

Information Required by the Mitigation Fee Act
A Report on PIO Fees for the Fiscal Year ending June 30, 2011

The Mitigation Fee Act requires the City to make available to the public on an annual basis the following information concerning Park Impact Ordinance (PIO) fees within 180 days after the last day of the fiscal year:

- Description of the type of fee
- Amount of the fee
- Beginning and ending balances of the fund
- Identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that is funded with fees, and
- Description of inter-fund transfers or loans, date of loan repayment, and rate of interest that the fund will receive.

This report provides information on the PIO fees for the Fiscal Year ending June 30, 2011.

The City's PIO requires residential developers to dedicate land, improve parkland, and/or pay a parkland fee in lieu of dedication for neighborhood and community parklands. Fees are collected in lieu of dedicating land or improving parkland to help meet the demand for new neighborhoods and community parkland generated by the development of new non-subdivided residential projects. The amount of fees to be paid in lieu of land dedication are established by resolution of the City Council and calculated based on the type of dwelling units and the land value per an annual land value study. For projects of 50 units or less, the City can only require the associated in-lieu fees from developers. On April 20, 2010, the City Council adopted Resolution No. 75346 that set the schedule of In-Lieu Fees charged pursuant to Chapter 14.25 PIO of the San Jose Municipal Code to reflect the 2009 Land Value Study. These fees took effect on June 21, 2010.

A list of public improvements on which PIO fees were expended in FY 2010-11 and the amount of the expenditures on each improvement is provided below. It also includes the total percentage of the cost of the public improvement that is funded with the fees.

Finally, FY 2010-11 inter-fund transfers in the Park Trust Fund totaling \$635,306 consisted of:

- ✓ A transfer to the City Hall Debt Service Fund in the amount of \$143,808 (for the Fund's share of the new City Hall debt service)
- ✓ A transfer to the Gift Trust Fund in the amount of \$403,637 for the maintenance of Newhall Park.
- ✓ A transfer to the Redevelopment Agency in the amount of \$87,861 for repayment of the interest portion of a prior loan taken from the Watson Park project.

These inter-fund transfers were supported by PDO collections. No inter-fund transfers supported by PIO collections were made in FY 2010-11.

INFORMATION REQUIRED BY THE MITIGATION FEE ACT

2010-2011 PARK IMPACT FEE COLLECTIONS

Developer	Fee Paid	Date Paid	Project Description	2010-2011 Project Expenses *	2010-2011 Ending Balance **	% of Fee's Contribution to Total Project Cost
Da Vinci Homes Inc.	16,000.00	3/16/11	CD1 Uncommitted Funds	\$ -	\$ 14,400	
Shin Hiro H et al	2,300.00	6/09/11	CD1 Uncommitted Funds	\$ -	\$ 2,070	
Mathews Candice	1,300.00	11/18/10	CD2 Uncommitted Funds	\$ -	\$ 1,170	
90 Archer LP	22,400.00	11/04/10	CD3 Uncommitted Funds	\$ -	\$ 20,160	
Wong James & Yep Lisa Bing	15,000.00	11/19/10	CD3 Uncommitted Funds	\$ -	\$ 13,500	
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CCS Inc. John Glitseh	47,800.00	12/16/10	CD3 Uncommitted Funds	\$ -	\$ 43,020	
Almaden Tower Venture, LLC	200,000.00	2/10/11	Used as repayment of interest			
Green Valley Corporation	1,585,998.34	5/24/11	Tamien Land Purchase	\$ 1,275,613	\$ 151,786	32.0%
Green Valley Corporation	18,150.00	7/23/10	Reserve: Commodore Park Development	\$ -	\$ 16,335	0.9%
The Irvine Company LLC	1,328,400.00	11/12/10	Trail: Coyote Crk.237 Bkwy to Tasman	\$ -	\$ 450,000	56.3%
The Irvine Company LLC	(same as above)	11/12/10	Vista Montana Turnkey Park	\$ -	\$ 147,780	4.9%
Fairfield Development LP	3,169,577.00	12/17/10	Vista Montana Turnkey Park	\$ -	\$ 2,852,619	95.1%
Pulte Homes	908,382.73	6/28/11	CD4 Uncommitted Funds	\$ -	\$ 817,545	
Flores Caudia M	2,275.00	7/14/10	Alum Rock SF Partnership (Sheppard MS)	\$ -	\$ 2,048	0.1%
Timothy Chen	31,850.00	12/16/10	Alum Rock SF Partnership (Sheppard MS)	\$ -	\$ 28,665	1.4%
Timothy Chen	31,850.00	12/20/10	Alum Rock SF Partnership (Sheppard MS)	\$ -	\$ 28,665	1.4%
Cardenas Jesus & Minerva	9,100.00	6/27/11	CD5 Uncommitted Funds	\$ -	\$ 8,190	
Cardenas Rick & Amanda	4,525.00	7/30/10	CD6 Uncommitted Funds	\$ -	\$ 4,073	
Mason John & Christina A Trustee	4,525.00	7/30/10	CD6 Uncommitted Funds	\$ -	\$ 4,073	
Nexgen Builders, Inc. Jim Hardcasle	48,000.00	8/31/10	CD6 Uncommitted Funds	\$ -	\$ 43,200	
Coe Development Partners LP	16,000.00	11/12/10	CD6 Uncommitted Funds	\$ -	\$ 14,400	
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Developer	Fee Paid	Date Paid	Project Description	2010-2011 Project Expenses *	2010-2011 Ending Balance **	% of Fee's Contribution to Total Project Cost
Plaza Dennis A & Lorraine M	2,300.00	2/02/11	CD6 Uncommitted Funds	\$ -	\$ 2,070	
Hawkstone San Felipe LLC	64,000.00	2/14/11	CD6 Uncommitted Funds	\$ -	\$ 57,600	
Lifeng Su	16,000.00	3/4/11	CD6 Uncommitted Funds	\$ -	\$ 14,400	
Tomasso, Raymond & Peggy	16,000.00	3/15/11	CD6 Uncommitted Funds	\$ -	\$ 14,400	
Hunter Properties Inc.	9,100.00	1/05/11	Fair Swim Center Improvements	\$ -	\$ 8,190	0.7%
Tran Ha Tom M	1,300.00	1/07/11	CD7 Uncommitted Funds	\$ -	\$ 1,170	
Tina Phan	11,400.00	5/11/11	CD7 Uncommitted Funds	\$ -	\$ 10,260	
Manion John & O'Malley-Manion Helen	2,300.00	7/27/10	CD9 Uncommitted Funds	\$ -	\$ 2,070	
Shinji Kichise	22,800.00	10/07/10	Allen at Steinbeck School Soccer Field	\$ -	\$ 20,520	0.8%
Shifman Larry & Ruth Trustee	2,275.00	1/24/11	CD10 Uncommitted Funds	\$ -	\$ 2,048	
TOTAL	7,657,908			\$ 1,275,613	\$ 4,838,727	

