

**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, 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 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. Downtown Adaptive Reuse Projects (Amended by Ord. No. 174,316, Eff. 12/20/01)

(a) Purpose. The purpose of this Subdivision is to ~~revitalize the Greater Downtown Los Angeles outside the Downtown Community Area and implement the General Plan by facilitateing the retention and conversion of older, economically distressed, existing, underutilized or historically significant buildings to apartments, live/work units or visitor-serving facilities into housing.~~ This will ~~help to~~ reduce vacant space, create opportunities for new housing units as well as and preserve Downtown's the City's architectural and cultural past 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. ~~and encourage the development of a live/work and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center.~~ Such productive reuse will also facilitate the development of a "24-hour city" and encourage support mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels visitors and transit-services near each other.

(b) Application Relationship to Other Sections of the Los Angeles Municipal Code. If the provisions of ~~Subparagraph (2) of Paragraphs (g) and (h) (g) and of Subparagraphs (1), (2) or (3) of Paragraph (j)~~ 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) Definition Limitations of Adaptive Reuse Projects. Notwithstanding any other provisions of this chapter to the contrary, ~~for the purposes of this subdivision,~~ an Adaptive Reuse Project is limited as follows:

(1). aAny change of use an existing Non-Residential Use 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.

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

(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 the CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones in the Downtown Project Area 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 the date of permitted and completed construction.

(1) Buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974 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 ~~on or~~ after July 1, 1974 at the time they were built, for which:

(i) At least Five years have elapsed since the date of permitted and completed construction-issuance of final Certificates of Occupancy; and

(ii) An Adaptive Reuse Project is approved by a Zoning Administrator, finds that the building is no longer economically viable in its current use or uses, pursuant to Section 12.24 X.1(b). (Amended by Ord. No. 175,588, Eff. 12/1/03)

~~(3) Buildings designated on the National Register of Historic Places, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments, Contributing Buildings in National Register Historic Districts, Contributing Buildings in National Register Historic Districts or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to Div. 12B.8. (Historic Preservation) of Chapter 1A of this Code are also eligible buildings.~~

(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.

(e) M-Zones. The Zoning Administrator may, upon application, permit Adaptive Reuse Projects in all or any portion of any eligible building in the MR1, MR2, M1, M2 and M3 Zones

in the Downtown Project Area, pursuant to Section 12.24 X.1.(b). ~~(Amended by Ord. No. 175,588, Eff. 12/1/03)~~

(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). ~~(Amended by Ord. No. 175,588, Eff. 12/1/03)~~

~~**(g) Downtown Project Area.**~~ The Downtown Project Area includes the following areas:

~~(1) Within The Central City Community Plan Area as shown on the General Plan of the City of Los Angeles; and~~

~~(2) All that real property in the City of Los Angeles, described by the following boundary lines: Bounded northerly by the centerline of Freeway Number 10 (commonly called the Santa Monica Freeway); bounded southerly by the centerline of Vernon Avenue; bounded easterly and southeasterly by the following centerline courses: beginning at the intersection of the Santa Monica Freeway and Grand Avenue, then southerly along Grand Avenue to the most easterly line of Freeway Number 110 (commonly called the Harbor Freeway), then southerly along that right of way to the centerline of Martin Luther King, Jr. Boulevard, then easterly along Martin Luther King, Jr. Boulevard to the centerline of Grand Avenue, then southerly along Grand Avenue to the centerline of Vernon Avenue. Bounded westerly and northwesterly by the following centerline courses: beginning at the intersection of Vermont Avenue and Vernon Avenue, then northerly along Vermont Avenue to Jefferson Boulevard, then easterly along Jefferson Boulevard to University Avenue, then northerly along University Avenue to 28th Street, then westerly along 28th Street to Severance Street, then northerly along Severance Street to Adams Boulevard, then westerly along Adams Boulevard to Scarff Street, then northerly along Scarff Street to 23rd Street, then southerly along 23rd Street to Bonsallo Avenue, then northerly along Bonsallo Avenue to Washington Boulevard, then westerly along Washington Boulevard to Oak Street, then northerly along Oak Street and its northerly prolongation to the Santa Monica Freeway.~~

~~**(g)(h) 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 amenity structures ~~mezzanines~~ set forth in Subparagraph (1) below, these incentives shall not apply to any new floor area construction or additions that are added outside of the existing building envelope as part of ~~to~~ an Adaptive Reuse Project.

~~**(1) Rooftop Amenity Structures.**~~ The construction of new structures on the existing roof shall not be considered as 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)(1) **Mezzanines.** Mezzanines or Loft spaces in Joint Living and Work Quarters, Dwelling Units and Guest Rooms which do not exceed more than 33 percent of the floor area of the space below shall not be permitted and not 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. Mezzanines may be included in the calculation of floor area for the purpose of determining compliance with the standards set forth in Paragraph (i) of this subdivision.~~

~~(3)(2) **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 or height district.~~

~~(4) **Minimum Unit Size.** Adaptive Reuse Projects shall be exempt from any minimum unit size zoning requirements. Unit sizes shall remain subject to applicable Los Angeles Municipal Code requirements that may be in effect to protect health, life safety, and habitability.~~

~~(5)(3) **Off-Street Automobile Parking.** The required number of No new parking spaces shall be the same as the number of spaces that existed on the site on June 3, 1999, and shall be required maintained and not reduced, 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, 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 open, outdoor gathering areas such as plazas, courtyards, terraces or roof gardens, at least 50 percent of these areas shall be retained.

(11)(4) 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)(5) Project Site-Plan Review. Adaptive Reuse Projects shall be exempt from the requirements for Project Site-Plan Review set forth in Section 13.B.2.4 of Chapter 1A Section 16.05.

(13)(6) 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.

(i) **Standards.** Adaptive Reuse Projects permitted pursuant to this subdivision shall be developed in compliance with the following standards:

~~(1) Dwelling Units and Joint Living and Work Quarters .-(Amended by Ord. No. 175,588, Eff. 12/1/03.)~~ The minimum floor area for new Dwelling Units and joint living and work quarters shall be 450 square feet, provided however, that the average floor area of all such units and quarters in a single eligible building, including those that existed prior to June 3, 1999, shall be at least 750 square feet. That minimum average size shall be maintained and not reduced.

Floor area, as defined in Section 12.03 of the Code, shall also not include hallways or other common areas. The floor area of both the living space and the work space shall be combined to determine the size of joint living and work quarters.

~~(2) Guest Rooms.~~ Guest rooms shall include a toilet and bathing facilities.

(j) **Exceptions.** Notwithstanding the nonconforming provisions of Section 12.23, the following exceptions shall apply to the buildings in which Adaptive Reuse Projects are located. These exceptions shall also apply to any building in which new floor area or height was added or observed yards changed on or after July 1, 1974, as evidenced by a valid Certificate of Occupancy.

(1) **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 permitted.

~~(2) **Height.** Existing height which exceeds that permitted by the zone, height district, specific plan, supplemental use district, or any other land use regulation shall be permitted.~~

~~(3) **Yards.** Existing observed yards which do not meet the yards required by the zone, height district, specific plan, supplemental use district, or any other land use regulation shall be permitted.~~

~~(h)(k) **Uses.** Notwithstanding the nonconforming provisions of Section 12.23, ~~d~~Dwelling ~~u~~Units, ~~g~~Guest ~~r~~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. ~~In addition to the findings set forth in Sec. 13B.2.1. (*Class 1 Conditional Use Permit*) of Chapter 1A of this Code, the Zoning Administrator shall make all applicable findings set forth below.~~ Further, these uses and activities are subject to the procedures, regulations and limitations set forth in Section 12.22.A 26 and below. ~~(**Amended by Ord. No. 182,095, Eff. 5/7/12.**)~~

1. Adaptive Reuse Projects. ~~(**Amended by Ord. No. 175,588, Eff. 12/1/03.**)~~ 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. ~~Furthermore, the provisions of this subdivision shall not apply to the M Zones outside the Downtown Project Area. The boundaries of the Downtown Project Area are described in Section 12.22 A.26.(g) of the Code.~~

~~In conformance with Paragraph (b) below, the Zoning Administrator may permit Adaptive Reuse Projects in the M Zones inside the Downtown Project Area. Outside the Downtown Project Area, the Zoning Administrator may permit Adaptive Reuse Projects in the C and R5 Zones.~~

~~In conformance with Paragraph (b) (e) below, the Zoning Administrator may permit Adaptive Reuse Projects in the C and R5 Zones in all or any portion of a building or structure constructed if five years have elapsed since the date of permitted and completed construction. ~~on or after July 1, 1974, inside the Downtown Project Area.~~~~

~~In conformance with Paragraph (d) below, the Zoning Administrator may permit floor area averaging in unified Adaptive Reuse Projects, in the C, M and R5 Zones inside the Downtown Project Area. Outside the Downtown Project Area, the Zoning Administrator may permit this floor area averaging in the C and R5 Zones.~~

(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, ~~inside the Downtown Project Area. Outside the Downtown Project Area, the following definitions apply:~~

~~**Adaptive Reuse Project** is any change of an existing Non-Residential Use to new dwelling units, guest rooms, or joint living and work quarters in all or any portion of any eligible building.~~

~~**Non-Residential Use** means any use other than dwelling units, guest rooms, or joint living and work quarters. Except that, if all the dwelling units, guest rooms, or joint living and work quarters in an eligible building were completely and continuously unoccupied from March 1, 2002, through and including the date an application for an Adaptive Reuse Project is filed pursuant to this subdivision, then those units, room or quarters shall be considered to be a Non-Residential Use.~~

~~**(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.~~

~~**(b) C, M and R Zones.** The following shall apply to Adaptive Reuse Projects in the MR1, MR2, M1, M2 and M3 Zones inside the Downtown Project Area; and to projects in the CR, C1, C1.5, C2, C4, C5, CM and R5 Zones outside the Downtown Project Area~~

~~**(1) Eligible Buildings.** A Zoning Administrator shall only permit Adaptive Reuse Projects in the following buildings:~~

~~(i) Buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction;~~

~~(ii) Buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, if: five years have elapsed since the date of issuance of final Certificates of Occupancy; and the Zoning Administrator finds that the 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 an independent audit or other independently verified documentation.~~

~~(iii) Buildings designated on the National Register of Historic Places, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments. Contributing Buildings in National Register Historic Districts or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to Section 12.20.3 of this Code and Div. 12B.8. (Historic Preservation) of Chapter 1A of this Code are also eligible buildings.~~

(c) (2) Additional Incentives under Zoning Administrator Authority. and

Exceptions. The Zoning Administrator may grant, modify or deny some or all of the incentives set forth in Section 12.22 A.26.(g)(h), ~~or some or all of the exceptions set forth in Section 12.22 A.26.(j),~~ 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 Dwellling 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) Floor Area Averaging Unified Adaptive Reuse Projects. The following shall apply to applications to permit floor area averaging in unified Adaptive Reuse Projects. ~~in the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2, M3, or R5 Zones inside the Downtown Project Area; and to such applications in the CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones outside the Downtown Project Area.~~

(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 surveyed 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.

~~(3) **Supplemental Findings and Conditions for the C and R5 Zones.** In addition to the findings set forth in Sec. 13B.2.1. (*Class 1 Conditional Use Permit*) of Chapter 1A of this Code, if the Adaptive Reuse Project is in the CR, C1, C1.5, C2, C4, C5, CM or R5 Zones outside the Downtown Project Area, then the Zoning Administrator shall find that the Adaptive Reuse Project complies with the standards for dwelling units, guest rooms and joint living and work quarters set forth in Section 12.22 A.26.(i). Exception: This finding is not required if the Zoning Administrator does not grant the density incentive set forth in Section 12.22 A.26.(h)(2).~~

~~Before approving a reduced parking incentive pursuant to Subparagraph (2) above, the Zoning Administrator shall also 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.~~

~~(4) **Findings and Conditions for the M Zones.** In addition to the findings set forth in Sec. 13B.2.1. (*Class 1 Conditional Use Permit*) of Chapter 1A of this Code, if the Adaptive Reuse Project is in the MR1, MR2, M1, M2 or M3 Zones inside the Downtown Project Area, then the Zoning Administrator shall:~~

~~(i) Require that one or more signs or symbols of a size and design approved by the Fire Department are placed by the applicant at designated locations on the exterior of each Adaptive Reuse Project to indicate the presence of residential uses;~~

~~(ii) Limit the occupations permitted in joint living and work quarters to the following: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion; graphic, interior and other designers; insurance, real estate and travel agents; photographers and similar occupations.~~

~~(iii) Find that the Adaptive Reuse Project complies with the standards for dwelling units, joint living and work quarters and guest rooms set forth in Section 12.22 A.26 (i);~~

~~(iv) Find that the uses of property surrounding the proposed location of the Adaptive Reuse Project will not be detrimental to the safety and welfare of prospective residents; and~~

~~(v) Find that the Adaptive Reuse Project will not displace viable industrial uses.~~

~~(c) **Buildings constructed on or after July 1, 1974.** The provisions of Section 12.22 A.26. shall apply to Adaptive Reuse Projects in all or any portion of a building constructed on or after July 1, 1974, in the CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones inside the Downtown Project Area, if: five years have elapsed since the date of issuance of final Certificates of Occupancy; and a Zoning Administrator finds that the 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.

(d) Floor Area Averaging. The following shall apply to applications to permit floor area averaging in unified Adaptive Reuse Projects in the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2, M3, or R5 Zones inside the Downtown Project Area; and to such applications in the CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones outside the Downtown Project Area.

The Zoning Administrator may permit averaging of floor area in unified Adaptive Reuse Projects for purposes of determining compliance with the 750 square foot minimum average unit size standard for dwelling units and joint living and work quarters, as set forth in Section 12.22 A 26 (i). For purposes of this subdivision, a unified Adaptive Reuse Project means an Adaptive Reuse Project composed of two or more buildings, so long as the Project has all of the following characteristics: (a) functional linkages, such as pedestrian or vehicular connections; (b) common architectural and landscape features, which constitute distinctive design elements of the Project; and (c) a unified appearance when viewed from adjoining streets. Unified Adaptive Reuse Projects may include lots that abut or are separated only by an alley or are located across the street from any portion of each other.

Individual buildings may fall below the minimum average unit size standard, so long as the average size of all the dwelling units and joint living and work quarters in the unified Adaptive Reuse Project is at least 750 square feet, and no dwelling unit or joint living and work quarters is less than 450 square feet in area. The Zoning Administrator shall determine whether a Project meets the definition of a unified Adaptive Reuse Project as set forth above. All owners of the property requesting floor area averaging must sign the application. A current title search shall be submitted with the application to insure that all required persons have signed the application.

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.

(e) Procedures. 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.

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 in the Downtown Project Area 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).

DRAFT