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**DEPARTMENT OF PARKS
AND COMMUNITY SERVICES**

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
SUITE 400
SACRAMENTO, CA
95814-2977

ROBERT P. THOMAS
DIRECTOR

G. ERLING LINGGI
ASSISTANT DIRECTOR

WALTER S. UEDA
DEPUTY DIRECTOR

916-449-5200
FAX 916-449-8584

DIVISIONS:
GOLF
CROCKER ART MUSEUM
HISTORY AND SCIENCE
METROPOLITAN ARTS
SACRAMENTO ZOO
PARKS AND RECREATION
• NORTH
• SOUTH
• CITY-WIDE

May 7, 1991

Transportation and Community Development/
Budget and Finance Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Quimby Ordinance Revisions

SUMMARY

This report provides information regarding the current shortfalls in funding for Sacramento parks and recreation facilities. Further, this report recommends that Council approve, by resolution, amendments to the Quimby Ordinance (Sections 40.1301, 40.1304, 40.1306, 40.1311 and 40.1313 of the Sacramento City Code). These amendments will: (1) require basic infrastructure improvements to park land dedication or in-lieu fees; (2) limit credits available for privately constructed park and recreation facilities; and (3) clarify the appraisal process.

BACKGROUND

In recent years the provision of park facilities and recreation programs has been strained by a population boom in Sacramento and the surrounding areas. Between 1950 and 1980 the City doubled in population and greatly increased in area. In the 11 years since 1980, another 65,000 people have been added to the City's population and almost 260,000 to that of the Metropolitan Statistical Area (MSA). Population projections indicate that the average rate of growth within and outside the City boundaries will tend to accelerate rather than slow over the next 20 years.

The original concept behind the Quimby Ordinance, adopted by the City in 1981, was that the financial burden of acquiring new parks would be borne directly by the new population those parks would serve. This was to be accomplished by requiring either the dedication of land for park purposes or payment of the equivalent in fees, at the time land was subdivided. However, land acquired and fees collected under the City's Quimby Ordinance fall far short of meeting the park needs of Sacramento's new growth.

QUIMBY ORDINANCE

In 1989, a consultant was hired to identify the source of current shortfalls in funding for Sacramento parks and recreation facilities. Staff has reviewed the consultant's key findings below and recommends the following amendments to the current Quimby Ordinance.

ISSUES

- 1) Current Quimby collections, based only on land value, contribute only a portion of the total cost to provide the most basic type of neighborhood or community park. Based on rough figures from the Public Works Department, the cost of infrastructure runs \$12,000 to \$15,000/acre. Current City practice makes no requirement for infrastructure development under the Quimby Ordinance for either land dedication or in lieu fees (Exhibit A).
- 2) Current City procedure for establishing and collecting in lieu fees under Quimby can result in as much as 25% loss of value before parkland is actually acquired. One of the major reasons for this loss is that no allowance is made for the diminished capability of the funds between collection and use. With the cost of land in parts of Sacramento increasing so rapidly, often it is not possible to purchase as much acreage as was originally intended once sufficient funds have been accumulated.
- 3) Under current Quimby language, a developer can satisfy all Quimby requirements by including certain recreation facilities — tennis courts, swimming pool, open space — within the subdivision design. However, these facilities are normally not open to use by even nearby residents living outside the subdivision and are not, therefore, truly public facilities. Conversely, residents within the subdivision almost certainly engage in some recreation activities at other City park units.

RECOMMENDED CHANGES TO QUIMBY ORDINANCE

- 1) Amend Section 40.1304 to require that the subdivider provide infrastructure improvements including, but not limited to, curbs, gutters, street paving, traffic control devices, street light, sidewalks, chain link fencing, improved surface drainage and other minimal improvements which the City Council determines to be essential to the acceptance of the land for recreation purposes. Where in-lieu fees are collected an additional 20% will be collected for infrastructure improvements.
- 2) Amend Section 40.1306 to establish criteria and procedures for appraising potential parkland based on relevant factors such as: the General Plan, zoning and density, location, off-site improvements, etc. Land will be appraised as though all public improvements set forth on the tentative map have been completed.
- 3) Amend Section 40.1311 to limit the amount of credit given for developer constructed recreation facilities to 25% of the total Quimby requirement. Delete Section 40.1312 that relates to computation of credit.

