



AGENDA REPORT

Meeting Date: July 19, 2016

Item Number: G-2A & B

To: Honorable Mayor & City Council

From: Byron Pope, MMC
City Clerk

Subject:

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF BEVERLY HILLS ON TUESDAY, NOVEMBER 8, 2016 FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO AMENDING THE BEVERLY HILTON SPECIFIC PLAN.

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES CONSENT TO THE CONSOLIDATION OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, WITH THE STATEWIDE GENERAL ELECTION, PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE

Attachments:

- 1. Special Municipal Election Resolution
- 2. Consolidating Election Resolution
- 3. California Elections Code Sections Cited in the Report

RECOMMENDATION

The City Council direct that the initiative measure be presented to the voters at the upcoming Los Angeles County General Election on November 8, 2016 and appropriate \$42,000 for the election.

INTRODUCTION

An Initiative Petition was filed with the City on May 2, 2016 proposing to amend the Beverly Hilton Specific Plan to eliminate the approved 8-story residential building along Wilshire Boulevard at Merv Griffin Way and consolidate it with the approved 18-story residential building along Santa Monica Boulevard at Merv Griffin Way, resulting in one 26-story residential building with additional height. The Initiative will also amend the

Specific Plan to provide for the creation of a new privately owned open space along Wilshire Boulevard at Merv Griffin Way.

DISCUSSION

The City Clerk examined the signatures on the Initiative Petition and presented the certificate of sufficiency to the City Council at the June 21, 2016 City Council Meeting. At this same meeting, the City Council ordered a report on the effect of the measure and the report is being presented at the July 19, 2016 City Council Meeting prior to the discussion and direction on this item. The consensus of the City Council at the June 21, 2016 City Council Meeting was to place this item on the upcoming November 8, 2016 Los Angeles County General Election and not to adopt the ordinance that was presented.¹ The City Council has received the report on the effect of the measure, and it is now the appropriate time to take the official remaining next action according to the State Elections Code Section 9214:

Submit the matter to the voters and request to consolidate the election with the upcoming Los Angeles County General Election (November 8, 2016).

Staff has prepared two resolutions for the City Council's consideration requesting consolidation with the Los Angeles County General Election on November 8, 2016. If the Council wishes to consolidate the election with the November 8, 2016 Los Angeles County General Election, then staff will forward certified copies of the approved resolutions to the Los Angeles County Registrar Recorder/County Clerk for consideration.

If conjunction with the City Council decision to hold an election regarding the initiative measure, the City Council must also make four further choices. First, the City Council may provide for the filing of rebuttal arguments. By state law, a sample ballot for this measure will include an argument in favor and an argument against the measure (assuming that someone submits an argument for each viewpoint). However, rebuttal arguments are optional at the discretion of the City. (Elections Code Section 9285(b)) Section 7 of the attached Special Municipal Election resolution allowing rebuttal arguments has been provided for City Council consideration. If the City Council does not wish to authorize rebuttal arguments, Section 7 will need amendment. In past elections the City Council has typically authorized rebuttal arguments.

Second, the City Council may direct the City Attorney to prepare an impartial analysis of the measure. As with rebuttal arguments, this is not required. (Elections Code Section 9280) Section 5 of the attached Special Municipal Election resolution directing the City Attorney to prepare an impartial analysis has been provided for City Council consideration. If the City Council does not wish to authorize an impartial analysis, the City should delete Section 5 of the resolution. As with rebuttal arguments, in past elections the City Council has typically authorized an impartial analysis.

Third, the City Council must approve the ballot question. The ballot question included in the June 21 City Council packet read:

¹ Technically, this option is still available to the City Council. If the Council desires to adopt the ordinance, it would be appropriate to introduce and conduct a first reading this evening.

SHALL AN ORDINANCE BE ADOPTED TO AMEND THE BEVERLY HILTON SPECIFIC PLAN TO ALLOW THE DEVELOPER TO BUILD A 26 STORY, 345 FOOT, CONDOMINIUM BUILDING IN PLACE OF THE CURRENT 8 STORY WILSHIRE CONDOMINIUM BUILDING AND THE 18 STORY SANTA MONICA CONDOMINIUM BUILDING AND TO REPLACE THE WILSHIRE BUILDING WITH 1.7 ACRES OF PRIVATE GARDEN OPEN SPACE THAT IS GENERALLY OPEN TO THE PUBLIC SUBJECT TO REASONABLE RESTRICTIONS DETERMINED BY THE PROPERTY OWNER?

However, in an effort to add a title and capture more of the initiative within the ballot question, the ballot question has been revised to read as follows:

HILTON CONDOMINIUM TOWER INITIATIVE -- SHALL AN ORDINANCE BE ADOPTED ALLOWING A 26 STORY (345 FEET) RESIDENTIAL BUILDING INSTEAD OF TWO RESIDENTIAL BUILDINGS OF 8 STORIES (101 FEET) AND 18 STORIES (218 FEET); INCREASING OPEN SPACE FROM APPROXIMATELY 1.25 ACRES TO 1.7 ACRES FOR USE AS A PRIVATE GARDEN THAT IS GENERALLY OPEN TO THE PUBLIC SUBJECT TO REASONABLE RESTRICTIONS DETERMINED BY THE PROPERTY OWNER; PROHIBITING ANY DISCRETIONARY ARCHITECTURAL REVIEW; AND REDUCING GRAYWATER USE REQUIREMENTS?

The Council may choose this question or may modify it in any way. The standard for a ballot question is that it is "a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor likely to create prejudice, for or against the proposed measure." (Elections Code Section 10403(a)(2), 9051(c)). The maximum amount of words for a ballot question is 75. The proceeding ballot question is 74 words. Once the City Council selects a ballot question, that question should be inserted into Section 1 the attached Special Municipal Election resolution.

Fourth, the City Council must decide whether the City Council, or members of the City Council, will submit an argument against the measure. "For measures placed on the ballot by petition, the persons filing the initiative petition pursuant to this article may submit a written argument in favor of the ordinance, and the legislative body may submit a written argument against the ordinance." (Elections Code Section 9282(a)). If the legislative body, or members of the legislative body, do not submit an argument, then a bona fide association of citizens would be able to submit an argument. If a bona fide association of citizens does not submit an argument, then individual voters who are eligible to vote on the measure can submit an argument. (Elections Code Section 9287). If the City Council authorizes rebuttal arguments, then the authors of the argument would be authorized to file rebuttal arguments. (Elections Code Section 9285(a)(2)). The authorization for the City Council, or any member of the City Council, to file arguments is found in Section 6 of the attached Special Municipal Election resolution.

Staff is suggesting the following order of questions for your discussion:

1. Rebuttal arguments – yes or no
2. Impartial Analysis – yes or no
3. Approving the ballot question
4. Decide whether or not the City Council or individual members will submit an argument against the Measure

After these questions have been decided upon, it would be appropriate to take up the following resolutions:

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF BEVERLY HILLS ON TUESDAY, NOVEMBER 8, 2016 FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO AMENDING THE BEVERLY HILTON SPECIFIC PLAN

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES CONSENT TO THE CONSOLIDATION OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, WITH THE STATEWIDE GENERAL ELECTION, PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE

FISCAL IMPACT

Cost estimate to consolidate the initiative measure on the November 8, 2016 Los Angeles County General Election is \$42,000. This cost has not been budgeted in the City Clerk's Office operating budget for FY 16-17, so an appropriation from General Fund available balance would be needed.

Byron Pope, MMC
Approved By

