

City of Los Angeles

Zoning Code

Manual and Commentary

Fourth Edition - May 2005



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General Manager*



City of Los Angeles
Department of Building and Safety



City of Los Angeles *Zoning Code Manual and Commentary*

The City of Los Angeles Department of Building and Safety (LADBS) is pleased to announce the publication of the newly updated fourth edition of the **Zoning Code Manual and Commentary**. This manual will assist in providing consistent and uniform interpretations of the Zoning Code.

The Zoning Code Manual and Commentary provides a cumulative summary of more than 230 written policies and interpretations made by the Department of Building and Safety, the Department of City Planning, and the Office of the City Attorney pertaining to the interpretation and administration of specific sections of the City of Los Angeles Planning and Zoning Code. Many of the original versions of these policies and interpretations were decades old, not easily located and consequently, not consistently applied. The obsolete policies and interpretations were not included in this manual.

Each topic has been presented in this manual in a Question and Answer format with illustrated examples and a simplified explanation of the underlying concept intended to facilitate the user's understanding of the code and provide an easy reference to the various interpretations. Ten new interpretations related to zoning issues contained in the previously released collection of LADBS Information Bulletins have been included in this manual and the corresponding updated Bulletins have been made a part of the appendices for reference purposes.

This manual is a commentary that should be used as a supplement to the Code and not as a substitute for it. A final decision regarding a particular zoning issue will be made only after due consideration has been given to all other applicable Zoning Code provisions.

As a part of our continuing effort to enhance customer service and assist the development industry, the Zoning Code Manual and Commentary has been made available on LADBS' Internet site at www.ladbs.org under the heading "Zoning."

I would like to thank the following LADBS staff for their great work on the Zoning Code Manual and Commentary: Assistant Chief of Engineering Bureau Hector Buitrago (who has been the technical editor of this document and has been the Department's Zoning expert for many years), Executive Officer Ray Chan, Engineering Bureau Chief Nick Delli Quadri, and Senior Structural Engineers Sia Poursabahian, Peter Kim, and Jeff McIntyre among many others who have contributed to this effort.

We will continue to update this Zoning Code Manual and Commentary on the Department's website and will include new Zoning Code issues and commentaries to facilitate the efficient distribution of information to the public. Your comments and suggestions for improving this document are requested and welcome.

Original signed

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REFERENCES

Each topic covered in this manual is based on specific reference material that was previously distributed or, in some cases, the topic is only an illustration or summary of the code.

The reference legend is indicated at the bottom of each topic in parenthesis including the corresponding date or document number. The following is a glossary of the abbreviations used throughout the manual.

B.Z.A.	Board of Zoning Appeals
Bldg. Bur. Chief	Building Bureau Chief memorandum
Bldg. Bur. Dir.	Building Bureau Directive
Bldg. Bur. memo	Building Bureau memorandum
C.A.O.	City Attorney's Opinion
Code item	Summary of Code and/or graphic illustration
D.O.P.	Director of Planning Department communication
DCP	Department of City Planning
IB	LADBS Information Bulletin
LADBS	Department of Building and Safety
P.C. Chief	Plan Check Chief memorandum
Unsigned Memo	Historical written material widely used
V.N. Zoning Manual	Van Nuys Office Zoning Manual
ZA	Zoning Administrator's Case
ZAI	Zoning Administrator's Interpretation
Z.E. memo	Zoning Engineer's memorandum
ZA/ ZE	Joint memo by LADBS and DCP
Z.E.I.	Zoning Engineer's interpretation
ZI	Zoning Information File
EXEC. OFFICE MEMO	Memorandum by the Executive Officer of LADBS

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Section 11.5.7

Commenced Construction and Similar Phrases. Definition.

Q - The City of Los Angeles has enacted a number of Specific Plans and other zoning ordinances containing a provision which exempts a Project from compliance to the provisions of such ordinance if development pursuant to a valid building permit is “commenced” or “started” by a specified date. What is it meant by the “work is commenced” or “work is started” phrases?

A - When not specified otherwise in an Ordinance, the Department of Building and Safety will interpret the terms “started construction” or “commenced Construction” or other similar expressions to mean that construction pursuant to a valid building permit has progressed to the point that one of the called inspections required by Section 91.0108.5 of the LAMC has been made and the work for which the inspection has been called has been approved by this Department.

(Information Bulletin No. P/GI 2002-016)

Section 12.03

Accessory Building. Definition.

Q - Can an accessory building exceed the number of stories, height or area of the single family dwelling to which it is accessory?

A - To answer the portion of the question concerning height and number of stories, let's review the definition of Accessory Building in the code. It states in part: "A detached subordinate building, the use of which is customarily incidental to that of the main dwelling...". At issue here is the interpretation of the word subordinate. Webster's dictionary defines it as something placed in a lower rank or class; inferior in order, nature, importance etc. In this definition, physical characteristics are not involved. This would support the concept that the intensity of use and other characteristics are relevant when determining what constitutes a subordinate building but not the building height and/or stories.

Further, L.A.M.C. Section 12.21C5(f), requires side yards for two-story accessory buildings as required for a main building. The code does not limit the height and/or number of stories of an accessory building to something less than that of the main dwelling. However, in the Use regulations of the A and R zones, the Code does limit accessory buildings to a maximum of two stories. Therefore, it is clear that an accessory building cannot exceed two stories.

As to the portion of the question dealing with the area of an accessory building, LADBS has for a long time, interpreted that the cumulative floor area of all accessory buildings cannot exceed the area of the main dwelling. This policy is valid since intensity of use is generally dependent on floor area. As defined in the code, the floor area of a garage used to provide the required parking, is not included as floor area of the main building or the accessory buildings.

Certain uses, such as horse stables which are specifically allowed by the code, including the number of horses that may be kept, may be permitted to exceed the area of the main dwelling

upon review by a supervisor.

(Z.E. memo 8-28-92, Z.E. memo 4-23-93)

Section 12.03 **Accessory Living Quarters. Definition.**

Q - This definition specifies that an Accessory Living Quarters "...is used solely as the temporary dwelling for guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit".

What constitutes temporary use?, and further, what constitutes kitchen facilities?

A - In this context, "temporary" shall be interpreted to mean a maximum stay of 28 days (except when family members use the quarters as an extension of the dwelling) with a vacancy period of no less than 14 days between visits by the same guests.

Any portion of an accessory living quarters arranged for or conducive to the preparation or cooking of food, by the inclusion of one or more of the following items shall be considered as "kitchen facilities".

- Natural gas outlet. (Except when located in a separate room that does not contain items C through I below).
- 220 AC electrical outlet. (Unless located as A above).
- Double sink.
- Bar sink exceeding one square foot.
- Hot water line to any bar sink.
- Refrigerator exceeding 10 cubic feet (or a place designed for it).
- Garbage disposal.
- Dishwasher (or space designed for it).
- Any device designed for cooking or heating of food.
- Total counter space exceeding 10 square feet.

(ZA 90-0080(ZAI))

Section 12.03 **Accessory Use. Definition-Uses in a more restrictive zone.**

See 12.21C5(h) of this manual.

Section 12.03

Accessory Use. Definition. Display of the American flag.

Q - In what zone is it permissible to use a flag pole for the display of the American flag?

A - The display of the American flag is considered to be accessory use in any zone. Permanent or temporary flag poles must comply with any other building and zoning code regulations related to height, building permit requirement, etc.

When located in the P zone, a flag pole is considered to be "customarily incident to the operation" of a parking area and will be permitted provided the pole is not located within 15 feet of any street, in any required yard area, or within 30 feet of an A or R zone.

(P.C. Chief 7-29-87)

Section 12.03

Accessory Use. Definition. Home classes.

Q - Can a private home be used for conducting classes or similar group gatherings in a residential zone?

A - The code allows "accessory uses" to be conducted in a residential zone in conjunction with an existing dwelling. An Accessory Use is defined as a use that is customarily incidental to that of the main building.

The use of a home for the regular conduct of a class or discussion group even though the householders are members of the group would not constitute a use "customarily incidental" to a single family dwelling and therefore would not be permitted.

An occasional meeting of a class (other than University Extension¹) or discussion group in the home of a member of the class or discussion group, however, may be considered "customarily incidental" in the same manner as a private party that is hosted by the occupants of the dwelling.

For purpose of this section, the use of a home more than once every two weeks for classes or meetings that are not related to a University Extension program will be interpreted as "regular" use and not an accessory use.

¹ Section 12.22A8 of the Zoning Code contains specific provisions for the occasional use of private homes for University Extension Courses.

(Z.A.I. 2322)

Section 12.03

Accessory Use. Definition. Storage of Tow trucks.

Q- This section which defines "Accessory Use" states in part: "...The rental, storage, or storage for rental purposes of a commercial vehicle which exceeds a registered net weight of 5,600 pounds shall not be considered an accessory use in any zone more restrictive than the MR1 zone...".

Does this preclude the storage of tow trucks as part of a tow truck dispatching business when such use is permitted by the zone (e.g. in the C2 zone)?

A- This prohibition does not apply in such case since the tow trucks are not rented or leased but are considered an integral part of the tow truck dispatching service which is the main permitted use. When subject to the conditions of the C2 zone, the storage of these trucks must be located in the rear half of the lot, limited to a maximum of 3,000 sq. ft. and be enclosed by a 6' high solid fence with solid gates as specified in Sec. 12.14A42.

See also "Section 12.14A42 C2 Zone Regulations. "Tow Truck Dispatching Business." in this manual.

(ZA 89-1317(ZAI))

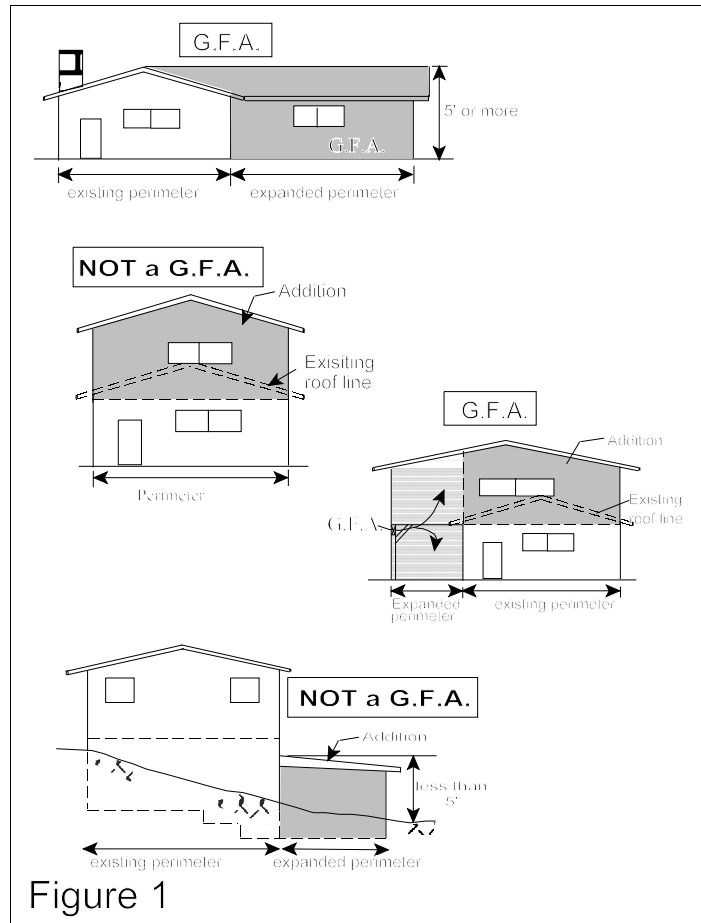
Section 12.03

Ground Floor Additions. Definition.

Q - Provide examples illustrating what constitutes a “Ground Floor Addition” as the term is defined in the Section 12.03.

A- The Code defines an “Addition, Ground Floor” as an expansion of the exterior perimeter of a building measured at five feet or more above adjacent grade at any point. See Figure No.1 showing four different situations for further clarification.

(Code item)



Section 12.03

Community-oriented Accessory Uses to a Place of Worship that is Subject to Conditional Use Approval

Q - What type of community-oriented uses are generally considered to be incidental accessory uses to a church or place of worship?

A - The Zoning Administrator has determined that community-oriented uses such as parochial schools, nursery schools, head start programs, child care centers and day nurseries can be considered as customarily incidental to a church or place of worship. Recently, the Zoning Administrator has expanded this list to include Adult Day Care which includes nutritional, educational and recreational activities uniquely geared to adults.

In order to consider all of the above uses as customarily incidental to a religious institution without further review by City Planning, all of the following limitations must be complied with:

1. That the school, head start program, child care or adult care service is operated by the religious institution as part of its program and is only an accessory function in connection with the principal use of the premises for religious purposes.
2. That the teachers and supervisors are employed by the religious institution and under supervision of its authorities. Any compensation paid to teachers or supervisors shall be paid by the institution rather than some private or affiliated group. This shall not prevent the religious institution from utilizing funds allocated to it by a governmental agency to pay salaries of teachers and supervisors.
3. That the religious institution, if established under the conditional process, is not prohibited by the terms of the conditional use grant from having school, child care or adult care programs.
4. That a building permit be obtained and that all other governmental regulations are complied with.

The above determination only applies to churches or houses of worship which have obtained Conditional Use or have a deemed-to-be-approved conditional use status. It does not apply in the R4, R5, CR, C2, C4 and C5 where the institution, school, child or adult care is permitted by right as the main use.

This does not prevent a site in the R3 zone to be used for child care of up to 20 children (permitted by Sec. 12.10A5.5) unless specifically prohibited by the religious institution's Conditional Use.

(ZA 92-1025(ZAI))

Section 12.03

Buildable Area. Definition. Developments combining Residential and Commercial Uses.

See 12.22A18 of this manual.

Section 12.03

Buildable Area. Definition. Lots with Future Streets.

Q - How is the Buildable Area calculated for lots in the C or M zone when a Future Street or Future Alley has been offered? Is this area deducted?

A - Section 17.02 of the Zoning Code defines a Future Street or Alley as: "Any real property which the owner thereof has offered for dedication to the City for street or alley purposes but which has been rejected by the City Council..." The definition further specifies that the City Council may later accept the dedication by resolution without further action by the owner of the lot. An Offer to Dedicate does not reduce the area of the lot unless and until the City accepts it.

Section 12.03 defines Buildable Area as the area of the lot excluding yard spaces, building line setback spaces, or that space that may be used only for accessory buildings or uses. Future Street spaces are not specified as one of the exclusions and therefore the Buildable Area of a C or M-zoned lot may be calculated including the area of the Future Street or Alley. All required setbacks, however, are measured from the ultimate lot line.

(Z.E. memo 12-8-92)

Section 12.03

Family. Definition.

Q - The code specifies that a Family is a "...group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit...". Is this definition accurate in light of past Court cases?

A - In the case of City of Santa Barbara vs. Beverly Adamson, the California Supreme Court decided that precluding more than five unrelated persons from residing together is unconstitutional. Another case; City of Chula Vista vs Pagard, supported that decision under certain conditions as follows:

The group of persons must be "Living Together"; i.e. they form a close group with social, economic and psychological commitments to each other. This means that they may share expenses, rotate chores and eat evening meals together.

Situations where rooms are rented, people maintain separate appliances, or members of the group are changed at frequent intervals (such as each month or so), are nothing else than rooming houses, or other guest room arrangement not within the realm of a single family.

(Dept. Mgr. memo 8-4-81, C.A.O. 7-1-81)

Section 12.03

Family. Definition. Community Care Facilities.

This item consists of seven questions and answers on Community care facilities that serve six individuals or less.

Q₁ - What is a "Community care facility" ?

A₁ - Section 1502 of the State of California Health and Safety Code textually states as follows:

"As used in this chapter:

(a) "Community care facility" means any facility, place or building that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mental impaired, incompetent persons, and abused or neglected children, and includes the following:

(1) "Residential facility" means any family home, group care facility, or similar facility determined by the director, for 24-hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(2) "Adult day care facility" means any facility that provides non-medical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

(3) "Therapeutic day services facility" means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with day treatment and foster care providers.

(4) "Foster family agency" means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

(5) "Foster family home" means any residential facility providing 24-hour care for

six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child development agency or by a court order, or by voluntary placement by a parent, parents, or guardian.

(6) "Small family home" means any residential facility, in the licensee's family residence, that provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the maximum capacity.

(7) "Social rehabilitation facility" means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

(8) "Community treatment facility" means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.

Nothing in this section shall be construed to prohibit or discourage placement of persons who have mental or physical disabilities into any category of community care facility that meets the needs of the individual placed, if the placement is consistent with the licensing regulations of the department.

(9) "Full-service adoption agency" means any licensed entity engaged in the business of providing adoption services, that does all of the following:

- (A) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.
- (B) Assesses the birth parents, prospective adoptive parents, or child.
- (C) Places children for adoption.
- (D) Supervises adoptive placements.

Private full-service adoption agencies shall be organized and operated on a nonprofit basis.

(10) "Non-custodial adoption agency" means any licensed entity engaged in the business of providing adoption services, that does all of the following:

(A) Assesses the prospective adoptive parents.

(B) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved adoptive applicants.

(C) Cooperatively supervises adoptive placements with a full-service adoptive agency, but does not disrupt a placement or remove a child from a placement.

Private non-custodial adoption agencies shall be organized and operated on a nonprofit basis.

(b) "Department" or "state department" means the State Department of Social Services.

(c) "Director" means the Director of Social Services." (End of definition)

Q₂ - Under what conditions is a "Community care facility" considered as residential use? In what zone is it permitted?

A₂ - Section 1566.3 of the State of California Health and Safety Code states in part:

"Whether or not unrelated persons are living together, a residential facility which serves six or fewer persons shall be considered a family for the purposes of this article. In addition, the residents and operators of such facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of the property pursuant to this article. ...

...No conditional use permit, zone variance, or other zoning clearance shall be required of a residential facility which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.

Use of a family dwelling for purposes of a residential facility serving six or fewer persons shall not constitute a change of occupancy for purposes of ... local building codes. ...

For the purposes of this section, "family dwelling," includes, but is not limited to, single family dwellings, including units in duplexes, and units in apartment dwellings, mobile homes located in Mobile home parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments." (End of quote)

As stated, the State Code preempts any city ordinance. Therefore, the City of Los Angeles cannot impose any restrictions or requirements on these State-licensed facilities unless they are applicable to all dwellings of the same type in the same zone.

Q₃- Specifically, per State law, what types of facilities are permitted to be treated as residential use?

A₃- The following uses are permitted when the number of persons served does not exceed six and the State has granted the appropriate license:

- a) residential care facilities for persons with a chronic, life-threatening illness.
- b) family care home, foster home or group home for mentally disordered or otherwise handicapped persons or dependent and neglected children.
- c) alcoholism or drug abuse recovery facility.
- d) facilities for the elderly.

A facility used for the housing of "wards of the juvenile court", is not considered a community care facility even if it houses six or less clients and therefore such use cannot be considered as residential.

Q₄- Can community care facilities housing six or less persons be established in several apartment units within an apartment building?

A₄- Section 1520.5 of the Health and Safety Code contains provisions that prevent over concentration of residential care facilities which impair the integrity of residential neighborhoods. Section 1520.5(b) states:

"(b) As used in this section, "over concentration" means that if a new license is issued, there will be residential care facilities which are separated by a distance of 300 feet or less, as measured from any point upon the outside walls of the structures housing those facilities. Based on specific local needs and conditions, the director may approve a separation distance of less than 300 feet with the approval of the city or county in which the proposed facility will be located."

Section 1520(f) further states:

"(f) Foster families and residential care facilities for the elderly shall not be considered in determining over concentration of residential care facilities, and license applications for those facilities shall not be denied upon the basis of over concentration."

Q₅- Can medication be dispensed in these facilities?

A₅ - There appears to be no specific language in the State law related to dispensation and administration of medicines in these facilities. However, the intent of the legislature is to provide a number and variety of licensed residential care facilities for persons that are handicapped, are afflicted by illness, or otherwise require a certain degree of special care. While it is assumed that no continuous medical care is provided, the dispensation and administration of medicines is commensurate with the type of care and supervision that these facilities provide.

Q₆ - How many staff members are allowed in the facility to administer the program?

A₆ - The State code is silent on this issue. It only specifies that the limit of "...six or fewer persons" does not include the licensee or member of the licensee's family or persons employed as facility staff."

Q₇ - Does the Fire Department need to approve a facility that cares for 6 or fewer persons?

A₇ - Yes, while the City cannot impose additional requirements on these facilities, the State Fire Marshall has adopted standards for the life safety of the occupants. The Fire Department of the City of Los Angeles is in charge of assuring that these standards are met. Any work, not otherwise exempt from a permit, that needs to be done to meet those standards must be performed under a building permit.

(California State Code)

Section 12.03

Frontage. Definition.

See 12.07C1 of this manual.

Section 12.03

Guest room, Guest House, Accessory Living Quarters. Differences between them.

Q - From the Zoning Code standpoint how does a Guest Room, a Guest House and Accessory Living Quarters differ from each other?

A - While these types of uses may have similar floor layouts in that they all contain sleeping rooms, full bathrooms and, no kitchens, their intended use is substantially different.

Use: An important difference is that both a Guest House and a Guest Room (which is a typical hotel room) constitute main uses, while an Accessory Living Quarters can only exist when accessory to a single family dwelling on the same lot.

A Guest House, and a Boarding House (both defined in L.A.M.C. Sec. 12.03) may contain up to five guest rooms. A building that contains more than five guest rooms becomes a hotel, hostel, apartment or apartment-hotel.

Zone and lot area requirements: Accessory Living Quarters are permitted in any zone in conjunction with a single family dwelling provided the lot meets the minimum area required for an accessory living quarters specified in the particular zone. Projects in the R3 and less restrictive zones require special consideration for possible flexible use. A guest room is permitted in a zone according to the classification of the building in which it is contained, (i.e. Boarding House, Hotel etc.) and must comply with the applicable zone's lot area requirements.

Parking: Accessory Living Quarters do not need to be provided with additional parking except as required by 12.21A17(h). Guest rooms, on the other hand, must be provided with parking as required by Section 12.21A4(b).

(Z.E. memo 2-17-93)

Section 12.03

Height of Building or Structure. Definition. Use of Retaining Walls.

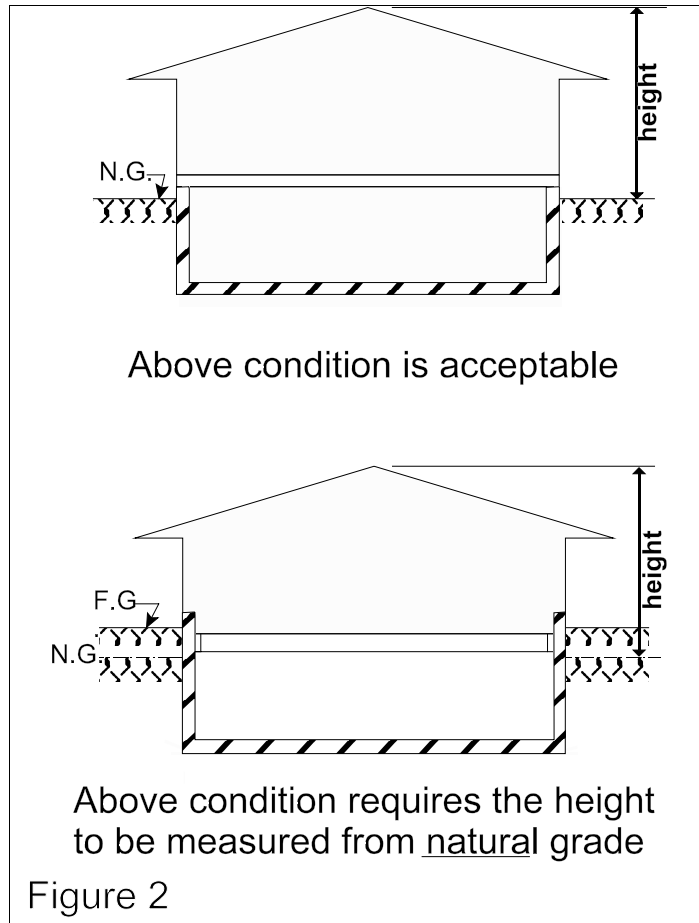
Q- Can a basement wall that extends above the basement's ceiling, be used to raise the level of grade from which height is measured?

A- This code section specifies that "...Retaining walls shall not be used for the purpose of raising the effective elevation of the finished grade for purposes of measuring the height of a building or structure..."

A retaining wall is commonly defined as a wall which holds or is used to keep earth or fill in a fixed state or condition. The fact that a basement wall also retains or holds back earth or fill is incidental to its primary function as a basement wall and should not be interpreted as a "retaining wall" for purposes of Section 12.03. In instances where the finished grade is below the ceiling of the basement, the height of the structure is calculated from the finished grade as prescribed by the code as shown in Figure No. 2.

On the other hand, if a basement wall extends above the natural grade and acts to hold fill or dirt, it shall be considered as a "retaining wall" for the purpose of determining the elevation of the finished grade when measuring height. Thus, height is measured from natural grade.

(ZA 88-0600)



Section 12.03

Height of Building or Structure. Definition. Excavated areas.

Q- Is it the intent of the Code to measure the height of a building to an excavated stairwell or a driveway that extends down to a basement?

A- The height of a building or a structure is measured from "Grade" to the highest point of the roof or parapet whichever is higher.

"Grade" is basically the lowest elevation within 5' of the building. As such, the bottom of a stairwell or the bottom of a driveway leading to a below-grade floor level would establish "grade" from which height is to be measured.

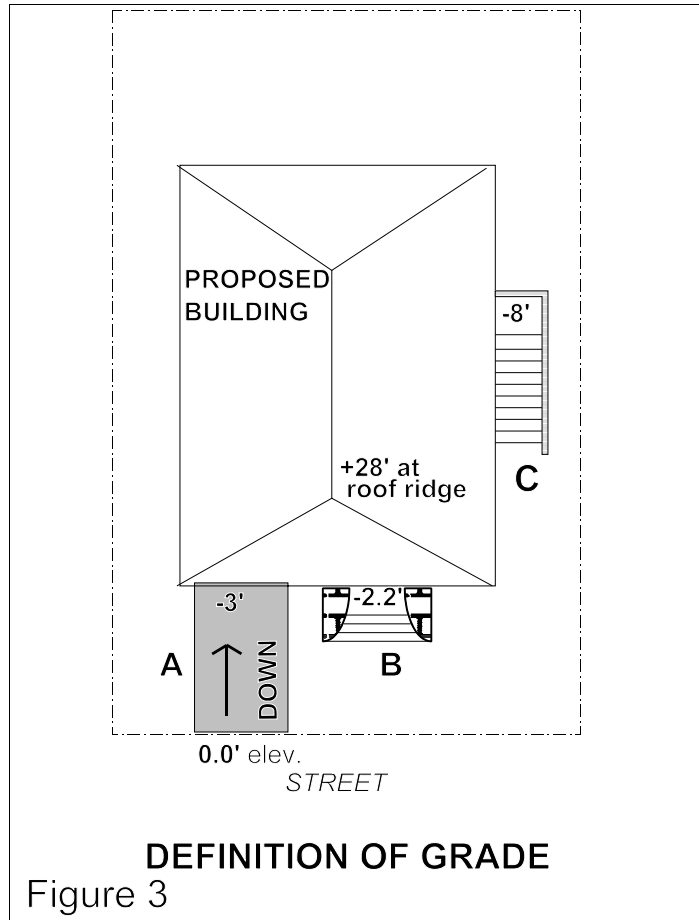
However, A review of the record surrounding the enactment of the above provision would indicate that the intent and meaning of the applicable Code provisions would not require the height to be measured from those lowered points.

Therefore, "Grade" (Adjacent Ground Elevation) is to be interpreted to read as: the lowest point of elevation of the finished surface of the ground, paving, or sidewalk, excluding a driveway(s) or secondary access stairwell(s), within the area between the building and the property line, or between the building and a line five feet from the building when the property line is farther than 5' from the building. Accordingly, the lowest point of a stairwell facing the front yard, or any stairs used for primary access, if lower than adjoining grade, will be the reference point to measure grade.

In the plot plan shown in the illustration, the bottom elevation of the driveway A and the elevation at the bottom landing of the side stairway C are not considered as "grade". However, inasmuch as it is the primary access, the front depressed stairway B is used to establish the lowest grade elevation. The height of this building is $28' + 2.2' = 30.2'$

This interpretation became effective for plans submitted after May 4, 1993 but does not apply to any building or structure in areas governed by Specific Plans that specifically treat height measurement or in areas regulated by "Hillside" regulations.

ZA 91-0845(ZAI)), Supersedes ZA 86-1089(ZAI)



Section 12.03

Non-commercial Keeping of Birds (Not Including Fowl) Pigeon Keeping.

Q- The code appears to be silent on pigeon keeping. Where can regulations on pigeon keeping be found? Which code section would apply to allow pigeon keeping?

A- In researching the answer to the above question it became apparent that the Use List [ZA94-0288(ZAI)] is inconclusive on the subject of pigeon keeping.

In this case, however, the Zoning Administrator, by ZA 84-0961 ZAI, opined that aviaries are associated with bird raising, including pigeons, and are for commercial or agricultural purposes. Aviaries are permitted in the A1, A2, MR1, M1, MR2, M2, and M3 Zones and therefore so is pigeon keeping as an agricultural or commercial main use.

This is contrasted with the keeping of pigeons as a hobby or as pets and not for commercial purposes. Inasmuch as they are not considered fowl¹, the non-commercial keeping of pigeons without regards to the number is a permitted accessory² use in the RA, RE, RS, R1, RU, and RZ Zones under the definition of accessory use contained in Section 12.03.

¹ a large or edible bird (Webster's Dictionary)

² If the Department of Animal Regulation determines that the keeping of birds or the keeping of a particular number of birds at a particular location constitutes a nuisance or a health or safety hazard, then the keeping of birds under those circumstances shall not be an accessory use.

(Z.E. Memo 6-9-95)

Section 12.03

Kennel - Definition.

Q- Can the occupant of a dwelling who keeps more than four dogs on a residential lot for non-commercial use, be considered to be in violation of the Zoning Code for maintaining a dog kennel?

A- Yes, regardless of whether the dogs are kept only as pets, for the enjoyment of a homeowner, or are used in some commercial activity, when more than four dogs of at least four months of age are kept on a parcel of land, it will constitute a dog kennel. Such use is not permitted on a residential lot.

A kennel is first permitted by right in the MR1 zone if located 500 ft. or farther away from a residential zone.

(C.A.O. 391, Code Item)

Section 12.03

Lot - Definition. Land-locked.

Q- In the case where a record lot was cut by an old lot split (before such split required the approval of City Planning) into two parcels whereby a land locked parcel was created behind the other parcel that abuts the street, can building permits for construction be issued on either of the two parcels?

A- No, a permit cannot be issued for construction on either of the two parcels. Section 12.21C1(c) requires that every main building be located on a "Lot". A land-locked parcel does not meet the definition of "Lot" in Section 12.03 which requires frontage " for a distance of at least 20 feet upon a street...".

Even though the remaining parcel abutting the street meets the definition of "Lot," it cannot be issued a permit because such construction upon the conforming parcel would tend to freeze the situation and establish the other parcel irrevocably as being illegal and useless.

Both parcels can be legalized by providing a Private Street and a Certificate of Compliance as approved by City Planning.

(C.A.O. 417X)

Section 12.03

Lot Cuts. Acceptable documentation required to establish legality of a lot cut.

Q- Other than lot subdivisions resulting from a Tract Map or a Parcel Map, what documents are acceptable for an applicant to show proof that an old lot cut was done legally?

A- All non-record parcels (those cut without a Tract Map or Parcel Map must have their lot cut date established to determine if the cut was made in compliance with the State Law requirements at the time the cut was made.

The following is a list of acceptable and unacceptable documentation:

Acceptable evidence:

- 1- Recorded Grant Deed prior to necessary date.
- 2- Director's Deed for freeway remnants.
- 3- Lot Cut Affidavit from the Office of the City Clerk.
- 4- Division of Land (D. OF L.) with necessary Deeds or Certificates of Compliance and Lot Tie Affidavits*.

- 5- Parcel Map Exemption (P.M. Ex.) with necessary Deeds or Certificates of Compliance and Lot Tie Affidavits*.
- 6- Division of Land Exemption (D. of L. Ex.) with necessary Deeds and Lot Tie Affidavit.*

* See Section 17.50B3 in this Manual.

Unacceptable Evidence:

- 1- Quitclaim Deed
- 2- Trust Deed
- 3- Title Policy
- 4- Building Permit

(Department Handout 12-9-82)

Section 12.03

Lot cut dates and lot size requirements.

Q- What are the applicable dates and lot size requirements necessary to establish legality of a lot cut depending on the zone of the subject lot?

A- The following is a summary of the applicable dates and lot size requirements depending on the zone:

First determine the zone of the lot and if the lot is substandard as to area or width, it must have been cut prior to the date stated. If the lot was cut after the specified date, the lot cut was not done legally (Also see Notes at the end of this answer.)

LOT DIMENSIONS OF EXISTING LOT CUT WITHOUT CITY PLANNING APPROVAL	LOT CUT IS LEGAL ONLY IF THE CUT WAS DONE PRIOR TO (date)
R ZONES (Except RA, RS, RE and any zone within the "H" district)	
Lot area is less than 5,000 sq. ft. OR the lot width is less than 50 ft.	6-1-1946
Lot area is at least 5,000 sq. ft. AND the lot width is at least 50 ft.	7-29-1962
RA ZONE (See note No.2)	
Lot area is less than 17,500 sq. ft. (or less than 20,000 sq. ft. incl. area of street to centerline) OR the lot width is less than 70 ft.	6-1-1946
Lot area is at least 17,500 sq. ft. (or 20,000 sq. ft. incl. area of street to centerline) AND the lot width is at least 70 ft.	7-29-1962
RS ZONE	
Lot area is less than 7,500 sq. ft. OR the lot width is less than 60 ft.	6-1-1946
Lot area is at least 7,500 sq. ft. AND the lot width is at least 60 ft.	7-29-1962
RE ZONES (See note No.2)	
Lot area is less than 5,000 sq. ft. OR the lot width is less than 50 ft.	6-1-1946
Lot area is at least 5,000 sq. ft. but less than 11,000 sq. ft. OR the lot width is at least 50 ft. but less than 70 ft.	7-1-1955
Lot area is at least 11,000 sq. ft. AND the lot width is at least 70 ft.	7-29-1962

R1-1-H, RE11-1-H and any other zone with the “H” designation (See note No.2)	
Lot area is less than 5,000 sq. ft. OR the lot width is less than 50 ft.	6-1-1946
Lot area is at least 5,000 sq. ft. but less than 15,000 sq. ft. OR the lot width is at least 50 ft. but less than 80 ft.	6-29-1960
Lot area is at least 15,000 sq. ft. AND the lot width is at least 80 ft.	7-29-1962

A1 ZONE	
Lot area is less than 5,000 sq. ft. OR the lot width is less than 50 ft.	6-1-1946
Lot area is at least 5 acres AND the average lot width is at least 300 ft.	7-29-1962
A2 ZONE	
Lot area is less than 5,000 sq. ft. OR the lot width is less than 50 ft.	6-1-1946
Lot area is at least 2 acres AND the average lot width is at least 150 ft.	7-29-1962
C ZONES (used for residential purposes)	
Lot area is less than 5,000 sq. ft. OR the lot width is less than 50 ft.	6-1-1946
Lot area is at least 5,000 sq. ft. AND the lot width is at least 50 ft.	7-29-1962
C ZONES (not used for residential purposes)	
Lot size is any size, BUT the lot width is less than 40 ft.	6-14-1962
Lot area is any size AND the lot width is at least 40 ft.	7-29-1962
M ZONES	
Lot the lot width is any size AND the lot width is any size.	7-29-1962

Notes:

1. If a lot is cut prior to a zone change, the date applicable to the zone at the time of the cut must be used.
2. RE11, RE15 and RE20 zones were established on May 2, 1965 with minimum widths of 70, 80 and 80 feet and minimum lot area 11,000, 15,000 and 20,000 sq. ft. respectively. Prior to that date, only RE zone (with no suffix) existed. On May 2, 1965 those RE lots

became designated as RE11. The RE40 zone was subsequently established on July 8, 1965 with a minimum width of 80 feet and lot area of 40,000 sq. ft..

3. Lot cuts made after 7-29-62 require that additional procedures be followed in conformance with the State's Subdivision Map Act, e.g.: Parcel Map, Tract Map, or P.M. Ex.. Any cut performed in violation must obtain a Certificate of Compliance from the Department of City Planning before a permit can be issued.
4. In cases where a dwelling was built prior to September 6, 1961 with frontage on a private road easement, the easement can be used for access. If any new construction on such lot is proposed, private street approval from City Planning is necessary.
5. See Sec. 12.22C22 for flag lots in the "H" hillside areas or in the Mountain Fire District for lot widths.
6. See Sec. 12.22C13 for Public Acquisition
7. Regardless of the zone, any lot cut performed after 7-29-62 not in conformance with the Subdivision Map Act is considered illegal.

(Department Handout 12-9-82, Code item)

Section 12.03 **Lot Tie Affidavit. When required.**

Q- Is the recordation of a lot tie affidavit required when interior alterations are proposed to an existing building developed over more than one lot?

A- Lot tie affidavits are generally not required for tenant improvements to existing buildings straddling property lines. However, major changes of use or occupancy, and particularly those that affect existing parking requirements, will require the affidavit.

(Exec. Officer memo 11-20-92)

Section 12.03

Lot Line - Rear. Definition.

Q- Clarify location of the Rear Lot Line for irregularly shaped lots.

A - The location of the rear lot line is important when determining where the rear yard should be. The following examples should serve as guidance in making a determination.

The rear lot line is the lot line that is most distant from the front lot line and which is approximately parallel to it. In triangular or gore-shaped lots, a line 10' in length within the lot parallel to the front will be considered to be the rear lot line. With lots that are of substantially irregular shape, other factors must be considered such as: how it fits in with other surrounding lots, proposed construction etc.

Examples: Lot No 1 in Figure No. 5 is a "typical" gore-shaped lot. The Department has used 65° as the maximum angle between the intersecting property lines in order to establish whether a lot is gore-shaped. This is not, however, intended to be the only criteria to be used when determining whether the rear yard is defined using the 10' chord line. As previously stated, other relevant factors may be considered in the more unusual cases.

The next example (Figure No. 6) shows a lot that could be considered gore-shaped. However, this lot also has a property line that can be considered opposite, approximately parallel to the front, and most distant to it. That property line is then the rear lot line and the gore-shaped provision is not used. The last example (Figure No. 7), also illustrates location of rear yard.

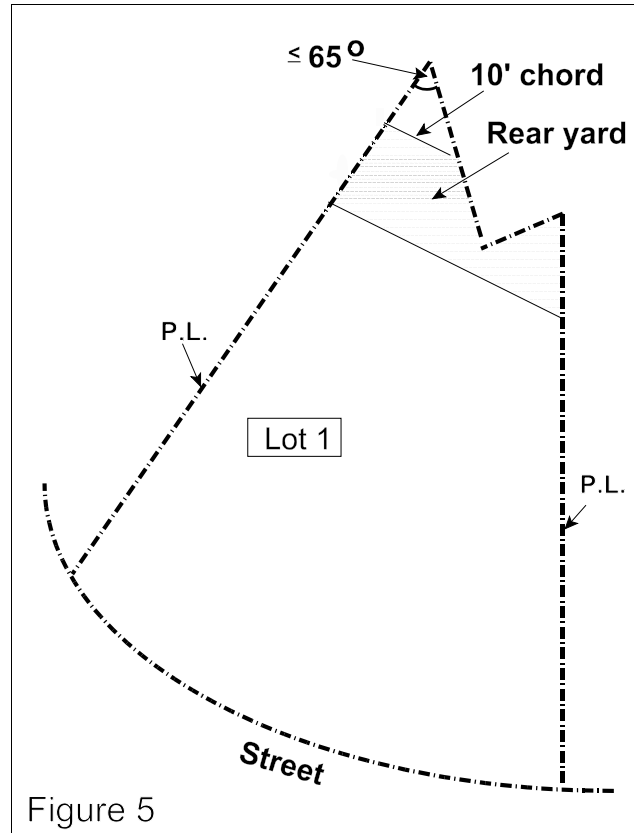


Figure 5

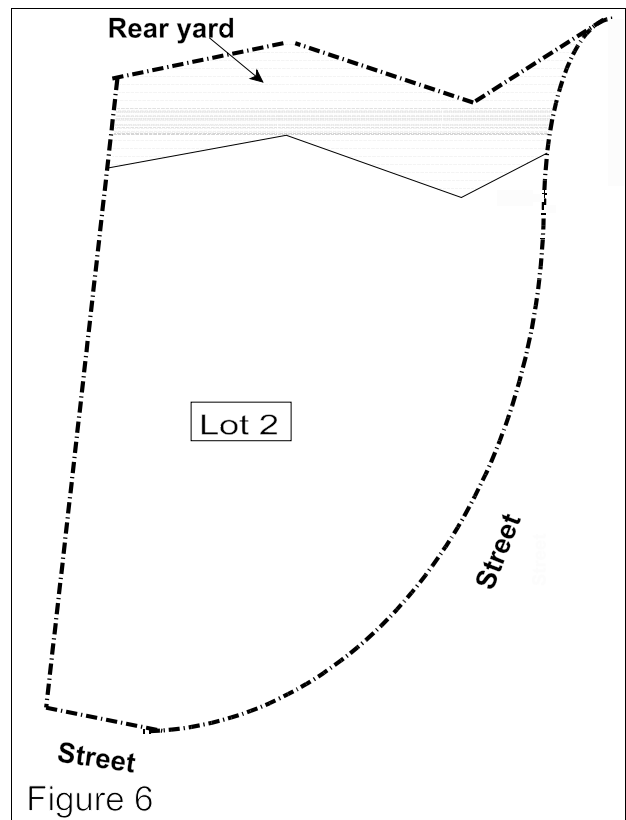
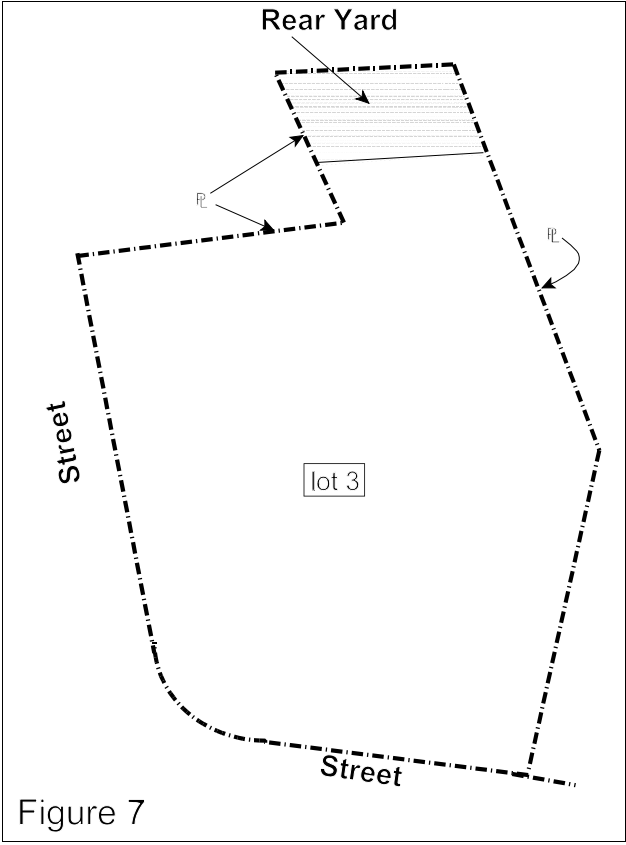


Figure 6



(Misc. unsigned memos)

Section 12.03

Mini-Shopping Center. Definition.

Q- One of the criteria specified in the code for defining a mini-shopping center is whether more than one retail business is located within the building or buildings located on the site. How does one determine if a proposed "shell" building contains more than one retail business at the time plan check is performed?

A - The Zoning Administrator has determined that two key features to look for in determining the number of retail businesses located on a site are:

- 1) The number of entrances to the building. If the building is subdivided in such a way that access to the various portions (other than small storage areas) of the building is only possible from the outside, then it is to be assumed that more than one business is located on the site.
- 2) Interior layout of the building. If the floor plan shows that various areas inside the building are not interconnected to promote internal circulation, or otherwise the interior layout is such that it will likely hold more than one business, then the determination that more than one business is located on the site should be made.

"Flexible" floor layouts: For multi-tenant buildings that are not purportedly used for retail purposes but contain large exterior glass storefronts, see "Section 12.21A4(c) Warehouse (and wholesale buildings) Parking. Multiple tenants with glass storefronts." of this manual.

(Z.A. 89-0944(ZAI))

Section 12.03

Mini-Shopping Centers and Commercial Corner Developments. Definition. Service Stations and Accessory Car-Wash.

Q - Is a site which is developed with a gasoline service station and a car wash business considered as a mini- shopping center? In other words, are these two uses considered two separate retail businesses?

A - If the car wash is not greater than 500 square feet in area, the car wash can be considered an accessory use as specified in the ordinance and therefore such use does not constitute a mini-shopping center. Further, the Zoning Administrator has determined that the car wash cannot be open between 11 p.m. and 7 a.m. If the car wash exceeds 500 square feet or is open between 11 p.m. and 7 a.m. then a CUP is required.

In the event the car wash is part of a commercial corner development as defined in the code, then a CUP is required regardless of the size of the car wash.

(Z.A. 89-0944(ZAI))

Section 12.03

Non-conforming Building. Definition.

See section 12.23A3(a)3 of this manual.

Section 12.03 Nurseries - Netted Horticultural Structures (floor area)

Q - Does the area beneath a Netted Horticultural Structure (NHS) constitute Floor Area for off-street automobile parking and other Zoning Code requirements?

A - An NHS is a structure used to accommodate the growing or display of fruits, vegetables, flowers or plants. The surface material shall be open meshed or twisted fabric approved by the Fire Department. Such types of materials are not considered to provide housing or shelter to the use below (see definition of “Building” in Sec. 12.03) and therefore they do not constitute a Building. Since the use of these materials do not define a Building, they do not introduce Floor Area. Their use, however must be in compliance with other applicable Zoning Code requirements such as height, zone requirements etc..

For construction and Building Code requirements, see the Information Bulletin listed below.

(Information Bulletin No. P/ZC 2002-003)

Section 12.03 Outdoor Dining and Eating Areas - Definition.

Section 12.03 defines “Outdoor Eating Area” as a “...covered or uncovered portion of a ground floor restaurant which is not completely enclosed... and is not larger than 50 percent of the dining area of the ground floor restaurant...” These “Outdoor Eating Areas” are first permitted in the CR zone.

ZAI 1808 on the other hand, allows uncovered outdoor dining starting in the C2 zone.

This item consists of two questions related to outdoor eating areas.

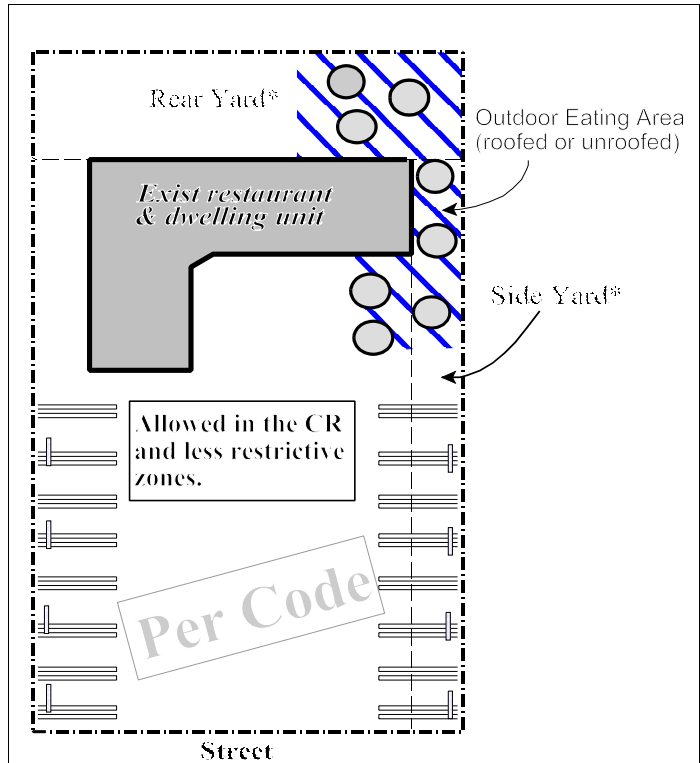
Q₁ - Under what conditions and in what zones are outdoor dining areas permitted in conjunction with restaurants?

A₁ - By authority of ZAI 1808, outdoor dining is permitted in the C2, C4, CM and all the M zones as an incidental activity to a restaurant or similar food establishment, (remember that in the MR Zones, restaurants are permitted only when incidental to the industrial use on the lot.) The ZAI has no limitation regarding the area of the open use and has no parking requirements attached to it. In all these instances, the outdoor dining area must be open to the sky and must be located outside of any required yards such as in MR Zones or when the lot contains residential use (Yards are defined as unoccupied space in Sec. 12.03.)

“Outdoor Eating Areas” as defined in Sec. 12.03 and in conformity with the limitations specified therein and summarized above are first permitted in the CR zone. “Outdoor Eating Areas”, may be located in a side, rear or front yard as first specified in Section 12.12.2A4.13. In the CR, C1 and C1.5 zones however, an “Outdoor Eating Area” can be located in a side or rear yard only when the yard is along a street. This is true whether it is roofed or unroofed.

Q₂ - Which provision takes precedence; that contained in the Code or that in the ZAI?

A₂- These provisions overlap in some cases but do not supersede one another. An unroofed area used for dining in conjunction with a restaurant may be permitted per ZAI 1808 in the C2 and less restrictive zones. A roofed, though not completely enclosed “Outdoor Dining Area”, must comply with the limitations in the Code specified above and those contained in each zone or else, the floor area must be computed in the normal manner. In the CR, C1 and C1.5 zones, “Outdoor Eating Areas” are permitted only if they comply with the definition in Section 12.03 and the regulations contained in each zone.



* In the CR, C1 & C1.5 zones, the yards may be used only when adjacent to a street.

Figure 8

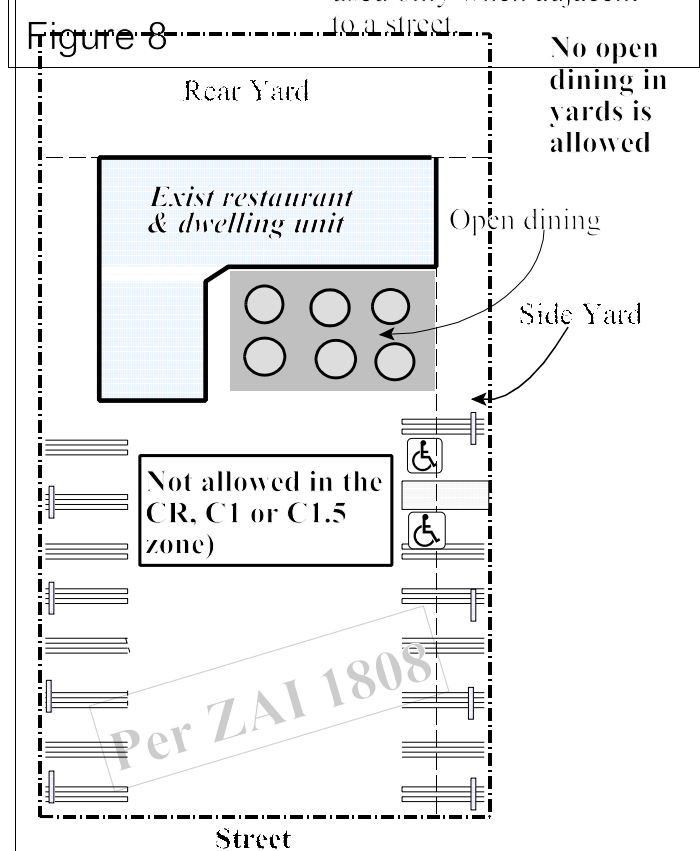


Figure 9

These answers are summarized in the following table:

Permitted	O.K. in zones	Permitted in Yards	Roofed/ Unroofed	Max. area	Floor Area ¹	Other limitations
Per Code and as defined in Sec. 12.03	C2,C4,CM & M	Side, rear or front (unroofed only)	Either	50% of interior dining area	Exempt	Ground Floor Restaurant
	CR, C1, C1.5,	Front and side, & rear when adj. to a street (unroofed only)	“ ”	“ ”	“ ”	“ ”
Per ZAI 1808	C2,C4,CM & M	No	Unroofed only	No limit	No	any level

¹ If exempt from floor area, then no parking is required.

(Z. E. memo 12-13-95 and 10-17-01)

Section 12.03

Recreation Room. Definition.

Q - What plumbing fixtures are permitted in a recreation room accessory to a single family dwelling or duplex?

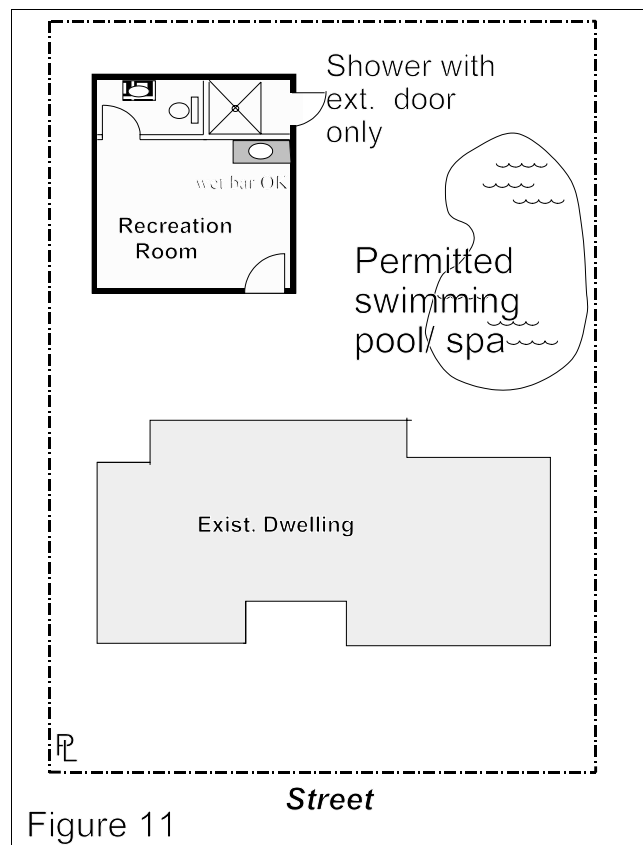
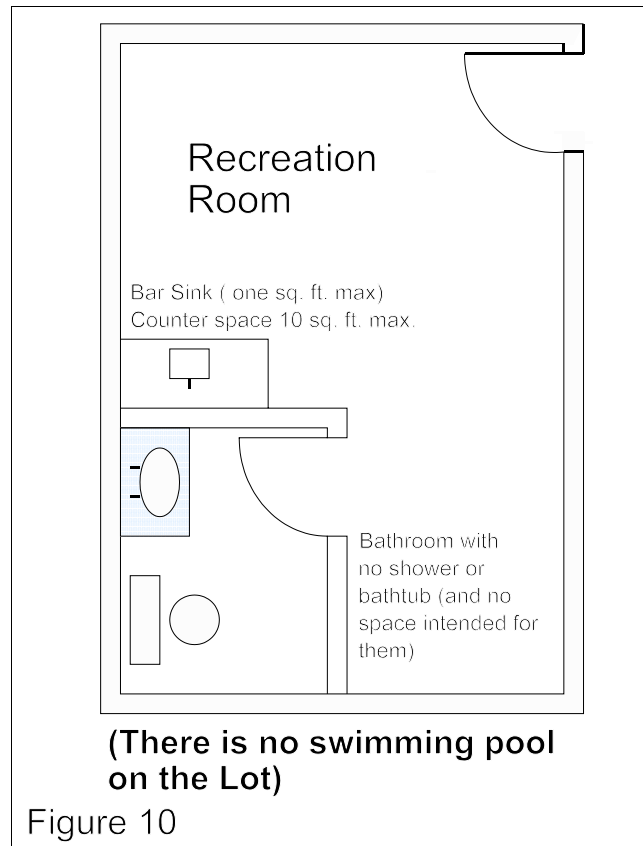
A- According to the definition of Recreation Room in Section 12.03, acceptable plumbing fixtures would be those "...that are utilized in a bar or for hobby activities. Such a room ... may not include facilities for the cooking and preparation of food." Therefore, the Department has historically permitted up to ½ bath and a single compartment bar sink in a recreation room. Figures No. 10 & 11 show typical recreation room floor plans depending on whether there is a swimming pool on the lot or not.

Since bathing facilities are not commonly incidental to a bar or hobby activities, they are not permitted in recreation rooms. Additionally, for the same reason other building features that could constitute a kitchen are not permitted. For guidance on these features see "Section 12.03 Accessory Living Quarters. Definition" in this manual.

Recreation rooms that are not interconnected with the main dwelling cannot be used for living purposes.

A shower may be permitted in accessory rec. rooms where there is a swimming pool on the site. However, in order to assure that it will be used only in conjunction with the pool, access to the shower must be from the exterior of the building only as can be seen in the plot plan shown as Figure No. 11.

(Z.E. memo 10-22-91, Plan Check Chief memo 12-13-89, ZA 94-0003)



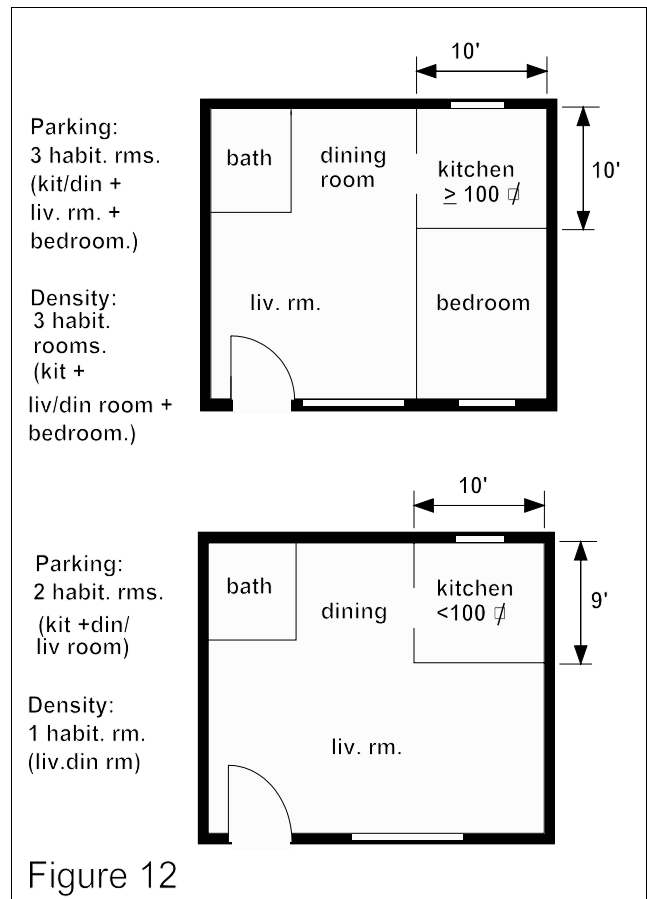
Section 12.03

Room, Habitable. Kitchen defined for Parking Requirements.

Q - When is a kitchen, in a dwelling unit, considered a habitable room for the purpose of calculating parking space-requirements?

A - For Parking determination, a kitchen of any size, whether separated by partitions from other rooms or not, is considered a habitable room. A dining room (or area) functionally designed to be part of the kitchen, is not considered as a separate habitable room. Instead, the kitchen/dining room-area becomes one habitable room.

(Code item)



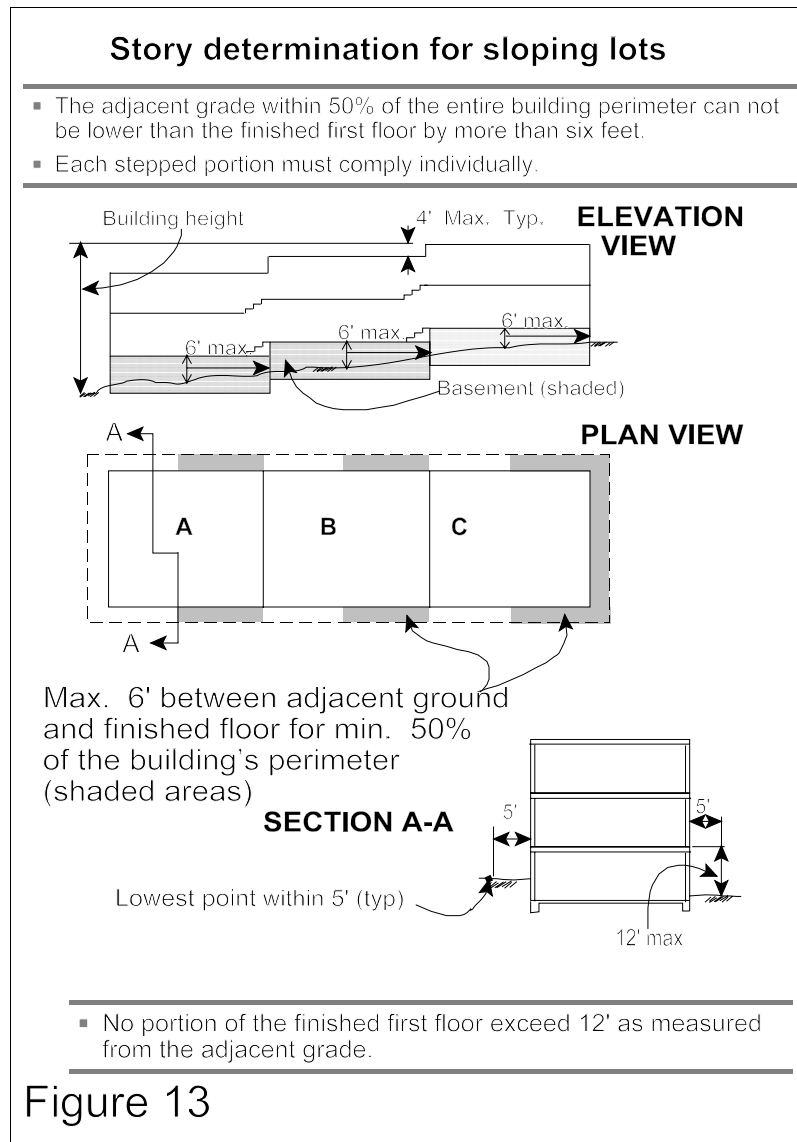
Section 12.03

Story Determination on Sloping Lots.

Q - How is the number of stories determined for a stepped building on a sloping lot?

A- Figure No. 13 included below indicates how the number of stories is determined in the case of a stepped building that essentially parallels the grade contour. Note that in order to use this concept the maximum step permitted in the building is 4 feet. In addition, per Section 12.21C1 and 12.21.1A8, in determining the required side and rear yards of a building as well as in determining the number of stories, any basements containing habitable rooms shall be considered a story.

(Z.E. memo 11-22-94)



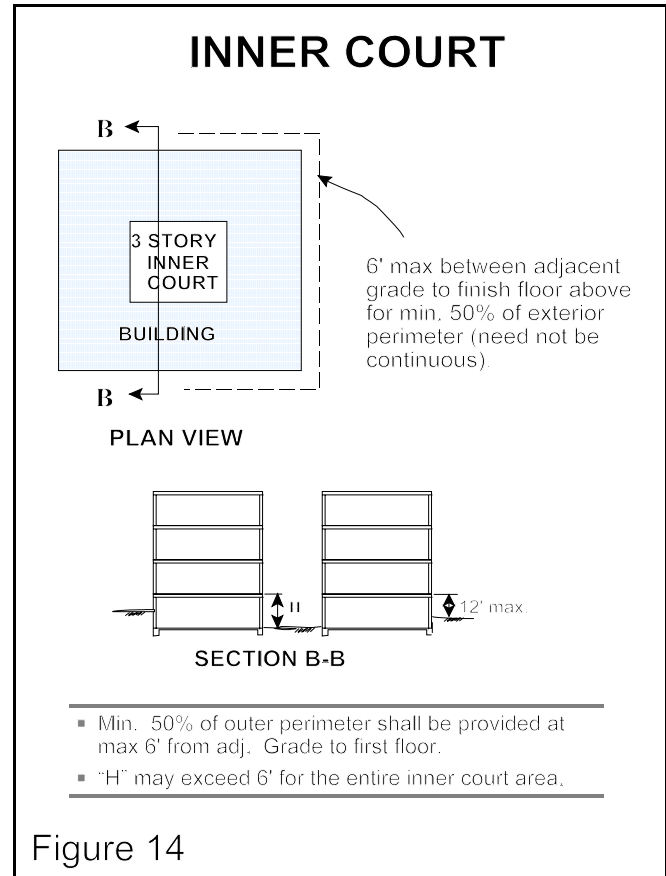
Section 12.03

Story Determination for Irregularly-shaped Buildings.

Q - How is the number of stories determined for a donut-shaped building with an inner court and varying grade elevations?

A- The illustration provided in Figure No.14 clarifies that, in these instances, only the exterior perimeter of the building is taken into account.

(Z.E. memo 11-22-94)



Section 12.03

Street. Definition. Old Venice District.

Q- The Old Venice District has many thoroughfares labeled as named streets, Courts, and Places that are of substandard street width. How are these thoroughfares considered with regard to setbacks and passageway requirements?

A- By Board of City Planning Commissioners resolution issued on 7/13/36, it was determined that such thoroughfares 20 feet or less in width, and all of the Speedway, be considered as alleys and not streets for purposes of setbacks and passageway to residential units.

However, for lots which front on streets which are actually waterways (Ocean Front Walk or other canals), the 10' required passageway may extend to the street (waterway), or alley or both.

(Planning Comm. Action 7-13-36)

Section 12.03

Yard. Front - Setback required for lots fronting on Hillside Streets.

Q- What is the significance of the designation “Hillside” on certain streets when indicated on ZIMAS?

A- Under former ZAI 1270, the Chief Zoning Administrator issued a 1950 ruling which provided that (only) in hillside areas identified through the printing of the word “Hillside” on the street as depicted on the ZIMAS and determined to be significantly impacted by topographical features, no setback from the street would have to be observed by a dwelling or garage.

However, that ruling has since been revised in order to improve access by vehicles, including emergency vehicles, driver visibility and prevailing setback. Therefore, notwithstanding any provisions of the Municipal Code to the contrary, it is now required to provide a prevailing yard with a minimum 5-foot setback to any structure citywide on “Hillside” stamped streets. When applicable, larger setbacks required by ICO’s or Specific Plans, must be provided.

(ZA 2001-0331(ZAI) as clarified on 1-5-94), Supercedes ZAI 1270, ZA 90-1439 ZAI (Repealed ZAI 1270)

Section 12.03

Yard. Side- Determination for Single Family Dwellings.

Q - Provide an abbreviated method of calculating the required width of side yards for A and R zones depending on various circumstances

A - The following table is an attempt to provide simplified methodology for determining the minimum width of a side yard.

SIDE YARD DETERMINATION FOR ONE-FAMILY DWELLINGS ^{1, 2, 3}									
Zone	"BIG HOUSE" ⁴		"HILLSIDE ORDINANCE" ^{5, 6}				ALL OTHERS ⁷		
	Bldg. Height (ft.)	Side Yard (ft.)	Lot Slope # 66%		Lot Slope > 66%		Bldg. Stories	Side Yard (ft.)	Bldg. ⁸ Height (ft.)
			Bldg Height (ft.)	Side Yard (ft.)	Bldg Height (ft.) ¹⁶	Side Yard (ft.)			
				(See footnote nine for lots <40' wide)		(See footnote nine for lots < 40' wide)			
A1 & A2 ¹⁰			#36	lwh	#45	lwh	any	lw	45
RA ¹¹	#18	lw or 10	#18	lwh or 10	#18	lwh or 10	2	lw or 10	36 or 45
	#28	lw+1 or 10	#28	lwh+1 or 11	#28	lwh+1 or 11	3	lw+1 or 11	"
	#36	lw+2 or 10	#36	lwh+2 or 12	#38	lwh+2 or 12	4	lw+2 or 12	"
					#45	lwh+3 or 13			
RE9 ¹²	#18	lw	#18	5	#18	5	2	lw	33 or 45
	#28	lw+1	#28	6	#28	6	3	lw+1	"
	#33	lw+2	#36	7	#38	7	4	lw+2	"
					#45	8			
RE11 ¹²	#18	lw	#18	5	18	5	2	lw	36 or 45
	#28	lw+1	#28	6	#28	6	3	lw+1	"
	#36	lw+2	#36	7	#38	7	4	lw+2	"
					#45	8			
RE15 ¹³	#18	lw	#18	lwh	18	lwh	2	lw	36 or 45
	#28	lw+1	#28	lwh+1	#28	lwh+1	3	lw+1	"
	#36	lw+2	#36	lwh+2	#38	lwh+2	4	lw+2	"
					#45	lwh+3			
RE20	#18	10	#18	10	#18	10	2	10	36 or 45
	#28	11	#28	11	#28	11	3	11	"
	#36	12	#36	12	#38	12	4	12	"
					#45	13			
RE40			#18	10	#18	10	2	10	45
			#28	11	#28	11	3	11	"
			#36	12	#38	12	4	12	"
					#45	13			

R1¹⁴ & RS	#18	lw	#18	5	#18	5	2	lw	33 or 45
	#28	lw+1	#28	6	#28	6	3	lw+1	"
	#33	lw+2	#36	7	#38	7	4	lw+2	"
					#45	8			
R2¹⁴	#18	lw					2	lw	33 or 45
	#28	lw+1					3	lw+1	"
	#33	lw+2					4	lw+2	"
RD1.5 & RD2¹⁴			#18	5	#18	5	2	lw	45
			#28	6	#28	6	3	lw+1	"
			#36	7	#38	7	4	lw+2	"
					#45	8	5	lw+3	"
RD3¹⁵ & RD4			#18	lwh	#18	lwh	2	lw	45
			#28	lwh+1	#28	lwh+1	3	lw	"
			#36	lwh+2	#28	lwh+2	4	lw	"
					#45	lwh+3	5	lw	"
RD5 & RD6			#18	10	#18	10	2	10	45
			#28	11	#28	11	3	10	"
			#36	12	#38	12	4	10	"
					#45	13	5	10	"

NOTES:

1. More restrictive yard or height requirements of a Specific Plan or Coastal Zones will supersede other code requirements.
2. The terms "lw" and "lwh" represent 10% of the lot width.
3. Nonconforming rights as to yards as applied to additions per Sec.12.23A3(c) are applicable.
4. The "BIG HOUSE" ordinance applies to new buildings and Ground Floor Additions when the project:
 - A- is exempt from the "Hillside Ordinance"
 - B- is located within areas designated as ZI 1802 area on the ZIMAS, and
 - C- is in a Coastal Zone and has not received a Coastal Development Permit.
5. The "Hillside Ordinance" applies to construction in a Hillside Area when the lot fronts on a street paved to a width of less than 28'. The Hillside Area is the area designated as Hillside Grading except for certain portions specified
6. For lots between 40ft. and 50ft. in width, "lwh" shall be five (5) feet.
7. These requirements are applicable:
 - A- when the work is exempt from "BIG HOUSE" or "HILLSIDE ORDINANCE"
 - B- When the project is located in a Coastal Zone but the a Coastal Development permit is waived and is not in a Hillside Area.
8. The height limit--not considered herein--must be established by other parts of the Code depending on the specific location of the lot.
9. The side yard required for lots that are less than 40 ft wide shall be the larger of four (4) ft or the side yard indicated in this chart.
10. "lw" and "lwh" must be at least 3ft. but need not exceed 25ft.
11. "lw" and "lwh" can only be used on whole lots less than 70' in width and subdivided prior to 7/1/66. "lw" shall not be less than 3ft. and "lwh" shall not be less than five (5)ft.
12. "lw" must be at least three (3) ft. in all cases but need not exceed seven (7) feet in Big House and Hillside nor five (5) in "all others".

13. "lw" and "lwh" must be at least five (5) ft. but need not exceed ten (10) feet. Also, R1 yard requirements shall apply to lots in the RE15-1-H Zone if said lots are numbered lots and recorded prior to July 1, 1967. i.e. (prior to Map 764, Page 77 for Tract Maps or prior to Map 7, page 28 for Parcel Maps)
14. "lw" must be at least three (3)ft. but need not exceed five (5) feet.
15. "lw" and "lwh" must be at least five (5)ft. but need not exceed ten (10) feet.
16. If the building pad measured 5' away from the building is <66%, no portion of the building shall exceed 36' in height.

(Code item)

Section 12.03

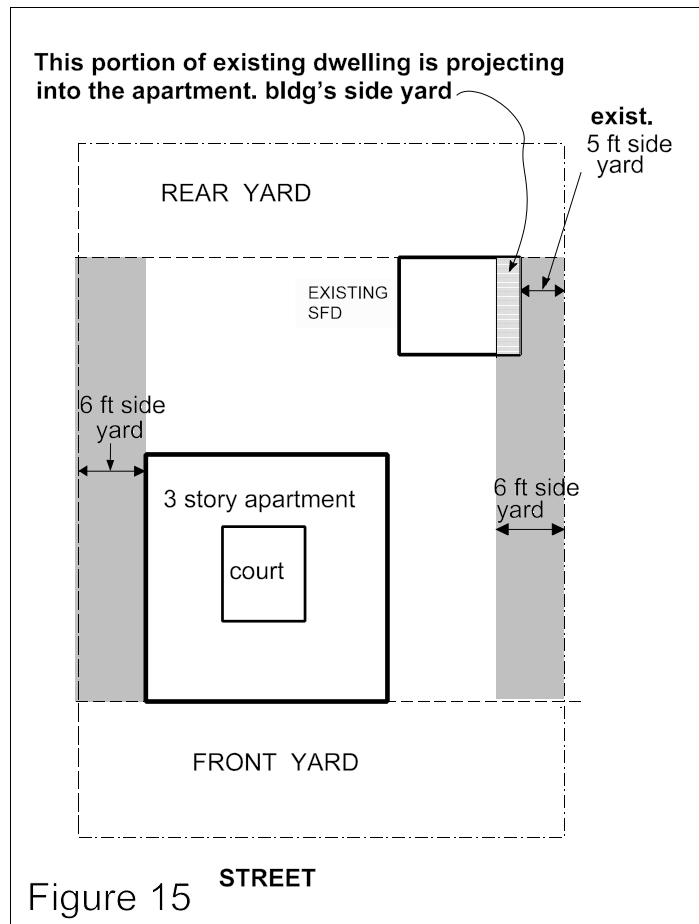
Yard, Rear, Side or Front - Definition and method of measurement.

Q - Illustrate how the required Yards are measured on a lot. For example, can a three story apartment building be constructed on a lot of R3 zone if an existing main building is currently observing a conforming 5 ft. side yard?

A - Required yards are measured inward starting from the lot line in question to a line parallel to it. In the case of the front and rear yard definitions, the yard must be maintained "...across the full width of the lot...". See plot plan illustrated in Figure No. 15.

A side yard, per code, is measured "...between a main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard."

Therefore, in the condition illustrated, the existing dwelling is located within the required side yard of the proposed apartment building. As shown, the apartment does not observe its required side yard.



Accessory buildings are a special case in that their permitted location is expressly addressed in the Code. They are permitted to be located in required side and rear yards under certain specified conditions. Therefore, if the rear building had been a detached garage for example, the plot plan would then be in conformance with the code.

(Code item, Training Officer memo 11-12-91)

Section 12.03

Consideration of Balconies from Buildings for the Definition of “Height” and “Floor Area”

Q- When is an balcony projection from a building considered to be a part of a building for determining “Height” and “Floor area” ?

A- The term “Height of Building or Structure” is defined in Section 12.03 of the Zoning Code, in part, as “ ... the vertical distance above **grade** measured to the highest of the roof, structure, or the parapet wall, whichever is highest... ”.

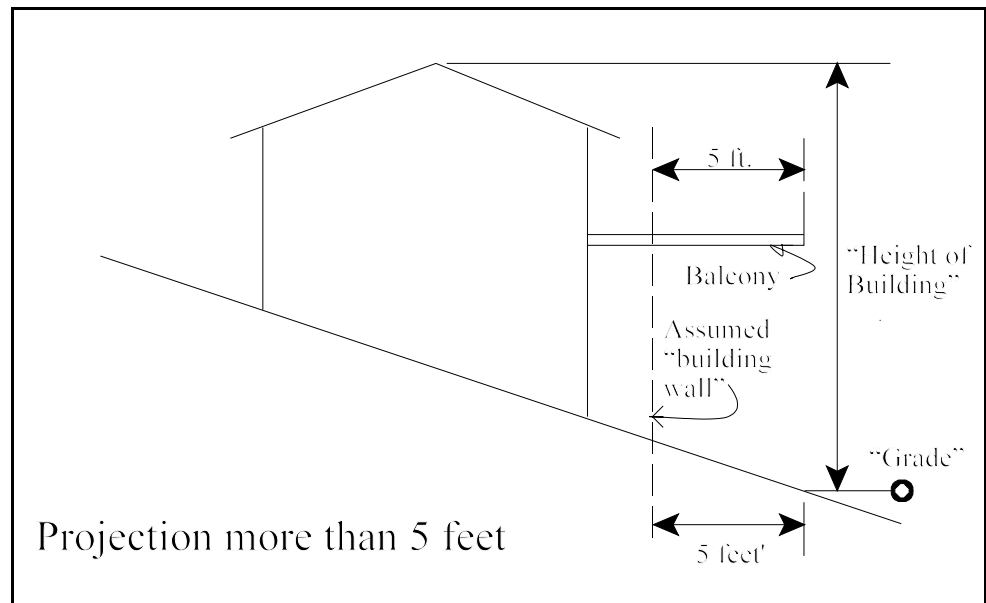
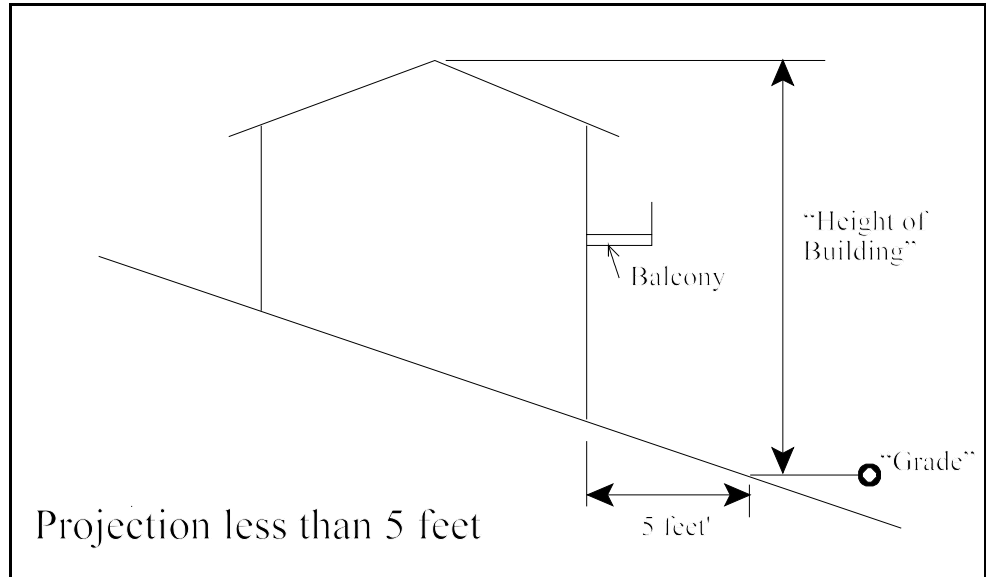
The term “Grade (Adjacent Ground Elevation)” is further defined in the same section, in part, as “ ... lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the **building**.”

The term “Building” is then further defined in the same section 12.03 as “Any structure having a roof **supported by columns or walls**, for the housing, shelter, or enclosure of persons, animals, chattels or property of any kind.” Thus, if there are any exterior walls or columns on a structure, that wall and/or columns defines the perimeter of a building. For example, attached decks which are supported by columns are considered to be part of the building and therefore the outermost supporting columns of the deck are considered to be the perimeter of the building.

There are some instances in which there are no supporting walls or columns under certain elements of a building. For example a “cantilever balcony” is supported at a wall or beam/column line at some distance from the edge of the balcony. Historically, up to 5 feet of cantilever projection has been allowed without it being considered as part of a “building” when defining height of a building. Similarly, for many years, the Building Code specifically allowed a projection of up to 5 feet beyond a building line without having it be considered as part of the floor area.

Thus, when determining the height of a building, any open, unenclosed, cantilever balcony, not exceeding 5 feet beyond the support, are not to be included in the definition of a building. In cases in which balconies exceed 5 feet, up to 5 feet of the balconies may be excluded from the definition of the building. See the attached two sketches for illustrations. The first Figure illustrates cases in which a projection does not exceed 5 feet. The second Figure illustrates cases in which a projection exceeds 5 feet.

For floor area determination, refer to Information Bulletin No. P/BC 2002-021.



(Chief ZA memo 10-10-02 , Information Bulletin No. P/BC 2002-021)

Section 12.04

Code requirements for multi-zone and multi-Height District lots.

Q - How are the Use, Height and Floor area regulations applied to lots that have more than one zone and (or) height district designation?

A - If different height districts and/or zones exist on a lot, then each portion of the lot must be analyzed independently. All zoning requirements for any building or use are determined by the respective zone and height district. If the building straddles the zone boundary line, then each portion of the building must comply with that particular zone where located. A review of pertinent code sections clarifies this point.

Section 12.21A1(a) contains Use provisions and states in part: "...nor shall any building, structure or land be used for any use other than is permitted in the zone in which such building, structure or land is located..."

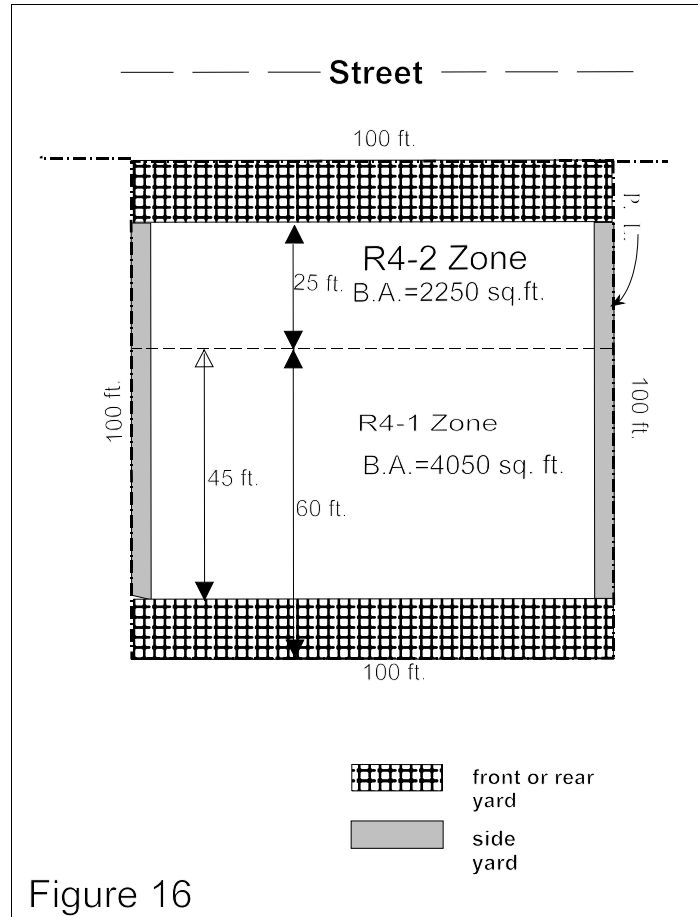
Section 12.21.1 dealing with height states: "No building or structure shall be erected or enlarged which exceeds the total floor area, the number of stories or the height limits hereinafter specified for the district in which the building or structure is located..."

Moreover, "Buildable Area" (B.A.) is defined in part in Section 12.03 as: "All that portion of a lot located within the proper zone for the proposed main building, excluding those portions of the lot which must be reserved for yard spaces..."

With respect to the area regulation or density requirements, Section 12.21C1(a) states "No building or structure shall be erected or maintained...unless all the area regulations are complied with for the zone in which they are located."

The application of the above-mentioned provisions will be clarified by means of two examples involving lots of dual zone and height districts as follows:

Example 1: The Figure No. 16 shows a lot zoned R4-1/R4-2. Per Section 12.21.1A1, the portion of building located in R4-1 is limited to a height requirement of 3 times the B. A. of that portion of the lot with no limitation of stories. Similarly the portion of the building located in R4-2 is limited to 6 times the B.A. with no limitation of stories.



$$\text{B. A. of R4-1} = [\text{lot area}]_{\text{in R4-1 zone}} - [\text{required yards}] = 6000 - [(15 \times 100) + (2 \times 5 \times 45)] = 4050 \text{ sq. ft.}$$

The maximum floor area for a building (or portion) in the R4-1 portion of the lot is therefore $3 \times 4050 = 12,150$ sq. ft.

Similarly, the maximum floor area of a building (or portion) in the R4-2 zone is $6 \times 2250 = 13500$ sq. ft.

Example 2: This situation as illustrated below involves a lot zoned C2-1/PB-2. The floor area for a building in the C2-1 is limited to 1.5 times the B.A. of the C2 zone only with no limitation of stories.

$$\text{B. A. of C2-1} = 60 \times 100 = 6000 \text{ sq. ft.}$$

(There are no yards required for a commercial building)

Max. floor area for commercial building in C2 portion is then $1.5 \times 6000 = 9000$ sq. ft. A parking building is the only use permitted for a building in the PB-2 zone. Such building presents a special case in that it is not subject to a floor area limitation; instead in the PB-2 zone a parking building is only limited to a height of 6 stories.

(Training Officer memo 9-7-93)

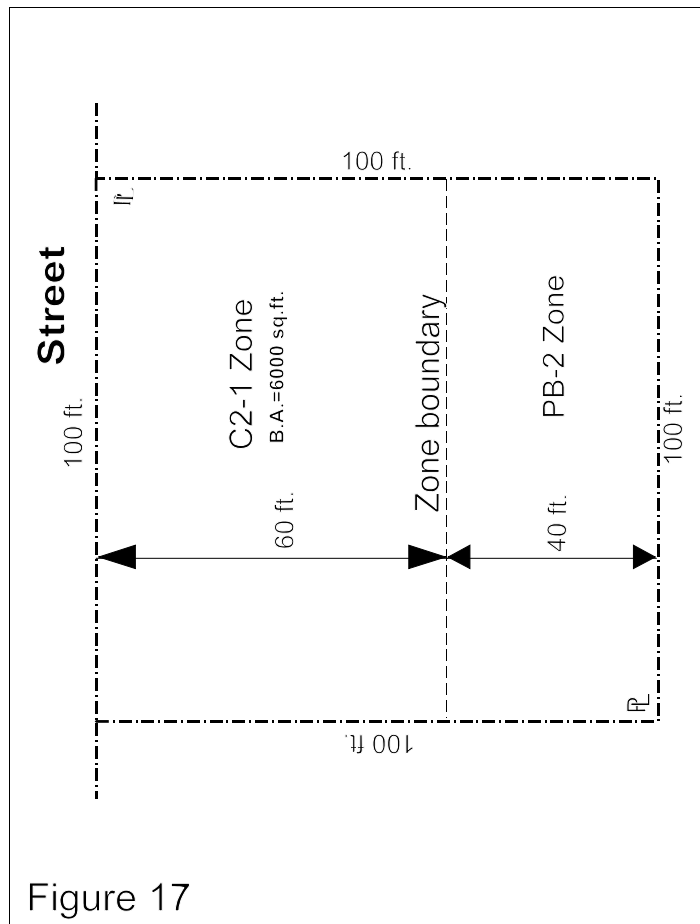


Figure 17

Section 12.04.09

Signs in PF Zones

Q - Are signs permitted in lots of PF Zone?

A - Although signs are not specifically enumerated as permitted uses under LAMC Section 12.04.09, using signs for identification and for the display of messages and information related to the use of the property is inherently integral with the main use of the property. Therefore, signs displaying messages, identification and/or information regarding the use on the same lot are permitted, subject to the limitation under LAMC Section 91.6208, "monument signs," Section 91.6209, "Projecting Signs," Section 91.6210, "wall signs," and Section 91.6211, "illuminated architectural canopy signs."

(Z.E. memo 2-18-97)

Section 12.05A6

Nurseries in the A1 and A2 zones. Conditions of Operation.

Q - Please clarify conditions of operation for a plant nursery in the A1, and A2 zones.

A- The Zoning Administrator has interpreted that plant nurseries in agricultural zones may only sell those products which are grown on the premises. This is based on the fact that the code allows one stand in the A1 and A2 zones "for the sale of those products raised or produced on the same premises..." These products may be sold at retail or at wholesale. Similarly, the code also allows greenhouses, lathouses and buildings or rooms used "for packing of products raised on the premises".

Even though products may be sold at retail or wholesale, the nurseries permitted in the A1 and A2 zones are the growing/producing-type of nurseries and not the commercial-type retail nurseries such as those first permitted in the C2 zone.

Plants that have to be started under certain favorable conditions not encountered at the subject A1 or A2 site, may be brought to the site for further propagation but would have to remain on the premises long enough to have attained growth to require transplanting to new pots or containers before they are sold from the premises. In other words, plants brought in only to be resold are not considered to have been "raised or produced on the premises" and therefore, such activity would constitute a violation in the A1 or A2 zone.

In no event is the sale of gardening supplies, tools, seeds, fertilizers etc. permitted in the A1 and A2 zones.

(ZAI 1840, V. N. Zoning Manual '67, Information Bulletin No. P/ZC 2002-007))

Section 12.06

Parks and playgrounds in the A2 zone - Privately built and managed.

Q - Can the Department of Recreation and Parks of the City of Los Angeles lease its land to a private enterprise and allow it to be developed with a recreational use such as a miniature golf and arcade project in the A2 zone?

A- The code permits the following uses in the A2 zone:

"(d) Parks, playgrounds or community centers, owned and operated by a governmental agency"

"(e) Golf courses; except driving tees or ranges, miniature and pitch and putt courses...and similar uses operated for commercial purposes."

The primary question here presented is whether a miniature golf course seemingly operated for a commercial purpose may properly be established on A2 land notwithstanding the express prohibition contained in Section 12.06A2(e).

The City Charter gives the Department of Recreation and Parks the authority to determine what is a park and recreational use. If Recreation and Parks determines that the project (e.g. miniature golf and arcade) constitutes a recreational use, the Department of Building and Safety must accept that determination as controlling. Hence, the proposed project would be regulated by Subsection "d".

The City Attorney further interpreted that even though the facilities are constructed by a private party through a long term lease, the Department of Recreation and Parks is still assumed to exercise control over the proposed playground.

(C.A.O. 530)

Section 12.07A6

Distribution of Farming Products in the RA Zone.

Q- Since the RA zone allows farming (excluding animal raising) and truck gardening (including nurseries), is the display and sale of products that have been grown on the lot permitted to be conducted in the premises?

A- Unlike the A1 and A2 zone, the code does not allow the display or sale of products produced upon the premises in the RA zone. Truck gardening consists of the growing of vegetables for delivery to an approved retail (market) establishment. Similarly, in the context of Sec. 12.07A6, Farming entails the growth and not the retail sale of products from within the premises. A Nursery consists of plants grown on the lot that, if grown for other than private purposes, must be sold out of an approved commercial location. The selling of products from an RA-zoned lot is subject to Conditional Use per Section 12.24.

(Z.E. Memo 2-23-96, Information Bulletin No. P/ZC 2002-007)

Section 12.07.C.1 Prevailing Setback. Frontage.

Q - Are lots that are separated by an alley included as part of the same "frontage" when determining prevailing setback?

A- The Code defines Frontage in section 12.03 as: "All property fronting on one side of the street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or city boundary..."

An alley is a right-of-way and therefore defines the boundary of Frontage in the same manner as a street.

A public walk, a flood control channel, or land dedicated to power transmission lines are all examples of public rights-of-way that define the boundary for Frontage calculations.

(Code item, Z.E. memo 5-6-93)
(Information Bulletin No. P/ZC 2002-015)

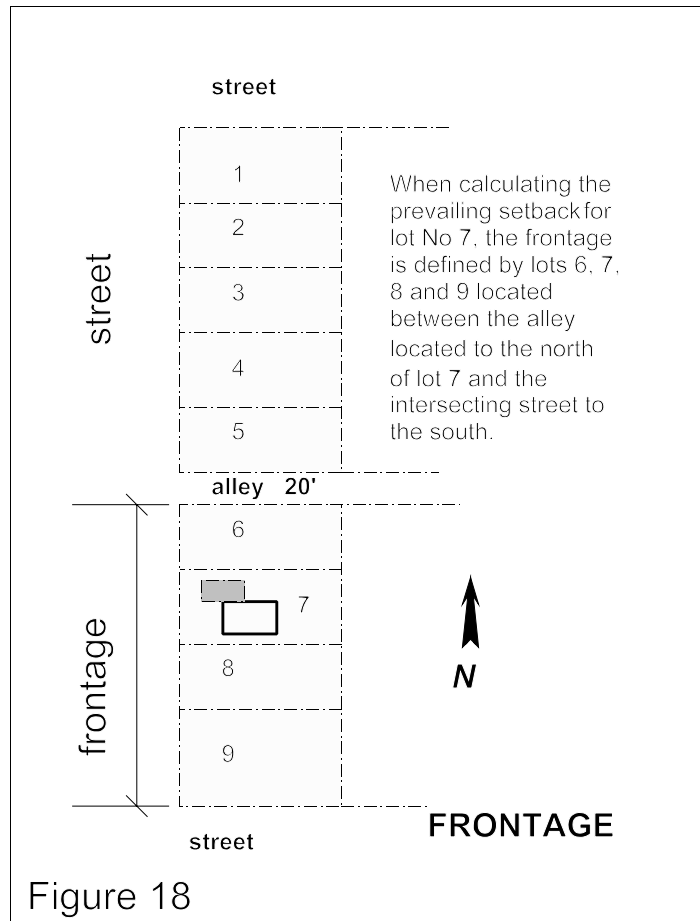


Figure 18

Section 12.07.C.1

Prevailing Setback. Calculation.

Q - Provide example illustrating how required front yard is calculated when Prevailing Setback needs to be determined.

A- In the following example, the prevailing setback of the block is calculated for purposes of determining the required front yard that lot 24 must observe due to a room addition:

Note: You can utilize the “Prevailing Setback Calculator” provided on the www.LADBS.org under “Zoning” to determine the required prevailing setback for a lot subject to prevailing setback requirement.

1- Total frontage=

$$62+4 \times 50+55+70+65+2 \times 40+35= 567 \text{ feet}$$

(The C2 lot does not contribute to the frontage since it is located across the alley. The reverse corner lot fronts on a different street and thus, cannot be used as part of the Frontage. Key lot is included in frontage calculations only.)

2- Min. required frontage of 40%= $.4(567')=226.8'$

3- Start with lot that has the shallowest setback and include all lots with setback depths within 10' of it: 18', 25', and 27' for lots 27, 29 and 23. (Lot 28 is not used due to variance). (Commercial lot and key lot setbacks cannot be used). In this case frontage is $(50+50+50)=150' < 226.8'$, therefore cannot be used.

4- Try the next combination starting with lot No. 29 including the subject lot¹: (lots No. 29, 31, 26, 25, 24, 23, and 22).

Check the total frontage of these lots:

$$50'+40'+65'+70'+55'+50'+62' = 392'$$

which is greater than 226.8'.

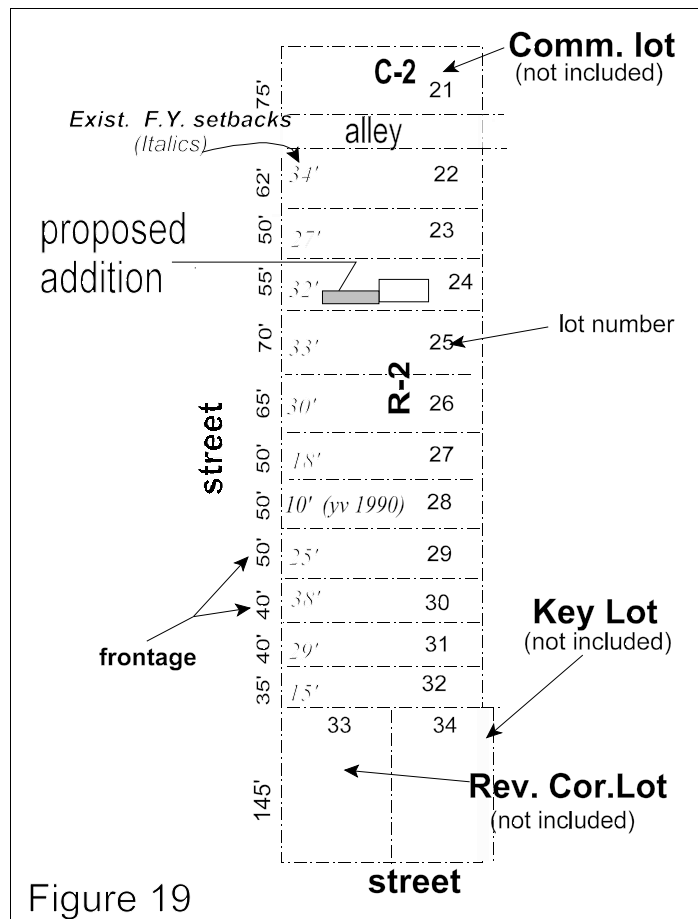


Figure 19

The corresponding setbacks are: 25', 29', 30', 33', 32', 27' and 34'. The average of these setbacks is the prevailing setback:

$$210/7 = 30'$$

5- NOTE: The subject lot is adjoining a "Projecting Building" on lot 23. (27' is less than prevailing setback). Per 12.22.C.5 the required setback for subject lot may be $(30+27)/2 =$

28'-6" ¹ Answer

¹ The subject lot is included in the setback calculations since the Code refers to all of the developed lots. The Prevailing setback is then a generic term that applies to the entire block.

(Code item) (Information Bulletin P/ZC 2002-015)

Section 12.08C1 Front Yard. Key Lot, Adjoining Commercial Reversed Corner Lot.

Q - What is the required front yard for a key lot that adjoins a commercial or industrial reverse corner lot?

A- The front yard of a key lot that adjoins a commercial or industrial lot (except for CR, C1, C1.5 or any C zone that contains residential uses) may be one half of the prevailing setback of the block. See illustration for key lot in Figure No. 20.

(V. N. Zoning Manual '67)

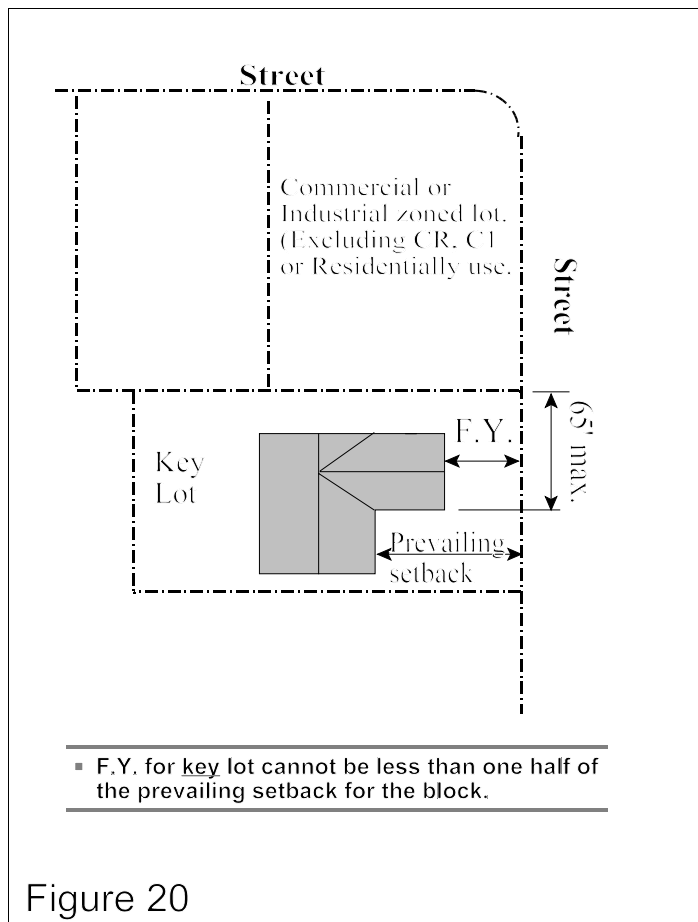


Figure 20

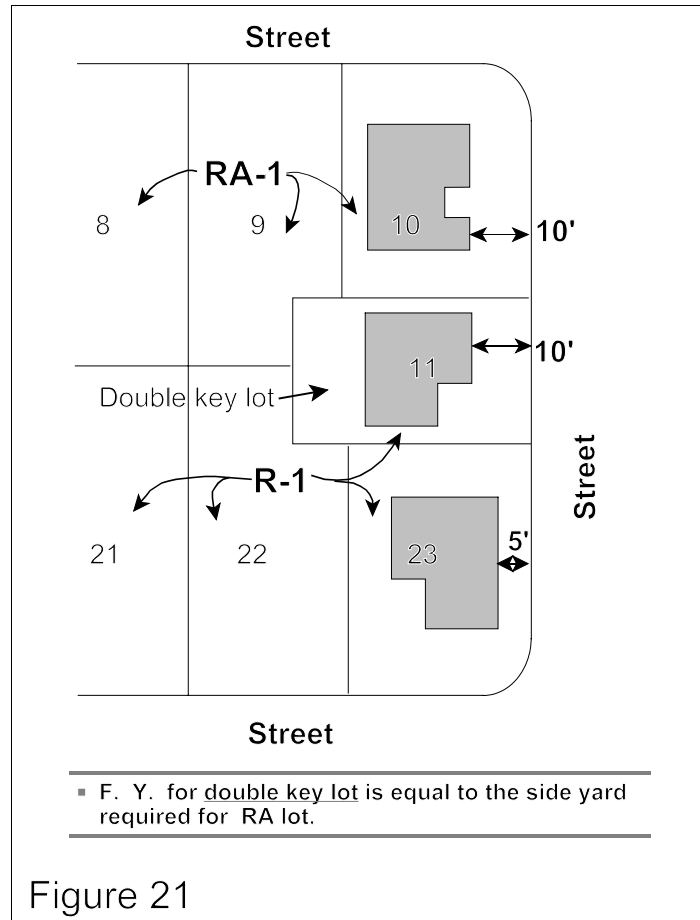
Section 12.08C1

Front Yard. Double Key lots.

Q - What is the front yard required for key lots that adjoin reverse corner lots on both sides (double key lots)?

A- According to the reference listed below, the front yard of a double key lot must be no less than the depth of larger side yard required for either of the adjoining reverse corner lots. See illustration for double key lot in Figure No. 21.

(Planning Comm. Res. 6-8-36)



Section 12.08

Minimum Side Yards for Lots less than 30' Wide

Q - What is the minimum side yard requirement for lots less than 30' in width and when does the requirement of “not less than 3 feet minimum yard” apply?

A - When the side yard requirements of a zone allows a reduced yard for a narrow lot width, the provision “. . . but in no event to less than three feet in width” shall be used as the minimum yard width for lots less than 30 feet wide. All Code required increases due to the height of the building, or the number of stories shall be added to the initial minimum three-foot width, to arrive at the final required side yard dimension.

Example:

Section 12.08 C 2 states that for lots less than 50' wide in the “R1” One-family zone, “the side yard may be reduced to ten percent of the width of the lot, but in no event to less than three feet in width.”

INCORRECT WAY TO CALCULATE SIDE YARD EXAMPLE:

R1 Zone, lot width is 25 feet, building height is 27 feet and the lot is not subject to the hillside regulations.

Per 12.08C2(a) – the required five foot side yard may be reduced to no less than three feet.

$$25 \text{ ft} \times 10 \% = 2.5 \text{ ft}$$

A one foot increase is required due to a building height of greater than 18 feet per Section 12.08C.2.(b).

$$2.5 \text{ ft} + 1 \text{ ft} = 3.5 \text{ ft.} > 3 \text{ ft. minimum side yard required.}$$

This result is NOT correct

CORRECTLY CALCULATED SIDE YARD EXAMPLE:

R1 Zone, lot width is 25 feet, building height is 27 feet and the lot is not subject to the hillside regulations.

Per 12.08C2(a) – the required five foot side yard may be reduced to no less than three feet.

$$25 \text{ ft} \times 10\% = 2.5 \text{ ft} < 3 \text{ ft minimum, use 3 feet.}$$

A one foot increase is required due to the building height of greater than 18 feet per Section 12.08C.2.(b).

$$3 \text{ ft} + 1 \text{ ft} = \underline{4 \text{ ft. minimum side yard required.}}$$

(Z.E. memo 4-21-04)

Section 12.09 C2

Side yards for Single Family Dwellings or Duplexes in the R2 Zone.

Q - This section states that side yards in the R2 zone are required to be the same as required in the R1 Zone - Section 12.08 C2. Does that mean that (“Big House”) Section 12.08 C2(b) side yards apply to construction in the R2 Zone ?

A- Although the Ordinance does not specifically regulate the R2 Two-family zone, this section of the zoning code refers side yard requirements to be “same as required in R1 zone.” Therefore, main buildings in the R2 zone require side yard increase due to the height of building as mandated by the zoning code in the same manner as the R1 zone.

(Z.E. memo 5-26-95)

Section 12.09.1B4

Lot area. Non-conforming RD-zone lots.

Q- The RD zone regulations are silent regarding lots of non-conforming area and/or width. What are the density requirements for such legal nonconforming lots?

A- While it is true that this zone does not contain specific provisions for lots of nonconforming area and/or width, the provisions of 12.23-E can be applied. This section states that "A nonconforming lot may be occupied by any use permitted in the zone in which it is located, except for those uses which require a width, area or other lot dimension other than the minimum specified in the area requirements of said zone. However no more than two dwelling units shall be permitted on a lot with an area of less than 4000 square feet...".

Consequently, nonconforming lots as to width or area may be developed using the appropriate density ratio. In the event such lot has an area of less than 4000 sq. ft. it must then be limited to no more than two units.

For example a 3999 sq. ft. lot of RD-1.5 zone (1500 q. ft. per unit) can be developed with two units. If the lot were zoned RD-2 (2000 sq. ft. per unit) then it could only contain one unit. Further, if zoned RD-4 or RD-5 or RD-6, only one unit can be built on such lot without an area variance from City Planning.

(ZAI 93-0228)

Section 12.09.3

Mobilehome Parks. City Jurisdiction.

Q - What authority does the City of Los Angeles have to enforce zoning ordinances in mobile home parks?

A - While the state has promulgated a comprehensive scheme for regulating mobilehomes and mobile home parks, these regulations do not prevent the Department from enforcing zoning regulations as they apply to mobilehome parks as well as to the mobile homes that are located within such parks.

Section 1332 of the California Code of Regulations states: "mobilehome locations are subject to the requirements of local zoning ordinances and conditional use permits established by local authorities."

Similarly, Section 1700(a) of the California Code of Regulations states that: " A mobilehome shall not be used for any occupancy other than as one or two dwelling unit, except as may be permitted by local authorities within reasonable exercise of their police powers." Note: Mobilehomes as the term is used here, refers to those that are NOT placed on a permanent foundation such as typically found in a mobilehome park. They are not to be confused with pre-fabricated state-approved housing units placed on a permanent foundation.

The above State Code Sections may have been amended as of this writing, however, the City Attorney's opinion is still valid.

(C.A.O. 3-25-92)

Section 12.12

Public Use of Restaurant Facilities in Apartment/Hotels and Hotels in R5 Zone.

Q- This code section specifies that hotels, motels or apartment hotels are permitted under certain conditions. Uses incidental to such buildings are also permitted "...provided such business is conducted only as a service to persons living therein...". In light of this provision, can restaurants in such hotels, motels, and apartment hotels on lots zoned R5 serve food to the general public who are neither guests nor tenants of the building?

A- No, from the statements above, it is clear that restaurants in hotels, motels, or apartment hotels are not permitted to serve the general public but only the persons living or residing therein. Immediate guests of building tenants can also be served and such service would be considered as being provided to persons "living therein".

An occasional uninvited customer that is not a guest may be served provided there was no intentional effort to advertise or otherwise attract the general public.

On the other hand, this would not permit the utilization of the facilities by an organization or a club simply because one of the members of such organization rents a unit or guest room in the building in order to gain access to the building's facilities.

Additionally, a company, community organization or similar, cannot rent a unit or guest room and then sell tickets for food or drinks to be consumed in the restaurant within the building. The participants are no longer considered as guests but as paying customers.

(C.A.O. 528(BS)/529(CP))

Section 12.12.1A3(b) Signs in the P or PB zone. Dual P and C zone lots.

Q - Can identification signs placed in the P or PB zone as permitted by this section, be used to identify the business in the C zone in a dual-zone lot?. (e.g. C2-1/PB-1)

A- Yes, it is permitted to have on-site identification signs in the P or PB portion of a lot in connection with a commercial business in the C zone. This code section requires that the signs can only display "...the names of the operators or sponsors of the parking area (including customary emblems or trademarks)...". Under these circumstances, the businesses on the lot are the sponsors of the parking area or parking building and, as such, are permitted to make use of this sign provision. All other conditions in 12.12.1A3(b) must be complied with.

(Code item, Z.E. memo 7-6-92)

Section 12.12.2A1 Clinics are not permitted in the CR zone.

Q - The CR zone does not allow clinics nor hospitals. What is the definition of a clinic? How are clinics different from medical offices?

A- Medical or Doctor's offices would include an individual office with an accessory examining room and waiting area. While there is no definition of clinic in the Zoning Code, it has long been interpreted to be numerous doctors' offices being assisted by multiple therapy rooms, x-ray rooms, nurses stations, exam rooms, etc. A facility with specialized rooms such as administration, allergy, ophthalmology, dermatology, numerous doctors' offices, exam and waiting areas, etc. will be considered a clinic.

An office building divided into several suites with one doctor occupying a single suite and no sharing of facilities is in line with our interpretation of "medical offices".

(Bldg. Bur. Chief letter 4-23-87 and ZA 87-0451(A))

Section 12.12.2A9 **Open Storage in the CR zone. Trash enclosures.**

Q - Since open storage is not permitted in the CR, C1, and C1.5 zones, are open trash enclosures permitted in these zones?.

A- The Department has allowed any building in the above zones to have open storage of trash containers or movable trash bins provided:

- 1- Such trash storage is located on the rear half of the lot.
- 2- The trash storage area is completely enclosed by a solid wall or fence (with necessary solid gates) not less than six feet high.
- 3- No trash is stored in the trash storage areas except that which is generated by the buildings or by the permitted uses on the lot.

(P.C. Chief memo 1-17-78)

Section 12.13A2(a)25 **Open Storage in the C1 zone. Trash Enclosures.**

See 12.12.2A9 of this manual.

Section 12.13.5A2(b)2 **C1.5 zone Use limitations. Second-Hand Stores.**

Q - Uses permitted in the C1.5 zone include certain retail stores. This zone, however, requires that all merchandise be sold new. Are there any exceptions that permit used merchandise to be sold in the C1.5 zone?

A- Stores selling second hand books, (provided books are primarily confined to hard back with not more than 15% of the books being of the paperback variety), postage stamps, coins, antiques, objects of art, refurbished pinball machines, arcade games and jukeboxes are permitted in the C1.5 zone. These products (except for used books) derive their value from their historical meaning and are generally collector's items

(ZA 93-0112(ZAI))

Section 12.13.5A9 **Open storage in the C1.5 zone. Trash enclosures.**

See 12.12.2A9 of this manual.

Section 12.13.5B1

Location of Front Lot Line. C1.5 zone - Corner lot.

Q- This code section requires a 10' front yard for all lots and also requires a side and rear setback in the C1.5 zone as required in the C1 zone. However, C1 zone regulations provide that for a corner lot, the front lot line shall be that which adjoins a major or secondary highway. Is this provision (for corner lots) also applicable to the C1.5 zone even though it is not specifically mentioned in the code?

A- The Zoning Administrator has determined that inasmuch as the code requires side and rear yards in the C1.5 zone as required in the C1 zone, the front yard of a corner lot in the C1.5 zone must follow the provisions of the C1 zone.

Therefore as stated in Sec. 12.13C (C1 zone), the front lot line of a corner lot shall be the line which abuts on the "principal street". Where the lot abuts a major or secondary highway, said highway will be considered the "Principal street" as seen in Figure No. 22. Additionally, "Where a lot abuts upon two or more highways, and in all other cases, a Zoning Administrator shall determine which street is the principal street".

(ZA 88-0503-I(ZAI))

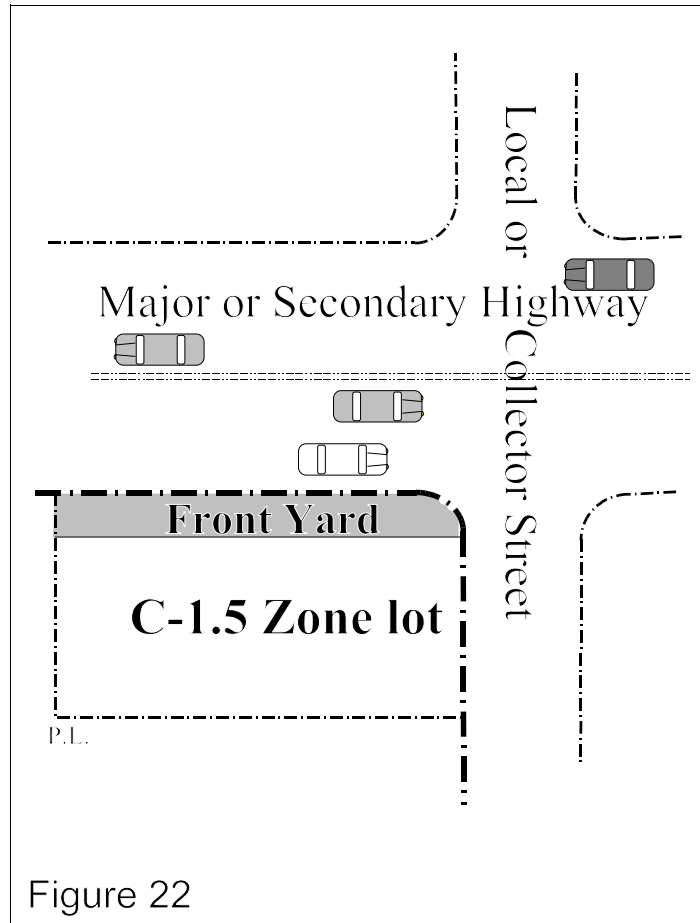


Figure 22

Section 12.14A

C2 Zone Use Regulations. Automobile Tow Truck Operation incidental to Existing Auto Repair Shop.

Q- Is a tow truck dispatch operation in conjunction with an auto repair business permitted in the C2 Zone?

A - Item 27 of the above Code Section permits automobile repair by right in the C2 zone when located more than 300' from an RA or R zone. A tow truck operation can be considered as an incidental use to a lawfully established repair garage provided that the tow trucks only go out to perform emergency roadside service or to bring vehicles to the premises for repair.

Transported automobiles must be repairable and may be stored on the site if they are intended to be repaired. Sections 12.26I(4) and 12.14A42 contain the requirements for the storage of vehicles.

Also see "Sec. 12.14A42 Open Storage in Conjunction with Automotive Repair Shops in C2 zone" in this manual.

(ZAI 2035)

Section 12.14A C2 zone Use Regulations. Baseball Batting Cages.

Q- Are baseball batting cages permitted in the C2 zone. Additionally, how are their parking requirements figured?

A- Baseball batting cages have been considered as an amusement enterprise and thus are allowed in the C2 or less restrictive zones except the C4 Zone. Per ZAI Case No. 1363, batting cages are allowed without having to be located within a completely enclosed building. The netting (e.g. chain link) that typically is part of a batting cage's construction is used for containment of the balls and does not constitute a building. A "building" as defined in Section 12.03 is "any structure having a roof ... for the housing, shelter, or enclosure of persons...". Chain link fencing material, in this application, does not meet that criteria.

Since a batting cage is not classified as a building, there are no provisions in the Zoning Code for required parking and therefore no parking is required. Any accessory buildings provided for refreshments, baseball equipment, offices, bathrooms, etc. must be provided with 1 parking space per 100 sq. ft. of floor area.

Netting other than chain link fencing material must be individually evaluated to determine if it would constitute a building.

Note: A batting cage, being an amusement enterprise, must comply with limitations of C-zoned corner lots and mini-shopping centers.

(ZAI 1363, Z.E. memo 11-3-93)

Section 12.14A C2 zone regulations. Definition of Retail use.

Q- Is a business that manufactures and/or assembles small parts to be sold to a larger manufacturer for use in the manufacturing of a larger product (such as a subcontractor selling to a main contractor), considered a retail business? Also, since there is no definition in the code, what criteria is used to determine what constitutes "retail" use?

A- As "retail" is not defined anywhere in the code, the City Attorney has interpreted that a retail business is that type of enterprise which is maintained for the sale of goods and

merchandise to the general public at that location. This opinion is consistent with the definition of "retail" in Webster's Dictionary which states: "to sell in small quantities to the ultimate consumer".

The described business does not meet the definition of retail as specified above and therefore it is not permitted in the C2 zone even if the number of employees engaged in the manufacturing or assembling operations does not exceed five. Such use amounts to the operation of a small manufacturing plant with wholesale sales and would be first permitted in the CM zone.

(C.A.O. 399)

Section 12.14A **C2 Zone use regulations. Live poultry sales.**

Q- Is the sale of live poultry a permitted use in the C2 zone?

A- The zoning code has no specific listing for the sale of live poultry. Uses such as wholesale poultry dealer, poultry keeping, poultry raising and poultry slaughterhouse are specifically excluded from the C2 zone.

A poultry market is allowed in the C2 zone (first permitted in the C1 zone). Inasmuch as the selling of live poultry from a poultry market would require the keeping of poultry, which is not a permitted use within the zone, it is evident that the sale of live poultry could not be an allowed use in the C2 zone. In addition, since a poultry market is first permitted in the C1 zone, it becomes apparent that a poultry market was not intended to describe the sale of live poultry.

A possible exception involving the sale of live poultry may be the sale of live poultry as pets from pet or bird stores which would be permitted in the C2 zone.

(Z. E. Memo 7-21-95)

Section 12.14A **Sale of Used Merchandise in the C2 Zone.**

This item consists of two questions related to used furniture and used auto parts.

Q₁- Can secondhand (not necessarily antique) furniture be sold in the C2 zone?

A₁- Retail sales are first permitted in the C1 zone (by Sec 12.13.A2(a)24) provided that articles sold are new. The Use List specifies that a furniture store is permitted in the C1 zone. The C2 zone allows the same C1 uses without the requirement that the merchandise sold be new. These facts would support the notion that the sale of secondhand furniture is permitted in the C2 zone.

The confusion has arisen due to M2 regulations found in Section 12.19A4(a)3 as well as the Use List which state that the "Storage, Display, processing or sales of secondhand furniture and appliances." is a permitted use in the M2 zone provided that there can be "No crushing, smashing, bailing, or reduction of metal..." with provisions for noise level limits and open storage in bulk.

Clearly, these conditions would be irrelevant to a business engaged only in the retail sale of secondhand furniture of the sort that would be permitted in the C2 zone. This M2 use assumes that all of the listed functions will be carried out, i.e. storage, display, processing and sales (not exclusively retail) of second hand furniture.

In conclusion, the retail sale of secondhand furniture in the C2 zone is permitted with the customary limitations of Sec. 12.14A1(b). In these businesses there is no storage (other than those articles available for sale).

Q₂ - Can second-hand auto parts be sold in the C2 zone?

A₂- The confusion here is due to the statement in the Use List which indicates that "Automobile parts" are first permitted in the C2 zone. Since Secondhand automobile parts are not found in the Use List, the question of where used parts may be sold becomes unclear.

Used or secondhand auto parts is a general term that can be associated with scrap body parts, broken down or unrepairable parts, and other accessories that may also be labeled as "Junk". Clearly, such use would not be permitted in the C2 zone and therefore the Zoning Administrator justifiably has differentiated between new and used auto parts.

The acceptance or sale by bona fide automobile parts retail dealers of used automobile parts (including tires or batteries) tendered in exchange for, or in part payment of new or previously rebuilt, reconstructed or remanufactured automobile parts shall be permitted in the C2 zone and shall not be deemed to constitute engaging in the business of selling or dealing in used auto parts.

(Z.E. memo 11-19-93)

Section 12.14A1(a) Storage building in the C2 zone.

Q - Is a storage building permitted as main use in the C2 zone?. If so, under what conditions?

A- A storage building may be allowed in the C2 zone if it contains retail merchandise with an incidental office in connection with a retail store operation provided the floor area does not exceed 4500 sq. ft..

Retail merchandise may be sold elsewhere or it may be sold at the site. In cases where the retail store is located at another site, a "Maintenance of Building Affidavit" will be required to advise present and future property owners that the storage use is permitted as long as it is maintained in conjunction with a specified store. The Affidavit must also specify that the use of building will be made to comply with zone regulations in the event the use is no longer in conjunction with the retail store.

The Zoning Administrator determined that such use is not substantially different from a wholesale business with incidental storage space such as those permitted in the C2 zone. Consequently, the "Use List" was modified to allow: "Storage Building for Retail Merchandise with Office (Maximum 4500 sq. ft. of Space used for Storage)".

(Z.A.I. 2398)

Section 12.14A1(b)(2) C2 regulations. Bakery Goods Distribution.

Q- The C2 zone permits certain retail uses to be conducted on a wholesale basis provided the storage area does not exceed 4500 sq. ft. and there is no manufacturing of products, or assembling, compounding, processing or treating of materials. Is a bakery distribution center permitted in the C2 zone if the storage area does not exceed 4500 sq. ft.?

A- The code lists a "Bakery or bakery goods distributor" as first permitted in the CM zone (Section 12.17.1A2(a)6). Additionally, the "Use list" relegates a "Bakery goods distributor" to the CM zone.

The Zoning Administrator, under the provisions of Section 12.21A2 of the code, is specifically prohibited from determining that a use is permitted in one zone when the code specifically lists the use as first permitted in a less restricted zone; e.g., a use listed in the C2 zone shall not be permitted in the C1 zone.

Consequently a Bakery Goods Distributor is not permitted in the C2 zone even if the storage area does not exceed 4500 sq. ft..

(ZAI 1603)

Section 12.14A1(b)(2) C2 zone regulations. Small Aircraft Parts/Accessories - Wholesale.

Q - Is the wholesale distribution of small aircraft parts such as compasses, small valves, strainers, gaskets etc. permitted in the C2 zone?

A- The Zoning Administrator has interpreted the above use to fall within the general category of "hardware store" as such use is permitted in the C2 zone. Per Sec. 12.14A1(b)(2), the business may be operated as a wholesale enterprise if the storage space does not exceed 4,500 sq. ft. and there is no manufacturing, assembling, compounding, processing or treating of materials.

(ZAI 1543)

Section 12.14A1(b)(2) Storage space in conjunction with a Retail Store.

Q - Is there a limit as to the maximum amount of incidental storage area that a retail store may maintain on the same lot?.

A- No, a retail store or business of the type permitted in the C2 zone is not limited as to the amount of storage space provided that such space is used for incidental storage. Merchandise stored must be that which is intended to be sold from the same premises.

(Z.A.I. 2398)

Section 12.14A3 C2 zone Regulations. Billiard or Pool Halls Restrictions.

Q- What are the applicable restrictions regulating the establishment of a billiard or pool hall? Further, Is there a minimum number of tables that can be located in a business before it is defined as a "billiard or pool hall"?

A- Billiard or pool halls may be permitted by right in the C2, C5, CM, M1, M2 and M3 zones provided none of the following conditions apply:

- a) Located in a mini-shopping Centers or Commercial Corner Developments next to, or across the street from a lot zoned RA or R or any residential use. See 12.22A23.
- b) Commercial building when the lot is within 500 feet from an A or R zone.

- c) The billiard or pool is open for business between 2 a.m. and 6 a.m. See Section 12.14A3.

To answer the second question, per Section 103.112 of the Los Angeles Municipal Code, even one pool table constitutes a "billiard or pool hall" regardless of whether it is a main use or accessory to a main use.

(Z.E. memo 2-19-93)

Section 12.14A8 **C2 zone regulations. Bicycle race track.**

Q- Baseball and football stadiums or boxing arenas having a maximum seating capacity of 3,000 are permitted in the C2 zone. Can a bicycle race track be regarded as a permitted use in the C2 zone?

A- An open air bicycle race track can be regarded as a "sports arena or stadium". These types of facilities are permitted in the Use List (List No 1) found in the back of the Zoning Code. The List further prohibits those facilities used for automobile, motorcycle, dog or horse races, or rodeos.

Inasmuch as bicycle race tracks are not prohibited by the Use List, they would be permitted in the C2 zone provided the seating capacity does not exceed 3,000.

(ZAI 1360)

Section 12.14A9

C2 zone Regulations. Self-service Car Wash.

Q - Is a self-service car wash of the type that is customarily equipped with a traveling wand to spray soap and water on the car which is then dried by hand permitted in the C2 zone? If so, under what conditions?

A- These establishments, which generally consist of a mostly unenclosed building, are permitted by right in the C2 zone when not subject to the provisions of 12.22A23 (Corner Lot and Mini-Shopping Center) which require a Conditional Use approval. Since such uses are considered wash racks they must comply with the same requirements specified by Code as any automated car wash as follows:

- 1- Power driven or steam cleaning machinery must be sound-proofed and the operations conducted in such a manner that the noise level measured on adjoining property does not exceed the prevailing noise level but need not be lower than levels prescribed in Section 111.03 of the code.
- 2- Car wash building must be arranged so that any openings cannot face residential property within 100 feet.
- 3- For more detailed information, see Section 12.14A9 of the Code.

(Z.A.I. 1843, Code item)

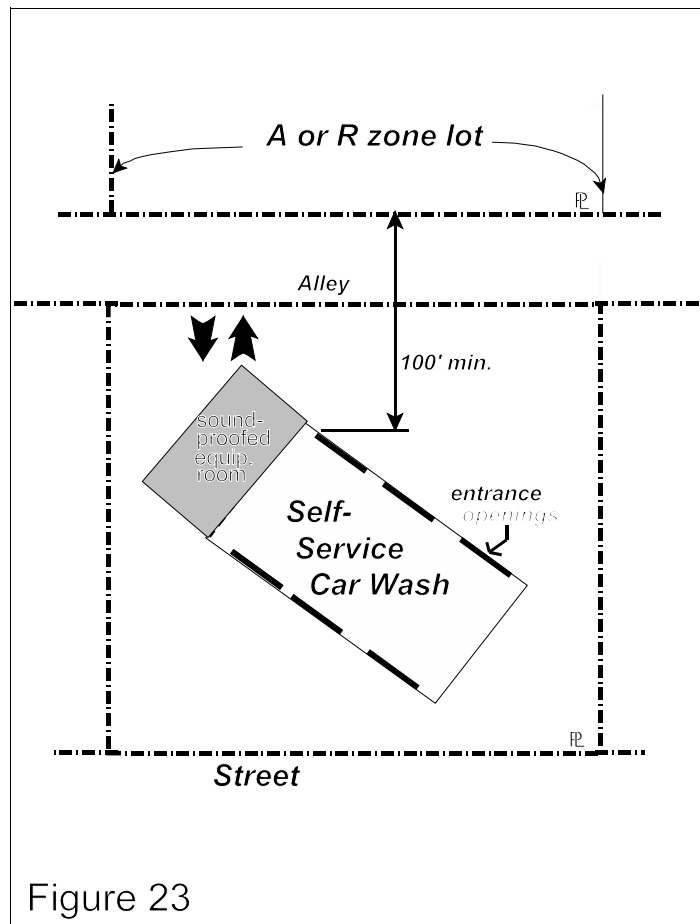


Figure 23

Section 12.14A42

Open Storage in Conjunction with Automotive Repair Shops.

This item consists of two questions as follows:

Q₁- Under what conditions does the parking of vehicles that are awaiting repairs in a auto repair facility constitute open storage and thus need to comply with the requirements of this Section for open storage? Are these cars allowed to be placed in the required parking stalls?

A₁- The Department has long interpreted that automobiles that are driveable in their present condition and are awaiting repairs are not considered to constitute "storage." However, automobiles that are inoperable, wrecked, damaged or unlicensed and awaiting repairs are considered storage and may be in violation.

To completely answer this question, however, it is necessary to draw a difference between a road-worthy vehicle that is "parked" and a similar vehicle that is "stored". Section 80.73.2 of the LAMC prohibits a vehicle to be left standing upon a street for a continuous period of 72 hours unless it is driven at least one mile during that period. It seems reasonable that this Department use the same criteria for vehicles (regardless of their working condition) left on private commercial property. However, vehicles that are inoperable, wrecked, damaged, unlicensed that are kept while awaiting repairs for any length of time constitute storage and are subject to the limitations required by the zone for open storage.

For definition of "wrecked" see "Section 12.17.5B5(f) Storage of "Wrecked" Auto Automobiles not Permitted in MR1 Zone. Definition of "Wrecked"."

Q₂- What are the requirements for allowing open storage accessory to automotive repair shops? Can this storage be located in the front of the building when such building is located in the back of the lot? (The confusion results due to Section 12.14A42 which states that open storage of materials and equipment is only permitted when the structure is located on the front portion of lot.)

A₂- Since the intent of these provisions appear that of preventing visual blight, it seems irrelevant whether a building is located on the front of the lot or not provided that all the other conditions are followed as follows: a solid wall or fence is required for open storage. In the C2 and CM Zone, open storage may be located in front of a building located in the rear half of the lot, provided such storage area is located on the rear one-half of the lot and is confined to an area not exceeding 3,000 square feet.

(Z.E. memo 12-7-95)

Section 12.14A42

C2 zone Regulations. Tow Truck Dispatching Business.

Q- Is the storage of tow trucks used in conjunction with a legal tow truck dispatch business permitted in the C2 zone? (Truck storage is first permitted in the MR1 zone)

A- Yes, provided that where the tow truck dispatch is the main use there is no storage of towed vehicles on the site. Storage of towed vehicles is permitted only in conjunction with an auto repair business.

On-site storage of tow trucks is limited to those trucks employed in the tow truck dispatching business. The number of tow trucks permitted to be stored depends only on the size of the business. Additionally, open storage of tow trucks must conform to the limitations of 12.14A42.

See also "Section 12.03 Accessory Use. Definition. Storage of Tow Trucks" in this manual.

(ZA 89-1317(ZAI))

Section 12.14A42(c)

Solid Fence Enclosure Construction.

See Section 12.19A4(b)2.

Section 12.16A2

Food stands and Restaurant sales through a window.

Q - Is a restaurant in a C4 zoned lot permitted to have walk-up customer window? If permitted, can the walk-up window be located in such a way that patrons would be standing on the public right-of-way?

A- Yes. The sale of food over the counter through a window is permitted. Moreover, sale to sidewalk customers is also permitted in the C4 Zone. The C4 Zone allows uses authorized in the C2 Zone (with exceptions that are not relevant hereto) which in turn permits C1 Zone uses. The C1 zone, however, allows a restaurant, tea room, or cafe conducted wholly within a building and therefore, a walk-up window is not permitted in the C1 zone.

The C2 Zone, per Section 12.14A14, permits drive-in businesses, including refreshment stands, restaurants, without any mention made of confinement to an "enclosed building". In fact, outdoor eating areas are permitted with some limitations. Such uses are carried over to the C4 zone with the same regulations.

Since there are no restrictions in the Zoning Code for using the public sidewalk service from a walk-up window, the Street Use Inspection Division of the Department of Public Works shall be consulted for any proposed uses on a public sidewalk.

(C.A.O. 502)

Section 12.16A2(o) Sale of Second Hand Merchandise in the C4 Zone.

Q - Are there any exceptions to this code section which prohibits second hand stores in the C4 zone?

A - The Zoning Administrator, by various interpretations, has determined that stores that sell the following second-hand items are permitted:

1. Antique shops; as defined by Section 103.301 of the Municipal Code. (Essentially where the value of the merchandise sold is derived in whole or substantially, from its age or from its historical association).
2. Art galleries dealing in paintings, sculptures or other objects of art.
3. Second hand books; provided books are primarily confined to hard back with not more than 15% of the books being of the paperback variety.
4. Collector's items such as stores dealing in postage stamps, coins and similar.
5. Jewelry shops; where the sale of used jewelry does not occupy more than 15% of the floor area and the principal use is the sale of new jewelry.
6. Camera and Stereo shops; where trade-in equipment is occasionally sold.
7. Baseball cards for collection.
8. Refurbished Pinball Machines, Arcade games and Jukeboxes.
9. See "Section 12.14A Sale of Used Merchandise in the C2 Zone" of this manual for Rebuilt auto parts. Not considered to be "used".

(ZA 89-1256(ZAI), ZA 84-0984(R), ZA 91-1021(ZAI), ZA 93-0112(ZAI))

Section 12.17.5, 12.18 Multi-Media Production in the MR1 and MR2 Zones

Q - Is Multi-Media Production permitted by right in the MR1 and MR2? What is the parking requirement?

A - Among the purposes of the MR1 and MR2 Zones is "to preserve industrial land for light industrial uses and to provide for non-retail businesses which enhance the City's employment base." per LAMC Section 12.17.5 A 4 and Section 12.18 A 4. There has been some hesitation in accepting multi-media production as consistent with this description.

Multi-media production is conducted primarily with computer-based technology. Technicians and operators typically produce electronic imagery at individual work stations creating an appearance similar to a general office use, rather than a traditional industrial/manufacturing facility.

However, MR1 and MR2 Zones have also been established with the purpose to "reflect and accommodate the shift in industrial land uses from traditional industrial activity to uses such as those involving record management, research and development, information processing, electronic technology, and medical research." per LAMC Section 12.17.5 A 5 and Section 12.18 A 5.

The creation of an electronic product through multi-media production is consistent with the purpose of accommodating the shifting industrial base involving a use of electronic technology. In recognition of the city's changing industrial base and consistent with the expressed purposes for establishing the MR1 and MR2 Zones, an interpretation allowing multimedia production in MR1 and MR2 Zones is necessary.

Once it is decided that multi-media production is permitted on a given property, the parking requirements must be determined based on one parking space for every 500 sq. ft. of floor area per Section 12.21A4(c), since the multi-media production is considered as an industrial use.

Some confusion arises when determining parking requirements for existing warehouse buildings considered for multi-media production use. Currently, one parking space for every 500 sq. ft. of floor area up to 10,000 sq. ft. plus one space for every additional 5,000 sq. ft. of warehouse use is required per Section 12.21A4(c)(1). No change of use is permitted from an existing warehouse to a multi-media production without providing the additional parking spaces required for the new use based on one parking space for every 500 sq. ft. of floor area per Section 12.21A4(c).

(Z.E. memo 10-06-97)

Section 12.17.5, 12.18 Federal Credit Union Operation Permitted by Right in the MR Zones

Q - Is a federal credit union permitted in the MR Zones?

A - The Zoning Administrator has determined that federal credit union operation is permitted by right in the MR Zones with no need for zoning entitlements.

(ZA 97-0352(ZAI))

Section 12.17.5B5(f) Storage of "wrecked" automobiles not permitted in MR1 zone. Definition of "wrecked".

Q- Storage of "wrecked" automobiles is not permitted in the MR1 zone as a main use. What constitutes a "wrecked" automobile? In what zone is the storage and/or sale of wrecked automobiles permitted as a main use?

A- A wrecked automobile is one which has been damaged, disabled, shattered, or in state of ruin and dilapidation. If such car has lost its usefulness as a means of transportation by reason of its being damaged, disabled, shattered, or in a state of dilapidation, it is a wrecked car. A wrecked car is not dependent upon any particular amount of damage. Sale of wrecked automobiles would be first permitted in the M2 zone, the same as a salvage business or an automobile impound yard.

(C.A.O. 388)

Section 12.17.6A6(b) Open Storage in Conjunction with an Auto Repair Shop in the M1 Zone.

Q - This code Section requires that open storage be enclosed on all sides with a solid wall or fence. Can open storage in conjunction with automotive repair establishments in the M1 zone, be maintained throughout the lot if the lot is completely enclosed by a fence as specified in Sec. 12.17.6A6(b), or does the open storage use need to be restricted to the rear half of the lot as required in the C2 zone? The question is asked since Sec. 12.17.6A2 requires these uses "to be conducted in accordance with all building enclosure and fence enclosure limitations of said C2 zone. (It appears that Section 12.17.6A2 is in conflict with Section 12.17.6A6).

A- Open storage in the M1 Zone as an accessory use to a auto repair facility is subject to Section 12.17.6A6(b). The only limitation specified in that section is that the area be enclosed on all sides with a solid wall or fence and necessary solid gates all at least six feet in height. The open storage area can thus be located anywhere on the lot.

(Z.E. memo 12-7-95)

Section 12.17.6A2 Schools in the M zones.

Q - This code section specifies that in the M1 zone, the uses permitted include those permitted in the C2 zone thereby implying that an elementary or high school would be permitted since they are permitted in the C2 zone. However, section 12.24U24 requires conditional use permit for elementary and high schools when located in M zones. Which section governs?

A - Elementary or High schools are permitted in industrial zones by Conditional Use only. Schools are permitted by right in the RAS3 (with limitations), R4, RAS4, R5, CR, C2, C4 and C5.

Whenever two code sections are in conflict, that provision which is more specific and restrictive (in this case 12.24U24) will apply.

(ZA 89-0400(ZAI))

Section 12.19A1.5 Automotive Repair in the Open.

Q - Does the repair of automobiles in the open in an M2 zone constitute a violation of the Zoning Code?

A- The M2 and M3 Zone permit automotive repair within or outside of a building or enclosed area as authorized by Section 12.19A1.5. However, the open storage of inoperable, wrecked, damaged or unlicensed vehicles is subject to the same limitations as auto dismantling yards such as solid walls, off-street parking spaces and landscaping.

Note that Section 12.26 I specifies limitations for those lots located within 300 feet of A or R zones.

(Z.E. memo 12-7-95)

Section 12.19A4(b)2 Solid Fence Enclosure Construction.

Q - This code section requires a solid masonry wall or a "solid fence" enclosing certain uses that are not within a building such as an auto dismantling yard. Can a chain link fence with interwoven slats be used to comply with this requirement?

A- Per Webster's New International Dictionary of the English Language, the term "Solid" is defined as "Entirely of one substance, formation, or character, even or unbroken in surface; flush, as a solid panel or solid wall."

Roget's Thesaurus defines Solid as "dense, impermeable, thick, massive, strong, substantial, stable, firm." Anyone who has viewed a chain link fence with interwoven slats knows that such a fence does not fit the description of a "solid fence" based on the definitions described here. Thus, such a fence does not meet the code requirements of this section.

Note: When this ordinance was first enacted,(during the 50's) the Department briefly permitted chain link with slats as meeting the requirement. There may be some old existing non-conforming businesses with chain link fence with interwoven slats that received a permit at that time.

An acceptable solid wall or fence shall be any fence or wall constructed entirely of inherently solid materials with no openings (e.g., masonry or concrete) or any materials uniformly applied to another type of fence structure (e.g., chain link) which material, once affixed, substantially screens from view that which the fence is intended to enclose in such a way that a person outside the property cannot readily identify what is on the other side.

Woven slats of wood or other material in chain link fences will not satisfy these requirements except as permitted by Los Angeles Municipal Code (LAMC) Section 12.05A15(c) and 12.13.5 A12(d) which specifically allow "chain link fence (enclosure) with wooden slats".

In general, acceptable materials to be applied to chain link fences shall be materials specifically designed and manufactured for application to chain link fences. Such material shall be designed to hold up to the elements over time. Materials not designed to be applied to fences such as tarps or similar fabrics shall not be acceptable.

The maintenance requirements per LAMC Section 12.21 A9 should be enforced when approving materials for new fences.

The foregoing applies to the "solid wall or fence" requirement of the following code sections:

12.14A42(c), 12.17A3(c), 12.17.1A4(b), 12.17.5B5, 12.17.5B9(b), 12.17.5B9(d), 12.17.6A6(b), 12.17.6 A8(b), 12.18B3, 12.19A4(b)(2), 12.20A6(b)(1), 12.22a12(B), 12.23C1(c)(3), 12.24C27(g), 12.24C61(b)(1).

(ZA 86-1035(A), Z.E. memo 11-12-97 and 3-9-98)

Section 12.21A4

Parking Calculation. Special Cases.

Q- What would be the required parking for the following cases?

Case 1 New 8,000 s.f. restaurant located in Downtown Business District (DBD).

A- The exception for Downtown Business District [Sec. 12.21A4(i)] requires parking at a rate of one space per 1,000 s.f. for commercial buildings (other than schools, auditoriums or places of assembly) having a floor area of 7,500 s.f. or more. This building would require 8 parking spaces. Note that buildings with less than 7,500 s.f. require no parking.

Case 2 New 8,000 s.f. restaurant located in DBD and in the Community Redevelopment Area (CRA) (ZI 940).

A- The exception for CRA areas [Sec. 12.21A4(x)(3)] starts off by eliminating the DBD, "Except for the Downtown Business District area...". Therefore only the DBD exception would apply and the required parking would be the same as in CASE 1, i.e. 8 spaces required.

Case 3 Legally existing 3000 s.f. office building (circa 1992) converted to 900 s.f. of restaurant and 2100 s.f. of retail. Currently there are 6 spaces required and provided.

A- Nonconforming parking rights are not applicable in this case since the existing parking provided conforms to the current code requirement for office use. However, the parking requirement for the new uses is calculated as follows:

$$(2100 \times 4/1000) \text{ retail} + (900 \times 5/1000) \text{ small restaurant} = 13 \text{ spaces}$$

Case 4 Existing legally non-conforming 3,000 s.f. restaurant with no parking converted to retail and a 2000 s.f. addition

A- Existing restaurant is nonconforming as to parking. Since the new use requires less parking than the prior use, no additional parking is required for this area. The addition however, is new construction and needs to be provided with parking per the current code. Eight additional spaces are then required. Any surplus nonconforming parking credit cannot be used to satisfy the requirements of the addition.

(Code item)

Section 12.21A4

Calculation of Required Parking for Restaurants in the San Vicente Scenic Corridor Specific Plan Area.

Q - The Specific Plan requires 15 parking spaces per thousand square feet of floor area for restaurants that are not located in shopping centers or in office buildings with six or more stories. Further, the Specific Plan also requires one parking space per 300 sq. ft. of floor area for other commercial uses (see Specific Plan for all uses). Based on this language, what is the required parking ratio for a restaurant that is located in a shopping center or in an office building with six or more stories?

A- The confusion has resulted from the fact that when the Specific Plan was adopted, the Municipal Code only required two spaces per thousand square feet for restaurants. Since then, the code has been revised so that it now requires ten spaces per thousand sq. ft.. The City Attorney's office has generally advised that notwithstanding any other language, where provisions in the Code differ from or conflict with each other, the more restrictive provisions prevail. Therefore, the argument that a restaurant located in a shopping center or in an office building with six or more stories may provide 3 spaces per thousand as "any other commercial use" instead of 10 per thousand as required by the Code is not valid.

Therefore, the parking ratio for a restaurant located in a shopping center or in an office building over six stories in the San Vicente Specific Plan is 10 spaces per thousand.

(D.O.P. memo 11-9-95)

Section 12.21A4

Calculation of Required parking spaces for Areas Accessory to the Main Use.

Q- Are floor areas dedicated to accessory uses within a building required to be provided with parking at the same ratio as the main commercial use being considered?

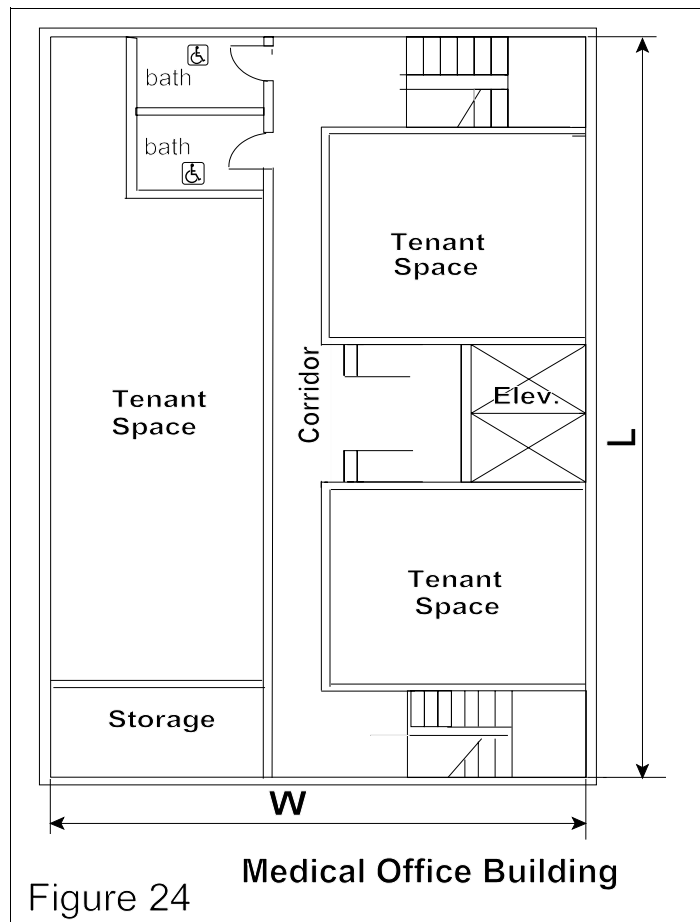
A- Yes. The parking requirements for a specified main commercial use applies to accessory areas within the tenant space. For example, in calculating the parking requirements for a restaurant, the total floor area of the dining room, kitchen, restrooms, corridors, storerooms, etc. must be included to compute the total number of spaces at the required ratio for the restaurant. Similarly, the total floor area of a retail store must include hallways, restrooms, storerooms etc. It is not appropriate to classify portions of tenant uses to a category not related to the main tenant use.

Figure No 24 shows a floor plan of a medical office building. The parking is figured based on the Floor Area as defined in Sec. 12.03. The floor area for parking purposes is then $W \times L$ minus the area of the stairways and elevator shaft (these areas do not constitute Floor Area per sec. 12.03). The resulting floor area must be provided with one parking space per 200 sq. ft.

This interpretation is not intended to conflict with section 12.21A4(j) which states that where there is a combination of uses on a lot, the number of parking spaces shall be the sum of the parking required for the various uses. The parking required for each use must be based on the main use of each tenant space.

Note: The code specifically requires parking for auditoriums; and trade schools to be based only on the assembly area (in the case of auditoriums) or classroom floor area (in the case of trade schools). In these cases, accessory areas are not included when determining parking requirements.

(Bldg Bur. Chief memo 9-21-88)



Section 12.21A4

History of Parking for Commercial Buildings.

Q - Provide history of parking for commercial buildings and uses.

A - The following table covers history of parking for commercial uses starting since 1946. The number of spaces required is identified by a letter on the right-hand side. See legend on next page.

HISTORY OF COMMERCIAL PARKING

REQUIREMENTS

Ord #90,500 - Effective 6-01-46

Church, High school, college and university auditoriums. Theaters general auditoriums, stadiums and other similar places of assembly A'

Hospitals and welfare institution A

Business or commercial buildings or structures having a gross floor area (not including parking) of 7500 sq. ft. or more A

Ord #96,776 - Effective 9-08-50

Church, High school, college and university auditoriums. Theaters general auditoriums, stadiums and other similar places of assembly B

"Governmental Buildings" added to hospitals and welfare institutions A'

Industrial buildings added to business and commercial buildings A'

Warehouse - building or portion thereof with 10,000 sq. ft. or more of floor area B'

Ord #111,049 - Effective 08-01-58

Business, commercial and industrial buildings of 5000 sq. ft. or more and similar buildings of 500 sq. ft. or more in the CR zone C

Warehouse - building or portion thereof with 10,000 sq. ft. or more of floor area C'

Institutions - Hospitals, Philanthropic institutions, government office buildings, or similar use C

Auditoriums - Theaters, church etc. D

Elementary Schools E

Downtown Parking District was established.

Minimum driveway widths established.

Off-site Parking Affidavits required to be recorded.

Ord #142,306 - Effective 02-09-72

Parking must conform to charts in code appendix.

20% of spaces may be compact.

Ord #143,283 - Effective 06-23-72

Business, commercial and industrial buildings regardless of floor area C

Ord #145,088 Effective 10-19-73

Medical service institutions

Hospitals F

Sanitariums and convalescent homes G

Clinics, medical offices H

Ord #149,719 - Effective 11-18-76

Reduced parking for Showcase Theaters per 12.21A15

Ord #156,979 - Effective 09-25-82

Compact stalls increased to 40% of required stalls.

Ord #160,867 - Effective 2-28-86

Established requirements (3 spaces/1000 sq. ft.) for C-zoned corner lots. Applies to plans submitted for plan check on or after 2-01-86.

Ord #161,265 - Effective 6-27-86

Health Clubs, exercise club, athletic club bath house, gymnasium, dance studio, dance hall or similar H'

Ord #164,201 - Effective 1-10-89

Mini-shopping center provisions were added. Minimum of 4 spaces/1000 sq. ft. regardless of use.

Ord #165,773 - Effective 05-21-90

Current parking provisions for commercial and industrial buildings. Plans submitted on or before 03-30-90 were exempt but needed to commence construction by 05-19-91. See following question under "Section 12.21A4 Current parking for Commercial Buildings ."

Ord #167,409 - Effective 12-19-91

Bicycle parking and showers required for larger buildings per Sec. 12.21A16 and 91.0705.

Ord #168,700 - Effective 03-31-93

Carpool and Vanpool areas added for new non-residential buildings. See 12.26J for buildings larger than 25,000 sq. ft. of floor area for specific requirements. Applies to plans submitted after March 31, 1993.

Ord #170,752 - Effective 12-10-95

Combines the regulations for Mini-shopping Centers and Commercial Corner Developments per Sec. 12.22A23(a)2.

Ord # 172,350 - Effective 1-31-99

Revised the parking requirements for Mini-Shopping Center and Commercial Corner Development to be the same as Sec. 12.21A4 depending on the specific use.

LEGEND:

A = One 126 sq. ft. space on site or within 1500 ft. therefrom for every 1000 sq. ft. of total floor area.

A' = One 8 ft. x 18 ft. space on site or within 1500 ft. therefrom for every 1000 sq. ft. of total floor area.

A'' = One 126 sq. ft. space on site or within 1500 ft. therefrom for every 10 fixed seats

B = One 8 ft. x 18 ft. space on site or within 1500 ft. therefrom for each 10 seats or if no fixed seats, one space per 100 sq. ft. of floor area exclusive of stage.

B' = Same as A' up to 10,000 sq. ft.. Beyond 10,000 sq. ft. additional parking computed at the rate of 1 space per 5,000 sq. ft..

C = One 8 ft x 18 ft. space per 500 sq. ft. of floor area on site or within 750 ft. therefrom.

C' = Same as C up to 10,000 sq. ft.. Beyond 10,000 sq. ft. additional parking computed at the rate of 1 space per 5,000 sq. ft..

D = One space for every 5 seats or one space per 35 sq. ft. of floor area if no fixed seats on site or within 750 ft. therefrom.

E = One space per classroom to be provided on site.

F = Two spaces for each patient bed.

G = The larger of one space per 500 sq. ft. of floor area or .2 spaces per bed.

H = One space per 200 sq. ft. of floor area.

H' = Same as H. Does not apply to schools (elem. or high) or universities.

- J = One space per 100 sq. ft. of floor area.
- K = One space per 250 sq. ft. of floor area.
- L = One space per 500 sq. ft. of floor area.
- M= The larger of one space per 50 sq. ft. of floor area or 1 per 5 fixed seats
- N= One space per 5000 sq. ft. of floor area
- O= One space per classroom or a minimum of one space per 500 sq. Ft. of floor area.

NOTE: In some cases, where special ordinances such as Specific Plans, Q conditions, etc. contain more stringent parking requirements, those requirements control over code specifications.

(Code item)

Section 12.21A4 **Current Parking for Commercial Buildings.**

Q - What are the current parking requirements for commercial type uses?

A- See LADBS Information Bulletin No. P/ZC 2002-011 in the Appendix. It is also available on LADBS.org web site.

Section 12.21A4

Parking History for residential buildings.

Q- Provide history of parking requirements for residential buildings.

A- The following table provides a history of required parking for residential buildings. The number shown to the right indicates number of spaces required per unit and/or guest room. Also see legend for further clarification.

HISTORY OF RESIDENTIAL PARKING
REQUIREMENTS

Ord #66,750 - Effective 07-05-30

Apartment Houses in R3 and R4 Zones 1(g)

(20 units or more)

Ord #68,791 - Effective 3-01-31

Apartment House or Hotel in R3 and R4 Zones 1(g)

(20 units or more, of which at least 75% are separate apts.)

Apartment Hotel in R3 and R4 Zones 1(g)

(less than 75% are separate apartments but which contain 15 or more separate apartments)

Ord # 73,537 - Effective 07-06-34

"C1" Zone included with same parking requirements as Ord # 68,791

Ord #74,561 - Effective 02-07-35

Duplex, Multiple Dwelling, Apartment House, Bungalow Court or other Multi-Family Use 1(g)
(R2, R3, R4 and C1 Zones Only)

Ord # 90,500 - Effective 06-01-46

Dwelling units in all R and RA Zones 1(g')

Dwelling units in C, CM, M1 and M2 Zones 1(s)

Hotels, Apartment Hotels and Clubs

 First 20 guest rooms 1(s')

 Next 20 guest rooms 1/4(s')

 Remaining guest rooms 1/6(s')

 Tourist courts-for each sleeping or living unit 1(s')

Ord # 92,006 - Effective 09-19-47

Dwelling units in RA, R1 and R2 Zones.1 (g')

Dwelling units in R3 Zone 1(s)

Dwelling units in, R4, R5, C, CM,
M1 and M2 Zones

 Units of more than 3 rooms* 1(s)

 Units of 3 rooms* 3/4(s)

 Units of less than 3 rooms* 2/3(s)

Ord # 92,006 - Effective 09-19-47 (Cont.)

Hotels, Apartment Hotels and Clubs

First 20 guest rooms	1/2(s')
Next 20 guest rooms	1/4(s')
Remaining guest rooms	1/6(s')

* Room count excludes kitchen

Ord #96,776 - Effective 09-08-50

One or Two family dwellings in RA, R1 and R2 Zones or group dwellings in R3 Zone 1(s'')

Multiple or group dwellings in R4, R5, C, CM, M1 and M2 Zones

Units of more than 3 rooms*	1(s'')
Units of 3 rooms.*	3/4(s'')
Units of less than 3 rooms*	2/3(s'')

* Room count excludes kitchen

Ord #97,201 - Effective 12-14-50

One and Two-family dwellings in RS Zone. 1(g')

Ord # 103,660 - Effective 09-13-54

Multiple dwelling or group dwelling guest rooms in R, C and M Zones. 1/2(s'')

Ord #107,884 - Effective 09-23-56

Dwelling units in R4, R5, C and M1 Zones

Units of more than 4 habitable* rooms. 1(s")

Units of 4 habitable* rooms 3/4(s")

Units of less than 4 habitable* rooms 2/3(s")

Dwelling units in R2 transitional and R3 Zones 1(s")

*habitable room count includes kitchens of any size

Ord #111,049 - Effective 08-01-58

Dwelling units in all Zones. 1(s")

In RA, RE, RS, R1 and R2 Zones 1(g')

For lots containing more than 6 dwelling units of more than 3 habitable* rooms per unit

Units of more than 3 habitable* rooms 1-1/4(s")

Units of 3 or less habitable* rooms 1(s")

*habitable room count includes kitchens

Driveway width minimums were designated as 8' for 1 and 2-fam. Dwellings and 9' for others.

Ord #129,334 - Effective 02-28-65 for plans submitted after 5-28-65 and permits obtained after 11-24-65

One family dwellings in RA, RE, RS and R1 zone. 2(g')

One family dwelling in R2 Zones 1(s") & 1(g')

One family dwelling in all other Zones 2(s")

All other dwelling units:

Units of more than 3 habitable* rooms. 2(s")

Units of 3 habitable* rooms 1-1/2(s")

Units of less than 3 habitable* rooms 1(s")

Guest Rooms

First 30 guest rooms1(s")

Next 30 guest rooms 1/2(s")

Remaining guest rooms 1/3(s")

*habitable room count includes kitchens 150 sq. ft. or more.

Minimum driveway width became 9' for up to 50 cars and either one 17' or two 9' wide driveways if over 50 cars.

Ord #138,095 - Effective 04-06-69

Any dwelling unit RW Zone. 2(g')
(RW zone added this date)

Ord #138,859 - Effective 08-21-69

Landscaping requirements added (Sec. 12.21-A, 6(g) (h) (l))

Ord #140,191 - Effective 10-12-70

Definition of "kitchen" and "room, habitable" changed for determination of required parking spaces, kitchen is always counted as a habitable room

Ord #142,306 - Effective 02-09-72

Parking dimensions to conform to charts in ordinance.

Driveways width: 9' in A, RE, RS, R1, R2 & RW zones, 10' in RD, R3, R4, etc..

Ord #156,979 - Effective 09-25-82

For dwelling units, all required parking stalls in excess of one may be compact.

LEGEND:

g =within garage on site

g' = 8 ft. x 18 ft. space within garage on site

s = 126 sq. ft. space on site

s' = 126 sq. ft. space on site or within 1500 ft. therefrom

s" =8 ft. X 18 ft. space on site

s'''= space on site or within 750 ft. therefrom

(Past editions of Zoning Code)

Section 12.21A4

Current Parking for Residential Buildings.

Q- What are the current parking requirements for residential type uses ?

A- See the LADBS Information Bulletin No. P/ZC 2002-011 available on LADBS.org website.

Section 12.21A4

Parking Requirements for Changes of Use or Occupancy.

This item consists of two questions:

Q₁- How is the new number of required parking spaces calculated for a building undergoing a change of use or occupancy?

A₁- Whenever the new use or occupancy of a building requires more parking spaces as opposed to its current use or occupancy, The new number of required parking spaces is calculated by adding the nonconforming number of parking spaces currently being maintained (or the number of parking spaces required by the current code whichever is smaller*) to the number of additional spaces required due to the change.

Existing parking provided and maintained is generally the number that is indicated in prior building permits, C. of O.'s or any other official record. For further explanation of this issue see "Section 12.21A4(m) Parking for existing Buildings, to be maintained." of this manual.

Q₂- How is the additional number of parking spaces calculated for a building that is undergoing a change of use or occupancy?

A₂- The additional number of parking spaces required due to a change of use is equal to the difference between the number of spaces required by the current code for the NEW use and the number of spaces required by the current code for the OLD use**.

EXAMPLE:

Two adjoining small restaurants, currently independent, in a mini-shopping center (900 and 950 sq. ft. respectively), are being combined to form a 1850 sq. ft. restaurant. Assuming currently there are 32 provided parking spaces on site while the code-required number of parking spaces for the present uses is 55. Therefore, parking is nonconforming. The new number of required parking spaces is figured as follows:

** Additional Parking Required= parking for new use -parking for old use

$$\begin{aligned} &= 1850/100 - (900+950)/200 \\ &= 18 (.5 \text{ frac. dropped}) - 9 \\ &= 9 \end{aligned}$$

Total required parking spaces = current nonconforming parking + additional parking due to change

$$\begin{aligned} &= 32 + 9 \\ &= 41 \end{aligned}$$

(Plan Check Chief memo 9-8-78)

Section 12.21A4 Outdoor Eating Area- Parking Requirements

Q- What is the parking requirement for “Outdoor Eating Area” ?

A- The Outdoor Eating Areas are addressed in ZAI 1808 (unroofed) and also in Section 12.03 (roofed or unroofed) of the code. The two sets of regulations, took effect at a different time periods and that has caused a slight confusion in their application. See the item “Section 12.03 Outdoor Dining and eating Areas- Definition” of this manual for the difference between the two regulations.

Per ZAI 1808, Outdoor Eating Areas are limited to areas without any roof covering. By definition, any area without a roof results in no floor area. Since parking requirements for restaurants are based on floor area, it can easily be concluded that no additional parking is required for unroofed Outdoor eating Area.

On the other hand, Outdoor Eating Areas, as defined in 12.03, may have a roof covering. Thus, they cannot follow the same logic as per ZAI 1808. However, the definition of floor area, in 12.21.1A5 states in part,

“ In computing the total floor area within a building, the gross area confined within the exterior walls within a building shall be considered as floor area of that floor of the building, except for the space devoted to ..., and outdoor eating areas of ground floor restaurants.”

Although the definition of floor area in 12.03 of the code is silent regarding the exclusion of Outdoor Eating Areas, it is confirmed that Outdoor Eating Areas were intentionally meant to be excluded from the floor area, thereby resulting in no additional parking.

Therefore, in the enforcement of the Section 12.21.1A5, it has been determined that the parking requirements for the “outdoor eating area” are intentionally waived, both as per 12.03 of the Code and as per ZAI 1808 as long as the Outdoor Eating Area (whether roofed or not) is for a ground floor restaurant.

(Chief ZA memo 10-17-01)

Section 12.21A4(a) Covered Parking Requirements for R2 Zoned Lots.

Q- Since dwelling units in the R2 zone must be provided with at least one of the required parking spaces within a private garage, how is this regulation applied when only one space is required?

A- Although most dwelling units in the R2 zone require more than one parking space, it is clear that any required parking spaces in excess of one may be uncovered. Therefore, where only one space is required per dwelling units such as in the Central City Area, the required space must be in a private garage and in addition, it shall not be compact nor parked in tandem.

(Z. E. memo 4-12-96)

Section 12.21A4(c) Parking for Automobile Service Stations.

Q - Can the parking required for a gas station canopy be provided under the canopy itself? What about the parking required for other uses such as a convenience store or auto repair bays?

A - The department's policy is as follows:

- a) Total number of parking spaces for the canopy and for any other uses may be figured independently.
- b) Parking required for a service station canopy is figured at the rate of 1 space per 500 sq. ft. of floor area and may be provided under the canopy. The space taken up by a car being filled with gasoline will be deemed acceptable. Striping is not required.
- c) Parking required for a convenience store is figured at the rate of 1 space per 250 sq. ft. of floor area. The parking spaces provided must comply with the parking standards in accordance with 12.21A5, and they must not interfere with traffic flow of vehicles using the gas pumps.
- d) Parking required for auto repair bays is figured at the rate of 1 per 500 sq. ft. of floor area and is subject to other requirements as specified in (c) above.
- e) Disabled accessible parking requirements:
 - i) If no use other than the sale of gasoline is proposed, parking provided per (b) above (under the canopy) will be assumed to fulfill all accessible parking requirements. However, accessibility requirements to cashier's area, restrooms, etc. must be complied with.
 - ii) If parking spaces are provided for uses other than the sale of gasoline, then the requirement for and the design of disabled accessible parking spaces shall comply with the disabled access regulations. Furthermore, if such regular parking spaces are covered, then the disabled accessible parking space shall also be covered.
 - iii) For disabled access parking stall design see Chapter 11 of the Los Angeles Building Code.

Example: A proposed service station is shown in Figure No. 25. The project consists of a 2600 sq. ft. canopy, a 600 sq. ft. convenience store and 1000 sq. ft. auto repair garage.

*Parking for canopy:

$2600/500 = 5.2$ i.e. 5 stalls < 8 cars
pumping gasoline OK

*Parking for store:

$600/250 = 2.4$ stalls

Located outside of canopy. All code requirements apply.

*Parking for auto service:

$1000/500 = 2$ stalls

Located outside of canopy. All code requirements apply. May be placed in front of repair bays doors but not inside of building. Exits from the building must be kept clear.

Disabled accessible parking requirements:

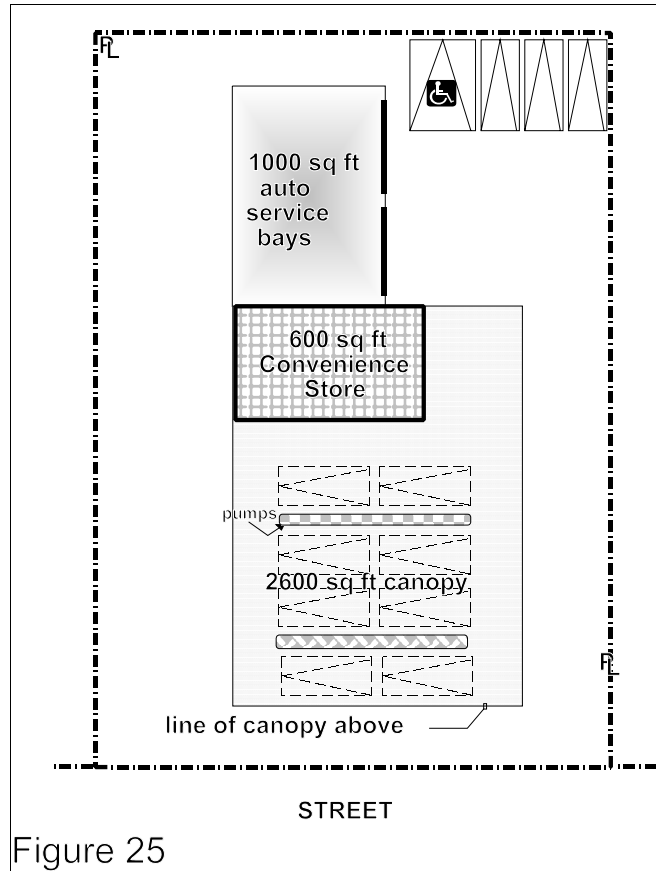
- i) No special provisions are necessary for parking required for canopy.
- ii) Parking required for uses other than canopy:
 $2.4 + 2 = 4.4$ (i.e. 4 spaces)

Therefore, a disabled parking space in accordance with chapter 11 of the Los Angeles Building Code must be provided.

*Total number of spaces required:

4 (laid out per code) + 5 (assumed to be under canopy) = 9 spaces

(Z.E. memo 9-7-93)



Section 12.21A4(c)

**Warehouse (and Wholesale Buildings) Parking.
Multiple tenants with glass storefronts.**

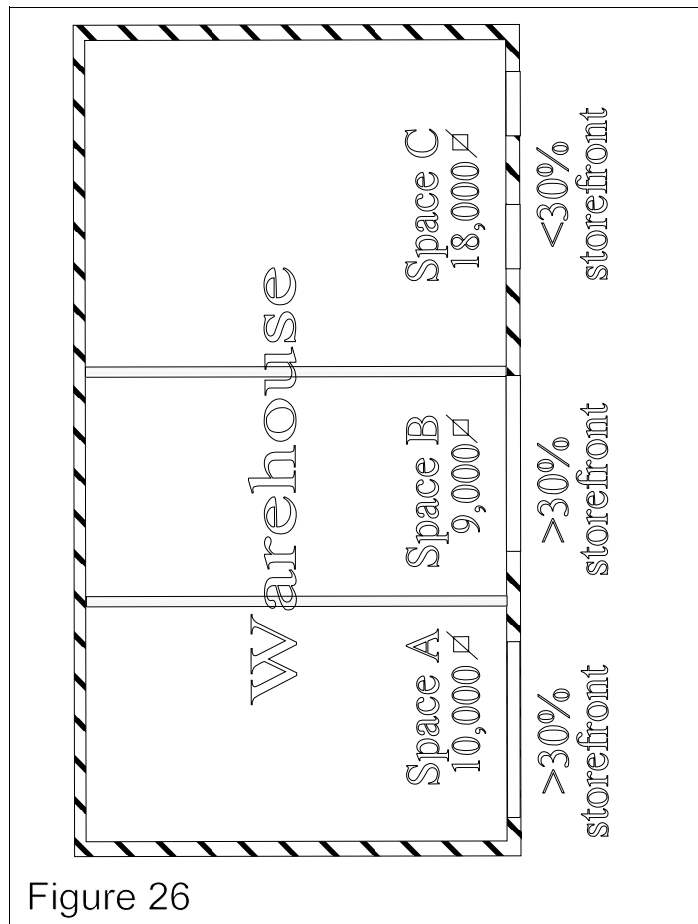
Q- Some warehouse buildings, or wholesale buildings not open to the public, are designed in such a way that they can easily be used as retail stores. Namely, they are subdivided into multiple tenant spaces and storefronts or roll down doors facing the public sidewalk or parking area. Two questions arise; Is this permissible? and if it is, how is the parking Figured in such instances?

A- It is permitted to subdivide a warehouse building into multiple tenant spaces containing storefronts or roll down doors facing the public sidewalk or parking area. However the following limitations will apply depending on the quantity of storefront provided:

1. In cases where the individual tenant space shows that more than 30% of the length of an exterior wall is dedicated to a storefront, the space shall be classified as a retail store for zoning and building code purposes.

2. When individual tenant spaces have 30% or less of their exterior walls dedicated to storefronts, then the parking required for the building shall be the cumulative sum of stalls required for each tenant space. Further, the owner of the building shall execute a Maintenance of Building Affidavit agreeing to limit these tenant spaces to warehouse use only.

Example: Figure No. 26 shows a 37,000 sq. ft. warehouse with three tenants. Spaces A and B have more than 30% of one of their exterior walls as storefront. Therefore, these two spaces are considered as retail use for building and zoning code purposes. Space C has 30% or less of its narrower exterior wall as storefront and no storefront along its long wall. Space C is considered as warehouse use and will be required to file the Maintenance of Building Affidavit to limit its use to warehousing.



No. of parking spaces required:

$$\frac{\text{Space A } 10,000 + \text{Space B } 9000}{250} + \frac{\text{Space C } \{10,000 + 8000\}}{500 + 5000} = 98$$

If none of the three tenant spaces exceeded the 30% storefront limit, parking would be:

$$\frac{\text{Space A } 10,000 + \text{Space B } 9000}{500} + \frac{\text{Space C } \{10,000 + 8000\}}{500 + 5000} = 60$$

(Plan Check Chief 8-15-91, and 8-9-93, ZA 94-0002(A))

Section 12.21A4(c)(3) Parking Requirements for Music Entertainment Rooms (Karaoke)

Q- What are the parking requirements for Music Entertainment Rooms also known as "karaoke"?

A- These establishments provide a form of entertainment where an individual or individuals sing along to recorded music. They are sometimes the principal business or they may be provided in conjunction with a bar.

The Zoning Administrator has interpreted that a "Karaoke" establishment is most similar to a night club in form and in substance. They usually remain open during extended hours, entertainment is provided and generally food and beverages are served.

For these reasons, the parking requirements of a night club are applied to a "karaoke" establishment i.e. one parking space for each one hundred sq. ft. of floor area.

If open during extended hours, these establishments will require Conditional Use if located such that it constitutes a Commercial Corner Development or it is within a Mini Shopping Center.

(ZA 92-1171(ZAI))

Section 12.21A4(c)(3) Parking Requirements Skating/Roller Rinks, and Bowling Alleys.

Q- How are the parking requirements for establishments such as skating rinks and bowling alleys determined? Are they considered as auditoriums if fixed seating is provided for the public in viewing areas?

A- In an auditorium people come to watch a performance and such audience generally arrives and leaves at the same time. On the other hand, a typical skating rink or bowling alley is not used to hold performances where the public is primarily an audience. Instead, people attend these establishments to participate and do not gather to watch a performance.

Therefore, required parking should be figured at 1 space per 100 square feet (as required for health clubs and similar establishments) for the entire skating or bowling area and viewing area regardless whether there is fixed seating or not. The bowling lanes in a bowling alley, however, may be figured at one space per 500 sq. ft. since this area is generally unoccupied.

Should the skating rink or bowling alley change its mode where it becomes a spectator attraction rather than a participant attraction, the parking required shall be the same as required for an auditorium.

(Z.E. memo 8-23-93)

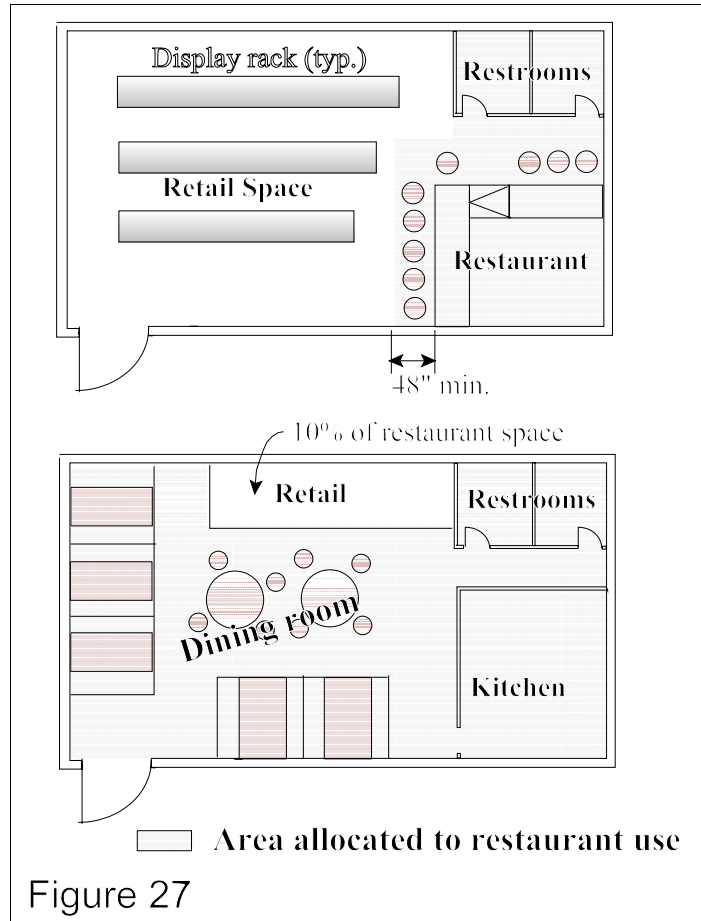
Section 12.21A4(c)(4) , (5) Parking Evaluation of Combined Restaurant/Retail Uses.

Q - Inasmuch as these provisions of the code require the parking for restaurants to be calculated based on the “gross floor area” of the restaurant, how are parking requirements calculated for restaurants when the same business contains other uses such as retail uses?

A- Parking requirements may be calculated as the sum of parking spaces required for each use provided the followings are complied with:

- a) Two different products are sold, e.g. ready-to-eat food, and other products or unprepared food. Any area dedicated to the sale of ready-to-eat food (such as baked goods or similar) for off-site consumption must be included as part of the restaurant use.

- b) Even though no complete physical separation is required, two distinct areas for each use must be provided.
- c) The floor area for each use must be clearly documented on the permit.
- d) The area dedicated to retail must be at least 10% of the restaurant floor area. Otherwise, the entire area shall be considered as a restaurant.
- e) The “Use of the Building” description on the permit application must clearly indicate the two uses: Restaurant/Retail.



- f) A maintenance of building affidavit may be required to document the floor areas of each use at the discretion of the Superintendent of Building or his/her representative.
- g) Accessory rooms such as storage, office, etc. may be assessed parking spaces in proportion to the restaurant/retail use ratios. For example, if an establishment is 90% restaurant and 10% retail, the number of parking spaces required for the accessory rooms shall be calculated assuming 90% and 10% of the floor areas of the accessory rooms are restaurant and retail use, respectively.

See the Figure No. 27 for examples of typical floor plans.

(Z.E. memo 1-29-96)

Section 12.21A4(d)3 Parking for clinics, medical office buildings and medical service facilities.

Q- The zoning code requires parking for clinics, medical office buildings, and other medical service facilities to be provided at one per 200 sq. ft. Please clarify what is covered by clinic and other medical service facilities.

A- Section 1200 of the California Health and Safety Code defines clinic as an organized outpatient health facility which provides direct medical, surgical, dental, optometric, or podiatric advice, services, or treatment to patients who remain less than 24 hours.

There is sufficient evidence to conclude that services or professions engaged in the healing of human beings were meant to be regulated in the same manner whether services are provided by an "MD" or not. Therefore, the following professions are to be treated as medical services for parking requirements: Acupressurist, acupuncturist, chiropractor, dentist, optometrist, physical therapist, podiatrist, psychoanalyst, and psychologist.

Note that Accupressurist is not considered a medical service when applying the definition of massage business per 12.70 and 12.14A37.

(ZA 93-0231(ZAI))

Section 12.21A4(e) Parking Requirements. Assembly rooms/areas in Hotels.

Q- Is additional parking required for assembly rooms in hotels?

A- One of the functions of many hotels is to provide meeting rooms and assembly areas for various activities. Since a large percentage of the persons using these areas are not staying in the hotel, the Zoning Administrator has determined that additional parking is required for such assembly rooms/areas.

Hotels & Motels with meeting rooms, ballrooms & assembly areas that are 750 sq. ft. or larger require parking in accordance with 12.21A4(e) for said meeting rooms & assembly areas in addition to the off-street parking spaces required for guest rooms, dwelling units, restaurants that are open to the public, & office space.

(ZA 88-1405))

Section 12.21A4(e) Parking Requirements. Bingo Parlors.

Q- The Code allows the incidental use of a school, church, lodge, auditorium, recreational and community center or other similar building for bingo purposes. What is the parking requirements for bingo use?

A- The Zoning Administrator has determined that bingo parlor rooms of 750 sq. ft. or larger area must provide one parking space for every five seats or 35 sq. ft. of floor area in addition to parking required for other uses on the site. However, no additional parking is required if the room is already approved for assembly use.

(ZA 88-1405(R))

Section 12.21A4(e) Parking Requirements for Churches & Houses of Worship.

Q- Should classrooms and/or meeting areas associated with churches and houses of worship be required to provide parking in addition to parking for the main sanctuary?

A- Though the Zoning Administrator has conceded that in some instances churches may use these accessory rooms simultaneously with the main sanctuary, he has determined that off street parking requirements for churches shall continue to be based on the main assembly area or the sanctuary of the house of worship or church. The Department will continue its policy of establishing parking requirements using the larger of the main sanctuary or a multi-purpose room.

(ZA 88-1405(R))

Section 12.21A4(f) Parking required for child care facilities.

Q- What are the parking requirements for child care facilities?

A- A child care facility most resembles an elementary school in its function and use. Therefore, the parking requirement for a child care facility will be the same as that of an elementary school, i.e. one parking space per classroom.

In addition, the parking requirement for a child care facility should be based on one space per 500 sq. ft. of floor area if it exceeds the number of spaces obtained using one space per classroom.

(Chief Z.A. memo 7-15-85)

Section 12.21A4(g) Off-site Parking Locations - Outside of City Boundary.

Q - Can a building provide its required parking at an off-site parking location if that off-site location is not within the city's boundaries? If so, under what conditions?

A- Yes, off-site parking for building sites within the city may be located on property that is outside the city's boundary. Evidence from the adjoining municipality such as building permits or certificates of occupancy must be presented to show that additional parking is legally available for off-site use. Evidence provided must show that the proposed parking arrangement is in compliance with local zoning and building laws.

Other requirements must be met as in the normal case:

- a) Off-site location is required to be within 750 feet of the building site.
- b) Covenant and agreement shall be recorded by the owner of the parking lot site with the City of Los Angeles to maintain the off-site parking for the life of the building.

Although the City of Los Angeles may not be able to enforce the provisions of the covenant as to land outside the city by the denying of subsequent permits, the city may rescind the Certificate of Occupancy for the beneficiary building if the terms of the covenant are violated.

(C.A.O. 484)

Section 12.21A4(g) Parking Stall Location in Auto Repair Garages.

Q- Can parking stalls required for an auto repair shop be provided in front of a repair bay door? Can they be provided within the auto repair bay area?

A- The required parking space may be located outside in front of the bay door provided it is not a required exit and there is no pilot door within the bay door. In that case, all applicable provisions of 12.21A5, and 6 will apply in the normal manner.

Parking cannot be located within the building's repair area to satisfy its own required parking. In other words, a car being repaired inside the building cannot serve as a parking space. A parking space however, may be located within 18' of the bay doors and certain minor work (electrical diagnostics, battery charging and changing and tire replacement) may be performed on those vehicles per Sec. 12.26 I3 d).

(Z.E. memo 6-15-93)

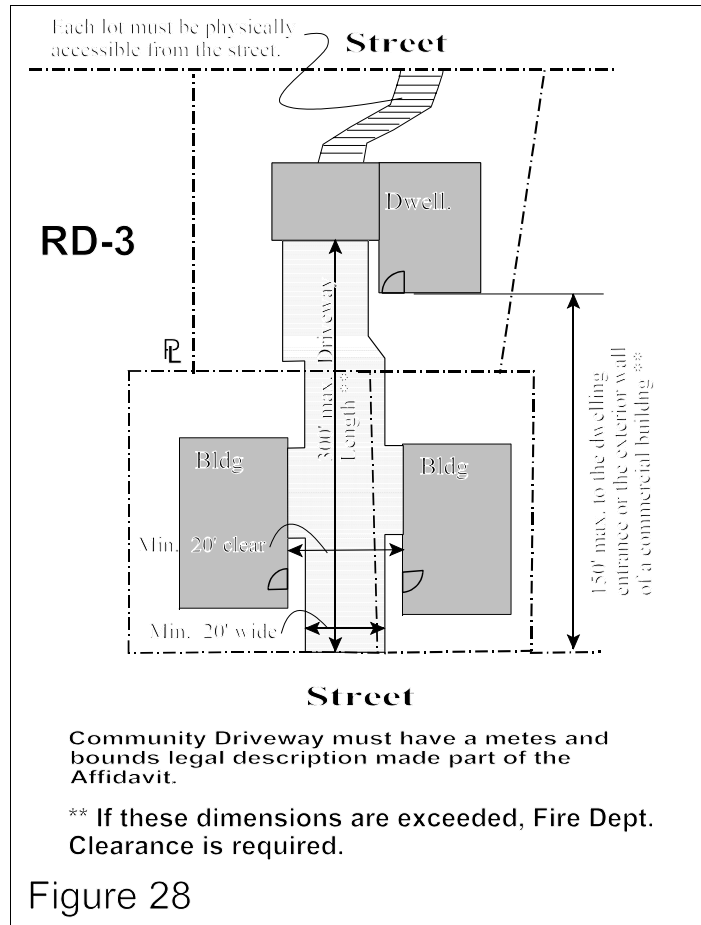
Section 12.21A4(h)

Access Driveway Location. Community Driveway Regulations.

Q - How wide must a Community Driveway be and what other conditions must be met in order to provide a Community Driveway?

A- Community driveways are permitted by the authority of the Director of Planning as a General Variation of the Private Street Regulations. Community Driveways serve as access to the required off-street parking facilities without approval from the Director of Planning for two or more existing lots of any zone and with any use with the following conditions:

- 1- For lots zoned RW1 or more restrictive zones, the driveway shall not cross more than one lot and shall not serve more than two existing single family residential lots.
- 2- That each separate lot be physically capable of providing its own access on-site from a public or approved private street (i.e. legal street frontage exists), except no such separate on-site access need be provided when utilizing the variation;
- 3- A driveway shall not be located and maintained on properties which is in a more restrictive zone, unless such use is permitted in that zone.
- 4- The driveway within such easement is improved to a width in conformance with the Fire Department’s fire access standards, (i.e. 150’ max. from fire lane to ext. wall of comm. bldgs. or to entrance of dwell. units and 300’ max driveway length - see illustration herein and “Section 12.21A6(c) Paving of Street and Parking Areas” in this manual) as stated in Section 57.09.03 of the Los Angeles Municipal Code, but in no event less than 20 feet;



- 5- A Community Driveway affidavit has been recorded in favor of the involved owners that need the easement, in a manner satisfactory to the Department of Building and Safety; and
- 6- The unobstructed distance between buildings located on either side of said driveway is no less than 20 feet and otherwise meets all other setback and yard requirements of the Los Angeles Municipal Code.

- Notes:
- a. Deviations from these requirements, other than the 150' and 300' limits discussed in item 3 above, must be approved by the Department of City Planning.
 - b. A Community Driveway cannot be used to satisfy the street frontage requirements of a lot.

(D. O. P. Private Street Regulations, General Variations 2001-1 and 2001-2 (supercedes Regulations of 2-1-96))

Section 12.21A4(h) Community Driveway Regulations.

This item consists of two questions:

Q₁ - Is this intended to be a subtle substitution for a Private Street?

A₁ - This is neither an intentional nor subtle substitution of the private street requirement. More accurately, it is a variation of the private street regulations to allow for driveway access that cannot be used as substitute for street frontage. The application of the Director of Planning's Community Driveway policy is distinctly separate for single family uses and RW1 or more restrictive zone than it is for other situations (multi-family residential, commercial, or industrial uses).

Q₂ - Are items such as drainage, legal exits and utilities automatically permitted over a community driveway for all lots involved?

A₂ - Exiting, drainage and utility easements are an uncommon occurrence and are not taken care of with a community driveway. If easements are necessary for such purposes, they must be documented on separate affidavits. The Community Driveway affidavit is only to be used for vehicular access. Check with the Grading Division for drainage easement affidavit forms. For other types of easements, it may be possible to use a "Maintenance of Building Affidavit."

(Z. E. memo 3-13-96)

Section 12.21A4(m) Parking for Existing Single- Family Dwellings.

Q- The provisions of this section require existing parking spaces to be maintained. Many older single-family dwellings have garages with interior dimensions large enough to accommodate two cars but have a door that is less than 16'. What is the minimum size door that would be assumed to accommodate two cars?

A- Current code arbitrarily allows a minimum garage door width of 16' in a 2-car garage when serving SFD. There are many existing dwellings built when the code only required one parking space or no parking at all. The Department has interpreted that a structure with a door opening of less than 14'-6" may be considered as a one- car garage. Therefore, in such cases only one parking space needs to be maintained. In other words, two parking spaces shall be maintained if the door opening is at least 14' - 6" wide.

(V. N. Zoning Manual 2-8-68)

Section 12.21A4(m) Parking for existing Buildings, to be maintained.

Q - This section specifies in part: "Off-street automobile parking space being maintained in connection with an existing main building or structure shall be maintained so long as said main building or structure remains...". How is this provision interpreted when parking is not indicated on a building permit or Certificate of Occupancy?

A- This code section requires that parking spaces be maintained so long as the building served remains when such spaces are:

- 1- Contiguous or adjacent to, or are upon the property on which said building is located; and
- 2- Owned by or under common ownership with the person, firm or corporation, etc, owning the property upon which the building is located; and
- 3- Either: (a) shown by record covenant, agreement, lease, or other document to be so used, or (b) so openly and notoriously used for such purposes as to put a reasonable and prudent person on notice of such use.

(C.A.O. #451 of 4-23-62)

Section 12.21A4(x) Parking for Medical service uses in CRA and Enterprise Zones.

Q- This section allows reduced parking for certain uses which include "commercial office" use when located in those CRA and some Enterprise zone areas listed in Section 12.21A4(x). Are medical offices eligible for these reduced parking requirements?

A- This section states in part; "...there need only be two parking spaces for every one thousand feet of combined gross floor area of commercial office, business, retail, restaurant, bar and related uses, trade schools, or research and development buildings on any lot".

LADBS Zoning Engineer (Z.E.) determined that the term "Commercial office" includes general office use and medical office.

Buildings located within the specified CRA and Enterprise zone areas that are also within the Downtown Parking District may comply with DPD parking ratios of 12.21A4(I).

(Z.E. memo 9-23-98)

Section 12.21A5 Design of Parking Facilities. Existing non-conforming layouts.

Q - In the event that an existing non-conforming parking layout is redesigned or rearranged, must the new layout conform to current standards? Or can it maintain the same nonconforming requirements that were effective at the time it was originally constructed?

A - Relocated or rearranged stalls must be made to comply with present requirements. If a building contains existing non-required parking stalls, they may be used to satisfy required parking (due to an addition or change of used) if the stalls are modified to comply with current standards, including disabled access parking standards.

(Information Bulletin No. P/ZC 2002-001)

Section 12.21A5(a) Parallel Parking Stalls. Compact cars.

Q- What is the minimum length of a parallel stall designated as compact?

A- Section 12.21A5(a)2 requires every parallel parking stall to be 26' long. However, the Department allows such compact stalls to be 23' long.

(Information Bulletin No. P/ZC 2002-001)

Section 12.21A5(a)1(ii) Parking Stall (Apartments and Condominiums) Increase due to obstructions.

Q - Illustrate conditions under which the basic stall width increase is not required for apartments or condominiums due to obstructions along the side of a stall.

A - Two different situations are shown in Figure No. 29 labeled "Residential Parking Layout". One situation shows an aisle width of 26'-8" and no obstructions along the side of the stall for the first 14' that are closer to the main access aisle. The second situation shows 28' of access aisle with side obstructions along the side of the stall permitted as shown. In both cases, the 10" increase to the basic stall width is not required when the obstruction is located in cross-hatched areas.

(Bldg. Bur. Chief 9-21-88)

(Information Bulletin No. P/ZC 2002-001)

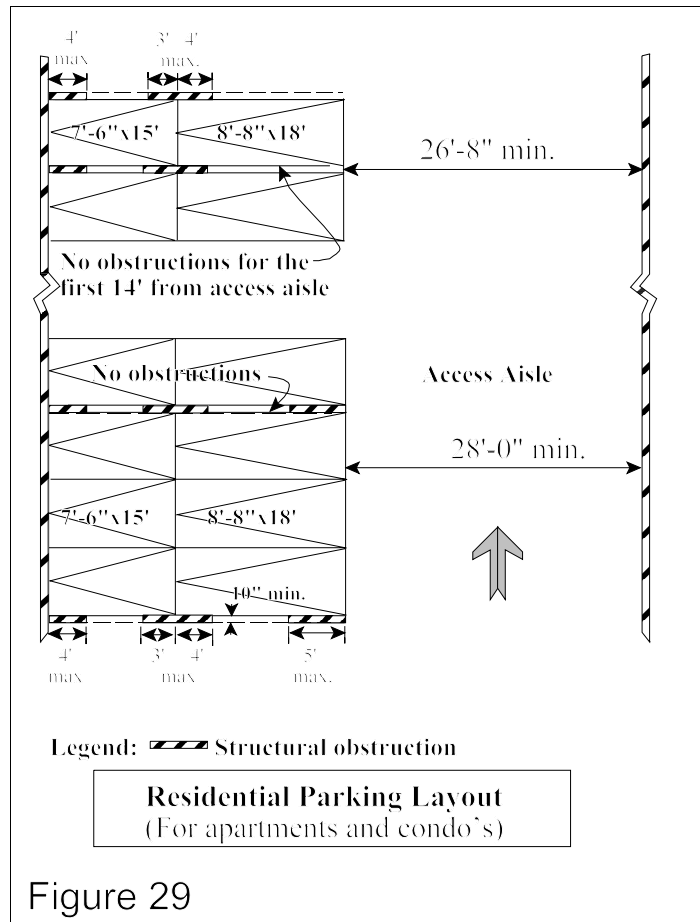


Figure 29

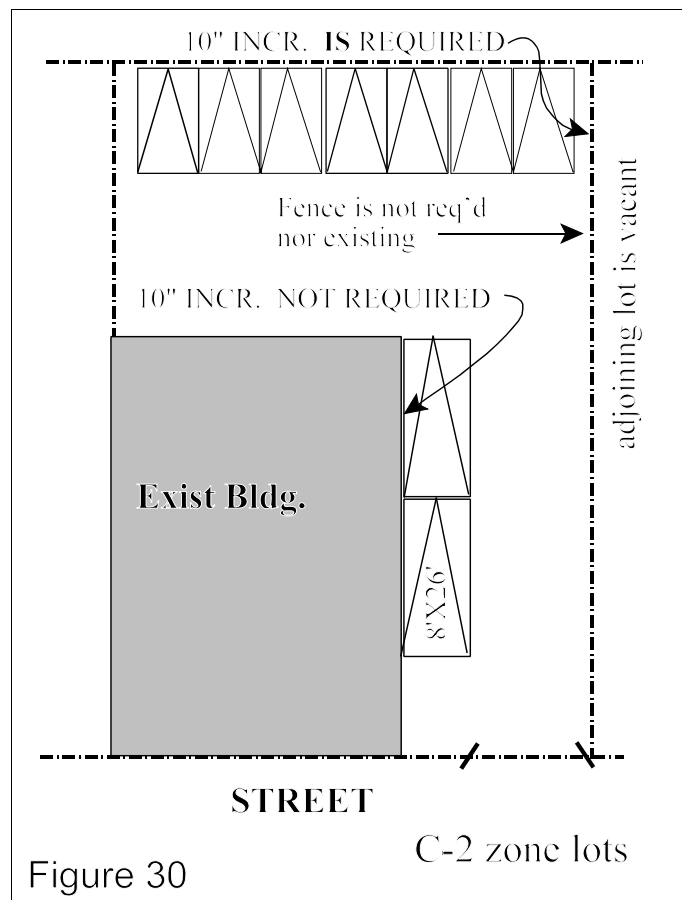
Section 12.21A5(a)1(ii) Parking Stall width increase due to obstructions.

Q- The code requires a parking stall's minimum width to be increased by 10" when there is obstruction along its long side within 14' from the access aisle a) Does this requirement apply to parallel stalls? b) Does it apply when the parking stall adjoins a property line even when currently there are no physical obstructions?

A- The 10" increase requirement does not apply to parallel parking under any circumstances.

As for the second question, when a parking stall adjoins a property line on its side, the 10" increase is required whether there is an obstruction currently existing or not. The reason is that an obstruction, such as a building or a fence may be constructed on the adjoining lot in the future.

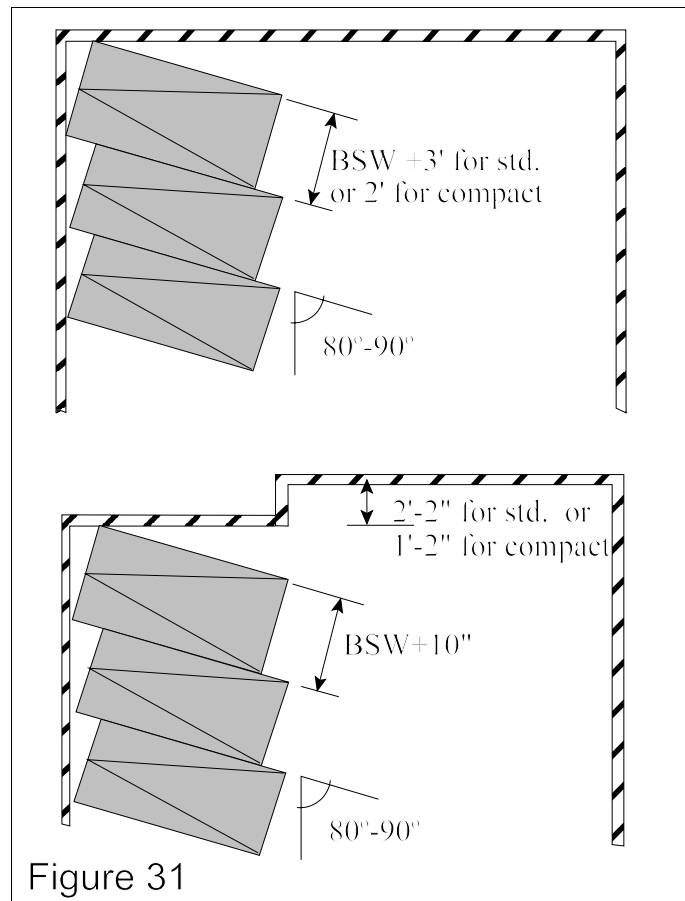
(Information Bulletin No. P/ZC 2002-001)



Section 12.21A5(b) Parking Layout. End Stall Condition.

Q- Illustrate how the Basic Stall Width (BSW) increase of 3' (2' for compact stalls) is provided for end stalls when parking is between 80° and 90° from the access aisle.

A- Figure No. 31 illustrates two different ways of providing the required end-stall width increase. This increase, however, is not required when the access bay width is 32'. If access bay width is less than 32' but more than 28', the required end stall width increase can be interpolated. For example, for an access bay width of 30', the end stall width increase for a standard stall is 1'-6" for std. cars and 1'-0" for compact cars.



(Code item, Information Bulletin No. P/ZC 2002-001)

Section 12.21A5(c) Compact Stalls in a Parking Area

Q- The code specifies that "in each parking area or garage containing 10 or more parking stalls for other than dwelling units, not more than 40% of the required parking stalls may be designated as compact stalls...". Clarify how "each parking area or garage" is interpreted.

A- "parking area or garage" is interpreted to be any parking area or garage that is interconnected by driveways.

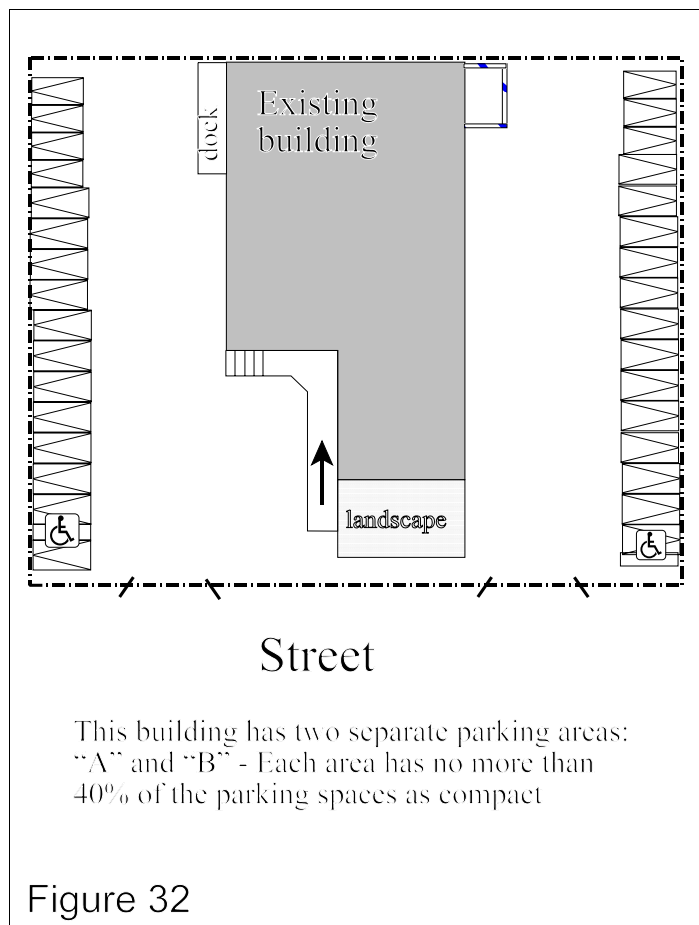
Separate parking areas or garages must provide standard stalls equivalent to no less than 60% of the required parking stalls. The remainder of required stalls and all of the non-required stalls may be compact. See illustration below of a building with two parking areas labeled A and B.

-Each area shown has a number of standard stalls equal to no less than 60% of the spaces located in each area.

-All spaces are required.

NOTE: This parking arrangement must be approved by DOT per 12.21A5(j) due to its lack of internal circulation.

(Code item, Parking Lecture) (Information Bulletin No. P/ZC 2002-001)



Section 12.21A5(e)

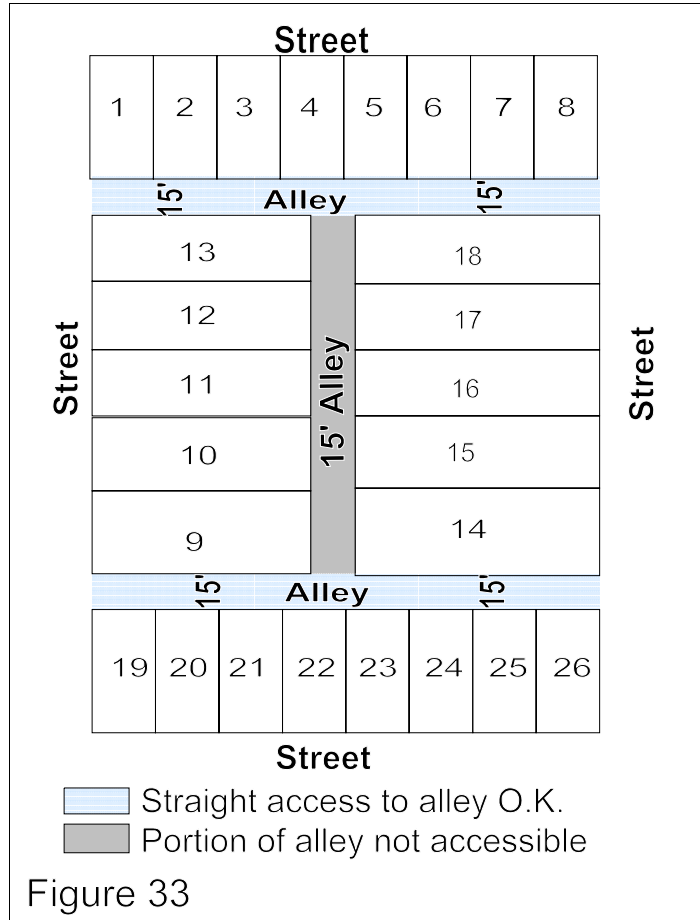
Driveway Location. Access through substandard width alleys.

Q- Under what conditions are alleys of substandard width (< 20') not deemed to provide adequate automobile access?

A- Alleys less than 15' not opening directly to a street are generally not considered accessible. The Figure No. 33 below shows a typical city block in an older subdivision with 15' wide alleys.

Other factors also need to be considered such as cut corners at alley intersections, intensity of parking use, number of compact stalls etc. A combination of cut corners, low use intensity and a high number of compact stalls served, would be favorably considered. A final decision should be made with the concurrence of the supervisor.

(V. N. Zoning manual 2-8-68)



Section 12.21A5(f)

Driveway Width. At Garage Entrance due to Dwelling Additions.

Q- Provide illustration of the long standing practice by the Department regarding reduction of the access area to a detached (or attached) garage when making additions to a dwelling.

A- The Figure No. 34 illustrates the long standing practice of this Department but it must be emphasized that this condition has permitted only for additions to existing single family dwellings.

(Information Bulletin No. P/ZC 2002-001)

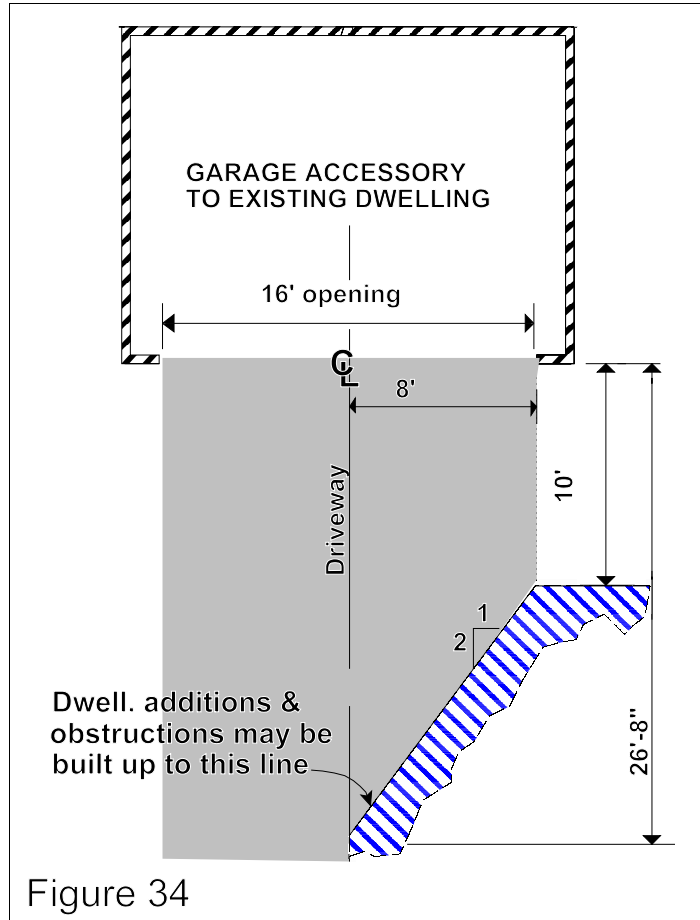


Figure 34

Section 12.21A5(h) Tandem Parking. When permitted.

Q - When is tandem parking permitted by Code?

A- Tandem parking is permitted with the following types of buildings:

- a) Any commercial building or use provided a Parking Attendant Affidavit is recorded. The Department has historically allowed tandem parking regardless of the number of cars provided on the site (as low as 2 cars is O.K.).
- b) Apartment buildings, hotels, apartment hotels and multiple or group dwellings.*
- c) Two family dwellings and single family dwellings.
- d) Boarding or Rooming houses (one dwelling unit and not more than 5 guestrooms - Sec. 12.03).*

* Parking must be in a private garage or parking area (i.e. for residential use only). See "Parking Area, Private--" definition in Sec.12.03). One stall per unit and all the stalls required for guestrooms must be readily accessible.

(Code item)

Section 12.21A5(h)

**Tandem Parking for Commercial Buildings.
Maximum number of Stacked cars.**

Q- Since tandem parking is not defined in the code, what is the maximum number of cars that can be parked in tandem for commercial (i.e. public garage or public parking area) applications? What is considered as an acceptable layout?

A- The Department has historically allowed a maximum of two cars parked one behind the other. This interpretation is consistent with code provisions for private garages or private parking areas serving residential buildings, (where permitted by code). The Zoning Administrator has specified that the parking spaces must be "easily accessible" even when tandem layout is used and that more than two stalls in a row would not allow parked cars to be "easily accessible".

While the typical case provides for two cars lined up in a straight line (as seen in the illustration), some variations may be accepted in the most extreme and unusual cases provided access to other stalls is not obstructed. Perpendicular tandem parking (see illustration) is not permitted).

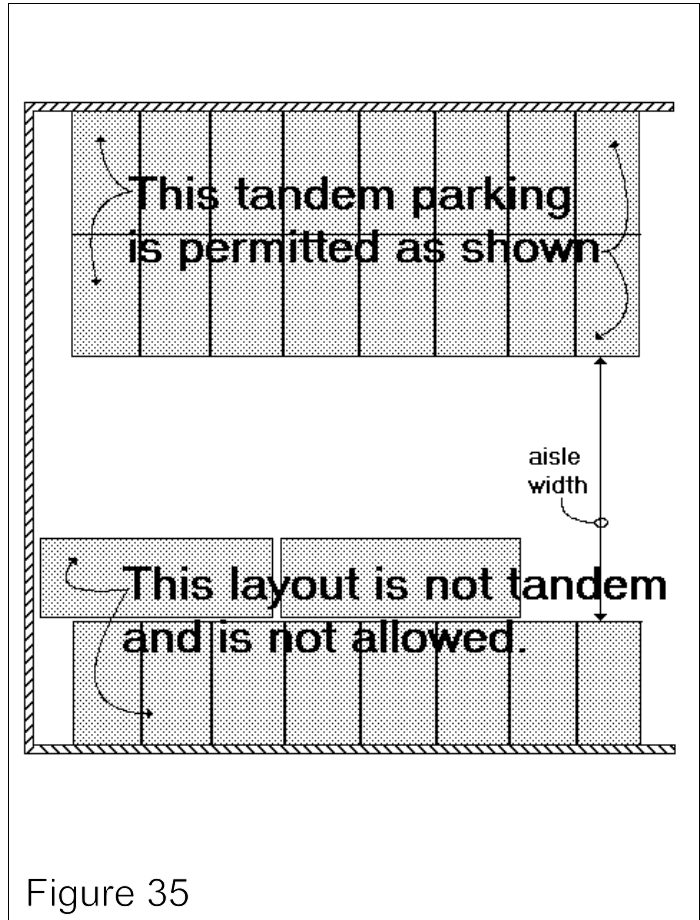


Figure 35

(ZAI 2076-A)

Section 12.21A5(h) Tandem Parking Using Mechanical Lifts.

Q - Are parking machines or devices which allow automobiles to be raised and lowered thereby stacking two cars vertically in one space permitted by code?

A- Required parking can be provided by use of a mechanical lift.

Section 12.21A5 (i)1 Parking Stall Location. Backing out and maneuvering.

Q - The code allows parked cars to back out onto a public street or sidewalk only when the driveway used serves no more than two dwelling units and the street is classified as Local or Collector. The following questions refer to backing out maneuvers:

1- Can vehicles back into the stalls from within a parking area?

2- Can vehicles back out onto an alley?

3- In those instances where backing out is permissible, is there a maximum distance before a turnaround area is required?

A - 1- Yes, backing into a parking stall from within the lot is permissible. Backing into a stall directly from the street is not permitted.

2- Yes.

3- No, it is permissible to back out for an unlimited distance.

(Information Bulletin No. P/ZC 2002-001)

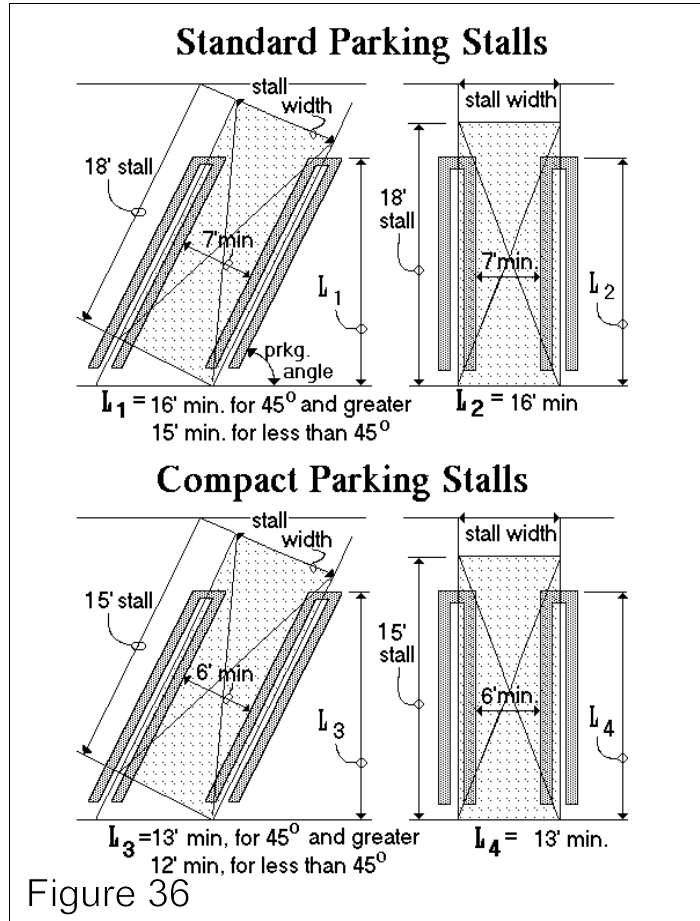
Section 12.21A5(I) Parking striping.

Q- Can parking be striped using single lines instead of double lines?

A- This code section requires that parking stalls "...be substantially in accordance with the illustrations set forth on Chart No. 5...." (reproduced herein).

The Department has not interpreted single line striping as being substantially in accordance with the suggested details in Chart No. 5 and thus, is not permitted.

(Code item, Z.E. memo 2-25-93)
(Information Bulletin No. P/ZC 2002-001)



Section 12.21A6(c) Paving of Street and Parking areas.

Q- This code section requires that all parking areas be surfaced with paving or concrete. Does this requirement apply even when the street is unimproved?

A- Yes, this requirement applies even when the street is not improved as is sometimes the case in hillside areas.

(P.C. Chief 6-13-88, Fire Code)

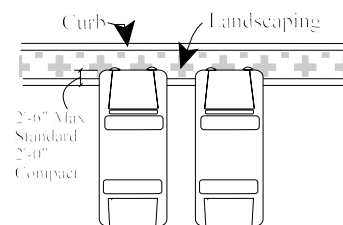
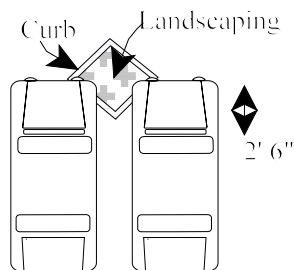
Section 12.21A6(c) Parking Lot Landscaping

Q- Is a raised landscape strip or curb permitted to project into the required parking spaces since Section 12.21A6(c) requires that parking areas to be covered with pavement or portland cement ?

A - A raised landscape strip or curb in front of required parking stall dimensions is permitted only under the following conditions and layouts:

1. The raised curb shall not exceed 6 inches above the height of the parking surface.
2. The raised curb shall not project more than 2 feet 6 inches and 2' into the required depth of the standard and compact stalls, respectively.

When these conditions are met, there shall be no limit to the amount of landscaping that may project into the required depth of the stall.



Both of the above layouts are permitted provided the landscaping complies with conditions 1 and 2 above.

(Z.E. memo 5-18-2000)

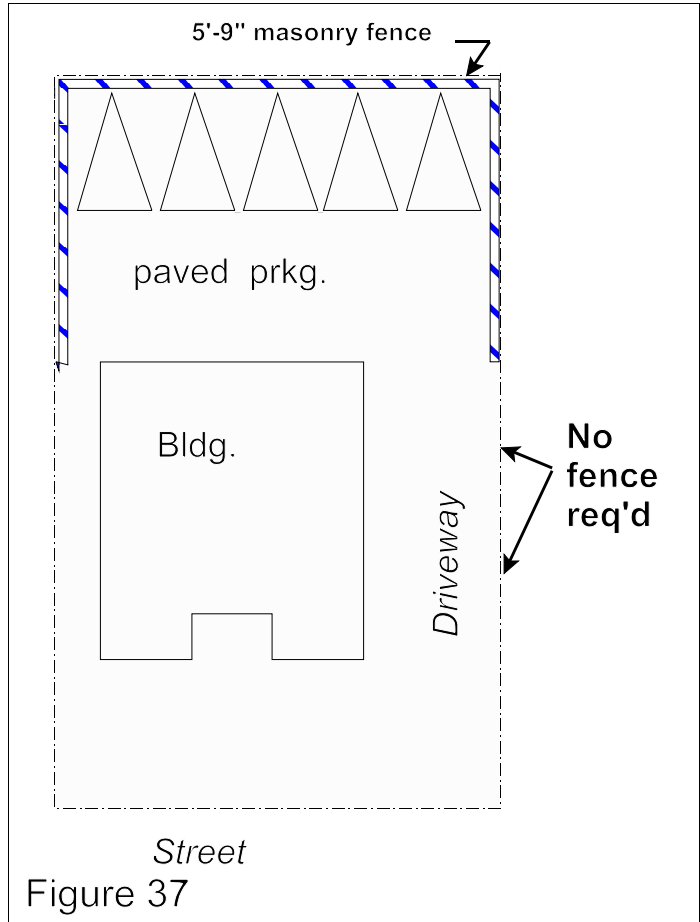
Section 12.21A6(d)

Fences required at parking areas

Q - Is a fence which needs to be installed around parking areas also required along access driveways?

A- Private and public parking areas are interpreted to include circulation driveways and area included in the parking bays. Access driveways are not for circulation nor are they part of the parking bays; instead they lead to the parking areas. Since an access driveway is not considered to be part of the parking area, it need not be enclosed by a fence.

(Bldg. Bur. Chief 9-22-81)



Section 12.21A6(f) Parking wall Construction.

Q- Does the Department have any pre-approved plans for parking fences less than 6" thick?

A- No, the Department does not have pre-approved plans that applicants can readily use. The code requires fences at parking areas of 5 cars or more to be constructed of 6" thick masonry or concrete "...designed to withstand lateral force and constructed pursuant to plans approved by the Department of Building and Safety."

The above is to be interpreted as follows:

- a) Walls (fences) must be designed to withstand lateral wind and seismic loads as required by Div. 16 of the Building Code.
- b) Masonry walls must be designed per Div 21 and if concrete is used then they must be designed per Div 19 of the Building Code.
- c) A separate building permit for the fences is required.

(Counter Supervisor. memo 8-6-84)

Section 12.21A13 Parking required for Bingo use.

See 12.21A4(e)

Section 12.21A16 Bicycle Parking and Showers. Existing Buildings.

Q- Can this code section be applied to existing buildings? If so, under what conditions?

A- The provisions of this section apply to additions or new buildings which have a floor area in excess of 10,000 sq. ft. The required number of bicycle spaces is 2% of the number of automobile parking spaces required. If the number of bicycles spaces includes a fraction, the number shall be rounded up and may be used to substitute an equal number of automobile parking spaces. Showers must be provided in buildings that exceed 50,000 sq. ft.

Buildings with an existing non-residential floor area in excess of 10,000 sq. ft., (where no work is being done or where a proposed addition thereto is less than or equal to 10,000 sq. ft.), may have the option to comply with bicycle parking and reduce the number of automobile parking spaces, provided:

- 1- The number of automobile parking spaces must conform to current requirements. Furthermore, showers may be provided if the non-residential floor area is in excess of 50,000 sq. ft.
- 2- If an existing building has over 10,000 sq. ft. of non-residential floor area but the total number of parking spaces is non-conforming, bicycle parking and showers may be provided if the cumulative non-residential floor area of all additions thereto add up to over 10,000 sq. ft. and were built pursuant to current auto parking requirements.

The above conditions do not prevent an applicant from providing bicycle parking at any time as long as automobile parking is not reduced.

(Z.E. memo 12-12-92)

Section 12.21A17(a)(3) Hillside regulations. Allowable front yard projections.

Q- Part of Ordinance No. 168,728 added Section 12.21A17(a)(3) which states in part: "open unenclosed stairways, porches, platforms, and landing places... shall not project or extend into the front yard...".

Are there any exceptions to this provision or will a variance be required from City Planning if an applicant is required to construct structures such as a driveway "bridge" to access his required parking?

A- The Department has determined that the following items shall not be included within the scope of 12.21A17(a)(3) and will be permitted within the front yard:

1. Access stairs or path of travel, constructed on grade and leading to the dwelling's entrance.

2. A raised driveway necessary to provide access to the required parking spaces for a dwelling located on lot with a descending slope provided no portion of the driveway within the front yard exceeds 3' - 6" above natural grade.
3. Up to a 3' - 6" high retaining wall (and any necessary guardrail of open construction) when used to retain a built up level pad, landing, or planter box on a lot.

(Z.E. memo 5-21-93)

Section 12.21A17(a)(3) Hillside regulations. Allowable Front Yard projections.

Q- What projections are permitted in the required front yard? Also, are the provisions of Section 12.22C20 applicable except as specifically modified by the Hillside Ordinance? Items in question are fences, eaves, balconies, etc.

A- The Hillside Ordinance allows all projections that are otherwise permitted by the code except as specifically provided for in this section. The provisions of Section 12.22C20 (projections into yards) and Information Bulletin No. P/ZC 2002-006, are therefore applicable to lots regulated by the Hillside Ordinance if the provisions of said section are not in conflict with the provisions of Section 12.21A17(a)3. For example, projections such as eaves, cornices and fences are therefore permitted if in conformity with Section 12.22C20. As stated in the item titled "Section 12.21A17(a)(3) Hillside regulations. Allowable front yard projections.", balconies, on the other hand, must be at least 10' high in order to project into a front yard.

Also see "Section 12.21A17(b)2 Side Yard Width for Multi-story Buildings in Hillside Ordinance Area" above for further clarification.

(Z.E. memo 7-1-96)

Section 12.21A17(b)2 Side Yard Width for Multi-story Buildings in Hillside Ordinance Area.

Q - This Section specifies in part "...the side yard required by the zone in which the lot is located...shall be increased one foot for each increment of ten feet or fraction thereof above the first 18 feet of height of the main building."

Are the side yard increases required due to the height of buildings over 18' high required by the above language of the Hillside Ordinance cumulative with the side yard increases of each zone due to buildings of more than two stories?

A- According to the office of Zoning Administration, "It is neither logical nor equitable to subject developments to such double jeopardy." Thus, this provision should be interpreted as follows:

"For any main building on a lot in the RA, RE, RS R1 and RD zones, the above required five-foot side yard or the side yard required for a two-story building by the zone in which the lot is located, whichever is greater, shall be increased one foot for each increment of ten feet or fraction thereof above the first 18 feet of height of the building."

(Z.A. memo No. 91)

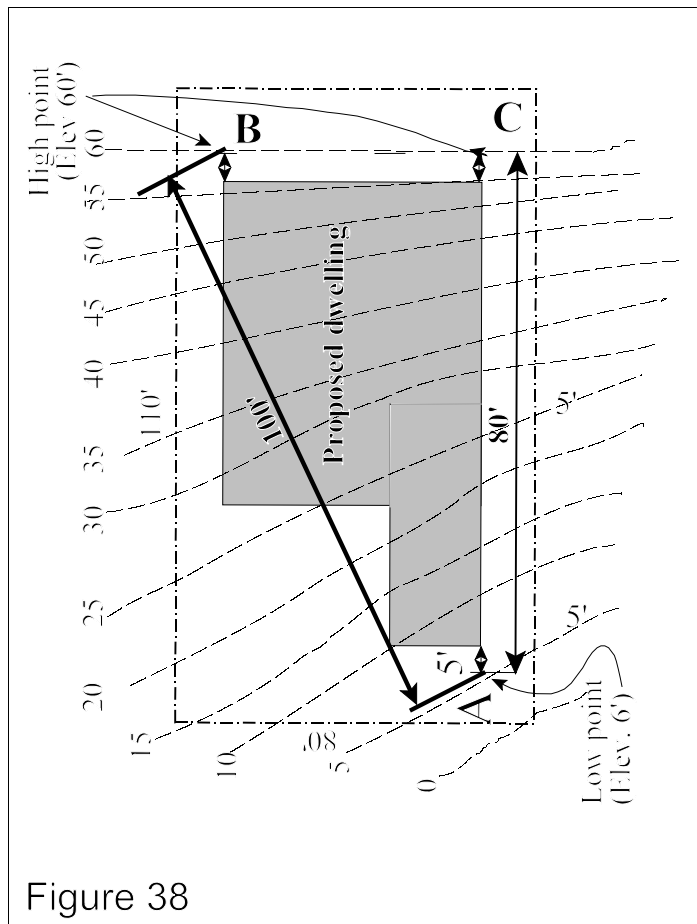
Section 12.21A17c(2) Horizontal Distance Used in Determining the Slope of a Lot for Allowable Height Determination in Hillside Ordinance.

Q - When determining the height of a dwelling subject to the Hillside Ordinance, in the case where the lowest elevation and/or the highest elevation of a lot occurs at more than one location, which horizontal distance should be used in determining the slope of a lot? For example, in the Figure N0. 38, should distance “AB” be used or should “AC” be used?

A- Inasmuch as the Code is silent regarding this situation when determining the maximum allowable height of a building, it will be this Department’s acceptable practice to use the shortest distance as this will yield the greatest slope.

In this situation, the slope measured between A and B is $(60'-6'')/100' = 54\%$ and the slope between A and C is $(60'-6'')/80' = 66.67\%$. The steeper slope, 66.67% may be used to calculate the permissible height of the dwelling. Since the slope exceeds 66%, the height of the dwelling may be 45'.

(Z.E. memo 7-29-94)



Section 12.21A17(d)1, and 2 Deviations from Fire Sprinkler Requirement in Hillside Ordinance.

Q- Does the Department of Building and Safety have the authority to waive fire sprinklers when required by the Hillside Ordinance?

A- Neither the Department of Building and Safety nor the Fire Department have the authority to unilaterally waive the requirement for fire sprinklers. Requests for waiver of sprinkler system are subject to a Zoning Administrator's action per Sec. 12.27 X and must be directed to the Department of City Planning for action.

(Code Item)

Section 12.21a17(e) Hillside Ordinance - Street and Driveway Access Requirements

Q- What are the "*street and driveway access*" requirements in the Hillside Ordinance ?

A- Single family dwellings, including accessory buildings and structures, located within the Hillside Area are subject to the requirements of Section 12.21A17 of the LA Zoning Code, hereinafter referred to as the Hillside Ordinance.

A project is exempt, however, from the requirements of the Hillside Ordinance if it complies with any of the five exceptions listed in Section 12.21A17(i). Exception 2 allows a project to be exempt if the lot has vehicular access by way of a Continuous Paved Roadway (CPR) of at least 28 feet in width. The CPR begins at the driveway apron which provides access to the main residence and must be continuous and without permanent obstacles to the boundary of the Hillside Area. Projects exempt from the requirements of the Hillside Ordinance for any reason are subject to the requirements of the Big House Ordinance.

A project, a new single family dwelling or an addition to an existing single family dwelling , which is not exempt from the Hillside Ordinance must comply with the provisions of Section 12.21A17(e) as follows, in addition to other requirements of the Hillside Ordinance:

- a. Street dedication: If the lot fronts on a substandard street, half of the width of the street for a length equal to the entire frontage of the lot must be dedicated to one-half of the Standard Hillside Limited Street dimensions or to a lesser dimension as determined by the City Engineer; and

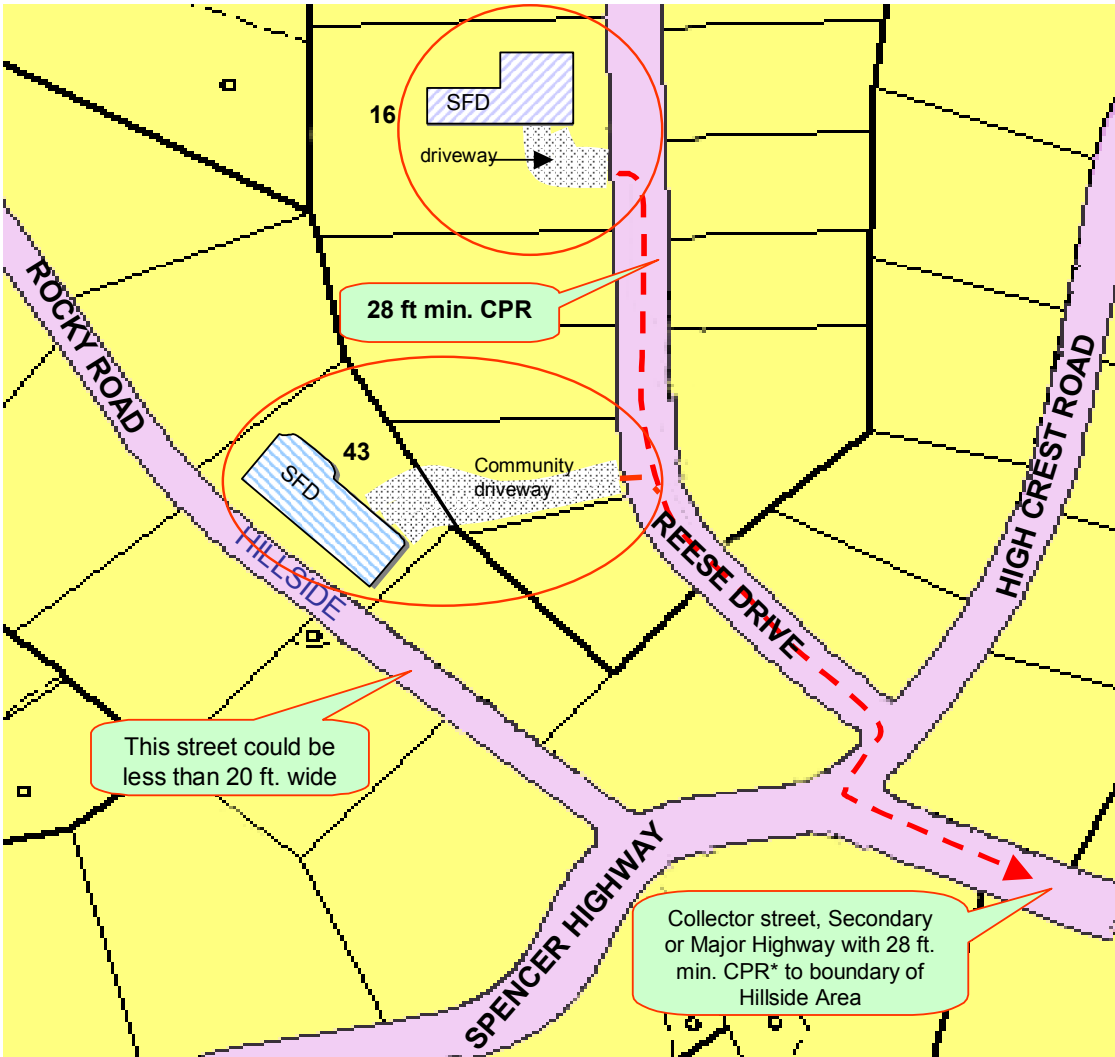
b. Roadway width along the entire street frontage: If the lot fronts on a substandard street, the improved roadway width for a length equal to the entire frontage of the lot must be at least 20 feet. Relief from this requirement may only be granted by the Zoning Administrator pursuant to Section 12.24X21 of the LA Zoning Code; and

c. Roadway width from site to boundary of Hillside Area: The continuous paved roadway from the driveway apron which provides access to the main residence of the subject lot to the boundary of the Hillside Area must be at least 20 feet in width. Relief from this requirement may only be granted by the Zoning Administrator pursuant to 12.24X21.

Depending on the site-specific circumstances, see the following Figures, a project may be:

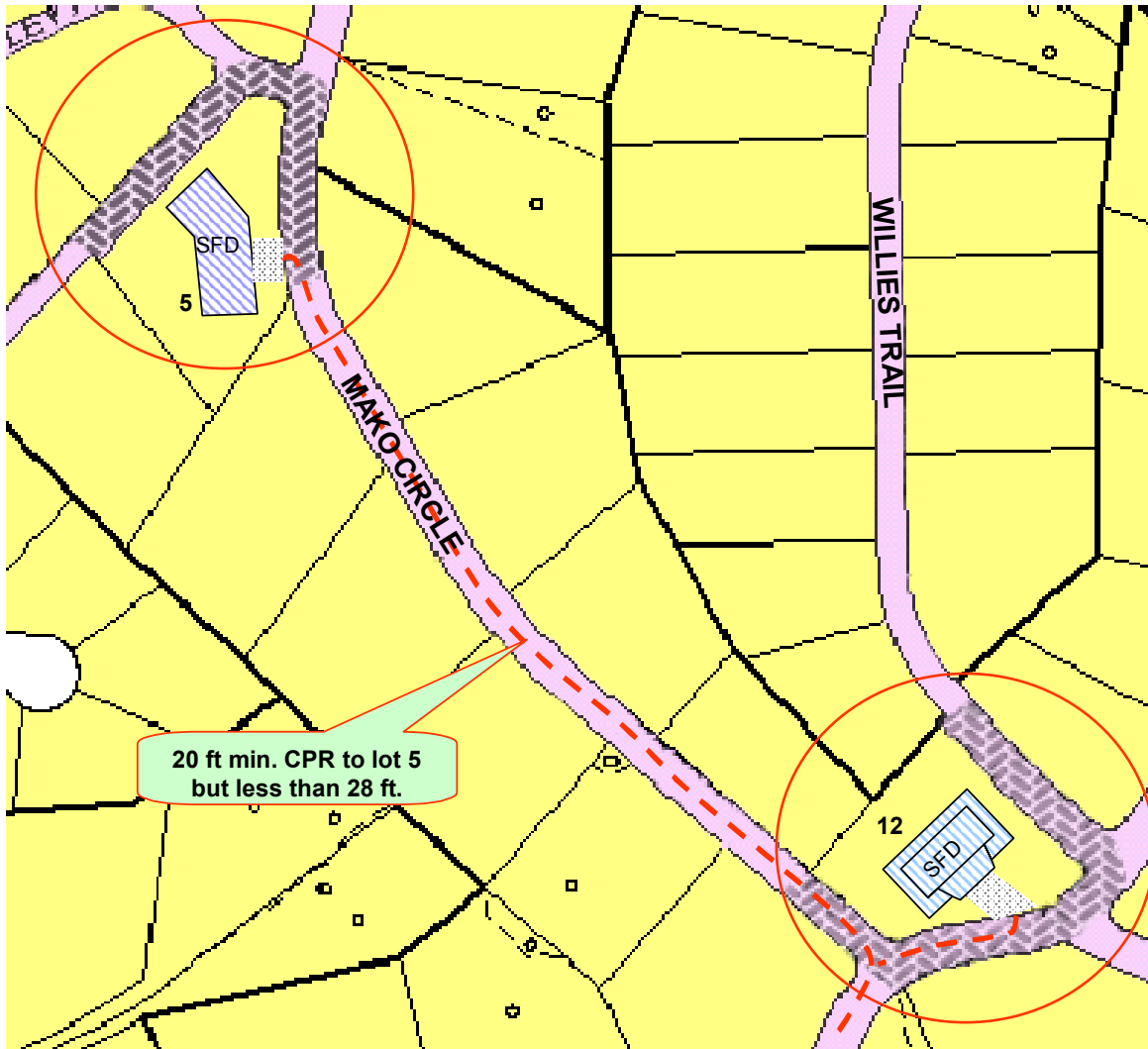
- (a). Exempt from the Hillside Ordinance, but subject to the Big House Ordinance;
- (b). Subject to the Hillside Ordinance without the need for approval by the ZA; or
- (c). Subject to approval by the ZA per 12.24X21.

(a) IF THESE CONDITIONS EXIST (28' CPR), THE PROJECT IS EXEMPT FROM THE HILLSIDE ORDINANCE




- - - ▲ *CPR = Continuous Paved Roadway from driveway apron to Hillside area boundary
- ▨ Driveway

(b) IF THESE CONDITIONS EXIST (20' = < CPR < 28'), THE PROJECT IS SUBJECT TO THE HILLSIDE ORDINANCE BUT APPROVAL FROM THE ZONING ADMINISTRATOR (ZA) IS NOT REQUIRED



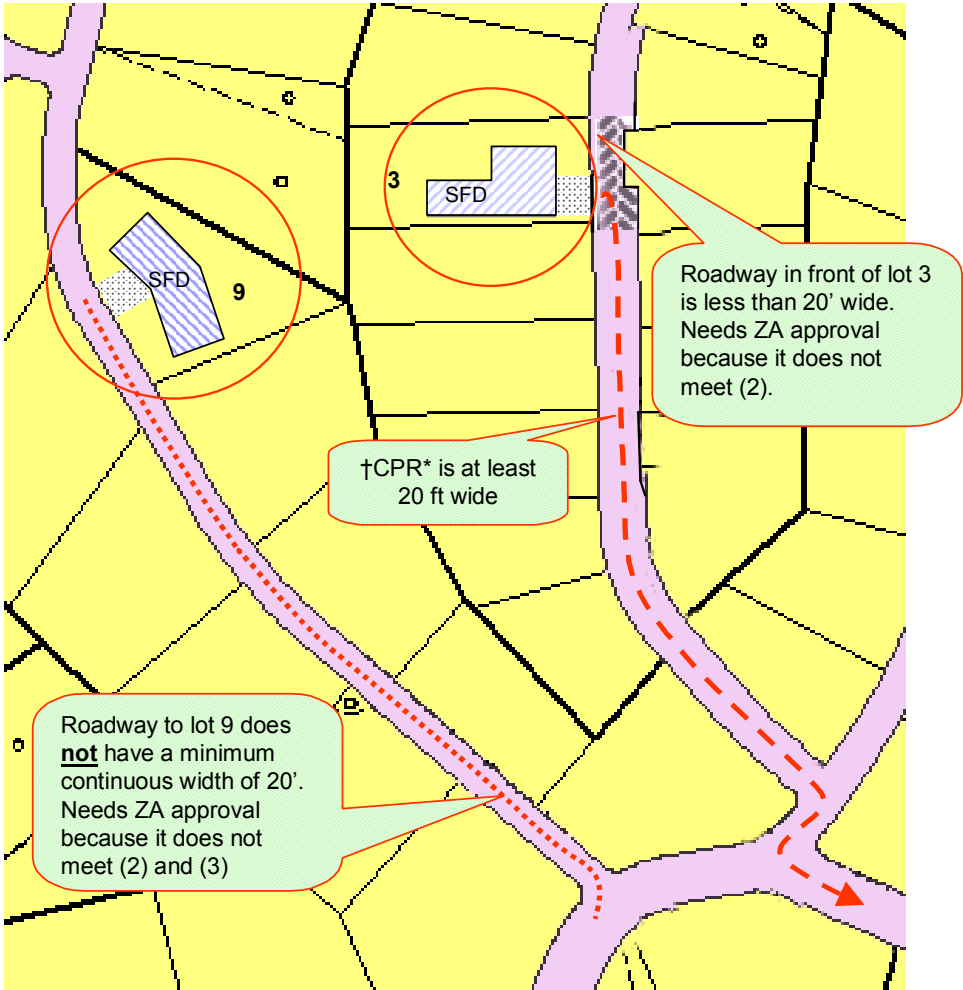
---▶ *CPR = Continuous Paved Roadway from driveway apron to Hillside area boundary

 20' min. roadway width adjacent to subject lot


 Driveway

ZA approval is not required when a roadway of less than 20 ft. of width is widened and improved to the minimum width prior to issuance of building permit

(c) IF EITHER OF THESE CONDITIONS EXISTS, THE PROJECT IS SUBJECT TO THE APPROVAL BY THE ZONING ADMINISTRATOR (ZA) PER Sec 12.24X21



---▶*CPR = Continuous Paved Roadway from driveway apron to Hillside area boundary

 20' min. roadway width adjacent to subject lot

† ZA approval required because roadway adjacent to lot is <20' even though CPR is at least 20' from driveway apron.

(Z.E. memo 2/16/05)

Section 12.21A17(e)1, 2 Hillside Ordinance Street Dedication and Improvement for Lots Fronting on Substandard Hillside Limited Streets.

Q₁- Section 12.21A17(e)(1) requires that at least one-half of the width of the street(s) be dedicated for the full width of the lot to Standard Hillside Limited Street dimensions or to a lesser width when approved by the City Engineer prior to issuance of a permit for new construction of or addition to a one family dwelling.

Does the dedicated portion of the street need to be improved? And when can Public Works require dedication of less than half street of Standard Hillside Limited Street standards? Lastly, are street dedication requirements appealable?

A₁- Sec 12.21A17(e)(1) does not address improvements but only dedication. Improvements are covered by Sec. 12.21A17(e)(2) and 12.21A17(e)(3). In any event, an applicant may voluntarily improve a street if such work is approved by the Department of Public Works.

As far as the width of dedication, the Department of Public Works has complete discretion, based on appropriate reasons, to require dedications ranging from 0 to 18 feet.

Notwithstanding that Section 12.37I was enacted for appeals from improvement requirements, the Hillside Ordinance states that "The appellate procedures provided in Section 12.37I of the Code shall be available for relief..." Therefore, it is the procedure, not the substance, of Section 12.37I which is authorized for appeals from dedication requirements. The appropriate appeal body is therefore the City Council. A zone variance filing shall not be accepted for relief from dedication.

(ZA 94-0305(ZAI), Code Item)

Q₂- When are street improvements required?

A₂- Street improvements is not specifically required but may be necessary when the street is improved to a width of less than 20 feet and the applicant wishes to avoid filing for a discretionary action per section 12.24X21

(Code Item)

Q₃- If a parcel has more than one frontage, is it intended that all frontages be improved or only the frontage over which vehicular access is obtained?

A₃- An applicant should be required to improve all abutting streets which provide vehicular access to the property and any other abutting streets that may provide access in the foreseeable future to the subject property or any other property as determined by the Department of Public Works to a width of 20 feet of roadway. This is in addition to the required 20 ft. minimum wide continuous paved roadway from the driveway apron to the boundary of the Hillside area.

(ZA Memo 92, ZA 94-0305(ZAI))

Section 12.21A17 (i) Newer Subdivisions and Application of Hillside Ordinance.

Q- A dwelling is proposed on a lot in a tract that recorded in January of 1991 with certain developer-imposed covenants, conditions and restrictions (CC&R) located in the R1-1 Zone. The CC&R's imposed by the developer were filed with the original Map. There were no CC&R's nor other conditions imposed by the Advisory Agency when the tract was approved six years earlier. Is this project exempt from the Hillside Ordinance requirements?

A- No, exception No. 1 of Hillside Ordinance exempts construction within subdivisions "for which a tentative or final tract map was approved by the City of Los Angeles after February 1, 1985 ...".

The above-mentioned date is not the recordation date. For example, it is possible that a tract map that recorded in January of 1991 could have been approved before February 1, 1985 and therefore would not be exempt. Instead, the applicable date refers to approval by the Advisory Agency.

In addition, the second part of this exemption requires covenants, conditions and restrictions governing building height, yards, open space or lot coverage recorded on or after February 1, 1985 as a result of the map. Such CC & R's must be those that are imposed by the Advisory Agency under the tract number. Private CC & R's recorded by the developer do not qualify for the exemption.

(Z.E. memo 7-9-94)

Section 12.21A17(l)3(a) Hillside Ordinance Exemptions - Small Additions.

Q- This exception specifies that cumulative additions made after 9-14-92 of up to 750 sq. ft. are exempt from the Hillside Ordinance provided that there are two parking spaces on the lot and the additions maintain certain height limitations. Since the Zoning Administrator's Interpretation ZA96-0241(ZAI) states: "Therefore, if a lot is not subject to the Hillside Ordinance or Coastal Zone provisions, through either geographical exclusion or by specific exception, it would automatically be subject to the Big House Ordinance", are these small additions subject to the "Big House Ordinance"?

A- The interpretation of the Department in consultation with the Chief Zoning Administrator, is that when a lot or a project is not subject to the Hillside Ordinance or the Coastal Zone requirements, the Big House limitations shall apply. In other words, if a lot is not subject to the Hillside Ordinance or Coastal Zone provisions, through either geographic exclusion or by specific exception, it would automatically be subject to the Big House Ordinance.

(Z.E. memo 12-5-2002)

Section 12.21A17(i) Hillside Ordinance - Addition and Remodeling of Buildings

Q - Can a project which involves both an addition and remodel work on the rest of the building be exempt from the Hillside regulations?

A - Section 12.21A17(i) states four exceptions by which the Hillside Ordinance regulations are not applicable. Item number (2) of the subparagraph states in part "Any addition ..." Item number (4) of the same subparagraph states in part "Any remodeling ... which does not add square footage ..."

In many, if not most, of the additions, there is usually a certain amount of remodeling. Some are limited to only those areas directly related to the addition. In other cases, some or most other parts of the existing building, not directly related to the addition, are remodeled as well in conjunction with the addition work. Since item 4 has a condition that remodeling which does not add square footage is exempt from the Hillside regulation, questions arose as to whether the two exceptions can be combined. That is, can a project which involves an addition and remodel work on the rest of the building be exempted from the Hillside regulations?

In light of the fact that most additions inevitably also involve some remodeling work, it is determined that the two exceptions may be combined. However, all other limitations as stated in the two exceptions must be strictly adhered to. For example, the total cost of proposed remodel work, together with the addition, are limited to 50% of the replacement cost of the

previously existing building.

(Chief Zoning Administrator memo dated 11-17-2000)

Section 12.21C1 **Area Regulations. Front and side yard for lots on "Hillside" streets.**

Q - In terms of yard requirements, how do lots located on a designated "Hillside" street (shown colored purple on ZIMAS) differ from other lots?

A - In recognition of the unique characteristics surrounding construction in mountainous areas, ZAI 1270 permitted buildings to be constructed with no setback on side and front lot lines adjoining a designated "Hillside" Street. This interpretation was extended to permit a detached garage with no front or side yard setback, and in 1991, the Zoning Administrator revised the interpretation to require 5 feet setback in the front or side yards along "Hillside" streets.

This was reversed by ZA 2001-0331(ZAI) which states "...the regulations calling for observance of the prevailing setback shall apply on properties having a zoning classification which contains the prevailing setback provisions..." The prevailing setback therefore determines the front yard of a main building in a single family zone.

When prevailing cannot be applied (there is no 10' range of setbacks comprising 40% of the frontage), then a minimum front yard of 5 feet needs to be provided. Additionally, detached garages, are permitted in the front yard, so long as they are no closer than 5 feet to the front lot line and they observe the side yard as required by 12.21 C.5.(l).

Side Yards must be provided as required by the general provisions of the Zone of the lot regardless of the "Hillside Street" designation.

(ZA 2001-0331(ZAI))

Section 12.21C1(c) Connection of Buildings in a Substantial Manner.

Q- This section requires all parts of a main building in all zones, except the RZ zone, to be "connected in a substantial manner by common walls or continuous roof." What constitutes "substantial manner"?

A- Parts of a main building connected by a solid roof of no less than 10' in width or by no less than 4' of common wall are deemed to be a "substantial" connection. Internal connection must be provided when required by other code sections. (See "Section 12.22 C20(h) Construction of Breezeway/Patio Cover when Attached to Two Buildings" in this manual for further clarification.)

(B.Z.A. Case 2858-ZAI 80-141A)

Section 12.21C1(c) Interconnection within a Single Family Dwelling.

Q- Besides being connected by either 10' of solid roof or 4' of common wall, are all portions of a single family dwelling required to be connected from within?

A- Internal connection is not required between two portions of a dwelling connected by either a 10' wide roof or 4 feet of common wall when the following criteria are met:

- a) Only one-family dwelling is located on the site.
- b) Neither of the two elements of the one-family dwelling to be so connected contain a full dwelling unit, i.e., a kitchen, bath and bedroom.

The above interpretation does not change the Department's long standing practice to require all bedrooms in a single family dwelling to be interconnected through common living space. Compliance with the criteria specified above would permit, for example, an independent recreation room. The recreation room would not need an interior connection with the remaining dwelling. Unusual layouts that may constitute flexible units are not permitted.

(B.Z.A. Case 2858-ZAI 80-141A)

Section 12.21C1(c) Single - Family Dwelling in A1 & A2 Zones

Q - Are two Single-Family Dwellings permitted in A1 and A2 Zones?

A - Two single-family dwellings are permitted in the A1 and A2 zones when the lot area requirements are complied with.

One-family dwellings (note plural) are permitted uses in the A1, A2, RA, RE, RS, R1, RU, RZ and RW1 zones. Most of these zones also contain minimum lot area requirements per dwelling unit clearly implying that more than one single-family dwelling can possibly be permitted on one lot. However, pursuant to Section 12.21C1(c) of LAMC, *"...every main building shall be located and maintained on a "lot" or "air space lot" as defined in this article, and all parts of such building shall be connected in a substantial manner by common walls or a continuous roof..."* Additionally, *"...There may not be more than one such building on a lot in the RA, RE, RS, R1, RU, RMP, or RW1 Zones, or on a group of lots in the RZ Zone..."*

Effectively, by this section, in all these zones indicated, there can be only one main building, therefore, a single one-family dwelling on a lot. However, note that the limitation does not apply to the A1 and A2 zones, allowing more than one main building on a lot. This was intentional and therefore two or more single-family dwellings are allowed on parcels in the A1 and A2 zones provided the lot area requirements are met.

(Z.E. memo 1-20-00)

Section 12.21C1(e) Front yard, Original Frontage. "Subdivision".

Q - This section requires that R or RA lots of less than one acre (43,560 sq. ft.) maintain the original front yard when subsequent rearrangement of property lines done "...without recording a subdivision map..." creates a front yard on a different street. The question is: What constitutes a "subdivision map"?

A - A Subdivision Map is that which is recorded as provided in Section 17.07 of the Zoning Code and the State Subdivision Map Act. It includes a Tract Map, a condominium subdivision and a stock cooperative project.

Parcel Maps (PM's), Divisions of Land (D of L's), and Parcel Map Exemptions (PM Ex's) are not subject to Section 17.07. Any lots subdivided with a PM, D of L or PM Ex must maintain the original front yard as required by this Section. An illegal lot cut that has been granted a Certificate of Compliance (C of C) must also maintain the original front yard.
(ZAI 2369)

Section 12.21C1(e) Front Yard, Original Frontage.

Q - How are the yard setbacks determined for lots less than one acre (43,560 sq. ft.) in the RA or R zone that are subject to the provisions of this section requiring that the original front yard be maintained due to subsequent rearrangement of property lines (through lot splits or lot ties) without recording a Subdivision Map?

A - The examples illustrated in Figure 39 and 40 should clarify how this Section is to be interpreted when lot lines are rearranged by tying several lots together. A total of four options are presented. The same rationale can be used when property lines are rearranged due to lot splits. Reverse corner lots are a special case and are discussed separately.

(ZAI 1128, ZAI 2369)

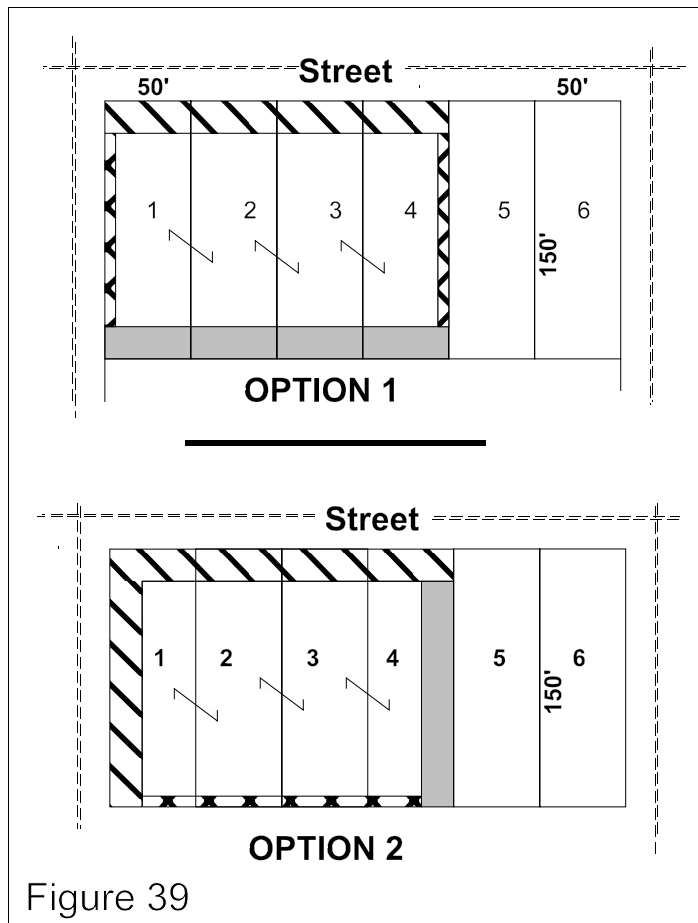
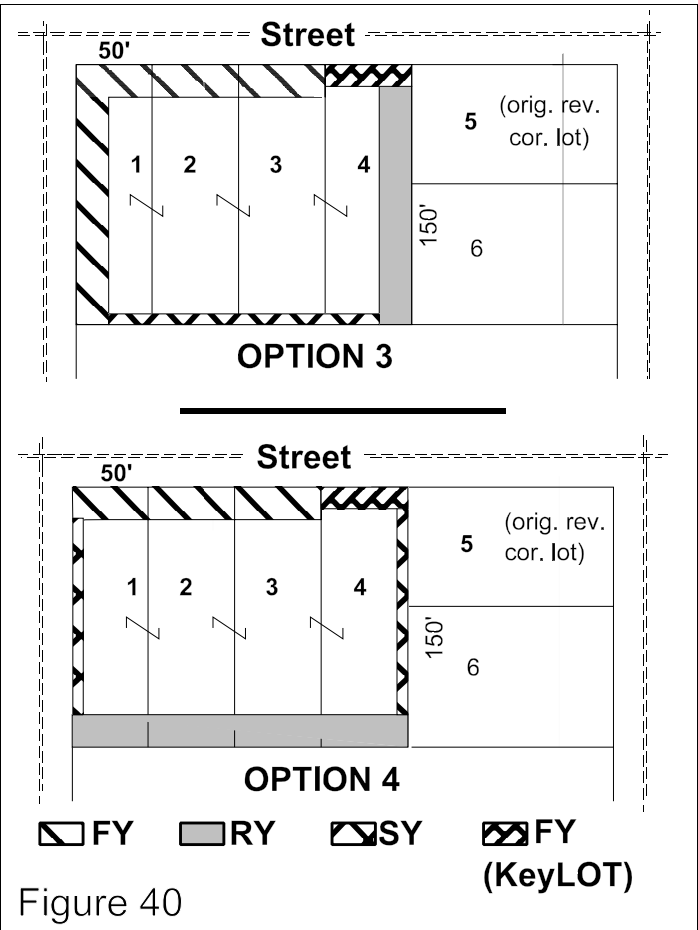


Figure 39



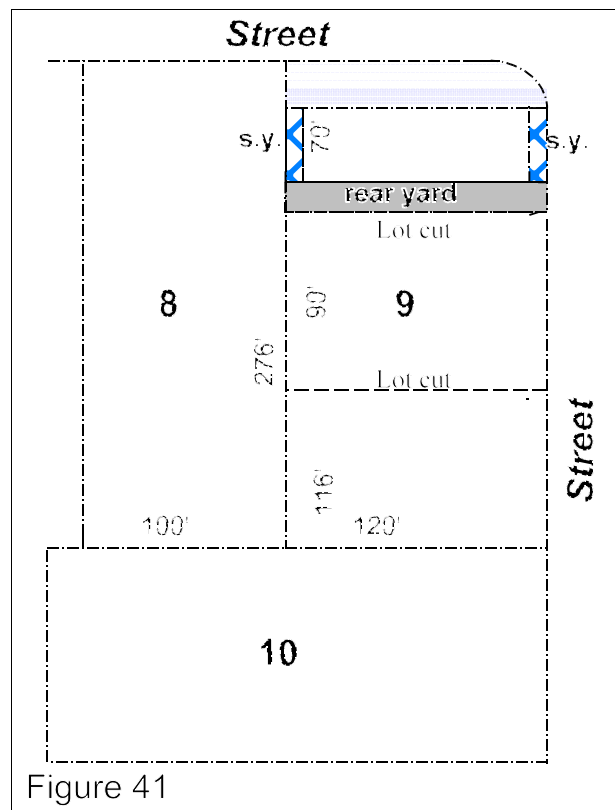
Section 12.21C1(e) Front Yard, Original Frontage. Reverse Corner Lots.

Q- How is this Section (as described in the previous question) applied to Reverse Corner Lots created by dividing a lot or combining a group of lots?

A- Reverse Corner Lots created by combining or dividing lots in such a way that the frontage would be on a different street must be developed with the front yard along the street upon which the original record lots had their frontage. In this case the side and rear yards shall be determined and provided on the basis of the original front lot line rather than the new technical front lot line. Under this arrangement two front yards do not have to be observed.

In Figure No. 41, lot 9 was the original lot which was later split into three lots creating a new reverse corner lot with frontage on a different street. Note that the original front yard is maintained and a side yard is provided along the new front lot line.

(ZAI 1128)



Section 12.21C1(g) Paving of Required Front Yard.

Q - This Section states that not more than 50 percent of a required front yard shall be designed, improved or used for access driveways. Under what circumstances is it permissible to pave more than 50 percent of a required front yard? How does this regulation apply to the keeping of a recreational vehicle as accessory use to the main residential use?

A- This Section requires landscaping of those portions of the required front yard not used as driveways and walkways for lots containing one or more units or a hotel in the RE, RS, RU, R1, R2, R3, RAS3, RAS4, RD, R4, R5 or C zones.

*R.V. PARKING: Recreational vehicle storage is considered as an accessory use to a dwelling. An R.V. may be stored in an A or R-zoned lot provided it is not within the front yard setback or the code-required side yard along the lot line of a corner lot and provided it is enclosed from view by a wall or a fence. LAMC 12.21A8(b) and LAMC 12.21A6(a).

NOTE: There are no limitations on the maximum side yard that may be used as a driveway. In corner lots, the street with the narrower frontage is considered to be the front of the lot thereby determining the location of the front yard. The side yard is then located along the lot line with the longer frontage. This applies regardless of where the “architectural front” of the dwelling is located. Curb cuts must be approved by the Department of Public Works in all cases.

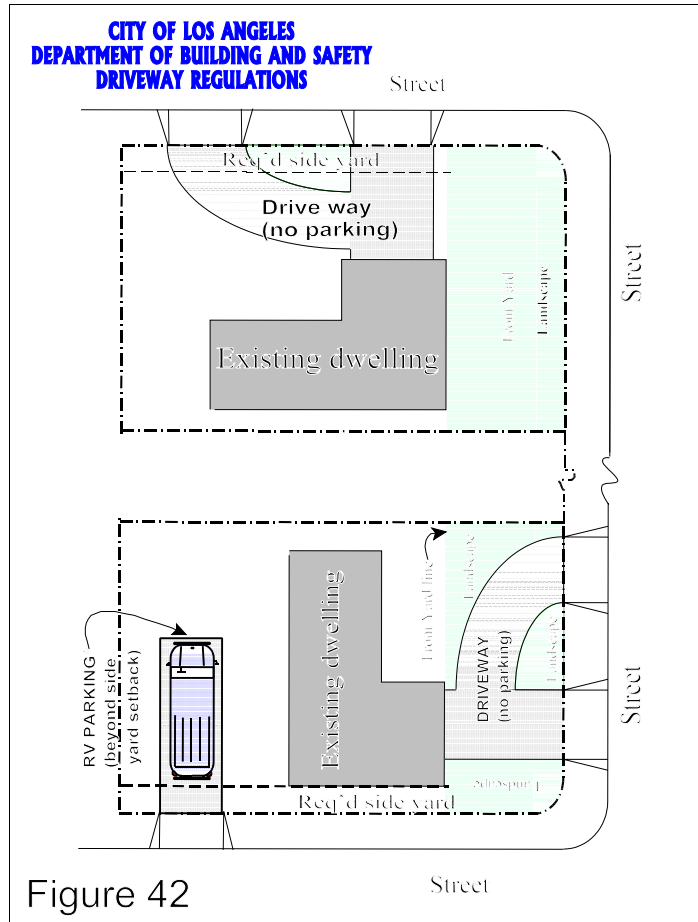


Figure 42

(Z.E. memo 6-1-95)

Section 12.21C1(g) Location of a Swimming Pool.

Q - This section states in part: "No swimming pool, fish pond or other body of water which is designed to contain water 18 inches or more in depth shall be permitted in any required yard space in which fences over 3-1/2 feet in height are prohibited...". Would a swimming pool be permitted in an area (such as a front yard in an R zone) where a fence higher than 3-1/2 feet was allowed by a variance, conditional use or any other discretionary action?

A - Overheight fences permitted by discretionary action are considered based on a specific set of circumstances. Conditions are generally imposed based on those circumstances. If an overheight fence request is allowed due to security or other reasons, that action shall not be construed to entitle the applicant to place a pool in a front yard.

Therefore, when the fence height limitation in the front yard is waived by whatever means, the construction of a swimming pool must be separately requested for additional consideration.

(ZA 89-0963(ZAI))

Section 12.21C1(k) Separation of Lots. Termination of a Lot Tie Affidavit.

Q - When can the Department approve a request to separate (unmerge) lots that are presently tied by use or by a Lot Tie Affidavit?

A - Article 1.5 of the Subdivision Map Act, titled: "Merger of Parcels" provides the sole and exclusive authority for local agencies to establish, by ordinance, a procedure for merging of contiguous parcels merged on or after January 1984. This article prescribes the procedures that local agencies must follow for the implementation of such ordinance. As part of these procedures, local agencies must provide prior written notice to the property owner of their intention to merger and must also afford owners the opportunity for a hearing.

For parcels merged prior to January 1, 1984, article 1.5 specifies in part: "After January 1, 1986, no parcel merged prior to January 1, 1984, shall be considered merged unless a notice of merger has been recorded prior to January 1, 1986." The City of Los Angeles does not have a currently valid merger ordinance as mandated by State Act and therefore cannot prevent a property owner from unmerging two or more contiguous parcels even if they do not comply to minimum area and/or width requirements.

The following termination conditions shall apply to lots that are tied together by recorded covenant or by use (no covenant). In the case where a recorded lot tie covenant exists, a termination covenant will have to be recorded.

Procedure for all Lots:

Lots that are currently tied by use or by a lot tie affidavit may be separated and developed separately provided:

1. The individual lots were legally created by an original subdivision or are portions of lots that were legally split. The validity of such split is verified by determining the lot cut date following the normal procedures. For example, an RA Zone lot of less than 17,500 sq. ft. area or less than 70' of width must have been split prior to June 1, 1946 to be a legal lot.
2. All buildings, structures and/or accessory uses are removed or altered in such a way that all such main buildings and uses with their required yards are located on one lot, and all remaining buildings, structures or uses must conform to the Building and Zoning Code regulations.

Compliance with conditions 1 and 2 above will therefore allow the issuance of a permit for demolition of a building built across a property line thereby automatically unmerging the lots when no lot tie affidavit was filed.

Any deviation from above policies require City Planning approval for compliance with Subdivision Map Act requirements.

(Exec. Officer memo 5-18-93)

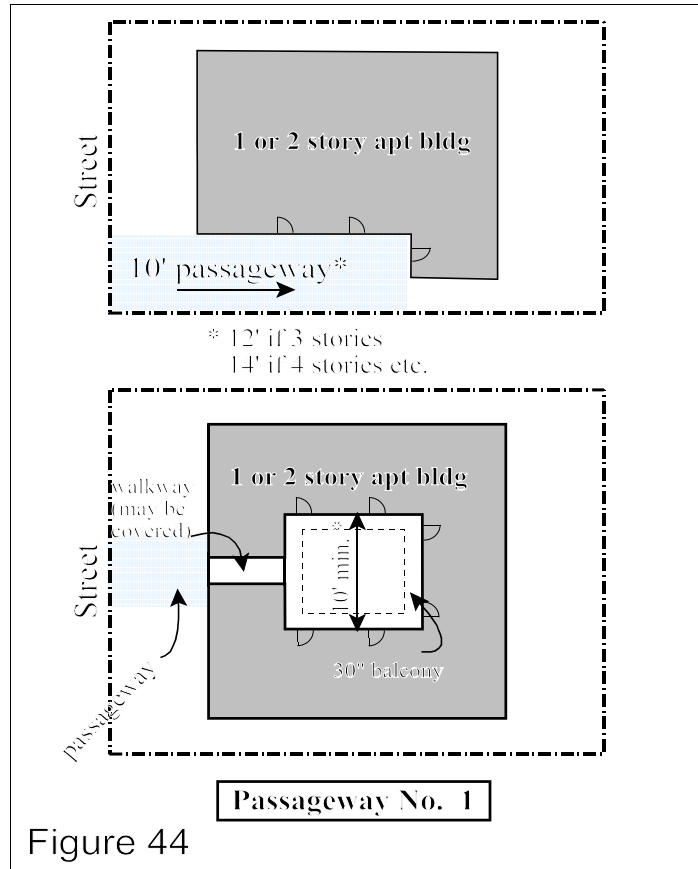
Section 12.21C2(b)

Required Passageway for Residential Buildings.

Q - This section requires a 10' wide passageway from the street to the entrance of each dwelling unit or guest room. It also states: "The passageway width shall be increased by 2 ft. for each story over two contained in any building located between the public street and the building which the passageway serves." Illustrate how the required passageway is provided.

A - In the case of the building with the center court in Passageway No. 1, the court width must be increased by two feet for each story over two contained in the building. Each illustration contains two plot plans showing different conditions.

The upper plot plan of Passageway No.2 shows a three story building in the front which consequently requires that a 12' passageway be provided to the rear two-story building. The lower plot plan of Passageway No. 2 (Figure No. 45) shows a building that is partially two and three stories. Similar cases are illustrated in Passageway No.3 (Figure No. 46).



Section 12.21C2(b) is interpreted to require the passageway increase to the entrance of a dwelling unit whenever a separate building or a portion of a building located between the entrance to the dwelling unit and the street exceeds two stories.

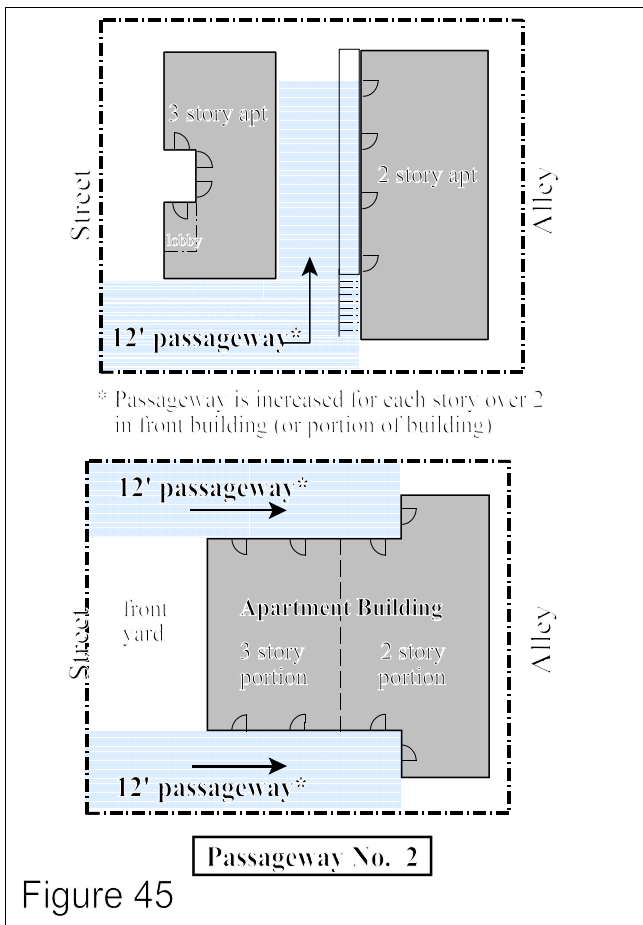


Figure 45

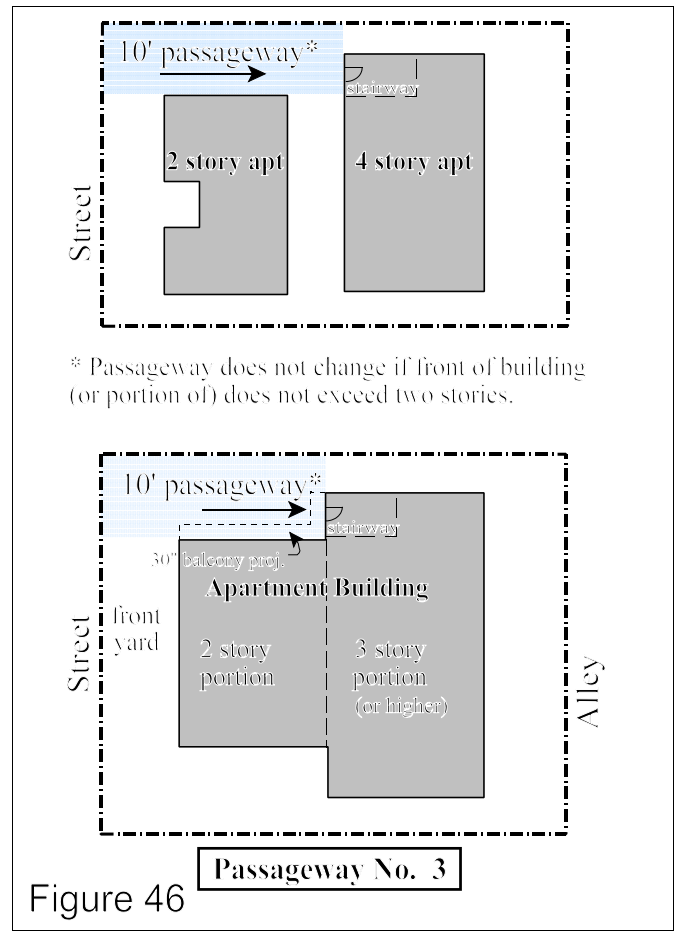


Figure 46

(PC Chief Memo 02-25-92)

Section 12.21C2(b) Passageway to Street. Old Venice District.

See Section 12.03 Street. Definition. - in this manual.

Section 12.21C2(b) Passageway Width. Increase when Habitable Basements Constitute Stories.

Q - The passageway from the street to the entrance of each dwelling unit or to a hallway as required by this section must be increased by 2' for each story over two contained in the building. Basements containing habitable rooms are considered stories per 12.21.1A8, yet 12.03 (definition of Story) makes no such reference, are these basements included in the number of stories when determining the passageway width for a building?

A- Section 12.21.1A8 shall be interpreted to apply only for determination of the allowable number of stories based on height regulations of Sec. 12.21.1. A basement with habitable rooms shall not constitute an additional story for determination of passageway width.

Further, section 12.21C1(l) requires a basement with habitable rooms to be considered a story when determining side and rear yards. This provision does not affect passageway width either.

(PC Chief memo 2-2-81)

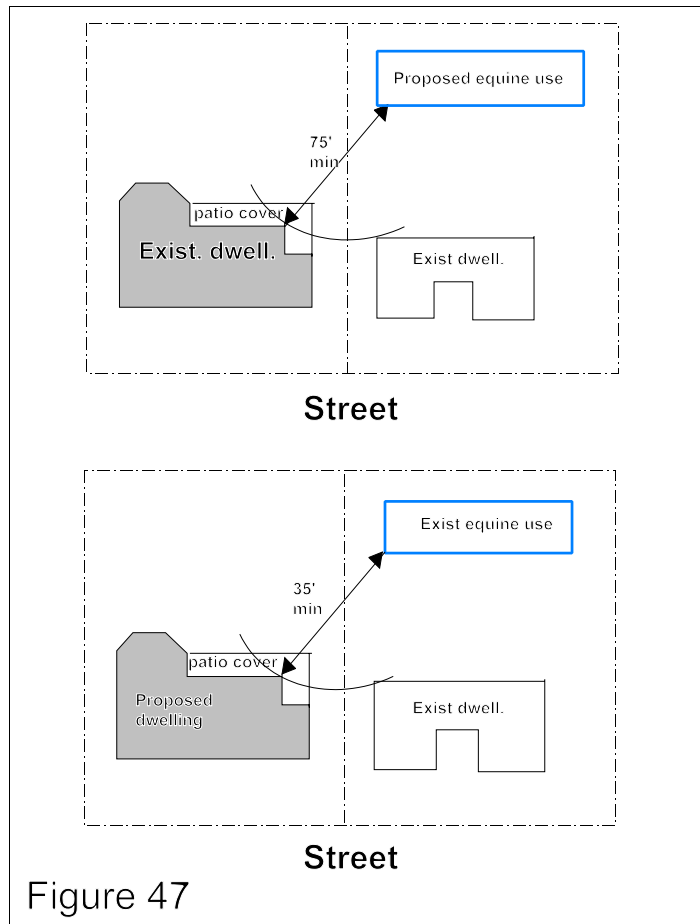
Section 12.21C5(a) Dwelling Adjacent to Equine keeping use - Non K District.

Q- Section 12.21C5(a) requires an animal keeping structure (for keeping of equines and similar), to be placed no less than 75' from the habitable rooms of a neighbor's dwelling unit. Further, section 12.22A19 requires the habitable rooms of any residential building to be placed at least 35' from a legally established equine use. Are these two sections in conflict with each other? When is the construction of a new dwelling, or the addition to an existing dwelling permitted to be located less than 75' from and adjoining equine keeping use?

A- These code sections illustrate the same situation but from different perspectives and therefore do not conflict. Per 12.22A19, the habitable rooms of a proposed dwelling or proposed addition to a dwelling may be located less than 75' (and as close as 35') from a legally existing equine use on an adjoining lot.

However, per 12.21C5(a) a proposed equine use cannot be placed within 75' of the habitable rooms of an existing dwelling on an adjoining lot.

The idea behind these two sections is based on the perception that the proposed equine use is more onerous to the existing adjoining dwelling. On the other hand, the proponents of a dwelling (or addition) would be presumed to be aware of the existing adjoining equine use and may voluntarily build their project as close as 35' to the animal use. Refer to Fig. No. 47 for clarification.



This interpretation is validated by provisions of 12.23G which recognizes that a permit for a single family dwelling, or addition to one, may be issued within 75' of a legally existing equine use in non-K districts. In such cases the code allows the equine use to continue.

(ZA 92-450(A), Z.E. memo 4-14-92)

Section 12.21C5(a) Residential Buildings adjacent to Equinekeeping Uses.

Q - Proposed "animal keeping structures" (including equines), must be constructed no closer than 35' from the habitable rooms of the animal keeper's dwelling unit and no closer than 75' from the habitable rooms of a dwelling unit on an adjacent lot. Are accessory buildings incidental to a dwelling unit subject to this provision?

A- Even though this Section refers to a "dwelling unit", other code sections that regulate animal keeping structures, such as 12.22A19 and 12.27H use the term "residential buildings" instead. The intent of all these code sections is to regulate animal keeping uses that are in proximity of any residential building. Therefore, buildings such as apartments, hotels etc. are within the scope of Section 12.21C5(a).

Accessory buildings, such as accessory living quarters and servants' quarters are residential (habitable) buildings and therefore are also within the scope of Section 12.21C5(a). Other accessory buildings such as recreation rooms, storage sheds or garages are not habitable and thus not subject to this restriction.

(ZA 85-1131(ZAI), Z.E.I. 6-10-93)

Section 12.21C5(b) Location of Accessory Buildings. Front of Lot Facing a Hillside (purple) street.

Q - Are there any special provisions that allow accessory buildings to be placed in the front half of a lot when the lot fronts a Hillside (purple) street?

A - Pursuant to Zoning Administrator's Case No. ZA 2001-0331 (ZAI) (2/7/01), in hillside areas where a lot fronts on a purple street or a street stamped "Hillside Street" and the yard regulations pertaining to prevailing setback result in a greater setback than the 5-feet originally allowed pursuant to Case ZA 90-1439(ZAI) (1/5/94), the prevailing setback provision shall be applied to all structures allowed to be in the front half of the lot. Furthermore, accessory buildings containing uses other than parking must comply to the city-wide code regulations for location of accessory buildings. Namely, Section 12.21C5(b) of the Los Angeles Municipal Code states that in the A and R Zones, all accessory buildings except for animal keeping buildings shall be located in the rear half of the lot but need not be located more than 55 feet from the front lot line. Further, Sec. 12.21C5(j) provides that if the accessory building is located in the required side yard, it must be 75 feet from the front lot line.

(ZA 2001-0331(ZAI))

Section 12.21C5(b) Location of Tennis Court. Front of Lot.

Q - Is a tennis court considered as an accessory building when determining its location in reference to front lot line?. Namely, does it have to be located in the rear half of a lot not to exceed 55 feet from front lot line?

A - The original ordinance that established tennis court requirements added section 12.21C5(m). That section states "Tennis or paddle tennis courts, including fences and light standards accessory to a primary residential use... shall observe the same side, front and rear yards required for a one-story main building...except as otherwise provided in Section 12.22C20(m) of this code".

The code defines "Building" as "any structure having a roof...for the housing, shelter or enclosure of persons, animals...". A Tennis or Paddle Tennis Court is not a building as defined in Section 12.03.

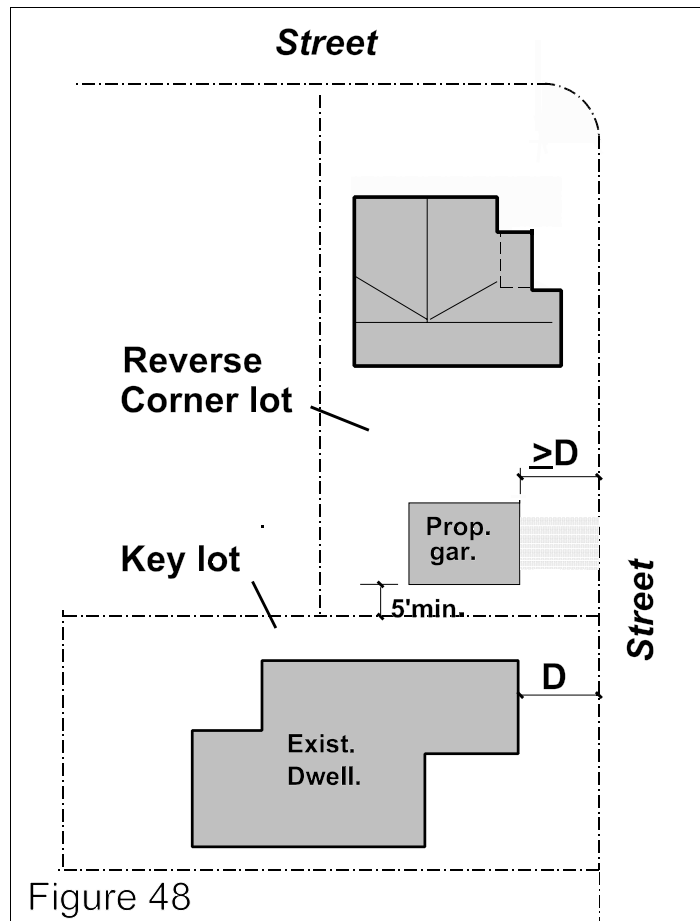
Therefore, a tennis court or paddle tennis court is not subject to a setback from the front lot line different than that which would be required for a one story main building.

(Code Item, ZA 90-0167(ZV))

Section 12.21C5(c) Accessory building in a Reversed Corner Lot.

Q - This section states: "On a reverse corner lot, an accessory building shall not be located nearer to the side lot line on the street side of such corner lot than the front yard depth required on the lot in the rear, nor be located nearer than 5 feet to the side lot line of such lot". Please illustrate this provision.

A- Figure No. 48 illustrates the meaning of this provision. Distance "D" is the required front yard for the key lot which may be less than the actually existing front yard setback.



The distance from the garage to the side street lot line of the reverse corner lot must be equal to or greater than D.

(Code item)

Section 12.21C5(e), (j) Location of Accessory Buildings. Cabanas, Patio Covers , etc.

Q - Is an unenclosed building such as a patio cover, a gazebo, a cabana or similar building accessory to a dwelling permitted to be located along a side or rear property line?

A - A detached patio cover, gazebo, cabana or similar building accessory to a dwelling is permitted to be placed with no setback from a side or rear property line provided:

- a) No less than one wall of the accessory building is entirely open except for structural supports.
- b) The accessory building must be within the rear 30' of the lot or no less than 75' from front lot line as otherwise required by 12.21.C5(j).
- c) The accessory building must comply with Building Code exterior wall construction requirements due to proximity to property lines.
- d) The accessory building may contain an enclosed bathroom. -See this manual "Sec.12.03 Recreation Room. Definition." for plumbing fixtures permitted.

This interpretation recognizes that Section 12.21C5(e) which requires a recreation room to maintain a side yard setback as required for a main building and 5' rear setback only applies to recreation "rooms". An accessory building with at least one wall entirely open is not a "room".

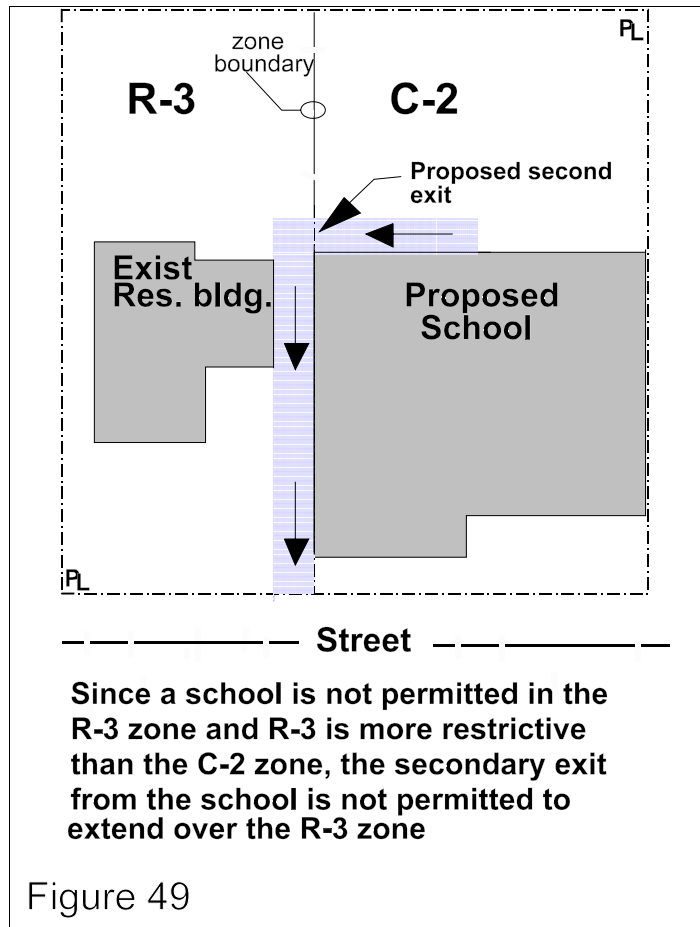
(Van Nuys Zoning Manual '67)

Section 12.21C5(h)

Accessory Uses not permitted in more restrictive zones.

Q - Can an accessory use that is incidental to a permitted use be provided in a more restrictive zone? For example, can a school located in a C2 Zone have a secondary exit court over adjoining R3-Zoned property as indicated in the Figure No. 49.

A - The term "Accessory Use" is defined in Section 12.03 as follows: "A use which is customarily incidental to that of the main building or the main use of the land which is located in the same zone or a less restrictive zone and on the same lot with a main building or use. The relationship between the more restrictive and the less restrictive zones shall be determined by the sequence of zones set forth in Section 12.23B1(c)(2) of this Code". Similar language can be found in Section 12.21C5(h) which states in part: "No accessory building or use shall be located on property in a more restrictive zone than that required for the main building or use to which it is accessory".



A school is first permitted in the R4 Zone and therefore would also be permitted in less restrictive zones (i.e. R5, CR, C4, C2, C5) as provided above. Since a school is not permitted in the R-3 zone, the secondary exit court is not permitted. For these purposes the exit court is considered as accessory to the school.

Note: Schools are specifically prohibited in the CM and M zones.

(Z.A.I. 2037, C.A.O. 360, 361)

Section 12.21.1

Height of Buildings and Structures. Antenna towers - Satellite dishes.

Q - What is the maximum permitted height for a privately used satellite dish or antenna tower in the residential zones?

A- This section, established by Ord. 161,716, eff. 12/6/86, states that "In the A1, A2, RA, RE, RS, R1, RZ, R2, RMP, and RW2 zone and in those portions of the RD and R3 zones which are also in Height District No. 1, no building or structure shall exceed forty five (45) feet in height. In the RU and RW1 zones, no building or structure shall exceed thirty (30) feet in height".

Clearly, such things as antenna towers, satellite dishes and the like, used incidentally to the residential use, are structures as defined in Sec. 12.03 and must observe any required height limits due to height district or any other ordinance.

Additionally, even though the code does not specifically regulate location of these structures, it seems reasonable that certain setbacks be required. Section 12.21C5(f) of the Zoning Code requires a two-story accessory building to be located at least 5 feet from the rear lot line and same setback from side lot line as required for a main building.

In consideration of the above code sections, antenna towers (including guy wires) and satellite dishes must be located as required for a two story accessory building.

(Z.E. memo 6-1-84)

Section 12.21.1

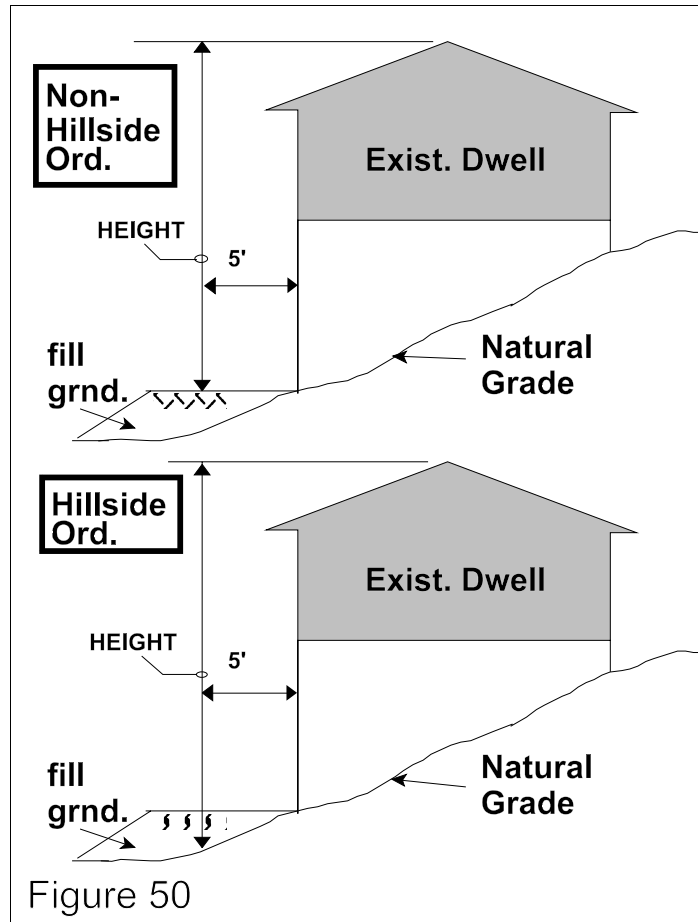
Height of Buildings. Grade elevation.

Q - May "grade" be artificially raised so long as it is in compliance with Division 70 in order to measure the height of the building from the finished grade?

A- On areas not regulated by the Hillside Ordinance, the grade may be built up provided retaining walls are not used and the height is measured from the new grade.

On areas regulated by the Hillside Ordinance, the height of a building must be measured to "... finished or natural surface of the ground, whichever is lower ..." as required by Section 12.21A17(c)5. See Figure No. 50 .

(Code item, Z.E. memo 8-5-93)



Section 12.21.1A8

Basements with Habitable Rooms.

See 12.21C2(b) of this manual.

Section 12.21.1A10

Transitional Height Applicability to "Structures"

Q - Section 12.21.1A10 restricts the height of buildings, does these restriction apply to other "Structures" ? Does Section 12.21.1A10 apply to lots with RW1 or more restrictive zoned property located across a street?

A - The first sentence of 12.21.1A10 states in part "Notwithstanding any other provisions of this section, portions of buildings on a C or M zoned lot...". One argument offered was that since

this section only referred to buildings and not structures, the requirements were only applicable to buildings and not to structures.

However, the second paragraph of this section which provides an exception to the provisions, clearly references building and structures. Additionally, Section 12.2719, which gives the Zoning Administrator the authority to grant variances to the provisions of 12.21.1A10, also clearly references buildings and structures. Therefore, it is evident that the provisions of 12.21.1A10 apply to buildings as well as other structures.

As for the second question, there is no indication that the requirements would not apply across street. Although Section 12.21.1A10 which states " When the highest existing elevation of the adjacent property in the RW1...." indicates there is an exception for property that is adjacent, this is specific to the exception and does not apply to the general requirement. Therefore, the requirements of 12.21.1A10 apply to the C or M zones when located within 199 feet of RW1 or more restrictive zones.

(ZE memo 11-9-99)

Section 12.21.1B2 Measurement of Buildings' Height in steeper terrain. 1L and 1XL Height Districts.

Q - What is the height allowed for buildings that are not subject to the "Hillside" Ordinance (12.21 A17) in height districts "1L" and "1XL" when there is more than 20' difference between lowest and highest grade and the code allows the height to exceed the height limit by 12'?

A- The Code states in part: "When the elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of a building exceeds grade by more than 20 feet, a building may exceed the height in number of feet prescribed by this section by not more than 12 feet. However, such additional height shall not be permitted to the extent that such additional height causes any portion of the building or structure to exceed a height in number of feet as prescribed by this section as measured from the highest point of the roof structure or parapet wall to the elevation of the ground surface which is vertically below said line of measurement..."

The application of this language when applied to the case of the "1L" designation (where the basic height limit is 75'), requires that the building not exceed 75' in height using the "plumb line" method of measurement, but allows the overall height to be 87'. Similarly in the "1XL" height district (basic height limit is 30'), the height cannot exceed 30' using the "plumbline" method with a 42' limitation on the overall height.

(ZA 89-1339 (ZAI))

Section 12.21.1B3(a) Rooftop Guardrails

Q - Can a rooftop guardrail be considered as a “roof structure” per Section 12.21.1B3(a) which allows certain roof structures to project above the height limit specified in the height district in which a property is located? What are the requirements?

A - The rooftop guardrails can be considered as a “roof structure” per LAMC 12.21.1B3(a) when required as a part of roof decks which are proposed to meet the “open space” requirements for apartment buildings per LAMC Section 12.21G.

Furthermore, the rooftop guardrails will not be considered in determining the height of a building subject to the following limitations:

1. This determination shall only apply where open space is required to be provided by Section 12.21G of the Zoning Code and shall not apply where a specific plan defines how building height is to be measured.
2. The guardrail shall not exceed the minimum height required pursuant to Section 91.0509 of the L.A.M.C.
3. The guardrail shall be located at least 5'-0" from the perimeter of the roof and shall be located no closer to the perimeter of the roof than permitted by the requirements of Section 12.21G2(a)(4)(ii) which states “ roof decks in developments built at an R3 or an RAS3 density,, may be used as common open space, excluding that portion of the roof within ten feet from the parapet wall”.
4. The guardrail shall be of an open design and be a minimum of 75% open.

(Z.E. memo 9-13-99)

Section 12.22A2

Public Utility Electrical Transformers Located Within Yards.

See 12.22C20 of this manual.

Section 12.22 A4

Open Air Sales of Pumpkin

Q- Is the use of a single mobile trailer for sales office and the use of a single commercial storage container for storage of products permitted in conjunction with the open air sales of pumpkins ? Is the seasonal sale of pumpkins outside of a building permitted?

A- The answer to both questions is affirmative.

The Zoning Administrator has determined that pumpkin sales is similar to “sale of Christmas Trees,” and is permitted under the same LAMC Section 12.22A4, subject to the provisions of that subsection, except that such sales shall be permitted only between October 15 and 31, inclusive.

The ZA determination is based on review of the custom/practice of the sale of pumpkins in conjunction with the enjoyment of the Halloween activities.

It is a basic precept of the Municipal Code that besides a main use, those activities normally customarily incidental are also by inference, likewise permitted. In this case, a storage facility as well as sales facility, both as described and restricted, supra, during the colder weather season are reasonable, customary and permitted.

(ZA 87-1100(I), clarification, 10-3-1991)

Section 12.22A17

Residential Vehicles Used as Temporary Shelter Where Dwelling is Destroyed. Conditions.

Q - The Zoning Code allows a Use of Land permit to be issued for a "Residential Vehicle" for temporary shelter when the existing dwelling on the same lot has been destroyed by a disaster. Please answer the following questions:

- a)What qualifies as a Disaster?
- b) When is a dwelling "destroyed"?
- c) What constitutes a Residential Vehicle?

d) Are there any structural requirements that need to be complied with before a Use of Land permit can be issued for the use of such vehicle?

A- a) A Disaster is defined in Section 12.03 as "Fire, flood, wind, earthquake or other calamity, act of God or the public enemy."

b) Destroyed, also defined in 12.03, is a building which is no longer "...habitable as determined by the Department...". This can be determined by the fire damage file, if available, inspector's notes or a field inspection.

c) Residential Vehicles, as defined in 12.03 include mobile homes or travel trailers which contain "...a minimum of 220 square feet excluding bath, closet and water closet areas...". See definition of Residential Vehicles in the code for other requirements. (Note that the definition of "Mobile home" in the code is not applicable to the provisions of 12.22A17. Instead the term "mobile home" as used above is meant to include recreational vehicles).

d) To answer the last question, there are no structural requirements such as tie downs or foundation for a residential vehicle used for temporary shelter and no Modification of Building Ordinance is required.

(Bldg. Bureau Chief 12-3-79)

Section 12.22A18 Developments Combining Residential and Commercial Uses. Buildable Area.

Q - What is the appropriate method of calculating the Buildable Area of a lot when determining the total permitted floor area of a building combining residential and commercial uses?

A- The definition of "Buildable Area" in Section 12.03 states as follows:

"...For the purpose of computing the height district limitations on total floor area in buildings of any height, the buildable area that would apply to a one story building on the lot shall be used.

Notwithstanding the above, in computing the height district limitations on total floor area for any development of residential dwelling units, or of both residential dwelling units and commercial uses, in the C2, C4 or C5 zones, buildable area shall have the same meaning as lot area."

As stated in the code, the buildable area for the C2, C4 and C5 zones is clear. (There are a number of exceptions, however, to the buildable area in the C2, C4 and C5 zones that are clearly stated in the code). For all other zones that permit developments combining residential and commercial uses where the first floor of such buildings at ground level (first story) is used for commercial purposes or access to the residential portions of such buildings, the Buildable Area calculation is the same as for a one story building used entirely for commercial purposes. Where the first story of the proposed development is used in whole or in part for residential uses, then the Buildable Area is computed excluding the area of the yards.

(Chief ZA letter 10-19-82)

Section 12.22A18(a) Application of Lot Area (Density) Requirements for Developments Combining Residential and Commercial Uses

Q - Section 12.22A18(a) allows "... any combination of R5 uses and the uses permitted in the underlying commercial zone..." in the CR, C1, C1.5, C2, C4, and C5 Zones within the area specified in this section. Does the phrase "R5 uses" as used therein refer to the lot area requirements (density) of the R5 zone or the underlying C zone?

A - Generally, the lot area requirements for the C zones, as mentioned in the section, refer to the lot area requirements of R4 or R3 Zones. However, this section for developments combining residential and commercial uses specifically allows R5 uses. One question related to density that arises is whether to apply R5 lot area requirements or R3 / R4 lot area requirements as referenced in the lot area requirements of C zones.

In the enforcement of this section, the Zoning Administrator has been determined that the lot area requirements of the R5 zone are to be applied to projects subject to this section. Although it is not explicitly stated in the section, the last sentence of the section implies applying area requirements of R5 zone, not R3 or R4 zone. This interpretation has been confirmed by the Office of Zoning Administrator who reviewed the original staff report for the ordinance.

(ZA / ZE joint memo 5-18-2000)

Section 12.22A23

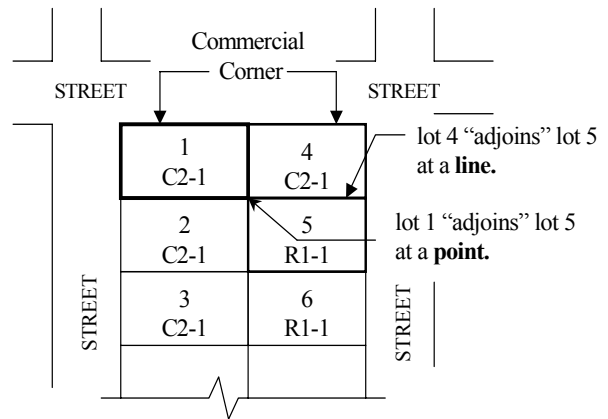
**Commercial Corner Development (“CCD”)-
Definition of “Adjoins”**

Q - L.A.M.C. § 12.03 defines Commercial Corner Development in part as a corner lot where, “...the lot line of which adjoins...a lot zoned A or R...” What is the interpretation of the word “adjoins,” in particular where the lot adjoins the A or R zoned lot at one point?

A - In consultation with the Chief Zoning Administrator, it is concluded that the word “adjoins” shall include lots that are abutting each other either along a line or specifically at a point (e.g. a corner).

Example:

Lots 1 and 4 are both considered CCDs.
As illustrated, lot 1 adjoins lot 5, an R zoned lot, at a point while lot 4 adjoins lot 5 at a line.



(Z.E. Memo 3-19-04)

Section 12.22A23

Commercial Corner/Mini-Shopping Center Development - Multi-zone or Permitted by Variance.

Q - This Section imposes restrictions on C or M-zoned Corner Lots in Height District 1, 1-L, 1-VL or 1-XL that adjoin or are separated only by an alley or are located across the street from an RA or R-zoned lot or improved with a single family dwelling and Mini Shopping Centers. Does this ordinance apply to multiple-zone lots (C and R zone for example)? Does it also apply to commercial uses permitted by variance on a lot that is not C or M-zoned?

A- It has long been the practice of the Zoning Administrator's office that regardless of the zones and lot lines which may exist on a property, if a site is developed in such a way as to be functionally integrated, it is looked upon as one development site. The intent of the City Council was to regulate commercially utilized and not just commercially zoned lots.

Therefore, this ordinance is applicable to multiple-zone lots and to lots where the commercial use is permitted by variance.

(ZA 88-0590 (ZAI))

Section 12.22A23

Mini Shopping Centers/Commercial Corner Development. Mixed Use (Commercial & Residential).

Q - If a building has a mixed use, namely commercial and residential uses, does the residential use constitute another business for the purpose of defining a mini-shopping center? How is the required parking determined?

A- No, the residential use does not constitute another business. However, projects which contain residential uses but otherwise meet the definition of a mini-shopping center are still considered mini-shopping centers.

Parking required for the residential portions of the mini-shopping center must be calculated per 12.21A4 requirements.

(Z.A. 89-0944(ZAI))

Section 12.22A23(a)(1) Mini-Shopping Centers/Commercial Corner Developments. Maximum height in Height District 1XL.

Q - This section specifies that a "...building or structure shall not exceed a maximum height of 45 feet." Does this supersede the height limitation of Height District 1XL?

A - No, where the mini-shopping center is in the 1XL Height District, a building or structure constructed on the site must not exceed 30 feet or two stories in height. Also, if a mini shopping center is within the specified distances to the RW-1 or more restrictive zone per 12.21.1A10 (Transitional Height); it must comply with the more restrictive provision.

(Z.A. 89-0944(ZAI))

Section 12.22A23(a)(6) Signs and Projections in Mini-Shopping Centers or Commercial Corner Developments

Q- What type of signs require a Conditional Use or Plan Approval required for newly proposed sign in existing Mini-Shopping Centers and Commercial Corner Developments?

A- All newly proposed signs as identified in 12.22A23(a)(6), which are as follows:

- pole signs
- projecting signs
- roof signs

shall require a Plan Approval or a Conditional Use (as appropriate) by the Department of City Planning. Monument signs and information signs do not require Conditional Use provided they are located only within the landscape-planted areas of the lot or lots.

This applies to both mini-shopping centers and commercial corner developments.

A Plan Approval is a formal discretionary action by the Zoning Administrator as described in Section 12.24M.

(Z.E. memo dated 10-13-00, ZA 2000-0581(A))

Section 12.22A23(c)2 Signs in Existing Mini-Shopping Centers and Corner Lot Developments.

Q - What is the applicable date to determine whether a Mini Shopping Center (MSC) or a Commercial Corner Lot Development (CCLD) is considered to be “existing”? Is Conditional Use authorization required to erect signs in existing mini-shopping centers or corner lot developments?

A - All newly proposed signs as identified in 12.22A23(a)(6), i.e. pole signs; projecting signs; roof signs; shall require a plan approval or a conditional use (as appropriate) by the Department of City Planning. This applies to both mini-shopping centers and commercial corner developments.

A plan approval is a formal discretionary action by the Zoning Administrator as described in Section 12.24M.

(ZA 00-0581(ZAI), Z. E. memo 11-13-00)

Section 12.22C1 Building Lines. Allowable Projections.

Q- Can the space between a Building Line (established per Sec 14.00) and the street line be occupied by any architectural projections permitted by 12.22C20?

A- Section 12.22C1 specifies that "...the space between such building or setback line and the front or side lot line may be used as the front or side yard required by this article".

However, Section 12.32R4 states that "...no person shall build or maintain any building, structure, wall, hedge, fence or other improvement within the space between the street line and the building line...".

Section 12.32R5 titled: "Exceptions--Nonconforming Buildings", specifies in part that "Any improvements or projection permitted in a front yard, or in a side yard adjoining a street by Section 12.22C20... may...be located...in the space between an established building line and an adjacent street line. Further a marquee may extend... 12 feet..."

It seems evident that the above exception is applied to the provisions of Section 14.02A pertaining to new construction and not just to nonconforming buildings as the title of the Section would indicate. Rightfully, the Department has historically interpreted the projections mentioned in 14.02B to be applicable to new buildings. A past Building Bureau Directive makes this policy clear based on the code effective in 1958. Section 14.02 has undergone some changes since that time but the fundamental idea did not change.

In summary, improvements and projections as specified in Section 14.02B1 are acceptable to be placed in the space between a Building Line and a street line.

(Z.E.I. 2-12-93, CAO 5-19-58, Bldg. Bur. Dir. No 58)

Section 12.22C4 Front Yard and Projecting Buildings subject to Highway Dedication.

Q - Can the provisions of this section allowing a reduced front yard be used for a proposed building on a lot subject to Highway Dedication?

A - Per section 12.37G, where the ultimate street line has been determined by the Highway Dedication Process, the depth of the front yard shall be measured to such ultimate lot line instead of the present front lot line. The buildings adjacent to the proposed apartment shown in Figure No. 51 are not technically Projecting Buildings. However, when measured to the ultimate lot line, they can be considered as Projecting Buildings (i.e. $10' < 15'$).

Therefore, the lot under consideration located between the ultimately Projecting Buildings may use this exception and will be permitted to observe a reduced front yard as shown.

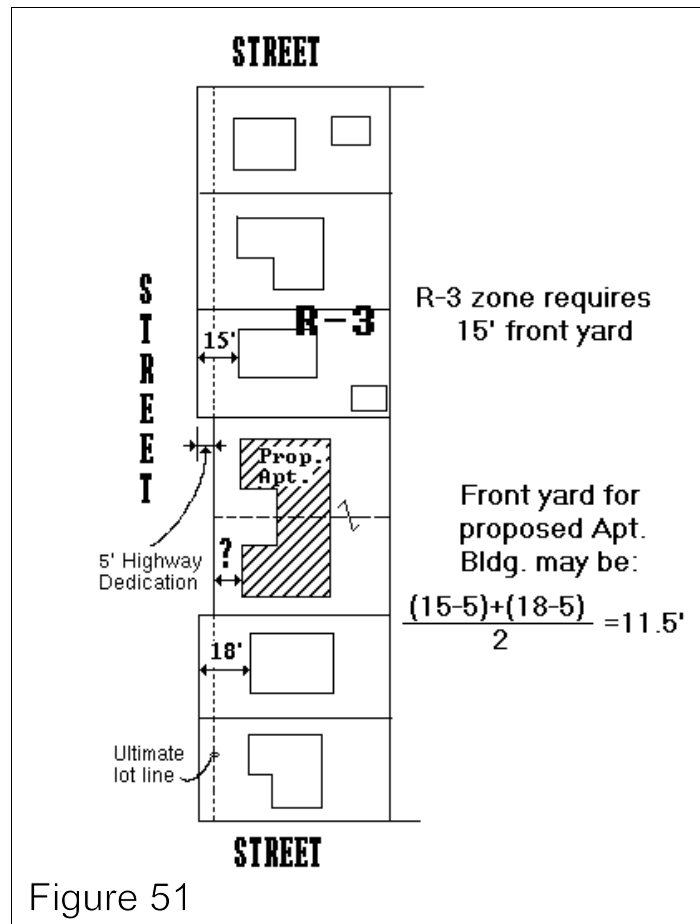


Figure 51

(Z.E. memo 2-93)

Section 12.22C4, C5 Front Yard. "Between Projecting Buildings" and "Adjoining a Projecting Building"

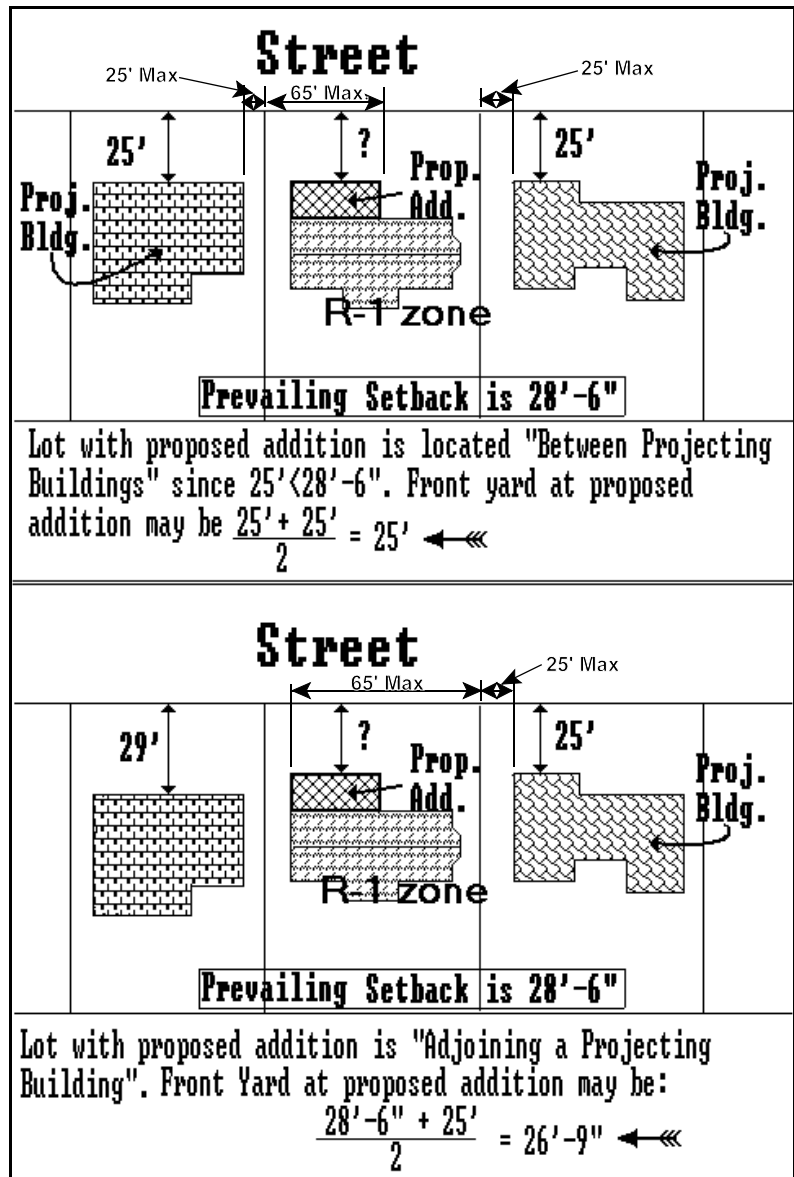
Q₁ - The Code allows a reduced front yard when a site adjoins a "Projecting Building" on one or both side lots if within 65' of the common property line. The Code further requires that the Projecting Building(s) that extend into the required setback be "so maintained since this Article became effective." Is this date assumed to be June 1, 1946?

A₁ - Not necessarily. The Article referred to in this Section is Article 2 of the Municipal Code (represented by the second digit of a Section number as in Section 12.03 for example). Existing buildings that do not meet the front yard requirement of the Zoning Ordinance presently, but which did at the time of their construction are bonafide Projecting Buildings. This could be the result of a zone change, or a change in the regulations.

Examples:

1- A vacant lot located in an R3-zoned block was rezoned to RD5 zone thereby increasing the front yard requirement for the subject lot from 15' to 20'. The proposed construction on the vacant lot may observe 15' FY if there are existing adjoining buildings observing 15' FY.

2- A vacant lot in an R3-zoned block is located between two adjoining legally existing buildings with 10' FY. Proposed construction may observe the reduced 10' FY if the existing adjoining buildings were built before December 24, 1969 when prevailing setback was permitted in the R3 zone.



In both cases, the projecting building(s) were located within 25' of common property line between lot in question and lot where existing projecting building(s) existed.

Q₂ - Provide illustration showing how front yard setback is determined for a lot located next to "Projecting Buildings" that are located within 25' of the common property line.

A₂ - Figure No. 52 shows how this section of the code is interpreted. Two situations are depicted. The upper part of the figure represents the case where subject lot is between projecting buildings. The lower part shows a lot adjoining a projecting building.

Note: Inasmuch as a key lot is specifically permitted a reduced front yard, a building located on a key lot cannot be considered as a Projecting Building.

(ZI 1058 or ZA letter 6-19-69, Code item)

Section 12.22C6 **Sloping Lot- Front yard.**

Q - This Section states that in a sloping lot ..."the front yard need not exceed 50% of that required in the zone". Can prevailing setback be used as the front yard "required in the zone" when figuring the required setback in a sloping lot?

A- It has been interpreted that this code Section refers to the arbitrary front yard required in each zone. For example, in the R1 zone, the front yard required is 20% of the depth of the lot not to exceed 20'. To determine the front yard using this Section the prevailing setback is not used.

In the above example, the largest front yard that could be required would be 50% of 20' (i.e. 10') provided there is no prevailing setback for the block. If, on the other hand, there is a prevailing setback along the subject block, the setback required cannot be reduced by virtue of a sloping lot condition.

(P.C. Chief memo 1-17-78)

Section 12.22C20 **Decks & Retaining Walls within required yards.**

Q - What are the regulations pertaining to sun decks when located within required yards?

A- Location of sun decks is not clearly addressed in the Code. Therefore, the Department has developed Information Bulletin P/ZC 2002-004 to address the location and height limits for attached and detached decks. A copy of this bulletin can be obtained on the LADBS web site at www.ladbs.org .

Section 12.22C20 **Permissible Projections between Building Lines and street lines.**

See 12.22C1 of this manual.

Section 12.22C20 Projections into yards -Department of Water and Power Electrical Transformers.

Q - Are above ground electrical transformers installed by the Department of Water and Power allowed to be placed within any required yard setbacks?

A - Yes, Section 12.22A2 specifies that the provisions of the zoning code may not be construed to interfere with the installation and maintenance for public utility purposes of structures such as electrical transmission and distribution lines and incidental appurtenances.

Section 17.05N describes incidental appurtenances as being equipment such as transformers, terminal boxes, and meter cabinets. However, the equipment allowed within the yard setbacks is only that which is installed by the Department of Water and Power or other public utility.

(C.A.O. 515)

Section 12.22C20(e) Built-up Grade Projections into Yards.

Q - Can a graded level building pad exceed 6 feet above the natural ground level if not located within the front, side or rear yard of a lot ?

A - Section 12.21C1(g) of the Planning and Zoning Code states that ‘Every required front, side and rear yard shall be open and unobstructed from the ground to the sky, except for those projections permitted by Sections 12.08.5, 12.09.5 and 12.22 of the Code.’

Section 12.22C20(e) allows a built-up grade to extend a maximum of 6 feet into any yard provided it is not more than 6 feet above the natural grade and the landing does not extend above the level of the first floor. However, when located outside of any required yards, the Zoning Administrator has concluded that there is no applicable Municipal Code section restricting the height of a building pad to 6 feet above the natural grade even when effectively raising the height of the roof of a building. If, however, retaining walls are used, then the height of the building is measured down to the original grade elevation. Similarly, when the project is subject to the Hillside Ordinance (i.e. Sec. 12.21A17.), the height must be measured from the original grade even if no retaining walls are used.

(ZA 89-1285(ZAI))

Section 12.22C20 (e),(f) Permissible Projections - Determination of Natural Grade Level.

Q - The permissible height of open porches, platforms etc. as well as fences is required to be measured from "natural grade level adjacent thereto". The question is : How is natural grade determined after large undeveloped areas are graded in conjunction with a Subdivision?

A - In a Subdivision where there has been general grading activities which changed the original contour of the land, the height of the structure should be measured from the finished ground level of the property after the general subdivision grading has occurred rather than the original ground level prior to such grading operations.

This interpretation, measuring height of these structures from the finish grade resulting from general grading, is valid for subdivisions of five acres or more.

Individual grading operations on one or few adjoining lots do not receive the same consideration and the height of the structures should be measured from natural grade or from the finish grade that resulted from the original subdivision grading operations if any.

In any event, where two or more contiguous lots are graded concurrently and the finish grade contours are altered along the common lot lines, the height of fences, walls or hedges may be measured from the finish grade.

(Z.A.I. 1412)

Section 12.22C20(f)

Raised Grade and Protective Guardrail in Front Yard.

Q - Can the guardrail required adjacent to a raised walk exceed the maximum height permitted for a fence in a front yard?

A - Raised grade for purposes of constructing a walk, driveway or a level area has been permitted by this Department in the front yard provided the height of the retaining wall including any guardrail does not exceed 42" as shown in Figure No. 61. (Also see "Section 12.22C20 Decks & Retaining Walls Within Required Yards" in this manual.)

Section 91.1712(a) of the Building code requires a guardrail where pedestrian access is allowed and when the walking surface is higher than 30" above adjacent grade.

(Bldg. Bur. Memo 49 of 10-21-70, Bldg. Bur. Directive 7-1-58)

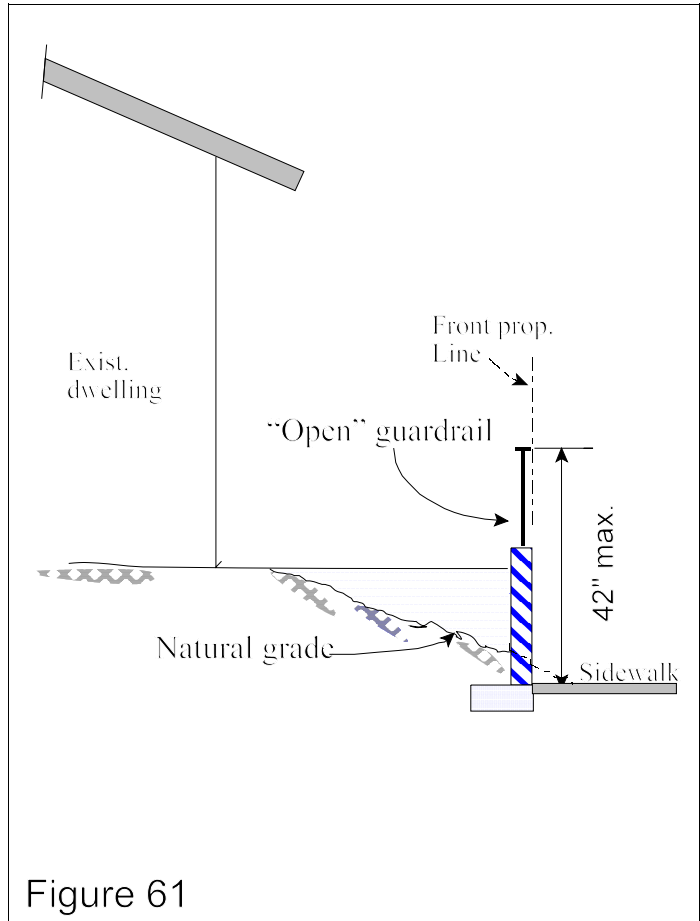


Figure 61

Section 12.22C20(f) Hedges or thick growths of shrubs or trees as Fences.

Q - What is considered as a hedge or thick growth of shrubs or trees as used in this Section when regulating maximum fence heights?

A - Landscape features such as trees, shrubs, flowers, or plants, are permitted in any required yard or open space provided they do not produce a "hedge-effect".

The Department, with the concurrence of the City Attorney, has interpreted for many years that trees of any height that have at least three feet of space between them and no branches below six feet, do not form a "hedge effect".

Such tree arrangement cannot be used in conjunction with any other feature that would obstruct the clear spacing between trees at the lower 6 feet.

(C.A.O. 3-7-78)

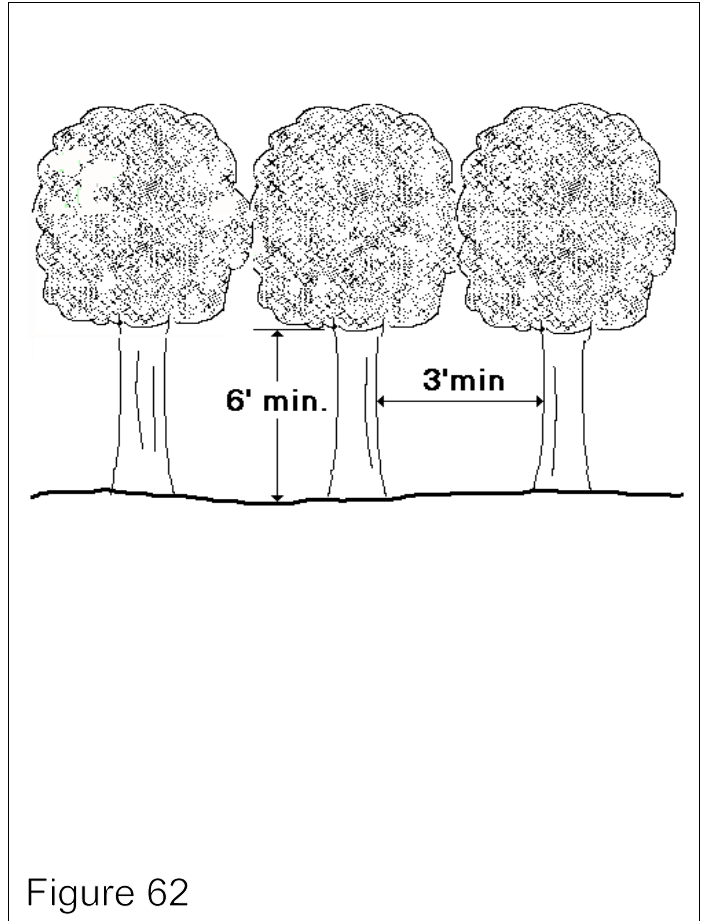


Figure 62

Section 12.22 C20(h) Construction of Breezeway/Patio Cover when Attached to Two Buildings.

Q - Under what conditions should the proposed breezeway/patio cover shown below be permitted in conjunction with residential buildings?

A -

Case 1: Breezeway width is up to 5 feet

Section 12.22 C20(h) permits a one-story breezeway (5' max. width) "extending from a main residential building to a private garage or other accessory building...[to] be erected and maintained in a required rear yard. Such passageway shall be located not less than five feet from all lot lines and shall be unenclosed." While the roof may be of open (trellis) or solid construction, these buildings are still considered to be separate buildings.

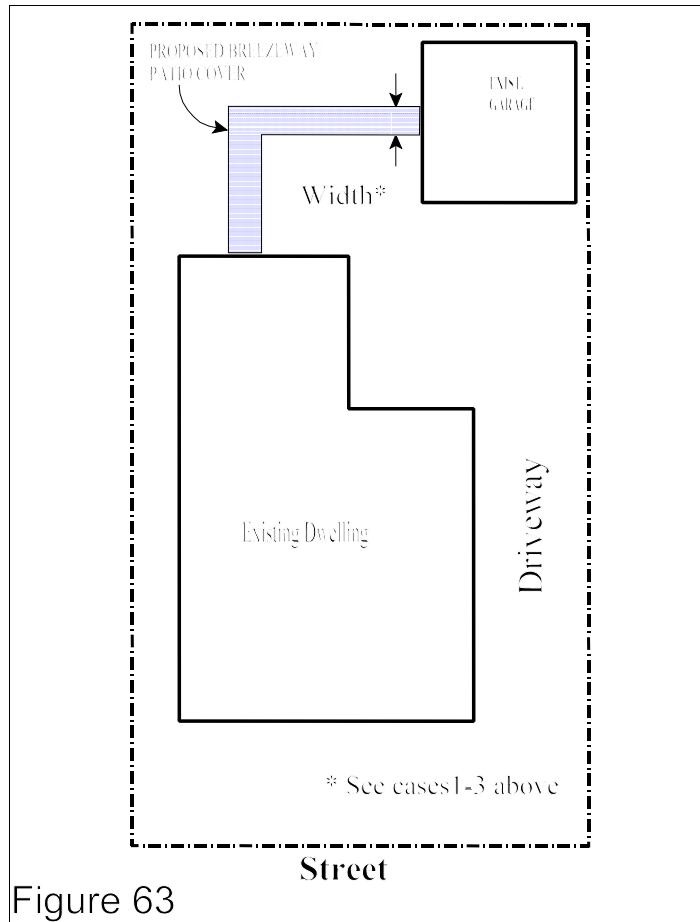
Case 2: Breezeway/patio cover width is more than 5' but less than 10'.

This type of structure is not permitted between two buildings, regardless of trellis or solid roof construction.

Case 3: Breezeway/patio cover width is 10 feet or more.

The Zoning Administrator and the City Attorney have interpreted parts of a building connected by a solid roof of no less than 10 feet in width (trellis permitted only for any portion in excess of 10 feet in width) to be "substantially connected;" therefore, all portions so connected are considered as one building. (See "Section 12.21C1(c) Connection of Buildings in a Substantial Manner" in this manual) In this case, the existing garage would be considered attached to the main dwelling and thus would need to observe yards setbacks as such.

(Z. E. memo 5-23-95)



Section 12.22C20(I) Unobstructed Access around a main residential building. Parking Permitted.

Q - By this Section, the code restricts projections into yards so as to maintain complete access around and in close proximity to main residential buildings and accessory living quarters. If a fence is provided, a 30" gate must be provided. Is open parking permitted to be located within this space?

A - The intent of this Section appears to be to limit the extent of projections from a building and to regulate the height and location of fences so that access around main residential buildings is maintained. The code language ("No architectural feature, fire escape, porch, balcony or other projection...") makes this clear.

It has been argued that this provision was placed in the code to facilitate firefighting. However, there is no such provision in the building code for residential nor commercial buildings. Additionally, Section 12.21A6(a) specifically permits parking areas to be located within required yards (except the front yard and side yard along the side street of a corner lot).

In conclusion, there is no language in the code that prevents location of open parking areas within the access space around main residential buildings and accessory living quarters. Open parking is permitted, of course, provided that the zone allows open parking.

(Z.E.I. 12-22-92)

Section 12.22C20(I) Unobstructed Access around a main Residential Building. Obstructions.

Q - What is the maximum vertical height permitted for a structure such as a raised platform when located within the required accessible path around a main residential building?

A - Vertical cuts or fills or raised structures such as planters, landings, decks etc. up to 24" are not assumed to restrict access. In cases where the 24" limit is exceeded, ramps or stairs must be provided.

Any naturally existing topographical condition, will be considered as accessible. However, should this area also be used as an exit, a conforming stair must be provided.

(Unsigned memo, ZEI 1-28-93)

Section 12.22C20(m) Height of fence required around tennis courts.

Q - The above code Section and ZAI 78-100 refer to a requirement of a fence "no higher than 10' above the court's surface" around tennis courts. Can this be interpreted to permit fences less than 10' high?

A - The 10' high standard was intended to be both the minimum and the maximum permitted height. A tennis or paddle tennis court with an enclosing fence of less than 10' in height is not permitted.

The reason for the requirement was to establish a height which would serve to prevent errant balls from exiting the site onto adjoining properties.

Such fence, however may be 12' high when the entire tennis or paddle tennis court is 25' or more from all property lines.

(ZAI 78-100 clarified 10-27-88 and 1-23-89)

Section 12.22C20(m) Location of tennis courts that are 6' high or higher.

Q - ZAI 78-100 specifies that any portion of a tennis or paddle tennis court which has a court surface 6 feet or more above the natural adjacent grade shall be located at least 50 feet from all property lines. Does this mean that the entire court must be 50' from P.L.'s even when only a portion of the court is 6' high?

A - No, only that portion of the court that has a surface 6 ft. or more above the natural adjacent grade must be at least 50 ft. from all property lines.

(ZAI 78-100 clarified 8-12-82)

Section 12.22C20(m) Tennis/ Paddle Tennis and Game Courts

Q - The Zoning Code specifies regulations on tennis courts. However, some lots include what can be termed as a “game court,” allowing other games with balls. Are these “Game Court” allowed? If so, what are the limitations.

A - Webster’s Dictionary defines “court” as “a quadrangular space walled or marked off for playing one of various games with a ball (as lawn tennis, handball, or basketball).” Such arrangements shall be hereafter referred to as “game court.”

Z.A.I. 78-100 lists the operational and construction standards for Tennis or Paddle Tennis courts.

Any “game court” which has features regulated by the Zoning Code such as high enclosing walls and/or conditions in the ZAI such as additional setback to property for raised deck above 6 feet, must comply with all the requirements and limitations listed.

This clarification is not to be construed as prohibiting mounting a basketball backboard in a backyard or over a garage door with or without the use of common residential security lights.

(Z.E. memo 10-30-97, ZAI 78-100)

Section 12.23A3 Nonconforming Buildings. Substantial additions and alterations.

Q - The Code has several provisions regulating additions and alterations to nonconforming buildings. How are these provisions interpreted and enforced when portions of a building are demolished during a remodeling project or in order to accommodate a new addition? Do these buildings maintain their "nonconforming rights"?

A - In order for a building to maintain nonconforming rights pertaining to yards, at least 25% of the replacement value of the building must remain and, the existing rooms located in portions of the required yards must remain. (i.e. walls and ceiling joist and/or rafters for these rooms must remain)

Similarly, in remodeling an existing building, nonconforming parking may be maintained for all floor area that remains during the remodel work. In order to be considered floor area, at least the floor/ceiling joist and/or the roof rafters over the floor area must remain.

In summary, once the horizontal member (ceiling joist, rafters, floor joist) over the subject floor area are removed, there are no remaining elements which define any floor area. If there is no floor area, there is no building and nonconforming rights are consequently lost.

(Bldg. Bureau Chief memo 12-3-91)

Section 12.23A3(a)3 Additions & Alterations to Residential Buildings in the A, R, and C zones.

Q - Clarify how a residential building can be non-conforming as to use or lot area regulations. Can these buildings be added to or altered in any manner?

A - A residential building is non-conforming as to use when it does not comply to the current requirements of subsection A of the applicable zone (labeled Use). For example a legally existing hotel in an R-3 zone lot is non-conforming as to use. A legally existing accessory living quarters in an R-1 lot of less than 10,000 sq. ft is also non-conforming as to use.

A residential building is non-conforming as to lot area requirements when it does not comply to the current requirements of subsection C (labeled Area) of the applicable zone. For example a legally existing apartment building in the RD1.5 zone with a unit-to-lot area ratio of 1:800 is non-conforming as to area (density) requirements.

A residential building non-conforming as to lot area regulations cannot be added to or enlarged in any manner. (Note however, that non-conforming yards are specifically considered in Section 12.23A3(c)). For example, the apartment building described above cannot be added to or enlarged.

A residential building in the A, R, or C zone non-conforming as to use may be added to or enlarged provided no additional dwelling units or guest rooms are created. Thusly, an acc. liv. qtrs. in an R-1 lot of less than 10,000 sq. ft. may be added to or enlarged (non-conforming as to use).

(Z.E.I. 1-20-93, Z.E. memo 1-3-92)

Section 12.23A3(c) Nonconforming Buildings: Addition to - Enlargements.

Q - Section 12.23A3(c) states that a nonconforming building nonconforming only as to the yard regulations, may not be added to or enlarged in any manner, unless the addition or enlargement conforms to all the regulations of the zone in which they are located.

Do the provisions contained in this section apply to projects subject to the hillside ordinance as well as the big house ordinance? Please provide examples.

A - The code provides that any addition or enlargement to a building with nonconforming yards may observe the same nonconforming yard provided the addition does not exceed the height (in feet) or length of the existing building. In no event shall the yard provided be less than 50% of that which is required by the zone.

Example 1. Existing two story building with proposed two story addition. What about a three story addition?

It is possible for a two story addition to an existing two story single family dwelling to observe the same nonconforming 3 ft. side yard as shown in the Figure No. 64. The height (in feet) and length of the addition cannot be greater than those of the existing building where it encroaches into the required yard. However, it is important to point out that if the proposed two story addition creates a Major Remodel-Hillside as defined in Section 12.03, then the provisions of the hillside ordinance require that the entire building comply with the required setbacks and therefore, the proposed addition would not be permitted.

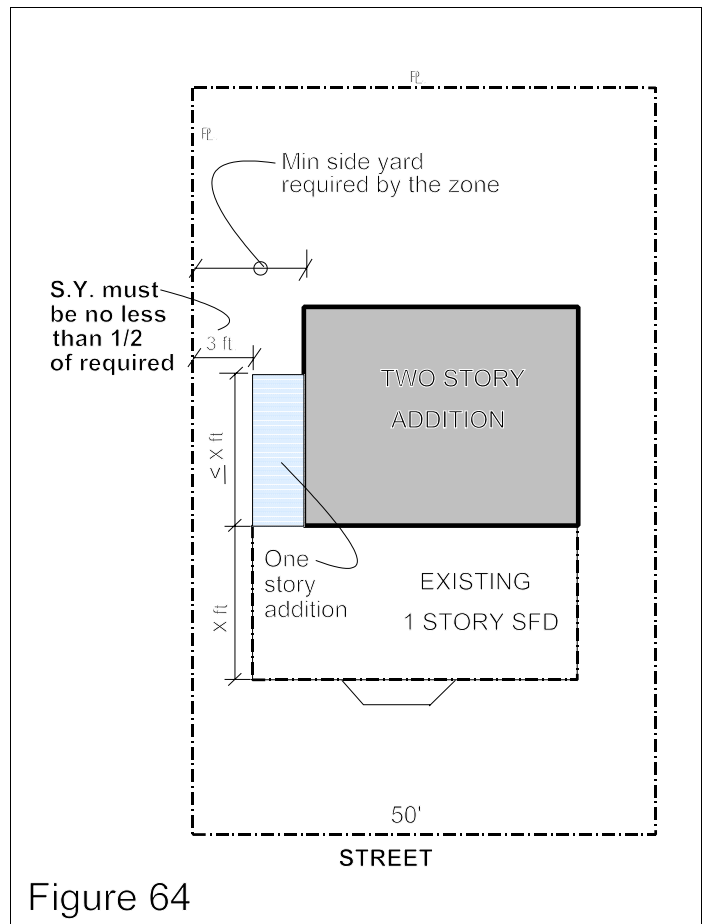


Figure 64

Since a 3-story single family dwelling would now require an additional 1 ft. of side yard, a 6 ft. minimum side yard would now be required for the entire single family dwelling.

The existing one story house has nonconforming rights to a 5' side yard and not to a 6' side yard and thus the exception cannot be used.

Example 2. Existing one story building with proposed first and second story additions.

Since the one and two story additions are defined as ground floor additions per the big house ordinance, the proposed addition must comply with the setback requirements of the big house ordinance. Assuming that the two story addition is more than 18' in height, a six foot side yard setback would be required for both the one and two story additions.

For projects subject to the Hillside Ordinance, the required setback applies to all additions. Therefore, assuming that the two story addition exceeds 18 feet in height, the one and two story additions would require a six foot side yard setback. Again, however, if the proposed additions create a Major Remodel-Hillside as defined in Section 12.03, then the provisions of the hillside ordinance require that the entire building comply with the required setbacks and therefore, the proposed addition would not be permitted.

Example 3. Existing one story building with proposed second story addition

For projects subject to the big house ordinance, the proposed 2nd story addition is not considered a ground floor addition since it does not expand the footprint of the building. Therefore the proposed addition may be constructed with a five foot side yard setback.

For projects subject to the hillside ordinance, the required setback would be dependant on the height of the dwelling. Assuming the addition would be greater than 18' but less than 28', the required setback would be 6 feet for the entire building.

(Training Officer memo 11-12-91, Z.E.memo dated 8-21-98)

Section 12.23A3(c)

Nonconforming Buildings - Enlargements.

Q- This Code Section allows additions and enlargements to buildings nonconforming as to yards provided that, among other conditions, such additions or enlargements do not exceed the height or length of the nonconforming portion of the building. This question is one about the term “enlargement” and whether raising the roof of a building without expanding its exterior perimeter such as increasing the roof pitch for the purpose of adding a mezzanine is an enlargement.

A - Webster’s defines the term as “to increase in bulk or extent”. Clearly, a neighbor adjacent to a building which is located in a required yard would be further impacted by the increase in bulk due to the raising of the roof of that portion of the nonconforming building which extends into the same required yard. Therefore, any enlargement of a building nonconforming as to yards is subject to the same limitation as additions. As such, the enlargement cannot exceed the height or length of that portion of the building which encroaches into a required yard and must be constructed so that the “visual bulk” of the enlargement is not greater than that of the existing nonconforming portion. See the illustrations where existing nonconforming buildings are added to or enlarged.

(Z. E. memo 7-16-96)

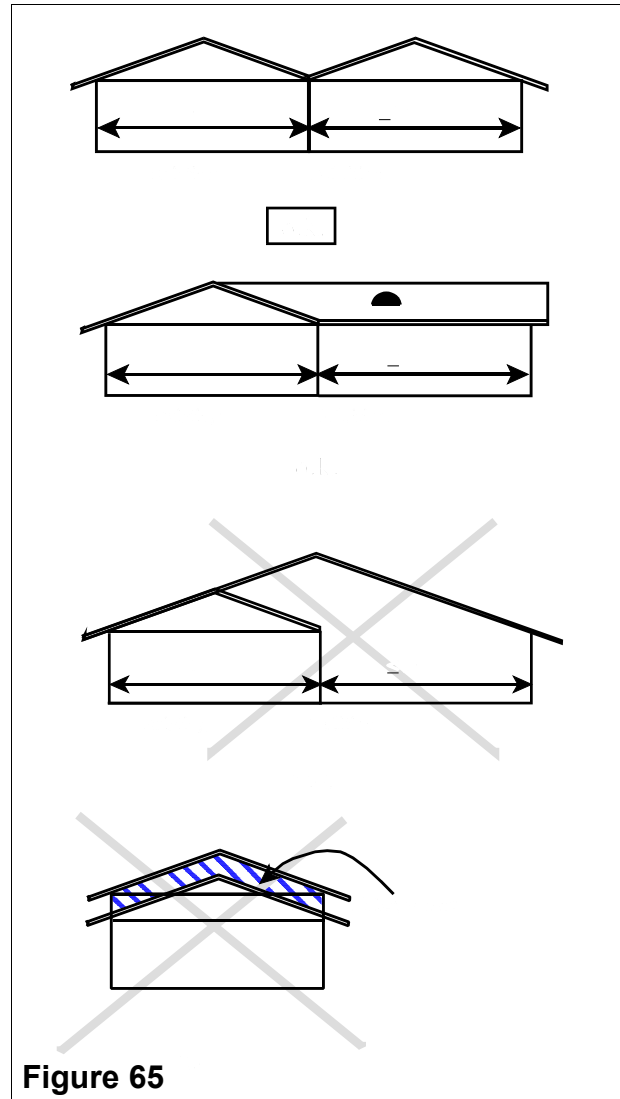


Figure 65

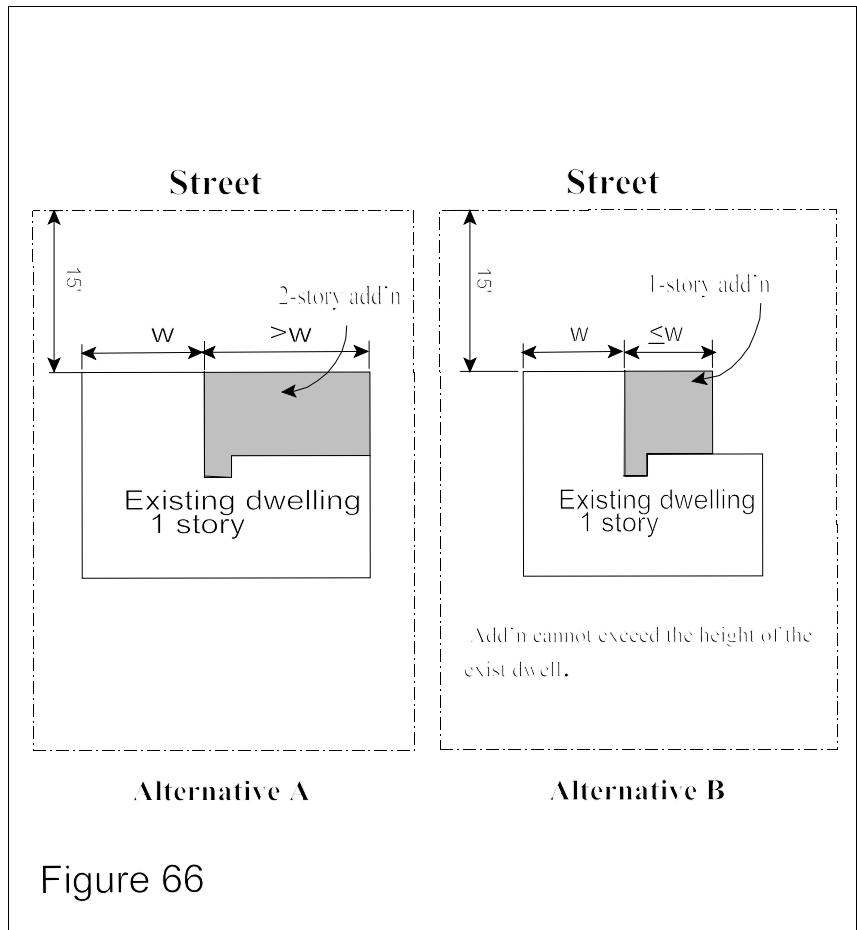
Section 12.23A3(c)

Addition to Existing SFD with Less than Prevailing Front Yard Setback.

Q - Is an addition to a residential building with an existing front yard of less than the prevailing setback limited to the same restrictions as a building nonconforming as to side or rear yards, that is, could the addition maintain the existing setback? Is the addition limited in height or in length? For example, if the prevailing setback along the block is 20', is the situation shown in Alternative A permitted by Code? Or must the addition conform with the limitations depicted in Alternative B?

A - Section 12.23A3(c) regulates additions to buildings nonconforming only as to yard requirements. The building in Alternative A is not nonconforming as to front yard requirements. The existing 15' setback is the required front yard setback for the lot, and may be used to establish the prevailing setback required for new construction on lots located along the same street frontage. Therefore, the addition shown in Alternative A is permitted and may exceed the height of the existing building so long as it complies with Sec. 12.21.1.

The exception is in the event that the original house was built when the lot was not governed by prevailing setback; either under a different zone or being subject to the Hillside street setback -ZAI 1270 or ZA -90-1439(ZAI). In those cases the existing setback is nonconforming, and the limitations of 12.23A 3 (c), as shown in Alternative B must be complied with.



This shall not be construed to allow a new building or an addition to be built closer than 5' to the street in Hillside areas.

(Z.E. memo 3-6-95)

Section 12.23A3(c) Nonconforming Yard Regulations - Ground Floor Additions.

Q - Are “Ground Floor Additions”, as such term is defined in Sec. 12.03 (as Addition, Ground Floor), eligible to use the nonconforming rights as to yard regulations as intended by the “Big House Ordinance”?

A - Yes, the Department has determined, in consultation with the Department of City Planning, that the provisions contained in Section 12.23A3(c) are applicable to ground floor additions that are subject to the provisions of the “Big House” ordinance.

(ZE memo 8-21-98)

Section 12.23A7 Replacement of Non-conforming Earthquake Hazardous Buildings.

Q - This Section permits the "replacement" of URM buildings with the same nonconforming height, number of stories, lot area, loading space or parking. Is the intent of this Section that the building be reconstructed with the same general configuration of the existing building?

A - The Zoning Administrator in his latest interpretation has clarified that the intent of this provision was to facilitate the replacement of earthquake hazardous buildings.

Therefore a replacement building may be constructed enjoying the nonconforming rights specified in this Section even if the building is not substantially the same as the building demolished. The new building may have less floor area, lower height or number of stories. It may also exceed those characteristics when compared with the original building provided code limits are not exceeded. If additional floor area is provided, nonconforming parking rights, for example, are preserved for the existing floor area, and only the added floor area must be provided with parking as required by present code.

(Chief Z.A. memo 8-23-91)

Section 12.24L

Automotive Repair Within 300' of A or R Zone - Change of Activity.

Q - Is a legally existing Automotive Repair business undergoing a change in activity (stereo installation to transmission shop or tune-up shop to body shop etc.,) subject to Conditional Use?

A - The answer to this question depends on the date that the business was established. Let's review the relevant code provisions. Per 12.24L an automotive repair business legally established prior to the establishment of the Conditional Use requirements (building permit issued prior to 2/9/89) is said to have "Deemed to be approved Conditional Use Status", provided that the business complies with the code conditions that authorized such use (zone requirements etc.). In addition, section 12.24P specifies that no conditional use may be changed to a different type of conditional use unless a new application for conditional use is filed and granted.

The question then becomes: Does a change in auto repair activity constitute a change to a different type of conditional use? The answer is no. The use is still "Automotive Repair" as listed in 12.24W4 and therefore no new conditional use is required. The new activity must continue to be carried out in conformity with all provisions applicable at the time the use was established.

The question can now be clarified to be whether or not a Deemed-to-be-Approved determination by the Department of City Planning is required.

The answer is: not necessarily. Newer auto repair uses established with permits issued after 2/9/89 must conform with the conditions of the Conditional Use permit that originally allowed the business. Plan check engineers must determine during plan check whether the new activity will observe the conditions in the Conditional Use approval and require a clearance sign off by City Planning on the permit application. Only those businesses that would violate any of the original conditions need to be referred to City Planning. Those that will continue to observe all the conditions imposed, shall be granted "deemed-to-be-approved status" by the plan check engineer.

(Z.E. memo 5-11-95)

Section 12.24L

Deemed to be Approved Site for Conditional Use.

Q - What constitutes a "Deemed to be Approved Site" for conditional use? When does an applicant need a Deemed to be Approved determination and approval from City Planning?

A - A "Deemed to be approved site" is a lot or portion which is lawfully being used for any of the uses enumerated in Section 12.24 where such uses are no longer permitted by right due to a zone change or an amendment to the Code.

Any time an existing Deemed to be Approved use is expanded or intensified, an approval from City Planning will be required. This should be in the form of a "Plan Approval" or a new conditional use action. In any case, a written approval and a permit sign off by City Planning is required prior to issuance of a building permit.

For example, an existing firearms dealer is applying for a permit to add 1000 square feet of floor area. Pursuant to Section 12.24P, a Plan Approval from City Planning shall be obtained and any conditions so stipulated shall be enforced.

Another example of a Deemed to be approved site occurs in the case where an existing auto repair (within 300 ft. of a R Zone) is expanding without adding floor area when it takes over an adjacent tenant space not currently used for auto repair. Although the project does not entail the addition of floor area, the "deemed to be approved" use is becoming more intensive and will require City Planning's review.

Planning approval will not be required when the scope of the project is for repair or cosmetic work (i.e. stucco, new restrooms, etc.) which does not add floor area or intensify the use.

(ZA Memo No. 65 2-17-87)

Section 12.24U5

Applicability of Section 12.24U5 of Los Angeles Municipal Code to Halfway House Work Furlough Facilities

Q - What is the appropriate process to follow when dealing with a proposal to establish a halfway house work furlough facility?

A - There are residential facilities wherein individuals who are still under sentence but upon leaving a formal correctional institution are allowed to reside and engage in a program under which they reside for a certain period of time in a facility which allows for sheltered reuniting into community life as a transitional experience.

As noted, the individuals are still under sentence and must live in the facility and be monitored even though they may leave the premises for work or under other allowable circumstances.

The Zoning Administrator's position has been and continues to be that such facilities are considered to be correctional institutions for the purpose of the zoning regulations and as such, a conditional use application pursuant to Section 12.24U5 of the LAMC must be followed.

(ZA memorandum No. 102, 8-07-97)

Section 12.24W4 Conditional Use For an Automotive Fueling and Service Station.

Q - When does a Gas Service Station need Conditional Use? What constitutes auto repair?

A - Recently, by Ordinance 169,130, new definitions for Automotive Repair and Automotive Fueling and Service Station were introduced. Such definitions can be found in Section 12.03.

Section 12.14A27 allows automotive repair shops by right in the C2 zone when located more than 300' from an RA or R zone or by Conditional Use when located 300' or less from such zones. The 300' separation requirement also applies in the M1, CM and C5 zones. M1 zone-lots and less restrictive zones (but not MR zones) are permitted to have automotive repair regardless of their proximity to RA or R zones.

Section 12.14A 6 allows Automotive Fueling and Service Stations in the C2 Zone by right. In order not to be subject to Cond. Use, an Automotive Fueling and Service Station must be limited to a fueling station where no auto repair is done except for incidental maintenance. If automotive repair is performed, it will then be subject to Conditional Use when located 300' or less from an RA or R zone lot.

Auto repair as defined in 9880.1 of the Business and Professions Code of the State of California is no longer used for purposes of Zoning Code enforcement.

(Z.E. memo 5-15-92, Z.E.I. 1-3-93)

Section 12.24W13, 49 **“Very Small Aperture Terminal (VSAT)” Transceiver Antennae and Terrestrial Microwave Antennae (TMA).**

Q- How does the recent introduction of very small aperture terminal (VSAT) antennae and Terrestrial microwave antennae (TMA) affect the zoning locations which govern the use of such antennae?

A- The Office of Zoning Administration has rendered an interpretation which permits the use of VSAT’s as an accessory use to the main use of a lot in a commercial or manufacturing zone. Further, TMA’s may, in some cases be permitted by right. This interpretation applies only to those antennae which meet the following criteria:

- 1) The diameter of any VSAT antenna shall not exceed 6 feet in diameter. Terrestrial microwave antennae shall not exceed 8 feet in diameter.
- 2) The power output of the associated with the antenna does not exceed 2 watts.
- 3) TMA’s may only be used in conjunction with a governmental agency’s facilities located on the site.

Such antennae will still be subject to the building height limitations of the zone in which the antennae are located.

(ZA Case No. 88-0466(R) of 4-4-88 & 3-22-90)

Section 12.24W42 **Indoor Swap Meet. Definition.**

Q - This Section requires discretionary approval for indoor swap meets. They are defined as a business within a building where new or secondhand merchandise is sold by ten or more vendors and a fee is charged either to the vendors or to the public. Does this apply to stores that give long term leases to vendors?

A - Retail sales under a written lease for a specific stall/space for a minimum period of one year where there is no fee or charge to patrons/shoppers in order to be able to enter the premises or shop is not considered to be an "Indoor swap meet" and it is not subject to discretionary approval by this code Section.

(ZA 90-1440(ZAI))

Section 12.24W43

Second Dwelling in Single-Family Zone

Q - Effective July 1, 2003, State Assembly Bill 1866 changed the State code, mandating that the creation of second units on parcels zoned for a primary single-family be considered ministerially without discretionary review or hearing. Under what conditions a Second Dwelling Unit permitted in a Single-family Zones without any discretionary approval?

A - Prior to the change in the State law, Section 12.24W43 of the Zoning Code allowed a second dwelling in a single-family zone subject to a Conditional Use by the Zoning Administrator. In compliance with the State law, the Conditional Use is no longer required in all cases. However, the following conditions are now required in order to allow a second dwelling units in a single family zones (i.e., A, RA, RE, RS, R1, RU, RZ, RMP or RW1 Zones) without any discretionary approval from the Department of City Planning. If any of the conditions is NOT complied with, the use is not permitted by right. In such cases, a variance, not a Conditional Use, would then be required.

(1) the second dwelling unit consists of a group of two or more rooms for living and sleeping purposes, one of which is a kitchen, and the second dwelling unit has a maximum floor area of 640 square feet; and

(2) the second dwelling unit is located on a lot having an area at least 50 percent larger than the minimum area required for a lot in the zone in which it is located, and in no event is the lot area less than 7,500 square feet; and

(3) the second dwelling unit meets the yard, lot coverage, passageway, and height requirements applicable to the zone in which it is located; and

(4) the primary dwelling unit and all other existing or proposed buildings meet the use, lot coverage, height, yard and other requirements applicable to the zone in which they are located; and

(5) at least one covered or uncovered off-street automobile parking space is provided for the second dwelling unit, in addition to the off-street automobile parking spaces required by Section 12.21A4(a) for the principal dwelling; and that such parking provided is in compliance with the parking facilities requirements as set forth in Section 12.21A5; and

(6) the second dwelling unit is combined with or is attached to a main building containing only one dwelling unit unless:

(a) The second dwelling unit results from the conversion of a legally established, detached accessory living quarters, servants' quarters, or guest house which had been issued a certificate of occupancy prior to July 1, 1983; or

b) The detached dwelling unit will be constructed in full compliance with setback, lot coverage, height and other requirements applicable to the zone; and

(7) not more than one entrance to the dwellings is visible from the street frontage(s) for each lot; and

(8) the second dwelling unit is not be located in a Hillside Area, as defined in Section 91.7003 of the Building Code, in an Equine keeping District, along a Scenic Highway designated in the General Plan (as determined by City Planning counter), or where the width of the adjacent street is below current standards as defined in Section 12.37H (as determined by the City Engineer); and

(9) no building nonconforming as to use is converted to a second dwelling unit.

(ZA memo, 6-23-03)

Section 12.24W49 Communication Receiving Facilities.

Q- The Code has specific Sections which regulate communication transmitting facilities which are not considered public utility/service uses or structures. However, some confusion has arisen in the proper application for allowing a receiving device since the code is silent on this type of facility. Are receiving facilities permitted in a C-Zoned lot? Where will they be first allowed by right?

A - The Zoning Administrator has determined that receiving devices, such as radio, television, microwave or other similar receivers, shall be considered similar to the perspective transmitting devices. Therefore a discretionary approval shall be the appropriate vehicle for allowing such a receiving facility in the C or MR zones or more restrictive.

Since such communication uses have been determined to be similar in the requirement for discretionary approval, it would be logical that they would be allowed by right in the same zones as their transmitting counterparts. Therefore, a receiving device, such as a radio receiving structure, shall be allowed by right in the M1, M2, and M3 Zones.

(Chief ZA Memo 3-23-88)

Section 12.26A2 Use regulations of Catering Trucks.

Q - Are there any regulations regarding the use of catering trucks in the City of Los Angeles for ambulatory sales of food products?

A - The Zoning Code does not specifically refer to the use of these catering trucks. Typically, these vehicles are used to visit commercial sites and sell their goods to the employees that work at those sites. These visits generally coincide with the employees break times or lunch periods and are of a short duration.

The Building Code, by 91.7208 allows the use of "Industrial Catering Trucks" (I.C.T.) in Fire Districts #1 and #2. An I.C.T. is defined in the Building Code as a motor vehicle used to sell ready-to-eat food and beverages that have been prepared elsewhere not within the vehicle in an approved establishment. Persons selling out of these vehicles are referred to as "Hawkers" in the County of Los Angeles Public Health Code.

The Department's policy regarding Catering trucks is as follows:

- a) Sales conducted out of any catering truck parked on a public way are not regulated by this Department.
- b) Sales on private property from a catering truck equipped to prepare food are not permitted. Such activity (cooking and/or food preparation) must be conducted within a building. Health code refers to these vehicles as "itinerant restaurants".
- c) Sales on private property of packaged food and drink items from an I.C.T. are permitted with the following conditions:
 - 1) Only ready-to-eat food and beverages which have been prepared at an approved location not within the I.C.T. may be dispensed and sold.
 - 2) Use must be accessory (or customarily incidental) to an approved building or use on the lot. Therefore, sales must be intended only for the occupants of the existing building and/or use on the lot.
 - 3) Sales may be conducted on lots of any zone where construction pursuant to a valid building permit is in progress or on any other commercial or industrial zone lot. Sales from vacant lots are not permitted.
 - 4) Length of stay at a particular site must be of short duration and only as long as necessary to serve the occupants of the building on the lot where the I.C.T. is parked. Time of stay cannot extend so as to encourage sales to customers not connected with the building or use that is on the lot. During the time of stay, I.C.T. operator must maintain the premises in a clean and orderly condition.

In any case, an ICT must be moved to another location at least 500 ft. away measured in a straight line within each one hour period.

(Z.E. memo 9-2-93)

Section 12.26B **Yard Area Modifications.**

This Section specifies in part: "...slight modifications from the yard requirements shall be limited to deviations permitting portions of buildings to extend into a required yard or other open space a distance of not to exceed 20 percent of the width or depth of such required yard or other open space. However, for structures and additions existing prior to January 1, 1995, slight modifications may be granted for yard deviations slightly over 20 percent." The following questions deal with the interpretation of this provision.

Q₁ - Is this restriction interpreted to apply to passageways and spaces between buildings in addition to yards?

A₁ - Yes, the language in the Ordinance: "a required yard or other open space", is intended to include passageways and required open space between buildings. Therefore any requests to deviate more than 20% of the required distance must be referred to City Planning. The

Department of Building and Safety, may consider requests for slightly over 20% of the required yard or open space dimension if construction was existing prior to January 1, 1995.

Q₂ - Can the Department of Building and Safety consider a modification for an over height fence if such fence existed prior to January 1, 1995?

A₂ - No, after January 1, 1995, neither the Department staff nor the Board may consider requests for over-height fences. All requests for over-height fences must be referred to the Department of City Planning for consideration.

(Z.E. memo 1-5-95) (Information Bulletin No. P/ZC 2002-005)

Section 12.26 E2 Conducting a “Use of Land” Type of Business on a Lot Without a Building.

Q - Can a “Use of Land” be conducted on a lot without the benefit of a building on that lot?

A - Certain uses such as public parking lots often have no employees and the business involves minimal transactions and therefore they are which has historically been permitted to occur in the open in all C and M zones without a building. Other uses, such as auto sales in C Zones or auto dismantling yards in M Zones typically have several employees and the business entails a more complicated transactions which involve paper work and records. It is not legal to do business from a trailer, storage container, junk car, bus, or similar vehicle. This then dictates that a permanent building be required to function as an office or place of business in conjunction with most uses. If however, an applicant wishes to conduct the necessary financial transactions in the open, such activity is only permitted in the M2 or M3 Zones. Whenever issuing a use of land permit for an open type business, we should be cognizant of the fact that, practically speaking, an office building is essential to the main business and advise the applicant that a separate permit would be required for such office building.

In summary:

1. A parking lot in any zone does not require an office building.
2. Car sales, auto dismantling yards and other similar uses require an office building in all zones except in the M2 and M3 Zones where such activities may be carried out in the open.
3. Sanitary facilities are required per LADBS Information Bulletin P/BC 2002-95

(Z. E. Memo 5-19-94)

Section 12.26 E2

Conducting a “Use of Land” Business on More Than One Lot.

Q - Can one “Use of Land Permit” be issued over more than one lot without the benefit of a lot tie affidavit?

A - Use of Land permits such as junk yards, automobile sales, parking, and the like are not restricted to just one lot even if the lots involved are owned by separate individuals. Depending on the layout and physical nature of the lots involved, one Use of Land permit may be sufficient to cover all sites, or it may be necessary to have a separate Use of Land permit for each lot. For instance, a used car sales lot is proposed on a certain Lot 1. Adjacent to Lot 1 is Lot 2 which is vacant and owned by another individual. One Use of Land permit describing both lots could be obtained for the used car sales use on both lots. However, if there were other uses and/or buildings on Lot 2, a separate permit for used car sales should be issued for that portion of Lot 2 which will have the used car sales use.

A separate Use of Land permit would ensure that any requirements of existing uses on Lot 2, such as parking, landscaping, fencing, etc. are properly maintained independently of Lot 1. In this case, the car sales portion on Lot 2 must comply with code independently of Lot 1 (fences, landscaping, etc.).

Since the lots are owned by separate individuals, a lot tie cannot be performed unless the two owners became partners and changed the grant deeds to reflect such partnership. Note that an applicant who pulls a permit for another owner’s site does so under the premise that it is with the owner’s knowledge and consent.

(Z. E. Memo 3-15-94)

Section 12.32G2, 12.32G3 (Q) and [Q] classifications.

Q - What are the differences between (Q) and [Q] qualified zone prefix designation? (e.g. (Q)RD3-1 or [Q]RD3-1)

A - Qualified classifications, (Q) or [Q], are used in conjunction with a zone change. (Q) classification indicates that site development must be completed within a limited period of time. If no development occurs within 6 years or the development is not continuously carried out to its completion, the Director of Planning has the authority to nullify the zone change and the property would revert back to the previous zone.

[Q] classification, on the other hand, is permanent. There is no time limit for construction of projects on the property.

While in a temporary (Q) or permanent [Q] classification, the property may also be used for any of the uses permitted by the zone existing prior to the qualified classification provided that such use is permitted by the new zone.

Upon development of the property and after the Certificate of Occupancy is issued, the parenthesis are removed and brackets will be added to indicate that the conditions are permanent (e.g. [Q]RD3-1).

Upon issuance of a C. of O. for new buildings on property classified (Q) or [Q], inspectors must notify City Planning.

(Code item, Z.E. memo 3-3-93)

Section 12.32R **Building Lines. Improvements and Projections permitted.**

See Section 12.22C1 of this manual.

Section 12.32R5(c) **Subsurface Improvements Beyond a Building Line.**

Q- Can a property be improved beyond an established building line if all of the improvements will be located below grade?

A - The purpose of Building Line setbacks is to provide additional open space for light and ventilation, to lessen fire danger, to provide sufficient open spaces for public and private transportation, to protect and implement the "Highways and Freeways element of the General Plan" etc..

Since the majority of these reasons deal with above-grade construction, Section 12.32R5(c) exempts construction below the natural or finish grade of a lot whichever is lower from the provisions of this article.

To assure that proposed below-grade construction does not conflict with the Highways and Freeways element of the General plan, such construction must obtain Highway Dedication clearance from the Department of Public Works prior to issuance of a permit.

(Code Item, Information Bulletin P/ZC 2002-006, C.A.O. 427X)

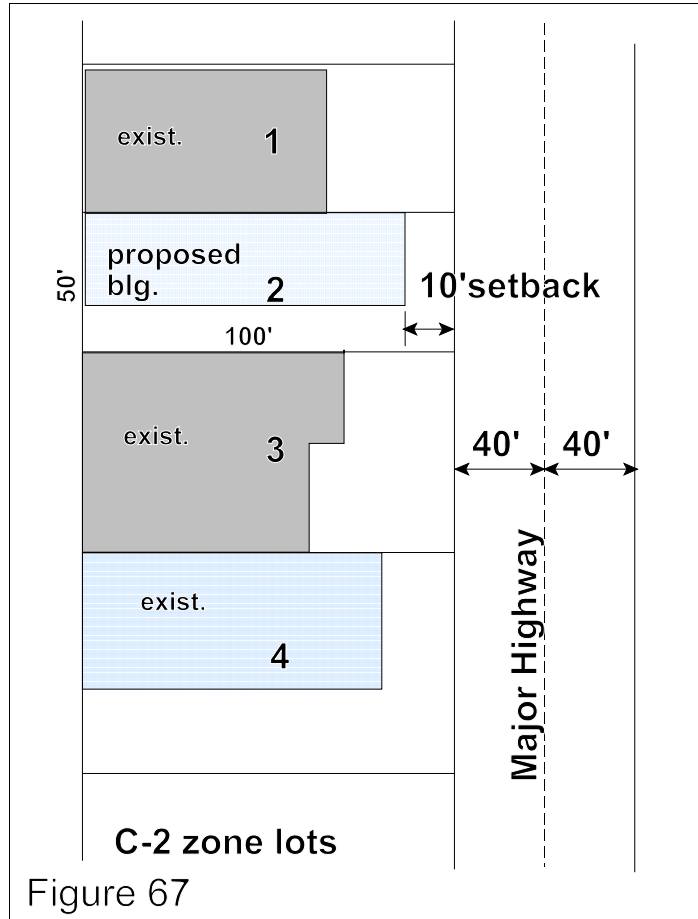
Section 12.37A

Highway and Collector Street Dedication and Improvement - Substandard Lots.

Q - Section 12.37A specifies that no building or structure shall be constructed or enlarged on any R3 or less restrictively zoned lot or on any lot in the RD1.5, RD2 or RD3 zone fronting on a major (104') or secondary (90') highway or collector street unless one half of the street has been dedicated and improved to meet standards prescribed in Section 12.37H. Section 12.37A1 further specifies that the dedication cannot exceed 25% of the area of the lot and cannot reduce the width of a lot to less than 50 ft. or area less than 5000 sq. ft..

A question comes up due to provisions in 12.37A4 which say that no building or structure shall be constructed within the dedication required by Subsection H. Can the City prohibit construction on a lot that is subject to dedication per 12.37H even when said lot is exempt due to the minimum width and lot area qualifications of Section 12.37A1?

A - The language of 12.37A4 has the effect of creating a building line setback for those lots where dedication is not required due to lot width and area constraints. This Section states that "No building or structure shall be erected...within the dedication required by Subsection H of this Section.". Since such lots are subject to dedication required by Subsection H, construction within the dedication area is not permitted even if dedication cannot actually take effect due to the reduced width and/or area of the lot.



The above limitation does not apply to single family dwellings and accessory structures when constructed on a vacant lot, additions and accessory buildings for residential buildings that do not create additional units, and commercial additions of 500 sq. ft. or less as specified

in 12.37B. In Figure No. 67, a commercial building is proposed on a lot that currently has an area of 5,000 sq. ft.. The lot fronts on a major highway with a dedicated width of only 80 ft.

Per 12.37A1, no dedication is required since any dedication will reduce the area of the lot to less than 5000 sq. ft.. However, per Section 12.37H, 12 ft. would be required to be dedicated in order to provide a highway half width of 52 ft. (104 ft. is the required width for a major highway). Therefore, per Section 12.37A4, the proposed building cannot be constructed within the front 12 ft. even though the Department of Public Works cannot actually require that the dedication be carried out.

(C.A.O. 537)

Section 12.37G

Lots affected by Street Widening. Timing of dedication and effect on Residential Density Calculations.

Q - This Code Section allows the area of a lot as it existed prior to any street dedication pursuant to Section 12.37 (Commonly known as the R3 ordinance), to be used when calculating density.

In the case where a piece of property has been previously subdivided and dedications were made either as part of the subdivision or possibly as part of the proceedings for a building permit for a building that was never constructed, or as part of zone variance, zone change or conditional use, is a new project entitled to density based on the area of the lot prior to such dedication?

A - The Chief Zoning Administrator has determined that land use entitlements should be determined on the basis of the original lot area at least until such time as the street is physically widened. Section 12.37G reads as follows , "In applying all other provisions of this article, the area of such lot shall be considered as that which existed immediately prior to such required street widening."

Additionally, because tract and parcel maps are governed by Article 7, Division of Land, Section 12.37-G is not applicable, and land use entitlements are properly determined on the basis of the area of the lot subsequent to highway dedication.

Consequently, area of dedications in conjunction with old subdivisions cannot use the area of the dedicated street when calculating the maximum number of units permitted on the lot. However, if new development takes places on a lot with an existing, recorded dedication, or on lots with old permits where the building was never constructed, land use entitlements shall be based on the original and not the ultimate lot lines until the street is physically widened. LADBS will assume that all existing dedications have been improved unless clearance is obtained from the Department of Public Works indicating that the improvements have not taken pace. Once such clearance is obtained then LADBS will determine the lot area based on the original lot lines.

(ZA Memorandum 104)

Section 12.37G

Lots affected by Street Widening. Future Streets effect on Buildable Area and Yards for C and M zones.

See Section 12.03 Buildable Area definition in this manual.

Section 12.37G

Appropriate Lot Area of Lots Affected by Street Widening

Q - In reference to lots affected by street widening for RD1.5, RD2, RD3 or R3 or less restrictive zones, the last paragraph of Section 12.37G reads as follows:

"In applying all other provisions of this article, the area of such lot shall be considered as that which existed immediately prior to such required street widening."

What is the appropriate area of the lot to use in determining maximum permitted Floor Area Ratio (FAR) and residential density?

A - The reference to "this article" in the section restricts the application of Section 12.37G to any provision contained in Article 2 of the Municipal Code, namely zone changes, conditional uses, and variance, as well as the issuance of building permits. Therefore, the land use entitlements are properly determined on the basis of the area of the lot prior to highway dedication.

Because tract and parcel maps are governed by Article 7, Division of Land, Section 12.37-G is not applicable, and land use entitlements are properly determined on the basis of the area of the lot subsequent to highway dedication.

(Z A Memo No. 104, 2-13-1998)

Section 12.70B8

Massage Parlor - Definition.

Q - This section defines Massage Parlor as "An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner..." Are "stress reduction massages" performed open to full public view classified as a "Massage Parlor" and thereby subject to Adult Entertainment Business conditions?

A - These types of massages are generally given in a shopping center or in conventions and in full view of the public. The massage is concentrated on the head, shoulder, back, arms and

hands. Further, the body remains completely clothed during the activity and there is no use of oils or lotions nor does it involve the wearing of scanty, transparent or other alluring clothing.

When performed as indicated above, these “stress reduction massages” are not considered to be Massage Parlors subject to Adult Entertainment regulations and may be permitted in any zone where a barber shop or beauty shop is permitted.

(ZA 96-0473(ZAI))

Section 12.70B12 Sexual Encounter Establishments. Floor Plan Layout.

Q - What constitutes a sexual encounter establishment?

A - The Department was advised by the City Attorney that a business may be considered a sexual encounter establishment (S.E.E.) if its operation allows, permits, or condones either tacitly or explicitly specified sexual activity to occur. This may be fostered by mechanical devices, lighting, or interior design.

Bath houses, health spas, athletic clubs or other similar uses may be considered as a "Bath**" (see definition below). These establishments, with an architectural arrangement that provides for several rooms and private areas may be considered an S.E.E.. In these cases, questions must be asked to insure that the layout and expected operation is more appropriate for the specified use rather than that of an S.E.E..

In addition, the following conditions may be imposed where appropriate:

- 1- Floor plan to designate room uses and furniture layout and description of business operation to be specified.
- 2- Signs posted indicating that management inspections will be conducted and minimum clothing required at all time.
- 3- No lockable doors on cubicles or bathing rooms.
- 4- Partitions inside cubicles not to extend from floor to ceiling.
- 5- Sufficient lighting provided at all times to enable management to conduct inspections.

A Notarized recorded Maintenance of Building Affidavit signed by the owner of the building agreeing to comply with the above conditions may be required by the Department. Determination must be reviewed by a supervisor.

** 103.205.2 of the Municipal Code defines "Bath" as an activity of providing facilities for: steam baths; electric light bath; electric tub baths; shower baths; sponge bath; sun bath; mineral bath; Russian, Swedish, Turkish bath, public bathing, which has in connection therewith, a steam room, dry room, plunge, shower bath, or sleeping accommodations, or any other type bath for treating the human body.

(Bldg. Bur. Chief 1-6-82)

Section 12.70C Adult Entertainment Businesses (A.E.B.'s). Where permitted.

Q - In which zones and under what circumstances are A.E.B.'s permitted?

A - Section 12.70B17 defines A.E.B.'s as: "... Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Massage Parlor or Sexual Encounter Establishment...". These types of businesses are further defined in Section 12.70B.

Massage Parlors and Sexual Encounter Establishments are not permitted by right in any zone. Section 12.24W18(c) allows the Zoning Administrator to consider Massage Parlors and Sexual Encounter Establishments under Conditional Use proceedings.

All other A.E.B.'s are permitted in the C2, C5, CM, M1, M2 and M3 provided:

- a) they are not within 1000 ft. of any other A.E.B..
- b) they are not within 500 ft. of an A or R zone.
- c) they are not within 500 ft. of any religious institution, school or public park. (Public Park includes any playground, swimming pool, beach, pier, reservoir, golf course or athletic field under the control of the City Department of Recreation and Parks or the County Department of Beaches.
- d) No more than one A.E.B. can exist in the same building.

Each type of A.E.B. constitutes a separate business even if operated in conjunction with another A.E.B. at the same establishment. For example an Adult Cabaret with an Adult Arcade

in the same establishment constitute two separate A.E.B.'s. See 12.70B for definitions of the different types of A.E.B.'s.

Section 12.22A20 provides exceptions to 12.70C and permits the Zoning Administrator to Conditionally approve those A.E.B.'s meeting the specified criteria.

(Code item)

Section 16.03 **Restoration of Damaged Buildings when Area is Declared a Disaster Area by Governor.**

Q - Under what circumstances can a building be reconstructed while maintaining its previously existing non-conforming rights due to a Governor-declared disaster?

A - A building that is nonconforming to any requirement of the Zoning Code, Specific Plan, ICO, IPRO, Site Plan Review or Conditional Use may be repaired or reconstructed with the same nonconforming characteristics as the original building regardless of the extent of the damage with the following conditions and exceptions:

- a) Work must commence within two years from date of damage.
- b) Work must be completed within two years of obtaining a permit for reconstruction.
- c) In the event of reconstruction, the footing may not encroach into any areas needed for street dedication as determined by City Planning upon recommendation by Public Works.
- d) Work subject to the South Central Alcoholic Beverage Specific Plan, (ZI 1231) must comply with those requirements. Other repair or reconstruction work is exempt from any other ICO, IPRO, or Specific Plan.
- e) Work in buildings subject to the Hillside Ordinance need only comply with paragraphs 12.21A17(d) and (e) regarding Fire Protection and Street Access respectively.
- f) Work in designated Historical buildings or work within HPOZ areas must comply with applicable requirements and clearances.
- g) Extent of demolition work within a building must be limited to only that portion damaged by the disaster that needs reconstruction. Undamaged portions or the entire building may be demolished and rebuilt to its nonconforming status only when:

- 1) Structural strength and stability of building has been appreciably reduced as determined by Building and Safety, and,
- 2) The cost of repair exceeds 50 % of the replacement cost of the building, not including the value of the foundation.

Any demolition permits issued pursuant to this provision must clearly state that "Building damage due to earthquake(or flood, fire, etc) exceeds 50% of its replacement value (excl. foundation). Nonconforming rights are maintained per Sec. 16.03A."

- h) Commercial buildings in residential zones are subject to removal within the time limits specified in 12.23A6 and 12.23B1. This ordinance does not extend the time periods.
- i) Conditional Uses must go through the Zoning Administrator approval process per 12.24 except that the following uses are exempt provided the buildings containing such uses are rebuilt as they originally existed with the same footprint and height:

Airports, Correctional Institutions, Educational institutions, Governmental enterprises(libraries, museums, fire and police stations etc.), Piers, jetties, man-made islands and floating installations, Public Utilities and public service uses and structures, Elementary or High Schools, Electric power generating sites, OS Open Space uses, Child care or nursery facilities, Churches and Hospitals or sanitariums.

The following Conditional Uses are not exempt and must fully comply with all current applicable provisions: Establishments dispensing alcoholic beverages, swap meets, gun shops, pawnshops and automotive repair establishments.

Minor repair work does not need to be referred to the Z.A.'s office. Any repair or reconstruction work that involves demolition and/or replacement of a building's roofed areas must be sent for Plan Approval clearance in accordance with Section 12.24M.

- j) Buildings in the Coastal Zone may be repaired without a coastal permit provided a clearance for construction in the coastal zone is obtained from the Department of City Planning.

(Z.E. memo 3-3-94, Code item)

Section 16.05C

Site Plan Review Implementation.

Q - Are projects of 50,000 sq. ft. or less subject to a Site Plan Review?

A - By this Section, established by Ordinance 166,127 and amended by Ordinance 172,489, the only projects less than 50,000 sq. ft. that are subject to Site Plan Review are those identified in Section 16.05C1(c) and 16.05C1(d). These sections are for changes of use that result in a net increase of either 500 or 1000 or more average daily vehicle trips as determined by the Department of Transportation.

(Code Item)

Section 16.05C

Exemption from Site Plan Review for Condominiums.

Q - Site Plan provisions require that any development of 50 or more dwelling units or guest rooms or any combination thereof obtain Site Plan Review approval. Is such an action required for a condominium or apartment project which has received Tentative approval as a condominium by the Advisory Agency?

A - No. The Director of Planning has determined that a separate Site Plan Review is not necessary for a condominium project since the Department of City Planning has already made a prior discretionary action on the project which has taken into account the impact the project will have on the environment.

For apartment projects that have been tentatively approved for condominiums but the applicant is requesting a permit as apartments, Site Plan Review will not be required when all of the following conditions are met:

1. All the mitigated environmental measures are complied with.
2. City Planning's Site Plan Unit approval prior to the issuance of the permit is obtained. Certificate of Occupancy cannot be issued if the conditions of approval are not met.
3. All conditions resulting from any necessary Design Review Board action filed through the Department of City Planning are complied with.
4. A covenant approved by City Planning agreeing to comply to the above has been recorded by the applicant. Covenant must then be attached to the plans.

(D.O.P Memo 3-5-91)

Section 17.05C, 17.05H **Division of Land. One-Lot Subdivisions of Substandard Lots for Condominium purposes.**

Q - These Sections require new tentative subdivision maps to comply with the applicable zoning requirements and to comply with the minimum lot width and area required by the zone of the property. How are these requirements applied when the proposed subdivision involves one lot of substandard width and/or area that is legally nonconforming?

A - The above code Sections refer to subdivisions of land that create lots or relocate property lines. A condominium subdivision allows individual ownership of a unit or air rights but does not rearrange property lines nor create new lots. A legal residential lot nonconforming as to width or area will retain its nonconforming rights and may be developed as per Section 12.23E. Other requirements such as density, parking, and open space must be addressed.

Apartment buildings nonconforming as to density that are converted to Condominium and are also nonconforming as to parking or area/height regulations will require discretionary action by City Planning prior to recordation of map.

This interpretation applies when the existing boundary lot lines are not changed. If Highway Dedication is required further reducing the area of the lot, a variance will be required prior to recordation of the map.

(ZAI 93-0228)

Section 17.50B3 **Parcel Map Exemptions. Conditions of approval.**

Q - Since Parcel Map Exemptions are not recorded with the County Recorder's office (as required for Tract Maps and Parcel Maps), how can it be verified that all conditions for approval have been met and that all Parcel Map Exemption proceedings have been completed?

A - A Parcel Map Exemption is a division of land that adjusts a common property line between two or more lots. The mere indication on a map of a P.M.Ex. number on a lot does not necessarily indicate that all conditions have been met and that the process has been finalized.

In all cases, new deeds must be recorded for all of the lots involved using the new legal description. These documents are approved by City Planning for recordation. Along with new deeds, lot tie affidavits approved by City Planning, must also be recorded. In recent times, however, City Planning has substituted the lot tie affidavit requirement for a Certificate of Compliance.

Either document, as approved by City Planning, is acceptable as proof that the Parcel Map Exemption was approved and all conditions were met. As it is normally the case, the corresponding affidavit or C. of C. numbers are then entered on the appropriate map. In cases where there is an indication of a PMEX but no lot tie affidavits or C. of C. numbers have been entered, the PMEX. must be assumed to be invalid. At this point the applicant can be directed to City Planning so that the required documents for each of the involved lots can be generated and entered on the map.

(Z.E. memo 2-17-93 and 6-3-96)

Section 17.50B3 **Parcel Map Exemptions. Legal description.**

Q - What is the correct legal description to be used on a building permit when lot lines have been realigned by a Parcel Map Exemption (PMEX)?

A - A PMEX is a lot line adjustment that does not become effective until Lot Tie Affidavits and new Grant Deeds (approved for recording by City Planning) or Certificate of Compliances are recorded for each of the involved lots. The legal description in those documents is NOT in the form of: "Parcelof PMEX..... ", instead, it is a metes and bounds description. The description indicated on a permit application must match that shown on the recorded documents.

(Z.E. memo 2-17-93)

Section 18.00 **Private Street Regulations. Community Driveways.**

See Section 12.21.A4(h) of this manual.

Section 18.00

Private Streets traversing a lot.

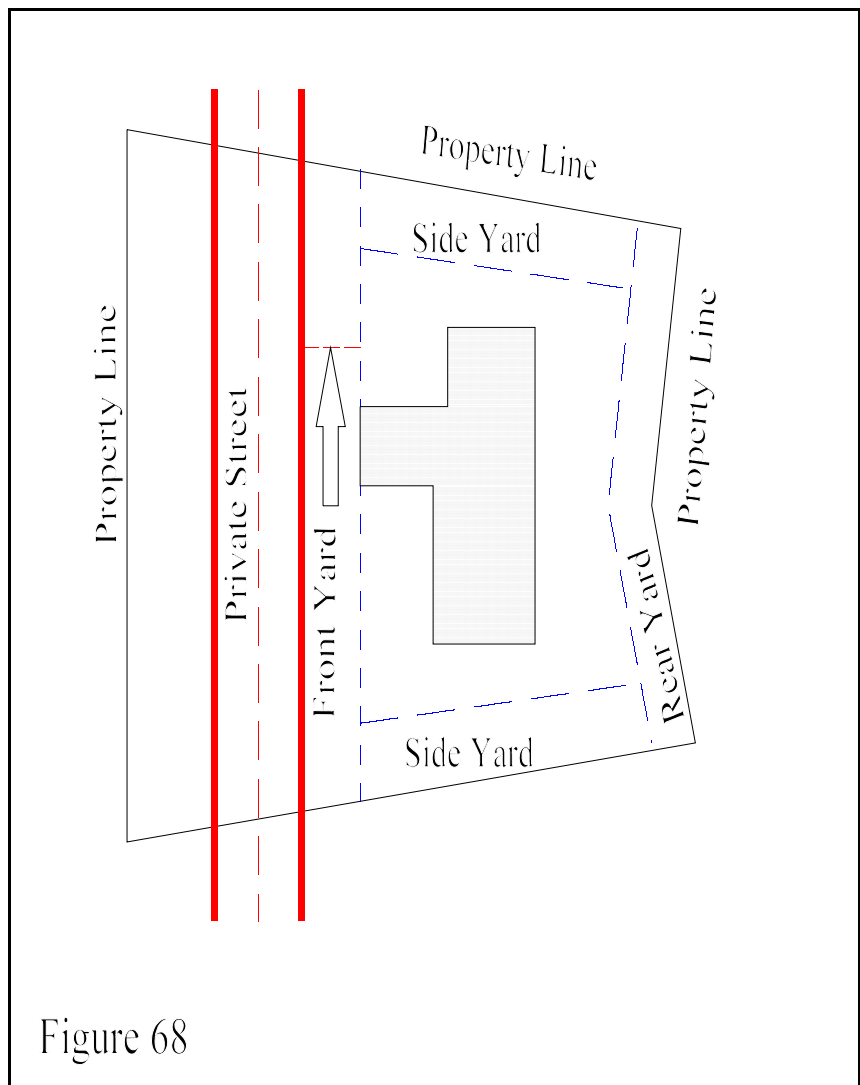
Q- A vacant lot zoned for single family use fronting on a Private Street is proposed to be developed with a one family dwelling. The approved private street traverses the lot as illustrated in Figure No. 68. How are the setbacks interpreted? Are two separate lots created? If so, can each lot have a single family dwelling?

A - In general, the yard and area requirements for such lots are applied in the same manner as lots adjoining public streets. However, in some cases the construction of a private street necessitates the traversing of a lot. To justify such arrangements, it must be remembered that a private street is a private road easement which has been determined to provide the required street access and frontage to a lot(s).

The intent of a traversing private street is not to create two separate lots but to provide adequate and safe vehicular access (for police, fire, sanitation and public service vehicles) including supply of water for domestic and also fire fighting purposes. Such resulting portions of a lot should be taken as the equivalent of a lot intersected by a driveway, i.e. no separate buildable lots are created. Therefore only one single family dwelling may be built on the lot.

Figure No. 68 indicates how such a lot may be developed and how yards may be determined. Other layouts may be possible so long as they are within the spirit and intent of the code.

(ZI 1525)



Section 18.00

Yard requirements adjacent to a Private Street.

Q - What are the required yards a main residential building must observe when lot is on a private street?

A - Lots adjacent to a private street are entitled to use such private street in order to provide the required frontage and access. Additionally, Section 18.00A requires lots or building sites which abut a private street to conform to the minimum requirements of the code before a permit can be issued.

In light of the above and inasmuch as the code has no specific language, the Department has long required all yard and building location requirements found elsewhere in the code, to be observed for any project adjacent to a private street. The private street is then treated as a public street.

Prior to the issuance of a building permit, approval from City Planning pursuant to Section 18.10 must be secured. City Planning approval is not required when the private street was approved in conjunction with a recorded subdivision map or on a file record of survey for the subject lot. (Section 18.00B)

(V.N. Zoning Manual 6-2-67)

Section 18.00

Private Road Easements Approved as Private Streets. Accessory Buildings and Alteration of Original Structures.

Q - Should properties which have access via Private Road Easements obtain approval from the Director of Planning for subsequent alteration and/or addition permits for lots previously developed with a still-existing single family dwelling?

A - Yes. Since often times these new requests for permits occur several years after the original structure's approval, the Director of Planning may not have taken into consideration future alterations to the property that may have an impact on the Private Street access. All such permits shall be further reviewed by the Deputy Director of Planning prior to issuance.

(D.O.P. memo 10-17-89)

Section 18.10

Private Street Approval for Alterations to Existing Building and Accessory Buildings

Q - This code Section requires the Department of City Planning to certify in writing to the Department of Building and Safety that any Private Street conditions have been met before a permit can be issued "...for the erection of buildings on lots or building sites which are contiguous to private streets or private road easements...". Does this requirement apply to accessory buildings and additions to existing buildings?

A - Yes, the Department of Building and Safety has been asked by the Department of City Planning to refer all applicants for permits for new dwellings, additions or accessory buildings on sites that have access from a private street or a private road easement to that Department for clearance. Clearance will be required even for sites that have a previously approved private street or private road easement.

(P.C. Chief memo 11-21-89)

Section 43.30

Fortune Telling

Q - Section 43.30 of the Los Angeles Municipal code currently prohibits the advertising of possession of occult or psychic powers such as those that are involved in fortune telling, palm reading, numerology, prophecy, spiritual communication, etc... The Code further prevents a person from engaging in a business for which advertisement is prohibited. Does LADBS enforce this provision?

A - In 1985 the State of California Supreme Court, in the case of Spiritual Psychic Sciences Church of Faith vs. The City of Azusa declared a similar ordinance prohibiting fortune telling as unconstitutional.

The City Attorney for the City of Los Angeles has advised that Section 43.30 should not be enforced. Consequently, business license requests and other permits for "fortune telling" and similar uses cannot be denied on grounds of Section 43.30. The use will be considered as an office for Zoning and Building Code enforcement purposes.

(Z.E. memo 10-13-93)

APPENDICES

INFORMATION BULLETINS

Appendix-1	Information Bulletin No. P/BC 2002–021 Calculating Floor Area
Appendix-2	Information Bulletin No. P/ZC 2002–001 Parking Lot Design
Appendix-3	Information Bulletin No. P/ZC 2002–003 Netted Horticultural Structures
Appendix-4	Information Bulletin No. P/ZC 2002–004 Allowable Yard projection and height Requirement for Decks and Built-Up Platforms in Required Yards
Appendix-5	Information Bulletin No. P/ZC 2002–005 Guidelines for Consideration of Yard Reduction Requests
Appendix-6	Information Bulletin No. P/ZC 2002–006 Allowable Projections and Improvements in Required Yards
Appendix-7	Information Bulletin No. P/ZC 2002–007 Nurseries
Appendix-8	Information Bulletin No. P/ZC 2002–011 Summary of parking Regulations
Appendix-9	Information Bulletin No. P/ZC 2002–015 Determining Front Yards, When Subject to the “Prevailing Setback”
Appendix-10	Information Bulletin No. P/GI 2002–016 Definition of “Commenced Construction” and Similar Phrases

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