

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO IDENTIFY AND DETERMINE A METHODOLOGY FOR THE CALCULATION OF PARKLAND IMPACT FEES AND TO ADOPT NEW PARK IMPACT FEES FOR NEW SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT, INCLUDING APARTMENTS, IN COSTA MESA.

THE CITY COUNCIL OF THE CITY OF COSTA MESA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, California Government Code Section 66477 authorizes the legislative body of a City to require the payment of fees in-lieu of the dedication of land for park and recreation purposes.

WHEREAS, Objective OSR-1A.1 of the Costa Mesa 2000 General Plan establishes the park land-to-population ratio of 4.26 acres for every 1,000 residents.

WHEREAS, Chapter IX, Subdivisions, of Title 13 of the Costa Mesa Municipal Code sets forth provisions relating to the dedication of land and collection of park impact fees for park and recreation purposes.

WHEREAS, Article 5, Section 13-256, Amount of fee in lieu of land dedication, of Title 13 of the Costa Mesa establishes the methodology for calculating parkland in-lieu fees. Based on this methodology, parkland in-lieu fees would be in excess of \$23,000 per unit for single-family and multi-family residential development for specified residential subdivisions.

WHEREAS, State Law allows Council to adopt reduced parkland impact fees.

WHEREAS, the City Council reviewed the methodology related to calculating the park impact fees, including a review of historic parkland expenditures, review of historic housing trends, and consideration of population density standards.

WHEREAS, a duly noticed public hearing was held by the City Council on July 21, 2015 where public testimony was received for and against the fee methodology and amended park impact fees.

WHEREAS, Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, the City Council finds that the adoption of this ordinance is covered by CEQA General Rule Exemption [Section 15061(b)(3)] which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. A significant effect is defined as, "a substantial, or potentially substantial, adverse change in the physical conditions within the area," and the adoption of this Ordinance is therefore not subject to CEQA.

WHEREAS, If any provision of clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

BE IT FURTHER RESOLVED that the new park impact fees shall apply to: (1) Any live/work or residential development pending ministerial or discretionary application which is filed on or after the effective day of the resolution or (2) any previously-approved live/work or residential project which has an expiration date on or after the effective date of the resolution regardless if a time extension is approved.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa hereby finds and determines that the park impact fees shall be calculated based on the

methodology described in Exhibit A. This methodology also includes the calculation of park impact fees for apartment projects in the City which do not require a residential subdivision (i.e. multi-family residences; renter).

BE IT FURTHER RESOLVED that the City Council also hereby adopts new parkland impact fees as described in Exhibit B.

BE IT FURTHER RESOLVED that park impact fees shall apply to current and pending as described in Exhibit C.

BE IT FURTHER RESOLVED that the park impact fees shall be updated to ensure it meets State Government Code 66470 and 66000 in four years but be automatically adjusted on an annual basis every July using the Los Angeles-Riverside-Orange CO CA Consumer Price Index to adjust for escalation.

BE IT FURTHER RESOLVED that pursuant to State Law the above-fees shall go into effect no sooner than **60 days** after Ordinance No. _____ is final and effective.

PASSED AND ADOPTED this 4th day of August 2015.

STEPHEN M. MENSINGER
Mayor of the City of Costa Mesa