

# PARK FACILITIES FEE STUDY CITY OF LIVERMORE

NOVEMBER 19, 2004

## AMENDED FINAL REPORT



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## DEFINITION OF TERMS

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Term	Definition
Bedroom	A room in a residential dwelling unit that has the potential to function as a bedroom in that there is a door or doorway which separates the room from communal areas (hallway, living room, kitchen), and it has a minimum floor area of 70 square feet and a minimum dimension of seven feet in any one direction.
Development fee	Also known as an “impact fee” or a “public facility fee”. A one-time fee imposed on new development. Authorized by the State <i>Mitigation Fee Act</i> (California Government Code Section 66000 through Section 66025).
Facility standard	The amount of facilities needed per unit of development. See also “Park facility standard”.
Impact fee	See “Development fee”.
Land Use	<p><b>Single Family:</b> A detached unit where no more than one unit exists on a parcel. A couplet or zero lot line dwelling unit where no more than one vertical wall is shared and each couplet/zero lot line dwelling is located on its own parcel is considered a single-family residence.</p> <p><b>Multi-Family:</b> A dwelling unit where more than one unit exists on a parcel, whether attached or detached. This includes duplexes through 4-plexes, condominiums, mobile homes and apartments with five or more units. An attached dwelling unit where more than one vertical wall is shared with another dwelling unit (i.e. townhouse), is considered a multiple-family residence, even if each unit is located on an individual parcel.</p> <p><b>Commercial:</b> All commercial, retail and hotel/motel development.</p> <p><b>Office:</b> All general, professional, and medical office developments.</p> <p><b>Industrial:</b> All manufacturing, research &amp; development and mini/general storage facilities that exceed the warehouse definition.</p> <p><b>Warehouse:</b> Any facility with a primary use of storage and distribution and has a maximum of fifteen percent (15%) office/business use. The facility shall also be parked to a maximum of 1 space per 250 square feet of office/business use and 1 space per 1000 square feet of warehouse use.</p>
Livermore Area Recreation and	The LARPD is an independent special district with a service

Park District (LARP)	area of approximately 245 square miles that includes the City of Livermore and surrounding areas of Alameda County. The LARP develops and operates parks and recreational facilities.
Park facilities	<p>Land for public parks plus all associated capital improvements to provide park and recreation services including:</p> <ul style="list-style-type: none"> <li>◆ Adjacent street improvements, including utility connections, curbs, gutters, street paving, traffic control devices, street trees, sidewalks and fencing adjacent to the property line;</li> <li>◆ Typical park improvements including but not limited to landscaping, irrigation, sports fields, courts, swimming pools, play structures, benches, pathways, fences, and parking;</li> <li>◆ Special use facilities and structures such as restrooms, sports complexes, and buildings; and</li> <li>◆ Land for public multi-use trails plus all associated capital improvements per the City's <i>Bikeways and Trails Master Plan and Design Guidelines (2001)</i>, except for approximately 9,150 linear feet of the proposed Iron Horse Trail, located in the downtown area along the railroad tracts from the First Street over crossing east of Inman Street to a point west of Murrieta Boulevard as defined in the <i>Downtown Specific Plan (2004)</i>.</li> </ul> <p>Also includes private open space accessible to the public as defined in the <i>Downtown Specific Plan (2004)</i>.</p>
Park facilities fee	A type of development fee used to fund park facilities.
Park facility standard	Improved park acres per 1,000 capita based on service population. Service population includes residents and employees, depending on the type of standard.
Public facility fee	See "Development fee".
Quimby Act	A section of the California Subdivision Map Act that allows local ordinances to require subdivisions to dedicate land or pay a fee in lieu for park or recreation purposes (California Government Code Section 66477).
Service population	The total population served by a public facility. Includes residents and employees in the City. To calculate service population employees are "weighted" to account for their lesser facility demand relative to residents.

## EXECUTIVE SUMMARY

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**This amended report revises the adopted September 16, 2004 final report to include a separate fee category for warehouse land use.**

This report presents an analysis of the need for park facilities to accommodate new development in the City of Livermore. The report documents a reasonable relationship between new development and a park facilities fee to fund these new facilities.

### Current Situation

#### **City of Livermore Parkland Dedication Requirement (Quimby Act)**

The City of Livermore currently requires subdivisions to dedicate parkland or pay a fee in lieu of dedication as a condition of approval of a tentative or parcel map. This is a “Quimby Act” requirement named after the enabling State statute. The requirement is limited to new subdivisions and requires developers to provide adjoining improvements and full utility connections. However, it does not include funding for park improvements. The current fee that a subdivision developer could pay in lieu of the parkland dedication requirement is \$9,413 per dwelling unit based on a standard of five acres per 1,000 residents. The Quimby Act limits dedication requirements to a maximum of five acres per 1,000 residents.

#### **City of Livermore Trail Dedication Requirement**

The City of Livermore requires each subdivision development that has frontage along proposed trail routes indicated in the City’s *Bikeway and Trails Master Plan* to dedicate land for the trail and construct the portion of trail within the development’s boundaries. The City does not currently have a trail dedication in-lieu fee similar to the park in-lieu fee described above. Most trails are currently funded and constructed directly as part of a development project. The City, Livermore Area Recreation and Parks District, and East Bay Regional Park District (EBRPD) construct other trail sections through their capital improvement programs.

#### **Livermore Area Recreation and Park District (LARPD)**

LARPD is a special district created by State Law. LARPD serves a 245 square mile area that includes the City of Livermore and surrounding areas of Alameda County stretching from the borders of San Joaquin, Contra Costa, and Santa Clara counties to the city limits Pleasanton and Dublin. The LARPD provides parks and recreational services such as preschool, school-aged childcare, teen programs, fee-based classes, adult sports, aquatics, environmental education, special events, senior services, an adult day support center, and park and recreation facility maintenance.

Under the City's Quimby ordinance discussed above, the City is required to cooperate with LARPD and coordinate parkland dedications and expenditures of in lieu fee revenues.<sup>1</sup> Under the *LARPD Master Plan (1995)*, the minimum park size that will be accepted for dedication is six acres. Where park dedications are less than six acres, the City has been accepting the parks and requiring the formation of a Landscape Maintenance District in the subdivision to fund park maintenance per the State's Lighting and Landscaping Act.

## Purposes of This Study

The purpose of this study is to support implementation of adopted policies related to new development's responsibility to provide adequate park facilities. The parks facilities fee would assist in implementing policies contained in the following adopted planning documents:

1. The City's *General Plan (2004)* requires new development to provide parkland at a standard of five acres per 1,000 residents, and required the City to study the existing parkland dedication ordinance and in-lieu fee and consider changes.
2. The City's *Downtown Specific Plan (2004)* requires new development to provide privately maintained open space that is accessible and usable by the public.
3. The City's *Bikeways and Trails Master Plan (2001)* and the City's *Bikeways and Trails Design Guidelines and Best Practices (2001)* describes the bikeway and trails that are planned for the City.
4. The City's *South Livermore Valley Specific Plan (1999)* requires development in the South Livermore Valley to provide parks and trails.
5. The *LARPD Master Plan (1995)* includes standards for the development of LARPD park facilities.

The park facilities fee would replace and improve upon the existing parkland dedication requirement and in-lieu fee. The park facilities fee would help to achieve the following policy objectives:

1. Expand the funding base beyond residential subdivision development (the only development subject to the current parkland dedication requirement) to all types of new development. Apply the park facilities fee to all private development based on the relative need for new park facilities associated with each type of development.
2. Increase revenues and improve flexibility in the use of funds by incorporating all park facility costs, not only land acquisition but also park improvements and trails, in the calculation of the fee and use of fee revenues.
3. Allow for a credit against the proposed park facilities fee for exceeding the *Downtown Specific Plan* open space requirements.

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<sup>1</sup> Required by California Government Code Section 66477(e).

4. Allow for higher facility standard than the statutory limits imposed by the Quimby Act on parkland dedication requirements. Based on the City's existing park inventory the City can justify a park facility standard that is higher than the five-acre maximum allowed by the Quimby Act.

## Fee Schedule

The proposed park facilities fee schedule is shown in **Table E.1**. The fee is based on a park facility standard of five acres of improved parkland plus one half acre of improved trails per 1,000 service population. The fee on non-residential land uses is reduced to account for the much lower demand placed on park facilities by employees compared to residents.

**Table E.1: Proposed Park Facilities Fees**

<b>Land Use</b>	<b>Total Fee</b>
<i>Residential (per dwelling unit)</i>	
Single Family (& 4 bedroom multi-family)	\$ 12,384
Multi-Family 3 bedrooms	10,775
Multi-Family 2 Bedrooms	9,496
Multi-Family 1 Bedroom	7,348
Multi-Family Studio	6,565
<i>Non-residential (per 1,000 sq ft)</i>	
Commercial	\$ 1,570
Office	2,245
Industrial	1,044
Warehouse	784

Source: Table 8; MuniFinancial

## Implementation

The recent update to the City's General Plan required the City to study the existing park in-lieu fee and consider changes. These changes could allow the City greater flexibility and provide additional guidelines and procedures for staff. The following outlines the implementation of the General Plan policies and actions:

- ◆ Implementation of ordinance;
- ◆ Repeal of Quimby Act portion of Subdivision Ordinance, if desired;

- ◆ Provide adequate administrative guidelines for granting credits;
- ◆ Annual adjustment for inflation; and
- ◆ Compliance with the annual and five year reporting requirements.



# 1. INTRODUCTION

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**This amended report revises the adopted September 16, 2004 final report to include a separate fee category for warehouse land use.**

This report presents an analysis of the need for parks to accommodate new development in the City of Livermore. The report documents a reasonable relationship between new development, a park facilities fee, and the cost of new park facilities. "Park facilities" for the purposes of this report are defined as land for public parks plus all associated capital improvements, and private open space, accessible to the public as defined in the *General Plan, Downtown Specific Plan, and South Livermore Valley Specific Plan*. "Park facilities" for the purposes of this report include trails, including land for multi-use public trails and all associated capital improvements as further defined in the *Bikeways and Trails Master Plan* and the *Bikeways and Trails Design Guidelines and Best Practices*.

This introduction describes:

- ◆ The current (2004) situation regarding public facilities financing in California in general, and new development funding of park facilities in the City of Livermore in particular;
- ◆ The purposes of this study; and
- ◆ The methodology used in this study.

## Current (2004) Situation

### Public Facilities Financing In California

The changing fiscal landscape in California during the past 30 years has steadily undercut the financial capacity of local governments to fund infrastructure. Four dominant trends stand out:

- ◆ The passage of a string of tax limitation measures, starting with Proposition 13 in 1978 and continuing through the passage of Proposition 218 in 1996;
- ◆ Declining popular support for bond measures to finance infrastructure for the next generation of residents and businesses;
- ◆ Steep reductions in federal and state assistance; and
- ◆ Permanent shifting by the State of local tax resources to the State General Fund to offset deficit spending brought on by recessions.

Faced with these trends, many cities and counties have had to adopt a policy of "growth pays its own way". This policy shifts the burden of funding infrastructure expansion from existing rate and taxpayers onto new development. This funding shift has been

accomplished primarily through the imposition of assessments, special taxes, and development impact fees also known as public facilities fees.

Development fees need only a majority vote of the legislative body for adoption. Assessments and special taxes require approval of property owners and are appropriate when the funded facilities are directly related to the developing property. Development fees are an appropriate funding source for facilities that benefit all development jurisdiction-wide. The State's *Mitigation Fee Act* authorizes these fees.<sup>2</sup>

## **Development of Park Facilities in Livermore**

### ***Livermore Area Recreation and Park District***

LARPD is a special district created by State Law. LARPD serves a 245 square mile area that includes the City of Livermore and surrounding areas of Alameda County stretching from the borders of San Joaquin, Contra Costa, and Santa Clara counties to the city limits Pleasanton and Dublin. The LARPD provides parks and recreational services such as preschool, school-aged childcare, teen programs, fee-based classes, adult sports, aquatics, environmental education, special events, senior services, an adult day support center, and park and recreation facility maintenance.

Under the City's Quimby ordinance discussed above, the City is required to cooperate with LARPD and coordinate parkland dedications and expenditures of in-lieu fee revenues.<sup>3</sup> Under the *LARPD Master Plan (1995)*, the minimum park size that will be accepted for dedication is six acres. Where park dedications are less than six acres, the City has been accepting the parks and requiring the formation of a Landscape Maintenance District in the subdivision to fund park maintenance.

### ***City of Livermore Parkland Dedication Requirement (Quimby Act)***

The City of Livermore currently requires subdivisions to dedicate parkland or pay a fee in lieu of dedication as a condition of approval of a tentative or parcel map. This is a "Quimby Act" requirement named after the enabling State statute. The requirement is limited to new subdivisions and requires developers to provide adjoining improvements and full utility connections. However, it does not include funding for park improvements. The current fee that a subdivision developer could pay in lieu of the parkland dedication requirement is \$9,413 per dwelling unit based on a standard of five acres per 1,000 residents. The Quimby Act limits dedication requirements to a maximum of five acres per 1,000 residents.

### ***City of Livermore Trail Dedication Requirement***

The City of Livermore requires each subdivision development that has frontage along proposed trail routes indicated in the City's *Bikeway and Trails Master Plan* to dedicate land for the trail and construct the portion of trail within the development's boundaries. The City does not currently have a trail dedication in-lieu fee similar to the park in-lieu fee described above. Most trails are currently funded and constructed directly as part of a development project. The City, Livermore Area Recreation and Parks District, and East

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<sup>2</sup> See California Government Code §66000 through §66025.

<sup>3</sup> Required by California Government Code Section 66477(e).

Bay Regional Park District (EBRPD) construct other trail sections through their capital improvement programs.

### ***Relationship Between City and LARPD***

The City and LARPD work together to provide park and recreation services within the City. The City owns about two-thirds of the park acreage in the City while LARPD owns the remainder. One site is owned by the local school district (see Chapter 3, *Facility Standards*). The LARPD is responsible for some park maintenance including city-owned parks, owns and operates recreation centers, senior centers, and sport complexes, and provides recreation programs.

Under the Quimby Act, when a recreation district exists, such as the LARPD, any city within that district's boundaries that imposes a parkland dedication requirement must seek approval from the district for proposed park facilities offered within a new subdivision. The City's current parkland dedication ordinance described above requires that:

- ◆ Developers dedicate all parkland directly to the District;
- ◆ The City forwards all in-lieu fees to the District;
- ◆ The City to seek approval from the District for:
  - The location and configuration of dedicated land;
  - Combination of land dedication and fee payments from a particular subdivision; and
  - Credits given against the dedication or in-lieu fee requirement for private open space accessible to the public and public park improvements.

At this time, LARPD will not accept the property dedication or maintenance responsibility for any parks that are less than six acres. The City has been accepting smaller parks and requiring the formation of Landscape Maintenance Districts under the Lighting and Landscaping Act of 1972 to fund the maintenance of these smaller parks.

## **Purposes of This Study**

The purpose of this study is to support implementation of adopted policies related to new development's responsibility to provide adequate park facilities. The parks facilities fee would assist in implementing policies contained in the following adopted planning documents:

1. The City's *General Plan (2004)* requires new development to provide parkland at a standard of five acres per 1,000 residents, and required the City to study the existing parkland dedication ordinance and in-lieu fee and consider changes.<sup>4</sup>

<sup>4</sup> *General Plan Opens Space and Conservation Element* (adopted 2003), policy OSC-5.1.P3, p. 8-29.

2. The City's *Downtown Specific Plan (2004)* requires new development to provide privately maintained open space that is accessible and usable by the public.<sup>5</sup> The *General Plan* park facility standard is higher than these requirements.
3. The City's *Bikeways and Trails Master Plan (2001)* and the City's *Bikeways and Trails Design Guidelines and Best Practices (2001)* describes the bikeway and trails that are planned for the City. Approximately eighty-five miles (206 acres) of proposed new trails are planned over the next twenty years. However, the park facilities fee will not fund approximately 9,150 linear feet of the proposed Iron Horse Trail, located in the downtown area along the railroad tracts from the First Street over crossing east of Inman Street to a point west of Murrieta Boulevard as defined in the *Downtown Specific Plan (2004)*." The proposed Downtown Revitalization Fee will separately fund this portion of the trail.
4. The City's *South Livermore Valley Specific Plan (1999)* requires development in the South Livermore Valley to provide parks and trails.
5. The *LARPD Master Plan (1995)* includes standards for the development of LARPD park facilities. The park facilities fee would assist in achieving LARPD's master plan facility standards applicable to new development by providing a funding source for capital projects (see Chapter 5, *Fee Schedule and Implementation*).

The parks facilities fee will not replace the City's existing parkland dedication requirement. Instead it would both increase revenues and improve flexibility in achieving these policy objectives discussed below:

1. *Expand funding base to all types of new development:* New development that is not currently subject to the City's parkland dedication requirement includes (1) residential development that is not a subdivision, and (2) all non-residential development. The park facilities fee would expand the funding base for these facilities by applying the fee to all private development based on the relative need for new park facilities associated with each type of development.
2. *Incorporate all park facility costs:* The City's existing parkland dedication requirement only provides land and not park improvements. The proposed park facilities fee would fund land and improvements for parks and trails.
3. *Allow credit for Downtown Specific Plan required open space:* Allow for a credit against the proposed park facilities fee for exceeding the *Downtown Specific Plan* open space requirements.
4. *Allow for higher facility standards:* State statute limits Quimby Act land dedication requirements to five acres per 1,000 residents. Facility standards are not limited for development fees. This issue is particularly applicable to the City of Livermore because the City's existing park inventory can justify a standard that is higher than the five-acre per 1,000 residents maximum

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<sup>5</sup> *Downtown Specific Plan* (adopted 2003), pp. 5-11 to 5-12, 5-23, and 5-34 to 5-35.

standard allowed under the Quimby Act (see further discussion in Chapter 3, *Facility Standards*, below).

## Overview of Methodology and Report Outline

Public facilities fees are based on growth projections applied to facility standards to determine the cost of facilities required to accommodate growth. Total facility costs are allocated per unit of development to calculate the fee for each type of land use. The four standard steps followed in a fee study and represented in subsequent chapters of this report include:

1. Prepare growth projections;
2. Identify facility standards;
3. Determine the amount and cost of facilities required to accommodate growth based on facility standards and growth projections;
4. Calculate the public facilities fee by allocating the total cost of facilities per unit of development.

## Population and Employment Projections

The population and employment projections used in this study are based on projections contained in *2003 Projections* published by the Association of Bay Area Governments (ABAG). These projections are used for a wide variety of planning studies by government agencies throughout the region. Existing population in 2004 is provided by the State Department of Finance. See Chapter 2, *Population Projections*, for a detailed description of the projections used for this report.

## Facility Standards

The key public policy issue in a public facility fee study is the identification of a facility standard. A facility standard represents the amount of facilities needed per unit of development. Thus standards support one of the key statutory findings required for imposition of fees – the *burden relationship*. There must be a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed (see Chapter 6, *Mitigation Fee Act Findings*).

Standards are useful in determining new development's need for facilities in two ways:

- ◆ Determining facility needs across different types of development (e.g. different land uses) that generate different facility demands; and
- ◆ Allocation the responsibility for planned facilities between new and existing development to ensure that the former does not fund existing facility deficiencies associated with the latter.

The use of clearly articulated standards ensures that each new development project is responsible for only its fair share of new or expanded facilities.

The type of park facility standards discussed in this report is a *demand standard* representing the park demand generated per unit of new development. The standard is expressed in park acres per 1,000 capita based on a service population. Park acres represent improved parkland (acquisition plus improvement) and include trails.

See Chapter 3, *Facility Standards*, for a detailed analysis of alternative facility standards and the one selected for the park facilities fee.

## Facility Needs and Costs

The total acreage of park facilities needed to accommodate growth is based on the projected growth from Chapter 2 and the selected park facility fee standard from Chapter 3. Total park facility costs are based on unit cost estimates (costs per acre for land acquisition and improvement). These costs represent the current cost of park development in the City of Livermore. See Chapter 4, *Facility Needs To Serve Growth*, for a detailed analysis of the amount and cost of park facilities needed to accommodate new development.

The City's *General Plan*, *Downtown Specific Plan*, *Bikeways and Trails Master Plan*, *Design Guidelines for Bikeways and Trails* and the 1995 *LARPD Master Plan*, all discuss the policies and provide for the land use for park facilities. The City's two-year Capital Improvement Program and LARPD's Annual Budget would identify the specific use of fee revenues on a bi-annual and annual basis, respectively. These documents would provide the documentation of the *benefit relationship*, another key statutory findings required for imposition of fees. There must be a reasonable relationship between the use of fee revenues and the type of development project on which the fee is imposed (see Chapter 6, *Mitigation Fee Act Findings*).

## Fee Schedule and Implementation

Chapter 5 presents the results of the calculation of the total cost per service population for park facilities. This cost is converted to a cost per resident and a cost per employee to determine the park facility fee schedule. This chapter also discusses implementation issues such as programming revenues, the role of the LARPD, indexing the fee for inflation, granting of fee credits to development projects, and reporting requirements. See Chapter 5, *Fee Schedule and Implementation*, for a presentation of the fee schedule and discussion of these implementation issues.

## Mitigation Fee Act Findings

The *Mitigation Fee Act* requires that the City make findings prior to adoption of a public facility fee. These findings are presented in Chapter 6, *Mitigation Fee Act Findings*.

## 2. POPULATION AND EMPLOYMENT PROJECTIONS

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This chapter describes the projections of population and employment used to estimate the total demand for additional park facilities to serve new development.

### Service Population

Service population is a reasonable indicator of demand for park services, and therefore the demand for the park facilities required to provide those services. The service population for park facilities is divided into two broad classes:

- ◆ Residents living in the City; and
- ◆ Employees of businesses located in the City.

Residents use parks daily for passive and active recreation. Employee use is for activities such as for light exercise, eating lunch during the workday, or for sponsored sport teams and employee gatherings after work.

### Data Sources

Resident population in 2004 is based on estimates by the California Department of Finance. Employees in 2004, as well as future resident and employee changes, are based on projections published by the Association of Bay Area Governments (ABAG). ABAG projections extend to a 2025 planning horizon and are based on a regional economic input/output and land use model. They are used for a wide variety of planning studies by government agencies throughout the region.

### Employee Weighting Factor

To calculate the total service population representing demand for park facilities, the demand represented by one employee must be weighted to equate with the demand represented by one resident. The weighted employment can then be added to residents to calculate the service population.

The City has several options for weighting employee demand for park facilities relative to residents:

- ◆ Apportion the time that an employee spends in the City compared to a resident. Based on a 40-hour workweek divided into 168 total hours in a week, the percentage of time would be 24 percent or 0.24 of one resident.
- ◆ Apply survey data from a similar jurisdiction. The City of Phoenix conducted a park user survey to determine the relative propensity of a user to be at the park because they work in the City compared to if they live in the



City.<sup>6</sup> This survey resulted in a weighting of 0.19 per employee compared to one resident.

- ◆ The City could ignore employee demand for parks by weighting employment at zero and use only residents to calculate the service population.

For the purposes of this report employees are weighted using the 0.19 factor from the Phoenix survey. This method enables the City to broaden the application of current policy (the current parkland dedication requirement is only applicable to residential subdivisions) with a reasonable approach for incorporating employee demand for parks. The 0.19 factor indicates that an employee is going to use park facilities at a rate that is approximately one-fifth the rate of a resident.

**Table 1** provides the current service population with a projection for the year 2025.

**Table 1: Service Population**

	Residents & Employee Growth		Service Population	
	Residents	Emp-loyees <sup>1</sup>	Emp. Weighting <sup>2</sup>	Residents Plus Weighted Employees
Existing (2004)	78,600	32,904	0.19	84,900
Growth (2004 -2025)	28,100	22,683	0.19	32,400
Total (2025)	106,700	55,587		117,300

<sup>1</sup> Includes commercial and industrial employment only. Excludes about 20% of total employment not associated with private development such as public employment and home-based businesses.

<sup>2</sup> Employment weighting based on study for City of Phoenix.

Sources: California Department of Finance, Table E-5; Bay Area Association of Governments (ABAG), *Projections 2003*; Hausrath Economics Group, *Phoenix Park and Library EDU Factors*; MuniFinancial.

## Occupant Densities

For the purposes of collecting the park facilities fee per unit of development, occupant density factors are used to estimate the amount of residents or employees based on the size of a development project. This approach ensures a reasonable relationship between the need or demand for park facilities and the size and type of development project.

Occupant density factors were estimated based on the following assumptions and approach:

<sup>6</sup> Hausrath Economics Group, *Phoenix Park and Library EDU Factors*.



In 2000, 75 percent of Livermore's existing housing stock was detached single-family units and 25 percent was multi-family units. The recently adopted *General Plan* will allow approximately 10,000 new units citywide of which approximately 80 percent will be multi-family. The majority of these future multi-family units will be constructed downtown and at receiver sites for Transferable Development Credits (TDC) in accordance with *General Plan* urban growth boundary policies. Further, the *General Plan* land use designations for downtown and the TDC sites will allow higher density multi-family development than has been built historically in Livermore. Multi-family development to date has averaged at approximately 10 dwelling units per acre (du/ac).

Because future multi-family development will be developed at higher densities (14 to 24 du/ac and up to 55 du/ac the downtown), it is anticipated that the number of persons per household will be less than that traditionally found in multi-family housing in Livermore (2.28 persons/multi-family unit). To confirm this assumption, four Bay Area suburban communities similar to Livermore were studied, including Mountain View, Walnut Creek, Fremont, and the Tri-Valley (as a consolidated community which includes the cities of Livermore, Dublin and Pleasanton). Because the Census does not track unit sizes in square feet, this study looked at the population per unit based on the number of bedrooms in a unit, which the Census does track, to determine if people populate multi-family units differently than single-family units, particularly if the number of bedrooms provided per unit was less than three. Table A-3 in the Appendix provides the findings and detailed tables of this study. The Tri-Valley multi-family population trends were found to be most appropriate to apply to future Livermore multi-family development, given the City's geographic isolation at the urban edge and predominate suburban nature.

To ensure that all new residential development pays no more than its fair share amount for park facilities, the park facilities fee is based on the housing product type [single family residential (SFR) and multi-family residential (MFR)] and the number of bedrooms provided per unit (for MFR only). The average persons per household for future single-family units is based on 2000 Census data for Livermore equal to 3.0 persons per household. Given that the majority of the existing housing stock is single-family it is reasonable to expect future single-family household sizes to be similar in size to existing households. Average persons per household for multi-family residences, also extracted from 2000 Census data, is based on the number of bedrooms per unit consistent with the trend found for the Tri-Valley. Based on the study provided in Table A-3, multi-family units reflected single-family household sizes when three to four bedrooms were provided. For the purpose of this fee, multi-family units providing three or more bedrooms per unit will pay the same fee as single-family units.

Average density factors for nonresidential development are based on the *General Plan* and *Employment Density Study Summary Report*, completed by The Natelson Company in October 2001 for the Southern California Association of Governments (SCAG). The Natelson study documented a comprehensive analysis of employment density by land use throughout Los Angeles, Orange, Riverside, and San Bernardino counties. It is reasonable to apply this analysis to the City of Livermore.

Average occupant density factors by land use category based on this analysis are shown in **Table 2**.

**Table 2: Density Assumptions**

Land Use	Density	
<i>Residential</i>		
Single Family	3.00	Residents per dwelling unit
Multi-Family		
3 Bedroom	2.61	Residents per dwelling unit
2 Bedroom	2.30	Residents per dwelling unit
1 Bedroom	1.78	Residents per dwelling unit
Studio	1.59	Residents per dwelling unit
<i>Non-residential</i>		
Commercial	2.00	Employees per 1,000 square feet
Office	2.86	Employees per 1,000 square feet
Industrial	1.33	Employees per 1,000 square feet
Warehouse	1.00	Employees per 1,000 square feet

Sources: US Census Bureau, Census 2000; American Housing Survey for San Francisco Metropolitan Area, 1998; City of Livermore, *General Plan*; The Natelson Company, Inc., *Employment Density Study Summary Report*, October 31, 2001, Table 2-A, p. 15; City of Livermore staff; MuniFinancial.

### 3. FACILITY STANDARDS

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This chapter presents alternative facility standards and recommends a standard for use in calculating the park facilities fee.

#### 2004 Park Facilities Inventory

One method for calculating the City’s park facility standard is to use the 2004 inventory of park facilities divided by the existing service population. The City’s existing inventory includes approximately 508 acres of parks and 38 acres of trails as shown in **Table 3**. Most park facilities are improved with a variety of landscaping and facilities. See Table A-1 for more detail.

**Table 3: Existing Park & Trail Facilities Inventory**

<b>Ownership</b>	<b>Number of Sites</b>	<b>Acres</b>
<i>Parks</i>		
City of Livermore	54	380.47
Livermore Area Recreation & Park District	7	126.60
Livermore Valley Unified School District	1	1.00
Subtotal	62	508.07
<i>Trails<sup>1</sup></i>		
City of Livermore	N/A	38.38
Livermore Area Recreation & Park District	N/A	2.13
Other	N/A	4.99
Subtotal		45.50
Total Parks & Trails		553.57

Note: All parks and trails are located in the City of Livermore.

<sup>1</sup> Assumes average trail width of 25 feet.

Sources: City of Livermore; Livermore Area Recreation & Park District Master Plan (1995); MuniFinancial.

The City has agreements with other agencies to use various park facilities that provide an additional nearly 128 acres of parks and trails. These agencies include LARPD and the Livermore Valley Unified School District. These parks do not include about 137 acres in Sycamore Grove Park because this acreage is located outside the City limits.

## Alternative Facility Standards

To calculate new development's demand for parks facilities, a ratio expressed in terms of park facility acres per capita based on service population is utilized. Facility standards may be based on an existing inventory of parks, or on a policy adopted by the City.

Alternative park facility standards examined in this report for the City of Livermore are shown in **Table 4**. Standards vary in terms of the service population used, whether residents only or residents plus weighted employment, as discussed in Chapter 2. All standards refer to acres of parkland or trails including all improvement.

**Table 4: Existing & Proposed Park & Trail Facility Standards**

Park Facility Standard	Existing Inventory Standard	Existing Policy Standard	Proposed Policy Standard For Park Facilities Fee
Source	Existing 2004 Park and Trail Inventory	<i>General Plan</i>	
Include Employees In Service Population?	Yes	No	Yes
Park Inventory (2004 acres)	508.07		
Service Population (2004)	<u>84,900</u>		
Park Standard (acres per 1,000 capita)	5.98	5.00	5.00
Trail Inventory (2004 acres)	45.50		
Service Population (2004)	<u>84,900</u>		
Trails Standard (acres per 1,000 capita)	0.54	-	0.50
Combined Standard (acres per 1,000 capita)	6.52	5.00	5.50

Sources: Tables 1 and 3; City of Livermore, *General Plan*; MuniFinancial.

As shown in Table 4, the City's 2004 existing park facilities inventory represents a standard of 6.52 improved acres of per 1,000 capita. The City's existing *General Plan* policy is five acres of per 1,000 capita.<sup>7</sup> Thus, the City current inventory of park facilities represents a higher standard than existing City policy.

The park facilities fee proposed in this study is based on the *General Plan* policy of five acres of unimproved parkland per 1,000 residents and is expanded to include: (1) park facilities improvements; (2) non-residential land uses; and (3) non-subdivision projects; and (4) the inclusion in the park facilities definition of trails (adding 0.5 acres per 1,000 capita). This revised park facility standard is reasonable because it:

- ◆ Maintains consistency with adopted *General Plan* policy for parkland standards;

<sup>7</sup> The *General Plan* standard refers to unimproved not improved parkland, and residents only as the service population, not residents and employees.

- ◆ Ensures that new development pays its fair share for all park facilities needs by it including parkland and trail acquisition and improvements;
- ◆ Spreads the burden of new park facilities to all types of development that generate demand for parks, both residential and non-residential; and
- ◆ Utilizes a lower standard than the City's existing inventory standard would justify. The City could charge a fee based on the higher facility standard of 6.52 acres per 1,000 capita using the 2004 existing park and trail inventory.

## 4. FACILITY NEEDS TO SERVE GROWTH

This chapter presents estimates of the total need for and cost of park facilities to serve the community through build-out.

### Unit Costs

Unit costs represent the 2004 cost of park facilities acquisition and improvement in the City of Livermore. This approach represents the land costs and level of improvements that existing development have provided to date and ensures that the cost of facilities to serve new development is not artificially increased, and new development is not unfairly burdened, compared to existing development.

The unit costs used to estimate the total cost of facility needs are shown in **Table 5**. All costs are expressed in 2004 dollars. Land acquisition costs are based on a June 2004 appraisal conducted to determine the current cost of acquiring property within the City of Livermore to be used for parks. Park improvement costs are based on bids received by LARPD and the City, and quotes from suppliers of specialty items. The share of total costs shown in the last column should be used to update the park facility for inflation. Separate indices should be used for land and improvements or for credits. (See discussion in Chapter 5).

**Table 5: Park & Trail Facilities Unit Costs**

		Cost Per Acre	Share
Park & Trail Land Acquisition <sup>1</sup>		\$ 479,000	66%
Park Improvement	258,000		
Trail Improvement	<u>166,000</u>		
Improvement (weighted average) <sup>2</sup>		<u>250,000</u>	<u>34%</u>
Total		\$ 729,000	100%

<sup>1</sup> Land acquisition costs based on a recent appraisal of land sales in the City that sampled a range of lot sizes and potential units per acre.

<sup>2</sup> Park and trail improvement costs based on bids received by LARPD, the City's bond estimate guide sheet, and quotes from suppliers of specialty items. Costs per acre weighted by facility standard of 5.0 acres and 0.5 acres per 1,000 for parks and trails, respectively.

Source: Diaz, Diaz & Boyd, Inc., *Residential Subdivision Land Value Study Update 2004*, June 14, 2004; City of Livermore; MuniFinancial.

## Total Park Needs and Costs

The total amount of park facilities to serve growth is calculated by multiplying the facility standard developed in Chapter 3 by the growth in service population. The total cost of these needs is based on the average unit costs for land acquisition and improvement shown in Table 5. To accommodate the increase in service population through 2025, new development or alternative sources would need to fund facilities estimated to cost approximately \$130 million as shown in **Table 6**

**Table 6: Park & Trail Facilities to Serve Growth**

Facility Standard (acres/1,000 service population)	5.50
Service Population Growth (2004-2025)	<u>32,400</u>
Facility Needs (acres)	178
Average Unit Cost (per acre)	<u>\$ 729,000</u>
Total Cost of Facilities	\$ 129,762,000

Sources: Tables 1, 4, and 5; MuniFinancial.

If the City cannot acquire all 178 acres calculated in Table 6 because of land constraints, the City may apply the same funds to enhancing, upgrading, or adding facilities to existing parks. Intensifying development of existing parks is another reasonable method for accommodating growth that could be used in conjunction with expanding improved park acreage.

The use of fee revenues will be identified through planned parkland acquisition and improvement projects described in the most recently adopted versions of:

- ◆ City's *General Plan*
- ◆ City's *Bikeways and Trails Master Plan*
- ◆ City's *Bikeways and Trails Design Guidelines and Best Practices*
- ◆ City's *South Livermore Valley Specific Plan*
- ◆ City's *Downtown Specific Plan*
- ◆ The City's 2-year Capital Improvement Program;
- ◆ LARPD's *1995 Master Plan*
- ◆ The LARPD *Annual Budget for Capital Development*.

These documents are incorporated by reference into this report. As these documents are updated, they would continue to identify the specific use of fee revenues for park facility

projects through build-out. In this regard, these documents would provide the basis for the use of fee revenues and benefit.

## Per Resident and Per Employee Costs

Cost per resident and per employee was determined to calculate the park facility fee by land use type. These cost factors were based on the cost per resident derived from the unit cost estimates and facility standard of 5.5 acres per service population. The cost per employee uses the same weighting factor used to calculate service population. Park facility costs per resident and per employee are shown in **Table 7**.

**Table 7: Park & Trail Facility Costs Per Capita**

	Land Acquisition	Park Improvement	Trail Improvement	Total
Cost Per Acre	\$ 479,000	\$ 258,000	\$ 166,000	\$ 729,000
Facility Standard (acres per 1,000 capita)	5.50	5.00	0.50	5.50
Cost Per 1,000 Capita	\$ 2,634,500	\$ 1,290,000	\$ 83,000	\$ 4,007,500
	1,000	1,000	1,000	1,000
Cost Per Capita	\$ 2,635	\$ 1,290	\$ 83	\$ 4,008
<b>Cost Per Resident</b>	<b>\$ 2,635</b>	<b>\$ 1,290</b>	<b>\$ 83</b>	<b>\$ 4,008</b>
Employment Weighting (see Table 1)	0.19	0.19	0.19	0.19
<b>Cost Per Employee</b>	<b>\$ 501</b>	<b>\$ 245</b>	<b>\$ 16</b>	<b>\$ 762</b>

Sources: Tables 1, 4, and 5; MuniFinancial.

## Additional Funding Sources

The City anticipates that the park facility fee would be the primary revenue source to fund the facilities required to serve new development summarized in Table 6. As of August 2004, there were no other funds available to reduce the funding responsibility for park facilities required of new development.

The park facility fee would be used in conjunction with and represent an expansion of the City's existing parkland dedication requirement. A developer subject to the parkland dedication requirement would receive a credit against the park facility fee, which is described further in Chapter 5.



## 5. FEE SCHEDULE AND IMPLEMENTATION

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This chapter presents the park facility fee schedule and issues associated with implementation of the fee.

### Fee Schedule

The purpose of the public facilities fee schedule is to:

- ◆ Equitably allocate development-related public facilities costs to each development project; and
- ◆ Provide a simple method for landowners, developers and the public at large to use to calculate the public facility fee for individual development projects.

Allocation of facility costs to a development project is based on the estimated service population of the project. This approach ensures a reasonable relationship between the park facility fee and the cost of the facilities attributable to the project. As a result, larger projects would have a higher service population, and therefore would pay a higher fee. Correspondingly, smaller projects would have a lower service population, and would pay a lower fee.

The proposed fees are based on the cost per service population (Table 7), the occupant density factor (Table 2), and occupancy rates. The total fee for a specific project is based on its size, measured by the number of dwelling units, bedrooms in a dwelling unit, or building square footage. The proposed fee schedule converts the estimated service population that a development project would generate into a fee based on the size and type of the project. **Table 8** sets forth the proposed park facilities fees.

The fee schedule also includes an administrative charge of four percent. The administrative charge would fund costs corresponding to:

- ◆ Collection of fees;
- ◆ Accounting for fee revenues, including placement in a restricted fund and crediting of interest earned on the fund balance;
- ◆ Accounting for fee expenditures, including capital planning and budgeting for projects funded by fees;
- ◆ Annual and five-year reporting required by the California Government Code; and
- ◆ Periodic fee justification studies, such as this report.

**Table 8: Proposed Park & Trail Facilities Fees**

Land Use	Cost per Capita <sup>1</sup>	Occupant Density <sup>2</sup>	Subtotal	Admin. Cost <sup>3</sup>	Total Fee <sup>4</sup>
<i>Residential</i>					
Single Family (and Multi-Family Unit 4 bedroom)					
Park & Trail Land Acquisition	\$ 2,635	3.00	\$ 7,905	\$ 237	\$ 8,142
Park Improvements	1,290	3.00	3,870	116	3,986
Trail Improvements	83	3.00	249	7	256
Total (per dwelling unit)					<b>\$ 12,384</b>
Multi-family (3 Bedroom)					
Park & Trail Land Acquisition	\$ 2,635	2.61	\$ 6,877	\$ 206	\$ 7,083
Park Improvements	1,290	2.61	3,367	101	3,468
Trail Improvements	83	2.61	217	7	224
Total (per dwelling unit)					<b>\$ 10,775</b>
Multi-family (2 Bedroom)					
Park & Trail Land Acquisition	\$ 2,635	2.30	\$ 6,061	\$ 182	\$ 6,243
Park Improvements	1,290	2.30	2,967	89	3,056
Trail Improvements	83	2.30	191	6	197
Total (per dwelling unit)					<b>\$ 9,496</b>
Multi-family (1 Bedroom)					
Park & Trail Land Acquisition	\$ 2,635	1.78	\$ 4,690	\$ 141	\$ 4,831
Park Improvements	1,290	1.78	2,296	69	2,365
Trail Improvements	83	1.78	148	4	152
Total (per dwelling unit)					<b>\$ 7,348</b>
Multi-family (Studio)					
Park & Trail Land Acquisition	\$ 2,635	1.59	\$ 4,190	\$ 126	\$ 4,316
Park Improvements	1,290	1.59	2,051	62	2,113
Trail Improvements	83	1.59	132	4	136
Total (per dwelling unit)					<b>\$ 6,565</b>
<i>Non-residential</i>					
Commercial					
Park & Trail Land Acquisition	\$ 501	2.00	\$ 1,002	\$ 30	\$ 1,032
Park Improvements	245	2.00	490	15	505
Trail Improvements	16	2.00	32	1	33
Total (per building KSF)					<b>\$ 1,570</b>
Office					
Park & Trail Land Acquisition	\$ 501	2.86	\$ 1,433	\$ 43	\$ 1,476
Park Improvements	245	2.86	701	21	722
Trail Improvements	16	2.86	46	1	47
Total (per building KSF)					<b>\$ 2,245</b>
Industrial					
Park & Trail Land Acquisition	\$ 501	1.33	\$ 666	\$ 20	\$ 686
Park Improvements	245	1.33	326	10	336
Trail Improvements	16	1.33	21	1	22
Total (per building KSF)					<b>\$ 1,044</b>
Warehouse					
Park & Trail Land Acquisition	\$ 501	1.00	\$ 501	\$ 15	\$ 516
Park Improvements	245	1.00	245	7	252
Trail Improvements	16	1.00	16	-	16
Total (per building KSF)					<b>\$ 784</b>

Note: "KSF" = thousand square feet.

<sup>1</sup> Cost per resident for residential land uses and cost per employee for nonresidential land uses.

<sup>2</sup> Persons per dwelling unit for residential land uses, and employees per 1,000 square feet for nonresidential land uses.

<sup>3</sup> Charge equal to three percent of fee subtotal. Two percent charge for City staff costs related to: (1) collection of fees at time of permit; (2) accounting for fee revenues and expenditures; (3) annual and five-year reporting required by California Government Code; and, (4) periodic fee justification studies. One percent charge for LARPD costs related to accounting for fee revenues and expenditures for those fees transferred from the City to LARPD.

<sup>4</sup> Per dwelling unit for residential uses, and per 1,000 square feet for nonresidential land uses.

Sources: Tables 2 and 7; MuniFinancial.

The proceeds of the administration charge may, at the City's discretion, be allocated between the City and LARPD.

## Implementation

This section identifies tasks that the City should complete to implement the park facilities fee.

### Adopt Ordinance and Resolution

The City Council should adopt an ordinance and resolution to implement the park facilities fee. The ordinance could authorize the City to establish and collect a park facility fee, and make the statutory findings required by the *Fee Mitigation Act* (see Chapter 6). The ordinance could also address any requirements that should be included in the City's Municipal Code related to:

- ◆ Park facility and trail standards;
- ◆ Credits for dedication of trails, parkland, park improvements and trail improvements, including private open space accessible to the public;
- ◆ Relationship with the LARPD including transferring fees, capital project programming, and program administration; and
- ◆ Method for updating the fee for inflation.

The fee resolution could reference the ordinance, set the amount of the fee, and reference this report to justify the amount of the fee. Setting the fee by resolution could make it procedurally straightforward to update the fee annually for inflation.

### Determine Relationship With LARPD

The City should determine administrative arrangements with the LARPD to program and account for revenues from the park facility fee. Unlike the state statute (Quimby Act) that governs the City's parkland dedication ordinance, the *Mitigation Fee Act* does not mandate any specific relationship between a city and a local park and recreation district when the city collects a park facilities fee.

A reasonable allocation of responsibilities could include the following:

- ◆ The City approves LARPD capital projects to be funded by park facility and trails fee revenues and agree on maintenance responsibilities;
- ◆ The City transfers fee revenues to LARPD to fund capital projects annually at a minimum;
- ◆ The LARPD is responsible for all statutory accounting and reporting requirements for the funds received from the City; and
- ◆ The LARPD would agree to indemnify the City against any legal challenge regarding the expenditure of funds transferred to the LARPD.

The City could also evaluate whether or not it wants to continue implementing its parkland dedication requirement for residential subdivisions. The advantage of this development exaction is that the City can use it to set aside land for parks during approval of a subdivision map. The park facilities fee only provides revenue and the City is then responsible for acquiring parkland through the real estate market. The disadvantage of the parkland dedication requirement is the administrative costs associated with approvals required by the LARPD (see Chapter 1).

### **Determine Fee Credit Procedures**

The City will need to include procedures in its ordinance to credit developers against their fee obligation for facilities they provide that are consistent with those to be funded by the park facilities and trails fee. Guidelines for the credit procedures include:

- ◆ For the dedications under the City's existing parkland dedication ordinance, developers would only receive credit against the parkland acquisition component of the park facilities and trail fee. Developers would still pay the park improvement component, trail acquisition, and improvement components (Table 8).
- ◆ For dedication of park and trail improvements, developers would receive credit against the park and trails improvement component of the park facilities and trail fee (Table 8). Credit would be given only when the proposed improvements are approved by the City and/or LARPD before construction. The City should ensure that the improvements are constructed to appropriate standards. For private open space that is accessible to the public, the City should determine the basis for credit in the ordinance.
- ◆ Under no circumstances, would a developer receive a credit that is greater than their fee obligation.

Credits would be granted based on the fee credit schedule, shown in **Table 9**. The schedule shows the amount of parkland that a developer would need to dedicate to receive credit against the fee. The square feet of parkland shown in the last column of Table 9 represents the amount needed to receive credit for one dwelling unit for residential land uses, or for 1,000 building square feet for non-residential land uses.

**Table 9: Fee Credits**

Land Use	Park Facility Standard			Occupant Density <sup>1</sup>	Credit <sup>2</sup> (SF per DU or KSF)
	Acres per 1,000 Capita	Employee Weighting	Square Feet per Capita		
<i>Residential</i>					
Single Family (park)	5.00	NA	218	3.00	654
Single Family (trail)	0.50	NA	22	3.00	66
<i>Multi-Family</i>					
3 Bedroom (park)	5.00	NA	218	2.61	569
3 Bedroom (trail)	0.50	NA	22	2.61	57
2 Bedroom (park)	5.00	NA	218	2.30	501
2 Bedroom (trail)	0.50	NA	22	2.30	51
1 Bedroom (park)	5.00	NA	218	1.78	388
1 Bedroom (trail)	0.50	NA	22	1.78	39
Studio (park)	5.00	NA	218	1.59	347
Studio (trail)	0.50	NA	22	1.59	35
<i>Non-residential</i>					
Commercial (park)	5.00	0.19	41	2.00	82
Commercial (trail)	0.50	0.19	4	2.00	8
Office (park)	5.00	0.19	41	2.86	117
Office (trail)	0.50	0.19	4	2.86	11
Industrial (park)	5.00	0.19	41	1.33	55
Industrial (trail)	0.50	0.19	4	1.33	5
Warehouse (park)	5.00	0.19	41	1.00	41
Warehouse (trail)	0.50	0.19	4	1.00	4

<sup>1</sup> Persons per dwelling unit for residential land uses and employees per 1,000 square feet for nonresidential land uses.

<sup>2</sup> Square feet of parkland or trails that would need to be dedicated to receive credit for one dwelling unit for residential land uses or for 1,000 building square feet for nonresidential land uses.

Sources: Tables 2 and 4; MuniFinancial.

## Program Fee Revenues To Capital Projects

The City should continue to update its capital improvement budget and the LARPD should continue to update its *Master Plan* and *Annual Budget for Capital Development* to program park facilities fee revenues to specific capital projects in compliance with the *Fee Mitigation Act* §66002. Use of a capital improvement plan, as represented by these documents, is essential to demonstrate a reasonable relationship between new development and the use of fee revenues. The City and the LARPD may alter the scope of planned capital projects, or substitute new projects, as long as projects represent an expansion of the City's park facilities.

The City and the LARPD should program substantially all fee revenues and fund balances on an annual basis to specific capital project accounts. Committing fees in this manner would enable the agencies to hold fee revenues for as long as necessary to collect sufficient funds to complete a capital project without the threat of having to refund uncommitted fund balances to property owners. (Government Code Section 66001(e).

### **Adjust Annually for Capital Project Cost Inflation**

The City should identify appropriate inflation indexes in the fee ordinance and adopt an automatic inflation adjustment to the fee annually. The City may choose to use separate indexes for parkland and trail acquisition and park and trail improvement costs. To calculate the fee increases the City would use the unit cost shares shown in Table 5 to weight each index. The City could use the same property appraisal process for the park facility and trails that it uses to adjust its existing parkland dedication in-lieu fee. The City Council shall adjust the rate of fee annually based on the Engineering News Record 20-city construction cost index, as published by McGraw-Hill Publishing Company. The City typically updates all fees annually based on appropriate indices or appraisals.

### **Comply With Statutory Accounting and Reporting Requirements**

The City should comply with the accounting and reporting requirements of the *Fee Mitigation Act* in §66001(d) and §66006. These requirements including placement of fees in a restricted account and crediting interest earnings on the fund balance to that account. For capital projects to be funded with a combination of park facility fees and other revenues, the City must identify the source and amount of the other revenues. The City must also identify when the other revenues are anticipated to be available to fund the project.

## 6. MITIGATION FEE ACT FINDINGS

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To guide the imposition of park facilities fees, the State Legislature adopted the *Mitigation Fee Act* (the *Act*) in 1987 (Assembly Bill 1600) and subsequent amendments. The *Act*, contained at *California Government Code* Sections 66000 through 66025, establishes requirements on local agencies for the imposition and administration of development fees. The *Act* requires local agencies to document five findings when adopting a fee.

The five statutory findings required for adoption of the maximum justified park facilities fees documented in this report are presented in this chapter and supported in detail by the other information presented in this report. All statutory references are to the *Act*.

### Purpose of Fee

For the first finding the City must:

Identify the purpose of the fee. (§66001(a)(1))

The policy of the City of Livermore is that new development will not burden existing development with the cost of park facilities required to accommodate growth.<sup>89</sup> The purpose of the park facilities fee is to implement this policy by providing a funding source from new development for park improvements to serve that development. The fee advances a legitimate interest of the City by enabling the City to provide municipal services to new development.

### Use of Fee Revenues

For the second finding the City must:

Identify the use to which the fee is to be put. If the use is financing park facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the park facilities for which the fee is charged. (§66001(a)(2))

The park facilities fee would fund expanded park facilities to serve new development. All facilities would be located within the City of Livermore. These facilities could include:

- ◆ Parkland;

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<sup>8</sup> *General Plan Opens Space and Conservation Element* (adopted 2003), policy OSC-5.1.P3, p. 8-29.

<sup>9</sup> *Downtown Specific Plan* (adopted 2003), pp. 5-11 to 5-12, 5-23, and 5-34 to 5-35.

- ◆ Adjacent street improvements;
- ◆ Typical park improvements including but not limited to landscaping, irrigation, play structures, benches, pathways, fences, and parking, ball fields etc.;
- ◆ Typical trail improvements including but not limited to landscaping, decomposed granite paving, benches and fences;
- ◆ Special use facilities and structures such as restrooms, sports complexes, and buildings;
- ◆ Private open space accessible to the public that exceeds the requirements as defined in the *Downtown Specific Plan* (provided through a credit against the park facilities fee); and
- ◆ Financing costs associated with any of the above.
- ◆ Planned facilities are identified in the following documents:
  - City of Livermore two-year capital improvement budget;
  - City of Livermore General Plan
  - City of Livermore Downtown Specific Plan
  - City of Livermore South Livermore Valley Specific Plan
  - City of Livermore 2001 Bikeways and Trails Master Plan;
  - Livermore Area Recreation and Park District *Master Plan*; and
  - Livermore Area Recreation and Park District *Annual Budget for Capital Development*.

## Benefit Relationship

For the third finding the City must:

Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. (§66001(a)(3))

The City would restrict fee revenues to the acquisition of parkland, acquisition of trail land, construction of adjacent street improvements; construction of park improvements, construction of trail improvements, special use facilities and structures on parkland; private open space accessible to the public (provided through a credit to the park facilities and trails fee), and financing costs, if any, associated with these expenditures. Park facilities and trails funded by the fee would provide a citywide network of services accessible to the additional residents and employees associated with new development. Thus, there is a reasonable relationship between the use of fee revenues and the residential and non-residential types of new development that would pay the fee.

The specific use of fee revenues is identified in the following documents:



- ◆ City of Livermore two-year capital improvement budget;
- ◆ City of Livermore 2001 Bike Ways and Trails Master Plan;
- ◆ Livermore Area Recreation and Park District *Master Plan*; and
- ◆ Livermore Area Recreation and Park District *Annual Budget for Capital Development*

## Burden Relationship

For the fourth finding the City must:

Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. (§66001(a)(4))

Residents and employees provide an indicator of the demand for the park facilities and trails needed to accommodate growth. The total demand for park facilities is calculated based on residents (for residential development) and employees (for non-residential development). To calculate a single demand measure, one employee is weighted as 0.19 resident based on an analysis of the relative demand for public facilities by land use type.

The need for the fee is based on the facility standard identified in this report, of 5.5 acres per 1000 capita. The facility standard represents the level of service that the City plans to provide its residents and businesses. The standard is based on the City's *General Plan* policy of five acres per 1,000 capita and an additional one half acre per 1,000 capita for trails.

See Chapter 2, *Growth Projections*, for a projection of residents and employees. Facility standards are addressed in Chapter 3.

## Proportionality

For the fifth finding the City must:

Determine how there is a reasonable relationship between the amount of the fee and the cost of the park facility, trail or portions of the park facility and or trail attributable to the development on which the fee is imposed. (§66001(b))

This reasonable relationship between the park facility and trail fee for a specific development project and the cost of the facilities attributable to that project is based on the estimated number of residents and employees that the project would serve. The total fee for a specific project is based on its size as measured by dwelling/bedroom units or building square feet. The fee schedule converts the estimated residents or employees that a development project would accommodate into a fee based on the size of the project. Larger projects of a certain land use type would have a higher service population and pay a higher fee than smaller projects of the same land use type. Thus,

the fee schedule ensures a reasonable relationship between the public facility fee for a specific development project and the cost of the facilities attributable to that project.

See Chapter 2, *Growth Projections*, for a description of how service population is determined for different types of land uses using occupant density factors. See Chapter 5, *Fee Schedule and Implementation*, for a presentation of the park facilities fee schedule.

## APPENDIX

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**Table A-1** details existing park facilities by site within the City of Livermore used to establish the City's park inventory summarized in Table 3. All facilities listed are improved.

**Table A-2** details existing trail facilities by site within the City of Livermore used to establish the City's trail inventory summarized in Table 3. All facilities listed are improved.

**Table A-3** provides the detail on the occupant density factors per bedroom.

**Table A-1: Existing Park Facility Sites**

<b>Facility (all facilities are improved)</b>	<b>Size (acres)</b>
<i>Owned by City of Livermore</i>	
Al Caffodio	2.02
Airport	3.00
Almond	4.00
Altamont Creek	6.90
Arroyo (Madeiros Parkway)	0.50
Barn/MSC	0.90
Bill Clark	2.88
Brickyard	0.30
Bruno Canziani	14.66
Carnegie	1.38
Centinnial	0.60
Christensen Park/Preschool	7.07
Crater Walkways (2)	1.20
East Avenue N	0.50
East Avenue S	0.50
El Padro	5.00
5th Street	0.10
Hagemann	7.90
Hansen	0.30
Ida Holm (Formerly Holm Well)	5.51
Independence (Kellman Fields)	17.71
Jack Williams	4.13
Karl Wente	3.14
Lester J. Knott	5.07
Library	3.80
Lincoln	1.20
Livermore Downs	4.49
Lizzie/Mills	0.30
M.W. "Tex" Spruiell	9.92
Madera	0.50
Maitland R. Henry	4.60
Max Baer	11.79
May Nissen Park/Swim Center	12.16
Mocho	3.56
N. Livermore Neighborhood	9.06
Napa	0.10
Northfront	2.31
Pleasure Island	6.86
Portola	1.60
Quezalatango	1.00
Ralph T. Wattenburger	5.38
Ravenswood Historic Site	19.86
Ravenswood Park	3.46
Recreation Center	2.04
Robert Livermore	30.60
Robertson Sports Park	110.34
Ruttan East	0.50
Ruttan West	0.50
Summit	3.90
Sunken Gardens	8.87
Sunset	6.66
Veterans Memorial Building	0.34
Vista Meadows	5.43
William J (Bill) Payne	14.07
	<u>380.47</u>

**Table A-1: Existing Park Facility Sites - Continued**

<b>Facility (all facilities are improved)</b>	<b>Size (acres)</b>
<i>Owned by Livermore Area Recreation &amp; Park District</i>	
Big Trees	4.23
Livermore Downs	4.48
Max Baer	9.55
Recreation Center	2.04
Robertson	97.42
Sunken Gardens	8.87
Sycamore Grove <sup>1</sup>	-
	<hr/> 126.60
<i>Owned by Livermore Valley Unified School District</i>	
Dolan	<hr/> 1.00
 Total Park Acreage	 508.07

<sup>1</sup> Although the City has a development agreement granting access to 130 acres of the regional park, for this analysis the City will not include this facility in the total acreage of existing park facilities.

Sources: Livermore Area Recreation & Park District Master Plan (1995), City of Livermore, and MuniFinancial.

Table A-2: Detailed Trails Inventory

Trail Name	Location	Trail Length (feet)
<i>City Owned</i>		
Almond School Trail	<i>Almond Ave to east of Madison Ave</i>	
	Almond School: Almond Ave to Almond Park	1,288
	Almond Park	341
	Almond Park to east of Madison Ave	35
Altamont Creek and Trail	<i>Laughlin Rd to N Vasco Rd</i>	
	Trail - south side, Laughlin Rd to N Vasco Rd	4,472
	Trail - north side, Laughlin Rd west to Knoll Way	800
	Trail - north side, Knoll Way to junction with B-2, southwest of Black Oak Ct, includes 50' bridge	465
Arroyo Las Positas Trail	Northfront Rd to N Vasco Rd	1,895
	Approximately 500' west of N Vasco Rd to Central Ave	396
	Central Ave to south of Mimosa St	630
	South of Mimosa St to Arrowhead Ave	237
	Arrowhead Ave to 135' east of Heather Ln	970
	135' east of Heather Ln to Heather Ln	135
	Heather Ln to Bluebell Dr	1,975
	Trail - south side, thru Golf Course, Bluebell Dr to Golf Dr	2,020
	Springtown Blvd west to City Limits	1,227
	West boundary of Livermore Downs Apartments to west boundary of T-5145	1,817
Arroyo Mocho Trail	<i>Isabel Pkwy to Hillcrest Ave</i>	
	Isabel Pkwy to F-2 trail connection at Arroyo Mocho overflow channel	
	Isabel Pkwy to 580' east of Summertree Dr	3,765
	500' east of Summertree Dr to F-2 trail connection at Arroyo Mocho overflow channel	317
	Trail from N Murrieta Blvd to 143' southwest of N Murrieta Blvd	143
	Trail from 143' southwest of N Murrieta Blvd to F-1-D trail connection at Arroyo Mocho overflow channel, and continuing southerly to City 10' strip north of RR tracks	413
	10' strip north of RR tracks	10
	UPRR tracks to old SPT RR R/W	98
	Old SPT RR R/W adjacent to E Stanley Blvd	
	E Stanley Blvd to School property	745
	School Property to Private property	427
	Private property to Holmes St	1,148
	Holmes St to half way to Arroyo Rd	1,855
	Half way to Arroyo Rd to Arroyo Rd	1,529
Robertson Park to S Livermore Ave	505	
S Livermore Ave to SE corner of Civic Center site @ 90 degree left turn		
North parcel	609	
** South parcel - Maintenance is included with City owned North parcel		
SE corner of Civic Center site @ 90 degree left turn to Hillcrest Ave	1,665	
Arroyo Seco Trail, North	<i>S Vasco Rd west to pedestrian bridge crossing and south to junction with H</i>	
	S Vasco Rd west to 675' west of S Vasco Rd	675
	675' west of S Vasco Rd to 935' west of S Vasco Rd	260
	935' west of S Vasco Rd to 1501' west of S Vasco Rd	566
	1501' west of S Vasco Rd to pedestrian bridge, and south to junction with H	312
Arroyo Seco Trail, South	<i>S Vasco Rd to Charlotte Way</i>	
	S Vasco Rd to 678' west of S Vasco Rd	678
	678' west of S Vasco Rd to 951' west of S Vasco Rd	273
	951' west of S Vasco Rd to junction of G-3-A south of bridge	448
	Junction of G-3-A south of bridge to 129' east of Charlotte Way	467
129' east of Charlotte Way to Charlotte Way	129	
Collier Canyon Creek Trail	Collier Canyon Rd intersection at new Murray Ranch Rd to US 580	

**Table A-2: Detailed Trails Inventory (continued)**

<b>Trail Name</b>	<b>Location</b>	<b>Trail Length (feet)</b>
Isabel Parkway Trail	<i>E Jack London Blvd to Alden Ln</i>	
	E Jack London Blvd to north boundary T-5650	3,200
	North boundary T-5650 to City easemnt	657
	City easement	151
	Zone 7 easement	199
	T-5650	957
	E Stanley Blvd	113
	3822' south of E Stanley Blvd to 678' north of Orchid Ranch	210
	425' north of Orchid Ranch to Orchid Ranch	425
	Orchid Ranch frontage	395
	Orchid Ranch to Concannon Blvd	415
	Concannon Blvd to 42' south of Concannon Blvd	42
	42' south of Concannon Blvd to Alden Ln	1,685
Pacific Avenue Trail	Pacific Ave to NW corner of Sunken Gardens	346
Quezaltenango Pkwy Trail	Hillcrest Ave to east of Madison Ave	2,657
Subarea 2, Dunsmuir Trail	East Ave to south of T-7116	
Altamont Creek Trail	Broadmoor St to Hartford Rd	2,946
Stealth Trail	<i>E Jack London Blvd to north of Stealth Ct</i>	
	E Jack London Blvd to Wright Brothers Ave	189
	Wright Brothers Ave to 778' north of Wright Brothers Ave	739
	778' north of Wright Brothers Ave to Stealth Ct	1,604
	North of Stealth Ct	336
Sycamore Grove Trail	Wetmore Rd to Arroyo Rd	
South Livermore Wine Trail	West lint T-???? To So. Livermore Ave	
South Livermore Specific Plan Trail	South side of Marina Blvd south to Tract 7178 then eat through the tract to Arroyo Rd at Wetmore Rd.	6,336
Arroyo Las Positas Trail Extension	Bluebell Dr 635 feet south to the Arroyo Las Positas Trail. Also from Springtown Blvd 520 feet east to Arroyo Las Positas Trail.	1,162
Concannon Blvd Trail	South side of Concannon Blvd from South Livermore Ave to Normandy Wy	7,392
Sub area 3, Tract 7038 Trail	South side of Robertson Park Rd south along the west side of San Felice Dr, then east along the south side of San Minnete Dr, then south along the west side of San Vicente Dr to Concannon Blvd	1,954
Total Length (feet)		<b>69,849</b>
Total Area (acres) (based on width = 25 feet)		<b>40.09</b>
Total Area Less Trails Included in Parks (acres)		<b>38.38</b>
<i>LARPD Owned</i>		
Arroyo Del Valle Trail	Isabel Parkway to boundary between The Oaks subdivision and Plotkin property	3,709
Arroyo Mocho Trail	Isabel Pkwy to Hillcrest Ave	
	Robertson Park Robertson Park to S Livermore Ave	4,589
Pacific Avenue Trail	<i>Pacific Ave to Hillcrest Ave</i>	
	Pacific Ave to NW corner of Sunken Gardens	
	NW corner of Sunken Gardens to Hillcrest Ave	779
Sycamore Grove Trail	Wetmore Rd to Arroyo Rd	<u>10,734</u>
Total Length (feet)		<b>19,811</b>
Total Area (acres) (based on width = 25 feet)		<b>11.37</b>
Total Area Less Trails Included in Parks (acres)		<b>2.13</b>

**Table A-2: Detailed Trails Inventory (continued)**

<b>Trail Name</b>	<b>Location</b>	<b>Trail Length (feet)</b>
<i>Other Owned</i>		
Arroyo Del Valle Trail	Isabel Parkway to boundary between The Oaks subdivision and Plotkin property Isabel Parkway to west boundary of The Oaks subdivision West boundary of The Oaks subdivision to Plotkin property	688
Arroyo Las Positas Trail	Northfront Rd to City Limits west of Springtown Blvd Trail - north side, Bluebell Dr to Springtown Blvd West boundary of T-5145 to un-named street west of N Livermore Ave	1,512 774
Arroyo Mocho Trail	Isabel Pkwy to Hillcrest Ave UPRR tracks to old SPT RR R/W Old SPT RR R/W adjacent to E Stanley Blvd School Property Private property	100 100 677 118
Isabel Parkway Trail	E Jack London Blvd to Alden Ln Arroyo Mocho Parcel Railroad Rights-of-Way South r/w of E Stanley Blvd to 12' south of E Stanley Blvd 12' south of E Stanley Blvd to 68' south of E Stanley Blvd 68' south of E Stanley Blvd to 1228' south of E Stanley Blvd 1228' south of E Stanley Blvd to 3822' south of E Stanley Blvd 678' north of Orchid Ranch to 425' north of Orchid Ranch	190 200 12 56 1,160 2,594 253
Subarea 2, Dunsmuir Trail	East Avenue to south of Carnegie Way at T-7116	1,970
Total Length (feet)		<b>10,404</b>
Total Area (acres) (based on width = 25 feet)		<b>5.97</b>
Total Area Less Trails Included in Parks (acres)		<b>4.99</b>

Source: City of Livermore; MuniFinancial.



**Table A-3: Population per Household for Single Family and Multifamily Residential - Tri-Valley (a)****SINGLE FAMILY RESIDENTIAL**

(Number of Units) Persons per Household	Number of Bedrooms						All Households
	Studio	1	2	3	4	5 or more	
1	51	270	704	2,243	1,179	112	4,559
2	45	313	978	6,213	5,530	832	13,911
3	32	65	415	3,444	3,584	500	8,040
4	26	101	261	3,519	4,461	647	9,015
5	-	107	209	1,394	1,913	683	4,306
6	-	43	26	322	533	161	1,085
7	-	-	-	58	126	64	248
8	-	29	40	18	61	-	148
9	-	-	-	32	-	16	48
11	-	-	-	29	-	-	29
12	-	-	-	10	-	-	10
Number of Households	154	928	2,633	17,282	17,387	3,015	41,399
Total Household Population	341	2,520	6,470	49,256	54,968	10,837	124,392
<b>Population per Household</b>	<b>2.21</b>	<b>2.72</b>	<b>2.46</b>	<b>2.85</b>	<b>3.16</b>	<b>3.59</b>	<b>3.00</b>

**MULTIFAMILY RESIDENTIAL**

(Number of Units) Persons per Household	Number of Bedrooms						All Households
	Studio	1	2	3	4	5 or more	
1	490	2,896	2,389	714	74	-	6,563
2	196	1,407	2,729	1,088	154	-	5,574
3	32	499	1,652	604	92	-	2,879
4	48	184	827	364	234	-	1,657
5	13	202	258	137	-	-	610
6	-	37	45	92	50	-	224
7	-	-	69	21	-	-	90
8	-	-	-	37	-	-	37
9	-	21	-	-	-	-	21
10	-	-	21	-	-	26	47
11	-	-	-	16	-	-	16
Number of Households	779	5,246	7,990	3,073	604	26	17,718
Total Household Population	1,235	9,364	18,364	8,014	1,894	260	39,131
<b>Population per Household</b>	<b>1.59</b>	<b>1.78</b>	<b>2.30</b>	<b>2.61</b>	<b>3.14</b>	<b>N/A</b>	<b>2.21</b>

**ALL UNITS**

Number of Households	933	6,174	10,623	20,355	17,991	3,041	59,117
Total Household Population	1,576	11,884	24,834	57,270	56,862	11,097	163,523
<b>Population per Household</b>	<b>1.69</b>	<b>1.92</b>	<b>2.34</b>	<b>2.81</b>	<b>3.16</b>	<b>3.65</b>	<b>2.77</b>

**Notes:**

(a) Data based on Public User Microcuser Area #02410, which includes Livermore, Pleasanton, Dublin, Sunol and the immediate vicinity.

**Source:** 2000 U.S. Census Public User MicroSample 5% Dataset, Bay Area Economics, 2004.