



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 09/25/01  
AGENDA ITEM 5a  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Final Map Tract 7065 (Oliver East) - Duc Housing Partners, Inc. (Subdividers/Owners) - Approval of Final Map, Approval of Summary Vacation of Excess Right-of-Way and Authorize the City Manager to Execute a Subdivision Agreement, and Associated Implementation Measures

**RECOMMENDATION:**

It is recommended that the City Council approve the attached resolutions that:

1. Finds Final Map Tract 7065 (Oliver East), a first phase Final Map of Vesting Tentative Map Tract 7065, in substantial conformance with the tentative map and the revised conditions of approval thereof;
2. Authorizes the City Manager to execute the subdivision agreement covering the installation of required improvements under this first Final Map;
3. Accepts Eden Shores Boulevard, Eden Park Avenue, Marina Drive, and portions of Hesperian Boulevard and Industrial Boulevard into the City street system upon certification by the Director of Public Works that the required street improvements have been completed;
4. Accepts Lot B in fee title and a 20-foot-wide access easement to the City for purposes of a permanent sanitary sewer pump station; and
5. Approves the Summary Vacation of a Portion of Industrial Boulevard and a Portion of Hesperian Boulevard and authorizes the City Manager to execute the Grant Deeds Transferring Title to the Developer.

**DISCUSSION:**

**Background**

The South of Route 92 Specific Plan and Development Guidelines were adopted by City Council on February 17, 1998. Concurrent with adoption of the Specific Plan, the General Plan and Zoning Ordinance were amended to reflect the new land uses, which includes a mixed development of business park, light manufacturing, retail, and residential uses along with land for parks and open space.

The vesting tentative map and the development agreement were approved by the City Council on September 21, 1999. The vesting tentative map subdivided 251.53 acres into 538 residential lots, and 22 business park lots. This first Final Map covers only the business park lots and the sports park, also referred to as Oliver East. The first Final Map was originally to include a portion of the planned residential development, but now that will be deferred to a later phase. Also, the number of business park lots have been reduced to 17. In the northwest corner of the business park, Street D was eliminated and the number of lots was reduced in order to provide an opportunity for a single campus type use. Staff considers this refinement to be an acceptable improvement since further subdivision of these business park lots is possible by Parcel Map in the future if the larger lots are not marketable. The residential portion of Tentative Map Tract 7065 (Oliver West) is anticipated to be processed as four additional final maps.

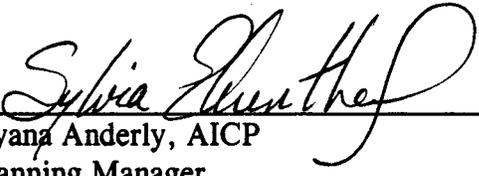
#### Final Map – Tract 7065 – Oliver East

In order to process this first Final Map for the business park and sports park, staff has worked with Duc Housing Partners, Inc. to divide the responsibility for the subdivision agreement conditions between Oliver East and Oliver West. In general, the responsibility for improvements east of the railroad tracks and the flood control channel is that of the owners of Final Map Tract 7065 – Oliver East. Because there has been some lost time in hauling required fill material, a new substantial completion date of July 1, 2002 is being recommended for the sports park and has been incorporated into the conditions of approval. Duc has expressly agreed to provide adequate security in the form of a letter of credit in addition to normal bonding if adequate progress is not made on meeting the required substantial completion date for the Sports Park. The bridge structure crossing over the Flood Control and Railroad rights-of-way to the housing development on Oliver West will be part of the next Final Map covering a portion of the residential development. This division of obligations has been reflected in the Subdivision Agreement for Final Map Tract 7065 (Oliver East). The City Engineer believes that this first final map is in substantial conformance with the approved vesting tentative map and the Development Agreement if the Council agrees with the recommended revised sports park substantial completion date.

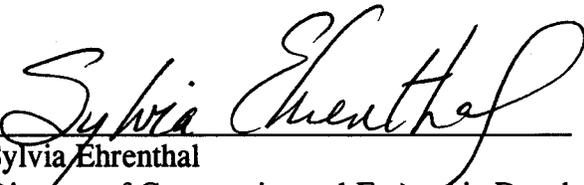
As part of the final map approval action, the land area shown as “Lot B” on the final map will be dedicated to the City. This action will provide City control over the land upon which the sewer pump station will be located. In addition, a 20-foot-wide access easement, as shown within Lot 3, will be conveyed temporarily to the City. Following tenant improvements to this lot, the access easement will change to another permanent location to avoid conflicts with structures whose locations have yet to be determined.

