

# Center for City Park Excellence



Photo: Billy Weeks

## WHO'S GOING TO PAY FOR THIS PARK?

The Role of Developer Exactions in the Creation of New City Parks

By Peter Harnik and Laura Yaffe

### *Executive Summary*

Many communities require developers to donate land or pay in-lieu fees for the acquisition of parkland. The rationale for these so-called “developer exactions” is that population growth (and the resulting housing construction) eliminates formerly open land and also adds to the number of residents who must be served by ever-more-stressed parkland.

Much has been written about the formulas used to calculate the amount of land and/or the in-lieu payments required of developers. Much has also been written about whether the programs are equitable or not. But almost no attention has been paid to the more basic question – do these programs actually result in the public acquisition of land?

While the practice of exacting parkland from developers is more prevalent in suburban towns and “collar” counties, a number of the nation’s large cities also have exaction programs. Twelve of these cities were the subject of a six-month study by the Trust for Public Land’s Center for City Park Excellence.

The research found that, on the whole, developer impact fees do seem to successfully result in land acquisition. However the study also revealed that most cities do not place a particularly high priority on these efforts – so much so that park agencies in fully 50 percent of the cities (six out of 12) have not been able to substantively track their programs’ outcomes. Moreover, of the six cities that did track outcomes, the majority are not achieving the level of land acquisition that had been contemplated and predicted. In the aggregate, in those six cities, only 60 percent of the expected amount of land was actually acquired.

### *Background*

Developer exaction programs have been adopted by many communities to help offset a variety of costs associated with new development. A sizable percentage of these localities, recognizing that public parks, trails, open space and recreational facilities are critical to ensuring residents’ health and quality of life, have specifically set fees and/or required land dedication for parks.

#### Contact:

Peter Harnik  
Director, Center for City Park Excellence

The Trust for Public Land  
660 Pennsylvania Ave., S.E.  
Washington, D.C. 20003  
(202) 543-7552  
peter.harnik@tpl.org

*The Trust for Public Land  
conserves land for people to enjoy  
as parks, gardens, and other natural places,  
ensuring livable communities  
for generations to come.*

www.tpl.org

The majority of these ordinances apply only to residential plats or subdivisions that create additional dwelling units. A few ordinances also apply fees to office construction, hotels, schools, churches, nursing homes and other types of commercial or even industrial development.

The formulas used to assess the fee or generate acreage vary; some are based on the number of new residents, others on the number of units, others on the square footage of construction. In addition, the ordinances differ in allowing a developer to substitute land or facilities for paying a fee; in setting the size of the geographical “nexus” within which the funds or land can be applied; in permitting uses for the funds (i.e. land acquisition, facility development, maintenance and even administration); in being flexible as to the types of facilities for which funds can be used; and in setting a time limit within which the funds must be spent or committed.

There is no nationally agreed-upon standard for land (or dollar) donations by developers, and different city ordinances use substantially different formulas to determine the exactions. In some cases the ratio is based upon population, in others on dwelling units; some cities prefer outright land gifts while others prefer money with which to buy land. Chicago requires about 1.7 acres per 1,000 new residents while Austin mandates 5 acres per 1,000 and San Diego asks about 20 acres. (The average of the formulas comes to just over 4.3 acres per 1,000 new residents, although the outcome doesn’t come close to matching the intention.) Alternatively, based on cash payments in lieu of land, the standard ranges from about \$313,000 per 1,000 new residents in Chicago to \$1 million per 1,000 in Long Beach, Calif. and nearly \$2 million in certain neighborhoods of San Diego. (The average comes to just over \$530,000 per 1000 residents, although, again, that is not particularly meaningful as a benchmark.) (See Table 1.)

### *The Findings*

The ultimate test of any program is not in the details of the formula but rather the outcome: how much land was expected and how much was actually obtained?

