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DATE: October 23, 2007

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Final Tract Map 7748 – SCS Development Company (Citation Homes Central)/First American Title Company (Applicant/Owner) – Approve the Summary Vacation of Cannery Court, the Final Map and Authorize the City Manager to Execute a Subdivision Agreement and Accept, upon Completion of Improvements, Certain Streets into the City Street System

RECOMMENDATION

That the City Council adopts the attached resolutions:

1. Approving the summary vacation of Cannery Court per the conditions of approval for tentative map 7613;
2. Finding the final map for Tract No. 7748 in substantial conformance with the tentative map and the conditions of approval thereof;
3. Authorizing the City Manager to execute a Subdivision Agreement covering the installation of the required improvements, and
4. Accepting the street improvements into the City's Street System upon certification by the Director of Public Works that the required street improvements have been completed.

BACKGROUND

On December 13, 2005, City Council approved Vesting Tentative Map Tracts 7613 and 7625 to allow for the development of 612 condominium units, 16 duet units, and a retail building in the Cannery Place which is located north of Winton Avenue, west of Myrtle Street, south of C Street, and east of the Union Pacific Railroad tracks; and is surrounded by an established residential neighborhood and major collector streets.

On April 24, 2007, City Council approved Final Map 7613, the first final map for the Cannery Place, for 16 townhomes and 171 condominium units. The Tract 7613 is generally located at the northeast quadrant of the Cannery Area Design Plan. The developer has obtained a grading permit

to prepare the site for the installation of underground utilities and the construction of improvements as shown on the approved tract improvement plans.

In June 2006, as part of the overall development of the Cannery area, the City entered into an exchange, purchase, and sale agreement whereby the underlying fee title of Cannery Court was transferred to SCS Development Company (Citation Homes) and agreement was made to vacate the right-of-way when alternate access was provided. That action would occur with approval of this final map.

DISCUSSION

Tentative and final maps are required for all subdivisions creating five or more parcels, condominiums, condominium conversions, a community apartment project containing five or more parcels, or the conversion of a dwelling to a stock cooperative containing five or more dwelling units. A tentative tract map is required to ensure that any proposed development complies with the Subdivision Map Act, the California Environmental Quality Act, the City subdivision, zoning, and building regulations, the Hayward General Plan and Neighborhood Plans, and requirements of the Public Works, Fire, and Police Departments. After the tentative map is approved, the developer submits the final map and improvement plans for review and approval by the City Engineer before proceeding with the construction. The Final Tract Map 7748 represents one phase of the overall subdivision of the Cannery Place development, which includes a total of four phases (Tracts 7613, 7625, 7748 and 7749, see attached map). The Final Map for Tract 7748 is the fourth map approval in the Cannery Place development, and includes a 26-lot subdivision for 162 condominium units.

The Tract 7748 application includes creating a 26-lot subdivision for 162 condominium units and construction of seven private driveways and six public streets to serve those units. The six public streets are as follows: Martin Luther King Drive, Staley Avenue, Gibbons Street, Cannery Court, Morrow Street and Moss Way. The aforementioned streets will be accepted, upon completion of improvements, into the City's Street System. Tract 7748 is generally located at the southeast quadrant of the Cannery Area Design Plan.

Vacation of Cannery Court

The final map also includes the summary vacation of Cannery Court and reserves easements for existing and future public utilities, storm drain, water, and sewer facilities within the southern portion of the right-of-way to be vacated. Thus, no building structures can be built over the easements. The vacation of Cannery Court is consistent with the General Plan as determined by the Planning Commission in November, 2005. Pursuant to the California Streets and Highways Code, Chapter 4, Section 8330(a), a summary vacation of Cannery Court is appropriate because the area being vacated lies within the property being developed, and will be superseded and realigned by the development.

The final map was reviewed by the City Engineer and was found to be in substantial compliance with the vesting tentative tract map and in conformance with the Subdivision Map Act and provisions of local ordinances. There have not been significant changes to the final map, as compared to the tentative tract map the Council approved in December of 2005. The developer has

submitted the subdivision improvement plans and has posted securities for faithful performance of the improvements in the amount of \$2,446,000 and \$1,223,000 for labor and materials.

FISCAL IMPACT

As with all developments that add new public streets and other public facilities such as water mains, sanitary sewers, and street lights, there will be some added maintenance costs as those facilities age; although, for the immediate future those maintenance costs will be minimal.

PUBLIC CONTACT

A public hearing is not required for the filing of Final Map Tract 7748. The Final Map for Tract 7748 represents a phase subdivision of Vesting Tentative Tract Map 7613. Public hearings were already conducted under Vesting Tentative Tract Map 7613 and all improvements are to be constructed as part of the Tract 7748 improvement plans.

A copy of this report is also sent to the applicant.

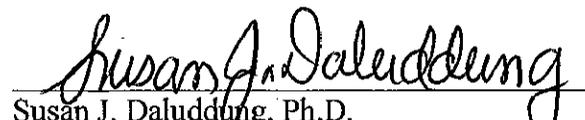
SCHEDULE

A grading permit has been issued for site clearing and grading for construction. Should the final map be approved, the developer will commence the installation of underground utilities and the construction of improvements as shown on the approved tract improvement plans. In addition, building permits will be obtained for construction of the proposed buildings in conformance with the approved Planned Development. The developer does not yet have a schedule for building construction.

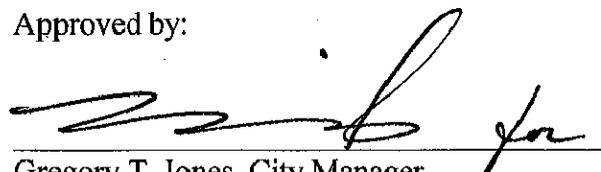
Prepared by:


John P. Nguyen, P.E.
Development Review Services Engineer

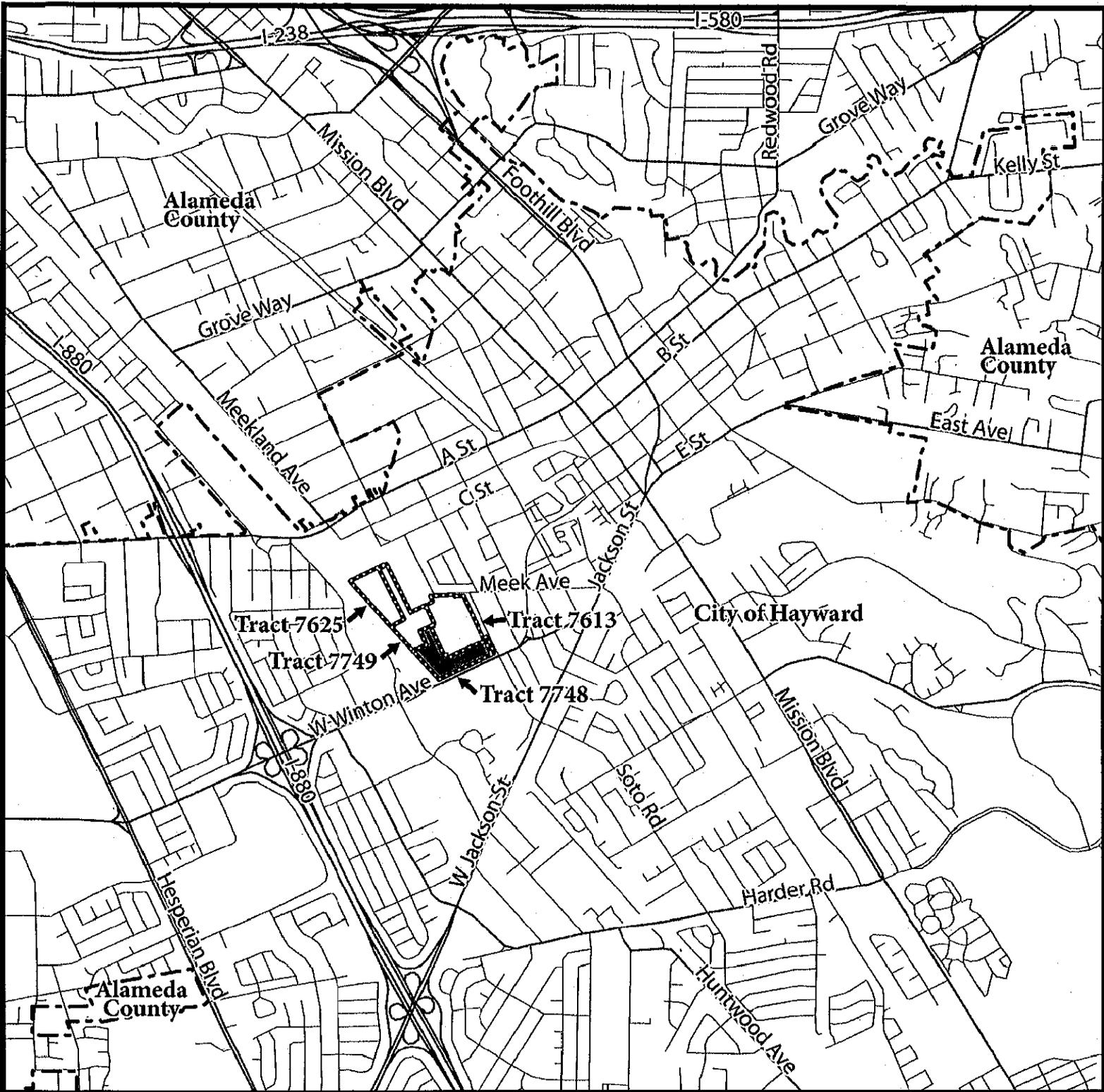
Recommended by:


Susan J. Daludding, Ph.D.
Director of Community and Economic Development

Approved by:


Gregory T. Jones, City Manager

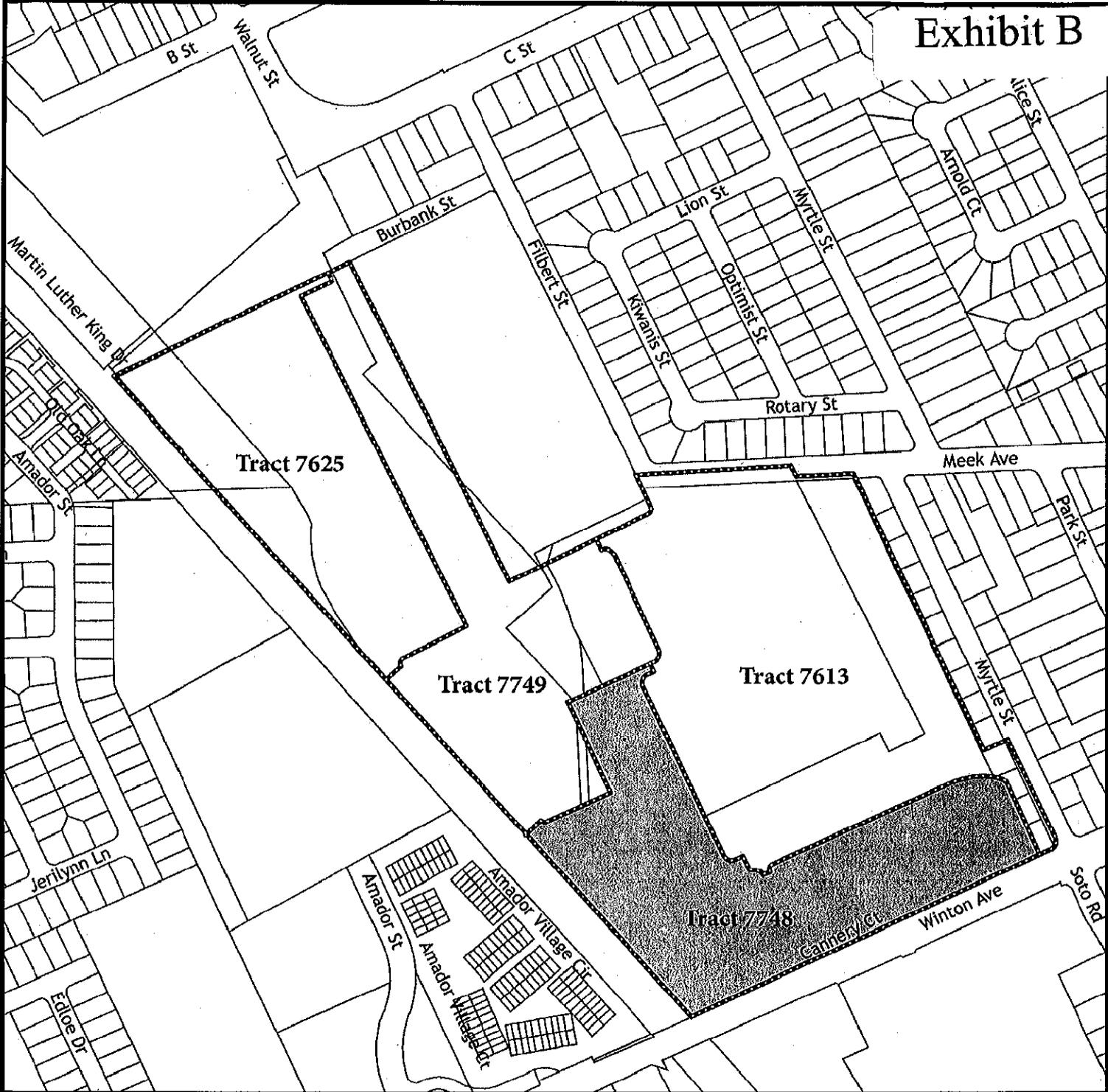
Attachments: Exhibit A. Vicinity Map
Exhibit B. Area Map
Exhibit C. Site Plan
Exhibit D. Summary Vacation Map (two sheets)
Draft Resolutions



Vicinity Map for Tracts 7613, 7625, 7748, 7749

FEET 2000 4000





Area Map

TTM 7613, TTM 7625,
TTM 7748, TTM 7749

Address: 24 Cannery Court
 Applicant: Citation Homes Central
 Owner: Charles McKeag

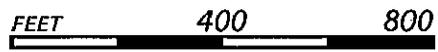


Exhibit C

CANNERY PLACE SITE PLAN

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

SCALE: 1" = 40'

TRACT	ACRES	LOTS	STREETS	REMARKS
TRACT 7613	1.14	12	WYATT STREET, MCKAY WAY, STALEY AVENUE, MOSS STREET	
TRACT 7748	1.14	12	MARTIN LUTHER KING DRIVE, WOODS PARK, KRESS WAY	
TRACT 7749	1.14	12	WYATT STREET, MCKAY WAY, STALEY AVENUE, MOSS STREET	
TRACT 7625	1.14	12	WILLIAMS WAY, PALMER AVENUE, PALMER STREET, SULLIVAN WAY	
TRACT 7894	1.14	12	PALMER AVENUE, PALMER STREET, HERRANK STREET	
TRACT 7748	1.14	12	MARTIN LUTHER KING DRIVE, WOODS PARK, KRESS WAY	
TRACT 7749	1.14	12	WYATT STREET, MCKAY WAY, STALEY AVENUE, MOSS STREET	
TRACT 7625	1.14	12	WILLIAMS WAY, PALMER AVENUE, PALMER STREET, SULLIVAN WAY	
TRACT 7894	1.14	12	PALMER AVENUE, PALMER STREET, HERRANK STREET	
TOTAL	5.76	72		

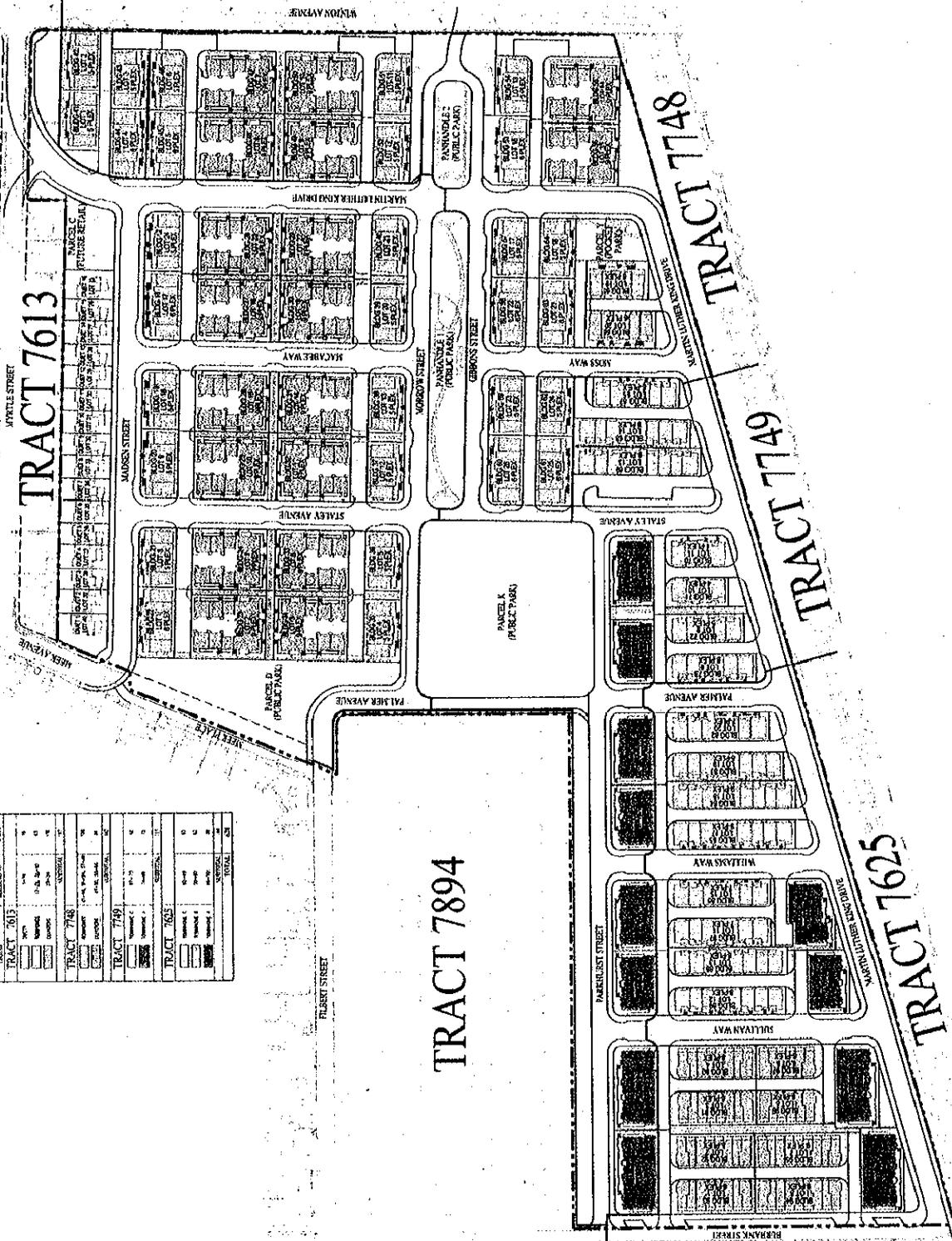
TRACT 7613

TRACT 7894

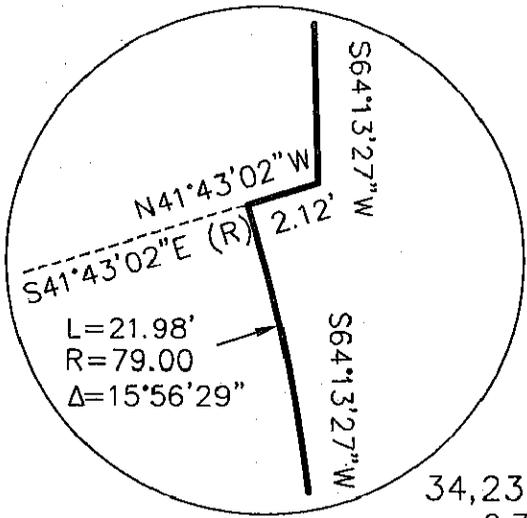
TRACT 7748

TRACT 7749

TRACT 7625

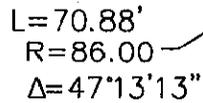
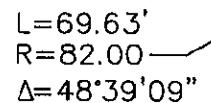
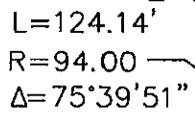
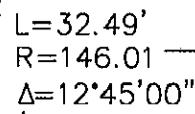
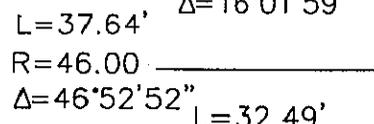


MYRTLE STREET



DETAIL A
NTS

34,239 Sq Ft
0.79 Ac.

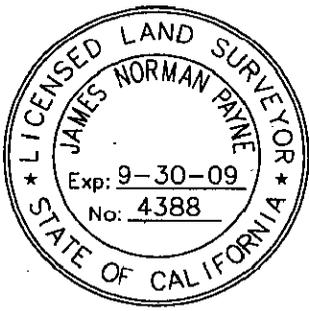


CANNERY
COURT

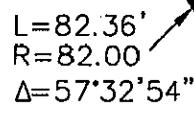
SEE DETAIL A
SEE PAGE 2
FOOTING
EASEMENT

WINTON
AVENUE

CITATION HOMES
A.P.N.
431-0060-002-08

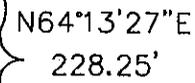
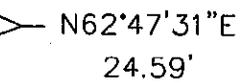
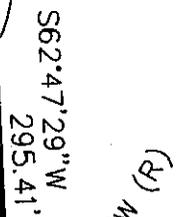


Norman Payne
NORMAN PAYNE L.S. 4388
LICENSE EXPIRES 9-30-09



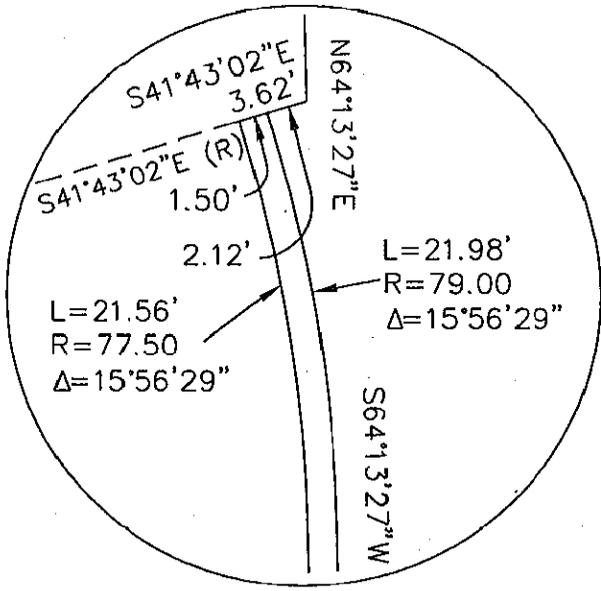
P.O.B.

P.O.C.

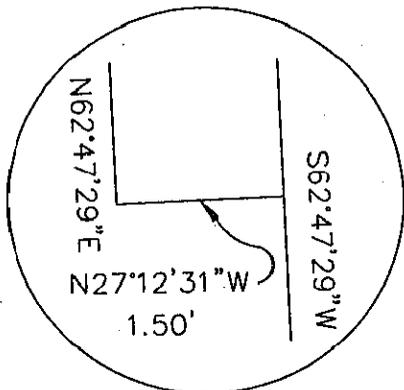


S42°18'30"E
U.P.R.R.

			CITY OF HAYWARD ENGINEERING DIVISION		PROPOSED VACATION OF CANNERY COURT		DWG. NO. 07017	
			DRAWN BY: BDS	DATE 10-3-07			FILED	
			CHECKED BY: NP	SCALE: 1"=100'			SHT. 1 OF 2	
REV	DATE	BY	APPD. BY	APPROVED				
			CITY ENGINEER	DIR. PUBLIC WORKS				



DETAIL A
NTS

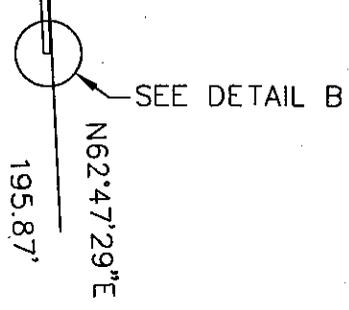
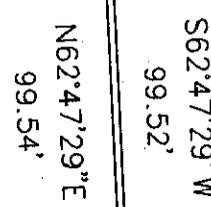
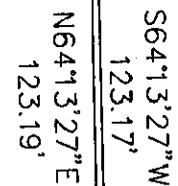
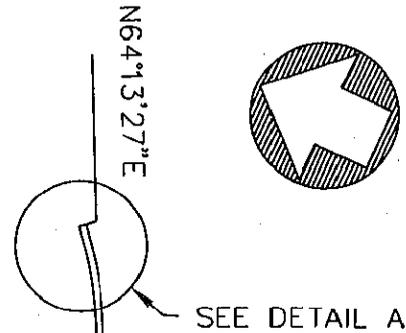


DETAIL B
NTS

1.5 FEET WIDE EASEMENT
FOR FOUNDATION FOOTINGS
OF THE RETAINING WALL
FOR THE WINTON AVENUE
OVERCROSSING OF THE
UNION PACIFIC RAILROAD

CANNERY
COURT

WINTON
AVENUE



CITY OF HAYWARD ENGINEERING DIVISION		
DRAWN BY: BBS	DATE 10-3-07	
CHECKED BY: NP	SCALE: 1"=40'	
APPD. BY	APPROVED	
REV	DATE	BY
		CITY ENGINEER
		DIR. PUBLIC WORKS

PROPOSED
VACATION OF
CANNERY COURT

DWG. NO.	07017
FILED	
SHT.	2 OF 2

DRAFT

10/18/07

HAYWARD CITY COUNCIL

RESOLUTION NO. 07-

Introduced by Council Member _____

**RESOLUTION APPROVING FINAL MAP FOR TRACT 7748,
AUTHORIZING THE CITY MANAGER TO EXECUTE A
SUBDIVISION AGREEMENT, AND ACCEPTING CERTAIN
STREETS INTO THE CITY STREET SYSTEM**

WHEREAS, Vesting Tentative Map Tract Nos. 7613 and 7625 were approved by the City Council on December 13, 2005 and the Final Map for Tract 7748, a phase subdivision, has been presented to the City Council of the City of Hayward for the development of a 26 lot subdivision containing 162 condominium units located at the southeast quadrant of the Cannery Area Design Plan; and

WHEREAS, the Director of Public Works reviewed the Final Map and found it to be in substantial compliance with the tentative map, the Subdivision Map Act, and provisions of local ordinances.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find that the Final Map for Tract 7748 is in substantial conformance with the 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 Tentative Map for Tract 7748 and that approval shall not be effective until and unless such agreements are 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 forms approved by the City Attorney, and to execute any and all documents necessary to complete the transfer of those portions of Tract 7748 property which will be dedicated to or acquired by the City.

BE IT FURTHER RESOLVED that the City Council shall hereby accept the street improvements into the City 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.

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward