



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R08-0210

AUG 01 2008

REVISED REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 12.24 U 14 OF THE LOS ANGELES
MUNICIPAL CODE TO CREATE A CONDITIONAL USE PERMIT PROCESS AND
DAY LABORER OPERATING STANDARDS FOR HOME IMPROVEMENT STORES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 04-1823
CPC 2005-3903-CA - not transmitted

Honorable Members:

We are transmitting to you for your action, approved as to form and legality, a final draft ordinance amending section 12.24 U 14 of the Los Angeles Municipal Code to create a conditional use permit process and day laborer operating standards for home improvement stores. We note that adoption of this ordinance requires approval by a vote of not less than two-thirds of all members of the Council.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has disapproved this draft ordinance on behalf of the City Planning Commission and recommended that the City Council not adopt it because it does not conform to the latest action of the City Planning Commission on this matter. Should the City Council adopt this ordinance, it may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in her report dated June 4, 2008, or by making its own findings.

CEQA Findings

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the Department of Planning determined that the proposed ordinance is exempt pursuant

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to section 15308 of the California Environmental Quality Act Guidelines and Article III, Section 1, Subsection (h) of the Los Angeles City CEQA Guidelines. This section in both the State and City guidelines exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment, which is the purpose of the subject ordinance. If the City Council concurs, it must make this finding prior to or concurrent with its action on the ordinance.

Summary of Ordinance Provisions

The ordinance amends section 12.24 U 14 of the Los Angeles Municipal Code to create a conditional use permit process and day laborer operating standards for Home Improvement Stores.

The draft ordinance includes a definition of "Day Laborer" and "Home Improvement Store," and also amends the definition of Major Development Project to eliminate the need for the existing reference to large retail stores. The draft ordinance requires Day Laborer operating standards as mitigation measures to eliminate adverse impacts likely to be caused by Home Improvement Stores, if the City Planning Commission, or the City Council on appeal, makes certain specified findings.

Council Rule 38 Referral

A copy of the final draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety. We requested the Department to report its comments directly to you.

If you have any questions, please feel free to contact Deputy City Attorney Terry Kaufmann Macias at (213) 978-8248. She or another member of this staff will be available to answer any questions you may have when you consider this matter.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DAM/TKM:pj
Transmittal

ORDINANCE NO. _____

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, shall 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 _____.

KAREN E. KALFAYAN, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By Terry P. Kaufmann Macias
TERRY P. KAUFMANN MACIAS
Deputy City Attorney

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

Date July 31, 2008

June 4, 2008

See attached report.

File No. CF 04-1823; CPC 2005-3903-CA

S. Gail Goldberg
S. Gail Goldberg
Director of Planning

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