

ORDINANCE NO. 2005-1023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 18.84 (CONDOMINIUM CONVERSION PROCEDURES AND REQUIREMENTS) TO THE IMPERIAL BEACH MUNICIPAL CODE

WHEREAS, the City Council desires to establish uniform standards for the approval of condominium conversions within the boundaries of the City of Imperial Beach; and

WHEREAS, it is the intent of the City Council to establish regulations that protect the structural integrity, livability, and provide home ownership opportunities within the boundaries of the City of Imperial Beach; and

WHEREAS, the City Council desires to assist tenants who cannot purchase converted properties in relocating to other rental housing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 18.84 (Condominium Conversion Procedures and Requirements) is hereby added to read in its entirety as follows:

Chapter 18.84 (Condominium Conversion Procedures and Requirements)

18.84.010 Conversion of existing development – Application of Provisions.

The conversion of any existing development, that is a development which has received final occupancy clearance, to a condominium, a stock cooperative, a community apartment project or similar common interest subdivision shall comply with all requirements contained in this Chapter.

18.84.020 Conversion of existing development – Subdivision map.

A tentative parcel map or tentative subdivision map as appropriate shall be filed concurrently with the proposed site plan, as required in Section 18.84.030, for the proposed conversion project and shall comply with the State Subdivision Map Act and the City's Subdivision Ordinance.

18.84.030 Processing condominium conversion project – Consideration of the site plan and subdivision map.

A. Proposed Site Plan/Elevations and Tentative Parcel/Subdivision Map. The proposed site plan and elevations for a condominium conversion project shall show all existing buildings and proposed building changes, streets and driveways, parking areas, structural Best Management Practices such as storm drain systems, infiltration basins and similar structures, landscaped areas, open space and recreational areas with each element properly dimensioned and identified. Site plan review shall be subject to the provisions of Chapter 19.81 of the Code, Sections 19.81.010 to 19.81.070. All other procedural requirements of the site plan process shall follow the rules and procedures applicable to the subdivision map approved for each project.

The proposed plan and map for four units or less will be considered administratively by the Community Development Department. The proposed plan and map for five units or more will be considered at a public hearing by the Planning Commission which shall recommend approval or deny the condominium conversion project. The decision of the Planning Commission to deny a condominium conversion project may be appealed to the City Council pursuant to Section

19.81.130 of the Code and following sections. If a condominium conversion project is appealed, the City Council shall hold a public hearing and make the final decision to approve, conditionally approve, or deny the project. The decision to approve, modify, or deny any project hereunder shall be based on the applicable requirements of the Imperial Beach Municipal Code, the California Subdivision Map and other applicable laws and regulations.

The information shown on the proposed site plan shall be coordinated with the information shown on the tentative parcel or subdivision map.

B. Final Site Plan. The final site plan and elevations shall be in substantial conformance with the approved proposed site plan and elevations and shall be submitted at the time of building permit application.

18.84.040 Conversion of existing development – Standards.

The standards of development for the conversion of any existing development to a common interest subdivision shall include the following:

A. Parking. The parking standards shall be based on the applicable regulations in effect at the time of approval of the construction of the units contained in the project.

B. Building Construction Requirements. All unit one-hour fire-resistive separation walls and ceilings, attic draft stops, smoke detectors, bedroom egress windows, ground fault circuit interrupters, external combustion air venting, trash enclosure sprinklers (for trash enclosures located in or under buildings), and water heater strapping shall be provided in compliance with the applicable provisions of the current California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code and California Fire Code. For any building of sixteen units or more, the building shall have a supervised alarm system. For any building that is more than two stories or for any building with more than fifteen units where any portion of the building is more than one hundred and fifty feet from the public right of way, the entire building shall have a fire sprinkler system that meets the requirements of the current California Fire Code. Unless otherwise stated herein, the terms and conditions of Title 24 of the California Code of Regulations in effect at the time the building being converted received its building permit shall apply.

C. Utility Systems. Prior to final map approval of projects of more than four units, a separate utility system shall be provided for each unit for electricity and gas services. At a minimum, there shall be one water meter provided for all residential units, although there may be installed one or more separate water meters for the exterior uses. A separate sewer lateral or water meter for each residential unit is not required.

D. Landscaping. Prior to parcel/final map approval or other time period allowed by Section 18.84.060, all proposed landscaped areas shall be installed in accordance with an approved landscape/irrigation plan.

E. Trash Collection. Prior to parcel/final map approval or other time period allowed by Section 18.84.060, the type of trash and recycling collection service (individual or common trash area) shall be determined and any necessary trash and recycling areas constructed. Said determination shall be consistent with the rules and regulations of the City's solid waste disposal standards or the reasonable standards set forth by the City's solid waste franchise holder, whichever is applicable.

18.84.050 Application of Urban Runoff Requirements

As a condition of approval for any map issued under this Chapter, the project shall comply with all applicable requirements established in Chapters 8.30 to 8.32, inclusive, related to urban pollution runoff controls. Said map conditions shall include necessary best management practices for high priority residential areas as required in Section 8.30.080 of the Imperial Beach Municipal Code as amended. For projects that qualify as "redevelopment" or "significant redevelopment" projects, as defined in Section 8.30.030 of the Imperial Beach Municipal Code as amended, the map shall include conditions which require adequate "best management practices" be incorporated into the design of the project. Adequate provisions for long-term maintenance shall also be required, as applicable, pursuant to Section 8.30.160 of the Imperial Beach Municipal Code as amended. All project designs will incorporate necessary and applicable best management practices including any hot water tank discharge lines that shall discharge into the sanitary sewer system or into the landscape area.

18.84.060 Conversion of existing development – Time limit to convert and complete improvements.

Tentative maps shall expire pursuant to Section 18.12.110 and tentative parcel maps shall expire pursuant to Section 18.44.220. All improvements required by this chapter and Chapter 12.08 shall be completed and certified, or may be deferred by secured agreement as approved by the Community Development Department, prior to parcel/final map approval. Notwithstanding any language to the contrary in this Chapter, required improvements may be deferred until prior to the close of escrow on the first unit to be sold subject to the conditions of an approved secured agreement. The secured agreement shall not allow any unit to be sold or conveyed without the completion of all required improvements.

18.84.070 Conversion of existing development – Physical elements reports.

A. At the time of the submittal of an application to convert any existing development that is older than 10 years to a common interest subdivision, the applicant shall submit a physical elements report on the status of the health and safety aspects of the project, including: building foundations and walls, roofs, electrical systems, plumbing systems, mechanical systems, recreational facilities, parking and other paved areas and drainage facilities. These reports shall be prepared by a California-licensed structural or civil engineer. The physical elements report shall include a detailed evaluation of the existing physical elements, a recommendation on their status (including any necessary repairs or replacement, either immediate or in the future) and a signed certification of the findings. An applicant may not prepare his/her own physical elements report. For projects of four or fewer units, a certified home inspector may prepare the physical elements report. The staff shall determine the completeness of the report within 30 days after the time of submittal and may reject a report that is found to be incomplete.

B. The Community Development Director, Planning Commission and City Council shall use the physical elements report required in Subsection A, above, to help identify the health and safety issues that must be addressed. This could be in the form of new construction or equipment or repairs to existing facilities as determined by the Community Development Director, Planning Commission and City Council.

C. These health and safety issues, as established in applicable adopted uniform codes, may include, but are not limited to: electrical, plumbing, mechanical, and heating and air conditioning systems in the units, the addition of energy-efficient appliances, windows and doors, the addition of water-conserving plumbing fixtures, parking lot and walkway paving,

roofing and insulation systems, foundations, exterior building walls and property fences and walls, stairs and railings, exterior lighting, landscaping and irrigation systems, trash collection, and drainage and storm water systems.

18.84.080 Conversion of existing development – Tenant notification and right to purchase.

A. The conversion of an existing residential development to a common interest subdivision shall include all tenant notifications required by Section 66427.1, as amended, of the Subdivision Map Act.

B. In addition, each of the tenants in an existing residential development shall be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or in terms more favorable to the tenant. This right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report pursuant to Section 11018.2, as amended, of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention to not exercise the right.

18.84.090 Conversion of existing development – Tenant relocation assistance.

A. Each eligible tenant of a unit in an existing residential development being converted to a common interest subdivision shall be paid by the applicant relocation assistance. Each eligible tenant shall also receive a refund of their security deposit after appropriate deductions are made for damage done to common areas and facilities that will not be renovated as part of the conversion process. The security deposit refund shall be paid at the end of the tenancy in the manner provided by law.

B. For the purpose of this section, the term, "eligible tenant," shall be defined as a tenant in good standing of the existing residential development at the time that the owner of the development gives notice to existing tenants of owner's intent to file a tentative map pursuant to Section 66452.9, as amended, of the Subdivision Map Act. Tenants who have begun occupancy after the notice to convert has been given shall not be entitled to the tenant relocation assistance required hereunder but rather may be eligible for any tenancy incentives provided by the landlord.

C. An eligible tenant shall receive the equivalent of one month's rent if they vacate the premises after approval of the tentative map. Eligible tenants who vacate at the time given in the notice of termination of tenancy shall receive the equivalent of two month's rent as relocation assistance.

D. No conversion shall be completed, no parcel/final map approved, and no certificate of occupancy shall be issued until the applicant has provided proof to the City of the payment of all relocation assistance as required in Subsection A, above. The applicant shall file a certification signed by the applicant and each eligible tenant at the time of parcel/final map submittal that the tenant has received relocation assistance in the form of a rental credit or its cash equivalent prior to termination of the tenancy by the applicant. The certification shall also indicate that, in the opinion of the applicant, that all eligible security deposit refunds have been made. The applicant may file other proof of payment of relocation assistance satisfactory to the Director of Community Development or his or her designee.

E. The applicant shall give each eligible tenant notice of his or her right to relocation assistance at the same time that the notice required by Section 18.84.080 is given to tenants of the existing residential development. Such notice shall include a copy of this section, in effect at the time notice is given, and shall provide the name and telephone number of the applicant's representative, which will allow for messages outside of normal business hours, for the tenants to obtain further information relative to the relocation assistance available to them, and the timing of the payment of relocation assistance for their project.

SECTION 2: This ordinance shall take effect and be in force thirty (30) days following its passage, and before the expiration of fifteen (15) days after its passage, a summary hereof shall be published once with the names of the members of the Council voting for and against in the *Imperial Beach and South County Eagle and Times*, a newspaper of general circulation published in the County of San Diego.

SECTION 3: The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

SECTION 4: The implementation of the conditions adopted by this ordinance shall apply to all projects whose applications are deemed complete on or after May 1, 2005.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held the 2nd day of March 2005; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 16th day of March 2005, by the following roll call vote:

AYES:	COUNCILMEMBERS:	MCCOY, WINTER, MCLEAN, JANNEY, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE

Diane Rose
DIANE ROSE, MAYOR

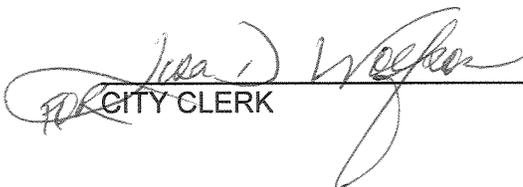
ATTEST:

Jacqueline M. Hald
JACQUELINE M. HALD, CITY CLERK

APPROVED AS TO FORM:

James P. Lough
JAMES P. LOUGH, CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2005-1023 – An Ordinance of the City Council of the City of Imperial Beach, California ADDING CHAPTER 18.84 (CONDOMINIUM CONVERSION PROCEDURES AND REQUIREMENTS) TO THE IMPERIAL BEACH MUNICIPAL CODE.


CITY CLERK

5/26/05
DATE