

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member _____

RESOLUTION AMENDING RESOLUTOIN 17-167 UPDATING THE
AFFORDABLE HOUSIG IN-LIEU FEE

WHEREAS, to assure that future housing development in the City of Hayward (the "City") contributes to the production of residential units in the City that are affordable to very low, low- and moderate-income households and mitigates its impact on the need for affordable housing in the City, the City Council has considered and introduced on this same date an ordinance to amend the Affordable Housing Ordinance (Chapter 10, Article 17 of the City's Municipal Code) (the "Affordable Housing Ordinance"); and

WHEREAS, the Affordable Housing Ordinance authorizes the imposition of Affordable Housing In-Lieu Fees on for-sale and rental residential developments to provide funds equal to the cost of providing affordable housing on-site and to mitigate the impact of market-rate housing development on the need for affordable housing, where applicants elect to pay Affordable Housing In-Lieu Fees rather than provide affordable units on- or off-site; and

WHEREAS, to ensure that the Affordable Housing In-Lieu Fees adopted by this Resolution do not exceed the cost of providing affordable housing on-site or the actual affordable housing impacts attributable to the development projects on which the fee is imposed, the City Council has received and considered a report from Strategic Economics, Inc dated February 1, 2023 and entitled "Hayward Affordable Housing Ordinance Study," which includes, among other information, an affordability gap analysis, a financial feasibility analysis, and an on-site compliance cost analysis (the "SE Study"); and

WHEREAS, the SE Study found that the Affordable Housing In-Lieu Fees imposed by this Resolution are economically feasible and will not pose a constraint on the construction of housing in the City; and

WHEREAS, the City Council now desires to amend the Affordable Housing Impact Fees previously adopted under Resolution 17-167 and to adopt Affordable Housing In-Lieu Fees for residential developments as authorized by the Affordable Housing Ordinance; and

WHEREAS, notice of the hearing on the proposed fee was published twice in the manner set forth in Government Code Section 6062a as required by Government Code Sections 66004 and 66018; and

WHEREAS, adoption of this Resolution is exempt from the California Environmental Quality Act because the adoption of this Resolution is not a project, in that it is a government funding mechanism which does not involve any commitment to any specific project. (CEQA Guidelines Section 15378(b) (4).)

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby amends the Resolution 17-167 as follows:

Section 1 is hereby amended to add sub-section H as follows:

H. Based on the SE Study, the proposed updated Affordable Housing In-Lieu Fees are economically feasible and will not pose a constraint on housing production.

Section 3.1. is hereby amended as follows: delete and replace in its entirety to read:

1. Residential Development Projects – Ten Units or More

- | | | |
|----|--|---|
| a. | High-Density Condominiums
(35 units per acre or more) | \$19.35/Square Foot of Habitable Space* |
| b. | Lower Density Ownership Housing
(Less than 35 units per acre) | \$26.00/Square Foot of Habitable Space* |
| c. | All Other Dwelling Unit Types | \$23.46/Square Foot of Habitable Space* |

*Notes:

Affordable housing in-lieu fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Fees paid at occupancy shall be increased by 10 percent.

"Habitable Space" means floor area within a dwelling unit designed, used, or intended to be used exclusively for living and sleeping purposes and exclusive of vent shafts, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above ground used for parking, parking aisles, loading areas, or accessory uses.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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