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CONFORMED COPY
OF ORIGINAL FILED
Lcs Angeles Superior Court

FEB 23 2009

5 Plaintiff Richard Hopp
in Propria Persona
6

John A. Clarke, Executive Officer/Clerk
By ~~Raul Sanchez~~ RAUL SANCHEZ, Dept

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
9 CENTRAL JUDICIAL DISTRICT
10

11 Richard Hopp,) Case No.: BC401887
12 Plaintiff,)
13 vs.) PLAINTIFF'S REQUEST FOR JUDICIAL
14 City Of Los Angeles, a) NOTICE IN SUPPORT OF OPPOSITION
Municipal Corporation) TO MOTION FOR JUDGMENT ON THE
15 Defendant.) PLEADINGS; PROOF OF SERVICE
16)
17) Judge: Malcolm H. Mackey
18) Division: 55
19) Date: March 3, 2009
20) Time: 08:30AM

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 The Court may take judicial notice of regulation and
23 legislative enactments of public entities. California Evidence
24 Code §452(b). Plaintiff Richard Hopp ("Hopp") respectfully
25 requests that the Court take judicial notice of the following
26 Municipal Code sections:

27 Los Angeles Municipal Code section 12.03 (*emphasis added to*
28 *the definition of **Accessory Use***), attached hereto as Exhibit "A";
Los Angeles Municipal Code section 103.01, attached hereto
as Exhibit "B";

RICHARD HOPP
vs.
CITY OF
LOS ANGELES

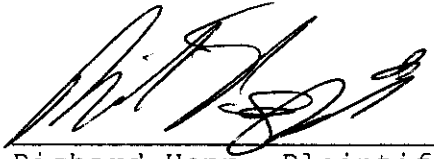
PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION
TO MOTION FOR JUDGMENT ON THE PLEADINGS; PROOF OF SERVICE

1 Los Angeles Municipal Code section 103.02, attached hereto
2 as Exhibit "C";

3 Los Angeles Municipal Code section 103.310, attached hereto
4 as Exhibit "D"; and,

5 Los Angeles Municipal Code section 103.311, attached hereto
6 as Exhibit "E".

7 Dated: February 22, 2009

8
9 By: 
10 Richard Hopp, Plaintiff
11 in Propria Persona
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

3 I live in the county of Los Angeles, State of California. I
4 am over the age of 18 and not a party to the within action; my
5 business address is: 6203 Van Nuys Boulevard, Van Nuys,
6 California 91401, Telephone (818) 994-5575.

7 On February 22, 2009, I served the documents entitled:
8 **PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION**
9 **TO MOTION FOR JUDGMENT ON THE PLEADINGS; PROOF OF SERVICE** on the
10 interested parties in this action by placing a true copy thereof
11 enclosed in a sealed envelope addressed as follows:

12 Mr. Gabriel S. Dermer, Deputy City Attorney
13 Business and Complex Litigation Division
14 Office of the City Attorney
15 200 North Main Street, Suite 916
16 Los Angeles CA 90012-4110

17 **OVERNIGHT COURIER** - I caused the above-referenced document(s) to
18 be delivered via: OnTrac, an overnight courier service, for
19 delivery to the above addressee. **ONTRAC**
20 **C10906200000862**

21 I declare under penalty of perjury under the law of the
22 State of California that the above is true and correct.

23 Executed on February 22, 2009, at Van Nuys, California.

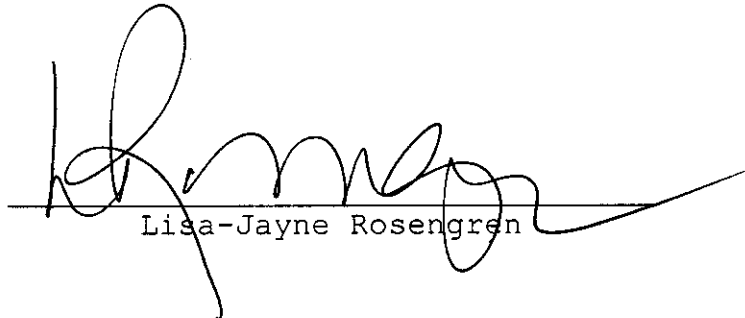
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Lisa-Jayne Rosengren

EXHIBIT "A"

CITY OF LOS ANGELES MUNICIPAL CODE

SEC. 12.03. DEFINITIONS.

For the purpose of Article 2 to 6 inclusive of this chapter, certain terms and words are herewith defined as follows:

ABANDONED AUTOMOBILE. Any motor vehicle, which when operated upon a highway is required to be registered by the California Vehicle Code, whose registration has been expired for a period of six months or more. Notwithstanding the foregoing definition, a motor vehicle stored within a permitted building or structure shall not be considered to be an abandoned automobile. **(Added by Ord. No. 131,925, Eff. 4/11/66.)**

ACCESSORY BUILDING. A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located in the same or a less restrictive zone and on the same lot with the 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 Sec. 12.23 B.1.(c). **(Amended by Ord. No. 106,571, Eff. 1/1/56.)**

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit. **(Added by Ord. No. 107,884, Eff. 9/23/56.)**

ACCESSORY USE. A use, which is customarily incidental to that of the main building or the main use of the land and which is located in the same zone or a less restrictive zone and on the same lot with a main building or main use. The relationship between the more restrictive zones and the less restrictive zones shall be determined by the sequence of zones set forth in Section 12.23 B. of this Code. **(Amended by Ord. No. 178,599, Eff. 5/26/07.)**

The garaging, maintaining or storage of any commercial vehicle on private property which exceeds a registered net weight of 5,600 pounds shall not be considered an accessory use in the "R" Zones. 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 MR-1 Zone, except as approved by conditional use.

Notwithstanding the above, an accessory use shall also include the maintenance of an Historic Vehicle Collection as defined by Section 12.03 or this Code if the Zoning Administrator finds that all of the following conditions are met:

- (a) all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection; **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**
- (b) the Historic Vehicle Collection occupies less than 50 percent of the area of the lot for the first 10,000 square feet of the lot area plus 20 percent of additional lot area for lots in excess of 10,000 square feet;
- (c) the Historic Vehicle Collection is maintained in such manner as not to constitute a health or safety hazard;

(d) the Historic Vehicle Collection is fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means;

(e) no portion of the Historic Vehicle Collection is located within five feet of any building or within any sideyards required by this Code; and

(f) plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C.1., 2. and 3. and subject to the same fees as in Section 19.01 E. for relief from fence height limitation. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

An approval of an Historic Vehicle Collection and any use allowed by this Code shall be subject to conditions not in conflict with this Code which the Zoning Administrator may deem necessary or advisable to impose in order to protect the peace and quiet of occupants of contiguous property. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

An accessory use shall also include the keeping of domestic animals, subject to other provisions of this article; and the keeping of wild animals, under an appropriate permit issued by the Department of Animal Services as provided for in Section 53.38 of the Code, but in no event including the following wild animals: bear, civet, coyote, eagle, eland, elephant, elk, giraffe, gnu, gorilla, hyena, hippopotamus, jaguar, leopard, lion, lynx, moose, orangutan, venomous reptile, puma, rhinoceros, sea lion, tiger, vulture, walrus, wart hog, wolf or yak.

The sale of not more than one dog or cat litter from a domestic household in a 12- month period shall be considered accessory to a residential use.

The noncommercial keeping of birds (not including fowl) without regard to their number shall be an accessory use in the RA, RE, RS, R1, RU and RZ Zones. However, if the Department of Animal Services 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 circumstance shall not be an accessory use.

For the purposes of this section, the occasional sale of birds which is incidental to the keeping of birds as a hobby, does not constitute a commercial use.

Garage and/or yard sales shall be considered accessory to a residential use, if the sale is only incidental to the individual's residential occupancy of the premises; and

1. The sales are confined to the sale of used items which were originally received or purchased for use in the household; and
2. The sales are restricted to a maximum of five sales events per calendar year as a means of disposing of used items originally received or purchased for use in the household; and
3. The sales are limited to not more than two consecutive days per event; and
4. The sales are limited to not more than ten days per calendar year total; and
5. The sales are limited to the hours between 9 a.m. and 5 p.m.

For purposes of this section, the term accessory use shall not apply to any garage and/or yard sales where new goods or merchandise, or items that were not intended to be used in the household are offered or displayed for sale or exchange. (**“Department of Animal Regulation” renamed “Department of Animal Services” by Ord. No. 174,735, Eff. 9/13/02.**)

ADDITION, GROUND FLOOR. An expansion of the exterior perimeter of a building measured at five feet or more above adjacent grade at any point. (**Added by Ord. No. 169,775, Eff. 6/2/94.**)

ADJACENT GROUND ELEVATION. Same as grade. (**Amended by Ord. No. 131,309, Eff. 4/24/66.**)

ADMINISTRATOR – See **“Zoning Administrator”**.

AGRICULTURAL WASTE. All plant materials generated from the growing and harvesting of agricultural crops, vegetables and fruits. (**Added by Ord. No. 170,054, 11/13/94.**)

AIRPORT OR AIRCRAFT LANDING FIELD. Any runway landing area or other facility designed, used, or intended to be used either publicly or privately by any person for the landing and taking off of aircraft including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

ALZHEIMER'S/DEMENTIA CARE HOUSING. Residential housing that is licensed by the California Department of Social Services and provides 24-hour care for people suffering from Alzheimer's disease or other disorders resulting in dementia. The residential units shall be guest rooms only. The housing may be a component of an Eldercare Facility. (**Added by Ord. No. 178,063, Eff. 12/30/06.**)

ANIMAL KEEPING ENCLOSURE. Any structure or fence which establishes the perimeter of an animal keeping and maintenance area. (**Added by Ord. No. 157,144, Eff. 11/22/82.**)

ANIMAL KEEPING STRUCTURE. Any structure, as defined by this Code, which has a roof and may have one or more sides and is used in whole or in part for the housing or shelter of animals. (**Amended by Ord. No. 161,352, Eff. 7/20/86.**)

APARTMENT. Same as dwelling unit. (**Added by Ord. No. 107,884, Eff. 9/23/56.**)

APARTMENT HOTEL. A residential building designed or used for both two or more dwelling units and six or more guest rooms or suites of rooms. (**Amended by Ord. No. 107,884, Eff. 9/23/56.**)

APARTMENT HOUSE. A residential building designed or used for three or more dwelling units or a combination of three or more dwelling units and not more than five guest rooms or suites of rooms. (**Amended by Ord. No. 107,884, Eff. 9/23/56.**)

AREA PLANNING COMMISSIONS. (**Added by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00; and Amended by Ord. No. 173,374, Eff. 8/3/00.**) Each Area Planning Commission shall consist of five members. Members shall be appointed and removed in the same manner as members of the City Planning Commission, except that residency in the area served by the Area Planning Commission shall be a qualification for appointment. Except as provided in Paragraph (d), Area Planning Commissions are quasi-judicial agencies.

