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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 10 - 0391
NOV 12 2010

**TRANSMITTAL OF TWO DRAFT URGENCY ORDINANCES PROHIBITING THE
OVERNIGHT PARKING OF OVERSIZE VEHICLES IN AN AREA IN THE ELEVENTH
COUNCIL DISTRICT**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 09-3036-S1

Honorable Members:

On September 22, 2010, your Honorable Body requested this Office to draft an urgency ordinance establishing an area in the Eleventh Council District prohibiting the overnight parking of oversize vehicles. As requested, this Office has prepared and now transmits for your consideration a draft urgency ordinance (Alternative A), approved as to form and legality, that complies with Council's request.

In connection with this Office's Rule 38 consultation with the Los Angeles Department of Transportation (LADOT), LADOT recommended changes to the draft ordinance, and accordingly this office also has prepared and now transmits an alternative draft urgency ordinance (Alternative B) for Council consideration that establishes an area in the Eleventh Council District prohibiting the overnight parking of oversize vehicles, clarifies the intended boundary of the area, establishes a procedure for LADOT to identify those street segments in the area on which to post notice of the prohibition, and clarifies that residents of Walk Streets shall be deemed to be residents of the nearest adjacent street segment for purposes of using oversize vehicle overnight parking permits.

Summary of Ordinance Provisions

The attached draft urgency ordinances will apply to oversize vehicles, defined as vehicles in excess of 22 feet in length or over 84 inches in height, and will prohibit the overnight parking of such vehicles in an area in the Eleventh Council District. Alternative B clarifies the intended boundary of the area, establishes a procedure for LADOT to identify those street segments in the area on which to post notice of the prohibition, and clarifies that residents of Walk Streets shall be deemed to be residents of the nearest adjacent street segment for purposes of using oversize vehicle overnight parking permits.

CEQA Compliance

LADOT has determined that the proposed urgency ordinances are exempt from the California Environmental Quality Act (CEQA) environmental review on the following grounds: The ordinances are exempt under the Class I categorical exemption in Section 15301 of the State CEQA Guidelines and the City CEQA Guidelines because they involve the operation of existing public streets, and will result in negligible or no expansion of the existing use of the streets. State CEQA Guidelines 15301; City CEQA Guidelines, Art. III, Sec. I.a.3. and I.a.15. The ordinances are exempt under the Class 8 categorical exemption in Section 15308 of the State CEQA Guidelines as an action by a regulatory agency to protect the environment. State CEQA Guidelines 15308. The ordinances are exempt as an emergency action to prevent or mitigate damage to life and health. Pub. Res. Code Sec. 21060.3 and 21080(b)(4); State CEQA Guidelines 15269(c). Additionally, LADOT does not anticipate that the social impact or any parking availability impact from the ordinances will result in any potentially significant environmental impact, and thus the ordinances are not subject to environmental review under CEQA on that basis. Pub. Res. Code Sec. 21080(e)(2); State CEQA Guidelines 15064(e) and 15382. Finally, the ordinances are not cognizable as a project subject to environmental review under CEQA since they will not result in a physical change to the environment or a reasonably foreseeable indirect change to the environment, rather they are expected to move a limited number of oversize vehicles from one street parking location to another parking location during the restricted hours. Pub. Res. Code Sec. 21065; State CEQA Guidelines 15378. If you concur, you should make the appropriate exemption determinations prior to or concurrent with taking action on either ordinance.

Council Rule 38 Referral

A copy of draft ordinance Alternative A was sent, pursuant to Council Rule 38, to the LADOT. LADOT recommended changes to the Alternative A draft ordinance, and we have incorporated into the Alternative B draft LADOT recommendations. LADOT is requested to provide any additional comments directly to Council.

