

Proposed Redlines to CVMC section 17.10.070

17.10.070 In-lieu fees for land dedication and/or park development improvements.

A. *In-Lieu Fees for Land Dedication.* If, in the judgment of the City, suitable land does not exist within the subdivision or within the development if it is not part of a subdivision, or for subdivisions containing 50 lots or less, the payment of fees in lieu of land shall be required. In such cases, the required fee(s) shall be based on the area to be dedicated as set forth in CVMC [17.10.040](#). However, when a condominium project, stock cooperative or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

Where the City deems that a combination of dedication and payment, as provided in this chapter, would better serve the public and the park and recreation needs of the future residents of a particular subdivision or residential development, it may require such combination; provided, however, the City Council may, by resolution, waive all or any portion of said dedication or in-lieu fee requirements in the interests of stimulating the construction of housing for low- and moderate-income families.

B. *In-Lieu Fees for Park Development Improvements.* If, in the judgment of the City, suitable land does not exist within the subdivision or within the development if it is not part of a subdivision, or for subdivisions containing 50 lots or less, the payment of fees in lieu of developing improvements shall be required. In such cases, the amount of the required fee(s) shall be based on the improvements required in CVMC [17.10.050](#). However, when a condominium project, stock cooperative or community apartment project exceeds 50 dwelling units, improvements may be required notwithstanding that the number of parcels may be less than 50.

Where the City deems that a combination of improvements and payment, as provided in this chapter, would better serve the public and the park and recreation needs of the future residents of a particular subdivision or residential development, it may require such combination.; provided, however, the City Council may, by resolution, waive all or any portion of said improvements or in-lieu fee requirements in the interests of stimulating the construction of housing for low- and moderate-income families.

In the event the City determines that the improvement of the parkland shall be delayed for a substantial period of time after the parkland has been dedicated, the subdivider or building

permit applicant shall not be required to install such improvements, but instead shall pay the required fee(s) for the value of improvements required in CVMC [17.10.050](#).

C. *Land Uses Exempt from In-Lieu Fees.* “Accessory Dwelling Units” and “Junior Accessory Dwelling Units” as defined in CVMC [19.58.022](#) and [19.58.023](#), respectively, are exempt from payment of in-lieu fees for parkland dedication and park development as they offer lower cost housing supply to low- and moderate-income families. Housing developments in which 100% of units, except any units reserved exclusively for use by staff, are restricted as affordable to persons or families of low or moderate income, as defined in California Health and Safety Code Section 50093, shall also be exempt from payment of in-lieu fees for parkland dedication and park development, provided that such units are restricted through a regulatory agreement, recorded in the official records of San Diego County, with the City of Chula Vista, the Chula Vista Housing Authority, the California Tax Credit Allocation Committee, or the California Department of Housing and Community Development. (Ord. 3424 § 3, 2018; Ord. 3303 § 1 (Att. A), 2014; Ord. 2945 § 5, 2004; Ord. 2886 § 1, 2002).