



Interoffice Memorandum

DATE: June 3, 2024
TO: Nicole Gonzales, Director of Finance
THROUGH: Christina Morales, Deputy Director of Development Services
FROM: Sara Buizer, Director of Development Services
SUBJECT: **FY 25 Master Fee Schedule Update**

The Housing Division under the Development Services Department is tasked with servicing residential and rental housing development loans and administering the resale restrictions related to the City's Below Market Rate (BMR) housing portfolio as well as the administration and compliance of the Affordable Housing Ordinance (AHO), Residential Rent Stabilization and Tenant Protection Ordinance (RRSO) and Tenant Relocation Assistance Ordinance (TRAO), including the collection of fees related to each ordinance.

Although the Affordable Housing In-Lieu Fee is administered by the Housing Division, the fee is listed under the Planning Division to consolidate all fees related to development for a streamlined user experience. The following item is a requested update to the Master Fee Schedule.

DEVELOPMENT SERVICES DEPARTMENT

B. PLANNING

Item 40 – Affordable Housing In-Lieu Fee

- This fee is increased 0.2% based on the January 2024 CCI % change in the attached ENR report and is authorized by Resolution 17-167, as amended by Resolution 23-074.

Attached:

Affordable Housing In-Lieu Fee Update Excel Workbook
ENR Report
Resolution 17-167
Resolution 23-074

Cc: Sara Buizer, Director of Development Services
Christina Morales, Deputy Director of Development Services
Jeremy Lochirco, Planning Manager
Tera Maroney, Management Analyst

Development Services Department
Housing Division
777 B Street
Hayward, CA 94541-5007
T: 510.583.4454 | F: 510.583.3650 | www.hayward-ca.gov



Doris Tang

From: Christina Morales
Sent: Monday, June 3, 2024 6:27 PM
To: Doris Tang
Subject: RE: E-Approval Requested - FY 25 Master Fee Update Memo and Supporting Documents

Hi Doris,

Reviewed and approved. Thanks

Christina Morales | Deputy Director of Development Services
Phone: 510.583.4243 | Email: Christina.Morales@hayward-ca.gov



From: Doris Tang <Doris.Tang@hayward-ca.gov>
Sent: Monday, June 3, 2024 6:23 PM
To: Christina Morales <Christina.Morales@hayward-ca.gov>
Subject: E-Approval Requested - FY 25 Master Fee Update Memo and Supporting Documents

Hi Christina,

Requesting review and approval prior to routing to Finance. Please review and approve by replying to this email.

Attached:

- [24-0603 FY25 Master Fee Update Memo - HOUSING DIVISION.docx](#)
- [City Cost Index - San Francisco - As of February 2024 Engineering News-Record.pdf](#)
- [RES 17-167.pdf](#)
- [RES 23-074.pdf](#)

Thanks,

Doris Tang
Management Analyst | City of Hayward | Office of the City Manager | Housing Division | T: (510) 583-4228 | E: doris.tang@hayward-ca.gov



40 Affordable Housing In-Lieu Fee**1 Residential Development Projects - Ten Units or More**

a	High-Density Condominiums (35 units per acre or more)	\$	19.39	Square Foot of Habitable Space*
b	Lower Density Ownership Housing (Less than 35 units per acre)	\$	26.05	Square Foot of Habitable Space*
c	All other Dwelling Unit Types	\$	23.51	Square Foot of Habitable Space*

***NOTE:** 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 (10%).

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.

2 Residential Development Projects - Two to Nine Units

Projects of two to nine units shall pay the following percentage of the fee calculated pursuant to Section 40.1 above:

<u>Number of Units in the Project</u>	<u>Percentage of Calculated Fee</u>
2	50%
3	67%
4	75%
5	80%
6	83%
7	86%
8	88%
9	89%

3 Fractional Units

If an applicant provides on-site Affordable Units under Chapter 10, Article 17 of the Hayward Municipal Code and elects to pay affordable housing in-lieu fees for a fractional unit, the fractional in-lieu fee payment shall be calculated as follows:

Fractional Unit/Total Affordable Unit Requirement x Per Square Foot Fee x Total Habitable Square Footage in the Project

4 Applications for Residential Development Projects of Two or More Units Deemed Complete as of December 20, 2017

- a Projects receiving all discretionary approvals by February 1, 2018: Affordable housing impact fees in effect on December 20, 2017.
- b Projects not receiving all discretionary approvals by February 1, 2018, provided that all discretionary approvals and building permit(s) are obtained within two (2) years of December 20, 2017: 50% of the affordable housing in-lieu fee calculated under either Section 3.1 or Section 3.2 of Resolution No. 17-167, as applicable, depending on the size of the project.

