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November 25, 2015 ✓

Via email to holly.wollcott@lacity.orgThe Los Angeles City Council
200 North Spring Street
Los Angeles, California 90012 ✓RE: Council File 15-0719-S11, MP2035
November 10, 2015, Joint Committee Hearing, Agenda Item No. 2

Dear Councilmembers,

I write on behalf of Fix the City, Inc., which is Petitioner in a lawsuit presently challenging the City Council's determination on August 11, 2015, to adopt Mobility Plan 2035 (MP2035) and certify its Environmental Impact Report (EIR) along with adopting a Statement of Overriding Considerations for the unmitigable impacts of the implementation of MP2035. The City Council's efforts to address its botched process for approving MP2035 create further legal problems for the City and do not remedy the original error. The Council should not approve the motion before it, but should stipulate to entry of judgment in Fix the City's lawsuit, and send MP2035 to the City Planning Commission and the Mayor with all amendments. Anything else will be built upon an improper legal foundation.

The City Council is faced with the Motion because it disregarded its own Charter and provisions regarding the approval of General Plan amendments. The Charter establishes procedures for the adoption of the General Plan or any amendments. The Council, the City Planning Commission or the Director of Planning may propose an amendment. The Planning Commission and Mayor must make recommendations on such General Plan amendment, and the City Council may act upon those recommendations. The City Council may make changes to a General Plan amendment reviewed by City Planning Commission and the Mayor, but "[i]f the Council proposes any modification to the amendment approved by the City Planning Commission, that proposed modification shall be referred to the City Planning Commission and the Mayor for their recommendations." (Los Angeles City Charter, § 555, subd. (d).) The Charter specifies that the Council's amendments must be reviewed as the original plan was reviewed by the City Planning Commission. (*Id.*, subd. (c).) The flow chart attached as Exhibit 1 demonstrates required process for the Council to adopt a General Plan amendment.

The City has not properly followed that process for MP2035, as shown in the flow chart attached as Exhibit 2. The Council File indicates that MP2035 was initiated by the Mayor, not by the CPC, the Council, or the Director of Planning. The review process of MP2035 did not follow the

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prescribed path either. In the course of the City Council's August 2015 review of MP2035, it made three substantive modifications to the plan: (1) to amend MP2035 to require that equity is an important factor in prioritizing projects for implementation; (2) to designate the City Council as an implementing agency for MP2035, in addition to the already-designated Office of the Mayor; and (3) to add public safety as a criterion to evaluate implementation of the projects set forth in MP2035. The City Council failed to refer these amendments to the Planning Commission or the Mayor for their review.

Now, the Council concedes that its prior approval was improper. However, the Council is not following an appropriate path to remedy its errors. As set forth in the timeline attached as Exhibit 3, the time for Council to adopt the plan reviewed by CPC and Mayor has long expired. The Council cannot simply act as if it has the power to erase its blunder by simply acting as though it had never made it. As the Exhibit 3 timeline demonstrates, the action proposed to the Council is no longer a viable means of adopting the original version of MP2035. The Council has already adopted MP2035 as it amended it, so it no longer has the power to adopt the version referred by the City Planning Commission and the Mayor. The Los Angeles Municipal Code, section 11.5.6, subd. (e), provides a process by which General Plan amendments must be adopted. These provisions specifically require that the Council take action within 75 days of receiving the City Planning Commission and Mayoral recommendations on the proposed General Plan amendment. If the City Council does not act within the 75-day period, the General Plan amendment is deemed denied, as set forth on the flowchart in Exhibit 1.

The City Planning Commission and Mayoral recommendation on MP2035 were transmitted to City Council on May 18, 2015 with the Mayoral recommendation occurring on June 5, 2015. Well over 75 days has elapsed since that time. The City Council never acted on MP2035 as recommended by the City Planning Commission and the Mayor. Instead, it amended MP2035 and took action on the version that it amended. Because the City Council did not act on the version of MP2035 that the City Planning Commission and the Mayor reviewed within 75 days, that version of MP2035 is legally deemed denied by the operation of the Municipal Code. Therefore, Council cannot simply rescind the adoption of the amended MP2035 and replace it with the unamended version. The unamended MP2035 is now new to the Council and must go through the same process that any General Plan amendment would: hearing before the City Planning Commission, review and recommendation by the Mayor, and hearing before the City Council.

Moreover, rescission of MP2035 is itself an amendment to the General Plan: the removal of an entire General Plan element. As such, the Council was required to adhere to the process for a General Plan amendment set forth in Exhibit 1. Council did not do so, skipping entirely the requirement that the Mayor and CPC review the proposal. The Council appears to be in a state of denial regarding the need for CPC to participate in the General Plan amendment process. Planning Director Michael LoGrande even appears to have misled the CPC about the process, informing the CPC in an update on November 12 that the Council had already rescinded and readopted the GPA, when in fact only the PLUM and T Committees had, at that time, made heard the issue and only PLUM recommended the motion. The CPC was not advised that the action was still pending before Council, an entirely erroneous and misleading update.

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The City will also violate the California Environmental Quality Act if it adopts the Motion. In the agenda, the City relies under California Environmental Quality Act Guidelines section 15162 as a basis for determining that the EIR for MP2035 adequately analyzes the impacts of its action. Guidelines section 15162 provides for reliance on a previously certified EIR under certain circumstances, but not when new information, not available prior to certification of the EIR, demonstrates that significant effects will be greater than anticipated in the EIR, if new significant effects will be present, or mitigation measures or alternatives not previously studied are available to mitigate or reduce significant effects. The City has not made any findings demonstrating that the conditions set forth in section 15162 do not exist. Moreover, at the very least, the City has failed to follow CEQA Guidelines section 15164, which requires the preparation of an addendum if the conditions specified in section 15162 are not present. CEQA Guidelines section 15164 requires that "a brief explanation of the decision not to prepare a subsequent EIR pursuant to section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence." There is no explanation anywhere in the record, and no addendum. Certainly there is nothing supported by substantial evidence indicating either way whether the changes to the approved project — or new information not previously available — have changed circumstances such that additional environmental review is required. The lack of analysis is clearly inadequate. Attached as Exhibit 4 is an illustration from the City of Fontana of a brief environmental review undertaken to determine whether a previously certified EIR is adequate for analysis of a subsequent project.

Indeed, circumstances have changed since the Council adopted the amended version of MP2035. The current state of the General Plan in the City includes a version of MP2035 that requires consideration of both equity and public safety/first responder access as criteria in implementing MP2035. Moreover, since MP2035 was adopted, additional information has emerged regarding the impacts of "road diets" in the City, including specifically the Rowena road diet in Silver Lake, which has significantly increased cut-through traffic on neighboring streets to the detriment of the environmental quality on these neighboring streets. The current version of MP2035 also includes the City Council as an implementing agency while the version that the Council proposes to adopt would not include the City Council on plans to implement MP2035. The City Council cannot simply adopt the EIR under Guidelines section 15162 without determining that the conditions in that section are not present. Simply put, there has been no study of removing the amendments which are now part of the General Plan.

The City Council can fix the errors that it created when adopting MP2035 originally, but it must follow appropriate procedures. Fix the City suggests that the City voluntarily stipulate to a court order finding that MP2035's adoption did not follow appropriate procedures and ordering the City Council to remove MP2035 as amended and de-certify the EIR. Fix The City then suggests that the City Council properly evaluate MP2035 as amended including all amendments proposed by City Council members. The Council could then quickly transmit the *amended* version of MP2035 and EIR to the City Planning Commission and the Mayor for their review and recommendation as required, but only once any necessary additional environmental work was completed.

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Fix the City also notes that the motion before the committee, the Notice to Interested Parties and the published notice all fail to include a reference to CEQA and section 15162, none of which match the item as agendized. Votes on the motion as presented do not include any reference to CEQA Guidelines section 15162-15164. Attached as Exhibit 5 are the various notices for the joint committee hearing and the motion adopted at that hearing.

Fix The City additionally must point out that resolution of the procedural flaws during the approval process does not resolve the significant CEQA flaws that exist in the MP2035 EIR. Because lawsuits were timely filed challenging MP2035's EIR, there is no presumption that the EIR is legally adequate, and the City's further reliance on it only increases the impropriety. To truly resolve this issue in full, the City must prepare a proper updated study, recirculate it for public comment and then proceed as it sees fit — within the City Charter's procedural requirements.

Cordially,

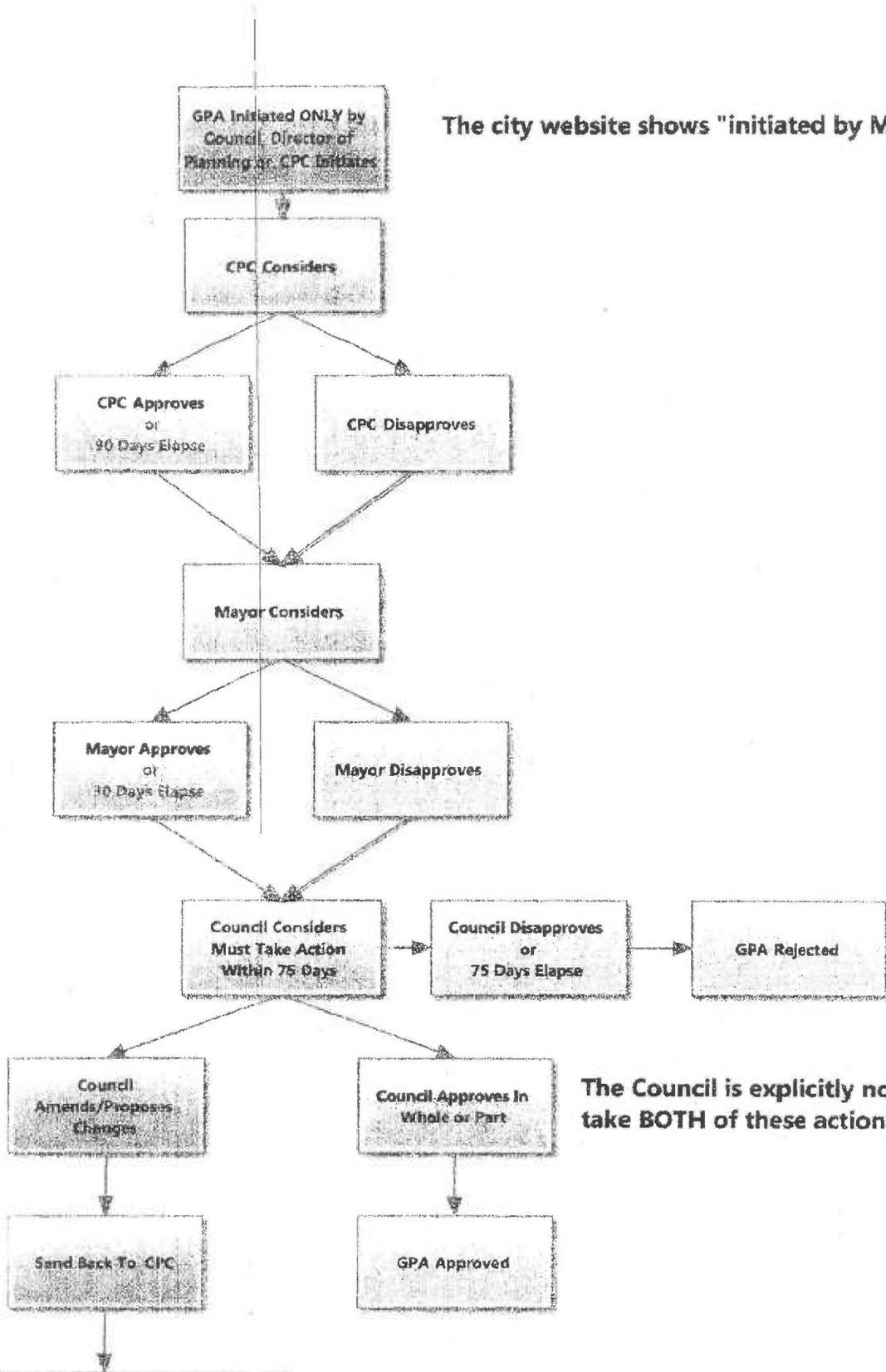


Beverly Grossman Palmer

EXHIBIT 1



EXHIBIT 2



The city website shows "initiated by Mayor"

The Council is explicitly not permitted to take BOTH of these actions.

The option to send anything back to the CPC...

EXHIBIT 3

EXHIBIT 4

Specific Plan Amendment No. 12-001

October 23, 2012

**Environmental Checklist for Sections 15162- 15164 Findings
(For projects with a previously approved EIR or Negative Declaration)**

**FOR PURPOSES OF CONSIDERATION OF SPECIFIC PLAN AMENDMENT NO. 12-001, A PROPOSED TEXT AMENDMENT TO THE SOUTHWEST INDUSTRIAL PARK
SPECIFIC PLAN**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate level of additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND), Mitigated Negative Declaration (MND), or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Checklist has been prepared to assist the City in determining whether any additional environmental documentation is needed for the subject discretionary action. This Environmental Checklist is intended to be used to determine the appropriate level of second tier environmental review, if any, and is not intended to be used for the projects not previously analyzed.

1. Background on the previously *certified EIR*:

An EIR for the Southwest Industrial Park (SWIP) Specific Plan Update and Annexation (State Clearinghouse No. 2009091089) was certified by the City Council on May 8, 2012. The certified EIR found significant and unavoidable impacts to Aesthetics, Light, and Glare (scenic vistas and cumulative impacts); Air Quality (short term, long term, cumulative impacts, and consistency with the Air Quality Management Plan); Noise (long term and cumulative impacts); Public Services, Utilities, and Infrastructure (parks and recreation and cumulative impacts); and, Traffic and Circulation (increased traffic volume and cumulative impacts). These effects could not be mitigated or avoided to a level below significance. The EIR was certified and a Statement of Overriding Considerations (SOC) for the project was adopted by the City Council on May 8, 2012. Other effects not found to be significant, or reduced to "less than significant" with mitigation incorporated, include Agricultural and Forestry Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, and Transportation and Traffic. A Notice of Determination was filed and posted with the County of San Bernardino on May 10, 2012, and again on June 15, 2012 (after the first and second readings of the associated ordinances, respectively).

2. Lead agency name and address:
City of Fontana, Community Development
8353 Sierra Avenue
Fontana, CA 92335-3528

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- a. Contact Shawnika, Johnson, Assistant Planner
- b. Phone number: (909) 350-8860
- c. E-mail: sejohnso@fontana.org

3. Project applicant's name and address:

City of Fontana
8353 Sierra Avenue
Fontana, California 92335

4. Summary of the activities authorized by present permit/entitlement Application(s):

General Plan Amendment No. 09-009, Zone Change No. 09-004, and Specific Plan No. 09-002 (Southwest Industrial Park Specific Plan) were an update and expansion of an existing Specific Plan and was approved on May 8, 2012.

The proposed Specific Plan Amendment No. 12-001 would amend the definition of "Recycling Facility" and add that use to the Freeway Industrial/Commercial District (FID) of the SWIP Specific Plan with specific development standards.

5. Does the project for which a subsequent discretionary action is now proposed differ substantially in any way from the previously approved project?

No. The proposed discretionary action is a text amendment to the previously approved Southwest Industrial Park Specific Plan (SWIPSP) Update to clarify a use definition and associated development standards and to amend the use table of the FID

6. SUBJECT AREAS DETERMINED TO HAVE NEW SIGNIFICANT ENVIRONMENTAL EFFECTS OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR. The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

NONE

Aesthetics	Agriculture Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Greenhouse Gases	Hydrology/Water Quality	Land Use/Planning
Hazards & Haz. Materials	Noise	Population/Housing
Mineral Resources	Recreation	Transportation/Traffic

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Public Services	Mandatory Findings of Significance	Stormwater/Water Quality Management Program
Utilities/Service Systems		

DETERMINATION:

On the basis of this analysis, the Community Development Department/Planning Division has determined that:

No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted certified EIR is adequate without modification.

Signature

Date

Printed Name

Senior Planner

Title

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INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162, described above, calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings.; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to aesthetic resources to change substantially from those analyzed in the adopted and certified EIR.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The mitigation measures identified in the certified EIR would remain the same and the proposed text amendment to the SWIPSP would not cause these mitigation measures to be infeasible or inadequate. Some impacts were considered significant and unavoidable and a Statement of Overriding Considerations (SOC) was adopted. The proposed project would not alter these findings.

II. AGRICULTURAL AND FORESTRY RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new

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information of substantial importance" that cause one or more effects to agricultural resources including: conflict with zoning for or result in rezoning of forest land; result in the loss of forest land or conversion of forest land to non-forest use; convert Important Farmland as shown on the City of Fontana Important Farmland Map and/or conflict with existing zoning for agricultural use or Williamson Act contract?

No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to agricultural resources to change substantially from those analyzed in the certified EIR. In fact, all effects to agricultural resources were found not to be significant in the certified EIR and this Specific Plan amendment does not change the "no impact" status.

III. AIR QUALITY

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to air quality to change substantially from those analyzed in the certified EIR.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The air quality mitigation measures identified in the certified EIR would not change or become infeasible or inadequate as a result of the proposed text amendment. Some impacts were considered significant and unavoidable and a SOC was adopted. The proposed project would not alter these findings.

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IV. BIOLOGICAL RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to biological resources to change substantially from those analyzed in the certified EIR.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The biological resources mitigation measures identified in the certified EIR would not change or become infeasible or inadequate as a result of the proposed text amendment.

V. CULTURAL RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to cultural resources to change substantially from those analyzed in the certified EIR.

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Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The cultural resources mitigation measures identified in the certified EIR would not change or become infeasible or inadequate as a result of the proposed text amendment.

VI. URBAN STORMWATER RUNOFF

Does the project comply with the County of San Bernardino Stormwater Program, California Regional Water Quality Control Board Santa Ana Region, National Pollutant Discharge Elimination Systems (NPDES) Permit and Waste Water Requirements?

Yes. The proposed project is a text amendment to the SWIPSP and does not propose any new development. Any new development proposed indirectly as a result of this text amendment would require separate entitlement applications and other permits through the City and other agencies prior to construction and occupancy. These projects are required to comply with the County of San Bernardino Stormwater Program, California Regional Water Quality Control Board Santa Ana Region, NPDES Permit and Waste Water Requirements when applicable.

VII. GEOLOGY AND SOILS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects to the geology and soils to change substantially from those analyzed in the certified EIR. In fact, all effects to geology and soils were found not to be significant in the certified EIR and this Specific Plan amendment does not change the "no impact" and "less than significant impact" status.

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Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. All impacts to geology and soils were found to be "less than significant" or "no impact" without any mitigation measures required. The proposed Specific Plan text amendment would not change the status of these impact findings.

VIII. GREENHOUSE GASES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that show the project may generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?

No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects of greenhouse gases to change substantially from those analyzed in the certified EIR. Mitigation measures were included in the EIR to reduce the impact to "less than significant" and these measures would remain unchanged with the proposed Specific Plan amendment.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The proposed project is a text amendment to the adopted Specific Plan update. The text changes would not substantially alter the adopted mitigation measures for greenhouse gases.

IX. HAZARDS AND HAZARDOUS MATERIALS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing

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or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No. The proposed text amendment to the SWIPSP would clarify the definition of "Recycling Facility" and amend the use table for the FID to include this use with additional development standards. There is no new information that would cause one or more of the effects of hazardous materials to change substantially from those analyzed in the certified EIR. All identified mitigation measures would remain unaffected by this Specific Plan amendment.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The hazardous materials mitigation measures identified in the certified EIR would not change or become infeasible or inadequate as a result of the proposed text amendment.

X. HYDROLOGY AND WATER QUALITY

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including City Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

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No. The EIR was certified on May 8, 2012. At that time, all effects to Hydrology and water Quality were found to have "no impact" or a "less than significant impact" without incorporation of mitigation measures. The proposed amendment to the SWIPSP is an amendment to the text of the document to clarify the definition of a "Recycling Facility" and to add the use to the FID with incorporated development standards. No new information of substantial importance or changes in circumstances change the "no impact" or "less than significant" status regarding the effects to the groundwater table, drainage patterns, erosion, or flooding, that expose people or structures to a significant risk.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. No mitigation measures were incorporated in the certified EIR for hydrology and water quality. "No impact" or "less than significant" impacts are anticipated by the SWIPSP Update. The proposed project would not alter these findings.

XI. HYDROLOGY AND WATER QUALITY

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including City Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding?

No. The EIR was certified on May 8, 2012. At that time, all effects to hydrology and water Quality were found to have "no impact" or a "less than significant impact" without incorporation of mitigation measures. The proposed amendment to the SWIPSP is an amendment to the text of the document to clarify the definition of a "Recycling Facility" and to add the use to the FID with incorporated development standards. No new information of substantial importance or changes in circumstances change the "no impact" or "less than significant" status regarding the effects to the groundwater table, drainage patterns, erosion, or flooding, that expose people or structures to a significant risk.

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Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. No mitigation measures were incorporated in the certified EIR for hydrology and water quality. "No impact" or "less than significant" impacts are anticipated by the SWIPSP Update. The proposed project would not alter these findings.

XII. LAND USE AND PLANNING

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

No. The EIR was adopted and certified on May 8, 2012. At that time, all effects to land use and planning were found to have a "less than significant impact" without incorporation of mitigation measures. The proposed amendment to the SWIPSP is an amendment to the text of the document to clarify the definition of a "Recycling Facility" and to add the use to the FID with incorporated development standards. No new information of substantial importance or changes in circumstances change the "less than significant" status regarding the effects zoning and development nor would the proposed project physically divide an established community.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. No mitigation measures were incorporated in the certified EIR for land use and planning. "No impact" or "less than significant" impacts are anticipated by the SWIPSP Update. The proposed project would not alter these findings.

XIII. MINERAL RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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No. The EIR was certified on May 8, 2012. At that time, all effects to mineral resources were found to have "no impact" without incorporation of mitigation measures. The proposed amendment to the SWIPSP is an amendment to the text of the document to clarify the definition of a "Recycling Facility" and to add the use to the FID with incorporated development standards. No new information of substantial importance or changes in circumstances changes the "no impact" status regarding the availability of known mineral resources or loss of valuable or locally important mineral resources as identified in the general or specific plan.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. No mitigation measures were incorporated in the certified EIR for mineral resources. "No impacts" are anticipated by the SWIPSP Update. The proposed project would not alter these findings.

XIV. NOISE

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No. Since the certification of the EIR there have been no new information or changes in circumstance that would additionally result in one or more effects from noise. Mitigation measures were incorporated to reduce some impacts to "less than significant." Some impacts were considered significant and unavoidable and a SOC was adopted. The proposed project would not alter these findings.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

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No. The proposed project is a text amendment to previously adopted SWIPSP Update. The proposed amendment would not affect adopted mitigation measures.

XV. POPULATION AND HOUSING

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

No. Since the previous EIR was certified there have been no changes to the project or circumstances or new information that would affect population or housing. All impacts were found to be "less than significant" and no mitigation was incorporated. The proposed project would not alter these impact findings.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. No mitigation measures were incorporated in the certified EIR for population and housing and the proposed project would not substantially change the SWIPSP Update that would require any new mitigation measures.

XVI. PUBLIC SERVICES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

No. Since the certification of the EIR there have been no new information or changes in circumstance that would additionally result in one or more substantial adverse physical impacts to public services. Mitigation measures were incorporated to reduce some impacts to "less than significant." Some impacts were considered significant and unavoidable and a SOC was adopted. The proposed project, a text amendment to the adopted specific plan, would not alter these findings.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially

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reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The proposed project is a text amendment to previously adopted SWIPSP Update. The proposed amendment would not affect adopted mitigation measures.

XVII. RECREATION

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No. Since the certification of the EIR there have been no new information or changes in circumstance that would additionally result in one or more substantial adverse physical impacts to parks and recreation. Some impacts were considered significant and unavoidable and a SOC was adopted. The proposed project, a text amendment to the adopted specific plan, would not alter these findings.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The proposed project is a text amendment to previously adopted SWIPSP Update. The proposed amendment would not affect adopted mitigation measures.

XVIII. TRANSPORTATION/TRAFFIC

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; cause a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);

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inadequate emergency access; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No. Most identified impacts to Transportation/Traffic are considered significant and unavoidable even with the incorporated mitigation measures. There are no impacts to adopted policy, plans, or programs supporting alternative transportation. Also, no impacts are anticipated for air traffic patterns. For those impacts that are considered significant and unavoidable, an SOC was adopted with the certified EIR. Since adoption, there have been no substantial changes or new information that would change these determinations. Additionally, the proposed project, a text amendment to the adopted SWIPSP Update, would not alter any of these findings.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The proposed project is a text amendment to previously adopted SWIPSP Update. The proposed amendment would not affect adopted mitigation measures.

XIX. UTILITIES AND SERVICE SYSTEMS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

No. Since certification of the EIR, there is no new information or changes in circumstances that affect the mitigation measures for utilities and service systems. The impacts remain "less than significant" with incorporation of the identified mitigation. The proposed project, a text amendment to the SWIPSP Update, will not cause any of the determinations in the EIR to change.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially

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reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. All identified mitigation measures would remain in effect.

XX. STORMWATER /WATER QUALITY MANAGEMENT PROGRAM (WQMP) –

Does the project comply with the County of San Bernardino Watershed Protection, Stormwater Management and Discharge Control Program (WQMP)?

Not applicable. The proposed project is a text amendment to the adopted SWIPSP Update.

**SECTION B –
ADDITIONAL INFORMATION REQUIREMENTS:**

Fill in this section of the form when any question has been answered "Additional Information Required from Applicant." Additional information can take the form of additional detail in the project description, technical studies, etc. Please list the additional information to be requested of the applicant and be as specific as possible. These requirements will be requested from the applicant in writing by the assigned Planner as part of project preliminary review:

There is no new information.

**SECTION C –
DRAFT PROPOSED ON- AND OFF-SITE IMPROVEMENTS ANTICIPATED:**

List the potential road and flood control or other improvements that the Engineering Department will recommend as conditions of approval. Particular emphasis should be placed on potential off-site improvements such as road widening, intersectional improvements, and sight distance improvements, which may have other environmental effects. These proposed conditions are subject to change based upon project changes, new information, or new analysis by staff or the project decision-making authority.

There are no proposed on- and/or off-site improvements anticipated with the proposed text amendment to the SWIPSP Update.

XX. MANDATORY FINDINGS OF SIGNIFICANCE:

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

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Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

No. the proposed project is a text amendment to Southwest Specific Plan (SWIP) Update that was adopted on May 8, 2012. The proposed project does not degrade the quality of the environment for any protected wildlife species or habitat. The proposed project does not change any of the previously analyzed cumulatively considerable impacts nor adversely affect human beings either directly or indirectly.

Since the previous EIR was certified or previous ND was adopted, are there any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives?

No. The proposed project is a text amendment to a recently adopted specific plan in order to clarify the definition of "Recycling Facilities" and to add this use to the Freeway Industrial/Commercial District of the Southwest Industrial Park Specific Plan. All mitigation measures originally certified in the EIR remain unchanged.

Attachments

- Previous environmental documentation (including any previous addenda, Negative Declarations, or EIRs (including Supplemental of Subsequent EIRs)
- Filed and Posted Notice of Determination and Fish and Game filing fee receipt
- Environmental findings
- Statement of Overriding Considerations

XXI. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM

California Department of Fish and Game. Fish and Game Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines 2011

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California Environmental Quality Act, 2004. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Integrated Solid Waste Management Act, 1989

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2, Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

City of Los Angeles, L.A. CEQA Thresholds Guide, Section C Geology, D Water Resources

City of Fontana Open Space and Conservation Element of the General Plan (Chapter 9)

City of Fontana Public Facilities, Services and Infrastructure Element of the General Plan (Chapter 8)

City of Fontana Zoning and Development Code

County of San Bernardino Stormwater Program, California Regional Water Quality

Control Board Santa Ana Region, National Pollutant Discharge Elimination Systems (NPDES) Permit and Waste Water Requirements

City of Fontana Important Farmland Map

Order No. R8-2002-0012, NPDES No. CAS 618036, California Regional Water Quality Control Board, Santa Ana Region

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code

EXHIBIT 5

HOLLY L. WOLCOTT
CITY CLERK

GREGORY R. ALLISON
EXECUTIVE OFFICER

When making inquiries relative to
this matter, please refer to the
Council File No. 15-0719-S11

City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

COUNCIL AND PUBLIC SERVICES
DIVISION
200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
GENERAL INFORMATION - (213) 978-1133
FAX: (213) 978-1040

SHANNON HOPPE
DIVISION MANAGER

www.clerk.lacity.org

October 30, 2015

NOTICE TO INTERESTED PARTIES

You are hereby notified that a Joint Meeting of the Planning and Land Use Management and Transportation Committees of the Los Angeles City Council will hold a public hearing on **Tuesday, November 10, 2015**, at approximately 2:30 p.m. or soon thereafter in the John Ferraro Council Chamber Room 340, City Hall, 200 North Spring Street, Los Angeles, CA 90012, to consider a Motion to rescind the August 11, 2015 Resolution adopting the Mobility Plan 2035 as amended by the City Council; and, to adopt a Resolution adopting the draft Mobility Plan 2035 as considered and recommended by the City Planning Commission and the Mayor on May 28, 2015 and June 5, 2015, respectively.

If you are unable to appear at this meeting, you may submit your comments in writing. Written comments may be addressed to the City Clerk, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012. In addition, you may wish to view the contents of Council file No. 15-0719-S11 by visiting: <http://www.lacouncilfile.com>.

Sharon Dickinson, Legislative Assistant
Planning and Land Use Management Committee
(213) 978-1074

Note: If you challenge this proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record. The time in which you may seek judicial review of any final action by the City Council is limited by California Code of Civil Procedure Section 1094.6 which provides that an action pursuant to Code of Civil Procedure Section 1094.5 challenging the Council's action must be filed no later than the 90th day following the date on which the Council action becomes final.

Los Angeles Times

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ON15703

Sold To:

LA City Clerk - CU00066787
200 N Spring St Ste 395
Los Angeles, CA 90012

Bill To:

LA City Clerk - CU00066787
200 N Spring St Ste 395
Los Angeles, CA 90012

NOTICE OF PUBLIC HEARING

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HOLLY WOLCOTT, CITY CLERK of the City of Los Angeles

BY _____

CITY CLERK

2015 NOV -5 AM 9:49

CITY CLERK'S OFFICE

C.F. 15-0719-S11

Los Angeles Times

MEDIA GROUP

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF ILLINOIS
County of Cook**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the action for which the attached notice was published.

I am a principal clerk of the Los Angeles Times, which was adjudged a newspaper of general circulation on May 21, 1952, Cases 598599 for the City of Los Angeles, County of Los Angeles, and State of California. Attached to this Affidavit is a true and complete copy as was printed and published on the following date(s):

Oct 31, 2015

**I certify (or declare) under penalty of perjury
under the laws of the State of California that the foregoing is true and correct.**

Dated at Chicago, Illinois
on this 5 day of Nov, 2015.



[signature]

435 N. Michigan Ave.
Chicago, IL 60611

PLANNING & LAND USE MANAGEMENT

NO COPY CHECKED FOR PLACEMENT ON NEXT
REGULAR COUNCIL AGENDA TO BE POSTED

#55

TRANSPORTATION MOTION

Earlier this year, the City adopted a smart, progressive, forward-looking plan to help relieve traffic gridlock by giving people a range of transportation choices. Mobility Plan 2035, a comprehensive revision of the 1999 City of Los Angeles Transportation Element, outlined the vision and laid the groundwork for a series of integrated transportation networks for automobiles, buses, trains, bicycles and pedestrians.

The first step in approval of the plan came on May 28, 2015, when the City Planning Commission considered and recommended for adoption the draft Mobility Plan 2035. On June 5, 2015, the Mayor concurred with the City Planning Commission's action and recommended that the Council adopt the draft Mobility Plan 2035. On August 11, 2015, the Council adopted a resolution adopting the Mobility Plan 2035 as a component of the City's General Plan subject to council-initiated amendments.

As part of Council deliberations, Council approved three amendments to the plan. On September 9, 2015, a lawsuit was filed challenging the Mobility Plan, and, among other things, specifically contending that the Council's approval of the amendments did not comply with the procedures prescribed in Los Angeles City Charter Code Section 555. In order to cure the alleged procedural defect, Council would first need to rescind the Mobility Plan 2035 as amended.

It is equally important for the Council to reaffirm its commitment to the Mobility Plan 2035 and to continue to build multi-modal transportation options for Angelenos.

I THEREFORE MOVE that the Council take the following actions:

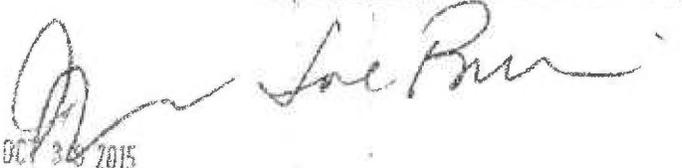
1. Rescind the August 11, 2015 resolution adopting the Mobility Plan 2035 as amended by the City Council; and
2. Adopt a resolution adopting the draft Mobility Plan 2035 as considered and recommended by the City Planning Commission and the Mayor on May 28, 2015, and June 5, 2015, respectively

PRESENTED BY:


MIKE BONIN
Councilmember, 11th District


JOSE HUIZAR
Councilmember, 14th District

SECONDED BY:



OCT 30 2015