

ORDINANCE NO. 9-08 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING SECTION 15.04.810.053 (HOUSING DENSITY BONUS) OF THE
RICHMOND MUNICIPAL CODE TO ALLOW ROUNDING THE TOTAL
NUMBER OF UNITS UP TO THE NEXT EVEN NUMBER OF UNITS WHEN
THE SUM OF THE DENSITY BONUS UNITS AND ALLOWABLE DENSITY
UNITS RESULTS IN AN ODD NUMBER OF UNITS**

WHEREAS, on February 19, 2008, the City Council directed staff to prepare an amendment to the Density Bonus Chapter of the Richmond Municipal Code (RMC Chapter 15.04.810.050) that would allow rounding the total number of units up to the next even number of units if the sum of the density bonus units and allowed density units results in an odd number; and

WHEREAS, on March 18, 2008, the City Council of the City of Richmond held a duly noticed public hearing to consider the proposed amendment, and heard testimony in favor of, and in opposition to, the proposed amendment; and

WHEREAS, the City Council reviewed all oral and written information presented at the hearing; and

WHEREAS, the project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines and Statutes, pertaining to projects that are known to not have a significant effect on the environment.

Section I. Municipal Code Amendment

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

The following text of Section 15.04.810.053(D)(5)(d) of the Richmond Municipal Code is hereby amended to read as follows [strikeout text indicates deletion; underline text indicates insertion]:

All density bonus calculations resulting in fractional units shall be rounded up to the next whole number. If the sum of the density bonus units and the allowable density units (per the base zoning) results in an odd number, then the total number of units may be rounded up to the next even number with approval of a conditional use permit.

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

Introduced at a regular meeting of the Council of the City of Richmond held March 18, 2008, and finally passed and adopted at a regular meeting held April 1, 2008, by the following vote:

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

NOES: Councilmember Butt

ABSTENTIONS: None

ABSENT: 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 Ordinance No. 9-08 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on April 1, 2008, published in accordance with law.