

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
ADOPTING THE TRAFFIC IMPACT FEE, SETTING THE INITIAL FEE RATES,  
AND AMENDING THE FY23 MASTER FEE SCHEDULE

WHEREAS, California Government Code Section 66000 et seq, known as the Mitigation Fee Act, authorizes local agencies to impose fees in connection with approval of development projects for the purpose of defraying all or a portion of the cost of public facilities related to the development project; and

WHEREAS, the Mitigation Fee Act requires a nexus study to be adopted prior to establishment of an associated development fee; and

WHEREAS, TJKM prepared the Final Report Multimodal Intersection Improvement Plan and Nexus Study (Nexus Study) dated March 2022 in support of the proposed Traffic Impact Fee (TIF); and

WHEREAS, the Nexus Study identifies locations of future traffic deficiencies as a result of future development, develops mitigations to these deficiencies, calculates total cost of capital improvements required to implement the mitigations, and provides a calculated maximum allowable traffic fee that would be legally defensible based on projected cumulative traffic impact from different development types; and

WHEREAS, the City Council adopted the Nexus Study during the City Council meeting of May 17, 2022, after conducting a public hearing pursuant to the Mitigation Fee Act; and

WHEREAS, the City Council intends to adopt the TIF at the maximum allowable amounts identified in the Nexus Study but set the initial rates below the adopted maximum allowable amounts, as shown more specifically in Exhibit A, attached hereto; and

WHEREAS, concurrent with the adoption of the TIF, the City Council has adopted an ordinance adding Article 30 to Chapter 10 of the Hayward Municipal Code (TIF Ordinance) which provides the implementing provisions for administration of the TIF program, including an administrative appeal process; and

WHEREAS, FY23 Master Fee Schedule must be amended to include the TIF and the administrative appeal fee contained in the TIF Ordinance; and

WHEREAS, notice of the adoption of the TIF was published in compliance with the Mitigation Fee Act.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward that a TIF is hereby adopted at the maximum allowable amounts as shown in Exhibit A to this Resolution.

BE IT FURTHER RESOVLED, that the initial rates for FY23 shall be set below the adopted maximum allowable amounts, also as shown in Exhibit A to this Resolution.

BE IT FURTHER RESOLVED, that the Fiscal Year 2023 Master Fee Schedule is amended to include the TIF and the administrative appeal fee contained in the TIF Ordinance, as reflected in attached Exhibit B.

BE IT RESOLVED, that pursuant to the Mitigation Fe Act the Traffic Impact Fee adopted herein shall become effective sixty (60) days after adoption of this Resolution.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022

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

## Exhibit A

### Maximum Allowable Traffic Impact Fees

Land Use Category	Maximum Allowable
Single Family Residence / Unit	\$11,584
Townhome / Unit	\$7,761
Multi-Family Residence / Unit	\$7,761
Office / KSF*	\$16,449
Retail/ KSF*	\$19,460
General Industrial / KSF*	\$4,633
Distribution or e-commerce / KSF*	\$8,224

\*ksf is one thousand square feet

### FY23 Traffic Impact Fees

Land Use Category	FY23 Fees
Single Family Residence / Unit	\$3,475
Townhome / Unit	\$3,475
Multi-Family Residence / Unit	\$0
Office / KSF*	\$0
Retail/ KSF*	\$0
General Industrial / KSF*	\$3,243
Distribution or e-commerce / KSF*	\$5,757

\*ksf is one thousand square feet

## Exhibit B

### Engineering and Transportation Services

#### B. ENGINEERING

##### 11. Traffic Impact Fee

###### a. Residential

(1) Single-Family Residence/Unit	\$3,475/unit
(2) Townhome/Unit	\$3,492/unit
(3) Multi-Family/Unit	\$0/unit

###### b. Non-Residential

(1) Retail/KSF	\$0/KSF
(2) Office/KSF	\$0/KSF
(3) General Industrial/KSF	\$3,243/KSF
(4) Distribution or e-commerce/KSF	\$5,757/KSF

###### c. Appeal Fee

\$400

###### d. Annual Adjustment

The traffic impact fees listed above shall be automatically adjusted on the first of the fiscal year based on the preceding calendar year average California Construction Cost Index (CCCI) for the San Francisco Bay Area as produced by the Engineering News Record (ENR).