



## City of Santa Clara

### Residential Development—

### Parkland Dedication, Credits & Fees In-Lieu

#### **Background.**

On July 15, 2014, the City of Santa Clara adopted Ordinance No. 1928 adding Chapter 17.35 (Park and Recreational Land) to Title 17 (Development) of the City Code, that requires new residential developments to provide developed park and recreational land, and/or pay a fee in-lieu thereof pursuant to the California Quimby Act (Quimby) and/or the Mitigation Fee Act (MFA) in order to mitigate the impacts of the new residential growth.

#### **What is the purpose of Chapter 17.35?**

Chapter 17.35 helps the City acquire and develop adequate public parkland to meet the additional demand generated by new residential subdivision and new non-subdivided residential projects. The Quimby Act authorizes the City to impose a parkland dedication requirement, and/or fee in-lieu of parkland dedication, based on 3 acres of parkland per 1,000 residents. Pursuant to the Mitigation Fee Act, for residential developments not involving a subdivision (such as an apartment building), the City will calculate the land dedication requirement, and/or fee in-lieu of parkland dedication, based on the existing City parkland standard, which is 2.53 acres per 1,000 residents.

#### **What developments ARE affected by Chapter 17.35?**

Every person who constructs or causes to be constructed a dwelling unit or dwelling units or who subdivides residential property shall dedicate developed parkland, pay a fee in-lieu thereof, or provide a combination of public parkland and the fee, at the discretion of the City. For projects of 50 parcels/units or fewer, the City may impose an in-lieu fee only.

#### **What developments are NOT affected by Chapter 17.35?**

- Convalescent hospitals and similar dependent care facilities.
- Residence halls on the campus of a college or university.
- Accessory Dwelling Units, as defined by the Zoning Ordinance (18.06.010).
- Commercial or industrial subdivisions that involve no residential component – unless a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four (4) years.

#### **How is the parkland requirement calculated?**

The formula for determining the required acreage to be dedicated is:

- (a) The Average Density standard for the specific Dwelling Unit Category; multiplied by
- (b) The Parkland Dedication Standard; divided by

- (c) 1000 Population; multiplied by
- (d) The Number of dwelling units

Example 1 (a subdivision): The Average Density for a single-family detached dwelling unit is 2.9 persons per household, and the Quimby Parkland Dedication Standard is 3.0 acres per 1000 residents. For a single-family detached unit, the required acreage would be  $2.9 \times 3.0/1000 = 0.0087$  acres per single-family detached unit. If multiplied by 100 Dwelling Units = 0.87 acres of public parkland required for a 100 unit development.

Example 2 (an apartment building): The Average Density for a multi-family detached dwelling is 2.24 persons per household; and the Mitigation Fee Act dedication standard is 2.53 acres per 1000 residents. For a multi-family detached dwelling, the required acreage would be  $2.24 \times 2.53/1000 = .0057$  acres per multi-family detached unit. If multiplied by 100 Dwelling Units = 0.57 acres of public parkland required for a 100 unit development.

### **How are fees in-lieu of parkland dedication calculated?**

When a fee is required to be paid in-lieu of parkland dedication, the fee is based on a “100% cost recovery” formula that uses the value of an acre of land in the particular development’s Zip Code area (95050, 95051, 95054), the amount of land required to be dedicated, improvement value (public park system) and allowable administrative costs. The date of valuation of the property for an in-lieu fee will be the date that the City determines that the developer’s application “is complete.” For fee calculations, refer to the fee schedule attached as Tables “A,” “B,” and “C” at the end of each resolution.

### **When are both parkland dedication AND fees required?**

As discussed above, certain developments require only the payment of a fee. The following developments are subject to a parkland dedication requirement, a fee, or a combination of public parkland and the fee, at the discretion of the City.

- In subdivisions of more than fifty (50) parcels;
- In condominium developments of more than fifty (50) dwelling units;
- In residential developments not involving a subdivision;
- In condominium projects, stock cooperatives, or community apartment projects of fifty (50) parcels or fewer, but containing more than fifty (50) dwelling units;

Note that the sum of the parkland to be dedicated and the amount of in-lieu fees paid shall equal the total amount of parkland otherwise required.

### **How can a project qualify for private open space credits?**

Developers may submit a written request with their project application for calculation of up to 50% credit against the requirement of land dedication and/or fees in-lieu thereof required by the ordinance, provided the City finds that the park space and recreational amenities comply with the specific conditions set forth in Chapter 17.35 of the City Code.

*The City encourages developers to submit preliminary ideas, questions and schematic plans for Parks and Recreation Department review early in the planning process in order to maximize*

*the residential benefits and uses of private open space to find acceptable ways to meet requirements for credit approval.*

To qualify for credit, the private open space in a new development must contain at least four (4) of the following eight (8) elements:

- (1) One-half (0.50) acre of play field;
- (2) Children's play apparatus;
- (3) Landscaped and furnished, park-like quiet area;
- (4) Recreational community gardens;
- (5) Family picnic area;
- (6) Game, fitness or sport court area;
- (7) Accessible swimming pool (minimum size 42' × 75') with adjacent deck and lawn areas;
- (8) Recreation center buildings and grounds.

The combined area of the elements above must equal a minimum of three quarters (0.75) acres. The calculation of private open space shall not include features required to be included by zoning and building codes and other applicable laws, including but not limited to yards, court areas, setbacks, decorative landscape areas required with residential design and other open areas. The private open space shall be devoted to Active Recreational Uses. The space shall be reasonably adapted for use for recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location. Facilities proposed for the open space shall be in substantial compliance with the provisions of the Parks, Open Space, and Recreation Goals and Policies of the General Plan. The developer shall supply a covenant to maintain the private open space to the City Attorney prior to approval of the final subdivision map for review and approval.

Housing developments in which 100% of the units are affordable to low- and/or moderate-income households, and housing developments for senior citizens authorized by the California Civil Code or the Federal Fair Housing Amendments Act, are eligible for up to an additional 15% credit toward the parkland dedication requirement or fees in-lieu thereof.

**When do these parkland dedication and fee requirements apply?**

Every person who constructs or causes to be constructed a dwelling unit or dwelling units or who subdivides residential property shall dedicate developed parkland, pay a fee in-lieu thereof, or provide a combination of public parkland and the fee, at the discretion of the City. For projects of 50 parcels/units or fewer, the City may impose an in-lieu fee only.

**Where can I find more detailed information?**

The City's parkland dedication requirements are under Title 17 Development in the Santa Clara City Code. Click [here](#) to read Chapter 17.35. Click [here](#) to view the Fee Schedules which are attached at the end of each resolution.