

RESOLUTION NO. 17-24

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
GRANTING AN APPEAL AND SETTING ASIDE THE PLANNING COMMISSION'S
CONDITIONAL APPROVAL OF DENSITY BONUS WAIVERS, MAJOR DESIGN
REVIEW, AND VESTING TENTATIVE MAP (PLN21-444) GRANTED FOR THE
BRICKYARD COVE RESIDENTIAL PROJECT AS THE APPLICATION FOR THE
ENTITLEMENTS HAS SINCE BEEN WITHDRAWN BY THE APPLICANT**

WHEREAS, Republic Urban Properties (the “applicant”) requested approval of a Density Bonus with Waivers, Major Design Review, and a Tentative Map for the construction of a 90-Unit Multifamily residential development (“Project”) (PLN21-444) at Brickyard Cove Road (APNs: 560-340-043 and 560-340-039). (“subject site”) within the RM-1 (Multifamily Residential) and PA (Planned Area) Districts; and

WHEREAS, on February 22, 2023, at a public hearing the Design Review Board voted to recommend conditional approval of the Major Design Review permit with additional project-specific conditions to the Planning Commission; and

WHEREAS, on March 16, 2023, at a public hearing the Planning Commission reviewed the Project and voted to adopt Resolution No. 23-09 approving the Project, subject to conditions; and

WHEREAS, on March 27, 2023, an appeal was filed by the Brickyard Cove Alliance for Responsible Development (BCARD) (“Appellants”) and certain property owners surrounding the project site, objecting to the Planning Commission approval of the Project; and

WHEREAS, the Applicant requested and the Appellants agreed to move the appeal hearing date several times with the final date set for January 16, 2024; and

WHEREAS, on December 14, 2023, the Applicant withdrew its application before the appeal was considered by the City Council; and

WHEREAS, on March 5, 2024, 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, Planning Division staff has determined that the City Council’s rejection or disapproval of the Project is exempt from the requirements of the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000, et seq.) and the State CEQA Guidelines (the “Guidelines”) (14 Cal. Code Regs. § 15000 et seq.) pursuant to Section 15270(a) of the CEQA Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves. The City Council has reviewed staff’s determination of exemption and based on its own independent judgment, concurs in the staff’s determination of exemption.

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 grant the appeal, and reverses and overturns the Planning Commission’s conditional approval of the Density Bonus Waivers, Major Design Review, and Vesting Tentative Map (PLN21-444) for the Brickyard Cove Residential Project as all findings can be made, as the application for the entitlements has been withdrawn by the Applicant, there is no longer evidence being presented in support of the granting of the entitlements and no entitlements are now being sought, and the Applicant has consented to the same.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held March 5, 2024, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Willis, Zepeda, Vice Mayor Jimenez, and Mayor Martinez.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Mayor

Approved as to form:

DAVE ALESHIRE
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. 17-24**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on March 5, 2024.


Pamela Christian, Clerk of the City of Richmond