

ORDINANCE NO. 4-07 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, REZONING TO PLANNED AREA (PA) DEVELOPMENT THE 13.36-ACRE SITE, KNOWN AS "TERMINAL ONE," LOCATED AT ON BRICKYARD COVE ROAD NEAR DORNAN DRIVE IN THE POINT RICHMOND COMMUNITY FOR THE POINT RICHMOND SHORES RESIDENTIAL CONDOMINIUM DEVELOPMENT PROJECT (THE "PROJECT," APPLICATION NUMBER 101112)

WHEREAS, in December 2004, Toll Brothers, Inc. (the Project Sponsor [as used hereinafter shall mean Toll Brothers, Inc., its successors and assigns]) filed applications for a General Plan Amendment, Rezoning to Planned Area District (PA), Design Review approval and Vesting Tentative Map with the City of Richmond (City) for the Point Richmond Shores Residential Development Condominium project (the Project). The proposed Project would occupy a 13.36-acre site, commonly known as "Terminal One," located at on Brickyard Cove Road near Dornan Drive in the Point Richmond community (the Project Site). In 2005, the Project Sponsor revised the proposed Project. As currently proposed, the Project would include development of (a) up to 330 residential condominium units in two 5-story buildings over a podium and parking garage, and (b) a public park and shoreline open space. The Project would be accessed and served by Dornan Drive and Brickyard Cove Road, improved public streets, and Ferry Point Way, a new shoreline street;

WHEREAS, the Project Site is owned by the City and is currently developed with improvements associated with the previous port shipping and industrial activities. In 2004, the City approved and entered into a Land Disposition Agreement (LDA) with the Project Sponsor setting forth the terms and conditions for sale of this property to the Project Sponsor;

WHEREAS, on June 16, 2004, the California Regional Water Quality Control Board (RWQCB) issued a final order (Final Order R2-2004-0045) directing the City, as property owner, to conduct an environmental remediation program for the clean-up of certain hazardous substances present on the Project Site. Consistent with the final order, a Remedial Action Plan (RAP) has been prepared and approved (Geomatrix Consultants, 2004), and several phases of the site remediation have been completed. The most significant phase of remediation, the in-situ thermal desorption process (essentially a heating of the soil to vaporize soil and groundwater toxins), has been completed. Soil test results disclose that toxic levels have been reduced to acceptable levels for residential re-use, as outlined in the RAP. The next phases of soil and groundwater remediation, as well as the removal of the existing buildings and site improvements will be completed by the Richmond Community Redevelopment Agency (Agency) prior to the conveyance of any portion of the Project Site. The last phase of the remediation program will be implemented in accordance with the mitigation measures set forth in the Point Richmond Shores EIR (further defined below) concurrent with site grading;

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 July 22, 2005. The Initial Study and NOP were circulated for public comment from July 22, 2005 to August 22, 2005;

WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared for the Project (SCH# 2004092101). The DEIR was prepared and circulated in accordance with state law and local guidelines;

WHEREAS, on June 1, 2006, the City of Richmond Planning Commission opened a public hearing to consider certification of the FEIR, approval of a Design Review Permit and Vesting Tentative Map for the Project, and recommendation to the City Council regarding a General Plan Amendment and Rezoning for the Project;

WHEREAS, on September 7, 2006, the Planning Commission closed the public hearing, denied certification of the EIR, instructed staff to revise the EIR, and declined to consider Project approvals prior to certification of the EIR;

WHEREAS, on September 18, 2006, the Project Sponsor appealed the Planning Commission's decision to the City Council, asserting that the Planning Commission's action was a de facto denial of the Project; and

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 Coastline Commercial, Special Feature Overlay District to Planned Area (PA) District, Special Feature Overlay District, substantially in the form on file with the City Clerk, relative to the proposed development of the Point Richmond Shores Project on certain real property consisting of approximately 13.36 acres located in the City of Richmond, as more particularly described in the attached **Exhibit A** (“Rezoning Exhibit” and “Point Richmond Shores PA Planned Area District and PA Planned Area Plan”), incorporated herein and made part hereof.

