

**AFFORDABLE HOUSING PLAN
FOR MAIN & MAPLE MIXED USE PROJECT**

Project information

Project Developer/Owner	Goel Hayward MF, LLC
Project Address	The area generally bounded by A Street, Main Street, McKeever Avenue and Maple Court in Hayward, California
Assessor's Parcel Number(s)	428-0061-011, 428-0061-012-02, 428-0061-013-02, 428-0061-061-01, and 428-0061-010
Gross Project Site Area	3.93 Acre(s)
Density:	80 Units/Acre
Project Residential Type Select all that apply.	<input type="checkbox"/> SFHs <input type="checkbox"/> CONDOMINIUMS <input type="checkbox"/> TOWNHOMES <input checked="" type="checkbox"/> APARTMENTS <input type="checkbox"/> LIVE/WORK <input checked="" type="checkbox"/> MIXED-USE <input type="checkbox"/> ASSISTED LIVING <input type="checkbox"/> ACCESSORY DWELLING UNITS
Project Tenure Type	<input checked="" type="checkbox"/> Rental <input type="checkbox"/> Ownership <input type="checkbox"/> Hybrid – Rental and ownership
Target Population (i.e. seniors, multifamily, supportive housing, large families)	Multifamily (including individuals and families)
Density Bonus	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Phasing Plan	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

A. The Main & Maple project consists of 314 rental apartment homes. The project will comply with the City's Affordable Housing Ordinance ("AHO") by providing 6% onsite affordable rental units, for a total of 19 onsite affordable units (the "Affordable Units") (314 total units x 6% = 18.84 units, with the project applicant providing an additional affordable unit with respect to the fractional 0.84 unit). All Affordable Units are attached.

B. Please see Exhibit A for the proposed location, size, layouts, and floor plans of the Affordable Units.

C. Sixteen (16) of the onsite Affordable Units will be available to households that do not exceed the very low income limit as determined by the California Department of Housing and Community Development annually, and the monthly rent for these sixteen (16) Affordable Units will not exceed fifty percent of the area median income multiplied by thirty percent and divided by twelve.

D. The other three (3) of the onsite Affordable Units will be available to households that do not exceed the low income limit as determined by the California Department of Housing and Community Development annually, and the monthly rent for these three (3) Affordable Units will not exceed sixty percent of the area median income multiplied by thirty percent and divided by twelve

E. These affordability levels will be recorded as a deed restriction against the property in perpetuity from the date of approval of a final inspection or issuance of an occupancy permit.

MIXED-USE BUILDING UNIT MIX:

Unit Type (Bedroom)	Unit Type (Plan)	Size (sq ft)	Extremely Low Income Units		Very Low Income Units	Low Income Units	Moderate Income Units		Market Rate Units
			AHO	Density Bonus	AHO + Density Bonus	AHO + Density Bonus	AHO	Density Bonus	
STUDIO	S1	567	0	0	1	0	0	0	11
1B1BA	A4	642	0	0	1	1	0	0	34
2B2BA	B2	1,082	0	0	1	0	0	0	9
2B2BA	B9	1,250	0	0	0	0	0	0	2
3B2BA	C1-C	1,309	0	0	0	0	0	0	3

*All low income and very low income units that the project will provide count toward Affordable Housing Ordinance compliance.

RESIDENTIAL BUILDING UNIT MIX:

Unit Type (Bedroom)	Unit Type (Plan)	Size (sq ft)	Extremely Low Income Units		Very Low Income Units	Low Income Units	Moderate Income Units		Market Rate Units
			AHO	Density Bonus	AHO + Density Bonus	AHO + Density Bonus	AHO	Density Bonus	
STUDIO	S1	567	0	0	0	0	0	0	15
1B/1BA	A1	698	0	0	1	0	0	0	14
1B/1BA	A2	688	0	0	2	0	0	0	33
1B/1BA	A4	582	0	0	2	0	0	0	37
1B/1BA	A5	800	0	0	0	0	0	0	1
2B/2BA	B1	1,200	0	0	3	1	0	0	63
2B/2BA	B2	1,077	0	0	1	0	0	0	19
2B/2BA	B3	1,132	0	0	1	0	0	0	13
2B/2BA	B4	1,240	0	0	1	0	0	0	4
2B/2BA	B5	1,347	0	0	0	0	0	0	5
2B/2BA	B6	1,142	0	0	0	0	0	0	5
2B/2BA	B7	1,250	0	0	1	1	0	0	3
2B/2BA	B8	990	0	0	0	0	0	0	5
3B/2BA	C1-A	1,288	0	0	0	0	0	0	5
3B/2BA	C1-B	1,300	0	0	0	0	0	0	5
3B/2BA	C2	1,195	0	0	1	0	0	0	9

*All low income and very low income units that the project will provide count toward Affordable Housing Ordinance compliance.

F. This project will be developed and built in one phase.

G. The incentives being requested are (1) waivers and/or concessions in accordance with the Density Bonus Request for the project which is attached as Exhibit B, in accordance with S. 10-17.700 a. of the Hayward AHO, and (2) expedited processing of development approvals and permits, in accordance with S. 10-17.700 c. of the Hayward AHO. The project applicant is not requesting additional density in connection with the Density Bonus Request.

H. No off-site or other alternatives are being proposed. The project is fully satisfying the Affordable Housing Ordinance through the construction of the onsite Affordable Units.

I. The project applicant is separately submitting to the City a Preliminary Marketing Plan for the Affordable Units, which generally describes how the Affordable Units will be marketed to ensure that a wide range of Hayward's diverse community is being reached, especially the underserved communities/populations such as non-English speakers. The project applicant will work with the City to prepare and submit a Final Marketing Plan to the City, which must be submitted to the City upon the earlier of (a) 120 days prior to completion of construction, or (b) 60 days prior to marketing the Affordable Units in the project.

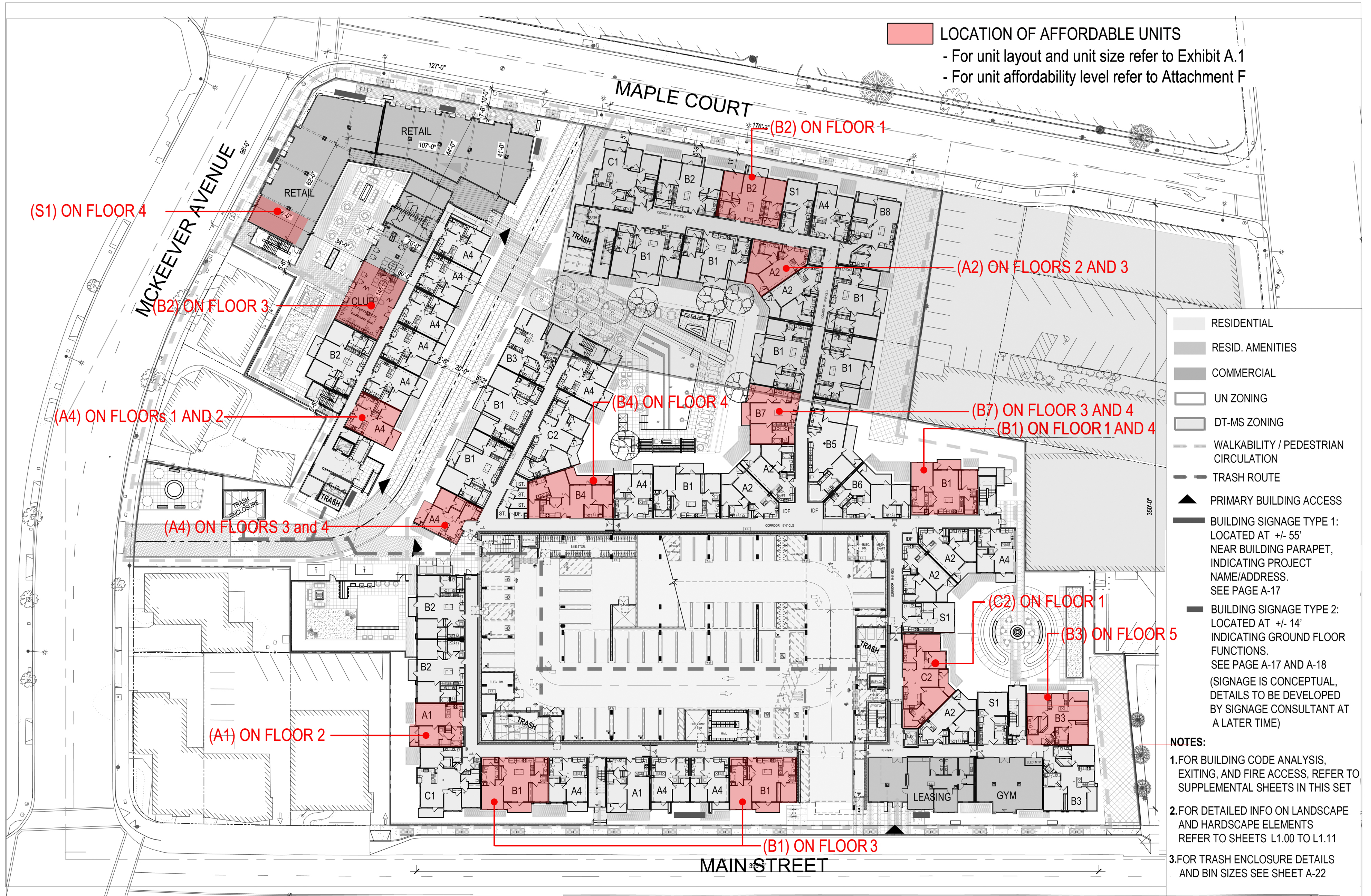
The project applicant will also work with City of Hayward Housing Department to submit a Management Plan for the Affordable Units in accordance with the Affordable Housing Ordinance. As of the date of this Affordable Housing Plan, a management company has not yet been selected to operate Main & Maple on behalf of Goel Hayward MF LLC. Information will be provided to the City and included in the Management Plan once a management company has been selected. The project applicant will submit the Final Management Plan to the City upon the earlier of (a) 120 days prior to completion of construction, or (b) 60 days prior to marketing the Affordable Units in the project.

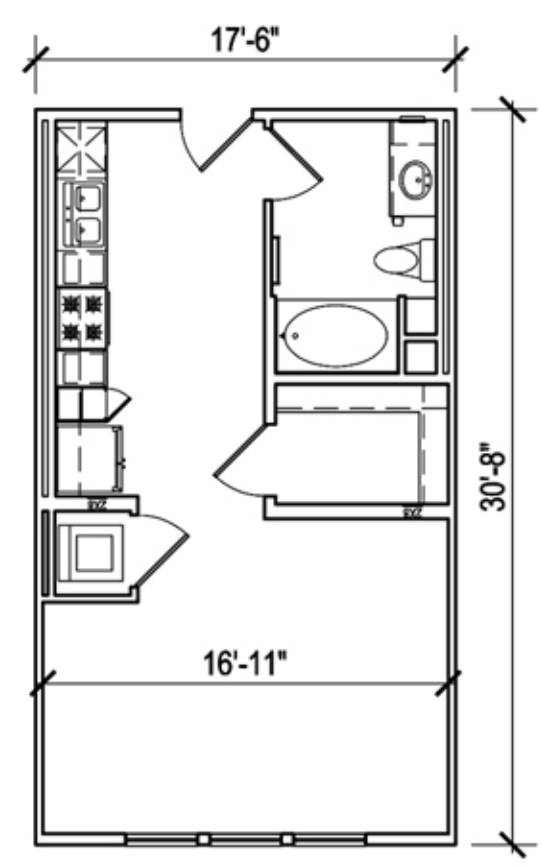
J. Please see Exhibit C – Statement of Compliance with S. 10-17.510 h. of the Hayward AHO.

EXHIBIT A

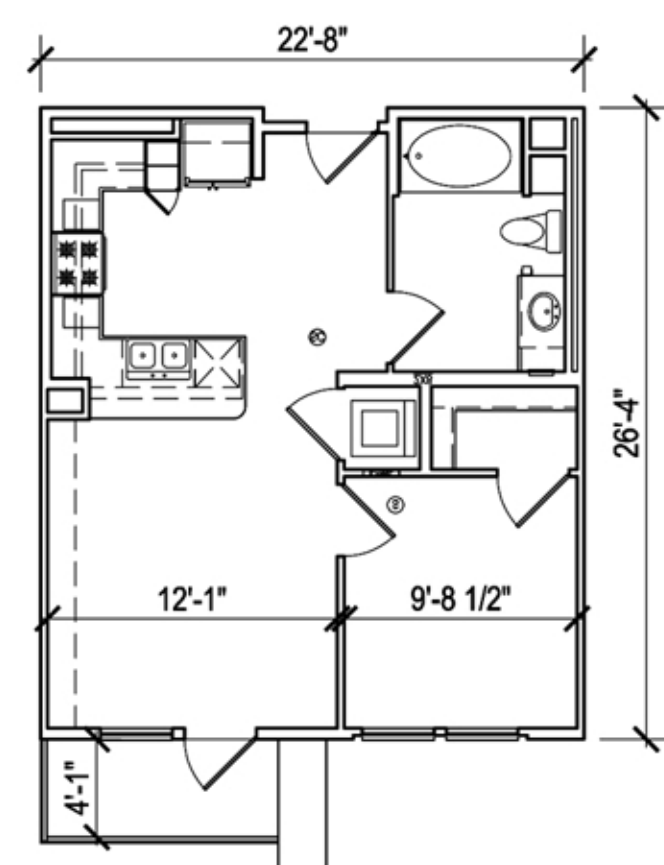
LOCATION OF AFFORDABLE UNITS

(Attached)

