

ARTICLE 10.
STREETS & PARKS

CONTENTS

Div. 10.1. Street Dedication and Improvement	10-5
Sec. 10.1.1. Street Standards	10-5
Sec. 10.1.2. Requirement	10-5
Sec. 10.1.3. Exceptions	10-7
Sec. 10.1.4. Dedication Procedure	10-7
Sec. 10.1.5. Improvement Procedure	10-8
Sec. 10.1.6. Issuance of Building Permits	10-9
Sec. 10.1.7. Bureau of Engineering Fees.	10-9
Sec. 10.1.8. Lots Affected by Street Widening.	10-9
Sec. 10.1.9. Improvement Standards.	10-9
Sec. 10.1.10. Waiver and Appeals	10-10
Sec. 10.1.11. Cost-Sharing for Unusual Improvements	10-12
Sec. 10.1.12. Use Of Future Streets And Alleys	10-13
Sec. 10.1.13. City Engineer to Determine Street Alignment.	10-14
Sec. 10.1.14. Written Notification Required.	10-14
Div. 10.2. Dedication by Lease	10-15
Sec. 10.2.1. Eligibility	10-15
Sec. 10.2.2. Dedication Document.	10-15
Div. 10.3. Private Street Regulations	10-16
Sec. 10.3.1. Intent	10-16
Sec. 10.3.2. Applicability.	10-16
Sec. 10.3.3. Subdivisions	10-16
Sec. 10.3.4. Procedure.	10-16
Sec. 10.3.5. Private Street Standards	10-16
Sec. 10.3.6. Private Street Signs	10-19
Sec. 10.3.7. Director Approval and Appeals	10-19
Sec. 10.3.8. Private Street Names.	10-19

Div. 10.4. Parks Fees & Dedications 10-22

- Sec. 10.4.1. Intent10-22
- Sec. 10.4.2. Types of Fees10-22
- Sec. 10.4.3. Applicability10-22
- Sec. 10.4.4. Residential Subdivision Projects With More Than 50 Dwelling Units . . .10-23
- Sec. 10.4.5. Residential Subdivisions With 50 Dwelling Units or Fewer, Non-Subdivision Residential Projects, or Residential Subdivisions With More Than 50 Dwelling Units That Are Not Dedicating Land.10-25
- Sec. 10.4.6. Park Fee as Additional Requirement10-26
- Sec. 10.4.7. Affordable Housing Exemption10-26
- Sec. 10.4.8. Credits10-27
- Sec. 10.4.9. Park Fee Account and Accounting10-30
- Sec. 10.4.10. Use of Park Fees or Lands Dedicated Pursuant to this Section10-31

DIV. 10.1. **STREET DEDICATION AND IMPROVEMENT**

SEC. 10.1.1. **STREET STANDARDS**

A. **Street Standards Committee**

This Section creates a Street Standards Committee comprised of the Director of Planning (as Chair), the City Engineer, and the General Manager of the Department of Transportation, or their designees. This Street Standards Committee shall:

1. Recommend to the City Planning Commission minimum width and improvement standards for all classes of public and private streets and alleys. The City Planning Commission shall adopt such minimum width and improvement standards as it determines necessary for the safe and adequate movement of pedestrians, bicyclists, equestrians, 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.
3. Develop guidelines consistent with the goals and intent of the Mobility Element of the General Plan, as determined by the City Planning Commission. These guidelines shall also establish a procedure for providing notice to interested persons, including the Council member of the district where the property is located.

B. **Adoption of Standards**

A public hearing shall be conducted by the City Planning Commission, pursuant to *Sec. 13B.1.5. (Policy Action)*, prior to the approval of any change in the standards.

SEC. 10.1.2. **REQUIREMENT**

- A. No building or structure shall be erected or enlarged, and no building permit shall be issued, on a lot in a Residential Use District with an applied Density District of 2 through 8, or in a Commercial-Mixed, Commercial, Industrial-Mixed, Industrial, or Public Use District where such lot abuts a boulevard, avenue, or collector street, unless the one-half of the boulevard, avenue, or collector street that is located on the same side of the center of the boulevard, avenue, or collector street as such lot has been dedicated and improved for the full width of the lot, so as to meet the standards for such boulevard, avenue, or collector street provided in *Sec. 10.1.9. (Improvement Standards)*; or such dedication and improvement has been assured to the satisfaction of the City Engineer.
- B. In the case of either a corner lot or an L-shaped interior lot abutting a boulevard, avenue, or collector street and a local standard street or local limited street that intersect, that one-half of the local standard street or local limited street, on the same side of the center of the local standard street or local limited street as such lot, has been dedicated and improved for that portion of said

lot or lots within 300 feet of the ultimate property line of said boulevard, avenue, or collector street so as to meet the standards for local standard street or local limited street provided in Sec. 10.1.9. (*Improvement Standards*) and provide adequate right-turn ingress to, and egress from, the boulevard, avenue, or collector street; or such dedication and improvement has been assured to the satisfaction of the City Engineer.

- C. As used in Division 10.1. (Street Dedication and Improvement), the center/control line of the boulevard, avenue, or collector street shall mean the center of those boulevard, avenue, or collector streets shown on the Citywide Circulation System Map of the General Plan Mobility Element or, with respect to collector streets, on the adopted Community Plans of the General Plan Land Use Element on file in the offices of the Department of City Planning.
- D. The maximum area of land required to be so dedicated shall not exceed 25% of the area of any such lot which was of record on March 1, 1962 in the Los Angeles County Recorder's Office. In no event shall such dedication reduce the lot below a width of 50 feet or an area of 5,000 square feet.
- E. No such dedication for any boulevard, avenue, or collector street; or any other street shall be required with respect to those portions of such a lot occupied by a legally existing main building which is to remain.
- F. No additional improvement shall be required on a lot where complete roadway, curb, gutter, and sidewalk improvements exist within the present dedication contiguous to the lot.
- G. No building or structure shall be erected on any such lot within the dedication required by Sec. 10.1.9. (*Improvement Standards*).
- H. No dedication shall be required where the existing public right-of-way is equal to or greater than the street standard, even where the improved sidewalk does not meet the standard dimension.
- I. 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.
- J. Nothing in this Section shall preclude the decision-maker on a discretionary entitlement from requiring a dedication or improvement greater than what is set forth in Division 10.1. (Street Dedication and Improvement), where the decision-maker determines that a greater dedication or improvement bears an essential nexus and rough proportionality to the project's impact.
- K. For streets accompanied by a parallel frontage 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.
- L. Additional dedication and improvement requirements may be imposed in order to ensure compliance with the Americans with Disabilities Act.

- M.** Notwithstanding the above, in order to achieve consistent public right-of-way dimensions, the Bureau of Engineering on a by-right project, or the decision-maker on a discretionary entitlement, may modify Division 10.1. (Street Dedication and Improvement)'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 or service road.
- N.** The guidelines developed by Street Standards Committee shall be consistent with the goals and intent of the Transportation Element of the General Plan as determined by the City Planning Commission. These guidelines shall also establish a procedure for notice to interested persons, including the Council member of the district where the property is located.

SEC. 10.1.3. **EXCEPTIONS**

The provisions of *Sec. 10.1.2. (Requirement)* shall not apply to the following construction projects:

- A.** A single dwelling unit with customary accessory buildings when erected on a vacant lot.
- B.** Additions and accessory buildings incidental to a legally existing residential building, provided no additional dwelling units are created.
- C.** Additions and accessory buildings incidental to a legally existing non-residential building, provided that the total cumulative floor area of all such additions and accessory buildings shall not exceed 500 square feet.

SEC. 10.1.4. **DEDICATION PROCEDURE**

Any person required to dedicate land by the provisions of Division 10.1. (Street Dedication and Improvement) shall make an offer to dedicate, properly executed by all parties of interest including beneficiaries in deeds of trust as shown by a current preliminary title report prepared by a title company approved by the City Engineer for that intent. The trustee under a deed of trust shall not be required to execute the dedicatory instrument, unless, in the view of the City Engineer, such execution is necessary to satisfactorily dedicate the land. Such report shall be furnished by the applicant. Such offer shall be on a form approved by the City Attorney and the City Engineer; be in such terms as to be binding on the owner, heirs, assignees or successors in interest, and shall continue until the City Council accepts or rejects such offer or until one year from the date such offer is filed with the City Engineer for processing, whichever occurs first. The offer shall provide that the dedication will be complete upon acceptance by the City Council. The offer shall be recorded by the City Engineer in the Office of the County Recorder of Los Angeles County upon its acceptance by the City Engineer. The City Engineer shall accept or reject the offer for recordation within 10 days after it is filed with the City Engineer. The offer shall be promptly processed by the City Departments concerned and submitted to the City Council, in order to complete the dedication within one year. If the offer is rejected by the City Council or not processed within one year, the City Engineer shall issue a release from such offer which shall be recorded in the Office of the County Recorder unless the parties making the offer wish to have the time extended.

SEC. 10.1.5. IMPROVEMENT PROCEDURE

- A. Any person required to make improvements by the provisions of Division 10.1. (Street Dedication and Improvement) shall either make and complete the improvements to the satisfaction of the City Engineer or shall file with the City Engineer a bond in an amount as the City Engineer shall estimate and determine to be necessary to complete all of the improvements required.
- B. Such bond may be either a cash bond or a bond executed by a company authorized to act as a surety in the State of California. The bond shall be payable to the City and be conditioned upon the faithful performance of any and all work required to be done, and that should the work not be done or completed within the time specified, the City may, at its option, cause the work to be done or completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction. The bond shall be executed by the owner of the lot as principal, and if a surety bond, shall also be executed by a corporation authorized to act as a surety under the laws of the State of California.
- C. Whenever the owner elects to deposit a cash bond, the City is authorized, in the event of any default on the owner's part, to use any or all of the deposit money to cause all of the required work to be done or completed, and for payment of all costs and expenses. Any money remaining shall be refunded to the owner.
- D. When a substantial portion of the required improvement has been completed to the satisfaction of the City Engineer and the completion of the remaining improvements is delayed due to conditions beyond the owner's control, the City Engineer may accept the completed portion and consent to a proportionate reduction of the surety bond in an amount estimated and determined by the City Engineer to be adequate to assure the completion of the required improvements remaining to be made.
- E. Whenever a surety bond has been filed in compliance with Division 10.1. (Street Dedication and Improvement), the City is authorized, in the event of any default on the part of the principal, to enforce collection under such bond, for any and all damages sustained by the City by reason of any failure on the part of the principal faithfully and properly to do or complete the required improvements, and in addition may cause all of the required work to be done or completed, and the surety upon the bond shall be firmly bound for the payment of all necessary costs for completing the work.
- F. The term of the bond shall begin on the date of the deposit of cash or the filing of the surety bond, and shall end upon the date of the completion to the satisfaction of the City Engineer of all improvements required to be made. The fact of such completion shall be endorsed by a statement of the completion signed by the City Engineer, and the deposit shall be returned to the owner, or the surety bond may be exonerated at any time thereafter.
- G. For purposes of Division 10.1. (Street Dedication and Improvement), improvements shall be considered satisfactorily assured when the City Engineer accepts the cash or surety bond provided for in this Division, or the improvements required to be made have been completed to the City Engineer's satisfaction. When the City Engineer accepts the bond or the work has been completed

to the City Engineer's satisfaction, the City Engineer shall notify the Department of Building and Safety of the completion.

SEC. 10.1.6. ISSUANCE OF BUILDING PERMITS

When all dedication and improvements required by Division 10.1. (Street Dedication and Improvement) have been completed or satisfactorily assured, a building permit may be issued.

SEC. 10.1.7. BUREAU OF ENGINEERING 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 Division 10.1. (Street Dedication and Improvement):

- A.** A nonrefundable fee as set forth in *Sec. 11.12. (Summary of Fees for Bureau of Engineering Services Pursuant to the Provisions of this Chapter) of Chapter 1 of the LAMC* for every property requiring the City Engineer to investigate and determine whether the provisions of Division 10.1. (Street Dedication and Improvement) require a dedication of land or improvement to land.
- B.** A fee as set forth in *Sec. 11.12. (Summary of Fees for Bureau of Engineering Services Pursuant to the Provisions of this Chapter) of Chapter 1 of the LAMC* for Bureau of Engineering services for processing real estate transfer documents for every property for which the provisions of *Division 10.1. (Street Dedication and Improvement)* require a dedication of land.

SEC. 10.1.8. LOTS AFFECTED BY STREET WIDENING

On lots affected by street widening required by the provisions of Division 10.1 (Street Dedication and Improvement), lot area, lot width, floor area ratio, and density shall be calculated based on the lot lines that existed immediately prior to such required street widening. All other provisions of this Zoning Code (Chapter 1A) shall be measured and calculated from the new lot lines being created by any widening.

