

## ATTACHMENT 1

### PLANNING COMMISSION RESOLUTION NO. 24-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RICHMOND CONSIDERING THE DESIGN REVIEW, VESTING TENTATIVE MAP, AND SHORELINE OVERLAY CONDITIONAL USE PERMIT (PLN23-117) FOR THE MARINA POINT RESIDENTIAL PROJECT, A PROPOSED DEVELOPMENT OF 70 THREE-STORY SINGLE-FAMILY HOMES AND 30 JUNIOR ACCESSORY DWELLING UNITS (JADUs) LOCATED AT THE TERMINUS OF MARINA WAY SOUTH (APNS 560-181-121).**

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**WHEREAS**, on April 27, 2023, Glen L. Powles, on behalf of Guardian Commercial Real Estate, LP (the “Applicant”), submitted Planning Application No. PLN23-117 requesting approval of a Design Review Permit, Vesting Tentative Map, and Conditional Use Permit for a residential subdivision consisting of 70 three-story single-family homes and 30 junior accessory dwelling units (JADUs) on approximately 4.92 gross acres located at the terminus of Marina Way South in the Marina Bay neighborhood (APNs 560-181-121 and 560-181-102) (the “Project”); and

**WHEREAS**, the Project site is designated High-Intensity Mixed-Use (HIMU) and Parks and Recreation (PR) under the Richmond General Plan and is zoned CM-5 (Commercial Mixed-Use, Activity Center) with a –S Shoreline Overlay District; and

**WHEREAS**, the Project requires approval of a Major Design Review Permit pursuant to Richmond Municipal Code (RMC) Section 15.04.805, a Vesting Tentative Map pursuant to RMC Chapter 15.04.704, and a Conditional Use Permit pursuant to RMC Sections 15.04.306 and 15.04.806 due to its location within the Shoreline Overlay District; and

**WHEREAS**, the Applicant submitted a preliminary application pursuant to Senate Bill 330 on February 14, 2023, and the City did not issue a written determination of consistency or inconsistency with the General Plan or Zoning Ordinance within the timeframes required under Government Code Sections 65905.5 and 65943; and

**WHEREAS**, as a result of the City’s failure to issue a timely SB 330 consistency determination, the Project is deemed consistent, compliant, and in conformity with applicable General Plan and Zoning standards for purposes of application processing, notwithstanding substantive inconsistencies with minimum residential density assumptions; and

**WHEREAS**, pursuant to the Permit Streamlining Act and SB 330, the City’s discretion in reviewing the Project is limited to the application of objective standards and the number of public hearings on the Project is capped by State law; and

**WHEREAS**, the Project proposes a residential density of approximately 16.1 dwelling units per acre, which is below the minimum density anticipated by the General Plan, CM-5 zoning district, and Housing Element Site Inventory, but which the City is procedurally constrained from denying on that basis due to SB 330; and

**WHEREAS**, the Project is subject to the City's Inclusionary Housing Ordinance (RMC Article 15.04.603) and proposes seven moderate-income affordable units, including three units with JADUs, to be secured by recorded deed restriction; and

**WHEREAS**, the Project includes a Vesting Tentative Map creating 70 residential lots and five commonly owned parcels, with shared infrastructure and common open space to be maintained by a homeowners' association; and

**WHEREAS**, the Project is located within the –S Shoreline Overlay District and is therefore subject to shoreline protection, habitat conservation, public access, and water-quality standards set forth in RMC Section 15.04.306; and

**WHEREAS**, the Project includes a Vesting Tentative Map submitted pursuant to the Subdivision Map Act and Richmond Municipal Code (RMC) Chapter 15.04.704 to subdivide the project site into 70 single-family residential lots and five (5) commonly owned parcels to be owned and maintained by a Homeowners' Association for private streets, utilities, stormwater facilities, and common open space; and

