



Legislation Details (With Text)

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**Title:** RESOLUTION of the City of San Leandro City Council to Approve a Partial Waiver of Park Facilities Development Impact Fees for Residential Developments at 15693 East 14th Street and 110 East 14th Street in the Total Amount of \$4,454,346

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RESOLUTION of the City of San Leandro City Council to Approve a Partial Waiver of Park Facilities Development Impact Fees for Residential Developments at 15693 East 14<sup>th</sup> Street and 110 East 14<sup>th</sup> Street in the Total Amount of \$4,454,346

WHEREAS, the City requires new residential development to pay a Park Facilities Development Impact Fee (the "Park Impact Fee"); and

WHEREAS, the purpose of this requirement is to ensure that there is adequate parkland to serve new residential developments based on the standards established in the City's General Plan; and

WHEREAS, the City adopted the current Park Impact Fee in 2005, and the fee was supported by a fee study completed at the time; and

WHEREAS, the Park Impact Fee is based on certain assumptions about residential occupancy rates, including an assumed occupancy rate of 2.02 people per multifamily unit; and

WHEREAS, the City recently approved two large multi-family residential projects submitted through the SB 35 streamlined reviewed process by the same applicant, AMG & Associates (the "Applicant"); and

WHEREAS, the first project is located at 110 East 14<sup>th</sup> Street and consists of 221 units, all of which are studios. This project, which utilized a state density bonus, will be 100 percent affordable at the low and very low-income levels; and

WHEREAS, the second project is located at 15693 East 14<sup>th</sup> Street, and consists of 497 units, of which 405 units are studios and 92 units are one-bedrooms. This project is the first multi-family development to be approved under the Bay Fair TOD Specific Plan and will be 50% affordable at the

low and very low-income levels; and

WHEREAS, the Applicant has requested that the City waive a portion of the Park Impact Fee for the projects based on an occupancy rate of 1.25 people per studio and 1.75 people per one bedroom; and

WHEREAS, the two projects are unique in that they are overwhelmingly studio apartment units, rather than having a range of unit sizes; and

WHEREAS, the Health and Safety Code establishes an assumed household size of 1 person for affordable studio units and 2 people for one-bedroom units, and these rates are similar to the Applicant's request; and

WHEREAS, proportionately decreasing the Park Impact Fee based on the Applicant's request would result in a Park Impact Fee of \$2,427,718 for 110 East 14<sup>th</sup> Street and \$5,863,872 for 15693 East 14<sup>th</sup> Street, for a total combined fee waiver for both projects in the amount of \$4,454,346; and

WHEREAS, Goal LU-3 of the San Leandro General Plan is to provide housing opportunities and improve economic access to housing for all segments of the community; and

WHEREAS, the City Council believes it is in the public and City's interest to support the development of affordable housing units within the City; and

WHEREAS, the City Council has the discretion to waive impact fees for particular projects, and such waiver will not change the application of the Park Impact Fee to other projects; and

WHEREAS, the City Council desires to provide a partial waiver of Park Facilities Development Impact Fee for the residential developments at 15693 East 14<sup>th</sup> Street and 110 East 14<sup>th</sup> Street in the total amount of \$4,454,346 for FY2021-2022 because to do so would further Goal LU-3 of the San Leandro General Plan;

WHEREAS, if the Park Facilities Development Impact Fee for the projects becomes due and payable in a future fiscal year, the City Council desires to authorize the amount of the partial fee waiver to increase proportionately based on the percentage increased in the Park Facilities Development Impact Fee rate.

**NOW THEREFORE**, the City Council of the City of San Leandro hereby RESOLVES THAT:

1. The above Recitals are true, correct, and a made part of this Resolution.
2. The City Council finds that the approval of this waiver advances Goal LU-3 of the San Leandro General Plan, and approves a partial waiver of Park Facilities Development Impact Fees for the residential developments at 15693 East 14<sup>th</sup> Street and 110 East 14<sup>th</sup> Street as follows:
  - A. A waiver of \$1,495,474 for 110 East 14<sup>th</sup> Street, resulting in a Park Facilities Development Impact Fee of \$2,427,718 for FY 2021-2022; and
  - B. A waiver of \$2,958,871.72 for 15693 East 14<sup>th</sup> Street, resulting in a Park Facilities Development Impact Fee of \$5,863,872 for FY 2021-2022.

3. The Park Facilities Development Impact Fees for the residential developments at 15693 East 14<sup>th</sup> Street and 110 East 14<sup>th</sup> Street shall be collected at the time, and in the manner, as otherwise required by the City's rules and regulations for the City's Park Facilities Development Impact Fees. In the event the Park Facilities Development Impact Fees become due and payable in a future fiscal year, the dollar amount of fee waiver for the projects identified herein shall increase by the same percentage as the increase in the adopted rate for the Park Facilities Development Impact Fee.
4. The fee waivers granted by this Resolution shall be limited to the two projects identified herein and shall not alter, diminish, or otherwise change the effectiveness of the City's adopted Park Facilities Development Impact Fee.
5. The City Manager, or her designee, is authorized to take such other actions necessary to carry out the intent of this Resolution.
6. This Resolution takes effect immediately upon its adoption.