

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/19/06

AGENDA ITEM 6

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of Planning Commission's Denial of Tentative Parcel Map 9129 / Variance Application No. PL-2006-0218 - Nora Gauthier (Appellant/Owner) - Request to Subdivide a Lot into Two Single-Family Residential Parcels with a Variance for Lot Depth – The Property is Located at 2133 Boca Raton Street

RECOMMENDATION:

It is recommended that the City Council find the project categorically exempt from the California Environmental Quality Act and adopt the attached resolution upholding the Planning Commission's decision to deny the tentative parcel map and variance request.

DISCUSSION:

On July 20, 2006, the Planning Commission denied the parcel map and variance request (6-0-1). It was the Planning Commission's position that adherence to the required setback would uphold the neighborhood standards.

The 10,620-square-foot property is triangular in shape and is relatively flat. The property is located within an established single-family neighborhood of predominately single-story homes. To the north, abutting the rear property line, is the PG&E right-of-way that makes up the Eden Greenway.

The owner proposes to create a second parcel that would accommodate a single-family home. This request would include a variance to reduce the lot depth to 67.65 feet at the deepest portion of the lot; the standard depth is 100 feet. The triangular shape of the lot and the reduced lot depth would create two concerns: a limited amount of usable open space, inconsistent with the neighborhood standard, and an odd-shaped developable area.

In order to create a minimally adequate building area, the rear yard would be reduced to 10 feet. The modified rear yard would not provide for an adequate private yard for the newly-created parcel. The yard would need to be between 15 and 20 feet deep to be consistent with those in the neighborhood. According to City records there are no other properties in the neighborhood that have such rear yards reductions. The granting of this variance would constitute a special privilege inconsistent with the limitations upon other properties in the vicinity.

Without a subdivision, the zoning district would still allow two homes to be constructed on the one lot. However, both homes would have to be sold together. But, without a lot line, the yards could be shared or manipulated to create larger more usable areas. The creation of the lot lines generates setbacks which limits the use of land as usable area.

On June 11, 2006, staff received a letter from the Southgate Area Homeowners Association stating that the lot was of an inappropriate shape to be subdivided and that if the lot was suitable to be further subdivided the original developer would have done so.

Three neighbors attended the Planning Commission opposing the proposed subdivision citing negative impacts toward parking, traffic, and the infrastructure should a new home be built. Other than the applicant's representative, no one spoke in favor of the project.

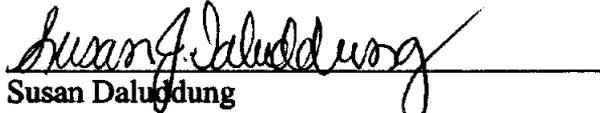
If the City Council is inclined to approve the parcel map and variance applications, environmental review would have to be conducted and brought back to the Council along with findings and conditions of approval.

Prepared by:



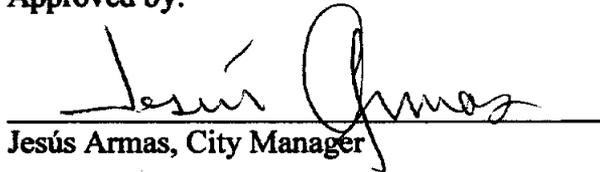
Tim R. Koonze
Assistant Planner

Recommended by:



Susan Daludung
Director of Community and Economic Development

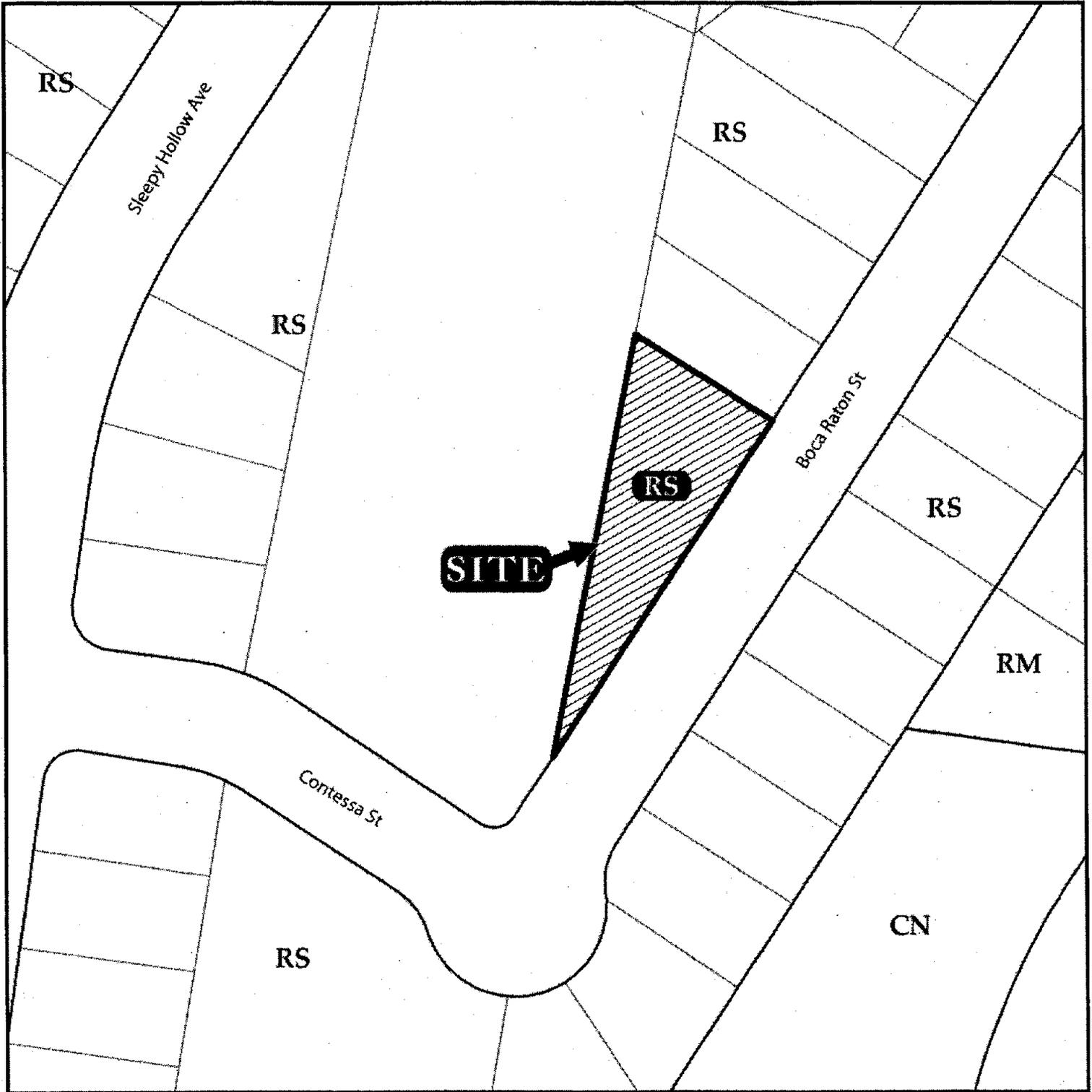
Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A. Area and Zoning Map
Exhibit B. Findings for Denial
Exhibit C. Appeal Letter, dated July 31, 2006
Exhibit D. Minutes of July 20, 2006, Planning Commission Meeting
Exhibit E. Planning Commission Staff Report, dated July 20, 2006
Tentative Parcel Map 9129
Draft Resolution

