



AGENDA REPORT

Community Development

DATE:	March 5, 2024
TO:	Mayor Martinez and Members of the City Council
FROM:	Lina Velasco, Director of Community Development
Subject:	Brickyard Cove Residential Project Appeal
FINANCIAL IMPACT:	None
PREVIOUS COUNCIL ACTION:	None
STATEMENT OF THE ISSUE:	<p>On March 16, 2023, the Planning Commission approved Density Bonus Waivers, Major Design Review, and a Vesting Tentative Map for the Brickyard Cove Residential Project (PLN21-444) as submitted by Republic Urban Properties ("Applicant"). An appeal was filed by the "Brickyard Cove Alliance for Responsible Development" (BCARD), Jeffrey Vines, and Robert Kish (collectively "Appellants") on March 27, 2023. The Applicant has since withdrawn their application; therefore, City staff is seeking City Council action to grant the appeal and set aside the approvals granted by the Planning Commission for this project.</p>
RECOMMENDED ACTION:	<p>HOLD a Public Hearing; and ADOPT a Resolution granting the appeal and setting aside the Density Bonus Waivers, Major Design Review, and Vesting Tentative Map (PLN21-444) granted by the Planning Commission for the Brickyard Cove Residential Project as the application for the entitlements has since been withdrawn by the Applicant – Community Development Department (Lina Velasco 510-620-6841).</p>

DISCUSSION:

On March 16, 2023, the Planning Commission approved Density Bonus Waivers, Major Design Review, and Vesting Tentative Map for the Brickyard Cove Residential Project (PLN21-444) (see Resolution in Attachment 2). An appeal was filed by the “Brickyard Cove Alliance for Responsible Development” (BCARD), Jeffrey Vines, and Robert Kish (collectively “Appellants”) on March 27, 2023 (see Attachment 3). Appeals of Planning Commission decisions are regulated by Richmond Municipal Code Section 15.04.803.140. The Applicant requested and the Appellants agreed to move the appeal hearing date several times with the final date set for January 16, 2024. However, on December 14, 2023, the Applicant withdrew its application (see Attachment 4) before the appeal was considered by the City Council. However, the Richmond Municipal Code does not contain a mechanism to allow for withdrawal once entitlements have been approved and prior to City Council consideration of the appeal of the same. Therefore, City staff is seeking City Council action to grant the appeal and void the approvals granted by the Planning Commission for this project. Given that the application has been withdrawn, it is no longer necessary to argue the merits of the appeal. Since the Applicant has withdrawn its application and does not object to the voiding of their previously granted approvals, City staff advised the Appellants that a presentation of their appeal was not necessary for the hearing.

City staff recommends the City Council adopt the Resolution granting the appeals and setting aside or voiding the project approvals granted by the Planning Commission for the Brickyard Cove Residential project (Attachment 1). The voiding of the previously granted approvals would require any future applicant for development of the property to follow required review processes specified in the Richmond Municipal Code or as provided by State Law, in effect at the time. The Applicant for the project does not object to the City Council action to set aside or void the project approvals granted on March 16, 2023, by the Planning Commission as noted in their withdrawal letter.

DOCUMENTS ATTACHED:

Attachment 1 – CC Resolution
Attachment 2 – PC Resolution
Attachment 3 – BCARD Appeal
Attachment 4 – Request to Withdraw Application