

**ATTACHMENT C**

**ORDINANCE NO. \_\_\_\_\_ (CM)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AMENDING CHAPTER 6 OF TITLE 13 OF THE WATSONVILLE MUNICIPAL CODE BY REPEALING ARTICLE 2 (PARKLAND DEDICATIONS AND PAYMENT OF IN-LIEU FEES) IN ITS ENTIRETY AND REPLACING WITH A NEW ARTICLE 2 ENTITLED QUIMBY PARK LAND DEDICATION AND FEES IN LIEU)**

**WHEREAS**, Government Code Section 66477 (also known as the "Quimby Act") authorizes the legislative body of a city to, by ordinance, require the dedication of land or payment of fees in lieu thereof ("Quimby Fees"), or a combination of both, for park and recreational purposes as a condition to the approval of any tentative map; and

**WHEREAS**, the Act provides that, prior to adoption of such an ordinance, the City Council must have adopted a general plan or specific plan containing policies and standards for parks and recreational facilities, and the park and recreational facilities are in accordance with definite principles and standards; and

**WHEREAS**, in furtherance of the Parks and Recreation Element of the City's 2005 General Plan, the Watsonville Parks and Recreation Master Plan was prepared, which Plan contains policies and standards for parks and recreation facilities; and

**WHEREAS**, pursuant to Section 15168(c)(2) of Title 14 of the California Code of Regulations, the adoption of this ordinance does not require additional review under the California Environmental Quality Act, Public Resources Code Section 21000 et seq. ("CEQA") because the proposed amendments to the Municipal Code are within the scope of the project covered by the Environmental Impact Report for the City's General Plan (State Clearinghouse No. 2012071033); and

Reso No. \_\_\_\_ (CM)

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MDH \_\_\_\_\_ CDD \_\_\_\_\_

**WHEREAS**, on March 1, 2022, the Planning Commission held a duly noticed public hearing to receive public testimony on the proposed Ordinance to appraise all relevant information pertaining thereto, and after considering all relevant public testimony as well as all materials in the staff report and accompanying documents, the Planning Commission recommended to the City Council approval of Resolution No. \_\_\_\_\_ (PC) and recommended that the Council find that Ordinance No. \_\_\_\_\_ does not require further environmental review under CEQA; and

**WHEREAS**, the Parks and Recreation Commission reviewed this proposed Ordinance at its regular meeting on March 7, 2022, and after considering all relevant public testimony as well as all materials in the staff report and accompanying documents, the Parks and Recreation Commission recommended to the Planning Commission and the City Council approval of Ordinance. No. \_\_\_\_\_.

**WHEREAS**, on March 8, 2022, the City Council held a duly noticed public hearing to receive public testimony on Ordinance No. \_\_\_\_\_ and to appraise all relevant information pertaining thereto, and considered all public testimony as well as all materials in the staff report and accompanying documents.

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**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE,  
CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. ENACTMENT.**

Chapter 6 (Dedications and Reservations) of Title 13 (Subdivisions and Maps) of the Watsonville Municipal Code is hereby amended by repealing Article 2 (Parkland Dedications and Payment of In-Lieu Fees) in its entirety and adding a new Article 2 entitled Quimby Park Land Dedication and Fees in Lieu to read in words and figures as follows:

**TITLE 13 SUBDIVISIONS AND MAPS**

**CHAPTER 6 DEDICATIONS AND RESERVATIONS**

**ARTICLE 2. QUIMBY PARK LAND DEDICATION OR FEES IN LIEU**

**Sec. 13-6.01 Findings and purpose.**

The City Council hereby finds that development of residential subdivisions have a significant effect on the use and availability of park and recreation space and facilities, and that the limited open space and recreation amenities provided by these residential developments are insufficient to meet the needs of the residents for open space and recreational facilities. The intent of this chapter is to require that such developments contribute their fair share toward the purchase, development and/or improvement of park

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and recreational facilities. The provisions of this chapter are enacted pursuant to the Charter, the open space section of the environmental management chapter of the general plan and the park and open space plan of the city as well as Sections 66477 and 66479 of the Government Code of the State of California, as may be applicable.

**Sec. 13-6.02 Definitions.**

As used in this chapter:

(a) "Affordable housing" for purposes of this chapter shall mean housing which costs a very low-, low- or moderate-income household no more than approximately thirty (30) percent of its gross monthly income as defined in 14-46.030 of the City Code.

(b) "City Code" shall mean the Watsonville Municipal Code.

(c) "Historic resource" is as defined in Section 5020.1 of the California Public Resources Code."

(d) "Land dedication," "dedicate land" or "land to be dedicated" and other such references to land dedicated pursuant to this chapter shall mean, for purposes of this chapter, land dedicated to the city in fee simple ownership.

(e) "Privately owned/publicly accessible open space" (POPA) shall mean a parcel of private land made accessible to the public that meets the requirements set forth in 14-16.1900-1903 of the City Code.

(f) "Subdivider" shall mean a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision.

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(g) "Subdivision" shall mean the same as defined in Section 66424 of the California Government Code.

(h) "Subdivision map" shall mean any map filed pursuant to any proceedings for subdivision as defined in Title 13 of this City Code.

**Sec. 13-6.03 Reserved.**

**Sec. 13-6.07 Requirements for residential subdivisions.**

As a condition of approval of any final subdivision map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes according to the following standards:

(a) Dedication of sites. Where a park or recreational facility has been designated in the parks and recreation section of the open space section of the environmental management chapter of the general plan, a precise plan or the park and open space plan of the city, and the park or facility 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 be required to dedicate land for park and recreational facilities sufficient in size to serve the residents of the subdivision area. The parkland to be so dedicated shall conform to locations and standards set forth in the general plan, a precise plan, if applicable, and the park and open space plan of the city. The slope, topography and geology of the site, as well as its surroundings, must be suitable for the intended park or recreation purpose. The amount of land to be provided shall be determined pursuant to the standards set forth in 13-6.09 of this chapter establishing the formula for land dedication or for payment of fees in lieu thereof.

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(b) If parkland is dedicated in accordance with this section, the development standards for a project, as set forth in Title 8 of the Watsonville Municipal Code or an adopted precise plan or master plan, shall be calculated to include the dedicated parkland for floor area, lot size and density.

(c) Fees in lieu of land dedication. If there is no park or recreational facility designated or required in whole or in part within a proposed subdivision which meets the requirements set forth herein, the subdivider shall be required to pay a fee in lieu of land dedication equal to the value of the land that would otherwise be dedicated as determined by 13-6.09 of this chapter.

A fee in lieu of land dedication hereunder shall be required when:

(1) A subdivider is subdividing land on which no park is shown or proposed in the general plan, a precise plan or the park and open space plan; or

(2) When dedication is impossible, impractical or undesirable as determined by the City as appropriate; or

(3) When the proposed subdivision contains fifty (50) parcels of land or less.

(d) Dedication and fees required. In certain subdivisions in excess of fifty (50) parcels of land, a combination of land dedication and fee payment may be required. These shall be subdivisions in which:

(1) Only a portion of the land to be subdivided is proposed in the general plan, a precise plan, or the park and open space plan as the location for a park or recreational facility, in which case that land, or a portion thereof within the subdivision, shall be dedicated for park purposes, and a fee shall then be required

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in lieu of any additional land that would have been required to be dedicated under this chapter; or

(2) A major part of the park or recreation site falling within the subdivision has already been acquired, and only a small portion of land is needed from the subdivider to complete the park or recreation site, in which case the land needed shall be required for dedication, and a fee shall then be required in lieu of the additional land that would have been required to be dedicated under this chapter.

(e) Use of and basis for in-lieu fees. The fees collected pursuant to this chapter are to be used only for the purpose of providing park or recreational facilities to the fullest extent permissible under Sections 66477 and 66479 of the Government Code of the State of California.

**Sec. 13-6.08 Land requirement.**

The public interest, convenience, health, welfare and safety require that three (3) acres of property for each one thousand (1,000) persons residing within the city be devoted to public parks and recreational facilities.

**Sec. 13-6.09 Density formula.**

In calculating dedication and in-lieu fee requirements under this chapter, the following table, derived from the density assumptions of the general plan, shall apply:

Table 13-6.09 Density Formula			
Dwelling Unit Size in Sq Ft	Acres per Capita	Population per Unit	Acres per Unit
<600	0.003	1.32	0.0040
600-900	0.003	2.31	0.0069
>900-1,200	0.003	3.28	0.0098
>1,200-2,100	0.003	4.15	0.0124
>2,100-2,500	0.003	4.59	0.0138

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>2,500	0.003	4.96	0.0149
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**Sec. 13-6.10 Procedure.**

The public works director, zoning administrator, subdivision committee or City Council, as appropriate, shall, upon approving a residential development or subdivision map, determine the conditions necessary to comply with the requirements for park land dedication or fees in lieu thereof as set forth in this chapter, and said conditions shall be attached as conditions of approval. The establishment of said conditions for projects other than a subdivision map shall comply with Government Code Section 66001.

**Sec. 13-6.11. Calculation of fair market value.**

(a) The “fair market value” shall be based on an appraisal of vacant residential land within the City completed no more than 60 days prior to the project application and submitted by the applicant concurrently with the project application. The appraisal shall be obtained at the applicant’s sole cost and expense and prepared by an appropriately licensed and qualified appraiser approved by the City.

(b) The city shall determine the parkland dedication requirement within the adopted range of fair market values set forth in the appraisal for the applicable density of the project at the time a formal application for a residential development is submitted. Nothing shall preclude the City from recalculating the parkland dedication requirement based on modifications to the application or any preexisting site or development conditions.

(c) If a residential development application is resubmitted more than sixty (60) days after the original submittal with modifications that results in a change in the project's



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dwelling density category per Table 13-6.09, then the applicant must obtain and submit a then current update to the appraisal submitted pursuant to subparagraph “a,” above.

**Sec. 13-6.12. Calculation of requirement.**

For the purpose of the formula established by this section, the following definition shall apply:

"A" equals the parkland dedication acreage required per dwelling unit within the proposed residential subdivision for park and recreational facilities as set forth herein.

"B" equals the number of new dwelling units in the proposed residential development.

"C" equals the fair market value per acre of land in the proposed residential development.

"F" equals the in-lieu fee required.

"L" equals the land required for dedication.

The following formula shall be used in calculating the land required for dedication under this chapter, in acres:

$$A \times B = L$$

The following formula shall be used in calculating the in-lieu fees required to be paid under this chapter:

$$A \times B \times C = F$$

**Sec. 13-6.13. Credit.**

Privately owned/publicly accessible (POPA) open space credit.

- (a) Credit amount. Privately owned/publicly accessible (POPA) open space proposed in a residential or mixed-use residential development that meets

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the eligibility requirements set forth herein may receive a credit up to seventy-five (75) percent of the value of the land devoted to the POPA open space against the land dedication or fees in-lieu thereof required by this chapter.

(b) Eligibility criteria. To be eligible for POPA open space credit, the POPA open space must meet either the general requirements set forth in subsection (a) or the alternate proposal requirements set forth in subsection (b).

(c) General requirements.

- (1) A minimum size of 0.4 acre or, if the residential development is located within a precise plan or master plan with identified open space, the minimum size of the identified open space in the precise plan or master plan.
- (2) The space shall conform with the provisions of the parks, open space and community facilities chapter of the general plan and provisions of the parks and open space plan.
- (3) The POPA open space shall be located with frontage of a public street(s) or with a prominent and highly visible entrance and, in all cases, have minimum dimensions of one hundred (100) feet on all sides.
- (4) The POPA open space complies with the city's guidelines for hydration stations and restroom buildings in city parks.
- (5) The POPA open space will include a sign(s) with notification of the area as public open space and posted hours, name and contact information for maintenance. The sign shall be reviewed and approved through a sign permit pursuant to Chapter 8-6 of the City Code.

(6 **Required elements.** The entirety of the POPA open space shall consist of any combination of elements, but not less than one (1) element, meeting the minimum requirements as defined in Table 13-6.13?. The selected elements must be supported by the required analyses as set forth in subsection d.2.(b), Process.

Table 13-6.13 Open Space Credit Elements	
Element	Minimum Requirements
Open, usable field	Must be level, with proper irrigation and water amenities to support active field recreation. Minimum total area of 0.3 acre with a minimum dimension of sixty (60) feet on all sides of the element.
Dog park	Have separate areas for large dogs and small dogs. Adequate amenities such as bag dispensers and dog-friendly hydration stations. Minimum total area of 0.25 acre for the dog park with a minimum dimension of sixty (60) feet on all sides of the element.
Game courts	Must contain at least one (1) full game court that meets the standards of the professional association for the type of activity proposed.
Playgrounds	Must have at least two (2) structures (climbable apparatus): one (1) for tots (ages two (2) to five (5)) and one (1) for youth (ages five (5) to twelve (12)) populations.
Picnic area	Must be able to sit at least fifteen (15) individuals and have one (1) barbecue for every two (2) tables. Must be distinguishable from other elements in the open space.
Exercise area	Must be able to support ten (10) people using equipment at the same time and include ADA-accessible equipment.
Park trail	Must be a designated, multi-use, class 1 trail as listed in the Caltrans Highway Design Manual—Bikeway Designations for the entire length of the proposed trail. The trail must provide a clear and direct path, with appropriate signage, through the project site, connecting any of the following: <ul style="list-style-type: none"> <li>• Existing or planned public facilities (e.g., public buildings, transit stops and centers, schools, parks, etc.).</li> <li>• Expand, or allow for future expansion of, the existing city park trail network. Provides more than a public trailhead or crossing.</li> <li>• A new connection that expands an identified network in the city's bicycle transportation and pedestrian master plans to a major public facility or major public street, or significantly reduces the time or length of travel by providing an alternative connection from an identified</li> </ul>

Table 13-6.13 Open Space Credit Elements	
	network in the adopted bicycle transportation and pedestrian master plans.
Maintained natural habitat space	<ul style="list-style-type: none"> <li>• The element must be planted (existing or new) to provide an estimated sixty-five (65) percent to seventy-five (75) percent tree canopy coverage within five (5) years of construction completion.</li> <li>• All foliage and plants should be California native species or approved by the forestry and roadways manager.</li> <li>• Area must provide seating for a minimum of ten (10) people.</li> <li>• Area shall be landscaped and maintained to be traversed by all population demographics.</li> <li>• If applicable, include informational or educational signage about native landscape and plants within the element.</li> </ul>
Alternate element	<ul style="list-style-type: none"> <li>• An applicant may submit a request to include one (1) alternate element in the POPA open space not listed in this Table 13-6.11.</li> <li>• Must similarly serve the public as the elements set forth in this Table 13-6.11.</li> </ul>

**(7) Exclusion from credit.**

- i. Yards, court areas, setbacks, decorative landscape areas, bike and pedestrian paths, and other open areas required with residential site design by a precise plan, master plan or zoning code shall be excluded from the credit computation of POPA open space.
  - ii. Irregularly shaped land with limited utility, accessibility or topographic conditions that are unsuitable for elements described in Table 13-6.13 shall not be eligible for credit.
- (d) **Alternate proposals.** An alternate proposal is a unique, high-quality open space proposal that may not otherwise be achieved through the general requirements in subsection (a).

An applicant may be eligible for a POPA open space credit if greater than one (1) acre of single, contiguous land is provided and the POPA open space:

- (1) Serves a diverse park user population; and
- (2) Provides design benefits greater than the general requirements set forth in subsection (a).

Term and maintenance. All POPA open spaces shall be maintained as set forth in this section.

- (a) The POPA open space shall be publicly accessible during the operating hours of city parks.
- (b) The POPA open space shall be wholly owned and maintained by the property owner(s), homeowner association(s) or some combination thereof of the residential development awarded the credit.

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- (c) The right of the public to access and use the open space shall be recorded against the property by an easement, covenant or restrictions subject to review and approval by the city attorney, and such right shall run with the land in perpetuity.
  - (d) The property owner shall enter into an agreement with the city in conjunction with, or as part of, the easement, covenant or restrictions to identify maintenance responsibilities, procedures for future modifications or upgrades to the POPA open space and violation and/or penalties for noncompliance subject to review and approval by the city attorney. The agreement shall indemnify the city for use of the POPA open space by the public.
  - (e) Any future redevelopment of a project site granted a POPA open space credit shall submit a formal development application and be required to provide the minimum acreage of the POPA open space as originally credited. The POPA open space shall be subject to compliance with the requirements of this chapter in place at the time of application submission.

