ORDINANCE NO. 186108

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 11.5.7.G of the Los Angeles Municipal Code, the City Council hereby amends the West Los Angeles Transportation Improvement and Mitigation Specific Plan in its entirety to read 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.

West Los Angeles Transportation Improvement and Mitigation Specific Plan

City of Los Angeles

Ordinance No. 171,492
Effective March 8, 1997

Specific Plan Amendment
Amended by Ordinance No. _____
Effective _____

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WEST LOS ANGELES TRANSPORTATION IMPROVEMENT AND MITIGATION SPECIFIC PLAN

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West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP)

WLA TIMP

US Government

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CPC-2014-1457-SP

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City of Los Angeles

AREA MAPPED

Data Sources: Department of City Planning & Bureau of Engineering

West Los Angeles Transportation Improvement and Mitigation (WLA TIMP) 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 (Specific Plan). The Specific Plan establishes a transportation mitigation program which shall be applicable to all lots located in whole or in part within the Specific Plan Area.

B. **Specific Plan Area.** The Specific Plan Area (plan area) includes those areas of the City of Los Angeles shown in the shaded area of Map 1.

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.

D. This Specific Plan shall be amended and interpreted pursuant to the procedures in LAMC Section 11.5.7.G and H, except that notice for an amendment shall be consistent with notice required under LAMC Section 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 Mobility Plan 2035, 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 vehicle miles traveled (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 Mobility Plan 2035).

C. Produce fewer auto trips per capita and decrease 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 in compliance with the Mitigation Fee Act for new development located within the plan area.

J. Ensure that 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 Transportation Impact Assessment 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, travel demand management programs, and shared-parking to manage parking supply.

N. Promote neighborhood protection programs, where feasible, when implementing multimodal improvements, in order to minimize intrusion of commuter traffic through residential neighborhoods by the implementation of non-restrictive traffic calming measures.

O. Reduce 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, which definitions shall supersede the definitions set forth in the LAMC. Words and phrases not defined herein shall be construed as defined in LAMC Section 12.03.

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 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, sections 21000, et seq., and the Guidelines for California Environmental Quality Act, found at Title 14, Division 6, Chapter 3 of the California Code of Regulations, including as they be amended from time to time.

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 of this Specific Plan.

Fee Ordinance: LAMC Section 19.19, as it may be amended from time to time.

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

LADBS: City of Los Angeles Department of Building and Safety.

LADCP: City of Los Angeles Department of City Planning.

LADOT: City of Los Angeles Department of Transportation.

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

LAMC: Los Angeles Municipal Code, as it may be amended from time to time. Amendments to the LAMC include any particular sections identified in this Specific Plan.

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

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

NTM Program: Neighborhood Traffic Management Program, which is 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 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, transportation measures required by Section 9 of this Specific Plan and the 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 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 Subregional 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 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, the Board of Public Works, LADOT General Manager or LADCP Director, which provides guidelines and policies for how a particular City street should look and function, including the design and design consistency of streetscape amenities, maintenance of streetscape amenities, pedestrian 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 the City Council as eligible for use of the TIA Fee monies pursuant to Section 6 of this Specific Plan.

Transportation Demand Management Program or TDM 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.

Transportation Impact Study Guidelines or TIS 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 measures, including as it may be amended from time to time in substance or in name.

Trip: An arrival at or a departure from a Project by a motor vehicle during the evening peak hour of traffic.

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

Section 5. GENERAL REQUIREMENTS

A. **General Requirement.** No permit shall be issued by LADBS 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 requirements in this Specific Plan, including Subsection 5.C.

2. Paid the TIA Fee required, if any, pursuant to Section 7 of this Specific Plan.

3. Obtained a certification by the LADOT, in consultation with LADPW, that the Project has satisfied all requirements of Section 9 of this Specific Plan and all measures required under Subsection 9.B of this Specific Plan, if any, are complete or otherwise guaranteed.

4. If applicable, obtained an approved phasing program from LADOT, pursuant to Section 10 of this Specific Plan.

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 applicants of non-exempt Projects shall do all the following:

1. File an initial assessment form with LADOT on a form approved by LADOT for project review and approval. In their initial assessment, the applicant shall identify all Fee Credits and exemptions for which the applicant believes the Project is eligible, including any basis for the credit or exemption.

2. Prepare and submit all required forms, technical memorandum, transportation 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 assessment forms submitted under Subsection C to determine compliance with this Specific Plan, including compliance with Section 9 of this Specific Plan related to transportation studies and transportation measures, and calculating any fees or credits pursuant to Section 7 or Section 8 of this Specific Plan and determining whether the Project is exempt.

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 Specific Plan Area to provide public facilities which meet the purposes established in Section 3 of the Specific Plan. The TIA Fee Program shall comply with the Mitigation Fee Act and the requirements of this Section 6.

B. **TIA Fee Improvements.** The City Council shall establish in the Fee Ordinance a list or categorical description of public facilities (as defined by the Mitigation Fee Act) that may be funded, in part, by the 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 shall not fund operations or maintenance. The list or description of TIA Fee Improvements may be amended from time to time as provided in the Fee Ordinance.

C. **Amount of the Fee and Indexing of the Fee.** The amount of the TIA Fee shall be provided in the Fee Ordinance. As provided in the Fee Ordinance, the TIA Fee shall increase or decrease on an annual basis to respond to inflation and deflation.

D. **Exemptions.** Projects identified as exempt from the TIA Fee in the Fee Ordinance shall be exempt from payment of the TIA Fee in Section 7 of this Specific Plan.

E. **Administration.** The City Council, by ordinance or 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 of this Specific Plan, and the use and handling of any TIA Fee monies. Nothing provided in this subsection is intended to otherwise limit the authority of the head of any Department to adopt rules and regulations necessary to administer City ordinances or City Council-adopted resolutions.

Section 7. TIA FEE PAYMENT PROCEDURES

A. **Project Review.** All non-exempt Projects shall be reviewed by LADOT to determine if the Project is exempt from paying a TIA Fee, to calculate the amount of the TIA Fee, including as reduced by any applicable Fee Credits, consistent with this Specific Plan and the Fee Ordinance.

B. **Project Requirements.** Project applicants are required to pay TIA Fees as calculated by LADOT.

C. **Time of Payment.** Unless otherwise provided in the Fee Ordinance, the timing and method of TIA Fee payments shall be as provided below.

1. **General Rule.** TIA Fees shall be fully paid prior to issuance of the first permit by LADBS, subject to the following exceptions:

a. **Residential Uses**. If the TIA Fees are for a residential use, payment may be made at issuance of the certificate of occupancy.

b. **Secured Payment.** TIA Fees may be paid after issuance of the building permit if, prior to issuance of building permit, the applicant paid a deposit equal to 10 percent of the total required TIA Fee and guaranteed payment of the balance of TIA Fees owed by a bank letter of credit in one of the following manners:

i. 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

ii. to be paid in 60 equal monthly installments, which include compound interest, with the first payment due 30 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 b., then 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.

c. **Phased Project.** TIA Fees for a phased Project shall be paid consistent with Section 10 of this Specific Plan and an approved Phasing Program.

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

D. **Refunds.**

1. TIA Fees are subject to the refund provisions of LAMC Sections 22.12 and 22.13, this subsection, and the Mitigation Fee Act.

2. The General Manager may issue a refund of any collected TIA Fees 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.

E. **Remedy If Failure to Pay.** In addition to any other remedies available under the LAMC or other law, if it is determined that a TIA fee has not been paid or secured in accordance with Section 7 of the Specific Plan, building permits will not be issued for the Project and LADBS shall initiate a process to revoke any permits issued at the request of the General Manager.

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 pursuant to the Fee Ordinance.

B. **Fee Credits.** In calculating the TIA Fee, LADOT shall provide Fee Credits as provided below and the in Fee Ordinance.

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; or

ii. Regional or Subregional Transportation Improvements that meet the purposes of the Specific Plan as described in Section 3 of this Specific Plan, as determined by the General Manager.

b. To be eligible for an Improvement In-Lieu Fee Credit, the improvement must be or have been accepted 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 LADPW; 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 (such as, ATSAC) improvements, or by a means deemed acceptable by the LADPW 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 in consultation with LADPW.

e. The amount of the Improvement In-Lieu Fee Credit shall be calculated by LADOT 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 Subregional 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, in consultation with LADPW. 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 Fee Credit may be granted in situations where improvements are being provided as part of a public benefit incentive program if the provided improvements are TIA Fee Improvements.

2. **Affordable Housing Fee Credit.**

a. An "Affordable Housing Fee Credit" shall be provided to new Affordable Dwelling Units, in an amount provided in the Fee Ordinance and subject to the requirements below.

b. **Eligibility.**

i. To be eligible for an Affordable Housing Fee Credit, the Affordable Dwelling Unit shall be 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.

ii. To be eligible for an Affordable Housing Fee Credit, if the Project is replacing any existing Affordable Dwelling Units, the Project shall not result in a net loss of Affordable Dwelling Units.

iii. Affordable Dwelling Units provided through an incentive-based program, such as LAMC Section 12.22.A.25, are eligible for the Affordable Housing Fee 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 immediately due and payable to the City at the current rate. A covenant in a form and manner approved by LADOT shall be recorded to ensure compliance with this subdivision.

3. **Transit Oriented Development Fee Credits.**

a. A "Transit Oriented Development Fee Credit" shall be provided to Projects in an amount provided in the Fee Ordinance which meet the criteria of a Transit Oriented Development as provided below.

b. **Eligibility.** A Project is eligible for a Transit Oriented Development Fee Credit if all of the following criteria are met:

i. The Project is located within one-half mile of a transit station or stop serving a Dedicated Transit Line that is in place and operational at the time building permits are issued.

ii. Convenience retail uses, including a store that sells food, must be located within one-half mile of the Project site.

iii. The Project provides no more parking than the lesser of the minimum number of parking spaces required by the LAMC or the number of parking spaces needed for the Project at a rate of one on-site parking space for zero to two bedroom units, and two on-site parking spaces for three or more bedroom units.

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 in the Fee Ordinance.

3. Phased Project. If a Project has a Phased Program, under Section 10 of this Specific Plan, Fee Credits authorized in this Section 8 may be reserved and credited from one phase to a future phase.

Section 9. IMPROVEMENTS, DEDICATIONS, AND TRANSPORTATION 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 Subregional 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 the applicable Streetscape Plan unless the General Manager finds either of the following:

   a. Improvements consistent with the Streetscape Plan are not physically feasible.

   b. Improvements consistent with the Streetscape Plan are not practical or efficient due to other pending or planned public improvements.

2. **Consistency.** Consistency with the Streetscape Plan shall be determined by the General Manager after consultation with 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. Transportation Measures. The following regulations apply to all Projects required to be reviewed under the TIS Guidelines pursuant to the LAMC, other City ordinance, or as part of a CEQA review for a discretionary Project.

1. **Transportation Impact Study Guidelines.** LADOT shall review all Projects using the TIS Guidelines. All applicants shall fully comply with the relevant procedures of the TIS Guidelines.

2. **TDM and NTM Programs.** LADOT shall require the transportation study to analyze whether a TDM Program or NTM Program would reduce any Project significant transportation impacts consistent with the TIS Guidelines and relevant LAMC requirements.

3. **Measures to Avoid Impacts.** After review consistent with the TIS Guidelines, LADOT shall impose transportation measures to avoid or reduce transportation impacts consistent with the TIS Guidelines.

4. **Compliance and Covenant Requirement.** No building permit or change of use permit shall be issued for a Project until the General Manager finds that all transportation measures imposed under the TIS Guidelines and this Specific Plan are complete and fully satisfied or future completion and/or compliance has been adequately secured, including by a covenant

recorded on the Project property in a form and manner approved by LADOT. Without limitation to the above, any covenant required by LADOT may include the project description.

5. **CEQA.** Nothing in the Specific Plan or any provision in the TIS Guidelines 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. All decisions made under this Specific Plan are ministerial as defined by CEQA.

Section 10. PHASING PROGRAM

A. Phased Project.

A Project applicant intending 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 or Subregional 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 final 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 transportation measures to be undertaken by the Project pursuant to Section 8 of this Specific Plan, calculate the TIA Fee for each phase, and calculate any Credits under Section 9 of this Specific Plan, 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 this change results in an increase or decrease in the Trip generation identified in an approved Phasing Program, LADOT shall make appropriate adjustments to the conditions of approval for the TIA Fee, measures to avoid transportation impacts, and/or TDM requirements.

4. **Review of Phases.**

   a. **Payment of TIA Fees.** The TIA Fee 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 Project property shall covenant and agree to comply with the provisions of this Section. The covenant shall be prepared and recorded in a form and manner approved by LADOT.

Section 11. APPEALS

A. **Appeal to LADOT.** If a Project applicant disputes a determination made by LADOT regarding the amount of the TIA Fee pursuant to Section 7 of this Specific Plan or the amount of a Fee Credit pursuant to Section 8 of this Specific Plan, the applicant 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 the Fee Ordinance. 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 filing 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, require payment by the applicant of a filing fee to LADCP, in an amount established by the Fee Ordinance. 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 PROGRAM

LADOT shall monitor the WLA TIMP on a regular basis and ensure that all requirements of the Mitigation Fee Act are met, including the preparation of 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 ordinance or 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 LADCP 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. This requirement is directory not mandatory. Nothing herein is intended to provide a cause of action or a remedy at law or in equity to any third party that does not otherwise exist, including as it relates to the failure of LADOT to monitor, prepare, or submit a report or for the City Council to consider a report in any given year.

Section 13. SEVERABILITY

If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
KATHRYN C. PHELAN
Deputy City Attorney

Date 4/5/19

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

_____
VINCENT P. BERTONI, AICP
Director of Planning

Date 4-5-19

File No. CF-08-0229

M:\REAL PROP_ENV_LAND USE\LAND USE\KATHRYN PHELAN\COMMUNITY PLANS, SPECIFIC PLANS\WESTSIDE MOBILITY EIR\ORDINANCES\ORDINANCES\WLA TIMP SPECIFIC PLAN ORDINANCE\WLA TIMP ORDINANCE - FINAL.DOCX

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed 04/30/2019

Approved 05/07/2019

Ordinance Effective Date: JUN 28 2019
Council File No.: 07-0287,08-0229

DECLARATION OF POSTING ORDINANCE

I, **Staci Roberts** state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 186108 - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **04/30/2019**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, I conspicuously posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records beginning on **05/10/2019** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Deputy Clerk

Date: 05/09/2019

Ordinance Effective Date: JUN 28 2019

Council File No.: 07-0287,08-0229