NOW THEREFORE the City Council of the City of Richmond hereby finds, determines and ordains as follows:

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: Criterion satisfied. The PA plan for the project are consistent with the 1994 Richmond General Plan and all other applicable policies. As noted, the design of the proposed lots are appropriate for their intended use and improvement, including improvements for public park, emergency access and utilities, which would be consistent with the recreation and public safety goals and policies of the 1994 Richmond General Plan. Further, the Project Site fronts on and receives access from Ferry Point Way, which is proposed as a fully improved publicly accessible street that will be developed to serve the Point Richmond Shores community.

Moreover, the Point Richmond Shores project is consistent with key 1994 General Plan as amended, policies regarding land use, transportation, visual and aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, emergency services, hydrology and water quality as further evaluated in the Point Richmond Shores Residential Condominium Project EIR incorporated herein by reference.

The PA Plan allows for development that is compatible with surrounding land uses. The residential and open space uses that would be developed as part of the Project would be compatible with open space and marina uses immediately adjacent to the Project Site. The development of a public park and landscaped areas along the Bay shoreline would create physical connections between the Richmond Yacht Club, residential neighborhoods to the east, and Miller-Knox Regional Shoreline Park, and would enhance community integrity.

Additionally, the proposed design involves the creation of parcels that are of a sufficient size, are of an appropriate configuration, and are accessed by a fully improved publicly-accessible street, which would accommodate the proposed development and approved land uses. Secondly, the Project Site is level, and has shoreline frontage along the San Francisco Bay front. Following the remediation of the site by the Richmond Redevelopment agency, the site will be appropriate for redevelopment and suitable for multiple-family residential use.

The Project also includes two main design components to allow for increased views and vistas of the Bay: (1) the number of buildings on the site was reduced from nine to two, condensing the building footprint on the center of the site to allow for greater views around the buildings from the east and west, and (2) a loop shoreline roadway, Ferry Point Way, was incorporated to provide open, expansive, and continuous views of the Bay.

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: Criterion satisfied. The proposed new residential housing under the PA plan will be attractive and will upgrade the existing neighborhood. The Project Site consists of an inactive industrial site. The site is bordered by Miller-Knox Regional Shoreline Park to the north; Richmond Yacht Club to the east; the Harbor Channel of San Francisco Bay to the south; and San Francisco Bay and Miller-Knox Regional Shoreline Park to the west. The proposed Project includes 3.65 acres of public open space, including the 2.39-acre public park and existing public pier with associated public parking, and a 1.26-acre shoreline band, which would include walking trails and a paved segment of the Bay Trail, along the shoreline of San Francisco Bay. Public access would extend from the proposed public park along Ferry Point Way to

Brickyard Cove Road. The development of a public park and landscaped areas along the Bay shoreline would create physical connections between the Richmond Yacht Club, residential neighborhoods to the east, and Miller-Knox Regional Shoreline Park, and would enhance community integrity. Existing zoning limits building height to 35-feet, which does not allow for creative urban design in view of the site's environmental constraints, specifically the need to provide a podium separation from the ground. The proposed zoning provides greater flexibility to respect the site's constraints and limitations while maximizing its aesthetic possibilities.

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 FEIR also concluded that the PA plan would not exceed the capacity of existing and planned police services, fire services, parks and recreation, and schools. The proposed Project includes 3.65 acres of public open space, including the 2.39-acre public park and existing public pier with associated public parking, and a 1.26-acre shoreline band, which would include walking trails and a paved segment of the Bay Trail, along the shoreline of San Francisco Bay. Public access would extend from the proposed public park along Ferry Point Way to Brickyard Cove Road. The development of a public park and landscaped areas along the Bay shoreline would create physical connections between the Richmond Yacht Club, residential neighborhoods to the east, and Miller-Knox Regional Shoreline Park, and would enhance community integrity.

d. Development in accordance with the PA Plan and Special Feature Overlay District regulations will protect, conserve and enhance specific natural or cultural resources of the community.

Statement: Criterion Satisfied. As previously discussed, the design of the proposed lots are appropriate for their intended use and improvement, including improvements for public park, pedestrian and bicycle trails and enhances the features of the Bay front property for the public to enjoy. The proposed Project includes 3.65 acres of public open space, including the 2.39-acre public park and existing public pier with associated public parking, and a 1.26-acre shoreline band, which would include walking trails and a paved segment of the Bay Trail, along the shoreline of San Francisco Bay. Public access would extend from the proposed public park along Ferry Point Way to Brickyard Cove Road. The development of a public park and landscaped areas along the Bay shoreline would create a conservation and enhancement of the natural resources along the Bay frontage of the site, with physical connections to the surrounding community aspects such as the Richmond Yacht Club, residential neighborhoods to the east, and Miller-Knox Regional Shoreline Park.

e. By this ordinance, the City Council approves Project Site rezoning to Planned Area District as set forth in Exhibit A, (“Rezoning Exhibit” and “Point Richmond Shores PA Planned Area District and PA Planned Area Plan”), incorporated herein and made part hereof.

This ordinance shall take effect thirty (30) days following its 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

Introduced at a meeting of the City Council held on December 12, 2006 and adopted on February 20, 2007 by the following vote:

AYES: Councilmembers Bates, Lopez, Marquez, Sandhu, and Viramontes

NOES: Councilmembers Butt, Rogers, and Mayor McLaughlin

ABSTENTIONS: Councilmember Thurmond

ABSENT: None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

JOHN EASTMAN
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. 4-07 N.S., finally passed and adopted by the Council of the City of Richmond at meeting held on February 20, 2007, and published in accordance with law.

POINT RICHMOND SHORES

PA Plan

Introduction

The PA Plan envisions development of up to 330 for-sale, market-rate, podium-based, residential units and a public park and shoreline open space area (“Project”). The Project also includes surface improvements to Brickyard Cove Road from Dornan Drive to the westerly property line of the Seacliff Estates community.

The Project is located on approximately 13.36 acres, commonly known as the Terminal One property, in the Point Richmond neighborhood of the City of Richmond, Contra Costa County, California (“Project Site”). The Project Site is located on the San Francisco Bay on the south shoreline of Richmond, with views of San Francisco and the East Bay waterfront.

The Project Site consists of a total of approximately 12.54 acres of dry land and approximately 0.82 acres of submerged land. Land uses adjacent to the Project Site have transitioned in recent years from heavy industrial uses to residential, office, commercial, marina, and open space uses. The Project Site is bounded on the east by the Richmond Yacht Club, on the south by the San Francisco Bay, and on the west and north by the Miller-Knox Regional Shoreline Park.

The Project Site is located at the intersection of Brickyard Cove Road and Dornan Drive, and local vehicular access to the property is provided by Dornan Drive through the nearby Dornan-Garrard Tunnel, located north of the Project Site. The intersection of Brickyard Cove Road and Seacliff Drive is located approximately 0.7 miles east of the property, and Seacliff Drive provides a secondary access to the Project.

Plan Elements

PA Plan elements include residential development with related amenities and a public park with associated trails.

Residential Uses

The Planned Area (“PA”) Plan for the Project includes the development of approximately 330 market rate, for-sale condominium units, constructed in two buildings over a single podium-garage. The condominium flats will range in size from approximately 1,087 to 2,148 square feet comprising one-, two- and three-bedroom units.

Park Improvements and Bay Trail

The Project will include surface improvements to the City-owned public park. These improvements include landscaping suitable for passive use of the park, and also may

include paved parking spaces. A shoreline band would extend around the south and east of the Project Site between the proposed residential buildings and the Richmond Yacht Club. This shoreline band would include a 14-foot wide continuous loop to the Bay Trail which will extend through the public park and along the easterly property line to Brickyard Cove Road.

Additionally, the Project will include landscaped common areas with lighted walkways and benches. In addition to the Bay Trail, the Project will also include pedestrian walkways providing convenient public access to the pier and the surrounding parks, trails, shoreline, yacht club, marina and community amenities. All landscaping and recreational area maintenance will be provided by a Homeowners' Association (HOA).

Pier Improvements

The Project includes improvements to the existing pier on the Project Site to provide for safe and convenient public pedestrian access to the waterfront. The pier will remain under City ownership.

Project Access/Circulation

The Project includes a new loop shoreline roadway, Ferry Point Way, which will intersect Dornan Drive and Brickyard Cove Road. Ferry Point Way would provide two entrances to the Project (i) from Dornan Drive on the northeast, and (ii) from Brickyard Cove Road near the northeastern corner of the Project Site.

A total of approximately 718 parking spaces will be provided in accordance with the City's parking requirements, and will consist of at least one covered parking space per unit. The condominium buildings will be constructed over a single parking structure. Surface spaces will provide the balance of parking. The park portion of the Project Site would include parking spaces, for convenient public access to the park and pier.

Utility Services

Existing sewer systems in the area have sufficient capacity available to serve the Project. A sewer pump station is located adjacent to the Project Site on a small parcel at the intersection of Dornan Drive and Brickyard Cove Road. The existing pump station may be relocated as part of the Project.

The Project will rely on existing and available water capacity. The Project will include any additional on-site water facilities that may be needed.

The Project will include two (2), new storm drain outfalls with emergency overflows. The emergency overflows will discharge surface runoff to the bay during large storm events when a high tide condition is occurring.

PA Plan

All requirements set forth in Richmond Municipal Code Article 15.04.600 apply to the Project, including but not limited to:

- The PA Plan shall be effective on the same date as the ordinance creating the PA district for which it was approved and shall expire four years after the effective date unless a building permit has been issued and construction diligently pursued.
- The Planning Director or his/her designee shall review the building permit applications to ensure compliance with the conditions of PA district approval.

Allowable Land Uses

The following permitted and conditional uses are allowed in the Point Richmond Shores PA District.

Permitted Uses. The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Residential Uses.

Multifamily residential

Open Space and Recreational Uses.

Parks, open space, and bike and pedestrian trails
Public pier

Accessory Uses

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property, such as garages, swimming pools, gazebos and trash enclosures.

Development Standards

The following development standards shall apply in the Point Richmond Shores PA District.

Residential Unit Types. The following unit types are allowed in the Point Richmond Shores PA District.

- *“Podium” units.* Podium buildings will be located on the residential portion of the Project Site with primary access via Brickyard Cove Road and Ferry Point Way. Podium buildings will consist of 4- to 5–stories over ground-floor parking, and will be supported on pier foundations.

Density. The following densities apply to the Point Richmond Shores PA District.

Housing Type	Gross Acreage	Net Acreage*	Unit Range**	
			Minimum	Maximum
High Density Residential	13.36 ±	10.69 ±	[28 du/acx net acreage]	[43 du/ac x net acreage]

* Net acreage is assumed to comprise 80 percent of gross acreage. (General Plan Land Use Element, LU-3.)

** The General Plan High Density Residential designation permits 28 – 43 units/net acre. (General Plan Land Use Element, LU-4.)

Housing Type and Unit Counts. A range of multiple family, attached condominium units is planned for the Project Site. The specific breakdown by housing type and unit number for the Project Site is as follows:

Unit Type	Bed/Bath - Qty	Minimum Area Per Unit (sq. ft.)	Number of Units*
A2	1/1.5	1,180	19
A3	1/1.5	1,087	15
A5	1/1.5	1,242	6
A9	1/1.5	1,083	1
A10	2 / 2.5	1,114	10
B1	2 / 2	1,566	50
B4	2 / 2	1,517	43
B5	2 / 2	1,573	20
B6	2 / 2	1,807	40
B8	2 / 2	1,540	12
B9	2 / 2	1,826	20
D1	3 / 3	2,148	53
D2	3 / 3	2,130	21
D4	3 / 3	2,130	10
D5	3 / 3	2,030	4
Total Units			324

Note: Number of each unit type may be revised depending on project approvals and final design.

Specific development standards pertaining to minimum parcel area, maximum building height and minimum setbacks are as follows:

Residential Development Standards

Lot/Building	Minimum Parcel Area	Maximum Building Height (ft.)	Minimum Setback (ft.)	
			Building to Street	Building to Building
Lot 1	2.41 acres			
Building 1	328,736 s.f.	80 ft.	North 2' West 8' South 7'	East 50'
Lot 2	2.81 acres			
Building 2	376,220 s.f.	80 ft.	North 9' East 20' South 25'	West 50'
Clubhouse Area	1,000 s.f.			
Gym	1,000 s.f.			

Architecture. The Planned Area residential development shall be constructed in substantial compliance with the architectural plan set prepared by _____, dated _____; date stamped received _____ Richmond Planning Department, on file in the City of Richmond Planning Department. (See Planning Commission Resolution No. 06-___ Conditionally Approving Design Review Permit DR 110112, Condition 33.

Open Space Requirements. For multi-family buildings with 8 or more units, the following open space requirements shall apply:

Unit Type	Private Open Space (sq. ft./ du)	Common Open Space (sq. ft./ du)	Other Open Space (3+ bedroom units) (sq. ft./du)
Podium	60 [60 sf in MFR-2 zoning]	200 [200 sf in MFR-2 zoning]	100 [100 sf common or private in MFR-2]

Performance Standards.

The uses in this PA district must comply with all applicable performance standards delineated in the Richmond Municipal Code Section 15.04.840.

Parking and Loading Standards. In addition to the minimum number of parking spaces which follow, all parking and loading must comply with the provisions of Richmond Municipal Code Section 15.04.850. For multifamily units, any room that can be considered a bedroom per the Uniform Building Code (UBC) standards shall be used for the purposes of calculating parking.

1 bedroom (loft): 1 space per unit

2 bedrooms: 1.5 spaces per unit

3 bedrooms: 2 spaces per unit

*At least one required space per unit must be covered.

Guest parking: 1 space per 5 units

Parking Dimensions.

<u>Standard</u>	<u>Compact</u>	<u>Tandem</u>	<u>Handicapped</u>
9'-0" x 18'-6"	8'-0" x 16'-0"	8'-0" x 16'-0"	9'-0" x 18'-6"

Landscape. Landscape and fencing shall be installed in substantial compliance with the plan prepared by _____, titled _____ Plan, dated: _____, City of Richmond date stamped received _____, on file in the City of Richmond Planning Department.

Signs. All signs must comply with the applicable provisions of Richmond Municipal Code Section 15.04.860, in addition to the Sign Ordinance (Chapter 15.06) and the Sign Code (Chapter 4.04).

Implementation

Approval of the PA Plan will constitute final zoning for the Pt. Richmond Shores Project Site. Issuance of building permits would require a tentative map and design review and/or approval of the Design Review Board.

PA Plan Amendments

The PA Plan provides a general description of the development of the Project Site. The Project is subject to Tentative Map and Design Review approvals. Final architectural and landscape design and site planning will occur at the time of Design Review and no formal amendment of this PA Plan will be required as long as the materials submitted to the

Design Review Board are in substantial conformance with this PA Plan as well as the Richmond General Plan.

Adjustments in the number, size and configuration of condominium units or alterations of the condominium buildings shall not require an amendment to the PA Plan as long as the following conditions are met:

- The maximum number of dwelling units does not exceed 330 dwelling units.
- The upper limit of the density range for the High Density Residential land use designation (43 du/net acre) is not exceeded.

Amendments to the PA Plan shall be subject to the procedures of Richmond Municipal Code Section 15.04.610.030 and will require the review and approval of the Planning Director.

PA Plan Key Elements

A number of other key elements of the Point Richmond Shores Planned Area District and Planned Area Plan include the following:

- Modifications to the number of dwelling units shown on the PA Plan may be made by the Design Review Board if the total number of units does not exceed 330 dwelling units.
- Site design of the individual buildings may vary from that shown in the PA Plan if the number of units is adjusted and the site design is approved by the Design Review Board.
- Plans may be resubmitted for Design Review for amendments as long as the changed plans are consistent with the provisions of the PA Plan.

