

Revised 8/24/79

(30-Day Ordinance)

SEP 1 0 1979

ORDINANCE NO. 0-15013

(New Series)

AN ORDINANCE TO PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE BY ESTABLISHING A CONDOMINIUM CONVERSION PERMIT PROCEDURE

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1, Division 9 of the San Diego Municipal Code be, and it is hereby amended by adding Sections 101.0990, 101.0990.1, 101.0990.2, 101.0991, 101.0991.1, 101.0991.2, 101.0991.3, 101.0991.4, 101.0992, 101.0992.1, 101.0992.2, 101.0993, 101.0994, 101.0994.1, 101.0995, 101.0995.1, 101.0996, 101.0997, and 101.0999 to read as follows:

SEC. 101.0990 CONDOMINIUM CONVERSION PERMIT PROCEDURE

SEC. 101.0990.1 PURPOSE AND INTENT

It is the purpose of these regulations to provide for the conversion of apartments to condominiums while at the same time protecting the interests of present elderly, handicapped, disabled and low-income tenants by giving them notice of the proposal and assuring specified tenants that during times of tight rental markets that there will be provided reasonable assistance in relocating their places of residence.

It is the intent of these regulations that, except as otherwise provided, condominium conversions may only occur after the obtaining of a Condominium Conversion Permit.

It is also the intent of these regulations that tenants of apartments proposed for conversion to condominiums be given adequate notice of any such proposal.

It is not the intent of these regulations that they be made applicable to new construction.

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SEC. 101.0990.2 CONDOMINIUM CONVERSION PERMITS

No development, structure or building containing apartment dwelling units available on a weekly, monthly or yearly lease or rental basis and owned as a single legal entity which does not have condominium status shall be converted to condominium units except as set forth herein. These regulations shall not apply to any development which has condominium status on the effective date of the ordinance incorporating these provisions into the Municipal Code.

These regulations shall not be applicable to residential structures, the construction of which commenced after the effective date of the ordinance adopting these regulations or for which occupancy permits have not been issued.

SEC. 101.0991 DEFINITIONS

SEC. 101.0991.1 CONDOMINIUM STATUS

- A. A development shall be considered to have condominium status if a final condominium conversion map has been approved by the City Council.

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- B. A development shall not be considered to have condominium status if a tentative map has been submitted to The City of San Diego but has not been acted upon by the Subdivision Board.
- C. A development shall not be considered to have condominium status if a tentative map has been submitted to The City of San Diego and have been approved by either the Subdivision Board, the Planning Commission or the City Council but a final condominium conversion map has not been approved by the City Council.
- D. Notwithstanding Paragraph "C." above, a development shall be considered to have condominium status if a final map has been submitted to The City of San Diego no later than 5:00 p.m., August 6, 1979.

SEC. 101.0991.2 CONDOMINIUM

A condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property.

Such estate may, with respect to the duration of its enjoyment, be either (1) an estate of inheritance or perpetual estate, (2) an estate for life or (3) an estate for years, such as a leasehold or a subleasehold.

For purposes of these regulations, a community apartment (Business and Professions Code, Section 11004) and a stock cooperative (Business and Professions Code, Section 11003.2) shall be considered a condominium and all provisions of these regulations shall apply to such projects except for those provisions relating to tentative and final maps.

SEC. 101.0991.3 CONVERSION

Condominium conversion is the change in ownership of a single structure or group of structures utilized for residential rental units to individual ownerships of apartments or units under a condominium plan or to a cooperative or stock apartment project pursuant to applicable provisions of the laws of the State of California.

SEC. 101.0991.4 SPECIFIED PERSONS

For the purposes of these regulations, the following terms, when utilized in these regulations, shall be defined as follows:

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- A. Elderly person is a person 62 years of age or older;
- B. Disabled person is as defined in United States Code, Title 42, Section 423;
- C. Handicapped person is as defined in the California Health and Safety Code, Section 50072; and
- D. Low-income individual or family is as defined by The City of San Diego Housing Authority in consideration of the number of persons per household and the eligibility income levels of the Department of Housing and Urban Development Low Rent (Conventional) Housing Program.
 - 1. For purposes of this paragraph, low-income individual shall be one whose income does not exceed the level established by the program set forth above and is a person 45 years of age or older.
 - 2. For purposes of this paragraph, low-income family shall be one whose income does not exceed the levels established by the program set forth above and shall consist of two or more persons who qualify as a family under the definition contained in Municipal Code SEC. 101.0101.20.

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SEC. 101.0992

APPLICATION FOR CONDOMINIUM CONVERSION

An application for a Condominium Conversion Permit shall be filed in conjunction with a tentative map with the Planning Department as provided in Article 2 of Chapter X of the Municipal Code.

As to tentative map applications already filed but not yet approved by the Subdivision Board, any approval of the tentative map shall contain a condition requiring that the subdivider obtain a Condominium Conversion Permit prior to presentation of the final map for City Council approval.

As to tentative map applications already approved by the Subdivision Board, the Planning Commission, or the City Council, a Condominium Conversion Permit shall be obtained prior to consideration of a final map by the City Council except for those final maps which have obtained condominium status in accordance with the provisions of SEC. 101.0991.1. The period within which a final map may be submitted shall be extended for the period necessary to process the application for a Condominium Conversion Permit without further action by the subdivider.

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SEC. 101.0992.1 FEE AND DEPOSITS

Prior to, or in conjunction with, the filing of any application, the applicant shall pay to the City, a fee/deposit equal to the cost of processing said application. The fee/deposit shall be established by the provisions of SEC. 101.0302.

SEC. 101.0992.2 PUBLIC INTEREST PROJECT

An application for a condominium conversion permit for a residential project that was financed by funds obtained from a governmental agency to provide for elderly, handicapped, disabled or low-income housing shall not be considered for a Condominium Conversion Permit.

An application for a Condominium Conversion Permit for a residential project that was developed to provide for elderly, handicapped, disabled, or low-income rental housing shall not be considered for a Condominium Conversion Permit unless provisions are made to perpetuate the use for which the project was developed. Such provisions shall be made a part of the conditions of the Condominium Conversion Permit.

SEC. 101.0993

HEARING BEFORE THE PLANNING COMMISSION

The Planning Commission shall conduct a public hearing on the application for any condominium conversion for the purpose of determining whether to approve, approve conditionally as provided for in SEC. 101.0992.2, or deny a Condominium Conversion Permit.

- A. Written notices shall be mailed first class prepaid postage to all tenants residing in the proposed condominium conversion project not less than fifteen (15) days prior to any hearing by the Planning Commission.

Such notice shall provide at least the following:

1. The date, time, place and purpose of the hearing;
2. That should the condominium conversion project be approved, tenants may be required to vacate the premises; and
3. That prior to the sale of the first unit, the property owner will be required to give all tenants a minimum of one hundred and eighty (180) days written notice of intention to convert prior to

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termination of their tenancy, together with the exclusive right to purchase their respective units for a period of not less than sixty (60) days from the date the State Department of Real Estate issues its subdivision public report on the project.

- B. Prior to the scheduling of the public hearing before the Planning Commission the applicant shall have provided to the Planning Department the mailing addresses of all apartments or units within the development and the name of each tenant of each apartment or unit from whom rent or lease payments are received.
- C. In addition, public noticing shall be provided as required by Article 2 of Chapter X.
- D. The applicant shall mail or cause to be delivered written notice to all tenants residing within the project within ten (10) days after approval of any condominium conversion project. Such notice shall state all of the conditions of the approval.
- E. A written notice shall also be given by the applicant to all prospective tenants prior to rental to them of any of the units for which a conversion permit has been

applied for or approved, stating that an application for a conversion permit has been filed or granted, advising such prospective tenants that they shall not be entitled to any of the benefits of these provisions, except as provided by California Government Code SEC. 66427.1, due to their acceptance of tenancy during a pending conversion. In the event that the Condominium Conversion Permit is approved, the notice shall also state all of the conditions of the approval.

SEC. 101.0994 DECISION OF THE PLANNING COMMISSION

The applicant for a Condominium Conversion Permit which proposes conversion of rental units to condominiums shall agree to provide the benefits specified in this Section for those tenants who on the date of mailing of the notice of the Planning Commission hearing on the Condominium Conversion Permit are elderly, handicapped, disabled or low-income persons:

- A. From the applicant, a relocation assistance payment equivalent to two (2) months current rent per unit, which shall be paid to the tenants by the applicant, for the purpose of assisting displaced tenants in relocating their places of residence, to be paid on or

before the fifth (5th) working day after the tenant has vacated the unit; and,

- B. From the applicant, assistance in locating one dwelling unit acceptable to the tenant or tenants; provided, that if such a unit is unacceptable, the tenant or tenants shall be entitled to occupancy of the present unit of residence for a period of time that shall be;
(1) one year from the day the 180 day written notice of intention to convert is given to the tenants as required by SEC. 101.0993, Paragraph A.3. or, (2) 60 days following the notice of the right to purchase as set forth in SEC. 101.0993, Paragraph A.3., whichever provides the tenant with the greater period of occupancy.

