



Legislation Text

File #: 19-209, **Version:** 1

RESOLUTION of the City of San Leandro City Council to Amend Title 6, Chapter 4, and Title 8, Chapter 8, of the City of San Leandro Administrative Code to Create a New Park Facilities Development Impact Fee Category for Accessory Dwelling Unit and to Modify the Definition of Special Unit

WHEREAS, the General Plan of the City of San Leandro was adopted September 19, 2016; and

WHEREAS, the General Plan recognized the need for continued and expanded availability of park and recreational facilities (General Plan Goals OSC-1 and OSC-2); and

WHEREAS, the General Plan expresses a policy that new residential development must pay its fair share of the costs of capital improvements needed to serve that development (General Plan Goal LU-4); and

WHEREAS, the City adopted Resolution No. 2000-64 on May 15, 2000, adopting Park Facilities Development Impact Fees for future development; and

WHEREAS, the City adopted Ordinance No. 2000-07 on June 5, 2000, adding appropriate language to the Municipal Code to establish Park Facilities Development Impact Fees for park acquisition and construction, and

WHEREAS, the City adopted Ordinance No. 2000-08 on June 5, 2000, amending the Municipal Code to revise park land dedication requirements to more accurately reflect existing standards for developed park land; and

WHEREAS, the City adopted Resolution No. 2005-069 on June 6, 2005, amending the Administrative Code to adopt a Park Facilities Development Impact Fee for future development; and

WHEREAS, the City adopted Ordinance No. 2017-003 on April 3, 2017, amending the Zoning Code for Secondary Dwelling Units in conformance with California Government Code 65852.2; and

WHEREAS, the Park Facilities Development Impact Fee for Accessory Dwelling Units has historically been benchmarked at the Special Unit rate which includes Secondary Dwelling and Senior Housing Units; and

WHEREAS, the Park Facilities Development Impact Fee calculation methodology derived from the Park Impact Fee Study prepared by Hausrath Economics Group dated January 2000 used occupancy as one of the calculation variables; and

WHEREAS, assuming an Accessory Dwelling Unit occupancy of 1.00, the proposed change

related to this resolution will result in an approximate 13% reduction in the Park Facilities Development Impact Fee, thus reducing the impact fee burden on applicants; and

WHEREAS, reducing the Accessory Dwelling Unit occupancy assumption will require changes to Title 6, Chapter 4, and Title 8, Chapter 8, of the City of San Leandro Administrative Code to create a new Park Facilities Development Impact Fee category for Accessory Dwelling Unit and to modify the definition of Special Unit.

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

1. Section 6.4.110 shall be amended to include “Accessory Dwelling Unit” under the heading “Engineering and Transportation Department”, Row 5 in three locations to match the following (stricken text is hereby removed; underlined text is hereby added):

Existing Row:

Special Unit/~~Accessory Dwelling Unit~~/Senior Housing

New Row:

Accessory Dwelling Unit (fee to be calculated and included with Fiscal Year 2019-2020 Fee Schedule)

2. The definition of “Multi-Family” and “Special Unit” at Sections 8.8.105(i) & 8.8.105(j) of the San Leandro Administrative Code is amended to read as follows (stricken text is hereby removed; underlined text is hereby added):

i) **Multi-Family.** “Multi-Family” shall refer to any dwelling unit other than a Single-Family unit, ~~or Special-Unit, or Accessory Dwelling Unit.~~

j) **Special Unit.** “Special Unit” shall refer to any dwelling unit that is not a Single-Family unit or is not a Multi-Family unit or is not an Accessory Dwelling Unit or a ~~Secondary Dwelling Unit~~ that meets the Zoning Code definition or a Senior Housing Project established for independent elderly adults that do not require daily care and supervision as well as assisted living facilities where the residents are able to enjoy local parklands or participate in senior-oriented park facilities or centers.

3. Section 8.8.105(k) is hereby added to the San Leandro Administrative Code as follows (underlined text is hereby added):

k) **Accessory Dwelling Unit.** “Accessory Dwelling Unit” is hereby defined in Part II, Article 5, Division 3, Section 2-576 of the San Leandro Zoning Code.

4. Section 8.8.110 of the San Leandro Administrative Code is amended to read as follows (stricken text is hereby removed; underlined text is hereby added):

(a) A Fee shall be charged and paid for each Single-Family, Multi-Family, ~~and Special Unit~~ and Accessory Dwelling Unit within the City when the Certificate of Occupancy for the unit is issued.

(b) For each Mixed Development a composite Fee shall be charged and paid in accordance with (a), above, for each single family, multiple family, ~~and~~ Special Unit and Accessory Dwelling Unit within a Mixed Development.

5. The above changes shall be written into the Fiscal Year 2019-2020 Fee Schedule, and become effective in accordance with San Leandro Administrative Code Section 8.8.165.