



Title 4 - REVENUE AND FINANCE*

Chapter 4.17 RESIDENTIAL IMPACT FEE

Chapter 4.17 RESIDENTIAL IMPACT FEE**Sections:**

4.17.010 Title.

4.17.020 Authority—Conformance with general plan.

4.17.030 Definitions.

4.17.035 Fee calculation methodology.

4.17.040 Park and recreational facilities classifications.

4.17.050 Fee for parkland acquisition, capital improvements and maintenance.

4.17.060 Schedule of improvements.

4.17.070 New residential development impact fund created—Use, disbursement and return of fees.

4.17.010 Title.

This chapter shall be known as "the new residential impact fee ordinance."

(Ord. 6252 § 1 (part), 1988)

4.17.020 Authority—Conformance with general plan.

This chapter is enacted pursuant to the authority found in the Government Code with respect to the dedication of land or payment of in-lieu fees for park and recreational purposes in residential subdivisions (Gov't Code Section 66477 et seq.). With respect to other residential development (single-family homes and multi-family residential units), this chapter is enacted pursuant to the police power of a charter city to provide for the health, safety and welfare of its residents. The park and recreation facilities for which the payment of the residential impact fees is required by this chapter are consistent with the cultural and recreational element of the comprehensive general plan.

(Ord. 6252 § 1 (part), 1988)

4.17.030 Definitions.

A. "New residential development" means any of the following:

1. New construction intended to be occupied, in whole or in part, as a residence, including but not limited to, subdivisions, single-family dwelling units, multi-family dwelling units, work/live units, and any other form of residence, regardless of the zoning designation for the property. This term shall exclude remodeling of any residence which does not create an entirely new living unit, regardless of whether the already existing residence existed as of the effective date of Ordinance No. 6252. This term shall only apply to the construction of new residences, including the addition of new residences to preexisting construction.
2. The conversion of a commercial or industrial structure to residences.

B. "Bedroom," for purposes of this chapter only, is defined as a room appropriate for sleeping, of at least 90 square feet (excluding closet space), with a fixed closet, and at least one window or exterior

Title 4 - REVENUE AND FINANCE*

Chapter 4.17 RESIDENTIAL IMPACT FEE

entry; and excluding all kitchens, hallways, bathrooms, closets, attics/basements, storage areas, laundry areas, living rooms, and dining rooms.

- C. "Workforce housing," for purposes of this chapter only, is defined as residences offered to persons or families who live or work in the city of Pasadena, and earn between 121—180 percent of the average median income for Los Angeles County ("AMI"); and which are restricted by a covenant recorded with the county of Los Angeles, to remain as workforce housing for a minimum of fifteen years; as may be further clarified in regulations which may be adopted by the city.
- D. "Skilled nursing unit," for purposes of this chapter only, is defined as a residence within a life/care facility which is reserved and equipped to provide 24-hour medical care to residents who cannot take care of themselves because of physical, emotional, or mental conditions. This care must be supervised by a doctor and regulated by the state of California Health Department. A skilled nursing unit differs from an independent living unit within a life/care facility that it has medical staff available on-site 24 hours per day.
- E. "Student housing," for purposes of this chapter only, are residences located on property owned by, and/or developed in conjunction with, accredited post-secondary educational institutions.
- F. "Residential care facility for the elderly" is defined as a facility reserved for and equipped to provide 24-hour care to residents who cannot take care of themselves because of physical, emotional, or mental conditions, wherein the care is provided pursuant to order of the resident's physician, with nursing staff available on-site, 24 hours per day, and is regulated by the state of California Department of Social Services. Excluded from this definition are any units within the facility which are independent living units.

(Ord. 7101 § 1, 2007; Ord. 7021 § 1, 2005; Ord. 6259 § 1, 1988; Ord. 6252 § 1 (part), 1988)

4.17.035 Fee calculation methodology.

The method for calculating the residential impact fee shall be based on the number of bedrooms in the new residential development, and a separate set fee for new residential development without bedrooms, such as studios and lofts shall be established. The implementing fee schedule which shall operate to change the fee shall be adopted by resolution.

(Ord. 7021 § 2, 2005)

4.17.040 Park and recreational facilities classifications.

- A. Neighborhood Parks. These facilities are approximately 1 to 6 acres in size, and are designed primarily to provide facilities for preschool and elementary age children. They may be combined with or be located adjacent to elementary schools. They primarily serve the immediately surrounding residential area.
- B. Community Parks. These facilities are approximately 5 to 25 acres in size and are designed primarily for recreational activities of all age groups. They serve and attract users from a wider community than the neighborhood parks. They may be combined with or be located adjacent to junior high or high school sites.
- C. City-wide Parks. These parks afford contact with the natural and/or historic environment and possess a unique character or function not found in neighborhood or community parks. They contain facilities which are used by residents throughout the city for activities which cannot be accommodated in other parks.

(Ord. 6252 § 1 (part), 1988)

Title 4 - REVENUE AND FINANCE*

Chapter 4.17 RESIDENTIAL IMPACT FEE

4.17.050 Fee for parkland acquisition, capital improvements and maintenance.

- A. Subdivisions.
1. As a condition of approval for a tentative tract map or preliminary parcel map, the subdivider shall pay into the residential impact fund a fee established by resolution and as set forth in the fee schedule. Payment of fees required by this section shall be made prior to the approval of the final map by the city council. This section does not apply to commercial or industrial subdivisions or to condominium projects or stock cooperative projects which consist of the subdivision of airspace in an existing building when no new residences are added. Any new residence shall be assessed the fee.
- B. Building Permits. Any person seeking a building permit for a new residential development, which was not required to pay a fee pursuant to subsection A above, shall pay into the fund a fee as set forth in the fee schedule.
- C. The building and code enforcement administrator shall not issue any building permits for new residential development described in subsection B until the fee required by this chapter has been paid.
- D. Fee Schedule. The fees established by resolution may annually escalate the same percentage as the Consumer Price Index.
- E. Changes in Fees Schedule. The city council, by resolution, may, from time to time, at its discretion, revise, alter, amend and/or delete any of the fees set forth in this section. The fees shall be reviewed no less than once every 5 years. Such review shall be based upon a survey of residential land values in the city.
- F. Affordable Housing Incentive.
1. Notwithstanding any other provision contained in this chapter, new residences which are rented or sold to persons and families of low or moderate income (as defined in Health and Safety Code Section 50093) pursuant to the city's inclusionary housing regulations, or which are skilled nursing units, or is a residential care facility for the elderly, or which are student housing residences, shall be assessed a fee of \$756 per unit. This fee may annually escalate at the same percentage as the consumer price index.
 2. If a new residential development project is subject to the city's inclusionary housing ordinance, and all of the inclusionary housing units are built on-site, the noninclusionary residences shall receive a 30 percent discount on the residential impact fee.
 3. If a new residential development project offers 15 percent of its units as workforce housing for rent or sale within the price range of 121 to 150 percent of AMI, the workforce housing units shall receive a 50 percent rebate on the residential impact fee, after proving to the city's satisfaction that the workforce housing units are occupied by qualified individuals.
 4. If a new residential development project offers 15 percent of its units as workforce housing for rent or sale within the price range of 151 to 180 percent of AMI, the workforce housing units shall receive a 35 percent rebate on the residential impact fee, after proving to the city's satisfaction that the workforce housing units are occupied by qualified individuals.
- G. Dedication of Land. When the residential impact fee assessed to the residential development project equals or exceeds \$500,000.00, the developer may request to dedicate land, either on-site or off-site, and develop a park in lieu of payment of said fee. Such dedication of land shall be subject to acceptance of the dedication by the city council. The dedication of land and development of a park shall be in conformity with the conditions, provisions, standards, and formulas contained in this chapter.
1. Procedure.

Title 4 - REVENUE AND FINANCE*

Chapter 4.17 RESIDENTIAL IMPACT FEE

- a. A developer who request to dedicate land and develop a park shall submit a written proposal describing the property to be dedicated and the park development plans to the city manager. The proposal shall include an appraisal of the property to be dedicated.
- b. The city manager shall determine whether the proposal complies with existing park standards and requirements. If the city manager determines the proposal meets the standards and requirement, the city manager shall prepare a report to the city council regarding the proposed dedication.
- c. The city council may accept or decline the dedication and determine the amount of the residential impact fee to be waived. If the property being dedicated and the park development is accepted by the city council in lieu of the residential impact fee or any portion thereof, the city council shall, by resolution, waive the fee or any portion thereof upon the dedication of the property to the city. The resolution shall also indicate the time for completion of the park development.
- d. Real property dedicated to the city shall be conveyed in fee by grant deed, free and clear of encumbrances. Deeds in a form acceptable to the city shall be executed and delivered to the city at the time the first building permit is issued. The grantor shall provide all instruments required to convey the land and shall also provide a preliminary title report and title insurance in favor of the city in an amount equal to the value of the property being conveyed. The developer dedicating land in fee by grant deed shall develop and construct the park to current safety standards.
- e. Real property dedicated to the city by way of an easement for park purposes shall be conveyed free and clear of encumbrances that would impede the use of the property for park purposes. The conveyance of the easement shall be in a form acceptable to the city and shall be executed and delivered at the time the first building permit is issued. The developer dedicating land by way of an easement for park purposes shall construct and maintain a park on the dedicated land in accordance with current safety standards. The developer shall assume all liability for the dedicated land and shall maintain liability insurance in an amount acceptable to the city and wherein the city shall be named as an additional insured. Any such insurance documentation shall be in a form acceptable to the city.

(Ord. 7101 § 2, 2007; Ord. 7021 §§ 3, 4, 2005; Ord. 6988 §§ 1, 2, 2004; Ord. 6252 § 1 (part), 1988)

4.17.060 Schedule of improvements.

The board shall, by resolution, adopt a schedule for disbursing the funds collected under this chapter to develop park or recreational facilities, or targeting certain improvements for acquisition, construction and installation. Interest on the funds collected may be used to maintain any park or any capital improvement located in any park. For purposes of this section, "park" includes those areas depicted on drawings on file in the office of the director of public works and transportation as follows:

- A. Central Park as depicted on Drawing No. 3580;
- B. Memorial Park as depicted on Drawing No. 3584;
- C. McDonald Park as depicted on Drawing No. 3583;
- D. Grant Park as depicted on Drawing No. 3585;
- E. Washington Park as depicted on Drawing No. 3582;
- F. Brenner Park as depicted on Drawing No. 3578;
- G. Defender's Parkway as depicted on Drawing No. 3574;

Title 4 - REVENUE AND FINANCE*

Chapter 4.17 RESIDENTIAL IMPACT FEE

- H. Singer Park as depicted on Drawing No. 3577;
- I. Victory Park as depicted on Drawing No. 3588;
- J. Jefferson Park as depicted on Drawing No. 3587;
- K. Eaton-Blanche Park as depicted on Drawing No. 3600;
- L. Eaton-Sunnyslope Park as depicted on Drawing No. 3591;
- M. Floyd O. Gwinn Park as depicted on Drawing No. 3590;
- N. San Rafael Park as depicted on Drawing No. 3573;
- O. Lower Arroyo Seco as depicted on Drawing No. 5697;
- P. Central Arroyo as depicted on Drawing No. 5698;
- Q. Hahamonga Watershed Park as depicted on Drawing No. 5699;
- R. Robinson Park as depicted on Drawing No. 3576-R;
- S. Villa Parke Center as depicted on Drawing No. 3579;
- T. Carmelita Park as depicted on Drawing No. 3581;
- U. La Pintoresca as depicted on Drawing No. 3783;
- V. Allendale Park as depicted on Drawing No. 3784;
- W. Any school ground park which is the subject of a cooperative agreement between the city and the Pasadena Unified School District regarding hours of operation and shared responsibility for maintenance and liability;
- X. Vina Vieja Park as depicted on Drawing No. 5700;
- Y. Hamilton Park as depicted on Drawing No. 3592;
- Z. Mediterranean Gardens as depicted on state of California R/W Map No. F1534-407 LA-7-31.6.
- AA. Annandale Canyon Park as depicted on Drawing No. 5938.

(Ord. 7086 §§ 2, 3, 2007; Ord. 6659 § 1, 1995; Ord. 6252 § 1 (part), 1988)

(Ord. No. 7168, § 2, 6-1-2009; Ord. No. 7191, § 3, 5-24-2010)

4.17.070 New residential development impact fund created—Use, disbursement and return of fees.

- A. There is created a special fund of the city to be known as the "new residential impact fund," to account for fees paid pursuant to this chapter. The director of finance shall maintain records specifically identifying the origin of the funds used for any project or improvement funded, in whole or in part, by the residential impact fund. Such records shall enable the director to trace the fees from new residential developments to specific projects funded by each development. Any interest accruing on account of time deposit of the fund, or otherwise, shall be deposited to the credit of the fund.
- B. Upon receipt of a written application from the director of public works for disbursement of moneys from the fund on account of expenditures made or proposed for the benefit or use of parks or recreational facilities, the finance director shall immediately advise the city manager or his designee and provide them with copies of any accompanying documents or papers that might have been submitted in support of the application. Within 10 days after receipt of such notice, the city manager shall advise the finance director whether the disbursement made or proposed is consistent with the

Title 4 - REVENUE AND FINANCE*

Chapter 4.17 RESIDENTIAL IMPACT FEE

resolution adopted by the board governing disbursement of funds. If the city manager fails to so certify within 10 days, it shall be presumed that he has made a positive finding therein. Within 5 days thereafter, the finance director shall, if a positive finding has been made or presumed, approve payment as requested.

C. Return of Fees.

1. Fees paid into the residential impact fund which are not appropriated within 5 years of payment shall be returned to the payor, with all interest actually earned, if written request for return is filed with the director of finance during the fifth year after payment. The request for return shall be verified, and shall state the date of payment, the amount paid, and the location of new development for which the fee was paid, and that the party requesting return of the fee is the payor of the fee or the payor's assignee or successor.
2. In the case of subdivisions, such fees shall be committed within 5 years after payment of such fees or the issuance of building permits on $\frac{1}{2}$ of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they shall be distributed and paid without any deductions to the then record owners of the subdivision in the same proportion as the size of their lot bears to the total area of all lots within the subdivision.
3. The right of a return of fees may be assigned in writing. No assignment shall be valid unless the assignment is acknowledged before a notary public in the same manner as is required for recording with the county recorder documents affecting title to land.
4. If a request for return is not made within 1 year of the date a request for return may first be filed, then the right to have fees returned shall terminate, and the fees and all interest earned shall revert to the impact fund.

(Ord. 6252 § 1 (part), 1988)