

6.6 Community Benefits: Key Strategies

6.6.1 OVERVIEW

The development of the Plan Area has the potential to create community benefits for the City of Richmond, its residents and the local community. Because development in the Plan Area will generate thousands of construction work hours, community benefit goals shall include a focus on creating quality construction jobs that provide opportunities for workforce development through apprenticeship programs.

In order to ensure that the buildout of the Plan Area provides maximum economic, employment, job training, environmental, and other community benefits to the City and its residents, the City of Richmond intends to negotiate development agreements for larger development projects within the Plan Area and other voluntary agreements for public-private projects, including the lease or sale of City property. These agreements will enumerate specific community benefits intended to achieve the community's vision of a healthy environment and to meet the public objectives for an equitable and sustainable economy that will provide opportunities for quality, local employment, and job training in keeping with long-standing community traditions.

The benefits and local business opportunities may take various forms, and will typically support community, social and cultural opportunities; education and workforce development; affordable and workforce housing; transportation improvements; and local business support and growth.

6.6.2 REQUIREMENTS FOR PUBLIC-PRIVATE PROJECTS

A. Purpose

Due to the impact on public funds, property, and City planning, public-private projects for which private parties request substantial, discretionary public involvement are appropriate for community benefits requirements. The City desires to establish a policy framework that will help ensure that the City's residents receive maximum benefit from the City's voluntary participation in any public-private projects within the Plan Area. In addition, enhanced approval processes, allowing additional time for evaluation and input of community benefits commitments and public support, are appropriate for commercially-oriented public-private projects, in order to provide increased transparency and opportunity for public consideration.

It is the intent of this Section 6.6.2 to affect only projects for which private parties negotiate voluntary agreements with the City. Nothing in this section affects obligations to comply with requirements of the Richmond Municipal Code that apply absent any such agreements.

B. Definition of "Public-Private Projects."

For purposes of this Section, "Public-Private Projects" include:

1. Projects receiving financial aid, assistance, or funding from the City, including any public financing or contribution, such as loans, loan guarantees, tax credits, or infrastructure construction, valued at more than \$100,000;

2. Projects for which the City is transferring ownership of or leasing right to occupy any real property, including rights-of-way or street vacation, whether at or below market rate; and
3. Projects for which the City is entering into a development agreement.

C. Implementation

This section shall be implemented only as terms of voluntarily negotiated agreements between the City and project proponents, and may not be implemented through regulatory requirements imposed on Public-Private Projects. It is the City's intent to include the following community benefits requirements, and any other applicable community benefits requirements under City law, as terms of voluntarily negotiated contractual agreements that it enters into with regard to any Public-Private Project within the Plan Area, under which relevant public support is provided:

1. Project employers (including tenants and contractors) shall comply with hiring practices required of an "Employer" under the City's Local Employment Program (Municipal Code, Chapter 2.56);
2. Project employers (including tenants and contractors) shall compensate employees as would be required for a "Contractor" under the City of Richmond Living Wage Ordinance (Municipal Code, Chapter 2.60);
3. Project employers (including tenants and contractors) shall comply with hiring practices required of a recipient of City financial aid under the City's ordinance Banning The Requirement To Provide Information Of Prior Criminal Convictions On All

Employment Applications (Municipal Code, Chapter 2.65);

4. For all construction contracts worth over \$100,000, prime contractors shall comply with the requirements of a “Prime Contractor” under the Richmond Business Opportunity Ordinance (Municipal Code, Chapter 2.50); and
5. For all non-construction contracts worth over \$25,000, the awarding party (whether developer, property manager, tenant, or other project participant) shall make a “good faith effort,” as defined in the Richmond Business Opportunity Ordinance (Municipal Code, Chapter 2.50), to award at least 25 percent of awarded contracts to bona fide Richmond Businesses, as certified by the City.

D. Requirements

Public-Private Projects within the Plan area are subject to the requirements described below in this subsection. However, Public-Private Projects that are advanced by either public entities or private nonprofit entities without partnership with a for-profit development entity are exempt from requirements of this Section. In general, project proponents’ commitments regarding community benefits must be captured in a voluntarily negotiated contract such as a development agreement, subsidy agreement, or another type of project-specific and voluntary contract, with such mechanism finalized prior to or contemporaneously with approval of the project itself. Community benefits requirements that conflict with requirements imposed by state or federal project funding sources shall not apply.

1. The project applicant shall provide to the City, and the City shall make available to the public at least 14 days prior to City Council consideration of approval of the

proposed project, the portions of the relevant project documents that will be considered that address the following topics:

- a. Description of project components and uses;
 - b. Terms of any public financial support or contribution, transfer or lease of real property, and/or development agreement; and
 - c. A list and description of all community benefits commitments that are terms of the project per Section 6.6.
2. During the period between release of language described in subpoint 1., above, and City Council consideration of approval of the proposed project, the City Council shall hold a public study session to receive an overview of the items in subpoint 1., when feasible.
 3. Noncompliance with this section does not preclude City from considering approval of a proposed project. The City may approve a proposed project without compliance with requirements of subpoint 1. with a finding that unusual circumstances related to project deadlines make the timeframe of subpoint 1. infeasible, and that alternative notice and approval requirements provide sufficient opportunity for review and analysis of project aspects described in subpoint 1.

6.6.3 FULFILLING COMMUNITY BENEFITS THROUGH DEVELOPMENT AGREEMENTS OR PUBLIC-PRIVATE PROJECTS

For neighborhood-scaled projects, the City envisions negotiating a development agreement between the City

and either the property owner or developer to provide community benefits. Examples of community benefits include, but are not limited to, the following:

1. Community, Social and Cultural Opportunities. Provide community meeting space, gathering plazas and open spaces, recreational facilities, arts and cultural facilities, support public art and/or gallery space within developments.
2. Education and Workforce Development. Provide hiring, job training, internship, pre-apprentice, and apprenticeship programs aimed at community employment. Partner with and strengthen existing training programs, such as Helmets to Hardhats.
3. Affordable and Workforce Housing. Provide a range of housing options at varying affordability levels to accommodate the City’s diverse residents and workforce, particularly housing for lower-income residents and Richmond workers.
4. Transportation Improvements. Implement tools to reduce travel demand of single-occupancy private vehicles, such as bicycle lane improvements and facilities, new sidewalks and pedestrian pathways, dedicated shuttles, high efficiency vehicle fleets, car-sharing, transit passes and shared parking and maximizing opportunities for local hire on construction projects.
5. Local Business Support and Growth. Implement City’s procurement program and cultivate local businesses including exploring the potential creation of a business incubator onsite.

The Plan proposes that neighborhood-scaled projects would be incentivized to enter in to development agreements that could specify a program of community benefits to be approved by the City Council. Smaller

developments would meet minimum project requirements for setbacks, design, open space, and pay impact fees, and may achieve community benefits through other mechanisms – such as conditions of approval tied to site subdivision. This approach will allow the City to achieve greater specificity in negotiating for important significant benefits from larger individual development projects.

Criteria and procedures for establishing development agreements are included in Article 15.04.811 (Development Agreements) of the Richmond Zoning Ordinance.

6.6.4 WORKING WITH UC BERKELEY TO FURTHER COMMUNITY BENEFITS

The City of Richmond will work with UC Berkeley and Lawrence Berkeley National Laboratory to further the provision of community benefits throughout the Specific Plan Area.

1. The City will collaborate with UC Berkeley and LBNL to identify policies and programs that will guide development in the Specific Plan Area in order to provide a broad array of community benefits in both the Specific Plan area and Richmond Bay Campus.
2. The City will collaborate with UC Berkeley and LBNL to jointly pursue funding sources for infrastructure and other improvements to serve the Richmond Bay Campus and the Specific Plan Area.
3. The City will work to facilitate the location of RBC-related community benefit projects within the broader Specific Plan area, rather than solely locating them on the Richmond Bay Campus.