

PART TWO

- Legal Authority
 - State Law
 - PDO/PIO
- Credits toward PDO/PIO

PROP 13



- Proposition 13 capped the rate and growth of local revenues in the state, including revenues for recreational resources.
- Proposition 13 makes it more difficult for local officials to raise new taxes by requiring a two-thirds majority vote at the ballot box.
- These constraints have forced local governments to turn to other revenue sources.

Quimby Act (Subdivision Map Act)

- The Quimby Act authorizes Cities and Counties to adopt ordinances for recreational improvements.
- Provides a method for cities to obtain resources to mitigate the impacts of new residential populations and the need for public recreational resources
- Sets the standard three acres of land should be provided for every 1,000 people added to the community by a project.

Mitigation Fee Act (AB 1600)

- Cities can establish, increase, or add fees as a “condition of approval” of a development project
- The fee must have a reasonable relationship to the project’s impact
- Fees are intended to defray the cost of public facilities related to the project
- It is not a tax or special assessment
- Fees are voluntary and must be related to the cost of service provided by the City
- Impact Fees must support City level of service goals

Parkland Dedication & Park Impact Ordinances

- SJMC Chapters Parkland Dedication 19.38 (PDO) and Park Impact 14.25 (PIO)
- Applies to new residential projects
- *Requires* three acres of land dedication for every 1,000 new residents added by the project
- This is a project's "**Parkland Obligation**"



Guadalupe River Park
photo source: <https://www.sanjose.org/listings/guadalupe-river-park-and-gardens>

Meeting the Parkland Obligation

If land dedication is not desired or feasible, the parkland obligation can be met by:

- **Land Dedication:** Dedicating a half an acre or more of land to the City for recreational purposes;
- **Fee Payment:** Paying a *park impact in-lieu fee* that equals the value of the land dedication requirement;
- **Park Development:** Constructing new recreational facilities;
- **Enhancement:** Improving existing recreational facilities; or
- **Combined Approach:** Through a combination of these methods.



Compliance



Orchard Park

- An executed Parkland Agreement that outlines how a project will comply with the PIO/PDO is required prior to the issuance of a Parcel Map or a Final Subdivision Map.
- Payment of park impact fees is required prior to the issuance of a new construction Building Permit.

Break Out Session

What are your perceptions of this program?
Do you think this program is important?

Credits toward the Parkland Obligation

Private Recreation Credits



Private Recreation amenities are on site features that lessen the impact to public facilities
These may or may not be publicly accessible

Affordable Housing Units

On Site Deed Restricted Low- and Moderate-Income Affordable Housing Units



First Community Housing at Roosevelt Park (80 units)

Credit for Stormwater Detention Facilities



Recreational stormwater detention basin (not in San Jose)

Questions and Answers

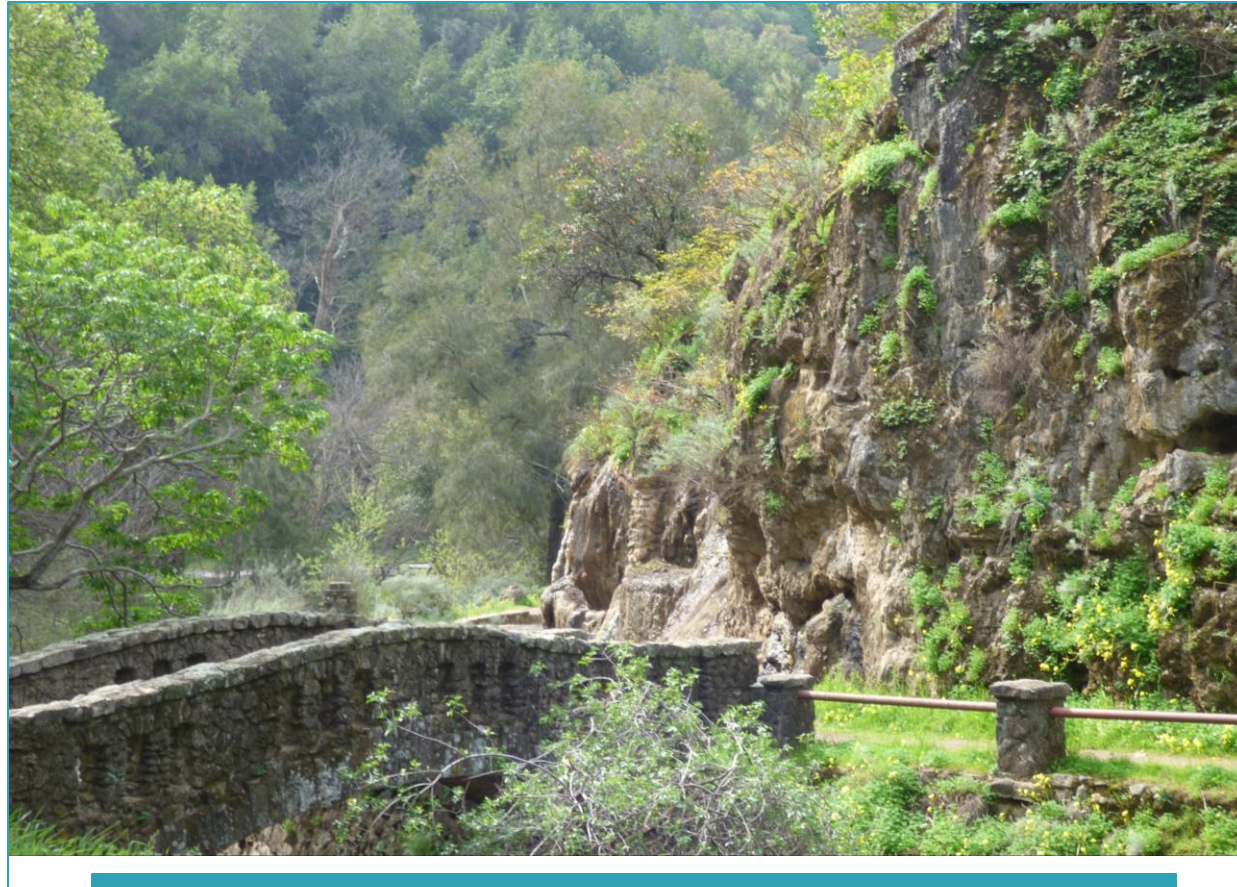


Youth Attending Summer Camp at Roosevelt Park and Community Center (pre-COVID)

POLL #2

Should the City of San Jose offer credits toward the parkland obligation?

Break



Walking trail, historic hot springs – Alum Rock Park