

**CITY OF SAN MATEO
ORDINANCE NO. 2020-__**

**Amending Section 26.64.030 “Private Park and Recreational Facility Space Credit,” of Title 26, “Subdivisions,”
of the San Mateo Municipal Code**

WHEREAS, the Municipal Code currently allows for credits against the Park Impact Fee for on-site amenities provided within projects that reduce the potential impact on park use by project residents; and

WHEREAS, in order to qualify for the potential credits, the on-site amenities must meet a minimum threshold of at least 25% of the total project’s required acreage of dedicated park land; and

WHEREAS, the City wishes to encourage the development of affordable housing projects; and

WHEREAS, it can be difficult for 100% affordable housing projects to meet the City’s minimum threshold for receiving a credit for on-site recreational amenities; and

WHEREAS, staff recommends amending Municipal Code Section 26.64.030, Private Park and Recreational Facility Space Credit, to waive the minimum threshold requirement for 100% affordable housing projects in order for them to receive credits against the Park Impact Fee for any amount of on-site recreational amenities; and

WHEREAS, the Park and Recreation Commission has reviewed staff’s proposal and recommends adoption to the City Council; and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. Section 26.64.030, “Private Park and Recreational Facility Space Credit,” of Chapter 26.64, “Dedication of Land for Community Purposes” of the San Mateo Municipal Code is amended to read:

26.64.030 – Private Park and Recreational Facility Space Credit

(a) Partial Credit Available. Where private park and recreational facility space is provided in a development and such space is held in common ownership and is to be privately owned and maintained, partial credit, not to exceed a maximum of 50%, may be allowed against the requirement of land dedication or payment of fees in-lieu thereof.

(b) Requirements. Credits may be given for facilities included on the list of private park and recreation facilities approved for credit by resolution of the City Council. Facilities that fall within two or more of the classifications set forth in the resolution will be placed in the category that best fits the potential use of the facility. There will be no double credits for facilities. In order for private park and recreational facilities to be eligible for credit, the Parks and Recreation Director or designee must determine that it is in the public interest to do so, that the proposed private park and recreational facilities and their design and location are appropriate for the proposed development and all of the following requirements are met:

(1) -The proposed private park and recreational facility space equals at least 25% of the acreage of the total parkland dedication requirement. except that residential development projects, which are 100% affordable to low and moderate income households, will have no minimum threshold. "Low or moderate income" households means persons and families whose income does not exceed 120 percent of area median income, as defined in Health and Safety Code section 50093."

Section 2. Environmental Determination. in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), adoption of this Ordinance is not a project subject to CEQA because it can be seen with certainty that allowing 100% affordable housing projects to receive a credit against the City's park impact fee or park in lieu fee will not impact the environment. for any amount of on-site recreational facilities will not impact the environment.

Section 3. Severability. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Publication. This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 5. Legislative History and Effective Date. This ordinance was introduced on April 20, 2020 and adopted on May 4, 2020 and shall be effective 30 days after its adoption.