**WHEREAS**, due to the City's failure to issue a timely SB 330 consistency determination, the Vesting Tentative Map is deemed consistent as a matter of law for purposes of processing, and the City's review authority is limited to compliance with objective subdivision and infrastructure standards; and

**WHEREAS**, the Project was reviewed by the Design Review Board at two duly noticed public hearings, during which the Board considered the Project's compliance with applicable objective design standards and provided comments for consideration by the Planning Commission, consistent with the limitations on public hearings set forth in Senate Bill 330; and

**WHEREAS**, the Planning Commission has reviewed the Project for compliance with applicable objective design standards, shoreline overlay requirements, subdivision regulations, and conditions of approval necessary to ensure consistency with adopted municipal regulations to the extent permitted by State law; and

**WHEREAS**, the Project qualifies for a Class 32 Infill Development Categorical Exemption pursuant to CEQA Guidelines Section 15332 and is also within the scope of the City of Richmond General Plan 2030 Final Environmental Impact Report (State Clearinghouse No. 2008022018), and no exceptions to the use of the exemption apply; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing in accordance with Government Code Section 65090 and RMC Title 15, and considered the staff report, exhibits, and all written and oral testimony presented in connection with the Project; and

**WHEREAS**, the Planning Commission finds that, due to procedural limitations imposed by SB 330, its action on the Project must be based on compliance with objective standards, required findings for Design Review, Vesting Tentative Map, and Conditional Use Permit approval, and applicable CEQA requirements.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Richmond, does hereby:

**Option A – Approval:**

Approve the Design Review Permit, Vesting Tentative Map, and Shoreline Overlay Conditional Use Permit for PLN23-117, subject to the Conditions of Approval attached hereto as Exhibit A, based on the findings set forth herein.

**Option B – Denial:**

Deny the Design Review Permit, Vesting Tentative Map, and Shoreline Overlay Conditional Use Permit for PLN23-117, based on the findings and evidence in the record and consistent with applicable State law.

**GENERAL CONDITIONS**

1. Substantial Conformance: Development is to be constructed in compliance with the Project Plans reflecting the review by the Design Review Board, with a date of January 23, 2026. Any modifications shall be reviewed by the Zoning Administrator who shall determine whether the modification requires additional approval.
2. Conditions. All conditions of approval shall be printed on the informational page of the final construction plans submitted for building permits, along with annotations by the applicant of where the conditions have been met on the drawings. All conditions of approval shall be on all grading and construction plans, which shall be kept on the project site at all times. It is the responsibility of the building developer to ensure that the project contractor and construction crew are aware of and adhere to all conditions of approval.
3. Responsibility to Inform: The Applicant shall be responsible for ensuring that all subcontractors, consultants, engineers, or other business entities providing services related to the Project are aware of and comply with all Conditions of Approval.
4. Maintenance: The Applicant, shall, at all times, keep the property in good order including repair and maintenance of all structures, fences, signs, walks, driveways and painting, as may be necessary to preserve a high-quality environment. All landscaped areas shall be maintained free of litter, debris, and weeds. All plantings shall be

permanently maintained in a healthy growing condition, and whenever necessary, replaced with equivalent planting materials to ensure continued conformance with approved plans. All required signage shall be maintained in a secure condition. Signs shall be kept free of rust, corrosion, peeling paint, cracks, fading, and other surface deterioration.