Of the communities that were surveyed, six – Albuquerque, Atlanta, Chicago, Los Angeles, Miami and San Diego – were unable to provide us with precise data showing whether their developer impact programs had generated new parkland (or, in the case of Chicago, how much land has been generated). In the other six, developer impact ordinances resulted in the addition of a total of 1,572 acres of new parkland. However, through an analysis of the ordinances’ requirements and the actual increase in population in the cities, the Trust for Public Land calculated that a total of 2,594 acres of land should have been acquired. Thus, in the aggregate, the ordinances yielded only 61 percent of the amount of land they were expected to generate. (See Table 2.)

The programs that came closest to achieving their stated goals were in Austin, at 77 percent, and in Fort Worth, at 63 percent. The least successful program was in San Antonio. Most remarkable was Portland, which initially generated more than 100 percent of its goal through creative use of its bonding authority.

Fort Worth, which began a developer exaction program as early as 1977 and has been modifying and upgrading it ever since, has had considerable success in generating parkland from it, but still achieved only 77 percent of its goal. Looking at the program in its most recent two configurations – from 1996 and again since 2000 – it has produced 176 acres of parkland in contrast to the 385 that should have resulted from the city’s population growth.

Austin, which has data on its program from 1986 to 2000, was successful in amassing 867 acres of parkland through exactions. However, the fast-growing city gained enough people and houses to merit 1,120 acres.

San Antonio’s program had a rocky start: in the first three years, population growth should have yielded 227 acres but none was acquired.

Only Portland, Ore., came out ahead of expectations by using creative financing to leverage its funds and get them spent more quickly between 1998 and 2002. The city borrowed money by issuing bonds and used expected future developer revenue to assure the bonds’ payback; with the money Portland purchased 91 acres in advance of price escalations when population growth generated the need for only 39 acres.

In contrast, Long Beach, Calif. achieved only 4 acres instead of the 12 deserved.

### *Four Issues*

It is not totally clear why exaction programs have not reached their full potential -- or even the results mandated by law. Part of the problem may well be that public agencies and private developers have diametrically opposing self-interests in this matter and are not motivated to collaborate smoothly. Also, the combination of mind-numbingly complex formulas and relatively small amounts of exacted land per development prompts the agencies to give the program less close attention than otherwise. (Hence the fact that half the agencies could not accurately report outcomes.)

Nevertheless, there is general agreement among public officials and park advocates that there are four major problem areas that hamper the success of exaction programs – nexus, cost, development versus acquisition, and exemptions.

### *Nexus*

The single biggest problem for most of the cities studied is the way the regulations define “nexus” – how close the new parkland must be to the new development. The tighter the nexus, the harder it is to aggregate small land donations into worthwhile size parks or to lump together many smaller payments into enough money to buy a useful piece of land.

For instance, in Austin, Butch Smith, senior planner with Austin Parks and Recreation Department, explained, “Since dedicated fees must benefit the subdivision that gave the fee, the expenditure of the fees has been highly localized. It has been difficult to aggre-

gate enough funding for substantial land acquisition. Furthermore, subdivisions rarely dedicate land in sufficient acreage to meet our five-acre minimum park size. Therefore, the greatest impact of the Parkland Dedication Ordinance has been for park improvements, not land acquisition. Most of our significant land acquisition comes from bond money.”

Officials in San Antonio also attribute the failure of their new program to the nexus problem. The city collected close to \$925,000 in fees between 2001 and 2004 but the dedication requirement – that all funds generated must be spent within a two-mile radius of the new subdivision – has made it impossible to aggregate enough money for any worthwhile project. Thus far, according to the Department of Parks and Recreation, there has been no acquisition of public park land through developer fees and there has been no transfer of park land to the city. (Some parkland has been developed in conjunction with new subdivisions, but it remains privately held by the developers pending repayment by the city.)

Interestingly, Long Beach does not have a nexus problem – it has no geographical or zoning restrictions on where funds may be spent. However, the park department voluntarily prioritizes new parks in areas where new housing is being built.

Portland is somewhere in the middle on this issue. According to System Development Charge Program Director Riley Whitcomb, collected fees are generally spent within the sub-area in which they are collected and priorities are based on a 20-year projection for growth and development. However, exceptions exist for community-wide natural areas and urban parks which have a larger nexus.

### *Cost*

Another problem in some cities is that the fees don’t adequately cover the price of land, particularly in California. In densely-populated Long Beach, industrially zoned unimproved land is valued at about \$500,000 per acre. In residential areas the City has paid up to \$2.5 million per acre for an improved property. These high prices are a major reason that the city has been able to afford only 4 acres using exactions, even though its developer fees are the highest of any city studied.

San Jose has brought in more total dollars -- \$47 million in 14 years – than any other city studied, but it still has created less than one-third of the parkland its population growth would have justified. The fee schedule for San Jose is based on appraised land values that are tied to Multiple Listing Service zones. However, according to Brad Brown, park planner for the city, the current schedule is calculated on 70 percent of the appraised land value from fiscal year 2002. To rectify the problem, a proposal is being considered to increase the formula to 100 percent of current assessed value. (If adopted, the new schedule would be phased in over a three-year period.)

### *Development vs. Acquisition*

A third issue is that not all the exaction money goes to land acquisition. San Jose reports that only 11 percent of the funds collected and spent through fiscal year 2002 were used for parkland acquisition; 41 percent went for developing new park facilities, 29 percent for new improvements to existing park facilities, 10 percent for renovations to existing park facilities and 9 percent for the development of specialized recreation facilities, such as skate parks and sports fields. Planner Brad Brown stated, “Lately, the city administration has been pushing to get developers to dedicate more new parkland versus paying in-lieu fees, even if that means we have to land-bank some of it for the time being.”

Austin is also allowed to use its exaction funds for park development. In fact, because of nexus difficulties, according to Senior Planner Butch Smith, “the greatest impact of our Parkland Dedication Ordinance has been for park improvements, not land acquisition.”

In Long Beach officials do not have the latitude to make decisions between development and acquisition: the law mandates that the funds collected be used half for each purpose.

### *Exemptions*

A fourth reason that cities have not acquired as much parkland as expected is that some of them exempt a range of structures from park dedication requirements. Portland provides credits or exemptions for developments considered beneficial to the community, such as dependent care facilities, shelter or group homes, and low-income housing (if the developer is not-for-profit). San Jose formerly had an exemption for builders of low-income housing, but the exemption was suspended in 1998, resulting in an increase of fee payments of approximately \$22 million between 1998 and 2004. (Under an agreement reached in 1998, San Jose’s redevelopment agency is responsible for paying the park in-lieu fee on behalf of the low-income housing developer.)

### *Some Possible Fixes*

Many cities studied are seeking ways to make their exaction programs work more effectively. San Antonio, with the least successful program studied, is considering a set of amendments which would increase the generation of both land and revenue. Among the proposed changes are: restricting the ability of developers to choose fees in lieu of providing park facilities; increasing the fee schedules so as to include the costs of land development; and lowering the formula from one acre per 114 single-family dwelling units to one acre per 70.

San Jose is evaluating the possibility of raising its fee level from 70 percent of 2002 assessed land value. If it is raised to 100 percent of current land assessment, the program could generate 43 percent more money (and 90 percent more in those parts of the city where land values have increased the fastest).

## *Conclusion*

Creating parks through the use of developer exactions is, ironically, an inexact science. It is inexact partly because it is a controversial policy, opposed by developers, looked at askance by many courts, and treated gingerly by planners and urban officials. Because of the contentiousness a bright spotlight is frequently shined on the legislative language, the rules, the requirements and the many opinions about the policy's fundamental fairness. It is the inputs that are so fiercely debated by developers and agency planners, while it is the outcomes (or lack thereof) that most affect the day-to-day lives of the residents of the city and their new neighborhoods and communities.

