
Sec. 11-1.70.17. Nonconforming uses.

(A) *Purpose and Intent.*

1. Lots, uses of land, and structures which were lawfully established prior to the adoption of this Code and its later amendments, but which would be prohibited, regulated, or restricted under this Code or future amendments, shall be defined as nonconforming.
2. The regulations in this Section are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts as well as afford opportunities to create use and reuse of those nonconformities.
3. The regulations in this Section are to encourage maintenance of nonconforming buildings and alteration to incorporate architectural consistency.
4. Nonconformities shall not be enlarged or expanded upon, except for as provided herein.
5. Expansions may only be allowed once by right, except as provided herein. Subsequent expansions require approval of a Variance by the Planning Commission pursuant to the requirements of this Article.
6. The illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use or to create rights as a continuance of that use.

(B) *Continuance, Termination, and Maintenance.*

1. Any lawfully existing nonconforming structure may be maintained provided any alteration or expansion shall comply with this Section. Routine maintenance work shall not be considered structural alteration.
2. A nonconforming use of a building may be continued, provided it complies with the Nonconforming Uses Section herein.
3. If the nonconforming use is discontinued for a period of one hundred eighty (180) consecutive days, the nonconforming use will be considered abandoned, whether the intent was abandonment or not, and its nonconforming status terminated.
4. Notwithstanding any other provision of this chapter, if a legal nonconforming massage establishment use is discontinued for a period of thirty (30) consecutive days or more then the nonconforming use is presumed abandoned, whether the intent was abandonment or not, and its legal nonconforming status is terminated by operation of law and without necessity of any action by the city.

Notwithstanding any other provision of this chapter, if a legal nonconforming massage establishment use, or its massage practitioners, operate without the required city registration certificate or state license through the California Massage Therapy Council, for any period of time, then the nonconforming status may be revoked pursuant to the procedures contained in section 6-8.08.

- (C) *Nonconforming Lots.* Nonconforming lots created prior to July 21, 1975, are considered legal building sites. All new construction proposed on such sites shall comply with all requirements of this Code.
- (D) *Nonconforming Uses.* A nonconforming use may be continuously operated provided there is no expansion of area or increase in intensity except for as provided in this Section. Nonconforming uses shall minimize their impacts on traffic, noise and odors, as to not become a menace to the public health, safety or welfare. Failure to comply with this Section may result in the revocation of the nonconforming status pursuant to the procedures contained in the Revocations section herein.
- (E) *Nonconforming Buildings in Commercial and Manufacturing Zones.*

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1. Expansions and alterations shall be allowed on nonconforming buildings in Commercial and Manufacturing Zones, provided that:
 - (a) The building's nonconformity cannot increase.
 - (b) Fifty (50) percent of the building's original square footage must remain.
 - (c) Current parking requirements must be met for the expanded portion of the building.
 2. Should damage occur, estimated at more than fifty (50) percent of a structure's assessed valuation, it shall be reconstructed conforming to the requirements of this Code. If nonconforming reconstruction is essential to the reasonable conforming use of the building, the Planning Commission may allow such reconstruction pursuant to a Site Plan Review as outlined herein. Such application must be filed within six (6) months of the date of destruction.
- (F) *Additions to Nonconforming Single Family Residential Uses and Buildings.* Additions may be made to nonconforming single family residential units in all zones, provided that:
1. The residential unit is not located on a lot that has frontage along Narbonne Avenue, Lomita Boulevard or Pacific Coast Highway.
 2. Such additions shall not increase the number of residential units.
 3. Off-street parking requirements for the single-family residential use are met.
 4. In nonresidential zones, said additions shall comply with all the development standards and regulations of the R-I Zone.
 5. In commercial zones, the addition shall not exceed fifty (50) percent of the original footprint or five hundred (500) square feet, whichever is less.
 6. Nonconforming accessory structures may not be enlarged unless it is to provide Code required parking.
 7. In nonresidential zones, where permitted, the property owner shall record a covenant running with the land, in a form approved by the City Attorney that only one such addition shall be permitted every ten (10) years.
- (G) *Additions to Nonconforming Multiple Family Residential Uses and Buildings.*
1. Additions to nonconforming multiple-family residential uses and buildings must be approved by the planning commission pursuant to a Site Plan Review as outlined in herein.
 2. Additions are not permitted on a nonconforming multi-family building that is located on a lot that has frontage along Narbonne Avenue, Lomita Boulevard or Pacific Coast Highway.
- (H) *Reconstruction of Damaged Nonconforming Residential Buildings.*
1. Within one year of the event that caused the damage or destruction, legal nonconforming single-family residential dwelling units in commercial zoning districts that have been damaged or destroyed by fire or other natural forces through no fault of the owner or occupant, and do not front onto Narbonne Avenue, Lomita Boulevard, Western Avenue, or Pacific Coast Highway may be reconstructed or replaced with a new single-family residential dwelling subject to the following:
 - (a) The applicant shall provide documentation satisfactory to the Director supporting the claim that the damage or destruction occurred through no fault of the owner or occupant.
 - (b) If destroyed, the single-family residential dwelling may be rebuilt in accordance with the R-I development standards in this Code, except that the total allowable square footage of the replacement dwelling shall be no greater than the square footage of the original unit, or one thousand five hundred (1,500) square feet, whichever is greater.
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- (c) If damaged, the single-family residential dwelling may be repaired and reconstructed either to its predamaged condition, with the same building height and setbacks, or to the R-I development standards, and the total allowable square footage of the replacement residential structure shall be no greater than the square footage of the original unit, or one thousand five hundred (1,500) square feet, whichever is greater.
 - (d) A complete application for a building permit for the replacement dwelling shall be submitted no later than twelve (12) months after the date of destruction or damage, and construction or repair shall be diligently pursued upon issuance of a building permit. If building permit expires due to failure to make substantial progress within any six month period, the Planning Commission shall hold a noticed public hearing to determine, based upon substantial evidence, whether construction has been diligently pursued, or whether the right to rebuild a single-family residential dwelling has been abandoned.
 - (e) The square footage of the original unit shall be determined by the Community Development Director based on the square footage described in and verified by the City of Lomita or County of Los Angeles' official building, permit and/or assessor records.
2. If the preceding requirements are not met, the replacement structure shall comply with the applicable development standards for the subject zoning district in effect on the date of application for the new structure.
 3. Nonconforming single-family residential dwelling units in commercial zones having frontage on Narbonne Avenue, Lomita Boulevard, Western Avenue, or Pacific Coast Highway, and all nonconforming multifamily dwelling units, that have been involuntarily damaged or destroyed by fire, public enemy, or other natural forces having damage estimated at fifty (50) percent or less of its approximate value by fire, public enemy, or other natural forces may be restored to the original pre-damaged condition. If a nonconforming residential structure has damage estimated at greater than fifty (50) percent of its assessed valuation, it shall be reconstructed according to the development standards for the subject zoning district in effect on the date of application for the new structure.
- (Ord. No. 733, § 2(pt. 3), 9-7-10; Ord. No. 740, § 2(pt. 1), 3-21-11; Ord. No. 789, § 2, 6-6-17)