



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen  
Larry D. Lisenbee

**SUBJECT:** ANNUAL DEVELOPMENT  
IN LIEU FEE REPORT

**DATE:** 04-12-06

Approved 

Date 4/18/06

**COUNCIL DISTRICT:** Citywide

## RECOMMENDATION

- a. Review of the Annual Report for 2005 regarding in lieu fees collected by the City from developers in lieu of construction of public improvements.
- b. Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
  1. Increase the Public Works Personal Services Appropriation by \$200,000.
  2. Increase the estimate for transfers and reimbursements by \$200,000.

CEQA: Not a project.

## OUTCOME

Provide an annual report for 2005 that summarizes the in lieu fee program activity and the allocation of unused funds as required by state law and approve the recommended Appropriation Ordinance action.

## BACKGROUND

The Mitigation Fee Act (Government Code section 66000 *et seq.*) requires public agencies to account for and make findings regarding fees collected by an agency as a condition of development approval. The law also requires that the agency annually review and make available to the public a report accounting for the development fees held by the agency.

There are several fees that the City requires as a condition of development in lieu of requiring the construction of certain improvements that are subject to this annual reporting requirement. In lieu fees are collected for the following six separate improvement programs:

- Underground Fee Program – Developers adjacent to major thoroughfares or collector streets which have overhead distribution utilities are required to pay a fee in lieu of converting the utilities to an underground system. This fee is collected pursuant to Chapter 15.26 of the San José Municipal Code. The revenue is expended by the City pursuant to a five-year program in which undergrounding districts are formed throughout the City to convert overhead systems to underground. This program requires an annual report which is included on this City Council Agenda for consideration.
- Landscaped Median Islands – Developers may be required to pay a fee for the future construction of a landscaped median island in the street abutting their property. This fee is in lieu of requiring the developer to construct the median island improvements. This typically occurs if the City has not acquired the ultimate right-of-way in the street where the future median island is to be located. Therefore, the construction of the median island will occur when future development occurs.
- Traffic Signals – Developers may be required to pay a fee for the future construction of a traffic signal at an intersection that is impacted by their development. If construction of the traffic signal is not feasible due to lack of full funding or right-of-way, this fee is paid in lieu of requiring the developer to construct the traffic signal.
- Flood Control Improvements – Developers may be required to pay a fee for the future construction of flood control improvements to solve an area-wide drainage problem. This fee is in lieu of requiring the developer to construct all or a major portion of the flood control improvements. The flood control improvements are often very costly and benefit many properties in addition to the developer's project. Benefiting developer contributions are accumulated until the time that the improvements can be constructed.
- Street Improvements – Developers may be required to pay a fee for the future construction of street improvements that are an area-wide concern or that cannot be physically constructed at the time of the development.
- Area-Wide Traffic Calming Improvements – Developers may be required to pay a fee for the construction of area-wide traffic calming improvements and/or area-wide traffic calming study. If at the time of the project approval, the specific traffic calming improvements in the area are not identified, the developer will be required to pay this fee in lieu of constructing the traffic calming improvements.

## ANALYSIS

The following information is included in Exhibits A and B of this annual report:

- The type of fee.
- The amount of the fee.

- The beginning and ending account balances.
- The amount of each fee collected and the overall interest earned by the program.
- An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement (including the total percentage of the cost of the public improvement that was funded with in-lieu fees);
- An identification of an approximate date by which the construction of the public improvements will take commence for those improvements where sufficient funds have been collected to complete financing of the improvement;
- A description of each interfund transfer or loan, if any, including the public improvement on which the transferred or loaned fees will be expended and the date upon which any loan will be repaid with the amount of interest on the loan; and,
- The amount of any refunds made pursuant to Government Code section 66001(e) and any allocations made pursuant to Government Code section 66001(f).

The local agency also must make certain findings with regard to unfinished improvements for which fees were collected at least five fiscal years ago. The agency must identify the purpose for which the fee was expended and demonstrate a reasonable relationship between the amount of the fee and the purpose for which it was used. The agency also must identify all sources and amounts of funding anticipated to complete the financing of incomplete improvements and designate the approximate dates on which this funding is expected to be deposited into the account.

If these findings are not made, the agency must refund the moneys to the current owner of record or owners of the lot or lots of the development project on a prorated basis. Fees are also to be refunded if the agency fails to identify, within 180 days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvements will be begin. The agency may refund the unexpended fee by direct payment, by providing a temporary suspension of fees, or by another reasonable means. For fiscal year 2004-05, the program did not refund any money and all fees were programmed for use.