City Cost Index - San Francisco - As of February 2024



The building and construction cost indexes for ENR's individual cities use the same components and weighting as those for the 20-city national indexes. The city indexes use local prices for portland cement and 2 X 4 lumber and the national average price for structural steel. The city's BCI uses local union wages, plus fringes, for carpenters, bricklayers and iron workers. The city's CCI uses the same union wages for laborers.

To find more recent cost index data, go to this webpage (link below) and click on the link for the year you need, and then navigate to the week you need. Keep in mind that the city cost index figures are always published in the second weekly issue of the month.

http://www.enr.com/economics/current_costs

Go back to [view all City Indexes](#).

ENR COST INDEXES IN SAN FRANCISCO (1978-2024)

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2024	February	10843.54	+7.1	15527.50	+0.7
2024	January	10777.24	+5.6	15525.00	+0.2
2023	December	10767.24	+11.2	15515.00	+3.6
2023	November	10778.49	+9.8	15526.28	+2.7
2023	October	10725.60	+8.9	15473.38	+2.2
2023	September	10741.92	+9.7	15489.70	+2.7
2023	August	10657.16	+9.2	15404.94	+2.4
2023	July	10621.95	+2.7	15369.76	-1.7
2023	June	10619.45	+5.5	15367.26	+0.1

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2023	May	10847.53	+8.1	15595.35	+1.8
2023	April	10026.39	+2.2	15319.85	+1.4
2023	March	10068.82	+2.4	15362.28	+1.6
2023	February	10125.94	+11.2	15419.90	+7.1
2023	January	10205.32	+13.3	15498.78	+8.4
2022	December	9684.48	+8.4	14977.94	+5.3
2022	November	9819.99	+7.6	15113.51	+4.8
2022	October	9847.88	+7.5	15141.40	+4.8
2022	September	9789.74	+18.1	15083.26	+11.0
2022	August	9757.65	+14.5	15051.17	+8.9
2022	July	10346.61	+22.2	15640.10	+13.6
2022	June	10062.91	+23.2	15356.33	+14.1
2022	May	10033.57	+23.4	15326.99	+14.2
2022	April	9810.39	+24.8	15103.81	+14.8
2022	March	9833.42	+25.4	15126.84	+15.1
2022	February	9102.28	+16.5	14396.70	+9.8
2022	January	9007.82	+15.4	14301.24	+9.2
2021	December	8934.82	+13.5	14228.24	+8.0
2021	November	9127.62	+15.9	14421.03	+9.5
2021	October	9158.49	+16.3%	14451.91	+9.8%
2021	September	8290.40	+7.5	13583.81	+4.4
2021	August	8524.32	+11.8	13817.73	+6.9
2021	July	8468.17	+11.2	13762.01	+6.6
2021	June	8165.26	+5.6	13459.10	+3.4

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2021	May	8131.51	+8.1	13425.35	+4.7
2021	April	7863.57	+4.5	13157.41	+2.7
2021	March	7843.32	+4.3	13137.16	+2.5
2021	Feb	7816.32	+4.0	13110.16	+2.4
2021	Jan	7804.07	+3.9	13097.91	+2.3
2020	Dec	7874.92	+5.3	13168.76	+3.2
2020	Nov	7877.92	6.0%	13171.76	3.5%
2020	Oct	7874.17	+7.3	13168.01	+5.1
2020	Sept	7711.82	+6.0	13005.66	+5.2
2020	Aug	7626.76	+4.8	12920.60	+4.5
2020	July	7614.09	+4.9	12907.92	+4.5
2020	June	7728.87	+6.4	13022.70	+5.4
2020	May	7525.33	+3.9	12819.17	+3.9
2020	April	7522.83	+5.7	12816.67	+4.9
2020	March	7516.83	+8.1	12810.67	+6.3
2020	Feb	7513.83	+6.8	12807.67	+5.6
2020	Jan	7512.33	+7.0	12806.17	+5.7
2019	Dec	7479.68	+6.5	12764.52	+5.4
2019	Nov	7429.65	+5.9	12723.43	+5.1
2019	Oct	7341.15	+4.7	12524.93	+3.4
2019	Sept	7271.94	+3.7	12365.71	+2.2
2019	Aug	7274.44	+4.2	12368.21	+2.4
2019	July	7260.69	+4.2	12354.46	+2.5

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2019	June	7260.69	+4.9	12354.46	+2.8
2019	May	7239.64	+4.6	12333.48	+2.7
2019	April	7228.39	+4.4	12322.23	+2.6
2019	Mar	6954.89	+0.5	12048.19	+0.3
2019	Feb	7038.07	+1.7	12131.37	+1.0
2019	Jan	7021.57	+1.4	12114.87	+0.8
2018	Dec	7022.07	+1.5	12115.37	+0.8
2018	Nov	7016.57	+1.4	12109.87	+0.8
2018	Oct	7014.08	+1.3	12107.38	+0.8
2018	Sept	7010.58	+0.9	12103.88	+0.6
2018	Aug	6981.42	+0.5	12074.72	+0.3
2018	July	6966.67	+2.5	12050.97	+2.8
2018	June	6921.42	+1.9	12014.72	+2.5
2018	May	6921.42	+2.4	12014.72	+2.8
2018	Apr	6921.42	+2.3	12014.72	+2.7
2018	Mar	6921.42	+3.6	12014.72	+3.5
2018	Feb	6921.42	+3.6	12014.72	+3.5
2018	Jan	6921.42	+3.6	12014.72	+3.5
2017	Dec	6921.42	+3.6	12014.72	+3.5
2017	Nov	6921.42	+4.1	12014.72	+3.8
2017	Oct	6921.42	+4.1	12014.72	+3.8
2017	Sept	6945.92	+4.5	12037.27	+4.0
2017	Aug	6943.98	+4.8	12037.27	+4.2
2017	Jul	6796.47	2.6	11725.52	1.5

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2017	Jun	6793.10	+2.6	11722.15	+1.5
2017	May	6761.99	+2.1	11691.03	+1.2
2017	Apr	6767.41	+2.1	11696.47	+1.2
2017	Mar	6680.37	+0.8	11609.44	+0.5
2017	Feb	6680.37	+4.2	11609.44	+3.9
2017	Jan	6680.37	+4.6	11609.44	+4.1
2016	Dec	6680.37	+4.6	11609.44	+4.1
2016	Nov	6650.28	+4.2	11579.33	+3.8
2016	Oct	6649.28	+4.0	11578.33	+3.8
2016	Sep	6647.28	+3.9	11576.33	+3.7
2016	Aug	6625.60	+3.70	11554.65	+3.60
2016	Jul	6626.10	+3.70	11555.15	+3.60
2016	Jun	6619.35	+3.60	11548.40	+3.50
2016	May	6621.35	+3.40	11550.40	+3.40
2016	Apr	6630.10	+3.50	11559.15	+3.50
2016	Mar	6628.85	+3.50	11557.90	+3.50
2016	Feb	6408.87	−0.10	11174.79	0.00
2016	Jan	6387.49	−0.30	11153.41	−0.20
2015	Dec	6389.49	+2.30	11155.41	+2.20
2015	Nov	6390.46	+2.20	11154.06	+2.10
2015	Oct	6390.80	+2.40	11169.31	+2.40
2015	Sep	6395.22	+2.60	11158.82	+2.40
2015	Aug	6391.47	+2.60	11155.07	+2.40

