10-1.1400 Purpose.

This section is enacted pursuant to the authority granted by Section 66477 of the Government Code of the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee in lieu thereof is required by this article are in accordance with the Recreation Policies of the Redondo Beach General Plan.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

10-1.1402 Requirements.

At the time of approval of the tentative map or parcel map, the City shall determine pursuant to Section 10-1.1408 of this article the land required for dedication or amount of in-lieu fee. As a condition of approval of a final map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or a combination of both, for neighborhood and community park or recreational purposes at the time and according to the standards and formula contained in this Article.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

10-1.1404 General standard.

It is hereby found and determined that the public interest, convenience, health, welfare, and safety require that three (3) acres of property for each 1,000 persons residing within this city be devoted to neighborhood and community park and recreational purposes.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

10-1.1406 Formula for dedication of land.

(a) Where a park or recreation facility has been designated in the Recreation and Parks Element of the Redondo Beach General Plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following formulas:

(1) The formula for determining acreage to be dedicated shall be as follows:

\[
\text{Average No. of Persons Per Unit} \times \frac{\text{Park Acreage Standard (from Section 10-1.1404)}}{\text{Per 1,000 Population}} = \text{Minimum Acreage Dedication}
\]

Example for single-family dwelling unit (DU):

\[
2.58 \times 3/1,000 = .0077 \text{ Acres/DU}
\]

(2) The following table of population density has been established pursuant to Government Code Section 66477(b):
### Park Land Dedication Formula Table

<table>
<thead>
<tr>
<th>Types of Dwellings</th>
<th>Average Density/DU*</th>
<th>Acreage/DU (3 acre std.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached</td>
<td>2.58</td>
<td>.0077</td>
</tr>
<tr>
<td>Single-family attached (condominium)</td>
<td>2.31</td>
<td>.0069</td>
</tr>
<tr>
<td>Duplex</td>
<td>2.15</td>
<td>.0064</td>
</tr>
<tr>
<td>Mobile homes</td>
<td>2.07</td>
<td>.0062</td>
</tr>
</tbody>
</table>

*From 2000 Federal Census

(b) Dedication of the land shall be made in accordance with the procedures contained in Section 10-1.1418 of this article.

(c) For the purpose of determining the amount of land or in-lieu fee required by this article, the number of new dwelling units shall be based upon the number of parcels indicated on the map when in an area zoned for one dwelling unit per parcel. When all or part of the subdivision is located in an area zoned for more than one dwelling unit per parcel, the number of proposed dwelling units in the area so zoned shall equal the maximum allowed under that zone. In the case of a condominium project, the number of new dwelling units shall be the number of condominium units. The term “new dwelling unit” does not include dwelling units lawfully in place prior to the date on which the parcel or final map is filed.

(d) The subdivider shall, without credit:

1. Provide its fair share of street improvements and utility connections and upgrades including, but not limited to, curbs, gutters, street paving, traffic control devices, street trees, and sidewalks to land which is dedicated pursuant to this article.

2. Provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land.

3. Provide improved drainage through the site.

4. Provide other minimal improvements including, but not limited to removal of debris, clearing of the site, and temporary hydroseeding which the City determines to be essential to the acceptance of the land for recreational purposes.

(e) The location, size and configuration of the land to be dedicated and the improvements to be made pursuant to this Article shall be approved by the City.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

### 10-1.1408 Formula for fees in lieu of land dedication.

(a) **General Formula.** If there is no park or recreation facility designated in the Recreation and Parks Element of the Redondo Beach General Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicated land, pay a fee as determined in Section 10-1.1410. The value of the land shall be determined in accordance with the provisions of Section 10-1.1410 of this article. Such fees shall be used for a local park which bears a reasonable relationship to serve the present and future residents of the area being subdivided.

(b) **Fees In Lieu of Land: Fifty Parcels or Less.** If the proposed subdivision contains fifty (50) parcels or less, the subdivider shall pay a fee and in an amount determined in accordance with the provisions of Section 10-1.1410 of this article.

However, nothing in this article shall prohibit the dedication and acceptance of land for park and recreation purposes in subdivisions of fifty (50) parcels or less, where the subdivider proposes such dedication voluntarily and the...
land is acceptable to the City.