5. East Bay Municipal Utility District (EBMUD). The applicant shall ensure water service for new multiunit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multifamily residential and mixed-use multi-family and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords.
6. Public Utilities. Any relocation of existing improvements or public utilities shall be accomplished under the direction of the City or impacted utility company's requirement at no expense to the City or utility company.
7. Underground Utilities. All electrical, telephone, cable television, fiber-optic cable, gas, water, sewer, irrigation/recycled water, and similar distribution lines providing direct service to a project must be installed underground within the site. This requirement may be waived by the Zoning Administrator upon determining that underground installation is infeasible or the electrical line is otherwise exempt from an undergrounding requirement.
8. Property Maintenance. The Applicant and/or property owner shall ensure the property is maintained in terms of a litter management program and repair and maintenance of all structures, fences, signs, walks, driveways, paving, striping, lawns, landscaping, painting, etc., as may be necessary to preserve a quality environment.
9. Project Frontage. The Applicant shall repair all damaged sidewalk, pavement, existing curb and gutter along the project frontage to the satisfaction of the Community Development Director and City Engineer prior to occupancy. The applicant shall replace any damaged landscaping, improvements, or street improvements caused by the installation of utility services and construction of the project to the satisfaction of the City Engineer and Community Development Director. The Applicant shall apply for and obtain an encroachment permit from the City Engineer prior to commencement of any project-related work in the public right-of-way.
10. Revocation. Failure to abide and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the City Council, subject to all applicable laws.
11. Expiration. Design Review approval shall expire two years from the date of final approval, unless made permanent by the issuance of building permits and the commencement of construction. If the use(s) or structure(s) approved by this action is

not established within such period of time, this approval shall be terminated and shall, thereafter, be null and void, unless the applicant or owner applies for an extension of time prior to expiration of the Design Review approval.

12. Indemnification. The applicant agrees, on behalf of himself, his successor in interest and assigns, to defend, indemnify, and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to acts or omissions in any way connected to the applicant's project, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant or City. If applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

## **PLANNING**

1. Changes to Design: Prior written approval from the Community Development Director or their designee shall be received by the Applicant prior to any minor changes to site design, grading, building design, colors, materials, or related design elements. Major project design changes shall be subject to re-review by the Design Review Board (DRB) and/or Planning Commission, at the discretion of the Community Development Director.
2. Lighting and Sign Standards/Plans: Prior to issuance of building permits, the Applicant shall demonstrate that all exterior lighting and signage have been designed and located such that all direct light is confined to the property, meets all standards and requirements of City codes, to the satisfaction of the Community Development Director or their designee. Fixtures shall be appropriate to the style and scale of the architecture. All light fixtures shall be shielded, indirect, dark sky-friendly, and have output color temperature of no greater than 3,000 Kelvins LED.
3. Inclusionary Housing: The Project shall comply with Article 15.04.603 of the Zoning Ordinance, specifying that at least ten percent (10%) of project units shall be sold at affordable sales prices to "Moderate-Income" households, as defined in RMC Section 15.04.104.020 and State Health and Safety Code Section(s) 50052.5 and 50093.

4. Prior to issuance of a building permit or approval of a final map, whichever is earliest, the Applicant shall enter into and record a written Inclusionary Housing Agreement with the City as specified in RMC Section 15.04.603.110.
5. Public Art. The project shall meet the requirements of RMC Chapter 12.62 by either including on-site publicly accessible art valued at one percent (1%) of building development cost, or by paying an in-lieu monetary contribution of one percent (1%) of the building development cost to the City's Public Art Project account as set forth and defined in RMC Section 12.62.050.
6. Water-Efficient Landscaping (RMC 15.04.613) Prior to the issuance of building permits, the applicant shall submit a Landscape Documentation Package demonstrating full compliance with Richmond Municipal Code Article 15.04.613 (Water-Efficient Landscaping). The submittal shall include the Water Efficient Landscape Worksheet, irrigation and planting plans, hydrozone matrix, soil management report, and water budget calculations consistent with State MWELO and the City of Richmond's unique landscape watering requirements. Prior to final inspection, the applicant shall submit a Certificate of Completion and required irrigation audit, and the installed landscaping shall be verified as consistent with the approved Landscape Documentation Package. Ongoing maintenance shall comply with Article 15.04.613 for the life of the project.
7. CC&R. Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final Map.
  - a. Use of Required Parking Spaces. All parking spaces shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.
  - b. Right of Public Entry to Common Area. Officers, agents, and employees of the city, the county, the state, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
  - c. Maintenance of Common Area. Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The

remedies that the Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

- d. Sharing of Water Costs. When separate water meters are not provided for each unit, the CC&Rs shall make provisions for the equitable sharing of water costs.
- e. Utility Easements over Private Streets and Other Areas. Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas shall be provided.
- f. Right to Terminate Management and Maintenance Contracts. Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three months after the Association assumes control of the project, or at that time renegotiate any such contracts.
- g. Disclosure regarding noise emanating from adjacent school and non-residential uses in the area, including but not limited to, the Ford Assembly Plant, Craneway Pavilion, and the Rosie the Riveter Visitor and education Center.
- h. CC&R Amendments. A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the City.

## **ENVIRONMENTAL**

8. The Developer shall include appropriate disclosures with the Codes, Covenants, and Restrictions (CC&Rs) regarding

9. Geotechnical Report: The Applicant shall implement the recommendations of the Geotechnical Investigation by ENGEO dated March 30, 2023.

10. Composting and Recycling: Consistent with the City's Climate Action Plan, the Applicant/Permittee shall have a "three-bin" recycling program (garbage, recycling and compost).

11. Refuse, Recycling and Green Waste Storage Areas: All solid waste and recycling areas shall comply with location and design criteria as provided in RMC Section 15.04.601.090.

12. The developer shall complete a Phase I Environmental Site Assessment (ESA) and if contamination is found on-site shall conduct a preliminary endangerment assessment with specific mitigation based on that assessment, prior to issuance of Certificates of Occupancy.

## ENGINEERING

13. Transportation Demand Management: The Applicant/Permittee shall adhere to the Transportation Demand Management Program provided in compliance with RMC Section 15.04.612.
14. Storm Water Management during construction: During construction activities, the Applicant shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any dust or pollutant into the storm drain system using best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction; construction material storage and handling; construction waste/debris storage and disposal; and, construction equipment vehicle cleaning, maintenance and fueling operations. The project sponsor is also responsible for training all contractors and subcontractors on the best management practices identified in the California Storm Water Best Management Practices Handbook for Construction Activities which shall be made available by the project sponsor at the pre-construct meeting of the project.
15. Encroachment Permit Required: The Applicant shall obtain an encroachment permit from the City of Richmond Public Services/Engineering Department for all work to be conducted within public rights-of-way. All curb, gutter, and sidewalk replacement shall conform to City of Richmond standards. Should any infrastructure be damaged or destroyed as a result of the construction of the Revised Project, the Applicant shall be responsible for returning the infrastructure to an acceptable condition as determined by the City's Public Works Director.
16. Turning Radius. The construction drawings shall indicate emergency vehicle turning radii to ensure compliance with Fire Department standards.
17. Street Improvements. Street improvement plans shall be prepared by a licensed civil engineer for any work in the public right of way and obtain Department of Public Works approval prior to construction of any subdivision improvement.
18. All streets, sidewalks, sanitary sewers and storm drains within the development shall be private and shall be the responsibility of the development to maintain.
19. Project shall contribute its fair share contribution towards the signalization of Hall Avenue and Marina Way South, and Richmond Wellness Trail Phase 2. Payment shall be made prior to the recordation of the final map.
20. Project shall provide a minimum 6-foot solid screening wall of stucco, decorative block, or concrete panels along the west property line adjacent to the Ford Assembly Plant.

## **BUILDING**

18. Building Division. The Applicant shall provide structural design and drawings, energy and green building compliance in addition to the general life and safety compliance drawings as a part of the Build Permit Application.

## **PUBLIC WORKS**

19. The permittee shall complete a Pavement Conditions Assessment for each road used by trucks delivering materials to the site. These assessments shall be completed in accordance with the Metropolitan Transportation Commission's guidelines. This evaluation shall be completed before and after construction to determine the change in the Pavement Conditions Index. The permittee shall be responsible for paying their pro rata share of pavement restoration for any decrease in the Pavement Conditions Index (PCI) to restore the roadway to a PCI rating of 100. For example, if the pre and post PCI is 60 and 40 respectively, there is a 20-point decrease. Therefore, the permittee would be responsible for paying the City 20% of the cost to restore the roadway to a PCI rating of 100. This fee shall be collected prior to issuing the final certificate of occupancy for the development. The cost of restoring the roadway shall be based upon the City's current pavement conditions report.
20. If during the work, any roadway's pavement exhibits significant distress, the permittee shall immediately repair the roadway as directed by the Public Works Director. This condition does not waive the permittee of constructing, repairing, and/ or rehabilitating any roadways required to complete the project.
21. The Applicant shall post performance bonds for all public and private site development.
22. Improvements prior to commencing grading activities. The bond's value shall be based upon a reasonable value agreed upon with the Public Works Director.
23. The Applicant shall repair all damaged sidewalk, pavement, existing curb and gutter along the project frontage to the satisfaction of the Community Development Director and City Engineer, prior to issuance of Certificates of Occupancy.
24. The Applicant shall replace any damaged landscaping, improvements, or street improvements caused by the installation of utility services and construction of the project to the satisfaction of the City Engineer and Community Development Director prior to issuance of Certificates of Occupancy.
25. All new electrical lines and connections to the site shall be undergrounded to the satisfaction of the City Engineer and Community Development Director.
26. Any relocation of existing improvements or public utilities shall be accomplished

under the direction of the City or the impacted utility company's requirement, at no expense to the City or utility company.

27. The Project shall conform to the latest C3 standards and Best Management Practices.
28. The Project is required to retrofit all existing and new drain inlets and catch basins on-site and adjacent offsite with full-trash capture devices per RMC Sec. 12.22.090(a). Include detail of the chosen device on the construction plans and indicate the locations where they will be installed (see attached list of approved full trash capture devices). As part of the SWCP the project shall be listed in the text for the trash inserts within the "Source Control Measures" and Section VI "Stormwater Facility Maintenance" Section of the SWCP.
29. Submit Operations and Maintenance Plan and an Operations & Maintenance (O&M) Agreement per the City of Richmond Templates for storm water quality facilities. After approval of the O&M Plan and Agreement by the Water Resource Recovery Department the following shall occur:
  - a. The property owner must sign and notarize the Agreement first.
  - b. Then submit it to the City along with a legal description of the property.
  - c. City officials will sign and notarize the Agreement.
  - d. The executed Agreement is to be recorded with the County by the City.
  - e. The City will provide the Property Owner with a copy of the recorded Agreement.
30. The Project shall video all storm and sewer pipes on the property and up to connection points to City systems. The videos shall be provided to the Water Resource Recovery Department for review prior to finalizing the project utility plan. In addition, video of pipes constructed shall be completed prior to unit occupancy.
31. The Project shall install a two-way cleanout, overflow protection device and a backflow device for each unit/connection. Coordinate number of connections with MEP consultant.
32. The Project shall comply with minimum storm drain standards set forth in City of Richmond Standards Plans and in the RMC. Documentation provided in support of proposed Storm Drain improvements shall include, but is not limited, to:
  - f. Project shall provide as-built drawing to the City of Richmond ECIP Department for all improvements constructed onsite and off-site as part of the project. The as-built drawings must be stamped by the engineer of record for the project.
  - g. Project shall comply with the City's Storm drain design standards in RMC Section 15.08.570. Storm Drain Design Criteria shall follow the City of Richmond's RMC "§12.44.060(f) - Design standards and grading

regulations (Regulations for Drainage).

33. Access roads with a minimum unobstructed width of 20 feet shall be provided to the front and rear of structures. A minimum vertical clearance of 13 feet 6 inches shall be provided. Access roads shall be engineered to support the imposed load of Fire Department ladder truck apparatus weighing 35 tons, and shall be designed per the City Public Works Department Standards. An access road shall be provided to within 150 feet of all exterior walls of the first floor of all buildings. The access road route shall be approved by the Fire Marshal.

## **FIRE**

34. Water Supply. Approved on-site water supply capable of supplying the required fire flow for on-site fire protection shall be provided to all premises upon which buildings are constructed. When any portion of a building is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Fire Marshal.
35. Fire hydrants and mains capable of supplying 2,500 gallons per minute @ 20 p.s.i. residual pressure shall be provided in approved locations. On-site fire hydrants shall be located so vehicle travel is no greater than 300 ft. between hydrants.
36. Fire hydrants shall be installed by the developer and made serviceable prior to any combustible building materials being delivered or stored on the site and during the time of construction.
37. There shall be no more than 300 feet between public/private fire hydrants located along the public/private street.
38. Every building shall be accessible to Fire Department apparatus by way of all-weather access roadways during the time of construction. These roads shall have a minimum unobstructed width of 20' and shall be required to have a minimum 'first lift' of pavement applied which shall support the imposed load of a fire apparatus which is typically 37 tons. (no exceptions) The developer shall be required to provide the Fire Marshal with a site plan showing the location, width, grades, and cross section of the proposed access roads to be used during construction. Permits shall not be issued and combustible construction shall not be allowed on the site until this site plan is reviewed and approved and stamped by the Fire Department.
39. The Fire Marshal shall identify on the final site development plans all Fire Lanes and areas where parking is to be restricted. The location of these lanes, signage, and curb painting shall be determined at the sole discretion of the Fire Marshal.
40. Subject to the review and approval of the Fire Marshal, an Automatic Fire Sprinkler

System shall be installed in accordance with N.F.P.A. 13R. Any fire sprinkler system with over twenty-five (25) heads shall be monitored for water flow by a central station approved by the Fire Marshal.

41. When multiple control valves and Fire Department Connections (F.D.C.) are installed in close proximity to one another, a signal device shall be installed on each (F.D.C.) which will be audible or visual upon activation to clearly define which system has specifically been activated. The type of device shall be approved by the Fire Marshal.
42. A Manual Fire Alarm System, including a fire alarm control panel and all other associated equipment and devices according to the applicable standards published by N.F.P.A. shall be installed to the satisfaction of the Fire Marshal. The fire alarm panel shall clearly identify the location of the specific alarm within the building. Codes to silence the alarm system shall be provided within the fire alarm panel or Knox Box. Plans and specifications shall be submitted to the Fire Department for review and approval prior to installation.
43. The Fire Marshal shall approve the location, number, and sizes of all portable fire extinguishers prior to the issuance of any building permits.
44. All fire protection systems including, but not necessarily limited to, fire sprinkler systems, fire alarm systems, and fixed fire extinguishing systems must comply with the most recent adopted standards published by the National Fire Protection Association, (NFPA), except where specifically amended modified by Fire Department policy or ordinance.
45. Plans and specifications for the installation of any new fire protection and/or detection systems or any modification to an existing system shall be submitted to the Fire Department for review and approval prior to installation. This includes all underground civil plans pertaining to all onsite fire protection.
46. All detailed plans and specifications for private fire protection and or detection systems shall be submitted separately to the Fire Marshal for review and approval. Prior to the issuance of any grading or Building Permits, the Applicant shall integrate the approved plans for fire protection and detection systems into the plans submitted to the Planning Development Department for all civil improvements.
47. The project shall be subject to any Fire and Building code changes effective January 1, 2023.
48. All dumpsters or trash containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within five (5) feet of combustible walls, openings, or combustible roof eave lines unless protected by an automatic sprinkler system approved by the Fire Marshal.

## SHORELINE

49. Shoreline Overlay Use Permit Required. Prior to issuance of any grading permit, building permit, site development permit, or improvement plans, the applicant shall obtain a Use Permit pursuant to Article 15.04.806 demonstrating full compliance with the Shoreline Overlay (-S) standards in RMC § 15.04.306. The Use Permit shall be reviewed and approved by the Planning Commission.

50. Habitat Protection and Avoidance of Sensitive Areas. The project shall be designed and constructed to avoid encroachment into sensitive habitat areas along the shoreline.

Development shall:

- a. Not impede wildlife movement;
- b. Not damage fish, aquatic species, or tidal/marsh habitat;
- c. Avoid construction activities during sensitive nesting/spawning periods if required by a qualified biologist;
- d. Maintain buffers between all development and any identified sensitive shoreline vegetation or habitat areas.

A qualified biologist shall review final landscape, grading, and lighting plans for compliance with habitat protection requirements prior to issuance of a building permit.

51. Shoreline Access, Public Access Easements, and Trail Connectivity. The project shall comply with all applicable public access requirements of the Shoreline Overlay and any Bay Conservation and Development Commission (BCDC) public-access requirements.

This includes:

- e. Providing public pedestrian access along or to the shoreline, if required;
- f. Maintaining unobstructed connections to the Bay Trail;
- g. Recording any required shoreline public access easement;
- h. Installing signage, paving, lighting, and street furniture consistent with shoreline public access design standards.

A Shoreline Public Access Plan shall be approved by the Community Development Director prior to issuance of building permits.

52. Shoreline Setbacks, Grading, and Drainage. Site grading, retaining walls, pads, and utilities shall be designed to avoid erosion, sedimentation, and impacts to shoreline stability. Construction shall not alter the shoreline, marshlands, or tidal areas. All stormwater runoff shall be directed to properly engineered bioretention or treatment facilities before discharge toward the Bay. Final civil plans shall be reviewed and approved by Engineering and a qualified hydrologist prior to permit issuance.

53. Native, Salt-Tolerant, and Habitat-Compatible Landscaping

All landscaping within the Shoreline Overlay shall utilize:

- i. Native species,
- j. Salt-tolerant species, and
- k. Non-invasive species compatible with shoreline habitat.

Planting that could negatively affect shoreline habitat (e.g., invasive species) is prohibited. A final landscape plan showing compliance shall be approved by Planning and a qualified biologist.

#### 54. Shoreline-Appropriate Lighting Standards

Site lighting shall be fully shielded, downward-directed, low-glare, and designed to prevent spillover toward the Bay or habitat areas.  
Lighting shall minimize impacts to wildlife and shall comply with RMC 15.04.604.050.

No tall poles, up-lighting, or blue-rich high-intensity lighting shall be permitted in the shoreline zone.

#### 55. Stormwater Quality and Water Quality Protection

All drainage improvements shall comply with:

- a. RWQCB stormwater requirements,
- b. RMC 12.22 (Stormwater Management and Discharge Control), and
- c. Shoreline Overlay requirements prohibiting discharge of sediment, debris, pollutants, or turbidity to the Bay.

56. A Stormwater Pollution Prevention Plan (SWPPP) shall be implemented during all phases of construction.

57. Construction Practices in Shoreline Areas. Construction activities adjacent to the shoreline shall comply with the following:

- a. No storage of hazardous materials within 100 feet of the shoreline.
- b. Spill-prevention and containment materials shall be kept onsite at all times.
- c. Construction equipment shall be maintained to prevent leakage of fuels, oils, or lubricants.
- d. No grading or excavation shall occur during extreme high-tide events or during periods where tidal inundation risks site stability.

58. BCDC Coordination. If any element of the project falls within BCDC's permit jurisdiction, the applicant shall obtain all necessary BCDC approvals prior to issuance of any building or grading permit. Evidence of BCDC permits or waiver(s) shall be submitted to the Community Development Director.

**I CERTIFY**, that the foregoing Resolution was adopted by the Planning Commission of the City of Richmond, California at a regular meeting held on February, 5<sup>th</sup> 2026:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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JON HARRISON  
VICE CHAIR, RICHMOND PLANNING COMMISSION

Approved as to form:

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JAMES ATENCIO  
SENIOR ASSISTANT CITY ATTORNEY