

ORDINANCE NO. 175588

An ordinance amending Sections 12.22 and 12.24 of the Los Angeles Municipal Code enabling the Zoning Administrator to approve adaptive reuse projects in the C and R5 Zones outside the Downtown Project Area and outside the areas set forth in the Adaptive Reuse Incentive Areas Specific Plan.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Sub-subparagraph (ii) of Subparagraph (2) of Paragraph (d) of Subdivision 26 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

(ii) 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 (c):

Sec. 2. Paragraph (e) of Subdivision 26 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

(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).

Sec. 3. Paragraph (f) of Subdivision 26 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

(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).

Sec. 4. Subparagraph (1) of Paragraph (i) of Subdivision 26 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

(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, 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.

Sec. 5. Subdivision 1 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

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. 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 (c) below, the Zoning Administrator may permit Adaptive Reuse Projects in the C and R5 Zones in all or any portion of a building constructed 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 Section 12.22 A 26 (c) of the Code shall apply inside the Downtown Project Area. Outside the Downtown Project Area, the following definitions shall 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, rooms or quarters shall be considered to be a Non-Residential Use.

(b) C, M and R5 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 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 are also eligible buildings.

(2) Incentives and Exceptions. The Zoning Administrator may grant, modify or deny some or all of the incentives set forth in Section 12.22 A 26 (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 dwelling units, guest rooms and joint living and work quarters in Adaptive Reuse Projects, notwithstanding the nonconforming provisions of Section 12.23 of the Code.

(3) Findings and Conditions for the C and R5 Zones. 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. 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, guest rooms, and joint living and work quarters 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; (a) 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 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.

Sec. 6. The twelfth row in Subsection E of Section 19.01 of the Los Angeles Municipal Code is amended by changing the name of the "Type of Application" to read:

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 pursuant to Section 12.24 X 1	\$788.00	None	None	\$50.00 for applicant or non-applicant

Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of October 8, 2003.

J. MICHAEL CAREY, City Clerk
 By Maria Kostrencich, Deputy
 Approved October 21, 2003
 JAMES K. HAHN, Mayor
 Approved as to Form and Legality
 September 9, 2003
 Rockard J. Delgadillo, City Attorney
 By Sharon Siedorf Cardenas
 Assistant City Attorney
 C.F. 02-0177-S1
 CPC 2002-4109 CA

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend it be adopted

September 4, 2003

see attached report.

CON HOWE
 Director of Planning