SEC. 10.1.9. IMPROVEMENT STANDARDS

- A.** All boulevard, avenue, and collector streets shall be constructed and improved in accordance with the standards adopted by the City Planning Commission pursuant to *Sec. 10.1.1. (Street Standards)*.
- B.** All streets not designated as boulevard, avenue, or collector streets, but that intersect a boulevard, avenue, or collector street, shall be dedicated to a maximum width of 60 feet. Roadway and parkway widths shall conform to those standards adopted by the City Planning Commission in accordance with *Sec. 10.1.1. (Street Standards)*, depending upon street classification type. Whenever uncertainty exists as to the application of the provisions of Division 10.1. (Street Dedication and Improvement), or in instances of streets so classified as requiring less than 60 feet of dedication in order to conform to the minimum width standards as adopted in accordance with *Sec. 10.1.1. (Street Standards)*, the City Engineer shall make any necessary determinations.

- C. All improvements required to be made by the provisions of Division 10.1. (Street Dedication and Improvement) shall be made in accordance with the current applicable provisions of the Standard Specifications for Public Works Construction adopted by the City Council.
- D. The City Engineer may approve and allow variations from the Standard Specifications for Public Works Construction as determined necessary based on conditions of terrain and the existing improvements contiguous to the property involved.

SEC. 10.1.10. WAIVER AND APPEALS

This Section shall constitute the exclusive mechanism for waivers and appeals of dedication and improvement requirements under Division 10.1. (Street Dedication and Improvement). Waivers of dedication or improvement requirements may not be granted by City Council motion.

A. Waivers for By-Right Projects

Any person seeking a waiver of Division 10.1. (Street Dedication and Improvement)'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.

1. Notice

Within 10 calendar days of the receipt of an application for a waiver, the Director of Planning 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 of Planning no later than 14 calendar days following mailing of the notice:

- a. Owners of property across the street or alley from the subject property;
- b. Owners of property with frontage along the same street that has a common corner with or abuts the subject property;
- c. Owners of property with frontage along the same street that has a common corner with or abuts any properties listed in paragraphs a. or b. above;
- d. The Council member of the district where the subject property is located; and
- e. The Department of Transportation and Bureau of Engineering.
- f. Notification pursuant to Division 10.1. (Street Dedication and Improvement) shall also be provided to Advisory Agency members for waivers that require the modification of a map.
 - i. 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 *Div. 13B.7. (Division of Land)*.

2. Findings

The Director of Planning 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:

- a. The dedication or improvement requirement does not bear a reasonable relationship to any project impact.
- b. The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years, based on guidelines established by the Street Standards Committee.
- c. The dedication or improvement requirement is physically impractical.

3. Written Determination

The Director of Planning 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 Director of Planning. The Director of Planning shall mail the determination letter to all individuals to whom notice of the application was provided.

4. Appeal

Any person required to dedicate land or make improvements pursuant to Division 10.1. (Street Dedication and Improvement) may appeal the Director of Planning's decision to the Area Planning Commission. The appeal shall be filed within 15 calendar days of the date of mailing of the Director of Planning'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.

- a. 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 Sec. 10.1.10.A.1. (*Notice*).
- b. On appeal, the Area Planning Commission shall consider the waiver request *de novo* based on the findings set forth in Sec. 10.1.10.A.2. (*Findings*). 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.

B. Waivers for Discretionary Projects

1. 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 *Sec. 10.1.10.A.2. (Findings)*. The waiver request shall 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 tract 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 *Sec. 10.1.10.A.2. (Findings)*.

2. If the discretionary entitlement for a Project has already been approved prior to March 4, 2017, an applicant may apply for a waiver following the procedures in *Sec. 10.1.10.A. (Waivers for By-Right Projects)*.

C. Waivers for a Map Modification

Notwithstanding the Parcel, Tentative or Final Tract Map modification procedures set forth in *Article 13. (Administration)*, projects that have an approved or recorded map, and where the street standards for which the original dedication or improvements were revised after the map was either approved or recorded, may apply for a waiver from a street dedication or improvement using the procedures in *Sec. 10.1.10.A. (Waivers for By-Right Projects)*, with the Director of Planning acting for the Advisory Agency.

D. Exceptions

Projects located in a Hillside Area that seek to obtain a waiver from a required street dedication or improvement shall use the procedures described in *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, as applicable.

E. Authority of the City Engineer

Notwithstanding any other requirement of this Zoning Code (Chapter 1A), the City Engineer may waive or modify any condition of approval or other obligation related to public right-of-way improvement or dedication consistent with the General Plan Mobility Element without requiring any discretionary entitlement, including, but not limited to, a modification under *Sec. 10.1.10.C. (Waivers for a Map Modification)* and *Article 13. (Administration)*. Nothing in Division 10.1. (Street Dedication and Improvement) is intended to relieve applicants and the City of compliance with the Subdivision Map Act and State law.

SEC. 10.1.11. COST-SHARING FOR UNUSUAL IMPROVEMENTS

Upon proper application to the City Council and upon recommendation of the City Engineer, the City may accept and provide for contribution toward the cost of making any improvement required by the provisions of Division 10.1. (Street Dedication and Improvement) which the City Engineer determines will cost an amount greatly in excess of the cost to other property owners who are required to make improvements under the provisions of Division 10.1. (Street Dedication and Improvement) in the immediate vicinity of the improvement.

SEC. 10.1.12. **USE OF FUTURE STREETS AND ALLEYS**

No building or structure, except a fence, shall be erected or maintained on any portion of a lot which has been designated as a future street or future alley, as provided by Article 10 (Streets & Parks), nor shall any portion of said future street or future alley be used in providing minimum automobile parking required by the applied Development Standards District.

SEC. 10.1.13. CITY ENGINEER TO DETERMINE STREET ALIGNMENT

Whenever uncertainty exists as to the proper application of the provisions of Division 10.1. (Street Dedication and Improvement) in the matter of street alignment, the City Engineer shall determine their application in conformity with the spirit and intent of Division 10.1. (Street Dedication and Improvement).

SEC. 10.1.14. WRITTEN NOTIFICATION REQUIRED

When the City Engineer determines that the provisions of Division 10.1. (Street Dedication and Improvement) are applicable to any building permit application, the City Engineer shall inform the applicant of that determination, of the specific requirements of Division 10.1. (Street Dedication and Improvement) determined to be applicable, and of the availability and procedure for appeal of this determination to the City Council.

DIV. 10.2. **DEDICATION BY LEASE**

SEC. 10.2.1. **ELIGIBILITY**

A lessee holding a parcel of real property under a long-term lease may offer to dedicate or convey a street easement for the term of the lease only in satisfaction of the requirements of *Div. 10.1. (Street Dedication and Improvement)*, providing the following conditions are met.