One additional land transfer is required between the City and the developer of Tract 7065. Per the South of 92 development guidelines, there will be a 40-foot-wide public service easement (PSE) for landscaping and underground utilities beginning behind the new curbs on Industrial and Hesperian Boulevards. The street rights-of-way are to terminate at these same backs of curb. On most of Hesperian Boulevard, this has been achieved by dedication of the appropriate amount of additional right-of-way from the development property. However, near Industrial Boulevard on Hesperian and along a portion of Industrial, the City will have excess right of way after completion of the project. To ensure a clear boundary for the PSE and maintenance responsibility for the development, staff is recommending summary vacation of this excess right-of-way and sale to the developer (see Exhibit B). Duc Housing has deposited \$20,000, which is the value established for this approximate 3,500 square feet of excess right-of-way.

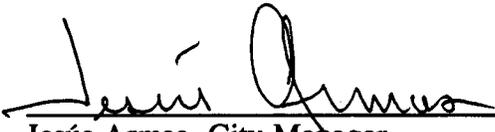
Prepared by:

*for*   
Dyana Anderly, AICP  
Planning Manager

Recommended by:

  
Sylvia Ehrental  
Director of Community and Economic Development

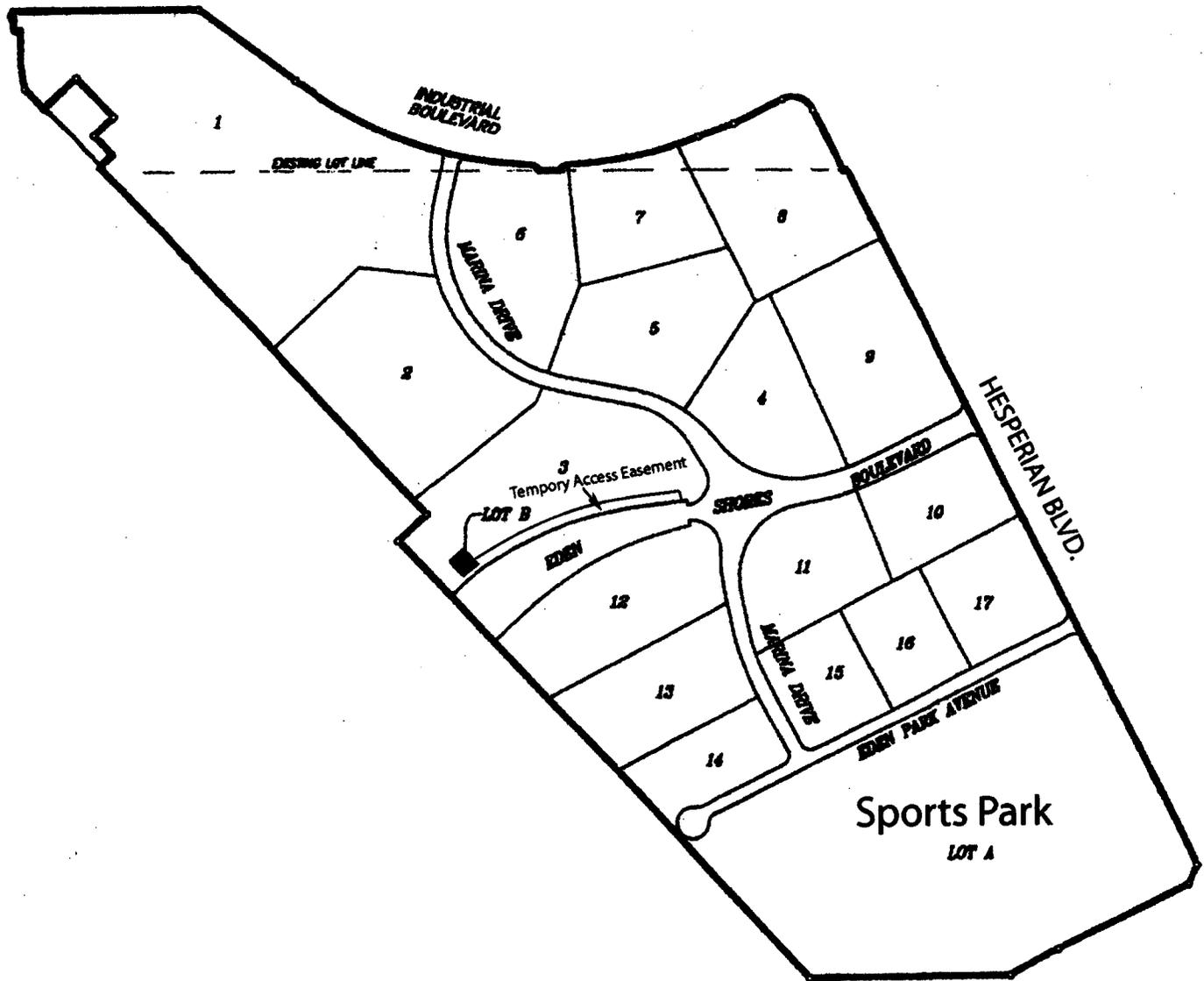
Approved by:

  
Jesús Armas, City Manager

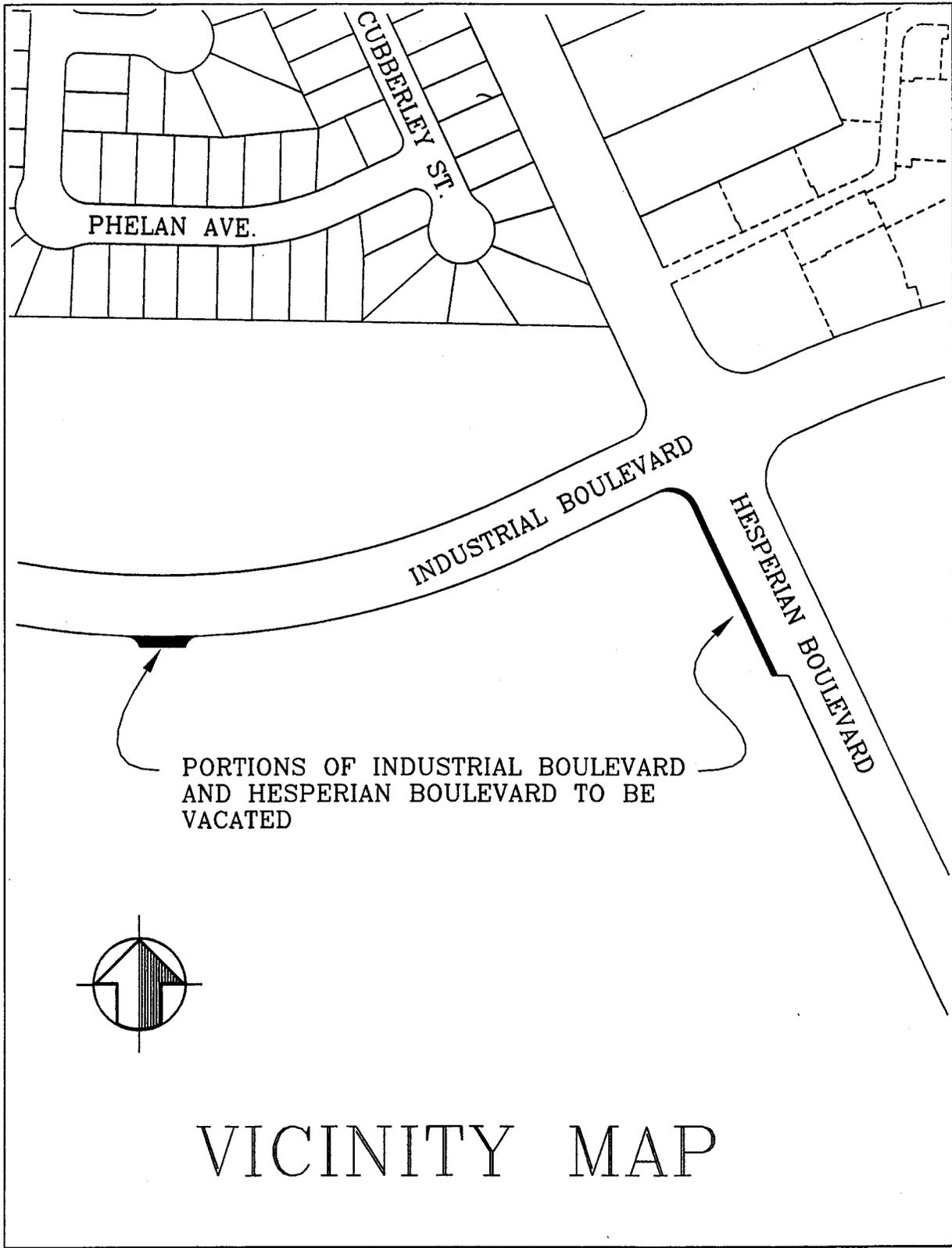
Attachments: Exhibit A: Area Map  
Exhibit B: Street Vacation, Industrial and Hesperian Boulevard  
Draft Resolutions

