CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/17/03
AGENDA ITEM 2
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of Planning Commission Approval of Tentative Parcel Map 8137 to Subdivide a Parcel into Four Residential Parcels and to Allow a Variance for the Reduction of Average Lot Widths – Khalid Mayar (Owner), Gloria Khalil et al (Appellant) – The Property is Located at 29354 Lassen Street in a Single-Family Residential District

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution finding that the project is categorically exempt from environmental review, denying the appeal, and approving the application, subject to the attached findings.

DISCUSSION:

The property is located at 29354 Lassen Street, but the parcel extends easterly through Chance Street to the railroad tracks. The properties on either side were subdivided and developed as single-family homes in 1992 and 1988 respectively. The applicant has proposed to subdivide his parcel into 4 lots and construct single-family homes, compatible with the adjacent developments. The homes would take access off of the extended Chance Street.

A neighborhood meeting was held in April 2003. Residents presented staff with a petition opposing the extension and connection of Chance Street. The residents expressed that they are not opposed to the development of the 4 homes.

Chance Street currently dead-ends at both sides of the parcel. The previous developments had been designed and constructed to incorporate the extension and connection. The curb, gutter and sidewalk all end at the property line and the street is blocked by a fence and guardrail. Staff determined that the connection would be consistent with policies about neighborhood circulation and development. Additionally, the Fire Department expressed their desire to have the street connection completed to improve their accessibility and responsiveness to calls in the area.

The tentative parcel map was approved by the Planning Commission (6:0) on May 8, 2003. The Planning Commissioners indicated that if the intent had been to not connect either end of Chance Street, a cul-de-sac would have been constructed or provisions made to incorporate a turn-around meeting City standards.

The appellant, and residents who signed the initial petition, reside to the north of the proposed development. They feel that the connection would have an adverse impact on their lives and environment by allowing additional traffic to pass their homes, increasing noise, making it more difficult to enter and exit their driveways and detract from the ability of their children to play safely in the street.

At the Planning Commission hearing a second petition was submitted, signed by residents to the south of the development, supporting the extension and connection of Chance Street.

Prepared by:

Andrew S. Gaber, P.E.
Development Review Engineer

Recommended by:

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

Jesús Armas, City Manager

Attachments:

	Exhibit A.	Appellant's Letter, dated May 14, 2003
	Exhibit B.	Planning Commission Meeting Minutes and Staff Report, dated May 8, 2003
	Exhibit C.	Petition to Not Allow Connection, dated April 4, 2003
	Exhibit D.	Petition to Allow Connection, dated April, 2003
		Draft Resolution

6/3/03

EXHIBIT A

Mostafa and Gloria Khalil

RECEIVED

MAY 1 4 2003

Community & Economic Development

May 14, 2003

City Of Hayward
Planning Division
777 B Street
Hayward, CA 94541-5007

Subject: Tentative Parcel Map 8137 Including Variances to Property Widths – Khalid Mayar (Owner) – Request to Subdivide a Parcel, Approximately 21,282 Square Feet, into Four Residential Parcels. Each Approximately, 4000 Square Feed, and to Allow a Variance for the Reduction of Average Lot Widths.

Dear Sir or Madam:

The purpose of this letter is to appeal the proposal referenced in the subject line above. The reasons for this appeal are listed below:

- The private cul-de sac is an incentive given to the homeowners at purchase. Due to the current economy we desperately want to uphold our investment. The properties on Chance Street are located directly behind a railroad track. The cul-de sac value offsets the noise and vibrations from passing trains on a daily basis.

- The homeowners have met regarding the reconfiguration of Chance Street. We unanimously agree to appeal this proposal in an effort to save the value of our homes for our family and loved ones.

- According to records, there are minimal occurrences requiring the assistance from the local Fire Department or Police on Northern Chance Street in the past eight (8) years.

- Children play in the cul-de sac every day in a safe environment.

Thank you in advance for your time and support in keeping our cul-de sac on Chance Street. Our children and families enjoy living in this neighborhood and welcome the opportunity to keep our street safe and quiet.

Sincerely,

Gloria Khalil and families

a. Use Permit – Request to raze two commercial/industrial structures and construct multi-family residential units within the Central City – Commercial (CC-C) Sub-district

b. Site Plan Review – Regarding the design of project

c. Exception – To allow a reduction in the garage width for one of two garage parking spaces

d. Vesting Tentative Map Tract 7440 – Request to subdivide a 3.58-acre site into 74 lots for the development of 74 townhouses and one parcel for common open space

The property is located at the eastern terminus of Dean Street, west of the Western Pacific Railroad, north of Jackson Street, and south of D Street
(This item is to be continued to May 29, 2003)

PUBLIC HEARING

1. **Tentative Parcel Map 8137 Including Variances to Property Widths – Khalid Mayar (Owner)** – Request to Subdivide a Parcel, Approximately 21,282 ± Square-Feet, into Four Residential Parcels, Each Approximately 4,000 Square Feet and to Allow a Variance for the Reduction of Average Lot Widths – The Project is Located on Chance Street

Development Review Engineer Gaber described the property, location and the proposal. The proposed development would continue Chance Street through the property, connecting both the north and south portions. He commented that the variance request is consistent with other homes in the area. He noted that the tree on the property would remain. Staff has agreed that no site plan review would be necessary. A public meeting was held in April at which neighbors requested that Chance Street not be extended through the site. Staff decided it is necessary to extend the street and determined that more through traffic would not be encouraged. Connecting the street would promote walking and biking throughout the neighborhood. He added that the Fire Department recommended opening up the street as a safety factor.

Chairperson Bogue opened the public hearing at 7:40 p.m.

Gloria Khalil said she opposed the extension of Chance Street. She likes the safety of having a dead-end for the street. She said the firefighters have never had a problem getting through the neighborhood.

Mostafa Khalil made the point that fire trucks can access either side of the homes. Emergency vehicles can go through. Should not be difficult to do nor be an issue. Should be a compromise.

Deborah Thomas said she lives on the dead end on the south side. She said she likes that the neighbors know each other. Their children can play together and neighbor's watch out for each

other.

David Ruffin, architect for the project, said what they might do is propose a cul-de-sac at the end of the street. He said they could do either the cul-de-sac or the cut-through for the street.

Planning Manager Anderly explained it would create a cul-de-sac on one side but the street would still be truncated at the other end.

Christina Perez said they oppose the opening of their street because the value of houses will go down. She said when they bought their homes, they did not know about that this street would be opened.

Commissioner Halliday asked Development Review Engineer Gaber in what form it was stated that the street would be open.

Development Review Engineer Gaber said that the street was shown as an open street in the subdivision maps. The street currently ends as a cul-de-sac at Industrial.

Ms. Perez said before buying their home she specifically asked the builder if it would remain a cul-de-sac. They were told it would be.

In response to a question from a commissioner about the City of Hayward's liability in opening up a street sold as a cul-de-sac, Assistant City Attorney Conneely said that real estate transactions are private so there should be no liability for the City of Hayward.

Lin Ortega said she also opposes the opening of Chance Street. They purchased their homes based on the fact that it was a cul-de-sac. She noted that it is much safer for children to have the block closed off for safety. He asked if safety was not an issue back then, why is it now, and have they been living on an unsafe street.

Melanie Ortega said she too was opposed the opening of the cul-de-sac. She remembered asking the builder if the street would open. He said no. Now, Development Review Engineer Gaber is telling them that the City map indicates it is an open street. She noted that this seems to be for the builders' convenience, not their safety. She said that for the safety of their children, they really don't want it to be opened up.

Percy Clark said he too was opposed to continuing Chance Street. He said he lives on the north side and appreciates it as a cul-de-sac. They get to know their neighbors better. There is very little traffic at this point. He said he liked to keep the uniqueness of the neighborhood.

The public hearing was closed at 8:03 p.m.

Chairperson Bogue asked why the City map would show the parcel as a through street.

Development Review Engineer Gaber said the City of Hayward had no ability to make the condemnation happen when both developers develop on either side. He used the example of State Street, which will also be extended when the time comes. He added that as the parcels develop, that's when it happens.

Commissioner Caveglia stated that this is a different developer from those properties developed both north and south of Chance Street. It is also another piece of property. He explained that clearly there is no way around it. The developer has a right to do make the extension. He **moved,** seconded by Commissioner Zermeño, to approve the staff recommendation.

Commissioner Zermeño said it is unfortunate if these homebuyers were misled by the developer. He noted that it is not an actual cul-de-sac. He agreed with the Fire Department, if the need arises, they need the access for safety reasons.

Commissioner Sacks also agreed with the Fire Department. She commented that the residents did not seem to be aware that the Fire Department had asked for the street extension. She then discussed a petition with signatures of residents supporting making Chance a through street. She said when she visited the area, she was disturbed by children's toys in the street. She then added that she lived on a street similar to Chance, which had been opened up and hoped that would not be a problem. She said she would support the motion.

Commissioner McKillop said she senses that they will miss the relationships on either side of the project. She emphasized how important it is for the neighborhood to keep those. She stated the City's intention of opening this up. She added that she did commend the neighbors for their relationships.

Commissioner Thnay discussed the 15 homes south and 16 north of Chance Street, noting that most in favor of the cut through live on the north. He commented that it is not a major connector to anywhere. He added that right now the street does not have a cul-de-sac design. In response to a neighbor's comment that emergency vehicles can just turn around in the driveways, he noted that they might not have access to turning if cars are in the drives. Having the cut-through will make it easier for neighbors to walk around.

Commissioner Halliday echoed what the others said, adding that she was sorry the homebuyers were misled. She said she too, lived on a similar street. It is cut all the way through but really there is not any more traffic. She commented on the issue of children congregating in cul-de-sacs. She commented that the City of Hayward needs to look for places for children to play in a neighborhood. Clearly Chance Street needs to be opened up.

Commissioner Bogue said he looked at the design and the layout of the street. It stops. It is not a cul-de-sac design. There is no curb at the end so it really was not designed to end, but to continue. If this property had been developed before the northern part, there would be question about the street going through. He said it does not make sense for it to not go through. As it is

there are no cul-de-sacs on the streets at all. It was incorrect for the developer to say it is a cul-de-sac.

Development Review Engineer Gaber said they had been talking with engineering and traffic staff who said they would be willing to monitor the street and see if traffic-calming devices are necessary.

Chairperson Bogue agreed it would be good for the neighbors to do that. He noted that not all emergency vehicle responses would be coming directly from the nearby fire station. They might be coming from somewhere else. They need the flexibility of a finished street to get there.

The **motion passed unanimously.**

2. **Appeal of the Planning Director's Denial of Variance No. PL-2003-0093 – Ralph Willkom (Applicant/Owner)** - Request for a Variance to Allow a Garage With a 15-Foot Setback Where a 20-Foot Setback is Required – The Project is Located at 25158 Soto Road at the Northeast Corner of Soto Road and Frederic Avenue

Assistant Planner Koonze made the presentation. He noted that the homes in this area were built in 1951. He commented that with the proposed garage being so large, staff is not supporting the proposal, because the plans for the garage can be reduced in size and constructed without a variance. He said the original garage was legally converted in 1981. He showed slides of the area and the proposal. He noted that the 15-foot driveways are not adequate to handle the size of the cars. Staff recommended a denial of the appeal since there are no special circumstances.

The public hearing opened at 8:23 p.m.

Ralph Willkom, applicant, said he was just asking for what everyone else on his block has. He said he wanted to build his garage so that it would match up with the setbacks in the rest of the neighborhood.

Commissioner Zermeño asked him what his response was to the staff comment that he scale back the size of the garage.

Mr. Willkom said he has a lot of tools and 2-cars. He said he needed the larger spaced garage. He then added that every house has a 15-foot drive-way on Frederick so granting the variance would be matching his lot with what all of the neighbors have.

Commissioner Zermeño suggested that if this application were approved, he would then need to get rid of the driveway in front of the converted garage.

CITY OF HAYWARD
AGENDA REPORT

Meeting Date 05/08/03
Agenda Item 1

TO: Planning Commission

FROM: Andrew S. Gaber, Development Review Engineer

SUBJECT: **Tentative Parcel Map 8137 Including Variances to Property Widths – Khalid Mayar (Owner)** - Request to Subdivide a Parcel, Approximately 21,282 Square-Feet, into Four Residential Parcels, Each Approximately 4,000 Square Feet, and to Allow a Variance for the Reduction of Average Lot Widths

The Property is Located on Chance Street in a RS (Single-Family Residential) District

RECOMMENDATION:

Staff recommends that the Planning Commission find that the project is categorically exempt from CEQA review; and approve Tentative Parcel Map 8137 and the associated average lot width variances for the four parcels subject to the attached findings and conditions of approval.

DISCUSSION:

The request is to subdivide a parcel, approximately 21,282 square-feet total (0.49 acre) into four parcels of approximately 4,000 square feet, and approve a variance allowing reduced lot widths of 5 feet from the required 50 feet. The City of Hayward Municipal Code allows the Planning Director to administratively approve tentative parcel maps that conform to the General Plan, applicable neighborhood plan and the Municipal Code as long as no variances are required. Due to the variance request associated with this application, the Planning Commission must review the project.

The property is relatively flat and rectangular in shape. There is a single-story, single-family home constructed in 1959 and several sheds which will be removed. The Lassen Street frontage, along the westerly edge of the property, is currently improved with curb, gutter and sidewalk. Chance Street currently dead-ends on either end of the property and will be connected by extending it through the site. Subdividing the property will provide the opportunity to develop four single-family dwellings on individual lots consistent with the lot pattern established in the area.

The property is located approximately 1-1/2 miles southwest of the South Hayward BART station; however, AC Transit's Route 77 utilizes Huntwood Road to provide access to the BART station.

Conformance To City Regulations:

The *General Plan Land Use Map* designates this site as Limited Medium-Density Residential. The current zoning of RSB4 (Single-Family Residential – 4000 Square Foot Minimum Lot Size) is consistent with the *General Plan* designation. The General Plan policies and strategies encourage in-fill development that is compatible with the overall character of the surrounding neighborhood while maintaining and upgrading the existing housing stock. The proposed lot sizes, including lot width, are consistent with parcels in the neighborhood. The subdivision conforms to the Housing Element policies in that it is an in-fill development.

The proposal is consistent with the Tennyson-Alquire Neighborhood Plan in that the subdivision allows this property to be developed with single-family homes on lots similar to adjacent parcels and constructs the last portion of Chance Street, completing a connection originally planned for in 1992.

It is staff's opinion that the lot width variances are minor in nature and the proposed parcel widths are consistent with many of the properties in the neighborhood, which have property widths ranging from 38 to 48 feet wide. Therefore, strict application of the variance would deprive this property of privileges enjoyed by the other properties in the neighborhood.

The proposed subdivision meets all subdivision requirements, except that the parcel widths proposed range from 44 ± feet to 45.9 ± feet where a minimum of 50 feet is required. The applicant submitted plans to show that the parcels at the reduced lot widths could be developed with housing that meets the City's Design Guidelines and required setbacks. These plans can be processed and approved administratively. The plan sheet showing the front elevations is attached.

STREETS AND UTILITIES:

A condition of the tentative parcel map requires that the owner construct curb, gutter, sidewalk, and paving to connect the ends of Chance Street. The two adjacent developments were constructed in the early 1990s, and both were laid out anticipating the completion of Chance Street through this property. The developers of the adjacent properties attempted to include this parcel when they developed, but were unable to acquire the property.

Right-of-way improvements are to be installed prior to issuance of a certificate of occupancy for homes on the site. Lassen Street is at its ultimate street width, and the developer will replace the existing driveway and repair the existing curb, gutter and sidewalk as necessary. The developer will extend water and sanitary sewer mains within Chance Street to serve the project, and the existing systems have adequate capacity to serve the 4 homes.

The residents along the portion of Chance Street north of the project have provided a petition stating their opposition to the connection of Chance Street. Their concerns are that the street connection will lead to increased traffic, higher traffic speeds and potentially higher crime rates. They indicate that as a dead-end street, their children can more safely play in the street and it is quieter without passing vehicles. However, the extension of Chance Street was envisioned at the

time the circulation pattern was established with the surrounding development, and extending the street would be consistent with development standards throughout the City. Chance Street is not heavily traveled. It is a neighborhood street that serves only residents living along the street. Extending the street would not create a short cut to another area of the community as to the north, it ends at Lassen Street, and at the south, it ends in a cul-de-sac before Industrial Parkway. The Fire Department has also asked that the street be extended, allowing them to provide better response to the residents. Connecting Chance Street and avoiding dead-end streets is also consistent with Smart Growth principles calling for walkable neighborhoods, expansion of transportation options, taking advantage of compact building design, and creating a unified neighborhood.

