

ARTICLE 12.
NONCONFORMITIES

CONTENTS

Div. 12.1. General Rules	12-3
Sec. 12.1.1. Intent	12-3
Sec. 12.1.2. General nonconforming Rules	12-3
Sec. 12.1.3. Applicability.	12-3
Sec. 12.1.4. Discontinuance of Nonconforming Use.	12-4
Sec. 12.1.5. Calculation of Time	12-4
Sec. 12.1.6. Relief	12-5
Sec. 12.1.7. Orders to Comply	12-5
Sec. 12.1.8. Compliance With Other Laws.	12-5
Div. 12.2. Form Exceptions	12-6
Sec. 12.2.1. Coverage Exceptions	12-6
Sec. 12.2.2. Floor Area Ratio & Height Exceptions	12-6
Div. 12.3. Frontage Exceptions.	12-7
Sec. 12.3.1. Build-To Exceptions	12-7
Sec. 12.3.2. Character Frontage Exceptions.	12-11
Div. 12.4. Development Standards Exceptions	12-12
Sec. 12.4.1. Retaining Walls Exceptions	12-12
Sec. 12.4.2. Signs Exceptions	12-12
Div. 12.5. Use Exceptions	12-13
Sec. 12.5.1. Use Permission Exceptions	12-13
Sec. 12.5.2. Use Standards Exceptions.	12-14
Sec. 12.5.3. Equine Keeping Exceptions	12-14
Sec. 12.5.4. Nonconforming Oil, Gas, or Hydrocarbon Well Use Exceptions	12-16
Div. 12.6. Density Exceptions.	12-17
Div. 12.7. Damaged or Earthquake Hazardous Buildings	12-18
Sec. 12.7.1. Restoration of Damaged Nonconforming Buildings	12-18
Sec. 12.7.2. Replacement of Earthquake Hazardous Buildings	12-19
Div. 12.8. Lots Affected by Acquisition for Public Use	12-21
Sec. 12.8.1. Maintenance & Repair of Existing Buildings Acquired for Public Use	12-21
Sec. 12.8.2. Lot Area	12-21

DIV. 12.1. GENERAL RULES

SEC. 12.1.1. INTENT

The provisions of this *Article (Nonconformities)* provide relief from the requirements of this Zoning Code (Chapter 1A) for any existing nonconformity, defined as any lot, building or structure, or use that conformed to the zoning regulations at the time they were established, but do not conform to current requirements of this Zoning Code (Chapter 1A).

SEC. 12.1.2. GENERAL NONCONFORMING RULES

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

- A. Any portion of a lot, site improvement, building, structure, or use that meets the definition of nonconforming may be continued, provided it is not expanded, changed or modified. Maintenance & repair, as well as renovation, of the nonconformity are allowed.
- B. Current project activities may be conducted, provided they meet the standards of this Zoning Code (Chapter 1A) and do not increase the degree of nonconformity with any individual standard in this Zoning Code (Chapter 1A), except as expressly allowed in this *Article (Nonconformities)*.
- C. Each increment of new construction, site modification, exterior modification, or use modification must meet the standards of this Zoning Code (Chapter 1A), except as expressly allowed in this *Article (Nonconformities)*.
- D. A nonconforming building or nonconforming structure may have additional rights when it is located on a lot affected by a public acquisition. See *Div. 12.8. (Lots Affected by Acquisition for Public Use)*.

SEC. 12.1.3. APPLICABILITY

A. Relationship to Article-Level Applicability Standards

1. The provisions of this *Article (Nonconformities)* apply in addition to the applicability provisions of any zoning district article (Article 2. (Form) through Article 6. (Density)) of this Zoning Code (Chapter 1A).
2. *Sec. 12.7.1. (Restoration of Damaged Nonconforming Buildings)* and *Sec. 12.7.2. (Replacement of Earthquake Hazardous Buildings)* supersede any other provisions of this Zoning Code (Chapter 1A).

B. Relationship to Specific Plans, Supplemental Districts, & Special Zones

The provisions of this *Article (Nonconformities)* apply to Specific Plans, Supplemental Districts, and Special Zones only to the extent that those provisions apply the standards of a zoning district article (Article 2. (Form) through Article 6. (Density)) of this Zoning Code (Chapter 1A).

SEC. 12.1.4. DISCONTINUANCE OF NONCONFORMING USE

- A. A building or structure, portion of a building or structure, or any 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 applied zone.
- B. Discontinued uses that haven't lapsed within the limited time frame may be allowed to maintain nonconforming rights with change of ownership or tenancy.
- C. A nonconforming use of land that 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.
- D. In *Agricultural Use Districts (Div. 5B.2.)*, *Residential Use Districts (Div.5B.3.)*, and *Residential-Mixed Use Districts (Div. 5B.4.)*, any nonconforming use first permitted in a *Commercial-Mixed Use District (Div. 5B.5.)* shall be discontinued within five years from the date the use becomes nonconforming, except that the Zoning Administrator may permit its continuation pursuant to Sec. 13B.2.1. (*Class 1 Conditional Use Permit*).
- E. In *Agricultural Use Districts (Div. 5B.2.)*, *Residential Use Districts (Div.5B.3.)*, and *Residential-Mixed Use Districts (Div. 5B.4.)*, any nonconforming use first permitted in an *Industrial Use District (Div. 5B.7.)* or *Industrial-Mixed Use District (Div. 5B.6.)* shall be discontinued within five years from the date the use becomes nonconforming. No continuation is permitted.
- F. Nonconforming animal keeping, animal keeping: livestock for commercial intent, or other uses listed in the animal keeping use group in any *Residential Use District (Div.5B.3.)*, or *Residential-Mixed Use District (Div. 5B.4.)* shall be discontinued within 15 years from the date such use became nonconforming.
- G. In *Agricultural Use Districts (Div. 5B.2.)*, *Residential Use Districts (Div.5B.3.)*, *Residential-Mixed Use Districts (Div. 5B.4.)*, *Commercial-Mixed Use Districts (Div. 5B.5.)*, 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 five years from the date the use becomes nonconforming.
- H. Nonconforming residential uses in *Industrial Use Districts (Div. 5B.7.)* shall be discontinued five years from the date the use became nonconforming.

SEC. 12.1.5. CALCULATION OF TIME

Whenever a period of time related to a nonconformity is specified in this Zoning Code (Chapter 1A), the period of time is computed from the effective date of the ordinance that created the nonconformity.

SEC. 12.1.6. RELIEF

- A. In circumstances where Alternative Compliance is specified as a form of relief in the standards of the zoning district, 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. The City's adaptive reuse project standards may allow some relief and provide incentives for the reuse of existing buildings pursuant to *Sec. 9.4.5. (Downtown Adaptive Reuse Program)* and *Sec. 9.4.6. (Citywide Adaptive Reuse Program)*.
- C. When relief is granted through any discretionary action taken consistent with this Zoning Code (Chapter 1A), the element that is the subject of the discretionary action is no longer considered nonconforming.

SEC. 12.1.7. 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 *Article (Nonconformities)* 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 *Article (Nonconformities)*, 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 *Article (Nonconformities)* with 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.

SEC. 12.1.8. COMPLIANCE WITH OTHER LAWS

Nothing in this *Article (Nonconformities)* relieves any person from the obligation to comply with the requirements of any federal, state, or county law.

DIV. 12.2. FORM EXCEPTIONS

SEC. 12.2.1. COVERAGE EXCEPTIONS

A. Building Setbacks

Where a building is nonconforming as to building setbacks, an addition to the existing building is allowed as new construction, provided that:

1. 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 percent of that required by the dimensional requirements of the applied zone.
2. 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. 12.2.2. FLOOR AREA RATIO & HEIGHT EXCEPTIONS

A. Rural, Estate, & House Form Districts

In the *Rural Form Districts (Div. 2B.1.)*, *Estate Form Districts (Div. 2B.2.)*, and *House Form Districts (Div. 2B.3.)*, an addition to a building or structure that is nonconforming as to floor area is allowed, provided that the addition conforms to all individual standards in this Zoning Code (Chapter 1A), except as may be approved or permitted pursuant to a discretionary approval. This exception is not available for lots in the Coastal Zone, that are not located in a hillside area.

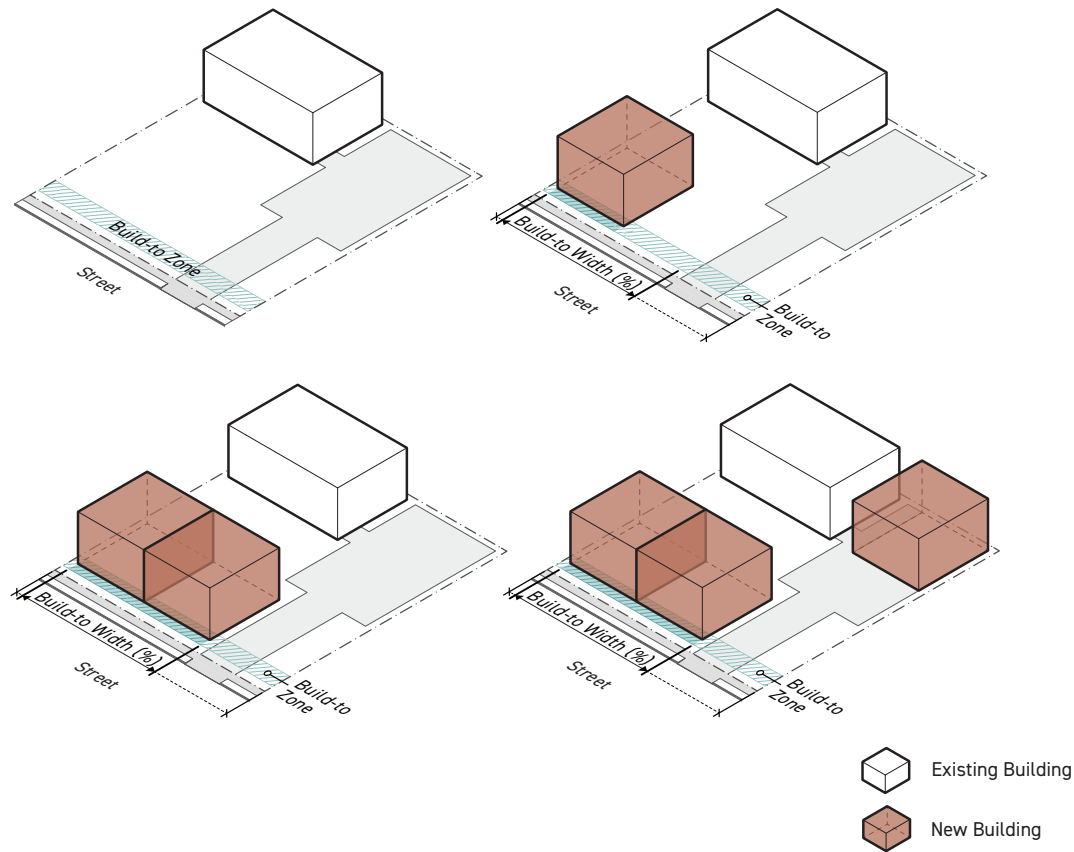
DIV. 12.3. FRONTAGE EXCEPTIONS

SEC. 12.3.1. BUILD-TO EXCEPTIONS

A. On a lot with an existing building where the lot is nonconforming as to the maximum build-to depth or minimum build-to width requirements, any new construction shall meet the minimum build-to width between the minimum and maximum build-to depth in one or more of the ways described below.

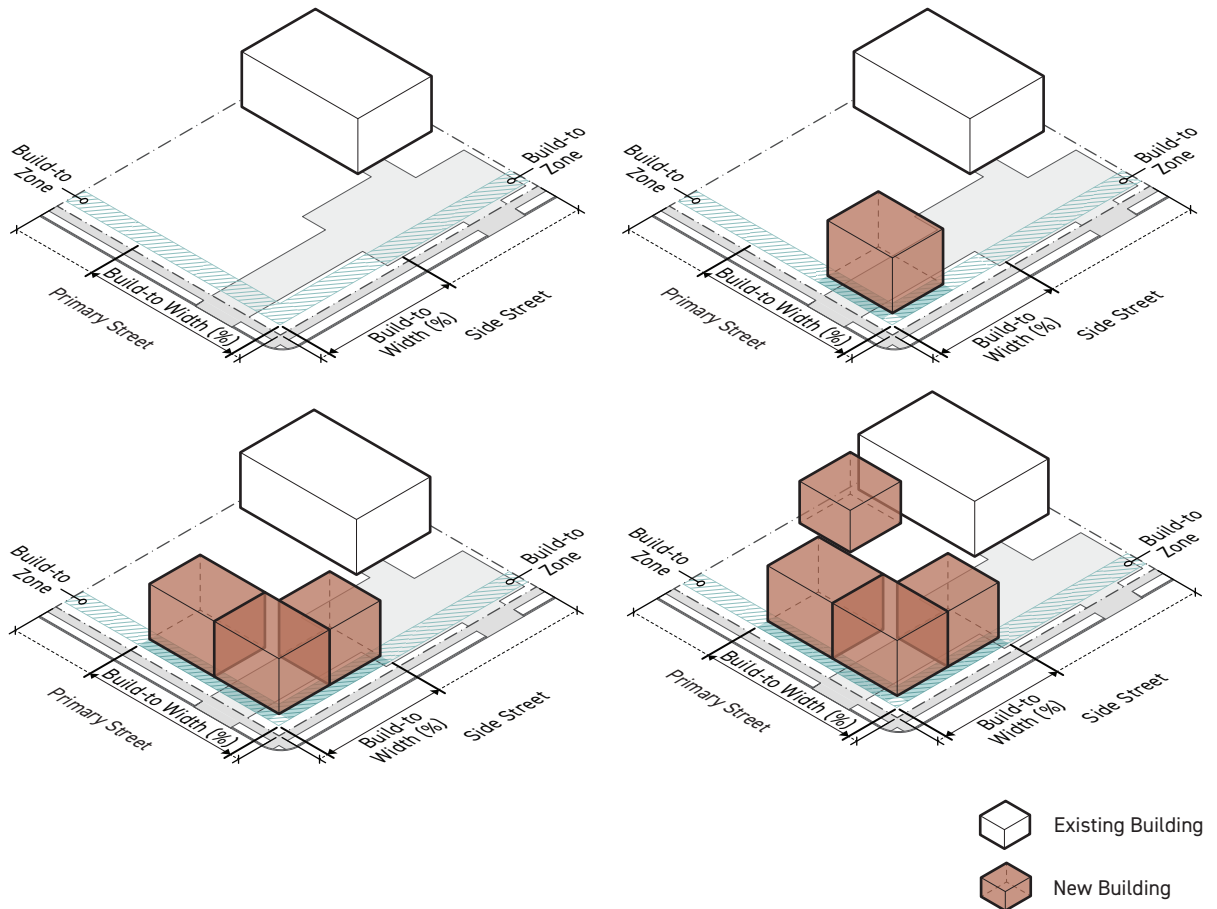
1. New Construction on an Interior Lot

All new construction shall occupy the build-to zone until the build-to width has been met, except that buildings may be developed in phases - each new building is not required to meet the entire required build-to width for the lot. Until all build-to width standards have been met, new buildings shall occupy the build-to width for 100 percent of their building width and may not be deeper than they are wide.



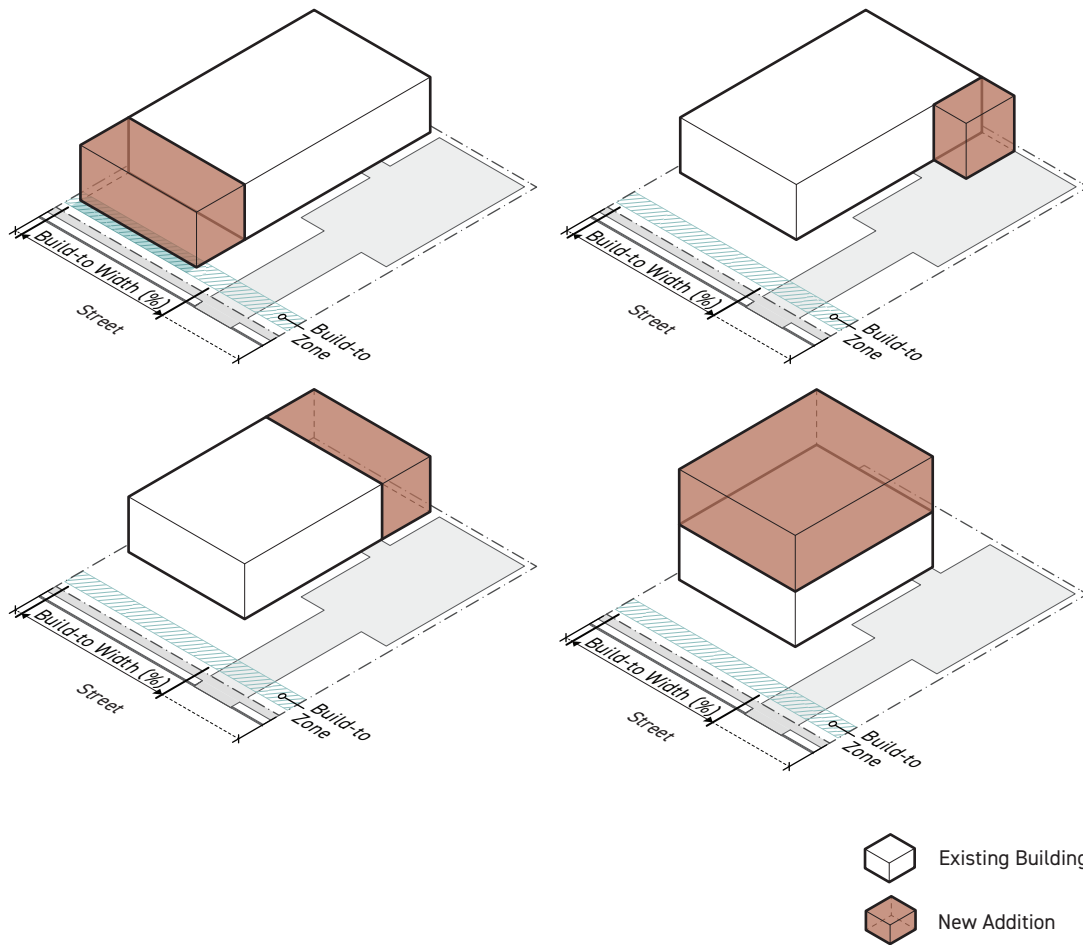
2. New Construction on a Corner Lot

All new construction shall occupy the build-to depth until the build-to width for both streets has been met, except that buildings may be developed in phases - each new building is not required to meet the entire required build-to width for the lot. The initial new building shall begin at the corner and be located within the build-to depth on both streets. Additional new buildings may be placed anywhere within the build-to zone.



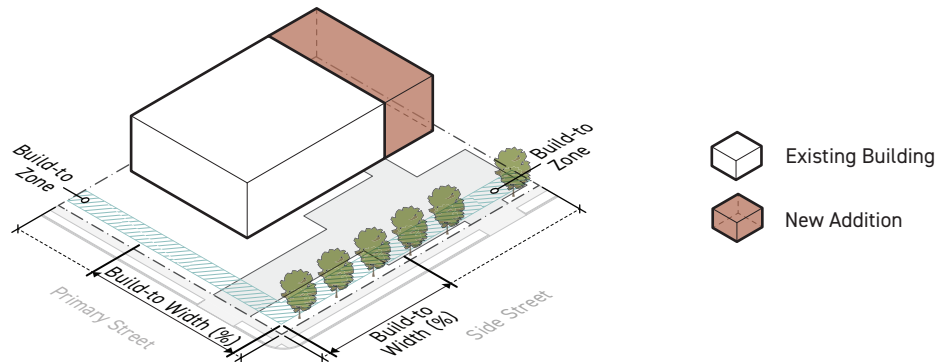
3. Additions on an Interior Lot

- a. 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, except that the addition does not have to meet the entire required build-to width for the lot.
- b. Additions of any size that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the rear lot line are allowed.
- c. Additions that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the side lot line are allowed, except that they shall have a floor area less than 20 percent of the existing ground story.
- d. Additions on top of a building that is nonconforming as to build-to depth or build-to width are allowed, except that they shall not increase the existing building footprint by more than 50 square feet and shall not exceed the height limit for the applied zone.

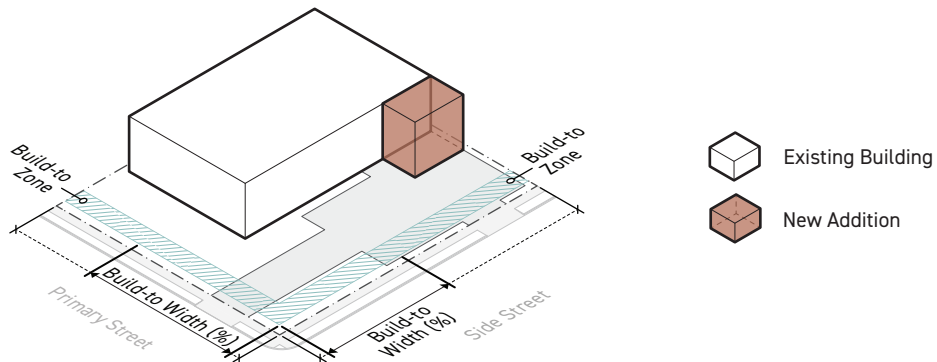


4. Additions on a Corner Lot

- a. 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, except that the addition does not have to meet the minimum build-to width for the entire lot.
- b. Additions of any size that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the rear lot line (but not any wider than the existing building) and are located behind the build-to depth, are allowed, except that:
 - i. A planting area shall be provided as required in Sec. 4C.6.4.C.2. (Planting Areas), at least six feet wide, abutting the side street lot line, and 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.
 - ii. The planting area with large species trees, shall be provided as required in Sec. 4C.6.4.C.3.a. (Trees), planted at a rate of one tree 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.



- c. Additions that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the side lot line are allowed, except that the floor area shall be no greater than 20 percent of the existing ground story.



- d. Additions on top of a building that is nonconforming as to build-to depth or build-to width are allowed, except that they shall not increase the existing building footprint by more than 50 square feet.
- B. 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, except that they shall not exceed 10 percent of the ground story area of the existing building.
- C. On lots with an existing building that is nonconforming as to build-to depth or build-to width, except where the existing building is a residential building where new construction of additional dwelling units that are detached from the existing building are located in a rear yard, the build-to depth and build-to width requirements do not apply.

SEC. 12.3.2. CHARACTER FRONTAGE EXCEPTIONS

[Reserved]

DIV. 12.4. **DEVELOPMENT STANDARDS EXCEPTIONS**

SEC. 12.4.1. **RETAINING WALLS EXCEPTIONS**

The retaining wall standards in *Sec. 4C.9.2. (Retaining Walls)* do not apply to a retaining wall that received a final discretionary approval from the City under another provision of this Zoning Code (Chapter 1A) prior to March 9, 2005, the effective date of *Ord. No. 176,445*, pursuant to *Sec. 13B.3.1. (Administrative Review)*.

SEC. 12.4.2. **SIGNS EXCEPTIONS**

Any existing nonconforming sign, as defined in *Chapter IX. (Building Regulations), Sec. 91.6216. (Existing Signs)* of this Code, may be continued. Structural, electrical, or mechanical modifications may be made to a sign only as permitted in *Chapter IX. (Building Regulations), Sec. 91.6216.4. (Alterations, Repairs or Rehabilitation)* of this Code.

DIV. 12.5. USE EXCEPTIONS

SEC. 12.5.1. USE PERMISSION EXCEPTIONS

- A. Where a building in any *Open Space Use District (Div. 5B.1.)*, *Agricultural Use District (Div. 5B.2.)*, *Residential Use District (Div. 5B.3.)*, *Residential-Mixed Use District (Div. 5B.4.)*, *Commercial-Mixed Use District (Div. 5B.5.)* or *Public Use District (Div. 5B.8.)* includes an existing nonconforming use, any residential portion of the building may be enlarged, provided that the addition does not create any additional dwelling units or lodging units, and the addition or expansion meets all other requirements for the applied zone.
- B. An establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for on-site or off-site consumption shall not be continued or re-established after September 13, 1997 without conditional use approval granted in accordance with the provisions of *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*, where there is a substantial change in the mode or character of operation of the establishment, including any addition by more than 20 percent 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 addition of less than 20 percent of the floor area, seating or occupancy, whichever applies, requires the approval of plans pursuant to *Sec. 13B.5.4. (Modification of Entitlement)*.
- C. Any lot or portion of a lot in a *Commercial-Mixed Use District (Div. 5B.5.)*, *Industrial-Mixed Use District (Div. 5B.6.)*, or *Industrial 1 (I1) (Sec. 5B.7.1.) 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.
- D. Any *Light Industrial Uses (Div. 5D.8.)* lawfully existing prior to March 22, 1981, in any portion of any building in a *Commercial-Mixed Use District (Div. 5B.5.)* shall not be extended beyond that portion of the building except in accordance with *Sec. 13B.2.2. (Class 2 Conditional Use Permit)*.
- E. Joint living & work quarters are considered nonconforming to household business, 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 Program)* and *Sec. 12.4.6. (Citywide Adaptive Reuse Program)*.
- F. In the *Industrial Use Districts (Div.5B.7.)*, the nonconforming use of land where no buildings are occupied in connection with the use or where the only buildings occupied are accessory to or incidental to the use, may be continued, subject to the following limitations:
 - a. The nonconforming use shall not be enlarged 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 T1 transition screen pursuant to Sec. 4C.8.2.C.3.a. (T-Screen 1), within one year from the date the use becomes nonconforming.

G. In the *Industrial Use Districts (Div. 5B.7)*:

- 1. A building that is nonconforming as to use with no dwelling units shall not be redesigned or rearranged to contain dwelling units.
- 2. A building that is nonconforming as to use with dwelling units shall not be redesigned or rearranged so as to increase the number of dwelling units in the building.
- 3. Caretaker Units in *Industrial Use Districts (Div. 5B.7)* are permitted to continue.

SEC. 12.5.2. USE STANDARDS EXCEPTIONS

Where a temporary use is nonconforming as to *Use District (Part 5B.)* standards 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 shall meet all of the *Use District (Part 5B.)* standards.

SEC. 12.5.3. EQUINE KEEPING EXCEPTIONS

A. Lot Area Exception

In a *Residential Use District (Div. 5B.3.)* where animal keeping: equine, non-commercial is permitted, equines may be kept and a stable may be erected or maintained on any lot, provided the lot had the area required for the keeping of equines at the time the lot was established.

B. Equine Use Exceptions

- 1. Animal keeping: equine, non-commercial uses shall be allowed to be continued if, after the legal establishment of the animal keeping: equine, non-commercial use, an adjacent property is granted a building permit to construct a dwelling unit within the 75 foot required distance between an animal keeping: equine, non-commercial use and the adjacent property's dwelling unit. The nonconforming animal keeping: equine, non-commercial use shall be subject to the following limitations:
 - a. 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.
 - b. The equine enclosure shall not be closer than 35 feet to the habitable rooms of any dwelling unit.
 - c. 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.

- d. The nonconforming animal keeping: equine, non-commercial use shall be discontinued if, during a successive three year period, no equine is licensed by the Department of Animal Services to be stabled on the subject lot.
2. 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 unit, and retain its nonconforming status. The nonconforming animal keeping: equine, non-commercial use shall be subject to the following limitations:
 - a. 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.
 - b. The equine enclosure shall not be closer than 35 feet to the habitable rooms of any dwelling unit.
 - c. 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.
 - d. The nonconforming animal keeping: equine, non-commercial use shall be discontinued if, during a successive three year period, no equine is licensed by the Department of Animal Services to be stabled on the subject lot.
 3. If an animal keeping: equine, non-commercial 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 animal keeping: equine, non-commercial 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:
 - a. 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.
 - b. 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.
 - c. The nonconforming animal keeping: equine, non-commercial use shall be discontinued if, during a successive three year period, no equine is licensed by the Department of Animal Services to be stabled on the subject lot.

SEC. 12.5.4. **NONCONFORMING OIL, GAS, OR HYDROCARBON WELL USE EXCEPTIONS**

- A. All oil, gas, or hydrocarbon wells including those operating pursuant to any discretionary permit in all zones, whether by ordinance or approval of a Zoning Administrator, and all oil wells in an M3 Zone as established in *Chapter I. (General Provisions and Zoning)* of this Code, are nonconforming uses as of January 18, 2023, the effective date of *Ord. No. 187,709*. No new oil, gas, or hydrocarbon well for the production of oil, gas or other hydrocarbon substances, which is a nonconforming use, shall be maintained, drilled, re-drilled, or deepened, except to prevent or respond to a threat to public health, safety, or the environment, as determined by the Zoning Administrator.
- B. The operation of all nonconforming oil, gas, or hydrocarbon wells shall cease within 20 years from January 18, 2023, the effective date of *Ord. No. 187,709*, which deemed such uses nonconforming.
- C. After the time period set forth in *Subsection B.*, above, all nonconforming oil, gas, or hydrocarbon wells shall be abandoned in a manner consistent with and in strict accordance with all applicable local, state, and federal laws, regulations, rules, and standards.
- D. If an oil, gas, or hydrocarbon well is abandoned, or its operation is discontinued or idled for a continuous period of one year, such use shall be deemed terminated.
- E. A well operator as defined by *California Public Resources Code, Div. 3. (Oil and Gas), Sec. 3237*, shall comply with the mitigation measures and mitigation monitoring program adopted with *Ord. No. 187,709 (effective 1/18/23)* in the plugging and abandoning of all wells.

DIV. 12.6. **DENSITY EXCEPTIONS**

The expansion of floor area does not increase the degree of nonconformity as to any density standard. Only a change in the number of dwelling units impact the degree of nonconformity as to a density standard.

DIV. 12.7. DAMAGED OR EARTHQUAKE HAZARDOUS BUILDINGS

SEC. 12.7.1. RESTORATION OF DAMAGED NONCONFORMING BUILDINGS

- A.** A nonconforming building or nonconforming 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 percent 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. 12.1.6.B. (Relief)*, if the damage or destruction exceeds 75 percent of the replacement value of the nonconforming building or nonconforming 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 construction 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 dwellings in any zone exceeds 75 percent 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 yard 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 Zoning Code (Chapter 1A), but in no event more than three feet.
 2. The restored or reconstructed building may encroach in the frontage yard, and rear yard setbacks no more than half the width of the required setback in the applied *Form District (Part 2B.)*, or in other applicable current regulations of this Zoning Code (Chapter 1A).
 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 applied *Form District (Part 2B.)*, or in other applicable current regulations of this Zoning Code (Chapter 1A).
 5. A building permit for the reconstruction shall be obtained within two years of the damage or destruction from fire, flood, wind, earthquake, or other calamity, or the public enemy.

SEC. 12.7.2. REPLACEMENT OF EARTHQUAKE HAZARDOUS BUILDINGS

A. General

1. Except as otherwise provided in this Zoning Code (Chapter 1A), 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 IX. (Building Regulations), Article 1. (Building Code)* of this 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, in accordance with *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 IX. (Building Regulations), Div. 88. (Earthquake Hazard Reduction in Existing Buildings)* of this Code, to be reconstructed with the same nonconforming use or nonconforming yards as the original building.

1. Procedures

a. Notification

- i. Regardless of the provisions of *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, an application pursuant to this *Section (Replacement of Earthquake Hazardous Buildings)* 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 (Replacement of Earthquake Hazardous Buildings)* involving only structures that have 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. Regardless of 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 Zoning 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 (Replacement of Earthquake Hazardous Buildings)* 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;
- 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. 12.8. LOTS AFFECTED BY ACQUISITION FOR PUBLIC USE

SEC. 12.8.1. MAINTENANCE & REPAIR OF EXISTING BUILDINGS ACQUIRED FOR PUBLIC USE

- 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 automobile parking stall requirements of this Zoning Code (Chapter 1A). 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 dwellings to conform to the regulations of the applied *Form District (Part 2B.)* and without observing the automobile parking stall requirements of this Zoning Code (Chapter 1A). 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, exterior modification, site modification, or major remodel of the remainder of said building or structure which was made necessary by said acquisition, shall conform to the provisions of *Chapter IX. (Building Regulations)* of this Code. Any portion of the building or structure which does not require any new construction, exterior modification, site modification, or major remodel by reason of said acquisition shall not be required to be made to conform to the provisions of *Chapter IX. (Building Regulations)* of this Code, 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. 12.8.2. 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 requirements of the applied *Form District (Part 2B.)*, 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 intent permitted in the applied *Form District (Part 2B.)*, so long as the lot is not smaller in size or width than 50 percent of the minimum lot area or lot width required by the applied *Form District (Part 2B.)*.

