

RESOLUTION NO. 138-08

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE GARRITY WAY APARTMENTS PROJECT (PROJECT No. EID/GPA/REZ/DR110442).

WHEREAS, in May 2008, Wasatch Development represented by Tony Hladeck, (the “Project Sponsor” filed a land use application with the City of Richmond (the “City”) for the Garrity Way Apartments Development project (the “Project”) consisting of 127 proposed residential dwelling units. The land use application includes a request for a General Plan Amendment, Rezoning/Zoning Ordinance, and a Design Review Permit. The proposed Project will occupy a 2.2-acre site with street frontage on Garrity Way (the “Project Site”); and

WHEREAS, pursuant to the responsibility given to the Planning and Building Services Department Director of the City of Richmond by City Council Resolution No. 125-03 for the general administration of the California Environmental Quality Act (“CEQA”) (the City of Richmond’s Guidelines and Procedures for Implementation of the CEQA), and the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), and in accordance with the California Environmental Quality Act of 1970, the Draft Initial Study/Proposed Mitigated Negative Declaration for the Project (Project No. EID/GPA/REZ/DR110442) determined that, with the incorporation of mitigation measures, the Project would not have a significant effect on the environment and that a Mitigated Negative Declaration for the Project be prepared; and

WHEREAS, no comments were received, no response to comments was prepared; and

WHEREAS, the Initial Study/Draft Mitigated Negative Declaration was prepared and circulated for public and agency review on October 10, 2008 with a twenty-day review period ending on October 30, 2008. This comment period provided an opportunity for the public and agencies to review the issues addressed and offer comments on any aspect of the environmental review process, or the adequacy of the evaluation and mitigation measures; and

WHEREAS, no later than December 6, 2008, the Intent to Adopt the Mitigated Negative Declaration was noticed in the West County Times, and notice was also sent to all property owners within 300 feet of the Project site as well as to interested local agencies and parties; and

WHEREAS, as required under the CEQA and in order to facilitate implementation of all mitigation measures adopted pursuant to CEQA, the Mitigation Monitoring and Reporting Program identifies the timing of, and the agency or agencies responsible for, enforcement and monitoring of each mitigation measure to be implemented to reduce potentially significant impacts to a less than significant level; and

WHEREAS, the Project Applicant submitted a letter to the City of Richmond dated October 16, 2008 agreeing to all mitigation measures set forth in the Mitigated Negative Declaration that are required to be implemented pursuant to CEQA to reduce potentially significant impacts resulting from the project; and

WHEREAS, at a duly noticed public hearing on December 16, 2008, the City of Richmond City Council (the “Council”) heard public comment on the Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, after reviewing the Mitigated Negative Declaration, and considering all oral and written information regarding the Mitigated Negative Declaration presented at or before that hearing, the Council exercises its independent judgment find and determine as follows:

1. That the Garrity Way Apartments Mitigated Negative Declaration, which consists of the Initial Study/Draft Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program (MMRP) attached as Exhibit A, has been completed in accordance with the requirements of CEQA statutes, and the CEQA Guidelines.
2. That the Mitigated Negative Declaration was prepared, published, circulated and reviewed in accordance with the requirements of CEQA and the City’s CEQA Guidelines, and constitutes an adequate, accurate, objective and complete analysis addressing all issues relevant to the approval of

the Project, consisting of the Design Review Permit, General Plan Amendment, Rezoning, and Zoning Ordinance for the Project.

3. That it has reviewed and considered the information contained within the Mitigated Negative Declaration prior to acting on the proposed Project, and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.
4. That the Mitigated Negative Declaration identifies all potentially significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the Mitigated Negative Declaration, including those in the Mitigation Monitoring and Reporting Program, will be adopted and implemented as Conditions of Approval for the project Design Review Permit. The Commission finds that on the basis of the whole record before it, there is no substantial evidence that the Project, as mitigated in the Mitigated Negative Declaration, will have a significant impact on the environment.
5. That the monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the attached Mitigation Monitoring and Reporting Program, incorporated into the Conditions of Approval for the Project. Adoption of the Mitigation Monitoring and Reporting Program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Richmond, the Project Sponsor, or other identified public agencies of responsibility, and will reduce the environmental impacts to a less-than significant level.
6. That during the preparation of the Initial Study Checklist, it was determined that the Project would have no impact or have less-than-significant impact on the following environment factors: Aesthetics, Agricultural Resources, Biological Resources, Hazards and Hazardous Materials, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities/Services System. It was determined that the Project would have a potentially significant impact on one or more of the following environmental factors: Air Quality, Hydrology and Water Quality, Land Use and Planning, Geology and Soils. Consistent with CEQA Statutes and CEQA Guidelines, the Mitigated Negative Declaration contains a full and complete explanation as to how the potentially significant impact on these environmental factors are reduced to less-than-significant impact level by the incorporation of the required mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A and incorporated herein.
7. The Council finds that the Project is consistent with the City of Richmond General Plan Goals and Policies, applicable provisions of the Zoning Ordinance, and the proposed Zoning Ordinance Amendment.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Richmond adopts the Garrity Way Apartments Project Mitigated Negative Declaration, which consists of the Initial Study/Draft Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, which have been completed in compliance with CEQA.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond, California at a regular meeting held on December 16, 2008, by the following vote:

AYES: Councilmembers Butt, Bates, Lopez, Sandhu, Vice Mayor Marquez, and Mayor McLaughlin.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmembers Rogers and Viramontes.

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

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

I certify that the foregoing is a true copy of Resolution No. 138-08, finally passed and adopted by the Council of the City of Richmond at a meeting held on December 16, 2008.