

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING FORTH THE SCHEDULE OF PARKLAND FEES CHARGED PURSUANT TO CHAPTERS 14.25 AND 19.38 OF THE SAN JOSE MUNICIPAL CODE TO DEFINE SINGLE RESIDENT OCCUPANCY AND SECONDARY UNITS OR ACCESSORY DWELLING UNIT FEE RATES IN THE SCHEDULE OF PARKLAND FEES AS SET FORTH IN THE SAN JOSE MUNICIPAL CODE TITLE 20

WHEREAS, the City of San José ("City") enacted the Parkland Dedication Ordinance, San José Municipal Code ("SJMC") Chapter 19.38 ("PDO") in 1988 and the Park Impact Ordinance, SJMC Chapter 14.25 ("PIO") in 1992 to meet the demand for new neighborhood and community parkland generated by development of new residential subdivisions and new non-subdivided residential projects, both of which have been amended since that time; and

WHEREAS, on January 9, 2007, the City Council adopted Resolution No. 73587 which set forth the Schedule of Parkland Fees and Credits charged under the PDO and PIO to reflect the land values identified in the 2005 Residential Land Value Study to temporarily reduce the parkland fees for developments in the Downtown Core Area, and to revise the credits for private recreation improvements; and

WHEREAS, on December 4, 2007, the City Council adopted Resolution No. 74152 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2006 Residential Land Value Study; and

WHEREAS, on April 8, 2008, the City Council adopted Resolution No. 74314 to establish parkland fees for secondary units; and

WHEREAS, on September 30, 2008, the City Council adopted Resolution No. 74608 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2007 Residential Land Value Study; and

WHEREAS, on April 20, 2010, the City Council adopted Resolution No. 75346 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2009 Residential Land Value Study; and

WHEREAS, on August 24, 2010, the City Council adopted Resolution No. 75540 to establish parkland fees for low-income units at fifty percent (50%) of the applicable parkland fees for each residential unit type; and

WHEREAS, on May 10, 2011, the City Council adopted Resolution No. 75799 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2010 Residential Land Value Study; and

WHEREAS, on June 7, 2011, the City Council adopted Resolution No. 75824 to clarify the definition of "Low-Income Units" exempt from the payment of parkland fees for residential projects that have obtained an approved discretionary permit or tentative or parcel map on or before October 24, 2010, and subsequently obtain an amendment for essentially the same project without changing the type or increasing the number of units; and

WHEREAS, on May 8, 2012, the City Council adopted Resolution No. 76220 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2011 Residential Land Value Study, to amend Section 2.B of EXHIBIT B of Resolution No. 73587, as amended, and set the parkland fees charged for high-rise multi-family residential projects of twelve (12) stories or more located in the Downtown Core at fifty percent (50%) of the applicable parkland fees for multi-family 5+ units in the Downtown Area; and

WHEREAS, on May 14, 2013, the City Council adopted Resolution No. 76631 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2012 Residential Land Value Study and continued the incentive program for downtown high-rise construction by keeping parkland fees there at \$7,650 per unit; and

WHEREAS, on September 9, 2014, the City Council adopted Resolution No. 77153 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2012 Residential Land Value Study trended to 2013 and the updated 2010 Census data; and

WHEREAS, on September 29, 2015, the City Council adopted Resolution No. 77538 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2012 Residential Land Value Study trended to 2014 and the updated 2010 Census data; and

WHEREAS, on September 20, 2016, the City Council adopted Resolution No. 77926 which set forth the new Schedule of Parkland Fees to be imposed under the PDO and PIO based on the 2012 Residential Land Value Study trended to 2015 and the updated 2010 Census data, and authorized the City Manager to determine the applicable parkland

fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service districts; and

WHEREAS, on February 7, 2017, the City Council adopted Resolution No. 78079 which set forth the Schedule of Parkland Fees charged pursuant to chapters 14.25 and 19.38 of the San José Municipal Code, to amend section 2 of Exhibit B of Resolution No. 73587, as amended, temporarily setting the parkland fees charged for highrise multi-family residential projects of twelve (12) stories or more located in the downtown core at fifty percent (50%) of the applicable parkland fees for multi-family 5+ units; and

WHEREAS, on November 15, 2016, the City Council approved changes to the San José Zoning Code (Title 20). These changes, among others, specifically modified Sections 20.30.150 and 20.200.325 of the Municipal Code, relating to 'Secondary Units' (SU) or 'Accessory Dwelling Units, (ADU), in compliance with newly adopted state laws (SB 1069 and AB 2299). The adopted changes modified numerous zoning rules regarding SUs and ADUs, commonly referred to as 'Granny Units,' and included a new maximum size for granny units of 800 square feet; and

WHEREAS, on June 13, 2017, the City Council adopted Resolution No. 78200 which amended the Schedule of Parkland Fees charged pursuant to chapters 14.25 and 19.38 of the San Jose Municipal Code to set the maximum square footage for Secondary Units or Accessory Dwelling Units at 800 square feet to remain eligible for the Secondary Residential Unit fee rate; and

WHEREAS, on December 19, 2017, the City Council adopted Resolution No. 78474 which set forth the Schedule of Parkland Fees charged pursuant to chapters 14.25 and 19.38 of the San Jose Municipal Code; and which, permanently established a unit rate for high-rise multi-family residential projects of twelve (12) stories or more located in the downtown core; and

WHEREAS, on June 19, 2018, the City Council adopted Ordinance No. 30133 with changes to Chapters 20.30, 20.90, and 20.100 of the San Jose Municipal Code (Title 20), and to make other changes, including technical, non-substantive, or formatting changes within those sections of Title 20. These changes modified numerous zoning rules regarding 'Secondary Units' (SU) or 'Accessory Dwelling Units, (ADU) and included a new maximum size for ADUs of 900 square feet; and

WHEREAS, this Resolution permanently aligns the eligibility requirements for Single Resident Occupancy and Secondary Residential Units in the Schedule of Parkland Fees with the corresponding descriptions and requirements in Title 20 of the San Jose Municipal Code, as it may be amended from time to time. These changes ensure consistency between the San Jose Municipal Code and the Schedule of

Parkland Fees regarding the maximum unit square footage and other zoning requirements for these specific unit types;

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

SECTION 1. REVISED SCHEDULE OF PARKLAND FEES.

The revised Schedule of Parkland Fees is set forth in the attached EXHIBIT A. The schedule set forth in EXHIBIT A shall take effect as specified below in this Section 1.

This Resolution is effective on August 7, 2018. Any projects that (1) have not fully paid parkland fees before August 7, 2018; or (2) have not entered into a fully executed parkland or turnkey parkland agreement before August 7, 2018, are subject to the Schedule of Parkland Fees set forth in EXHIBIT A. City will not enter into a parkland or turnkey parkland agreement for purposes of payment of parkland fees unless a Discretionary Permit authorizing a particular land use approval has been issued for the project or the project has an approved Tentative or Parcel Map, whichever occurs first, that will allow City to calculate parkland fees based on EXHIBIT A. A Discretionary Permit for purposes of this Resolution shall mean a permit issued by the Director of Planning, Building, and Code Enforcement pursuant to Title 20 of the San José Municipal Code ("Discretionary Permit"). A Discretionary Permit or Tentative or Parcel Map is considered "approved" for purposes of this Resolution after each of the following events have been satisfied: (1) City has approved the Discretionary Permit or Tentative or Parcel Map; and (2) all applicable statutes of limitations relating to the approval by City have expired.

SECTION 2. ESP

The provisions of this Resolution shall not apply to residential projects in the Evergreen Specific Plan Area ("ESP") if the developer of the ESP project has met all of the following conditions prior to filing an application for final map approval for projects subject to the PDO or prior to filing an application for a building permit for projects subject to the PIO:

- A. The residential project is subject to Community Facilities District No. 4 (Evergreen Improvements); or
- B. An agreement entitled: "Cooperation Agreement By and Between the City of San José, the Evergreen Specific Plan Property Owners Partnership and the Evergreen Specific Plan Area Developers," as amended ("Cooperation Agreement") and the parkland agreement required under the Cooperation Agreement have both been executed and are in effect for the ESP project.

SECTION 3. MISCELLANEOUS.

- A. If not otherwise defined in this Resolution, capitalized terms shall have the meanings set forth in SJMC Chapters 14.25 and 19.38.
- B. If any section, subsection, sentence, clause, or phrase of any provision of this Resolution, including its attachments, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Resolution. Each and every section, subsection, sentence, clause or phrase of this Resolution, including its attachments, is severable from all other sections, subsections, sentences, clauses or phrases.

