

the Department of Transportation may recommend a reduction in size or a limitation on uses to the Director of Planning, to be used in the Project plan review process pursuant to Section 17 of this Specific Plan.

2. Prior to Project plan review approval pursuant to Section 17 of this Specific Plan, the Department of Transportation shall determine in writing that the commercial, industrial and the non-residential portion of a Mixed Use Project has incorporated measures which mitigate the Significant Transportation Impacts of the Project, to the extent physically feasible.

C. **Transportation Impact Mitigation Fee.** All Applicants for a Project within the Specific Plan area shall pay a Central City West Transportation Impact Mitigation Fee (the Transportation Fee) for the purpose of funding the required transportation improvements listed in Appendix C of this Specific Plan. Implementation of a transportation improvement shall mean that the improvement has been assured to the satisfaction of the Department of Transportation. Assurance shall mean that money has been guaranteed for the entire projected cost of the improvement.

1. **Transportation Fee Calculation and Payment**

- a. **Fee Amount.** The Transportation Fee shall be \$17,946 per additional Trip generated by a Project beyond those generated by the legally established use on the Project lot or lots on the effective date of this Specific Plan (April 3, 1991).
- b. **Annual Indexing.** In order that the Transportation Fee levied pursuant to this Section keeps pace with the cost of constructing the improvements, the fee shall be periodically increased (or decreased) as follows:

The Transportation Fee shall be revised on January 1 of each year by the Department of Transportation according to the annual percentage change in the City Building Cost Index. The revised Transportation Fee shall be published by the Department of Transportation in a newspaper of citywide circulation before January 31 of each year. If the Department of Transportation determines that the City Building Cost Index does not adequately reflect the actual 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 Transportation Fee.

Section 9.

TRANSPORTATION REQUIREMENTS

A. **Public Street Improvements.** For the purposes of this Subsection, the regulations and procedures contained in LAMC Section 12.37 shall be followed. Notwithstanding LAMC Section 12.37 H, the highway and street improvement standards contained in Appendix C of this Specific Plan shall be utilized, to the extent physically feasible, for any improvements of streets required in the Specific Plan area.

B. **Individual Project Mitigation Measures**

1. All Project Applicants shall obtain a Traffic Assessment of the Project from the Department of Transportation. If the Department of Transportation determines, based on the Project Traffic Assessment, that there may be potentially Significant Transportation Impacts on intersections caused by the Project, then the Applicant(s) shall provide a Traffic Study for the Project. Upon receipt and review of the Traffic Study, the Department of Transportation shall require the Applicant(s), at the Applicant's expense, to:
 - a. implement traffic and parking mitigation measures for the Significant Transportation Impacts; and
 - b. implement transportation programs for impacted intersections. The Department of Transportation may impose transportation mitigation measures on each Project. If the Department of Transportation determines that the proposed mitigation measures are not adequate to mitigate the Significant Transportation Impacts of the Project, then

c. Cash Deposit

- 1) The Project Applicant(s) shall pay a cash deposit equal to 10% of the Transportation Fee, as determined by the Department of Transportation, at the time of application for Project plan review. The Department of Transportation shall collect the deposit and remit the funds to the City Treasurer for deposit in the Central City West Transportation Impact Mitigation Fund (Transportation Fund), as established by Chapter 30 of Division 5 of the Los Angeles Administrative Code.
- 2) The cash deposit shall only be refunded to the Project Applicant(s) if Project plan review is denied or if Project plan review approval becomes null and void pursuant to Section 17 E of this Specific Plan.
- 3) If a Community Facilities District (CFD) is established within the Specific Plan area, a Project Applicant who presents proof of participation in the CFD to the satisfaction of the Department of Transportation at the time of application for Project plan review shall be exempt from payment of the cash deposit.

d. Balance of Transportation Fee. The balance of the Transportation Fee, as calculated by the Department of Transportation at the time of payment, shall be due and payable and collected by the Department of Transportation prior to the issuance of a building permit and remitted by the Department of Transportation to the City Treasurer for deposit into the Transportation Fund.

2. Exemptions. The floor area or residential density of a Project devoted to the following uses shall be exempt from payment of the Transportation Fee:

- a. Residential use and the residential portion of Mixed Use Projects.
- b. A maximum of 40,000 square feet of Neighborhood Retail and/or Neighborhood Service use floor area per Project.
- c. The non-profit portion of hospitals.
- d. Child care facilities.

3. In Lieu Credits

- a. If a Project Applicant assures the construction of all or a portion of one or more of the transportation improvements listed in Appendix C of this Specific Plan, then the Transportation Fee shall be reduced in an amount equal to the amount expended for the improvement(s), as determined and approved by the Department of Transportation.

the entire projected cost of the improvement(s) to the satisfaction of the Department of Transportation. The Department of Transportation shall base its determination on the Transportation Fee calculation minus the cost of the improvement(s) approved by the Department of Transportation.

- b. If a CFD is established, then the Transportation Fee shall be reduced for a Project Applicant who presents proof of participation in the CFD in an amount equivalent to the amount the Project is assessed under the CFD.

D. Transportation Improvements

1. General Requirements

- a. The Department of Transportation shall coordinate the implementation of the transportation improvements listed in Appendix C.
- b. The Department of Transportation may recommend changing the Phase of Development of the transportation improvements specified in Appendix C of this Specific Plan, provided the change results in sufficient increases in the freeway and/or transit system carrying capacity, and provided the change is approved by the City Planning Commission.

2. Street System Capacity Improvements

- a. The street system screenlines shown on Map No. 8 shall be utilized by the Department of Transportation to determine the required increases in the Specific Plan area street system vehicle-per-hour carrying capacity.
- b. The cumulative vehicle-per-hour carrying capacity across the street system screenlines shown on Map No. 8 shall be increased over that existing on the effective date of this Specific Plan, as set forth in the following table:

Required Screenline Capacity Increases

Phase	Screenline Location						
	NS1	NS2	NS3	NS4	EW1	EW2	EW3
1	900	2,500	0	300	1,200	950	0
2	1,000	3,100	470	1,470	2,230	1,480	0
3	1,100	3,800	1,370	2,630	3,260	2,010	350
4	1,200	4,400	2,200	3,800	4,290	2,540	950

E. Transportation Demand Management

1. Transportation Demand Management Plan

- a. At the time of application for Project plan review, an Applicant for a Project of 100,000 square feet or more of commercial or industrial floor area shall submit a written, preliminary Transportation Demand Management (TDM) plan to the Department of Transportation.
 - 1) The preliminary TDM plan shall address the unique characteristics of the Project, and shall incorporate measures which ensure the Project's compliance with the maximum allowable percentage of employee SOV Trips per Phase of Development, as specified in Section 5 B 3 of this Specific Plan, and the requirements for on-site parking spaces and off-site parking spaces in intercept/remote locations specified in Section 10 A of this Specific Plan.
 - 2) TDM plan measures shall include, but are not limited to, on-site facility improvements, services, parking management policies, identification of the area(s) of on-site parking that will be designated and reserved for High Occupancy Vehicles, identification of the off-site intercept/remote parking location(s), employee financial incentives, vehicle services and monitoring and reporting procedures.
 - 3) The preliminary TDM plan shall provide for the hiring of one full-time, on-site Transportation Coordinator for each Project of 500,000 square feet of commercial or industrial use floor area, or for each 500,000 square-foot increment of commercial or industrial use floor area within an individual Project.
 - 4) After written acceptance of the required preliminary TDM plan by the Department of Transportation and prior to the issuance of a building permit, the Project owner(s) shall execute and record a Covenant which guarantees the preparation, implementation and continued maintenance of a final, Department of Transportation-approved TDM plan. The Covenant shall run with the land and shall be binding on future owners, successors, heirs and assigns. The Covenant shall be approved by the Department of Transportation and a certified recorded copy delivered to the Department of Transportation.
 - 5) The Project owner(s) shall submit a final TDM plan to the Department of Transportation no later than 60 days prior to the application for any certificate of occupancy for the Project.

- b. All owners of a Project of less than 100,000 square feet of commercial or industrial floor area shall execute and record, prior to the issuance of a building permit, a Covenant which guarantees implementation and maintenance of the TDM requirements imposed by the Department of Transportation as conditions of Project plan review approval. The Covenant shall run with the land and shall be binding on future owners, successors, heirs and assigns. The Covenant shall be approved by the Department of Transportation and a certified recorded copy delivered to the Department of Transportation.

2. **Compliance with TDM Requirements.** A Project owner shall achieve compliance with the applicable maximum SOV Trip requirement specified in Subsection D of this Section, and all other TDM requirements, within three years of issuance of any certificate of occupancy, including a temporary certificate of occupancy, for the Project. If the Director of Planning issues a Project plan review approval for the initial stage of a Project with more than one stage, then the Director may condition future Project plan review approvals for subsequent stages of the Project on whether the Project has complied with the TDM plan requirements for the previous stage.

3. TDM Plan Monitoring

- a. All Project owners subject to the TDM plan requirements of this Subsection shall conduct annual employee commuter surveys and shall submit an annual TDM plan status report to the Department of Transportation. The annual status report shall describe the TDM activities at the Project, and shall include the results of the employee commuter survey, the status of all TDM plan measures and on-site and off-site parking space requirements.
- b. The first annual status report shall be submitted 12 months after the issuance of any certificate of occupancy for the Project.
- c. Failure to submit a required annual status report within 30 days of the anniversary date of the issuance of any certificate of occupancy for a Project shall constitute non-compliance with the requirements of this Subsection.

4. TDM Plan Enforcement and Penalties

- a. If a Project owner fails to submit a required TDM plan annual status report, the Department of Transportation shall 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 Project owner shall be subject to any penalty adopted by the City Council after notice and hearing.

- b. If, after evaluation of a TDM plan annual status report, the Department of Transportation determines that a Project owner has failed to comply with the requirements of the TDM plan, the Department of Transportation shall issue a notice of non-compliance. The notice shall indicate which requirements have not been complied with, and the actions required in order to comply.
- c. The Project owner shall, within six months of the date of the notice of non-compliance with a TDM plan, perform all actions necessary to bring the Project into compliance to the satisfaction of the Department of Transportation.
- d. If, after six months from the date of the notice of non-compliance, the Project owner has failed to comply with the requirements of the TDM plan, the Project owner shall be subject to any penalty adopted by the City Council after notice and hearing.
- e. A determination of TDM plan non-compliance by the Department of Transportation shall be appealable to the City Planning Commission and the City Council.
- f. No additional building permit, change of use permit, use of land permit, sign permit, conditional use permit or certificate of occupancy shall be issued for any Project which has not complied with the requirements of this Subsection.

F. Trip Reduction Credit for Child Care Facility

Projects which include a child care facility on-site or within 1,500 feet of the Project lot or lots, in compliance with the requirements of Section 12 of this Specific Plan, shall be eligible for a Trip reduction credit as calculated by the Department of Transportation. A Project shall be credited 0.3 Trips for each full-time child care slot provided.