

ORDINANCE NO. _____

An ordinance amending Sections 11.12, 12.21, 12.37, 17.05 and 19.01 of the Los Angeles Municipal Code and repealing previous ordinances establishing street designations for arterial streets and arterial street segments in order to implement modifications to the General Plan's Circulation Element.

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

Section 1. Except as set forth in Subsections S and T of Section 17.05 of the Los Angeles Municipal Code, those portions of any and all ordinances, including specific plans, that establish street designations for any street or street segment are hereby repealed. Such designations are hereby replaced by the designations set forth in the Citywide Circulation System Map located in Council File No. 15-0719. The Director of Planning is hereby delegated the authority to revise all non-codified land use ordinances to reflect the correct street designations.

Sec. 2. The table in Section 11.12 of the Los Angeles Municipal Code is amended to delete the third and fourth rows for "Appeal of dedication requirements" and "Appeal of improvement requirements."

Sec. 3. The last sentence of Section 12.21 A.17(e)(1) of the Los Angeles Municipal Code is amended to read as follows:

Upon payment of the fee imposed pursuant to the provisions of Section 12.37 F.3., an applicant may seek relief from this dedication requirement pursuant to the provisions of Section 12.37 I.

Sec. 4. The last sentence of Subsection A of Section 12.37 of the Los Angeles Municipal Code is amended to read as follows:

As used in this section, the Center/Control line of the arterial or collector street shall mean the center of those arterial or collector streets as shown on the Citywide Circulation System Map of the Circulation Element of the General Plan or, with respect to collector streets, on the adopted community plans of the Land Use Element of the General Plan on file in the offices of the Department of City Planning.

Sec. 5. Subdivision 5 of Subsection A of Section 12.37 of the Los Angeles Municipal Code is amended to read as follows:

5. No dedication shall be required where the existing right-of-way is equal to or greater than the street standard, even where the improved sidewalk does not meet the standard dimension.

Sec. 6. New Subdivisions 6 through 10 are added to Subsection A of Section 12.37 of the Los Angeles Municipal Code to read as follows:

6. Where the existing improved roadway meets or exceeds the street standard, no dedication shall be required except as necessary to bring the abutting sidewalk dimension into compliance with the street standard as depicted in the most recent version of the Bureau of Engineering's standard plan number S470.

7. Nothing herein shall preclude the decision maker on a discretionary entitlement from requiring a dedication or improvement greater than what is set forth in this section, if the decision maker determines that a greater dedication or improvement bears an essential nexus and rough proportionality to a project impact.

8. For streets accompanied by a parallel frontage and/or service road and for streets designated as divided streets, existing roadway dimensions are deemed to be in compliance with the street standards and no additional dedication or improvement is required. A dedication for sidewalk improvement shall be required, however, as necessary to bring the abutting sidewalk dimension into compliance with the street standard.

9. Additional dedication and improvement requirements may be imposed in order to ensure compliance with the Americans with Disabilities Act.

10. Notwithstanding the above, in order to obtain street consistency, the Bureau of Engineering on a by-right project, or the decision maker on a discretionary entitlement, may modify this section's dedication and improvement requirements for meandering streets or portions of streets that lack uniform roadway widths, including for divided streets, and streets accompanied by a parallel frontage and/or service road.

Sec. 7. Subsection F of Section 12.37 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

F. Fees. In addition to all other required fees, the following fees shall be charged for services provided for processing applications pursuant to the provisions of this section:

1. A nonrefundable fee as set forth in Section 11.12 for every property requiring the City Engineer to investigate and determine whether the provisions of this section require a dedication of land or improvement to land.

2. A fee as set forth in Section 11.12 for Bureau of Engineering services for processing real estate transfer documents for every property for which the provisions of this section require a dedication of land.

3. A nonrefundable fee in the amount of \$1,970 paid to the Department of City Planning for processing waiver requests pursuant to the provisions of Subsection I of this section.

4. A nonrefundable fee of \$1,570 paid to the Department of City Planning for processing appeals pursuant to the provisions of Subsection I of this section.

Sec. 8. Subdivision 1 of Subsection H of Section 12.37 of the Los Angeles Municipal Code is amended to read as follows:

1. All arterial and collector streets shall be constructed and improved in accordance with the standards adopted by the City Planning Commission pursuant to LAMC 17.05 B.

Sec. 9. Subsection I of Section 12.37 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

I. Waivers and Appeals.

1. This subdivision shall constitute the exclusive mechanism for waivers and appeals of dedication and improvement requirements under this section. Waivers of dedication or improvement requirements may not be granted by City Council motion.

2. **Waivers for By-Right Projects.** Any person seeking a waiver of this section's dedication or improvement requirements for a project that does not require a discretionary entitlement shall file an application for a waiver with the Director of Planning.

(a) **Notice.** Within 10 calendar days of the receipt of an application for a waiver, the Director shall mail notice of the requested waiver to the following individuals and entities with a notice that all comments shall be submitted to the Director no later than 14 calendar days following mailing of the notice:

(1) Owners of property across the street or alley from the subject property;

(2) Owners of property with frontage along the same street that has a common corner with or that abuts the subject property;

(3) Owners of property with frontage along the same street that has a common corner with or that abuts any properties listed in Subparagraphs (1) and (2) above;

(4) The Council member of the district where the subject property is located; and

(5) The Department of Transportation and Bureau of Engineering.

(6) Notification pursuant to this section shall also be provided to Advisory Agency members for waivers that requires the modification of a Map.

a. Any person seeking a waiver that requires a modification of a Map shall submit a map modification request and payment of map modification fees to the Bureau of Engineering as required by Section 17.11.

(b) **Findings.** The Director may waive, reduce or modify the required dedication or improvement as appropriate after making any of the following findings, in writing, based on substantial evidence in the record:

(1) The dedication or improvement requirement does not bear a reasonable relationship to any project impact.

(2) The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.

(3) The dedication or improvement requirement is physically impractical.

(c) **Written Determination.** The Planning Director shall issue a determination regarding the request no sooner than 15 calendar days following mailing of the notice described above, and no later than 75 days from receipt of the waiver application, or within any additional period mutually agreed upon by the applicant and the Planning Director. The Planning Director shall mail the determination letter to all individuals to whom notice of the application was provided.

(d) **Appeal.** Any person required to dedicate land or make improvements pursuant to this section may appeal the Planning Director's decision to the Area Planning Commission. The appeal shall be filed within 15 calendar days of the date of mailing of the Planning Director's determination letter. Such appeal shall be made in writing, shall be filed at the Department of City Planning's public counter, shall state in clear and concise language the grounds for the appeal, and shall be accompanied by a filing fee in the amount specified above.

(1) Before acting on any appeal, the Area Planning Commission shall set the matter for a hearing, giving at least 15 calendar days' notice to the individuals identified in Paragraph 2(a) above.

(2) On appeal, the Area Planning Commission shall consider the waiver request de novo based on the findings set forth in Subdivision 2(b) above. The Area Planning Commission shall act to approve or deny the appeal within 75 calendar days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the Area Planning Commission.

3. **Waivers for Discretionary Projects.** For projects that require a discretionary entitlement, an applicant shall file a waiver request as part of the master land use application or subdivider's statement for the project. In such case, the decision maker for the discretionary entitlement shall process the waiver request pursuant to the procedures established for the discretionary entitlement, but may only grant a waiver after making one of the required findings set forth in Subdivision 2(b) above. The waiver request must be set forth in the application filed with the Department of City Planning, and may not be raised for the first time at the hearing on the entitlement or at any entitlement appeal hearing. The applicant may appeal the waiver determination pursuant to the same procedures that govern the entitlement; except in the case of projects that include a tentative map, the waiver determination is subject to only one level of appeal. On appeal, the decision maker shall consider the waiver request de novo based on the findings set forth in Subdivision 2(b) above.

If the discretionary entitlement(s) for a project have already been approved prior to the effective date of this ordinance, an applicant may apply for a waiver following the procedures for waivers for by-right projects set forth above.

4. **Waivers for a Map Modification.** Notwithstanding the Parcel, Tentative or Final Tract Map modification procedures set forth in 17.11, 17.14, 17.53 or 17.59, projects that have an approved and/or recorded Map and where the street standards for which the original dedication and/or improvements were revised after the Map was either approved and/or recorded may apply for a waiver from a street dedication and/or improvement using the Waivers for By-Right Projects process described in Section 12.37 I.2, with the Director acting for the Advisory Agency.

5. **Exceptions.** Projects located in a Hillside area that seek to obtain a waiver from a required street dedication and/or improvement shall continue to use the procedures described in Sections 12.24 X.21 and 28 as applicable.

6. **Authority of the City Engineer.** Notwithstanding any other requirement of this Code, the City Engineer may waive or modify any condition of approval or other obligation related to right-of-way improvement or dedication consistent with the Circulation Element of the City's General Plan without requiring any discretionary entitlement, including, but not limited to, a modification under Sections 12.37 I.4 and 17.14. Nothing in this section is intended to relieve applicants and the City of compliance with the Subdivision Map Act and state law.

Sec. 10. Subsection A of Section 17.05 of the Los Angeles Municipal Code is amended to read as follows:

A. Street Standards Committee. There is hereby created a Street Standards Committee (Committee) to be composed of the Director of Planning, as Chair, the City Engineer and the General Manager of the Department of Transportation, or their designees.

This Committee shall:

1. Recommend to the Commission minimum width and improvement standards for all classes of public and private streets and alleys. The Commission shall adopt such minimum width and improvement standards as it determines are necessary for the safe and adequate movement of pedestrians, bicyclists, transit service and vehicular traffic, the increased retention and detention of stormwater, the installation of necessary utilities and for reasonable and proper access to abutting properties. Such standards shall not be applicable to any street or alley for which the City Council, by ordinance, adopts specific standards.

2. Modify the Complete Street Design Guide (CSDG) on an as-needed basis to align the CSDG with current and innovative street design practice.

Sec. 11. Subsection B of Section 17.05 of the Los Angeles Municipal Code is amended to read as follows:

B. Adoption of Standards. A public hearing shall be conducted by the Commission prior to the approval of any change in the standards.

Sec. 12. Subdivision 1 of Subsection D of Section 17.05 of the Los Angeles Municipal Code is amended to read as follows:

1. **Right-of-Way and Roadway Widths.** All streets and alleys shall be designed to conform with the Commission's adopted standards. The requirements and exceptions set forth in Section 12.37, however, shall apply.

Sec. 13. Subdivisions 6 and 7 of Subsection D of Section 17.05 of the Los Angeles Municipal Code are amended to read as follows:

6. **Intersections.** Street intersections shall be at as near to a right angle as possible. No jogs shall be allowed in the continuity of an arterial street. Jogs in a non-arterial street where crossing an arterial street shall be held to a minimum. Multiple intersections of more than four approaches should be avoided. In hillside areas special conditions may be required.

7. **Cul-de-sac Streets.** Cul-de-sac streets should be avoided except in locations where physical constraints prohibit the continuation of the street (such as where a river or railroad infrastructure is present) or where made necessary by historical development patterns. Where cul-de-sac streets are approved, they shall be terminated by a turning area conforming to the latest standards approved by the Commission. Where feasible, existing cul-de-sacs should be modified and new cul-de-sacs should be designed to include a passageway for bicycles and pedestrians to access the surrounding area.

Sec. 14. Subsections E, F and G of Section 17.05 of the Los Angeles Municipal Code are amended to read as follows:

E. Alleys.

1. Alleys shall be not less than 20 feet in width. Alleys serving industrial zones shall be 30 feet wide, unless otherwise approved by the Advisory Agency. All dead-end alleys shall be constructed with adequate turning areas. Whenever practicable, alleys shall be required at the rear of all lots that are in residential zones and that front an arterial street. Alleys may also be required at the rear of lots in commercial and industrial zones.

2. **Alley Intersections.** Where two alleys intersect, a triangular corner cut-off of not less than 10 feet along each alley line shall be provided.

F. Pedestrian Walks. If the Advisory Agency determines that inner-block pedestrian walks are necessary for the public health, safety or welfare, they shall be dedicated to a width of not less than 12 feet. The Advisory Agency, however, shall only impose such a dedication requirement after finding that the dedication bears an essential nexus and rough proportionality to a project impact.

G. Blocks. Blocks in residentially and industrially zoned areas shall not exceed 1,700 feet in length, except in hilly areas. Commercial blocks shall not exceed 800 feet in length except in locations where the prevailing block length (within ½ mile) is less than 800 feet. In such instance, the new block shall not exceed the average prevailing block length.

Sec. 15. A new Subdivision 3 is added to Subsection B of Section 19.01 of the Los Angeles Municipal Code to read as follows:

3. An appeal filed pursuant to Section 12.37 of this Code shall be accompanied by a filing fee in the amount of \$1,570, to be collected by the Department.

Sec. 16. A new Subsection Z is added to Section 19.01 of the Los Angeles Municipal Code to read as follows:

Z. Waivers of Dedication and Improvement Requirements. An application for a waiver of the dedication and/or improvement requirements set forth in Section 12.37 of this Code shall be accompanied by a filing fee in the amount of \$1,970, to be collected by the Department.

Sec. 17. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk


By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

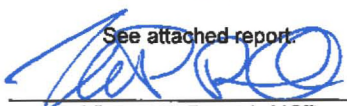
By  _____
ADRIENNE S. KHORASANEE
Deputy City Attorney

Date October 14, 2016

File No(s). CF 15-0719

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

October 17 2016


See attached report.

Vincent P. Bertoni, AICP
Director of Planning