ADOPTED this ____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

Exhibit A 2018 Proposed Schedule of Parkland In-Lieu Fees

MLS ZONE	AREA COVERED	100% OF COST/ SQUARE FOOT	PROPOSED FEE PER UNIT ¹							SINGLE RESIDENCY OCCUPANCY UNIT (SRO)	SECONDARY RESIDENTIAL or ACCESSORY DWELLING UNIT (SU/ADU)
			SINGLE FAMILY DETACHED	SINGLE FAMILY ATTACHED	MULTI-FAMILY 4 UNITS	MULTI-FAMILY 2-5+	HIGHRISE	MULTI-FAMILY 5+			
Unit types classified per U.S. Census definitions of housing characteristics.											
Number of Persons Per Unit - 2010 Census Data; ACS; Survey											
Number of Dwelling Units to create 1 acre of Raw Parkland											
1 & 2	SANTA TERESA	\$ 34.00	3.31	3.31	2.96	2.34	1.51	1.00	333.3	50% of SRO	
3	EVERGREEN	\$ 43.00	100.7	100.7	112.6	142.5	220.8	n/a			
4	ALUM ROCK	\$ 30.00	\$ 14,700	\$ 14,700	\$ 13,200	\$ 10,400	\$ 6,700	\$ 4,400	\$ 5,600	\$ 2,800	
5 & 6	BERRYESSA	\$ 45.00	\$ 18,600	\$ 18,600	\$ 16,600	\$ 13,100	\$ 8,500	\$ 5,900	\$ 3,900	\$ 1,950	
7A	ALVISO (North of 237)	\$ 26.00	\$ 13,000	\$ 13,000	\$ 11,600	\$ 9,200	\$ 5,900	\$ 3,900	\$ 5,900	\$ 2,950	
7B	NORTH SAN JOSE (So. of 237)	\$ 26.00	\$ 19,500	\$ 19,500	\$ 17,400	\$ 13,800	\$ 8,900	\$ 5,100	\$ 3,400	\$ 1,700	
8	SANTA CLARA	\$ 136.00	\$ 11,200	\$ 11,200	\$ 10,100	\$ 8,000	\$ 26,800	\$ 17,800	\$ 17,800	\$ 8,900	
9	DOWNTOWN	\$ 37.00	\$ 58,800	\$ 58,800	\$ 52,600	\$ 41,600	\$ 7,300	\$ 4,800	\$ 9,700	\$ 2,400	
10	WILLOW GLEN	\$ 74.00	\$ 16,000	\$ 16,000	\$ 14,300	\$ 11,300	\$ 7,300	\$ 4,800	\$ 9,700	\$ 4,850	
11	SOUTH SAN JOSE	\$ 68.00	\$ 32,000	\$ 32,000	\$ 28,600	\$ 22,600	\$ 14,600	\$ 9,700	\$ 9,700	\$ 4,450	
12	BLOSSOM VALLEY	\$ 30.00	\$ 29,400	\$ 29,400	\$ 26,300	\$ 20,800	\$ 13,400	\$ 8,900	\$ 3,900	\$ 1,950	
13	ALMADEN VALLEY	\$ 34.00	\$ 13,000	\$ 13,000	\$ 11,600	\$ 9,200	\$ 5,900	\$ 4,400	\$ 4,400	\$ 2,200	
14 & 16	CAMBRIAN	\$ 40.00	\$ 14,700	\$ 14,700	\$ 13,200	\$ 10,400	\$ 6,700	\$ 4,400	\$ 5,200	\$ 2,600	
15	CAMPBELL	\$ 35.00	\$ 17,300	\$ 17,300	\$ 15,500	\$ 12,200	\$ 7,900	\$ 5,200	\$ 4,600	\$ 2,300	
17 & 18	CUPERTINO	\$ 65.00	\$ 15,100	\$ 15,100	\$ 13,500	\$ 10,700	\$ 6,900	\$ 12,400	\$ 8,200	\$ 4,100	
9 - DC	Downtown High-rise Incentive - High Rise 12+ Stories ^{2,3}	\$ 63.00	\$ 27,300	\$ 27,300	\$ 24,400	\$ 19,300	\$ 12,400	\$ 8,200	\$ 8,200	\$ 4,100	
						\$ 11,300					

¹ Fees for Low Income Units shall be at the rate of 50% of the applicable parkland fees for each residential unit type per Section 1 of Resolution No. 75540
² Fees for eligible Downtown Area High-rises locked into the Original Downtown Highrise Incentive, shall be set at 50% of the Multifamily 5+ rate within the Downtown MLS district, as set forth in Resolutions 78039 and 78079.
³ Eligibility for Downtown High-rise Incentive Program (Resolutions 78039 and 78079) is closed for any projects which have not pulled Building Permits by July 1, 2018. Currently eligible projects must receive final inspection for at least 80% of the units by December 31, 2020 to secure discounted and deferred rates, that are payable prior to issuance of a Certificate of Occupancy for the Project, as described in the applicable parkland agreement.

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.