

ORDINANCE NO. 2013-0017

Adopted by the Sacramento City Council

August 20, 2013

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTERS 16.64 AND 18.44 OF THE SACRAMENTO CITY CODE RELATING TO PARKLAND DEDICATION AND DEVELOPMENT STANDARDS

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, or the subdivider proposes it 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 $D \times F = A$ 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 percent, and on which building is not excluded because of flooding, public rights-of-way, easements, or other restrictions.

3. The factor set forth in subsection B.1.b varies based on the type of dwelling units in the subdivision. Each factor is a constant based on census data

that, when multiplied by the number of dwelling units permitted in the subject area, will produce five acres per 1,000 population. These factors are as follows:

FS = .0135 relating to single-family dwelling units;

FT = .0117 relating to two-family dwelling units;

FM = .0105 relating to multiple-family dwelling units; and

FMH = .0105 relating to mobilehome 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.

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 resubdivision 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 subsections C.1 or C.2 of this section, 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 predominantly 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; (4) provide water taps to the site, or if the site is larger than five acres a water well may be required under section 13.04.845; and (5) provide other improvements that the city council determines to be essential to the acceptance of the land for recreational purposes.

SECTION 2. Section 16.64.040 of the Sacramento City Code is amended to read as follows:

16.64.040 Formula for fees in lieu of land dedication.

A. The subdivider shall, in lieu of dedication of land, pay a fee equal to the value of the land prescribed for dedication in section 16.64.030 if (1) there is no park or recreational facility designated in the city's recreation and park plan, community plan, or specific plan to be located in the area proposed for development; (2) a park site is not designated on a subdivision map to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, or (3) where the city council requires the payment of in lieu fees. The amount of the fee shall be determined in accordance with the provisions of section 16.64.050. The fee shall be used for recreational and park facilities to serve the residents of the area being subdivided.

B. If the proposed subdivision contains 50 parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in section 16.64.030. The amount shall be determined in accordance with the provisions of section 16.64.050.

SECTION 3. Section 16.64.050 of the Sacramento City Code is amended to read as follows:

16.64.050 Calculation of in lieu fees.

A. When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value, plus 20 percent for off-site

improvements such as utility line extensions, curb, gutter and pavement and street lights.

B. For purposes of calculating the in-lieu fee under this section, the fair market value shall be determined in the following manner:

1. Appraisal. The subdivider shall request that an appraisal be prepared pursuant to the procedures set forth below, and shall pay the in-lieu fee based upon the fair market value established in that appraisal.

a. Upon request of the subdivider, the city shall cause an appraisal to be made by a person on the city's list of approved appraisers, who will be qualified as a certified general real estate appraiser by the California office of real estate appraisers, and shall meet the standards specified in the uniform standards of professional appraisal practice. The costs of the appraisal and the city's review of the appraisal must be paid by the subdivider to the city in advance. The appraiser shall appraise the property at its unencumbered (free and clear) value, as if at the approved tentative map stage of development and as if any assessments or other encumbrances to which the property is subject had been paid off in full prior to the date of appraisal. Factors to be considered during the evaluation shall include the following:

- i. Conditions of the tentative subdivision map, including all required street and utility improvements facilitating use of the property;
- ii. The general plan;
- iii. Zoning and density;
- iv. Property location;
- v. Off-site improvements facilitating use of the property;
- vi. Site characteristics of the property; and
- vii. Existing public improvements.

b. The appraisal shall value the property as of a date no earlier than 90 days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal shall clearly state the fair market value of the property.

2. Alternative: community planning area valuation. The city council may, by resolution, approve a fixed market value per acre of land within each

community planning area or other boundaries as determined to be appropriate by the city council. The values so established shall be updated periodically, and once established may be used, at the option of the subdivider, in place of the appraisal process provided in subsection B.1 of this section to determine the market value per acre of the property to be subdivided for purposes of calculating the in-lieu fee.

SECTION 4. Section 16.64.120 of the Sacramento City Code is amended to read as follows:

16.64.120 Procedure.

A. At the time of the hearing on the tentative subdivision map, the zoning administrator, planning and design commission, or the city council, after reviewing the report and recommendation from the planning director or designee, shall determine the amount of land to be dedicated or the amount of fees to be paid, or both, by the subdivider for park or recreational purposes as a condition of approval of the subdivision map. The recommendation by the planning director or designee shall include the following where applicable:

1. The amount of land to be dedicated;
2. That a fee be charged in lieu of dedication;
3. That both dedication and a fee be required;
4. That a credit be given for private recreation facilities, unique natural and special features, or for any other reason provided in section 16.64.100;
5. The location of the park land to be dedicated; and
6. The approximate time when development of the park or recreation facility shall commence.

B. At the time of the filing of a final subdivision or parcel map, the subdivider shall dedicate the land and pay the fees, as previously determined by the zoning administrator, planning and design commission or the city council. If a final subdivision or parcel map is not filed because it has been waived, the subdivider shall pay the fees set forth in the applicable tentative map or as prescribed in section 16.64.040. The amount shall be determined in accordance with the provisions of section 16.64.050, and payment shall be made at the time of issuance of building permits for the dwelling units. In order to receive credits

as provided for in section 16.64.100, open space covenants for private park or recreational facilities shall be submitted to the city council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map.

SECTION 5. Section 18.44.160 of the Sacramento City Code is amended to read as follows:

18.44.160 Use of fees.

A. Revenue collected from the fees established by this chapter and deposited in the special fund established under section 18.44.150 shall be used for the purpose of:

1. Expending by appropriation by the city council for the payment of the actual costs of constructing park facilities described in the nexus study for which the fees may be expended;

2. Reimbursing the city for the development's share of those park facilities already constructed by the city, or to reimburse the city for costs advanced, including, without limitation, administrative costs incurred with respect to a specific park facility, as set forth in section 18.44.110;

3. Providing for reimbursements as described in section 18.44.110;

4. Providing refunds as described in sections 18.44.140, 18.44.170 and 18.44.180;

5. Funding the city's administration of the fee program implemented by this chapter; and

6. Uses permitted under section 66006 of the Government Code.

B. Revenue shall be expended on park facilities to serve the development project as follows:

1. If the park facility is a neighborhood park, within two miles of the development project.

2. If the park facility is a community park, within five miles of the development project.

C. Unless used or refunded as otherwise permitted under this section, moneys, including any accrued interest, not assigned in any fiscal period shall be retained in the fund until the next fiscal period.

Adopted by the City of Sacramento City Council on August 20, 2013 by the following vote:

Ayes: Councilmembers Ashby, Cohn, Fong, Hansen, McCarty, Pannell, Schenirer, Warren and Mayor Johnson

Noes: None

Abstain: None

Absent: None

Attest:

Digitally signed by Shirley A. Concolino
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Shirley Concolino, City Clerk

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Per Government code section 66017, an ordinance or a resolution which increases impact fees goes into effect after sixty days.