ORDINANCE NO. 153024

An ordinance amending Sections 12.03, 12.5.2, 17.01, 17.02 and 17.06 of the Los Angeles Municipal Code relating to the regulation of condominium and stock cooperative conversion projects.

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

Section 1. Section 12.03 of the Los Angeles Municipal Code is hereby amended by adding the following definitions in the proper sequence to read:

CONVERSION PROJECT — An existing apartment house, apartment hotel, hotel, multiple dwelling or group dwelling proposed for conversion to a condominium, stock cooperative, or community apartment project 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.

STOCK COOPERATIVE — The same as defined by Section 11003.2 of the California Business and Professions Code.

Sec. 2. Section 12.03 of the Los Angeles Municipal
Code is hereby amended by deleting the term CONDOMINIUM CONVERSION PROJECT and its accompanying definition.

Sec. 3. The title of Article 2.5 of the Los Angeles Municipal Code is hereby amended to read:

CONDOMINIUMS, COMMUNITY APARTMENTS AND STOCK COOPERATIVES.

Sec. 4. Section 12.5.2. of the Los Angeles Municipal Code is hereby amended to read as follows:

Sec. 12.5.2. CONVERSION PROJECTS.

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 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 conversions; to protect the existing rental housing stock by reducing conversions; 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. A 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.

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

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

   (1) 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

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

   (3) 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.
b. Tenant information: name and address of each tenant; total number of project occupants; rent schedule for eighteen (18) months preceding the application and relocation assistance plan, if any.

c. 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.

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

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

a. 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 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.

b. 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):

(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) Structural pest control
report, prepared by a licensed pest
control contractor;

(3) Acoustical report, indic-
cating (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
(b) the feasibility of various levels of improvement, prepared by a licensed acoustical engineer; and

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

c. 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.

4. No application for tentative map or preliminary parcel map approval of a 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 conversion 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 after the
effective date of this paragraph.

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 Paragraph b of Subdivision 3 of
Subsection D of this Section, and such other
information as may be pertinent to the pending
proceedings.

2. Notification of proposed conversion
the applicant receives prior written notice of
California Business and Professions Code, unless
report pursuant to Section 11018.2 of the
the date of issuance of the subdivision public
run for a period of not less than 60 days from
offered to the general public. The right shall
which such unit or share will be initially
favorable terms and conditions than those on
occupancy of the unit upon the same or more
entitling the shareholder to enjoy exclusive
tenant or purchase of a share in the corporation
purchase of the dwelling unit occupied by the
notice of an exclusive right to contract for the
right of the proposed conversion project purchase
purchase. The applicant shall give each tenant
notice of an exclusive right to
3. Notification of an exclusive right to
conversion due to the conversion or proposed conversion
written notice prior to termination of tenancy
agreement, but shall not be entitled to 120 days
entering into any written or oral rental
days notice shall be given a copy thereof before
a conversion project after the date of such 120
corrections. Each person who becomes a tenant of
tenancy due to the conversion or proposed
intention to convert prior to termination of
shall be given 120 days written notice of
conversion. Each tenant of a conversion project
prior to termination of tenancy due to the
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 a comparable unit in the same 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 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
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.

Exception: This provision shall not apply to any conversion projects 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 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 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 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.

6. After considering the following criteria, the Advisory Agency may approve a tentative map or preliminary parcel map for a 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 conversion projects (past, present and future) is significant. A finding of significant cumulative effect shall be based on the following factors: (a) the number of tenants who are willing and able to purchase a unit in the building; (b) the number of units in the building; (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 Biannual Housing Inventory and Vacancy Estimate, 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 ten 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: over the age of 62; handicapped as defined in Section 50072 of the California Health and Safety Code; disabled as defined in Section 223 of the United States Social Security Act; residing with one or more minor dependant children; resident of a low to moderate cost housing unit.

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 ten 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 $100 per month per unit pursuant to this provision.

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 twelve 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 receiving 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 the effective date of this provision, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration with similar provisions and in such terms as are not inconsistent with or violative or 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 purchaser or mortgagee.

g. The person in possession of the rental unit at the end of a 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 not to exceed $500.

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.

H. PARKING:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. The design and improvement of parking facilities and areas shall substantially conform
to the provisions of Sections 12.21.5 and 6 of
the municipal code.

I. BUILDING REPORTS: The Advisory Agency may
require, as a condition of approval, that the
applicant notify each tenant or other 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. 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: Each 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 the 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.
Sec. 5. Subsection A of Section 17.01 of the Los Angeles Municipal Code is hereby amended by adding a new Subdivision 4 thereto, said new Subdivision to read:

4. The provisions of this article shall be applicable to a conversion project for stock cooperative purposes, as defined in Section 12.03 of this Code, to the same extent and in the same manner as they apply to a condominium project, except that these provisions shall not apply to any stock cooperative which satisfies either of the following criteria: (1) The application for stock cooperative (DRE Form 658 or its equivalent) was filed with the California Department of Real Estate prior to May 1, 1979 and such application pertains to a conversion project for which no application for condominium conversion purposes was on file with the Department of Real Estate or the City for one year prior to such stock cooperative application, or (2) a subdivision public report for the stock cooperative was issued pursuant to Business and Professions Code Section 11018 prior to the effective date of this Subdivision 4.

Sec. 6. Section 17.02 of the Los Angeles Municipal Code is hereby amended by amending the definition of "Subdivision" to read as follows:

SUBDIVISION - The same as defined in Section 66424 of the Government Code. In addition, the
division of land by means of a conversion project for stock cooperative purposes, as defined in Section 12.03 of this Code, shall be considered a subdivision for purposes of these regulations. For purposes of this definition, land is subdivided for stock cooperative purposes when a share in the corporation and its associated proprietary lease is conveyed by the corporation to a purchaser of such share and lease.

Sec. 7. Section 17.02 of the Los Angeles Municipal Code is hereby amended by changing the definition of "Tentative Map" to read as follows:

TENTATIVE MAP - Refers to a map made for the purpose of showing the design of a proposed subdivision creating five or more parcels, five or more condominiums, or five or more units in a community apartment project or stock cooperative, and showing the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

Sec. 8. Section 17.06 of the Los Angeles Municipal Code is hereby amended by adding a new Subsection D thereto, said new Subsection to read:

D. New subdivisions; tenants; notice. Each tenant of property approved for subdivision by approval of a Tentative Map or Preliminary Parcel Map or recordation
of a final map or parcel map shall be notified that the
property has been so approved within 30 days of approval.
The owner of property approved for subdivision shall also
give such notice to any prospective tenant of the
property before entering into any written or oral rental
agreement with such prospective tenant. This Subsection
may be enforced through Tentative Map or Preliminary
Parcel Map condition or a covenant running with the land
and shall apply to all subdivisions for which tentative
map approval is granted on or after the effective date of
this ordinance.
Sec. 9. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles on SEP 26, 1979 and was passed at its meeting on OCT 3, 1979.

REX E. LAYTON, City Clerk,

By Edward W. Ashburn
Deputy

Approved OCT 4, 1979

Mayor.

STEVEN A. AMERIKANER
Deputy City Attorney

File No. 77-5657 S-1, S-3, S-5, S-7

Secretary

adopted by the City Council.
City of Los Angeles

Proof of Publication

(2015.5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

C. BRAMBILA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of "The Los Angeles Daily Journal," a daily newspaper printed and published in the English language in the City of Los Angeles, and a newspaper of general circulation as defined by the laws of the State of California. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

OCT 10 1979

all in the year 19... 21.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

___________________________
Signature

Date

OCT 10 1979, 19... 21.