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November 12, 2013

Los Angeles City Council  
c/o City Clerk's Office  
Attn: Planning and Land Use Management Committee  
Room 395, City Hall  
Los Angeles, CA 90012

Dear Honorable Members:

**FIGUEROA STREETSCAPE PROJECT CEQA APPEAL – CF 13-1225, ENV-2012-1470-EIR-1A**

The following provides the Department of City Planning (DCP) recommendation related to an appeal of the Environmental Impact Report (EIR) on the Figueroa Streetscape Project, ENV-2012-1470-EIR.

**Figueroa Streetscape Project**

The Figueroa Streetscape Project (Proposed Project), as described in the attached DCP Recommendation Report, consists of 4.5 miles of new bicycle facilities and streetscape improvements. The new bicycle facilities consist of three miles of a combination of new buffered bicycle lanes and cycle tracks along S. Figueroa Street, from 7<sup>th</sup> Street to Martin Luther King Jr. Boulevard; a one-way westbound buffered bicycle lane along six blocks of 11<sup>th</sup> Street, from Broadway to Figueroa Street; and new buffered bicycle lanes along Bill Robertson Lane between Martin Luther King Jr. Boulevard and Exposition Boulevard. Cycle tracks are dedicated bicycle lanes with additional separation from the adjacent travel lane. They are typically installed within the existing roadbed in the direction of adjacent traffic, either between the curb and on-street parking, or separated from vehicular traffic lanes by physical barriers. Buffered bicycle lanes are similar to standard Class II bicycle lanes though with an additional painted buffered striping next to the adjacent travel lane.

**EIR Certification and Appeal**

DCP prepared an EIR for the Proposed Project, ENV-2012-1470-EIR. The General Manager of the Los Angeles Department of Transportation (LADOT) certified the EIR as part of their determination to approve the Proposed Project in a Determination Letter

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dated August 27, 2013 (attached). An appeal to the EIR was subsequently filed on September 10, 2013 (attached) on behalf of the Shammass Auto Group. The appeal states that the EIR failed to adequately disclose the potential economic impact of the Proposed Project related to projected travel delay along the corridor.

### **Discussion**

In the justification, the appeal only references perceived economic impacts that would result from the implementation of the Proposed Project and states the absence of an economic impact discussion as the sole basis of the inadequacy of the EIR. Public Resource Code (PRC) Section 21080.(e)(2) states that economic impacts that do not contribute to, or are caused by, physical impact on the environment are not considered as substantial evidence that constitutes an environmental impact, and are not subject to disclosure requirements of the California Environmental Quality Act (CEQA). The City's CEQA Threshold Guidelines govern the methodology of how traffic impacts are to be evaluated pursuant to CEQA. The EIR disclosed that the Proposed Project would result in significant and unavoidable travel delay impacts to nine intersections. The appeal does not challenge the adequacy of the EIR in the evaluation of the travel delay impacts, nor does it assert that travel delay impacts would be greater than disclosed.

In addition, the appeal offers no facts or evidence based on facts to support the conclusion that the travel delay impacts would result in economic impacts. In contrast, major cities throughout the country are adopting travel lane reallocations ('road diets') to include bicycle lanes and cycle tracks to encourage greater bicycle ridership from those who currently feel uncomfortable with cycling in traffic. The cycle tracks and bicycle lanes often provide urban commuters with a greater level of access to retail destinations that can serve to harness their spending power. Recent studies in New York and Seattle demonstrate that, rather than harm retail corridors, commercial areas have seen increased spending as measured by sales tax revenue after cities have installed cycle tracks. In summary, the appeal provides no evidence that the Proposed Project would impose economic hardship along the Figueroa commercial corridor. In contrast, research indicates a potential for benefit through increased access to an emerging group of urban commuters. Finally, the assertion of economic impacts, as discussed above, is outside the scope of CEQA.

### **Recommendations for Council Action:**

1. DENY the APPEAL, ENV-2012-1470-EIR-1A, filed by Dominick W. Rubalcava relative to the Environmental Impact Report certification by the General Manager of the Los Angeles Department of Transportation (LADOT).
2. ADOPT the August 27, 2013 action of the General Manager of LADOT, as the action of the Council to:
  - a. Certify the Environmental Impact Report ENV-2012-1470-EIR included as Attachment 1 of the DCP Recommendation Report dated August 19, 2013.

- b. Adopt the Environmental Findings included as Attachment 2 of the DCP Recommendation Report dated August 19, 2013.
- c. Adopt the Statement of Overriding Considerations included as part of Attachment 2 of the DCP Recommendation Report dated August 19, 2013 (See Section IX).
- d. Adopt the Mitigation Monitoring Program included as Attachment 3 of the DCP Recommendation Report dated August 19, 2013.
- e. Approve to install 4.5 miles of new bicycle facilities and streetscape improvements (including 3.0 miles of a combination of cycle tracks and buffered bicycle lanes along South Figueroa Street, from Martin Luther King Jr. Boulevard to 7th Street; 0.5 miles of one way buffered bicycle lane along 11th Street from Broadway to South Figueroa Street; and 0.5 miles of buffered bicycle lanes along Bill Robertson Lane from Exposition Boulevard to Martin Luther King Jr. Boulevard; and 0.5 miles of streetscape elements along Martin Luther King Jr. Boulevard, from to Figueroa Street to Bill Robertson Lane) in accordance with the Figueroa Streetscape Project and the 2010 Bicycle Plan.

Sincerely,



Ken Bernstein, AICP  
Principal City Planner