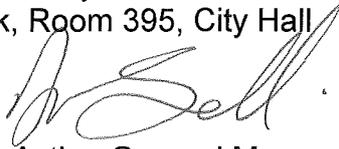


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: November 17, 2010

To: The Honorable City Council
c/o City Clerk, Room 395, City Hall
Attention:



From: Amir Sedadi, Acting General Manager
Los Angeles Department of Transportation

Subject: **CATEGORICAL EXEMPTION SUPPORTING STATEMENT-
Oversize Vehicle Urgency Ordinance-CF 09-3036-S1**

Attached please find the categorical exemption statement for inclusion in Council File 09-3036-S1.

Re: CF09-3036-S1 Urgency Ordinance Defining Boundaries of the Venice Oversize Vehicle Restricted Area (Venice OVRA)

VENICE OVERSIZE VEHICLE RESTRICTED AREA CEQA EXEMPTION SUPPORTING STATEMENT

I. PROPOSED ORDINANCE DESCRIPTION

The proposed ordinance establishes the boundaries for an Oversize Vehicle Restricted Area (“OVRA”) in the Venice neighborhood of the City of Los Angeles. The location of the Venice OVRA is shown on the attached map and is bounded by Lincoln Boulevard between the City of Santa Monica Boundary and the Los Angeles County Boundary on the east, the Los Angeles County boundary between Lincoln Boulevard and Via Dolce and Washington Boulevard from Via Dolce to Ocean Front Walk on the south, Ocean Front Walk between Washington Boulevard and the City of Santa Monica Boundary on the west and the City of Santa Monica boundary between Ocean Front Walk and Lincoln Boulevard on the north.

The ordinance authorizes the City to post the streets in the OVRA with signs prohibiting parking of oversize vehicles between the hours of 2:00 a.m. and 6:00 a.m. Oversize vehicle means a vehicle in excess of 22 feet in length or over 7 feet in height. For the posted streets, parking of oversize vehicles would still be allowed between the hours of 2 a.m. and 6 a.m. for loading and unloading, if the appropriate permit is obtained under Los Angeles Municipal Code Sec. 80.69.4(c). Outside of the posted restricted hours between 2 a.m. and 6 a.m., oversize vehicles may park in the Venice OVRA as otherwise authorized by law. Before the City posts any signs prohibiting the parking of oversize vehicles from 2 a.m. to 6 a.m. on any street in the Venice OVRA, the Council District 11 Councilmember must submit a letter to LADOT indicating that substantial support of the dwelling units, properties or business on the block to be posted exists which will be demonstrated by the 67% of the affected community residents and/or property owners on the streets to be posted having signed petitions requesting the blocks be posted. Additionally, the Council District will verify the names and addresses of the signatories on those petitions.

II. LADOT SURVEY OF OVERSIZE VEHICLES

Between approximately 9:00 a.m. and 2:00 p.m. on September 20-22, 2010, LADOT staff performed a block by block study of the approximately 1050 blocks comprising the Venice OVRA. The staff counted vehicles which were either, taller than 7 feet in height or longer than 22 feet in length, as set forth in 80.69.4. Staff found 76 oversize vehicles on approximately 50 blocks within the district. A copy of the LADOT study is attached. Although many individual vehicles meeting the definition of oversize were observed parked on residential streets east of Lincoln Boulevard, the oversize vehicles tended to be clustered near the library, the park frontages and along Venice Boulevard. The City expects that as residents petition and signs are posted on specific streets, the affected oversize vehicles will disperse over a larger area or even move beyond the district boundaries resulting in a lesser impact within the district and/or specific portions thereof. In LADOT’s experience in other parts of the City that have restricted oversize vehicle parking, the posting of the OV parking restrictions will not result in the creation of a new congregation of OV at a different location, rather the number of OV vehicles will be reduced and dispersed.

III. CEQA EXEMPTIONS

The LADOT staff has identified factual support for several exemptions under CEQA as set forth below. In addition to the exemptions, an activity is not a project covered under CEQA unless the activity itself will cause a direct change in the environment, or a reasonably foreseeable indirect change in the environment. Pub. Res. Code Sec. 21065; State CEQA Guidelines 15378. Since the effect of this emergency ordinance is to re-locate oversize vehicles to other already existing lawful parking spaces, or to lawful off street parking, it does not change the physical environment and is not cognizable as a project under CEQA. Social issues not related to any change in physical conditions are also not cognizable under CEQA. Pub. Res. Code Sec. 21080(e); State CEQA Guidelines 15064(e) and 15382.

A. Emergency Action Statutory Exemption

CEQA exempts specific actions necessary to prevent or mitigate an emergency. Pub. Res. Code Secs. 21080(b)(4) and 21060.3; State CEQA Guidelines 15269. An emergency includes events that involve clear and immediate danger and demand immediate action. Conditions that have existed for some time may still be subject to the emergency exemption where immediate action is required. Here the concentrated presence of people inhabiting oversize vehicles on residential streets in the Venice OVRA has resulted in dangerous activities, including noise and disposal of bodily waste on City streets during nighttime hours. These activities have created a health hazard and jeopardize the public peace and safety. The proposed project is an urgency ordinance that seeks to restrict parking of oversize vehicles from 2 a.m. to 6 a.m. for the immediate preservation of the public peace, health and safety and thus falls within the statutory emergency exemption from CEQA.

B. Class I Categorical Exemption: Operation and Permitting of Existing City Streets

The Class I Categorical Exemption consists of the operation and permitting of existing public structures, including existing City streets, involving negligible or no expansion of use beyond that existing at the time of the lead agency's exemption determination. In addition, under the City's CEQA Guidelines, the Class I Categorical Exemption includes operation of existing streets except where the activity will involve removal of a scenic resource including but not limited to a stand of trees, a rock outcropping, or an historic building, which is not the case here. City CEQA Guidelines, Article III, 1.a.3.

The proposed project falls within the Class I Categorical Exemption because it does not expand the use of the streets or parking demand, nor does it increase the occupancy of parking spaces. Instead, it establishes an area which may be posted with signs restricting the parking of oversize vehicles during the hours of 2 a.m. and 6 a.m. The proposed project therefore falls within the Class I Categorical Exemption in the State CEQA Guidelines 15301 for the operation and permitting of existing City streets.

C. Class 8 Categorical Exemption: Regulatory Action to Protect the Environment

The Class 8 Categorical Exemption consists of the actions taken by regulatory agencies as authorized by state or local ordinance, to assure the maintenance, restoration, or protection of the environment where the regulatory process involves procedures for protection of the environment. State CEQA Guidelines 15308. The proposed project falls within the Class 8 Categorical Exemption because it is an action taken by LADOT as authorized by Los Angeles Municipal Code Sec. 80.69.4 and the State Vehicle Code, to assure the maintenance and restoration of the environment by imposing procedures for restricting the

congregation of oversize vehicles in the Venice area that has lead to noise and disposal of bodily waste on City streets during nighttime hours.

D. None of the Exceptions to the Categorical Exemptions Apply

Cumulative Impact: This exception applies when, although a particular project may not have a significant environmental impact, the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed project will establish the Venice OVRA in which the streets could, as need arises, be posted with signs prohibiting the parking of vehicles over 7 feet tall or more than 22 feet in length unless a resident obtains a permit to exempt such vehicle from the restriction for the purpose of loading or unloading the vehicle. Based on its experience with other oversize vehicle parking restrictions in San Pedro and Brentwood, LADOT anticipates the establishment of the Venice OVRA will decrease the number of “oversize” vehicles parked on City streets in Venice and nearby areas and will alleviate existing complaints of illegal parking, illegal dumping, and blight related to storage of recreational and commercial vehicles on residential streets. Therefore it will not have a significant adverse cumulative effect.

Additionally, under CEQA inadequate parking is generally a social issue and not an environmental impact. See Appendix G of the State CEQA Guidelines, Environmental Checklist Form, Section XVI and related December 2009 Final Statement of Reasons at: http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf. The proposed project is designed to alleviate existing parking concerns. Therefore, the cumulative effect of the proposed project will not have a significant environmental impact.

Significant Effect: This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances.

No unusual circumstances exist here. The proposed Project is a typical circumstance involving parking restrictions in a municipality. It presents common considerations the City usually faces when operating street parking and deciding how best to allocate its limited curbside parking in an area with competing interests. For example, where to impose parking restrictions, how best to regulate parking use, and who will be affected by the parking restrictions are common and usual considerations for the City. Therefore, no unusual circumstances exist here.

Additionally, the proposed project will not result in any significant environmental effect cognizable under CEQA for the reasons stated above. In LADOT’s experience, when the City has previously established oversize vehicle restrictions in Brentwood and in Council District 15, the restrictions have not resulted in a congregation of oversize vehicles at a new location nor numerous requests to have multiple streets posted. Rather the restricted vehicles disperse throughout a wider area in the vicinity on commercial frontage streets with unrestricted parking. While it is possible that all streets in the Venice OVRA could eventually be posted with signs, it has not been the experience of LADOT that in the existing Oversize Vehicle Restricted Areas that establishment of a district has resulted in even a majority of the streets within the districts being posted. The most recently established OVRA resulted in posting one street in a 360 street district. DOT’s experience has been similar with other districts established. The prohibition will not apply to vehicles with lawful disabled placards. Additionally, oversize vehicles will only be limited or restricted for a four hour time period daily. Finally, inadequate parking is generally a social issue and not an environmental impact under Appendix G of the State CEQA Guidelines. Therefore, no causal connection exists between the proposed Project and a reasonable possibility of a CEQA cognizable significant effect on the environment.

The City CEQA Thresholds Guide (Page F.7-1) also states that normally there would be no significant parking impact from a proposed project if the parking supply would meet the requirements of the City code (including the Los Angeles Municipal Code, Transportation Specific Plan, or Interim Control Ordinance). There is no City code that requires on-street parking.

Scenic Highway: This exception applies when a project may result in damage to scenic resources within a duly designated state scenic highway.

No scenic highway is involved in this project, thus this exception has no application here.

Hazardous Waste Site: This exception applies when a project is located on a site listed as a hazardous waste site under Government Code Section 65962.5.

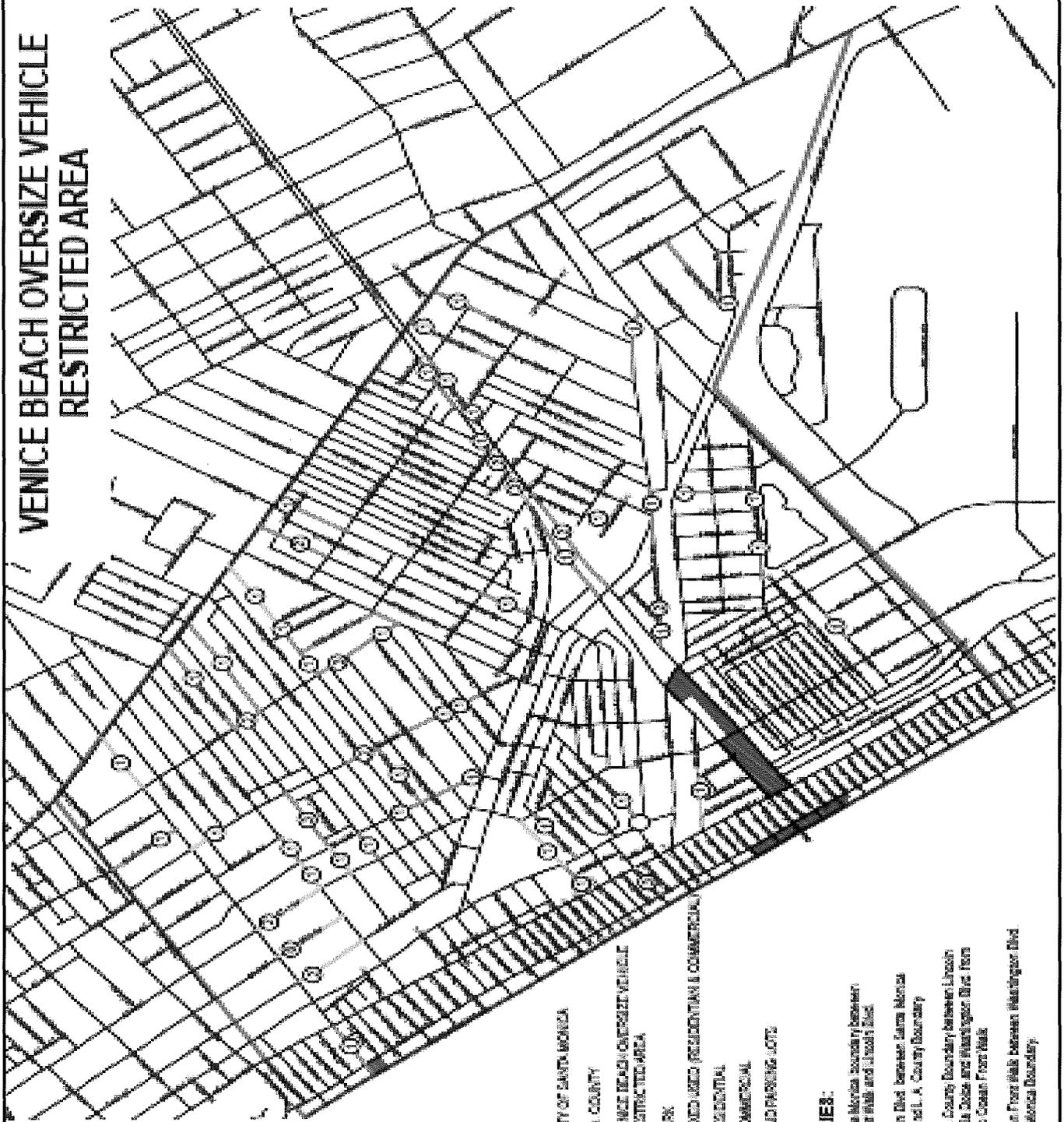
No hazardous material site listed by the State Department of Toxic Substances is involved in this project, thus this exception has no application here.

Historical Resources: This exception applies when a project may cause a substantial adverse change in the significance of a historical resource.

No historical resource is involved in this project, thus this exception has no application here.

Attachment: Project Location Map

VENICE BEACH OVERSIZE VEHICLE RESTRICTED AREA



LEGEND:

-  CITY OF SANTA MONICA
-  L.A. COUNTY
-  VENICE BEACH OVERSIZE VEHICLE RESTRICTED AREA
-  PARK
-  MIXED USED RESIDENTIAL & COMMERCIAL
-  RESIDENTIAL
-  COMMERCIAL
-  PAID PARKING LOTS

BOUNDARIES:

- North: Santa Monica boundary between Coan Front Walk and Lincoln Blvd.
- East: Lincoln Blvd. between Santa Monica Boundary and L. A. County Boundary
- South: L. A. County Boundary between Lincoln Blvd. and Via Doble and Washington Blvd. from Via Doble to Coan Front Walk.
- West: Coan Front Walk between Washington Blvd. and Santa Monica Boundary.