

ORDINANCE NO. 06-18 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, REZONING TO PLANNED AREA (PA) AN OPEN SPACE
DISTRICT THE QUARRY RESIDENTIAL PROJECT SITE LOCATED AT 1135
CANAL BLVD. (PLN16-732)**

WHEREAS, in 2016, New West Communities LLC (the Project Sponsor or Applicant) filed applications for a General Plan Amendment and Zoning Amendment to rezone to Project Site (1135 Canal Blvd, APN: 560-330-024) to Open Space (OS) and Planned Area (PA) Districts, a Vesting Tentative Map, and Design Review Permit with the City of Richmond (City) for the Quarry Residential Project (the Project), to construct 200 residential units, with building heights varying from three to four stories on an approximately 18-acre site in the City of Richmond, Contra Costa County, California;

WHEREAS, a Notice of Preparation (“NOP”) of a Draft Environmental Impact Report (“Draft EIR”) was filed for the Project with the State Clearinghouse (“SCH”) Office of Planning and Research (“OPR”) on June 30, 2017 (SCH# 2017062083). The NOP was distributed to public agencies and interested parties for a 30-day public review period which ended on July 31, 2017. In addition, the City held a public scoping meeting on July 26, 2017 to obtain public input on the proposed scope and content of the Draft EIR;

WHEREAS, a Notice of Completion (“NOC”) of the Draft EIR was filed with the SCH OPR on October 6, 2017. The Draft EIR was circulated for a 45 day public review period, which ended on November 20, 2017. During this public review period, the City received written comments on the Draft EIR;

WHEREAS, a Response to Comments document was prepared for the EIR and circulated to commenting agencies on January 17, 2018. The EIR (SCH# 2017062083) was prepared and circulated in accordance with State law and local guidelines;

WHEREAS, on December 13, 2018, the Design Review Board opened a public hearing to consider a recommendation to the Planning Commission regarding the Design Review Permit and approval of the Zoning Amendment for the Project;

WHEREAS, on December 13, 2018, the DRB closed the public hearing and recommended approval of the Design Review Permit and Zoning Amendment, subject to conditions;

WHEREAS, on February 1, 2018, the City of Richmond Planning Commission opened a public hearing to consider a recommendation to the City Council regarding the certification of the Final EIR, adoption of the MMRP, and approval of the Rezoning and Vesting Tentative Map for the Project;

WHEREAS, on February 1, 2018, the Planning Commission voted unanimously to recommend certification of the Final EIR, adopt a Mitigation Monitoring and Reporting Program, and that the City Council approve the General Plan Amendment, Zoning Amendment, Vesting Tentative Map, and Design Review (PLN 16-732), subject to conditions;

WHEREAS, on February 20, 2018, the City Council held a public hearing to consider certification of the Final EIR, adoption of the Mitigation Monitoring and Reporting Program, and approval of a General Plan Amendment, Zoning Amendment, Vesting Tentative Map, and Design Review Permit for the Project;

WHEREAS, on February 20, 2018, after reviewing all oral and written evidence in the public record, the City Council certified the Final EIR as adequate, adopted a Mitigation Monitoring and Reporting Program (MMRP) for the Project, and approved a General Plan Amendment, Vesting Tentative Map, and Design Review Permit for the

Project conditioned upon City Council subsequent approval of the Zoning Amendment for the Project; and

WHEREAS, the Project application includes a request to change the zoning of the Project Site from C-C, Coastline Commercial to Planned Area (PA), substantially in the form on file with the Planning & Building Services Department, relative to the proposed development of the Terminal One project on certain real property consisting of approximately 13-acres located in the City of Richmond, as more particularly described in the attached **Exhibits A and B** (“Rezoning Exhibit” and “PA Planned Area Plan”), 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 proposed development is consistent with the General Plan, including the height, density, and intensity limitations that apply unless these limitations are to be amended;

Statement of Fact: *Criterion Conditionally Satisfied.* The Project is consistent with the proposed Medium Density Residential land use density because it is within the specified range (10 to 40 du/ac). With approval of the Planned Area rezoning, the 35 foot building height limit of the medium density residential district may be modified.

B. The subject site is physically suitable for the type and intensity of the land use being proposed;

Statement of Fact: *Criterion Satisfied.* The subject property is an infill site located in an urbanized area with existing drainage, sewer, water and infrastructure improvements. The site is suitable for residential development in that it is located in close proximity to residential uses and existing services and utilities are available to serve the development.

C. Adequate transportation facilities and public services, as defined in the General Plan and in the design standards established in the Subdivision Regulations exist or will be provided in accordance with the conditions of Planned Area Plan approval to serve the proposed development; and the approval of the proposed development will not result in a reduction of transportation service for all modes of travel or public services so as to be a detriment to public health, safety, or welfare;

Statement of Fact: *Criterion Conditionally Satisfied.* The Project will not include new public transit services, but it will not preclude the enhancement of transit services and connections in the Southern Shoreline area. In addition, the Project will facilitate multimodal travel (i.e., pedestrian and bicycle infrastructure and facilities), and the use of and access to transit, including the new Richmond Ferry terminal. Per condition of approval No. 8, the Project is required to prepare a transportation demand management plan or become GreenTRIP certified to reduce single-use occupancy vehicle miles traveled.

D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

Statement of Fact: *Criterion Satisfied.* Existing land uses surrounding the Project site consist of predominantly recreation/open space, industrial port-related uses, and residential uses. There are no planned land uses in the surrounding area. The Project will establish a new residential community, and include improvements to both Seacliff Drive and the Bay Trail on Seacliff Drive, improving vehicular, pedestrian and bicycle infrastructure and connections near the site. The proposed multi-family condominium use is similar to existing uses in the surrounding area. Therefore, the Project will not have a substantial adverse effect on the existing surrounding uses.

E. The development generally complies with applicable design guidelines; and

Statement of Fact: *Criterion Satisfied.* The project PA Plan specifies development standards for the Project to which the Project design conforms. The Project will use high-quality design and materials, and is substantially consistent with the PA Plan and the City's design review criteria in Section 15.04.805.040.

F. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors will be considered:

1. Appropriateness of the use(s) at the proposed location.

Statement of Fact: *Criterion Satisfied.* The Project will provide medium density, market rate housing, which is much needed in the City. Without the PA plan, this type of housing could not be provided under the base zoning district regulations. Several of the surrounding residential developments in the area were also developed as Planned Area districts.

2. The mix of uses, housing types, and housing price levels.

Statement of Fact: *Criterion Satisfied.* The Project proposes up to 200 condominium units of varying sizes in three-story buildings, some with four-story elements. Amenities will be provided, including a clubhouse and swimming pool. Given the varying unit sizes and types, the condominium units will be made available to a range of home buyers.

3. Provision of units affordable to persons and families of low and moderate income or to lower income households.

Statement of Fact: *Criterion Conditionally Satisfied.* The Project will be required to comply with the City's Inclusionary Housing Ordinance.

4. Provision of infrastructure improvements.

Statement of Fact: *Criterion Satisfied.* The Project will provide for utilities and public services that will not exceed the capacity of existing and planned public services and infrastructure. It will include the installation of new water, stormwater, and sanitary sewer infrastructure. In addition, the Project will include improvements to both Seacliff Drive and the Bay Trail on Seacliff Drive, improving vehicular, pedestrian and bicycle infrastructure and connections near the site.

5. Provision of open space.

Statement of Fact: *Criterion Satisfied.* The Project will include landscaped common areas that will be maintained by the Homeowners Association ("HOA"). In addition to Project landscaping, the Project will provide enhancements to the section of the Bay Trail on Seacliff Drive along the Project site. The trail will be rebuilt as a 12-foot-wide paved trail with 7 feet of landscaping (low ground cover planting) between the trail and Seacliff Drive, and 3 feet of decomposed granite between the trail and the landscape leading up to the Project buildings. Pathways within the development will link open spaces and residences with the clubhouse.

6. Compatibility of uses within the development area.

Statement of Fact: *Criterion Satisfied.* The Project proposes residential uses (plus amenities) and open space, which are compatible uses.

7. Creativity in design and use of land.

Statement of Fact: *Criterion Satisfied.* The Project will develop a vacant, underutilized

site with high-quality residential buildings. The buildings have been located on the site to minimize impacts to the slope on the western portion of the site and to allow for amenity spaces and connectivity throughout the developed portion of the site. More than half of the site will be undeveloped open space.

8. *Quality of design, and adequacy of light and air to the interior spaces of the buildings.*

Statement of Fact: **Criterion Satisfied.** The Project will provide an architectural design that includes high-quality materials and finishes. Buildings have been located on the site with sufficient separation to allow adequate light and air into the interior spaces. Buildings have also been oriented to allow for maximum view orientation and natural light for safety and comfort.

9. *Overall contribution to the enhancement of neighborhood character and the environment of Richmond in the long term.*

Statement of Fact: **Criterion Satisfied.** The Project will improve the aesthetic and economic value of the site, adjacent properties, the neighborhood and the entire City by revitalizing an unimproved infill site. It also will help fulfill the City's need for additional housing.

SECTION II. By this ordinance, the City Council approves the Zoning Amendment to rezone the Project Site to Open Space, OS and Planned Area, PA districts as set forth in Exhibit A, ("Rezoning Exhibit") and adopts the Planned Area Plan as set forth in Exhibit B, ("PA Plan Exhibit"), 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 15.04.810.060(A)(1), the Planned Area Plan for the Project shall be effective on the date of adoption of this Ordinance

Exhibit A: Rezoning Map
Exhibit B: Planned Area Plan

First read at a regular meeting of the Council of the City of Richmond held February 20, 2018, and finally passed and adopted at a regular meeting thereof held February 27, 2018, by the following vote:

AYES: Councilmembers Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Beckles.

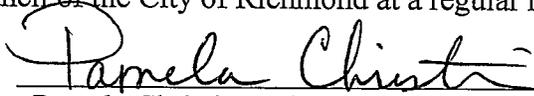
PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

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. 06-18 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on February 27, 2018.



Pamela Christian, City Clerk of the City of Richmond