

## Information Required by the Mitigation Fee Act

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, 2009.

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 September 30, 2008, the City Council adopted Resolution No. 74608 that set the schedule of In-Lieu Fees charged pursuant to Chapter 14.25 PIO of the San Jose Municipal Code to reflect the 2007 Land Value Study. These fees took effect on February 2, 2009.

A list of public improvements on which PIO fees were expended in FY 2008-09 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, inter-fund transfers and loans in the Park Trust Fund for FY 2008-09 totaling \$5.1 million consisted of:

- A transfer to the City Hall Debt Service Fund (Fund 210) in the amount of \$92,464 (the Fund's share of the debt service for the new City Hall)
- A transfer to the Redevelopment Agency in the amount of \$1.29 million for the Edenvale Community Center project.
- A 72-hour loan to the Redevelopment Agency in the amount of \$3.73 million for the purpose of paying Agency obligations such as capital, operations and other expenses in the adopted FY 2008-2009 Agency Budget (Ordinance No. 28575).

These inter-fund transfers and loans were supported by PDO collections. No inter-fund transfers supported by PIO collections were made in FY 2008-09.

## INFORMATION REQUIRED BY THE MITIGATION FEE ACT

DEVELOPER	FEES PAID	PROJECT DESCRIPTION	PROJECT EXPENSES*	ENDING BALANCE	% of FEES' CONTRIBUTION TO TOTAL PROJECT COST
E & H Third Fam Partnership LP	\$ 49,700	Cypress Senior Center Renovation	\$ 44,730	\$ -	10.4%
Eden Housing Inc	\$ 7,350	RDA: Edenvale Community Center	\$ 6,615	\$ -	
Montanez Antonio & Chavez Georgina	\$ 12,800	Ryland Pool Repairs	\$ 11,520	\$ -	0.8%
Neigh Hous Serv - Silicon Valley	\$ 15,700	Ryland Pool Restoration	\$ 13,380	\$ 750	0.9%
Core/ Art Ark	\$ 21,000	Roosevelt Gym Design	\$ 18,900	\$ -	21.1%
Paseo Villas, L.P. (\$718,000)	\$ 159,277	Roosevelt Gym Design	\$ 70,509	\$ 72,841	78.9%
Paseo Villas, L.P.	\$ 174,149	Roosevelt Com Ctr - Multi Service	\$ 32,252	\$ 124,482	0.1%
Alfred Wong	\$ 57,000	Guadalupe Gardens Community Garden	\$ 47,975	\$ 3,325	8.2%
Christine Thurman	\$ 15,700	Backesto Park Minor Improvements	\$ 5,476	\$ 8,654	100.0%
Rivera Victor et al	\$ 10,800	Biebrach Park Minor Improvements	\$ 3,977	\$ 5,743	100.0%
John Garcia	\$ 54,444	Trail: Airport Parkway Under Crossing	\$ 48,360	\$ 639	1.8%
Agustina Reyes	\$ 4,700	Trail: Lower Guad River (Gold St to 880)	\$ 4,230	\$ -	0.3%
L Jay Dev't LLC	\$ 4,700	Trail: Lower Guad River (Gold St to 880)	\$ 4,230	\$ -	0.3%
Eugene Geraci	\$ 4,250	Trail: Lower Guad River (Gold St to 880)	\$ 3,825	\$ -	0.2%
Jose Ortiz	\$ 8,500	Trail: Lower Guad River (Gold St to 880)	\$ 7,650	\$ -	0.5%
Jennifer Santos	\$ 4,700	Trail: Lower Guad River (Gold St to 880)	\$ 4,230	\$ -	0.3%
Williams Trust	\$ 4,700	Trail: Lower Guad River (Gold St to 880)	\$ 4,230	\$ -	0.3%
Irvine Company Apts 1(to Trail N SJ)	\$ 981,250	Trail: Lower Guad River (Gold St to 880)	\$ 384,161	\$ 498,964	23.7%
Wlakup James & Jeri	\$ 12,550	Trail: Penitencia Creek @Viceroy Berryessa Creek Park Play Lot	\$ 8,811	\$ 2,484	TBD
Doreswamy R & Krishnaiyengar A	\$ 12,550	Renovation	\$ 11,295	\$ -	1.6%
Garcia Gilbert R & Brenda M	\$ 11,000	Mt Pleasant Park Minor Improvements	\$ 4,152	\$ 5,748	100.0%
Greg Mussakem	\$ 18,800	River Glen Park Improvements	\$ 16,920	\$ -	23.3%
Joey Na	\$ 15,700	Bascom Community Center	\$ 14,130	\$ -	0.0%

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

DEVELOPER	FEES PAID	PROJECT DESCRIPTION	PROJECT EXPENSES*	ENDING BALANCE	% of FEES' CONTRIBUTION TO TOTAL PROJECT COST
Barry Swenson Builder	\$ 388,600	Theodore Linzen Park Development	\$ 349,740	\$ -	41.0%
Luciano Iacomini	\$ 6,400	Cahill Park Improvements	\$ 5,760	\$ -	1.2%
CWD Development	\$ 15,700	Wallenberg Park Minor Renovations	\$ 6,367	\$ 7,763	100.0%
Richard/Alma Shwe	\$ 26,500	River Glen Park Improvements	\$ 3,339	\$ 20,511	100.0%
Robert drafting Service	\$ 11,000	Ramblewood Park Improvements	\$ 9,569	\$ 331	100.0%
Benito Leal Hernandez	\$ 14,150	Aborn Park Development	\$ 12,735	\$ -	TBD
Lancar Development	\$ 42,450	Paul Moore Park Renovations	\$ 1,493	\$ 36,712	0.2%
Rockwell Homes, Inc. Mack Mohsen	\$ 169,800	Camden Multi Service CC	\$ 97,967	\$ 54,853	0.9%
Sta Clara Dev't	\$ 14,150	Graystone Park Stage Construction	\$ 12,735	\$ -	4.0%
David Markham	\$ 14,150	Graystone Park Stage Construction	\$ 12,735	\$ -	4.0%
<b>TOTAL</b>	<b>\$2,364,220</b>		<b>\$ 1,283,999</b>	<b>\$ 843,799</b>	

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