It is hoped that the results of this study will help bring more rigor to the analysis of developer exactions. Only in this way will the public be able to make informed decisions about how it wants its new park lands to be funded and acquired.

A city-by-city analysis is attached, in two Appendices.

## APPENDIX A.

### DEVELOPER EXACTION PROGRAMS, CITIES WITH ENOUGH DATA TO ANALYZE

#### *Austin, Tex.*

I. Program Name, Inception Date and Scope:

Name: Parkland Dedication Ordinance

Inception Date: July, 1985

The Parkland Dedication Ordinance calls for 5 acres per 1000 new residents and applies only to new residential subdivisions. Fees can be used for acquisition or capital improvements, but land must be acquired within a 2-mile radius of the subdivision that generated the fees. The acquisition must be no less than 5 acres.

II. Total Number of Acres Acquired Through Exaction: 867 acres.

III. Total Income Generated Through the Fee-In-Lieu Program: \$9,400,000.

IV. Total Number of New Dwelling Units or Residents Added to the City:

Approximately 224,000 persons in 14 years

V. Number of Acres Expected: 1,120 acres over 14 years (based on 5 acres per 1,000 new residents)

VI. Average Price per Acre in the City: Recent land acquisitions have averaged about \$13,000 per acre for rural land. No inner-city parkland acquisition has occurred recently.

VII. Contacts and Comments:

Butch Smith, Senior Planner, Austin Parks and Recreation Department.

(512) 974-6763, butch.smith@ci.austin.tx.us.

#### *Fort Worth, Tex.*

I. Program Name, Inception Date and Scope:

Name: Neighborhood and Community Park Dedication Policy

Inception Date: May, 2000

Parkland dedication requirements, in some form, have existed in Fort Worth since 1977. The Neighborhood Park Dedication Policy (adopted in 1996) required dedication of 2.5 acres per 1,000 new residents, plus fee payment of \$30,000 per new park acre, for neighborhood parkland only. In 2000 a new Neighborhood and Community Park Dedication Policy was created that added a provision for 3.75 acres of neighborhood parkland per 1,000 new residents a facility development fee and a fee for community parkland acquisition. In February, 2004, the Parks and Community Services Department (PACSD) created a Central City Parks Planning District (PPD) that has a separate fee structure of \$500 per unit (and no land exaction) that can be used for land acquisition, park facility development or grant matching.

II. Total Number of Acres Acquired Through Exaction: 176 (Neighborhood Park Dedication Policy, 1996 to May 2000: 176 acres [with 94 more acres pending formal acceptance]; Neighborhood and Community Park Dedication Policy,

- May 2000 to present: 0 acres [with 89 acres pending])
- III. Total Income Generated Through the Fee-In-Lieu Program: \$5.9 million (about \$5.6 million remains unspent)
  - IV. Total Number of New Dwelling Units or Residents Added to the City: approximately 77,000 persons in 7 years (population growth is an average of 11,000 per year)
  - V. Number of Acres Expected: 316 (110 from 1996-2000, based on 2.5 acres per 1,000 persons; plus 206 from 2001-2004, based on 6.25 acres per 1,000 persons)
  - VI. Average Price per Acre in the City: \$12,000 per acre in edge growth areas to \$1 million downtown; the normal range in residential areas is \$25,000-\$40,000 per acre
  - VII. Contacts and Comments:  
David Creek, Acting Planning Manager, Park Planning and Resource Management, Parks and Community Services Department, (817) 871-5745, David.Creek@fortworthgov.org; Joe Janucik, Senior Planner, Parks and Community Services Department (817) 871-5706, joe.janucik@fortworthgov.org.

