

**DRAFT ADAPTIVE REUSE ORDINANCE  
MAY 2023**

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Sections 12.03, 12.22 A.26, 12.24 X and 16.05 of the Los Angeles Municipal Code (LAMC) and Adaptive Reuse Incentive Areas Specific Plan, Ordinance No. 175,038 in order to update the existing Adaptive Reuse Ordinance. The expansion of the Adaptive Reuse Ordinance to apply citywide will further incentivize the conversion of existing buildings to housing units and streamline Planning approval for such projects. It will establish a by-right approval process for existing structures that are at least fifteen years old (from date of building permit approval), in place of the previously fixed date of July 1, 1974. For buildings between five and fifteen years old, adaptive reuse projects shall remain subject to the Zoning Administrator Conditional Use procedure.

**Sec 1.** Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code (*Definitions*) is hereby amended to include Adaptive Reuse Project, Historic Resources Survey, Eligible Historic Resource and Transient Residential Use to read as follows:

**ADAPTIVE REUSE PROJECT.** is any change of use in all or any portion of any eligible building or structure pursuant to provisions in LAMC Section 12.22 A.26.

**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 that reflect important themes in the city's growth and development or the historic or cultural significance of a given area. Historic resources surveys may identify Eligible Historic Resources as potentially eligible for individual listing or for listing as a contributor to a historic district in the National Register of Historic Places, California Register of Historical Resources, City of Los Angeles List of Historic-Cultural Monuments, or as a potential Los Angeles Historic Preservation Overlay Zone.

**ELIGIBLE HISTORIC RESOURCE.** Any building, structure, object, site, landscape, or natural feature identified through a Historic Resources Survey as eligible for listing as either an individual resource or as a contributor to a historic district under a local, state or federal designation program. This term does not include a non-contributor to an eligible historic district.

**TRANSIENT RESIDENTIAL USE.** A residential building wherein occupancy, by any person by reason of concession, permit, right of access, license, or other agreement is for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Lodging uses shall not serve as a primary residence.

**Sec. 2.** Subsection 26 of Section 12.22 of Article 2 of Chapter 1 of the Los Angeles Municipal Code (*Downtown Adaptive Reuse Projects*) is hereby amended to read as follows:

**12.22 A.26. Adaptive Reuse Projects**

**(a) Purpose.** The purpose of this Subdivision is to facilitate the retention and conversion of existing, underutilized or historically significant buildings into housing. This will reduce vacant space, create opportunities for new housing units, and preserve the City's architectural and cultural legacy. Encouraging the reuse of buildings is a sustainable practice to retain much of the energy that went into their initial construction and reduce greenhouse gas emissions. Such productive reuse will support mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, visitors and services near each other.

**(b) Relationship to Other Sections of the Los Angeles Municipal Code.** If the provisions of Paragraphs (g) and (h) of this subdivision conflict with those of any specific plan, supplemental use district, "Q" condition, "D" limitation, or citywide regulation, any of which were adopted or imposed by City action prior to the effective date of this ordinance, then this Subdivision shall prevail.

**(c) Limitations of Adaptive Reuse Projects.** Notwithstanding any other provisions of this chapter to the contrary an Adaptive Reuse Project is limited as follows:

(1) Any change of an existing Non-Residential to new residential uses which may include Dwelling Units, Guest Rooms, or Joint Living and Work Quarters in all or any portion of any eligible building or structure, except that changes of use to or from Transient Residential Uses shall be ineligible for the incentives and procedures set forth in this Subdivision.

(2) For projects within the Adaptive Reuse Incentive Areas Specific Plan Boundary only conversions to new Residential Uses shall be eligible for the incentives and procedures set forth in this Subdivision. All other changes of use shall be subject to provisions of the Adaptive Reuse Incentive Areas Specific Plan.

Applicable Area	Conversion of Buildings		Permitted (P) or Not Permitted (NP)
	Existing Use	Proposed Use	
Citywide	Non-Residential	Residential Uses, including Dwelling Units, Guest Rooms, or Joint Living and Work Quarters. Except that conversion to Transient Residential uses is not permitted.	P
	Residential	Non-Residential	NP
Adaptive Reuse Incentive Areas Specific Plan Boundary	Non-Residential	Residential Uses, including Dwelling Units, Guest Rooms, or Joint Living and Work Quarters	P
	Residential	Non-Residential	NP

**(d) Eligible Buildings.** The provisions of this subdivision shall apply to Adaptive Reuse Projects in all or any portion of the following buildings and structures in any C Zone, Parking (P or PB) Zone, Public Facilities (PF) Zone, or on any lot in the RD1.5 Zone or less restrictive Multiple Residential Zones. A Certificate of Occupancy, building permit finalized date, or other suitable documentation may be submitted as evidence of date of permitted and completed construction.

(1) Buildings constructed in accordance with building and zoning codes in effect at the time they were built, for which at least fifteen years have elapsed since the date of permitted and completed construction.

(2) Buildings constructed in accordance with building and zoning codes in effect at the time they were built, for which:

(i) At least five years have elapsed since the since the completed date of permitted construction; and

(ii) An Adaptive Reuse Project is approved by a Zoning Administrator, pursuant to Section 12.24 X.1(b).

(3) 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.

**(e) Procedures.** Adaptive Reuse Projects shall be reviewed according to the following procedures dependent upon the age of the structure and incentives requested if the applicable requirements of Sec. 12.22 A.26(d) (*Eligible Buildings*) are met.

(1) **Department of Building and Safety Review.** The Department of Building and Safety shall review the following Adaptive Reuse Projects when the criteria described in Sec. 12.22 A.26(g) (*Incentives*) are met.

- (i) Adaptive Reuse Projects involving buildings that are at least fifteen years old, or
- (ii) Adaptive Reuse Projects involving parking structures or parking areas within an existing building that are at least five years old prior to the date of application.

(2) **Administrative Review.** The Director of Planning shall review Adaptive Reuse Projects involving any Eligible Historic Resource according to the following procedures:

- (i) Any proposed alteration of an Eligible Historic Resource shall comply with the Secretary of the Interior's Standards for Rehabilitation. Any such project shall be approved by the Office of Historic Resources, prior to building permit issuance.
- (ii) A property will not be considered an Eligible Historic Resource should the Director or their designee within the Office of Historic Resources determine, based upon substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1.
- (iii) If proposed alterations to an Eligible Historic Resource do not meet the Secretary of the Interior's Standards for Rehabilitation to the satisfaction of the Office of Historic Resources, the Discretionary Procedure pursuant to Subparagraph (3) below shall be followed.

(3) **Zoning Administrator Review.** The Zoning Administrator shall review the following Adaptive Reuse Projects pursuant to Sec. 12.24 X.1 (*Conditional Use, Adaptive Reuse*).

- (i) Adaptive Reuse Projects involving buildings that are at least five years old and less than fifteen years old; or
- (ii) Projects involving buildings that are at least fifteen years old requesting incentives not listed in Paragraph (g) (*Incentives*) below.

**(f) Floor Area Averaging.** The Zoning Administrator may, upon application, permit floor area averaging in unified Adaptive Reuse Projects, pursuant to Section 12.24 X 1(d).

**(g) Incentives.** Notwithstanding any other provisions of this chapter to the contrary, Adaptive Reuse Projects shall be entitled to the incentives set forth below. Except for the provision concerning rooftop structures set forth in Subparagraph (1) below, these incentives shall not apply to any new construction or additions that are added outside of the existing building envelope as part of an Adaptive Reuse Project.

(1) **Rooftop Structures.** The construction of new structures on the existing roof shall not be considered as adding new floor area or height, as long as the new rooftop structures meet all other Los Angeles Municipal Code requirements and:

- (i) Are constructed for the sole purpose of providing additional amenities or open space, such as fitness rooms, lounges or shade structures accessible for the use of all residents or guests; and
  - (ii) Do not exceed one story or sixteen feet in total height.
- (2) **Mezzanines.** Mezzanines or loft spaces in Joint Living and Work Quarters, Dwelling Units and Guest Rooms shall be permitted and not be considered as adding new floor area, as long as these are added entirely within the existing building envelope and meet all Los Angeles Municipal Code requirements.
- (3) **Density.** Dwelling Units, Joint Living and Work Quarters and Guest Rooms shall not be subject to the dwelling unit per lot area requirements of the zone.
- (4) **Minimum Unit Size.** Adaptive Reuse Projects shall be exempt from any minimum unit size zoning requirements. Unit sizes shall remain subject to all applicable Los Angeles Municipal Code requirements that may be in effect to protect health, life safety, and habitability.
- (5) **Off-Street Automobile Parking.** No new parking spaces shall be required, and Adaptive Reuse Projects shall otherwise be exempt from the provisions of Section 12.21 A.4.(m) of this Code. Moreover, if the total parking required for Dwelling Units, Guest Rooms, or Joint Living and Work Quarters is less than the number of spaces that exist, then the number of parking spaces may be reduced to that number of required parking spaces.
- Adaptive Reuse Project sites located within one-half mile of a major public transit stop may, upon application, be exempt from any minimum parking requirement pursuant to Section 65863.2 of the Government Code.
- (6) **Floor Area.** Existing floor area which exceeds that permitted by the zone, height district, specific plan, supplemental use district, or any other land use regulation shall be considered permitted. The following shall not be considered as adding new floor area that enlarges an existing building or structure:
- (i) The change of use of any area of an existing building to Dwelling Units, Guest Rooms, or Joint Living and Work Quarters.
  - (ii) The change of use of any area of an existing building to common amenities or open space areas for residents or guests.
- (7) **Height.** An existing building which is part of an Adaptive Reuse Project shall be allowed to maintain its existing height, regardless of whether it exceeds that permitted by the height district, specific plan, supplemental use district, or any other land use regulation.
- Any additional story created entirely within an existing building which is part of an Adaptive Reuse Project shall not be counted as an additional story towards any height in stories limit. New structures on the existing roof that do not exceed one story or sixteen feet shall not be considered to exceed the permitted height or number of stories.
- (8) **Yards.** Existing observed yards which do not meet the yards required by the zone,

specific plan, supplemental use district, or any other land use regulation shall be permitted.

(9) **Step-Backs and Transitional Height.** An existing building which is part of an Adaptive Reuse Project shall not be required to comply with any applicable upper story or building mass provisions established by the zone, height district, specific plan, supplemental use district, or any other land use regulation.

(10) **Open Space and Landscaping.** An existing building which is part of an Adaptive Reuse Project shall not be required to provide common or private Open Space or Landscaping as a result of a change of use. In the event that an existing site includes outdoor amenity areas such as plazas, courtyards, terraces or roof gardens, at least 50 percent of these areas shall be retained.

(11) **Mini-Shopping Center and Commercial Corner Development Regulations.** Adaptive Reuse Projects shall be exempt from the mini-shopping center and commercial corner development regulations set forth in Section 12.22 A.23.

(12) **Project Review.** Adaptive Reuse Projects shall be exempt from the requirements for Project Review set forth in Section 13.B.2.4 of Chapter 1A.

(13) **Loading Space.** Where an existing loading space is provided, the provisions of Section 12.21 C.6.(h) shall not apply. If no loading spaces exist, then a loading space shall not be required in conjunction with the development of an Adaptive Reuse Project.

**(h) Uses.** Notwithstanding the nonconforming provisions of Section 12.23, Dwelling Units, Guest Rooms, and Joint Living and Work Quarters shall be permitted in Adaptive Reuse Projects, so long as the use is permitted by the underlying zone.

**Sec. 3.** Subdivision 1 of Subsection X of Section 12.24 of Article 2 of Chapter 1 of the Los Angeles Municipal Code (*Further Authority of the Zoning Administrator for Other Similar Quasi-Judicial Approvals*) is hereby amended to read as follows:

**X. Further Authority of the Zoning Administrator for Other Similar Quasi-Judicial Approvals.** The following uses and activities may be permitted in any zone, unless otherwise restricted to certain zones or locations, pursuant to Sec. 13B.2.1. (*Class 1 Conditional Use Permit*) of Chapter 1A of this Code. Further, these uses and activities are subject to the procedures, regulations and limitations set forth in Section 12.22.A 26 and below.

**1. Adaptive Reuse Projects.** A Zoning Administrator may, upon application, permit Adaptive Reuse Projects pursuant to this subdivision. Except that, the provisions of this subdivision shall not apply to those areas set forth in the Adaptive Reuse Incentive Areas Specific Plan, Ordinance No. 175,038.

In conformance with Paragraph (b) below, the Zoning Administrator may permit Adaptive Reuse Projects in all or any portion of a building or structure if five years have elapsed since the date of permitted and completed construction.

In conformance with Paragraph (d) below, the Zoning Administrator may permit floor area averaging in unified Adaptive Reuse Projects.

**(a) Definitions.** The definition of “Adaptive Reuse Project” set forth in Sections 12.03 and 12.22 A.26(c) of the Code shall apply.

**(b) Procedures.** Adaptive reuse projects subject to Zoning Administrator approval shall follow procedures in Section 13B.2.1. (*Class 1 Conditional Use Permit*) of Chapter 1A of this Code.

(1) Adaptive reuse projects involving buildings or structures that are at least five years old may be approved by the Zoning Administrator, if the adaptive reuse project complies with the requirements of Sec. 12.22 A.26(d) (*Eligible Buildings*) and the criteria described in Section 12.22 A.26(g) (*Incentives*) are met.

(2) Projects involving buildings or structures that are requesting incentives not listed in Section 12.22 A.26(g) (*Incentives*) may be approved by the Zoning Administrator, pursuant to the procedures established in Section 13B.2.1. (*Class 1 Conditional Use Permit*) of Chapter 1A of this Code.

(3) An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (*Class 1 Conditional Use Permit*) of Chapter 1A of this Code. However, the Zoning Administrator may waive the public hearing required in that section if the owners of all properties abutting, across the street or alley from, or having a common corner with the building have expressed in writing no objections to the Adaptive Reuse Project.

**(c) Additional Incentives under Zoning Administrator Authority.** The Zoning Administrator may grant, modify or deny some or all of the incentives set forth in Section 12.22 A.26.(g), to Adaptive Reuse Projects proposed pursuant to this Subdivision. Furthermore, the Zoning Administrator shall have the authority to grant any other incentives or exceptions from the Code required to permit Adaptive Reuse Projects proposed pursuant to this Subdivision, including but not limited to the authority to permit Dwelling Units, Guest Rooms and Joint Living and Work Quarters in Adaptive Reuse Projects, notwithstanding the nonconforming provisions of Section 12.23 of this Chapter.

**(d) Unified Development.** The following shall apply to applications to permit floor area averaging in unified development projects.

(1) A unified development is a commercial, industrial, or mixed-use development 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.

(i) For buildings listed as designated historic resources or Eligible Historic Resources, as defined in Section 12.03, that are incorporated as part of a unified development composed of two or more buildings, the existing floor area, 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 of any portion of a designated historic resource or Eligible Historic Resource which 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 by the Zone.

(2) If the Zoning Administrator approves the floor area averaging, then all owners of the property requesting floor area averaging and all owners of each lot contained in the unified Adaptive Reuse Project shall execute and record an affidavit. A copy of each executed and recorded affidavit shall be filed with the Office of Zoning Administration. Each affidavit shall run with the land, be approved by the Zoning Administrator prior to the issuance of any building permits, and shall guarantee the following: (1) The use of any floor area converted to Dwelling Units or Joint Living and Work Quarters shall be maintained and not changed; and (2) The number of these units or quarters approved by the Zoning Administrator shall not be increased.

**Sec 4.** Subdivision 6 of Subsection D of Section 16.05 of Article 6.1 of Chapter 1 of the Los Angeles Municipal Code (*Review of Development Projects*) is hereby amended to read as follows:

#### **16.05 PROJECT REVIEW.**

##### **D. Exemptions.**

6. Adaptive Reuse Projects pursuant to Section 12.22 A.26 and 12.24 X.

**Sec 5.** The boundaries of the Adaptive Reuse Incentive Areas Specific Plan, Ordinance No. 175,038 are hereby amended to remove portions of Subareas superseded by the Downtown Community Plan (CF-22-0617).