- C. Any tenant qualified for the benefits set forth in this Section shall not be entitled to said benefits if said tenant purchases a unit in the project.

- D. Any tenants who have given written notice of their intention to move prior to the date of the mailing of the notice required by Paragraph "A." of SEC. 101.0993 shall not be entitled to the benefits set forth in this Section.

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SEC. 101.0994.1 PROSPECTIVE TENANTS

The applicant shall inform prospective tenants of the status of the project as required by SEC. 101.0993 and shall also inform them that they are not entitled to the benefits set forth in SEC. 101.0994.

SEC. 101.0995 APPEAL FROM THE DECISION OF THE PLANNING COMMISSION

- A. An appeal from the decision of the Planning Commission may be taken to the City Council within fifteen (15) days after the decision of the Planning Commission has been filed with the City Clerk. The appeal may be taken by the applicant or by any affected tenant. The appeal shall be in writing and filed in duplicate with the City Clerk upon forms provided by the Clerk. The appeal shall specify wherein there was error in the decision of the Planning Commission. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the City Council.

- B. Upon filing of the appeal, the City Clerk shall set the matter for public hearing within thirty (30) days. The

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Clerk shall give notice of time, place and purpose of such hearing in the manner as provided in these regulations. In addition, the City Clerk shall send the Planning Commission a duplicate copy of the appeal and request the Commission to transmit to the City Council a copy of its decision, findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Planning Commission made its decision.

SEC. 101.0995.1 DECISION OF THE CITY COUNCIL

Upon the hearing of the appeal, the City Council may, within ten (10) days following the conclusion of the hearing, by resolution, affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the same limitations as placed upon the Planning Commission by law and the provisions of this Code.

SEC. 101.0996 TEMPORARY SUSPENSION OF CONDOMINIUM
CONVERSION PERMIT REGULATIONS

On or before April 1, 1980, and each year thereafter, the Planning Commission shall determine that if the average vacancy rate for residential rental units exceeded five percent on a City-wide basis for the previous calendar year,

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then the provisions of these sections shall not apply to condominium conversions in the fiscal year starting July 1 of that year.

Planning Department staff shall submit to the Planning Commission in March of each year a report identifying the vacancy rates for residential rental units in The City of San Diego as of January 1 of that year, and July 1 of the preceding year. The report shall also include an annual average. The report is to be based on the results of a survey of rental apartments to be taken during the months of January and July of each year, plus any other information regarding vacancy rates submitted to the Planning Commission by other governmental agencies and other interested parties.

In the event of a temporary suspension of regulations, the public noticing of hearings before the Subdivision Board, the Planning Commission and the City Council, on tentative maps and final maps shall continue in the manner set forth in SEC. 101.0993.

SEC. 101.0997 CONSIDERATION OF TENTATIVE MAPS

Notwithstanding any other provision of the Municipal Code to the contrary, any tentative map filed for the purpose of

converting existing apartments to condominiums shall be considered by the Planning Commission which shall act in the capacity of the Subdivision Board and shall be governed by those provisions of the Municipal Code applicable to the Subdivision Board. An appeal from the decision of the Planning Commission may be taken to the City Council pursuant to the provisions of Municipal Code Section 102.0308.

A tentative map shall be considered by the Planning Commission concurrently with the application for Condominium Conversion Permit.

SEC. 101.0999 SEVERABILITY

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

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

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APPROVED: JOHN W. WITT, City Attorney

By 

Frederick C. Conrad

Chief Deputy City Attorney

FCC:rd

8/17/79 (Revised: 8/24/79)

Or. Dept.: Planning

0-15013

Passed and adopted by the Council of The City of San Diego on
by the following vote:

SEP 1 0 1979

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Rita Andrews, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 21 1979

SEP 1 0 1979

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Rita Andrews, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15013 Adopted SEP 1 0 1979

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
SEP 27 AM 10:34
SAN DIEGO, CALIF.