The remainder of the fees will be spent within each program as follows:

- Underground Fee Program – Within five years, this revenue is programmed into a master plan by the City for expenditure in undergrounding districts formed throughout the City to convert overhead systems to underground.
- Landscaped Median Islands – The City anticipates using many of these fees to reimburse developers for constructing landscaped median islands beyond their responsibility of one-half of the island fronting their project sites.
- Traffic Signals – The City may require a developer to install a signal and reimburse the developer for costs that are deemed to be beyond the development's impact. This reimbursement can come from previously collected developer fees for that signal from City funds.

- Flood Control Improvements – Flood control improvements usually benefit several properties within a drainage area. The City uses the in lieu fees to construct flood control improvements via a Capital Improvement Project.
- Area-Wide Traffic Calming Improvements – The City may require a developer to construct traffic calming improvements and reimburse the developer for costs that are deemed to be beyond the development's impact. This reimbursement can come from previously collected developer fees for that traffic signal and traffic calming mitigation.

The City may also use fees as all or part of the funding for a Capital Improvement Project.

The Public Works Department is responsible for the proper administration of the In-Lieu Fee program. Administration work includes meeting with development clients, calculating the fair share development contribution fees, collecting the fees, monitoring and programming the fees for construction use, and preparing an annual report to Council summarizing the status of the fund.

It is recommended that interest earnings in the amount of \$200,000 be transferred from the Developer In Lieu Fee Fund to the General Fund to reimburse the Department of Public Works for administrative services provided for this program.

Two transactions were initiated out of the In-Lieu interest account in fiscal year 2004-05 so as to properly compensate the Department for administration services provided to the program. The first was a \$770,544 transfer to compensate the Department's Administration Division for services provided over the prior 14 years. The second transaction transferred \$205,929 to the Public Works' Transportation and Development Services Division for services provided in fiscal year 2004-05.

## **PUBLIC OUTREACH**

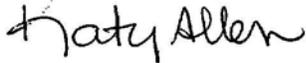
These fees are collected as part of land use entitlements process. As such, they are negotiated with applicants and are often discussed with Communities adjacent to the development as part of the public outreach for the land use change.

## **COORDINATION**

This report has been coordinated with the City Attorney's Office and the Departments of Transportation and Planning, Building and Code Enforcement.

**CEQA**

Not a project.



KATY ALLEN  
Director, Public Works Department

(408) 535-8300



LARRY D. LISENBEE  
Budget Director

(408) 535-8144

I hereby certify that there will be available for the appropriation in the General Fund in the Fiscal Year 2005-2006 moneys in excess of those heretofore appropriated there from, said excess being at least \$200,000.



Larry D. Lisenbee  
Budget Director

PD:ES:atl  
(2004-05AnnualInLieuRpt)  
Attachments

**Exhibit A**  
**City of San Jose**  
**Department of Public Works**  
**In-Lieu Fees Collected by Program to Date**  
**- Median Islands -**

