

6. Highway Dedication

6.1 Highway Dedication Description and Purpose

The Highway Dedication procedure allows the Bureau of Engineering to obtain necessary public street right-of-way from private property owners to meet City Standards. Every street in the City of Los Angeles is classified according to its prescribed transportation use. The categories include Major and Secondary Highways, Collector Streets, and various classifications of local and hillside streets. Each type of street has a required right-of-way width, roadway width, and sidewalk width.

In order to enforce these requirements, the Bureau of Engineering has the authority to obtain the necessary right-of-way from private property owners when the properties are developed. One of two methods of obtaining the necessary right-of-way occurs through a Highway Dedication clearance on a Department of Building and Safety Building Permit Application (B&S Application). In addition to the right-of-way dedication, the private property owner may be required to make necessary improvements such as roadway widening and installation of curb, gutter, curb ramps, and sidewalk. If the existing public right-of-way is already fully improved, the private property owner is requested to construct additional sidewalk over the newly dedicated property, repair or replace broken and off-grade sidewalk, and close unused driveways.

No such dedication for any highway, collector street, or any street shall be required when the City Engineer, based on guidelines established by the Streets Standards Committee, finds that any additional dedication is not necessary to meet the mobility needs for the next twenty years. The waiving of any dedication must be documented using the Highway Dedication Waiver Form (copy at end of chapter) in accordance with the procedure outlined by the Street Standard Committee dated December 8, 2000. This form is not complete without concurrence from the Department of Transportation and notification of the Councilmember of the district where the property is located.

The second method of obtaining dedications and improvements is when the property owner applies for any entitlement or other discretionary action through the City of Los Angeles Planning Department. Although these requirements are also based on the street classifications and standards, they are required under a different authority. Thus they will not be addressed in this manual.

City's Authority for the Highway and Collector Street Dedication and Improvement

Los Angeles Municipal Code (LAMC), Section 12.37, requires that no building permit be issued for any lot in an R3 or less restrictive zone, or any lot in the RD1.5, RD2, or RD3 zones, if such lot abuts a major or secondary highway or

collector street unless the half right-of-way has been dedicated and improved to meet City standards for the full width of the lot to the satisfaction of the City Engineer. If the property also abuts a local street, that local street shall also be fully dedicated and improved.

Exceptions

- 1) The maximum area of land required to be 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.
- 2) The dedication shall not reduce the lot below a width of 50 feet or an area of 5,000 square feet.
- 3) Dedications shall not be required for construction of single-family dwellings with customary accessory buildings when erected on a vacant lot.
- 4) Dedications shall not be required for construction of additions and accessory buildings incidental to a legally existing residential building, provided no additional dwelling units or guest rooms are created.
- 5) Dedications shall not be required for 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.

LAMC Section 91.109.3 requires the property owner to obtain clearance from the Bureau of Engineering for a Certificate of Occupancy.

LAMC Section 91.106.4.7 requires property owners of lots within 100 feet of an intersection to construct a corner curb ramp at said intersection before receiving a building permit.

How long does it take to complete the Highway Dedication Process?

A determination of required dedication can be made over the counter in 5 to 15 minutes. If no dedication or improvements are required, the B&S Building Application clearance will be completed immediately. If it is determined that dedication and or improvements are required, it can take up to one month to determine what improvements will be required. Once the applicant submits all required paperwork accompanying the letter of intention to dedicate, The Bureau of Engineering will clear the B&S Application "with conditions". This allows the applicant to proceed with construction while the process is being completed. It can take up to one year for the entire process, but it is most commonly done in four to six months. However, once the necessary public improvements are made, and the inspector signs off on the work, the Bureau of Engineering will issue the clearance for the Certificate of Occupancy.

6.2 General Conditions or Requirements

Dedication and Improvement Standards

In accordance with "Standard Plan S-470-0, Effective November 10, 1999".

Major Highways – Class 1 shall be dedicated to a width of 126 feet, with 102 feet of roadway, curb, gutter, and a 12-foot sidewalk on each side. At intersections with other major highways, an additional 10 feet of dedication and roadway is required for a Standard Flare Section.

Major Highways – Class 2 shall be dedicated to a width of 104 feet, with 80 feet of roadway, curb, gutter, and a 12-foot sidewalk on each side. At intersections where dual left turn lanes are necessary, an additional 10 feet of dedication and roadway is required.

Secondary Highways shall be dedicated to a width of 90 feet, with 70 feet of roadway, curb, gutter, and a 10-foot sidewalk on each side.

Collector Streets shall be dedicated to a width of 64 feet, with 44 feet of roadway, curb, gutter, and a 10-foot sidewalk on each side.

All streets not designated as major or secondary highways or collector streets, but that intersect said highways shall be dedicated to a maximum width of 60 feet, with a 40-foot roadway, curb, gutter, and a 10-foot parkway/sidewalk on each side. The sidewalk must be at least 5 feet wide, with the parkway making up the remainder of the 10 feet.

All improvements shall be done in accordance with the current applicable provisions of the Standard Specifications for Public Works Construction adopted by the City Council.

Appeals

Any person required to make improvements under the provisions of LAMC Section 12.37 may appeal any determination made by the City Engineer in the enforcement or administration of the provisions to the City Council. Such appeal shall be made in writing, shall state clearly the reasons for the appeal, and shall be accompanied by a \$708 filing fee.

The City Council may grant waivers or modifications to the determinations to prevent any unreasonable hardship under the facts of each case so long as each such modification or waiver is in conformity with the general spirit and intent of the requirements of this section.

6.3 Standard Fees

The following are some of the common fees charged for highway dedication. The fees are due when submitting the Letter of Intention to dedicate.

Basic Investigation Fee	\$276.00
Real Estate Transfer Documents	\$1,689.00
Repair/Improvement Bonding Fee	\$270.00
R3 Dedication – Appeals.....	\$708.00

Inspection Fees

Inspection fees for the required improvements will be collected under the A-Permit or B-permit.

6.4 How to Apply for Highway Dedication

1. Job Location

The first step in determining highway dedication requirements is to identify the location where the work will be performed. The work location is identified by the customer and confirmed by City staff. City staff use Navigate LA (<http://navigatela.lacity.org>) to identify the legal description of the parcel. This information is matched to the permit address database.

2. Process

(a) Apply in person

Go to the District Office in which the project is located (See Section 3 of this Manual for locations) and request the highway dedication counter. If a Building Permit application has been submitted, make sure to have the number with you. If an application has not been submitted, give the permit staff sufficient information about your project to make the determination. This includes address, type of construction, and the zoning of the lot. Also indicate whether the proposed project has a discretionary action (Zoning Administrator case, Conditional Use Permit, a new Tract or Parcel Map, etc.)

If it is determined that the property is not subject to LAMC Section 12.37, the Highway Dedication clearance of the B&S Application will be issued or the applicant will be told that no dedication is required.

(b) Submit fees and documentation

— If the property is subject to the highway and collector street dedication and improvement requirements, the applicant must pay the investigation fee and real estate transfer documents fee (dedication processing fee), and submit a current copy of an original preliminary Title Report/Title Insurance Policy showing current ownership and encumbrance (issued within the previous six months), along with a copy of the Building Permit Application. All written correspondence will be sent to the address on the Building Permit Application. Please make sure this is the address is the correct address for correspondence.

Any Title Reports or Title Insurance Policies issued more than six months before the date of submittal must be accompanied by a current Lot Book Report, which is obtainable from any Title Company. If the property involved has a lessee or partnership, the contract or agreement between the lessee or partnership must be submitted along with the Title Report/Title Insurance Policy.

The fees for highway dedication and investigation are not refundable after the engineering services have been rendered and the documents have been signed by the owner and recorded with the county.

(c) Determination of improvements

If the existing right-of-way is not improved or if existing improvements do not meet City standards, the applicant may be required to construct improvements such as roadway, curb, gutter, and sidewalk. If the existing right-of-way is fully improved, the required improvements may include repair and/or replacement of sidewalk, planting of trees, installation of tree well covers, construction of driveway approaches, and filling in the dedicated area with concrete. The District office will perform a field investigation and determine what improvements are required. A letter will then be sent to the applicant describing the required dedications and improvements.

(d) Document processing

After the applicant submits all required information, the BOE will write the legal description for the proposed dedication and prepare real estate documents for the property owner, beneficiary, and any person/company who have a vested interest in the property to sign and properly notarize. Two copies of these documents will be sent to the applicant.

The applicant must properly sign and notarize the documents and return them to the District Office. The BOE will then complete the remainder of

the process, which involves sending copies to be recorded, getting City Planning and City Council approval, and getting the final documents recorded with the County of Los Angeles.

(e) Construction of Improvements

After the applicant submits the signed and notarized documents, the BOE will clear the Building Permit Application and the applicant can begin construction of the improvements. However, an A-Permit or B-Permit must be obtained before any work can begin. See Section 4 and Section 5 for applicability and details on how to apply.

Once the Contract Administration Inspector of the Department of Public Works has verified the satisfactory completion of the improvements, the BOE will issue the Certificate of Occupancy clearance at the appropriate permit counter (Sewer, A-permit, or B-Permit Counter).

6.5 How to Process a Highway Dedication

The following list of items has been prepared for use by BOE staff to process a highway dedication.

Determination of Applicability Under LAMC Section 12.37

- (a) Confirm the zone. If the project is zoned R1, R2, RE or RA and there is no indication of a zone change pending, issue the Highway Dedication clearance for the B&S application and state exempt in the computer.
- (b) If the existing zone is R3 or less restrictive (i.e., commercial or industrial), determine the project address and verify the designation on the General Plan of Street and Highway Designation Map or through the computer using Navigate LA. If the street is designated as a local street, and the property does not also front a secondary or major highway, sign off the clearance on the B&S permit application and state exempt in the computer. If dedication is required, do not sign off the clearance. Hand out the Highway Dedication Procedures document and describe the required fees and documents to clear the B&S application.
- (c) If the property in question is designated at R1 or R2, but the proposed structure indicates that it is going through a zone change, indicate on the permit application "No highway dedication is required under LAMC Section 12.37 because of existing zone. However, dedication will be required under the zone change if the street is substandard."
- (d) If the applicant indicates that the proposed project has a discretionary action (ZA, CPC, TRACT, CUP), then check with the Land Development Section to

make sure the dedication has been completed and make sure that a bond has been posted with the B-permit Section for the required improvements. If these two conditions have been met, then sign off the highway dedication clearance of the B&S application. If not, then direct customer to Land Development Section to initiate the appropriate process.

- (e) If the lot size is less than 5000 square feet, then no dedication will be required. The amount of dedication will be such that it will not reduce the area of the lot to less than 5000 square feet. Also, limit the amount of dedication so that the total width of a lot is not less than 50 feet. Public Works improvements may still be required. Do not sign off the clearance of the B&S application until the improvements have been completed or a bond has been posted to guarantee the completion of construction.

Determination of Dedication

- (a) Make a copy of the building permit application that shows the owner's name, address, legal description, zone, and proposed construction.
- (b) Determine the required dedication based on the Standard Street Dimensions, Standard Drawing S-470-0, dated October 1999. In no event shall such dedication reduce the lot below a width of 50 feet or an area of 5,000 square feet.
- (c) Make a copy/print of the district map and sketch the proposed dedication.
- (d) Make sure the date of the title report being submitted is less than 6 months from the present date.
- (e) Have the applicant write down his/her mailing address on the slip provided. If the address is different from the address on the Building Permit Application, then request the correct mailing. This is required for mailing the documents that will be prepared by BOE.
- (f) Write out a receipt form and collect the necessary fees, then hand deliver the receipt and fee to the BOE cashier for processing. Leave a copy of the receipt in the file and give the original receipt to the applicant.
- (g) Inform the applicant that we will write the legal description for the proposed dedication and prepare real estate documents for the property owner to sign and properly notarize. The applicant will also be notified of the required improvements.
- (h) After the documents are collected, fill out the status form from the computer with the pertinent data. Print the status form and place in the file.

