

**ORDINANCE NO. 22-13 N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA REZONING TO MFR-3, MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT, THE ACREAGE OF ELEVEN NON-CONTIGUOUS PARCELS OF LAND TO CONSTRUCT 43 TOWNHOMES, FOR PROPERTIES COMMONLY KNOWN AS 1200-1300 FRED JACKSON WAY (APNS: 561-151-007,-008,-009,-011; 561-162-031,-032,-033,-034; 561-192-029,-030,-031)**

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WHEREAS, in 2012, the Community Development Corporation of North Richmond (the “Project Sponsor”) filed a land use application with the City of Richmond (the “City”) to rezone the proposed Filbert Townhomes affordable housing development (the “Project) consisting of 43 townhomes to MFR-3, Multi-family Medium Density Residential. The land use application included a Design Review Permit, a Conditional Use Permit to waive minimum parking requirements and a request to rezone the site to construct these dwellings pursuant to the Richmond Zoning Ordinance and the General Plan. The proposed project is consistent with the density prescribed in the newly adopted General Plan 2030; and

WHEREAS, Chapter 15.04 of the Richmond Municipal Code provides for the review and recommendations of the City’s Planning Commission on all zoning amendments; and

WHEREAS, pursuant to Resolution No. 13-16 adopted by the Planning Commission of the City of Richmond on September 5, 2013, the property commonly known as 1200-1300 Fred Jackson Way (APNs: 561-151-007, -008, -009, -011; 561-162-031, -032, -033, -034 and 561-192-029,-030,-31) (the “Property”) was recommended for rezoning from SFR-3, Single-family Low Density Residential to MFR-2, Multi-family Medium Density Residential; and other entitlements such as a Conditional Use Permit to reduce minimum parking requirements and a Design Review Permit to construct the dwellings were recommended for approval; and

WHEREAS, the Project site is owned by the Community Development Corporation of North Richmond; and

WHEREAS, Section 15.02.040 of the Richmond Municipal Code provides for the filing of an application for amendments of the General Plan where the City Council finds an applicant’s proposed zoning changes to be consistent with the General Plan; and

WHEREAS, the City has complied with the requirements of the Local Planning Law (Government Code Section 65300 et seq.), and the City’s applicable ordinances and policies with respect to approval of the proposed rezoning; and

WHEREAS, on August 14, 2013, the Design Review Board held a duly noticed public hearing and recommended to the Planning Commission to forward a positive recommendation to the City Council based on the design of the Project; and

WHEREAS, at a duly noticed public hearing on September 5, 2013, the Planning Commission opened a public hearing to consider the Design Review Board’s recommendation to the City Council regarding the proposed rezoning, Conditional Use Permit and Design Review Permit for the Project; and

WHEREAS, the Planning Commission determined that the Project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15194 (Affordable Housing Exemption); and

WHEREAS, the Planning Commission closed the public hearing and recommended approval of the Conditional Use Permit, Design Review Permit, and rezoning for the Project to the City Council; and

WHEREAS, pursuant to Government Code Section 65090, notice of the City Council’s hearing was published in accordance with Section 6061 of the Government Code in at least one newspaper of general circulation within the City of Richmond at least ten calendar days before the City Council’s public hearing; and

WHEREAS, on October 15, 2013, the City Council closed the public hearing recommending approval of the Rezone, Conditional Use Permit, and Design Review Permit for the Project; and

WHEREAS, at the October 15, 2013 meeting, the City Council considered the request for rezoning in conformity with the General Plan 2030, which was adopted by Resolution No. 51-12 on May 15, 2012, and

WHEREAS, the Project site is designated as Medium Density Residential in the General Plan 2030, as shown in Exhibit B; and

WHEREAS, the Project application includes a request to rezone the area of the Project site designated as SFR-3, Single-family Residential to MFR-2, Multi-family Medium Density Residential as shown in Exhibit A; and

WHEREAS, the City Council finds that the Project is consistent with the objectives, policies, general land uses, and programs specified in the General Plan 2030; and

WHEREAS, after reviewing all oral and written evidence in the public record, the City Council approved a rezoning of parcels for the Project; and

NOW, THEREFORE, the City Council of the City of Richmond does ordain as follows:

Section 1. The Council of the City of Richmond hereby approves the recommendation of the Planning Commission and thereby amends the Zoning Ordinance from a SFR-3, Single-Family: Low Density Residential designation to a MFR-2, Medium Multi-Family Density Residential Zoning district for parcels between 1200 through 1300 Fred Jackson Way (APNS: 561-151-007,-008,-009,-011; 561-162-031,-032,-033,034; AND 561-192-029,-030 -031).

Section 2. The Director of Planning and Building Services is hereby directed to make the necessary changes upon the official Zoning Map of the City of Richmond to conform herewith, amending the Richmond Municipal Code, Chapter 15.04 accordingly.

Section 3. This Ordinance shall take effect and be in force on or after its final passage and adoption.

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First read at a regular meeting of the City of Richmond held October 15, 2013, and finally passed and adopted at a regular meeting thereof held November 5, 2013, by the following vote:

AYES: Councilmembers Bates, Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

COURTLAND BOOZÉ

Vice 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 **Ordinance No. 22-13 N.S.** finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 5, 2013.