

## **ORDINANCE NO. 18-14**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA AMENDING THE RICHMOND ZONING ORDINANCE AND ZONING MAP TO REZONE UNDEVELOPED PARCELS OF LAND ON JETTY DRIVE WITHIN THE ANCHORAGE AT MARINA BAY SUBDIVISION (APNS: 560-790-009, -010; 560-790-012 THROUGH -052; AND 560-800-016) FROM M-1, INDUSTRIAL/OFFICE FLEX TO PA, PLANNED AREA DISTRICT**

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WHEREAS, on May 2, 2014, Nick Kovas, of Pulte Homes Corporation, LLC (the “Project Sponsor”), filed a land use application with the City of Richmond (the “City”) to rezone certain undeveloped parcels of land on Jetty Drive (APNs: 560-790-009, -010; 560-790-012 through -052; and 560-800-016) (the “Property”) located in the Anchorage at Marina Bay housing development from M-1 Industrial/ Office Flex to PA, Planned Area District (the “Rezone”). The application to Rezone the Property included an application for a Conditional Use Permit to permit residential only uses as part of Phase 2 of the Anchorage at Marina Bay subdivision project (the “Project”).

WHEREAS, the Property is designated as Medium-Intensity Mixed Use (Commercial Emphasis) in the General Plan 2030. The Rezone and Project are consistent with this designation; 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, on November 1, 2005, the City Council adopted the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approved the Tentative Tract Map and a rezone of 9.7 acres on an 11.4 acre project site to a Planned Area District for development of up to 207 townhomes and live-work units at 1689 Regatta Boulevard (3400 Jetty Drive) in the Marina Bay neighborhood. Condition of Approval (COA) No. 43 for the project included a requirement that Project Sponsor build live-work units or remove residential uses from 1.7 acres of the site unless the Project Sponsor were to proceed with this request; and

WHEREAS, COA No. 43 states: “The project applicant shall apply for a Conditional Use Permit and a rezoning for the M-1 portion of the site to construct residential properties. If rezoning approval is not granted, the applicant shall revise the site plan to remove residential uses from the portion of the site that is designated M-1 or provide live work units;” and

WHEREAS, the Project Sponsor constructed 116 units but halted construction of the live-work units before completing the development; and

WHEREAS, all COAs will continue to be in force with the exception of COA No. 43, as the approval of the Project Sopsner’s application will satisfy the requirement that the Project Sponsor seek a Conditional Use Permit and Rezone to build residential only units at the

Property; and

WHEREAS, pursuant to Resolution No. 14-17 adopted by the Planning Commission of the City of Richmond on July 17, 2014 after a duly noticed public hearing, the Commission recommended the Rezone from M-1, Industrial/Office Flex to PA, Planned Area District and a Conditional Use Permit for the Project; and

WHEREAS, the Property is owned by the Project Sponser; 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 Rezone; 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, at the September 16, 2014 meeting, the City Council found the Rezone to be in conformity with the General Plan 2030, which was adopted by Resolution No. 51-12 on May 15, 2012, and

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

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

WHEREAS, the City Council finds that the 2005 Final Mitigated Negative Declaration analyzed residential only uses throughout the site and further finds that a change from live-work units to residential only units will not create any new environmental impacts requiring mitigation; and

WHEREAS, after reviewing all oral and written evidence in the public record, including the Agenda Report in support of this Ordinance, 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 adopts the recommendation of the Planning Commission and thereby amends the Zoning Ordinance from M-1, Industrial/office Flex to a PA, Planned Area Zoning District for the site identified as Phase 2 of the Anchorage at Marina Bay Residential Project (APNS: 560-790-009, 560-790-010; 560-790-012 through -052; and 560-800-016), and approves a Conditional Use Permit to allow residential uses throughout the project site.

Section 2. The 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.

First read at a regular meeting of the Council of the City of Richmond held on September 16, 2014, and finally passed and adopted at a regular meeting thereof held on October 7, 2014, by the following vote:

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

NOES: None.

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. 18-14 N.S.**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on October 7, 2014.