- A.** Such lease is of record in the Office of the County Recorder, and the lessee certifies under penalty of perjury that, except for the rental provided for by such lease, the owners will receive no financial benefit or other income from the proposed development during the term of the lease.
- B.** The area of real property to be dedicated will be used for sidewalk only, and not for vehicular traffic or the installation of any subsurface or above surface lines, pipes or other public or private utility facilities, except for facilities that connect from the fully dedicated streets into the buildings to be constructed.
- C.** That notwithstanding that the adjacent public street is fully improved with all improvements as specified in *Sec. 10.1.2.C. (Requirement)*, the sidewalk will be fully constructed and all other necessary or desirable public improvements in the adjacent street will be fully constructed by the lessee as a part of its development on the leasehold estate, and the lessee shall post the requisite bonds to guarantee such construction.
- D.** The total value of the improvements to be constructed for which the dedication is required is \$3,000,000.00 or more, as determined by the Department of Building and Safety.

SEC. 10.2.2. **DEDICATION DOCUMENT**

The dedication of the leasehold estate for street purposes pursuant to Division 10.2. (Dedication by Lease) shall be a form of deed making specific reference to the document creating the leasehold estate and the deed shall convey only the leasehold rights. The City Engineer is authorized to accept such deeds and place same of record with the County Recorder of Los Angeles County without further authority of the City Council, upon the approval of such deed as to form by the City Attorney. Dedication of a leasehold estate for street purposes shall not be approved and no building permit shall be issued if the City Attorney determines that the granting of such public right will cause a forfeiture or termination of the leasehold rights in the area to be dedicated.

DIV. 10.3. PRIVATE STREET REGULATIONS

SEC. 10.3.1. INTENT

The intent of Division 10.3. (Private Street Regulations) is to prescribe rules and regulations governing the platting and division of land as lots or building sites which are contiguous or adjacent to private road easements; to provide for the filing and approval of private street maps; to provide for the approval of private road easements as private streets, to provide for the naming of private streets, and to require that lots or building sites which are contiguous or adjacent to private streets conform to the minimum requirements of this Zoning Code (Chapter 1A) before permits may be issued.

SEC. 10.3.2. APPLICABILITY

- A. No person shall plat or divide land as lots or building sites which are contiguous or adjacent to a private road easement and no person shall be granted a building permit for such a lot or building site unless a private street map has been first filed with and approved by the Director of Planning in accordance with the provisions of Division 10.3. (Private Street Regulations).
- B. When private streets have been laid out and designated as such to a recorded subdivision map or on a filed record of survey map, the provisions of Division 10.3. (Private Street Regulations) shall not apply thereto.
- C. When a developed residential lot or building site has its access driveway located within a private road easement that existed and was recorded prior to September 6, 1961, the private road easement is deemed to have been approved in accordance with the provisions of Division 10.3. (Private Street Regulations) and may be continued. Further, on such lot or building site, additions and modifications may be made to such dwelling, and accessory buildings may be erected on said lot if no additional dwelling units are created.

SEC. 10.3.3. SUBDIVISIONS

The provisions of Division 10.3. (Private Street Regulations) shall not be construed as authorizing the subdivision of land without fully complying with the provisions contained and set forth in *Article 11. (Division of Land)*. However, the provisions of Division 10.3. (Private Street Regulations) may be met by complying with the provisions of *Article 11. (Division of Land)* relating to subdivisions, without the necessity for filing a private street map in addition to the subdivision maps required by *Article 11. (Division of Land)*.

SEC. 10.3.4. PROCEDURE

See *Sec. 13B.7.7. (Private Street Map)*.

SEC. 10.3.5. PRIVATE STREET STANDARDS

All private streets, lots, or building sites shall conform to the following regulations:

A. **Boulevards, Avenues and Collector Streets**

The location, widths, and alignment of all private streets shall conform to the location, widths, and alignment of all boulevard, avenue, and collector streets designated on the Citywide General Plan Circulation System maps of the Mobility Plan Element; and to any proceedings for any public improvement; and to any subdivision map that has been tentatively approved.

B. **Local Street Alignment**

All private streets, as far as practical, shall be in alignment with existing public or private streets and their proper projections or prolongations, provided that where the property being divided into lots or building sites is large enough, a modified curve street layout may be permitted.

C. **Private Street Width**

All private streets shall be designed to conform with private street standards adopted by the City Planning Commission as provided in *Sec. 10.1.1. (Street Standards)*.

D. **Street Grades**

On hillside or mountain streets comprising a through route, a grade in excess of 6% shall not be permitted unless a grade not to exceed 8% will obviate an excessive curvature or eliminate excessive cuts. Grades of all streets shall be as low as possible, consistent with the advantageous development of the proposed platting and division of land. The grade of any street of more than local traffic needs shall not exceed 10%. No local street grade shall exceed 15%.

E. **Curves and Tangents**

A minimum centerline radius of at least 75 feet shall be used on winding mountain streets, a minimum centerline radius of at least 500 feet shall be used on all through traffic streets. In flat areas, curves on local streets shall have radii as long as possible, consistent with local conditions. The tangent distance between reversed curves shall not be less than 50 feet.

F. **Intersections**

Private street intersections shall be as nearly at right angles as practicable.

G. **Effect on Adjoining Property**

Private street layout shall be designed to provide access to and not impose undue hardship upon property adjoining the proposed division of lands.

H. **Cul-De-Sacs (Dead-End Streets)**

Cul-de-sacs shall be permitted only where through streets are not practical, or where good neighborhood design suggests their use. Adequate provisions for turning shall be made at the end of each cul-de-sac by providing a circle or other area with a minimum overall radius of 42 feet. In the case of unusual topographic conditions, a "T" or "Y" turn may be permitted. The legs of

the "T" or "Y" turn shall have a minimum paved surface 12 feet in width and 20 feet in length, the minimum radius between each leg and the street shall be 20 feet.

I. Rounding Block Corners

At all block corners, the property line shall be rounded or cut back. Intersection corners on the private street prolongation of boulevards, avenues, and collector streets shall be rounded with 20-foot radius curves and all other corners shall be rounded with 15-foot radius curves, provided that where business development is indicated, a diagonal cut-off substantially equivalent to rounding may be used in order to aid building construction, in which case at right-angle intersections a substantial equivalent shall be a 10-foot by 10-foot cutoff.

J. Improvements, Drainage and Sewage

1. All private streets and all lots and building sites laid out contiguous or adjacent to private streets shall have approved drainage facilities and the method for sewage disposal shall be approved by the Bureau of Engineering, Bureau of Sanitation, and the Los Angeles County Health Department.
2. All such private streets shall be graded and improved to an approved width and grade. The street grading and improvement shall include surface improvements, fire hydrants and water mains, catch basins, pipe culverts, sanitary sewers, where reasonably available, and storm drains, where required. Drainage easements shall be improved to an approved manner.
3. Boulevards, avenues, and collector streets shall be graded to an approved width and improved to an approved width and grade necessary for the general use of lot owners adjoining said private street and local neighborhood traffic and drainage needs.
4. Where street improvements, drainage or sewers are required to be constructed on a private street, plans and profiles showing the grades and the nature and extent of the required improvements shall be filed with the City Engineer for approval, the checking of plans, inspections, supervision, and other services rendered in connection with the construction of required improvements shall be accomplished under permits in accordance with the provisions of *Sec. 62.105 (Streets, Sidewalks and Other Improvements - Permits Required) of Chapter 6 (Public Works and Property) of the LAMC*.
5. Where improvements have been previously constructed in a private street, plans and profiles showing the grades, nature and extent of the existing improvements shall be filed with the City Engineer for their approval and the plans shall be checked and where additional construction is required, the additional construction shall be inspected and supervised, and all services rendered in connection with the existing or required improvements shall be accomplished under permit in accordance with the provisions of *Sec. 62.105 (Streets, Sidewalks and Other Improvements - Permits Required) of Chapter 6 (Public Works and Property) of the LAMC*.
6. Whenever a private street map or a portion of a map includes land that is within a local drainage district, the provisions and requirements of the ordinance establishing such district shall be complied with.

K. **Conformance To General Plan**

1. Each private street map shall be designed in compliance with the zoning applying to the property or approved by the City Council for change.
2. Each private street map shall substantially conform to all other elements of the General Plan as adopted by the City Council.

SEC. 10.3.6. **PRIVATE STREET SIGNS**

At or near the entrance of each intersection of a private street with a dedicated public street or with another private street, there shall be erected and maintained by applicant, a sign post to which is attached a sign, having an area of at least 15 inches by 21 inches, upon which is printed and clearly legible in at least 2-inch letters the name of the private street and the words "PRIVATE STREET," in at least one-inch letters the words "NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE CITY OF L.A. (LAMC Sec. 10.3.6)". The words, letters and figures of the sign shall be arranged in substantially the following manner:

(NAME OF STREET),
PRIVATE STREET
NOT DEDICATED FOR PUBLIC USE
OR MAINTAINED BY CITY OF L.A.
(LAMC Sec. 10.3.6)

SEC. 10.3.7. **DIRECTOR APPROVAL AND APPEALS**

See Sec. 13B.7.7. (*Private Street Map*).

SEC. 10.3.8. **PRIVATE STREET NAMES**

- A. Private street names shall be established or changed pursuant to procedures set forth in Division 10.3. (Private Street Regulations) in the event no private street map is required under Sec. 10.3.2. (*Applicability*) or Sec. 13B.7.7. (*Private Street Map*).
- B. Applications to establish or change the name of a private street shall be filed with the City Engineer. Applications shall be signed by a majority of the owners of properties abutting the private street or that portion of the street to be named or renamed, and be accompanied by:
 1. Payment of the required application processing fees;
 2. A map, drawn to scale, delineating the location, extent, width, and alignment of the private street, the approximate location and frontage dimensions of said lots on said street, and the location of existing public streets which it may ingress or egress; and
 3. Identity of the maker of the map, and the names and addresses of owners of record of property abutting the private street or that portion of the street to be named or renamed.

- C. The Council may initiate proceedings to name or rename a private street. In such event, the Council action shall be referred to the City Engineer. That office shall process the action in the manner set forth in paragraph E. below, and, if necessary or appropriate under the circumstances, shall prepare a map in the manner which satisfies the requirements set forth in *Sec. 10.3.8.B.2.*
- D. Where there is an application filed to name or rename a private street and no new private street map is required pursuant to *Sec. 13B.7.7. (Private Street Map)*, or there is a Council-initiated request, a private street may be named or renamed to a requested new name and the necessary documents recorded by the City Engineer with respect to the new name, pursuant to the following procedure:
1. The City Engineer shall determine whether the proposed new name or change of name of a street is in the public interest and will not create confusion, be misleading, or be unduly long or carry connotations offensive to good taste and decency.
 2. The City Engineer shall give notice of the proposed new street name or name change to the record owners and occupants of all real property abutting such private street. The notice shall designate the location of the private street or portion of the street to which the proposed new name is to apply. The street, or the affected portion of the street, shall be described in the notice with reference to other streets, and by the name or names, if any, which it bears or by which it, or any portion of it, may be or may have been known, and the notice shall also state the proposed new street name. The notice shall further set forth whether or not the City Engineer's determination recommends disapproval of the proposed name for reasons provided in *Sec. 10.3.8.D.1.*, and shall state that any written objections with respect to the proposed new name or name change or the City Engineer's recommendation, shall be filed with the City Engineer within 30 days after a date designated on the notice as applicable for said purpose, and that the objections shall be signed by each person so objecting.
 3. In the event any objections are filed within the 30-day time limit, or any objections are filed with respect to a City Engineer's recommendation of disapproval within the 30-day time limit, the City Engineer shall forward these, together with the City Engineer's determination and recommendations and the applicable file to the City Council. The City Council shall set the matter for hearing and the City Clerk shall thereupon notify by mail each person objecting to the proposed street name or to the City Engineer's recommendation of disapproval and inform that person of the time and place for hearing. At the time specified, the City Council shall hear all objections and shall thereafter approve or disapprove the proposed street name. The City Council's decision shall be final and conclusive.
 4. In the event no objections are filed with the City Engineer within 30 days of the date prescribed on the notice, and the City Engineer has not recommended disapproval of the proposed new name, the application for that name shall be deemed approved. In the event the City Engineer has recommended disapproval of the proposed name, and no objections to that recommendation have been filed, the application shall be deemed denied.
 5. If the new name is either approved by the City Council, or in the event no City Council hearing was required and the application is deemed approved, the new private street name

shall be effective and, the City Engineer shall cause any necessary indexing or recordation of documents to be accomplished and shall provide a copy of the determination to all City Departments rendering emergency service to the affected properties and to the United States Postal Service.

- E. The approval or deemed approval of a private street name as provided for in Division 10.3. (Private Street Regulations) is not, and shall not be construed to be, an acceptance of a private street as a public street, nor shall it create any public warranty or liability or legal status as a public street, nor should it be so construed.

DIV. 10.4. **PARKS FEES & DEDICATIONS**

SEC. 10.4.1. **INTENT**

New dwelling units increase demand on existing park and recreational facilities and create the need for additional facilities. The intent of Division 10.4. (Parks Fees & Dedications) is to enable the acquisition of land and the collection of fees to be used for the purpose of developing new or rehabilitating existing recreational facilities in order to create a healthy and sustainable city.

SEC. 10.4.2. **TYPES OF FEES**

The type and amount of park and recreation impact fees associated with a project depends on the type of project being developed. Subdivision projects consisting of more than 50 dwelling units are subject to a Quimby in-lieu fee. All other residential projects are subject to a park mitigation fee. Collectively, these fees are referred to in this Zoning Code (Chapter 1A) as park fees.

SEC. 10.4.3. **APPLICABILITY**

All new dwelling units and joint living and work quarters shall be required to dedicate land, pay a fee or provide a combination of land dedication and fee payment for the purpose of acquiring, expanding, and improving park and recreational facilities for new residents. For the purposes of Division 10.4. (Parks Fees & Dedications), dwelling units, accessory dwelling units, junior accessory dwelling units, and joint live and work quarters shall be referred to as dwelling units.

A. Residential Subdivision Projects That Contain More Than 50 Dwelling Units

A subdivision containing more than 50 dwelling units shall be required to participate in an early consultation with the Department of Recreation and Parks and Department of City Planning pursuant to Sec. 10.4.4. (Residential Subdivision Projects with More than 50 Dwelling Units) and may be required to dedicate land, make park improvements, pay a park fees or provide a combination of land dedication and park fee payment.

B. All Other Residential Projects

For residential subdivision projects containing 50 or fewer dwelling units or for non-subdivision residential projects that are seeking a building permit for a project application that contains any number of net new dwelling units, the project shall pay a park fee pursuant to Sec. 10.4.5. (Residential Subdivisions with 50 Dwelling Units or Fewer, Non-Subdivision Residential Projects, or Residential Subdivisions with more than 50 Dwelling Units that are not Dedicating Land). Applicants may choose to dedicate land or new park and recreational facilities, or improve existing park and recreational facilities in lieu of payment of a park fee.

C. Exemptions

The following types of development shall not be required to pay a park fee:

1. Modifications, renovations or additions to an existing residential building or structure where no additional dwelling units are created.
2. Replacement of existing dwelling units on the same lot resulting in no net increase of dwelling units.
3. The replacement of a destroyed or partially destroyed or damaged building or structure where no additional dwelling units are created.
4. Affordable housing pursuant to Sec. 10.4.7. (*Affordable Housing Exemption*).
5. Accessory dwelling units and junior accessory dwelling units.
6. Non-residential development.

SEC. 10.4.4. **RESIDENTIAL SUBDIVISION PROJECTS WITH MORE THAN 50 DWELLING UNITS**

A. **Early Consultation**

Applicants shall meet with the Department of Recreation and Parks and Department of City Planning staff in advance of submitting a subdivision application for a project of more than 50 dwelling units. The intent of this early consultation is to discuss the potential land dedication requirements of the project and to discuss credits available to the applicant, if any. The Department of Recreation and Parks shall provide written verification of the consultation to the project applicant within 10 business days of the meeting. Written verification of this consultation shall be required before the Department of City Planning accepts an application for a tentative subdivision.

B. **Formula for Park Land Dedication**

1. The Department of Recreation and Parks shall calculate the amount of land to be dedicated by determining the number of net new, non-exempt, pursuant to Sec. 10.4.3.C. (*Subject Properties; Exempt*), dwelling units in the proposed project and multiply that number by the average number of people per occupied dwelling unit and multiplying that by the park service factor:

$$LD = (HU \times P) \times F$$

LD: Land to be dedicated in acres.

HU: Total number of new market-rate dwelling units.

P: Average number of people per occupied dwelling unit as determined by the most recent version of the U.S. Census for the City of Los Angeles.

F: Park service factor, as indicated by the Department of Recreation and Parks rate and fee schedule.

2. Any land dedication for park and recreation purposes shall not be deducted from a site's lot area when calculating project density.
3. If after recording the final tract map there is an increase in the number of dwelling units to be built or a change in the number or type of dwelling units designated, which increases the number of persons served by the subdivision, the project applicant shall be required to dedicate additional land or pay additional fees, as determined by the Department of Recreation and Parks and the Department of City Planning.

C. Park Land Dedication Radius

Any land dedication for park and recreation purposes shall be located within a certain radius from the project site, as specified below:

1. Neighborhood Park: within a 2-mile distance
2. Community Park: within a 5-mile distance
3. Regional Park: within a 10-mile distance

D. Review of Land Dedication

1. Upon receiving the project application for a subdivision, the Department of City Planning shall transmit the project application that involves a proposed land dedication to the Department of Recreation and Parks.
2. After receipt of the project application, the Department of Recreation and Parks shall determine whether the land dedication proposal complies with the Department of Recreation and Park's existing park and recreation standards and requirements.
3. If the Department of Recreation and Parks determines that the land dedication proposal meets the standards and requirements of the department, the General Manager of the Department of Recreation and Parks shall prepare a report to the Board of Recreation and Parks Commissioners regarding the proposed dedication. The Board of Recreation and Parks Commissioners may accept or decline the land dedication.

E. Payment of Park Fee

If the project is not required to dedicate land park and recreational purposes, the project applicant shall pay a park fee pursuant to *Sec. 10.4.5. (Residential Subdivisions with 50 Dwelling Units or Fewer, Non-Subdivision Residential Projects, or Residential Subdivisions with more than 50 Dwelling Units that are not Dedicating Land)*.

SEC. 10.4.5. **RESIDENTIAL SUBDIVISIONS WITH 50 DWELLING UNITS OR FEWER, NON-SUBDIVISION RESIDENTIAL PROJECTS, OR RESIDENTIAL SUBDIVISIONS WITH MORE THAN 50 DWELLING UNITS THAT ARE NOT DEDICATING LAND**

A. **Fees and Fee Schedule**

The park fee amount depends on the type of project. The Department of Recreation and Parks shall collect these fees pursuant to *Sec. 19.17. (Park Fee) of Chapter 1 (General Provisions and Zoning) of the LAMC* and the Department of Recreation and Parks rate and fee schedule.

B. **Fee Calculation**

The Department of Recreation and Parks shall calculate the amount of the park fee due for each residential development project by determining the number of new non-exempt dwelling units, pursuant to *Sec. 10.4.3.C. (Exemptions)*, in the proposed project and multiplying the number of dwelling units by the park fee amount per dwelling unit according to the following formula:

$$\text{Project Park Fee} = \text{HU} \times \text{PRF}$$

HU: Total number of new, non-exempt dwelling units, pursuant to *Sec. 10.4.3.C. (Exemptions)*

PRF: Park Fee per Dwelling Unit

C. **Fee Expenditure Radius**

Recreational sites and facilities shall be located within a certain radius from the project site, as specified below:

1. Neighborhood park: within a 2-mile distance.
2. Community park: within a 5-mile distance.
3. Regional park: within a 10-mile distance.

D. **Indexing**

Any fee imposed by Division 10.4. (Parks Fees & Dedications) shall be adjusted on July 1st of each year by a percentage equal to a weighted average of the annual percentage change in:

1. The Construction Cost Index for Los Angeles, as published by Engineering News Record, or its successor publication, for the 12 month period between March in the year in which the adjustment is made and the month of March in the immediately preceding year; and
2. The annual percentage change in the Median Home Sales Price for the City of Los Angeles, as published by CoreLogic, or its successor publication, for the 12-month period between March in the year in which the adjustment is made and the month of March in the immediately preceding year.

E. Fee Payment Timing

1. Residential Subdivision Projects

The park fee for residential subdivisions shall be calculated and collected prior to final subdivision map approval. Subdivision maps that are phased or unitized may be calculated and paid in phases permitting that the phased map and the number of dwelling units on each phased map has been confirmed by the Advisory Agency.

2. Residential Non-Subdivision Projects

For other residential development projects, the park fee shall be calculated and collected prior to the issuance of the Certificate of Occupancy.

SEC. 10.4.6. PARK FEE AS ADDITIONAL REQUIREMENT

The park fee enacted by Division 10.4. (Park Fees & Dedications) is a fee imposed on residential development projects reflecting each project's proportionate share of the cost of providing park land and improvements necessary to meet the needs created by each respective development. As such, the park fee is additional and supplemental to, and not in substitution of, lot amenity space or residential amenity space required by this Zoning Code (Chapter 1A), a Specific Plan, or any other planning document.

SEC. 10.4.7. AFFORDABLE HOUSING EXEMPTION

- A. Notwithstanding any other provision contained in Division 10.4. (Park Fees & Dedications), new dwelling units which are rented or sold to persons or households of very-low, low or moderate income shall receive an affordable housing exemption from the park fee and land dedication requirement.
 - 1. A restricted affordable housing unit shall receive an exemption from the requirement for dedication of land for park and recreational purposes or payment of the park fee if the restricted affordable housing unit is affordable to a household at or below 120% of AMI.
 - 2. In projects with a mix of market-rate and restricted affordable housing units, only the restricted affordable housing units shall receive this exemption.
- B. For any restricted affordable housing unit qualifying for an exemption, a covenant acceptable to the Los Angeles Housing and Community Investment Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 55 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program. For any restricted affordable housing unit qualifying for an exemption that has a recorded covenant with the Los Angeles Housing and Community Investment Department (HCID), the project will record a covenant with the Department of Recreation and Parks in order to be exempt from the required Park Fee.

- C. The Los Angeles Housing and Community Investment Department shall evaluate the project to ensure it meets the above requirements and shall advise the Department of Recreation and Parks and the Department of City Planning about whether the project meets those requirements.
- D. Should any qualifying restricted affordable housing unit cease to operate as a qualifying restricted affordable housing unit before the 55-year period has expired, HCID shall notify the Department of Recreation and Parks, and the parks fee for each said dwelling unit shall be paid to the City at the then-current rate.

SEC. 10.4.8. CREDITS

A. Public Land Dedication or Improvement to Dedicated Land

1. Public Land Dedication

In lieu of paying the park fee or any portion of the park fee, land may be dedicated to the City of Los Angeles for public park and recreational purposes, at the City's option. This may be with or without recreational facility improvements. The amount of land to be dedicated shall be determined pursuant to one of the following formulas, and credit shall be granted, square foot for square foot, for any land dedicated to the City:

a. Subdivision Projects:

$$LD = (HU \times P) \times F1$$

LD: Land to be dedicated in acres.

HU: Total number of net new, non-exempt, pursuant to *Sec. 10.4.3.C. (Subject Properties; Exempt)*, dwelling units.

P: Average number of people per occupied dwelling unit as determined by the most recent version of the U.S. Census for the City of Los Angeles.

F1: Park service factor for subdivision projects, as indicated by the Department of Recreation and Parks rate and fee schedule.

b. Non-Subdivision Projects:

$$LD = (HU \times P) \times F2$$

LD: Land to be dedicated in acres.

HU: Total number of net new, non-exempt, pursuant to *Sec. 10.4.3.C. (Subject Properties; Exempt)*, dwelling units.

P: Average number of people per occupied dwelling unit as determined by the most recent version of the U.S. Census for the City of Los Angeles.

F2: Park service factor for non-subdivision projects, as indicated by the Department of Recreation and Parks rate and fee schedule.

2. Improvement to Dedicated Land

In lieu of paying the park fee or dedicating land, or any portion thereof, the City may permit improvements to be made to dedicated City parkland, or land being dedicated as a City park or recreational facility.

3. General

- a. The total amount of credits shall not exceed 100 percent of the calculated requirement for the park fee or land dedication.
- b. Credit shall be granted for the property dedicated pursuant to Division 10.4. (Park Fees & Dedications), dollar for dollar, in satisfaction of any park fee required to be paid. The cost and subsequent credit should bear a reasonable relationship to an independent assessment of the construction cost for the facility, such as the estimates provided by RSMMeans Building Construction Cost Data or similar measure. Credits may be awarded for on-site or off-site land dedication or park improvements.
- c. The Department of Recreation and Parks shall determine whether the proposal complies with the department's park and recreational standards and requirements. If the Department determines the proposal meets the department's standards and requirements, the General Manager of the Department of Recreation and Parks shall prepare a report to the Board of Recreation and Parks Commissioners regarding the proposed dedication or improvement. The Board of Recreation and Parks Commissioners may accept or decline the land dedication, new park and recreational facility, or improvement to existing park and facilities.
- d. If the dedication or improvement is accepted by the Board of Recreation and Parks Commissioners in lieu of the park fee or land dedication, or any portion thereof, the City shall reduce or waive the fee, or land dedication, or any portion thereof, upon dedication of the property or guarantee of the improvement. The guarantee of the improvement shall be to the satisfaction of the Department of Recreation and Parks and shall be by a deposit with the Department of Recreation and Parks of an irrevocable deposit instrument issued by a bank, savings and loan association or other depository whose deposits are insured by an instrumentality of the federal government. The deposit shall be fully insured by such instrumentality. The deposit instrument shall be in a form that permits collection by the City of Los Angeles at maturity without further consent of any other party.

