



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

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

**DATE:** 11-17-08

Approved

Date

11/19/08

**COUNCIL DISTRICT:** Citywide

## **RECOMMENDATION**

Review of the 2007 – 2008 Annual Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements.

## **OUTCOME**

Provide an annual report for 2007 – 2008 that summarizes the in-lieu fee program activity and the allocation of unused funds as required by state law.

## **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:

- **Rule 20B (In-Lieu Fee) Program** – This program allows the City to accumulate fees from individual developments and underground through the City's establishment of large aggregated projects rather than requiring developers to perform the undergrounding on a project-by-project basis. This results in the more efficient use of engineering staff, construction crews, and utility company resources, thus lowering unit costs for design and construction.

In 1989, the City established the In-Lieu Utility Undergrounding Fee Program, also known as the Rule 20B Program, a program that requires the undergrounding of existing overhead utilities in areas where developer In-Lieu fees have been collected.

The San José Municipal Code requires that developers pay a fee, per foot of frontage, in-lieu of performing the overhead-to-underground conversions along the street frontage where their development is occurring. Only those projects that develop adjacent to designated streets as defined in the Municipal Code are subject to the undergrounding in-lieu fee conditions.

The current In-Lieu fee for utility undergrounding is \$395 per linear foot of frontage. Fees are collected from developments on both sides of the street regardless of the side which has the actual overhead facility. This In-Lieu Fee was increased in June 2008 through the yearly Fees and Charges budget process to reflect the current actual cost of undergrounding. This is based on an average City cost of \$790 per linear foot to complete undergrounding conversion projects. In-Lieu fees are programmed to be expended in these areas as shown in the attached In-Lieu Fee Undergrounding Master Plan, Exhibit A. As long as these fees are committed to projects in the approved Master Plan, they are considered programmed and not subject to refund. This program is reported on annually and was last submitted to the City Council for review in April 2008. The "Report on the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program and 2007/08 – 2012/13 Workplan" is coordinated with this "Annual Development In-Lieu Fee Report."

- 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, or with a City Capital Improvement Program project.
- 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. The construction of the signal will occur when future development occurs, or with a City Capital Improvement Program project.
- 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. The construction of the street improvement will occur when future development occurs, or with a City Capital Improvement Program project.
- 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 by either another development or a City Capital Improvement Program project.

- 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. The improvements will be constructed by another future development or by a City Capital Improvement Program project.

### ANALYSIS

The following information is included in **Exhibit A** (FY 07-08 Rule 20B Undergrounding Master Plan) and **Exhibit B** (In Lieu Fees Collected by Program to Date for Median Island, Traffic Signal, Street Improvement, and Flood Control):

- 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 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 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 2007-2008, the program did not refund any money and all fees were programmed for use.

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, monitoring and programming the fees for design and construction use and preparing an annual report to Council summarizing the status of the fund. Currently, the Department is appropriated \$200,000 annually to manage the program.

### **EVALUATION AND FOLLOW-UP**

This item is reported annually to the City Council. The next report (FY 2008-2009) will be presented to Council in the fall of 2009.

### **PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

While this action does not meet the \$1 million threshold in Criterion 1, this memorandum will be posted on the City's website for the December 9, 2008 Council Agenda.

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 Manager's Budget Office, City Attorney's Office, and the Departments of Transportation and Planning, Building and Code Enforcement.

HONORABLE MAYOR AND CITY COUNCIL  
11-17-08  
**Subject: Annual Development In-Lieu Fee Report**  
Page 5

**CEQA**

Not a project.

*Katy Allen*

KATY ALLEN  
Director, Public Works Department

For questions please contact TIMM BORDEN, DEPUTY DIRECTOR, at (408) 535-8300.

PD:ES:atl  
(2007-2008AnnualInLieuRpt)  
Attachments

## FY 07-08 RULE 20B (IN-LIEU FEE) UNDERGROUNDING MASTER PLAN

### Proposed Project Areas that meet General Criteria

PROJECT LOCATION	COUNCIL DISTRICT	LENGTH OF PROJECT (FT)	IN-LIEU FEES PAID TO DATE			PROJECT COST (Est. @ \$448/ft)
			#	Total (\$)	% OF FRONTAGE	

#### PROJECTS COMPLETED TO DATE

Saratoga - Blackford to I-280						
Moorpark - Saratoga to 200' E/o Saratoga (Completed 2003)	1	1300	2	\$65,371	22%	(\$582,400)
<b>Chynoweth - Poston to Lean (Completed 1995)</b>	<b>2</b>	<b>1600</b>	<b>3</b>	<b>\$87,694</b>	<b>24%</b>	<b>\$165,000 (act.)</b>
Monterey Rd. - Blossom Hill to Ford (Completed 2000)	2	2400	1	\$134,390	25%	\$670,000 (act.)
Julian - Market to First (Completed 1999)	3	650	2	\$117,349	81%	(\$291,200)
Capitol - Moorbrook to Mckee Completed (2001)	4	7400	1	\$57,877	3%	(\$3,315,200)
Capitol - Trade Zone to Rte 680 ramp (Completed 2002)	4	1600	4	\$137,051	38%	(\$716,800)
Capitol Ave and Berryessa Rd. (Completed 1992)	4	800	6	\$76,238	43%	\$436,000 (act.)
Murphy Ave. - Ringwood to Lundy (Completed 1993)	4	700	2	\$90,132	57%	\$178,000 (act.)
McKee - Kirk Rd to 900' Northeast						
Toyon - McKee to Cortese Cir. (Completed 2004)	5	1400	2	\$92,509	29%	(\$627,200)
<b>Story Rd - S King Rd to Galahad Av</b>						
<b>S King Rd - Story Rd to Marsh St (Completed 1997)</b>	<b>5</b>	<b>6300</b>	<b>6</b>	<b>\$245,171</b>	<b>17%</b>	<b>(\$2,822,400)</b>
Payne Ave. - Winchester to Castlemont (Completed 1994)	6	1050	4	\$53,109	23%	\$229,000 (act.)
Almaden Rd. - Alma to Sears Rd (private rd) (Completed 2003)	7	1300	2	\$228,231	78%	(\$582,400)
McLaughlin- Story to Panoche (Completed 2004)	7	1500	4	\$63,646	19%	(\$672,000)
Senter Rd. - Balfour to Southside (Completed 2003)	7	2800	8	\$155,228	25%	(\$1,254,400)
Tenth/Senter/Burke (Completed 1998)	7	2650	4	\$259,439	44%	\$795,000 (act.)
Quimby and White Road (Completed 1999)	8	1600	2	\$141,904	40%	(\$716,800)
Quimby Road - Burdick Way to Akino Ct. (Completed 1996)	8	320	1	\$9,000	13%	\$48,000 (act.)
San Felipe - Silver Estates south to Thompson Creek (Completed 1998)	8	1200	3	\$155,536	58%	\$220,000 (act.)
Almaden Rd. - Grimley to View point Ln. (Completed 1997)	10	1800	4	\$250,611	62%	\$240,000 (act.)

