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REPORT NO. R 1 6 - 0 0 2 6
JAN 2 2 2016

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTIONS 11.12, 12.21, 12.37, 17.05 AND 19.01
OF THE LOS ANGELES MUNICIPAL CODE AND REPEALING PREVIOUS
ORDINANCES ESTABLISHING STREET DESIGNATIONS FOR ARTERIAL
STREETS AND ARTERIAL STREET SEGMENTS IN ORDER TO IMPLEMENT
MODIFICATIONS TO THE GENERAL PLAN'S TRANSPORTATION ELEMENT**

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. 15-0719
CPC No. 2013-910-GPA-SP-CA-MS

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance amending Sections 11.12, 12.21, 12.37, 17.05 and 19.01 of the Los Angeles Municipal Code.

Summary of Ordinance Provisions

The draft ordinance would amend those portions of any and all ordinances, including specific plans, that establish street designations for arterial streets and street segments, and replace them with the designations set forth in the Citywide Circulation System Map located in Council File No. 15-0719. The draft ordinance would also delegate to the Director of Planning the authority to manually revise any such non-codified ordinances to reflect the correct street designations.

The draft ordinance would amend the rules governing street dedications and waivers of street dedication requirements as part of the recently approved Mobility Plan. In addition to modifying the conditions under which new dedications are required, the draft ordinance would make clear that street dedication requirements may not be waived by City Council motion, but instead may only be waived through a quasi-adjudicatory process, with appeals to the Area Planning Commission.

The draft ordinance has been substantially revised as part of the Council Rule 38 comment process. The City Attorney's Office attended several joint meetings with the Bureau of Engineering and Department of City Planning to discuss revisions. The major changes that resulted from the Rule 38 process are as follows:

- The Bureau of Engineering on a by-right project, or the decision maker on a discretionary project, may impose additional dedication or improvement requirements in order to comply with the Americans with Disabilities Act, or in order to correct meandering streets, or portions of streets that lack uniform width.
- The Department of City Planning will serve as the initial decision maker on all requests for waivers of the street dedication or improvement requirements.
- New fees are adopted to cover the expense of processing waiver requests and appeals.

Fee Increase Notice Requirements

Because this ordinance would impose a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of State law require that prior to the adoption of a new or increased fee, a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved this draft ordinance on behalf of the City Planning Commission. Should you adopt this draft ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in his transmittal to the City Council or by making your own findings.

CEQA Determination

If the City Council wishes to adopt the draft ordinance, it must first comply with the California Environmental Quality Act (CEQA). 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.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Transportation and the Bureau of Engineering. We received no comments from the Department of Transportation. As noted above, we met several times with the Department of City Planning and the Bureau of Engineering, and the enclosed draft ordinance incorporates their comments.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael Bostrom at (213) 978-8068. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 
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Chief Assistant City Attorney

DM:MJB:cg