(c) **Use of Money.** The money collected hereunder shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park or recreation facilities reasonably related to serving the subdivision.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

**10-1.1410 Amount of fee in lieu of land dedication.**

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be the lesser of: (1) the Quimby fee cap established by resolution of the City Council; or (2) the fee determined by formula incorporating the average fair market value of the amount of land which would otherwise be required for dedication pursuant to Section 10-1.1406. Formula is as follows:

\[
\text{DUs} \times \frac{\text{POP}}{\text{DU}} \times \frac{3 \text{ Acres}}{1,000 \text{ Persons}} \times \frac{\text{FMV}}{\text{Buildable Acre}} = \text{In Lieu Fee}
\]

Where:

DUs = Number of dwelling units as defined in Section 10-1.1406(c).

POP/DU = Population per dwelling unit.

FMV/Buildable Acre = Fair market value for a typical acre located in other than an area on which building is excluded because of flooding, easements, or other restrictions.

Fees to be collected pursuant to this article shall be approved by the City.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

**10-1.1412 Determination of fair market value.**

(a) City shall determine an average, citywide, per acre fair market value using real estate appraisals, assessor data, and/or other real estate data.

(b) A subdivider that objects to the capped fee or the determined fair market value of land may appeal to the City Council. The subdivider shall have the burden of proof.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

**10-1.1414 Determination of land or fee.**

(a) Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

1. The natural features, access, and location of land in the subdivision available for dedication;
2. The size and shape of the subdivision and land available for dedication;
3. The feasibility of dedication;
4. The compatibility of dedication with the Redondo Beach General Plan; and,
5. The location of existing and proposed park sites and trailways.

(b) The City’s determination as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be appealable to the City Council.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)
10-1.1416 Credit for private recreation facility.

No credit shall be given for private recreation facilities or open space in the subdivision except as hereinafter provided. Where private facilities usable for active recreational purposes are provided in a proposed planned development, real estate development, or stock cooperative, as defined in Sections 11003 et seq. of the Business and Professions Code, or condominiums, as defined in Section 783 of the Civil Code, partial credit, not to exceed fifty (50) percent, may be given against the requirement of land dedication or payment of fees in lieu thereof if the City finds that it is in the public interest to do so and that the following standards are met:

(a) Yards adjacent to each residential unit, setbacks, and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; and

(b) Private park and recreation facilities shall be owned by a homeowners’ association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a 100 percent affirmative vote of the membership, operated under recorded land agreements through which each parcel owner in the subdivision is automatically a member, and each parcel is subject to a charge for a proportionate share of expenses for maintaining the facilities, or subject to a covenant running with the land requiring continued operation by the developer or owner; and

(c) Use of the private open space is restricted for park and recreation purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the city or its successor; and

(d) The proposed private open space is reasonably adaptable for use for park and recreation purposes, including recreational community gardening, children’s play apparatus areas, picnic areas, hiking, jogging, and bicycle trails and paths, or landscaped exercise areas, taking into consideration such factors as size, shape, topography, geology, access, and location; and

(e) Facilities proposed are in substantial accordance with the provisions of the Recreation and Parks Element of the Redondo Beach General Plan; and

(f) The private facilities for which credit is given generally provide the local park basic elements listed below, or a combination of such and other recreation improvements that will meet the specific recreation needs of future residents of the area;

(1) Recreational areas, which are generally defined as park areas for active recreation pursuits such as soccer, golf, baseball, softball, and football, and have at least one acre of maintained turf with less than five (5) percent slope, exclusive of areas for trees and surface drainage features.

(2) Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar areas especially designed and exclusively used for court games.

(3) Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, spas, or both. They must also include decks, lawned area, bathhouses, or other facilities developed and used exclusively for swimming and diving and typically consisting of 450 square feet of water surface area for each 1,000 population of the subdivision with a minimum of 800 square feet of water surface area per pool together with an adjacent deck and/or lawn area twice that of the pool.

(4) Children’s play facilities such as slides, swings, climbing structures, and sandboxes.

(5) Recreation buildings and facilities designed and primarily used for the recreational needs of residents of the development.