#### PROJECT CANDIDATES

<b>Bollinger - S De Anza Bl to Arlington Ln</b>	<b>1</b>	<b>1600</b>	<b>2</b>	<b>\$44,912</b>	<b>13%</b>	<b>(\$716,800)</b>
Bollinger - Miller to Hyde	1	800	1	\$35,160	20%	(\$358,400)
Boynton - Stevens Creek to Kiely	1	1100	2	\$48,067	20%	(\$492,800)
Campbell - Anthony Dr to Kim Louise Dr	1	500	1	\$25,764	23%	(\$224,000)
Campbell - Saratoga Av to Hamilton Ave	1	500	1	\$33,600	30%	(\$224,000)
Cypress - Stevens Creek to Judro	1	1100	1	\$17,940	7%	(\$492,800)
Fruitdale St - Bascom Av to Princess Anne Dr	1	1200	1	\$2,024	1%	(\$537,600)
Kiely- Saratoga to Stevens Creek	1	1700	3	\$33,708	9%	(\$761,600)
Mitty - Doyle to Moorpark	1	1300	1	\$1,850	1%	(\$582,400)
Mitty Wy. - Lawrence Exp to Park Meadow	1	1200	1	\$15,233	6%	(\$537,600)
Moorpark - Boynton Ave. to Shadow Glen	1	4400	2	\$39,930	4%	(\$1,971,200)
Moorpark - Williams to Lawrence Ex.	1	900	2	\$11,772	6%	(\$403,200)
Payne - San Tomas Expressway to Klamath	1	2200	3	\$45,128	9%	(\$985,600)
Payne Ave. - Essex to Winchester	1	1700	5	\$54,819	14%	(\$761,600)
Prospect - Lawrence Exp. to Saratoga Av	1	1600	4	\$30,824	9%	(\$716,800)
<b>Prospect - Miller Av to Provincetown Dr</b>	<b>1</b>	<b>1200</b>	<b>1</b>	<b>\$21,280</b>	<b>8%</b>	<b>(\$537,600)</b>
Quito - Elmwood to Northlawn	1	600	1	\$10,141	8%	(\$268,800)

