

ARTICLE 12.  
**NONCONFORMITIES**



# CONTENTS

- Div. 12.1. General Provisions . . . . . 12-5**
  - Sec. 12.1.1. Purpose . . . . . 12-5
  - Sec. 12.1.2. Relationship to Zoning District Article Applicability Standards . . . . . 12-5
  - Sec. 12.1.3. Area of Work . . . . . 12-5
  - Sec. 12.1.4. Maintenance and Expansion of Nonconforming Buildings . . . . . 12-5
  - Sec. 12.1.5. Restoration of Damaged Nonconforming Buildings . . . . . 12-6
  - Sec. 12.1.6. Replacement of Earthquake Hazardous Buildings . . . . . 12-7
  - Sec. 12.1.7. Lots Affected by Acquisitions for Public Use . . . . . 12-8
  - Sec. 12.1.8. Calculation of Time . . . . . 12-9
  - Sec. 12.1.9. Compliance with Other Laws . . . . . 12-9
  
- Div. 12.2. Nonconforming Form . . . . . 12-10**
  - Sec. 12.2.1. Lot Size . . . . . 12-10
  - Sec. 12.2.2. Coverage . . . . . 12-10
  - Sec. 12.2.3. Amenity . . . . . 12-12
  - Sec. 12.2.4. Floor Area Ratio & Height . . . . . 12-12
  - Sec. 12.2.5. Upper-Story Bulk. . . . . 12-13
  - Sec. 12.2.6. Building Mass. . . . . 12-14
  
- Div. 12.3. Nonconforming Frontage . . . . . 12-16**
  - Sec. 12.3.1. Build-To. . . . . 12-16
  - Sec. 12.3.2. Parking . . . . . 12-21
  - Sec. 12.3.3. Landscaping . . . . . 12-21
  - Sec. 12.3.4. Transparency . . . . . 12-22
  - Sec. 12.3.5. Entrances . . . . . 12-23
  - Sec. 12.3.6. Ground Story . . . . . 12-23
  
- Div. 12.4. Nonconforming Character Frontage . . . . . 12-25**
  - Sec. 12.4.1. Build-to . . . . . 12-25
  - Sec. 12.4.2. Parking . . . . . 12-25
  - Sec. 12.4.3. Landscaping . . . . . 12-25
  - Sec. 12.4.4. Ground Floor Elevation . . . . . 12-25
  - Sec. 12.4.5. Story Height . . . . . 12-25
  - Sec. 12.4.6. Articulation . . . . . 12-25
  - Sec. 12.4.7. Features. . . . . 12-27
  - Sec. 12.4.8. Entrances . . . . . 12-27
  - Sec. 12.4.9. Transparency . . . . . 12-27
  - Sec. 12.4.10. Exterior Materials. . . . . 12-28
  - Sec. 12.4.11. Roof Design . . . . . 12-28

**Div. 12.5. Nonconforming Development Standards . . . . . 12-29**

Sec. 12.5.1. Pedestrian Access . . . . . 12-29

Sec. 12.5.2. Motor Vehicle Access . . . . . 12-29

Sec. 12.5.3. Bicycle Parking . . . . . 12-30

Sec. 12.5.4. Automobile Parking . . . . . 12-32

Sec. 12.5.5. Transportation Demand Management . . . . . 12-33

Sec. 12.5.6. Plants . . . . . 12-34

Sec. 12.5.7. Fences and Walls. . . . . 12-35

Sec. 12.5.8. Screening . . . . . 12-35

Sec. 12.5.9. Screening . . . . . 12-36

Sec. 12.5.10. Grading . . . . . 12-37

Sec. 12.5.11. Outdoor Lighting and Glare. . . . . 12-37

Sec. 12.5.12. Signs. . . . . 12-38

Sec. 12.5.13. Ridgeline Protection . . . . . 12-39

Sec. 12.5.14. Environmental Protection . . . . . 12-39

**Div. 12.6. Nonconforming Use . . . . . 12-40**

Sec. 12.6.1. Use in a District. . . . . 12-40

Sec. 12.6.2. Use District Standards . . . . . 12-41

Sec. 12.6.3. Citywide Use Standards . . . . . 12-41

Sec. 12.6.4. Use Limitations . . . . . 12-41

Sec. 12.6.5. Conditional Use . . . . . 12-41

Sec. 12.6.6. Specific Nonconforming Use Provisions. . . . . 12-41

Sec. 12.6.7. Orders to Comply . . . . . 12-44

**Div. 12.7. Nonconforming Density . . . . . 12-45**

Sec. 12.7.1. Standards . . . . . 12-45

Sec. 12.7.2. Exceptions . . . . . 12-45

**Div. 12.8. Nonconforming Alternate Typology . . . . . 12-46**

Sec. 12.8.1. Standards . . . . . 12-46

Sec. 12.8.2. Exceptions . . . . . 12-46

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

### SEC. 12.1.1. **PURPOSE**

It is the intent of the City that no modification should be made to any nonconforming lot, building, structure, site or use that increases the degree of nonconformity with this Zoning Code.

### SEC. 12.1.2. **RELATIONSHIP TO ZONING DISTRICT ARTICLE APPLICABILITY STANDARDS**

- A. The provisions of this Article shall be in addition to the Applicability provisions of the following Articles: Article 2 (Form), Article 3 (Frontage), Article 4 (Development Standards), Article 5 (Use) and Article 6 (Density). In the event that there is a conflict or discrepancy between the provisions of this Article and the Applicability provisions of Articles 2 through 6, the provisions of the applicable Article shall supersede.
- B. *Sec. 12.1.5 (Restoration of Damaged Nonconforming Buildings)* and *Sec. 12.16 (Replacement of Earthquake Hazardous Buildings)* below supersede any other provisions of this Zoning Code.

### SEC. 12.1.3. **AREA OF WORK**

Where a permit application does not involve an entire site, building or structure, the standards of this Article apply only to the area of work that is the subject of the permit application.

### SEC. 12.1.4. **MAINTENANCE AND EXPANSION OF NONCONFORMING BUILDINGS**

#### A. **Maintenance**

A nonconforming building or structure may be maintained, repaired, or structurally altered, provided the building conformed to the zoning regulations, if any, at the time it was established.

#### B. **Additions to Nonconforming Buildings**

An addition to a nonconforming building or structure is generally allowed, provided that the project activity does not increase the extent to which the building or structure is nonconforming to any standard in this zoning code and additions conform to the current zoning regulations.

#### C. **Relocating Nonconforming Buildings**

A nonconforming building or structure may not be relocated, in whole or in part, to any other location on the lot unless every portion of the building or structure that is moved is made to conform to all the current regulations of the zone and other applicable current land use regulations, except as otherwise permitted by *Sec. 12.1.7. (Lots Affected by Acquisitions for Public Use)* below.

### SEC. 12.1.5. RESTORATION OF DAMAGED NONCONFORMING BUILDINGS

- A.** A nonconforming building or structure, which 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, 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. below, 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 residential use 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, 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 Zoning Code.
  - 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. 12.1.6. **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 Article 1 (Building Code) of Chapter 9 (Building Regulations) 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, 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 Earthquake Safety Ordinance (Division 68 of Article 1 of Chapter 9 this Code), 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 Subsection 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 Subsection 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 Subsection 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.

## SEC. 12.1.7. LOTS AFFECTED BY ACQUISITIONS FOR PUBLIC USE

### A. Maintenance and Repair of Existing Buildings

1. Where a building or structure is located upon a lot portion of which 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 thereafter 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.



2. If only a portion of an existing building or structure is acquired for public use, any new construction, addition, facade alteration, site alteration or 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 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 thereto independently of and in the absence of said acquisition of only a portion of the building or structure.

## **B. Lot Area**

If a lot resulting from the acquisition of all or a portion of a parcel 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, said lot may be utilized 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 one-half of the minimum lot area or lot width required for the zone.

### **SEC. 12.1.8. CALCULATION OF TIME**

Whenever a building, structure, use, or site element becomes nonconforming due to a change in the Zoning Map or the text of this Chapter, and a period of time is specified in this Article for the removal of the nonconforming building, structure, use or site element, the period of time is computed from the effective date of such change.

### **SEC. 12.1.9. 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. **NONCONFORMING FORM**

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

#### A. **Lot Area**

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

- a. Where a lot is nonconforming as to lot area, any building or structure allowed on a conforming lot is allowed on the nonconforming lot, provided that it meets all of the dimensional requirements of the zone except the lot area requirement.
- b. Where a lot is nonconforming as to lot area, any setback encroachments allowed on a conforming lot are also allowed on the nonconforming lot.
- c. Where a lot is nonconforming as to lot area, any use permitted in the applicable Use District on a conforming lot is allowed on the nonconforming lot, except that where the applicable Use District requires a lot area, the Use District lot area shall be met.

##### 2. **Exceptions**

[Reserved]

#### B. **Lot Width**

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

- a. Where a lot is nonconforming as to lot width, any building or structure allowed on a conforming lot is allowed on a nonconforming lot, provided that it meets all of the dimensional requirements of the zone except the lot width requirement.
- b. Where a lot is nonconforming as to lot width, any setback encroachments allowed on a conforming lot are also allowed on the nonconforming lot.
- c. Where a lot is nonconforming as to lot width, any use permitted in the applicable Use District on a conforming lot is allowed on a nonconforming lot, except that where the applicable Use District requires a lot width, the Use District lot width shall be met.

##### 2. **Exceptions**

[Reserved]

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

#### A. **Building Coverage**

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

Where a lot is nonconforming as to building coverage, additional building coverage is not allowed. This standard does not prohibit a site alteration that reduces existing building

coverage, or new vertical construction (addition) of a building that does not exceed applicable height or FAR limits.

## 2. **Exceptions**

### a. **Rural, Estate and House Form Districts**

Where a lot is nonconforming as to building coverage on properties in the Rural, Estate and House Form Districts, the building shall not be added to in any manner unless the addition conforms to all the current regulations of the zone and other applicable current land use regulations, except as may be approved or permitted pursuant to a discretionary approval. However, alterations, other than additions to existing buildings, may be made, provided that the changes do not meet the definition of demolition.

## B. **Building Setbacks**

### 1. **Standards**

- a. Where a lot has a building that is nonconforming as to side, rear or alley setbacks, any new building on the lot shall meet the side, rear or alley setbacks and any other applicable standards of the zone.
- b. Where a building is nonconforming as to side, rear or alley setbacks, it may be expanded, provided that:
  - i. Any addition located in the nonconforming setback shall not encroach into any portion of that setback to a greater extent than the existing nonconforming building encroaches.
  - ii. In no event shall any addition reduce the width of a side setback or the depth of a rear or alley setback to less than 50% of that required by the current setback regulations of the applicable zone and other applicable current land use regulations.
  - iii. The total of all additions made since the building became nonconforming as to side, rear or alley setbacks shall not exceed, in height or length, the height or length of that portion of the adjoining nonconforming building that extends into the same setback.
- c. Buildings nonconforming as to side, rear or alley setback regulations may conduct ordinary repair and maintenance, be structurally altered, or undergo minor or major renovation, provided the activity does not meet the definition of demolition.

### 2. **Exceptions**

[Reserved]

#### a. **Rural, Estate and House Form Districts**

A building nonconforming as to side, rear or alley setbacks on properties in the Rural, Estate and House Form Districts, not including properties in the Coastal Zone which are

not located in a Hillside Area, shall not be added to or enlarged in any manner unless the addition or enlargement conforms to all the current regulations of the zone and other applicable current land use regulations, except as may be approved or permitted pursuant to a discretionary approval.

### SEC. 12.2.3. AMENITY

#### A. Lot Amenity Space

##### 1. Standards

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

##### 2. Exceptions

[Reserved]

#### B. Residential Amenity Space

##### 1. Standards

Where a lot is nonconforming as to residential amenity space requirements, any new construction, addition or site alteration shall meet the residential amenity space requirements.

##### 2. Exceptions

[Reserved]

#### C. Amenity Design Standards

##### 1. Standards

Where a lot is nonconforming as to amenity design standards requirements, any new construction, addition or site alteration shall meet the amenity design standards requirements.

##### 2. Exceptions

[Reserved]

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

#### A. Floor Area Ratio (FAR)

##### 1. Standards

Where a building or structure, or combination of multiple buildings and structures, is nonconforming as to floor area ratio, no additional floor area is allowed. This does not prohibit a site alteration, minor or major renovation that does not increase the amount of floor area.

## 2. **Exceptions**

- a. Where a building or structure, or combination of multiple buildings and structures, is nonconforming as to floor area ratio in the Rural, Estate and House Form Districts, not including properties in the Coastal Zone which are not located in a Hillside Area the building or structure shall not be added to in any manner unless the addition conforms to all the current regulations of the zone and other applicable current land use regulations, except as may be approved or permitted pursuant to a discretionary approval. However, alterations, other than additions to existing buildings, may be made provided that the changes do not meet the definition of demolition.
- b. In Development Standards Districts 5 and 6, existing covered, above-grade parking areas do not count as floor area for the purpose of calculating maximum FAR.

## B. **Height in Feet or Stories**

### 1. **Standards**

- a. Where an existing building or structure is nonconforming as to the maximum height in either feet or stories, any new construction or addition shall not exceed the maximum height or any other applicable standards of the zone.
- b. Where an existing building or structure is nonconforming as to the minimum height limit requirement, any new construction or addition shall meet the minimum height limit.

### 2. **Exceptions**

Where an existing building or structure is nonconforming only as to maximum height, it may not be added to in any manner, unless the addition conforms to all the current regulations of the applicable zone and other applicable current regulations of this Chapter, provided that the total aggregate floor area included in all the separate additions shall not exceed 50% of the floor area of the ground floor of the building or structure.

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

### A. **Bulk Plane**

#### 1. **Standards**

Where an existing building or structure is nonconforming as to the bulk plane, any new construction, addition or facade alteration shall not exceed the bulk plane.

#### 2. **Exceptions**

A building that is nonconforming only as to bulk plane regulations may not be added to in any manner, unless the addition conforms to all the current regulations of the applicable zone and other applicable current regulations of this Chapter, provided that the total aggregate floor area included in all the separate additions shall not exceed 50% of the floor area of the ground floor of the building or structure.

## B. Street Step-Back

### 1. Standards

- a. Where an existing building or structure is nonconforming as to the maximum stories without street step-back requirement, any new construction, addition or facade alteration shall meet the maximum stories without street step-back requirement.
- b. Where an existing building or structure is nonconforming as to the minimum street step-back depth requirement, any new construction, addition or facade alteration shall meet the minimum street step-back requirement.

### 2. Exceptions

[Reserved]

## C. Height Transition

### 1. Standards

- a. Where an existing building or structure is nonconforming as to the maximum stories without height transition requirement, any new construction, addition or facade alteration shall not exceed the stories without height transition.
- b. Where an existing building or structure is nonconforming as to the minimum height transition depth requirement, any new construction, addition or facade alteration shall meet the minimum height transition depth requirement.

### 2. Exceptions

[Reserved]

## SEC. 12.2.6. BUILDING MASS

### A. Building Width

#### 1. 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 building width requirement.

#### 2. Exceptions

[Reserved]

## B. **Facade Width**

### 1. **Standards**

Where an existing building or structure is nonconforming as to the facade width requirement, any new construction, addition or facade alteration shall not exceed the facade width requirement.

### 2. **Exceptions**

[Reserved]

## DIV. 12.3. **NONCONFORMING FRONTAGE**

### SEC. 12.3.1. **BUILD-TO**

#### A. **Applicable Stories**

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

Where an existing building or structure is nonconforming as to the build-to applicable stories requirement, any new construction or addition shall meet the minimum build-to applicable stories.

##### 2. **Exceptions**

[Reserved]

#### B. **Build-to Range and Build-To Width**

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

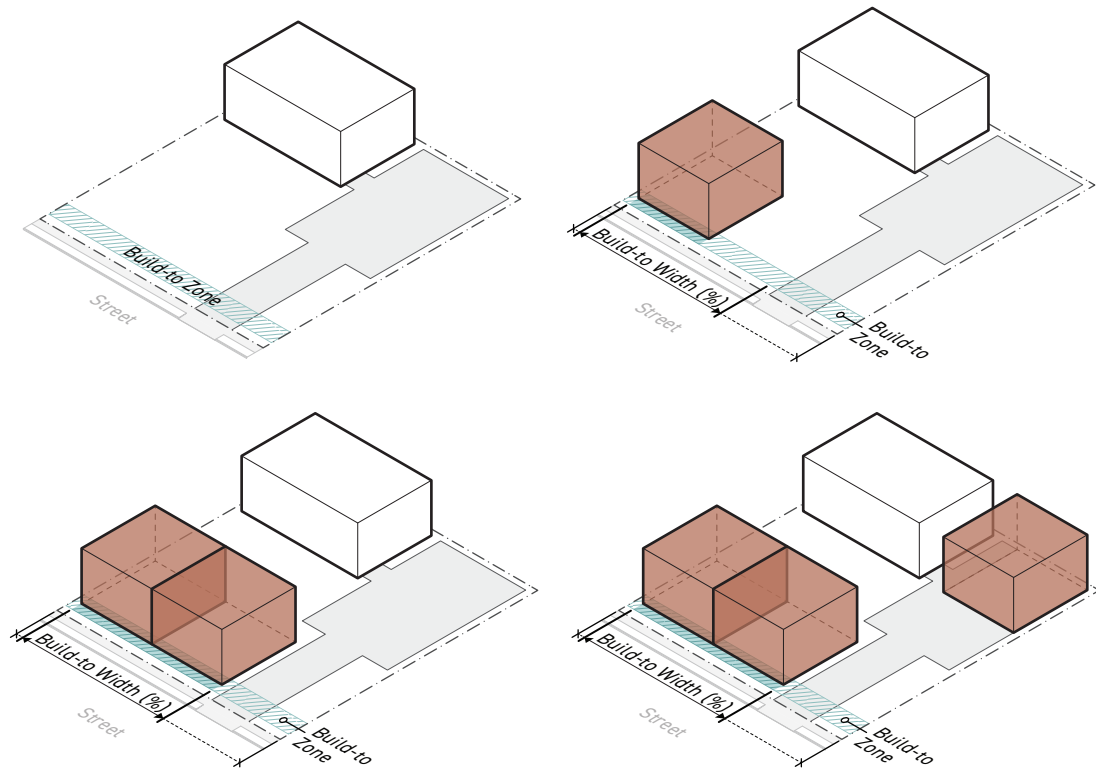
###### a. **General**

Where an existing building or structure is nonconforming as to the build-to range or build-to width requirements, any new construction or addition shall meet the minimum build-to width between the minimum and maximum build-to range in one of the ways outlined in this Section.



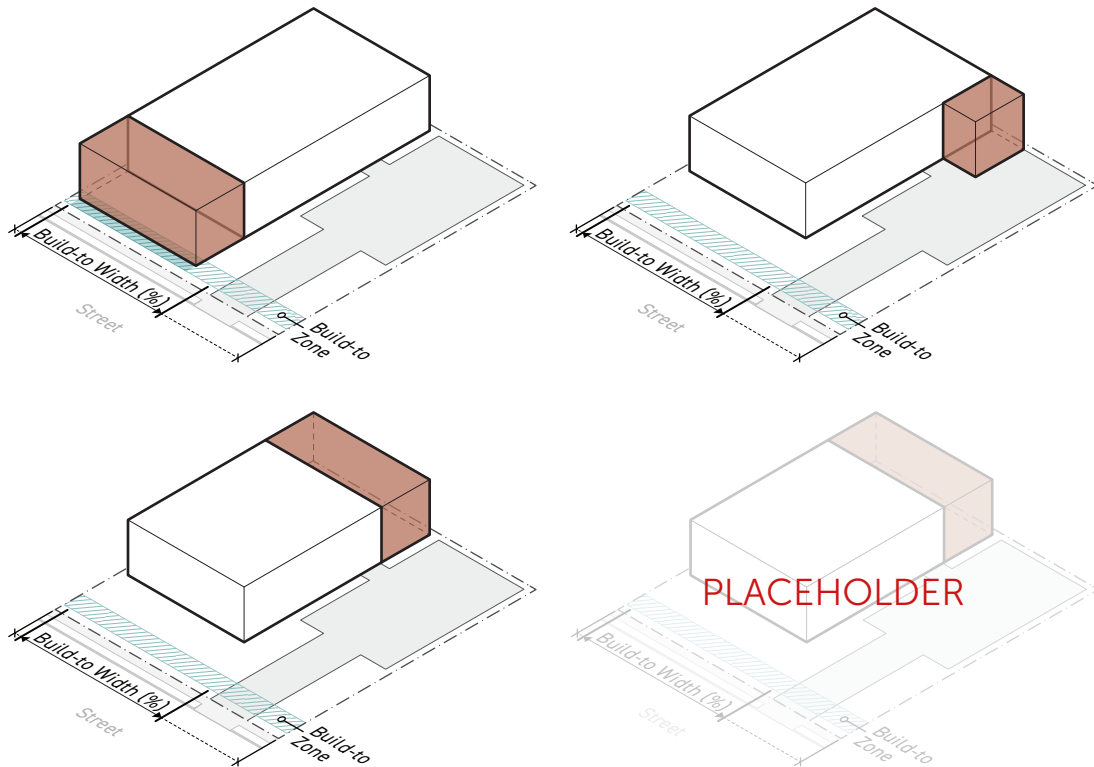
**b. New Construction on an Interior Lot**

- i. All new construction shall occupy the build-to range until the build-to width standard has been met. Each new building does not have to meet the required build-to width for the entire lot.
- ii. Once the build-to width standard has been met, new buildings may be placed outside of the build-to zone.



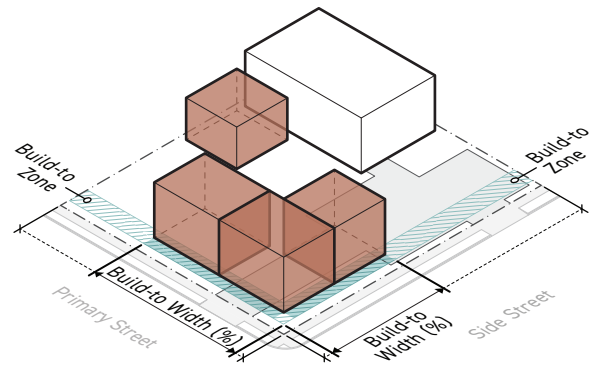
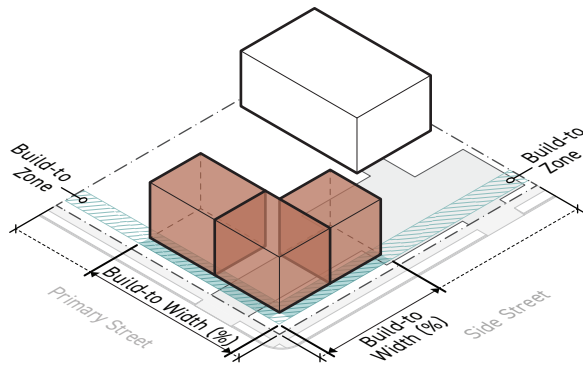
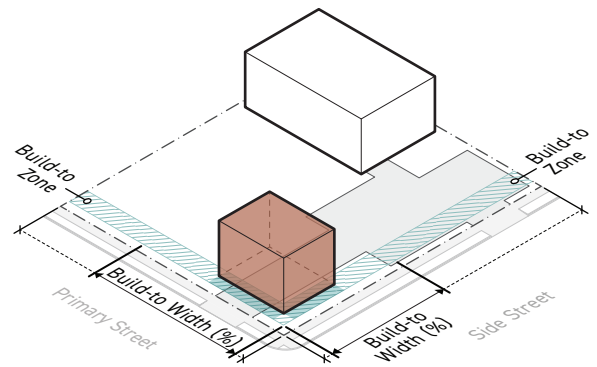
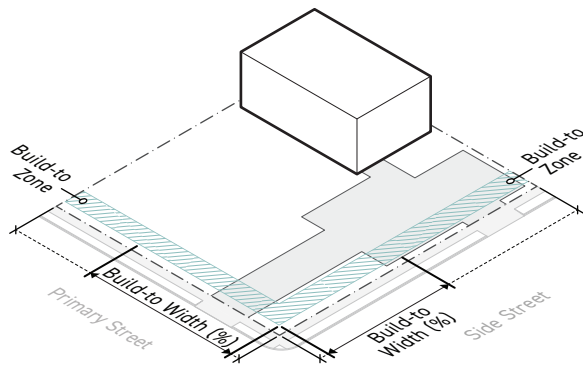
c. Additions on an Interior Lot

- i. Any addition to the street-facing facade of a building that is nonconforming as to build-to range or build-to width shall occupy the build-to range. The addition does not have to meet the required build-to width for the entire lot. Additions to the street-facing facade with a maximum floor area of 10% of the existing building footprint are allowed behind the build-to range.
- ii. Additions that extend a building that is nonconforming as to build-to range or build-to width toward the side lot line are allowed, provided they have a floor area less than 20% of the existing building footprint. Once the build-to width standard has been met, additions of any size that extend the building toward the side lot line are allowed.
- iii. Additions of any size that extend a building that is nonconforming as to build-to range or build-to width toward the rear lot line are allowed.
- iv. Additions on top of a building that is nonconforming as to build-to range or build-to width are allowed, provided they do not increase the existing building footprint by more than 50 square feet.



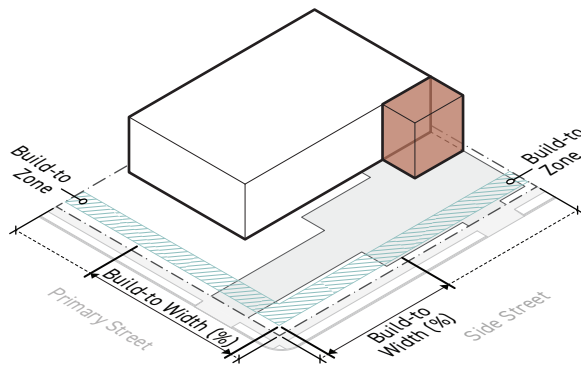
d. **New Construction on a Corner Lot**

- i. All new construction shall occupy the build-to range until the build-to width standard for both streets has been met.
- ii. Once the build-to width requirement has been met for both streets, new construction may be placed behind the build-to range.

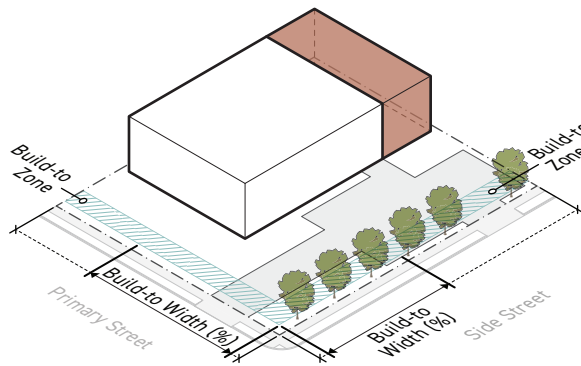


e. Additions on a Corner Lot

- i. Any addition to the primary street-facing facade of a building that is nonconforming as to build-to range or build-to width shall be located within the build-to range on the primary street. The addition does not have to meet the minimum build-to width for the entire lot. Street-facing facade additions with floor area no greater than 10% of the existing building footprint are allowed behind the build-to range.
- ii. Additions that extend a building that is nonconforming as to build-to range or build-to width toward the side lot line are allowed, provided the floor area is no greater than 20% of the existing building footprint. 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.



- iii. Additions of any size that extend a building that is nonconforming as to build-to range or build-to width toward the rear lot line and are located behind the build-to range are allowed provided:
  - a) A planting area (Sec4C.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 (Sec.4C.6.4.C.3.a.) planted at a rate of 1 per 30 feet along the entire length of the planting area.



- c) Trees should be planted offset from street trees to maximize space for canopy growth.

- iv. Additions on top of a building that is nonconforming as to build-to range or build-to width are allowed, provided they do not increase the existing building footprint by more than 50 square feet.

## 2. **Exceptions**

On lots with existing an existing residential building that is nonconforming as to build-to range 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 range and build-to width requirements.

## C. **Pedestrian Amenity Modification**

### 1. **Standards**

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 modification, the existing open space may be maintained but not expanded and any additions, new construction, site modifications and facade modifications shall increase conformity with the pedestrian amenity modification standards to the greatest extent feasible.

### 2. **Exceptions**

[Reserved]

## SEC. 12.3.2. **PARKING**

### A. **Street Setback**

#### 1. **Standards**

Where an existing building or structure is nonconforming as to the street setback for parking requirement, any new construction, addition, site alteration or major renovation shall meet the minimum required street setback for parking.

#### 2. **Exceptions**

[Reserved]

## SEC. 12.3.3. **LANDSCAPING**

### A. **Planted Area**

#### 1. **Standards**

Where an existing lot is nonconforming as to the planted area requirement within the frontage yard, any new construction, addition, site alteration or major alteration shall meet the minimum required planted area within the frontage yard.

2. **Exceptions**

[Reserved]

**B. Allowed Privacy Screen**

1. **Standards**

Where an existing lot is nonconforming as to the allowed privacy screen requirement, any new construction, addition, site alteration or major renovation shall meet the allowed privacy screen requirement.

2. **Exceptions**

[Reserved]

SEC. 12.3.4. **TRANSPARENCY**

**A. General**

1. **Standards**

Where an existing building or structure is nonconforming as to the general transparency requirement for all ground stories or all upper stories, any new construction, addition, facade alteration or major renovation shall meet the general transparency requirement for all ground stories and all upper stories.

2. **Exceptions**

A blank wall width alternative may be used in lieu of transparency, as provided in Sec. 3C.4.2.

**B. Blank Wall Width**

1. **Standards**

Where an existing building or structure is nonconforming as to the blank wall width requirement for blank ground story or foundation walls, any new construction, addition, facade alteration or major renovation shall meet the blank wall width requirement for blank ground story or foundation walls.

2. **Exceptions**

A blank wall width alternative may be used in lieu of meeting the blank wall standard, as provided in Sec. 3C.4.2.

## SEC. 12.3.5. **ENTRANCES**

### A. **Street-Facing Entrance**

#### 1. **Standards**

Where an existing building or structure is nonconforming as to the street-facing entrance requirement, including the entrance space requirement, any new construction, addition, facade alteration or major renovation shall meet the minimum street-facing entrance requirement.

#### 2. **Exceptions**

[Reserved]

### B. **Entry Feature**

#### 1. **Standards**

Where an existing building or structure is nonconforming as to the entry feature requirement, including the entry feature option requirements, any new construction, addition, facade alteration or major renovation shall meet the minimum entry feature requirement.

#### 2. **Exceptions**

[Reserved]

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

### A. **Ground Story Height**

#### 1. **Standards**

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

#### 2. **Exceptions**

[Reserved]

### B. **Ground Floor Elevation**

#### 1. **Standards**

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

## 2. **Exceptions**

[Reserved]



## DIV. 12.4. **NONCONFORMING 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.B. Ground Floor Elevation.

### SEC. 12.4.5. **STORY HEIGHT**

#### A. **Ground Story Height**

See Sec. 12.3.6.A. Ground Story Height.

#### B. **Upper Story Height**

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

Where an existing building or structure is nonconforming as to the upper story height requirement, any new construction or addition shall meet the minimum upper story height requirement.

##### 2. **Exceptions**

[Reserved]

### SEC. 12.4.6. **ARTICULATION**

#### A. **Base, Middle & Top**

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

Where an existing building or structure is nonconforming as to the base, middle and top requirement, any new construction or addition shall meet all of the minimum base, middle and top requirements.

##### 2. **Exceptions**

[Reserved]

## B. Base-Top

### 1. Standards

Where an existing building or structure does not meet the base-top requirement, any new construction or addition shall meet the minimum base-top requirement.

### 2. Exceptions

[Reserved]

## C. Horizontal Bands

### 1. Standards

Where an existing building or structure does not meet the horizontal bands requirement, any new construction or addition shall meet the minimum horizontal bands requirement.

### 2. Exceptions

[Reserved]

## D. Vertical Bands

### 1. Standards

Where an existing building or structure does not meet the vertical bands requirement, any new construction, addition or facade alteration shall meet the minimum vertical bands requirement.

### 2. Exceptions

[Reserved]

## E. Articulating Elements

### 1. Standards

Where an existing building or structure does not meet the articulating elements requirement, any new construction, addition or facade alteration shall meet the minimum articulating elements requirement.

### 2. Exceptions

[Reserved]

## SEC. 12.4.7. **FEATURES**

### A. **Prohibited Features**

#### 1. **Standards**

Where an existing building or structure does not meet the prohibited features requirements, any new construction, addition or facade alteration shall meet the prohibited features requirements.

#### 2. **Exceptions**

[Reserved]

## SEC. 12.4.8. **ENTRANCES**

### A. **Street-Facing Entrance**

See Sec. 12.3.5.A. Street-Facing Entrance

### B. **Entry Feature**

See Sec. 12.3.5.B. Entry Feature

### C. **Focal Entry Feature**

#### 1. **Standards**

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.

#### 2. **Exceptions**

[Reserved]

## SEC. 12.4.9. **TRANSPARENCY**

### A. **Ground Story**

#### 1. **Standards**

a. Where an existing building or structure does not meet the general transparency or blank wall width requirements, see Sec. 12.3.4. Transparency.

b. Where an existing building or structure does not meet the window recession, bulkhead, symmetrical lite pattern, horizontal sliding windows or vinyl windows requirements, any new construction, addition or facade alteration shall meet all of the minimum window recession, bulkhead, symmetrical lite pattern, horizontal sliding windows and vinyl windows requirements.

2. **Exceptions**

[Reserved]

B. **Upper Stories**

1. **Standards**

Where an existing building or structure is nonconforming as to the window recession, symmetrical lite pattern, sill, horizontal sliding windows or vinyl windows requirements, any new construction, addition or facade alteration shall meet all of the minimum window recession, symmetrical lite pattern, sill, horizontal sliding windows and vinyl windows requirements.

2. **Exceptions**

[Reserved]

SEC. 12.4.10. **EXTERIOR MATERIALS**

A. **Principal or Accessory Materials**

1. **Standards**

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

2. **Exceptions**

[Reserved]

SEC. 12.4.11. **ROOF DESIGN**

A. **Roof Form or Roof Materials**

1. **Standards**

Where an existing building or structure is nonconforming as to the roof form or roof materials requirements, any new construction, addition or facade alteration shall meet all of the minimum roof form and roof materials requirements.

2. **Exceptions**

[Reserved]

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

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

#### A. **Pedestrian Access Packages**

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

Where an existing lot is nonconforming as to the pedestrian access package requirements, any new construction, addition, site alteration or major renovation shall meet the minimum pedestrian access package requirements.

##### 2. **Exceptions**

[Reserved]

#### B. **Pedestrian Accessway**

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

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

##### 2. **Exceptions**

[Reserved]

#### C. **Pedestrian Bridges and Tunnels**

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

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

##### 2. **Exceptions**

[Reserved]

### SEC. 12.5.2. **MOTOR VEHICLE ACCESS**

#### A. **Motor Vehicle Access Packages**

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

Where an existing lot is nonconforming as to the automobile access package requirements, any new construction, addition, site alteration or major renovation shall meet the minimum automobile access package requirements.

2. **Exceptions**

[Reserved]

B. **Motor Vehicle Use Area Design**

1. **Standards**

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.

2. **Exceptions**

[Reserved]

SEC. 12.5.3. **BICYCLE PARKING**

A. **Bicycle Parking Spaces**

1. **Standards**

Where an existing lot is nonconforming as to the bicycle parking spaces, any new construction, addition, site alteration or major renovation shall meet the minimum bicycle parking requirements.

2. **Exceptions**

[Reserved]

B. **Short-Term Bicycle Parking Design**

1. **Standards**

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

2. **Exceptions**

[Reserved]

C. **Long-Term Bicycle Parking Design**

1. **Standards**

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

## 2. **Exceptions**

[Reserved]

## SEC. 12.5.4. AUTOMOBILE PARKING

### A. Automobile Parking Stalls

#### 1. Standards

- a. Where an existing lot is nonconforming as to the automobile parking space requirements, any new construction, addition or major renovation shall meet the minimum automobile parking requirements.
- b. 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 the applicable Development Standards District.

#### 2. Exceptions

[Reserved]

### B. Alternative Parking Strategies

#### 1. Standards

Where an existing lot is nonconforming as to the alternative parking strategies requirements, any new construction, addition or major renovation shall meet the minimum alternative parking strategies.

#### 2. Exceptions

[Reserved]

### C. Parking Area Design

#### 1. Standards

Where an existing lot is nonconforming as to the parking area design requirements, any new construction, addition or major renovation shall meet the minimum parking area design requirements.

#### 2. Exceptions

[Reserved]

### D. Parking Lot Design

#### 1. Standards

Where an existing lot is nonconforming as to the parking lot design requirements, any new construction, addition or major renovation shall meet the minimum parking lot design requirements.



2. **Exceptions**

[Reserved]

E. **Parking Structure Design**

1. **Standards**

Where an existing lot is nonconforming as to the parking structure design requirements, any new construction or addition shall meet the minimum parking structure design requirements.

2. **Exceptions**

[Reserved]

F. **Motor Vehicle Use Area Design**

1. **Standards**

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.

2. **Exceptions**

The required width and depth of a parking stall may be reduced to accommodate a structure solely supporting a solar energy system if it meets all of the following conditions:

- a. The structural elements are within 10 inches of a corner of the stall farthest from the access aisle or vehicular access lane.
- b. For tandem stalls, dimensions are reduced only for the stall farthest from the vehicular access lane.
- c. The reductions are not applied to an accessible parking stall.
- d. The parking lot already exists and is not new construction or site alteration."

SEC. 12.5.5. **TRANSPORTATION DEMAND MANAGEMENT**

A. **Small, Medium or Large Projects**

1. **Standards**

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

2. **Exceptions**

[Reserved]

## SEC. 12.5.6. PLANTS

### A. Protected Trees

#### 1. Standards

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

#### 2. Exceptions

[Reserved]

### B. Tree Planting

#### 1. Standards

Where an existing lot is nonconforming as to the tree planting requirement, any new construction, addition or site alteration shall meet the minimum tree planting requirement.

#### 2. Exceptions

[Reserved]

### C. Streetscape Requirements

#### 1. Standards

Where an existing lot is nonconforming as to the streetscape requirements, any new construction, addition or major renovation shall meet the minimum streetscape requirements.

#### 2. Exceptions

[Reserved]

### D. Plant Design & Installation Requirements

#### 1. Standards

Where an existing lot is nonconforming as to the plant design and installation requirements, any new construction, addition or site alteration shall meet the minimum plant design and installation requirements.

#### 2. Exceptions

[Reserved]

## SEC. 12.5.7. **FENCES AND WALLS**

### A. **Front Yard Fences and Walls**

#### 1. **Standards**

Where an existing lot is nonconforming as to the front yard fences and walls requirements, any new construction, addition or major renovation shall meet the minimum front yard fences and walls requirements.

#### 2. **Exceptions**

[Reserved]

### B. **Side/Rear Yard Fences and Walls**

#### 1. **Standards**

Where an existing lot is nonconforming as to the side/rear yard fences and walls requirements, any new construction, addition or major renovation shall meet the minimum side/rear yard fences and walls requirements.

#### 2. **Exceptions**

[Reserved]

### C. **Fence/Wall Design & Installation**

#### 1. **Standards**

Where an existing lot is nonconforming as to the fence/wall design and installation requirements, any new construction, addition or major renovation shall meet the minimum fence/wall design and installation requirements.

#### 2. **Exceptions**

[Reserved]

## SEC. 12.5.8. **SCREENING**

### A. **Frontage Screens**

#### 1. **Standards**

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

#### 2. **Exceptions**

[Reserved]

## B. Transition Screens

### 1. Standards

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

### 2. Exceptions

[Reserved]

## SEC. 12.5.9. SCREENING

### A. Outdoor Storage, Waste Receptacles, Ground-Mounted and Roof-Mounted Equipment

#### 1. Standards

Where an existing lot is nonconforming as to the outdoor storage, waste receptacle or ground-mounted or roof-mounted equipment requirements, any new construction, addition, site alteration or major renovation shall meet the minimum open storage, waste receptacle and ground-mounted and roof-mounted equipment requirements.

#### 2. Exceptions

[Reserved]

## SEC. 12.5.10. **GRADING**

### A. **Grading & Hauling Standards**

#### 1. **Standards**

[Reserved]

#### 2. **Exceptions**

[Reserved]

### B. **Retaining Walls**

#### 1. **Standards**

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

#### 2. **Exceptions**

*Retaining wall standards (Sec. 4C.9.2.C.)* does not apply to a retaining wall that received a final discretionary approval, as determined by the Director of Planning, from the City under another provision of this Zoning Code prior to the effective date of Ord. No. 176,445 (effective 3/9/05).

## SEC. 12.5.11. **OUTDOOR LIGHTING AND GLARE**

### A. **Outdoor Lighting**

#### 1. **Standards**

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

#### 2. **Exceptions**

[Reserved]

### B. **Glare**

#### 1. **Standards**

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

#### 2. **Exceptions**

[Reserved]

## SEC. 12.5.12. SIGNS

### A. Rules for All Signs

#### 1. Standards

[Reserved]

#### 2. Exceptions

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

### B. Temporary Signs

#### 1. Standards

[Reserved]

#### 2. Exceptions

[Reserved]

### C. Off-Site Signs

#### 1. Standards

[Reserved]

#### 2. Exceptions

[Reserved]

### D. On-Site Signs

#### 1. Standards

[Reserved]

#### 2. Exceptions

[Reserved]

### E. Sign Packages

#### 1. Standards

[Reserved]

#### 2. Exceptions

[Reserved]

## F. **Sign Types**

### 1. **Standards**

[Reserved]

### 2. **Exceptions**

[Reserved]

## SEC. 12.5.13. **RIDGELINE PROTECTION**

### A. **Ridgeline Protection Levels**

#### 1. **Standards**

[Reserved]

#### 2. **Exceptions**

[Reserved]

## SEC. 12.5.14. **ENVIRONMENTAL PROTECTION**

### A. **Environmental Protection Measures**

#### 1. **Standards**

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

#### 2. **Exceptions**

[Reserved]

## DIV. 12.6. **NONCONFORMING USE**

### SEC. 12.6.1. **USE IN A DISTRICT**

#### A. **General**

1. Where an existing use is not allowed 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.
2. Where an existing use is not allowed 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 not allowed in the applicable Use District, it may be relocated within the existing building, provided the move does not cause a net increase in the amount of floor area of the nonconforming use.
4. Any change of use shall conform to the current use regulations of the zone.
5. A building or structure or portion of a building or structure, or piece of land, which 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 zone.

#### B. **General Exceptions**

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 an additional dwelling unit or guest room and the addition or expansion meets all other requirements for the applicable zone.

#### C. **Mandatory Discontinuance of Uses**

##### 1. **Commercial Uses**

In Agricultural and Residential Use Districts, any nonconforming use of a building 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. 13.4.1. (Conditional Use Permit, Class 1)*.

##### 2. **Manufacturing Uses**

In Agricultural and Residential Use Districts, any nonconforming use of a building first permitted in an Industrial Use District shall be discontinued within 5 years from the date the use becomes nonconforming.

#### D. **Commercial Animal Keeping**

Nonconforming Animal Farming and Livestock Keeping, or other similar uses, for commercial purposes in any Residential Use District, shall be completely abandoned within 15 years from the date such use became nonconforming.



## **E. Use of Land**

1. In Agricultural, Residential, and Commercial or Commercial-Mixed Use Districts, a nonconforming use of land where no buildings are utilized in connection with the use or where the only buildings utilized are accessory or incidental to the use, shall be discontinued within 5 years from the date the use becomes nonconforming.
2. 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.

### **SEC. 12.6.2. USE DISTRICT STANDARDS**

Where an existing use does not meet the use district standards requirements, any new construction, addition or major modification shall meet the minimum use district standards requirements.

### **SEC. 12.6.3. CITYWIDE USE STANDARDS**

Where an existing use does not meet the citywide use standards requirements, any new construction, addition or major modification shall meet the minimum citywide use standards requirements.

### **SEC. 12.6.4. USE LIMITATIONS**

Where an existing use does not meet the use limitations requirements, any new construction, addition or major modification shall meet the minimum use limitations requirements.

### **SEC. 12.6.5. CONDITIONAL USE**

### **SEC. 12.6.6. SPECIFIC NONCONFORMING USE PROVISIONS**

#### **A. Nonconforming Uses in Industrial Use Districts**

The nonconforming use of land in an Industrial Use District, where no buildings are utilized in connection with the use or where the only buildings utilized are accessory or incidental to the use, may be continued, subject to the following limitations.

1. The nonconforming use shall not be added to in any way either on the same or adjoining land beyond the limits of what was originally permitted.
2. The nonconforming use shall be completely enclosed within a building or within an area enclosed on all sides with a solid wall or solid fence of a height sufficient to screen the use from public view, but in no event less than 6 feet in height, within one year from the date the use becomes nonconforming.
3. A building in an Industrial Use District that is nonconforming as to use with no dwelling units or guest rooms shall not be redesigned or rearranged to contain dwelling units or guest rooms.

4. A building in an Industrial Use District that is nonconforming as to use with dwelling units or guest rooms shall not be redesigned or rearranged so as to increase the number of dwelling units or guest rooms in the building.
5. Nonconforming residential uses in Heavy Industrial Use Districts, except for caretakers quarters, shall not permitted to remain beyond 5 years from the date the use became nonconforming.

## B. Nonconforming Oil Wells

1. No well for the production of oil, gas or other hydrocarbon substances, which is a nonconforming use, shall be re-drilled or deepened.
2. Wells for the production of oil, gas or other hydrocarbon substances, which is a nonconforming use, including any incidental storage tanks and drilling or production equipment, shall be completely removed within 20 years from date such use became nonconforming. If said date was subsequent to June 1, 1946; provided, however, a Zoning Administrator may, pursuant to *Section 13.4.1. (Conditional Use Permit, Class 1)*, allow such wells to continue to operate after said removal date, if the Zoning Administrator determines that such continued operation would be reasonably compatible with the surrounding area and in connection therewith may impose such conditions, including time limitations, as they deem necessary to achieve such compatibility.
3. Regardless of *Subsection B.* above, in the Los Angeles City Oil Field, wells for the production of oil, gas or other hydrocarbon substances, which is a nonconforming use, may continue operation provided an application for a Conditional Use Permit, Class 1, 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. 13.4.1. (Conditional Use Permit, Class 1)*, after November 1, 1986 provided the prior approval has not expired.

## C. Equine Keeping

### 1. Nonconforming Lots

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

### 2. Equinekeeping

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.

- a. The subject lot has 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 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.
- c. The equine enclosure shall not be closer than 35 feet to the habitable rooms of any dwelling unit.
- d. 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.

### 3. **Construction of Dwelling Units on Adjacent Property**

If, pursuant to *Sec. 13.4.1. (Conditional Use Permit, Class 1)*, 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 to be nonconforming if it is relocated not closer than 35 feet from the habitable rooms attached to any dwelling. The nonconforming equine enclosure shall be subject to the requirements of *Subsection B.* above.

### 4. **Equinekeeping within 35 feet of a Residential Building**

- a. 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.
- b. This provision shall not apply to building permits authorized by the Zoning Administrator, pursuant to *Sec. 13.4.1. (Conditional Use Permit, Class 1)*. This nonconforming equine use shall be subject to the following limitations.
  - i. The subject lot has 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.
  - ii. 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.
  - 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.

### SEC. 12.6.7. **ORDERS TO COMPLY**

The Department of Building and Safety shall have the authority to issue an order to comply to an owner of any building or structure who is in violation of this Division and advise the owner of the required discontinuance of the nonconforming use of the building or structure. 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 of the building or structure as provided in this Division, but the failure to include that provision shall not nullify the order or provide a basis for the continued use of the building or structure. 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 continued use of the building or structure by any owner, purchaser or lessee who was not aware of the order.

## DIV. 12.7. **NONCONFORMING DENSITY**

### SEC. 12.7.1. **STANDARDS**

- A.** Nonconforming density may be continued, provided the density conformed to the zoning regulations, if any, at the time it was established.
- B.** A building that is nonconforming as to density may be repaired, structurally altered, or undergo major or minor renovation, provided the changes do not meet the definition of demolition.
- C.** A residential building that is nonconforming as to the area regulations (density) in the Open Space, Agricultural, Residential, Commercial Mixed, or Public Facility Use Districts, may be added on to, provided that the addition does not create any additional dwelling units or guest rooms.
- D.** No additional subdivision is permitted in any district that regulates density on a per lot basis or a per lot area basis.

### SEC. 12.7.2. **EXCEPTIONS**

A residential use with nonconforming density may be expanded or undergo major or minor renovation, provided that no additional units are added and the addition or renovation meets all other requirements for the applicable zone.

DIV. 12.8. **NONCONFORMING ALTERNATE TYPOLOGY**

[Reserved]

SEC. 12.8.1. **STANDARDS**

[Reserved]

SEC. 12.8.2. **EXCEPTIONS**

[Reserved]