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CITY ATTORNEY

REPORT NO. R 17 - 0 4 36
DEC 1 8 2017

REPORT RE:

**DRAFT ORDINANCE RESCINDING ORDINANCE NO. 184,099
WHICH AMENDED SECTIONS 12.03, 12.04.A AND 12.04.C OF THE
LOS ANGELES MUNICIPAL CODE, AND ADDED SECTION 12.04.06
TO THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH AN
"HI" HYBRID INDUSTRIAL LIVE/WORK ZONE**

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. 15-1013
CPC-2015-1938, ENV-2015-1939

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance. The purpose of the draft ordinance is to rescind Ordinance No. 184,099, adopted on February 10, 2016. That Ordinance amended the City's Zoning Ordinance to establish an "HI" Hybrid Industrial Live/Work Zone. A peremptory writ issued by the Court in *Bar-Zemer, et al. v. City of Los Angeles* directed the City to void and set aside its approval of the Ordinance.

Background and Summary of Ordinance

A. Adoption of Ordinance

On February 10, 2016, the City Council adopted the Ordinance amending the City's Zoning Ordinance to add the Hybrid Industrial "HI" Live Work Zone as a new

zoning classification. The City Council adopted the Ordinance after making a CEQA determination that the adoption of the Ordinance was exempt pursuant to CEQA Guidelines Sections 15061(b)(3) and 15306, and Los Angeles CEQA Guidelines, Article II, Section 2, Class (m), on the general basis that as the new zoning designation was not being applied to any particular property, any foreseeable impacts to the environment were speculative.

B. Lawsuit and Trial Court's Ruling

On March 23, 2016, the Petitioners Yuval Bar-Zemer, Mark Borman, Paul Solomon, Arts District Community Council LA, and Los Angeles River Artists and Business Association (Petitioners) served the City with a petition for writ of mandate claiming the City violated CEQA on the basis that an initial study and possibly an environmental impact report were necessary to adopt the Ordinance. The trial was held on April 11, 2017.

On May 3, 2017, the Court entered judgment in favor of Petitioners and against the City, and issued a peremptory writ of mandate commanding the City to take the following actions:

(1) Void and set aside the City's finding that its February 10, 2016, adoption of the Ordinance was exempt from CEQA pursuant to CEQA Guidelines Section 15063(b)(3) and Section 15306, and Los Angeles CEQA Guidelines, Article II, Section 2, Class (m); and

(2) Void and set aside the City's February 10, 2016, adoption of the Ordinance establishing the "HI" Hybrid Industrial Live/Work Zone.

Recommendation

This Office recommends the City Council comply with the trial court's order and (1) rescind the CEQA finding and (2) adopt the ordinance rescinding the HI Ordinance prepared by this Office.

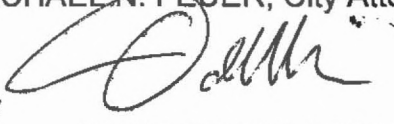
Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety and the Department of City Planning 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 Deputy City Attorney John Fox at (213) 978-8228. A member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:JWF:cg
Transmittal