# FY 07-08 RULE 20B (IN-LIEU FEE) UNDERGROUNDING MASTER PLAN

## Proposed Project Areas that meet General Criteria

PROJECT LOCATION	COUNCIL DISTRICT	LENGTH OF PROJECT (FT)	IN-LIEU FEES PAID TO DATE			PROJECT COST (Est. @ \$448/ft)
			#	Total (\$)	% OF FRONTAGE	
Rainbow Dr - Arlington to Blaney	1	1000	1	\$12,963	6%	(\$448,000)
Richfield - Stevens Creek to Albany	1	600	1	\$58,800	44%	(\$268,800)
Rosewood Ave - Stevens Creek to 600' south	1	600	1	\$7,840	6%	(\$268,800)
San Tomas Aquino - Bucknall to Rincon	1	600	1	\$63,504	47%	(\$268,800)
Saratoga - Blackford to Belvedere	1	800	2	\$20,455	11%	(\$358,400)
Saratoga - Borina to Venice + Borina to Manzanita	1	2400	6	\$98,233	18%	(\$1,075,200)
Saratoga Av - Graves to prospect Av	1	1200	1	\$47,488	18%	(\$537,600)
Saratoga Ave. - Latimer to Los Felice	1	800	1	\$12,599	7%	(\$358,400)
Saratoga Ave-Kiely to Stevens Creek*	1	1200	2	\$10,143	4%	(\$537,600)
Sharon Ave. - Saratoga-Sunnyvale to end	1	1300	3	\$22,461	8%	(\$582,400)
Stevens Creek - Casa View to Albany	1	600	1	\$1,150	1%	(\$268,800)
Stevens Creek - Stern Av to Calvert Dr	1	800	1	\$55,347	31%	(\$358,400)
Williams Rd.- Saratoga to 200' E/of Oakmont	1	2300	3	\$44,770	9%	(\$1,030,400)
Winchester - Riddle to Neal	1	1300	2	\$81,536	28%	(\$582,400)
Bailey - Santa Teresa to IBM Driveway	2	4100	1	\$29,013	3%	(\$1,836,800)
Blossom Hill - Judith to Snell	2	1600	1	\$27,094	8%	(\$716,800)
Blossom Hill Rd. - Cahalan to Chesbro	2	1100	3	\$91,393	37%	(\$492,800)
Monterey Rd - Las Colinas to Bernal Way	2	2800	3	\$122,738	20%	(\$1,254,400)
Monterey Rd. - Bernal Way to Forsum	2	3800	1	\$44,620	5%	(\$1,702,400)
<b>Alma Av - First St to Almaden Av Almaden Av to 200' n/o Alma Av</b>	<b>3</b>	<b>1800</b>	<b>4</b>	<b>\$136,534</b>	<b>34%</b>	<b>(\$806,400)</b>
Almaden Ave. - Grant to Sutter St.	3	1600	5	\$41,479	12%	(\$716,800)
Almaden Rd & Willow (NW/c) - Willow to Goodyear Av	3	900	2	\$62,334	31%	(\$403,200)
Auzerais - Josefa to Illinois	3	400	1	\$4,480	5%	(\$179,200)
Clinton Pl. - westerly terminus to Stockton	3	400	1	\$11,329	13%	(\$179,200)
Commercial St. - 7th to 10th	3	1700	2	\$69,009	18%	(\$761,600)
Delmas- Santa Clara to San Fernando	3	1000	2	\$89,884	40%	(\$448,000)
San Fernando - Delmas to Rte87	3	600	1	\$6,720	5%	(\$268,800)
Eleventh St. - San Carlos to San Antonio	3	800	1	\$12,650	7%	(\$358,400)
Fifth - Jackson to Taylor	3	600	1	\$12,649	9%	(\$268,800)
Fifth St. - 600' S/o Jackson	3	850	2	\$12,992	7%	(\$380,800)
Fourth St - Empire to Washington	3	1100	5	\$86,477	35%	(\$492,800)
Fourth St - Gish to Rte. 880	3	1000	2	\$40,005	18%	(\$448,000)
Fourth St. - Archer to 101 (s) offramp	3	800	1	\$8,249	5%	(\$358,400)
Fourth St. - Jackson to Empire	3	700	2	\$12,364	8%	(\$313,600)
Fourth St. - Santa Clara to San Fernando	3	1100	2	\$13,395	5%	(\$492,800)
Fourth St. - Taylor to 600' S/o Jackson	3	800	1	\$95,648	53%	(\$358,400)
Hedding - 8th to 10th Street	3	1200	2	\$38,424	14%	(\$537,600)
Hedding - Twelfth to Sixteenth	3	800	1	\$59,425	33%	(\$358,400)
Hedding and Coleman (SW/c)	3	1800	1	\$7,728	2%	(\$806,400)
Julian - East Ct. to Twenty Fourth	3	700	1	\$8,663	6%	(\$313,600)
Julian - Guadalupe River to Hwy 87	3					

## FY 07-08 RULE 20B (IN-LIEU FEE) UNDERGROUNDING MASTER PLAN

### Proposed Project Areas that meet General Criteria

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			#	Total (\$)	% OF FRONTAGE	
Julian - Peruka Pl. to Coyote River	3	600	1	\$14,357	11%	(\$268,800)
Julian St - Eleventh to Fourteenth	3	900	1	\$17,371	9%	(\$403,200)
Julian St - Pleasant St to Autumn St	3	1100	2	\$69,812	28%	(\$492,800)
Julian St. - 1st to 5th to 8th to 9th	3	2800	6	\$93,607	15%	(\$1,254,400)
Kerley St - Archer to Gist St	3	1400	1	\$16,800	5%	(\$627,200)
Keyes - 5th-6th- 7th	3	2000	3	\$218,614	49%	(\$896,000)
Lenfest - Mabury to Nicura Nicura - Alley	3	1200	2	\$37,053	14%	(\$537,600)
Miller - Taylor to Mission	3	700	1	\$4,103	3%	(\$313,600)
Monterey Rd. - Willow to Keyes/Goodyear	3	600	1	\$4,480	3%	(\$268,800)
Nineteenth St - E. St. James to E. Julian	3	600	1	\$9,508	7%	(\$268,800)
Ninth St - Jackson to Empire	3	800	1	\$61,869	35%	(\$358,400)
Old Oakland Rd -Hway 101 to Hedding	3	1000	1	\$178,752	80%	(\$448,000)
Park Ave. - Gifford Ave. to Josefa St.	3	600	1	\$43,955	33%	(\$268,800)
Pierce - Market to Viola Reed - Market to Viola	3	2000	1	\$10,856	2%	(\$896,000)
San Antonio - 24th to US 101 Frwy	3	1800	3	\$18,241	5%	(\$806,400)
San Carlos - Market to 200' E/of 3rd St	3	1000	1	\$2,184	1%	(\$448,000)
San Jose Ave.- Almaden Exp. to Little Orchard	3	800	1	\$13,800	8%	(\$358,400)
San Pedro and Saint James	3	700	1	\$63,352	40%	(\$313,600)
San Salvador - 8th St. to 10th St	3	600	1	\$39,536	29%	(\$268,800)
Second St - Martha St to E Virginia St	3	600	1	\$30,876	23%	(\$268,800)
Second - Reed to San Salvador San Salvador - Second St. to 100' east Second St. - Hensley to Bassett	3	1500	3	\$33,313	10%	(\$672,000)
Second St. - San Carlos to San Salvador Third St. - San Carlos to San Salvador Seventh St. - Hedding to Younger	3	1000	1	\$23,827	11%	(\$448,000)
Sixth St. - Santa Clara to San Fernando	3	700	2	\$18,717	12%	(\$313,600)
St. John - 13th to 17th and 13th, 14th, and 17th from St. John to Santa Clara	3	2980	1	\$77,628	12%	(\$1,335,040)
Stockton - Harding to Taylor	3	1000	1	\$26,708	12%	(\$448,000)
Taylor - 4th to 9th to 10th	3	2100	5	\$132,375	28%	(\$940,800)
Tenth- 101 to Horning	3	1300	1	\$8,165	3%	(\$582,400)
Tenth St - William St to 600' North	3	600	1	\$15,008	11%	(\$268,800)
Third & Fifth south of Jackson	3	600	2	\$20,898	16%	(\$268,800)
Third St - Julian to Railroad tracks	3	600	1	\$34,124	25%	(\$268,800)
Third St. - 600' S/o Jackson	3	600	2	\$11,945	9%	(\$268,800)
Thirteenth St - Hedding to Mission	3	800	1	\$14,512	8%	(\$358,400)
Thirteenth St - Jackson to Empire	3	800	1	\$4,227	2%	(\$358,400)
Thirteenth St - Julian to St James	3	600	1	\$12,579	9%	(\$268,800)
Thirteenth St - Mission to Taylor	3	800	1	\$5,040	3%	(\$358,400)
Twelfth - Santa Clara to San Fernando	3	700	1	\$3,215	2%	(\$313,600)
Twenty-fourth St - San Fernando to Santa Clara	3	700	1	\$8,852	6%	(\$313,600)
Twenty-seventh St - Santa Clara St to St James St	3	1800	1	\$8,586	2%	(\$806,400)

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### Proposed Project Areas that meet General Criteria

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			#	Total (\$)	% OF FRONTAGE	
Vine St. - Grant to Virginia	3	1000	1	\$4,172	2%	(\$448,000)
Virginia St. - Almaden Ave. to Locust St.	3	700	1	\$7,952	5%	(\$313,600)
<b>Virginia St - State St to S 3rd St</b>	<b>3</b>	<b>1200</b>	<b>2</b>	<b>\$39,276</b>	<b>15%</b>	<b>(\$537,600)</b>
William St - 7th to 8th, & 8th - William to Reed	3	800	1	\$2,458	1%	(\$358,400)
William St. - McLaughlin to 19th	3	1600	3	\$178,347	50%	(\$716,800)
Williams and 3rd (NE/c) : 200' on 3rd	3	500	1	\$63,961	57%	(\$224,000)
Williams St - Brookwood to 19th	3	600	1	\$15,452	11%	(\$268,800)
Willow St - Lick to Locust	3	600	1	\$3,036	2%	(\$268,800)
Woz Way - Almaden Blvd. To Market St.	3	1100	1	\$26,432	11%	(\$492,800)
Berryessa - Pembroke to Flickinger	4	1300	1	\$42,785	15%	(\$582,400)
Berryessa Rd - US 101 to RR crossing	4	4000	3	\$154,724	17%	(\$1,792,000)
Capitol Av - Sierra Rd to Bataglia Cir	4	800	1	\$39,634	22%	(\$358,400)
Capitol Av and Hostetter Rd	4	1200	2	\$63,783	24%	(\$537,600)
Capitol Av. - Trimble to Northwood	4	600	2	\$27,992	21%	(\$268,800)
Capitol Ave - Northwood to Autumnvale Dr	4	1200	1	\$17,024	6%	(\$537,600)
Charles - Thirteenth - Old Oakland	4	1850	2	\$147,189	36%	(\$828,800)
Commercial St - Oakland Rd to Commercial Ct	4	2300	3	\$120,878	23%	(\$1,030,400)
Commercial St. - Berryessa to Commercial Ct.	4	1300	2	\$84,942	29%	(\$582,400)
Fifteenth St. - Commercial to Charles	4	600	1	\$21,168	16%	(\$268,800)
First St - Nortech to Michigan	4	3000	4	\$251,386	37%	(\$1,344,000)
Flickinger - Nunez to Doxey	4	800	1	\$152,219	85%	(\$358,400)
Fox Ave. - Old Oakland to Fox Dr.	4	1400	1	\$39,043	12%	(\$627,200)
Gish - Keoncrest to Kerly	4	800	2	\$53,760	30%	(\$358,400)
Gish - Vander Way to 880(N) offramp	4	1100	3	\$86,169	35%	(\$492,800)
Grand Blvd. - First St to Wilson Way	4	1100	4	\$79,960	32%	(\$492,800)
Hostetter - Rue Avati to Flickinger	4	900	1	\$1,612	1%	(\$403,200)
Junction - Brokaw to Rogers	4	3100	1	\$33,120	5%	(\$1,388,800)
Junction - Charcot to Brokaw	4	1800	1	\$44,871	11%	(\$806,400)
<b>King Rd - 300' n/o Mabury Rd to Dobbin Dr Mabury Rd - King Rd to 200' east</b>	<b>4</b>	<b>1500</b>	<b>2</b>	<b>\$119,253</b>	<b>35%</b>	<b>(\$672,000)</b>
King Rd. - Berryessa to Penitencia Creek to 400' south	4	1500	2	\$136,341	41%	(\$672,000)
Lundy - Berryessa to 600' North	4	600	1	\$20,194	15%	(\$268,800)
Lundy - Murphy to Old Hostetter	4	800	2	\$67,021	37%	(\$358,400)
Mabury Rd - Coyote Creek to Lenfest	4	1000	1	\$49,840	22%	(\$448,000)
McKee - Challenger to Capitol Ave.	4	2000	4	\$57,368	13%	(\$896,000)
Morrill - Cropley to Tobin	4	1300	2	\$80,473	28%	(\$582,400)
N. 1st St. - Brokaw to Karina Ct.	4	1000	1	\$22,600	10%	(\$448,000)
Old Bayshore Rd - Terminal Ave to Zanker Rd	4	1200	1	\$21,504	8%	(\$537,600)
Old Oakland Rd - Cile Artis to 600' South	4	600	1	\$6,944	5%	(\$268,800)
Old Oakland Rd - Gish Rd. to Berger Dr.	4	700	1	\$45,029	29%	(\$313,600)
Old Oakland Rd - Wayne to Mackay	4	800	2	\$22,280	12%	(\$358,400)

# FY 07-08 RULE 20B (IN-LIEU FEE) UNDERGROUNDING MASTER PLAN

## Proposed Project Areas that meet General Criteria

PROJECT LOCATION	COUNCIL DISTRICT	LENGTH OF PROJECT (FT)	IN-LIEU FEES PAID TO DATE			PROJECT COST (Est. @ \$448/ft)
			#	Total (\$)	% OF FRONTAGE	
Old Oakland Rd. -Commercial to Service	4	2064	3	\$69,534	15%	(\$924,672)
O'toole Ave - I-880 to Rincon Dr	4	1400	1	\$51,484	16%	(\$627,200)
Piedmont - Maxey to Fleur de Lis	4	500	1	\$36,867	33%	(\$224,000)
Piedmont Rd. - Sierra Rd. to Berryessa/Suncrest	4	1200	2	\$46,040	17%	(\$537,600)
Qyeens - Bayshore to Rogers	4	2300	2	\$48,798	9%	(\$1,030,400)
Rogers - Queens to Junction						
Ringwood - Mackay to 400' South	4	600	1	\$59,229	44%	(\$268,800)
River Oaks Parkway - First St to 600 feet Westerly	4	600	1	\$48,434	36%	(\$268,800)
Sierra - Piedmont to Sabal	4	1800	3	\$80,861	20%	(\$806,400)
Third St -Martha to Keyes	4	1200	1	\$36,400	14%	(\$537,600)
Trade Zone - Ringwood to Lundy	4	1400	1	\$49,910	16%	(\$627,200)
Trimble Rd - First to Orchard Parkway	4	1200	1	\$70,702	26%	(\$537,600)
Capitol Ave. - Capitol Exp. to Wilbur	5	800	2	\$40,153	22%	(\$358,400)
Capitol Ave. - Rose to Florence	5	600	1	\$16,100	12%	(\$268,800)
Cinnabar St. - Autumn to 500ft. East of Stockton Ave.	5	1600	2	\$89,053	25%	(\$716,800)
Clayton Rd.- Hickerson to Story Rd.	5	1000	2	\$95,847	43%	(\$448,000)
Fleming Ave. - Neves Way to Whipple Ct.	5	900	1	\$22,592	11%	(\$403,200)
Fleming Ave. - Palomino to Rosemar	5	1100	2	\$32,802	13%	(\$492,800)
Jackson - Alexian Rd to Mckee Rd	5	2000	2	\$86,240	19%	(\$896,000)
King Rd - Las Plumas to Railro	5	1400	2	\$40,934	13%	(\$627,200)
Las Plumas - King Rd to 800; East						
King Rd. - Margaret to Lavonne	5	1000	5	\$50,023	22%	(\$448,000)
King Rd. - McKee to 700' s/o Alum Rock	5	3200	7	\$130,128	18%	(\$1,433,600)
McKee - Challenger Av to Eastside Dr	5	1000	1	\$16,800	8%	(\$448,000)
McKee - King Rd. to US 101	5	2000	2	\$54,952	12%	(\$896,000)
McKee Rd - Jackson to Jose Figueres to madden	5	2700	3	\$456,723	76%	(\$1,209,600)
Mt. Pleasant Rd - Mt Pleasant Ct to Marten Ave	5	500	2	\$70,456	63%	(\$224,000)
Story Rd - Capitol Exp to McGinness	5	1000	2	\$43,918	20%	(\$448,000)
Story Rd - Capitol to Galahad	5	700	2	\$29,137	19%	(\$313,600)
Story Rd - Clayton to 1000' East	5	1000	1	\$22,064	10%	(\$448,000)
Sunset - Alum Rock to Kammerer	5	900	1	\$11,684	6%	(\$403,200)
White Rd. - Easthills to S/s Story	5	2900	8	\$94,263	15%	(\$1,299,200)
White Rd. - Hobart to Easthills	5	600	1	\$16,483	12%	(\$268,800)
White Rd. - McKee to Eastside	5	900	4	\$106,840	53%	(\$403,200)
White Rd. - Mt. Vista to Park Ln.	5	2400	4	\$101,023	19%	(\$1,075,200)
White Rd. - Rocky Mountain to Sylvan Dr.	5	1800	2	\$44,800	11%	(\$806,400)
Alma - Locust to Lick	6	600	1	\$12,185	9%	(\$268,800)
Alma Ave. - Christina to Capruso	6	1650	2	\$65,828	18%	(\$739,200)
<b>Almaden Rd - Canoas Garden to Curtner Av</b>	<b>6</b>	<b>1600</b>	<b>2</b>	<b>\$34,048</b>	<b>10%</b>	<b>(\$716,800)</b>
Almaden Rd. - Willow Glen Wy to Malone Rd to Canoas Garden Av	6	2500	4	\$170,741	30%	(\$1,120,000)
Bascom - Belair to University	6	900	1	\$10,276	5%	(\$403,200)
Bascom - Heatherdale to Cherrystone	6	700	1	\$15,525	10%	(\$313,600)

**FY 07-08 RULE 20B (IN-LIEU FEE) UNDERGROUNDING MASTER PLAN**  
**Proposed Project Areas that meet General Criteria**

PROJECT LOCATION	COUNCIL DISTRICT	LENGTH OF PROJECT (FT)	IN-LIEU FEES PAID TO DATE			PROJECT COST (Est. @ \$448/ft)
			#	Total (\$)	% OF FRONTAGE	
<b>Bascom Ave. - San Carlos to Naglee</b>	<b>6</b>	<b>1800</b>	<b>6</b>	<b>\$128,218</b>	<b>32%</b>	<b>(\$806,400)</b>
Baywood - Stevens Creek to Hemlock	6	700	1	\$12,714	8%	(\$313,600)
Canoas Garden - Almaden Expwy to Masonic Dr	6	1700	5	\$113,106	30%	(\$761,600)
Canoas Garden - Curtner to south terminus	6	1400	1	\$19,248	6%	(\$627,200)
Chestnut - Emory to Asbury	6	600	1	\$8,960	7%	(\$268,800)
Ciro Av - Forest to Bailey	6	800	2	\$85,120	48%	(\$358,400)
Curtner Ave. - Booksin to Cherry	6	2000	1	\$5,409	1%	(\$896,000)
Curtner Ave. - Lincoln to 800' E/of	6	800	1	\$14,784	8%	(\$358,400)
Curtner Ave. - Westgate to Cherry	6	1000	1	\$8,306	4%	(\$448,000)
Del Mar Ave - Leon Dr. to Lynhaven Dr	6	800	1	\$6,661	4%	(\$358,400)
Elm St. - Newhall to Hamline	6	400	1	\$1,597	2%	(\$179,200)
Forest - Ciro Ave to 110' w/o Bellrose	6	325	2	\$18,646	26%	(\$145,600)
Fruitdale - Menker to Southwest Exp.	6	1000	1	\$8,159	4%	(\$448,000)
Fruitdale - Southwest Exp to Meridian	6	1000	1	\$13,410	6%	(\$448,000)
Hamilton Av - Meridian to Hamilton Wy	6	1000	2	\$59,812	27%	(\$448,000)
<b>Hamilton Av - Meridian to Hurst Ave.</b>	<b>6</b>	<b>1300</b>	<b>2</b>	<b>\$16,800</b>	<b>6%</b>	<b>(\$582,400)</b>
Harmon Court - Meridian to end of street	6	400	1	\$40,471	45%	(\$179,200)
Hedding - Chapman to Park	6	600	1	\$20,240	15%	(\$268,800)
Julian St. - The Alameda to Cinnabar	6	1000	1	\$87,741	39%	(\$448,000)
Lenzen Av - The Alameda to 600' to Stockton	6	600	1	\$6,384	5%	(\$268,800)
Lincoln - Lonus to Coe	6	1000	3	\$31,976	14%	(\$448,000)
Lincoln - Savaker St. to I-280	6	600	1	\$25,312	19%	(\$268,800)
Little Orchard - Alma to San Jose	6	1800	1	\$7,360	2%	(\$806,400)
McArthur - Stevens Creek to Scott St.	6	1300	1	\$9,381	3%	(\$582,400)
Meridian - Alta Glen to Hamilton	6	850	1	\$3,675	2%	(\$380,800)
<b>Meridian Av - Curci Dr to Westwood Dr</b>	<b>6</b>	<b>1900</b>	<b>5</b>	<b>\$92,387</b>	<b>22%</b>	<b>(\$851,200)</b>
Meridian - Willowbrae to 200' s/o Hamilton	6	1400	4	\$49,574	16%	(\$627,200)
Meridian Ave. - Parkmoor to Auzerais	6	1400	4	\$133,068	42%	(\$627,200)
Meridian Ave. -Park to Auzerais	6	1700	4	\$124,825	33%	(\$761,600)
Minnesota - Cherry to Iris Ct	6	2200	4	\$31,043	6%	(\$985,600)
Minnesota - Cherry to Weaver	6	2100	2	\$9,660	2%	(\$940,800)
Moorpark Ave - Winchester to Clover	6	1500	4	\$38,714	12%	(\$672,000)
Morrison Av - The Alameda to W Julian St	6	600	1	\$33,600	25%	(\$268,800)
Naglee - Park to Dana	6	1000	1	\$26,167	12%	(\$448,000)
Old W. Taylor - The Alameda to Myrtle	6	500	1	\$18,676	17%	(\$224,000)
Park Ave. - Hedding to Naglee	6	1600	3	\$110,913	31%	(\$716,800)
Park Ave. - Naglee to Calaveras	6	1700	2	\$58,360	15%	(\$761,600)
Pearl-Capitol Exp. to Hillsdale	6	2300	2	\$162,502	32%	(\$1,030,400)
Hillsdale- Pearl to Summer Creek Dr.	6	2300	2	\$162,502	32%	(\$1,030,400)
Pine - Cherry to Lupton	6	600	1	\$11,788	9%	(\$268,800)
Race St - San Carlos to Parkmoor	6	3300	6	\$200,182	27%	(\$1,478,400)
Auzerais - Race to Lincoln	6	3300	6	\$200,182	27%	(\$1,478,400)

**FY 07-08 RULE 20B (IN-LIEU FEE) UNDERGROUNDING MASTER PLAN**  
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			#	Total (\$)	% OF FRONTAGE	
Race St. - Fruitdale to Pedro	6	1100	1	\$4,267	2%	(\$492,800)
Royal - San Carlos to Auzerais	6	1100	2	\$19,051	8%	(\$492,800)
Auzerais - Royal to RxR Tracks	6	600	2	\$98,887	74%	(\$268,800)
San Fernando St. (West) - White St. to Wilson Ave.	6	600	1	\$2,645	2%	(\$268,800)
Stone Ave. - Curtner to Perrymont	6	600	1	\$2,645	2%	(\$268,800)
Taylor - Elm St to Laurel St	6	500	1	\$20,157	18%	(\$224,000)
Willow - Lick to 87	6	700	1	\$13,306	8%	(\$313,600)
Willow - Lincoln to Curtiss	6	1300	1	\$9,200	3%	(\$582,400)
<b>Winchester Blvd - Boxwood Dr to Tulip Rd</b>	<b>6</b>	<b>600</b>	<b>2</b>	<b>\$14,392</b>	<b>11%</b>	<b>(\$268,800)</b>
Aborn Rd. - Silver Creek Rd to Towers Ln	7	800	1	\$71,680	40%	(\$358,400)
Curtner Ave. - Monterey Highway to 500ft. West of Little Orchard	7	2500	3	\$59,808	11%	(\$1,120,000)
Curtner Ave. - Stone Ave to little Orchard	7	800	2	\$36,512	20%	(\$358,400)
Daylight Way - Monterey to Pullman	7	1100	1	\$10,908	4%	(\$492,800)
Hillcap - Hillsdale to Granite Rock	7	1900	3	\$34,136	8%	(\$851,200)
Hillsdale Av - Mountain Spring Dr to 600' E/of Vistapk./CommHill Bl	7	2500	5	\$249,780	45%	(\$1,120,000)
King Rd. - Tully Rd. to Burdette Dr.	7	600	1	\$9,837	7%	(\$268,800)
Lewis - Monterey to Garden	7	1900	5	\$96,969	23%	(\$851,200)
<b>Lucretia - Story to Bellhurst</b>	<b>7</b>	<b>800</b>	<b>5</b>	<b>\$98,151</b>	<b>55%</b>	<b>(\$358,400)</b>
McLaughlin - Bendmill to Loupe	7	1100	1	\$7,084	3%	(\$492,800)
McLaughlin - Story Rd to Panoche Rd	7	800	1	\$16,800	9%	(\$358,400)
McLaughlin - Tully to Candia to Quamme Dr	7	2500	2	\$70,526	13%	(\$1,120,000)
McLaughlin - Turtlerock to Fair	7	2000	3	\$69,068	15%	(\$896,000)
McLaughlin- Panoche to Algiers	7	1500	1	\$11,500	3%	(\$672,000)
Monterey Rd. - Phelan to UPRR track s/o Costa Ave	7	2300	5	\$181,911	35%	(\$1,030,400)
Monterey Rd - Tully Rd to UPRR tracks s/o Costa Av	7	1300	1	\$34,944	12%	(\$582,400)
Old Tully Rd - entire length Monterey to Tully	7	1400	2	\$30,508	10%	(\$627,200)
Phelan Ave. - Senter Rd. to east terminus	7	900	1	\$41,584	21%	(\$403,200)
Pomona - Barnard Av to San Jose Av	7	600	1	\$11,648	9%	(\$268,800)
Senter Rd - Needles Dr to Phelan Av	7	1000	1	\$6,720	3%	(\$448,000)
Senter Rd - Parrot to Tully	7	600	1	\$38,725	29%	(\$268,800)
Senter Rd - Singleton to Capitol Expwy.	7	1000	1	\$2,305	1%	(\$448,000)
Senter Rd. - Burke to Needles	7	2200	3	\$58,952	12%	(\$985,600)
Senter Rd. - Feldspar to Umbarger	7	700	1	\$12,068	8%	(\$313,600)
Senter Rd. - Forestbrook to Coyote	7	1600	3	\$69,899	20%	(\$716,800)
Seventh - Leo to 700' South	7	700	1	\$8,956	6%	(\$313,600)
Seventh St. - Alma to Phelan	7	1950	3	\$60,936	14%	(\$873,600)
Smith Ave. - Phelan to 500 feet southerly	7	500	1	\$13,440	12%	(\$224,000)
Snell-Capitol Expwy. to Hillsdale	7	2200	1	\$35,432	7%	(\$985,600)
Story Rd - McLaughlin to Olinder Ct.	7	800	1	\$22,400	13%	(\$358,400)
Tully Road - Monterey Rd to 7th Street	7	1600	3	\$206,275	58%	(\$716,800)
Umbarger - Monterey Hwy to Cramer Circle	7	3000	2	\$80,013	12%	(\$1,344,000)

# FY 07-08 RULE 20B (IN-LIEU FEE) UNDERGROUNDING MASTER PLAN

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			#	Total (\$)	% OF FRONTAGE	
<i>Aborn Rd - Pumpherson Wy to White Rd White Rd - 200' n/o Aborn Rd King Rd. - Flanigan Dr to Barberry Ln</i>	8	2800	3	\$101,685	16%	(\$1,254,400)
Quimby - White Rd. to Burdick	8	2700	2	\$36,783	6%	(\$1,209,600)
Ruby Ave. - Holderman to Antonacci	8	1200	2	\$105,308	39%	(\$537,600)
San Felipe - 700' north of Yerba Buena to Delta Rd	8	600	2	\$36,909	27%	(\$268,800)
San Felipe - Delta to Fowler	8	2300	5	\$218,111	42%	(\$1,030,400)
San Felipe - Park Estates to Autumn Estates	8	2000	2	\$131,591	29%	(\$896,000)
San Felipe - Yerba Buena Ave to Riedel	8	2050	2	\$52,968	12%	(\$918,400)
San Felipe Rd. - Keaton Loop to Keaton Loop	8	900	1	\$11,747	6%	(\$403,200)
Silver Creek - Daniel Maloney to Ravens Pl.	8	800	1	\$6,900	4%	(\$358,400)
White Rd. - Quimby to Sturla	8	1700	1	\$21,477	6%	(\$761,600)
Almaden-Los Gatos - Selinda to Harwood	8	700	1	\$18,138	12%	(\$313,600)
Blossom Hill - Harlow Way to Harwood Rd	9	1600	1	\$1,840	1%	(\$716,800)
Blossom Hill - Croydon Av to Seifert Av	9	800	1	\$15,682	9%	(\$358,400)
Branham - Cherry to Bald Eagle Wy	9	500	1	\$32,654	29%	(\$224,000)
Branham - Jarvis to Meridian	9	800	2	\$65,627	37%	(\$358,400)
Branham Ln. - 85 Offramp to Tupolo Dr.	9	2700	2	\$37,097	6%	(\$1,209,600)
Branham Ln. - 85 Offramp to Tupolo Dr.	9	1000	1	\$41,388	18%	(\$448,000)
<i>Camden Ave. - Bercaw Ln to Leigh Av Bercaw Ln - 100' s/o Camden Av Camden Ave. - Vista Loop to Coleman Ave</i>	9	1400	2	\$55,490	18%	(\$627,200)
Curtner - Coit to Leigh	9	600	1	\$19,900	15%	(\$268,800)
Leigh - Curtner to Cody	9	900	1	\$21,773	11%	(\$403,200)
Curtner Ave - Bascom to 1500' W/o Joseph	9	1500	4	\$132,592	39%	(\$672,000)
Foxworthy Av - Yucca Av to Arroba Wy	9	1600	1	\$11,372	3%	(\$716,800)
Harwood - Branham to Albert	9	600	1	\$12,880	10%	(\$268,800)
Kooser - Gatewood to Camden	9	2400	2	\$54,118	10%	(\$1,075,200)
Kooser - Gatewood to Meridian	9	1400	1	\$13,064	4%	(\$627,200)
Los Gatos-Almaden - Escobar (L.G.) to Rosswood	9	1600	2	\$55,770	16%	(\$716,800)
Los Gatos-Almaden Rd. - Union to Warwick	9	1400	3	\$88,395	28%	(\$627,200)
Union - L. G.-AlmadenRd. to 300' s/o L G Almaden(SJ border)	9	1400	3	\$88,395	28%	(\$627,200)
Old Almaden Rd. - Foxworthy to Capitol Exp.	9	1000	1	\$2,235	1%	(\$448,000)
Kell - Old Almaden Rd. to Almaden Exp.	9	1000	1	\$18,036	8%	(\$448,000)
Ross - Hillsdale to Brighten	9	1000	1	\$18,036	8%	(\$448,000)
Union - Bascom to Curtner	9	500	2	\$52,325	47%	(\$224,000)
Union - Ronda to Rosswood	9	1000	1	\$21,174	9%	(\$448,000)
Union - Samaritan Ln. to Barrett Ave.	9	1950	1	\$60,104	14%	(\$873,600)
Union Ave - Camden to Crone Way	9	2400	3	\$87,333	16%	(\$1,075,200)
Blossom Hill - Hillview to Santa Teresa	10	600	4	\$54,585	41%	(\$268,800)
<i>Blossom Hill - Hoffman Ct to Croydon Av</i>	10	900	1	\$26,204	13%	(\$403,200)
McAbee Rd. - Juli Lynn to Peralta	10	1000	3	\$41,629	19%	(\$448,000)
McKean Rd & Almaden Rd. to Cahen Dr.	10	1500	3	\$173,833	52%	(\$672,000)
Pearl Av - Capitol Expwy to Edenbury Dr	10	1000	3	\$31,360	14%	(\$448,000)
Redmond - Almaden Expy. to the Golf Creek	10	1000	3	\$31,360	14%	(\$448,000)
El Paseo Dr. - Redmond to 800' s/o Redmond	10	2000	1	\$124,222	28%	(\$896,000)
Winfield - Thornwood to Blossom Hill	10	1400	1	\$65,907	21%	(\$627,200)

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			#	Total (\$)	% OF FRONTAGE	
Snell - Chynoweth to Tradewinds	2,10	1500	1	\$19,320	6%	(\$672,000)
Snell - Giuffrida to Blossom Hill	2,10	700	2	\$18,859	12%	(\$313,600)
Blossom Hill - Snell to 100' east						
Mabury Rd. - Berryessa to Mabury O.C.	4,5	3200	3	\$34,849	5%	(\$1,433,600)
Mckee - Capitol Ave. to Sorge Park Pl.	4,5	1400	3	\$70,345	22%	(\$627,200)
White Rd. - Cunningham Ave. to Ocala	5, 8	1200	2	\$46,200	17%	(\$537,600)
<b>Story Rd. - Knox Av to S King Rd</b>	<b>5,7</b>	<b>1000</b>	<b>4</b>	<b>\$100,843</b>	<b>45%</b>	<b>(\$448,000)</b>
<b>King Rd. - Story Rd to 100' north</b>						
Winchester - Payne to David Ave	6,1	1400	1	\$15,150	5%	(\$627,200)
Winchester - Tisch to Stevens Creek	6,1	2100	1	\$15,120	3%	(\$940,800)
Hillsdale Ave. - Pearl to Gaudalupe River	6,10	1600	1	\$3,312	1%	(\$716,800)
Willow St. - Curtiss to Delmas to Minnesota	6,3	2400	5	\$113,846	21%	(\$1,075,200)
Blossom Hill Rd. - Blossom River to Russo	9,10	3400	11	\$112,399	15%	(\$1,523,200)
Branham - Almaden Expressway to Silvera	9,10	1300	2	\$32,285	11%	(\$582,400)
Pearl - Branham to Kozera Dr.	9,10	1600	1	\$8,845	2%	(\$716,800)

**BOLD ITALIC TEXT REPRESENT UPDATED PROJECTS THIS FISCAL YEAR 07-08**

**FEES PAID REPRESENT A BASE FEE OF \$92 (BEFORE 7/1/96), \$112 (BETWEEN 7/1/96 AND 9/8/2002 ) and \$224 (AFTER 9/9/2002) PER LINEAR FOOT OF FRONTAGE. FEES ARE COLLECTED ON BOTH SIDES OF THE STREET.**