

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION AMENDING CHAPTER 10, ARTICLE 16 OF THE HAYWARD MUNICIPAL CODE AND ADOPTING UPDATED PARK IMPACT FEES

WHEREAS, to assure that future housing and industrial development in the City of Hayward (the "City") mitigates its impact on the City's park and recreation facilities, the City Council has considered and introduced on this same date an ordinance to amend Chapter 10, Article 16 of the City's Municipal Code, Property Developers – Obligations for Parks and Recreation; and

WHEREAS, Chapter 10, Article 16 of the City's Municipal Code authorizes the imposition of Park Impact Fees on residential subdivisions and developments and industrial developments to provide funds not to exceed the cost of mitigating the impact of the development on the City's parks and recreation system; and

WHEREAS, to ensure that the Park Impact Fees adopted by this Resolution do not exceed the cost of mitigating the impacts to the City's parks and recreation system attributable to the subdivisions and development projects on which the fee is imposed, the City Council has received and considered a report from Community Attributes, Inc. dated November 6, 2019 and entitled "City of Hayward Parks Development Impact Fee Nexus Study" (the "Nexus Study"); and

WHEREAS, the Nexus Study demonstrates that to fully mitigate the burdens created by new development on the City's parks and recreation system, a Park Impact Fee of \$4,416.39 to \$30,301.40 per residential dwelling unit and \$0.78 to \$9.72 per square foot of non-residential development would be needed; and

WHEREAS, the City Council now desires to adopt Park Impact Fees for residential subdivisions and development and industrial development as authorized by Chapter 10, Article 16 of the City's Municipal Code; and

WHEREAS, due to the reduction of the Park Impact Fee below the maximum allowable fees calculated by the Nexus Study and the exemption of all non-residential development, with the exception of industrial development, the Park Impact Fees imposed by this Resolution are economically reasonable and are not expected to pose a constraint on new development 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 December 17, 2019.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the following findings and takes the following actions:

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 Park Impact Fee is to provide funds to the City to develop and construct parks and recreation facilities to mitigate the burdens on the City's park and recreation system created by new residential and industrial development. An applicant for a residential subdivision or development or an industrial development must pay the Park Impact Fee. Partial or full credit toward the fee may be allowed for dedicated land or private parkland that is accessible to the public, in compliance with Chapter 10, Article 16 of the City's Municipal Code and in consultation with the Hayward Area Recreation and Park District (HARD).

C. In compliance with Chapter 10, Article 16 of the City's Municipal Code, all Park Impact Fees collected shall be deposited into a special park and recreation trust fund to be used solely for the purpose of acquiring necessary land and developing or rehabilitating existing park or recreational facilities reasonably related to serving the city.

D. There is a need in the City for parks and recreation facilities to serve new development.

E. The Nexus Study sets forth cost estimates that are reasonable for acquiring and developing parks and recreation facilities, and the Park Impact Fees expected to be generated by new development will not exceed these costs.

F. Setting Park Impact Fees below the maximum allowable level will help ensure that multifamily residential development remains financially feasible.

G. Exempting non-residential development other than industrial development will ensure that Park Impact Fees do not pose a barrier to attracting commercial development to the City.

H. 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 adopts the following Park Impact Fees:

<i>Type of Development</i>	<i>Park Impact Fee</i>
Residential	
0 Bedrooms/Accessory Dwelling Unit	\$3,091/dwelling unit
1 Bedroom	\$4,841/dwelling unit
2 Bedrooms	\$8,732/dwelling unit
3 Bedrooms	\$15,249/dwelling unit
4+ Bedrooms	\$21,211/dwelling unit
Non-Residential	
Industrial	\$0.55/square foot of gross floor area

Notes:

1. "Bedroom," "dwelling unit," and "gross floor area" as defined by HMC Sec. 10-1.3500.
2. Projects receiving all discretionary approvals by the effective date of this Resolution shall be subject to the parkland dedication and in-lieu fee requirements in effect immediately prior to the effective date of this Resolution.

Section 3. The City Council may review and amend the Park Impact Fees from time to time. Beginning January 1, 2021, for any annual period during which the City Council does not review the Park Impact Fee, fee amounts shall be adjusted once by the City Manager or designee based on the percentage change in the Engineering News-Record Construction Cost Index, San Francisco Area.

Section 4. A Park Impact Fee as shown in Section 2 shall be paid by all developments subject to the fee.

Section 5. This Resolution shall go into full force and effect on February 20, 2020.

Section 6. 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 _____, 2019

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