



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 6 - 0 3 0 1

SEP 2 1 2016

REPORT RE:

**DRAFT ORDINANCES AND BALLOT RESOLUTIONS REGARDING A CERTIFIED
INITIATIVE PETITION PROPOSING A BUILDING MORATORIUM, RESTRICTIONS
ON GENERAL PLAN AMENDMENTS, AND REQUIRED REVIEW
OF THE 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:

The City Clerk has presented to your Honorable Body a certified initiative petition in support of a proposed ordinance regarding a building moratorium, restrictions on general plan amendments, and required review of the general plan. Charter Section 452 requires Council to take certain actions upon presentation of a certified initiative petition. In connection with the City Clerk's report, this Office has prepared and hereby transmits the draft ordinances and ballot resolutions related to Council's options under Charter Section 452.

Background

On August 24, 2016, a group of proponents submitted an initiative petition to the City Clerk containing voter signatures in support of a proposed ordinance that would impose a building moratorium and restrictions on general plan amendments, require periodic review of the general plan and community plans, prohibit project applicants from completing environmental impact reports for the City, prohibit certain parking variances, and make other changes regarding City planning.

More specifically, the proposed ordinance would amend certain sections of the Los Angeles Municipal Code and Administrative Code, to incorporate the following:

- (1) Two-Year Moratorium on Development Projects Seeking Certain Types of Discretionary Approvals. The Initiative restricts the City's ability to approve certain development projects by imposing a two-year moratorium on projects seeking a General Plan amendment or a zone or height-district change. Specifically, the following types of projects would be subject to the proposed building moratorium, including projects that would result in: (a) a zone change from a more restrictive to a less restrictive land use or an increase in excess of the permitted height limit; (b) an increase in floor area ratio, density or height; or (c) a net loss of land zoned for open space, agricultural, or industrial. The Initiative would also restrict the City's ability to issue building or demolition permits for any previously-approved projects that fall within the restricted types of General Plan amendments or zoning or height-district changes identified above.

Exceptions to the Initiative's proposed moratorium would apply to the following: (i) projects that are comprised of 100% affordable housing units that apply for a zone or height-district change, but not a General Plan amendment; (ii) projects that involve any construction for which a building or demolition permit is required to comply with a City-issued order to repair, remove, or demolish an unsafe or a substandard condition or rebuild a structure as a result of fire, earthquake, or other natural disaster within the building's original footprint; (iii) any project for which a vested right has accrued under state law or the Los Angeles Municipal Code; or (iv) residential projects located in certain single-family neighborhoods.

- (2) Limitation on City's Initiation of General Plan Amendments. Charter Section 555 states that the General Plan may be amended "provided that the part or area involved has significant social, economic or physical identity." The Initiative seeks to limit the City's ability to initiate General Plan amendments by defining "significant social, economic or physical identity," pursuant to Charter Section 555, as meeting one or more of the following criteria: (a) encompass an entire community or district plan area; (b) encompass an entire area that has been included in a specific plan; (c) incorporate an entire named neighborhood council area; or (d) affect an area no less than 15 acres.
- (3) General Plan and Community Plan Updates. The Initiative requires that the City adopt a resolution that sets a schedule and framework for public review and an assessment of whether the City's General Plan and 35 Community Plans and the Port and Airport District Plans should be updated. The General Plan would then be reviewed and updated every five years.

- (4) Preparation of Environmental Impact Reports. The Initiative limits the City's reliance on environmental impact reports prepared by an applicant or by a consultant or third party retained by an applicant. In turn, the Initiative would delegate this responsibility to City staff or to a third party consultant, by contract between the City and another public or private entity, subject to reimbursement by the applicant.
- (5) General Plan Consistency Findings for Permit Approvals. The Initiative would also require that certain General Plan consistency findings be made prior to approval of any proposed development project.
- (6) Maximum Limits on the Amount of Allowable Parking Reductions. The Initiative would amend Section 12.21(A)(4)(y) of the Los Angeles Municipal Code, to restrict the City's ability to reduce on-site parking by more than one-third, inclusive of remote off-site parking, from the number of spaces otherwise required by the Los Angeles Municipal Code.

On September 6, 2016, the City Clerk completed its preliminary review of the initiative petition and accepted it for processing. The City Clerk thereafter examined the voter signatures contained on the petition using the random sampling method authorized in the City Election Code and in accordance with Charter Section 451. The City Clerk has now completed that examination and has determined that the initiative petition contains a sufficient number of valid voter signatures to qualify for presentation to the City Council. The City Clerk certified the petition as sufficient on September 16, 2016, and presented the certified petition to Council on September 16, 2016.

Council Options

Charter Sections 450 through 452 provide that, when a valid and certified initiative petition requesting adoption of a proposed ordinance is presented to the City Council, the City Council may:

1. Adopt the proposed ordinance without alteration;
2. Call a special stand-alone election, which must be held no earlier than 110 days but no later than 140 days after the Council acts, to submit the proposed ordinance to a vote of the electors of the City; or
3. Determine to submit the proposed ordinance at either the next City election or the next Statewide election occurring more than 110 days from the date of Council action (i.e., the City's Primary Nominating Election held on March 7, 2017).

Charter Section 452 provides that Council must take action within 20 days after the presentation of a valid certified petition.

Should the Council wish to adopt the proposed ordinance without alteration, we have enclosed the ordinance proposed in the initiative. (See Attachment 1.) Should the Council wish to submit the proposed ordinance to the voters, we have enclosed an election ordinance and ballot resolutions to place the measure on the ballot at the City's Primary Nominating Election on March 7, 2017. (See Attachment 2.)¹ The election ordinance and resolutions include a ballot title for the measure, which must be 175 words or less. (See City Election Code § 603.)

If you have any questions regarding this matter, please contact Assistant City Attorney Terry Kaufmann Macias at (213) 978-8233 or Deputy City Attorney Harit Trivedi at (213) 978-7100. They 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



DAVID MICHAELSON
Chief Assistant City Attorney

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¹ Please note that we have not transmitted documents for a special stand-alone election because the option of holding an election on the proposed ordinance can be accomplished by consolidating the City's Primary Nominating Election already scheduled for March 7, 2017.