

COMMUNITY BENEFIT REQUIREMENTS & IMPACT FEES FOR DEVELOPMENTS IN VARIOUS CITIES

Prepared by Office of Mayor Tom Bates

	Current Requirements for Projects in Berkeley Downtown*	Under Consideration for Projects Above 75 Feet
Berkeley	<p>Downtown-only Requirements:</p> <ul style="list-style-type: none"> • Green building beyond state CALGreen -- LEED Gold or equivalent • SOSIP (Streets and Open Space Improvement Plan) fee of \$2.23 per sq. ft, for residential & \$1.68 for commercial • Parking Transportation Demand Management (PTDM) that includes: <ul style="list-style-type: none"> ○ Unbundled parking ○ Transit subsidies, such as a free transit pass per unit or employee ○ Parking spaces for vehicle sharing <p>Citywide Requirements (including Downtown)</p> <ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Residential rental projects -- \$20,000 fee per unit or 10% of units at 50% AMI ○ Commercial projects <ul style="list-style-type: none"> ▪ Office, retail, restaurant, hotel -- \$4.50 per sq. ft. ▪ Industrial, warehouse -- \$2.25 per sq. ft. • On-site open space (or in the Downtown, an optional in-lieu fee that is yet to be set) • Parking pre-wired for electric vehicles • Bicycle parking for commercial development • Childcare mitigation fee of \$0.62-1.50 per sq. ft. • One percent for art – under review, for all projects outside of Downtown • On-site area recycling and composting bins (county requirement) <p><small>*Elements in this column apply to projects that do not exceed existing zoning limits; they do not include impact fees for schools (typically paid to school districts), storm water requirements (largely the same in most Bay Area cities) and streetscape requirements</small></p>	<p>The Downtown Plan* identified the following as “significant community benefits,” which may include, but are not limited to:</p> <ul style="list-style-type: none"> ○ affordable housing ○ supportive social services ○ green features ○ open space ○ transportation demand management features ○ job training, and/or employment opportunities ... ○ or make in-lieu payments <p>*The voter-approved Downtown Plan allows five new buildings over 75 feet tall: 2 residential buildings up to 180 feet; one hotel up to 180 feet, and two office or residential buildings up to 120 feet in the Downtown.</p>

Requirements for Projects Within Existing Zoning Limits

Added Requirements to Exceed Zoning Limits
(not including State Density Bonus requirements)

