

From: Mary Hruska (Mar Vista)

Analysis of 4/5/19 Letter from the City Attorney re: CF 07-0287 and 08-0229

It appears that, upon approval of these 2 Ordinances on June 19, 2018, the City Council directed the City attorney to draft 3 ordinances 2 each to amend Section 12.04 of the LAMC for the WLATIMP and for the CTCSP, and also an ordinance to add Article 13.5 to the LAMC.

On 4/5/19 the city attorney submitted 4 draft ordinances :

- A) 2 to amend the WLATIMP and CTCSP with regard to TIA fees
- B) 1 which adds a new section (19.19) to the LAMC which includes the specifics of TIA Fee calculations, exemptions and In Lieu Credits. This is done, presumably to satisfy something called the Mitigation Fee Act (haven't read this)
- C) 1 which revises Sections 13.5 and 13.6 of Chapter 5 of the LAAC which updates these Trust Fund Ordinances.

Commentary:

- A) On the Amendments to the 2 Specific Plans:

Sections 3 (B) and (C) State that these plans will provide transportation mitigation by providing transportation options for multiple modes of travel and reduce VMT.

There is no empirical evidence provided to support this conclusion. Moreover, the 2018 UCLA/ITS concludes that the major determinant in transit usage is NOT proximity to same, but instead, is access to a vehicle.

Sec 3 (K) states: Ensure that contributors to this Specific Plan's Fund benefit from the public transportation, bicycle and pedestrian improvements using TIA Fee funds. Again, who are these contributors?

Sec 3 (N) addresses Neighborhood Protection Programs. It neither mandates their funding (note the word "Promote" and not mandate) and states that they will be implemented "where feasible". This essentially renders Neighborhood Protection Programs null and void.

Sec 8 (B)(3) It allows for TIA Fee Credits for TOCs. These projects comprise some of the largest projects, and have been shown, via the afore-mentioned UCLA/ITS study to have failed to increase transit use. This provision essentially allows a significant number of large developments (who will most certainly need to provide traffic mitigation) to be absolved from paying TIA fees.

**Sec 12: This section removes any accountability from LADOT in managing the TIA Fund**

**B) The Additional section, LAMC Sec 19.19:**

Sect 5 (c) mentions VMT reduction benefits which are expected to occur on the Westside independent of any from future project (who will be paying TIA fees), such as those resulting from the EXPO Line extensions. These benefits have never materialized, as is proven by the 2018 UCLA/ITS report on Falling Transit Ridership

This comes up again in SubSec D(3)(c) TOC TIA Fee Credits

Also in Sec 5: The proposed TIA fees will cover approximately 1/3 of the total cost of the identified transportation improvements. Collecting 100 % of the cost, it is stated would be permissible under the Mitigation Fee Act but would be inconsistent with that percentage previously provided in the 2 Plans and with similar fees statewide. This is both illogical and inaccurate. The stated purpose of these updates is to update the TIA fees. The new fees should constitute what is necessary to promote transportation improvements, not what is consistent with previous practice. Providing for only 1/3 the cost means transportation improvement projects could and probably will be delayed due to lack of funding. The new developments, however go on as planned. Why shouldn't developers pay the full cost of the negative transportation impacts they create? These are already minimized in the calculations, and this further reduces what developers must contribute when they change our landscape.

**C) The Changes to LAAC Sections 13.5/13.6 seem to give more authority to the LADOT General Manager**

They also provide for "loans" from and "gifts" to these Trust Funds. The possible recipients of the loans and providers of the gift are not identified.