

RESOLUTION NO. 28-13

RESOLUTION OF THE CITY COUNCIL UPHOLDING THE PLANNING COMMISSION'S DENIAL OF THE PROJECT CONSISTING OF A MITIGATED NEGATIVE DECLARATION AND TENTATIVE PARCEL MAP 8812 (EID-1100513) FOR DEVELOPMENT AT 5801 KNOBCONE COURT

WHEREAS, the applicant, William Randolph III, requested the City of Richmond approve a proposed Initial Study/Mitigated Negative Declaration and Tentative Parcel Map to subdivide a 124,288 square foot (SF) parcel, Assessor Parcel No. 435-300-010, located at 5801 Knobcone Court, into four parcels with a remainder parcel under the provisions of the State Subdivision Map Act (collectively referred to herein as the "Project").

WHEREAS, the Planning Commission reviewed and considered the request for approval of the proposed Project and, based on the evidence set forth in the record, voted to deny the Project at the duly noticed public hearing held on November 1, 2012.

WHEREAS, on November 9, 2012, applicant filed an appeal of the Planning Commission's denial of the project with the City Clerk, stating that additional material was presented to the Commissioners, staff and the applicant during the public hearing which was never reviewed prior to the hearing. Material submitted at the meeting consisted of petitions in opposition to the project, previous staff reports for the Knobcone Drive subdivision (Tentative Parcel Map 7158), and letters from the El Sobrante Valley Planning & Zoning Advisory Committee.

WHEREAS, pursuant to Government Code Section 65090, notice of the City Council's hearing on applicant's appeal of the Planning's Commission denial of the proposed Project was published in accordance with Section 6061 of the Government Code in at least one newspaper of general circulation within the City of Richmond at least ten calendar days before the City Council's hearing.

WHEREAS, at a duly noticed public hearing on February 19, 2013 the City Council of Richmond, California (the "Council") heard public comment on the proposed Project and reviewed and considered the request for Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approval of the Subdivision Parcel Map, applicable sections of the Zoning and Subdivision Ordinances of the City of Richmond and such other related information as was presented to subdivide an existing lot into four parcels.

WHEREAS, after considering all oral and written information regarding the proposed project as presented at or before that hearing, the Council determined that the record shows unresolved geological and water issues associated with the Project that could cause significant impacts on the environment.

WHEREAS, at the hearing, and based upon all oral and written information presented at or before the hearing, the Council determined it was unable to make the necessary findings to adopt the Mitigated Negative Declaration and Mitigation and therefore could not approve the subdivision of the existing lot at 5801 Knobcone Court into four parcels.

WHEREAS, the Council found that the proposed Project Mitigated Negative Declaration, which consists of the Initial Study/Mitigated Negative Declaration, and Response to Comments, has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et. seq.).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

The Council has independently reviewed, analyzed and considered the Project Initial Study/Mitigated Negative Declaration and all written documentation and public comments prior to making recommendations on the proposed Project.

The Project Initial Study/Mitigated Negative Declaration was prepared and completed in compliance with the provisions of CEQA, the CEQA Guidelines and the City's local CEQA procedures.

The documents and other materials, including without limitation, staff reports, memoranda, maps, letters and minutes of all relevant meetings, which constitute the administrative record of proceedings upon which the City Council's decision is based are located at the City of Richmond, Planning Department, 450 Civic Center Plaza, Richmond, California 94804.

BE IT FURTHER RESOLVED that the record indicates that there are potential environmental impacts from existing geological hazards in the Project area and surrounding areas that may increase if the proposed Project is constructed.

BE IT FURTHER RESOLVED that, on the basis of the record before it, the Council is unable to make the required finding in relation to California Government Code section 66474 that the proposed Project site is physically suitable for the type of development contemplated because, among other things: the soils and geotechnical analysis prepared for the Project site was outdated; the applicant had not obtained a recent report to show changes from the baseline study conducted earlier in the entitlement process; and, such documentation is necessary, especially since the El Sobrante area where the proposed Project property is located is hilly and prone to landslide activity (which led to changes in the proposed Project scope such as reducing the lots from six to four and including a remainder parcel).

Additional geological studies are necessary to evaluate this type of development to illustrate detailed design standards for the proposed single-family dwellings based on the Hillside Physical Constraint Area requirements of the Resource Management Overlay District.

Existing conditions evidenced by cracks in the roadway serving adjacent properties and those downhill were evidentiary to show certain components of the Project are not consistent with policies to preserve and enhance hillside areas and natural resources

The proposed Project does not comply with applicable provisions of the Zoning Ordinance relative to hillside development.

BE IT FURTHER RESOLVED after considering the proposed Project Initial Study/Mitigated Negative Declaration that the Council finds that substantial evidence exists indicating that the proposed Project, as mitigated, may result in significant environmental impacts.

BE IT FURTHER RESOLVED on the basis of the record before it the City Council cannot make the required findings to approve and adopt the Project Initial Study/Mitigated Negative Declaration.

BE IT FURTHER RESOLVED that the City Council of the City of Richmond, California hereby upholds the Planning Commission's action and denies adoption and approval of the Initial Study/Proposed Mitigated Negative Declaration (EID 1100513) and Tentative Parcel Map 8512, as described in the Planning Commission Staff Report dated November 1, 2012, and the City Council Staff Report dated February 19, 2013, incorporated herein by reference.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on April 16, 2013, by the following vote:

AYES: Councilmembers Bates, Beckles, Butt, Rogers, Vice Mayor Boozé, and Mayor McLaughlin.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Myrick.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
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. 28-13, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 16, 2013.