

EXECUTIVE DIRECTIVE ALERT!

Some Commissioner Contacts Prohibited

Mark Armbruster | Dale Goldsmith | William F. Delvac | Amy E. Freilich | David A. Goldberg
Damon P. Mamalakis | Dave Rand | Todd Nelson | Aaron Clark | Matt Dzurec | Alix Wisner | Joseph Palombi

With the overwhelming repudiation of Measure S, there is an understandable sigh of relief.

BUT WHAT COMES NEXT?

- There are **new rules** on contacts with Commissioners and Measure JJJ is the law. There is also a new focus on timing of community plan updates and coordination on planning and transportation issues.
- The Mayor just issued an **Executive Directive** that dramatically changes the approach to project outreach and advocacy.
 - **Communication with Planning Commissioners and Cultural Heritage Commissioners is prohibited** outside of hearings for "quasi-judicial" matters and will result in **recusal of the Commissioner**.
 - The affected matters include the **full range of non-legislative land use entitlements**, such as conditional use permits, site plan review, etc.
 - The **Executive Directive** appears to exempt legislative actions such as zone changes, development agreements and specific plan adoption and amendments, but that is not explicitly stated.
- Many projects include **both legislative and quasi-judicial actions**. The Executive Order does not specifically address these types of projects. At a minimum, you should exercise great caution in discussing such projects with Commissioners-and likely best to avoid contact in order to avoid the possibility of recusal.
- Measure S would have rescinded Measure JJJ which was approved by the voters in November 2016. Therefore, the Measure JJJ rules regarding prevailing wage and affordable housing requirements for residential projects that involve a general plan amendment, zone change and/or height district change are now in place going forward. For more information click on the links for a **Planning Department Memo** and our prior **Measure JJJ Alert**.

Click on the link for the full text of the **Executive Directive**, including the provisions regarding General Plan and Community Plan updates and coordination on planning and transportation issues.

We are following all of these evolving issues closely. Please do not hesitate to contact any attorney you are working with at our firm or Bill Delvac or Dale Goldsmith at 310-209-8800.

About Our Law Firm

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ERIC GARCETTI
MAYOR

EXECUTIVE DIRECTIVE NO. 19

Issue Date: March 9, 2017

Subject: Planning and Developing Housing and Transportation

Angelenos have sent us a clear message—they want to live in a city with more affordable housing, a more robust public transit system, and more support to get those of us experiencing homelessness off our streets and into homes. We must improve our planning process to achieve these goals, and my administration is already making progress.

We are expanding City oversight of the environmental review of projects; tightening our General Plan Amendment process and making it more transparent; and speeding up our updating of the City's Community Plans. I funded that accelerated process in this year's budget, and the City Council has allocated additional resources that will enable us to update all 35 Community Plans in six years.

These efforts should complement policies like the adoption of an Affordable Housing Linkage Fee on new developments, which will give us around \$100 million dollars every year in additional funds to build affordable housing for our residents.

While we have made significant progress to advance our agenda, there is much more work to do. We have an opportunity to build on that progress with the instructions I am issuing in this Executive Directive.

We will improve the updating of our General Plan and Community Plans by fostering greater collaboration among City Departments and by formalizing the programs and timelines for updating Plans.

We will unite City Departments in partnering with the Los Angeles County Metropolitan Transportation Authority to invest the \$860 million a year generated by Measure M in transportation and affordable housing projects as quickly and efficiently as possible.

We will enhance public confidence in our planning process by ensuring that all discussions with Planning Commissioners regarding projects under their consideration are public discussions. Planning Commissioners are volunteers who make critical decisions as they represent our city's diverse communities. Their proceedings must be fully transparent to maintain the public trust.

To that end, I am prohibiting Planning Commissioners from having private meetings or other communications that concern quasi-judicial proceedings, which are matters in which a decision maker is required to hold a hearing and make a decision by applying the law to particular facts. This ban on private meetings includes communications with anyone, participant in the proceeding or not. To the extent that it is consistent with the Ralph M. Brown Act, Cal. Gov't Code §§ 54950–63, and the Governmental Ethics Ordinance, Los Angeles Mun. Code §§ 49.5.1–20, and is otherwise legally permissible, Commissioners may consult with other Commissioners and with City employees to aid them in carrying out their adjudicative responsibilities. This order does not apply to the contracting process, for which ex parte communications are already prohibited by law. Los Angeles Mun. Code § 49.5.11(A).

The reforms in this Executive Directive will make our planning process more efficient, effective, fairer, and transparent, and they bring us closer to realizing our vision of a more inclusive and more prosperous Los Angeles.

Accordingly, I hereby order the following:

Updating the General Plan and Community Plans

- Within thirty days of the effective date of this Executive Directive, the Director of Planning shall develop a schedule and program for the immediate systematic public review and update of all elements of the General Plan, with a periodic review process to occur every five years thereafter. This program shall include the review and possible updating of the thirty-five Community Plans.
- Each General Manager or Head of Department/Office shall ensure departmental cooperation in the development of the General Plan.
- The General Manager of the Personnel Department shall prioritize hiring city planners so as to accelerate the updating of the General Plan and Community Plans.

- In determining the schedule for updating Community Plans, the Director of Planning shall prioritize the implementation of Measure M and Proposition HHH while considering existing criteria.
- In updating the General Plan and Community Plans, the Director of Planning shall ensure planning around transit so as to effectuate the voters' intent in adopting Measure M and shall plan for housing people experiencing homelessness so as to effectuate the voters' intent in adopting Proposition HHH.

Coordinating Planning with the Mayor's Planning Task Force

- Each General Manager or Head of Department/Office shall designate a Planning Liaison for the Department/Office, notifying the Deputy Mayor for Economic Development of that person's name and contact information (including when there is a subsequent personnel change or change to that person's contact information).
- I hereby create the Mayor's Planning Task Force, which the Deputy Mayor for Economic Development (or his designee) and the Director of Planning shall co-chair, and which shall include, in addition to members from and designated by my Office, the departmental Planning Liaisons.
- Each General Manager or Head of Department/Office shall ensure departmental Planning Liaison representation at Mayor's Planning Task Force meetings when the Deputy Mayor for Economic Development so directs; all Planning Liaisons may not be required at all meetings.
- The Mayor's Planning Task Force shall:
 - ensure interdepartmental coordination and cooperation in the development and implementation of the General Plan and Community Plans; and
 - ensure that plans to address the growth and development of Los Angeles are aligned with plans for developing and improving the City's infrastructure.

Delivering Transportation Infrastructure

- Each General Manager or Head of Department/Office from the following Departments/Offices shall designate a Transportation Infrastructure Liaison, notifying my Director of Transportation of that person's name and contact information (including when there is a subsequent personnel change or change to that person's contact information):
 - Board of Public Works
 - Contract Administration
 - Engineering

- Street Lighting
 - Street Services
 - Transportation
 - Water and Power
- I hereby create the Mayor's Transportation Infrastructure Steering Committee, which my Director of Transportation shall chair, and which shall include, in addition to members from and designated by my Office, the departmental Transportation Infrastructure Liaisons.
- I invite the Chief Executive Officer of the Metropolitan Transportation Authority and appropriate Metro staff members to participate in the Mayor's Transportation Infrastructure Steering Committee.
- Each applicable General Manager or Head of Department/Office shall ensure departmental Transportation Infrastructure Liaison representation at Mayor's Transportation Infrastructure Steering Committee meetings as my Director of Transportation directs.
- The Mayor's Transportation Infrastructure Steering Committee shall:
 - review and make decisions on transportation infrastructure projects;
 - adopt a schedule that progressively reduces the review time for each iteration of a design submittal from Metro;
 - establish protocols for the City's cursory reviews of Metro projects;
 - establish a process similar to the Approved as Noted process to allow transportation infrastructure projects to proceed while designs are modified to comment;
 - identify a Project Manager for each Metro project to represent all City agencies on the assigned project;
 - create a bench of design consultants for as-needed supplemental design reviews;
 - execute a process to exempt Metro projects from peak-hour and weekend work restrictions;
 - provide for the co-locating of project-based City employees with Metro and its contractors and consultants at Metro's Integrated Project Management Office (IPMO);
 - empower middle management to make traffic control decisions; and
 - provide direction for Metro to conduct a comprehensive utility review and investigation within the planning phase of any transportation infrastructure project.
- Each General Manager or Head of Department/Office shall issue waivers, when legally permissible, for permitting requirements for Metro projects in a process similar to that used for projects managed solely by the City.

Prohibiting Planning Commissioners' Ex Parte Communications

- Each member of the City Planning Commission, the Area Planning Commissions, and the Cultural Heritage Commission (hereinafter "Planning Commissioner") shall accord to every person who has an interest in a quasi-judicial proceeding the full right to be heard according to the law.
- No Planning Commissioner shall initiate, permit, or consider private, ex parte communications concerning a pending quasi-judicial proceeding unless the Commissioner is recused from the proceeding.
- Notwithstanding the foregoing, when circumstances require it, a Planning Commissioner may permit otherwise unauthorized ex parte communication for scheduling, administrative, or emergency purposes, but only if the communication does not address substantive matters and no one will gain a procedural, substantive, or tactical advantage as a result of the communication.

Executed this 9th day of March 2017.



ERIC GARCETTI
Mayor




DEPARTMENT OF CITY PLANNING

City Hall • 200 N. Spring Street, Room 525 • Los Angeles, CA 90012

December 13, 2016

TO: All Staff
Other Interested Parties

FROM: Vincent P. Bertoni, AICP 
Director
Department of City Planning

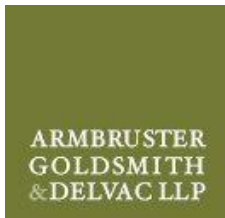
SUBJECT: **CLARIFICATION OF DEVELOPMENT PROJECTS SUBJECT TO
MEASURE JJJ**

On November 8, 2016, voters in the City of Los Angeles approved and passed Measure JJJ, the *Build Better LA* initiative. Among other provisions, this ballot initiative will impose minimum affordable housing requirements and labor regulations on certain development projects requiring certain General Plan Amendments, Zone Changes, and Height District Changes. As a result of the Council's action on December 13, 2016 to certify the election results, the provisions of the initiative are now in effect.

The purpose of this memorandum is to clarify which development projects are subject to the affordable housing and labor requirements specified in Sections 3 and 5 of Measure JJJ. A subsequent memorandum will provide details on the implementation of the measure's other provisions.

Any development project that 1) will result in ten or more residential dwelling units, and 2) requires a General Plan Amendment, Zone Change, and/or Height District Change that results in increased allowable residential floor area, density, height, or allows a residential use where previously not allowed, is subject to the provisions of Measure JJJ, with the exception of a project with a Vesting Zone Change, Vesting Tentative Map, or Vesting Conditional Use Permit, the applications for which were deemed complete by the Department of City Planning as of December 13, 2016. A project with approved entitlements as of December 13, 2016 may be exempt depending upon the facts.

Projects not exempt shall comply with all the housing, labor, and wage requirements detailed in Section 3 and 5 of the Measure JJJ initiative as codified in LAMC Sections 11.5.6 and 11.5.11.



ACTION ALERT!

Another Anti-Development Initiative Proposed

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A coalition of labor unions and affordable housing advocates has just announced the signature-gathering effort to place the "Build Better LA Initiative" on the November ballot. This measure would further complicate the City's already difficult entitlement process, add costly obligations, and curb housing and jobs growth across the City.

This new measure is in addition to, and may share the ballot with, the "Neighborhood Integrity Initiative" described in our November 20, 2015 [Action Alert](#).

Either of these measures would drastically impact a wide range of projects. We have been working with our clients to reduce risks and track deadlines. Specifically, the new measure would:

- Require projects to satisfy affordable housing requirements and costly prevailing wage and other restrictive construction hiring requirements where the project seeks a General Plan amendment, zone change, or greater density, height, or floor area.
- Prohibit the City from approving most General Plan amendments until the Planning Department has completed a comprehensive assessment that the amendment will not negatively impact affordable housing or access to local jobs.

We will continue to monitor both of these measures for our clients. If you would like more information, please contact any of the following attorneys:

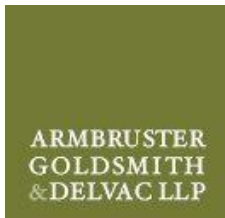
Dale Goldsmith, dale@agd-landuse.com or 310-254-9054
David Goldberg, david@agd-landuse.com or 310-254-9027
Todd Nelson, todd@agd-landuse.com or 310-254-9058

Click on the initiative's name below to view its full text:

[Build Better LA Initiative](#)
[Neighborhood Integrity Initiative](#).

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ACTION ALERT!

The Neighborhood Integrity Initiative

Mark Armbruster | Dale Goldsmith | William F. Delvac | R.J. Comer
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Todd Nelson | Aaron Clark | Matt Dzurec | Alix Wisner

On Wednesday, November 18, 2015, a coalition of Hollywood-based NIMBY's announced a sweeping ballot measure to effectively halt new development throughout Los Angeles. The so-called "Coalition to Preserve LA" will seek to collect signatures to qualify "The Neighborhood Integrity Initiative" for the November 2016 election. This initiative would drastically and adversely change the City entitlement process, curtail needed development, drive up already high housing prices, and kill many jobs. The outcome would be to effectively kill many pending development projects and make it very difficult for future projects to proceed. Specifically, the measure would impose the following draconian land use changes Citywide:

- Place a two-year construction moratorium on projects that increase land use, density, FAR or height through a General Plan Amendment, zone or height district change;
- Prohibit project-specific General Plan Amendments;
- Ban applicant/developer involvement in the preparation of CEQA documents;
- Restrict parking reductions.

Click the link below to see the full ballot measure:

<http://www.aidshealth.org/wp-content/uploads/2015/11/Initiative-FINAL.pdf>

If enacted, the changes would dramatically curb economic growth, exacerbate the housing crisis and cause extreme delays to an already painfully slow CEQA process. We will be monitoring this initiative very closely and will inform you of ways to combat this misguided measure.

We urge you to consider how this initiative could impact you and your business. If you have questions or would like more information, please contact any of the following Partners:

Dale Goldsmith, dale@agd-landuse.com or 310-254-9054
Bill Delvac, bill@agd-landuse.com or 310-254-9050
Dave Rand, dave@agd-landuse.com or 310-254-9025

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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:

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

[INSERT CITY ATTORNEY TITLE IN UPPER CASE 14PT FONT]

[Insert City Attorney Official Summary 12 pt font]

TEXT OF THE PROPOSED MEASURE

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

Araceli Campos Alton Wilkerson Alexandra Suh Angella Gaines Regina Freer

Section 1. Name

This ordinance initiative shall be known and may be cited as "The Build Better LA Initiative,"
and shall be referred to herein as "the Build Better LA Initiative" or "this Ordinance."

Section 2. Findings

The People of Los Angeles hereby find:

The City of Los Angeles has seen a surge in homeless individuals and families who are forced to sleep on our streets, in our parks, and below our bridges. While LA has had the unfortunate distinction of being the nation's homeless capital for quite some time, the current situation has become so dire that City leaders considered declaring a State of Emergency. At last count, nearly 26,000 Angelenos were homeless, including those suffering from various medical challenges, people of color, families with children, and individuals who are employed. While their backgrounds and stories are as diverse as the population of LA, they share a common struggle with the majority of LA residents who are struggling to afford skyrocketing rents. A recent study from the University of California, Los Angeles shows that Los Angeles, which has the highest percentage of renters in the nation, is also now the least affordable rental market in the nation. Another study from Harvard University states that at least half of all households in LA are rent burdened, or spending more than 30% of their monthly income on housing, with significant numbers paying more than 50% of their income for housing costs. With average rents nearing \$2,000 per month, research has found that an individual must earn over \$30 per hour to afford the rent for a one-bedroom apartment in LA and a working family must earn over \$88,000 per year to afford the rent for a two-bedroom apartment in LA - amounts that are out of reach for a

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ELECTIONS

city where nearly a quarter of its residents are in poverty and the median income is less than \$28,000 per year.

Despite the tremendous need for the construction of new housing, especially for those with extremely-low, very-low, and low incomes, LA continues to struggle with capacity. The City expects to fall far short of its need for affordable housing - projecting that it may meet only 26% of the housing needed for lower-income households while exceeding the need for wealthier households. In May 2014, Southern California Association of Nonprofit Housing (SCANPH) released a report showing that the LA region had a shortfall of nearly 500,000 units of affordable housing available to low and very-low income residents. Southern California Association of Governments (SCAG) estimated that LA had a shortage of over 82,000 housing units, which according to the City's calculations, necessitates production of nearly 11,000 units per year, half of which would be affordable. Unfortunately, the City only has the funding to build 500 units annually and that could drop to 250 in the coming years. In other words, LA does not have the available building stock to address the homeless and affordable housing crisis.

The acute shortage of affordable housing available to those who are homeless or low income is not a new phenomenon and has many causes. Among the many reasons are a lack of public financing for affordable housing and an outdated general plan that does not provide incentives to build the type of housing we need. Cities like LA have been devastated by the dissolution of the Community Redevelopment Agency (CRA). In fiscal year 2009-2010, CRAs throughout California deposited over \$1 billion into accounts for low and moderate income housing. With the CRA being dissolved, cities and counties lost their most reliable funding source for projects that house residents with low to moderate incomes. The City's Affordable Housing Trust Fund (AHTF) was created in 2000 to fund the construction and preservation of affordable housing. Available funding in the Trust Fund has dipped below \$20 million, far below the amount needed to meet the current demand. Given losses in funding, maximizing land use strategies and incentives for both producing and preserving affordable housing is crucial.

Unfortunately, LA has an outdated General Plan, based upon codes that were developed in the aftermath of World War II. While the City's population has doubled from less than 2 million to nearly 4 million in 5 decades, the rules that govern construction keep LA locked into a small-city framework. 60% of LA is covered by a mix of mismatched zoning regulations. We need and deserve a General Plan and zoning codes that address our current challenges, while also embracing the diverse and dynamic city that LA is today and will continue to be in the future.

Cities across the nation have sought to encourage residential development for all income levels around major transit areas and along mixed-use boulevards. As we fight to add more affordable housing, new units must also be located in strategic locations such as areas near major transit stops in order to provide our workers, seniors and students with affordable and convenient travel on a daily basis. By doing so, we also promote healthy, safe, walkable, and sustainable spaces at all economic levels. Current residents of transit-rich neighborhoods in the City are three times as likely to use transit, walk, or bike to work, significantly more likely to be renters, typically make less than \$30,000 per year, and are the groups most susceptible to displacement when property values rise and trigger higher rents.

The City's General Plan encourages provision of sufficient land use and density to accommodate an adequate supply of housing units to meet projected housing needs and encourages location of new housing near transit stations and corridors and within high activity areas while also protecting and preserving low-density neighborhoods. (See, e.g. Framework Element Policy 4.1.1, Objectives 4.2 and 4.3). The City's General Plan Housing Element also sets forth a primary goal of creating "[a] City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs." Recognizing that affordable housing is a matter of statewide concern, the City's Housing Element encourages increasing the supply of affordable and mixed-income housing through land use programs, preserving affordable and rent-stabilized housing, particularly along transit corridors (See, e.g. Policy 1.2.2 and 1.2.8), and promoting sustainable neighborhoods that have mixed-income housing, jobs, amenities, services, and transit, and targeting housing resources, policies, and incentives to include affordable housing in residential development, particularly in mixed use development, Transit-Oriented Districts and designated Centers. Program 8, Objective 2.2, Policy 2.5.1. In furtherance of these General Plan policies and programs, a primary purpose of this ordinance is to create mixed-income development and encourage on-site affordable housing in market rate development projects within Transit-Oriented Districts and designated Centers. The development of mixed-income housing increases social and economic integration, and creates a healthy job and housing balance by locating affordable housing close to employment centers.

As LA continues to suffer through a homeless and affordable housing crisis, we need a General Plan and zoning codes that create incentives for projects that create affordable housing and provide local jobs at the income levels needed to pay the rents found throughout the City. In a city with widespread poverty, we must build more affordable housing and as result, create the local jobs necessary to raise families out of poverty. The City's General Plan aims to maintain the balance of local job creation and housing development. Chapter 7 of the General Plan states, "If the jobs/housing ratio declines, that is, if the number of jobs declines in relationship to the number of housing units, then the City's economic vitality may spiral downward. If the jobs/housing ratio increases, that is, if the number of jobs increases in relationship to the number of housing units, the housing shortage and the need for affordable housing would be exacerbated." LA recognizes that increasing housing must also be connected to similar increases in local jobs. To ensure affordability, we must also make sure that the jobs created from the construction boom pay good, family-supporting wages. Each development which contributes to affordable housing and good jobs through the provisions of this Initiative augments the City's housing mix, helps to increase the supply of housing for all economic segments of the community, and supports a balanced community which is beneficial to the public health, safety and welfare of the City.

Now THEREFORE, based upon these findings the people declare that the City adopt the legislation contained herein in order to address our homeless and affordable housing crisis, while also creating good jobs with family-supporting wages.

Section 3. Affordable Housing and Good, Local Jobs

The Subdivision B of Section 11.5.6 of Article 1.5 of the Los Angeles Municipal Code is amended to read as follows (new text is shown by underline):

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 geographic areas or by portions of elements or areas, provided that any area or portion of an area has 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 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 for report and recommendation to the City Planning Commission.

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. Nothing in this section shall restrict the adoption of a General Plan amendment which permits the development of a project if –

(1) the project (a) is located in an area classified on January 1, 2016, as a Regional Center, a Downtown Center, in an area zoned as Industrial, or a Major Transit Stop including all land within a one-half mile radius of a Major Transit Stop; or (b) each residential unit in the project, exclusive of a manager's unit or units, is affordable to, and occupied by, either a Lower or Very Low Income household;

2) all building and construction work on the project will be performed at all tiers by contractors which (a) are licensed by the State of California and the City of Los Angeles; (b) shall make a good-faith effort to ensure that at least 30% of all their respective workforces' construction workers' hours of Project Work shall be performed by permanent residents of the City of Los Angeles of which at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project; (c) employ only construction workers which possess all licenses and certifications required by the State of California and the City of Los Angeles; (d) pay their construction workers performing project work the wages prevailing in the project area determined pursuant to California Labor Code § 1770; and (e) have at least 60% of their respective construction workforces on the project from: (1) workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program, and

(2) registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program;
and

3) If the General Plan amendment results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed, projects with ten or more residential dwelling units shall also provide affordable housing consistent with the provisions of Section 5 of the Build Better LA Initiative.

For the purposes of this Section the following terms have the meaning shown:

“Transitional Worker” means an individual who, at the time of commencing work on the project, resides in an Economically Disadvantaged Area or Extremely Economically Disadvantaged Area and faces at least two of the following barriers to employment: (1) being homeless; (2) being a custodial single parent; (3) receiving public assistance; (4) lacking a GED or high school diploma; (5) having a criminal record or other involvement with the criminal justice system (6) suffering from chronic unemployment (7) emancipated from the foster care system; (8) being a veteran; or (9) being an apprentice with less than 15% of the apprenticeship hours required to graduate to journey level in a program.

“Economically Disadvantaged Area” means a zip code that includes a census tract or portion thereof in which the median annual household income is less than \$40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

“Extremely Economically Disadvantaged Area” means a zip code that includes a census tract or portion thereof in which the median annual household income is less than \$32,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

The Department of Public Works, Bureau of Contract Administration shall bear administrative responsibilities for the labor standards required by this section.

C. Action by City Planning Commission on Proposed Amendments.

1. **Notice and Hearing.** Before the City Planning Commission acts on a proposed Plan amendment and the Director’s recommendation, the matter shall be set for a public hearing. The City Planning Commission may hold the hearing itself or may direct the Director to hold the hearing. In either event, notice of the time, place and purpose of the hearing shall be given by at least one publication in a newspaper of general circulation in the City (designated for this purpose by the City Clerk), at least ten days prior to the date of the hearing. Notice shall also be mailed to any person requesting notice of the hearing.

At the time of the hearing, the City Planning Commission or the Director shall hear public testimony from anyone wishing to be heard on the matter. The City Planning Commission or the Director may continue the hearing to another date announced publicly at the hearing being continued; no additional notice of the continued hearing need be given. If the hearing is conducted by the Director, he or she shall submit a report to the City Planning Commission summarizing the information received. The report may also contain a recommendation to the City Planning Commission regarding its action on the proposed amendment. The Director shall file his or her report with the City Planning Commission after the close of the hearing.

2. City Planning Commission Action. After receiving the Director's report, or after the close of a public hearing conducted by the City Planning Commission, the City Planning Commission shall recommend to the Mayor and the Council that the proposed amendment be approved or disapproved in whole or in part. The City Planning Commission's report to the Mayor and the Council shall set forth the Commission's reasons for its recommendation.

The City Planning Commission shall act within 90 days after receiving the Director's report pursuant to Subsection B. If the City Planning Commission fails to do so, the City Planning Commission's failure to act shall be deemed a recommendation for approval of the Plan amendment.

If the City Planning Commission recommends approval of any proposed Plan amendment or disapproval of either a proposed amendment initiated by the Director or the Council, the Commission shall transmit as soon as possible those actions to the Mayor for consideration and report to the Council. If the City Planning Commission recommends the disapproval of a Plan Amendment initiated by it, the City Planning Commission shall report its decision to the Council and Mayor.

D. Action by the Mayor on Proposed Amendments. Within 30 days after receipt of the City Planning Commission's recommendation, the Mayor shall make a recommendation to the Council on the proposed Plan amendment. The Mayor's report to the Council shall set forth the Mayor's reasons for his or her recommendation. If the Mayor does not act within the 30-day period, the Mayor's inaction shall be deemed a recommendation for approval of the Plan amendment.

E. Action by the Council on Proposed Amendments. After receiving the recommendations of the City Planning Commission and the Mayor, or at the expiration of the 30-day period for the Mayor to act, the Council shall hold a public hearing on the proposed Plan amendment.

After the close of the public hearing, the Council may do either of the following: **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

1. Approve or disapprove the Plan amendment in whole or in part in accordance with Charter Section 555(e); or
2. Propose changes to the Plan amendment.

The Council shall take either of these actions within 75 days after receiving the recommendation of the Mayor, or within 75 days after the expiration of the Mayor's time to act if the Mayor has not made a timely recommendation. The failure of the Council to act within that 75-day period shall constitute a disapproval of the Plan amendment. (**Amended by Ord. No. 177,103, Eff. 12/18/05.**)

In accordance with Charter Section 555(e), if both the City Planning Commission and the Mayor recommend approval of a proposed amendment, the Council may adopt the amendment by a majority vote. If either the City Planning Commission or the Mayor recommends the disapproval of a proposed amendment, the Council may adopt the amendment only by at least a two-thirds vote. If both the City Planning Commission and the Mayor recommend the disapproval of a proposed amendment, the Council may adopt the amendment only by at least a three-fourths vote.

F. Proposed Changes by the Council. If the Council proposes changes to the Plan amendment that differ from the amendment as initiated or the recommendation of the City Planning Commission, the matter shall be returned simultaneously to the City Planning Commission and the Mayor for their recommendations on the proposed changes. In acting on those changes, the City Planning Commission and the Mayor shall follow the procedures set forth above for their initial action. The City Planning Commission shall act within 60 days of receipt of the Council's proposed change. The Mayor shall act within 30 days of the receipt of the City Planning Commission's recommendation on the proposed change, or the expiration of the time for the City Planning Commission to act if the Commission fails to make a timely recommendation. If either the City Planning Commission or the Mayor does not act within the time period, that inaction shall be deemed a recommendation of approval of the proposed changes. The recommendations of the Commission and the Mayor on any changes made by the Council shall affect only those changes. The Council shall act to approve or disapprove, in whole or in part, the Plan amendment, including the Council's changes, within 120 days after receiving both the City Planning Commission's and the Mayor's recommendations on the Council's proposed changes, or the expiration of their time to act on those changes.

Section 4. Requirement for Plan Updates and Consistency

Section 11.5.8 of Article 1.5 of the Los Angeles Municipal Code is amended to read as follows (deleted text is shown by ~~strikeout~~ and new text is shown by underline): "~~Periodic Comprehensive General Plan Review.~~ General Plan Review.

~~Repealed.~~

A. Planning Areas. The City is hereby divided into 37 planning areas. Each planning area constitutes an area for which either a community plan, a district plan, or other portion of the Land Use Element of the General Plan has been adopted by the City. The boundaries of each planning area shall be those of the applicable adopted community or district plan, or other portion of the Land Use Element of the General Plan as they existed on enactment of this section. These boundaries may be only changed by amendment to the General Plan pursuant to the procedures set forth in Section 11.5.6 of this Code. No amendment to a plan for any of the 37 planning areas, including reduction in the number of such areas, changes in their respective boundaries, land uses permitted within or at any particular location in any such area, or any other

material change, may be made until the completion of a comprehensive assessment of such proposed changes by the Planning Department to ensure that such changes do not:

(1) reduce the capacity for creation and preservation of affordable housing and access to local jobs; or

(2) undermine California Government Code Section 65915 or any other affordable housing incentive program; and

The changes must include a program to create and monitor an inventory of units within the Community Plan Area that are: subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of Lower or Very Low-Income; subject to the City Rent Stabilization Ordinance; and/or occupied by Lower-Income or Very Low-Income households.

B. Action on Proposed Amendments. The City Planning Commission shall receive the assessment by the Planning Department and shall by vote make a recommendation to accept or reject the amendment. The Commission's recommendation will be received by City Council and the Council shall vote to either accept or reject the proposed amendment. The current plans for the 37 planning areas shall remain in full force and effect until or unless the City Council votes to amend them in accordance with this section.

Section 5. Affordable Housing and Good Jobs

A. The following section shall be added into the Los Angeles Municipal Code. The Los Angeles City Council shall have authority to make non-substantive modifications to the language contained within this Initiative solely to conform to the Los Angeles Municipal Code, to the extent necessary. Any such non-substantive modifications, including re-numbering, shall not be required to go through any further voter approval process:

SEC. 11.5.11. AFFORDABLE HOUSING.

(a) Affordable Housing. To be eligible for a discretionary General Plan amendment pursuant to Subdivision B of Section 11.5.6 of the Los Angeles Municipal Code or otherwise, or any zone change or height-district change that results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed, Projects with ten or more residential dwelling units shall meet one of the following on-site affordability provisions, or satisfy one of the alternative options in subdivision (b) and shall comply with the job standards in subdivision (i).

(1) Rental Projects shall provide the following:

- (i)** No less than the affordability percentage corresponding to the level of density increase as provided in California Government Code Section 65915(f), inclusive of any Replacement Units; or
- (ii)** If the General Plan amendment, zone change or height district change results in a residential density increase greater than 35%, then the Project

shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 6% of the total units at rents affordable to Very Low Income households or 15% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units; or

(iii)

If the General Plan amendment, zone change or height district change allows a residential use where not previously allowed, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 11% of the total units at rents affordable to Very Low Income households or 20% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units,

(2) **For-sale Projects** shall provide the following:

- (i) No less than the affordability percentage corresponding to the level of density increase as provided in California Government Code Section 65915(f), inclusive of any Replacement Units; or
- (ii) If the general plan amendment, zone change or height district change results in a residential density increase greater than 35% or allows a residential use where not previously allowed, then the Project shall provide no less than 11% of the total units at rents affordable to Very Low Income households, or 20% of the total units at rents affordable to Lower Income households, or 40% of the total units at rents affordable to Moderate Income households, inclusive of any Replacement Units.

(3) **100% affordable.** Each residential unit in the Project, exclusive of a manager's unit or units, is affordable to, and occupied by, either a Lower or Very Low Income household.

(4) **Projects with both for-sale and rental units.** When a Project includes both for-sale and rental dwelling units, the provisions of this Section that apply to for-sale residential development shall apply to that portion of the Project that consists of for-sale dwelling units, while the provisions of this Section that apply to rental dwelling units shall apply to that portion of the development that consists of rental dwelling units.

All Projects qualifying for development bonuses pursuant to this Section shall be required to meet any applicable replacement requirements of California Government Code Section 65915(c)(3).

A Developer seeking and receiving a density or development bonus under the provisions of California Government Code Section 65915 or any other State or local program that provides development bonuses shall not be eligible for the development bonuses pursuant to this Section. For purposes of this provision, development bonuses shall include discretionary General Plan amendments, zone changes, and height district changes.

(b) **Alternative compliance options.** A Project may satisfy the affordability provisions of this section through the following off-site options in lieu of providing affordable units on site:

- (1) **Off-site Construction.** The affordability provisions of this Section may be satisfied by constructing off-site affordable units at the following rate:
 - (i) No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if constructed within one-half mile of the outer edge of the Project;
 - (ii) No less than 1.25 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if constructed within 2 miles of the outer edge of the Project;
 - (iii) No less than 1.5 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if constructed within 3 miles of the outer edge of the Project.

The off-site units created pursuant to this paragraph must be on a site that is zoned for residential development at a density to accommodate at least the number of otherwise required units; is suitable for development of the units in terms of configuration, physical characteristics, location, access, adjacent uses and other relevant planning and development criteria; and environmental review has been completed to the satisfaction of the City prior to acceptance of the site by the City. The development of off-site affordable units shall include integration of community space and services as required by the Housing and Community Investment Department for comparable affordable housing development. The first Certificate of Occupancy for the off-site units shall be issued prior to or concurrent with the first Certificate of Occupancy for the original Project. In no event shall the Certificate of Occupancy for the market rate units for the original project be issued prior to the Certificate of Occupancy for the affordable off-site units. Individual affordable units constructed as part of an off-site project under this Section shall not receive development subsidies from any Federal, State or local program established for the purpose of providing affordable housing, and shall not be counted to satisfy any affordable housing requirement for the off-site development. Other units in the same off-site project may receive such subsidies. In addition, subsidies may be used, only with the express written permission by the Department of Housing and Community Investment, to deepen the affordability of an affordable unit beyond the level of affordability required by this Section.

- (2) **Off-site Acquisition.** The affordability provisions of this Section may be satisfied by the acquisition of property containing At-Risk Affordable Units and converting the units to non-profit, Community Land Trust, and/or tenant ownership prior to issuance of the Certificate of Occupancy for the original Project. Prior to transferring ownership to a qualified entity, the At-Risk Affordable Units shall achieve a minimum of a C2 rating based on the Fannie Mae Uniform Appraisal

Dataset Property Condition Ratings, as assessed and certified by the Housing and Community Investment Department (HCID), or as required by HCID to be completed by the Developer and subsequently certified by HCID. Any entity taking ownership of At-Risk Affordable Units pursuant to this Section shall record an affordability covenant, consistent with the provisions of subsection (d), guaranteeing affordability to Lower or Very Low Income Households. The number of At Risk Affordable Units that must be acquired and converted to non-profit or tenant ownership under this subdivision shall be as follows:

- (i) No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if acquired within one-half mile of the outer edge of the Project;
 - (ii) No less than 1.25 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if acquired within 1 mile of the outer edge of the Project;
 - (iii) No less than 1.5 times the number of on-site affordable units, and affordability levels as provided in paragraph at the same or greater mix of unit type if acquired within 2 miles of the outer edge of the Project.
- (3) **In-Lieu Fee.** The affordability provisions of this Section may be satisfied by the payment of a fee to the City in lieu of constructing the affordable units within the Project. The in-lieu fee shall be determined by the City based on the following:
 - (i) The number of units equivalent to 1.1 times the required number of on-site affordable units pursuant to paragraph (a), in the same proportion of affordability, multiplied by the applicable Affordability Gap, as defined herein.
 - (ii) No later than 90 days from the enactment of this ordinance, the City shall produce a study identifying the Affordability Gap for rental and ownership units of each bedroom size (studio, 1 bedroom, 2 bedroom and 3 bedroom) for each required affordability level. For rental housing, the study shall collect and determine, by unit type and affordability level, the following information from recently completed affordable housing projects funded by the City's Affordable Housing Trust Fund: total development costs and operating expenses. The study shall also determine the amounts of permanent financing available based on restricted rents and prevailing interest rates. The difference between the total development cost and permanent financing amount shall be the Affordability Gaps per unit by unit type and affordability level. For ownership housing, the study shall identify the market median sales prices by unit type in the 37 Community Plan areas. It shall determine the restricted sales prices of for-sale units by unit type and affordability level. The difference between the market median sales price and the restricted sales price shall be the Affordability Gaps per unit by unit type and affordability level.
 - (iii) The City shall adjust the fee every two years, based on the results of a new Affordability Gaps study (as defined Section 5(b)(3)(ii)). An Affordability Gaps study, the proposed adjusted Affordability Gaps, and the adjusted fees shall be published within 2 years of the date that the

original Affordability Gaps study is released, and consecutively thereafter by the date that is 2 years after the release of the previous Gaps study.

The fee is due and payable to the Affordable Housing Trust Fund at the time of and in no event later than issuance of the first building permit, concurrent with and proportional to project phases. The Developer shall have an option to defer payment of all or a portion of the fee upon agreeing to pay a Deferral Surcharge, with the fee and the Deferral Surcharge due and payable at the time of and in no event later than issuance of the Certificate of Occupancy. The Deferral Surcharge will be assessed at the Wall Street Journal Prime Rate plus 200 basis points at the time such fee is due, at the issuance of the building permit. The Deferral Surcharge fee shall be deposited into the Affordable Housing Trust Fund and accounted for and used as provided in Section (c).

(c) Use of Funds. All monies contributed pursuant to this Section shall be deposited in the City's Affordable Housing Trust Fund. All funds collected under this Section shall be used in the following manner:

- (1) Except as provided in Subdivision (2) below, the funds collected under this Section shall be used to create and/or preserve housing affordable to Extremely Low-, Very Low-, and Lower-Income households.
- (2) The City shall designate and separately account for all Deferral Surcharge payments that it receives under this Section to support the creation and/or preservation of affordable housing within one-half mile of a Major Transit Stop ("TOC area"), with priority to TOC Areas where there is a demonstrated decline in units affordable to and/or occupied by Extremely Low, Very Low and/or Lower Income households. Use of the Deferral Surcharge funds shall include but not be limited to the following:
 - (i) Acquisition and/or remediation of land, and/or acquisition, construction, rehabilitation, and/or financing of housing units by a Community Land Trust or non-profit entity which guarantees perpetual affordability of these units for Extremely Low, Very Low and/or Lower-Income Households or a term of affordability of these units that has a duration of a minimum of 55 years.
 - (ii) Funding for proactive enforcement of the City's Rent Stabilization Ordinance.

(d) Continuing Affordability/Standards for Affordable Units.

- (1) All affordable rental housing units created or acquired pursuant to this Section shall be subject to an affordability covenant acceptable to the Housing and Community Investment Department, and recorded with the Los Angeles County Recorder, guaranteeing continuing affordability to the targeted income group for no less than 55 years. In addition, when units are acquired and conveyed pursuant

to the Off-Site Acquisition option, the Developer and/or entity taking ownership of the units shall create and implement a plan to prevent involuntary displacement of current tenants. Affordable units provided under this Section shall be comparable to the market rate units in the Project (or off-site location in the case of off-site affordable units) in terms of unit type, number of bedrooms per unit, quality of exterior appearance, energy efficiency, and overall quality of construction.

- (2) All for-sale housing units created pursuant to this Section shall be subject to an affordability covenant acceptable to the Los Angeles Housing and Community Investment Department, and recorded with the Los Angeles County Recorder, consistent with the for-sale requirements of California Government Code Section 65915(c)(2).
- (3) A longer term of affordability may be required if the Project receives a subsidy which requires a longer term of affordability. If the duration of affordability covenants provided for in this subsection conflicts with any other government requirement, the longest duration shall control.
- (e) **Developer Incentives.** In addition to the requested General Plan amendments, zone changes and/or height district changes, a Project that provides affordable housing consistent with this Section shall also be entitled to three incentives or concessions specified in California Government Code Section 65915(k) or the applicable Affordable Housing Incentive Program.
- (f) **Processing.** A Project that provides affordable housing consistent with this Section shall be entitled to review and processing by the Expedited Processing Section of the Planning Department dedicated solely to processing entitlements for such Projects with the goal of expediting such Projects.
- (g) **City Council approved adjustments to affordable housing set-asides contained herein.** The City may, by majority vote of City Council, adjust the affordable housing percentages set forth in this Section upon a showing of substantial evidence that such adjustments are necessary to maximize affordable housing while ensuring a reasonable return on investment for Developers.
- (h) **Waiver/Adjustment.** Notwithstanding any other provision of this Section, the requirements of this Section may be waived or adjusted only if a Project applicant shows, based on substantial evidence, that compliance with its requirements would result in a deprivation of the applicant's constitutional rights. The applicant shall bear the burden of presenting substantial evidence to support the request and set forth in detail the factual and legal basis for the claim, including all supporting technical documentation. In determining whether an applicant has presented substantial evidence to support the request for waiver/adjustment, if upon legal advice provided by or at the behest of the City Attorney, it is determined that applying the requirements of this Section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property, the requirements of this Section shall be adjusted or waived

only to the extent necessary to avoid an unconstitutional result. If an adjustment or waiver is granted, any change in the use within the project shall invalidate the adjustment or waiver. If it is determined that no violation of the United States or California Constitutions would occur through application of this Section, the requirements of this Section remain fully applicable.

- (i) All building and construction work on the project will be performed at all tiers by contractors which (a) are licensed by the State of California and the City of Los Angeles; (b) shall make a good-faith effort to ensure that at least 30% of all their respective workforces' construction workers' hours of Project Work shall be performed by permanent residents of the City of Los Angeles of which at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project; (c) employ only construction workers which possess all licenses and certifications required by the State of California and the City of Los Angeles; (d) pay their construction workers performing project work the area standard wages in the project area; and (e) have at least 60% of their respective construction workforces on the project from: (1) workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program, and (2) registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program. The Department of Public Works, Bureau of Contract Administration, shall bear administrative responsibilities for the labor standards required by this subsection.

(j) **Definitions.**

"At-Risk Affordable Unit" shall mean any residential dwelling unit that receives government assistance under prescribed federal, State, and/or local programs, or any combination of rental assistance and is eligible to convert to market rate due to termination (opt-out) of a rent subsidy contract, prepayment of a subsidized mortgage, or expiration of rental restrictions. These assistance programs include, but are not limited to, Housing Choice Vouchers [formerly Section 8], project-based rental assistance, subsidized mortgage programs (e.g., FHA), or expiring rent/deed restrictions with the use of State or local funding programs, including Community Redevelopment Agency Covenants.

Community Land Trust" shall mean a California nonprofit corporation that: (1) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; (2) is neither sponsored by, controlled by, nor under the direction of a for-profit organization; (3) has a corporate membership of adult residents of a particular geographic area as described in the bylaws of the corporation; (4) has a board of directors that: (A) includes a majority of members who are elected by the corporate membership; (B) includes representation by persons occupying and/or leasing any structural improvements on the land; and (C) includes representation by persons residing

within the geographic area specified in the bylaws of the corporation who neither lease land from the corporation nor occupy structural improvements controlled by the corporation; (5) acquires and retains parcels of land, primarily for conveyance under long-term ground leases; (6) transfers ownership of many or all of the structural improvements located on such leased parcels to the lessees; and (7) retains a preemptive option to purchase such structural improvements at a price determined by formula that is designed to ensure that the improvements remain affordable to low and moderate income households in perpetuity.

“Developer” shall mean the owner of the Project and, if different from the owner, any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which develops or causes to be developed the residential housing project and, if applicable, provides off-site affordable units, together with their successors and assigns, but does not include a lender, any governmental entity or the general contractor working for any developer.

“Economically Disadvantaged Area” means a zip code that includes a census tract or portion thereof in which the median annual household income is less than \$40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

“Extremely Economically Disadvantaged Area” means a zip code that includes a census tract or portion thereof in which the median annual household income is less than \$32,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

“Extremely Low-Income Households” is defined in Section 50106 of the Health and Safety Code.

“Lower Income Households” is defined in Section 50079.5 of the Health and Safety Code.

“Project” shall mean 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, and shall not mean any construction for which a building permit or demolition permit is required to comply with an order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe or substandard condition, or to rebuild as a result of destruction by fire, earthquake or 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.

"Replacement Unit" shall mean any unit that would need to be replaced pursuant to California Government Code Section 65915(c)(3) if the Project was seeking a density bonus.

"Transitional Worker" means an individual who, at the time of commencing work on the project, resides in an Economically Disadvantaged Area or Extremely Economically Disadvantaged Area and faces at least two of the following barriers to employment: (1) being homeless; (2) being a custodial single parent; (3) receiving public assistance; (4) lacking a GED or high school diploma; (5) having a criminal record or other involvement with the criminal justice system (6) suffering from chronic unemployment (7) emancipated from the foster care system; (8) being a veteran; or (9) being an apprentice with less than 15% of the apprenticeship hours required to graduate to journey level in a program.

"Very Low-Income Households" is defined in Section 50105 of the Health and Safety Code.

B. Section 5.522 of the Los Angeles Administrative Code is amended to read as follows (new text is shown by underline):

Sec. 5.522. Creation and Administration of the Affordable Housing Trust Fund.

(a) There is hereby created and established within the Treasury of the City of Los Angeles a special fund to be known as the City of Los Angeles Affordable Housing Trust Fund (the Fund) for the purposes of receiving and disbursing monies to address the affordable housing needs of the City of Los Angeles. In addition to the initial deposit of funds, the Mayor and City Council may establish additional revenue sources and appropriate funds for deposit in the Fund from time to time. An amount equal to 25% of the initial and continuing net revenue attributable to the 2001 business tax and payroll expense tax amnesty program and the initial and continuing net revenue attributable to the revenue program initiated pursuant to information obtained as a result of the enactment of Revenue and Taxation Code Section 1955.1 (AB 63) received in the applicable reporting period shall be allocated to the Fund and shall be transferred by the Controller from the General Fund to the Fund. The Fund shall be administered by the HCID.

(b) The money from the Fund shall only be expended within the boundaries of the City of Los Angeles, pursuant to guidelines (the "**Guidelines**") promulgated for this purpose by the Housing and Community Investment Department ("**HCID**"). The Guidelines shall authorize expenditures from the Rental Housing Production Account, as established by Chapter I, Article 2.9 of the Los Angeles Municipal Code, and the Municipal Housing Finance Fund, Chapter 6, Article 4.5 of the Los Angeles Administrative Code. The Guidelines and any amendments thereto shall be approved by the City Council.

(c) Money in this account shall be used exclusively for the housing needs of the City, for the development and preservation of affordable housing and such other housing activities as that term shall be defined in the Guidelines. Such activities shall include loans and grants, including but not limited to:

- (1) activities by qualified entities to provide affordable housing;
- (2) predevelopment activities, acquisition, development, new construction, rehabilitation and/or restoration of rental and/or ownership of affordable housing in the City of Los Angeles;
- (3) any other activity that contributes to an increased supply of decent, safe and sanitary affordable housing in the City of Los Angeles.
- (d) All monies in the Fund shall be held separately from all other funds expended by the HCID. All monies loaned from the Fund shall be repaid to the Fund in accordance with the terms of the loan. The repaid principal and interest shall be placed in the Fund.
- (e) Any gifts, contributions or other money received for the stated purposes of the Fund shall be placed in the Fund. All interest earnings accruing on money in the Fund shall become part of the Fund. Money in the Fund shall not revert to the Reserve Fund of the City.
- (f) The General Manager of HCID or his or her designee shall make recommendations to the City Council for expenditures from the Fund. No expenditure may be made from the Fund without the prior approval of the Mayor and the City Council, unless otherwise authorized by the Guidelines.
- (g) The provisions of this Section are suspended during the fiscal year from July 1, 2009 through June 30, 2010.
- (h) All building and construction work on the project, to extent allowed by the law, will be performed at all tiers by contractors which (a) are licensed by the State of California and the City of Los Angeles; (b) shall make a good-faith effort to ensure that at least 30% of all their respective workforces' construction workers' hours of Project Work shall be performed by permanent residents of the City of Los Angeles of which at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project; (c) employ only construction workers which possess all licenses and certifications required by the State of California and the City of Los Angeles; (d) pay their construction workers performing project work the wages prevailing in the project area determined pursuant to California Labor Code § 1770; and (e) have at least 60% of their respective construction workforces on the project from: (1) workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program, and (2) registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program. For the purposes of this subsection the following terms have the meaning shown:

"Transitional Worker" means an individual who, at the time of commencing work on the project, resides in an Economically Disadvantaged Area or Extremely Economically

Disadvantaged Area and faces at least two of the following barriers to employment: (1) being homeless; (2) being a custodial single parent; (3) receiving public assistance; (4) lacking a GED or high school diploma; (5) having a criminal record or other involvement with the criminal justice system (6) suffering from chronic unemployment (7) emancipated from the foster care system; (8) being a veteran; or (9) being an apprentice with less than 15% of the apprenticeship hours required to graduate to journey level in a program.

“Economically Disadvantaged Area” means a zip code that includes a census tract or portion thereof in which the median annual household income is less than \$40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

“Extremely Economically Disadvantaged Area” means a zip code that includes a census tract or portion thereof in which the median annual household income is less than \$32,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

The Department of Public Works, Bureau of Contract Administration, shall bear administrative responsibilities for the labor standards required by this subsection. The requirements of this subsection, except clause (d) concerning wages, shall not apply to affordable housing developments of 25 units or less in which all units in the development except for managers’ units will be affordable to and occupied by -Lower Income households (as defined in Section 50079.5 of the Health and Safety Code). The requirements of this subsection, except clause (d) concerning wages, shall not apply to developments that have been issued award letters for state and/or local funding, which must include City of Los Angeles Affordable Housing Trust Fund award letters issued, prior to November 30, 2016.

On an annual basis, the Housing and Community Investment Department shall collect data, including but not limited to number and size of affordable housing developments and number of affordable units produced. The City may, by majority vote of City Council, adjust the labor standards required by this subsection, except clause (d) concerning wages, for affordable housing developments between 26 to 50 units in which all units in the development except for managers’ units will be affordable to and occupied by -Lower Income households (as defined in Section 50079.5 of the Health and Safety Code), if at all, during the calendar year beginning on January 1, 2020, only upon a showing of substantial evidence, which shall include technical documentation and a detailed factual or legal basis, that such adjustments are necessary to maximize production of affordable housing with good, construction jobs that pay wages in accordance with clause (d).

Section 6. Transit Oriented Communities Affordable Housing Overlay

Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended by adding a new Subdivision 31 to read:

31. Transit Oriented Communities Affordable Housing Incentive Program

- (a) **Application of TOC Affordable Housing Incentive Program.** This Transit Oriented Communities Affordable Housing Incentive Program, and the provisions contained in the TOC Affordable Housing Incentive Program Guidelines, shall apply to all Housing Developments that are located within a one-half mile radius of a Major Transit Stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code. Each one-half mile radius around a Major Transit Stop shall constitute a unique Transit Oriented Communities Affordable Housing Incentive Area.
- (b) **Preparation and Content of TOC Incentive Guidelines.** Within 90 days of enactment of this Ordinance, the Director of Planning shall prepare TOC Affordable Housing Incentive Program Guidelines ("TOC Guidelines") that provide the eligibility standards, incentives, and other necessary components of this TOC Incentive Program described herein. Nothing in the TOC Guidelines shall restrict any right authorized in the underlying zone or height district. The TOC Guidelines shall be drafted consistent with the purposes of this Subdivision and shall include the following:
- (1) **Eligibility for TOC Incentives.** A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it provides minimum required percentages of On-Site Restricted Affordable Units, meets any applicable replacement requirements of California Government Code Section 65915(c)(3), and is not seeking and receiving a density or development bonus under the provisions of California Government Code Section 65915 or any other State or local program that provides development bonuses. Minimum required percentages of On-Site Restricted Affordable Units shall be determined by the Department of City Planning and set forth in the TOC Guidelines at rates that meet or exceed 11% of the total number of dwelling units affordable to Very Low income households; or 20% of the total number of dwelling units affordable to Lower Income households. The Department of City Planning shall also establish an option for a Developer to qualify for the TOC Incentives by providing a minimum percentage of units for Extremely Low Income Households, which shall be set at no less than 7%. In calculating the required Restricted Affordable Units, the percentage shall be based on the total final project unit count, and any number resulting in a fraction shall be rounded up to the next whole number. In creating the TOC Guidelines, the Department of City Planning shall identify incentives for projects that adhere to the labor standards required in Section 5 of this Ordinance provided, that no such incentives will be created that have the effect of undermining the affordable housing incentives contained herein or in Government Code Section 65915.
- (2) **TOC Incentives.** An Eligible Housing Development shall be granted TOC Incentives, as determined by the Department of City Planning consistent with the following:
- (i) **Residential Density increase.** An Eligible Housing Development shall be granted increased residential density at rates that shall meet or exceed a 35% increase. In establishing the density allowances, the Department of

City Planning may allow adjustments to minimum square feet per dwelling unit, floor area ratio, or both, and may allow different levels of density increase depending on the Project's base zone and density.

- (ii) **Parking.** An Eligible Housing Development shall be granted parking reductions consistent with California Government Code Section 65915(p).
 - (iii) **Incentives and Concessions.** An Eligible Housing Development may be granted up to either two or three incentives or concessions based upon the requirements set forth in California Government Code Section 65915(d)(2).
- (c) **Approval of TOC Guidelines and Incentives.** The City Planning Commission shall review the TOC Guidelines and shall by vote make a recommendation to adopt or reject the TOC Guidelines.
- (d) **Process for changing TOC Incentives and Eligibility.** The TOC Incentives and the required percentages for On-Site Restricted Affordable Units may be adjusted for an individual TOC Affordable Housing Incentive Area through a Community Plan update, Transit Neighborhood Plan, or Specific Plan, provided that the required percentages for On-Site Restricted Affordable Units may not be reduced below the percentages set forth in subdivision (b).
- (e) **Procedures.** Application for the TOC Incentives shall be made on a form provided by the Department of City Planning, and shall follow the procedures outlined in Los Angeles Municipal Code Section 12.22.A.25(g).
- (f) **Covenant.** Prior to issuance of a building permit to create a Housing Development, the following shall apply:
- (1) For any Housing Development qualifying for a TOC Incentive that contains rental housing for Extremely Low, Very Low, or Lower Income households, a covenant acceptable to the Los Angeles Housing and Community Investment Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for 55 years or longer.
 - (2) For any Housing Development qualifying for a TOC Incentive that contains for-sale housing, a covenant acceptable to the Housing and Community Investment Department and consistent with the for-sale requirements of California Government Code Section 65915(c)(2) shall be recorded with the Los Angeles County Recorder.
 - (3) If the duration of affordability covenants provided for in this subdivision conflicts with the duration for any other government requirement, the longest duration shall control.
- (g) **Definitions**
- "Eligible Housing Development" shall mean a Housing Development that includes On-Site Restricted Affordable Units at a rate that meets or exceeds the minimum

requirements to satisfy the TOC Incentives, as determined by the Department of City Planning and as set forth in paragraph (b)(1) above.

“Extremely Low-Income Households” is defined in Section 50106 of the Health and Safety Code.

“Housing Development” shall mean the construction of five or more new residential dwellings units, the addition of five or more residential dwelling units to an existing building or buildings, the remodeling of a building or buildings containing five or more residential dwelling units, or a mixed use development containing residential dwelling units.

“Lower Income Households” is defined in Section 50079.5 of the Health and Safety Code.

“On-Site Restricted Unit” shall mean a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Extremely Low, Very Low, or Lower income households, as determined by the Housing and Community Investment Department.

“Very Low-Income Households” is defined in Section 50105 of the Health and Safety Code.

Section 7. Enforcement

Any aggrieved person or resident of the City of Los Angeles shall have the right to maintain an action for equitable relief to restrain any violation of this Ordinance, or City failure to enforce the duties imposed on it by this Ordinance. The provisions of this Act shall be construed liberally to effectuate its intent and purposes. A joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Section 175a) may bring an action in any court of competent jurisdiction against an employer that fails to pay the prevailing wage to its employees as required by this Ordinance.

Section 8. Relationship to Other Laws

All the provisions of this Ordinance are hereby declared by the people to be in direct and irreconcilable conflict with all of the provisions of any other initiative measure on the subject of development, the General Plan, planning areas, development project approvals, building or demolition permits, building moratoria, parking, affordable housing or wages for construction work and shall supersede the provisions of any such other initiative, if a majority of the voters vote in favor of both measures but this measure receives more votes than the other initiative. The people hereby declare that they intend that no other changes to existing laws concerning development shall be made by initiative except the ones in this Ordinance. The people do hereby expressly declare that any limitation on General Plan amendments, zone changes, or height district changes, enacted by ordinance or ballot initiative:

- (a) Shall not preclude the City’s ability to approve a density bonus pursuant to

Government Code Section 65915 and LAMC 12.22.A.25 and/or the incentives and concessions and vehicular parking ratios referenced therein.

- (b) Shall not preclude the City's ability to approve a Project that meets the requirements contained in Section 5 of the Build Better LA Initiative.

Section 9. Adoption Date and Effective Dates

If the City Council approves this measure, or if a majority of the voters pass this Ordinance, 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 10. Future Amendments

Each provision of this Ordinance shall remain in full force and effect for 10 years from the effective date of the Ordinance, unless amended or repealed by a vote of the people. The City Council of the City of Los Angeles may re-enact all of the same provisions, without amendment, following the expiration of 10 years from the effective date of this Ordinance for two successive periods of five years each but failing such action, all such provisions shall terminate automatically and shall thereafter be of no further force or effect provided that any project approved under the provisions of this Ordinance before its expiration shall be allowed to proceed as thereby approved.

Section 11. 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 Ordinance 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 Ordinance are severable. The voters thus declare that they would have passed all sections, subsections, subdivisions, clauses, sentences, phrases and portions of this Ordinance without the section, subsection, subdivision, clause, sentence, phrase or portion held unconstitutional or invalid.

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.

[INSERT CITY ATTORNEY TITLE IN UPPER CASE 14PT FONT]

[Insert City Attorney Official Summary 12 pt font]

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. The City of Los Angeles (“City”) is a collection of diverse, interesting local communities and neighborhoods that provide housing, services, jobs, and manufacturing for a world class city. Many single-family and low-density areas provide a desirable lifestyle for residents. Other multi-family areas of the City balance provision of housing needs with robust community-oriented opportunities for parks, amenities, and nearby neighborhood-serving commercial districts that are scaled to the surrounding communities. Even the highly urbanized areas of the City have historically been limited in scale to avoid unsustainable demands on the City’s infrastructure. Historically, the City’s environmental review of the City’s General Plan elements acknowledged and implemented mitigation measures to reduce density to avoid overwhelming City infrastructure, and the City committed to monitor the ability of its infrastructure to sustain Los Angeles’ communities to guide future community planning of the City; and
- b. The Act is needed to address recent departures of City officials from fundamental planning and environmental review principles that threaten to return the City to a period where individual property was rezoned at the whim of real estate developers without regard to the environmental detriment to surrounding communities of property owners and residents; and
- c. The modern planning process in Los Angeles was forged in response to a series of scandals, investigated and reported by the Los Angeles Times and other local new outlets, involving bribery of some City officials in exchange for rezoning of real estate developer owned lands; and

- d. The Los Angeles County Civil Grand Jury Report to the Los Angeles City Council in 1966 found credible evidence of a corrupted City of Los Angeles Planning and Zoning Process and recommended that the City form a commission to study and propose comprehensive reforms of the Planning and Zoning process of the City; and
- e. Subsequent bribery and corruption guilty pleas and convictions, including of a Los Angeles City Councilmember, led to important reforms proposed by a Citizen's Committee on Zoning Practices and Procedures; and
- f. Superior Court Judge Pearce Young, who in sentencing the Los Angeles City Councilmember after his conviction, noted that the power to rezone individual parcels of land was "the power to create great wealth"; and
- g. Comprehensive City Charter and Zoning Code amendments recommended by the Citizens' Committee on Zoning Practices and Procedures were adopted by the People and City Council to assure that all land use and zoning decisions are consistent with the City's General Plan; and
- h. Recent changes in campaign contribution laws of the nation allow unlimited expenditure of funds to support candidates for City offices, and currently those laws are beyond the reach of City voters to reign in the deleterious impacts on the City's political process; and
- i. The 1966-70 zoning scandals demonstrate that favored real estate development interests have long held influence over City planning and land use decision making. The lifting of campaign contribution limits may have recently become a tipping point to the detriment of the public interest as City officials have recently been found by reviewing courts to have used intentionally outdated population data in the Hollywood Community Plan Update, granted variances without any factual basis, and unlawfully allowed the Sunset Gordon skyscraper to be built with demolition and building permits that should not have been granted. Further examples of extraordinary deference to the desires of major campaign contributors at City Hall abound; and
- j. The Los Angeles City Planning Director, the City Planning Commission, and the City Council, assisted by the City Attorney, have in recent years processed and enacted parcel-by-parcel or "spot general plan amendments" even though the City Charter reforms of the Citizen's Committee restrict general plan amendments to substantial geographical areas that are of "significant social, economic, or physical identity"; and
- k. Allowing a general plan amendment for land associated with a single real estate development project, or small group of development projects, is a piecemeal amendment of the City's General Plan that the reforms adopted by voters in 1969 were specifically and particularly intended to prohibit; and
- l. Piecemeal amendment of the City's General Plan violates principles of comprehensive and long-term general planning embedded in the City's Charter, impairs the unique character of the City's diverse communities, and imposes significant environmental and infrastructure burdens for which the City has not planned in its environmental reviews; and
- m. Such "spot general plan amendments" are often used to enable zoning and height district changes to grant to a particular real estate developer significant increases to authorized densities and building heights and maximize profits to the expense of surrounding communities; and
- n. Such "spot general plan amendments" burden the City's transportation and parking systems, water resources, sewage treatment plant capacity, water and electric distribution networks, sanitary and storm water collection systems, and public safety services without sufficient financial contribution by the recipients of such improper "spot general plan amendments" or environmental assessment of the cumulative impact of such unplanned increases in density on the City's overburdened infrastructure; and

- o. While City officials have allowed this piecemeal densification of the City without credible environmental review of infrastructure capacity to sustain it, 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; and
- p. In October 2005, the Los Angeles City Council repealed former Los Angeles Municipal Code section 11.5.8, originally enacted as part of the recommendations of the Citizen's Committee, that imposed a duty on City officials to systematically review and update the City's General Plan on a comprehensive and long-term basis. Since relieving themselves of the obligation to conduct General Plan reviews on an adopted schedule, City officials have been derelict in routine General Plan updates and instead have continued to allow rezoning enabled by "spot general plan amendments"; and
- q. Inextricably linked to the City's recent practice of spot general plan amendments increasing density without sufficient environmental review is the City's current practice that permits real estate developers to exercise extraordinary control over the preparation of environmental review by preparing the City's review on its behalf. Given the growing number of environmental cases the City has lost due to deficient environmental review, it has become apparent that the extreme deference of City officials to environmental review documents prepared by developers and their controlled consultants results in deficient environmental review, including failure to fully mitigate project impacts on surrounding communities; and
- r. Without restoration of the duty of City officials to comprehensively plan the City's development, City officials will continue to process and enact random and piecemeal general plan amendments which are contrary to the comprehensive and long-term purpose of preparing and conforming development to general plans; and
- s. A municipal code provision is also required because City officials have failed over a significant number of years to demonstrate with each incrementally-approved "spot general plan amendment" whether the cumulative effects have inflicted harm on the City's infrastructure and unique character of its diverse communities and there is an urgent need to remove real estate developer influence over preparation of environmental review documents in the City, and for the City to recover the full cost of such activity from developers proposing new projects; and
- t. There exists a current and immediate threat to public health, safety, and welfare as a result of the City's approval of density and intensity increasing spot general plan amendments, and the City's failure to update its General Plan regularly to fully evaluate the capacity of the City's infrastructure to support the level of development provided for by piecemeal General Plan amendments, without the comprehensive environmental review that would be provided for a full General Plan update. These piecemeal plan amendments may interfere with the creation of a harmonized and appropriate General Plan; and
- u. The development of projects containing a significant component of multifamily housing has an adverse impact on health and safety when such projects are approved in areas that are not currently zoned for housing on such a scale or which do not currently permit housing on such a scale under the General Plan, 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 times slow, data show," (October 23, 2014), the City's water supply is reliant on an aging infrastructure that must be upgraded (Business Week, "L.A. Faces \$15 Billion Bill as Pipes Spring Leaks: Cities," (August 10, 2014)), and streets that are in failing 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 avoided by permitting multifamily development to take place only where existing General Plan and the existing zoning has been designed for such development, until the General Plan has been comprehensively 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 proper environmental review under the direct control of City officials.

- v. It is necessary for the People to direct City officials to comply with the Charter and state law that make the General Plan the supreme land use document at the top of the hierarchy of planning and zoning laws by enacting into the municipal code provisions that may only be modified by a subsequent vote of the People:
 - (i) Reforms to end City officials accepting, processing, and approving “spot general plan amendments” contrary to restrictions in the City’s Charter since 1969;
 - (ii) Restore the duty of the City to comprehensively plan for the physical development of the City concerning population, water resources, storm water and sewage system capacity, renewable electric resources, and fire and public safety response time needs.

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 implementing zoning to make land use 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 (deleted text is shown by ~~strikeout~~ and new text is shown by underline): “Section 11.5.1. Title. This article shall be known as the ‘Comprehensive Planning General Plan Program of the City of Los Angeles’.”

Section 4. Restrictions on General Plan Amendments to Conform to Charter Limitations

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 (deleted text is shown by ~~strikeout~~ and new text is shown by underline):

“Section 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 geographic areas or~~ by portions of elements ~~or areas, provided that any area or portion of an area has significant social, economic or physical identity,~~ 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 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 is intended solely to permit a single or group of pending or concurrently-submitted real property development project or 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.

C. Action by City Planning Commission on Proposed Amendments.

1. Notice and Hearing. Before the City Planning Commission acts on a proposed Plan amendment and the Director's recommendation, the matter shall be set for a public hearing. The City Planning Commission may hold the hearing itself or may direct the Director to hold the hearing. In either event, notice of the time, place and purpose of the hearing shall be given by at least one publication in a newspaper of general circulation in the City (designated for this purpose by the City Clerk), at least ten days prior to the date of the hearing. Notice shall also be mailed to any person requesting notice of the hearing.

At the time of the hearing, the City Planning Commission or the Director shall hear public testimony from anyone wishing to be heard on the matter. The City Planning Commission or the Director may continue the hearing to another date

announced publicly at the hearing being continued; no additional notice of the continued hearing need be given. If the hearing is conducted by the Director, he or she shall submit a report to the City Planning Commission summarizing the information received. The report may also contain a recommendation to the City Planning Commission regarding its action on the proposed amendment. The Director shall file his or her report with the City Planning Commission after the close of the hearing.

2. City Planning Commission Action. After receiving the Director's report, or after the close of a public hearing conducted by the City Planning Commission, the City Planning Commission shall recommend to the Mayor and the Council that the proposed amendment be approved or disapproved in whole or in part. The City Planning Commission's report to the Mayor and the Council shall set forth the Commission's reasons for its recommendation.

The City Planning Commission shall act within 90 days after receiving the Director's report pursuant to Subsection B. If the City Planning Commission fails to do so, the City Planning Commission's failure to act shall be deemed a recommendation for approval of the Plan amendment.

If the City Planning Commission recommends approval of any proposed Plan amendment or disapproval of either a proposed amendment initiated by the Director or the Council, the Commission shall transmit as soon as possible those actions to the Mayor for consideration and report to the Council. If the City Planning Commission recommends the disapproval of a Plan Amendment initiated by it, the City Planning Commission shall report its decision to the Council and Mayor.

D. Action by the Mayor on Proposed Amendments. Within 30 days after receipt of the City Planning Commission's recommendation, the Mayor shall make a recommendation to the Council on the proposed Plan amendment. The Mayor's report to the Council shall set forth the Mayor's reasons for his or her recommendation. If the Mayor does not act within the 30-day period, the Mayor's inaction shall be deemed a recommendation for approval of the Plan amendment.

E. Action by the Council on Proposed Amendments. After receiving the recommendations of the City Planning Commission and the Mayor, or at the expiration of the 30-day period for the Mayor to act, the Council shall hold a public hearing on the proposed Plan amendment.

After the close of the public hearing, the Council may do either of the following:

1. Approve or disapprove the Plan amendment in whole or in part in accordance with Charter Section 555(e); or
2. Propose changes to the Plan amendment.

The Council shall take either of these actions within 75 days after receiving the recommendation of the Mayor, or within 75 days after the expiration of the Mayor's time to act if the Mayor has not made a timely recommendation. The failure of the

Council to act within that 75-day period shall constitute a disapproval of the Plan amendment.

In accordance with Charter Section 555(e), if both the City Planning Commission and the Mayor recommend approval of a proposed amendment, the Council may adopt the amendment by a majority vote. If either the City Planning Commission or the Mayor recommends the disapproval of a proposed amendment, the Council may adopt the amendment only by at least a two-thirds vote. If both the City Planning Commission and the Mayor recommend the disapproval of a proposed amendment, the Council may adopt the amendment only by at least a three-fourths vote.

F. Proposed Changes by the Council. If the Council proposes changes to the Plan amendment that differ from the amendment as initiated or the recommendation of the City Planning Commission, the matter shall be returned simultaneously to the City Planning Commission and the Mayor for their recommendations on the proposed changes. In acting on those changes, the City Planning Commission and the Mayor shall follow the procedures set forth above for their initial action. The City Planning Commission shall act within 60 days of receipt of the Council's proposed change. The Mayor shall act within 30 days of the receipt of the City Planning Commission's recommendation on the proposed change, or the expiration of the time for the City Planning Commission to act if the Commission fails to make a timely recommendation. If either the City Planning Commission or the Mayor does not act within the time period, that inaction shall be deemed a recommendation of approval of the proposed changes. The recommendations of the Commission and the Mayor on any changes made by the Council shall affect only those changes. The Council shall act to approve or disapprove, in whole or in part, the Plan amendment, including the Council's changes, within 120 days after receiving both the City Planning Commission's and the Mayor's recommendations on the Council's proposed changes, or the expiration of their time to act on those changes.

Section 5. Requirement for Plan Updates and Consistency

Section 11.5.8 of Article 1.5 of the Los Angeles Municipal Code is amended to read as follows (deleted text is shown by ~~strikeout~~ and new text is shown by underline): "~~Periodic Comprehensive General Plan Review. Systematic General Plan Review And Consistency Required.~~

~~Repealed.~~

A. Purpose. Periodic comprehensive General Plan review is essential and mandatory to insure that the City's General Plan properly and systematically addresses the needs of the City, based upon credible data and fundamental planning principles. Comprehensive procedures for evaluating, and, where necessary, amending the General Plan and other land use regulations are required in order to carry out this mandatory planning process.

B. Planning Areas. Pursuant to the Charter Section 555 restriction requiring General Plan Amendments to encompass geographical areas with substantial social, economic or physical identity, the City is hereby divided into 37 planning areas. Each planning area constitutes an area for which either a community plan, a district plan, or other portion of the Land Use Element of the General Plan has been adopted by the City. The boundaries of each planning area shall be those of the applicable adopted community or district plan, or other portion of the land use element of the General Plan as they existed on

enactment of this municipal code section. These boundaries may be only changed by amendment to the General Plan pursuant to the procedures set forth in Section 11.5.6 of this Code.

C. Geographical Area. Pursuant to the requirements of Charter Sections 554 through 557, and for the purpose of maintaining and updating the various community and district plans, the City's 37 planning areas shall be grouped into eleven geographical areas. The Director of Planning shall establish the boundaries of the eleven geographical areas. The Director may modify the boundaries as necessary in order to more effectively carry out the purpose and intent of this section.

D. Procedures. The City Council, after considering the recommendations of the City Planning Commission, shall adopt by resolution a schedule and program for the systematic review and amendment of the General Plan by the 37 planning areas as groups consistent with the eleven geographical areas.

The Director of Planning shall develop the administrative procedures and forms necessary to administer the General Plan review program adopted by Council. The procedures and forms developed by the Director shall be submitted for City Planning Commission review and approval prior to their implementation or use.

In amending the land use plans for the 37 planning areas, the following principles shall be employed to evaluate proposed amendments to the General Plan:

- (1) The proposed amendment will change the General Plan designation of parcels to match the designation of directly contiguous parcels
- (2) The proposed amendment will designate parcels at a similar distance from fixed guideway transit routes to permit a similar density or intensity of use as other parcels equally distant from the transit route in the same area of the City
- (3) The proposed amendment does not create or increase the size of an "island" of greater or lesser density or intensity of use
- (4) The proposed amendment changes the designation of parcels that have distinguishing physical characteristics from other nearby parcels that are not affected by the amendment
- (5) The proposed amendment will not permit development at a density, scale or intensity (including floor to area ratio, height, and permitted use) inconsistent with the majority of already developed parcels within a quarter-mile radius
- (6) There is substantial evidence of a clear transition in land use type or development pattern and the proposed amendment conforms to the pattern
- (7) There is substantial evidence that demographic, economic, or physical circumstances in the area affected by the proposed amendment have changed since the General Plan for the area was last adopted or amended, but this criteria may not be relied upon where the General Plan for the area was amended within the last three years

E. Consistency Requirement. The General Plan and all subordinate codes, plans and land use decisions must be consistent with the General Plan as follows:

- (1) Internal Consistency. In approving the adoption or amendment of any portion of the General Plan, the City Planning Commission and City Council must make findings based upon substantial evidence that the proposed adoption or amendment of the General Plan is internally consistent with itself and all other elements of the General Plan.
- (2) Vertical Consistency of All Zoning. In approving adoption or amendment of any part of the City's Comprehensive Zoning Plan, including the Zoning

Map, the City Planning Commission and City Council must make findings based upon substantial evidence that the proposed adoption or amendment is consistent with all elements of the General Plan.

- (3) Vertical Consistency of All Project Approvals. In approving any proposed public or private development project, each City decision maker (i.e., City Planning Director, Zoning Administrator, City Planning Commission, Area Planning Commission, other City commission or department with jurisdiction over a development project, or City Council) must make findings based upon substantial evidence that the proposed development project is consistent with all elements of the General Plan.
- (4) Vertical Consistency of Permits Issued. Before issuing any permit of any kind (demolition, building, certificate of occupancy, easement, or other agency permission or consent), the City official responsible for issuance of the permit 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.
- (5) Inconsistent Zoning Code Provisions. Notwithstanding any other law, and consistent with Government Code section 65860, subdivision (d), any provision of the City's Comprehensive Zoning Plan or uncodified provisions of City ordinances or resolutions that are inconsistent with the General Plan are void so as to assure the supremacy of the City's General Plan to its Comprehensive Zoning Plan and other subordinate land use regulations. For any such void provisions, the City Council, consistent with Government Code section 65860, subdivision (d) shall repeal or otherwise make such void provisions consistent with the General Plan within 180 days after enactment of this code section."

Section 6. California Environmental Quality Act Independence of Analysis

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

"11.5.11. Preparation of Environmental Impact Reports and Independence of Consultants

Notwithstanding any provisions in the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*, the state 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 be prepared either by the staff of the Lead Agency or by contract between the Lead Agency and another public or private entity. An environmental impact report may not be prepared by an applicant (other than the City as applicant), by a consultant or third party retained by an applicant (other than the City as applicant), or through a third party contract or memorandum of understanding between the applicant (other than the City as applicant), the Lead Agency, and an independent contractor. The Lead Agency may require the applicant to reimburse the agency for the cost of preparing the environmental impact report."

Section 7. Building Moratorium

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, no building permit or demolition permit shall issue for any project for which the City granted a General Plan amendment, or zone or height district change that resulted in:

- (1) changes of existing zoning or height district that permit more intense land use (as defined by a zone change from a more restrictive to less restrictive zone according to Los Angeles Municipal Code section 12.04 A, or to a height district permitting the construction of a higher structure); or 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;

C. Notwithstanding any section of the Los Angeles Municipal Code, no project that seeks a General Plan amendment, zone change, or height district change with respect to an individual real estate development project shall be approved if such approval would result in:

- (1) changes of existing zoning to more intense land use, floor area ratio, density or height; or
- (2) a net loss of land zoned open space, agricultural, or industrial.

The moratorium imposed by this Section 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 within 24 months of the effective date of the Act, whichever is sooner.

D. Exceptions

- (1) The prohibitions specified in (B) & (C) of the Act shall not apply to any construction for which a building permit 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;
 - 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.
- (2) The prohibitions specified in (B) of the Act shall not apply to any building permit 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 ordinance.
- (3) The prohibitions specified in (B) & (C) of the Act shall not apply to RA, RE, RS, and R1 zoned properties upon which 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 8. Parking Variance Reform

Article 2, Section 12.21, Subdivision A.4, paragraph (y), is amended as shown in the below text (new text is shown by underline).

“Section 12.21 General Provisions

A. Use.

...

4. Off-Street Automobile Parking Requirements. A garage or an off-street automobile parking area shall be provided in connection with and at the time of the erection of each of the buildings or structures hereinafter specified, or at the time such buildings or structures are altered, enlarged, converted or increased in capacity by the addition of dwelling units, guest rooms, beds for institutions, floor area or seating capacity. The parking space capacity required in said garage or parking area shall be determined by the amount of dwelling units, guest rooms, beds for institutions, floor area or seats so provided, and said garage or parking area shall be maintained thereafter in connection with such buildings or structures.

New or existing automobile parking spaces required by the Code for all uses may be replaced by bicycle parking at a ratio of one automobile parking space for every four bicycle parking spaces provided. Notwithstanding the foregoing, no more than 20 percent of the required automobile parking spaces for nonresidential uses shall be replaced at a site. Automobile parking spaces for nonresidential projects or buildings located within 1,500 feet of a portal of a fixed rail transit station, bus station, or other similar transit facility, as defined by Section 12.24 Y., may replace up to 30 percent of the required automobile parking spaces with bicycle parking. For buildings with less than 20 required automobile parking spaces, up to 4 parking spaces may be replaced.

Residential buildings may replace 10 percent of the required automobile parking with bicycle parking. Automobile parking spaces for residential projects or buildings located within 1,500 feet of a portal of a fixed rail transit station, bus station, or other similar transit facility as defined by Section 12.24 Y. may replace up to 15 percent of the required automobile parking spaces with bicycle parking. If a residential building has applied for and received a density bonus under Section 12.22 A.25., 30 percent of the required automobile parking may be replaced. In such cases, the replacement of automobile parking with bicycle parking shall be implemented in lieu of the parking options in Section 12.22 A.25.(d).

Bicycle parking installed pursuant to this Section may be installed in existing automobile parking spaces and shall not be considered to violate the maintenance of existing parking as defined by Section 12.21 A.4.(m). The ratio of short- to long-term bicycle parking provided for pursuant to this Section shall be provided in accordance with the requirements set forth for each use as defined by Section 12.21 A.16.(a). If additional bicycle parking is provided beyond what is required by Section 12.21 A.16., the ratio of short-term to long-term bicycle parking provided may be determined by the business or property owner.

(a) For Dwelling Units. In all zones, there shall be at least two automobile parking spaces on the same lot with each one-family dwelling thereon, and in any RW Zone there shall be at least two automobile parking spaces per dwelling unit which shall be upon the same lot with the dwelling unit. However, for small lot subdivisions approved pursuant to Article 7 of this Chapter in conformity with the provisions of Section 12.22 C.27. of this Code, the required parking spaces shall not be required to be located on the same lot with each dwelling unit, but shall be provided within the boundaries of the parcel or tract map. The ratio of parking spaces required for all other dwelling units shall be at least one parking space for each dwelling unit of less than three habitable

rooms, one and one-half parking spaces for each dwelling unit of three habitable rooms, and two parking spaces for each dwelling unit of more than three habitable rooms. Where the lot is located in an RA, RE, RS, R1, RU, RZ, RMP, or RW Zone, the required parking spaces shall be provided within a private garage. Where the lot is located in an R2 Zone, at least one of the required parking spaces per dwelling unit shall be provided within a private garage. Any door or doors installed at the automobile entry to a garage serving a one or two-family dwelling where one or more required parking spaces is located shall be of conventional design constructed so as to permit the simultaneous entry of automobiles into each required parking space without damaging the door or door frame and constructed so as to permit the flow of air through the automobile entry when the door is in the fully closed position.

The above area requirements shall not apply to mobilehomes parks or mobilehomes located within mobilehome parks. Mobilehome parks are subject to the requirements of Title 25 of the California Administrative Code.

(b) For Guest Rooms. Automobile parking spaces shall be provided in the following ratio for the guest rooms included within any building:

- (1) One parking space for each individual guest room or suite of rooms for the first 30;
- (2) One additional parking space for each two guest rooms or suites of rooms in excess of 30 but not exceeding 60; and
- (3) One additional parking space for each three guest rooms or suites of rooms in excess of 60.

(c) For Commercial and Industrial Buildings. Except as otherwise provided in subparagraphs (1) through (7) below, there shall be at least one automobile parking space for each 500 square feet of combined floor area contained within all the office, business, commercial, research and development buildings, and manufacturing or industrial buildings on any lot.

A specific plan may impose less restrictive parking requirements, if it expressly states that the specific plan's parking provisions are intended to supersede the standards set forth in this paragraph.

(1) Warehouse: Where a building or portion thereof is designed, arranged or used as a warehouse including storage buildings for household goods and has a gross floor area in excess of 10,000 square feet, in addition to the one automobile parking space for each 500 square feet of floor area for the first 10,000 square feet, only one parking space need be provided for each 5,000 square feet of floor area in excess of the first 10,000 square feet contained in such warehouse. Such warehouse may not be changed to another use unless additional parking space is provided to meet the requirements contained herein for such other uses.

(2) Health Clubs: There shall be at least one automobile parking space for each 100 square feet of floor area in the building being utilized for a health club, athletic club, bath house, gymnasium, dance studio, dance hall, or any similar establishment, which operates as a private facility or offers the use of the premises and equipment to the general public for physical exercise, dance or sports activities. This provision does not include such a facility located in a building which is accessory to an elementary school, junior high school or senior high school as defined in Section 12.03 of this article or any other institution of learning under the jurisdiction of the State Department of Education. This provision does not include such a facility located within an office building of at

least 50,000 square feet or more of gross floor area, or located within the Downtown Business District parking exception area described in Paragraph (i) of this subdivision.

(3) Restaurants and Bars, General: There shall be at least one automobile parking space for each 100 square feet of gross floor area included within the total square footage of any restaurant, cafe, coffee shop, tea room, fast food establishment, bar, night club, or any similar establishment, which dispenses food or refreshments or provides dancing or live entertainment. This requirement shall only apply to an establishment which has a gross floor area greater than 1,000 square feet. An establishment which provides no seating and exclusively dispenses food or refreshments to be eaten off the premises is not included in this definition and shall instead meet the requirement for general retail uses.

(4) Restaurant, Small: If a restaurant, cafe, coffee shop, or other dining establishment has a gross floor area of 1,000 square feet or less, then it need provide only one automobile parking space for each 200 square feet of gross floor area. However, if such an establishment has a separate bar, or provides dancing or live entertainment, then additional parking shall be provided to meet the requirements for general restaurants set forth in Subparagraph (3) of this paragraph.

(5) Retail Stores, General: Retail establishments and discount wholesalers selling to the general public, shall provide at least four automobile parking spaces for each 1,000 square feet of gross floor area.

(6) Retail, Furniture Stores: Furniture stores, major appliance stores, or similar establishments shall provide at least one automobile parking space for each 500 square feet of gross floor area.

(7) Trade Schools: Trade schools, business colleges, professional or scientific schools, music schools, chiropractic schools, or any similar commercial school shall provide at least one automobile parking space for each 50 square feet of floor area contained within classrooms and assembly areas, or one parking space for each five fixed seats contained within classrooms and assembly areas, whichever provides the greater number of parking spaces. This does not include classroom area where heavy equipment is used in conjunction with training, which shall instead provide at least one parking space for each 500 square feet of floor area.

(d) For Institutions. There shall be at least one automobile parking space for each 500 square feet of floor area contained within any philanthropic institution, governmental office building, or similar use. Institutions which provide medical services, such as hospitals, sanitariums, convalescent homes, clinics, medical office buildings and other medical service facilities shall make the following provisions for off-street automobile parking.

(1) Hospitals shall provide 2.0 automobile parking spaces for each patient bed for which the hospital is licensed.

(2) Sanitariums and convalescent homes shall provide one automobile parking space for each 500 square feet of floor area, or 0.2 automobile parking spaces per patient bed, for which the facility is licensed, whichever provides the greater number of automobile parking spaces.

(3) Clinics, as defined in Health and Safety Code Section 1202, medical office buildings and other medical service facilities shall provide one automobile parking space per 200 square feet of total floor area.

(4) Any institution providing a mixture of medical services, such as a combined hospital/clinic facility, shall meet the requirements for automobile parking spaces as if each portion of the facility were an independent entity.

(5) Any Eldercare Facility shall meet the following requirements for automobile parking spaces for each housing type within the facility.

Housing Type	Required Parking For Each Housing Type (whether or not included within an Eldercare Facility)
Senior Independent Housing	1 automobile parking space for each dwelling unit
Assisted Living Care Housing	1 automobile parking space for each dwelling unit or 1 automobile parking space for each guest room
Skilled Nursing Care Housing	0.2 automobile parking space for each guest bed
Alzheimer's/Dementia Care Housing	0.2 automobile parking space for each guest bed

(e) For Auditoriums. There shall be at least one automobile parking space for each five seats contained within any theatre, church, high school, college or university auditorium, or general auditorium, stadium or other similar place of assembly. Where there are no fixed seats in the auditorium or place of assembly, there shall be one parking space for each 35 square feet of floor area (exclusive of stage) contained therein.

(f) For Elementary Schools. There shall be one automobile parking space on the same lot with each classroom contained in any elementary school.

(g) Location of Parking Area. The automobile parking spaces required by Paragraphs (b), (c), (d) and (e) hereof, shall be provided either on the same lot as the use for which they are intended to serve or on another lot not more than 750 feet distant therefrom; said distance to be measured horizontally along the streets between the two lots, except that where the parking area is located adjacent to an alley, public walk or private easement which is easily usable for pedestrian travel between the parking area and the use it is to serve, the 750-foot distance may be measured along said alley, walk or easement.

(h) Access Driveways. An access driveway shall be provided and maintained between each automobile parking space or area and a street, or alley, or a private street or easement approved in accordance with the provisions of Article 8 of this chapter. Such access driveway shall be located entirely on the lot which it serves. However, an access driveway need not be located entirely on the same lot as the dwelling and parking space it serves if the driveway lot and dwelling existed on September 6, 1961, and additions and alterations may be made to such dwelling, and accessory buildings may be added on such lot, if no additional dwelling units or guest rooms are created.

(i) Exception Downtown Business District. Notwithstanding any other provisions of this section to the contrary, within that area hereinafter described, the off-street automobile parking spaces required in connection with the following buildings, structures or uses shall be located on the same lot or not more than 1,500 feet therefrom and said spaces shall be provided in the following ratio:

(1) For auditoriums and other similar places of assembly, one space for each 10 fixed seats or one space for each 100 square feet of floor area (exclusive of stage) where there are no fixed seats;

(2) For hospitals, philanthropic institutions, governmental office buildings, and similar uses, at least one parking space for each 1,000 square feet of floor area.

(3) For business, commercial or industrial buildings, having a gross floor area of 7,500 square feet or more, at least one parking space for each 1,000 square feet of floor area in said building, exclusive of floor areas used for automobile parking space, for basement storage, or for rooms housing mechanical equipment incidental to the operation of buildings; provided that, for a warehouse having a gross floor area of 10,000 square feet or more, in addition to one automobile parking space for each 1,000 square feet of floor area for the first 10,000 square feet, the automobile parking required for that portion of the warehouse in excess of the first 10,000 square feet of floor area shall be one space for each 5,000 square feet.

This exception shall apply only to property located within the area bounded by Pico Boulevard from the Harbor Freeway to Figueroa Street; Figueroa Street from Pico Boulevard to Venice Boulevard; Venice Boulevard from Figueroa Street to Main Street; Sixteenth Street from Main Street to Maple Avenue; Maple Avenue from Sixteenth Street to Olympic Boulevard; Olympic Boulevard from Maple Avenue to San Julian Street; San Julian Street from Olympic Boulevard to Ninth Street; Ninth Street from San Julian Street to Gladys Avenue; Olympic Boulevard from Gladys Avenue to Central Avenue; Central Avenue from Olympic Boulevard to Third Street; Third Street from Central Avenue to Alameda Street; Alameda Street from Third Street to Sunset Boulevard; Sunset Boulevard from Alameda Street to North Broadway; North Broadway from Sunset Boulevard to Temple Street; Temple Street from North Broadway to Hill Street; Hill Street from Temple Street to First Street; First Street from Hill Street to the Harbor Freeway; the Harbor Freeway from First Street to Pico Boulevard.

(j) Combination of Uses.

(1) Where there is a combination of uses on a lot, the number of automobile parking spaces required shall be the sum of the requirements of the various uses, except as provided below.

(2) If there is office space auxiliary to a manufacturing, warehouse, or other industrial use on the same lot, the office use shall have its required parking spaces computed at the same ratio as the industrial use. However, if the office space exceeds 10 percent of the total gross floor area of a building, then the balance of the office space in excess of 10 percent shall have its required spaces computed at the ratio specified for office use.

(3) For an office building with a total gross floor area of at least 50,000 square feet, and if the retail space in the building does not exceed five percent of the total gross floor area, or 15,000 square feet, whichever is the smaller amount, then any retail space in the building shall have its required parking spaces computed at the same ratio as the office use.

(k) Fractional Space. When the application of these regulations results in the requirement of a fractional automobile space, any fraction up to and including one-half may be disregarded and any fraction over one-half shall be construed as requiring one automobile parking space.

(l) Use of Passageways. In no event shall the passageways provided in compliance with the requirements of Subdivision 2. of Subsection C. of this section be considered as also providing the automobile parking space or any portion of the parking space required hereby.

(m) For Existing Buildings. Off-street automobile parking space being maintained in connection with any existing main building or structure shall be maintained so long as said main building or structure remains, unless an equivalent substitute number of such spaces are provided and thereafter maintained conforming to the requirements of this paragraph; provided, however, that this regulation shall not require the maintenance of more automobile parking space than is required herein for a new building or structure identical to said existing building or structure, nor the maintenance of such space for any type of main building or structure other than those specified herein. Further, provided, however, that if a building or structure constructed after the effective date of this ordinance is of insufficient floor area at the time of its construction to be required to provide parking spaces by the requirements of this section, but is subsequently increased in floor area in such a manner that it would be subject to said requirements, parking spaces shall then be provided on the basis of the total resulting floor area.

Exceptions:

(1) Notwithstanding any other provisions of this section to the contrary and for any existing high rise building cited under Los Angeles Municipal Code Section 91.8604.6.3, the Department of Building and Safety may reduce the number of required parking spaces by the number of spaces which the Department of Building and Safety determines are needed to install a water storage tank to enlarge an existing fire pump room, or to install a new fire pump room.

(2) The Department of Building and Safety may reduce the number of required parking spaces by the number of spaces which the Department of Building and Safety determines are needed to provide disabled parking spaces as required by State access laws.

(n) In no event shall automobile parking space which is provided for a building or use, as required by this section, be considered as providing any of the required space for another building or use.

(o) Waiver. All or a portion of the off-street automobile parking spaces required by this section may be waived when the lot involved is located within the boundaries of an assessment district for the acquisition of publicly owned automobile parking lots, or is located adjacent to land used or being acquired for publicly owned parking lots. The City Planning Commission, with the assistance of the Off-Street Parking Bureau, shall determine to what extent and on which lots the required parking may be waived, but in no event shall the total number of the waived parking spaces exceed the total number provided on the publicly owned parking lots.

(p) Exception for Central City Area. Notwithstanding any other provisions of this section to the contrary, within that area hereinafter described, the off-street automobile parking spaces required in connection with the following residential uses shall be located on the same lot and said spaces shall be provided in the following ratio:

(1) One space for each dwelling unit, except where there are more than six dwelling units of more than three habitable rooms per unit on any lot, the ratio of parking spaces required for all of such units shall be at least one and one-quarter parking spaces for each dwelling unit of more than three habitable rooms.

(2) One space for each two individual guest rooms or suites of rooms for the first 20, one additional parking space for each four guest rooms or suites of rooms in excess of 20 but not exceeding 40, and one additional parking space for each six guest rooms or suites of rooms in excess of 40.

With regard to any development for which architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety and for which a complete and full plan check fee was paid on or before May 11, 1988, and for which no subsequent changes are made to those plans which increase the number of dwelling units or guest rooms:

This exception shall apply to property located within the area bounded by Western Avenue from Melrose Avenue to Washington Boulevard, Washington Boulevard to Vermont Avenue, Vermont Avenue from Washington Boulevard to the Santa Monica Freeway, the Santa Monica Freeway from Vermont Avenue to Hoover Street, Hoover Street from the Santa Monica Freeway to Union Avenue, Union Avenue from Hoover Street to Washington Boulevard, Washington Boulevard from Union Avenue to the Harbor Freeway, the Harbor Freeway from Washington Boulevard to Figueroa Street, Figueroa Street from Harbor Freeway to Jefferson Boulevard, Jefferson Boulevard from Figueroa Street to Broadway, Broadway from Jefferson Boulevard to Martin Luther King, Jr. Boulevard, Martin Luther King, Jr. Boulevard from Broadway to Central Avenue, Central Avenue from Martin Luther King, Jr. Boulevard to 41st Street, 41st Street from Central Avenue to the City Boundary at Alameda Street, City Boundary north and east to Soto Street, Soto Street from the City Boundary to Valley Boulevard, Valley Boulevard from Soto Street to North Main Street, North Main Street from Valley Boulevard to the Golden State Freeway, the Golden State Freeway from North Main Street to the Pasadena Freeway, the Pasadena Freeway from the Golden State Freeway to Stadium Way, Stadium Way from the Pasadena Freeway to Elysian Park Avenue, Elysian Park Avenue from Stadium Way to Lilac Terrace, Lilac Terrace from Stadium Way to Sunset Boulevard, Sunset Boulevard from Lilac Terrace to Silver Lake Boulevard, Silver Lake Boulevard from Sunset Boulevard to the Hollywood Freeway, the Hollywood Freeway from Silver Lake Boulevard to Melrose Avenue, Melrose Avenue from the Hollywood Freeway to Western Avenue.

With regard to any development for which architectural and structural plans sufficient for a complete plan check were not accepted by the Department of Building and Safety and for which a complete and full plan check fee was paid after May 11, 1988 and before November 22, 1988:

This exception shall apply to property located within the area bounded by Western Avenue from Wilshire Boulevard to Washington Boulevard, Washington Boulevard to Vermont Avenue, Vermont Avenue from Washington Boulevard to the Santa Monica Freeway, the Santa Monica Freeway from Vermont Avenue to Hoover Street, Hoover Street from Santa Monica Freeway to Union Avenue, Union Avenue from Hoover Street to Washington Boulevard, Washington Boulevard from Union Avenue to the Harbor Freeway, the Harbor Freeway from Washington Boulevard to Figueroa Street, Figueroa Street from the Harbor Freeway to Jefferson Boulevard, Jefferson Boulevard from Figueroa Street to Broadway, Broadway from Jefferson Boulevard to Martin Luther King, Jr. Boulevard, Martin Luther King, Jr. Boulevard from Broadway to Central Avenue, Central Avenue from Martin Luther King, Jr. Boulevard to 41st Street, 41st Street from

Central Avenue to the City Boundary at Alameda street, City Boundary north and east to Soto Street, Soto Street from the City Boundary to Valley Boulevard, Valley Boulevard from Soto Street to North Main street, North Main Street from Valley Boulevard to the Golden State Freeway, the Golden State Freeway from North Main Street to the Pasadena Freeway, the Pasadena Freeway from the Golden State Freeway to Stadium Way, Stadium Way from the Pasadena Freeway to Elysian Park Avenue, Elysian Park Avenue from Stadium Way to Lilac Terrace, Lilac Terrace from Stadium Way to Sunset Boulevard, Sunset Boulevard from Lilac Terrace to Alvarado Street, Alvarado Street from Sunset Boulevard to Kent street, Kent Street from Alvarado Street to Coronado Street, Coronado Street from Kent Street to Temple Street, Temple Street from Coronado Street to Coronado Street, Coronado Street from Temple Street to Third Street, Third Street from Coronado Street to Hoover Street, Hoover Street from Third Street to Beverly Boulevard, Beverly Boulevard from Hoover Street to First Street, First Street from Beverly Boulevard to Vermont Avenue, Vermont Avenue from First Street to Wilshire Boulevard, Wilshire Boulevard from Vermont Avenue to Western Avenue.

With regard to any development for which architectural and structural plans sufficient for complete plan check were not accepted by the Department of Building and Safety and for which a complete and full plan check fee was paid on or after November 22, 1988:

This exception shall apply to property located within the area bounded by beginning at the Los Angeles River and Alhambra Avenue; thence southwesterly along Alhambra Avenue to Main Street; thence southwesterly along Main Street to Ord Street; thence westerly along Ord Street to North Broadway; thence southerly along North Broadway to Sunset Boulevard; thence northwesterly along Sunset Boulevard to Pasadena Freeway; thence southwesterly along the Pasadena Freeway and the Harbor Freeway to Fourth Street; thence northwesterly along Fourth Street to Third Street; thence northwesterly along Third street to Bixel Street; thence southwesterly along Bixel Street to Fifth Street; thence northwesterly along Fifth Street to Lucas Avenue; thence southwesterly along Lucas Avenue to Sixth Street; thence northwesterly along Sixth Street to Valencia Street; thence southwesterly along Valencia Street to Seventh Street; thence southeasterly along Seventh Street to Garland Avenue; thence southwesterly along Garland Avenue to Ninth Street; thence southeasterly along Ninth Street to the Harbor Freeway; thence southwesterly and southerly along the Harbor Freeway to Figueroa Street; thence southerly along Figueroa Street from the Harbor Freeway to Jefferson Boulevard; thence easterly along Jefferson Boulevard from Figueroa street to Broadway; thence southerly along Broadway from Jefferson Boulevard to Martin Luther King, Jr. Boulevard; thence easterly along Martin Luther King, Jr. Boulevard from Broadway to Central Avenue; thence southerly along Central Avenue from Martin Luther King, Jr. Boulevard to 41st Street; thence easterly along 41st Street from Central Avenue to the City Boundary at Alameda Street; thence northerly along City boundary to 24th Street; thence easterly along City boundary to the Los Angeles River; thence northerly to the westbound transition connecting the Golden State and the Santa Monica Freeways; thence northeasterly along said transition to 7th Street; thence westerly along 7th Street to Anderson Street; thence northerly along Anderson Street to Sunrise Street; thence easterly along Sunrise Street to Clarence Street; thence northerly along Clarence street to Jesse Street; thence westerly along Jesse Street to Anderson Street; thence northerly along Anderson Street to Whittier Boulevard; thence easterly along Whittier Boulevard to Clarence Street; thence northerly along Clarence Street to 6th Street; thence easterly along 6th Street and its easterly prolongation to the southerly prolongation of Gless Street; thence northerly along said southerly prolongation of Gless Street to the alley southerly of 4th Street; thence westerly along the alley southerly of 4th Street to Clarence Street; thence northerly along Clarence Street to 1st Street; thence westerly along First Street to the Los Angeles River; thence northeasterly along the Los Angeles River to the Santa Ana Freeway; thence westerly and

northwesterly along the Santa Ana Freeway to Spring Street; thence northeasterly along Spring Street to Macy Street; thence easterly along Macy Street to Alameda Street; thence northeasterly along Alameda Street to the westerly prolongation of the southerly line of former Bauchet Street as described in deed recorded Book 37112, page 408, of Official Records, in the office of said County Recorder; thence easterly along said southerly line of said former Bauchet Street and continuing along said southerly line in its various courses intersection with in the southeasterly line of former Date Street, as described in said deed recorded in Book 37112, page 408 of Official Records; thence northeasterly along said southeasterly line of former Date Street and continuing along its northeasterly prolongation to Vignes Street; thence southeasterly along Vignes Street to Bauchet Street; thence westerly along Bauchet Street to Avila Street; thence southerly along Avila Street to Macy Street; thence easterly along Macy Street to Los Angeles River; thence northerly and northeasterly along the Los Angeles River to Alhambra Avenue.

(q) Exception. Dwelling on Narrow Lot. Where only one single-family dwelling is located on a nonconforming lot 40 feet or less in width and not abutting an alley, only one automobile parking space need be provided. This exception shall not apply to any lot in the A1, A2, RA, RE, RS, R1 or RD Zones which fronts on a Substandard Hillside Limited Street.

(r) Exception for Teen Posts. Notwithstanding any other provisions on this section to the contrary, no off-street automobile parking spaces shall be required in connection with a building or structure, or portion thereof, used primarily for the operation of a "Teen Post" administered by Teen Post, Incorporated, a delegate agency of the Greater Los Angeles Community Action Agency, or its successors. This exception shall be effective to and including December 31, 1974, only. Thereafter, the off-street automobile parking requirements of the Comprehensive Zoning Plan of the City of Los Angeles shall apply fully to such a use, and any certificate of occupancy issued for such a use during the time this paragraph is in effect not having the required number of off-street automobile parking spaces shall automatically be cancelled and the building shall no longer be so occupied or used unless and until the required automobile parking spaces are provided and a new certificate is issued.

(s) Parking Requirements for Air Space Lots. Notwithstanding any provision of this section to the contrary, in the case of developments containing one or more air space lots, required automobile parking spaces may be located anywhere on the lot which has had the spaces above or below it divided by such air space lot or lots. All other parking requirements of this section shall apply to developments containing one or more air space lots.

(t) Exception for Rental Units Resulting from Conversion of One- Family Dwellings. Notwithstanding any other provision of this subdivision to the contrary, in the RD, R2, R3, R4 and R5 zones, only one automobile parking space is required for each dwelling unit which results from the conversion of an existing one-family dwelling, by the interior structural alteration thereof or by the addition of not more than 250 square feet of floor area thereto, into two or more dwelling units and all such newly created dwelling units are rental units.

(u) Senior Independent Housing / Assisted Living Care Housing / Housing Development Occupied By Disabled Persons. Except for Skilled Nursing Care Housing and Alzheimer's / Dementia Care Housing, the number of parking spaces required for Senior Independent Housing, Assisted Living Care Housing, or a housing development occupied by disabled persons as set forth below, may be reduced to 50 percent of the number otherwise required by this subdivision if all of the following requirements are met:

(1) Each dwelling unit or guest room in the development shall be occupied by at least one person who is disabled or 62 years of age or older, except for management or maintenance personnel who are required to live on the premises. For purposes of this paragraph, a disabled person is a person who has: (a) physical or mental disabilities, which seriously restricts that person from operating a motor vehicle; (b) is expected to be of long, continued and indefinite duration; (c) substantially impedes his or her ability to live independently; and (d) is of a nature that the ability to live independently could be improved by more suitable housing conditions.

(2) There shall also be provided at least ten square feet of indoor recreation space and at least 50 square feet of usable open space for each dwelling unit in the development, both of which shall be available and accessible to all residents of the development. The open space may be located on the ground, on terraces or on rooftops, shall be landscaped or developed for active or passive recreation and may include roofed recreation areas, swimming pools, or unenclosed porches where not otherwise prohibited. The open space may include walkways, but shall not include land used for required front or side yards, private streets, driveways, passageways, parking, loading or service areas.

(3) Prior to the issuance of a building permit for construction of the development, the owner shall execute and record in the Office of the County Recorder of Los Angeles County, as a covenant running with the land for the benefit of the City of Los Angeles, an agreement that if the Department of Building and Safety determines that the development ceases to qualify under Subparagraph (1) above, the owner will at the written request of the Department of Building and Safety develop the additional parking spaces otherwise required for the development by this subdivision.

(v) Exception for Pre-1934 Public Branch Libraries. Notwithstanding any other provision of this Code to the contrary, no off-street automobile parking spaces shall be required in connection with a building or structure, or portion thereof, or subsequent addition thereto, which is used primarily for the operation of a City of Los Angeles public branch library if built prior to 1934 and administered by the City Board of Library Commissioners.

(w) Shelter for the Homeless. The number of automobile parking spaces required for a "shelter for the homeless" as defined in Section 12.03 of this Code, located within 1,000 feet of a public transit stop may be reduced to 25 percent of the number otherwise required by Paragraphs (a) through (v), inclusive, of this Subdivision 4, but in no event less than two spaces for any such shelter. The number of automobile parking spaces required for a "shelter for the homeless" as defined in Section 12.03 of this Code, located 1,000 feet or more from a public transit stop, may be reduced to 25 percent of the number otherwise required by Paragraphs (a) through (v), inclusive, of this Subdivision 4, plus two spaces.

(x) Exception for Council Approved Agreements and Historic/Cultural Buildings, and Specified Exception Areas.

(1) For any project for which an Owner Participation Agreement or Developer Disposition Agreement has been signed between the owner or developer of a project and the Community Redevelopment Agency and approved by Council before February 28, 1989, the parking required shall be either the number of parking spaces described in the subject agreement, or the parking required by the Los Angeles Municipal Code as of February 29, 1989, whichever is greater.

(2) Notwithstanding any provisions of the Los Angeles Municipal Code to the contrary, for any structure designated on the National Register of Historic places or State or City list of historical or cultural monuments, no additional automobile or bicycle parking spaces need be provided in connection with a change of use. Nevertheless, a decision-making body, as part of a discretionary approval related to a change of use, may impose conditions requiring additional parking requirements in connection with the change of use. Existing parking for such buildings shall be maintained if the proposed use requires the same or more parking. If the floor area of such a building is increased, then automobile and bicycle parking shall be provided for the increased floor area as set forth in Sections 12.21 A.4. and 12.21 A.16. The parking requirements for existing buildings set forth in Section 12.21 A.4.(m) shall still apply to an historic building and any change of use of that building.

(3) Except for the Downtown Business District parking area described in Section 12.21A,4(i) the following described areas there need only be two parking spaces for every one thousand square feet of combined gross floor area of commercial office, business, retail, restaurant, bar and related uses, trade schools, or research and development buildings on any lot:

1. Chinatown Redevelopment Project Area, delineated by Ordinance No. 153,385;
2. Hollywood Redevelopment Project Area, delineated by Ordinance No. 161,202;
3. Wilshire Center/Koreatown Recovery Redevelopment Project Area, delineated by Ordinance No. 170,806;
4. Central Business District Redevelopment Project Areas delineated by Ordinance Nos. 140,069; 113,231; 135,900; 140,662; 147,480;
5. North Hollywood Redevelopment Area, delineated by Ordinance No. 152,030;
6. Any Enterprise Zone as that term is defined in Section 12.21.4 of this Code.
- 7.
- 8.
- 9.
- 10.

(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. 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. The amendments to the Los Angeles Municipal Code set forth in Sections 3, 4, 5, 6 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 3-8 be read and construed in full harmony with all provisions of the General Plan.

Section 10. 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 11. 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 12. 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 vote in favor of both measures but this measure receives more votes than the other measure, this measure alone shall become valid, binding and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this measure receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this measure shall control, and all other provisions of this measure shall become valid, binding and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 13. Future Amendments

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

Section 14. 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.