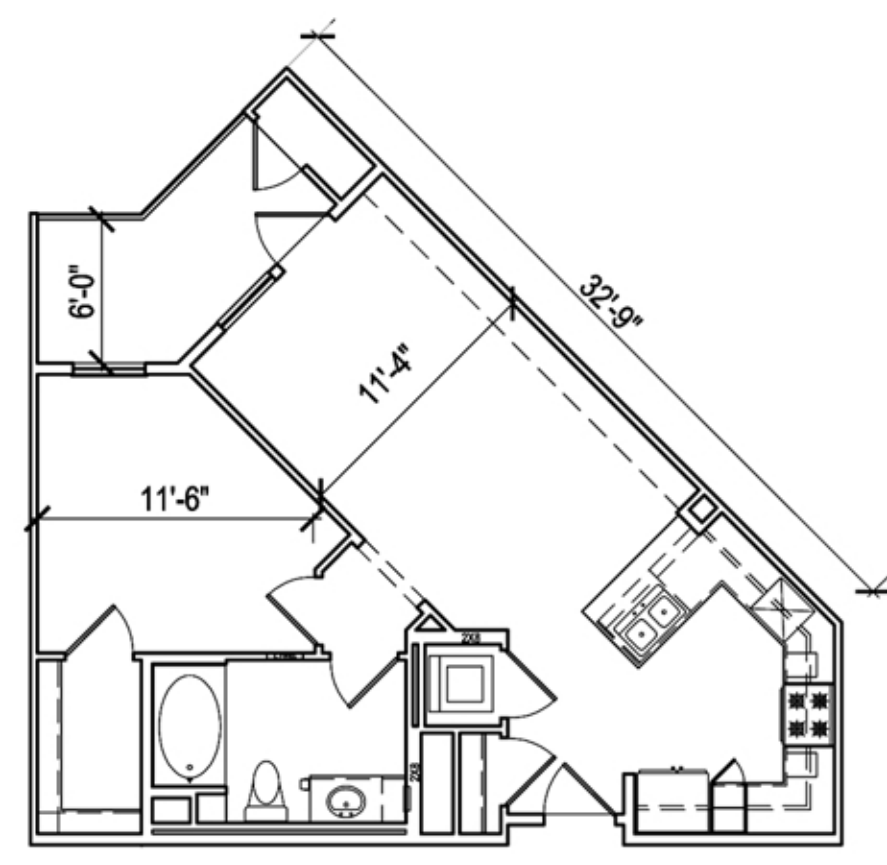




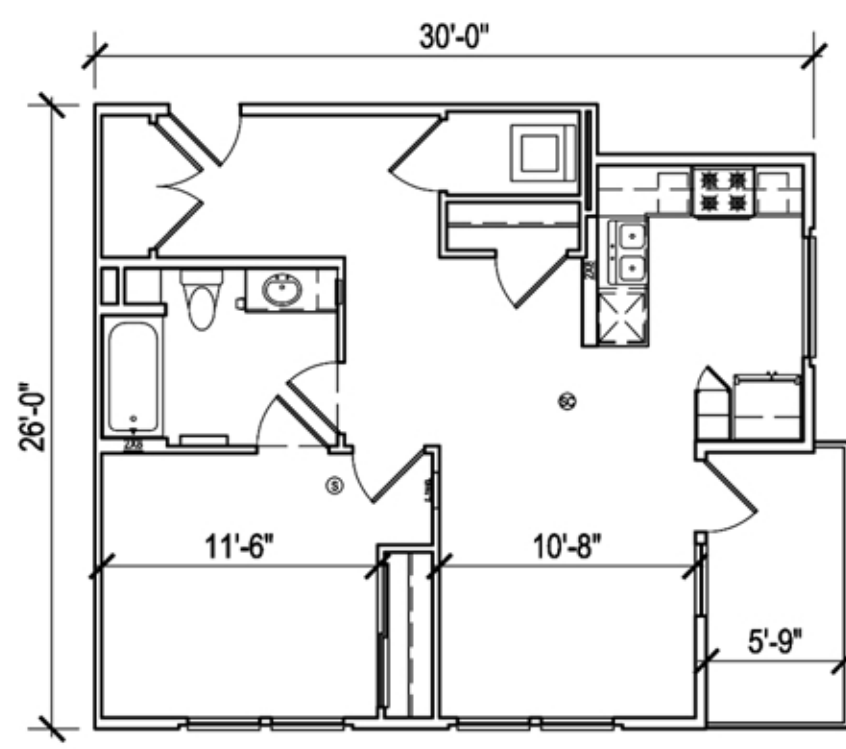
• S1



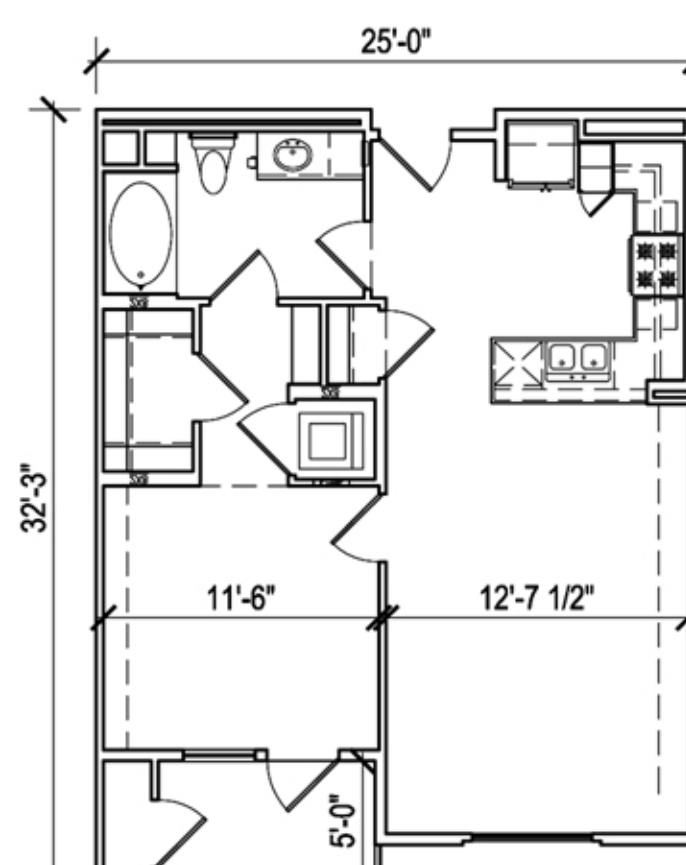
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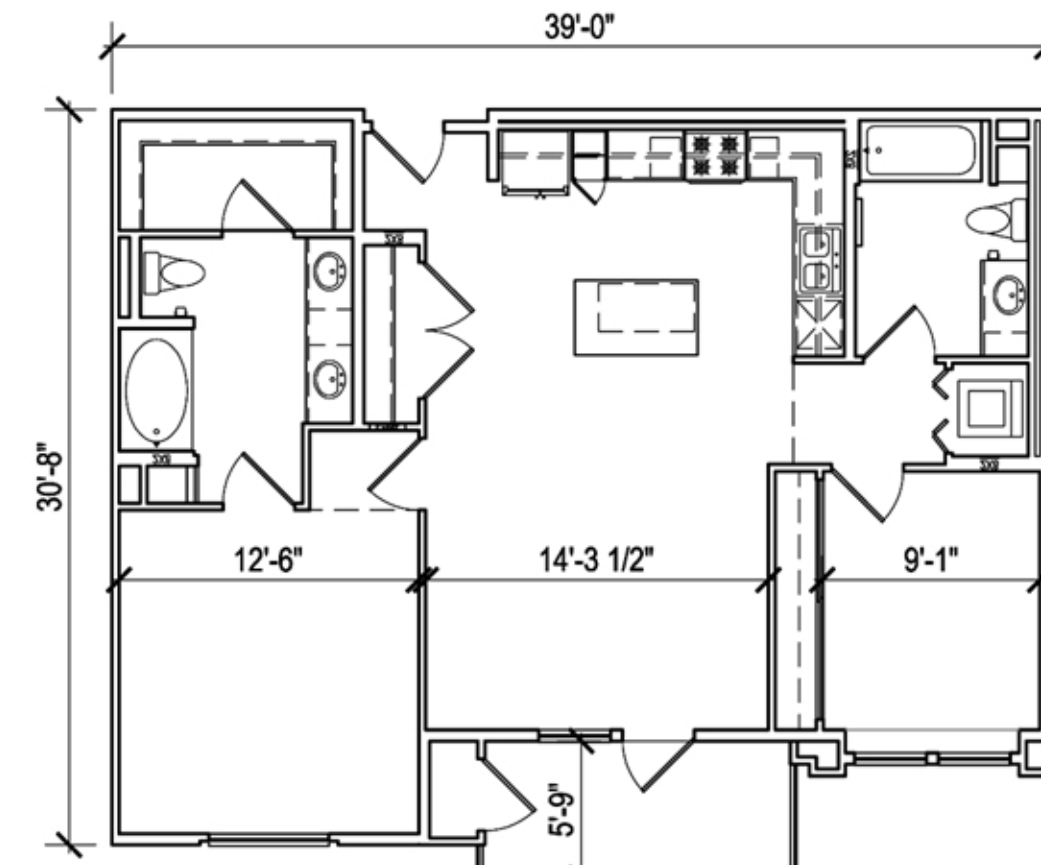
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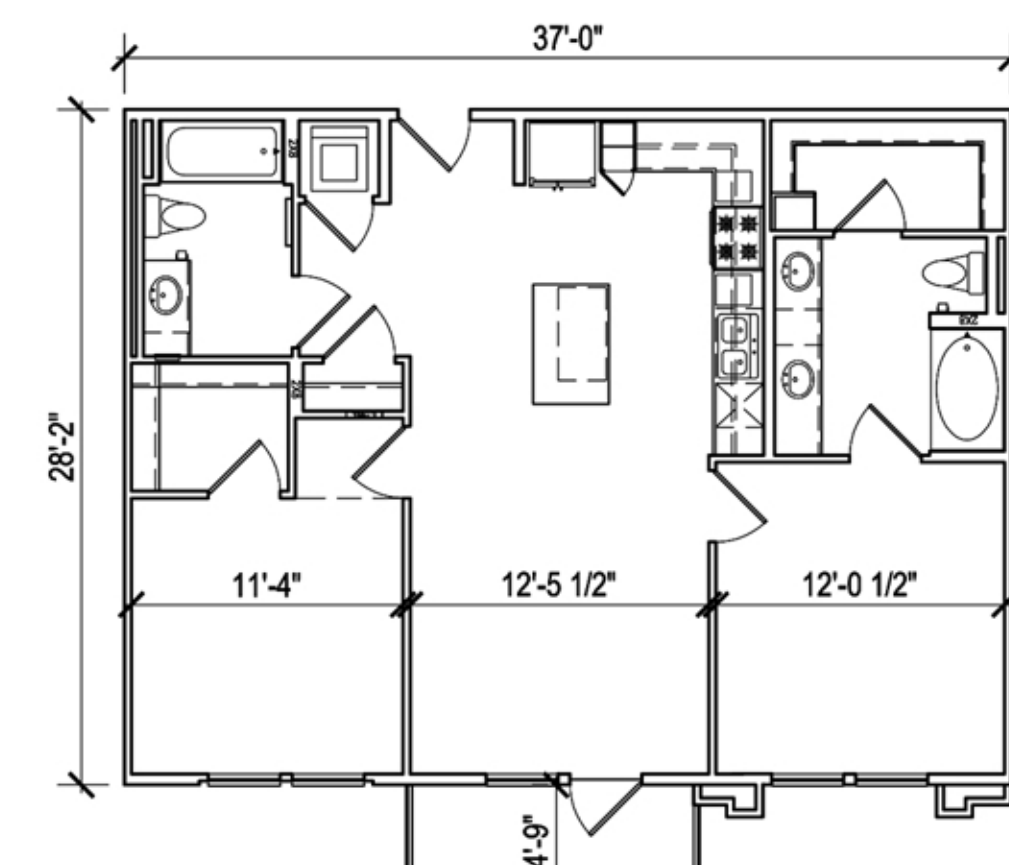
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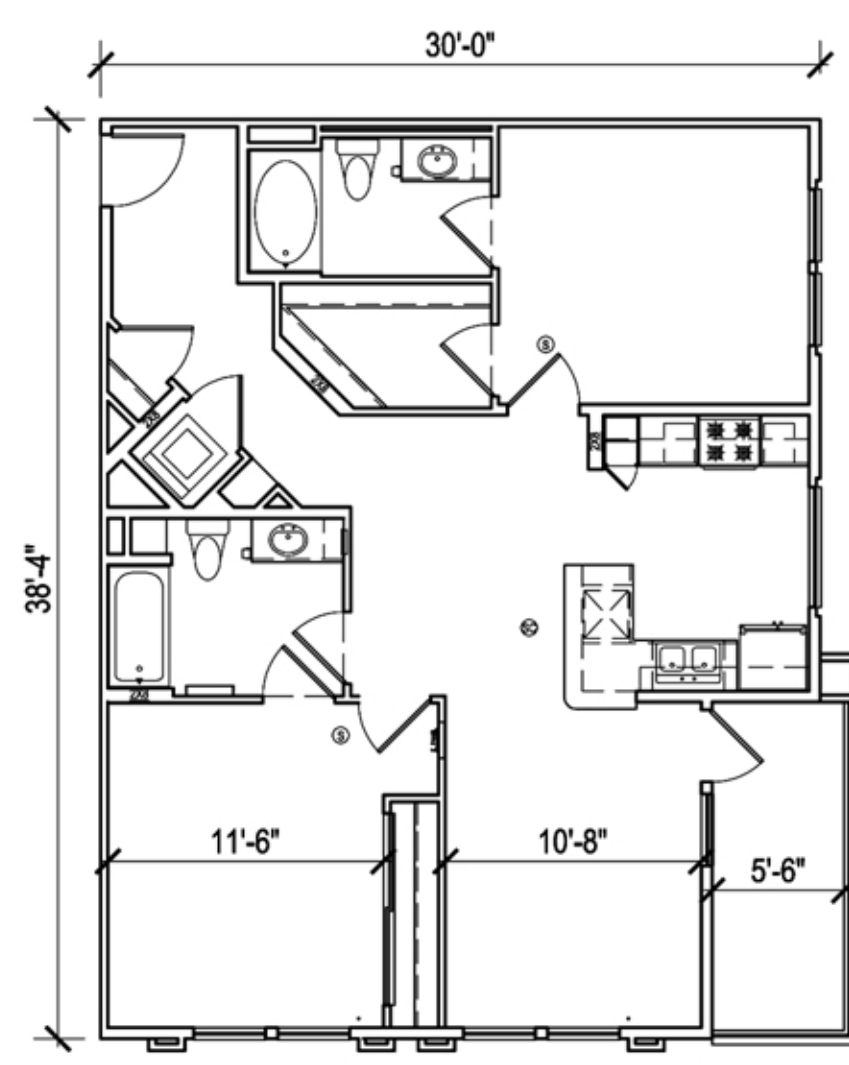
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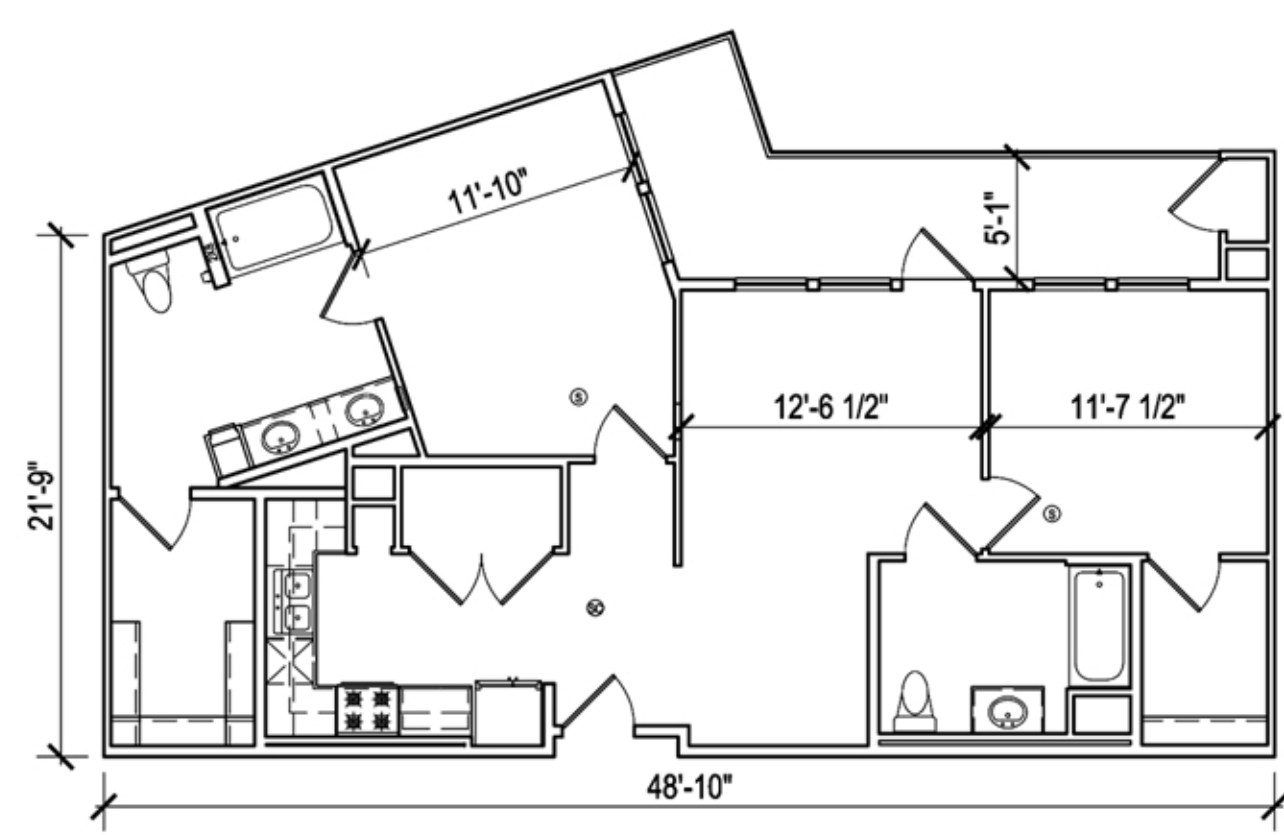
• B1



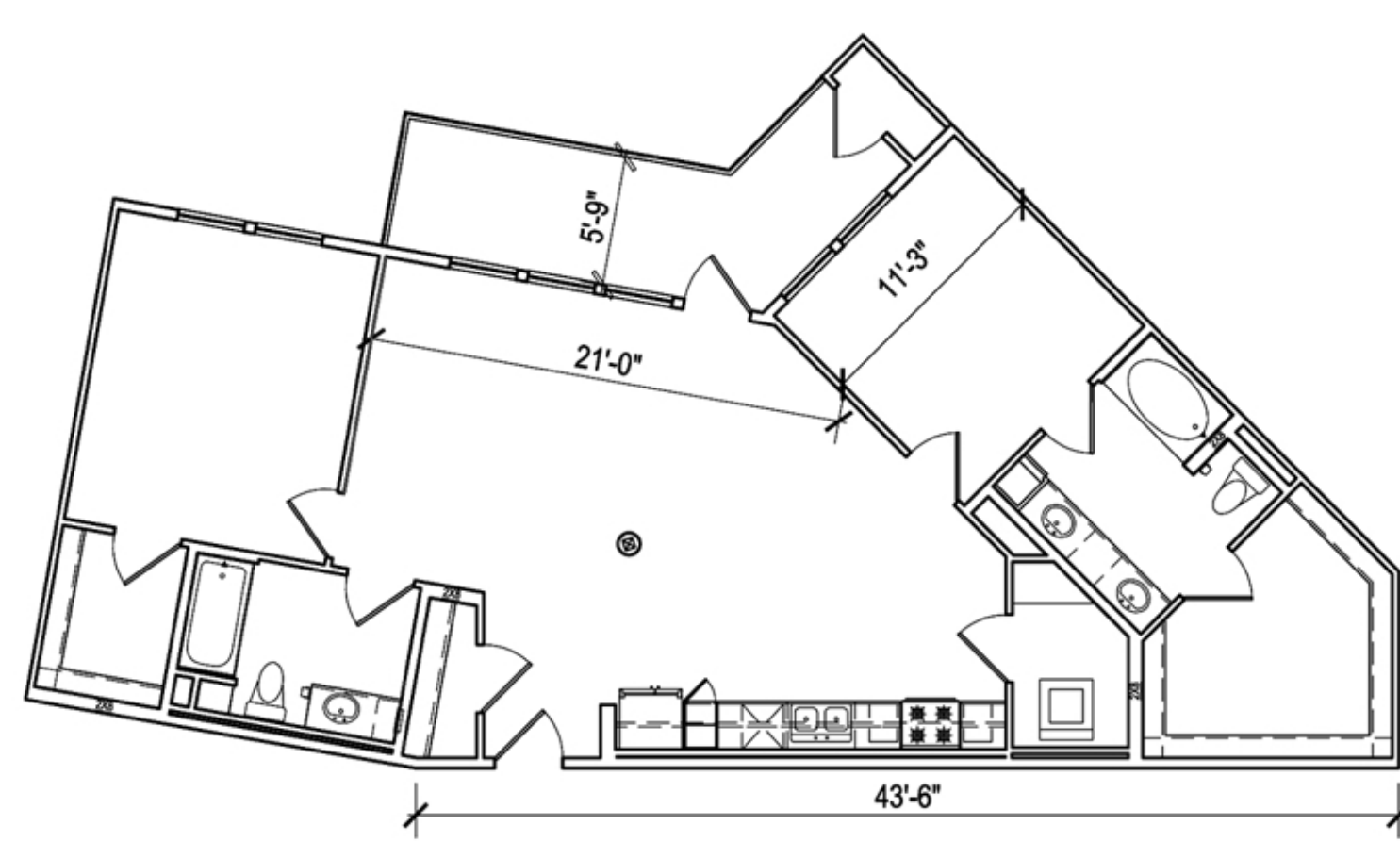
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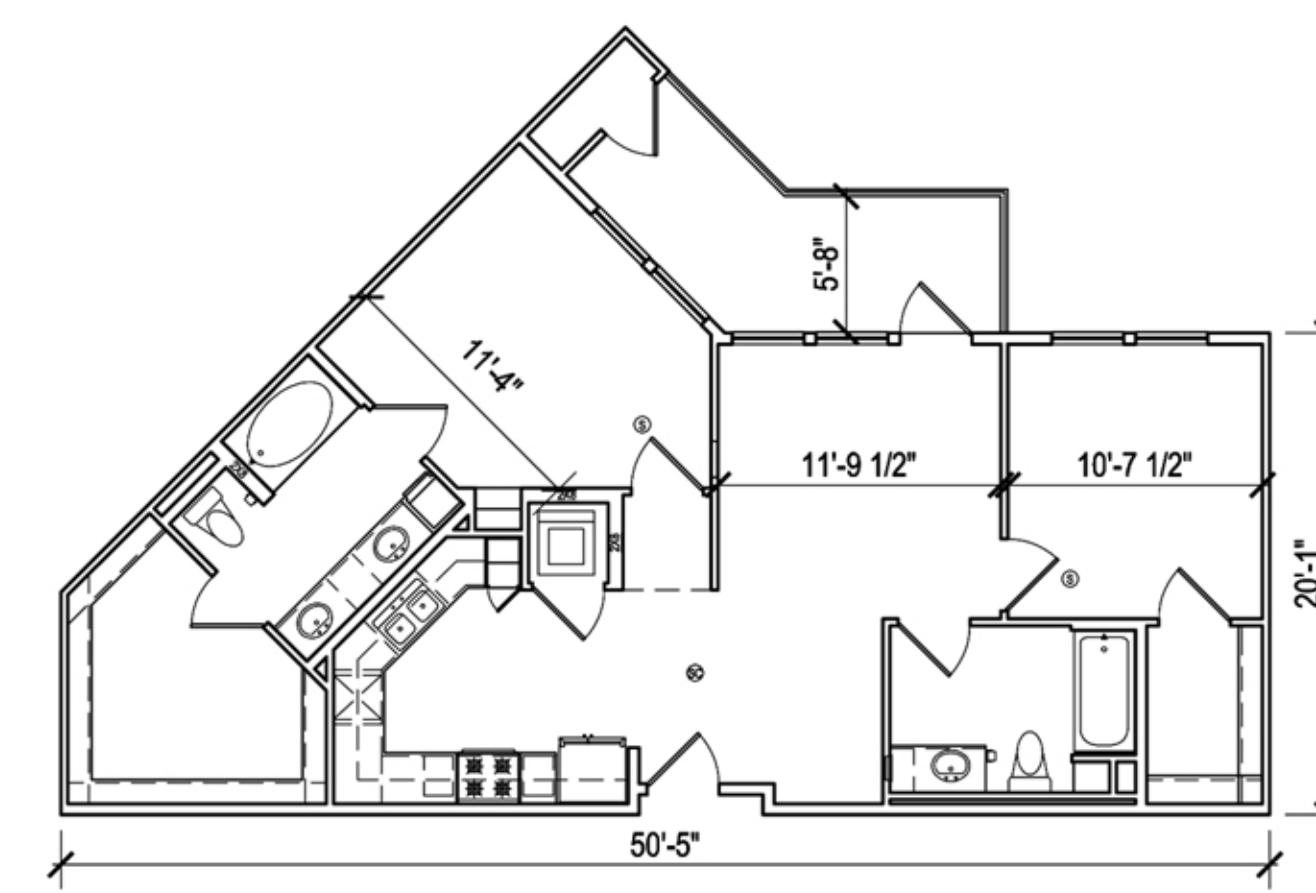
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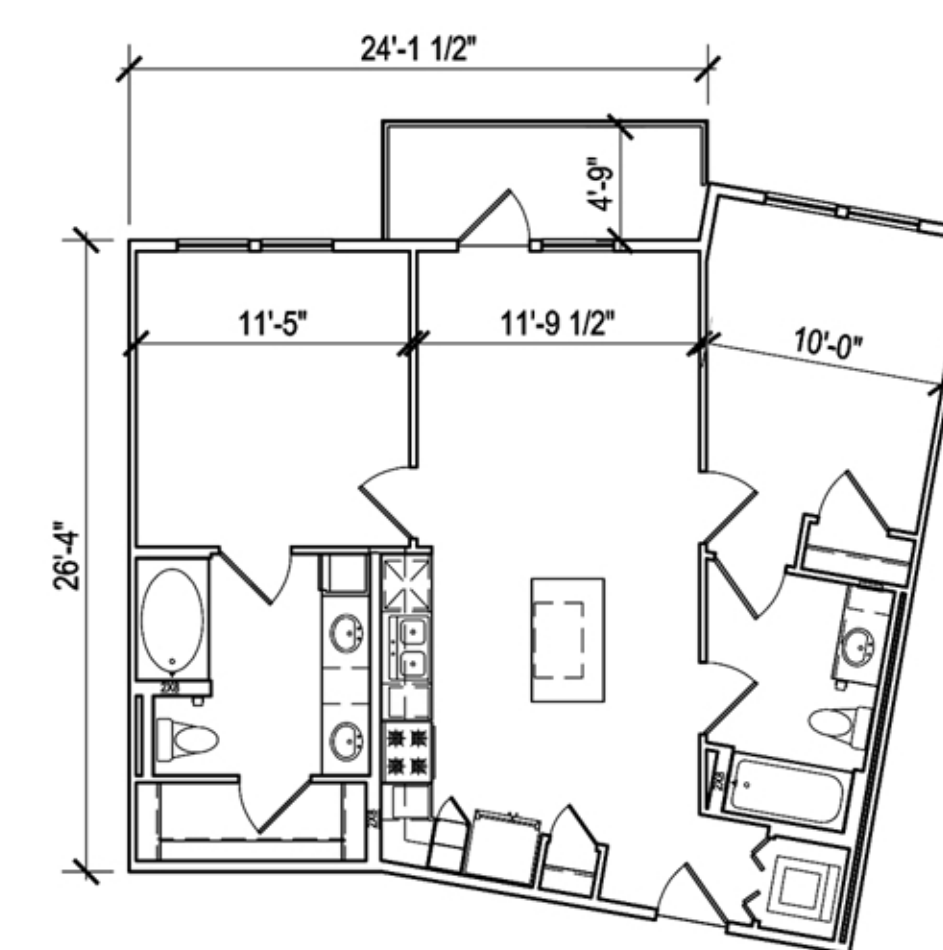
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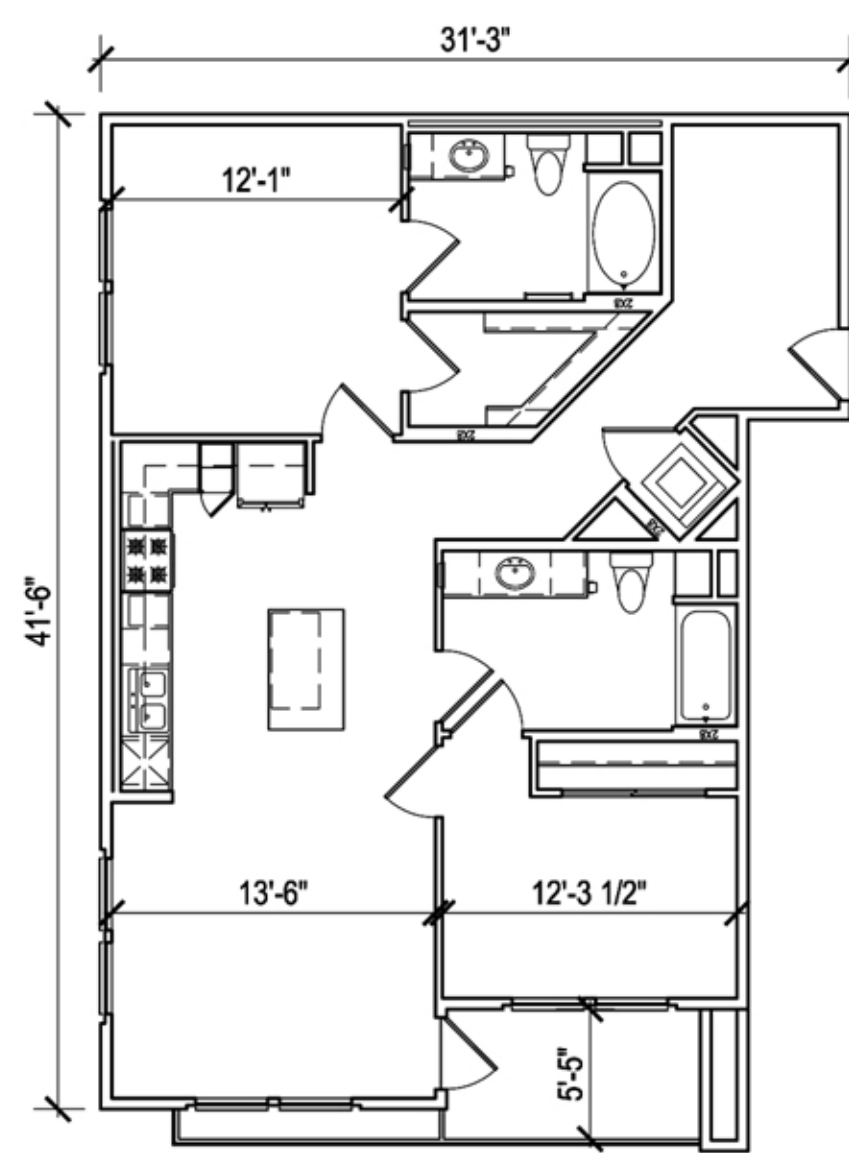
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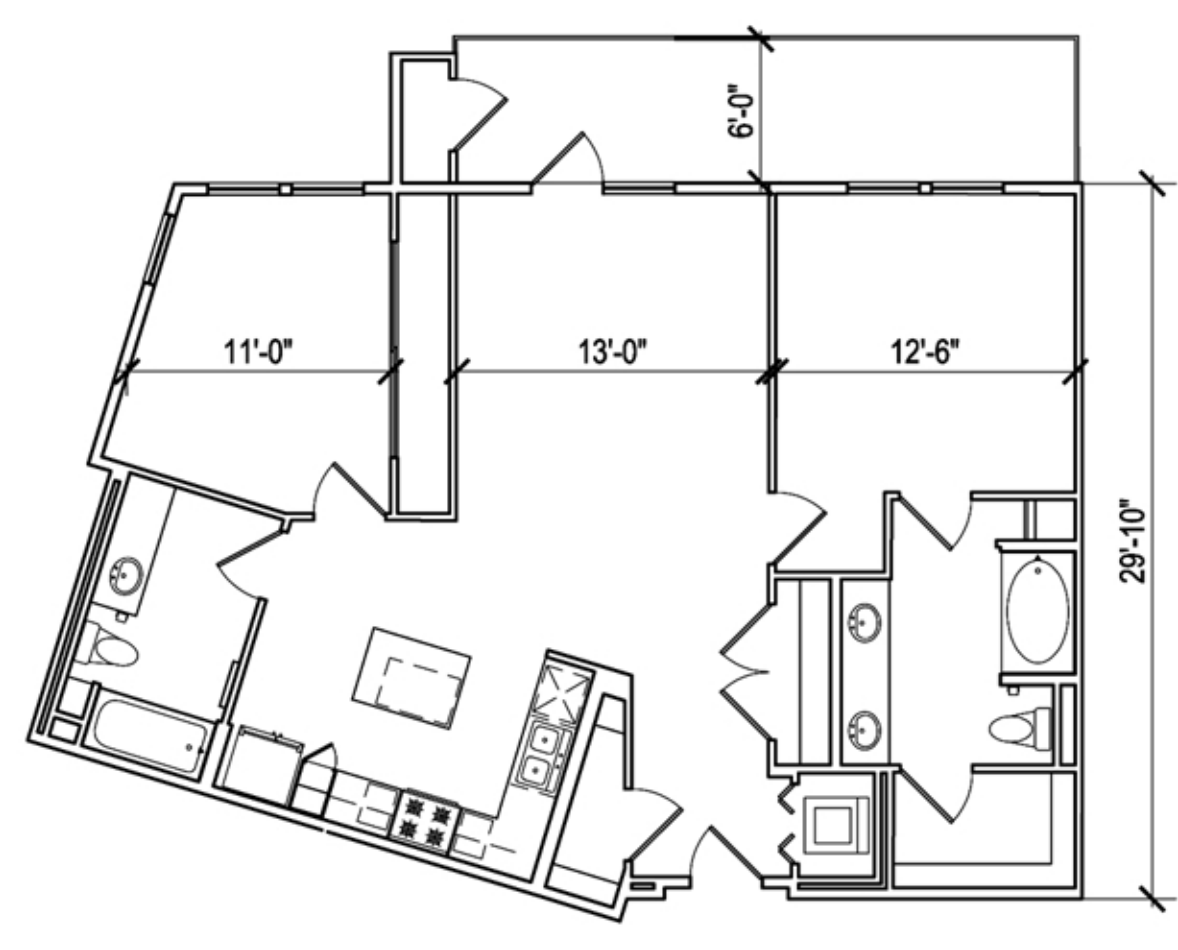
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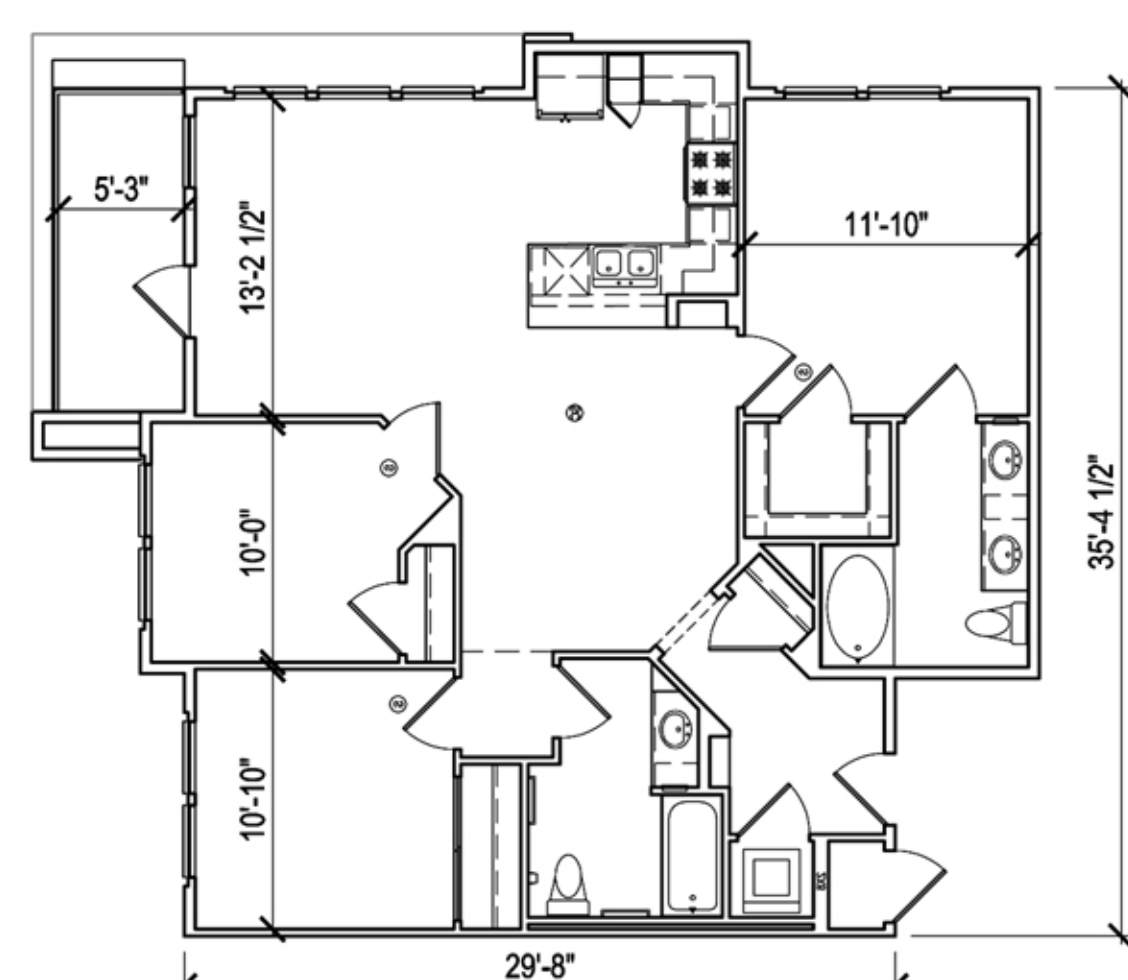
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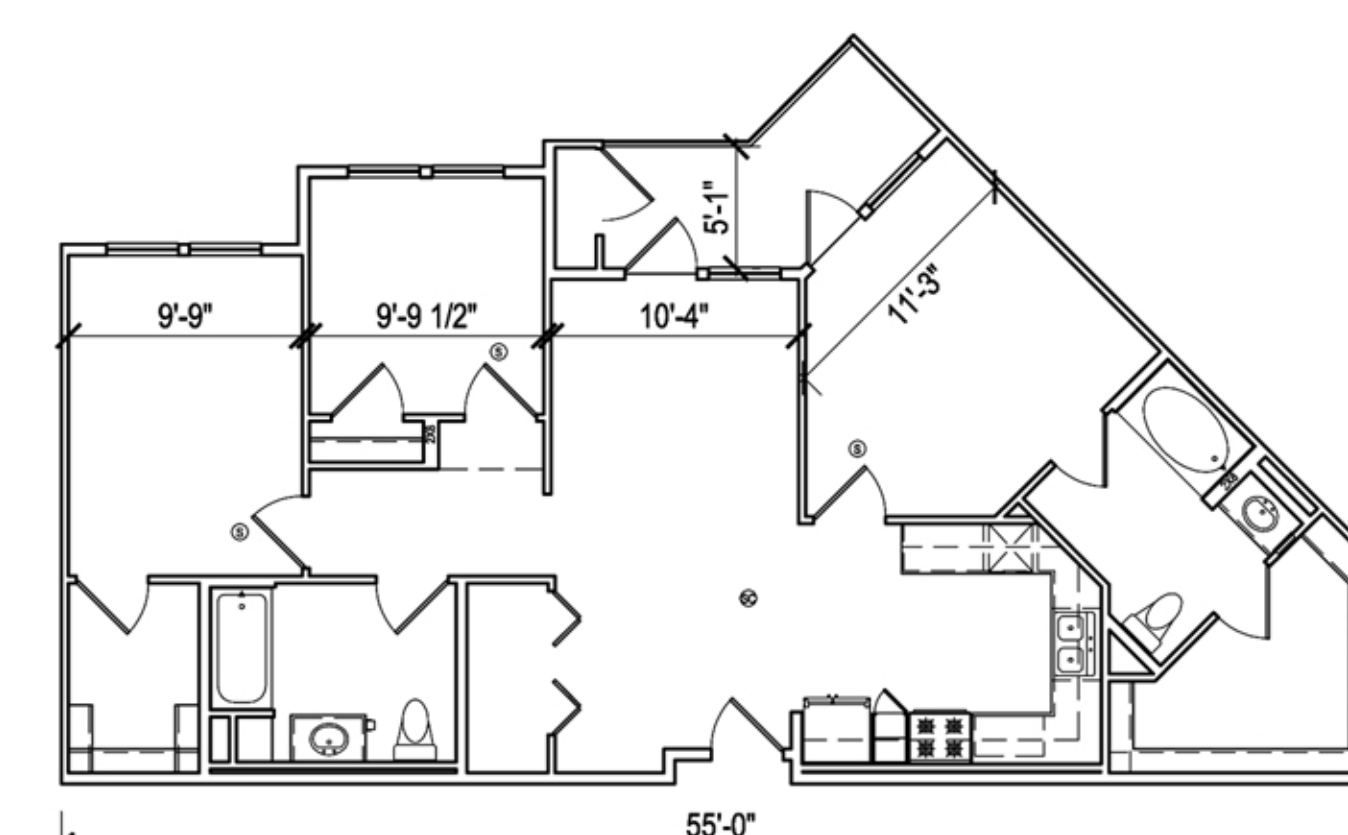
B8



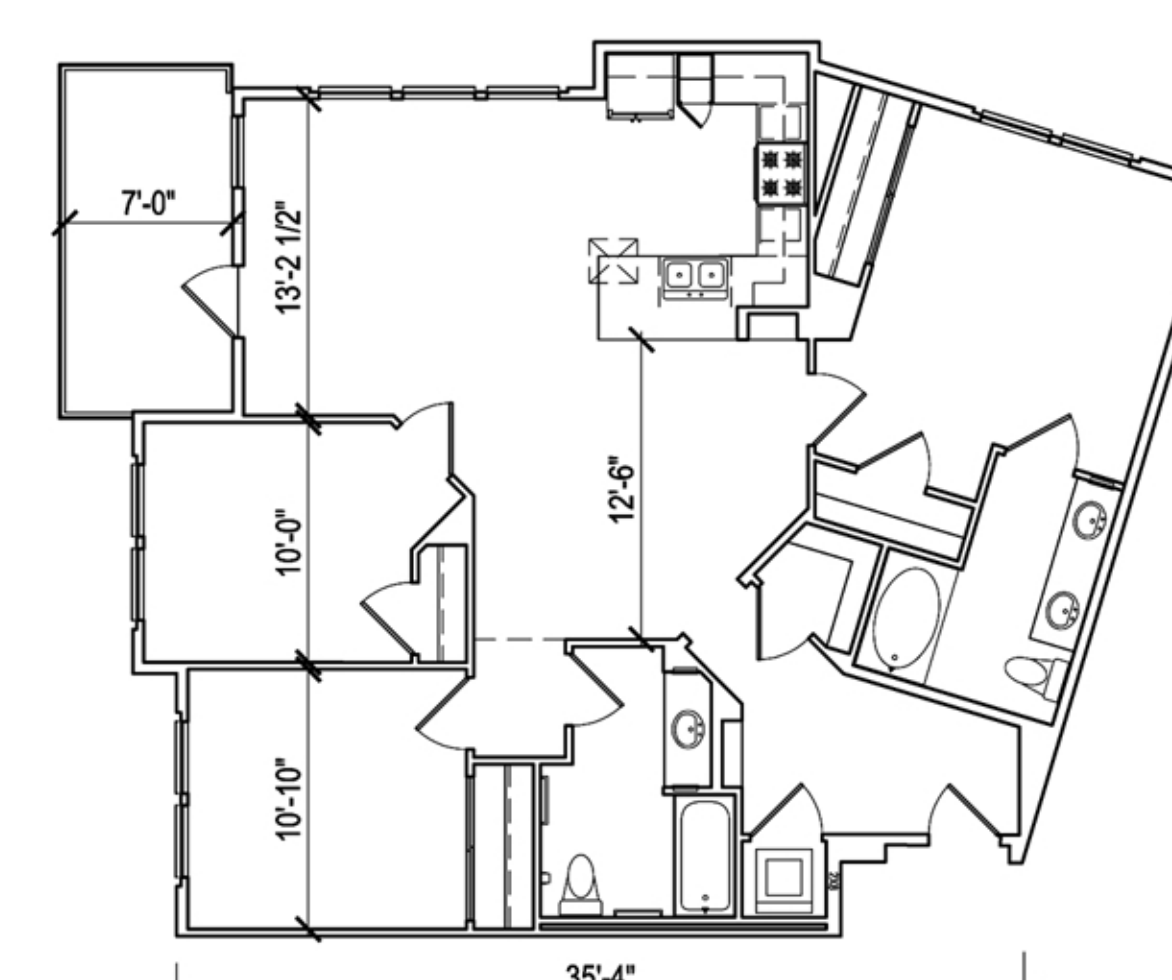
B9



C1-A (C1-B SIM.)



• C2



C1-C

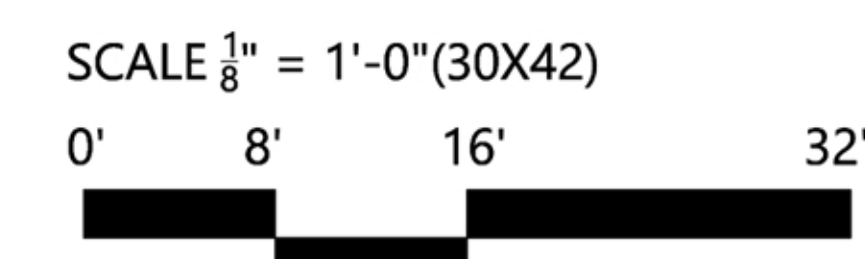


EXHIBIT B

DENSITY BONUS REQUEST

(Attached)



Cox, Castle & Nicholson LLP
 50 California Street, Suite 3200
 San Francisco, California 94111-4710
 P: 415.262.5100 F: 415.262.5199

Christian H. Cebrian
 415.262.5123
 ccebrian@coxcastle.com

File No. 086852

May 3, 2022

VIA E-MAIL

Jeremy Lochirco
 Acting Planning Manager
 City of Hayward
 777 B Street
 Hayward, CA 94541

Re: Updated Request for Density Bonus Consistent with Government Code Section 65915 for Proposed Revised Maple & Main Project

Dear Mr. Lochirco:

On behalf of Goel Hayward MF, LLC (“Applicant”), this letter serves as an updated request for a density bonus, waivers, and concessions, and application of parking standards consistent with State Density Bonus Law (Gov’t Code § 65915) for the proposed 314-unit Maple & Main mixed use development (“Project”) in the City of Hayward (“City”). Further project details, including the Project’s zoning, assessor parcel numbers, vicinity map, and site plan, may be found in the current plan set for the Project on file with the City. An Affordable Housing Plan for the Project is being submitted concurrently with this letter.

The City’s Affordable Housing Ordinance (“AHO”) requires a residential project that will satisfy affordable housing requirements through the provision of onsite rental units to provide 6% affordable units evenly split between low income and very-low income units with the ability to provide units at lower affordability levels.

Of the Project’s proposed 19 affordable rental units, 16 of those units (or 5% percent of the 314-unit base project) would be very-low income units restricted to very-low income households, and the other 3 units would be low income units restricted to low income households (collectively, the “Affordable Units”). The Project’s proposed Affordable Units exceed the City’s AHO requirements by delivering more very-low income units than is otherwise required.

A mixed use project that provides at least 5% very-low income units qualifies for the following benefits under Density Bonus Law: “(1) a ‘density bonus;’ (2) ‘incentives and concessions;’ (3) ‘waivers or reductions’ of ‘development standards;’ and (4) prescribed ‘parking ratios.’” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 769; Gov Code § 65915(b)(1)(B), (i).)

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In this case, the Affordable Units qualify the Project for a 20 percent density bonus, unlimited waivers, one concession, and reduced parking ratios.

Requested Concessions

“[I]ncentives and concessions are intended to assist in lowering the cost to build a project that includes affordable housing by allowing the developer to avoid development standards. [Citation] An ‘incentive or concession’ is defined as a ‘reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards ... that results in identifiable and actual cost reductions.’ [Citation] The law states that a ‘site development standard’ includes setbacks, height limitations, and other requirements imposed by ‘any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.’ [Citation] The applicant is not required to prove the requested incentives will lead to cost reductions; the incentive is presumed to result in cost reductions and the city bears the burden to demonstrate otherwise if it intends to deny the incentive.” (*Bankers Hill 150*, 74 Cal.App.5th 755 at 770.)

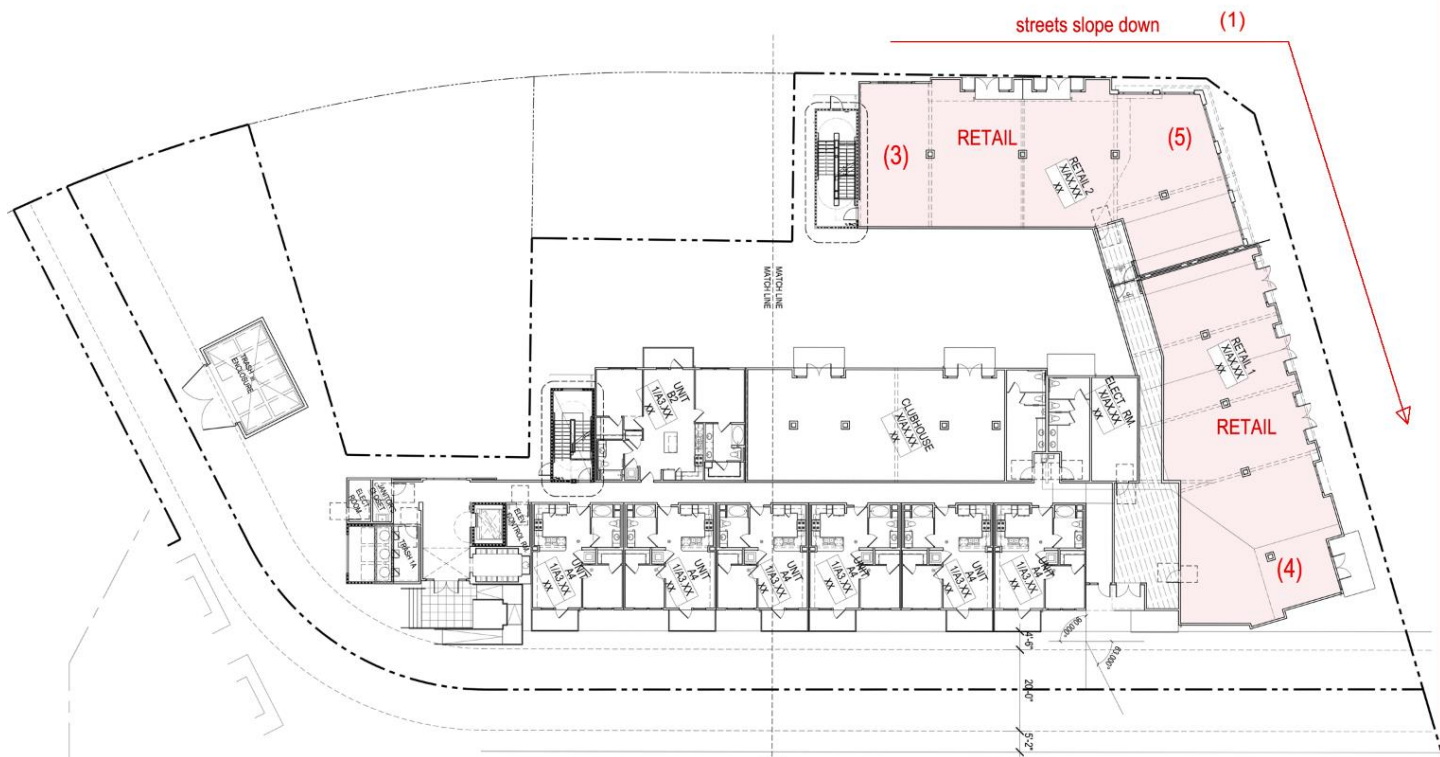
The Applicant requests the following concession:

Ground Floor Commercial Ceiling Height - Per 10-28.2.2.060 - URBAN NEIGHBORHOOD (UN), the minimum required Retail Height is 14’. Although the Project exceeds this standard at the retail corner, the retail heights are reduced to +/-12’ over approximately 85% of the retail frontage. This is a result of sloping grade at the retail corner of the Project site and the retail spaces have been designed to follow the slope of the adjacent streets. (1) The second level floor plate that acts as the ceiling for the retail space is a single level plane. (2) The lowest plate height (ceiling height) is 11’-8” along McKeever (3). The lowest plate height (ceiling height) is 12’-2” along Maple (4). The tallest plate (ceiling height) is located at the corner of McKeever and Maple street and was accomplished by eliminating a second level unit. That plate (ceiling height) exceeds 18’-0” (5)

Extending the ceiling line of the McKeever and Maple street retail space to the remaining retail spaces would require the loss of the market-rate residential units above those retail spaces which would result in an identifiable substantial loss of revenue needed to subsidize the affordable units. Alternatively, raising the entire building by 2’4” to meet the minimum retail height requirements in all retail spaces would require structural steel lateral bracing elements throughout the 1st level of the building. Avoiding the need to use structural steel in the building design would result in a substantial construction cost reduction to help offset the costs of the

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affordable units.¹



¹ These same factors would support the use of a waiver. The loss of units would physically preclude construction of the density bonus project. The structural steel would result in intrusions into the residential units to accommodate the steel on the first floor that would reduce floor area and would impact required accessible clearances in kitchens and bathrooms along the corridor side of the units and physically precluding construction of the density bonus project (6)(7) (upper dashed line represents raised residential floor height and lower dashed line represents raised 14' retail ceiling height). Even if a waiver is not requested, the City would be required to grant one for a development standard that “would physically preclude construction of [the] project as designed” (*Bankers Hill 150*, 74 Cal.App.5th 755 at 775.)

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Requested Waivers

Government Code Section 65915(e)(1) provides, in part, that “[I]n no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section.” The right to waivers has been broadly interpreted by the courts. (See *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1346–1347 [“Standards may be waived that physically preclude construction of a housing development meeting the requirements for a density bonus, period. [] The statute

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does not say that what must be precluded is a project with no amenities, or that amenities may not be the reason a waiver is needed.” “[A] city must offer a *waiver or reduction* of development standards that would have the effect of physically precluding the construction of a development at the density, or with the requested incentives, permitted by the Density Bonus Law. [] For example, if a city ordinance imposes a building height limitation, a city must waive that limitation for a development that is eligible for a density bonus if imposing the height limit would physically preclude construction of the proposed building with the requested incentives and at the density allowed by the Density Bonus Law. There are no financial criteria for granting a waiver.” (*Bankers Hill 150*, 74 Cal.App.5th at 770.)

The Applicant is requesting a waiver from the following development standard that physically preclude the development of the proposed density bonus project:

1. **Lined Building Width along Main Street** - Per 10-28.3.3.140 - LINED BUILDING, the maximum allowed width of the exterior building main body is 320'. The project Lined Building width is 350' which exceeds the maximum allowed width. Reducing the building width or breaking the building into multiple structures would result in the loss of residential units. Therefore, compliance with the Lined Building Width requirements would physically preclude construction of the proposed density bonus project.

Other Density Bonus Requests

Government Code Section 65915(f) provides that an applicant may request a lesser density bonus than it is entitled to, including “no increase in density.” The Project requests a 0% density bonus.

The Applicant also does not request the reduced parking ratios set forth in Government Code Section 65915(p) be applied to the project.

The Applicant may adjust its Density Bonus request as the Project proceeds through processing. We look forward to working with you on the Project. Please feel free to call me if you have any questions.

Sincerely,

/s/ *Christian Cebrian*

Christian H. Cebrian

Jeremy Lochirco
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CHC

086852\14732193v3

EXHIBIT CSTATEMENT OF COMPLIANCE
S. 10-17.510 h. of the Hayward AHO

The Affordable Units are to be integrated with the overall project. The Affordable Units will share the same sewer, water and other utilities that are utilized for the market rate units. The Affordable Units may have different interior finishes and features than market-rate units, but the interior features will be durable, of good quality and consistent with contemporary standards for new housing.

The Affordable Units consist of approximately 6% of the Studio/1-bedroom units, approximately 6% of the 2-bedroom units, and approximately 6% of the 3-bedroom units.

Building permits for market rate units and Affordable Units shall be obtained simultaneously, as the market rate units and Affordable Units will be integrated. Certificates of occupancy for market rate units and Affordable Units shall be issued simultaneously as well.