

WEST LOS ANGELES TRANSPORTATION IMPROVEMENT AND MITIGATION

Specific Plan

Ordinance No. 171,492
Adopted March 8, 1997

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WEST LOS ANGELES TRANSPORTATION IMPROVEMENT AND MITIGATION SPECIFIC PLAN

An Ordinance establishing the West Los Angeles Transportation Improvement and Mitigation Specific Plan for the issuance of building permits for properties within the Westwood, West Los Angeles, Brentwood-Pacific Palisades, and the Palms-Mar Vista-Del Rey District Plan Areas generally bounded by the City of Beverly Hills/Beverwil Drive/Castle Heights Avenue/National Boulevard/Hughes Avenue on the east; Sunset Boulevard on the north; the City of Santa Monica and Centinela Avenue on the west; and Venice Boulevard on the south.

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

Section 1.

ESTABLISHMENT OF TRANSPORTATION MITIGATION SPECIFIC PLAN

A. Purpose. The West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP) is intended to:

1. Provide a mechanism to fund specific transportation improvements due to transportation impacts generated by the projected new development within the WLA TIMP Area;
2. Establish the Transportation Impact Assessment (TIA) Fee process for new development in the C, M and P zones;
3. Require that new development mitigate Significant Transportation Impacts caused by development in the R-3 and less restrictive zones;
4. Regulate the phased development of land uses, insofar as the transportation infrastructure can accommodate such uses;
5. Establish a WLA TIMP Area infrastructure implementation process;
6. Promote areawide transit enhancement through additional transit lines, shuttles, transit centers and facilities which expedite transit flow;
7. Promote or increase work-related ridesharing and bicycling to reduce peak-hour Trips and to keep critical intersections from severe overload;
8. Prevent Peak Hour Level of Service (LOS) on streets and intersections from reaching LOS "F" or, if presently at LOS "F" preclude further deterioration in the Level of Service;
9. Promote neighborhood protection programs to minimize intrusion

of commuter traffic through residential neighborhoods;

10. Promote the development of coordinated and comprehensive transportation plans and programs with other jurisdictions and public agencies;
11. Ensure that the public transportation facilities that will be constructed with funds generated by the WLA TIMP will significantly benefit the contributor; and
12. Encourage Caltrans to widen the San Diego Freeway for high-occupancy vehicle (HOV) lanes.

B. Transportation Specific Plan Area. The Transportation Specific Plan consists of an area that includes all or parts of the Westwood, West Los Angeles, Brentwood-Pacific Palisades, and the Palms-Mar Vista-Del Rey District Plan Areas generally bounded by the City of Beverly Hills/Beverwil Drive/Castle Heights Avenue/National Boulevard/Hughes Avenue on the east; Sunset Boulevard on the north; the City of Santa Monica and Centinela Avenue on the west; and Venice Boulevard on the south, as shown on Map 1.

Section 2.

RELATIONSHIP TO PROVISIONS OF THE LOS ANGELES MUNICIPAL CODE

The regulations of this Transportation Specific Plan are in addition to those set forth in the planning and zoning provisions of Los Angeles Municipal Code (LAMC) Chapter 1, as amended, and any other relevant ordinances, and do not convey any rights not otherwise granted under the provisions and procedures contained in that Chapter or other ordinances, except as specifically provided herein.

Section 3.

DEFINITIONS

Whenever the following terms are used in this Transportation Specific Plan, they shall be construed as defined in this Section. Words and phrases not defined herein shall be construed as defined in LAMC Section 12.03, if defined therein.

Applicant: Any person, as defined in LAMC Section 11.01, submitting an application for a building, grading or foundation permit for a Project.

ATSAC: LADOT's "Automated Traffic Surveillance and Control" (ATSAC) Program to improve traffic signals in the City of Los Angeles.

Average Vehicle Ridership (AVR): The number derived by dividing the employee population at a given worksite that reports to work weekdays between 6 a.m. and 10 a.m. by the number of vehicles driven by these employees commuting from home to the worksite during these hours. AVR may be calculated using weekly or biweekly averaging periods, by multiplying the applicable employee population by the number of weekdays

in the selected averaging period, then dividing by the total number of vehicles driven by these employees to the worksite during the same period. Vehicles counted shall exclude bicycles, transit vehicles, buses serving multiple work sites, and cars serving multiple work sites which will ultimately be counted at another location.

Carpool: Two or more persons traveling together in a single vehicle.

Child Care Facility: A facility which provides quality, affordable child care to serve the children of employees in this Plan area or an adjacent employment center. Child care facilities include infant care centers, day care centers, school age child day care centers and after school programs as defined under applicable State laws and regulations and approved by the City's Child Care Coordinator or the City Council.

City Building Cost Index: An index for tracking inflation in building costs for the Los Angeles Metropolitan Area, published by Marshall and Swift. If for any reason this index ceases to be published, then a similar building cost index shall be utilized as determined by LADOT.

Convenience Market: A retail store which has a floor area of less than 5,000 square feet and which sells an assortment of packaged food and small, non-food, carry-out items.

Governmental or Public Facility: Capital improvements and/or buildings or structures primarily 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, and other similar administrative facilities in which general government operations are conducted. Private, commercial or industrial activities pursuant to lease agreements on public lands shall not be considered Governmental or Public Facilities.

In Lieu Credit: A credit toward payment of the Transportation Impact Assessment Fee, pursuant to the provisions of Section 6 of this Ordinance.

LADOT: The Department of Transportation.

Larger Transportation Improvement: A transportation improvement which is in excess of major highway standards.

Level of Service (LOS): The operational characteristics of an intersection based on the delay being experienced by vehicles passing through an intersection in the peak hour, calculated using a ratio of its traffic volume (V) and its intersection traffic capacity (C) and based on intersection geometrics, peak-hour volumes, turning movements and signal phasing. Level of Service varies from A to F, with A representing free-flow, uncongested conditions and F representing traffic jam conditions. Level of service D is the level commonly experienced in urban areas during peak hours where drivers occasionally must wait through more than one signal cycle to proceed through the intersection. Level E is generally considered at capacity.

Local Serving Uses: Land uses which serve a local community, generate Trips of 3 miles or less and which do not substantially affect the Regional or Subregional transportation infrastructure as determined by LADOT. These uses are referenced as “EXEMPT” in the Fee Table in Appendix “B.”

Peak Hour: The single hour of the highest volume of traffic passing the Project on adjacent streets.

Phasing Program: A schedule which is applicable to any Project for the purpose of determining the timing of construction of a Project and the construction of related transportation improvements.

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 R-3 or less restrictive zones which requires the issuance of a building permit and which results in an increase in the number of Trips as determined by LADOT. The term Project shall not include work for which building permits are issued, including, but not limited to, electrical, plumbing, mechanical, facia, and sign permits, for existing buildings or structures which do not result in an increase in the floor area and do not change the use of the buildings or structures.

Project Serving Improvements: Those improvements on a Project frontage which do not contribute to traffic flow or reduce traffic congestion on the Regional or Subregional street network and are not included in the list of improvements in Appendix “C” as determined by LADOT. Project Serving Improvements include enhancements such as decorative sidewalks; decorative street lights; undergrounding of utilities; street trees; and those improvements which improve or enhance project access or on-site circulation such as driveways, new traffic signals, or modifications to existing traffic signals which are not part of the recommended improvements in Appendix “C.” All right-of-way dedications pursuant to LAMC 12.37 are considered Project Serving Improvements.

Regional or Subregional Transportation Improvements: A transportation or transit improvement (excluding maintenance and Project Serving Improvements), or portion thereof, which is listed in Appendix “C” of this Transportation Specific Plan, or an improvement on a highway within the Transportation Plan area designated on the City’s Master Plan of Highways and Freeways as a secondary highway or higher classification.

Residential Neighborhood Traffic Mitigation Program (RNTMP): A plan to prevent, control, or minimize Project traffic from traveling through nearby residential areas or local streets and mitigate Significant Transportation Impacts on local streets.

Shopping Center: A building or group of buildings on a lot or lots which has 5,000 or more square feet of floor area devoted to commercial retail use(s) in the building or group of buildings.

Significant Transportation Impact: The transportation impact, measured either as an increase in volume/capacity (V/C) ratio at an intersection or an increase in the average daily traffic volume on a local street attributable to

the Project, as determined by LADOT.

1. **Intersection:** A transportation impact on an intersection shall be deemed "significant" in accordance with the following table and formula:

<i>Significant Transportation Impact</i>		
Level of Service	<u>Final (V/C)</u>	<u>Project-Related Increase (V/C)</u>
C	> 0.700 - 0.800	equal to or greater than 0.040
D	> 0.801 - 0.900	equal to or greater than 0.020
E, F	> 0.901	equal to or greater than 0.010

For purposes of this calculation, the final V/C ratio shall mean the V/C ratio at an intersection considering impacts with a Project and ambient and related Project growth but without proposed traffic mitigation.

2. **Local Streets:** A transportation impact on a local street shall be deemed "significant" based on an increase in the projected final average daily traffic (ADT) volumes, as indicated below:

<u>Projected Average Daily Traffic with Project (Final ADT)</u>	<u>Project-Related Increase in ADT</u>
less than 1,000	120 trips or more
1,000 or more	12 percent or more of final ADT
2,000 or more	10 percent or more of final ADT
3,000 or more	8 percent or more of final ADT

Supermarket: A retail store which has a floor area equal to or greater than 5,000 square feet and which sells an assortment of foods as well as items for food preparation, household cleaning and personal care.

Traffic Assessment: A written determination by LADOT as to the likely traffic impacts resulting from a Project considering an estimate of Project-generated Trips, ambient traffic growth, related developments and current traffic volumes and levels of service at nearby intersections.

Transit Facility: Stations, bus stops, bus bays and their support facilities, including their right-of-way, for transportation by means other than single-occupancy vehicles. Land dedications for Transit Facility may include both fee dedications and right-of-way easements.

Transportation Coordinator: A full or part time paid employee of, or a contracted service for, an individual Project, or an employer organization whose function is to promote Carpools and Vanpools and TDM programs.

Transportation Impact Assessment (TIA) Fee: The monies required to be paid to the WLA TIMP Fund by an Applicant for a Project, pursuant to the terms of this Specific Plan.

Transportation Demand Management (TDM): A program for a Project promoting rideshare and transit use, including on-site improvements such as showers, bike racks, and preferential parking, to reduce Project-related Trips, to be provided by an Applicant or owner, lessee or assignee of an Applicant.

Transportation Mitigation Plan (TMP): A document submitted by the Applicant indicating proposed street improvements, Transportation Demand Management (TDM) measures and appropriate monitoring mechanisms, and/or other transportation improvements which will be implemented by the Applicant to mitigate traffic impacts of the Project pursuant to the Traffic Study Policies and Procedures established by LADOT.

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

Transportation Specific Plan Area: The area as shown on the map in Section 1 of this Specific Plan.

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

Trip Cost Factor: The pro rata cost of public improvements funded by a single Trip.

Vanpool: Seven to twelve persons traveling together in a single vehicle.

V/C Ratio: The ratio of traffic volume (V) to intersection capacity (C) at an intersection.

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

WLA TIMP FUND: A fund established by a separate ordinance for the deposit of all monies and fees collected pursuant to this WLA TIMP Specific Plan.

Section 4.

TRANSPORTATION MITIGATION STANDARDS AND PROCEDURES

A. Prohibition.

1. Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, no building, grading or foundation permit for a Project shall be issued until LADOT and the City Engineer have certified completion of mitigation measures required by this Section, or that their completion has been guaranteed to the satisfaction of these departments.
2. Exemptions: The following are exempted from the requirements of this Ordinance:
 - a. Single-family dwellings.

- b. Demolitions.
- c. Electrical, plumbing, mechanical, facia, sign installations and earthquake-related requirements mandated by the Department of Building and Safety.
- d. Tenant improvements with no change of use or increase in floor area.
- e. Projects which are subject to a development agreement which was entered into on or before the effective date of this Specific Plan.

B. Covenant and Agreement.

- 1. Prior to the issuance of a building, grading or foundation permit for any Project, the legal owner(s) of the property shall covenant and agree to complete, prior to the issuance of any certificate of occupancy, the transportation mitigation measures required pursuant to the Transportation Mitigation Plan as approved by LADOT, or City Council on Appeal, and to pay the Transportation Impact Assessment Fee. The covenant shall also include a declaration, in writing, that the owner acknowledges the contents and limitations of this Specific Plan.
- 2. All covenants and agreements referred to herein shall be effective upon recordation, shall run with the land and shall be binding upon any future owners, successors, heirs or assigns of the Applicant.

C. Review of Transportation Impacts.

- 1. Prior to the issuance of any building, grading or foundation permit for a Project, the Applicant shall submit an application to the Department of Transportation. The application shall provide an adequate Project description in order to determine the number of Trips to be generated by the Project and the potential Significant Transportation Impacts of the Project during AM and/or PM Peak Hours. The Applicant shall submit with the application the appropriate Application Fee as described in Section 4D below.
- 2. Project Trip Generation Calculations.
 - a. LADOT shall calculate Trips based on Appendix "A." The City Council, acting by resolution, may revise these Trip rates, based upon updated reports submitted by LADOT.
 - b. LADOT shall establish the number of Trips for a Project. When a Project includes a use not listed in Appendix "A" or more than one use, then LADOT shall use reasonable methods to establish the appropriate number of Trips for that use or those uses.

- c. LADOT shall grant a credit for each Trip generated by the existing use, if the existing use has been in place and operating for at least one year continuously during the four years immediately preceding the application for a building permit. LADOT shall grant a credit for 50 percent of the Trips generated by the existing use if the use has been in place and operating for at least 6 months continuously during the same four-year period. Off-site parking areas or lots which serve a Project shall be considered a part of the Project for trip calculation and credit purposes.

D. Application Fees. The Applicant shall pay the following application processing fee based on the size and nature of the Project:

Application Fees

<u>Number of Trips</u>	<u>Processing Fee</u>
1. Projects with 42 or fewer Trips: Traffic Assessment <u>not required</u>	
a. Applicable street dedication/ improvements <u>are not</u> required.	\$200
b. Applicable street dedication/ improvements <u>are</u> required	\$400
2. Projects with 43 or more Trips: Traffic Assessment <u>required</u>	
a. Traffic Assessment required upon application; Applicable street dedication/ improvements are required.	\$500
b. Traffic Assessment indicates significant impacts; design and review of mitigation measures required; applicable street dedication/ improvements are required.	\$2,100 plus \$50 for every 1,000 square feet of Floor Area not to exceed a total of \$25,000

E. Mitigation of Transportation Impacts. Prior to the issuance of any building, grading or foundation permit, the Project shall comply with the appropriate criteria below:

1. 42 or fewer Trips: An Applicant for a Project which generates 42 or fewer Trips, as calculated by LADOT, shall make the applicable highway dedications and improvements as required by LADOT or guarantee them pursuant to the Department of Public Works' B-permit procedures.
2. 43 or more Trips: An Applicant for a Project which generates 43 or more Trips, as calculated by LADOT, shall make the applicable highway dedications and improvements as required by LADOT or guarantee them pursuant to the Department of Public Works' B-permit procedures. LADOT shall provide a Traffic Assessment of a Project with fewer than 500 Trips to the Applicant within 30 working days from the date the Applicant

submits a description of the Project and pays the application fee, pursuant to Subsection D above, to LADOT. for a Project with 500 or more Trips, the Traffic Assessment shall be provided within 60 working days. If the Traffic Assessment finds that there will be a Significant Transportation Impact caused by the Project, the Applicant shall provide a Transportation Mitigation Plan (TMP) proposing mitigation measures to be implemented by the Applicant to reduce Significant Transportation Impacts to a level of insignificance at intersections and streets identified in the Traffic Assessment. The TMP shall be prepared in accordance with guidelines of LADOT and shall be accompanied by appropriate maps, graphics, and drawings to reflect clearly the impact of the Project and the feasibility and ability of the proposed mitigation measures to reduce any Significant Transportation Impact to a level of insignificance.

3. LADOT shall require that mitigation measures be undertaken or guaranteed to reduce the Significant Transportation Impacts of a Project to a level of insignificance. If no feasible mitigation measures are available, LADOT may require reasonable measures to mitigate the adverse effects of the Significant Transportation Impacts of the Project. The mitigation measures may include but are not limited to the following:
 - a. Transportation Demand Management (TDM) measures such as ridesharing and Vanpool programs, shuttle buses, transit subsidies, parking cash outs, staggered work hours and employee incentive programs that encourage Carpool and Vanpool usage as described in Subsection G;
 - b. Traffic signal system improvements;
 - c. Street widenings and dedications;
 - d. Construction of off-site improvements;
 - e. Land dedications;
 - f. Residential Neighborhood Traffic Mitigation Program.

F. Guarantee of Mitigation Measures. Prior to the issuance of any building, grading or foundation permit, the Applicant shall do the following:

1. Guarantee the proposed mitigation measures required pursuant to Section 4 E of this Specific Plan, as determined by LADOT. The guarantees may only consist of one or more of the following: bonds for B-permits on City streets; Encroachment Permits for State Highways; and cash payments for traffic signal systems such as ATSAC improvements.
2. Sign and record a covenant and agreement pursuant to Section 4 B of this Specific Plan.

3. Comply with Section 5 of this Specific Plan (TIA Fee)

G. Transportation Demand Management (TDM) Programs.

Prior to the issuance of any building, grading or foundation permit for a Project which generates more than 100 Trips, LADOT may require the following:

1. **Covenant.** The Applicant shall execute and record a Covenant and Agreement with the City to abide by the requirements of this Subsection. The covenant shall be recorded, shall run with the land and shall be binding upon any future owners, successors, heirs or assignees of the Applicants.
2. **TDM Plan.** A Project Applicant shall submit a preliminary TDM plan to LADOT for review. LADOT shall review and approve or disapprove the TDM plan within 30 working days of the date of submittal. Any plan not reviewed and acted upon by the end of 30 working days shall be deemed preliminarily approved. The TDM plan shall include the following elements:
 - a. Building and site design elements that will facilitate employee vehicle trip reduction efforts, such as loading and unloading areas for high-occupancy vehicles (HOVs), bicycle facilities, direct pedestrian access, preferential parking for HOVs, public transit stops and waiting shelters.
 - b. Specific measures or programs such as vanpools, carpools and flexible work hours that will be performed by the building owner through the tenants or lessees in providing ridesharing services and information to customers and employees within the Project. Financial and non-financial Trip reduction incentives to customers and employees working within the Project.
 - c. Methods that the building owner will use, such as leasing provisions, to encourage the cooperation of tenants within the Project.
 - d. Provisions that encourage the applicant, building owner, and/or tenants of the Project to individually or cooperatively join a Transportation Management Organization (TMO).
 - e. Provisions for a Transportation Coordinator. The Coordinator shall have a permanent mailing address, daytime telephone and office within a two mile radius of the Project.
 - f. Provisions for annual monitoring of the TDM program.
3. **Review of the Transportation Demand Management Plan.** If there are changed circumstances so that the Transportation

Demand Management Plan is no longer adequate, LADOT may require the Applicant to revise the TDM plan. LADOT shall review and approve or disapprove the TDM plan within 30 working days of submittal of the required changes. Any plan not reviewed and acted upon by LADOT by the end of 30 working days shall be deemed automatically approved.

4. **Goals of the TDM Program.** All TDM plans shall include goals to achieve and maintain a minimum Average Vehicle Ridership (AVR) in accordance with the following time table:

<u>Average Vehicle Ridership</u>	<u>Within Years of Issuance of Building Permit</u>
1.30	2
1.35	3
1.40	4
1.50	5

5. **Compliance with the TDM Program.**

- a. Projects should achieve the objectives of the Trip reduction program within five years after the issuance of any building permit.
- b. An Applicant may perform the TDM programs through tenants or lessees in the Project. However, agreements that tenants or lessees will perform the TDM program shall not relieve the Applicant or its successors of the requirements of this Subsection.
- c. Upon request of the Applicant, and written certification of LADOT, a TDM program or portion thereof may be determined not necessary.

6. **TDM Status Reports.**

- a. A building owner shall submit five annual status reports on the TDM program to LADOT beginning one year after the issuance of a Project's first certificate of occupancy. The report shall include employee surveys; AVR calculation based on LADOT guidelines; specific programs to reduce Trips; and site improvements, if any. The annual status report shall be prepared in the form and format designated by LADOT, which must either approve or disapprove the status report within 30 working days of submittal. If LADOT has not approved or disapproved the plan by the end of 30 working days, it shall be deemed automatically approved.
- b. Failure to submit a required annual status report within 60 days of the anniversary date of the issuance of a Project's first certificate of occupancy shall constitute non-compliance with the requirements of this Subsection.
- c. If a building owner fails to submit a required TDM plan

annual status report, LADOT may issue a notice of non-compliance. If after 30 days from the issuance of the notice of non-compliance the required status report is not received, the building owner shall be considered in violation of this Specific Plan and the City may take any action authorized by law to secure compliance or to otherwise mitigate the impacts of the Project.

7. **TDM Program Enforcement and Penalties.** No additional building permit, change of use permit, conditional use permit or certificate of occupancy shall be issued for any Project that has not complied with the requirements of this Subsection. Non-compliance with these requirements only includes failure to submit a TDM plan, failure to implement an approved TDM plan or failure to address any necessary modifications to a preliminary TDM plan after consultation with LADOT, pursuant to a written determination letter by the LADOT General Manager or his or her designee. These penalties shall not apply to:
 - a. Failure to achieve AVR goals of the TDM plan;
 - b. Any Project for which a building permit is required in order to comply with an order issued by the Department of Building and Safety to repair an unsafe or substandard condition, provided, however, that the construction does not increase the height or Floor Area of the original building, nor generate additional Trips as determined by LADOT;
 - c. Any Project for which a building permit is required to replace or restore a building or structure which was damaged or partially destroyed by fire, flood, wind, earthquake, or other natural disaster; provided, however, that the construction does not increase the height or the Floor Area of the original building, nor generate additional Trips as determined by LADOT; or,
 - d. Any building permit required for disabled access improvements, provided the improvements are not part of a Project and these improvements do not increase the Floor Area of any building.

Section 5.

TRANSPORTATION IMPACT ASSESSMENT FEE

A. Establishment of Transportation Impact Assessment (TIA) Fee.

1. Prior to the issuance of any building, grading or foundation permit, an Applicant for a Project shall pay, or guarantee payment of, a Transportation Impact Assessment (TIA) Fee to LADOT. The TIA Fee shall be for the purpose of funding the Transportation Improvements listed in Appendix "C" of this Specific Plan, including any revisions made to the Appendix

pursuant to Section 5 E 2 below.

2. The TIA Fee shall be paid or guaranteed before a building permit is issued for a Project or each phase of a multi-phased Project approved under the provisions of Section 7 of this Specific Plan. Any guarantee of payment of the TIA Fee shall be by cash or letter of credit from an accredited bank pursuant to guidelines established by LADOT.
3. **Interim Control Ordinance Projects.** Any Project for which a Covenant and Agreement was recorded pursuant to the Westwood/West Los Angeles Interim Traffic Control Ordinance (Ordinance Nos. 163,205, 164,829, 165,925, 168,138, 169,035, 170,389 and 171,227) shall be subject to the WLA TIMP Transportation Impact Assessment (TIA) Fee.
 - a. LADOT shall calculate the amount that each Interim Control Ordinance Applicant shall be charged based on the Land Use and Trip Cost Factor as calculated by LADOT based on Sections 5C and 5D, and considering Credits pursuant to Section 6 and exemptions pursuant to Section 5F and Appendix B.
 - b. If a person received an approval for a Project pursuant to the procedures set forth in Ordinance Nos. 163,205, 164,829, 165,925, 168,138, 169,035, 170,389 and/or 171,227 and signed a covenant and agreement promising to pay the Transportation Impact Assessment Fee, then that person or any successor in interest shall pay this amount after receiving a billing from LADOT in conformance with Section 5 B of this Ordinance.