COUNCIL DISTRICT	DATE	CATEGORY	FILE #	LOCATION OF DEVELOPMENT	DEVELOPER	IN LIEU FEE AMOUNT	IDENTIFICATION OF PROJECT	STATUS OF PROJECT	PROPOSED CONSTRUCTION START DATE	CONSTRUCTION TO BE PERFORMED BY	COST OF PROJECT	% FUNDED w/ IN LIEU FEES	AMOUNT PAID TO CIP OR DEVELOPER
1	2003/04/15	MI	3-03566	4500 STEVENS CREEK BL	SMYTHE EUROPEAN	\$28,728	STEVENS CREEK	PROGRAMMED GP 2020					
1	1999/04/07	MI	3-07846	STEVENS CREEK & HENRY (SW/C)	ANDERSON BEHEL IMPORTS	\$28,876	STEVENS CREEK BLVD	PROGRAMMED GP 2020					
1	1997/10/02	MI	3-01544	STEVENS CREEK BLVD. & RICHFIELD (SW/C)	SMYTHE EUROPEAN	\$26,215	STEVENS CREEK BLVD.	PROGRAMMED GP 2020					
2	1993/09/13	MI	3-05822	BAILEY AVE (N/S), 600' W/O SANTA TERESA	PACIFIC BELL	\$54,000	BAILEY AVENUE	PROGRAMMED	FY2005/06	DEVELOPER			
2	2000/04/20	MI	3-13948	GREAT OAKS & SAN IGNACIO (NW/C)	PEPPER LANE-GREAT OAKS, LLC	\$10,000	BERNAL/SAN IGNACIO SB LT EXT	CONSTRUCTED		DEVELOPER			\$10,000
4	1994/10/25	MI	3-05826	BERRYESSA RD (N/S) 700' E/O MABURY RD.	USPCI UNION PACIFIC CORP.	\$33,903	BERRYESSA ROAD	CONSTRUCTED		CIP	\$747,948	4.53%	
4	1994/08/12	MI	3-01181	BERRYESSA & LUNDY (NE/C)	GETTLER/RYAN INC.	\$3,000	BERRYESSA ROAD	CONSTRUCTED		CIP	\$747,948	0.40%	
4	1998/12/14	MI	3-01533	1705 BERRYESSA ROAD	FILLNER CONSTRUCTION INC	\$3,936	BERRYESSA ROAD	CONSTRUCTED		CIP	\$747,948	0.52%	
4	1998/12/10	MI	3-04236	FIRST STREET & BROKAW	SUMMERFIELD HOTEL CORP.	\$13,951	BROKAW, E/O FIRST	PROGRAMMED GP 2020					
4	1993/07/15	MI	3-00528	OLD OAKLAND & SERVICE ROADS (NE/C)	NASSER MASSIH	\$21,270	OAKLAND ROAD	PROGRAMMED GP 2020					
4	2001/05/10	MI	3-13297	NW/C OLD OAKLAND RD AND GISH RD	CASTER PROPERTIES, INC	\$48,888	OLD OAKLAND ROAD	PROGRAMMED GP 2020					
4	1995/11/27	MI	3-06472	GUADALUPE PKWY @ ORCHARD PKWY	ATMEL CORPORATION	\$37,551	ORCHARD PKWY	PROGRAMMED		DEVELOPER			
4	1997/05/15	MI	3-10122	TASMAN DR (B/S) EAST OF ZANKER RD	CISCO SYSTEMS	\$52,345	ZANKER ROAD N/O TASMAN	PROGRAMMED GP 2020					
5	1991/01/22	MI	1-08414	MCKEE (S/S) @ END PENNYHILL	PINN BROS. CONSTR.	\$25,486	MCKEE ROAD	PROGRAMMED GP 2020					
5	1994/07/11	MI	3-04787	E/S WHITE RD. E/O MT. VISTA	GREG BUNKER	\$25,200	WHITE ROAD	PROGRAMMED GP 2020					
6	1993/07/08	MI	3-03449	FRUITDALE AVE & ELIZABETH DR (SW/C)	SOUTHLAND CORP.	\$18,900	FRUITDALE AVENUE	PROGRAMMED GP 2020					
7	2001/12/17	MI	3-02732	MONTEREY & CURTNER AV (SW/C)	SCI MANAGEMENT LP	\$119,274	CURTNER AVE	PROGRAMMED GP 2020					
7	2003/02/24	MI	3-02089	265 CURTNER AV	GE CREDIT UNION	\$4,320	CURTNER AVE	PROGRAMMED GP 2020					
7	1997/06/26	MI	3-02418	LEWIS & MONTEREY ROADS (SE/C)	CASTER ENTERPRIZES	\$9,264	MONTEREY ROAD	PROGRAMMED GP 2020					
7	1996/04/25	MI	3-00954	MONTEREY HWY (E/S) N/O UMBARGER RD.	SURENDRA PATEL	\$7,080	MONTEREY ROAD	PROGRAMMED GP 2020					
7	1990/04/09	MI	3-08918	DAYLIGHT WAY & MONTEREY RD (NW/C)	A&A MECHANICAL CONSTR.	\$15,600	MONTEREY ROAD	PROGRAMMED GP 2020					
7	1989/03/29	MI	1-08139	SENER RD (E/S) 50' S/O UMBARGER RD.	CBBS CONSTR. INC.	\$43,000	SENER ROAD	PROGRAMMED	FY2005/06	CIP			
7	1989/08/17	MI	1-08189	SENER RD & INDEPENDENCE (NW/C)	CAMDEN OAKS, INC.	\$9,660	SENER ROAD	PROGRAMMED	FY2005/06	CIP			
7	1993/02/23	MI	3-03435	SENER RD (W/S), 175' S/O LEWIS RD	JILL YOUNG	\$3,300	SENER ROAD	PROGRAMMED	FY2005/06	CIP			

**Exhibit A**  
**City of San Jose**  
**Department of Public Works**  
**In-Lieu Fees Collected by Program to Date**  
**- Median Islands -**

COUNCIL DISTRICT	DATE	CATEGORY	FILE #	LOCATION OF DEVELOPMENT	DEVELOPER	IN LIEU FEE AMOUNT	IDENTIFICATION OF PROJECT	STATUS OF PROJECT	PROPOSED CONSTRUCTION START DATE	CONSTRUCTION TO BE PERFORMED BY	COST OF PROJECT	% FUNDED w/ IN LIEU FEES	AMOUNT PAID TO CIP OR DEVELOPER
7	1999/08/05	MI	3-05680	SENER & LEWIS (NW/C)	STRATTON'S PROPERTIES	\$7,087	SENER ROAD	PROGRAMMED	FY2005/06	CIP			
<b>7</b>	<b>2004/08/20</b>	<b>MI</b>	<b>3-08261</b>	<b>SENER RD (W/S), 100' NW/O POCATELLO DR</b>	<b>BLUE CREEK PROPERTIES, LLC</b>	<b>\$15,200</b>	<b>SENER ROAD</b>	<b>PROGRAMMED GP 2020</b>					
7	1999/10/15	MI	3-06198	STORY ROAD (N/S), 240' E/O MCLAUGHLIN	UNG TRAN	\$20,502	STORY ROAD	UNDER CONSTRUCTION		CIP	\$1,578,798	1.29%	
<b>7</b>	<b>2004/10/26</b>	<b>MI</b>	<b>3-12630</b>	<b>TULLY RD (S/S) BET MONTEREY RD AND S. 7TH ST</b>	<b>HYBERNIA GROUP</b>	<b>\$117,442</b>	<b>TULLY ROAD</b>	<b>PROGRAMMED GP 2020</b>					
8	2001/05/08	MI	3-05809	S. WHITE & ABORN ROAD (NE/C)	ALBERTSONS	\$25,460	ABORN ROAD	PROGRAMMED GP 2020					
8	1994/05/19	MI	3-06287	SAN FELIPE ROAD (E/S)	UNITED METHODIST CH.	\$12,544	SAN FELIPE ROAD, N/O FOWLER	PROGRAMMED GP 2020					
8	1994/09/08	MI	3-08268	SILVER CREEK RD. & VIA ALEGRIA CT (SW/C)	ANIMA DESAI	\$28,476	SILVER CREEK ROAD	PROGRAMMED GP 2020					
8	1999/10/19	MI	3-01272	1853 WHITE ROAD - EAST VALLEY YMCA	YMCA OF SANTA CLARA	\$11,872	WHITE ROAD	PROGRAMMED GP 2020					
8	2001/01/26	MI	3-01384	S.WHITE RD & QUIMBY RD (SW/C)	GOLDEN BAY INVESTMENT, LTD.	\$10,818	WHITE ROAD	PROGRAMMED GP 2020					
9	2000/02/04	MI	3-13565	BASCOM AVE (E/S), 480' S'LY CAMDEN AVE	CASTER GROUP	\$20,296	BASCOM AVENUE	PROGRAMMED GP 2020					
9	1989/12/15	MI	3-01924	BASCOM AV. & REDDING RD (NW/C)	DAN SIMONS INVESTMAN CO.	\$12,330	BASCOM AVENUE	PROGRAMMED GP 2020					
9	1999/04/06	MI	3-09227	BASCOM AVENUE	EXECUTIVE INN SUITES	\$20,702	BASCOM AVENUE	PROGRAMMED GP 2020					
9	1994/03/22	MI	3-11025	E/S BASCOM AVE, 250' S/O DRY CREEK RD	BARRY FORD	\$25,083	BASCOM AVENUE	PROGRAMMED GP 2020					

**MEDIAN ISLAND TOTALS**

04-05 MEDIAN ISLAND REVENUE    \$132,642  
04-05 MEDIAN ISLAND EXPENDITURE    \$10,000  
04-05 DEVELOPER REFUND                \$0

**NOTE:** PROGRAMMED: PROJECT PROGRAMMED IN 5 YEAR CAPITAL IMPROVEMENT PROJECT, DEVELOPER OR OTHER JURISDICTION  
PROGRAMMED GP 2020: PROJECT PROGRAMMED AS PART OF CSJ 2020 LAND USE TRANSPORTATION DIAGRAM  
**BOLD** - ACTIVITY DURING FY04-05

**Exhibit A  
City of San Jose  
Department of Public Works  
In-Lieu Fees Collected by Program to Date  
- Traffic Signals -**

COUNCIL DISTRICT	DATE	CATEGORY	FILE #	LOCATION OF DEVELOPMENT	DEVELOPER	IN LIEU FEE AMOUNT	IDENTIFICATION OF PROJECT	STATUS OF PROJECT	PROPOSED CONSTRUCTION START DATE	CONSTRUCTION TO BE PERFORMED BY	COST OF PROJECT	% FUNDED w/ IN LIEU FEES	AMOUNT PAID TO CIP OR DEVELOPER
1	1999/03/11	TS	3-03880	SARATOGA-SUNNYVALE&BOLLINGER (SW/C)	HOME DEPOT USA	\$10,000	BOLLINGER & DEANZA	PROGRAMMED GP 2020					
1	1997/05/15	TS	3-01877	STEVENS CREEK (S/S), 140' E/O STERN AV	BAY APT. COMMUNITIES, INC	\$40,000	STEVENS CREEK BLVD & STERN	PROGRAMMED GP 2020					
<b>2</b>	<b>2000/04/20</b>	<b>TS</b>	<b>3-13948</b>	<b>GREAT OAKS &amp; SAN IGNACIO (NW/C)</b>	<b>PEPPER LANE-GREAT OAKS, LLC</b>	<b>\$70,000</b>	<b>85/GREAT OAKS OFF RAMP</b>	<b>CONSTRUCTED</b>		<b>DEVELOPER</b>			<b>\$70,000</b>
2	1998/03/31	TS	3-07655	HELLYER & SILVER CREEK (NE/C)	BERG & BERG (RDA)	\$25,000	HELLYER & RT 101, SB RAMP	PROGRAMMED		EDENVALE DIST.			
2	1999/02/12	TS	3-11128	SILVER CREEK VALLEY RD & PIERCY (SE/C)	ELECTROGLAS	\$25,000	HELLYER & RT 101, SB RAMP	PROGRAMMED		EDENVALE DIST.			
2	1998/02/26	TS	3-12833	ENZO DRIVE	WESTERN DIGITAL (RDA)	\$40,000	RUE FERRARI & SILICON VALLEY	PROGRAMMED		DEVELOPER			
2	1998/09/10	TS	3-13193	FONTANOSO WAY	FORCE COMPUTERS	\$30,000	SILVER CREEK & FONTANOSO WAY	PROGRAMMED		DEVELOPER			
3	2000/07/06	TS	3-06223	BOUNDED BY 5TH, MARTHA & 6TH STREETS	HOUSING AUTHORITY	\$75,000	7TH & MARTHA	PROGRAMMED GP2020	2005	CIP	\$148,465	50.51%	
3	2003/05/02	TS	3-01007	1050 S 3RD ST	FAIRFIELD DEVELOPMENT	\$50,000	MARTHA & 3RD	CONSTRUCTED(10/8/03)		CIP	\$225,755		
4	2002/03/06	TS	3-15361	BERRYESSA RD (1158) AND COMMERCIAL ST	NORCAL WASTE SYSTEMS	\$50,000	COMMERCIAL & OLD OAKLAND	PROGRAMMED GP 2020		DEVELOPER			
4	2002/07/16	TS	3-00466	1005 TIMOTHY DRIVE	DUONG FAMILY LLC	\$30,000	COMMERCIAL & OLD OAKLAND	PROGRAMMED GP 2020					
4	2004/01/20	TS	3-15650	FLICKINGER	PULTE HOMES	\$50,000	FLICKINGER & SIERRA	PROGRAMMED GP 2020					
4	1996/09/13	TS	3-11937	HOSTETTER (S/S), 250 W/O OLD PIEDMONT	GREYSTONE HOMES	\$25,000	HOSTETTER & NEW PIEDMONT	PROGRAMMED	FY05-06	CIP			
4	2003/10/20	TS	3-16451	RINGWOOD AVE./CONCOURSE (NE/C)	VENTURE COMMERCE CORP	\$50,000	MONTAGUE EXWY & TRADE ZONE	PROGRAMMED GP 2020					
4	2004/03/22	TS	3-07833	RINGWOOD COURT, N/LY TERMINUS	RINGWOOD 29, LLC	\$30,000	MONTAGUE EXWY & TRADE ZONE	PROGRAMMED GP 2020					
4	2002/12/09	TS	3-13827	1460 OAKLAND ROAD	GOLDEN WHEEL MOBILE HM PARK	\$10,000	OLD OAKLAND & BERGER	CONSTRUCTED		CIP	\$245,000		
4	1998/12/18	TS	3-11445	FIRST & HOLGER (NE/C)	3COM	\$40,000	VARIOUS INTERSECTIONS	PROGRAMMED		CIP	\$250,000	16.00%	
4	2004/05/04	TS	3-16041	935 NORTH KING ROAD	KB HOME SOUTHBAY INC	\$10,000	KING @ SALAMONE PROJECT FRONTAGE (PED LIGHT)	PROGRAMMED GP 2020					
<b>4</b>	<b>2004/09/03</b>	<b>TS</b>	<b>3-05186</b>	<b>QUME &amp; FORTUNE DRS (SE/C)</b>	<b>MPS LLC</b>	<b>\$70,000</b>	<b>TRADE ZONE &amp; MONTAGUE</b>	<b>PROGRAMMED GP 2020</b>					
<b>5</b>	<b>2005/05/11</b>	<b>TS</b>	<b>3-16313</b>	<b>MADDEN &amp; N JACKSON AV (SE/C)</b>	<b>FALK DEVELOPMENT INC</b>	<b>\$160,000</b>	<b>JACKSON AV</b>	<b>PROGRAMMED GP 2020</b>					
5	2003/02/19	TS	3-13767	1902 ALUM ROCK	TIERRA ENCANTADA	\$35,000	ALUM ROCK & McCREERY	UNDER CONSTRUCTION		CIP	\$186,667	18.74%	
5	2003/06/13	TS	3-14638	77 KENTUCKY PL	MACSA	\$10,000	ALUM ROCK & McCREERY	UNDER CONSTRUCTION		CIP	\$186,667	5.35%	
6	1997/11/20	TS	3-06642	HILLSDALE AVE (S/S), E/O PEARL AVE	PARKSIDE GLEN L.P.	\$25,000	HILLSDALE & PEARL/FOXWORTHY	CONSTRUCTED		DEVELOPER			
6	2000/05/18	TS	1-09258	LENN DRIVE (N/S), E/O MERIDIAN AVE	GREENBRIAR BEL AIRE COMPANY	\$25,000	LENN & MERIDIAN	CONSTRUCTED		CIP			
<b>6</b>	<b>2004/08/23</b>	<b>TS</b>	<b>3-15109</b>	<b>MAGLIOCCO DR &amp; HUFF AV (NW/C)</b>	<b>JSM ENTERPRISES</b>	<b>\$15,000</b>	<b>WINCHESTER &amp; MAGLIOCCO</b>	<b>CONSTRUCTED</b>		<b>DEVELOPER</b>			
7	1999/03/31	TS		CAPITOL-COPPERFIELD ASSESSMENT		\$120,000	COPPERFIELD & VISTA PARK	PROGRAMMED		DEVELOPER			
7	2000/08/18	TS	3-02737	CURTNER/LITTLE ORCHARD	OAK HILL MEMORIAL PARK	\$25,000	CURTNER & LITTLE ORCHARD	PROGRAMMED GP 2020					
<b>7</b>	<b>2004/08/13</b>	<b>TS</b>	<b>3-16667</b>	<b>LIGHTLAND RD &amp; DUNDALE DR (NE/C)</b>	<b>FRANKLIN-MCKINLEY SCHOOL DISTRICT</b>	<b>\$275,000</b>	<b>LIGHTLAND RD &amp; MCLAUGHLIN AV</b>	<b>PROGRAMMED GP 2020</b>		<b>CIP</b>			<b>\$275,000</b>

**Exhibit A**  
**City of San Jose**  
**Department of Public Works**  
**In-Lieu Fees Collected by Program to Date**  
**- Traffic Signals -**

COUNCIL DISTRICT	DATE	CATEGORY	FILE #	LOCATION OF DEVELOPMENT	DEVELOPER	IN LIEU FEE AMOUNT	IDENTIFICATION OF PROJECT	STATUS OF PROJECT	PROPOSED CONSTRUCTION START DATE	CONSTRUCTION TO BE PERFORMED BY	COST OF PROJECT	% FUNDED w/ IN LIEU FEES	AMOUNT PAID TO CIP OR DEVELOPER
7	1999/06/21	TS	3-12615	NARVEZ AVENUE TERMINUS	HELZER ASSOCIATES	\$40,000	NARVAEZ & HILLSDALE	CONSTRUCTED		DEVELOPER			
7	1996/05/10	TS	3-06361	STORY RD. & ROBERTS AVE (SE/C)	JOHN KEHRIOTIS	\$25,000	STORY & ROBERTS	CONSTRUCTED		DEVELOPER			
7	1999/03/31	TS		CAPITOL-COPPERFIELD ASSESSMENT		\$60,000	VISTA PARK & HILLSDALE	PROGRAMMED		DEVELOPER			
7	2001/06/07	TS	1-09359	BOTH SIDES OF STALLION WAY	BRADDOCK & LOGGAN GROUP II	\$15,000	KING & STORY	PROGRAMMED GP 2020					
8	2001/05/18	TS	3-12035	ABORN, CAPITOL AND KING INTERSECTION	SUMMERHILL CONSTRUCTION	\$15,000	KING & STORY	PROGRAMMED GP 2020					
8	2003/07/29	TS	3-15453	4341 SILVER CREEK RD	WILLIAM LYON HOMES	\$75,000	101 & HELLYER (EAST)	PROGRAMMED		VTA			
8	2003/07/29	TS	3-15453	4341 SILVER CREEK RD	WILLIAM LYON HOMES	\$150,000	101 & HELLYER (WEST)	PROGRAMMED		VTA			
8	2000/04/18	TS	3-07068	YERBA BUENA RD & SAN FELIPE RD (NE/C)	EVERGREEN MARKETPLACE II LLC	\$10,000	FARNSWORTH & SAN FELIPE	CONSTRUCTED		CIP			
<b>8</b>	<b>2004/09/09</b>	<b>TS</b>	<b>3-09850</b>	<b>QUIMBY RD (N/S), 1000' W/O WHITE RD</b>	<b>BRADDOCK &amp; LOGAN GROUP II</b>	<b>\$3,500</b>	<b>CAPITOL &amp; STORY</b>	<b>PROGRAMMED GP 2020</b>		<b>DEVELOPER</b>			
<b>8</b>	<b>2004/09/09</b>	<b>TS</b>	<b>3-09850</b>	<b>QUIMBY RD (N/S), 1000' W/O WHITE RD</b>	<b>BRADDOCK &amp; LOGAN GROUP II</b>	<b>\$60,000</b>	<b>KING &amp; TULLY</b>	<b>PROGRAMMED GP 2020</b>		<b>DOT</b>			
8	2003/03/26	TS	3-14952	3000 CAPITOL EXWY	MERCEDES DEALERSHIP	\$50,000	TULLY & GLEN ANGUS WAY	CONTRUCTED(6/31/03)		CIP	\$223,737		
8	2000/04/18	TS	3-07068	YERBA BUENA RD & SAN FELIPE RD (NE/C)	EVERGREEN MARKETPLACE II LLC	\$30,000	YERBA BUENA & SAN FELIPE	PROGRAMMED GP 2020					
8	2004/04/29	TS	3-16041	2200 EASTRIDGE LOOP	GENERAL GROWTH PROPERTIES INC	\$187,500	AREA-WIDE TS IMP. (EVERGREEN)	PROGRAMMED GP 2020					

**TRAFFIC SIGNAL TOTALS**

04-05 TRAFFIC SIGNAL REVENUE    \$583,500  
04-05 TRAFFIC SIGNAL EXPENDITURE    \$345,000  
04-05 DEVELOPER REFUND                \$0

**NOTE:** PROGRAMMED: PROJECT PROGRAMMED IN 5 YEAR CAPITAL IMPROVEMENT PROJECT, DEVELOPER OR OTHER JURISDICTION  
PROGRAMMED GP 2020: PROJECT PROGRAMMED AS PART OF CSJ 2020 LAND USE TRANSPORTATION DIAGRAM  
**BOLD** - ACTIVITY DURING FY04-05

**Exhibit A**  
**City of San Jose**  
**Department of Public Works**  
**In-Lieu Fees Collected by Program to Date**  
**- Street Improvements -**

COUNCIL DISTRICT	DATE	CATEGORY	FILE #	LOCATION OF DEVELOPMENT	DEVELOPER	IN LIEU FEE AMOUNT	IDENTIFICATION OF PROJECT	STATUS OF PROJECT	PROPOSED CONSTRUCTION START DATE	CONSTRUCTION TO BE PERFORMED BY	COST OF PROJECT	% FUNDED w/ IN LIEU FEES	AMOUNT PAID TO CIP OR DEVELOPER
1	2004/09/22	SI	3-06507	SARATOGA AV (W/S), 150' S/O GRAVES AV	TOLL BROTHERS INC	\$70,000	REGIONAL PED IMPROV	PROGRAMMED GP 2020		DOT			
2	2000/05/24	SI	3-14106	SAN IGNACIO (N/S), APPROX 360' SE/O GREAT	EXTENDED STAY AMERICA	\$10,000	BERNAL/SAN IGNACIO LT EXT	CONSTRUCTED		DEVELOPER			\$10,000
2	1999/01/14	SI	3-06007	SAN IGNACIA & VIA DEL ORO (SE/C)	SOBRATO DEVELOPMENT CO	\$10,000	SANTA TERESA & SAN IGNACIO	CONSTRUCTED		DEVELOPER			\$10,000
2	2004/03/11	SI	3-11128	SILVER CREEK & PIERCY SE/C	ELECTROGLASS INC	\$115,000	COTTLE/85 SOUTH RAMP	UNDER CONSTRUCTION		EDENVALE			
3	2003/05/07	SI	3-01007	1050 S 3RD ST	FAIRFIELD DEVELOPMENT	\$250,000.00	2ND & 3RD COUPLET CONVERSION	PROGRAMMED		DOT			
4	2000/05/16	SI	3-13838	2575 NORTH FIRST STREET	LINCOLN PROPERTY COMPANY	\$170,000	COMPONENT ST	PROGRAMMED GP 2020					
5	1994/06/06	SI	3-11328	STORY RD (S/S), APPROX. 200' E/O CAPITOL	PEP BOYS	\$125,500	STORY RD. FRONTAGE IMPS.	PROGRAMMED		DEVELOPER			
5	2000/04/27	SI	3-01499	STORY RD & CAPITOL EXP (SW/C)	AUTO ZONE	\$130,587	STORY RD. FRONTAGE IMPS.	PROGRAMMED		DEVELOPER			
5	2000/09/28	SI	3-02506	STORY RD (S/S), 180' EAST OF CAPITOL EXP	MCDONALD'S CORPORATION	\$23,350	STORY RD. FRONTAGE IMPS.	PROGRAMMED		DEVELOPER			
6	1993/10/08	SI	3-06595	HILLSDALE & PEARL AVE (SE/C)	HILLVIEW GLEN LTD.	\$50,000	HILLSDALE & PEARL AVE	PROGRAMMED GP 2020					
7	1998/09/08	SI	3-13094	1651 POMONA AVE	D.H. SMITH COMPANY	\$4,500	CALBOONYA CT	PROGRAMMED GP 2020					
8	1996/11/05	SI	3-11759	ABORN RD (N/S), 500' W/O RUBY	STANDARD PACIFIC	\$85,000	COLONNA AVE IMPROVEMENTS	CONSTRUCTED		DEVELOPER			
8	2000/07/26	SI	3-07068	SAN FELIPE RD & YERBA BUENA RD (NE/C)	IMWALLE STEGNER	\$7,400	YERBA BUENA/SAN FELIPE (NE/C)	PROGRAMMED GP 2020					
10	1993/09/14	SI	3-03234	BLOSSOM HILL RD (S/S)	151 ALMADEN ASSOCIATION	\$10,000	BLOSSOM HILL & DARTMOUTH	PROGRAMMED GP 2020					
10	2002/06/25	SI	3-10960	CAPITOL EXP AND VISTA PARK DR (NE/C)	PINN BROS. CONSTRUCTION	\$45,000	CAPITOL EXPWY LEFT TURN POCKET	PROGRAMMED GP2020		DEVELOPER			
10	6/9/2004	SI	3-11862	BLOSSOM HILL & CAHALAN NE/C	MAR RAD GROUP INC.	\$10,220	TRANSFER TO REIMBURSEMENT						

**STREET IMPROVEMENT TOTALS**

04-05 STREET IMPROVEMENT REVENUE	\$70,000
04-05 STREET IMPROVEMENT EXPENDITURE	\$20,000
04-05 DEVELOPER REFUND	\$0

**NOTE:** PROGRAMMED: PROJECT PROGRAMMED IN 5 YEAR CAPITAL IMPROVEMENT PROJECT, DEVELOPER OR OTHER JURISDICTION  
PROGRAMMED GP 2020: PROJECT PROGRAMMED AS PART OF CSJ 2020 LAND USE TRANSPORTATION DIAGRAM  
**BOLD** - ACTIVITY DURING FY04-05

**Exhibit A  
City of San Jose  
Department of Public Works  
In-Lieu Fees Collected by Program to Date  
- Flood Control -**

COUNCIL DISTRICT	DATE	CATEGORY	FILE #	LOCATION OF DEVELOPMENT	DEVELOPER	IN LIEU FEE AMOUNT	IDENTIFICATION OF PROJECT	STATUS OF PROJECT	PROPOSED CONSTRUCTION START DATE	CONSTRUCTION TO BE PERFORMED BY	COST OF PROJECT	% FUNDED w/ IN LIEU FEES	AMOUNT PAID TO CIP OR DEVELOPER
<b>FLOOD CONTROL (Collected prior to 7/1/97)</b>													
8	1992/09/25	FC	1-08480	QUIMBY RD. & SAND POINT DR (NE/C)	KAUFMAN & BROAD, SOUTH BAY	\$19,693	NORWOOD CREEK	PROGRAMMED GP 2020					
<b>FLOOD CONTROL (Collected after 7/1/97)</b>													
6	2000/11/20	FC	3-12533	THE ALAMEDA (S/S), BETWEEN BUSH AND WIL	AVALONBAY COMMUNITIES, INC	\$77,203	MIDTOWN STORM RELIEF EXTENSION	PROGRAMMED GP 2020		CIP			
6	2001/12/05	FC	3-15074	PARK AVE, SUNOL ST AND SAN FERNANDO	SUMMERHILL CONSTRUCTION	\$88,593	MIDTOWN STORM RELIEF EXTENSION	PROGRAMMED GP 2020		CIP			
6	2003/06/23	FC	3-13092	S/S OF W. SAN FERNANO, 100' W/L OF BUSH ST	CAHILL SOUTH	\$62,587	MIDTOWN STORM RELIEF EXTENSION	PROGRAMMED GP 2020					

**FLOOD CONTROL TOTALS**

04-05 FLOOD REVENUE        \$0  
04-05 FLOOD EXPENDITURE    \$0  
04-05 DEVELOPER REFUND     \$0

**TOTAL CASH BALANCE    \$8,142,785**  
**TOTAL FUND REVENUE (FY04-05)    \$786,142**  
**TOTAL FUND EXPEDITURES (FY04-05)    \$375,000**  
**TOTAL DEVELOPER REFUNDS (FY04-05)    \$0**  
**INTEREST INCOME (FY04-05)    \$205,929**  
**ADMINISTRATION TRANSFER TO FUND 150    (\$770,544)**  
**ADMINISTRATION TRANSFER TO FUND 001    (\$205,929)**  
**ENDING FUND BALANCE    \$7,783,383**