

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2025-XXX**

**RESOLUTION APPROVING UPDATED PARK LAND ACQUISITION FEE AND PARK IMPROVEMENT FEE  
AND ADOPTING AMENDMENTS TO CHAPTER 8 (PARK FACILITIES DEVELOPMENT IMPACT FEE) OF  
THE SAN LEANDRO ADMINISTRATIVE CODE**

**WHEREAS**, the Open Space, Parks, and Conservation element of the City of San Leandro's General Plan establishes a standard of five acres of improved park land per 1,000 residents; and

**WHEREAS**, the General Plan includes various goals and policies regarding the importance and value of parks of various types and locations throughout the community; and

**WHEREAS**, the City currently imposes a Park Land Acquisition Impact Fee and Park Improvements Impact Fee on residential development in the City to mitigate the impact of such development on the City's existing park land and park improvements; and

**WHEREAS**, the Park Land Acquisition Impact Fee is imposed only on non-subdivided residential development because subdivision projects are required to dedicate parkland or pay an in-lieu fee pursuant to the Quimby Act. The Park Improvements Impact Fee is imposed on both subdivided and non-subdivided residential development; and

**WHEREAS**, the City retained NBS Government Finance Group ("NBS") to prepare a nexus study to analyze the impacts of new development on the City's parks and calculate the maximum permissible Park Land Acquisition Impact Fee and Park Improvements Impact Fee in accordance with the legal requirements of the United States Constitution, the California Constitution, the Mitigation Fee Act (Government Code Sections 66000 et seq.), and the Quimby Act (Government Code Section 66477), when applicable; and

**WHEREAS**, NBS prepared a nexus study dated May 14, 2025, entitled "The Park Development Impact Fee Study Final Report" (the "Report"), a true and correct copy of which is on file with the City Clerk and presented to the City Council at its July 21, 2025 regular meeting; and

**WHEREAS**, the Report presents maximum Park Land Acquisition Impact Fees and Park Improvements Impact Fees for future residential development, and describes the fee methodology, underlying data and assumptions, and benefits of the methodology for establishing fees; and

**WHEREAS**, Chapter 7-13 of the San Leandro Municipal Code provides that the amount of park impact fees shall be established by adoption of a Resolution by the City Council; and

**WHEREAS**, Section 8.8.115 of the San Leandro Administrative Code provides that the amount of park impact fees shall be listed in the City's Adopted Master Fee Schedule; and

**WHEREAS**, the City Council desires to adopt a capital improvement plan for the expenditure of the revenue generated by the impact fees in compliance with Government Code Section 66016.5(a)(6); and

**WHEREAS**, there is a need for additional units of affordable housing in San Leandro; and

**WHEREAS**, the City Council desires to facilitate the construction of additional accessory dwelling units and units of affordable housing in San Leandro by reducing or eliminating the amount of the park impact fees that must be paid for affordable units; and

**WHEREAS**, a duly noticed public hearing was held at a regular meeting of the City Council on July 21, 2025, at which time all interested persons had the opportunity to be heard; and

**WHEREAS**, notice of the hearing was provided in accordance with the requirements of Government Code Sections 60016(a) and 60016.5(a)(7).

**NOW, THEREFORE**, the City Council of the City of San Leandro does **RESOLVE** as follows:

1. The above recitals are true, correct, and incorporated into this Resolution.
2. After considering the Report, the testimony received at the noticed public hearing, the staff report and related documents, and all correspondence received (collectively, the “Record”), the City Council approves and adopts the Report and incorporates such Report by reference herein.
3. The capital improvement plan for the expenditure of the revenue generated by the impact fees, which was presented to the City Council at its July 21, 2025 meeting, is hereby adopted.
4. The City Council finds that the Report and Record establish:
  - a. The purpose of the Park Land Acquisition Impact Fees and Park Improvements Impact Fees set forth in this Resolution is to finance the acquisition of new park land and public park improvements to mitigate the impacts caused by future development in the City.
  - b. The Park Land Acquisition Impact Fees and Park Improvements Impact Fees collected pursuant to this Resolution shall be used to finance the acquisition of new park land and public park improvements as described in the Report and in accordance with this Resolution.
  - c. There is a reasonable relationship between the use of the Park Land Acquisition Impact Fees and Park Improvements Impact Fees set forth in this Resolution and the needs created by, and the benefits accruing to new residential development in the City.
  - d. That the amount of the Park Land Acquisition Impact Fees and Park Improvements Impact Fees set forth in this Resolution does not exceed the estimated reasonable cost of park land and park improvements attributable to new residential development in the City.

- e. That the method of allocation of the Park Land Acquisition Impact Fees and Park Improvements Impact Fees set forth in this Resolution to a particular development bears a fair relationship, and is roughly proportional, to each development's burden on, and benefits from, the park land and park facilities to be funded by such fee, in that such fee is calculated based upon square footage of each residential unit, which corresponds to the number of residents anticipated to live in the unit.

5. The amount of the Park Land Acquisition Impact Fee and Park Improvements Impact Fee are established as follows:

Unit Size	Park Land Acquisition	Park Improvement	Total
<550 SF	\$1,513	\$4,539	\$6,052
550-750 SF	\$1,891	\$5,674	\$7,565
751-1,150 SF	\$2,900	\$8,700	\$11,600
1,151-1,650 SF	\$4,035	\$12,105	\$16,140
1,651-1,950 SF	\$5,170	\$15,509	\$20,679
>1,950 SF	\$6,431	\$19,292	\$25,723
Accessory Dwelling Units	\$0	\$0	\$0

6. The Park Land Acquisition Impact Fee shall be imposed only on non-subdivided residential development. The Park Improvements Impact Fee shall be imposed on both subdivided and non-subdivided residential development.
7. The Park Land Acquisition Impact Fee and Park Improvements Impact Fee shall be imposed, collected, and administered in accordance with Chapter 8.8 of the San Leandro Administrative Code.
8. Section 8.8.150, "Fee Adjustments," of the San Leandro Administrative Code is amended to read as follows:

**§ 8.8.150. FEE ADJUSTMENTS.**

Annually on July 1, the City Manager shall adjust the amount of the Park Land Acquisition Impact Fee based on the annual percentage change in the Consumer Price Index for All Urban Consumers for the San Francisco Bay Area, and shall adjust the Park Improvements Impact Fee by the annual percentage change in the Engineering News-Record San Francisco Building Cost Index.

9. Section 8.8.121, "Affordable Developments," is added to the San Leandro Administrative Code to read as follows:

**§ 8.8.121. AFFORDABLE DEVELOPMENTS.**

- (a) A residential development is exempt from payment of the Fee if it satisfies both of the following conditions: i) one hundred percent (100%) of the units in the development, excluding any manager's units, are affordable units; and ii) the project applicant is an

entity, or is controlled by an entity, exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code.

(b) The amount of the Fee for any affordable unit, other than those units subject to Section 8.8.121(a), shall be fifty percent (50%) of the otherwise applicable rate.

(c) For the purposes of this Section, “affordable unit” means a unit that is affordable to, and restricted to occupancy by, a low- or moderate-income household, as defined in Health and Safety Code Section 50093. An affordable unit shall have affordable rent consistent with Health and Safety Code Section 50053, or an affordable housing cost consistent with Health and Safety Code Section 50052.5. Affordable units shall be subject to a restrictive covenant, in a form approved by the Community Development Director, with a term of 55 years for rental units and 45 years for ownership units.

10. This Resolution shall take effect sixty (60) days after adoption.

Introduced by Councilmember \_\_\_\_\_ and passed and adopted this 21<sup>st</sup> day of July 2025 by the following vote:

**AYES:** \_\_\_\_\_ ()

**NOES:** \_\_\_\_\_ ()

**ABSENT:** \_\_\_\_\_ ()

**ATTEST:** \_\_\_\_\_  
Kelly B. Clancy, CMC  
City Clerk