

**ORDINANCE NO. 16-06 N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND  
AMENDING SECTION 15.04.810.050 OF THE RICHMOND MUNICIPAL CODE  
(RMC) TO BRING EXISTING DENSITY BONUS REGULATIONS INTO  
CONFORMANCE WITH RECENTLY ADOPTED AMENDMENTS TO THE  
STATEWIDE DENSITY BONUS LAW**

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**WHEREAS**, Senate Bill (SB) 435 was signed into law on October 4, 2005, amending Section 65915 of the Government Code relating to housing density bonuses;

**WHEREAS**, the State of California Constitution requires cities to bring their local ordinances into conformance with state law;

**WHEREAS**, on February 2, 2006, the Planning Commission held a study session to discuss the changes to the Statewide Density Bonus Law, Section 65915 of the Government Code;

**WHEREAS**, on March 2, 2006, the Planning Commission conducted a duly noticed public hearing to consider proposed amendments to the City’s Zoning Ordinance to bring it into conformity with state law and voted to recommend to the City Council that they adopt the proposed zoning text change;

**WHEREAS**, on March 21, 2006, the City Council of the City of Richmond conducted a duly noticed public hearing to consider the proposed amendments to Section 15.04.810.050 of the Richmond Municipal Code (“RMC”);

**WHEREAS**, at the public hearing on March 21, 2006, the City Council received testimony from City staff and all interested parties regarding the proposed amendments to RMC Section 15.04.810.050;

**WHEREAS**, the City Council reviewed the written and oral record and determined that the potential environmental impacts of the proposed zoning text change have been adequately and completely analyzed in the Initial Study/Negative Declaration of the Housing Element (November 2005) adopted on February 7, 2006, herein incorporated by reference;

**WHEREAS**, the City Council has reviewed and considered the proposed amendments to Section 15.04.810.050 of the Richmond Municipal Code and all oral and written information provided at or before all public meeting and hearings regarding the proposed zoning text amendment; and

**WHEREAS**, the City Council finds:

1. There is one, or more, of the following conditions present that justifies a change in zoning districts or zoning text regulations.
  - a. Land utilization has developed differently as to timing, location or in a manner of land development than originally anticipated.
  - b. Changes have arisen from forces extraneous to the City.
  - c. Changes have occurred caused by increased population or some other form of more intensive land utilization which has created an imbalance between land uses.
  - d. Changes have occurred in governmental development policies (which also mean changes in the General Plan).
2. The locations and type of uses permitted under the amended Housing Density Bonus regulations are in accordance with the objectives of the General Plan.
3. The amendment:
  - a. Is in accordance with the objectives of the General Plan;
  - b. Will protect the health, safety, morals, comfort, convenience and general welfare;
  - c. Will promote orderly development of residential, business, industrial, recreational

- and public areas;
- d. Will provide for more effective administration of the ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DO ORDAIN AS FOLLOWS:**

**SECTION 1.**

**Section 15.04.810.050 of the Richmond Municipal Code of the City of Richmond is hereby amended to read as follows:**

15.04.810.050 HOUSING DENSITY BONUS.

SECTIONS

- 15.04.810.051 Applicability.
- 15.04.810.052 Definitions.
- 15.04.810.053 Criteria and Standards for Density Bonus and Incentive.
- 15.04.810.054 Alternative to Density Bonus and Incentive(s) or Concession(s).
- 15.04.810.055 Procedures.
- 15.04.810.056 Criteria to Evaluate Requested Incentives.
- 15.04.810.057 Required Affordable Housing Density Bonus Agreement.
- 15.04.810.058 Consistency with State Law.

15.04.810.051 Applicability.

The purpose of the provisions of this section is to comply with the Statewide Density Bonus Law (California Government Code 65915) and to implement the housing element of the General Plan, by providing increased residential densities for projects that guarantee that a portion of the housing units, constructed in a housing development, will be restricted to senior citizens or affordable to moderate, lower, or very low income persons or for the donation of land for very low income housing. The provisions of the housing density bonus section shall apply to all new housing developments or land donations for very low income housing as defined below.

