



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** March 12, 2019

**SUBJECT:** Proposed Recommendation to City Council to Repeal Carson Municipal Code Section 9207.19, Parks and Recreational Facilities (Quimby Act fees)

**APPLICANT:** City of Carson

**REQUEST:** To Consider Adoption of Planning Commission Resolution No. 19-2664 Recommending that the City Council Adopt an Ordinance 19-1927 Repealing Section 3 of Ordinance No. 83-647, Repealing Ordinance Nos. 94-1048U and 94-1048, and Amending Article IX (Planning and Zoning), Chapter 2 (subdivision Regulations), Part 7 (Fees – Deposits – Bonds) to Delete Section 9207.19 (Park and Recreational Facilities)

**PROPERTY INVOLVED:** City-wide

### COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Pimentel			Palmer
		Vice-Chair Cainglet			Rahman
		Fe'esago			Rashad
		Madrigal			Valdez
		Mitoma			Alt. Diaz Alt. Hellerud Alt. Zuniga

**Item 7A**

## **I. Introduction**

The Planning Commission is being asked to make a recommendation to the City Council to repeal Section 9207.19 Park and Recreational Facilities of the Carson Municipal Code, commonly referred to as the "Quimby Ordinance." The recommendation is proposed to be made via Planning Commission Resolution No. 19-2664 ("Exhibit No. 1"), which incorporates the draft Ordinance as Attachment No. 1, also listed as Exhibit No. 2 to this staff report.

On March 15, 1983 the City Council adopted Ordinance No. 83-647 ("Exhibit No. 3") to add Section 9207.19 to the Carson Municipal Code ("CMC") requiring subdividers of land to dedicate land or pay a fee for the purpose of developing or improving park or recreational facilities. The Planning Commission adopted Resolution No. 94-1570 ("Exhibit No. 4") on November 22, 1994 to recommend to the City Council to amend Section 9207.19 Park and Recreational Facilities of the CMC for consistency with the Quimby Act (Government Code Section 66477). Since then and the subsequent adoption of Ordinance Nos. 94-1048U ("Exhibit No. 5") and 94-1048 ("Exhibit No. 6") by the City Council, subdivision projects have been subject to the current fees under the Quimby Ordinance.

As the City developed significantly over the past few decades since the adoption of the Quimby Ordinance, single family subdivision projects, which often are built on undeveloped land, no longer reflect future development growth patterns of the City. It is anticipated that future development will consist primarily of infill-type development. Most popular infill development has been high density rental apartments which would not be subject to the Quimby Ordinance. However, Condominium projects are less popular with developers and are subject to Quimby Ordinance. Additionally, the City is in the process of adopting the Interim Development Impact Fees, which would effectively replace Quimby and more appropriately apply to the types of developments expected to occur including rental and ownership multi-family projects.

## **II. Background**

The Quimby Act allow local public agencies to require that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities. Instead, fees and donations collected from developers under the Quimby Act can be used to develop new or rehabilitate existing neighborhood or community parks or recreational facilities within the local public agency. The fee is based on the cost of land in the community and a standard number of park acres per thousand residents. For Carson, the current standard is three (3) acres of parkland for each one thousand (1000) persons.

### III. Analysis

The City of Carson is in the process of updating its General Plan, which will establish the City's overall approach to development, transportation, environmental quality, and other key topics through 2040. The Southern California Association of Governments (SCAG) projects the population of Carson to increase to 107,900 residents by 2040 from 93,700 in 2017. To accommodate for the anticipated growth, parks and recreational facilities will need to be expanded to meet the growing demand. At the same time, it is in the best interest of the City to maintain a viable financial mechanism to fund these facilities. As the Quimby Ordinance fees are only imposed on residential subdivisions, the revenues generated will be inadequate to fund the additional park and recreational facilities necessary to meet the needs of the future population of new high density rental apartment developments.

#### Interim Development Impact Fee

Unlike City of Carson, most cities adopted Development Impact Fees (DIF) years ago to pay for infrastructure needs of new development. DIF could address many different categories of infrastructure including parks. Over two years ago, the City initiated its efforts to adopt the City's first DIF. However, since the General Plan was targeted to be updated, the City chose to adopt an Interim Development Impact Fee ("IDIF") and defer adoption of the DIF to after adoption of the General Plan. Staff has tentatively scheduled to present the consideration of IDIF to the City Council on April 2, 2019.

IDIF would provide a viable alternative to replace the Quimby Ordinance because it is able to capture all multi-family developments regardless of whether they are rentals and ownership units. Like Quimby, the IDIF would be imposed on new development projects. IDIF collected from the City must follow the guidelines set forth by the Mitigation Fee Act which is governed under Government Code 66000 et. seq. This is distinct from Quimby, which is governed by the Quimby Act under Government Code Section 66477.

The specific IDIF component to replace Quimby will be the Parks and Recreational Facility component ("IDIF Park Fee"). The final IDIF Park Fee amount will be proposed to the City Council for consideration and has not been determined yet.

Current residential projects undergoing the entitlement process are subject to *short-term* IDIF equal to \$10,000 per unit while the IDIF amount is yet to be adopted. This short-term IDIF does not include Quimby fees. Therefore, Quimby fees are being collected above and beyond the short-term IDIF of \$10,000 per unit. Since the IDIF will include the IDIF Park Fee, Quimby Ordinance is recommended to be entirely eliminated.

### Collected Quimby Fees and Projects

The Quimby fees collected for projects submitted in 2018 is based off a fair market land-value of approximately \$40.53 per square foot, translating to a cost of approximately \$14,565.22 per unit. Over the past five years, the City collected just under \$5 million in Quimby Fees, which include the MBK 11-acre project which paid \$3,098,856.70 in 2018. Fees collected under the Quimby Ordinance will continue to be utilized for eligible projects.

### Additional Considerations

- **City Priority:** With the aging park infrastructure, the City current priority is not adding additional parks. The recently formed Community Facilities District No. 2018-01 (Maintenance and Services) (“CFD”), the City now has an additional financing mechanism to pay for ongoing park maintenance. The coupling of CFD and IDIF as joint financing tools better meet the City’s current and future goals. Given that the Quimby Act is centered on park land acquisition to meet the park acres per population ratio, this standard does not best address the City’s current goals and priorities.
- **Simplifying Fees and Administration:** Eliminating Quimby would simplify City processes to developers as they only have to pay IDIF instead of both IDIF and Quimby. Eliminating Quimby would also reduce the administration burden of accounting and reporting for staff as there is one less program to manage, all under the same Government Code Section 66066 et. seq.
- **Equity Amongst Housing Project Types:** Because Quimby fees currently only apply to subdivision projects, which commonly consist of individual homeowners, the pass thru of additional costs is discouraging homeownership in the City. The repeal of Quimby and the implementation of IDIF will help ensure the costs to fund park facilities are carried and shared across all housing project types including high density rental apartment projects. Additionally, because subdivision projects typically have a larger per person per household, the proposed IDIF may have a higher fee to distinguish the two project types and capture the fair share of impacts on park facilities.

#### **IV. Environmental**

Pursuant to Section 15378(b)(4) of Article 20 (Definitions), Chapter 3 (Guidelines of Implementation of the California Environmental Quality Act), Title 14 of the California Code of Regulations, the recommended amendment to the Carson Municipal Code is not a “project” subject to the California Environmental Quality Act (CEQA) because the definition of “project” excludes the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and because the

recommended code amendment is the removal of a funding mechanism or a City fiscal activity that does not involve commitment to any specific project which may result in a potentially significant physical impact on the environment.

**V. Recommendation**

TAKE the following Action:

WAIVE further reading and ADOPT Resolution 19-2664 to provide recommendation to the City Council to adopt the proposed Ordinance No. 19-1927 attached hereto as Attachment No. 1 to Exhibit No. 1, and incorporated by reference. The proposed ordinance repeals Section 3 of Ordinance No. 83-647, repeals Ordinance Nos. 94-1048U and 94-1048, and amends the Carson Municipal Code to delete Section 9207.19 providing for the collection of fees and dedications pursuant to The Quimby Act for parks and recreational facilities.

**VI. Exhibits**

1. PC Resolution No. 19-2664
2. Draft City Council Ordinance No. 19-1927
3. Ordinance No. 83-647
4. PC Resolution No. 94-1570
5. Ordinance No. 94-1048U
6. Ordinance No. 94-1048

**Prepared by:** James Nguyen, Project Manager

**CITY OF CARSON**

**PLANNING COMMISSION**

**RESOLUTION NO. 19-2664**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 19-1927 REPEALING SECTION 3 OF ORDINANCE NO. 83-647, REPEALING ORDINANCE NOS. 94-1048U AND 94-1048, AND AMENDING ARTICLE IX (PLANNING AND ZONING), CHAPTER 2 (SUBDIVISION REGULATIONS), PART 7 (FEES – DEPOSITS – BONDS) TO DELETE SECTION 9207.19 (PARK AND RECREATIONAL FACILITIES).**

**WHEREAS**, on March 15, 1983, the City Council of the City of Carson (“the City Council”) adopted Ordinance No. 83-647, Section 3 of which amended the Carson Municipal Code to add Section 9207.19 requiring subdividers to dedicate land or pay a fee for the purpose of developing or improving park or recreational facilities; and

**WHEREAS**, on November 22, 1994, the Planning Commission of the City of Carson adopted Resolution No. 94-1570 recommending that the City Council adopt Ordinance No. 94-1048 amending the Carson Municipal Code, including Section 9207.19, for consistency with The Quimby Act (Government Code Section 66477); and

**WHEREAS**, on December 6, 1994, the City Council adopted Ordinance No. 94-1048U to amend Section 9207.19 of the Carson Municipal Code to accurately determine land dedication or fee requirements (referred to herein as “Quimby Fees”) for park and recreation facilities as authorized by The Quimby Act, and to declare the urgency thereof; and

**WHEREAS**, on December 20, 1994, the City Council adopted Ordinance No. 94-1048 affirming the Carson Municipal Code amendments approved in Ordinance No. 94-1048U; and

**WHEREAS**, the Quimby Fees apply only to subdivisions, which primarily occur when development projects are built on undeveloped land; and

**WHEREAS**, the City of Carson has developed significantly since the adoption of Ordinances Nos. 94-1048U and Ordinance No. 94-1048 whereby new developments commonly consist of “in-fill” type projects rather than subdivisions on undeveloped land, and therefore would not be subject to Quimby Fees; and

**WHEREAS**, the City of Carson is in the process of adopting the Interim Development Impact Fees which include a Parks and Recreation Fee Component; and

**WHEREAS**, the Parks and Recreation Fee Component will provide a financial mechanism to develop and improve park or recreational facilities in a manner similar to Quimby Fees, but will apply to future development projects more broadly than Quimby Fees; and

**WHEREAS**, the Planning Commission finds that the City Council should amend the Carson Municipal Code to delete Section 9207.19, which authorized the parks and recreational facilities fees and dedications pursuant to The Quimby Act; and

**EXHIBIT NO. - 1**



**WHEREAS**, the Planning Commission finds that, pursuant to Section 15378(b)(4) of Article 20 (Definitions), Chapter 3 (Guidelines of Implementation of the California Environmental Quality Act), Title 14 of the California Code of Regulations, the recommended amendment to the Carson Municipal Code is not a “project” subject to the California Environmental Quality Act (CEQA) because the definition of “project” excludes the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and because the recommended code amendment is the removal of a funding mechanism or a City fiscal activity that does not involve commitment to any specific project which may result in a potentially significant physical impact on the environment.

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:**

**Section 1.** The Planning Commission finds that the recitals herein are true and correct, and incorporates the same by reference.

**Section 2.** The Planning Commission recommends that the City Council adopt the proposed Ordinance No. 19-1927 attached hereto as Attachment 1, and incorporated by reference. The proposed ordinance repeals Section 3 of Ordinance No. 83-647, repeals Ordinance Nos. 94-1048U and 94-1048, and amends the Carson Municipal Code to delete Section 9207.19 providing for the collection of fees and dedications pursuant to The Quimby Act for parks and recreational facilities.

**Section 3.** Pursuant to Section 15378(b)(4) of Article 20 (Definitions), Chapter 3 (Guidelines of Implementation of the California Environmental Quality Act), Title 14 of the California Code of Regulations, the Planning Commission finds that the recommended amendment to the Carson Municipal Code is not a “project” subject to the California Environmental Quality Act (CEQA) because the recommended Carson Municipal Code amendment is a City fiscal activity or the removal of a funding mechanism (Quimby fees) that does not involve commitment to any specific project which may result in a potentially significant physical impact on the environment.

