

CITY OF PASADENA

MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Michele Beal Bagneris, City Attorney *MBB*

DATE: August 23, 2004

SUBJECT:

ORDINANCE AMENDING CHAPTER 4.17 OF THE PASADENA MUNICIPAL CODE RELATING TO RESIDENTIAL IMPACT FEES AND THE DEDICATION OF LAND IN LIEU OF SUCH FEES

The attached Ordinance is revised based on the City Council action at last Monday night's city council meeting introducing the ordinance which deleted references to classification of park and recreation facilities. The first, second and third "whereas" clauses and Section 1 of the version presented to the Council last week have been deleted. The Ordinance presented for second reading and adoption tonight amends the method by which the residential impact fee is calculated and provides for land dedication in lieu of such fees as directed by the City Council at its meeting of June 28, 2004. The deleted provisions regarding park classifications were based on earlier council direction. The classification provisions are not required in order to adopt the provisions related to the residential impact fees and in-lieu dedication. The new ordinance with the provisions related to the park classifications will be presented to the council in September, 2004, with background information explaining that matter fully, including relevant agenda reports.

Introduced by _____

ORDINANCE NO. _____

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

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, 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 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 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 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 per dwelling unit as set forth in the fee schedule.

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.

SECTION 2. 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



Frank L. Rhemrev
Assistant City Attorney