*Long Beach, Calif.*

- I. Program Name, Inception Date and Scope:  
Name: Park Impact Fee  
Inception Date: January 31, 1989  
The fee, which only applies to residential development, can be used for land acquisition or the development of new facilities on existing parkland; it cannot be used for maintenance or rehabilitation of existing facilities. There are no geographic or zoning restrictions on where funds can be spent. However, the city prioritizes those areas where new housing development is occurring. There is no credit for removing a dwelling unit (i.e., if 4 units are removed and replaced with 12 units, the fee is based on 12 units; if a home is replaced with a larger home, the fee is still required.) Fees are assessed and collected by the Planning and Building Department and range from \$2,680 for a single-family dwelling unit to \$1,015 for an artist studio. The ordinance calls for 38.72 sq. ft. of park space for each new dwelling unit.
- II. Total Number of Acres Acquired Through Exaction: 4
- III. Total Income Generated Through the Fee-In-Lieu Program: \$9,607,444
- IV. Total Number of New Dwelling Units or Residents Added to the City: 4,500 new dwelling units between 1989 and 2003. (The remaining population growth in the city was absorbed by more crowding in existing housing.)
- V. Number of Acres Expected: 12
- VI. Average Price per Acre in the City: Approximately \$975,000 per acre (ranging from \$500,000 per acre for unimproved industrial land to \$2.5 million per acre for improved residential property)
- VII. Contacts and Comments  
Dennis Eschen, Manager, Planning and Development Bureau, Department of Parks Recreation and Marine, (562) 570-3130, dennis\_eschen@longbeach.gov



*Portland, Ore.*

- I. Program Name, Inception Date and Scope:  
Name: System Development Charge (SDC)  
Inception Date: October 1, 1998.

The rate structure for July 1, 2003 to June 30, 2004 (it increases every year by the inflation rate or by 6 percent, whichever is less) is as follows:

Single Family - \$1,630

Duplex -  $\$1,630 \times 2 = \$3,260$

Multi-Family (each unit) - \$1,051

Manufactured Homes \$1,108

Accessory Dwelling Unit - \$815

Single Room Occupancy (SRO) Housing - \$629

The SDC charge is based on facilities costs per capita and is calculated based on the a formula for the number of persons per dwelling unit based on 1990 census data. The mandated number of persons are:

Single Family – 2.59 persons

Multi-Family (each unit) – 1.67 persons

Manufactured Housing – 1.76 persons

Exemptions are available if development does not include new dwelling units; if the project is a hotel, motel, dormitory, dependent care, shelter or group home; or if the developer is a not-for-profit organization sponsoring low-income housing. The fee is levied on residential and some commercial construction if it includes residential development. Revenue is tracked by 7 sub-areas and expenditures are targeted to the fastest growing sub-areas. The fee is assessed at the time the building permit is issued. The program is being considered for expansion to non-residential development for specific park and development types. Credits are available if the project serves one or more of the City housing goals or if property or facilities are transferred to the Department of Parks and Recreation.

- II. Total Number of Acres Acquired Through Exaction: 90.86 acres (1998-2002).  
Note: The SDC program has resulted in an excess of parkland acquisition because Portland used anticipated revenues to issue \$6 million in bonds which were used to buy land. These bonds are being paid off through future SDC income.
- III. Total Income Generated Through the Fee-In-Lieu Program: \$6,246,847 (1998-2002)
- IV. Total Number of New Dwelling Units or Residents Added to the City: 4,275 units (1998-2002), or 8,550 persons (there are roughly 2 residents per unit)
- V. Number of Acres Expected: 39 acres
- VI. Average Price per Acre in the City: Approximately \$220,000
- VII. Contacts and Comments  
Glenn Raschke, Program Administrator, Parks Planning and Development, (503) 823-5105, [graschke@ci.portland.or.us](mailto:graschke@ci.portland.or.us); Riley Whitcomb, Director of System Development Charges, (503) 823-6148, [pkriley@ci.portland.or.us](mailto:pkriley@ci.portland.or.us).

