

ORDINANCE NUMBER O- 19505 (NEW SERIES)

DATE OF FINAL PASSAGE JUL - 5 2006

51a
6/27/06

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO 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 SECTION 126.0504; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING SECTIONS 142.0402, 142.0404, AND 142.0409; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13, BY AMENDING SECTION 142.1306; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3, BY AMENDING SECTION 143.0302; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 5, BY AMENDING SECTIONS 144.0503, 144.0504, 144.0505, and 144.0507; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 5, BY REPEALING SECTION 144.0506; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 5, BY ADDING A NEW SECTION 144.0508; AND AMENDING CHAPTER 14, ARTICLE 4, DIVISION 5, BY RENUMBERING SECTION 144.0508 TO SECTION 144.0509; 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) Notice to each tenant of the proposed project required in the *Subdivision Map Act* Section 66427.1; and
 - (2) Notice to each person applying for the rental of a unit in the proposed project required in Chapter 11, Article 2, Division 3 (Notice) and *Subdivision Map Act* Section 66452.8;

(3) Notice of Tenants Rights and Notices for Condominium

Conversion, consistent with the Land Development Manual to be provided as follows:

(A) and (B) [No change.]

(4) 60 Day Notice of Termination of Tenancy, consistent with the Land Development Manual, provided to each tenant 60 days prior to being required to vacate the property.

(5) Notice of 90 Day Period of First Right of Refusal to Purchase, consistent with the Land Development Manual, provided to each tenant as follows:

(A) Within 5 working days of the issuance of the Subdivision Public Report, or

(B) 90 days prior to the initial public offer for sale if no Subdivision Public Report is required.

(C) Failure to provide notice within the time period required shall extend the 90 Day Period of First Right of Refusal to Purchase to 90 days from the date the notice is provided to the tenant.

(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 San Diego Municipal Code is amended by amending Section 126.0504, to read as follows:

§126.0504 Findings for Site Development Permit Approval

[No change in text.]

(a) through (m) [No change.]

(n) Supplemental Findings - *Condominium Conversions*

A Site Development Permit required in accordance with Section 144.0509, 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) [No change.]

(2) Strict adherence to the requirements of Section 144.0507 would result in the demolition of *structures* or loss of the architectural character of *structures* that contribute to the community character.

Section 3. That Chapter 14, Article 2, Division 4, of the San Diego Municipal Code is amended by amending Sections 142.0402, 142.0404, and 142.0409, to read as follows

§142.0402 When Landscape Regulations Apply

(a) and (b) [No change.]

Table 142-04A
Landscape Regulations Applicability

Type of Development Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C		
1. through 11. [No change.]	Gross floor area (in square feet)	Zone or Proposed Use Category		

12. <i>Condominium Conversions</i>	142.0403, 142.0404, 142.0405(b)(1), 142.0409(a), 142.0412, and 142.0413	No permit required by this division
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§142.0404 Street Yard and Remaining Yard Planting Area and Point Requirements

[No change in text.]

Table 142-04C
Street Yard and Remaining Yard Planting Requirements

Type of Development Proposal	Type of Yard	Planting Area Required (Percentage of total yard area unless otherwise noted below) ⁽¹⁾	Plant Points Required (Number of plant points required per square foot of total street yard or remaining yard area) or required trees ⁽¹⁾
<i>Single Dwelling Unit Residential Development</i> in RM zones or <i>Multiple Dwelling Unit Residential Development</i> in any Zone [No change.]			
<i>Condominium Conversion</i>	<i>Street Yard</i>	50% ⁽⁵⁾	0.05 points
	<i>Remaining Yard</i>	N/A	N/A
<i>Commercial Development</i> in any Zone or <i>Industrial Development</i> in RM Zones or Commercial Zones [No change.]			
<i>Industrial Development</i> in any zone other than RM or Commercial Zones [No change.]			

Footnotes to Table 142-04C

1 through 4

[No change.]

5

See Section 142.0405(b)(1)

§142.0409 Street Tree and Public Right-of-Way Requirements

(a) Street Tree Requirements

When new *structures*, additions to *structures*, *condominium conversions*, or new *vehicular use areas* are subject to this section in accordance with Table 142-04A, street trees within the *parkway* shall be provided in accordance with the following regulations.

(1) through (3) [No change.]

(b) [No change.]

Section 4. That Chapter 14, Article 2, Division 13, of the San Diego Municipal Code is amended by amending Section 142.1306, to read as follows:

§142.1306 General Inclusionary Affordable Housing Requirements

- (a) At least ten percent (10%) of the total *dwelling units* in the proposed *development* shall be affordable to *targeted rental households* or *targeted ownership households* in accordance with Section 142.1309. For any partial unit calculated, the applicant shall pay a prorated amount of the in lieu fee in accordance with Section 142.1310 or provide an additional affordable unit. *Condominium conversion* units affordable to and sold to households earning less than 150 percent (150%) of the *area median income* pursuant to an agreement entered into with the San Diego Housing Commission shall not be included in the *dwelling units* total for purposes of applying the ten percent inclusionary housing requirement.
- (b) With the exception of *condominium conversions* of twenty or more *dwelling units* the requirement to provide *dwelling units* affordable to and occupied by *targeted rental households* or *targeted ownership households*, can be met in any of the following ways:
- (1) through (5) [No change.]
- (c) *Condominium conversions* of twenty or more *dwelling units* shall satisfy the requirement to provide *dwelling units* affordable to and occupied by *targeted rental households* or *targeted ownership households* on the same site as the *condominium conversion* project.

