

## DEVELOPMENT / DEVELOPER FEES

- Fees and related ordinances for development or redevelopment projects within the City – whether new or changes in current fees or ordinances, require that staff study these, provide recommendations to the Council, a proper public review and comment period, and, Council consideration and review. Recommendation – (1) Any fees or ordinances – either new or changes for current - should be noted as recommendations to the City Council. (2) The City should review the Plan in regards to developer and redevelopment project fees and eliminate duplications. (3) Conduct a study of other similar cities to determine what fees are reasonable, and present this study to the Council allowing for public review process.
- The sheer amount of fees noted in the draft General Plan could defray development and developers from considering the City of Richmond as a viable economic investment. This is contrary to the City’s vision of recruiting “green” business and technology, AND, incubator spin-off businesses from the potential Lawrence Berkeley National Lab’s (LBNL) project. The attached list contains a summary of various programs, ordinances, policies and fees directed at new development or redevelopment projects. Some of these are currently in place. The intent is to show the voluminous amount of these directed at new or redevelopment projects.
- Duplicated fees – it is unclear in the draft General Plan if the fees, ordinances, and programs are new or current, therefore there appears to be duplication of fees throughout the Plan.
- In regards to development of viable land versus open space – the City needs to consider the current Parkland to population ratio. We recommend that the City look at other similar size and populated cities in regards to their formula for development versus open space and secondly examine the City’s financial ability to support purchase and maintenance of adding additional open space and parkland to the City’s inventory.
- Requirements/fees might be contradictory to: Policy GM1.4 Diverse Range of Housing Opportunities (pg 9.8) to “support quality affordable housing in mixed-income neighborhoods”, that is, the amount of fees may be burdensome and not feasibly allow a developer to construct affordable housing.
- The Bicycle and Pedestrian Master Plan calls for \$45Million, the majority of the cost of new paths to be raised through new development fees. Whereas some projects would benefit from scenic pathways, other projects (e.g. LBNL, port projects, industrial areas) would not allow for public access due to security, safety, and regulatory access restrictions (e.g. Coast Guard, Homeland Security). Recommend that the City review the current and suggested bicycle and pedestrian pathways to prioritize by functionality (e.g. ADA requirements), and, establish financial resources for construction and maintenance. Passing the \$45Million onto developers’ shoulders could deter economic development and growth in the City.
- The Transfer of Development Rights (TDR) Program raises concern regarding the City’s legal authority to implement such a program. [“Develop a program that targets areas for 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.” (7. Conservation and Open Space, Action CN2.A, pg 7.23) ]

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### References:

#### Bicycle and Pedestrian Paths

- Bike and Pedestrian (\$45Mil) Master plan calls for \$45M to be raised with new developments to incur majority of cost of new paths
- The Plan looks to new development and redevelopment projects to fund bicycle and pedestrian trails/paths as well as amenities (e.g. restrooms, drinking fountains). (Action CR1.D Bicycle and Pedestrian Standards.) To put further financial burdens on developments is not business friendly. The City can encourage residential developers to provide trails and paths, but some commercial, some business (BioRad), public (UC Field Station, Lawrence Berkeley Labs, Health Services Lab, etc.) and ALL INDUSTRIAL and PORT areas would not want paths/trails open to the public crossing their property due to safety and security reasons. In addition, properties – particularly port and industrial sites CAN NOT allow public access through their sites to the shoreline for safety and security reasons, as well as Coast Guard and Homeland Security regulations.

#### Park Land

- “new development and development projects to provide additional parkland or funding to purchase and maintain parklands.” (7. Conservation and Open Space; Policy CN2.7, pg 7.22)
- Parkland Dedication Ordinance – “update the ordinance that requires new development and redevelopment projects to provide adequate park and recreation opportunities to maintain the 3.0 acres per 1,000 population standard in applicable planning areas through a combination of park types as defined in the Parks and Recreation Element (to be updated and refined in the parks master plan). “(7. Conservation and Open Space Action CN2.C) (HW1B) (HW1C Park Dedication Incentive Program)  
*City needs to determine if this formula is appropriate – is it comparable to cities of same size/population, etc. Can the City afford to invest and maintain these park areas?*
- Parkland Dedication Incentives Program (Action HW1.C) “develop an incentives program that encourages private development and public agencies to provide park and recreation facilities beyond the minimum requirements. (PR1.H)
- Park Impact Fee Ordinance (PIFO) – “update the PIFO that requires new development and redevelopment projects to pay a fair share to cover the cost of parkland acquisition and improvement if the development is unable to provide adequate parkland within the project. Prioritize park dedication over impact fees. Perform nexus study periodically to update the criteria and fees.” (7. Conservation and Open Space Action CN2.C)
- Sustainable Development Standards and Practices “promote” and “encourage” (7. Conservation and Open Space, Policy CN5.2, pg 7.33)

#### Flood/Earthquake/Sea Level Rise

- Flood Control Requirements “require new development to install and maintain flood control measures on all creeks and watersheds in coordination with the Contra Costa County Flood Control and Water Conservation District. Include flood prevention mitigation measures for any developments within the 100-year floodplain. Require new development to install flood control measures to address sea level rise as appropriate. Improve groundwater recharge and minimize stormwater runoff to

better accommodate floodwaters.” (7. Conservation and Open Space, Action CN3.D, pg 7.29) (EC6.2 Low-Lying Areas in Richmond). Flood Hazard Zone Designation (Action SN1.D) “require special design features to prevent damage from flooding for all new development located within the areas subject to flood hazard.”

- *Flood Hazard Zone Designation and Sea Level Rise constricting current and new development should be pulled for separate discussion as the issues are still being debated by BCDC and Bay Planning Coalition as to the impact on shoreline areas.*
- Earthquake Fault Zone (Action SN1.A) “...where development is proposed within the zone (Alquist-Priolo Earthquake Zone) require study of potential impacts related to fault movement in the design of all structures, roadways, utility lines and other facilities.”
- Geotechnical Review Guidelines (Action SN1.C) Regularly review and update geotechnical review guidelines for major redevelopments or new developments to determine the degree of seismic and geologic hazards that might be expected for a particular structure or location...”
- Sea Level Rise (Action SN1.D) in Flood Hazard Zone Designation, “include a special designation for areas that will be impacted by rising sea levels.”

### **Water / Energy Conservation**

- Water Conservation “implement water conservation efforts for households, businesses, industries and public infrastructure,” list of requirements covered. (7. Conservation and Open Space, Action CN3.E, pg 7.30) (EC2.F, CN2.E, HW10.G, EC.3.4, HW10.7, HW10.G); Recycling requirements in new development (EC2.G, CN3.B, HW10.H) Water Reduction and Recycling (HW10.6, EC3.3, CN5.3)
- Energy Efficiency and Conservation “collaborate with partner agencies, utilities and businesses to support a range of energy efficiency, conservation and waste reduction measures, including development and retrofitting of green buildings and infrastructure; installation of energy-efficient appliances and equipment in homes and offices; and heightened awareness of energy and conservation issues.” (7. Conservation and Open Space, Policy CN5.1, pg 7.33)

### **Construction / Demolition**

- Green Building Ordinance “meet or exceed the State’s zero net energy goals by the year 2020.” *The current ordinance requires meeting the State’s goals. This recommendation to “exceed” the State’s zero net energy goals would be a change in the current ordinance and require public review and Council approval.* (7. Conservation and Open Space, Action CN5.C, pg 7.34; CF2.B, HW10.B, HW10.2, EC4.H, CP3.B)
- Construction and Demolition Ordinance “develop an ordinance covering all construction and demolition activities that meets and exceeds minimal state building code diversion for beneficial reuse standards. Encourage preservation and readaptation of existing structures over replacement and deconstruction and reuse of building materials over demolition.” (7. Conservation and Open Space, Action CN5.F, pg 7.36) (CN5.F, HW10.F, EC3.E)
- Transfer of Development Rights (TDR) Program “Develop a program that targets areas for 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.” (7. Conservation and Open Space, Action CN2.A, pg 7.23)
- Community Choice Aggregation “encourage large warehouse and retail operations to

- add solar panels to the roofs” (Action EC2.A, pg 8.24)
- Green Buildings and Landscaping (Policy EC4.3, HW10.2,) expands Green Building Ordinance to include landscaping (HW10.5) Energy Efficiency and Conservation
- Infill Development Incentives (Action EC4.D, pg 8.28; LU1.A) “encourage infill development in targeted redevelopment areas in Central Richmond. Encourage new development and redevelopment projects to provide community amenities and uses that serve priority community needs and retain the existing urban limit lines.”

### **Circulation / Streets**

- Transportation Demand Management program (TDM) “funded by annual fees or assessment on new development” (GM1.C pg 9.9) (CR5.A)
- impact fees to include “local streets; local and regional transportation systems; and public facilities such as parks and recreation, schools and emergency services. (Policy GM2.2 Community Amenities for New Development pg 9.10)
- “mitigation measures consistent with the Countywide Comprehensive Transportation Plan which funds regional transportation projects, community facilities and infrastructure...” (Action GM2.B Regional Development Mitigation, pg 9.11)
- “community facilities and infrastructure” supported by “the West Contra Costa County Subregional Transportation Mitigation Program (STMP) for planned and proposed development” (Action GM2.B Regional Development Mitigation, pg 9.11)
- “impact fee schedule” (Action GM2.C Local Development Mitigation Program, pg 9.11)
- Community Amenities for New Development (Policy GM2.2, pg 9.10) “require new development to pay costs attributable to that development including impacts on: local streets; local and regional transportation systems; and public facilities such as parks and recreation, schools and emergency services.”
- Transit Access Guidelines and Incentives (HW4.B)
- Circulation Impact Fee Program (CR3.C) (HW4.M) “update to provide needed circulation improvements associated with new development and redevelopment projects.”
- At Grade Railroad Crossings Improvements (HW4.H) (HW9.S) discusses “establish formulas that will provide fair-share contributions towards improvements where grade separations will enhance safety, community linkages and access for pedestrians, bicyclists, and public transit.”

### **Employer Programs**

- Several actions include requiring or collaborating with employers to provide services that are outside of the City’s responsibility and authority to implement:
  1. Collaborating with employers to provide employer-based “open-door” shuttles to BART, *proposed* ferry terminal and other transit hubs – whereas employers would be open to discussions with the City, it will be ultimately up to the employer to consider such based on their needs and budgetary constraints. (EC2.C)
  2. Requiring employers to provide bicycle amenities (bathrooms, showers, lockers, etc.) on their sites, and/or the developments sites. (EC2.F, EC2.4, CR3.1, HW4.4, HW4.E, CR1.D)
- Indoor Air Quality Guidelines (Action HW9.E, 11.54) “develop and adopt guidelines for mitigating significant impacts on indoor air quality for new residential and commercial units along higher-density corridors and areas where increased intensity of use may result in higher levels of vehicular traffic. Identify recommendations for mitigation, including design standards and ventilation systems. Continue to seek

grants and support current efforts to improve the air quality in older homes where mold, mildew, and other contaminants may be present.”

- Sensitive Use Location Guidelines (Action HW9.F, 11.54) “...guidelines should include mitigation measures to ensure that new sensitive uses will be protected from adverse health effects as recommended by the California Air Resources Board in the 2005 Land Use and Air Quality Handbook. Mitigation could include measures to reduce air emissions from existing sources as well as to design buildings to reduce exposure.”
- Noise Ordinance (Action HW9.R, SN4.C) “require new residential development and other noise sensitive uses near railroad crossings or other sources of brief loud noise to be analyzed for noise compatibility using standards based on both 24hr averages and maximum instantaneous interior noise levels to determine the noise effects on sleep disturbance and other essential human functions...”
- Noise Study Report Requirement (Action SN4.A) “require proposed commercial and industrial uses with potential noise and vibration-producing activities or new noise-sensitive uses that locate in an area with day=night average sound level (Ldn) of 55 or greater to provide noise study reports. The report should identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions.”  
*This could impact conditional use permits; may not be in accordance with CalOSHA and other regulatory compliance issues.*
- Noise Study Guidelines “...ensure that the effect of brief loud noises such as locomotive horns are analyzed and that noise limitations include a maximum acceptable noise level for noises of short duration for interior sleeping areas of residential and other uses... “Use the Future Noise Contours data and Municipal Codes on noise to determine if additional noise studies are needed.” *Train horns are required in specific situations and fall under the Federal code regulations for railroads. Outside of the City’s jurisdiction.*
- Organizational Capacity for Change (Policy HW11.1, 11.65) “...promote the use of health criteria in reviewing and approving new development and redevelopment projects to maximize their health benefits and minimize or eliminate health impacts.”
- Healthy Development Criteria (Action HW11.B, 11.66) “ develop criteria and standards to evaluate the health benefits and impacts of land development projects and plans...develop guidelines for assessment...consider models developed by the Shasta County Health Department and San Francisco Health Department.”
- Land Use Compatibility (Policy SN4.2) “...all new development must avoid or mitigate to the greatest extent feasible potential negative impacts such as noise, nuisance and pollution.” “encourage existing larger industries that have surplus land to develop modern industrial parks that could attract new and existing industries and facilitate a reduction of existing and future land use conflicts.”