

## COUNCIL POLICY

SUBJECT: CREDIT FOR PRIVATE PARK AND RECREATION FACILITIES  
PROVIDED BY SUBDIVISIONS

POLICY NO.:

EFFECTIVE DATE:

### BACKGROUND:

Pursuant to the State of California Subdivision Map Act (Government Code section 66477 et seq), the City Council adopted the Park Impact Fee Ordinance on \_\_\_\_, 2005 which outlines the provisions for the *dedication* of land, the payment of *Park Impact Fees* in lieu of the land, the payment of a *Park Impact Fee* in lieu of the improvements to the land, or a combination, for the acquisition and improvement of *park and recreational facilities* serving new residential subdivisions in a common interest development as defined in Civil Code section 1351.

### PURPOSE AND INTENT:

The purpose of this policy is to provide comprehensive guidelines for the application, review and process of credit to *subdividers* for private *park and recreational facilities* located within subdivisions.

### DEFINITIONS:

The purpose of this section is to provide clear and concise definitions of words and phrases that have meanings specifically related to this policy. Each word or phrase that is defined herein appears in the text of this policy in italicized letters. Except as otherwise provided, the following words or phrases have the respective meanings:

*Active Recreational Uses* means recreation facilities occurring on level or gently sloping land (maximum 10% grade) restricted for park and recreation purposes in a development which is designed to provide individual or group activities of an active nature common to local parks in the City of San Diego, including, open turf areas, sports fields, court games, swimming pools, children's play areas, gymnasium and fitness centers, and *recreational community gardening*.

*Dedication* has the same meaning as in section 113.0103.

*Land Use Plan* has the same meaning as in section 113.0103.

*Parcel map* has the same definition as Government Code section 66426.

*Park and recreational facilities* means land and facilities designed and built for structured recreational programs, such as ball games, or unstructured recreational activities, such as children's play areas, or a combination thereof.

*Park Impact Fee* means a fee calculated in accordance with Municipal Code \_\_\_\_, for the purpose of providing for city-owned, public *park and recreational facilities* adequate to address the impact of new residences.

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*Recreational Community Gardening* means the land and facilities in a planned development for the cultivation of plant material, not for sale, pursuant to Government Code Section 66477.

*Subdivider* has the same meaning as Government Code section 66423.

*Tentative Map* has the same meaning as Government Code section 66424.5.

*Vesting Tentative Map* has the same meaning as Government Code section 66424.5.

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Where a suitable area is proposed in a subdivision for park and recreational purposes and such area is to be privately owned and maintained by the future residents of the subdivision, a partial credit, not to exceed twenty-five percent (25%), may be given against the required amount of park land dedication and/or the amount of in-lieu park fee if all of the following is met.

#### I. Criteria and Standards

In order to apply for private *park and recreational facilities* credits, the *subdivider* must ensure their proposal is in substantial conformance with the Recreation Element of the City's Progress Guide and General Plan, or other adopted *land use plans*.

The private *park and recreational facilities* for which credit can be given shall be a minimum of two (2) contiguous, acres and provide a minimum of four (4) of the following eight (8) basic park elements, typical for local parks, listed below:

<u>Park Element</u>	<u>Acreage required</u>
Multi-purpose turf play field	1.75 - 3.00
Children's playground (tot lot)	.50 - .75
Open, unstructured turf area	.50 - 1.00
Family picnic area	.25 - .75
Court game area	.15 - .25
Swimming pool (42' x 75') including minimum 10'-0" adjacent paved deck all around	.25 - .50
Recreation center building with apparatus for individual and group games and/or fitness activities (.68 sq. ft. per resident, 2,500 sq.ft. minimum)	.15 - .25
Recreation community garden	.15 - .50

The shape and location of the private *park and recreational facilities* shall provide the greatest utility possible to the greatest number of residents of the development for which credit is sought.

The design and standard of construction for all elements shall be in substantial conformance with the most current edition of the City Park and Recreation Department's "Consultant's Guide to Park

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Design and Development,” the City of San Diego Standard Drawings, Standard Specifications for Public Works Construction (Greenbook), California Building Code and all applicable federal, state and local regulations.

Credit shall not be given for the following:

The yards, court areas, setbacks, decorative landscape or other open areas required to be provided for and maintained by private development in accordance with the San Diego Municipal Code, including the Land Development Code, shall not be included in the computation of such private *park and recreational facilities*.

Natural open space, nature study areas, open space for buffer areas, steep slopes, golf courses, equestrian and hiking trails, scenic overlooks, water courses, drainage areas, retention basins, water bodies (i.e., lakes, ponds, reservoirs), marinas and boating areas, parking areas, beaches and archaeological areas shall not be eligible for credit.

Irregularly shaped or non-contiguous pieces of property of less than optimal utility or those burdened by easements or topographic considerations that render them unsuitable for *active recreational uses* shall not be eligible for credit. Factors such as size, shape, topography, geology, access and location shall be considered.

### II. Processing

If a *subdivider* desires to receive private *park and recreational facilities* credit, the *subdivider* must submit a written request at the time of filing of the *tentative map*, *vesting tentative map* or *parcel map* for consideration by the City.

If the *subdivider's* proposal meets the aforementioned criteria and standards, and is determined to be in the best interest of the City to do so, the City shall write map conditions or enter into an agreement to ensure that the *subdivider* agrees to and will design and construct the necessary private *park and recreational facilities*.

Upon *subdivider's* notification of completed private *park and recreational facilities*, the City shall verify that the improvements, as agreed to and required in the subdivision's map conditions or agreement, have been met prior to the issuance of an occupancy certificate for the residential units that are receiving the credit.

### III. Legal Requirements

The use of the private *park and recreational facilities* shall be restricted for *active recreational uses* by deed restriction, easement or other instrument which runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the consent of the City or its successor.

The private *park and recreational facilities* for which credit is granted shall contain a *dedication* for that purpose on the *subdivision map*, and no other use shall be permitted for that space without an

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amendment to the subdivision map, at which time the dedication of land, payment of *Park Impact Fees*, or both shall be due.

#### IV. Credit Value

The amount of credit to be granted shall be calculated by taking the qualifying total amount of private *park and recreational facilities* provided and dividing that amount by two (2). For example, if one hundred percent (100%) of the required park acreage and improvements are provided, a twenty-five percent (25%) credit would be granted; if twenty-five percent (25%) of the required park acreage and improvements are provided, a twelve and one half percent (12.5%) credit would be granted, and so forth.

Credit shall only be applied against the park fee obligation generated by those residents with direct access to the said recreational area. The balance of the required park acreage and improvements shall be provided elsewhere in the community by the *subdivider*, as approved by the City Manager, or the value of such requirement shall be paid as an in-lieu Park Impact Fee, pursuant to Municipal Code \_\_\_\_\_.

#### CROSS REFERENCE:

Municipal Code Secs.  
Council Policy  
Administrative Regulation