REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

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915 I Street, Sacramento, CA 95814-2604

STAFF REPORT
February 3, 2009

Honorable Members of the
Law and Legislation Committee

Title: An Ordinance amending Section 16.64.030 of the Sacramento City Code relating to the Refund of Parkland Dedication Fees

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee approve and forward to the full City Council for adoption an ordinance amending Section 16.64.030 of the City Code to allow the refund of parkland dedication fees under certain circumstances.

Contact: Mary de Beauvieres, Principal Planner, 808-8722;
J. P. Tindell, Park Planning and Development Manager, 808-1955

Presenter: Mary de Beauvieres, Principal Planner, 808-8722

Department: Parks and Recreation

Division: Park Planning and Development Services; Advance Planning Section

Organization Number: 19001111

Description/ Analysis:

Issue: Chapter 16.64 of the Sacramento City Code (otherwise known as the City's Quimby Ordinance) and the Subdivision Map Act require developers of residential subdivisions to dedicate land or pay a fee in-lieu of land dedication to provide for community and neighborhood parks at a rate of five acres per thousand residents. City Code Section 16.64.030 establishes standards and formulas for land dedication and/or payment of the in-lieu fee.

As it currently reads, section 16.64.030 of City Code provides for a refund of excess Quimby fees when a project builds out at a density that is less than what was assumed when the tentative map was first approved and the Quimby fee calculation was made, if the tentative map application was not accompanied by a rezoning application. If the tentative map application was accompanied by a rezoning application, no refund is allowed. Staff believes that distinguishing

between applications with and without a rezoning request for purposes of allowing a refund is a result of a formatting error that occurred with the adoption of Ordinance No. 91-036, adopted by Council on May 21, 1991. The attached Ordinance would correct this situation and establish the same parameters for a refund of excess in-lieu fees, regardless of whether or not the project included a rezoning application. The Ordinance also modifies the language of section 16.64.030 for ease of reading.

Policy Considerations: Modifying the Quimby Act Ordinance to allow all residential developers the possibility of a refund of excess parkland dedication in-lieu fees regardless of whether a rezoning application accompanies the tentative map is consistent with the City of Sacramento Department of Parks and Recreation Master Plan 2005-2010 and California Government Code Section 66477.

Environmental Considerations:

California Environmental Quality Act (CEQA): This activity is not subject to the CEQA because it does not constitute a "project" as defined in section 15378 of the CEQA Guidelines.

Sustainability Considerations: There are no sustainability considerations applicable to amending City Code to correct an administrative error.

Rationale for Recommendation: The purpose of the proposed Ordinance change is to correct an administrative error that was made when the last Ordinance revision was considered and to clarify language in the Ordinance for ease of reading.

Financial Considerations: Not applicable.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully submitted by: J. P. Tindell

J. P. TINDELL
Park Planning and Development Manager

Approved by: _____

JAMES L. COMBS
Director of Parks and Recreation

Recommendation Approved:

Cassandra H.B. Jones

for RAY KERRIDGE
City Manager

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Attachment 1

BACKGROUND

In 1975, the State adopted the Quimby Act in California Government Code Section 66477. The Quimby Act authorized cities and counties to adopt ordinances requiring residential developers to dedicate parkland or pay a fee in-lieu of dedication to mitigate the impacts of new residential development on existing park systems. The City of Sacramento codified the Quimby Act in what is now Chapter 16.64 of the Sacramento City Code through adoption of Ordinance 81-007 on February 3, 1981. The City's Quimby Act has been modified and updated several times since its initial adoption.

The Code requires residential developers to dedicate land using a formula that 'when multiplied by the number of dwelling units permitted in the subject area' will produce five (5) acres of parkland per thousand population. This complies with the City's service level goal of 5 acres of neighborhood and community parkland for every 1,000 residents. When an in-lieu fee is determined to be appropriate instead of land dedication, the acreage requirement is converted to a dollar figure and inflated by 20% to account for the cost of off-site improvements such as utility taps or street improvements. The parkland dedication or in-lieu fee obligation must be met before a final map may be recorded.

