

ORDINANCE NO. 18-08 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AMENDING SECTIONS 15.04.020, 15.04.320, AND 15.04.870 OF THE MUNICIPAL CODE AND AMENDING SECTIONS OF THE KNOX FREEWAY/CUTTING BOULEVARD CORRIDOR SPECIFIC PLAN RELATIVE TO THE INDUSTRIAL BUFFER ZONE

WHEREAS, in September 1991, the City of Richmond (“City”) approved the Knox Freeway/Cutting Boulevard Corridor Specific Plan, Richmond, California, which sets forth an Industrial Transition/Buffer Zone bounded by Interstate 580, Harbour Way South, Hall Avenue and Marina Way South (“Transition Zone”) ; and

WHEREAS, in August 1994, the City adopted a General Plan in which the Land Use Plan assigns the land use categories of Industrial/Office Flex and Light Industry to the Transition Zone; and

WHEREAS, in 1997, the City amended its Zoning Ordinance to designate portions of the Transition Zone an M-2, Light Industrial District, and portions of the Transition Zone an M-4, Marine Industrial District ; and

WHEREAS, on June 27, 2007, the City Council adopted Resolution 58-06 which directed the Planning and Building Services Director and staff to do the following:

1. Review and clearly define the boundaries of a Transition Zone within the Knox Freeway/Cutting Boulevard Corridor Specific Plan area,
2. Review the permitted and conditional uses within the Transition Zone,
3. Develop recommendations for modification of Transition Zone boundaries and for categorizing permitted, conditionally permitted, and prohibited uses within the Transition Zone,
4. Initiate a process for creating specific industrial area plan that will dovetail with the General Plan update and foster the retention of industrial uses in and near the Transition Zone,
5. Create a “good neighbor” policy between industry and City; and

WHEREAS, in working with the Council of Industries, the Planning and Building Services Department has determined that the following amendments to the Zoning Ordinance and Knox Freeway/Cutting Boulevard Corridor Specific Plan are appropriate clarifications to protect both industrial and residential development within the Marina Bay/Ford Peninsula area;

WHEREAS, the City Council finds:

1. The text amendments to be Categorically Exempt pursuant to Section 15061 (b)(3) **Review for Exemption** The activity is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
2. The location and type of use permitted under the Zoning Text revision are in accord with the objectives of the General Plan.
3. The amendment is in accordance with the objectives of the General Plan; will protect the health, safety, morals, comfort, convenience and general welfare; will promote orderly development of commercial and industrial areas; and will provide for more effective administration of the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND does ordain as follows:

SECTION 1. Section 15.04.020, **Definitions** of Chapter 15.04 Zoning Ordinance of the City of Richmond Municipal Code is hereby amended by adding alphabetically the following definitions (~~strikeout text~~ indicates deletion; underline text indicates insertion):

Adult Vocational School means an educational institute admitting only persons 16 years of age and older and providing a curriculum designed to develop the necessary skills for a specific job, industry or career.

Transition Zone, also known as the Buffer Zone, means the area of the Ford Peninsula bounded by I-580 on the north, Harbour Way South on the west, Marina Way South on the east and Hall Avenue on the south excluding the Marina Way Properties, LLC site (Exhibit A Transition/Buffer Zone).

SECTION 2. Section 15.04.320.020, **M-2-Light Industrial District** of Chapter 15.04 Zoning Ordinance of the City of Richmond Municipal is hereby amended by modifying the following in the list of Permitted Uses under Residential Uses:

Caretaker's residence (except in the Transition Zone),

SECTION 3. Section 15.04.320.020, **M-2-Light Industrial District** of Chapter 15.04 Zoning Ordinance of the City of Richmond Municipal is hereby amended by modifying the following in the list of Permitted Uses under Civic, Public and Semipublic Uses to read as follows:

Day care center (except in the Transition Zone)

SECTION 4. Section 15.04.320.040, **M-2-Light Industrial District** of Chapter 15.04 Zoning Ordinance of the City of Richmond Municipal is further amended by modifying the list of Conditional Uses under Residential Uses to read as follows:

Live/Work (except in the Transition Zone)

SECTION 5. Section 15.04.320.040, **M-2-Light Industrial District** of Chapter 15.04 Zoning Ordinance of the City of Richmond Municipal is further amended by modifying the list of Conditional Uses under Civic, Public and Semipublic Uses to read as follows:

Adult Vocational School

Colleges, universities, vocational schools, and educational facilities (except in the Transition Zone),

Correctional and rehabilitation facilities (except in the Transition Zone),

SECTION 6. Section 15.04.340.040, **M-4-Marine Industrial** of Chapter 15.04 Zoning Ordinance of the City of Richmond Municipal is hereby amended by modifying the following in the list of Conditional Uses under Residential Uses:

Caretaker's residence (except in the Transition Zone)

SECTION 7. Section 15.04.870.030, **Live/Work** of Chapter 15.04 Zoning Ordinance of the City of Richmond Municipal is hereby amended by modifying the Permitted Use paragraph to read as follows:

Live/work uses will be permitted in all commercial districts and in the M-1 district. Live/work is conditionally permitted in M-2 districts (except in the Transition Zone) and all applications for occupancy of a live/work building are subject to a conditional use permit. The conditional use permit procedures will be the same as indicated in Section 15.04.910. The owner of an existing or proposed live/work building or unit, or an authorized agent of the owner may apply for the conditional use permit. Live/work uses

are not allowed in M-3 and M-4 districts.

SECTION8. Establishes Section 15.04.530 Transition Zone Overlay District. The regulations contained within the Transition Zone Overlay District are intended to be applied to the Transition Zone (as defined at Section 15.04.020) to implement the following:

1. To implement policies of the General Plan and Knox Freeway Cutting Boulevard Corridor Specific Plan;
2. To guide development in order to avoid physically conflicting land uses, between residential land users, light industrial office-flex land users, and heavy industrial or marine port land users which may generate heavy truck traffic, noise, vibrations, glare, odors, dust, hazardous pollutants, and fumes; and,
3. To promote the public health, safety and welfare of all residents, occupants of property within the Transition Zone by improving the quality of their environment,

The Transition Zone Overlay District (TZOD) shall prohibit the following:

1. Residential use types of any kind, i.e. Single-family, duplex or multi-family, live-work, work-live, mixed use, caretaker residence, residential care facilities and dormitory facilities related to an educational use, including all forms of Transitional Housing or Transient Lodging i.e. overnight accommodation such as hotels and motels, bed and breakfast inns, and rooming and boarding houses; and any use in which people reside; and,

SECTION9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION 10. Effective Date.

This Ordinance becomes effective 30 days after its final passage and adoption.

First reading at a regular meeting of the Council of the City of Richmond held July 29, 2008, and finally passed and adopted at a regular meeting thereof held September 2, 2008, by the following vote:

Ayes: Councilmembers Bates, Butt, Marquez, Rogers, Thurmond, and Mayor McLaughlin

Noes: None

Abstain: None

Absent: Councilmembers Lopez and Viramontes

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to Form:

LOUISE RENNE
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. 18-08 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on September 2, 2008.

EXHIBIT A - Transition Buffer Zone Knox Freeway/Cutting Boulevard Corridor Specific Plan



Legend

-  Transition Area
-  Water Bodies

* Marina Way Properties, LLC



Map prepared by [unreadable] for the City of San Jose, California. All rights reserved. No warranty is made for the accuracy of the information shown on this map.