*San Antonio, Tex.*

- I. Program Name, Inception Date and Scope:  
Name: Unified Development Code  
Inception Date: May, 2001  
Fees under the Unified Development Code (UDC) are imposed only on residential development. Fees may be spent on acquisition or improvements and must be spent within two miles of the subdivision that generated the funds. The ordinance calls for 1 acre for every 114 residential units.
- II. Total Number of Acres Acquired Through Exaction: None
- III. Total Income Generated Through the Fee-In-Lieu Program: \$925,000
- IV. Total Number of New Dwelling Units or Residents Added to the City: 25,882 (2001-1003), although an unknown number were permitted before the UDC program was created and were grandfathered out of the requirement.
- V. Number of Acres Expected: Approximately 227
- VI. Average Price per Acre in the City: No recent park land purchases. Recent city acquisition of environmentally sensitive land in the Edwards Aquifer recharge zone (far from city center) was \$6,000 per acre.
- VII. Contacts and Comments  
Chris Yanez, San Antonio Department of Parks and Recreation,  
(210) 207-4091, lyanez@sanantonio.gov

*San Jose, Calif.*

- I. Program Name, Inception Date and Scope:  
Names: Parkland Dedication Ordinance and Parkland Impact Ordinance  
Inception dates: 1988 and 1992.  
The Parkland Dedication Ordinance (PDO), adopted in 1988, applies to residential subdivisions of 5 or more lots. The Parkland Impact Ordinance (PIO), adopted in 1992, applies to residential development not requiring a subdivision map. They both require the dedication of land or payment of in-lieu fees or a combination of both whenever there is a net increase in residential units. The rate of dedication is 3 acres per 1,000 persons. (An exemption for construction of low-income housing was suspended in 1998 and is expected to sunset in 2006; a downtown exemption ended on January 1, 2003.) The Parks, Recreation and Neighborhood Services Department (PRNS) prefers acreage donations of no less than one acre. Development projects of less than 51 units are required only to pay the in-lieu fee. In-lieu fees may be used for the acquisition, development, construction or renovation of neighborhood or community parks, or the neighborhood/community-serving elements of regional parks. Often PRNS allows for less than the maximum allowable land dedication in return for “turnkey” projects – fully improved park facilities built by the developer in accordance with city guidelines. Fees must be allocated within 5 years or returned. The nexus for spending fees on neighborhood parks is a radius of three-quarters of a mile; for community parks it is 2 miles.
- II. Total Number of Acres Acquired Through Exaction: 124 (1989 through 2003)
- III. Total Income Generated Through the Fee-In-Lieu Program: \$47 million (1989 through 2003)

- IV. Total Number of New Dwelling Units or Residents Added to the City: 142,000 (1989 through 2003)
- V. Number of Acres Expected: 426 (based on 3 acres per 1,000 residents)
- VI. Average Price per Acre in the City: \$460,000 - \$1.5 million
- VII. Contacts and Comments:  
Brad Brown, Park Planner, Parks, Recreation and Neighborhood Services Dept.  
(408) 794-1319, Brad.Brown@sanjoseca.gov

## APPENDIX B.

### DEVELOPER EXACTION PROGRAMS, CITIES WITHOUT ENOUGH DATA TO ANALYZE

#### *Albuquerque, N.M.*

I. Program Name, Inception Date and Scope:

Name: The Park Dedication and Development Ordinance

Inception date: 1976

As a condition of approval of platting, annexation, site development plans, zoning changes, or building permits, the developer is required to dedicate land or pay a park development fee or both. If the City agrees to accept cash in lieu of land dedication the amount of money is based on the appraised square foot value of the development site. (At present, the exaction per house in the developing part of the city is 170 sq. ft. of land plus a \$78 fee; in the redeveloping part of the city, there is no land requirement and only the \$78 fee. Apartments are charged at half the rate of houses.) Land and/or fees are placed in escrow to be used to provide a developed neighborhood park for the residents of the development. (The ordinance is only used for neighborhood parks; community and regional parks are funded solely by State grants and general obligation bonds.) If adequate neighborhood park space is already met, fees are used to purchase land or provide recreation facilities for a district park which serves the residents of the development. The city is conducting a study of a new impact fee program for both parks and open space, but it has not been decided whether the current Park Dedication and Development Ordinance would be included or kept separate.

II. Total Number of Acres Acquired Through Exaction: Not Available

III. Total Income Generated Through the Fee-In-Lieu Program: Not Available

IV. Total Number of New Dwelling Units or Residents Added to the City:  
Not Available

V. Number of Acres Expected: Not available (ratio is about 2 acres for every 515 dwelling units.

VI. Average Price per Acre in the City: \$50,000 - \$175,000

VII. Contacts and Comments:

Christina Sandoval, Senior Planner, Department of Municipal Development (505) 768-3808, cmsandoval@cabq.gov; Matt Schmader, Open Space Division, Department of Parks and Recreation (505) 452-5214, mschmader@cabq.gov.

#### *Atlanta, Ga.*

I. Program Name, Inception Date and Scope:

Name: Developer Impact Fee Act

Inception Date: July 1, 1993

Developers are not required to donate land but are exacted a fee at the rate of \$246-\$410 per single-family dwelling unit; \$171-285 per multi-family

dwelling unit; and \$161-\$247 per 1,000 sq. ft. of office construction, depending on the neighborhood. Fees are also assessed on hotel rooms, schools, churches, commercial and industrial facilities. Fees are collected at the time of issuance of the building permits and the money must be spent in the quadrant of the city where the development occurs. The money can be used for acquisition and park development only, not construction of any recreational facilities.

- II. Total Number of Acres Acquired Through Exaction: Not Available
- III. Total Income Generated Through the Fee-In-Lieu Program: Uncertain; estimated at \$350,000 to \$450,000 per year.
- IV. Total Number of New Dwelling Units or Residents Added to the City: Not Available
- V. Number of Acres Expected: Not Available
- VI. Average Price per Acre in the City: Not Available
- VII. Contacts and Comments:  
John Heath, Bureau of Planning (404) 330-6781 jheath@atlantaga.gov;  
Ms. Terrilyn Rolle, Greenspace Program Coordinator, Department of Planning (404) 330-6787, trolle@atlantaga.gov; Mr. Bronaugh Bridges, Financial Officer (404) 330-6732, bbridges@atlantaga.gov; Chuck Adair, Bureau of Buildings (404) 330-6153, cadair@atlantaga.gov;

### *Chicago, Ill.*

- I. Program Name, Inception Date and Scope:  
Name: Open Space Impact Fee  
Inception Date: April, 1998.  

The Impact Fee is collected for residential development and rehabilitation, but only if it results in the creation of additional dwelling units. The money is collected by the Buildings Department and the funds are allocated by the Department of Planning with advice from a committee (made up of the City, the Park District, the Forest Preserve District, Chicago Public Schools and Neighborspace). There are 77 community areas and the fee can be spent only in the community area in which the building is constructed. If fees are not spent within 7 years of collection they are to be returned. The money can be spent to acquire or develop new open space and to develop open space acquired after 1998; it cannot be used to "cure existing park deficiencies" such as fixing a dangerous playground. Fees are mandated at the approximate rate of \$3.60 per square foot and thus range from \$313 per small dwelling unit up to \$1,253 per large dwelling unit. The fee for each "affordable housing" unit is \$100. Land in lieu of fees is preferred in planned developments.
- II. Total Number of Acres Acquired through Exaction: Not Known
- III. Total Income Generated Through the Fee-In-Lieu Program:  
\$25,135,384 from 1998 through mid-2004, an average of about \$4.2 million per year.
- IV. Total Number of New Residents Added to the City: 56,145 residents (estimate based on addition of 112,290 residents from 1990-2000); number of dwelling units not known.