Each Area Planning Commission, with respect to matters concerning property located in the area served by the Area Planning Commission, shall have and exercise the power to:

- (a) hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by a Zoning Administrator;
- (b) hear and make decisions on any matter normally under the jurisdiction of a Zoning Administrator when that matter has been transferred to the jurisdiction of the Area Planning Commission because the Zoning Administrator has failed to act within the time limits prescribed by ordinance;
- (c) hear and determine applications for, or appeals related to, conditional use permits and other similar quasi-judicial approvals, in accordance with procedures prescribed by ordinance;
- (d) make recommendations with respect to zone changes or similar matters referred to it from the City Planning Commission pursuant to Charter Section 562; and
- (e) hear and determine other matters delegated to it by ordinance.

Notwithstanding the above, the City Planning Commission shall make decisions on any matter that would otherwise be heard by an Area Planning Commission if the matter involves a project which crosses the boundaries of the area served by more than one Area Planning Commission.

ASSISTED LIVING CARE HOUSING. Residential housing that is licensed by the California Department of Social Services and provides assistance to people 62 years of age or older who require assistance with two or more non-medical activities of daily living as defined in the Department of Social Services licensing requirements. The residential units may consist either of dwelling units or guest rooms. Full time medical services shall not be provided on the premises. The housing may be a component of an Eldercare Facility. (Added by Ord. No. 178,063, Eff. 12/30/06.)

AUTOMOBILE DISMANTLING YARD. Any property or place where the business of an automobile dismantler, as defined by California Vehicle Code Section 220, is conducted. (Added by Ord. No. 152,770, Eff. 9/15/79.)

AUTOMOBILE FOR HIRE. An automobile for hire is a motor vehicle, other than a commercial vehicle with registered net weight in excess of 5,600 pounds, which is let or rented or offered for rental, lease or hire to another for consideration. (Added by Ord. No. 148,857, Eff. 10/31/76.)

AUTOMOBILE AND TRAILER SALES AREA. An open area other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

AUTOMOTIVE FUELING AND SERVICE STATION. A business which dispenses automotive fuel to the public and may provide the following incidental services: tube and tire repairing, battery servicing, automotive lubrication, mechanical adjustments, changing of spark plugs and other similar maintenance activities. (Added by Ord. No. 169,130, Eff. 12/16/93.)

AUTOMOTIVE REPAIR. A use involving the diagnosing of malfunctions, repairing or maintaining of motor vehicles. Included in this definition are body shops, paint shops, tire stores, muffler shops, auto electric shops, van conversions, lubrication centers, auto-sound shops, auto-alarm shops, auto upholstery shops, wheel alignment shops and other similar automotive related repair or installation businesses;

automotive repair does not include automotive fueling and service stations as defined in this section and installers of automotive telecommunication devices and computers. **(Added by Ord. No. 169,130, Eff. 12/16/93.)**

AUTOMOTIVE USE. The primary sale of used automobiles. In addition, this phrase shall include automotive repair and automobile and trailer sales area, as defined in this section. **(Added by Ord. No. 178,382, Eff. 3/24/07.)**

BACHELOR APARTMENT. Same as Efficiency Dwelling Unit. **(Amended by Ord. No. 138,456, Eff. 5/30/69.)**

BASE FLOOR. That story of a main building, at or above grade, which is not considered a basement, and which has the greatest number of square feet confined within the exterior walls, including the area of the attached covered parking at the same story. All levels within four vertical feet of each other shall count as a single story. **(Added by Ord. No. 179,883, Eff. 6/29/08.)**

BASEMENT. Any story below the first story of a building. **(Amended by Ord. No. 131,309, Eff. 4/24/66.)**

BED AND BREAKFAST FACILITY. A building or portion thereof which is used as a temporary lodging place for fewer than thirty consecutive days and which does not contain more than five guest rooms and one kitchen. **(Added by Ord. No. 172,792, Eff. 10/4/99.)**

BLOODMOBILE. A vehicle, or portable structure transported by a vehicle, easily transportable in one or more sections, which is used to provide blood collection services on a temporary basis in any one location. **(Added by Ord. No. 166,045, Eff. 8/17/90.)**

BOARD. **(Repealed by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)**

BOARDING OR ROOMING HOUSE. A dwelling containing a single dwelling unit and not more than five guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation. **(Amended by Ord. No. 107,884, Eff. 9/23/56.)**

BUILDABLE AREA. **(Amended by Ord. No. 171,662, Eff. 8/17/97.)** 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, building line setback space, or which may only be used for accessory buildings or uses. 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. The additional square footage permitted by this calculation for residential use shall not result in an increase in the number of dwelling units beyond that which would have otherwise been permitted but may only be used to increase the floor area or number of habitable rooms within individual dwelling units.

This alternate definition of buildable area shall not apply within the following specific plan areas: Central City West, Century City North, Century City South, Coastal Bluffs, Devonshire/Topanga Corridor, Foothill Boulevard Corridor, Granada Hills, Oxford Triangle, Pacific Palisades Commercial Village/Neighborhoods, Playa Vista Area D, Porter Ranch Land Use/Transportation, San Pedro, Valley Village, and Westwood

Village. This alternative definition shall also not apply to any lot for which a "Q" or "D" limitation setting forth a floor area limitation had been imposed before July 1, 1997. In the event of a conflict with any other adopted specific plan, the most restrictive provision shall prevail.

BUILDING. 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. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

CARGO CONTAINER. Any container (refrigerated or non-refrigerated) that permits the temporary storage and protection of cargo, and which may be transported by ship, rail or truck without intermediate loading and unloading of the contents of the container. (Added by Ord. No. 177,244, Eff. 2/18/06.)

CARGO CONTAINER STORAGE YARD. An open-air site or facility, the primary use of which is the keeping of empty cargo containers, and equipment, and may have as accessory uses the storage of container chassis and truck cabs, repair facilities, warehouses and offices associated with the movement or storage of cargo containers. This definition does not include draying, freighting or trucking yards or terminals. (Added by Ord. No. 177,244, Eff. 2/18/06.)

CEMETERY. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHILD CARE FACILITY. A facility in which non-residential care is provided for children, 16 years of age or under, when licensed as a day care facility for children by the State of California or other agency designated by the State, under the categories defined in Section 30019 of Title 22 of the State of California Administrative Code. (Added by Ord. No. 145,474, Eff. 3/2/74.)

CHIPPING/GRINDING FACILITY. Any facility which temporarily stores and/or processes source-separated green waste and/or wood waste by means of chipping, grinding, mixing and/or screening to produce a material of varying particle size. The material produced by the above described processes may be used as ground cover, biofuel, wood chips, animal bedding, worm food or other similar uses. This definition shall not include any chipping and/or grinding of green waste and/or wood waste conducted for noncommercial, nonprofit purpose. (Added by Ord. No. 170,054, 11/13/94.)

CITY PLANNING COMMISSION. (Added by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00 and Amended by Ord. No. 173,374, Eff. 8/3/00.) The Board of Commissioners of the City Planning Department shall be known as the City Planning Commission and shall consist of nine members. It shall:

- (a) give advice and make recommendations to the Mayor, Council, Director of Planning, municipal departments and agencies with respect to City planning and related activities and legislation;
- (b) make recommendations concerning amendment of the General Plan and proposed zoning ordinances in accordance with Charter Sections 555 and 558;
- (c) make reports and recommendations to the Council and to other governmental officers or agencies as may be necessary to implement and secure compliance with the General Plan;
- (d) perform other functions prescribed by the Charter or ordinance;

(e) make decisions on any matter that would otherwise be heard by an Area Planning Commission if the matter involves a project which crosses the boundaries of the area served by more than one Area Planning Commission; and

(f) adopt guidelines for the administration of the provisions of this chapter if it determines that guidelines are necessary and appropriate. Authority to adopt guidelines for the administration of the provisions of this chapter may be delegated to others by adoption of a resolution by Council. Existing provisions of this chapter that delegate authority for the adoption of guidelines to others shall continue to apply with respect to those provisions.

COMMERCIAL COACH. A vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes. (Added by Ord. No. 161,716, Eff. 12/6/86.)

COMMERCIAL CORNER DEVELOPMENT. (Amended by Ord. No. 175,223, Eff. 6/30/03.)

(1) Any commercially used corner lot located in a C or M zone in Height District Nos. 1, 1-L, 1-VL or 1-XL, the lot line of which adjoins, is separated only by an alley adjacent to, or is located across the street from, any portion of a lot zoned A or R, or improved with any residential use (except in an M zone), or

(2) Any multi-family residentially used corner lot located in a C zone in Height District Nos. 1, 1-L, 1-VL or 1-XL, the lot line of which adjoins, is separated only by an alley adjacent to, or is located across the street from, any portion of a lot zoned RW1 or more restrictive zone.

For purposes of this definition, a Commercial Corner Development can be located on more than one lot only if the lots are adjacent, not divided by a public street, have a common parking area, and one or more buildings are erected or are proposed to be erected upon the lots.

COMMISSION. (Repealed by Ord. No. 173,374, Eff. 8/3/00.)

COMMUNITY APARTMENT PROJECT. The same as defined by Section 11004 of the California Business and Professions Code. (Added by Ord. No. 151,432, Eff. 10/12/78.)

COMPOSTING FACILITY. Any facility which processes source-separated organic materials to a stabilized state through controlled biological decomposition where the resultant material is beneficial to plant growth or soil structure when used as a soil amendment. Materials may initially be chipped, shredded, and/or screened on site prior to being composted. Composting may be conducted in an in-vessel system or in the open, such as windrow composting or aerated static pile composting. This definition shall not include any composting of green waste and/or wood waste conducted for noncommercial, nonprofit purpose. (Added by Ord. No. 170,054, 11/13/94.)

CONDOMINIUM. The same as defined by Section 783 of the California Civil Code. (Added by Ord. No. 151,432, Eff. 10/12/78.)

CONVERSION PROJECT, COMMERCIAL/INDUSTRIAL. An existing building used exclusively for commercial or industrial purposes, or both, proposed for conversion to a condominium or stock cooperative to be used exclusively for such purposes through approval of a tract or parcel map. For purposes of this definition, the term "existing" means that the building was constructed prior to 1945, or if it was built after 1945, a certificate of occupancy was issued for the building prior to the time of map application. (Added by Ord. No. 154,960, Eff. 4/3/81.)

CONVERSION PROJECT, COMMERCIAL/INDUSTRIAL TO RESIDENTIAL. An existing building used exclusively for commercial or industrial purposes, or both, proposed for conversion to a condominium, stock cooperative, or community apartment to be used exclusively for residential purposes through approval of a tract or parcel map. For purposes of this definition, the term "existing" means that the building was constructed prior to 1945 or, if it was built after 1945, a certificate of occupancy was issued for the building prior to the time of map application. (Added by Ord. No. 154,960, Eff. 4/3/81.)

CONVERSION PROJECT, RESIDENTIAL. An existing apartment house, apartment hotel, hotel, multiple dwelling or group dwelling used exclusively for residential purposes proposed for conversion to a condominium, stock cooperative, or community apartment project to be used exclusively for residential purposes through approval of a tract or parcel map. For purposes of this definition, the term "existing" means that the building was constructed prior to 1945 or, if it was built after 1945, a certificate of occupancy has been issued for the building prior to the time of map application. (Amended by Ord. No. 154,960, Eff. 4/3/81.)

CONVERSION PROJECT, RESIDENTIAL TO COMMERCIAL/INDUSTRIAL. An existing apartment house, apartment hotel, hotel, multiple dwelling or group dwelling used exclusively for residential purposes proposed for conversion to a condominium or stock cooperative which is to be used exclusively for commercial or industrial purposes through approval of a tract or parcel map. For purposes of this definition, the term "existing" means that the building was constructed prior to 1945 or, if it was built after 1945, a certificate of occupancy was issued for the building prior to the time of map application. (Added by Ord. No. 154,960, Eff. 4/3/81.)

CORPORATE HEADQUARTERS OR REGIONAL HOME OFFICE. (Added by Ord. No. 169,366, Eff. 4/1/94.) The main administrative center or centers of one or more enterprises whose day-to-day functions is the retrieval and/or dissemination of information to a subsidiary and/or client business in and outside the City's jurisdiction, through the means of electronic or data processing.

COUNSELING AND REFERRAL FACILITY. (Added by Ord. No. 149,517, Eff. 5/26/77.) A neighborhood facility which provides counseling services and subsequently refers applicants to appropriate licensed social service agencies offering professional remedial assistance. Counseling and referral services may be offered in one or more of the following areas: welfare, housing, employment, health, education, legal matters, job development, consumer action, recreation, family problems, juvenile problems, probation, and neighborhood improvement. Tutoring and legal aid shall be permitted as an accessory use only.

The facility may also administer the implementation of government funded programs established to provide low-income housing, job development classes and recreation.

The facility shall:

- (a) permit no more than 5 employees, and;
- (b) where located in a residentially developed area, maintain the residential character of the exterior of the building.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this article.

CURING FACILITY. Any composting facility, as defined by this Code, where additional and/or final biological stabilization is attained after most of the readily metabolized material has been decomposed, and where no chipping, grinding, or screening of material takes place. This definition shall not include any curing of green waste and/or wood waste conducted for noncommercial, nonprofit purpose. **(Added by Ord. No. 170,054, 11/13/94.)**

DANCE HALL. Any place where public dances are held or conducted, other than when incidental to the operation of a hotel, apartment hotel, banquet room, catering hall, church, school or lodge. **(Amended by Ord. No. 169,990, Eff. 9/17/94.)**

DANCE HALL, HOSTESS. Any dance hall or place conducting public dances where partners are provided for dancing or social contacts by those conducting, managing, maintaining or operating such public dances for patrons or guests and for which such patrons or guests pay a fee or other consideration. **(Added by Ord. No. 155,718, Eff. 8/6/81.)**

DANCE, PUBLIC. A gathering of persons in or upon any premises where dancing is participated in and to which premises the public is admitted. **(Added by Ord. No. 155,718, Eff. 8/6/81.)**

DAY CARE FACILITY. Same as Child Care Facility. **(Added by Ord. No. 145,474, Eff. 3/2/74.)**

DAY-CARE HOME. **(Deleted by Ord. No. 173,085, Eff. 3/19/00.)**

DAY-CARE HOME, LARGE FAMILY. **(Deleted by Ord. No. 173,085, Eff. 3/19/00.)**

DAY-CARE HOME, SMALL FAMILY. **(Deleted by Ord. No. 173,085, Eff. 3/19/00.)**

DESTROYED. Damaged so as to not be habitable as determined by the Department of Building and Safety. **(Added by Ord. No. 153,144, Eff. 12/28/79.)**

DINING AREA. A recess from a room or an alcove, adjoining and interconnected with the kitchen by a door or opening. **(Added by Ord. No. 146,421, Eff. 9/14/74.)**

DIRECTOR OF PLANNING (DIRECTOR). **(Amended by Ord. No. 173,455, Eff. 9/22/00.)** The chief administrative officer of the Department of City Planning shall be known as the Director of Planning and shall be appointed and removed as provided in Charter Section 508. The Director shall be chosen on the basis of administrative and technical qualifications, with special reference to actual experience in and knowledge of accepted practice in the field of city planning. The Director shall interpret the meaning of the General Plan and specific plans in instances when there is a lack of clarity in the meaning of those regulations, subject to appellate review. The Director may appoint a designee to act on his or her behalf, in which case, references in this Code and other land use ordinances to Director shall include this designee, unless otherwise stated.

In accordance with Charter Section 553, the Director of Planning or his or her designee shall:

- (a) prepare the proposed General Plan of the City and proposed amendments to the General Plan;
- (b) prepare all proposed zoning and other land use regulations and requirements, including maps of all proposed districts or zones;

(c) make investigations and act on the design and improvement of all proposed subdivisions of land as the advisory agency under the State Subdivision Map Act; and

(d) have additional powers and duties as are provided by ordinance.

DISASTER. Fire, flood, wind, earthquake, or other calamity, act of God or the public enemy. (Added by Ord. No. 153,144, Eff. 12/28/79.)

DORMITORY. A guest room designed, intended or occupied as sleeping quarters by more than two persons. Every 100 square feet of superficial floor area in a dormitory shall be considered as a separate guest room. (Added by Ord. No. 107,884, Eff. 9/23/56.)

DRIVE-THROUGH FAST-FOOD ESTABLISHMENT. Any establishment which dispenses food for consumption on or off the premises to an individual in a vehicle. (Added by Ord. No. 166,904, Eff. 5/18/91.)

DWELLING. Any residential building, other than an Apartment House, Hotel or Apartment Hotel. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

DWELLING, GROUP. Two or more one-family, two-family or multiple dwelling, apartment houses or boarding or rooming houses, located on the same lot. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

DWELLING, MULTIPLE. A dwelling containing two dwelling units and not more than five guest rooms. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

DWELLING, ONE-FAMILY. A detached dwelling containing only one dwelling unit. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

DWELLING, TWO-FAMILY. A dwelling containing two dwelling units. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

DWELLING UNIT. A group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

DWELLING UNIT, LOW INCOME. (Deleted by Ord. No. 180,308, Eff. 12/7/08.)

DWELLING UNIT, MODERATE INCOME. (Deleted by Ord. No. 180,308, Eff. 12/7/08.)

EDUCATIONAL INSTITUTIONS. Colleges or universities supported wholly or in part by public funds and other colleges or universities giving general academic instruction as prescribed by the State Board of Education.

EFFICIENCY DWELLING UNIT. A room located within an apartment house or apartment hotel used or intended to be used for residential purposes which has a kitchen and living and sleeping quarters combined therein, and which complies with the requirements of Section 91.4930.2 of this Code. (Added by Ord. No. 138,456, Eff. 5/30/69.)

ELDERCARE FACILITY. One functionally operated facility, which provides residential housing for persons 62 years of age and older, and which combines in one facility, two or more of the following housing types: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or

Alzheimer's/Dementia Care Housing. A minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing. **(Added by Ord. No. 178,063, Eff. 12/30/06.)**

EQUINE. Any horse, pony, donkey, burro, or mule which is 12 months of age or older and is issued a current Equine License by the City Department of Animal Services. An animal which is under 12 months of age and is the offspring of or is unweaned and being nursed by a female equine lawfully kept on the property where said animal is kept shall not be considered an equine and shall be allowed by right on said property. **(“Department of Animal Regulation” renamed “Department of Animal Services” by Ord. No. 174,735, Eff. 9/13/02.)**

EQUINE ENCLOSURE. Any structure or fence which establishes the perimeter of an equine keeping and maintenance area. **(Added by Ord. No. 157,144. Eff. 11/22/82.)**

FACTORY-BUILT HOME. A residential building, dwelling unit, or individual dwelling room or combination of rooms, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly of, or damage or destruction to the part. This home shall comply with all applicable provisions of the California State Factory-Built Housing law. The term **“factory-built home”** shall not include a mobilehome, mobile accessory building or structure, recreational vehicle, or commercial coach. **(Added by Ord. No. 161,716, Eff. 12/6/86.)**

FAMILY. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. **(Amended by Ord. No. 177,325, Eff. 3/18/06.)**

FAMILY DAY CARE HOME - A dwelling unit that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home. **(Added by Ord. No. 173,085, Eff. 3/19/00.)**

FAMILY DAY CARE HOME, LARGE - A family day care home for 9 to 14 children, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.465. **(Amended by Ord. No. 176,545, Eff. 5/2/05.)**

FAMILY DAY CARE HOME, SMALL - A family day care home for 8 or fewer children, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.44. **(Amended by Ord. No. 176,545, Eff. 5/2/05.)**

FLOOR AREA. The area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas. Except that buildings on properties zoned RA, RE, RS, and R1, and not located in a Hillside Area or Coastal Zone are subject to the definition of Residential Floor Area. **(Amended by Ord. No. 179,883, Eff. 6/29/08.)**

FLOOR AREA, RESIDENTIAL. **(Added by Ord. No. 179,883, Eff. 6/29/08.)** The area in square feet confined within the exterior walls of a building or accessory building on a lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways shall only be counted once regardless of ceiling height. Area of

an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the floor area calculation.

