

RESOLUTION NO. 98-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND UPHOLDING THE DESIGN REVIEW BOARD APPROVAL OF A DESIGN REVIEW PERMIT (DR 1104277) TO CONSTRUCT A TWO-STORY ADDITION TO AN EXISTING SINGLE-FAMILY DWELLING LOCATED AT 4917 THUNDERHEAD COURT

WHEREAS, the applicant, Sal Russo, requested approval from the City of Richmond (the "City") of a Design Review Permit for construction of an approximately ±1,830 square foot two-story addition to an existing single-family residence located at 4917 Thunderhead Court;

WHEREAS, pursuant to the responsibility given to the Planning and Building Services Director of the City of Richmond by City Council Resolution No. 125-03 for the general administration of the California Environmental Quality Act ("CEQA") and its statutes, the City of Richmond's Guidelines and Procedures for Implementation of the CEQA, and the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), and in accordance with the California Environmental Quality Act of 1970, the project is Categorically Exempt from review relative to the California Environmental Quality Act (CEQA) under Section 15301, as an alteration and modification to an existing residential structure on a fully improved lot;

WHEREAS, on February 13, 2008, the Design Review Board of the City of Richmond (the "Board") held a public hearing to review and consider the project, DR 1104277, and approved the Design Review Permit for the proposed single-family residence remodel;

WHEREAS, on February 21, 2008, an appeal of the Design Review Board's approval was filed by the El Sobrante Valley Neighborhood Council and the adjacent property owners to the project site, Vicky and Jeff Martin, of the Design Review Permit approval stating their beliefs that the Design Review Board's decision was inaccurate because the design was not compatible with the neighborhood character resulting from the excessive square footage, building style, and significant reduction of views to neighboring property;

WHEREAS, on April 15, 2008, the City Council of the City of Richmond, California held a duly noticed public hearing to consider the merits of the approval of the Design Review Permit for the design of the residence and appeal, and heard testimony in favor of, and in opposition to, the Project. The City Council reversed the Design Review Board's approval, voting to uphold the appeal on the basis that the design was not compatible with the surrounding neighborhood, and citing that there were no other homes in the neighborhood apparent that were two-story and as large in size as that proposed;

WHEREAS, a modified project design was resubmitted again on May 29, 2008 after modifications were made by the applicant which included reduction of building floor area, removal and size reduction of windows, removal of decks and a substantial roof form redesign;

WHEREAS, on June 11, 2008, the Design Review Board of the City of Richmond (the "Board") held a public hearing to review and consider the applicant's request for approval of the revised project design and Design Review Permit. After presentations and testimonies were heard and considered by the Board, the Board approved the revised design and the Design Review Permit for the modified project;

WHEREAS, on June 23, 2008, an appeal was filed by the adjacent property owners to the project site, the Martins, of the Design Review Board's approval of the modified project stating that the Design Review Board's decision was inaccurate because of a significant reduction of views from their property resulting from the project's design;

WHEREAS, on July 29, 2008, the City Council of the City of Richmond, California held a duly noticed public hearing to consider the merits of the Design Review Permit and the appeal, and heard testimony in favor of, and in opposition to, the Project;

WHEREAS, the City Council has reviewed all oral and written information presented at the hearing and considered the appeal of the Design Review Permit, applicable sections of the Zoning Ordinance of the City of Richmond, standard interpretations of the Zoning ordinance, and all such other related information as was presented to the City Council; and

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RICHMOND accordingly finds, determines, and certifies that the Design Review Board's decision is upheld in favor of the Project, and approves the Design Review Permit, DR 1104277, based on the following:

- 1. The proposed design is suitable for its purpose, is harmonious with and relates properly to the surrounding neighborhood, contiguous parcels and the site itself.**

Statement of Fact: **Criterion Satisfied.** The proposed addition is compatible with the architectural style of this dwelling and relates properly to the massing and size of other dwellings in the surrounding neighborhood. The proposal is well-balanced in terms of massing and relates well to the massing of other dwellings in the surrounding neighborhood. The neighborhood contains several similar size dwellings ranging from one to two stories in height.

- 2. The location, size, design and characteristics of the proposed project will be compatible with and will not be detrimental to the public health, safety, or welfare of persons residing in, working in or adjacent to the proposed project.**

Statement of Fact: **Criterion Satisfied.** The design attributes of the proposed addition are compatible with the existing neighborhood as the addition does not create significant visual impacts to persons living, working, or traveling through the neighborhood. The newly proposed design resembles the other two-story residences in the neighborhood which contain similar design features, such as gable rooftops facing the street, front façades with emphasis on garages rather than entry way porches, and second-stories over garages. Furthermore, any potential adverse impacts to the adjacent and surrounding properties associated with the project, such as views, solar exposure, and privacy would not be significant and are not regulated by the City's Zoning Ordinance.

- 3. The overall design will be of a quality that will preserve the integrity of and upgrade the existing neighborhood.**

Statement of Fact: **Criterion Satisfied.** The overall design of the proposed second floor addition enhances the quality and value of the existing dwelling and the surrounding neighborhood, and it is compatible with the architectural style of the original dwelling and the massing of other two-story structures in the immediately surrounding neighborhood.

- 4. The design of the proposed project is in accordance with the General Plan of the City of Richmond and all applicable provisions of the Zoning Ordinance.**

Statement of Fact: **Criterion Conditionally Satisfied.** The proposed addition complies with all applicable development standards in the Richmond Zoning Ordinance. The SFR-3 Single Family Low Density Zoning District and 917, Low Density Residential General Plan designation for the subject property are specifically intended to enable residential development and its enhancement as proposed by the applicant. The primary use for this property remains residential. Furthermore, the proposed addition is consistent with the General Plan as it is architecturally compatible with the existing style and design of the residence, and with other structures in the surrounding neighborhood.

NOW, THEREFORE BE IT FURTHER RESOLVED the Design Review Permit, DR 1104277, is hereby approved, subject to the following Conditions of Approval:

- 1. Building permits shall be paid for and obtained prior to the commencement of any further construction. Final plans submitted for building permits shall be in substantial compliance with the Project Plans, identified as Exhibit A, and date stamped May 29, 2008 by the Richmond Planning and Building Services Department. All Design Review Board conditions of approval shall be printed on the cover page of the final construction plans submitted for building permits. All grading and construction plans 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 abide by, all conditions of approval.**

2. 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 addition to the structure 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.
3. During construction activities, the applicant and contractor shall reduce or prevent, to the maximum extent practicable, the direct or indirect discharge of any dust or pollutant into the storm drain system utilizing 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 and painting; 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-construction meeting for the project.
4. Prior to issuance of any building permit, the applicant shall demonstrate that all exterior lighting has been designed and located so that all direct light is confined to the property site and it is satisfactory to the Planning and Building Services Director or his/her designee.
5. Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Richmond Design Review Board or other City design review authority.
6. Prior written approval from the Planning and Building Services Director or his/her designee shall be received by the property owner **prior to** any changes or deviations from the approved plans are made to the site design, grade, building design, building colors or materials, or related exterior design elements.

I CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Richmond, California at a regular meeting held on July 29, 2008, by the following vote:

AYES: Councilmembers Bates, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: Councilmember Butt

ABSTAIN: None

ABSENT: None

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

[SEAL]

Approved:

GAYLE McLAUGHLIN
MAYOR

Approved as to Form:

LOUISE RENNE
CITY ATTORNEY

State of California
County of Contra Costa
City of Richmond

I certify that the foregoing is a true copy of Resolution No. 98-08, finally passed and adopted by the Council of the City of Richmond at a meeting held on September 2, 2008.