

ORDINANCE NO. O- 15206
(New Series)

(O. 80-243)

FEB 27 1980

AN EMERGENCY ORDINANCE TO PRESERVE THE
PUBLIC HEALTH, SAFETY AND WELFARE BY
AMENDING THE CONDOMINIUM CONVERSION
ORDINANCE OF THE CITY OF SAN DIEGO.

WHEREAS, under current State law and City ordinances, the City does not have the authority to condition condominium conversion projects to mitigate the hardships to displaced tenants; and

WHEREAS, although the City is working to amend the Housing Element of its General Plan to include specific policies and objectives relating to conversion projects and thereby obtain the authority to regulate such conversions, this amendment and any implementing ordinances will not be effective for several months; and

WHEREAS, those conversion projects for which applications have been received must be acted upon before the amendment to the General Plan and implementing ordinances will become effective; and

WHEREAS, the City Council finds that, in order to protect the public health and safety by mitigating the hardships faced by tenants who will be displaced from specified low and moderate cost rental apartments which may be converted prior to the effective date of the amendment to the General Plan and its implementing ordinances, the following ordinance must be made immediately effective upon its introduction; and

WHEREAS, the Planning Director has conducted a survey of apartment rental vacancies within the City of San Diego and has determined that for rental units renting at less than \$280 per month the vacancy rate is less than 3.5 percent thereby creating a critical shortage in that segment of the rental market; NOW, THEREFORE,

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 amending Sections 101.0990.1, 101.0992.1, 101.0993, and 101.0994, and by adding Section 101.0998, to read as follows:

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 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. 101.0992.1 FEE AND DEPOSITS

A. 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.

B. In addition to the fees required by subparagraph A above the applicant shall deposit with the City an amount equal to \$500.00 for each unit proposed to be converted which is occupied by a specified person as defined in SEC. 101.0991.4.

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 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 who proposes conversion of rental units to condominiums shall agree to provide the benefits specified in this section for persons who are tenants on the date of mailing of the notice of the Planning Commission hearing on the Condominium Conversion Permit.

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. 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 date the 180 day witten notice of intention to convert is given to the

tenants as required by SEC. 101.0993, Paragraph A3 or, (2) 60 days following the notice of the right to purchase as set forth in SEC. 101.0993, Paragraph A3, 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. 101.0998 RELOCATION ASSISTANCE TO SPECIFIED PERSONS

In addition to all of the rights and benefits provided by this section all specified persons as defined in SEC. 101.0991.4 herein shall be entitled to assistance in relocation to decent, safe and suitable housing facilities.

The City shall reimburse the Housing Commission for costs incurred in providing relocation assistance to the specified persons. Reimbursement shall not exceed the amounts deposited on behalf of the condominium conversion project pursuant to SEC. 101.0992.1B. Sixty (60) days following the expiration of the one year occupancy period set forth in SEC. 101.0994B all unexpended funds shall be returned to the applicant.

Section 2. In the event that this ordinance is adopted as an emergency measure, the provisions of this ordinance shall immediately apply to any condominium conversion where the average monthly rental for all of the units within the project was \$280 or less on the first day of February, 1980. The provisions of this ordinance shall become applicable to all condominium conversions on 45 days from adoption.

Section 3. Any applications for condominium conversion permits which have been the subject of a noticed public hearing before the Planning Commission prior to the effective date of this ordinance shall be governed by the provisions of Ordinance No. 15013 (New Series).

Section 4. This ordinance shall be effective immediately upon its introduction.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess, Deputy

JKR:lco:641
2/26/80
Or.Dept.: Mayor

FEB 27 1980

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

| Councilmen | Yeas | Nays | Not Present | Ineligible |
|-------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Bill Mitchell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator | <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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Gotch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Larry Stirling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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"/> |

RECEIVED
CITY CLERK'S OFFICE
SAN DIEGO, CALIF.
1980 FEB 26 PM 1:44

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Barbara Beridge*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
FEB 27 1980, said ordinance being of the kind and character
authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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 *Barbara Beridge*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **O-15206** Adopted **FEB 27 1980**

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
SAN DIEGO, CALIF.
1980 MAR -6 AM 9:30

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

IN THE MATTER OF

NO.

AN EMERGENCY ORDINANCE TO PRESERVE THE
PUBLIC HEALTH, SAFETY AND WELFARE BY
AMENDING THE CONDOMINIUM CONVERSION ORDINANCE

ORDINANCE NO. 0-15206
(New Series)

AN EMERGENCY ORDINANCE TO PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE BY AMENDING THE CONDOMINIUM CONVERSION ORDINANCE OF THE CITY OF SAN DIEGO.

WHEREAS, under current State law and City ordinances, the City does not have the authority to condition condominium conversion projects to mitigate the hardships to displaced tenants; and

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WHEREAS, those conversion projects for which applications have been received must be acted upon before the amendment to the General Plan and implementing ordinances will become effective; and

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A. 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.

B. In addition to the fees required by subparagraph A above the applicant shall deposit with the City an amount equal to \$500.00 for each unit proposed to be converted which is occupied by a specified person as defined in SEC. 101.0991.4.

SEC. 101.0993 HEARING BEFORE THE PLANNING COMMISSION

I, Camille Simpson, 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

ORDINANCE NO. 0-15206

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:

March 4, 1980

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

Dated at San Diego, California this 4th day of Mar., 1980.

Camille Simpson
(Signature)

32 1/4" - 215.11

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 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.

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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. 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 date the 180 day written notice of intention to convert is given to the tenants as required by SEC. 101.0993, Paragraph A3 or, (2) 60 days following the notice of the right to purchase as set forth in SEC. 101.0993, Paragraph A3, 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. 101.0998 RELOCATION ASSISTANCE TO SPECIFIED PERSONS

In addition to all of the rights and benefits provided by this section all specified persons as defined in SEC. 101.0991.4 herein shall be entitled to assistance in relocation to decent, safe and suitable housing facilities.

The City shall reimburse the Housing Commission for costs incurred in providing relocation assistance to the specified persons. Reimbursement shall not exceed the amounts deposited on behalf of the condominium conversion project pursuant to SEC. 101.0992.1B. Sixty (60) days following the expiration of the one year occupancy period set forth in SEC. 101.0994B all unexpended funds shall be returned to the applicant.

Section 2. In the event that this ordinance is adopted as an emergency measure, the provisions of this ordinance shall immediately apply to any condominium conversion where the average monthly rental for all of the units within the project was \$280 or less on the first day of February, 1980. The provisions of this ordinance shall become applicable to all condominium conversions on 45 days from adoption.

Section 3. Any applications for condominium conversion permits which have been the subject of a noticed public hearing before the Planning Commission prior to the effective date of this ordinance shall be governed by the provisions of Ordinance No. 15013 (New Series).

Section 4. This ordinance shall be effective immediately upon its introduction.

Passed and adopted by the Council of The City of San Diego on February 27, 1980, by the following vote:

YEAS: Mitchell, Cleator, Williams, Gotch, Stirling, Killea, Wilson.

NAYS: Lowery, Schnaubelt

ABSENT: None.

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 BARBARA BERRIDGE, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on February 27, 1980, said ordinance being of the kind and character authorized for passage on its introduction by Section 18 of the Charter.

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 BARBARA BERRIDGE, Deputy.

Published March 4, 1980