

ORDINANCE NO. 0-15544  
(New Series)

O-81-261  
REV 3  
JUL 13 1981

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 101.0990.2, 101.0991.1, 101.0992, 101.0994.2, AND 101.0997, AND BY AMENDING SECTIONS 101.0990, 101.0990.1, 101.0991.4, 101.0992.1, 101.0992.2, 101.0993, 101.0994, 101.0994.1, 101.0995, 101.0995.1, 101.0996 AND 101.0998 RELATING TO CONDOMINIUM CONVERSIONS.

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 repealing Sections 101.0990.2, 101.0991.1, 101.0992, 101.0994.2 and 101.0997.

Section 2. That Chapter X, Article 1, Division 9 of the San Diego Municipal Code be, and it is hereby amended by amending Sections 101.0990, 101.0990.1, 101.0991.4, 101.0992.1, 101.0992.2, 101.0993, 101.0994, 101.0994.1, 101.0995, 101.0995.1, 101.0996 and 101.0998 to read as follows:

SEC. 101.0990 CONDOMINIUM CONVERSION MAP PROCEDURE

SEC. 101.0990.1 PURPOSE AND INTENT

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

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

It is not the intent of these regulations that they be made applicable to apartments which were constructed after August 6, 1979, or were under construction on that date.

SEC. 101.0991 DEFINITIONS

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.
- 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 levels 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. 101.0992.1 FEES AND DEPOSITS

A. Prior to, or in conjunction with, the filing of an application for a tentative map or preliminary parcel map to provide for conversion of apartments to condominiums, 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 Section 101.0302.

B. In addition to the fees required by subparagraph A above, the applicant shall deposit with the City an amount equal to \$100.00 for each unit proposed to be converted which is occupied by a specified person as defined in Section 101.0991.4. These funds shall be utilized by The City of San Diego to reimburse the Housing Commission for its costs incurred in providing relocation assistance to the specified persons. If the costs incurred by the Housing Commission exceed the amount deposited by the applicant, an additional deposit shall be made by the applicant equal to the original deposit. The applicant may reduce the amount of the additional deposit by an amount equal to \$100.00 times the number of eligible, specified persons who have relocated from the premises. The applicant shall submit, in writing, information to establish that eligible, specified persons have been relocated from the premises.

If the additional deposit is not received by The City of San Diego within 30 days of the request for such deposit, the resolution approving the tentative or final map may be rescinded by The City of San Diego. Action may also be instituted to collect any costs incurred by the Housing Commission which have not been reimbursed due to depletion of the deposit.

Upon submission by the applicant of written information that discloses that all eligible, specified persons have relocated from the premises, and upon verification of that information by The City of San Diego, the balance of the deposit shall be returned to the applicant.

A permittee who has deposited funds pursuant to Section 101.0992.1.B, as enacted by Ordinance No. 15013 (New Series), may apply to the City of San Diego for a refund of that portion of the deposit that exceeds the amount required to be deposited pursuant to this subsection. The City of San Diego shall deduct from the amount to be refunded an amount equal to the costs incurred by the Housing Commission in providing relocation assistance to eligible, specified persons.

Sixty days following the effective date of a cancellation of a condominium conversion permit pursuant to Section 101.0998, which cancellation includes rescision of the resolution approving a tentative or final map, or sixty days following the expiration of the one-year occupancy period provided by Section 101.0994.B, all unexpended funds shall be returned to the applicant.

SEC. 101.0992.2 PUBLIC INTEREST PROJECT

An application for a condominium conversion map 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 map.

An application for a condominium conversion map 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 map 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 approval of the condominium conversion map.

SEC. 101.0993 NOTICE OF HEARING ON APPLICATION FOR CONDOMINIUM CONVERSION MAP.

The Planning Commission shall conduct a public hearing on the application for any map filed for the purpose of converting apartments to condominiums. The Planning Commission shall determine whether to approve, approve conditionally, as provided in Section 101.0992.1, or deny the tentative or preliminary map.

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. A statement advising the tenants that should the condominium conversion project be approved, tenants may be required to vacate the premises;

3. A summary of the tenant benefits provided by Municipal Code, Section 101.0994.

4. A summary of the appeal rights provided by Municipal Code, Section 101.0995.A.

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. At the conclusion of the public hearing on the application for a conversion map, the Planning Commission, or City Council, on appeal, shall approve the conversion map if it finds that:

1. The notices required by paragraph A above have been given in the manner required by that paragraph.

2. The project was not financed by funds obtained from a governmental agency to provide for elderly, handicapped, disabled or low-income housing.

3. For any project that was developed to provide for elderly, handicapped, disabled or low-income housing, provisions have been made to perpetuate the use for which the project was developed, and such provisions are incorporated in the resolution approving the condominium conversion map.

If the findings set forth above cannot be made, based on the testimony and documentary evidence presented to it, the Planning Commission shall deny the application.

No application for a condominium conversion map for property for which a condominium conversion map has been denied by the Planning Commission shall be accepted within twelve (12) months of such denial. The decision to approve or deny an application for a conversion map is subject to appeal to the City Council, as provided in Section 101.0995.

SEC. 101. 0994 TENANT BENEFITS, RIGHTS AND OBLIGATIONS

A. The applicant for a condominium conversion map shall provide the benefits specified in this section for persons who were tenants on the date of mailing of the notices of the Planning Commission hearing on the application for the condominium conversion map and, for the purposes of the following paragraph, were also tenants on the date that the applicant gave notice to vacate the premises for the purpose of converting the affected unit or units to condominiums.

The applicant shall provide a relocation assistance payment equivalent to two (2) months' current rent, which shall be paid to the tenants for the purpose of assisting them in relocating their places of residence, to be paid no later than the day on which the applicant gives notice to the tenant to vacate the premises, but in no event less than 30 days

before the tenant is ordered to vacate the premises.

B. In addition to the relocation benefits provided by paragraph A of this section, all specified persons, as defined in Section 101.0991.4, shall be entitled to occupancy of the present unit of residence for a period that shall be one year from the notice of intent to convert given pursuant to California Government Code, Section 66427.1(c).

C. In addition to the benefits provided by paragraph A above, all specified persons, as defined in Municipal Code, Section 101.0991.4, shall be entitled to assistance from the Housing Commission of The City of San Diego in relocation to decent, safe and suitable housing.

D. 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.

E. 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 Section 101.0993, shall not be entitled to the benefits set forth in paragraph A of this section.

F. The benefits of this section shall inure to all tenants who are not in default of their obligations to pay rent at the time the premises are vacated. If a tenant is in default of his or her obligation to pay rent at the time the premises are vacated, the relocation assistance payment may be reduced, at the option of the permittee, by an amount equal to one-thirtieth (1/30) of the monthly rent for each



day the tenant remains in possession of the premises after the default. For purposes of this section, a tenant shall not be considered in default of rent payment during a period for which the tenant has prepaid the required rent.

SEC. 101.0994.1 STATEMENT OF PROJECT CONDITION.

Prior to the sale of the first dwelling unit within the project, the applicant shall provide to the Planning Department and to each purchaser of a condominium unit, a copy of the State of California Department of Real Estate Form 639, which has been filed with the Department of Real Estate. If for any reason such form is not required by the Department of Real Estate, such form shall, nevertheless, be provided to the Planning Department and all purchasers.

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 specifically identify the section or sections of the Municipal Code with which the decision does not comply and the facts which disclose such noncompliance. 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. When an appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal. The City Council will accept an appeal for hearing when any of the following situations are found to exist:

1. New evidence is now available that was not available at the time of the Planning Commission hearing which discloses that the decision on the map is inconsistent with the sections of the Municipal Code cited in the appeal documents.

2. The Planning Commission decision was in conflict with adopted Council Policy or the Municipal Code section or sections cited in the appeal.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner required by the Municipal Code.

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.

No application for a condominium conversion map for conversion of property for which a condominium conversion map has been denied by the City Council shall be accepted within twelve (12) months of the date on which the Planning Commission acted on the application.

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 calendar year starting April 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 Section 101.0993.

SEC. 101.0998 CANCELLATION OF A CONDOMINIUM PERMIT

Any condominium conversion permit heretofore issued by The City of San Diego shall remain in full force and effect unless and until cancelled pursuant to this section. All condominium conversion permits shall be governed by the provisions of the Municipal Code applicable at the time of issuance of the permit.

A. A condominium conversion permit may be cancelled at any time upon application of the permittee. The application for cancellation shall be filed in the Planning Department and shall be accompanied by a current list of tenants. The applicant shall pay to the City a fee/deposit equal to the cost of processing the application for cancellation.

B. The Planning Department shall send a notice of permit cancellation to all dwelling units within the project.

C. A cancellation of a condominium conversion permit shall become effective 60 days from the date of the mailing of the notices by the Planning Department to tenants. Any tenant who notifies the permittee before the expiration of the 60-day period that the tenant intends to vacate the premises no later than 30 days after the expiration of the 60-day period shall, upon vacating the premises, be entitled to the relocation benefits provided by the Municipal Code at the time of issuance of the permit.

0-15544

D. Following cancellation of a condominium conversion permit, those remaining tenants who qualified for benefits under the cancelled condominium conversion permit shall be entitled to the benefits as provided by the revised provisions of Section 101.0994, contained within the ordinance enacting the provisions of this paragraph, unless the request for cancellation of the condominium conversion permit included a request for rescision of the resolution approving the tentative or final map for the project. If the request for cancellation includes a request for rescision of the resolution approving the tentative or final map, the tenants shall not be entitled to any benefits provided by the cancelled permit or Section 101.0994; and no further action to convert the project to condominiums shall be taken until a new application for a condominium conversion map is filed.

A request for permit cancellation accompanied by a request for rescision of the resolution approving a condominium conversion tentative map shall be deemed a waiver by the permittee/applicant of the right to file a condominium conversion final map for the conversion of the property to condominiums unless a new application for a tentative map is filed, processed and approved.


If a request for permit cancellation is accompanied by a request for rescision of that portion of a condominium-conversion-final-map resolution of the City Council which authorized the conversion of the project to condominiums, the notice of permit cancellation shall not be distributed

by the Planning Department until the City Council has adopted a resolution rescinding the right to convert the project. The resolution shall provide that the approval of the conversion is rescinded. The adoption of such a resolution shall not affect the validity of the recorded final map or any lot or lots created by the map in any respect other than to rescind the approval of the conversion of the property to condominiums. A copy of the resolution shall be recorded in the office of the County Recorder and shall be filed with the Department of Real Estate of the State of California. No further action to convert the property to condominiums shall be taken until a new application for a tentative map is filed, processed and approved.

If the request for permit cancellation is accompanied by a request for rescission of the approval of a tentative or final map, the unexpended portion of any funds deposited with The City of San Diego pursuant to Section 101.0992.1.B, shall be returned to the permittee within 60 days following the cancellation.

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

APPROVED: JOHN W. WITT, City Attorney

BY   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
6/2/81  
REV-6/16/81  
REV.2 7/1/81  
641  
Or.Dept.:Councilman Gotch

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

JUL 13 1981

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input 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"/>
Dick Murphy	<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"/>

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 *Ellen Bovard*, 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

JUN 29 1981

JUL 13 1981

, and on

~~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 *Ellen Bovard*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-15544** Adopted JUL 13 1981

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1981 AUG -5 PM 4:27  
SAN DIEGO, CALIF. 2a

San Diego, City of  
12th floor, 202 C St.  
San Diego, CA 92101  
ELLEN BOVARD

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15544

ORDINANCE NO. 0-15544  
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 101.0990.2, 101.0991.1, 101.0992, 101.0993.1, AND 101.0997, AND BY AMENDING SECTIONS 101.0990.1, 101.0991.4, 101.0992.1, 101.0992.2, 101.0993, 101.0994, 101.0994.1, 101.0995, 101.0995.1, 101.0996 AND 101.0998 RELATING TO CONDOMINIUM CONVERSIONS. 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 repealing Sections 101.0990.2, 101.0991.1, 101.0992, 101.0994.2 and 101.0997.

Section 2. That Chapter X, Article 1, Division 9 of the San Diego Municipal Code be, and it is hereby amended by amending Sections 101.0990, 101.0990.1, 101.0991.4, 101.0992.1, 101.0992.2, 101.0993, 101.0994, 101.0994.1, 101.0995, 101.0995.1, 101.0996 and 101.0998 to read as follows:

SEC. 101.0990 CONDOMINIUM CONVERSION MAP PRO-  
CEDURE

SEC. 101.0990.1 PURPOSE AND INTENT  
It is the purpose and intent of these regulations to provide for the conversion of apartments to condominiums while, at the same time, protecting the interests of tenants by giving them notice of the proposal and assuring specified tenants that during times of tight rental markets there will be provided reasonable assistance in relocating their places of residence.

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

It is not the intent of these regulations that they be made applicable to apartments which were constructed after August 6, 1979, or were under construction on that date.

SEC. 101.0991 DEFINITIONS  
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.
- 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 levels 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.

Page 1 of 4

Charlene Lance

I, Charlene Lance, 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. 0-15544  
(New Series)

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:

July 27, 1981

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

Dated at San Diego, California this 27th day of July, 1981

Charlene Lance

(Signature)

34 7/8 x 2 x 7.33 = \$511.27



#### SEC. 101.0992.1 FEES AND DEPOSITS

A. Prior to, or in conjunction with, the filing of an application for a tentative map or preliminary parcel map to provide for conversion of apartments to condominiums, 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 Section 101.0302.

B. In addition to the fees required by subparagraph A above, the applicant shall deposit with the City an amount equal to \$100.00 for each unit proposed to be converted which is occupied by a specified person as defined in Section 101.0991.4. These funds shall be utilized by The City of San Diego to reimburse the Housing Commission for its costs incurred in providing relocation assistance to the specified persons. If the costs incurred by the Housing Commission exceed the amount deposited by the applicant, an additional deposit shall be made by the applicant equal to the original deposit. The applicant may reduce the amount of the additional deposit by an amount equal to \$100.00 times the number of eligible, specified persons who have relocated from the premises. The applicant shall submit, in writing, information to establish that eligible, specified persons have been relocated from the premises.

If the additional deposit is not received by The City of San Diego within 30 days of the request for such deposit, the resolution approving the tentative or final map may be rescinded by The City of San Diego. Action may also be instituted to collect any costs incurred by the Housing Commission which have not been reimbursed due to depletion of the deposit.

Upon submission by the applicant of written information that discloses that all eligible, specified persons have relocated from the premises, and upon verification of that information by The City of San Diego, the balance of the deposit shall be returned to the applicant.

A permittee who has deposited funds pursuant to Section 101.0992.1.B, as enacted by Ordinance No. 15013 (New Series), may apply to the City of San Diego for a refund of that portion of the deposit that exceeds the amount required to be deposited pursuant to this subsection. The City of San Diego shall deduct from the amount to be refunded an amount equal to the costs incurred by the Housing Commission in providing relocation assistance to eligible, specified persons.

Sixty days following the effective date of a cancellation of a condominium conversion permit pursuant to Section 101.0993, which cancellation includes rescission of the resolution approving a tentative or final map, or sixty days following the expiration of the one-year occupancy period provided by Section 101.0994.B, all unexpended funds shall be returned to the applicant.

#### SECTION 101.0992.2 PUBLIC INTEREST PROJECT

An application for a condominium conversion map 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 map.

An application for a condominium conversion map 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 map 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 approval of the condominium conversion map.

#### SEC. 101.0993 NOTICE OF HEARING ON APPLICATION FOR CONDOMINIUM CONVERSION MAP.

The Planning Commission shall conduct a public hearing on the application for any map filed for the purpose of converting apartments to condominiums. The Planning Commission shall determine whether to approve, approve conditionally, as provided in Section 101.0992.1, or deny the tentative or preliminary map.

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. A statement advising the tenants that should the condominium conversion project be approved, tenants may be required to vacate the premises;
3. A summary of the tenant benefits provided by Municipal Code, Section 101.0994.
4. A summary of the appeal rights provided by Municipal Code, Section 101.0995.A.

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. At the conclusion of the public hearing on the application for a conversion map, the Planning Commission, or City Council, on appeal, shall approve the conversion map if it finds that:

1. The notices required by paragraph A above have been given in the manner required by that paragraph.
2. The project was not financed by funds obtained from a governmental agency to provide for elderly, handicapped, disabled or low-income housing.
3. For any project that was developed to provide for elderly, handicapped, disabled or low-income housing, provisions have been made to perpetuate the use for which the project was developed, and such provisions are incorporated in the resolution approving the condominium conversion map.

If the findings set forth above cannot be made, based on the testimony and documentary evidence presented to it, the Planning Commission shall deny the application.

No application for a condominium conversion map for property for which a condominium conversion map has been denied by the Planning Commission shall be accepted within twelve (12) months of such denial. The decision to approve or deny an application for a conversion map is subject to appeal to the City Council, as provided in Section 101.0995.

**SEC. 101.0994 TENANT BENEFITS, RIGHTS AND OBLIGATIONS**

A. The applicant for a condominium conversion map shall provide the benefits specified in this section for persons who were tenants on the date of mailing of the notices of the Planning Commission hearing on the application for the condominium conversion map and, for the purposes of the following paragraph, were also tenants on the date that the applicant gave notice to vacate the premises for the purpose of converting the affected unit or units to condominiums.

The applicant shall provide a relocation assistance payment equivalent to two (2) months' current rent, which shall be paid to the tenants for the purpose of assisting them in relocating their places of residence, to be paid no later than the day on which the applicant gives notice to the tenant to vacate the premises, but in no event less than 30 days before the tenant is ordered to vacate the premises.

B. In addition to the relocation benefits provided by paragraph A of this section, all specified persons, as defined in Section 101.0991.4, shall be entitled to occupancy of the present unit of residence for a period that shall be one year from the notice of intent to convert given pursuant to California Government Code, Section 65427.1(c).

C. In addition to the benefits provided by paragraph A above, all specified persons, as defined in Municipal Code, Section 101.0991.4, shall be entitled to assistance from the Housing Commission of The City of San Diego in relocation to decent, safe and suitable housing.

D. 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.

E. 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 Section 101.0993, shall not be entitled to the benefits set forth in paragraph A of this section.

F. The benefits of this section shall inure to all tenants who are not in default of their obligations to pay rent at the time the premises are vacated. If a tenant is in default of his or her obligation to pay rent at the time the premises are vacated, the relocation assistance payment may be reduced, at the option of the permittee, by an amount equal to one-thirtieth (1/30) of the monthly rent for each day the tenant remains in possession of the premises after the default. For purposes of this section, a tenant shall not be considered in default of rent payment during a period for which the tenant has prepaid the required rent.

**SEC. 101.0994.1 STATEMENT OF PROJECT CONDITION.**

Prior to the sale of the first dwelling unit within the project, the applicant shall provide to the Planning Department and to each purchaser of a condominium unit, a copy of the State of California Department of Real Estate Form 539, which has been filed with the Department of Real Estate; if for any reason such form is not required by the Department of Real Estate, such form shall, nevertheless, be provided to the Planning Department and all purchasers.

**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 specifically identify the section or sections of the Municipal Code with which the decision does not comply and the facts which disclose such noncompliance. 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. When an appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal. The City Council will accept an appeal for hearing when any of the following situations are found to exist:

1. New evidence is now available that was not available at the time of the Planning Commission hearing which discloses that the decision on the map is inconsistent with the sections of the Municipal Code cited in the appeal documents.

2. The Planning Commission decision was in conflict with adopted Council Policy or the Municipal Code section or sections cited in the appeal.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner required by the Municipal Code.

**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.

No application for a condominium conversion map for conversion of property for which a condominium conversion map has been denied by the City Council shall be accepted within twelve (12) months of the date on which the Planning Commission acted on the application.

**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 calendar year starting April 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 Section 101.0993.

**SEC. 101.0998 CANCELLATION OF A CONDOMINIUM PERMIT**

Any condominium conversion permit heretofore issued by The City of San Diego shall remain in full force and effect unless and until cancelled pursuant to this section. All condominium conversion permits shall be governed by the provisions of the Municipal Code applicable at the time of issuance of the permit.

A. A condominium conversion permit may be cancelled at any time upon application of the permittee. The application for cancellation shall be filed in the Planning Department and shall be accompanied by a current list of tenants. The applicant shall pay to the City a fee/deposit equal to the cost of processing the application for cancellation.

B. The Planning Department shall send a notice of permit cancellation to all dwelling units within the project.

C. A cancellation of a condominium conversion permit shall become effective 60 days from the date of the mailing of the notices by the Planning Department to tenants. Any tenant who notifies the permittee before the expiration of the 60-day period that the tenant intends to vacate the premises no later than 30 days after the expiration of the 60-day period shall, upon vacating the premises, be entitled to the relocation benefits provided by the Municipal Code at the time of issuance of the permit.

D. Following cancellation of a condominium conversion permit, those remaining tenants who qualified for benefits under the cancelled condominium conversion permit shall be entitled to the benefits as provided by the revised provisions of Section 101.0994, contained within the ordinance enacting the provisions of this paragraph, unless the request for cancellation of the condominium conversion permit included a request for rescission of the resolution approving the tentative or final map for the project. If the request for cancellation includes a request for rescission of the resolution approving the tentative or final map, the tenants shall not be entitled to any benefits provided by the cancelled permit or Section 101.0994; and no further action to convert the project to condominiums shall be taken until a new application for a condominium conversion map is filed.

A request for permit cancellation accompanied by a request for rescission of the resolution approving a condominium conversion tentative map shall be deemed a waiver by the permittee/applicant of the right to file a condominium conversion final map for the conversion of the property to condominiums unless a new application for a tentative map is filed, processed and approved.

If a request for permit cancellation is accompanied by a request for rescission of that portion of a condominium-conversion-final-map resolution of the City Council which authorized the conversion of the project to condominiums, the notice of permit cancellation shall not be distributed by the Planning Department until the City Council has adopted a resolution rescinding the right to convert the project. The resolution shall provide that the approval of the conversion is rescinded. The adoption of such a resolution shall not affect the validity of the recorded final map or any lot or lots created by the map in any respect other than to rescind the approval of the conversion of the property to condominiums. A copy of the resolution shall be recorded in the office of the County Recorder and shall be filed with the Department of Real Estate of the State of California. No further action to convert the property to condominiums shall be taken until a new application for a tentative map is filed, processed and approved.

If the request for permit cancellation is accompanied by a request for rescission of the approval of a tentative or final map, the unexpended portion of any funds deposited with The City of San Diego pursuant to Section 101.0992.1.B, shall be returned to the permittee within 60 days following the cancellation.

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

Introduced on June 29, 1981.

Passed and adopted by the Council of The City of San Diego on July 13, 1981.

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 ELLEN BOVARD, Deputy.

Published July 27, 1981

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