

ORDINANCE NO. 13-19 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 CASCADE RESIDENTIAL DEVELOPMENT
LOCATED AT 5620 CENTRAL AVENUE
(THE "PROJECT," PLN18-173)**

WHEREAS, on February 7, 2014, the applicant submitted a planning application with the Department of Planning and Building Services to request the City of Richmond (the "City") complete Environmental Review and approve a Conditional Use Permit under the State Density Bonus Law to allow a 25% increase in density over the maximum allowable under the General Plan and concessions related to increased height, reduced off-street parking, and open space reductions to construct a 155-unit affordable housing development (the "project") at 5620 Central Avenue (the "property" or "subject site"). The subject site (Assessor Parcel Nos. 510-053-025,-032, and -033) is 2.58-acres; and

WHEREAS, in April 2014, an Initial Study/Draft Mitigated Negative Declaration (DMND) (SCH: #2014042047) was prepared and circulated for a 30-day comment period; and

WHEREAS, during the comment period, the City received five written comments on the DMND, following the close of the comment period. Afterwards, the Richmond Annex Neighborhood Council requested two additional weeks to review the traffic analysis. The City accepted their comments after the close of the comment period. Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of a 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 in July 2014; and

WHEREAS, pursuant to CEQA Guidelines Section 15091(e), the administrative record of these proceedings is located at, and may be obtained from, City of Richmond, Planning and Building Services Department, City Hall, 450 Civic Center Plaza, Richmond, CA, 94804. The custodian of these documents and other materials is City of Richmond, Planning and Building Services Department; and

WHEREAS, on June 15, 2018, the applicant submitted a new application to develop the 2.58-acre site with a revision to the housing mix and type of residential units, significantly reducing the number of housing units from 155 to 46 units,

WHEREAS, on December 12, 2018, the Design Review Board held a public hearing to review the design type, architecture and site planning of the proposed project to recommend approval to the Planning Commission based on 35 conditions of approval; and

WHEREAS, on February 17, 2019, the City of Richmond Planning Commission opened a public hearing to consider a recommendation to the City Council to review and approve an addendum to the adopted MND and Mitigation Monitoring and Reporting Program (MMRP) and approve a Tentative Subdivision Map, Rezoning and Design Review Permit for the Project; and

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

WHEREAS, on July 23, 2019, the City Council opened a public hearing to consider approval of the addendum to the adopted MND and MMRP, and approval of the 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 approved the addendum to the 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 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 CR, Regional Commercial to PA, Planned Area District, relative to the proposed development of the Cascades Residential development on certain real property consisting of approximately 2.58-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 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 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 CR, Regional Commercial to PA, Planned Area District. The proposed rezone is compatible with the Regional Commercial Mixed-Use 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 Central Avenue. 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. 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 subject site is physically suitable for the type and intensity of the land use being proposed;**

Statement of Fact: Criterion satisfied. The PA Plan, if developed according to the plans submitted and date stamped received by the Planning and Building Services Department on November 20, 2018, will redevelop the site with 42 townhomes and 4 stacked flats that will include, landscaping, parking garages and open space areas. Said residential development would be a superior urban design in comparison to the existing zoning of CR, Regional Commercial which allows attached multi-unit dwellings and commercial land uses. The Regional Commercial Mixed-Use land use designation allows a variety of medium-density residential uses including townhouse units as proposed by this development.

- C. Adequate transportation facilities and public services, as defined in the General Plan and in the design standards established in the Subdivision Regulations that 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 satisfied. The site is located less than half a mile away from the El Cerrito del Norte BART Station and is adequately served by public transportation on Central Avenue. There are adequate transportation facilities and public services near the project site as defined in the General Plan and the design standards in the City's subdivision regulations that will be provided in accordance with the conditions of the Planned Area Plan approval.

- 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: The project is designed to be compatible with the surrounding neighborhood which is residential and commercial, and the adopted Mitigation Monitoring and Reporting Program will be added as a condition to ensure that the project will not substantially cause an adverse environmental impact.

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

Statement of Fact: The proposed development has been approved by the Design Review Board and determined that as currently proposed meets all applicable design guidelines (see Design review findings D above).

- 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:**

- a. Appropriateness of the use(s) at the proposed location.
- b. The mix and style of housing types
- c. Provision of infrastructure improvements.
- d. Provision of open space.
- e. Compatibility of uses within the development area.
- f. Creativity in design and use of land.
- g. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
- h. Overall contribution to the enhancement of neighborhood character and the environment of Richmond in the long term.

Statement of Fact: Each proposed building provides a well-balanced composition in terms of placement of architectural elements creating a rhythm along the street façade and reducing the massing. Landscape is proposed throughout the site, particularly along Central Avenue. In context of the surrounding area, the proposed development would enhance the integrity and aesthetic quality of the area. The PA plan will result in a superior urban design in comparison with the development under the base zoning district regulations that would apply if the plan were not approved. The overall design is consistent

throughout the site while meeting the objective to enhance neighborhood character and the environment of Richmond in the long term.

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 15.04.810.040, 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 the City of Richmond held July 23, 2019, and finally passed and adopted at a regular meeting held September 10, 2019, by the following vote:

AYES: Councilmembers Bates, Johnson III, Martinez, Myrick,
Willis, Vice Mayor Choi, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

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. 13-19 N.S.** passed and adopted by the City Council of the City of Richmond at a regular meeting held on September 10, 2019.

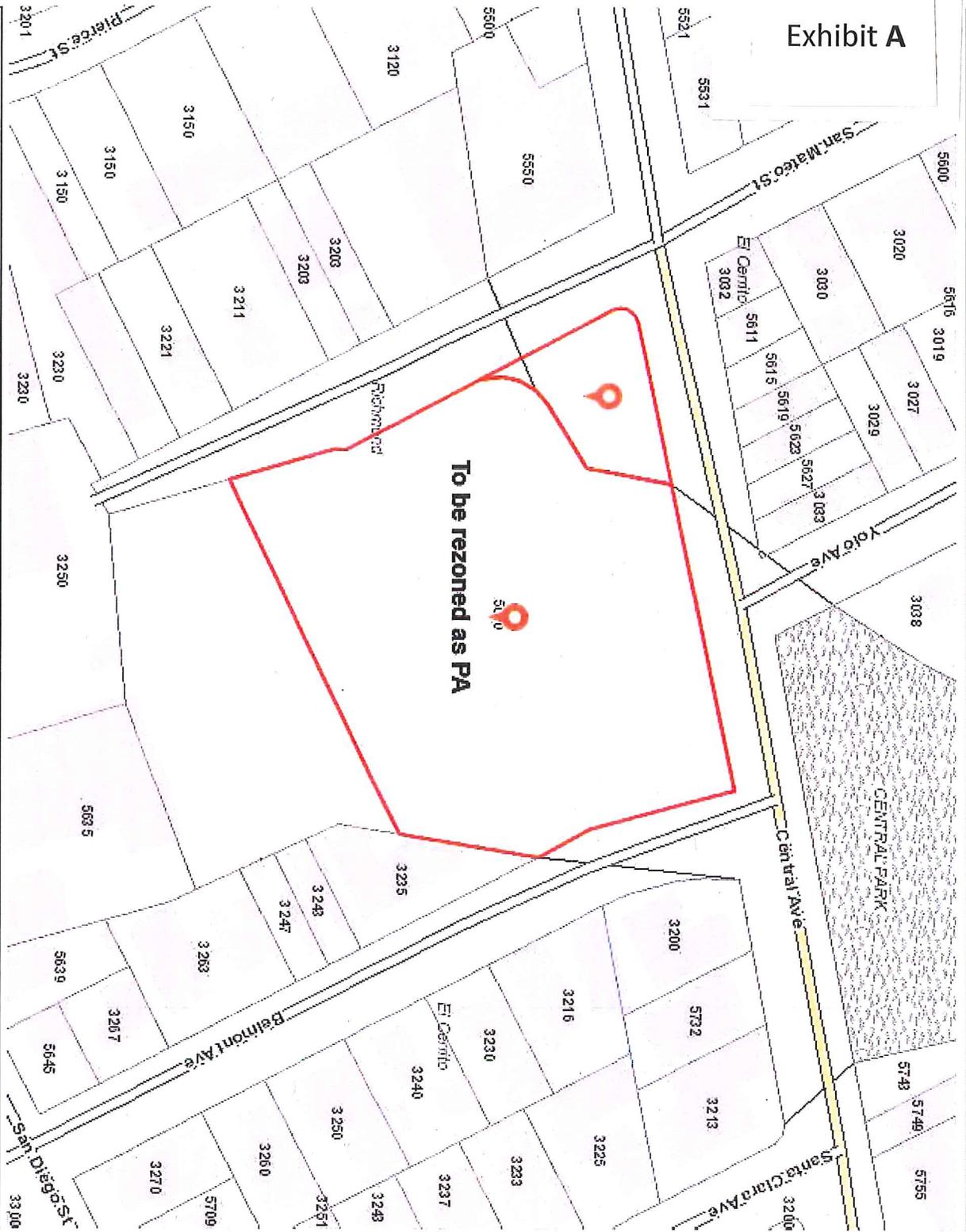


Pamela Christian, City Clerk of the City of Richmond



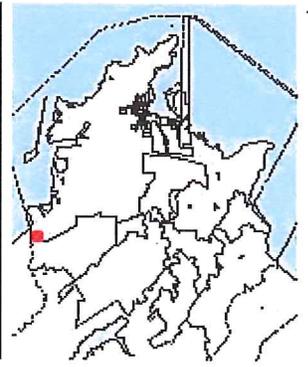
Rezoning of 5620 Central Ave

Exhibit A



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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



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
 - Vehicle Trail
 - Access Ramp
 - Special Road
 - Unnamed Road
 - Trail
 - Driveway
 - Parking Lot
- Railroads
- Parcel
- Parcel Labels
- City and County Boundaries
- Water Bodies
- Building Footprint
- City Maintained Park

1:1,204

City of Richmond (Shaded)

Notes



THE CASCADE RESIDENTIAL PROJECT

Planned Area Text

6/18/19

INTRODUCTION

The Planned Area ("PA") Plan envisions development of up to 46 residential units, 42 townhomes and 4 stacked flats, recreation areas, open space landscaped areas, and pathways. The proposed project is an in-fill and reuse development of a vacant site formerly used as a quarry. The project site consists of 2.58 acres.

The project, commonly known as The Cascade, is located on approximately 2.58 acres in the Richmond Annex neighborhood of the City of Richmond, Contra Costa County, California ("Project Site").

The PA Plan is consistent with the Richmond General Plan (as amended pursuant to the requested General Plan amendment) and other applicable policies, and is compatible with surrounding development. Implementation of the project would require rezoning the site from Parks and Recreation to PA, Planned Area. The rezoning is compatible with the adjacent uses and would enable application of development standards consistent with the City's goals in its General Plan, including meeting future housing needs within the PA through infill development already served by community facilities, utilities and transportation systems.

Minimum lot areas, setbacks, building heights, other development standards, and similar regulations of the base zoning district may be modified as part of an approved PA district. Most of the proposed development standards are similar to the RM-2, Medium-High Density Multi-Family Residential district but would allow slight deviations in lot sizes and reduced guest parking requirements.

PLAN ELEMENTS

Land Uses

The following land uses will be allowed for the proposed 46 residential units

1. 42 townhomes and 4 stacked flat 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 stacked flats:

1. Proposed finish grades are preliminary, final pad grades may vary.

2. Final Map is permitted with public agency approval.
3. Minimum Frontage shall be: 10 feet
4. Building Setbacks to the property line shall be as follows:
 - Minimum Front Yard Set Back:
 - Distance to the Porch: 10 feet
 - Distance to Façade: 10 feet
 - Minimum Side Yard Set Back:
 - Interior 0 feet
 - Exterior (street side yard) 10 feet
 - Minimum Rear Yard Setback: 0 feet
5. Building Height:
Building height shall not exceed 3 stories.
6. Architecture:
 - a. The Cascades Planned Area residential development shall be constructed in substantial compliance with the architectural plan set prepared by Dahlin Group.
 - b. The 46 unit Planned Area residential development shall also be in substantial compliance with the landscape plan set prepared by vanderToolen Associates.
7. Addresses:
Street address numbers for each home shall be back lit at all times, and shall be readily visible from the street and driveways
8. Streets:
Streets and Alleys are private.
9. Driveways:
The Homeowners Association that shall maintain all private streets, driveways and all common areas.
10. Parking:
The residential development shall have 2 covered parking spaces per unit.
11. Open Space: Private Open Space - 60 SF; Common Open Space - 200 SF
12. Landscape:

Landscape shall be installed in substantial compliance with the Landscape Plan prepared by vander Toolen Associates.

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.

IMPLEMENTATION

PA Plan Amendments

The PA Plan provides a general description of the development of the project site. The project is subject to tentative map and design review approvals. Final architectural and landscape design and site planning will occur at the time of design review and no formal amendment of this PA Plan will be required as long as the materials submitted for design review approval are in substantial compliance with this PA Plan.

Adjustments in the number, size and configuration of housing units or alterations of the buildings shall not require a major amendment to the PA Plan as long as the maximum number of dwelling units does not exceed 20.