

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-162

Introduced by Council Member Zermeño

RESOLUTION AMENDING THE CITY OF HAYWARD 2018 FISCAL YEAR
MASTER FEE SCHEDULE FOR ZONING CONFORMANCE PERMITS
ASSOCIATED WITH A ZONING TEXT AMENDMENT TO CHAPTER 10 OF THE
HAYWARD MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas; or,
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by City Charter; and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions;

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed amendment to the Master Fee Schedule (MFS) to set a new fee to process simple, ministerial Planning permits is considered a Planning Permit fee pursuant to Exception 1 for Fees for Benefits and Privileges, Article XIII C, § 1(e)(1) of Proposition 26.

WHEREAS, the City's goal is to provide a ministerial Planning permit (Zoning Conformance Permit) to provide efficient, over-the-counter service to support applications for minor projects that are permitted as a matter of right, subject to fixed standards or objective measurements set forth in the Hayward Municipal Code, and to achieve cost recovery cost recovery for the staff time in implementing such a permit;

WHEREAS, the Zoning Conformance Permit (ZCP) will be utilized to review Accessory Dwelling Unit projects in a ministerial manner which will ensure cost recovery during the

initial project intake, code compliance review, deed restriction review, issuance of permit and records management post-permit issuance; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on October 17, 2017.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts certain changes in the Fiscal Year 2018 Master Fee Schedule, as reflected in attached Exhibit "A".

BE IT RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 17-16) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA OCTOBER 30, 2017

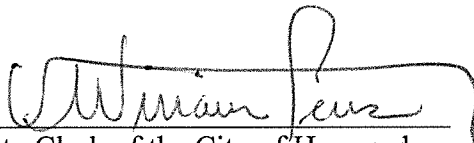
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeno, Mendall, Peixoto, Lamnin, Salinas
MAYOR: Halliday

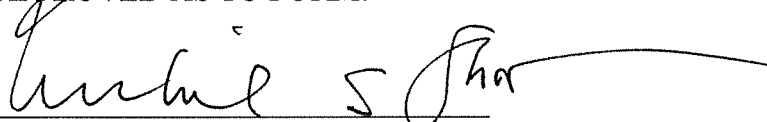
NOES: COUNCIL MEMBERS: Márquez

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward