



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



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TO: Staff

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SUBDIVISION AND ZONING ORDINANCE INTERPRETATION NO. 2021-04 OUTDOOR USES

PURPOSE

This memorandum establishes that when a Community Standards District (CSD) requires a Conditional Use Permit (CUP) for outdoor principal businesses or activities located within a defined distance from a specified zone or use, the defined distance shall be measured from the lot line of the property containing the outdoor use to the lot line of the property containing the specified zone or use.

When such a CSD exempts outdoor parking from the CUP requirement, it shall only apply to parking as an accessory use, and not to the parking and storage of vehicles as the principle business or activity. This memo also establishes that the outdoor parking and storage of commercial vehicles with registered net weights in excess of 5,600 pounds unladen is considered a primary use, and therefore, not exempt from the CUP requirement for outdoor uses.

BACKGROUND

Four CSDs require a CUP, with exceptions, for outdoor principal businesses or activities located within a defined distance from a specified zone or use. This CUP requirement does not apply to accessory uses and certain specified outdoor activities, such as parking.

1. Avocado Heights CSD: Section 22.308.070 – Zone Specific Development Standards. Outdoor Businesses. All principal business uses conducted outside

an enclosed structure within 500 feet of a Residential Zone, school, or park shall require an approved CUP (Chapter 22.158 of the Code).

2. Castaic CSD: Section 22.312.070 – Zone Specific Development Standards. Outdoor Activities and Storage. All principal uses within 500 feet of a residentially or agriculturally zoned property that are conducted outside an enclosed structure or involve outdoor storage shall require a CUP (Chapter 22.158 of the Code).
3. Florence-Firestone CSD: Section 22.324.070 - Zone Specific Development Standards. Outdoor Businesses. All principal business activities, except plant nurseries, parking lots, and customer parking, conducted outside an enclosed structure within 250 feet of a Residential Zone or sensitive use shall require a CUP (Chapter 22.158 of the Code) application.
4. West Rancho Dominguez-Victoria CSD: Section 22.350.070 - Zone Specific Development Standards. All activities conducted outside an enclosed structure and located within 500 feet of a Residential Zone, except for parking, vending machines, shopping carts, and accessory uses, shall require a CUP (Chapter 22.158 of the Code).

APPLICABILITY

This memorandum applies to outdoor activities located within the boundaries of the Avocado Heights CSD, Castaic CSD, Florence-Firestone CSD, and the West Rancho Dominguez – Victoria CSD until such time that the Zoning Code is amended to clarify these provisions.

INTERPRETATION

Measurement Criteria for Outdoor Uses

Within these CSDs, either the word “use” or “activity” is used to indicate from where the defined distance shall be measured to determine whether a CUP is required. Clarification was needed as to what “use” and “activity” mean as they relate to measuring from outdoor businesses. For purposes of implementing these Zoning Code Sections and any future Zoning Code Sections with similar language, “activity” shall mean the activity of the use, regardless of whether or not it is taking place in any given moment, and therefore, shall be understood to be synonymous with the property’s “use.” Furthermore, “use” shall be understood to mean the use of the property and shall cover all parts of the property. Therefore, the defined measurement shall be taken from the lot line of the property as shown in the example below and shall be in compliance with Zoning Code Section 22.04.050 regarding “Rules for Measurement.” See the following diagram for an example of this measurement.



CUP Parking Exemption

This memo clarifies that the CUP exemption applies to parking as an accessory use, and not to the parking or storage of vehicles as the principal business or activity. Section 22.14.010 defines an Accessory Use as “A use customarily incidental to, related, and clearly subordinate to a principal use established on the same lot, which accessory use does not alter said principal use nor serve property other than the lot on which the principal use is located.” An example of an “Accessory Use” is observed in Section 22.112.070 (Required Parking Spaces), where industrial uses are required to provide: “1 space per 500 square feet and 1 space per vehicle directly used for the business.” Unless otherwise specified, the Code can be interpreted to mean that parking is an accessory use. Notwithstanding this interpretation, a land use is not exempt from a CUP if the outdoor parking and storage of vehicles is the primary purpose or activity on a property.

This memo also clarifies that the parking or storage of commercial vehicles with registered weights in excess of 5,600 pounds, unladen is considered a primary use. Section 22.14.160 (Parking Definition), which defines parking areas, buildings, facilities, or lots, specifies the following: “Any readily accessible area within structures or surface parking areas, exclusive of aisles, driveways, ramps, and columns, maintained exclusively for the parking of vehicles, not including areas for the parking or storage of commercial vehicles with registered net weights in excess of 5,600 pounds, unladen.” The Code can be interpreted to mean that such use is not parking as an accessory use. Therefore, this use is not exempt from the CUP requirement for outdoor uses.

**RELATIONSHIP TO SUBDIVISION AND ZONING ORDINANCE INTERPRETATION
NO. 2020-01**

The memorandum incorporates in its entirety Subdivision and Zoning Ordinance Interpretation No. 2020-01 - Measurement Criteria for Outdoor Uses. Therefore, that memorandum is rescinded and replaced by this memorandum.

AJB:DJD:MG:lm

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