San Diego, City of
12th Floor, City Admin. Bldg.
202 C. St.
San Diego, CA. 92101

IN THE MATTER OF

NO.

ORDINANCE NO. 15013 (NEW SERIES)

ORDINANCE NO. 15013
(New Series)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 8 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.0990, 101.0990.1, 101.0990.2, 101.0991, 101.0991.1, 101.0991.2, 101.0991.3, 101.0991.4, 101.0992, 101.0992.1, 101.0992.2, 101.0993, 101.0994, 101.0994.1, 101.0995, 101.0995.1, 101.0996, 101.0997 AND 101.0998 REGARDING CONDOMINIUM CONVERSIONS.
BE IT ORDAINED, by the Council of The City of San Diego, as follows:
Section 1. That Chapter X, Article 1, Division 8 of the San Diego Municipal Code be, and it is hereby amended, by adding Sections 101.0990, 101.0990.1, 101.0990.2, 101.0991, 101.0991.1, 101.0991.2, 101.0991.3, 101.0991.4, 101.0992, 101.0992.1, 101.0992.2, 101.0993, 101.0994, 101.0994.1, 101.0995, 101.0995.1, 101.0996, 101.0997 and 101.0998 to read as follows:
SEC. 101.0990. CONDOMINIUM CONVERSION PERMIT PROCEDURE.
SEC. 101.0990.1 PURPOSE AND INTENT
It is the purpose of these regulations to provide for the conversion of apartments to condominiums while at the same time protecting the interests of present elderly, handicapped, disabled and low-income tenants by giving them notice of the proposal and assuring specified tenants that during times of tight rental markets that there will be provided reasonable assistance in relocating their places of residence.
It is the intent of these regulations that, except as otherwise provided, condominium conversions may only occur after the obtaining of a Condominium Conversion Permit.
It is also the intent of these regulations that tenants of apartments proposed for conversion to condominiums be given adequate notice of any such proposal.
It is not the intent of these regulations that they be made applicable to new construction.
SEC. 101.0990.2 CONDOMINIUM CONVERSION PERMITS
No development, structure or building containing apartment dwelling units available on a weekly, monthly or yearly lease or rental basis and owned as a single legal entity which does not have condominium status shall be converted to condominium units except as set forth herein. These regulations shall not apply to any development which has condominium status on the effective date of the ordinance incorporating these provisions into the Municipal Code.
These regulations shall not be applicable to residential structures, the construction of which commenced after the effective date of the ordinance adopting these regulations or for which occupancy permits have not been issued.
SEC. 101.0991. DEFINITIONS
SEC. 101.0991.1 CONDOMINIUM STATUS
A. A development shall be considered to have condominium status if a final condominium conversion map has been approved by the City Council.
B. A development shall not be considered to have condominium status if a tentative map has been submitted to The City of San Diego but has not been acted upon by the Subdivision Board.
C. A development shall not be considered to have condominium status if a tentative map has been submitted to The City of San Diego and have been approved by either the Subdivision Board, the Planning Commission or the City Council but a final condominium conversion map has not been approved by the City Council.

I, Paula J. Santonocito, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

NOTICE

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

September 24, 1979

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 24th day of Sept., 19 79.

Paula J. Santonocito
(Signature)

27 1/2" - 4165.92

D. Notwithstanding Paragraph "C," above, a development shall be considered to have condominium status if a final map has been submitted to The City of San Diego no later than 8:00 p.m., August 8, 1979.

SEC. 101.0991.2 CONDOMINIUM

A condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property.

Such estate may, with respect to the duration of its enjoyment, be either (1) an estate of inheritance or perpetual estate, (2) an estate for life or (3) an estate for years, such as a leasehold or a subleasehold.

For purposes of these regulations, a community apartment (Business and Professions Code, Section 11004) and a stock cooperative (Business and Professions Code, Section 11003.2) shall be considered a condominium and all provisions of these regulations shall apply to such projects except for those provisions relating to tentative and final maps.

SEC. 101.0991.3 CONVERSION

Condominium conversion is the change in ownership of a single structure or group of structures utilized for residential rental units to individual ownerships of apartments or units under a condominium plan or to a cooperative or stock apartment project pursuant to applicable provisions of the laws of the State of California.

SEC. 101.0991.4 SPECIFIED PERSONS

For the purposes of these regulations, the following terms, when utilized in these regulations, shall be defined as follows:

- A. Elderly person is a person 62 years of age or older;
- B. Disabled person is as defined in United States Code, Title 42, Section 423;
- C. Handicapped person is as defined in the California Health and Safety Code, Section 50072; and
- D. Low-income individual or family is as defined by The City of San Diego Housing Authority in consideration of the number of persons per household and the eligibility income levels of the Department of Housing and Urban Development Low Rent (Conventional) Housing Program.

1. For purposes of this paragraph, low-income individual shall be one whose income does not exceed the level established by the program set forth above and is a person 45 years of age or older.
2. For purposes of this paragraph, low-income family shall be one whose income does not exceed the levels established by the program set forth above and shall consist of two or more persons who qualify as a family under the definition contained in Municipal Code SEC. 101.0101.20.

SEC. 101.0992 APPLICATION FOR CONDOMINIUM CONVERSION

An application for a Condominium Conversion Permit shall be filed in conjunction with a tentative map with the Planning Department as provided in Article 2 of Chapter X of the Municipal Code.

As to tentative map applications already filed but not yet approved by the Subdivision Board, any approval of the tentative map shall contain a condition requiring that the subdivider obtain a Condominium Conversion Permit prior to presentation of the final map for City Council approval.

As to tentative map applications already approved by the Subdivision Board, the Planning Commission, or the City Council, a Condominium Conversion Permit shall be obtained prior to consideration of a final map by the City Council except for those final maps which have obtained condominium status in accordance with the provisions of SEC. 101.0991.1. The period within which a final map may be submitted shall be extended for the period necessary to process the application for a Condominium Conversion Permit without further action by the subdivider.

SEC. 101.0992.1 FEE AND DEPOSITS

Prior to, or in conjunction with, the filing of any application, the applicant shall pay to the City, a fee/deposit equal to the cost of processing said application. The fee/deposit shall be established by the provisions of SEC. 101.0302.

SEC. 101.0992.2 PUBLIC INTEREST PROJECT

An application for a condominium conversion permit for a residential project that was financed by funds obtained from a governmental agency to provide for elderly, handicapped, disabled or low-income housing shall not be considered for a Condominium Conversion Permit.

An application for a Condominium Conversion Permit for a residential project that was developed to provide for elderly, handicapped, disabled, or low-income rental housing shall not be considered for a Condominium Conversion Permit unless provisions are made to perpetuate the use for which the project was developed. Such provisions shall be made a part of the conditions of the Condominium Conversion Permit.

SEC. 101.0993 HEARING BEFORE THE PLANNING COMMISSION

The Planning Commission shall conduct a public hearing on the application for any condominium conversion for the purpose of determining whether to approve, approve conditionally as provided for in SEC. 101.0992.2, or deny a Condominium Conversion Permit.

A. Written notices shall be mailed first class prepaid postage to all tenants residing in the proposed condominium conversion project not less than fifteen (15) days prior to any hearing by the Planning Commission.

Such notice shall provide at least the following:

1. The date, time, place and purpose of the hearing;
 2. That should the condominium conversion project be approved, tenants may be required to vacate the premises; and
 3. That prior to the sale of the first unit, the property owner will be required to give all tenants a minimum of one hundred and eighty (180) days written notice of intention to convert prior to termination of their tenancy, together with the exclusive right to purchase their respective units for a period of not less than sixty (60) days from the date the State Department of Real Estate issues its subdivision public report on the project.
- B. Prior to the scheduling of the public hearing before the Planning Commission the applicant shall have provided to the Planning Department the mailing addresses of all apartments or units within the development and the name of each tenant of each apartment or unit from whom rent or lease payments are received.
- C. In addition, public noticing shall be provided as required by Article 2 of Chapter X.
- D. The applicant shall mail or cause to be delivered written notice to all tenants residing within the project within ten (10) days after approval of any condominium conversion project. Such notice shall state all of the conditions of the approval.

E. A written notice shall also be given by the applicant to all prospective tenants prior to rental to them of any of the units for which a conversion permit has been applied for or approved, stating that an application for a conversion permit has been filed or granted, advising such prospective tenants that they shall not be entitled to any of the benefits of these provisions, except as provided by California Government Code SEC. 66427.1, due to their acceptance of tenancy during a pending conversion. In the event that the Condominium Conversion Permit is approved, the notice shall also state all of the conditions of the approval.

SEC. 101.0994 DECISION OF THE PLANNING COMMISSION

The applicant for a Condominium Conversion Permit which proposes conversion of rental units to condominiums shall agree to provide the benefits specified in this Section for those tenants who on the date of mailing of the notice of the Planning Commission hearing on the Condominium Conversion Permit are elderly, handicapped, disabled or low-income persons:

- A. From the applicant, a relocation assistance payment equivalent to two (2) months current rent per unit, which shall be paid to the tenants by the applicant, for the purpose of assisting displaced tenants in relocating their places of residence, to be paid on or before the fifth (5th) working day after the tenant has vacated the unit; and
- B. From the applicant, assistance in locating one dwelling unit acceptable to the tenant or tenants; provided, that if such a unit is unacceptable, the tenant or tenants shall be entitled to occupancy of the present unit of residence for a period of time that shall be: (1) one year from the day the 180 day written notice of intention to convert is given to the tenants as required by SEC. 101.0993, Paragraph A.3. or, (2) 60 days following the notice of the right to purchase as set forth in SEC. 101.0993, Paragraph A.3, whichever provides the tenant with the greater period of occupancy.
- C. Any tenant qualified for the benefits set forth in this Section shall not be entitled to said benefits if said tenant purchases a unit in the project.
- D. Any tenants who have given written notice of their intention to move prior to the date of the mailing of the notice required by Paragraph "A" of SEC. 101.0993 shall not be entitled to the benefits set forth in this Section.

SEC. 101.0994.1 PROSPECTIVE TENANTS

The applicant shall inform prospective tenants of the status of the project as required by SEC. 101.0993 and shall also inform them that they are not entitled to the benefits set forth in SEC. 101.0994.

SEC. 101.0995 APPEAL FROM THE DECISION OF THE PLANNING COMMISSION

A. An appeal from the decision of the Planning Commission may be taken to the City Council within fifteen (15) days after the decision of the Planning Commission has been filed with the City Clerk. The appeal may be taken by the applicant or by any affected tenant. The appeal shall be in writing and filed in duplicate with the City Clerk upon forms provided by the Clerk. The appeal shall specify wherein there was error in the decision of the Planning Commission. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the City Council.

B. Upon filing of the appeal, the City Clerk shall set the matter for public hearing within thirty (30) days. The Clerk shall give notice of time, place and purpose of such hearing in the manner as provided in these regulations. In addition, the City Clerk shall send the Planning Commission a duplicate copy of the appeal and request the Commission to transmit to the City Council a copy of its decision, findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Planning Commission made its decision.

SEC. 101.0995.1 DECISION OF THE CITY COUNCIL

Upon the hearing of the appeal, the City Council may, within ten (10) days following the conclusion of the hearing, by resolution, affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the same limitations as placed upon the Planning Commission by law and the provisions of this Code.

SEC. 101.0996 TEMPORARY SUSPENSION OF CONDOMINIUM CONVERSION PERMIT REGULATIONS

On or before April 1, 1980, and each year thereafter, the Planning Commission shall determine that if the average vacancy rate for residential rental units exceeded five percent on a City-wide basis for the previous calendar year, then the provisions of these sections shall not apply to condominium conversions in the fiscal year starting July 1 of that year.

Planning Department staff shall submit to the Planning Commission in March of each year a report identifying the vacancy rates for residential rental units in The City of San Diego as of January 1 of that year, and July 1 of the preceding year. The report shall also include an annual average. The report is to be based on the results of a survey of rental apartments to be taken during the months of January and July of each year, plus any other information regarding vacancy rates submitted to the Planning Commission by other governmental agencies and other interested parties.

In the event of a temporary suspension of regulations, the public noticing of hearings before the Subdivision Board, the Planning Commission and the City Council, on tentative maps and final maps shall continue in the manner set forth in SEC. 101.0993.

SEC. 101.0997 CONSIDERATION OF TENTATIVE MAPS

Notwithstanding any other provision of the Municipal Code to the contrary, any tentative map filed for the purpose of converting existing apartments to condominiums shall be considered by the Planning Commission which shall act in the capacity of the Subdivision Board and shall be governed by those provisions of the Municipal Code applicable to the Subdivision Board. An appeal from the decision of the Planning Commission may be taken to the City Council pursuant to the provisions of Municipal Code Section 102.0308.

A tentative map shall be considered by the Planning Commission concurrently with the application for Condominium Conversion Permit.