

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 17 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING THERETO A NEW CHAPTER 17.10 CONTAINING SECTIONS 17.10.010 THROUGH 17.10.130, AND REPEALING ORDINANCES NOS. 1366 SECTION II AND 1492 AND SECTIONS 17.08.440 THROUGH 17.08.490 OF THE CHULA VISTA MUNICIPAL CODE, ALL RELATING TO PARK LAND DEDICATION AND IN LIEU FEE REQUIREMENTS FOR THE ACQUISITION AND DEVELOPMENT OF PARK LANDS AND OPEN SPACE AND THE DEDICATION OF SCHOOL SITES

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Title 17 of the Chula Vista Municipal Code is hereby amended by adding thereto a new Chapter 17.10 containing Sections 17.10.010 through 17.10.130 to be and to read as follows:

CHAPTER 17.10 PARK LANDS AND PUBLIC FACILITIES.

Sec. 17.10.010 Dedication for Park and
 Recreational Purposes.

Pursuant to the authority granted by Section 66477 of the Government Code of the State of California, every subdivider shall, for the purpose of providing park and recreational facilities directly benefiting and serving the residents of the regulated subdivision, dedicate a portion of the land or, in lieu thereof, pay a fee for each dwelling unit in the subdivision or do both, as required by this chapter. Said dedication or payment of fees in lieu thereof shall be applicable to all residential subdivisions of any type allowed under the various and several residential zones of the City of Chula Vista.

Sec. 17.10.020 Determination of Park and Recre-
 ational Requirements Benefiting
 Regulated Subdivisions.

The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter shall be those facilities set forth in the Park and Recreational Element of the General Plan of the City of Chula Vista adopted by Resolution No. 3519 on the 22nd day of September, 1964, and as thereafter amended.

Sec. 17.10.030 Application.

The provisions of this chapter shall apply to all subdivisions and divisions created by parcel maps which increase the number of permissible dwelling units as that phrase is defined in Section 66410 of the Government Code of the State of California, excepting therefrom industrial and completely commercial

subdivisions and those subdivisions or divisions of land for which tentative subdivision or parcel maps have been filed within thirty (30) days after the effective date of this chapter.

Sec. 17.10.040 Area to be Dedicated - Required
When - Amounts for Certain Uses.

Amount of park land dedication required in accordance with Sections 17.10.010 through 17.10.130 shall be as follows:

- A. Single-family dwelling units: 3.7 persons per dwelling unit 322 square feet per unit or one acre per 135 units;
- B. Attached, cluster housing or planned unit developments under either condominium or subdivided ownership: 3.1 persons per dwelling unit 272 square feet per unit or one acre per 160 units;
- C. Duplexes: 2.5 persons per dwelling unit 218 square feet per unit or one acre per 200 units;
- D. Multiple-family dwelling units: 2.0 persons per dwelling unit 174 square feet per unit or one acre per 250 units;
- E. Mobile homes: 1.8 persons per dwelling unit 157 square feet per unit or one acre per 278 units.

These amounts of land shall be offered at the time of filing of the final map. If, in the judgment of the City, suitable land does not exist within the subdivision, or for subdivisions containing fifty lots or less, only the payment of fees in lieu of land and improvements may be required. In such cases the amount of the fee shall be equivalent to the value of the land which would otherwise be required to be dedicated, plus the value of the improvements required under Section 17.10.070 of this code. Where the City deems that a combination of dedication and payment, as provided in this section, would better serve the public and the park and recreation needs of the future residents of a particular subdivision, it may require such combination.

Sec. 17.10.050 Fair Market Value - Method of
Determination.

"Fair market value" shall be determined as of the time of filing the final map in accordance with the following:

- A. The fair market value as determined by the City Council based upon the then assessed value, modified to equal market value in accordance with current practice of the County Assessor; or
- B. If the subdivider objects to such evaluation he may, at his expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the City, which appraisal may be accepted by the City Council if found reasonable.

Sec. 17.10.060 Combination of Dedication and
Fee Payment Permitted When.

The following circumstances may arise which require a combination of the dedication of land and payment of fees:

A. Only a portion of the land to be subdivided is proposed on the general plan as the location for a local park. That portion of the land within the subdivision falling within the park location as shown on the general plan shall be dedicated for local park purposes, and a fee shall be required for any additional land that would have been required to be dedicated.

B. A major part of the local park or recreation site has already been acquired, and only a small portion of land is needed from the subdivision to complete the site. The remaining portion shall be required by dedication, and a fee required for the remainder to pay for improvement of the park and recreation facilities in the area serving the subdivision.

C. A residential development may constitute only a small portion of a particular neighborhood park district and upon completion of the subdivision, which may be the only developed area in said district, there may be no need for a fully improved neighborhood park. Under such circumstances the developer may be required to dedicate land in accordance with Section 17.10.040 herein, and in addition thereto deposit the following fees for development of the park in the future:

1. Single-family dwellings: \$130.00 per unit;
2. Attached, cluster housing or planned unit developments under either condominium or subdivided ownership: \$100.00 per unit;
3. Duplex units: \$85.00 per unit;
4. Multiple-family units: \$70.00 per unit;
5. Mobile homes: \$65.00 per unit.

For the purpose of implementing the above fee schedule, any rooms as shown on plans submitted by the subdivider, regardless of their designation thereon, which may be used for bedroom purposes shall be regarded as a bedroom. Residential motels and hotels and transient motels and hotels shall only be required to deposit in lieu fees pursuant to the schedule in Section 17.10.040.

Sec. 17.10.070 Subdivider Park Development
Responsibility - Specifications.

In addition to the dedication of land as required in Section 17.10.040 above, it shall be the responsibility of the subdivider to develop such land for park purposes in accordance with the following general criteria:

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- A. Park lands are to be graded in accordance with a plan which shall be subject to the approval of the Director of Parks and Recreation;
- B. All street improvements shall be installed;
- C. All utilities shall be extended to the property line;
- D. An automatic irrigation system shall be installed;
- E. Turf shall be installed;
- F. One tree per thousand square feet of land area shall be planted.

In the event the City determines that the improvement of the park land shall be delayed for a substantial period of time after said park land has been dedicated, the subdivider shall not be required to install such improvements, but instead shall pay the fee indicated in Section 17.10.060 above.

Sec. 17.10.080 Limitations on Use of Land and Fees.

The land and fees received under this chapter shall be used only for the purpose of providing 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.

Sec. 17.10.090 Commencement of Park Development.

The City will acquire land for park purposes within a specific facilities service zone as soon as sufficient funds are available, and will commence improvements at the time building permits have been issued relative to at least eighty percent (80%) of the residentially zoned property within the specified zone. Improvement shall continue based upon revenues received within each zone.

Sec. 17.10.100 Collection and Distribution of Fees.

Prior to the acceptance of a final subdivision map or approval of a parcel map, any required fees shall have been paid to the City. Any land to be contributed for the purposes outlined in this chapter shall be dedicated to the City and shown on such final subdivision or parcel map. The Director of Finance of the City of Chula Vista shall be responsible for the collection and distribution of fees as set forth in this chapter, and the City Council shall review, at least annually, the Park and Recreational Element of the General Plan, including the service areas for parks required to be dedicated or acquired pursuant to the terms of this chapter.

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Sec. 17.10.110 Periodic Review and Amendment
Authorized.

Costs, population density and local conditions change over the years and the specified formula for the payment of fees for acquisition of park sites as stated herein is subject to periodic review and amendment by the City Council.

Sec. 17.10.120 Dedication of School Sites.

A. *Dwelling Unit Defined for School Site Dedication.*

"Dwelling Unit" as used in this chapter means a place of residence and may be located in either a single or multiple dwelling unit building.

B. *Subdividers Must Offer School Site.*

Every subdivider and his successor who, within three (3) years or less, develop or complete the development of one or more subdivisions comprised of a single parcel or contiguous parcels having more than four hundred (400) dwelling units within the Chula Vista City School District or the Sweetwater Union High School District shall dedicate to the school districts such lands as the Council shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate school service.

C. *Exemption from School Site Dedication.*

The provisions of this chapter shall not be applicable to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative maps.

D. *Nonacceptance of Offer Terminates School Site Dedication.*

The requirement of dedication shall automatically terminate unless the Chula Vista City School District or the Sweetwater Union High School District offers to enter into a binding commitment with the subdivider to accept the dedication within thirty (30) days after the requirement is imposed by the Council.

E. *Time to Dedicate School Site.*

The required dedication may be made at any time prior to the construction of the 401st dwelling unit.

F. *Payments to Subdivider for School Site Dedications.*

The Chula Vista City School District or the Sweetwater Union High School District shall, if they accept said dedications, repay to the subdivider or his successors the subdivider's original cost of the dedicated land, plus a sum equal to the total of the following amounts:

1. The cost of any improvements to the dedicated land since acquisition by the subdivider.

2. The taxes assessed against the dedicated land from the date demand for dedication is made.
3. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

Sec. 17.10.130 Principles and Standards.

The following principles and standards are intended to serve as a general guide in determining the neighborhood facilities for which sites normally will be required in accordance with the General Plan:

A. An elementary school site of approximately ten (10) acres will be required for each six hundred (600) families, more or less, required to be served by such school. Such school site shall be central to the population to be served and shall not be fronted on a major thoroughfare.

B. Whenever possible, playground and neighborhood recreation areas shall be developed in conjunction with elementary school sites. A park site, if required, shall not normally be less than seven (7) acres in area, except that such site, when adjacent to a school, shall not normally be less than three (3) acres and such sites shall specifically include areas with natural advantages for park development.

SECTION II: That Section II of Ordinance 1366 and all of Ordinance 1492 be, and the same are hereby repealed.


SECTION III: That Sections 17.08.440 through 17.08.490 of the Chula Vista Municipal Code be, and the same are hereby repealed.

SECTION IV: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by

Approved as to form by


 D. J. Peterson, Director of
 Planning


 George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CHULA VISTA, CALIFORNIA this 24th day of February,
1976, by the following vote, to-wit:

AYES: Councilmen Egdahl, Hobel, Hamilton, Hyde
NAYES: Councilmen None
ABSENT: Councilmen Scott


Mayor of the City of Chula Vista

ATTEST 
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, City Clerk of the City of Chula Vista,
California, DO HEREBY CERTIFY that the above and foregoing is a full,
true and correct copy of _____ and
that the same has not been amended or repealed.

DATED _____

City Clerk

(SEAL)