If you have any questions regarding this matter, please contact Deputy City Attorney Judith E. Reel at (213) 978-2021. She or another member of this Office will be present when you consider this matter and to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:JER:ac
Transmittal

("A) ORDINANCE NO. _____

An Urgency Ordinance establishing an area prohibiting the parking of oversize vehicles between 2:00 a.m. and 6:00 a.m. in a portion of the Eleventh Council District.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Pursuant to the provisions of Subdivision (1) of Subsection (b) of Section 80.69.4 of the Los Angeles Municipal Code, the parking of oversize vehicles, defined as motor vehicles in excess of 22 feet in length or over 84 inches in height, is prohibited from 2:00 a.m. until 6:00 a.m. in the following area: west of Lincoln Boulevard, north of the Los Angeles County line, east of Ocean Front Walk, and south of the City of Santa Monica. The street segments that are located in the City of Los Angeles and that form the boundary of the area established in the first sentence of this Section shall be part of the area in which the parking of oversize vehicles from 2:00 a.m. until 6:00 a.m. is prohibited.

Sec. 2. The prohibition on parking oversize vehicles from 2:00 a.m. until 6:00 a.m. that is established in Section 1 of this Ordinance shall apply only on street segments on which signs giving adequate notice of the prohibition have been placed.

Sec. 3. Urgency Clause. The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health and safety for the following reasons: the presence of people inhabiting oversize vehicles in the area described in Section 1 of this Ordinance has resulted in activities, including but not limited to, the disposal of bodily waste on city streets during nighttime hours that create a public health hazard and jeopardize the public peace and safety.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By Judith E. Reel
JUDITH E. REEL
Deputy City Attorney

Date November 12, 2010

File No. 09-3036-S1

("B") ORDINANCE NO. _____

An Urgency Ordinance establishing an area prohibiting the parking of oversize vehicles between 2:00 a.m. and 6:00 a.m. in a portion of the Eleventh Council District, establishing a procedure for the Los Angeles Department of Transportation to identify street segments on which to post notice of the parking prohibition, and clarifying that residents of Walk Streets shall be deemed to be residents of the nearest adjacent street segment for purposes of using oversize vehicle overnight parking permits.

WHEREAS, the City Council has authorized prohibiting the overnight parking of oversize vehicles in the entire area described in Section 1 of this Ordinance; and

WHEREAS, although not legally required, the Councilmember representing the Eleventh Council District has agreed to establish a procedure, applicable only to the parking restrictions imposed by this Ordinance, by which residents and business owners will have a voice in expressing support for the specific streets that will be subject to the overnight parking restrictions. In addition, the Los Angeles Department of Transportation readily can determine the street segments on which to post notice of the parking prohibition established in Section 1 of this Ordinance.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Pursuant to the provisions of Subdivision (1) of Subsection (b) of Section 80.69.4 of the Los Angeles Municipal Code, the parking of oversize vehicles, defined as motor vehicles in excess of 22 feet in length or over 84 inches in height, is prohibited from 2:00 a.m. until 6:00 a.m. in the following area: west of Lincoln Boulevard, north of the Los Angeles County line between Lincoln Boulevard and Via Dolce, north of Washington Boulevard between Via Dolce and Ocean Front Walk, east of Ocean Front Walk, and south of the City of Santa Monica. The street segments that are located in the City of Los Angeles and that form the boundary of the area established in the first sentence of this Section shall be part of the area in which the parking of oversize vehicles from 2:00 a.m. until 6:00 a.m. is prohibited.

Sec. 2. The prohibition on parking oversize vehicles from 2:00 a.m. until 6:00 a.m. that is established in Section 1 of this Ordinance shall apply only on street segments on which signs giving adequate notice of the prohibition have been placed.

Sec. 3. The Los Angeles Department of Transportation (LADOT) shall place signs giving notice of the parking prohibition that is established in Section 1 of this Ordinance upon receipt of a letter signed by the Councilmember of the Eleventh Council District identifying the street segments located in the area described in Section 1 of this Ordinance on which to post notice.

Sec. 4. Residents of Walk Streets are deemed to be residents of the nearest adjacent street segment for purposes of use of a permit pursuant to the provisions of Subsection (c) of Section 80.69.4 of the Los Angeles Municipal Code.

Sec. 5. Urgency Clause. The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health and safety for the following reasons: the presence of people inhabiting oversize vehicles in the area described in Section 1 of this Ordinance has resulted in activities, including but not limited to, the disposal of bodily waste on city streets during nighttime hours that create a public health hazard and jeopardize the public peace and safety.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By Judith E. Reel
JUDITH E. REEL
Deputy City Attorney

Date November 12, 2010

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