

**Park Fee Recreation Credit Policy**  
For the Implementation of LAMC 12.33.H.2

**I. Background and Purpose of the Policy**

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.33.C, “All new residential dwelling units and joint living and work quarters shall be required to dedicate land, pay a fee or provide a combination of land dedication and fee payment for the purpose of acquiring, expanding and improving park and recreational facilities for new residents.” Per LAMC 12.33.H.2, residential developments may provide privately owned publicly accessible or privately owned private accessible recreational facilities and the City of Los Angeles Department of Recreation and Parks (RAP) may provide a credit against the required dedication of land or payment of a Park Fee provided certain standards are met to the satisfaction of RAP

RAP supports the inclusion of privately owned, privately and publicly accessible open space located in residential developments to reduce the impact on existing park and recreational facilities.

The purpose of this Policy is to provide a summary of pertinent sections of the LAMC as well as to establish the guidelines and requirements of RAP for areas applying for Recreation Credits against the required Park Fees as well as make clear what open space areas are insufficient for Recreation Credit. In order to be considered for Recreation Credit, these open space areas must closely resemble green, neighborhood parks. ***Recreation Credit will only be given towards areas that would be considered reminiscent of, and an adequate supplement to well-maintained RAP facilities.***

It should be noted that this Policy does not apply the Recreation Credit options discussed in LAMC 12.33.H.1.

**II. Definitions**

***Recreation Credit:*** Credit for privately owned, publicly accessible or privately accessible amenities that can be applied against a required land dedication or payment of a Park Fee and reduce the impact on the existing park system per LAMC 12.33.H.2. May be abbreviated as “Credit(s)”.

***Amenity:*** Refers to active or passive amenities (as detailed below) eligible for Recreation Credit.

***Area:*** A single, continuous area with multiple amenities applying for Recreation Credit. Note: that a single Recreation Credit request for a residential development project may contain multiple Areas.

***Applicant:*** The owner, developer, authorized representative or entity submitting the Application to initiate the review process.

*Application:* Refer to RAP's Park Fee Calculation Application, Recreation Credit Application or other documents as specified at <https://www.laparks.org/planning/park-fees> in order to initiate the review process.

*Exhibits:* The Recreation Credit documents submitted by the applicant that delineate each Area and show the amenities requesting Recreation Credit. Instructions for the preparation of the Exhibits can be found at: <https://www.laparks.org/planning/park-fees>

*Cost Estimates:* The estimated value of the Recreation Credit using RSMeans Building Construction Cost Data or similar. Instructions for the preparation of the Cost Estimates can be found at: <https://www.laparks.org/planning/park-fees>

*Written Agreements:* Refer to the Covenant and Agreement and Operation and Maintenance Agreements that must be executed and recorded as part of the Recreation Credit procedure.

### **III. Summary of Pertinent Los Angeles Municipal Code Requirements**

For all Recreation Credit Areas:

- 1) Where facilities for park and recreational purposes are provided in a proposed residential development and such facilities will be privately owned and maintained by the future owners of the development, the areas occupied by such facilities shall be partially credited against the requirement of dedication of land for park and recreational purposes of the payment of a park fee thereof, provided that the following standards are met to the satisfaction of the Department of Recreation and Parks: (1) that each facility is available for use by all the residents of the residential development; and (2) that the area and the facilities satisfy the recreation and park needs of the residential development so as to reduce the need for public recreation and park facilities to serve the project residents. (LAMC 12.23.H.2)

For all Recreation Credit Areas:

- 1) Credit shall not be given for the following:
  - a) Yards, court areas, setbacks and other open space areas required to be maintained by the City's Municipal Code, specific plan, or any other planning document
  - b) Common open space and/or private open space required by the City's Municipal Code, specific plan(s), or any other planning document, such as those included in Section 12.21 (LAMC 12.33.H.2.e)
- 2) The private ownership and maintenance of the facilities shall be adequately provided for by written agreements (LAMC 12.33 H.2.f.1)
- 3) The use of the private facilities, whether publicly or non-publicly accessible, is restricted for park and recreational purposes by recorded covenants acceptable to the Department

of Recreation and Parks which run with the land and which cannot be defeated or eliminated without the consent of the City Council (LAMC 12.33 H.2.f.2)

- 4) Private park and recreational facilities shall include a variety of active and passive amenities, as determined by the Department of Recreation and Parks (LAMC 12.33 H.2.c)
- 5) The proposed facilities are reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land. (LAMC 12.33 H.2.f.3)
- 6) Credit shall be granted, dollar to dollar, for any recreational and park impact fees required to be paid for the property pursuant to LAMC 12.33, as determined by the Department of Recreation and Parks. The cost and subsequent credit should bear a reasonable relationship to an independent assessment of the construction cost for the facility, such as the estimates provided by RSMeans Building Construction Cost Data or similar. (LAMC 12.33.H.2.d)

For privately (non-public) accessible, privately owned Recreation Credit Areas:

- 1) The amount of credits for non-publicly accessible park and recreational facilities shall not exceed 35 percent of the calculated requirement for park and recreation impact fee or land dedication. Credits may be awarded for on-site or off-site private facilities. (LAMC 12.33 H.2.a)
- 2) The proposed non-public facilities are available for use by all the residents of the proposed development. (LAMC 12.33 H.2.f.4)

For publicly accessible, privately owned Recreation Credit Areas:

- 1) The amount of credits for publicly accessible, privately maintained park and recreational facilities shall not exceed 100 percent of the calculated requirement for park and recreation impact fee or land dedication. Credits may be awarded for on-site or off-site private facilities. (LAMC 12.33 H.2.b)
- 2) Any proposed publicly-accessible, privately-maintained park and recreational facilities are accessible for use by the general public with no discrimination between residents and non-residents, are open at hours comparable to those of City parks and facilities, and have appropriate signage indicating that the space is public. (LAMC 12.33 H.2.f.5)

#### **IV. Department of Recreation and Parks Recreation Credit Guidelines and Criteria**

Overall Requirements:

- 1) Accessories for Recreation Credit areas that are a part of those Recreational Credits will not be considered separate categories (Active versus Passive Recreational Amenity). For instance, if a swimming pool includes a bolted-down cabana, the cabana would be counted as part of an active amenity, not as a passive one.
- 2) Amenities should be permanent fixtures of the property and run for the lifespan of the residential development. Amenities for Recreational Credits should not be able to be

moved out of the property. Exceptions to this would include replacing worn or damaged amenities with the same amenity that was previously approved. If the Amenity is no longer available, written approval from RAP is required.

- 3) All amenities listed below should be compliant with the Americans with Disabilities Act (ADA).
- 4) All amenities and areas requesting Recreation Credit must serve a recreational purpose or value. RAP staff may ask an Applicant to explain, demonstrate or prove the recreational purpose or value of each amenity or area requesting credit.

Requirements for exterior/outdoor Recreation Credit Areas:

- 1) Each privately accessible (non-public) Area shall have a minimum size of 3000 square feet
- 2) Each publicly accessible Area shall have a minimum size of 7500 square feet
- 3) Publicly accessible Areas shall not be entirely fenced or have gates or barriers installed at the entrances
- 4) The outdoor Area should not be encumbered by walls or solid barriers higher than 5 feet on more than 2 sides and should be open to the sky
- 5) Fencing on all sides of an Amenity is only permitted for items such as tennis courts, basketball courts or swimming pools and said fencing shall be chain link or transparent
- 6) There shall be permanent, fixed shade structures or sails or canopies over any Children’s Play Area, picnic tables, or seating areas
- 7) There shall be useable and accessible grass, synthetic turf and/or permeable surfacing at ground level
- 8) Raised planters or inaccessible landscaping not meant for recreational use shall not be more than 25% of the Area
- 9) There shall be climate appropriate landscaping and foliage that is designed to create a welcoming green space
- 10) Each Area shall include at least one (1) active and at least two (2) passive amenities, as described in the list below

Requirements for interior/indoor Recreation Credit areas:

- 1) Each indoor Area shall have a minimum size of 150 square feet
- 2) Each Area shall include at least one (1) active amenity and one (1) passive amenity

**List of Active and Passive Amenities and Requirements:**

Active Amenities:

Recreational Amenity Types	Notes
Baseball Field	<ul style="list-style-type: none"> <li>• Can be baseball, softball, or tee ball field – perimeter of outfield shall be 200 or more ft away from home plate</li> </ul>

	<ul style="list-style-type: none"> <li>● Shall include fixed seating</li> <li>● Shall include permanent, fixed shade structures or sails or canopies</li> </ul>
Basketball Court	<ul style="list-style-type: none"> <li>● Can be half or full sized</li> <li>● Shall be 4,700 square feet (94 ft x 50 ft) for full court</li> <li>● Shall be 2,350 square feet (47ft x 25 ft) for half court</li> </ul>
Batting Cage	<ul style="list-style-type: none"> <li>● Shall be at least 70 ft long x 14 ft wide x 12 ft high</li> </ul>
Bocce Ball Court	<ul style="list-style-type: none"> <li>● Shall be 60 ft x 12 ft</li> <li>● Should be grass, synthetic turf or sand</li> </ul>
Children's Play Area	<ul style="list-style-type: none"> <li>● Shall be a minimum size of 1,200 sq ft</li> <li>● Should be multi-level with multiple play elements including, but not limited to, climbers, towers, zip lines, slides, nets, bridges, crawl tubes, ramps, seesaws, balance beams, and swings.</li> <li>● Should be on an appropriate surfacing</li> <li>● Shall include permanent, fixed shade structures or sails or canopies</li> <li>● Shall include seating</li> </ul>
Designated Walking /Jogging paths	<ul style="list-style-type: none"> <li>● Cannot include required paths of travel</li> </ul>
Handball Court	<ul style="list-style-type: none"> <li>● Shall be 20 ft wide, 20 ft high and 40 ft long, with back wall recommended minimum height of 14 feet</li> </ul>
Indoor Gym / Fitness Room	<ul style="list-style-type: none"> <li>● Shall include fixed exercise equipment</li> </ul>
Golf / Miniature Golf	<ul style="list-style-type: none"> <li>● Minimum putting green size of 500 sq ft</li> </ul>
Outdoor Fitness Equipment	<ul style="list-style-type: none"> <li>● Should be weather resistant/durable</li> </ul>
Pickleball / Tennis Court	<ul style="list-style-type: none"> <li>● Tennis court shall be 2,808 square feet (78 ft x 36 ft) - can include pickleball hybrid lines</li> <li>● Pickleball court shall be 880 square feet (44 ft x 20 ft)</li> <li>● Should include seating for players</li> </ul>
Swimming Pool / Splash Pads	<ul style="list-style-type: none"> <li>● Shall not include spas or jacuzzis</li> <li>● The contiguous pool deck will be included as part of the pool amenity - can receive credit for the pool deck up to 20 ft around the pool</li> <li>● The poolside seating shall not count as a "passive amenity"</li> </ul>

Volleyball Court	<ul style="list-style-type: none"> <li>• Shall be 1,740.5 square feet (59 ft by 29.5 ft)</li> </ul>
------------------	---

Note: Any additional required features that serve an Active Amenity, such as seating or shade, shall not count as a Passive Amenity as well.

Passive Amenities:

Recreational Amenity Types	Notes
BBQ Grills	<ul style="list-style-type: none"> <li>• Must be fixed and permanent</li> </ul>
Dog Park / Run	<ul style="list-style-type: none"> <li>• Shall be 500 square feet minimum (ideally 50 ft by 10 ft)</li> <li>• Trash receptacles for waste required</li> </ul>
Landscaped Open Space	<ul style="list-style-type: none"> <li>• Plants, shrubs, bushes, etc.</li> <li>• Raised planters or inaccessible landscaping not meant for recreation should not exceed 25% of the Area</li> <li>• Should include grass, synthetic turf and/or permeable surfacing at ground level</li> </ul>
Picnic Tables	<ul style="list-style-type: none"> <li>• Shall be ADA compliant</li> <li>• Shall include permanent, fixed shade structures or sails or canopies</li> </ul>
Seating	<ul style="list-style-type: none"> <li>• Shall be fixed benches or seating</li> <li>• Shall include permanent, fixed shade structures or sails or canopies</li> <li>• Shall be evenly distributed throughout the Area</li> </ul>
Shuffleboard	<ul style="list-style-type: none"> <li>• Shall be 52 ft x 6 ft</li> <li>• Shall be made of concrete or similar material</li> <li>• Shuffleboard tables shall not be acceptable</li> </ul>

If the Applicant would like to receive credit for an Amenity not listed above, RAP staff, at their sole discretion, may choose which deviations may be included in a set of Exhibits and are subject to RAP Board approval.

Recreation Credit cannot be given for items that are not fixed or permanent.

#### **V. The Recreation Credit Procedure:**

See below an outline of the steps in the Recreation Credit process:

- 1) Applicant submits the required Park Fee Calculation Application, Recreation Credit Application, Recreation Credit Exhibits, Cost Estimates and other required documentation, as determined by RAP.

- 2) RAP staff reviews the Application(s) and Recreation Credit Cost Estimates and Exhibits.
- 3) RAP staff and Applicant discuss and revise Recreation Credit Exhibits and Cost Estimates, if necessary.
- 4) Once the Recreation Credit Exhibits and Cost Estimates are finalized by RAP and the Applicant, RAP drafts the Written Agreements.
- 5) Applicant agrees to the terms of the Written Agreements and confirms information in aforementioned agreements is correct.
- 6) City Attorney approves the form of the aforementioned agreements.
- 7) RAP staff prepare a board report to the Board of Recreation and Parks Commissioners (Board) requesting approval of the Recreation Credits and the Written Agreements.
- 8) The board report, Recreation Credits, and agreements are forwarded to the City Council, and any applicable Committee, for approval.
- 9) The Written Agreements are executed and recorded.
- 10) RAP staff issues the Park Fee Calculation.
- 11) The required Park Fee, if any, is paid by the developer.
- 12) RAP clears the applicable condition for the development.

Please note that the above steps have been abbreviated for the purpose of this Policy.

**VI. Attachments:**

- 1) Attachment 1 – Standard Covenant & Agreement for Publicly Accessible Spaces
- 2) Attachment 2 – Standard O&M Agreement for Publicly Accessible Spaces
- 3) Attachment 3 – Standard Covenant & Agreement for Non-Public (Privately Accessible) Spaces
- 4) Attachment 4 – Standard O&M Agreement for Non-Public (Privately Accessible) Spaces

The Written Agreements are required to be approved by the City Attorney and the RAP Board. Any deviations to the standard agreement are subject to City Attorney and RAP Board approval.