



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

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TO: Planning Staff

FROM: Amy J. Bodek, AICP
Director

SUBDIVISION AND ZONING ORDINANCE INTERPRETATION NO. 2019-01 – CRITERIA FOR USE OF AN APPROVED LAND USE ENTITLEMENT

PURPOSE

This memorandum identifies the criteria that must be satisfied for a Land Use Entitlement (Entitlement) issued by the Department of Regional Planning (Department) to be considered used.

BACKGROUND

The Los Angeles County Code (County Code) states that all Entitlements expire if not used within a specified period of time. For certain Entitlements, like Conditional Use Permits, the County Code states the criteria for use of an Entitlement. For certain other Entitlements, like site plan reviews and variances, the County Code does not clarify the use criteria.

Further, the County Code defines “use” as follows

- "Use" means and includes construction, establishment, maintenance, alteration, moving onto, enlargement, and occupation. Wherever this title prohibits the "use" of any premises for any purposes, such premises and any building, structure, or improvement on such premises shall not be used, occupied, altered, or improved for such purpose, and no building, structure, or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto, or enlarged which is designed, arranged, or intended to be occupied or used for such purpose.

This definition encompasses a wide range of activities and scenarios that may occur upon the land. However, the definition does not provide a broadly-applicable set of criteria to determine when an issued Entitlement is used, vesting a permittee's rights to the land use authorized by the subject Entitlement.

APPLICABILITY

This memorandum applies to all Entitlements issued by the Department.

INTERPRETATION

An Entitlement issued by the Department shall be considered used if it satisfies the following applicable criteria.

New Land Uses Involving Construction

All Projects:

1. Permittee must be in possession of a valid building permit(s), such as, but not limited to, grading or construction; and
2. Permittee shall commence physical construction activities directly related to the primary purpose of the land use Entitlement; and
3. The preceding criteria must occur prior to the expiration of the Entitlement. The expiration date will be two (2) years, not including any applicable time extensions, from the date the decision is made unless another time period is specified in the County Code or the conditions of approval, as applicable.

Case-By-Case:

4. In addition to the criteria above, satisfaction of project-specific criteria identified in the conditions of approval.

New Uses Not Involving Construction

All Projects:

1. Operation of the primary use authorized by the Entitlement; and
2. The preceding criterion must occur prior to the expiration of the Entitlement. The expiration date will be two (2) years, not including any applicable time extensions, from the date the decision is made unless another time period is specified in the County Code or the conditions of approval, as applicable.

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Case-By-Case:

3. In addition to the criteria above, satisfaction of project-specific criteria identified in the conditions of approval.

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