<p>Oakland</p>	<ul style="list-style-type: none"> ○ Affordable housing (“Jobs/Housing Impact Fee”) <ul style="list-style-type: none"> ○ Office and warehouse/distribution projects – either pay \$4.74 per sq. ft. for area over 25,000 sq. ft , or produce affordable housing according to this formula: gross sq. ft. exceeding 25,000 in project x 0.00004 = number of affordable housing units ○ Residential projects <ul style="list-style-type: none"> ▪ No requirements currently -- City is conducting nexus study for possible mitigation fee ▪ Project-specific agreement for proposed 24-story condo tower on City-owned property at Lake Merritt – 25% of the \$5.1 million property sales price would go to City’s affordable housing fund • Public art for private development – on-site art, dedicated art space or in-lieu fee to city arts fund <ul style="list-style-type: none"> ○ Non-residential of 2,000 sq. ft. or more – 1% of building development costs ○ Residential of 20 or more units – 0.5% of building development costs ○ Fire Services Impact Fee -- \$5.00 per sq. ft. ○ Sewer Mitigation Fee – determined by project-specific engineering review ○ Green building beyond state CALGreen requirements – achieve 23 GreenPointRated for multi-unit residential ○ Other benefits required on project-by-project basis under development agreements such as local hire requirements and contributions to “The B” (free Broadway shuttle), park improvements and bike lanes ○ Southeastern Oakland Traffic Impact Fee for Leona Quarry residential development ○ On-site recycling and composting (county requirement) ○ Additional impact fees for transportation, parks and capital facilities are being evaluated under an in-progress nexus and economic feasibility study by City-hired consultant 	<p><i>NOTE: Developers typically haven’t sought to exceed Oakland’s relatively high limits.</i></p>
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<p>Mountain View</p>	<ul style="list-style-type: none"> • Affordable housing impact fee: <ul style="list-style-type: none"> ○ Rental projects - \$17 per sq. ft. or include affordable on site ○ Condo projects – 10% of units as affordable or pay 3% of the sales price of all units ○ Office - \$25 per sq. ft. ○ Hotel & retail \$1.30-2.60 per sq. ft. • Green building beyond state CALGreen requirements – range from 70 GreenPointRated to LEED Silver or equivalent for large projects • Park land dedication or in-lieu fee – provide park land or pay fee of \$15,000-20,000 per unit • For El Camino Real Precise Plan area: <ul style="list-style-type: none"> ○ Transportation Demand Management plan with annual report to City, transit passes or subsidies to residents and/or employees, membership in a transportation management association ○ bicycle and pedestrian improvements ○ trees – must be streetside for projects with commercial or front-yard for non-commercial • For transit-oriented development projects in Transit District: <ul style="list-style-type: none"> ○ ride-share drop-off and waiting areas ○ preferential parking for carpools and vanpools ○ bicycle parking ○ showers and other features to encourage alternatives to auto ○ off-site improvements to facilitate pedestrian access to transit station ○ potential required contribution to Tasman Light Rail line ○ commute or midday shuttle/transit pass program ○ membership in a transportation management association 	<p><i>NOTE; Requirements vary by plan area. Below is one example:</i></p> <p>For El Camino Real Precise Plan:</p> <ul style="list-style-type: none"> • Projects provide “public benefits” such as <ul style="list-style-type: none"> ○ affordable housing ○ pedestrian and bicycle amenities ○ public parking facilities ○ public parks and open space ○ others • Or mixed-use projects pay \$20 per bonus sq. ft. excluding ground-floor commercial • Projects in Village Center sub-area may gain an extra floor if public plaza provided
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<p>Fremont</p>	<ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Rental projects - \$19 per sq. ft., except for units provided for low or very low income households (80% or 50% AMI) ○ Condo projects – 20% affordable housing on site for moderate income households (110% AMI), or enable affordable units elsewhere, or pay \$19 per sq. ft. fee • Park facilities fee of \$8,488-9,431 per unit for housing projects • Park dedication in-lieu fee of \$12,841-14,267 per unit for housing projects • Capital facilities impact fee of \$2,446-2,717 for housing projects, \$923-1,477 per sq. ft. for commercial, & \$739 per sq. ft. for hotel • Traffic impact fee of \$3,009 per unit for housing projects, \$8,700-10,766 per sq. ft. for commercial and, \$2,682 per room for hotel • Fire facilities impact fee of \$283-314 per unit for housing projects, \$146-234 per sq. ft. for commercial, & \$117 per sq. ft. for hotel • On site open space • On-site recycling and composting (county requirement) • Downtown: <ul style="list-style-type: none"> ○ Art fee of \$0.51 per sq. ft. ○ Parking for car share ○ Parking for electric vehicles • Warm Springs Innovation District (879-acre Warm Springs/South Fremont Community Plan): <ul style="list-style-type: none"> ○ Contributions to schools and open space - donate land and funds for new elementary school and open space, provides funds for existing junior high and high school ○ Bicycle parking in residential and non-residential projects ○ Parking for car share ○ Parking for electric vehicles ○ Transportation Demand Management features ○ Public art fee – amount to be set by Council, projects over 100,000 sq. ft. can be exempt for up to half the fee by spending equivalent amount for on-site art 	<p>General Plan: Extra density allowed for projects that “provide extraordinary benefits to the City.” [not further defined]</p>
