

ORDINANCE NO. 24-15 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
REZONING TO PLANNED AREA (PA) DISTRICT THE PROJECT SITE
KNOWN AS THE BAYWALK MIXED-USE DEVELOPMENT
LOCATED AT 830 MARINA WAY SOUTH
(THE "PROJECT," PLN14-021)**

WHEREAS, on January 30, 2014, the applicant submitted a planning application to construct a 193-unit mixed use development, consisting of 95 townhomes and 98 live-work units at 830 Marina Way South (Project) with the Department of Planning and Building Services; and

WHEREAS, on October 5, 2014, an Initial Study/Draft Mitigated Negative Declaration (DMND) (SCH: # 2014102025) was prepared and circulated for a 45-day comment period; and

WHEREAS, the City received eight written comments on the DMND during the 45-day public review period. Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of an DMND evaluate comments on environmental issues received during the public comment period from parties who reviewed the document, and prepare written responses to each of the comments. Following closure of the public review period on the DMND, the City responded to comments on the DMND received during the review period. Accordingly, a Final Mitigated Negative Declaration (FMND or MND) was prepared for the Project in accordance with CEQA, the state CEQA Guidelines, and all other applicable law, and circulated to commenting agencies and persons on July 20, 2015; and

WHEREAS, on September 17, 2015, the City of Richmond Planning Commission opened a public hearing to consider a recommendation to the City Council to adopt the MND and Mitigation Monitoring and Reporting Program (MMRP) and approve a Vesting Tentative Subdivision Map, Design Review Permit and a Rezoning for the Project; and

WHEREAS, after hearing public comments, the Planning Commission closed the public hearing, recommended review and adoption of the MND and MMRP and approval of the Vesting Tentative Subdivision Map, Design Review Permit and Rezoning; and

WHEREAS, on October 6, 2015, the City Council opened a public hearing to consider adopting the MND and MMRP, and approval of the Vesting Tentative Subdivision Map, Design Review Permit and a Rezoning for the Project; and

WHEREAS, after reviewing all oral and written evidence in the public record, the City Council adopted the MND as adequate, with the accompanying MMRP for the Project; and

WHEREAS, after reviewing all oral and written evidence in the public record, the City Council also approved the Vesting Tentative Subdivision Map and Design Review Permit for the Project; and

WHEREAS, the Project application includes a request to change the zoning of the Project site by amending the Zoning Map to change the land use designation from M-1, Industrial/Office Flex to PA, Planned Area District, relative to the proposed development of the Baywalk Mixed-Use development on certain real property consisting of approximately 10-acres located in the City of Richmond, as more particularly described in the attached **Exhibits 2-A and 2-B** ("Rezoning Map" and "PA Planned Area Plan Text"), incorporated herein and made part hereof.

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

SECTION I. The City Council finds and determines the following:

- a. The Planned Area District (PA) Plan is consistent with and conforms to the Richmond General Plan and other applicable policies and is compatible with surrounding development.**

Statement of Fact: Criterion conditionally satisfied. The PA plan is consistent with the Richmond General Plan and other applicable policies and is compatible with surrounding development. Implementation of the Project would require rezoning of the site from M-1, Industrial/Office Flex to PA, Planned Area District. The Zoning Amendment is compatible with the adjacent residential uses and would enable application of development standards consistent with the City's goals in its General Plan. The rezone is compatible with the Medium-Intensity Mixed-Use (Commercial Emphasis) designation of the General Plan. Approval of the rezone will result in development that is compatible with this land use designation and existing adjacent mixed-use land development on Marina Way South. Indeed, the proposed amendment furthers the goals and policies of the General Plan to: 1) improve the aesthetic and economic value of individual sites, the adjacent properties, the neighborhoods and the entire City by remediating and revitalizing the site; 2) meet future housing needs within the existing Planned Area through infill development already served by community facilities, utilities and transportation systems; 3) provide a range of housing types, residential densities to meet the needs of all age groups, income levels, and household sizes.

- b. The PA Plan will result in superior urban design in comparison with the development under the base zoning district regulations that would apply if the plan were not approved.**

Statement of Fact: Criterion satisfied. The PA plan will result in superior urban design in comparison with the development under the base zoning district regulations that would apply if the plan were not approved. This determination is supported by the MND chapter addressing the compatibility of the Project with neighboring uses; and the Design Review Board's consideration and approval of the Project; all of which are incorporated by reference. The existing zoning would not meet the objectives for development of mixed-use residential and neighborhood commercial serving activities for the Marina Bay neighborhood. The PA Plan, if developed according to the plans date stamped received by the Richmond Planning Department on August 20, 2015, and as recommended for approval by the Design Review Board and Planning Commission, will demolish an existing dilapidated warehouse and redevelop the site as a 193-unit planned residential development that will include, open space areas, townhouses and live/work units.

- c. The PA Plan includes adequate provision for utilities, public services, emergency vehicle access that will not exceed the capacity of existing and planned public services and infrastructure.**

Statement: Criterion satisfied. The PA plan includes adequate provision for utilities, public services, emergency vehicle access that will not exceed the capacity of existing and planned public services and infrastructure, as analyzed in the Traffic and Circulation, Hydrology, and Utilities and Infrastructure sections of the MND and supporting technical studies, and as those analyzed and clarified in the Responses to Comments in the FMND. If approved, the development would extend the necessary utilities needed to serve the new development, pay impact fees for public services, and contribute their fair share contribution towards public trails and bicycles lanes. This infill development will not exceed the capacity of existing or planned public services and infrastructure.

SECTION II. By this ordinance, the City Council approves Project Site rezoning to Planned Area District as set forth in Exhibit 2-A, (“Rezoning Map”) and adopts the Planned Area Plan as set forth in Exhibit 2-B, (“Planned Area Plan Text”), incorporated herein and made part hereof.

SECTION III. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION IV. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

SECTION V. Effective Date. This Ordinance becomes effective thirty (30) days after its final passage and adoption. In accordance with Richmond Municipal Code Section 15.04.610.040.E, the Planned Area Plan for the Project shall be effective on the same date as this ordinance.

Exhibit 2-A: Rezoning Map
Exhibit 2-B: Planned Area Plan Text

First introduced at a regular meeting of the City Council of Richmond at a regular meeting held October 6, 2015, and finally adopted at a regular meeting hereof held November 3, 2015, by the following vote:

AYES: Councilmembers Bates, McLaughlin, Martinez, Pimplé, Vice Mayor Myrick, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Beckles.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

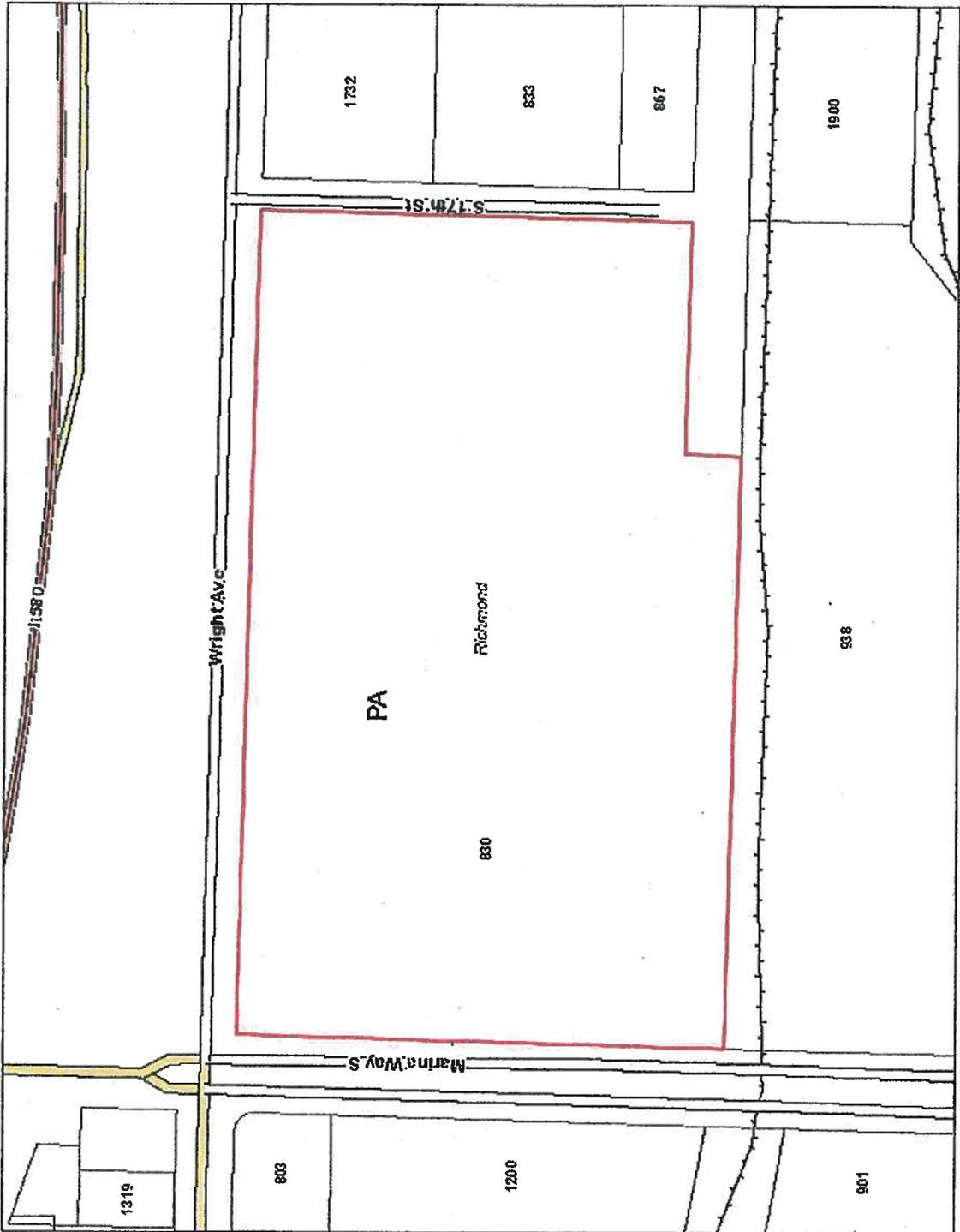
State of California }
County of Contra Costa }ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 24-15 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting on November 3, 2015, and published in accordance with law.


Pamela Christian, City Clerk of the City of Richmond



City of Richmond



0.1
0
0.03
0.1 Miles

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Legend

- Street Labels
- Major Roads
 - Primary Highway
 - Secondary Highway
 - Access Ramp
- Local Roads and Alleys (Detail)
 - Local Road
 - Alley
- Other Roads and Trails
 - Primary Highway
 - Primary Road
 - Vehicular Trail
 - Access Ramp
 - Special Road
 - Unnamed Road
 - Trail
 - Driveway
 - Parking Lot
- Railroads
- Parcel
- Parcel Labels
- City and County Boundaries
- Water Bodies
- Parks and Other Public Areas
- City of Richmond (Shaded)

1:1,813

Notes

Exhibit 1-A

Exhibit 1-B

PA PLAN TEXT
TM-9415
Baywalk Mixed-Use Project
Development Solutions Seascape, LLC

Land Uses

The following land uses will be allowed for the proposed 193 residential units, Baywalk Mixed-Use Subdivision:

1. 193 townhomes and live/work units
2. Homeowner Association:

Each property within the planned area shall be part of the Planned Area's Homeowner Association

Development Regulations

The following development regulations shall apply to the 105-residential lot subdivision:

1. Proposed finish grades are preliminary, final pad grades may vary by more than one foot.
2. Multiple Final Maps are permitted with public agency approval.
3. Minimum Lot Area shall be: 1,600 square feet
4. Minimum Lot Frontage shall be: 15 feet
5. Minimum Lot Depth shall be: 15 feet
6. Building setbacks from the property lines shall be as follows:

Minimum Front Yard Set Backs:

Distance to Porch	3 feet
Distance to Facade	3 feet

Minimum Side Yard Set Back:

Interior	0 feet
Exterior (street side yard)	0 feet

Minimum Rear Yard Setback:	3 feet
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7. Building Height:

Building height shall not exceed 45 feet.

8. Architecture:

- a. The 105 lot Planned Area residential development shall be constructed in substantial compliance with the 49-page architectural plan set prepared by SUMMA Architects (PLN14-021), date stamped received by the Planning and Building Services Department on August 20, 2015, and on file with the Planning and Building Services Department.
- b. The 193 unit Planned Area residential development shall also be in substantial compliance with the 10 page plan set prepared by Vallier Design Associates, Inc., titled Baywalk "Option B" Landscape Plans, (PLN14-021), date stamped received by the Planning and Building Services Department on August 20, 2015, and on file with the Planning and Building Services Department.

9. Addresses:

Street address numbers for each home shall be back lit at all times, and shall be readily visible from the street and driveways

10. Streets:

Streets and Alleys are private.

11. Driveways:

The Homeowners Association shall maintain all private streets, driveways and all common areas.

12. Landscape:

Landscape and fencing shall be installed in substantial compliance with the plan prepared by Vallier Design Associates, Inc., titled Baywalk "Option B" Landscape Plans, pages L-1 through L-7, date stamped received by the Planning and Building Services Department on August 20, 2015, and on file with the Planning and Building Services Department.

Common Area landscaping shall be installed by the developer prior to occupancy of each residence. All front yard landscape, project walls, and landscape along the right-of-ways of abutting the Planned Area shall be maintained by the Homeowners Association.