

ARTICLE 12.  
**NONCONFORMITIES**



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## DIV. 12.1. **GENERAL PROVISIONS**

### SEC. 12.1.1. **INTENT**

The provisions of this Article provide relief from the requirements of this for existing lots, buildings and structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions.

### SEC. 12.1.2. **GENERAL RULES**

The following general rules apply to all nonconformities. Specific rules in the following Divisions of this Article may provide additional standards or exceptions to these general rules.

- A.** A nonconforming building, structure, or use may conduct minor renovation and ordinary maintenance and repair without triggering any of the standards of this .
- B.** No new construction, addition, facade alteration, site alteration, major renovation, change in use, or expansion of use project activity may occur on any nonconforming lot, or to any nonconforming building or structure, or nonconforming use, that increases the degree of nonconformity with this Chapter, except where expressly allowed in this Article.
- C.** A nonconforming building or structure may not be relocated to another location on the lot, or to any other lot, unless every portion of the building or structure conforms to all the current regulations of the applicable zone and other applicable current land use regulations, except as otherwise permitted by *Div. 12.10. (Lots Affected by Acquisitions for Public Use)*.
- D.** Demolition that reduces compliance with the standards or rules in any Zoning District Article is not allowed, except in conjunction with new project activity that allows the project to meet the minimum requirement.

### SEC. 12.1.3. **APPLICABILITY**

#### **A. Relationship to Article-Level Applicability Standards**

- 1.** The provisions of this Article apply in addition to the Applicability provisions of the Zoning District Articles.
- 2.** *Sec. 12.9.1. (Restoration of Damaged Nonconforming Buildings)* and *Sec. 12.9.2. (Replacement of Earthquake Hazardous Buildings)* supersede any other provisions of this Chapter.

#### **B. Relationship to Specific Plans, Supplemental Districts, and Special Districts**

The provisions of this Article apply to Specific Plans, Supplemental Districts and Special Districts only to the extent that those provisions apply the standards of the Zoning District Articles.

### C. Area of Work

Where a permit application does not involve an entire lot, building or structure, the standards of this Article apply only to the area of work that is the subject of the permit application, as determined by the Department of Building and Safety.

#### SEC. 12.1.4. CALCULATION OF TIME

Whenever a period of time related to a nonconformity is specified in this Chapter, the period of time is computed from the effective date of the ordinance that created the nonconformity.

#### SEC. 12.1.5. RELIEF

- A. In certain circumstances where Alternative Compliance is specified in the standards of the Zoning District Articles, it is available as a way to achieve a standard in an acceptable alternate way, which may be used to bring a project into conformity, pursuant to *Sec. 13B.5.1. (Alternative Compliance)*.
- B. Additional relief from the requirements of this Article may be available through the adjustment process, pursuant to *Sec. 13B.5.2 (Adjustment)* or the variance process, pursuant to *Sec. 13B.5.3. (Variance)*.
- C. The City's adaptive re-use project standards allow some relief and provide incentives for the re-use of existing buildings pursuant to *Sec. 9.4.5. (Downtown Adaptive Reuse Projects)* and *Sec. 12.4.6. (Citywide Adaptive Reuse Projects)*.
- D. When relief is granted through any discretionary action taken consistent with this Section, the element that is the subject of that action is no longer considered nonconforming.

#### SEC. 12.1.6. COMPLIANCE WITH OTHER LAWS

Nothing in this Article relieves any person from the obligation to comply with the requirements of any Federal, State or County law.

## DIV. 12.2. **FORM**

### SEC. 12.2.1. **LOT SIZE**

#### A. **Standards**

Where a lot is nonconforming as to lot area or lot width:

1. No subdivision is allowed.
2. New construction, addition, facade alteration, site alteration or major renovation is allowed, provided the project conforms to all current regulations of the applicable zone and other applicable current land use regulations except the lot area or lot width requirement.
3. A change in use to a conforming use, expansion of an existing conforming use, or establishment of a temporary use, is allowed provided the use meets all of the dimensional requirements of the applicable zone, including those associated with minimum lot area or lot width.
4. No relocation of a building or structure to a nonconforming lot is allowed.

### SEC. 12.2.2. **COVERAGE**

#### A. **Standards**

1. Where a lot is nonconforming as to building coverage, additional building coverage is not allowed. This standard does not prohibit an addition created by vertical construction that does not exceed applicable height or FAR limits.
2. Where a lot is nonconforming as to building setbacks, new construction, addition, facade alteration, site alteration, or major renovation is allowed, provided the project meets all of the dimensional requirements of the applicable zone.
3. Alterations other than additions to existing buildings that are nonconforming as to coverage may be made without bringing the entire building into conformity, provided that the activity does not meet the definition of demolition.
4. Buildings nonconforming as to setbacks may conduct ordinary repair and maintenance, undergo structural alteration or major renovation, provided the activity does not meet the definition of demolition.

#### B. **Exceptions**

##### 1. **General**

Where a building is nonconforming as to setbacks, an addition is allowed, provided that:

- a. Additions located in the nonconforming setback do not encroach to a greater extent than the existing encroachment or reduce the nonconforming setback to less than 50% of that required by the dimensional requirements of the applicable zone.
- b. The total of all additions made since the building became nonconforming do not exceed, in height or length, the height or length of that portion of the adjoining nonconforming building that extends into the same setback.

### SEC. 12.2.3. AMENITY

#### A. Standards

Where a lot is nonconforming as to lot amenity space or residential amenity space requirements, any area of work associated with new construction, addition, site alteration or major renovation shall meet the amenity requirements for the applicable zone.

### SEC. 12.2.4. FLOOR AREA RATIO & HEIGHT

#### A. Standards

1. Where a building or structure, or combination of multiple buildings or structures, is nonconforming as to floor area ratio, no additional floor area is allowed. This does not prohibit a site alteration or major renovation that does not increase the amount of floor area.
2. Where an existing building or structure is nonconforming as to maximum height in either feet or stories, any new construction or addition shall not exceed the maximum height of the applicable zone.
3. Where an existing building or structure is nonconforming as to minimum height, any new construction or addition shall meet the minimum height limit of the applicable zone.
4. Demolition that reduces compliance with minimum height is not allowed, except in conjunction with new construction or additions that allow the project to meet the minimum requirement.

#### B. Exceptions

##### 1. Rural, Estate and House Form Districts

- a. An addition to a building or structure that is nonconforming as to floor area is allowed, provided that the addition conforms to all current regulations of the applicable zone and other applicable current land use regulations, except as may be approved or permitted pursuant to a discretionary approval. This exception is not available for lots in the Coastal Zone not located in a Hillside Area.
- b. Alterations to existing buildings other than additions are allowed, provided that the activities do not meet the definition of demolition.



## 2. **Addition to Building Exceeding Maximum Height**

Where an existing building or structure is nonconforming only as to maximum height, additions that conform to all the current regulations of the applicable zone and other applicable current land use regulations are allowed, provided the total aggregate floor area included in all the separate additions does not exceed 50% of the floor area of the ground floor of the building or structure.

### SEC. 12.2.5. **UPPER-STORY BULK**

#### A. **Standards**

Where an existing building or structure is nonconforming as to the bulk plane, street step-back or height transition, any new construction, addition or facade alteration shall not exceed the current regulations of the applicable zone and any other applicable current land use regulations.

#### B. **Exceptions**

An addition to a building that is nonconforming only as to bulk plane regulations is allowed, provided the addition conforms to all the current regulations of the applicable zone and other applicable current land use regulations, and provided that the total aggregate floor area included in all separate additions shall not exceed 50% of the floor area of the ground floor of the building or structure.

