

ORDINANCE NO. 7-99 N.S.

TO AMEND CHAPTER 15.04 AND CHAPTER 15.06 OF THE RICHMOND MUNICIPAL CODE TO ESTABLISH A COMPREHENSIVE DESIGN REVIEW ORDINANCE AND ZONING ADMINISTRATOR

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

Section 1. Summary.

This ordinance amends Chapter 15.04 by

- A) *replacing and rescinding RMC Section 15.04.930 (Design Review Ordinance),*
- B) *by establishing Section 15.04.945 (Zoning Administrator),*
- C) *by revising RMC Sections 15.04.850.020 (B. Garages/Carports), 15.04.910.080 (L. Temporary Structures), 15.04.600.030 (Planned Area Procedures), 15.04.910.080 (I. Private Parking Spaces), 15.04.980 (Appeals)*

and amends Chapter 15.06 by revising Section 15.06.040 and Section 15.06.100.

Section 2. *Chapter 15.04 of the Municipal Code of the City of Richmond is hereby amended by replacing and rescinding RMC Section 15.04.930 (Design Review Ordinance) as follows:*

15.04.930 Design Review

SECTIONS

15.04.930.010	Title and Purpose
15.04.930.020	Applicability
15.04.930.030	Design Review Board
15.04.930.040	Technical Review Committee
15.04.930.050	Application
15.04.930.060	Notice/Hearing
15.04.930.070	Findings/Conditions of Approval
15.04.930.080	Decision/Appeal
15.04.930.090	Miscellaneous

15.04.930.010 Title and Purpose

- A. The provisions of Section 15.04.930 shall be known as Design Review and they establish procedures for approval or disapproval of design review applications.
- B. The purpose of this Section is to promote orderly, attractive, and harmonious development; to recognize environmental limitations on development; to enhance land values and investments; to maintain and enhance the character

of existing residential, commercial, and industrial areas; and, to promote the general welfare by preventing development having qualities that would not meet the specific intent, clauses, or performance standards of this Chapter or that are not properly related to their sites, surroundings, or their environmental setting.

- C. Additionally this Section is intended to promote timely development application reviews including appropriate levels of citizen participation through public noticing prior to development, and to provide uniform, fair, and well defined procedures.

15.04.930.020 Applicability

- A. The Design Review Board shall review and/or approve, as the case may be, the design of exterior construction or modifications for which a building permit, zoning permit, certificate, or discretionary planning approval is required, including any variances from Chapter 15.06 of the Richmond Sign Ordinance. Applications requiring both Planning Commission and Design Review Board approval shall be reviewed in one meeting by the DRB for recommendation to the Planning Commission.
- B. Project signage included as part of new building construction or as part of building modification shall be reviewed for design consistency along with the Design Review for the structure.
- C. Exceptions to Design Review Board review (note: see Subsection D. below):
1. All painting, siding, roofing, and other maintenance and replacement items with like or compatible materials or colors.
 2. Decks of no higher than four feet from grade at any point (excluding railings). Replacement of existing decks where the structure is similar in size, design, and appearance to the deck replaced.
 3. Residential additions of less than 150 S.F. total floor area and less than 15' in height above the existing grade including but not limited to minor window, door, and roof modifications. Exception status may not be granted from Design Review for more than one addition in any twelve month time frame.
 4. Accessory structure of less than 150 S.F. total floor area and under nine feet in height from the existing grade.
 5. Commercial additions or improvements of less than 250 S.F. to building or site surfaces, not abutting residentially zoned property. Replacement or reconstruction of existing equipment and appurtenant facilities where the new equipment and facilities are similar in size, design, and appearance to the equipment or facility replaced.
 6. Industrial additions or improvements of less than 500 S.F. to building or site surfaces, not abutting residentially zoned property. Replacement or reconstruction of existing equipment and appurtenant facilities where the new equipment and facilities are similar in size, design, and appearance to the equipment or facility replaced.
 7. For temporary structures of less than 500 S.F. total floor area on commercial or industrially zoned property, not abutting residentially zoned property, Design Review shall not be required unless determined necessary by the Planning Director or his/her designee in

accordance with adopted Design Review Guidelines.

