



**DATE:** June 27, 2023

**TO:** Mayor and City Council

**FROM:** Acting Development Services Director

**SUBJECT:** Adopt a Resolution Approving the Final Map of Tract 8614, a 10 Lot Subdivision for Condominium Purposes at 29212 Mission Boulevard, Hayward to Allow the Construction of 59 Condominium Units, Open Space Areas, and Related Site Improvements; Applicant/Owner: Hayward SoMi, LLC., Application No. 202201713

## **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) to approve the Final Map for Tract 8614 (Attachment III), find it in substantial conformance with the approved Vesting Tentative Tract Map (Attachment IV), and authorize the City Manager to execute the Subdivision Agreement, related other documents and take appropriate administrative actions to effectuate the improvements required by the Conditions of Approval.

## **SUMMARY**

The Hayward SoMi development at 29212 Mission Boulevard was approved with Vesting Tentative Map 8502 by Council Resolution 19-202 on October 29, 2019. The subdivider has elected to file two Final Maps on the approved Vesting Tentative Map as allowed by the State Subdivision Map Act and City Ordinance. The Final Map for Tract 8614 is the second phase of the development and subdivides Parcel N of Tract 8502 into 10 lots for condominium purposes allowing the construction of 59 units, open space areas, and related site improvements as roughly outlined in Attachment V. The Council is also requested to authorize the City Manager to execute a Subdivision Improvement Agreement to complete all required improvements.

The City Engineer, in coordination with other potentially affected departments, has reviewed the proposed development phasing, the Final Map, and Improvement Plans and have determined these documents to be in substantial compliance with the City approved Vesting Tentative map, applicable City Standards, and addressing the City's conditions of map approval.

## **BACKGROUND**

Per State law, Tentative and Final Maps are required for subdivision of real property into five or more parcels. A Vesting Tentative Map Application (No. 201806355) showing the proposed subdivision into 25 lots for condominium purposes allowing the construction of 189 units, 10,800 square feet of ground floor commercial space, open space areas, related site improvements, along with preliminary plans and documents describing the proposed development was reviewed and approved by the City Council on October 29, 2019 subject to certain Conditions of Approval. At the same meeting on October 29, 2019, City Council approved the PD Rezone from S-T4 (South Hayward Form Based Code, T4), CN (Neighborhood Commercial) District, and RM (Medium Density Residential) District to PD (Planned Development) to allow for consistency and orderly development pattern across the 12.2 acre project site. The City's Planning Commission recommended approval of the Vesting Tentative Map and PD Rezone for Tract 8502 to the City Council on October 10, 2019.

The Council approved the Vesting Tentative Map and PD Rezone of Tract 8502 in a public meeting after considering comments from the public and public agencies. Council also considered compliance with the Subdivision Map Act, the Environmental Quality Act, Planned Development guidelines, the City Subdivision Ordinance, Zoning Code, Building Regulations, the Hayward General Plan, Specific & Neighborhood Plans, and the site-specific requirements of the Planning, Public Works, Fire, and Police Departments. The 189 condominium units and ground floor commercial space proposed in the subdivision will fulfill several goals and objectives of the City's General Plan by providing in-fill development, increasing housing diversity and including compete streets elements.

## **DISCUSSION**

The 12.2-acre Hayward SoMi development included one parcel at 29212 Mission Blvd (Assessor Parcel Number 078C-0455-001-04) owned by the developer and the remaining area comprising "Parcel Group 2" of the former State Route 238 lands purchased from the City. The subdivider has elected to complete the project in two phases and Council approved the first phase Final Map, Tract 8502 for condominium units in 15 buildings on March 15, 2022.

The subdivider has submitted the Final Map and Improvement Plans for Tract 8614, the second phase of the two-phase development, to construct the remaining condominium units within 10 buildings. The City Engineer has reviewed and determined these documents to be in substantial compliance with the City approved Vesting Tentative map, applicable City Standards and addressing the City's conditions of the map approval.

The subdivider has requested the City's approval of the Final Map before all required improvements are completed as provided for in the State Subdivision Map Act Section 66462. The subdivider has agreed to execute an agreement with the City to complete the improvements required for the subdivision in a timely manner as per the improvement plans approved by the City Engineer and as stipulated in the Hayward Municipal Code Section 10-

3.330 (a). Securities for the required improvements have been posted as per the Hayward Municipal Code Section 10-3.332(a).

New improvements will include extension of the City's sewer and water service to each new unit and fire hydrants; new private roadways within the development, site lighting and stormwater treatment basins to be maintained by the Homeowners Association (HOA); All utilities within the subdivision will be underground.

The City Council's approval of the Final Maps shall not become effective until and unless the developer enters into a Subdivision Agreement with the City for the construction of improvements and other obligations required per conditions of approval of the Vesting Tentative Tract Map.

### **Environmental Review**

The environmental review was completed when the Vesting Tentative Map was approved in 2019. There is no substantial change proposed in the Project or in its environmental setting, nor is there any new information which would require additional environmental review. Additionally, since the City Engineer has determined that the final map is in substantial compliance with the conditions of the approved tentative map, approval of the final map is a ministerial act that is not subject to CEQA review.

### **ECONOMIC AND FISCAL IMPACT**

The Final Map, by itself, will not have a fiscal or economic impact. The development created by approval of the Final Map will improve commerce, provide needed housing and employ construction workers. Property tax revenues received by the City and several other local agencies will increase once the homes are constructed and occupied. The Final Map approval is consistent with the approved project.

### **STRATEGIC ROADMAP**

Approval of the Final Map supports the Preserve, Protect, & Produce Housing priority in the City's Strategic Roadmap, providing a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

### **SUSTAINABILITY FEATURES**

The proposed project includes placement of solar panels on all structures; installation of energy star appliances and tankless water heaters; and tools to harvest rainwater for landscaping from the residential structures.

In addition to the sustainable building elements, the proposed development would be located within one-half mile to the South Hayward BART Station; include an extensive network of pedestrian and bicycle connections and numerous open spaces throughout the development site; and incorporate Transportation Demand Management (TDM) strategies to minimize

single occupancy vehicle use, including the distribution of Clipper cards to all households, participation in commuter tax benefit programs, and dedication of car sharing spaces within the development

**NEXT STEPS**

If the Council approves the Final Map, the applicant will have the Final Map recorded after executing the Subdivision Improvement Agreement. Occupancy permits for the new units will be issued only after the required improvements are completed as per the plans approved by the City and a HOA is incorporated for the maintenance and repair of the new common use improvements within the subdivision.

*Prepared by:* Scott Wikstrom, Development Services Engineer

*Recommended by:* Sara Buizer, Acting Development Services Director

Approved by:



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Kelly McAdoo, City Manager