FINANCIAL DATA

Approval of the proposed Quimby Ordinance amendments will result in approximately a 20% increase over current Quimby collections. The proposed Quimby amendments will result in an estimated 20% fee increase on a typical single family residential development (Exhibit B). Limiting the credits available for planned unit developments will more than double the fee paid per dwelling unit. A comparison of neighboring jurisdictions' current or proposed fees is shown in Exhibit C.

POLICY CONSIDERATIONS

Language in the existing Quimby Ordinance limits the City's ability to acquire the quality and quantity of parkland necessary to serve the City's growing population. Adoption of the recommended amendments to the Quimby Ordinance will provide the City standard of five acres of raw land per thousand population. Sources of funding to develop the land acquired under Quimby must still be identified.

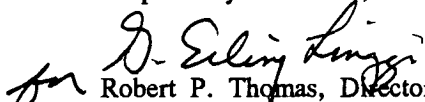
MBE/WBE EFFORTS

No impact.

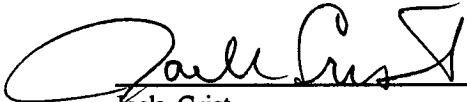
RECOMMENDATION

It recommended that the Transportation and Community Development/Budget and Finance Committee approve this report and forward it to the full City Council for action. Further, it is recommended that the City Council approve the amendments to the attached Ordinance establishing Quimby fees.

Respectfully submitted,

for 
Robert P. Thomas, Director
Parks and Community Services

Approved:



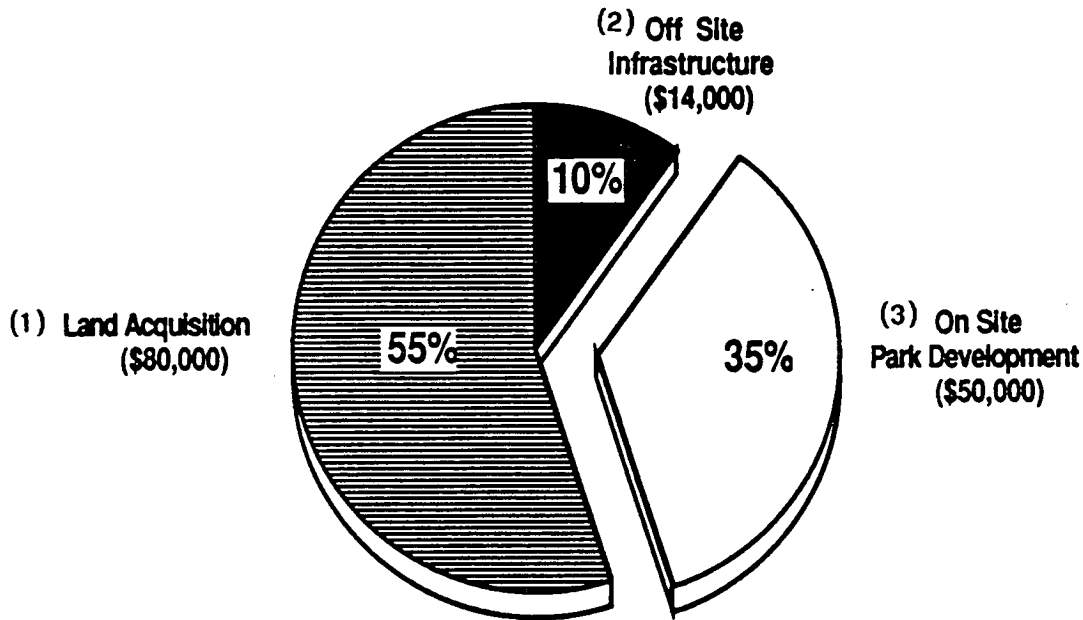
Jack Crist
Deputy City Manager

Contact Person: Walt Ueda, Deputy Director - 449-5385

May 7, 1991

All Districts

Proportion of Capital Costs for Park Facilities



Notes:

- (1) Current Quimby Ordinance collects roughly only 55% of the total cost of providing a park.
- (2) Proposed changes in Quimby ordinance will provide for approximately \$14,000 in infrastructure improvements including: curbs, gutters, street lighting water, and electricity to the site, etc.
- (3) Basic on-site improvements such as turf, trees, and irrigation are not provided for under the current or amended ordinance. Funding must be identified for these and additional elements such as: playground equipment, ball fields, tennis courts, etc.