(6) Trails, outdoor fitness stations, pedestrian paths, bicycle paths and similar paths.

(g) The determination of the City as to whether credit shall be given and the amount of credit shall be appealable.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)
(a) At the time of approval of the tentative map or parcel map for which a tentative map is not required, the City shall determine pursuant to Section 10-1.1408 of this article the land required for dedication. If the City requires in-lieu fee payment by the subdivider, the amount of the in-lieu fee will be based upon the fee cap or land required for dedications as determined by Section 10-1.1408.

(b) At the time of the filing of the final subdivision map or parcel map, the subdivider shall dedicate the land as required by the tentative map or parcel map approval.

Where the tentative map requires that fees shall be paid in lieu of or in combination with the dedication of land, the amount of the in-lieu fee shall be based on the fee cap or land dedication requirements as established at the time of tentative map approval and the value per buildable acre established by Section 10-1.1410 or 10-1.1412 at the time the final map is filed.

(c) The subdivider shall pay one-half of the fees prior to recordation of the final map and the remaining one-half shall be paid on a lot-by-lot basis and prior to the issuance of any building permit for any building or structure to be located upon any one of the lots in the subdivision, until all required fees have been paid.

(d) Open space covenants for private park or recreation facilities shall be submitted for the city prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map or parcel map.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

10-1.1420 Disposition of fees.

Fees determined pursuant to Section 10-1.1410 or 10-1.1412 shall be paid to the City Treasurer and shall be deposited into the Subdivision Park Trust Fund, or its successor. The proceeds in said fund shall be expended solely for acquisition, development, or rehabilitation of park land, or improvements related thereto.

Collected fees shall be appropriated by the City to serve residents of the subdivision in a budgetary year within five (5) years upon receipt of payment or within five (5) years after the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later.

If such fees are not committed, these fees, less an administrative charge, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

The City Treasurer shall report to the City Council at least annually on income, expenditures, and status of the subdivision park trust fund.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

10-1.1422 Exemptions.

(a) Subdivisions containing less than five (5) parcels and not used in whole or in part for residential purposes shall be exempted from the requirements of this article; provided, however, that a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

(b) The provisions of this article do not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old from the date of certificate of occupancy when no new dwelling units are added.

(c) The City may, upon receipt of a written request, reduce or waive the requirements of this article for those dwelling units which are to be built as below market rate (BMR) units or senior housing units as defined by the Redondo Beach General Plan.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

10-1.1424 Subdivider provided park and recreation improvements.
The value of park and recreation improvements provided by the subdivider to the dedicated land shall be credited against the fees or dedication of land required by this article. The Directors of the Recreation and Parks Department and the Public Works Department reserve the right to approve such improvements prior to agreeing to accept the dedication of land and to require in-lieu fee payments should the land and improvements be unacceptable.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

**10-1.1426 Agency to accept land and fees.**

Land or fees required under this Article shall be conveyed or paid directly to the local public agency which provides park and recreational services on a community-wide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. At the time of tentative map approval, the City shall determine whether the City, County or other public agency is the appropriate local agency. The City, county, or other local public agency to which the land or fees are conveyed or paid shall develop a schedule pursuant to Section 66477 of the Government Code specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve residents of the subdivision.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

**10-1.1428 Access.**

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the City Council if the City Council determines that public street access is unnecessary for the maintenance of the park area or use thereof by residents.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

**10-1.1430 Sale of dedicated land.**

If during the ensuing time between dedication of land for park purposes and commencement of first-stage development, circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or a change in school location), the land may be sold upon the approval of the City Council with the resultant funds being used for purchase of a more suitable site. If the City determines to dispose of the property, the subdivider or his successor shall have a right of first refusal to purchase the property at fair market value.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

**10-1.1432 Development agreements.**

Except as expressly prohibited by Section 66477 of the California Government Code, the terms and procedures of this article may be waived or modified by development agreement adopted pursuant to Section 65864 et seq. of the California Government Code.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)

**10-1.1434 Effective date.**

The requirements of this article shall apply to all tentative maps approved on or after thirty (30) days from the effective date of the ordinance codified in this article.

(§ 1, Ord. 2939 c.s., eff. October 7, 2004)