

ORDINANCE NO. 82-008

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

FEB 2 1982

AN ORDINANCE AMENDING SACRAMENTO CITY CODE SECTION 40.1304 TO PROVIDE, IN SOME CIRCUMSTANCES, FOR THE CALCULATION OF PARKLAND DEDICATION REQUIREMENTS BASED UPON ACTUAL DENSITY INSTEAD OF THE HIGHEST PERMITTED DENSITY AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1.

Section 40.1304 of the Sacramento City Code is hereby amended to read as follows:

Sec. 40.1304 Standards and Formula 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

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

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(6)

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.

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 mobilehome dwelling units)

SECTION 2.

(a) Section 1 of this ordinance establishes an alternative method of calculating parkland dedication and in lieu fee requirements in cases where the actual density is reasonably certain and is less than the highest permitted density. This alternative method promotes the public interest in providing affordable housing.

The purpose of this Section is to extend, in limited circumstances, the alternative calculation method to maps processed prior to the effective date of this ordinance. While it is in the public interest to so provide, it is not legally or equitably necessary to do so. Therefore, the prerequisites, conditions and time limits specified hereinafter are to be strictly applied and enforced against the party seeking relief pursuant to this section.

(b) Upon application filed with the City Engineer no later than 90 days after the effective date of this ordinance, any subdivider whose final or parcel map was subject to parkland dedication or in lieu fees pursuant to Article XIII of Chapter 40 of the Sacramento City Code and processed before the effective date of this ordinance may request a refund of fees as hereinafter specified. The application shall not be deemed filed until all information requested by the City Engineer and pertaining to the application has been provided as requested. The application shall include fees, set by resolution of the City Council, in order to defray the cost of receiving, processing, and acting upon the application.

(c) Upon timely and complete application as hereinabove specified, the City Engineer shall determine whether, at the time the tentative map was approved, the number of dwelling units per acre was reasonably certain for the foreseeable future ("actual density") and whether this number was less than the density figures actually used in calculating the parkland dedication and/or in lieu fees required pursuant to Article XIII of Chapter 40 of the Sacramento City Code. If such is the case, the City Engineer shall determine the excess, if any, of the parkland in lieu fees actually paid by the applicant over that which would have been paid had the actual density been used (instead of the highest permitted density).

If such an excess exists, the applicant shall be so notified and the excess shall be refunded to the applicant from the in lieu fees received by the City in connection with Article XIII of Chapter 40 of the Sacramento City Code.

If no such excess exists, the applicant shall be so notified.

(d) Any party aggrieved by the action of the City Engineer pursuant to Subsection (c) of this Section may appeal such action to the City Council by filing a notice of appeal, specifying the particular bases of the appeal, with the City Clerk within 15 days of the action being appealed. Such an appeal shall be processed according to, and subject to the provisions of, Sacramento City Code Sections 2.320-2.329.

SECTION 3.

This ordinance is hereby declared an emergency measure to take effect immediately. The facts constituting the emergency are the need to promote affordable housing and to keep to a minimum the number of maps subject to the refund provisions of Section 2 of this ordinance. It is therefore necessary that this ordinance become effective immediately so that the amendments effectuated by Section 1 may be applied to pending applications for tentative map approval.

DATE ENACTED: February 2, 1982
DATE EFFECTIVE: February 2, 1982

Chas. J. Benberg

MAYOR

ATTEST:
Anne Mason

Assistant CITY CLERK

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