Except that the following areas shall not be counted:

1. The first 400 square feet of covered parking area.
2. Detached accessory buildings not exceeding 200 square feet; however, the total combined area exempted of all these accessory buildings on a lot shall not exceed 400 square feet.
3. The first 250 square feet of attached porches, patios, and breezeways with a solid roof if they are open on at least two sides.
4. Porches, patios, and breezeways that have an open lattice roof.
5. The first 100 square feet of any story or portion of a story of the main building on a lot with a ceiling height greater than 14 feet shall be counted only once.
6. A Basement when the elevation of the upper surface of the floor or roof above the basement does not exceed two feet in height at any point above the finished or natural grade, whichever is lower.

FOSTER CARE HOME. A dwelling unit in which full-time care is provided for unrelated children, 16 years of age or under, as part of the family, when such use is licensed by the State of California or other agency designated by the State as a full-time foster home. Foster care children may be in addition to those permitted under the definition of "Family" contained in this section. **(Added by Ord. No. 145,474, Eff. 3/2/74)**

FRONTAGE. All property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GARAGE, PRIVATE. An accessory building or portion of a main building designed or used for parking or storage of motor vehicles of the occupants of a residential use. **(Amended by Ord. No. 144,082, Eff. 12/11/72.)**

GARAGE, PUBLIC. A building or portion of a building designed or used for the repairing, equipping or servicing of motor vehicles, or for the parking or storage of motor vehicles for remuneration, hire, sale, or convenience of the occupants of the premises or the general public, but not including a private garage. **(Amended by Ord. No. 144,082, Eff. 12/11/72.)**

GENERAL PLAN. A General Plan is a comprehensive declaration of purposes, policies and programs for the development of the city, which includes, where applicable, diagrams, maps and text setting forth objections, principles, standards and other features, and which has been adopted by the City Council. **(Added by Ord. No. 138,800, Eff. 6/13/69, Oper. 6/23/69.)**

GRADE (ADJACENT GROUND LEVEL). Is the 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. This definition does not apply to any building or structure located within the boundaries of the Century City

North or Century City South Specific Plans and which is subject to Section 12.21.2 of this Code. (Amended by Ord. No. 160,657, Eff. 2/17/86, Oper. 6/17/86.)

GREATER DOWNTOWN HOUSING INCENTIVE AREA. Those portions of the Central City and Southeast Community Plan Areas generally bounded by the 101 Freeway on the north, the 110 freeway and Figueroa Street (south of Adams Blvd) on the west, Alameda and Grand Avenue (south of 21st Street) on the east, and Washington Boulevard and Martin Luther King Jr. Blvd (west of Broadway) on the south as shown in the shaded portion of Map A, dated January 23, 2007, attached to Council File No. 05-1173. (Added by Ord. No. 179,076, Eff. 9/23/07.)

GREEN WASTES. All yard trimmings and/or leaves, grass clippings, agricultural wastes and vegetative landscaping materials generated from the maintenance of yards, parks or other similar facilities. (Added by Ord. No. 170,054, 11/13/94.)

GROUND FLOOR. The story or basement within a portion of a building that has an access door that is directly accessible to and fronts on the street, and the elevation of the floor level is within three feet above or below the adjacent curb. The point on the adjacent curb is determined by drawing a line perpendicular to the door between the centerline of such door and the curb of the street. No portion of a ground floor can be located directly above or below another ground floor. (Added by Ord. No. 174,999, Eff. 1/15/03.)

GUEST HOUSE. A dwelling containing not more than five guest rooms or suites of rooms, but with no kitchen facilities. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

GUEST ROOM. Any habitable room except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit. (Added by Ord. No. 107,884, Eff. 9/23/56.)

HEIGHT OF BUILDING OR STRUCTURE. Is the vertical distance above grade measured to the highest point of the roof, structure, or the parapet wall, whichever is highest. 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. This definition does not apply to any building or structure located within the boundaries of the Century City North and Century City South Specific Plans and which is subject to Section 12.21.2 of this Code. (Added by Ord. No. 160,657, Eff. 2/17/86, Oper. 6/17/86.)

HIGHWAY, MAJOR. Any street designated as a major highway on the Highways and Freeways maps of the Transportation Element of the General Plan. (Amended by Ord. No. 172,840, Eff. 11/4/99.)

HIGHWAY, SECONDARY. Any street designated as a secondary highway on the Highways and Freeways maps of the Transportation Element of the General Plan. (Amended by Ord. No. 172,840, Eff. 11/4/99.)

HILLSIDE AREA. Any land designated as a Hillside Area on the Bureau of Engineering Basic Grid Map, Map No. A-13372, excluding those areas specifically identified in maps entitled Hillside Ordinance Amended Exhibit A attached to Council File No. 91-1621. (Amended by Ord. No. 168,728, Eff. 5/30/93.)

HISTORIC VEHICLE COLLECTION. One or more vehicles, as defined by Sections 5004(a)(1), (2) and (3) of the California Vehicle Code, special interest vehicles, as defined by Section 5051(b) of the California Vehicle Code, out-of-production vehicles of historical importance, as determined by the Zoning Administrator or parts cars, as defined in Section 5051(c) of the California Vehicle Code, which are collected, restored, or maintained for non-commercial hobby or historical purposes. (Added by Ord. No. 161,931, Eff. 3/2/87.)

HOME OCCUPATION. An occupation carried on by the occupant or occupants of a dwelling as a secondary use in connection with the main use of the property, subject to the regulations of Section 12.05 A.16. of this Code. For dwelling units where a home occupation is conducted, the home occupation shall be considered a residential use for zoning purposes. (Amended by Ord. No. 171,427, Eff. 1/4/97, Oper. 3/5/97.)

HOSTEL. A one-family dwelling, boarding or rooming house, dormitory, apartment hotel or apartment house which is advertised as a hostel or which is listed with any recognized national or international hostel organization. (Added by Ord. No 167,689, Eff. 5/9/92.)

HOTEL. A residential building designated or used for or containing six or more guest rooms, or suites of rooms, which may also contain not more than one dwelling unit, but not including any institution in which human beings are housed or detained under legal restraint. (Amended by Ord. No. 138,685, Eff. 7/10/69.)

HOUSEHOLD, LOW INCOME. (Deleted by Ord. No. 180,308, Eff. 12/7/08.)

HOUSEHOLD, MODERATE INCOME. (Deleted by Ord. No. 180,308, Eff. 12/7/08.)

HOUSEHOLD MOVING RENTAL TRUCK. Any motor vehicle which is displayed, stored or offered for rental without a driver, used and maintained solely for the transportation of property, primarily used for the do-it-yourself movement of personal or household goods by private individuals on a short-term basis, having only two axles, and equipped with a body of no more than 22 feet in length measured at the vehicle chassis nor more than 12 feet in height measured from the surface upon which the involved truck rests. Such vehicle may exceed 5600 pounds in registered net weight. (Amended by Ord. No. 151,717, Eff. 1/13/79.)

HOUSING AUTHORITY. (Deleted by Ord. No. 180,308, Eff. 12/7/08.)

HOUSING DEVELOPMENT. The construction pursuant to a building permit of, or the proposed conversion to condominium ownership pursuant to a final subdivision tract map submitted for approval of any apartment house, apartment hotel, multiple dwelling or group dwelling, residential condominium development or cooperative apartment home having five or more dwelling units. (Added by Ord. No. 145,927, Eff. 6/3/74.)

HOUSING DIRECTOR. (Deleted by Ord. No. 180,308, Eff. 12/7/08.)

INOPERABLE VEHICLE. Any motor vehicle or trailer which is incapable of immediate and sustained movement for which it was designed. (Added by Ord. No. 176,840, Eff. 9/4/05.)

IN-VESSEL COMPOSTING. A process in which compostable material is enclosed in a drum, silo or similar structure where the environmental conditions are controlled and the compostable material is aerated and mechanically agitated. This process allows for accelerated decomposition. (Added by Ord. No. 170,054, 11/13/94.)

JOINT LIVING AND WORK QUARTERS. A combined living and work unit that includes a kitchen and a bathroom. The residential portion of the unit, including the sleeping area, kitchen, bathroom, and closet areas, occupies no more than 33 percent of the total floor area, and the living space is not separated from the work space. Living and work spaces which are independently accessible from one another shall not be considered joint living and work quarters but rather a separate dwelling unit and a separate commercial work space. (Added by Ord. No. 172,572, Eff. 6/3/99.)

JUNK YARD. Any property or place where the business of a junk dealer, as defined by either Section 21601 of the California Business and Profession's Code or Section 103.305 of the Los Angeles Municipal Code, is conducted – other than wholly within an enclosed building. In addition, a junk yard shall include property used for the storage of impounded, abandoned, partially dismantled, obsolete or wrecked automobiles – other than wholly within an enclosed building. Junk Yard does not include an Historic Vehicle Collection when maintained as an Accessory Use as defined by Section 12.03 of the Municipal Code, or Scrap Metal Processing Yard as defined in the Municipal Code. **(Amended by Ord. No. 161,931, Eff. 3/2/87.)**

KENNEL. Any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.

A municipality may lawfully regulate the number of dogs that may be kept and may also prescribe an age limit.

Miller v. City of Arcadia, (1932) 121 Cal. App. 660.

KITCHEN. Any room or any portion of a dwelling unit, whether an enclosing subdivision thereof or otherwise, used or intended or designed to be used for cooking and preparing food except a light housekeeping room or that portion of a recreation room in a multiple residential use, or in an accessory building appurtenant thereto, containing the facilities for the cooking and preparation of food. **(Amended by Ord. No. 140,191, Eff. 5/15/70, Operative 10/12/70.)**

LEACHATES. Any liquid which has come into contact with or percolated through composting or curing materials and contains extracted or dissolved substances therefrom, or any other liquid which has been generated by the decomposition process. **(Added by Ord. No. 170,054, 11/13/94.)**

LIGHT HOUSEKEEPING ROOM. Any guest room which is designed and used as a bedroom and for the cooking and preparing of food, in a conformance with the provisions of Section 91.4930.1 of Article 1, Chapter 9 of this Code. For the purpose of applying the lot area and automobile parking space requirements of the various zones, each light housekeeping room shall be considered as a separate guest room. **(Added by Ord. No. 113,548, Eff. 6/10/59.)**

LOADING SPACE. An off street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT. A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter and fronting for a distance of at least 20 feet upon a street as defined here, or upon a private street as defined in Article 8 of this chapter. The width of an access-strip portion of a lot shall not be less than 20 feet at any point. In a residential planned development or an approved small lot subdivision a lot need have only the street frontage or access as is provided on the recorded subdivision tract or parcel map for the development. **(Amended by Ord. No. 176,354, Eff. 1/31/05.)**

LOT – AIR SPACE. **(Added by Ord. No. 156,681, Eff. 6/21/82.)** A division of the space above or below a lot as defined in this section with a finite width, length, and upper and lower elevation occupied or to be occupied by a use, building or portion thereof, unit group of buildings or portions thereof, and accessory buildings or portions thereof or accessory uses. An air space lot shall be identified on a final map or a parcel map recorded in the office of the County Recorder with a separate and distinct number or letter.

An air space lot shall have such access to a street (as defined in this section) or private street (as defined in Article 8 of this chapter) by means of one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

LOT, FLAG. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than 20 feet in width at any point connecting the main building site area to the frontage street. (Added by Ord. No. 137,956, Eff. 3/2/69.)

LOT LINE, FRONT. In the case of an interior lot, the line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.

LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front line.

LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line.

LOT WIDTH. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT DEPTH. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT AREA. The total horizontal area within the lot lines of a lot.

LOT, CORNER. A lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty five (135) degrees.

LOT, REVERSED CORNER. A corner lot the side street line of which is substantially a continuation of the front line of the first lot to its rear.

LOT, INTERIOR. A lot other than a corner lot.

LOT, KEY. The first interior lot to the rear of a reversed corner lot and not separated therefrom by an alley.

LOT, THROUGH. A lot having a frontage or two parallel or approximately parallel streets, but not including those lots having frontage on a street and frontage on a navigable public canal or waterway parallel or approximately parallel to said street. (Amended by Ord. No. 138,095, Eff. 4/19/69.)

LOT, TRANSITIONAL. The first 100 feet of a lot in an RA or R Zone having a side line adjoining or separated only by an alley from a lot in a C or M Zone. (Amended by Ord. No. 111,049, Eff. 5/3/58.)

LOT, VACANT. A lot on which no building, temporary or permanent, is erected. (Added by Ord. No. 153,361, Eff. 3/2/80.)

LOW TO MODERATE COST HOUSING. Housing for which the rent does not exceed the current Fair Market Rent for Existing Housing standards applicable to Los Angeles City as established for Section 8

and 23 Housing Assistance Payments Program by the United States Department of Housing and Urban Development. (Added by Ord. No. 151,432, Eff. 10/12/78.)

MAJOR REMODEL - HILLSIDE. Any remodeling of a main building on a lot in the Hillside Area whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building. (Added by Ord. No. 168,159, Eff. 9/14/92.)

MANUFACTURED HOME. The term "manufactured home" shall include a factory-built home and mobilehome but shall not include a recreational vehicle, or commercial coach. (Added by Ord. No. 161,716, Eff. 12/6/86.)

MINI-SHOPPING CENTER. (Amended by Ord. No. 175,223, Eff. 6/30/03.) A building or group of buildings located on a lot or lots, having all of the following characteristics:

- (1) Size - comprised of less than 65,000 square feet of lot area before any dedications required in connection with the building permit or other permits for the Mini-Shopping Center;
- (2) Use - used for more than one retail establishment, such as a store, shop, business, service or facility;
- (3) Zoning - located in the C or M1, M2 or M3 Zones; and
- (4) Improvements - improved with a structure or structures that do not exceed a height of three stories.

For purposes of this definition, a Mini-Shopping Center can be located on more than one lot only if the lots are adjacent, not divided by a public street, have a common parking area, and one or more buildings are erected or are proposed to be erected upon the lots.

The definition of Mini-Shopping Center shall not include the following:

An automobile service station, including service bay areas, where accessory food sales do not exceed 600 square feet of floor area and other accessory uses do not exceed 500 square feet of floor area; or

Commercial buildings composed of general business or professional offices, including those of a real estate or stock broker, or an insurance or building and loan company, with 30% or less of the total square footage containing related commercial/retail uses that are located on the first and second floors, so long as parking is provided for the commercial/retail uses as required by Section 12.21 A.4.

MINOR EMERGENCY REPAIRS. Those repairs to a currently State licensed motor vehicle owned by the occupants of the property which do not require the complete immobilization of the vehicle in excess of 24 hours duration or does not require the removal of the engine transmission, rear-end or more than one wheel. Minor emergency repairs does not include body and fender work. (Added by Ord. No. 137,210, Eff. 10/12/68.)

MOBILEHOME. When used in Sections 12.08.1, 12.09.3, and 12.24 of this Code, this term shall mean a structure transportable in one or more sections, designed and equipped to be used as a dwelling unit or accessory to a dwelling unit. This structure shall comply with all applicable provisions of the California State Mobilehomes – Manufactured Housing Act. The term "mobilehome" shall not include a factory-built home, recreational vehicle, or commercial coach. (Amended by Ord. No. 164,904, Eff. 7/6/89.)

MOBILEHOME PARK. When used in Sections 12.09.3, 12.24, and 17.50 of this Code, this term shall mean any lot or portion of a lot used to provide rental or lease sites for two or more individual mobilehomes or trailers used as one-family dwellings. (Amended by Ord. No. 164,904, Eff. 7/6/89.)

MOBILEHOME SITE. When used in Section 12.24 of this Code, this term shall mean that portion of a mobilehome park set aside and designated for the occupancy of a mobilehome or trailer and including the area set aside or used for parking and buildings or structures such as awnings, cabanas or ramadas which are accessory to the mobilehome or trailer. (Added by Ord. No. 161,716, Eff. 12/6/86.)

MOBILE MEDICAL FACILITY. A vehicle, or portable structure transported by a vehicle, easily transportable in one or more sections, which is used to provide primarily diagnostic or preventive medical services on a temporary basis in any one location. (Added by Ord. No. 166,045, Eff. 8/17/90.)

MODEL DWELLING. (Deleted by Ord. No. 172,839, Eff. 11/1/99.)

MULCH. A woody vegetative material used as a nonnutritive ground cover to control erosion, improve water retention and retard weed growth. (Added by Ord. No. 170,054, 11/13/94.)

MULCHING FACILITY. Any facility which receives, temporarily stores and processes primarily source-separated carbonaceous wood waste and/or yard trimmings into a mulch. Examples of such materials include clean wood waste, tree and shrub trimming, leaves and other high carbon, low nitrogen material which decompose at a slow rate and have little leachate or odor-causing potential. Processing of such materials is achieved by chipping and screening to attain a uniform particle size and may include limited aging of the material to achieve a desired appearance. This definition shall not include any mulching of green waste and/or wood waste conducted for noncommercial, nonprofit purpose. (Added by Ord. No. 170,054, 11/13/94.)

NATURE PRESERVE. An area in its natural state which serves as a habitat for flora and/or fauna indigenous to the area, or as a corridor linking such habitats, including but not limited to a bird sanctuary, and which is designated as a nature preserve on the applicable community or district plan by footnote or other means, and where permitted uses are only incidental to the preservation and enhancement of the preserve. (Added by Ord. No. 166,168, Eff. 10/3/90.)

NONCONFORMING BUILDING. A building, structure or portion thereof, which does not conform to the regulations of this chapter and which lawfully existed at the time the regulations, with which it does not conform, became effective.

NONCONFORMING LOT. A lot whose width, area or other dimensions does not conform to the regulations of this chapter and which lawfully existed at the time the regulations with which it does not conform became effective. (Amended by Ord. No. 127,777, Eff. 8/1/64.)

NONCONFORMING USE. A use of building or land which does not conform to the regulations of this chapter and which lawfully existed at the time the regulations with which it does not conform became effective.

OUTDOOR EATING AREA. When used in Sections 12.12.2, 12.13, 12.14, 12.21.1 and 12.24, this term shall refer to a covered or uncovered portion of a ground floor restaurant which is not completely enclosed within the building; is used primarily for the consumption of food and/or drinks by the patrons of the restaurant; and is not larger than 50 percent of the dining area of the ground floor restaurant. A "ground floor" restaurant refers to any restaurant with an average finished floor elevation either below or not more

than three feet above natural grade as measured from any point along the exterior building wall closest to the restaurant. (Amended by Ord. No. 165,403, Eff. 2/17/90.)

PARALLEL PARKING STALL. A parking stall having its length parallel with its access aisle. (Amended by Ord. No. 142,306, Oper. 2/9/72.)

PARKING AREA, PRIVATE. An open area located on the same lot with a dwelling, apartment house, hotel or apartment hotel, for the parking of automobiles of the occupants of such building. (Amended by Ord. No. 138,859, Eff. 8/21/69.)

PARKING AREA, PUBLIC. Any open area other than a street or a private parking area, used for the parking of more than four automobiles.

PARKING BAY. The width of two rows of parking stalls and the aisle between, or on a single loaded aisle with width of one row of parking stalls and the access aisle. (Added by Ord. No. 142,306, Oper. 2/9/72.)

PARKING. BUILDING. Any garage designed and used primarily for the parking of automobiles. (Amended by Ord. No. 144,082, Eff. 12/11/72.)

PARKING SPACE, AUTOMOBILE. Space within a building or a private or public parking area, exclusive of driveways, ramps, columns, office and work areas, for the parking of one (1) automobile.

PARKING STALL. Same as Parking Space, Automobile. (Added by Ord. No. 142,306, Oper. 2/9/72.)

PHILANTHROPIC INSTITUTION. A nonprofit, charitable institution devoted to the housing, training or care of children, or of aged, indigent, handicapped or underprivileged persons, but not including the following: office buildings, except as an accessory to and located on the same lot with an institutional activity, as listed above; hospitals, clinics or sanitariums, correctional institutions, institutions or homes for the insane or those of unsound mind; lodging houses or dormitories providing temporary quarters for transient unemployed persons; organizations devoted to collecting and salvaging new or used materials, or organizations devoted principally to distributing food, clothing or supplies on a charitable basis.

POOL. Any constructed pool used for swimming, bathing or wading or as a fishpond or similar use. (Added by Ord. No. 109,714, Eff. 8/26/57.)

PRINCIPAL USE. The main permitted use of land or structures as distinguished from an accessory use. (Added by Ord. No. 152,467, Eff. 7/14/79.)

RECREATION ROOM. A room contained in either a main building or an accessory building, designed to be utilized primarily for games, the pursuit of hobbies, social gatherings, and such activities. Such a room may contain such plumbing fixtures as are utilized in a bar or for hobby activities. Such a room in a single-family or two-family dwelling or in an accessory building appurtenant to a single-family or two-family dwelling, may not include facilities for the cooking and preparation of food. However, in a multiple residential use or in an accessory building appurtenant thereto, a recreation room which is for the common use of all the dwelling units therein may contain the facilities for the cooking and preparing of food. (Added by Ord. No. 138,685, Eff. 7/10/69.)

RECREATIONAL VEHICLE. A portable vehicle mounted on wheels, with or without motive power, and primarily designed and constructed to provide human habitation for recreational, camping, travel or emergency purposes. (Added by Ord. No. 161,716, Eff. 12/6/86.)

RECREATIONAL VEHICLE PARK. Any lot or portion of a lot permitted by conditional use to provide rental or lease sites for individual recreational vehicles which are occupied for temporary purposes. (Added by Ord. No. 161,716, Eff. 12/6/86.)

RECYCLABLE MATERIALS. Items or materials to be recycled or reused, including but not limited to yard waste, paper, plastic, glass, metal, newspaper, and cardboard. (Added by Ord. No. 171,687, Eff. 8/19/97.)

RECYCLING AREA OR ROOM. An outdoor space or a room within a building which is designated for the collection of Recyclable Materials generated by the use(s) occupying only that site, is approved by the Fire Department and the Department of Building and Safety, and has the space to accommodate Recycling Receptacles. (Added by Ord. No. 171,687, Eff. 8/19/97.)

RECYCLING CENTER, MOBILE. A receptacle, usually a trailer, for the collection of recyclable materials that is drawn by motor power and bears a valid state license. (Added by Ord. No. 158,503, Eff. 1/1/84.)

RECYCLING CENTER OPERATOR OR JUNK DEALER. A person having a fixed place of business in the City and engaging in, conducting, managing or carrying on the business of buying, selling or otherwise charging or re-selling for reuse, materials approved for collection at an approved Recycling Center or Buyback Center, Recycling Materials Processing Facility, Recycling Materials Sorting Facility or Junk Yard as defined by this Code. (Amended by Ord. No. 171,687, Eff. 8/19/97.)

RECYCLING CENTER OR SITE. (Definition Deleted by Ord. No. 171,687, Eff. 8/19/97.)

RECYCLING COLLECTION OR BUYBACK CENTER. A facility where Recyclable Materials are deposited or redeemed for monetary value, and which may include baling or crushing operations for the purposes of efficiency of storage and transfer (volume reduction), but shall not include sorting or processing activities for other than temporary storage purposes. (Added by Ord. No. 171,687, Eff. 8/19/97.)

RECYCLING MATERIALS PROCESSING FACILITY. A facility which accepts Recyclable Materials for sorting and processing on the site. For the purpose of this definition, processing shall mean the process of changing the physical characteristics of a Recyclable Material, including the shredding, smelting, grinding and crushing of cans, bottles, and other materials, for other than temporary storage purposes. (Added by Ord. No. 171,687, Eff. 8/19/97.)

RECYCLING MATERIALS SORTING FACILITY. A facility which accepts commingled or source-separated Recyclable Materials of various types, which are separated on the site using a manual or automated system. For the purpose of this definition, source-separated Recyclable Materials are those which are separated from the waste stream at their point of generation for the purpose of recycling. This may include baling or crushing operations for the purposes of efficiency of storage and transfer (volume reduction), but shall not include processing activities for other than temporary storage purposes. (Added by Ord. No. 171,687, Eff. 8/19/97.)

RECYCLING RECEPTACLE. A container which is suitable for the collection of Recyclable Materials. Containers shall be covered, durable, waterproof, rustproof, and of incombustible construction,

and shall provide protection against the environment or be in completely enclosed indoor recycling areas. Containers must be clearly labeled to indicate the type of material to be deposited. **(Added by Ord. No. 171,687, Eff. 8/19/97.)**

REGISTERED NET WEIGHT. Registered net weight of a commercial vehicle is the unladen weight, as that term is defined by State Vehicle Code Section 660 and evidenced on the registration card kept within a commercial vehicle pursuant to State Vehicle Code Section 4454 or 4455 as the registration weight of a commercial vehicle pursuant to State Vehicle Code Section 9400. **(Added by Ord. No. 148,857, Eff. 10/30/76.)**

RENTABLE FLOOR AREA. The floor area in a building, exclusive of corridors, stairs, elevator shafts, laboratories, flues and janitor's storage closets.

RESIDENTIAL BUILDING. A building or portion thereof designed or used for human habitation. **(Added by Ord. No. 107,884, Eff. 9/23/56.)**

RESIDENTIAL PLANNING DEVELOPMENT. A group of residential buildings and appurtenant structures located and arranged in accordance with the requirement of the RPD - residential planned development district (Sec. 13.04) in which the property is located. A residential planned development may include schools. It may also include churches, hospitals, infirmaries, recreational and commercial uses, as an integral part of the development and intended for use by its occupants, to an extent commensurate with the planned population of the RPD district. **(Added by Ord. No. 141,474, Eff. 2/27/71.)**

RESIDENTIAL VEHICLE. A mobilehome, or a travel trailer containing a minimum of two hundred and twenty (220) square feet of superficial floor area exclusive of bath, closet and water closet areas, as defined by the California Health and Safety Code Sections 18211 and 18219. Such residential vehicle shall contain cooking, eating, sleeping, toilet and bathing facilities and shall display a California Department of Housing and Community Development insignia issued within one year prior to the date of application for the use of land permit herein required and a valid current California vehicle license. **(Added by Ord. No. 153,144, Eff. 12/28/79.)**

RETIREMENT HOTEL. A building with guest rooms and/or dwelling units in which 90 percent or more of the occupants are age 62 or older and for which a covenant running with the land is recorded limiting the use as such for as long as the building contains any guest rooms. **(Added by Ord. No. 159,714, Eff. 4/8/85.)**

REVERSE VENDING MACHINE. An automated mechanical device which accepts one or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and which issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State of California. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. **(Added by Ord. No. 168,662, Eff. 4/29/93.)**

REVERSE VENDING MACHINE COMMODITY STORAGE BIN. A non-automated container which is covered and made of durable, incombustible, rustproof and waterproof construction, which is used to store the processed aluminum cans, glass and plastic bottles that are removed from a reverse vending machine. **(Added by Ord. No. 168,662, Eff. 4/29/93.)**

ROOM, HABITABLE. **(Amended by Ord. No. 146,421, Eff. 9/14/74.)** An enclosed subdivision in a residential building commonly used for living purposes, but not including any lobby, hall, closet, storage space, water closet, bath, toilet, slop sink, general utility room or service porch. A recess from a room or an

alcove (other than a dining area) having 50 square feet or more of floor area and so located that it could be partitioned off to form a habitable room, shall be considered a habitable room.

For the purpose of applying the automobile parking space requirements of this article, any kitchen as defined herein shall be considered a habitable room and, if it is a part of a room designed for other than food preparation or eating purposes, such remaining portion shall also be considered a habitable room.

For the purpose of applying the lot area requirements of this article, a kitchen less than 100 square feet of room area from wall to wall shall not be considered a habitable room.

For the purpose of applying the open space requirements of Section 12.21 G., a kitchen as defined herein shall not be considered a habitable room. **(Fourth Para. Added by Ord. No. 171,753, Eff. 11/17/97.)**

SCRAP METAL PROCESSING YARD. Any establishment or place of business which is maintained, used or operated solely for the processing and preparing of scrap metal for remelting by steel mills and foundries. **(Added by Ord. No. 145,040, Eff. 10/15/73.)**

SCHOOLS, ELEMENTARY AND HIGH. An institution of learning which offers instruction in several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. High schools include Junior and Senior.

SENIOR INDEPENDENT HOUSING. Residential housing that consists of dwelling units for persons 62 years of age and older and may include common dining areas or other community rooms. Full time medical services shall not be provided on the premises. It may be a component of an Eldercare Facility. **(Added by Ord. No. 178,063, Eff. 12/30/06.)**

SERVANTS QUARTERS. An accessory building located on the same premises with the main building, used solely as the dwelling of persons employed on the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit. **(Added by Ord. No. 107,884, Eff. 9/23/56.)**

SHELTER FOR THE HOMELESS. A residential facility operated by a "provider," other than a "community care facility" as defined in the California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the standards for shelters contained in Title 25, California Administrative Code, Part 1, Chapter F, Subchapter 12, Section 7972. The term "temporary accommodations" means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a "provider" shall mean a government agency or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Community Development Department of the City of Los Angeles to meet all applicable requirements as such which are contained in the California Health and Safety Code and the California Administrative Code. **(Added by Ord. No. 161,426, Eff. 8/2/86.)**

SHOWCASE THEATER. **(Added by Ord. No. 148,910, Eff. 11/17/76.)** A theater which meets all of the following criteria:

- (1) seats 90 persons or less;
- (2) is nonprofit and tax-exempt;
- (3) provides live entertainment; and

(4) employs fewer than five persons (exclusive of performers).

SKILLED NURSING CARE HOUSING. Residential housing that is licensed by the California Department of Health and provides acute, intermediate, or long-term skilled nursing care and consists only of guest rooms for its residents. Full time medical services may be provided on the premises. It may be a component of an Eldercare Facility. **(Added by Ord. No. 178,063, Eff. 12/30/06.)**

SPECIFIC PLAN. A specific plan is a definite statement adopted by ordinance of policies, standards and regulations, together with a map or description defining the locations where such policies, standards and regulations are applicable. **(Added by Ord. No. 138,800, Eff. 6/13/69.)**

STABLE, PRIVATE. A detached accessory building which has a roof and may have one or more sides and is used in whole or in part for the housing or shelter of an equine or equines owned by the occupants of the premises and not kept for remuneration, hire or sale. **(Amended by Ord. No. 157,144, Eff. 11/22/82; Clarified by Ord. No. 157,219, Eff. 12/3/82.)**

STABLE, PUBLIC. A stable other than a private stable.

STANDARD HILLSIDE LIMITED STREET — a street (public or private) with a minimum width of 36 feet and paved to a minimum roadway width of 28 feet, as determined by the Bureau of Engineering. **(Amended by Ord No. 169,961, Eff. 8/29/94.)**

STOCK COOPERATIVE. The same as defined by Section 11003.2 of the California Business and Professions Code. **(Added by Ord. No. 153,024, Eff. 1/10/79.)**

STORAGE BUILDING FOR HOUSEHOLD GOODS. **(Added by Ord. No. 173,979, Eff. 6/29/01.)** A building that offers secure self-storage for household goods in individual rooms, compartments, lockers or containers to which clients bring goods for storage and retrieve them any time during normal business hours without any assistance from the operator of the building. For purposes of this definition, storage of these goods may not be in containers, such as boxes, barrels and/or drums set on pallets or racks, or that require the use of forklifts or other similar mechanical equipment for access or mobility. A storage building for household goods does not include the storage of commercial inventory to be sold, displayed, rented or otherwise relocated for sale.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top most story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade as defined herein for more than 50% of the total perimeter, or is more than twelve feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story. **(Amended by Ord. No. 131,309, Eff. 4/24/66.)**

STREET. Any public thoroughfare other than an alley or walk, except that in those cases where a subdivision has been recorded containing lots which abut only on an alley or walk, said alley or walk may be considered to be a street.

STREET – COLLECTOR. Any street designated as a collector street on an adopted community plan element of the general plan. **(Added by Ord. No. 150,799, Eff. 6/5/78.)**

STRUCTURE. Anything constructed or erected which is supported directly or indirectly on the earth, but not including any vehicle which conforms to the California State Vehicle Act. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

STRUCTURAL ALTERATIONS. Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

SUBSTANDARD HILLSIDE LIMITED STREET — A street which does not meet the minimum requirements of a Standard Hillside Limited Street as defined in Section 12.03. (Amended by Ord. No. 169,961, Eff. 8/29/94.)

SUITE. A group of habitable rooms designed as a unit, and occupied by only one family, but not including a kitchen or other facilities for the preparation of food, with entrances and exits which are common to all rooms comprising the suite. (Added by Ord. No. 138,685, Eff. 7/10/69.)

TEMPORARY GEOLOGICAL EXPLORATORY CORE HOLE. A seismic test hole or exploratory core hole used or intended to be used exclusively for geophysical, geological, and other exploratory testing for oil, natural gas or other hydrocarbon substances. (Amended by Ord. No. 152,744, Eff. 9/10/79.)

TENANT. A person who rents, leases or sub-leases, through either a written or oral agreement, residential real property from another. (Added by Ord. No. 151,432, Eff. 10/12/78.)

TENNIS OR PADDLE TENNIS COURT. A game court designed for the purpose of playing tennis, paddle tennis or similar game, utilizing a concrete slab or other conventionally accepted hard playing surface, an enclosing fence and frequently overhead lighting fixtures. (Added by Ord. No. 151,466, Eff. 10/27/78.)

TOWNHOUSE. A dwelling unit, structurally separated from another dwelling unit or other dwelling units in a building containing two or more dwelling units, and complying with the provisions of Section 91.2305(k)(2) of this Code, and which may be sold jointly with the lot upon which the dwelling unit is situated. Provided, however, that common roofing, flashing, and siding are permitted so as to enclose the airspace resulting from said structural separation. (Added by Ord. No. 141,474, Eff. 2/27/71.)

TRAILER OR AUTOMOBILE TRAILER. A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, the terms "trailer" and "automobile trailer" shall not include a mobilehome. (Amended by Ord. No. 161,716, Eff. 12/6/86.)

TRANSIENT OCCUPANCY RESIDENTIAL STRUCTURE. A residential building designed or used for one or more dwelling units or a combination of three or more dwelling units and not more than five guest rooms or suites of rooms wherein occupancy, by any person by reason of concession, permit, right of access, license, or other agreement is for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. (Added by Ord. No. 167,689, Eff. 5/9/92.)

UNDERFLOOR SPACE. A space between the ground and the floor directly above. (Added by Ord. No. 109,714, Eff. 8/26/57.)

USE. The purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

UTILITY RENTAL TRAILER. Any non-passenger carrying, box- type open or van designed to be towed by a passenger vehicle, not exceeding 3,500 pounds gross vehicle weight (GVW), and not exceeding 96 inches in total width, nor 72 inches in box width, nor 14 feet in box length. **(Added by Ord. No. 148,857, Eff. 10/30/76.)**

VEHICLE, COMMERCIAL. Any vehicle, excluding Household Moving Rental Trucks, and Utility Rental Trailers, which when operated upon a highway is required to be registered as a commercial vehicle by the Vehicle Code of the State of California or by any other jurisdiction and which is used or maintained for the transportation of persons for hire, compensation, or profit, or designed, used or maintained primarily for the transportation of property. **(Amended by Ord. No. 148,857, Eff. 10/30/76.)**

WINDROW COMPOSTING. The process in which compostable material is placed in elongated piles or windrows which are mechanically turned or aerated to encourage decomposition and to reduce odors. **(Added by Ord. No. 170,054, 11/13/94.)**

WOOD WASTES. Any untreated and/or unpainted wood material such as pallets, plywood and other construction related scrap lumber, stumps and tree trimming. **(Added by Ord. No. 170,054, 11/13/94.)**

YARD. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

YARD, FRONT. A yard extending across the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot. **(Amended by Ord. No. 121,925, Eff. 6/4/62.)**

YARD, SIDE. A yard more than six (6) inches in width between a main building and the side lot line, extending from the front yard or the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

ZONING ADMINISTRATOR. **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** The Zoning Administrator shall mean the Chief Zoning Administrator or an Associate Zoning Administrator. The Director may appoint the Zoning Administrator to act as the Director's designee or as a Hearing Officer for the Director.

EXHIBIT "B"

CITY OF LOS ANGELES MUNICIPAL CODE

SEC. 103.01. DEFINITIONS.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

Applicant means a person who files an application for a permit from the Board.

Board means the Board of Police Commissioners or the Police Permit Review Panel if the Board delegates the authority to the Panel pursuant to Section 102.13.01(d).

Business means any occupation, trade, establishment or concern, regardless of form, which provides services, products or entertainment for which a permit is required under this article, whether or not a permit has been granted, sought, applied for, denied, revoked or suspended.

Director of Finance means the Director of Finance for the City of Los Angeles, or his or her deputy.

Employee means any and all persons, including operators, managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of the business, whether or not the person is paid compensation by the business. This definition does not apply to persons incidentally involved with the business, such as persons delivering goods, food and beverages, or performing maintenance or repairs to the business premises.

Entertainer means any person who performs specified sexual activities or displays specified anatomical parts in a business.

Hearing Examiner means any person appointed by the Board to conduct hearings provided by this article.

Manager means any person appointed by an owner, operator or permittee of a business, who manages, directs, administers, or is in charge of the affairs and/or the conduct or operation of a business. This definition includes assistant managers.

Owner means (1) a sole proprietor or person(s) who own or operate a business; (2) all general partners of a partnership that owns or operates a business; (3) all officers of a corporation and all persons who own a controlling interest in a corporation or other limited liability entity that operates a business.

Patron means any individual, other than an employee, present in or at the business premises at any time during the hours of operation. This definition does not apply to persons incidentally involved with the business, such as persons delivering goods, food and beverages, or performing maintenance or repairs to the business premises.

Permittee means any person having a valid permit issued by the Board as required by the Los Angeles Municipal Code.

Premises means the building and real property occupied or used in the operation of the business, or the space in the building occupied by the business if the business does not utilize the entire building in the operation of the business.

Sexually oriented material means any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, compact disc, or other written, oral or visual representation, which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

Sexually oriented merchandise means sexually oriented implements and paraphernalia, such as, but not limited to condoms, lap dance bags, benwa balls, dildos, auto sucks, sexually oriented vibrators, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices that are designed or marketed primarily for the stimulation of or use with the stimulation of human genital organs or for sadomasochistic activity.

Specified anatomical parts means:

1. Less than completely and opaquely covered human genitals, pubic hair, buttocks, natal cleft, perineum, anus, anal region, pubic region, or female breast below a point immediately below the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

1. Actual or simulated: sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, masturbation, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship; or any of the following depicted sexually oriented acts or conduct, whether actual or simulated: anilingus, buggery, coprophilia, coprophagy, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism, urophilia, zooerastia, zoophilia; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, natal cleft, anal region, anus, or female breast; or
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
7. The presence of any person who performs a striptease, or appears in attire where specified anatomical parts are either not opaquely covered or minimally covered with bikinis, lingerie, or devices commonly referred to as pasties and G-strings, or any other similar opaque covering.

DIVISION 3 PERMIT APPLICATIONS

Section

103.02 Permit Required.

103.02.1 Permit Applications.

103.03 Public Hearings.

103.04 False Statements.

103.05 Overlapping Business.

103.06 Permits – Duration.

103.06.1 Permits – Renewal.

103.06.2 Temporary Permits.

103.07 Permits – Annual Fee.

103.08 Permits Non-Transferable.

103.09 Permit for Each Location.

103.10 Change of Location.

103.11 Additional Locations.

EXHIBIT "C"

CITY OF LOS ANGELES MUNICIPAL CODE

SEC. 103.02. PERMIT REQUIRED.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

No person may operate, engage in, conduct or carry on any business without first obtaining a permit issued by the Board of Police Commissioners.

EXHIBIT "D"

CITY OF LOS ANGELES MUNICIPAL CODE

SEC. 103.310. SECONDHAND BOOK DEALERS.

(a) **Definitions.** As used in this section:

1. **"SECONDHAND BOOK DEALER"** means a person engaging in, conducting, managing or carrying on the business of buying, selling, exchanging or otherwise dealing in secondhand books and magazines, secondhand text books or secondhand educational materials.

2. **"SECONDHAND TEXT BOOKS"** or **"SECONDHAND EDUCATIONAL MATERIALS"** means those text books or other materials required or designated by any university, college, school, or other educational institution to be used or which were used by students in studying the courses offered by said institutions. Such text books or other materials voluntarily used by said students in conjunction with those books required or designated by said institutions are included.

(b) **Permit Required.** No person shall engage in, conduct, manage, or carry on the business of secondhand book dealer without a written permit from the Board.

(c) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee accompanied by the change of location fee prescribed in Section 103.12.

(d) **Bills of Sale.** Every secondhand book dealer buying, selling or exchanging or otherwise dealing in secondhand books, secondhand text books or secondhand educational materials or exchanging new text books or new educational materials for secondhand text books or secondhand educational materials, as whole or part payment therefor, shall immediately upon receiving the same, require the seller or other person from whom said secondhand text books or materials are bought, or received in exchange, to execute a bill of sale therefor. Said bills of sale shall be numbered consecutively and shall be kept on file and open during business hours to the inspection of any police officer or representative of the Board.

(e) **Contents of Bill of Sale.** Said bill of sale shall show:

1. **Date.** The date of purchase or receiving in exchange;

2. **Name of Seller.** The name and address of the person selling or exchanging such articles and the name of the educational institution said person is attending or in which he is registered;

3. **Name of Institution.** The name of the educational institution, if any, requiring or designating the use of such textbooks or materials, including the date of the term or semester during which the same were used;

4. **Name of Purchaser.** The name and address of the purchaser or person receiving said secondhand books, secondhand text books or materials, said name and address coinciding with those showing upon the permit issued by the Board and held by said person;

5. **Description.** A description of the secondhand books, secondhand text books or materials purchased by him sufficient in all respect to clearly identify the same.

(f) **Right to Sell.** A secondhand book dealer who purchases or receives in exchange secondhand books, secondhand text books or other secondhand educational materials shall, prior to making such

purchase or exchange, ascertain that the person selling or delivering for exchange any such secondhand books or materials has a legal right to do so.

(g) **Identification of Books.** The secondhand book dealer shall immediately upon purchasing or receiving in exchange any such secondhand books or materials stamp, write, print or otherwise permanently affix to each article so purchased or received the number of the bill of sale covering said articles.

(h) **Signs.** Secondhand book dealers shall maintain on the premises where said business is located a sign plainly printed in the English language of sufficient size so that the same may be easy to read from the sidewalk in front of said place of business. Such sign shall state the business in which such person is engaged. If said business is located in an office building the sign shall be placed on the door of said office. If the business is located in a department of any building, the sign shall be placed at the entrance to said department.

(i) **Exemptions.** This section shall not apply to the receipt or sale of secondhand books, secondhand text books or secondhand educational materials by any person who receives or purchases such books or materials from any other person when such other person has made required reports as fixed by rule or regulation of the Board and shall have held the said books or materials for the length of time therein required.

EXHIBIT "E"

CITY OF LOS ANGELES MUNICIPAL CODE

SEC. 103.311. SECONDHAND DEALERS.

(a) **Definitions.** As used in this article:

1. **"SECONDHAND DEALER"** means a person engaging in, conducting, managing, or carrying on the business of buying, selling, or otherwise dealing in secondhand or rebuilt or reconditioned goods, wares and merchandise. The term does not include secondhand dealer-jewelry, or persons holding permits as auto wreckers or used car dealers or secondhand book dealers. The acceptance, sale or disposal of used automobile tires or automobile batteries taken in part payment for new tires or batteries shall not be deemed to constitute the doing of the business of a secondhand dealer.

2. **"SECONDHAND DEALER – JEWELRY"** means a person engaging in, conducting, managing or carrying on the business of buying, selling, or otherwise dealing in secondhand jewelry, precious and semi-precious stones and metals and imitations thereof, watches, rings, bracelets, and other similar goods, wares and merchandise.

(b) **Permit Required.** No person shall engage in, manage, conduct or carry on the business of a secondhand dealer or a secondhand dealer-jewelry without a written permit from the Board.

(c) **Change of Location.** A change of location may be endorsed on a permit by the Board upon written application by the permittee accompanied by the change of location fee prescribed in Section 103.12.

(d) **Permittee, Responsible for Conduct of Premises.** It shall be the duty of permittee to see that no secondhand goods are sold or purchased by his agent or any other person in or upon the permittee's premises or location other than in the course of permittee's business.

(e) **Advertising Restrictions.** No permittee shall advertise any goods for sale when such goods are not actually for sale at the premises at the time the advertisement is inserted in the newspaper or medium.

Within 24 hours after the sale of any goods that have been advertised for sale, the permittee shall withdraw or cancel any advertisement relative to such goods.

(f) **Hold-Order.** A police officer may place a hold-order upon property acquired by the permittee in the course of his business, for a period of 90 days, and upon release of such property, may require the permittee to keep a record of the disposition of such property. It shall be unlawful for any person to dispose of any property contrary to any hold-order issued by a police officer.

(g) **Holding Period.** Property acquired in the course of permittee's business shall be reported and held for such period of time as is fixed by rule and regulation of the Board.

(h) **Violation.** No permittee shall clean, alter, repair or otherwise change the appearance, melt, destroy, sell, export or otherwise dispose of any article, goods, wares, merchandise, waste materials, junk or things obtained in the course of his business until such articles have been held for the period required by the Board.

(i) **Exemption. (Added by Ord. No. 158,621, Eff. 2/20/84.)** Any person engaging in, conducting, managing, selling, exchanging, displaying or offering for sale or exchange, secondhand personal property at a swap meet is exempt from Subsections (a) through (h), inclusive, of this section, and any rules and

regulations promulgated by the Board pursuant to said subsections, but is subject to the following provisions and conditions:

1. **Definitions.** As used in this subsection:

a. **"Swap Meet"** means any event where secondhand goods are offered or displayed for sale or exchange and

(1) A fee is charged for the privilege of offering or displaying secondhand goods for sale or exchange; or

(2) A fee is charged to prospective buyers for admission to the area where secondhand goods are offered or displayed for sale or exchange.

b. **"Swap Meet Operator"** means any individual, partnership, corporation, business association or other person or entity which sponsors, controls, manages or otherwise conducts a swap meet.

c. **"Swap Meet Vendor"** means any individual, partnership, corporation, business association or other person or entity which sells, exchanges, displays, or offers for sale or exchange, any secondhand goods at a swap meet.

2. **Permit Required.** No person or entity shall operate a swap meet without a written permit from the Board, except that a permit shall not be required for any event sponsored by and for the exclusive benefit of any community chest, fund, foundation, association or corporation organized and operated solely for religious or charitable purposes provided that no portion of any admission fee charged swap meet vendors or prospective purchasers, or the receipts from the sale or exchange of new or secondhand goods, inures to the benefit of any shareholder, officer, employee, person or entity organizing, sponsoring or conducting such event.

a. No permit shall be issued which will permit the sale or display of firearms, flammables, and hash pipes or other manipulative instruments relating to the use or consumption of drugs or their derivatives.

b. No permit shall be issued unless the swap meet operator has first obtained a business tax registration certificate.

c. No permit shall be issued for a swap meet requiring a conditional use pursuant to Section 12.24 of this Code until such conditional use has been obtained.

d. When the Board has determined that the cost of police investigation services will be increased because of the operation of a swap meet, the Board may require the swap meet operator to make payment into the general fund of the City of Los Angeles an amount calculated at the current hourly rate of a Detective II for each hour of investigation on a weekday and 150% of the current hourly rate of a Detective II for each hour of investigation on a Saturday, Sunday or holiday involving the swap meet, or up to a maximum of 16 hours per day of swap meet operation, plus 23.1% of such amount for administrative costs. The swap meet operator shall pay the amount due to the Office of Finance within 30 days after the bill is mailed to the swap meet operator by the Board. (Amended by Ord. No. 173,300, Eff. 6/30/00, Oper. 7/1/00.)

e. A permit shall be issued, denied or revoked pursuant to the provisions of this chapter; however, the Board shall place no other conditions on the operation of a swap meet permitted pursuant to Section 12.24 of this Code other than those permitted by this subsection.

f. Each swap meet operator, prior to each swap meet, shall verify to the Police Department that each swap meet vendor has consented to an inspection by a police officer of all goods under such vendor's control at the swap meet before permitting such vendor to participate in the swap meet. Failure on the part of the swap meet operator to verify the above information is grounds for the Police Department to close the swap meet. **(Added by Ord. No. 161,524, Eff. 8/17/86.)**