

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND CERTIFYING AN ADDENDUM TO THE QUARRY RESIDENTIAL PROJECT EIR (SCH# 2017062083) AND MITIGATION AND MONITORING REPORTING PROGRAM; AND APPROVING A MAJOR AMENDMENT TO A PLANNED AREA PLAN; DENSITY BONUS FOR WAIVERS; MAJOR DESIGN REVIEW; AND VESTING TENTATIVE MAP FOR THE QUARRY RESIDENTIAL PROJECT REDESIGN

I. GENERAL FINDINGS

A. Introduction. New West Company ("Applicant") is proposing to construct up to 76 single-family dwelling units of varying sizes from 1,645 to 1,840 square feet and associated common areas and amenities on approximately 6.5-acres of the 18.4-acre site in the City of Richmond, Contra Costa County, California. The houses are 2 stories in height and are on lots varying from 2,068 to 3,081 square feet ("Quarry Residential Project Redesign" and "Project"). Required Project approvals include: (1) a major amendment to an approved Planned Area plan; (2) a Density Bonus for waivers; (3) Major Design Review for house plans; and (4) a Vesting Tentative Map (collectively referred to as the "Project Approvals").

B. Environmental Review Process. On February 20, 2018, the City Council of the City of Richmond adopted Resolution No. 08-18 certifying the Quarry Residential Project Environmental Impact Report ("EIR") (SCH#2017062083) and Adopting a Mitigation Monitoring and Reporting Program ("MMRP"). Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164, the City has prepared an Addendum affirming that the analysis contained in the Quarry Residential Project EIR adequately addresses the potential physical impacts associated with the proposed Quarry Residential Project Redesign. The Addendum to the Quarry Residential Project EIR, attached hereto as Exhibit A, was prepared in compliance with the requirements of the CEQA, the State CEQA Guidelines, the City of Richmond Guidelines and Procedures for the Implementation of the California Environmental Quality Act; and based upon the evidence submitted and as demonstrated by the analysis included in the Addendum, none of the conditions described in Sections 15162 and 15163 of the State CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred; specifically:

a. There have not been any substantial changes in the project that require major revisions of the EIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

b. There have not been any substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified that shows any of the following: (a) the project will have one or more significant effects not discussed in the EIR; (b) significant effects previously examined will be substantially more severe than shown in the EIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (d) mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative; and

C. Administrative Record. The administrative record, upon which all Findings related to the approval of the Project are based, includes the following:

(1) The Quarry Residential Project Final EIR and all documents referenced in or relied upon by the Final EIR.

(2) The Addendum to the Quarry Residential Project EIR and all documents referenced in or relied upon by the EIR Addendum.

(3) All information (including written evidence and testimony) provided by City Staff to the Design Review Board, Planning Commission and the City Council relating to the EIR and Addendum, the approvals, and the Project.

(4) All information (including written evidence and testimony) presented at or in preparation of any City public hearing or City workshop related to the Project and the EIR.

(5) For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation the general plan, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to the Project site.

(6) The Mitigation Monitoring and Reporting Program ("MMRP") for the Project.

(7) All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of Community Development or their designee. Such documents and other materials are located at City Hall, Planning Division, 450 Civic Center Plaza, Richmond, California, 94804.

D. Findings. On March 9 and March 23, 2022, the Design Review Board reviewed the proposed project and recommended approval to the Planning Commission with additional conditions (see Exhibit B, Conditions #42-62 in Attachment 1). On April 21, 2022, the Planning Commission conducted a duly noticed public hearing on the Project and recommended approval to the City Council.

On May 17, 2022, the City Council conducted a duly noticed public hearing on the Project. After considering public testimony and materials in the staff report, including the Final EIR (State Clearinghouse #2017062083), the Mitigation Monitoring and Reporting Program and findings in support of the Major Amendment to a PA Plan, Density Bonus, Vesting Tentative Map, and Design Review, the City Council approved the Project subject to conditions, in its independent and objective judgment, stating that the Addendum is adequate and sufficient in all respects and the findings set forth below are appropriate and adequate to support adoption of the Addendum to the Quarry Residential Project Final EIR and the Mitigation Monitoring and Reporting Program and adoption of the Project Approvals. These findings are made pursuant to CEQA and City of Richmond Municipal Code. These findings support the adoption of the Addendum and Mitigation Monitoring and Reporting Program and include the findings to support the approval of the Major Amendment to PA Plan, Density Bonus, Vesting Tentative Map, and Design Review.

II. CEQA FINDINGS.

The City of Richmond is the Lead Agency with respect to the Project pursuant to Section 15367 of the CEQA Guidelines. The following findings support the City Council's decision to adopt the Addendum and MMRP:

- A. The Addendum has been completed in compliance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and the City of Richmond's Guidelines and Procedures for Implementation of CEQA, Resolution No. 31-21 (adopted March 16, 2021), and reflects the independent judgment and analysis of the City.
- B. The City hereby adopts and makes conditions of approval of the Quarry Residential Project Redesign all of the mitigation measures that are within the responsibility and jurisdiction of the City that are identified in the CEQA Findings for the Quarry Residential Project EIR.
- C. The City finds based upon the evidence submitted and as demonstrated by the analysis included in the Addendum that none of the conditions described in Sections 15162 and 15163 of the State CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred.
- D. The City hereby adopts the Mitigation Monitoring and Reporting Program for the Quarry Residential Project Redesign, attached hereto as "Exhibit A."

III. PLANNED AREA PLAN FINDINGS

Pursuant to Section 15.04.810.040, in approving a major amendments to an approved Planned Area Plan (attached as **Exhibit C**), the City Council, makes the following findings supported by statements of fact.

A. *The proposed development is consistent with the General Plan, including the height, density, and intensity limitations that apply unless these limitations are to be amended;*

Staff Statement: **Criterion Conditionally Satisfied.** The Revised Project is consistent with the proposed Medium Density Residential land use density because it is within the specified range (10 to 40 du/ac). With approval of the Major Amendments to the Planned Area Plan, the various development standards for the RM-1 zoning district may be modified.

B. *The subject site is physically suitable for the type and intensity of the proposed land use;*

Staff Statement: **Criterion Satisfied.** The Project site is an infill site located in an urbanized area with existing drainage, sewer, water, and infrastructure improvements. The Project site is suitable for residential development because it is located in close proximity to residential uses and has existing services and utilities available to serve the development.

C. *Adequate transportation facilities and public services, as defined in the General Plan and in the design standards established in the Subdivision Regulations exist or will be provided in accordance with the conditions of Planned Area Plan approval to serve the proposed development; and the approval of the proposed development will not result in a reduction of transportation service for all modes of travel or public services so as to be a detriment to public health, safety, or welfare;*

Staff Statement: **Criterion Conditionally Satisfied.** The Revised Project will not include new public transit services, but that does not preclude the enhancement of transit services and connections. Additionally, the Revised Project will facilitate multimodal travel (i.e., pedestrian and bicycle infrastructure and facilities) through its Bay Trail improvements. Per condition of approval No. 8, the Revised Project will prepare a transportation-demand management plan to reduce the miles travelled by single-use occupancy vehicles.

D. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;*

Staff Statement: **Criterion Satisfied.** Existing land uses surrounding the Project site comprise predominantly recreation/open space, industrial port-related uses, and residential uses. The Revised Project will establish a new residential community and include improvements to both Seacliff Drive and its bordering Bay Trail. Further, the Revised Project will improve vehicular, pedestrian, and bicycle infrastructure and connections near the site. The proposed detached single-family use is similar to existing uses in the surrounding area. Therefore, the Revised Project will not have a substantial adverse effect on the existing surrounding uses.

E. *The development generally complies with applicable design guidelines; and*

Staff Statement: **Criterion Satisfied.** The modified Planned Area Plan specifies development standards for the Revised Project that the project design conforms to. The Revised Project will use high-quality design and materials and is substantially consistent with the Planned Area Plan, as modified, and the City's design review criteria within Section 15.04.805.040.

F. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors will be considered:*

1. Appropriateness of the use(s) at the proposed location.

Staff Statement: **Criterion Satisfied.** The Revised Project will provide medium density, market-rate housing, including ten percent (10%) affordable units at the Moderate-Income level, which the City needs to meet its Regional Housing Needs Allocation. Without the Planned Area Plan, this type of housing could not be provided under the base Zoning District's regulations. Several of the surrounding residential developments in the area were also developed as Planned Area districts that included deviations from similar development standards such as setbacks and minimum lot size.

2. The mix of uses, housing types, and housing price levels.

Staff Statement: **Criterion Satisfied.** The Revised Project proposes 76 single-family detached units and lots of varying sizes. Amenities will be provided, including a play area with benches and picnic tables. Given the varying unit sizes and types, the single-family units will be made available to a range of home buyers, including ten (10%) affordable units at the Moderate-Income level.

3. Provision of units affordable to persons and families of low and moderate income or to lower income households.

Staff Statement: **Criterion Conditionally Satisfied.** The Revised Project will be required to comply with the City's Inclusionary Housing Ordinance and build its inclusionary units on-site. The Revised Project proposes to build 10% of the total units as affordable units at the Moderate-income level. During the 5th Cycle Housing Element, the City was assigned 410 units at the moderate income level. As of December 31, 2021, no units had been built that were deed restricted at the moderate income level. The Revised Project will help the City provide this missing affordable unit type in its Regional Housing Needs Allocation.

4. Provision of infrastructure improvements.

Staff Statement: **Criterion Satisfied.** The Revised Project will provide for utilities and public services that will not exceed the capacity of existing and planned public services and infrastructure. The Revised Project includes the installation of new water, stormwater, and sanitary sewer infrastructure(s). In addition, the project will include improvements to both Seacliff Drive and the Bay Trail alongside Seacliff Drive, which will improve vehicular, pedestrian, and bicycle infrastructure and connections near the Project site.

5. Provision of open space.

Staff Statement: **Criterion Satisfied.** The Revised Project will include landscaped common areas that the Homeowners Association ("HOA") will maintain. In addition to landscaping, the Revised Project will provide enhancements to the section of the Bay Trail on Seacliff Drive along the Project site. The trail will be rebuilt as a 12-foot-wide paved trail with five (5) to seven (7) feet of landscaping (low ground cover planting) between the trail and Seacliff Drive, and three (3) feet of decomposed granite between the trail and the landscape leading up to the project buildings. Pathways within the development will link open spaces and residences. Additionally, the Revised Project will build a new staging area for the Crest Trail.

6. Compatibility of uses within the development area.

Staff Statement: **Criterion Satisfied.** The Revised Project proposes residential uses (plus amenities) and open space, which are compatible uses.

7. Creativity in design and use of land.

Staff Statement: **Criterion Satisfied.** The Revised Project will develop a vacant, underutilized site with high-quality residential buildings. The buildings have been located on the Project site to minimize impacts to the slope on the western portion of the site and to allow for amenity spaces and connectivity throughout the developed portion of the site. More than half of the site will be undeveloped open space, which includes Bay Trail enhancements and a new staging area for the EBRPD Crest Trail.

8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.

Staff Statement: **Criterion Satisfied.** The Revised Project will provide architectural design that includes high-quality materials and finishes. Buildings have been located on the site with sufficient separation to allow adequate light and air into the interior spaces. Buildings have also been oriented to allow for maximum view orientation and natural light for safety and comfort.

9. Overall contribution to the enhancement of neighborhood character and the environment of Richmond in the long term.

Staff Statement: **Criterion Satisfied.** The Revised Project will improve the aesthetic and economic value of the site, adjacent properties, the neighborhood, and the entire City by revitalizing an unimproved infill site. It also will help fulfill the City's need for additional housing.

IV. VESTING TENTATIVE MAP FINDINGS

Pursuant to Section 15.04.702.100 in approving the Vesting Tentative Map, attached as **Exhibit D**, the City Council makes the following findings and statements of facts for approval:

A. Consistency. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Zoning Ordinance, and other applicable provisions of the City's Municipal Code.

Statement of Fact: **Criterion Conditionally Satisfied.** The Revised Project is consistent with the Medium Density Residential land use designation under the General Plan, as well as with applicable General Plan goals and policies.

The following list highlights a selection of the General Plan goals and policies that project supports or accomplishes:

- The project would meet future housing needs within City limits through infill development in an area already served by community facilities, utilities, and transportation systems. (Goal LU-K)
- The project would provide a high standard of design and planning, and construction of new facilities, infrastructure, and services. By implementing several sustainability measures, the project will promote a planning approach that supports a sustainable and healthy community and reduces impacts on the environment. (Goal LU 6)
- The project achieves a higher standard for housing design, current green building standards, seismic requirements, and pedestrian friendly design. (Goal LU 6.5)
- The project has a planting and landscaping plan that is consistent with the San Francisco Bay Conservation and Development Commissions' Landscape Guide for the San Francisco Bay. (Goal PR3)

B. Physically Suitable. The site is physically suitable for the type of development and the proposed density of the development.