15.04.810.052 Definitions.

The following terms are hereby defined for the purposes of this section:

- A. Affordable Housing Units: Housing units affordable to moderate, lower or very low income persons provided through the housing density bonus program pursuant to California Government Code Section 65915.
- B. Child Care Facility. A child day care (non-residential care) facility other than a family day care home, including, but not limited to, infant center, preschools, extended day care facilities, and school age child care centers.
- C. Common Interest Development. A common interest development as defined in Section 1351 of the California Civil Code. [At the time of adoption of this section, common interest development means any of the following: 1) a community apartment project, (2) a condominium project, (3) a planned development, or (4) a stock cooperative.]
- D. Community Apartment Project. A community apartment project as defined in Section 1351 (d) of the California Civil Code. [At the time of adoption of this section, a community apartment project means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of the apartment located thereon.]
- E. Condominium Project. A condominium project as defined in Section 1351 (f) of the California Civil Code. [At the time of adoption of this section, a condominium project means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in a space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof.]

- F. Density Bonus. A density bonus means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the Richmond General Plan as of the date of application by the developer to the City.
- G. Housing Development. A housing development means one or more groups of projects for residential development consisting of five or more dwelling units, which shall be subject to a conditional use permit or developed as a Planned Area district.
- H. Initial Subsidy. The initial subsidy is equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
- I. Lower Income Household: Households of lower income as defined in Section 50079.5 of the California Health and Safety Code. [At the time of the adoption of this Section, a household whose median income is equal to or less than 80% of the area median income is Lower Income, and is considered to be able to afford rent that does not exceed 30 percent of 60 percent of the area median income.]
- J. Moderate Income household: Households of moderate income as defined in Section 50093 of the California Health and Safety Code. [At the time of adoption of this Section, a household whose median income is equal to or less than 120% of the area median income is Moderate Income, and is considered to be able to afford rent that does not exceed 30 percent of 80 percent of the area median income.]
- K. Proportionate Share of Appreciation. The proportionate share of appreciation is equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.
- L. Senior Citizen. Qualifying resident or senior citizen as defined in Sections 51.3 and 51.12 of the California Civil Code. [At the time of the adoption of this section, qualifying resident or senior citizen were generally defined as a person 62 years of age or older, or 55 years of age or older living in a senior citizen housing development other than a mobile home, or the spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident or senior citizen.]
- M. Senior Citizen Housing Development. A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code. [At the time of adoption of this section, a senior citizen housing development consists of more than 20 dwelling units and is designated as a senior community by its developer and zoned as a senior community by a local governmental entity, or characterized as a senior community in its governing documents, as these are defined in Section 1351, or qualified as a senior community under the federal Fair Housing Amendments Act of 1988, as amended.]
- N. Stock Cooperative. A stock cooperative as defined in Section 1351 (m) of the California Civil Code. [At the time of adoption of this section, a stock cooperative means a development in which a corporation is formed or availed thereof, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation received a right of exclusive occupancy in a portion of real property, title to which is held by the corporation.]
- O. Very Low Income Household: Households of Very Low Income as defined in Section 50105 of the California Health and Safety Code. [At the time of the adoption of this Section, a household whose median income is equal to or less than 50% of the area median income is Very Low Income, and is considered to be able to afford rent that does not exceed 30 percent of 50 percent of the area median income.]

15.04.810.053 Criteria and Standards for Density Bonus and Incentive(s) or Concession(s).

- A. The City shall grant one density bonus, in accordance with subsection D.5., when a developer of a housing development, as defined in this section, seeks and agrees to

construct a housing development, excluding any units permitted by the density bonus awarded, that will contain at least any one of the following, and satisfies the findings outlined in Subsection 15.04.810.055.B.4:

1. Ten percent of the total dwelling units of a housing development for lower income households as defined in this section.
2. Five percent of the total dwelling units of a housing development for very low income households as defined in this section.
3. A senior citizen housing development, as defined in this section, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
4. Ten percent of the total dwelling units in a common interest development, as defined in this section, for persons and families of moderate income, as defined in this section, provided that all units in the development are offered to the public for purchase.

For purposes of calculating the amount of the density bonus, the developer who requests a density bonus pursuant to this section shall elect whether the bonus shall be awarded on the basis of 1, 2, 3, or 4 of this Section. The density bonus shall not be included when determining the number of housing units which are to be affordable.

