



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

### CITY PLANNING COMMISSION

**DATE:** August 11, 2016  
**TIME:** after 8:30 a.m.\*  
**PLACE:** Los Angeles City Hall  
200 North Spring Street  
Room 340  
Los Angeles, CA 90012

**CASE NO:** CPC-2016-2583-GPA  
(Related to CPC-2015-2328-CA-GPA)  
**COUNCIL FILE:** 16-0529  
**CEQA:** ENV-2015-2329-CE  
**LOCATION:** Citywide  
**COUNCIL DISTRICT:** All  
**PLAN AREAS:** All

### PUBLIC HEARING REQUIRED

**SUMMARY:** A proposed resolution amending the Public Recreation Plan of the Service Systems Element of the Los Angeles City General Plan to modernize the definitions for neighborhood, community, and regional recreational sites and facilities and update the guidelines.

### RECOMMENDED ACTIONS:

1. **Adopt** the Staff Report as its report on the subject.
2. **Adopt** the Findings (Appendix A).
3. **Adopt** the Categorical Exemption (Appendix B) as the CEQA clearance on the subject.
4. **Approve** the proposed resolution (Appendix C) to amend the Public Recreation Plan, a portion of the Service Systems Element of the General Plan, and recommend its adoption by the City Council.

VINCENT P. BERTONI, AICP  
Director of Planning

KEVIN KELLER, AICP, Deputy Director

THOMAS ROTHMANN, Principal City Planner

PHYLLIS NATHANSON, City Planner  
(213) 978-1474

Yi Lu, Planning Assistant  
(213) 978-1287

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

### **Summary:**

Staff recommends that the City Planning Commission approve, for a second time, a resolution that amends the Public Recreation Plan of the Service Systems Element of the General Plan. The amendment to the Public Recreation Plan is before the City Planning Commission again, because the City Council's "time to act" expired prior to the City Council taking an action on the matter. The amendment is related to an ordinance to update the City's park impact fees, both of which the City Planning Commission previously approved at its meeting on March 24, 2016 and will be considered together by the City Council.

### **Background:**

On March 24, 2016, the City Planning Commission approved a resolution to amend the Public Recreation Plan, under Case No. CPC-2015-2328-CA-GPA. The Public Recreation Plan is part of the Service Systems Element of the General Plan. The resolution was approved in tandem with an ordinance updating the City's park impact fees (Quimby and Finn fees) in the Municipal Code. The resolution and ordinance are both being considered by the Planning and Land Use Management (PLUM) Committee. However, the City Council's 75-day "time to act" on the resolution expired on July 26, 2016, prior to when the City Council taking an action on the matter. Consequently, the amendment to the Public Recreation Plan was re-initiated by the Director of Planning and is being returned to the Commission for its approval a second time.

### **Proposed Resolution:**

The content of the proposed amendment to the Public Recreation Plan is identical to what was approved by the Commission on March 24, 2016. In summary, the Public Recreation Plan amendment modernizes the definitions for neighborhood, community, and regional recreational sites and facilities and updates the guidelines, including guidelines not previously specified for regional recreational sites and facilities. The updated guidelines include modified recommended service area distances, as well as new recommended service levels for each of the three defined types of recreational sites and facilities.

### **Conclusion:**

Staff recommends that the City Planning Commission adopt the Staff Report, the Findings (Appendix A), and Categorical Exemption ENV-2015-2329-CE (Appendix B) as the environmental clearance for the proposed amendment. Staff also recommends that the City Planning Commission approve the proposed amendment to the Public Recreation Plan (Appendix C) and recommend its adoption by the City Council.

**Appendix C: Draft Resolution**

## RESOLUTION

This resolution amends the definitions of park sites and recreational amenities and facilities within the Public Recreation Plan of the Service Systems Element of the City of Los Angeles General Plan

**WHEREAS**, the City of Los Angeles provides public recreation, parks, beaches, multiuse trails, and open space facilities and sites within the City of Los Angeles;

**WHEREAS**, abundant and accessible parks and open space are essential components of healthy and sustainable neighborhoods and park and recreational facilities offer opportunities for physical activity, safe places for families and children, spaces for social interaction, access to nature, and places for mental respite;

**WHEREAS**, people who live within walking distance of a park or recreational facility are more likely to engage in physical activity;

**WHEREAS**, parks and open space provide people with access to nature which can improve psychological, social, and medical health;

**WHEREAS**, parks and open space provide aesthetic and environmental benefits such as urban cooling, stormwater management, and carbon and pollution sequestration, which can mitigate the impacts of pollution;

**WHEREAS**, parks and open space enhance property values, increase municipal revenues, and attract home buyers, workers, and tourists;

**WHEREAS**, the Southern California Association of Governments (SCAG) Regional Growth Forecast estimates that the City will add significantly more people during the coming decades. New residential construction in Los Angeles is necessary to accommodate the additional population;

**WHEREAS**, new residential construction should not diminish the City's park and recreational facilities or reduce the service level currently provided by the City;

**WHEREAS**, it is necessary to acquire and develop new park and recreational facilities to serve the new residential population and to maintain the existing service level;

**WHEREAS**, residential development projects that do not subdivide the land upon which units are constructed add population to the City and increase the demand for park and recreational facilities to the same extent as residential development projects which require land subdivision;

**WHEREAS**, the City's General Plan includes a number of policies to maintain and increase both the number and type of park and recreational facilities in the City, including identifying potential funding opportunities for new recreation and park facilities;

**WHEREAS**, the City's Health and Wellness Element of the General Plan strives for the equitable distribution of park and space in every Los Angeles neighborhood;

**WHEREAS**, three City Council motions called for a reexamination of the Park Fee policies, including adjusting park fee credits to reflect current costs of construction (Council File 07-3619), developing a proposed fee charged to developers of new market rate apartments to be used to purchase open space (Council File 07-3387-S2), and reviewing the requirements regarding the service radius for park acquisition and to recommend how the General Plan and the Municipal Code should be amended to the City's goals (Council File 05-1562);

**WHEREAS**, a combined Recreation and Parks Department and Department of City Planning working group and a Park Advisory Committee researched and discussed the primary issues associated with the City's park and recreation and regulations, including service radius, park level of service, qualifying parks, credits for on-site recreational amenities, deferrals for low-income housing, land dedication, residential fee schedule, and expanding park fees to other residential uses;

**WHEREAS**, the City has completed a nexus study of recreation and park impact fees and a review of reference city policies and impact fees;

**WHEREAS**, establishing a park and recreational impact fee for all residential development will require all project applicants to pay a fair share of the cost of acquiring, developing, and improving park and recreational facilities in the City;

**WHEREAS**, the fees established by this ordinance are based upon and do not exceed the cost of providing capital recreation and park facilities and sites necessitated by new residential development for which the fees are imposed.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF LOS ANGELES AS FOLLOWS:**

The Public Recreation Plan of the Service Systems Element of the Los Angeles City General Plan is amended to read as follows:

The Public Recreation Plan ~~Section 4~~ consists of this text and the map on the other side of this sheet.

The Public Recreation Plan ~~Section 4~~ is a portion of the Service Systems Element of the Los Angeles City General Plan. This section of the Plan emphasizes addresses neighborhood, and community, and regional recreation sites and facilities, ~~community buildings, gymnasiums, swimming pools and tennis courts.~~ Subsequent sections will address other facilities.

## PURPOSES

### Use of the Plan

The Public Recreation Plan —~~Section 4~~ consists of this text and the map on the other side of this sheet. The plan map shows, in an illustrative manner, the general location of recreational sites on a citywide basis. More specific locations are shown on the adopted community plan maps.

~~This section of the plan~~ The Public Recreation Plan (Plan) sets forth recreation ~~standards~~ standards guidelines intended to provide a basis for satisfying the needs for ~~neighborhood and community~~ city recreational sites. The ~~standards~~ standards guidelines are not intended to set an upper limit for the areas of parks, recreational sites or other types of open space. Instead, they are intended to provide the City with a flexible and broad range of options on how park expenditures can be spent across the city.

The ~~Public Recreation Plan —Section 4~~ emphasizes ~~neighborhood, and community, and regional~~ recreational sites and parks because of their ~~immediate~~ importance to the daily lives of the City's people, especially its children. In addition, this Plan elevates the importance of regional parks as community resources for active and passive recreational activity. It includes policies and programs to meet the needs for ~~community buildings, swimming pools and tennis courts~~ a broad range of recreational facilities. ~~Other types of facilities will be added after additional studies have been made.~~ This section of the Plan is to be continually revised to meet expanding needs for ~~neighborhood and community~~ recreational sites.

In view of the limited availability of funds for acquisition and development of recreational sites, the Plan suggests that priority be given to those presently underserved areas of the City which have the greatest need for recreational sites and facilities.

Programs are intended to carry out the policies and accomplish the objectives of the Public Recreation Plan—~~Section 4~~. This ~~section of the Plan~~ does not mandate the City to commence any new programs which may require the expenditure of work-hours or funds.

### Objectives of the Plan

The objectives for the Public Recreation Plan—~~Section 4~~ are based on recognized planning principles City's recreational sites and facilities and are as follows:

- To provide a guide for the orderly development of publicly-accessible recreational sites and facilities in the City ~~the City's public recreational facilities.~~
- To provide long-range ~~standards~~ standards guidelines for use in connection with new subdivisions, intensification of existing residential development, or redevelopment of blighted residential areas as described under general local recreation standards.
- To develop and locate publicly-accessible recreational sites and public facilities to provide the greatest benefit to the greatest number of people at the least cost and with the least environmental impact.
- To provide a guide of priorities for the acquisition and development of public recreational facilities.
- To further refine and carry out the goals and objectives set forth in the Concept and Citywide Plan for recreation.

## DEFINITIONS

**A-Neighborhood Recreational Sites and Facilities-** should provide space and facilities amenities for outdoor and indoor recreational activities. It is intended to serve residents of all ages and abilities in its their immediate neighborhood. Neighborhood recreation sites and facilities should be based on local community preferences, allow for both active and passive recreation for users of all ages and abilities, and be site-appropriate and suitable for the intended recreational activity. Facilities are typically provided for the following activities:

softball — soccer — handicrafts

basketball — football — lawn games

volleyball — shuffleboard — small children's

handball — table games — play

Facilities to meet the special needs of particular neighborhood should also be provided. When available, A community building they should be transit accessible and available with facilities for meetings, dances, dramatic productions, and arts and crafts, and other community-desired activities. Off-street parking should be provided whenever possible.

**A-Community Recreational Sites and Facilities** - should be designed to serve residents of all ages and abilities in several surrounding neighborhoods. Its facilities amenities serve a much wider interest range than do those of a neighborhood site. The typical community recreational site or facility may offers recreational facilities for organized activities baseball diamonds, combined football and soccer fields, tennis and handball courts, and a swimming pool, in addition to the facilities amenities provided for neighborhood sites and facilities and specialized facilities as may be needed to meet the needs of the community.

**A-Regional Park Recreational Sites and Facilities(Generally over 50 Acres)** – provides specialized recreational facilities that have a regional draw such as lakes, golf courses, campgrounds, wilderness areas and museums, which normally serve persons living throughout the Los Angeles basin. A regional park recreational site or facility may include, or emphasize, exceptional scenic attractions. A regional park recreational site or facility may also contain the types of facilities amenities provided in neighborhood and community recreational sites.

**School Playgrounds** of the Los Angeles City Unified School District may supplement local recreational sites. They are open for a limited number of after school hours each day during the school year and on a full day schedule during the summer.

## STANDARDS GUIDELINES

A satisfactory recreation system must measure up to accepted standards guidelines in three several respects: first, there must be sufficient land area set aside for recreation; second, the recreation area must be properly equitably distributed in residential areas throughout the City; third, there must be facilities to meet different recreational needs- including both active and passive recreation- and provision for residents of all ages and abilities; and the Department of Recreation and Parks should have the ability to develop and use flexible criteria to adapt and respond to the urgent need for parks, open spaces, and recreational facilities and the allocation of resources. groups. Recreational sites and facilities should be provided at the neighborhood, community, and regional levels- a broad range of levels that collectively help communities reach the recommended park acreage. An overall provision of 10 acres of land per 1,000 persons for total recreational sites and facilities is recommended. A minimum of 10% of the total land area should be in public recreation or open space.

The location and allocation of acreage for neighborhood, and community, and recreational sites, regional recreational sites and facilities should be determined by the Department of Recreation and Parks on the basis of the service radius within residential areas throughout the City. No park site should be diminished in size or removed from any service area unless the required acreage is replaced within that district or unless the need is diminished due to population changes.

### Local Recreational Standards Long range

- **Neighborhood Recreational Sites and Facilities.** The following guidelines may apply to neighborhood recreational sites: should be provided at a minimum of 2 acres per 1,000 persons. The following standards should apply: If coordinated and used with a school playground, up to one-half the acreage of the playground may be counted toward the total acreage required, but a school playground alone is not likely to suffice to properly serve a neighborhood.
- The service radius of a neighborhood recreational site or facility should generally be within walking distance of the site. is approximately one-half mile.
- The site or facility park space should be located within a neighborhood so that users are not required to cross a major arterial street or highway when walking to the site.
- The type of activities and programs conducted at each neighborhood site or facility should be determined by measuring the desires of the clientele in the area served. Care must be taken to provide activities for residents' of all ages and abilities groups within the neighborhood.
- The population characteristics of each area served should be used in determining the general facilities required.
- The recommended service levels for neighborhood sites and facilities is 2 acres per 1,000 residents.
  
- **Community Recreational Sites and Facilities.** The following guidelines may apply to community recreational sites: should be provided at a minimum of 2 acres per 1,000 persons. The following standards should apply: The minimum desirable acreage per recreation and park site is 15 acres, ideal is 20 acres. Community recreational sites and facilities can be of any size, but are generally larger than neighborhood parks. Community-serving recreational amenities may be included on smaller sites that have a larger geographic draw, e.g. a swimming pool on a smaller parcel.



- If coordinated with high school or junior high school site, up to one-half the required acreage may be fulfilled by the school play area.
- The service radius of a community site is approximately 2 miles should generally be accessible within a relatively short bike, bus, or car trip.
- The community park site or facility should be easily accessible to the area served.
- The community park site or facility may serve several neighborhoods.
- The types of activities available at the community park site or facility should be determined by measuring the desires of the population served.
- The recommended service levels for community sites and facilities are 2 acres per 1,000 residents.

**Regional Recreational Sites and Facilities.** The following guidelines may apply to regional recreational sites:

- Regional recreational sites and facilities can be large urban recreational sites or can be smaller sites or facilities that draw visitors from across the City.
- The service radius of a regional recreational site should generally be within a reasonable drive.
- Regional sites or facilities should serve the entire City
- Regional sites or facilities typically include a broad range of facilities that are appropriate for large parks of that size and have a large regional draw.
- The population characteristics of each area served should be used in determining the general facilities required.
- The recommended service levels for regional recreational sites and facilities are 6 acres per 1,000 residents.

**~~Community Plan Standards – Short and Intermediate Range~~**

~~The Local Recreation Standards are long range and may not be reached during the life of this Plan. The following standards have been used for most of the adopted community plans and are included in this Plan as short and intermediate standards for park acreage:~~

- ~~A. For Neighborhood Parks – 1 acre per 1,000 persons; service radius 1 mile.~~
- ~~B. For Community Parks – 1 acre per 1,000 persons; service radius 2 miles.~~

**POLICIES**

Recreational facilities and services should be provided for all segments of the population on the basis of present and future projected needs, the local recreational standards, and the City's ability to finance.

- Park and recreation sites shall be acquired and developed first in those areas of the City found to be most deficient in terms of the recreation standards.
- Recreational use should be considered for available open space and unused or underused land, particularly publicly owned lands having potential for multiple uses.
- High priority will be given to areas of the City which have the fewest recreational services and the greatest numbers of potential users.

## **PROGRAMS**

- Continue to include land acquisition for park and recreational purposes as a regular item in the City's Five Year Capital Improvement Program.
- Prepare a priority schedule based on greatest need for acquiring and developing park and recreational sites.
- Seek federal, state and private funds to implement acquisition and development of parks and recreational facilities.
- Establish policies to facilitate donation of parks to the City.
- Lease or acquire unused or abandoned properties suitable for recreational activities.
- Encourage multiple use of public properties such as power line or flood control rights of way, debris basins, reservoir sites, etc., for recreation.

## **POLICIES - Community Buildings/Gymnasiums**

- Park community buildings should be designated as large and flexible structures to permit a wide variety of recreation activities, meeting the needs of all groups and special interests, to adequately serve the current and future community.
- The availability of community buildings/gymnasiums will be based on the needs of the local population between the ages of 7 to 34. It is this age range which most uses gymnasiums.

## **PROGRAMS - Community Buildings/ Gymnasiums**

- Use the areas of Public Community Building Deficiency identified in the Public Recreation Plan -Section 1, Background Report as guides for locating new community buildings as funds become available. A program for updating the Table and Public Community Building Maps by the Department of Recreation and Parks and the Planning Department should be initiated as important changes in population, land use and facilities occur.
- Encourage the Los Angeles City School District to remove the emergency energy curtailment program which results in the closure of two-thirds of its public gymnasium facilities one night a week on rotation, and to reactivate the closing only in times of demonstrated emergency.
- The Department of Recreation and Parks should develop standard sets of criteria and designs for local recreation center buildings.
- Design of new community buildings should, include a gymnasium with a minimum size which would permit basketball play. It is desirable that the gymnasium be large enough to permit a regulation size high school basketball court.

## **POLICIES - Swimming Pools**

- Swimming pool service levels will be based on the needs of the local population between the ages of 6 to 20. It is this age range which most use public pools.
- New pools should be located to maximize use in various swimming programs. Where possible, new pools should be located on or near junior high school or high school sites.

## **PROGRAMS - Swimming Pools**

- Use the areas of Public Swimming Pool Deficiency identified in the Public Recreation Plan - Section 1 Background Report as guides for locating new swimming pools as funds become available. A program for updating the Table and Public Swimming Pool Maps by the Department of Recreation and Parks and the Planning Department should be initiated as important changes in population, land use and facilities occur.
- The Department of Recreation and Parks and the Los Angeles City School District should continue and expand the cooperative efforts regarding joint use of swimming pools.
- The City of Los Angeles should continue to locate new swimming pools at junior high school and high school sites where appropriate.

## **POLICIES - Tennis Courts**

- Tennis service levels will be based on the needs of the local population between the ages of 10 to 61. It is this age range which most use tennis courts.
- Use of existing and future tennis courts should be maximized through design, lighting and operation.

## **PROGRAMS - Tennis Courts**

- Use the areas of Public Tennis Court Deficiency Identified in the Public Recreation Plan - Section 1 Background Report as guides for locating new tennis facilities as funds become available. A program for updating the Table and the Public Tennis Court Maps by the Department of Recreation and Parks and the Planning Department should be initiated as important changes in population, land use and facilities occur.
- Continue the program of designing new facilities with night lighting adequately shielded to assure the privacy of adjacent residential uses.
- Continue the program of illuminating unlighted public park tennis courts and encourage lighting of school tennis ~~facilities~~ facilities in tennis court deficient areas when funds become available.
- Continue the program of building tennis courts in groups rather than one at a time.

**Appendix B: Environmental Clearance**

OFFICE OF THE CITY CLERK  
200 NORTH SPRING STREET, ROOM 360  
LOS ANGELES, CALIFORNIA 90012

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**NOTICE OF EXEMPTION**

(State CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, Pursuant to State CEQA Guidelines Section 15062(d), the filing and posting of this notice starts a 35-day statute of limitations on legal challenges to the approval of the project.

LEAD CITY AGENCY <b>City of Los Angeles Department of City Planning</b>	COUNCIL DISTRICT All
--	-------------------------

PROJECT TITLE Parks Dedication and Fee Program Update	LOG REFERENCE ENV-2015-2329-CE
--	-----------------------------------

PROJECT LOCATION  
Citywide

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:  
The proposed project includes an ordinance amending Sections 12.21, 12.33, 17.03, 17.07, 17.12, 17.58 and adding Section 19.17 of the Los Angeles Municipal Code (LAMC) and a resolution amending the definitions of park sites and recreational amenities and facilities within the Public Recreation Plan of the Service Systems Element of the City of Los Angeles General Plan to: (1) update existing Quimby in-lieu fees for land dedication required of subdivision projects, with an exception for affordable housing units; (2) create a park dedication and in-lieu park fee for non-subdivision multifamily residential projects, with an exemption for affordable units; (3) expand credit options toward the land dedication or fee amount for projects providing park-related amenities greater than the minimum open space requirements; (4) expand project radii within which parks may be built from park fee funds; (5) require a predevelopment meeting to review land dedication options for large subdivision projects; and (6) clarify the applicability of Quimby fees to the Greater Downtown Housing Incentive Area open space incentive.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:

CONTACT PERSON Yi Lu	AREA CODE TELEPHONE NUMBER (213) 978-1287	EXT.
-------------------------	--	------

EXEMPT STATUS: (Check One)	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input checked="" type="checkbox"/> STATUTORY EXEMPTION	Sec. 15273(a)(4)	Art. II, Sec. 2a
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION Class 1, 2, 3, 4, and 16 - State CEQA Guideline Sections 15301, 15302, 15303, 15304, and 15316	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
<input checked="" type="checkbox"/> OTHER/GENERAL EXCLUSION	Sec. 15378(b)(4)	n/a

JUSTIFICATION FOR PROJECT EXEMPTION: Pursuant to State CEQA Guidelines Section 15378(b)(4), the fee update is not a "project" within the meaning and scope of CEQA because it is a government funding mechanism that does not involve a commitment to any specific project that may result in a potentially significant physical impact on the environment. If it is found to be a CEQA project, the fee update is statutorily exempt pursuant to State CEQA Guidelines Section 15273(a)(4) covering the establishment, modification, structuring, restructuring or approval of rates, tolls, fares, or other charges by a public agency for the purpose of obtaining funds for capital projects, necessary to maintain service within existing service areas because the proposed fee update is necessary to maintain the City's established park level of service standard within the existing service area (citywide) and does not include the development of any site. (See also Pub. Resources Code § 21080(b)(8).) The fee update is also categorically exempt in accordance with Sections 15301, 15302, 15303, 15304, and 15316 of the State CEQA Guidelines (classes 1, 2, 3, 4, and 16, respectively) applicable to: Minor Alterations of Existing Facilities; Replacement or Reconstruction of Existing Structures; Construction or Conversion of Small Structures; Minor Alterations to the Condition of Land; and the Acquisition or Transfer of Land for the Creation of Parks.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE <i>Nicholas P. Martin</i>	TITLE Senior City Planner	DATE 3/11/16
--	------------------------------	-----------------

FEE:	RECEIPT NO.	REC'D. BY	DATE
------	-------------	-----------	------

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record.  
IF FILED BY THE APPLICANT:

Rev. 11-1-03 Rev. 1-31-06 Word

NAME (PRINTED) \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

# CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NARRATIVE

## Parks Dedication and Fee Program Update

CPC-2015-2328-CA-GPA

ENV-2015-2329-CE

### **I. PROJECT DESCRIPTION**

The proposed project includes an ordinance amending Sections 12.21, 12.33, 17.03, 17.07, 17.12, 17.58 and adding Section 19.17 of the Los Angeles Municipal Code (LAMC) and a resolution amending the definitions of park sites and recreational amenities and facilities within the Public Recreation Plan of the Service Systems Element of the City of Los Angeles General Plan to: (1) update existing Quimby in-lieu fees for land dedication required of subdivision projects, with an exception for affordable housing units; (2) create a park dedication and in-lieu park fee for non-subdivision multifamily residential projects, with an exemption for affordable units; (3) expand credit options toward the land dedication or fee amount for projects providing park-related amenities greater than the minimum open space requirements; (4) expand project radii within which parks may be built from park fee funds; (5) require a predevelopment meeting to review land dedication options for large subdivision projects; and (6) clarify the applicability of Quimby fees to the Greater Downtown Housing Incentive Area open space incentive.

Staff has concluded that the proposed fee update and fee structure modification program is not a “project” within the meaning and scope of California Public Resources Section 21000 *et seq.* (CEQA) as defined under CEQA Guidelines Section 15378 (b)(4) and is otherwise exempt pursuant to the statutory and categorical exemptions discussed below.

### **II. PROJECT BACKGROUND**

Abundant and accessible parks are essential components of healthy and sustainable neighborhoods. As new residential units are built, the City of Los Angeles currently receives land dedication or an in-lieu fee from certain subdivision and multifamily projects requiring a zone change (Quimby and Finn Fees, respectively). Yet factors such as the high cost and scarcity of land and population increases limit the City’s ability to maintain its existing level of service (LOS) standard of 4.2 acres of parkland per 1,000 residents for city-owned parks.<sup>1</sup> This ordinance addresses the limitations of the current fee program, and is supported by five Council Motions (Council Files 05-1562, 07-3619, 07-3387-S2, 12-1000-S2, 12-1178-S2), a Mayoral Directive, and the recently-adopted Park and Recreation Plan and Health and Wellness Element of the City’s General Plan. The Park and Recreation Site and Facility Development Impact Fee Study dated June 23, 2015 provides technical analysis supporting the adoption of a citywide

---

<sup>1</sup> The Public Recreation Plan of the Service Systems Element of the City’s General Plan includes park LOS standards (park acreage per 1,000 residents) for community and recreation sites. Based on the City’s inventory of park and recreational facilities and population estimates, the established LOS standard of 4.2 acres per 1,000 residents for city-owned parks.

impact fee and an updated park in-lieu fee as necessary to achieve the City's establish park LOS standard.

Specifically, the narrow and restrictive nature of the existing parkland dedication and in-lieu fee program limits the City's ability to achieve open space policies and objectives set forth in the General Plan as well as the existing park LOS standard. While all new residential units increase the demand for park and recreation facilities, only certain residential projects are required to provide a land dedication or in-lieu fee under the current fee program, resulting in funds that are insufficient to acquire land for the establishment of new parks. In addition, the radius in which the fees can be spent around each project site is too restrictive to permit meaningful land acquisitions, particularly where the cost of land is high and available sites are scarce. The current park fee program is also derived from outdated metrics that do not accurately reflect the actual cost and is further hindered by inflexible and outdated definitions of park types. In addition, existing park facility capital improvement credits available to developers for projects that exceed minimum open space code requirements are insufficient to incentivize greater land dedication.

The proposed park fee update and fee structure modification will address limitations of the current fee program through the following:

- Update fees by: (1) revising the subdivision project in-lieu fee (Quimby) to reflect present land values and park development costs, and (2) creating a park fee for non-subdivision projects to achieve the park, recreation and open space objectives in a wider range of neighborhoods, particularly those with high concentrations of multifamily residential units.
- Permit expenditures of collected fees by: (1) expanding the radius of fee-source sites in which funds are allocated to permit greater flexibility in land acquisition and park rehabilitation, and (2) revising outdated definitions of park types that limit how fee monies can be allocated.
- Encourage land dedication by: (1) expanding credit options for private and public park space that established beyond the minimum requirements set forth in LAMC, and (2) requiring a pre-development meeting for large projects (50 units or more) to review land dedication options in the early stages of project review.

### **III. ENVIRONMENTAL REVIEW UNDER CEQA**

The proposed park fee update and fee structure modification is exempt from CEQA, because the action does not qualify as a "project" for the purposes of CEQA.

State CEQA Guidelines Section 15378(b) identifies specific actions that do not constitute "projects" within the meaning of CEQA. Section 15378(b)(4) provides that a "project" does *not* include "[t]he creation of government funding mechanisms or other government fiscal activities which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment."

The proposed fee update and fee structure modification enables the collection and allocation of fees for the continued establishment and rehabilitation of parks and recreational facilities. No development or

construction is planned or included in the proposed fee update, nor does the City have a citywide master park plan that earmarks funds for certain parks or recreation facilities for receipt of funds under this ordinance. Therefore, the proposed rate program does not involve a commitment to any specific project, which may result in a potentially significant physical impact on the environment. Based on this, the fee update and fee structure modification is not a “project” for the purposes of CEQA.

Notwithstanding that the fee program is not a “project” for the purposes of CEQA, it is exempt from CEQA pursuant to the following statutory and categorical exemptions:

- A. *State CEQA Guidelines Article 18, **Section 15273(a)(4)** statutorily exempts “the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies obtaining funds for capital projects, necessary to maintain service within existing service areas.”*

The proposed fee update modernizes the City’s development impact fees by creating a park impact fee for non-subdivision projects and updating the subdivision project in-lieu fee to accurately reflect the cost of land and park rehabilitation and improvements. Related expenditure limitations will also be loosened by expanding the radius around project sites within which the collected fees can be spent as well as modifying outdated definitions of recreation site and facilities. The new and updated fees are designed to maintain the City’s established park LOS standard of 4.2 acres per 1,000 residents within the existing service area of the City. As set forth in the City’s most recent Park Development Impact Fee Study, a modification of the current fee program is necessary to maintain the existing park LOS within the City. Further, the service area under the existing fee program is citywide and will remain unchanged by the proposed fee update and modification to the fee structure.

- B. *State CEQA Guidelines Article 19, **Section 15301, Class 1**, sets forth an exemption for “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.”*

The proposed fee update and fee structure modification program enables the continued acquisition of land and collection of fees for the purpose of maintaining the established park LOS and rehabilitating existing recreational facilities. Park fees obtained through this program may be used for the installation of certain park-related amenities which may include, without limitation, playground equipment, patios, swimming pools, limited expansion of recreational buildings - all of which would constitute minor alterations to existing public facilities and structures and would not expand or change existing uses of those facilities and sites.

- C. *State CEQA Guidelines Article 19, **Section 15302, Class 2**, consists of “replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.”*



The proposed fee update enables the continued acquisition of land and collection of fees for the purpose of maintaining the City's established park LOS standard of 4.2 acres per 1,000 residents. The fee update and fee structure modification does not identify or plan for the development or construction of any specific sites. Following implementation of the proposed program, fees may be used for the replacement or reconstruction of existing structures (e.g. repair of community buildings) or other structures at sites that will be determined and identified subsequent and independent to the implementation of the fee program.

Any future projects funded through the proposed fee program will undergo appropriate environmental review and analysis in compliance with CEQA.

- D. *State CEQA Guidelines Article 19, **Section 15303, Class 3**, categorically exempts the "construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure."*

The proposed fee program permits the continued acquisition of land and collection of fees for the purpose of maintaining the City's established park LOS standard. The fee program does not generate any specific development or construction; however, park fees may ultimately fund the construction of new pocket parks, dog parks, or other small public spaces in various locations citywide. Park fees may also be utilized for the construction of new playground equipment, patios, swimming pools, or other small structural additions within existing and new park spaces. Expenditure of fees and sites receiving funding through the proposed program are not yet known and will be determined and identified subsequent to adoption and implementation of the fee program.

Future projects funded through the proposed fee program will undergo environmental review and assessment in compliance with CEQA.

- E. *State CEQA Guidelines Article 19, **Section 15304, Class 4** consists of "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes."*

The proposed fee update permits the continued dedication of land and collection of fees for the purpose of maintaining the City's established park LOS and rehabilitating existing recreational facilities. There is no citywide master park plan or funds specifically committed for certain parks and recreation facilities; park fees may ultimately be used for the improvement and rehabilitation of existing parks and open space land, to be identified subsequent to implementation of the fee program.

Future development projects funded through this fee update and modification will undergo environmental review and analysis and must comply with the requirements of CEQA.

- F. *State CEQA Guidelines Article 19, Section 15316, Class 16 establishes an exemption for “the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources.”*

The proposed fee program updates the mechanism for acquisition of land and collection of fees for the purpose of supporting the City’s established park LOS standard and rehabilitating existing recreational facilities. While there is no citywide master park plan or funds specifically committed for certain parks or recreation facilities, undeveloped open space may ultimately be acquired through fee program-funds. Any such acquisitions (though not yet identified) will be exempt pursuant to State CEQA Guidelines Section 15136.

#### **IV. EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS**

The proposed ordinance does not satisfy the criteria for the exceptions to Categorical Exemptions as listed in State CEQA Guidelines, Article 19, Section 15300.2:

- A. Location: Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is located. A project that typically has an insignificant effect on the environment may not be exempt from review if the project site is located in a particularly sensitive environment. If such exceptions to the exemptions apply, the categorical exemptions may not be utilized these classes may not be utilized where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This exception applies to Classes 3 and 4 where the project is located in a particularly sensitive environment. The fee update and fee modification program enables the continued dedication of land and collection of fees for the purpose of maintaining the established park LOS and rehabilitating existing recreational facilities. No development or construction is planned or identified under the proposed program therefore, it would be too speculative to assume at this time that future park sites funded by the fee program would be constructed in a designated or mapped sensitive environment. Future park developments funded by the proposed ordinance will also undergo their own environmental review and analysis in compliance with CEQA.

The City designates, maps and officially adopts areas of special resources and hazards in the Safety Element of the General Plan. While the proposed ordinance is not a physical project, it is feasible that new or improved park and recreation facilities might be located within a sensitive area identified in the Safety Element. Each designated, adopted map area in the Safety Element has been reviewed in light of the proposed fee program. As the fee program will be applicable citywide but does not enable development or construction of any specific site, it would be highly speculative to assess impact to any mapped study areas and/or specific sites.

Therefore, this exception is not applicable.

- 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 fee update and fee structure modification allows for continued land dedication and collection of fees for the purpose of maintaining the City's established park LOS standard and rehabilitating existing recreational facilities. The proposed fee update applies citywide and does not include development or construction of any specific areas or sites, as such, it is not reasonably foreseeable at this time that cumulative impacts will occur.

Therefore, this exception is not applicable.

- C. Significant Effect Due to Unusual Circumstances: 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.

There is no reasonable possibility that the proposed ordinance will have a significant effect due to unusual circumstances. The proposed fee update program enables the continued acquisition of land and collection of fees for the purpose of maintaining the City's established park LOS standard citywide and rehabilitating existing recreational facilities. Providing parks at the level proposed by the fee is not unusual in an urban setting such as the City of Los Angeles. It is not reasonably foreseeable at this point in time that the indirect effect of construction or development of park land in the City using the proposed fee will result in a significant effect due to unusual circumstances.

Future park-related projects funded through the fee update will undergo environmental review and analysis in compliance with CEQA.

Therefore, this exception is not applicable.

- D. Scenic Highways: This exception applies when, although the project may otherwise be exempt, there may be damage to scenic resources, including but not limited to, trees historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

The proposed fee update enables the continued acquisition of land and collection of fees for the purpose of maintaining the City's established park LOS standard and rehabilitating existing recreational facilities. The fee update does not include development or construction of park sites, nor is there a citywide master park plan or funding mechanism committed for specific parks or recreation facilities. Any attempt to determine site impacts before there is a specific commitment of funds and applicable sites would be highly speculative and not representative of the fee program as a whole. At this point in time, it is not reasonably foreseeable that the adoption of the fee will result in an indirect impact to a scenic highway. Future construction of

parks or facilities from fee program funds will also undergo environmental review and analysis in compliance with CEQA.

Therefore, this exception is not applicable.

- E. Hazardous Waste Sites: Projects located on a site or facility listed pursuant to California Government Code 65962.5.

The proposed fee update enables the continued acquisition of land and collection of fees, which for the purpose of maintaining the City's established park LOS standard and rehabilitating existing recreational facilities. Any attempt to identify and determine impacts to listed sites would be too speculative as the fee update applies citywide and does not include development or construction of any specific areas or sites. At this point in time, it is not reasonably foreseeable that the adoption of the fee will result in an indirect impact from construction or rehabilitation of a park on a site or facility identified on the Cortese list.

In addition, creation of new parks and rehabilitation of land and facilities funded by the proposed fee update will undergo environmental review and must comply with CEQA.

Therefore, this exception is not applicable.

- F. Historical Resources: Projects that may cause a substantial adverse change in the significance of an historical resource.

No development or construction projects are planned under the proposed fee update and fee structure modification (nor does the City have a citywide master park plan that would indicate potential future park sites or areas that would receive fee program funds). As no projects, sites or areas are known at this time, it would be too speculative to analyze site-specific impacts, and including potential adverse changes (if any) to historical resources as defined in State CEQA Guidelines Section 15064.5. Therefore, it is not reasonably foreseeable that the adoption of the fee update will result in direct or indirect adverse changes to the significance of any historical resources.

Therefore, this exception is not applicable.

## **Appendix A: Land Use Findings**

## LAND USE FINDINGS

### General Plan/Charter Findings

- 1. In accordance with Charter Section 556, that the proposed resolution (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan.**

The General Plan Amendment (GPA) amends the Public Recreation Plan of the Service Systems Element of the Los Angeles City General Plan to revise the outdated definitions of recreation site and facilities to reflect the current conditions and needs for park and recreational space.

Chapter 6 of Framework Element of the General Plan states:

- Park standards do not reflect current conditions and needs.
- Standards for various categories of parks, which were created when the availability of open space was not as limited, should be re-examined in view of changing population and urban form dynamics. If the population continues to grow and the amount of open space available remains more or less the same, the discrepancy between what is and what should be will continue to widen.

Chapter 9 of Framework Element of the General Plan policies:

- 9.23.5 Re-evaluate the current park standards and develop modified standards which recognize urban parks, including multi-level facilities, smaller sites, more intense use of land, public/private partnerships and so on. (P14)
- 9.23.7 Establish guidelines for developing non-traditional public park spaces like community gardens, farmer's markets, and public plazas. (P14)

The GPA implements the Framework Element's calls for action to re-evaluate and revise the current Park Standard set by the Public Recreation Plan, a portion of the Service Systems Element of the City's General Plan. The Plan provides recreational definitions, standards, and policies, emphasizing neighborhood and community recreational sites for the City. It also identifies the types of facilities typically provided at these facilities. However, the highly restrictive service radius for different park types has resulted in the city's limited ability to create new parks in certain neighborhoods. The list of allowable park facility type is outdated and out of context for an urbanized City. In addition, the list of facilities do not provide the City with the needed flexibility to respond to community-driven and place-appropriate facilities such as community gardens and trails. This amendment is a direct response to those issues. It revises the definition of parks of different levels and increases flexibility in how parks can be built, which conforms to the purposes, intents and provisions outlined in the Framework Element of the General Plan.

- 2. In accordance with Charter Section 558 (b) (2), the proposed resolution (Appendix A) is in substantial conformance with public necessity, convenience, general welfare and good zoning practice.**

Abundant and accessible parks and open space are essential components of healthy and sustainable neighborhoods. Park and recreational facilities offer opportunities for physical activity, safe places for families and children, and spaces for social interaction. The Southern California Association of Governments Regional Growth Forecast estimates that the City will add approximately 600,000 new residents by 2040. Therefore, it is necessary to acquire and develop new park and recreational facilities to serve the new residential population and to maintain service levels.

The GPA which revises the definition of parks at different levels will help remove the existing constraints for park development, and allow more parks to be established through land dedication or collection of park fees; therefore it supports the growing public need for park and recreational space, as well as the general welfare of the community.

### **CEQA Findings**

In accordance with the California Environmental Quality Act (CEQA), this proposed project is exempt pursuant to General Exemption Article 19, Sections: 15273, Rates, Tolls, Fares, and Charges, a(4); 15378, Project, b(4); and Categorical Exemption sections: 15301, Existing Facilities (Class 1); 15302, Replacement or Reconstruction (Class 2); 15303, New Construction or Conversion of Small Structures (Class 3); 15304, Minor Alterations to Land (Class 4); 15316, Transfer of Ownership of Land in Order to Create Parks (Class 16);