

WESTWOOD NEIGHBORHOOD COUNCIL

September 14, 2016

Agenda Item #8

NEIGHBORHOOD INTEGRITY INITIATIVE

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Committee of proponents, who are registered voters of the City of Los Angeles, sponsoring the petition: Michael Weinstein Albert K. Ruiz Peter Reis Marijane Jackson Gerard Kenslea

As required by the Charter, the City Attorney has prepared the following official petition title and official petition summary of the primary provisions of this initiative ordinance measure to be adopted by the City Council or submitted directly to the voters.

BUILDING MORATORIUM; RESTRICTIONS ON GENERAL PLAN AMENDMENTS;
REQUIRED REVIEW OF GENERAL PLAN. [INITIATIVE](#)

ORDINANCE

The proposed ordinance would amend City laws related to the General Plan, including to: 1) impose a two-year moratorium on projects seeking General Plan amendments or zone or height-district changes resulting in more intense land use, an increase in density or height, or a loss of zoned open space, agricultural or industrial areas, with exceptions including for affordable housing projects and projects for which vested rights have accrued; 2) prohibit geographic amendments to the General Plan unless the affected area has significant social, economic, or physical identity (defined as encompassing an entire community or district plan area, specific plan area, neighborhood council area or at least 15 acres); 3) require systematic, public review of the General Plan every five years; 4) prohibit project applicants from completing environmental impact reports for the City; 5) require the City make findings of General Plan consistency for planning amendments, project approvals and permit decisions; and 6) prohibit certain parking variances.

TEXT OF THE PROPOSED MEASURE:

The People of the City of Los Angeles hereby ordain and enact as follows:

Section 1. Name

This ordinance initiative shall be known and may be cited as “The Neighborhood Integrity Initiative,” and shall be referred to herein as “the Act.”

Section 2. Findings

The people of Los Angeles hereby find:

- A. Today, Los Angeles City Hall’s elected leaders reward developers who support their campaigns and pet projects, giving them special treatment by approving inappropriate or oversized developments. The People have attempted to improve this system previously, but Los Angeles elected city officials have wiped out these reforms. These attempted reforms came about after Los Angeles had dramatic zoning scandals in the 1960s that unveiled a corrupt planning system at City Hall. The resulting bribery trials sent to prison a City Councilman and a developer was convicted of grand theft. Judge Pearce Young declared that city officials’ practice of “rezoning” individual parcels of land for developers who wanted bigger buildings than allowed by zoning was “the power to create great wealth.”
- B. Voters forced dramatic zoning reforms on city officials in 1969. A Citizens Committee on Zoning Practices and Procedure proposed banning parcel-by-parcel, or spot, zoning. The Citizens Committee report specifically found that “a completely piecemeal approach to General Plan amendments would defeat the principle of comprehensiveness and destroy the integrity of the [General] Plan. To prevent this, any change in the Plan should be viewed in at least a community-wide context. Therefore . . . we propose that recognized community areas with social and economic identity be the minimum size units for general plan study and revision.” The People adopted this ban in 1969’s charter reform, severing the dirty link between developers and the elected city officials who take their gifts, money for pet projects, and campaign contributions.
- C. Today, Los Angeles city officials have quietly wiped out the People’s reforms. Developers are drenching elected city officials in gifts, campaign donations and funding for council members’ and mayoral pet projects. Usurping the voter reforms of 1969, the City Council grants scores of parcel-by- parcel piecemeal amendments to the General Plan. The City Council and Mayor routinely let developers build bigger and taller projects than the General Plan/zoning allows – at the clear expense of a community’s traffic, infrastructure, and character. Environmental impact reports prepared by developers compound the problems by masking the true impact of these massive, inconsistent projects.
- D. The People find that the voters of the City must put a stop to the City Council’s and Mayor’s doling out of entitlements. Elected city officials are so attached to developers’ gifts, campaign donations and donations to their pet projects that, in 2005, the City Council quietly changed a local law so that the City Council no longer updates the

General Plan on a schedule to assure it is up-to-date. Pointing to its aging General Plan as “out-of-date”, which they refuse to update, City politicians have given themselves a circular excuse for their constant amendments to the General Plan at the behest of developers.

- E. Spot zoning and spot General Plan amendments are not acceptable “planning.” This practice has overwhelmed the City’s roads with traffic, displaced existing residents, and destroyed neighborhood character. It also has strained the capacity of the City’s sewers, water mains, electrical distribution networks, fire and police services, parking, and transportation systems. City officials have failed in their duty to track the cumulative harm inflicted on infrastructure in granting these parcel-by-parcel zoning changes and spot General Plan amendments. Indeed, the City Controller recently issued an audit showing Los Angeles elected officials are leaving millions of dollars per year on the table they could legitimately obtain from development projects to avoid these cumulative harms.
- F. As a result of the City Council’s approval of greater density and greater intensity of use through spot zoning and spot General Plan amendments, there is a current and immediate threat to public health, safety and welfare.
- G. Nothing in this measure affects the City’s ability to change zoning or General Plan designations to create new parks or to require lower-intensity uses than currently permitted by the zoning or General Plan designation. This measure does not require the amendment of any Specific Plan.
- H. It is necessary for the People to direct City officials to comply with the City Charter reforms, and with state law that makes the General Plan the supreme land-use document at the top of the hierarchy of planning and zoning laws, by now enacting these municipal code provisions, which can only be modified by a subsequent vote of the People. This Act:
 - 1. Ends spot General Plan amendments with the exception of significant areas.
 - 2. Forces the City to once again comprehensively plan for the physical development of Los Angeles at the community or city wide level, use reliable population data, water availability, infrastructure capacity and fire and police response times in the planning process, and exercise better control over environmental review of large projects requiring environmental impact reports.
- I. There exists a current and immediate threat to public health, safety and welfare as a result of the City’s approval of spot general plan amendments that increase density and intensity of use, and the City’s failure to regularly update its General Plan to fully evaluate the capacity of the City’s infrastructure to support the level of development provided for by piecemeal General Plan amendments. These piecemeal plan amendments interfere with the creation of a harmonized and appropriate General Plan.
- J. The development of projects containing a significant component of multifamily housing have a negative impact on health and safety when such projects are approved in areas that are not zoned for such housing or which do not permit such housing under the General Plan. This negative impact is caused because the City’s infrastructure is threatened, in that fire response times do not consistently meet standards for safety (Los Angeles Times, “L.A. Fire Department response time slow, data show,” (October 23, 2014), the City’s water supply utilizes an aging infrastructure that must be upgraded (Business Week,

“L.A. Faces \$1.5 Billion Bill as Pipes Spring Leaks: Cities,” (August 10, 2014)), and streets that are failing in condition (City of Los Angeles, Bureau of Street Services, 2011 State of the Streets Report). These conditions have been well-documented and have not improved (New York Times, “Infrastructure Cracks as Los Angeles Defers Repairs,” (Sept. 1, 2014)). These threats to public safety are mitigated by permitting multifamily development to take place only where the General Plan and zoning has been designed for it, until the General Plan has been updated with the necessary environmental review establishing that the City’s infrastructure is capable of serving increased population density in areas which are not currently planned for such density. There are no feasible alternatives to conducting such a plan update and its environmental review.

- K. While City officials have used spot General Plan amendments to permit increasingly dense development, they have also granted various reductions and waivers of municipal code parking requirements without adequate demonstration that project occupants and users will not park in adjoining residential and business districts to the detriment of the quality of life of the City’s diverse residential neighborhoods. This measure will impose an outer bounds on City officials ability to grant such discretionary waivers for projects, including subdivisions such as small lot subdivisions and condominium conversions, and other large development projects that obtain development agreements, zone or height district changes.

NOW THEREFORE, based upon the foregoing findings the People find and declare corrective legislation is required to restore the Comprehensive General Plan Process, strengthen its link to the capacity of infrastructure to support coherent physical development of the City, and enforce the General Plan and its corresponding zoning to make land use decisions, as well as the environmental review process inextricably linked to such decisions, more consistent, fair, predictable, and accordingly to end harmful speculative and politicized land use decision making by City officials.

Section 3. Retitling

Section 11.5.1 of Article 1.5 of the Los Angeles Municipal Code is amended to read as follows: “Sec. Title. This article shall be known as the Comprehensive General Plan Program of the City of Los Angeles.”

Section 4. Temporary Moratorium Stops Council Approvals of Projects that Seek Spot Zoning and General Plan Amendments to Intensify Land Use

- A. Definitions. For purposes of the Act, the term “project” shall be defined as “the construction, erection, alteration of, or addition to a structure.” The term project shall not include interior or exterior improvements that do not increase the floor area over that of an existing structure.
- B. Notwithstanding any section of the Los Angeles Municipal Code and during the effective period of the moratorium imposed by the Act no project that seeks a General Plan amendment, a zone or height district change shall be approved by the City Council if such approval would result in:

1. changes of existing zoning to permit more intense land use (as defined by a zone change from a more restrictive to less restrictive zone according to the Los Angeles Municipal Code section 12.04 A, or to a height district permitting the construction of a higher structure); or
 2. an increase in floor area ratio, density or height; or
 3. a net loss of land zoned open space, agricultural or industrial.
- C. Notwithstanding any section of the Los Angeles Municipal Code and during the effective period of the moratorium imposed by the Act, no building or demolition permit shall be issued after the effective date of the Act for any project for which the City granted a General Plan amendment, zone or height district change that resulted in:
1. changes to existing zoning or height districts that permit more intense land use or an increase in floor area ratio, density or height from what is permitted in the current General plan; or
 2. a change of zone from open space, agricultural or industrial to any other type of zoning that is not open space, agricultural or industrial.
- D. Moratorium Expiration. The moratorium imposed by this Section 4 will expire upon the City Council's final adoption of both 1) an updated General Plan Framework and 2) an updated community plan text and zoning map for a particular community plan area or 3) within 24 months of the effective date of the Act, whichever is sooner.
- E. Exceptions. The moratorium prohibitions specified in this Section 4 of the Act shall not apply:
1. to any Project in which 100% of the units are deed restricted Affordable Housing Units, that seeks a zone change or height district change only, but not a General Plan amendment. An Affordable Housing Unit is defined as a unit that is affordable to households with a gross household income at or below Low Income levels (including Extremely Low Income and Very Low Income) as determined by the California Department of Housing and Community Development (or successor agency) for Los Angeles County on an annual basis, and that is rented or sold for no more than the percentage of gross household income required by Health and Safety Code section 50052.5.
 2. to any construction for which a building or demolition permit is required a) to comply with an order issued by the Department of Building and Safety to repair, remove or demolish an unsafe or a substandard condition or b) to rebuild as a result of destruction by fire, earthquake or other natural disaster, provided that the development is not prohibited by any provision of the Los Angeles Municipal Code and the development does not increase the square footage beyond what previously existed on the site.
 3. to any project (a) for which a vested right has accrued under state law or the provisions of the Los Angeles Municipal Code prior to the effective date of this Act, nor (b) to RA, RE, RS and R1 zoned properties upon any Interim Control Ordinance is presently in effect, including but not limited to the Interim Control Ordinance No. 184397 and any extensions of that provision.

Section 5. Protecting the Integrity of the General Plan: Permanent Restrictions on Spot Zoning that Usurps the City Charter

The first unnumbered paragraph and Subdivisions A and B of Section 11.5.6 of Article 1.5 of the Los Angeles Municipal Code are amended to read as follows (all other provisions of Section 11.5.6 are unchanged).

Sec. 11.5.6. General Plan. Pursuant to Charter Section 555, the City's comprehensive General Plan may be adopted, and amended from time to time, either as a whole, by complete subject elements, by portions of elements, or by substantial geographic areas. Consistent with Charter Section 555, no General Plan amendment shall be adopted for a portion of an element or any geographic area of the City that does not have a significant social, economic or physical identity.

- A. Amendments. Amendments to the General Plan of the City shall be initiated, prepared and acted upon in accordance with the procedures set forth in Charter Section 555 and this section.
- B. Initiation of Plan Amendment. As provided in Charter Section 555, an amendment to the General Plan may be initiated by the Council, the City Planning Commission or the Director of Planning. Initiations by the City Council or City Planning Commission shall be by majority vote. If an amendment is initiated by the Council or City Planning Commission, then it shall be transmitted to the Director of Planning for report and recommendation to the City Planning Commission. Consistent with Charter Section 555, the City Council, the City Planning Commission, or City Planning Director may not initiate a General Plan amendment, including at the behest of any person, unless the proposed amendment encompasses an area which has significant social, economic, or physical identity, as defined herein. Whether initiated by the Director, the Council or the City Planning Commission, the Director shall prepare the amendment and a report recommending action by the City Planning Commission. The report shall contain an explanation of the reasons for the action recommended. After the Director prepares a Plan amendment and report, the Director shall transmit the file to the City Planning Commission for its action.
 1. The following standards shall govern the determination by the City Council, the City Planning Commission or the Director of Planning of what constitutes "an area which has significant social, economic, or physical identity," for purposes of evaluating a proposed General Plan amendment. Any General Plan amendment must meet one or more of the below four criteria to be considered to encompass "an area which has significant social, economic, or physical identity,"
 1. An entire community or district plan area;
 2. An entire area that has been included in a specific plan;
 3. An entire named neighborhood council area;
 4. An area no less than 15 acres.
 2. Under no circumstances may a General Plan amendment be approved that permits a single project or group of pending or concurrently-submitted real property development projects to be approved where the approval of such project or projects would otherwise be inconsistent with the General Plan. The City Council's approval of any General Plan amendment must include specific findings based on substantial evidence demonstrating that the amendment is not solely to facilitate the approval of a pending project or projects.

3. In approving the adoption or amendment of any portion of the General Plan, the City Planning Commission and City Council must make findings based on substantial evidence that the proposed adoption or amendment is internally consistent with itself and all other elements of the General Plan.

Section 6. Requires General Plan and Community Plan Updates and Consistency in an Improved Environment of Transparency

Section 11.5.8 of Article 1.5 of the Los Angeles Municipal Code is amended to read as follows:
Sec. 11.5.8. Systematic General Plan Review and Accessibility of Hearings

- A. Within ninety days of the effective date of the Act, the City Council, after considering the recommendations of the Planning Director and the City Planning Commission, shall adopt by resolution a schedule and program for the immediate systematic public review and possible amendment of all elements of the General Plan. This review and updating process shall occur every five years.
- B. This program shall include the review and possible updating of the 35 Community Plans and the Port and Airport District Plans. The City Planning Commission shall hold all public hearings concerning the review and possible updating of the Community Plans or District Plans at a location in each of the 35 Community Plan areas and two District Plan areas at any time that such plan is reviewed and updated. All such City Planning Commission public hearings shall be held in the evening or on a weekend to increase the ability of the public to attend. The applicable City Council subcommittee reviewing any proposed Community Plan or District Plan review or update shall hold at least one public hearing in the affected area, and shall hold such hearing in the evening or on the weekend. Nothing in this Act prevents communities from holding citizen-initiated meetings to develop their planning visions and recommendations to the City.

Section 7. Environmental Impact Reports Can No Longer Be Prepared by Developers And Project Approvals and Permits Must Be Consistent With The General Plan

A new section, 11.5.11, is hereby added to Article 1.5 of the Los Angeles Municipal Code, as follows:

Sec. 11.5.11. Preparation of Environmental Impact Reports and Independence of Consultants; Required Consistency with General Plan.

- A. Environmental Impact Reports. Notwithstanding any provisions in the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*, the California Environmental Quality Act Guidelines, or the City of Los Angeles California Environmental Quality Act Guidelines, whenever an environmental impact report is required to be prepared prior to the approval of a project for which the City of Los Angeles is the Lead Agency pursuant to Public Resources Code section 21067, the environmental impact report may only be prepared by the staff of the Lead Agency or by contract between the Lead Agency and another public or private entity, and may not be prepared by an applicant or by a consultant or third party retained by an applicant. The

City may prepare an environmental impact report or contract with a consultant to prepare an environmental impact report for projects on which the City is an applicant. The Lead Agency may require the applicant to reimburse the agency for the cost of preparing the environmental impact report.

B. Consistency of Project and Permit Approvals.

1. In approving any proposed development project, each City decision maker (i.e. City planning director, zoning administrator, city planning commission, area planning commission, or City Council) must make findings based on substantial evidence that the proposed project is consistent with all elements of the General Plan.
2. Before issuing a permit of any kind, the City official responsible for its issuance must find that the proposed permit is consistent with the General Plan Land Use Designation, all applicable zoning code provisions, all project conditions, and determine that no significant changes have been made to the project as originally approved that would require any new discretionary review by a City decision maker.

Section 8. Ensures that Large Developments as well as Small Lot Subdivisions and Condominium Conversions Provide Adequate Parking

Los Angeles Municipal Code Article 2, Section 12.21, Subdivision A.4, paragraph (y), is amended solely by adding the final sentence to paragraph (y) as shown in the below text. No additional provisions of any part of Section 12.21 are amended by this measure.

(y) City Planning Commission Authority for Reduced On-Site Parking with Remote Off-site Parking or Transportation Alternatives. The City Planning Commission may, upon application, authorize reduced on-site parking and remote off-site parking. The City Planning Commission authorization may only be approved in connection with a City Planning Commission approval of an application or appeal otherwise subject to its jurisdiction including the following: the City Planning Commission action on an application for a zone change, height district change, supplemental use district, and conditional use pursuant to Section 12.24U; the City Planning Commission action on a tentative tract map appeal, a vesting tentative tract map appeal, a development agreement; and the City Planning Commission action on a request for a density bonus greater than the minimum 25 percent required by California Government Code Section 65915, exception from a specific plan, or a project permit pursuant to a moratorium ordinance or interim control ordinance. In exercising this authority, the City Planning Commission shall act on an application in the same manner and subject to the same limitations as applicable to the Zoning Administrator, under Section 12.27X. However, the procedures for notice, hearing, time limits, appeals and Council review shall be the same as those applicable to the underlying discretionary approval. Under no circumstances may the required on-site parking be reduced by more than one-third (including by remote off- site parking) from the number of spaces otherwise required to be provided by any other applicable provisions of the Los Angeles Municipal Code.

Section 9. Request for Placement on Earliest Possible Ballot

The voters signing this petition request, failing adoption by the City Council of this initiative measure, that this initiative measure be placed on the next City election ballot in March 2017. The urgency of the permanent impact of the current deluge of general plan exemptions for mega-developments currently under consideration in the City of Los Angeles requires prompt action, and delay would only deny voters their ability to weigh in on a timely basis.

Section 10. Inconsistent Provisions Repealed

Any provisions of the Los Angeles Municipal Code, the City of Los Angeles General Plan or any other ordinances of the City inconsistent with this Act, to the extent of such inconsistencies and no further, are hereby repealed. Any amendments to the Los Angeles Municipal Code between the date the Notice of Intent to circulate the Act was submitted to the Los Angeles City Clerk, and the date the Act is effective, to the extent such amendments are inconsistent with this Act, are hereby repealed. The amendments to the Los Angeles Municipal Code set forth in Sections 5, 6, 7 and 8, above, express the voters' intent to eliminate any possible inconsistency between the General Plan and the Los Angeles Municipal Code. It is the voters' intent that the ordinances contained in Sections 5, 6, 7 and 8 be read and construed in full harmony with all provisions of the General Plan.

Section 11. Judicial Enforcement and Liberal Construction

Any aggrieved person or City of Los Angeles registered voter shall have the right to maintain an action for equitable relief to restrain any violation of this Act, or City failure to enforce the duties imposed on it by this Act. The provisions of this Act shall be construed liberally to effectuate its intent and purposes.

Section 12. Adoption Date and Effective Dates

If the City Council approves this measure, or if a majority of the voters pass this Act, it shall become a valid enactment of the City, binding on the City Council and all other City officials, as of the earliest date allowed by law.

Section 13. Competing Measures

If this initiative measure and another measure on the same subject matter appear on the same ballot, and a majority of the voters approve both measures, the measure that receives the most votes shall prevail over the other measure in its entirety, as this measure is deemed to irreconcilably conflict with any other measure addressing the same subject matter.

Section 14. Future Amendments

This Act may be amended or rescinded only by a vote of the People at a municipal election.

Section 15. Severability

This Act shall be interpreted so as to be consistent with all federal, state and local laws, rules and regulations. If any section, subsection, subdivision, clause, sentence, phrase or portion of this Act is declared unconstitutional or invalid by a court of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, sentences, phrases and portions shall remain in full force and effect, and to this end the provisions of this Act are severable. The voters thus declare that they would have passed all sections, subsections, subdivisions, clauses, sentences, phrases and portions of this Act without the section, subsection, subdivision, clause, sentence, phrase or portion held unconstitutional or invalid.