

RESOLUTION NO. 139-08

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND APPROVING A GENERAL PLAN AMENDMENT TO CREATE A NEW LAND USE DESIGNATION AND TO AMEND THE GENERAL PLAN MAP DESIGNATION OF THE VACANT PARCEL AT 3151 GARRITY WAY (APN: 405-290-069).

WHEREAS, on May 6, 2008, Tony Hladeck (the “Project Sponsor” or the “Developer” [as used hereinafter shall mean Hladeck, his successors and assigns]) filed a land use application with the City of Richmond (the “City”) for the Garrity Way Apartments Development project (the “Project”) consisting of a proposed 127 residential dwelling units complex. The land use application included a request for Rezoning from C-3 Regional Commercial District to MFR-4 Very High Density Residential District, and a General Plan Amendment from Regional Office and/or Shopping/930 to Very High Density Residential/962. The proposed Project would occupy a 2.2-acre site with street frontage on Garrity Way in the Hilltop Mall area (the “Project Site”); and

WHEREAS, pursuant to CEQA, a Mitigated Negative Declaration was prepared for the Project in October 2008 (EID110442) which consists of the Proposed Mitigated Negative Declaration, and a Mitigation Monitoring and Report Program; and

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

WHEREAS, 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, 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; and

WHEREAS, on November 12, 2008 the Design Review Board held a duly noticed public hearing and recommended to the Planning Commission to forward a positive recommendation to the City Council based on the design changes that have been incorporated into the Project; and

WHEREAS, at a duly noticed public hearing on December 4, 2008, the Commission heard public comment on the Mitigated Negative Declaration. 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 Commission recommended City Council adoption of the Mitigated Negative Declaration for purposes of approving the 127 residential dwelling units Project (also known as the Garrity Way Apartments) with a Design Review Permit, Rezoning and General Plan Amendment; and

WHEREAS, on December 16, 2008, the City Council held a duly noticed public hearing and heard public comment on the Mitigated Negative Declaration, and the proposed Project. 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 adopted the Mitigated Negative Declaration for purposes of approving the 127 residential dwelling units Project (also known as the Garrity Way Apartments) with a Design Review Permit, Rezoning and General Plan Amendment; and

WHEREAS, on the basis of the application, plans, materials, and testimony submitted at or before the public hearing on December 16, 2008, the City Council finds and determines that the requested General Plan Amendment will serve the public interest as it will further the goals and policies of the General Plan, including:

1. *Land Use Goal LU-A: Improve the aesthetic and economic value of individual sites, the adjacent properties, the neighborhoods and the entire City.*

The project site is located in a built-out, urban area comprised of various commercial and

residential land uses. A 200-unit apartment community (The Tides Apartments) is located to the east of the site. Adjacent to the west is Chevy's Restaurant on the corner of Garrity Way and Blume Drive. Across Garrity Way to the southwest is the Extended Stay Hotel, two office buildings, and the Marriott Courtyard Hotel. Located to the rear of the site is Garrity Ravine which is designated open space preservation area. The proposed residential project is consistent with land uses and the high intensity concentrated development pattern of the Hilltop Mall area. The project will improve the visual quality and economic value of the site and surrounding area by developing a vacant site with an aesthetically-pleasing residential building of quality design.

2. *Land Use Goal LU-G: Achieve residential, commercial, and mixed-use developments which are compatible with environmental constraints and which protect and enhance the area's natural resources.*

The proposed project has been reviewed to determine the adverse effects that might result from development of the site (See Exhibit A for details). The rear of the site abuts a designated 60 acre open space preservation area (Garrity Ravine) which includes a creek and a riparian corridor downhill at a much lower elevation. Garrity Ravine is likely to contain special status plant species, and a variety of birds and mammals. Since the project requires grading for foundation work and landslide repair, it could affect the character of Garrity Ravine, if appropriate measures are not taken. The Mitigated Negative Declaration identifies certain mitigation measures to ensure that the adverse effects can be reduced to a level of nonsignificance. These measures have been incorporated into conditions of Project approval.

3. *Land Use Goal LU-K: Meet future housing needs within the existing Planning Area through infill development already served by community facilities, utilities, and transportation system.*

The project consists of a residential development that includes seventy-two (72) one-bedroom units and fifty-five (55) two-bedroom units which are designed to attract a certain segment of the population that choose to rent a unit with convenient services nearby. The project site is located in a developed urban area already served by a variety of public services, such as emergency services, community facilities, schools, and parks with all utilities available and infrastructure. As such, the project will not trigger the need for new or physically altered facilities in order to provide services to the site.

4. *Land Use Policy LU-K.1: encourage the infill of housing on parcels within the multi-family residential neighborhoods at a density appropriate to an urban area and which can be efficiently served by public transit, utilities, and services.*

Given the urban character of the area and existing infrastructure serving the site, the project advances this goal. The current residential density for the site established by the General Plan and Zoning Ordinance is characteristic of medium-density residential districts, but is not suitable for an urban area which are well-served by existing infrastructure and transit.

5. *Land Use Policy LU-C.1: Require that new development establish a distinctive character, as expressed in the external design of buildings, works of art, and open space and in their relationship to the terrain, water, and the surrounding environment.*

The building design exhibits a Mediterranean/Spanish Colonial style which is well-composed, balanced, and highly detailed. The project will be a catalyst for new development that better defines the City's vision for the area's future as an intensive commercial business and activity center.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RICHMOND APPROVES A GENERAL PLAN AMENDMENT CHANGE TO CREATE A NEW LAND USE DESIGNATION AS FOLLOWS:

SECTION 1. Page LU-4 of the General Plan (Residential Categories) is hereby amended to read as follows (underline text indicates insertion):

Very Low Density Residential/942 (0 to 5 units/net acre):

These single family residential areas are typified by relatively large lots greater than 6,000 SF and are

principally located in outlying undeveloped areas of the city. These areas are generally located in the El Sobrante area where special topography, geologic conditions or urban service limitations make a more intensive form of development inappropriate.

Low Density Residential/917 (5 to 9 units/net acre):

Residential areas with developable lots generally sized 5000 SF or more. This density constitutes most of the developed area of the city proper. These areas, coupled with areas of medium density residential, make up the urban fabric of the city. New development occurs primarily on vacant infill parcels. Allowable housing types include single family residences, townhouses, and duplexes.

Medium Density Residential/918 (9 to 28 units/net acre):

This density is typified by townhouses, duplexes, apartments, and other types of low rise multifamily housing. Development of this type usually occurs on undeveloped sites associated with Planned Area developments and on small infill vacant parcels.

High Density Residential/944 (28 to 43 units/net acre):

This density is typified by apartment complexes of three or more stories, usually built over parking. Designated for development in or near major transportation routes, shopping, public facilities and regional draw employment or commercial activities. It permits mixed use commercial and residential development.

Very High Density Residential/962 (43-60 units/net acre):

This density is typified by apartment complexes of three or more stories, usually built over parking, designated for development in or near major transportation routes, shopping, public facilities and regional draw employment or commercial activities.

SECTION 2.

Exhibit A shows the existing General Plan land use map designation for the subject property at 3151 Garrity Way. Exhibit B shows the proposed land use map designation of the property as Very High Density Residential/962 (43-60 units/net acre) and Preservation Resource Area/941 which will supersede the existing land use designation Regional Office and/or Shopping/930 and Preservation Resource Area/41.

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. 139-08, finally passed and adopted by the Council of the City of Richmond at a meeting held on December 16, 2008.