B. Fee Payment Procedures. Prior to the issuance of a building permit for a Project, the Applicant, at its option, shall:

1. Pay the Transportation Impact Assessment Fee in cash; or
2. Pay a cash deposit equal to 10 percent of the TIA Fee, as determined by LADOT, prior to the issuance of a building permit, and guarantee the payment of the balance to be paid in full through a bank letter of credit before the issuance of any temporary or permanent certificate of occupancy or 24 months from the date of issuance of the building permit, whichever is earlier; or
3. Pay a cash deposit equal to 10 percent of the TIA Fee, prior to the issuance of a building permit, and guarantee the payment of the balance of the TIA Fee through a bank letter of credit in 60 monthly installments. The monthly installments shall include compound interest beginning from the date of issuance of the building permit with first payment commencing thirty days after the issuance of the building permit. The interest rate shall be the effective yield the Los Angeles City Treasurer is obtaining on the City's investment pool as reported to the City Council for the

month preceding the anniversary of the building permit issuance date and shall be adjusted annually.

- C. Calculation of Fee.** Prior to the issuance of a building permit for a Project, the Applicant shall pay the TIA Fee based on one of the following two formulas, whichever results in the lower TIA Fee, as calculated by LADOT:

1. FEE PER TRIP METHOD:

Fee = (Number of Trips Generated) X (Trip Cost Factor);

where

Number of Trips = (Floor Area or Unit of measurement, as Applicable per Appendix A) X (Trip Generation Rate in Appendix A)

For shopping centers and retail land uses, the floor area shall be reduced by 30,000 square feet.

b. FEE PER SQUARE FOOT (OR PER UNIT) METHOD:

Fee = (Floor Area or unit of measurement, as applicable, pursuant to Appendix "B") X (TIA Fee per square foot pursuant to Appendix "B.")

D. Trip Cost Factor.

1. **Amount.** The Trip Cost Factor is hereby established at \$2,110 per Trip.
2. **Annual Indexing.** The Annual Index upon adoption of this Ordinance shall be 1.000. The Trip Cost Factor and the TIA Fee per square foot (as set forth in Appendix "B") shall each be increased (or decreased) as of January 1 of each year by the amount of the percent increase (or decrease) in the most recently available City Building Cost Index as determined by LADOT. The revised Annual Index shall be published by LADOT in a newspaper of citywide circulation before January 31 of each year.

If the Department determines that the City Building Cost Index does not adequately reflect the annual increase in costs, then the Department shall recommend to the City Council, based on a written report, that the City Council adopt different cost figures. Upon receipt of such a report, and after public hearing, the City Council may, by resolution, adopt these different cost figures to be used for adjustment of the Trip Cost Factor.

E. Uses of the Fee.

1. **Transportation Improvements.** The TIA Fee shall be used to fund the Transportation Improvements listed in Appendix "C." These include but are not limited to transit improvements; Transportation Demand Management actions; traffic management actions; street widenings; freeway improvements; intersection/traffic signal improvements; and neighborhood protection programs to be determined by LADOT.

2. **Substitute Improvements.** Appendix “C” may be revised every two years by providing substitute or additional improvements to the list if the City Council, upon recommendation by LADOT, has determined that the improvements are consistent with this Ordinance and that a substitute improvement fulfills the transportation objectives of the improvement which it is to replace. No improvement which is fully funded by another source shall be added to the list.
3. Administrative costs and other costs provided for and described in the separate WLA TIMP Fund Ordinance.

F. Exemptions from Fee.

1. The following are exempted from the requirement of payment of a TIA Fee:
 - a. Those land uses which are considered Local Serving Uses referenced as “EXEMPT” in the Transportation Impact Assessment (TIA) Fee Table (Appendix “B”).
 - b. Temporary uses of less than six months in duration based on a building permit. No extension of time shall be permitted.
 - c. Park and ride facilities.
 - d. Churches, Temples, and other buildings used for religious worship.
 - e. All non-profit educational institutions (schools, colleges, universities).
 - f. Governmental or Public Facilities.
 - g. A telework center facility, as determined by LADOT, designed or used as a work site to save commuter Trips for people who live in adjacent or nearby residential locations.
 - h. Additions, alterations or construction of any residential or multiple dwelling uses and accessory structures, excluding hotels and motels.
 - i. The first 30,000 square feet of floor area in all Shopping Centers and retail uses as set forth in Appendix “B”.

G. Refunds.

1. If an Application Fee or TIA Fee is claimed to be incorrectly collected, or a refund is claimed pursuant to this Ordinance, then requests for refunds may be filed utilizing the procedures for refunds described in Sections 22.12 and 22.13 of the LAMC.

2. In addition to the above procedure, the City Council may refund any fees and/or release a letter of credit if:
 - a. The building permit and all extensions have expired and the Project for which the TIA Fee has been collected has not been constructed; or
 - b. A refund or release is specifically authorized by resolution of the City Council, and the Council finds that the TIA Fee is no longer needed or its retention would violate the constitutional rights of any person; or
 - c. A refund or release based on the effectiveness of TDM Programs, as recommended by LADOT, is specifically authorized by resolution of the City Council.
3. Except as specified in Section 6 B 4, providing in-lieu credits for the TDM Programs, a claim for refund pursuant to Paragraph 2 (a) above shall be filed no later than one year after payment of the TIA Fee or one year after the expiration date of the building permit, including any extensions thereof, whichever is later.

Section 6.

CREDITS FROM THE TIA FEE

A. TIA Fee Credit for Previous Land Use.

1. Credits can only be granted on previous land uses which are not exempt from the TIA Fee pursuant to Section 5 F.
2. Applicants for Projects may request a credit against the TIA Fee if the use was in effect on January 1, 1990.
3. Projects located within the Westwood Regional Center Interim Traffic Mitigation Ordinance No. 159,725 may request the following credits:
 - a. Applicants for a Project for which a fee has been paid pursuant to Ordinance No. 159,725 may request and receive a full credit for the existing land use.
 - b. Applicants who have paid or guaranteed a fee after September 12, 1996, shall have that fee credited or refunded to an amount equivalent to the TIA Fee as calculated pursuant to Section 5 herein.

B. In-Lieu Credits.

1. **Transportation Improvements.** In-Lieu Credit against the TIA Fee shall be given for all or portions of Regional or Subregional Transportation Highway Improvements and Transit/TDM Improvements designated in Appendix "C" or for Regional or

Subregional Improvements as determined by LADOT. LADOT may apportion In-Lieu Credit for improvements which are beyond the minimum required to mitigate the impacts of the Project. The amount of In-Lieu Credit for Regional or Subregional Transportation Improvements shall be calculated by LADOT and credited at the time the building permit is issued.

2. In-Lieu Credit Estimates.

- a. The Applicant shall prepare preliminary plans and a detailed cost estimate of the proposed Regional or Subregional Transportation Improvements for review by and approval of the City Engineer and LADOT. 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.
- b. In-Lieu Credits shall be applied to reduce the TIA Fee after the required transportation improvements have been completed or guaranteed to the satisfaction of LADOT and the City Engineer. The total TIA Fee, after deducting any applicable In-Lieu Credits, shall be guaranteed prior to issuance of a building permit. The guarantees for transportation improvements eligible for In-Lieu Credits shall consist of Bonds for B-permit construction on City streets; Encroachment Permits for construction on State Highways; and cash payments for ATSAC improvements.
- c. The City shall not grant In-Lieu Credits that are in excess of the assessed TIA Fees for the entire Project.
- d. No In-Lieu credits shall be granted against that portion of the TIA Fee designated for the City's administrative costs and neighborhood protection costs as estimated by LADOT.

3. TDM Programs

- a. Effectiveness of TDM Program.
 - i. Within five years of issuance of any building permit, a Project which has achieved a 90 percent occupancy may receive an In-Lieu Credit against the TIA Fee after it has demonstrated the effectiveness of the TDM Program to the satisfaction of LADOT.
 - ii. The amount of In-Lieu Credit shall be calculated on the basis of achievement of Average Vehicle Ridership (AVR) indicated below:

<u>AVR</u>	<u>In-Lieu Credit</u>
1.30 - 1.39	10 percent of TIA Fee
1.40 - 1.49	15 percent of TIA Fee

- b. **Noncompliance Assessment Fee.** If the Applicant fails to comply with the TDM Program for which the Applicant has received In-Lieu Credit, the Applicant shall pay the amount of the reduction credit plus interest from the date of the credit and the City's administrative costs. The amount shall be levied by LADOT upon the Applicant or its successor by written assessment which states the failure of compliance. The Applicant or its successor may appeal the assessment to the City Council within 15 days of service of the assessment.
 - c. **Bikeways.** An Applicant who pays for all or portions of the bikeway improvements identified in the City's Bikeway Master Plan may receive an In-Lieu Credit against the TIA Fee.
- 4. **Multi-Phase Projects.** In multi-phase Projects approved under the provisions of Section 7 of this Ordinance, In-Lieu Credits to reduce the TIA Fee may be reserved and credited from one phase to a future phase of the same Project. However, in no case shall a final phase be approved with land uses that generate less than 25 percent of the Project's total Trips.
- 5. **Land Dedications.** In-Lieu Credit for any land dedications shall be based on the fair market value of the dedication, appraised to the satisfaction of LADOT and the Bureau of Engineering as of the date of dedication. Land dedications shall include both fee dedications and right-of-way easements and shall be subject to the following conditions:
 - a. In-Lieu Credit shall not be granted for land dedications for right-of-way purposes to meet standard street requirements pursuant to the Highway and Freeway Elements of the General Plan.
 - b. Land dedications for a Larger Transportation Improvement or a Transit Facility.

Section 7.

PHASING PROGRAM

- A. **Prohibition.** Prior to the issuance of a building permit for any building or structure within a Project with more than one phase, a Phasing Program for the Project shall be approved by the Departments of City Planning and Transportation.
- B. **Project Phasing.** An Applicant for a Project which generates 500 or more Trips shall conform to the following provisions to implement the mitigation measures required pursuant to Section 4 of this Ordinance and the transportation improvements listed in Appendix "C" of this Ordinance:

1. **Application.** For a Project with more than one Phase, the Applicant shall submit an application for a Phasing Program containing the following: proposed density and land uses for the entire Project; proposed Regional or Subregional Transportation Improvements to be provided as part of this Project; and TDM programs and goals.
2. **Phasing Program.** The Phasing Program shall include the following:
 - a. Total floor area and use of the Project in each phase.
 - b. Anticipated Project schedule.
 - c. Trip generation tables for each phase.
 - d. Regional or Subregional Transportation Improvements scheduled to be constructed in each phase.
 - e. Project Serving Improvements scheduled to be constructed in each phase.
3. **Review of Phasing Program.** Prior to approval of the Phasing Program, LADOT shall review the Phasing Program, identify the Traffic Impact Mitigations to be undertaken by the Project, approve any In-Lieu Credits available to the Project, determine that TDM program goals are in conformance with the provisions of this Ordinance and calculate the TIA Fee for each phase. 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 Fees, Traffic Impact Mitigations or TDM requirements applicable to the increase or decrease shall be made as a condition of Departmental approval.
4. **Review of the Phases.**
 - a. 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.
 - b. The final phase shall be designed to 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 be reduced proportionally.

5. **Covenant and Agreement.** 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 recorded, shall run with the land and shall be binding upon any future owners, successors, heirs or assignees of the Applicants.

Section 8.

APPEALS

- A. **Request for Reconsideration by LADOT.** An Applicant or any other interested person adversely affected by the proposed Project who disputes any determination made by LADOT pursuant to this Ordinance may ask for a 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 reversed or modified. The appeal shall be on a form as prescribed by LADOT and shall be accompanied by a filing fee of \$500 payable to LADOT or, in the case of an appeal by an aggrieved person other than the Applicant, by a filing fee of \$60. 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 City Planning Commission.** An Applicant or any other interested person adversely affected by the proposed Project who disputes any determination made pursuant to Section 7 of this Ordinance may appeal to the City Planning Commission within a 15 day period following the date of mailing of a letter of determination from LADOT. The appeal shall set forth specifically the basis of the appeal and the reasons why the determination should be reversed or modified. The appeal shall be on a form as prescribed by the Department of Planning and shall be accompanied by a filing fee of \$500 payable to the Department of Planning or, in the case of an appeal by an aggrieved person other than the Applicant, by a filing fee of \$60. The City Planning Commission shall determine the matter within 30 days following the appeal.
- C. **Appeal to City Council.** An Applicant or any other interested person who filed an appeal pursuant to this Section who is dissatisfied with any decision of the General Manager of LADOT or the City Planning Commission may appeal to the City Council. Any appeal not filed within a 15 day period following the date of mailing of the letter of determination by LADOT, or within 15 days of a determination/hearing by the City Planning Commission, shall not be considered by the City Council. The City Council shall determine the matter within 60 days following the date of submission of the appeal unless the Applicant and the City Council agree to an extension of time.

Section 9.

REVIEW OF THE TRANSPORTATION SPECIFIC PLAN

The WLA TIMP shall be monitored on a regular basis by LADOT. A report reviewing the status of the WLA TIMP Fund and implementation of the Specific Plan shall be submitted by the General Manager of LADOT to the City Council 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.

Section 10.

SEVERABILITY

If any provision of this Ordinance or the application thereof to any person, property or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Transportation Program provisions, clauses or applications which can be implemented without the invalid provisions, and, to this end, the provisions and clauses of this Ordinance are declared to be severable.

APPENDIX C

LIST OF TRANSPORTATION IMPROVEMENTS

A. Transit Improvements and Transportation Demand Management (TDM) Actions:

1. Transit Actions
 - a. Transit shuttles, local bus services, taxicab or van programs, etc. servicing employment centers in the Transportation Mitigation Plan Area.
 - b. Additional transit lines in major corridors and other transit improvements.
 - c. Contributions of equipment or funds to increase the capacity of existing transit systems (must be coordinated with transit providers)
 - d. Provision of or contributions toward transit stations or centers
 - e. Provision of facilities or equipment which expedite transit flow (e.g., bus preemption, HOV lanes, etc.)
2. TDM Actions
 - a. Establish Transportation Management Associations (TMAs)
 - b. Provide “seed” money for demonstration projects via TMAs such as guaranteed ride home programs, work trip reduction plans, improved database system/linkage, etc.
 - c. Vanpool Subsidy Programs
 - d. Bikeways
 - e. Park and Ride Facilities

B. Traffic Management Actions:

1. Implementation of automated traffic surveillance and control (ATSAC) systems.
2. Traffic signal improvements (see Part D herein).
3. Channelization and striping (see Part D herein).

C. Street or Highway Corridor Improvements:

1. National Boulevard - Continue Secondary Highway standards (4 lanes) between Overland Avenue and Sepulveda Boulevard (subject to additional investigation and feasibility review).
2. Overland Avenue - Restripe between Pico Boulevard and Santa Monica Freeway to provide an additional northbound lane.
3. Pico Boulevard - Continue Major Highway standards (6 lanes) between Sepulveda Boulevard and Centinela Avenue.
4. Santa Monica Boulevard - Convert Santa Monica Boulevard north and south roadways into a Major One-way Couplet providing four travel lanes plus parking in each direction between Sepulveda Boulevard and Century Park East.
5. Sepulveda Boulevard - Reversible HOV lane Santa Monica to Sepulveda Pass.
6. Sepulveda Boulevard - Continue Major Highway standards (6 lanes) between Wilshire Boulevard and Venice Boulevard.
7. Wilshire Boulevard -
 - a. Continue Major Highway with modified standards between Glendon Avenue and Comstock Avenue (8 lanes, 104-foot roadway in 125-foot right-of-way).
 - b. Continue consistent Major Highway standards (6 lanes) between San Vicente Boulevard and Centinela Avenue.
8. I-405/Getty Center Drive - Construct a new northbound on-ramp to serve the Westwood Regional Center and relieve congestion on northbound Sepulveda Boulevard.

Improvements Pending Community Plan Amendments

9. Olympic Boulevard - Continue Major Highway with modified standards (8 lanes) between Century Park West and Bundy Drive (94-foot roadway in 110-foot right-of-way, except between Glendon Avenue and Malcolm Avenue).
10. Venice Boulevard - Continue Major Highway with modified standards (8 lanes, 114-foot roadway within a 134-foot right-of-way) between San Diego Freeway/Sawtelle Boulevard and Hughes Avenue.

D. Intersection/Traffic Signal Improvements:

See the following list.

- E. Neighborhood Protection Program**, such as speed bumps, turning restrictions, traffic signal re-timing, etc., as determined by LADOT.
(Not subject to In-Lieu Credit Provisions)

Intersection/Traffic Signal Improvements:

INTERSECTION RECONSTRUCTIONS/RESTRIPING

1. Barrington Avenue & Gateway Boulevard
2. Barrington Avenue & San Vicente Boulevard
3. Barrington Avenue & Sunset Boulevard
4. Barrington Avenue & Wilshire Boulevard
5. Centinela Avenue & Venice Boulevard
6. Century Park East & Pico Boulevard
7. Church Lane & Sunset Boulevard
8. Federal Avenue/San Vicente Boulevard & Wilshire Boulevard
9. Gayley Avenue & Wilshire Boulevard
10. Glendon Avenue & Wilshire Boulevard
11. Glendon Avenue/Tiverton Avenue & Lindbrook Drive
12. Hilgard Avenue & Le Conte Avenue
13. I-10 EB Off-Ramp & National Boulevard (near Overland)
14. I-405 On/Off-Ramps & National Boulevard
15. I-405 SB Off-Ramps & National Boulevard
16. I-405 SB Ramps & Santa Monica Boulevard
17. National Boulevard & I-10 WB Off-Ramp/Manning Avenue
18. National Boulevard/I-10 WB On/Off-Ramps & Overland Avenue
19. National Boulevard & Sawtelle Boulevard
20. National Boulevard & Sepulveda Boulevard
21. Ohio Avenue & Veteran Avenue
22. Olympic Boulevard & Sawtelle Boulevard
23. Pico Boulevard & Sawtelle Boulevard
24. Sepulveda Boulevard & Wilshire

TRAFFIC SIGNAL IMPROVEMENTS

1. Barrington Avenue & Sunset Boulevard
2. Barrington Avenue & Wilshire Boulevard
3. Beverly Glen Boulevard & Sunset Boulevard
4. Bundy Drive & National Boulevard
5. Century Park East & Pico Boulevard
6. Glendon Avenue & Wilshire Boulevard
7. Hilgard Avenue & Sunset Boulevard
8. I-405 SB Ramps & Santa Monica Boulevard
9. I-405 SB Off-Ramps/Tennessee Avenue & Sawtelle Boulevard
10. National Place/Boulevard & Overland Avenue
11. National Boulevard/I-10 WB On/Off Ramps & Overland Avenue
12. Olympic Boulevard & Sawtelle Boulevard
13. Santa Monica & Sawtelle Boulevards (I-405 Ramps/Beloit)
14. Sepulveda Boulevard & Wilshire Boulevard

West Los Angeles Transportation Improvement and Mitigation Specific Plan



Ordinance Area



WEST LOS ANGELES TRANSPORTATION IMPROVEMENT AND MITIGATION SPECIFIC PLAN

An Ordinance establishing the West Los Angeles Transportation Improvement and Mitigation Specific Plan for the issuance of building permits for properties within the Westwood, West Los Angeles, Brentwood-Pacific Palisades, and the Palms-Mar Vista-Del Rey District Plan Areas generally bounded by the City of Beverly Hills/Beverwil Drive/Castle Heights Avenue/National Boulevard/Hughes Avenue on the east; Sunset Boulevard on the north; the City of Santa Monica and Centinela Avenue on the west; and Venice Boulevard on the south.

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

Section 1.

ESTABLISHMENT OF TRANSPORTATION MITIGATION SPECIFIC PLAN

A. Purpose. The West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP) is intended to:

1. Provide a mechanism to fund specific transportation improvements due to transportation impacts generated by the projected new development within the WLA TIMP Area;
2. Establish the Transportation Impact Assessment (TIA) Fee process for new development in the C, M and P zones;
3. Require that new development mitigate Significant Transportation Impacts caused by development in the R-3 and less restrictive zones;
4. Regulate the phased development of land uses, insofar as the transportation infrastructure can accommodate such uses;
5. Establish a WLA TIMP Area infrastructure implementation process;
6. Promote areawide transit enhancement through additional transit lines, shuttles, transit centers and facilities which expedite transit flow;
7. Promote or increase work-related ridesharing and bicycling to reduce peak-hour Trips and to keep critical intersections from severe overload;
8. Prevent Peak Hour Level of Service (LOS) on streets and intersections from reaching LOS "F" or, if presently at LOS "F" preclude further deterioration in the Level of Service;

9. Promote neighborhood protection programs to minimize intrusion of commuter traffic through residential neighborhoods;
10. Promote the development of coordinated and comprehensive transportation plans and programs with other jurisdictions and public agencies;
11. Ensure that the public transportation facilities that will be constructed with funds generated by the WLA TIMP will significantly benefit the contributor; and
12. Encourage Caltrans to widen the San Diego Freeway for high-occupancy vehicle (HOV) lanes.

B. Transportation Specific Plan Area. The Transportation Specific Plan consists of an area that includes all or parts of the Westwood, West Los Angeles, Brentwood-Pacific Palisades, and the Palms-Mar Vista-Del Rey District Plan Areas generally bounded by the City of Beverly Hills/Beverwil Drive/Castle Heights Avenue/National Boulevard/Hughes Avenue on the east; Sunset Boulevard on the north; the City of Santa Monica and Centinela Avenue on the west; and Venice Boulevard on the south, as shown on Map 1.

Section 2.

RELATIONSHIP TO PROVISIONS OF THE LOS ANGELES MUNICIPAL CODE

The regulations of this Transportation Specific Plan are in addition to those set forth in the planning and zoning provisions of Los Angeles Municipal Code (LAMC) Chapter 1, as amended, and any other relevant ordinances, and do not convey any rights not otherwise granted under the provisions and procedures contained in that Chapter or other ordinances, except as specifically provided herein.

Section 3.

DEFINITIONS

Whenever the following terms are used in this Transportation Specific Plan, they shall be construed as defined in this Section. Words and phrases not defined herein shall be construed as defined in LAMC Section 12.03, if defined therein.

Applicant: Any person, as defined in LAMC Section 11.01, submitting an application for a building, grading or foundation permit for a Project.

ATSAC: LADOT's "Automated Traffic Surveillance and Control" (ATSAC) Program to improve traffic signals in the City of Los Angeles.

Average Vehicle Ridership (AVR): The number derived by dividing the employee population at a given worksite that reports to work weekdays between 6 a.m. and 10 a.m. by the number of vehicles driven by these employees commuting from home to the worksite during these hours. AVR may be calculated using weekly or biweekly averaging periods, by

multiplying the applicable employee population by the number of weekdays in the selected averaging period, then dividing by the total number of vehicles driven by these employees to the worksite during the same period. Vehicles counted shall exclude bicycles, transit vehicles, buses serving multiple work sites, and cars serving multiple work sites which will ultimately be counted at another location.

Carpool: Two or more persons traveling together in a single vehicle.

Child Care Facility: A facility which provides quality, affordable child care to serve the children of employees in this Plan area or an adjacent employment center. Child care facilities include infant care centers, day care centers, school age child day care centers and after school programs as defined under applicable State laws and regulations and approved by the City's Child Care Coordinator or the City Council.

City Building Cost Index: An index for tracking inflation in building costs for the Los Angeles Metropolitan Area, published by Marshall and Swift. If for any reason this index ceases to be published, then a similar building cost index shall be utilized as determined by LADOT.

Convenience Market: A retail store which has a floor area of less than 5,000 square feet and which sells an assortment of packaged food and small, non-food, carry-out items.

Governmental or Public Facility: Capital improvements and/or buildings or structures primarily 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, and other similar administrative facilities in which general government operations are conducted. Private, commercial or industrial activities pursuant to lease agreements on public lands shall not be considered Governmental or Public Facilities.

In Lieu Credit: A credit toward payment of the Transportation Impact Assessment Fee, pursuant to the provisions of Section 6 of this Ordinance.

LADOT: The Department of Transportation.

Larger Transportation Improvement: A transportation improvement which is in excess of major highway standards.

Level of Service (LOS): The operational characteristics of an intersection based on the delay being experienced by vehicles passing through an intersection in the peak hour, calculated using a ratio of its traffic volume (V) and its intersection traffic capacity (C) and based on intersection geometrics, peak-hour volumes, turning movements and signal phasing. Level of Service varies from A to F, with A representing free-flow, uncongested conditions and F representing traffic jam conditions. Level of service D is the level commonly experienced in urban areas during peak hours where drivers occasionally must wait through more than one signal cycle to proceed through the intersection. Level E is generally considered at capacity.

Local Serving Uses: Land uses which serve a local community, generate Trips of 3 miles or less and which do not substantially affect the Regional or Subregional transportation infrastructure as determined by LADOT. These uses are referenced as “EXEMPT” in the Fee Table in Appendix “B.”

Peak Hour: The single hour of the highest volume of traffic passing the Project on adjacent streets.

Phasing Program: A schedule which is applicable to any Project for the purpose of determining the timing of construction of a Project and the construction of related transportation improvements.

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 R-3 or less restrictive zones which requires the issuance of a building permit and which results in an increase in the number of Trips as determined by LADOT. The term Project shall not include work for which building permits are issued, including, but not limited to, electrical, plumbing, mechanical, facia, and sign permits, for existing buildings or structures which do not result in an increase in the floor area and do not change the use of the buildings or structures.

Project Serving Improvements: Those improvements on a Project frontage which do not contribute to traffic flow or reduce traffic congestion on the Regional or Subregional street network and are not included in the list of improvements in Appendix “C” as determined by LADOT. Project Serving Improvements include enhancements such as decorative sidewalks; decorative street lights; undergrounding of utilities; street trees; and those improvements which improve or enhance project access or on-site circulation such as driveways, new traffic signals, or modifications to existing traffic signals which are not part of the recommended improvements in Appendix “C.” All right-of-way dedications pursuant to LAMC 12.37 are considered Project Serving Improvements.

Regional or Subregional Transportation Improvements: A transportation or transit improvement (excluding maintenance and Project Serving Improvements), or portion thereof, which is listed in Appendix “C” of this Transportation Specific Plan, or an improvement on a highway within the Transportation Plan area designated on the City’s Master Plan of Highways and Freeways as a secondary highway or higher classification.

Residential Neighborhood Traffic Mitigation Program (RNTMP): A plan to prevent, control, or minimize Project traffic from traveling through nearby residential areas or local streets and mitigate Significant Transportation Impacts on local streets.

Shopping Center: A building or group of buildings on a lot or lots which has 5,000 or more square feet of floor area devoted to commercial retail use(s) in the building or group of buildings.

Significant Transportation Impact: The transportation impact, measured either as an increase in volume/capacity (V/C) ratio at an intersection or an increase in the average daily traffic volume on a local street attributable to

the Project, as determined by LADOT.

1. **Intersection:** A transportation impact on an intersection shall be deemed "significant" in accordance with the following table and formula:

<i>Significant Transportation Impact</i>		
<u>Level of Service</u>	<u>Final (V/C)</u>	<u>Project-Related Increase (V/C)</u>
C	> 0.700 - 0.800	equal to or greater than 0.040
D	> 0.801 - 0.900	equal to or greater than 0.020
E, F	> 0.901	equal to or greater than 0.010

For purposes of this calculation, the final V/C ratio shall mean the V/C ratio at an intersection considering impacts with a Project and ambient and related Project growth but without proposed traffic mitigation.

2. **Local Streets:** A transportation impact on a local street shall be deemed "significant" based on an increase in the projected final average daily traffic (ADT) volumes, as indicated below:

<u>Projected Average Daily Traffic with Project (Final ADT)</u>	<u>Project-Related Increase in ADT</u>
less than 1,000	120 trips or more
1,000 or more	12 percent or more of final ADT
2,000 or more	10 percent or more of final ADT
3,000 or more	8 percent or more of final ADT

Supermarket: A retail store which has a floor area equal to or greater than 5,000 square feet and which sells an assortment of foods as well as items for food preparation, household cleaning and personal care.

Traffic Assessment: A written determination by LADOT as to the likely traffic impacts resulting from a Project considering an estimate of Project-generated Trips, ambient traffic growth, related developments and current traffic volumes and levels of service at nearby intersections.

Transit Facility: Stations, bus stops, bus bays and their support facilities, including their right-of-way, for transportation by means other than single-occupancy vehicles. Land dedications for Transit Facility may include both fee dedications and right-of-way easements.

Transportation Coordinator: A full or part time paid employee of, or a contracted service for, an individual Project, or an employer organization whose function is to promote Carpools and Vanpools and TDM programs.

Transportation Impact Assessment (TIA) Fee: The monies required to be paid to the WLA TIMP Fund by an Applicant for a Project, pursuant to the terms of this Specific Plan.

Transportation Demand Management (TDM): A program for a Project promoting rideshare and transit use, including on-site improvements such as showers, bike racks, and preferential parking, to reduce Project-related Trips, to be provided by an Applicant or owner, lessee or assignee of an Applicant.

Transportation Mitigation Plan (TMP): A document submitted by the Applicant indicating proposed street improvements, Transportation Demand Management (TDM) measures and appropriate monitoring mechanisms, and/or other transportation improvements which will be implemented by the Applicant to mitigate traffic impacts of the Project pursuant to the Traffic Study Policies and Procedures established by LADOT.

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

Transportation Specific Plan Area: The area as shown on the map in Section 1 of this Specific Plan.

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

Trip Cost Factor: The pro rata cost of public improvements funded by a single Trip.

Vanpool: Seven to twelve persons traveling together in a single vehicle.

V/C Ratio: The ratio of traffic volume (V) to intersection capacity (C) at an intersection.

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

WLA TIMP FUND: A fund established by a separate ordinance for the deposit of all monies and fees collected pursuant to this WLA TIMP Specific Plan.

Section 4.

TRANSPORTATION MITIGATION STANDARDS AND PROCEDURES

A. Prohibition.

1. Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, no building, grading or foundation permit for a Project shall be issued until LADOT and the City Engineer have certified completion of mitigation measures required by this Section, or that their completion has been guaranteed to the satisfaction of these departments.
2. Exemptions: The following are exempted from the requirements of this Ordinance:
 - a. Single-family dwellings.

- b. Demolitions.
- c. Electrical, plumbing, mechanical, facia, sign installations and earthquake-related requirements mandated by the Department of Building and Safety.
- d. Tenant improvements with no change of use or increase in floor area.
- e. Projects which are subject to a development agreement which was entered into on or before the effective date of this Specific Plan.

B. Covenant and Agreement.

- 1. Prior to the issuance of a building, grading or foundation permit for any Project, the legal owner(s) of the property shall covenant and agree to complete, prior to the issuance of any certificate of occupancy, the transportation mitigation measures required pursuant to the Transportation Mitigation Plan as approved by LADOT, or City Council on Appeal, and to pay the Transportation Impact Assessment Fee. The covenant shall also include a declaration, in writing, that the owner acknowledges the contents and limitations of this Specific Plan.
- 2. All covenants and agreements referred to herein shall be effective upon recordation, shall run with the land and shall be binding upon any future owners, successors, heirs or assigns of the Applicant.

C. Review of Transportation Impacts.

- 1. Prior to the issuance of any building, grading or foundation permit for a Project, the Applicant shall submit an application to the Department of Transportation. The application shall provide an adequate Project description in order to determine the number of Trips to be generated by the Project and the potential Significant Transportation Impacts of the Project during AM and/or PM Peak Hours. The Applicant shall submit with the application the appropriate Application Fee as described in Section 4D below.
- 2. Project Trip Generation Calculations.
 - a. LADOT shall calculate Trips based on Appendix "A." The City Council, acting by resolution, may revise these Trip rates, based upon updated reports submitted by LADOT.
 - b. LADOT shall establish the number of Trips for a Project. When a Project includes a use not listed in Appendix "A" or more than one use, then LADOT shall use reasonable methods to establish the appropriate number of Trips for that use or those uses.

- c. LADOT shall grant a credit for each Trip generated by the existing use, if the existing use has been in place and operating for at least one year continuously during the four years immediately preceding the application for a building permit. LADOT shall grant a credit for 50 percent of the Trips generated by the existing use if the use has been in place and operating for at least 6 months continuously during the same four-year period. Off-site parking areas or lots which serve a Project shall be considered a part of the Project for trip calculation and credit purposes.

D. Application Fees. The Applicant shall pay the following application processing fee based on the size and nature of the Project:

Application Fees

<u>Number of Trips</u>	<u>Processing Fee</u>
1. Projects with 42 or fewer Trips: Traffic Assessment <u>not required</u>	
a. Applicable street dedication/ improvements <u>are not</u> required.	\$200
b. Applicable street dedication/ improvements <u>are</u> required	\$400
2. Projects with 43 or more Trips: Traffic Assessment <u>required</u>	
a. Traffic Assessment required upon application; Applicable street dedication/ improvements are required.	\$500
b. Traffic Assessment indicates significant impacts; design and review of mitigation measures required; applicable street dedication/ improvements are required.	\$2,100 plus \$50 for every 1,000 square feet of Floor Area not to exceed a total of \$25,000

E. Mitigation of Transportation Impacts. Prior to the issuance of any building, grading or foundation permit, the Project shall comply with the appropriate criteria below:

1. 42 or fewer Trips: An Applicant for a Project which generates 42 or fewer Trips, as calculated by LADOT, shall make the applicable highway dedications and improvements as required by LADOT or guarantee them pursuant to the Department of Public Works' B-permit procedures.
2. 43 or more Trips: An Applicant for a Project which generates 43 or more Trips, as calculated by LADOT, shall make the applicable highway dedications and improvements as required by LADOT or guarantee them pursuant to the Department of Public Works' B-permit procedures. LADOT shall provide a Traffic Assessment of a Project with fewer than 500 Trips to the Applicant within 30 working days from the date the Applicant submits a description of the Project and pays the application fee,

pursuant to Subsection D above, to LADOT. for a Project with 500 or more Trips, the Traffic Assessment shall be provided within 60 working days. If the Traffic Assessment finds that there will be a Significant Transportation Impact caused by the Project, the Applicant shall provide a Transportation Mitigation Plan (TMP) proposing mitigation measures to be implemented by the Applicant to reduce Significant Transportation Impacts to a level of insignificance at intersections and streets identified in the Traffic Assessment. The TMP shall be prepared in accordance with guidelines of LADOT and shall be accompanied by appropriate maps, graphics, and drawings to reflect clearly the impact of the Project and the feasibility and ability of the proposed mitigation measures to reduce any Significant Transportation Impact to a level of insignificance.

3. LADOT shall require that mitigation measures be undertaken or guaranteed to reduce the Significant Transportation Impacts of a Project to a level of insignificance. If no feasible mitigation measures are available, LADOT may require reasonable measures to mitigate the adverse effects of the Significant Transportation Impacts of the Project. The mitigation measures may include but are not limited to the following:
 - a. Transportation Demand Management (TDM) measures such as ridesharing and Vanpool programs, shuttle buses, transit subsidies, parking cash outs, staggered work hours and employee incentive programs that encourage Carpool and Vanpool usage as described in Subsection G;
 - b. Traffic signal system improvements;
 - c. Street widenings and dedications;
 - d. Construction of off-site improvements;
 - e. Land dedications;
 - f. Residential Neighborhood Traffic Mitigation Program.

F. Guarantee of Mitigation Measures. Prior to the issuance of any building, grading or foundation permit, the Applicant shall do the following:

1. Guarantee the proposed mitigation measures required pursuant to Section 4 E of this Specific Plan, as determined by LADOT. The guarantees may only consist of one or more of the following: bonds for B-permits on City streets; Encroachment Permits for State Highways; and cash payments for traffic signal systems such as ATSAC improvements.
2. Sign and record a covenant and agreement pursuant to Section 4 B of this Specific Plan.

3. Comply with Section 5 of this Specific Plan (TIA Fee)

G. Transportation Demand Management (TDM) Programs.

Prior to the issuance of any building, grading or foundation permit for a Project which generates more than 100 Trips, LADOT may require the following:

1. **Covenant.** The Applicant shall execute and record a Covenant and Agreement with the City to abide by the requirements of this Subsection. The covenant shall be recorded, shall run with the land and shall be binding upon any future owners, successors, heirs or assignees of the Applicants.
2. **TDM Plan.** A Project Applicant shall submit a preliminary TDM plan to LADOT for review. LADOT shall review and approve or disapprove the TDM plan within 30 working days of the date of submittal. Any plan not reviewed and acted upon by the end of 30 working days shall be deemed preliminarily approved. The TDM plan shall include the following elements:
 - a. Building and site design elements that will facilitate employee vehicle trip reduction efforts, such as loading and unloading areas for high-occupancy vehicles (HOVs), bicycle facilities, direct pedestrian access, preferential parking for HOVs, public transit stops and waiting shelters.
 - b. Specific measures or programs such as vanpools, carpools and flexible work hours that will be performed by the building owner through the tenants or lessees in providing ridesharing services and information to customers and employees within the Project. Financial and non-financial Trip reduction incentives to customers and employees working within the Project.
 - c. Methods that the building owner will use, such as leasing provisions, to encourage the cooperation of tenants within the Project.
 - d. Provisions that encourage the applicant, building owner, and/or tenants of the Project to individually or cooperatively join a Transportation Management Organization (TMO).
 - e. Provisions for a Transportation Coordinator. The Coordinator shall have a permanent mailing address, daytime telephone and office within a two mile radius of the Project.
 - f. Provisions for annual monitoring of the TDM program.
3. **Review of the Transportation Demand Management Plan.** If there are changed circumstances so that the Transportation Demand Management Plan is no longer adequate, LADOT may

require the Applicant to revise the TDM plan. LADOT shall review and approve or disapprove the TDM plan within 30 working days of submittal of the required changes. Any plan not reviewed and acted upon by LADOT by the end of 30 working days shall be deemed automatically approved.

4. **Goals of the TDM Program.** All TDM plans shall include goals to achieve and maintain a minimum Average Vehicle Ridership (AVR) in accordance with the following time table:

<u>Average Vehicle Ridership</u>	<u>Within Years of Issuance of Building Permit</u>
1.30	2
1.35	3
1.40	4
1.50	5

5. **Compliance with the TDM Program.**

- a. Projects should achieve the objectives of the Trip reduction program within five years after the issuance of any building permit.
- b. An Applicant may perform the TDM programs through tenants or lessees in the Project. However, agreements that tenants or lessees will perform the TDM program shall not relieve the Applicant or its successors of the requirements of this Subsection.
- c. Upon request of the Applicant, and written certification of LADOT, a TDM program or portion thereof may be determined not necessary.

6. **TDM Status Reports.**

- a. A building owner shall submit five annual status reports on the TDM program to LADOT beginning one year after the issuance of a Project's first certificate of occupancy. The report shall include employee surveys; AVR calculation based on LADOT guidelines; specific programs to reduce Trips; and site improvements, if any. The annual status report shall be prepared in the form and format designated by LADOT, which must either approve or disapprove the status report within 30 working days of submittal. If LADOT has not approved or disapproved the plan by the end of 30 working days, it shall be deemed automatically approved.
- b. Failure to submit a required annual status report within 60 days of the anniversary date of the issuance of a Project's first certificate of occupancy shall constitute non-compliance with the requirements of this Subsection.
- c. If a building owner fails to submit a required TDM plan annual status report, LADOT may issue a notice of non-

compliance. If after 30 days from the issuance of the notice of non-compliance the required status report is not received, the building owner shall be considered in violation of this Specific Plan and the City may take any action authorized by law to secure compliance or to otherwise mitigate the impacts of the Project.

7. **TDM Program Enforcement and Penalties.** No additional building permit, change of use permit, conditional use permit or certificate of occupancy shall be issued for any Project that has not complied with the requirements of this Subsection. Non-compliance with these requirements only includes failure to submit a TDM plan, failure to implement an approved TDM plan or failure to address any necessary modifications to a preliminary TDM plan after consultation with LADOT, pursuant to a written determination letter by the LADOT General Manager or his or her designee. These penalties shall not apply to:

- a. Failure to achieve AVR goals of the TDM plan;
- b. Any Project for which a building permit is required in order to comply with an order issued by the Department of Building and Safety to repair an unsafe or substandard condition, provided, however, that the construction does not increase the height or Floor Area of the original building, nor generate additional Trips as determined by LADOT;
- c. Any Project for which a building permit is required to replace or restore a building or structure which was damaged or partially destroyed by fire, flood, wind, earthquake, or other natural disaster; provided, however, that the construction does not increase the height or the Floor Area of the original building, nor generate additional Trips as determined by LADOT; or,
- d. Any building permit required for disabled access improvements, provided the improvements are not part of a Project and these improvements do not increase the Floor Area of any building.

Section 5.

TRANSPORTATION IMPACT ASSESSMENT FEE

A. Establishment of Transportation Impact Assessment (TIA) Fee.

- 1. Prior to the issuance of any building, grading or foundation permit, an Applicant for a Project shall pay, or guarantee payment of, a Transportation Impact Assessment (TIA) Fee to LADOT. The TIA Fee shall be for the purpose of funding the Transportation Improvements listed in Appendix "C" of this Specific Plan, including any revisions made to the Appendix pursuant to Section 5 E 2 below.

2. The TIA Fee shall be paid or guaranteed before a building permit is issued for a Project or each phase of a multi-phased Project approved under the provisions of Section 7 of this Specific Plan. Any guarantee of payment of the TIA Fee shall be by cash or letter of credit from an accredited bank pursuant to guidelines established by LADOT.
3. **Interim Control Ordinance Projects.** Any Project for which a Covenant and Agreement was recorded pursuant to the Westwood/West Los Angeles Interim Traffic Control Ordinance (Ordinance Nos. 163,205, 164,829, 165,925, 168,138, 169,035, 170,389 and 171,227) shall be subject to the WLA TIMP Transportation Impact Assessment (TIA) Fee.
 - a. LADOT shall calculate the amount that each Interim Control Ordinance Applicant shall be charged based on the Land Use and Trip Cost Factor as calculated by LADOT based on Sections 5C and 5D, and considering Credits pursuant to Section 6 and exemptions pursuant to Section 5F and Appendix B.
 - b. If a person received an approval for a Project pursuant to the procedures set forth in Ordinance Nos. 163,205, 164,829, 165,925, 168,138, 169,035, 170,389 and/or 171,227 and signed a covenant and agreement promising to pay the Transportation Impact Assessment Fee, then that person or any successor in interest shall pay this amount after receiving a billing from LADOT in conformance with Section 5 B of this Ordinance.

B. Fee Payment Procedures. Prior to the issuance of a building permit for a Project, the Applicant, at its option, shall:

1. Pay the Transportation Impact Assessment Fee in cash; or
2. Pay a cash deposit equal to 10 percent of the TIA Fee, as determined by LADOT, prior to the issuance of a building permit, and guarantee the payment of the balance to be paid in full through a bank letter of credit before the issuance of any temporary or permanent certificate of occupancy or 24 months from the date of issuance of the building permit, whichever is earlier; or
3. Pay a cash deposit equal to 10 percent of the TIA Fee, prior to the issuance of a building permit, and guarantee the payment of the balance of the TIA Fee through a bank letter of credit in 60 monthly installments. The monthly installments shall include compound interest beginning from the date of issuance of the building permit with first payment commencing thirty days after the issuance of the building permit. The interest rate shall be the effective yield the Los Angeles City Treasurer is obtaining on the City's investment pool as reported to the City Council for the month preceding the anniversary of the building permit issuance

date and shall be adjusted annually.

- C. Calculation of Fee.** Prior to the issuance of a building permit for a Project, the Applicant shall pay the TIA Fee based on one of the following two formulas, whichever results in the lower TIA Fee, as calculated by LADOT:

1. FEE PER TRIP METHOD:

Fee = (Number of Trips Generated) X (Trip Cost Factor);

where

Number of Trips = (Floor Area or Unit of measurement, as Applicable per Appendix A) X (Trip Generation Rate in Appendix A)

For shopping centers and retail land uses, the floor area shall be reduced by 30,000 square feet.

b. FEE PER SQUARE FOOT (OR PER UNIT) METHOD:

Fee = (Floor Area or unit of measurement, as applicable, pursuant to Appendix "B") X (TIA Fee per square foot pursuant to Appendix "B.")

D. Trip Cost Factor.

1. **Amount.** The Trip Cost Factor is hereby established at \$2,110 per Trip.
2. **Annual Indexing.** The Annual Index upon adoption of this Ordinance shall be 1.000. The Trip Cost Factor and the TIA Fee per square foot (as set forth in Appendix "B") shall each be increased (or decreased) as of January 1 of each year by the amount of the percent increase (or decrease) in the most recently available City Building Cost Index as determined by LADOT. The revised Annual Index shall be published by LADOT in a newspaper of citywide circulation before January 31 of each year.

If the Department determines that the City Building Cost Index does not adequately reflect the annual increase in costs, then the Department shall recommend to the City Council, based on a written report, that the City Council adopt different cost figures. Upon receipt of such a report, and after public hearing, the City Council may, by resolution, adopt these different cost figures to be used for adjustment of the Trip Cost Factor.

E. Uses of the Fee.

1. **Transportation Improvements.** The TIA Fee shall be used to fund the Transportation Improvements listed in Appendix "C." These include but are not limited to transit improvements; Transportation Demand Management actions; traffic management actions; street widenings; freeway improvements; intersection/traffic signal improvements; and neighborhood protection programs to be determined by LADOT.

2. **Substitute Improvements.** Appendix “C” may be revised every two years by providing substitute or additional improvements to the list if the City Council, upon recommendation by LADOT, has determined that the improvements are consistent with this Ordinance and that a substitute improvement fulfills the transportation objectives of the improvement which it is to replace. No improvement which is fully funded by another source shall be added to the list.
3. Administrative costs and other costs provided for and described in the separate WLA TIMP Fund Ordinance.

F. Exemptions from Fee.

1. The following are exempted from the requirement of payment of a TIA Fee:
 - a. Those land uses which are considered Local Serving Uses referenced as “EXEMPT” in the Transportation Impact Assessment (TIA) Fee Table (Appendix “B”).
 - b. Temporary uses of less than six months in duration based on a building permit. No extension of time shall be permitted.
 - c. Park and ride facilities.
 - d. Churches, Temples, and other buildings used for religious worship.
 - e. All non-profit educational institutions (schools, colleges, universities).
 - f. Governmental or Public Facilities.
 - g. A telework center facility, as determined by LADOT, designed or used as a work site to save commuter Trips for people who live in adjacent or nearby residential locations.
 - h. Additions, alterations or construction of any residential or multiple dwelling uses and accessory structures, excluding hotels and motels.
 - i. The first 30,000 square feet of floor area in all Shopping Centers and retail uses as set forth in Appendix “B”.

G. Refunds.

1. If an Application Fee or TIA Fee is claimed to be incorrectly collected, or a refund is claimed pursuant to this Ordinance, then requests for refunds may be filed utilizing the procedures for refunds described in Sections 22.12 and 22.13 of the LAMC.

2. In addition to the above procedure, the City Council may refund any fees and/or release a letter of credit if:
 - a. The building permit and all extensions have expired and the Project for which the TIA Fee has been collected has not been constructed; or
 - b. A refund or release is specifically authorized by resolution of the City Council, and the Council finds that the TIA Fee is no longer needed or its retention would violate the constitutional rights of any person; or
 - c. A refund or release based on the effectiveness of TDM Programs, as recommended by LADOT, is specifically authorized by resolution of the City Council.
3. Except as specified in Section 6 B 4, providing in-lieu credits for the TDM Programs, a claim for refund pursuant to Paragraph 2 (a) above shall be filed no later than one year after payment of the TIA Fee or one year after the expiration date of the building permit, including any extensions thereof, whichever is later.

Section 6.

CREDITS FROM THE TIA FEE

A. TIA Fee Credit for Previous Land Use.

1. Credits can only be granted on previous land uses which are not exempt from the TIA Fee pursuant to Section 5 F.
2. Applicants for Projects may request a credit against the TIA Fee if the use was in effect on January 1, 1990.
3. Projects located within the Westwood Regional Center Interim Traffic Mitigation Ordinance No. 159,725 may request the following credits:
 - a. Applicants for a Project for which a fee has been paid pursuant to Ordinance No. 159,725 may request and receive a full credit for the existing land use.
 - b. Applicants who have paid or guaranteed a fee after September 12, 1996, shall have that fee credited or refunded to an amount equivalent to the TIA Fee as calculated pursuant to Section 5 herein.

B. In-Lieu Credits.

1. **Transportation Improvements.** In-Lieu Credit against the TIA Fee shall be given for all or portions of Regional or Subregional Transportation Highway Improvements and Transit/TDM Improvements designated in Appendix "C" or for Regional or Subregional Improvements as determined by LADOT. LADOT

may apportion In-Lieu Credit for improvements which are beyond the minimum required to mitigate the impacts of the Project. The amount of In-Lieu Credit for Regional or Subregional Transportation Improvements shall be calculated by LADOT and credited at the time the building permit is issued.

2. In-Lieu Credit Estimates

- a. The Applicant shall prepare preliminary plans and a detailed cost estimate of the proposed Regional or Subregional Transportation Improvements for review by and approval of the City Engineer and LADOT. 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.
- b. In-Lieu Credits shall be applied to reduce the TIA Fee after the required transportation improvements have been completed or guaranteed to the satisfaction of LADOT and the City Engineer. The total TIA Fee, after deducting any applicable In-Lieu Credits, shall be guaranteed prior to issuance of a building permit. The guarantees for transportation improvements eligible for In-Lieu Credits shall consist of Bonds for B-permit construction on City streets; Encroachment Permits for construction on State Highways; and cash payments for ATSAC improvements.
- c. The City shall not grant In-Lieu Credits that are in excess of the assessed TIA Fees for the entire Project.
- d. No In-Lieu credits shall be granted against that portion of the TIA Fee designated for the City's administrative costs and neighborhood protection costs as estimated by LADOT.

3. TDM Programs

- a. Effectiveness of TDM Program.
 - i. Within five years of issuance of any building permit, a Project which has achieved a 90 percent occupancy may receive an In-Lieu Credit against the TIA Fee after it has demonstrated the effectiveness of the TDM Program to the satisfaction of LADOT.
 - ii. The amount of In-Lieu Credit shall be calculated on the basis of achievement of Average Vehicle Ridership (AVR) indicated below:

<u>AVR</u>	<u>In-Lieu Credit</u>
1.30 - 1.39	10 percent of TIA Fee
1.40 - 1.49	15 percent of TIA Fee
1.50 and above	25 percent of TIA Fee

- b. **Noncompliance Assessment Fee.** If the Applicant fails to comply with the TDM Program for which the Applicant has received In-Lieu Credit, the Applicant shall pay the amount of the reduction credit plus interest from the date of the credit and the City's administrative costs. The amount shall be levied by LADOT upon the Applicant or its successor by written assessment which states the failure of compliance. The Applicant or its successor may appeal the assessment to the City Council within 15 days of service of the assessment.
 - c. **Bikeways.** An Applicant who pays for all or portions of the bikeway improvements identified in the City's Bikeway Master Plan may receive an In-Lieu Credit against the TIA Fee.
- 4. **Multi-Phase Projects.** In multi-phase Projects approved under the provisions of Section 7 of this Ordinance, In-Lieu Credits to reduce the TIA Fee may be reserved and credited from one phase to a future phase of the same Project. However, in no case shall a final phase be approved with land uses that generate less than 25 percent of the Project's total Trips.
- 5. **Land Dedications.** In-Lieu Credit for any land dedications shall be based on the fair market value of the dedication, appraised to the satisfaction of LADOT and the Bureau of Engineering as of the date of dedication. Land dedications shall include both fee dedications and right-of-way easements and shall be subject to the following conditions:
 - a. In-Lieu Credit shall not be granted for land dedications for right-of-way purposes to meet standard street requirements pursuant to the Highway and Freeway Elements of the General Plan.
 - b. Land dedications for a Larger Transportation Improvement or a Transit Facility.

Section 7.

PHASING PROGRAM

- A. **Prohibition.** Prior to the issuance of a building permit for any building or structure within a Project with more than one phase, a Phasing Program for the Project shall be approved by the Departments of City Planning and Transportation.
- B. **Project Phasing.** An Applicant for a Project which generates 500 or more Trips shall conform to the following provisions to implement the mitigation measures required pursuant to Section 4 of this Ordinance and the transportation improvements listed in Appendix "C" of this Ordinance:
 - 1. **Application.** For a Project with more than one Phase, the

Applicant shall submit an application for a Phasing Program containing the following: proposed density and land uses for the entire Project; proposed Regional or Subregional Transportation Improvements to be provided as part of this Project; and TDM programs and goals.

2. **Phasing Program.** The Phasing Program shall include the following:
 - a. Total floor area and use of the Project in each phase.
 - b. Anticipated Project schedule.
 - c. Trip generation tables for each phase.
 - d. Regional or Subregional Transportation Improvements scheduled to be constructed in each phase.
 - e. Project Serving Improvements scheduled to be constructed in each phase.
3. **Review of Phasing Program.** Prior to approval of the Phasing Program, LADOT shall review the Phasing Program, identify the Traffic Impact Mitigations to be undertaken by the Project, approve any In-Lieu Credits available to the Project, determine that TDM program goals are in conformance with the provisions of this Ordinance and calculate the TIA Fee for each phase. 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 Fees, Traffic Impact Mitigations or TDM requirements applicable to the increase or decrease shall be made as a condition of Departmental approval.
4. **Review of the Phases.**
 - a. 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.
 - b. The final phase shall be designed to 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 be reduced proportionally.
5. **Covenant and Agreement.** 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 recorded, shall run with the land and shall be binding upon any future owners, successors, heirs or assignees of the Applicants.

Section 8.

APPEALS

- A. Request for Reconsideration by LADOT.** An Applicant or any other interested person adversely affected by the proposed Project who disputes any determination made by LADOT pursuant to this Ordinance may ask for a 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 reversed or modified. The appeal shall be on a form as prescribed by LADOT and shall be accompanied by a filing fee of \$500 payable to LADOT or, in the case of an appeal by an aggrieved person other than the Applicant, by a filing fee of \$60. 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 City Planning Commission.** An Applicant or any other interested person adversely affected by the proposed Project who disputes any determination made pursuant to Section 7 of this Ordinance may appeal to the City Planning Commission within a 15 day period following the date of mailing of a letter of determination from LADOT. The appeal shall set forth specifically the basis of the appeal and the reasons why the determination should be reversed or modified. The appeal shall be on a form as prescribed by the Department of Planning and shall be accompanied by a filing fee of \$500 payable to the Department of Planning or, in the case of an appeal by an aggrieved person other than the Applicant, by a filing fee of \$60. The City Planning Commission shall determine the matter within 30 days following the appeal.
- C. Appeal to City Council.** An Applicant or any other interested person who filed an appeal pursuant to this Section who is dissatisfied with any decision of the General Manager of LADOT or the City Planning Commission may appeal to the City Council. Any appeal not filed within a 15 day period following the date of mailing of the letter of determination by LADOT, or within 15 days of a determination/hearing by the City Planning Commission, shall not be considered by the City Council. The City Council shall determine the matter within 60 days following the date of submission of the appeal unless the Applicant and the City Council agree to an extension of time.

Section 9.

REVIEW OF THE TRANSPORTATION SPECIFIC PLAN

The WLA TIMP shall be monitored on a regular basis by LADOT. A report

reviewing the status of the WLA TIMP Fund and implementation of the Specific Plan shall be submitted by the General Manager of LADOT to the City Council 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.

Section 10.

SEVERABILITY

If any provision of this Ordinance or the application thereof to any person, property or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Transportation Program provisions, clauses or applications which can be implemented without the invalid provisions, and, to this end, the provisions and clauses of this Ordinance are declared to be severable.

West Los Angeles TIMP Specific Plan

APPENDIX A

TRIP GENERATION TABLE

LAND USE [1]	TRIP RATE (trip per ksf or unit)	LAND USE [1]	TRIP RATE (trip per ksf or unit)
SHOPPING CENTERS (Square Feet of GLA) [3]:		Industrial (continued):	
30,000 or less	10.16	Manufacturing	0.75
40,000	9.15	Self-Storage	0.26
50,000	8.44	Science Research & Development	1.07
75,000	7.24	Warehousing	0.74
100,000	6.56	OFFICES (Square Feet of GFA) [2]:	
150,000	5.67	20,000 or less	2.84
225,000	4.89	30,000	2.55
300,000	4.4	40,000	2.37
400,000	3.97	70,000	ERR
500,000	3.66	100,000	ERR
600,000	3.43	200,000	ERR
800,000	3.15	400,000	ERR
1,000,000	2.97	600,000	ERR
1,250,000	2.79	800,000 or more	1.08
1,600,000 or more	2.61	Government Office	3.6
RETAIL USES:		Medical Office	4.08
Convenience Market (open 15-16 hours)	34.57	AUTOMOBILE USES:	
Convenience Market (open 24 hours)	53.73	Auto Care Center [8]	2.87 / 1000 sq. ft. GLA
Building Materials/Lumber [4]	3.27	Tire Store	5.13 / 1000 sq. ft. GFA
Discount Store, Club	4.35	Gas Station	
Furniture Store	0.39	without mini-market	15.18 per fueling position
Home Improvement/Hardware/Paint Store [4]	6.1	with mini-market	17.45 per fueling position
Nursery (Garden Center)	3.73	with mini-market & car wash	16.18 per fueling position
Supermarket	10.34	Regular Car Wash (full-service)	81 per site
Specialty Retail [5]	5	Self-Service Car Wash	8.00 per wash stall
Other Retail [6]	9.6	New Car Sales	2.62 / 1000 sq. ft GFA
RESTAURANTS:		Used Car Sales/Car Rentals	1.00 / 1000 sq. ft. lot size
Low-Turnover (Quality Restaurant)	7.39	HOSPITALS:	
High-Turnover	12.92	General	1.22 per bed
Fast Food	40.09	Nursing Home	0.17 per bed
BANKING USES:		OTHER:	
Walk-In Bank	17.35	Live Theater	0.02 per seat
Drive-In Bank	43.63	Movie Theater	0.15 per seat
Walk-In Savings and Loan	5.33	Child Care Facility	13.62 / 1000 sq. ft. GFA
Drive-In Savings and Loan	6.83	Health Club [9]	4.3 / 1000 sq. ft. GFA
RESIDENTIAL:		Tennis/Racquet Club	3.86 per court
Apartments	0.49 / dwelling unit	Recreational Community Center [10]	1.38 / 1000 sq. ft. GFA
Condominiums	0.55 / dwelling unit	Hotel/Motel	0.76 per room
Single Family House	1.01 / dwelling unit	Schools (a.m. rates)	
Elderly Housing - Detached	0.95 / dwelling unit	Elementary School	0.30 / student
Elderly Housing - Attached [7]	0.08 / dwelling unit	High School	0.41 / student
INDUSTRIAL:		Private School	0.93 / student
Industrial Park/Industry	0.98	University/College/Trade School	0.19 / student

APPENDIX A

NOTES:

All rates are in p.m. peak trips per hour per 1000 square feet (ksf) unless otherwise noted.

This Trip Generation Table is comprised of the most recent nationally accepted trip generation rates as established by the Institute of Transportation Engineers (ITE) and San Diego Association of Governments.

Trips for Land Uses not listed in the Trip Generation Table shall be calculated by the Department of Transportation based on reasonable methods and additional sources of empirical data as approved by the Department of Transportation.

For Shopping Center or Office sizes not shown, p.m. peak trips per hour may be calculated by interpolating between the sizes and corresponding trip-rate amounts that are shown.

- [1] For a Project having more than one use, trips shall be calculated on a case-by-case basis, subject to Department of Transportation approval.
- [2] Gross Floor Area (GFA) is the total square footage confined by the outside surface of the exterior walls of a building, and any exterior used for commercial purposes, except that square footage devoted to vehicle parking and necessary interior driveways and ramps.
- [3] Gross Leasable Area (GLA) is the area for which tenants pay rent. For purposes of trip generation calculation, the floor area of any parking garages within the building shall not be included within the GLA of the entire building.
- [4] GFA for Building Materials/Lumber and Home Improvement/Hardware/Paint Store shall include building areas and any outdoor storage areas which are accessible to the customer on a "self-serve" basis.
- [5] "Specialty Retail" are low trip generators such as jewelry shops, art supply stores, quality apparel stores, etc.
- [6] "Other Retail" are high trip generators such as yogurt and specialty coffee shops, video rentals, dry cleaning, etc.
- [7] Elderly Housing (attached), restricted to senior citizens, contain residential units similar to apartments and condominiums. They may also contain special services such as medical facilities, dining facilities, and some limited support retail facilities.
- [8] An automobile care center houses numerous tenants providing automobile related services, including a mix of repair and service facilities, auto detailing, car stereo installation, seat cover upholstery, etc.
- [9] Health Clubs are privately owned facilities which may include dance studios, swimming pools, whirlpools, saunas, tennis, racquetball and handball courts, exercise classes, weightlifting and gymnastics equipment, locker rooms, and a restaurant or snack bar.
- [10] Recreational Community Centers are public facilities similar to and including YMCA's, often including classes for adults and children, meeting rooms, swimming pools, saunas, tennis, racquetball and handball courts, exercise classes and locker rooms.

Revised December 30, 1996

West Los Angeles TIMP Specific Plan

APPENDIX B

TRANSPORTATION IMPACT ASSESSMENT (TIA) FEE

LAND USE [2]	TIA FEE* (\$ per S.F.)	LAND USE [2]	TIA FEE* (\$ per S.F. or Unit)
SHOPPING CENTERS (Square Feet of GLA):		RESIDENTIAL:	
30,000 or less	EXEMPT	Apartments	EXEMPT
40,000	\$4.75	Condominiums	EXEMPT
50,000	\$7.01	Single Family House	EXEMPT
75,000	\$9.01	Elderly Housing - Detached	EXEMPT
100,000	\$9.53	Elderly Housing - Attached	EXEMPT
150,000	\$9.41	INDUSTRIAL:	
225,000	\$8.79	Industrial Park/Industry	\$2.03
300,000	\$8.22	Manufacturing	\$1.56
400,000	\$7.62	Self-Storage	EXEMPT
500,000	\$7.14	Science Research & Development	\$2.22
600,000	\$6.76	Warehousing	\$1.54
800,000	\$6.29	OFFICES (Square Feet of GFA):	
1,000,000	\$5.98	20,000 or less	\$5.89
1,250,000	\$5.65	30,000	\$5.29
1,600,000 or more	\$5.31	40,000	\$4.92
RETAIL USES:		70,000	\$4.24
Convenience Market (open 15-16 hours)	EXEMPT	100,000	\$3.86
Convenience Market (open 24 hours)	EXEMPT	200,000	\$3.22
Building Materials/Lumber	EXEMPT	400,000	\$2.68
Discount Store, Club (less than 30,000 sf)	EXEMPT	600,000	\$2.41
Discount Store, Club (more than 30,000 sf):		800,000 or more	\$2.24
50,000	\$3.61	Government Office	EXEMPT
100,000	\$6.32	Medical Office	\$8.47
150,000 or more	\$7.22	AUTOMOBILE USES:	
Furniture Store (less than 30,000 sf)	EXEMPT	Auto Care Center	EXEMPT
Furniture Store (more than 30,000 sf):		Tire Store	EXEMPT
50,000	\$0.32	Gas Station	
100,000	\$0.57	without mini-market	EXEMPT
150,000 or more	\$0.65	with mini-market	EXEMPT
Home Improvement/Hardware/Paint Store		with mini-market & car wash	EXEMPT
(less than 30,000 sf)	EXEMPT	Regular Car Wash (full-service)	EXEMPT
Home Improvement/Hardware/Paint Store		Self-Service Car Wash	EXEMPT
(more than 30,000 sf)		New Car Sales	\$5.44 per sq. ft. GFA
50,000	\$5.06	Used Car Sales/Car Rentals	\$2.07 per sq. ft. lot size
100,000	\$8.86	HOSPITALS:	
150,000 or more	\$10.13	General	\$2,531 per bed
Nursery (Garden Center)	EXEMPT	Nursing Home	\$353 per bed
Supermarket	EXEMPT	OTHER:	
Specialty Retail	EXEMPT	Live Theater	\$41 per seat
Other Retail	EXEMPT	Movie Theater	\$311 per seat
RESTAURANTS:		Child Care Facility	EXEMPT
Low-Turnover (Quality Restaurant)	EXEMPT	Health Club	\$8.92
High-Turnover	EXEMPT	Tennis/Racquet Club	\$8,009 per court
Fast Food	EXEMPT	Recreational Community Center	EXEMPT
BANKING USES:		Hotel/Motel	\$1,577 per room
Walk-In Bank	EXEMPT	Schools	
Drive-In Bank	EXEMPT	Elementary School	EXEMPT
Walk-In Savings and Loan	EXEMPT	High School	EXEMPT
Drive-In Savings and Loan	EXEMPT	Private School	EXEMPT
		University/College/Trade School	EXEMPT

* Based on a trip cost factor of \$2,075 per peak hour trip for development sizes not shown, the TIA fee may be calculated by interpolation.

Effective January 1, 1998

APPENDIX C

LIST OF TRANSPORTATION IMPROVEMENTS

A. Transit Improvements and Transportation Demand Management (TDM) Actions:

1. Transit Actions
 - a. Transit shuttles, local bus services, taxicab or van programs, etc. servicing employment centers in the Transportation Mitigation Plan Area.
 - b. Additional transit lines in major corridors and other transit improvements.
 - c. Contributions of equipment or funds to increase the capacity of existing transit systems (must be coordinated with transit providers)
 - d. Provision of or contributions toward transit stations or centers
 - e. Provision of facilities or equipment which expedite transit flow (e.g., bus preemption, HOV lanes, etc.)
2. TDM Actions
 - a. Establish Transportation Management Associations (TMAs)
 - b. Provide “seed” money for demonstration projects via TMAs such as guaranteed ride home programs, work trip reduction plans, improved database system/linkage, etc.
 - c. Vanpool Subsidy Programs
 - d. Bikeways
 - e. Park and Ride Facilities

B. Traffic Management Actions:

1. Implementation of automated traffic surveillance and control (ATSAC) systems.
2. Traffic signal improvements (see Part D herein).
3. Channelization and striping (see Part D herein).

C. Street or Highway Corridor Improvements:

1. National Boulevard - Continue Secondary Highway standards (4 lanes) between Overland Avenue and Sepulveda Boulevard (subject to additional investigation and feasibility review).
2. Overland Avenue - Restripe between Pico Boulevard and Santa Monica Freeway to provide an additional northbound lane.
3. Pico Boulevard - Continue Major Highway standards (6 lanes) between Sepulveda Boulevard and Centinela Avenue.
4. Santa Monica Boulevard - Convert Santa Monica Boulevard north and south roadways into a Major One-way Couplet providing four travel lanes plus parking in each direction between Sepulveda Boulevard and Century Park East.
5. Sepulveda Boulevard - Reversible HOV lane Santa Monica to Sepulveda Pass.
6. Sepulveda Boulevard - Continue Major Highway standards (6 lanes) between Wilshire Boulevard and Venice Boulevard.
7. Wilshire Boulevard -
 - a. Continue Major Highway with modified standards between Glendon Avenue and Comstock Avenue (8 lanes, 104-foot roadway in 125-foot right-of-way).
 - b. Continue consistent Major Highway standards (6 lanes) between San Vicente Boulevard and Centinela Avenue.
8. I-405/Getty Center Drive - Construct a new northbound on-ramp to serve the Westwood Regional Center and relieve congestion on northbound Sepulveda Boulevard.

Improvements Pending Community Plan Amendments

9. Olympic Boulevard - Continue Major Highway with modified standards (8 lanes) between Century Park West and Bundy Drive (94-foot roadway in 110-foot right-of-way, except between Glendon Avenue and Malcolm Avenue).
10. Venice Boulevard - Continue Major Highway with modified standards (8 lanes, 114-foot roadway within a 134-foot right-of-way) between San Diego Freeway/Sawtelle Boulevard and Hughes Avenue.

D. Intersection/Traffic Signal Improvements:

See the following list.

- E. Neighborhood Protection Program**, such as speed bumps, turning restrictions, traffic signal re-timing, etc., as determined by LADOT.
(Not subject to In-Lieu Credit Provisions)

Intersection/Traffic Signal Improvements:

INTERSECTION RECONSTRUCTIONS/RESTRIPING

1. Barrington Avenue & Gateway Boulevard
2. Barrington Avenue & San Vicente Boulevard
3. Barrington Avenue & Sunset Boulevard
4. Barrington Avenue & Wilshire Boulevard
5. Centinela Avenue & Venice Boulevard
6. Century Park East & Pico Boulevard
7. Church Lane & Sunset Boulevard
8. Federal Avenue/San Vicente Boulevard & Wilshire Boulevard
9. Gayley Avenue & Wilshire Boulevard
10. Glendon Avenue & Wilshire Boulevard
11. Glendon Avenue/Tiverton Avenue & Lindbrook Drive
12. Hilgard Avenue & Le Conte Avenue
13. I-10 EB Off-Ramp & National Boulevard (near Overland)
14. I-405 On/Off-Ramps & National Boulevard
15. I-405 SB Off-Ramps & National Boulevard
16. I-405 SB Ramps & Santa Monica Boulevard
17. National Boulevard & I-10 WB Off-Ramp/Manning Avenue
18. National Boulevard/I-10 WB On/Off-Ramps & Overland Avenue
19. National Boulevard & Sawtelle Boulevard
20. National Boulevard & Sepulveda Boulevard
21. Ohio Avenue & Veteran Avenue
22. Olympic Boulevard & Sawtelle Boulevard
23. Pico Boulevard & Sawtelle Boulevard
24. Sepulveda Boulevard & Wilshire

TRAFFIC SIGNAL IMPROVEMENTS

1. Barrington Avenue & Sunset Boulevard
2. Barrington Avenue & Wilshire Boulevard
3. Beverly Glen Boulevard & Sunset Boulevard
4. Bundy Drive & National Boulevard
5. Century Park East & Pico Boulevard
6. Glendon Avenue & Wilshire Boulevard
7. Hilgard Avenue & Sunset Boulevard
8. I-405 SB Ramps & Santa Monica Boulevard
9. I-405 SB Off-Ramps/Tennessee Avenue & Sawtelle Boulevard
10. National Place/Boulevard & Overland Avenue
11. National Boulevard/I-10 WB On/Off Ramps & Overland Avenue
12. Olympic Boulevard & Sawtelle Boulevard
13. Santa Monica & Sawtelle Boulevards (I-405 Ramps/Beloit)
14. Sepulveda Boulevard & Wilshire Boulevard