

**RESOLUTION NO. 124-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA  
DENYING THE APPEAL AND AFFIRMING THE DECISION OF THE DESIGN REVIEW  
BOARD TO CONDITIONALLY APPROVE A SECOND-STORY ADDITION AT 3045 KEITH  
DRIVE (PLN08-012)**

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**WHEREAS** on or about May 1, 2008 Michael Chan (“Applicant”) applied for design approval of a second-story addition of approximately 900 s.f. to an approximately 1,260 s.f. home at 3045 Keith Drive in the City of Richmond, Planning file number PLN08-012 (the “Project”); and

**WHEREAS** City of Richmond Planning staff reviewed all plans and other submittals required for Project approval; analyzed the Project’s conformance with the requirements of the Richmond Municipal Code; and recommended that the City of Richmond Design Review Board find the Project exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guideline §15301(e) (1) (small additions to existing structures) and approve the Project subject to certain conditions; and

**WHEREAS** following a duly noticed public hearing on July 23, 2008, and considering all documents and oral and written comments presented at or before the public hearing, the City of Richmond Design Review Board unanimously found the Project exempt from CEQA and approved the Project subject to certain conditions; and

**WHEREAS** Gisela Harting, on August 4, 2008 filed an appeal of the Design Review Board’s decision with the City Clerk in accordance with Richmond Municipal Code Section 15.04.980; and

**WHEREAS** Appellant asserted that the Design Review Board’s decision was in error because the Project would impact her privacy and solar access; and

**WHEREAS** on October 7, 2008 the City Council of the City of Richmond, California held a duly noticed public hearing to hear and consider testimony and other evidence presented for and against the Project; and

**WHEREAS** at the public hearing on October 7, 2008, the City presented the expert testimony of the Director of Planning and Building Services and of the Planning staff in support of the Design Review Board’s decision; and

**WHEREAS** the Appellant presented no expert testimony in support of her position; and

**WHEREAS** after considering all documents and oral and written comments presented at or before the public hearing, the Council voted to deny the appeal and to uphold the Design Review Board’s approval of the Project subject to certain conditions; and

**WHEREAS**, in approving a Design Review Permit for the project, the City Council made the following findings:

- 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.**

Staff Statement: **Criterion Satisfied.** *The proposed addition’s design is compatible with the architectural style of the original home and relates properly to the massing of other dwellings in the surrounding neighborhood. The original dwelling’s architectural integrity will be preserved with a new addition that uses the similar siding, window type and proportions, gable roofs, and foundation type used in the original structure.*

- 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.**

Staff Statement: **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 proposed addition will use glass, stucco-siding, asphalt roof shingles, and concrete that*

are materials typically used to construct residential housing. The materials are commonly found in this residential neighborhood and will not introduce any materials that would have adverse effects upon public health, safety or welfare of persons working in or adjacent to the proposed project.

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

Staff Statement: **Criterion Satisfied.** *The overall design of the proposed addition enhances the quality and value of the existing dwelling and surrounding neighborhood as it is compatible with the architectural style of the original dwelling and the massing of other 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.**

Staff Statement: **Criterion Conditionally Satisfied.** *As demonstrated in Table A in this staff report, the proposed addition complies with all applicable development standards in the Richmond Zoning Ordinance including setback and height restrictions. The SFR-3 Single Family: Low Density Residential District and 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 because the proposed addition is architecturally compatible with the existing residence and with structures in the surrounding neighborhood.*

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Richmond, California hereby denies the appeal and approves the Project as described in the City Council Staff Report dated, October 7, 2008 subject to the following conditions:

1. The addition shall be built in substantial compliance with the Project Plans, Exhibit A, containing five (5) pages, Sheets # A1 through A5, prepared by Architect Sorin Comanescu, submitted to and date-stamped received by the Richmond Planning and Building Services Department on May 1, 2008 and the revisions containing four (4) pages, Sheets # A1, A3, A4 and A5, prepared by Architect Sorin Comanescu, submitted to and date-stamped received by the Richmond Planning and Building Services Department on June 9, 2008.
2. Design Review Board approval shall expire two years from the date of final approval, unless building permits are issued and construction diligently pursued. 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, and obtains an extension approved by the Planning and Building Services Director or his/her designee of the Design Review approval.
3. 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 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 of the project.
4. All storm drains which serve the site shall be protected from spills and soil runoff (from unpaved areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best Management Practice Handbook for storm water run-off for residential sites. Storm drains will be inspected periodically.
5. All roof and site drainage around the proposed structure shall flow to the approved drainage system. Building and site drainage plans shall be included with the

building permit applications and shall be subject to the review, and if found acceptable, approval of the Chief Building Official or his/her designee.

6. Prior to issuance of any building permit, the applicant shall demonstrate that the addition's exterior lighting has been designed and located so that all direct light is confined to the property in a manner acceptable to the Planning and Building Services Director or his/her designee, and not impact neighboring residences.
7. Roof shingles shall be composition shingle and shall match the existing roof material. Construction plans shall identify the manufacturer, type and composition asphalt shingle with a 30 wear rating and shall be submitted to the Building Official. Prior to issuance of a building permit the Building Official or plan checker shall confirm that the proposed composition shingle is of a type designed to last a minimum of 30 years, and is appropriate for installation on the residence.
8. All vents, gutters, downspouts, and other rooftop mechanical equipment shall be camouflaged from public view and be painted to match the color of their respective backgrounds.
9. Prior to occupancy, a final inspection shall be performed by the project planner or other planning staff member to verify compliance with the conditions of approval. The contractor must contact the Planning & Building Services Department to schedule the inspection at least 72 hours prior.
10. 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.
11. All conditions of approval and GreenPoint Checklist shall be written or photocopied on the first page of the construction plans submitted for review and approval. These conditions of approval, and all grading and construction plans shall be kept on the project site at all times during construction. It is the responsibility of the building developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior written approval from the Planning and Building Services Department Director or his designee shall be received by the property owner or project manager before any changes are made to the site design, grade, building design, building colors or materials, or related design elements.
12. The applicant agrees, on behalf of himself, his successor in interest and assigns to defend, indemnify and hold harmless the City of Richmond, its agents, officers and employees from any claim, action or proceeding for instability, erosion, slippage or any other damage arising from the geological or soils condition of the project site.

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I certify that the foregoing resolution was adopted by the City Council of the City of Richmond, California at a duly noticed meeting held on October 7, 2008:

Ayes:

Noes:

Abstentions:

Absent:

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE McLAUGHLIN  
Mayor

Approved as to Form:

RANDY RIDDLE  
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. 124-08, finally passed and adopted by the Council of the City of Richmond at a meeting held on October 7, 2008.