

Introduction

This document is the revised draft of the proposed Citywide Adaptive Reuse Ordinance, as part of the new Zoning Code, to amend Chapter 1A of the Los Angeles Municipal Code. Over time, as new Community Plans are adopted, the new Zoning Code will become operational in those areas and supersede the Citywide Adaptive Reuse Ordinance (Chapter 1).

Note that the updated Downtown Community Plan, Ordinance 187,822, features its own, separate Downtown Adaptive Reuse Program, as the first Community Plan to implement the new Zoning Code. For specific information that applies to adaptive reuse projects within Downtown, please refer to Section 9.4.5 of Article 9 that may be found [here](#).

Contents

	Pages:
Citywide Adaptive Reuse Program (Chapter 1A), clean copy version	4-1 thru 4-24
Citywide Adaptive Reuse Program, strike-out and underline version	5-1 thru 5-26

**DRAFT ADAPTIVE REUSE ORDINANCE
FEBRUARY 2024**

ORDINANCE NO. _____

An ordinance amending Subsection E. (Exceptions) of Section 4C.14.1. (Development Review Threshold Packages), Section 9.4.6. (Citywide Adaptive Reuse Program), and Division 14.2. (Glossary) of Chapter 1A of the Los Angeles Municipal Code (“Code”) in order to update the existing Chapter 1A version of the Citywide Adaptive Reuse Program. The proposed ordinance expands the eligibility of the current Chapter 1A version of the Citywide Adaptive Reuse Program to a greater variety of buildings as well as projects providing affordable housing, in alignment with the policy updates concurrently being proposed for the Chapter 1 version of the Citywide Adaptive Reuse Ordinance. The Citywide Adaptive Reuse Program will continue to apply only outside of the Downtown Community Plan Area. It will establish a by-right approval process for existing structures that are at least fifteen years old, in place of the previous limitation of buildings that are at least 25 years old. For buildings between five and fifteen years old, adaptive reuse projects shall remain subject to the Zoning Administrator Conditional Use procedure. The ordinance also clarifies the relationship between the Citywide Adaptive Reuse Program and other incentive programs intended to incentivize the provision and construction of affordable housing.

Sec 1. Amend Subsection E. (Exceptions) of Section 4C.14.1. (Development Review Threshold Packages) of Div. 4C.14. (Development Review) of Article 4 (Development Standards) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

E. Exceptions

Adaptive reuse projects limited to the conversion of existing *buildings* eligible for and participating in the Citywide Adaptive Reuse Program, pursuant to Sec.9.4.6. (Citywide Adaptive Reuse Program), or the Downtown Adaptive Reuse Program, pursuant to Sec. 9.4.5. (Downtown Adaptive Reuse Program), shall not be subject to Sec. 13B.2.4. (Project Review).

Sec 2. Amend Sec. 9.4.6. (Citywide Adaptive Reuse Program) of Div. 9.4. (General Incentive Programs) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

A. Purpose

The purpose of the Citywide Adaptive Reuse Program is to implement the General Plan by facilitating the retention and conversion of existing, underutilized, or historically significant buildings to new *residential uses*. The goal is to reduce vacant space, create

opportunities for new housing, and preserve the City's architectural and cultural legacy. Encouraging the reuse of buildings is a sustainable practice allowing for the retention of many of the resources that went into their initial construction and thereby reducing greenhouse gas emissions. Reusing existing buildings supports mixed commercial and residential uses and, together with the reduction of vacant space, can help revitalize commercial corridors and promote walkability.

B. Applicability

1. Project Activities

- a. In order to participate in the Citywide Adaptive Reuse Program, *adaptive reuse projects* must involve a *use modification* that results in the conversion of existing *floor area* in an existing *building* from a *non-residential use* to a *residential use*.
- b. *Adaptive reuse projects* may also involve the *new construction* of new floor area in combination with the conversion of existing *floor area* from a *non-residential use* to a *residential use*, with the new *floor area* either attached to the existing *building*, detached from the existing *building*, or as part of a *unified development*. Such projects involving the combination of use conversion and *new construction* are considered *unified adaptive reuse projects*.

2. Unit Threshold

- a. Only *adaptive reuse projects* resulting in the creation of five or more *dwelling units* within an existing *building* shall be eligible to participate in the Citywide Adaptive Reuse Program.

3. Reconciling Provisions

- a. Relationship to Other Incentive Programs
 - i. *Adaptive reuse projects* participating in the Citywide Adaptive Reuse Program that provide *restricted affordable units* in exchange for participation in the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program), and meet both the eligibility requirements and program rules for both that incentive program and ~~as~~ the eligibility requirements and program rules of the Citywide Adaptive Reuse Program may participate in both incentive programs and receive incentives pursuant to both programs.

- ii. *Adaptive reuse projects* participating in the Citywide Adaptive Reuse Program shall not simultaneously participate in any other incentive program outlined in *Article 9 (Public Benefit Systems)*.
- b. Relationship to Specific Plans, Supplemental Districts, and Special Districts

The provisions of the Citywide Adaptive Reuse Program are subject to the general reconciling provisions outlined in *Article 8 (Specific Plans, Supplemental & Special Districts)*, with the following exceptions:

- i. For projects limited to the conversion of a portion of or the entirety of an existing *building* or an allowable rooftop amenity structure pursuant to Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures) below, shall be exempt from any applicable Specific Plan or Supplemental District.
- ii. Where the provisions of the Citywide Adaptive Reuse Program conflict with those of any *Historic Preservation Overlay Zone (HPOZ)*, then the provisions of the Historic Preservation Overlay Zone shall prevail, pursuant to *Division 13B.8 (Historic Preservation)*.
- c. Relationship to Other Zoning Provisions
 - i. The linkage fee, as established in *Sec. 19.18. (Affordable Housing Linkage Fee) of Chapter 1 (General Provisions and Zoning) of the LAMC*, shall continue to apply to any new floor area in the project devoted to the uses described in the linkage fee schedule, regardless of the exemptions in *Sec. 9.4.6.C.2. (Incentives)* below.
 - ii. Adaptive reuse projects participating in the Citywide Adaptive Reuse Program located in the *Coastal Zone*, shall continue to be subject to any applicable Coastal Development Permit procedures, pursuant to *Div. 13.B.9. (Coastal Development)*.
- d. Relationship with Other Laws and Regulations
 - i. Projects that qualify as an *extremely affordable adaptive reuse project*, pursuant to *Sections 65913.12 and 65960.1 of the California Government Code* and meeting the requirements and eligibility criteria outlined in *Sections 65913.12 and 65960.1 of the California Government Code* may simultaneously participate in the Citywide Adaptive Reuse Program and may also qualify for the incentives outlined in *Sec. 9.4.6.C.3.a. (General Incentives)* and

Sec. 9.4.6.C.3.b. (Incentives for Affordable and Mixed-Income Adaptive Reuse Projects) below.

- ii. For *adaptive reuse projects* seeking tax abatement under the Mills Act, pursuant to *Sections 50280-50290 of the California Government Code*, and *Section 91.140 (Approval of Historic Property Contracts) of the LAMC*, the City Council may contract with an owner or agent of the owner of any qualified historical property.

C. Program Rules

1. Eligibility

Adaptive reuse projects meeting the following eligibility criteria qualify participation in the Citywide Adaptive Reuse Program, including the granting of incentives outlined in *Sec. 9.4.6.C.2. (Incentives)*.

a. Location

Adaptive reuse projects participating in the Citywide Adaptive Reuse Program must be located on *lots* outside of the Downtown Community Plan Area. Projects located on *lots* within the Downtown Community Plan Area are not eligible for the Citywide Adaptive Reuse Program. For *adaptive reuse projects* located within the Downtown Community Plan Area, see *Sec. 9.4.5. (Downtown Adaptive Reuse Program)*.

b. Zoning

Adaptive reuse projects participating in the Citywide Adaptive Reuse Program shall not be located on a lot with an applied Density District (*Part 6B*) of 1L or N.

c. Uses Allowed

Adaptive reuse projects participating in the Citywide Adaptive Reuse Program shall only convert *non-residential uses* to *residential uses*, with the following exceptions:

- i. Conversion of existing *floor area* from a *lodging* use to a *residential use* shall not qualify for participation in the Citywide Adaptive Reuse Program. For conversions from a lodging use, see *Sec. 9.4.2. (Interim Conversions of Lodging Units Program)*.
- ii. Only projects that qualify as an *extremely affordable adaptive reuse project*, pursuant to *Sections 65913.12 and 65960.1 of the California Government Code* may use conversion from an existing *lodging* use to a *residential use* to qualify for participation in the Citywide Adaptive Reuse Program, subject to the requirements and eligibility criteria outlined in *Sections 65913.12 and 65960.1 of the California Government Code*.

d. Building Age

- i. Existing *buildings* constructed in accordance with building and zoning codes in effect at the time they were built, for which at least 15 years have elapsed since the date of permitted and completed construction are eligible for participation in the Citywide Adaptive Reuse Program and shall be approved pursuant to the processes

outlined in *Sec. 9.4.6.D. 1.a. (Department of Building and Safety Review)* below. A Certificate of Occupancy, building permit finalized date, or other suitable documentation may be submitted as evidence of the date of permitted and completed construction.

- ii. Existing *buildings* constructed in accordance with building and zoning codes in effect at the time they were built, for which at least 5 years have elapsed since the date of permitted and completed construction are eligible for participation in the Citywide Adaptive Reuse Program and shall be approved pursuant to the processes outlined in *Sec. 9.4.6.D.1.c. (Zoning Administrator Review)* below. A Certificate of Occupancy, building permit finalized date, or other suitable documentation may be submitted as evidence of the date of permitted and completed construction.
- iii. Any *parking structure* or *parking area* within an existing building constructed in accordance with building and zoning codes in effect at the time they were built, for which at least five years have elapsed since the date of permitted and completed construction are eligible for participation in the Citywide Adaptive Reuse Program and shall be approved pursuant to the processes outlined in *Sec. 9.4.6.D.1.a. (Department of Building and Safety Review)* below. A Certificate of Occupancy, building permit finalized date, or other suitable documentation may be submitted as evidence of the date of permitted and completed construction.
- d. Historic Resources
Designated historic resources and *surveyed historic resources* are also eligible for participation in the Citywide Adaptive Reuse Program.
- e. Parking Structures
Any parking structure, or parking area, provided in excess of the minimum parking required by this Zoning Code (Chapter 1A), within an existing building constructed in accordance with building and zoning codes in effect at the time they were built for which at least 5 years have elapsed since the date of permitted and completed construction.

2. Standards

Adaptive reuse projects must meet the following standards in order to be eligible for participation in the Citywide Adaptive Reuse Program, including the granting of the incentives outlined in *Sec. 9.4.6.C.3.(Incentives)* below.

- a. Conversion of Ground Floor Commercial

Existing commercial uses located on the *ground story* of an existing *building* may be converted to *residential uses*, provided that at least the first 15 feet of depth as measured from the *street-facing facade* shall be limited to such active uses as *common indoor amenity spaces*, lobbies, or *designated work areas of joint living & work quarters*. Additionally, while the *ground story* facade may be modified, *transparent area* on the *ground story* shall not be reduced beyond the existing *transparency* prior to modification, along the entire length of the *street-facing facade*. Only such reductions in *transparency* as are required for seismic reinforcement, fire/life safety concerns, or other upgrades to improve performance of the existing *building* shall be permitted.
 - b. Street Trees

Existing trees in the *public way*, including street tree canopy and landscaped parkways, shall be preserved unless removal is permitted by the Urban Forestry Division. Additionally, trees shall be planted at a rate of at least one street tree per thirty linear feet of *primary street lot line*. If street trees cannot be physically accommodated within the *public way*, due to City-determined physical constraints, a Tree Planting Guarantee Fee pursuant to LAMC Section 62.177 (b) shall be paid to the Board of Public Works.
3. Incentives
 - a. General Incentives

The Department of City Planning may grant some or all of the incentives established when an *adaptive reuse project* qualifies for them as established below. Despite any other provisions of this Zoning Code (Chapter 1A) to the contrary, adaptive reuse projects shall be entitled to the incentives set forth below. For additional incentives for adaptive reuse projects providing restricted affordable units, see *Sec. 9.4.6.C.3.b. (Incentives for Affordable Adaptive Reuse Projects)* below. These incentives shall not apply to any new *floor area* from *new construction* conducted as part of a *unified adaptive reuse project* unless explicitly stated otherwise below; however, exterior changes resulting from improvements in building safety or performance, such as to accommodate

required structural or energy conservation upgrades, shall not be considered *new construction*.

i. Floor Area

a) Existing Floor Area

Existing *floor area* within existing *buildings* which exceeds the maximum floor area ratio of the applied Form District (*Part 2B*) shall be considered allowed.

b) New Floor Area Within Existing Building Envelope

Any additional *floor area* including *mezzanines* and new stories created within an existing building envelope shall not be counted toward the maximum *floor area* limit for the *lot*.

c) Conversion of Exempt Floor Area

The conversion of any existing area in a *building* previously qualifying as exempt from counting toward *floor area* calculation, pursuant to *Sec. 14.1.7. (Floor Area)*, to any *residential use* or area meeting the standards of *Sec. 2C.3.3.C.1. (Common Outdoor Amenity Space)* or *Sec. 2C.3.3.C.5. (Common Indoor Amenity Space)* shall not be counted toward the maximum *floor area* limit for the *lot*, provided that the area is located within the existing *building* envelope.

d) Rooftop Structures

Rooftop structures meeting the requirements of *Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures)* below, shall not be counted toward the maximum *floor area* limit for the *lot*.

e) Floor Area Reallocation

Any amount of *floor area* that is removed from an existing *building* as part of an *adaptive reuse project*, in order to create new interior light wells or courtyards, recessed balconies or other open space inset from exterior walls, or other such features that provide natural light and ventilation and improve habitability, may be reallocated to building additions that extend or increase the gross *floor area* outside of the envelope of an existing *building* but do

not increase the *height in stories* or *height in feet* of the *building*, as part of a *unified adaptive reuse project*. The *new construction* of *floor area* resulting from this *floor area* reallocation may be eligible for the other incentives outlined in this *Sec. 9.4.6.C.3. (Incentives)*.

d) Unified Development

- i. For *buildings* listed as *designated historic resources* or *surveyed historic resources* that are incorporated as part of a *unified development* composed of two or more buildings, the existing *floor area* of the designated historic resource or surveyed historic resource, up to a maximum of 50,000 square feet, shall be exempted from the maximum *floor area* limit for the *lot*. This incentive shall not be utilized if the *unified development* involves the demolition or *facade* of any portion of a *designated historic resource* or *surveyed historic resource* that has not been approved by the Office of Historic Resources.
- ii. The averaging of *floor area ratios* may be permitted even if *buildings* on each individual *lot* would exceed the permitted *floor area ratio*. However, the total *floor area* for the *unified development*, when calculated as a whole, may not exceed the maximum permitted *floor area* allowed by the applied Form Districts.

ii. Height

a) Existing Height

An existing *building* which is a part of an *adaptive reuse project* shall be allowed to maintain its existing height, regardless of whether it complies with the height requirements of the applied Form District (*Part 2B*), including but not limited to *height in stories* or *height in feet*.

b) New Stories Within Existing Building Envelope

Any additional *story* created within an existing *building* envelope which is a part of an *adaptive reuse project* shall

not be counted as an additional *story* towards any *height in stories* limit. Additional stories within the existing *building* envelope may consist of either a partial or full floor, and the clear height above and below the new story shall be not less than 8 feet.

c) Rooftop Structures

Rooftop structures meeting the requirements of *Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures)* below, may exceed the height requirements of the applied Form District (*Part 2B*), including but not limited to *height in stories* or *height in feet*.

d) Upper-Story Bulk

An existing *building* which is a part of an *adaptive reuse project* shall not be required to comply with any applicable upper-story provisions established in *Div. 2C.5. (Upper-Story Bulk)*.

iii. New Rooftop Amenity Structures

The construction of new *structures* on the existing roof, whether on the uppermost or on multiple roof levels, shall not be considered new *floor area* or height, as long as the new rooftop structures do not exceed one *story*, meet the standards of *Sec. 2C.3.3.C.1. (Common Outdoor Amenity Space)* or *Sec. 2C.3.3.C.5. (Common Indoor Amenity Space)*, and comply with all other zoning requirements, apart from those waived as incentives for participation in the Citywide Adaptive Reuse Program. Allowable rooftop amenity structures may be eligible for the other incentives outlined in this *Sec. 9.4.6.C.3. (Incentives)*.

iv. Setbacks

Existing *buildings* which do not meet the *building setback* requirements of the applied Form District (*Part 2B*) shall be allowed.

v. Lot Amenity Space & Residential Amenity Space Requirements

An *adaptive reuse project* shall not be required to provide any additional *lot amenity space* or *residential amenity space* as a result of a use conversion of *floor area* in an existing *building* to a *residential use*. However, existing area on the *lot* and *floor area* dedicated to *lot amenity space* or *residential amenity space* shall

not be reduced below what would normally be required by the applied Form District (Part 2B). Projects including *new construction* as part of a *unified adaptive reuse project* shall be subject to the full *lot amenity space* requirement otherwise required by the applied Form District (*Part 2B*) as well as the *residential amenity space* that would otherwise be required of the *new construction* portion of the *unified adaptive reuse project*. However, new *floor area* allowed as a result of an allowable rooftop amenity structure, pursuant to *Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures)*; new *floor area* resulting from floor area reallocation, pursuant to *Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation)*; or an allowable two-story rooftop addition, pursuant to *Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus)* shall not be subject to the *lot amenity space* or *residential amenity space* requirements of the applied Form District (*Part 2B*)

vi. Building Mass

An existing *building* which is a part of an adaptive reuse project shall not be required to comply with any applicable building mass provisions established in *Div. 2C.6. (Building Mass)*. Any new *floor area* as a result of *new construction* shall be subject to building mass provisions established in *Div. 2C.6. (Building Mass)* as otherwise required by the applied Form District (*Part 2B*), with the exception of new *floor area* allowed as a result of an allowable rooftop amenity structure, pursuant to *Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures)*; new *floor area* resulting from floor area reallocation, pursuant to *Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation)*; or an allowable two-story rooftop addition, pursuant to *Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus)*.

vii. Plants

Adaptive reuse projects shall not be required to plant new trees or plants, with the exception of the minimum street trees required pursuant to *Sec.9.4.6.C.2.b. (Street Trees)*, above.

viii. Frontage District Standards

Adaptive reuse projects within existing *buildings* shall not be required to bring existing *buildings* or *structures* into conformance with the applied Frontage District (Part 3B). Where an existing *building* or *structure* is nonconforming as to the applied Frontage

District, an *adaptive use project* shall not further reduce compliance. New *floor area* allowed as a result of an allowable rooftop amenity structure, pursuant to *Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures)*; new floor area resulting from floor area reallocation, pursuant to *Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation)*; or an allowable two-story rooftop addition, pursuant to *Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus)* shall also be exempt from otherwise required standards of the applied Frontage District (*Part 3B*).

ix. Off-Street Automobile Parking

- a) For *adaptive reuse projects* consisting only of the conversion of an existing *building*, the required number of *automobile parking stalls* shall be the same as the number of *stalls* that physically existed on the *lot* at the time that the application for the *adaptive reuse project* was submitted. However, if the total parking required by *Div. 4C.4. (Automobile Parking)* for the new use is less than the number of parking stalls that exist on the *lot*, then the number of parking stalls may be reduced to the number of parking stalls required by *Div. 4C.4. (Automobile Parking)*.
- b) New *floor area* allowed as a result of an allowable rooftop amenity structure, pursuant to *Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures)*; new floor area resulting from floor area reallocation, pursuant to *Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation)*; or an allowable two-story rooftop addition, pursuant to *Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus)* shall also be exempt from providing parking stalls beyond the number that physically existed on the *lot* at the time that the application for the *adaptive reuse project* was submitted.
- c) Physically existing *parking stalls* that are maintained in their current configuration shall be exempt from the design standards outlined in *Sec. 4C.4.4. (Parking Area Design)*, *Sec. 4C.4.5. (Parking Lot Design)*, and *Sec.4C.4.6. (Parking Structure Design.)*
- d) New *automobile parking stalls* and parking stalls reconfigured or restriped as part of an adaptive reuse

project shall be subject to the design standards outlined in *Sec. 4C.4.4. (Parking Area Design)*, *Sec. 4C.4.5. (Parking Lot Design)*, and *Sec.4C.4.6. (Parking Structure Design)*.

x. Loading Space

- a) Where an existing *loading space* is provided, it shall be allowed to maintain its current, existing dimensions, regardless of whether it complies with the provisions of *Sec. 4C.2.2.C.2. (Freight Loading Areas)*.
- b) For adaptive reuse projects limited to the conversion of an existing *building*, if no *loading spaces* exist or if the number of existing loading spaces are below the number required for the project by *Sec. 4C.2.2.C.2. (Freight Loading Areas)*, then additional *loading spaces* shall not be required
- c) Required *loading spaces* resulting from the *new construction* of new *floor area* as part of a *unified adaptive reuse project* shall only be required for the new *floor area* constructed. However, new *floor area* allowed as a result of an allowable rooftop amenity structure, pursuant to *Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures)*; new *floor area* resulting from floor area reallocation, pursuant to *Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation)*; or an allowable two-story rooftop addition, pursuant to *Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus)* shall not be subject to the *loading area* requirements outlined in *Sec. 4C.2.2.C.2. (Freight Loading Areas)*.

xi. Project Review

- a) *Adaptive reuse projects* limited to the conversion of existing *buildings* shall be exempt from any requirements to go through the *project review* process as determined by the applied Development Standards District and set forth in *Sec. 4C.14.1. (Project Review Thresholds)*.
- b) *Unified adaptive reuse projects* involving the *new construction* of new *floor area* shall only be subject to *project review* based on new *floor area* and the uses, activities, and *dwelling units* within that new *floor area*, with the exception of new *floor area* allowed as a result of an allowable rooftop amenity structure, pursuant to *Sec.*

9.4.6.C.3.a.iii. (*New Rooftop Amenity Structures*); new floor area resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (*Floor Area Reallocation*); or an allowable two-story rooftop addition, pursuant to Sec. 9.4.6.C.3.b.ii. (*Additional Two Story Height Bonus*).

xii. Density

- a) For *adaptive reuse projects* limited to the conversion of existing *buildings, dwelling units* shall not be subject to the *lot area per dwelling unit* or *dwelling unit per lot* requirements of the applied Density District (*Part 6B*).
- b) For *unified adaptive reuse projects* involving the *new construction* of new floor area, *dwelling units* within the new floor area shall still be subject to the *lot area per dwelling unit* or *dwelling unit per lot* requirements of the applied Density District (*Part 6B*), with the exception of *dwelling units* within new floor area resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (*Floor Area Reallocation*), above.

xiii. Inclusionary Housing Program

- a) *Adaptive reuse projects* limited to the conversion of existing *buildings* shall not be required to provide *restricted affordable units* pursuant to Sec. 5C.4.5. (*Inclusionary Housing Program*).
- b) For *unified adaptive reuse projects* involving the *new construction* of new floor area, *dwelling units* within the new floor area shall still be required to provide *restricted affordable units* pursuant to Sec. 5C.4.5. (*Inclusionary Housing Program*), with the exception of *dwelling units* within new floor area resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (*Floor Area Reallocation*), above or *dwelling units* in an allowable two-story rooftop addition, pursuant to Sec. 9.4.6.C.3.b.ii. (*Additional Two Story Height Bonus*), below.

b. Incentives for Affordable and Mixed-Income Adaptive Reuse Projects

Adaptive reuse projects that provide *restricted affordable units* in exchange for participation in) the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program), in combination with participation in the Citywide Adaptive Reuse Program may select one of the following additional incentives, in addition to the applicable general incentives outlined in Sec. 9.4.6.C.3.a. (*General Incentives*), above. New *floor area* from *new construction* as part of a *unified adaptive reuse project* shall also be eligible for the incentives provided by the other incentive program in which the project is participating.

i. Density Bonus for Unified Adaptive Reuse Projects

In *unified adaptive reuse projects*, *dwelling units* shall not be subject to the density restrictions of the applied Density District (*Part 6B*), including but not limited to *lot area per dwelling unit* or *dwelling unit per lot* requirements. This exemption from density limitations applies both to existing *floor area* that is converted from a *non-residential use* to a *residential use* as well as new *floor area* provided in *new construction* within the *unified adaptive reuse project*. Utilization of this density exemption is subject to all of the following requirements, limitations, approvals, and procedures:

- a) The Director or their designee shall determine that all site amenities provided in the *unified adaptive reuse project*, whether located in the existing *building(s)*, in new *floor area* added or attached to *existing buildings*, or in new buildings consisting entirely of *new construction*, shall be made accessible to all residents of the *unified adaptive reuse project*, which shall be constructed to link pedestrian circulation between buildings and site amenities. All circulation pathways must be clearly delineated, through raised crosswalks, contrasting paving materials or surface treatments, enhanced lighting, directional or wayfinding signage, or other elements; and
- b) The requisite number of *restricted affordable units* shall be provided in pursuant to the requirements of the the Local Affordable Housing Incentive Program, pursuant to Sec.

9.3.2. (Local Affordable Housing Incentive Program). If the incentive program does not require the provision of restricted affordable units, the *adaptive reuse project* is not eligible for this additional incentive.

- c) All owners of the property requesting floor area averaging, transfer of residential density, or both, and all owners of each *lot* contained in the *unified adaptive reuse project* shall execute and record a Covenant and Agreement. A copy of each executed and recorded Covenant and Agreement shall be filed with the Los Angeles Department of Building and Safety. Each covenant shall run with the land, be approved by the Director or their designee prior to the issuance of any building permits, and shall guarantee the following: (1) The use of any existing *floor area* converted to *residential use* shall be maintained and not changed; (2) The number of such *dwelling units*, approved by the *Zoning Administrator* shall not be increased; and (3) the access for all residents of the *unified adaptive reuse project* to all site amenities, and the pedestrian circulation between buildings and site amenities shall be maintained and not reduced.

- ii. Additional Two Story Height Bonus
For existing *buildings* with existing floor area being converted from a *non-residential use* to a *residential use*, an additional two stories may be added above to the existing uppermost story. *Floor area* within this allowable two-story addition shall not be subject to the density restrictions of the applied Density District (*Part 6B*), including but not limited to *lot area per dwelling unit* or *dwelling unit per lot* requirements. Utilization of this two-story addition incentive is subject to all of the following requirements, limitations, approvals, and procedures:
 - a) The maximum building envelope of the existing *building* plus the allowable two-story addition shall be limited to two *stories* added above existing roof conditions or to the maximum base *height in stories* or base *height in feet*

allowed by the applied Form District (*Part 2B*), whichever is greater.

- b) Existing *buildings* utilizing this incentive shall not be eligible for additional *floor area ratio* and height incentives otherwise allowed via participation in the the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program). However, projects utilizing this two-story addition incentive as part of a larger *unified adaptive reuse project* may utilize the full additional *floor area ratio* and height incentives allowed via participation in the applicable incentive program only for *new construction* of new *floor area* not included in the allowable two-story addition. When calculating the total *bonus floor area ratio* for the *unified adaptive reuse project*, the *floor area ratio* of the allowable two-story addition shall be excluded.
- c) 20% of the total *dwelling units* provided within the *floor area* of the allowable two-story addition shall be set aside for *low income households*, in lieu of the affordability levels otherwise required by the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program). *Floor area* not included in the allowable two-story addition shall be subject to the affordability levels otherwise required by the applicable incentive program, whether located within the same existing *building* or in *new construction* as part of a *unified adaptive reuse project*.

c. Additional Incentives

The Zoning Administrator may grant, modify or deny some or all of the incentives established in Sec. 9.4.6.C.3. (*Incentives*) pursuant to Sec. 13.B.2.1. (*Class 1 Conditional Use Permit*). Furthermore, the Zoning Administrator shall have the authority to grant any other incentives or relief from other zoning standards required to permit *adaptive reuse projects* participating in the Citywide Adaptive Reuse Program, including but not limited to the authority to permit *residential uses* in *adaptive reuse projects*, regardless of the nonconforming provisions of *Article 12*. (*Nonconformities*).

D. Administration

1. Procedures

a. Department of Building and Safety Review

i. The following types of *adaptive reuse projects* shall be approved by the Department of Building and Safety if the requirements of *Sec. 9.4.6.C.1. (Eligibility)*, and the criteria described in *Sec. 9.4.6.C.2. (Standards)* and *Sec. 9.4.6.C.3. (Incentives)* are met. If the *adaptive reuse project* is approved, the incentives described in *Sec. 9.4.6.C.3. (Incentives)* for which the project qualifies shall be granted:

- a) *Adaptive reuse projects* involving buildings constructed in accordance with building and zoning codes in effect at the time they were built for which at least 15 years have elapsed since the date of permitted and completed construction; and
- b) Adaptive reuse projects involving parking structures or parking areas within an existing building for which at least 5 years have elapsed since the date of permitted and completed construction.

b. Administrative Review

The Director of Planning shall review the following *adaptive reuse projects*, pursuant to *Sec. 13B.3.1. (Administrative Review)*:

- i. *Adaptive reuse projects* that provide *restricted affordable units* in exchange for participation in) the Local Affordable Housing Incentive Program, pursuant to *Sec. 9.3.2. (Local Affordable Housing Incentive Program)*, in order to access additional incentives combination with those granted by the Citywide Adaptive Reuse Program;
- ii. *Adaptive reuse projects* involving any *surveyed historic resources*, provided that any proposed alteration of a *surveyed historic resource* complies with the Secretary of the Interior's Standards for Rehabilitation. Projects shall be subject to the following supplemental procedures:
 - a) Projects shall be reviewed by the Office of Historic Resources, prior to building permit issuance, and will

thereby be eligible to utilize the California Historic Building Code.