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<p>Walnut Creek</p>	<ul style="list-style-type: none"> •Affordable housing: <ul style="list-style-type: none"> ○ Inclusionary Housing fee - \$15 per sq. ft for all residential rental projects; condo units can provide affordable housing on site for pay the fee, depending on size ○ Commercial Linkage fee – \$5 per sq. ft. into affordable housing fund for commercial projects including mixed-use with less than 65% residential •Parkland dedication acreage or fee for parks, open space and recreation areas – \$4,000 per bedroom for residential projects •Property development tax – tax for projects of previously undeveloped parcels to fund public-serving capital items, \$112.50 for dwelling units of no more than one bedroom & \$22.50 for each additional bedroom, \$0.06 sq. ft. for commercial •Public art fee – 1% of construction cost for non-residential projects, 1% of construction cost for projects in Core area larger than 25,000 sq. ft., 0.5% of construction costs for projects in Core area 5,000-25,000 sq. ft. •Traffic impact fee – \$1,155 per unit for multifamily residential, \$5.56 per sq. ft. for retail, \$4.44 for office •Tree mitigation fee – equal to value of trees removed •On-site recycling as of May 1, 2015 •Storm water run-off plan that meets county standards •Drainage fee – projects in drainage districts designated as needing improvement •Open space of at least 20% in High Density Residential Planned Development District: 	<p><i>NOTE: Below is one example of project-specific agreement.</i></p> <p>Broadway Plaza expansion: Special development agreements and General Plan amendment adding 300,000 square feet (including larger Macy’s) and extensive renovation:</p> <ul style="list-style-type: none"> • \$5 million to City to be used at City discretion • Up to \$150,000 in maintenance and repair work on the Walnut Creek culvert • Contributions towards a potential Newell Avenue Improvement Project, which could include traffic signalization, road widening and additional bicycle facilities • \$100,000 to facilitate other improvements to Newell Avenue
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<p>Dublin</p>	<ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Residential in-lieu fee -- \$127,061 per affordable unit not constructed ○ Non-residential fee for buildings of 20,000 sq. ft. or more <ul style="list-style-type: none"> ▪ Office -- \$1.24 per sq ft ▪ Retail -- \$1.00 per sq ft ▪ Services and accommodations -- \$0.42 per sq ft • Green building beyond state CALGreen requirements – at least 50-point GreenBuilding rating or equivalent • Community parks and community buildings impact fees <ul style="list-style-type: none"> ○ Multi-unit residential per unit -- \$11,295 ○ Non-residential per 1,000 sq. ft. <ul style="list-style-type: none"> ▪ Commercial -- \$2,953 ▪ Office -- \$5,730 ▪ Industrial -- \$2,527 • Fire impact fee <ul style="list-style-type: none"> ○ Multi-unit residential per unit -- \$544 ○ Non-residential per sq. ft. <ul style="list-style-type: none"> ▪ Commercial -- \$0.131 ▪ Office -- \$0.254 ▪ Industrial -- \$0.112 • Downtown Traffic Impact Fee <ul style="list-style-type: none"> ○ Multi-unit residential per unit -- \$1,497-\$2,497 depending on # of units ○ Non-residential per 1,000 sq. ft. -- \$249 Tri-Valley Transportation Development Fee <ul style="list-style-type: none"> ○ Multi-unit residential per unit -- \$1,549 ○ Non-residential per sq. ft. <ul style="list-style-type: none"> ▪ Commercial -- \$1.62 ▪ Office -- \$4.67 • On-site recycling and composting (county requirement) 	<p>Downtown Dublin Specific Plan:</p> <ul style="list-style-type: none"> • Subject to individual negotiation with developers • Examples of community benefits: <ul style="list-style-type: none"> ○ Public plaza or gathering space ○ Public parks or outdoor play areas ○ Measures aimed at reducing greenhouse gas emissions or transportation trips including charging stations for electric vehicles, etc. ○ Sponsorship of a downtown event ○ Public safety enhancement ○ Enhanced streetscape improvements ○ Pedestrian connection to other sites or facilities ○ Transit improvements
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<p>Menlo Park</p>	<ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Condo projects <ul style="list-style-type: none"> ▪ Provide on-site or off-site <ul style="list-style-type: none"> ✓ 5-20 units – 10% of units for very low, low or moderate income ✓ 20 or more units – 15% of units for very low, low or moderate income ▪ Or pay in-lieu fee based on percent of sales price of market-rate units ○ Rental projects – requirements exist but currently not enforced because of Palmer decision ○ Commercial projects larger than 10,000 sq. ft. <ul style="list-style-type: none"> ▪ Mixed-use projects with residential component: <ul style="list-style-type: none"> ✓ 1 BMR unit per 20,600 sq. ft. of office ✓ 1 BMR unit per 37,800 sq. ft. of all other commercial uses ▪ Projects without a residential component, and/or with other extenuating factors may potentially pay a fee: <ul style="list-style-type: none"> ✓ Office, R&D -- \$15.19 per sq. ft. ✓ All other commercial uses -- \$8.24 per sq. ft. • Transportation impact fee <ul style="list-style-type: none"> ○ Office, retail, restaurant - \$4.19 per sq ft ○ Multi-family residential - \$1,743.88 per unit ○ Hotel - \$1.65 per sq ft • Building construction street impact fee - 0.58% of project valuation, fee to be collected for all construction projects above \$10,000 in valuation • Storm drainage fee -- levied to mitigate city storm drainage impacts either directly or indirectly resulting from development projects <ul style="list-style-type: none"> ○ Multiple-family residential - \$150.00 per unit ○ Commercial -- \$0.24 per sq. ft. of impervious surface • Recreation in-lieu fee -- 0.008 multiplied by number of units and market value of acreage to be subdivided 	<p>El Camino Real and Downtown Specific Plan</p> <ul style="list-style-type: none"> • A public benefit bonus is the additional development permitted beyond the base intensity for a project in exchange for community benefits. • Based on community input, an intensity bonus could be considered for such elements as: <ul style="list-style-type: none"> ○ Senior housing ○ Additional residential units ○ Hotel facility ○ Preservation and reuse of historic resources • Menlo Park could also negotiate other non-specific contributions from developers to be made to a “public amenity fund.” Such a fund could be used to finance public improvements in downtown, such as widened sidewalks.
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<p>Santa Monica</p>	<ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Residential -- rental and condo projects have a variety of options for providing on site or off site, and rental projects can also opt to pay a fee or provide land. See details at http://bit.ly/1dBLIWS ○ Commercial linkage fee <ul style="list-style-type: none"> ▪ Office -- \$11.21 per sq ft ▪ Retail -- \$9.75 per sq ft ▪ Lodging -- \$3.71 per sq ft • Transportation impact fee <ul style="list-style-type: none"> ○ Residential multi-family-\$2,712.18-\$3,442.38 per unit depending on area (location) ○ Office- \$10.12-\$11.27 per sq ft depending on area (location) ○ Commercial-\$21.91-\$31.40 per sq ft depending on area (location) ○ Lodging- \$3.76 per sq ft • Parks and Recreation impact fee program <ul style="list-style-type: none"> ○ Residential multi-family- \$4,138-\$6,665 per unit depending on number of bedrooms ○ Office-\$2.31 per sq ft ○ Commercial- \$1.49 per sq ft ○ Lodging- \$3.11 per sq ft • Bicycle parking (Bike Plan 2011) <ul style="list-style-type: none"> ○ Commercial— 1 bike parking facility per 3,000-4,000 sq ft with 1 bike share station for grocery stores ○ Residential— 0.1-1 parking facility per bedroom ○ Hotel— 8 parking facilities or 0.2 per room with 1 bike share station • Urban runoff reduction measures or in-lieu fee • Private development cultural arts requirement – applies to residential projects of 5 or more units, commercial projects with 7,500 sq. ft. or more, and remodels or improvements of 25,000 sq. ft. or more <ul style="list-style-type: none"> ○ Allot 2% of building permit valuation to on-site arts and/or cultural uses ○ Or contribute 1% of project costs to Cultural Arts Trust Fund. • Green building requirements beyond state CALGreen requirements for pipe insulation, solar panels, energy efficiency and solar pool heating 	<p>3-tier system in Land Use and Circulation Element (LUCE):</p> <ul style="list-style-type: none"> • Tier 1 – up 32 feet, no extra benefits required; 3-7 feet of extra height allowed if affordable housing provide on site or close to transit corridors • Tier 2 - extra height and FAR require community benefits that can approved by discretion. Specifics of requirements will be put in proposed zoning code language going to Council on April 28, 2015. <ul style="list-style-type: none"> ○ LUCE lists five priority community benefits: <ul style="list-style-type: none"> ▪ Trip reduction and traffic management ▪ Affordable and workforce housing ▪ Community physical improvements ▪ Social and cultural facilities ▪ Historic preservation ○ Tier 2 projects must meet these criteria: <ul style="list-style-type: none"> ▪ Must meet a certain amount of affordable units depending if they are on-site or off-site developments ▪ Pay the Affordable Housing Commercial Linkage Fee 14% above adopted fee ▪ Pay Parks and Recreation Impact Fee 15% above adopted fee or provide publicly accessible open space ▪ Transportation Demand Management: Provide a transportation allowance equivalent to at least 75% of the cost of a monthly regional transit pass and free on-site shared bicycles intended for resident and guest use • Tier 3 – even greater height and FAR, requires development agreement and approval by Planning Commission and Council. <ul style="list-style-type: none"> ○ According to staff, more than 30 developer agreements as of April 7, 2015, with the following community benefits most often required: <ul style="list-style-type: none"> ▪ Affordable housing ▪ Open space ▪ Traffic mitigation measures (TDM) ▪ Childcare ▪ Arts
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Requirements for Projects Within Existing Zoning Limits

Added Requirements to Exceed Zoning Limits
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San Francisco

NOTE: Requirements vary significantly by district and plan area. This list includes citywide and Eastern Neighborhoods Area Plans.

- Affordable housing
 - Residential of 10 or more units
 - 12% on site, or 20% off site, affordable to 55% AMI for rentals or 90% AMI for condos
 - Or fee based on size of units (100-unit project that's 50% 1-bdrm and 50% 2-bdrm would owe \$6,183,050)
 - Non-residential -- \$16.01-\$24.03 per sq. ft. depending on use
 - Eastern Neighborhoods residential
 - Some areas 14.4-17.6% on site, or 23-27% off site, affordable to 55% AMI for rentals or 90% AMI for condos
 - Or land dedication based on tiers in urban mixed-use (UMU) zones
 - Or middle-income option for condos in UMU zones -- 30-40% of principal project units sell at average 135% AMI on sites less than 50,000 sq. ft.
 - In-lieu fee for projects of 20 units or less or less than 25,000 sq. ft. of \$48.54 per sq. ft.
- Transit Impact Development Fee for non-residential -- \$7.46-\$14.59 per sq. ft. depending on the type of use
- Public art fee for non-residential projects in Downtown, Commercial, South of Market and Eastern Neighborhoods -- 1% of construction cost for projects of 25,000 sq. ft. or more
- Green building requirements significantly exceeding state CALGreen -- standards vary according to size and type of use
- Bicycle parking
- Parking for low-emitting, fuel efficient, and carpool/van pool vehicles
- Car share parking
- Street trees or in-lieu fee of \$1,799 per required tree that cannot be planted
- Child Care Fee for office, hotel -- \$1.21 per sq. ft.
- Open space
- Eastern Neighborhoods
 - Open space in-lieu fee of \$396.84 per sq. ft. for residential and \$92.23 per sq. ft. for non-residential
 - Infrastructure Impact Fee -- \$9.71 per sq. ft. for residential and \$7.28 for non-residential
 - Transportation Management Program required of all projects

NOTE; Requirements vary by district and plan area. Below is one example:

Eastern Neighborhoods Area Plans

3-tier approach with fees paid into fund used for affordable housing, open space and recreation, transit, streetscape and public realm improvements, community facilities and "other enhanced livability requirements"

Eastern Neighborhoods Infrastructure Impact Fee:

- Tier 1 -- within baseline zoning (see column on left)
- Tier 2 -- additional height (of one or two stories) and FAR allowed
 - Residential -- \$14.56 per sq. ft.
 - Non-residential -- \$12.14 per sq. ft.
- Tier 3 -- even more height (of three or more stories) and FAR allowed
 - Residential -- \$19.42 per sq. ft.
 - Non-residential -- \$16.99 per sq. ft.

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San Diego

NOTE: Requirements vary significantly by district and plan area. This list includes citywide and Downtown areas

NOTE; Requirements vary by district and plan area. Below is one example:

- Citywide
 - Affordable housing
 - Residential
 - ✓ 10% units at 100% AMI
 - ✓ Or in-lieu fee of \$8.61 per sq. ft. (or less if fewer than 10 units)
 - Non-residential
 - ✓ Office -- \$1.41 per sq. ft.
 - ✓ Retail and hotel -- \$0.85 per sq. ft.
 - ✓ Research and development -- \$0.80 per
 - Regional Transportation Congestion Improvement Program
 - Residential -- \$2,100 per unit for multiple-unit buildings
 - Bicycle parking for non-residential
 - Parking for carpool and zero-emission vehicles for non-residential
- Downtown (fees as of July 1, 2015)
 - Park & Recreation
 - Residential -- \$5,347 per unit
 - Non-residential -- \$1,818 per 1,000 sq. ft.
 - Fire-rescue
 - Residential -- \$1,136 per unit
 - Non-residential -- \$795 per 1,000 sq. ft.
 - Transportation
 - Residential -- \$1,284 per unit
 - Non-residential -- \$321 per ADT (average daily trip)

Extra density in specified Downtown areas -- measured in FAR (Floor Area Ratio) -- can be obtained under a “FAR Bonus Points” system organized under a menu of on-site benefits and through payment of a fee to a fund

Benefit	FAR Bonus Points
• Urban open space	
○ 10% of site	0.5
○ 20% of site	1.0
• 3-bedroom units	0.5-1.0
• Eco-roofs	up to 1.0
• Employment uses (non-residential job-generating)	
○ 100%	up maximum bonus FAR
○ 50%	up to 50% max bonus FAR
• Public parking	1 sq. ft. per sq. ft. of parking
• Green building	up to 2.0
• FAR payment bonus program – up to 2.0	
○ Fee began at \$15 per sq. ft. in 2007, adjusted annually according to CPI	
○ Fees go to a fund to provide new parkland and open space	