department. All criminal and suspicious activities

recorded on this surveillance equipment must be reported to local law enforcement. To the extent allowed by law, the establishment's operators may be required to provide any tapes or other recording media from the security cameras to the Police Department.

7. **Inspections.**

1. All businesses that engage in retail alcoholic beverage sales shall be subject to inspection by the City staff any time the Chief of Police, or their designee, finds that criminal or nuisance activities are occurring on or near the premises.

2. To ensure compliance with performance standards and/or conditions of approval, all businesses that engage in retail alcoholic beverage sales (for off-site consumption, not including full-service eating and drinking establishments) shall be subject to inspection once every calendar year. If a business is not compliant with all performance standards and/or conditions of approval upon first inspection, it shall be inspected a second time on a date determined by the inspection team, no later than 60 days from first inspection. If a business is not fully compliant upon second inspection, it may be inspected a third time on a date determined by the inspection team, no later than 30 days from the date of second inspection, or, if the continuing non-compliance poses imminent danger to the public health, safety, or welfare the inspection team may issue a notice of violation and take such other actions as are necessary to remedy the violation. If a business is found to be in violation of any performance standards and/or conditions of approval after a maximum of three inspections, planning staff shall schedule a hearing before the Planning Commission to determine whether the conditional use permit or deemed approved status should be revoked or modified. The business owner shall be invoiced for the costs of the inspection and any necessary re-inspection and enforcement costs in accordance with the City's master fee schedule.

8. **Sound Walls.** If the alcoholic beverage sales commercial activity abuts a residential zoning district, a sound wall is required between the activity and the abutting lot. The sound wall must be no higher than six feet and must not obstruct the view of the building and parking areas from the street.

9. **Windows.** On the primary frontage of a business engaged in retail alcoholic beverage sales there must be a minimum of 240 square feet of transparent fenestration in the area 30 inches above grade to 84 inches above grade that is to remain unobstructed during business hours.

10. **Cups.** In uses with off-sale alcohol beverage retail sales, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.

11. **Drug Paraphernalia.** Uses with off-sale alcoholic beverage sales is prohibited from selling drug paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5.

F. **Deemed Approved Alcoholic Beverage Sales Regulations.**

The general purposes of this chapter are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring minimum performance

standards for on- and off-sale retail alcoholic beverage sales that were legal nonconforming uses immediately prior to the effective date of this chapter.

1. Performance standards for deemed approved status.

- A. The retail sale of alcoholic beverages shall retain its deemed approved status only if it conforms to all of the following deemed approved performance standards:
1. The establishment does not change its type of retail on-sale or off-sale license granted by the State Department of Alcoholic Beverage Control (i.e., beer and wine to distilled spirits, or any conditions of its current license).
 2. The business operation of the establishment is not abandoned, suspended or discontinued (including the case where retail alcoholic beverage sales for such operation is suspended) for a period of one hundred twenty (120) days or more; provided that, this provision shall not apply when the business operation is suspended or discontinued because the building or structure in which the establishment is operating is:
 - a. Destroyed or damaged due to causes beyond the owner or operator of the establishment's control (i.e., fire, flood, act of God, etc.) and which prevents the establishment from operating; or
 - b. Being remodeled, enlarged or improved which prevents the establishment from operating, provided that building and other appropriate City permits have been obtained within one hundred twenty (120) days after the business operation is discontinued. In the event that such building and other City permits expire or are revoked, then such establishment shall be required to obtain a conditional use permit in order to continue or reestablish its operation.
 3. The square footage of the floor area within the establishment devoted to the display or sale of alcoholic beverages is not increased by twenty-five (25) percent or more.
 4. The retail ABC license is not transferred to another location within the City of Richmond or the establishment, either in whole or in part, is moved or relocated to another location within the City of Richmond.
 5. The business operator is not found by an administrative hearing officer or court of competent jurisdiction to have violated any ordinance of this City, or any federal or state law or regulation.
 6. The business operation does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests. In evaluating whether nuisance activities are occurring on or near the premises of an establishment, the Chief of Police, Planning Commission or City Council shall take into consideration whether the owner of the establishment, or the owner's agent, has taken reasonable steps to abate the nuisance, including contacting and cooperating with the Richmond Police Department, provided that:

- a. Neither the owner of the establishment nor the owner's agent shall be required to engage in abatement activities that would endanger the safety of the owner or the owner's agent; and
- b. The fact that the owner of the establishment or the owner's agent calls for Richmond Police Department assistance shall not by itself constitute a basis for finding that a nuisance exists on the premises of the establishment.

G. Standards and Procedures for Existing Alcoholic Beverage Retail Establishments ("Deemed Approved" Activities). All on-sale and off-sale alcoholic beverage retail establishments that have been legally existing and operating with all required licenses and without conditional use permit prior to the adoption of this Section shall be permitted to operate at their present location as a "deemed approved" activity; provided that such establishments shall not be permitted to operate without a conditional use permit if any of the following occur:

1. The establishment changes its type of retail on-sale or off-sale license granted by the California Department of Alcoholic Beverage Control (i.e., beer and wine to distilled spirits);
2. The business operation of the establishment is abandoned, suspended or discontinued (including the case where a retail ABC license for such operation is suspended) for a period of 120 days; provided that, this provision shall not apply when the business operation is suspended or discontinued because the building or structure in which the establishment is operating is:
 - a. Destroyed or damaged due to causes beyond the owner of the establishment's control (i.e., fire, flood, act of God, etc.) and which prevents the establishment from operating, or
 - b. Being remodeled, enlarged or improved which prevents the establishment from operating, provided that building and other appropriate City permits have been obtained within 120 days after the business operation is discontinued. In the event that such permits expire or are revoked, then such establishment shall be required to obtain a conditional use permit in order to continue or reestablish its operation;
3. The square footage of the floor area within the establishment devoted to the display or sale of alcoholic beverages is increased by 25 percent or more;
4. The retail ABC license is transferred to another location within the City or the establishment, either in whole or in part, is moved or relocated to another location within the City.

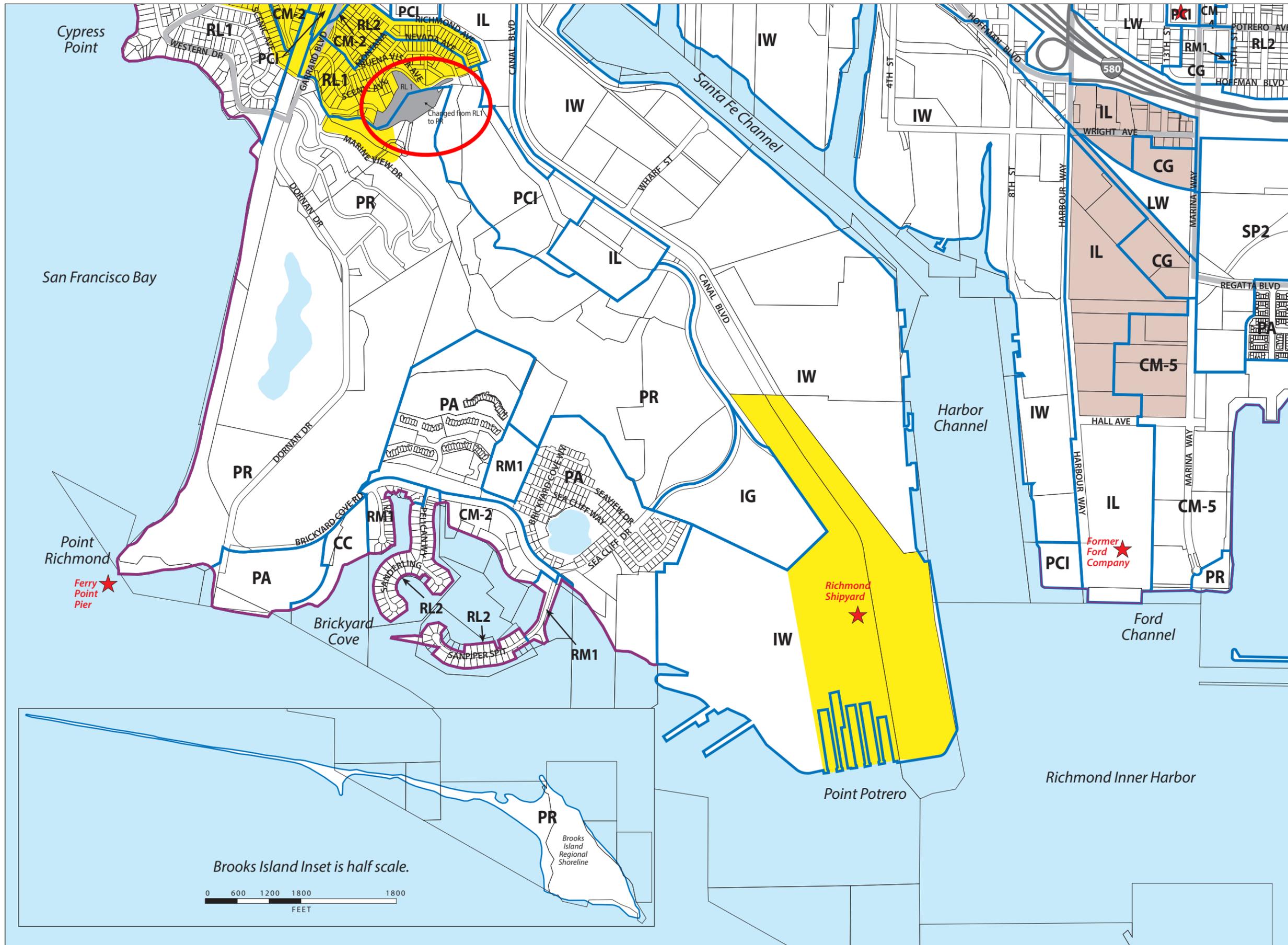
15.04.803.140 - Appeals.

- A. **Purpose and Applicability.** This section establishes the procedures for appeals of any action by the Zoning Administrator, Director, Design Review Board, or Planning Commission in the administration or enforcement of the provisions of this chapter, as long as the decision is not prescribed as final in the individual section that authorizes the decision. Each decision has one appellate body and may be administratively appealed once as described below:
1. *Appeals of Zoning Administrator Decisions* . Decisions of the Zoning Administrator may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
 2. *Appeals of Director Decisions.* Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
 3. *Appeals of Design Review Board.* Decisions of the Design Review Board may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
 4. *Appeals of the Historic Preservation Commission.* Decisions of the Historic Preservation Commission on permits and related approvals may be appealed to the City Council by filing a written appeal with the City Clerk.
 5. *Appeals of Planning Commission Decisions.* Decisions of the Planning Commission on permits and related approvals may be appealed to the City Council only after exhaustion of all other administrative remedies by filing a written appeal with the City Clerk.
- B. **Rights of Appeal.** Appeals may be filed by the applicant, the owner of property, or any other person aggrieved by a decision that is subject to appeal under the provisions of this chapter.
- C. **Time Limits.** Unless otherwise specified in State or Federal law, all appeals must be filed in writing within ten days of the date of the action, decision, motion, or resolution from which the action is taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period is extended to the close of business on the next consecutive business day.
- D. **Procedures.**
1. *Filing.* The appeal must be written on the appropriate form provided by the City, identify the decision being appealed, clearly and concisely state the reasons for the appeal, and also state specifically how and where the underlying decision constitutes an abuse of discretion and/or is not supported by substantial evidence in the record. The appeal must be accompanied by the required fee.
 2. *Proceedings Stayed by Appeal.* The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.
 3. *Transmission of Record.* The Director or, in the case of appeals to the City Council, the City Clerk must schedule the appeal for consideration by the authorized hearing body within 60 days of the date the appeal is filed. The Director must forward the appeal, the notice of action, and all other documents that constitute the record to the hearing body. The Director must also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- E. **Standard of Review.** The appellate body will review whether the underlying decision is supported by substantial evidence and/or constitutes an abuse of discretion. The same standards and evaluation criteria, including the findings required, apply as they were for the original application. The appellate body's review is limited to the issue(s) raised in the petition for appeal.
- F. **Public Notice and Hearing.**
1. *Notice.* Public notice must be provided and the hearing conducted by the applicable appeal body in accordance with Article 15.04.803 (Common Procedures). Notice must be provided in the same manner that was required for the action that is the subject of the appeal. Notice of the hearing must also be given to the applicant, the party filing the appeal, and any other interested person who has filed with the City Clerk a written request for such notice. In the case of an appeal of a Planning Commission, Historic Preservation Commission, or Design Review Board decision, notice of the appeal must also be given to the Planning Commission, Historic Preservation Commission, or Design Review Board respectively. The Planning

Commission, Historic Preservation Commission, and Design Review Board may be represented at the hearing.

2. *Hearing.* At the hearing, the appellate body must review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.
- G. **Action.** The appellate body may affirm, modify, or reverse the original decision. When a decision is modified or reversed, the appellate body must state the specific reasons for modification or reversal. Decisions on appeals must be rendered within 30 days of the close of the hearing. An action to grant an appeal requires a majority vote of the hearing body members. A tie vote has the effect of rejecting the appeal.
- H. **Referral Back by City Council.** The City Council may choose to refer a matter back to the Planning Commission, the Historic Preservation Commission, or Design Review Board for further consideration and a decision if significant new evidence is presented in conjunction with the appeal, which may include substantial changes to the original proposal.
- I. **Judicial Action.** The appellate body's final decision may be subject to litigation in the Superior Court. Exhaustion of the administrative remedies provided in Article XV, in accordance with Government Code Section 65009 and common law, may be required for the Court to hear the merits of the litigation.

Sectional Map 14



Proposed Zoning Residential Districts

- RH Single-Family Hillside Residential
- RL1 Single-Family Very Low Density Residential
- RL2 Single-Family Low Density Residential
- RM1 Multifamily Residential
- RM2 Multifamily High Density Residential

Mixed-Use Districts

- CM-1 Commercial Mixed-Use, Residential
- CM-2 Commercial Mixed-Use, Neighborhood
- CM-3 Commercial Mixed-Use, Commercial Emphasis
- CM-4 Commercial Mixed-Use, Gateway/Node
- CM-5 Commercial Mixed-Use, Activity Center
- LW Live-Work

Commercial Districts

- CG Commercial, General
- CR Commercial, Regional
- CC Commercial, Coastline

Industrial Districts

- IB Industrial, Business
- ILL Industrial, Limited Light
- IL Industrial, Light
- IG Industrial, General
- IW Industrial, Water-Related

Public and Semi-Public Districts

- PCI Public, Cultural, and Institutional
- PR Parks and Recreation
- OS Open Space
- AG Agricultural

Planned Area and Overlay Districts

- PA Planned Area District
- SP2 Richmond Bay Specific Plan
- Industrial Buffer Zone

Historic District

Landmark

Shoreline

City Limits

Source: City of Richmond, 2016; Contra Costa County GIS, 2016; Metropolitan Transportation Commission (MTC), 2016; Dyett & Bhatia, 2016

