

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AMENDING SECTIONS 30.143, 30.144, 30.145, AND 30.146 OF ARTICLE XII (PARKS DEDICATION) OF CHAPTER 30 OF THE REDWOOD CITY MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF REDWOOD CITY DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council finds and declares that:

(a) In order to provide parks to serve future development in the City, the City must expand and improve its system of parks, parkland, and recreation facilities.

(b) Section 66477 of the Government Code authorizes the City to, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map.

(c) Section 66477 requires the City to include definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(d) The City's current parkland dedication requirements are contained in Redwood City Municipal Code, Chapter 30, Article XII ("Quimby Act Fees").

(e) The City engaged Economic & Planning Systems ("EPS") to prepare a Nexus Study for the Redwood City Parks Fee Update (the "Study"), dated May 11, 2022, for a proposed park development fee update to the Quimby Act Fees to mitigate the anticipated demands of increased development.

(f) The Study is on file in the Office of the City Clerk and is incorporated herein by reference.

(g) EPS has prepared an updated inventory of parkland in the City and has updated population and employment data to calculate a new existing park service standard and parkland dedication requirement.

(h) The Study includes an updated calculation standard for the expected population and an increase in the cost per acre of land for the purpose of calculating the fee required under the Quimby Act Implementation Ordinance.

(i) Pursuant to Government Code Sections 66018 and 6062a, a notice of a public hearing on the proposed fee schedule was published on April 22, 2022 and May 12, 2022 in the San Mateo Daily Journal, a newspaper of general circulation.

Section 2. Form of Amendments. The City Council of the City of Redwood City adopts the amendments to Chapter 30, Article XII, by adding the text shown in underline (example) and deleting the text shown in ~~strikeout (example)~~, as shown below. Wording in brackets ([example]) is informational only and is not to be included in the published ordinance.

Section 3. Amendments to Section 30.143. Section 30.143 of Article XII of Chapter 30 of the Redwood City Municipal Code is hereby amended to read as follows:

Sec. 30.143. – PARKLAND STANDARD:

A. It is found and determined that the public interest, convenience, health, welfare and safety require that ~~three~~2.75 acres of property for each one thousand persons residing within this city be devoted to neighborhood and community, park and recreational purposes.

B. The following formula shall be used to determine the amount of parkland required to serve a subdivision:

$$[\text{required parkland (acres)}] = [\text{expected population}] * .002753$$

~~However, the amount of parkland that must be dedicated or paid for pursuant to this Article shall be 50% of the above stated amount, and the City will maintain any additional standard using other available resources.~~

C. For purposes of ~~paragraph~~ subsection B, above, expected population shall be calculated based on the following standard, which is derived from the most recent federal census available at the time this Section was adopted:

Single-family Residences (<u>attached and detached one-unit structures</u> 1—7 units/acre)	2. <u>90</u> 84 persons per dwelling unit
Condominiums (8—20 units/acre)	2.38 persons per dwelling unit
Rental multifamily (8—20 units/acre)	2.55 persons per dwelling unit
Condominiums (>20 units/acre)	1. <u>87</u> persons per dwelling unit
Rental m Multifamily (<u>2 or more units</u> >20 units/acre)	2. <u>49</u> 8 persons per dwelling unit

D. For the purposes of ~~paragraph~~ subsection C, above, there shall be the following rebuttable presumptions:

1. When all or part of a subdivision is located in an area zoned for one dwelling unit per parcel, the number of new dwelling units for that portion of the proposed subdivision will be the number of parcels indicated on the subdivision map.

2. 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 that portion of the proposed subdivision shall equal the maximum allowed under that zone.

3. In the case of a condominium project, the number of proposed dwelling units in the area so zoned shall equal the maximum allowed under that zone. In the case of a condominium project, the number of proposed dwelling units shall be the number of condominium units.

E. For purposes of ~~paragraph~~ subsection C, above, dwelling units lawfully in place prior to the date on which the parcel or final map is filed shall not be included in calculations.

F. For purposes of ~~paragraph~~ subsection C, above, the expected population of a Low Income Housing Unit shall be deemed to be zero and the expected population of a Moderate Income Housing Unit shall be deemed to be one-half of the expected population otherwise indicated in ~~paragraph~~ subsection C. The City will provide needed parkland for such dwelling units using other available resources.

Section 4. Amendments to Section 30.144. Section 30.144 of Article XII of Chapter 30 of the Redwood City Municipal Code is hereby amended to read as follows:

Sec. 30.144. – REQUIRED DEDICATION:

A. Where a park or recreation facility has been designated in the Impact Fee Project List, and such facility is located in whole or in part within the proposed subdivision and will serve the immediate and future needs of the residents of the subdivision, the subdivider may 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.

B. The subdivider shall, without credit, provide the following site improvements to any land dedicated pursuant to this Section:

1. Full street improvements and utility connections, including curbs, gutters, street paving, traffic control devices, street trees, and sidewalks adjacent to land which is dedicated pursuant to this Section; and

2. Fencing along the property line of the subdivision contiguous to the dedicated land as approved by the public works director.

C. The land to be dedicated and the site improvements to be made

pursuant to this Section shall be approved by the Administrator, who shall not grant approval to any proposed improvement that does not meet the standards set forth in the Impact Fee Project List.

Section 5. Amendments to Section 30.145. Section 30.145 of Article XII of Chapter 30 of the Redwood City Municipal Code is hereby amended to read as follows:

Sec. 30.145 – FEE REQUIREMENT:

A. The fee required with respect to a subdivision shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision, and shall be calculated by first subtracting the acreage dedicated pursuant to Section 30.144 from the parkland requirement for that subdivision and then multiplying the result of that calculation by a per acre land ~~and site improvement~~ cost calculated pursuant to ~~paragraph subsection~~ B, below.

B. The cost per acre of land ~~and site improvements~~ for purposes of ~~paragraph subsection~~ A, above, shall be ~~one million nine hundred twenty seven thousand five hundred thirty dollars (\$1,927,530) per acre which represents a land cost of one million eight hundred ninety four thousand eight hundred sixty dollars (\$1,894,860)~~ three million eight hundred sixty five thousand three hundred eighty two dollars (\$3,865,382). ~~and a site improvement cost of thirty two thousand six hundred seventy dollars (\$32,670)~~

C. A credit against the fee required by this Section may be given for dedications of park improvements constructed or provided at private expense and for the value of land dedicated to the City that is necessary or useful to a park improvement. Such credit will be granted only if, prior to dedication, the city council determines (i) that the dedicated land or improvement is included on the Impact Fee Project List and (ii) that the grant of the credit, in lieu of the fee, will not cause the city to delay the implementation of park improvements that are of higher priority, in the judgment of the city council, than the land or improvements to be dedicated. At the time the City Council makes these determinations, it must also make a determination of the maximum credit that will be allowed for the dedication, which maximum credit shall not exceed the City Council's reasonable estimate of the fair market value of the park improvement and/or land. The amount of any credit granted pursuant to this ~~paragraph subsection~~ shall not exceed the lesser of (i) the actual documented construction costs for the dedicated improvement plus the value of any dedicated land as supported by a professional appraisal or (ii) the maximum credit approved by the City Council pursuant to this ~~paragraph subsection~~. No credit shall be given pursuant to this ~~paragraph subsection~~ for any dedication required by or made pursuant to Section 30.144, as the value of such dedications are already reflected in the calculation made pursuant to ~~paragraph subsection~~ A, above.

D. Beginning July 1, 2008~~23~~, and on each July 1 thereafter, each dollar amount set forth in this article shall increase without further action by the city according to the following formula:

$$\text{Council-Approved Rate}^* = \frac{\text{Most Recent ENR}}{\text{ENR at Council-Approval}}$$

Where the "Council-Approved Rate" is the rate set forth in this article, "Most Recent ENR" is the most recently published Construction Cost Index for the San Francisco Bay Area in the Engineering News Record when the calculation is made and "ENR at Council-Approval" is the Construction Cost Index published for the month in which the Council adopted the "Council-Approved Rate." The Administrator shall calculate the increased fee annually and give notice of that calculation in the manner required by law for the publication of ordinance of the City Council.

