

ORDINANCE NO. 1937

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTER 17.35 (“PARK AND RECREATIONAL LAND”) OF TITLE 17 (“DEVELOPMENT”), OF “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA” TO MAKE MINOR MODIFICATIONS TO THE PARK LAND DEDICATION REQUIREMENT

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on July 15, 2014, the City Council adopted Ordinance No. 1928, adding Chapter 17.35 to Title 17 of the Santa Clara City Code, establishing a park land dedication requirement on new residential development;

WHEREAS, the park land dedication requirement in Chapter 17.35 applies to “single-family dwellings” and “multiple dwellings,” but does not include duplex dwellings;

WHEREAS, the Council now wishes to add duplex dwellings to the types of developments subject to the park land dedication requirement;

WHEREAS, Chapter 17.35 allows residential developers to apply for a credit against the dedication requirement, when the developer provides private open space, if the developer dedicates a minimum of one (1) acre of open space to the City for park purposes; and,

WHEREAS, the Council now wishes to delete the pre-requisite one (1) acre minimum for the credit for private open space within multi-family development projects.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Subsection (e) (“Dwelling Unit Categories”) of Section 17.35.010 (“Definitions”) of Chapter 17.35 (“Park and Recreational Land”) of Title 17 (“Development”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“(e) “Dwelling unit categories” shall mean the following types of dwellings, as they are defined by the

Zoning Ordinance, for which a separate dedication and/or fee requirement is to be set by Council resolution:

- (1) Duplex dwellings and multiple dwellings.
- (2) Single-family dwellings.”

SECTION 2: That the first paragraph of Section 17.35.070 (“Credit for private open space”) of Chapter 17.35 (“Park and Recreational Land”) of Title 17 (“Development”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“Where private open space is to be provided in a proposed residential development, the developer may submit a written request with the project application for a credit against the amount of parkland dedication or the amount of the in-lieu fee thereof. Except as otherwise provided below, as a prerequisite for receiving credit, housing developments of fifty or more units must first dedicate a minimum of one (1.0) acre of public open space to the City for public park purposes. Notwithstanding the foregoing, housing developments consisting solely of multifamily units will be exempt from the one (1.0) acre public open space dedication prerequisite. A maximum credit of fifty percent (50%) of the value of the land devoted to private open space that is eligible for credit may be given against the requirement of land dedication or fees in lieu thereof required by this chapter, if the approving authority finds that it complies with this section and that it is in the public interest to do so. In order to receive such a credit, the approving authority must make findings that the private open space meets the following standards:”

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City

Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 5: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this 13th day of January, 2015, by the following vote:

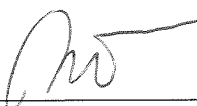
AYES: COUNCILORS: Caserta, Kolstad, Marsalli and Mayor Matthews

NOES: COUNCILORS: Davis, Gillmor and O’Neill

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 24th day of February 2015, by the following vote:


AYES: COUNCILORS: Caserta, Davis, Gillmor, Kolstad, Marsalli, and Mayor Matthews

NOES: COUNCILORS: O’Neill

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None