Section 5. That Chapter 14, Article 3, Division 3, 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

[No change in text.]

**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 through Affordable Housing with Deviations from Development Regulations [No change.]		
<i>Condominium Conversions</i> with Deviations from Development Regulations	143.0303, 143.0305, 143.0360, 143.0375	SDP/Process Four
<i>Multiple Dwelling Unit Development</i> in RM Zones Involving <i>Lot Consolidation</i> and Exceeds Number of Units Indicated in Table 126-05A through Clairemont Mesa Height Limit Overlay Zone [No change.]		

Legend to Table 143-03A
[No change.]

Section 6. That Chapter 14, Article 4, Division 5, of the San Diego Municipal Code is amended by amending Sections 144.0503, 144.0504, 144.0505, and 144.0507 and repealing Section 144.0506 to read as follows:

§144.0503 Fees and Deposits

In addition to the fees required by Chapter 11, Article 2, Division 2, Fees and Deposits, the *applicant* shall pay fees to the San Diego Housing Commission in an amount equal to \$200 for each unit proposed to be converted, plus any additional expenses incurred by the City or the Housing Commission to secure tenant relocation benefits. The funds shall be used by the San Diego Housing

Commission to monitor compliance with the obligations set forth under this division, provide technical assistance to tenants in their relocation, and recapture legal fees. 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 or engineer licensed by the State of California to perform these services.

(b) and (c) [No changes.]

§144.0505 Tenant Benefits, Rights and Obligations

(a) [No change.]

(b) The *applicant* shall provide a relocation assistance payment to all tenants of the project. The relocation payment shall be three months rent based on the current San Diego "fair market rent" for apartment size, as established by the U. S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the *applicant* gives notice to the tenant to vacate the premises and shall be based upon the fair market rent at the time of the notice.

§144.0507 Development Regulations for Condominium Conversions

Prior to final map approval, to the satisfaction of the City Engineer, the following improvements shall be completed:

(a) [No change.]

- (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 the requirements for *condominium conversions* in Section 142.0402.
- Building components and systems – Building components and systems with a remaining life of five years or less, as identified in the Building Conditions Report shall be replaced as follows:
- (1) Building components necessary to protect occupants and the building from weather exposure, such as roof coverings, exterior wall and floor coverings, and finishes.
 - (2) Water heating systems, cooling, and heating mechanical systems.
- (f) Parking – Parking shall be provided in accordance with Section 142.0525(a).

Section 7. That Chapter 14, Article 4, Division 5, of the San Diego Municipal Code is amended by adding new Section 144.0508, to read as follows:

§144.0508 Inclusionary Housing Requirement for Condominium Conversions

Condominium conversion projects of twenty or more units shall satisfy the inclusionary housing requirements on-site in accordance with Section 142.1306.

Section 8. That Chapter 14, Article 4, Division 5, of the San Diego Municipal Code is amended by renumbering Section 144.0508 to Section 144.0509, to read as follows:

§144.0509 Deviations from the Development Regulations for Condominium Conversions

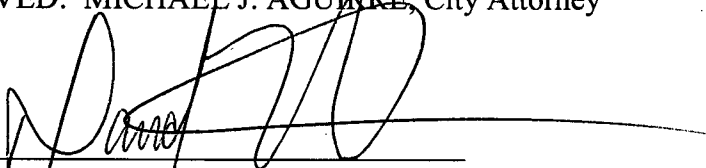
Deviations to the requirements in Section 144.0507 may be requested in accordance with a Process Four Site Development Permit.

Section 9. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 10. Except in the Coastal Overlay Zone or with respect to those *condominium conversion* projects identified in attached exhibit A [Project(s) Pending Environmental Appeal], this ordinance shall take effect and be in force on the thirtieth day from and after its passage and be applicable to those projects that have not received Tentative Map approval prior to the effective date of this ordinance. Within the Coastal Overlay Zone, this ordinance shall be in force and effect on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment. For a Project Pending Environmental Appeal, such project shall be subject to those regulations in effect on the date the application for the tentative map was deemed complete.

Section 11. That the City Manager be directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

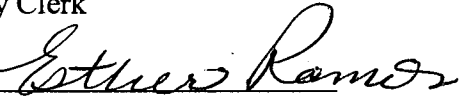
APPROVED: MICHAEL J. AGUIRE, City Attorney

By 
David Miller
Deputy City Attorney

DM:cfq
05/11/06
06/13/06 REV.
Or.Dept:Planning
O-2006-133
MMS#3189

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 27 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-5-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY