

ARTICLE 11.  
**DIVISION OF LAND**



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## DIV. 11.1. GENERAL PROVISIONS

### SEC. 11.1.1. GENERAL

#### A. Scope

1. No person may subdivide land in the City of Los Angeles unless a final tract map (for subdivisions of 5 or more parcels) or parcel map (for subdivisions of 4 or less parcels), pursuant to *Chapter 2, Section 66426 of the Subdivision Map Act* has been recorded as provided in this Article and pursuant to *Div. 13B.7. (Division of Land)*.
2. No building or structure shall be constructed or enlarged on any land which has been subdivided in violation of the provisions of this Article and *Div. 13B.7. (Division of Land)*, nor shall any permit be issued for such land.
3. The provisions of this Article shall not be construed as preventing the recording of a final tract map containing less than 5 lots or creating fewer than 5 condominium units in accordance with the procedures outlined in *Div. 13B.7. (Division of Land)* and the *Subdivision Map Act*.

#### B. Applicability

The provisions of this Article are applicable to a commercial/industrial conversion project, commercial/industrial to residential conversion project, residential conversion project, or residential to commercial/industrial conversion project, as defined in *Article 14. (General Rules)*, except as follows:

##### 1. Stock Cooperative Conversions

The provisions of this Article do not apply to any conversion for stock cooperative purposes that satisfies either of the following criteria:

- a. The application for stock cooperative (DRE Form 658 or its equivalent) was filed with the California Department of Real Estate prior to July 1, 1979; or
- b. A subdivision public report for stock cooperative was issued pursuant to Business and Professions Code Section 11018 prior to November 10, 1979.

##### 2. New Stock Cooperatives

The provisions of this Article do not apply to any stock cooperative project, other than a commercial/industrial conversion project, commercial/industrial to residential conversion project, residential conversion project, or residential to commercial/industrial conversion project, where the application for stock cooperative (DRE Form 658 or its equivalent) was filed with the California Department of Real Estate prior to March 21, 1980.

##### 3. Subdivision of Air Space

The provisions of this Article apply to any division of the space above or below a lot with a definite width, length, and upper and lower elevation occupied or to be occupied by a use,

group of buildings or portions of buildings, and accessory buildings or portions of accessory buildings, or accessory uses.

### C. Purpose

1. The purpose of this Article is to regulate and control the division of land within the City of Los Angeles, to provide for the dedication of land, the payment of fees in lieu of dedication of land, or a combination of both, for the acquisition and development of park and recreation sites and facilities to serve the future inhabitants of the subdivision, to supplement the provisions of the Subdivision Map Act concerning the subdivision design, subdivision improvement and survey data of subdivisions, the form and content of preliminary parcel maps, tentative tract maps, final tract map, and parcel maps. The procedure to be followed in securing the official approval of the City of Los Angeles on such maps shall be completed pursuant to *Div. 13B.7. (Division of Land)*, in a manner that is consistent with the applicable general and Specific Plans as well as the public health, safety and welfare.
2. It is also the intention of this Article that the subdividing of land in the City of Los Angeles be done in accordance with the grading regulations of the City contained and set forth in *Chapter 9, Article 1 (Building Code)* and to establish, when possible, beauty and attractiveness in the hills consistent with watershed drainage, erosion and fire control requirements, and good engineering practices.

### D. Interpretation

#### 1. Private Streets

This Article and *Div. 13B.7. (Division of Land)* is not to be interpreted or construed to invalidate any previous act on the part of the City approving or authorizing private streets, or authorizing the issuance of building permits for structures on lots served by private streets.

#### 2. Planning Commission

Unless otherwise specified, further references in this Article to "Planning Commission" mean either the Area Planning Commission or the City Planning Commission, whichever has authority.

## SEC. 11.1.2. **ADVISORY AGENCY**

### A. Additional Authority

1. The Advisory Agency has the authority to grant deviations of no more than 20% from the applicable floor area, yard, and height requirements. The subdivider shall ask for adjustments at the time of filing.
2. In permitting adjustments, the Advisory Agency shall make the findings contained in *Sec. 13B.5.2. (Adjustment)*. The reductions or deviations shall be included in the written decision of the Advisory Agency.

3. Notification and appeal rights to such reductions or deviations shall conform to *Sec. 13B.7.2. (Parcel Map Exemption/Lot Line Adjustment)*.

### SEC. 11.1.3. SUBDIVISION DESIGN STANDARDS

#### A. Conformance to the General Plan

1. Each preliminary parcel map or tentative tract map shall be designed in compliance with the zoning applicable to the property or approved by the City Council for change, or will be subject to a condition requiring compliance with such zoning prior to the recordation of the final tract map or parcel map.
2. Where a preliminary parcel map or tentative tract map involves land for which a General Plan including dwelling unit densities has been adopted by the Council, and the land is also in a Hillside Area, the number of lots on the map shall be limited so that the number of dwelling units permitted by the applicable zoning regulations does not substantially exceed the dwelling unit densities shown on the Plan.
3. Each preliminary parcel map or tentative tract map shall substantially conform to all other elements of the General Plan. In computing the number of dwelling units, only the area being designated for residential use and land that is being dedicated for public uses shall be considered, excepting, however, land set aside for street purposes, or land required to be dedicated for park and recreation purposes pursuant to *Article 10. (Streets & Parks)*.
4. **Dwelling Unit Density in the Hillside Area**

- a. In the Hillside Area, which is designated in the "Minimum Residential" General Plan land use designation, the dwelling unit density shall not exceed that allowed by the following formula:

$$D = \frac{50 - S}{35}$$

Where :

D = the maximum number of dwelling units per gross acre allowable; and

S = the average natural slope of the land in %.

- b. Where the total allowable number of dwelling units per preliminary parcel map or tentative tract map calculated under the above formula results in a number other than a whole number, it shall be rounded to the nearest whole number as follows:
  - i. Where the fractional portion of the total allowable number of dwelling units equals 0.5 or more, the total number of allowable dwelling units shall be rounded to the next larger whole number;

- ii. Where the fractional portion of the total allowable number of dwelling units equals less than 0.5, the total number of allowable dwelling units shall be rounded to the next smaller whole number.
- c. In no case may the permitted density be less than 0.05 dwelling units per gross acre. Where the total allowable number of dwelling units per tentative tract map calculated under the above formula results in a number less than one, it shall be rounded up to allow one dwelling unit per tentative tract map. Where previous grading on a site makes it difficult to determine average natural slope using the above formula, the Director of Planning shall determine the average natural slope in a manner to carry out the purpose and intent of this Section.

## B. Streets

### 1. Right-of-Way and Roadway Widths

All streets and alleys shall be designed to conform with the Planning Commission's adopted standards. The requirements and exceptions set forth in *Article 10. (Streets & Parks)*, however, do apply.

### 2. Street Grades

- a. Grades of all streets shall be as flat as consistent with adequate surface drainage requirements and the approved development of the proposed subdivision. The minimum grade permitted is 0.4%, except in extremely flat areas where a grade of 0.2% may be used. The maximum grade permitted for streets designated as Boulevard or Avenue is 6%, except where a grade not to exceed 10% will eliminate excessive curvature, fill, or excavation. The maximum grade permitted for Collector Streets is 10% and for Local Streets is 15%. Variations from these requirements may be granted by the Advisory Agency upon recommendation by the City Engineer in individual cases in accordance with the provisions of *Sec. 13B.7.7. (Private Street Map)*.
- b. Changes in grade greater than 0.4% shall be connected by vertical curves. The length of vertical curves shall conform to standards for sight distance and riding qualities established by the City Engineer.

### 3. Future Streets

In the event certain streets or alleys in a subdivision are to be reserved for future public use and they have been approved as to location and width, they shall be indicated on the final tract map or parcel map and offered for dedication as future streets or future alleys. Certificates providing that the City may accept the offer to dedicate such easement at any time shall be shown on the final tract map or parcel map.

### 4. Corner Cut-Off

At all block corners, the property line shall be rounded. On all major and secondary highways, the corner shall have a 20-foot radius curve and on all other streets, a 15-foot radius curve;

provided, however, that where commercial development is permitted, a diagonal cutoff of 15 feet x 15 feet in lieu of a 20-foot radius curve and a ten-foot x ten-foot cutoff in lieu of a 15-foot radius curve may be used. In industrial zones, the curves shall have a minimum radius of at least 40 feet.

## 5. Horizontal Curves

The centerline radii of curves shall be as large as possible, consistent with conditions. All curves shall have sufficient length to avoid the appearance of an angle point. Reversing curves shall be connected by tangents of length approved by the City Engineer as sufficient to safely reverse the unbalanced centrifugal force. In any case, horizontal curves shall have the following minimum centerline radii:

- a. Boulevards and Avenues: 1,000 feet
- b. Collector Streets: 500 feet
- c. Local Streets: 300 feet
- d. Local Streets in a Hillside Area: 125 feet

## 6. Intersections

Street intersections shall be as near to a right angle as possible. No jogs are allowed in the continuity of an arterial street. Jogs in a non-arterial street where crossing an arterial street shall be held to a minimum. Multiple intersections of more than four approaches should be avoided. In Hillside Areas, special conditions may be required.

## 7. Cul-de-Sac Streets

Cul-de-sac streets should be avoided, except in locations where physical constraints prohibit the continuation of the street (such as where a river or railroad infrastructure is present) or where made necessary by historical development patterns. Where cul-de-sac streets are approved, they shall be terminated by a turning area conforming to the latest standards approved by the Planning Commission. Where feasible, existing cul-de-sacs should be modified and new cul-de-sacs should be designed to include a passageway for bicycles and pedestrians to access the surrounding area.

## 8. General

- a. All streets within or immediately adjacent to the subdivision shall be improved with curbs and gutters, unless not required by the Advisory Agency upon recommendation of the City Engineer.
- b. Streets within or immediately adjacent to the subdivision shall be improved with sidewalks, except that in mountainous, hillside or rural areas, sidewalks may be omitted or may be provided on only one side of the street with the approval of the Advisory Agency.



### C. Alleys

1. Alleys shall be not less than 20 feet in width. Alleys serving industrial zones shall be not less than 30 feet wide, unless otherwise approved by the Advisory Agency.
2. All dead-end alleys shall be constructed with adequate turning areas.
3. Whenever practicable, alleys are required at the rear of all lots that are in Residential Use Districts and that front an arterial street. Alleys may also be required at the rear of lots in commercial and industrial zones.
4. Where two alleys intersect, a triangular corner cut-off of not less than 10 feet along each alley line shall be provided.

### D. Pedestrian Walks

If the Advisory Agency determines that inner-block pedestrian walks are necessary for the public health, safety or welfare, they shall be dedicated to a width of not less than 12 feet. The Advisory Agency, however, shall only impose such a dedication requirement after finding that the dedication bears an essential nexus and rough proportionality to a project's impact.

### E. Blocks

Blocks in Residential and Industrial Use Districts areas shall not exceed 1,700 feet in length, except in a Hillside Area. Blocks in Commercial Use Districts shall not exceed 800 feet in length except in locations where the prevailing block length (within ½-mile) is less than 800 feet. In such instance, the new block shall not exceed the average prevailing block length.

### F. Lot Size

1. Every lot shall have a minimum width and area to comply with the requirements specified in the applicable Form District.
2. When the Advisory Agency determines that traffic access, topography and drainage conditions will safely allow lot averaging, and when the subdivider has demonstrated to the satisfaction of the Advisory Agency in a written report that such averaging is consistent with proper subdivision design, and in addition will produce, one or more of the following benefits: require less grading than a conventional subdivision design not using lot averaging; result in improved lot design; or, produce other environmental benefits, the Advisory Agency may permit the width and area of not more than 20% of the lots in a subdivision located in a Hillside Area, to be reduced as specified below, provided that the average area of all lots in the subdivision is not less than the required minimum for the applicable Form District.

LOT AREA IN SQUARE FEET			
Form District	Lot Width (min)	Lot Area (min)	Lot Average (min)
Rural-Limited	63 feet	14,000	17,500
Residential Estate-Limited 5	No Reduction	32,000	40,000

LOT AREA IN SQUARE FEET			
Form District	Lot Width (min)	Lot Area (min)	Lot Average (min)
Residential Estate-Limited 4	72 feet	16,000	20,000
Residential Estate-Limited 3	72 feet	12,000	15,000
Residential Estate-Limited 2	63 feet	8,800	11,000
Residential Estate-Limited 1	60 feet	7,200	9,000

3. In computing such average, that portion of any lot exceeding 150% of the average requirement shall not be included, provided however, that in the Rural-Limited Form Districts, the maximum area of any lot that may be used in computing the average shall be 24,500 square feet.
4. In a tract where one or more lots have less than the average requirement for the applicable Form District, no lot may be rearranged or divided unless:
  - a. The average requirement for the original final tract map or parcel map is maintained; and
  - b. Such rearrangement or division is accomplished by recording a new final tract map or parcel map, or by securing determination that the proposed rearrangement or division is exempt from the parcel map procedure in *Sec. 11.4.1.B.3.c.*
5. Where it finds it necessary in order to promote the general welfare, the Advisory Agency may require that lots that are contiguous or nearby to existing lots on the same street be increased in size to be compatible with the size of the existing lots. However, in no case may the Advisory Agency require such lots to contain an area of over 50% more than that required by the applicable Form District or Alternate Typology.
6. Property in commercial or industrial zones need not be divided into more than one lot where such property is to be operated as a unit.
7. Each portion of a lot which is platted to be divided by a City or County boundary line shall be given a separate letter or number on the recorded tract map.
8. Side lines of lots shall be approximately at right angles to the streets, or radial to the street on curved streets, except where topography or other conditions make this impracticable.
9. Where it finds that there will be no material increase in the dwelling unit density permitted by the zone, and that the public health, safety or welfare and good subdivision design would be promoted by the dedication of public streets to a width in excess of the approved standards provided for in this Article, or the dedication of service roads, or the dedication or reservation of land for public parks, public uses or other open areas, the Advisory Agency may permit the required area of one or more of the lots in a subdivision in an Rural-Limited or Estate-Limited Form Districts to be reduced to the extent of such dedication or reservation. Provided, however, that in no event may such a reduction exceed 15%, and no lot in the Rural-Limited or Estate-Limited Form Districts in a Hillside Area, is permitted to be reduced below the minimum area specified in the table in *Sec. 11.1.3.D.2.*

10. Where the Advisory Agency finds the project is consistent with the dwelling unit density permitted by the General Plan, and that the public health, safety or welfare and good subdivision design will be promoted by the preservation of protected trees, the Advisory Agency may permit the required area of one or more of the lots in a subdivision in Rural-Limited, Estate-Limited, or House-Limited Form Districts to be reduced by an amount sufficient to provide for protected tree preservation in accordance with *Sec. 11.1.3.P. (Protected Tree Regulations)*. In no event may the reduction exceed 50% of the required lot area; lots zoned with Rural-Limited or Estate-Limited Form Districts may not be reduced below 50 feet in width; lots zoned with House-Limited Form Districts may not be reduced below 40 feet in width; and no lot in a designated "K" Horsekeeping District may be reduced below 17,500 square feet.

## G. Easements

1. Easements for public utilities, water system, sewers, street lights, storm drains or flood control channels, and slope rights, shall be provided wherever determined necessary by the Advisory Agency upon recommendation of the City Engineer.
2. Wherever it is determined that future easements are necessary, a certificate shall be placed on the final tract map or parcel map indicating that the City will accept such easements at any time.

## H. Grading in Hillside Areas

Subdivision design requirements in a Hillside Area shall meet the grading standards established by the Board of Public Works and the grading regulations established in *Chapter 9, Article 1 (Building Code)*. Such requirements may also include providing soil reports prepared by a registered civil engineer specializing in soil mechanics or reports on geological investigations.

## I. Problem Areas

Areas designated by resolution of the Board of Public Works as problem areas shall not be subdivided except when approved by the Advisory Agency upon recommendation of the Superintendent of Building and the City Engineer.

## J. Grading Plans

1. The Advisory Agency may require a proposed grading plan with the preliminary parcel map or tentative tract map of any subdivision. Upon recommendation of the Superintendent of Building or the City Engineer, or where it appears that cuts and fills will occur in the grading of the property that may be contrary to the objectives of this Article, the Advisory Agency may require the subdivider to submit grading plans for all or part of the tract before action on the preliminary parcel map or tentative tract map will be taken. Any grading plan submitted shall contain a statement of the quantities (in cubic yards) of cut and fill and quantities of export or import material involved. If the amount of earth material to be imported to or exported from a subdivision site is 1,000 cubic yards or more, statements of the following shall also be included:

- a. The proposed borrow or disposal site;
  - b. The proposed haul route;
  - c. The total gross weight with load of the proposed haul vehicles; and
  - d. Any other pertinent data which the Advisory Agency may require.
2. Failure to furnish a grading plan (where necessary to complete the investigation of the preliminary parcel map or tentative tract map within the time specified in the written notice requesting its submission) will be cause for the disapproval of the preliminary parcel map or tentative tract map, unless an extension of the time for acting on the Map is mutually agreed upon between the subdivider and the Advisory Agency.
  3. If changes in the design of the lots or street system can be made to correct the conditions set forth in *Sec. 11.1.3.H. (Grading in Hillside Areas)*, either by increased lot sizes or changes in grades, such modifications shall be made.

#### K. Storm Drains

Storm drains shall be designed in conformance with standards approved by the City Engineer. Storm drain facilities to intercept and convey all runoff to a suitable point of disposal are required when runoff from the entire area tributary to and including the subdivision exceeds the limiting depth of street flow as determined by the City Engineer. These storm drain requirements shall also include the following:

1. In areas without sumps, storm drains shall be designed to remove all runoff from a storm of 10-year frequency.
2. In sump areas, storm drains shall be designed to remove all runoff from a storm of 50-year frequency.
3. Storm drains shall be of sufficient capacity in all cases to prevent flooding of building sites from a storm of 50-year frequency.
4. On Hillside Limited Streets, the maximum depth of water as determined by the City Engineer shall be based on a storm of 50-year frequency.

#### L. Installation of Utilities

1. Utility lines, including but not limited to those required for electricity, communication, street lighting, and cable services necessary for the general use of the lot owners in the subdivision, shall be installed or guaranteed to be installed in the same manner as other required subdivision improvements.
2. Except in Industrial-Mixed, Industrial, Public, and Open Space Use Districts, in all portions of a tract map area, all such utility lines shall be installed underground, provided, however, that incidental, appurtenant equipment such as transformers, terminal boxes and meter cabinets may be placed above ground, but shall conform with regard to placement and height with

those standards adopted by the Planning Commission as it determines are necessary to safeguard the public against hazards created by the equipment and to further the purposes of this Article. The Subdivision Committee, as established in *Sec. 13A.1.10. (Subdivision Committee)*, shall make its report and recommendation of the Planning Commission prior to the adoption of the standards.

3. The subdivider shall make the necessary cost and other arrangements for such underground installation and for relocation of existing facilities with each of the persons, firms or corporations furnishing utility services involved.

#### M. Model

Regardless of any other provision of this Chapter, a model or models may be erected and maintained on any lot or site designated by the Advisory Agency as a site for a model or models on an approved or conditionally approved preliminary parcel map or tentative tract map, in lots zoned with Agricultural or Residential Use Districts and the "1L" Density District with respect to one-unit dwellings, and in lots zoned with Residential Use Districts allowing multiple-unit structures, i.e., buildings containing more than one dwelling unit, for a period of time as determined by the Advisory Agency, provided that:

1. Not more than 15% of the lots and in no case more than 20 lots at any one time in a subdivision may be designated as sites for the construction of models, and, with respect to multiple-unit structures, not more than 15% of the units and in no case more than 20 units at any one time in a proposed building designated as a model site, may be designated as models. Each of the sites shall be located in a manner as to not adversely affect existing developed residential properties. Further, each of the sites shall be easily accessible and provision for the accessibility shall be assured at the time that the preliminary parcel map or tentative tract map is conditionally approved.
2. In a Hillside Area, a grading plan for the entire approved or conditionally approved subdivision or any final tract map or parcel map unit thereof has been approved by the Grading Division of the Department of Building and Safety and a Grading Certificate has been issued for the property involved or that the grading is being carried on under the authorization of a valid grading permit.
3. Necessary easements for the installation of water system facilities and underground utilities have been dedicated and the developer has guaranteed the cost of relocation or future adjustment of these facilities to the satisfaction of the Department of Water and Power.
4. The owner assumes liability for any damage caused to water system facilities and underground utilities prior to final street improvements in a manner satisfactory to the Department of Water and Power.
5. Adequate fire protection facilities are provided to the satisfaction of the Fire Department.
6. Adequate sewer facilities are provided to the satisfaction of the Bureau of Engineering and the Los Angeles County Health Department.

7. A paved access roadway at least 20 feet in width is provided which is satisfactory to the Department of Building and Safety.
8. Off-street parking be provided as follows:
  - a. For multiple-unit structures, the numbers and location of the off-street parking facilities will be determined by the Advisory Agency;
  - b. For one-unit detached structures, one lot for each 6 model dwellings shall be located contiguous to the model dwelling sites. All off-street parking facilities and driveways shall be dust-proofed with asphaltic surfacing or with decomposed granite which is sprinkled at sufficient intervals to prevent dust, or by an alternate method of dust control satisfactory to the Department of Building and Safety.
9. The model dwelling sites are attractively maintained and, with respect to one-unit detached structures, attractively landscaped.
10. Any furnishings placed in the model dwelling are maintained solely for purposes accessory to the display of the model dwelling and in no way are used to sell or promote the sale of such furnishings.
11. Prior to the issuance of any building permit for a model dwelling, the property owner shall first execute and file with the Superintendent of Building a notarized agreement assuming all risks and agreeing to all of the conditions set forth in this Article. With respect to one-unit detached structures, the agreement shall further provide that in the event that a final tract map or parcel map that includes the property where the model dwelling is located is not recorded, all buildings or structures authorized by the permit will be removed, within 90 days from the expiration of the tentative tract map, and that if all buildings and structures are not completely removed as required above, they may be confiscated and removed or demolished by the City without further notice. Prior to the erection of any model dwelling that is a one-unit detached structure, authorized pursuant to the approval of any subdivision and contingent on the approval of the subdivision, the property owner shall post in the Department of Building and Safety a bond in favor of the City of Los Angeles (to be approved by the City Attorney and duplicates to be furnished) in an amount satisfactory to the Department of Building and Safety sufficient to defray any expense incurred by the City in the removal or demolition of the model dwelling or dwellings. The bond will be released to the property owner or person legally entitled to it either upon recordation of the subdivision tract map or upon removal of the concerned structures or buildings, as the case may be, to the satisfaction of the Superintendent of Building.
12. This Section applies to approved or conditionally approved tentative tract maps that include model dwelling units and that have not been recorded as of the effective date of this ordinance.

- 13.** A real estate tract sales office may be established and maintained in one model dwelling approved in accordance with the provisions of this Section or in a dwelling constructed on a recorded lot previously designated as a model dwelling site by the Advisory Agency and temporarily serving as an example of houses or units built or to be built in the same subdivision, provided that:
- a.** No general real estate brokerage business is conducted on the premises, and any business transacted there is limited to the original sale of vacant or improved land shown on the preliminary parcel map or tentative tract map or units of airspace shown on the condominium plan.
  - b.** All signs conform to the applicable provisions of *Div. 4C.6. (Signs)*.
  - c.** The tract sales office is attractively maintained and, where located in a one-unit detached structure, is attractively landscaped.
  - d.** The property owner has first executed and filed with the Superintendent of Building a notarized agreement agreeing to comply with all other provisions of this Subdivision and, further, agreeing that after all dwelling units in the development are initially sold or rented, all tract sales being conducted within the structure will cease; all signs will be entirely removed from the premises; any residential type of sliding glass door in a private garage doorway will be replaced with a conventional private garage door, and any sales office activity located in a private garage will be discontinued and this area reconverted for the storage of private vehicles.

#### **N. Park and Recreation Sites**

Park and recreation sites to serve the future inhabitants of each new subdivision shall be provided and located in conformance with the standards contained in the Open Space Element of the General Plan.

#### **O. Where Subdivision Includes Land Within Drainage District**

Whenever a subdivision or a portion of a subdivision includes land which is within a local drainage district, the provisions and requirements of the ordinance establishing such district shall be met.

#### **P. Protected Tree Regulations**

No protected tree may be relocated or removed except as provided in this Article or *Chapter 4, Article 6 (Preservation of Protected Trees)*. The term "removed" or "removal" includes any act that will cause a protected tree to die, including, but not limited to, acts that inflict damage upon the root system or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

## 1. Required Determinations

Subject to historical preservation requirements set forth in *Sec. 11.1.3.P.3. (Historical Monuments)*, when a protected tree exists within a proposed subdivision, the tree may be relocated or removed if the Advisory Agency, in consultation with the City's Chief Forester, determines the existence of either a. or b. below:

- a. There has been prior applicable government action in which:
  - i. The removal of the tree was approved by the Advisory Agency; or
  - ii. The property on which the protected tree is located was the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator, or an Area Planning Commission, the appeal period established by *Div. 13B.7. (Division of Land)* with respect to the determination has expired, the determination is still in effect, and pursuant to the determination, the protected tree's removal would be permissible; or
  - iii. A building permit has been issued for the property on which the protected tree is located, the permit is still in effect, and the removal or relocation is not prohibited by the permit.
- b. The removal of the protected tree would not result in undesirable, irreversible soil erosion through diversion or increased flow of surface waters that cannot be mitigated to the satisfaction of the City's Chief Forester, and the physical condition or location of the tree is such that:
  - i. Its continued presence in its existing location prevents the reasonable development of the property; or
  - ii. According to a report required pursuant to *Sec. 11.2.1.C. (Protected Tree Reports for Tentative Tract Maps)*, acceptable to the Advisory Agency and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or
  - iii. It is in danger of falling due to an existing and irreversible condition; or
  - iv. Its continued presence at its existing location interferes with proposed utility services or roadways within or without the subject property, and the only reasonable alternative to the interference is the removal of the tree; or
  - v. It has no apparent aesthetic value, which will contribute to the appearance and subdivision design of the proposed subdivision; or it is not located with reference to other trees or monuments in such a way as to acquire a distinctive significance at the location.



## 2. Supplemental Authority

In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to *Sec. 11.1.3.P.1.b.* that a protected tree may be removed or relocated, the Advisory Agency may:

- a. Require relocation elsewhere on the same property where a protected tree has been approved for removal, and where the relocation is economically reasonable and favorable to the survival of the tree. Relocation to a site other than upon the same property may be permitted where there is no available or appropriate location on the property and the owner of the proposed off-site relocation site consents to the placement of a tree. In the event of relocation, the Advisory Agency may designate measures to be taken to mitigate adverse effects on the tree.
- b. Permit protected trees of a lesser size, or trees of a different species, to be planted as replacement trees for protected trees permitted by this Code to be removed or relocated, if replacement trees required pursuant to this Code are not available. In that event, the Advisory Agency may require a greater number of replacement trees.

## 3. Historical Monuments

The Advisory Agency, except as to *Sec. 11.1.3.P.1.b.iii.*, shall require retention of a protected tree at its existing location, if the tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone.

## 4. Requirements

In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to *Sec. 11.1.3.P.1.b.* that a protected tree may be removed or relocated, the Advisory Agency shall require that:

- a. The protected tree is replaced within the property by at least 2 trees of a protected variety, except where the protected tree is relocated pursuant to *Sec. 11.1.3.P.2.a.* The size of each replacement tree shall be a 15-gallon, or larger, specimen, measuring 1 inch or more in diameter at a point 1 foot above the base, and not less than 7 feet in height, measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.
- b. The subdivider record those covenants and agreements approved by the Advisory Agency necessary to assure compliance with conditions imposed by the Advisory Agency and to assure protected tree preservation.
- c. The subdivider provide protected tree maintenance information to purchasers of lots within the proposed subdivision.
- d. The subdivider post a bond or other assurance acceptable to the City Engineer to guarantee the survival of trees required to be replaced or permitted or required to be relocated, in a manner to assure the existence of continuously living trees at the approved

replacement or relocation site for three years from the date that the trees are replaced or relocated. The City Engineer shall use the provisions of *Sec. 11.3.3.E. (Guarantees)* as its procedural guide in satisfaction of the bond requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar value of the replacement tree or of the tree that is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency, the City's Chief Forester, the evaluation of trees guidelines approved and adopted for professional plantmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information or guidelines.

## 5. Grading

The Advisory Agency is authorized to prohibit grading or other construction activity within the drip line of a protected tree.

## Q. Preliminary Soils Report

1. A preliminary soils report, prepared by a civil engineer registered in California, and based upon adequate test borings is required with the preliminary parcel map or tentative tract map of any subdivision. The Advisory Agency may waive the preliminary soils report upon its determination that no preliminary analysis is necessary due to its knowledge of the qualities of the soils of the subdivision.
2. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required. Such soils investigation shall be done by a civil engineer registered in California, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists. The Advisory Agency may approve the subdivision or a portion of the subdivision where such soils problems exist if it determines that the recommended corrective action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.

## R. Mulholland Scenic Parkway

1. Notwithstanding the street standards adopted by the City Planning Commission pursuant to *Sec. 10.1.1. (Street Standards)*, the width and improvement standards for the Mulholland Scenic Parkway shall be substantially as follows:
  - a. Two travel lanes, one in each direction, each 15 feet wide;
  - b. Passing lane segments and turn pockets where necessary to facilitate movement of traffic;
  - c. Substantial conformance to existing roadway alignment;
  - d. No median strip except to facilitate turning movements;

- e. Hard surfaced shoulders but with a natural look, separated from the roadway by a painted line where the shoulder is utilized for bikeway purposes;
  - f. Minimum street and driveway access to the Parkway;
  - g. Reasonable protection of a scenic corridor 500 feet more or less, depending on topography, from each side of the existing right-of-way, to preserve the scenic quality and for the development of parks, vista points, parking facilities, and continuous bicycle, equestrian and hiking trails;
  - h. All utilities to be underground;
  - i. All necessary signs and road related fixtures to be of a special design to blend with the scenic character of the Parkway;
  - j. Grading to be kept to an absolute minimum; and
  - k. All necessary grading to be gently contoured and fully landscaped with fire-resistant plants to present a natural appearance.
2. It is the duty of the Advisory Agency to interpret and apply these standards in conformance with the spirit and intent of the Report of the Citizens' Advisory Committee on the Mulholland Scenic Parkway as adopted as City policy by the City Council on March 26, 1973, under Council File No. 70-5000, or with such Parkway plans as may subsequently be adopted.
3. These standards are applicable to any subdivision map within 500 feet of the right-of-way of Mulholland Drive between the Hollywood Freeway on the west and Mulholland Highway on the west and along Mulholland Highway to the southerly City boundary, as shown on the City Engineer's official cadastral or district maps.

#### S. Valley Circle Boulevard, Plummer Street Scenic Corridor

1. Notwithstanding the street standards adopted by the City Planning Commission pursuant to Sec. 10.1.1. (*Street Standards*), the width and improvement standards for Valley Circle Boulevard from Roscoe Boulevard to Plummer Street and for Plummer Street from Valley Circle Boulevard to Topanga Canyon Boulevard shall be substantially as follows:
- a. Two travel lanes, one in each direction;
  - b. Left turn pockets as needed;
  - c. 48 feet of paved roadway, including 2-foot wide concrete gutters and curbs;
  - d. No continuous raised median strip;
  - e. Wide shoulders to accommodate recreation trails;
  - f. Minimum street and driveway access to the roadway;
  - g. All utilities to be underground;

- h.** Lighting only at intersections and parking areas, and kept to a minimum useful Intensity;
- i.** Fire Hydrants and light standards located away from the roadway for increased safety;
- j.** Picnic areas, drinking fountains, restrooms facilities, watering troughs, hitching rails and simple shade structures provided at suitable locations;
- k.** The general design and development of the roadway, trails, turnouts, and all appurtenant fixtures, facilities and amenities to be rustic, natural and in keeping with the scenic character of the corridor;
- l.** Reasonable protection of a scenic corridor, 1,500 feet more or less depending on topography, from each side of the existing rights-of-way, to preserve the scenic quality, protect long-distance views, and for the development of parks, vista points, parking facilities, and continuous trails;
- m.** Specific dimension standards for a 100-foot-wide right-of-way, the preferred width, shall be a 14-foot-wide two-way bicycle path, a hiking trail meandering in a 10-foot-wide landscaped parkway, a 16-foot-wide equestrian trail bordered by bolted wood fences and a 12-foot-wide parkway on the opposite side of the roadway;
- n.** The dimension standards for an 86-foot-wide right-of-way shall be a 12-foot wide two-way bicycle path, hiking trail meandering in an 8-foot-wide landscaped parkway, a 12-foot-wide equestrian trail bordered by bolted wood fences and a 6-foot-wide parkway on the opposite side of the roadway;
- o.** Trails to be built prior to or concurrently with the roadway, and to have suitable crossings and access to areas of interest;
- p.** Attractively designed masonry walls or screening landscaping along the edges of private developments adjacent to the scenic corridor;
- q.** Maximum preservation of natural terrain and vegetation;
- r.** Grading to be kept to an absolute minimum; all necessary grading to be gently contoured and fully landscaped with native, low-water-need, fire-resistant plants to present a natural appearance;
- s.** All buildings in the corridor to be placed so as to preserve a clear line of sight from the roadway to the visible mountain crest;
- t.** Off-site advertising signs to be prohibited within the corridor;
- u.** On-site advertising, traffic, informational and regulatory signs to be kept to a minimum number and size, and to be of special rustic design.

2. It is the duty of the Advisory Agency to interpret and apply these standards in conformance with the spirit and intent of the Valley Circle Boulevard Plummer Street Scenic Corridor Study adopted as City policy by the City Council on March 28, 1977, under Council File No. 77-82, or with such parkway plans as may subsequently be adopted.
3. The standards stated here are applicable to any subdivision map within 1,500 feet of the right-of-way of Valley Circle Boulevard from Roscoe Boulevard to Plummer Street and of Plummer Street from Valley Circle Boulevard to Topanga Canyon Boulevard as shown on the City Engineer's official cadastral or district maps.

## DIV. 11.2. TENTATIVE TRACT MAPS

### SEC. 11.2.1. TENTATIVE TRACT MAP STANDARDS

#### A. Tentative Tract Map Requirements

##### 1. Filing and Reports

- a. The subdivider shall pay the necessary fees for and file with the City Planning Department at least 25 copies of the tentative tract map, two copies of an area map showing the location of ownerships which are located within the area covered by the tentative tract map and within a 500-foot radius of the proposed subdivision; and 2 copies of a certified list showing the names and addresses of owners of all property and the addresses of all residential, commercial, and industrial occupants of all property located within 500 feet of the proposed subdivision.
- b. The Department shall furnish a copy of the certified list of names and addresses and a copy of the area map to the Bureau of Engineering, and copies of the tentative tract map to each member of the Subdivision Committee and to any other departments or public agencies which the Advisory Agency had determined may have an interest in the proposed subdivision. The Subdivision Committee shall make such examination of the Map and property, and make such reports and recommendations to the Advisory Agency as they find are necessary. All such reports shall be submitted in writing. Such reports shall be made within 39 calendar days after the filing of the Map or within such additional time as the Advisory Agency may approve.

##### 2. Action of Advisory Agency

The Advisory Agency shall approve, conditionally approve or disapprove the tentative tract map pursuant to *Sec. 13B.7.2. (Parcel Map Exemption/Lot Line Adjustment)*.

- a. Whenever two or more lots are to be created on a common slope and the City Engineer or Superintendent of Building determines that conditions so dictate, the Advisory Agency may require as a condition of approval of the tentative tract map that appropriate deed covenants, on a form approved by the City Attorney, be recorded which provide to each owner of the common slope a joint right of entry for necessary access of men and equipment, and a joint easement over the slope area to maintain and repair any portions of the common slope.
- b. All streets on the tentative tract map shall be identified by their proposed names. All proposed street names shall be approved by the City Engineer. The Advisory Agency may withhold approval of the Map if the City Engineer has determined that a proposed street name would create confusion, be misleading, be unduly long or carry connotations offensive to good taste and decency.

## B. Map Requirement

Tentative tract maps filed with the City Planning Department shall be prepared by or under the direction of a licensed surveyor or registered civil engineer. Such maps shall clearly show all information required by this Article, and shall be drawn to an engineer's scale of not less than one inch equals 200 feet. The tentative tract map shall contain all the following:

1. The tract number.
2. Sufficient legal description of the property to define its boundaries.
3. Names, addresses and telephone numbers of the record owner, subdivider, and person preparing the map.
4. North point, engineering scale, date and area.
5. The widths and approximate locations of all existing and proposed public easements or rights of way, or private streets or private road easements, within and adjacent to the property involved.
6. Locations, widths and approximate grades of existing and proposed highways, streets, alleys or ways, whether public or private within and adjacent to the property involved.
7. Existing street names, and names or designations for all proposed streets and highways.
8. Approximate radii of all centerline curves for streets, highways, alleys or ways.
9. Lot layout, approximate dimensions of each lot and number of each lot.
10. The locations of potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width and direction of flow of all watercourses, flood control channels, and mud or debris paths where ravines or swales will exist within and adjacent to the property involved; building setbacks from such hazards, the proposed method of providing flood, erosion and mud or debris control; and areas where access and emergency paths will be located in the event flood design capacity is exceeded. Lot lines shall be located so that the flow of watercourses and mud and debris paths, access and emergency paths, and setbacks shall be adjacent to lot lines or in areas or restrictions against construction.
11. The existing contour of the land at intervals of not more than 5 feet, and of not more than 2-foot intervals if the slope of the land is less than 5%.
12. The approximate location of all buildings or structures on the property involved which are to be retained, notations concerning all buildings which are to be removed, and approximate locations of all existing wells.
13. The approximate location and general description of any large or historically significant trees and of any protected trees and an indication as to the proposed retention or destruction of the trees.

14. If any streets shown on the tentative tract map are proposed to be private streets, they shall be clearly indicated. Such streets shall conform to the requirements of *Div. 10A.3*. (Private Street Regulations) or shall have been previously approved in accordance with the then applicable private street provisions.
15. The proposed method of providing sewage disposal and drainage for the property.
16. A statement regarding existing and proposed zoning.

### C. Protected Tree Reports for Tentative Tract Maps

1. No application for a tentative tract map approval for a subdivision where a protected tree is located is considered complete unless it includes a report, in a form acceptable to the Advisory Agency and the City's Chief Forester, which pertains to preserving the tree and evaluates the subdivider's proposals for the preservation, removal, replacement or relocation of the tree. The report shall be prepared by a tree expert and shall include all protected trees identified pursuant to *Sec. 11.2.1.B.13*.
2. In the event the subdivider proposes any grading, land movement, or other activity within the drip line of a protected tree referred to in the report, or proposes to relocate or remove any protected tree, the report shall also evaluate any mitigation measures proposed by the subdivider and their anticipated effectiveness in preserving the tree.

### SEC. 11.2.2. VESTING TENTATIVE TRACT MAPS

See *Sec. 13B.7.3*. (*Tentative Tract Map*).



## DIV. 11.3. FINAL TRACT MAPS

### SEC. 11.3.1. FINAL TRACT MAP STANDARDS

#### A. Process.

See Sec. 13B.7.4. (*Final Tract Map*).

#### B. Final Tract Map Requirements

The following information shall be submitted with the final tract map: names, addresses and telephone numbers of the record owners, subdivider and person preparing the final tract map. The general form and layout of the map, including size and type of lettering, drafting and location of acknowledgments, shall be determined by the City Engineer. The map shall be prepared on high-quality tracing cloth or other material approved by the City Engineer.

1. Each sheet of the final tract map shall be 18 x 26 inches. A marginal line shall be drawn completely around each sheet, leaving a blank margin of one inch. The scale of the map shall be such as to show all details clearly. Each sheet shall be numbered, and its relation to other sheets clearly shown. The tract number, scale and north point shall be shown on each sheet. If more than three sheets are necessary to show the entire subdivision, an index map shall be included on one of the sheets. The boundary line of a subdivision shall be indicated by distinctive symbols and clearly so designated.
2. Where any land to be subdivided is separated or divided into two or more parcels or portions by any parcel of land other than a street, highway, or other public way, or a railroad, public utility or flood control right-of-way, each separate parcel or portion of a parcel shall be subdivided as a separate parcel and shown on a separate subdivision map.

#### C. Boundary Evidence

Such stakes, monuments or other evidence determining the boundaries of the subdivision as are found on the ground, together with sufficient designations of adjoining subdivisions by lot and tract number and page of record, or by section, township and range, or other proper legal description as may be necessary to locate precisely the limits of the subdivision, shall be clearly and fully shown on the final tract map.

#### D. Monuments

##### 1. Boundary

- a. Each final tract map shall show durable monuments of not less than two-inch steel pipe at least 24 inches long found or set at or near each boundary corner and at intermediate points approximately 1,000 feet apart or at such lesser distance as may be necessary by topography or culture to assure accuracy in reestablishment of any point or line without unreasonable difficulty. The precise position and character of each monument shall be

shown on the final tract map. Where the elevation of the top of each such monument is not approximately level with the surface of the ground, its relative position shall be indicated.

- b.** The establishment of boundary monuments may be required by the Advisory Agency, the Appeal Board or the City Council upon appeal, prior to the recordation of the final tract map, however, such requirement may be modified to accept the submission of complete field notes as evidence of a thorough survey, or the setting of only a portion of the boundary monuments, or the referencing of monuments to adjacent reference points. The City Engineer shall submit a recommendation concerning this matter. The reference points shall be indicated in a set of field notes showing clearly the ties between such monuments and sufficient number to set accurately each boundary monument after recordation of the final tract map. The boundary monuments shall be properly located by coordinates in the California Coordinate System or in such manner as determined by the City Engineer to be suitable and sufficient.

## 2. Centerline

Complete centerline data, including lengths of tangents and semi-tangents, shall be shown on the map for all streets within or adjoining the tract where no official centerline has been previously established. In locations where the point of intersection falls on private property, chords shall be shown instead of semi-tangents. The subdivider shall have approved monuments placed with permanent references to the monuments and furnish a set of field notes to the City Engineer.

## 3. Deferment

- a.** In the event any or all of the monuments required to be set are subsequent to the recordation of the final tract map, the map shall clearly show and describe such monuments. All such monuments or the furnishing of notes for deferred monuments shall be agreed to be set and furnished by the subdivider.
- b.** When the placement of monuments is to be deferred, the Bureau of Engineering shall charge and collect a fee of \$443 for the service of receiving and processing a bond to guarantee placement of the monuments.

## 4. Geodetic Controls

Ties to the Geodetic Triangulation System shall be provided where stations have been established within reasonable distance from the subdivision boundary, and such ties are deemed necessary by the City Engineer.

## E. Surveys

### 1. Requirements

- a. The procedure and practice of all survey work, done on any subdivision, shall conform to the accepted standards of engineering and surveying professions. The final tract map shall close in all its parts.
- b. In the event the City Engineer has established the centerline of any street or alley in or adjoining a subdivision, the final tract map shall show such centerline together with the reference to a field book or map showing such centerline and the monuments that determine its position. If determined by ties, that fact shall be stated on the final tract map.

### 2. Notes to be Furnished

- a. For such centerline monument set, the civil engineer or surveyor under whose supervision the survey has been made shall furnish to the City Engineer a set of notes showing clearly the ties such monument and a sufficient number (normally 4) of durable distinctive reference points or monuments. Such reference points may be lead and tacks in sidewalks, or curbs, or 2-inch x 2-inch stakes set back of the curb line and below the surface of the ground or such substitute as appears to be not more likely to be disturbed.
- b. The set of notes shall be of such quality, form and completeness, and shall be on paper of such quality and size as may be necessary to conform to the standardized office records of the City Engineer. All such notes shall be indexed by the City Engineer as part of the permanent public records.

### 3. Identification Marks

All monuments set as required in this Article shall be permanently and visibly marked or tagged with the registration or license number of the civil engineer or surveyor under whose supervision the survey was made.

## F. Bearings

### 1. Basis

- a. The final tract map shall indicate the basis of bearings, making reference to some recorded subdivision map, or other record acceptable to the City Engineer.
- b. The final tract map shall have as the basis of bearings a line based on the Geodetic Triangulation System where ties to the system are deemed feasible by the City Engineer.

### 2. Distances

The bearing and length of each lot line, block line and boundary line shall be shown on the final tract map, and each required bearing and distance shall be indicated.

## G. Lot Numbers

The lots shall be numbered consecutively commencing with the number 1, except as otherwise provided in this Article, with no omissions or duplications. Each numbered lot shall be shown entirely on one sheet.

## H. Curve Data

The length, radius and total central angle and bearings of terminal radii of each curve and the bearing of each radial line to each lot corner on each curve, and the central angle of each segment within each lot shall be shown on the final tract map.

## I. Easement

### 1. Lines

The final tract map shall show all the necessary data including width and side lines of all public easements to which the lots in the subdivision are subject. If the easement is not definitely located on record, a statement as to the easement shall appear on the title sheet.

### 2. Designation

Easements shall be denoted by broken lines.

### 3. Identification

Each easement shall be clearly labeled and identified and, if already of record, proper reference to the records given. Easements being dedicated shall be so indicated in the Certificate of Dedication.

## J. City Boundary Lines

City boundary lines crossing or abutting the subdivision shall be clearly designated and tied in.

## K. Natural Water Course Designation

In the event that a dedication of right-of-way for flood control or storm drainage is not required, the location of any natural water course shall be shown on the final tract map, unless such natural water course, channel, stream or creek is shown on the grading plans to be filled or otherwise eliminated by the grading of the tract.

## L. Title Sheet

The title sheet for each final tract map of a subdivision shall contain all the certificates and acknowledgment required by the Subdivision Map Act. The wording of such certificates and acknowledgments shall be approved by the City Attorney. Forms of certificates and acknowledgment may be obtained from the City Engineer.

## SEC. 11.3.2. NOTIFICATIONS

### A. Notification Regarding Street Lighting Maintenance Assessments

The City Engineer shall cause to be filed, at the time of filing of any subdivision map with the County Recorder, a notice or notices which shall provide information with respect to each parcel in the subdivision regarding the obligation of any purchaser of such property to pay street lighting maintenance assessments pursuant to the provisions of *Division 6, Chapter 3, Article 1 (Lighting District Procedures)* of the Los Angeles Administrative Code.

### B. Notification Regarding Sewer Pumping or Drainage Facilities and Maintenance Districts

The subdivider shall execute and record with the County Recorder a notice identifying all sewer pumping or drainage facilities within the subdivision, either in existence or to be constructed, which could be maintained under maintenance district procedures authorized by *Division 6 (Special Assessment District Procedures)* of the Los Angeles Administrative Code. Such notice shall provide information regarding the possible obligation of each lot owner for assessments and shall be recorded at the time the final subdivision map is filed with the County Recorder.

## SEC. 11.3.3. SUBDIVISION IMPROVEMENTS

### A. Requirements

The streets, alleys, lots and easements in all subdivisions subject to the provisions of this Article shall be laid out to provide for sewer and drainage facilities. All streets and alleys and other public ways and easements within and immediately adjoining the subdivision, together with any drainage and sanitary sewer easements, shall be graded and improved to a width and grade in accordance with plans approved by the City Engineer. Other subdivision improvements as authorized by the Subdivision Map Act may be required.

1. In addition to permanent subdivision improvements, temporary subdivision improvements may be required to be made prior to or concurrent with permanent subdivision improvements. In a Hillside Area, temporary erosion control devices shall be designed and installed in a manner approved by the Board of Public Works and the Department of Building and Safety.
2. If the subdivision has been submitted only for the purpose of clarifying records by consolidating existing lots or metes and bounds parcels, or for the purpose of absorbing vacated streets or alleys or for the purpose of reversion to acreage, the Advisory Agency upon the recommendation of the City Engineer may waive all or a portion of the subdivision improvements which otherwise would be required.

## B. Improvement Plans

1. Final plans, profiles and specifications for subdivision improvements shall be furnished to the City Engineer for approval and processing concurrently with the checking of the final tract map or parcel map. Such plans, profiles and specifications shall show full details for such subdivision improvements, and shall be in accordance with the standards adopted by the City of Los Angeles.
2. In lieu of final plans, profiles and specifications, the subdivider may furnish preliminary plans for subdivision improvements in a form satisfactory to the City Engineer, provided the subdivider agrees to furnish final plans, profiles and specifications to the City Engineer not later than 6 months from the date the final tract map or parcel map is filed for recording with the County Recorder. Preliminary plans shall be of sufficient detail and extent so as to permit the City Engineer to determine the type, extent, quantity and estimated cost of the required subdivision improvements.

## C. Street Lighting

Plans for a street lighting system shall be submitted to and be approved by the Bureau of Street Lighting. The time requirement for submittal shall be as prescribed in *Sec. 11.3.3.B*.

## D. Street Trees

1. Arrangements between the subdivider and the City to ensure the subdivider either places street trees in subdivisions to the satisfaction of the Bureau of Street Maintenance of the Department of Public Works, or makes a cash payment to the City. The amount of cash payment shall be in accordance with rates established by the Board of Public Works. When planted by the City, street trees may be planted under contract or by City forces.
2. Any street tree planted by a subdivider, or for which a payment is made to the City of Los Angeles to provide such tree, is subject to the street tree maintenance fee set forth in *Chapter 6, Section 62.176 (Street Maintenance Fee)*.

## E. Guarantees

1. No final tract map or parcel map may be presented to the Council for approval until the subdivider/owner has completed the subdivision improvements, or has guaranteed that all subdivision improvements will be constructed and installed within a specified time. The requirement of guaranteeing the construction and installation of subdivision improvements will not be waived under any condition except as provided in this Section. Parcel maps, the preliminary maps for which have been approved by the Advisory Agency specifying that subdivision improvements are not required until such time as a building permit or other grant of approval for development is issued, are exempt from this provision. California non-profit corporations are exempt from these requirements to the extent provided in the Subdivision Map Act.
2. The guarantee shall be furnished in accordance with the provisions of this subsection:

- a. The subdivider/owner shall execute an Improvement Agreement. Under the terms of this agreement, the subdivider/owner shall, among other things, agree to construct and install the subdivision improvements at the subdivider/owner's expense; shall warrant all work performed against any defective work or labor done, or defective materials furnished for a period of one year following acceptance by the City Engineer of all subdivision improvements; and shall agree to reimburse the City for all costs and reasonable expenses and fees incurred by the City in enforcing the terms of the agreement including reasonable attorney's fees.
- b. Performance of the Improvement Agreement shall be guaranteed by one of the following, at the option of and subject to the approval of the City:
  - i. A surety bond or bonds payable to the City, executed by the subdivider/owner as principal and one or more corporate sureties authorized to act as surety under the laws of the State of California and having a certificate of authority as acceptable surety on Federal bonds; or
  - ii. A deposit of cash; or
  - iii. A deposit of negotiable United States Treasury bonds or notes, for which the faith and credit of the United States are pledged for the payment of principal and interest, payable to the bearer; or
  - iv. A deposit of fully-insured certificates of deposit issued by a financial institution whose deposits are insured by an instrumentality of the Federal Government, together with a non-revocable assignment to the City that pledges that the funds are on deposit and guaranteed for the performance of the Improvement Agreement. Such certificates of deposit may provide that interest shall be paid to the depositor. The assignment shall allow the City to withdraw the principal amount, or any portion of the principal amount, on declaration of default by the Board of Public Works without the necessity of any further consent by the depositor. The Improvement Security shall be on a form prepared by the City Engineer, shall be a joint and several obligation, and shall be in an amount estimated by the City Engineer to be reasonably necessary to complete the construction and installation of all of the subdivision improvements required to be done pursuant to the Improvement Agreement and to warrant the work against defective work or labor done, or defective materials furnished in the performance of the work.
- c. The term of the Improvement Security shall begin on the day it is approved by the City Council and shall continue until the work is accepted by the City Engineer.
- d. The Improvement Security shall contain the further conditions that in addition to the face amount, all parties executing the security shall be firmly bound under a continuing obligation for payment of all reasonable costs, expenses and fees, including reasonable attorney's fees incurred by the City in enforcing the obligation secured; that all parties agree to any extensions of time within which to construct and install the subdivision

improvements; and that all parties further agree to such alterations of or additions to the work as may be deemed necessary by the City Engineer provided the cost increase does not exceed 10% of the value of the Improvement Security.

### 3. Improvement Warranty Guarantee

As a part of the Improvement Security there shall be included an amount to be determined by the City Engineer sufficient for the guarantee and warranty of the work for a period of one year following the date of acceptance of the work by the City Engineer against any defective work or labor done, or defective materials furnished in the performance of the work.

### 4. Labor and Material Payment Security

Security shall be furnished for payment of labor and materials furnished in the construction and installation of the subdivision improvements. The security shall be furnished in one of the forms described in Sec. 11.3.3.E.2., and shall be in an amount equal to not less than 50% of the Improvement Security as estimated by the City Engineer. The security shall inure to the benefit of all persons, and entities furnishing services, supplies or equipment for the subdivision improvements as referenced in *California Civil Code, Sections 8400, 8402 and 8404*. All claims under this labor and materials payment security shall be filed with the City Clerk on or before the expiration of 90 days after the completion of the subdivision improvements.

### 5. Existing Security

If the subdivider/owner already has on file with the City Engineer an Improvement Security in one of the forms described in Sec. 11.3.3.E.2., posted pursuant to *Chapter 6, Section 62.111 (Class "B" Permits-Plans-Bonds-Insurance)* which guarantees completion of all of the subdivision improvements designated in the Improvement Agreement and in an amount at least equal to the amount determined by the City Engineer to be necessary to complete all of the subdivision improvements, no additional Improvement Security is required; however, improvement warranty guarantee and labor and material security may be required.

