

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 19-70
PARK AND RECREATION LAND AND FEES

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Chapter 19-70 of the Santa Rosa City Code, is hereby amended in full to read as follows:

“Chapter 19-70 PARK AND RECREATION LAND AND FEES

Article 1. Authority, Purpose, Definitions

19-70.010 Authority, general purpose and definitions.

The ordinance codified in this chapter is adopted pursuant to the California Government Code Section 66477 (Quimby Act) and California Government Code Sections 66000 through 66025 (Mitigation Fee Act) and the general police power of the City, for the purpose of executing and implementing the General Plan of the City of Santa Rosa. It is the purpose of this chapter to provide for (1) the acquisition of park land for neighborhood and community parks through dedication of land, and (2) the acquisition of park land for neighborhood and community parks and development of park and recreation facilities by imposition of fees in connection with the development of new dwelling units.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

(A) The term “developer” includes every person, firm or corporation constructing a new dwelling unit, directly or through the services of any employee, agent, independent contractor, or otherwise.

(B) The term “new dwelling unit” includes each structure of permanent character, placed in a permanent location, which is planned, designed or used for residential occupancy, including, but not limited to, one-family, two-family and multifamily dwellings, apartment houses and complexes, mobile home spaces, and single occupancy units, but not including hotels, motels and boardinghouses for transient guests.

(C) The term “subdivision” includes any type of construction, land division or improvement of land which provides for dwelling units identified under the provisions of Section 66424 of the California Government Code. “Subdivision” shall also include any increase in the number of mobilehome spaces.

(D) The term “City service area” shall refer to the geographical area of beneficial use of one or more parks. The boundaries of City service areas shall be the quadrant, defined by Highway 12 and Highway 101, within which the development is located.”

Article 2. Park Land Dedication

19-70.020 Requirements.

As a condition of approval of a tentative map or parcel map, rezoning, issuance of a building permit, or other discretionary action granting approval for the development of one or more dwelling units, the subdivider shall dedicate land as set forth in Government Code Section 66477(a), for neighborhood or community parks or recreational purposes at the time and according to the standards and formulas contained in this chapter.

19-70.030 Park acreage standard.

It is found and determined that the public interest, convenience, health, welfare, and safety require that six acres of property for each 1,000 persons residing within this City be devoted to local park and recreational purposes. Such requirements will be satisfied by a combination of (1) park land and park development dedications pursuant to this article; (2) usable open space, accepted in accordance with Section 19-70.200; and (3) school recreational land. The acreage of each park type per 1,000 residents shall be determined by the City Council by resolution. The adopted park land dedication standard shall reflect the ratio of park land to residents, as set forth in California Government Code Section 66477.

19-70.040 Formula for dedication of land.

Where a park or recreation facility has been designated in the General Plan of the City, and is to be located in whole or in part within the proposed subdivision for the purpose of serving the immediate and future needs of the residents of the subdivision, the developer shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following formula:

The formula for determining acreage to be dedicated shall be as follows:

$$\begin{array}{l} \text{Average No. x} \\ \text{of Persons/} \\ \text{Unit} \end{array} \times \frac{\text{park acreage dedication standard}}{1,000 \text{ population}} = \text{minimum acreage dedication}$$

Example for single-family attached dwelling unit (DU):

$$\frac{2.75 \times 3.0}{1,000} = .00825 \text{ acres/DU}$$

The following table of population density has been established pursuant to Section 66477(a)(2) of the Government Code:

Population per Dwelling Type

Types of Dwelling	Average Population Density/DU
Single-family detached	2.75
Single-family attached	2.71
Duplex	2.66
Multifamily	2.19
Mobile homes	1.64

Dedication of the land shall be made in accordance with the procedures contained in Section 19-70.130 hereof.

For the purposes of this section, the number of new dwelling units shall be based upon the number of parcels indicated on the tentative or parcel map when in an area zoned for one dwelling unit per parcel. When all or part of the subdivision is located in an area zoned for more than one dwelling unit per parcel, the number of proposed dwelling units in the area so zoned shall equal the maximum allowed under that zone, including any applicable density increases. In the case of a condominium project, the number of new dwelling units shall be the number of condominium units. The term “new dwelling unit” does not include dwelling units lawfully in place prior to the date on which the parcel or final map is filed.

The developer shall, without credit: (1) provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, street trees, and sidewalks to land which is dedicated pursuant to this section; (2) provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land; (3) provide improved drainage through the site; and (4) provide other minimal improvements which the decision-making body determines to be essential to the acceptance of the land for recreational purposes.

The land to be dedicated and the improvements to be made pursuant to this section shall be reviewed at the tentative map stage in accordance with the criteria set forth in Section 19-70.100 and approved by the Director of Recreation and Parks.

19-70.050 Formula for park impact fee credit for land dedication and improvements.

The developer shall pay the park impact fee adopted pursuant to Section 19-70-090 and receive a credit against the amount of the fee for the value of the land dedication. The amount of the credit shall not exceed the portion of the park impact fee associated with park land acquisition costs based on (1) the total park impact fee calculated for the development project based on the current fee schedule adopted pursuant Section 19-70.090, multiplied by (2) the percentage of the total park impact fee associated with park land acquisition costs as determined by the City Council by resolution. The credit shall not exceed the appraised value of the park land dedicated by the developer.

Article 3. Park Impact Fees

19-70.090 Requirement, formula for park impact fees.

General Formula. A fee shall be paid to fund park land acquisition and development of park and recreation facilities by the developer of each new dwelling unit irrespective of whether the developer is required to dedicate land as set forth in Section 19-70.040 and the developer receives a credit for dedication of land pursuant to Section 19-70.050. The fee shall be based on park standards as determined by the City Council by resolution, and the park land acquisition and development cost per acre determined pursuant to Section 19-70.100. The fee schedule shall be adopted by the City Council by resolution and based on findings made pursuant to Government Code Section 66001(a) and (b).

19-70.100 Determination of park land acquisition and development cost per acre.

The park land acquisition and development cost per acre of park land shall be determined by resolution adopted by City Council.

Article 4. General and Special Provisions

19-70.110 Determination of land or fee.

Whether the decision-making body accepts land dedication or elects to require payment of the total park impact fee, shall be determined by consideration of the following:

- (A) The natural features, access, and location of land in the subdivision available for dedication;
- (B) The size and shape of the subdivision and land available for dedication;

- (C) The feasibility of dedication;
- (D) The compatibility of dedication with the General Plan; and
- (E) The location of existing and proposed park sites and trailways.

19-70.120 Credit for private open space.

Where private open space usable for active recreational purposes is provided in a planned development, real estate development, stock cooperative, and community apartment project, as defined in Sections 11003, 11003.1, 11003.2, 11003.4 and 11004, respectively, of the Business and Professions Code, and condominiums, as defined in Section 783 of the Civil Code, partial credit, not to exceed 45 percent, shall be given against the requirement of land dedication or payment of impact fees if the decision-making body finds that it is in the public interest to do so and that all the following standards are met:

- (A) Yards, court areas, setbacks and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; and
- (B) Private park and recreation facilities shall be owned by an owners association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a 75 percent affirmative vote of the membership and approved by the City, operated under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities; and
- (C) Use of the private open space is restricted for park and recreation purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the City or its successor; and
- (D) The proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and
- (E) The open space for which credit is given is a minimum of one acre and provides a minimum of five of the local park basic elements listed in this subsection, or a combination of such and other recreation improvements that will meet the specific recreation needs of future residents of the area:

Elements	Acres
Children’s play apparatus area	.05 to .25
Landscape park-like with quiet areas	.25 to 1.00
Family picnic area	.05 to .25
Game court area	.05 to .25
Turf playfield	.25 to 1.00
Swimming pool (42’ x 75’ with adjacent deck/lawn area)	.25 to .50
Recreation center building	.05 to .25

19-70.130 Procedure.

At the time of approval of a tentative map or tentative parcel map, rezoning, or any other discretionary approval of development, the decision-making body shall, pursuant to this chapter, determine whether to require the dedication of land and allow a credit against the park impact fee.

Dedications of land shall be made on the final subdivision map. The park impact fee shall be calculated and paid at the time of issuance of the building permit using: (1) the fee schedule adopted pursuant to Section 19-70-100, and (2) any applicable credit for land dedication determined pursuant to Section 19-70-050 and any applicable credit for developer-provided park and recreation improvements determined pursuant to Section 19-70-160.

“Incentive eligible projects” (i.e., low/very low income, senior and disabled housing) shall have the option to defer payment of fees pursuant to this chapter until the close of escrow on the permanent financing.

Open space covenants for private park or recreation facilities shall be submitted to the City prior to approval of the final or parcel map and shall be recorded contemporaneously with the final or parcel map.

19-70.140 Disposition of fees.

Fees determined pursuant to Section 19-70.090 shall be paid to the City Director of Administrative Services and shall be deposited into the City service area trust fund, or its successor. Money in the fund, including accrued interest, shall be expended solely for acquisition and development of park land or improvements related thereto.

Fees will be calculated, collected, accounted for, and expended for the upgrade or expansion of park and recreation facilities, reimbursements to developers that provide such park and recreation facilities, or for costs associated with administration of the fee. Fees are restricted for use within the city service area in which the fees were collected, except that up to one half of the fees from each city service area may be used for expenditures outside that city service area for parks that provide citywide benefits.

The City shall annually make available to the public a report describing the income, expenditures and status of the City service area trust funds.

19-70.150 Exemptions.

The provisions of this chapter do not apply to commercial or industrial subdivision; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

19-70.160 Developer-provided park and recreation improvements.

After the decision-making body determines the land required for dedication and the park impact fee payment by the developer, the developer may apply to the Recreation and Parks Department for permission to construct specified park and recreation improvements on land of the developer required for dedication or on other land within the same City service area to be developed as a park. If the Recreation and Parks Department grants the developer permission for construction of specified parks and recreation improvements on the land, the Department shall fix the dollar value of the parks and recreation improvements approved by the Department. The dollar value of park and recreation improvements provided by the developer in the manner described in this chapter shall be credited against the fees required by this chapter, and consistent with the City’s credit and reimbursement policies and procedures.

19-70.170 Schedule for use for land or fees.

The Recreation and Parks Department shall develop a schedule specifying how, when and where it will use the land or fees, or both, to develop park or recreational facilities.

19-70.180 Access.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the decision-making body if the decision-making body determines that public street access is unnecessary for maintenance of the park area or use thereof by residents.

19-70.190 Sale of dedicated land.

If during the ensuing time between dedication of land for park purposes and commencement of first-stage development, circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or a change in school location), the land may be sold upon the approval of the decision-making body with the resultant funds being used for the purchase of a more suitable site.

19-70.200 Criteria for acceptance of public open space.

The City Council may accept and maintain open space lands that promote public health, safety and welfare.

Said open space lands must provide substantial public use and one or more of the following: (1) contiguity to existing parks or open space areas; (2) major linkage between parks or open space areas; (3) a major off-street trail or pathway system which connects, or has the potential to connect, to other such trails; (4) valuable pedestrian experience on its own; and/or (5) public access to creeks or protection of creeks for public benefit. Other open space, such as hillsides or ridgelines with minimal public access potential, should be protected by other techniques. Provision of open space accepted pursuant to this section or protected by other techniques shall not be credited against the provision of park and recreational land or payment of the park impact fee as determined by this chapter nor shall in any way displace the need for provision of adequate usable park space per this chapter.

Nothing in this section shall limit the offer of land by dedication or donation and acceptance thereof by provisions outside this chapter.”

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance is exempt from the provisions of the California Environmental Quality Act under CEQA Guidelines sections 15378(b)(4), 15273(a)(4) and Public Resources Code section 21080(b)(8) in that the fee increase is for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas, and the fee increase will offset increased costs of providing parks within the existing City limits, and further determines the fee is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) in that the activity in question will not have a significant effect on the environment.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

///

///

///

Section 4. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on May 22, 2018.

IN COUNCIL DULY PASSED AND ADOPTED this ____ day of _____, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney