CCA ISSUE BRIEF

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Building and Fire Code Updates to Support Adaptive Reuse

CCA
CENTRAL CITY ASSOCIATION OF LOS ANGELES

Introduction

Trends in remote and hybrid work have stabilized with day-to-day office occupancy hovering around 50 percent, while office vacancy rates generally continue to climb as tenants allow their leases to expire or downsize. Recognizing the opportunity for underutilized and vacant office buildings to be repurposed to address Los Angeles' housing shortage, Mayor Karen Bass issued Executive Directive 7 (ED 7) on November 8, 2023. In ED 7, Mayor Bass directed:

> "The Department of Building and Safety, in consultation with the Fire Department, shall report, within 60 days, to my office, on current building code requirements that are impeding conversion of existing buildings into housing, and potential changes to those requirements that can facilitate building conversions while still maintaining needed protections for health and safety."

CCA is the leading organization on the issue of adaptive reuse in Los Angeles and spearheaded the City's adoption of the Adaptive Reuse Ordinance (ARO) in 1999, which led to the conversion of historic bank and office buildings into over 12,000 new housing units in Downtown LA. As the COVID-19 pandemic's impact on work and office use persisted, CCA published a white paper in 2021 to look to new opportunities for conversions: "Adaptive Reuse: Reimagining Our City's Buildings to Address Our Housing, Economic and Climate Crises." This report outlined a host of planning, land use and zoning strategies to remove barriers to adaptive reuse throughout Los Angeles. Today, CCA continues to build on that work. In collaboration with the Los Angeles Department of Building and Safety (LADBS) and Los Angeles Fire Department (LAFD), CCA has convened a working group to recommend approaches to building and fire codes that can also support adaptive reuse without compromising public health and safety.

The purpose of this brief is to summarize the building and fire code recommendations of CCA's adaptive reuse working group and support the successful implementation of Mayor Bass' ED 7.

Recommendations

1 Expand flexibility for adaptive reuse projects under the California Health and Safety Code and Chapter 85 of the Los Angeles City Building Code to support economic viability while meeting safety standards.

California Health and Safety Code Section 17958.11 was enacted in 1979 to allow local jurisdictions to establish alternative standards for conversion projects that would not be allowed otherwise in a traditional change of use project. However, this law narrowly applies to joint living and work quarters given the context at the time that focused on creating safer living standards for housing for artists, who often illegally occupied commercial and industrial spaces as artist-in-residence units.

Subsequently, Chapter 85 of the Los Angeles City Building Code was adopted in the early 2000's to effectuate the ARO and was based on Health and Safety Code Section 17958.11. As such, Chapter 85 provides alternative building standards for the conversion of commercial and industrial buildings but only specifically for joint living and work quarters, which limits applicability in our contemporary circumstances. It also applies only to buildings constructed before April 1, 1994, further constraining its application.

In order to provide a foundation for alternative standards for conversions of offices to new uses, including housing and hotels, both the California Health and Safety Code and the LA City Building Code must be updated to provide expanded flexibility for a broad range of adaptive reuse projects.

2 Allow a partial office building conversion to residential to be considered a tenant improvement as opposed to a full building change of use, potentially by using a threshold for the degree of change to a building.

Under the City's current code, even partial conversions trigger a requirement for an entire building to be brought up to current code including new fire life safety systems and a full seismic retrofit. Almost always, these requirements render the conversion to residential use infeasible and the developer or owner does not pursue the conversion.

There are many large office buildings with high vacancies that could be better utilized through a partial conversion of their vacant floors into housing or hotel uses (for example, a 40-story office tower could convert 15 stories to residential use with minor building upgrades). This would allow the conversion to be more akin to a tenant improvement, versus a full change of use full building upgrade. Residential uses also have lower occupancies than office uses, suggesting a less intensive use.

Regarding seismic retrofit, this is not a state code requirement, but is an added requirement imposed by the City. Setting a baseline threshold for triggering whole-building seismic retrofits, such as converting more than 50 percent of occupiable area, would provide necessary nuance in the building code to enable smaller conversions to proceed safely while appropriately ensuring that larger conversions undergo extensive upgrades.

For Fire and Life Safety systems, this could include establishing a code cycle as a threshold for existing buildings where the systems installed could be deemed acceptable and will not be required to comply with current code requirements.

3 Align with the Department of City Planning's Adaptive Reuse incentives for roof additions by also allowing alternative code standards for new roof uses.

Both the DTLA 2040 Community Plan Update and Citywide ARO incentivize roof occupancy for residential amenities, which is a critical component in providing more value to the building. An addition is currently considered as new construction which often triggers significant building and fire code upgrades for the entire building. New residential amenities on a roof will typically be over 50 occupants which will trigger even more stringent full building code compliances due to the assembly occupancy on the roof. Reduction of these full building compliance costs would assist in making these projects financially viable.

4 Set up an interdepartmental task force that can quickly address and resolve issues to process projects expeditiously and collaboratively.

Due to the nature of adaptive reuse projects, every building is different and there is a natural aspect to these building conversions that requires more time and energy to propose alternative solutions, discuss and to meet agreement on the solutions for city approval. The early input and buy in from various agencies for structural, fire life safety systems and exiting approach solutions are critical for the development of the project prior to completing a full set of construction documents for submittal to the city.

Although not a code amendment, experienced developers, architects and engineers often point to the importance of the interdepartmental task force, led by the Mayor's Office, that was created to successfully support the original ARO. Similarly, this kind of task force has been effective in supporting Mayor Bass' ED 1 to streamline affordable housing to swiftly overcome issues for projects. Given the complex and case-by-case nature of adaptive reuse projects, it is crucial for this kind of unit to be established to facilitate the success of the next wave of conversion projects and the vision of ED 7.

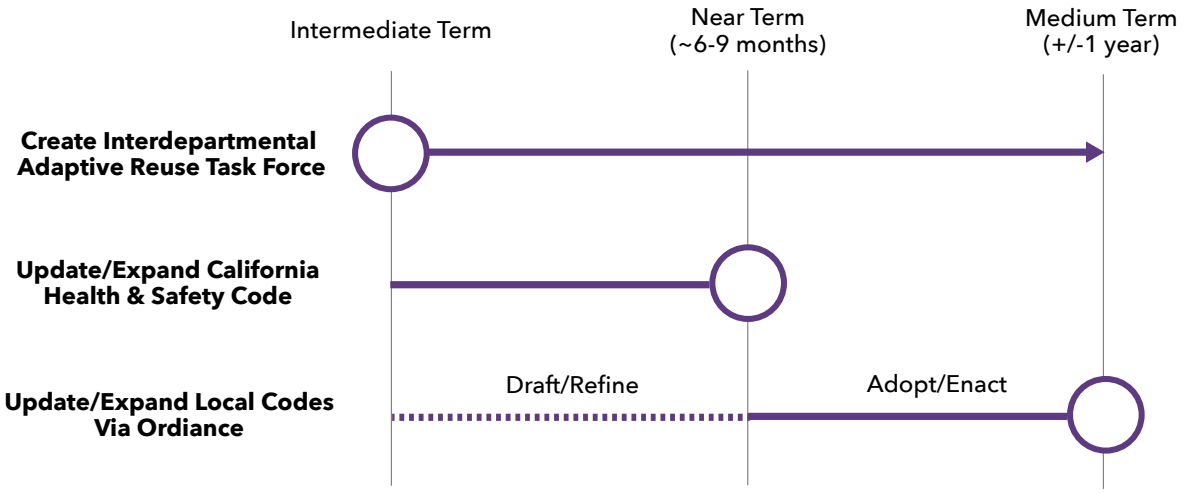
5 In addition to the major items above, updates via a local ordinance for specific alternative code recommendations should include the following (based on alternatives allowed in the past or typical Requests for Modification that have been approved by LADBS/LAFD):

- **Elevators:** Per Chapter 85, existing elevators may remain without upgrades, however a new roof use, which is incentivized by the ARO, should be able to be accessed by a 1-stop or partial-building elevator to, rather than requiring entirely new elevator shafts. Under current code, rooftop additions would likely trigger a new gurney elevator, but accommodating a new gurney elevator usually requires a new shaft and elevator to be built throughout the entire building which is prohibitively expensive and impactful. Like how most of the early 2000 ARO projects were built, new roof occupancy or additions can instead provide new partial elevators, which are not as costly as an entirely new fully compliant elevator throughout the building.
- **Stairways**: Existing stairways should be allowed to remain with only minor upgrades assuming there is sufficient exit width. Other existing conditions such as existing window locations or lobby configurations should be approached as a holistic exiting plan, in lieu of full compliance throughout. Specifically, the code should provide alternatives to meet stairwell fire safety standards instead of requiring new vestibules in all instances.
- **Smoke Control:** Full building change of use in existing buildings may not have the infrastructure for modern smoke control systems or sprinkler requirements. Code updates should codify passive residential corridors, allow stair pressurization without vestibules, and provide alternatives to full-size water tanks for sprinkler systems. The alternative maintains safety by implementing feasible smoke control measures and ensuring adequate water supply for firefighting without the need for oversized tanks. These approaches are already allowed by the model codes.
- **Secondary Water Source:** LAFD needs access to water on each floor of a building to combat fires. Often, the water capacity of existing buildings is sufficient to serve additions of single floors or other minor additions or it may be infeasible to have a water tank on the roof of a full building renovation. In these cases, secondary water supplies should not be required, and the code should be nuanced and flexible in its approach to buildings and additions of varying scales.
- **Helipads:** At the appropriate height, helipads should not be required and should be able to be removed to accommodate residential amenities, additional residential units or other uses per the ARO incentive for rooftop activation.

- **Parking:** The ARO reduces or eliminates requirements for the number of parking stalls. In order for the building code to be in sync with this incentive, the code should allow existing parking stalls to remain as is and new added parking should be given leeway in dimensions and other requirements which do not adhere to the current code to provide needed flexibility.
- **Windows/Curtain Walls:** Conversions often alter exteriors to provide new operable windows and the updated code should allow flexibility for minor alternations to existing glazing to not require full code compliance.

Implementation & Timeline

Accomplishing the goals of ED 7 and the recommendations outlined in this brief will require three main tracks of work: 1) amending the California Health & Safety Code, 2) drafting and adopting a corresponding LA City ordinance to update local codes, and 3) forming an interdepartmental task force to better facilitate projects currently in the process and to provide feedback during the development of the local ordinance. A task force can be established immediately while amendments to state and local laws will likely require several months to a year to go through the legislative process. Although a local ordinance will largely depend on expansions in state law being adopted, the City should anticipate those changes and begin drafting a local ordinance in the coming months to introduce and approve the updated ordinance shortly following amendments to state law.



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