

ORDINANCE NO. 02-10 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, REZONING TO PLANNED AREA (PA) DISTRICT THE 14.12-ACRE SITE, KNOWN AS “OISHI, SAKAI, AND MAIDA-ENDO NURSERIES” GENERALLY LOCATED AT SOUTH 45TH STREET AND WALL AVENUE FOR THE MIRAFLORES HOUSING DEVELOPMENT PROJECT (THE “PROJECT,” PLN 09-026)

WHEREAS, in 2007, the Richmond Community Redevelopment Agency (RCRA) (the Project Sponsor [as used hereinafter shall mean RCRA, its successors and assigns]) filed applications for a General Plan Amendment and Rezoning to Planned Area District (PA) with the City of Richmond (City) for the Miraflores Housing Development project (the Project). The proposed Project would occupy a 14.12-acre site, commonly known as “Oishi, Sakai, And Maida-Endo Nurseries” generally located at South 45th Street and Wall Avenue in the Park Plaza neighborhood (the Project Site). In 2009, the Project Sponsor revised the proposed Project. As currently proposed, the Project would include development of (a) up to 80 units of affordable senior housing, and (b) 130 for-sale units (20 of which include a detached second dwelling unit over garage), (c) a greenbelt that includes a day lighted portion of Baxter Creek, rehabilitated Oishi house and greenhouse 9 or 17, and an agricultural enterprise; (d) a pocket park with rehabilitated Sakai house, greenhouse 20, and water tower; and (e) up to 3,600 square feet of commercial use consistent with the proposed General Plan designation. The Project would be accessed and served by South 45th Street, Wall Avenue, Florida Avenue, South 47th Street and new public streets;

WHEREAS, the Project Site is owned by the RCRA and is currently developed with improvements associated with the previous nursery activities;

WHEREAS, under the Polanco Redevelopment Act, the RCRA has prepared a Remedial Action Plan (RAP) for review and approval by the Department of Toxic Substances Control (DTSC). The removal of the abatement and removal of the existing buildings and clean up will be completed by the Richmond Community Redevelopment Agency (Agency) prior to the conveyance of any portion of the Project Site;

WHEREAS, the City prepared an Initial Study and determined that an EIR is necessary for the Project. A Notice of Preparation (NOP) was published on and filed with the State of California Office of Planning and Research on August 28, 2007. The Initial Study and NOP were circulated for public comment from August 28, 2007 to September 26, 2007;

WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared for the Project (SCH# 2007082154). The DEIR was prepared and circulated in accordance with state law and local guidelines;

WHEREAS, on December 3, 2009, 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 December 3, 2009, the Planning Commission closed the public hearing, recommended review and certification of the FEIR and approval of the General Plan Amendment and Rezoning;

WHEREAS, on December 15, 2009, 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 EIR 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 from SFR-3/EA (Low Density Residential/Exclusive Agriculture) and SFR-3 (Low Density Residential) to Planned Area (PA) District, substantially in the form on file with the Planning & Building Services Department, relative to the proposed development of the Miraflores Housing Development project on certain real property consisting of approximately 14.12-acres located in the City of Richmond, as more particularly described in the attached Exhibits A and B (“Rezoning Exhibit” 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 Single-Family Low Density Residential and Exclusive Agriculture to Planned Area. 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 Section VI 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, and rehabilitating and reusing certain historic structures; 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. The existing zoning would not meet the objective of developing a mix of affordable and 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 FEIR prepared for the Project assessed the adequacy of utilities, public services, and emergency vehicle access for the Project. The FEIR determined that the Project would not exceed the capacity of existing infrastructure and utility systems for water supply, water treatment, water distribution, and wastewater. 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 EIR.

SECTION II. By this ordinance, the City Council approves Project Site rezoning to Planned Area District as set forth in Exhibit A, (“Rezoning Exhibit”) and adopts the

Planned Area Plan as set forth in Exhibit 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

First read at a meeting of the Council of the City of Richmond held on December 15, 2009, and finally passed and adopted at a meeting held January 5, 2010, by the following vote:

- AYES: Councilmembers Bates, Butt, Rogers, Viramontes, and Mayor McLaughlin
- NOES: None
- ABSTENTIONS: None
- ABSENT: Vice Mayor Lopez and Councilmember Ritterman

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

I certify that the foregoing is a true copy of Ordinance No. 02-10 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting on January 5, 2010.