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January 11, 2016

The Honorable Michael N. Feuer
City Attorney
200 North Main Street, 8th Floor
Los Angeles, CA 90012-4131

**Attention: Michael J. Bostrom
Deputy City Attorney**

**RE: DRAFT OF ORDINANCE AMENDING SECTIONS 11.12, 12.21, 12.37 17.05 AND
19.01 OF THE LOS ANGELES MUNICIPAL CODE**

Council File No. 15-0719

CPC File Nos.: CPC-2013-910-GPA-SP-CA-MS-C, ENV-2013-0911-EIR

At its meeting on May 28, 2015, the City Planning Commission approved a draft ordinance amending Sections 12.37 and 17.05 of the Los Angeles Municipal Code to amend the rules governing street dedications and waivers of street dedication requirements as described in the Mobility Plan 2035 that was adopted by the City Council on August 13, 2015.

Subsequent to City Planning Commission, a joint meeting of the Planning and Land Use Management (PLUM) and Transportation Committees recommended adoption of the draft ordinance on August 11, 2015, and directed Planning staff to work with the City Attorney to review the draft ordinance as to form and legality.

During the preparation of the final ordinance adjustments were made to clarify and streamline the street waiver and appeal process and reduce any conflict between the recently adopted S-470-1 Street Standards and Section 12.37.A.

It was first determined that the Department of City Planning, as opposed to the Bureau of Engineering, would be better suited as the entity to review waivers from dedication and/or improvement requirements. The Department of City Planning was determined to be better suited for this role due to its current expertise in mailing notices to any necessary parties as well as its broader abilities to look holistically at a project and the surrounding transportation system and

draw conclusions as to the need for the dedication and/or improvement. The substitution of City Planning for the Bureau of Engineering resulted in changes to portions of the code that reference fees. This included changes to the table in Section 11.12, Section 12.21 A.17 (e)(1) and Section F of 12.37

Secondly, it was determined that it would be more appropriate to have an Area Planning Commission (APC), as opposed to the City Planning Commission (CPC) as described in the original draft, review a project's appeal of the decision regarding a project's dedication requirement. The APC, given their more focused understanding of a particular geography, would be more likely to have familiarity with the street in question. Also, given the reduced number of cases that are typically on the agenda of an APC, as compared with the CPC, it would be more expeditious for a project to appeal to the APC than the CPC; therefore expediting timely project delivery.

Thirdly, the addition of Subdivisions 8, 9 and 10 were added to Subsection A of Section 12.37 in order to clarify the extent of any future dedication of a street with a parallel frontage and/or service road or that of a street designated as a divided street. Language was also added to clarify the ability of the Bureau of Engineering to impose additional dedication and improvement requirements in order to ensure compliance with the Americans with Disabilities Act and to modify dedication and improvement requirements for meandering streets or portions of streets that lack uniform roadway widths. This clarifying language will reduce an uncertainty on the part of Bureau of Engineering when determining whether, and to what extent, a project is subject to a dedication and therefore reduce the time needed to render a decision on a project. These changes are also intended to reduce the extent to which unnecessary roadway widenings take place and is consistent with the goals and policies of the recently adopted Mobility Plan 2035.

Lastly, Section 1 has been modified to retain Subsections S and T of Section 17.05 as the governing street information for Mulholland Scenic Parkway and Valley Circle Boulevard.

Even with these clarifying changes the subject draft of this ordinance remains substantially consistent with that which was approved by the City Planning Commission on May 28, 2015.

Charter Section 559

For the foregoing reason and as provided under the authority of Charter Section 559 of the City Charter, I find that my action conforms with all applicable portions of the General Plan and with the City Planning Commission's action taken relative to Case No. CPC 2013-910-GPA-SP-CA-MS on May 28, 2015 and the August 11, 2015 action of the PLUM and Transportation Committees, that the findings made for the original draft would apply to the revised ordinance, and I therefore approve this ordinance (attached) on behalf of the City Planning Commission, and recommend that the City Council adopt the attached findings and adopt the ordinance.

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The Environmental Impact Report (EIR) for the Project was certified by the City Council on August 11, 2015. Therefore, the City Council may comply with CEQA by taking the following action prior to, or concurrent with, any action to adopt the ordinance:

FIND under the California Public Resources Code Section 21166 and the State's Environmental Quality Act (CEQA) Guidelines Section 15162, on the basis of substantial evidence contained in the whole record, that since certification of the EIR (SCH No. 2013041012) on August 11, 2015, there have been no changes to the Project, changes with respect to the circumstances under which the Project is being undertaken, or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and therefore no additional environmental review is required for the Project.

Very truly yours,

MICHAEL J. LOGRANDE
Director of Planning



Ken Bernstein, AICP
Principal City Planner

Attachments-Ordinance, Findings.