

RESOLUTION NO. 42-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND UPHOLDING THE DESIGN REVIEW BOARD APPROVAL OF A DESIGN REVIEW PERMIT (PLN 09-038) TO RAISE THE LOWER STORY OF AN EXISTING SINGLE-FAMILY DWELLING LOCATED AT 302 SANTA FE THIRTY-FOUR INCHES

WHEREAS, the applicant, James Carpenter, requested approval from the City of Richmond (the "City") of a Design Review Permit to raise the existing single-family residence located at 302 Santa Fe thirty-four inches for the purpose of converting the basement/crawl space to living space (the "Project");

WHEREAS, on March 16, 2009, the Design Review Subcommittee of the Historic Preservation Advisory Committee considered the above referenced project located in a designated historic district, and voted (2-0-1 absent) to recommend approval of the Design Review Permit to the Design Review Board;

WHEREAS, on April 8, 2009, the Design Review Board of the City of Richmond (the "Board") considered the Project and unanimously approved the project (4-0-1 absent);

WHEREAS, in accordance with the California Environmental Quality Act of 1970, the City Council finds the project is Categorically Exempt from review under the California Quality Act (CEQA), Section 15331, as the project consists of a rehabilitation of a historic resource in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties;

WHEREAS, on April 20, 2009, an appeal was filed by the owner of 310 Santa Fe Avenue, Margaret Peterson, of the Design Review Board approval stating the opinion that the Design Review Board's decision was in error because the project will block her view and destabilize her residence;

WHEREAS, on May 19, 2009, 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 appeal, and hear testimony in favor of, and in opposition to, the Project;

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

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, and approves the Design Review Permit based on the following findings and statements of fact:

Historic Structures Code Findings. The City Council finds and determines as follows:

1. The proposed work neither adversely affects the exterior architectural features of the designated resource nor adversely affects the character or historical, architectural, or aesthetic interest or value of the designated resource and its site.

Statement of Fact: *Criterion Satisfied.* Given the existing site and area topography, the raising of the existing residential structure will not adversely affect the character of the historic district, and the proposed modifications to the structure will conform to the Secretary of the Interior's Standards to preserve the architectural and aesthetic character of the subject residence.

2. Exterior alterations and additions conform to the *Secretary of the Interior's Standards Rehabilitation and Guidelines for Rehabilitating Historic Properties*.

Statement of Fact: *Criterion Conditionally Satisfied.* With inclusion and adherence to the conditions of approval, the project will comply with the Secretary of the Interior's standards. The new will be differentiated from the old, non-original material will be removed, and where possible, missing historic fabric will be restored using historic photographs and/or documentary physical evidence.

Design Review Permit Findings. The City Council finds and determines as follows:

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 project will raise the existing residence by 34 inches; however, given the topography of the site, elevating the structure will not impact the historic district and will be harmonious with the adjacent properties and blend with other residential designs in the neighborhood.

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 or working in or adjacent to the proposed project.

Statement of Fact: *Criterion satisfied.* The project will not expand the existing foot print of the building, and its size and design will preserve the character of the historic district.

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 project will preserve the distinctive materials, features, spaces, and spatial relationships of the property and neighborhood, and restore features, such as the wood windows, that have been removed and replaced with non-compatible materials.

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 satisfied.* The project complies with Chapter 6.06 Historic Structures Code of the Richmond Municipal Code, and Land Use Goal LU-A.5 of the General Plan that supports & promotes the preservation and enhancement of historic resources in the City.

NOW, THEREFORE BE IT FURTHER RESOLVED the Design Review Permit, PLN 09-038, is hereby approved, subject to the following Conditions of Approval:

1. All conditions of approval shall be printed on the final construction plan set submitted for building permits. Final plans shall be in substantial compliance with the plans, date stamped received on March 6, 2009 by the Richmond Planning and Building Services Department, except as revised by the conditions of approval below.
2. The new first floor windows shall be based on the form and size of the big portion of the original bay windows so as to not create a false sense of history by matching the historic single-hung windows.
3. The retaining wall along the sidewalk/street shall conform in appearance, texture, and color to the remaining section of the historic retaining wall. The existing wall cap blocks from the failing section shall be used in the new section to ensure continuity with the historic scene.

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 May 19, 2009, by the following vote:

AYES: Councilmembers Bates, Butt, Rogers, Ritterman, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

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. 42-09**, finally passed and adopted by the Council of the City of Richmond at a meeting held on May 19, 2009.