

PLANNING COMMISSION AGENDA REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

- DATE:** March 4, 2021
- SUBJECT:** **Richmond Hills Initiative, PLN20-269:** Consider a recommendation to the City Council of General Plan Amendments and Zoning Amendments related to the implementation of the RHI, a voter initiative, adopted by the City Council in 2017
- PREPARED BY:** Lina Velasco, Community Development Director
- CONSULTANT:** Michael Dyett, Dyett and Bhatia Urban and Regional Planners
- LOCATION:** 430-acre area at the El Sobrante Hills located southwest of San Pablo Dam Road (APNs: 435-200-007, 435-200-008, 435-190-001, 435-300-009, 435-190-001, 435-230-007, 435-230-006, 435-180-005, 435-240-002, 435-230-005, 435-230-004, 435-230-042, 435-230-043, 435-230-013, 435-230-012, 435-230-020, 435-230-040, 435-230-023, 435-230-021, 435-230-011, 435-230-015, 435-230-050, 435-230-009, 435-230-014, 435-230-045, 435-230-038, 435-200-004, 435-210-007, 435-210-007, 435-230-052, 435-230-051, 435-180-008, 435-230-030, 435-230-028, 435-230-027, 435-230-008, 435-230-046, 435-210-001, 435-210-006, and 435-240-001).
- APPLICANT:** City of Richmond
- CURRENT ZONING:** RL1, Single Family Very Low Density Residential; RH, Hillside Residential; AG, Agricultural; and PA, Planned Area District.
- GENERAL PLAN:** Hillside Residential, Park and Recreation, and Agriculture
- CEQA:** In *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, the California Supreme Court held that CEQA does not apply to "citizen-sponsored" initiatives, even where the initiative is adopted by local officials rather than the voters. The proposed amendments are additionally exempt under Sections 15061(b)(3) and 15308 of the CEQA Guidelines.

STATEMENT OF THE ISSUE/PROPOSAL:

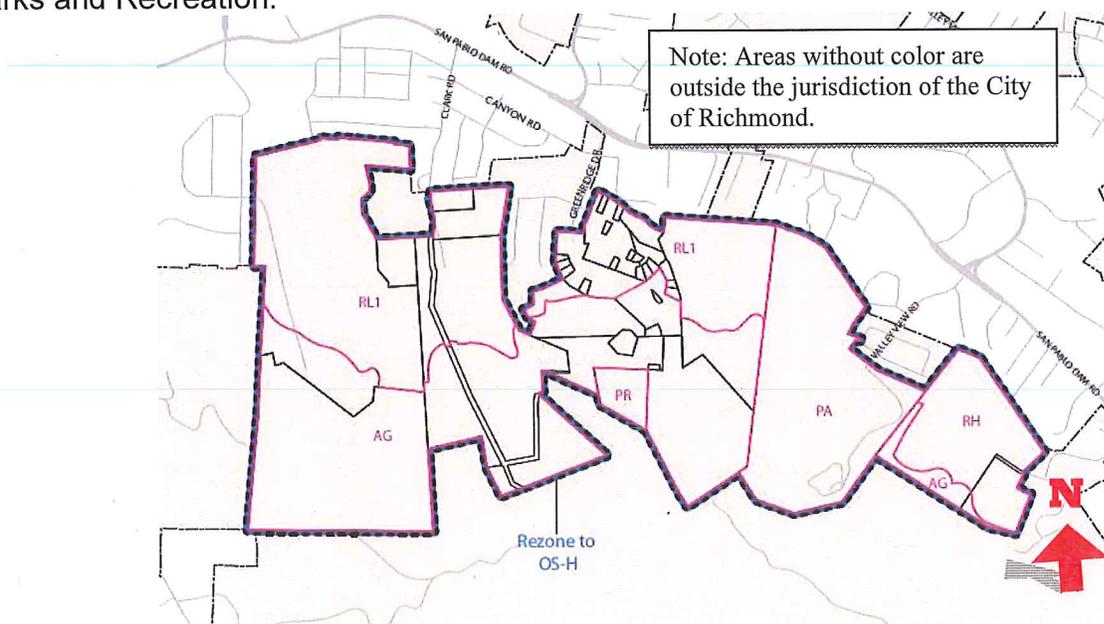
City of Richmond (the “applicant”) requests that the Planning Commission consider a recommendation to the City Council of General Plan and Zoning Amendments to address a Return to Writ for the RHI (RHI) adopted in 2017, which directed the City to correct inconsistencies within the General Plan. The General Plan amendment would include revisions to the housing, land use, and conservation elements to align with the Housing Element Amendment made by the RHI at the El Sobrante Hills area, consisting of 430-acre parcels (APNs: 435-200-007, 435-200-008, 435-190-001, 435-300-009, 435-190-001, 435-230-007, 435-230-006, 435-180-005, 435-240-002, 435-230-005, 435-230-004, 435-230-042, 435-230-043, 435-230-013, 435-230-012, 435-230-020, 435-230-040, 435-230-023, 435-230-021, 435-230-011, 435-230-015, 435-230-050, 435-230-009, 435-230-014, 435-230-045, 435-230-038, 435-200-004, 435-210-007, 435-210-007, 435-230-052, 435-230-051, 435-180-008, 435-230-030, 435-230-028, 435-230-027, 435-230-008, 435-230-046, 435-210-001, 435-210-006, and 435-240-001) (the “subject site” or “premises”).

RECOMMENDED ACTION:

1. Hold public hearing; and
2. Adopt Resolution No. 21-03 in Attachment 1, recommending to the City Council approval of General Plan and Zoning Amendments to implement the RHI, a voter initiative.

BACKGROUND

In 2017, the City Council adopted the RHI (see Exhibit A), a voter-initiative, restricting residential development in an area of El Sobrante Hills, that amended the Housing Element of the General Plan. As depicted in the map below, the area is approximately 430 acres and located north and east of Wildcat Canyon Regional Park, and southwest of San Pablo Dam Road. The current General Plan designation of this area is Hillside Residential, Agriculture, and Parks and Recreation.



Pursuant to the RHI, development of any kind would not be permitted if it would reduce the

quantity or quality of wetlands or water and/or native vegetation in a stream corridor. The Initiative also limits development envelopes and maximum floor area of all buildings constructed in connection with a permissible land use. However, it is subject to certain exceptions including the design of structures, roads, and lighting.

As part of the RHI, it established a transferable development credit program intended to provide parcel owners the right to develop residences in designated areas within the City, subject to specified limitations and privileges.

On April 20, 2017, a complaint was filed to the Superior Court of the State of California by Denham, LLC and Nikta, LLC against the City of Richmond. After a hearing on March 7, 2018, the Court issued an order, granting in part and denying in part the petitions for writ of mandate and directing the City to fully set aside and rescind the RHI.

The decision was subsequently appealed by Sierra Club. On October 25, 2019, the Court of Appeal issued its opinion remanding it to the Superior Court with direction to issue a new writ of mandate. The Superior Court issued a new writ of mandate on June 17, 2020, directing the City of Richmond to take action within 120 days to cure the inconsistency with the General Plan. An extension was granted to the City due to COVID-19.

DISCUSSION:

State Government Code Section 65358(a) allows a city's legislative body to amend its general plan four times a year, if it deems to be in the public interest. This request constitutes the first General Plan Amendment in calendar year 2021.

In order to address the legality of the RHI relative to the 2030 General Plan, staff recommends that the Planning Commission consider recommending approval of General Plan and Zoning Amendments (see Exhibits B and C) to address the inconsistencies in the General Plan resulting from the adoption of the RHI, and zoning amendments to align with the proposed General Plan amendments and RHI. Exhibit B provides each page number to be updated in the General Plan document and Exhibit C provides the Zoning Text and Map amendments proposed. The underlined text will be added while the strikeout text will be deleted. Figures and maps are being updated accordingly.

Proposed General Plan Amendment Summary

This General Plan Amendment (see Exhibit B) will serve the public interest by protecting undeveloped rural hillside land in El Sobrante Hills. Development in this area would be harmful and would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic. The amendment would further achieve the following General Plan Goals:

GOAL CN1: Preserved and Restored Natural Habitat and Biodiversity.

Continue to preserve and restore natural habitat and associated plants and wildlife including wetlands, baylands, riparian areas, oak woodlands and other sensitive biological resources. Take restoration efforts such as controlling invasive species, re-establishing natives, daylighting creeks and reclaiming priority conservation areas in order to maintaining critical habitat and

biodiversity. Carefully balance natural lands, habitat and protection of multiple species with the need to accommodate development.

Staff's Comments: Development in this area would be harmful and would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic.

GOAL CN2: Conserved Open Space

Conserve open space to ensure that Richmond's expansive shoreline, network of parklands, trails, hillsides and undeveloped natural areas remain viable in supporting biological communities and providing sanctuary for future generations. Conserve open space, expand public access to open space, where appropriate, and acquire additional lands where feasible. Continue to protect surrounding hills and viewsheds as character-defining features that provide scenic backdrops, as well as publicly accessible trails and vistas.

Proposed Zoning Amendment Summary

Also recommended are Zoning Text Amendments (see Exhibit C) and rezoning of the RHI area to ensure consistency between the General Plan, as amended, and the zoning regulations in Article XV of the Municipal Code. These amendments also respond to Senate Bill 330 and the Initiatives' requirement for a Transfer of Development Credits Program.

Rezoning in Response to SB 330 and Related Zoning Amendments

The Housing Crisis Act of 2019, established by Senate Bill 330, imposes specific limitations, which are codified in Government Code, on development policies and standards a City may enact that may affect its ability to accommodate the community's share of regional housing goals and implement the Housing Element of the General Plan. More specifically, Government Code Section 66300 (b)(1) states that a City cannot "downzone" residential land or otherwise change development standards that will reduce the residential development capacity of an area unless it concurrently "upzones" land elsewhere to ensure no net loss of residential development capacity citywide. This limitation applies to land use designations and zoning ordinances that were in effect on January 1, 2018. While the RHI was passed by the voters in 2017, the implementing actions called for by the initiative have not yet be enacted, so it would be prudent to conform to these requirements.

The Government Code also requires that the ordinance implementing the restriction of residential development potential in the RHI area and also providing for the upzoning so there is no net loss in residential development capacity must be submitted to State Department of Housing and Community Development (HCD) for their approval, and if the requirements of this section of the Government Code are met, then the changes in urban growth boundaries, as was done by the RHI, are not voided¹.

City staff, working with the City's consultant, has determined how many housing units need to be provided elsewhere through an upzoning. The RHI (RHI) area applies to 433 acres, but only land under the 400 foot elevation needs to be included in this analysis because the General

¹ Government Code Section 66300 (g).

Plan does not allow for residential development above that point. It also is important to note that the General Plan establishes density on a “net” acreage basis, meaning land devoted to roads, sidewalks, and neighborhood parks has to be deleted from the gross developable acreage - the land under the 400 foot elevation. Below are the key numbers:

- **Land under 400 foot elevation:** 229.4 acres
- **Potential Loss in Residential Development Capacity with RHI:** 868 units

The logical areas to upzone are the CM-4 and CM-5 zoning districts. However, much of the land in these zoning districts is developed for viable uses and not likely to be redeveloped in the next ten years – the remaining General Plan buildout time period. To calculate the probable increase in residential development capacity, as opposed to a theoretical increase, the analysis focused on vacant and underdeveloped sites, where the improvement value to land value, as established by the Tax Assessor, is less than 0.75:1, meaning the site has redevelopment potential over the next ten years. When the value of improvements is greater than the value of the land, the site is considered fully developed and not likely to be redeveloped over the next ten years.

The table below summarizes the findings of this analysis, showing that the units with the density transfer will ensure a no net loss in residential capacity. In the table below, the term “Underutilized” is the ratio of Assessor’s Improvement Value/Land Value. The number of “Potential New Units” is based on net developable acreage, assumed to be 80 percent of gross developable acres. The proposed increase in the maximum residential density is + 75 units in the CM-4 zoning district and +10 in the CM-5 residential district. These increases are sufficient to ensure no net loss in residential development capacity citywide.

Zoning District	Vacant	Non-Residential Uses		Residential Uses		Increase in Residential Development		
		Underutilized (0 - 0.5)	Underutilized (0.51 - 0.75)	Underutilized (0 - 0.5)	Underutilized (0.51 - 0.75)	Additional Units/Net Acre	Developable Acres	Potential New Units
CM-4	0.24	2.13	1.17	0	0	7.5	3.54	21.3
CM-5	7.66	10.58	81.09	2.73	4.54	10	106.60	852.8
Total								874.0

This increase in the maximum development allowed in the CM-4 and CM-5 zoning districts does not conflict with the General Plan because the General Plan states on page 3.10 that the maximum number of allowable units in a land use designation may be exceeded to accommodate a density transfer or development rights transfer as is being proposed in these zoning amendments.

Proposed zoning text amendments for the CM-4 and CM-5 up-zoning along with other zoning amendments required by the RHI are in Exhibit C. The additional zoning amendments include specific provisions enumerated in the Initiative for a new Hillside Open Space District to be incorporated in Article 15.04.206, Open Space Districts. These amendments implement the General Plan amendments that are also required by the Initiative to be adopted by the City.

Transfer of Development Credits Program

One of the provisions in the RHI calls on the City to establish a Transfer of Development Credits (TDC) Program. More specifically, the RHI states:

“As part of General Plan implementation, the City Council shall establish a transferable development credit (TDC) program for the RHI Area. The City shall grant one credit to the owner or owners of each parcel, and one credit for each 5 acres of a parcel in excess of 5 acres, unless all remaining permissible residential development has previously been transferred from the parcel. Credits may not be granted for parcels or acres above 400 feet elevation. Each credit may be used to build one residence in a receiving area, with the consent of the parcel owner there.”

Article XV of the Richmond Municipal Code, the Zoning and Subdivision Regulations, already includes in Article 15.04.611 enabling authority for a Transfer of Development Rights (TDR) program, so City staff proposes that the program called for by the RHI be incorporated into this article. The proposed TDR program is limited to the RL1, RL2, RM1, and RM2 zoning districts. With the specific transfer ratios established in the zoning amendments, the potential number of units allowed (1,744) is more than sufficient to meet the needs of those owners desiring to transfer development credits. Moreover, not all of the owners in “Receiving Zones” who would be eligible to participate in the program may actually choose to do so. Recognizing this, the proposed TDR program provides a theoretical potential that is more than twice the number that may be required to allow development rights affected by the RHI to be transferred elsewhere in the City. The table below summarizes how this development potential was determined, using the same methodology as used in the SB 330 rezoning analysis, which looked at vacant and underutilized land.

Zoning District	Vacant	Non-Residential Uses		Residential Uses		Potential Units With TDR Program		
		Underutilized (0 - 0.5)	Underutilized (0.51 - 0.75)	Underutilized (0 - 0.5)	Underutilized (0.51 - 0.75)	Additional Units/Net	Developable Acres	Potential New Units
RL1	16.39	0	0	16.38	9.12	1	41.89	33.5
RL2	36.43	3.75	0.75	483.16	319.38	2	843.47	1349.5
RM1	22.43	0.67	0	31.63	24.69	3	79.43	190.6
RM2	3.50	2.41	0.15	27.44	19.87	4	53.37	170.8
Totals	78.75	6.83	0.90	558.62	373.06		1018.16	1744.48

Exhibit B also includes the specific zoning text amendments required for the TDC Program that is to be established pursuant to the RHI.

Reasonable Use Determination

The proposed zoning amendments clarify the general plan and zoning amendments are not intended to preclude reasonable economic use of property within the OS-H Hillside Open Space District. A property owner who believes the regulations deprive them of all reasonable economic use of their property may apply to the Planning Commission for a Reasonable Use Exception (RUE). Based on that application, the Planning Commission may approve the RUE if it makes the required findings. The grant or denial of an RUE application is appealable to the City Council. Exhibit C includes the specific zoning amendments establishing this process.

ENVIRONMENTAL REVIEW

In *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, the California Supreme Court held that CEQA does not apply to “citizen-sponsored” initiatives, even where the initiative is adopted by local officials rather than the voters.

In the Writ of Mandate, the Court ordered the City to cure the inconsistencies in the General Plan related to the RHIs. The proposed amendments have no potential for causing a significant effect on the environment because they only provide protection of the hillsides in the designated area from development and a transfer of density from one area of the City to another, with no increase overall in total residential development capacity over the term of the General Plan. The Transfer of Development Rights Program had been previously established in Article XV and was subject to CEQA review at the time that Article XV was amended and this program was put in place at the end of 2016. Also, the General Plan and Zoning Text amendments are required to ensure consistency with an existing City Council-approved voter initiative, which is exempt from CEQA. Accordingly, a Notice of Exemption under Sections 15061b(3) and 15308 of the CEQA Guidelines will be filed if the proposed General Plan and Zoning Amendments are adopted.

PUBLIC NOTICE:

Public notification of the Planning Commission hearing consisted of publishing a notice in the local newspaper, and notification by mail of property owners within a 300-foot radius of the project site, and all other interested parties.

GENERAL PLAN AMENDMENT AND ZONING AMENDMENT FINDINGS:

The Planning Commission must adopt certain findings in recommending approval of the proposed General Plan Amendment and Zoning Amendment. Statements of fact for supporting the required findings are contained in the draft Resolution No. 21-03, Attachment 1.

CONCLUSION:

The City Council adopted a citizen’s initiative known as the RHI, which amended the General Plan. However, the amendment did not include all the applicable updates of the General Plan to be consistent with the Initiative, as it only included the Housing Element. As a result, the Superior Court directed the City to take action within 120 days to cure the inconsistency with the housing, land use and conservation elements. The amendments hereby establish the Hillside Open Space land use classification and the proposed changes to the housing, land use and conservation elements (text, figures, and maps) are now internally consistent with the RHI.

RECOMMENDED ACTION:

Adopt Resolution No. 21-03 in Attachment 1, recommending City Council approval of the requested General Plan texts, figures, and maps amendments, as shown in Exhibit B, and the Proposed Zoning text and map amendments, as shown in Exhibit C.

ATTACHMENTS:

Attachment 1- Resolution No. 21-03 recommending City Council approval of the proposed General Plan and Zoning Amendment to implement the RHI, a voter initiative

Exhibit A – Richmond Hills Initiative

Exhibit B – Proposed General Plan Amendment

Exhibit C – Proposed Zoning Amendment

Attachment 1

RESOLUTION NO. 21-03

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RICHMOND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A GENERAL PLAN AMENDMENT AND ZONING AMENDMENT (PLN20-269) TO PROTECT PUBLIC HEALTH AND SAFETY, NATURAL QUALITIES, AND OPEN SPACE AREAS IN THE RICHMOND HILLS

WHEREAS, City of Richmond (the “applicant”) requests approval of a General Plan Amendment and Zoning Amendment to address the Richmond Hills Initiative adopted by the City Council in 2017, which includes revisions to the land use and conservation elements of the General Plan and Zoning Amendment of the site to OS-H, Hillside Open Space, and amendments to Articles 15.04.202, 15.04.206, and 15.04.611 at a site located north and east of Wildcat Canyon Regional Park, consisting of 430-acre parcels (APNs: 435-200-007, 435-200-008, 435-190-001, 435-300-009, 435-190-001, 435-230-007, 435-230-006, 435-180-005, 435-240-002, 435-230-005, 435-230-004, 435-230-042, 435-230-043, 435-230-013, 435-230-012, 435-230-020, 435-230-040, 435-230-023, 435-230-021, 435-230-011, 435-230-015, 435-230-050, 435-230-009, 435-230-014, 435-230-045, 435-230-038, 435-200-004, 435-210-007, 435-210-007, 435-230-052, 435-230-051, 435-180-008, 435-230-030, 435-230-028, 435-230-027, 435-230-008, 435-230-046, 435-210-001, 435-210-006, and 435-240-001) (“subject site”), and

WHEREAS, the General Plan Amendment is subject to the provisions of California Government Code Sections 65358(a), which allows a city’s legislative body to amend its general plan four times a year, if it deems to be in public interest, and

WHEREAS, the Planning Commission has reviewed the General Plan Amendment and Zoning Amendment for conformance with the California Government Code Sections 65358(a) and all other applicable regulations of the Richmond Municipal Code, including Article 15.04.813 and 15.04.814; and

WHEREAS, the City has determined that the General Plan Amendment and Zoning Amendment are categorically exempt per CEQA Guidelines Section 15308, which are action taken by regulatory agencies, as authorized by the state of local ordinance, to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, and Section 15061(b)(3) because it can be seen with certainty there is no possibility for causing a significant effect on the environment because the amendments only provide protection of the hillsides in the designated area from development and a transfer of density from one area of the City to another, with no increase overall in total residential development capacity over the term of the General Plan. Additionally, in *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, the California Supreme Court held that CEQA does not apply to “citizen-sponsored” initiatives, even where the initiative is adopted by local officials rather than the voters; and

WHEREAS, the Planning Commission has conducted a properly noticed public hearing pursuant to California Government Code Section 65090 and has duly considered all written

and verbal testimony presented before or during the hearing, including the agenda report dated March 4, 2021; and

WHEREAS, on the basis of the application, plans, materials, and testimony submitted at or before the public hearing, the Planning Commission makes the following findings with statements of fact to support the findings as required by California Government Code Section 66474 for recommending approval to the City Council of the General Plan Amendment.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission does hereby recommend to the City Council approval of the General Plan Amendment as set forth in Exhibit B (PLN20-269), subject to the following findings pursuant to Richmond Municipal Code (RMC) Section § 15.04.813.050:

A. The proposed amendment will contribute to the public health, safety, and general welfare or will be of benefit to the public.

Statement of Fact: *Criterion Satisfied.* Development in this area would be harmful and would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic.

B. The proposed amendment is consistent with the General Plan goals, unless the goals themselves are proposed to be amended.

Statement of Fact: *Criterion Satisfied.* The amendment is consistent with several goals set forth in the General Plan, such as Conservation, Natural Resources, and Open Space. Approval of amendments will serve the public interest by protecting undeveloped rural hillside land in El Sobrante Hills. Development in this area would be harmful and would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic.

C. The proposed amendment retains the internal consistency of the General Plan and is consistent with other adopted plans, unless a concurrent amendment to those plans is also proposed and will result in consistency.

Statement of Fact: *Criterion Satisfied.* The proposed General Plan Amendments are needed to create internal consistency with amendments made to the Housing Element when the Richmond Hills Initiative was adopted in 2017. These amendments carry forward the intent of the Initiative by amending the land use and conservation elements.

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

Statement of Fact: *Criterion Satisfied.* The amendment is categorically exempt per CEQA Guidelines Sections 15308, which are action taken by regulatory agencies, as authorized by the state of local ordinance, to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. It is also categorically exempt per Section 15061(b)(3) because it can be seen

with certainty there is no possibility for causing a significant effect on the environment because the amendments only provide protection of the hillsides in the designated area from development and a transfer of density from one area of the City to another, with no increase overall in total residential development capacity over the term of the General Plan. In addition, in *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, the California Supreme Court held that CEQA does not apply to “citizen-sponsored” initiatives, even where the initiative is adopted by local officials rather than the voters.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission does hereby recommend to the City Council approval of the Zoning Amendment as set forth in Exhibit C (PLN20-269), subject to the following findings pursuant to RMC §15.04.814.050:

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

Statement of Fact: ***Criterion Satisfied.*** The zoning text amendments are consistent with several goals set forth in the General Plan, such as Conservation, Natural Resources, and Open Space. Approval of amendments will serve the public interest by protecting undeveloped rural hillside land in El Sobrante Hills. Development in this area would be harmful and would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic.

