

ORDINANCE NO. **81-039**

MAY 26 1981

AN ORDINANCE AMENDING ARTICLES IX AND XIII OF CHAPTER 40 OF THE SACRAMENTO CITY CODE RELATING TO THE DEDICATION OF LANDS, THE PAYMENT OF FEES, OR BOTH, FOR PARK AND RECREATIONAL PURPOSES

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

SECTION 1.

Section 40.1304 of Chapter 40 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 Recreation and Parks Plan, an element of the General Plan of the City, 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 park 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 parks 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. In multiple family areas, 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 predominantly single family subdivision in order to develop halfplex units on the lots

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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. 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.

Section 40.1306 of Chapter 40 of the Sacramento city Code is hereby amended to read as follows:

Sec. 40.1306 Calculation of In Lieu Fees; Appraisal.

(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.

(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 Society of Real Estate Appraisers,

or an active ASA (Urban Real Property) member in good standing of the American Society of Appraisers. The appraiser shall appraise the land with approved tentative map status.

In the event the City's Real Estate 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.

SECTION 3.

Section 40.1313 of Chapter 40 of the Sacramento City Code is hereby amended to read as follows:

Sec. 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 or not 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 City an appraisal of the land to be subdivided dated within 90 days of filing the final subdivision map or parcel map with the City Council. The appraisal shall be made pursuant to Section 40.1306(b) of this Article.

(d) At the time of the filing of the final subdivision map or parcel 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.

#### SECTION 4.

Section 40.1311 of Chapter 40 of the Sacramento City Code is hereby amended to read as follows:

#### Sec. 40.1311 Credits.

(a) The City may grant credit for privately owned and maintained open space or local recreation facilities, or both, in planned unit 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 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:

(1) Open spaces, which are generally defined as parks and parkway 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).

#### SECTION 5.

Section 40.1314 of Chapter 40 of the Sacramento City Code is hereby amended to read as follows:

Sec. 40.1314 Industrial Subdivisions; Condominium and Duplex Conversions.

The provisions of this Article shall not apply to

(a) industrial subdivisions;

(b) the conversion of multiple family dwellings into condominium ownership, as defined in Sections 22-A-60(f) and (g) of the Comprehensive

Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, where the building being converted is more than five (5) years old and no new dwelling units are added;

(c) parcel maps containing less than five (5) parcels for a shopping center containing more than 300,000 square feet of gross leaseable area and no residential development or uses; and

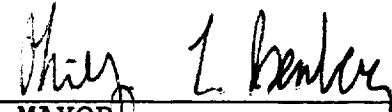
(d) the conversion of existing two family dwelling units into halfplex units, where each unit is capable of separate ownership, the building being converted was completed and approved for occupancy on or before April 6, 1981, and no new units are added.

SECTION 6. Emergency.

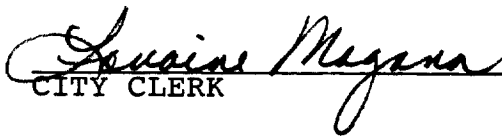
This ordinance is hereby declared an emergency measure to take effect immediately. The facts constituting the emergency are the enactment of Ordinance No. 81-007 relating to the dedication of land and the payment of fees for park and recreational purposes, the need to amend and clarify certain provisions of this ordinance before it is implemented, and the existence of pending tentative subdivision map applications scheduled for hearing to which the ordinance will apply. It is therefore necessary that this ordinance take effect immediately so that its amendments and clarifications may be applied to the pending applications.

ENACTED: MAY 26 1981

EFFECTIVE: MAY 26 1981

  
MAYOR

ATTEST:

  
CITY CLERK