



CITY OF HAYWARD AGENDA REPORT

Meeting Date: 9/6/01

Agenda Item: 6

TO: Planning Commission

FROM: James V. DeLuz, Assistant Planner

SUBJECT: **PL 2001-0141 - Referral by the Planning Director of Request for Second Extension of Time for Administrative Use Permit 98-150-26 and Variance 98-180-09 - Antonio Solorio/Tacos Uruapan (Applicant/Owner) - Request to Construct a Restaurant With a Variance to Eliminate Tractor/Trailer Parking. *The Site is Located at 29950 Huntwood Avenue, at the Northeast Corner of Industrial Parkway West, in an Industrial (I) Zoning District***

RECOMMENDATION:

Staff recommends that the Planning Commission rely on the previously adopted environmental documents and approve the second one-year time extension.

DISCUSSION:

On June 21, 1999, the Planning Commission approved Administrative Use Permit No. 98-150-26 and Variance No. 98-180-09 to construct a 1,845 square-foot building for use as a 45-seat restaurant with associated parking and a variance to delete the 15 percent tractor/trailer-parking requirement for restaurants in the Industrial District. A condition of the use permit states: "*The application shall become null and void one year after the effective date of approval unless a building permit has been accepted for processing by the Building Official.*" Alternatively, the applicant may apply for a time extension at least 15 days prior to the anniversary date of approval, as is the case here.

The Planning Commission approved a one-year time extension July 27, 2000. The Planning Director's decision to administratively approve the time extension had been appealed and the item was referred to the Commission. The objection, received from a neighboring property owner, stated that due to recent and rapid neighborhood transformation, a restaurant would not serve the needs of the community. Restaurant construction was planned to begin this year, however the applicant's architect was unable to complete the final building plans and to submit the building permit application for processing prior to the project expiration date, August 7, 2001.

The applicant applied for a second one-year extension July 18, 2001. A maximum of two one-year extensions may be approved by the Planning Director or, on appeal, by the Planning

Commission or City Council. Because an objection was received to the previous time extension this request is being referred to the Commission.

On July 23, 2001, a notice was sent to neighboring property owners and other interested parties informing them of this request for an extension and inviting comments. No comments were received pursuant to the applicant's request for the second time extension.

In staff's opinion, the criteria by which an extension may be granted are met in that

- A. There was reasonable cause for delay. According to the applicant, he was required to obtain the services of a new architect because the previous project architect had closed his business and relocated from the area. The applicant has engaged a new architect, but the current architect has been unable to complete the development plans and to submit for a building permit prior to the project expiration date. In order not to jeopardize the project the applicant determined it appropriate to request a second time extension.
- B. The proposal is in conformance with existing development regulations. When the administrative use permit and variance were approved by the Planning Commission, the project was found to be consistent with the intent and policies of the City's Industrial District and the strategies and policies of the Tennyson-Alquire Neighborhood Plan. The goals, policies and development regulations of the Industrial District and Neighborhood Plan have not changed since approval of the project; therefore, the use permit and variance remain consistent.

Environmental Review

The project is exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15074 (a-e), in that a mitigated negative declaration has been adopted for the project.

Public Notice

On August 27, 2001, a notice was mailed to property owners and tenants within 300 feet of the project boundaries advising them of the request for the time extension. As of the date this report was prepared no comments were received from the public contacted through the noticing process.

Prepared by:


James V. De Luz
Assistant Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

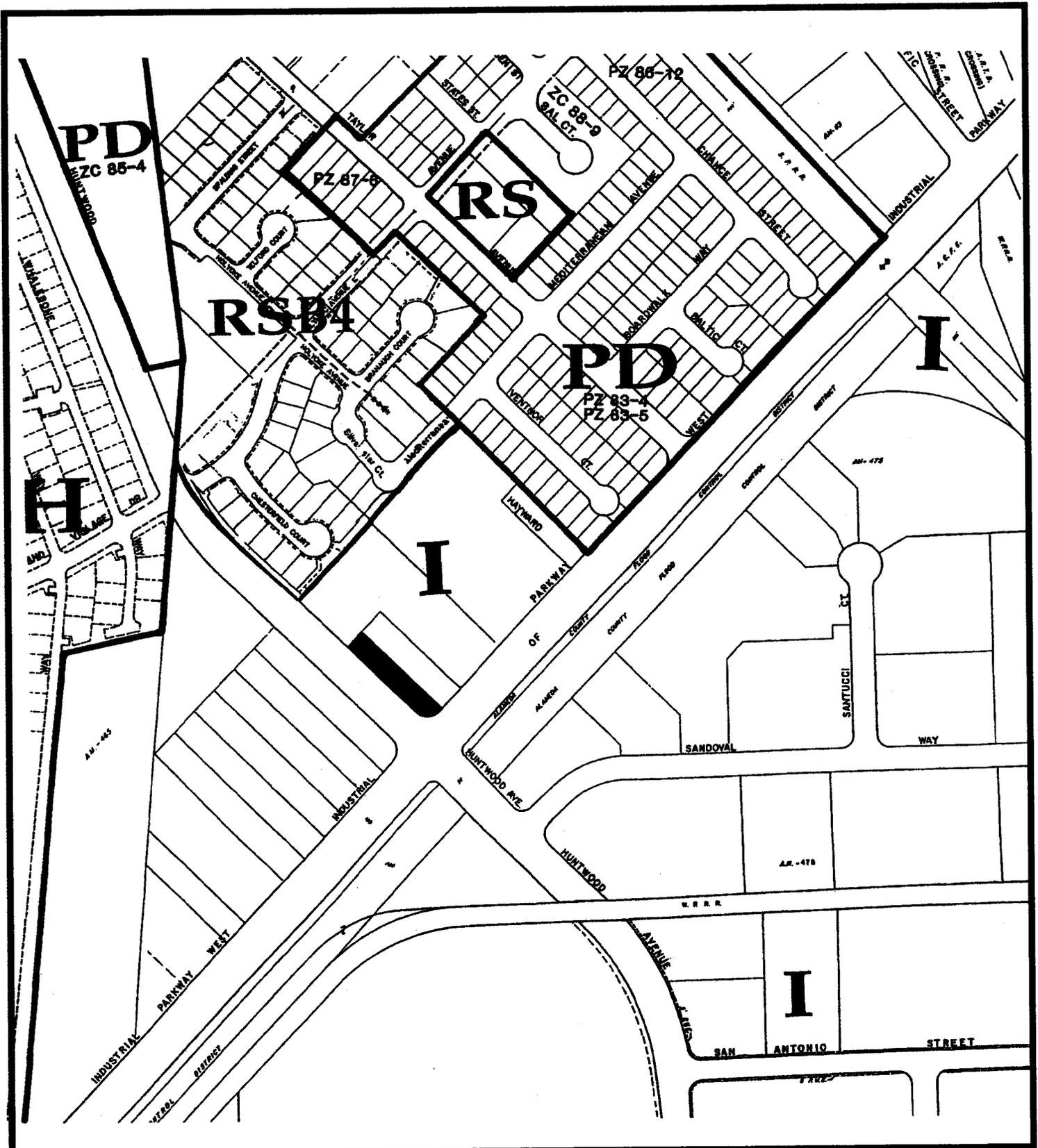
Attachments:

- A - Findings for Approval of Extension
- B - Area Map

FINDINGS FOR APPROVAL
PL-2001-0141
Extension of Time
Administrative Use Permit 98-150-26/Variance 98-180-09
Antonio Solorio/Tacos Uruapan (Applicant/Owner)

- A. The approval of the second time extension to construct a 1,845-square-foot building for use as a 45-seat restaurant with associated parking is in conformance with existing development regulations including the General Plan and Zoning Ordinance and there has been no change to the existing development regulations since the applicant's administrative use permit was last approved;

- B. The cause for the delay of the submittal of the building application was for reasons that were out of the applicant's control in that within the last year the owner's new architect was unable to complete the construction plans and submit them to the Building Inspection Division for plan check prior the one-year project extension date.



Area & Zoning Map

PL-2001-0141 AUP

Address: 29950 Huntwood Avenue

Applicant: Alejandro Solorio

Owner: Alejandro & Antonio Solorio