## COMMUNITY BENEFIT REQUIREMENTS & IMPACT FEES FOR DEVELOPMENTS IN VARIOUS CITIES

*Prepared by Office of Mayor Tom Bates*

<table>
<thead>
<tr>
<th>Current Requirements for Projects in Berkeley Downtown*</th>
<th>Under Consideration for Projects Above 75 Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Berkeley</strong></td>
<td><em><em>The Downtown Plan</em> identified the following as</em>*</td>
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<tr>
<td><strong>Downtown-only Requirements:</strong></td>
<td>“significant community benefits,” which may include, but are not limited to:**</td>
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<tr>
<td>• Green building beyond state CALGreen -- LEED Gold or equivalent</td>
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<tr>
<td>• SOSIP (Streets and Open Space Improvement Plan) fee of $2.23 per sq. ft, for residential &amp; $1.68 for commercial</td>
<td></td>
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<tr>
<td>• Parking Transportation Demand Management (PTDM) that includes:</td>
<td>• Open space</td>
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<tr>
<td>• Unbundled parking</td>
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<tr>
<td>• Transit subsidies, such as a free transit pass per unit or employee</td>
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<tr>
<td>• Parking spaces for vehicle sharing</td>
<td>• or make in-lieu payments</td>
</tr>
<tr>
<td><strong>Citywide Requirements (including Downtown)</strong></td>
<td><strong>The voter-approved Downtown Plan</strong> 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.</td>
</tr>
<tr>
<td>• Affordable housing</td>
<td><strong>. . .</strong></td>
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<tr>
<td>• Residential rental projects -- $20,000 fee per unit or 10% of units at 50% AMI</td>
<td><strong>. . .</strong></td>
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<tr>
<td>• Commercial projects</td>
<td><strong>. . .</strong></td>
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<tr>
<td>• Office, retail, restaurant, hotel -- $4.50 per sq. ft.</td>
<td><strong>. . .</strong></td>
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<tr>
<td>• Industrial, warehouse -- $2.25 per sq. ft.</td>
<td><strong>. . .</strong></td>
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<tr>
<td>• On-site open space (or in the Downtown, an optional in-lieu fee that is yet to be set)</td>
<td><strong>. . .</strong></td>
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<tr>
<td>• Parking pre-wired for electric vehicles</td>
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<tr>
<td>• Bicycle parking for commercial development</td>
<td><strong>. . .</strong></td>
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<tr>
<td>• Childcare mitigation fee of $0.62-1.50 per sq. ft.</td>
<td><strong>. . .</strong></td>
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<tr>
<td>• One percent for art – under review, for all projects outside of Downtown</td>
<td><strong>. . .</strong></td>
</tr>
<tr>
<td>• On-site area recycling and composting bins (county requirement)</td>
<td><strong>. . .</strong></td>
</tr>
</tbody>
</table>

*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*
<table>
<thead>
<tr>
<th>Requirements for Projects Within Existing Zoning Limits</th>
<th>Added Requirements to Exceed Zoning Limits (not including State Density Bonus requirements)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Oakland</strong></td>
<td><strong>NOTE:</strong> Developers typically haven’t sought to exceed Oakland’s relatively high limits.</td>
</tr>
<tr>
<td>o Affordable housing (“Jobs/Housing Impact Fee”)</td>
<td></td>
</tr>
<tr>
<td>o 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</td>
<td></td>
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<tr>
<td>o Residential projects</td>
<td></td>
</tr>
<tr>
<td>▪ No requirements currently -- City is conducting nexus study for possible mitigation fee</td>
<td></td>
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<tr>
<td>▪ 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</td>
<td></td>
</tr>
<tr>
<td>• Public art for private development – on-site art, dedicated art space or in-lieu fee to city arts fund</td>
<td></td>
</tr>
<tr>
<td>o Non-residential of 2,000 sq. ft. or more – 1% of building development costs</td>
<td></td>
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<tr>
<td>o Residential of 20 or more units – 0.5% of building development costs</td>
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<tr>
<td>o Fire Services Impact Fee -- $5.00 per sq. ft.</td>
<td></td>
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<tr>
<td>o Sewer Mitigation Fee – determined by project-specific engineering review</td>
<td></td>
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<tr>
<td>o Green building beyond state CALGreen requirements – achieve 23 GreenPointRated for multi-unit residential</td>
<td></td>
</tr>
<tr>
<td>o 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</td>
<td></td>
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<tr>
<td>o Southeastern Oakland Traffic Impact Fee for Leona Quarry residential development</td>
<td></td>
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<tr>
<td>o On-site recycling and composting (county requirement)</td>
<td></td>
</tr>
<tr>
<td>o 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</td>
<td></td>
</tr>
</tbody>
</table>
## Requirements for Projects Within Existing Zoning Limits

- Affordable housing impact fee:
  - 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:
  - 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:
  - 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

## Added Requirements to Exceed Zoning Limits

(not including State Density Bonus requirements)

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

### For El Camino Real Precise Plan:
- Projects provide “public benefits” such as
  - 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
<table>
<thead>
<tr>
<th>Fremont</th>
<th>Added Requirements to Exceed Zoning Limits (not including State Density Bonus requirements)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Affordable housing</td>
<td></td>
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<tr>
<td>o Rental projects - $19 per sq. ft., except for units provided for low or very low income households (80% or 50% AMI)</td>
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<tr>
<td>o 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</td>
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<tr>
<td>• Park facilities fee of $8,488-9,431 per unit for housing projects</td>
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<tr>
<td>• Park dedication in-lieu fee of $12,841-14,267 per unit for housing projects</td>
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<tr>
<td>• Capital facilities impact fee of $2,446-2,717 for housing projects, $923-1,477 per sq. ft. for commercial, &amp; $739 per sq. ft. for hotel</td>
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</tr>
<tr>
<td>• 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</td>
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<tr>
<td>• Fire facilities impact fee of $283-314 per unit for housing projects, $146-234 per sq. ft. for commercial, &amp; $117 per sq. ft. for hotel</td>
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<tr>
<td>• On site open space</td>
<td></td>
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<tr>
<td>• On-site recycling and composting (county requirement)</td>
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<tr>
<td>• Downtown:</td>
<td></td>
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<tr>
<td>o Art fee of $0.51 per sq. ft.</td>
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<tr>
<td>o Parking for car share</td>
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<tr>
<td>o Parking for electric vehicles</td>
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<tr>
<td>• Warm Springs Innovation District (879-acre Warm Springs/South Fremont Community Plan):</td>
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<tr>
<td>o 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</td>
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</tr>
<tr>
<td>o Bicycle parking in residential and non-residential projects</td>
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<tr>
<td>o Parking for car share</td>
<td></td>
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<tr>
<td>o Parking for electric vehicles</td>
<td></td>
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<tr>
<td>o Transportation Demand Management features</td>
<td></td>
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<tr>
<td>o 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</td>
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</tbody>
</table>

**General Plan:**
Extra density allowed for projects that “provide extraordinary benefits to the City.” [not further defined]
### Requirements for Projects Within Existing Zoning Limits

- **Affordable housing:**
  - 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:

### Added Requirements to Exceed Zoning Limits

(Not including State Density Bonus requirements)

**NOTE:** Below is one example of project-specific agreement.

**Broadway Plaza expansion:**
Special development agreements and General Plan amendment adding 300,000 square feet (including larger Macy’s) and extensive renovation:
- $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
## Requirements for Projects Within Existing Zoning Limits

**Dublin**

- Affordable housing
  - Residential in-lieu fee -- $127,061 per affordable unit not constructed
  - Non-residential fee for buildings of 20,000 sq. ft. or more
    - 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
  - Multi-unit residential per unit -- $11,295
  - Non-residential per 1,000 sq. ft.
    - Commercial -- $2,953
    - Office -- $5,730
    - Industrial -- $2,527
- Fire impact fee
  - Multi-unit residential per unit -- $544
  - Non-residential per sq. ft.
    - Commercial -- $0.131
    - Office -- $0.254
    - Industrial -- $0.112
- Downtown Traffic Impact Fee
  - 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**

- Multi-unit residential per unit -- $1,549
- Non-residential per sq. ft.
  - Commercial -- $1.62
  - Office -- $4.67

- On-site recycling and composting (county requirement)

## Added Requirements to Exceed Zoning Limits

*(not including State Density Bonus requirements)*

**Downtown Dublin Specific Plan:**

- Subject to individual negotiation with developers
- Examples of community benefits:
  - 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
### Requirements for Projects Within Existing Zoning Limits

- **Menlo Park**
  - **Affordable housing**
    - **Condo projects**
      - Provide on-site or off-site
        - 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.**
      - Mixed-use projects with residential component:
        - 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:
        - Office, R&D -- $15.19 per sq. ft.
        - All other commercial uses -- $8.24 per sq. ft.
  - **Transportation impact fee**
    - 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
    - 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

### Added Requirements to Exceed Zoning Limits

(not including State Density Bonus requirements)

- **El Camino Real and Downtown Specific Plan**
  - 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:
    - 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.
### Requirements for Projects Within Existing Zoning Limits

- **Affordable housing**
  - 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/1dBLlWS](http://bit.ly/1dBLlWS)
  - Commercial linkage fee
    - Office -- $11.21 per sq ft
    - Retail -- $9.75 per sq ft
    - Lodging -- $3.71 per sq ft
- **Transportation impact fee**
  - 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**
  - 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)**
  - 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
  - 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**

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

#### 3-tier system in Land Use and Circulation Element (LUCE):
- **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.
  - LUCE lists five priority community benefits:
    - 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:**
  - 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.
  - According to staff, more than 30 developer agreements as of April 7, 2015, with the following community benefits most often required:
    - Affordable housing
    - Open space
    - Traffic mitigation measures (TDM)
    - Childcare
    - Arts
### Requirements for Projects Within Existing Zoning Limits

**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

### Added Requirements to Exceed Zoning Limits

**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)
  - Residential -- $14.56 per sq. ft.
  - Non-residential -- $12.14 per sq. ft.
- **Tier 2** – additional height (of one or two stories) and FAR allowed
  - Residential -- $19.42 per sq. ft.
  - Non-residential -- $16.99 per sq. ft.
### Requirements for Projects Within Existing Zoning Limits

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

#### 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 sq. ft.
- **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)

### Added Requirements to Exceed Zoning Limits

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

**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.

<table>
<thead>
<tr>
<th>Benefit</th>
<th>FAR Bonus Points</th>
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<tbody>
<tr>
<td>Urban open space</td>
<td>0.5</td>
</tr>
<tr>
<td>10% of site</td>
<td>0.5</td>
</tr>
<tr>
<td>20% of site</td>
<td>1.0</td>
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<tr>
<td>3-bedroom units</td>
<td>0.5-1.0</td>
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<tr>
<td>Eco-roofs</td>
<td>up to 1.0</td>
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<tr>
<td>Employment uses (non-residential job-generating)</td>
<td></td>
</tr>
<tr>
<td>100%</td>
<td>up maximum bonus FAR</td>
</tr>
<tr>
<td>50%</td>
<td>up to 50% max bonus FAR</td>
</tr>
<tr>
<td>Public parking</td>
<td>1 sq. ft. per sq. ft. of parking</td>
</tr>
<tr>
<td>Green building</td>
<td>up to 2.0</td>
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</tbody>
</table>

**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