**Section 4.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council.

**PASSED, APPROVED AND ADOPTED THIS 12<sup>TH</sup> DAY OF MARCH 2019.**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**



## ORDINANCE NO. 19-1927

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REPEALING SECTION 3 OF ORDINANCE NO. 83-647, REPEALING ORDINANCE NOS. 94-1048U AND 94-1048, AND AMENDING ARTICLE IX (PLANNING AND ZONING), CHAPTER 2 (SUBDIVISION REGULATIONS), PART 7 (FEES – DEPOSITS – BONDS) TO DELETE SECTION 9207.19 (PARK AND RECREATIONAL FACILITIES).**

**WHEREAS**, on March 15, 1983, the City Council of the City of Carson (“the City Council”) adopted Ordinance No. 83-647, Section 3 of which amended the Carson Municipal Code to add Section 9207.19 requiring subdividers to dedicate land or pay a fee for the purpose of developing or improving park or recreational facilities; and

**WHEREAS**, on December 6, 1994, the City Council adopted Ordinance No. 94-1048U to amend Section 9207.19 of the Carson Municipal Code to accurately determine land dedication or fee requirements for park and recreation facilities as authorized by The Quimby Act (Government Code Section 66477), and to declare the urgency thereof; and

**WHEREAS**, on December 20, 1994, the City Council adopted Ordinance No. 94-1048 affirming the Carson Municipal Code amendments approved in Ordinance No. 94-1048U; and

**WHEREAS**, the City Council wishes to repeal Ordinance Nos. 94-1048, 94-1048U, and Section 3 of Ordinance No. 83-647, to effectuate the repeal of parks and recreation facilities fees and dedications authorized by The Quimby Act; and

**WHEREAS**, the City Council wishes to amend the Carson Municipal Code to delete Section 9207.19, which authorized the parks and recreational facilities fees and dedications pursuant to The Quimby Act; and

**WHEREAS**, the City Council intends to use interim development impact fees, rather than fees and dedications pursuant to The Quimby Act, as a funding mechanism for public facilities needs resulting from development.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The forgoing recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Section 9207.19, Park and Recreational Facilities, of Part 7 (Fees – Deposits – Bonds), Chapter 2 (Subdivision Regulations), Article IX (Planning and Zoning) is hereby deleted in its entirety.





**SECTION 3.** Section 3 of Ordinance No. 83-647 is repealed.

**SECTION 4.** Ordinance Nos. 94-1048U and 94-1048 are repealed in their entirety.

**SECTION 5.** The City shall expend or distribute "Quimby fees" previously collected pursuant to Carson Municipal Code Section 9207.19 in a manner compliant with Government Code Section 66477 (The Quimby Act), or as otherwise authorized by law.

**SECTION 6.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**SECTION 7.** This Ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 8.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR ALBERT ROBLES

ATTEST:

\_\_\_\_\_  
CITY CLERK DONESIA GAUSE-ALDANA

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY SUNNY K. SOLTANI



ORDINANCE NO. 83-647

AN ORDINANCE OF THE CITY OF CARSON  
AMENDING THE SUBDIVISION ORDINANCE AND  
AMENDING THE CARSON MUNICIPAL CODE

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

Section 1. Section 9204.1 (TIME LIMIT ON TRACT MAPS) of Part 4, Chapter 2, Article IX of the Carson Municipal Code is amended to read:

Within twenty-four months after the approval or conditional approval of a tentative map, a subdivider may cause the proposed division of land to be accurately surveyed and a final map prepared and filed in the office of the County Recorder. The time limit for such filing may be extended by the Advisory Agency for periods not to exceed a total of three additional years.

Section 2. Section 9204.2 (TIME LIMIT ON PARCEL MAPS) of Part 4, Chapter 2, Article IX of the Carson Municipal Code is amended to read:

Within twenty-four months after the approval or conditional approval of a tentative map, a subdivider may cause the proposed division of land to be accurately surveyed, if necessary, and a final parcel map prepared and filed in the office of the County Recorder. The time limit for such filing may be extended by the Advisory Agency for periods not to exceed a total of three additional years.

Section 3. Section 9207.19 (SUBDIVIDERS MUST PROVIDE PARK AND RECREATION FACILITIES) of Part 7, Chapter 2, Article IX of the Carson Municipal Code is amended to read:

Every subdivider who subdivides residential land shall dedicate a portion of such land, pay a fee, or do both, as set forth in this Chapter for the purpose of developing new or rehabilitating existing park or recreational facilities to serve future residents of such residential subdivisions. The provisions of Sections 9207.19 and 9207.25 shall apply to all residential subdivisions except for condominium projects or stock cooperatives which consist of the subdivision of air space in an existing apartment building which is more than five years old when no new dwelling units are added.

Section 4. The second paragraph of Section 9207.20 (LAND REQUIRED AND POPULATION DENSITY) of Part 7, Chapter 2, Article IX of the Carson Municipal Code is amended to read:

Population density for the purpose of Sections 9207.21 and 9207.22 shall be determined in accordance with the 1980 Census of Population and Housing:

- a. Single family dwelling units - 3.7 persons per dwelling unit; and
- b. Multiple family dwelling units (including duplexes) - 2.7 persons per dwelling unit.

Section 5. Section 9207.21 (AMOUNT OF LAND TO BE DEDICATED) of Part 7, Chapter 2, Article IX of the Carson Municipal Code is amended to read:

The amount of land required to be dedicated by a subdivider shall be based on the gross area included in the subdivision as determined by the following formula:



DENSITY FORMULA

Net density per dwelling unit	Percentage of the gross area of the subdivision required when park land is dedicated.
1 D.U. per acre or more	0.93%
1 D.U. per 1/2 to 1 acre	1.85%
1 D.U. per 10,000 s.f. to 1/2 acre	2.91%
1 D.U. per 9,000 to 9,999 s.f.	4.26%
1 D.U. per 8,000 to 8,999 s.f.	4.76%
1 D.U. per 7,000 to 7,999 s.f.	5.40%
1 D.U. per 6,000 to 6,999 s.f.	6.24%
1 D.U. per 5,000 to 5,999 s.f.	7.40%

Section 6. Section 9207.23 (CREDIT FOR RECREATIONAL FACILITIES AND PRIVATE OPEN SPACE) of Part 7, Chapter 2, Article IX of the Carson Municipal Code is amended to read:

Where the subdivider provides park and recreational improvements to dedicated park land, the value of the improvements together with any equipment thereon shall be a credit against the payment of fees or dedication of land required by this chapter.

Park and recreational facilities shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale.

Section 7. Section 9207.25 (TIME OF COMMENCEMENT MUST BE DESIGNATED) of Part 7, Chapter 2, Article IX of the Carson Municipal Code is amended to read:

At the time the final map is approved, the City Council shall designate how, when, where, the development of new or the rehabilitation of existing park or recreational facilities shall be commenced. If a fee has been collected under the provisions of this Chapter, said commencement time shall be within five (5) years after the payment of such fee or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

The land and fees received shall be used only for the purpose of developing new or rehabilitating existing park and recreational facilities to serve the subdivision for which received and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

Section 8. Paragraph c of Section 9207.24 (CHOICE OF LAND OR FEE) of Part 7, Chapter 2, Article IX of the Carson Municipal Code is amended to read:

- c. Where dedication is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act. Where fees are required, the same shall be deposited with the City prior to or at the time of recording of the final map. However, at no time shall the City permit a final map to be recorded without having collected the required fees. Open Space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the final map and shall be recorded contemporaneously with the final map.



PASSED, APPROVED AND ADOPTED this 15th day of March, 1983.

Thomas G. Mills  
MAYOR

ATTEST:

Helen S. Kawagoe  
CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF CARSON )

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 83-647 passed first reading on February 22, 1983, was duly and regularly adopted by the City Council of said City at an adjourned regular meeting of said Council, duly and regularly held on the 15th day of March, 1983, and that the same was passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS: Bridgers, Calas, Egan, Muise, and Mills  
NOES: COUNCIL MEMBERS: None  
ABSTAIN: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: None

Helen S. Kawagoe  
City Clerk, City of Carson, California



CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 94-1570

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON  
RECOMMENDING THAT THE CITY COUNCIL AMEND SECTIONS 9207.19 THROUGH  
9207.25 OF THE CARSON MUNICIPAL CODE.**

**THE PLANNING COMMISSION OF THE CITY OF CARSON HEREBY FINDS,  
RESOLVES AND ORDERS AS FOLLOWS:**

**Section 1.** The Planning Commission hereby finds and determines that a public hearing to consider amendments to the Subdivision Ordinance of the Carson Municipal Code relating to the dedication of park or recreational facilities. The public hearing was duly held on November 22, 1994 at 6:30 p.m. in the Council Chambers, Carson City Hall, 701 E. Carson Street, Carson, California. Notice of the time, date, place, and purpose of the aforesaid hearing was duly given.

**Section 2.** Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

**Section 3.** The Planning Commission finds that:

a) The proposed ordinance amendments are compatible with both the General Plan and Zoning Ordinance;

b) The proposed amendment to Section 9207.19 through 9207.25 will achieve consistency with Subdivision Map Act provisions relating to local requirements for park and recreation dedications (Quimby Act); and

c) The proposed amendment to Section 9207.19 through 9207.25 as a project, involves no potential for any adverse effects, either individually or cumulatively, on wildlife resources and, therefore, a De Minimis Impact Finding is made relative to AB 3158, Chapter 1706, Statutes of 1990.

**Section 4.** Based on the aforementioned evidence the Planning Commission hereby recommends to the City Council certain amendments, including additions and deletions, to Article IX, Chapter 2, Subdivision Regulations, as shown in Exhibit "A" attached.

**Section 5.** The Planning Commission further finds that the proposed ordinance amendments and additions will not have a significant effect on the environment as indicated in the Initial Study and, thus, a Negative Declaration has been prepared for this project. The Planning Commission recommends that the City Council approve said Negative Declaration.

EXHIBIT NO. 4



Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF NOVEMBER, 1994

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
SECRETARY

EXHIBIT "A"

ORDINANCE NO. 94-1048

AN ORDINANCE OF THE CITY OF CARSON RELATING TO  
THE DEDICATION OF PARK OR RECREATIONAL  
FACILITIES AND AMENDING THE  
CARSON MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY  
ORDAIN AS FOLLOWS:

**Section 1. Code Amendment.** Article IX (Planning and Zoning), Chapter 2 (Subdivision Regulations), Part 7 (Fees—Deposits—Bonds), Section 9207.19 is hereby amended to read as follows:

"9207.19 Park and Recreational Facilities. Every subdivider who subdivides residential land shall dedicate a portion of such land, pay a fee, or do both, as set forth in this Section for the purpose of developing new or rehabilitating existing park or recreational facilities to serve future residents of the subdivision.

a. Applicability of Section. The provisions of this Section shall apply to all residential subdivisions except for condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

b. Amount of Land Required. The amount of land required to be dedicated shall equal the proportionate amount necessary to provide three (3) acres of parkland for each one thousand (1,000) persons residing within the subdivision. The number of persons residing within the subdivision shall be calculated by multiplying the population density for each type of development times the number of dwelling units for that type of development. The number of dwelling units for the purpose of this Section shall be based upon the number of parcels indicated on the tentative or parcel map. Population density for the purpose of this Section shall be determined in accordance with the most recent available census data. The amount of land to be dedicated for each type of development is shown on the following chart:

Type of Dwelling	Acres of Parkland per Resident	Population Density per Dwelling Unit	Amount of Land to be Dedicated
Single family detached	0.003 acres per person	3.81 persons per dwelling unit	0.01143 acres per dwelling unit
Single family attached	0.003 acres per person	3.76 persons per dwelling unit	0.01128 acres per dwelling unit
Multiple family 2-4 units	0.003 acres per person	3.37 persons per dwelling unit	0.01011 acres per dwelling unit



Multiple family 5 or more units	0.003 acres per person	2.75 persons per dwelling unit	0.00825 acres per dwelling unit
Mobilehomes	0.003 acres per person	2.00 persons per dwelling unit	0.00600 acres per dwelling unit

c. Dedication of Land. Dedication of land pursuant to this Section shall be accomplished in accordance with the provisions of the Subdivision Map Act. Where the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the dedication of land required by this Section. The minimum size of a parcel which may be dedicated is one-half acre.

d. Credit for Private Recreational Space. Where private recreational space is provided in a proposed planned development, stock cooperative, or community apartment project as defined in Sections 11003, 11003.2 and 11004, respectively, of the Business and Professions Code, or in a condominium project as defined in Section 783 of the Civil Code, such private recreational space may be a credit against the dedication of land required by this Section. Credit for private recreational space (including any credit for the value of improvements as provided below) shall not exceed thirty percent (30%) of the amount of land which would otherwise be required to be dedicated pursuant to paragraph b of this Section. Yards, court areas, setbacks, and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of private recreational space. Where the subdivider provides park and recreational improvements to the private recreational space, the value of the improvements shall be added to the amount of the credit for the private recreational space, except that credit for such improvements shall not exceed the value of the private recreational space on which such improvements are located.

Credit shall only be given when the Advisory Agency finds that it is in the public interest to do so and that all the following standards are met:

(i) The private recreational space and improvements thereon are owned by the developer or a homeowners' association. If the recreational space and improvements are owned by a homeowners' association, the association shall be composed of all property owners in the subdivision, shall be incorporated as a nonprofit mutual benefit organization under state law, and shall be operated under recorded land agreements through which each lot owner in the subdivision is automatically a member. Each property owner in the homeowners' association shall be subject to a charge for a proportionate share of expenses for maintaining the facilities.

(ii) Use of the private recreational space is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of the property, which cannot be defeated or eliminated without the consent of the City or its successor, and which are submitted to the City prior to the approval of the parcel or final map. Such covenants shall be submitted to the City prior to approval of the final or parcel map and shall be recorded contemporaneously with the final or parcel map.





(iii) The private recreational space and improvements thereon are in substantial accordance with the provisions of the Recreation Element of the General Plan.

For purposes of this Section, "private recreational space" shall mean land which is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.

e. Amount of Fee in Lieu of Land Dedication. Where a fee is paid in lieu of land dedication, the amount of such fee shall be a sum equivalent to the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to paragraph b of this Section. The amount of the fee shall be calculated in accordance with the following formula:

$$\text{Fee per dwelling unit} = \text{Amount of Land to be Dedicated per Dwelling Unit (pursuant to paragraph b of this Section)} \times \text{Fair Market Value of Land to be Dedicated}$$

The fair market value of the land required to be dedicated shall be determined as follows:

(i) The Advisory Agency shall determine the fair market value of the land required to be dedicated.

(ii) The subdivider may agree to this value, or the subdivider may, at its own expense, obtain an appraisal of the land required to be dedicated by a certified MAI real estate appraiser approved by the City.

(iii) Upon receipt of this appraisal, the Advisory Agency shall determine the fair market value of the land required to be dedicated. The subdivider may agree to this value, or the Advisory Agency may, at the subdivider's expense, obtain a second appraisal of the property by a certified MAI real estate appraiser selected by the City.

(iv) Upon receipt of the second appraisal, the Advisory Agency shall determine that the fair market value of the land required to be dedicated is equal to the value determined by the second appraisal. This value shall be final and conclusive as to the City and the subdivider.

f. Payment of Fee. The payment of fees shall be deposited with the City prior to or at the time of the recording of the final or parcel map, unless, as a condition of approval of a tentative map or parcel map, payment is authorized at the time of issuance of the first grading or building permit for the subdivision.

g. Choice of Land or Fee. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both shall be as follows:

(i) At the time of the filing of a tentative or parcel map for approval, the subdivider shall, as a part of such filing, indicate whether the subdivider desires to dedicate land for park and recreational purposes, or whether the subdivider desires to pay a fee in lieu thereof. If the subdivider desires to dedicate land for this purpose, the subdivider shall designate the area thereof on the tentative or parcel map as submitted.



(ii) At the time of the tentative or parcel map approval, the Advisory Agency shall determine whether the subdivider shall dedicate land within the subdivision, pay a fee in lieu thereof, or a combination of both.

(iii) Whether the City accepts the dedication of land, or payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the City's General Plan; topography, geology, access and location of land in the subdivision available for dedication; and size and shape of the subdivision and land available for dedication.

(iv) Only the payment of fees shall be permitted if the required land dedication does not exceed one-half (1/2) acre in size.

(v) Only the payment of fees shall be permitted for subdivisions containing fifty (50) lots or less, except that when a condominium, stock cooperative, or community apartment project exceeds fifty (50) dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty (50).

(vi) The determination of the Advisory Agency as to whether land shall be dedicated or whether a fee shall be paid, or a combination of both, shall be final and conclusive.

h. Use of Land and Fees—Purpose. The land, fees, or combination thereof, received by the City pursuant to this Section shall be used only for the purpose of developing new or rehabilitating existing park or recreational facilities to serve the subdivision for which received, and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park or recreational facilities by the future inhabitants of the subdivision.

i. Use of Land and Fees—Timing. The City Council shall develop and make available for public inspection a schedule specifying how, when and where it will use the land or fees, or both, to develop new or rehabilitate existing park or recreational facilities to serve the residents of the subdivision. If a fee has been collected under the provisions of this Section, such fee shall be committed to such development or rehabilitation within five (5) years after the payment of such fee or the issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

j. Dedication or Fee Adjustment. Any subdivider subject to the requirements of this Section may apply to the Advisory Agency for a reduction, adjustment or waiver of such requirements based upon the demonstrable absence of a reasonable relationship between the amount and location of land to be dedicated or the amount of the fees to be paid and the use of the park and recreational facilities by the future inhabitants of the subdivision. Such application must be filed, in writing, at the time scheduled for the Advisory Agency to consider approval or conditional approval of the tentative map or parcel map. The application must include the name and address of the applicant and the property owner, a description of the property, including its location and the number and type of dwelling units to be located thereon, and a statement detailing the factual basis for the request for reduction, adjustment or waiver and the



legal theory forming the basis of the request. The Advisory Agency shall render a final decision on the application in conjunction with approval or conditional approval of the tentative map or parcel map. The decision of the Advisory Agency may be appealed to the City Council as provided in Section 9173.4"

**Section 2. Code Repeal.** Article IX (Planning and Zoning), Chapter 2 (Subdivision Regulations), Part 7 (Fees—Deposits—Bonds) is hereby amended by deleting Sections 9207.20 through 9207.25.

**Section 3. Certification and Posting.** The City Clerk shall certify to the passage and adoption of this Ordinance and cause the same to be posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
ASSISTANT CITY ATTORNEY



ORDINANCE NO. 94-1048U

AN ORDINANCE OF THE CITY OF CARSON RELATING TO  
THE DEDICATION OF PARK OR RECREATIONAL FACILITIES,  
AMENDING THE CARSON MUNICIPAL CODE AND  
DECLARING THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY  
ORDAIN AS FOLLOWS:

**Section 1. Code Amendment.** Article IX (Planning and Zoning), Chapter 2 (Subdivision Regulations), Part 7 (Fees—Deposits—Bonds), Section 9207.19 is hereby amended to read as follows:

**"9207.19 Park and Recreational Facilities.** Every subdivider who subdivides residential land shall dedicate a portion of such land, pay a fee, or do both, as set forth in this Section for the purpose of developing new or rehabilitating existing park or recreational facilities to serve future residents of the subdivision.

a. **Applicability of Section.** The provisions of this Section shall apply to all residential subdivisions except for condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

b. **Amount of Land Required.** The amount of land required to be dedicated shall equal the proportionate amount necessary to provide three (3) acres of parkland for each one thousand (1,000) persons residing within the subdivision. The number of persons residing within the subdivision shall be calculated by multiplying the population density for each type of development times the number of dwelling units for that type of development. The number of dwelling units for the purpose of this Section shall be based upon the number of parcels indicated on the tentative or parcel map. Population density for the purpose of this Section shall be determined in accordance with the most recent available census data. The amount of land to be dedicated for each type of development is shown on the following chart:

Type of Dwelling	Acres of Parkland per Resident	Population Density per Dwelling Unit	Amount of Land to be Dedicated
Single family detached	0.003 acres per person	3.81 persons per dwelling unit	0.01143 acres per dwelling unit
Single family attached	0.003 acres per person	3.76 persons per dwelling unit	0.01128 acres per dwelling unit
Multiple family 2-4 units	0.003 acres per person	3.37 persons per dwelling unit	0.01011 acres per dwelling unit
Multiple family 5 or more units	0.003 acres per person	2.75 persons per dwelling unit	0.00825 acres per dwelling unit
Mobilehomes	0.003 acres per person	2.00 persons per dwelling unit	0.00600 acres per dwelling unit

c. **Dedication of Land.** Dedication of land pursuant to this Section shall be accomplished in accordance with the provisions of the Subdivision Map Act. Where the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the dedication of land required by this Section. The minimum size of a parcel which may be dedicated is one-half acre.

d. **Credit for Private Recreational Space.** Where private recreational space is provided in a proposed planned development, stock cooperative, or community apartment project as defined in Sections 11003, 11003.2 and 11004, respectively, of the Business and Professions Code, or in a condominium project as defined in Section 783 of the Civil Code, such private recreational space may be a credit against the

EXHIBIT NO. 5



dedication of land required by this Section. Credit for private recreational space (including any credit for the value of improvements as provided below) shall not exceed thirty percent (30%) of the amount of land which would otherwise be required to be dedicated pursuant to paragraph b of this Section. Yards, court areas, setbacks, and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of private recreational space. Where the subdivider provides park and recreational improvements to the private recreational space, the value of the improvements shall be added to the amount of the credit for the private recreational space, except that credit for such improvements shall not exceed the value of the private recreational space on which such improvements are located.

Credit shall only be given when the Advisory Agency finds that it is in the public interest to do so and that all the following standards are met:

(i) The private recreational space and improvements thereon are owned by the developer or a homeowners' association. If the recreational space and improvements are owned by a homeowners' association, the association shall be composed of all property owners in the subdivision, shall be incorporated as a nonprofit mutual benefit organization under state law, and shall be operated under recorded land agreements through which each lot owner in the subdivision is automatically a member. Each property owner in the homeowners' association shall be subject to a charge for a proportionate share of expenses for maintaining the facilities.

(ii) Use of the private recreational space is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of the property, which cannot be defeated or eliminated without the consent of the City or its successor, and which are submitted to the City prior to the approval of the parcel or final map. Such covenants shall be submitted to the City prior to approval of the final or parcel map and shall be recorded contemporaneously with the final or parcel map.

(iii) The private recreational space and improvements thereon are in substantial accordance with the provisions of the Recreation Element of the General Plan.

For purposes of this Section, "private recreational space" shall mean land which is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.

e. Amount of Fee in Lieu of Land Dedication. Where a fee is paid in lieu of land dedication, the amount of such fee shall be a sum equivalent to the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to paragraph b of this Section. The amount of the fee shall be calculated in accordance with the following formula:

$$\begin{array}{l} \text{Fee per} \\ \text{dwelling unit} \end{array} = \begin{array}{l} \text{Amount of Land to be Dedicated} \\ \text{per Dwelling Unit (pursuant to} \\ \text{paragraph b of this Section)} \end{array} \times \begin{array}{l} \text{Fair Market Value of Land} \\ \text{to be Dedicated} \end{array}$$

The fair market value of the land required to be dedicated shall be determined as follows:

(i) The Advisory Agency shall determine the fair market value of the land required to be dedicated.

(ii) The subdivider may agree to this value, or the subdivider may, at its own expense, obtain an appraisal of the land required to be dedicated by a certified MAI real estate appraiser approved by the City.

(iii) Upon receipt of this appraisal, the Advisory Agency shall determine the fair market value of the land required to be dedicated. The subdivider may agree to this value, or the Advisory Agency may, at the subdivider's expense, obtain a second appraisal of the property by a certified MAI real estate appraiser selected by the City.

(iv) Upon receipt of the second appraisal, the Advisory Agency shall determine that the fair market value of the land required to be dedicated is equal to the value determined by the second appraisal. This value shall be final and conclusive as to the City and the subdivider.



f. Payment of Fee. The payment of fees shall be deposited with the City prior to or at the time of the recording of the final or parcel map, unless, as a condition of approval of a tentative map or parcel map, payment is authorized at the time of issuance of the first grading or building permit for the subdivision.

g. Choice of Land or Fee. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both shall be as follows:

(i) At the time of the filing of a tentative or parcel map for approval, the subdivider shall, as a part of such filing, indicate whether the subdivider desires to dedicate land for park and recreational purposes, or whether the subdivider desires to pay a fee in lieu thereof. If the subdivider desires to dedicate land for this purpose, the subdivider shall designate the area thereof on the tentative or parcel map as submitted.

(ii) At the time of the tentative or parcel map approval, the Advisory Agency shall determine whether the subdivider shall dedicate land within the subdivision, pay a fee in lieu thereof, or a combination of both.

(iii) Whether the City accepts the dedication of land, or payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the City's General Plan; topography, geology, access and location of land in the subdivision available for dedication; and size and shape of the subdivision and land available for dedication.

(iv) Only the payment of fees shall be permitted if the required land dedication does not exceed one-half (1/2) acre in size.

(v) Only the payment of fees shall be permitted for subdivisions containing fifty (50) lots or less, except that when a condominium, stock cooperative, or community apartment project exceeds fifty (50) dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty (50).

(vi) The determination of the Advisory Agency as to whether land shall be dedicated or whether a fee shall be paid, or a combination of both, shall be final and conclusive.

h. Use of Land and Fees—Purpose. The land, fees, or combination thereof, received by the City pursuant to this Section shall be used only for the purpose of developing new or rehabilitating existing park or recreational facilities to serve the subdivision for which received, and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park or recreational facilities by the future inhabitants of the subdivision.

i. Use of Land and Fees—Timing. The City Council shall develop and make available for public inspection a schedule specifying how, when and where it will use the land or fees, or both, to develop new or rehabilitate existing park or recreational facilities to serve the residents of the subdivision. If a fee has been collected under the provisions of this Section, such fee shall be committed to such development or rehabilitation within five (5) years after the payment of such fee or the issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

j. Dedication or Fee Adjustment. Any subdivider subject to the requirements of this Section may apply to the Advisory Agency for a reduction, adjustment or waiver of such requirements based upon the demonstrable absence of a reasonable relationship between the amount and location of land to be dedicated or the amount of the fees to be paid and the use of the park and recreational facilities by the future inhabitants of the subdivision. Such application must be filed, in writing, at the time scheduled for the Advisory Agency to consider approval or conditional approval of the tentative map or parcel map. The application must include the name and address of the applicant and the property owner, a description of the property, including its location and the number and type of dwelling units to be located thereon, and a statement detailing the factual basis for the request for reduction, adjustment or waiver and the legal theory forming the basis of the request. The Advisory Agency shall render a final decision on the application in conjunction with approval or conditional approval of the



tentative map or parcel map. The decision of the Advisory Agency may be appealed to the City Council as provided in Section 9173.4"

**Section 2. Code Repeal.** Article IX (Planning and Zoning), Chapter 2 (Subdivision Regulations), Part 7 (Fees—Deposits—Bonds) is hereby amended by deleting Sections 9207.20 through 9207.25.

**Section 3. Declaration of Urgency.** The Quimby Act (Government Code Section 66477) requires that the amount of land dedicated or fees paid shall be based upon residential density as disclosed by the most recent available federal census figures. The most recent available census figures are from the 1990 census, while the current ordinance is based on 1980 census figures. The density figures from the 1980 census do not accurately reflect the current residential density in the City as evidenced by the 1990 census. The current ordinance provisions understate residential density and thereby fail to require land dedications or fee payments which are adequate to ensure the provision of the necessary park and recreation facilities for the City and the future inhabitants of the subdivision.

A number of subdivisions are currently in the planning stages in the City. In order to receive the proper land dedications or fee payments from these subdivisions, the current ordinance must be amended to incorporate the 1990 census figures and accurately reflect residential densities within the City. The City Council finds that there is a current and immediate threat to public health, safety and welfare created by the use of outdated census figures which cause the understatement of residential density and thereby result in a failure to require land dedications or fee payments which are adequate to ensure the provision of the necessary park and recreation facilities for the City and the future inhabitants of the subdivision. Therefore, this Ordinance is necessary for the immediate preservation of the public health, safety and welfare and shall take effect immediately.

**Section 4. Certification and Posting.** The City Clerk shall certify to the passage and adoption of this Ordinance and cause the same to be posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 6th day of December, 1994.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF CARSON )

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 94-1048U was duly and regularly adopted by the City Council of said City on an urgency basis at a regular meeting of said Council, duly held on the 6th day of December, 1994, and that the same was passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS: O'Neal, Fajardo, and Mitoma  
NOES: COUNCIL MEMBERS: None  
ABSTAIN: COUNCIL MEMBERS: O'laes  
ABSENT: COUNCIL MEMBERS: Calas

  
\_\_\_\_\_  
City Clerk, City of Carson, California





ORDINANCE NO. 94-1048

AN ORDINANCE OF THE CITY OF CARSON RELATING TO  
THE DEDICATION OF PARK OR RECREATIONAL FACILITIES  
AND AMENDING THE CARSON MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY  
ORDAIN AS FOLLOWS:

**Section 1. Code Amendment.** Article IX (Planning and Zoning), Chapter 2 (Subdivision Regulations), Part 7 (Fees—Deposits—Bonds), Section 9207.19 is hereby amended to read as follows:

"9207.19 Park and Recreational Facilities. Every subdivider who subdivides residential land shall dedicate a portion of such land, pay a fee, or do both, as set forth in this Section for the purpose of developing new or rehabilitating existing park or recreational facilities to serve future residents of the subdivision.

a. Applicability of Section. The provisions of this Section shall apply to all residential subdivisions except for condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

b. Amount of Land Required. The amount of land required to be dedicated shall equal the proportionate amount necessary to provide three (3) acres of parkland for each one thousand (1,000) persons residing within the subdivision. The number of persons residing within the subdivision shall be calculated by multiplying the population density for each type of development times the number of dwelling units for that type of development. The number of dwelling units for the purpose of this Section shall be based upon the number of parcels indicated on the tentative or parcel map. Population density for the purpose of this Section shall be determined in accordance with the most recent available census data. The amount of land to be dedicated for each type of development is shown on the following chart:

Type of Dwelling	Acres of Parkland per Resident	Population Density per Dwelling Unit	Amount of Land to be Dedicated
Single family detached	0.003 acres per person	3.81 persons per dwelling unit	0.01143 acres per dwelling unit
Single family attached	0.003 acres per person	3.76 persons per dwelling unit	0.01128 acres per dwelling unit
Multiple family 2-4 units	0.003 acres per person	3.37 persons per dwelling unit	0.01011 acres per dwelling unit
Multiple family 5 or more units	0.003 acres per person	2.75 persons per dwelling unit	0.00825 acres per dwelling unit
Mobilehomes	0.003 acres per person	2.00 persons per dwelling unit	0.00600 acres per dwelling unit

c. Dedication of Land. Dedication of land pursuant to this Section shall be accomplished in accordance with the provisions of the Subdivision Map Act. Where the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the dedication of land required by this Section. The minimum size of a parcel which may be dedicated is one-half acre.

d. Credit for Private Recreational Space. Where private recreational space is provided in a proposed planned development, stock cooperative, or community apartment project as defined in Sections 11003, 11003.2 and 11004, respectively, of the Business and Professions Code, or in a condominium project as defined in Section 783 of the Civil Code, such private recreational space may be a credit against the dedication of land required by this Section. Credit for private recreational space



(including any credit for the value of improvements as provided below) shall not exceed thirty percent (30%) of the amount of land which would otherwise be required to be dedicated pursuant to paragraph b of this Section. Yards, court areas, setbacks, and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of private recreational space. Where the subdivider provides park and recreational improvements to the private recreational space, the value of the improvements shall be added to the amount of the credit for the private recreational space, except that credit for such improvements shall not exceed the value of the private recreational space on which such improvements are located.

Credit shall only be given when the Advisory Agency finds that it is in the public interest to do so and that all the following standards are met:

(i) The private recreational space and improvements thereon are owned by the developer or a homeowners' association. If the recreational space and improvements are owned by a homeowners' association, the association shall be composed of all property owners in the subdivision, shall be incorporated as a nonprofit mutual benefit organization under state law, and shall be operated under recorded land agreements through which each lot owner in the subdivision is automatically a member. Each property owner in the homeowners' association shall be subject to a charge for a proportionate share of expenses for maintaining the facilities.

(ii) Use of the private recreational space is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of the property, which cannot be defeated or eliminated without the consent of the City or its successor, and which are submitted to the City prior to the approval of the parcel or final map. Such covenants shall be submitted to the City prior to approval of the final or parcel map and shall be recorded contemporaneously with the final or parcel map.

(iii) The private recreational space and improvements thereon are in substantial accordance with the provisions of the Recreation Element of the General Plan.

For purposes of this Section, "private recreational space" shall mean land which is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.

e. Amount of Fee in Lieu of Land Dedication. Where a fee is paid in lieu of land dedication, the amount of such fee shall be a sum equivalent to the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to paragraph b of this Section. The amount of the fee shall be calculated in accordance with the following formula:

$$\begin{array}{l} \text{Fee per} \\ \text{dwelling unit} \end{array} = \begin{array}{l} \text{Amount of Land to be Dedicated} \\ \text{per Dwelling Unit (pursuant to} \\ \text{paragraph b of this Section)} \end{array} \times \begin{array}{l} \text{Fair Market Value of Land} \\ \text{to be Dedicated} \end{array}$$

The fair market value of the land required to be dedicated shall be determined as follows:

(i) The Advisory Agency shall determine the fair market value of the land required to be dedicated.

(ii) The subdivider may agree to this value, or the subdivider may, at its own expense, obtain an appraisal of the land required to be dedicated by a certified MAI real estate appraiser approved by the City.

(iii) Upon receipt of this appraisal, the Advisory Agency shall determine the fair market value of the land required to be dedicated. The subdivider may agree to this value, or the Advisory Agency may, at the subdivider's expense, obtain a second appraisal of the property by a certified MAI real estate appraiser selected by the City.

(iv) Upon receipt of the second appraisal, the Advisory Agency shall determine that the fair market value of the land required to be dedicated is equal to the value determined by the second appraisal. This value shall be final and conclusive as to the City and the subdivider.



f. Payment of Fee. The payment of fees shall be deposited with the City prior to or at the time of the recording of the final or parcel map, unless, as a condition of approval of a tentative map or parcel map, payment is authorized at the time of issuance of the first grading or building permit for the subdivision.

g. Choice of Land or Fee. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both shall be as follows:

(i) At the time of the filing of a tentative or parcel map for approval, the subdivider shall, as a part of such filing, indicate whether the subdivider desires to dedicate land for park and recreational purposes, or whether the subdivider desires to pay a fee in lieu thereof. If the subdivider desires to dedicate land for this purpose, the subdivider shall designate the area thereof on the tentative or parcel map as submitted.

(ii) At the time of the tentative or parcel map approval, the Advisory Agency shall determine whether the subdivider shall dedicate land within the subdivision, pay a fee in lieu thereof, or a combination of both.

(iii) Whether the City accepts the dedication of land, or payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the City's General Plan; topography, geology, access and location of land in the subdivision available for dedication; and size and shape of the subdivision and land available for dedication.

(iv) Only the payment of fees shall be permitted if the required land dedication does not exceed one-half (1/2) acre in size.

(v) Only the payment of fees shall be permitted for subdivisions containing fifty (50) lots or less, except that when a condominium, stock cooperative, or community apartment project exceeds fifty (50) dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty (50).

(vi) The determination of the Advisory Agency as to whether land shall be dedicated or whether a fee shall be paid, or a combination of both, shall be final and conclusive.

h. Use of Land and Fees—Purpose. The land, fees, or combination thereof, received by the City pursuant to this Section shall be used only for the purpose of developing new or rehabilitating existing park or recreational facilities to serve the subdivision for which received, and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park or recreational facilities by the future inhabitants of the subdivision.

i. Use of Land and Fees—Timing. The City Council shall develop and make available for public inspection a schedule specifying how, when and where it will use the land or fees, or both, to develop new or rehabilitate existing park or recreational facilities to serve the residents of the subdivision. If a fee has been collected under the provisions of this Section, such fee shall be committed to such development or rehabilitation within five (5) years after the payment of such fee or the issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

j. Dedication or Fee Adjustment. Any subdivider subject to the requirements of this Section may apply to the Advisory Agency for a reduction, adjustment or waiver of such requirements based upon the demonstrable absence of a reasonable relationship between the amount and location of land to be dedicated or the amount of the fees to be paid and the use of the park and recreational facilities by the future inhabitants of the subdivision. Such application must be filed, in writing, at the time scheduled for the Advisory Agency to consider approval or conditional approval of the tentative map or parcel map. The application must include the name and address of the applicant and the property owner, a description of the property, including its location and the number and type of dwelling units to be located thereon, and a statement detailing the factual basis for the request for reduction, adjustment or waiver and the legal theory forming the basis of the request. The Advisory Agency shall render a final decision on the application in conjunction with approval or conditional approval of the



tentative map or parcel map. The decision of the Advisory Agency may be appealed to the City Council as provided in Section 9173.4"

**Section 2. Code Repeal.** Article IX (Planning and Zoning), Chapter 2 (Subdivision Regulations), Part 7 (Fees—Deposits—Bonds) is hereby amended by deleting Sections 9207.20 through 9207.25.

**Section 3. Certification and Posting.** The City Clerk shall certify to the passage and adoption of this Ordinance and cause the same to be posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 20th day of December, 1994.

Richard D. Griffin  
MAYOR

ATTEST:

Helen S. Kawagoe  
CITY CLERK

APPROVED AS TO FORM:

[Signature]  
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF CARSON )

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 94-1048 passed first reading on December 6, 1994, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 20th day of December, 1994, and that the same was passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS: Calas, Olaes, O'Neal, Fajardo and Mitoma  
NOES: COUNCIL MEMBERS: None  
ABSTAIN: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: None

Helen S. Kawagoe  
City Clerk, City of Carson, California

