



DATE: March 18, 2025

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Adopt a Resolution Approving the Final Map for Tract 8104, a Residential Subdivision at 123 A Street (Assessor's Parcel Number 431-0016-088-03), to Allow the Construction of Ten (10) Townhouse-Style Residential Units with Common Open Space Areas and Related Site Improvements; Accepting Easements Dedicated for Public Use; Authorizing the City Manager to Execute a Subdivision Agreement and Finding that the Action is Exempt from CEQA Review. Applicant/Owner: Habitat for Humanity Easy Bay Silicon Valley Inc., Application Nos. PL-2013-00291, PL-2013-00290, and TM-23-0003.

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) to approve the Final Map for Tract 8104 (Attachment III), find it in substantial conformance with the approved Vesting Tentative Tract Map (Attachment IV), accepting easements dedicated for public use, authorizing the City Manager to execute the Subdivision Agreement and related other documents, and to take appropriate administrative actions to effectuate the improvements required by the Conditions of Approval ; and finding the action is exempt from CEQA review.

SUMMARY

The Final Map for Tract 8104 is a twelve-lot subdivision on a 0.74-acre site at 123 A Street allowing the construction of ten (10) 100 percent affordable townhouse-style residential units with private streets and other site improvements. In addition to the ten residential lots, two lots are to be owned and maintained by the Homeowners Association (HOA) of Tract 8104 and are reserved for access, parking, utilities, stormwater treatment, and open space purposes. The City 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 Planning Commission on September 28, 2023¹. The City Engineer, in coordination with other potentially affected departments, has reviewed the Final Map and Improvement Plans and has determined these documents to be in substantial compliance

¹ [Planning Commission Minutes 092823](#)

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. In July 2013, the applicant applied for a zone change and vesting tentative tract map showing the proposed subdivision of the former City property into ten (10) residential lots and two (2) HOA-owned parcels allowing the construction of ten (10) townhouse-style residential units, private streets, and related site improvements (PL-2013-00291 and PL-2013-00290). The City Council considered compliance with the Subdivision Map Act, the Environmental Quality Act, 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 townhouse-style residential 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 Complete Streets elements. On January 27, 2015, the City Council approved a Planned Development Rezone, a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program, and a Vesting Tentative Map². The Planning Director approved the Precise Development Plan for the project on December 7, 2015.

The applicant was unable to proceed with the completion of the Final Map and implementation of the Precise Development Plan for various reasons beyond its control and, as a result, the Precise Development Plan and Vesting Tentative Tract Map approvals expired in January 2023 (zone changes are legislative acts that do not expire). In January 2023, the applicant submitted Planning Application TM-23-0003 for a Vesting Tentative Map and Site Plan Review with plans nearly identical to those previously approved. The Planning Application (No. TM-23-0003) was reviewed and approved by the Planning Commission on September 28, 2023, subject to certain Conditions of Approval.

DISCUSSION

Final Map and Improvements Plans - After Vesting Tentative Map approval, the subdivider 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 66462³. 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

² [City Council Minutes 012715](#)

³ [California Code, GOV 66462](#)

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)⁴.

New improvements will include re-striping two existing crosswalks with ladder-style crosswalks and extending existing bike-lane striping along the A Street frontage; extension of the City's sewer and water service to each new unit; site lighting, landscaping, stormwater treatment facilities as well as common areas with picnic tables, barbeques, and a community garden to be maintained by the 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 improvements and other obligations required per conditions of approval of the Vesting Tentative Tract Map.

ENVIRONMENTAL REVIEW

The environmental review was completed when the original Vesting Tentative Map was approved in 2015. 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. Approval of the final map is a ministerial act not involving exercise of discretionary powers by the City Council, and is therefore not an action subject to CEQA review pursuant to CEQA Guidelines section 15060(c)(3).

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 develop a vacant site bordering an existing residential neighborhood. The development would connect to existing public utilities and services and is not expected to have a negative result on the City regarding public utilities or public services. Furthermore, the project would result in new residents moving into Hayward, which should generate demand for goods and services, thereby providing stimulus for new or existing jobs and services in the City's economy. The Final Map approval is consistent with the approved project.

STRATEGIC ROADMAP

Approval of the Final Map supports the Strategic Priority of Preserve, Protect and Produce Housing for All, however, it is not tied to implementation of any specific projects.

SUSTAINABILITY FEATURES

The project includes sustainability features to improve energy efficiency, reduce greenhouse gas emissions, and conserve water. Rooftop solar panels will be installed on all the residences. The proposed landscaping will be drought resistant in accordance with the Bay Friendly

⁴ [Hayward Municipal Code 10-3.332](#)

Water Efficient Landscape Ordinance. The site will be graded to ensure that the stormwater runoff will be diverted to the bioretention stormwater treatment areas.

NEXT STEPS

If the City 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:



Dr. Ana M. Alvarez, City Manager