



CITY OF HAYWARD AGENDA REPORT

Meeting Date 1/11/07
Agenda Item 1

TO: Planning Commission

FROM: Tim R. Koonze, Acting Development Review Engineer

SUBJECT: **Tentative Parcel Map 7990 – Mai Nguyen (Applicant/Owner) - Request for a One-Year Extension of the Tentative Parcel Map to Subdivide Two Parcels into Three Lots for Single-Family Homes**

The Property is Located at 25209 - 25211 Soto Road at the Southwest Corner with Berry Avenue in a Single-Family Residential (RSB6) Zoning District

RECOMMENDATION:

Staff recommends that the Planning Commission rely on the previously approved environmental finding and approve a one year extension of the tentative parcel map.

DISCUSSION:

On November 21, 2002 the Planning Commission approved Tentative Parcel Map 7990, which would subdivide two parcels with a combined area of approximately 18,000 square feet into three parcels of approximately 6,000 square feet each and allow a variance to the minimum 60 foot –wide lot width. A tentative parcel map is valid for an initial two year period. On November 4, 2004, the Planning Commission granted a two-year extension, which expired on November 21, 2006. As allowed by law, prior to expiration of the tentative map approval, the applicant again requested that the tentative map approval be extended.

There are two homes, built in 1920 and fronting on Soto Road, which will remain on proposed Lots 1 and 2. Neither home has a garage; therefore, the applicant is required to construct a two-car garage for each prior to recordation of the parcel map. In addition, pursuant to the 2002 conditions of approval, the applicant is required to provide separate sewer and water services for each of the homes and is required to install street improvements along the Berry Avenue frontage.

As indicated in Attachment D, the current applicant/property owners have requested the extension because they do not currently have the fiscal resources to construct the required garages and improvements, although they have tried to obtain financing. The applicant indicates that they will make a diligent effort to comply with the conditions of approval as quickly as possible. If the extension is approved, the tentative parcel map would be valid until November 21, 2007. A complete parcel map application would be required to be filed with the City prior to that expiration date.

No changes to the project are proposed as part of the tentative parcel map extension and there have been no significant changes in the area or in City policies that would be in conflict with the design of the tentative map. In addition, there have been no changes in the project which would require further environmental review. The project remains consistent with the *General Plan* land use designation of Medium-Density Residential, and the *Zoning Ordinance* designation of RSB6 (Single-Family Residential, 6,000 square-foot minimum lot size). Also, it is staff's opinion that the existing conditions adequately address the City's concerns and therefore no changes are recommended.

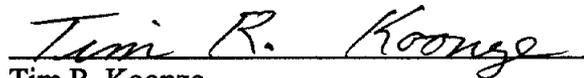
PUBLIC HEARING NOTICE:

A notice was mailed on December 29, 2006 to all property owners and tenants within 300 feet of the subject property and to all interested parties regarding this request for the tentative map extension.

CONCLUSION:

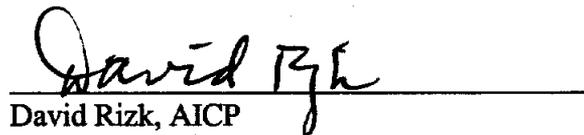
The State Map Act and the City's Subdivision Ordinance allow the applicant to request the extension. Granting the extension would allow the applicant additional time to construct the garages and install the improvements prior to recording the parcel map.

Prepared by:



Tim R. Koonze
Acting Development Review Engineer

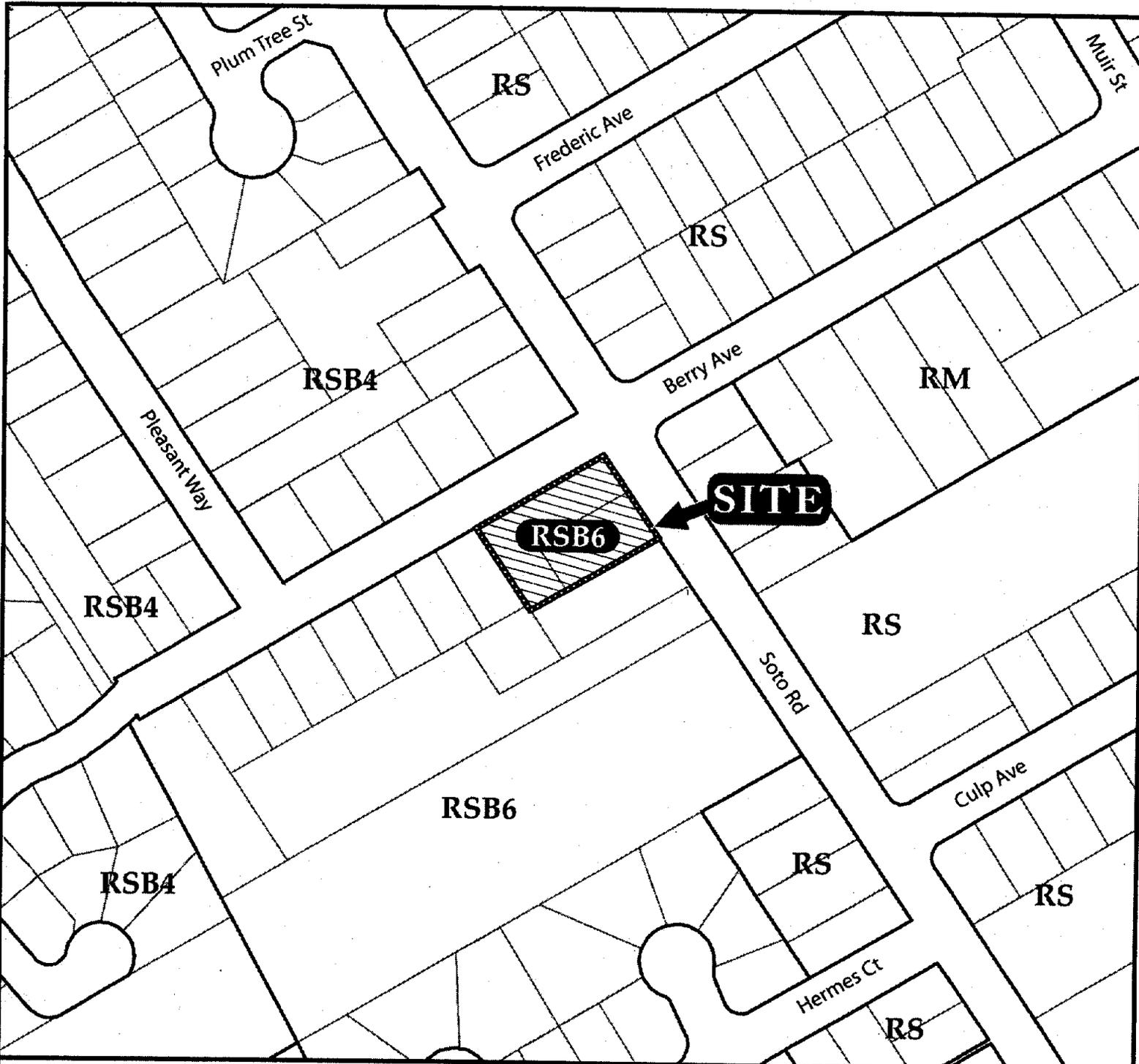
Recommended by:



David Rizk, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Extension
- C. Original Conditions of Approval
- D. Letter Requesting An Extension to the Approval of Tentative Parcel Map 7990
Tentative Parcel Map 7990



Area & Zoning Map

Tentative Parcel Map 7990

Address: 25209 & 25211 Soto Road

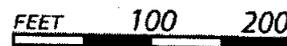
Applicant: Mai Nguyen

Owner: Mai Nguyen

Zoning Classifications

RESIDENTIAL

- RM Medium Density Residential, min lot size 2500 sqft
- RS Single Family Residential, min lot size 5000 sqft
- RSB4 Single Family Residential, min lot size 4000 sqft
- RSB6 Single Family Residential, min lot size 6000 sqft



**FINDINGS FOR EXTENSION
TENTATIVE PARCEL MAP 7990
25209 – 25211 Soto Road**

- A. There have been no changes in the project which would require further environmental review therefore the previous determination that the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, *In-Fill Development Projects* remains true.

- B. The applicant attempted but failed to obtain funding to cover the cost of constructing a two-car garage for each unit and upgrading both homes to comply with the requirements of the Hayward Rental Housing Inspection as required by the Conditions of Approval. The applicant claims he needs more time to acquire the financing necessary to complete these improvements.

**ORIGINAL
CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 7990
25209 – 25211 Soto Road**

PRIOR TO RECORDATION OF THE PARCEL MAP:

1. The two-car garages for the existing homes on Parcels 1 and 2 shall be completed. The garage design and materials shall be consistent with the existing homes and shall meet the approval of the Planning Director. The garages shall comply with the City of Hayward Zoning Ordinance and Design Guidelines.

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.

2. The electrical services to the three parcels shall be underground.
3. The existing units shall each have separate sanitary sewer and water connections to the public mains located within the abutting streets. The design and location of connection to be approved by the City Engineer. Any water well or cathodic protection well, or exploratory boring that is shown on this map, is known to exist, is proposed, or is located during the course of field operations shall be properly destroyed, backfilled or maintained in accordance with applicable groundwater protection ordinances. The owner or other responsible party should call the Alameda County Flood Control District, Zone 7, (510) 443-9300, for additional information. Any septic tank, leach field, etc. that is known to exist or is located during the course of field operations shall be properly destroyed per Alameda County Health Department Regulations.
4. The two existing homes located at 25209 and 25211 Soto Road shall comply with the requirements of the City of Hayward Housing Inspection Division and the City Building Official prior to the recordation of the parcel map.
5. All on-site trees 10-inches in diameter of greater shall be preserved.

PRIOR TO THE FINAL INSPECTION FOR THE GARAGE ON LOT 1:

6. All street improvements along the Berry Avenue frontage of Parcel 1 shall be completed to the satisfaction of the City Engineer. The design of the street improvements shall be approved by the City Engineer prior to the start of construction.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR LOT 3:

7. The home shall be designed so that site and elevation design meet the Planning Directors approval. The home design shall comply with the City of Hayward Zoning Ordinance and Design Guidelines.

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. All street improvements along the Berry Avenue frontage shall be completed to the satisfaction of the City Engineer. The design of the street improvements shall be approved by the City Engineer prior to the start of construction.
9. Park Dedication In-Lieu Fees are required for one new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.

September 6, 2006

RECEIVED

SEP 08 2006

PLANNING DIVISION

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

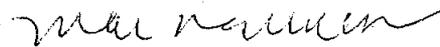
RE: Parcel Map 7990, 25209-25211 Soto Rd., Hayward

Dear Sir or Madam:

We would like to request an extension of time to complete the conditions for the above map. We've tried but could not obtain the financing as per a detailed estimate by a local contractor which was for more than \$198,000 with several estimated fees which means the cost may even be higher. We would appreciate a chance to meet with a city official to explain further if required.

We appreciate your time and your consideration in granting us an extension.

Best regards,



Mai Nguyen
P.O. Box 711
Alviso, CA 95002-0711
408-712-7050
maithnguyen@hotmail.com

ATTACHMENT D

**TENTATIVE PARCEL MAP
7990 IS AVAILABLE FOR
VIEWING IN
THE PLANNING DIVISION
OFFICE**