

**RESOLUTION NO. 138-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA GRANTING THE APPEAL OF RICHARD LOMPA CONCERNING THE PLANNING COMMISSION'S DIRECTION TO STAFF TO ISSUE CITATIONS FOR MAINTAINING AN EAGLE ORNAMENT ON THE ROOF OF 2 WEST RICHMOND AVENUE**

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**WHEREAS** the City of Richmond Design Review Board approved the design of 2 West Richmond Avenue ("Property") subject to the removal of an eagle ornament from the roof of the building; and

**WHEREAS** the Property owner removed the eagle only temporarily then replaced it on the edge of the roof; and

**WHEREAS** the Design Review Board requested that the Planning Commission consider appropriate action in response to the Property owner's replacement of the eagle; and

**WHEREAS** the Planning Commission directed staff to issue administrative citations to the Property owner for maintaining the eagle ornament on the roof; and

**WHEREAS** the Property owner filed a timely appeal of the Planning Commission's decision; and

**WHEREAS** the appeal was heard at a duly noticed public hearing before the City Council of the City of Richmond on December 7, 2010; and

**WHEREAS**, following the public hearing, based upon all oral and written information presented at or before the hearing, the City Council finds that the eagle ornament does not have a negative impact on the character of the district.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Richmond, California hereby overturns the Planning Commission's action and grants the appeal of Richard Lompa by directing staff not to issue citations for maintaining an eagle statuette on the roof at 2 West Richmond Avenue.

**BE IT FURTHER RESOLVED** that the City Council modifies the design permit for 2 West Richmond Avenue to stipulate that the eagle statuette is an ornament that could be removed from the building without altering the building's structural integrity. It therefore constitutes a temporary alteration that may remain on the building. No permanent alteration of a structural element of the building can occur without Design Review Board approval.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a joint regular meeting thereof, held on December 7, 2010, by the following vote:

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

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmembers Bates and Butt.

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.138-10, finally passed and adopted by the City Council of the City of Richmond at a joint regular meeting held on December 7, 2010.