

ORDINANCE NO. 1-15 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, REZONING TO PLANNED AREA (PA) DISTRICT THE
PROJECT SITE KNOWN AS THE “BOTTOMS SITE” GENERALLY LOCATED
AT SEACLIFF DRIVE BETWEEN SANDPIPER SPIT AND CANAL
BOULEVARD FOR THE BOTTOMS RESIDENTIAL HOUSING
DEVELOPMENT PROJECT
(THE “PROJECT,” PLN13-250)**

WHEREAS, On October 4, 2013, the applicant submitted a planning application for the project with the Department of Planning and Building Services;

WHEREAS, In March 2014 a Draft Environmental Impact Report (DEIR) (SCH:# 2013102024) was prepared and circulated for a 45 day comment period. During the response to public comments, staff and the environmental consultants, First Carbon Solutions and PMC concluded that the project may result in significant and unavoidable environmental impacts, and decided that the Draft Environmental Impact Report should be recirculated to analyze the additional impacts. As a result, in September 2014, a Recirculated Draft Environmental Impact Report (RDEIR) was prepared, consistent with the CEQA Guidelines; a minimum 45-day public review period was established for comments on the RDEIR;

WHEREAS, During this public review period, the City received written comments on the RDEIR. Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues received during the public comment period from parties who reviewed the RDEIR, and prepare a written response addressing each of the comments. Following closure of the public review period on the RDEIR, the City responded to comments on the RDEIR received during the review period, which merely clarified and amplified the analysis in the RDEIR, and which the City finds did not constitute significant new information. In response to comments, City in addition incorporated some minor textual clarifications and revisions into the Bottoms Residential Project Responses to Comments. as set forth in Section 3, Errata, of the City’s responses. Accordingly, a Final Environmental Impact Report (FEIR) was prepared for the Project in accordance with CEQA, the state CEQA Guidelines, and all other applicable law, and circulated to commenting agencies on October 30, 2014.;

WHEREAS, on November 13, 2014, the City of Richmond Planning Commission opened a public hearing to consider a recommendation to the City Council regarding the certification of the FEIR, approval of a General Plan Amendment and Rezoning for the Project;

WHEREAS, on November 13, 2014, the Planning Commission closed the public hearing, recommended review and certification of the FEIR and approval of the Rezoning;

WHEREAS, on December 16, 2014, the City Council opened a public hearing to consider certification of the FEIR, approval of a General Plan Amendment and Rezoning for the Project;

WHEREAS, after reviewing all oral and written evidence in the public record, the City Council certified the FEIR as adequate, adopted a Mitigation Monitoring and Reporting Program (MMRP) for the Project, and approved a General Plan Amendment 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 for undeveloped parcels on Seacliff Drive from C-C, Coastline Commercial District, PA, Planned Area District, and M-4, Marine Industrial District to PA, Planned Area District, substantially in the form on file with the Planning & Building Services Department, relative to the proposed development of the Bottoms Residential Project on certain real property consisting of approximately 25.27 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”), 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 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 C-C, Coastline Commercial District, PA, Planned Area District, and M-4, Marine Industrial District 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, as discussed in above. 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 infill 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 RDEIR chapter addressing the compatibility of the Project with neighboring uses; the Design Review Board’s consideration and approval of the Project; the list of Project amenities and benefits, as identified in the Statement of Overriding Considerations, all of which are incorporated by reference. The existing zoning would not meet the objective of developing a medium density, market rate housing.

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 RDEIR and supporting technical studies, and as those analysis are clarified in the Responses to Comments.

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, (“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 15.04.610.040.E, the Planned Area Plan for the Project shall be effective on the same date as this ordinance.

Effective Date. 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 the ordinance creating the PA district for which it was approved and shall expire four years after the effective date unless a building permit has been issued and construction diligently pursued. An approved PA plan may specify a development stage exceeding four years.

First read at a regular meeting of the Council of the City of Richmond held on December 16, 2014, and finally passed and adopted at a regular meeting thereof held on January 5, 2015, by the following vote:

- AYES: Councilmembers Boozé, Butt, Myrick, and Rogers.
- NOES: Vice Mayor Beckles and Mayor McLaughlin.
- ABSTENTIONS: None.
- ABSENT: Councilmember Bates.

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 **Ordinance No. 1-15 N.S.**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on January 1, 2015.