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.*** Development in this area would be harmful and would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic.

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

Statement of Fact: ***Criterion Satisfied.*** The amendment is categorically exempt per CEQA Guidelines Sections 15308, which are action taken by regulatory agencies, as authorized by the state of local ordinance, to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. It is also categorically exempt per Section 15061(b)(3) because it can be seen with certainty there is no possibility for causing a significant effect on the environment because the amendments only provide protection of the hillsides in the designated area from development and a transfer of density from one area of the City to another, with no increase overall in total residential development capacity over the term of the General Plan. In addition, in *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, the California Supreme Court held that CEQA does not apply to “citizen-sponsored” initiatives, even where the initiative is adopted by local officials rather than the voters.

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 proposed OS-H, Hillside Open Space zoning district designation is consistent with the Richmond Hills Initiative in terms of compatible land uses and development standards and protection of open space lands and viewsheds. It only allows extremely low density development pursuant to the standards in the Initiative and so will not have any detrimental effects.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the City Council adopt the findings contained herein, and approve the General Plan Amendment and Zoning Amendment related to the Richmond Hills Initiative.

I CERTIFY, that the foregoing resolution was adopted by the Planning Commission of the City of Richmond, California, at a regular meeting held on March 4, 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

DAVID TUCKER, CHAIR

Approved as to form:

JAMES ATENCIO
SENIOR ASSISTANT CITY ATTORNEY

RICHMOND HILLS INITIATIVE

RECEIVED
CITY CLERKS OFFICE
CITY OF RICHMOND
2016 MAY -3 PM 2:39

The People of the City of Richmond do ordain as follows:

Section 1. Nature and Purposes

This Initiative amends the Richmond General Plan by limiting development and land uses in the Richmond Hills to protect public health and safety, natural qualities, and open areas.

Section 2. Findings

The people of Richmond do find and declare:

(a) Protection of Agriculture and the Natural Environment: The area protected by this Initiative is undeveloped rural land. It includes steep hillsides, dense oak woodlands, streams, vernal pools, and valuable wildlife habitat. The area provides a tranquil, beautiful contrast and backdrop to urban development in Richmond. It is used for grazing, horse boarding and riding, hiking, and nature study and enjoyment. The Initiative seeks to preserve those uses.

(b) Hill Development: The area subject to the Initiative is a vital part of the remaining undeveloped hills in Richmond. Recently, large-scale subdivisions have been proposed in the area. Now is the time to protect these hills before they are lost permanently to development.

(c) Development Costs: Substantial additional development would be harmful. It would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic in existing residential neighborhoods and along San Pablo Dam Road.

(d) Land Instability: The hillsides involved in this Initiative are prone to landslides. They are classified as Category 5 – Unstable, the City's highest risk category. Numerous landslides and slumps have occurred. Residential development may put residents and property in danger. Richmond has recognized this risk by enacting an ordinance that restricts residential development. This Initiative provides a greater degree of protection and certainty since it can be changed only by a vote of the people.

(e) Fire Hazard: The hill area is vulnerable to wildfires because of its rugged terrain, flammable brush and grasses, and remoteness. The area is classified as a Very High Fire Hazard Severity Zone, the City's highest risk category.

(f) Wildlife Habitat: A number of special-status plant and animal species occur in the Richmond Hills. These are species at risk of extinction. Land use must be carefully controlled to avoid ruining their habitat or obstructing migratory corridors.

(g) Watercourses: Streams that flow through Richmond arise in the Hills. Development can have an adverse effect on the quality and quantity of water, including flooding. Flood and erosion control projects are often antithetical to preserving the natural qualities of streams.

(h) Development Strategy: The current Richmond General Plan calls for development primarily in pedestrian-friendly, transit-oriented areas. This Initiative supports and reinforces this City strategy. It encourages properly planned, in-fill development in areas where infrastructure is readily available. This is more economical to users and taxpayers than development in hillside areas where there are no utilities, roads are nonexistent, and construction is often difficult and costly. The Initiative includes a Transfer of Development Credits program that allows property owners in the hills to transfer housing to other parts of the City, and accordingly to participate in development there.

(i) Housing: The Initiative does not reduce significantly the City's capacity to provide for housing. It complies with State requirements including the City's Regional Housing Needs Allocation for all income segments.

(j) Burden of Proof: For purposes of California Evidence Code Section 669.5(c)(3), this Initiative is designed to protect agricultural use as defined in Government Code Section 51201(b), and open space land as defined in Government Code Section 65560(b).

(k) Federal and State Law: This Initiative is subject to Federal and State law. Because that law is not always clear and changes, the Initiative provides explicitly that it does not apply, notwithstanding its literal terms, to the extent that its application would be inconsistent with the law.

Section 3. Title of Initiative

The title of this initiative is the Richmond Hills Initiative. It is referred to in the text interchangeably as the "Initiative," "Measure," or "Ordinance."

Section 4. Area Covered

This Initiative applies to the Richmond Hills Initiative Area, an area in El Sobrante Valley north and east of Wildcat Canyon Regional Park. This area is defined by parcel in Section 21. (The diagram in Appendix 1 depicts approximately the lands covered by the Initiative. The diagram is for illustration only and is not enacted by the Initiative.)

Section 5. Amendment of Richmond General Plan

Sections 6 through 21 of this Ordinance are added to the Richmond General Plan. They shall be located in the Plan where City officials deem appropriate. These sections shall be identified distinctly as enacted by initiative in the Plan and successor plans. The provisions of this Ordinance, regardless where they may be located in the Plan, are part of the Open Space Element.

Section 6. Compliance with Law; Protection of Legal Rights

(a) Notwithstanding their literal terms, the provisions of this Ordinance do not apply to the extent that courts determine that if applied they would deprive a person of Constitutional rights or privileges, or otherwise would be contrary to Federal or State law. These explicit limitations on applicability are to make certain that the provisions do not infringe any person's legal rights or privileges, violate the law in any respect, or subject the City to legal liability.

(b) To the extent that a provision of this Ordinance does not apply because of subsection (a), the City may permit only the minimum parcel creation, development, or use required by law that is most consistent with the Ordinance, and that complies with other General Plan provisions.

Section 7. State Housing Requirements

Nothing in this Ordinance, including in this section, shall be applied to prevent City compliance with housing obligations mandated by State law. To the maximum extent practicable, the City shall meet State housing requirements outside the Richmond Hills Initiative Area. If required housing must be located in that area, no more land shall be used than is necessary to meet State requirements. Minimum parcel size, residential dwelling density limits, and maximum development envelopes and floor areas in this Ordinance shall not apply to the required housing.

Section 8. Minimum Parcel Size

The minimum parcel size shall be 20 acres.

Section 9. Subsize Parcels

If a parcel smaller than 20 acres (a "subsize" parcel) is contiguous to another subsize parcel or parcels, or if a subsize parcel is linked to another subsize parcel or parcels by an intervening parcel or parcels, whether subsize or not, and all of the parcels in the case were legally or de facto in common ownership at the time this Ordinance is submitted to the City Clerk for a title and summary or any time thereafter, the parcels shall be treated as though they are a single parcel for all development related purposes under this Ordinance, including the number of dwelling units under Section 11(b), the award of development credits, the area that must be included in a development easement, and the application of visibility standards. The parcels involved may be reconstituted in accord with this and other City plans and ordinances. In no case shall any of the parcels be deemed or treated as legally merged; they are treated as a unit only for purposes of regulating development.

Section 10. Certificates of Compliance

The City shall not grant a certificate or conditional certificate of compliance regarding the validity of any division of land except as provided by State law. All permissible restrictive conditions shall be imposed on a certificate; the owner or subsequent transferees of property involved shall be held to strict compliance with these conditions. A certificate of compliance creates no right to develop, nor diminishes in any respect the City's authority to control development.

Section 11. Permissible Uses

(a) The following uses only, and their normal and appropriate accessory uses and structures, may be permitted, provided that all uses and structures comply with the provisions of this Plan and other City plans and ordinances:

- (1) agriculture (including grazing, viticulture, arboriculture, horticulture, research, and rearing, care and use of ruminants, pigs, poultry, and bees, but not including feedlots unless most of the feed over a calendar year is grown in the Richmond Hills Initiative Area); provided, however, dairy farms, pig farms, poultry ranches, Christmas tree farms and nurseries are permitted only if they are small-scale and do not cause substantial environmental harm, including noise, odor or vermin;
- (2) processing, packaging, storage or sale of agricultural produce, most of which over a calendar year is grown in the Richmond Hills Initiative Area, that has no significant deleterious effects on the environment;
- (3) rearing, boarding, training, care, rental or sale of horses and other animals not covered by paragraph (1), but not including temporary boarding or day care of household pets, provided that the use does not cause substantial environmental harm, including noise, odors or vermin;
- (4) low-intensity outdoor recreation, exercise, and pastimes predominately for active participants, not spectators, and subordinate auxiliary uses (including small-scale camps, picnic facilities, provision of food and drink, and safety and sanitary services); these permissible uses do not include, among other uses, amusement or theme parks, golf courses, firearm or rifle ranges, stadiums or arenas (except equestrian riding rings), motor vehicle tracks, courses or off-road use, or recreational vehicle parking. Uses permitted under this paragraph shall be compatible with a rural environment and not contribute to noise or light pollution;
- (5) institutional and other non-profit uses that predominantly serve permitted uses in the Richmond Hills Initiative Area and neighboring areas; and small facilities for convalescence, rehabilitation, and hospice care for not more than six patients each, that will not substantially impair the environment;
- (6) Government and public utility uses that are limited to meeting needs created by permitted uses in the Richmond Hills Initiative Area, except to the extent the City Council finds reasonably substantial public need that cannot be met outside this area. However, this exception shall not apply to waste disposal, processing or treatment, and electrical power production or transmission primarily for sale. Publicly provided outdoor recreation and pastimes and ancillary accommodations are permitted if like private uses would be allowed;

- (7) Occasional short-term events related to agriculture, animals or outdoor recreation that do not interfere materially with agriculture or cause substantial environmental harm.

Residences, including mobile dwelling units, and residential accessory buildings are not permitted under this subsection.

(b) If it is judicially determined that absence of residential use in the Richmond Hills Initiative Area would be a taking for purposes of constitutional law, notwithstanding the nonresidential uses permitted in subsection (a), the grant of transferable development credits under Section 16, the fact that much of the area is now designated agriculture, and the severe physical difficulties and hazards of residential development because of steep slopes, soil instability, and fire dangers,

- (1) one single family dwelling unit may be built on each parcel or each 20 acres of a parcel, with normal and appropriate residential accessory uses and structures, in compliance with other Sections of this Initiative and other City plans and ordinances, and
- (2) home occupations and offices are permitted, provided that they are secondary to residential uses and the occupations are conducted primarily by residents of the home and will not increase materially traffic in the Richmond Hills Initiative Area or on adjacent streets.

Houses built under this subsection shall be built as near as reasonably practicable to existing houses and public utilities adjacent to the Richmond Hills Initiative Area, consistent with the provisions of this Plan.

If a parcel is transferred to another person, a residence may not be built on the parcel unless all of the transferable development credits under Section 16 for the parcel and its acreage are transferred to the parcel transferee. If one or more of the credits are used or transferred to any person, other than a transferee of the parcel, a residence may not be built on the parcel.

Section 12. Areas of Special Environmental Concern

In addition to other provisions of this Ordinance, the following restrictions apply:

(a) Wetlands: Development or use is not permitted if by itself or in conjunction with other development or use it would reduce appreciably the quantity or biological quality of wetlands. "Wetlands" are areas permanently or periodically covered or saturated by water where hydrophytic vegetation is present under normal conditions, have soils that are primarily hydric in nature, or are designated as wetlands by Federal or State law.

(b) Stream Corridors: Development or use is not permitted if by itself or in conjunction with other development or use it would impair appreciably the quantity or quality of water or of native vegetation in a stream corridor, except for otherwise permissible flood control to protect

human safety, or preservation of special status species. "Stream corridors" are areas within one hundred (100) horizontal feet of the top of the bank or, if farther, the edge of the riparian canopy of a permanent or intermittent stream.

(c) Wildlife: No development or use is permitted that would reduce appreciably the number, prevent the recovery in number, or impair the genetic variability of one or more special status species.

(d) Steep Slopes: No building may be located, in whole or in part, on a slope of 15% or more. No building may be located on a site that cumulatively has access for more than 25 feet over a slope of 15% or more, unless there is no other site on a parcel. Cultivated agriculture may not be conducted on a slope of 20% or more. No grading may take place on a slope of 15% or more unless necessary to maintain fire roads. Slope percentages are based on the steepness of slopes in their natural, unaltered state, and are calculated by dividing altitude increase over each 20 feet of vertical slope by 20.

(e) Elevation: No building is permitted above 400-foot elevation unless the parcel involved is entirely above 400 feet.

Section 13. Development Envelopes

All buildings on a parcel must be located within a contiguous area, as compact as reasonably practicable, not to exceed two acres, except for buildings that the Council finds necessarily must be located outside that area for agricultural use, processing, packaging, storage or sale of agricultural produce, rearing, care, training or use of animals, government or public utility use, or to protect residents of other parcels from substantial noise, odor or vermin. Subsize parcels that are treated as a single parcel under Section 9 are treated as a single parcel under this Section and Section 14.

Section 14. Maximum Floor Areas

(a) The maximum aggregate floor area for all floors in all buildings on a parcel, except basement and cellar floors, may not exceed 10,000 square feet. If residences and residential accessory buildings are permitted, they may not exceed 5,000 square feet of the 10,000 maximum.

(b) If otherwise appropriate under the provisions of this Plan, the City Council may increase the maximum floor area by up to 10,000 square feet, in aggregate, if necessary for agricultural use, processing, packaging, storage, or sale of produce, rearing, boarding, care and use of animals, or recreational facilities including camps. Up to 20,000 square feet may be permitted for covered riding arenas.

(c) The permissible floor area of a parcel under subsection (a) may be transferred to one or more other parcels if there is no building on the transferor parcel. A transfer of floor area does not increase the 5,000 square foot limit for residences and residential accessory buildings on the transferee parcel. No more than 30,000 square feet of floor area in aggregate may be transferred

to a parcel from one or more other parcels. If any floor area is transferred then no building is permitted on the parcel from which the floor area is transferred.

Section 15. Visual Safeguards

(a) New or reconfigured parcels must be created or drawn to limit visibility of development from roads and other public places. Structures may not be located on ridgelines or hilltops, or where they will project into the view of a ridgeline or hilltop from public places, unless there is no less obtrusive site on the parcel or on a contiguous parcel in legal or de facto common ownership on or subsequent to the date this Ordinance becomes effective. To the extent practicable, consistent with other provisions of this Ordinance, structures shall be located, including by setbacks from parcel boundaries, on that part of a parcel which minimizes visibility from roads, trails, and other public places. Roads shall be consolidated and located, to the maximum extent feasible, where they are least visible from public places. New utilities shall be installed underground.

(b) Development shall be subordinate to and blend harmoniously with the natural and open space qualities of the area where located. The alteration of natural topography, vegetation, and other characteristics by grading, excavating, filling or other development activity shall be minimized. In all cases, appropriate landscaping, preservation of vegetation, design, and building materials shall be required by the City to reduce as much as practicable the visibility of development. The height of buildings shall not exceed 35 feet. Signs may not be more numerous, larger or more noticeable than is necessary to provide directions and information about permissible uses in the Richmond Hills Initiative Area.

(c) Exterior lighting, including roadway lighting, shall be designed and placed to confine direct rays to the parcel or roadway where the lighting is located and to protect the darkness of the night sky.

(d) Visibility of development from roads, parks and other public places shall be determined from a reasonable, representative sample of vantage points that will accomplish the objectives of this Section.

Section 16. Transferable Development Credits

(a) The City shall have a transferable development credit (TDC) program for the Richmond Hills Initiative Area. The City shall grant one credit to the owner or owners of each parcel, and one credit for each 5 acres of a parcel in excess of 5 acres, unless all remaining permissible residential development has previously been transferred from the parcel. Credits may not be granted for parcels or acres above 400 feet elevation. Each credit may be used to build one residence in a receiving area, with the consent of the parcel owner there.

(b) TDC-based residences shall be similar in type and size to the residences that exist or otherwise may be built in the zoning district where they are located. Consistent with that similarity and with public health and safety, they do not have to comply with density limitations or other land-use regulations to the extent those regulations would bar or make impracticable

their construction. No more than two TDC-based residences may be built on a parcel except as authorized by a Specific Plan or in a Planned Area District.

(c) The City shall make feasible and facilitate the use of credits, and shall ensure that they are granted and used properly, in accordance with this Plan and other law.

(d) Development credits may be sold or otherwise transferred to any person, regardless whether they own property in the Richmond Hills Initiative Area or the receiving area, including to and by the City and nonprofit entities. If, however, a residence is built on a parcel, or the right to build vested, the credits based on the parcel or its acreage are void and may not be transferred or used.

Section 17. Development Easements

Before a building may be permitted on a parcel, or a development credit or credits based on the parcel used or transferred, other than transferred to a grantee of the parcel, the City must receive an easement, running with the land, on the parcel that bars development or use not permitted under this Initiative. The easement shall be conveyed to the City and, if available, jointly to an independent land trust (that complies with the Standards and Practices of the Land Trust Alliance).

The easement shall be negative only; it shall convey no possessory interest to the City or Trust, nor confer any right of public access. The owner retains exclusive occupancy and use. The City has no responsibility or liability because of the easement for acts or omissions on the parcel, except in good faith and effectually to remedy violations of the easement. Easements shall be duly recorded in the County land records.

Section 18. Applicability

(a) This Ordinance does not invalidate parcels, structures, uses, or surface alterations to the extent that they existed legally at the time this Ordinance becomes effective, except they may not be reestablished if their authorized time limit expires or they are eliminated voluntarily or abandoned, or except if a use is contrary to Section 12(a) through (d). Parcels, structures, surface alterations or uses may not be expanded or changed, however, to the extent that it would cause a violation of this Ordinance or would augment or make more serious what would be a violation if created or done after this Ordinance becomes effective.

(b) This Ordinance shall be applied to proposed parcels, development and uses that have not received all required discretionary City approvals and authorizations prior to its effective date.

(c) This Ordinance applies to the City and its agencies, officials and properties, as well as to all other persons and entities.

Section 19. Inconsistent City Plans, Ordinances and Actions

(a) Except as provided in Section 25, application of any other provision of this General Plan is barred to the extent that it is in conflict with this Initiative, unless voters approved the other provision after approval of the Initiative.

(b) Any special or other City plan, or any ordinance, resolution or regulation may not be applied to the extent that it conflicts with this Initiative.

(c) To the degree inconsistent with this Initiative, no subdivision or parcel map, development plan or agreement, permit, variance or other action may be approved, permitted or taken by the City, its agencies or officials (including approval or permission by operation of law because of inaction) or is valid legally.

(d) Provisions of this and other City plans, ordinances, resolutions and actions are not in conflict with this Initiative because they impose prohibitions, restrictions, conditions, requirements or remedies greater than or in addition to those imposed by this Initiative. This Initiative establishes only minimum prohibitions, restrictions, regulations, requirements, and remedies that the City may augment without creating any inconsistency, provided it does not permit parcels, development, or use barred by the Initiative.

Section 20. Implementation and Enforcement

(a) This Measure shall be interpreted liberally to further its purposes.

(b) The Council, City agencies and officials shall carry out and enforce the provisions of the Measure diligently and effectually. They shall review uses and the nature, location, amount, visibility, and environmental effects of proposed developments to ensure consistency with the Measure. They shall use the most effective means at their disposal, subject to any official discretion required by State law, to prevent, abate and remedy violations. Violations are public nuisances and, as provided by statute, misdemeanors.

(c) Residents and organizations with members in the City, and others with standing, may enforce this Measure and the easements required under Section 17 by judicial proceedings against any person, group, government agency, or other entity that is in violation of the Measure or an easement, or to prevent violations.

(d) The City Council has authority to particularize and implement this Measure by appropriate legislation and actions, in all cases in full compliance with the substantive content and purposes of the Measure.

Section 21. Definitions

For purposes of this Ordinance, unless the text or context compels a different meaning:

“Appreciably” means measurably or perceivably and “appreciable” means measurable or perceivable, but not minute;

“Basements” and “cellars” are the lowest stories of buildings, but only if at least 80% of the story’s cubic area is below both the adjacent land level and the natural grade;

“Building” is any structure with a roof supported by columns or walls, including greenhouses and covered arenas;

“City” is the City of Richmond, and “Council” is the City Council of Richmond;

“Development” is the construction, erection, placement or appreciable alteration of a structure, including mobile dwelling units; it also means appreciable surface alteration, including grading, surfacing, excavation, fill or mounding of land, or deposition of material;

“Floor Area” means the area of all floors, regardless of composition including soil, under roof in or connected to buildings, including porches, decks, carports, and attic floors to the extent that the height of the ceiling is five feet or more above the floor;

“Including” means includes but is not limited to the items listed, consistent with the text and purposes of the Ordinance;

“Practicable” means capable of being done or put into effect;

“Receiving Area” is an area where high density or medium density residential development is permitted by this Plan, low density residential development is permitted by a Specific Plan or in a Planned Area District, or that is designated by the City Council;

“Richmond Hills Initiative Area” is the land designated by Assessor’s Parcel Numbers 435-190-001, 435-200-004, 435-200-007, 435-200-008, 435-210-001, 435-210-006, 435-210-007, 435-230-004, 435-230-005, 435-230-006, 435-230-007, 435-230-008, 435-230-009, 435-230-011, 435-230-012, 435-230-013, 435-230-014, 435-230-015, 435-230-020, 435-230-021, 435-230-023, 435-230-027, 435-230-028, 435-230-030, 435-230-038, 435-230-040, 435-230-042, 435-230-043, 435-230-045, 435-230-046, 435-230-050, 435-230-051, 435-230-052, 435-240-001, 435-240-002, 435-180-008, 435-180-005, and 435-300-009.

“Small-scale dairy farms, pig farms, poultry ranches, Christmas tree farms or nurseries” are those that are commonly classified as, or considered to be small in their respective lines of activity (the City Council can particularize these definitions in accordance with Section 20(d));

“Special status species” are plants and animals that are listed, proposed for listing, or candidates for listing as endangered or threatened under the Federal or State Endangered Species Acts, rare or endangered under the California Environmental Quality Act, including locally rare species addressed in California Code of Regulations Sections 15380 and 15125(c), listed as rare under the California Native Plant Protection Act, or protected under California Fish and Game Code Sections 3511, 4700, 5050, and 5515;

“Structure” includes any building, tower, utility line, dam, tank, or any other artifact constructed, erected, or placed on a parcel, the existence or use of which requires location on the ground or attachment to something located directly or indirectly on the ground.

Section 22. Amendments

This Initiative may be repealed or amended only by the voters of Richmond, except the Council may make technical or non-substantive modifications to its provisions; provided, however, any modifications must be fully consistent with the substantive content and purposes of the Initiative.

Section 23. Effective Date

This Initiative shall become effective as provided by statute, except if all the General Plan amendments permitted by law in the year in which the Initiative is approved have been made, the Initiative shall become effective at the beginning of January of the following year, as the first amendment of that year.

Section 24. Severability

If one or more than one section, subsection, paragraph, sentence, clause, term or application of this Measure is adjudicated to be invalid or inapplicable, that shall not cause any other part or application to be invalid or inapplicable unless the clear effect of holding that other part or application valid or applicable would be to defeat, on balance, the objectives of the Measure. Each part and application of this Measure would have been enacted as it is irrespective of the fact that one or more other parts are declared invalid or inapplicable, except to the extent that enactment would have defeated the purposes of the Measure.

Section 25. Conflicting Ballot Measures

If there were other General Plan amendments on the same ballot as this Initiative, dealing with the same subject matters, that were approved by the voters, this Initiative shall be effective except if the other amendments received more votes and constituted a complete regulatory scheme for the areas and subjects covered by this Initiative, or except to the extent that other amendments are in actual, definite, irreconcilable conflict with this Initiative. Provisions in a measure purporting to nullify the provisions of this Initiative on other bases are ineffective.

Section 26. Further Amendments to the General Plan 2030

The following deletions and changes are made to avoid any inconsistency in the General Plan and with State housing law. Material deleted from the Plan is in strikeout type. Material added is underlined>. (Material unchanged is omitted, even within paragraphs, unless deemed necessary to make sense of an amendment.)

Land Use and Urban Design Element

Page 3.10, Place-Based Land Use Classification System, third paragraph

“... The higher density represents the maximum number of allowable units, except in cases of density transfers, development rights and credits transfers,”

Page 3.11, The General Plan’s Relationship to the Zoning Ordinance

“While ~~the~~ The General Plan establishes a broad vision and framework for land use and urban design in Richmond; it may establish more specific standards to regulate development and use in particular situations. ~~The~~ Zoning Ordinance establishes specific standards to regulate for development throughout the City.”

5th Cycle Housing Element Update (2015-2023)
Housing Resources and Opportunities
Adequate Sites: Available Sites for Housing

P. 62, first paragraph

“... Appendix C contains a list of ~~vacant~~ parcels planned and zoned for residential development, as well as city maps identifying the location of each ~~vacant~~ parcel.”

P. 62, third paragraph

“The maximum unit capacity for each ~~vacant~~ parcel was calculated ... In addition, the housing element only identified sites determined to have the greatest viability for residential development within the planning period ~~given the size of sites and location, which is smaller than;~~ these sites are many fewer than the sites with actual development potential in Richmond. **Table 5.54** summarizes ~~vacant~~ land by zoning designation, including acreage, number of parcels, allowable density, maximum unit capacity, and realistic unit capacity. Richmond currently has approximately ~~228~~ 148 acres of developable ~~vacant~~ land zoned for residential and mixed-use development within the City limits that can accommodate ~~1,912~~ 2,323 residential units. Of the ~~1,912~~ 2,323 potential residential units, ~~1,254~~ 446 could be developed in single-family and multifamily zoning districts. An additional ~~658~~ 1,877 units could be developed in mixed-use commercial zoning districts. ... Several large commercial sites suitable for higher density housing exist in various areas of the City. The Hilltop Mall, for example, has extensive underutilized parking lots and is for sale. The Mall and surrounding parcels to the south are planned and zoned for High-Intensity Mixed Use for high-density residential development. Substantially all of the new housing there will be moderate and above-moderate income units....”

P. 63, first paragraph

“In addition to the ~~vacant~~ residential land shown in Table 5.54,....”

P. 63, second paragraph

“... As shown in **Table 5.56**, approximately ~~31.7~~ ~~vacant~~ 87.6 acres are located in high density (greater than 30 du/acre) MFR-3 and commercial zones with a potential unit capacity of ~~668~~ 1,835 residential units, exceeding the remaining need of 314 units for low and very low income housing. Approximately ~~196~~ 60.1 acres of vacant land with allowed densities below 30 du/acre are available to accommodate up to ~~1,243~~ 488 housing units suitable for moderate and above moderate income levels. While this total ~~falls 158 units~~ is short of the remaining need of 1,401 units, some of this remaining need may can be met by excess capacity in higher density residential land, as well as through Additional planning and zoning efforts now underway that

will further increase available land and unit capacity for both market rate and affordable housing, as described below.”

P. 64

Zone	Acres	# of Parcels	Allowable Residential Density (du/ac)	Max Unit Capacity	Realistic Unit Capacity Density ^a
Residential					
SFR-1 Single Family Rural Residential District	24.95 18.34	2 1	4	99 73	79 58
SFR-2 Single Family Very Low Density Residential District	147.23 11.75	37 23	7.3	1069 85	855 68
SFR-3 Single Family Low Density Residential District	16.90	83	11.6	196	157
MFR-1 Multifamily Residential District	7.20	36	26.4	190	152
MFR-3 Multifamily High Density Residential District	0.25	2	54.5	13	11
Subtotal	196.53 54.44	160 145		1,567 557	1,254 446
Commercial					
C-2 General Commercial (Live/Work)	5.90	1	15	88	53
C-1 Neighborhood Commercial	3.33	16	34.8	116	70
C-2 General Commercial	20.26 24.51	28 29	34.8	706 852	424 511
C-3 General Commercial	3.17 52.51	1 10	34.8	110 1,827	66 1,096
CB Central Business District	2.61 4.97	16 24	34.8	91 172	55 103
CC Coastline Commercial District	2.08	2	34.8	73	44
Subtotal	31.45 93.30	63 82		1,096 3,128	658 1,877
Total	227.98 147.74	223 227		2,664 3,685	1,912 2,323
<i>Sites suitable to accommodate Richmond's share of regional housing need for lower income households (max density at least 30 du/acre)</i>					
	31.70 87.65	65 83		1,110 3,053	668 1,835

^aBased on historical trends and assumption that development standards combined with unique site features may not always lead to 100 percent buildout. Assumes 80 percent realistic unit capacity for residential zones and 60 percent for commercial zones.
Note: Some totals may not add due to rounding.

P.66

Income Group	Remaining RHNA	Density ^a	Acres	Units Accommodated
Very Low	274	>30 du/acre	31.7 87.65	668 1,835
Low	(132)			
Moderate	410	<30 du/acre	196.28 60.09	1,243 488
Above Moderate	991			
Total	1,543		227.98 147.74	1,911 2,323

^aPer Government Code Section 65583.2(c)(3)(B), sites zoned for densities greater than 30 du/acre are deemed appropriate to accommodate Richmond's share of regional housing need for lower income households.

Appendices, Richmond General Plan 2030, Housing Element

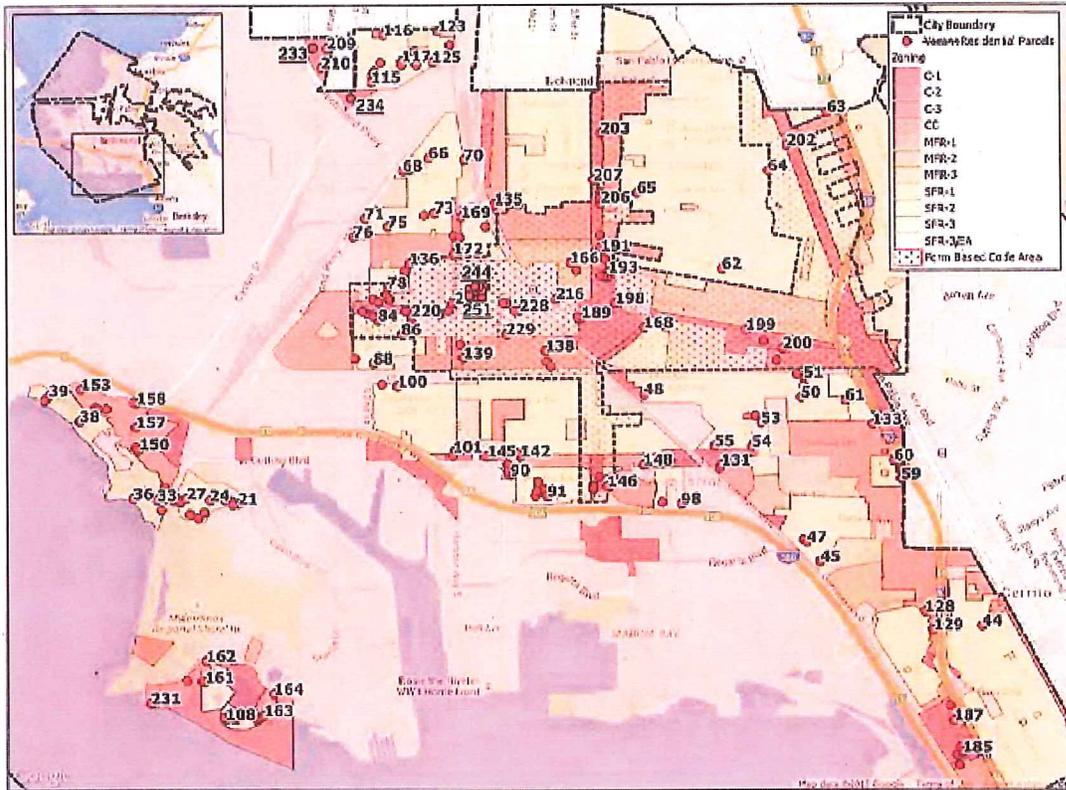
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“Appendix C. Vacant Land Inventory and Vacant Land Maps”

Appendix C:
 "Vacant Land Inventory and Vacant Land Maps"

City of Richmond Housing Element Update 2015-23											
APPENDIX C: Vacant Land Inventory Summary											
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
561110042	233	C-2	CMU	185,130	4.250	34.8	147	88	Vacant	100 Yr Floodplain	Yes
561144002	234	C-2	LW	256,960	5.899	15	88	53	Vacant		Yes
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
405303012	235	C-3	HIMU	99,099	2.275	34.8	79	48	Commercial: used car lot, car rental agency		Yes
405320001	236	C-3	HIMU	26,136	0.600	34.8	21	13	Commercial: shopping center parking lot		Yes
405320005	237	C-3	HIMU	375,400	11.610	34.8	404	242	Commercial: shopping center parking lot		Yes
405320007	238	C-3	HIMU	166,835	3.830	34.8	133	80	Commercial: shopping center parking lot		Yes
405320011	239	C-3	HIMU	9,148	0.210	34.8	7	4	Commercial: shopping center parking lot		Yes
405320012	240	C-3	HIMU	479,160	11.000	34.8	383	230	Commercial: shopping center parking lot		Yes
405320018	241	C-3	HIMU	375,400	8.618	34.8	300	180	Commercial: shopping center parking lot		Yes
405320019	242	C-3	HIMU	248,509	5.705	34.8	199	119	Commercial: shopping center parking lot		Yes
405320020	243	C-3	HIMU	239,318	5.490	34.8	191	115	Commercial: shopping center parking lot		Yes
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
540081001	244	CB	HIMU	5,375	0.124	34.8	4	2	Parking lot		Yes
540081002	245	CB	HIMU	5,375	0.124	34.8	4	2	Parking lot		Yes
540081005	246	CB	HIMU	5,375	0.124	34.8	4	2	Parking lot		Yes
540081020	247	CB	HIMU	21,758	0.500	34.8	17	10	Vacant		Yes
540081021	248	CB	HIMU	6,795	0.156	34.8	5	3	Vacant		Yes
540081024	249	CB	HIMU	5,906	0.136	34.8	4	2	Vacant		Yes
540081026	250	CB	HIMU	15,849	0.364	34.8	12	7	Vacant		Yes
540092016	251	CB	HIMU	36,087	0.830	34.8	28	17	Vacant		Yes
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
435300009	1	SFR-1	HR	288,165	6.628	4	26	21	Vacant		Yes
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
435180005	3	SFR-2	HR	1,165,139	26.750	7.3	194	155	Vacant		Yes
435200008	4	SFR-2	HR	2,928,278	67.228	7.3	488	398	Vacant	100 Yr Floodplain, Brownfield Site	Yes
435210001	5	SFR-2	HR	85,973	1.970	7.3	44	11	Vacant		Yes
435210006	7	SFR-2	HR	266,779	6.120	7.3	44	36	Vacant		Yes
435230008	9	SFR-2	HR	11,088	0.250	7.3	2	1	Vacant		Yes
43-230014	10	SFR-2	HR	7,683	0.188	7.3	1	1	Vacant		Yes
435230015	11	SFR-2	HR	10,584	0.240	7.3	2	1	Vacant		Yes
435230021	12	SFR-2	HR	11,650	0.270	7.3	2	2	Vacant		Yes
435230027	13	SFR-2	HR	9,561	0.220	7.3	2	1	Vacant		Yes
435230028	14	SFR-2	HR	82,265	1.890	7.3	13	11	Vacant		Yes
435230030	15	SFR-2	HR	7,122	0.160	7.3	1	1	Vacant		Yes
435230048	16	SFR-2	HR	12,118	0.280	7.3	2	2	Vacant		Yes
435230046	17	SFR-2	HR	261,715	6.016	7.3	44	35	Vacant		Yes
435240001	18	SFR-2	HR	1,041,344	23.910	7.3	174	139	Vacant		Yes

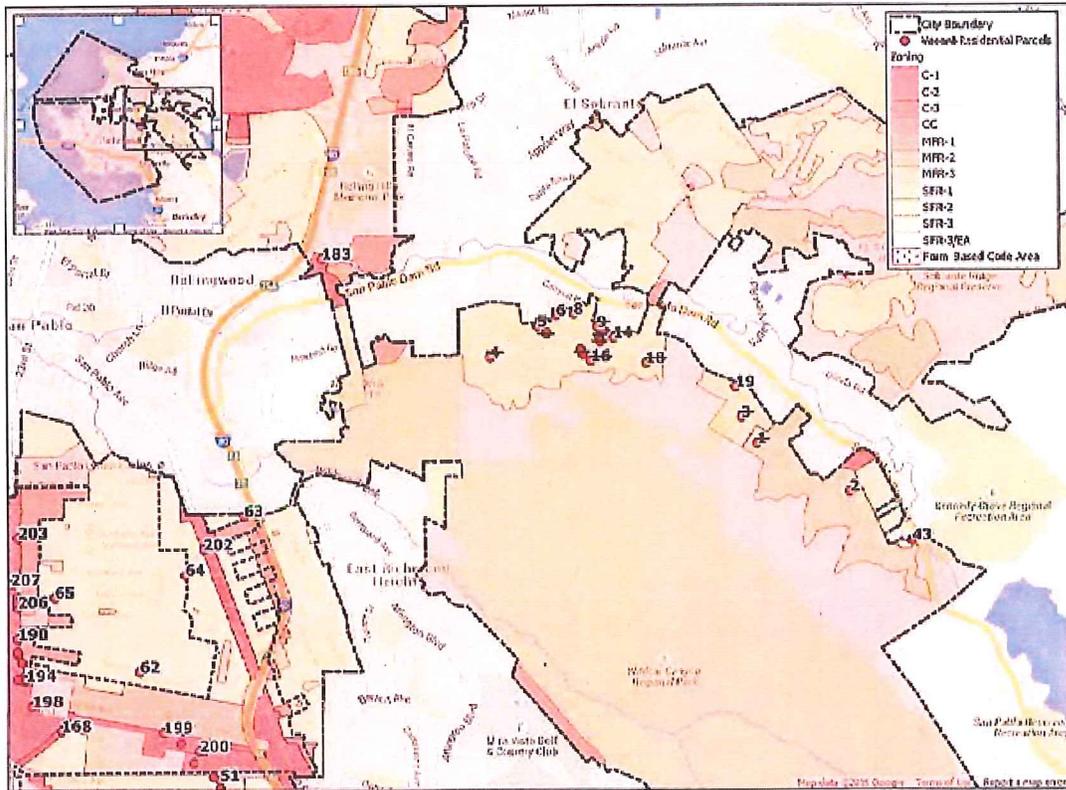
Note: Nonvacant parcels in the inventory are used as parking lots with no substantial structures that would interfere with their use for moderate and above-moderate income housing up to the maximum allowable density. No minimum commercial development is required on those sites.



City of Richmond Housing Element Update 2015-23
 Appendix C: Vacant Land Inventory Map 1 of 3

0 1000 2000 ft

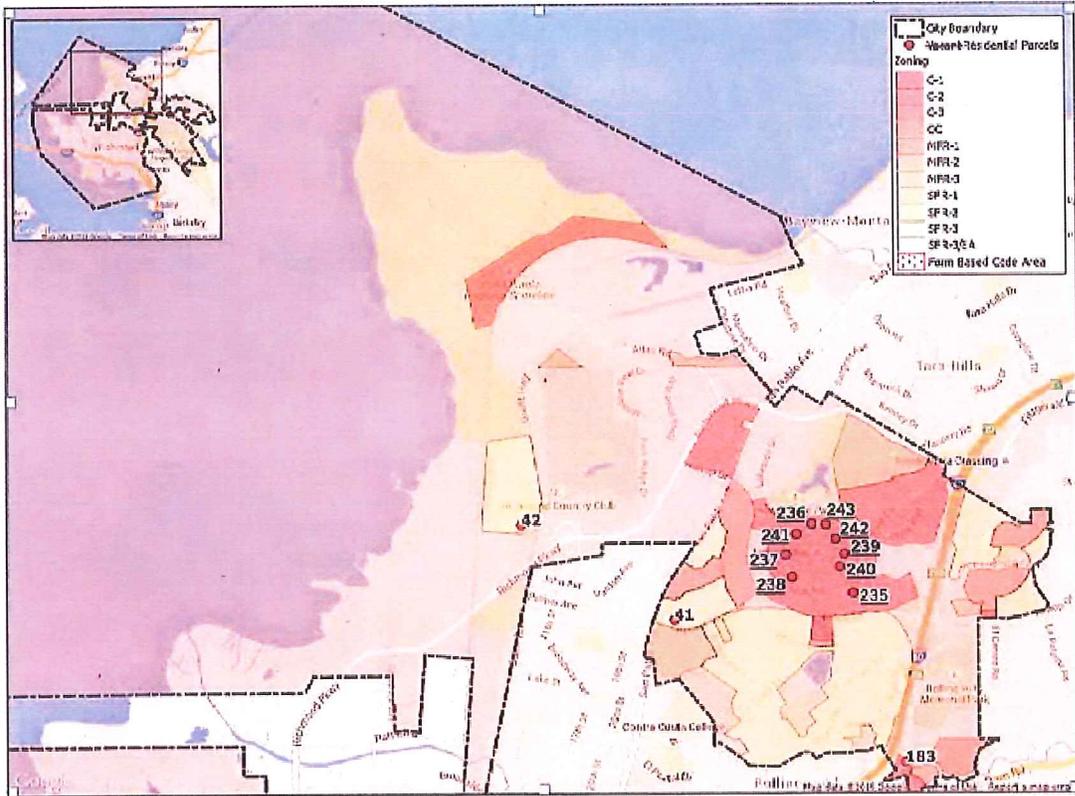
Prepared by Lisa Wise Consulting, Inc.



City of Richmond Housing Element Update 2015-23
 Appendix C: Weekend Land Inventory Map 2 of 3

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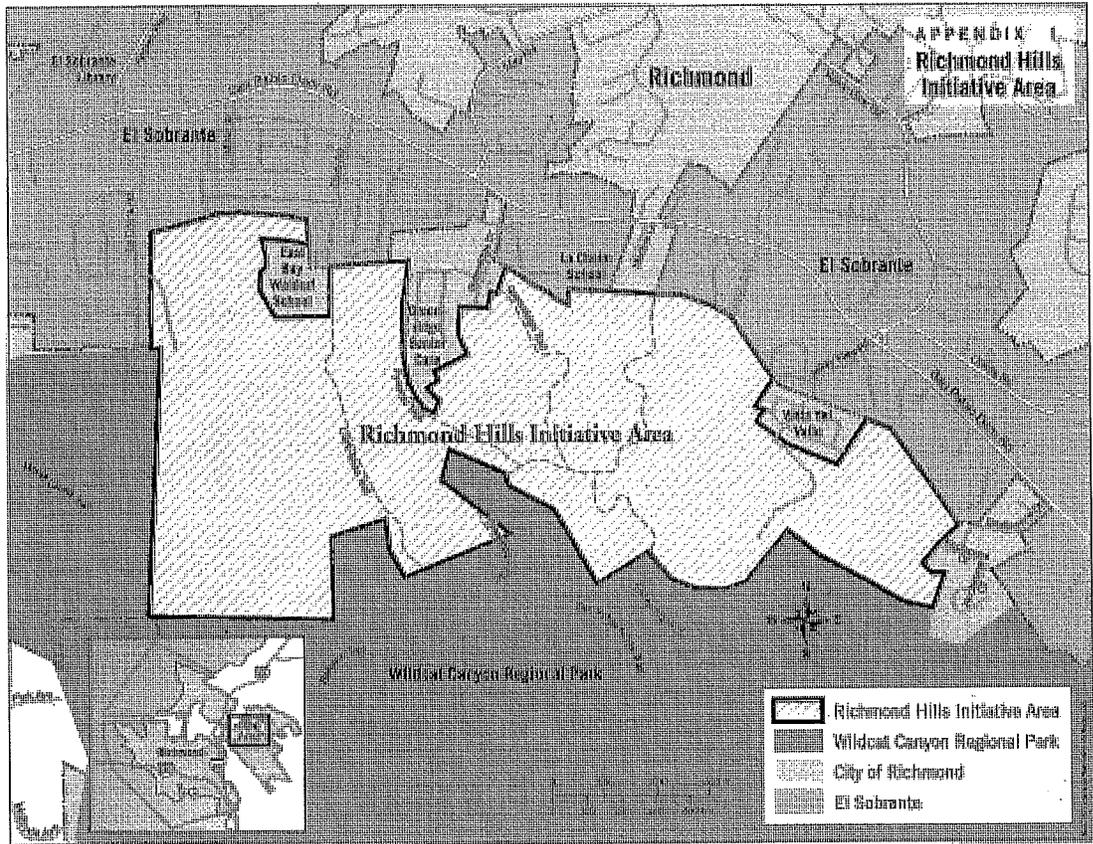
Prepared by Usa Wise Consulting, Inc.



City of Richmond Housing Element Update 2015-23
 Appendix C: Vacant Land Inventory Map 3 of 3

0 1000 2000 ft

Prepared by Usa Wise Consulting, Inc.



RICHMOND GENERAL PLAN 2030

EXHIBIT B



RICHMOND

SHAPING THE NEW 100 YEARS

General Plan Amendments to Implement Richmond Hills Initiative

Revised
November 13, 2020



Monitoring, Evaluating and Amending the General Plan

...

General Plan Updates, Review and Amendments

...

Amendments

A general plan is intended to be the vision for a city's development and changes are allowed only when there is a clear public purpose. Where amendments to a general plan are deemed necessary, State law allows jurisdictions to amend an adopted general plan up to four times per year. Proposed amendments must be reviewed to ensure consistency with other plan elements and the plan's companion environmental impact report.

In January 2017, the City Council adopted a citizen's initiative for the Richmond Hills area, which amended the General Plan. These amendments are reflected in the Land Use and Urban Design, Conservation, Natural Resources and Open Space, and Housing Elements.



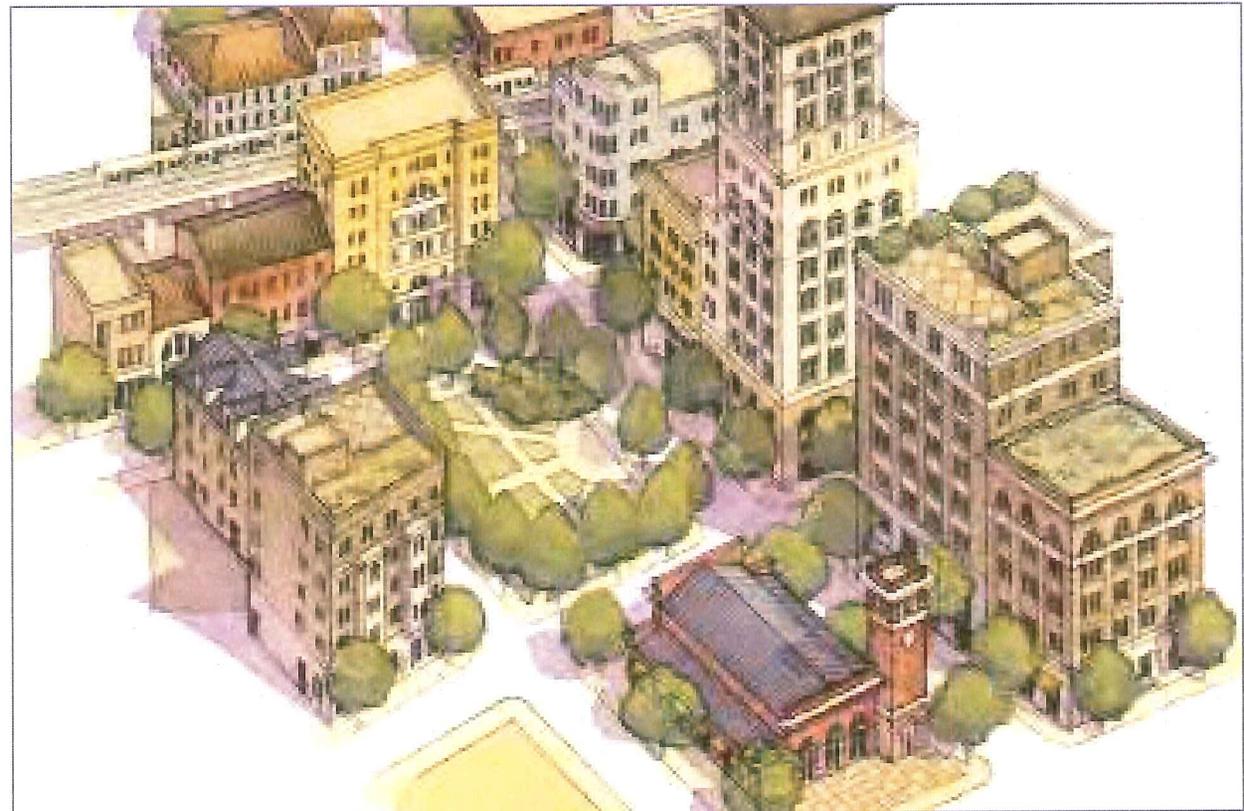
Land Use Classifications

...

Place-Based Land Use Classification System

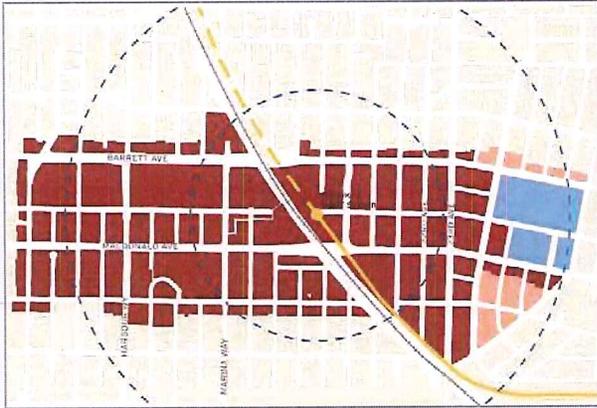
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For categories where residential development is allowed, density ranges are based on net acres. The lower density represents the least amount of development desired. The higher density represents the maximum number of allowable units, except in cases of density transfers, development rights and credits transfers, or when density bonuses are allowed for affordable housing in accordance with state law...



Vision for Downtown Richmond developed through the Richmond Livable Corridors Form-Based Code Project

The General Plan's Relationship to the Zoning Ordinance



While the General Plan establishes a broad vision and framework for land use and urban design in Richmond; it may establish more specific standards to regulate development and use in particular situations. The Zoning Ordinance establishes specific standards to regulate for development throughout the City...



The General Plan establishes a broad vision for urban design (above), while the Zoning Ordinance provides specific standards to regulate development (below).

Figure 3.2: Residential Neighborhoods

Richmond has a variety of residential neighborhoods that include multifamily and single family housing. Infill development can expand housing options in key corridors and create mixed-use areas with neighborhood-serving retail and commercial developments. Residential land use designations should encourage the development of complete, accessible and diverse neighborhoods.

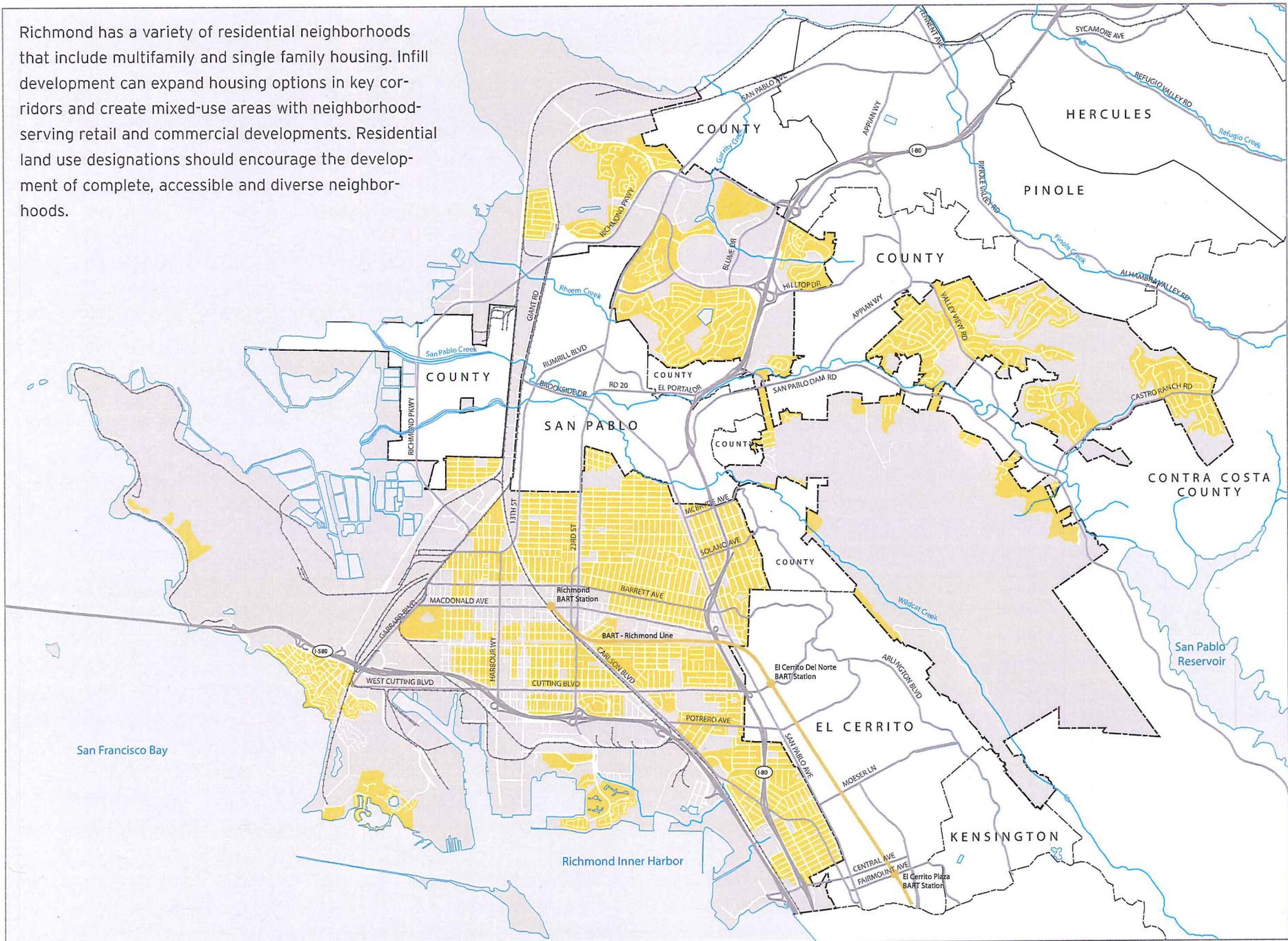


Figure 3.6: Community Areas

Richmond has a wide range of parks, open spaces and civic uses that serve a diverse range of community needs. Natural areas such as the shoreline, hills, wetlands and creeks offer opportunities for preservation, conservation, recreation and interpretation. Public facilities provide opportunities for social and community development. Land use planning should aim to improve these amenities and enhance accessibility for all City residents.

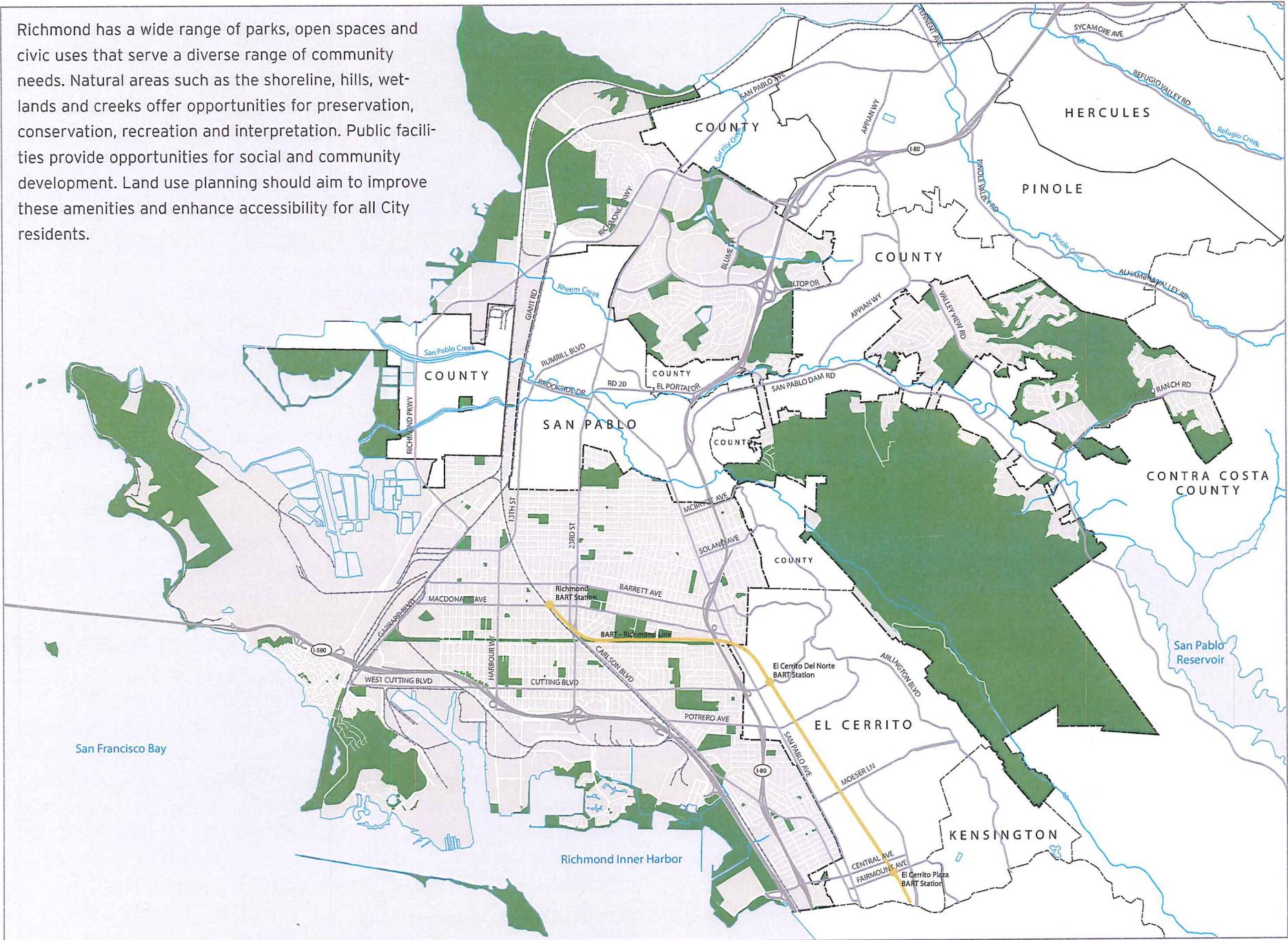


Table 3.5: Community Area Land Use Classifications

Land Use Classification	Ranges	Character
<p>Open Space Includes wetlands, mudflats, creek corridors and other natural preservation areas, as well as private lands used for recreational purposes or deed-restricted for open space preservation, and utilities. Public access should be allowed where appropriate.</p>	<p>Density: Not applicable Intensity: Up to 0.5 FAR Height: Up to 35 feet</p>	
<p>Shoreline Conservation Includes land for activities that relate to the shoreline and the natural environment and provides for a mix of public and private open space, parks and recreational uses and associated concessions, agricultural uses outside resource conservation/buffer areas, and appropriate low-intensity/low impact public, cultural and institutional uses, including utilities, subject to standards to ensure resource protection and conservation of open space.</p>	<p>Density: Not Applicable Intensity: Up to 0.1 FAR plus 0.25 for greenhouses and other temporary structures Height: Up to 20 feet</p>	
<p>Parks and Recreation Includes publicly owned local and regional parks as well as privately owned recreational facilities such as golf courses. Small-scale recreation-supporting uses such as rental shops, bike repair facilities, small restaurants, interpretation centers and museums are also permitted.</p>	<p>Density: Not applicable Intensity: Up to 0.5 FAR Height: Up to 35 feet</p>	
<p>Public, Cultural and Institutional Includes public, semi-public and educational uses such as civic facilities, community centers, libraries, museums, national park facilities, hospitals and schools.</p>	<p>Density: Not applicable Intensity: Up to 1.0 FAR Height: Up to 45 feet</p>	
<p>Richmond Hills Initiative Area <u>Include (1) agriculture and agricultural processing; (2) rearing, boarding, training, care, rental or sale of horses and other animals; (3) low-intensity outdoor recreation, exercise, and pastimes predominately for active participants, not spectators, and subordinate auxiliary uses; (4) institutional and other non-profit uses that predominantly serve permitted uses in the Richmond Hills Initiative Area and neighboring areas; and small facilities for convalescence, rehabilitation, and hospice care for not more than six patients each, that will not substantially impair the environment; (5) Government and public utility uses that are limited to meeting needs created by permitted uses in the Richmond Hills Initiative Area, except to the extent the City Council finds reasonably substantial public need that cannot be met outside this area; and (6) Occasional short-term events related to agriculture, animals or outdoor recreation that do not interfere materially with agriculture or cause substantial harm, all as more fully set forth in the Richmond Hills Initiative, adopted January 24, 2017 in Ordinance No. 1-17 N.S.</u></p>	<p>Density: Not applicable Intensity: Not applicable (see § 14 of the Richmond Hills Initiative) Height: Up to 35 feet</p>	

Notes:

- Dwelling units per acre (du/ac) describes residential building density.
- Floor area ratio (FAR) denotes building intensity for non-residential uses.

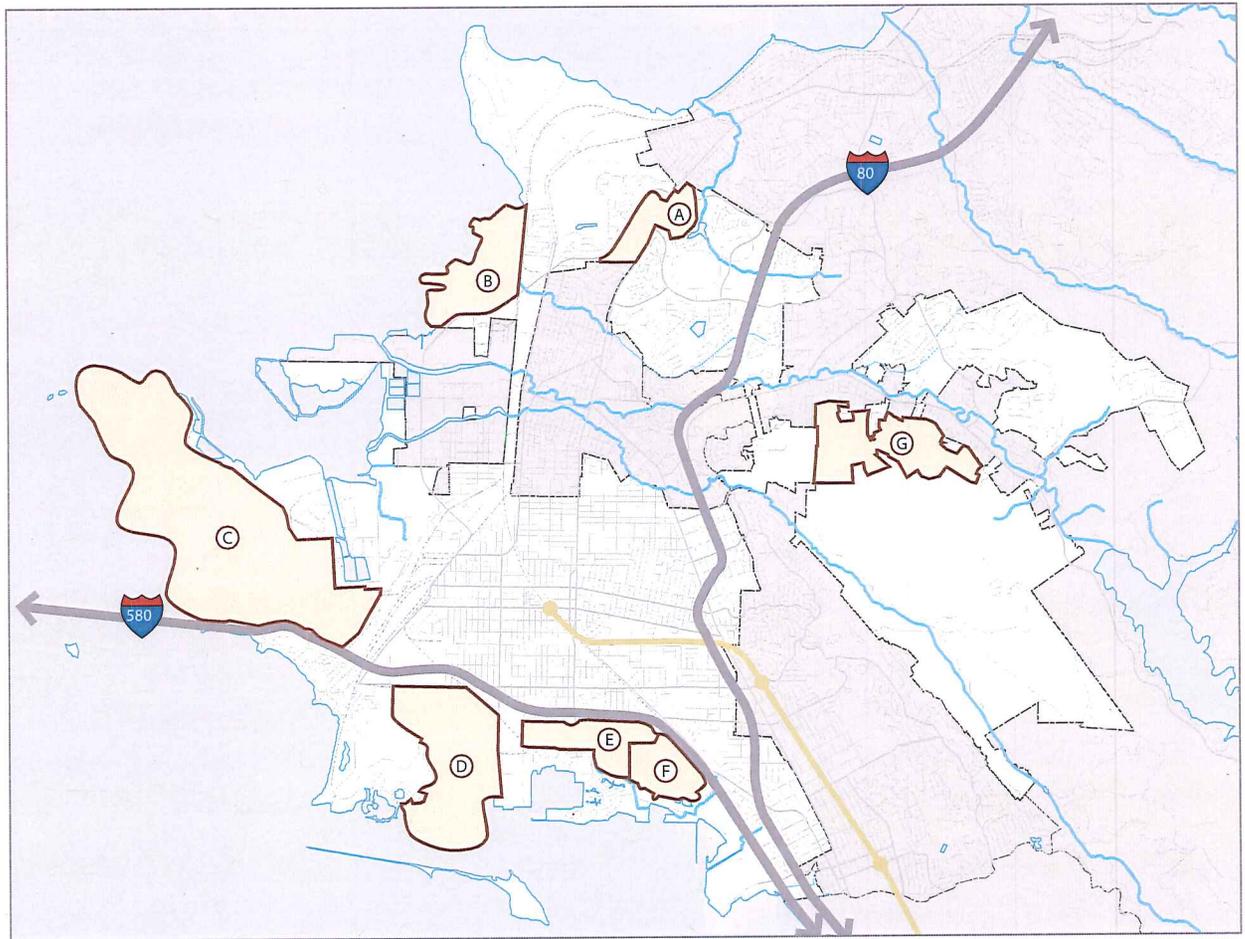
Districts

Districts are areas that provide a unique mix of uses including industrial, office, retail, residential and open space that serve the entire community. They also represent geographic areas or zones where there is concentration of related or complementary activities and uses.

The following change areas are identified as districts. Many of these change areas such as Regatta/Marina Bay provide significant economic development opportunities while others such as the San Pablo Peninsula, and Northshore Area, and Richmond Hills offer opportunities for open space preservation, recreation, and natural habitat protection.

- Northern Parkway (A)
- Northshore (B)
- San Pablo Peninsula Area (C)
- Port Priority Use Area (D)
- Regatta/Marina Bay (E)
- Southern Gateway (F)
- Richmond Hills (G)

Figure 3.10: Map of Richmond's Change Area Districts





Aerial of the Southern Gateway area

Southern Gateway (CA-16)

...

Richmond Hills (CA-17)

The Richmond Hills Initiative Area is a 430-acre area in El Sobrante Valley north and east of Wildcat Canyon Regional Park designated by the City Council in response to a citizen initiative as an area for the protection of open space. The findings supporting this land use designation are presented in the Conservation, Natural Resources and Open Space Element of this General Plan.

General Plan Land Use

Within the Richmond Hills Initiative Area, only agricultural, rural, and open space uses are envisioned in order to protect the environment and natural habitats and prevent adverse impacts on water quality.



Potential redevelopment site adjacent to University of California, Berkeley Field Station

- Notwithstanding their literal terms, the provisions of the Richmond Hills Initiative that are incorporated into this General Plan do not apply to the extent that a court determines that if applied they would deprive a person of Constitutional rights or privileges, or otherwise would be contrary to Federal or State law. These explicit limitations on applicability are to make certain that the provisions do not infringe any person's legal rights or privileges, violate the law in any respect, or subject the City to legal liability.
- To the extent that a provision of the Richmond Hills Initiative incorporated into this General Plan does not apply for legal reasons, the City may permit only the minimum parcel creation, development, or use required by law that is most consistent with the Initiative and this General Plan.

Nothing in the land use provisions of the Richmond Hills Initiative that are incorporated into this



Existing industrial buildings in the Seaport area

General Plan shall be applied to prevent City compliance with housing obligations mandated by State law, which are in the Housing Element of this General Plan. To the maximum extent practicable, the City shall meet State housing requirements outside the Richmond Hills Initiative Area. If any required housing must be located in the Richmond Hills Initiative area, no more land shall be used than is necessary to meet State requirements. Minimum parcel size, residential dwelling density limits, and maximum development envelopes and floor areas in the Richmond Hills Initiative shall not apply to the required housing.

Desired Form of Open Space

The minimum parcel size shall be 20 acres. If a parcel smaller than 20 acres (a "subsize" parcel) is contiguous to another subsize parcel or parcels, or if a subsize parcel is linked to another subsize parcel or parcels by an intervening parcel or parcels, whether subsize or not, and all of the parcels in the case were



legally or de facto in common ownership at the time the Richmond Hills Initiative was submitted to the City Clerk for a title and summary (May 3, 2016) or any time thereafter, the parcels shall be treated as though they are a single parcel for all development related purposes under the Richmond Hills Initiative, including the number of dwelling units, the award of development credits, the area that must be included in a development easement, and the application of visibility standards. The parcels involved may be reconstituted in accord with this General Plan and other City plans and ordinances. In no case shall any of these subsize parcels be deemed or treated as legally merged; they are treated as a unit only for purposes of regulating development.

Permissible Uses

Within the Richmond Hills Initiative area shown in Figure 3.2a and further defined by parcel number in the Glossary of this Plan, the following uses only, and their normal and appropriate accessory uses and structures, may be permitted, provided that all uses and structures comply with the provisions of this Plan and other City plans and ordinances:

- Agriculture (including grazing, viticulture, arboriculture, horticulture, research, and rearing, care and use of ruminants, pigs, poultry, and bees, but not including feedlots unless most of the feed over a calendar year is grown in the Richmond Hills Initiative Area); provided, however, dairy farms, pig farms, poultry ranches, Christmas tree farms and nurseries are permitted only if they are small-

scale and do not cause substantial environmental harm, including noise, odor or vermin;

- Processing, packaging, storage or sale of agricultural produce, most of which over a calendar year is grown in the Richmond Hills Initiative Area, that has no significant deleterious effects on the environment;
- Rearing, boarding, training, care, rental or sale of horses and other animals not covered by the first bullet above, but not including temporary boarding or day care of household pets, provided that the use does not cause substantial environmental harm, including noise, odors or vermin;
- Low-intensity outdoor recreation, exercise, and pastimes predominately for active participants, not spectators, and subordinate auxiliary uses (including small-scale camps, picnic facilities, provision of food and drink, and safety and sanitary services); these permissible uses do not include, among other uses, amusement or theme parks, golf courses, firearm or rifle ranges, stadiums or arenas (except equestrian riding rings), motor vehicle tracks, courses or off-road use, or recreational vehicle parking. Uses permitted under this paragraph shall be compatible with a rural environment and not contribute to noise or light pollution;
- Institutional and other non-profit uses that predominantly serve permitted uses in the Richmond Hills Initiative Area and neighboring areas; and small facilities for convalescence, rehabilitation, and hospice care for not more than six patients each, that will not substantially impair the environment;

- Government and public utility uses that are limited to meeting needs created by permitted uses in the Richmond Hills Initiative Area, except to the extent the City Council finds reasonably substantial public need that cannot be met outside this area. However, this exception shall not apply to waste disposal, processing or treatment, and electrical power production or transmission primarily for sale. Publicly provided outdoor recreation and pastimes and ancillary accommodations are permitted if like private uses would be allowed;
- Occasional short-term events related to agriculture, animals or outdoor recreation that do not interfere materially with agriculture or cause substantial environmental harm.

