

## Communication from Public

**Name:** Fix the City

**Date Submitted:** 04/24/2023 09:53 AM

**Council File No:** 21-0934

**Comments for Public Posting:** Please see the attached comment on behalf of Fix the City specifically addressing the impropriety of the proposed Framework Element Amendment, its inconsistency with prior court orders and its failure to comply with the City Charter, City Code, and CEQA.

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April 24, 2023

**VIA ONLINE SUBMISSION**

Planning and Land Use Management Committee  
200 North Spring Street, Room 395  
Los Angeles, CA 90012

**Re: April 24, 2023 Item 1  
CF 21-0934 Hollywood Community Plan Update: Proposed  
Framework Element Amendment**

To the Members of the Planning and Land Use Management Committee:

This firm writes on behalf of Fix the City, Inc., one of the Petitioners who successfully challenged the City's 2012 adoption of the Hollywood Community Plan Update (HCPU). The purpose of this letter is to advise the City of Fix the City's serious concerns and objections to the proposed amendments to the Framework Element. Fix the City specifically urges the Committee to read pages 8 through 16 of the Los Angeles Superior Court's Order on Matters Submitted June 24, 2014, which is Attachment 4 to the Planning Director's Report to Council, for background information on the serious legal concerns raised by the City's proposed adoption of the Framework Element amendment.

The City is not writing on a blank slate. Rather, it is doubling down on a revisionist history of the Framework Element and the City's previous failed litigation in a manner that may bring the City into contempt of court. **Fix the City urges the Council to steer clear of the abyss of non-compliance with Court orders and law that adoption of the Framework Element amendments will entail.**

The action before the Council must be approved by the court. The Court, and not the Council, will determine if the City has complied with the court's holding on compliance with the mandatory mitigation policies of the Framework Element. The proposed amendment of the Framework Element ***to override the Court*** shows a flagrant disrespect for the law. The Framework Element "establishes the standards, goals, policies, objectives, programs, terms, definition, and direction to guide the update of citywide elements and the community plans." It contains, among other things, Policy 3.3.2, which implements Objective 3.3: "Accommodate projected population and employment growth within the City and

each community plan area and plan for the provision of adequate supporting transportation and utility infrastructure and public services.”

Policy 3.3.2 provides that the City must: “Monitor population, development, and infrastructure and service capacities within the City and each community plan area, or other pertinent service area. The results of this monitoring effort will be annually reported to the City Council and shall be used in part as a basis to:

- a. Determine the need and establish programs for infrastructure and public service investments to accommodate development in areas in which economic development is desired and for which growth is focused by the General Plan Framework Element.
- b. Change or increase the development forecast within the City and/or community plan area as specified in Table 2-2 (see Chapter 2: Growth and Capacity) when it can be demonstrated that (1) transportation improvements have been implemented or funded that increase capacity and maintain the level of service, (2) demand management or behavioral changes have reduced traffic volumes and maintained or improved levels of service, and (3) the community character will not be significantly impacted by such increases.

Such modifications shall be considered as amendments to Table 2-2 and depicted on the community plans.

- c. Initiate a study to consider whether additional growth should be accommodated, when 75 percent of the forecast of any one or more category listed in Table 2-2 (see Chapter 2: Growth and Capacity) is attained within a community plan area. If a study is necessary, determine the level of growth that should be accommodated and correlate that level with the capital, facility, or service improvements and/or transportation demand reduction programs that are necessary to accommodate that level.
- d. Consider regulating the type, location, and/or timing of development, when all of the preceding steps have been completed, additional infrastructure and services have been provided, and there remains inadequate public infrastructure or service to support land use development.”

In its January 2014 order requiring the City to rescind the 2012 HCPU, the Los Angeles Superior Court found that the 2012 HCPU had a “fundamental inconsistency” between the Framework Element and the HCPU. (Attachment 1, p. 38.) The Court found that the City’s

position was that the HCPU “sufficiently address the infrastructure capacity of the area such that no further monitoring is required during implementation of the Plan Update,” and that the policy “was completely contrary to the Framework Element’s objective of continuous monitoring of development activity.” (*Ibid*; see also p. 39.) This inversion of the Framework Element’s policies “thwarted” their implementation and created an inconsistency. The Court concluded “The HCPU cannot survive in its present form and substance in the face of these very substantial inconsistencies. The HCPU is fatally flawed as a planning document as it presently stands.” (*Id.*, p. 40.)

**The City did not appeal this decision.** In response to the Court’s order, on April 2, 2014, the City rescinded the 2012 HCPU update, and at the same time, purported to adopt a resolution amending the Framework Element. That resolution purported to “overrule and supersede” the trial court’s interpretation of the Framework Element. The amendment purported that the City had historically not interpreted the Framework Element to require Community Plans to contain monitoring policies or programs. The amendment alleged that the “Framework Element does not require, and was not intended to require, the Community Plans themselves to contain monitoring policies or programs.” (Attachment 4.)

Fix the City and another Petitioner brought the April 2, 2014 Resolution Amending the Framework Element to the attention of the Superior Court. As the Planning Director noted, the Superior Court did not find the April 2, 2014 Resolution to be an appropriate response to the Court’s Writ of Mandate, and ordered the City to reconsider it, holding that “**no reasonable person could conclude that adoption of the April 2 Resolution made the General Plan of the City of Los Angeles internally consistent**; indeed, the contrary is the case.” (Attachment 3, p. 16.)

“The April 2, [2014] Resolution starts Respondents off on the wrong foot. It is best to act now to prevent further misallocation of resources and further unnecessary delay.” (Attachment 3, p. 18.) “Respondents may adopt any resolution they wish so long as it does not violate the Writ of Mandate issued in this case, its own Charter, or state law.” (*Ibid.*)

The Court explained that the April 2 resolution was not effective until after the City had made a final return on the Writ of Mandate. Nine years later, that moment has arrived.

