

ARTICLE 12.
NONCONFORMITIES

CONTENTS

Div. 12.1. General Provisions	12-5
Sec. 12.1.1. Intent	12-5
Sec. 12.1.2. General Rules.	12-5
Sec. 12.1.3. Applicability.	12-5
Sec. 12.1.4. Discontinuance of Nonconforming Use.	12-6
Sec. 12.1.5. Calculation of Time	12-7
Sec. 12.1.6. Relief	12-7
Sec. 12.1.7. Orders to Comply	12-7
Sec. 12.1.8. Compliance with Other Laws.	12-7
Div. 12.2. Form Exceptions	12-8
Sec. 12.2.1. Coverage Exceptions	12-8
Sec. 12.2.2. Floor Area Ratio & Height Exceptions	12-8
Sec. 12.2.3. Upper-Story Bulk Exceptions	12-8
Div. 12.3. Frontage Exceptions.	12-9
Sec. 12.3.1. Build-To Exceptions	12-9
Sec. 12.3.2. Character Frontage Exceptions.	12-13
Div. 12.4. Development Standards Exceptions	12-14
Sec. 12.4.1. Automobile Parking Exceptions	12-14
Sec. 12.4.2. Fences & Walls Exceptions	12-14
Sec. 12.4.3. Grading & Retaining Walls Exceptions	12-15
Sec. 12.4.4. Signs Exceptions	12-15
Div. 12.5. Use Exceptions	12-16
Sec. 12.5.1. Use Not Allowed Exceptions	12-16
Sec. 12.5.2. Use Standards Exceptions.	12-18
Sec. 12.5.3. Sexually Oriented Business Exceptions	12-18
Sec. 12.5.4. Equine Keeping Exceptions	12-19
Sec. 12.5.5. Nonconforming Oil Wells Exceptions	12-20
Div. 12.6. Density Exceptions.	12-22
Sec. 12.6.1. Maximum Density Exceptions	12-22

Div. 12.7. Damaged or Earthquake Hazardous Buildings 12-23

 Sec. 12.7.1. Restoration of Damaged Nonconforming Buildings 12-23

 Sec. 12.7.2. Replacement of Earthquake Hazardous Buildings 12-24

Div. 12.8. Lots Affected by Acquisition for Public Use 12-26

 Sec. 12.8.1. Maintenance and Repair of Existing Buildings Acquired for Public Use . 12-26

 Sec. 12.8.2. Lot Area 12-26

DIV. 12.1. **GENERAL PROVISIONS**

SEC. 12.1.1. **INTENT**

The provisions of Article 12 (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, if any, at the time they were established, but do not conform to current requirements of this Zoning Code (Chapter 1A).

SEC. 12.1.2. **GENERAL RULES**

The following general rules apply to all nonconformities. specific rules in the following Divisions of Article 12 (Nonconformities) may provide additional standards or exceptions to these general rules.

- A. A nonconforming building, structure, or use may conduct minor demolition, minor renovation, and ordinary maintenance and repair project activities without triggering any of the standards of Article 12 (Nonconformities).
- B. No new construction, major demolition, lot modification, site modification, facade modification, use modification, temporary use, or major renovation project activity may occur on any nonconforming lot, nonconforming site, or to any nonconforming building or structure, or nonconforming use, that increases the degree of nonconformity with any individual standard in this Zoning Code, except where expressly allowed in Article 12 (Nonconformities).
- 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 applied zone string and other applicable current land use regulations, except as otherwise permitted by *Div. 12.8. (Lots Affected by Acquisitions for Public Use)*.
- D. Demolition that reduces compliance with the standards or rules in any Zoning District Article (Articles 2-6) is not allowed, except in conjunction with new project activity that allows the project to meet the minimum requirement.
- E. Any existing nonconforming sign, as defined in *LAMC Chapter 9 (Building Regulations), Section 91.6203 (Location)*, may be continued, provided that no structural, electrical, or mechanical modifications are made to the sign.
- F. These general rules may be modified by additional standards and exceptions in *Div. 12.2. (Form Exceptions)*, *Div. 12.3 (Frontage Exceptions)*, *Div. 12.4 (Development Standards Exceptions)*, *Div. 12.5. (Use Exceptions)*, and *Div. 12.6. (Density Exceptions)*.

SEC. 12.1.3. **APPLICABILITY**

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

- 1. The provisions of Article 12 (Nonconformities) apply in addition to the Applicability provisions of any Zoning District Article (Articles 2-6).

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.

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

The provisions of Article 12 (Nonconformities) apply to Specific Plans, Supplemental Districts, and Special Districts only to the extent that those provisions apply the standards of a Zoning District Article (Articles 2-6).

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 1 year or more shall only be occupied by a use that conforms to the current use regulations of the applied zone.
- B. 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.
- C. In Agricultural, Residential, and Residential-Mixed Use Districts, any nonconforming use first permitted in a Commercial or Commercial-Mixed Use District shall be discontinued within 5 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)*.
- D. In Agricultural, Residential, and Residential-Mixed Use Districts, any nonconforming use first permitted in an Industrial or Industrial-Mixed Use District shall be discontinued within 5 years from the date the use becomes nonconforming. No continuation is permitted.
- E. Nonconforming animal keeping and animal keeping, livestock for commercial intent or other similar uses in any Residential or Residential-Mixed Use District, shall be discontinued within 15 years from the date such use became nonconforming.
- F. In Agricultural, Residential, Residential-Mixed, 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.
- G. Nonconforming residential uses in Industrial Use Districts shall be discontinued 5 years from the date the use became nonconforming.
- H. 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.

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 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 Article 12 (Nonconformities) 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 reuse 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. 9.4.6. (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 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 Article 12 (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 Article 12 (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 Article 12 (Nonconformities) 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.

SEC. 12.1.8. **COMPLIANCE WITH OTHER LAWS**

Nothing in Article 12 (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 is allowed, 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% 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, and House Form Districts

1. 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 applied 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.
2. Modifications to existing buildings other than additions are allowed, provided that the activities do not meet the definition of major demolition.

B. 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 applied zone and other applicable current land use regulations are allowed, except that the total aggregate floor area included in all the separate additions shall not exceed 50% of the floor area of the ground story of the building or structure.

SEC. 12.2.3. UPPER-STORY BULK 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 applied zone and other applicable current land use regulations, except that the total aggregate floor area included in all separate additions shall not exceed 50% of the floor area of the ground story of the building or structure.

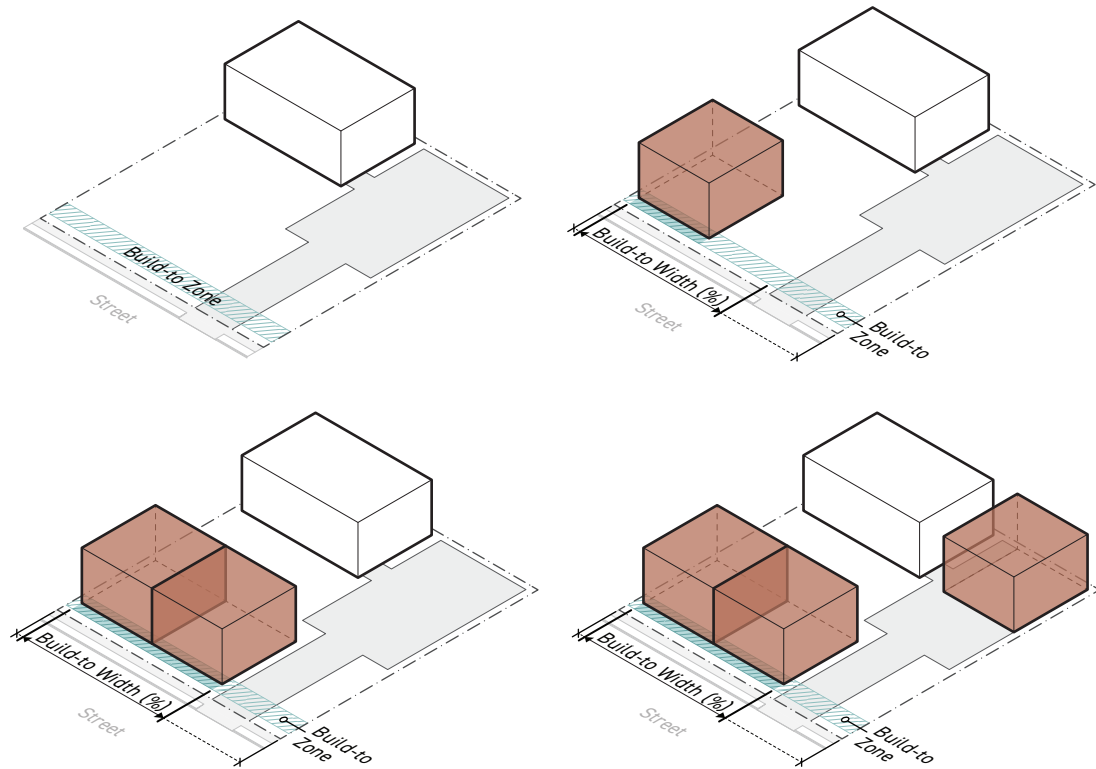
DIV. 12.3. FRONTAGE EXCEPTIONS

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 outlined below.

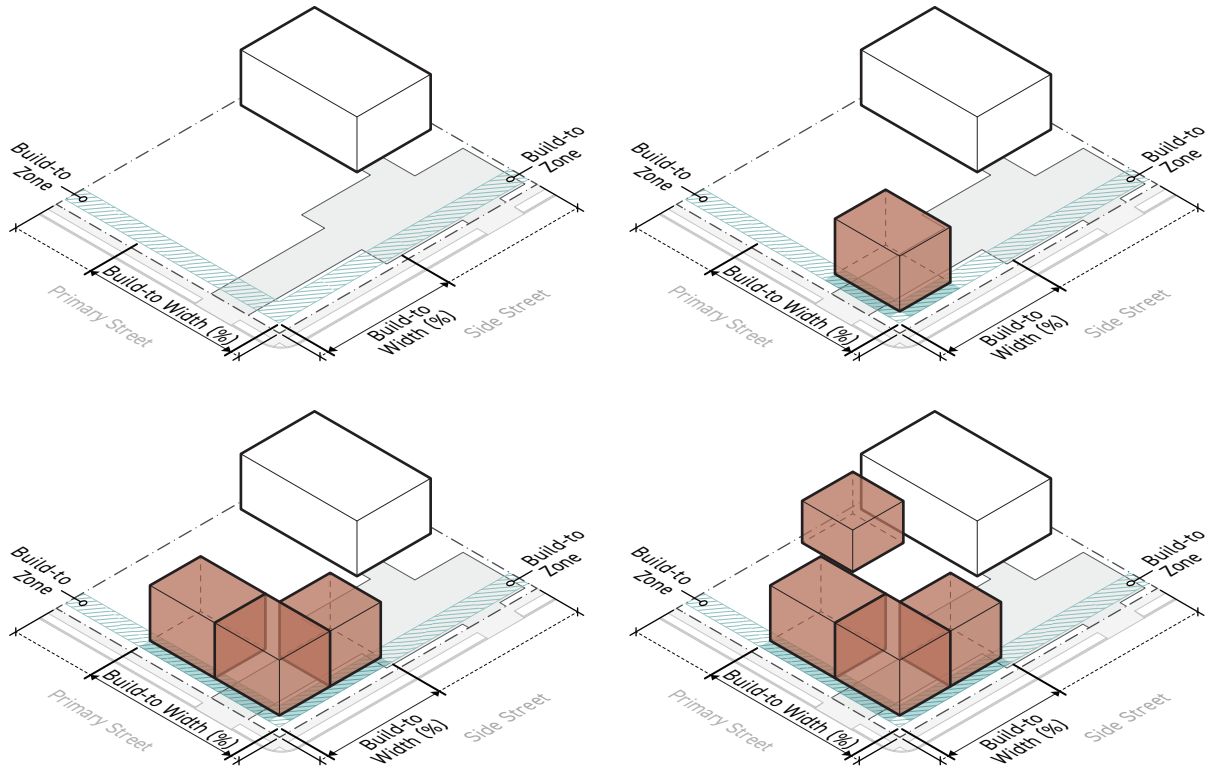
1. New Construction on an Interior Lot

All new construction shall occupy the build-to depth until the build-to width has been met, except that buildings may be provided in phases - each new building is not required to meet the entire required build-to width for the lot.



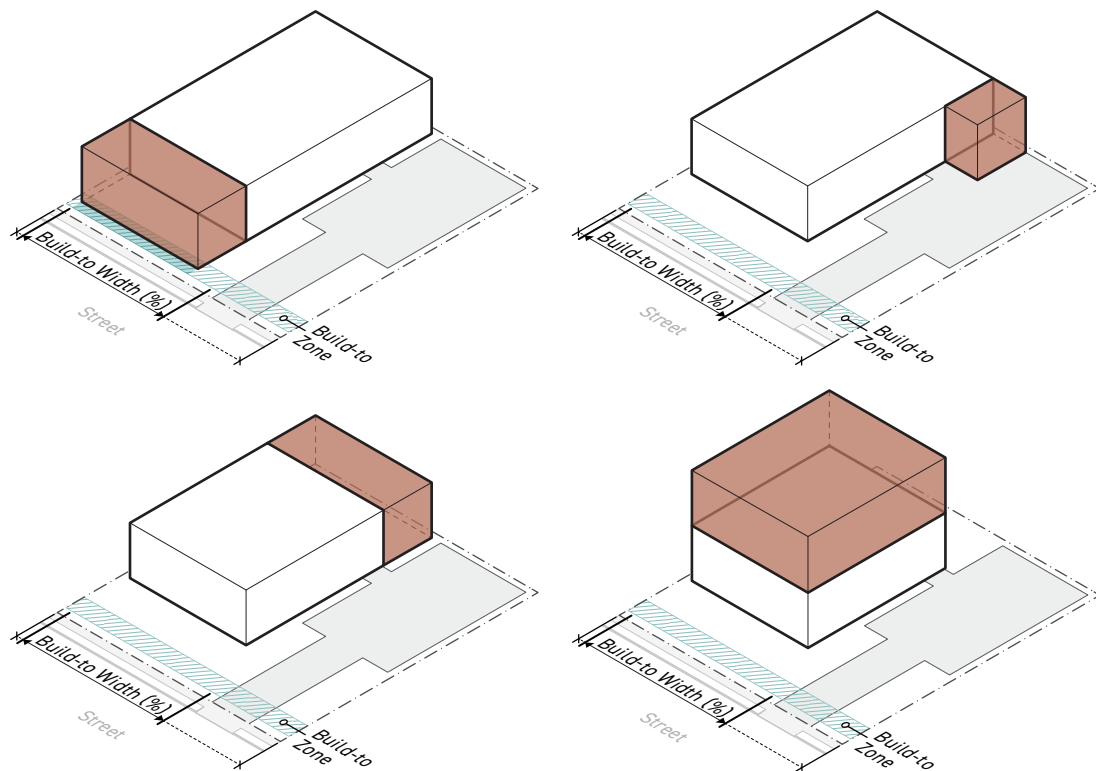
2. New Construction on a Corner Lot

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 provided 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.



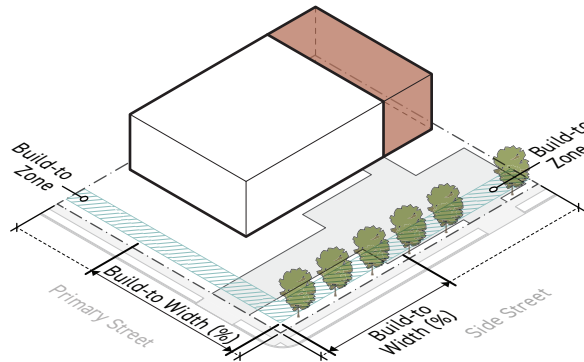
3. Additions on an Interior Lot

- 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% 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.

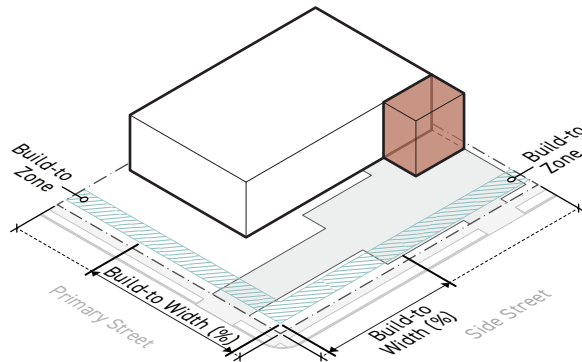


4. Additions on a Corner Lot

- 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 6 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 1 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% 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. 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. Any new construction, facade modification, or site modification shall increase conformity with the pedestrian amenity allowance standards.
- C. 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% of the ground story area of the existing building.
- D. 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, and new construction of additional dwelling units that are detached from the existing building 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. AUTOMOBILE PARKING EXCEPTIONS

- A. The currently-provided automobile parking stalls shall be considered the required parking for an existing nonconforming use where the automobile parking stalls are less than or equal to the parking required by the applied Development Standards District.
- B. For the purpose of calculating parking requirements for a change of use that would require additional automobile parking stalls according to *Sec. 4C.4.1. (Automobile Parking Stalls)*, including but not limited to, additional dwelling units, seating capacity, and beds for institutions or lodging units, existing parking shall be maintained. Additional automobile parking stalls shall be provided equal to the difference between the number of required automobile parking stalls for the existing use based on the current parking requirement in *Sec. 4C.4.1. (Automobile Parking Stalls)* and the number of automobile parking stalls required in *Sec. 4C.4.1. (Automobile Parking Stalls)* for the new use or the new capacity.
- C. For any existing high-rise building as defined in *LAMC Chapter 9 (Building Regulations), Section 91.8604.6.3. (Fire Safety Standards for Existing High-Rise Buildings; Definition)*, the Department of Building and Safety may reduce the number of required automobile parking stalls by the number of stalls 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.
- D. The Department of Building and Safety may reduce the number of required automobile parking stalls by the number of stalls the Department of Building and Safety determines are needed to provide accessible automobile parking stalls as required by State access laws.
- E. The Department of Building and Safety may reduce the number of required automobile parking stalls by the number of stalls that are necessarily displaced as a result of compliance with *LAMC Chapter 9 (Building Regulations), Division 93 (Mandatory Earthquake Hazard Reduction In Existing Wood-Frame Buildings With Soft, Weak or Open-Front Walls)* and *LAMC Chapter 9 (Building Regulations), Division 95 (Mandatory Earthquake Hazard Reduction In Existing Non-Ductile Concrete Buildings)*. The reduction shall not exceed 20% of required automobile parking stalls or 1 stall, whichever is greater. This exception does not nullify any existing obligations established in *LAMC Chapter 15 (Rent Stabilization Ordinance), Article 1 (Rent Stabilization Ordinance)*.

SEC. 12.4.2. FENCES & WALLS EXCEPTIONS

In an Agricultural, Residential, and Residential-Mixed Use District, a fence or wall not exceeding 4.5 feet in height, as required by *LAMC Chapter 9 (Building Regulations), 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. 12.4.3. **GRADING & 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 the effective date of *Ord. No. 176,445 (effective 3/9/05)*, pursuant to *Sec. 13B.3.1. (Administrative Review)*.

SEC. 12.4.4. **SIGNS EXCEPTIONS**

Structural, electrical, or mechanical modifications may be made to a sign as permitted in *LAMC Chapter 9 (Building Regulations), Section 91.6206 (Electrical)*.

DIV. 12.5. USE EXCEPTIONS

SEC. 12.5.1. USE NOT ALLOWED EXCEPTIONS

- A. Where an existing use is nonconforming in the applied Use District, it may be relocated within the existing building, provided the move does not cause a net increase in the floor area of the nonconforming use.
- B. Where a building in any Open Space, Agricultural, Residential, Residential-Mixed, Commercial, Commercial-Mixed or Public Use District 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 dwelling units, and the addition or expansion meets all other requirements for the applied zone.
- C. 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 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 fully conform to the sport court standards in *Sec. 4C.7.2. (Side/Rear Yard Fences & Walls)*.
- D. 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 addition 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 addition 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)*.
- E. Any lot or portion of a lot in a Commercial, Commercial-Mixed, Industrial-Mixed, or Industrial 1 (I1) 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.
- F. Where the creation of dwelling 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)*.
- G. Where the creation of dwelling 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)*.

- H. Any Light Industrial uses lawfully existing prior to March 22, 1981, in any portion of any building in a Commercial or 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)*.
- I. Joint living & work quarters are considered nonconforming to the use 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 Projects)* and *Sec. 12.4.6. (Citywide Adaptive Reuse Projects)*.
- J. 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 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 1 year from the date the use becomes nonconforming.
- K. In the Industrial Use Districts:
 - 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. Caretakers quarters in Industrial Use Districts are permitted to continue.
- L. Existing petroleum-based oil refineries expanding operations beyond the current property lines are required to:
 - 1. Receive a Conditional Use Permit with approval by the City Planning Commission, in accordance with *Sec. 13B.2.3. (Class 3 Conditional Use Permit)*.
 - 2. 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.
 - 3. 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.

4. Submit a truck routing plan that minimizes the incidence of a commercial truck traveling past dwellings, religious assembly, schools, regional medical, public recreation, medical care supportive housing, preschool/day care, and other similar uses.

SEC. 12.5.2. USE STANDARDS EXCEPTIONS

- A. Where a family child care facility is located further than 300 feet from any existing family child care facility, the floor space of any dwelling unit used for the operation of a family child 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.
- B. Where a temporary use is nonconforming as to Use District 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 standards.

SEC. 12.5.3. SEXUALLY ORIENTED BUSINESS EXCEPTIONS

- A. A person may continue to operate a sexually oriented business on a lot within 500 feet of a lot zoned with an Agricultural, Residential, or Residential-Mixed Use District, if a lot consistent with the Use District standards in the applied 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 District standards in the applied 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:
 1. Its use as the proposed sexually oriented business is consistent with all applicable zoning regulations, including the Use District standards in the applied Use District table.
 2. It is available for use, purchase, or rental as a sexually oriented business.
 3. It has adequate street access, street lighting, and sidewalks.
 4. 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.
- B. To apply for an exception, an applicant shall file an application with the Department of City Planning, on a form provided by the Department of City Planning, 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 *LAMC Chapter 1 (General Provisions and Zoning), Sec. 19.01.K. (Adult Entertainment Business Exception)*. The procedures described in *Sec. 13B.2.2 (Class 2 Conditional Use Permit)* shall be followed to the extent applicable.

- C. 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 District standards in the applied Use District tables is reasonably available elsewhere in the City for the establishment or relocation of the subject sexually oriented business.
- D. 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 religious assembly, school, preschool/day care facility, or public recreation 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. 12.5.4. **EQUINE KEEPING EXCEPTIONS**

A. **Lot Area Exception**

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.

B. **Equine Use Exceptions**

1. Equine, non-commercial uses shall be allowed to be continued if, after the legal establishment of the 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 equine, non-commercial use and the adjacent property's dwelling unit. The nonconforming 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 equine, non-commercial 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.
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 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 equine, non-commercial 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.
3. If an 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 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 equine, non-commercial 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. 12.5.5. NONCONFORMING OIL WELLS EXCEPTIONS

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 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 Sec. 12.1.4.H. (*Discontinuance of Nonconforming Use*), 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.
3. 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.

DIV. 12.6. DENSITY EXCEPTIONS

SEC. 12.6.1. MAXIMUM DENSITY EXCEPTIONS

An addition to a residential building that is nonconforming as to dwelling units per lot, household lot area per dwelling unit, or lot area per efficiency dwelling in the Open Space, Agricultural, Residential, Residential-Mixed, Commercial-Mixed, Industrial-Mixed, or Public Facility Use Districts is allowed, except that the addition shall not create any new dwellings.

DIV. 12.7. **DAMAGED OR EARTHQUAKE HAZARDOUS BUILDINGS**

SEC. 12.7.1. **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. 12.1.6.B. (Relief)*, 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 *dwelling*s 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 Zoning Code (Chapter 1A), 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 applied Form District, 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, or in other applicable current regulations of this Zoning Code (Chapter 1A).
 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. 12.7.2. 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 *LAMC Chapter 9 (Building Regulations), 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, 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 *LAMC Chapter 9 (Building Regulations), 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. Regardless of 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. 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 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;
- 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 AND 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 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, addition, facade modification, site modification, or major renovation of the remainder of said building or structure which was made necessary by said acquisition, shall conform to the provisions of *LAMC Chapter 9 (Building Regulations)*. Any portion of the building or structure which does not require any new construction, addition, facade modification, site modification, or major renovation by reason of said acquisition shall not be required to be made to conform to the provisions of *LAMC 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. 12.8.2. 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, 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, so long as the lot is not smaller in size or width than 50% of the minimum lot area or lot width required by the applied Form District.