

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member _____

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 30, 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-__) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA 30th of October 2017.

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

B. PLANNING

1. Pre-Application Meeting ¹		No Charge
2. Code Assistance Meeting ¹		No Charge
3. Annexation Proceedings		
Costs shall also include, but not be limited to, current annexation filing fees established by the Board of Equalization in manner provided by the State Government Code Section 54902.5.	\$	15,000 Time & Material; Initial Deposit ²
4. LAFCO Utility Service Agreement		
(Preparation and processing of documents in connection with utility service to property outside of the City limits)	\$	5,000 Time & Material; Initial Deposit ²
5. Environmental/Technical Analysis (Contract) Consultant	\$	5,000 Time & Material; Initial Deposit ²
6. General Plan Amendment ¹	\$	12,000 Time & Material; Initial Deposit ²
7. Text Change to Zoning Ordinance ¹	\$	12,000 Time & Material; Initial Deposit ²
8. Rezoning and Prezoning (Including New or Major Modification to a Planned Development) ¹	\$	12,000 Time & Material; Initial Deposit ²
9. Rezoning (Planned Development Precise Plan or Preliminary Plan Minor Modification)	\$	6,000 Time & Material; Initial Deposit ²
10. Conditional Use Permit ¹	\$	6,000 Time & Material; Initial Deposit ²
11. Administrative Use Permit ¹		
a. Livestock	\$	500 Per Application
b. Food Vendors	\$	700 Per Application
c. Processed Administratively	\$	2,000 Time & Material; Initial Deposit ²
d. Involving Public Hearing	\$	6,000 Time & Material; Initial Deposit ²

12. Site Plan Review¹		
a. Processed Administratively	\$	2,000 Time & Material; Initial Deposit ²
b. Involving Public Hearing	\$	6,000 Time & Material; Initial Deposit ²
13. Variance/Warrants - Processed Administratively	\$	2,000 Time & Material; Initial Deposit ²
14. Variance/Warrants & Exceptions – Involving Public Hearing	\$	6,000 Time & Material; Initial Deposit ²
15. Modification of Approved Development Plan – Processed Administratively	\$	2,000 Time & Material; Initial Deposit ²
16. Modification of Approved Development Plan – Involving Public Hearing	\$	6,000 Time & Material; Initial Deposit ²
17. Extension of Approved Development Plan/Applications	\$	1,000 Time & Material; Initial Deposit ²
18. Designation of Historical or Architectural Significance¹	\$	6,000 Time & Material; Initial Deposit ²
19. Development Agreement		
a. Review of application, negotiation of agreements, processing through Planning Commission and City Council	\$	12,000 Time & Material; Initial Deposit ²
b. Amendment Processing	\$	6,000 Time & Material; Initial Deposit ²
c. Annual Review	\$	1,000 Time & Material; Initial Deposit ²
20. Written Verification of Zoning Designation or Similar Request	\$	500 Per Application
21. Research	\$	164 per hour after first 15 minutes

22. Zoning Conformance Permit

a Tier One: Apiaries, Unattended Collection Boxes	\$	210 Per Application
b Tier Two: Household Pets (when required)	\$	53 Per Application
c Tier Three: Accessory Dwelling Unit Application	\$	328 Per Unit

23. Sign Permits

a. Sign Permit (one business)	\$	327
b. Sign Permit (each additional business – same application)	\$	327
	\$	100 Fee Plus
c. Temporary Sign Permit (Banners, Flags, Streamers, Pennants, Bunting, Searchlights, Inflatable Signs, Human Signs)	\$	200 Deposit*

*Temporary sign deposits to be refunded upon removal of signage

d. Portable/A-Frame Signs	\$	50 Encroachment Permit
e. Mural Art	\$	50

Note: Revocable Encroachment Permit also applies to Human signs in the public right of way

24. Sign Program

\$ 817

25. Appeal Fee for Applicant

\$ 6,000 Time & Material;
Initial Deposit²

26. Appeal Fee Other Than Applicant

\$ 400

27. Tentative Tract or Tentative Parcel Map

a. Processed Administratively	\$	4,000 Time & Material; Initial Deposit ²
b. Involving Public Hearing	\$	6,000 Time & Material; Initial Deposit ²

28. Final Parcel Map

\$ 2,000 Time & Material;
Initial Deposit²

29. Final Tract Map

\$ 6,000 Time & Material;
Initial Deposit²

30. Lot Line Adjustment

\$ 4,000 Time & Material;
Initial Deposit²

31. Certificate of Merger or Certificate of Compliance

\$ 4,000 Time & Material;
Initial Deposit²

32. Grading Permit Application

\$ 4,000 Time & Material;
Initial Deposit²

33. Security Gate Application

\$ 1,635

34. Encroachment Permit – Street Events	\$	2,944
The Development Services Director or designee may reduce or waive this fee for certain events. <i>(See Fee Reduction, Waiver, and Sponsorship for Special Events Policy)</i>		
35. Encroachment Permit Application – Major Work (road closures, traffic control, more than 500 linear feet of work, etc.)	\$	4,000 Time &Material; Initial Deposit ²
36. Encroachment Permit Application – Minor Work (sewer laterals, driveway widening, etc.)	\$	327 Plus Public Works inspection fee
38. Tree Preservation		
a. Annual Pruning Certification	\$	817
b. Tree removal/pruning	\$	490
39. Mobilehome Park Closure/Change of Use	\$	9,814
40. Inspections - Planning and Landscape		
a. Code Enforcement Compliance Inspection Fee	\$	125
b. Landscape Inspection and/or re-inspection fee	\$	164 Per Hour
41. Policy Planning Fee		16% of Building Permit Fee

42. Park Dedication In Lieu Fees

a. Single-Family Detached	\$	11,953
b. Single-Family Attached	\$	11,395
c. Multi-Family (including accessory dwelling units)	\$	9,653

43. Affordable Housing Impact Fees

1. Ownership Residential Projects - 20 units or More		
a. Detached Dwelling Units		\$4.61/Square Foot of Habitable Space*
b. Attached Dwelling Units		\$3.87/Square Foot of Habitable Space*
2. Rental Residential Projects - 20 units or More		
a. Projects Receiving All Discretionary Approvals Prior to Dec. 31, 2015 and All Building Permits Prior to Dec. 31, 2017		No Fee
b. All Other Projects		\$3.63/Square Foot of Habitable Space*

*Note: Affordable housing impact 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 10 percent, to \$5.06/sq. ft. of habitable space for detached dwelling units, to \$4.28/sq. ft. of habitable space for attached dwelling units, and to \$3.99/sq. ft. for rental units.

"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.

¹It is recommended that major projects be reviewed at a Pre-Application Meeting prior to submittal of a Development Review Application. A Code Assistance Meeting is also recommended involving project design professionals to address technical code questions.

²This is an initial deposit only. Hourly rate is \$163.58. If during the review of the project the Planning Director estimates that the charges will exceed the deposit, additional deposit(s) will be required. Also, the Planning Director may authorize a lesser initial deposit than shown if he/she determines that processing of an application will not entail need for the full initial deposit. Prompt payments of deposits or outstanding fees owed in association with the application will assure continued staff review of the project. Any surplus deposit remaining shall be refunded promptly upon project completion.