- a) Should the Director or their designee within the Office of Historic Resources determine, based upon substantial evidence, that the *surveyed historic resource* is not an historical resource, as defined by Public Resources Code Section 21084.1, such property will not be considered an historic resource.
- b) If proposed alterations to a *surveyed historic resource* do not meet the Secretary of the Interior's Standards for Rehabilitation to the satisfaction of the Office of Historic Resources, the project shall instead be reviewed pursuant to *Sec. 9.4.6.D.1.d. (Designated Historic Resources Review)* below.
- c. Zoning Administrator Review

Adaptive reuse projects meeting any of the following criteria may be approved by the Zoning Administrator, pursuant to *Sec. 13B.2.1. (Class 1 Conditional Use Permit)*, if the *adaptive reuse project* complies with the requirements of *Sec. 9.4.6.C.1. (Eligibility)*, and the criteria described in *Sec. 9.4.6.C.2. (Standards)* and *Sec. 9.4.6.C.3. (Incentives)* are met. If the *adaptive reuse project* is approved, the incentives described in *Sec. 9.4.6.C.3. (Incentives)* for which the project qualifies shall be granted.

 - i. *Adaptive reuse projects* involving *buildings* constructed in accordance with building and zoning codes in effect at the time they were built for which at least 5 years and less than 15 years have elapsed since the date of permitted and completed construction
 - ii. Projects involving *buildings* for which at least fifteen years have elapsed since the date of permitted and completed construction that are also requesting additional incentives that are not listed in *Sec. 9.4.6.C.3.a. (General Incentives)* or *Sec. 9.4.6.C.3.b. (Incentives for Affordable and Mixed-Income Adaptive Reuse Projects)* above; or
 - iii. *Unified adaptive reuse projects* requesting floor area averaging, transfer of residential density, or both, that do not also provide on-site *restricted affordable units*, subject to the following supplemental requirements and procedures:

- a) The Zoning Administrator shall determine that all site amenities provided, whether located in the existing *buildings* or *new construction*, shall be made accessible to all residents of the *unified adaptive reuse project*, which shall be constructed to link pedestrian circulation between buildings and site amenities. All such circulation pathways must be clearly delineated, through raised crosswalks, contrasting paving materials or surface treatments, enhanced lighting, directional or wayfinding signage, or other elements.
 - b) The averaging of *floor area ratios* may be permitted even if *buildings* on each individual *lot* would exceed the permitted *floor area ratio*. However, the total *floor area* for the *unified adaptive reuse project*, when calculated as a whole, may not exceed the maximum permitted *floor area* allowed by the applied *Form Districts (Part 2B)*.
 - c) If the Zoning Administrator approves the requested floor area averaging, transfer of residential density, or both, the project shall be subject to *Sec. 9.4.6.D.2. (Records & Agreements)* below.
 - d) The *Zoning Administrator* may waive the public hearing required in *Sec. 13B.2.1. (Class 1 Conditional Use Permit)* if the owners of all *adjoining lots* have expressed in writing no objections to the *unified adaptive reuse project*.
 - e) *Unified adaptive reuse projects* that include *restricted affordable units* in exchange for participation in the Local Affordable Housing Incentive Program, pursuant to *Sec. 9.3.2. (Local Affordable Housing Incentive Program)*, shall instead be reviewed and approved via *administrative review*, pursuant to *Sec. 9.4.6.D.1.b. (Administrative Review)*, above.
- d. Designated Historic Resources Review
- Adaptive reuse projects* involving *designated historic resources* shall be reviewed according to the following procedures:
- i. *Adaptive reuse projects* located within an *Historic Preservation Overlay Zone (HPOZ)* shall be reviewed pursuant to *Division*

13B.8 (Historic Preservation) and pursuant to *Section 91.106.4.5 (Permits for Historical and Cultural Buildings)* of Chapter IX of the LAMC and *Section 22.171 (Cultural Heritage Commission)* of the LAAC. The *decision maker*, including the Office of Historic Resources and/or the Cultural Heritage Commission, shall have the authority to approve, conditionally approve, or deny the request in order to conform with the Secretary of the Interior's Standards.

- ii. Rooftop additions to *designated historic resources* are only permitted for *adaptive reuse projects* providing *restricted affordable units* in compliance with Sec. 9.4.6.C.3.b. (*Incentives for Affordable and Mixed-Income Adaptive Reuse Projects*) above. and such projects shall be reviewed

2. Records & Agreements

If the Zoning Administrator approves floor area averaging, transfer of residential density, or both for a proposed *unified adaptive reuse project*, then all owners of the property requesting floor area averaging, transfer of residential density, or both, and all owners of each lot contained in the *unified adaptive reuse project* shall execute and record a Covenant and Agreement. A copy of each executed and recorded Covenant and Agreement shall be filed with the Office of Zoning Administration. Each covenant shall run with the land, be approved by the *Zoning Administrator* prior to the issuance of any building permits, and shall guarantee the following:

- a. The use of any *floor area* converted to *residential uses* shall be maintained and not changed; and
- b. The number of such *dwelling units* approved by the Zoning Administrator shall not be increased; and
- c. The access for all residents of the *unified adaptive reuse project* to all site amenities, and the pedestrian circulation between buildings and site amenities shall be maintained and not reduced.

E. Relief

For requests for incentives other than those listed in *Sec. 9.4.6.C.3.a. (General Incentives)* of *Sec. 9.4.6.C.3.b. (Incentives for Affordable and Mixed-Income Adaptive Reuse Projects)* above, see *Sec.9.4.6.C.3.c. (Additional Incentives)* above.

F. Exceptions

None.

Sec 2. Amend Div.14.2. (Glossary) of Article 14 (General Rules) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

Adaptive Reuse Project: Any project involving the use conversion of any portion of an existing building from a *non-residential use* to another use permitted by the applied Use District (Part 5B) and that participates in and meets the requirements and rules of an adaptive reuse incentive program, pursuant to Sec. 9.4.5. (Downtown Adaptive Reuse Projects) or Sec. 9.4.6. (Citywide Adaptive Reuse Projects). Projects participating in the Citywide Adaptive Reuse Program, pursuant to Sec. 9.4.6. (Citywide Adaptive Reuse Program), shall only involve conversion to a *residential use*. For projects involving a mix of adaptive reuse and the *new construction of new floor area*, see *unified adaptive reuse project*.

Administrative Review: See Sec. 13.B.1. (Administrative Review)

Designated Historic Resource: A *building, structure*, object, landscaping element, or natural feature listed or designated as a historical resource, either individually, or as a contributor to a historic district, at the local, state, or national level, including but not limited to listing in the National Register of Historic Places or California Register of Historical Resources, or designation as a Historic-Cultural Monument or as an Historic Preservation Overlay Zone (HPOZ)

Extremely Affordable Adaptive Reuse Project: As defined in California Government Code Section 65913.12.

Historic Resources Survey: A document, officially recognized by a local, state, or federal agency, resulting from a process of systematically identifying and documenting buildings, structures, objects, cultural landscapes, natural features, and historic districts as potentially eligible for listing as either an individual resource or as a contributor to an historic district under a local, state or federal designation program, including but not limited to the National Register of Historic Places or California Register of Historical Resources, or designation as a Historic-Cultural Monument or as a Contributing Structure in an Historic Preservation Overlay Zone (HPOZ)

Housing Development Project: A project that results in the creation of 5 or more new *dwelling units*, including the *new construction* of 5 or more *dwelling units* or addition of 5 or more *dwelling units* to an existing building or buildings, the *renovation* of a building or buildings containing 5 or more *dwelling units*, or a mixed use development containing 5 or more *dwelling units*. For the purpose of establishing the minimum number of 5 dwelling units, restricted affordable units shall be included, and density bonus units shall be excluded.

Low-Income Household: Households with an annual income that does not exceed the amount designated for that category as defined in California Health and Safety Code, Sec. 50105 (Definitions)

Project Review: See Sec. 13B.2.4. (Project Review).

Surveyed Historic Resource: Any *building, structure*, object, site, landscape, or natural feature identified through an *historic resources survey* as eligible for listing as either an individual resource or as a contributor to an historic district under a local, state or federal designation program, including but not limited to listing in the National Register of Historic Places or California Register of Historical Resources, or designation as a Historic-Cultural Monument or as an Historic Preservation Overlay Zone. This term does not include a non-contributor to an eligible historic district.

Non-Residential Use: Any use not listed and defined in Sec. 5C.1.1. (Residential Uses). Includes uses listed and defined in Sec. 5C.1.2. (Public & Institutional Uses), Sec. 5C.1.3. (Open Space & Recreation Uses), Sec. 5C.1.4. (Transportation Uses), Sec. 5C.1.5. (General Commercial Uses), Sec. 5C.1.6. (Heavy Commercial Uses), Sec. 5C.1.7. (Light Industrial Uses), Sec. 5C.1.8. (Heavy Industrial Uses), and Sec. 5C.1.9. (Agricultural Uses).

Unified Adaptive Reuse Project: An *adaptive reuse project* composed of the use conversion of existing *floor area* in an existing *building* from a *non-residential use* to a *residential use* in at least one existing *building* combined with *new construction*, either attached to the existing *building*, detached from the existing *building*, or constructed as part of a *unified development*.

Unified Development: A development consisting of multiple *lots* which is unified by a combination of functional linkages, such as pedestrian or vehicular connections, include common architectural and landscape features which constitute distinctive design elements of the development, and when viewed from adjoining streets appears to be a consolidated whole. A unified development may include lots that abut or are separated only by an alley or are located across the street from any portion of each other.

**DRAFT ADAPTIVE REUSE ORDINANCE (CHAPTER 1A)
FEBRUARY 2024**

ORDINANCE NO. _____

An ordinance amending Subsection E. (Exceptions) of Section 4C.14.1. (Development Review Threshold Packages), Section 9.4.6. (Citywide Adaptive Reuse Program), and Division 14.2. (Glossary) of Chapter 1A of the Los Angeles Municipal Code (“Code”) in order to update the existing Chapter 1A version of the Citywide Adaptive Reuse Program. The proposed ordinance expands the eligibility of the current Chapter 1A version of the Citywide Adaptive Reuse Program to a greater variety of buildings as well as projects providing affordable housing, in alignment with the policy updates concurrently being proposed for the Chapter 1 version of the Citywide Adaptive Reuse Ordinance. The Citywide Adaptive Reuse Program will continue to apply only outside of the Downtown Community Plan Area. It will establish a by-right approval process for existing structures that are at least fifteen years old, in place of the previous limitation of buildings that are at least 25 years old. For buildings between five and fifteen years old, adaptive reuse projects shall remain subject to the Zoning Administrator Conditional Use procedure. The ordinance also clarifies the relationship between the Citywide Adaptive Reuse Program and other incentive programs intended to incentivize the provision and construction of affordable housing.

Sec 1. Amend Subsection E. (Exceptions) of Section 4C.14.1. (Development Review Threshold Packages) of Div. 4C.14. (Development Review) of Article 4 (Development Standards) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

E. Exceptions

Adaptive reuse projects limited to the conversion of existing buildings eligible for and participating in the Citywide Adaptive Reuse Program, pursuant to Sec.9.4.6. (Citywide Adaptive Reuse Program), or the Downtown Adaptive Reuse Program, pursuant to Sec. 9.4.5. (Downtown Adaptive Reuse Program), shall not be subject to Sec. 13B.2.4. (Project Review).

Sec 2. Amend Sec. 9.4.6. (Citywide Adaptive Reuse Program) of Div. 9.4. (General Incentive Programs) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

A. Purpose

The purpose of ~~this Section~~ the Citywide Adaptive Reuse Program is to ~~encourage and facilitate the conversion and retention of~~ implement the General Plan by facilitating the retention and conversion of existing, underutilized, or historically significant buildings to new residential uses, ~~and conversion between uses permitted or conditionally permitted~~

~~by the designated Use District of the property. The goal is to reduce vacant space, create opportunities for new housing, as well as and preserve the City's architectural and cultural past legacy. and encourage~~ Encouraging the reuse of buildings is a ~~the~~ sustainable practice of ~~retaining the inherent energy that goes into the construction of existing buildings~~ allowing for the retention of many of the resources that went into their initial construction and thereby reducing greenhouse gas emissions. This practice has demonstrated its effectiveness as a revitalization tool that encourages the use of underutilized buildings and the creation of new dwelling units. Reusing existing buildings supports mixed commercial and residential uses and, together with the reduction of vacant space, can help revitalize commercial corridors and promote walkability.

B. Applicability

1. Project Activities

- a. In order to participate in the Citywide Adaptive Reuse Program, adaptive reuse projects must involve a use modification that results in the conversion of existing floor area in an existing building from a non-residential use to a residential use.
- b. Adaptive reuse projects may also involve the new construction of new floor area in combination with the conversion of existing floor area from a non-residential use to a residential use, with the new floor area either attached to the existing building, detached from the existing building, or as part of a unified development. Such projects involving the combination of use conversion and new construction are considered unified adaptive reuse projects.

2. Unit Threshold

- a. Only adaptive reuse projects resulting in the creation of five or more dwelling units within an existing building shall be eligible to participate in the Citywide Adaptive Reuse Program.

3. Reconciling Provisions

- a. Relationship to Other Incentive Programs
 - i. Adaptive reuse projects participating in the Citywide Adaptive Reuse Program that provide restricted affordable units in exchange for participation in the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program), and meet both the eligibility requirements and program rules for both that incentive program and as the eligibility requirements and program rules of the

Citywide Adaptive Reuse Program may participate in both incentive programs and receive incentives pursuant to both programs.

- ii. Adaptive reuse projects participating in the Citywide Adaptive Reuse Program shall not simultaneously participate in any other incentive program outlined in Article 9 (Public Benefit Systems).
- b. Relationship to Specific Plans, Supplemental Districts, and Special Districts
- The provisions of the Citywide Adaptive Reuse Program are subject to the general reconciling provisions outlined in Article 8 (Specific Plans, Supplemental & Special Districts), with the following exceptions:
- i. For projects limited to the conversion of a portion of or the entirety of an existing building or an allowable rooftop amenity structure pursuant to Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures) below, shall be exempt from any applicable Specific Plan or Supplemental District.
 - ii. Where the provisions of the Citywide Adaptive Reuse Program conflict with those of any Historic Preservation Overlay Zone (HPOZ), then the provisions of the Historic Preservation Overlay Zone shall prevail, pursuant to Division 13B.8 (Historic Preservation).
- c. Relationship to Other Zoning Provisions
- i. The linkage fee, as established in Sec. 19.18. (Affordable Housing Linkage Fee) of Chapter 1 (General Provisions and Zoning) of the LAMC, shall continue to apply to any new floor area in the project devoted to the uses described in the linkage fee schedule, regardless of the exemptions in Sec. 9.4.6.C.2. (Incentives) below.
 - ii. Adaptive reuse projects participating in the Citywide Adaptive Reuse Program located in the Coastal Zone, shall continue to be subject to any applicable Coastal Development Permit procedures, pursuant to Div. 13.B.9. (Coastal Development).
- d. Relationship with Other Laws and Regulations
- i. Projects that qualify as an extremely affordable adaptive reuse project, pursuant to Sections 65913.12 and 65960.1 of the California Government Code and meeting the requirements and

eligibility criteria outlined in Sections 65913.12 and 65960.1 of the California Government Code may simultaneously participate in the Citywide Adaptive Reuse Program and may also qualify for the incentives outlined in Sec. 9.4.6.C.3.a. (General Incentives) and Sec. 9.4.6.C.3.b. (Incentives for Affordable and Mixed-Income Adaptive Reuse Projects) below.

- ii. For adaptive reuse projects seeking tax abatement under the Mills Act, pursuant to Sections 50280-50290 of the California Government Code, and Section 91.140 (Approval of Historic Property Contracts) of the LAMC, the City Council may contract with an owner or agent of the owner of any qualified historical property.

C. Program Rules

1. Eligibility

~~The provisions of this Section shall apply to adaptive reuse projects outside the Downtown Community Plan Area, in any Commercial or Commercial-Mixed Use District, or on any lot in Density District 2 or FA, regardless of Use District, in the following buildings and structures A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.~~ Adaptive reuse projects meeting the following eligibility criteria qualify participation in the Citywide Adaptive Reuse Program, including the granting of incentives outlined in Sec. 9.4.6.C.2. (Incentives).

a. Location

Adaptive reuse projects participating in the Citywide Adaptive Reuse Program must be located on lots outside of the Downtown Community Plan Area. Projects located on lots within the Downtown Community Plan Area are not eligible for the Citywide Adaptive Reuse Program. For adaptive reuse projects located within the Downtown Community Plan Area, see Sec. 9.4.5. (Downtown Adaptive Reuse Program).

b. Zoning

Adaptive reuse projects participating in the Citywide Adaptive Reuse Program shall not be located on a lot with an applied Density District (Part 6B) of 1L or N.

c. Uses Allowed

Adaptive reuse projects participating in the Citywide Adaptive Reuse Program shall only convert non-residential uses to residential uses, with the following exceptions:

- i. Conversion of existing floor area from a lodging use to a residential use shall not qualify for participation in the Citywide Adaptive Reuse Program. For conversions from a lodging use, see Sec. 9.4.2. (Interim Conversions of Lodging Units Program).
 - ii. Only projects that qualify as an extremely affordable adaptive reuse project, pursuant to Sections 65913.12 and 65960.1 of the California Government Code may use conversion from an existing lodging use to a residential use to qualify for participation in the Citywide Adaptive Reuse Program, subject to the requirements and eligibility criteria outlined in Sections 65913.12 and 65960.1 of the California Government Code.
- d. Building Age
- i. Existing buildings constructed in accordance with building and zoning codes in effect at the time they were built, for which at least 15 years have elapsed since the date of permitted and completed construction are eligible for participation in the Citywide Adaptive Reuse Program and shall be approved pursuant to the processes outlined in Sec. 9.4.6.D. 1.a. (Department of Building and Safety Review) below. A Certificate of Occupancy, building permit finaled date, or other suitable documentation may be submitted as evidence of the date of permitted and completed construction.
 - ii. Existing buildings constructed in accordance with building and zoning codes in effect at the time they were built, for which at least 5 years have elapsed since the date of permitted and completed construction are eligible for participation in the Citywide Adaptive Reuse Program and shall be approved pursuant to the processes outlined in Sec. 9.4.6.D.1.c. (Zoning Administrator Review) below. A Certificate of Occupancy, building permit finaled date, or other suitable documentation may be submitted as evidence of the date of permitted and completed construction.
 - iii. Any parking structure or parking area within an existing building constructed in accordance with building and zoning codes in effect at the time they were built, for which at least five years have

elapsed since the date of permitted and completed construction are eligible for participation in the Citywide Adaptive Reuse Program and shall be approved pursuant to the processes outlined in Sec. 9.4.6.D.1.a. (Department of Building and Safety Review) below. A Certificate of Occupancy, building permit finalized date, or other suitable documentation may be submitted as evidence of the date of permitted and completed construction

- e. ~~Buildings That Are At Least 25 Years Old~~
Buildings constructed in accordance with building and zoning codes in effect at the time they were built and for which at least 25 years have elapsed since the date of permitted and completed construction.
- f. ~~Buildings That Are At Least 10 Years Old~~
Buildings constructed in accordance with building and zoning codes in effect at the time they were built and for which at least 10 years have elapsed since the date of permitted and completed construction.
- g. ~~A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.~~
- d. Historic Buildings Resources
Designated historic resources and surveyed historic resources are also eligible ~~buildings~~ for participation in the Citywide Adaptive Reuse Program.
- e. Parking Structures
Any parking structure, or parking area, provided in excess of the minimum parking required by this Zoning Code (Chapter 1A), within an existing building constructed in accordance with building and zoning codes in effect at the time they were built for which at least ~~40~~ 5 years have elapsed since the date of permitted and completed construction.

2. Standards

Adaptive reuse projects must meet the following standards in order to be eligible for participation in the Citywide Adaptive Reuse Program, including the granting of the incentives outlined in Sec. 9.4.6.C.3. (*Incentives*) below.

- a. ~~Affordable Housing Linkage Fee~~
The linkage fee, as established in Sec. 15.4.3. (*Affordable Housing*

~~Linkage Fee), shall continue to apply to any new floor area in the project devoted to the uses described in the linkage fee schedule, regardless of the exemptions in Subsection D. (Incentives) below.~~

a. Conversion of Ground Floor Commercial

Existing commercial uses located on the ground story of an existing building may be converted to residential uses, provided that at least the first 15 feet of depth as measured from the street-facing facade shall be limited to such active uses as common indoor amenity spaces, lobbies, or designated work areas of joint living & work quarters. Additionally, while the ground story facade may be modified, transparent area on the ground story shall not be reduced beyond the existing transparency prior to modification, along the entire length of the street-facing facade. Only such reductions in transparency as are required for seismic reinforcement, fire/life safety concerns, or other upgrades to improve performance of the existing building shall be permitted.

b. Street Trees

Existing trees in the public way, including street tree canopy and landscaped parkways, shall be preserved unless removal is permitted by the Urban Forestry Division. Additionally, trees shall be planted at a rate of at least one street tree per thirty linear feet of primary street lot line. If street trees cannot be physically accommodated within the public way, due to City-determined physical constraints, a Tree Planting Guarantee Fee pursuant to LAMC Section 62.177 (b) shall be paid to the Board of Public Works.

3. Incentives

a. General Incentives

The Department of City Planning may grant some or all of the incentives established when an *adaptive reuse project* qualifies for them as established below. Despite any other provisions of this Zoning Code (Chapter 1A) to the contrary, adaptive reuse projects shall be entitled to the incentives set forth below. For additional incentives for adaptive reuse projects providing restricted affordable units, see Sec. 9.4.6.C.3.b. (Incentives for Affordable Adaptive Reuse Projects) below. These

incentives shall not apply to any new floor area from new construction or additions located on the same lot as an adaptive reuse project conducted as part of a unified adaptive reuse project unless otherwise explicitly stated otherwise below; however, exterior changes resulting from improvements in building safety or performance, such as to accommodate required structural or energy conservation upgrades, shall not be considered new construction.

i. Floor Area

a) Existing Floor Area

Existing floor area within existing buildings which exceeds the maximum floor area ratio of the applied Form District (*Part 2B*) shall be considered allowed.

b) New Floor Area Within Existing Building Envelope

Any additional floor area, including mezzanines, as defined by ~~Chapter 9 (Building Regulations) of this Code~~ and new stories created within an existing building envelope shall not be counted towards the maximum floor area limit for the lot.

c) ~~Use Modification in Previously Exempted Floor Area~~

Conversion of Exempt Floor Area

~~The following actions shall not be considered as adding new floor area that enlarges an existing building or structure. The conversion of any existing area in a building previously qualifying as exempt from counting toward floor area calculation, pursuant to Sec. 14.1.7. (Floor Area), to any residential use or area meeting the standards of Sec. 2C.3.3.C.1. (Common Outdoor Amenity Space) or Sec. 2C.3.3.C.5. (Common Indoor Amenity Space) shall not be counted toward the maximum floor area limit for the lot, provided that the area is located within the existing building envelope.~~

- ~~i. The change of use of any area of an existing building that is exempt from floor area, to any use permitted in the applied Use District including the renovation of any interior portion of an existing~~

~~building for a permitted use. However, this shall not include new construction, and must be located within the *building's* existing exterior walls and below the existing roof.~~

~~ii. The change of use of any area of an within the existing building envelope which is exempt from *floor area to lot amenity spaces* or *residential amenity spaces*.~~

~~iii. The change of use of any area of an existing basement or portions of an eligible building that are below grade.~~

~~iv. The conversion of existing parking areas or structures as long as the conversion remains within the exterior walls of the existing building.~~

d) Rooftop Structures

Rooftop structures meeting the requirements of Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures) below, shall not be counted toward the maximum *floor area* limit for the *lot*.

e) Floor Area Reallocation

Any amount of *floor area* that is removed from an existing *building* as part of an *adaptive reuse project*, in order to create new interior light wells or courtyards, recessed balconies or other open space inset from exterior walls, or other such features that provide natural light and ventilation and improve habitability, may be reallocated to building additions that extend or increase the gross *floor area* outside of the envelope of an existing *building* but do not increase the *height in stories* or *height in feet* of the *building*, as part of a *unified adaptive reuse project*. The *new construction* of *floor area* resulting from this *floor area* reallocation may be eligible for the other incentives outlined in this Sec. 9.4.6.C.3. (Incentives).

d) Unified Development

i. For *buildings* listed as *designated historic resources* or *surveyed historic resources* that are

incorporated as part of a *unified development* composed of two or more buildings, the existing floor area of the designated historic resource or surveyed historic resource, up to a maximum of 50,000 square feet, shall be exempted from the maximum *floor area* limit for the *lot*. This incentive shall not be utilized if the *unified development* involves the demolition or *facade alteration modification* of any portion of a *designated historic resource* or *surveyed historic resource* ~~which that~~ has not been approved by the Office of Historic Resources.

- ii. The averaging of *floor area ratios* may be permitted even if *buildings* on each individual *lot* would exceed the permitted *floor area ratio*. However, the total *floor area* for the *unified development*, when calculated as a whole, may not exceed the maximum permitted *floor area allowed* by the applied Form Districts.

- ii. Height

- a) Existing Height

- An existing *building* which is a part of an *adaptive reuse project* shall be allowed to maintain its existing height, regardless of whether it complies with the height requirements of the applied Form District (*Part 2B*), including but not limited to *height in stories* or *height in feet*.

- b) New Stories Within Existing Building Envelope

- Any additional *story* created within an existing *building envelope* which is a part of an *adaptive reuse project* shall not be counted as an additional *story* towards any *height in stories* limit. Additional stories within the existing *building envelope* may consist of either a partial or full floor, and the clear height above and below the new story shall be not less than 8 feet.

- c) Rooftop Structures

Rooftop structures meeting the requirements of Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures) below, may exceed the height requirements of the applied Form District (Part 2B), including but not limited to height in stories or height in feet.

d) Upper-Story Bulk

An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable upper-story provisions established in Div. 2C.5. (Upper-Story Bulk).

iii. New Rooftop Amenity Structures

The construction of new structures on the existing roof, whether on the uppermost or on multiple roof levels, shall not be considered new floor area or height, as long as the new rooftop structures do not exceed one story, meet the standards of Sec. 2C.3.3.C.1. (Common Outdoor Amenity Space) or Sec. 2C.3.3.C.5. (Common Indoor Amenity Space). ~~Comply with the height requirements of the applied Form District.~~ and comply with all other zoning requirements, apart from those waived as incentives for participation in the Citywide Adaptive Reuse Program. Allowable rooftop amenity structures may be eligible for the other incentives outlined in this Sec. 9.4.6.C.3. (Incentives).

iv. Yards Setbacks

Existing ~~observed yards~~ buildings which do not meet the building setback requirements of the applied Form District (Part 2B) shall be allowed.

v. Lot Amenity Space & Residential Amenity Space Requirements

An adaptive reuse project shall not be required to provide any additional lot amenity space or residential amenity space as a result of ~~a change of use~~ a use conversion of floor area in an existing building to a residential use. However, existing area on the lot and floor area dedicated to lot amenity space or residential amenity space shall not be reduced below what would normally be required by the applied Form District (Part 2B). Projects including new construction as part of a unified adaptive reuse project shall be subject to the full lot amenity space requirement otherwise

required by the applied Form District (Part 2B) as well as the residential amenity space that would otherwise be required of the new construction portion of the unified adaptive reuse project. However, new floor area allowed as a result of an allowable rooftop amenity structure, pursuant to Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures); new floor area resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation); or an allowable two-story rooftop addition, pursuant to Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus) shall not be subject to the lot amenity space or residential amenity space requirements of the applied Form District (Part 2B)

~~vi. Upper Story Bulk~~

~~An existing building which is a part of an adaptive reuse project shall not be required to comply with any applicable upper story provisions established in Div. 2C.5. (Upper Story Bulk).~~

vii. Building Mass

An existing *building* which is a part of an adaptive reuse project shall not be required to comply with any applicable building mass provisions established in Div. 2C.6. (*Building Mass*). Any new floor area as a result of new construction shall be subject to building mass provisions established in Div. 2C.6. (Building Mass) as otherwise required by the applied Form District (Part 2B), with the exception of new floor area allowed as a result of an allowable rooftop amenity structure, pursuant to Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures); new floor area resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation); or an allowable two-story rooftop addition, pursuant to Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus).

viii. Plants

Adaptive reuse projects shall not be required to plant new trees or plants, with the exception of the minimum street trees required pursuant to Sec.9.4.6.C.2.b. (Street Trees), above.

ix. Frontage District Standards

Adaptive reuse projects within existing buildings shall not be required to bring eligible existing buildings or structures into conformance with the applied Frontage District (Part 3B). Where

an ~~eligible existing~~ *building* or *structure* is nonconforming as to the applied Frontage District, an *adaptive use project* shall not further reduce compliance. New floor area allowed as a result of an allowable rooftop amenity structure, pursuant to Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures); new floor area resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation); or an allowable two-story rooftop addition, pursuant to Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus) shall also be exempt from otherwise required standards of the applied Frontage District (Part 3B).

- x. Off-Street Automobile Parking
 - a) For *adaptive reuse projects* consisting only of the conversion of an existing *building*, ~~the~~ required number of *automobile parking spaces stalls* shall be the same as the number of *spaces stalls* that physically existed on the lot at the time that the application for the *adaptive reuse project* was submitted. ~~, and shall be maintained and not reduced.~~ However, if the total parking required by *Div. 4C.4. (Automobile Parking)* for the new use is less than the number of parking ~~spaces stalls~~ that exist on the lot, then the number of parking ~~spaces stalls~~ may be reduced to the number of required parking spaces stalls required by *Div. 4C.4. (Automobile Parking)*.
 - b) New floor area allowed as a result of an allowable rooftop amenity structure, pursuant to Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures); new floor area resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation); or an allowable two-story rooftop addition, pursuant to Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus) shall also be exempt from providing parking stalls beyond the number that physically existed on the lot at the time that the application for the *adaptive reuse project* was submitted.
 - c) Physically existing *parking stalls* that are maintained in their current configuration shall be exempt from the design

standards outlined in Sec. 4C.4.4. (Parking Area Design), Sec. 4C.4.5. (Parking Lot Design), and Sec.4C.4.6. (Parking Structure Design.)

- d) New automobile parking stalls and parking stalls reconfigured or restriped as part of an adaptive reuse project shall be subject to the design standards outlined in Sec. 4C.4.4. (Parking Area Design), Sec. 4C.4.5. (Parking Lot Design), and Sec.4C.4.6. (Parking Structure Design).

xi. Loading Space

- a) Where an existing *loading space* is provided, it shall be allowed to maintain its current, existing dimensions, regardless of whether it complies with the provisions of Sec. 4C.2.2.C.2. (*Freight Loading Areas*).
- b) For adaptive reuse projects limited to the conversion of an existing *building*, if no *loading spaces* exist or if the number of existing *loading spaces* are below the number required for the project by Sec. 4C.2.2.C.2. (*Freight Loading Areas*), then a additional *loading spaces* shall not be required ~~in conjunction with the development of an adaptive reuse project.~~
- c) Required *loading spaces* resulting from the *new construction* of new *floor area* as part of a *unified adaptive reuse project* shall only be required for the new *floor area* constructed. However, new *floor area* allowed as a result of an allowable rooftop amenity structure, pursuant to Sec. 9.4.6.C.3.a.iii. (*New Rooftop Amenity Structures*); new *floor area* resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (*Floor Area Reallocation*); or an allowable two-story rooftop addition, pursuant to Sec. 9.4.6.C.3.b.ii. (*Additional Two Story Height Bonus*) shall not be subject to the *loading area* requirements outlined in Sec. 4C.2.2.C.2. (*Freight Loading Areas*).

xii. Project Review

- a) Adaptive reuse projects limited to the conversion of existing *buildings* shall be exempt from any requirements to go through the ~~P~~project ~~R~~review process as determined

by the applied Development Standards District and set forth in ~~Div.~~Sec. 4C.14.1. (Project Review Thresholds).

- b) Unified adaptive reuse projects involving the new construction of new floor area shall only be subject to project review based on new floor area and the uses, activities, and dwelling units within that new floor area, with the exception of new floor area allowed as a result of an allowable rooftop amenity structure, pursuant to Sec. 9.4.6.C.3.a.iii. (New Rooftop Amenity Structures); new floor area resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation); or an allowable two-story rooftop addition, pursuant to Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus).

xiii. Density

- a) For adaptive reuse projects limited to the conversion of existing buildings, dwelling units and joint living and work quarters shall not be subject to the lot area per dwelling unit or dwelling unit per lot requirements of the applied Density District (Part 6B).
- b) For unified adaptive reuse projects involving the new construction of new floor area, dwelling units within the new floor area shall still be subject to the lot area per dwelling unit or dwelling unit per lot requirements of the applied Density District (Part 6B), with the exception of dwelling units within new floor area resulting from floor area reallocation, pursuant to Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation), above.

xiv. Inclusionary Housing Program

- a) Adaptive reuse projects limited to the conversion of existing buildings shall not be required to provide restricted affordable units pursuant to Sec. 5C.4.5. (Inclusionary Housing Program).
- b) For unified adaptive reuse projects involving the new construction of new floor area, dwelling units within the new floor area shall still be required to provide restricted affordable units pursuant to Sec. 5C.4.5. (Inclusionary

Housing Program), with the exception of *dwelling units within new floor area* resulting from floor area reallocation, pursuant to *Sec.9.4.6.C.3.a.i.e. (Floor Area Reallocation)*, above or *dwelling units* in an allowable two-story rooftop addition, pursuant to *Sec. 9.4.6.C.3.b.ii. (Additional Two Story Height Bonus)*, below.

b. Incentives for Affordable and Mixed-Income Adaptive Reuse Projects

Adaptive reuse projects that provide *restricted affordable units* in exchange for participation in) the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program), in combination with participation in the Citywide Adaptive Reuse Program may select one of the following additional incentives, in addition to the applicable general incentives outlined in Sec. 9.4.6.C.3.a. (General Incentives), above. New floor area from new construction as part of a *unified adaptive reuse project* shall also be eligible for the incentives provided by the other incentive program in which the project is participating.

i. Density Bonus for Unified Adaptive Reuse Projects

In *unified adaptive reuse projects*, *dwelling units* shall not be subject to the density restrictions of the applied Density District (Part 6B), including but not limited to *lot area per dwelling unit* or *dwelling unit per lot* requirements. This exemption from density limitations applies both to existing *floor area* that is converted from a *non-residential use* to a *residential use* as well as new *floor area* provided in *new construction* within the *unified adaptive reuse project*. Utilization of this density exemption is subject to all of the following requirements, limitations, approvals, and procedures:

- a) The Director or their designee shall determine that all site amenities provided in the *unified adaptive reuse project*, whether located in the existing *building(s)*, in new *floor area* added or attached to *existing buildings*, or in new buildings consisting entirely of *new construction*, shall be made accessible to all residents of the *unified adaptive*

- reuse project, which shall be constructed to link pedestrian circulation between buildings and site amenities. All circulation pathways must be clearly delineated, through raised crosswalks, contrasting paving materials or surface treatments, enhanced lighting, directional or wayfinding signage, or other elements; and
- b) The requisite number of *restricted affordable units* shall be provided pursuant to the requirements of the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program). If the incentive program does not require the provision of restricted affordable units, the *adaptive reuse project* is not eligible for this additional incentive.
- c) All owners of the property requesting floor area averaging, transfer of residential density, or both, and all owners of each *lot* contained in the *unified adaptive reuse project* shall execute and record a Covenant and Agreement. A copy of each executed and recorded Covenant and Agreement shall be filed with the Los Angeles Department of Building and Safety. Each covenant shall run with the land, be approved by the Director or their designee prior to the issuance of any building permits, and shall guarantee the following: (1) The use of any existing *floor area* converted to *residential use* shall be maintained and not changed; (2) The number of such *dwelling units*, approved by the Zoning Administrator shall not be increased; and (3) the access for all residents of the *unified adaptive reuse project* to all site amenities, and the pedestrian circulation between buildings and site amenities shall be maintained and not reduced.
- ii. Additional Two Story Height Bonus
For existing *buildings* with existing floor area being converted from a *non-residential use* to a *residential use*, an additional two stories may be added above to the existing uppermost story. *Floor area* within this allowable two-story addition shall not be subject to the

density restrictions of the applied Density District (Part 6B), including but not limited to lot area per dwelling unit or dwelling unit per lot requirements. Utilization of this two-story addition incentive is subject to all of the following requirements, limitations, approvals, and procedures:

- a) The maximum building envelope of the existing building plus the allowable two-story addition shall be limited to two stories added above existing roof conditions or to the maximum base height in stories or base height in feet allowed by the applied Form District (Part 2B), whichever is greater.
- b) Existing buildings utilizing this incentive shall not be eligible for additional floor area ratio and height incentives otherwise allowed via participation in the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program). However, projects utilizing this two-story addition incentive as part of a larger unified adaptive reuse project may utilize the full additional floor area ratio and height incentives allowed via participation in the applicable incentive program only for new construction of new floor area not included in the allowable two-story addition. When calculating the total bonus floor area ratio for the unified adaptive reuse project, the floor area ratio of the allowable two-story addition shall be excluded.
- c) 20% of the total dwelling units provided within the floor area of the allowable two-story addition shall be set aside for low income households, in lieu of the affordability levels otherwise required by the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program). Floor area not included in the allowable two-story addition shall be subject to the affordability levels otherwise required by the applicable incentive program, whether located within the same existing building or in new construction as part of a unified adaptive reuse project.

c. Additional Incentives

The Zoning Administrator may grant, modify or deny some or all of the incentives established in Sec. 9.4.6.C.3. (Incentives) pursuant to Sec. 13.B.2.1. (Class 1 Conditional Use Permit). Furthermore, the Zoning Administrator shall have the authority to grant any other incentives or relief from other zoning standards required to permit adaptive reuse projects participating in the Citywide Adaptive Reuse Program, including but not limited to the authority to permit residential uses in adaptive reuse projects, regardless of the nonconforming provisions of Article 12. (Nonconformities).

D. Administration

1. Process Procedures

a. Department of Building and Safety Review

- i. The following types of *adaptive reuse projects* shall be approved by the Department of Building and Safety if the requirements of Sec. 9.4.6.B.C.1. (Eligibility), and the criteria described in Sec. 9.4.6.C.2. (Standards) and Sec. 9.4.6-D.C.3. (Incentives) are met. If the *adaptive reuse project* is approved, ~~and~~ the incentives described in Sec. 9.4.6-D.C.3. (Incentives) for which the project qualifies shall be granted:

- a) *Adaptive reuse projects* involving buildings constructed in accordance with building and zoning codes in effect at the time they were built for which at least ~~25~~ 15 years have elapsed since the date of permitted and completed construction ; and
- b) Adaptive reuse projects involving parking structures or parking areas within an existing building for which at least ~~40~~ 5 years have elapsed since the date of permitted and completed construction.

b. Administrative Review

The Director of Planning shall review the following adaptive reuse projects, pursuant to Sec. 13B.3.1. (Administrative Review):

- i. Adaptive reuse projects that provide restricted affordable units in exchange for participation in the Local Affordable Housing

- Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program), in order to access additional incentives combination with those granted by the Citywide Adaptive Reuse Program;
- ii. Adaptive reuse projects involving any surveyed historic resources, provided that any proposed alteration of a surveyed historic resource complies with the Secretary of the Interior's Standards for Rehabilitation. Projects shall be subject to the following supplemental procedures:
- a) Projects shall be reviewed by the Office of Historic Resources, prior to building permit issuance, and will thereby be eligible to utilize the California Historic Building Code.
 - a) Should the Director or their designee within the Office of Historic Resources determine, based upon substantial evidence, that the surveyed historic resource is not an historical resource, as defined by Public Resources Code Section 21084.1, such property will not be considered an historic resource.
 - b) If proposed alterations to a surveyed historic resource do not meet the Secretary of the Interior's Standards for Rehabilitation to the satisfaction of the Office of Historic Resources, the project shall instead be reviewed pursuant to Sec. 9.4.6.D.1.d. (Designated Historic Resources Review) below.
- c. Zoning Administrator Review
~~Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built and for which at least 10 years have elapsed since the date of permitted and completed construction meeting any of the following criteria may be approved by the Zoning Administrator, pursuant to Sec. 13B.2.1. (Class 1 Conditional Use Permit); if the adaptive reuse project complies with the requirements of Sec. 9.4.6.B.C.1. (Eligibility), and the criteria described in Sec. 9.4.6.C.2. (Standards) and Sec. 9.4.6.D.C.3. (Incentives) are met. If the adaptive reuse project is approved, and the incentives described in~~

Sec. 9.4.6.D.C.3. (Incentives) for which the project qualifies shall be granted.

- i. Adaptive reuse projects involving buildings constructed in accordance with building and zoning codes in effect at the time they were built for which at least 5 years and less than 15 years have elapsed since the date of permitted and completed construction
- ii. Projects involving buildings for which at least fifteen years have elapsed since the date of permitted and completed construction that are also requesting additional incentives that are not listed in Sec. 9.4.6.C.3.a. (General Incentives) or Sec. 9.4.6.C.3.b. (Incentives for Affordable and Mixed-Income Adaptive Reuse Projects) above; or
- iii. Unified adaptive reuse projects requesting floor area averaging, transfer of residential density, or both, that do not also provide on-site restricted affordable units, subject to the following supplemental requirements and procedures:
 - a) The Zoning Administrator shall determine that all site amenities provided, whether located in the existing buildings or new construction, shall be made accessible to all residents of the unified adaptive reuse project, which shall be constructed to link pedestrian circulation between buildings and site amenities. All such circulation pathways must be clearly delineated, through raised crosswalks, contrasting paving materials or surface treatments, enhanced lighting, directional or wayfinding signage, or other elements.
 - b) The averaging of floor area ratios may be permitted even if buildings on each individual lot would exceed the permitted floor area ratio. However, the total floor area for the unified adaptive reuse project, when calculated as a whole, may not exceed the maximum permitted floor area allowed by the applied Form Districts (Part 2B).
 - c) If the Zoning Administrator approves the requested floor area averaging, transfer of residential density, or both, the

project shall be subject to Sec. 9.4.6.D.2. (Records & Agreements) below.

- d) The Zoning Administrator may waive the public hearing required in Sec. 13B.2.1. (Class 1 Conditional Use Permit) if the owners of all adjoining lots have expressed in writing no objections to the unified adaptive reuse project.
- e) Unified adaptive reuse projects that include restricted affordable units in exchange for participation in the Local Affordable Housing Incentive Program, pursuant to Sec. 9.3.2. (Local Affordable Housing Incentive Program), shall instead be reviewed and approved via administrative review, pursuant to Sec. 9.4.6.D.1.b. (Administrative Review), above.

iv. Supplemental Findings-

In addition to the findings in Sec. 13B.2.1. (Class 1 Conditional Use Permit), the Zoning Administrator shall also find that:

- ~~a) The eligible building is no longer economically viable in its current use or uses. In making this finding, the Zoning Administrator shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information. The Zoning Administrator may require the applicant to submit independently verified documentation.~~
- ~~b) In approving a reduced parking incentive pursuant to Sec. 9.4.6.D.5. (Off-Street Automobile Parking), the Zoning Administrator find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the site of the adaptive reuse project.~~

d. Designated Historic Resources Review

Adaptive reuse projects involving designated historic resources shall be reviewed according to the following procedures:

- i. Adaptive reuse projects located within an Historic Preservation Overlay Zone (HPOZ) shall be reviewed pursuant to Division 13B.8 (Historic Preservation) and pursuant to Section 91.106.4.5

(Permits for Historical and Cultural Buildings) of Chapter IX of the LAMC and Section 22.171 (Cultural Heritage Commission) of the LAAC. The decision maker, including the Office of Historic Resources and/or the Cultural Heritage Commission, shall have the authority to approve, conditionally approve, or deny the request in order to conform with the Secretary of the Interior's Standards.

- ii. Rooftop additions to designated historic resources are only permitted for adaptive reuse projects providing restricted affordable units in compliance with Sec. 9.4.6.C.3.b. (Incentives for Affordable and Mixed-Income Adaptive Reuse Projects) above.

2. Records & Agreements

If the Zoning Administrator approves floor area averaging, transfer of residential density, or both for a proposed unified adaptive reuse project, then all owners of the property requesting floor area averaging, transfer of residential density, or both, and all owners of each lot contained in the unified adaptive reuse project shall execute and record a Covenant and Agreement. A copy of each executed and recorded Covenant and Agreement shall be filed with the Office of Zoning Administration. Each covenant shall run with the land, be approved by the Zoning Administrator prior to the issuance of any building permits, and shall guarantee the following:

- a. The use of any floor area converted to residential uses shall be maintained and not changed; and
- b. The number of such dwelling units approved by the Zoning Administrator shall not be increased; and
- c. The access for all residents of the unified adaptive reuse project to all site amenities, and the pedestrian circulation between buildings and site amenities shall be maintained and not reduced.

E. Relief

For requests for incentives other than those listed in Sec. 9.4.6.C.3.a. (General Incentives) of Sec. 9.4.6.C.3.b. (Incentives for Affordable and Mixed-Income Adaptive Reuse Projects) above, see Sec.9.4.6.C.3.c. (Additional Incentives) above. The Zoning Administrator may grant, modify or deny some or all of the incentives established in Sec. 9.4.6.D. (Incentives) pursuant to Sec. 13.B.2.1. (Class 1 Conditional Use Permit). Furthermore, the Zoning Administrator shall have the authority to grant any other

~~incentives or relief from other zoning district standards required to permit adaptive reuse projects proposed pursuant to this Section, including but not limited to the authority to permit dwelling units and joint living and work quarters in adaptive reuse projects, regardless of the nonconforming provisions of Article 12. (Nonconformities).~~

F. Exceptions

None.

Sec 2. Amend Div.14.2. (Glossary) of Article 14 (General Rules) of Chapter 1A of the Los Angeles Municipal Code to read as follows:

~~Adaptive Reuse Project (Use): Any change of use to dwelling, or joint living and work quarters, or any change in commercial use to another commercial use, in all or any portion of any eligible building according~~ Any project involving the use conversion of any portion of an existing *building* from a *non-residential use* to another use permitted by the applied Use District (Part 5B) and that participates in and meets the requirements and rules of an adaptive reuse incentive program, pursuant to Sec. 9.4.5.B. (Applicability, Downtown Adaptive Reuse Projects) or Sec. 9.4.6.B. (Applicability, Citywide Adaptive Reuse Projects), as long as the commercial use is allowed in the zone. An adaptive reuse project includes a change of an existing use to new uses that are accessory to dwelling units, guest rooms, or joint living and work quarters, so long as the accessory uses are consistent with the definition of accessory use in this Division, and are permitted in the zone. See Sec. 5C.3.2. (Adaptive Reuse Project). ~~Projects participating in the Citywide Adaptive Reuse Program, pursuant to Sec. 9.4.6. (Citywide Adaptive Reuse Program), shall only involve conversion to a *residential use*. For projects involving a mix of adaptive reuse and the *new construction* of new *floor area*, see *unified adaptive reuse project*.~~

Administrative Review: See Sec. 13.B.1. (Administrative Review)

Designated Historic Resource: A *building, structure, object, landscaping element, or natural feature* listed or designated as a historical resource, either individually, or as a contributor to a historic district, at the local, state, or national level, including but not limited to listing in the National Register of Historic Places or California Register of Historical Resources, or designation as a Historic-Cultural Monument or as an Historic Preservation Overlay Zone (HPOZ)

Extremely Affordable Adaptive Reuse Project: As defined in California Government Code Section 65913.12.

Historic Resources Survey: A document, officially recognized by a local, state, or federal agency, resulting from a process of systematically identifying and documenting buildings, structures, objects, cultural landscapes, natural features, and historic districts as potentially eligible for listing as either an individual resource or as a contributor to an historic district under a local, state or federal designation program, including but not limited to the National Register of Historic Places or California Register of Historical Resources, or designation as a Historic-Cultural Monument or as a Contributing Structure in an Historic Preservation Overlay Zone (HPOZ)

Housing Development Project: A project that results in the creation of ~~The construction of~~ 5 or more new *dwelling units*, including the *new construction of 5 or more dwelling units* or addition of 5 or more residential units *dwelling units* to an existing building or buildings, the remodeling *renovation* of a building or buildings containing 5 or more residential units *dwelling units*, or a mixed use development containing 5 or more residential units *dwelling units*. For the purpose of establishing the minimum number of 5 *dwelling units*, restricted affordable units shall be included, and density bonus units shall be excluded.

Low-Income Household: Households with an annual income that does not exceed the amount designated for that category as defined in California Health and Safety Code, Sec. 50105 (Definitions)

Project Review: See Sec. 13B.2.4. (Project Review).

Surveyed Historic Resource: Any *building, structure, object, site, landscape, or natural feature* identified through an *historic resources survey* as eligible for listing as either an individual resource or as a contributor to an historic district under a local, state or federal designation program, including but not limited to listing in the National Register of Historic Places or California Register of Historical Resources, or designation as a Historic-Cultural Monument or as an Historic Preservation Overlay Zone. This term does not include a non-contributor to an eligible historic district.

Non-Residential Use: Any use not listed and defined in Sec. 5C.1.1. (Residential Uses), Sec. 5C.1.2. (Public & Institutional Uses), Sec. 5C.1.3. (Open Space & Recreation Uses), Sec. 5C.1.4. (Transportation Uses), Sec. 5C.1.5. (General Commercial Uses), Sec. 5C.1.6. (Heavy Commercial Uses), Sec. 5C.1.7. (Light Industrial Uses), Sec. 5C.1.8. (Heavy Industrial Uses), and Sec. 5C.1.9. (Agricultural Uses).

Unified Adaptive Reuse Project: An *adaptive reuse project* composed of the use conversion of existing *floor area* in an existing *building* from a *non-residential use* to a *residential use* in at least one existing *building* combined with *new construction*, either attached to the existing *building*, detached from the existing *building*, or constructed as part of a *unified development*.

Unified Development: A ~~commercial, industrial, or mixed-use~~ development consisting of multiple lots which is unified by a combination of functional linkages, such as pedestrian or vehicular connections, include common architectural and landscape features which constitute distinctive design elements of the development, and when viewed from adjoining streets appears to be a consolidated whole. A unified development may include lots that abut or are separated only by an alley or are located across the street from any portion of each other.