ENVIRONMENTAL REVIEW:

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15332, *In-Fill Development Projects.*

PUBLIC HEARING NOTICE:

A notice was mailed to all property owners and tenants within 300 feet of the subject property and to all interested parties regarding a preliminary meeting held on April 10, 2003. Six area residents attended and presented a petition (Attachment "D") expressing concerns about connecting Chance Street. On April 25, 2003, a notice of the Planning Commission meeting was also sent to all residents within 300 feet of the project site. A copy of this report was sent to those who attended the preliminary meeting.

CONCLUSION:

The subdivision is consistent with the *General Plan* and the *Tennyson-Alquire Neighborhood Plan.* Granting the lot width variance and approving the subdivision allows an existing underutilized parcel to be developed consistently with the neighborhood, provides additional homeownership opportunities and a mechanism for the connection of the two portions of Chance Street.

Prepared by:

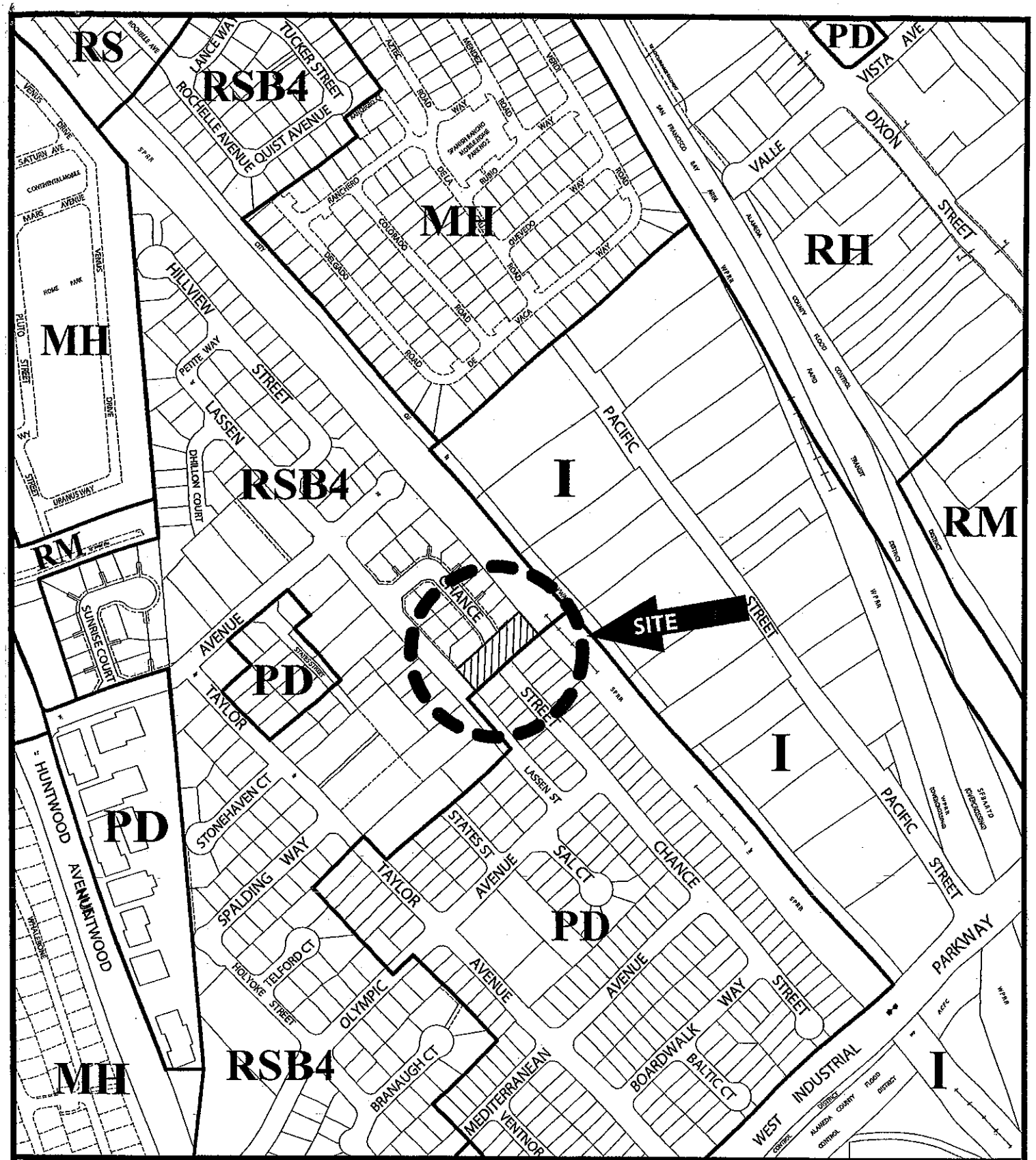
Andrew S. Gaber
Development Review Engineer

Recommended by:

Dyana Anderly, AICP
Planning Manager

Attachments:

A. Area Map
B. Findings for Approval – Tentative Parcel Map 8137
C. Conditions of Approval – Tentative Parcel Map 8137
D. Residents Petition
Tentative Parcel Map 8137 and Site Plans



Area & Zoning Map
PL-2003-0185 PM 8137
Address: 47 Massolo Drive, Suite E
Applicant: Ruffin Architecture
Owner:

I-Industrial
MH (P)-Mobile Home Park
PD-Planned Development
RH-High Density Residential RHB 7
RM-Medium Density Residential RMB 3.5, RMB 4
RS-Single-Family Residential,RSB4,RSB6

North

ATTACHMENT A

FINDINGS FOR APPROVAL
TENTATIVE PARCEL MAP 8137

A. The development takes into consideration physical and environmental constraints in that approval of Tentative Parcel Map 8137, as conditioned, will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, *In-Fill Development Projects*.

B. The tentative parcel map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Tennyson-Alquire Neighborhood Plan.

C. The site is physically suitable for the proposed type of development.

D. Existing streets and utilities are adequate to serve the project.

E. None of the findings set forth in Section 64474 of the Subdivision Map Act[1] have been made, and the approval of the tentative parcel map is granted subject to the recommended conditions of approval.

Findings for Variance

A. The parcel is constricted by a limited property width, but has sufficient area to create four parcels that conform to required lot sizes. A variance to property width would allow the property to be developed to its full potential and consistent with surrounding lots.

B. Strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the vicinity under the same zoning classification. Adjoining properties have lot widths less than the required 50 feet.

C. The variance does not constitute a grant of a special privilege as other properties have developed with lot widths less than 50 feet, the lots will meet the minimum square footage requirements, and the project density is consistent with Zoning and General Plan requirements.

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[1] [1] The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 8137

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

All design work shall be performed by the subdivider's engineer unless otherwise indicated.

PRIOR TO RECORDATION OF THE PARCEL MAP:

1. The existing home and accessory buildings shall be removed. A Demolition Permit is required prior to commencing work.

2. The developer shall enter into a Subdivision Improvement Agreement for the construction of public improvements, including the connection of the two sections of Chance Street that end at this parcel. The roadway shall be designed with a reverse curve and have a curb-to-curb width of 36 feet with a 6 foot wide sidewalk. Other improvement include extending the water main along Chance Street to connect the two ends, and an extension of the sanitary sewer main to provide service to the 4 lots and construction of a manhole at the termination.

3. The applicant shall apply for building permits on the four parcels to ensure that the houses are designed to preserve the existing trees and that site and elevation design meet the Planning Directors approval. The design of the houses to be constructed shall comply with City of Hayward Zoning Ordinance and Design Guidelines.

4. Provide an arborist report for the site. The report shall list all trees on the site including species, caliper, health, proposed action, and value of each tree. Existing trees shall be preserved to the greatest extent possible according to the City's *Tree Preservation Ordinance*. A tree removal permit shall be required prior to the removal of any tree 10" in diameter, or larger. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.

5. The homes on all four parcels shall be designed to face and take access off of Chance Street

6. Parcels 1 and 2 shall relinquish access rights along Lassen Street. A wall shall be constructed along the Lassen Street frontage, connecting to the wall on the southerly end of the property. The location, design and materials shall be approved by the Planning Manager and City Engineer. Existing driveways along Lassen Street shall be removed and replaced with standard curb, gutter and sidewalk.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

7. Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.

8. The electrical services to the four parcels shall be underground.

9. Two area drains shall be installed in front of each lot for surface drainage.

10. The area between Parcel 3 and the existing 8 foot concrete block wall shall be backfilled to match the finished grade of Parcel 3, with written permission from the adjacent property owner.

11. Each home must have an individual water meter and sanitary sewer lateral. Water meters and services to be located a minimum of 2 feet from the top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer laterals per State Health Code.

12. One street tree is required for each single-family lot. The trees should be 20 feet from the corner, 20 feet from any light pole and 5 feet from any utility.

13. As required by the Planning Manager, a street tree plan and front yard landscaping and irrigation plans shall be submitted for review and approval by the city either, prior to approval of improvement plans or prior to the issuance of building permits. Front yards shall be limited to a maximum 50% Fescue turf. One 15-gallon street tree shall be provided on each lot for every 50 feet of frontage, or portion thereof. Trees shall be planted according to the City Standard Detail SD-122.

14. A tree removal permit is required prior to the removal of any protected tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.

15. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition.

16. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.

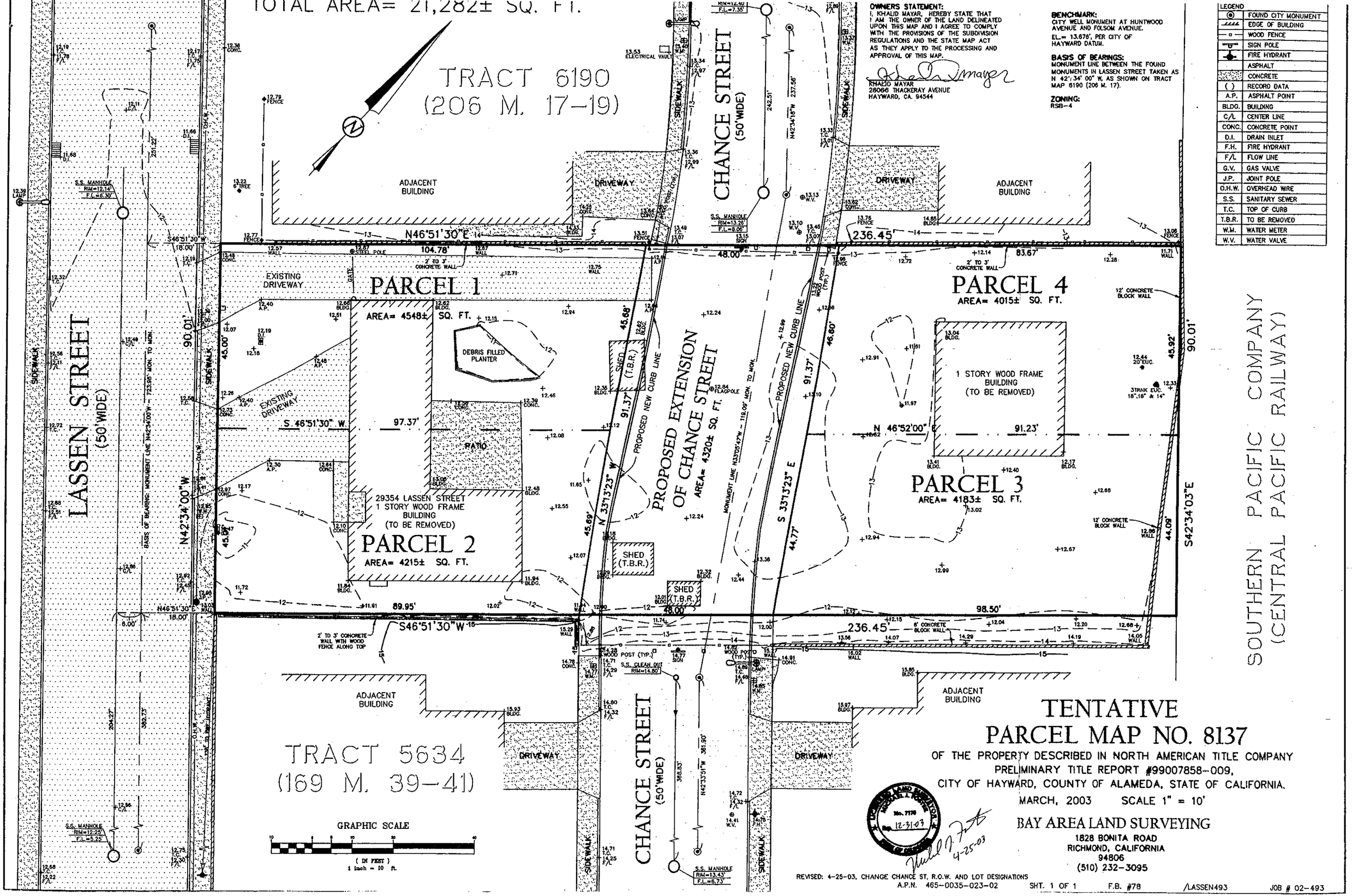
PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCIES:

