

Revised Conditions of Approval as approved by City Council on September 28, 2021. All other conditions remain intact from the original City Council Resolution RES 17-057 adopted by City Council on May 9, 2017

Fee

4. Prior to building permit issuance, Applicant/Developer must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee schedule adopted by the City Council, including but not limited to, utility connection fees. Prior to issuance of any further certificates of occupancy, Applicant/Developer shall advance all applicable remaining City fees, including but not limited to, building permit fees, utility fees, park impact fees and affordable housing impact fees, for all units.

Inclusionary Housing

164(a). Affordable Housing Ordinance Requirement: The Applicant/Developer shall comply with Ordinance 16-189 and Article 17 of the City of Hayward Municipal Code the Affordable Housing Ordinance, (the "AHO") pertaining to the required provision of Affordable Housing. Pursuant to the AHO, the applicant shall comply with the affordable housing requirements by paying the applicable affordable housing impact fees, b.) include on-site for-sale units, c.) construct off-site for-sale affordable units, d.) provide rental affordable units, or e.) propose additional alternatives that would mitigate the affordable housing impact of the project in accordance with Section 10-17.230. To comply with the AHO, Applicant/Developer has elected to pay the applicable affordable housing impact fees, and pursuant to Condition of Approval 4, such fees shall be paid in full for all units prior to issuance of any additional certificates of occupancy for the project.

164(b). In addition to complying with the AHO, Applicant/Developer has agreed to enter into an Affordable Housing Agreement deed restricting 14 affordable units for sale to moderate income households at an affordable housing cost (as defined in the AHO). The Affordable Housing Agreement must be recorded prior to issuance of certificates of occupancy for Buildings 1, 2, 3, 5, 9 and 13. The deed restricted affordable units shall be equally dispersed within Buildings 1, 2, 3, 5, 9 and 13 (with 4 buildings including 2 affordable units, and 2 buildings including 3 affordable units). all moderate-income units must receive certificate of occupancy and marketed for sale prior or concurrently with market rate units in that building. All moderate income units must be completed prior to the last certificate of occupancy being issued for the last market rate unit. The marketing plan developed as part of the Affordable Housing Agreement shall include a preference for purchasers who live or work in the City of Hayward.

Project Phasing

166. The final phase of construction of the project shall commence with construction of the units located in Buildings 2 and 3, and certificates of occupancy for units in those buildings shall not be issued prior to the opening of the Community Garden (Urban Farm)/Park.

Interim Site Improvements

167. Applicant/Developer shall use commercially reasonable efforts to obtain approval from the Hotel Site owner to improve the aesthetic and visual quality of the Hotel Site fronting Mission Boulevard prior to the issuance of the final certificate of occupancy for the project. If Applicant/Developer obtains such approval from the Hotel Site owner, the Applicant/Developer and the City (through the City Manager and Development Services Director or their designee(s)) shall endeavor to reach agreement as to the scope of the improvements desired prior to issuance of the final certificate of occupancy for the project, and the value of the improvements, including labor costs and materials, shall not exceed \$200,000. If an agreement cannot be reached or the improvements agreed upon otherwise cannot be made as agreed, the Applicant/Developer shall instead donate the same amount (\$200,000) to the Homeowner's Association for their use to maintain and program the Urban Farm.

168. Within 30 days of City Council approval of these condition modifications, Applicant/Developer shall submit a plan to the City for review, which outlines a plan for providing safe interim pedestrian access to the project site from Dollar Street/Torrano Ave. and then implemented within 30 days of City approval of the interim plan. Developer/Applicant shall make every effort to safely maintain this interim access, including modifying the plan as necessary, throughout the balance of construction.