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2015	Jul	6391.47	0.00	11155.07	0.00
2015	Jun	6391.47	−0.22	11155.07	−0.13
2015	May	6405.72	0.00	11169.32	0.00
2015	Apr	6398.97	+2.8	11162.57	+2.5
2015	Mar	6405.72	+2.9	11169.32	+2.6
2015	Feb	6414.1	3	11177.7	2.6
2015	Jan	6409.56	2.9	11173.16	2.5
2014	Dec	6248.05	3.1	10915.84	5
2014	Nov	6252.05	3.1	10919.84	5
2014	Oct	6240.05	3.1	10907.84	5
2014	Sep	6230.55	3	10898.34	4.9
2014	Aug	6229.80	3.0	10897.59	4.9
2014	Jul	6229.80	3.0	10897.59	4.9
2014	Jun	6231.80	3.1	10899.59	4.9
2014	May	6228.05	3.1	10895.84	4.9
2014	Apr	6227.05	3.3	10894.84	5.0
2014	Mar	6224.05	3.3	10891.84	5.1
2014	Feb	6226.80	3.3	10894.59	5.1
2014	Jan	6228.55	3.5	10896.34	5.2
2013	Dec	6231.05	3.6	10898.84	5.3
2013	Nov	6233.30	3.5	10901.09	5.2
2013	Oct	6241.30	3.6	10909.09	5.2
2013	Sep	6047.27	0.4	10389.59	0.2
2013	Aug	6046.02	0.4	10388.34	0.2

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2013	Jul	6048.77	0.2	10391.09	0.1
2013	Jun	6046.52	0.1	10388.84	0.0
2013	May	6040.77	−0.1	10383.09	0.0
2013	Apr	6031.02	0.0	10373.34	0.0
2013	Mar	6025.77	0.0	10368.09	0.0
2013	Feb	6026.77	1.3	10369.09	1.6
2013	Jan	6018.52	1.1	10360.84	1.5
2012	Dec	6012.77	1.1	10355.09	1.5
2012	Nov	6024.02	1.3	10366.34	1.6
2012	Oct	6025.02	1.4	10367.34	1.7
2012	Sep	6022.02	1.4	10364.34	1.7
2012	Aug	6024.21	1.5	10366.54	1.7
2012	Jul	6039.21	2.0	10381.54	2.0
2012	Jun	6043.21	2.2	10385.54	2.2
2012	May	6043.71	2.3	10386.04	2.2
2012	May	6043.71	2.3	10386.04	2.2
2012	Apr	6028.96	2.1	10371.29	2.1
2012	Mar	6027.21	2.2	10369.54	2.2
2012	Feb	5952.27	1.0	10207.79	0.6
2012	Feb	5952.27	1.0	10207.79	0.6
2012	Jan	5952.27	1.6	10207.79	0.9
2011	Dec	5949.27	1.4	10204.79	0.8
2011	Nov	5948.77	1.4	10204.29	0.8

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2011	Oct	5943.77	1.4	10199.29	0.8
2011	Sep	5937.27	6.4	10192.79	3.1
2011	Aug	5936.02	6.0	10191.54	2.8
2011	Jul	5923.27	5.8	10178.79	2.7
2011	Jun	5911.77	5.7	10167.29	2.7
2011	May	5906.02	5.9	10161.54	2.8
2011	Apr	5905.02	7.9	10160.54	4.4
2011	Mar	5895.52	7.8	10151.04	4.4
2011	Feb	5892.52	7.9	10148.04	4.4
2011	Jan	5860.77	7.3	10116.29	4.1
2010	Dec	5864.77	7.3	10120.29	4.1
2010	Nov	5868.02	7.5	10123.54	4.2
2010	Oct	5859.52	7.3	10115.04	4.1
2010	Sep	5579.61	2.1	9888.54	1.7
2010	Aug	5600.74	2.5	9909.67	1.9
2010	Jul	5600.24	2.5	9909.17	1.9
2010	Jun	5593.74	2.1	9902.67	1.7
2010	May	5576.99	1.6	9885.92	1.4
2010	Apr	5471.56	-0.5	9730.17	-0.3
2010	Mar	5469.56	-0.5	9728.17	-0.3
2010	Feb	5463.56	-0.6	9722.17	-0.3
2010	Jan	5461.81	-0.9	9720.42	-0.5
2009	Dec	5463.56	-1.1	9722.17	-0.6
2009	Nov	5460.81	-2.1	9719.42	-1.2