8. Single family homes consistent with the architecture and design standards of a previously approved Planned Area District or planned unit development.
- D. Any exterior development of a structure or specific site feature listed on the National Register of Historic Places or the California Register, identified as a contributing structure to a historic district, identified in other state or county historic registries, or as determined by a qualified architectural historian or State or Federal Historic Preservation Organization as having significant historic contribution to an area shall not be exempt.

15.04.930.030

Design Review Board

- A. Membership: The DRB shall consist of seven (7) persons who live or work in the City of Richmond. At least five (5) of the members shall be persons who reside in the City of Richmond. Membership of the board shall consist of 1 architect, 2 lay persons, 1 person from the business community, 1 landscape architect or expert in a wide range of design/construction fields, the remainder (2 positions) shall be persons who are qualified to analyze and interpret architectural and design plans.
- B. Responsibility:
1. The DRB shall consider all applications which are not otherwise exempted by this Chapter which contain design related elements. Applications requiring both Planning Commission and Design Review Board approval shall be reviewed in one meeting by the DRB for recommendation to the Planning Commission.
 2. The DRB shall provide a recommendation to the Planning Commission, approve, conditionally approve, or deny applications for design review of both public and private development based upon their consistency with the Richmond General Plan, the specific provisions of the base or overlay zoning district in which the project is located, and the provisions of Design Review Guidelines.
 3. Whenever there is any question regarding the interpretation of this Chapter, or its application to any specific case or situation, the DRB shall interpret the intent of this Chapter by written decision, and such interpretation shall be followed in applying said provisions.
- C. Design and Development Policy Resolutions: From time to time, the City Council may establish a policy resolution for the purpose of conserving and enhancing the appearance of specific areas within the City of Richmond. These policy resolutions are intended to be used in areas of existing or potential scenic value, of historical note, of architectural merit, or of interest to visitors, and for the purpose of assisting property owners to maintain and enhance the appearance or architectural character of business districts and residential neighborhoods. The development of such policy resolutions shall be the responsibility of the DRB. The resolutions may be suggested by the Planning Commission, the City Council, or by the DRB. Following adoption by the City Council, such policy resolutions shall supplement the Design Review Guidelines.
- D. Appointment: Each member of the DRB shall be appointed by the Mayor with the approval of the City Council.
- E. Term: The term of office of members of the Board shall be for two years. No

member shall serve for more than four consecutive full terms.

- F. Automatic Resignation: The absence of any member from more than eight (8) regularly scheduled meetings of the DRB within any twelve-consecutive-months period shall constitute an automatic resignation from the Board; provided, that the nonattendance by a member of the Board at a regularly scheduled meeting due to the requirements of other city business shall not constitute an absence. Such resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other City commission or board.
- G. Bylaws: The DRB shall adopt formal procedural rules governing the duties and operation of the Board.
- H. Meetings: All meetings of the DRB shall be open to the public and shall be noticed in accordance with the provisions of Section 15.04.930.060 Notice/Hearing.
- I. Technical Assistance: If, in the opinion of the DRB any design proposal that may cause the emission of dangerous or objectionable noise, odors, lights, dust, smoke, or vibrations, or may result in inappropriate design for the site or inappropriate landscaping for the site, the DRB may refer the application for investigation and a report to one or more expert consultant(s) qualified to advise as to whether the design proposal will conform to the appropriate regulations, policies, development standards, and performance standards of the City of Richmond. Such consultant(s) shall report in writing to the DRB and a copy of such report shall be furnished to the applicant and shall be made available to the general public. Management of said consultant shall be under the direction of the Planning Department. The applicant shall be required to pay the fee for services performed by said consultant(s) plus overhead costs as established by the City Council.

15.04.930.040

Technical Review Committee

- A. Membership: The TRC shall consist of one (1) member of each of following City Departments: Planning, Building Regulations, Engineering/Public Works, Parks and Landscaping, Fire, and Police. The members shall be appointed by the Department Director or Chief of that department. If the member is unable to attend a regular meeting of the TRC then his or her chosen alternate shall represent the respective department at the meeting.
- B. Responsibility:
 1. The TRC is responsible for assisting the Planning Department in preparing appropriate project modifications, redesigns, and conditions of approval for discretionary or design review action by the Planning Commission and Design Review Board to be consistent with good planning practices and to meet the standards of Fire and Building Codes, Richmond Municipal Code, Zoning Ordinance, Landscaping Standards, Specific Plans, and City Council policy resolutions.
 2. The TRC shall assist in the screening for completeness of development applications that require a discretionary hearing by the Zoning Administrator or Planning Commission or that require a design review hearing by the Design Review Board. Project information provided to the City in response to an incomplete application shall return to the TRC, at the discretion of staff, prior to being set on an agenda for either the Planning Commission or the Design Review Board.

- C. Meetings: The TRC shall meet weekly to review proposed development applications. Applicants for development proposals may be invited to the meeting by City staff to explain elements of a proposed project design. The project planner or other representative of the TRC shall notify the applicant either in writing or by telephone whether the application is complete or not. When an application is deemed complete the applicant will be notified of the date when the item will be scheduled for a board or commission hearing date.
- D. Technical Assistance: As prescribed for DRB in Subsection 15.04.930.030.I above, the TRC may refer the application for investigation and a report to one or more expert consultant(s).

15.04.930.050 Application

- A. All applicants for design review are strongly encouraged to work with their neighborhood council prior to submitting a formal application for design review with the City of Richmond.
- B. The application form with the required plans and mapping documentation (a form prepared by the City of Richmond) must be filed with the Planning Department.
- C. The application form must be signed by the property owner or authorized agent of the property owner. Any other party involved as a contingent buyer or lessee shall also sign the application form.
- D. Required Application Materials: All of the following materials shall be required to be submitted as part of any design review application and shall be of an appropriate scale to indicate all pertinent information:
1. Topographic Survey including, but not limited to, all existing conditions on and surrounding the project site including uses, buildings, fences, grades, landscaping, streets, sidewalks, fire hydrants, and drainage.
 2. Site Plan indicating location and configuration of all buildings and proposed uses, parking spaces and circulation, fencing, street improvements, fire hydrants, refuse and waste areas, proposed grading and drainage, and other significant site features. The site plan shall include computations on the number and types of parking spaces provided, amounts of usable open space or interior yard area, and lot area coverage. Commercial and industrial developments shall include floor area ratio (FAR) calculations, net and gross lot area, and identify the square footage and location of all easements on the project site.
 3. Project Summary including a complete description of all activities proposed for the site, the Assessor's Parcel Number(s), general plan designation, zoning district, land area, building area, floor area ratio, building coverage, open space calculations, parking calculations.
 4. Landscaping Plan indicating the location of all existing and proposed landscape plant materials including a plant list showing quantities, sizes, common and botanical names; design details for such items as walls, fences, lighting, paving, arbors, benches, and other site features; and preliminary irrigation plans including basic location, types, sizes, and quantities of fixtures. The removal and/or replacement of existing vegetation must be clearly shown either on the submitted landscape plan or on a separate tree removal map.

5. Building Floor Plan(s) of sufficient clarity to indicate the nature and extent of the proposal and to illustrate in detail that it will conform to the provisions of all relevant laws, codes, ordinances, rules, and regulations. Sloping lots exceeding 15% grade shall include finished floor elevations.
6. Building Elevations of sufficient clarity to indicate the nature of the exterior appearance of the proposal and its relationship to its surroundings.
7. Typical Building Cross Sections indicating the general nature of the method of construction along with screening of any roof-top mechanical equipment.
8. Color and Material Samples securely fastened to an exhibit board showing samples of all proposed materials and colors of the exterior elevations.

Depending on the complexity of the application, additional materials such as presentation illustrations, three dimensional models, or photometric analysis may be required by the Planning Department. Smaller scale projects may have certain submittal requirements waived at the discretion of the Planning Director or designee.

- E. The fee for Design Review shall be set by the City Council.
- F. No application for design review will be processed until such time as it is deemed complete by the Planning Department.

15.04.930.060 Notice/Hearing

- A. Plans and documents submitted as a part of a design review application are considered public information and are available for review at the Planning Department by any member of the public upon their request during normal operating hours.
- B. Public notice for Design Review Board hearings shall be posted in City Hall and mailed to the applicant, the property owner(s) of the subject property, and owners of real property within 100' feet from the property boundary for residential projects and 300' from the property boundary for commercial and industrial projects, as shown on the latest equalized assessment roll at least ten (10) calendar days prior to the public hearing.
- C. The Design Review Board shall conduct a public hearing to decide upon the application within 30 days of the date an application is deemed complete or within the timeframes established under the California Environmental Quality Act if a negative declaration or environmental impact report is prepared.

15.04.930.070 Findings/Conditions of Approval

- A. The Design Review Board shall provide a recommendation to the Planning Commission, approve, or conditionally approve, a design review application, if on the basis of the application, plans, materials, and testimony submitted at the public hearing, the Design Review Board finds:
 1. The proposed design is suitable for its purpose, is harmonious with and relates properly to, the surrounding neighborhood, contiguous parcels, and the site itself.

2. The location, size, design, and characteristics of the proposed project will be compatible with and will not be detrimental to the public health, safety, or welfare of persons residing in or working in or adjacent to the proposed project.
3. The overall design will be of a quality that will preserve the integrity of, and upgrade, the existing neighborhood.
4. The design of the proposed project is in accordance with the General Plan of the City of Richmond and all applicable provisions of the Zoning Ordinance.

Any projects, for which an EIR has been completed which identifies one or more significant environmental effects of the projects and where the Design Review Board is the final discretionary review prior to issuance of building permits may not be approved unless additional findings of fact are made as indicated in CEQA Section 15091.

Any project, which is expected to generate over one hundred (100) peak-hour vehicle trips and where the Design Review Board is the final discretionary review prior to issuance of building permits, may not be approved unless the Design Review Board makes a finding of consistency with regard to Level-of-Service (LOS) standards, consistency with adopted Action Plans for Routes of Regional Significance, and compliance with Performance Standards for public services.

All findings shall be based upon the factual data presented to the Design Review Board. If all findings cannot be made, the design review application shall be denied with or without prejudice at the Design Review Board's discretion.

- B. The Design Review Board shall have the authority to impose reasonable conditions related to design impacts caused by the project when approving the design review 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 the zoning ordinance, and consistency with the City of Richmond's General Plan.
 2. Protect the public health, safety, and welfare of the citizens of the City of Richmond.
 3. Ensure that the design of the proposed project will be compatible with the area surrounding where it will be located.

15.04.930.080 Decision/Appeal

- A. The Design Review Board shall render its decision on a design review only application within 30 calendar days after the close of the public hearing on the design review application.
- B. The decision of the Design Review Board on a design review only application shall become final 10 calendar days after the decision is rendered unless appealed to the City Council.
- C. The Design Review Board shall provide a recommendation to the Planning Commission on an application that requires both Design Review Board and Planning Commission approval. The Design Review Board shall provide the recommendation to the Planning Commission through the Planning

Department staff immediately following a single Design Review Board hearing on the application. Final action on the application including an appealable decision shall be conducted by the Planning Commission.

- D. Appeals of Design Review Board decisions may be made by the applicant, or by any interested person or organization.
- E. The Design Review Board may, upon its own initiative, deny a design review only application without prejudice.

15.04.930.090 Miscellaneous

- A. The approval of a design review application shall lapse two years after its date of approval, or at an alternate time specified as a condition of approval, unless:
 - 1. A building permit has been issued and construction diligently pursued; or
 - 2. A certificate of occupancy has been issued; or
 - 3. The design review approval is renewed.
- B. A design review approval is not affected by a change of ownership and shall run with the land.
- C. A design review approval that is exercised in violation of a condition of approval or a provision of this Chapter, may be revoked or modified as set forth in Section 15.04.990.
- D. A request for minor changes in the exterior design of projects approved by either the Planning Commission or the DRB may be approved by the Planning Director or his/her designee, although such changes shall be limited to changes in window orientation and scale, landscaping materials and placement, and detailing. Proposed alteration or additions to the footprint of a building, substantial redesign of major elements of the project which could impact adjacent properties, or modifications to conditions of approval shall require a new application, processing fee, public noticing, and public hearing before the original approving board or commission.
- E. The Planning Director may renew design review approvals for a single one-year period if a request is received at least 30 calendar days before approval lapses.
- F. If an application for design review is denied, then no new application for the same, or substantially the same, design shall be filed within 6 months of the date of the denial of the initial application, unless that denial was made without prejudice.

Section 3. Chapter 15.04 of the Municipal Code of the City of Richmond is hereby amended by establishing RMC Section 15.04.945 (Zoning Administrator) as follows:

15.04.945 Zoning Administrator

Sections

15.04.945.010	Title, Purpose and Applicability
15.04.945.020	Zoning Administrator's Designation
15.04.945.030	Zoning Administrator's Responsibilities
15.04.945.040	Application
15.04.945.050	Determination, Notice, Hearing and Appeal

15.04.945.010 Title, Purpose and Applicability

- A. The purpose of this section is to establish responsibilities and procedures for the Zoning Administrator, pursuant to Government Code Sections 65900, 65901, 65902, and 65903.
- B. The Zoning Administrator review is an in-house discretionary process intended to provide an avenue for the streamlined review of small planning projects.

15.04.945.020 Zoning Administrator's Designation

- A. The Planning Director is designated as the Zoning Administrator, and he/she may appoint in writing an Acting Zoning Administrator whom shall be at management level within the current planning section of the Planning Department, who may exercise all the power of the Zoning Administrator. The Planning Director shall provide the City clerk with the name of the Zoning Administrator and any appointed Acting Zoning Administrator in writing.

15.04.945.030 Zoning Administrator's Responsibilities

- A. The Zoning Administrator shall hear and decide all applications for garage enclosure/uncovered parking, temporary structures for periods not to exceed two years with a one year extension, signs conforming to Richmond Sign Ordinance, and such other matters that may be specifically assigned by ordinance.
- B. The Zoning Administrator shall approve, approve with conditions, or deny an application for Zoning Administrator approval based upon whether or not it conforms to the General Plan, the specific purposes of the base or overlay zoning district in which the project is located, and the provisions of any applicable federal, state, or local ordinances. The Zoning Administrator may impose conditions on all Zoning Administrator approvals.
- C. The Zoning Administrator may refer any matter to the Planning Commission or Design Review Board for hearing, consideration and determination, in lieu of B, above.
- D. If, in the opinion of the Zoning Administrator any application that may cause the emission of dangerous or objectionable noise, odors, lights, dust, smoke, or vibrations, or may result in inappropriate design for the site or inappropriate landscaping for the site, the Zoning Administrator may refer the application for investigation and a report to one or more expert consultant(s)

qualified to advise as to whether the proposal will conform to the appropriate regulations, policies, development standards, and performance standards of the City of Richmond. Such consultant(s) shall report in writing to the Zoning Administrator and a copy of such report shall be furnished to the applicant and shall be made available to the general public. Management of said consultant shall be under the direction of the Planning Department. The applicant shall be required to pay the fee for services performed by said consultant(s) plus overhead costs as established by the City Council.

15.04.945.040 Application for Zoning Administrator Approval

- A. The application form with the required plans and materials must be filed with the Planning Department.
- B. The application form must be signed by the property owner or authorized agent of the property owner. Any other party involved as a contingent buyer or lessee shall also sign the application form.
- C. Required Application Materials: The following materials shall be submitted as part of any Zoning Administrator permit application and shall be of an appropriate scale to indicate all pertinent information:
 - 1. Site Plan indicating location and configuration of all buildings and proposed uses, parking spaces and circulation, fencing, street improvements, fire hydrants, refuse and waste areas, proposed grading and drainage, and other significant site features. The site plan shall include computations on the number and types of parking spaces provided, amounts of usable open space or interior yard area, and lot area coverage. Commercial and industrial developments shall include floor area ratio (FAR) calculations, net and gross lot area, and identify the square footage and location of all easements on the project site.
 - 3. A complete Project Summary including a complete description of all activities proposed for the site.
 - 4. Building Floor Plan(s) of sufficient clarity to indicate the nature and extent of the proposal and to illustrate in detail that it will conform to the provisions of all relevant laws, codes, ordinances, rules, and regulations.
 - 5. Building Elevations of sufficient clarity to indicate the nature of the exterior appearance of the proposal and its relationship to its surroundings.

Depending on the complexity of the application, additional materials such as presentation illustrations, three dimensional models, or photometric analysis may be required by the Planning Department. Smaller scale projects may have certain submittal requirements waived at the discretion of the Planning Director or designee.

- D. The requisite fee must be paid as determined by the Richmond City Council.
- E. No application for Zoning Administrator permit will be processed until such time as it is deemed complete by the Planning Department.

15.04.945.050 Determination, Notice, Hearing, and Appeal

- A. The Zoning Administrator shall render a determination within 30 days of the date an application is deemed complete or within such other timeframes that

may be set by ordinance for specific applications.

- B. Public notice of Zoning Administrator's preliminary determination and information about requesting a formal Zoning Administrator hearing shall be posted in city hall and mailed to the applicant, the property owner(s) of the subject property, and owners of real property within 100' feet of the project site as shown on the latest equalized assessment roll at least ten (10) calendar days prior to the final decision of the Zoning Administrator.
- C. A formal Zoning Administrator hearing may be requested within the 10 day notice period by submittal of a written request to the Planning Department, including a complete description of the reason for requesting the hearing.
- D. The fee for Zoning Administrator hearing shall be set by the City Council and paid for by the applicant.
- E. Upon receipt of a written request and filing fee, the Zoning Administrator shall schedule a formal hearing to address the concerns raised in the written request for hearing. Public notice of the Zoning Administrator hearing shall be posted in city hall and mailed to the applicant, the property owner(s) of the subject property, and owners of real property within 100' feet of the project site as shown on the latest equalized assessment roll at least ten (10) calendar days prior to the hearing.
- F. The Zoning Administrator shall make a determination regarding the application within five (5) working days after the hearing and provide a determination letter to the applicant as well as the individual or group requesting the hearing.
- G. The determination of the Zoning Administrator is appealable to the Planning Commission with the exception of sign review applications which are appealable to the Design Review Board. The decision of the Planning Commission or Design Review Board are appealable to the City Council. The determination of the Zoning Administrator shall become final ten (10) days after the determination is rendered unless appealed to the Planning Commission or Design Review Board as set forth in Section 15.04.980.

Section 4. Chapter 15.04 of the Municipal Code of the City of Richmond is hereby amended by revising RMC Sections 15.04.850.020 (B. Garages/Carports), 15.04.910.080 (L. Temporary Structures), 15.04.600.030 (Planned Area Procedures), 15.04.910.080 (I. Private Parking Spaces), 15.04.980 (Appeals) as follows:

3.1. Section 15.04.600.030. F. (Planned Area Procedures)

~~Public Development Review Board~~ Design Review Board: ~~Review of PA Plans by the Public Development Review Board as prescribed in Section 15.04.930 is required prior to the issuance of a building permit in a PA District~~ Design Review Board review and recommendation to the Planning Commission is required. The ~~PDRB~~ Planning Director or his/her designee shall review the building permit applications to ensure compliance with the conditions of the PA District approval.

1.2. Section 15.04.850.020 (B. Garages/Carports)

In residential districts, required off street parking located in the front half of the lot or within 25 feet of the side street on a corner lot, shall be covered with carport, garage or roofed structure except as approved by a ~~Conditional~~

Use Zoning Administrator Permit.

An existing uncovered off-street space on the front half of a lot or within twenty-five (25) feet of the side street on a corner lot may be established, continued, enlarged, improved or rebuilt in accordance with all of the following conditions:

- A. The principal use of the lot is an existing single-family residence;
- B. Such space shall be limited to one uncovered parking space per lot;
- C. Such space shall be available and used for parking of an operable passenger vehicle, recreational vehicle, self-propelled camper, pick-up truck, trailer or boat;
- D. Such space may be located in the required front yard or street side yard if the Zoning Administrator finds that in so doing there is neither an appreciable impairment of pedestrian safety nor any reduction in the attractiveness of the neighborhood;
- E. Such space shall not be rented by the day or part thereof;
- F. Such space shall be paved and equipped with a City-approved curb cut in accordance with submitted plans which have been reviewed and approved by the Department of Public Works.
- G. The provision and maintenance of such parking space is the continuing obligation of the property owner. (Ord. 39-78 N.S., 12/4/78)

4.3. Section 15.04.910.080 (I. Private Parking Spaces)

Delete entire referenced sub-section from ordinance and re-letter section accordingly.

~~An existing uncovered off-street space on the front half of a lot or within twenty-five (25) feet of the side street on a corner lot may be established, continued, enlarged, improved or rebuilt in accordance with all of the following conditions and the approval of a Conditional Use Permit by the Planning Commission:~~

- ~~A. The principal use of the lot is an existing single-family residence;~~
- ~~B. Such space shall be limited to one uncovered parking space per lot;~~
- ~~C. Such space shall be available and used for parking of an operable passenger vehicle, recreational vehicle, self-propelled camper, pick-up truck, trailer or boat;~~
- ~~D. Such space may be located in the required front yard or street side yard if the Zoning Administrator finds that in so doing there is neither an appreciable impairment of pedestrian safety nor any reduction in the attractiveness of the neighborhood;~~
- ~~E. Such space shall not be rented by the day or part thereof;~~
- ~~F. Such space shall be paved and equipped with a City-approved curb cut in accordance with submitted plans which have been reviewed and approved by the Department of Public Works.~~

~~G. The provision and maintenance of such parking space is the continuing obligation of the property owner. (Ord. 39-78 N.S., 12/4/78)~~

~~2.4. Section 15.04.910.080 (L. Temporary Structures)~~

Delete entire referenced sub-section from ordinance and re-letter section accordingly.

~~L. Temporary Buildings and Uses~~

~~Not including signs, for periods not to exceed two years.~~

5. Section 15.04.980.060 (Procedures for Appeals, D.)

Replace reference to Public Development Review Board (PDRB) with Design Review Board (DRB).

6. Section 15.04.980.070 (Effective Date of Decision, A.)

Include reference to Design Review Board in the following sentence:
 "A decision of the Planning Commission, Design Review Board, or Planning Director is appealable ..."

Section 5. Chapter 15.06 of the Municipal Code of the City of Richmond is hereby amended by revising RMC Section 15.06.040 (Sign Permits) and RMC Section 15.06.100 (Variance Procedure) as follows:

1. **Section 15.06.040 (Sign Permits)**

Replace references to Section 15.04.205 in paragraphs (A)(1) and (A)(2) with references to Section 15.04.930 (Design Review Ordinance)

2. **Section 15.06.100 (Variance Procedure)**

Replace all references to "Public Development Review Board" with "Design Review Board".

Section 6. 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 or the remaining portions of the 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 7. Effective Date. That this ordinance shall take effect and be in force sixty (60) days following its final passage and adoption. Applications deemed complete prior to the effective date of this ordinance, and that have also completed the CEQA review process prior to the effective date of this ordinance, shall be processed in accordance with the former Controlled Development and Development Review Regulations. Existing valid Controlled Development Plans conforming to the current Zoning Ordinance shall remain in effect for three years from the date the plan received final Planning Commission or City

Council approval date. Existing valid Development Review Organization approvals shall remain in effect for 180 days from the date the plan received final Development Review Organization or Public Development Review Board approval date.

- - -

First read at a regular meeting of the Council of the City of Richmond held February 23, 1999, and finally passed and adopted as read at a regular meeting thereof held March 23, 1999, by the following vote:

AYES Councilmembers Butt, Evans, Marquez, Anderson, Bates,
Powers, Griffin, and Mayor Corbin

VACANCY: One

NOES: None

ABSTENTIONS: None

ABSENT: None

EULA M. BARNES
CLERK OF THE CITY OF RICHMOND

Approved:

ROSEMARY M. CORBIN
Mayor

Approved as to Form:

MALCOLM HUNTER
City Attorney

State of California)
County of Contra Costa : ss.
City of Richmond)

I certify that the foregoing is a true copy of Ordinance No. 7-99 N.S. finally passed and adopted by the Council of the City of Richmond at a regular meeting held March 23, 1999, and published in accordance with law.


Eula M. Barnes
Clerk of the City of Richmond