- (i) Do not clear the B&S Building Permit Application as "approved" until the dedication and improvements are completed.

Determination of Improvements

- (a) Prepare a site investigation form.
- (b) Perform a field investigation to determine necessary improvements such as repair and/or replacement of broken and offgrade sidewalk, construction of driveway approach, constructing sidewalk over dedicated area, installing tree well covers, etc.
- (c) If the property is a corner lot, construction of an access ramp at the corner will be a required improvement.
- (d) Open the status form on the computer and fill in the Improvements section with the information obtained from the field investigation.

Documentation

- (a) Write a letter to the applicant stating the required dedication and improvements.
- (b) If the applicant has submitted the Real Estate Transfer Document Fee (Highway Dedication Fee), prepare the Real Estate documents for signature and notarization. Make two copies of the original documents. Put one copy in the file and send the other copy, along with the original, to the applicant.
- (c) When the applicant submits the properly signed and notarized documents, send the original and a copy to the Real Estate Section for recordation. The Irrevocable Offer to Dedicate document will be stamped with an instrument number and dated by the Los Angeles County Records Office. This document will be mailed back to BOE by the Real Estate Section after it has been recorded.
- (d) The recorded document should be noted in the status form for office record. Write down the date it was recorded and the instrument number.
- (e) Prepare a Resolution for the Department of City Planning approval. The instrument number and date of recordation will be incorporated into the Resolution form.
- (f) Mail the Resolution, a Planning memo that includes which Planning District the project is located in, and a District Map to:

Department of City Planning
200 N Spring Street, Mail Stop 395
Attn: Gabriele Williams

- (g) The Department of City Planning should send back the original Resolution and District Map with an attached Department of City Planning Recommendation Report. The package should be returned to BOE within 50 days, per LAMC Section 15D. If the documents are not returned within 50 days, an Accelerated Review C document should be initiated.
- (h) After the Department of City Planning has approved the resolution (or not responded for at least 50 days), prepare an Accelerated Review C package. This package shall include the Resolution, Approval for Accelerated Processing Direct to City Council, the District Map, and the Department of City Planning Recommendation Report, if applicable.
- (i) District Engineer may sign the resolution for the City Engineer.
- (j) Send the package to the Administrative Division for City Council approval. Make a note in the Status Form regarding the date it was sent to the Administrative Division.
- (k) Once the City Council approves the Resolution, the document will be sent to the Real Estate Section for recordation in the County of Los Angeles. After recordation, a copy will be mailed to the BOE District office for the file.

Certificate of Occupancy Sign Off

The highway dedication clearance for the Certificate of Occupancy can be issued prior to the completion of the documentation, provided the following conditions have been met:

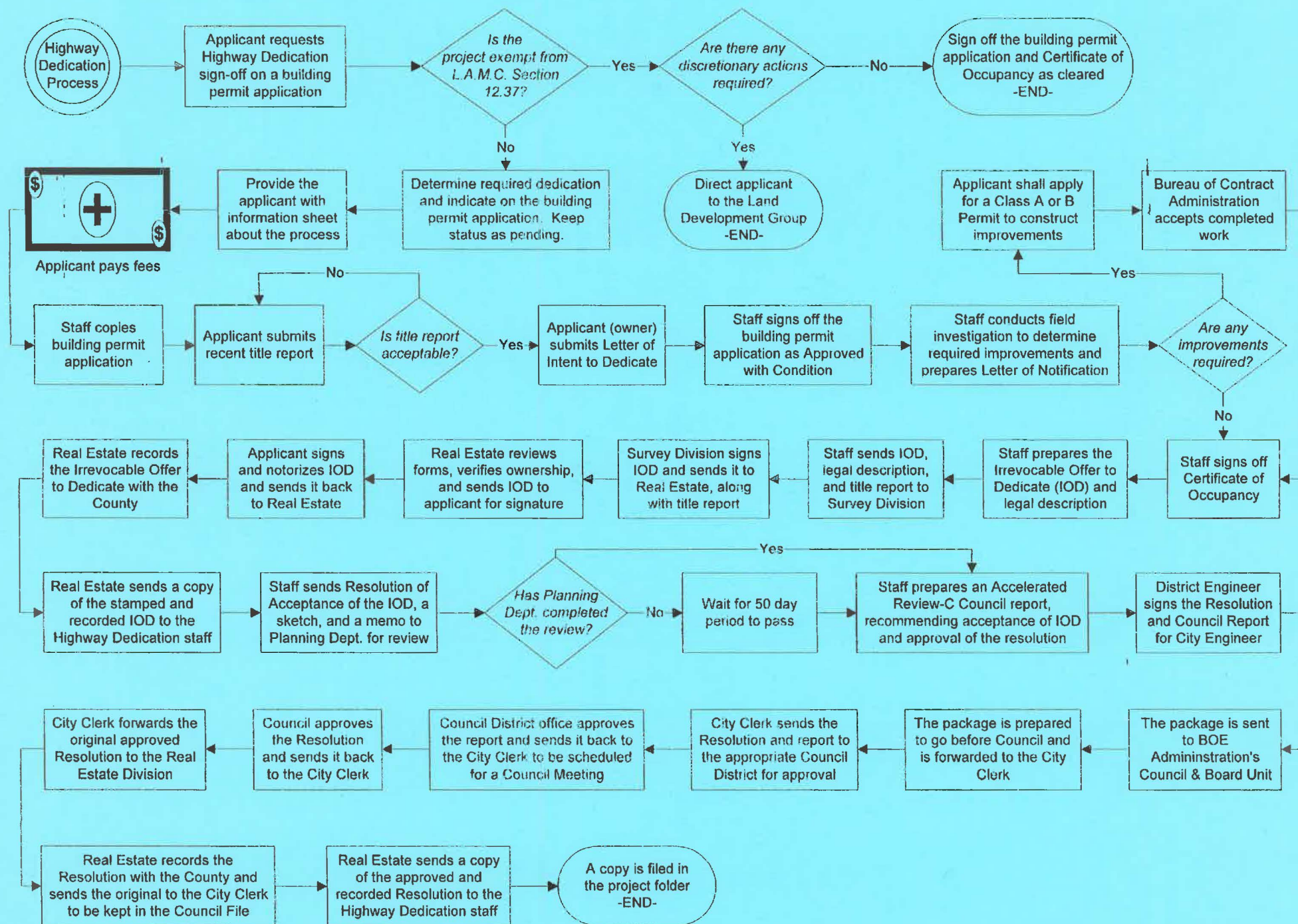
- (a) All Investigation and Highway Dedication Fees have been paid;
- (b) The Contract Administration inspector has verified the satisfactory completion of the improvements; and
- (c) The applicant has already obtained clearance from the Sewer Counter, A-permit Counter, and B-Permit Counter, as applicable.

6.6 Highway Dedication Flowcharts and Sample Highway Dedication Waiver Form

- 1. Highway Dedication Flowchart-For Customer and Staff use. This flowchart describes the Highway Dedication process.

2. Sample Highway Dedication Waiver Form.

HIGHWAY DEDICATION FLOWCHART - for Customer and Staff Use



REFERRAL OF HIGHWAY DEDICATION WAIVER FOR DOT REVIEW

Permit Application No (if applicable): _____ Date reviewed: _____

Project Address: _____

Project Description: _____

Subject Street Name: _____ Highway Classification: _____

Required Dedication: _____

BOE Recommendation and Justification:

BOE contact person: _____ Phone: _____ Fax: _____

Fax this completed document to one of the following DOT offices for review:

Central/Metro:	fax (213) 580-5208	Attn: Robert Takasaki
West LA:	fax (213) 485-1285	Attn: Manuel Anaya
Valley:	fax (818) 756-9793	Attn: Nader Asmar

Date faxed to DOT: _____

Above to be filled out by BOE

Below to be filled out by DOT

Date received: _____

DOT agrees / disagrees (circle one) that the dedication is not necessary to meet mobility needs for the next twenty (20) years.

DOT Comments:

Fax this completed document to the above BOE contact

Date faxed to BOE: _____

