



**DATE:** November 13, 2018

**TO:** Mayor and City Council

**FROM:** Interim Director of Public Works

**SUBJECT:** Approval of Final Map of Tract 8233 Parkside Heights, Creating Ninety-Seven Lots for Detached Single-Family Residences and 26 Lots for the Lot-owners Common Use on a 10.68-Acre Site Located at the Southwest Corner of 2nd Street and Walpert Street

**RECOMMENDATION**

That Council adopts the attached resolution (Attachment II) approving the Final Map of Tract 8233 (Attachment III), finding it in substantial conformance with the approved Vesting Tentative Tract Map 8233 and the Conditions of Approval thereof, and authorizing the City Manager to execute a Subdivision Agreement.

**SUMMARY**

The Final Map and Improvement Plans for Parkside Heights Tract 8233 were reviewed by the City Engineer and found to be in substantial compliance with the City approved Vesting Tentative Map. Council’s approval of the attached resolution will approve the Final Map and authorize the City Manager to execute a Subdivision Agreement between the City and Subdivider (Pulte Homes) for the construction of improvements and other obligations required per the conditions of approval of the Vesting Tentative Tract Map.

City Council considered but did not approve the Final Map of Tract 8233 on September 18, 2018. Two neighboring property owners present at the Council meeting stated that their properties would be adversely impacted unless the Tract 8233 improvement plans were amended. Subsequently, a third neighboring property owner also stated similar concerns. Out of an abundance of caution, the item was continued so that staff could complete an investigation and ensure that the final map would not negatively impact the adjacent properties. Staff has concluded its investigation and found that the recordation of the final map will not impact the adjacent property owner’s easement rights. Adoption of the final map is appropriate at this time under the Subdivision Map Act.

## BACKGROUND

Council received the Staff Report<sup>1</sup> recommending approval of the Parkside Heights Tract 8233 Final Map at its regularly scheduled meeting on September 18, 2018. At this meeting, one property owner, along the east side of Tract 8233, reported that the proposed tract improvements would adversely impact access to her property and her driveway easement. Another property owner reported issues created by the Parkside Heights grading operations on and adjacent to her property at 24237 2<sup>nd</sup> Street. Council directed staff to submit a report at a future meeting addressing the issues. Council also requested a narrative of the apparent differences between the approved Vesting Tentative Map and Final Map for Tract 8233.

## DISCUSSION

The main areas of concern expressed during Public Comments at the September 18, 2018, Council meeting are related to the following:

1. Accommodation of existing driveway easement potentially impacted by the proposed improvements.
2. Impact of Parkside Heights development site grading near and at 24237 2<sup>nd</sup> Street.

### Existing Driveway Easement:

Parkside Heights improvement plans propose construction of certain privately maintained streets to serve the new lots. One such street, Amaranth Loop, will extend from Walpert Street to 2<sup>nd</sup> Street. The initial design plans for Amaranth Loop encroached upon a portion of an existing driveway easement which provides vehicular access from 2<sup>nd</sup> Street to two existing homes on the east side of Parkside Heights Tract 8233 at 24449 and 24453 2<sup>nd</sup> Street. Amaranth Loop was re-designed recently with narrower pavement width to remove any encroachment into the driveway easement. The property owners of 24449 2<sup>nd</sup> Street objected to this design because they would have no parking on or fronting their home. The subdivider has agreed to share the cost of creating vehicle parking on this property.

The Subdivider's representatives have revised the design plans for Amaranth Loop to resolve these issues. The revised plans (Attachment IV) were reviewed at a meeting with the affected property owners and City staff. Subdivider has worked with the two homeowners to resolve their concerns as follows:

- a) The two affected property owners will be offered access easements over the full length of Amaranth Loop, extending from Walpert Street to 2<sup>nd</sup> Street;
- b) In exchange for the Amaranth loop easements, the two affected property owners will relinquish their driveway easements; and

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<sup>1</sup> Link to September 18, 2018 Staff Report & Attachments

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3676291&GUID=610C7D7A-D0BB-4981-A996-0E1297278FFB>

- c) Amaranth Loop shall have rolled depressed curbs at two locations for vehicular access to both properties.

Parkside Heights site grading at and near 24237 2<sup>nd</sup> Street:

Parkside Heights grading plans approved by the City's Public Works Department on May 4, 2018, proposed no grading on any property not owned by Pulte Homes. Subsequently, the Subdivider, with the homeowner's consent, re-graded a corner of the lot at 24237 2<sup>nd</sup> Street to create a more leveled area. This minor grading did not require a grading permit. The lot owner at 24237 2<sup>nd</sup> Street, Ms. Candi Cross, attended the Council meeting of September 18, 2018, expressing concerns with issues created by the new fill placed on her property, including its steep slopes and the potential adverse impacts on the roots of an existing tree on her property. Staff facilitated meetings between the lot owner and the Subdivider's project manager, and an agreement was reached to resolve the issues as follows:

- a) Developer will place additional fill to create a more level backyard on Cross-Harnage property at 24237 2<sup>nd</sup> Street. The fill slope will be entirely on the Parkside Height property. The new property fence will be at the top of the fill slope.
- b) New lot grades adjoining the Cross-Harnage property's side yard will be lowered by two feet, to minimize grade differential. The initially proposed retaining wall will be eliminated to minimize potential damage to existing Cedar tree roots.
- c) A graded swale will be created to drain the Cross-Harnage property's side yard. The swale grading will direct drainage around an existing Oak tree with minimum grading.
- d) Disturbed land areas on the Cross-Harnage property will be protected against erosion by hydroseeding sufficiently in advance of heavy rain forecasts.

The grading revisions are shown in the Attachment V.

Tentative Map and Final Map differences:

The minor differences in the layout of the Final and approved Tentative Maps of Parkside Heights development Project are due to an Administrative Modification to the approved Planned Development plan, which was publicly noticed and approved by the Planning Director on March 27, 2018, following a fifteen-day appeal period. Additionally, the driveway easement along Amaranth Loop fronting the two existing homes at 2449 and 24453 2<sup>nd</sup> Street, shown on the Final Map but not on the Tentative Map, will be vacated as per the agreement between these property owners and the subdivider after the Final Map is approved. Moreover, staff has confirmed that recordation of the Final Map will not legally impair any easement rights.

The Administrative Modification of the development plans included: the reorientation of fourteen homes to front on 2nd Street with their garage access from a subdivision street;

expansion of the neighborhood green, pedestrian pathways and undeveloped open space on the site; and reconfiguration of the roadways and utilities to accommodate the new site layout. The modified plans would retain the same number of lots and existing street connections.

Pursuant to Hayward Municipal Code (HMC) Section 10-1.2555, minor modifications to existing preliminary and precise development plans may be approved by the Planning Director. Staff determined that the proposed modifications are minor in that they would not change the number of lots or the access points from the development to the surrounding roadway network. Further, staff determined that the proposed modifications would be beneficial in that it would result in a more integrated development pattern along 2nd Street; expand developed and undeveloped open space areas; preserve existing heritage trees; minimize impervious areas and grading; and reduce the number and height of retaining walls on the site.

The staff report<sup>1</sup> presented for the approval of Final Map Tract 8223 at the Council meeting of September 18, 2018, provides information regarding the Final Map and its conformity with the approved Tentative Map.

### **ECONOMIC IMPACT**

The construction of the subdivision improvements and the new homes will contribute to the local economy.

### **FISCAL IMPACT**

The Final Map approval is consistent with the approved Vesting Tentative Map and the Final Map approval will not have any fiscal impact other than those identified during the original project approvals.

### **STRATEGIC INITIATIVES**

This agenda item supports the Complete Streets Strategic Initiative. The purpose of the Complete Streets Initiative is to build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including: motorists, pedestrians, bicyclists, and public transportation riders. This item supports the following goal and objective:

Goal 1: Provide Complete Streets that balance the diverse needs of users of the public right-of-way.

Objective 1: Increase walking, biking, transit usage, carpooling and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.

This agenda item also supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and

promising place to live, work and play for all. This item supports the following goal and objectives:

Goal 1: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 2: Facilitate the development of diverse housing types that serves the needs of all populations.

Objective 3: Conserve and improve the existing housing stock.

### **PUBLIC CONTACT**

A public hearing is not required for the approval of the Final Map for Tract 8233. Public hearings were previously conducted as part of the approval of the Vesting Tentative Map application for Tract 8233.

### **NEXT STEPS**

Upon Council's approval of the Final Map, the Subdivider will have the final map recorded, obtain building permits, and commence the construction of improvements shown on the approved Improvement Plans.

*Prepared by:* Mo Sharma, Associate Civil Engineer  
Allen Baquilar, Senior Civil Engineer

*Recommended by:* Alex Ameri, Interim Director of Public Works

Approved by:



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Kelly McAdoo, City Manager