

## City of San José Parkland Dedication and Park Impact Ordinances

Under the State Quimby Act (Gov Code Section 66477), which the City's Parkland Dedication Ordinance (PDO) per Section 19.38 SJMC and the Park Impact Ordinance (PIO) per Section 14.25 SJMC follows, the City can only request that developers dedicate land based a prorata share of three acres of future public parkland per 1000 new residents from either their project site or a nearby off-site area. For projects that contain 1 to 50 residential units and/or parcels, the City, under the State Quimby Act, can only request that developers pay the associated park in-lieu fees. If the residential project is over 50 units or parcels, the City can request developers to dedicate land for public park purposes. Developers can satisfy their park obligations by:

- 1) Dedicating raw land to the City for a public park at the rate of 3 acres per 1000 new population
- 2) Dedicating land for a public park and pay for the improvements of such lands. The costs of development of the park land will reduce the amount of lands the developer needs to dedicate to the City.
- 3) Claiming private recreational credits under the PDO or PIO up to 50% of the residential projects parkland obligation. This allows the City to collect park in-lieu fees to fund communities amenities like community centers, sport fields, aquatic facilities to name a few. Credits will be issued based on the actual square footage of Active Elements and can be matched to Non-Active Elements on a one for one ratio or to land dedication for public park purposes.

### Active Elements

Tot Lot / Children Play Area  
Picnic Area – Three tables  
Game Courts – hard or soft  
Turf Playing Field > 8,000 sf  
Private Plaza Area > 900 sf  
Private Garden Areas > 900 sf  
Private Pet Areas > 300 sf  
Private Garden Plots > 100 sf

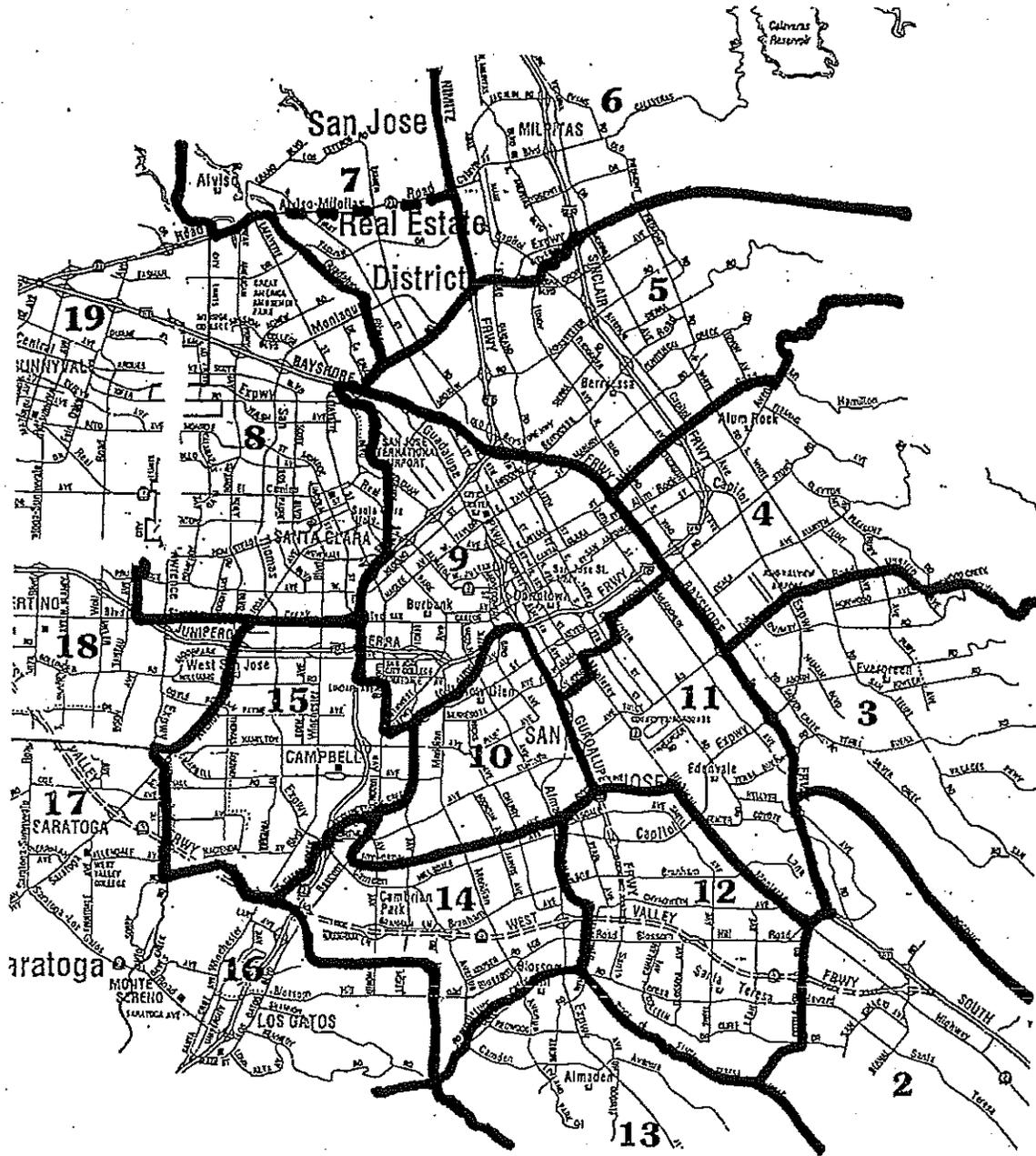
### Non-Active Elements

Swimming Pool and Decking Area  
Spa/Hot Tub and Decking Area  
Recreation Rooms  
Fitness Rooms  
Exercise Rooms  
Common Media Rooms  
Common Kitchen Space  
Common Restrooms for above

Private recreational credits also reduce developers' parkland obligations to provide 3 acres per 1000 population.

- 4) Providing low to extremely low income units or parcels that are restricted for 30 years or more as affordable units, then those units or parcels are exempt from the requirements of the PDO or the PIO.
- 5) For those units not subject to Items 1-4, developers shall pay the associated park in-lieu fees, which is based on the housing type and the underlying land values per the City's Annual Residential Land Value Study based on the Multiple Listing Services Boundaries as prepared each year by a consultant to the City's Real Estates Unit. (See Attachment 1 and 2)

ATTACHMENT 1  
MLS ZONES



PDO - PIO MAP

- |                       |                     |                     |
|-----------------------|---------------------|---------------------|
| 2 - Santa Teresa      | 3 - Evergreen       | 4 - Alum Rock       |
| 5 - Berryessa         | 7 - Alviso          | 7 - North San Jose  |
| 9 - Downtown          | 10 - Willow Glen    | 11 - South San Jose |
| 12 - Blossom Valley   | 13 - Almaden Valley | 14 - Cambrian       |
| 15/18 - West San Jose |                     |                     |

## Attachment B

# REVIEW OF LAND VALUES FOR PDO/PIO

MLS ZONE	AREA COVERED	1997	1998*	1999*	2000*	2001	2002*	2003*	2004*	2005	2006	2007
		COST PER SQUARE FOOT										
2	SANTA TERESA	\$12.00	\$12.00	\$15.00	\$25.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00
3	EVERGREEN	\$10.00	\$10.00	\$25.00	\$32.00	\$45.00	\$45.00	\$40.00	\$40.00	\$40.00	\$35.00	\$35.00
4	ALUM ROCK	\$12.00	\$12.00	\$15.00	\$26.00	\$35.00	\$35.00	\$30.00	\$30.00	\$30.00	\$40.00	\$35.00 ▼
5	BERRYESSA	\$18.00	\$15.00	\$20.00	\$30.00	\$40.00	\$40.00	\$40.00	\$45.00	\$40.00	\$35.00	\$40.00 ▲
7	ALVISO NORTH	\$8.00	\$8.00	\$10.00	\$12.00	\$15.00	\$20.00	\$25.00	\$40.00	\$55.00	\$55.00	\$70.00 ▲
7	SAN JOSE	\$21.00	\$21.00	\$28.00	\$30.00	\$35.00	\$35.00	\$25.00	\$40.00	\$55.00	\$55.00	\$70.00 ▲
8	SANTA CLARA											\$35.00
9	DOWNTOWN / CENTRAL	\$21.00	\$25.00	\$23.00	\$35.00	\$50.00	\$50.00	\$60.00	\$70.00	\$60.00	\$70.00	\$70.00
10	WILLOW GLEN SOUTH	\$21.00	\$21.00	\$30.00	\$35.00	\$50.00	\$50.00	\$50.00	\$50.00	\$70.00	\$85.00	\$75.00 ▼
11	SAN JOSE BLOSSOM VALLEY	\$12.00	\$10.00	\$14.00	\$25.00	\$35.00	\$35.00	\$35.00	\$35.00	\$45.00	\$35.00	\$35.00
12	BLOSSOM VALLEY	\$15.00	\$16.00	\$18.00	\$28.00	\$40.00	\$40.00	\$40.00	\$35.00	\$35.00	\$35.00	\$35.00
13	ALMADEN VALLEY	\$10.00	\$20.00	\$22.00	\$30.00	\$45.00	\$45.00	\$40.00	\$40.00	\$45.00	\$35.00	\$35.00
14	CAMBRIAN WEST	\$18.00	\$16.00	\$20.00	\$30.00	\$45.00	\$45.00	\$40.00	\$35.00	\$40.00	\$45.00	\$40.00 ▼
15/18	SAN JOSE	\$21.00	\$21.00	\$23.00	\$38.00	\$50.00	\$50.00	\$50.00	\$65.00	\$65.00	\$85.00	\$70.00 ▼

\* FEES WERE NOT ADJUSTED TO REFLECT THE LAND COSTS IN 1998, 1999, 2000, 2002, 2003 & 2004

Price Per Square Foot Numbers from the Annual Residential Land Values Study prepared by Diaz, Diaz & Boyd, Inc. for raw land

**TABLE 5**

**IN-LIEU FEES SCHEDULE AT 100% of 2007 LAND VALUES**

Effective on February 2, 2009

MLS ZONE	AREA COVERED Fees went into effect on February 4, 2008. Please See Note 11 below	PRICE / SQ. FT. @ 100% OF 2007 LAND VALUE	FEE PER UNIT SINGLE FAMILY DETACHED	FEE PER UNIT SINGLE FAMILY ATTACHED	FEE PER UNIT MULTI-FAMILY 2-4 Per Bld.	FEE PER UNIT MULTI-FAMILY 5+ Per Bld.	FEE PER UNIT SRO* UNIT	FEE PER UNIT 2 <sup>nd</sup> ** UNIT
Persons per households / units per 1 ac.			3.50/96	3.06/109	3.23/104	2.29/146	1.00/336	50%SRO
1, 2, 3, 4, 8, 11, 12, 13	Almaden Valley Alum Rock Blossom Valley Evergreen Santa Clara Santa Teresa South San José	\$35.00	\$15,850	\$14,000	\$14,650	\$10,450	\$4,550	\$2,275
5, 14	Berryessa (North Valley) Cambrian	\$40.00	\$18,150	\$16,000	\$16,750	\$11,900	\$5,200	\$2,600
7, 9, 15/18	Alviso (7 north of 237) North San José ( 7 ) Downtown/Central S. J. West San José	\$70.00	\$31,750	\$27,950	\$29,300	\$20,850	\$9,050	\$4,525
10	Willow Glen	\$75.00	\$34,000	\$29,950	\$31,400	\$22,350	\$9,700	\$4,850
9-DC	Downtown Core > 12 Plus	na	na	na	na	\$8,950(a)	na	na

- \* Single Residency Occupancy Unit \*\* Secondary or "Granny" Unit (a) in a building of 12 stories or higher  
 PDO = Parkland Dedication Ordinance for subdivided properties and PIO = Park Impact Ordinance for non-subdivided parcels
- 1) Low, Very-Low and Extremely-Low Income Restricted Units are exempt from the PDO/PIO requirements. Developer needs to provide City with a copy of the restriction documentation placed on the unit for at least 30 years.
  - 2) Private Recreation Credits can equal up to 50% of Parkland Obligation. In order to eligible for Private Recreational Credits, a project must either dedicate land for a public park and/or included (See Item 3) Please see Resolution 73587 for Elements.
  - 3) At least one of the following Active Elements – Credits are based on a square footage of the recreation improvement. Credits are not given for the cost of the private recreation improvements. See Credit and Fee Resolution #73587 for additional information.
    - 1) Tot Lots with resilient surface and safety zones
    - 2) Picnic Area with 3 tables, a bbq. pit and trash receptacle
    - 3) Game Court Areas with safety zone
    - 4) Open Turf Playing Areas of at least 8,000 square feet
    - 5) Private Urban Plazas of a size at least 900 square feet
    - 6) Public Garden Spaces of a size at least 900 square feet
    - 7) Fenced Pet Amenity of a size at least 300 square feet
    - 8) Private Garden Plots for non-commercial growing 100 sf. min.
  - 4) Swimming pools, spas and recreational rooms can receive credit for square footage up to the total square footage of the qualified recreation element(s) listed in Item 3, or land dedicated to the City for public parkland.
  - 5) General open space, landscape corridors, landscaped walkways, steep topography areas, riparian corridors, set back areas, or environmental mitigation areas that preclude recreational activities are not eligible for private recreation credits.
  - 6) EVA's with turf block are not eligible for private recreation credits and EVA's over dedicated parkland are not countable toward parkland square footage obligation and the additional costs to support a fire truck beyond normal park amenities.
  - 7) Projects of six stories or more as defined in the PDO/PIO Fee Resolution are not subject to the Active Element requirement in order to receive private recreational credits for recreational facilities listed in Item 4.
  - 8) Dedication of Community Gardens land is the same as dedicating parklands to the City of San José.
  - 9) Dedication of land or easement and/or construction of qualified trail segments will be eligible for credits under the PDO/PIO.
  - 10) The Evergreen Specific Plan Area is exempt from the PDO and PIO under the agreement entitled: "Cooperation agreement by and between the City of San Jose, the Evergreen Specific Plan Property Owners Partnership and the Specific Plan Area Developers." for 2,996 units. Once that number is exceeded, then new units are subject to the PDO or PIO fees in effect at the time of payment, unless some other agreement is in place.
  - 11) A PDO Parkland Agreement to defer payment to first anniversary of the Final Map or the first Building Permit for the residential units, which ever occur first, the fees to be paid is the amount shown in Exhibit A of the Parkland Agreement for x number and type of units indicated on the Final Tentative Map and/or PD Permit.

## City of San José Parkland Dedication and Park Impact Ordinances

### PDO / PIO LAND CALCULATIONS

Number of Units	X	Person Per Household	X	Parkland Requirements Population	=	Acres Dedicated for Parks
??	X	PPH	X	.003	=	Obligation

PPH = SFD – 3.50 / SFA – 3.06 / MF+5 – 2.29 / SRO – 1.00 / 2<sup>ND</sup> Units @ 50% of SRO

It takes 96 SFD Units @ 3.50 PPH	x .003	= 1.0 acre
It takes 109 SDA Units @ 3.06 PPH	x .003	= 1.0 acre
It takes 146 MF+5 Units @ 2.29 PPH	x .003	= 1.0 acre
It takes 336 SRO Units @ 1.00 PPH	x .003	= 1.0 acre

Example: 255 SDA Units x 3.06 PPH x .003 = 2.3 acres of parkland obligation

Dedication is based on 3.0 acres per 1000 new population from a housing project

### PDO / PIO FEE CALCULATIONS

Land Value Per Sq. Ft.	x 43,560 Sq. Ft/Acre	÷ to Create 1 Acre =	Number of Units (See List Above)	In-Lieu Fee Rounded Off To \$50.00
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Example: \$40/Sq Ft x 43,560 ÷ 109 SDA = \$15,985 or \$16,000 Rounded

Cost to purchase one acre of land based on the Residential Land Value Study per MLS Area.

### **Private Recreational Credits by Housing Type**

It takes 453.75 sq ft per unit to = 1 Credit	x 96 SFD Units	= 1.0 acre
It takes 399.63 sq ft per unit to = 1 Credit	x 109 SFA Units	= 1.0 acre
It takes 298.34 sq ft per unit to = 1 Credit	x 146 MF=5 Units	= 1.0 acre
It takes 129.64 sq ft per unit to = 1 Credit	x 336 SRO Units	= 1.0 acre

For additional information, please see the Parks, Recreation, and Neighborhood Services' Web-Page under City Departments from the City's Main Web-Page and click on Parkland Dedication Ordinance in the left hand column.

## City of San José Parkland Dedication and Park Impact Ordinances

### PDO/PIO Example:

Project: 255 Single Family Attached Units

Located in the Burbank / Del Monte SNI Area

Minus Any Low to Extremely Low Income Units with 30 Year Restriction

8% or 20 Units Low Income Units (255 – 20 = 235)

Current Parkland Obligation (235 x 3.06 x .003 = 2.16 acres)

Maximum Private Recreational Credits (235 ÷ 2 = 117.5 units or 1.08 acres)  
(50% Cap on Non-Exempt Units)

#### Private Recreational Credits - Active Elements

90' x 90' Open Turf Area = 8,100 sq. ft.

30' x 54' Badminton Court = 1,620 sq. ft.

15' x 15' Picnic Area = 225 sq. ft.

= 9,945 sq. ft.

#### Private Recreational Credits - Non-Active Elements

45' x 75' Swimming Pool = 3,375 sq. ft.

10' x 10' Spa = 100 sq. ft.

100' x 70' Pool/Spa Decking = 7,000 sq. ft.

20' x 20' Recreation Room = 400 sq. ft.

20' x 20' Fitness Room = 400 sq. ft.

Kitchen and Restrooms = 225 sq. ft.

= 11,500 sq. ft.

If no Land Dedication – Private Recreational Credit = 19,890 sq ft or .46 acres

If Land is being Dedicated – Private Rec. Credits = 21,445 sq ft or .49 acres  
(21,445 sq ft + 399.63 = 53.66 units)

Maximum Land Dedication  $235 - 53.66 = 181.34 \times 3.06 \times .003 = 1.67$  acres

Est. Development Cost @ \$1,000,000 / Acre @ \$35 sq ft. = 0.66 acres  
(\$35 / sq ft x 43,560 sq ft / acre x .66 /acre = \$1,006,236)

Land Dedication for Public Park Purposes = 1.01 acres

If no Land Dedication and Improvements – Park Fees @ \$35 sq ft = \$2,593,220  
(255 – 20 = 235 – (19,890 + 399.63 = 49.77) = 185.23 x \$14,000 = \$2,593,220)