Historic resource. Where a historic resource is preserved or rehabilitated as part of a residential development, a credit may be given against the requirement of land dedication or fees in lieu thereof due on the residential development, required by this chapter, up to a maximum of fifty (50) percent of the value of the land dedication or fees in lieu thereof required by this chapter. This section may also apply to the relocation of a historic resource provided it is preserved or rehabilitated in conjunction with the relocation. The developer, as part of the application for a credit, shall file an application for a historic preservation permit pursuant to Section 8-13.04 et seq. of the City Code. Credit may be awarded pursuant to subsections d. and e. of this section when it is in the public interest to do so.

Process.

- (a) To request a credit pursuant to this section, the applicant shall submit a written request specifying the credit being [sought] at time of a formal development application submittal, which shall include a description of how the request meets the credit requirements in this chapter. Each request for a credit shall also include the information required under subsections (2), (3) or (4) as applicable.

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- (b) For the POPA open space credit, the applicant shall also submit the following with a formal development application:
    - 1) Dimensional site, design and landscaping plans that detail the proposed POPA open space and elements; and
    - (2) **Analyses.**
      - (3) A demographic analysis of the area within one (1) mile of the proposed POPA open space (measured from the project site boundary), including the target demographics of the new residential development.
      - (4) An analysis of the elements at the closest public parks and/or POPA open spaces within one (1) mile of the project site, up to a maximum of five (5) parks and/or POPA open spaces.
    - (5) For the historic resource credit, the applicant shall also submit with a formal development application an itemized cost estimate of planned rehabilitation or relocation costs for the historic resource.

**Approval.**

- (a). POPA open space and historic resource credits may be awarded by the city council with written findings that the applicable requirements are met.
- (b) The affordable housing credit may be awarded when the public works director, community development director, community services director, subdivision committee or city council, as appropriate to the development application, makes written findings that the applicable requirements are met.

**Sec. 13-6.14. Exclusions.**

(a) Nothing in this Chapter shall be construed to limit the city's power to require fees or land dedication for park or recreation purposes as a condition of approval of a tentative map or preliminary parcel map pursuant to the Subdivision Map Act of the State of California or Chapter 6 of the City Code; nor shall they apply to the repair of damages caused by natural disasters such as earthquakes, floods or fires as determined by the city; nor shall they apply to the construction of any nonresidential buildings or structures; nor shall they apply to any unit for which the park and recreation fee had been paid based on the then existing and established fee density formula; nor shall they apply to an existing building that is altered or expanded where no additional residential units are created and where the use is not changed; nor shall they apply to the first single-family dwelling unit

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in a single-family residential district (R1) as described in Section 14-16.200 of the City Code; nor shall they apply to single room occupancy (SRO) living unit facilities as defined in Section 14-18.708 of the City Code.

(b) The requirements established by Article 2 of Chapter 6 relating to subdivisions shall not apply to commercial or industrial subdivisions, nor do they apply to nonresidential condominium units, nor do they apply to projects or stock cooperatives which consist of the subdivision of air space in an existing apartment building which is more than five (5) years old when no new dwelling units are added, nor do they apply to parcel maps for a subdivision containing less than five (5) parcels and not used for residential purposes; nor do they apply to a maximum of two (2) dwelling units that exist on a property if, at the time the subdivision is approved, the existing units are to remain on the property, nor do they apply to any units for which the park and recreation fee required by this Article had been paid based on the then existing and established density formula.

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### **SECTION 3. RENUMBERING.**

To the extent that this amendment necessitates a renumbering of to the code sections that follow, such renumbering is hereby authorized by this ordinance.

### **SECTION 4. CEQA.**

The City has complied with the California Environmental Quality Act in the approval of the subject regulations in that the adoption of this Ordinance establishing regulations for the payment of fees for park and recreational purposes creates and/or modifies a

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government funding mechanism which is not a physical change in the environment and therefore, is not a project under CEQA. 14 Cal. Code of Regulations §§ 15378(b)(4).

**SECTION 5. SEVERABILITY.**

Any provision of the Watsonville Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Watsonville hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

**SECTION 6. PUBLICATION.**

This ordinance shall be published in the Watsonville Register-Pajaronian in compliance with the provisions of the Charter of the City of Watsonville.

**SECTION 7. EFFECTIVE DATE.**

This ordinance shall be in force and take effect thirty (30) days after its final adoption.

**SECTION 8. EXECUTION.**



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The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance.

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