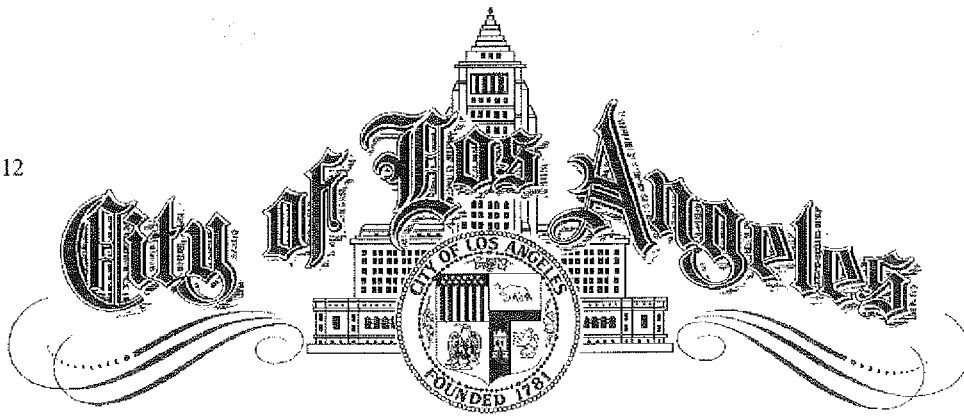


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**CARMEN A. TRUTANICH**  
City Attorney

REPORT NO. R 1 2 - 0 0 1 4

JAN 13 2012

**REPORT RE:**

**DRAFT OF ORDINANCE AMENDING ORDINANCE NO. 173,676, COMMONLY KNOWN AS THE ATWATER VILLAGE PEDESTRIAN ORIENTED DISTRICT TO CREATE A PILOT PARKING PROGRAM FOR A PORTION OF THE DISTRICT AREA**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 09-0035  
CPC File No. 2010-1929-POD

Honorable Members:

We are transmitting to you for your consideration, approved as to form and legality, a draft ordinance amending Ordinance No. 173,676, commonly known as the Atwater Village Pedestrian Oriented District.

Summary of Ordinance Provisions

The draft ordinance would create a pilot parking program for a portion of the district area whereby development projects would be subjected to relaxed parking requirements and could satisfy those requirements through the use of credits issued in recognition of abundant parking resources in the area. The draft ordinance would also impose an administrative fee to cover the costs of the parking credit program.

Fee Increase Notice Requirements

We note that, because this ordinance would impose a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of State law require that

prior to the adoption of a new or increased fee, a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

#### Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved this revised draft ordinance on behalf of the City Planning Commission and recommended that you adopt it. Should you adopt this ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in his revised report transmitted contemporaneously with this report, or by making your own findings.

#### CEQA Determination

Regarding the California Environmental Quality Act (CEQA), the Director of Planning recommends that you find that adoption of this ordinance is exempt from the provisions of CEQA pursuant to State of California CEQA Guidelines, Article 19, Section 15305, Class 5, in that the ordinance involves only "minor alterations in land use limitations[.]"

We also recommend that you direct Department of City Planning staff to file a Notice of Exemption with the County Clerk.

#### Council Rule 38 Referral

This draft ordinance does not require enforcement by an officer, board or commission of the City. As such, no Rule 38 referral was made.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael Bostrom at (213) 978-8068. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By



PEDRO B. ECHEVERRIA  
Chief Assistant City Attorney

PBE/MJB:za  
Transmittal

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Ordinance No. 173,676, commonly known as the Atwater Village Pedestrian Oriented District, to create a pilot parking program for a portion of the district area.

Section 1. Section 3 of Ordinance No. 173,676 is amended to read as follows:

**Section 3. DEFINITIONS.** The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this section. Words and phrases not defined herein shall be construed as defined in Sections 12.03 and 13.07 C of the LAMC.

A. **Community Parking Credit Area.** The area that consists of those lots that have street frontage on Glendale Boulevard between the Los Angeles River and the Los Angeles-Glendale city border.

B. **Ground Floor.** Ground Floor is the lowest level within a building which is accessible to the street, the floor level of which is within three feet above or below curb level.

C. **Project.** The construction or erection of any building or structure, or addition of floor area to any building, unless the building is used entirely for residential dwelling units. A Project shall also include changes of use triggering additional parking requirements under the LAMC.

D. **Signs.** Signs include not only words and numerals, but also symbols and logos.

Sec. 2. Subsection D of Section 4 of Ordinance No. 173,676 is amended to add a new subsection (3) to read as follows:

(3) **Parking Requirements for Projects located within the Community Parking Credit Area.** An applicant may satisfy the Project's parking requirements by obtaining parking credits as set forth below in lieu of complying with the Code's parking requirements.

(a) **The City Planning Commission.** After a public hearing, the City Planning Commission may establish administrative guidelines as may be necessary to further implement the provisions of this subsection. Notice of the time, place and purpose of the hearing shall be given by mailing written notice at least ten days prior to the date of the hearing to any property owners and occupants within a 500 foot radius of the Community Parking Credit Area, the Certified Neighborhood Council with jurisdiction over the Community Parking Credit Area, the affected

office(s), and any other relevant association or organization with jurisdiction over the Community Parking Credit Area as determined by the affected City Council office(s). The Department of City Planning shall make copies of the guidelines available to the public. The City Planning Commission shall periodically review the administrative guidelines and shall have the authority to change such guidelines.

**(b) Parking Credit Requirements.**

(i) The total number of parking credits required for a given use is determined by adding together the parking credit requirements for the use for each of the four time periods during which the use will be open for business, as identified in the following table. For example, a restaurant with 1,000 square feet of gross floor area (GFA) open 24 hours per day would be required to obtain 33 parking credits (7 + 10 + 6 + 10), as shown in the table below.

LAND USE	WEEKDAY PARKING CREDIT REQUIREMENTS		WEEKEND PARKING CREDIT REQUIREMENTS	
	Parking credits/1000SF GFA		Parking credits/1000SF GFA	
	DAY	NIGHT	DAY	NIGHT
Restaurant >1000 sq. ft., Health Club or Gym	7.00	10.00	6.00	10.00
Restaurant <1000 sq. ft.	3.50	5.00	3.00	5.00
Office	2.00	0.47	2.00	0.40
Retail	4.00	3.58	4.00	2.60
Service	1.74	2.00	1.74	2.00

(ii) Parking credits must be obtained from the available credits that are within the area in which the Project is located.

(iii) When a building or portion of a building contains two or more uses, the number of credits required

shall be the sum of the credits required by each use independently.

(iv) Parking credits may only be obtained for uses up to 5,000 square feet per use, or per business license. No more than 50 parking credits may be obtained for a single business.

(v) Parking Credits shall not be "banked." If a use changes to a new use that requires fewer parking credits, the excess credits shall be returned to the parking credit pool upon issuance of a certificate of occupancy for the new use.

(vi) Any Project or use that fails to obtain parking credits shall provide parking as specified by the Municipal Code. If a use that has parking credits becomes abandoned or vacant for six consecutive months, the credits shall revert to the pool of credits. For any subsequent use on the site, parking must be provided as per Code or new credits must be obtained.

(c) **Establishment of Parking Credits.** Parking credits are created when there are underutilized public on-street spaces, publicly owned off-street spaces, or privately owned off-street spaces. The number of credits and the time period(s) of their availability shall be based on the Civic Enterprises Associates 2008 parking utilization survey (the Parking Utilization Survey). The Department of Transportation shall update the survey as needed. When updating the survey, the Department of Transportation shall document the occupancy of all such spaces within the Community Parking Credit Area on an hourly basis between 8:00 a.m. and 12:00 a.m. for at least two weekdays and two weekend days, none of which is a holiday. Credits shall be established separately for each of the following time periods:

Weekday (daytime) - 8:00 am to 6:00 pm, Monday through Friday

Weekday (nighttime) - 6:00 pm to 8:00 am, Monday through Thursday

Weekend (daytime) - 8:00 am to 6:00 pm, Saturday or Sunday

Weekend (nighttime) - 6:00 pm to 8:00 am, Friday through Sunday

(d) **Calculation of Available Parking Credits.** The number of available parking credits shall be established for each of the time periods enumerated above, as follows:

(i) **On-street Credits.** On-street credits shall be comprised of underutilized metered and non-metered

parking spaces on the portion of Glendale Boulevard within the Community Parking Credit Area, as approved by the Department of Transportation.

a. A non-metered space shall be 23 linear feet of street, which has no parking meter and where parking is permitted and not restricted to permit holders.

b. The number of available on-street parking credits for each time period within the area shall be equal to the average percent of unused spaces within the area, as established in the Parking Utilization Survey, multiplied by the total number of on-street parking spaces in the area.

**(ii) Off-street Credits.**

a. The number of available off-street parking credits for each site in each time period shall be equal to the average percent of unused spaces on the site, as established in the Parking Utilization Survey, multiplied by the total number of parking spaces on the site.

b. Privately owned parking spaces may be added to the inventory of parking credits, provided that the owner of such spaces enters into a written covenant and agreement with the City or the City's designee to make such spaces available for public parking during at least one of the time periods for a term of at least one year.

c. The total number of parking spaces on a site may be adjusted upward from the number that is striped for use, in order to accommodate stacked parking, provided that a valet or similar service is implemented.

**(e) Procedures for Issuing Parking Credits.**

(i) The Department of City Planning shall grant parking credits to all qualifying applicants on a first come, first served basis.

(ii) Prior to the issuance of a building permit or Certificate of Occupancy for a use that uses parking credits to satisfy its parking requirements, the applicant shall enter into a Covenant and Agreement with the City running with the land, on a form provided by the Department of City Planning, and record it with the County of Los Angeles.

(iii) The Covenant and Agreement shall contain the following terms and conditions:

a. The applicant shall continue to maintain the parking credits for so long as the business or use they are intended to serve is maintained.

b. The applicant shall pay an annual fee pursuant to LAMC Section 19.01 I (Miscellaneous Clearance – Director or Commission) in order to compensate the City for the costs of administering the parking credit program.

c. Should the use be terminated for a period of six or more months, the credits granted shall automatically return to the pool of available credits for the Community Parking Credit Area, and the applicant and the City shall terminate the covenant and agreement.

(iv) The Department of Building and Safety shall not issue any building permit or Certificate of Occupancy for a use that uses parking credits to satisfy its parking requirements until the Department of City Planning provides written clearance to the Department of Building and Safety.

(f) **Accounting of Available Parking Credits.** The Department of City Planning shall maintain a master inventory of parking credits for the area. The information contained in the inventory shall be available to the public.

(g) **New Parking Credits.** New parking credits may be added to the inventory at any time, pursuant to this ordinance and to the satisfaction of the Department of City Planning.

(h) **Review.** The City Planning Commission shall review the operation and effectiveness of the Community Parking Credit program five years after the effective date of this section, or longer, depending on the need.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

JUNE LAGMAY, City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality  
CARMEN A. TRUTANICH, City Attorney

By *Michael J. Bostrom*  
MICHAEL J. BOSTROM  
Deputy City Attorney

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted .....

Date 1/12/12

January 12, 2012

See attached report.

File No(s). \_\_\_\_\_

*Alan Bell for*  
Michael LoGrande  
Director of Planning



DEPARTMENT OF  
CITY PLANNING  
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LOS ANGELES, CA 90012-4801  
AND  
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VAN NUYS, CA 91401

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[www.planning.lacity.org](http://www.planning.lacity.org)

January 12, 2012

The Honorable Carmen A. Trutanich  
City Attorney  
200 North Main Street, 8<sup>th</sup> Floor  
Los Angeles, CA 90012-4131

Attention: Michael J. Bostrom  
Deputy City Attorney

**RE: DRAFT OF ORDINANCE AMENDING ORDINANCE NO. 173,676, COMMONLY  
KNOWN AS THE ATWATER VILLAGE PEDESTRIAN ORIENTED DISTRICT TO  
CREATE A PILOT PARKING PROGRAM FOR A PORTION OF THE DISTRICT AREA**

**Council File No: 09-0035  
CPC File No: 2010-1929-POD**

At its meeting on January 13, 2011, the City Planning Commission approved a draft of an ordinance to amend the Atwater Village Pedestrian Oriented District (POD) to create a "Community Parking Credit Program" that would provide an alternative means for commercial uses to comply with parking requirements within a portion of Glendale Boulevard in the POD.

Subsequent to City Planning Commission approval, the Planning and Land Use Management (PLUM) Committee recommended adoption of the draft ordinance on February 15, 2011, and directed the City Attorney to prepare a final ordinance. Subsequent changes have been limited to replacing the parking credit fee of \$75 for each credit with an Administrative fee pursuant to LAMC Section 19.01 I (Miscellaneous Clearance – Director) and a change to the definition of Project to include changes of use triggering additional parking requirements under the LAMC. On balance, the subject draft of this ordinance is consistent with that which was approved by the City Planning Commission on January 13, 2011.

**Charter Section 559**

For the foregoing reason and as provided under the authority of Sections 558 and 559 of the City Charter, I find that my action is in conformance with all applicable portions of the General Plan and the City Planning Commission's action taken relative to Case No. CPC-2010-1929-POD on January 13, 2011, and the February 15, 2011 action of the PLUM Committee. I

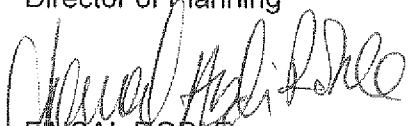
therefore adopt their findings along with a revised CEQA finding, and approve this revision to the Atwater Village POD ordinance, and recommend that it be adopted insofar as it does conform to the latest action of the Planning Commission on this matter.

Pursuant to Rule No. 38, transmitted herewith is the revised Atwater Village Pedestrian Oriented District ordinance. Adoption of the PLUM Committee recommended Ordinance will require that the City Council adopt a new CEQA finding as the environmental clearance has changed to a Categorical Exemption instead of the Mitigated Negative Declaration originally proposed:

### **CEQA Finding**

The ordinance qualifies for a Categorical Exemption under Class 5 of the State CEQA Guidelines and supported by the City's CEQA Guidelines, Article III, Section 1(e), which build upon this Class 5 Exemption by adding additional examples of minor alterations in land use limitations, including, "slight modifications which do not result in any change in land use" (subcategory 10). On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have any significant effect on the environment as the ordinance would not result in a change of density or intensity of land uses and therefore will not result in any direct or indirect environmental impacts. The attached Categorical Exemption narrative reflects the lead agency's independent judgment and analysis. The Mitigated Negative Declaration (ENV-2010-1930-MND) originally prepared for the proposed ordinance and adopted by the City Planning Commission is no longer being considered.

MICHAEL J. LOGRANDE  
Director of Planning



FAISAL ROBLE  
Senior City Planner

Attachments  
Exhibit A - Categorical Exemption narrative  
Exhibit B – Administrative Fee Justification

## **EXHIBIT A**

### **ATWATER VILLAGE COMMUNITY PARKING CREDIT ORDINANCE CATEGORICAL EXEMPTION NARRATIVE**

#### **PROJECT DESCRIPTION**

The proposed project amends Sections 3 and 4 of Ordinance 173,676, known as the Atwater Village Pedestrian Oriented District (POD) to create a Community Parking Credit Area within the POD. The purpose of the Community Parking Credit Area is to provide incentives for the use of existing pedestrian-scaled commercial buildings along Glendale Boulevard within the Atwater Village community by permitting the use of underutilized public and private parking as an alternative means of complying with city parking requirements.

#### **BACKGROUND**

Glendale Boulevard is one of the main commercial streets of Atwater Village. However, like many of the city's older neighborhood centers, the once vibrant pedestrian character of this half mile long stretch has declined. There is a need to revitalize the area by bringing in new uses, such as restaurants and retail stores, preserving historic buildings, and discouraging auto-oriented and other non-pedestrian friendly uses. The single biggest impediment to realizing this walkable "urban village" vision is the city's parking requirements. To address this concern, the Councilmember of the district requested by Council Motion that the Planning Department develop a Community Parking Project.

Glendale Boulevard is a traditional Main Street with pedestrian-oriented commercial buildings. The structures are typically not set back from the street, creating a relatively regular edge along Glendale Boulevard. In the past, visitors arrived on foot whether they had driven to the neighborhood, taken a trolley or simply walked from their homes. The fact that most shop patrons arrived on foot meant that building and business owners had strong incentives to develop the most walkable environment possible to attract customers. However, when onsite parking requirements were instituted in the 1940s and 50s, the fundamental economics of development as well as the incentives for pedestrian design were forever altered. These parking requirements affected both the new buildings and the existing buildings for which new uses were contemplated.

To address this same issue in Eagle Rock, a parking credit district was established in 2007 along a section of Colorado Boulevard whereby a business owner can, in lieu of providing onsite parking, opt to purchase parking credits. The buildings can stay as is with the existing onsite parking provided. While only a small number of businesses have applied, the program has been of great benefit to the businesses that have purchased credits. Thus far there have only been a few complaints of excessive street parking in adjacent residential areas. Currently, a street wide valet system is being considered to augment the program.

Similar to Colorado Boulevard, the proposed community parking pilot in Atwater Village represents a way to revitalize Glendale Boulevard in a pedestrian friendly way, while still

addressing the very real parking needs of the area and the economic realities of real estate development in the 21st century. Additionally, it may well serve as another model to facilitate the revitalization of many of the older neighborhood commercial villages throughout the city where current public parking is under-utilized.

The proposed ordinance accomplishes three things. First, it creates an optional Community Parking Credit Program whereby applicants for new commercial or mixed-use buildings, or additions and changes of use to existing buildings can choose to utilize credits from an area-wide pool of available parking credits in lieu of providing Code required parking on site. Second, the ordinance establishes a methodology for the calculation of parking credits and establishes an Administrative Fee for the use of parking credits. Finally, by allowing business owners to utilize parking credits, additional land for parking is not needed and parcels along Glendale Boulevard can continue to accommodate existing or new pedestrian friendly uses.

### **PROJECT HISTORY**

The Community Parking Credit program originated from the community. The Atwater Village Neighborhood Council hired a consulting firm, Civic Enterprise Associates, to recommend steps necessary to revitalize their commercial center in a manner that preserves the scale, the historic buildings and the pedestrian-orientation of the area. Civic Enterprise identified the parking code compliance problem and looked toward Pasadena and Eagle Rock and their systems of parking credits as a potential model for commercial revitalization. Since the entire half mile-long area is in a Pedestrian Orientated District, the consultants recommended designing a new parking system involving parking credits and adopting it as an amendment to the POD.

### **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration (ENV-2010-1930-MND) was originally prepared for the proposed ordinance and adopted by the City Planning Commission. Upon further review by the City Attorney, it came to Planning staff's attention that the initial draft of the ordinance incorrectly assumed that the parking credits were a mitigation measure rather than a design feature of the ordinance itself. Upon realization that credits are a design feature of the ordinance, and that no potentially significant environmental impacts due to unusual circumstances are anticipated in any of the environmental categories of the Initial Study Checklist, it has become clear that the ordinance qualifies for a Categorical Exemption under Class 5 of the State CEQA Guidelines.

State of California CEQA Guidelines, Article 19, Section 15305, Class 5, consists of "minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel; (b) Issuance of minor encroachment permits; and/or (c) Reversion to acreage in accordance with the Subdivision Map Act." The City's CEQA Guidelines, at Article III, Section 1(e), build upon this Class 5 Exemption, by adding additional examples of minor alterations in land use limitations, including, "slight modifications which do not result in any change in land use" (subcategory 10).

The proposed ordinance involves a change to an existing land use ordinance, the Atwater Village Pedestrian Oriented District. The Atwater Village POD limits uses and building heights and encourages pedestrian oriented building design in order to preserve the scale of Atwater Village and promote the types of neighborhood-serving retail businesses that tend to attract pedestrian traffic. None of the proposed changes to land use regulations would result in a change to land use or density.

The amending ordinance is intended to further encourage the introduction of new pedestrian-friendly businesses to Glendale Boulevard in Atwater Village by providing a Community Parking Credit program as an alternate way of satisfying Los Angeles Municipal Code parking requirements. Code required parking has been known to stifle the attraction of new businesses in older established retail districts such as Atwater Village because parking standards in the Code typically require more parking spaces than are physically available. Most businesses in Atwater Village take up relatively small storefronts situated on small lots. Many businesses have grandfathered parking rights. Occasionally, when additional parking is required for a new use, businesses are required to meet current parking standards through a private off-site parking agreement, or by requesting a variance from the Zoning Administrator. This approach tends to solve the problem in a piecemeal manner without looking at the issue of parking in the area as a whole.

A parking survey conducted in June of 2008 by the consulting firm Civic Enterprise Associates revealed that a significant amount of parking remained underutilized at most times of the day both during the week and on weekends, that there is enough parking district-wide to support new businesses. The parking study concluded that if parking were to be pooled, businesses in Atwater Village could take advantage of the available off-site parking and opt into an areawide shared parking program instead of providing parking directly on site. More information about the survey methodology can be found in Planning Case File CPC-2010-1929-POD.

Using the findings of the parking survey, the proposed ordinance intends to create a shared parking program and establish procedures for the program. The ordinance divides parking credits into four categories: Weekday-Day, Weekday – Night, Weekend – Day and Weekend – Night, for a total of 490 available credits to accurately reflect the usage patterns of parking. The ordinance also grants the City Planning Commission the authority to adopt administrative guidelines to further address procedures once the ordinance is in effect. Similar to the Eagle Rock parking program, the Atwater Village community parking program is a pilot program, which will be evaluated approximately every five years and will be retooled as necessary.

The parking program is anticipated to support existing businesses and promote the introduction of new pedestrian-oriented businesses to the Atwater Village area. The ordinance would not, however, directly or indirectly increase density or result in changes to land use as the ordinance only addresses parking regulations. Therefore, the proposed ordinance would qualify as a Class 5 Categorical Exemption (Minor Alterations in Land Use Limitations).

## EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS

Planning staff evaluated the potential exceptions to the use of Categorical Exemptions, pursuant to Article 19, Section 15300.2. Exceptions for the proposed project and determined that none of these exceptions apply as explained below:

- (a) Location: The exception applies to Class 5 Categorical Exemptions where the project is located in a particularly sensitive environment.

The City of Los Angeles designates, precisely maps and officially adopts areas of special resources and hazards in the Safety Element of the General Plan, adopted in 1996. The proposed ordinance addresses parking regulations in a portion of the Atwater Village Pedestrian Oriented District, on Glendale Boulevard bounded by the Los Angeles River to the southwest and the City of Glendale border to the northeast. This area is mapped in the Safety Element. Per the Los Angeles CEQA Thresholds Guide, Chapter 4, Section F Hazards, which identifies the thresholds at which there is a significant impact, the designated and adopted map of the Safety Element has been reviewed. The resulting analysis per each map is as follows:

- Alquist-Priolo Special Study Zones and Fault Rupture Study Areas Map:  
Alquist-Priolo Earthquake Fault Zones are regulatory zones that encompass surface traces of active faults that have a potential for future surface fault rupture. The proposed ordinance regulates parking requirements in an area that is not within a designated Alquist-Priolo Earthquake Fault Zone. The area addressed by this ordinance is not particularly sensitive to surface fault rupture, therefore the exception does not apply.
- Areas Susceptible to Liquefaction:  
Areas sensitive to liquefaction consist of land identified by the State of California that is located in the general area of sites that possess the potential for earthquake-induced transformation of loosely packed sediment into a fluid mass. City of Los Angeles maps have been consulted and the mapped area subject to the proposed ordinance is not generally located in an area susceptible to liquefaction, therefore the exception does not apply.
- Landslide Inventory and Hillside Areas:  
Areas susceptible to landslide include land identified by the State of California that is located in the general area of sites that possess the potential for earthquake-induced rock falls, slope failure, and debris flow. The portion of Glendale Boulevard covered by this ordinance is relatively flat land and is not indicated on City of Los Angeles maps as an area particularly sensitive to landslides, therefore the Landslide exception does not apply.

Categorical Exemption Narrative for Atwater Village POD Ordinance

- Selected Wildfire Hazard Areas:

The proposed ordinance affects Glendale Boulevard which is a highly urbanized area. Furthermore, the ordinance addresses parking regulations only. Therefore, the ordinance would not directly or indirectly impact Selected Wildfire Hazard Areas and the exception does not apply.

- Oil Field and Oil Drilling Areas:

The area affected by the proposed ordinance is not an area that is located in or in close proximity to a formerly active oil drilling area. Therefore, the area is not subject to developmental regulations relating to guidelines to mitigate oil drilling area hazards or special consideration for oil drilling and the exception does not apply.

- 100-Year and 500-Year Flood Plains:

The proposed area is not located in a mapped Flood Zone susceptible to 100-year and 500-year floods. Lands susceptible to floods are designated as special flood hazard areas that are identified by the Federal Emergency Management Agency (FEMA) and published in the Flood Insurance Rate Map (FIRM) to establish the flood risk premium zone. These areas are subject to inundation by a flood having a one-percent or greater probability of being equaled or exceeded during any given year. Since the subject area is not sensitive to flooding, the exception does not apply.

- Inundation and Tsunami Hazard Areas:

Tsunamis are large ocean waves generated by large-scale, short-duration submarine earthquakes. Tsunami waves are capable of traveling great distances (over 1,000 miles) and damaging low-lying coastal regions. The Atwater Village area is not located near a coast line and therefore is not susceptible or sensitive to Inundation and Tsunami hazards. The exception does not apply.

- Critical Facilities and Lifeline Systems:

The proposed ordinance provides an alternative to code required parking regulations and would not directly or indirectly impact Critical Facilities and Lifeline Systems. Therefore, the exception does not apply.

(b) Cumulative Impact: The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.

The proposed ordinance creates a mechanism by which property owners can opt into a shared parking program for a designated area within the Atwater Village Pedestrian Oriented District. The ordinance sets aside a fixed number of available parking credits, based on a parking survey approved by the City of Los Angeles. The proposed ordinance would have no immediate impact on the built environment, therefore it is not anticipated that

there will be cumulative environmental impacts resulting from the proposed ordinance. Furthermore, future development projects utilizing this parking credit system will be subject to an environmental assessment to screen for any potential cumulative impacts. Therefore, the exception does not apply.

(c) Significant Effect: This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances. Examples include projects which may affect scenic or historical resources.

There is no reasonable possibility that this project will have a significant effect due to unusual circumstances. In the future, individual projects that are subject to the ordinance and designated as historic resources will receive environmental review, as is current practice. Therefore, exception (c) does not apply.

(d) Scenic Highway: Projects that may result in damage to scenic resources within a duly designated scenic highway

Glendale Boulevard is not a designated a scenic highway. The proposed ordinance would affect parking standards only and would not impact existing regulations in the Pedestrian Oriented District dealing with exterior facades of buildings, land uses, and landscaping along Glendale Boulevard.

(e) Hazardous Waste Site: Projects located on a site or facility listed pursuant to California Government Code 65962.5.

The proposed ordinance does not supersede any existing regulation dealing with hazardous material sites or requirements. The proposed ordinance is a policy ordinance and does not involve the development of a specific site or facility. Therefore, exception (e) does not apply.

(f) Historical Resources: Projects that may cause a substantial adverse change in the significance of an historical resource.

The proposed project would not cause an adverse change in the significance of a historical resource as defined in State CEQA 15064.5. Regulation regarding historically designated structures would not be superseded by this proposed ordinance. Therefore, the exception does not apply.



## EXHIBIT B

### JUSTIFICATION FOR ADMINISTRATIVE FEE

#### Background

The draft Atwater Village Ordinance as approved by the City Planning Commission originally proposed a fee on the issuance of parking credits that would be used to provide additional parking spaces in the area, or to make other traffic and street improvements. As recommended by the City Attorney in light of recent case law concerning development fees, the draft Ordinance has been revised to replace the development fee with an administrative fee to compensate the City for the costs of administering the parking credit program.

#### Established Administrative Fees in LAMC Section 19.01 I

A fee for administrative ("sign off") approvals was developed as part of a major overhaul of the Planning Department's fee structure in 2009 based on a Fee Study (see attached report) that had been prepared to help the Department reach its goal of becoming near full cost recovery.

As stated in the report, "the methodology employed in the fee study is a widely known and accepted 'bottom up' approach to cost analysis, where time spent per unit of fee activity is determined for each position within the department. The times are totaled and this estimate is then used in calculating all applicable City costs, which typically include: direct salaries and benefits, operating services and supplies, department and divisional overhead, and citywide overhead costs."

The established sign-off fee in LAMC Section 19.01 I (Miscellaneous Clearance - Director) is a fee that is collected each time a Project within the Pedestrian Oriented District is ministerially approved by the Planning Director's designee. The average staff time spent on such approvals has been analyzed in the Fee Study, publicly vetted, adopted by City Council in 2009 and built into the current fee. Staff time associated with the Atwater Village parking program is expected to be similar to current POD.

Based on the Eagle Rock parking program, a Planning Assistant handles 3-4 applications per year totaling approximately 20 hours of staff time per year at a rate of \$72.08/hour (including overhead) for a total cost of \$1441. Tasks include answering phone calls and inquiries from prospective applicants, meeting with applicants, handling the parking credit payments and keeping track of the parking credit pool.

Similarly, the Atwater Village program will involve a certain amount of staff time to implement, including day-to-day and project related tasks. After one year, businesses utilizing parking credits in Atwater Village would now be required (per the ordinance) to renew their credits annually through a Covenant and Agreement with the City. In other words, businesses must reapply for parking credits every year. After the first year, the Planner managing the Atwater Village parking credit program will be tracking the number of parking credits utilized by each business, monitoring businesses that choose to renew their credits annually and pay fees, and handling any late payment/enforcement issues that may arise. Assuming the staff time involved after the first year would be approximately 5 hours per business (cost of \$360.40), the established fee of \$199 in Section 19.01 I would be much lower than the actual cost. In addition, the Ordinance calls for a periodic update of the parking credit survey. The initial survey cost \$6,800 to prepare, and updates are anticipated to cost a similar amount of money. The annual fee imposed under Section 19.01 I of the Municipal Code will help defer those costs.