Administrative and Enforcement Procedures

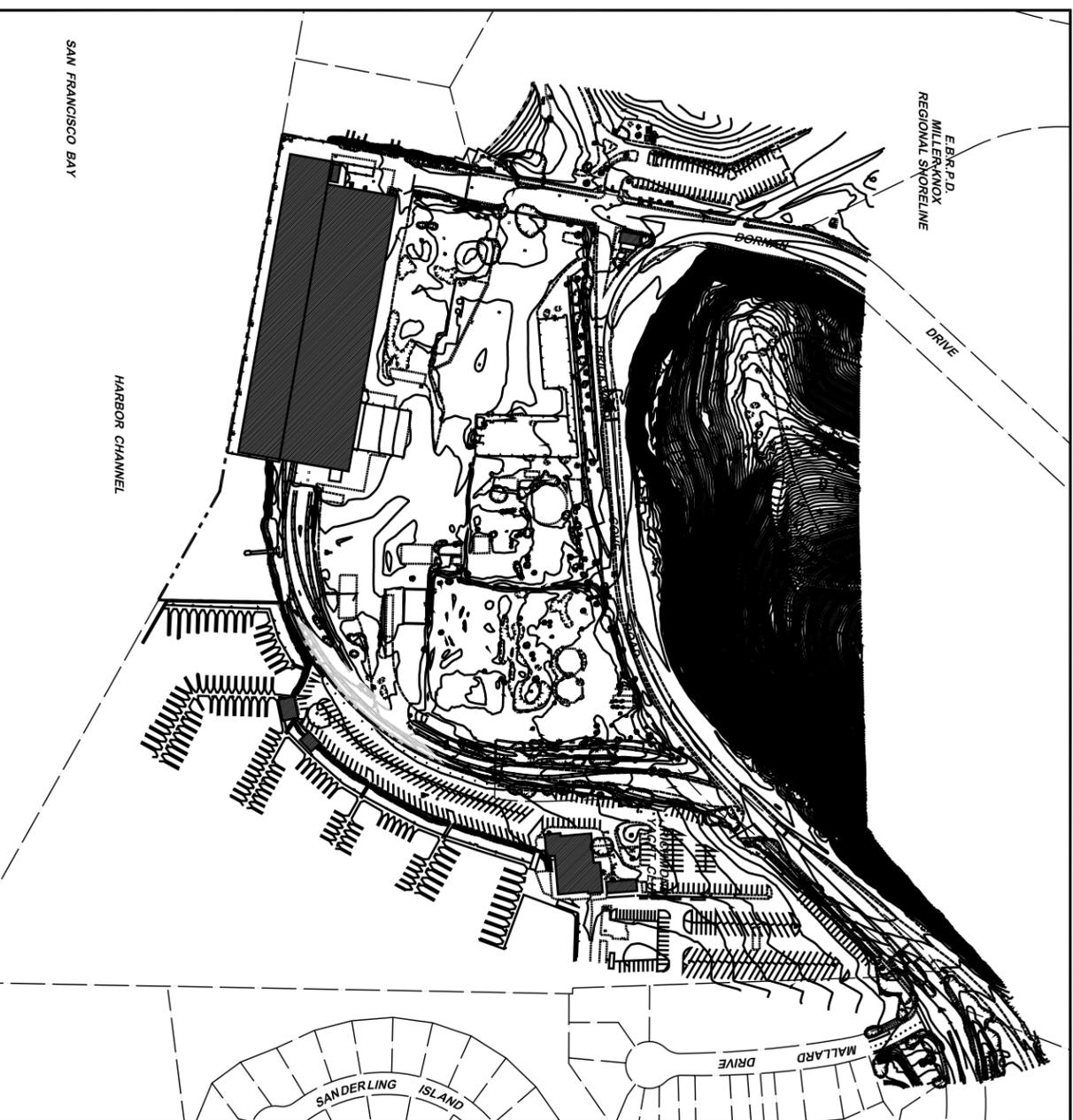
All activities, development, and uses allowed in this district are subject to the provisions contained in Richmond Municipal Code Section 15.04.900. Provisions of this PA Plan will be enforced in accordance with Richmond Municipal Code Section 15.04.950 and 15.04.990.

POINT RICHMOND SHORES

A LUXURY RESIDENTIAL CONDOMINIUM DEVELOPMENT

POINT RICHMOND, CITY OF RICHMOND, CALIFORNIA

EXISTING ZONING DESIGNATION



ZONING LEGEND



PROPOSED ZONING DESIGNATION

REZONING EXHIBIT

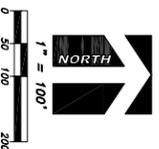
DATE: JULY 15, 2005
 REVISED: FEBRUARY 9, 2006

NOTE: CITY OF RICHMOND ZONING INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF RICHMOND ZONING MAP AND IS APPROXIMATE ONLY.

DEVELOPED BY:

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America's Luxury Home Builder™



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