While the City attempted to appeal *this* order, the Court of Appeal dismissed it as a premature appeal of an interlocutory order. Of course, *it is far too late for the City to appeal the underlying 2014 order vacating the HCPU and the Court’s determinations in it*. These are law of the case and *res judicata*; the City is collaterally estopped from taking the position that the original order finding the HCPU and the Framework Element inconsistent was incorrect.

Much of the Planning Director’s letter to the Council makes arguments why the Court’s June 2014 Order was wrong, but none of these arguments address the foundation of the Court’s conclusions: the April 2 Resolution was improper because it directly conflicted with what the Court told the City was required in the HCPU. Unbelievably, the City has failed to heed that warning and persisted in its erroneous path.

Part of the City’s analysis focuses on a different decision, *Saunders v. City of Los Angeles*, but does not accurately describe that cases’ holding, significantly expanding the case beyond its reasonable construction. *Saunders* involved the issue whether the City had breached a mandatory duty by failing to *prepare annual reports* on the state of the City’s infrastructure. The Court concluded that the specific “programs” in the Framework Element are not mandatory because the Planning Department retains discretion to implement them. The DCP letter of April 18, 2023, fails to distinguish between *programs* being discretionary, and mandatory mitigation *policies* that were clearly upheld by Judge Goodman in 2014. Also, in so holding, the Court stated that the City “did not . . . eliminate the monitoring or reporting programs. It changed the timing of and manner in which those programs were implemented.” It did not find that the City could *ignore* or *eliminate entirely* the monitoring programs, nor did it reach the issue (in any way) whether the community plans required the inclusion of monitoring programs.

The Court in the HCPU case rejected the contention that *Saunders* allowed the City to adopt the April 2 Resolution, explaining that *Saunders* does not govern what the City must do to comply with the Court’s order in the HCPU case: “Respondents miss the crucial point: The issue is this case is not what may be in the Framework, but what **MUST** be in the HCPU and its EIR and related documents.”

Moreover, the opinion *Saunders* makes clear that staff testified that the City does and continues to monitor growth, development, and the state of its infrastructure. Consistent with the holding of *Saunders*, Fix the City recognizes that the City has discretion as to the time, place, and means of conducting such monitoring and reporting upon it. *Saunders* did not reach the question of whether CEQA prohibits the City from declaring that Framework Element policies that were adopted as mitigation measures in the Framework Element EIR are discretionary. For example, Policy 3.3.2 requires that the City “monitor population, development, and infrastructure and service capacities within the City and each community plan area,” in order to determine where improvement is needed or where satisfactory performance has been achieved, to determine if additional growth is appropriate, and to “consider regulating the type, location, and/or timing of development,” when, after first taking steps to provide services, “there remains inadequate public infrastructure or service to support land use development.”<sup>1</sup>

These aspects of Policy 3.3.2 are incorporated in the Framework Element EIR as mitigation measures in numerous instances. ***The Courts of Appeal have been clear that when something has been required as a mitigation measure for the environmental impacts of a project, it cannot simply be deleted upon the will of the government agency.*** “Mitigating conditions are not mere conditions of hope.” (*Lincoln Place Tenants Assn v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508.) Mitigation measures included in an EIR must be carried out through fully enforceable measures; they are not subject to constant discretionary determinations but rather serve as fixed requirements. “The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of

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<sup>1</sup> The Planning Director’s report conflates the holding in *Saunders* that **program** implementation is discretionary with a finding that **policy implementation** is discretionary, a position *not* addressed or even considered in *Saunders*.

development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside and Canyon Assns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) For that reason, the City cannot simply declare that Policy 3.3.2 and its required monitoring is discretionary. It certainly cannot do so without compliance with CEQA, as the City appears intent on doing.

The reliance throughout the Framework Element’s EIR upon Policy 3.3.2 as a mitigation measure for the environmental impacts of the growth permitted by the Framework Element is plain. In fact, the City promised in response to comments on the Framework Element that the EIR proposed “a substantial monitoring program,” in which “all facets of the Frameworks’ mitigation plan will be monitored carefully.” The EIR reflects this assertion by relying significantly on monitoring programs as mitigation for impacts of the Framework Element.

As just two examples of the Framework Element’s EIR’s reliance on monitoring, relevant portions of the EIR’s discussion of Fire/Emergency Medical Services and Police Services are attached. The discussion of Fire/Emergency Medical Services explains that implementation of the Framework Element will have a significant impact citywide, as well as in 31 of the 36 community planning areas. However, the EIR concludes that mitigation measures required by the Framework Element’s policies will mitigate the impacts to both fire services and police services. For Fire Services, the EIR specifically relies on Framework Element Policy 3.3.2 as a mitigation measure to “lessen impacts” to Fire and Emergency Medical Services. The EIR also notes that, given the uncertainty in funding for fire services, Policy 3.3.2’s monitoring of the type and location of development could “minimize” the “negative fiscal effects of the Framework Plan.” (2.10-16.) The monitoring is required to determine if added demand from increased density or intensity can be supported presently and accommodate the very type of changes proposed in the HCPU. This monitoring requires substantial evidence to support a “go-no-go” decision by the Council whether public safety will be jeopardized by increasing demand for city services and infrastructure.

The same analysis appears in the Framework EIR’s discussion of Police Services, which also specifically includes Policy 3.3.2 as a mitigation measure. For both Police and Fire services, the Framework EIR concludes that “full implementation” of the policies contained in the Framework Element would mitigate impacts to a less-than-significant level. Policy 3.3.2 and its monitoring requirements are therefore a required mitigation measure to ensure that Fire and Emergency Medical Services and Police Services are not negatively impacted by the growth in population and commercial development permitted by the Framework Element. There are a number of other specific instances in which the Framework EIR specifically relied upon monitoring policies to mitigate impacts to services or to respond to public comments concerned about the impacts of the growth permitted under the Framework Element. The City cannot retreat now from the commitment it made in the Framework Element EIR to fully implement Framework Element Policy 3.3.2.