B. When a developer seeks and agrees to construct any one of the housing specified in Section 15.04.810.053.A, the City shall grant incentives or concessions as described below , if requested by the developer, in addition to a density bonus, provided the findings outlined in Subsection 15.04.810.055.B.4 are satisfied:

1. A reduction in site development standards or a modification of zoning ordinance requirements or architectural design requirements that exceed the minimum building standards approved by the California Standards Commission as provided for in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code including, but not limited to, a reduction in minimum private and common open space, minimum landscaping, required off-street parking, minimum lot sizes, maximum height limits and setback requirements.
2. Approval of mixed-use zoning within the housing development where it is demonstrated that commercial, office, or other nonresidential land uses will reduce housing costs over residential-only uses on a site and will be compatible with the existing and planned housing units on the site and the surrounding neighborhood where the proposed housing development will be located.
3. Other incentives proposed by the developer or the City which result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to, the following:
  - a. Expedited “fast track” processing of development applications and permits (e.g. allowing plan check to begin during planning appeal period);
  - b. Waiver of filing or processing fees on development applications and permits, or other development fees, following established City fee waiver processes or policies;
  - c. Use of redevelopment funds or powers, or other public financing;
  - d. Other regulatory incentives or concessions which result in identifiable cost reductions.

There is no requirement, however, for the City to provide any direct financial incentives for the housing development, to waive fees and/or dedication requirements, or to provide publicly-owned land for a housing development.

C. The developer shall receive the following number of incentives or concessions, in addition to a density bonus:

1. One incentive or concession for the projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.
2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.
3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

Nothing in this section shall be construed to prohibit the City from granting a greater number of concessions or incentives than what is described in this section for a development that meets the requirements of this section.

D. The following standards shall apply to the granting of the density bonus and incentives:

1. Duration of affordability. The developer shall agree to, and the City shall ensure, continued affordability of all low- and very low income housing units receiving a density bonus for 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. The developer shall agree to, and the City shall ensure that, the initial occupant of the moderate-income housing units receiving a density bonus in a common interest development, as defined above, are persons and families of moderate income and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the California Health and Safety Code.
2. Location and Design of Affordable Housing Units. The affordable housing units shall be integrated with other housing units in the housing development with regard to siting and placement within buildings, and shall not differ in exterior appearance from the other housing units. The location of the affordable housing units may or may not be on contiguous parcels within the site. In no event shall the affordable housing units be located in only one portion of the housing development or situated in one building of a multi-building development.
3. Location of Density Bonus Units. The density bonus units can be located in geographic areas of the development site other than the areas where the units for the affordable housing units are located, and can be located only on parcels for which the density bonus was granted.
4. Zoning Basis. The maximum units allowed in the underlying zoning district of the project site and the net acreage of the project site shall be the basis on which the density bonus is determined unless the project is a planned area district, in which case the project shall be developed pursuant to the provisions of Section 15.04.600, Planned Area District of the Zoning Ordinance and the density bonus will be determined based on the general plan designation.
5. Density Bonus Calculation. The amount of density bonus to which the developer is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established above in Section 15.04.810.053A.
  - a. The density bonus for housing developments meeting the criteria of Section 15.04.810.053 A.1. shall be calculated as follows:

<u>Percentage Lower Income Units</u>	<u>Percentage Density Bonus</u>
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

- b. The density bonus for housing developments meeting the criteria of Section 15.04.810.053 A.2. shall be calculated as follows:

<u>Percentage Very low Income Units</u>	<u>Percentage Density Bonus</u>
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- c. The density bonus for housing developments meeting the criteria of Section 15.04.810.053 A.3. shall be 20 percent.

- d. The density bonus for housing developments meeting the criteria of Section 15.04.810.053 A.4. shall be calculated as follows:

<u>Percentage Moderate Income Units</u>	<u>Percent Density Bonus</u>
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33

39  
40

34  
35

All density calculations resulting in fractional units shall be rounded up to the next whole number.