B. Privately Owned Park and Recreational Facilities

Where facilities for park and recreational purposes are provided in a proposed residential development and such facilities will be privately owned and maintained by the future owners of the development, the areas occupied by such facilities shall be partially credited against the requirement of dedication of land for park and recreational purposes or the payment of a park fee thereof, provided that the following standards are met to the satisfaction of the Department of Recreation and Parks: (1) that each facility is available for use by all the residents of the residential

development; and (2) that the area and the facilities satisfy the recreation and park needs of the residential development so as to reduce the need for public recreation and park facilities to serve the project residents.

1. The amount of credits for non-publicly accessible park and recreational facilities shall not exceed 35 percent of the calculated requirement for the park and recreation impact fee or land dedication. Credits may be awarded for on-site or off-site private facilities.
2. The amount of credits for publicly accessible, privately maintained park and recreational facilities shall not exceed 100% of the calculated requirement for the park and recreation impact fee or land dedication. Credits may be awarded for on-site or off-site private facilities.
3. Private park and recreational facilities shall include a variety of active and passive amenities, as determined by the Department of Recreation and Parks.
4. Credit shall be granted, dollar for dollar, for any recreational and park impact fees required to be paid for the property pursuant to Division 10.4. (Park Fees & Dedications), as determined by the Department of Recreation and Parks. The cost and subsequent credit should bear a reasonable relationship to an independent assessment of the construction cost for the facility, such as the estimates provided by RSMeans Building Construction Cost Data or similar.
5. Credits shall not be given for any lot amenity space or residential amenity space required to be maintained by this Zoning Code (Chapter 1A), Specific Plan, or any other planning document.
6. The granting of credits shall also be subject to the following:
 - a. The private ownership and maintenance of the facilities shall be adequately provided for by written agreements; and
 - b. The use of the private facilities, whether publicly or non-publicly accessible, is restricted for park and recreational purposes by recorded covenants acceptable to the Department of Recreation and Parks which run with the land and which cannot be defeated or eliminated without the consent of the City Council; and
 - c. The proposed facilities are reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land; and
 - d. The proposed non-public facilities are available for use by all the residents of the proposed residential development; and
 - e. Any proposed publicly accessible, privately-maintained park and recreational facilities are accessible for use by the general public with no discrimination between residents and non-residents, are open at hours comparable to those of City parks and facilities, and have appropriate signage indicating that the space is public; and
 - f. The facilities are in substantial accordance with, and meet the policies and standards for, the development of park and recreational facilities.

C. Dwelling Unit Construction Tax Credit

A credit shall be allowed whenever a dwelling unit construction tax previously has been paid pursuant to *Sec. 21.10.3. (Dwelling Unit Construction Tax) of Chapter 2 (Licenses, Permits, Business Regulations) of the LAMC* for dwelling units constructed on land for which a fee is required to be paid in accordance with the provisions of Division 10.4. (Park Fees & Dedications). Said credit shall be equal to the amount of the tax previously paid, but shall not exceed the amount of any fee required to be paid under the provisions of Division 10.4. (Park Fees & Dedications).

D. Credit Request Timing

The project applicant shall submit any requests for credit, and the Department of Recreation and Parks may only approve such requests, prior to the approval of the Final Tract Map or prior to the date of final inspection, or the date of the Certificate of Occupancy, whichever is earliest and applicable, and prior to the dedication of any land or payment of any park fee.

SEC. 10.4.9. PARK FEE ACCOUNT AND ACCOUNTING

A. Park Fee Account

The City of Los Angeles establishes a separate park and recreation fee trust fund account ("account") to which any park fee collected by the City shall be posted. The funds of the account shall not be commingled with any other funds or revenues of the City. Any interest accrued by the account shall be used solely for the purposes of park and recreational facility acquisition, addition, and improvement.

B. Park Fee Accounting

Within 180 days after the last day of each fiscal year, the Department of Recreation and Parks shall report to the Board of Commissioners of Recreation and Parks on the amount of the fee income (including interest income), expenditures, status of the trust fund account, and interfund transfers. The Department of Recreation and Parks shall also report on each of the park and recreational facilities on which fees were committed in the last fiscal year and the approximate date by which the construction of the park and recreational facilities will commence. The City shall maintain accounts and prepare reports in accordance with *California Government Code Section 66001*.

C. Refund of Fees Under the Government Code

1. Park fees collected pursuant to Division 10.4. (Park Fees & Dedications) shall be committed by the City within five years of receipt of payment for a residential development project to serve or benefit residents of the project for which the fees were collected.
2. If the fees are not committed as specified in Division 10.4. (Park Fees & Dedications), Quimby fees shall be refunded in accordance with *California Government Code Section 66477*. All other park fees shall be refunded in accordance with *California Government Code Section 66001*.

D. Other Refunds

In the event that an applicant requests a refund for reasons not set forth in *California Government Code Sections 66001* or *California Government Code Sections 66477*, or their successor sections, if any, the applicant shall submit a claim for a refund with the Department of Recreation and Parks. Upon the Department of Recreation and Park's determination, the fee payer may receive a refund, without interest, of the fees paid pursuant to Division 10.4. (Park Fees & Dedications); however, the portion of any fee revenue received by the City as reimbursement of its costs in administering the provisions of Division 10.4. (Park Fees & Dedications) shall not be refunded. The fee payer shall submit an application for a refund to the City within one year of payment. Failure to timely submit the required application for refund shall constitute an absolute waiver of any right to the refund.

SEC. 10.4.10. USE OF PARK FEES OR LANDS DEDICATED PURSUANT TO THIS SECTION

- A.** The dedicated lands or park fees collected pursuant to Division 10.4. (Park Fees & Dedications) shall be used for the acquisition, improvement, and expansion of public parks and recreational facilities. The fees shall be committed and expended in accordance with the provisions and procedures established in Division 10.4. (Park Fees & Dedications). The park fee may be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by, or on behalf of, the City to finance such park and recreational facility improvements; and any administrative costs incurred by the City in accordance with Division 10.4. (Park Fees & Dedications).
- B.** Interest accrued on Quimby in-lieu fees collected pursuant to Division 10.4. (Park Fees & Dedications) may be applied outside the project development for which the original fees were collected, provided that the Department of Recreation and Parks holds a public hearing prior to committing the interest, and uses the interest to develop new or rehabilitate existing neighborhood or community parks or recreational facilities within the City. All such public parks and recreational facilities shall comply with the principles and standards set forth in the General Plan.
- C.** The park or recreational facilities acquired, improved or expanded shall be publicly accessible and serve or benefit the project that dedicated the land or paid the fees.

