

**CITY OF SAN MATEO
ORDINANCE NO. 2013-11**

**AMENDING SECTION 26.64.010, “STANDARDS,” OF CHAPTER 26.64,
“DEDICATION OF LAND FOR COMMUNITY PURPOSES,” OF THE SAN MATEO
MUNICIPAL CODE TO REMOVE VARIABLE CALCULATION FACTORS
AND MODIFY FEE PAYMENT DEADLINES**

WHEREAS, Chapter 26.64 of the San Mateo Municipal Code addresses the dedication of land for community purposes and park in-lieu fees; and

WHEREAS, Section 26.64.010 specifically outlines the dwelling unit factors used to calculate park in-lieu fees which are based on census data that is updated regularly; and

WHEREAS, staff finds that the use of variable data in the Municipal Code requires frequent updates by amending the Code, which is not an effective method; and

WHEREAS, staff recommends that the data be included in the City’s Master Fee Schedule with the other factors utilized in calculating the park in-lieu fees, as the Fee Schedule is reviewed and updated annually; and

WHEREAS, the proposed amendment includes language requiring developers to pay the park in-lieu fee at the time of the issuance of the first building permit rather than upon recordation of their subdivision or parcel map, which will provide greater flexibility in paying park in lieu fees and will align the payment deadline with the park impact fee deadline;

THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, ORDAINS as follows:

Section 1. Section 26.64.010, “Standards,” of chapter 26.64, “Dedication of Land for Community Purposes,” of the San Mateo Code is amended to read:

26.64.010 STANDARDS.

(a) Pursuant to the authority of the Subdivision Map Act, and in conformity with the parks and recreation element of the general plan, a subdivider of lands, as a condition of final approval of a subdivision or parcel map, shall dedicate land or pay a fee in lieu thereof or a combination of both, at the option of the City, for park and recreation facilities to serve the subdivision based on the following standards:

(1) In order properly to serve the subdivision, two acres are needed for each one thousand estimated population as determined by applying factors per dwelling structure types as outlined in the City’s fee schedule in effect at the time the fees are to be paid.

(2) The fair market value of land in the City, used to calculate each subdivider’s in lieu fee and determined by the Parks and Recreation Director or his or her designee, will be included in the City’s fee schedule adopted by City Council resolution. For purposes of determining the in lieu fee, the Parks and Recreation Director or his or her designee may require that a subdivider submit available sales information regarding the site subject to development and, alternatively, a subdivider-paid appraisal of the site subject to development if accurate sales information is not available prior to the approval of the first final map.

(3) Only the payment of fees is required in subdivisions of 50 parcels or less.

(4) Subdivisions containing fewer than five parcels and not used for residential purposes are

exempt from the requirements of this section; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more parcels within four years the fee must be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

(5) If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this chapter.

(b) Fees shall be paid at or before the time of issuance of the first building permit for a development project.

(c) The land, fees, or combination thereof are to be held in a separate, interest-bearing account for the purpose of developing new or rehabilitating existing park or recreational facilities to serve the subdivision.

Section 2. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the Charter and shall be effective 30 days after the date of adoption.

Section 3. ENVIRONMENTAL DETERMINATION. This project is exempt from California Environmental Quality Act requirements in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment per Guidelines Section 15061(b)(3).

Section 4. SEVERABILITY. In the event any section, clause or provision of this Chapter 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.

The foregoing ordinance was introduced on July 15, 2013, and adopted by the City Council of the City of San Mateo, State of California on the 19th day of August, 2013, by the following vote:

AYES: COUNCIL MEMBERS LIM, ROSS, GROTT, AND MATTHEWS

NOES: NONE

ABSENT: COUNCIL MEMBER FRESCHET

ATTEST:

(SEAL) /s/ PATRICE M. OLDS
Patrice M. Olds, City Clerk

/s/ DAVID LIM
David Lim, Mayor