

ORDINANCE NO. 180174

An ordinance amending Section 12.24 U14 of the Los Angeles Municipal Code to create a conditional use permit process and day laborer operating standards for Home Improvement Stores.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Paragraph (a) of Subdivision 14 of Subsection U of Section 12.24 is amended by adding two new definitions in proper alphabetical order to read:

Day Laborer means a person who offers himself or herself to be hired as a laborer for a day, or some other temporary basis.

Home Improvement Store means a Major Development Project that contains 100,000 square feet or more in a building or structure, including the square footage of preexisting structures used as a part of the Home Improvement Store, that sells a large variety of goods, that may include, but are not limited to, the sale of hardware, lumber, plumbing supplies, electrical fixtures and supplies, windows, doors, garden supplies, plants and similar items, used in the maintenance, improvement or expansion of dwellings, buildings or sites.

Sec. 2. The first sentence of the definition of Major Development Project in Paragraph (a) of Subdivision 14 of Subsection U of Section 12.24 is amended to read:

Major Development Project means the construction of, the addition to, or the alteration of, any buildings or structures, which create or add 250,000 square feet or more of warehouse floor area, 250 or more hotel/motel guest rooms, a Home Improvement Store, or 100,000 square feet or more of floor area in other nonresidential or non-warehouse uses in the C2, C4, C5, CM, M1, M2 and M3 Zones.

Sec. 3. Subparagraphs (1) through (4) of Paragraph (b) of Subdivision 14 of Subsection U of Section 12.24 are deleted and replaced with new Subparagraphs (1) through (5) to read:

(1) the Major Development Project conforms with any applicable specific and/or redevelopment plan;

(2) the Major Development Project provides a compatible arrangement of uses, buildings, structures, and improvements in relation to neighboring properties;

(3) the Major Development Project complies with the height and area regulations of the zone in which it is located;

(4) the Major Development Project is consistent with the general requirements adopted by the City Planning Commission as design guidelines for Major Development Projects, if any; and

(5) the Major Development Project would have no material adverse impact on properties, improvements or uses, including commercial uses, in the surrounding neighborhood.

Sec. 4. Subdivision 14 of Subsection U of Section 12.24 is amended by adding a new Paragraph (e) to read:

(e) Home Improvement Stores.

(1) The City Planning Commission, or the City Council on appeal, may require written Day Laborer operating standards in accordance with Subparagraph (2) of this paragraph to be submitted to the Department for review and approval within 30 days of the mailing of the determination as a condition of approval of any Home Improvement Store. The Day Laborer operating standards will not be required if the City Planning Commission or the City Council on appeal makes the following findings:

(i) There is no existing Day Laborer population in the vicinity of the site proposed for the Home Improvement Store;

(ii) A significant number of Day Laborers are not expected to congregate in and around the Home Improvement Store for the purpose of seeking employment;

(iii) The congregation of Day Laborers in and around the Home Improvement Store will not result in increased trash around the site, increased noise or impede vehicular and pedestrian access to and from the site, as well as throughout its parking lot and adjacent sidewalks;

(iv) The congregation of Day Laborers in and around the Home Improvement Store will not cause potential adverse traffic, trash and loitering impacts to the commercial and residential areas surrounding the site; and

(v) Public or private security is available or economically feasible to reduce or eliminate the potential adverse impacts related to the presence of Day Laborers seeking employment at the Home Improvement Store.

(2) The written Day Laborer operating standards may include, but not be limited to, the following:

(i) A suitable area located on site for Day Laborers seeking employment with customers at the Home Improvement Store (Day Laborer Site) that:

(a) is easily accessible and viewable to Day Laborers seeking employment, as well as potential employers of these individuals;

(b) is located so as not to impede or restrict vehicular or pedestrian access to or from the Home Improvement Store, or throughout the parking lot and adjacent sidewalks;

(c) is designed to complement the overall design of structures located on the site and is integrated into the overall layout of the site;

(d) is equipped with a minimum level of easily accessible and convenient amenities, such as sources of drinking water, toilet and trash facilities, tables and seating, for use by Day Laborers seeking employment;

(e) is covered to provide adequate shelter from the weather;

(f) is open during the hours of operation of the Home Improvement Store.

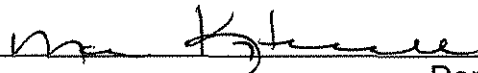
(ii) A signage plan, indicating the location of signs at appropriate locations throughout the site directing Day Laborers either seeking employment or individuals seeking to employ Day Laborers to the Day Laborer Site.

(iii) A security plan, prepared in consultation with the Los Angeles Police Department.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds of all its members**, at its meeting of AUG 13 2008.

KAREN E. KALFAYAN, City Clerk

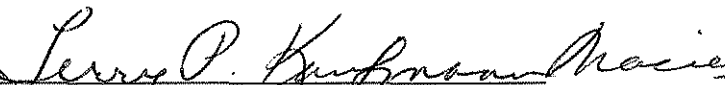
By  Deputy

Approved AUG 22 2008

 Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
TERRY P. KAUFMANN MACIAS
Deputy City Attorney

Date July 31, 2008

File No. CF08-1657, CPC 2005-3903-CA

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it **not** be adopted

June 4, 2008

See attached report.


S. Gail Goldberg
Director of Planning

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 180174 – Amending Section 12.24 U14 of the Los Angeles Municipal Code to create a conditional use permit process and day laborer operating standards for Home Improvement Stores - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **August 13, 2008**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **August 26, 2008** I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on **August 26, 2008** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **26th** day of **August 2008** at Los Angeles, California.



Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: October 5, 2008

Council File No. 08-1657