

09-0035

TO CITY CLERK FOR PLACEMENT ON NEXT  
REGULAR COUNCIL AGENDA TO BE POSTED #52

DEC 16 2011

MOTION

I MOVE that the Council Action of February 25, 2011 relative to amending the Atwater Village Pedestrian Oriented District (POD) to create a "Community Parking Credit Program" that will provide an alternative means for commercial uses to comply with parking requirements within a portion of Glendale Boulevard in the POD (Council File No. 09-0035) BE AMENDED to **PRESENT and ADOPT** the attached ordinance, as approved by the City Planning Commission (City Plan Case No. 2010-1929-POD), in order to implement the approved amendment.

PRESENTED BY: E. G.  
ERIC GARCETTI  
Councilman, 13<sup>th</sup> District

SECONDED BY: [Signature]

ORIGINAL

December 16, 2011  
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## APPENDIX B

## 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 by adding a new definition for the term "Community Parking Credit Area" (POD) in proper alphabetical order to read:

**Community Parking Credit Area:** The (POD) area which generally consists of those lots which have street frontage on Glendale Boulevard between the Los Angeles River and the Los Angeles-Glendale city boarder.

**SECTION 2.** Subsections E, F, and G of Section 4 of Ordinance No. 173,676 are relettered in order as Subsections F, G and H.

**SECTION 3.** Section 4 of Ordinance No. 173,676 is amended by adding a new Subsection E to read:

**E. Parking Requirements for Projects located within the Community Parking Credit Area.** In lieu of complying with parking requirements of the Los Angeles Municipal Code; parking requirements for a commercial Project or a mixed commercial and residential Project within the Community Parking Credit Area may be satisfied by the purchase of specified number of parking credits.

**1. The City Planning Commission.** After a public hearing, the City Planning Commission shall 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 10 days prior to the date of the hearing to any, property owners and occupants within a 500 foot radius of the Community Parking Area, Certified Neighborhood Council with jurisdiction over the Community Parking Credit Area, the affected council office(s), and any other relevant association or organization with jurisdiction over the Community Parking Credit Area as determined by the affected council office(s). Copies of the guidelines shall be available from the Department of City

Planning. The City Planning Commission shall periodically review the administrative guidelines and shall have the authority to change such guidelines.

## 2. Parking Credit Requirements.

a. 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 1,000 square foot restaurant open 24 hours per day would be required to purchase 33 parking credits (7 + 10 + 6 + 10).

LAND USE	WEEKDAY PARKING CREDIT REQUIREMENTS		WEEKEND PARKING CREDIT REQUIREMENTS	
	Parking credits/1000SF GLA		Parking credits/1000SF GLA	
	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

b. Parking credits must be purchased from the available credits that are within the area in which the project is located.

c. 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.

d. Parking credits may be available for purchase for uses up to 5000 square feet per use, or per business license, or less. In any event no more than 50 zoning parking credits shall be purchased on a single site.

e. 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. No refund will be given for the credits already paid.

f. Any Project or use that fails to pay the annual fee to maintain the parking credits shall provide parking as specified by the Municipal Code. If a use that has parking credits becomes abandoned or vacant for 6 months, such credits revert to the pool of credits. Parking as provided by code or new credits would have to be purchased for any subsequent use on that site.

**3. 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. Except for credits created in conjunction with a community valet service, described in Subdivision 4 c, below, the number of credits and the time period(s) of their availability shall be based on a survey, which shall be approved by the Department of Transportation. The survey shall document the occupancy of all such spaces within the Community Parking Pilot Area on an hourly basis between 8:00 am and 12:00 am for at least two weekdays and two weekend days, none of which is a holiday. The survey shall be updated every two years. Credits shall be established separately for each of the following time periods:

- Weekday-day - 8:00 am to 6:00 pm, Monday through Friday
- Weekday night - 6:00 pm to 8:00 am, Monday through Thursday
- Weekend-day - 8:00 am to 6:00 pm, Saturday or Sunday
- Weekend-night - 6:00 pm to 8:00 am, Friday through Sunday

**4. Calculation of Available Parking Credits.** The number of available parking credits shall be established for each of the time periods enumerated in Subdivision 2, above, as follows:

a. On-street Credits. On-street credits shall be comprised of underutilized metered and non-metered parking spaces on Glendale Boulevard, as approved by the Department of Transportation.

i. 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.

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

b. Off-street Credits.

i. 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.

ii. Privately owned parking spaces may be added to the inventory of parking credits, provided that the owner of such spaces shall enter into a written 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.

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

c. Valet Credits. The City Planning Commission may certify a community valet service as a source of additional parking credits in accordance with the certification procedures and standards set forth in the guidelines and the following provisions:

i. The community valet service is available to any visitor to the districts in the Community Parking Credit Area in which the community valet service is to operate and where the valet credits will be created.

ii. The community valet service parks cars in spaces dedicated exclusively to the community valet service during the time period(s) of operation. The spaces shall be made available to the community valet service by written agreement of their owner for a term of no less than one year.

iii. The number of credits created shall be equal to the number of cars the community valet service can park in dedicated spaces during the time period(s) of operation.

iv. The community valet service qualifies under all other requirements provided by the L.A.M.C. to operate publicly available valet service.

**5. Fees.** Applicants who lease parking credits to satisfy parking requirements shall be assessed an annual fee of \$75.00 for each credit. The initial fee shall be prorated to reflect the portion of the calendar year for which the credits will apply; subsequent annual fees shall be paid each January 1. The annual fee shall be adjusted each December in an amount based on the Consumer Price Index - All Urban Consumers averaged for the 12 month period ending October 30, of each year, as determined by the Department of City Planning to reflect the change in the previous year's Consumer Price Index. Fees for parking credits shall be paid to the Department of Transportation and maintained in the Atwater Village Pedestrian Orientated District Community Parking Credits Fund for parking, transit or pedestrian amenities in the Community Parking Credit Area.

**6. Enforcement.** No building permit for a use that uses parking credits to satisfy its parking requirements shall be issued until the Department of Planning provides written clearance to the Department of Building and Safety to issue the building permit. Failure to renew the lease for the required parking credits and/or failure to pay the parking credit fee by the end of January of each year shall result in the immediate cancellation of the certificate of occupancy or use permit in accordance with LAM.C. Section 12.26E1(b).

**7. Accounting of Available Parking Credits.** The Department of City Planning shall maintain a master inventory of parking credits for each district. The information contained in the inventory shall be available to the public.

**8. 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.

**9. Review.** The City Planning Commission shall review the operation and effectiveness of the Community Parking Credit program within two years of the effective date of this section.

**SECTION 4** Chapter 5 of the Los Angeles Administrative Code is amended by adding a new Article 12.10 to read:

#### **CHAPTER 5, ARTICLE 12.10**

#### **ATWATER VILLAGE PEDESTIAN ORIENTED DISTRICT COMMUNITY PARKING CREDITS FUND**

Sec. 5.111.20. Creation and Administration of the Fund.

(a) There is created and established within the Treasury of the City of

Los Angeles a separate fund known as the "Atwater Village Pedestrian Orientated District Community Parking Credits Fund" ("Fund"), to be administered by the Department of Transportation and the Department of City Planning.

(b) The Fund shall be used for the deposit of money paid to the City of Los Angeles pursuant to Section 4 of the Atwater Village Pedestrian Orientated District and any other money appropriated or given to this Fund for the purpose directly related to parking, transit, or pedestrian amenities in the Atwater Village Pedestrian Orientated District.

(c) All interest or other earnings from money received into the Fund shall be credited to the Fund and devoted to the purposes of the Fund.

(d) All expenditures shall be authorized by both the General Manager of the Department of Transportation and the Director of City Planning or their designees. There shall be no expenditure, transfer or other form of disbursement of money from the Fund, except for purposes directly related to parking, transit or pedestrian amenities in the Atwater Village Pedestrian Orientated District Community Parking Pilot Area.