

RESOLUTION NO. 42-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
UPHOLDING AN APPEAL AND DENYING A CONDITIONAL USE PERMIT AND
DESIGN REVIEW PERMIT (PLN18-053) FOR A MINI-STORAGE FACILITY WITH
ARTIST WORK STUDIOS AT 205 CUTTING BOULEVARD (APN 550-102-022)**

WHEREAS, Baranof Holdings (the “applicant” or “permittee”), filed Planning Application PLN18-053 with the City of Richmond requesting a Conditional Use Permit and Design Review Permit for a mini-storage facility with artist work studios at 205 Cutting Boulevard, Assessor's Parcel Number 550-102-022 (the "subject site" or "premises"); and

WHEREAS, the subject site is located in the IL Industrial, Light Zoning District with Business/Light Industrial 2030 General Plan Land Use Designation; and

WHEREAS, the proposed use has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 as an Infill Development Project and approval of the project will not result in any significant effects per the reports and technical studies conducted by LSA; and

WHEREAS, on April 25, 2018, the Design Review Board held a study session to discuss the project design and considered making a recommendation to the Planning Commission at their August 8, 2018 meeting where they voted to recommend that the Planning Commission approve the Design Review Permit for the project; and

WHEREAS, on February 21, 2019, the Planning Commission conditionally approved the proposed project based on conformance with the provisions of Section 15.04.806 and 15.04.805 of the Richmond Zoning Ordinance related to Use Permits and Design Review, respectively, as well as all other applicable regulations of the Richmond Municipal Code; and

WHEREAS, on March 1, 2019, Eric Whann submitted an appeal of the Planning Commission’s conditional approval of the Conditional Use Permit and Design Review permit for PLN18-053; and

WHEREAS, on May 7, 2019, the City Council conducted a properly noticed public hearing pursuant to California Government Code Section 65090; and duly considered all written and verbal testimony presented before and during the hearing, including but not limited to all written materials submitted with the appeal; and

WHEREAS, on May 7, 2019, the City Council reviewed the proposed project for conformance with the Richmond General Plan 2030, Zoning Ordinance, and Richmond Municipal Code (RMC); and

WHEREAS, on the basis of the application, plans, materials, and testimony received at or before the public hearing, the City Council makes the following findings with statements of fact in denying the proposed project pursuant to Section 15.04.805 of the Richmond Zoning Ordinance for approval of a Design Review Permit:

1. The General Plan and any applicable specific plans.

Statement of Fact: Criterion Not Satisfied. None of the City’s General Plan land use classifications specifically address mini-storage facilities; however, approval of the proposed project would be inconsistent with General Plan Policy LU1, An Improved Urban Environment, which aims to improve the urban fabric by emphasizing high-density development and a safe, vibrant, economically-sustainable environment that takes advantage of existing infrastructure and public facilities; and provides improvements that strengthen connections between neighborhoods and amenities such as retail, community facilities, parks and open space areas. Goal LU 5 aims to achieve a mix of land uses that is ecologically, economically and socially equitable and sustainable. It encourages a mix

of uses in major activity centers, community nodes and gateways, in neighborhood nodes and along key corridors as well as in some industrial areas. Since there are already five mini-storage facilities in the area, the project does not contribute to a mix of land uses. Policy LU4.4 encourages working with property owners and regional agencies to prevent, reduce or eliminate soil and water contamination for industrial operations. Concerns were raised about the potential ground water contamination during construction of the proposed project. The proposed project is not consistent with Goal LU3, Expanded Economic Opportunities, which aims to diversify the local economy. The project as proposed includes only 4 employees for a 82,315 square-foot mini-storage facility and does not encourage quality jobs and revenue per Goal ED2. Cutting Boulevard is identified as both a Key Corridor and Change Area (CA-7) in the General Plan. The Cutting Boulevard Corridor is envisioned as a major east-west connector with a distinct character for each subarea. New development should draw on the positive character-defining elements of each subarea. The western subarea is designated Business/Light Industrial to reflect current uses in the area. As discussed in the May 7, 2019, City Council meeting, the council found that the Floor Area Ratio (FAR) exceeded the size of the light industrial structures along Cutting Boulevard. The project as proposed is larger in scale and massing than the surrounding buildings, failing to draw on the positive character-defining elements of each subarea. Accordingly, the proposed facility is inconsistent with the General Plan.

2. Any applicable design guidelines.

Statement of Fact: *Criterion Not Satisfied.* There are no applicable design guidelines for this area; however, the intensity, scale and mass of the proposed project are not compatible with the surroundings as described in Design Review Permit finding No. 4 below.

3. Any approved tentative map, Use Permit, Variance, or other planning or zoning approval that the project required; and

Statement of Fact: *Criterion Not Satisfied.* On May 7, 2019, the City Council denied the Conditional Use Permit and Design Review Permit for the proposed project.

4. The design review criteria in Section 15.04.805.040 (Design Review Criteria).

Statement of Fact: *Criterion Not Satisfied.* RMC Section 15.04.805.040 criteria A states that the overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, must reflect design integrity and the relationship of form and function in a coherent manner. Criteria B further states that the project design evidences a sense of place; does not overwhelm or adversely impact adjoining properties; and respects prevailing setbacks and the scale of neighboring buildings and how they relate to the street. As discussed in the May 7, 2019, City Council meeting, the council found that the Floor Area Ratio (FAR) exceeded the size of the light industrial structures along Cutting Boulevard. The project as proposed is larger in scale and massing than the surrounding buildings; as a result, it will overwhelm or adversely affect adjoining properties.

WHEREAS, on the basis of the application, plans, materials, and testimony received at or before the public hearing, the City Council makes the following findings with statements of fact in denying the proposed project pursuant to Section 15.04.806 of the Richmond Zoning Ordinance for approval of a Conditional Use Permit:

1. The location of the proposed conditional use is in accordance with the General Plan and any applicable specific plan and the land use designations for the project site.

Statement of Fact: *Criterion Not Satisfied.* None of the City's General Plan land use classifications specifically address mini-storage facilities; however, approval of the proposed project would be inconsistent with General Plan Policy LU1, An Improved Urban Environment, which aims to improve the urban fabric by emphasizing high-density development and a safe, vibrant, economically-sustainable environment that takes advantage of existing infrastructure and public facilities; and provides improvements that

strengthen connections between neighborhoods and amenities such as retail, community facilities, parks and open space areas. Goal LU 5 aims to achieve a mix of land uses that is ecologically, economically and socially equitable and sustainable. It encourages a mix of uses in major activity centers, community nodes and gateways, in neighborhood nodes and along key corridors as well as in some industrial areas. Since there are already five mini-storage facilities in the area, the project does not contribute to a mix of land uses. Policy LU4.4 encourages working with property owners and regional agencies to prevent, reduce or eliminate soil and water contamination for industrial operations. Concerns were raised about the potential ground water contamination during construction of the proposed project. The proposed project is not consistent with Goal LU3, Expanded Economic Opportunities, which aims to diversify the local economy. The project as proposed includes only 4 employees for a 82,315 square-foot mini-storage facility and does not encourage quality jobs and revenue per Goal ED2. Cutting Boulevard is identified as both a Key Corridor and Change Area (CA-7) in the General Plan. The Cutting Boulevard Corridor is envisioned as a major east-west connector with a distinct character for each subarea. New development should draw on the positive character-defining elements of each subarea. The western subarea is designated Business/Light Industrial to reflect current uses in the area. As discussed in the May 7, 2019, City Council meeting, the council found that the Floor Area Ratio (FAR) exceeded the size of the light industrial structures along Cutting Boulevard. The project as proposed is larger in scale and massing than the surrounding buildings, failing to draw on the positive character-defining elements of each subarea. Accordingly, the proposed facility is inconsistent with the General Plan.

2. ***The location, size, design, and characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.***

Statement of Fact: *Criterion Not Satisfied.* While the proposed use is compatible with the existing IL zoning district, the size of the proposed mini-storage facility is larger than the buildings in the area. Most of the existing structures are one or two-stories in height; and the proposed storage facility would be 3-stories, 41-feet in height and 82,315 square-feet. Based on the number of stories, height, square-footage and overall intensity of the building, the project as proposed would adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

3. ***The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions;***

Statement of Fact: *Criterion Conditionally Satisfied.* The proposed use shall be subject to all provisions of the Richmond Zoning Ordinance including Lighting and Illumination (Article 15.04.604), Noise (Article 15.04.605) and all Performance Standards (Article 15.04.608).

4. ***The proposed use complies with all applicable provisions of Article XV;***

Statement of Fact: *Criterion Not Satisfied.* While the proposed use may be conditionally allowed within the IL zoning district, the size and intensity of the proposed mini-storage facility is larger than the buildings in the area. Section 15.04.204.030 of the RMC allows an FAR of 0.65, or up to 3.0 with a Conditional Use Permit. However, Conditional Use Permit Findings No. 1 and 2 above have not been met by the project as proposed.

5. ***The site of the proposed use is adequately served by highways, streets, water, sewer, and other public facilities and services.***

Statement of Fact: *Criterion Satisfied.* The subject site is located in an urbanized area of the City and is adequately served by existing public service infrastructure along with state highways and city streets such as I-580 and Cutting Boulevard.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Richmond, does hereby deny the Conditional Use Permit and Design Review Permit for PLN18-053.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held June 4, 2019, by the following vote:

AYES:	Councilmembers Bates, Johnson, 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:

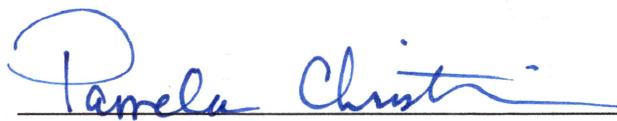
TOM BUTT
 Mayor

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 **Resolution No. 42-19**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 4, 2019.


Pamela Christian
 Pamela Christian, Clerk of the City of Richmond