Section 6. Amendments to Section 30.146. Section 30.146 of Article XII of Chapter 30 of the Redwood City Municipal Code is hereby amended to read as follows:

Sec. 30.146. – MISCELLANEOUS CREDITS:

A. If a subdivider dedicates land for park purposes pursuant to Section 30.144(A) then, in lieu of any credit available pursuant to Section 30.145(C) and only to the extent required by Section 66477 of the California Government Code, the subdivider may elect to have the value of park and recreational improvements provided by the subdivider to the dedicated land credited against the dedication requirement set forth in Section 30.144(A).

B. Common interest developments, as defined in Section 1351 of the California Civil Code, shall be eligible to receive a credit against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this Section, for the value of open space within the development, which is usable for active recreational uses. For purposes of this ~~paragraph~~ subsection, open space shall be deemed "useable for active recreational uses" only if, in the judgment of the City Council, that space meets the following criteria:

1. The open space is at least 1.0 acres in size;
2. At least twenty-five percent (25%) of the space is developed with amenities that permit active recreation that may include, but is not limited to, swimming pools, basketball, soccer, baseball, volleyball, tennis, football or similar courts, and playground equipment; and
3. At least fifty percent (50%) of the open space area consists of smooth grass

spaces with a grade of no more than one-foot rise in twenty-five feet (25') that can be divided into rectangles each of no less than five hundred (500) square feet, with the shorter side of each rectangle being no less than twenty feet (20') wide.

The value of such private open space shall be determined by the City Council, based upon a professional appraisal produced by an independent consultant selected by the City and paid for by the subdivider. Such appraisal shall take into account only the value of such open space in the marketplace if it were restricted to use as open space usable for active recreational uses and sold separately from the remainder of the subdivision. The valuation shall not take into account the amount the City (or any other public entity) might pay for such open space unless, in the opinion of the City Council, the City or another public entity has an established history or policy of purchasing open space in the City of similar size, configuration and use.

The credited amount shall be as follows:

- i. One hundred percent (100%) credit for space open to the public during normal City Park hours.
- ii. Twenty-five percent (25%) credit for space open to the residents of the subdivision only.

C. Where a credit granted pursuant to ~~paragraph subsection~~ paragraph subsection A or B of this Section is applied to a land dedication requirement, as opposed to a fee requirement, the amount of such credit shall be calculated at a rate of one acre of credit for each three million eight hundred sixty five thousand three hundred eighty two dollars (\$3,865,382) ~~one million nine hundred twenty seven thousand five hundred thirty dollars (\$1,927,530.00)~~ in value of park and recreational improvements (in the case of a credit pursuant to ~~paragraph subsection~~ paragraph subsection A of this Section) or private open space useable for active recreational uses (in the case of a credit pursuant to ~~paragraph subsection~~ paragraph subsection B of this Section).

Section 7. Effectiveness of Fees. The updated park dedication requirements and in lieu fees under this Ordinance shall take full force and effect on July 22, 2022. The in lieu fees will be incorporated into the Master Fee Schedule.

Section 8. CEQA Finding. The City Council finds that the adoption of the amendments to the Quimby Act Implementation Ordinance are not considered a project under Public Resources Code Section 21065 and CEQA Guidelines Section 15378 because the amendments do not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and the amendments create government funding mechanisms which do not involve any commitment to any specific project. They are also exempt from CEQA as there is no possibility for causing a significant effect on the environment, per Section 15061(b)(3).

No specific park projects are associated with these amendments to the Redwood City Quimby Act Implementation Ordinance. The proposed project is policy-oriented and would establish a park standard and create a funding mechanism for future park development. When and if specific park projects are developed and proposed for implementation, the environmental impacts of such facilities would be evaluated in accordance with CEQA and City practice.

Section 9. Severability. If any provision, section, subsection, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, subsections, sentences or words of this Ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

Section 10. Effective Date. This Ordinance shall become effective thirty days after adoption.

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