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2009	Oct	5460.56	-2.4	9719.17	-1.4
2009	Sep	5465.31	1.7	9723.92	4.1
2009	Aug	5466.06	2.7	9724.67	4.7
2009	Jul	5464.31	2.8	9722.92	4.7
2009	Jun	5477.06	4.4	9735.67	5.6
2009	May	5489.81	5.5	9748.42	6.3
2009	Apr	5497.31	6.1	9755.92	6.6
2009	Mar	5499.06	6.2	9757.67	6.6
2009	Feb	5496.56	6.5	9755.17	6.8
2009	Jan	5510.81	6.8	9769.42	7
2008	Dec	5523.06	7.1	9781.67	7.1
2008	Nov	5576.06	8.1	9834.67	7.7
2008	Oct	5594.81	9.8	9853.42	8.5
2008	Sep	5372.35	5.4	9344.67	2.9
2008	Aug	5320.6	6.7	9292.92	2.4
2008	Jul	5313.85	6.6	9286.17	2.4
2008	Jun	5244.1	5.3	9216.42	1.7
2008	May	5202.1	3.4	9174.42	0.6
2008	Apr	5182.85	3.3	9155.17	0.6
2008	Mar	5177.85	3.2	9150.17	0.5
2008	Feb	5161.24	2.9	9133.56	0.4
2008	Jan	5161.24	2.9	9133.56	0.4
2007	Dec	5159.49	2.7	9131.81	0.3

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2007	Nov	5156.99	2.3	9129.31	0.1
2007	Oct	5096.9	1.6	9079.42	-0.2
2007	Sep	5095.9	5.8	9078.42	7.2
2007	Aug	4988.64	3.8	9071.91	7.3
2007	Jul	4986.64	3.8	9069.91	7.2
2007	Jun	4980.14	4	9063.41	7.4
2007	May	5033.45	5	9116.72	8
2007	Apr	5019.45	4.7	9102.72	7.8
2007	Mar	5019.41	4.7	9102.68	7.8
2007	Feb	5016.91	4.5	9100.18	7.7
2007	Jan	5017.41	4.2	9100.68	7.5
2006	Dec	5025.39	4.5	9108.66	7.6
2006	Nov	5040.37	5.4	9123.64	8.2
2006	Oct	5015.62	5.5	9098.89	8.3
2006	Sep	4815.14	1.8	8466.48	1
2006	Aug	4812.89	5.7	8464.23	2.5
2006	Jul	4805.89	5.3	8457.23	2.3
2006	Jun	4789.39	4.7	8440.73	1.9
2006	May	4794.36	5.3	8445.69	2.2
2006	Apr	4796.11	5.3	8447.44	2.3
2006	Mar	4793.11	6	8444.44	2.6
2006	Feb	4799.11	6.1	8450.44	2.7
2006	Jan	4817.11	6.5	8468.45	2.9
2005	Dec	4811.11	6.4	8462.45	2.8

YEAR	MONTH	BCI	%CHG	CCI	%CHG
2005	Nov	4783.86	6.3	8435.2	2.8
2005	Oct	4752.26	5.9	8403.59	2.6
2005	Sep	4731.12	5.4	8382.45	2.3
2005	Aug	4552.32	4.7	8259.2	1.2
2005	Jul	4564.32	5.3	8271.2	1.5
2005	Jun	4575.43	5.6	8282.31	1.7
2005	May	4553.53	6	8260.41	1.9
2005	Apr	4553.51	6.7	8260.39	2.3
2005	Mar	4520.24	7	8227.12	2.4
2005	Feb	4522.24	8.2	8229.12	5.4
2005	Jan	4522.74	10	8229.62	5.7
2004	Dec	4521.51	9.9	8228.39	5.6
2003	Dec	4113.11	0.5	7788.8	1.9
2002	Dec	4093.21	1.7	7644.46	3.3
2001	Dec	4025.65	-0.5	7399.07	-0.7
2000	Dec	4044.2	3.7	7447.99	9.3
1999	Dec	3898.57	-0.7	6816.7	-0.4
1998	Dec	3927.46	3.1	6845.59	1.7
1997	Dec	3809.11	4.8	6731.08	1.5
1996	Dec	3634.25	2	6629.61	1.1
1995	Dec	3561.6	1.2	6558.16	0.4
1994	Dec	3519.17	2.7	6530.35	0.8
1993	Dec	3428.04	3.9	6477.95	2.9

YEAR	MONTH	BCI	%CHG	CCI	%CHG
1992	Dec	3298.09	3.2	6294.84	1.2
1991	Dec	3270.9	0.8	6222.06	2.8
1990	Dec	3245.04	4	6055.61	2.1
1989	Dec	3119.95	1.4	5932.57	3.5
1988	Dec	3076.27	1.1	5734.48	0
1987	Dec	3044.27	2.8	5732.37	4.1
1986	Dec	2961.47	5	5508.43	9
1985	Dec	2819.5	2.3	5055.04	0.1
1984	Dec	2756.35	-2.5	5049.13	-1.4
1983	Dec	2826.13	0.9	5122.74	2.6
1982	Dec	2799.96	9.4	4993.3	8.7
1981	Dec	2558.49	6.8	4592.45	5
1980	Dec	2395.21	10.2	4371.96	14.9
1979	Dec	2172.96	12	3806.14	11.5
1978	Dec	1940.78	9.7	3412.2	8.3

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Commentary**

JOIN ENR UNLIMITED

**CITY OF HAYWARD
CITY ATTORNEY'S OFFICE**

MEMORANDUM

DATE: May 15, 2018

TO: Miriam Lens, City Clerk

FROM: Michael Lawson, City Attorney
Joseph Brick, Assistant City Attorney

SUBJECT: Resolution No. 17-167


Please be advised that my office made a few minor corrections to City Council Resolution No. 17-167, adopted by the City Council on November 7, 2017. The corrections are necessary to conform the resolution to the motion as amended during the November 7, 2017 hearing. The Action Minutes of the November 7, 2017 meeting as well as the November 28, 2017 staff report relating to the adoption of Ordinance Amending Chapter 10, Article 17 correctly reflect the amended motion. However, it appears that the amendments were not reflected in Resolution No. 17-167. Specifically, Section 3, Number 4 did not include the correct deemed completion date, inflationary index, or the correct criteria for qualification for a half in-lieu fee. Resolution No. 17-167 has now been corrected to reflect the motion made.

This memorandum should be appended to the corrected Resolution No. 17-167, and corrected Resolution No. 17-167 should replace the current iteration of Resolution No. 17-167.

The corrections described above are administrative in nature and do not require further action by the City Council.

Respectfully submitted,

Michael S. Lawson, City Attorney

By: 
Joseph Brick, Assistant City Attorney

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-167

Introduced by Council Member Mendall

RESOLUTION RESCINDING RESOLUTION 16-189 AND ESTABLISHING AFFORDABLE
HOUSING IN-LIEU FEES

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 Keyser Marston Associates dated October 31, 2017 and entitled "Summary, Context Materials, and Recommendations: City of Hayward Affordable Housing Ordinance Update," which includes, among other information, an affordability gap analysis, a residential nexus analysis, a financial feasibility analysis, and an on-site compliance cost analysis (the "KMA Study"); and

WHEREAS, the KMA Study demonstrates that, to fully mitigate the burdens created by residential development on the need for extremely low, very low, low, median, and moderate-income housing, an affordable housing impact fee of \$28.90 to \$44.90 per square foot of new market rate residential development would be needed, and that the cost of on-site compliance is equivalent to approximately \$18 to \$22 per square foot of new market rate residential development; and

WHEREAS, the City Council now desires to rescind the Affordable Housing Impact Fees previously adopted under Resolution 16-189 and to adopt Affordable Housing In-Lieu Fees for residential developments as authorized by the Affordable Housing Ordinance; and

WHEREAS, the KMA 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, 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, the City Council has reviewed the information contained in this Resolution and the accompanying staff report and attachments thereto at a meeting held on November 7, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD THAT:

Section 1. The City Council finds as follows:

A. The foregoing recitals are true and correct and incorporated into this Resolution by this reference.

B. The purpose of the Affordable Housing In-Lieu Fee is to provide funds to the City to develop and construct affordable housing as would otherwise be provided on-site and to mitigate the burdens created by new residential and nonresidential development projects on the need for extremely low, very low, low, and moderate-income housing. An applicant for a residential development project may elect to provide affordable units on-site, to pay the Affordable Housing In-Lieu Fee, to provide affordable units off-site, or to provide affordable housing through other means.

C. In compliance with the Affordable Housing Ordinance, all affordable housing impact fees collected shall be deposited into the City's Affordable Housing Trust Fund to be used solely to increase and preserve the supply of housing affordable to households of extremely low, very low, low, median, and moderate incomes (including reasonable administrative costs).

D. There is a need in the City for housing affordable to households of extremely low, very low, low, and moderate incomes.

E. The KMA Study sets forth cost estimates that are reasonable for constructing affordable housing, and the fees expected to be generated by new development will not exceed these costs.

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

G. 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).)

Section 2. The City Council hereby rescinds and removes the Affordable Housing Impact Fee established by Resolution No. 16-189.

Section 3. The City Council hereby adopts the following Affordable Housing In-Lieu Fees:

1. Residential Development Projects – Ten Units or More

- a. High-Density Condominiums
(35 units per acre or more) \$15.00/Square Foot of Habitable Space*
- b. All Other Dwelling Unit Types \$18.18/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 to \$16.50/sq. ft. of habitable space for high density condominiums and to \$20/sq. ft. of habitable space for all other dwelling unit types.

"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.

2. Residential Development Projects - Two to Nine Units

Projects of two to nine units shall pay the following percentage of the fee calculated pursuant to Section 1 above:

<u>Number of Units in Project</u>	<u>Percentage of Calculated Fee</u>
2	50%
3	67%
4	75%
5	80%
6	83%
7	86%
8	88%
9	89%

3. Fractional Units. If an applicant provides on-site Affordable Units under Chapter 10, Article 17 of the Hayward Municipal Code and elects to pay Affordable Housing In-Lieu Fees for a fractional unit, the fractional in-lieu fee payment shall be calculated as follows:

Fractional Unit/Total Affordable Unit Requirement x Per Square Foot Fee x Total Habitable Square Footage in the Project

Example: 42-unit townhouse project totaling 85,000 habitable sq. ft. has on-site requirement of 10%, or 4.2 units. Developer elects to provide 4 affordable units and pay an in-lieu fee for the fractional unit. The payment is calculated as follows:

0.2/4.2 x \$18.18 x 85,000 sq. ft. = \$73,586

4. Applications for Residential Development Projects of Two or More Units Deemed Complete as of December 20, 2017

- a. Projects receiving all discretionary approvals by February 1, 2018: Affordable Housing Impact Fees in effect on December 20, 2017.
- b. Projects not receiving all discretionary approvals by February 1, 2018, provided that all discretionary approvals and building permit(s) are obtained within two (2) years of December 20, 2017: 50% of the Affordable Housing In-Lieu Fee calculated under either Section 1 or Section 2 above, as applicable depending on the size of the project.

Section 4. The City Council may review and amend the Affordable Housing In-Lieu Fee from time to time. Beginning January 1, 2019, for any annual period during which the City Council does not review the affordable housing impact fee, fee amounts shall be adjusted once by the City Manager or designee based on the percentage change in the Engineering News Record(ENR) Construction Cost Index applicable to the San Francisco Area.

Section 5. An Affordable Housing In-Lieu Fee as shown in Section 3 shall be paid by all developments subject to the fee.

Section 6. This Resolution shall go into full force and effect on February 1, 2018.

Section 7. Any judicial action or proceeding to attack, review, set aside, void or annul this Resolution shall be brought within the 90-day time period as established by Code of Civil Procedure Section 1094.6.

IN COUNCIL, HAYWARD, CALIFORNIA November 7, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeno, Márquez, Mendall, Peixoto, Lamnin, Salinas

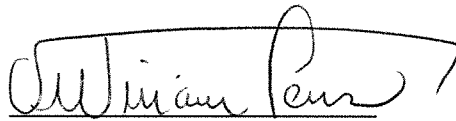
MAYOR: Halliday

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

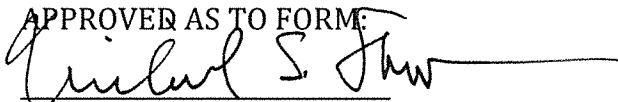
ABSENT: COUNCIL MEMBERS: None

ATTEST:



City Clerk of the City of Hayward

APPROVED AS TO FORM:



City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-074

Introduced by Mayor Salinas

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, March 28, 2023.

ADOPTED BY THE FOLLOWING VOTE:


AYES: COUNCIL MEMBERS: Andrews, Goldstein, Roche, Syrop, Zermeno,
MAYOR: Salinas

NOES: COUNCIL MEMBERS: None

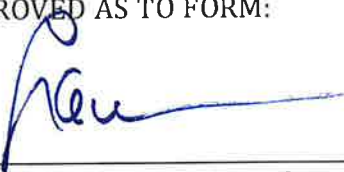
ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Márquez

ATTEST:


City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward