

**ORDINANCE NO. 1818**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF GARDENA, CALIFORNIA  
AMENDING CHAPTER 17.20 OF THE GARDENA MUNICIPAL CODE  
RELATING TO PARK AND RECREATION DEDICATION AND FEES**

**WHEREAS**, the Open Space Plan of the City of Gardena's General Plan establishes a park land-to-population estimate of 3.0 acres for every 1,000 persons; and

**WHEREAS**, Government Code section 66477 allows the City to require the dedication of land or the payment of fees or a combination of both for park and recreational purposes as a condition of approval of a tentative map or parcel map for residential purposes once certain requirements are met; and

**WHEREAS**, the land, fees, or combination thereof may be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities that serve the subdivision; and

**WHEREAS**, Chapter 17.20 of the Gardena Municipal Code regulates Park and Recreation Dedication and Fees; and

**WHEREAS**, the current fee is based on the fair market value of the property to be dedicated; and

**WHEREAS**, the City Council would like to change the methodology related to calculating the fees as well as make other changes to the park and recreation fees paid pursuant to Government Code section 66477 and Gardena Municipal Code Chapter 17.20; and

**WHEREAS**, on April 28, 2020 the City Council of the City of Gardena held a duly noticed public hearing on this matter and considered all evidence presented, both written and oral;

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

SECTION 1. Chapter 17.20 of the Gardena Municipal Code is hereby amended to read as follows (the entire chapter has been included regardless of changes for context):

**Chapter 17.20**  
**PARK AND RECREATION DEDICATION AND FEES**

Sections:

- [17.20.010](#) Dedication of land for park and recreation purposes.
- [17.20.020](#) Standards for determinations.
- [17.20.030](#) Amount of land to be dedicated and/or amount of fees in lieu of land dedication.
- [17.20.040](#) Establishing the fair market value of land for calculating in lieu fees.
- [17.20.050](#) Payment of fees only.
- [17.20.060](#) Park site selection.
- [17.20.070](#) Credit for recreational improvements.
- [17.20.080](#) Limitations on use of land and fees.
- [17.20.090](#) Credit for private park amenities.

**17.20.010 Dedication of land for park and recreation purposes.**

A. In accordance with the City of Gardena General Plan including the Open Space Plan of the Community Resources Element and in accordance with the Subdivision Map Act (Government Code Sections [66410](#) et seq.) and specifically Government Code Section [66477](#), the City of Gardena does hereby require either the dedication of land, the payment of fees, or a combination of both for park or recreational purposes as a condition of the approval of a tentative or parcel map for residential subdivisions.

B. The City also requires either the dedication of land, the payment of fees, or a combination of both for park or recreational purposes as a condition of the approval of a parcel map for a division of land not a subdivision for purposes of construction of a residential structure or structures.

C. Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section. A condition, however, shall be placed on the approval of such parcel map and if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four (4) years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

**17.20.020 Standards for determinations.**

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A. The provisions of this Ordinance shall apply to all subdivisions for the purpose of residential development. This Ordinance does not apply to commercial or industrial subdivisions or 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 when no new dwelling units are added.

B. The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined based on the approved or conditionally approved tentative or parcel map. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section [40200](#)) of Part 2 of Division 3 of Title 4 of the Government Code.

C. Subdividers may offer evidence of the actual population densities of their proposed projects for determination by the City Council. The City Council shall consider the evidence submitted and if it finds that the actual population density will differ from the presumed density, it shall use the actual density to calculate the required land or in lieu fee.

**17.20.030 Amount of land to be dedicated and/or amount of fees in lieu of land dedication.**

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A. The dedication of land, or the payment of fees, or a combination of both shall be based on a minimum of three (3) acres of usable park area, as defined in this Ordinance, per 1000 persons residing within the subdivision.

B. The amount of land to be dedicated by a subdivider in accordance with this Ordinance shall be calculated by the following formula:

1. Park and Recreation Formula:

$$A = .003 \times (UP)$$

2. Definition of terms:

$$A = \text{local park space obligation in acres}$$

U = total number of approved dwelling units

P = population density per unit

.003 = total acreage standard of 3.0 acres per 1000 population

C. The amount of fee to be paid by a subdivider in lieu of land to be dedicated in accordance with this Ordinance shall be set by resolution of the City Council using the calculation set forth below.

1.  $F = A \times C$

2. Definition of term:

F = fee

A = local park space obligation in acres as determined above

C = land acquisition cost per acre

D. The city may accept combinations of land, recreational facilities and fees, with the respective amounts to be determined in the sole discretion of the city, so long as the total does not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons.

E. The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

F. Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be calculated in accordance with the formula and shall be based on the amount established by resolution of the City Council and the fees shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons. The City Council may choose not to impose the full fee that would be required.

G. Fees shall be payable at the time of the recording of the final map or parcel map.

**17.20.040 [Deleted]**

**17.20.050 Payment of fees only.**

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Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds fifty (50) dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty (50).

**17.20.060 Park site selection.**

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The City Council shall determine if park space shall be provided and the design and location of such space and any amenities thereon. This determination shall be made in accordance with the principles and standards for local park and recreational facilities.

**17.20.070 Credit for recreational improvements.**

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If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements to the dedicated land or the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this chapter. Excepting, however, that the subdivider and the City Council, upon recommendation of the Director of Community Development, must agree in advance and in writing with such expenditures based on current and verified prices and costs for such improvements and equipment.

**17.20.080 Limitations on use of land and fees.**

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A. Any park land or fees shall be received by the city and pursuant to the provisions of this chapter shall be used only for either acquiring land or developing new or rehabilitating existing park and recreational facilities that serve the area from which they were derived.

B. The City Council shall develop a schedule specifying how, when and where it will use the land or fees, or both, to provide park or recreational facilities to serve the residents of the subdivision. Any fees collected under this chapter shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, 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 within the subdivision.

**17.20.090 No Credit for private park amenities.**

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No credit shall be given for private open space or recreational improvements.

SECTION 2. CEQA. The adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) which provides the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This Ordinance merely clarifies the valuation method for calculating the in-lieu fee and clarifies that no credit will be given for private amenities.

SECTION 3. Severability. The City Council declares that (1) the sections, paragraphs, sentences, clauses and phrases in this Ordinance are severable; and (2) if any sections, paragraphs, sentences, clauses and phrases in this Ordinance, or its application to any person, entity or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other sections, paragraphs, sentences, clauses and phrases in this Ordinance or the application of this Ordinance to any other person, entity or circumstance.

SECTION 4. Effective Date/Applicability. This Ordinance shall take effect on the 30<sup>th</sup> day after adoption, however, the new fee shall not apply to any project which has received approval prior to the adoption date of this Ordinance, unless the developer elects to have the new fee applied.

SECTION 5. The City Council directs the City Clerk to cause this Ordinance to be published in the manner required by law.

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**PASSED, APPROVED and ADOPTED** on May 26, 2020 at a regular meeting of the City Council of the City of Gardena by the following vote:

**AYES:**

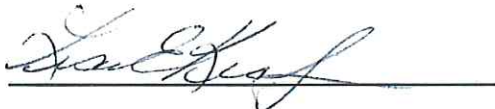
**NOES:**

**ABSENT:**



Tasha Cerda, Mayor  
City of Gardena, California

**APPROVED AS TO FORM**



*for* Carmen Vasquez, City Attorney  
City of Gardena, California

**ATTEST**



*for* Mina Semenza, City Clerk  
City of Gardena, California



STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            ) ss:  
CITY OF GARDENA                        )

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1818** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of said City Council held on the **26<sup>th</sup>** day of **May, 2020**, and that the same was so passed and adopted by the following roll call vote:

AYES:     COUNCIL MEMBERS KASKANIAN AND TANAKA, MAYOR PRO TEM  
              HENDERSON, COUNCIL MEMBER FRANCIS AND MAYOR CERDA

NOES:     NONE

ABSENT:  NONE

*Becky Romero*  
*for* \_\_\_\_\_  
City Clerk of the City of Gardena, California

(SEAL)