

RESOLUTION NO. 20-22

RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION’S CONDITIONAL APPROVAL OF A CONDITIONAL USE PERMIT AND DESIGN REVIEW TO CONSTRUCT A SINGLE-FAMILY RESIDENCE ON A VACANT PARCEL WITHIN THE -S, SHORELINE OVERLAY ZONE, AT 357 WESTERN DRIVE (PLN20-043)

WHEREAS, Rudi Garbelmann (the “applicant”) requests approval of a Conditional Use Permit and Design Review for the construction of a single-family residence (“Project”) at 357 Western Drive (APN: 558-185-006) (“subject site”) within the -S, Shoreline Overlay Zone; and

WHEREAS, on October 7, 2021, at a public hearing the Planning Commission reviewed the Project and voted to approve the Conditional Use Permit and Design Review, subject to conditions to be incorporated in the attached plans (Exhibit A); and

WHEREAS, on October 18, 2021, an appeal was filed by Claire Arbour, Simon Winer, and Ron Elson, property owners surrounding the project site, objecting to the Planning Commission approval of the Conditional Use Permit and Design Review (PLN20-043).

WHEREAS, on December 7, 2021, the City Council conducted a properly noticed public hearing pursuant to California Government Code Section 65090 and has duly considered all written and verbal testimony presented before or during the hearing, including the staff report; and

WHEREAS, the proposed project is categorically exempt under Section 15303(a) of the California Environmental Quality Act (CEQA): In urbanized areas, up to three single-family residences may be constructed under this exemption.

WHEREAS, on the basis of the application, plans, materials and testimony received at or before the public hearing, the City Council makes the following findings, with supporting statements of fact, regarding the application consistency, as required by Section 15.04.805.050 of the Richmond Zoning Ordinance, for approval of the Major Design Review:

A. The General Plan and any applicable specific plans;

Statement of Fact: Criteria Satisfied. The General Plan land use designation of the Project site is Hillside Residential, and the zoning designation is RL1 with an –S, Shoreline Overlay District (which is the area within the 100-foot shoreline band). The proposed project complies with General Plan Policy LU4.I, which encourages protecting, conserving, and enhancing the Richmond shoreline, including being harmonious with the site’s surrounding.

B. Any applicable design guidelines;

Statement of Fact: Criteria Not Applicable. There are no applicable design guidelines in this neighborhood.

C. Any approved Tentative Map, Use Permit, Variance, or other planning or zoning approval that the project required; and

Statement of Fact: Criteria Satisfied. Pursuant to Section 15.04.306.030, a conditional use permit is required for new uses or development with the –S, Shoreline Overlay district. A Conditional Use Permit must be approved by the Planning Commission for the proposed residence. The project also observes the view corridor conditions on the parcel map.

D. The design review criteria in Section 15.04.805040.

The project must satisfy these criteria to the extent they apply.	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; 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"/>

Statement of Fact (A-F): Criteria Satisfied. The project will incorporate conditions of approvals that will modify the roof, ensure the roofing material is non-reflective, and landscape is provided along the north elevation to reduce the mass and bulk. These additional changes will help to enhance the design of the new residence with the prevailing pattern of homes in this neighborhood.

WHEREAS, on the basis of the application, plans, materials, and testimony received at or before the public hearing, the City Council makes the following findings with supporting statements of fact required by Sections 15.04.806.040 and 15.04.306.030 of the Richmond Zoning Ordinance for approval of Conditional Use Permit for uses and development within an –S, Shoreline Overlay District:

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

Supporting Statement of Facts: Criterion Satisfied. The General Plan land use designation of the Project site is Hillside Residential and the zoning designation is RL1 and –S, Shoreline Overlay District (which is the area within 100-feet of the shoreline). The proposed project complies with General Plan Policy LU4.I, which encourages protecting, conserving, and enhancing the Richmond shoreline. This includes protecting to the maximum extent feasible views of the Bay from the street for the benefit and welfare of the public. The project design is conditioned to modify massing and bulk.

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

Supporting Statement of Facts: Criterion Satisfied. Given that conditions of approval will be incorporated, the design of the proposed residence will be harmonious and compatible with the surrounding buildings, and the design will appropriately consider the sensitive nature of the coastal zone.

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

Supporting Statement of Facts: Criterion Satisfied. The proposed residential use is not anticipated to generate emissions or off-site impacts that will affect the residential character of the coastal zone of the area. have atypical emissions since it will be designed to meet the City energy reach code and current CalGreen Building Standards.

D. The proposed use complies with all applicable provisions of Article XV; and

Supporting Statement of Facts: Criterion Not Satisfied. The project complies with the applicable provisions of the RL1 Zoning District, such as setbacks, parking requirements, lot coverage, and the –S, Shoreline Overlay District for the reason stated in Findings A and B above, as well as specified in the agenda reports.

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

Supporting Statement of Facts: **Criterion Satisfied.** The site is accessible and adequately served by public facilities and services, including water, sewer, and streets.

WHEREAS, the City Council finds that the underlying decision by the Planning Commission approving the project is supported by substantial evidence and does not constitute an abuse of discretion.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the written appeal, plans, materials, agenda report, and testimony received at or before the public hearing, the City Council does hereby deny the appeal and affirms the Planning Commission’s conditional use permit and design review for the Project.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held February 15, 2022, by the following vote:

AYES:	Councilmembers Bates, Jimenez, Johnson III, McLaughlin, Willis, and Vice Mayor Martinez.
NOES:	Mayor Butt.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN

CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

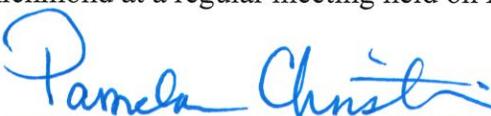
THOMAS K. BUTT
Mayor

Approved as to form:

DAVE ALESHIRE
Interim City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 20-22**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on February 15, 2022.



Pamela Christian, Clerk of the City of Richmond

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ARCHITECTURAL

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TR100	SECTION FLOOR PLAN	

PROJECT TEAM

OWNER
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ARCHITECT
GUNKEL ARCHITECTURE
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BERKELEY, CA 94702
(510) 884-1112



NEW SINGLE FAMILY HOME
357 WESTERN DRIVE, RICHMOND, CA 94801

DESCRIPTION OF WORK
CONSTRUCTION OF NEW SINGLE/FAMILY DWELLING (DETACHED) ON UNDEVELOPED PARCEL.

PROJECT INFORMATION

APN: 156-018-000
LOT AREA: 1,600 SF
ACTUAL HEIGHT: 36 FT AT HIGH POINT ONLY, REST OF HOUSE IS LOWER
MAX FLOOR AREA ALLOWED: 1,800 SF
MAX HEIGHT: 35 FT AND 3/4" (3ND FLOOR) + 48" ST GARAGE (2.78) BY TOTAL
MAX COVERAGE: 2.78% (2ND FLOOR)
MAX GARAGE: 1 CAR GARAGE
BUILDING OCCUPANCY: R-3
SEPARATORS: 1 ON THE 1-5
SPRINKLER: YES

CODE COMPLIANCE

2018 CALIFORNIA BUILDING CODE (INCORPORATES BY ADOPTION AND REPEALS THE 2018 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, ICC)

2018 CALIFORNIA RESIDENTIAL CODE - APPLICABLE TO ONE AND TWO FAMILY HOUSES AND TOWNHOUSES LESS THAN 3 STORES IN HEIGHT, (INCORPORATES BY ADOPTION AND REPEALS THE 2018 INTERNATIONAL RESIDENTIAL CODE)

2018 CALIFORNIA ENERGY CODE - CHECK THE CALIFORNIA ENERGY COMMISSION WEBSITE AT WWW.CAENERGYCODE.COM FOR THE LATEST VERSION. (THIS INCLUDES THE 2017 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS PUBLISHED BY THE NATIONAL FIRE PROTECTION AGENCY, NFPA)

2018 CALIFORNIA PLUMBING CODE (INCORPORATES BY ADOPTION AND REPEALS THE 2018 UNIFORM PLUMBING CODE WITH CALIFORNIA AMENDMENTS PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBERS AND MECHANICAL CONTRACTORS, IAPMO)

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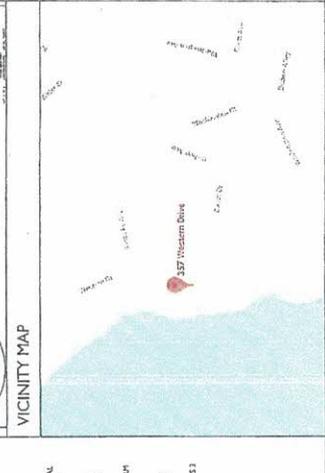
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SYMBOLS

SYMBOL	DESCRIPTION
	HEIGHT
	SECTION
	EXTERIOR ELEVATION
	INTERIOR ELEVATION
	ROOF TAG
	WALL TAG
	WINDOW TAG
	DETAIL
	GROUND
	DISRUPTION NOTE
	IMPROVEMENT NOTE
	FINISH NOTE
	DOOR TAG
	BILD



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Exhibit A

DESIGN REVIEW UPDATE

DATE 1/28/21

To:1