City Code Section 16.64.030 establishes standards and formulas for land dedication and/or payment of the in-lieu fee. The Code states that unless the subdivider enters into an agreement with the City for a lower density, the number of dwelling units to be used for the purposes of determining the land dedication or in-lieu fee requirement shall be calculated by the highest density of the zoning designation or existing specific plan density designation when the tentative map is not accompanied by a rezoning application; or the highest density of the zoning designation applied for, when a rezoning application accompanies the tentative map.

The Code goes on to state that at completion of build-out of the development, the developer may apply for a refund of excess fees paid if the following conditions are met:

- completion of build-out occurs within five years following the date the fees are paid,
- build-out is at a lower density than was used to calculate the fees, and
- the tentative map was not accompanied by a rezoning application.

Section 16.64.030 of City Code does not currently allow for a refund when the tentative map was accompanied by a rezoning application. Staff can see no reason to distinguish between applications containing a rezoning application and those without for the purposes of allowing a refund. This discrepancy in City Code is believed to be due to a formatting error that occurred with the adoption of Ordinance No. 91-036, adopted by Council on May 21, 1991. It was only recently brought to staff's attention, when a refund request was submitted.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING 16.64.030 OF THE SACRAMENTO CITY CODE RELATING TO REFUNDS OF PARKLAND DEDICATION FEES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 16.64.030 of the Sacramento City Code is amended to read as follows:

16.64.030 Standards and formulas for dedication of land.

A. When Parkland Dedication Required.

Where a recreational or park facility has been designated in the general plan or a specific plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local recreation or park facility sufficient in size and topography to serve the residents of the subdivision.

B. Calculation of Required Parkland Dedication.

1. The amount of land to be dedicated shall be determined according to the formula D × F = A in which:

a. D = the number of dwelling units

b. F = a "factor" herein described

c. A = the buildable acres to be dedicated.

2. A buildable acre is a typical acre of the subdivision, with a slope less than ten (10) percent, and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions.

3. The factors of .0149, .0112, and .0088 are constants which, when multiplied by the number of dwelling units permitted in the subject area, will produce five acres per thousand population. The factors referred to above are as follows:

FS = .0149 relating to single-family dwelling units

FT = .0112 relating to two-family dwelling units
FM = .0088 relating to multiple-family dwelling units
Fmh = .0088 relating to mobile-home dwelling units

C. Determination of the Number of Dwelling Units on Multifamily Parcels or Parcels Created by a Master Parcel Map.

Unless the subdivider enters into an agreement with the city for a lower density, the number of dwelling units on multifamily parcels or parcels created by a master parcel map that will be further subdivided shall be determined as follows:

1. When a rezoning application accompanies the tentative map, the number of dwelling units shall be calculated according to the highest density of the zoning designation applied for;

2. When a rezoning application does not accompany the tentative map, the number of dwelling units shall be calculated according to the highest density of the existing zoning designation or existing specific plan density designation, whichever allows the highest density;

Provided, however, that if all or a portion of the parkland dedication requirement is satisfied by payment of fees under section 16.64.040 and, upon completion of build-out of the multifamily parcel or the recording of the final map for the last re-subdivision of a parcel created by a master parcel map, the actual number of dwelling units built or number of single family lots created is less than the number of dwelling units determined under subsection 1 or subsection 2, above, then the subdivider may, within five years after payment of the fee, apply for a refund, without interest, of the difference between the fee actually paid and a fee calculated on the basis of the actual density.

D. Determination of the Number of Dwelling Units—Halfplex Units.

Where halfplex lots are included in a predominately single-family subdivision, and the development of the halfplex units will not cause the density of the subdivision to exceed the maximum density allowed in the R-1 zone, the halfplex units shall be considered two-family dwelling units.

E. Required Improvements on Dedicated Land.

The subdivider shall: (1) provide full street improvements, including but not limited to curbs, gutters, street paving, traffic control devices, street lights, and sidewalks, to land which is dedicated pursuant to this chapter; (2) provide for chain link fencing meeting city standards along the property line of that portion of the subdivision contiguous to the dedicated land; (3) provide improved surface drainage through the site; and (4) provide other improvements which the city council determines to be essential to the acceptance of the land for recreational purposes. (Prior code § 40.16.1603)

Ordinance - Redline

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Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING 16.64.030 OF THE SACRAMENTO CITY CODE RELATING TO REFUNDS OF PARKLAND DEDICATION FEES

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A. When Parkland Dedication Required.

