

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION APPROVING THE REQUEST TO MODIFY CONDITIONS OF APPROVAL #4 (FEES), #164 (INCLUSIONARY HOUSING), #166 (PROJECT PHASING), FROM ADOPTED CITY COUNCIL RESOLUTION 17-057 AND INCORPORATING NEW CONDITIONS OF APPROVAL RELATED TO INTERIM SITE IMPROVEMENTS FOR THE MISSION CROSSINGS MIXED USE DEVELOPMENT LOCATED AT 25501 MISSION BOULEVARD AND BERRY AVENUE

WHEREAS, In 2013, the City Council adopted the Economic Development Strategic Plan (EDSP), which covered the FY2014-2018 timeframe and designated the project site as a catalyst site within a key retail area; and

WHEREAS, the project site was originally zoned as part of the adopted Mission Boulevard Form Based Code as T4-2 and included two separate commercial overlay zones with the front approximate 4.1 acres included in Overlay Zone1, which did not permit any residential uses and the rear approximate 4.6 acres was included in Overlay Zone 2, which required a Conditional Use Permit for any ground floor residential uses; and

WHEREAS, on May 9, 2017, the City Council held a public hearing to consider the project and adopted Resolution 17-057, which approved a rezoning of approximately 1.9 acres of the project site from the Commercial Overlay Zone 1 to Commercial Overlay Zone 2, the less restrictive commercial overlay zone, allowing for more acreage to be considered for residential use subject to issuance of a Conditional Use Permit in consideration of the project including a 93-room hotel and 7,225 square feet of community serving retail use; and

WHEREAS, the adopted Resolution 17-057 also included condition of approval #166 which required the hotel/retail building pad be rough graded prior to the issuance of a certificate of occupancy for the first residential unit; the hotel/retail building be in vertical construction phase before a certificate of occupancy is issued for the 100th residential unit, and be completed prior to issuance of certificate of occupancy for the last residential unit; and

WHEREAS, on September 15, 2020, the City Council considered and denied a request by Meritage Homes and Manchester Hotel Group to modify condition of approval #166; and

WHEREAS, on September 17, 2021, Meritage Homes amended their request to modify the condition of approval by offering the following:

1. Advance all remaining building permit and impact fees to the City prior to issuance of any additional certificates of occupancy.
2. Deed restrict 14 for-sale units at moderate income levels in addition to paying the in-lieu fees for all 140 units.
3. Work with the City on a mutually agreeable plan to improve the aesthetic and visual quality of the hotel site and implement the plan up to a maximum of \$200,000.
4. Take actions necessary to provide immediate access to the community space/urban garden.
5. Work to provide safe, interim pedestrian access to the site from Dollar/Torrano.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves the request to modify conditions of approval Nos. 4, 164, and 166 and add additional conditions of approval Nos. 167 and 168 as shown on Exhibit "A" attached hereto. All other conditions of approval adopted by Resolution 17-057, not expressly modified in Exhibit "A", remain unchanged and in full effect.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

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