Indeed, in briefing to the Court of Appeal, the City explained the centrality of the growth monitoring features of the Framework Element, the very same features that the City now proposes to eliminate from the Hollywood Community Plan. That briefing is provided for the

Council's review. Finally, a sampling of Community Plans, all containing monitoring requirements, is also provided as an illustration that the Planning Departments so-called "historic" interpretation of the Framework Element is a pure fiction.

In 2014, the City relied upon a CEQA exemption to support Framework Element amendment. It is unclear if this is City's intent now, but Fix the City will reiterate its objections in 2014:

"The City improperly relies upon a Notice of Exemption for these actions. The Notice of Exemption relies upon Government Code section 65759 to exempt the Resolution Amending the General Plan from CEQA review. That provision does not justify the absence of further environmental analysis here.

Government Code section 65759 applies to actions "necessary to bring [a City's] general plan . . . into compliance with any court order." (Emphasis added.) The provision exempts from CEQA review such actions, but requires the preparation of an "environmental assessment" "the content of which conforms substantially to the required content for a draft environmental impact report." (Id., subd. (a)(2).) The Notice of Exemption indicates that the City has determined that the Resolution is both necessary to comply with the judgments in the Hollywood Community Plan litigation and that its action will not have a significant effect on the environment. Neither premise is correct.

First, this Amendment to the General Plan is plainly not intended to bring the Framework Element into compliance with the Superior Court's order. Indeed, the Resolution Amending the General Plan Framework Element expressly attempts to override the Court's orders in the Hollywood Community Plan cases, which is not compliant with a judgment but rather impermissible revision of a judgment. The City does not appear to understand why the Court found the Hollywood Community Plan Update inconsistent with the Framework Element. The Court's ruling is not simply that the plan did not contain a monitoring requirement (as more than half of the City's community plans do).

The Hollywood Community Plan Update not only contained no monitoring requirement, it actually flipped the monitoring requirement of Policy 3.3.2 on its head. Instead of requiring monitoring in the plan itself, or, alternatively, deferring to the monitoring program already established by Framework Policy 3.3.2, in approving the Hollywood Community Plan Update the City made the finding that the plan itself providing sufficient assurance of adequate development capacity such that no further monitoring was required or necessary. The Court agreed with Fix the City that such an approach was inconsistent with Policy 3.3.2. It is critical for the City to understand the Court's decision: it is not the mere inclusion or exclusion of Policy 3.3.2 from a community plan that is inconsistent with the Framework, but the fact the Hollywood Community Plan Update explicitly rejected the need for future monitoring of growth and infrastructure in that Plan area that lead the Court to determine that the Hollywood Community Plan Update was fatally inconsistent with the Framework Element.

*Thus, compliance with the Court's order requires no change to the Framework Element, but rather to the Hollywood Community Plan Update.* The FE Amendment is clearly not

necessary to implement an order that finds the Hollywood Community Plan Update inconsistent, especially where the City is already taking steps to rescind the document that was inconsistent. Rescission of the inconsistent element is all that is needed to comply with the Court's order at this time.

Second, even if Government Code section 65759 did apply to this action, the City improperly omits the requirement environmental analysis by improperly concluding that the Amendment has no effect on the environment. Changing the Framework Element's monitoring requirement to a "discretionary" one effects the mitigation measures included in the Framework Element's EIR, rendering the implementation of these measures less-than-certain. The environmental effect of the failure to adequately monitor the status of the infrastructure is already admitted to in the Framework's EIR, which relies directly upon monitoring policies as mitigation for the impacts of the build-out of the Framework Element.

The City cannot proceed to adopt the FE Amendment without environmental review. The exception in Government Code section 65759 is inapplicable, and the Amendment will have an effect on the environment. The Notice of Exemption does not withstand scrutiny."

Moreover, the Framework Element amendment is procedurally improper. Charter Section 555 requires all General Plan amendments to be referred to the City Planning Commission for recommendation. *The City Planning Commission did not consider the Framework Element amendment in 2021 when it reviewed the Hollywood Community Plan Update.* This is an additional fatal error in the proposal before the PLUM Committee. Section 555 also requires a recommendation from the Mayor; no recommendation from Mayor Bass appears in the record regarding Framework Element amendment. Nor has the Council or Planning complied with the municipal code requirements governing the adoption of Plan amendments (section 11.5.6). Additionally troubling, Council would be adopting an amendment with *citywide* implication without any environmental review, after repeatedly invoking these very provisions as the basis for mitigating the impacts of the adoption of the Framework Element in the first instance.

The fact that the City Planning Commission has not held a hearing on the Framework Element amendment in the last *decade*, and that no one in the public (or even the Petitioners in the HCPU litigation) were apprised that the City intended to push forward its ill-advised response to the 2014 order reveals how much the City Planning Department is aware of ramifications of these actions. It is clear that they don't want it widely discussed and debated that the City will not stand by its commitment to ensure that it can provide its residents with adequate infrastructure prior to authorizing and permitting continued growth and development.

Fix the City hopes that the Council will take seriously its prior commitments and the function of Framework Element 3.3.2 to provide mitigation by policy, and retain the vitality of these measures in the HCPU and throughout the City.

Yours truly,



Beverly Grossman Palmer



# WILSHIRE

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## *Community Plan*

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facilities element and an air quality element. All provisions and requirements of these elements apply to the Wilshire Community Plan.

Additional working tools within the Wilshire Community Plan include specific plans, business improvement districts (BIDs), historical preservation overlay zones (HPOZs), community design overlay districts (CDOs), Streetscape programs, Streetscape plans, Neighborhood Traffic Mitigation Plans (NTMP), mixed use (MU) districts, and community redevelopment areas under jurisdiction of the Community Redevelopment Agency (CRA). These districts and zones combine planning policy and specific implementation tools to address detailed issues specific to local neighborhoods.