Residences, including mobile dwelling units, and residential accessory buildings are not permitted in the Richmond Hills Initiative area. If it is judicially determined that absence of residential use in the Richmond Hills Initiative Area would be a taking for purposes of constitutional law, notwithstanding the nonresidential uses permitted above, the grant of transferable development credits under the Richmond Hills Initiative (see following section), the fact that much of the area is now designated agriculture, and the severe physical difficulties and hazards of residential development because of steep slopes, soil instability, and fire dangers, then:

- One single family dwelling unit may be built on each parcel or each 20 acres of a parcel, with normal and appropriate residential accessory uses and structures, in compliance with the Richmond Hills Initiative and other City plans and ordinances; and

- Home occupations and offices are permitted, provided that they are secondary to residential uses and the occupations are conducted primarily by residents of the home and will not materially increase traffic in the Richmond Hills Initiative Area or on adjacent streets.

Houses built under this provision shall be built as near as reasonably practicable to existing houses and public utilities adjacent to the Richmond Hills Initiative Area, consistent with the provisions of this General Plan.

If a parcel is transferred to another person, a residence may not be built on the parcel unless all of the transferable development credits provided for by the Richmond Hills Initiative for the parcel and its acreage are transferred to the parcel transferee. If one or more of the credits are used or transferred to any person, other than a transferee of the parcel, a residence may not be built on the parcel.

Development Envelopes

All buildings on a parcel must be located within a contiguous area, as compact as reasonably practicable, not to exceed two acres, except for buildings that the Council finds necessarily must be located outside that area for agricultural use, processing, packaging, storage or sale of agricultural produce, rearing, care, training or use of animals, government or public utility use, or to protect residents of other parcels from substantial noise, odor or vermin. Subsize parcels that are treated as a single parcel under "Desired Form of Open Space" are treated as a single parcel under this subsection and the following section on "Maximum Floor Area."

Maximum Floor Areas

The maximum aggregate floor area for all floors in all buildings on a parcel, except basement and cellar floors, may not exceed 10,000 square feet. If residences and residential accessory buildings are permitted, they may not exceed 5,000 square feet of the 10,000 maximum.

- If otherwise appropriate under the provisions of this Plan, the City Council may increase the maximum floor area by up to 10,000 square feet, in aggregate, if necessary for agricultural use, processing, packaging, storage, or sale of produce, rearing, boarding, care and use of animals, or recreational facilities including camps. Up to 20,000 square feet may be permitted for covered riding arenas.
- The permissible floor area of a parcel may be transferred to one or more other parcels within the Richmond Hills Initiative area if there is no building on the transferor parcel. A transfer of floor area does not increase the 5,000 square foot limit for residences and residential accessory buildings on the transferee parcel. No more than 30,000 square feet of floor area in aggregate may be transferred to a parcel from one or more other parcels. If any floor area is transferred, then no building is permitted on the parcel from which the floor area is transferred.

Development Easements

Before a building may be permitted on a parcel, or a development credit or credits based on the parcel used or transferred, other than transferred to a grantee of the parcel, the City must receive

an easement, running with the land, on the parcel that bars development or use not permitted under the Richmond Hills Initiative. The easement shall be conveyed to the City and, if available, jointly to an independent land trust (that complies with the Standards and Practices of the Land Trust Alliance – see <https://www.landtrustalliance.org/about-us>).

The easement shall be negative only; it shall convey no possessory interest to the City or the independent land trust, nor confer any right of public access. The owner retains exclusive occupancy and use. The City has no responsibility or liability because of the easement for acts or omissions on the parcel, except in good faith and effectually to remedy violations of the easement. Easements shall be duly recorded in the County land records in the Office of the County Recorder.

Areas of Special Environmental Concern

In addition to other provisions of the Richmond Hills Initiative, the following restrictions apply within the Richmond Hills Initiative Area:

- Wetlands: Development or use is not permitted if by itself or in conjunction with other development or use it would reduce appreciably the quantity or biological quality of wetlands. "Wetlands" are areas permanently or periodically covered or saturated by water where hydrophytic vegetation is present under normal conditions, have soils that are primarily hydric in nature, or are designated as wetlands by Federal or State law.
- Stream Corridors: Development or use is not permitted if by itself or in conjunction with other



development or use it would impair appreciably the quantity or quality of water or of native vegetation in a stream corridor, except for otherwise permissible flood control to protect human safety, or preservation of special status species. “Stream corridors” are areas within one hundred (100) horizontal feet of the top of the bank or, if farther, the edge of the riparian canopy of a permanent or intermittent stream.

- **Wildlife:** No development or use is permitted that would reduce appreciably the number, prevent the recovery in number, or impair the genetic variability of one or more special status species.
- **Steep Slopes:** No building may be located, in whole or in part, on a slope of 15% or more. No building may be located on a site that cumulatively has access for more than 25 feet over a slope of 15% or more, unless there is no other site on a parcel. Cultivated agriculture may not be conducted on a slope of 20% or more. No grading may take place on a slope of 15% or more unless necessary to maintain fire roads. Slope percentages are based on the steepness of slopes in their natural, unaltered state, and are calculated by dividing altitude increase over each 20 feet of vertical slope by 20.
- **Elevation:** No building is permitted above 400-foot elevation unless the parcel involved is entirely above 400 feet.

Visual Safeguards

Within the Richmond Hills Initiative area, new or reconfigured parcels will only be approved if they are created or drawn to limit visibility of develop-

ment from roads and other public places. Structures may not be located on ridgelines or hilltops, or where they will project into the view of a ridgeline or hilltop from public places, unless there is no less obtrusive site on the parcel or on a contiguous parcel in legal or de facto common ownership on or subsequent to the date the Richmond Hills Initiative becomes effective. To the extent practicable, consistent with other provisions of the Richmond Hills Initiative, structures shall be located, including by setbacks from parcel boundaries, on that part of a parcel that minimizes visibility from roads, trails, and other public places. Roads shall be consolidated and located, to the maximum extent feasible, where they are least visible from public places. New utilities shall be installed underground.

- Development shall be subordinate to and blend harmoniously with the natural and open space qualities of the area where located. The alteration of natural topography, vegetation, and other characteristics by grading, excavating, filling or other development activity shall be minimized. In all cases, appropriate landscaping, preservation of vegetation, design, and building materials shall be required by the City to reduce as much as practicable the visibility of development. The height of buildings shall not exceed 35 feet. Signs may not be more numerous, larger or more noticeable than is necessary to provide directions and information about permissible uses in the Richmond Hills Initiative Area.
- Exterior lighting, including roadway lighting, shall be designed and placed to confine direct rays to the parcel or roadway where the lighting

is located and to protect the darkness of the night sky.

- Visibility of development from roads, parks and other public places shall be determined from a reasonable, representative sample of vantage points that will accomplish the objectives of the Richmond Hills Initiative

Transferable Development Credits

As part of General Plan implementation, the City Council shall establish a transferable development credit (TDC) program for the Richmond Hills Initiative Area. The City shall grant one credit to the owner or owners of each parcel, and one credit for each 5 acres of a parcel in excess of 5 acres, unless all remaining permissible residential development has previously been transferred from the parcel. Credits may not be granted for parcels or acres above 400 feet elevation. Each credit may be used to build one residence in a receiving area, with the consent of the parcel owner there.

- TDC-based residences shall be similar in type and size to the residences that exist or otherwise may be built in the zoning district where they are located. Consistent with that similarity and with public health and safety, they do not have to comply with density limitations or other land-use regulations to the extent those regulations would bar or make impracticable their construction. No more than two TDC-based residences may be built on a parcel except as authorized by a Specific Plan or in a Planned Area District.
- The City shall make feasible and facilitate the use of credits, and shall ensure that they are granted

and used properly, in accordance with this General Plan and other law.

- Development credits may be sold or otherwise transferred to any person, regardless whether they own property in the Richmond Hills Initiative Area or the receiving area, including to and by the City and nonprofit entities. If, however, a residence is built on a parcel, or the right to build vested, the credits based on the parcel or its acreage are void and may not be transferred or used.

Certificates of Compliance

The City shall not grant a certificate or conditional certificate of compliance regarding the validity of any division of land except as provided by State law. All permissible restrictive conditions shall be imposed on a certificate; the owner or subsequent transferees of property involved shall be held to strict compliance with these conditions. A certificate of compliance creates no right to develop, nor diminishes in any respect the City's authority to control development.

Applicability of Initiative Provisions

The Richmond Hills Initiative does not invalidate parcels, structures, uses, or surface alterations to the extent that they existed legally at the time the Initiative becomes effective, except they may not be reestablished if their authorized time limit expires or they are eliminated voluntarily or abandoned, or except if a use is contrary to the provisions on "Areas of Special Environmental Concern" presented above. Parcels, structures, surface alterations or uses may not be expanded or changed, however, to the extent that it would cause a violation of the Richmond

Hills Initiative or would augment or make more serious what would be a violation if created or done after the Initiative becomes effective.

The policies and standards of the Richmond Hills Initiative that are incorporated into the General Plan shall be applied to proposed parcels, development and uses that have not received all required discretionary City approvals and authorizations prior to its effective date. The Richmond Hills Initiative applies to the City and its agencies, officials and properties, as well as to all other persons and entities to the extent warranted and relevant to actions related to land use and development in the Richmond Hills Initiative area.

Inconsistent City Plans, Ordinances and Actions

Application of any other provision of this General Plan is barred to the extent that it is in conflict with the provisions of the Initiative incorporated in to the General Plan, unless voters approved the other provision after Council approval of the Initiative. More specifically, this means that:

- Any special or other City plan, or any ordinance, resolution or regulation may not be applied to the extent that it conflicts with the Richmond Hills Initiative; and
- To the degree inconsistent with the Richmond Hills Initiative, no subdivision or parcel map, development plan or agreement, permit, variance or other action may be approved, permitted or taken by the City, its agencies or officials (includ-

ing approval or permission by operation of law because of inaction) or is valid legally.

Provisions of this General Plan and other City plans, ordinances, resolutions and actions are not in conflict with the Richmond Hills Initiative because they impose prohibitions, restrictions, conditions, requirements or remedies greater than or in addition to those imposed by the Richmond Hills Initiative. This Initiative establishes only minimum prohibitions, restrictions, regulations, requirements, and remedies that the City may augment without creating any inconsistency, provided it does not permit parcels, development, or use barred by the Initiative.

Implementation and Enforcement

The Richmond Hills Initiative shall be interpreted liberally to further its purposes. The Council, City agencies and officials shall carry out and enforce the provisions of the Richmond Hills Initiative diligently and effectually. They shall review uses and the nature, location, amount, visibility, and environmental effects of proposed developments to ensure consistency with the Richmond Hills Initiative. They shall use the most effective means at their disposal, subject to any official discretion required by State law, to prevent, abate and remedy violations. Violations are public nuisances and, as provided by statute, misdemeanors.

- Residents and organizations with members in the City, and others with standing, may enforce the Richmond Hills Initiative and the easements required above by judicial proceedings against any person, group, government agency, or other entity that is in violation of the Richmond Hills



Initiative or an easement, or to prevent violations.

- The City Council has authority to particularize and implement the Richmond Hills Initiative by appropriate legislation and actions, in all cases in full compliance with the substantive content and purposes of the Richmond Hills Initiative.

...

GOAL LU5
Balanced and Compatible Uses

...

Policy LU5.6 ***Richmond Hills Initiative Area***

Consistent with the provisions of the Richmond Hills Initiative described in the discussion of Change Area 17, only allow the permissible uses listed for this area, subject to the minimum parcel size, maximum floor area, and development envelope restrictions specified. Ensure that the standards for areas of environmental concern and the visual safeguards apply to all uses and development, as appropriate.

See also: CN2.3

Goal LU5: Balanced and Compatible Uses

Action		Lead Responsibility	Supporting Policies
LU5.A	Zoning Ordinance Update	Planning and Building Services	LU5.1, LU5.2, LU5.3, <u>LU5.6</u>
LU5.B	Design Guidelines	Planning and Building Services	LU5.1, LU5.2, LU5.3
LU5.C	Industrial Use Buffers	Planning and Building Services	LU5.1, LU5.3



...

Finding 7: The Richmond Hills Initiative Area should be protected as open space for agricultural, rural and recreational uses, including grazing, horse boarding and riding, hiking, and nature study.

The Richmond Hills Initiative determined that:

- The area to be protected is undeveloped rural land. It includes steep hillsides, dense oak woodlands, streams, vernal pools, and valuable wildlife habitat, which provide a tranquil, beautiful contrast and backdrop to urban development in Richmond.
- Any substantial additional development in this area would be harmful. It would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic in existing residential neighborhoods and along San Pablo Dam Road.
- The Richmond Hills Initiative Area is prone to landslides. They are classified as Category 5 -Unstable, the City's highest risk category. Numerous landslides and slumps have occurred.
- The Richmond Hills Initiative Area is vulnerable to wildfires because of its rugged terrain, flammable brush and grasses, and remoteness. The area is classified as a Very High Fire Hazard Severity Zone, the City's highest risk category.
- A number of special-status plant and animal species occur in the Richmond Hills. These are spe-

cies at risk of extinction. Land use must be carefully controlled to avoid ruining their habitat or obstructing migratory corridors.

- Streams that flow through Richmond arise in the Hills. Development can have an adverse effect on the quality and quantity of water, including flooding. Flood and erosion control projects are often antithetical to preserving the natural qualities of streams.
- A Transfer of Development Credits program can allow property owners in the Initiative Area to transfer housing to other parts of the City, and accordingly to participate in development there.

...



GOAL CN2
Conserved Open Space

...

Policy CN2.3

Natural Topography and Hillside Protection

Protect natural topography to preserve and enhance Richmond’s natural beauty, require developers to concentrate residential development below the 400 foot elevation, and only allow agricultural, rural and open space uses in the Richmond Hills Initiative Area. The natural characteristics of the Berkeley Hills, San Pablo Ridge, El Sobrante Ridge, Point Potrero and San Pablo Peninsula should be protected and enhanced by regulating allowable methods of site preparation, grading, soils repair, foundation design and topographic alteration, as well as the height, color, material and siting of structures and roadways, quantities of cut and fill, placement of utility crossings and removal of vegetation, and also allowing for a transfer of development credits and regulating building size in the Richmond Hills Initiative Area.

See also: LU5.6

...

Action CN2.A

Transfer of Development Rights Program

Develop a program that targets areas for Transfer of Development Rights (TDR) which exchange development privileges from natural areas to parts of the City with infill or redevelopment potential. Work closely with the City Attorney to develop the TDR program. Ensure that this program is specifically aligned with the Richmond Hills Initiative and will accommodate the transfer of development credits described in the Initiative, including the specific allowances for credits that can be transferred, and the restrictions on such transfers.

Action CN2.B

Open Space and Development Easements

Consider opportunities for establishing open space easements where natural resources may be protected or accessed on private property within the Richmond Hills Initiative Area and implementing the provision for development easements established in the Initiative, described in the section on Change Area 17. The City may accept or purchase easements from private landowners for open space and resource conservation.

...



Glossary

The following is a glossary of key terminology used throughout this General Plan document.

...

Appreciably

Appreciably means measurably or perceivably, and appreciable means measurable or perceivable, but not minute.

...

Basements and Cellars

The lowest stories of buildings, but only if at least 80% of the story's cubic area is below both the adjacent land level and the natural grade.

...

Building

Any structure with a roof supported by columns or walls, including greenhouses and covered arenas.

...

City

The City of Richmond.

...

Council

The City Council of Richmond.

...

Development

The construction, erection, placement or appreciable alteration of a structure, including mobile dwelling units. it also means appreciable surface alteration, including grading, surfacing, excavation, fill or mounding of land, or deposition of material.

...

Floor Area

The area of all floors, regardless of composition including soil, under roof in or connected to buildings, including porches, decks, carports, and attic floors to the extent that the height of the ceiling is five feet or more above the floor.

...

Including

Includes but is not limited to the items listed, consistent with the text and purposes of the General Plan and the Richmond Hills Initiative.

...

Practicable

Capable of being done or put into effect.

...

Receiving Area

An area where high density or medium density residential development is permitted by this General Plan, low density residential development is permitted by a Specific Plan or in a Planned Area District, or that is designated by the City Council.

...

Richmond Hills Initiative Area

Richmond Hills Initiative Area is the land designated by Assessor's Parcel Numbers 435-190-001, 435-200-004, 435-200-007, 435-200-008, 435-210-001, 435-210-006, 435-210-007, 435-230-004, 435-230-005, 435-230-006, 435-230-007.



435-230-008, 435-230-009, 435-230-011, 435-230-012, 435-230-013, 435-230-014, 435-230-015, 435-230-020, 435-230-021, 435-230-023, 435-230-027, 435-230-028, 435-230-030, 435-230-038, 435-230-040, 435-230-042, 435-230-043, 435-230-045, 435-230-046, 435-230-050, 435-230-051, 435-230-052, 435-240-001, 435-240-002, 435-180-008, 435-180-005, and 435-300-009.

...

Small-scale Farms and Ranches

Small-scale dairy farms, pig farms, poultry ranches, Christmas tree farms or nurseries are those that are commonly classified as, or considered to be small in their respective lines of activity. (The City Council can particularize these definitions by appropriate legislation and actions, in all cases in full compliance with the substantive content and purposes of the Richmond Hills Initiative, if applicable.)

Special Status Species

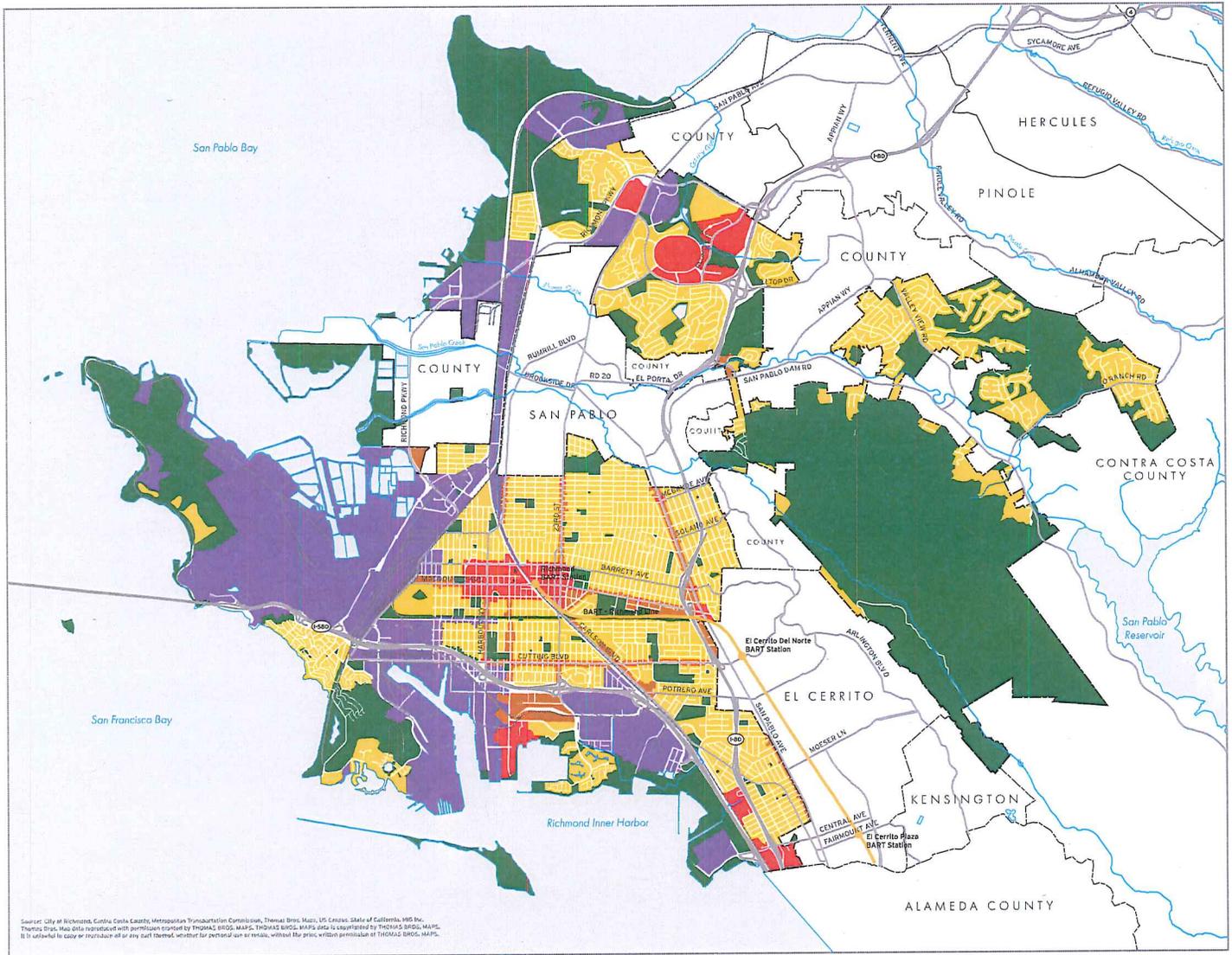
Plants and animals that are listed, proposed for listing, or candidates for listing as endangered or threatened under the Federal or State Endangered Species Acts, rare or endangered under the California Environmental Quality Act, including locally rare species addressed in California Code of Regulations Sections 15380 and 15125(c), listed as rare under the California Native Plant Protection Act, or protected under California Fish and Game Code Sections 3511, 4700, 5050, and 5515.

...

Structure

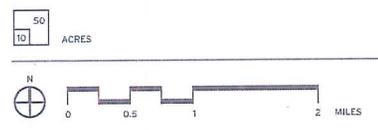
Any building, tower, utility line, dam, tank, or any other artifact constructed, erected, or placed on a parcel, the existence or use of which requires location on the ground or attachment to something located directly or indirectly on the ground.

...

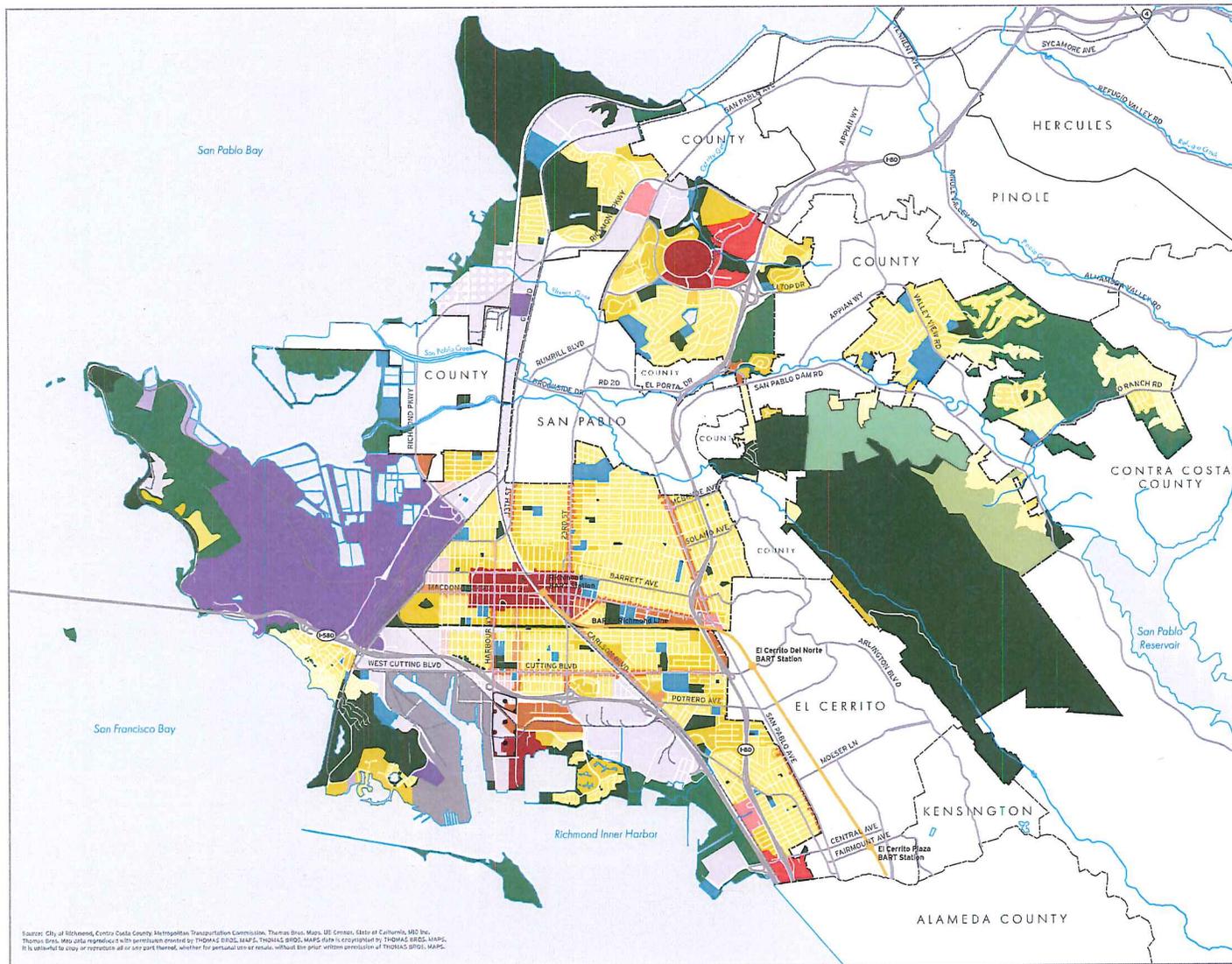


Map 3.2a
General Plan Land Use Areas
Citywide

- City of Richmond
- Land Use Areas**
- Residential Neighborhoods
- Key Corridors
- Activity Centers
- Business and Industry
- Community

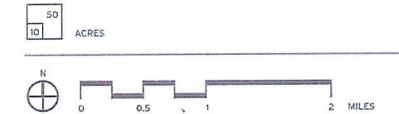


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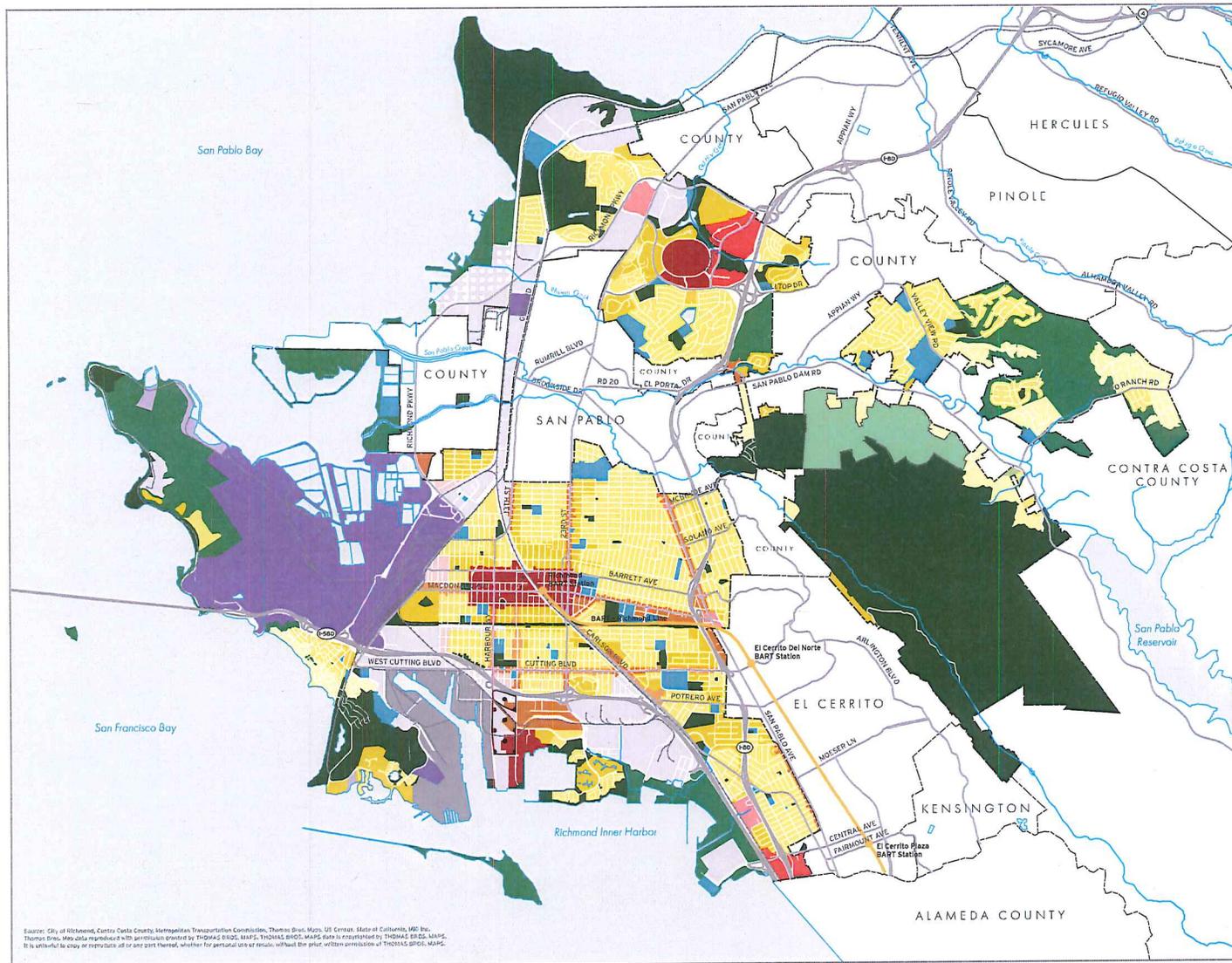


Map 3.14
Land Use Designations
 Citywide

- City of Richmond
- Residential Neighborhoods**
 - Hillside Residential
 - Low-Density Residential
 - Medium Density Residential
 - Neighborhood Mixed-Use
- Key Corridors**
 - Medium Density Mixed-Use (Residential Emphasis)
 - Medium Intensity Mixed-Use (Commercial Emphasis)
- Activity Centers**
 - Medium Intensity Mixed-Use (Gateway and/or Community Node)
 - High Intensity Mixed-Use (Major Activity Center)
 - Regional Commercial Mixed-Use
- Business and Industry**
 - Live/Work
 - Business/Light Industrial
 - Low Intensity Business/Light Industrial
 - Marine and Waterfront Commercial
 - Industrial
 - Port
- Community**
 - Agriculture
 - Open Space
 - Parks and Recreation
 - Public, Cultural, and Institutional
 - Richmond Hills Initiative Area
- Overlay Zones**
 - Transition Zone Overlay District (TZOD)
 Pursuant to Ordinance No. 1808, residential uses are prohibited within this zone



Source: City of Hillview, Contra Costa County Metropolitan Transportation Commission, Thomas Bros. Maps, US Census, State of California, MO Inc, Thomas Bros. Map data reproduced with permission provided by THOMAS BROS. MAPS, THOMAS BROS. MAPS data is copyright by THOMAS BROS. MAPS. It is unlawful to copy or reproduce all or any part thereof, whether for personal use or resale, without the prior written permission of THOMAS BROS. MAPS.



Map 3.14
Land Use Designations
 Citywide

- City of Richmond
- Residential Neighborhoods**

 - Hillside Residential
 - Low-Density Residential
 - Medium Density Residential
 - Neighborhood Mixed-Use

- Key Corridors**

 - Medium Density Mixed-Use (Residential Emphasis)
 - Medium Intensity Mixed-Use (Commercial Emphasis)

- Activity Centers**

 - Medium Intensity Mixed-Use (Gateway and/or Community Node)
 - High Intensity Mixed-Use (Major Activity Center)
 - Regional Commercial Mixed-Use

- Business and Industry**

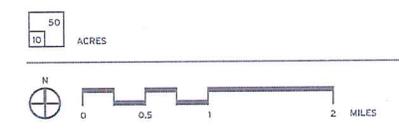
 - Live/Work
 - Business/Light Industrial
 - Low Intensity Business/Light Industrial
 - Marine and Waterfront Commercial
 - Industrial
 - Port

- Community**

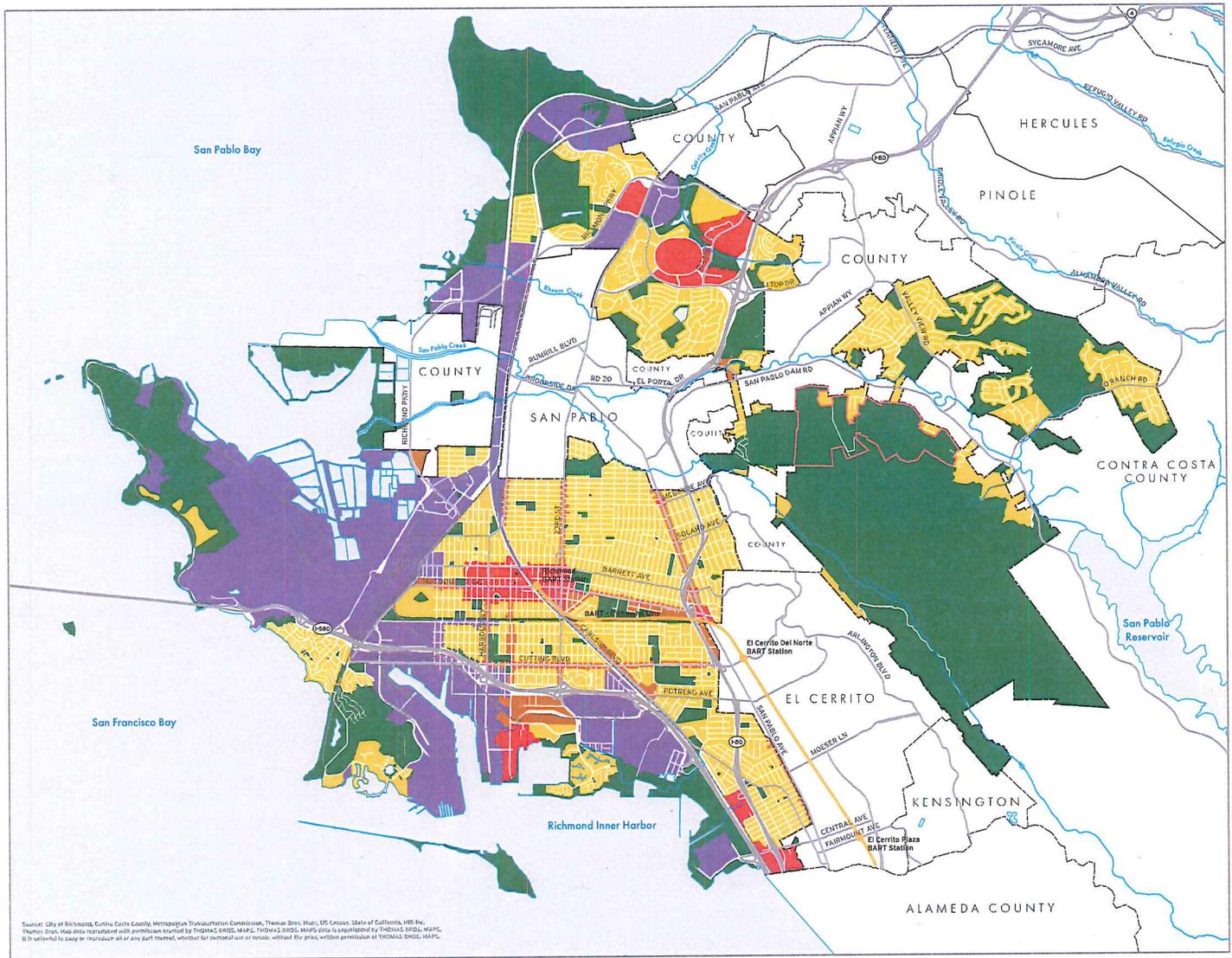
 - Agriculture
 - Open Space
 - Parks and Recreation
 - Public, Cultural, and Institutional
 - Richmond Hills Initiative Area

- Overlay Zones**

 - Transition Zone Overlay District (TZOD)
 Pursuant to Ordinance No. 1808, residential uses are prohibited within this zone

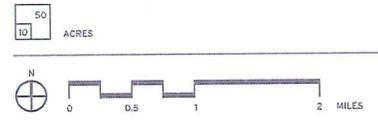


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Map 3.2a
General Plan Land Use Areas
 Citywide

- City of Richmond
- Land Use Areas**
- Residential Neighborhoods
- Key Corridors
- Activity Centers
- Business and Industry
- Community
- Richmond Hills Initiative



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RICHMOND
SHAPING THE NEW 100 YEARS

City of Richmond General Plan 2030 Housing Element

Amendments to Implement the Richmond Hills Initiative



**Revised
November 13, 2020**

Housing Resources and Opportunities

...

Adequate Sites: Available Sites for Housing

Under State law, the City is required to demonstrate that its land inventory can adequately accommodate its share of the region's projected growth. This is accomplished through an evaluation of vacant and underutilized residential and mixed-use properties with potential for residential development within the timeframe of the Housing Element.

...

The maximum unit capacity for each ~~vacant~~ parcel was calculated ... In addition, the housing element only identified sites determined to have the greatest viability for residential development within the planning period ~~given the size of sites and location, which is smaller than;~~ these sites are many fewer than the sites with actual development potential in Richmond. **Table 5.54** summarizes ~~vacant~~ land by zoning designation, including acreage, number of parcels, allowable density, maximum unit capacity, and realistic unit capacity. Richmond currently has approximately ~~228~~ 148 acres of developable ~~vacant~~ land zoned for residential and mixed-use development within the City limits that can accommodate ~~1,912~~ 2,323 residential units. Of the ~~1,912~~ 2,323 potential residential units, ~~1,254~~ 446 could be developed in single-family and multifamily zoning districts. An additional ~~658~~ 1,877 units could be developed in mixed-use commercial zoning districts Several large commercial sites suitable for higher density housing exist in various areas of the City. The Hilltop Mall, for example, has extensive underutilized parking lots and is for sale. The Mall and surrounding parcels to the south are planned and zoned for High-Intensity Mixed Use for high-density residential development. Substantially all of the new housing there will be moderate and above-moderate income units...

In addition to the ~~vacant~~ residential land shown in **Table 5.54**, **Table 5.55** lists recently constructed projects that have produced new residential units since January 1, 2014 or are currently permitted and expected to result in new single family and multifamily construction during the 2015-2023 planning period...

The MFR-2, MFR-3 and commercial zoning districts have historically been developed at higher densities and with units affordable to lower income households, and thus are areas most likely to accommodate a substantial amount of Richmond's share of the regional housing need for lower income households. As shown in **Table 5.56**, approximately ~~31.7~~ 87.6 acres are located in high density (greater than 30 du/acre) MFR-3 and commercial zones with a potential unit capacity of ~~668~~ 1,835 residential units, exceeding the remaining need of 314 units for low and very low income housing. Approximately ~~196~~ 60.1 acres of vacant land with allowed densities below 30 du/acre are available to accommodate up to ~~1,243~~ 488 housing units suitable for moderate and above moderate income levels. While this total ~~falls 158 units is~~ short of the remaining need of 1,401 units, ~~some of this remaining need may~~ can be met by excess capacity in higher density residential land, as well as through Additional planning and zoning efforts now underway that will further increase available land and unit capacity for both market rate and affordable housing, as described below.

**Table 5.54
Total Vacant Residential Sites**

Zone	Acres	# of Parcels	Allowable Density (du/ac)	Max Unit Capacity	Realistic Unit Capacity Density ^a
Residential					
SFR-1 Single Family Rural Residential Districts	24.9518.34	21	4	9973	7958
SFR-2 Single Family Very Low Density Residential District	147.2311.75	3723	7.3	406985	85568
SFR-3 Single Family Low Density Residential District	16.90	83	11.6	196	157
MFR-1 Multifamily Residential District	7.2	36	26.4	190	152
MFR-3 Multifamily High Density Residential District					
Subtotal	196.5354.44	160145		1,567557	1,254446
Commercial					
C-2 General Commercial (Live/Work)	5.90	1	15	88	53
C-1 Neighborhood Commercial	3.33	16	34.8	116	70
C-2 General Commercial	20.2624.51	2829	34.8	706852	424511
C-3 General Commercial	3.1752.51	110	34.8	1101,827	661,096
CB Central Business District	2.614.97	1624	34.8	91172	55103
CC Coastline Commercial District	2.08	2	34.8	73	44
Subtotal	31.4593.30	6382		1,0963,128	6581,877
Total	227.98147.74	223227		2,6643,685	1,9122,323
<i>Sites suitable to accommodate Richmond's share of regional housing need for lower income households (max density at least 30 du/acre)</i>	31.7087.65	6583		1,1103,053	6681,835
^a Based on historical trends and assumption that development standards combined with unique sites features may not always lead to 100 percent buildout. Assumes 80 percent realistic unit capacity for residential zones and 60 percent for commercial zones. Note: Some totals may not add due to rounding.					

**Table 5.56
Comparison of Regional Growth Need and Vacant Sites**

Income Group	Remaining RHNA	Density ^a	Vacant Acres	Units Accommodated
Very Low	274	>30 du/acre	31.787.65	6681,835
Low	(132)			
Moderate	410	<30 du/acre	196.2860.09	1,243488
Above Moderate	991			
Total	1,543		227.98147.74	1,9112,323
^a Per Government Code Section 65583.2(c)(3)(B), sites zoned for densities greater than 30 du/acre are deemed appropriate to accommodate Richmond's share of regional housing need for lower income households.				

Source: City of Richmond, Regional Housing Need Plan for the San Francisco Bay Area:2014-2022

Appendix C:
 “Vacant Land Inventory and Vacant Land Maps”

City of Richmond Housing Element Update 2015-23											
APPENDIX C: Vacant Land Inventory Summary											
...											
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
435300009	4	SFR-1	HR	288,165	6.62	4.0	26	24	Vacant		Yes
573020010	2	SFR-1	HR	798,687	18.34	4.0	73	58	Vacant		Yes
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
435180005	3	SFR-2	HR	1,165,139	26.75	7.3	194	155	Vacant		Yes
435200008	4	SFR-2	HR	2,928,278	67.22	7.3	488	390	Vacant	100-Year-Floodplain, Brownfield Site	Yes
435210004	5	SFR-2	HR	85,973	1.97	7.3	14	14	Vacant		Yes
435210005	6	SFR-2	HR	58,970	1.35	7.3	10	8	Vacant		Yes
435210006	7	SFR-2	HR	266,779	6.12	7.3	44	36	Vacant		Yes
435222001	8	SFR-2	HR	194,300	4.46	7.3	32	26	Vacant		Yes
435230008	9	SFR-2	HR	11,008	0.25	7.3	2	4	Vacant		Yes
435230014	10	SFR-2	HR	7,683	0.18	7.3	4	4	Vacant		Yes
435230015	11	SFR-2	HR	40,584	0.24	7.3	2	4	Vacant		Yes
435230024	12	SFR-2	HR	11,650	0.27	7.3	2	2	Vacant		Yes
435230027	13	SFR-2	HR	9,581	0.22	7.3	2	4	Vacant		Yes
435230028	14	SFR-2	HR	82,265	1.89	7.3	14	11	Vacant		Yes
435230030	15	SFR-2	HR	7,122	0.16	7.3	4	4	Vacant		Yes
435230040	16	SFR-2	HR	12,118	0.28	7.3	2	2	Vacant		Yes
435230046	17	SFR-2	HR	261,715	6.01	7.3	44	35	Vacant		Yes
435240004	18	SFR-2	HR	1,041,344	23.91	7.3	174	139	Vacant		Yes
...											
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
561110042	233	C-2	CMU	185,130	4.250	34.8	147	88	Vacant	100 Yr Floodplain	Yes
561144002	234	C-2	LW	256,960	5.899	15	88	53	Vacant		Yes
APN	Number	Zoning	Land Use	SF	Acres	Density	MaxUnit	RealUnit	Use	Environmental	Infrastructure
405303012	235	C-3	HIMU	99,099	2.275	34.8	79	48	Commercial: used car lot, car rental agency		Yes
405320001	236	C-3	HIMU	26,136	0.600	34.8	21	13	Commercial: used car lot, car rental agency		Yes

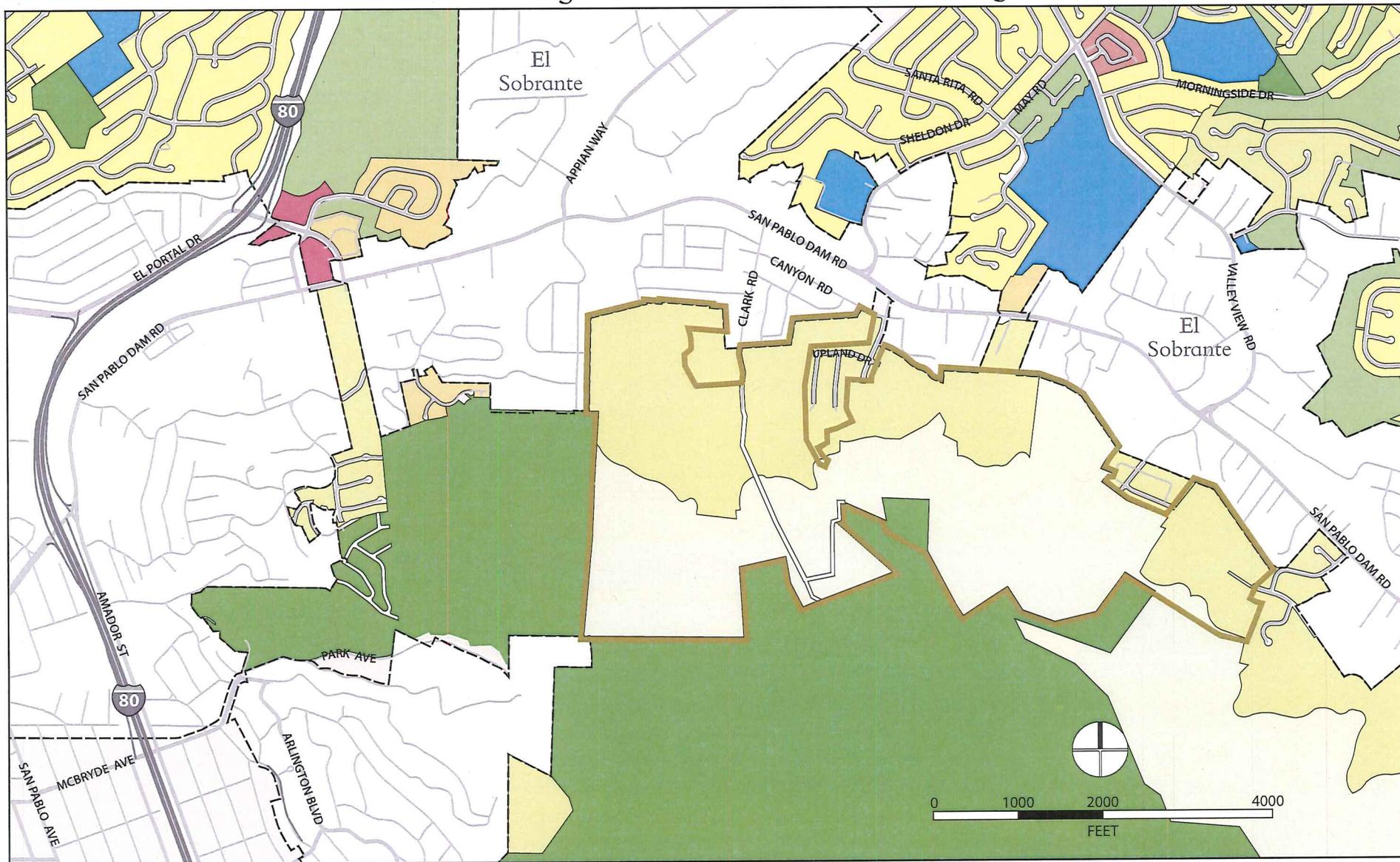
City of Richmond Housing Element Update 2015-23

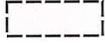
APPENDIX C: Vacant Land Inventory Summary

<u>405320005</u>	<u>237</u>	<u>C-3</u>	<u>HIMU</u>	<u>375,400</u>	<u>11.610</u>	<u>34.8</u>	<u>404</u>	<u>242</u>	<u>Commercial:</u> <u>used car lot,</u> <u>car rental</u> <u>agency</u>		<u>Yes</u>
<u>405320007</u>	<u>238</u>	<u>C-3</u>	<u>HIMU</u>	<u>166,835</u>	<u>3.830</u>	<u>34.8</u>	<u>133</u>	<u>80</u>	<u>Commercial:</u> <u>used car lot,</u> <u>car rental</u> <u>agency</u>		<u>Yes</u>
<u>405320011</u>	<u>239</u>	<u>C-3</u>	<u>HIMU</u>	<u>9,148</u>	<u>0.210</u>	<u>34.8</u>	<u>7</u>	<u>4</u>	<u>Commercial:</u> <u>used car lot,</u> <u>car rental</u> <u>agency</u>		<u>Yes</u>
<u>405320012</u>	<u>240</u>	<u>C-3</u>	<u>HIMU</u>	<u>479,160</u>	<u>11.000</u>	<u>34.8</u>	<u>383</u>	<u>230</u>	<u>Commercial:</u> <u>used car lot,</u> <u>car rental</u> <u>agency</u>		<u>Yes</u>
<u>405320018</u>	<u>241</u>	<u>C-3</u>	<u>HIMU</u>	<u>375,400</u>	<u>8.618</u>	<u>34.8</u>	<u>300</u>	<u>180</u>	<u>Commercial:</u> <u>used car lot,</u> <u>car rental</u> <u>agency</u>		<u>Yes</u>
<u>405320019</u>	<u>242</u>	<u>C-3</u>	<u>HIMU</u>	<u>248,509</u>	<u>5.705</u>	<u>34.8</u>	<u>199</u>	<u>119</u>	<u>Commercial:</u> <u>used car lot,</u> <u>car rental</u> <u>agency</u>		<u>Yes</u>
<u>405320020</u>	<u>243</u>	<u>C-3</u>	<u>HIMU</u>	<u>239,318</u>	<u>5.490</u>	<u>34.8</u>	<u>191</u>	<u>115</u>	<u>Commercial:</u> <u>used car lot,</u> <u>car rental</u> <u>agency</u>		<u>Yes</u>
<u>APN</u>	<u>Number</u>	<u>Zoning</u>	<u>Land Use</u>	<u>SF</u>	<u>Acres</u>	<u>Density</u>	<u>MaxUnit</u>	<u>RealUnit</u>	<u>Use</u>	<u>Environmental</u>	<u>Infrastructure</u>
<u>540081001</u>	<u>244</u>	<u>CB</u>	<u>HIMU</u>	<u>5,375</u>	<u>0.124</u>	<u>34.8</u>	<u>4</u>	<u>2</u>	<u>Parking Lot</u>		<u>Yes</u>
<u>540081002</u>	<u>245</u>	<u>CB</u>	<u>HIMU</u>	<u>5,375</u>	<u>0.124</u>	<u>34.8</u>	<u>4</u>	<u>2</u>	<u>Parking Lot</u>		<u>Yes</u>
<u>540081005</u>	<u>246</u>	<u>CB</u>	<u>HIMU</u>	<u>5,375</u>	<u>0.124</u>	<u>34.8</u>	<u>4</u>	<u>2</u>	<u>Parking Lot</u>		<u>Yes</u>
<u>540081020</u>	<u>247</u>	<u>CB</u>	<u>HIMU</u>	<u>21,758</u>	<u>0.500</u>	<u>34.8</u>	<u>17</u>	<u>10</u>	<u>Vacant</u>		<u>Yes</u>
<u>540081021</u>	<u>248</u>	<u>CB</u>	<u>HIMU</u>	<u>6,795</u>	<u>0.156</u>	<u>34.8</u>	<u>5</u>	<u>3</u>	<u>Vacant</u>		<u>Yes</u>
<u>540081024</u>	<u>249</u>	<u>CB</u>	<u>HIMU</u>	<u>5,906</u>	<u>0.136</u>	<u>34.8</u>	<u>4</u>	<u>2</u>	<u>Vacant</u>		<u>Yes</u>
<u>540081026</u>	<u>250</u>	<u>CB</u>	<u>HIMU</u>	<u>15,849</u>	<u>0.364</u>	<u>34.8</u>	<u>12</u>	<u>7</u>	<u>Vacant</u>		<u>Yes</u>
<u>540092016</u>	<u>251</u>	<u>CB</u>	<u>HIMU</u>	<u>36,087</u>	<u>0.830</u>	<u>34.8</u>	<u>28</u>	<u>17</u>	<u>Vacant</u>		<u>Yes</u>

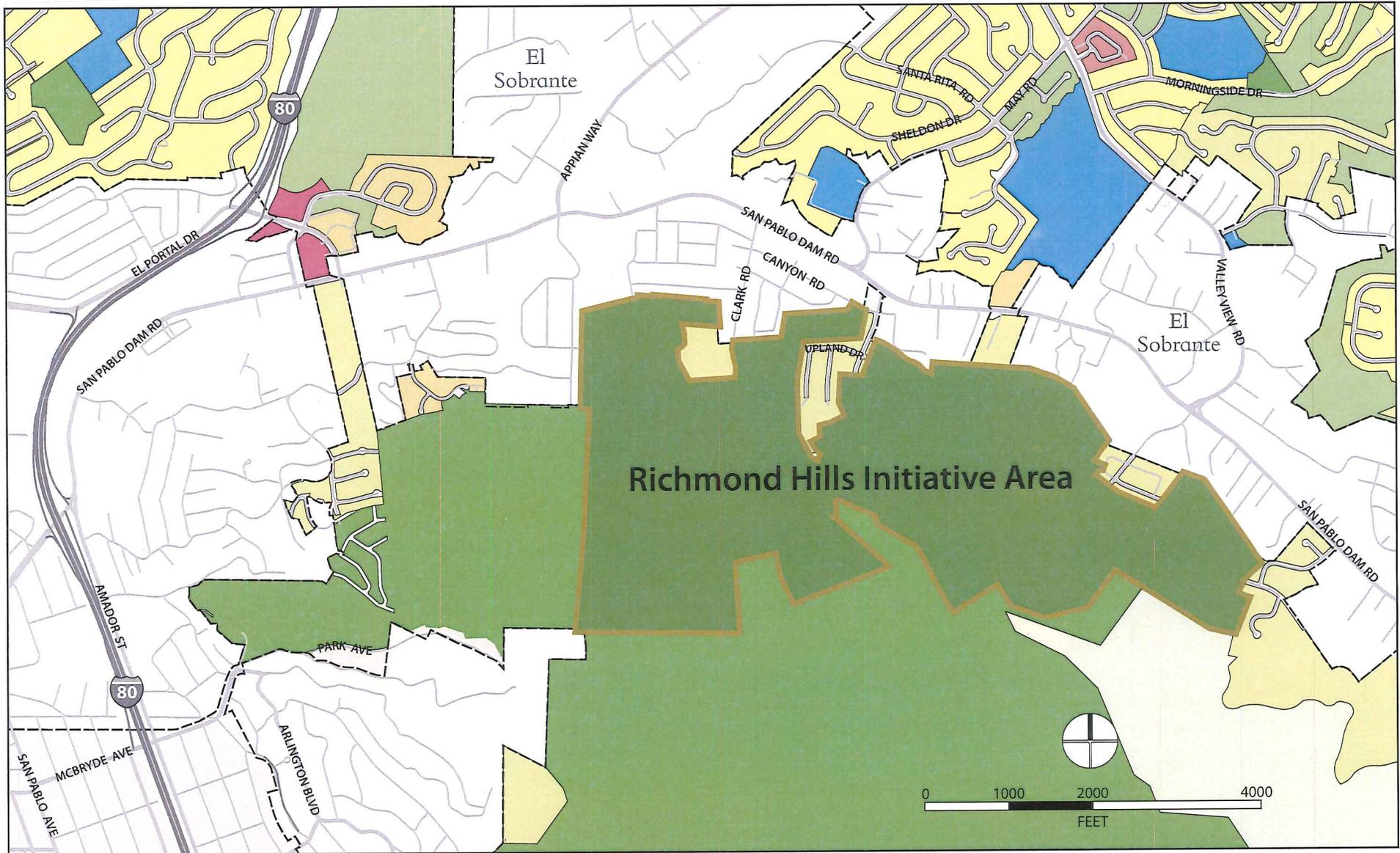
Note: Nonvacant parcels in the inventory are used as parking lots with no substantial structures that would interfere with their use for moderate and above-moderate income housing up to the maximum allowable density. No minimum commercial development is required on those sites.

Richmond Hills Initiative Area: Existing General Plan Land Use Designations



- | | | | |
|---|--|--|---|
|  Hillside Residential |  Neighborhood Mixed Use |  Open Space |  OS-Hillside Initiative Area |
|  Low Density Residential |  Public/Institutional |  Agriculture |  City of Richmond |
|  Medium Density Residential |  Parks and Recreational | | |

General Plan Amendment for Richmond Hills Initiative Area



- | | | | |
|---|--|--|--|
|  Hillside Residential |  Neighborhood Mixed Use |  Open Space |  Richmond Hills Initiative Area |
|  Low Density Residential |  Public/Institutional |  Agriculture |  City of Richmond |
|  Medium Density Residential |  Parks and Recreational | | |

**Exhibit C:
Proposed Zoning Amendments to
Implement the Richmond Hills
Initiative**

**Planning Commission Public Hearing Draft
March 4, 2021**

Article 15.04.202 Mixed Use Districts

Note to Reader: Additions are underlined and deletions are in ~~strikethrough~~ format. Ellipsis (...) denote existing text that is not changed.

15.04.206.010 Development Standards

Tables 15.04.202.030(1) through 15.04.202.030(5) prescribe the development standards for Mixed-Use Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Article, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.

TABLE 15.04.202.030(1): LOT, DENSITY, FAR, AND BUILDING PLACEMENT STANDARDS – MIXED-USE DISTRICTS								
<p>KEY</p> <ul style="list-style-type: none"> --- Property Line - - - Setback Line ■ Buildable Area 								
District	CM-1	CM-2	CM-3	CM-4	CM-5	LW	Additional Regulations	#
Lot and Density Standards								
Minimum; Maximum Density (units/net acre)	15; 50	10; 30	15; 50	30; 75 <u>82.5¹</u>	40; 125 <u>135¹</u>	15; 50		
...	...							

¹ The increase in density, made by Ordinance ___ on ___, is intended to conform to the requirements of the Housing Crisis Act of 2019 by ensuring that there is no net loss in residential capacity in the City as a result of the Richmond Hills Initiative and the implementing rezoning also made in this Ordinance which reduced the residential development capacity in the Richmond Hills Initiative area by 864 units. This density increase is allowed by the General Plan, which states on page 3.10 that the maximum number of allowable units in a land use designation may be exceeded to accommodate a density transfer or development rights transfer.

Article 15.04.206 Open Space Districts

Note to Reader: Additions are underlined and deletions are in ~~strike through~~ format.

Sections:

- 15.04.206.010 Purpose and Applicability
- 15.04.206.020 Land Use Regulations
- 15.04.206.030 Development Standards
- 15.04.206.040 Supplemental Regulations

15.04.206.020 Purpose and Applicability

OS Open Space District. The purpose of the OS Open Space District is to provide land for development of open, space uses, consistent with the General Plan. More specifically, this zoning district is intended for undeveloped publicly owned lands, visually significant open lands, water areas, and wildlife habitat. These areas are set aside as permanent open space preserves and may include trails, trail heads, agricultural uses (such as 4H), and other facilities for low-impact public recreational uses. This zoning district includes wetlands, mudflats, creek corridors and other natural preservation areas, as well as private lands deed-restricted for open space preservation.

OS-H Hillside Open Space. The purpose of the OS-H Hillside Open Space District is to protect undeveloped rural hillside land in El Sobrante Valley designated for Open Space in the General Plan where any substantial additional development in this area would be harmful and would displace agriculture and outdoor recreation, destroy scenic resources, impact stream flows, exacerbate erosion and pollution, reduce wildlife habitat, and substantially increase traffic in existing residential neighborhoods and along San Pablo Dam Road. Limitations on permissible uses and restrictions on development are established to implement the General Plan. A Transfer of Development Credits program established under Section 15.04.611 will allow property owners in the OS-H District to transfer housing development potential to other parts of the City.

15.04.206.030 Land Use Regulations

Table 15.04.206.020 below prescribes the land use regulations for the OS Open Space District. These regulations 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.

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. L1, L2

TABLE 15.04.206.020: LAND USE REGULATIONS – OPEN SPACE DISTRICT			
<i>Uses</i>	<i>OS</i>	<i>OS-H</i>	<i>Additional Regulations</i>
RESIDENTIAL			
Residential Facility	See subclassifications below		
<i>Residential Care, Limited</i>	-	<u>L5</u>	
<i>Hospice, Limited</i>	-	<u>L5</u>	
COMMERCIAL			
Animal Sales and Service	See subclassification below		See § 15.04.610.070 Animal Keeping
<i>Riding Schools and Stables</i>	C	<u>L3</u>	
INSTITUTIONAL AND COMMUNITY FACILITIES			
Government Buildings	-	<u>L6</u>	
Park and Recreation Facility	C	<u>L4</u>	
Social Service Center	-	<u>L5</u>	
TRANSPORTATION, COMMUNICATION AND UTILITIES			
Utilities, Major	C	<u>L6</u>	
Utilities, Minor	P		
AGRICULTURE			
Agricultural Production and Services	C	<u>L1, L2</u>	
Animal Husbandry	P	<u>L1</u>	See § 15.04.610.070 Animal Keeping
Outdoor Agriculture	P		
OTHER			
Accessory Uses and Structures	See § 15.04.601.010 Accessory Uses and Structures. <u>Residential accessory structures are not permitted in the OS-H District.</u>		
Nonconforming Uses	See Article 15.04.606, Nonconforming Uses, Structures, and Lot		
Temporary Use	See Article 15.04.807, Temporary Use Permits and L7 for the OS-H District.		

TABLE 15.04.206.020: LAND USE REGULATIONS – OPEN SPACE DISTRICT			
Uses	OS	OS-H	Additional Regulations
RESIDENTIAL			
Residential Facility	See subclassifications below		
<i>Residential Care, Limited</i>	-	L5	
<i>Hospice, Limited</i>	-	L5	
COMMERCIAL			
Animal Sales and Service	See subclassification below		See § 15.04.610.070 Animal Keeping
<i>Riding Schools and Stables</i>	C	L3	
<p>Notes:</p> <p><u>L1 - Including grazing, viticulture, arboriculture, horticulture, research, and rearing, care and use of ruminants, pigs, poultry, and bees, but not including feedlots unless most of the feed over a calendar year is grown in the OS-H District, but dairy farms, pig farms, poultry ranches, Christmas tree farms and nurseries are allowed with a conditional use permit only if they are small-scale and the Planning Commission determines that they will not cause substantial environmental harm, including noise, odor or vermin.</u></p> <p><u>L2 - Processing, packaging, storage or sale of agricultural produce is allowed with an administrative use permit if most of the produce over a calendar year is grown in the OS-H District and the Zoning Administrator determines that there will be no significant deleterious effects on the environment.</u></p> <p><u>L3 - Rearing, boarding, training, care, rental or sale of horses and other animals but not including temporary boarding or day care of household pets, is allowed with an administrative use permit, provided that the Zoning Administrator determines that the use will not cause substantial environmental harm, including noise, odors or vermin.</u></p> <p><u>L4 - Low-intensity outdoor recreation, exercise, and pastimes predominately for active participants, not spectators, and subordinate auxiliary uses (including small-scale camps, picnic facilities, provision of food and drink, and safety and sanitary services) are permitted, provided they are compatible with a rural environment and do not contribute to noise or light pollution.</u></p> <p><u>L5 - Institutional and other non-profit uses that predominantly serve permitted uses in the OS-H District and neighboring areas are allowed with an administrative use permit as are small facilities for convalescence, rehabilitation, and hospice care for not more than six patients each that the Zoning Administrator determines will not substantially impair the environment;</u></p> <p><u>L6 - Government and public utility uses are permitted that are limited to meeting needs created by permitted uses in the OS-District, except to the extent the City Council finds reasonably substantial public need that cannot be met outside this area. However, this exception shall not apply to waste disposal, processing or treatment, and electrical power production or transmission primarily for sale.</u></p> <p><u>L7 - A temporary use permit may be approved for occasional short-term events related to agriculture, animals or outdoor recreation that do not interfere materially with agriculture or cause substantial environmental harm.</u></p>			

- A. **Additional Use Regulations – OS-H District.** If a reasonable use exception is requested pursuant to Section 15.04.206.070 and it is determined that a reasonable accommodation must be provided to enable an economically beneficial use, then:
1. One single family dwelling unit may be built on each parcel or each 20 acres of a parcel, with normal and appropriate residential accessory uses and structures, including accessory dwelling units as required by State law;
 2. The maximum residential floor area for the principal dwelling unit shall not exceed the amount permitted by Section 15.04.201.030 (G) or 4,000 square feet, whichever is less, with additional floor area allowed for accessory

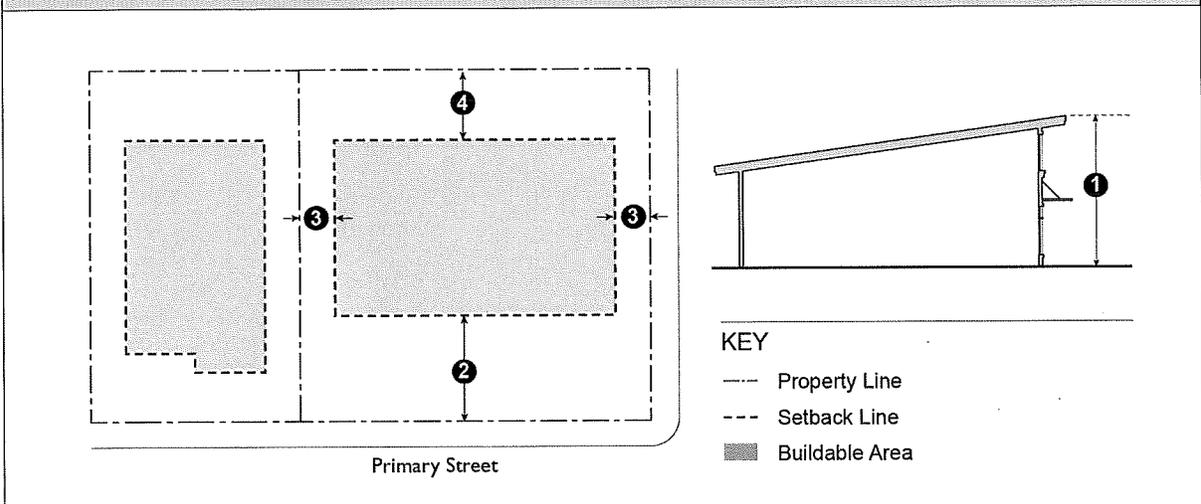
dwelling units and accessory structures for home occupations and offices;
and

3. Home occupations and offices are permitted, if they are secondary to residential uses and do not add more than 25 percent to the living area of the dwelling unit, and the occupations are conducted primarily by residents of the home and will not increase materially traffic in the OS-H District or on adjacent streets. The floor area for home occupations and offices shall be counted as part of the residential floor area for purposes of determining compliance with the maximum residential floor area allowed by paragraph (A)(2), above.
4. Houses built under this subsection shall be designed and constructed as near as reasonably practicable to have substantially the same exterior form and use similar exterior materials as are used for existing houses and public utilities adjacent to the OS-H District, consistent with the General Plan. Exceptions to this requirement may be approved by the Zoning Administrator in order to reduce fire hazards or make reasonable accommodations for individual household's living requirements.
5. If a parcel is transferred to another person, a residence may not be built on the parcel unless all of the transferable development credits provided for by the OS-H District for the parcel and its acreage are transferred to the parcel transferee. If one or more of the credits are used or transferred to any person, other than a transferee of the parcel, a residence may not be built on the parcel.

15.04.206.040 Development Standards

Table 15.04.206.030 prescribes the development standards for the Open Space Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Ordinance. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.

TABLE 15.04.206.030: DEVELOPMENT STANDARDS – OPEN SPACE DISTRICT



KEY
 - - - Property Line
 - - - Setback Line
 ■ Buildable Area

District	OS	OS-H	Additional Regulations	#
Lot Size; Building Form and Location				
Minimum Lot Size	n/a	<u>20 acres</u>		
Minim Lot Width (ft.)	n/a	<u>200</u>		
Maximum Height (ft.)	35	<u>35</u>	See § 15.04.601.050 Exceptions to Height Limits	①
Minimum Setbacks (ft.)				
Front	20% of lot depth, not to exceed 40 ft.		Play structures are allowed in setback areas; See also § 15.04.601.020 Building Projections into Yards	②
Side	10% of lot depth, not to exceed 20 ft.			③
Rear	20% of lot depth; not to exceed 20 ft.			④
Maximum Floor Area Ratio (FAR)	0.5	<u>n/a</u>		
Maximum Density (net units/acre)	n/a	<u>n/a</u>		

15.04.206.050 Additional Development Standards – OS-H District

A. **Minimum Parcel Size.** If a legally created parcel smaller than 20 acres (a "subsize" parcel) is contiguous to another subsize parcel or parcels, or if a subsize parcel is linked to another subsize parcel or parcels by an intervening parcel or parcels, whether subsize or not, the parcels shall be treated pursuant to the General Plan as though they are a single parcel for purposes determining the number of allowable

dwelling units, the development envelope, the maximum floor area, the maximum sign area, visibility protection, the award of development credits, and the application of visibility.

- B. **Maximum Floor Area.** The maximum aggregate floor area for all floors in all buildings on a parcel, except basement and cellar floors, shall not exceed 10,000 square feet. If residences and residential accessory buildings are permitted, they shall not exceed 5,000 square feet of the 10,000 maximum.
1. With approval of a conditional use permit, the Planning Commission may increase the maximum floor area up to an additional 10,000 square feet, in aggregate, if necessary for agricultural use, processing, packaging, storage, or sale of produce, rearing, boarding, care and use of animals, or recreational facilities including camps and, separately, up to 20,000 square feet for covered riding arenas.
 2. With a conditional use permit, the permissible floor area of a parcel may be transferred to one or more other parcels within the OS-H district if there is no building on the transferor parcel. A transfer of floor area does not increase the 5,000-square foot limit for residences and residential accessory buildings on the transferee parcel. No more than 30,000 square feet of floor area in aggregate may be transferred to a parcel from one or more other parcels. If any floor area is transferred, then no building is permitted on the parcel from which the floor area is transferred, and a development restriction establishing this limitation shall be recorded in the Office of the County Recorder.
- C. **Development Envelope.** All buildings on a parcel must be located within a contiguous area, as compact as reasonably practicable, not to exceed two acres, except for buildings that the Planning Commission finds necessarily must be located outside that area for agricultural use, processing, packaging, storage or sale of agricultural produce, rearing, care, training or use of animals, government or public utility use, or to protect residents of other parcels from substantial noise, odor or vermin. All of the required findings in Article 15.04.805 also must be made.
- D. **Development Easements.** Before any building permit is granted, or a development credit or credits based on the parcel used or transferred, other than transferred to a grantee of the parcel, the Zoning Administrator must receive written evidence that an easement, running with the land, has been recorded on the parcel that bars development or use not permitted under the OS-H District. The easement shall be conveyed to the City and, if available, jointly to an independent land trust acceptable to the Zoning Administrator. The easement shall convey no possessory interest or liability to the City or the independent land trust, nor confer any right of public access.
- E. **Signs.** The following specific standards for signs apply in the OS-H District in addition to the standards in Article 15.04.609, Signs. They are intended to ensure that

signs are no more numerous, larger, or more noticeable than necessary to provide directions and information about permissible uses.

1. The total sign area for all permanent, freestanding non-exempt signs shall not exceed 10 square feet for each parcel of 20 acres or more and for “subsize” parcels that are not required to be treated as a single parcel pursuant to subsection (A), above.
2. No individual freestanding sign shall exceed six feet in height.
3. One wall sign is permitted for each principal non-residential building, excluding accessory buildings and structures, not exceeding six square feet in area and not projecting more than 6 inches from the building wall. The Planning Commission may approve additional wall signs as part of a Master Sign Program pursuant to Section 15.04.609.170 upon finding that the visual character of the area is not significantly changed, the additional signs are in harmony with other signs on the sign, and such additional signs are the minimum necessary to identify buildings and uses.
4. No banners, feather banners, or pennants are allowed as temporary signage in an OS-H District.

F. **Areas of Special Environmental Concern.** The following restrictions apply within the OS-H District. In each case, the Zoning Administrator shall make this determination as part of environmental review, pursuant to Section 15.04.803.050. The Zoning Administrator may impose reasonable conditions of approval related to impacts on these areas of special environmental concern in order to achieve the specific purposes of the OS-H district, the general purposes of Article XV, and consistency with the General Plan.

1. **Wetlands:** Development on wetlands or use of wetlands for development is not permitted if by itself or in conjunction with other development or use such an action would reduce appreciably the quantity or biological quality of wetlands.
2. **Stream Corridors:** Development or use is not permitted if by itself or in conjunction with other development or use it would impair appreciably the quantity or quality of water or of native vegetation in a stream corridor, except for otherwise permissible flood control to protect human safety, or preservation of special status species.
3. **Wildlife:** No development or use is permitted that would reduce appreciably the number, prevent the recovery in number, or impair the genetic variability of one or more special status species.
4. **Steep Slopes:** No building shall be located, in whole or in part, on a slope of 15 percent or more. No building shall be located on a site that cumulatively has access for more than 25 feet over a slope of 15 percent or more, unless there is no other development site on a parcel. Cultivated agriculture shall not be conducted on a slope of 20 percent or more. No grading shall take

- place on a slope of 15 percent or more unless necessary to maintain fire roads.
5. **Elevation:** No building is permitted above 400-foot elevation unless the parcel involved is entirely above 400 feet.
- G. **Visual Safeguards.** Structures shall not be located on ridgelines or hilltops, or where they will project into the view of a ridgeline or hilltop from public streets and other publicly-owned land, unless there is no less obtrusive site on the parcel or on a contiguous parcel in legal or de facto common ownership. To the extent practicable, structures shall be located on that part of a parcel that minimizes visibility from roads, trails, and other publicly-owned land. Roads shall be located, to the maximum extent feasible, where they are least visible from publicly-owned land. New utilities shall be installed underground.
- H. **Design Standards and Design Review Criteria.** All development is subject to design review pursuant to Article 15.04.805. The following criteria shall apply in addition to the design review established in Section 15.04.805.040:
1. Development shall be subordinate to and blend harmoniously with the natural and open space qualities of the surrounding area where it is located. The alteration of natural topography, vegetation, and other characteristics by grading, excavating, filling or other development activity shall be minimized, and successive padding or terracing of building sites shall be avoided. In all cases, appropriate landscaping, preservation of vegetation, design, and building materials shall be required by the City to reduce as much as practicable the visibility of development.
 2. Signs shall not be more numerous, larger or more noticeable than is necessary to provide directions and information about permissible uses.
 3. Visibility of development from roads, parks and other Development shall be subordinate to and blend harmoniously with the natural and open space qualities of the area where located.
- I. **Transfer of Development Credits.** Under the provisions of Article 15.04.611, Transfer of Development Rights and consistent with the General Plan, the City Council has established a transferable development credit (TDC) program for OS-H District as a “Sending Zone”. “Receiving Zones” are listed in Table 15.04.611.040 in Article 15.04.611. This program shall grant one credit to the owner or owners, of each parcel, and one credit for each 5 acres of a parcel more than 5 acres, unless all remaining permissible residential development has previously been transferred from the parcel. Credits shall not be granted for parcels or acres above 400 feet elevation. Each credit may be used to build one residence in a receiving area, with the consent of the parcel owner there.
1. TDC-based residences shall be similar in type and size to the residences that exist or otherwise may be built in the zoning district where they are located. Consistent with that similarity and with public health and safety, they do not

have to comply with density limitations or other land-use regulations to the extent those regulations would bar or make impracticable their construction. No more than two TDC-based residences may be built on a parcel except as authorized by a Specific Plan or in a Planned Area District.

2. Development credits may be sold or otherwise transferred to any person, regardless whether they own property in the OS-H District or the receiving area, including to and by the City and nonprofit entities. If, however, a residence is built on a parcel in the OS-H District, or the right to build vested, the credits based on the parcel or its acreage established by this subsection are then void and shall not be available to be transferred or used.

15.04.206.060 Supplemental Regulations

- A. **Truck Docks, Loading and Service Areas.** Truck docks, loading areas, and service areas must be located at the rear or interior sides of buildings and screened so as not to be visible from public streets or residential properties.
- B. **Abutting Residential Districts.** When a lot abuts a Residential zoning district, the setbacks of the abutting district apply.

15.04.206.070 Reasonable Use Exceptions

This section establishes the procedure for approval or disapproval of Reasonable Use Exceptions for proposed development in the OS-H Hillside Open Space District. Nothing in this section regarding the OS-H Hillside Open Space District is intended to preclude reasonable economic use of property as set forth in Section 15.04.206.030. If the requirements of Section 15.04.206.030 as applied to a specific lot in the OS-H Hillside Open Space District would deny all reasonable economic use of the lot, then development shall be permitted as set forth below if the applicant demonstrates to the satisfaction of the Planning Commission that all of the requirements of this section have been satisfied.

- A. **Review Authority.** The Planning Commission has the authority under this Article XV to approve, conditionally approve, or deny applications for reasonable use exceptions based on consideration of the requirements of this section.
- B. **Application Requirements.** Applications for reasonable use exceptions must be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Article 15.04.803 (Common Procedures). An application for a reasonable use exception must include, but is not limited to, the following:
 1. Data or other evidence that conforms to the required findings set forth in Section 15.04.206.070 (D) below (Required Findings);
 2. A calculation of the maximum floor area allowed by Section 15.04.206.050 (B).
 3. A map showing the location, size, and areas of the parcel that are areas of special environmental concern, as identified Section 15.04.206.050 (F);

4. A map showing the location and areas of the parcel subject to the visual safeguards in Section 15.04.206.050 (G);
 5. An analysis of the minimum development necessary to achieve reasonable economic use of the parcel, including a narrative of the factual basis for this determination;
 6. An analysis of whether any other reasonable use than that described in subsection 5 with less impact on the areas of special environmental concern is feasible, meaning capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. This must also include an analysis of whether there is any practicable on-site alternative to the proposed development with less impact, including reduction in density, revision of lot layout and/or related site planning considerations that would allow a reasonable economic use with less adverse impacts to the open space and related buffers and the areas of special environmental concern.
 7. A design of the proposal so that the amount of development proposed as a reasonable economic use will have the least impact practicable on the areas of special environmental concern;
 8. An analysis of the modifications needed to the standards of Sections 15.04.206.040 and 15.04.206.050 to accommodate the proposed development;
 9. A calculation of the number of Development Credits attributable to the subject parcel under Section 15.04.206.050.I, and a description of the efforts the applicant has made to sell, transfer or otherwise utilize such Development Credits pursuant to the provisions in Article 15.04.611; and,
 10. Such other information as the Zoning Administrator determines is reasonably necessary for the Planning Commission to evaluate the issue of reasonable economic use as it relates to the proposed development.
- C. **Public Notice and Hearings.** An application for a reasonable use exception requires public notice and hearing before the Planning Commission in accordance with Article 15.04.803 (Common Procedures).
- D. **Required Findings.** The Planning Commission may approve an application for a reasonable use exception as it was applied for, or in a modified form as required by conditions of approval, if, on the basis of the application, plans, materials and testimony submitted, the Planning Commission finds that:
1. There is no other reasonable economic use or feasible alternative to the proposed development with less impact on the open space;
 2. The proposed development does not pose a threat to the public health, safety and welfare on or off the subject parcel;

3. The alterations that would be permitted to the development standards in Sections 15.04.206.040 and 15.04.206.050 are the minimum necessary to allow for a reasonable use of the property and do to exceed the limitations established in Section 15.04.206.030 (A); and
4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line, thereby creating the undevelopable condition after the effective date of the ordinance codifying this chapter.

E. **Conditions of Approval.** When approving a reasonable use exception, the Planning Commission may impose reasonable conditions related to environmental impacts caused by the project application in order to:

1. Achieve the specific purposes of the zoning district in which the project is to be located, the general purposes of Article XV, and consistency with the General Plan;
2. Protect the public health, safety, and welfare of the citizens of the City of Richmond;
3. Mitigate potential environmental impacts; and
4. Ensure that the design of the proposed project will be compatible with the surrounding area where it will be located.

No condition of approval can impose further discretionary review of the project by the Planning Commission.

F. **Decision; Appeals.**

1. **Expiration, Extensions and Modifications.** A reasonable use exception is effective and may only be extended or modified as provided for in 15.04.803 Common Procedure).
2. **Appeals.** The Planning Commission's decision may be appealed to the City Council in accord with Section 15.04.803.140 (Appeals).

Article 15.04.611 Transfer of Development Rights

Note to Reader: Underlined text is new, and ~~strikethrough~~ text is to be deleted. Ellipsis (...) indicate where there is no change in existing text.

Sections:

15.04.611.010	Purpose
15.04.611.020	<u>Definitions</u>
15.04.611.030	TDR Sending Zones – Assignment of Transferable Development Rights
15.04.611.040	Maximum Density/Intensity Allowed in Receiving Zones
15.04.611.050	Right to Transfer Development Rights
15.04.611.060	TDR Conversion Ratio
15.04.611.070	Effect of Transfer
15.04.611.080	Rights of Transferees
15.04.611.090	Number of Rights Involved in Transfer
15.04.611.100	Certification by Zoning Administrator
15.04.611.110	Instrument of Transfer
15.04.611.120	Original Instruments of Transfer
15.04.611.130	Application for Use on Receiving Parcel
15.04.611.140	Consideration of Application for Use
15.04.611.150	Final Approval of Use
15.04.611.160	Fee-in-Lieu for Open Lands Option

15.04.206.070 Purpose

The purpose of this Article is to support the protection of open space and natural resource areas identified in the General Plan by allowing the transfer of development potential and development credits from a site in such areas having a resource deserving protection, land suitable for agriculture and outdoor recreation, land subject to hazards, including landslides and very high fire hazard risk, or otherwise designated by the General Plan as a protected sending area to a site in designated receiving zones requiring less protection. The mechanism for transfer of development rights (TDRs) is used to implement the General Plan, protect farmland and resource areas and/or to provide the owners of property an alternative to development. Payment of fees to a trust fund for use by the City in acquiring property having a resource deserving of protection is an alternative to the purchase or transfer of development rights. The TDR program and the fee-in-lieu option in this Article are voluntary for property owners and provided as a means to further the objectives of the General Plan.

15.04.206.080 Definitions

Development Rights. The legal rights for development established in zoning regulation, which include the maximum number of dwelling units or square feet of floor area, that are permitted by the zoning district regulations for a specific site, lot or parcel.

Sending Zone. A geographic area, which may be a zoning district, from which development rights can be transferred. Sending zones may include specified areas where land use and development is restricted by the General Plan and zoning regulations. Once development rights are “sent” to another parcel, they can no longer be used for development in the sending zone.

Receiving Zone. A geographic area, which may be a zoning district, that is identified as suitable to receive a transfer of development rights from a sending zone, which enable an increase in the density or development intensity above that which is otherwise allowed by the zoning district regulations.

Transfer of Development Rights (TDRs). A method for transferring a development right from a sending zone to a receiving zone, which allows an increase in density or development intensity in the receiving zone above the limit established in the zoning regulations that otherwise would apply. This is normally done by a legal instrument in the form of a contract, which is recorded with the title of the property. An easement restricting development in the sending zone also may be required as a condition of allowing a transfer of development rights to occur.

15.04.206.090 TDR Sending Zones – Assignment of Transferable Development Rights

The City Council, upon a recommendation of the Planning Commission, shall identify Sending Zone(s), as defined in this Article, and assign a specific number of TDRs to each zone unless the General Plan itself and/or the zoning district regulations establishes transferable development rights or credits for a specific area in which case these rights or credits shall be used. These TDRs may be used to obtain approval for development on other parcels of land located in a TDR Receiving Zones, which also shall be identified by the City Council, at a density or intensity of use greater than would otherwise be allowed on those parcels, up to a maximum specified by the City Council in this Article or in the zoning district regulations.

15.04.206.100 Maximum Density/Intensity Allowed in Receiving Zones

Every parcel of land located in a Receiving Zone may be developed at additional density/intensity of use, through the acquisition of TDRs, up to the maximum density/intensity identified by the City Council in Table 15.904.611.0415.04.611.0400 below.

TABLE 15.04.611.040: TDR RECEIVING ZONES MAXIMUM DENSITY/INTENSITY WITH TRANSFER OF DEVELOPMENT RIGHTS OR CREDITS			
<i>Receiving Zone</i>	<i>Base Zone Maximum Density/Intensity</i>	<i>Maximum Additional Density with TDRs</i>	<i>Maximum Bonus FAR With TDRs</i>
<i>RL1 Single Family Very Low Density Residential</i>	<u>5 units/net acre</u>	<u>+1.0</u>	See Note 1
<i>RL2 Single Family Low Density Residential</i>	<u>12 units/net acre</u>	<u>+2.0</u>	
<i>RM1 Medium Density Multi-family Residential</i>	<u>27 units/net acre</u>	<u>+3.0</u>	
<i>RM2 High Density Multi-Family Residential</i>	<u>40 units/net acre</u>	<u>+4.0</u>	
<p><u>Note:</u> <u>1 The maximum floor area ratio in Table 15.04.201.060 for small lot single unit, bungalow court and townhouse development types may be increased up to 0.5.2 Fractional portions of dwelling units shall be ignored in calculating the number of transferable rights and density units for a parcel or lot.</u></p>			

15.04.206.110 Right to Transfer Development Rights

Development rights assigned to parcels in Sending Zones may be transferred to parcels in Receiving Zones and used to increase the density/intensity on a Receiving Parcel in accordance with the provisions of this Article and the General Plan.

- A. Limitations. A development right may not be used in any manner inconsistent with the General Plan, Table 15.04.611.040, and the following provisions of this Article:
1. No development right may be used to increase intensity or density within a Receiving Zone that exceeds the maximum intensity or density set by the General Plan for parcels in the Receiving Zone that can be achieved under the TDR program unless a specific exemption from density limitations has been established in the General Plan for transferable development credits from a specific area to the extent that these limits would bar or make impracticable their construction; and
 2. No development right may be derived from land in a Sending Zone that is already precluded from development by nature of a recorded restrictive covenant or easement.
 3. No more than two TDR-based dwelling units may be built on a parcel except as authorized by a Specific Plan or a Planned Area District.
- B. Intermediate Transfer. A development right may be transferred to a transferee prior to the time when its use for a specific Receiving Parcel has been finally approved in accordance with this Article.

15.04.206.120 TDR Conversion Ratio

For purposes of converting residential TDRs to non-residential FAR, one residential TDR unit equals .05 non-residential FAR unless an alternative ratio has been set by the City Council for a specific Sending Zone(s).

15.04.206.130 Effect of Transfer

After development rights have been transferred by an original instrument of transfer:

- A. The Sending Parcel shall not be further subdivided or developed to a greater density or intensity of use than permitted by the remaining development rights.
- B. The Sending Parcel shall not be used in connection with any determination of site area or site capacity, except as may be necessary in determining the number of development rights involved in the transfer.
- C. All development rights that are the subject of the transfer, and the value of such rights, shall be deemed for all other purposes, including assessment and taxation, to be appurtenant to the Sending Parcel, until such rights are certified by the Zoning Administrator and have been finally approved for use on a specific Receiving Parcel.

15.04.206.140 Rights of Transferees

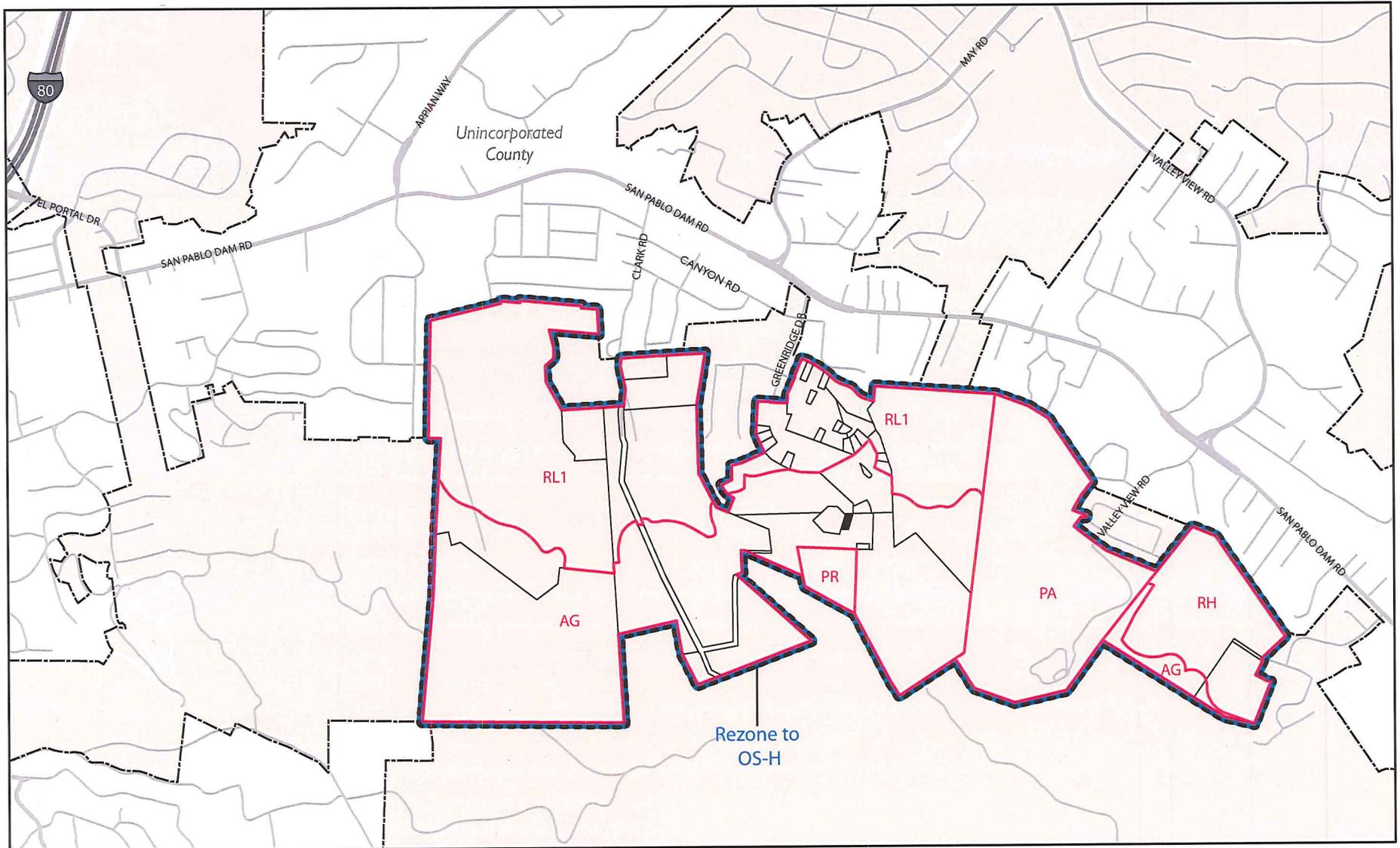
Between the time of the transfer of a development right by an original transferor and the time when its use on a specific Receiving Parcel is final in accordance with the provisions of this Article, a transferee has only the right to use the development right to the extent authorized by all applicable provisions of Article XV in effect at the time when use of the development right for a specific Receiving Parcel is finally approved. No transfer shall be construed to limit or affect the power of the City Council to amend, supplement or repeal any or all of the provisions of this Article or any other section of Article XV or to entitle any transferor or transferee to damages or compensation of any kind as the result of any such amendment, supplementation or repeal.

15.04.206.150 Number of Rights Involved in Transfer

- A. **Determination.** The number of development rights involved in an original instrument of transfer shall be equal to the lesser of (1) "maximum dwelling units" or (2) "number of dwelling units" permitted on the Sending Parcel, as determined in accordance with the procedures for determining site area and residential land use site capacity and floor area in this Code and specific procedures for such calculations as may be established in the General Plan. In making such calculations, "gross site area" shall refer to the gross site area of the Sending Parcel as determined by actual on-site survey.
- B. **Fractional Rights.** Fractional parts of a development right shall be disregarded. No transfer shall include other than a whole number of development rights.

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Exhibit C: Proposed Zoning Map Amendment



-  Richmond Hills Initiative Area
-  Proposed OS-H Hillside Open Space Zone
-  Existing Zoning Districts
-  Richmond Hills Initiative Parcels
-  City of Richmond

