



# Ordinance Fact Sheet

TO: CITY COUNCIL DATE: August 16, 2004

FROM: CITY ATTORNEY

REGARDING: AN ORDINANCE RELATING TO PARK AND RECREATIONAL FACILITIES CLASSIFICATIONS, RESIDENTIAL IMPACT FEES, AND THE DEDICATION OF LAND IN LIEU OF SUCH FEES

TITLE OF PROPOSED ORDINANCE: AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.17 OF THE PASADENA MUNICIPAL CODE RELATING TO PARK AND RECREATIONAL FACILITIES CLASSIFICATIONS, RESIDENTIAL IMPACT FEES, AND THE DEDICATION OF LAND IN LIEU OF SUCH FEES

PURPOSE OF ORDINANCE: The purpose of the Ordinance is to amend the manner in which park and recreational facilities are classified. Currently, neighborhood and community parks are classified as primarily serving the immediately surrounding area. Residents go to any park in the City which offers activities of interest to them. Parks would be classified according to size and design rather than a classification based on immediate surrounding area.

The Ordinance will also amend the manner in which the residential impact fee will be calculated. Currently such fee is based upon the value of RS-2 properties. The amendment will base the fee upon the value of residentially zoned properties in the City as set forth in the 2004 nexus study.

The Ordinance will also provide a mechanism by which developers of residential properties can dedicate land and develop a park in lieu of paying the residential development fee.

REASON WHY LEGISLATION IS NEEDED: Currently park and recreational facilities classifications are prescribed by ordinance. An ordinance is therefore needed to amend these provisions.

Currently the manner by which the residential impact fee is calculated is prescribed by ordinance. An ordinance is therefore needed to amend the method by which the fee is calculated. Currently there are no provisions to dedicate land in lieu of the fee. An ordinance is therefore needed to allow for such a procedure. At its June 28, 2004, City Council meeting, the Council directed preparation of an ordinance to amend the method by which the residential impact fee is calculated and to provide for land dedication in lieu of such fees.

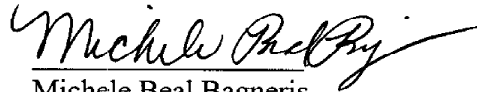
PROGRAMS, DEPARTMENT OR GROUPS AFFECTED: The Department of Public Works administers this program.

ENVIRONMENTAL: This ordinance is categorically exempt from CEQA under Guideline 15308.

FISCAL IMPLICATIONS: This amendment allows for an undetermined increase in residential impact fees. There would be fiscal implications as a result of the ordinance.

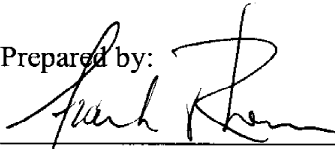
POLICY CHANGES: The ordinance would change policy by allowing the dedication of land in lieu of residential impact fees.

Respectfully submitted,



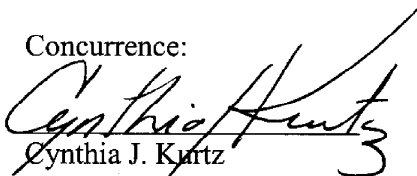
Michele Beal Bagneris  
City Attorney

Prepared by:



Frank L. Rhemrev  
Assistant City Attorney

Concurrence:



Cynthia J. Kurtz  
City Manager

Introduced by \_\_\_\_\_

[REDLINED VERSION]

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.17  
OF THE PASADENA MUNICIPAL CODE RELATING TO PARK AND  
RECREATIONAL FACILITIES CLASSIFICATIONS, RESIDENTIAL  
IMPACT FEES, AND THE DEDICATION OF LAND IN LIEU OF SUCH FEES**

**WHEREAS**, the City Council of the City of Pasadena has determined park usage patterns have changed and that residents are willing to go to parks that offer the activity of interest; and

**WHEREAS**, the City Council of the City of Pasadena finds that neighborhood parks no longer primarily serve the immediately surrounding areas and, further, that parks should be classified according to the size and design of the park rather than classification bases on who uses the park; and

**WHEREAS**, the City Council of the City of Pasadena finds that the cost impacts of new residential development on existing park facilities require that the residential impact fee be recalculated; and

**WHEREAS**, the City conducted a “nexus study” to determine the methodology as to how the residential impact fee be recalculated; and

**WHEREAS**, developers of new residential units should be provided the option of dedicating land and creating a park in lieu of paying the residential impact fee.

**NOW THEREFORE**, the people of the City of Pasadena ordain as follows:

**SECTION 1.** Subsections A and B of Section 4.17.040 of Chapter 4.17 of the Pasadena

Municipal Code are hereby amended to read as follows:

- 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.

**SECTION 2.** Subsections A, B, D and E of Section 4.17.050 of Chapter 4.17 of the Pasadena Municipal Code are hereby amended to read as follows:

- 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 ~~which shall not exceed \$675.00~~ per dwelling unit ***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 board ***City Council.*** This section does not apply to commercial or industrial subdivisions or to condominium projects or stock cooperatives ***projects*** which consist of the subdivision of airspace in an existing ***apartment*** building when no new dwelling units are added. ***Any new***

*dwelling unit shall be assessed the fee.*

2. The fees required shall be set forth in the written decision mailed to the applicant at the close of the hearing.

B. Building Permits. Any person seeking a building permit for a single-family residence or for multi-family residential units, which residence or units were not required to pay a fee pursuant to subsection A above, shall pay into the fund a fee ~~which shall not exceed \$675.00~~ per dwelling unit *as set forth in the fee schedule.*

D. Fee Schedule. The fees established ~~in this section by resolution~~ may annually escalate the same percentage as the *Consumer Price Index* fair market value of land in an RS-2 district escalates. ~~Such escalation, if any, shall be presented annually prior to July 1<sup>st</sup> the first year after the effective date of the ordinance enacting this chapter, and each year thereafter, for approval by the board.~~

E. Changes in fees schedule. The board ~~may~~, *City Council, by resolution*, may, from time to time, at its discretion, revise, alter, amend and/or delete any of the ~~charges fees~~ set forth in this section by resolution. (~~Ord. 6252 § 1 (part), 1988~~) *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.*

**SECTION 3.** Section 4.17.050 of Chapter 4.17 of the Pasadena Municipal Code is hereby amended by adding new Subsections F and G to read as follows:

- F. Notwithstanding the provision contained in this Section, new residential units which qualify as “affordable” housing, as that term is defined under state law, shall be assessed a fee of \$756 per unit. Said fee may annually escalate the same percentage as the Consumer Price Index.**
- G. Dedication of Land. When the Residential Impact Fee assessed to the residential development project equals or exceeds \$500,000, 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**

- 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.*

**SECTION 4.** This ordinance shall take effect upon the expiration of thirty days from its publication.

Signed and approved this \_\_\_\_\_ day of August, 2004.

\_\_\_\_\_  
Bill Bogaard  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its regular meeting held on \_\_\_\_\_, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Published:

\_\_\_\_\_  
Jane L. Rodriguez, CMC  
City Clerk

APPROVED AS TO FORM



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Frank L. Rhemrev  
Assistant City Attorney