9/20/01/14:57

# EXHIBIT A

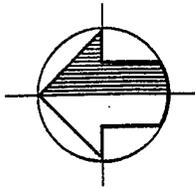


AREA MAP - FINAL MAP TRACT 7065  
(Applicant/Owner): Duc Housing Partners, Inc.

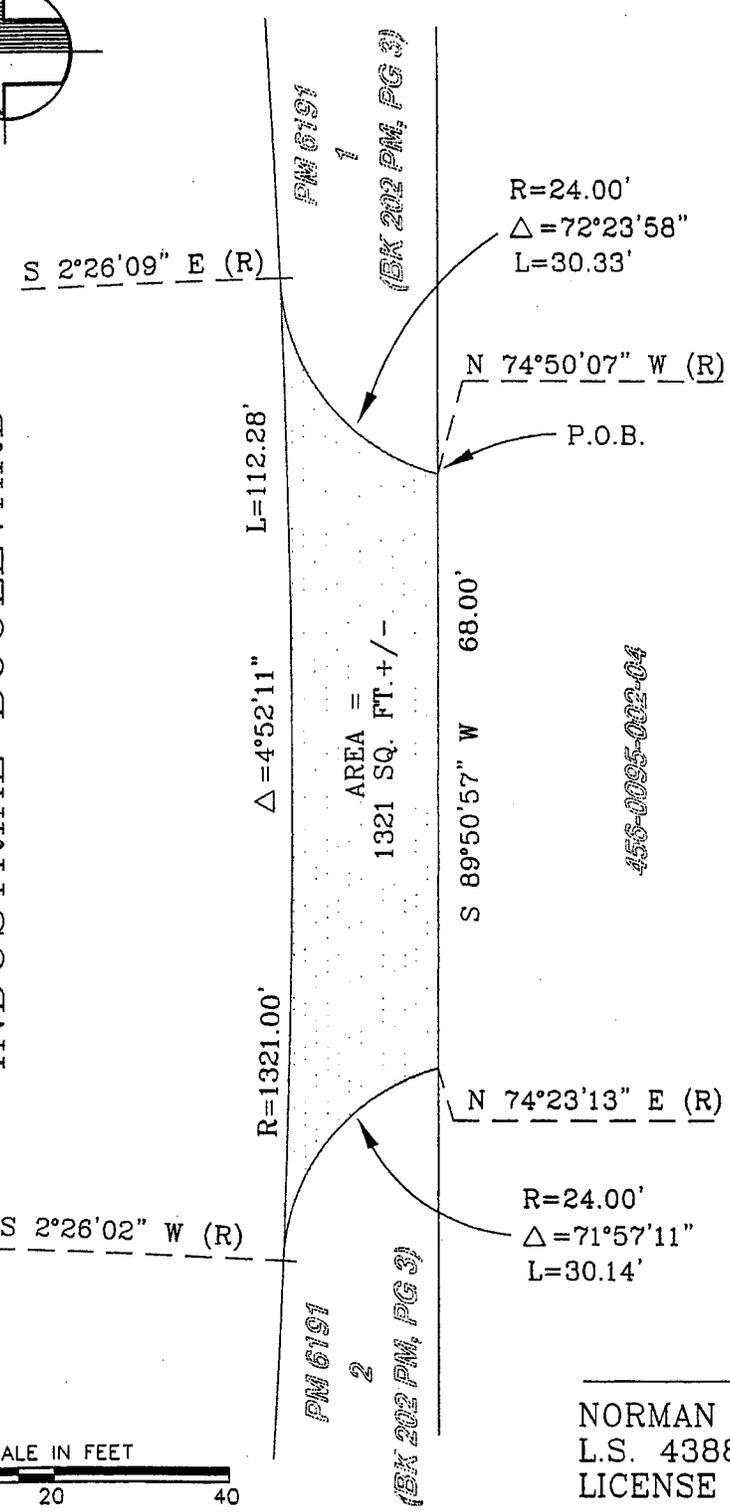


			CITY OF HAYWARD ENGINEERING DIVISION		VACATION OF PORTIONS OF INDUSTRIAL BLVD & HESPERIAN BLVD		DWG. NO. 01017
			DRAWN BY: JNP	DATE 9-19-01			FILED
			CHECKED BY: JNP	SCALE: 1"=200'			SHT. 1 of 1
REV.	DATE	BY	APPD. BY	APPROVED			
			CITY ENGINEER	DIR. PUBLIC WORKS			

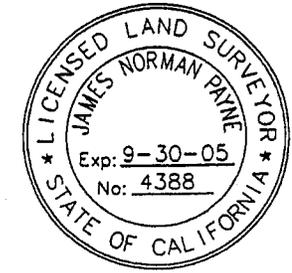
**Exhibit B**  
**B-1**



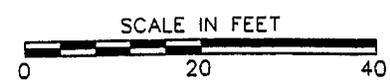
INDUSTRIAL BOULEVARD



456-0095-002-04



NORMAN PAYNE  
L.S. 4388  
LICENSE EXPIRES 9/30/05

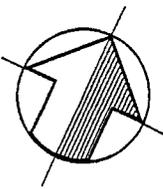
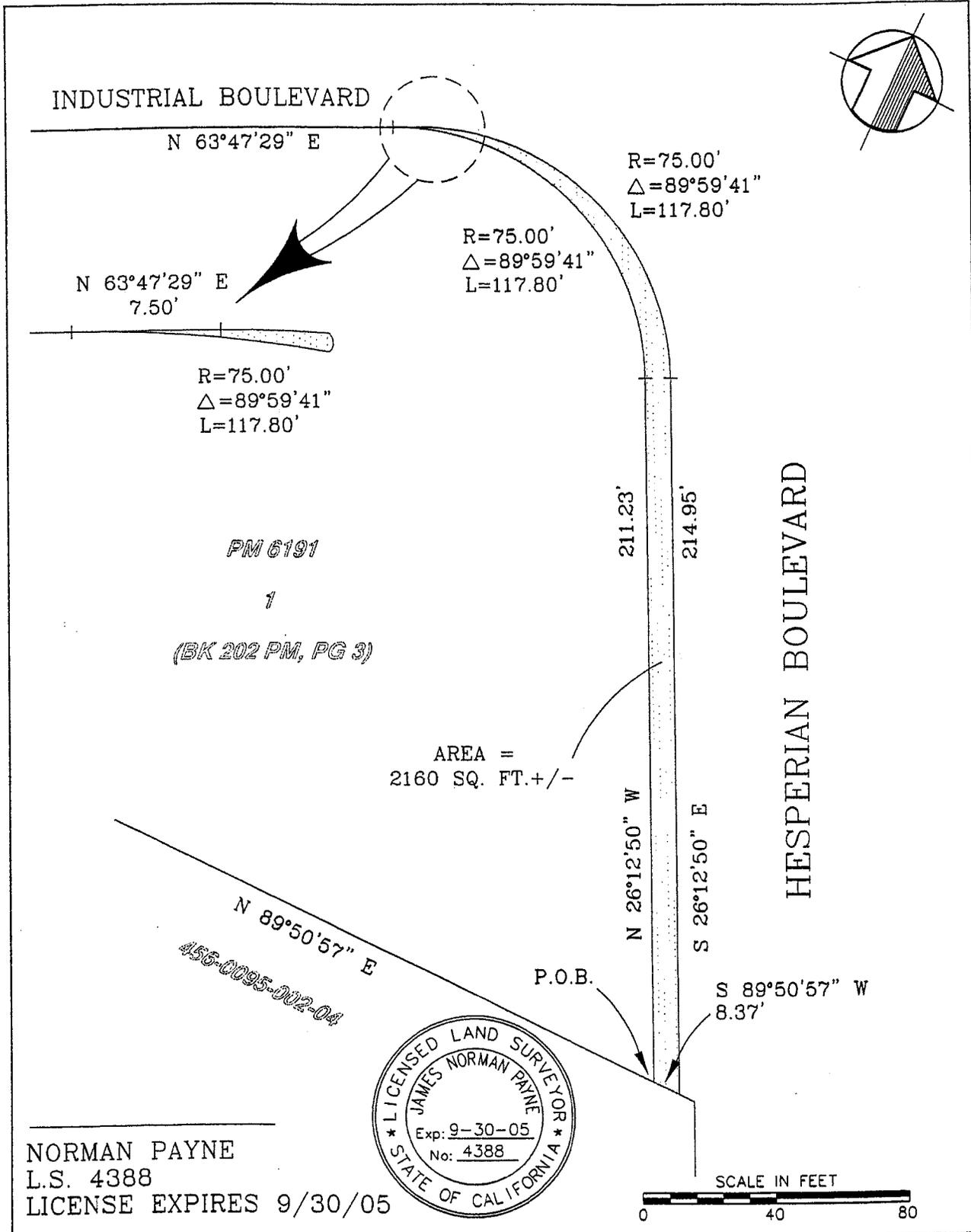


CITY OF HAYWARD ENGINEERING DIVISION			
DRAWN BY:	KLN	DATE	8/23/01
CHECKED BY:	JNP	SCALE:	1"=20'
APPO. BY:		APPROVED:	
REV	DATE	BY	CITY ENGINEER      DIR. PUBLIC WORKS

STREET VACATION  
INDUSTRIAL BOULEVARD

DWG. NO.	01009
FILED	
SHT.	1 of 1

**Exhibit B**  
**B-2**



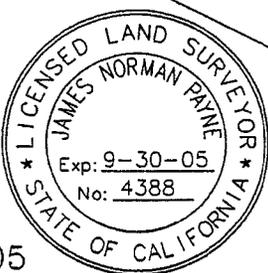
PM 6191

1

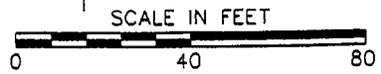
(BK 202 PM, PG 3)

AREA =  
2160 SQ. FT. +/-

N 89°50'57" E  
456-0095-002-04



NORMAN PAYNE  
L.S. 4388  
LICENSE EXPIRES 9/30/05



			CITY OF HAYWARD ENGINEERING DIVISION		DWG. NO. 01010	
			DRAWN BY: KLN	DATE: 8/27/01	FILED	
			CHECKED BY: JNP	SCALE: 1"=40'	SHT. 1 of 1	
REV	DATE	BY	APPD. BY	APPROVED		
			CITY ENGINEER	DIR. PUBLIC WORKS		

**Exhibit B**  
**B3**

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

9/20/01  
me

**RESOLUTION APPROVING FINAL MAP FOR TRACT 7065  
AUTHORIZING THE CITY MANAGER TO EXECUTE A  
SUBDIVISION AGREEMENT, ACCEPTING CERTAIN  
STREETS INTO THE CITY STREET SYSTEM, AND  
ACCEPTING LOT B IN FEE TITLE FOR PURPOSES OF A  
SEWER PUMP STATION**

WHEREAS, the Vesting Tentative Map for Tract 7065 and the related Development Agreement were approved by the City Council on September 21, 1999; and

WHEREAS, there has been presented to the City Council of the City of Hayward a first Final Map for Tract 7065 for the development of 17 business park lots and a sports park, referred to as Oliver East, including the dedication of an area of land to the City for purposes of a sanitary sewer pump station; and

WHEREAS, the residential portion of Tentative Map 7065 (Oliver West) is to be processed as four additional final maps; and

WHEREAS, the Director of Community and Economic Development and Director of Public Works recommend approval of the first Final Map and revised conditions of approval, including a new substantial completion date of July 1, 2002, for the sports park; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find that the first Final Map for Tract 7065 is in substantial conformance with the Vesting Tentative Map and does hereby approve the first Final Map, subject to the condition that the subdivider enter into an agreement for the construction of improvements and other obligations required as a condition of approval of the Vesting Tentative Map for Tract 7065 and that approval shall not be effective until and unless such agreement is entered into.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized for and on behalf of the City of Hayward to negotiate and execute a subdivision agreement in a form approved by the City Attorney, and to execute any and all documents necessary to complete the transfer of those portions of Tract 7065 property which will be dedicated to or acquired by the City.

BE IT FURTHER RESOLVED that the City Council shall hereby accept Eden Shores Boulevard, Eden Park Avenue, Marina Drive and portions of Hesperian Boulevard and

Industrial Boulevard into City the street system of the City of Hayward upon certification by the Director of Public Works of satisfactory completion of the street improvements in substantial conformance with the approved plans.

BE IT FURTHER RESOLVED that the City Council shall accept Lot B, as shown on the first Final Map, in fee title, and a 20-foot-wide access easement conveyed temporarily to the City, as shown within Lot 3 of the first Final Map, for purposes of locating and constructing a sanitary sewer pump station.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward