



## Land Use NEWSLETTER ■

**MARCH 17, 2016**

### Revised Citywide Building Moratorium Initiative Proposed for March 2017 Los Angeles Ballot

***By Ed Casey and Andrea Warren***

As you may have heard this week, proponents of a Los Angeles citywide building moratorium voter initiative known as the "Neighborhood Integrity Initiative" have withdrawn an initiative initially proposed for the November 2016 ballot. In its place, the proponents have submitted a new version of the initiative to the city clerk, requesting that the initiative be put before the voters in March 2017 after proponents obtain the requisite number of signatures to place the initiative on the ballot.

These are the key provisions that **remain the same** between the original initiative and the currently proposed revised initiative:

- **Temporary building moratorium for new General Plan amendments, zone changes or height district changes:** For a period of two years, the initiative prohibits the city from approving a General Plan amendment, zone change or height district change if those approvals will: (1) change existing zoning to permit a more intense land use; (2) increase the permissible floor area ratio, density or height; or (3) result in a net loss of land zoned as open space or zoned for agricultural or industrial uses.
- **Temporary moratorium against building or demolition permits:** For a period of two years, the initiative prohibits the city from issuing a building or demolition permit for any project for which the city previously approved a General Plan amendment, zone change or height district change that resulted in: (1) a more intense land use; (2) an increase in the permissible floor area ratio, density or height; or (3) a change of zone from open space, agricultural or industrial uses to any other type of zoning.
- **Future General Plan amendments for specific projects:** The initiative prohibits the city from approving amendments to the General Plan solely for specific projects. The initiative requires that all General Plan amendments in the future be adopted only for geographic areas of the city that have a "significant social, economic, or physical identity." An area with a significant social, economic or physical identity is defined as: (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; or (4) an area no less than 15 acres.

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- **CEQA consultants:** For any projects that require review under the California Environmental Quality Act (CEQA), the initiative prohibits a project applicant from preparing or directly hiring a consultant to prepare the required CEQA document. Instead, the CEQA document must be prepared by city staff or a consultant under direct contract with the city.

These are the key provisions that have **changed** between the original initiative and the currently proposed revised initiative:

- **Exceptions to the building moratorium:** The original initiative included the following two exceptions to the temporary building moratorium: (1) for construction or demolition that is required to comply with an order from the Department of Building and Safety to repair, remove or demolish unsafe conditions or to rebuild a building destroyed by fire, earthquake or natural disaster; and (2) for projects for which a vested right has accrued under state law. The proposed revised initiative adds one additional exception to the building moratorium—for projects that are composed of 100 percent affordable housing units, as long as those projects do not require a General Plan amendment.
- **General Plan updates:** The original initiative instructed the city to divide the city into 37 community plans and adopt a schedule and program to systematically review and update those community plans. The original initiative required the city to amend those community plans according to seven general principles, including principles that would avoid allowing a density or scale that is inconsistent with the surrounding uses. The proposed revised initiative also instructs the city to set a schedule and program to systematically review all elements of the city's General Plan and requires the city to review and update the General Plan every five years. Yet the proposed revised initiative does **not** require the city to adhere to those seven general principles when amending those community plans.

Affordable housing and labor advocates have proposed an [alternative voter initiative](#) that would impose affordable housing and labor agreement requirements for the construction of certain projects. That initiative may or may not proceed on the November 2016 ballot.

Alston & Bird is working with various coalitions concerning the labor and building moratorium initiatives, including the Los Angeles Chamber of Commerce. If you would like more information about either initiative or their potential impacts, please contact [Ed Casey](#) at 213.576.1005 or [Andrea Warren](#) at 213.576.2518.

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