Statement of Fact: **Criterion Conditionally Satisfied.** The 6.3 acres proposed for development are physically suitable for development of the proposed subdivision. The parcels meet the minimum area for a Planned Area District. The Project site is served by existing streets and existing services and utilities are available to serve the development.

The Medium Density Residential land use designation has a density range of 10 to 40 dwelling units per acre. The resulting subdivision would create an 83-parcel subdivision with some of those lots being common interest lots. The proposed density of development falls within the 10 to 40 dwelling units per acre at 12 du/acre.

C. No Environmental Damage. The proposed subdivision, together with the provisions for its design and improvement, are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, unless an Environmental Impact Report (EIR) was prepared and a finding

was made that specific economic, social, or other considerations make the mitigation measures or Project alternatives infeasible, pursuant to Section 21081(a)(3) of the Public Resources Code.

Statement of Fact: ***Criterion Conditionally Satisfied.*** As specified in the Addendum to the Quarry Residential Project Final EIR, the Project could result in some significant impacts to the environment related to air quality, biological resources, cultural resources and noise; however, with implementation of the mitigation measures in the MMRP, all impacts would be reduced to less-than-significant levels. In addition, the proposed Project is on a previously disturbed site.

D. Public Health Problems. The proposed subdivision, together with the provisions for its design and improvement, is not likely to cause serious public health problems.

Statement of Fact: ***Criterion Conditionally Satisfied.*** The design of the subdivision is not likely to cause any serious public health problems because the Project consists of development of a typical residential housing development consisting of 76 single-family lots, and will be constructed to meet all applicable building and safety codes. The proposed subdivision would result in the redevelopment of the site from a former quarry to a medium density residential development, including improvements to Seacliff Drive and an improved Bay Trail along the Project frontage. In addition, the Project will implement mitigation measures designed to reduce potentially significant impacts to less-than-significant levels.

The Addendum to the FEIR addresses the Project's potential to affect the public health in a number of ways (e.g., generation of emissions, noise, etc.) and the FEIR determined that with mitigation, the Project would have no significant impacts.

E. No Conflict with Easements. The proposed subdivision, together with the provisions for its design and improvement, will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The City may approve a map if it finds that alternate easements for access or for use will be provided and that these easements will be substantially equivalent to ones previously acquired by the public.

Statement of Fact: ***Criterion Satisfied.*** The design of the subdivision and future improvements for development of the property will not conflict with easements acquired for access through or use of the property within the proposed subdivision because no such easements exist.

F. Availability of Water. Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.

Statement of Fact: ***Criterion Not Applicable.*** The Project proposes up to 76 dwelling units, which is below the 500-dwelling unit threshold.

V. DESIGN REVIEW FINDINGS

Pursuant to Section 15.04.805.050, in approving the Design Review of the Project Plans attached as **Exhibit D**, the City Council makes the following findings and statements of facts for the proposed application as it is consistent with:

A. The General Plan and any applicable specific plans;

Staff Statement: ***Criterion Conditionally Satisfied.*** The Revised Project is consistent with the Medium Density Residential land use designation under the General Plan, as well as with applicable General Plan goals and policies.

The following list highlights a selection of the General Plan goals and policies that project supports or accomplishes:

- The project would meet future housing needs within City limits through infill development in an area already served by community facilities, utilities, and transportation systems. (Goal LU-K)*
- The project would provide a high standard of design and planning, and construction of new facilities, infrastructure, and services. By implementing several sustainability measures, the project will promote a planning approach that supports a sustainable and*

- healthy community and reduces impacts on the environment. (Goal LU 6)
- The project achieves a higher standard for housing design, current green building standards, seismic requirements, and pedestrian friendly design. (Goal LU 6.5)
 - The project has a planting and landscaping plan that is consistent with the San Francisco Bay Conservation and Development Commissions’ Landscape Guide for the San Francisco Bay. (Goal PR3)

B. Any applicable design guidelines;

Staff Statement: **Criterion Satisfied.** There are no applicable design guidelines that affect this property. As noted below in paragraph ‘D,’ the Revised Project is consistent with the City Design Review Criteria in Section 15.04.805.040 of the Zoning Ordinance.

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

Staff Statement: **Criterion Conditionally Satisfied.** The project includes a request for a Major Amendment to an approved Planned Area Plan and Vesting Tentative Map which must be reviewed by the Planning Commission and approved by the City Council. The Revised Project is substantially consistent with the Vesting Tentative Map and the Planned Area Plan, as modified.

D. The design review criteria in Section 15.04.805.040.

The project must satisfy these criteria to the extent applicable.	Criteria Met?
A. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, reflects design integrity and the relationship of form and function in a coherent manner.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
B. The project design evidences a sense of place and consideration of scale, mass, height, building siting, and privacy in a neighborhood and community context; does not overwhelm or adversely impact adjoining properties; and respects prevailing setbacks and the scale and heights of neighboring buildings and how they relate to the street.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
C. The project’s design elements, materials, signage, and landscaping are internally consistent, fully integrated with one another, and applied in a manner that is visually consistent with the proposed architectural design.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
D. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
E. The proposed building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
F. Landscaping is designed to be compatible with and enhance the architectural character of the buildings on site. Proposed planting materials avoid conflicts with views, lighting, and signage.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Staff Statement: The Revised Project will achieve a high-quality design. The design of the Revised Project will create a cohesive neighborhood context. The community park and open space areas will provide gathering spaces for the community. The three (3) design types and nine (9) color and material schemes will provide variation and visual interest.

The conditions of approval will ensure that lighting and lighting fixtures are designed to avoid creating a glare. The design of the buildings and site landscaping support public safety and security by allowing surveillance of the street and open space area by people inside buildings and elsewhere on the site. The Revised Project will include Building Energy Efficiency Standards, as required by Title 24, Part 6, intended to save energy, increase electricity supply reliability, and avoid the need to construct new power plants. The Revised Project will also be subject to CALGreen, which requires energy efficient appliances for all homes that the project will develop. CALGreen also requires EV charging and spaces, water conservation measures, recycling by occupants and 65% construction waste diversion. The landscape irrigation design complies with the City’s and State of California’s Water Efficient Landscape Ordinance using low water delivery equipment, as well as adhering to all East Bay Municipal Utilities District (EBMUD) standards. The irrigation meter applications and system design will be submitted to and reviewed by EBMUD for compliance.

VI. DENSITY BONUS WAIVERS FINDINGS

The Revised Project is density-bonus eligible because it contains eight (8) Moderate-Income units, or ten percent (10%) of the base-proposed density. The Applicant has requested the following waivers under state Density Bonus Law, all as shown on the plans:

1. *Minimum Lot Size:* 2,068 to 3,081 square foot lot size, rather than 5,000 required.
2. *Minimum Lot Width:* 34-foot minimum width, where 50 feet are required.
3. *Minimum Front Setback:* Five (5)-foot minimum setback, where 10 feet are required.
4. *Minimum Interior Side Setback:* Four (4)-foot minimum interior side setback, where five (5) feet are required.
5. *Minimum Rear Setback:* Eight (8)-foot minimum rear setback, where 20 feet are required.

The City has granted the waivers to permit the Project to be built as designed. No substantial evidence in the record shows that the Revised Project would violate state or federal law(s); have an adverse impact on a property listed on the California Historical Register; or have a specific, adverse health or safety impact that cannot be otherwise mitigated.

VII. THOROUGH AND FULL REVIEW

In making the findings listed above and the approvals set forth below, the City Council has thoroughly reviewed the land use program, site plan, architectural plans, and landscape plans, as further described in the PA Plan, as well as the Density Bonus for Waivers, Design Review, and the Vesting Tentative Map, and has fully considered modifications to these elements of the Project to address issues raised and comments of the public, DRB, PC and public agencies on both the Addendum and the Project.

VIII. SEVERABILITY

Should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

IX. APPROVALS

The City Council does hereby adopt the Addendum to the Quarry Residential Project Final EIR (State Clearinghouse #2017062083), with findings pursuant to Public Resources Code Section 21081, and other findings contained herein, adopts the Mitigation Monitoring and Reporting Program, and approves the Major Amendment to a Planned Area Plan, Density Bonus for Waiver, Vesting Tentative Map, and Design Review for the Quarry Residential Project Redesign.

Exhibit A: Addendum to Final EIR with Mitigation Monitoring and Reporting Program

Exhibit B: Conditions of Approval

Exhibit C: PA Plan

Exhibit D: Project Plans with Vesting Tentative Map

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 17, 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Clerk of the City of Richmond

Approved: (SEAL)

Tom Butt, Mayor

Approved as to form:

Dave Aleshire, Interim City Attorney