

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AMENDING THE CITY OF HAYWARD 2026-2027 FISCAL YEAR MASTER FEE SCHEDULE FOR ACCESSORY COMMERCIAL UNIT, MINOR TEMPORARY USE, LIMITED ENTERTAINMENT, AND MAJOR CONDITIONAL USE PERMITS ASSOCIATED WITH AMENDMENTS TO CHAPTER 10, ARTICLES 1, 2, 24, AND 28 AND CHAPTER 6, ARTICLE 2 OF THE HAYWARD MUNICIPAL CODE RELATED TO THE BUSINESS-FRIENDLY HAYWARD PROJECT

WHEREAS, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Under Section 15162, a subsequent EIR need not be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is entirely consistent with the Hayward 2040 General Plan. Thus, no new or unanticipated levels of development are expected as a result of the proposed project that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed project substantially conforms to the Goals and Policies set forth in the Hayward 2040 General Plan and were adequately analyzed in the related Program EIR; 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) is compliant and would allow for the processing and administration of four new permit types for Accessory Commercial Units, Minor Temporary Uses, Limited Entertainment Activities, and Major Conditional Use Permits, consistent with the appropriate findings and conditions established by the Business Friendly Hayward Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby amends the Fiscal Year 2025-2026 Master Fee Schedule to include new permit fees associated with Accessory Commercial, Minor Temporary Use, Limited Entertainment, and Major Conditional Use Permits, as reflected in attached Exhibit "A".

BE IT FURTHER RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 26-\_\_) becomes effective.



**DEVELOPMENT SERVICES DEPARTMENT**

**C. PLANNING**

|                                     |    |  |
|-------------------------------------|----|--|
| <b>Major Conditional Use Permit</b> | \$ | 15,000 Time &<br>Material Initial<br>Deposit |
| <b>Zoning Conformance Permit</b>    |    |  |
| • Accessory Commercial Unit         | \$ | 498  |
| <b>Limited Entertainment Permit</b> | \$ | 249  |
| <b>Minor Temporary Use Permit</b>   | \$ | 747  |