- V. Number of Acres Expected: 111 acres (based on 87 square feet per new resident, if all new residents are housed in new units)
- VI. Average Price per Acre in the City: \$528,000 (not accurate, but mandated by the ordinance).
- VII. Contacts and Comments  
Kathy Dickhut, Assistant Commissioner-Department of Planning and Development 121 N. LaSalle St., Room 1003, Chicago, IL 60602.  
(312) 744-1074, kdickhut@cityofchicago.org; Meg Gustafson,  
(312) 744-0524, mgustafson@cityofchicago.org

*Los Angeles, Calif.*

- I. Program Name, Inception Date and Scope:  
Name: Quimby Act; detailed information not available
- II. Total Number of Acres Acquired Through Exaction: Not Available
- III. Total Income Generated Through the Fee-In-Lieu Program: Not Available
- IV. Total Number of New Dwelling Units or Residents Added to the City:  
Not Available
- V. Number of Acres Expected: Not Available
- VI. Average Price per Acre in the City: Not Available
- VII. Contacts and Comments  
Camille Didier, Department of Recreation and Parks, 213-928-9132,  
cdidier@rap.lacity.org

*Miami, Fla.*

- I. Program Name, Inception Date and Scope:  
Name: Developer Impact Fee  
Inception Date: 1987  
The rate ranges from a low of \$157 per 1,000 square feet of new development (residential downtown) to \$218 per 1,000 square feet (residential in outlying neighborhoods) to a high of \$404 per 1,000 square feet (commercial downtown). The fee can be used only for capital purposes, not operations. It must also be used in the general vicinity of its collection (i.e., downtown, Coconut Grove, etc.). The money must be spent within 6 years.
- II. Total Number of Acres Acquired Through Exaction: Not Available
- III. Total Income Generated Through the Fee-In-Lieu Program: \$1.77 million
- IV. Total Number of New Dwelling Units or Residents Added to the City:  
Not Available
- V. Number of Acres Expected: Not Available
- VI. Average Price per Acre in the City: Not Available
- VII. Contacts and Comments  
Maria Perez, Department of Parks and Recreation, (305) 416-1314,  
mmperez@ci.miami.fl.us; Pilar Saenz, Budget Department,  
444 SW 2nd Ave., 5th Floor, Miami, FL 33130;  
(305) 416-1463, pilarsb@ci.miami.fl.us

*San Diego, Calif.*

I. Program Name, Inception Date and Scope:

Name: Park Fee Ordinance

Inception Date: 1987

A Facilities Benefit Assessment (FBA) provides funds for public facilities projects which service a designated area. Within already urbanized communities which are near buildout, developer exactions are collected to finance a portion of identified public facilities and to maintain existing levels of service for that community. The ordinance requires approximately 20 acres per 1,000 residents (1.0-3.9 acres of population-based facilities, 15-17 acres of resource-based parks, 1.1-2.0 acres of open space, sports fields, plazas and landscaped areas). There is also Special Parks Fund within two underserved communities, Mid-City and North Park, which is funded by a Developer Impact Fee of \$4,525 for single-family residential development and \$3,394 for each unit of a multi-family residential development.

II. Total Number of Acres Acquired Through Exaction: Not Available

III. Total Income Generated Through the Fee-In-Lieu Program: Not Available

IV. Total Number of New Dwelling Units or Residents Added to the City: 38,757 (1998 through 2003), consisting of 14,120 single-family units and 24,637 units in multi-family structures)

V. Number of Acres Expected: Not Available

VI. Average Price per Acre in the City: About \$350,000 per acre for raw land in undeveloped communities and \$500,000-\$2 million per acre within urbanized communities.

VII. Contacts and Comments

Charlene Gabriel, Facilities Financing Manager, Planning Department (619) 533-3187, cgabriel@sandiego.gov; Pam Bernasconi, Supervising Project Manager, Planning Department (619) 533-3677; Deborah Sharp, Project Officer, Park and Recreation Department (619) 525-8261, dsharpe@sandiego.gov; Ann Hix, Deputy Director, Open Space Division, Park and Recreation Department, (619) 685-1360, ahix@sandiego.gov.