### SEC. 12.2.6. **BUILDING MASS**

#### A. **Standards**

Where an existing building or structure is nonconforming as to the building width requirement, any new construction, addition or facade alteration shall not exceed the current regulations of the applicable zone and any other applicable current land use regulations.

## DIV. 12.3. FRONTAGE

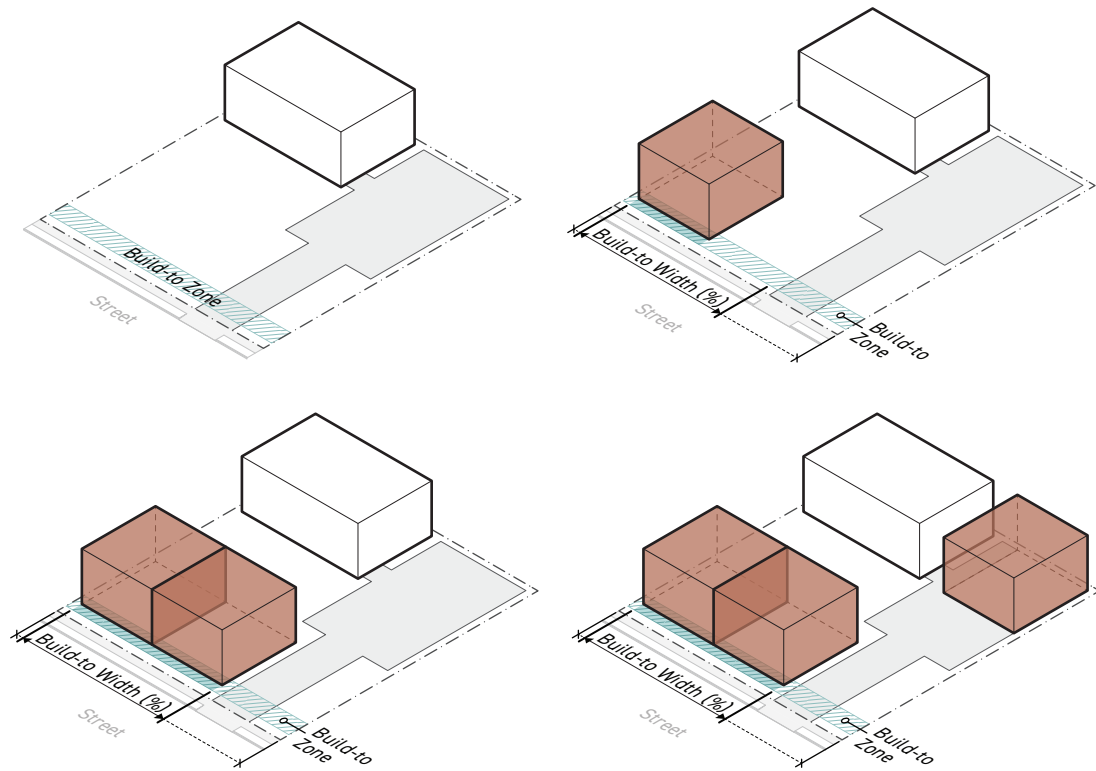
### SEC. 12.3.1. BUILD-TO

#### A. Standards

1. On a lot with an existing building that is nonconforming as to minimum build-to applicable stories, any new construction or addition shall meet the minimum build-to applicable stories.
2. Demolition that reduces compliance with minimum build-to applicable stories, build-to width, or build-to depth requirements is not allowed, except in conjunction with new construction or additions that allow the project to meet the minimum requirement.
3. On a lot with an existing building that is nonconforming as to the maximum build-to depth or minimum build-to width requirements, any new construction or addition shall meet the minimum build-to width between the minimum and maximum build-to depth in one or more of the ways outlined below.

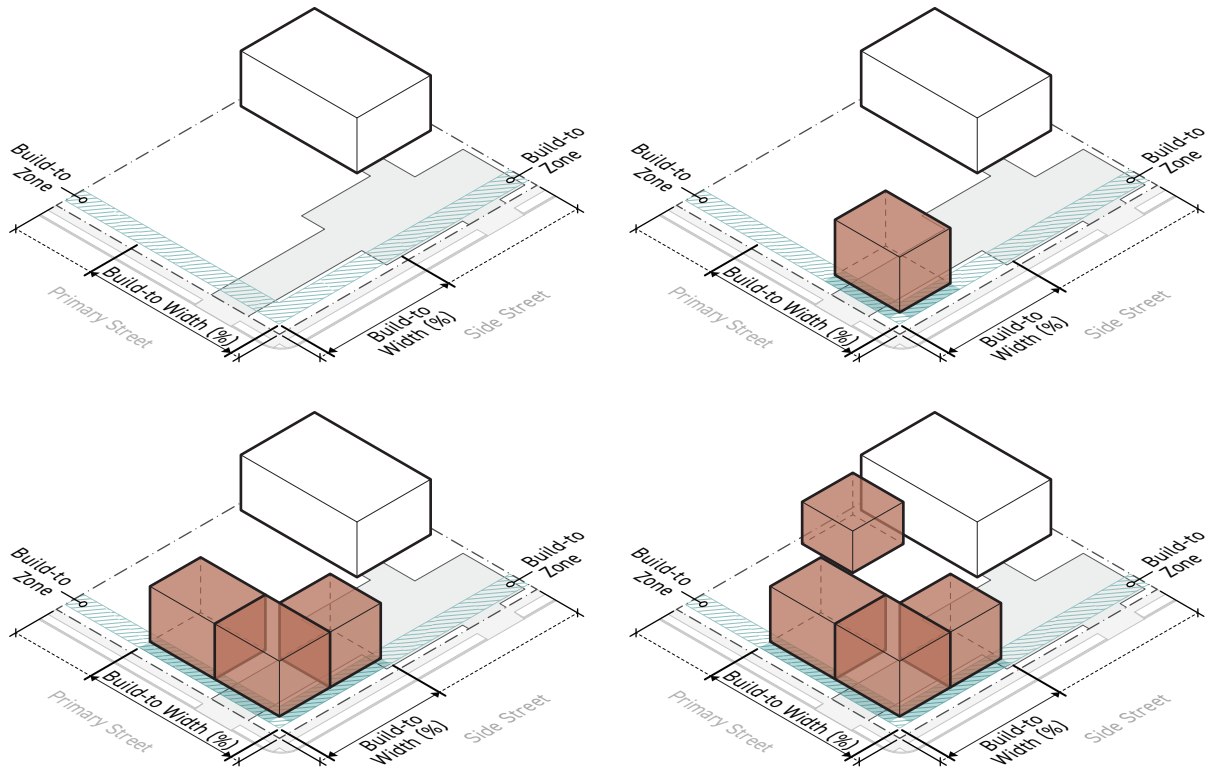
##### a. New Construction on an Interior Lot

All new construction shall occupy the build-to depth until the build-to width has been met. Buildings may be provided in phases - each new building is not required to meet the entire required build-to width for the lot. Once the build-to width standard has been met, new construction may be placed outside of the build-to zone.



