

Center Copy
Verbal
Submitted by
Ray Davis
1-3-05

BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In the Matter of:

Amending Sections 7-6211,)
7-6222, and 7-6256 of the)
Park Dedication Ordinance)
_____)

ORDINANCE NO. 88-4

The City Council of the City of Orinda DOES ORDAIN as follows:

SECTION 1. Section 7-6211 of the Orinda Municipal Code is amended to read as follows:

"Section 7-6211. Single Parcel Development.

A person shall dedicate land, pay a fee in lieu thereof, or do a combination of both for park trail or recreational purposes as a condition of approval for a permit to build (1) a residential structure (including but not limited to a multiple-family structure or mobile home) or (2) an addition to a residential structure (including the conversion of a garage or other structures to habitable living area) if the new construction, remodeling or alteration adds 100 square feet or more of habitable floor area."

SECTION 2. Subsections (a) and (b) of Section 7-6222 are amended to read as follows:

Section 7-6222. Standards and Formula For Fees in Lieu of Land Dedication.

- (a) General Formula. When a fee is to be paid in lieu of land dedication, the fee shall be equal to the value of the land prescribed for dedication in Section 7-6221 and in an amount determined in accordance with subsection (b) below.

The fee for an addition to the habitable area of a residential structure is \$.59 for each square foot added, the total not to exceed the fee required for a new unit. The City Council may review and adjust this amount by resolution.

- (b) Amount of Fee. When a fee is to be paid in lieu of parkland dedication, the amount of the fee shall be determined at the time of final map approval or building permit issuance, whichever is the time of fee collection, and shall be based upon the fair market

value of the amount of land which would otherwise be required for dedication under Section 7-6221 plus 20% costs of improvements (such as those specified in Section 7-6221(d)). The fair market value established (as of 1988) for assessing an in lieu park dedication fee is \$159,000 per buildable acre. The City Council shall review and adjust by resolution the value annually based on recent sales within and nearby the City and on other reliable sources the City may choose. For the purpose of such review and adjustment, the City may consider the results of an appraisal report on the value of property or the County Assessor's report of assessed value within the City or other reliable sources.

Following the above example:

.0145 acres x \$159,000/buildable acre = \$2,305.00
(based upon the above value as of the date of adoption of this ordinance).

. . . . "

SECTION 3. Section 7-6256 is amended to read as follows:

"Section 7-6256. Exemptions.

- (a) A permit to rebuild a dwelling unit damaged or destroyed by act of God, fire, or other natural disaster, is exempt from this chapter if the permit to rebuild is applied for by the owner within one year of the damage or destruction caused by the natural disaster. If the habitable area of the new unit exceeds that of the unit destroyed or damaged, then the owner shall pay the fee as if the increased area were an addition.
- (b) This chapter does not apply to subdivisions containing less than five parcels and not used for residential purposes.

However, the City shall place the following condition on the parcel map approval of such a subdivision:

If, within four years, a building permit is requested for construction of a residential structure on one or more of the parcels, the owner of each such parcel is required to comply with this chapter before the permit is issued.

- (c) This chapter does not apply to commercial or industrial subdivisions; nor does it apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building if that building is more than 5 years old and no new dwelling units are added.
- (d) No fee or land dedication is required on a parcel for which park dedication requirements have previously been met, unless the owner proposes to add habitable floor area to an existing dwelling unit."

SECTION 4. Effective Date. This ordinance becomes effective 60 days after adoption.

SECTION 5. Publication. The City Clerk shall either a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after adoption.

The foregoing ordinance was introduced at a meeting of the City Council held on May 24, 1988, and was adopted and ordered published at a meeting of the City Council held on June 14, 1988, by the following vote:

AYES:	COUNCILMEMBERS:	Harb, Heggie, Landers, Dabel
NOES:	COUNCILMEMBERS:	Guidotti
ABSENT:	COUNCILMEMBERS:	None



William J. Dabel, Mayor

ATTEST:



Thomas C. Sinclair, City Clerk

VI. **DEVELOPMENT IMPACT FEES:** Effective May 1, 2004

PARK DEDICATION FEE	CURRENT FEE
Single-family detached	\$ 5,033
Single-family attached or townhouse	3,714
Multiple-family duplex, condominium	3,783/unit
Habitable Additions: 100 sq. ft. or more Not to exceed:	1.68 per sq. ft. 5,033

TRANSPORTATION IMPACT FEE	CURRENT FEE
Single-family	
Regional	\$ 917
Local	3,462
Multiple-family or second unit	
Regional	577
Local	2,153
Non-residential	
Regional	.39/sq. ft.
Local	1.46 sq. ft.
College/University (per student)	
Regional	218
Local	823
Peak Hour Trip	
Regional	911
Local	3,425
Habitable Additions: (Local)	
100 sq. ft. or more	1.54 / sq. ft.
Not to exceed:	3,462

DRAINAGE IMPACT FEE	CURRENT FEE
Impervious Surface of New Development	\$.90 sq. ft.

Title 16 SUBDIVISIONS

Chapter 16.76 PARK DEDICATIONS

16.76.010 Enactment authority.

This chapter is enacted pursuant to the authority granted by Government Code Section 66477 and the Constitution of the state. (CCCC § 920-2.002)