- e. When the developer for a tentative subdivision map, parcel map, or other residential development approval donates land to the City as provided for in this section, the developer shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development, as follows:

<u>Percentage Very Low Income</u>	<u>Percentage Density Bonus</u>
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

This increase shall be in addition to any increase in density mandated by Section 15.04.810.053 A, up to a maximum combined mandated density increase of 35 percent if the developer seeks both the increase required pursuant to this section and Section 15.04.810.053 A. The developer shall be eligible for the increased density bonus described in this section if all the following conditions are met:

1. The developer shall donate and transfer lands no later than the date of approval of the final subdivision map, parcel map, or residential development application.
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in the amount not less than 10 percent of the number of residential units of the proposed development.
3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The transferred lands shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units prior to the date of approval of the final subdivision map, parcel map, or of the residential development.

4. The transferred lands and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with this section, which shall be recorded on the property at the time of dedication.
  5. The land is transferred to the City or to a housing developer approved by the City. The City may require the developer to identify and transfer the land to the developer.
  6. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.
- f. When a developer proposes to construct a housing development that conforms to the requirements of 15.04.810.053A and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:
1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
  2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

The City shall require, as a condition of approving the housing development that the following shall occur:

- a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable per this section.
- b. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to this section.

The City shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

#### 15.04.810.054 Alternative to Density Bonus and Incentive.

When a developer agrees to construct affordable housing as specified in Section 15.04.810.053.A, the City may provide other incentives of equivalent financial value which make the affordable housing units economically feasible, instead of granting the density bonus and incentive(s) from the above section. The procedures, criteria, and agreement requirements of this section apply.

#### 15.04.810.055 Procedures.

- A. Preliminary Proposal. A developer requesting a density bonus or incentive(s) pursuant to this section may submit a preliminary proposal for feedback (pursuant to item 2 below) prior to the submittal of any formal requests for approval of a density bonus and incentive and other planning approvals such as a general plan amendment, subdivision map, development plan, or design review, etc. The purpose of the preliminary proposal is to determine whether the proposed housing development is in substantial compliance with applicable planning regulations and to establish the basis and procedures for granting the incentive(s) or concession(s). Approval of a preliminary proposal does not constitute approval of the housing development, but indicates that the housing development nominally

complies with the City's applicable planning and zoning regulations, and establishes the type of incentive(s) or concession(s) and agreement to ensure compliance with this section to be recommended by staff.

1. The following information is required to be submitted for a preliminary proposal:
  - a. A concise written description of the project, including location, number and type of housing units, including affordable units and bonus units, and the planning approval(s) required.
  - b. A site map showing the location and general layout of the proposed housing development and surrounding land uses and roadways.
  - c. A written request for the specific incentive(s) or concession(s) sought accompanied by rationale and accurate supporting information sufficient to demonstrate that any requested incentive is necessary to make the affordable units economically feasible and set rents at qualifying levels. If applicable, the developer shall identify the proposed use of any housing subventions or programs for the housing development, such as State Housing Community Development Programs, redevelopment funds, or other sources of funding.
2. Within 90 days of receipt of a complete preliminary proposal, the Planning Director shall notify the developer in writing what the staff will recommend as to how the City will comply with this section, and shall indicate whether or not the housing development complies with this section and with the applicable planning and zoning regulations.

**B. Housing Density Bonus and Incentive Application and Approval.**

1. The request for approval of a density bonus and incentive(s) pursuant to this section shall be made along with other applicable related planning action requests for the project as specified in the Richmond Zoning Ordinance, except for projects for which one or more approvals has been sought prior to the adoption of this section.
2. The request for approval shall include the items specified under 15.04.810.056.A.1.
3. If the housing development is proposed as a planned area district, the density bonus and incentive(s) shall be considered along with the rezoning. If the housing development is not proposed as a planned area district, a conditional use permit shall be required for the density bonus and incentive(s) or concession(s).
4. All of the following findings must be made, as applicable, in order to approve a density bonus and incentive(s):
  - a. That the density bonus will contribute significantly to the economic feasibility of providing the affordable housing units.
  - b. That the incentive is required in order to make the affordable housing units economically feasible or to set rents at qualifying levels for senior citizens and for moderate income, lower income or very low income households.
  - c. That the increased density and incentive(s) or concession(s) will not cause significant adverse effects on the character of the surrounding neighborhood or public health and safety.
  - d. That there will be no adverse traffic, noise, parking, or other impacts resulting from the proposed density bonus or incentive.
  - e. That the design, siting and income thresholds of the affordable housing units substantially comply with all of the requirements and standards set forth in this section.

- f. That, prior to issuance of any building or grading permit for the housing development, there will exist an enforceable recorded agreement to maintain the affordability of the affordable housing units for the duration required by this section.
- g. That the overall housing development will be of a quality that will preserve the integrity of, and upgrade, the existing neighborhood.

15.04.810.056 Criteria to Evaluate Requested Incentive(s) or Concession(s).

- A. At least one of the following criteria shall be used to evaluate whether an incentive is sufficient to make the affordable housing units economically feasible:
  - 1. A development pro forma with the capital costs, operating expenses, return on investment, revenues, loan-to-value ratio and the debt-coverage ratio including the contribution provided by any applicable subsidy programs, and the economic effect created by the 30 year use and income restrictions of the affordable housing units.
  - 2. An appraisal report indicating the value of the density bonus and of the incentive(s) and of the value of any other incentives.
  - 3. Sources and use of funds statement identifying the projected financing gap of the project with the affordable housing units that are the basis for granting the density bonus and incentive(s). The developer shall establish how much of the gap would be covered by the density bonus, leaving a remainder figure to be covered by an additional incentive.
- B. Determination of the completeness and accuracy of the financial information submitted in support of a request for an incentive and evaluation of this information shall be made by the City, or by a third party agreed to jointly by the City and the developer.
- C. The City shall grant the concession or incentive requested unless the City makes a written finding, based upon substantial evidence, of either of the following:
  - a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units to be set as specified above.
  - b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historic Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-and moderate-income households.
- D. Upon the request of the developer, the city shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b) that exceeds the following ratios:
  - a. Zero to one bedrooms, one onsite parking space.
  - b. Two to three bedrooms, two onsite parking spaces.
  - c. Four of more bedrooms: two and one-half parking spaces.

15.04.810.057 Required Affordable Housing Density Bonus Agreement.

Prior to the issuance of a building permit for any dwelling unit in a development for which a density bonus has been awarded or incentives or concessions have been granted, the developer shall enter into a written agreement with the City for the duration of affordability. The terms and

conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Contra Costa County Recorder's Office. The agreement shall be approved by the City Attorney and shall include provisions for the following:

- A. The number and proportion of housing units affordable to moderate income, lower income and very low income households by type, location, and number of bedrooms.
- B. Standards for maximum qualifying household incomes and maximum rents or sale prices.
- C. The party responsible for certifying rents and sales prices of affordable housing units.
- D. The process that will be used to certify incomes of tenants or purchasers of the affordable housing units.
- E. The manner in which vacancies will be marketed and filled, including the screening and qualifying of prospective renters and purchasers of the affordable units.
- F. Deed restrictions on the affordable housing units binding on property upon sale or transfer.
- G. Enforcement mechanisms to ensure that the affordable units are continuously occupied by eligible households and are not sold, rented, leased, sublet, assigned, or otherwise transferred to non-eligible households.
- H. Project phasing, including the timing of completions, and rental or sale of the affordable housing units, in relation to the timing of the market-rate units.
- I. The local government shall enforce an equity-sharing agreement for moderate income units that are directly related to the receipt of the density bonus in the common interest development, unless it is in conflict with the requirements of another public funding source or law. The following shall apply to the equity-sharing agreement:
  - a. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

15.04.810.058 Consistency with state law.

The provisions of this section are intended to comply with California Government Code Section 65915 and any related State laws. In the event that any provision of this section conflicts with Government Code Section 65915 or any related State laws, the State law shall apply.

**SECTION II. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance 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 III. Effective Date.**

This Ordinance becomes effective after its final passage and adoption.

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First read at a regular meeting of the Council of the City of Richmond, California held March 21, 2006 and finally passed and adopted at a regular meeting thereof held April 4, 2006 by the following vote:

AYES: Councilmember Bates, Butt, Griffin, McLaughlin, Rogers,  
Thurmond, Viramontes, and Mayor Anderson

NOES: None

ABSTENTIONS: None

ABSENT: Councilmember Marquez

DIANE HOLMES  
Clerk of the City of Richmond

(SEAL)

Approved:

IRMA L. ANDERSON  
Mayor

Approved as to form:

JOHN EASTMAN  
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. 16-06 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting held on April 4, 2006, and published in accordance with law.