QUIMBY AMENDMENTS

IMPACT ON RESIDENTIAL DEVELOPMENT

EXAMPLE 1 - Single Family

- 100 units
- Appraised value of 1 acre = \$100,000

	Dedicated Acres (A)	In-lieu Fee (M)	Fee per Dwelling Unit
Current Quimby	1.49	\$149,000	\$1,490
Proposed Quimby Revisions	1.49	\$178,800	\$1,788

EXAMPLE 2 - Planned Unit Development

- 100 units
- Appraised value of 1 acre = \$100,000
- Privately constructed recreational facilities:
pool, tennis court, recreation building

	Dedicated Acres (A)	In-lieu Fee (M)	Credits	Total Fee	Fee per Dwelling Unit
Current Quimby	0.88	\$88,000	60%	\$35,200	\$352
Proposed Quimby Revisions	0.88	\$105,600	25%	\$79,200	\$792

COMPARISON OF PARK AND RECREATION FEES/TAXES
ON RESIDENTIAL DEVELOPMENT
(Neighboring jurisdictions)

<u>City/County</u>	<u>Average Amount in Dollars</u>	<u>Comments</u>
Davis	\$2,166	Plus add'l \$413 - \$1347 based on area
Roseville	\$1,907	
Sacramento (proposed)	\$1,788	
West Sacramento	\$1,767	acquisition and development
Folsom (proposed)	\$1,707	
Sacramento (existing)	\$1,490	
Sacramento County	\$1,300	Average - varies by district

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 40.1301, 40.1304, 40.1306, 40.1311, AND 40.1313 OF THE SACRAMENTO CITY CODE, AND REPEALING SECTION 40.1312 OF THE SACRAMENTO CITY CODE, RELATING TO REGULATIONS FOR DEDICATION OF LAND, PAYMENT OF FEES, OR BOTH, FOR PARK AND RECREATION PURPOSES

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

SECTION 1.

Sections 40.1301, 40.1304, 40.1306, 40.1311 and 40.1313 of the Sacramento City Code are hereby amended to read as follows:

§ 40.1301 Definitions.

- (a) "Dwelling unit" means a group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, irrespective of the age of the occupant or occupants.
- (b) "Single family dwelling unit" means a detached building designed exclusively for occupancy by one family.
- (c) "Two family dwelling unit" means a detached building designed exclusively for occupancy by two families living independently of each other, under one roof.

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ORDINANCE NO.: _____

DATE ADOPTED: _____

- (d) "Multiple family dwelling unit" means a building or portion thereof designed for occupancy by three or more families living independently of each other, but under one roof.
- (e) "Mobile-home lot" means any area designated, designed or usable for the occupancy of one mobile home on a temporary, semi-permanent or permanent basis. (Ord. No. 81-007, §1)

§ 40.1304 Standards and Formulas for Dedication of Land.

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. The amount of land to be provided 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 $D \times F = A$ in which:

D = The number of dwelling units

F = a "factor" herein described

A = the buildable acres to be dedicated

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

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 (5) 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 (5) 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

FM = .0088 relating to multiple family dwelling units

Fmh = .0088 relating to mobile home dwelling units

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; 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.

(Ord. No. 81-007, §1; Ord. No. 81-039, §1; Ord. No. 82-008, §1)

§ 40.1306 Calculation of In Lieu Fees; Appraisal.

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 as described below plus 20% for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights.

- (a) The amount to be paid shall be a sum calculated pursuant to the following formula:

$$A \times V = M$$

where

A = the amount of land required for dedication as determined in Section 40.1304;

V = fair market value (per acre) of the property to be subdivided, as established by an appraisal;

M = the number of dollars to be paid in lieu of dedication of land, to which shall be added 20% for off-site improvements.

(b) For purposes of calculating the in-lieu fee under this Section 40.1306, the subdivider shall cause an appraisal of the property to be subdivided to be made. The appraisal shall be made at the subdivider's expense by an active MAI, SREA or SRPA member in good standing of the Appraisal Institute, or an active ASA (Urban Real Property) member in good standing of the American Society of Appraisers and shall meet the standards observed by a competent member of the professional organization. The appraiser shall appraise the land 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. The fair market value shall be for the gross tentative map area. Factors to be considered during the evaluation shall include the following:

1. Approval of and conditions of the tentative subdivision map.
2. The general plan.
3. Zoning and density.
4. Property location.
5. Off-site improvements facilitating use of the property.
6. Site characteristics of the property.
7. Existing encumbrances (e.g. existing streets, canals) which have the effect of reducing usable gross tentative map area.

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 (V) of the property in dollars per gross acre. Three (3) copies of the appraisal shall be delivered to the Public Works Development Services Section for distribution.

In the event the City's Real Property Supervisor determines the appraisal is inaccurate, the City shall cause a second appraisal to be made at its expense by an appraiser with the above described qualifications, and the second appraisal shall be used for purposes of calculating the in-lieu fee. (Ord. No. 81-039, §2)

- (c) No appraisal shall be required for a subdivision of five or fewer single-family parcels if the subdivider and the City's Real Property Supervisor reach mutual agreement on the use of a different valuation method which can be objectively verified, such as applying a recent appraisal of similarly-situated property or the recent purchase price of the property, adjusted upward, if necessary, to cover the cost of installing not-yet-completed infrastructure.

§ 40.1311 Credits.

- (a) The City may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five percent (25%) of the dedication or fees, or both, otherwise required under this article, and shall be subtracted from the dedication or fees, or both, otherwise required under this article, provided:
 - (1) Yards, court areas, setbacks, and other open space areas required to be maintained by this title and other regulations shall not be included in private open space and local recreation credit;
 - (2) Provision is made by written agreement, recorded covenants running with the land, or other contractual instrument that the areas shall be adequately maintained;
 - (3) The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the express written consent of the city council.

- (b) Land or facilities or both which may qualify for credit towards the land dedication or in lieu fee, or both, will generally include the following types of open space or local recreational facilities; provided, however, that credit for each of the following categories shall not exceed five percent (5%) of the dedication or fees, or both, otherwise required under this article:
- (1) Open spaces, which are generally defined as parks, extensive areas with tree coverage, low lands along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000) square feet.
 - (2) Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.
 - (3) Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving or both, including decks, lawned area, bathhouse, or other facilities developed and used exclusively for swimming and diving.
 - (4) Recreation buildings, designed and primarily used for the recreational needs of the residents of the development.
 - (5) Special areas, which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorcycle bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake site or river beaches, improved access or right-of-way in excess of requirements, and similar type open space or recreational facilities which in the sole judgment of the City of Sacramento qualifies for a credit.
- (c) The city council shall grant credit for land dedicated and/or fees paid pursuant to this article under a previously approved final subdivision map or parcel map in the event a new map is submitted for approval. Such credit shall be subtracted from the dedication and/or fees required under this article for the new map; provided, that in no event shall the City be required to return any fees paid or any land dedicated as a condition of a previously approved final map pursuant to this Section 40.1311(c). (Ord. No. 81-039, §4)

§ 40.1313 Procedure.

- (a) At the time of its hearing on the tentative subdivision map, the planning commission shall recommend to the city council, after reviewing the report and recommendation from the planning director or his designee, that land be dedicated or fees 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 his designee shall include the following where applicable:
- (1) The amount of land required 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 40.1311.
 - (5) The location of the park land to be dedicated;
 - (6) The approximate time when development of the park or recreation facility shall commence.
- (b) At the time of its hearing on the tentative subdivision map, the city council shall determine the amount of land required to be dedicated under this article and Section 40.1304, whether or not a fee is to be charged in lieu of any or all of the required dedication, whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 40.1311, and the location of the park land to be dedicated, if any. In making its determination, the city council shall be guided by the standards contained in this article where applicable.
- (c) At the time of the filing of a final subdivision or parcel map including the same amount of land as included in the applicable tentative map, the subdivider shall dedicate the land and/or pay the fees, as previously determined by the city council. 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. (Ord. No. 82-031, §2)

SECTION 2.

Section 40.1312 of the Sacramento City Code is hereby repealed.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 40.1301, 40.1304, 40.1306, 40.1311, AND 40.1313 OF THE SACRAMENTO CITY CODE, AND REPEALING SECTION 40.1312 OF THE SACRAMENTO CITY CODE, RELATING TO REGULATIONS FOR DEDICATION OF LAND, PAYMENT OF FEES, OR BOTH, FOR PARK AND RECREATION PURPOSES

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SECTION 1.

Sections 40.1301, 40.1304, 40.1306, 40.1311 and 40.1313 of the Sacramento City Code are hereby amended to read as follows:

§ 40.1301 Definitions.

