

Adaptive Reuse Ordinance

Effective 12/20/01

The following excerpts of the Planning and Zoning Code are related to the Adaptive Reuse Projects in the Los Angeles downtown areas. The Planning and Zoning Code is available on the internet : http://www.cityofla.org/pln/zone_code/2000zc/zonecode.htm

Subdivision 26 of Subsection A of Section 12.22 of the Los Angeles Municipal Code:

26. Downtown Adaptive Reuse Projects.

(a) Purpose. The purpose of this Subdivision is to revitalize the Greater Downtown Los Angeles Area and implement the General Plan by facilitating the conversion of older, economically distressed, or historically significant buildings to apartments, live/work units or visitor-serving facilities. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past 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. This revitalization will also facilitate the development of a "24-hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other.

(b) Application. If the provisions of Subparagraph (2) of Paragraph (h) 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 of Adaptive Reuse Project. Notwithstanding any other provisions of this chapter to the contrary, for the purposes of this subdivision, an Adaptive Reuse Project is any change of use to dwelling units, guest rooms, or joint living and work quarters in all or any portion of any eligible building.

(d) Eligible Buildings. The provisions of this subdivision shall apply to Adaptive Reuse Projects in all or any portion of the following buildings in the CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones in the Downtown Project Area:

(1) 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.

(2) Buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, if:

(i) Five years have elapsed since the date of issuance of final Certificates of Occupancy; and

(ii) A Zoning Administrator finds that the building is no longer economically viable as an exclusively commercial or industrial building, pursuant to Section 12.24 X 1(b).

(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 or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to Section 12.20.3 of this Code are also eligible buildings.

(e) M Zones. The Zoning Administrator may, upon application, permit Adaptive Reuse Projects in all or any portion of buildings in the MR1, MR2, M1, M2 and M3 Zones in the Downtown Project Area, pursuant to Section 12.24 X 1(a).

(f) Unified Adaptive Reuse Projects. The Zoning Administrator may, upon application, permit floor area averaging in unified Adaptive Reuse Projects, pursuant to Section 12.24 X 1(c).

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

(1) 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.

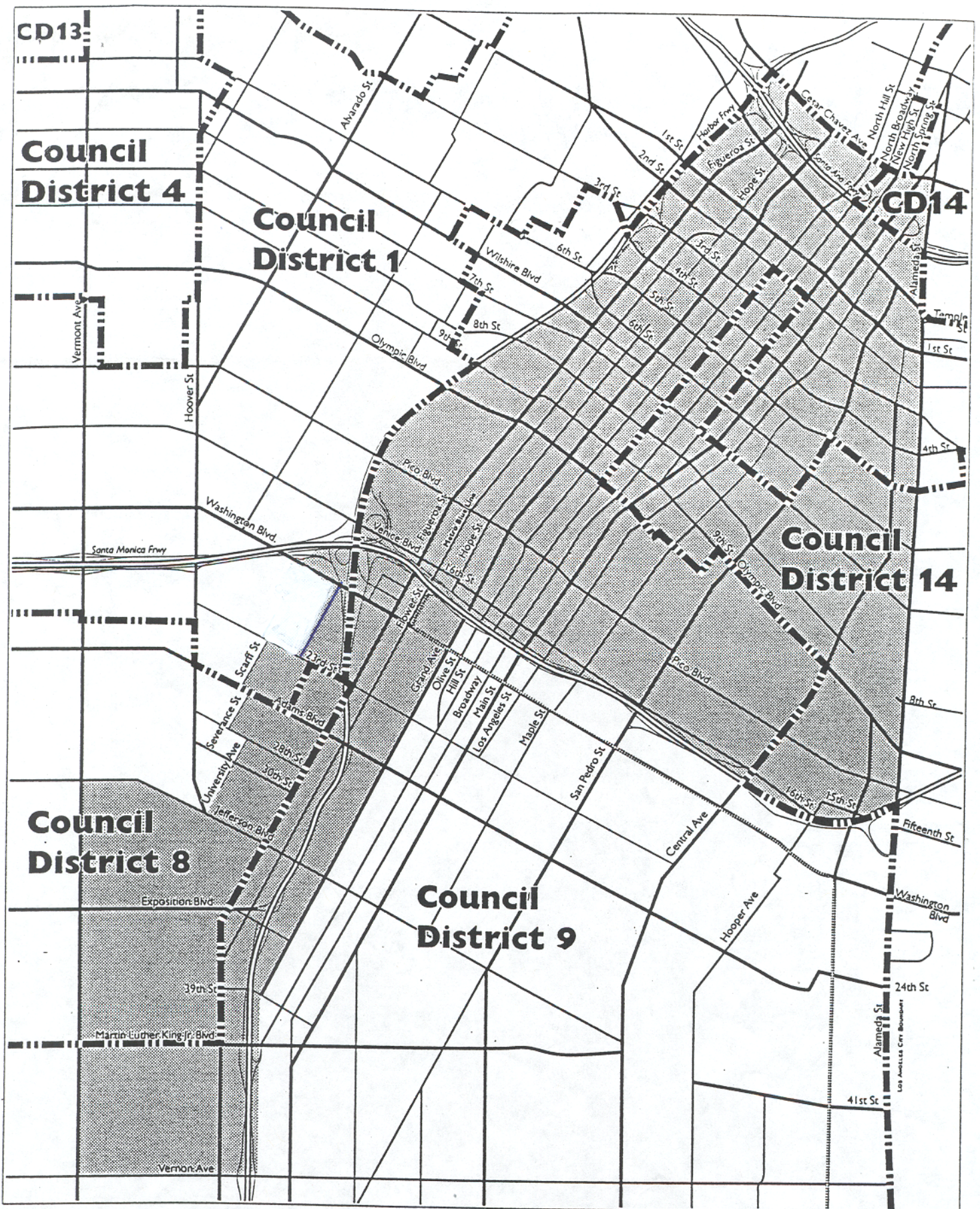


Exhibit 1
Project Area
 Downtown Adaptive Reuse, Live/Work Ordinance



(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 mezzanines set forth in Subparagraph (1) below, these incentives shall not apply to any new floor area that is added to an Adaptive Reuse Project.

(1) Mezzanines. 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 considered new floor area. 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.

(2) Density. Dwelling units, joint living and work quarters and guest rooms shall not be subject to the lot area requirements of the zone or height district.

(3) Off-Street Automobile Parking. The required number of parking spaces shall be the same as the number of spaces that existed on the site on June 3, 1999, and shall be maintained and not reduced. Adaptive Reuse Projects shall otherwise be exempt from the provisions of Section 12.21 A 4 (m) of this Code.

(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.

(5) Site Plan Review. Adaptive Reuse Projects shall be exempt from the requirements for Site Plan Review set forth in Section 16.05.

(6) Loading Space. Where an existing loading space is provided, the provisions of Section 12.21 C 6(h) shall 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. The minimum floor area for new dwelling units and joint living and work quarters shall be 450 square feet. Floor area shall not include hallways or other common areas, or rooftops, balconies, terraces, fire escapes, or other projections or surfaces exterior to the walls of the building. 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. The average floor area, as defined above, of all the dwelling units and joint living and work quarters in the building, including those that existed prior to the effective date of this ordinance, shall be at least 750 square feet. That minimum average size shall be

maintained and not reduced.

(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.

(k) 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.
(Amended by Ord. No. 174,315, Eff. 12/20/01.)

Subdivision 1 of Subsection X of section 12.24 of the Los Angeles Municipal Code:

1. Adaptive Reuse Projects in the Downtown Project Area.

Pursuant to Section 12.22 A 26, a Zoning Administrator may, upon application, permit Adaptive Reuse Projects in the M Zones, and in the R5 and C Zones in all or any portion of a building constructed on or after July 1, 1974. The Zoning Administrator may also permit floor area averaging in unified Adaptive Reuse Projects.

(a) M Zones. A Zoning Administrator may, upon application, permit Adaptive Reuse Projects in all or any portion of a building in the MR1, MR2, M1, M2 and M3 Zones in the Downtown Project Area, subject to the following:

(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; or

(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 as an exclusively commercial or industrial building.

The Zoning Administrator may only make this finding after reviewing information submitted by the applicant concerning vacancy rates, profit and loss statements, or other relevant data as the Zoning Administrator may require. The Zoning Administrator may require the applicant to submit an independent audit or other independently verified documentation; or

(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 are also eligible buildings.

(2) Provisions. The Zoning Administrator may apply some or all of the provisions set forth in Section 12.22 A 26 to Adaptive Reuse Projects.

(3) Signs. The Zoning Administrator shall 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.

(4) Findings. In addition to the findings otherwise required by this Section, the Zoning Administrator shall also find:

(i) 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;

(ii) That the Adaptive Reuse Project will not displace viable industrial uses; and

(iii) 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).

(b) 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 in 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 as an exclusively commercial or industrial building.

The Zoning Administrator may only make this finding after reviewing information submitted by the applicant concerning vacancy rates, profit and loss statements, or other relevant data as the Zoning Administrator may require. The Zoning Administrator may require the applicant to submit an independent audit or other independently verified documentation.

(c) Unified Adaptive Reuse Projects. The Zoning Administrator may, upon application, permit floor area averaging in the MR1, MR2, M1, M2, M3, CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones in the Downtown Project Area. The averaging of floor area in unified Adaptive Reuse Projects may be permitted 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: (1) functional linkages, such as pedestrian or vehicular connections; (2) common architectural and landscape features, which constitute distinctive design elements of the project; and (3) 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 squarefeet, 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.

(d) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C 1, 2, and 3. 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.
(Amended by Ord. No. 174,315, Eff. 12/20/01.)

Paragraph (d) of Subdivision 13 of Subsection X of Section 12.24 of the Los Angeles Municipal Code:

(d) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C 1, 2, and 3. 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 buildings have expressed in writing no objections to the quarters. *(Amended by Ord. No. 174,315, Eff. 12/20/01.)*

Subsection E of Section 19.01 of the Los Angeles Municipal Code:

Type of Application	Flat Fee	For First Block Or Portion of A Block	For each Additional Block Or Portion Of A Block	Appeal
Adaptive Reuse Projects in the M Zones; post-July, 1974 buildings in the C Zones; and Unified Adaptive Reuse Projects in the M, C, or R5 Zones; in the Downtown Project Area. (Section 12.24 X 1)	\$ 750	None	None	\$50.00 for applicant or non-applicant

The definition of “Greater Downtown Los Angeles Area” in Los Angeles Administrative Code Section 19.141:

“Greater Downtown Los Angeles Area” shall mean the area in downtown Los Angeles located within the boundaries of the Central City Community Plan Area as shown on the General Plan of the City of Los Angeles and the Figueroa Economic Strategy Area, as further depicted on the map attached to the Planning Department staff report, dated October 4, 2001, and identified as Exhibit 1 in Council File No. 97-0648.