



DATE: November 19, 2024

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Smalley Townhome Final Map: Approval of Final Map of Tract 8429, a One Lot Subdivision for Condominium Purposes at 420 Smalley Avenue (Assessor Parcel No. 431-0008-020-00) to Allow the Construction of Eight (8) Attached Townhouse Condominium Units and Related Site Improvements;
Applicant/Owner: MF Smalley Hayward, LLC., Application No. FM-23-0003

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) to approve the Final Map for Tract 8429 (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 Final Map for Tract 8429 is a one-lot subdivision for condominium purposes on a 0.47-acre parcel on Smalley Avenue, allowing the construction of eight (8) attached townhouse condominium units and related site improvements. The Council is also requested to authorize the City Manager to execute a Subdivision Improvement Agreement to complete all required improvements.

The Final Map and Improvement Plans are based on the Vesting Tentative Map, which was approved by the City Council on November 13, 2018¹. The City Engineer, in coordination with other potentially affected departments, has reviewed 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 addresses the City's conditions of map approval.

¹ [City Council Minutes 111318](#)

BACKGROUND

Tentative Map - 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. 201704262) showing the proposed subdivision into eight (8) lots for condominium purposes allowing the construction of eight (8) attached townhome condominiums and related site improvements, along with preliminary plans and documents describing the proposed development was reviewed and approved by City Council on November 13, 2018, subject to certain Conditions of Approval.

The City Council approved the Vesting Tentative Map of Tract 8429, a Planned Development (PD) Rezone, and Site Plan Review, and Adopt a California Environmental Quality Act (CEQA) Infill Checklist in a public meeting after considering comments from the public and public agencies. The City 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 2040 General Plan*, and the site-specific requirements of the Planning, Public Works, Fire, and Police Departments. The eight (8) condominium units 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 incorporating Compete Streets elements.

DISCUSSION

Final Map and Improvements Plans - After Vesting Tentative Map approval, the subdivider has submitted the Final Map and Improvement Plans. 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.

Improvement Agreement and Securities - 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 66462². 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)³.

New improvements will include extension of the City's sewer and water service to each new unit; pervious pavement private driveway within the development, site lighting and landscaping to be maintained by the Homeowners Association (HOA); all utilities within the subdivision will be underground.

The City Council's approval of the Final Map shall not become effective until and unless the developer enters into a Subdivision Agreement with the City for the construction of

² [California Code, GOV 66462](#)

³ [Hayward Municipal Code 10-3.332](#)

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 2018. 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.

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 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 project is required to meet all applicable California Building Code, the City's REACH Code and CALGreen Standards, which require a minimal level of energy efficiency, conservation, material recycling, and air quality, for new construction. In addition, the landscaping areas and irrigation system will be compliant with the Bay Area-Friendly Water Efficient Landscape Ordinance, which requires the use of drought tolerant planting with water-efficient irrigation systems. Furthermore, the applicant will comply with ordinances related to construction debris and recycling to divert waste from landfills.

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: Cathleen Terentieff, Development Services Engineer

Recommended by: Sara Buizer, AICP, Director of Development Services

Approved by:



Dustin Clausen, Interim City Manager