17. Prior to final inspection of the construction, all improvements and conditions of approval shall be completed to the satisfaction of the City Engineer and the Planning Manager.

18. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.

19. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

20. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.



OWNERS STATEMENT:
I, KHALID MAYAR, HEREBY STATE THAT I AM THE OWNER OF THE LAND DELINEATED UPON THIS MAP AND I AGREE TO COMPLY WITH THE PROVISIONS OF THE SUBDIVISION REGULATIONS AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF THIS MAP.

KHALID MAYAR
28066 THACKERAY AVENUE
HAYWARD, CA. 94544

BENCHMARK:
CITY WELL MONUMENT AT HUNTWOOD AVENUE AND FOLSOM AVENUE.
EL.= 13.676', PER CITY OF HAYWARD DATUM.

BASIS OF BEARINGS:
MONUMENT LINE BETWEEN THE FOUND MONUMENTS IN LASSEN STREET TAKEN AS N 42°34' 00" W, AS SHOWN ON TRACT MAP 6190 (206 M. 17).

ZONING:
RSB-4

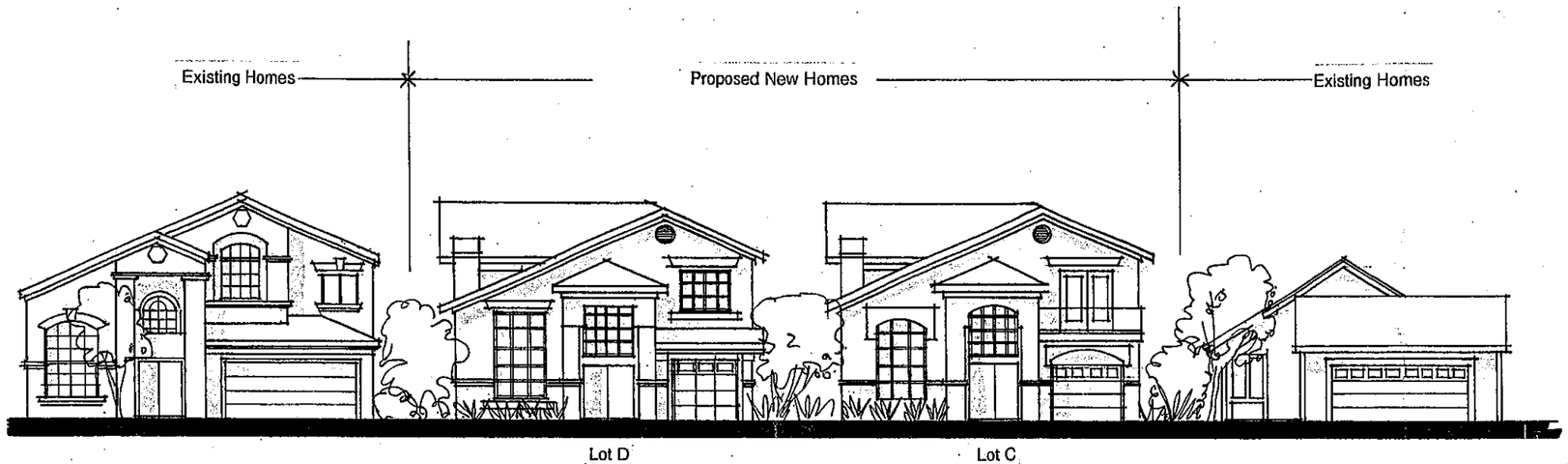
LEGEND	
◉	FOUND CITY MONUMENT
	EDGE OF BUILDING
	WOOD FENCE
	SIGN POLE
	FIRE HYDRANT
	ASPHALT
	CONCRETE
( )	RECORD DATA
A.P.	ASPHALT POINT
BLDG.	BUILDING
C/L	CENTER LINE
CONC.	CONCRETE POINT
D.I.	DRAIN INLET
F.H.	FIRE HYDRANT
F/L	FLOW LINE
G.V.	GAS VALVE
J.P.	JOINT POLE
O.H.W.	OVERHEAD WIRE
S.S.	SANITARY SEWER
T.C.	TOP OF CURB
T.B.R.	TO BE REMOVED
W.M.	WATER METER
W.V.	WATER VALVE

TENTATIVE PARCEL MAP NO. 8137

OF THE PROPERTY DESCRIBED IN NORTH AMERICAN TITLE COMPANY
PRELIMINARY TITLE REPORT #99007858-009,
CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.
MARCH, 2003 SCALE 1" = 10'

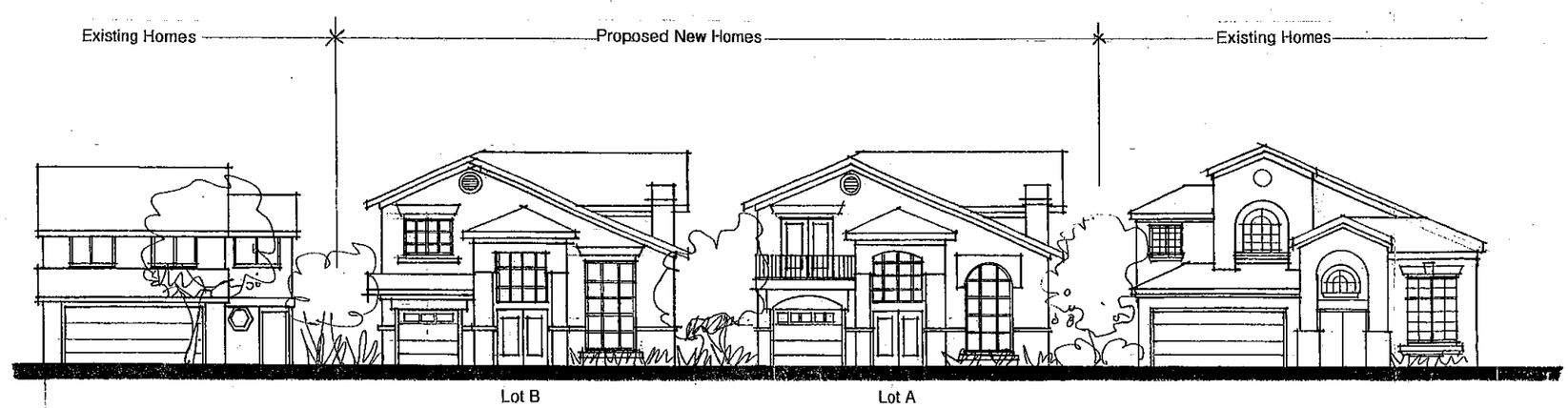
BAY AREA LAND SURVEYING
1828 BONITA ROAD
RICHMOND, CALIFORNIA
94806
(510) 232-3095

REVISED: 4-25-03, CHANGE CHANCE ST, R.O.W. AND LOT DESIGNATIONS
A.P.N. 465-0035-023-02 SHT. 1 OF 1 F.B. #78 /LASSEN493 JOB # 02-493



East Elevation

1/4" Scale



West Elevation

1/4" Scale

Revisions	By

RUFFIN ARCHITECTURE

RUFFIN ARCHITECTURE + INTERIORS
47 MASSOLO DRIVE # E • PLEASANT HILL, CA 94523
(925) 680-8818 • (415) 309-8819

PRELIMINARY 4 LOT SUBDIVISION

29354 LASSEN STREET
HAYWARD, CA

Issue Date: 3-06-03

Scale: AS NOTED

Drawn By: MC/DR

Chk. By:

Sheet Title: ELEVATIONS

Sheet No: A3

Of Sheets

EXHIBIT C

Christina M. Perez

29296 Chance Street
Hayward, Ca 94544
510.785.4230

April 4, 2003

Mr. Andrew Gaber:

This is a letter regarding the reconfiguration of *Chance Street*. It has come to our community's attention that the city is planning on rebuilding our street; which, in turn for us, results in the loss of our private cul-de-sac of 8 years. After meeting with each and every homeowner on this street, we've unanimously agreed that we **do not** want any changes made to our street. Also, we've purchased our homes with the incentive of having a private 'cul-de-sac', as stated specifically in our signed contracts. Listed below, you will find the signature of every homeowner within the cul-de-sac that is petitioning against this change. Thank you for your time.

Sincerely,
Christina G. Perez
Christina G. Perez
Homeowner 29296 Chance St.

Homeowner	Address	Signature
Melanie T. Ortega	29288 CHANCE ST.	MTOrtega
Teresita Alcalde	29304 Chance St	TCAlcalde
Shirley A. Cayangyang	29316 Chance St	[illegible]
Edward C Thomas	29328 Chance. ST	Edward Thomas
Vilma C. Malveda	29327 Chance. St.	Vilma C. Malveda
LINDOLFO ORTEGA	29288 CHANCE ST	[illegible]
Sminder Dhillon	29273 Chance St.	Sminder K. Dhillon
Satinder Dhillon	29197 Lantree Pl.	Satinder Dhillon
ORLANDO D. CALARA	29281 Chance St	Orlando D. Calara
CECILIA T. CALARA	29281 CHANCE ST.	Cecilia T. Calara
SEI KAW YEO	29280 CHANCE ST.	[illegible]
VIRGINIA ALARVA	29272 CHANCE ST	Virginia Alarva
LEONARDO ALARVA	29272 CHANCE ST	Leonardo Alarva
PERCY CLARK	29321 Chance ST	Percy Clark

Christina G. Perez
Homeowner 29296 Chance St.

April 5, 2003

Homeowner	Address	Signature
ALBERT + JANE SALCEDO	29327 CHANCE ST.	
ARTHUR & MARIDES MANANSALA	29322 CHANCE ST.	
MOSTAFA & GLORIA KHALIL	29310 CHANCE ST.	

HILL-VIEW

PHASE I	LOT	ADDRESS	PLAN(S)	APPROX. SQ. FT.	PRICE(S)
	1	29272 Chance Street	1	1612	SOLD
	2	29280 Chance Street	3	1895	269,800
	3	29288 Chance Street	2	1823	SOLD
	4	29296 Chance Street	3	1895	270,800
	5	29304 Chance Street	1	1612	SOLD
	6	29310 Chance Street	3	1895	268,800
	7	29316 Chance Street	2	1823	261,800
	8	29322 Chance Street	1	1612	SOLD
	9	29328 Chance Street	3	1895	268,800
	10	29273 Chance Street	3	1895	SOLD
	11	29281 Chance Street	3	1895	SOLD
	12	29321 Chance Street	3	1895	SOLD
	13	29320 Chance Street	3	1895	SOLD
	14	29327 Chance Street	3	1895	SOLD

The residences at Hill-View include: private cul-de-sacs, front yard landscaping, high ceilings, and gas ranges. Residents will enjoy the schools, shopping, and easy access to BART.

Prices Effective April 1, 1994

29280 Chance Street
Hayward, CA 94544
510/783-3341

BAS Homes

Seller reserves the right to change prices, plans or materials at any time without notice.

April, 2003

EXHIBIT D

We, the undersigned, live on Chance Street in Hayward and are in favor of completing the extension of the street making access better for fire fighters and emergency services:

1	Fidel Morales 29359 Chance	[signature]
2	OSCAR L. ANAYA 29373 CHANCE ST	[signature]
3	DORIS A. ANAYA 29373 CHANCE ST	[signature]
4	DIOCEDES A. LARGO 29387 CHANCE ST	[signature]
5	SIONY M. LARGO 29387 CHANCE ST.	[signature]
6	Mari Lun & Wong 29360 Chance St	[signature]
7	RANDY ANDRADA 29360 CHANCE ST	[signature]
8	Bill Dedman 29486 Chance St.	Bill Dedman
9	Kathye Dedman 29486 Chance Street	K. Dedman
10	Francesca Nova 29519 Chance St HA	[signature]
11	Dat TRINH 29547 CHANCE ST	[signature]
12	VY CHI CO 29547 CHANCE ST	[signature]
13	Allen CO 29561 Chance St	[signature]
14	[signature] 29515 Chance St	[signature]
15	[signature] 29863 Chance St	[signature]
16	Jasdeep Kaur 29877 Chance St	Jasdeep Kaur
17	[signature] Eneo 29833 Chance St	[signature]
18	Wanda J Cyr 29895 Chance St	Wanda J Cyr
19	[signature] 29876 Chance St	[signature]
20	[signature] 29840 CHANCE ST	MINA NGUYEN
21	Willie David 29782 CHANCE ST.	[signature]
22	ELIZABETH DAVID 29782 CHANCE ST	E. DAVID
23	[signature] Chris Covarrubias 29938 Chance St.	[signature]
24	Feixiong Qin 29684 CHANCE ST	Feixiong Qin
25	Preen Bhatt 29630 CHANCE ST.	[signature]
26	Jimmy D. Pingue 29618 Chance	[signature]
27	EMMANUEL NERY 29594 CHANCE	Emmanuel Nery

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

mre 4/9/03

RESOLUTION DENYING APPEAL AND APPROVING TENTATIVE MAP FOR TRACT 8137 AND ALLOWING THE VARIANCE FOR THE REDUCTION OF THE AVERAGE LOT WIDTHS

WHEREAS, there has been presented to the City Council of the City of Hayward a tentative map for Tract 8137 to subdivide the parcel located at 29354 Lassen Street in a Single-Family Residential District, into four residential parcels and to allow a variance for the reduction of the average lot widths; and

WHEREAS, the project is categorically exempt from environmental review under the California Environmental Quality Act; and

WHEREAS, the Planning Commission considered the matter on May 8, 2003, and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, appellant has timely appealed the decision of the Planning Commission; and

WHEREAS, the City Council has reviewed and considered all material and testimony presented and hereby finds and determines with respect to Tentative Map 8137 that:

1. The development takes into consideration physical and environmental constraints in that approval of Tentative Parcel Map 8137, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment that the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to section 15332, *In-Fill development Projects.*

2. The tentative parcel map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, The General Policies Plan, and the Tennyson-Alquire Neighborhood Plan.

3. The site is physically suitable for the proposed type of development.

4. Existing Streets and utilities are adequate to serve the project.

5. None of the finding set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the tentative parcel map is granted subject to the recommended conditions of approval.

WHEREAS, the City Council has reviewed all material and testimony presented and hereby further finds and determines with respect to the Variance request as follows:

1. The parcel is constricted by a limited property width but has sufficient area to create four parcels that conform to required lost sizes. A variance to property width would allow the property to be developed to its full potential and consistent with surrounding lots.

2. Strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the vicinity under the same zoning classification. Adjoining properties have lot widths less than the required 50 feet.

3. The variance does not constitute a grant of special privilege as other properties have developed with lot widths less than 50 feet, the lots will meet the minimum square footage requirements, and the project density is consistent with Zoning and General Plan requirements.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby denies the appeal and approves the tentative map for Tract 8137 and variance request for the reduction of average lot widths, subject to the conditions of approval attached hereto as Exhibit "A."

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:_____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____

City Attorney of the City of Hayward