

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**ORDINANCE NO. 2025-012**

**ORDINANCE AMENDING PORTIONS OF CHAPTER 7-1, “SUBDIVISION ORDINANCE”, OF THE SAN LEANDRO MUNICIPAL CODE REGARDING PARK LAND DEDICATIONS**

**WHEREAS**, Government Code Section 66477 (the “Quimby Act”) authorizes the City, subject to requirements contained therein, to require residential subdivisions to dedicate property for park land or pay an in-lieu fee; and

**WHEREAS**, the City previously adopted an ordinance to implement the Quimby Act, which is codified as Article 8, “Dedications and Reservations,” of Chapter 7-1, “Subdivision Ordinance,” of Title 7, “Maps, Buildings, and Subdivisions,” of the San Leandro Municipal Code; and

**WHEREAS**, on July 21, 2025, the City Council adopted Resolution No. 2025-106 establishing a revised Park Land Acquisition Impact Fee and Park Improvement Impact Fee, which are imposed on new non-subdivided residential development to mitigate the impacts caused by the new development on the City’s existing park land and park improvements; and

**WHEREAS**, the new fees are based on a standard of 3 acres of park land per 1,000 residents and are applied based on the square footage of the residential unit; and

**WHEREAS**, the City Council desires to update the City’s park land dedication requirements for subdivisions to use the same standard and application method as the City’s Park Land Acquisition Fee and Park Improvement Fees; and

**WHEREAS**, this Ordinance will amend the City’s park land dedication requirements for subdivisions so that it is based on a standard of 3 acres of parkland per 1,000 residents and is applied based on the square footage of the residential unit.

**NOW, THEREFORE**, the City Council of the City of San Leandro does **ORDAIN** as follows:

**SECTION 1. Recitals.**

The above recitals are true and correct and made a part of this Ordinance.

**SECTION 2. Amendment of 7-1-815.**

Section 7-1-815, General Standard, of the San Leandro Municipal Code is revised in its entirety to read as follows:

**“§ 7-1-815 General Standard.**

As of the effective date of this ordinance, the City devotes more than 3 acres of property for each 1,000 persons residing within the City, to neighborhood and community park and recreational purposes. It is hereby found and determined that the public interest, convenience, health, welfare and safety

require that 3 acres per 1,000 persons is required to be devoted to neighborhood and community park and recreational purposes and that this requirement shall be applied to future subdivisions.”

### **SECTION 3. Amendment of 7-1-820.**

Section 7-1-820, Standards and Formula for Dedication of Land, of the San Leandro Municipal Code is revised in its entirety to read as follows:

#### **“§ 7-1-820 Standards and Formula for Dedication of Land.**

Where a neighborhood and community park or recreational facility has been designated in the General Plan or in any Specific Plan adopted for a particular area of the City, 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 offer to dedicate land or, if no such dedication, pay a fee in lieu thereof, or a combination of the above, in accordance with Sections 7-1-825 through 7-1-860, for a local park sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula:

| Size of Residential Unit | Average Persons/Dwelling Unit | Acreage Requirement |
|--------------------------|-------------------------------|---------------------|
| <500 Sq. Ft.             | 1.2                           | (Population/1000)*3 |
| 500-750 Sq. Ft.          | 1.5                           |                     |
| >751-1,150 Sq. Ft.       | 2.3                           |                     |
| >1,150-1,650 Sq. Ft.     | 3.2                           |                     |
| >1,650-1,950 Sq. Ft.     | 4.1                           |                     |
| >1,950 Sq. Ft.           | 5.1                           |                     |

#### **Notes:**

\*Population = Average Persons Per Dwelling Unit multiplied by the number of dwelling units.

A credit against the amount of land to be provided shall be given for any dwelling units existing within the proposed subdivision within two years prior to the submittal of the tentative map. Such credit shall be determined using the above standards and formula.”

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

Approval of the amendments is exempt from environmental review under the general rule in the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The Ordinance amends the standards for the dedication of park land, but does not authorize any subdivision project or commit the City to any specific park project, and each future subdivision and/or park project will be fully evaluated in compliance with applicable CEQA requirements. Accordingly, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

## **SECTION 5. Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

## **SECTION 6. Publication and effective date.**

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of San Leandro, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

Introduced at a first reading by Councilmember Aguilar on the 21<sup>st</sup> day of July 2025, and passed to print by the following vote:

|                |                                                                       |     |
|----------------|-----------------------------------------------------------------------|-----|
| <b>AYES:</b>   | Councilmember Aguilar, Azevedo, Boldt, Viveros-Walton, Mayor González | (5) |
| <b>NOES:</b>   | None                                                                  | (0) |
| <b>ABSENT:</b> | Councilmember Bowen, Simon                                            | (2) |

Passed and adopted the 2<sup>nd</sup> day of September 2025 after publication on August 1, 2025 by the following vote:

|                |     |
|----------------|-----|
| <b>AYES:</b>   | ( ) |
| <b>NOES:</b>   | ( ) |
| <b>ABSENT:</b> | ( ) |

**ATTEST:**

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Kelly B. Clancy, CMC  
City Clerk