

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code to amend the West Los Angeles Transportation Improvement and Mitigation Specific Plan.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Pursuant to Section 11.5.7G of the Los Angeles Municipal Code, the City Council hereby amends the West Los Angeles Transportation Improvement and Mitigation Specific Plan to read in whole as shown in the attached West Los Angeles Transportation Improvement and Mitigation Specific Plan. The boundaries for the West Los Angeles Transportation Improvement and Mitigation Specific Plan, as amended, are shown in Map 1 in the attached West Los Angeles Transportation Improvement and Mitigation Specific Plan.

Sec. 2. 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 _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

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

By _____
KATHRYN C. PHELAN
Deputy City Attorney

_____, 2018

See attached report.

Date _____

Vincent P. Bertoni, AICP
Director of Planning

File No(s). _____

DRAFT
West Los Angeles
Transportation Improvement
and Mitigation Specific Plan

City of Los Angeles

Ordinance No. _____
Effective _____

Specific Plan Procedures
Amended by Ordinance No. _____

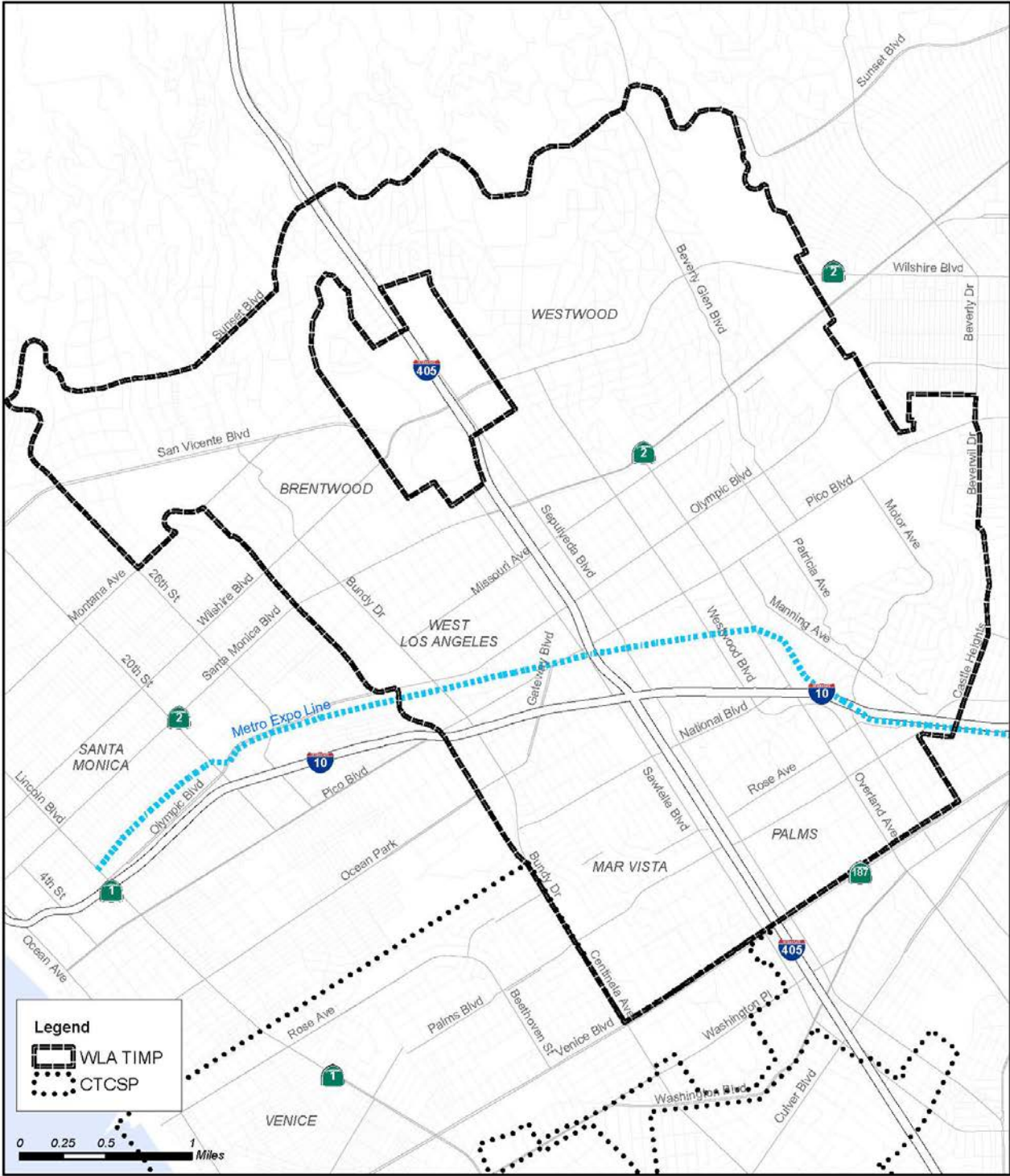
Specific Plan Amendment
Amended by Ordinance No. _____
Effective _____

Specific Plan Amendment
Amended by Ordinance No. _____
Effective _____

DRAFT
WEST LOS ANGELES TRANSPORTATION IMPROVEMENT
AND MITIGATION SPECIFIC PLAN

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Basemap Source: U.S. Census Bureau, Geography Division, 2010

Map 1
West Los Angeles Transportation Improvement Area



Draft West Los Angeles Transportation Improvement and Mitigation Specific Plan

Section 1. ESTABLISHMENT OF THE WEST LOS ANGELES TRANSPORTATION IMPROVEMENT AND MITIGATION SPECIFIC PLAN

A. Authority and Scope

Pursuant to Section 11.5.7 of the Los Angeles Municipal Code (LAMC), the City Council hereby establishes the West Los Angeles Transportation Improvement and Mitigation Specific Plan. This Specific Plan establishes a transportation mitigation program in the plan area, including the adoption of a mitigation fee.

B. Specific Plan Area

The Specific Plan area includes those areas of the City of Los Angeles shown in Map 1 (the plan area) for the WLA TIMP.

Section 2. RELATIONSHIP TO OTHER PROVISIONS OF THE LOS ANGELES MUNICIPAL CODE

- A.** The regulations of the Specific Plan are in addition to those set forth in the planning and zoning provisions of Chapter I of the Los Angeles Municipal Code (hereinafter, "LAMC" or "Code"), as amended, and any other relevant ordinances, and do not convey any rights not otherwise granted under the provisions and procedures contained in the LAMC and other relevant ordinances except as specifically provided herein.
- B.** Wherever this Specific Plan contains provisions establishing regulations (including, but not limited to, required exactions) different from, more restrictive, or more permissive than would be allowed pursuant to Chapter I of the LAMC and the provisions of other portions of the LAMC specifically referenced below, this Specific Plan shall prevail and supersede the applicable regulations of the Code unless expressly overridden by the Code or other adopted ordinance.
- C.** The procedures for granting a Project Permit compliance, modification, adjustment or exception in LAMC Section 11.5.7 C, D, E, and F are not applicable to this Specific Plan. This Specific Plan may be amended and interpreted pursuant to the procedures Sections 11.5.7.G and 11.5.7.H, except that noticing for an amendment shall be consistent with noticing required under 11.5.6.C.1.

Section 3. PURPOSES

This Specific Plan is intended to adopt a transportation impact mitigation program in the plan area that achieves the following purposes:

- A.** Implement City and State policies concerning transportation, including the City of Los Angeles' General Plan Framework Element and Circulation Element (Mobility Plan 2035 or successor document), and State legislation (including SB 375, SB 743, and AB 1358) that reprioritize transportation improvements to focus on access to transit and active transportation as strategies to reduce dependence on vehicular travel, and reduce VMT and associated greenhouse gas emissions.
- B.** Improve mobility options within the plan area by providing transportation options and accommodations for multiple modes of travel (i.e., transit, bicycle, pedestrian, vehicle), primarily within existing available right-of-way, as part of a transportation system that is consistent with the City's General Plan Elements (Community Plans and Circulation Element [Mobility Plan 2035 or successor document]).
- C.** Produce fewer auto trips per capita and decrease Vehicle Miles Traveled (VMT) per capita by increasing multimodal transportation options and promoting best practices in Transportation Demand Management (TDM).
- D.** Enhance mobility and connectivity along key transportation corridors, particularly by planning for dedicated transit lines that serve north-south corridors, including Lincoln and Sepulveda Boulevards, and provide connections to planned east-west transit lines.
- E.** Enhance the transportation system by planning for better regional transit connectivity and "first mile-last mile" solutions such as better pedestrian conditions, bike share, improved bicycle facilities, and circulator bus service.
- F.** Encourage walking and bicycling as a means to safely and conveniently access transit and circulate within and between neighborhoods.
- G.** Promote the development of coordinated and comprehensive transportation plans and programs with other jurisdictions and public agencies.
- H.** Mitigate the transportation impacts resulting from new development within the plan area by providing a mechanism to fund and implement specific transportation improvements.
- I.** Establish the Transportation Impact Assessment Fee process for new development located within the Specific Plan Area that complies with the Mitigation Fee Act.
- J.** Ensure the costs for transportation improvements within the study area are fairly distributed among all future land uses that will contribute to transportation impacts.

- K.** Ensure that contributors to this Specific Plan's fund benefit from the public transportation, bicycle, and pedestrian improvements constructed using TIA Fee funds.
- L.** Enhance the streetscape environment and reinforce the neighborhood identity on portions of major arterials by using a consistent palette of amenities to improve streetscape aesthetics; promoting sustainable landscaping practices; creating a more inviting pedestrian environment that supports local commerce; and providing a pleasant and safe active transportation experience.
- M.** Encourage parking strategies, such as demand-based pricing schemes, capacity management, and travel demand management programs to manage parking supply.
- N.** Promote neighborhood protection programs, as feasible, when implementing multimodal improvements, in order to minimize intrusion of commuter traffic through residential neighborhoods through the implementation of non-restrictive traffic calming measures.
- O.** Reduce commute Trips by supporting the development of affordable housing at or near job sites and near transit, consistent with City policies.
- P.** Establish Transportation Impact Assessment Fees that do not hinder the development of housing for diverse income levels in the Westside, including affordable housing for moderate, low, and very low income levels.
- Q.** Ensure that development projects that are implemented in a phased manner include appropriate mitigations for each individual development phase.

Section 4. DEFINITIONS

Whenever the following terms are used in this Specific Plan, they shall be construed as defined in this Section 4 and the definitions of the terms set forth in this Section 4 shall supersede the definitions set forth in the LAMC including, without limitation, Section 12.03 of the LAMC. Words and phrases not defined herein shall be construed as defined in Section 12.03 of the LAMC.

Affordable Dwelling Unit: A dwelling unit which is restricted by a covenant certified by the City of Los Angeles Housing and Community Investment Department or its successor agency to be rented or sold at an affordable level to, and occupied by, persons or families whose annual income does not exceed 120 percent (120%) of the Area Median Income for persons or families residing in Los Angeles County. The Area Median Income and affordable housing costs shall be established from periodic publications of the United States Department of Housing and Urban Development, as determined by the California Department of Housing and Community Development or its successor or assignee.

ATSAC: The "Automated Traffic Surveillance and Control" program managed by LADOT to improve traffic signal operations in the City of Los Angeles through real-time monitoring and adjustment of signal timing.

CEQA: California Environmental Quality Act, inclusive of the Public Resources Code, section 21000, et seq., and the Guidelines for California Environmental Quality Act, found at Title 14, Chapter 3 of the California Code of Regulations.

Child Care Facility: A facility in which non-residential care is provided for children, as defined in the LAMC.

Dedicated Transit Line: Transit service that operates in all or a portion of a right-of-way that is controlled or maintained for the exclusive use of transit vehicles (including light rail trains and bus rapid transit) at all times or during peak travel times.

Fee Credit: A credit toward payment of the TIA Fee, pursuant to the provisions in Section 8.

General Manager: The General Manager of LADOT or his or her designee.

Governmental or Public Facility: Capital improvements and/or buildings or structures used for the operation of City, County, State or Federal governments including, but not limited to, police and fire stations, government offices, government equipment yards, sanitation facilities, schools, parks, United States Federal Aviation Authority or Los Angeles World Airports (LAWA) administrative facilities, and other similar administrative facilities in which general government operations are conducted. Governmental or Public Facility does not include the use of publicly owned land, buildings, improvements or structures for private activities pursuant to lease agreements.

LADCP: City of Los Angeles Department of City Planning.

LADOT: City of Los Angeles Department of Transportation.

LADOT Transportation Impact Study Guidelines: A document published by LADOT to provide the public, private consultants and City staff with criteria, guidelines, objectives, and standards to be used in the preparation of a transportation impact study for the evaluation of Project-specific transportation impacts and the development of transportation mitigation measures, including as it may be amended from time to time in substance or in name.

LADPW: City of Los Angeles Department of Public Works, inclusive of its Bureaus including the Bureau of Engineering (BOE) and Bureau of Street Services (BSS).

LAMC: Los Angeles Municipal Code.

Mitigation Fee Act: California Government Code, sections, 66000-66026, including as they may be amended from time to time.

Multimodal: Accommodations for two or more modes of travel (e.g. transit, bicycle, pedestrian, motor vehicle) as a part of a transportation system.

NTM Program: Neighborhood Traffic Management Program, a plan to deter or minimize Project traffic from traveling through nearby residential areas or local streets and mitigate transportation impacts on local streets.

Peak Hour: The single hour of the highest volume of traffic on the roadways.

Project: The construction of any building or structure, or the addition to, alteration, conversion, or change of use of any land, building or structure on a lot in the plan area that requires at least a building permit, or change of use permit which results in an increase in the number of Trips based on the trip generation methodology outlined in the LADOT Transportation Impact Study Guidelines. Off-site parking areas which serve a Project shall be considered a part of the Project.

Project Serving Improvements: Those street, streetscape, transit, transportation related, or right-of-way improvements or dedications that are required of a Project pursuant to an adopted City code, ordinance, plan, or policy (including but not limited to, street frontage and other requirements of LAMC Sections 12.37 and 17.08, mitigation required by Section 7 of this Specific Plan and the LADOT Transportation Impact Study Guidelines), or as a legally imposed CEQA mitigation measure.

Without limitation to any of the above, Project Serving Improvements include but are not limited to (i) frontage improvements to curbs and gutters, sidewalks, street lights, undergrounding of utilities, street trees, landscaping, storm drain and drainage system, sewer system and laterals, resurfacing pavement, right-of-way dedications, and (ii) improvements required for Project access or on-site circulation, such as driveways and traffic signals.

Unless otherwise specified in Section 8 of this Specific Plan, Project Serving

Improvements include an improvement or dedication provided in order to obtain development rights (such as, increased Floor Area Ratio [FAR]) when authorized by City code, ordinance, plan, or policy.

Regional or Sub-regional Transportation Improvements: Not including any Project Serving Improvements, a street, streetscape, transit, transportation related, or right-of-way improvement or dedication, or portion thereof, on a right-of-way in the plan area which is designated in the City's Circulation Element (Mobility Plan 2035 or successor document) as a Secondary Highway or Avenue, or a higher classification, or an improvement or dedication for an improvement that is primarily intended to support or facilitate regional transit, regional transportation or regional multimodal activities.

Streetscape Plan: A plan approved by pursuant to the LAMC for the adoption of streetscape plans, or if there are no LAMC procedures, a plan approved by the City Planning Commission and/or another City Commission, or the Board of Public Works, or LADOT General Manager or LADCP Director, which provides guidelines and policies for how a particular City street should look and function, including but not limited to, guidelines and policies related to: the design and design consistency of streetscape amenities, maintenance of streetscape amenities, the provision of walking and bicycling facilities, pedestrian and bicyclist safety improvements and amenities, improvements or amenities to support local businesses, improvements or amenities to improve connections to nearby transit, improvements or design features to implement sustainable landscaping practices, and overall corridor aesthetics. Streetscape amenities as used herein, include, but are not limited to, street benches, trash receptacles, street lighting, trees, signage, landscaping, landscape fixtures, sidewalk pavement design, and unique community identifiers.

TIA Fee Improvements: Those improvements identified by City Council as eligible for use of the TIA Fees pursuant to Section 6.

TDM Program: Transportation Demand Management Program, a program aimed to minimize the demand for trips by single-occupancy vehicles by promoting transit use, rideshare, walking, bicycling, flex schedules, telecommuting and other comparable programs intended to reduce Project-related Trips, to be provided by an Applicant or owner, lessee or assignee of an Applicant.

Transportation Impact Assessment Fee or TIA Fee: A transportation mitigation fee required to be paid by Project applicants pursuant to the terms of this Specific Plan.

Trip: An arrival at or a departure from a Project by a motor vehicle during the PM Peak Hour of traffic.

WLA TIMP: West Los Angeles Transportation Improvement and Mitigation Specific Plan.

Section 5. GENERAL REQUIREMENTS

A. General Requirement. No building permit or change of use permit shall be issued for any Project unless the applicant has done all of the following:

1. Submitted an application, paid the application fee(s), and complied with all other requirements in Subsection 5.C.
2. Paid the TIA Fee required, if any, pursuant to Section 7.
3. Obtained a certification by the LADOT and the City Engineer that the Project has satisfied all requirements of Section 9 and all mitigation measures, if any, are complete or otherwise guaranteed.
4. If applicable, obtained an approved phasing program from LADOT, pursuant to Section 10.

B. Exemptions. The following Projects are exempt from Subsection A and the requirements of this Specific Plan:

1. Any work on an existing building or structure which does not result in an increase in floor area or a change of use.
2. Additions or alterations to a residential use or structure, which do not add new dwelling units or change the existing use, or any portion of the existing use. A residential use does not include hotels, motels, or other similar types of uses.
3. Tenant improvements with no change of use or increase in floor area.
4. Building permits for electrical, plumbing, mechanical, facia, signs, or other work that do not result in an increase in floor area or a change in use.
5. Work done to comply with an abatement or enforcement order from LADBS or other City department that does not increase existing approved floor area or result in a change in use.
6. Demolitions.

C. Procedures. All Project applicants shall do all the following to ensure compliance with this Specific Plan:

1. File an initial assessment form with LADOT on a form approved by LADOT for project review and approval.
2. Prepare and submit all required forms, technical memorandum, traffic studies, mitigation plans, and any other documents, forms, plans or studies required by LADOT.

3. Pay applicable fees in LAMC Section 19.15 for all necessary LADOT review, preparation or processing activities.

D. LADOT Review of Applications.

1. LADOT shall review all applications submitted under Subsection C to determine compliance with this Specific Plan, including compliance with Section 9 related to traffic studies and mitigation, and calculating any fees or credits pursuant to Section 7 or Section 8.
2. LADCP and LADBS shall coordinate with LADOT to ensure all Projects meet the requirements of the Specific Plan.

Section 6. TRANSPORTATION IMPACT ASSESSMENT FEE PROGRAM

- A. TIA Fee Program Established.** There shall be a Transportation Impact Assessment Fee (TIA Fee) Program in the plan area to provide public facilities (as defined by the Mitigation Fee Act) which meet the purposes established in Section 3. The TIA Fee Program shall comply with the Mitigation Fee Act and the rules in this Section 6.
- B. TIA Fee Improvements.** The City Council shall establish by resolution a list or categorical description of public facilities (as defined by the Mitigation Fee Act) that may be funded, in part, by a TIA Fee. These improvements, shall be known as, "TIA Fee Improvements." The TIA Fee Improvements may include, but are not limited to, transit improvements, active transportation improvements, roadway and intelligent transportation system (ITS) improvements, and auto-trip reduction programs and facilities. Pursuant to the Mitigation Fee Act, the fees are not intended to fund operations or maintenance. The list or description of TIA Fee Improvements may be amended or revised from time to time by resolution, or as provided by City Council resolution.
- C. Amount of the Fee and Indexing of the Fee.** The amount of the TIA Fee shall be established by City Council resolution. As provided in the resolution, the amount of the TIA Fee shall increase automatically each year (without requiring further City Council action).
- D. Exemptions¹.** The TIA Fee Program shall exempt the following Projects from payment of a TIA Fee:
1. Any Project exempt in Section 5.B.
 2. Affordable Dwelling Units (if they meet the same eligibility criteria as required for an Affordable Housing Fee Credit as described in Section 8.B.2.b).
 3. One hundred percent affordable housing projects (including any managers units, on-site services, or on-site commercial uses).
 4. Projects providing housing or services for persons experiencing homelessness including but not limited to supportive housing projects, transitional housing projects, and supportive services.
 5. Accessory Dwelling Units as defined by the LAMC.
 6. All public and private K-12 educational institutions.
 7. Child Care Facilities.

¹ Note: Section 6.D may be moved to resolution prior to ordinance adoption.

8. Churches, Temples, and other buildings used for assembly, whether for religious or secular purposes.
 9. Park and Ride Facilities.
 10. Temporary uses of less than six months in duration based on a building permit where no extension of times is permitted.
 11. Governmental or Public Facilities.
 12. Hospitals
 13. Eldercare Facilities, as defined in the LAMC.
- E. Administration.** The City Council by resolution may adopt rules and regulations for the administration of the TIA Fee Program consistent with this Specific Plan, including the calculation, imposition, collection of the TIA Fee, the calculation of Fee Credits as allowed in Section 8, and the use and handling of any TIA Fee monies.

Section 7. TIA FEE PAYMENT PROCEDURES

- A. Project Review.** All Projects shall be reviewed by LADOT to determine if the Project is exempt from paying a TIA Fee or to calculate the amount of TIA Fee required for the Project consistent with this Specific Plan and City Council resolution.
- B. Project Requirements.** Project applicants are required to pay TIA Fees as calculated by LADOT.
- C. Time of Payment.** Unless otherwise provided by City Council resolution, the timing and method of TIA Fee payments shall be as provided in this Subsection C.
- 1. General Rule.** TIA Fees shall be fully paid in cash prior to issuance of the building permit, or if no building permit is required, prior to issuance of the change of use permit.
 - 2. Residential Uses.** Notwithstanding the general rule, if the TIA Fees are for a residential use, payment may be made at issuance of the certificate of occupancy.
 - 3. Secured Payment.** Notwithstanding the general rule, TIA Fees may be paid after issuance of the building permit, when the applicant, prior to issuance of building permit, has paid a cash deposit equal to 10% of the total required TIA Fee and has guaranteed payment of the balance of TIA Fees owed by a bank letter of credit in one of the following manners:
 - a.** to be paid in full the earlier of, the date of the issuance of a certificate of occupancy (temporary or permanent) or 24 months from the date of issuance of the building permit; or
 - b.** to be paid in 60 equal monthly installments, which include compound interest, with the first payment due thirty days after the building permit is issued and with the interest rate based on the effective yield the City Treasurer is obtaining on the City's investment as reported to the City Council for the month preceding the anniversary of the building permit issuance date, to be adjusted annually.

All bank letters of credit shall be from an accredited bank approved by LADOT and the letters of credit shall be in a form approved by LADOT. If payment of TIA Fees is secured to be paid under this Subsection C.3., prior to issuance of the building permit, a covenant shall be recorded on the Project Property, in a form approved by LADOT, committing the legal record owner to payment of the TIA Fees and acknowledging the contents of the Specific Plan and the agreement to pay TIA Fees.
 - 4. Phased Project.** Notwithstanding the general rule, TIA Fees for a phased Project may be paid consistent with Section 10 and an approved Phasing Program.

5. **Other Law.** Compliance with this Subsection C, is subject to the requirements of the Mitigation Fee Act and any other applicable preempting State or Federal law.

D. Refunds.

1. TIA Fees are subject to the refund provisions of LAMC Sections 22.12 and 22.13.
2. The General Manager of LADOT may issue a refund of any collected TIA Fees and/or release a letter of credit and any related recorded covenants, if the building permit and all extensions for a Project have expired and the building has not been constructed.
3. The City Council may refund all or a portion of collected TIA Fees, if the City Council finds any of the following:
 - a. TIA Fees are no longer necessary to fund any TIA Fee Improvements;
 - b. a refund is necessary to comply with the Mitigation Fee Act; or
 - c. a refund is necessary to comply with any other local, state or federal law, including but not limited to the state or federal constitutions.

- E. **Remedy If Failure To Pay.** If it is determined that a TIA fee has not been paid or secured in accordance with Section 7, building permits will not be issued for the Project or will be revoked if they have previously been issued.

Section 8. TIA FEE CREDITS

A. TIA Credit for Existing Land Use. In calculating the TIA Fee, LADOT shall provide a credit for existing and previous uses as provided by City Council resolution. The credit may be modified as provided in the resolution.

B. Fee Credits. In calculating the TIA Fee, LADOT shall provide Fee Credit for the following improvements and Project attributes, as provided in this Section and any applicable City Council resolution. The credit may be modified as provided in the resolution.

1. Improvement In-Lieu Fee Credit.

- a. An Improvement In-Lieu Fee Credit shall be provided for the following:
 - i. TIA Fee Improvements that are not Project Serving Improvements.
 - ii. Regional or Sub-regional Transportation Improvements that meet the purposes of the Specific Plan as described in Section 3.
- b. To be eligible for an Improvement In-Lieu Fee Credit, the Project must be or have been approved by LADPW or LADOT for construction or installation.
- c. To be eligible for an Improvement In-Lieu Fee Credit:
 - i. The improvements must be completed and accepted by the City Engineer; or
 - ii. Completion of the improvement must be guaranteed by Bonds for B-permit construction on City streets, encroachment permits for construction on State Highways, and cash payments for ITS signal (e.g. ATSAC) improvements, or by a means deemed acceptable by the City Engineer for any other type of improvement.
- d. Applicants shall prepare preliminary plans and a detailed cost estimate of the improvements for which the applicant seeks an Improvement In-Lieu Fee Credit. Costs eligible for Improvement In-Lieu Fee Credit shall include permitting, design and contingency costs. Costs shall be approved by LADOT based on estimated B-permit construction costs, including an additional 15 percent for permits, design and contingency costs, as prepared or approved by the City Engineer.
- e. The amount of the Improvement In-Lieu Fee Credit shall be calculated by LADOT, in its reasonable discretion, based on the Project

applicant's submittal of a construction cost estimate prepared by a Registered Civil Engineer and any other requirements of LADOT.

- f. If the Regional or Sub-regional Transportation Improvement or the TIA Fee Improvement involves a dedication, the value of the dedication may be considered for Improvement In-Lieu Fee Credit. The value of the dedication shall be based on fair market value as of the date of the dedication, as determined by an appraisal prepared to the satisfaction of LADOT and LABOE. To be eligible for an Improvement In-Lieu Fee Credit, the dedication, whether in fee or an easement, must be legally accepted by the City and recorded on the property.
- g. Improvement In-lieu Credit may be granted in situations where improvements are being provided as part of a public benefit incentive program if the provided improvements are listed as TIA Fee Improvements.

2. Affordable Housing Fee Credit

- a. Fee Credit shall be provided to new Affordable Dwelling Units, in an amount established by City Council resolution. The credit may be modified as provided in the resolution.
- b. **Eligibility.** A Project is eligible for an Affordable Housing Fee Credit if the following criteria are met:
 - i. The Affordable Dwelling Unit is guaranteed by a covenant recorded on the Project property, in a form acceptable to the Los Angeles Housing and Community Investment Department, or its successor agency, to be affordable for at least 55 years from the issuance of the certificate of occupancy, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program or rental subsidy program.
 - ii. The Project is replacing any existing Affordable Dwelling Units such that the Project does not result in a net loss of Affordable Dwelling Units.
 - iii. If the Project is providing Affordable Dwelling Units through incentive based programs, such as the City or State Density Bonus law, those Affordable Dwelling Units are eligible for credit.
- c. **Maximum Credits.** In no case shall the Affordable Housing Fee Credit exceed 50 percent of the TIA Fee for a Project.
- d. **Remedy for Non Conformance.** If any Affordable Dwelling Unit, for which a Fee Credit was issued, fails to be affordable pursuant to the

recorded covenant before the required term has expired, the TIA Fee shall be paid to the City at the current rate.

3. Transit Oriented Development Fee Credits.

- a. All Projects, which meet the criteria of a Transit Oriented Development as provided below shall receive Fee Credit in an amount established by City Council resolution. The credit may be modified as provided in the resolution.
- b. **Eligibility.** A Project is eligible for a Transit Oriented Development Fee Credit if the following criteria are met:
 - i. The Project is located within ½ mile of a transit station or stop serving a Dedicated Transit Line, that is in place and active at the time building permits are issued.
 - ii. Convenience retail uses, including a store that sells food, must be located within ½ mile of the Project site.
 - iii. The Project provides either the minimum number of parking spaces required by the LAMC, or no more than one on-site parking space for zero to two bedroom units, and two on-site parking spaces for three or more bedroom units, whichever is less.

C. Other Provisions.

- 1. No Fee Credit shall be granted in excess of the assessed TIA Fee for the Project.
- 2. No Fee Credit shall be granted for that portion of the TIA Fee designated for the City's administrative costs, as provided by City Council resolution.
- 3. Phased Project. If a Project has a Phased Program, under Section 10, Fee Credits authorized in this Section 8, may be reserved and credited from one phase to a future phase.

Section 9. IMPROVEMENTS, DEDICATIONS, AND MITIGATION MEASURES

A. Improvements and Dedications; Compliance with Streetscape Plans.

1. **Findings.** Nothing in this Specific Plan is intended to modify any improvement or dedication requirements in the LAMC or other City ordinance, plan, policy, rule or regulation, except that when Project Serving Improvements or Regional or Sub-regional Transportation Improvements are required on a Project for a right-of-way that has an approved Streetscape Plan, the improvements and dedications shall be required to be consistent with any applicable Streetscape Plan unless the General Manager of LADOT finds any of the following:
 - a. Improvements consistent with the Streetscape Plan are not feasible
 - b. Improvements consistent with the Streetscape Plan are not practical due to other pending or planned public improvements.
2. **Consistency.** Consistency with the Streetscape Plan shall be determined by the General Manager of LADOT or his or her designee, after consultation with the LADCP.
3. **Subsequent Ordinance.** If after the latest update to this Specific Plan, the City Council adopts an ordinance to regulate streetscape plan improvements and the ordinance is applicable to the Specific Plan area, this Section 9.A shall be of no further force and effect.

B. Mitigation Measures.

1. **General Rule.** All Projects, whether subject to ministerial or discretionary review, shall be reviewed by LADOT to determine whether mitigation measures are necessary to reduce significant traffic or transportation related impacts caused by the Project.
2. **LADOT Transportation Impact Study Guidelines.** LADOT shall review all Projects using the LADOT Transportation Impact Study Guidelines (or successor document). All Project applicants shall fully comply with the relevant procedures of the LADOT Transportation Impact Study Guidelines, as reasonably interpreted by LADOT.
3. **TDM and NTM Programs.** For any Project required to prepare a traffic study under the LADOT Transportation Impact Study Guidelines, LADOT shall require the traffic study to analyze whether a TDM Program or NTM Program would reduce significant traffic impacts. If TDM Programs or NTM Programs are identified as reducing impacts, LADOT will consider a TDM Program or NTM Program as feasible.
4. **Mitigation Measures.** After review consistent with the LADOT Transportation Impact Study Guidelines, LADOT shall impose all feasible mitigation measures to reduce a Project's significant impacts.

Notwithstanding anything to the contrary in the LADOT Transportation Impact Study Guidelines, the final required mitigation measures, if any, shall be determined by LADOT as the final decision maker. All mitigation measures and preparation of a mitigation monitoring program or plan shall comply with the LADOT Transportation Impact Study Guidelines.

- 5. Mitigation Measure Compliance and Covenant Requirement.** No building permit or change of use permit shall be issued for a Project until the General Manager of LADOT finds that all mitigation measures are complete and fully satisfied or future completion and/or compliance has been adequately secured by a covenant recorded on the Project property in a form approved by and recorded to the satisfaction of LADOT. Without limitation to the above, a covenant required by LADOT may include the project description.
- 6. CEQA.** Nothing in this Specific Plan is intended to modify the requirements or provisions of CEQA for any Project. To the extent that a Project is exempt from CEQA because it requires only ministerial approval, nothing in the Specific Plan is intended to require CEQA review. The use of the term “mitigation measure” in this Section and the Specific Plan is not intended to mean a “mitigation measure” as the term is used in CEQA. To the extent that a mitigation measure imposed under this Section may or must be imposed to satisfy the requirements of CEQA that determination shall be made consistent with the requirements of CEQA.

Section 10. PHASING PROGRAM

A. Phased Project.

A Project applicant that intends to phase the Project shall obtain an approved Phasing Program from LADOT and comply with this Section.

1. **Application.** When a Project applicant proposes a Project to be completed in more than one phase, the applicant shall submit an application for a Phasing Program that contains the elements described below in Section 10.A.2 or any other information required by LADOT.
2. **Phasing Program.** An approved Phasing Program shall include, at minimum, the following:
 - a. Total floor area, total dwelling units, if applicable, and use of the Project in each phase.
 - b. Anticipated Project schedule.
 - c. Trip generation tables for each phase (as calculated using the trip generation methodology required in the LADOT Transportation Impact Study Guidelines).
 - d. Regional and Sub-regional Transportation Improvements scheduled to be constructed for each phase.
 - e. Project Serving Improvements scheduled to be constructed in each phase.
 - f. TDM Program addressing each phase.
 - g. A last phase that includes land uses which generate at least 25 percent of the total Project Trips.
3. **Review of Phasing Program.** Prior to approval of the Phasing Program, LADOT shall review the Phasing Program, identify the mitigation measures to be undertaken by the Project pursuant to Section 8, calculate the TIA Fee for each phase, and calculate any Credits under Section 9, determine that TDM Program goals are in conformance with the provisions of LAMC 12.26-J and the LADOT Transportation Impact Study Guidelines. If an Applicant subsequently submits a modification to the Project which results in a change in density or land use and which results in an increase or decrease in Trip generation in an approved Phasing Program, appropriate adjustments in TIA Fees, mitigation measures or TDM requirements applicable to the increase or decrease shall be made as a condition of approval.

4. Review of Phases.

- a. Payment of TIA Fees.** TIA Fees for each phase shall be paid in full at the time the first building permit for the phase is issued
 - b. Review.** Prior to the issuance of a building permit for each phase of the Project, LADOT shall review the building permit application for conformance to the Phasing Program conditions.
 - c. Final Phase.** The final phase shall include land uses which generate at least 25 percent of the total Project Trips. The final phase of a multi-phase Project reviewed under this Section shall demonstrate to LADOT that required TDM Programs for prior phases have achieved Trip reduction objectives. Where a TDM Program is found not to be functioning and/or not reducing Trips as anticipated for the Project, the final phase of the Project shall reduce Trips proportionally.
- 5. Covenant.** Prior to issuance of the building permit for the first phase of the Project, the owner(s) of the property shall covenant and agree to comply with the provisions of this Section. The covenant shall be in a form approved and processed as required by LADOT.

Section 11. APPEALS

- A. Appeal to LADOT.** A Project applicant who disputes a determination made by LADOT regarding the amount of the TIA Fee pursuant to Section 7 or the amount of a Credit pursuant to Section 8 may ask for reconsideration by the General Manager of LADOT within a 15 day period following the date of mailing of the letter of determination from LADOT. The request shall set forth specifically the basis of the request and the reasons why the determination should be modified. The appeal shall be on a form as prescribed by LADOT and shall be accompanied by a filing fee in the amount established by accompanying resolution. The filing fee shall be payable to LADOT. The General Manager of the Department shall decide the matter and issue a decision letter within 30 days following the receipt of the request.
- B. Appeal to West Los Angeles Area Planning Commission.** An Applicant who filed an appeal pursuant to Subsection A may appeal the decision to the West Los Angeles Area Planning Commission (WLA-APC) pursuant to the procedures in LAMC Section 11.5.7.C.6. Appeals filed under this Subsection 11.B, shall pay a filing fee to LADCP, in an amount established by City Council resolution. On appeal, the evidence shall be limited to the record of proceedings at the time the General Manager made his or her decision. If the WLA-APC upholds an appeal in whole or in part, they must make a finding that the General Manager erred or abused its discretion.

Section 12. REVIEW OF THE TIA FEE PROGRAM²

The WLA TIMP shall be monitored on a regular basis by LADOT and all requirements of the Mitigation Fee Act shall be met, including a five-year report to City Council and an annual accounting of the WLA TIMP fund 180-days after each fiscal year.

Unless otherwise provided by City Council resolution, a report reviewing the status of the TIA fee fund and implementation of the Specific Plan shall be submitted by the General Manager of LADOT to the City Council and copied to DCP every two years. The report shall be submitted to the City Council no later than November of the year in which the report is due. Nothing herein, is intended to provide a cause of action or a remedy, at law or in equity, that is not otherwise provided by State law.

² Note: Section 12 may be moved to resolution prior to ordinance adoption.

Section 13. SEVERABILITY

If any provision of this ordinance or the application thereof to any person, property or circumstances, is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this ordinance or the application of those provisions to other persons, property or circumstances which can be implemented without the invalid provisions and to this end, the provisions of this ordinance are declared to be severable.