



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 16 - 0 1 4 5  
APR 28, 2016

**REPORT RE:**

**DRAFT ORDINANCE AMENDING THE  
VERMONT/WESTERN TRANSIT ORIENTED DISTRICT  
SPECIFIC PLAN TO ESTABLISH A NEW SUBAREA**

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. 16-0033

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality, amending the Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan) (SNAP) to establish a new subarea, Subarea F; to set forth use and design standards and regulations for the new subarea; and to extend an in-lieu fee option to projects in Subarea F as an alternate way to comply with the SNAP's on-site childcare requirement.

Background and Summary of Ordinance Provisions

On November 12, 2015, the City Planning Commission (CPC) considered an application filed by the Target Corporation requesting, among other things, an amendment to the SNAP to facilitate the development of a Target store within the SNAP. One of the recommendations made by the CPC was the approval of an amendment to the SNAP to establish land use regulations, development standards and design guidelines for a new Subarea F within the plan, and to change the subarea

designation of the subject property from Subarea C to Subarea F. On March 22, 2016, the Planning and Land Use Management (PLUM) Committee of the City Council recommended approval of the SNAP amendment proposed by the CPC, with one change to allow projects in Subarea F to utilize an in-lieu fee option to satisfy the on-site childcare requirement of the SNAP, an option which is available to developments in other subareas of the Plan.

The draft ordinance establishes Subarea F in the SNAP, designating that area as the "Large Scale Commercial Node." The ordinance limits the hours for deliveries for projects in Subarea F, and sets height and floor area restrictions within the subarea. It also sets forth parking requirements for projects in Subarea F, as well as certain design requirements such as the inclusion of pedestrian plazas and throughways, and design standards. Moreover, the draft ordinance extends the in-lieu fee option to projects located in Subarea F. The draft ordinance gives the Department of Recreation and Parks oversight over the SNAP's various childcare requirements, including the power to authorize the use of the in-lieu fee option, and authority over the calculation of the size of the childcare facility provided by the developer.

Additionally, the draft ordinance requires projects in Subarea F containing 40,000 square feet or more of retail commercial floor area to implement a program to provide free or subsidized delivery of retail purchases made at the site by residents in the Plan area. It requires the price scheme in the project's program to be comparable to the project's on-line delivery price.

#### California Environmental Quality Act (CEQA) Standard of Review

The City Planning Commission recommends approval of the amended specific plan under an addendum to the Final Environmental Impact Report (EIR No. ENV-2008-1421-EIR, SCH 2010121011) for the project, which was certified by the City Council on April 3, 2013.

Under CEQA, the City Council may approve a project with an addendum when the City Council does both of the following: (1) reviews the previously prepared EIR along with the addendum; and (2) finds, in its independent judgment, that based on the entire administrative record there are no substantial changes to the project or to the circumstances under which the project will be undertaken, and no new information that was not available at the time the EIR was certified, that would require major revisions to the EIR. Under CEQA Guidelines Section 15162, major revisions to the EIR would be required when the changed project, changed circumstances, or new information would result in a new significant effect not identified in the EIR or a substantial increase in the severity of a significant effect previously identified in the EIR.

Charter Findings Required

Charter Section 558(b)(3) requires the Council to make the findings required in Subsection (b)(2) of the same section; namely, whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the Council to adopt an ordinance conforming to the City Planning Commission's recommendation of approval of the ordinance, if the City Planning Commission recommends such approval. Similarly, Charter Section 556 requires the Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. Council can either adopt the City Planning Commission's findings and recommendations stated in the Commission's Determination Letter for Case No. CPC-2015-74-GPA-SP-CUB-SPP-SPR, transmitted to the City Clerk on January 6, 2016, or make its own.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Kenneth T. Fong at (213) 978-8235. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON  
Chief Assistant City Attorney

DM:ASK:mgm  
Transmittal