Where a recreational or park facility has been designated in the general plan or a specific plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local recreation or park facility sufficient in size and topography to serve the residents of the subdivision.

B. Calculation of Required Parkland Dedication.

1. The amount of land to be ~~provided~~ dedicated ~~shall be determined pursuant to the following standards and formula: Where the city requires the dedication of land, the subdivider or owner shall dedicate land for local recreational or park facilities~~ according to the formula D × F = A in which:

a. D = the number of dwelling units

b. F = a "factor" herein described

c. A = the buildable acres to be dedicated.

2. A buildable acre is a typical acre of the subdivision, with a slope less than ten (10) percent, and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions.

3. The factors of .0149, .0112, and .0088 are constants which, when multiplied by the number of dwelling units permitted in the subject area, will produce five acres per thousand population. ~~Unless the subdivider enters into an agreement with the city for a lower density, the number of dwelling units shall be calculated as follows:~~

~~A. When a rezoning application accompanies the tentative map, density shall be calculated according to the highest density of the zoning designation applied for; provided, that when rezoning to the R-1A zone is requested for individual lots in a predominately single-family subdivision in order to develop halfplex units on the lots and the development of the halfplex units will not cause the density of the subdivision to exceed the maximum density allowed in the R-1 zone, the number of dwelling units shall be based on single-family density;~~

~~B. When the tentative map is not accompanied by a rezoning application, density shall be calculated according to the highest density of the existing zoning designation or existing specific plan density designation, whichever allows the highest density; provided, however, that upon completion of build-out, if the actual number of dwelling units built is less than the highest density permitted in the applicable zone, then the subdivider may, within five years after payment of the fee, apply for a refund, without interest, of the difference between the fee actually paid and a fee calculated on the basis of the actual density.~~

The factors referred to above are as follows:

FS = .0149 relating to single-family dwelling units
FT = .0112 relating to two-family dwelling units
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Fmh = .0088 relating to mobile-home dwelling units

C. Determination of the Number of Dwelling Units on Multifamily Parcels or Parcels Created by a Master Parcel Map.

Unless the subdivider enters into an agreement with the city for a lower density, the number of dwelling units on multifamily parcels or parcels created by a master parcel map that will be further subdivided shall be determined as follows:

1. When a rezoning application accompanies the tentative map, the number of dwelling units shall be calculated according to the highest density of the zoning designation applied for;

2. When a rezoning application does not accompany the tentative map, the number of dwelling units shall be calculated according to the highest density of the existing zoning designation or existing specific plan density designation, whichever allows the highest density;

Provided, however, that if all or a portion of the parkland dedication requirement is satisfied by payment of fees under section 16.64.040 and, upon completion of build-out of the multifamily parcel or the recording of the final map for the last re-subdivision of a

parcel created by a master parcel map, the actual number of dwelling units built or number of single family lots created is less than the number of dwelling units determined under subsection 1 or subsection 2, above, then the subdivider may, within five years after payment of the fee, apply for a refund, without interest, of the difference between the fee actually paid and a fee calculated on the basis of the actual density.

D. Determination of the Number of Dwelling Units—Halfplex Units.

Where halfplex lots are included in a predominately single-family subdivision, and the development of the halfplex units will not cause the density of the subdivision to exceed the maximum density allowed in the R-1 zone, the halfplex units shall be considered two-family dwelling units.

E. Required Improvements on Dedicated Land.

The subdivider shall: (1) provide full street improvements, including but not limited to curbs, gutters, street paving, traffic control devices, street lights, and sidewalks, to land which is dedicated pursuant to this ~~section~~ chapter; (2) provide for chain link fencing meeting city standards along the property line of that portion of the subdivision contiguous to the dedicated land; (3) provide improved surface drainage through the site; and (4) provide other improvements which the city council determines to be essential to the acceptance of the land for recreational purposes. (Prior code § 40.16.1603)