

RESOLUTION NO. 58-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND REGARDING TRANSITION PROCEDURES UNDER AMENDED SECTION 3.20.080 OF THE RICHMOND MUNICIPAL CODE FOR THE CHEVRON MODERNIZATION PROJECT

WHEREAS, on June 3, 2014 the City Council of the City of Richmond (Council) adopted a resolution in support of the efficient review of the Environmental Impact Report, Conditional Use Permit, and related entitlements for the Chevron Modernization Project (Project); and

WHEREAS, in the June 3, 2014 resolution, the Council resolved to take action on the Project on or about July 29, and no later than July 31; and

WHEREAS, on June 3, 2014, the Council introduced an ordinance (first reading) amending Section 3.20.080 of the Richmond Municipal Code (Ordinance) to establish new procedures for matters previously considered by the Council and that have been returned to the City for additional action by a court; and

WHEREAS, on June 17, 2014, the City Council adopted (second reading), the Ordinance; and

WHEREAS, the Project is subject to the new procedures in the Ordinance, which will take effect thirty (30) days after second reading and adoption on July 17, 2014; and

WHEREAS, pursuant to existing zoning regulations in Chapter 15.04 of the Richmond Municipal Code (Code), the Planning Commission of the City of Richmond (Commission) may consider and reach a decision as to the Project prior to the effective date of the Ordinance; and

WHEREAS, on June 5, 2014, the Commission set special meetings for July 9 and 10, 2014 to consider certification of the Final Environmental Impact Report, Conditional Use Permit, and related entitlements for the Project; and

WHEREAS, pursuant to Section 15.04.980 of the Code, a decision of the Commission made prior to the effective date of the Ordinance would be subject to a 10-day period for appeal to the Council; and

WHEREAS, the time period for filing such an appeal may extend past the effective date of the Ordinance; and

WHEREAS, as a transitional matter under the Ordinance, the Council wishes to consider as an appeal a decision on the Project made by the Commission on the Project prior to the effective date of the Ordinance, in addition to conducting its own review of the Project under the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richmond that, pursuant to the Ordinance, the City Council will have original jurisdiction over the Project as of July 17, 2014, and the City Council will open a public hearing to hear public comment on the Project on July 22, and intends to take action on the Project on July 29, and no later than July 31; and

BE IT FURTHER RESOLVED, that if the Planning Commission issues a final decision on the Project before July 17, 2014 and an appeal is filed within 10 days thereof, the City Council will consider any such appeal on or about July 29, concurrently with its own review of the Project under Section 3.20.080 of the Code; and

BE IT FURTHER RESOLVED, that if the Planning Commission does not issue a final decision on the Project prior to July 17, 2014, the City Council shall review the Project under Section 3.20.080 of the Code without advisory recommendation of the Planning Commission.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 17, 2014, by the following vote:

AYES: Councilmembers Bates, Boozé, Butt, Myrick, and Rogers.

NOES: Vice Mayor Beckles and Mayor McLaughlin.

ABSENT: None.

ABSTENTION: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

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

I certify that the foregoing is a true copy of **Resolution No. 58-14**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 17, 2014.