

RESOLUTION NO. 04-31 VARIANCE NO. 04-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES APPROVING VARIANCE NO. 04-01 APPLIED FOR BY SEMIK OUNGOULIAN, TO EXCEED THE THREE STORY MAXIMUM BUILDING HEIGHT LIMITATION, AND TO PERMIT THE CONSTRUCTION OF A FIVE (5) STORY, 130-FOOT HIGH SENIOR HOUSING BUILDING LOCATED ON A 1.28 ACRE SITE SOUTH OF SYCAMORE AVENUE AND WEST OF INTERSTATE 80 FREEWAY SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Planning Commission of the City of Hercules has considered an application for a Variance filed by Semik Oungouljian in accordance with Sections 51.100 through 51.900 of the Hercules Zoning Ordinance; and

WHEREAS, in accordance with the California Environmental Quality Act, the Community Development and Public Services Department has provided public notice of the intent of the City to adopt a negative declaration for this project and the Planning Commission has reviewed the staff report and hereby finds that this project will not have a significant effect on the environment and adopts said negative declaration; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

- a. That strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the General Plan and Zoning Ordinance.
- b. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use of the property including size, shape, topography, location or where the strict or literal interpretation and enforcement of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and classified in the same zoning district.
- c. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located.
- d. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hercules hereby approves Variance No. 04-01 subject to the conditions based on Findings with Fact. The decision of the Planning Commission is final unless appealed in accordance with the provisions contained in Chapter 44 of the Hercules Zoning Ordinance.

PASSED AND ADOPTED by the Planning Commission of the City of Hercules on this twenty-sixth day of July 2004, by the following vote:

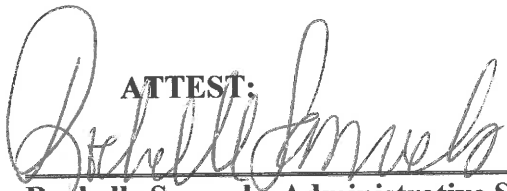
Motion/Tang, Second/Mitchell

AYES: Wong, Mitchell, McDonald, Tang

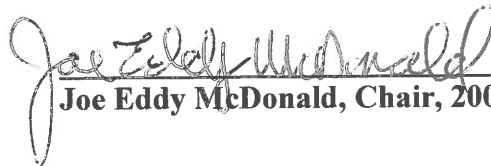
NOES: Betschart

ABSENT:

ABSTAIN:

ATTEST:


Rochelle Samuels, Administrative Secretary



Joe Eddy McDonald, Chair, 2004