

SEC. 12.70 -- ADULT ENTERTAINMENT ZONING. *(Added by Ord. No. 151,294, Eff. 9/1/78.)*

A. **Purpose.** It is the purpose and object of this section to establish reasonable and uniform regulations to prevent the continued concentration of adult entertainment businesses, as defined herein, within the City of Los Angeles.

There is concern on the part of public officials and residents of the City of Los Angeles regarding the adverse impacts which result from the continued concentration of adult entertainment business. Based upon this concern, the Los Angeles City Council in 1977 instructed the City Planning Department to conduct a comprehensive study, with the assistance of other City agencies, to determine whether and to what extent the concentration of such adult entertainment businesses has a blighting and degrading effect upon the neighborhoods in which they are situated.

The findings of this study, which included testimony from public hearings, indicated that the concentration of such adult entertainment businesses tends to result in the blighting and degrading of the areas of such concentration. In order to prevent the further concentration of these adult entertainment businesses and to protect the character of the City's neighborhoods, the City Council enacted Section 12.70 of the Los Angeles Municipal Code known as the "Adult Entertainment Ordinance" which prohibits the establishment of an adult entertainment business, as defined therein, within 1,000 feet of another such business or within 500 feet of any religious institution, school or public park.

Nevertheless, there have been a number of instances in which two or more adult entertainment business have been established or maintained at the same location or operated as a single commercial enterprise. This concentration of adult entertainment businesses tends to have an adverse impact on the neighborhood in which they are located and is contrary to the dispersal approach taken by the City in enacting the Adult Entertainment Ordinance.

The purpose of this ordinance is to clarify existing provisions of the Adult Entertainment Ordinance. In enacting this ordinance in 1978, the City Council did not intend to permit the establishment of more than one adult business in the same building or at the same location. This ordinance will clarify Council's intent in that regard and provide reasonable amortization provisions applicable to businesses established from September 1, 1978 in a manner inconsistent with Council's intent.

If any action, subsection, or subdivision of this ordinance is held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. *(Added by Ord. No. 157,538, Eff. 5/13/83.)*

B. **Definitions.** For the purpose of this section, certain terms and words are defined as follows:

1. **"Adult Arcade"**--An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

2. **"Adult Bookstore"**--An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

(b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

3. **"Adult Cabaret"**--A nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

4. **"Adult Motel"**--A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

5. **"Adult Motion Picture Theater"**--An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

6. **"Adult Theater"**--A theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

7. **"Establishment"**--as used in Subsection C thereof, the "establishment" of an adult entertainment business shall mean and include any of the following:

- (a) The opening or commencement of any such business as a new business;
- (b) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein; or
- (c) The relocation of any such business.

(Amended by Ord. No. 157,538, Eff. 5/13/83.)

8. **"Massage Parlor"**--An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of California. This definition does not include an athletic club, health club, school, gymnasium, state licensed cosmetology or barber establishment, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service. *(Amended by Ord. No. 155,718, Eff. 8/6/81.)*

9. **"Public Park"**--A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the City of Los Angeles which is under the control, operation or management of the City Board of Recreation and Park Commissioners or the County Department of Beaches.

10. **"Religious Institution"**--A building which is used primarily for religious worship and related religious activities.

11. **"School"**--An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

12. **"Sexual Encounter Establishment"**--An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy.

13. **"Specified Anatomical Areas"**--As used herein, "specified anatomical areas" shall mean and include any of the following:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

14. **"Specified Sexual Activities"**--As used herein, "specified sexual activities" shall mean and include any of the following:

(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

15. **"Substantial Enlargement"**--As used in Subsection C hereof, the "substantial enlargement" of an adult entertainment business shall mean the increase in floor area occupied by the business by more than 50 percent, as such floor area exists on the effective date of this section.

16. **"Transfer of Ownership or Control"**--As used in Subsections C and E hereof, the "transfer of ownership or control" of an adult entertainment business shall mean and include any of the following:

(a) The sale, lease or sublease of such business;

(b) The transfer of securities which constitute a controlling interest in such business, whether by sale, exchange or similar means; or

(c) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such business, except for transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

17. **"Adult Entertainment Business"**--Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Motel, Adult Motion Picture Theatre, Adult Theatre, Massage Parlor or Sexual Encounter Establishment, as defined herein, and each shall constitute a separate adult entertainment business even if operated in conjunction with another adult entertainment business at the same establishment. (*Added by Ord. No. 157,538, Eff. 5/13/83.*)

C. **Prohibition.** No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control of an adult entertainment business within 1,000 feet of another adult entertainment business or within 500 feet of any religious institution, school or public park within the City of Los Angeles. No person shall cause or permit the establishment or maintenance of more than one adult entertainment business in the same building, structure or portion thereof, or the increase of floor area of any adult entertainment business in any building, structure or portion thereof, containing another adult entertainment business.

No person shall cause or permit the establishment, or substantial enlargement of an adult entertainment business within 500 feet of any lot in an A or R Zone, or within the CR, C1, or C1.5 Zones in the City of Los Angeles. (*Amended by Ord. No. 158,579, Eff. 1/23/84.*)

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other section provisions, clauses or applications thereof which can be implemented without the invalid provisions, clause or application thereof, and to this and the provisions and clauses of this section are declared to be severable.

After March 6, 1988, no person shall cause or permit the continued operation, maintenance, or use of a lot, building or structure, or any portion thereof as an Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Massage Parlor or Sexual Encounter Establishment, within 500 feet of any lot in an A Zone or R Zone, or within the CR, C1 or C1.5 Zones in the City of Los Angeles. (*Added by Ord. No. 161,111, Eff. 5/18/86.*)

D. Measurement Of Distance. The distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior actual wall of each business. The distance between any adult entertainment business and any religious institution, school or public park shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the religious institution, school or public park.

