

**ORDINANCE NO. \_\_\_\_\_**

An ordinance adding Section 19.19 to the Los Angeles Municipal Code to implement the transportation fee programs authorized by the Coastal Transportation Corridor Specific Plan and West Los Angeles Transportation Improvement and Mitigation Specific Plan, including establishing the Transportation Impact Assessment Fee (TIA Fee), the calculation methods for TIA Fee credits, and the TIA Fee exemptions; and adopting the categories of the eligible transportation improvement projects, and the process to adopt and amend transportation improvement project lists.

**WHEREAS**, state legislation, including Senate Bill (SB) 743 (2013), the Complete Streets Act of 2008 (Assembly Bill [AB] 1358), the Global Warming Solutions Act of 2006 (AB 32), and the Sustainable Communities Act (SB 375), directs local jurisdictions to reprioritize transportation improvements to focus on access to transit and active transportation as strategies to reduce dependence on vehicular travel, and reduce vehicle miles traveled (VMT) and associated greenhouse gas emissions;

**WHEREAS**, the City of Los Angeles has adopted Mobility Plan 2035 (2015) and The Plan for a Healthy Los Angeles (2015) demonstrating a renewed commitment to increasing transportation access, multimodal mobility, safe transportation facilities, and active transportation options;

**WHEREAS**, the Departments of City Planning and Transportation engaged the public in a multi-year planning effort to identify multimodal transportation improvements needed for the Westside of Los Angeles to be partially funded with a transportation impact assessment fee (TIA Fee);

**WHEREAS**, the City Council adopted updates to the Coastal Transportation Corridor Specific Plan (CTCSP) and the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP), which identify updated purposes for the TIA Fee to meet the intent and goals of MP 2035, SB 743, AB 1358, AB 32, SB 375 and a Plan for a Healthy Los Angeles;

**WHEREAS**, the updated CTCSP and WLA TIMP authorize a TIA Fee to be set in an amount established by ordinance based on a nexus study that complies with the Mitigation Fee Act and to establish the improvements eligible for use of the TIA Fee monies;

**WHEREAS**, the City has completed a nexus study for the TIA Fee for both the CTCSP and the WLA TIMP, the "CTCSP & WLA TIMP Specific Plan Amendments TIA

Fee Program Study Report,” dated June 2016, (Fee Study or Nexus Study), that provides the evidentiary support for the adoption of the TIA Fee;

**WHEREAS**, upon review and consideration of the entire record of proceedings, including the Nexus Study, the City Council, pursuant to the Mitigation Fee Act, finds all of the following:

(1) **PURPOSE OF FEES:** The purpose of the Transportation Impact Assessment Fee (TIA Fee) program is to provide funding mechanisms to help the City reduce vehicle miles traveled (VMT) per capita on the Westside by providing partial funding for multi-modal transportation improvements as identified through the Westside Mobility Plan Study process and consistent with the City's General Plan Circulation Element (Mobility Plan 2035) and General Plan Land Use Element (the Community Plans).

(2) **USE OF FEES:** The TIA Fee program revenues from new development will be used to fund transportation improvements that reduce VMT per capita, enhance multimodal connectivity, and increase transportation options on the Westside. Transportation improvements that have been identified for TIA Fee funding include active transportation projects including new or enhanced bicycle and pedestrian facilities; new dedicated transit routes; extensions to current transit routes or enhancements to current transit service; roadway and ITS improvements; and trip reduction programs.

(3) **RELATIONSHIP BETWEEN USE OF FEES AND TYPE OF DEVELOPMENT PROJECT:** New development on the Westside will have both a direct and cumulative transportation impact through increased roadway trips and vehicle miles traveled on major streets. Completion of the necessary transportation improvements will ensure that the greater transportation demand caused by new development will not result in a commensurate increase in VMT per capita.

(4) **RELATIONSHIP BETWEEN NEED FOR FACILITY AND TYPE OF DEVELOPMENT PROJECT:** New residential, commercial and industrial development that is forecast for the Westside will add to the incremental need for transportation infrastructure, and each new development project will benefit from the new infrastructure. The TIA Fee program seeks to improve transportation infrastructure on the Westside of the City given projected growth through the year 2035. Given that new development is expected to occur, multimodal transportation improvements identified by the City's Mobility Plan 2035 and the Westside Mobility Plan Study process will be necessary to minimize increases in

VMT on the Westside. The proposed transportation improvements provide for a transportation system on the Westside that better accommodates anticipated infill growth; the provision of transportation infrastructure that can support expected growth is called for in the General Plan Framework (Land Use Policy 3.3.2). Furthermore, the transportation improvements on the project lists provide a first-step in implementing the Mobility Plan 2035 (the General Plan Circulation Element).

As described in Section 4.6 of the Draft EIR prepared for the TIA Fee Update (pages 4.6-69 to 4.6-80), the multimodal transportation improvements identified by the Proposed Project are necessary to minimize increases in vehicle miles travelled (VMT) that otherwise would be anticipated to occur on the Westside. Section 4.6 of the Draft EIR also described the benefits of the Proposed Project and provides the quantitative analysis necessary to determine that the Proposed Project helps to maintain transportation service on the Westside by minimizing increases in vehicle trips, minimizing increases to vehicle miles traveled, shifting the mode-split towards non-auto-centric modes.

**(5) RELATIONSHIP BETWEEN AMOUNT OF FEES AND COST OF THE PUBLIC FACILITY OR PORTIONS OF FACILITY ATTRIBUTED TO DEVELOPMENT ON WHICH FEE IS IMPOSED:** The Westside Mobility Plan Study process identified transportation improvements necessary to accommodate new development on the Westside. City staff and its consultant developed the Nexus Study for the CTCSP and WLA TIMP amendment project and TIA Fee Update and estimated the cost of the improvements necessary to increase multimodal connectivity and access on the Westside, reduce VMT per capita, and otherwise meet the goals, objectives, and policies of the General Plan, including Mobility Plan 2035 and the Community Plans.

The following factors were considered in assessing the fair share contribution of new development to funding those improvements:

- a. The amount of regional pass-through traffic in the area; not all vehicle trips within the plan areas are generated by development within the plan area;
- b. Existing deficiencies of the roadway network, such as existing bottlenecks, (new development is not responsible for correcting existing deficiencies); and
- c. The VMT benefits that are expected to occur in the future without the identified transportation improvements (such as the VMT reductions

expected to be achieved due to implementation the Expo Phase II Light Rail and the Westside extension of the Purple Line).

Taking into account the operational improvements and VMT benefits attributed to existing trips, regional pass-through traffic, and other planned transit improvements, the maximum percentage of improvement costs that could be contributed by new development is 43 percent. The proposed TIA Fees cover approximately one-third of the total cost of the identified improvements. While a higher fair share cost percentage may be justified under the Mitigation Fee Act as part of the fee update, full cost recovery would be inconsistent with the collection of similar fees statewide and with the historic fair share cost percentage of the CTCSP and WLA TIMP fee programs.

Transportation improvement costs to be funded by new development in the City are allocated to each land use using a cost allocation method that measures the associated impact to the City's transportation system for each land use. The costs are allocated based on three factors: trip generation for each land use, average vehicle-trip length for each land use, and percent of new vehicle trips for each land use. Together, these factors best reflect the relative impact of each land use on the system by accounting for the number of average daily trips, as well as length and purpose, to arrive at the total impact by each land use. The result is a fee for each unit (square foot or dwelling unit) of new development that is based on the proportionate use of the transportation facilities by each land use and reflects the relative impact on the transportation system;

**WHEREAS**, the Updated CTCSP and WLA TIMP authorize the City Council to establish, by ordinance, the TIA Fee, TIA Fee exemptions, credit calculation methods, and implementing regulations for the TIA Fee program;

**WHEREAS**, the City of Los Angeles has established the Coastal Transportation Corridor Specific Plan Trust Fund and the West Los Angeles Transportation Improvement and Mitigation Specific Plan Trust Fund for the deposit of collected TIA Fee monies; and,

**WHEREAS**, the City Council desires to adopt the TIA Fee, TIA Fee credits, exemptions and improvements, through this separate ordinance from the CTCSP and the WLA TIMP to allow the fee, credits, exemptions and improvements, to be efficiently updated in the future to respond to changing development impacts and City needs.

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

Section 1. A new Section 19.19 is added to Article 9 of Chapter I of the Los Angeles Municipal Code to read as follows:

**SEC. 19.19. WESTSIDE MOBILITY TRANSPORTATION FEES**

**A. Purpose.** This ordinance is intended to adopt the Transportation Improvement Assessment Fee (TIA Fee), TIA Fee Credits, TIA Fee exemptions, and TIA Fee Improvement list authorized in the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP) and the Coastal Transportation Corridor Specific Plan (CTCSP).

**B. Definitions.** Terms in this ordinance shall be as defined in Section 4 of the WLA TIMP and the CTCSP, unless as provided otherwise herein.

**C. Fee Schedule.**

**1. TIA Fee Amounts.**

a. The TIA Fee for each land use category shall be as provided in the TIA Fee Table below, where:

i. The unit of measurement is provided in the "Unit" column, "DU" refers to Dwelling Unit, and "SF" refers to square feet;

ii. The amount of TIA Fee per unit of measurement is provided in the "TIA Fee per Unit" column;

iii. The definition of the land use category is provided in the "Description" column; and,

iv. The term "Interpolate" refers to the mathematical definition of "interpolate." For retail uses greater than 250,000 square feet but less than or equal to 800,000 square feet, the TIA Fee per Unit shall be determined by interpolating between the other retail fee rates provided in the table. For office uses greater than 50,000 square feet but less than or equal to 250,000 square feet, the TIA Fee per Unit shall be determined by interpolating between the other office fee rates provided in the table.

### TIA Fee Table

Land Use Category	Unit	TIA Fee per Unit	Description
<b><i>Residential Land Uses</i></b>			
Single Family	DU	<b>\$8,847</b>	<i>Single family detached homes on individual lots, including homes created through Small Lot Subdivisions.</i>
Apartment	DU	<b>\$4,646</b>	<i>Multi-family rental units in a building 10 stories or less.</i>
High Rise Apartment	DU	<b>\$2,804</b>	<i>Multi-family rental units in a building with more than 10 stories.</i>
Condominium/ Townhouse	DU	<b>\$6,248</b>	<i>Multi-family units with individual ownership in buildings 10 stories or less.</i>
High-Rise Condominium/ Townhouse	DU	<b>\$3,044</b>	<i>Multi-family units with individual ownership in buildings more than 10 stories.</i>
Affordable Dwelling Unit	DU	<b>\$0</b>	<i>Affordable Dwelling Unit as defined in Section 4 of the WLA TIMP and the CTCSP.</i>
Hotel	Room	<b>\$5,452</b>	<i>A use that provides sleeping accommodations and supporting facilities for short-term occupancy.</i>
<b><i>Retail &amp; Service Land Uses</i></b>			
Retail =< 250,000 SF	1,000 SF	<b>\$13,347</b>	<i>Less than or equal to 250,000 SF of general retail uses, based on total square footage of retail uses on site. Retail uses are those uses typically found in shopping centers, and neighborhood centers, including but not limited to grocery stores, restaurants, and general retail shops.</i>
Retail >250,000 SF – 800,000 SF	1,000 SF	<b>Interpolate</b>	<i>More than 250,000 SF but less than 800,000 SF of retail uses, as defined above, based on total square footage of uses on site.</i>
Retail >800,000 SF	1,000 SF	<b>\$16,897</b>	<i>More than 800,000 SF of general retail uses, as defined above based on total square footage of retail uses on site.</i>

<b>Commercial Office &amp; Medical Office Land Uses</b>			
Office =< 50,000 SF	1,000 SF	<b>\$25,000</b>	<i>A building of 50,000 SF or smaller with office uses, including those with multiple tenants. Office uses include but are not limited to, businesses, commercial, or professional services, medical and dental office uses that provide outpatient care on a routine basis, and on-site cafeteria or café or retail services for use by on-site employees.</i>
Office >50,000 SF – 250,000 SF	1,000 SF	<b>Interpolate</b>	<i>A building greater than 50,000 SF but less than 250,000 SF for office uses (as defined above).</i>
Office > 250,000 SF	1,000 SF	<b>\$16,754</b>	<i>Buildings greater than 250,000 SF for office uses (as defined above).</i>
<b>Industrial Land Uses</b>			
Industrial	1,000 SF	<b>\$10,975</b>	<i>Facility that includes a mixture of two or more of the following: manufacturing, service facilities, or warehouse facilities.</i>
Manufacturing	1,000 SF	<b>\$9,426</b>	<i>Facility that is primarily devoted to the conversion of raw materials or parts into finished products; may include ancillary warehouse, office and research related functions.</i>
Warehouse	1,000 SF	<b>\$4,132</b>	<i>Facility that is primarily devoted to the storage of materials; including ancillary office and maintenance related functions.</i>
Mini-Warehouse	1,000 SF	<b>\$3,357</b>	<i>Self-storage facilities in which a number of storage units/vaults are rented for the storage of goods, including ancillary office and maintenance-related functions.</i>
Cargo Facilities	1,000 SF	<b>\$7,876</b>	<i>Cargo facilities associated with aviation uses on or adjacent to the LAX airport.</i>
Maintenance Facilities	1,000 SF	<b>\$2,195</b>	<i>Maintenance facilities associated with aviation uses on or adjacent to the LAX airport.</i>

b. **Special Generators.** If LADOT determines that a proposed use cannot be classified under the land use categories listed in the TIA Fee Table, then LADOT shall calculate the fee as follows:

i. Based on the land use category that is most similar to the proposed use; or if LADOT determines in its discretion that no land use category is similar:

ii. Based on the trip generation of the use, average trip length for the use, and pass-by trip rate of the use, and fee rate consistent with the methodology and rates in the Westside Mobility Plan Fee Study approved by the City Council to adopt the fees in the TIA Fee Table.

**2. Effective Date.** The TIA Fee shall be effective on the 60th day following the adoption of this Ordinance.

**3. Phased Implementation of the Residential TIA Fee.** The TIA Fee for Residential Land Uses (as those uses are defined in the TIA Fee Table), shall be phased based on when the Project plans are submitted to the Los Angeles Department of Building and Safety (LADBS) pursuant to Section 12.26 A.3 of this Code:

a. For Projects with plans submitted within the first 120 days following the effective date of the ordinance, no TIA Fee for Residential Land Uses shall be paid.

b. For Projects with plans submitted between 121 and 305 days following the effective date of the ordinance, one-third of the TIA Fee for Residential Land Uses (based on the fee schedule in effect at the time the plans are submitted) shall be imposed.

c. For Projects with plans submitted between 306 and 484 days following the effective date of the ordinance, two-thirds of the TIA Fee for Residential Land Uses (based on the fee schedule in effect at the time the plans are submitted) shall be paid.

d. For Projects with plans submitted 485 or more days following the effective date of the ordinance, the full TIA Fee for Residential Land Uses (based on the fee schedule in effect at the time the plans are submitted) shall be paid.

**4. Annual Indexing.**

The TIA Fees shall be increased (or decreased) annually as follows:



The Annual Index upon adoption of this ordinance shall be 1.000. The TIA Fee shall 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 Construction Cost Index for the Los Angeles region, or equivalent index, as determined by LADOT. The revised Annual Index shall be published by LADOT in a newspaper of citywide circulation or on the LADOT website before January 31 of each year.

**5. Appeal Filing Fee.** An appeal filed pursuant to Section 11.A. or B. of the WLA TIMP or the CTCSP shall be accompanied by a filing fee of \$500 payable to LADOT or LADCP, as applicable.

**D. Fee Exemptions, Calculations, and Credits.**

**1. TIA Fee Exemptions.** The following Projects shall be exempt from payment of a TIA Fee:

a. Any Project exempt from the requirements of the CTCSP or WLA TIMP pursuant to Section 5.B in the applicable Specific Plan;

b. Affordable Dwelling Units, if they meet the criteria in Subsection 8.B.2.b of the CTCSP and the WLA TIMP;

c. One hundred percent affordable housing projects. For the purposes of this section, a “one hundred percent affordable housing project” means a Project in which each residential unit in the Project, exclusive of a manager's unit or units, is an Affordable Dwelling Unit. A one hundred percent affordable housing project may include on-site services or mixed commercial uses;

d. Projects providing housing or services for persons experiencing homelessness, including but not limited to permanent or temporary supportive housing projects, transitional housing projects, and supportive services;

e. Accessory dwelling units to single family homes, commonly referred to as “granny flats;”

f. Educational institutions, public and private;.

g. Child Care Facilities as defined by LAMC Section 12.03;

h. Churches, Temples, and other buildings used for assembly, whether for religious or secular purposes;

i. Hospitals. For purposes of this section, “hospital” means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care

during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which a person may be admitted for a 24-hour stay or longer;

j. Eldercare Facilities, as defined in LAMC Section 12.03;

k. Park and Ride Facilities;

l. Temporary uses of less than six months in duration based on a building permit where no extension of time is permitted;

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

n. Projects on property owned by LAWA and used for aircraft operations (commercial or noncommercial) or airport operation facilities (such as, terminals and other passenger processing related facilities such as gate areas and non-commercial spaces of passenger transportation such as the Intermodal Transportation Facility), not including cargo facilities or maintenance facilities.

**2. TIA Fee Calculation.** The TIA Fee shall be calculated as follows:

$$\text{Total TIA Fee} = (\text{number of Units}) \times (\text{TIA Fee per Unit})$$

The type of Unit and the TIA Fee per Unit for the land use are identified in the TIA Fee Table in Section C.1.a.

For special generators, pursuant to Section C.1.b, the fee shall be calculated as provided in Section C.1.b.

**3. TIA Fee Credits.**

a. **Existing Land Use Credit.** The Fee Credit for existing uses, as provided in Section 8.A of the WLA TIMP and the CTCSP, shall be determined and calculated as follows:

i. Existing land uses on a Project site for which a TIA Fee was paid pursuant to Ordinance Nos.160,394, 168,999, or

171,492 shall receive a Fee Credit based on the existing land uses for which a fee was previously paid; and

ii. For existing land uses that are not eligible for a credit under Subsection i., above, a Fee Credit shall be given when requested by the Applicant subject to all of the following:

(a) Applicants for Projects seeking credits for existing uses must provide LADOT with documentation supporting the existence and duration of the use (such as, lease agreements, utility bills, or previous environmental reviews). LADOT will validate credits for existing uses based on the provided documentation.

(b) Fee Credits shall not be given for existing Affordable Dwelling Units.

(c) If the existing use was active for at least six consecutive months during the past two years prior to submittal of plans to LADBS pursuant to LAMC Section 12.26 A.3, a 100 percent credit will be granted for the existing use pursuant to the calculation below. The 100 percent credit is calculated as follows:

$$\text{Credit} = (\text{number of existing Units}) \times (\text{TIA Fee per Unit})$$

The type of Unit and the TIA Fee per Unit for each land use are identified in the TIA Fee Table in Section C.1.a.

For special generators, pursuant to Section C.1.b, the fee shall be calculated as provided in Section C.1.b.

(d) If the existing use was active for at least six consecutive months during the past four years prior to submittal of plans to LADBS pursuant to Section 12.26 A.3 of this Code, a 50 percent credit will be granted for the previous use. The 50 percent credit is calculated as follows:

$$\text{Credit} = (\text{number of existing Units}) \times (\text{TIA Fee per Unit}) \times (.50)$$

The type of Unit and the TIA Fee per Unit for the land use are identified in the TIA Fee Table in Section C.1.a.

For special generators, pursuant to Section C.1.b, the fee shall be calculated as provided in Section C.1.b.

b. **Affordable Housing Credit.** The Affordable Housing Fee Credit pursuant to Section 8.B.2 of the WLA TIMP and the CTCSP shall be calculated as follows:

i. **Calculation.** Credits shall be granted for each Affordable Dwelling Unit in an amount equal to the fee for two Apartment units, as shown in the TIA Fee Table in Subsection C.1.a, as follows:

$$\text{Credit} = (\text{Affordable Dwelling Units}) \times (2 \times [\text{TIA Fee per Apartment Unit}])$$

The type of Unit and the TIA Fee per Unit for the land use are identified in the TIA Fee Table in Section C.1.a.

For special generators, pursuant to Section C.1.b, the fee shall be calculated as provided in Section C.1.b

ii. **Maximum Credits.** In no case shall the Affordable Housing Fee Credit exceed 50 percent of the TIA Fee for a Project.

c. **Transit Oriented Development Credit.** The Transit Oriented Development Fee Credit pursuant to Section 8.B.3 of the WLA TIMP and the CTCSP shall be calculated as follows:

i. A Project on a parcel within one-half mile of a transit station or stop serving a Dedicated Transit Line is eligible for a five percent Fee Credit; or

ii. A Project with a pedestrian entrance within one-quarter mile walking distance to a transit station or stop serving a Dedicated Transit Line is eligible for a 10 percent fee credit.

The applicant is required to submit a map subject to LADOT review and approval, showing the Project is eligible for a Transit Oriented Development Fee Credit.

d. **No Credit for Administrative Costs.** Notwithstanding the above, no credit shall be granted for that portion of the TIA Fee for the administrative costs of the TIA Fee program (five percent of total fee).

## **E. Transportation Improvement Project List.**

1. The City Council shall adopt by resolution a list of TIA Fee Improvements as described in Section 6.B. of the WLA TIMP and the CTCSP that meet the purposes identified in Section 3 of the Specific Plans and are consistent with the most recently adopted fee study. The City Council may amend the resolution from time to time or approve the use of TIA Fee monies for transportation improvements not on the list of TIA Fee Improvements subject to the procedures in this Subsection E.

2. The list of TIA Fee Improvements shall include improvements in all of the following four categories:

a. Transit. A transit improvement is an improvement that encourages or supports the use of transit.

b. Active transportation. An active transportation improvement is an improvement that encourages or supports the use of biking and walking, and other forms of active transportation.

c. Roadway. A roadway improvement is an improvement that improves or maintains vehicular movement in the circulation system.

d. Trip reduction. A trip reduction improvement is an improvement that decreases vehicle miles travelled.

3. **Updating the List of TIA Fee Improvements.** Upon recommendation of LADOT or the LADCP, the City Council may amend the resolution and list of TIA Fee Improvements adopted pursuant to Subsection E.1, provided the following criteria are met:

a. The improvement achieves the purposes described in Section 3 of the CTCSP or the WLA TIMP; and

b. The improvement fulfills the transportation objectives of the improvement which it is to replace, including falling within the same category of improvement as identified in Subsection E.2 and at least one of the same type of project improvements existing in that category; and

c. The improvement meets at least one of the following:

i. The improvement implements one or more goals, objectives and policies of the Mobility Plan 2035; and/or

ii. The improvement is feasible and the planning and engineering is advanced enough that with sufficient funding or funds to meet a funding gap, construction can begin in the near future, (i.e., “shovel ready”); and/or

iii. The improvement does not hinder equitable geographic distribution of transportation projects within the Specific Plan geographies.

**4. Funding Transportation Improvements that are not on the Approved List of TIA Fee Improvements.** The City Council may by resolution allocate TIA Fee funds for an improvement project that is not included on the approved list of TIA Fee Improvements without amending the resolution adopted under Subsection E.1, provided the improvement meets the relevant criteria in Subsection E.3.

**F. Administration.**

**1. Guidelines.** The General Manager of the LADOT may adopt guidelines to implement the WLA TIMP and CTCSP TIA Fee programs consistent with the Specific Plans and this Ordinance.

**2. Reporting Template.** LADOT may develop a reporting template for the fee monitoring report. The template may include, but is not limited to, TIA Fee revenues, interest revenues, trust fund administration, encumbered monies, and expended monies.

**G. Use of TIA Fees.**

**1. Administrative Costs.** Up to five percent of TIA Fees may be used for administrative costs each year.

**2. Prohibited Use of TIA Fee Monies.** TIA Fee monies shall not be used for any of the following:

a. Improvements which do not provide a regional or sub-regional transportation benefit;

b. Project Serving Improvements;

c. Financing of any transportation improvement which is not of direct benefit to the Specific Plan Area from which the TIA Fee was collected;

d. Substituting for other transportation monies which have been allocated to the Specific Plan Area;

- e. Operation and maintenance costs;
- f. Curb, driveway, gutter, trees, street lights/power poles and sidewalk construction or repair, except as part of a transportation improvement pursuant to the Specific Plan;
- g. Off-street parking facilities, except in conjunction with a TDM program;
- h. Alley improvements; and
- i. Private streets.


**H. Severability.**

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

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
KATHRYN C. PHELAN  
Deputy City Attorney

Date 4/4/19

File No. CF-07-0287, CF-08-0229

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

CITY CLERK

MAYOR

\_\_\_\_\_

\_\_\_\_\_

Ordinance Passed \_\_\_\_\_

Approved \_\_\_\_\_