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(O-2006-82)

ORDINANCE NUMBER O- 19461 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 09 2006

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 5, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 125.0431; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5, BY AMENDING SECTIONS 126.0502 AND SECTION 126.0504; BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3, SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 5, BY AMENDING SECTION 144.0501; BY RENUMBERING SECTIONS 144.0502 TO 144.0503, 144.0503 TO 144.0505, 144.0504 TO 144.0506; BY ADDING SECTIONS 144.0502, 144.0504, 144.0507, AND 144.0508; ALL RELATING TO CONDOMINIUM CONVERSION REGULATIONS.

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

Section 1: That Chapter 12, Article 5, Division 4, of the San Diego Municipal Code is amended by amending Section 125.0431, to read as follows:

**§125.0431 Additional Notice for a Condominium Conversion Map**

- (a) No change in text.
  - (1) and (2) [No change.]
  - (3) A summary of the tenant benefits provided pursuant to section 144.0505 either:
    - (A) For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
    - (B) For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.

- (b) The notices required in section 125.0431(a) shall include a statement advising the tenants that should the *condominium conversion* be approved, tenants may be required to vacate the *premises* following any payment of benefits due pursuant to Section 144.0505.

Section 2: That Chapter 12, Article 6, Division 5, of the of the San Diego Municipal Code is amended by amending Sections 126.0502 and 126.0504, to read as follows:

**§126.0502 When a Site Development Permit Is Required**

- (a) through (c) [No change.]
- (d) A Site Development Permit decided in accordance with Process Four is required for the following types of *development*.
- (1) through (5) [No change.]
- (6) *Development* for which the *applicant* seeks a deviation from the development regulations in Section 144.0507 for *condominium conversions*.
- (e) [No change in text.]
- (1) through (3) [No change.]

**§126.0504 Findings for Site Development Permit Approval**

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through (n) that are applicable to the proposed *development* as specified in this section.

- (a) through (m) [No change.]
- (n) Supplemental Findings - *Condominium Conversions*

A Site Development Permit required in accordance with Section 144.0508, because of potential impacts to the surrounding neighborhood, may be approved or conditionally approved only if the decision maker makes either of the following supplemental findings in addition to the findings in Section 126.0404 (a):

- (1) The decision maker has considered the project-specific constraints and has determined that the *condominium conversion* as proposed would, to the maximum extent feasible, address the requirements of Section 144.0507, and has been developed to provide specific community benefits; or
- (2) Strict adherence to the requirements of Section 144.0507 would result in the demolition of or loss of the architectural character of *structures* that contribute to the community character.

Section 3: That Chapter 14, Article 3, Division 3, of the of the San Diego Municipal Code is amended by amending Section 143.0302, to read as follows:

**§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply**

This division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

Table 143-03A

**Supplemental Neighborhood Development Permit or Site Development Permit  
Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable/In-Fill Housing Projects with Deviations - Affordable Housing with Deviations from Development Regulations	[No change.]	
<u>Condominium Conversions with Deviations from Development Regulations</u>	143.0303, 143.0305, 143.0360, 143.0370, 143.0375,	SDP/Process Four
<i>Multiple Dwelling Unit Development</i> in RM Zones Involving <i>Lot</i> Consolidation and Exceeds Number of Units Indicated in Table 126-05A	[No change.]	
Clairemont Mesa Height Limit Overlay Zone	[No change.]	

Section 4: That Chapter 14, Article 4, Division 5, of the of the San Diego Municipal Code is amended by amending Section 144.0501, renumbering Sections 144.0502 to 144.0503, 144.0503 to 144.0505, 144.0504 to 144.0506, and by adding Sections 144.0502, 144.0504, 144.0507, and 144.0508 to read as follows:

**§144.0501 Purpose of Condominium Conversion Regulations**

The purpose of the Condominium Conversion Regulations is to allow the conversion of apartments to condominiums while protecting the interests of tenants by requiring that tenants receive adequate notice of proposed *condominium conversions*, are advised of their rights with respect to the conversion of their apartment to a condominium, and are afforded reasonable relocation assistance. It is also the intent of these regulations to protect the interests of the community and prospective purchasers by requiring the *applicant* to provide certain information regarding the condition of the *structure* and to

require reasonable improvements for the health, safety, and general welfare of the public.

**§144.0502 When Condominium Conversion Regulations Apply**

This division applies to any *development* that proposes a change in the ownership of a single *structure* or group of *structures* used for residential rental units from individual ownership of the *structure* or group of *structures* to individual ownership of the units within the *structure* or group of *structures* under a condominium plan or to a cooperative or stock apartment project pursuant to State law.

**§144.0503 Fees and Deposits**

In addition to the fees required by Chapter 11, Article 2, Division 2, Fees and Deposits, the *applicant* shall deposit with the City an amount equal to \$200 for each unit proposed to be converted which is occupied by a tenant eligible for relocation assistance. The funds shall be used by the City of San Diego to reimburse the Housing Commission for its costs incurred in monitoring compliance with the obligations set forth under this division and in providing technical assistance to assist eligible tenants in their relocation. 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 \$200 deposit. Nothing contained in this division shall impose a duty upon the City or the Housing Commission to pay any relocation benefits to eligible tenants.

**§144.0504 Building Conditions Report**

- (a) A Building Conditions Report shall be prepared in accordance with the Land Development Manual by a California registered architect, structural engineer, or other professional licensed by the State of California to perform these services.
- (b) A *condominium conversion* shall not be approved until the *applicant* has submitted a Building Conditions Report and the City has accepted the report as complete.
- (c) A copy of the Building Conditions Report shall be provided to a prospective purchaser prior to the opening of an escrow account.

**§144.0505 Tenant Benefits, Rights and Obligations**

- (a) The *subdivider* of a *condominium conversion* project shall provide the benefits specified in section 144.0505(b) to any person whose tenancy in the project the *subdivider* terminates due to the *condominium conversion*.
- (b) The *applicant* shall provide a relocation assistance payment to all tenants of the project whose income is less than 100 percent of area median income (as calculated by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area). The relocation assistance payment shall be equivalent to sum of three months of rental payments, calculated based on the rental rate at the time of the notice to vacate or on an average of the previous three months rent, whichever is greater. The relocation payment shall be paid no later than

the day on which the *applicant* gives notice to the tenant to vacate the *premises*.

**§144.0506 Vacancy Rate Determination and of Relocation Payment**

- (a) On or before March 1 of each year, the City staff shall submit to the Planning Commission a written report identifying the vacancy rates for residential rental units in the City. The report, which shall include an annual average vacancy rate, shall be based on the results of a survey of rental apartments taken each year, during the months of March through May and the months of September through November. The report shall also consider any other reliable information regarding vacancy rates produced by other governmental agencies and/or other independent parties.
- (b) On or before March 1, 2006, and each year thereafter, the Planning Commission shall review the report drafted pursuant to Section 144.0506(a). If the average vacancy rate for residential units on a City-wide basis exceeds seven percent, then the payment of relocation benefits pursuant to section 144.0505 shall not apply to *condominium conversions* during the one year period immediately following the Planning Commission's review, starting on March 1.

**§144.0507 Development Regulations for Condominium Conversions**

- (a) Electrical – Electrical system grounding and equipment grounding shall be provided, and electrical receptacle protection shall be upgraded to include

ground fault circuit interrupter (GFCI) protection. GFCI protection shall comply with the prevailing Code.

- (b) Windows – Basements in dwelling units and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue. Windows provided for emergency escape or rescue shall comply with minimum sill height and opening size requirements in the prevailing Code.
- (c) Smoke alarms – Smoke alarms shall be installed within dwelling units and designed to operate in compliance with the prevailing Code. Smoke alarms shall be interconnected and shall receive their primary power from the building wiring and shall be equipped with a battery backup. Within sleeping rooms, smoke alarms shall include a visual notification device to notify hearing impaired occupants.
- (d) Landscape – Street trees and street yard landscape shall be provided in accordance with Section 142.0410.
- (e) *Integral building components* – *Integral building components* with a remaining life of five years or less, as identified in the Building Conditions Report, shall be replaced. *Integral Building Components* means those structural elements, materials, and systems necessary for the sustained functioning of a building for the health, fire-life-safety, and well being of the building occupants as required by the Building Regulations. *Integral Building Components* include, but are not limited to, exterior roofs, wall and floor coverings needed to protect the occupants and the



building from weather exposure damage, vertical and horizontal structural components needed for the building to resist imposed vertical and lateral loads, all heating and ventilation systems, and utilities distribution systems.

**§144.0508 Deviations from the Development Regulations for Condominium Conversions**

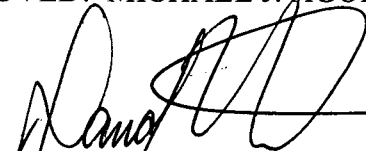
Deviations to the requirements in section 144.0507 may be requested in accordance with a Process Four Site Development Permit.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

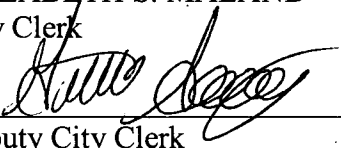
By

  
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David Miller  
Deputy City Attorney

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01/12/06  
Or.Dept:DSD  
O-2006-82  
MMS#2474

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of FEB 06 2006.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: Feb 09, 06  
(Date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(Date)

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JERRY SANDERS, Mayor

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