

ALERT - CITY INCREASES PARK/QUIMBY FEES FOR ALL FUTURE RESIDENTIAL BUILDINGS

05.21.2016

PRACTICE AREAS

Land Use and Environmental

As some of you are aware, the City Planning Department along with Parks and Recs have been pushing to increase the Quimby fees (Parks fees for new condo/for sale units) as well as to create new Park Fees for newly constructed apartment units.

For the past couple of months, the City Planning Department has been modifying the proposed ordinance to prepare it for public comment. We attended a Planning Commission hearing a couple of months ago along with many other business/real estate representatives and organizations such as Central City Association. Along with many speakers, we pushed back on the amount of the fees and the time frame to implement these fees.

Yesterday, the item went before the City Council's Planning and Land Use Management Committee for further public discussions. The PLUM Committee agreed with most provisions of the revised proposed ordinance but decided to continue the item to an undetermined date for the Planning Department to report back on some questions.

The consensus was that the increase in fees was reasonable, but the PLUM Committee wanted "tiering" to be reconsidered, which would require additional study. Of key concern were the radii from which the allocation of fees collected from specific projects could be determined (i.e., how far away from a project could the fees be utilized). The consensus was that the current radii were too short and limited the flexibility in allocating fees—additional study was requested to determine whether expanding the radii would comply with State law. The Committee also wanted to look more carefully at certain exemptions for affordable housing. Also, they wanted Planning to take a closer look at the phasing provisions to determine whether they were the appropriate length (the Committee seemed open to lengthening the period if additional study showed that the increased fees would significantly inhibit the production of housing).

Jonathan Riker in my office provided testimony requesting clarification of the meaning of "non-subdivision" project so that projects where a final map has not yet been recorded could be allowed to take advantage of the provision in

Section 3.1.(3) of the proposed ordinance (See middle of page A-12) and to ensure that this grandfathering provision provide the same protection for applicants as the “vesting” section of the LAMC. Other commenters made similar suggestions and the Committee wanted to ensure that the grandfathering provisions were consistent with existing law.

There was no time frame indicated for the continuance, but the Committee wanted it to be done “quickly.” The earliest the item could be re-heard is on 5/31 but the more likely scenario is that it will come back to PLUM in at least a month from now.

At this point, we are encouraging all of our client with plans for new rental and for-sale dwelling units, to get these plans into plan check immediately. **If you are doing a condo project, then pay the current Quimby fees immediately since they are significantly going up.** If you are doing a rental project, you must submit a complete set of plans into plan check and pay all plan check fees for a building permit prior to the effective date of the ordinance. Again – PLEASE REVIEW THE ATTACHED ORDINANCE.

We are advising all of our clients not to assume that the City will make any further concessions as it has already reduced some of the proposed fees and given a few delays.

Please call if you have any questions - Ellia Thompson

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