- (a) "~~Residential~~ Dwelling unit" means a group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, irrespective of the age of the occupant or occupants.
- (b) "Single family dwelling unit" means a detached building designed exclusively for occupancy by one family.
- (c) "Two family dwelling unit" means a detached building designed exclusively for occupancy by two families living independently of each other, under one roof.

- (d) "Multiple family dwelling unit" means a building or portion thereof designed for occupancy by three or more families living independently of each other, but under one roof.
- (e) "Mobile-home lot" means any area designated, designed or usable for the occupancy of one mobile home on a temporary, semi-permanent or permanent basis. (Ord. No. 81-007, §1)

§ 40.1304 Standards and Formulas for Dedication of Land.

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. The amount of land to be provided 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 $D \times F = A$ in which:

D = The number of dwelling units

F = a "factor" herein described

~~A = the amount of land, in acres, to be dedicated~~

A = the buildable acres to be dedicated

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

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 (5) 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 if it appears that the actual number of dwelling units which will be built is reasonably certain for the foreseeable future and is less than the highest density permitted in the applicable zone, then the calculations shall be based upon such actual density. In the event that the calculation is based upon actual density a note shall be placed upon the final or parcel map that, prior to the issuance of a building permit for all or any part of the subject property at a higher density than was used for the calculations pursuant to this article, the building permit applicant shall pay the difference between the fee paid pursuant to this article (or the fee which would have been paid had no land been dedicated pursuant to this article) and that which would have been required had the calculations been based upon the density proposed in the building permit application.~~

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 (5) 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

FM = .0088 relating to multiple family dwelling units

Fmh = .0088 relating to mobile home dwelling units

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; 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.

(Ord. No. 81-007, §1; Ord. No. 81-039, §1; Ord. No. 82-008, §1)

§ 40.1306 Calculation of In Lieu Fees; Appraisal.

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 as described below plus 20% for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights.

- (a) The amount to be paid shall be a sum calculated pursuant to the following formula:

$$A \times V = M$$

where

A = the amount of land required for dedication as determined in Section 40.1304;

V = fair market value (per acre) of the property to be subdivided, as established by an appraisal;

M = the number of dollars to be paid in lieu of dedication of land, to which shall be added 20% for off-site improvements.

- (b) For purposes of calculating the in-lieu fee under this Section 40.1306, the subdivider shall cause an appraisal of the property to be subdivided to be made. The appraisal shall be made at the subdivider's expense by an active MAI member in good standing of the American Institute of Real Estate Appraisers, an active SREA or SRPA member in good standing of the Appraisal Institute Society of Real Estate Appraisers, or an active ASA (Urban Real Property) member in good standing of the American Society of Appraisers and shall meet the standards observed by a competent member of the professional organization. The appraiser shall appraise the land at its unencumbered (free and clear) value, as if at the with approved tentative map status 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. The fair market value shall be for the gross tentative map area. Factors to be considered during the evaluation shall include the following:

1. Approval of and conditions of the tentative subdivision map.

2. The general plan.
3. Zoning and density.
4. Property location.
5. Off-site improvements facilitating use of the property.
6. Site characteristics of the property.
7. Existing encumbrances (e.g. existing streets, canals) which have the effect of reducing usable gross tentative map area.

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 (V) of the property in dollars per gross acre. Three (3) copies of the appraisal shall be delivered to the Public Works Development Services Section for distribution.

In the event the City's Real Property Supervisor determines the appraisal is inaccurate, the City shall cause a second appraisal to be made at its expense by an appraiser with the above described qualifications, and the second appraisal shall be used for purposes of calculating the in-lieu fee. (Ord. No. 81-039, §2)

- ~~(e) If the proposed subdivision is solely to permit halfplex development on one or more corner lots created by a map recorded without compliance with this Article, the fair market value per acre (V) calculated pursuant to (a) and (b) of this section shall not exceed \$65,000 per acre. (Ord. No. 82-032, §1)~~
- (c) No appraisal shall be required for a subdivision of five or fewer single-family parcels if the subdivider and the City's Real Property Supervisor reach mutual agreement on the use of a different valuation method which can be objectively verified, such as applying a recent appraisal of similarly-situated property or the recent purchase price of the property, adjusted upward, if necessary, to cover the cost of installing not-yet-completed infrastructure.

§ 40.1311 Credits.

- (a) The City may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned-unit developments as defined in Section

~~11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code and other common interest developments townhouse developments, or trailer parks adopted or permitted pursuant to the zoning ordinance.~~ Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five percent (25%) of the dedication or fees, or both, otherwise required under this article, and shall be subtracted from the dedication or fees, or both, otherwise required under this article, provided:

- (1) Yards, court areas, setbacks, and other open space areas required to be maintained by this title and other regulations shall not be included in private open space and local recreation credit;
 - (2) Provision is made by written agreement, recorded covenants running with the land, or other contractual instrument that the areas shall be adequately maintained;
 - (3) The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the express written consent of the city council.
- (b) Land or facilities or both which may qualify for credit towards the land dedication or in lieu fee, or both, will generally include the following types of open space or local recreational facilities; provided, however, that credit for each of the following categories shall not exceed five percent (5%) of the dedication or fees, or both, otherwise required under this article:
- (1) Open spaces, which are generally defined as ~~parks and parking areas, ornamental parks,~~ extensive areas with tree coverage, low lands along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000) square feet.
 - (2) Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.
 - (3) Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving or both, including decks, lawned area, bathhouse, or other facilities developed and used exclusively for swimming and diving ~~and consisting of not less than fifteen (15) square feet of water~~

~~surface area per person for the planned population of the subdivision, provided, however, that in no event shall credit be computed on or allowed for more than three percent (3%) of the planned population of the subdivision.~~

- (4) Recreation buildings, designed and primarily used for the recreational needs of the residents of the development.
 - (5) Special areas, which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorcycle bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake site or river beaches, improved access or right-of-way in excess of requirements, and similar type open space or recreational facilities which in the sole judgment of the City of Sacramento qualifies for a credit.
- (c) The city council shall grant credit for land dedicated and/or fees paid pursuant to this article under a previously approved final subdivision map or parcel map in the event a new map is submitted for approval. Such credit shall be subtracted from the dedication and/or fees required under this article for the new map; provided, that in no event shall the City be required to return any fees paid or any land dedicated as a condition of a previously approved final map pursuant to this Section 40.1311(c). (Ord. No. 81-039, §4)

§ 40.1313 Procedure.

- (a) At the time of its hearing on the tentative subdivision map, the planning commission shall recommend to the city council, after reviewing the report and recommendation from the planning director or his designee, that land be dedicated or fees 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 his designee shall include the following where applicable:
 - (1) The amount of land required 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 40.1311.

- (5) The location of the park land to be dedicated;
 - (6) The approximate time when development of the park or recreation facility shall commence.
- (b) At the time of its hearing on the tentative subdivision map, the city council shall determine the amount of land required to be dedicated under this article and Section 40.1304, whether or not a fee is to be charged in lieu of any or all of the required dedication, whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 40.1311, and the location of the park land to be dedicated, if any. In making its determination, the city council shall be guided by the standards contained in this article where applicable.
- ~~(c) In the event the city council determines fees are to be charged in lieu of any or all of the required dedication, the subdivider shall submit to the city an appraisal of the land to be subdivided by the proposed final subdivision or parcel map. The appraisal shall be made pursuant to Section 40.1306(b) of this article and shall be dated not more than 90 days prior to the filing of the final subdivision or parcel map. (Ord. No. 81-007, §1; Ord. No. 82-031, §2)~~
- (d)(c) At the time of the filing of a final subdivision or parcel map including the same amount of land as included in the applicable tentative map, the subdivider shall dedicate the land and/or pay the fees, as previously determined by the city council. 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. (Ord. No. 82-031, §2)

SECTION 2.

Section 40.1312 of the Sacramento City Code is hereby repealed.

§ 40.1312 Computation of Credit.

~~The categories for credit for private open space and facilities described in Section 40.1311 shall be given equal weight, each category not to exceed twenty percent (20%) of the total which may be granted by the City. The city council may, however, upon petition of the subdivider grant additional credit for each of the above categories if there is substantial evidence that:~~

- ~~(1) The open space or recreational facilities is above average in aesthetic quality, arrangement or design; or,~~
- ~~(2) The open space or recreational facility is clearly proportionately greater in amount or size than required by this title or usually provided in other similar types of development; or,~~
- ~~(3) The space or recreational facility is situated so as to compliment open space or local recreational facilities in other private or public developments. (Ord. No. 81-007, §1)~~

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____