

PARKLAND DEDICATION – QUIMBY ORDINANCE

INFORMATION SUMMARY

CITY OF SAN BUENAVENTURA - PUBLIC WORKS DEPARTMENT

The information contained within this Summary comes in major part from Chapter 26.150 of the City of San Buenaventura's Municipal Code. For questions and specific details, please refer to this Chapter.

What is the Parkland Dedication Ordinance?

In 1965, the California Legislature established provisions in the Subdivision Map Act for the dedication of parkland. This act, called the QUIMBY ACT, was in response to California's increased rate of urbanization and the need to preserve open space and provide parks for California's growing communities. This act allows local agencies, such as the City, to establish ordinances requiring **residential** subdivision developers to provide land or in lieu fees for park and recreation purposes and allow those agencies to specify acceptable uses or restrictions on the expenditures of such lands or fees.

In August 1983, the Council of the City of San Buenaventura enacted a Parkland Dedication Ordinance No. 83-33, for use in all future residential subdivisions in the City. The Ordinance has been amended several times over the years with the latest amendment being in 2015.

What are the requirements of the Parkland Dedication Ordinance?

Through the subdivision process, the City determines if the subdivider will dedicate land, pay a fee in lieu thereof, or both. The dedication or payment of a fee is due at the time of recording the final tract or parcel map. The amount of the dedication or fee is determined according to the standards and formulas contained within the Parkland Dedication Ordinance (see below).

How does the City determine whether land should be dedicated, and/or in-lieu fees should be paid?

The determination of the City as to whether land is to be dedicated or whether a fee is to be charged or combination thereof, will be based upon, but not limited to, consideration of the following:

1. The "Active Community" portion of the City's 2005 General Plan.

2. The topography, geology, access and location of the land in the subdivision available for residential development.
3. The size and shape of the subdivision and the land available for dedication.
4. The location of existing or proposed park sites and circulation systems.
5. The size of the proposed subdivision.

Subdivisions containing 50 parcels or less may only be required to pay a fee as determined pursuant to appraisal of the land. The current fee for subdivisions containing 50 parcels or less is \$2,957.98 per dwelling unit. Condominium projects exceeding 50 dwelling units in the Downtown Specific Plan area pay a fee based on the amount of \$630,556 which is the established price per acre of Downtown parkland resulting in a fee of \$7,454.34 per dwelling unit.

What formula is used to compute the required dedication and/or lieu fee?

The following formula used to compute the required dedication of land:

$$\frac{\text{DU} \times \text{Average Household Size} \times \text{S}}{1000} = \text{Amount of Dedicated Parkland in acres}$$

DU = number of dwelling units in the subdivision

Average Household Size = 2.57 as reported in the 2010 U. S. Census

S = park acreage standard of 4.60 acres per 1000 residents as determined by City Council Resolution No. 2015-028

“Amount of Dedicated Parkland” is calculated to the nearest tenth of an acre

Land is dedicated to the City as a condition of recordation of the Final Subdivision Map or Parcel Map. Real property dedicated under the provision of the Ordinance is conveyed by grant deed, free and clear of encumbrances to the City at the time of filing of the Final Subdivision or Parcel Map.

Fees in lieu of land are determined based upon the land dedication formula and the per acre fair market value of the entire subdivision from which land would otherwise be required to be dedicated (required land dedication X per acre value of land = required in lieu fee). When a fee is paid in lieu of land dedication, the fee is deposited with the City Engineer prior to recordation of the Final Map.

How is Fair Market Value Established?

Fair Market Value is determined by an appraiser acceptable to the City in accordance with accepted practices of the American Right-of-Way Association. The appraiser must be a Certified General Real Estate Appraiser, preferably with local experience. The date of the appraisal should be immediately prior to the filing of the Final Map. The responsibility resides with the subdivider to obtain and pay for this appraisal. If more than six months elapses between the appraisal and approval of the Final Map, the City will require a new appraisal at the subdivider's expense.

The appraiser's name and a brief statement of qualifications must be submitted to the City's Land Development Division for approval. After the appraiser is approved and the appraisal completed, the appraisal should be submitted to the Land Development Division along with the initial submittal of improvement plans for plan check.

In all situations where an appraisal is considered unacceptable, the subdivider may appeal to the City Council, which will hear the appeal under the same rules and procedures applicable to zoning matters appealed to the City Council.

Is credit available for private park and recreation space?

Credit of up to 50 % of the required dedication may be granted by the City when private park and recreation areas usable for active neighborhood recreational purposes are provided within a subdivision. Request for credit must be received in writing and include enough information to respond to the City Council with findings on the following points:

1. That yards, courtyards, setbacks and other open areas required by zoning or building ordinances and regulations are not included in computation for private open space.
2. That private park and recreation areas are owned and maintained by a Homeowners Association composed of all property owners in the subdivision and which is an incorporated, non-profit organization capable of dissolution only by 100% affirmative vote of the membership.
3. That the use of the private park and recreation area is restricted for park and recreation purposes by recorded covenant which runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the consent of the City.
4. That the proposed park and recreation area is reasonably adaptable for use in neighborhood parks and recreation purposes taking into consideration

such factors as shape, topography, geology, access, location and the provisions of the Active Community portion of the 2005 General Plan.

5. That with the crediting or private park and recreation area, any deficiency created for present or future park needs shall be considered met by the developer, and the City shall have no responsibility to develop a neighborhood park to meet the needs of the residents of the subject subdivision now or in the future.

A request for credit should arrive with the request for approval of an appraiser but will not be accepted later than the time the appraisal was sent in for acceptance.

How is credit calculated for private park and recreation space?

Credit of 25% will be given when private active recreational area includes a minimum of two different City approved amenities designed to aid in meeting the recreation needs of future residents of the area.

Credit of 50% will be given when active recreational area includes a minimum of four different City approved amenities designed to aid in meeting the recreation needs of future residents of the area.

TYPICAL RECREATION AMENITIES	MINIMUM ACREAGE
Children's Play Apparatus Area	0.50
Landscaped Open Space and Quiet Area	0.50
Family Picnic/Barbecue Area	0.25
Hard Surface Court, Sports Courts	0.25
Turfed Sports Field	1.00
Swimming Pool (42' x 75') with adjacent deck and lawn area	0.25
Recreation Center Building	0.15

Is credit available for linear parks?

The Linear Park Network is considered to be a Special Use facility that is not counted towards the park acreage standard and hence no credit can be given for dedication of linear parks. Please refer to City Council Resolution No. 2015-028 for an inventory of City parks. Additionally, City policies require the dedication of land identified as part of the City's Linear Park System in conjunction with new development.