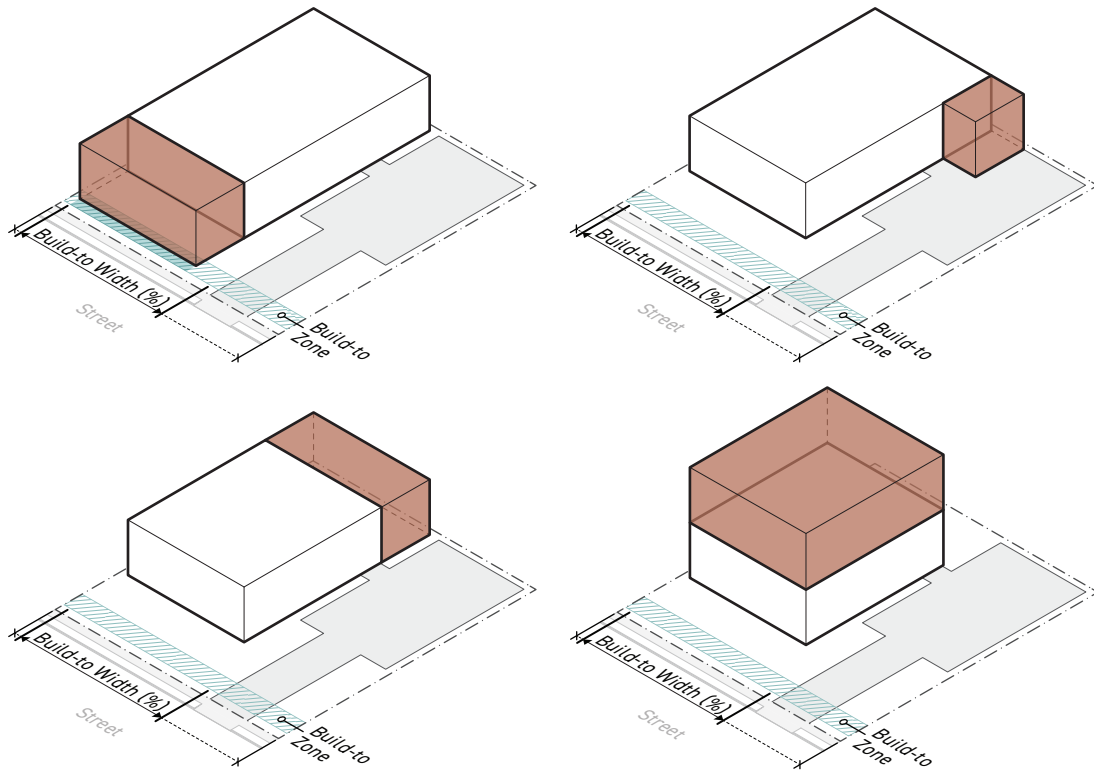
**b. New Construction on a Corner Lot**

All new construction shall occupy the build-to depth until the build-to width for both streets has been met. Buildings may be provided in phases - each new building is not required to meet the entire required build-to width for the lot. New buildings may be placed anywhere within the build-to zone. Once the build-to width standard has been met for both streets, new construction may be placed outside of the build-to zone.



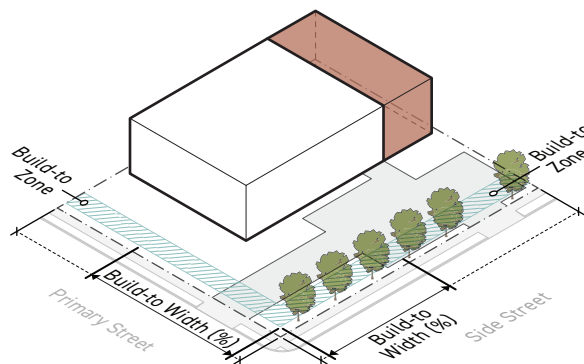
**c. Additions on an Interior Lot**

- i. Any addition to the street-facing facade of a building that is nonconforming as to build-to depth or build-to width shall occupy the build-to depth. The addition does not have to meet the entire required build-to width for the lot. Once the build-to width standard has been met, new construction may be placed outside the build-to zone.
- ii. Additions of any size that extend a building that is nonconforming as to build-to depth or build-to width toward the rear lot line are allowed.
- iii. Additions that extend a building that is nonconforming as to build-to depth or build-to width toward the side lot line are allowed, provided they have a floor area less than 20% of the existing ground floor. Once the build-to width standard has been met, additions of any size that extend the building toward the side lot line are allowed.
- iv. Additions on top of a building that is nonconforming as to build-to depth or build-to width are allowed, provided they do not increase the existing building footprint by more than 50 square feet and do not exceed the height limit for the applicable zone.

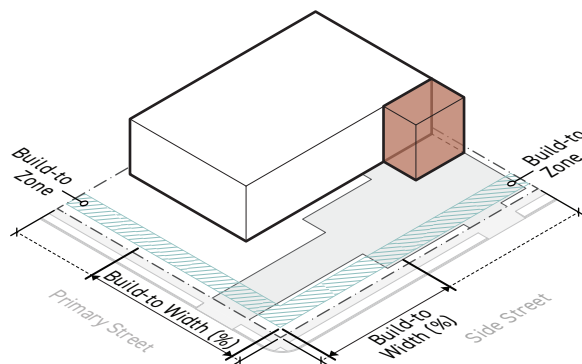


d. Additions on a Corner Lot

- i. Any addition to the primary street-facing facade of a building that is nonconforming as to build-to depth or build-to width shall be located within the build-to depth on the primary street. The addition does not have to meet the minimum build-to width for the entire lot. Once the build-to width standard for both streets has been met, new construction may be placed outside the build-to zone.
- ii. Additions of any size that extend a building that is nonconforming as to build-to depth or build-to width toward the rear lot line and are located behind the build-to depth are allowed, provided:
  - a) A planting area, as required in Sec. 4C.6.4.C.2., at least 6 feet wide, abutting to the side street lot line, is installed across the entire length of the side street frontage where no building occupies the build-to zone. Breaks for pedestrian, bicycle and vehicular access are allowed.
  - b) The planting area shall include large species trees, as required in Sec. 4C.6.4.C.3.a., planted at a rate of 1 per 30 feet along the entire length of the planting area. Trees should be planted offset from street trees to maximize space for canopy growth.



- iii. Additions that extend a building that is nonconforming as to build-to depth or build-to width toward the side lot line are allowed, provided the floor area is no greater than 20% of the existing ground floor. Once the build-to width standard has been met for both streets, side additions of any size that extend the building toward the side lot line are allowed.



- iv. Additions on top of a building that is nonconforming as to build-to depth or build-to width are allowed, provided they do not increase the existing building footprint by more than 50 square feet.
- 4. Where a building or structure does not meet the build-to width requirement and an existing plaza or similar open space located in the build-to zone does not meet the standards for pedestrian amenity allowance, the existing open space may be maintained, but not expanded, and any new construction, addition, facade alteration or site alteration shall increase conformity with the pedestrian amenity allowance standards to the greatest extent feasible.

## B. Exceptions

- 1. Additions to any street-facing facade of a building that is nonconforming as to build-to depth or build-to width are allowed behind the build-to depth, provided that they do not exceed 10% of the ground floor area of the existing building.
- 2. On lots with an existing residential building that is nonconforming as to build-to depth or build-to width, new construction of additional dwelling units located in a rear yard that are detached from the existing building are exempt from build-to depth and build-to width requirements.

## SEC. 12.3.2. PARKING

### A. Standards

Where an existing building or structure is nonconforming as to the frontage setback for parking, any new construction, addition, site alteration or major renovation shall meet the minimum required frontage setback for parking. Additional standards related to parking are included in *Div. 12.5. (Development Standards)*.

## SEC. 12.3.3. LANDSCAPING

### A. Standards

- 1. Where an existing lot is nonconforming as to planting area within the frontage yard, any new construction, addition, site alteration or major renovation shall meet the minimum required planting area within the frontage yard.
- 2. Where an existing lot is nonconforming as to the frontage yard fence and wall type, any new construction, addition, site alteration or major renovation shall meet the frontage yard fence and wall type requirements.

#### SEC. 12.3.4. **TRANSPARENCY**

##### A. **Standards**

1. Where an existing building or structure is nonconforming as to the minimum transparent area for the ground story or any upper story, any new construction, addition, facade alteration or major renovation shall meet the minimum transparent area for all stories.
2. Demolition that reduces compliance with minimum transparent area is not allowed, except in conjunction with new construction or additions that allow the project to meet the minimum requirement.
3. Where an existing building or structure is nonconforming as to active wall spacing for any ground story or foundation wall, any new construction, addition, facade alteration or major renovation shall meet the active wall spacing requirement.

#### SEC. 12.3.5. **ENTRANCES**

##### A. **Standards**

1. Where an existing building or structure is nonconforming as to the street-facing entrance requirement, including the maximum entrance spacing requirement, any new construction, addition, facade alteration or major renovation shall meet the minimum street-facing entrance requirement.
2. Where an existing building or structure is nonconforming as to the required entry feature, including the entry feature options, any new construction, addition, facade alteration or major renovation shall meet the required entry feature standards and applicable entry feature options.

#### SEC. 12.3.6. **GROUND STORY**

##### A. **Standards**

Where an existing building or structure is nonconforming as to ground story height or ground floor elevation, any new construction, addition or major renovation shall meet minimum ground story height and ground floor elevation.

## DIV. 12.4. CHARACTER FRONTAGE

### SEC. 12.4.1. BUILD-TO

See Sec. 12.3.1. (*Build-To*).

### SEC. 12.4.2. PARKING

See Sec. 12.3.2. (*Parking*).

### SEC. 12.4.3. LANDSCAPING

See Sec. 12.3.3. (*Landscaping*).

### SEC. 12.4.4. GROUND FLOOR ELEVATION

See Sec. 12.3.6. (*Ground Story*).

### SEC. 12.4.5. STORY HEIGHT

#### A. Standards

1. For ground story height, see Sec. 12.3.6. (*Ground Story*).
2. Where an existing building or structure is nonconforming as to upper story height, any new construction or addition shall meet the minimum upper story height.
3. Demolition that reduces compliance with minimum upper story height is not allowed, except in conjunction with new construction or additions that allow the project to meet the minimum requirement.

### SEC. 12.4.6. ARTICULATION

#### A. Standards

Where an existing building or structure is nonconforming as to base, middle and top, base-top, horizontal bands, vertical bands or articulating elements, any new construction, addition or facade alteration shall meet the applicable minimum base, middle and top, base-top, horizontal bands, vertical bands or articulating elements requirements.

### SEC. 12.4.7. FEATURES

#### A. Standards

Where an existing building or structure includes prohibited features, any new construction, addition or facade alteration shall not include any prohibited features on a Frontage District applicable facade as defined in Sec. 3A.1.2.B.2. (*Applicable Facades*).



## SEC. 12.4.8. **ENTRANCES**

### A. **Standards**

1. For nonconforming street-facing entrances, see *Sec. 12.3.5. (Entrances)*.
2. For nonconforming entry features, see *Sec. 12.3.5. (Entrances)*.
3. Where an existing building or structure is nonconforming as to the focal entry feature requirements, any new construction, addition or facade alteration shall meet the minimum focal entry feature requirements, including any applicable focal entry feature options.
4. Demolition that reduces compliance with focal entry feature requirements is not allowed, except in conjunction with new construction or additions that allow the project to meet the minimum requirement.

## SEC. 12.4.9. **TRANSPARENCY**

### A. **Standards**

1. For nonconforming transparent area or active wall spacing, see *Sec. 12.3.4. (Transparency)*.
2. Where an existing building or structure does not meet the standards for window recession, bulkhead, symmetrical lite pattern, horizontal sliding windows or vinyl windows on ground or upper stories, any new construction, addition or facade alteration shall meet the minimum standards for window recession, bulkhead, symmetrical lite pattern, horizontal sliding windows and vinyl windows on ground and upper stories.

## SEC. 12.4.10. **EXTERIOR MATERIALS**

### A. **Standards**

Where an existing building or structure is nonconforming as to the standards for principal materials or accessory materials, any new construction, addition or facade alteration shall meet the minimum standards principal materials and accessory materials.

## SEC. 12.4.11. **ROOF DESIGN**

### A. **Standards**

1. Where an existing building or structure is nonconforming as to the standards for roof form or roof materials, any new construction, addition or facade alteration shall meet the minimum standards for roof form and roof materials.
2. Demolition that reduces compliance with minimum standards for roof form is not allowed, except in conjunction with new construction or additions that allow the project to meet the minimum requirement.

## DIV. 12.5. **DEVELOPMENT STANDARDS**

### SEC. 12.5.1. **PEDESTRIAN ACCESS**

#### A. **Standards**

1. Where an existing lot is nonconforming as to the pedestrian access package, any new construction, addition, site alteration or major renovation shall meet the minimum pedestrian access package requirements.
2. Where an existing lot is nonconforming as to the pedestrian accessway or pedestrian passageway, any new construction, addition, site alteration or major renovation shall meet the minimum pedestrian accessway and pedestrian passageway requirements.
3. Where an existing lot is nonconforming as to the pedestrian bridge and tunnel, any new construction, addition, site alteration or major renovation shall meet the minimum pedestrian bridge and tunnel requirements.

### SEC. 12.5.2. **AUTOMOBILE ACCESS**

#### A. **Standards**

1. Where an existing lot is nonconforming as to the automobile access package, any new construction, addition, site alteration or major renovation shall meet the minimum automobile access package requirements.
2. Where an existing lot is nonconforming as to the motor vehicle use area design requirements, any new construction, addition or site alteration shall meet the minimum motor vehicle use area design requirements.

### SEC. 12.5.3. **BICYCLE PARKING**

#### A. **Standards**

1. Where an existing lot is nonconforming as to bicycle parking spaces, any new construction, addition, site alteration or major renovation shall meet the minimum bicycle parking space requirements.
2. Where an existing lot is nonconforming as to short-term bicycle parking design, any new construction, addition, site alteration or major renovation shall meet the minimum short-term bicycle parking design requirements.
3. Where an existing lot is nonconforming as to long-term bicycle parking design, any new construction, addition, site alteration or major renovation shall meet the minimum long-term bicycle parking design requirements.

## SEC. 12.5.4. **AUTOMOBILE PARKING**

### A. **Standards**

1. Where an existing lot is nonconforming as to automobile parking space, any new construction, addition or major renovation shall meet the minimum automobile parking requirements. An alternative parking strategy may be employed to meet the automobile parking requirements.
2. Where an existing lot is nonconforming as to parking area design, any new construction, addition or major renovation shall meet the minimum parking area design requirements.
3. Where an existing lot is nonconforming as to parking lot design, any new construction, addition or major renovation shall meet the minimum parking lot design requirements.
4. Where an existing parking structure is nonconforming as to parking structure design, any new construction or addition shall meet the minimum parking structure design requirements.
5. Where an existing lot is nonconforming as to the motor vehicle use area design requirements, any new construction, addition, site alteration or major renovation shall meet the minimum motor vehicle use area design requirements.
6. Demolition of a parking structure, or portion of a parking structure, that reduces compliance with minimum parking structure design standards is not allowed, except in conjunction with new construction or additions that allow the project to meet the minimum requirement.

### B. **Exceptions**

1. The currently-provided parking spaces shall be considered the required parking for an existing nonconforming use where the parking spaces are less than or equal to the parking required by the applicable Development Standards District.
2. For any existing high-rise building as defined in *Chapter 9, Section 91.8604.6.3. (Definition)*, the Department of Building and Safety may reduce the number of required parking spaces by the number of spaces which the Department of Building and Safety determines are needed to install a water storage tank to enlarge an existing fire pump room, or to install a new fire pump room.
3. The Department of Building and Safety may reduce the number of required parking spaces by the number of spaces which the Department of Building and Safety determines are needed to provide disabled parking spaces as required by State access laws.
4. The Department of Building and Safety may reduce the number of required parking spaces by the number of spaces that are necessarily displaced as a result of compliance with *Chapter 9, Division 93 (Mandatory Earthquake Hazard Reduction In Existing Wood-Frame Buildings With Soft, Weak or Open-Front Walls)* and *Chapter 9, Division 95 (Mandatory Earthquake Hazard Reduction In Existing Non-Ductile Concrete Buildings)*. The reduction shall not exceed 20% of required parking spaces or 1 space, whichever is greater. This exception does not nullify any existing obligations established in *Chapter XV., Article 1 (Rent Stabilization Ordinance)*.

## SEC. 12.5.5. TRANSPORTATION DEMAND MANAGEMENT

### A. Standards

Where an existing building is nonconforming as to transportation demand management for the applicable floor area, any new construction, addition or major renovation shall meet the minimum transportation demand management requirements.

## SEC. 12.5.6. PLANTS

### A. Standards

1. Where an existing lot is nonconforming as to protected trees, any new construction, addition or site alteration shall meet the minimum protected trees requirements.
2. Where an existing lot is nonconforming as to the tree planting requirement, any new construction, addition, site alteration or major renovation shall meet the minimum tree planting requirement.
3. Where an existing lot is nonconforming as to plant design and installation, any new construction, addition, site alteration or major renovation shall meet the minimum plant design and installation requirements.

## SEC. 12.5.7. FENCES & WALLS

### A. Standards

1. Where an existing lot is nonconforming as to frontage yard fences and walls, any new construction, addition, site alteration or major renovation shall meet the minimum frontage yard fences and walls requirements.
2. Where an existing lot is nonconforming as to side/rear yard fences and walls, any new construction, addition, site alteration or major renovation shall meet the minimum side/rear yard fences and walls requirements.
3. Where an existing lot is nonconforming as to fence/wall design and installation, any new construction, addition, site alteration or major renovation shall meet the minimum fence/wall design and installation requirements.

### B. Exceptions

In an Agricultural or Residential Use District, a fence or wall not exceeding 4.5 feet in height, as required by *Chapter 9, Section 91.6109. (Swimming Pools and Other Bodies of Water - Protective Devices Required)*, may be erected and maintained to enclose a swimming pool, fish pond or other body of water existing in a required yard prior to June 1, 1956.

## SEC. 12.5.8. **SCREENING**

### A. **Standards**

1. Where an existing lot is nonconforming as to frontage screens and transition screens, any new construction, addition, site alteration or major renovation shall meet the minimum frontage screen requirements.
2. Where an existing lot is nonconforming as to outdoor storage, waste receptacles, roof-mounted equipment, ground-mounted equipment or wall-mounted equipment, any new construction, addition, site alteration or major renovation shall meet the minimum outdoor storage, waste receptacle, roof-mounted equipment, ground-mounted equipment and wall-mounted equipment requirements.

## SEC. 12.5.9. **GRADING & RETAINING WALLS**

### A. **Standards**

#### 1. **Standards**

Where an existing lot is nonconforming as to retaining walls, any new construction, addition or site alteration shall meet the minimum retaining walls requirements.

#### 2. **Exceptions**

The retaining wall standards in *Sec. 4C.9.2.C.* do not apply to a retaining wall that received a final discretionary approval from the City under another provision of this Chapter prior to the effective date of *Ord. No. 176,445* (effective 3/9/05), pursuant to *Sec. 13B.3.1. (Administrative Review)*.

## SEC. 12.5.10. **OUTDOOR LIGHTING & GLARE**

### A. **Standards**

Where an existing lot is nonconforming as to the outdoor lighting or glare requirements, any new construction, addition, site alteration or major renovation shall meet the minimum outdoor lighting and glare requirements.

## SEC. 12.5.11. **SIGNS**

### A. **Standards**

Any existing nonconforming sign, as defined in *Chapter 9, Section 91.6203 (Location)*, may be continued, provided that no structural, electrical or mechanical alterations are made to the sign except as permitted in *Chapter 9, Section 91.6206 (Electrical)*.

## SEC. 12.5.12. **RIDGELINE PROTECTION**

[Reserved]

## SEC. 12.5.13. ENVIRONMENTAL PROTECTION

### A. Standards

Where an existing lot is nonconforming as to environmental protection, any new construction, addition, site alteration or major modification shall meet the minimum environmental protection requirements.

## DIV. 12.6. USE

### SEC. 12.6.1. USE NOT ALLOWED

#### A. Standards

1. Where an existing use is nonconforming in the applicable Use District, the use may be continued, provided the use conformed to the zoning regulations, if any, at the time it was established. All currently provided parking spaces shall be considered as the required parking for an existing nonconforming use if the parking spaces are less than or equal to the parking required by current standards in *Div.4C.4. (Automobile Parking)*.
2. Where an existing use is nonconforming in the applicable Use District, it shall not be expanded into any other portion of the building in which it is located.
3. Where an existing use is nonconforming in the applicable Use District, it may be relocated within the existing building, provided the move does not cause a net increase in the area of the nonconforming use.
4. Any change of use from a nonconforming use shall conform to the current use standards and permissions of the applicable zone. For the purpose of calculating parking requirements for a change of use that would require additional parking spaces according to *Div.4C.4. (Automobile Parking)*, including, but not limited to, additional dwelling units, seating capacity, beds for institutions or guest rooms, existing parking must be maintained and additional parking spaces shall be provided equal to the difference between the number of required parking spaces for the existing use based on the current parking regulations in *Div.4C.4. (Automobile Parking)* and not on the provisions of *Sec. 12.6.1.A.1.*, and the number of required parking spaces for the new use or the new capacity created by the alterations, also based on *Div.4C.4. (Automobile Parking)*.
5. A building or structure, portion of a building or structure, or piece of land that contained a nonconforming use that has been discontinued for a continuous period of one year or more shall only be occupied by a use that conforms to the current use regulations of the applicable zone.
6. A nonconforming use of land which is accessory or incidental to the nonconforming use of a building shall be discontinued on the same date the nonconforming use of the building is discontinued.

#### B. Exceptions

1. Where a building in any Open Space, Agricultural, Residential, Commercial, Commercial-Mixed or Public Use District includes an existing nonconforming use, any residential portion of the building may be enlarged, provided that the enlargement does not create any additional household living units or group living units, and the addition or expansion meets all other requirements for the applicable zone.

2. In Agricultural and Residential Use Districts, any nonconforming use first permitted in a Commercial Use District shall be discontinued within 5 years from the date the use becomes nonconforming. However, the Zoning Administrator may permit its continuation pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*.
3. In Agricultural and Residential Use Districts, any nonconforming use first permitted in an Industrial Use District shall be discontinued within 5 years from the date the use becomes nonconforming. No continuation is permitted.
4. Nonconforming Animal Farming and Livestock Keeping for commercial purposes or other similar uses in any Residential Use District, shall be discontinued within 15 years from the date such use became nonconforming.
5. In Agricultural, Residential, Commercial and Commercial-Mixed Use Districts, a nonconforming use of land where no buildings are occupied in connection with the use or where the only buildings occupied are accessory or incidental to the use, shall be discontinued within 5 years from the date the use becomes nonconforming.
6. Sport courts legally existing prior to the October 27, 1978 (Ord. No. 151,466) may continue as a nonconforming development or in accordance with regulations existing at the time such use was established. Those standards shall apply to any tennis or paddle tennis court which is accessory to a residential use and for which a permit is issued by the Department of Building and Safety subsequent to October 16, 1985, whether or not the subject of a variance. However, any replacement of lighting, fencing, or windscreens for such courts taking place after October 16, 1985, shall conform fully to the sport court standards in *Sec. 4C.7.2. (Side/Rear Yard Fences & Walls)*.
7. An establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for on-site or off-site consumption may not be continued or re-established after September 13, 1997, without conditional use approval granted in accordance with the provisions of *Sec. 13.4.2 (Class 2 Conditional Use Permit)*, where there is a substantial change in the mode or character of operation of the establishment, including any expansion by more than 20% of the floor area, seating or occupancy, whichever applies. Construction for which a building permit is required in order to comply with an order issued by the Department of Building and Safety to repair or remedy an unsafe or substandard condition is exempt from this provision. Any expansion of less than 20% of the floor area, seating or occupancy, whichever applies, requires the approval of plans pursuant to *Sec. 13.4.2.H (Modification of Entitlement)*.
8. Any lot or portion of a lot in a Commercial, Commercial-Mixed, Industrial-Mixed, or Industrial 1 Use District that was being used on June 1, 1951, for the temporary storage of abandoned, dismantled, partially dismantled, obsolete or wrecked automobiles, but not for the dismantling or wrecking of automobiles nor for the storage or sale of used parts, may continue.
9. Where the creation of household living units and group living units is not allowed, they may be permitted in existing buildings that qualify as Adaptive Reuse Projects pursuant to *Sec. 9.4.5. (Downtown Adaptive Reuse Projects)* or *Sec. 9.4.6. (Citywide Adaptive Reuse Projects)*.



10. Where the creation of household living units and group living units is not allowed, they may be permitted as part of a Qualified Permanent Supportive Housing Project, as defined in Sec. 9.4.1 (*Qualified Permanent Supportive Housing Incentive Program*).
11. Any Light Industrial uses lawfully existing prior to March 22, 1981, in any portion of any building in a Commercial-Mixed Use District shall not be extended beyond that portion of the building except in accordance with Sec. 13B.2.2. (*Class 2 Conditional Use Permit*).
12. Joint Living and Work Quarters are considered nonconforming to the use Live Work, General, and may be continued. Additional flexibility and incentives may be granted for existing buildings that are eligible for adaptive reuse projects pursuant to Sec. 9.4.5. (*Downtown Adaptive Reuse Projects*) and Sec. 12.4.6. (*Citywide Adaptive Reuse Projects*).
13. In the Industrial Use Districts, the nonconforming use of land where no buildings are occupied in connection with the use or where the only buildings occupied are accessory or incidental to the use, may be continued, subject to the following limitations:
  - a. The nonconforming use shall not be added to in any way beyond the limits of what was originally permitted.
  - b. The nonconforming use shall be completely enclosed within a building or within an area enclosed on all sides with a Type C1 Transition Screen pursuant to Sec. 4C.8.2.C.2.a., within one year from the date the use becomes nonconforming.
14. In the Industrial Use Districts:
  - a. A building that is nonconforming as to use with no household living units or group living units shall not be redesigned or rearranged to contain household living units or group living units.
  - b. A building that is nonconforming as to use with household living units or group living units shall not be redesigned or rearranged so as to increase the number of household living units or group living units in the building.
  - c. Nonconforming residential uses in Heavy Industrial Use Districts, except for caretakers quarters, shall not be permitted to remain beyond 5 years from the date the use became nonconforming.
15. Existing petroleum-based oil refineries expanding operations beyond the current property lines are required to:
  - a. Receive a Conditional Use Permit with approval by the City Planning Commission, pursuant to Sec. 13B.2.3. (*Class 3 Conditional Use Permit*).
  - b. Comply with all of the required Unified Programs (Unified Hazardous Waste and Hazardous Materials Management Regulatory Program). California Environmental Reporting System (CERS) database submittals may serve as proof of compliance.

- c. Submit a health assessment of the project for the surrounding vicinity identifying pollution and population indicators, such as, but not limited to, those analyzed in the California Communities Environmental Health Screening Tool; the number of people affected by the project; short term or permanent impacts caused by the project; likelihood that impacts will occur; and recommended mitigation measures.
- d. Submit a truck routing plan that minimizes the incidence of a commercial truck traveling past residences, churches, schools, hospitals, public playgrounds, nursing homes, day care centers, and other similar uses.

## SEC. 12.6.2. USE STANDARDS AND LIMITATIONS

### A. Standards

- 1. Where an existing use does not meet the Use District standards, any new construction, addition or major renovation shall meet the minimum Use District standards.
- 2. Where an existing use does not meet the citywide use standards, any new construction, addition or major renovation shall meet the minimum citywide use standards.
- 3. Where an existing use does not meet the use limitations, any new construction, addition or major renovation shall meet the use limitations.

### B. Exceptions

- 1. Where a day care facility is located further than 300 feet from any existing day care facility, the floor space of any dwelling unit used for the operation of a day care facility shall not be increased for such use, and the floor space shall not be altered to reasonably preclude its continued use as a dwelling unit.
- 2. Where a temporary use is nonconforming as to Use District standards, citywide use standards, or use limitations, it may be continued until the expiration of the temporary use permit. When a nonconforming temporary use is subject to a new temporary use permit, it must meet all of the Use District standards, citywide use standards, and use limitations.

## SEC. 12.6.3. SEXUALLY ORIENTED BUSINESS

### A. Standards

- 1. No person shall cause or permit the substantial enlargement or transfer of ownership or control of a sexually oriented business within:
  - a. 1,000 feet of another sexually oriented business;
  - b. 500 feet of a religious institution, school or public park within the City of Los Angeles; or
  - c. 500 feet of any lot zoned with an Agricultural or Residential Use District within the City of Los Angeles.

2. No increase in the floor area of any sexually oriented business in any building or structure, or portion of a building or structure, containing another sexually oriented business is allowed.

## B. Exceptions

1. A person may continue to operate a sexually oriented business on a lot within 500 feet of a lot zoned with an Agricultural Use District or Residential Use District, if a lot consistent with the use limitations in the applicable Use District Tables is not reasonably available elsewhere in the City for the establishment or relocation of the subject sexually oriented business. This exception shall only apply to a sexually oriented business which is otherwise in compliance with all other provisions including the use limitations in the applicable Use District Table, and does not apply to massage parlors or sexual encounter establishments. A lot is reasonably available elsewhere in the City if it meets all of the following criteria:
  - a. Its use as the proposed sexually oriented business is consistent with all applicable zoning regulations, including the use limitations in the applicable Use District Table.
  - b. It is available for use, purchase, or rental as a sexually oriented business.
  - c. It has adequate street access, street lighting, and sidewalks.
  - d. It is at least 500 feet away from any uses which are or may become obnoxious or offensive by reason or emission of odor, dust, smoke, noise, gas, fumes, cinders, refuse matter or water-carried waste.
2. To apply for an exception, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, identifying the present or proposed location of the sexually oriented business, and accompanied by data supporting the proposed exception and the fee provided for in *Article 15. (Fees)*. The procedures described in *Sec. 13.4.2 (Class 2 Conditional Use Permit)* shall be followed to the extent applicable.
3. If the Zoning Administrator, Area Planning Commission or Council disapproves an exception, then it shall make findings of fact showing how a lot consistent with the use limitations in the applicable Use District Tables is reasonably available elsewhere in the City for the establishment or relocation of the subject sexually oriented business.
4. A person possessing ownership or control of a sexually oriented business shall be permitted to transfer such ownership or control if such business is not within 500 feet of any place of worship, K-12 school, day care facility, or public park or public open space, and the only other sexually oriented business within 1,000 feet of such business has been established under a variance from the requirements of this Section, pursuant to *Sec. 13B.5.3. (Variance)*. This exception shall not, however, apply to a sexually oriented business which has been established under such a variance.

## SEC. 12.6.4. EQUINE KEEPING

### A. Standards

#### 1. Nonconforming Lot Area

Equines may be kept and a stable may be erected or maintained on any lot, as permitted, in a Residential Use District, provided the lot had the area required for the keeping of equines at the time the lot was established.

#### 2. Nonconforming Equine Uses

- a. Equine uses shall be allowed to be continued if, after the legal establishment of the equine use, an adjacent property is granted a building permit to construct a dwelling unit within the 75-foot required distance between an equine use and the adjacent property's dwelling unit. The nonconforming equine use shall be subject to the following limitations:
  - i. The subject lot shall have been designated by an Equine License to stable at least one licensed equine during the 12 months prior to the issuance of the building permit for the adjacent property's dwelling unit.
  - ii. The equine enclosure shall not be closer than 35 feet to the habitable rooms of any dwelling unit.
  - iii. The equine enclosure shall not be expanded, extended or relocated in such a manner as to reduce the nonconforming distance between the enclosure and the habitable rooms of the neighbor's dwelling unit.
  - iv. The nonconforming equine use shall be discontinued if, during a successive 3-year period, no equine is licensed by the Department of Animal Services to be stabled on the subject lot.
- b. If, pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, the Zoning Administrator grants permission for a dwelling unit on an adjacent property to be constructed closer than 35 feet from a legally existing equine enclosure, the equine enclosure may be considered relocated not closer than 35 feet from the habitable rooms attached to any dwelling, and retain its nonconforming status. The nonconforming equine use shall be subject to the following limitations:
  - i. The subject lot shall have been designated by an Equine License to stable at least one licensed equine during the 12 months prior to the issuance of the building permit for the adjacent property's dwelling unit.
  - ii. The equine enclosure shall not be closer than 35 feet to the habitable rooms of any dwelling unit.

- iii. The equine enclosure shall not be expanded, extended or relocated in such a manner as to reduce the nonconforming distance between the enclosure and the habitable rooms of the residential building on an adjacent lot.
- iv. The nonconforming equine use shall be discontinued if, during a successive 3-year period, no equine is licensed by the Department of Animal Services to be stabled on the subject lot.

## B. Exceptions

If an equine use was legally established prior to November 22, 1982, that use shall be allowed to continue, even though the City issued a building permit between November 22, 1982 and July 1, 1986, to construct a residential building on an adjacent lot within the 35-foot required distance between an equine use and the habitable rooms of a residential building on the adjacent lot. This provision shall not apply to building permits authorized by the Zoning Administrator, pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*. This nonconforming equine use shall be subject to the following limitations:

1. The subject lot shall have been designated by an Equine License to stable at least one licensed equine during the 12 months prior to the issuance of the building permit for the residential building on an adjacent lot.
2. The equine enclosure shall not be expanded, extended, or relocated in such a manner as to reduce the nonconforming distance between the enclosure and the habitable rooms of the residential building on an adjacent lot.
3. The nonconforming equine use shall be discontinued if, during a successive 3-year period, no equine is licensed by the Department of Animal Services to be stabled on the subject lot.

## SEC. 12.6.5. **NONCONFORMING OIL WELLS**

### A. Standards

1. Any well for the production of oil, gas or other hydrocarbon substances is a nonconforming use and shall not be re-drilled or deepened.
2. Any well for the production of oil, gas or other hydrocarbon substances is a nonconforming use, including any incidental storage tanks and drilling or production equipment, and shall be completely removed within 20 years from the date such use became nonconforming.

### B. Exceptions

1. Any well for the production of oil, gas or other hydrocarbon substances that became nonconforming subsequent to June 1, 1946, may apply for relief under *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, to allow the well to continue to operate after the removal date in the standards above, where the Zoning Administrator determines that such continued operation

would be reasonably compatible with the surrounding area. The Zoning Administrator may impose such conditions, including time limitations, as deemed necessary to achieve such compatibility.

2. Any well for the production of oil, gas or other hydrocarbon substances in the Los Angeles City Oil Field may continue operation provided an application for a Conditional Use Permit consistent with *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, was filed with the Office of Zoning Administration on or before November 1, 1986 and was subsequently approved. Any well operator may reapply for Zoning Administrator approval, pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, after November 1, 1986, provided the prior approval has not expired.

#### SEC. 12.6.6. **ORDERS TO COMPLY**

- A. The Department of Building and Safety shall have the authority to issue an order to comply to an owner who is in violation of this Division and advise the owner of the required discontinuance of the nonconforming use.
- B. Included in any order shall be a provision advising the owner of the right to apply to the Department of City Planning within 90 days for permission to continue the nonconforming use as provided in this Division, but the failure to include that provision shall not nullify the order or provide a basis for the continuation of the use.
- C. The Department of Building and Safety shall record a notice of any order issued pursuant to this Division with the Office of the Los Angeles County Recorder, but the failure to so record shall not nullify the order or provide a basis for the continuation of the use by any owner, purchaser or lessee who was not aware of the order.

## DIV. 12.7. **DENSITY**

### SEC. 12.7.1. **MAXIMUM DENSITY**

#### A. **Dwelling Units Per Lot**

##### 1. **Standards**

- a. A lot that is nonconforming as to dwelling units per lot, may be continued, provided the number of dwelling units conformed to the zoning regulations, if any, at the time they were established.
- b. A building that is nonconforming as to dwelling units per lot may be repaired, structurally altered, or undergo major renovation, provided the changes do not meet the definition of demolition.
- c. An addition to a residential building that is nonconforming as to dwelling units per lot in the Open Space, Agricultural, Residential, Commercial-Mixed, Industrial-Mixed, or Public Facility Use Districts is allowed, provided that the addition does not create any new dwelling units.
- d. No additional subdivision of a lot that is nonconforming as to dwelling units per lot is permitted in any district that regulates density on a per lot basis or a per lot area basis.

#### B. **Lot Area Per Dwelling Unit**

##### 1. **Standards**

- a. A lot that is nonconforming as to lot area per dwelling unit may be continued, provided the number of dwelling units conformed to the zoning regulations, if any, at the time they were established.
- b. A building that is nonconforming as to lot area per dwelling unit may be repaired, structurally altered, or undergo major renovation, provided the changes do not meet the definition of demolition.
- c. An addition to a residential building that is nonconforming as to lot area per dwelling unit or group living unit in the Open Space, Agricultural, Residential, Commercial-Mixed, Industrial-Mixed, or Public Facility Use Districts is allowed, provided that the addition does not create any new dwelling units.
- d. No additional subdivision of a lot that is nonconforming as to lot area per dwelling unit is permitted in any district that regulates density on a per lot basis or a per lot area basis.

## DIV. 12.8. **ALTERNATE TYPOLOGY**

### SEC. 12.8.1. **FORM, FRONTAGE, STANDARDS, USE OR DENSITY**

#### 1. **Standards**

- a. Where an existing lot, building, or structure is nonconforming as to form, frontage, development standards, use or density, it remains eligible to use an Alternate Typology, provided that the proposed use will conform to any use standards of the applicable Alternate Typology.
- b. No proposed project activity using an Alternate Typology may decrease conformance with any Alternate Typology standard in Article 7, except as specified in this Division.
- c. Once a project is approved under the rules of an Alternate Typology, no future project activity on that lot may decrease the conformance with any Alternate Typology standard in Article 7, except as specified in this Division.
- d. Where a standard for an Alternate Typology is regulated in Articles 2 through 6, the nonconforming rules associated with that standard apply, as specified in this Article.

#### 2. **Exceptions**

[Reserved]



## DIV. 12.9. **DAMAGED OR EARTHQUAKE HAZARDOUS BUILDINGS**

### SEC. 12.9.1. **RESTORATION OF DAMAGED NONCONFORMING BUILDINGS**

- A.** A nonconforming building or structure that is damaged or partially destroyed by any fire, flood, wind, earthquake or other calamity or the public enemy may be restored and the occupancy or use of the building or structure, or part of the building or structure, which existed at the time of the damage or destruction, may be continued or resumed, provided that the total cost of restoration does not exceed 75% of the replacement value of the building or structure at the time of the damage or destruction. A permit for restoration shall be obtained within a period of two years from the date of the damage or destruction. Except as set forth in *Sec. 12.1.5.B.*, if the damage or destruction exceeds 75% of the replacement value of the nonconforming building or structure at the time of the damage or destruction, no repairs or restoration shall be made unless every portion of the building or structure is made to conform to all regulations for new buildings in the zone in which it is located, and other applicable current use regulations.
- B.** If the damage or destruction of a nonconforming building exclusively for household living units in any zone exceeds 75% of its replacement value at the time of the damage or destruction, the building or structure may be reconstructed provided the following requirements are met.
- 1.** The restored or reconstructed building may encroach into any side setback no more than half the width of the required setback in the zone in which it is located, or in other applicable current regulations of this Chapter, but in no event more than 3 feet.
  - 2.** The restored or reconstructed building may encroach in the front and rear setbacks no more than half the width of the required setback in the zone in which it is located, or in other applicable current regulations of this Chapter.
  - 3.** Neither the footing, nor the building or structure, projects into any area planned for widening or extension of existing or future streets as determined by the Advisory Agency upon the recommendation of the City Engineer.
  - 4.** The height shall not exceed the allowable height for new buildings or structures in the zone in which it is located, or in other applicable current regulations of this Chapter.
  - 5.** A building permit for the reconstruction be obtained within 2 years of the damage or destruction from fire, flood, wind, earthquake, or other calamity, or the public enemy.

## SEC. 12.9.2. REPLACEMENT OF EARTHQUAKE HAZARDOUS BUILDINGS

### A. General

1. Except as otherwise provided in this Chapter, a building nonconforming as to height, number of stories, lot area, loading space or parking, which is demolished as a result of enforcement of the Earthquake Hazard Reduction Ordinance provisions in *Chapter 9, Article 1 (Building Code)*, may be reconstructed with the same nonconforming height, number of stories, lot area, loading space or parking as the original building, provided, however, that reconstruction shall be commenced within two years of obtaining a permit for demolition and completed within two years of obtaining a permit for reconstruction. Provided further, that neither the footing, nor any portion of the replacement building may encroach into any area planned for widening or extension of existing or future streets as determined by the Advisory Agency upon the recommendation of the City Engineer.
2. Additionally, a building nonconforming as to use or yards, which is demolished as a result of enforcement of the Earthquake Hazard Reduction Ordinance, may be reconstructed with the same nonconforming use or yards provided that the approval of a Zoning Administrator is obtained as outlined below.

### B. Nonconforming Rights Related to Earthquake Safety Ordinance

A Zoning Administrator may, pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, permit a building, nonconforming as to use or yards, which is demolished as a result of enforcement of the *Chapter 9, Div. 88. (Earthquake Hazard Reduction in Existing Buildings)*, to be reconstructed with the same nonconforming use or yards as the original building.

#### 1. Procedures

##### a. Notification

- i. Despite the provisions of *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, an application pursuant to this Section involving a nonconforming use shall instead notify the owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application.
- ii. An application pursuant to this Section involving only a nonconforming yard, when a public hearing is held, the notice shall be given in the same manner as required in *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*.

##### b. Waiver of Public Hearing

- i. Despite the provisions of *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, the Zoning Administrator may waive the public hearing if the applicant has secured the approval for the reconstruction from the owners of all properties abutting, across the street or

alley from, or having a common corner with the subject property. If that approval is obtained from the surrounding property owners, the Zoning Administrator may waive the public hearing if the Administrator makes the following written findings:

- a) That the nonconforming use will not have a significant adverse effect on adjoining property or on the immediate neighborhood; and
  - b) That the nonconforming use is not likely to evoke public controversy.
- ii. An application pursuant to this Section involving only a nonconforming yard may be set for a public hearing in accordance with the same procedures as above, if the Zoning Administrator determines that the public interest requires a hearing.

## 2. **Supplemental Findings**

In addition to the findings otherwise required by *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, a Zoning Administrator shall also require and find the following:

- a. That reconstruction be commenced within two years of obtaining a permit for demolition and completed within two years of obtaining a permit for reconstruction; and
- b. That neither the footing nor any portion of the replacement building encroaches into any area planned for widening or extension of existing or future streets; and
- c. That the continued nonconforming use of the property or the continued maintenance of nonconforming yards will not be materially detrimental to the public welfare and will not have a substantial adverse impact on or be injurious to the properties or improvements in the vicinity.

## DIV. 12.10. **LOTS AFFECTED BY ACQUISITION FOR PUBLIC USE**

### SEC. 12.10.1. **MAINTENANCE AND REPAIR OF EXISTING BUILDINGS**

- A.** Where a building or structure is located upon a lot where a portion is acquired for any public use (by condemnation, purchase, dedication, or otherwise) by any governmental entity, or if all or a part of a separate off-street automobile parking area serving such building or structure is acquired for public use, such building or structure may be maintained, and may continue to be used, maintained or repaired without relocating or altering the same to comply with the area regulations or off-street automobile parking requirements of this Chapter. Further, if such building or structure is partially located upon the area being acquired for public use, it may be relocated upon the same lot or premises or remodeled or reconstructed without observing the required yard adjacent to the new lot line created by such acquisition, and without reducing the number of dwelling units to conform to the area regulations of the zone in which it is located and without observing the off-street automobile parking requirements of this Chapter. The exemptions provided in this Section permit compliance only to the extent that such non-compliance is caused by an acquisition for public use.
- B.** If only a portion of an existing building or structure is acquired for public use, any new construction, addition, facade alteration, site alteration or major renovation of the remainder of said building or structure which was made necessary by said acquisition, shall conform to the provisions of *Chapter 9. (Building Regulations)*. Any portion of the building or structure which does not require any new construction, addition, facade alteration, site alteration or major renovation by reason of said acquisition shall not be required to be made to conform to the provisions of *Chapter 9. (Building Regulations)*, unless it would otherwise be required to conform independently of and in the absence of the acquisition of only a portion of the building or structure.

### SEC. 12.10.2. **LOT AREA**

If a lot resulting from the acquisition of all or a portion of a lot for public use does not comply with the area requirements of the zone in which it is located, or if a legally existing nonconforming lot is further reduced in size because of such acquisition, the lot may be used, and a building permit shall be issued for any purpose permitted in the zone, so long as the lot is not smaller in size or width than 50% of the minimum lot area or lot width required for the zone.