* Excludes the fee's share of the administrative costs.

** Reflects deduction for Administration costs and addition of interest earnings.

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PROJECTS CONTINUING FROM 2009-2010

Developer	Fee Paid	Project Description	2010-2011 Project Expenses *	2010-2011 Ending Balance **	% of Fee's Contribution to Total Project Cost
Abdy Mirzadegan	\$ 31,000	Reappropriated to Cypress Parking Lot & Patio (from West SJ Community Center Dance Room)	\$ -	\$ 15,964	4.5%
801 Assoc, LLC	\$ 716,182	Reappropriated to Cypress Center Minor Improvements (from Cypress Parking Lot Expansion)	\$ -	\$ 10,000	17.5%
Savings- Saraydarpour Javad	\$ 12,550	Southside Center Improvements (from savings)	\$ -	\$ 28,561	100%
Attachment A	\$ 75,000	Reappropriated to Tamien Land Purchase (savings from Bestor Art Park Improvements)	\$ 85,796	\$ -	1.9%
Attach A (06-07 budget process)	\$ 65,000	Reappropriated to Watson Soccer Field (Phase II) (savings from Bernal Park Improvements)	\$ 65,018	\$ -	3.1%
Doherty Karen & Patrick	\$ 27,950	Watson Soccer Field (Phase II)	\$ -	\$ 25,325	1.2%
Brookwood Terrace Family Apartments, L.P.	\$ 10,425	Watson Soccer Field (Phase II)	\$ 4,053	\$ 5,178	0.4%
Core Homes, LLC	\$ 20,850	Watson Soccer Field (Phase II)	\$ -	\$ 18,639	0.9%
Starr Properties	\$ 15,700	Watson Soccer Field (Phase II) (Savings from Parque de Padre Park Improvement)	\$ 2,003	\$ -	0.1%
360 Residences, LLC	\$ 172,299	Tamien Land Purchase	\$ 153,871	\$ -	3.5%
360 Residences, LLC	\$ 1,548,055	Tamien Land Purchase	\$ 1,411,537	\$ -	31.7%
360 Residences, LLC	\$ 23,000	Tamien Land Purchase	\$ 22,930	\$ -	0.5%
Sobrato Development	\$ 1,435,734	GRP Rotary Children's Garden	\$ -	\$ 892,421	63.7%
North White Rd Apts # 1	\$ 783,300	Alum Rock SF Partnership (Sheppard MS)	\$ -	\$ 177,813	8.9%
Sobrato Development Tim Steele	\$ 2,512,930	West Home Street Land Acquisition (\$2.15M)	\$ -	\$ 2,150,000	100.0%
Rockwell Homes, Inc	\$ 105,000	Buena Vista Park Expansion (\$392K)	\$ 17,496	\$ 8,951	6.7%
Palacio/M Building	\$ 15,700	TRAIL: Three Creeks Interim Improvements & Trestle Bridge Retro-fit	\$ -	\$ 22,623	2.6%
Greg Blackwell, INC	\$ 132,500	TRAIL: Three Creeks Interim Improvements & Trestle Bridge Retro-fit	\$ -	\$ 117,924	13.6%
TOTAL	\$ 7,703,175		\$ 1,762,704	\$ 3,473,399	

* Excludes the fee's share of the administrative costs.

** Reflects deduction for Administration costs and addition of interest earnings.