

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND REPEALING CHAPTER 12.62 ONE-PERCENT FOR PUBLIC ART ON PRIVATE PROJECTS PROGRAM AND RESOLUTION NO. 70-97 ESTABLISHING PUBLIC WORKS IMPROVEMENTS ARTS PROGRAM, AND ADDING CHAPTER 6.50 PUBLIC ART PROGRAM TO THE RICHMOND MUNICIPAL CODE

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

**SECTION I. Findings**

Public Art provides the following benefits to the community:

- Enhances a diverse and stimulating cultural environment for residents of, and visitors to, the City of Richmond;
- Creates a unique sense of place throughout the City of Richmond;
- Increases the economic sustainability of artists and arts organizations as a key to the vitality of the City of Richmond; and
- Promotes greater economic vitality through the aesthetic enhancement of the City's public spaces, thereby making Richmond a more attractive environment for regional and local businesses.

**SECTION II.** Chapter 12.62 of the Richmond Municipal Code related to Public Art on Private Projects Program and Resolution No. 70-97 Public Works Arts Improvements Program are hereby repealed, and Chapter 6.50 Public Art Program is hereby adopted to read as follows:

CHAPTER 6.50

PUBLIC ART PROGRAM

Sections:

6.50.010	Definitions
6.50.020	Public Art Appropriation for City Capital Improvement Projects
6.50.030	Public Art Contribution Requirement for Private Development Projects
6.50.040	Public Art Funds
6.50.050	Artwork on the City Right-Of-Way
6.50.060	Artwork on City Property
6.50.070	General Rules for Public Art
6.50.080	Role of Arts and Culture Manager, Arts and Culture Commission, and City Council In Artistic Matters for Public Art Program

**6.50.010 DEFINITIONS**

For purposes of this Chapter, the following definitions shall apply:

- (a) “Artist” means an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner’s body of work, educational background, experience, performances, commissions, exhibition record, publications, and production of Artwork. For the purposes of this Chapter, “Artist” shall not include:
  - (i) persons primarily working in the professional fields of architecture, engineering, design or landscaping;
  - (ii) an employee or relative of the Private Development project architect, landscape architect, engineer or project manager;
  - (iii) any person with a business interest in a Private Development project or with respect to individuals or entities serving as project architects, landscape architects, engineers or project managers; or
  - (iv) a relative of or anyone with a financial interest with respect to an individual or entity serving on an art Selection Panel for the Private Development project.
  
- (b) “Artwork” that may be used to satisfy the requirements of this Chapter includes, but is not limited to, the following:
  - (1) Sculpture: Of any material or combination of materials; freestanding, wall-supported, suspended, mounted, installed, kinetic, electronic, or mechanical.
  - (2) Murals or paintings: Made of any material or variety of materials including traditional or non-traditional materials and means.
  - (3) Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, books, literary and performing arts, calligraphy, found objects, any combination of media, including audio, video, film, DVD, holographic or computer-generated technologies, or other genres currently known or which may come to be known at the sole discretion of the City.
  - (4) Artwork may be permanent, temporary, fixed, or portable; may be an integral part of a building, facility, or structure; and may be integrated with the work of other design professionals.
  - (5) For the purposes of this Chapter, the following, unless specified or designed by an Artist, are not considered Artwork:
    - i. Reproductions, by mechanical or other means, of original Artworks; however, limited editions controlled by the Artist, or original prints, cast sculpture, or photographs, may be included.
    - ii. Decorative, ornamental, or functional elements that are not designed by an Artist.

- iii. Elements generally considered to be components of architecture or landscape design, such as vegetative materials, pools, paths, benches, receptacles, fixtures, planters, etc., which are not designed by an Artist.
  - iv. Art objects that are mass-produced, ordered from a catalog, or of standard design (such as benches or fountains), directional items or other functional elements such as graphics, signage, or maps.
  - v. Corporate logos.
- (c) “Arts and Culture Manager” means the City of Richmond’s Arts and Culture Manager, or a designee of the Arts and Culture Manager, who is the head of the Arts and Culture Division in the Richmond City Manager’s Office, Economic Development.
- (d) “Building Development Costs” means the construction costs as declared on all Private Development project building permit applications, and as accepted by the City’s Building Official, but shall not include costs solely attributable to design fees, land acquisition costs or the cost of off-site improvements required as a condition of approval. Costs incurred and/or attributed to compliance with the identification and/or mitigation of seismic hazards, environmental conditions, including hazardous or toxic materials, or retrofitting for solar energy or other energy-saving facilities relating to existing structures shall not be included in calculating a project's Building Development Costs. In the case of phased projects, the Building Development Costs of the project for purposes of this Chapter shall be determined based upon the total projected costs for all phases combined, but will be payable prior to issuance of building permits.
- (e) “Building permit applications” includes, but is not limited to, all grading, building, landscaping, plumbing, mechanical, and electrical permit applications for the Private Development project.
- (f) “City Capital Improvement Projects” means any capital improvement project, construction project, or tenant improvement project with a budget or anticipated costs of \$300,000 or more, including any acquisition, leasing, rental, construction or remodeling of any building, structure, park, utility, street, sidewalk, or parking facility, or any other type of capital project or any portion thereof within the geographical limits of the City, paid for wholly or in part by the City or by any board, commission, agency or department of the City.
- (g) “City Property” means any property owned by the City of Richmond, which may include, but is not limited to, City-owned buildings, facilities, structures, plazas, and parks. For purposes of this Chapter, this definition shall not include the City’s right-of-way.
- (h) “Commission” or “Arts and Culture Commission” means the City of Richmond Arts and Culture Commission (and by extension the Public Art Advisory

Committee, a subcommittee of the Richmond Arts and Culture Commission), established under Chapter 3.59 of the City's Municipal Code.

- (i) "Designated Public Art Space" means a rotating art gallery, open to the public free of charge and/or at least five hundred (500) square feet of space within the Private Development project, to be made available to the public for the primary use of arts and cultural programming.
- (j) "On-Site Publicly Accessible Art" or "On Site Art" means Artwork by an Artist that is on or incorporated into a Private Development project and that is in a location that is accessible to and available for use by the general public during normal hours of business operation consistent with the operation and use of the premises.
- (k) "Performing Arts" means art that is performed on City Property (other than in the City's right-of-way) which may include, but is not limited to, vocal and instrumental music, dance and theatre, pantomime, and/or sung verse, as further discussed in the Public Art Policies and Procedures.
- (l) "Permanent Artwork" means Public Art intended to remain or remaining for one year or more in its installed location.
- (m) "Private Developer" means any person or entity that is financially and legally responsible for the planning, development and construction, or maintenance and operation of a Private Development project.
- (n) "Private Development" means a building project that is funded by private funds, except where the Private Developer is in partnership with the City.
- (o) "Public Art" means any Artwork installed on, placed in, or integrated into or about publicly accessible places, which shall include, but not be limited to:
  - (1) City-owned property, buildings, or facilities;
  - (2) City parks, or other areas designated as a public area, lobby, or public assembly area;
  - (3) The site of a City Capital Improvement Project;
  - (4) Private Development project that is located in a place accessible to the general public for two weeks or more;
  - (5) Non-City property if the Artwork is installed or financed, either wholly or in part, with City funds or grants procured by the City.
- (p) "Public Art Master Plan" or "Master Plan" means a plan which identifies specific Public Art projects to be accomplished with the City's Public Art allocations.
- (q) "Public Art Program" means a program of the City Manager's Office, Economic Development, Arts and Culture Division addressing matters of Public Art in the City and administered by this Chapter 6.50 of the Richmond Municipal Code.

- (r) “Public Art Projects Account” means a separate account established in the City Treasury established under 6.50.040 below.
- (s) “Public Art Policies and Procedures” means the Public Art policies and guidelines adopted by the City Council, consistent with this Chapter.
- (t) “Selection Panels” means ad-hoc panels assembled for specific Public Art projects. The role of the selection panel is to assist the Public Art Program in identifying qualified Artists to be considered for a Public Art project commission. A Selection Panel shall be comprised of a minimum of three members, shall always be an odd number, and shall include at least one Artist or arts professional (curator, educator, etc.) and one representative of the neighborhood in which the Artwork will occur.
- (u) “Structure” means a building designed and constructed for human occupancy.
- (v) "Temporary Art" or “Temporary installation” means Public Art to be placed on City Property (other than the City’s right-of-way) for less than one year, and may include visual artworks, projections, digital media, virtual reality, lights, sounds, and other artistic media.

#### **6.50.020 PUBLIC ART APPROPRIATION FOR CITY CAPITAL IMPROVEMENT PROJECTS**

- A. Percent Allocated and Applicability. All City Capital Improvement Projects, including all City bond measure projects and all other City capital projects funded from outside granting authorities, shall contribute an amount equal to one and one-half percent (1.5%) of the total development costs of the City Capital Improvement Project, to be set aside for Public Art. A non-comprehensive list of City Capital Improvement Projects subject to this requirement is included in the City’s Public Art Policies and Procedures. If the project is deemed ineligible for this Public Art appropriation, the City’s Finance Director and any other participating bodies, including but not limited to other City departments and funding agencies, must submit a letter of explanation to the Commission explaining why the project has been deemed ineligible, or why funds must be restricted to a specific site.
- B. Method of Calculation. For purposes of calculating the Public Art appropriation required in subsection (A), the total development costs of a City Capital Improvement Project may include, but is not limited to, any and all construction costs, architectural and engineering fees and site work expenses. The total development costs of a City Capital Improvement Project shall not include any budgeted costs of real property acquisition, demolition and financing, or any salaries and benefits of public employees supporting a City Capital Improvement Project.

If any applicable law or the source of funding (such as, for example, FEMA) with respect to any particular City Capital Improvement Project prohibits or restricts the use of funds for the arts, such funds shall be excluded from the total cost for the purpose of calculating the expenditure for arts.

- C. Nothing in this Section is intended to prohibit the City Council from adopting an ordinance or resolution establishing a Public Art appropriation for any project otherwise excluded from this policy or setting the Public Art contribution for any project at greater than 1.5 percent of the City Capital Improvement Project budget.

### **6.50.030 PUBLIC ART CONTRIBUTION REQUIREMENT FOR PRIVATE DEVELOPMENT PROJECTS**

A. Applicability. This Section applies:

1. In all zoning districts in the City;
2. To all new commercial structures;
3. To all new industrial structures;
4. To all new residential projects of ten (10) or more dwelling units; and
5. To all construction of building additions, and/or renovations and/or tenant improvements exceeding \$500,000 in Building Development Costs.

B. Contribution Requirements. Any Private Developer subject to this Section shall satisfy the City's Private Development Public Art contribution requirement pursuant to the requirements of this Section and the Public Art Policies and Procedures. A Private Developer may satisfy the City's Public Art contribution requirement by one of the following methods:

1. Include On-Site Publicly Accessible Art valued at one percent (1%) of the Building Development Costs as further provided in Section 6.50.030 (C) below;
2. Pay an In-Lieu Contribution of one percent (1%) of the Building Development Costs to the City's Public Art Projects Account as set forth in Section 6.50.030 (D) below; or
3. Include a Designated Public Art Space by Special Process as set forth in Section 6.50.030 (E) below.

For subsections (1) and (3) above, approval from the Arts and Culture Commission is required prior to obtaining a building permit for the Private Development project. In special cases, with the written permission from the Arts and Culture Manager, Private Developers who intend on adding Onsite Art but are not able to seek Public Art approval prior to obtaining building permits may place 1% of Building Development Costs into an escrow account in the Public Art Projects Account, as

further provided in the Public Art Policies and Procedures. For subsection (2), in-lieu contribution fees shall be paid at the same time as other fees due at building permit issuance for the Private Development project.

C. On-Site Publicly Accessible Art. A Private Developer may satisfy the requirements of this Chapter by constructing or installing On-Site Art valued at 1% of the Building Development Costs of the applicable Private Development project, adjusted as described in subsection (2) below.

1. Method of Calculation. For purposes of budgeting and planning for On-Site Art, an initial estimate of the On-Site Art contribution shall be calculated based on estimated Building Development Costs at the time of application for entitlements. The On-Site Art contribution shall be finally determined based on the Building Development Costs determined at the time the building permit application for the Private Development project is submitted. If the market value of the On-Site Art is greater than the art contribution provided in this Subsection (C), the City shall have no obligation to refund the excess amount. If expenditures do not utilize the entire amount provided in this Subsection (C), the remainder shall be deposited into the Public Art Projects Account.

2. Eligible expenditures. In satisfying the Public Art contribution requirement of this Section, a Private Developer may only expend costs on the selection, acquisition, purchase, commissioning, design, fabrication, placement, installation, exhibition of the On-Site Art, or as further detailed in the Public Art Policies and Procedures. Additionally, the 1% Private Development Public Art contribution shall include a required administrative costs fee to the Arts and Culture Staff and Community Development staff for administrative costs associated with the On-Site Art project, as further provided in the Public Art Policies and Procedures.

3. Planning and Review Process. A Private Developer shall comply with all application, planning, and meeting requirements for On-Site Art as further provided in the Public Art Policies and Procedures.

4. Compliance with Laws. On-Site Art shall be subject to, and shall comply with, all applicable City ordinances and laws and regulations of other governmental agencies. Prior to construction of the On-Site Art, the Private Developer shall identify and secure all applicable permits from the City's Community Development Department, Planning and Building Divisions, the City's Public Works Department, and other affected City divisions and departments.

5. Additional Requirements for On-Site Art. The Private Developer shall comply with any and all additional requirements or guidelines for On-Site Art as further provided in the Public Art Policies and Procedures.

D. In-Lieu Contribution. A Private Developer may satisfy the requirements of this Section by electing to pay an in-lieu contribution fee to the City as set forth herein.

1. The in-lieu contribution fee shall amount to be one percent (1%) of the Building Development Costs.

2. Time of Payment of Contribution. The in-lieu contribution fee shall be paid at the same time as other fees due at building permit issuance for the Private Development project.

3. The in-lieu contribution fee shall be deposited into the Public Art Projects Account as further provided in the Public Art Policies and Procedures.

4. Additional Requirements for In-Lieu Contribution. The Private Developer shall comply with any and all additional requirements or guidelines for the in-lieu contribution fee as further provided in the Public Art Policies and Procedures.

E. Designated Public Art Space by Special Process.

1. A Private Developer may satisfy the requirements of this Section by special process and review by the Public Arts Advisory Committee and approval by the Commission, by:

a) Dedicating space within the Private Development project to be used as a rotating art gallery, free of charge and/or with the Private Developer and/or property owner's provision, that will be generally open to the public during regular business hours; or

b) Designing and committing at least five hundred (500) square feet of space within the Private Development project, to be made available to the public for the primary use of arts and cultural programming.

2. Expenditures for satisfying the City's Public Art contribution requirement under this Section shall amount to at least one percent (1%) of the Building Development Costs. If the expenditures do not utilize this full amount, the remainder shall be deposited in the Public Art Projects Account. If the expenditures are greater than this 1% amount, the City shall have no obligation to refund the excess amount.

3. Additional Requirements for Designated Public Art Space. The Private Developer shall comply with any and all additional requirements or guidelines for a Designated Public Art Space as further provided in the Public Art Policies and Procedures.

F. Inspection and Final Approval. Before a Certificate of Occupancy is issued or Final Inspection is approved for the Private Development project, the Arts and Culture Manager shall inspect and confirm that either: (i) On-Site Art has been installed in accordance with the requirements in this Chapter, the Public Art Policies and Procedures, and the Commission's approval; or (ii) an in-lieu contribution fee has been paid in full in compliance with this Chapter; or (iii) a special process and review by the Public Arts Advisory Committee has been



completed and approval from the Commission has been obtained for a Designated Public Art Space on the Private Development project site. In addition, before a Certificate of Occupancy is issued or Final Inspection is approved, the Arts and Culture Manager shall confirm that the Private Developer has executed and recorded a covenant as required by Section G below.

- G. **Covenant; Recordation.** If a Private Developer chooses to satisfy the requirements of this Chapter by installing On-Site Art pursuant to subsection (C) or by providing a Designated Public Art Space pursuant to subsection (E), the Private Developer shall also ensure that a declaration of covenants, conditions and restrictions shall be recorded against the Private Development project property, binding on all successors and assigns, in favor of the City, and in a form approved by the City Attorney. The declaration shall include: (i) the property owner's obligation to protect the On-Site Art or Designated Public Art Space from destruction or damage, and to provide all necessary maintenance of the On-Site Art or the Designated Public Art Space, in compliance with all maintenance requirements in the Public Art Policies and Procedures; (ii) the property owner's obligation to ensure that the On-Site Art or Designated Public Art Space is accessible to the public as required by this Chapter; and (iii) any other terms reasonably necessary to implement this Chapter.
  
- H. **Ownership of On-Site Art or Designated Public Art Space.** The On-Site Art or a Designated Public Art Space shall be the property of the Private Developer and/or the Private Development project site property owner, or any successor(s) in interest of the property. The On-Site Art or Designated Public Art Space shall not be sold or transferred other than to a subsequent successor in interest of the Private Development property site. As such, the ownership of the On-Site Art or Designated Public Art Space will be transferred with the property.
  
- I. **Penalties.** In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any discretionary permit granted to any owner or Private Developer who violates the provisions of this Chapter, or may, by legal action, seek recovery of the applicable in-lieu contribution.

#### **6.50.040 PUBLIC ART FUNDS**

- A. **Public Art Projects Account Funds.** The Public Art Projects Account is a non-General Fund account into which will be deposited funds as contemplated by 6.50.020 above from City Capital Improvement Projects, and in-lieu contribution funds as contemplated by 6.50.030 above from Private Development projects, together with such other funds as the City Council may from time to time appropriate for expenditures related to Public Art in the City and any gifts or grants received by the City for the purpose of acquiring, creating, installing or maintaining Public Art.
  
- B. **Procedures and Payments into Public Art Projects Account.**

1. Except as provided in Subsection (C) below, no board, commission, agency or department of the City shall permit or cause work to be commenced on any City Capital Improvement Project prior to depositing the amount required by 6.50.020 into the Public Art Projects Account. The requirements of this Section shall apply to City Capital Improvement Projects, whether or not a final inspection or a certificate of occupancy is required for the project.

2. In-lieu contributions from Private Development projects shall be deposited into the Public Art Projects Account at the same time as other fees due at building permit issuance for the Private Development project and in accordance with the Public Art Policies and Procedures.

- C. **Public Art Master Plan.** The Arts and Culture Manager, with the advice of the Arts and Culture Commission, shall develop a Public Art Master Plan. Within thirty (30) days after approval of the City's annual operating budget by the City Council, the Finance Director shall submit the authorized annual budget for City Capital Improvement Projects to the Arts and Culture Manager, specifying the total appropriation dedicated to the "Richmond Public Art Projects Account" for the current fiscal year. Based upon this submission, the Arts and Culture Manager, with the advice of the Arts and Culture Commission and based on any meetings with project managers of City Capital Improvement Projects, shall update the Public Art Master Plan and shall submit this Public Art Master Plan update to the City Council for its approval within six (6) months of the date of approval of the City's annual operating budget. The funds placed into the Public Art Projects Account shall be administered by the Arts and Culture Manager in accordance with the Master Plan as approved by the City Council. The Master Plan shall reflect the policies established by this Chapter with respect to City Capital Improvement Projects.
- D. **Use of Public Art Projects Account Funds.** Funds from the Public Art Projects Account may be used in accordance with the Public Art Policies and Procedures.
- E. **Review of Disbursements.** Each proposed appropriation for the City's Public Art Program and each disbursement from the Public Art Projects Account shall receive the prior review and/or advice of the Public Art Advisory Committee and Arts and Culture Commission.
- F. **Additional Funding.** The Arts and Culture Manager shall explore on a continuing basis the availability of funds for the City's Public Art Program from such organizations as the National Endowment for the Arts, the California Arts Commission, and other public and private agencies.

#### **6.50.050 ARTWORK ON THE CITY RIGHT-OF-WAY**

No person or entity shall install, or cause to be installed, Artwork on the City's right-of-way, including but not limited to streets, curbs, pavements or sidewalks within the City. This section shall not apply to the agents, servants, and employees of the City acting under the expressed designated authority of the City.

#### **6.50.060 ARTWORK ON CITY PROPERTY**

- A. Ownership of Artwork on City Property. All Artwork, including design elements, and other objects acquired and funded by the City pursuant to this Chapter shall be acquired in the name of the City of Richmond and title shall vest in the City of Richmond. Copyright shall be maintained by the Artist.
- B. The criteria and process for identifying and selecting Public Art to be installed on City Property is further provided in the Public Art Policies and Procedures.
- C. Performing Arts and/or Temporary Artwork. The City may initiate, or individuals or community organizations may request City consideration of, Performing Arts or Temporary Artwork on City Property in accordance with the requirements and processes provided in the Public Art Policies and Procedures.

#### **6.50.070 GENERAL RULES FOR PUBLIC ART**

- A. Inventory of Public Art. The Arts and Culture Manager shall maintain a detailed record of all Public Art in the City, including site drawings, photographs, designs, names of Artists, and names of architects, whenever reasonably feasible.
- B. Recognition. The Arts and Culture Manager shall attempt to give appropriate recognition to the Artists in publicity and promotion regarding Public Art, whenever reasonably feasible.
- C. Database of Artists. The Arts and Culture Manager shall maintain a database of Artists available for Public Art projects.
- D. Private Sites for Public Art. No Artwork financed or installed either wholly or in part with City funds or with grants procured by the City shall be permanently installed on privately owned property without a written agreement between the City and the owner of the private property, specifying the proprietary interests in the Artwork, binding the owner to the City's general rules for Public Art, and specifying other provisions deemed necessary or desirable by the City Attorney.
- E. Consultation with the Artist. Installation, maintenance, alteration, refinishing, and moving of Public Art shall be done in consultation with the Artist, whenever reasonably feasible and in the City's sole discretion.

### **6.50.080 ROLE OF ARTS AND CULTURE MANAGER, ARTS AND CULTURE COMMISSION, AND CITY COUNCIL IN ARTISTIC MATTERS FOR PUBLIC ART PROGRAM**

Recognizing that professional expertise is necessary and desirable in artistic matters, such as the selection of Artists and the selection of Artwork, the final approval of all designs and plans for Artwork under the City's Public Art Program shall be made by the Commission (or by City Council under limited circumstances as provided in the Public Art Policies and Procedures), and not by any other City board or commission. In addition, it is the policy that:

- A. Decisions on artistic matters will be made by the Arts and Culture Manager and the Commission;
- B. The City Council will not exercise its independent judgment on artistic matters except for as provided in the Public Art Policies and Procedures;
- C. Unless the City Council determines to exercise its independent judgment as provided above, sketches, designs, photographs, precise plans, art examples, and similar items on artistic matters will not be transmitted to the City Council as a matter of course in conjunction with projects before the City Council; and
- D. The City Council will refer questions, suggestions, requests, complaints, and similar items pertaining to the Public Art Program to the Arts and Culture Manager and the Commission for their review and response.

### **6.50.090 IMPLEMENTING GUIDELINES**

The City Council authorizes the Arts and Culture Manager, with the advice of the Arts and Culture Commission, to establish procedures and guidelines to administer this Chapter, including procedures for selecting sites, Artists and Artwork. Such guidelines shall include the Public Art Policies and Procedures, adopted by the City Council, consistent with this Chapter.

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

**SECTION IV. CEQA.** This Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines

(collectively, “CEQA”) because the adoption of this ordinance is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment; and a project does not include the creation of a government funding mechanism that does not involve any commitment to any specific project (CEQA Guidelines section 15378). In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the Ordinance would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

**SECTION V. Effective Date.** This ordinance becomes effective thirty (30) days after its final passage and adoption.

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First read at a meeting of the Council of the City of Richmond, California, held \_\_\_\_\_, and finally passed and adopted at a meeting thereof held \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

