



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. **R 23 - 0 2 9 0**
AUG 0 7 2023

REPORT RE:

**DRAFT ORDINANCE ADDING A NEW CHAPTER 19 TO DIVISION 19 OF
THE LOS ANGELES ADMINISTRATIVE CODE IMPLEMENTING THE MOBILITY
PLAN 2035 ELEMENT OF THE CITY OF LOS ANGELES GENERAL PLAN**

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

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance adds a new Chapter 19 to Division 19 of the Los Angeles Administrative Code to implement the provisions of the City's Mobility Plan 2035 element of the City's General Plan by requiring that public works of improvement in the public right-of-way be planned, designed, and constructed to meet the mobility needs of all road and sidewalk users, and to set forth the administrative oversight and responsibilities of City departments in carrying out this implementation.

California Environmental Quality Act (CEQA) Compliance

Prior to or concurrent with the adoption of the draft ordinance, you must make a CEQA determination and adopt findings, as applicable. However, at the time of transmitting this report, the environmental review and documentation process under CEQA has not yet been conducted. Therefore, this Office recommends that the City Council instruct the appropriate City department(s) to evaluate the draft ordinance and



prepare the appropriate draft CEQA document for consideration by the Council prior to or concurrent with adoption of the draft ordinance.

Mobility Plan Projects

In accordance with your request, the draft ordinance defines qualifying public improvement projects on a Mobility Corridor carried out by the City, or other public agencies pursuant to the City's permitting authority, that will require the inclusion of specific elements to implement the Mobility Plan 2035. The draft ordinance exempts public improvement projects that are less than one-fourth of one mile in length or that constitute routine maintenance work, emergency repairs, or work of urgent necessity.

Mobility Corridors

The draft ordinance defines Mobility Corridors as including the Citywide Mobility Corridors and Neighborhood Mobility Corridors from the Mobility Plan 2035. The draft ordinance provides that the General Manager of the Department of Transportation (General Manager) and the Director of Planning of the Department of City Planning (Director), in consultation with first responders such as the Los Angeles Police Department and the Los Angeles Fire Department, and the City Attorney, are jointly authorized to establish and/or revise the Mobility Corridors in accordance with guidelines set forth in the draft ordinance. The establishment and revision of Mobility Corridors is subject to administrative appeal.

Mobility Project Standard Elements

The draft ordinance provides that the General Manager, Director, and the Board of Public Works (Board) are jointly authorized to establish the specific elements to be included in qualifying public improvement projects on a Mobility Corridor (Mobility Projects).

Notification and Outreach Requirements for Mobility Projects

The draft ordinance provides that the General Manager, Director, and the Board are jointly authorized to establish the minimum notification and outreach requirements for Mobility Projects.

Determination of Compliance for Mobility Projects

Under the draft ordinance, the General Manager determines whether Mobility Projects include the requisite Standard Elements. The determination is subject to administrative appeal.

Administrative Appeals

The draft ordinance provides an administrative appeal for the establishment or revision of Mobility Corridors and for Mobility Project compliance determinations. Your request did not specify where such appeals (Mobility Appeals) should be heard, other than by a “commission.” The draft ordinance provides that Mobility Appeals will be heard by the Board and can be appealed to the City Council (City Council Mobility Appeal). Lastly, the draft ordinance provides the time period and required elements to file a Mobility Appeal and a City Council Mobility Appeal.

Private Right of Action

In accordance with your request, the draft ordinance provides for a private right of action for City residents who have exhausted their appeal rights and choose to file a civil action against the City to challenge the establishment or revision of a Mobility Corridor or a Mobility Project compliance determination. The draft ordinance further provides the time period for filing a civil action against the City. Pursuant to your request, no attorney’s fees shall be available in such an action.

Mobility Plan Implementation Dashboard

The draft ordinance provides that the Department of Transportation will maintain a dashboard on the City’s website with information concerning Mobility Projects (your request did not specify which department would maintain the dashboard).

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Public Works, the Department of Transportation, the Department of City Planning, and the City Administrative Officer with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Edward Jordan at (213) 978-8130. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By


VALERIE L. FLORES
Chief Assistant City Attorney

VLf:EJ:ev
Transmittal