The community plan also includes appropriate policies generated from mitigation measures relating to the Environmental Impact Report (EIR) and Transportation Improvement and Mitigation Program (TIMP) prepared as part of the plan.

## **PLAN CONSISTENCY**

The City of Los Angeles has the responsibility to maintain and implement the City's General Plan. Since state law requires that the General Plan have internal consistency, the Wilshire Community Plan must be consistent with the other elements and components of the General Plan.

Each plan land use category indicates the corresponding zones permitted by the plan, unless further restricted by the plan text, footnotes, specific plans, or other limitations established by discretionary approval. The plan recognizes that the residential densities and industrial densities depicted on the plan map are theoretical and may not occur due to plan and zone regulations, economic conditions and design limitations.

For each plan category, the plan permits all identified corresponding zones, as well as those zones which are more restrictive as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC). Any subsequent action that modifies the plan or any monitoring review that results in changes to the plan must make new plan consistency findings at the time of that decision.

City actions on most discretionary projects require a finding that the action is consistent or in conformance with the General Plan. In addition to the required general finding, decision makers acting on certain projects in the Wilshire Community Plan area shall refer to each of the applicable additional findings that the plan identifies as programs, policies, or objectives contained in Chapter III. To further substantiate the consistency findings, decision makers may cite other programs, policies or objectives that would be furthered by the proposed project. In addition, Chapter V of the Plan requires a decision-maker to make a finding of conformance with applicable design standards for discretionary projects.

## **PLAN MONITORING**

In order to accommodate changes in anticipated population growth, The Wilshire Community Plan has a theoretical maximum land use and population capacity greater than the projected development likely to occur during the Community Plan period. The Framework Element of the General Plan commits the Department of City Planning to develop a monitoring system and prepare an annual report on growth and infrastructure, to be submitted to the City Planning Commission, Mayor and City Council.

In the fifth year following plan adoption (and every five years thereafter), the Director of Planning shall report to the commission on the relationship between population, employment, housing growth and plan capacities. If growth has occurred faster than projected, a revised environmental impact analysis will be prepared and appropriate changes recommended to the community plan. These plan and zoning changes shall be submitted to the Planning Commission, Mayor and City Council as specified in the Los Angeles Municipal Code.



# **NORTHEAST LOS ANGELES**

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# **Community Plan**

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- Appendix Design Overlay District Guidelines and Standards (IN PROGRESS)

provisions and requirements of these General Plan elements apply to the Northeast Los Angeles Community Plan.

## **PLAN CONSISTENCY**

The City of Los Angeles has the responsibility to maintain and implement the City's General Plan. Since State law requires that the General Plan have internal consistency, the Northeast Los Angeles Community Plan must be consistent with the other elements and components of the General Plan.

Each land use category in the Plan reflects the land use designations in the General Plan Framework Element. Each category also references corresponding zones, which in some cases are further restricted by the text, footnotes, adopted Specific Plans, or other specific limitations on discretionary approvals. The Plan recognizes that achieving the full residential densities and the commercial and industrial intensities depicted on the Plan map will not occur because of constraints imposed by inadequate infrastructure and services and economic trends.

For each plan category, the plan permits all identified corresponding zones, as well as those zones which are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code. Any subsequent action that modifies the plan or any monitoring review that results in changes to the plan must be based on consistency findings at the time of the decision.

City actions on most discretionary projects require a finding that the action is consistent or in conformance with the General Plan. In addition to this required general finding, decision-makers acting on projects in the Northeast Los Angeles Community Plan Area shall refer to the applicable policies and programs in Chapter III of this Plan. To further substantiate the consistency findings, decision-makers may cite other portions of this plan which would be furthered by the proposed project. In addition, Chapter V of the Plan requires decision-makers to make a finding of conformance with applicable design standards for discretionary projects.

## **PLAN MONITORING**

The Plan has a land use capacity greater than the development likely to occur during the Plan period, and thus does not directly protect the Plan Area against the prospect that population might exceed the capacities and resources of infrastructure facilities and services, or of the local employment base.

The Framework Element of the City of Los Angeles General Plan commits the Department of City Planning to develop a monitoring system and prepare an annual report on growth and infrastructure for public officials, including the City Planning Commission, Mayor, and City Council. Copies will also be provided to the Community Plan Advisory Committee. These reports will be used to gauge the appropriateness of projected growth levels and provide for their modification, as well as to guide future capital investment and development decisions.

In the third year following the plan adoption (and every three years thereafter), the Director shall report to the Commission on the present and expected relationships among population, infrastructure, employment, housing, and plan capacity. If population has exceeded, or is in danger of exceeding within

the next five years, the present or projected infrastructure or employment capacities, a revised environmental analysis shall be prepared by the Department, and appropriate reductions in planned population density and residential capacity shall be recommended by the Community Planning Division. Further, the recommendations shall specify the existing or projected infrastructure and employment deficiencies, with recommendations for remedying them, as appropriate.

Such action shall include enactment of temporary legislation limiting certain types of growth-inducing development, establishing discretionary review with required public hearing for projects that would contribute to additional growth, revising the environmental analysis used for preparation of this Plan, and amending the Plan to reflect the unanticipated development and serve as the basis for permitting future development.

This requires that standards for adequacy of infrastructure and services must be established and published as part of the environmental review process for the plan along with margins of safety. Three categories of adequacy for facilities and services are:

- Essential: required to maintain fundamental community integrity and health, i.e. water and energy supply, solid waste and wastewater disposal, health services
- Vital: required to provide for the general safety and civil order, i.e. police and fire protection, schools.
- Civilizing: necessary for maintaining communal welfare and quality of life, i.e. libraries, recreational areas, open space, cultural resource.

This Plan has been prepared to depict appropriate long-term land uses on the basis of information and policies at the time of adoption. The Plan takes cognizance of the 2010 SCAG population, employment, and housing forecasts. However, the Plan Map depicts residential densities and commercial and industrial intensities designed to limit development because of existing shortfalls in needed infrastructure and services and anticipated delays in providing them.





## **BRENTWOOD-PACIFIC PALISADES**

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City actions on most discretionary projects require a finding that the action is consistent or in conformance with the General Plan. In addition to the required general finding, decision-makers acting on certain projects in the Brentwood - Pacific Palisades Community Plan Area shall refer to each of the applicable additional programs, policies or objectives which are contained in Chapter III. To further substantiate the consistency findings, decision makers may cite other programs, policies or objectives which would be furthered by the proposed project.

## **PLAN MONITORING**

The Plan has a land use capacity greater than the projected development likely to occur during the Plan period. During the life of the Plan, growth will be monitored and reported in the City's Annual Report on Growth and Infrastructure which will be submitted to the City Planning Commission, City Mayor, and City Council. In the fifth year following Plan adoption (and every five years thereafter), the Director shall report to the Commission on the relationship between population, employment, and housing growth and plan capacities. If growth has occurred faster than projected, a revised environmental analysis will be prepared and appropriate changes recommended to the Community Plan and zoning. These Plan and zoning changes shall be submitted to the Planning Commission, Mayor, and City Council as specified in the Los Angeles Municipal Code (LAMC).



## **PALMS-MAR VISTA-DEL REY**

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Regional forecasts do not generally reflect the adopted community plan land use capacity or build out estimate from planned land use. Plan capacity or build out is also an imprecise estimate and depends on specific assumptions about future development density and household size, which may vary from what actually occurs. Community plan capacity does not include housing located within commercial districts nor the current residential vacancy rate.

In addition to the seven State mandated elements, the City's General Plan includes a service system element, a cultural element, a major public facilities element and an air quality element. All the provisions and requirements of these elements apply to the Palms-Mar Vista-Del Rey Community Plan.

There are also other types of plans such as neighborhood plans which set detailed policy and development regulations for unique neighborhoods within a community. In addition to these specific plans, there are overlay zones which combine policy and implementation functions to address issues specific to a neighborhood.

This plan contains the land use portion of the City's Local Coastal Program for Area "C" of the Playa Vista. As such, it contains objectives, policies and programs which are specifically intended to implement the policies contained in the California Coastal Act which are appropriate for Playa Vista. Development standards for Playa Vista are contained in the Playa Vista Specific Plan.

## **PLAN CONSISTENCY**

Each land use category within a community plan indicates the corresponding zones permitted, unless it is restricted by the plan text, footnotes, adopted specific plans or other specific limitations by discretionary approvals. The residential densities, commercial and industrial intensities depicted on the Plan map are theoretical and will not occur due to plan and zone restrictions and economic limitations.

The Plan permits all corresponding zones designated with each plan category and also zones which are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC). Any subsequent action or monitoring review that modifies the Plan must make new plan consistency findings during that decision.

City actions on most discretionary approval projects require a finding that the action is consistent or in conformance with the General Plan. Discretionary approval projects in the Palms-Mar Vista-Del Rey Community Plan area will require the decision maker to refer to additional findings identified as programs in Chapter III of the Plan.

## **PLAN MONITORING**

The Plan has a land use capacity greater than the projected development likely to occur during the Plan period. During the life of the Plan, growth will be monitored and reported in the City's Annual report on Growth and Infrastructure, which will be submitted to the City Planning Commission, Mayor and City Council. In the fifth year following Plan adoption (and every five years thereafter), the Director of Planning shall report to the Commission

on the relationship between population, employment, housing growth and plan capacities. If growth has occurred faster than projected, a revised environmental analysis will be prepared and appropriate changes recommended to the Community Plan and zoning. These Plan and zoning changes and any related moratoria or interim control ordinances, shall be submitted to the Planning Commission, Mayor and City Council as specified in the Los Angeles Municipal Code.



## **VAN NUYS - NORTH SHERMAN OAKS**

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For each plan category, the Plan permits all identified corresponding zones, as well as those zones which are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code (L.A.M.C.). Any subsequent action that modifies the Plan or any monitoring review that results in changes to the Plan must make new Plan consistency findings at the time of that decision.

City actions on most discretionary projects require a finding that the action is consistent or in conformance with the General Plan. In addition to the required general finding, decision makers acting on certain projects in the Van Nuys-North Sherman Oaks Community Plan Area shall refer to each of the applicable additional findings that the Plan identifies as programs in Chapter III of the Plan which are underlined for ease of reference. To further substantiate the consistency findings, decision makers may cite other programs, policies, or objectives which would be furthered by the proposed project. In addition, Chapter V of the Plan requires a decision maker to make a finding of conformance with applicable design standards for discretionary projects.

## **PLAN MONITORING**

The Plan has a land use capacity greater than the projected development likely to occur during the Plan period. During the life of the Plan, growth will be monitored and reported in the City's Annual Report on Growth and Infrastructure, which will be submitted to the City Planning Commission, Mayor, and City Council. In the fifth year following Plan adoption (and every five years thereafter), the Director shall report to the Commission on the relationship between population, employment, and housing growth and plan capacities. If growth has occurred faster than projected, a revised environmental analysis will be prepared and appropriate changes recommended to the Community Plan and zoning. These Plan and zoning changes, and any related moratorium or interim control ordinances, shall be submitted to the Planning Commission, Mayor, and City Council as specified in the Los Angeles Municipal Code.



**SUNLAND-TUJUNGA-LAKE VIEW TERRACE-  
SHADOW HILLS-EAST LA TUNA CANYON**

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For each plan category, the Plan permits all identified corresponding zones, as well as those zones which are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC). Any subsequent action that modifies the Plan or any monitoring review that results in changes to the Plan must make new Plan consistency findings at the time of the decision.

City actions on most discretionary projects require a finding that the action is consistent or in conformance with the General Plan. In addition to the required general finding, decision-makers acting on certain projects in the Plan area shall refer to each of the applicable additional findings that the Plan identifies as programs in Chapter 3 of the Plan. To further substantiate the consistency findings, decision makers may cite other programs, policies or objectives which would be furthered by a proposed project. In addition, Chapter 5 of the Plan requires a decision maker to make a finding of conformance with applicable design standards for discretionary projects.

## **PLAN MONITORING**

The Plan has a land use capacity greater than the projected development likely to occur during the Plan period. During the life of the Plan, growth will be monitored and reported in the City's Annual report on Growth and Infrastructure, which will be submitted to the City Planning Commission, Mayor, and City Council. In the fifth year following Plan adoption (and every five years thereafter), the Director shall report to the Commission on the relationship between population, employment, and housing growth and plan capacities. If growth has occurred faster than projected, a revised environmental analysis will be prepared and appropriate changes recommended to the Community Plan and zoning. These Plan and zoning changes, and any related moratoria or interim control ordinances, shall be submitted to the Planning Commission, Mayor, and City Council as specified in the LAMC.

## **WEST ADAMS-BALDWIN HILLS-LEIMERT**

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# **Community Plan**

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required general finding, decision-makers acting on certain projects in the West Adams-Baldwin Hills-Leimert Community Plan Area shall refer to each of the applicable additional findings that the Plan identifies as programs in Chapter III of the Plan and which are underlined for ease of reference. To further substantiate the consistency findings, decision makers may cite other programs, policies or objectives which would be furthered by the proposed project. In addition, Chapter V of the Plan requires a decision-maker to make a finding of conformance with applicable design standards for discretionary projects.

## **PLAN MONITORING**

The Plan has a land use capacity greater than the projected development likely to occur during the Plan period. During the life of the Plan, growth will be monitored for the Congestion Management Program (CMP), adopted in December 1993 by the Los Angeles County Transportation Authority and reported in the City's Annual Report on Growth and Infrastructure, which will be submitted to the City Planning Commission, Mayor and City Council. In the fifth year following Plan adoption (and every five years thereafter), the Director shall report to the Commission on the relationship between population, employment, and housing growth and plan capacities. If growth has occurred faster than projected, a revised environmental analysis will be prepared and appropriate changes recommended to the Community Plan and Zoning. These plan and Zone Changes shall be submitted to the Planning Commission and City Council as specified in the L.A.M.C.

## WEST LOS ANGELES

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# Community Plan

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## **Chapter II**

# **FUNCTION OF THE COMMUNITY PLAN**

### **STATUTORY REQUIREMENTS**

California State law (Government Code Section 65300) and the City of Los Angeles City Charter (Section 96.5) require that the City prepare and adopt a comprehensive, long term General Plan for its development. It must contain seven mandatory elements including land use, circulation, housing, conservation, open space, noise and safety. California State law requires that the land use element be prepared as part of a City's General Plan and that it correlate with the Circulation Element. In the City of Los Angeles, thirty-five community plans comprise the City's Land Use Element.

The Land Use Element has the broadest scope of the State required General Plan elements, since it regulates how land is to be utilized. It correlates with many of the issues and policies contained in all other plan elements.

Government Code Section 65302(a) requires a land use element which designates the proposed general distribution and general location and extent of the following land uses: housing, business, industry, open space, agriculture, natural resources, recreation and enjoyment of scenic beauty, education, public buildings and grounds, solid waste disposal facilities and other categories of public and private land uses. The Land Use Element is also required to include a statement of the standards of population density and building intensity recommended for the various communities and other territory covered by the Plan.

The West Los Angeles Community Plan is a part of the General Plan of the City of Los Angeles. It consists of this text and the accompanying map. The Community Plan text states the goals, objectives, policies, and programs. The Community Plan map outlines an arrangement and intensity of land uses, the street system and the locations and characteristics of public service facilities.

### **ROLE OF THE COMMUNITY PLAN**

The General Plan is the fundamental policy document of the City of Los Angeles. It defines the framework by which the City's physical and economic resources are to be managed and utilized over time. The Plan guides the City in the use of its land, design and character of buildings and open spaces, conservation of existing and provision of new housing, provision of supporting infrastructure and public services, protection of environmental resources and protection of residents from natural and other known hazards.

The Community Plans are intended to promote an arrangement of land uses, streets and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community. The Plans also guide development by



informing the general public of the City's goals, policies and development standards with the objective of creating a healthy and pleasant environment. Goals, objectives, policies and programs are created to meet the existing and future needs of the community through the year 2010. The Plans are intended to coordinate development among the various parts of the City of Los Angeles and adjacent municipalities which benefit all residents.

The General Plan expresses the City's intentions with respect to the rights and expectations of the general public, property owners, and prospective investors and business interests. Through the Community Plan, the City can inform these groups of its goals, policies and development standards, thereby communicating what is expected of the City government and private sector to meet its objectives.

The Community Plan allocates sufficient land in the community for housing, commercial, employment, educational, recreational, cultural and social uses. The Plan identifies and provides for the maintenance of any significant environmental resources within the community. It also seeks to enhance the distinctive community identity and recognizes its unique neighborhoods within the Plan Area.

## **PURPOSE OF THE COMMUNITY PLAN**

The last comprehensive review of the West Los Angeles Community Plan was completed in 1974, and revised in 1988 through the General Plan Consistency Program and through on-going Periodic Plan Review and other Plan amendments. Since that time, considerable growth has occurred, new issues have emerged, and new community objectives regarding the management of new development and community preservation have evolved. Consequently, it became necessary to update the Community Plan to not only reflect current conditions, but to accurately reflect the prevailing visions and objectives of the area's residents and property and business owners.

The Community Plan sets forth goals and objectives to maintain the community's distinctive character by:

- C Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of compatible housing opportunities.
- C Improving the function, design and economic vitality of commercial and industrial areas.
- C Preserving and enhancing the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.
- C Maximizing development opportunities around future transit systems while minimizing any adverse impacts.
- C Preserving and strengthening commercial and industrial developments to provide a diverse job-producing economic base; and through design

guidelines and physical improvements, enhance the appearance of these areas.

## **ORGANIZATION AND CONTENT OF THE COMMUNITY PLAN**

This Plan sets forth goals, objectives, policies, and programs that pertain to the West Los Angeles Community. Broader issues, goals, objectives and policies are provided by the Citywide General Plan Framework Element.

The Plan is organized and formatted to facilitate periodic updates. The State recommends that a plan be comprehensively reviewed every five years to reflect new conditions, local attitudes and technological advances.

The principal method for the implementation of the Land Use Map is the Zoning Ordinance. The City's Zoning Map must be updated to remain consistent with the adopted Land Use Map. Together, the Zoning Ordinance and the Zoning Map identify specific types of land use and development standards applicable to specific areas and parcels of land within a community.

## **RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS**

The Community Plan includes appropriate policies and implementation measures generated from the mitigation measures listed in the environmental clearance. In many instances these measures encompass the policies contained in the General Plan Framework.

The City of Los Angeles is responsible for revising and implementing its' General Plan. State law requires that the General Plan have internal consistency. The West Los Angeles Community Plan, which is a portion of the City's Land Use Element must be consistent with other elements and components of the General Plan.

The General Plan Framework Element is a long range, citywide, comprehensive growth strategy. It is a special element of the General Plan which plans for the future as required by law and replaces Concept Los Angeles and the Citywide Plan (adopted in 1974). Therefore, the Framework Element looks at the City as a whole and provides a citywide context within which local planning takes place. It discusses both the benefits and challenges of growth.

Because it takes citywide perspective, the Framework Element cannot anticipate every detail. The Community Plans must be looked to for final determinations as to the boundaries, land use categories, intensities and heights that fall within the ranges described by the Framework Element. The Framework Element neither overrides nor supersedes the Community Plans. It guides the city's long range growth and development policy, establishing citywide standards, goals, policies and objectives for citywide elements and community plans. The Framework Element is flexible, suggesting a range of uses within its land use definitions. Precise determinations are made in the Community Plans.

The General Plan Framework Element projects the following population, housing and employment levels for the West Los Angeles plan area for the year 2010:

<i>Population (persons):</i>	<i>83,331</i>
<i>Housing (units):</i>	<i>42,877</i>
<i>Employment (jobs):</i>	<i>110,479</i>

These numbers are provided as reference during the Community Plan Update and are best estimates that are derived from regional data which are disaggregated to the City and then to the community level. Population, employment and housing could grow more quickly or slowly than anticipated depending on economic trends.

Regional forecasts do not generally reflect the the adopted Community Plan land use capacity or build out estimate from planned land use. Plan capacity or build out is also an imprecise estimate and depends on specific assumptions about future development density and household size, which may vary from what actually occurs. Community Plan capacity does not include housing located within commercial districts nor the current residential vacancy rate.

In addition to the seven State mandated elements, the City's General Plan includes a Service System Element, a Cultural Element, a Major Public Facilities Element and an Air Quality Element. All the provisions and requirements of these elements apply to the West Los Angeles Community Plan.

There are also other types of plans such as specific plans or neighborhood plans which set detailed policy and development regulations for unique neighborhoods within a community. In addition to these, there are overlay zones which combine policy and implementation functions to address issues specific to a neighborhood.

## PLAN CONSISTENCY

Each land use category within a Community Plan indicates the corresponding zones permitted unless it is restricted by the Plan text, footnotes, adopted specific plans or other limitations established by discretionary approvals. The residential densities, commercial and industrial intensities depicted on the Plan map are theoretical and will not occur due to Plan and zone restrictions, economic conditions and design limitations.

The Plan permits all corresponding zones designated with each Plan category and also zones which are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC). Any subsequent action or monitoring review that modifies the Plan must make new plan consistency findings as part of that decision.

City actions on most discretionary approval projects require a finding that the action is consistent or in conformance with the General Plan. Discretionary approval projects in the West Los Angeles Community Plan area will require the decision maker to refer to additional programs, policies or objectives in Chapter III of the Plan. To further substantiate the

consistency findings, decision makers may cite other programs, policies or objectives which would be furthered by the proposed project.

## **PLAN MONITORING**

The Plan has a land use capacity greater than the projected development likely to occur during the Plan period. During the life of the Plan, growth will be monitored and reported in the City's Annual Report on Growth and Infrastructure, which will be submitted to the City Planning Commission, Mayor and City Council. In the fifth year following Plan adoption (and every five years thereafter), the Director of Planning shall report to the Commission on the relationship between population, employment, housing growth and plan capacities. If growth has occurred faster than projected, a revised environmental analysis will be prepared and appropriate changes recommended to the Community Plan and zoning. These Plan and zoning changes and any related moratoria or interim control ordinances, shall be submitted to the Planning Commission, Mayor and City Council as specified in the Los Angeles Municipal Code.

## **Chapter III**

# **LAND USE POLICIES AND PROGRAMS**

Chapter III of the Plan text contains goals, objectives, policies, and programs for appropriate land use issues of residential, commercial, and industrial, public and institutional service system categories. The Planning Department has authority for the goals, objectives, policies, the initiation and direct implementation of the programs contained in Chapter III.

### **RESIDENTIAL**

The quality of life and stability of neighborhoods throughout the West Los Angeles Community critically depends on providing infrastructure resources (i.e., police, fire, water, sewerage, parks, traffic circulation, etc.) commensurate with the needs of its population. If population growth occurs faster than projected and without needed infrastructure improvements to keep pace with that growth, the consequences for livability within the Community could be problematic.

Accordingly, the proposed Plan has three fundamental premises. First, is limiting residential densities in various neighborhoods to the prevailing density of development in these neighborhoods. Second, is the monitoring of population growth and infrastructure improvements through the City's Annual Report on Growth and Infrastructure with a report to the City Planning Commission every five years on the West Los Angeles Community following Plan adoption. Third, if this monitoring finds that population in the Plan area is occurring faster than projected; and, that infrastructure resource capacities are threatened, particularly critical ones such as water and sewerage; and, that there is not a clear commitment to at least begin the necessary improvements within twelve months; then building controls should be put into effect, for all or portions of the West Los Angeles Community, until land use designations for the Community Plan and corresponding zoning are revised to limit development.

The Community Plan includes appropriate policies and implementation measures generated from the mitigation measures listed in the environmental clearance. In many instances these measures encompass the policies contained in the General Plan Framework Element.

According to the 1990 Census, the Community Plan area had a population of 68,062. This included an ethnic mix of 73.1 percent Caucasian (non-Hispanic), 12.8 percent Hispanic, 11.2 percent Asian, 2.6 percent African American, and less than one percent Native American.

The 1990 Census indicated that there were 35,679 total dwelling units in the Community. Of this total, 10,089 (28 percent) were single-family units, and 25,590 (72 percent) were multi-family units. Most of the housing is well maintained. Some older units have been replaced with new construction that provides landscaped front yards, in-house amenities, and subterranean parking for multiple residential developments

The Community Plan designates 2,161 acres of residential land use, or 47 percent of the Plan area. Residential land use in the Plan consists of 1,472

acres of Low Density Residential representing 68 percent of the total residential land use, and 141 acres of Low Medium Density, or seven percent. The remaining 548 acres is 25 percent of the total, consisting of Medium and High Medium Density Residential.

The following table depicts the reasonable expected population and dwelling unit count for the year 2010, using a mid-point range for the dwelling units per acre category. The mid-point represents a reasonable factor, since new development within each land use category is unlikely to occur at the extremes of the range, but more likely, throughout the range.

## PLAN POPULATION AND DWELLING UNIT CAPACITY

Residential Land Use Category	Dwelling Units Per Net Acre Midpoint (Range)	Number of Dwelling Units	Net Acres	Persons Per Dwelling Unit (2010)	Reasonable Exp. Population (2010)
Low	6.5 (4+ -- 9)	9,568	1,472	2.64	25,260
Low Medium I	13.5 (9+ -- 18)	1,296	96	1.89	2,449
Low Medium II	23.5 (18+ -- 29)	1,058	45	1.89	2,000
Medium	42.0 (29+ -- 55)	19,530	465	1.85	36,130
High Medium	82.0 (55+ -- 109)	6,806	83	1.87	12,727
<b>TOTALS</b>		<b>38,258</b>	<b>2,161</b>		<b>78,566</b>

### GOAL 1

***A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.***

### Objective 1-1

To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

#### Policies

- 1-1.1 Protect existing single family residential neighborhoods from new out-of scale development and other incompatible uses.

***Program:*** The Plan map identifies lands where only single family development is permitted. These areas are protected by designating appropriate densities for each land use category and corresponding zone designations directed at minimizing incompatible uses.

- 1-1.2 Promote neighborhood preservation in all residential neighborhoods.

***Program:*** With the implementation of the Community Plan, all discretionary actions, specific plans, community and neighborhood residential projects are to be consistent with Plan recommendations.

improvements are provided to accommodate traffic generated by new development.

#### **Policies**

16-1.1 To the extent feasible and consistent with the Mobility Plan 2035's and the Community Plans' policies promoting multi-modal transportation (e.g., walking, bicycling, driving, and taking public transit) and safety, maintain a satisfactory LOS for streets that should not exceed LOS "D" for Avenues and Collector Streets; nor LOS "E" for Boulevards or major business districts.

**Program:** Improve to designated standard specifications, substandard segments of arterials which are expected to experience heavy traffic congestion by the year 2010, except where environmental issues and pedestrian-oriented street segments warrant alternate standards consistent with capacity requirements.

**Program:** Capital Improvement Program. [TIMP]

Street Improvements - The Plan recommends only those street widening already approved in the West Los Angeles Transportation Improvement and Mitigation Specific Plan (Ordinance No. 171,492) and consistent with the policies of the Mobility Plan (2035). The TIMP identifies the following specific nonstandard roadway segments for capacity improvement consistent with their roadway classification in response to congestion levels projected for the Year 2010.[TIMP]

- Pico Boulevard from Sepulveda Boulevard to Centinela Avenue: Improve to be consistent with major highway standards (6 lanes).
- Sepulveda Boulevard from National Boulevard to Santa Monica Boulevard: Improve to be consistent with boulevard standards (6 lanes). This improvement would continue and facilitate the provision of consistent boulevard standard lanes along Sepulveda Boulevard between Venice Boulevard and Wilshire Boulevard - (West Los Angeles Transportation Improvement and Mitigation Specific Plan Ordinance)
- Wilshire Boulevard from Federal Avenue to Bundy Drive; Improve to be consistent with boulevard standards (6 lanes).

#### **Policies**

16-1.2 Streets should be developed in accordance with standards and criteria contained in the Transportation Element of the General Plan and the City's standard street dimensions. There are exceptions where environmental issues and planning practices warrant alternate standards consistent with street capacity requirements, and community desires.

**Program:** Implementation of the Transportation Element. The Community Plan TIMP notes that as a possible alternative and depending upon available funding, implementation of street improvements could be accommodated within existing rights-of-way if nonstandard lane widths frequently used throughout the City were