

ORDINANCE NO. 2243

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 17.10 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO NEIGHBORHOOD PARK AND COMMUNITY PARK REQUIREMENTS

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

SECTION I: That Chapter 17.10 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

Chapter 17.10

PARKLANDS AND PUBLIC FACILITIES

Sections:

- 17.10.010 Dedication of land and development of improvements for park and recreational purposes.
- 17.10.020 Determination of park and recreational requirements benefiting regulated subdivisions.
- 17.10.030 Application
- 17.10.040 Area to be dedicated-Required when-Amounts for certain uses.
- ~~17.10.050~~ ~~Combination of dedication and fee payment permitted when~~
- 17.10.07 50 ~~Subdivider's~~ Park development ~~responsibility~~ improvements-Specifications.
- 17.10.060 Criteria for area to be dedicated
- 17.10.070 In lieu fees for land dedication and/or park development improvements
- 17.10.080 Limitations on use of land and fees.
- 17.10.090 Commencement of park development.
- 17.10.100 Collection and distribution of fees.
- 17.10.110 Periodic review and amendment authorized.
- ~~17.10.120~~ ~~Principles and standards~~

17.10.010 Dedication of land and development of improvements for park and recreational purposes.

Pursuant to the authority granted by Section 66477 of the Government Code of the state, every subdivider shall, for the purpose of providing neighborhood and community park and recreational facilities directly benefiting and serving the residents of the regulated subdivision, dedicate a portion of the land and develop improvements thereon or in lieu thereof pay a fees for each dwelling unit in the subdivision or do ~~both~~ a combination thereof, as required by the City in accordance with this chapter. The dedication, improvement, or payment of fees in lieu thereof or combination thereof shall be applicable to all residential subdivisions of any type allowed under the various and several residential zones of the city and shall be in addition to any residential construction tax required to be paid pursuant to Chapter 3.32 of this code.

7.10.020 Determination of park and recreational requirements benefiting regulated subdivisions.

The park and recreational facilities for which dedication of land and improvements thereon and/or payment of a fee is required by this chapter shall be those facilities as generally set forth in the park and recreational element of the general plan of the city adopted by Resolution No. 3519 on the 22nd day of September, 1964, and as thereafter amended.

17.10.030 Application.

The provisions of this chapter shall apply to all subdivisions and divisions created by parcel maps 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 days after the effective date of this chapter.

17.10.040 Area to be dedicated-Required when-Amounts for certain uses.

The amount of parkland dedication required, in accordance with Sections 17.10.010 through 17.10.130, is based on a standard of 3 acres per 1000 people and shall be offered at the time of filing of the final map. The area to be dedicated shall be as follows:

- A. Single-family dwelling units, ~~three/hundred/twenty-two~~ 3.22 persons per dwelling unit, ~~three/hundred/twenty-two~~ four hundred twenty three square feet per unit, or one acre per one hundred ~~thirty-two~~ three units;
- B. Attached, cluster housing or planned unit developments under either condominium or subdivided ownership, ~~two/hundred/seventy-two~~ 2.80 persons per dwelling unit, ~~two/hundred/seventy-two~~ three hundred sixty-six square feet per unit, or one acre per one hundred ~~thirty-two~~ sixty nineteen units;
- C. Duplexes, ~~two/hundred/seventy-two~~ 2.48 persons per dwelling unit, ~~two/hundred/seventy-two~~ three hundred twenty-five square feet per unit, or one acre per ~~two hundred~~ one hundred thirty four units;
- D. Multiple family dwelling units, ~~one/hundred/seventy-four~~ 2.21 persons per dwelling unit, ~~one/hundred/seventy-four~~ two hundred eighty-eight square feet per unit, or one acre per ~~two hundred~~ two hundred fifty-one units;
- E. Mobile homes, ~~two/hundred/seventy-two~~ 1.64 persons per dwelling unit, ~~two/hundred/seventy-two~~ two hundred fifteen square feet per unit, or one acre per two hundred ~~thirty-two~~ thirty units.
- F. Residential and transient motels/hotels, 1.50 persons per dwelling unit, one hundred ninety-six square feet per unit, or one acre per two hundred twenty two 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 the amount established by the city council in the master fee schedule by resolution, plus the value of the improvements required in section 17.10.070. Where the city deems that a contribution to 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, in lieu of such contribution, provide, however, the city council may, by resolution, waive all or any portion of said dedication or in lieu of fee requirements in the interests of the family of the contributors of the house, etc. and the other provisions of the Ord. 1806/S/L/Park, 1978; Ord. 1868/S/L/Park, 1976.~~

17.10.060 Combination of dedication and fee payment permitted when Criteria for area to be dedicated.

Acceptance of land for parkland is at the City Council's discretion and in exercising its discretion, Council may consider the following criteria, in addition to any other the Council considers relevant:

- A. Topography, soils, soil stability, drainage location of land in subdivision available for dedication.
- B. Size and shape of the subdivision and land available for dedication.
- C. Physical relationship of the site to the surrounding neighborhood.
- D. Location of the site with regard to accessibility to the residents of the neighborhood and its contribution to neighborhood security.
- E. The amount, usability, and location of publicly owned property available for combination with dedicated lands in the formation of public park and recreation facilities.
- F. Recommendation of the Parks and Recreation Commission.

An offer of dedication may be accepted or rejected by the City Council.

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 the 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, and in addition, wherever deposit, the fees as presently designated, or as may in the future be amended, in the master fee schedule for development of the park in the future.

For the purpose of implementing the fee as shown in the master fee schedule, any notes as shown on plans submitted by the subdivider, regardless of their designation thereto, 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 fees in the master fee schedule for Section 17.10.040, Ord./1961/S/1/Parry, 1982/Ord./1968/S/1/Parry, 1976/

17.10.07 50 Subdivider/////////park development responsibility  
improvements- Specifications.

In addition to the dedication of land as required in Section 17.10.040, it shall be the responsibility of the subdivider to develop all or a portion of such land for neighborhood or community park purposes to the satisfaction of the Director of Parks and Recreation and the Parks and Recreation Commission in accordance with the following general criteria:

- A. Parklands 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 parkland shall be delayed for a substantial period of time after the parkland 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 of Ord. 1888 of 1/1/1976.
- F. Landscaping, including trees, shrubs and other plant material, shall be planted in accordance with the City's Landscape Manual.
- G. A concrete walkway system shall be installed.
- H. Park fixtures, such as signage, tables, benches, trash receptacles, drinking fountains and bike racks, shall be installed.
- I. A drainage system shall be installed, if necessary.
- J. Play areas, with play equipment for pre-schoolers and primary school-age children, shall be installed.
- K. Security lighting fixtures shall be provided.
- L. One picnic shelter shall be provided for every 1,000 people.
- M. One tennis court shall be provided for every 2,000 people.
- N. One baseball/softball field shall be installed for every 5,000 people.
- O. One multi-purpose court for basketball, volleyball, and badminton shall be installed for every 5,000 people.
- P. One soccer field shall be constructed for every 10,000 people.

In addition to those items listed above, the following facilities shall be required in a community park:

- Q. One 50 meter swimming pool with related facilities, such as dressing rooms, will be constructed for every 20,000 people.
- R. One community center and gymnasium will be constructed for every 24,000 people.
- S. One lighted softball field shall be developed for every 5,000 people.
- T. A restroom facility shall be constructed in every community park and may be constructed in neighborhood parks.

17.10.070 In lieu fees for land dedication and/or park development improvements.

- A. In lieu fees for land dedication: If, in the judgment of the city, suitable land does not exist within the subdivision, or for subdivisions containing 50 lots or less, the payment of fees in lieu

of land shall be required. In such cases, the amount of the fee shall be the amount established by the city council in the master fee schedule by resolution and based on the area to be dedicated as set forth in Section 17.10.040. However, when a condominium project, stock cooperative or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

Where the city deems that a combination of dedication and payment, as provided in this chapter, would better serve the public and the park and recreation needs of the future residents of a particular subdivision, it may require such combination. Provided, however, the city council may, by resolution waive all or any portion of said dedication or in lieu fee requirements in the interests of stimulating the construction of housing for low and moderate income families.

Residential motels and hotels and transient motels and hotels shall be required to deposit fees in lieu of dedication of land required in Section 17.10.050 pursuant to the fees in the master fee schedule.

- B. In lieu fees for park development improvements: If, in the judgment of the city, suitable land does not exist within the subdivision, or for subdivisions containing 50 lots or less, the payment of fees in lieu of developing improvements shall be required. In such cases, the amount of the fee shall be the amount established by the city council in the master fee schedule by resolution and based on the improvements required in Section 17.10.050. However, when a condominium project, stock cooperative or community apartment project exceeds 50 dwelling units, improvements may be required notwithstanding that the number of parcels may be less than 50.

Where the city deems that a combination of improvements and payment, as provided in this chapter, would better serve the public and the park and recreation needs of the future residents of a particular subdivision, it may require such combination; provided, however, the city council may, by resolution waive all or any portion of said improvements or in lieu fee requirements in the interests of stimulating the construction of housing for low and moderate income families.

In the event the city determines that the improvement of the parkland shall be delayed for a substantial period of time after the parkland has been dedicated, the subdivider shall not be required to install such improvements, but instead shall pay the fee as set forth in the master fee schedule for the value of improvements required in Section 17.10.050.

Residential motels and hotels and transient motels and hotels shall be required to deposit fees in lieu of park development improvements required in Section 17.10.050 pursuant to the fees in the master fee schedule.

17.10.080 Limitation on use of land and/or fees.

The amount of land, improvements ~~and~~ or in lieu fees or combination thereof received under this chapter shall be used ~~only~~ for the purpose of providing neighborhood and community park and recreational facilities to serve the subdivision for which received. The amount and location of the land or in lieu ~~and/or amount of~~ fees or combination thereof shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

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. Any fees collected under this chapter shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. ~~and will commence improvements at the time building permits have been issued relative to at least eighty percent of the residentially zoned property within the specified zone. Improvements shall continue based upon revenues received within each zone.~~

17.10.100 Collection and distribution of fees.

A. 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 the final subdivision or parcel map. The director of finance 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.~~ Fees collected for neighborhood and community parks shall be kept in separate funds. However, the City shall have the ability to shift fee amounts between the neighborhood and community park funds when necessary.

B. Planned developments shall be eligible to receive a credit as determined by the City Council, against the amount of land required to be dedicated, or the amount of the fee imposed, for the value of private open space within the development which is usable for active recreational uses. Such credit, if given, shall be determined on a case by case basis.

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 in this chapter is subject to periodic review and amendment by the city council.

17.10.120 // 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 acres will be required for each six hundred 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 acres in area, except that such site, when adjacent to a school, shall not normally be less than three acres, and such sites shall specifically include areas with natural advantages for park development.

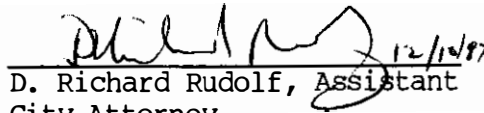
SECTION II: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by

Approved as to form by



Manuel Mollinedo, Director of  
Parks and Recreation



12/14/97  
D. Richard Rudolf, Assistant  
City Attorney

3574a

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE  
Y OF CHULA VISTA, CALIFORNIA, HELD December 8, 19 87, AND  
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD December 15,  
19 87, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen Moore, Malcolm, Nader  
NAYES: Councilmen None  
ABSTAIN: Councilmen None  
ABSENT: Councilmen Cox, McCandiss

David C. Malt  
MAYOR PRO TEMPORE OF THE CITY OF CHULA VISTA

ATTEST Jennie M. Fulasz  
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  
ORDINANCE NO. 2243, and that the same has not been amended or repealed.

DATED \_\_\_\_\_



**CITY OF  
CHULA VISTA**

\_\_\_\_\_  
City Clerk