## F. Extension of Time

If it appears that the subdivision improvements cannot be completed by the date specified in the Improvement Agreement, written application may be made to the City Engineer for an extension of the completion date. One extension of time shall be granted to a time at which the City Engineer determines the work of subdivision improvement should reasonably be completed. Further extensions of time may be granted at the discretion of the City Engineer. If the subdivider disagrees with the determination of the City Engineer such decision may be appealed to the Board of Public Works. Any extension may be considered upon agreement by the surety and principal to:

1. Begin or resume construction of the subdivision improvements on a schedule to be specified by the City Engineer; or



2. Update the estimated cost of construction and installation of the subdivision improvements with an adjustment in the Improvement Security commensurate with the updated estimates; or
3. To the extent possible, construct and install the required subdivision improvements in accordance with the standards and specifications of the Board of Public Works in effect at the time such extension of time is granted; or
4. Comply with other conditions as may be deemed necessary by the City Engineer to ensure diligent prosecution of the work.

#### **G. Reduction of Improvement Security**

When a portion of the subdivision improvements have been completed to the satisfaction of the City Engineer, the City Engineer may consent to a reduction in the amount of the Improvement Security upon written request from the subdivider/owner. The City Engineer may consent to two reductions provided the original security for the subdivision improvements exceeds \$200,000 and the work completed is identifiable, capable of being maintained by the City, and accepted by the City Engineer. In extreme hardship circumstances, the City Engineer may consent to one reduction without regard to the preceding provisions. The remaining security shall be adequate to cover the estimated cost of completing the remaining subdivision improvements, the improvement warranty guarantee, and reasonable expenses and fees for enforcement of the terms of the Improvement Agreement. If a cash deposit or negotiable security is on deposit, that portion of the cash or negotiable security not required as a guarantee for the remaining subdivision improvements, improvement warranty guarantee and reasonable expenses and fees for enforcement of the terms of the Improvement Agreement, shall be returned to the depositor. If a certificate of deposit is on file, reduction in the Improvement Security will be accomplished by the City Engineer issuing a notice of reduction to the depositor and financial institution. If a surety bond is on file, reduction in the Improvement Security will be accomplished by the execution of a rider to the improvement surety bond by the principal and surety and is effective upon approval by the City Engineer and the City Attorney.

#### **H. Release of Improvement Security**

When all of the requirements of the Improvement Agreement and the Improvement Security have been completed to the satisfaction of the City Engineer and the improvement warranty guarantee has expired, the City Engineer shall issue a Certificate of Acceptance and Termination of Improvement Warranty Bond to the subdivider/owner and a copy thereof shall be sent to the surety company if a surety bond is on file. However, if the improvement warranty guarantee has not expired, the City Engineer may issue a Certificate of Acceptance, which exonerates the portion of the Improvement Security guaranteeing completion of the construction and installation of the subdivision improvements, but not the improvement warranty guarantee. The warranty guarantee shall thereafter be released in total by the City Engineer on or after one year from the date of the completion notice from the Bureau of Engineering, provided no claims against the guarantee have been made by the City.

## I. Release of Labor and Material Payment Security

On or after 90 days from the date of completion notices from both the Bureau of Contract Administration and the Bureau of Engineering, security posted under *Sec. 11.3.3.E.4. (Labor and Material Payment Security)* to secure payment for labor and materials may be released by the City Engineer in whole if no claims are filed or reduced to an amount equal to 150% of those claims filed with the City Clerk. If a cash, negotiable security, or certificate of deposit payment security is on file, the City Engineer shall:

1. Release the cash, negotiable security or certificate of deposit payment bond in total, if no claims have been filed; or
2. Reduce the cash or negotiable security or certificate of deposit payment bond to an amount equal to 150% total amount of the claims filed with the City Clerk.

## J. Enforcement

If the subdivider/owner neglects, refuses or fails to construct the subdivision improvements with such diligence as to insure completion within the time specified, or within such extensions of the time as may have been granted by the City Engineer or the Board of Public Works or if the subdivider/owner neglects, refuses or fails to perform satisfactorily any act required under the Improvement Agreement, the Board of Public Works may declare the Improvement Agreement in default, and shall take whatever actions are necessary to enforce the terms and conditions of the Improvement Security. The Board is hereby empowered to order all or any part of the work to be done either by City forces or by separate contract, and the City is entitled to reimbursement for all costs and expenses as a result of such construction. If the Improvement Security is a cash deposit, negotiable security or certificate of deposit the Board is empowered to deduct therefrom, on behalf of the City, an amount sufficient to reimburse and to indemnify the City for any and all damages, costs and expenses sustained or incurred by the City in enforcing the terms and conditions of the Improvement Agreement.

## SEC. 11.3.4. PRIVATE STREETS

- A. Whenever a private street is proposed to be used or included in a subdivision, the private street shall conform in all respects with all the requirements contained and set forth in *Div. 10.3. (Private Street Regulations)*. A private street map need not be filed with the Advisory Agency in addition to the maps required by the provisions of this Article, provided that the maps filed in conformance with the provisions of this Article show the private street and contain the information pertaining to the street that is required to be provided in a private street map.
- B. If a private street located within the proposed subdivision has been approved in accordance with the then applicable regulations prior to filing the tentative tract map of the subdivision, the street is deemed to comply with the requirements of this Section and *Div. 10.3. (Private Street Regulations)* and no further approval is required.

### SEC. 11.3.5. REVERSION TO ACREAGE

- A. Proceedings for reversion to acreage of subdivided real property may be initiated by the City Council on its own motion or by petition of all of the owners of record of the real property within the subdivision pursuant to *Sec. 13B.7.3. (Tentative Tract Map)*.
- B. Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "A reversion to acreage of . . ." Any map so submitted shall be accompanied by evidence of title and non-use or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map.
- C. When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to *Sec. 13B.7.3. (Tentative Tract Map)*.
- D. After approval of the reversion by the City Council, the final tract map or parcel map shall be delivered to the County Recorder. The filing of the final tract map or parcel map constitutes legal reversion to acreage of the land affected and also constitutes abandonment of all streets and easements not shown on the Map.

### SEC. 11.3.6. MERGER AND RESUBDIVISION

Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided in this Article. The filing of the final tract map or parcel map, pursuant to *Div. 13B.7. (Division of Land)*, constitutes legal merging of the separate parcels into one parcel and the resubdivision of the parcel. Any unused fees or deposits previously made pursuant to this Article pertaining to the property shall be credited *pro rata* towards any requirements that are applicable at the time of resubdivision. Any streets or easements to be left in effect after the resubdivision shall be adequately delineated on the map. After approval of the merger and resubdivision by the City Council, the map shall be delivered to the County Recorder. The filing of the map constitutes legal merger and resubdivision of the land affected and also constitutes abandonment of all streets and easements not shown on the map.

### SEC. 11.3.7. MAPS, LOCAL DRAINAGE DISTRICTS, EXEMPTION FROM FEES

- A. Payment of fees is required in the sums fixed by ordinance for local drainage districts involved and as a condition to approval of final subdivision maps and private street maps, except as provided in *Sec. 11.3.7.B.*, whenever the City Council determined such need pursuant to former California Business and Professions Code Section 11543.5 or finds and determines such need pursuant to California Government Code Section 66483, effective March 1, 1975 for a local drainage district, and finds:
  - 1. That subdivision and development of property requires or will require construction of facilities described in the local drainage plan; and

2. That the fees are fairly apportioned within the area on the basis of benefits conferred on the property proposed for subdivision or on the need for facilities created by the proposed subdivision and development of other property within such area.
- B.** In the event the owner filing the map petitions the City Council for an exemption from payment of fees required by ordinances to be paid to defray actual or estimated costs of constructing planned drainage facilities for removal of surface and storm waters from local or neighborhood drainage areas, and the City Council finds and determines that the final subdivision map or the private street map filed for approval is not filed for subdivision or development purposes, the City Council may thereupon exempt that map from payment of the fees or other consideration notwithstanding provisions of *Sec. 11.1.3.O. (Where Subdivision Includes Land Within Drainage District)*, *Sec. 11.4.3.B.9. (Where Parcel Map Includes Land Within Drainage District)*, or *Sec. 10.3.5.J.4. (Improvements, Drainage and Sewage)* or requirements of *Sec. 11.3.7.A.* or of the ordinance for such payment.
- C.** For purposes of this Subsection the term “subdivision” and the term “development” neither includes nor applies to final subdivision maps or private street maps that are filed within the City:
1. In connection with a sale of land which is to be further divided by the filing of either a subdivision map or private street map prior to development occurring.
  2. Solely for the purposes of reversion to acreage, or to combine portions of vacated streets with adjoining lots or parcels, or to make boundary line adjustments without creating any new lots or parcels, or to effect technical corrections on existing recorded maps in order to cause those maps to conform to actual fact, clarify the record, and cause them to read correctly, provided however that approval or recordation of such new maps does not or will not otherwise change or amend any existing recorded map or any legend.

### SEC. 11.3.8. MODIFICATIONS

See *Sec. 13B.7.3.H. (Modification of Entitlement)*.

### SEC. 11.3.9. SUBDIVISION REQUIRING IMPORT OR EXPORT OF EARTH

- A.** Upon the filing of a tentative tract map that, for its implementation, requires the import or export of more than 1,000 cubic yards of earth materials, the Advisory Agency shall request that the Superintendent of Building and the General Manager of the Department of Transportation investigate the circumstances of the proposed import or export of earth materials and the effect upon the public health, safety, and welfare. The Advisory Agency shall request the City Engineer to determine the effect of any import and export on the structural integrity of the public streets and to determine the effect on public safety relative to street alignment, width and grade.
- B.** In taking action on the tentative tract map, the Advisory Agency shall impose conditions of approval to mitigate any detrimental effects of the hauling operations necessary to import or export earth, including but not limited to:
1. Designating routes to be followed by trucks hauling earth materials;

2. Limiting truck weight, length or speed; and
3. Any other conditions of approval necessary to ensure repair of damages to public streets along the hauling route that may reasonably be expected to be caused by hauling operations. Such additional conditions may include a condition that the developer shall file a bond for the benefit of the City. Any such bond shall be in a form approved by the City Attorney, executed by the developer and a corporate surety authorized to do business in the State in an amount sufficient to cover the repair of any damage to the public streets reasonably expected to be caused by the hauling operations. The conditions of the bond shall guarantee to indemnify the City for all costs and expense in repairing the damaged streets or other public facilities. In lieu of a surety bond, the developer may file a cash bond with the Department upon the same terms and conditions and in an amount equal to that which would be required in the surety bond. The deposit submitted may be in the form of cash or negotiable United States securities. The term of such bond shall begin on the date of filing and shall remain in effect until the completion of the hauling operations and subsequent inspection of the affected public streets by the Department of Public Works.

- C. The Advisory Agency may disapprove the tentative tract map as provided in *Sec. 13B.7.3.E.1. (Tentative Tract Map/Subdivision of Air Space)*.

### SEC. 11.3.10. MODIFICATION OF RECORDED FINAL TRACT MAPS

In addition to amendments to final tract maps authorized by *Subdivision Map Act Section 66469*, after a final tract map is filed with the Office of the County Recorder, the recorded map, including the conditions of approval, may be modified pursuant to the provisions of *Sec. 13B.7.4.H. (Modification of Final Tract Map)*. Modifications and amending maps shall be governed by the following limitations.

- A. No modifications involving increases in density are allowed if the increase would change the density of a subdivision as approved on appeal by the City Planning Commission or the City Council, where such density was the subject of the appeal to the City Planning Commission or the City Council.
- B. No condition may be modified if it was imposed as a mitigating measure identified in a mitigated or conditional negative declaration or in an Environmental Impact Report.
- C. Modifications involving increases in density over that originally approved by the Advisory Agency in approving the tentative tract map shall be limited as follows:
  1. For subdivision of fewer than 10 lots or dwelling units, any density increase shall be limited to one lot or dwelling unit; and
  2. For subdivisions containing 10 or more lot or dwelling units, any increase shall be limited to not more than 10% of that originally approved.
- D. Modifications involving either an increase in the height of structures, or in the elevation of building pads where the elevation of such pads has been specified by the Advisory Agency, shall be limited as follows:

1. An increase in the height of structures of not more than 10% above the approved height of such structures; or
  2. An increase in the elevation of building pads of not more than 5 feet above the approved elevation of such pads.
  3. Any such increase in height or elevation shall not obstruct the view from surrounding properties.
  4. A greater increase in the elevation of building pads may be approved if such increase has been determined to be necessary for health and safety reasons by the Department of Building and Safety.
- E. No modifications are permitted that violate the intent of any of the original conditions of the tract map approval as that intent is expressed in the findings or otherwise by the decision-maker.

## DIV. 11.4. PARCEL MAPS

### SEC. 11.4.1. GENERAL

#### A. Purpose

The following parcel map regulations are intended to ensure compliance with the Subdivision Map Act, this Chapter, and the City's General Plan, to assure lots of acceptable subdivision design and of a size compatible with the size of existing lots in the immediate neighborhood; to preserve property values; to assure compliance with the Design Standards for Streets and Alleys in this Article where street or alley dedication or subdivision improvement are required; and to prevent interference with the opening or extension of streets necessary for emergency vehicle access, proper traffic circulation and the future development of adjacent properties; and to provide that the dividing of land in the Hillside Areas be done in a manner that ensures that the separate parcels can be safely graded and developed as building sites.

#### B. Scope

1. No land shall be separated in ownership or otherwise divided into two, three, or four parcels or condominiums, and no such divided parcel or condominium shall be separately maintained unless the division conforms to that shown on a parcel map that has been approved by the Advisory Agency and recorded in the Office of the County Recorder.
2. No building permit shall be issued, and no building or structure shall be constructed, altered or maintained on any land which has been separated in ownership or otherwise divided into two, three, or four parcels in violation of the provisions of this Article, and until and unless a parcel map has been recorded in the Office of the County Recorder. All conditions of approval shall be completed prior to filing the parcel map.
3. These regulations do not apply to the leasing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building or mobilehome park, nor to mineral, oil or gas leases, nor do they apply to the following divisions of land, except as may be required by *Sec. 11.4.1.C. (Parcel Maps - Divisions of Land of Five or More Parcels Not Subdivisions)*.
  - a. Those divisions of land made in compliance with the Subdivision Map Act and the subdivision regulations contained in this Article.
  - b. Those divisions of land made solely because of the sale, acquisition, lease or combining of lands by governmental agencies, including the City of Los Angeles and any of its departments, or any further division of such lands by a lessee of such governmental agency.
  - c. Those where the Advisory Agency or the Appeal Board determines that all the following conditions exist:

- i. A lot line adjustment is made between 4 or fewer existing adjoining lots or parcels and the land taken from one lot or parcel is added to an adjoining lot or parcel;
  - ii. The resulting number of lots or parcels remains the same or is decreased;
  - iii. The parcels or lots resulting from the lot line adjustment conform to the General Plan, any applicable Coastal Plan, this Chapter, and the City's building ordinances.
4. Those involving land dedicated for cemetery purposes under the applicable provisions contained in the California Health and Safety Code.

### C. Parcel Maps - Divisions of Land of Five or More Parcels Not Subdivisions

1. No parcel of land may be separated in ownership or otherwise divided into 5 or more parcels, where such a division is not a subdivision by reason of the exceptions contained in *Subdivision Map Act, Section 66426(a), (b), (c), and (d)*, and no such divided parcel shall be separately maintained unless a tentative tract map of such division has been approved by the Advisory Agency and a parcel map prepared in conformity has been recorded in the Office of the County Recorder.
2. Where the Advisory Agency determines that a tentative tract map filed for the division of land described in *Subdivision Map Act, Section 66426(b) and (c)* complies with all the requirements of this Article, but that dedication for street opening or widening or easements is necessary, it shall require that an offer to dedicate such additional land as is necessary to be made in a manner provided by *Sec. 11.4.3.B.1. (Conditional Approval)*.
3. Where the Advisory Agency determines that a tentative tract map filed for the division of land described in *Subdivision Map Act, Section 66426(c)* complies with all of the requirements of this Article, but that improvement of public or private streets, highways, ways or easements is necessary for local traffic, drainage or sanitary needs, such improvements shall be constructed, or their construction and completion guaranteed in the manner provided by *Sec. 11.3.3. (Subdivision Improvements)*, as a condition of approval of the tentative tract map.
4. No building permit may be issued, and no building or structure may be constructed, altered or maintained on any land which has been separated in ownership or otherwise divided into five or more parcels, where a parcel map is not required for such a division by reason of the exceptions contained in *Subdivision Map Act, Section 66426(a), (b), (c), and (d)*, in violation of the provisions of this Article. All conditions of approval shall be completed prior to submitting the parcel map to the City Engineer.

### D. Slope Density

1. In Hillside Areas, which are designated in the "Minimum Residential" General Plan land use designation, the dwelling unit density shall not exceed that allowed by the following formula:

$$D = \frac{50 - S}{35}$$

Where:



D = the maximum number of dwelling units per gross acre allowable; and

S = the average natural slope of the land in %.

2. Where the total allowable number of dwelling units per parcel map or tentative tract map calculated under the above formulas results in a number other than a whole number, it shall be rounded to the nearest whole number as follows:
  - a. Where the fractional portion of the total allowable number of dwelling units equals 0.5 or more, the total number of allowable dwelling units shall be rounded to the next larger whole number;
  - b. Where the fractional portion of the total allowable number of dwelling units equals less than 0.5, the total number of allowable dwelling units shall be rounded to the next smaller whole number.
3. In no case may the permitted density be less than 0.05 dwelling units per gross acre. Where the total allowable number of dwelling units per parcel map calculated under the above formula results in a number less than one, it shall be rounded up to allow one dwelling unit per parcel map.
4. Where previous grading on a site makes it difficult to determine average natural slope using the above formula, the Director of Planning shall determine the average natural slope in a manner to carry out the purpose and intent of this Section.

## E. Forms and Map Requirements

Each person applying for approval of a parcel map required by Sec. 11.4.1.B. (*Scope*) shall submit a reproducible preliminary parcel map to the City Planning Department showing the land to be divided and its proposed division. The map may be prepared by the applicant, except that the Advisory Agency may require the map to be prepared by a licensed land surveyor or registered civil engineer and that it be based upon a field survey when it determines that such is necessary to provide the information required by this Sec. 11.4.1.E. (*Forms and Map Requirements*) or Sec. 11.4.1.F. (*Incomplete Map*), Sec. 11.4.1.G. (*Additional Reports*), or Sec. 11.4.1.H. (*Protected Tree Reports for Parcel Maps*). The map shall be made on one or more sheets of tracing paper or polyester based film at least 8 1/2 inches x 11 inches but shall not exceed 18 x 26 inches. It shall be legibly drawn using a decimal or an engineer's scale and shall clearly show the following information:

1. The dimensions and record boundaries of the total parcel together with a legal description of the total parcel attached to the map.
2. The dimensions and boundaries of each proposed parcel.
3. The names, addresses and telephone number of the property owners, the person filing the map, and the registered civil engineer or licensed land surveyor, if any, who prepared the map.

4. The abutting streets and alleys and existing surface improvements and proposed dedications and subdivision improvements.
5. The location of other existing public easements, private streets, or private road easements.
6. In Hillside Areas, the existing contours of the land at intervals of not more than five feet.
7. The accurate location of any structures on the property.
8. Names or designations for all proposed streets.
9. Such other information as the Advisory Agency determines is necessary to properly consider the proposed division.

#### F. Incomplete Map

If at any time during the processing of the map it is discovered that the map has been improperly prepared or required pertinent information has not been submitted, the applicant shall be promptly notified in writing by mail of the defect and of further information or correction required. The time limits specified shall not begin until the omitted or inaccurate information is furnished in a proper manner.

#### G. Additional Reports

In addition to the preliminary parcel map, and when determined by the Superintendent of Building or the City Engineer to be necessary, the following reports shall be submitted to the City Planning Department by the applicant when the property is located in a Hillside Areas.

1. A geologic report prepared by an engineering geologist, as defined in *Chapter 9, Article 1 (Building Code)*, setting forth all relevant geologic data pertaining to the proposed separate parcels and including separately stated conclusions listing any potential hazards to public health, safety or welfare which may exist on the proposed parcels or which could result from grading or building upon the proposed separate parcels
2. A report prepared by a soils engineer, as defined in *Chapter 9, Division 70 (Grading, Excavations, and Fills)*, setting forth sufficient engineering data to explain the proposed solutions to:
  - a. Any potential geologic hazards disclosed by the geologic report; and
  - b. Any potential geologic hazards that could be created by the proposed grading.

#### H. Protected Tree Reports for Parcel Maps

No application for a preliminary parcel map approval for a parcel where a protected tree is located will be considered complete unless it includes a report pertaining to preserving the tree. The report shall be prepared by a tree expert and shall evaluate the subdivider's proposals for protected tree preservation, removal, replacement or relocation. In the event the subdivider proposes any grading, land movement, or other activity within the drip line of any protected tree referred to in

the report, or proposes to relocate or remove any tree, the report shall also evaluate any mitigation measures proposed by the subdivider and the anticipated effectiveness in preserving the tree.

## SEC. 11.4.2. PRELIMINARY PARCEL MAP STANDARDS

### A. Disapproval of Maps

1. Where a parcel map involves land for which a General Plan, including dwelling unit densities, has been adopted by the Council, and the land is also in a Hillside Areas, the number of lots or parcels on the map shall be limited so that the number of dwelling units permitted by the applicable zoning regulations does not substantially exceed the dwelling unit densities shown on the plan.
2. Where a parcel map includes land upon which either a combination of parking and commercial zones or a combination of parking and industrial zones has been established, the parcel map will not be approved unless each parcel being created substantially conforms to the established ratio of space for parking to space for commercial use or space for parking to space for industrial use as such ratio existed immediately prior to the land division.
3. The Advisory Agency shall disapprove a preliminary parcel map when the property is situated in a Hillside Areas and the Department of Building and Safety or the Bureau of Engineering has submitted a report in writing to the Advisory Agency recommending disapproval of the preliminary parcel map because of any existing or potential geologic hazards lacking satisfactory engineering solutions.
4. The Advisory Agency may disapprove a preliminary parcel map unless the proposed name of each street has been approved by the City Engineer. Advisory Agency approval shall be withheld if the City Engineer has determined that a proposed street name would create confusion, be misleading, be unduly long or carry connotations offensive to good taste and decency.

### B. Lots May Be Increased In Size

1. Where the Advisory Agency finds it necessary in order to promote the general welfare, to provide for a more consistent development for the area, and to preserve property values, it may require that lots or parcels described in a parcel map and located in a Residential Use District be increased in size from that proposed so as to more closely conform to the size of existing contiguous lots or nearby parcels on the same street. However, in no case may the Advisory Agency require such parcels in the aforementioned Use District, other than when a zone includes a Rural-Limited, Estate-Limited 4, or Estate-Limited 5 Form District, to contain an area of more than 20,000 square feet.

2. Where the Advisory Agency finds that a future public easement will be needed on a portion of the lots or parcels for street or other public uses, it may require that the lots or parcels be increased in size from the proposed to provide space for such easement; and in addition, it may impose conditions prohibiting or restricting the erection for buildings or structures on that portion needed for the easement.

### C. Maps Involving Private Road Easements

Whenever a proposed division of land involves one or more parcels that are contiguous or adjacent to a private road easement with the remaining parcel contiguous or adjacent to a dedicated street, only the parcel map need be filed, without requiring the payment of additional fees or the filing of a private street map. The Advisory Agency may approve, conditionally approve, or disapprove the map subject to the applicable provisions of this Article or *Div. 10.3. (Private Street Regulations)*.

### D. Lots In The Very High Fire Hazard Severity Zone

1. The Advisory Agency may disapprove a preliminary parcel map for land located in the Very High Fire Hazard Severity Zone because of inadequate fire protection facilities unless:
  - a. The designated area in which buildings are to be erected on each proposed parcel or lot, as shown on the map, is located not more than 1,000 feet from a fire hydrant, the distance to be measured along a route providing reasonable access, as determined by the Fire Chief, for the laying of fire hoses in an emergency; or
  - b. The Fire Chief reports that adequate fire protection exists, or is in the process of being provided, for the parcels or lots.
2. Upon proper application to the City Council, and upon recommendation of the Chief Engineer of Waterworks of the Department of Water and Power, the City may provide for contribution toward the cost of installation of water mains and hydrants necessary to comply with this Subsection where the Chief Engineer determines that the cost of such installation is greatly in excess of normal charges for providing like facilities.

### E. Maps Involving Future Streets

In the event that the Advisory Agency determines that certain streets or alleys in a proposed division of land shall be reserved for future public use, they shall be indicated on the preliminary parcel map and offered for dedication as future streets or future alleys prior to recording the parcel map. The applicant shall furnish the Bureau of Right-of-Way and Land an offer of dedication therefor in accordance with the provisions of *Sec. 11.4.3.B.1*.

### F. Maintenance of Accessory Structures

Where the Advisory Agency determines that a proposed parcel map complies with all provisions of these Parcel Map Regulations, but finds that the proposed division of land will result in an accessory building or structure being on a parcel separated from the main building or a residential building being on a parcel without the required off-street parking spaces and, in order to afford the

applicant time to properly provide a main building on the same parcel with the accessory structure or building, or to remove same, or to provide the required off-street parking spaces with the residential building, the Advisory Agency may approve the proposed parcel map and the continued use and maintenance of the accessory structures or buildings separated from the main building for a period of time not to exceed one year and the residential building without the off-street parking spaces for a period of time not to exceed 90 days subject to the following conditions:

1. That as a prerequisite to the filing of the final parcel map with the City Engineer, the owner or owners of record of the subject property shall record in the office of the County Recorder of Los Angeles County, California, a covenant running with the and in which such owner or owners agree to comply with an the conditions imposed by the Advisory Agency in approving the parcel map.
2. That upon approval of the proposed parcel map, in addition to the permanent copy placed on file in the City Planning Department, the Advisory Agency shall furnish a copy of the action to the applicant and to the Department of Building and Safety.

#### G. Lots Involving a Common Slope

Whenever two or more lots are to be created on a common slope and the City Engineer or Superintendent of Building determines that condition so dictate, the Advisory Agency may require as a condition of approval of the preliminary parcel map that appropriate deed covenants on a form approved by the City Attorney be recorded which provide to each owner of the common slope a joint right on entry for access of men and equipment, and a joint easement over the slope area to maintain and repair the common slope.

#### H. Protected Trees

When a protected tree exists on a proposed parcel, the preservation of the tree at its existing location, its relocation for preservation purposes, or the removal of the tree shall be regulated in the same manner as that provided under subdivision regulations set forth in this Article.

### SEC. 11.4.3. PRELIMINARY PARCEL MAP REVIEW CONSIDERATIONS

#### A. Approval

When the Advisory Agency determines that the proposed parcel map complies with all the provisions of these parcel map regulations, and no dedication or subdivision improvement is required, it shall approve the Map.

#### B. Conditional Approval

When the Advisory Agency determines that the preliminary parcel map complies with all of the provisions of these parcel map regulations, but that street or alley dedications or subdivision improvements, storm drain easements, sanitary sewer easements or slope easements are necessary, or that grading or construction of an engineered retaining structure as specified in this

Section is necessary. It may approve the proposed preliminary parcel map subject to the following conditions being complied with to the satisfaction of the City Engineer:

1. That an offer be made to dedicate such land as is necessary for street or alley purposes in compliance with the applicable street and alley design standards established in *Sec. 11.1.3. (Subdivision Design Standards)* and such storm drain easements, sanitary sewer easements and slope easements as are deemed necessary. The offer shall be properly executed by all parties having a record interest, including beneficiaries under deeds of trust as shown by a current preliminary title report prepared by a title company approved by the City Engineer for that purpose. The trustee under the deed of trust shall not be required to execute the dedicatory instrument, unless, in the view of the City Engineer, such execution is necessary to satisfactorily dedicate the land. This report shall be on a form approved by the City Attorney and the City Engineer; be in such terms as to be binding on the owner, heirs, assigns or successors in interest; and shall continue until the City Council accepts or rejects it. The offer shall provide that the dedication will be complete upon acceptance by the City Council. The City Engineer shall approve or disapprove the offer for recordation within ten days after it is filed. The offer shall be recorded by the City Engineer in the Office of the County Recorder upon its approval. If the streets, alleys and easements being offered for dedication are required for immediate public use as streets, alleys and easements, a resolution of acceptance shall thereafter be submitted to the City Council concurrently with the final parcel map in order to complete the dedication. Offers to dedicate that are not required for immediate public use will be retained by the City until such time as acceptance for public use occurs. If an offer is rejected by the City Council, the City Engineer shall issue a release from such offer, which shall be recorded in the Office of the County Recorder.
2. When it is determined that additional street dedication for widening will be required from property adjoining that depicted in the preliminary parcel map in order to comply with the applicable street standards provided for in *Sec. 11.1.3. (Subdivision Design Standards)*, the offer of dedication provided for above shall include an agreement as a covenant running with the land that upon completion of the dedication, a one-foot wide portion of the property included within the dedication and abutting such adjoining property shall not be used for access. This agreement shall be in the form of a covenant running with the land and shall be recorded, but shall by its own terms become null and void upon the completion of the dedication of the additional land needed for street purposes from the adjoining property. The City Engineer shall show that portion of the dedication which is subject to the recorded covenant on the District Maps of the City of Los Angeles. As long as the agreement remains in effect, the one-foot strip shall not be used as a means of access to the adjoining property, nor shall any permits be issued by any City Department permitting its use for access purposes.
3. That such subdivision improvements as are required be constructed and installed to the satisfaction of the City Engineer or that construction and installation of such subdivision improvements be guaranteed in accordance with the provisions of *Sec. 11.3.3.G. (Guarantees)*. The subdivision improvements shall be limited to grading and the installation of local drainage and sewer facilities, curbs, gutters, sidewalks, street lights, street trees and roadway surfacing.

In addition, the City Engineer may also require such other incidental subdivision improvements as are essential to the proper installation of the required public street or alley improvements. All such subdivision improvements shall be graded and improved in accordance with plans approved by the City Engineer. When the conditions of approval of the preliminary parcel map specify that subdivision improvements are required to be constructed prior to the grant of any development right, no building permit shall be issued until the subdivision improvements have been constructed or suitably guaranteed in accordance with *Sec. 11.3.3.G. (Guarantees)*.

4. That if grading or construction of an engineered retaining structure is required by the Advisory Agency to remove potential geologic hazards, such grading or construction shall be completed or guaranteed to the satisfaction of the City Engineer or the Superintendent of Building.
5. When recommended by the Fire Department, the Advisory Agency may as a condition of approval of the preliminary parcel map, require the installation of fire hydrants to the satisfaction of the Fire Department.
6. Upon proper application to the City Council, and upon recommendation of the City Engineer of Waterworks of the Department of Water and Power, the City may provide for contribution toward the costs of installation of water mains and hydrants necessary to comply with this subsection where the Chief Engineer determines that the cost of such installation is greatly in excess of normal charges for providing like facilities.
7. Failure to fulfill all conditions of a conditional approval within one year after the date of such approval will automatically terminate and void the proceedings. Upon application, prior to the expiration of the original one-year period, an extension of time for a period not exceeding one year may be granted by the Advisory Agency. The Advisory Agency's determination on an application for a time extension shall be subject to the appeal provision of *Sec. 13B.7.8. (Subdivision Appeal)*.

#### **8. Modification of Requirements**

The Advisory Agency may modify or waive any dedication or subdivision improvement requirements pursuant to *Sec. 13B.7.5.F.2. (Modification of Requirements)*.

#### **9. Where Parcel Map Includes Land Within Drainage District**

Whenever a parcel map, or a portion thereof includes land which is within a Local Drainage District, the provisions and requirements of the ordinance establishing such District shall be met.

#### **10. Modifications of Approved Preliminary Parcel Maps**

The Advisory Agency may grant slight modifications to a preliminary parcel map upon its own initiative or upon a request from a subdivider pursuant to *Sec. 13B.7.5.H. (Modification of Entitlement)*.



## 11. Map Identification and Reproduction

Each preliminary parcel map shall be identified with a number assigned by the City Planning Department and the date of filing. The number shall be shown on the recorded parcel map.

### SEC. 11.4.4. PARCEL MAP

#### A. Preliminary Parcel Map Requirements

A final parcel map shall be prepared and filed with the City Engineer in compliance with the provisions of this Article. The map shall conform substantially to the approved preliminary parcel map, or the approved tentative tract map which was filed pursuant to the requirements contained in *Sec. 11.4.1.C. (Parcel Maps - Divisions of Land of Five or More Parcels Not Subdivisions)*. The final parcel map shall be accepted by the City Council provided that:

1. The necessary subdivision improvements and grading or retaining structure construction, as set forth in the approval of the preliminary parcel map, have been installed and approved by the City, or provided the subdivider executes an Improvement Agreement and submits or agrees to submit:
  - a. Improvement plans; and
  - b. Satisfactory grading or construction plans, where grading or construction of an engineered retaining structure is required in Hillside Areas; and
  - c. Improvement Securities, warranty guarantees, and labor and material payment securities in accordance with provisions of *Sec. 11.3.3.G. (Guarantees)*.
2. All approvals have been obtained from City departments and other public agencies; and
3. Any special assessment or bond required to be paid or guaranteed pursuant to *Subdivision Map Act, Section 66493(c)* has been paid in full, or such payment has been guaranteed.

#### B. Final Parcel Map Requirements

1. The following information shall be submitted with the parcel map: names, address and telephone number of the record owners, and person preparing the parcel map. The general form and layout of the map, including size and type of lettering, drafting and location of acknowledgment, and other required information shall be determined by the City Engineer. The map shall be prepared on high quality tracing cloth, polyester based film, or other material approved by the City Engineer.
2. The map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey but only by reference to the existing record boundaries of such remainder if such remainder has a gross area of 5 acres or more.



3. Each sheet of the parcel map shall be 18 x 26 inches. A marginal line shall be drawn around each sheet, leaving a blank margin of one inch. The scale of the map shall be such as to show all details clearly. Each sheet shall be numbered, and its relation to other sheets clearly shown. The parcel map number, scale and north point shall be shown on each sheet. If more than 3 sheets are necessary to show the entire division of land, an index map shall be included on one of the sheets.
4. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. Each parcel shall be identified by a letter.
5. Where the division of land creates 4 or less parcels, the parcel map may be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one of these boundary lines can be established from an existing monumented line.
6. All other parcel maps shall be based upon a field survey made in conformance with the Land Surveyor's Act.
7. The parcel map shall be prepared by a registered civil engineer or licensed land surveyor. A signed Surveyor's Certificate as required by the Subdivision Map Act shall appear on the parcel map.
8. Where there are no dedications being made by the parcel map, a certificate signed and acknowledged by the fee owners only, of the real property being subdivided, consenting to the preparation and recordation of the parcel map, is required.

#### SEC. 11.4.5. **APPROVAL OF MAP DOES NOT AUTHORIZE VIOLATION OF OTHER LAWS**

Neither the approval or conditional approval of any parcel map constitutes or waives compliance with any other applicable provision of this Code, nor does any such approval authorize, nor should it be deemed to authorize, a violation or failure to comply with other applicable provisions of this Code.

#### SEC. 11.4.6. **MODIFICATION OF RECORDED PARCEL MAPS, REVIEW CONSIDERATIONS**

Modifications and amending maps shall be governed by the following limitations.

1. No modifications involving increases in density are allowed that would change the density of a parcel map as approved on appeal by the Appeal Board or the City Council, where such density was the subject of the appeal to the Appeal Board or the City Council.
2. No condition may be modified if it was imposed as a mitigating measure identified in a mitigated or conditional negative declaration or in an Environmental Impact Report.
3. Modifications involving increases in density shall not exceed an increase of one lot or dwelling unit.

- a. For subdivision of fewer than 10 lots or dwelling units, any density increase shall be limited to one lot or dwelling unit; and
  - b. For subdivisions containing 10 or more lots or dwelling units, any increase shall be limited to not more than 10% of that originally approved.
4. Modifications involving either increase in the height of structures, or in the elevation of building pads where the elevation of such pads has been specified by the Advisory Agency, shall be limited as follows:
  - a. An increase in the height of structures of not more than 10% above the approved height of such structures; or
  - b. An increase in the elevation of building pads of not more than 5 feet above the approved elevation of such pads.
  - c. Any such increase in height or elevation shall not obstruct the view from surrounding properties.
  - d. A greater increase in the elevation of building pads may be approved if such increase has been determined to be necessary for health and safety reasons by the Department of Building and Safety.
5. No modifications are permitted that violate the intent of any of the original conditions of the parcel map approval as that intent is expressed in the findings or otherwise by the decision-maker.

#### SEC. 11.4.7. SALES CONTRARY TO PARCEL MAP REGULATIONS ARE VOIDABLE

Any deed of conveyance, sale or contract to sell made contrary to the provisions of these parcel map regulations is voidable to the extent and in the same manner as is provided for violation of *Subdivision Map Act, Section 66499.32*.

## DIV. 11.5. **CONDOMINIUMS, COMMUNITY APARTMENTS, & STOCK COOPERATIVES**

### SEC. 11.5.1. **CONVERSION PROJECTS: RESIDENTIAL; RESIDENTIAL TO COMMERCIAL/INDUSTRIAL**

#### 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; 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 the General Plan and applicable Specific Plans; and to generally regulate projects in accordance with the General Plan and applicable Specific Plans and with the public health, safety and welfare.

#### B. **Applicability**

The provisions of this Section shall apply to all tentative tract maps and preliminary parcel maps, except as otherwise expressly stated in this Section.

#### C. **Application Requirements**

##### 1. **Residential Conversion Projects**

- a. A residential conversion project shall comply with the Division of Land regulations in this Article, the provisions of this Section and other applicable State laws and local ordinances.
- b. In addition to the information required by other applicable provisions of this Chapter, the following information shall be submitted at the time of filing.
  - i. 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;
    - 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 on-site or off-site 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.
  - ii. Tenant Information. Name and address of each tenant; total number of project occupants; length of tenancy; rent schedule for 18 months preceding the application; relocation assistance plan.
  - iii. 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; statement as to whether sales will be permitted to families with minor children; incentives to tenants for the purchase of the dwelling units; written notice to the tenants of an exclusive right to purchase the dwelling unit occupied by the tenant; and the number of tenants that have expressed interest in purchasing their dwelling unit.
  - iv. Floor and elevation plans, including indications of lot amenity spaces and residential amenity spaces, and required exits.
- c. The following additional information may be required by the Advisory Agency as a condition of approval:
  - i. Certificate of Housing Compliance Inspection Report as provided by *Chapter 9, Section 91.8205 (Certificate of Building Compliance)*, or equivalent report satisfactory to the Advisory Agency, which report shall detail any violations of provisions of *Chapter 9. (Building Regulations)* enacted after such permit was issued and which are explicitly made applicable to existing structures.
  - ii. 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 conditions 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; 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.
- iii. 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 this 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 this Article, 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 Chapter, the following information shall be submitted at the time of filing.
  - i. 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;
  - ii. 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 on-site or off-site and the total number required if different from that actually provided, dimensions of stalls, aisles, and driveways, locations of columns, walls, and other obstructions, and location and number of guest parking spaces.
  - iii. The following additional information may be required by the Advisory Agency as a condition of approval.
    - 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) Site plan, including, buildings, structures, yards, open spaces, and accessory storage areas and buildings including trash storage areas.
    - c) Floor and elevation plans, including indication of lot amenity spaces and residential amenity spaces, and required exists.

- d) 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).
- e) 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 this Code.

### 3. All Projects

No application for tentative tract 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: written notice of intention to file a tentative or preliminary parcel map application at least 60 days prior to the filing of the application and a written copy of the relocation assistance provisions of *Chapter 4, Section 47.06. (Tenant Relocation Assistance Where Apartments Are To Be Converted)* and *Chapter 4, Section 47.07. (Tenant Relocation Assistance Where Apartments Are To Be Demolished)*. 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 the filing of the application shall be given written notice of the pending application prior to entering into any written or oral rental agreement.

## D. Tenant Notification

### 1. Notification of Hearing on Tentative Tract Map or Preliminary Parcel Map

In addition to other notification requirements of this Chapter, the Department of City Planning shall give notice of any public hearing on a tentative tract map or preliminary parcel map to each tenant in each dwelling unit of the building or buildings proposed for conversion.

This notice shall be in writing and mailed no less than 10 days prior to the public hearing on the tentative tract map or preliminary parcel map.

The 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 *Sec. 11.5.1.C.1.c.ii.*, and any other information as may be pertinent to the pending proceedings.

### 2. Notification of Proposed Conversion Prior to Termination of Tenancy Due to Conversion

Each tenant of a conversion project subject to this Section shall be given 180 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 the conversion project after the date of the 180 days written notice shall be given a copy of the notice of intention to convert

before entering into any written or oral rental agreement, but shall not be entitled to 180 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 *California Business and Professions Code, Section 11018.2*, 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 tract map or preliminary parcel map approval, the notice required by this Subdivision 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.

## E. Tentative Tract Map And Preliminary Parcel Map Approval:

1. All tentative tract maps and preliminary parcel maps filed in connection with residential conversion projects or residential to commercial/industrial conversion projects shall be subject to the Division of Land Regulations contained in this Article, except as otherwise provided in this Section. 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 Section.
2. The Advisory Agency shall disapprove a tentative tract map or preliminary parcel map for a residential conversion project 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 5 years from the date the original certificate of occupancy for the building was issued. The Advisory Agency shall disapprove a tentative tract 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, General Plan, or applicable 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. This provision shall not apply to any residential conversion project 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 tract map or preliminary parcel map for a residential conversion project 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 tract map or preliminary parcel map for a residential conversion project or a residential to commercial/industrial conversion project if it finds that there are uncorrected violations of *Chapter 9. (Building Regulations)*, and that an adequate plan to correct such violations has not been developed or accomplished. For purposes of this provision, *Chapter 9. (Building Regulations)* 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 tract map or preliminary parcel map for a residential conversion project or a 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 tract map or preliminary parcel map for a residential conversion project or a 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 5% or less, and (2) the cumulative effect of the rental housing market in the planning area of successive residential conversion projects or a 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 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 rental 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 *Sec. 13B.1.1. (General Plan Adoption/Amendment)*.

## F. 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 *Chapter 4, Sec. 47.06. (Tenant Relocation Assistance Where Apartments Are To Be Converted)*. The covenant and agreement shall be executed and recorded within 10 days after the expiration of the appeal period, or final approval, whichever is later, for tentative tract map or preliminary parcel map approval and a copy provided to each tenant within 5 days of recordation. The covenant and agreement shall run to the benefit of any eligible tenant, as defined in *Sec. 11.5.1.F.2. (Eligible Tenant)* and shall be enforceable by any eligible tenant or by the City.

## 2. **Eligible Tenant**

As used in this Section, the term eligible tenant means any tenant who was resident of the property both on the date of tentative tract map or preliminary parcel map application and the date of approval of such map, or at any time after that, 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 Section, if the tenant meets the definition of qualified tenant in *Chapter 4, Section 47.06. (Tenant Relocation Assistance Where Apartments Are To Be Converted)*.

## 4. **Dispute Resolution**

The covenant and agreement specified in *Sec. 11.5.1.F.1. (Requirement)* 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.

## 5. **Continued Tenancy Pending Relocation; Eviction; Review Procedure**

- a. 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 *Sec. 11.5.1.F.3. (Special Protection)*. In all other cases, the subdivider is not required to consent to continued tenancy beyond 12 months from the date of tentative tract 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 is the later.
- b. An eligible tenant may be evicted, notwithstanding *Sec. 11.5.1.F.5.a.*, for the following reasons only:
  - i. The tenant has failed to pay the rent to which the landlord is entitled.
  - ii. 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.

- iii. 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 rent unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the same or adjacent building.
  - iv. The tenant is using or permitting a rental unit to be used for any illegal purpose.
  - v. 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 Section.
  - vi. 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.
  - vii. The person in possession of the rental unit at the end of the lease term is a subtenant not approved by the landlord.
- c. Any dispute regarding an eligible tenant's right to continue tenancy pursuant to this Subdivision 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.

## G. Parking

### 1. Residential Conversion Projects

- a. The minimum number of resident parking spaces per dwelling unit shall be 1.25 parking spaces per dwelling unit having 3 or less habitable rooms and 1.5 parking spaces per each dwelling unit having more than 3 habitable rooms. The Advisory Agency may increase or decrease the required number of parking spaces up to and including 0.75 parking spaces per dwelling unit, where it finds that such modification is consistent with the purposes of this Section.
- b. The minimum number of guest parking spaces shall be 0.25 parking spaces per dwelling unit for projects containing 50 or fewer units and 0.5 parking spaces per dwelling unit for projects containing more than 50 units. The Advisory Agency may modify the guest parking requirement up to and including 0.5 parking spaces per unit where it finds such modification consistent with the purposes of this Section.

- c. Where the number of parking spaces required in *Sec. 4C.4.1. (Automobile Parking Stalls)* or other provisions of this Chapter 1n 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. Where the total number of required spaces includes a fraction, the provision of *Sec. 4C.4.1.D.2. (Fractional Space)* shall govern.
- e. The design and improvement of parking facilities and areas shall substantially conform to the provisions of *Sec. 4C.4.3. (Parking Area Design)*.

## 2. Residential to Commercial/Industrial Conversion Projects

Regardless of the parking requirements outlined in *Sec. 4C.4.1. (Automobile Parking Stalls)*, residential to commercial/industrial conversion projects shall conform to the following requirements:

- a. The required minimum number of parking spaces to be provided in a residential to commercial/industrial conversion project shall be:
  - i. 5 parking spaces for each 1,000 square feet of that portion of the total floor area of a building to be used as a medical facility; and
  - ii. 2 parking spaces for each 1,000 square feet of that portion of the total floor area in a building to be used for other General Commercial Uses, Heavy Commercial Uses, Light Industrial Uses, or Heavy Industrial Uses, as established in *Article 5. (Use)*.
- b. Regardless of the provisions established in *Sec. 14.1.7. (Floor Area)*, total floor area, as used in this Section, 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.
- c. The Advisory Agency may increase the required minimum number of parking spaces by not more than 75 percent, including any allowance for guest parking, where it finds that such modification is consistent with the purposes of this Section.
- d. Where the number of parking spaces required in *Sec. 4C.4.1. (Automobile Parking Stalls)* or other provisions of this Chapter 1n 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. Where the total number of required spaces includes a fraction, the provision of *Sec. 4C.4.1.D.2. (Fractional Space)* shall govern.
- f. The design and improvement of parking facilities and areas shall substantially conform to the provisions of *Sec. 4C.4.3. (Parking Area Design)*.

## H. Building Reports – Residential Conversion Projects

The Advisory Agency may require, as a condition of approval, that the applicant notify such 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 *Sec. 11.5.1.C. (Application Requirements)*.
2. A report concerning compliance with the sound transmission control standards established by *Chapter 9, Sec. 91.1206. (Sound Transmission)*.
3. Report concerning compliance with the residential energy conservation standards established by *California Administrative Code Article 1, Part 6, Title 24*.
4. A report concerning compliance with the elevator safety standards established by *California Administrative Code, Title 8*.
5. A report concerning compliance with any provision of *Chapter 9. (Building Regulations)* which the Advisory Agency and the Superintendent of Building find appropriate for such reporting purpose.

## I. Rental Housing Production

1. As a condition of tentative tract 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 \$1,492 for each unit in a residential conversion project or residential to commercial/industrial conversion project, based on the number of units in the project prior to conversion. For the year beginning July 1, 2008, and all subsequent years, the fee amount shall be adjusted on an annual basis pursuant to the formula set forth in *Chapter 15, Section 151.06. D. (Automatic Adjustments)*. The adjusted amount shall be rounded to the nearest \$50 increment. This fee shall be paid prior to approval of the final map by the City Engineer.
2. All fees collected pursuant to this Subsection shall be deposited and held in the Rental Housing Production Account of the Housing and Community Investment Department, which account is hereby established to be administered by the Housing and Community Investment 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. 11.5.2. **CONVERSION PROJECTS: COMMERCIAL/INDUSTRIAL; COMMERCIAL/INDUSTRIAL TO RESIDENTIAL**

### 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 the General Plan and applicable Specific Plans; and to generally regulate projects in accordance with the General Plan and applicable Specific Plans and with the public health, safety and welfare.

### B. **Applicability.**

The provisions of this Section shall apply to all tentative tract maps and preliminary parcel maps, except as otherwise expressly stated in this Section.

### C. **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 this Article, the provisions of this Section and other applicable State laws and local ordinances.
- b. In addition to the information required by other applicable provisions of this Chapter, the following information shall be submitted at the time of filing:
  - i. 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, accessory storage areas and buildings, including trash storage areas: and
    - c) Parking plan, including the total number of spaces actually provided on-site or off-site 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.

- ii. 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.
    - iii. Floor and elevation plans, including indication of lot amenity spaces and residential amenity spaces and required exits.
  - c. The following additional information may be required by the Advisory Agency as a condition of approval.
    - i. Certificate of Housing Compliance Inspection Report as provided by *Chapter 9, Section 91.8205 (Certificate of Building Compliance)*, or equivalent report satisfactory to the Advisory Agency, which report shall detail any violations of *Chapter 9. (Building Regulations)* in effect at the time the building permit was issued and any violations of provisions of *Chapter 9. (Building Regulations)* enacted after such permit was issued and which are explicitly made applicable to existing structures.
    - ii. 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.
    - iii. 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 this Code.

## 2. Commercial/Industrial Conversion Projects

- a. A commercial/industrial conversion project shall comply with the Division of Land Regulations in this Article, 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 Chapter, 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:
  - i. 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.
  - ii. Parking plan, including the total number of spaces actually provided on-site or off-site 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:
  - i. 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;
  - ii. Site plan, including buildings, structures, yards, open spaces and accessory storage areas and buildings including trash storage areas;
  - iii. Floor and elevation plans, including indication of lot amenity spaces and residential amenity spaces and required exits;
  - iv. 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; and
  - v. 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 this Code.

#### D. Tentative Tract Map And Preliminary Parcel Map Approval

1. All tentative tract maps and preliminary parcel maps filed in connection with the commercial/ industrial to residential conversion projects or commercial/industrial conversion projects shall be subject to the Division of Land regulations contained in this Article, 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 Subsection.

2. The Advisory Agency shall disapprove a tentative tract map or preliminary parcel map for a commercial/industrial conversion project 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. This provision shall not apply to any commercial/industrial conversion project or commercial/industrial to residential conversion project for which a building permit was applied for prior to July 1, 1978.
3. The Advisory Agency shall disapprove a tentative tract map or preliminary parcel map for a commercial/industrial conversion project or commercial/industrial to residential conversion project where such conversion would be inconsistent with either the existing zoning pattern, the General Plan, or applicable 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 tract map or preliminary parcel map for a commercial/industrial conversion project 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 tract map or preliminary parcel map for a commercial/industrial conversion project or commercial/industrial to residential conversion project if it finds that there are uncorrected violations of *Chapter 9. (Building Regulations)*, and that an adequate plan to correct such violations has not been developed or accomplished. For purposes of this provision, *Chapter 9. (Building Regulations)* 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 tract map or preliminary parcel map for a commercial/industrial conversion project 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 3 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.



## E. Parking

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

- a. The minimum number of resident parking spaces per dwelling unit shall be 1.25 parking spaces per each dwelling unit having three or less habitable rooms and 1.5 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 0.75 spaces 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 0.25 spaces per dwelling unit for projects containing 50 or fewer units and 0.5 spaces per dwelling unit for projects containing more than 50 units. The Advisory Agency may modify the guest parking requirements up to and including 0.5 spaces per dwelling unit where it finds such modification consistent with the purposes of this Section.
- c. Where the number of parking spaces required in *Sec. 4C.4.1. (Automobile Parking Stalls)* or other provisions of this Chapter 1n existence on the date of map application exceeds the minimum numbers established by this Subdivision, the number of parking spaces shall not be diminished.
- d. Where the total number of required spaces includes a fraction, the provision of *Sec. 4C.4.1.D.2. (Fractional Space)* shall govern.
- e. The design and improvement of parking facilities and areas shall substantially conform to the provisions of *Sec. 4C.4.3. (Parking Area Design)*.
- f. Regardless of any other provisions of this Chapter to the contrary, the required number of parking spaces in *Sec. 9.4.6. (Citywide Adaptive Reuse Projects)* 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.

### 2. Commercial/Industrial Conversion Projects

- a. The required minimum number of parking spaces to be provided in a commercial/ industrial conversion project shall be:
  - i. 5 parking spaces for each 1,000 square feet of that portion of the total floor area in a building to be used as a medical facility; and
  - ii. 2 parking spaces for each 1,000 square feet of that portion of the total floor area in a building to be used for other General Commercial Uses, Heavy Commercial Uses, Light Industrial Uses, or Heavy Industrial Uses, as established in *Article 5 (Use)*.

- b. Regardless of the provisions established in *Sec. 14.1.7. (Floor Area)*, total floor area, as used in this Section, 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.
- c. The Advisory Agency may increase or decrease the required minimum number of required parking spaces by not more than 100%, including any allowance for guest parking, where it finds that such modification is consistent with the purposes of this Section.
- d. Where the number of parking spaces required in *Sec. 4C.4.1. (Automobile Parking Stalls)* or other provisions of this Chapter 1n 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. Where the total number of required spaces includes a fraction, the provision of *Sec. 4C.4.1.D.2. (Fractional Space)* shall govern.
- f. The design and improvement of parking facilities and areas shall substantially conform to the provisions of *Sec. 4C.4.3. (Parking Area Design)*.

#### F. 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 *Sec. 11.5.2.C. (Application Requirements)*.
2. A report concerning compliance with the sound transmission control standards established by *Chapter 9, Sec. 91.1206. (Sound Transmission)*.
3. A report concerning compliance with the residential energy conservation standards established by *California Administrative Code, Article 1, Part 6, Title 24*.
4. A report concerning compliance with the elevator safety standards established by *California Administrative Code, Title 8*.
5. A report concerning compliance with any provisions of *Chapter 9. (Building Regulations)* which the Advisory Agency and the Superintendent of Building find appropriate for such reporting purpose.