9/12/06



Area & Zoning Map

PL-2006-0218 VAR

Address: 2133 Boca Raton Street

Applicant: Gauthier Nora

Owner: Gauthier Nora

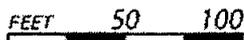
Zoning Classifications

RESIDENTIAL

- RM Medium Density Residential, min. lot size 2500 sqft
- RS Single Family Residential, min. lot size 5000 sqft

COMMERCIAL

- CN Neighborhood Commercial



**TENTATIVE PARCEL MAP 9129
VARIANCE APPLICATION PL-2006-0218
NORA GAUTHIER (APPLICANT/OWNER)
2133 BOCA RATON STREET**

FINDINGS FOR DENIAL

- A. The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), Projects Which are Disapproved.
- B. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other properties in the vicinity under the same zoning classification in that other properties have not been allowed to have reduced lot depths that create an inadequate usable space for a single-family home.
- C. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the Single-Family Residential (RS) District in which the property is situated in that other properties have not been granted a similar variance that affects the ability to create a usable private area.

RECEIVED

JUL 31 2006

PLANNING DIVISION

City of Hayward
144 B St
Hayward

Hayward 73106

Ca - 94541

This application is to
appear regarding the variance
of the lot depth.

Parcel 1

For the additional home would
be 5,620 sq. feet.

This 620 sq. feet should be
taken in consideration for
the extra cost.

New South
Paul South

2. Tentative Parcel Map 9129 / Variance Application No. PL-2006-0218 – Nora Gauthier (Applicant/Owner) – Request to Subdivide a Lot into Two Single-Family Residential Parcels and for a Variance for Lot Depth – The Project is Located at 2133 Boca Raton Street

Staff report submitted by Assistant Planner Koonze, dated July 20, 2006, was filed.

Assistant Planner Koonze made the staff report.

Commissioner Zermefio inquired about the three-story houses near the project, any proposals on similar triangular shaped parcels in the area, and any inquiries about buying the triangle and adding it to the adjacent open space property. Assistant Planner Koonze indicated that the zoning height regulations restrict houses to two stories and also added that staff has not received any proposals on other triangular shaped parcels in the area.

In response to Commissioner Mendall's inquiry if the proposed property is not subdivided, Assistant Planner Koonze indicated that the second structure allows to be constructed on the parcel but without the restriction of a property line and resulting setbacks, an adequate usable area could be created.

Chair McKillop opened the public hearing at 9:17 p.m.

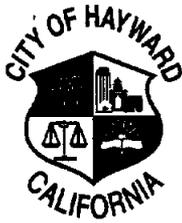
Ms. Elizabeth Feliciano Gonzalez, neighbor in front of the property, supported the proposed denial because the property does not have enough space to park vehicles off the street. She mentioned that the subdivision would increase the traffic where people speed and she was highly concerned about the safety of the children in the neighborhood.

Ms. Vicky Thompson, at 1981 Southgate Street, showed a photograph of a traffic accident where a car went through her house. She was emotionally affected and highly concerned with the traffic and thus supported building less houses in the area.

Ms. Wandra Williams, at 2158 Boca Raton Street, urged the Commission deny the application. She concurred with previous speakers that the subdivision would create more traffic and would impact the infrastructure of the neighborhood, the sewer system, and the existing single family homes.

Mr. Randy Gauthier, the applicant's son, spoke on the applicant's behalf. In response to Commissioner Sack, Assistant Planner Koonze clarified that the proposal is to subdivide the parcel not if a second dwelling can be created. He added that staff's concern is how usable space can be provided for the second dwelling and how subdividing the property creates setbacks limit the usable area. Planning Manager Patenaude indicated that a second dwelling would not require an application but it would be a ministerial application. He added that the proposed lot would be substantially different than the lots in the neighborhood.

Chair McKillop closed the public hearing at 9:29 p.m., and reopened it at the request of Mr. Randy Gauthier who inquired if he could get a refund for the permit application if it is denied. Acting



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 20, 2006, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Planning Manager Patenaude indicated that it could be investigated. The public hearing was closed again at 9:30 p.m.

Chair McKillop, referring to the concerns for the sewer system, requested that staff look into this issue. Acting Planning Manager Patenaude indicated that Public Works staff reviews parcel maps and did not indicate any problems but staff would follow through.

Commissioner Peixoto made a motion per staff recommendation.

Commissioner Lavelle seconded the motion.

Commissioner Thnay, referring to the size of the side yard, stated that if the City were to allow adding a second dwelling, then it should allow it as a separate structure. He mentioned support for a refund of the application.

Acting Planning Manager Patenaude mentioned concern that it is not only the narrow side yard, but the ability to provide an adequate rear yard and the flexibility to create a usable open space.

Commissioner Sacks supported the motion and indicated that Commissioner Thnay's position would need findings for approval.

Commissioner McKillop supported the motion indicating that there are reasons for setbacks and she did not think that the lot could support another home.

Commissioner Peixoto moved, seconded by Commissioner Lavelle, and approved, with Commissioner Thnay abstaining, to deny the tentative parcel map and the variance.

Chair McKillop reminded the applicant of the ten-day appeal period.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Acting Planning Manager Patenaude indicated that the next meeting is scheduled for September 14.

4. Commissioners' Announcements, Referrals

Commissioner Mendall reported on graffiti on the path of Eden Parkway property behind the homes and asked that it be referred to Community Preservation.

Commissioner Sacks reported on a June 29, 2006 Daily Review article Raising Seeds Imperial Bay Area regarding flood damage, red zone, and general plan.

Commissioner Thnay reported on the poor landscaping at a building near Cecilia Burgers and asked that the property be inspected.

Chair McKillop reported that large trees on the Plan Development on Folsom Avenue off Huntwood Avenue are disappearing.

APPROVAL OF MINUTES

The minutes of June 15, 2006 and June 22, 2006 were approved.

ADJOURNMENT

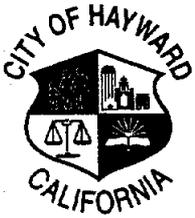
Chair McKillop adjourned the meeting at 9:45 p.m., in memory of Matt "Mateo" Jimenez.

APPROVED:

Mary Lavelle, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary/Administrative Secretary



CITY OF HAYWARD AGENDA REPORT

Meeting Date 07/20/06Agenda Item 2

To: Planning Commission

From: Tim R. Koonze, Assistant Planner

Subject: **Tentative Parcel Map 9129 / Variance Application No. PL-2006- 0218**
Nora Gauthier (Applicant/Owner) – Request to Subdivide a Lot into Two Single-Family Residential Parcels and for a Variance for Lot Depth

The Project Is Located at 2133 Boca Raton Street in a Single-Family Residential Zoning District

RECOMMENDATION:

That the Planning Commission deny the tentative parcel map and the variance.

DISCUSSION:

The 10,620 square-foot property is triangular in shape and is relatively flat. The property is located within an established single-family neighborhood of predominately single-story homes. To the north, abutting the rear property line is the PG&E right-of-way that makes up the Eden Greenway. The single-family home and shed are to remain, however the sheds need to be relocated to meet proper setbacks. All trees on the site are to remain.

The owner proposes to create a second parcel that would accommodate an additional single-family home. Parcel 1, for the additional home, would be a 5,620 square-foot triangular shaped lot. Parcel 2, with the existing home, would be a 5,000 square-foot trapezoidal lot; the minimum lot size in the zoning district is 5,000 square feet. The zoning district also requires a minimum lot depth of 80 feet to provide 20-foot front and rear setbacks and an adequate building area.

Variance

The owner is requesting a variance to reduce the lot depth to 67.65 feet, at the deepest portion of the lot, and less, as the lot depth decreases as it gets closer to the point of the triangle. At the west end of the proposed building area, the lot would be only 40 feet deep.

The triangular shape of the lot and the reduced lot depth would create two concerns: a limited amount of usable open space and a small odd-shaped developable area.

Much of Parcel 1 would be encumbered by required setback areas, including 2,820 square feet for the front yard and 1,462 square feet for the side and rear yards leaving a 1,338-square-foot triangular building area. The proposed dwelling would have a maximum building depth of 28 feet which would narrow to 9.75 feet. The limited building depth and triangular shape would result in creating a building with small rooms and an unusual floor plan.

In order to create a minimally adequate building area, the rear yard would be reduced to 10 feet. The Zoning Ordinance allows the Planning Director to reduce setbacks without a variance when the property is adjacent to a non-buildable public use area, such as the Eden Greenway. However, the modified 10-foot rear yard would not provide for an adequate private yard for Parcel 1. Although a total of 1,100 square-feet is proposed, the 10 foot width and the odd shape would not provide a usable rear yard consistent with those in the neighborhood. According to City records and aerials there are no other properties in the neighborhood that have such rear yards reductions.

Without a subdivision, the zoning district allows two homes to be constructed on one lot when there is already a home on the property and there is a minimum of 5,000 square feet for each unit. However, both homes would have to be sold together. When two homes are constructed on a single parcel, the yards can be shared or manipulated to create larger more usable areas. The creation of the lot lines generates yards which would have limited usability. The 10,620-square-foot lot is of a sufficient size to accommodate two homes.

Building Design

A proposed house design was provided to show how a house could fit on the lot. The proposed building design is not a part of this application and would be reviewed at a later date. The architectural design of the house would be important as all elevations would be highly visible from the street and parkway.

Environmental Review

The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to section 15270 (a), Projects Which are Disapproved.

Public Hearing Notice

A meeting was held with City staff, concerned neighbors and the owner on June 1, 2006. Four neighbors attended that meeting expressing concerns that the existing infrastructure is not capable of accommodating another structure and there is insufficient street parking in the neighborhood. There was also concern that the new parcel would not provide enough usable private area for a family. There was a general consensus that subdividing the parcel and trying to fit two two-story homes on the lot would not conform to the surrounding predominantly single-story neighborhood. It was also expressed that the original developer would have constructed a second home on the parcel if the lot was of sufficient size and

shape to accommodate two units.

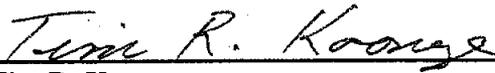
The neighbors presented a petition signed by 27 concerned citizens against the subdivision of the property. The owner also submitted a petition signed by 14 citizens in favor of the subdivision. It should be noted that 6 people signed both petitions.

On June 11, 2006 staff received an letter from the Southgate Area Homeowners Association stating that the lot was of an inappropriate shape to be subdivided. If the lot was suitable to be further subdivided the original developer would have done so.

Conclusion

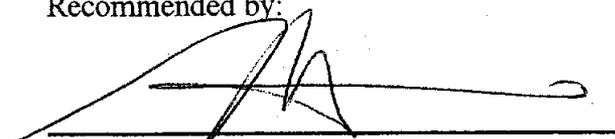
Staff does not support the lot depth variance request. The narrow depth of Parcel 1, along with the irregular triangular shape of the lot, creates a parcel that does not provide an adequate usable rear yard as typical in the neighborhood. Staff believes that granting this variance would constitute a special privilege inconsistent with the limitations upon other properties in the vicinity.

Prepared by:



Tim R. Koonze
Assistant Planner

Recommended by:



Richard Patenaude, AICP
Principal Planner

Attachments:

- A. Area Map
- B. Findings for Denial
- C. Letter From Southgate Area Homeowners Association
- D. Neighborhood Petition in Support of the Application
- E. Neighborhood Petition Requesting Denial of the Application
Tentative Parcel Map 9129



Area & Zoning Map

PL-2006-0218 VAR

Address: 2133 Boca Raton Street

Applicant: Gauthier Nora

Owner: Gauthier Nora

Zoning Classifications

RESIDENTIAL

RM Medium Density Residential, min. lot size 2500 sqft

RS Single Family Residential, min. lot size 5000 sqft

COMMERCIAL

CN Neighborhood Commercial



FEET 50 100

**TENTATIVE PARCEL MAP 9129
VARIANCE APPLICATION 2006- 0218
NORA GAUTHIER (APPLICANT/OWNER)
2133 BOCA RATON STREET**

FINDINGS FOR DENIAL

- A. The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), Projects Which are Disapproved.
- B. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other properties in the vicinity under the same zoning classification in that other properties have not been allowed to have reduced lot depths that create an inadequate usable space for a single-family home.
- C. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the Single-Family Residential (RS) District in which the property is situated in that other properties have not been granted a similar variance that affects the ability to create a usable private area.

SOUTHGATE

AREA HOMEOWNERS ASSOCIATION

June 11, 2006

Mr. Tim Koonze
City of Hayward
Planning Division
777 B Street
Hayward, CA 94541

Re: PL-2006-0218 VAR and PL-2006-0219 PM

The Southgate Area Homeowners Association has discussed the proposed subdivision of the parcel at 2133 Boca Raton Street.

Members are not in support of the subdivision. The association believes that the parcel while relatively flat, has a long narrow shape adjacent to the PG&E transmission line is not an appropriate shape to allow for use as two separate lots.

These are all factors that led the original developer to not create an additional home here. If the proposed lot was suitable we are certain that it would have been created during the original subdivision process.

We appreciate your department keeping the association informed of applications in the neighborhood. We are always happy to offer suggestions.

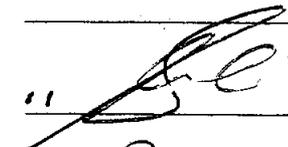
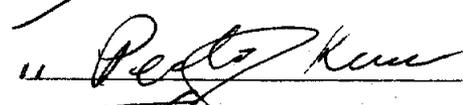
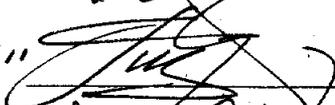
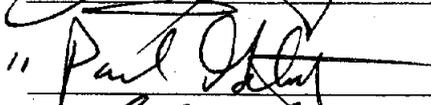
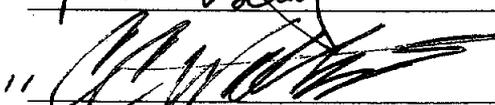
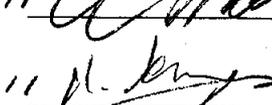
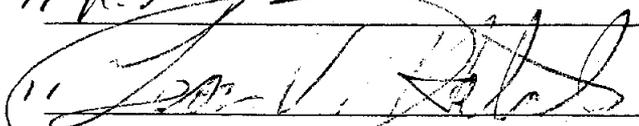
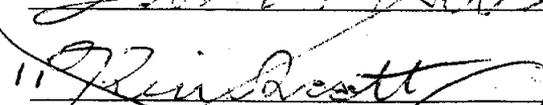
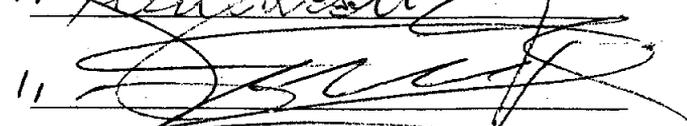
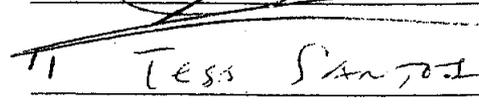
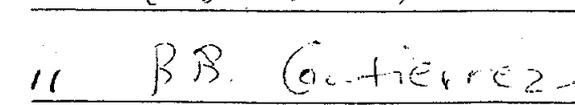
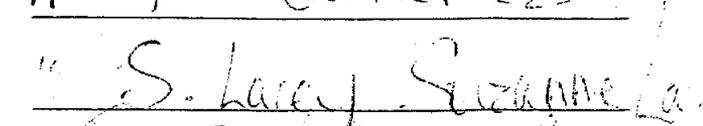
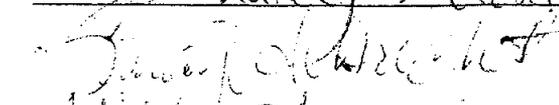
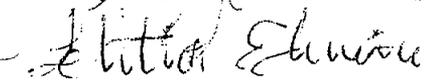
Thank you,

The Southgate Area Homeowners Association Board

Paul & Nora Gauthier
2133 & 2137 Boca Raton Street

City of Hayward

Home Owner from Boca Raton are 100% in agreement to see that the piece of property at 2133 & 2137 Boca Raton is developed for two separate owners.

Boca Raton 2127 Jones	_____
2026 Boca Raton	_____ " 
2002 Boca Raton St	_____ " 
26894 Boca Raton Ct	_____ " 
26887 Boca Raton Ct.	_____ " 
2118 Boca Raton St	_____ " 
2158 Boca Raton St	_____ " 
2117 Boca Raton	_____ " 
1930 Boca Raton	_____ " 
1965 Boca Raton St	_____ " 
2098 Boca Raton St	_____ " 
2098 Boca Raton	_____ " 
2050 Boca Raton St	_____ " 
2050 Boca Raton St	_____ " 
2013 Boca Raton St	_____ " 

Concerned Residences of a Single Family Residential Zoning District

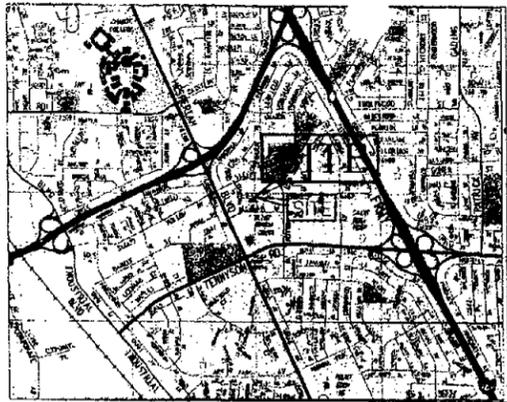
The property at 2133 Boca Raton Street near the corner of Contessa St. in a Single-Family Residential Zoning District has requested to subdivide a lot into two single-family parcels and for a variance for the lot depth. We the under signed are against this sub division because it would set a presidency to sub divide other parcels similar to this one. It would create more traffic to an already congested area.

Name	Address	Telephone #
1. Jennifer Hendrix	25618 Kay Ave	(510) 785-8038
2. Elizabeth Angeles	2136 Boca Raton St	(510) 483-7128
3. Jack P.	26754 Contessa st	(510) 209-4459
4. Wandra Williams	2158 Boca Raton St	570 786 1013
5. Orlando Gonzalez	2158 Boca Raton St	(510) 786-1013
6. Vera Brown	2001 Sepp Hollow	264-9802
7. Mary K Cole	2134 Boca Raton St.	783-1224
8. Almynd	2118 Boca Raton	780-0355
9. Teresita Santos	2096 Boca Raton	261 0739
10. Nicaron Santos	" "	266-0739
11. Bonifacio Antiermes	" "	266-0739
12. Mary Albrecht	2050 Boca Raton St.	783-7484
13. Sandra Albrecht	2050 Boca Raton St.	783-7484
14. Virginia Lewis	2062 Boca Raton St.	887-6949
15. Ana R. Celada	2126 Boca Raton St.	732-5510
16. Suanne Lacey	2050 Boca Raton St Hayward	887-2640
17. Lilia Bogar	2002 Chiplay et Hayward	315-8606

Concerned Residences of a Single Family Residential Zoning District

The property at 2133 Boca Raton Street near the corner of Contessa St. in a Single-Family Residential Zoning District has requested to subdivide a lot into two single-family parcels and for a variance for the lot depth. We the under signed are against this sub division because it would set a presidency to sub divide other parcels similar to this one. It would create more traffic to an already congested area.

Name	Address	Telephone #
18 Denise Gonzalez	2136 Boca Raton	(601) 565-7044
19 M. Hume	2012 BUCARTON	(510) 455-0300
20 Michelle A. Green	3110 Boca Raton St.	
21 Maria Morales	76894 Boca Raton Ct.	
22 Paul Galt	26887 Boca Raton Ct	(570) 782-0355
23 Melvin Galt	26887 Boca Raton Ct.	(570) 782-0355
24 Valerie	2074 Boca Raton St CA	(510) 784-8959
25 Valerie	2074 Boca Raton St CA	(510) 784-8959
26 Paula Resales	2000 Sleepy Hollow Ave	(510) 732-1887
27 Paul Resales SR.	2000 Sleepy Hollow Ave	(510) 732-1887
28		
29		
30		



VICINITY MAP
NOT TO SCALE

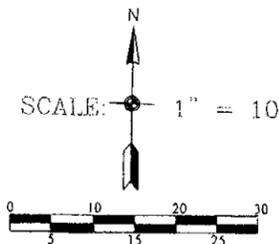
TENTATIVE PARCEL MAP 9129

1. OWNER: NORA GAUTHIER
2133 BOCA RATON
HAYWARD, CA. 94545

2. ENGINEERS: VENTURA ENGINEERING SERVICES
2678 NORTH MAIN STREET, SUITE 25
WALNUT CREEK, CALIFORNIA 94597
TEL. NO. 925-932-8884

ENGINEERS: RODOLFO DIMALANTA RCE # 54787 (EXP. 12/31/07)
HENDRICK VAN DE POL RCE # 15472 (EXP. 3/31/07)

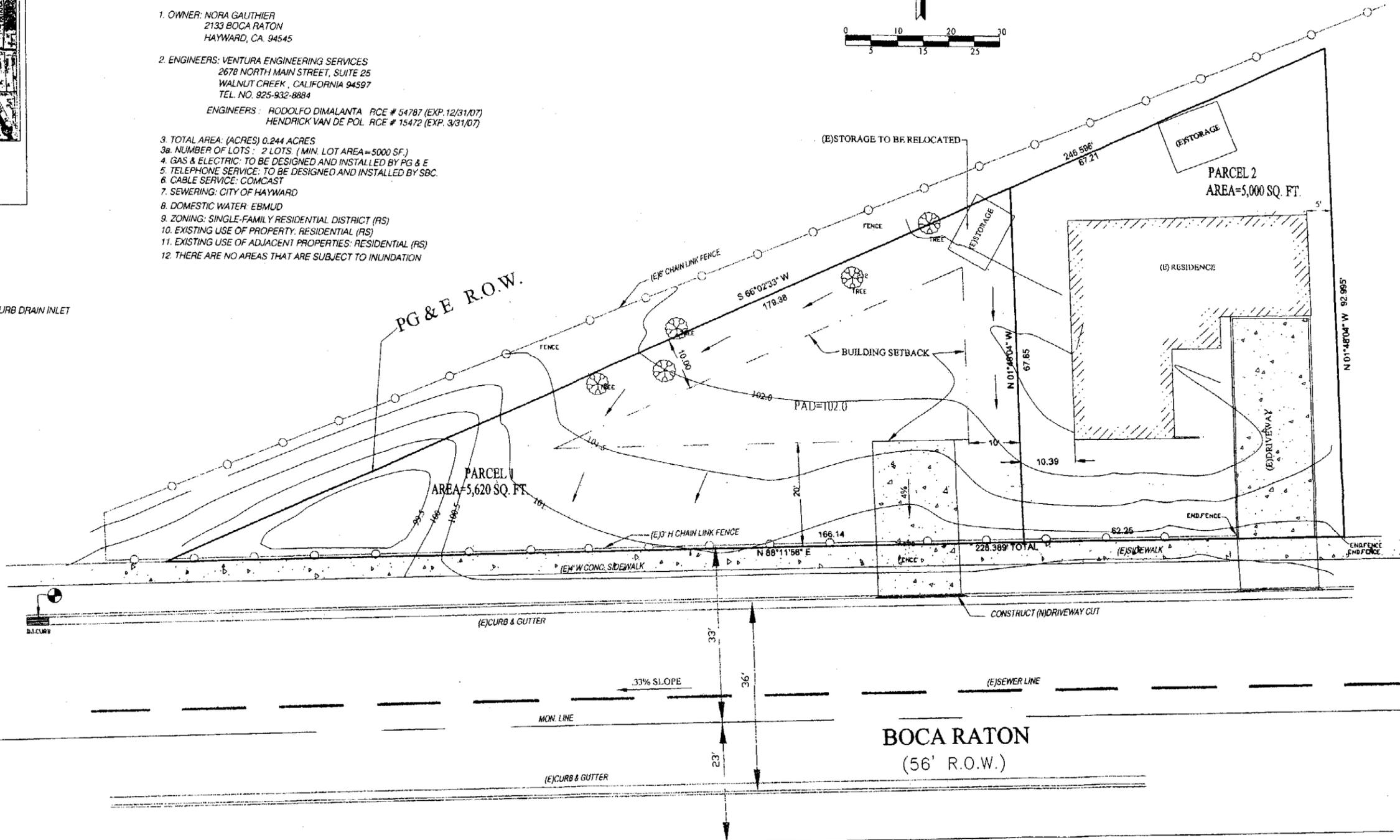
3. TOTAL AREA: (ACRES) 0.244 ACRES
- 3a. NUMBER OF LOTS: 2 LOTS (MIN. LOT AREA=5000 SF.)
4. GAS & ELECTRIC: TO BE DESIGNED AND INSTALLED BY PG & E
5. TELEPHONE SERVICE: TO BE DESIGNED AND INSTALLED BY SBC
6. CABLE SERVICE: COMCAST
7. SEWERING: CITY OF HAYWARD
8. DOMESTIC WATER: EBMUD
9. ZONING: SINGLE-FAMILY RESIDENTIAL DISTRICT (RS)
10. EXISTING USE OF PROPERTY: RESIDENTIAL (RS)
11. EXISTING USE OF ADJACENT PROPERTIES: RESIDENTIAL (RS)
12. THERE ARE NO AREAS THAT ARE SUBJECT TO INUNDATION



LEGEND

- PROJECT BENCHMARK
ASSUMED ELEV. 100.00 AT (E) CURB DRAIN INLET
- BOUNDARY / PROPERTY LINE
- EXISTING CONTOUR LINES
@ .5 FT. INTERVALS
- GND GROUND
- TC TOP OF CURB
- (E) EXISTING
- (N) NEW
- CONC CONCRETE
- EL ELEVATION
- SW SIDEWALK
- DW DRIVE WAY

CONTESSA WAY



BOCA RATON
(56' R.O.W.)

OWNER'S STATEMENT:

I, NORA GAUTHIER AGREE TO THE FILING OF SAID MAP AND AGREE TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

OWNER SIGNATURE: *Nora M. Gauthier*

RECEIVED

MAY 06 2006

PLANNING DIVISION

Project #
PL-2006-0218 VAR
TPM 9129

PROJECT #
PL-2006-0218 VAR
PL-2006-0219 PM

NO.	REVISIONS	BY	DATE	SCALE:
				1" = 10'

PREPARED BY UNDER THE DIRECTION OF
Rodolfo Dimalanta
R.V. DIMALANTA

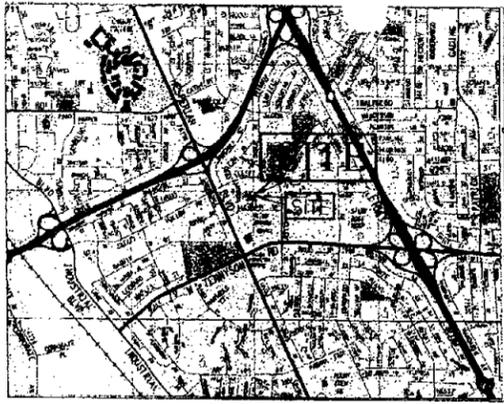


VENTURA ENGINEERING SERVICES
CIVIL ENGINEERS
TEL. 925-932-8884 FAX. 925-932-7531
2678 N. MAIN STREET, STE. 26 WALNUT CREEK, CA. 94597

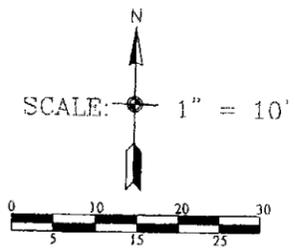
APN-455-0020-036

TENTATIVE PARCEL MAP
2133 & 2137 BOCA RATON ST. HAYWARD, CA.

SHEET 1
OF 1 SHEETS
JOB NO. 6-1017M



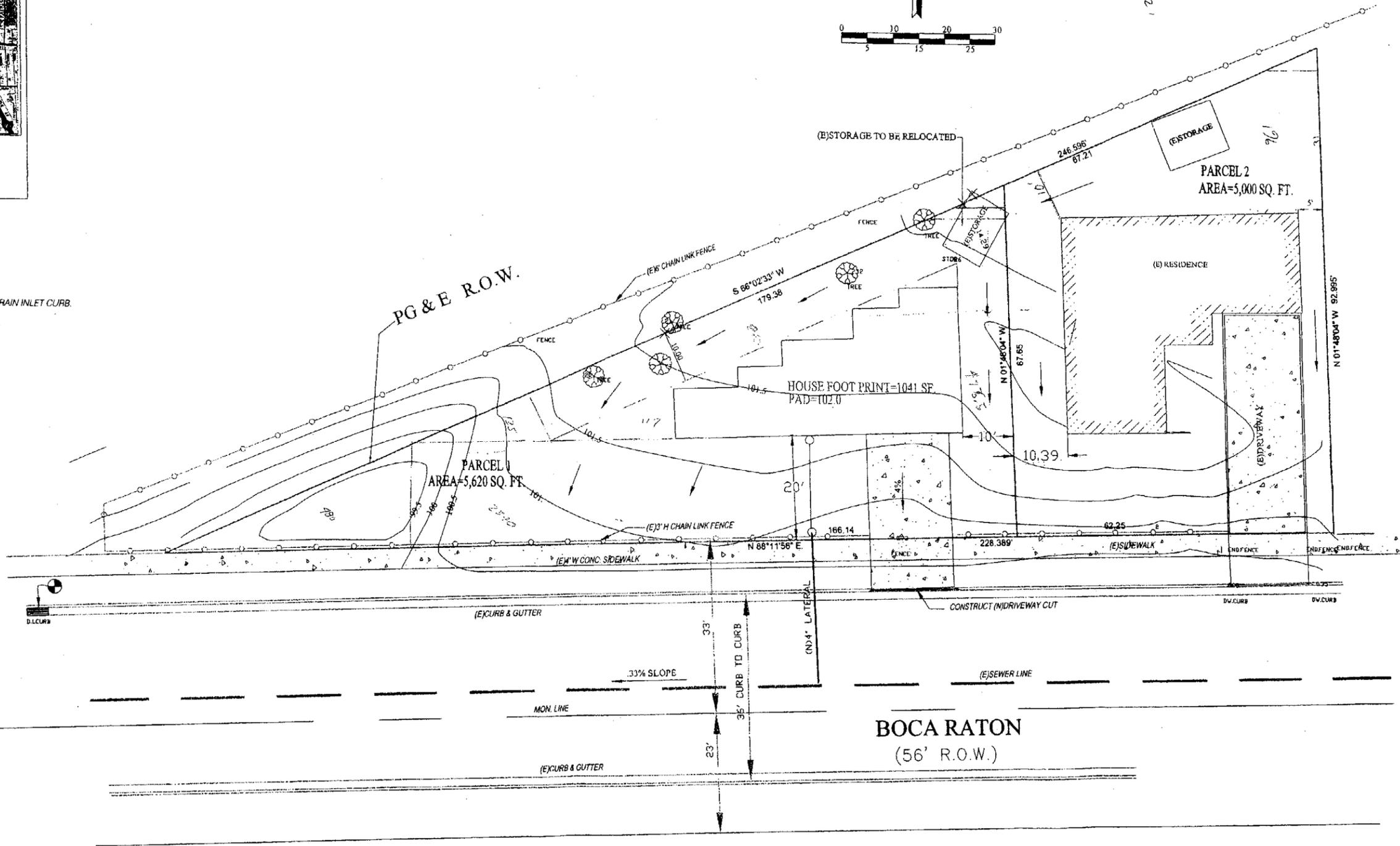
VICINITY MAP
NOT TO SCALE



LEGEND

- PROJECT BENCHMARK
ASSUMED ELEV. 100.00 AT (E) DRAIN INLET CURB.
- BOUNDARY / PROPERTY LINE
- EXISTING CONTOUR LINES
@ .5 FT. INTERVALS
- GND GROUND
- TC TOP OF CURB
- (E) EXISTING
- (N) NEW
- CONC CONCRETE
- EL ELEVATION
- SW SIDEWALK
- DW DRIVE WAY

CONTESSA WAY



NO.	REVISIONS	BY	DATE	SCALE: 1" = 10'

DATE: APRIL 2006
 DESIGNED: RD
 PROJENGR:
 PREPARED BY OR UNDER THE DIRECTION OF
 R.V. DIMALANTA

VENTURA ENGINEERING SERVICES
 CIVIL ENGINEERS
 TEL 925-932-8884 FAX 925-932-7531
 2678 N. MAIN STREET, STE. 25 WALNUT CREEK, CA. 94597

APN: _____

SITE PLAN
 2133 & 2137 BOCA RATON ST. HAYWARD, CA.

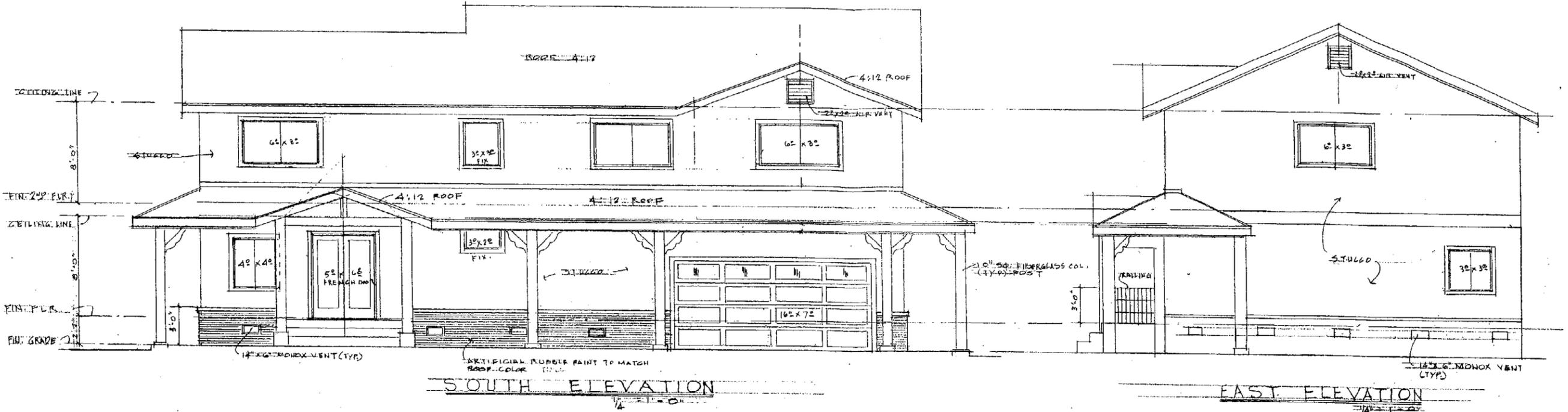
SHEET 1
 OF 7 SHEETS
 JOB NO. 060474

RECEIVED

MAY 04 2006
 PLANNING DIVISION

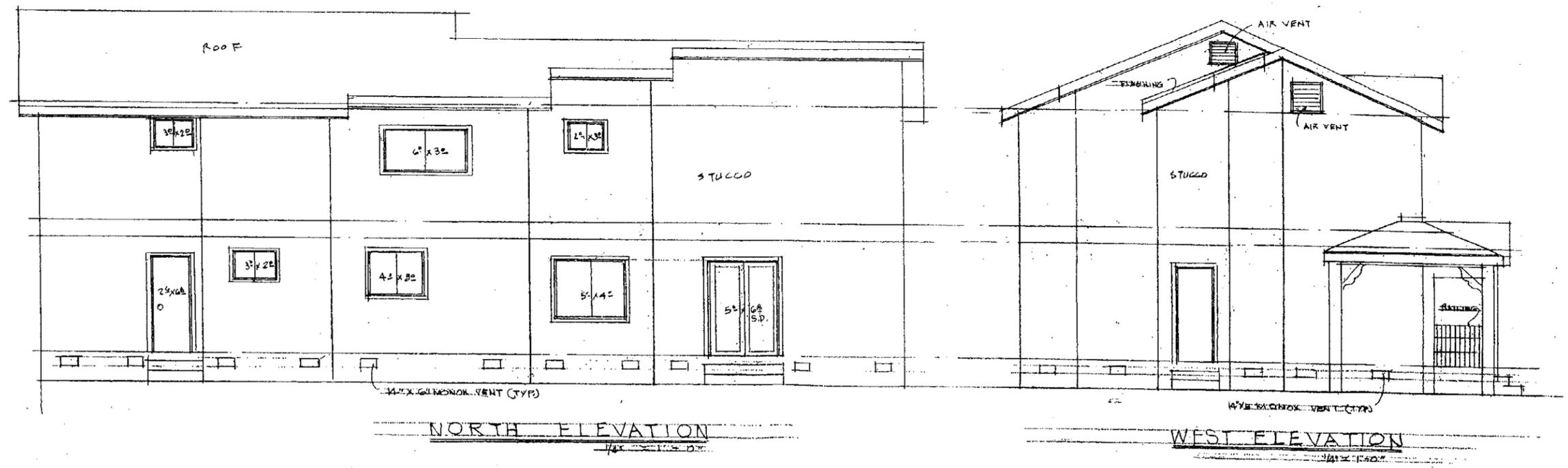
PROJECT #
 PL-2006-0218 VAR
 PL-2006-0219 PM

REVISIONS	BY
1-15-06	PLG



SOUTH ELEVATION
1/4" = 1'-0"

EAST ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"

WEST ELEVATION
1/4" = 1'-0"

ELEVATION

TWO STORY RESIDENCE
GAILHEE RESIDENCE
2455 ROCKY MOUNTAIN
MAYFIELD, CALIF.

HAYWARD CITY COUNCIL

RESOLUTION NO. 06-

Introduced by Council Member _____

made
9/11/06

**RESOLUTION UPHOLDING THE PLANNING
COMMISSION'S DECISION TO DENY TENTATIVE
PARCEL MAP 9129 AND VARIANCE 9129/VARIANCE
APPLICATION NO. PL-2006-0218**

WHEREAS, on July 20, 2006, the Planning Commission denied the parcel map and variance request by Nora Gauthier (Appellant/Owner) to subdivide a lot located at 2133 Boca Raton Street into two single-family residential parcels with a variance for lot depth, indicating that granting of the variance would constitute a special privilege inconsistent with the limitations upon other properties in the vicinity; 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 Parcel Map 9129 and Variance Application No. PL-2006-0218 that:

1. The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15270 (a), Projects which are Disapproved;
2. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other properties in the vicinity under the same zoning classification in that other properties have not been allowed to have reduced lot depths and the reduction of the lot depth would result in inadequate usable open space for a single-family home; and
3. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the Single-Family Residential (RS) District in which the property is situated in that other properties have not been granted a similar variance that adversely affects the ability to create a usable private open space area and the reduction of the lot depth would necessitate a reduction of the rear yard setback to 10 feet, where 15 to 20 feet is the average rear yard size in the neighborhood.

NOW, THEREFORE, BE IT RESOLVED that based on the aforementioned findings the Council of the City of Hayward hereby upholds the Planning Commission's decision and denies Tentative Parcel Map 9129 and Variance Application No. PL-2006-0218.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2006

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