E. Exceptions.

1. A person possessing ownership or control of an adult entertainment business which is within 1,000 feet of another such business or within 500 feet of any religious institution, school or public park on the effective date of this ordinance shall be permitted to transfer such ownership or control within two years of said effective date. The person acquiring such ownership or control, however, shall be required to discontinue said adult entertainment business within five years from the date of said transfer of ownership or control, if such business continues to be within 1,000 feet of another such business or within 500 feet of any religious institution, school or public park.

2. A person possessing ownership or control of an adult entertainment business shall be permitted to transfer such ownership or control if such business is not within 500 feet of any religious institution, school or public park and the only other adult entertainment business or businesses within 1,000 feet of such business have been established under a variance from the requirements of this section, pursuant to the variance provisions set forth in Section 12.27 of this Code. This exception shall not, however, apply to an adult entertainment business which has been established under such a variance.

3. Except for an adult entertainment business required to be discontinued pursuant to Subdivision 1 of this subsection, if more than one adult entertainment business exists in the same building, structure or portion thereof, then all may be continued until March 10, 1985. At that time all shall be discontinued, except those established prior to September 1, 1978; but if none of the adult entertainment businesses were established prior to September 1, 1978, then all shall be discontinued, except for one, and in case of a dispute the adult entertainment business established first shall have the priority right to continue. However, the right to continue an adult entertainment business, until March 10, 1987 may be granted pursuant to Section 12.27 B 8. *(Added by Ord. No. 157,538, Eff. 5/13/83.)*

4. An adult entertainment business may be continued, or established and maintained, pursuant to Section 12.22 A 20. *(Amended by Ord. No. 161,111, Eff. 5/18/86.)*

F. **Severability.** If any provision or clause of this section or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other section provisions, clauses or applications thereof which can be implemented without the invalid provisions, clause or application thereof, and to this end the provisions and clauses of this section are declared to be severable.

SEC. 12.80 – HOMELESS SHELTERS - EMERGENCIES - GOVERNMENT OWNED AND LEASED PROPERTY. *(Added by Ord. No. 161,926, Eff. 1/23/87.) (Amended by Ord. No. 168,440, Eff. 1/30/93.)*

Notwithstanding any provisions of this article to the contrary, during any period or periods, not totaling more than 120 days between November 1 and March 31, for which the Mayor and/or the City Council has declared a shelter crisis within the meaning of Government Code Section 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by a government agency in any zone as a matter of right without regard to the number of beds or number of persons served. The precise location of each such shelter shall be subject to approval by the City Council. Prior to Council action, notice of a public hearing before the Council shall be mailed to the owners of all properties abutting, across the street or alley from or sharing a common corner with the subject property at least seven days prior to Council consideration of the matter. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21 A 4 (w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

SEC. 12.81 -- HOMELESS SHELTERS - EMERGENCIES - CHARITABLE ORGANIZATIONS. *(Added by Ord. No. 161,927, Eff. 1/23/87.) (Amended by Ord. No. 168,440, Eff. 1/30/93.)*



A. Notwithstanding any provisions of this article to the contrary, during any period or periods, not totaling more than 120 days between November 1 and March 31, for which the Mayor and/or the City Council has declared a shelter crisis within the meaning of Government Code Section 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 Zones without regard to the number of beds or number of persons served, if the shelter is operated by a non-profit, charitable organization and the shelter is located on property owned or leased by that organization. Before a shelter may be established or operated, the City Council, or a City official or body authorized to do so by resolution of the Council, must find that: *(Amended by Ord. No. 174,999, Eff. 1/15/03.)*

1. an emergency exists which affects the health and safety of homeless persons;
2. a shelter for the homeless in the proposed location would contribute to the alleviation of the effects of the shelter crisis;
3. the project is consistent with the various elements and objectives of the General Plan;
4. the project would have no substantial adverse impact on properties or improvements in the surrounding neighborhood;
5. there is not an over-concentration of shelters for the homeless in the surrounding area; and
6. the land uses and development in the immediate vicinity of the subject site will not constitute an immediate or potential hazard to occupants of the shelter.

B. An application for permission pursuant to this section shall be filed with the Community Development Department. The City Council shall conduct a public hearing and make a determination on an application within seven days of the public hearing. Prior to Council action, notice of the public hearing shall be mailed to the owners of all properties abutting, across the street or alley from or sharing a common corner with the subject property at least seven days prior to Council consideration of the matter. The same notification shall be given in a newspaper of general circulation at least 10 days before the date of the public hearing.

C. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21 A 4 (w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

CHAPTER 1--ARTICLE 2.9-- CONDOMINIUMS

COMMUNITY APARTMENTS AND STOCK COOPERATIVES

SEC. 12.95.2 – CONVERSION PROJECTS: RESIDENTIAL; RESIDENTIAL TO COMMERCIAL/INDUSTRIAL *(Section No. Amended by Ord. No. 162,832, Eff. 10/26/87.)*

CONVERSIONPROJECT,COMMERCIAL/INDUSTRIAL-An existing building used exclusively for commercial or industrial purposes, or both, proposed for conversion to a condominium or stock cooperative to be used exclusively for such purposes through approval of a tractor parcel map. For purposes of this definition, the term "existing" means that the building was constructed prior to 1945, or if it was built after 1945, a certificate of occupancy was issued for the building prior to the time of map application.

CONVERSIONPROJECT,COMMERCIAL/INDUSTRIALTORESIDENTIAL-An existing building used exclusively for commercial or industrial purposes, or both, proposed for conversion to a condominium, stock cooperative or community apartment to be used exclusively for residential purposes through approval of a tract or parcel map. For purposes of this definition, the term "existing" means that the building was constructed prior to 1945 or, if it was built after 1945, a certificate of occupancy was issued for the building prior to the time of map application.

CONVERSION PROJECT, RESIDENTIAL - An existing apartment house, apartment hotel, hotel, multiple dwelling or group dwelling used exclusively for residential purposes proposed for conversion to a condominium, stock cooperative or community apartment project to be used exclusively for residential purposes through approval of a tract or parcel map. For purposes of this definition, the term "existing" means that the building was constructed prior to 1945 or, if it was built after 1945, a certificate of occupancy has been issued for the building prior to the time of map application.

CONVERSIONPROJECT,RESIDENTIALTOCOMMERCIAL/INDUSTRIAL-An existing apartment house, apartment hotel, hotel, multiple dwelling or group dwelling used exclusively for residential purposes proposed for conversion to a condominium or stock cooperative which is to be used exclusively for commercial or industrial purposes through approval of a tract or parcel map. For purposes of this determination, the term "existing" means that the building was constructed prior to 1945 or, if it was built after 1945, a certificate of occupancy was issued for the building prior to the time of map application. *(Added by Ord. No. 154,960, Eff. 4/2/81.)*

A. **Purpose.** The purpose of these provisions is to promote greater individual choice in type, quality, price and location of housing; to provide for the housing needs of all segments the population; to provide increased homeownership opportunities for all segments of the population; to mitigate the hardship caused by displacement of tenants, particularly those in low to moderate cost housing and those who are elderly, families with minor dependent children, the handicapped and the disabled; to promote the safety of conversion projects and correction of Building Code violations in such projects; to provide adequate off-street parking; to encourage construction of new rental units to replace units lost due to conversion; to protect the existing rental housing stock by reducing conversions; to provide increased opportunities for the ownership of commercial or industrial real property in the form of condominiums or stock cooperatives; to assure that the continued use of buildings for commercial or industrial purposes is substantially consistent with applicable general and specific plans; and to generally regulate projects in accordance with applicable general and specific plans and with the public health, safety and welfare.

B. **Applicability.** The provisions of this section shall apply to all tentative maps and preliminary parcel maps as to which the Advisory Agency has not rendered a decision on the date this section becomes effective. The provisions of any amendment to this section shall only apply to all tentative maps and preliminary parcel maps as to which the Advisory Agency has not rendered a decision on the date the amendment becomes effective, except as otherwise expressly stated in this section. For purposes of this subsection, a decision is rendered on the date of the Advisory Agency's public hearing and announced decision, or where no such decision is announced, the date of mailing of the Advisory Agency's letter of decision and findings to the applicant.

C. **Definitions.** The terms used in this section are defined in Sections 12.03 and 17.02 of the Municipal Code.

D. **Application Requirements.**

1. **Residential Conversion Projects.**

(a) A residential conversion project shall comply with the Division of Land regulations in Article 7 of this chapter, the provisions of this section and other applicable state laws and local ordinances.

(b) In addition to the information required by other applicable sections of this Code, the following information shall be submitted at the time of filing:

(1) Building plans or other documents containing the following information pertaining to the project as proposed, certified as to accuracy by a licensed engineer.

a. Description of the features of the type of building and project, including age, type of construction, number of dwelling units, number of habitable rooms per dwelling unit; and

b. Site plan, including buildings, structures, yards, open spaces and accessory storage areas and buildings including trash storage areas; and

c. Parking plan, including the total number of spaces actually provided and the total number required if different from that actually provided; dimensions of stalls, aisles and driveways; locations of columns, walls and other obstructions; total number of covered and uncovered parking spaces and location and number of guest parking spaces.

(2) Tenant information: Name and address of each tenant; total number of project occupants; rent schedule for 18 months preceding the application and relocation assistance plan, if any.

(3) Sales information: Anticipated range of sales prices of individual dwelling units or shares based on information known at the time of application; anticipated terms of sale to existing tenants; and statement as to whether sales will be permitted to families with minor children.

(4) Floor and elevation plans, including indication of common and private areas, and required exits.

(c) The following additional information may be required by the Advisory Agency as a condition of approval:

(1) Certificate of housing compliance inspection report as provided by Section 91.0318 of the Municipal Code, or equivalent report satisfactory to the Advisory Agency, which report shall detail any violations of provisions of Chapter IX enacted after such permit was issued and which are explicitly made applicable to existing structures.

(2) Building inspection reports (if any such report has already been submitted to the California Department of Real Estate, a copy of such report shall be furnished to the City):

a. Building component reports indicating condition and estimated remaining useful life of the roof, foundation, plumbing, electrical, heating, air conditioning, other mechanical and structural systems, prepared by a registered civil or structural engineer, licensed general building contractor, licensed general engineering contractor or architect;

b. Structural pest control report, prepared by a licensed pest control contractor;

c. Acoustical report, indicating (1) the type of construction between dwelling units and the general sound attenuation characteristics of such construction, or indicating the level of sound attenuation between dwelling units, and (2) the feasibility of various levels of improvement, prepared by a licensed acoustical engineer;

d. Utility metering reports, if the units of the building are not individually metered, indicating the feasibility of individual or submetering, prepared by qualified engineers.

(3) Any other information, including conditions, covenants and restrictions, articles of incorporation and by-laws, which the Advisory Agency deems necessary to determine if the proposed project is consistent with the Municipal Code.

2. Residential to Commercial/Industrial Conversion Projects.

(a) A residential to commercial/industrial conversion project shall comply with the Division of Land regulations in Article 7 of this chapter, the provisions of this section and other applicable state laws and local ordinances.

(b) In addition to the information required by other applicable sections of this Code, the following information shall be submitted at the time of filing:

(1) Tenant information: Name and address of each tenant in the existing residential building; rent schedule for 18 months preceding the application and relocation assistance plan, if any.

(2) Building plans or other documents containing the following information pertaining to the project as proposed, certified as to accuracy by a licensed engineer.

a. Description of the features of the type of building and project, including age, type of construction, the number of separate units proposed, the square footage of each such unit and of the entire building.

b. Parking plan, including the total number of spaces actually provided and the total number required if different than actually provided: dimensions of stalls, aisles and driveways; locations of columns, walls and other obstructions, and location and number of guest parking spaces.

c. The following additional information may be required by the Advisory Agency as a condition of approval:

1. Building component reports indicating condition and estimated remaining useful life of the roof, foundation, plumbing, electrical, heating, air conditioning, other mechanical and structural systems, prepared by a registered civil or structural engineer, licensed general building contractor, licensed general engineering contractor or architect;

2. Site plan, including, buildings, structures, yards, open spaces, and accessory storage areas and buildings including trash storage areas;

3. Floor and elevation plans, including indication of common and private areas, and required exits.

4. Building inspection reports (if any such report has already been submitted to the California Department of Real Estate, a copy of such report shall be furnished to the City);

5. Any other information, including conditions, covenants and restrictions, articles of incorporation and by-laws, which the Advisory Agency deems necessary to determine if the proposed project is consistent with the Municipal Code.

3. **All Projects.** No application for tentative map or preliminary parcel map approval of a residential conversion project or a residential to commercial/industrial conversion project shall be accepted without adequate evidence from the applicant that each tenant of the project has received notice of the application as of the date of application and notice of the relocation assistance provisions of Subsection G of this section. Any person who becomes a tenant of a residential rental unit proposed for conversion to a residential or commercial/industrial condominium, stock cooperative or community apartment project after the date of such application shall be given written notice of the pendency of such application prior to entering into any written or oral rental agreement. This paragraph shall only apply to map applications filed on or after November 10, 1979.

E. Tenant Notification.

1. Notification of hearing on tentative map or preliminary parcel map. In addition to other notification requirements of the Municipal Code, the Department of City Planning shall give notice of any public hearing on a tentative map or preliminary parcel map to at least one tenant in each dwelling unit of such building or buildings proposed for conversion.

Such notice shall be in writing and mailed not less than 15 days prior to the public hearing on the tentative map or preliminary parcel map. Such notice may include a questionnaire, to be completed at the option of each tenant, regarding the approximate ages and disabilities or handicaps, if any, of the household members, comments concerning the physical condition of the building and its various components and characteristics as outlined in Subparagraph (2) of Paragraph (c) of Subdivision 1 of Subsection D of this section, and such other information as may be pertinent to the pending proceedings.

2. Notification of proposed conversion prior to termination of tenancy due to the conversion. Each tenant of a conversion project subject to this section shall be given 120 days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. Each person who becomes a tenant of such conversion project after the date of such 120 days notice shall be given a copy thereof before entering into any written or oral rental agreement, but shall not be entitled to 120 days written notice prior to termination of tenancy due to the conversion or proposed conversion.

3. Residential Conversion Project--Notification of exclusive right to purchase. The applicant shall give each tenant of any proposed residential conversion project written notice of an exclusive right to contract for the purchase of the dwelling unit occupied by the tenant or purchase of a share in the corporation entitling the shareholder to enjoy exclusive occupancy of the unit upon the same or more favorable terms and conditions than those on which such unit or share will be initially offered to the general public. The right shall run for a period of not less than 90 days from the issuance of the subdivision public report pursuant to Section 11018.2 of the California Business and Professions Code, unless the applicant receives prior written notice of the tenant's intention not to exercise the right.

Where two or more units are combined pursuant to conditions of tentative map or preliminary parcel map approval, the notice required by this Subdivision 3 shall be given to the tenants of the combined units and priority among tenants shall be determined in an equitable manner. A tenant who is prevented from purchasing his unit due to combination of units shall be given a right of first refusal with respect to the comparable unit in the same residential conversion project, to the extent possible.

F. Tentative Map And Preliminary Parcel Map Approval.

1. All tentative maps and preliminary parcel maps filed in connection with residential or residential to commercial/industrial conversion projects shall be subject to the Division of Land Regulations contained in Article 7 of this chapter, except as herein otherwise provided. All such maps shall be subject to the General Plan and any applicable specific plan only to the extent that such plan contains a definite statement of policies and objectives explicitly applicable to conversion projects, except as otherwise provided in this subsection.

2. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a residential or residential to commercial/industrial conversion project, if it finds (a) that the map is not substantially consistent with the applicable density provisions of the General Plan or specific plans in effect at the time the original building permit was issued, and (b) the application for map approval is filed less than five years from the date the original certificate of occupancy for the building was issued. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a residential to commercial/industrial conversion project where the conversion would be inconsistent with either the existing zoning pattern or applicable general or specific plan, unless it finds that there are special circumstances which justify approval of the map. Such circumstances may exist only with respect to the following facts: (1) the prevailing pattern of residential and commercial/industrial land use in the vicinity of the project site; and (2) the existing and anticipated need for commercial/industrial development in the planning area in which the project is located.

EXCEPTION: This provision shall not apply to any residential or residential to commercial/industrial conversion project involving buildings for which a building permit was applied for prior to July 1, 1978.

3. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a residential or residential to commercial/industrial conversion project if it finds that any applicable general plan or specific plan provision contains a definite statement of policies and objectives explicitly applicable to conversion projects and the proposed map is not substantially consistent with such provision.

4. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a residential or residential to commercial/industrial conversion project if it finds that there are uncorrected violations of Chapter IX of the Municipal Code, and that an adequate plan to correct such violations has not

been developed or accomplished. For purposes of this provision, Chapter IX of the Municipal Code means the Code in effect when the building permit was issued and other subsequently enacted regulations explicitly made applicable to existing structures.

5. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a residential or residential to commercial/industrial conversion project, if it finds that (a) the building permit for the building was issued prior to October 1, 1933, and the building is of unreinforced masonry construction, or (b) the building is more than three stories in height without an elevator. This provision may be waived where the Advisory Agency finds that any such condition has been corrected in conformity with Municipal Code standards.

6. After considering the following criteria, the Advisory Agency may approve a tentative map or preliminary parcel map for a residential or residential to commercial/industrial conversion project, unless it makes both of the following findings: (1) the vacancy rate of the planning area in which the property is located is five percent or less, and (2) the cumulative effect on the rental housing market in the planning area of successive residential or residential to commercial/industrial conversion projects (past, present and future) is significant. A finding of significant cumulative effect shall be based on the following factors: (a) in the case of residential conversion projects only, the number of tenants who are willing and able to purchase a unit in the building; (b) the number of units in the existing residential building prior to conversion; (c) the number of units which would be eliminated in case conversion occurred in order to satisfy Municipal Code parking requirements; (d) the adequacy of the relocation assistance plan proposed by the subdivider; and (e) any other factors pertinent to the determination. "Vacancy rate" shall refer to the most current vacancy rate for multiple-family dwelling units as published by the Department of City Planning in its Semi-Annual Population Estimate and Housing Inventory, or other estimate or survey satisfactory to the Advisory Agency. "Planning area" shall refer to those areas established by the Director of Planning for purposes of community planning pursuant to Section 11.5.6 of the Municipal Code.

G. Relocation Assistance.

1. **Requirement.** The Advisory Agency shall require, as a condition of map approval, that the applicant execute and record a covenant and agreement, in a form satisfactory to the Advisory Agency, binding the applicant and any successor in interest to provide relocation assistance in a manner consistent with this Subsection G. The covenant and agreement shall be executed and recorded within 10 days after the expiration of the appeal period for tentative map or preliminary parcel map approval and a copy provided to each tenant within five days of recordation. The covenant and agreement shall run to the benefit of any eligible tenant, as defined in Subdivision 2 of this subsection and shall be enforceable by any such tenant or by the City.

2. **Eligible Tenant.** As used in this Subsection G, the term "eligible tenant" means any tenant who was resident of the property both on the date of tentative or preliminary parcel map application and the date of approval of such map and who does not intend to purchase a unit in the conversion project.

3. **Special Protection.** An eligible tenant is entitled to "special protection," as defined in this Subsection G, if the tenant satisfies any of the following criteria: has attained age 62; handicapped as defined in Section 50072 of the California Health and Safety Code; is disabled as defined in Title 42 United States Code No. 423; is residing with one or more minor dependent children; or is a resident of a low to moderate cost housing unit. *(Amended by Ord. No. 163,309, Eff. 3/27/88.)*

STATEMENT OF INTENT.

The definition of tenant eligible for "special protection" contained in the Section 12.95.2 G 3 amended by this ordinance has used the phrase "over the age of 62". The amendment of that phrase to "has attained age 62" is not intended as a substantive change in the law, but only clarifies what has always been the intent of the City Council: that persons who have reached their sixty-second birthday are entitled to additional relocation assistance. (Added by Ord. No. 163,309, Eff. 3/27/88.)

4. **Assistance.** The covenant and agreement shall provide that the applicant will assist each eligible tenant in finding a comparable replacement rental unit. Comparability shall be determined from the following factors: size; price; location; proximity to medical and recreational facilities, parks, community centers, shops, transportation, school, churches and synagogues; amenities. A unit is not comparable if it is located in a building for which an application for conversion purposes has been filed with any governmental agency. Such assistance shall be available to all eligible tenants within 10 days of the date on which the 120-day notice required by Subsection E of this section is sent to each tenant or the date of preliminary parcel map or tentative map approval, whichever date is later. Such assistance shall include, at a minimum, the employment of a staff of at least one person (or more, if it is determined by the Advisory Agency that a larger staff is needed to provide these services) to:

- (a) Obtain at no cost to the tenant the services of persons who prepare rental availability reports;
- (b) Make available to each tenant an updated report concerning the availability of comparable rental housing in the area of the tenant's present unit;
- (c) Drive tenants without cars and assist tenants with cars in order to inspect units;
- (d) Hire an ambulance or similar vehicle (at no cost to the tenant) and assist any handicapped or disabled tenant with relocation-related activities;
- (e) Provide other personal services related to relocation to each tenant.

5. **Rental Subsidy.** Where the rent for a unit into which an eligible tenant moves is higher than the rent for the unit the tenant occupied in the conversion project, the subdivider shall agree to pay the difference for a period of one year from the date of relocation. In the case of a tenant who qualifies for "special protection," as defined in Subdivision 3 of this Subsection G, no monetary limit shall apply to this subsidy. In all other cases, the subdivider shall not be required to pay more than \$200 per month per unit pursuant to this provision. (*Amended by Ord. No. 163,309, Eff. 3/27/88.*)

6. **Continued Tenancy Pending Relocation; Eviction, Review Procedure.**

Until each eligible tenant is successfully relocated pursuant to the provisions of this subsection, the tenant shall be permitted to reside in the unit presently occupied in the conversion project. There shall be no time limit for such continued tenancy for each tenant qualified for "special protection," as defined in Subdivision 3 of this Subsection G. In all other cases, the subdivider is not required to consent to continued tenancy beyond 12 months from the date of tentative map or preliminary parcel map approval or the date on which the 120-day notice of intent to convert is given to all tenants, whichever date is later.

An eligible tenant may be evicted, notwithstanding the paragraph above, for the following reasons only:

(a) The tenant has failed to pay the rent to which the landlord is entitled.

(b) The tenant has violated an obligation or covenant of the tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord.

(c) The tenant is committing or permitting to exist a nuisance in or is causing damage to, the rental unit or to the appurtenances thereof, or to the common areas of the property containing the rental unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the same or any adjacent building.

(d) The tenant is using or permitting a rental unit to be used for any illegal purpose.

(e) The tenant who had a written lease or rental agreement which terminated on or after November 10, 1979, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term or like duration with similar provisions and in such terms as are not inconsistent with or violative of any provision of this subsection.

(f) The tenant has refused the landlord reasonable access to the unit for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchasers or mortgagee.

(g) The person in possession of the rental unit at the end of the lease term is a subtenant not approved by the landlord.

Any dispute regarding an eligible tenant's right to continued tenancy pursuant to this Subdivision 5 may be heard by the Advisory Agency when application for such review is made by the subdivider or an eligible tenant. The Advisory Agency may release the applicant from further compliance with a relocation assistance plan with respect to any eligible tenant where it finds that the tenant is not entitled to continued tenancy pursuant to the provisions of this Subdivision 6.

7. **Moving Costs.** The applicant shall pay the actual costs of moving for each eligible tenant who employs a moving company recommended by the applicant, including the following specific costs: insurance, boxes, packing, transportation, unpacking. If an eligible tenant employs a moving company other than one recommended by the applicant, the applicant shall pay the actual costs of moving up to a maximum of \$500 per household.

8. **Relocation Fee.** The applicant shall unconditionally offer to pay each relocated household a relocation fee of \$1,000. (*Amended by Ord. No. 163,309, Eff. 3/27/88.*)

9. **Dispute Resolution.** The covenant and agreement provided for herein shall establish an expeditious mechanism to resolve any disputes among tenants, the applicant and the City concerning the interpretation or application of the covenant and agreement.

10. On July 1 of each year, the monetary assistance specified in Subdivisions 5 and 8 of this subsection shall be automatically increased to the amount specified by the Community Development Department pursuant to Los Angeles Administrative Code Section 22.468.5. The date the assistance is actually paid shall determine the monetary amount due. If the automatic increase occurs before the actual payment of all or a portion of the assistance, then the applicant shall pay the increased amount of that portion. The Advisory Agency, the Area Planning Commissions and the City Planning Commission may impose monetary amounts in excess of those provided in this subsection. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

H. **Parking.**

1. **Residential Conversion Projects.**

(a) The minimum number of resident parking spaces per dwelling unit shall be one and one-quarter parking spaces per dwelling unit having three or less habitable rooms and one and one-half parking spaces per each dwelling unit having more than three habitable rooms. The Advisory Agency may increase or decrease the required number of parking spaces up to and including three-quarters of a space per dwelling unit, where it finds such modification is consistent with the purposes of this section.

(b) The minimum number of guest parking spaces shall be one-quarter space per dwelling unit for projects containing 50 or fewer units and one-half space per dwelling unit for projects containing more than 50 units. The Advisory Agency may modify the guest parking requirement up to and including one-half space per unit where it finds such modification consistent with the purposes of this section.

(c) The Advisory Agency may require up to one of the required resident parking spaces per dwelling unit to be provided in a private garage or carport where it finds that such is reasonable and feasible and consistent with the purposes of this section.

(d) Where the number of parking spaces required by other provisions of this code in existence on the date of map application exceeds the minimum numbers established by this section, the number of parking spaces shall not be diminished.

(e) In the Central City Area as described in Section 12.21 A 4 (p) of the Municipal Code, the required parking ratio shall be no less than therein provided.

(f) Where the total number of required spaces includes a fraction, the provision of Section 12.12 A 4 (k) of the Municipal Code shall govern.

(g) The design and improvement of parking facilities and areas shall substantially conform to the provisions of Sections 12.21 A 5 and 6 of the Municipal Code.

2. Residential to Commercial/Industrial Conversion Projects.

(a) The required minimum number of parking spaces to be provided in a residential to commercial/industrial conversion project shall be one parking space for each 200 square feet of that portion of the total floor area in a building to be used as a medical office, clinic or other medical service facility and one parking space for each 500 square feet of that portion of the total floor area in a building to be used for other commercial or for industrial purposes. "Total floor area," as used herein, shall exclude floor area used for automobile parking or driveways, for basement storage or for rooms housing mechanical equipment incidental to the operation of buildings.

(b) The Advisory Agency may increase the required minimum number of parking spaces by not more than 75 per cent, including any allowance for guest parking, where it finds that such modification is consistent with the purposes of this section.

(c) Where the number of parking spaces required by other provisions of this Code in existence on the date of map application exceeds the minimum numbers established by this section, the number of parking spaces shall not be diminished.

(d) In the Central City Area as described in Section 12.21 A 4 (p) of the Municipal Code, the required parking ratio shall be no less than therein provided.

(e) Where the total number of required spaces includes a fraction, the provision of Section 12.21 A 4 (k) of the Municipal Code shall govern.

(f) The design and improvement of parking facilities and areas shall substantially conform to the provisions of Section 12.21 A 5 and 6 of the Municipal Code.

I. **Building Reports--Residential Conversion Projects.** The Advisory Agency may require, as a condition of approval, that the applicant notify each person who communicates an interest in purchasing a unit or share that the following reports are available for inspection during normal business hours, and shall take all reasonable steps to assure that such reports fully, fairly and accurately describe the conditions reported:

1. Any report submitted pursuant to Subsection D of this section.
2. A report concerning compliance with the sound transmission control standards established by Section 91.4903 (h) of the Municipal Code.
3. A report concerning compliance with the residential energy conservation standards established by Article 1, Part 6, Title 24 of the California Administrative Code.
4. A report concerning compliance with the elevator safety standards established by Title 8 of the California Administrative Code.
5. A report concerning compliance with any provisions of Chapter IX of the Municipal Code which the Advisory Agency and the Superintendent of Building find appropriate for such reporting purpose.

J. **Low and Moderate Income Housing--Residential Conversion Projects.** Each residential conversion project shall comply with Section 12.39 of the Municipal Code relating to low and moderate income housing.

K. **Rental Housing Production Fee.**

1. As a condition of tentative map or preliminary parcel map approval, the Advisory Agency shall require that the applicant or his successor in interest pay to the City a fee of \$500 for each unit in a residential or residential to commercial/industrial conversion project, based on the number of units in the project prior to conversion. This fee shall be paid prior to approval of the final map by the City Engineer.

2. All fees collected pursuant to this Subsection K shall be deposited and held in the rental housing production account of the Community Development Department, which account is hereby established to be administered by the Community Development Department separately from all other money expended by the department. Money in this account shall be used exclusively for the development of low and moderate income rental housing in the City, pursuant to guidelines carrying out this purpose prepared by the Department and approved by resolution of the City Council.

(Amended by Ord. No. 154,960, Eff. 4/3/81.)

SEC. 12.95.3 -- CONVERSION PROJECTS: COMMERCIAL/INDUSTRIAL; COMMERCIAL/INDUSTRIAL TO RESIDENTIAL. *(Added by Ord. No. 154,960, Eff. 4/3/81; Sec. No. Amended by Ord. No. 162,832, Eff. 10/26/87.)*

A. **Purpose.** The purpose of these provisions is to promote greater individual choice in type, quality, price and location of housing; to provide for the housing needs of all segments of the population; to provide increased homeownership opportunities for all segments of the population; to promote the safety of conversion projects and correction of Building Code violations; to provide adequate off-street parking; to provide increased opportunities for the ownership of commercial or industrial real property in the form of condominiums or stock cooperatives; to assure that the continued use of buildings for commercial or industrial purposes is substantially consistent with applicable general and specific plans; and to generally regulate projects in accordance with applicable general and specific plans and with the public health, safety and welfare.

B. **Applicability.** The provisions of this section shall apply to all tentative maps and preliminary parcel maps as to which the Advisory Agency has not rendered a decision on the date this section becomes effective. The provisions of any amendment to this section shall only apply to all tentative maps and preliminary parcel maps as to which the Advisory Agency has not rendered a decision on the date the amendment becomes effective, except as otherwise expressly stated in this section. For purposes of this subsection, a decision is rendered on the date of the Advisory Agency's public hearing and announced decision or, where no such decision is announced, the date of mailing of the Advisory Agency's letter of decision and findings to the applicant.

C. **Definitions.** The terms used in this section are defined in Sections 12.03 and 17.02 of the Municipal Code.

D. **Application Requirements.**

1. **Commercial/Industrial to Residential Conversion Projects.**

(a) A commercial/industrial to residential conversion project shall comply with the Division of Land regulations in Article 7 of this chapter, the provisions of this section and other applicable state laws and local ordinances.

(b) In addition to the information required by other applicable sections of this Code, the following information shall be submitted at the time of filing:

(1) Building plans or other documents containing the following information pertaining to the project as proposed, certified as to accuracy by a licensed engineer.

a. Description of the features of the type of building and project, including age, type of construction, number of dwelling units, number of habitable rooms per dwelling unit; and

b. Site plan, including buildings, structures, yards, open spaces, and accessory storage areas and buildings, including trash storage areas; and

c. Parking plan, including the total number of spaces actually provided and the total number required if different from that actually provided; dimensions of stalls, aisles and driveways; location of columns, walls and other obstructions; total number of covered and uncovered parking spaces and location and number of guest parking spaces.

(2) Sales Information: Anticipated range of sales prices of individual dwelling units or shares based on information known at the time of application; and statement as to whether sales will be permitted to families with minor children.

(3) Floor and elevation plans, including indication of common and private areas and required exits.

(c) The following additional information may be required by the Advisory Agency as a condition of approval.

(1) Certificate of housing compliance report as provided by Section 91.0318 of the Municipal Code, or equivalent report satisfactory to the Advisory Agency, which report shall detail any violations of Chapter IX of the Municipal Code in effect at the time the building permit was issued and any violations of provisions of Chapter IX enacted after such permit was issued and which are explicitly made applicable to existing structures.

(2) Building inspection reports (if any such report has already been submitted to the California Department of Real Estate, a copy of such report shall be furnished to the City):

a. Building component reports indicating condition and estimated remaining useful life of the roof, foundation, plumbing, electrical, heating, air conditioning, other mechanical and structural systems, prepared by a registered civil or structural engineer, licensed general building contractor, licensed general engineering contractor or architect;

b. Structural pest control report, prepared by a licensed pest control contractor;

c. Acoustical report, indicating (a) the type of construction between dwelling units and the general sound attenuation characteristics of such construction, or indicating the level of sound attenuation between dwelling units, and (b) the feasibility of various levels of improvement, prepared by a licensed acoustical engineer; and

d. Utility metering reports, if the units of the building are not individually metered, indicating the feasibility of individual or submetering, prepared by qualified engineers.

(3) Any other information, including conditions, covenants and restrictions, articles of incorporation and by-laws, which the Advisory Agency deems necessary to determine if the proposed project is consistent with the purposes of the Municipal Code.

2. Commercial/Industrial Conversion Projects.

(a) A commercial/industrial conversion project shall comply with the Division of Land Regulations in Article 7 of this chapter, the provisions of this section and other applicable state laws and local ordinances.

(b) In addition to the information required by other applicable sections of this Code, building plans or other documents containing the following information pertaining to the project as proposed, certified as to accuracy by a licensed engineer, shall be submitted at the time of filing:

(1) Description of the features of the type of building and project, including age, type of construction, number of separate units proposed, the square footage of each such unit and of the entire building.

(2) Parking plan, including the total number of spaces actually provided and the total number required if different from that actually provided; dimensions of stalls, aisles and driveways; location of columns, walls and other obstructions; total number of parking spaces and guest parking spaces.

(c) The following additional information may be required by the Advisory Agency as a condition of approval:

(1) Building component reports indicating condition and estimated remaining useful life of the roof, foundation, plumbing, electrical, heating, air conditioning, other mechanical and structural systems, prepared by a registered civil or structural engineer, licensed general building contractor, licensed general engineering contractor or architect;

(2) Site plan, including buildings, structures, yards, open spaces and accessory storage areas and buildings including trash storage areas;

(3) Floor and elevation plans, including indication of common and private areas and required exits.

(4) Building inspection reports (if any such report has already been submitted to the California Department of Real Estate, a copy of such report shall be furnished to the City);

(5) Any other information, including conditions, covenants and restrictions, articles of incorporation and by-laws, which the Advisory Agency deems necessary to determine if the proposed project is consistent with the purposes of the Municipal Code.

E. Tentative Map and Preliminary Parcel Map Approval.

1. All tentative maps and preliminary parcel maps filed in connection with commercial/industrial to residential or commercial/industrial conversion projects shall be subject to the Division of Land Regulations contained in Article 7 of this chapter, except as herein otherwise provided. All such maps shall be subject to the General Plan and any applicable specific plan only to the extent that such plan contains a definite statement of policies and objectives explicitly applicable to such conversion projects, except as otherwise provided in this Subdivision.

2. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a commercial/industrial or commercial/industrial to residential conversion project if it finds that the map is not substantially consistent with the applicable density provisions of the General Plan or specific plans in effect at the time the original building permit was issued.

EXCEPTION: This problem shall not apply to any commercial/industrial or commercial/industrial to residential conversion projects for which a building permit was applied for prior to July 1, 1978.

3. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a commercial/industrial or commercial/industrial to residential conversion project where such conversion would be inconsistent with either the existing zoning pattern or applicable general or specific plan, unless it finds that there are special circumstances which justify approval of the map. Such circumstances may exist only with respect to the following facts: (1) the prevailing pattern of commercial/industrial and residential land use in the vicinity of the project site; and (2) the existing and anticipated need for residential development and continued commercial/industrial development in the planning area in which the project is located.

4. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a commercial/industrial or commercial/industrial to residential conversion project if it finds that any applicable General Plan or Specific Plan provision contains a definite statement of policies and objectives explicitly applicable to such conversion projects and the proposed map is not substantially consistent with such provision.

5. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a commercial/industrial or commercial/industrial to residential conversion project if it finds that there are uncorrected violations of Chapter IX of the Municipal Code, and that an adequate plan to correct such violations has not been developed or accomplished. For purposes of this provision, Chapter IX of the Municipal Code means the Code in effect when the building permit was issued and other subsequently enacted regulations explicitly made applicable to existing structures.

6. The Advisory Agency shall disapprove a tentative map or preliminary parcel map for a commercial/industrial or commercial/industrial to residential conversion project if it finds that (a) the building permit for the building was issued prior to October 1, 1933, and the building is of unreinforced masonry construction, or (b) the building is more than three stories in height without an elevator. This provision may be waived where the Advisory Agency finds that any such condition has been corrected in conformity with current Municipal Code standards.

F. Parking.**1. Commercial/Industrial to Residential Conversion Projects:**

(a) The minimum number of resident parking spaces per dwelling unit shall be one and one-quarter parking spaces per each dwelling unit having three or less habitable rooms and one and one-half parking spaces per each dwelling unit having more than three habitable rooms. The Advisory Agency may increase or decrease the required number of parking spaces up to and including three-quarters of a space per dwelling unit, where it finds such modification is consistent with the purposes of this section.

(b) The minimum number of guest parking spaces shall be one-quarter space per dwelling unit for projects containing 50 or fewer units and one-half space per dwelling unit for projects containing more than 50 units. The Advisory Agency may modify the guest parking requirement up to and including one-half space per unit where it finds such modification consistent with the purposes of this section.

(c) The Advisory Agency may require up to one of the required resident parking spaces per dwelling unit to be provided in a private garage or carport where it finds that such is reasonable and feasible and consistent with the purposes of this section.

(d) Where the number of parking spaces required by other provisions of this Code in existence on the date of map application exceeds the minimum number established by this section, the number of parking spaces shall not be diminished.

(e) In the Central City Area as described in Section 12.21 A 4(p) of the Municipal Code, the required parking ratio shall be no less than therein provided.

(f) Where the total number of required spaces includes a fraction, the provision of Section 12.21 A 4 (k) of the Municipal Code shall govern.

(g) The design and improvement of parking facilities and areas shall substantially conform to the provisions of Sections 12.21 A 5 and 6 of the Municipal Code.

(h) Notwithstanding any other provisions of this chapter to the contrary, the required number of parking spaces in Adaptive Reuse Projects in the Downtown Project Area pursuant to Section 12.22 A 26 shall be the same as the number of spaces that existed on the site as of the effective date of this ordinance, 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. *(Added by Ord. No. 172,571, Eff. 6/3/99.)*

2. Commercial/Industrial Conversion Projects:

(a) The required minimum number of parking spaces to be provided in a commercial/industrial conversion project shall be one parking space for each 200 square feet of that portion of the total floor area in a building to be used as a medical office, clinic or other medical service facility and one parking space for each 500 square feet of that portion of the total floor area in a building to be used for other commercial or for industrial purposes. "Total floor area", as used herein, shall exclude floor area used for automobile parking or driveways, for basement storage or for rooms housing mechanical equipment incidental to the operation of buildings.

(b) The Advisory Agency may increase or decrease the required minimum number of parking spaces by not more than 100 per cent, including any allowance for guest parking, where it finds that such modification is consistent with the purposes of this section.

(c) Where the number of parking spaces required by other provisions of this Code in existence on the date of map application exceeds the minimum number established by this subsection, the number of parking spaces shall not be diminished.

(d) Where the total number of required parking spaces includes a fraction, the provision of Section 12.21 A 4 (k) of the Municipal Code shall govern.

(e) The design and improvement of parking facilities and areas shall substantially conform to the provisions of Section 12.21 A 5 and 6 of the Municipal Code.

(f) In the Central City Area as described in Section 12.21 A 4 (p) of the Municipal Code, the required parking ratio shall be no greater than therein provided.

H. Building Reports--Commercial/Industrial To Residential Conversion Projects:

The Advisory Agency may require, as a condition of approval, that the applicant notify any person who communicates an interest in purchasing a residential condominium or share in a residential stock cooperative that the following reports are available for inspection during normal business hours, and shall take reasonable steps to assure that such reports fully, fairly and accurately describe the conditions reported:

1. Any report submitted pursuant to Subsection D of this section.
2. A report concerning compliance with the sound transmission control standards established by Section 91.4903 (h) of the Municipal Code.
3. A report concerning compliance with the residential energy conservation standards established by Article 1, Part 6, Title 24 of the California Administrative Code.
4. A report concerning compliance with the elevator safety standards established by Title 8 of the California Administrative Code.

5. A report concerning compliance with any provisions of Chapter IX of the Municipal Code which the Advisory Agency and the Superintendent of Building find appropriate for such reporting purpose.

I. **Commercial/Industrial To Residential Conversion Projects--Low and Moderate Income Housing:** Each commercial/industrial to residential conversion project shall comply with Section 12.39 of the Municipal Code relating to low and moderate income housing.