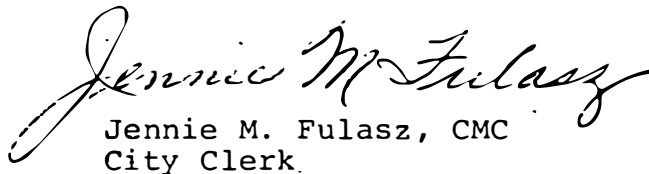


ORDINANCE NO. 1841

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.56 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO PROPOSED CONDOMINIUM PROJECTS AND TO THE CONVERSION OF DWELLING UNITS TO INDEPENDENT OWNERSHIP CREATED BY CONVERSION TO CONDOMINIUMS IN CONJUNCTION WITH THE APPROVAL OF SUBDIVISION AND PARCEL MAPS RELATED THERETO, AND CERTIFYING THE NEGATIVE DECLARATION

The ordinance, adopted by a 3 to 1 vote of the City Council with one member absent, sets out regulations for proposed condominium projects and condominium conversions. Regulations are established requiring compliance with current fire protection standards; wall standards in accordance with the Uniform Building Code and all standards of the Uniform Housing Code. Prior to occupancy, the Building and Housing Department must issue a certificate of occupancy showing compliance. Current off-site parking requirements must be met and such projects must comply with the guidelines of the Design Manual of the City of Chula Vista. A minimum of 256 cu. ft. storage area for each unit shall be required.

Any appeals from standards established in the Building and Housing Codes will be reviewed by the Board of Appeals and Advisors. All other conditions are subject to advisement at the time of the approval of the tentative map by the Planning Commission and the City Council.


Jennie M. Fulasz, CMC
City Clerk.

ORDINANCE, NO. 1841

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.56 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO PROPOSED CONDOMINIUM PROJECTS AND TO THE CONVERSION OF DWELLING UNITS TO INDEPENDENT OWNERSHIP CREATED BY CONVERSION TO CONDOMINIUMS IN CONJUNCTION WITH THE APPROVAL OF SUBDIVISION AND PARCEL MAPS RELATED THERETO, AND CERTIFYING THE NEGATIVE DECLARATION

The City Council of the City of Chula Vista does hereby find as follows:

That in accordance with the attached Negative Declaration, IS-79-19 and the findings therein, the proposed amendments to the Chula Vista Municipal Code relating to condominium projects will not have a significant impact upon the environment, and the City Council hereby certifies that the Negative Declaration was prepared in accordance with the California Environmental Quality Act of 1970, as amended.

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Chapter 15.56 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

CHAPTER 15.56 CONSTRUCTION OF CONDOMINIUMS AND
 CONVERSION OF DWELLING UNITS TO
 INDEPENDENT OWNERSHIP

Sec. 15.56.010 Certificate of Occupancy Required.

In accordance with Section 306 and Section 502 of the Uniform Building Code of 1976, or as later amended and adopted by reference by the City Council of the City of Chula Vista, no building or structure in an apartment building or project which is a part of a new condominium project, or which has been converted to independent ownership of the units by means of a statutory condominium or subdivision of the land shall be occupied until the building official has issued a certificate of occupancy therefor as provided in said sections of the Building Code.

Sec. 15.56.020 Condominium Projects, Condominium
 Conversions and Occupancy Thereof.

No condominium unit, whether a component of a condominium project which was originally planned for condominium ownership, or created by the conversion of a multiple-family dwelling or dwelling group into a condominium project, shall be occupied prior to the property owner's compliance with the following requirements:

- A. Condominium developments shall meet the fire protection standards which govern multi-family residences, dwelling groups, and other types of rental projects. All existing fire protection facilities shall be maintained.
- B. Walls which meet the standards of the Uniform Building Code shall be installed between the airspaces of condominium units.

- C. A minimum 256 cubic foot enclosed and covered onsite storage area shall be assigned to the owner of each condominium unit. The required storage area shall have no dimension less than 2 feet, and shall not be a part of the interior living space of a condominium unit.
- D. Condominium projects shall conform to the Uniform Housing Code which exist at the time of their establishment by subdivision map. The said Housing Code requirements are those which govern multiple family dwellings and dwelling groups.
- E. All condominium projects shall meet the protective-lighting standards of the Uniform Housing Code.
- F. Condominium projects shall conform to the offstreet parking requirements which exist at the time of their establishment by subdivision map or parcel map. The said offstreet parking requirements are those which govern multiple-family dwellings and dwelling groups.
- G. Condominium projects shall comply with the guidelines of the Design Manual of the City of Chula Vista, and shall be reviewed by the Design Review Committee, except where condominium projects are located within the Chula Vista Town Centre No. 1 Redevelopment Project Area, in which case the guidelines of the Town Centre Design Manual shall govern, and the reviewing body shall be the Town Centre Design Review Board. Notwithstanding the provisions of Sub-section G, the property owner shall not be required to make major structural or spatial changes to existing buildings.
- H. Each condominium unit shall be served by a separate water heater, and by separate water, gas and electric meters, unless the homeowners association, required to be established pursuant to the laws of the State of California, assumes the responsibility for centralized utility services, and the billing and payment of utility costs.
- I. The owner of a residential condominium project shall, prior to project occupancy, apply to the Building and Housing Department for a compliance survey. Upon receipt of this application, the Director of Building and Housing shall cause the inspection of the involved premises for the purpose of determining the state of the condominium project's compliance with the provisions of this section, and those of the Uniform Housing Code; and shall cause the subsequent preparation of a list of deficiencies, if such exist. These deficiencies must be corrected prior to the Department's issuance of a certificate of occupancy, required under Section 15.56.010 of this chapter.

If the owner does not concur with the list of deficiencies prepared under the supervision of the Director of Building and Housing, he may file an appeal therefrom to the Board of Appeals and Advisors, pursuant to the provisions of Chapter 12 of the Uniform Housing Code.

J. All condominium projects shall meet the requirements of Chapter 15.32 of this code, which pertains to the undergrounding of utilities, and Chapter 18.44 thereof, which pertains to the filing of declarations of covenants, conditions and restrictions in conjunction with the subdivision process.

Sec. 15.56.030 Satisfaction of said Conditions
 Required Prior to Final Approval
 of Subdivision or Parcel Map.

Compliance with the requirements for occupancy, enumerated in Section 15.56.020 of this code, shall be a condition precedent to the approval of a final subdivision map or parcel map which is required for the conversion of a multiple-family dwelling or dwelling group into a condominium project.

The subdivider may enter into an agreement and submit a bond guaranteeing the work and improvements required under Section 15.56.020, and if such is accepted by the City Council, the map may be recorded. Completion of the required improvements is required prior to occupancy in the condominium units.

Sec. 15.56.040 Notice of Intent to Convert; Sixty
 Day Right of First Refusal to Purchase.

The owners of multiple family dwelling or dwelling group developments shall provide their tenants 120 days' notice of their intent to terminate tenancies for the purpose of converting their developments to condominium ownership, and shall grant the said tenants a 60-day right of first refusal to purchase their dwelling units as condominium estates. Neither the 120 days' notice nor the 60-day right of first refusal shall commence to run prior to the owner's establishment of a firm price for the involved condominium units.

Sec. 15.56.050 Notice of Condominium Conversion
 and Previous Occupancy by Rental
 Tenants to Prospective Purchasers.

The owners of residential condominium projects, which were created through the conversion of previously rented multiple-family dwelling or dwelling group developments, shall provide prospective purchasers of condominium units with notice that the involved projects are condominium conversions, and were originally occupied by tenants on a rental basis.

Sec. 15.56.060 Submittals Required.

Together with the filing of any tentative map to create condominium units, the applicant shall file such information as is required to determine whether the proposed or existing development complies with the provisions of Section 15.56.020 (A) through (J) of this ordinance. Such information may include but shall not be limited to the following:

A. Landscape plans which show existing as well as proposed plant materials.

- B. Building elevations showing proposed or existing colors, materials and design features.
- C. Statements with regard to the provision of water, gas and electric service and meters.
- D. Floor plans and plot plans showing building locations, offstreet parking layout, landscaped areas, property lines, easements, etc.

SECTION II: Fees associated with the filing of any tentative map for the creation of condominium units shall be as specified in the Master Fee Schedule.

SECTION III: This ordinance shall take effect and be in full force and effect on the thirty-first day from and after its adoption. Projects for which tentative maps have been filed, but not acted upon by the City Council prior to said thirty-first day, shall be required to comply with the provisions of this ordinance.

SECTION IV: It is the intent of the City Council that this ordinance shall be considered a subdivision regulation as set forth in Title 18 of this Code and any variance or modifications of the requirements shall be incorporated in the conditions attached to the tentative map.

Presented by

Approved as to form by

D. J. Peterson
D. J. Peterson, Director of Planning

George D. Lindberg
George D. Lindberg, City Attorney

FIRST READ at a regular meeting of the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, held November 7, 1978, and finally PASSED AND ADOPTED at a regular meeting thereof held November 14, 1978, by the following vote, to-wit:

AYES: Councilmen: Hyde, Gillow, Cox

NAYES: Councilmen: Scott

ABSENT: Councilmen: Egdahl

Will T. Hyde
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulass
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, _____, City Clerk of the City of Chula Vista, California, DO HEREBY CERTIFY that the above is a full, true and correct copy of Ordinance No. _____, and that the same has not been amended or repealed. DATED _____.

City Clerk

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Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.56 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO PROPOSED CONDOMINIUM PROJECTS AND TO THE CONVERSION OF DWELLING UNITS TO INDEPENDENT OWNERSHIP CREATED BY CONVERSION TO CONDOMINIUMS IN CONJUNCTION WITH THE APPROVAL OF SUBDIVISION AND PARCEL MAPS RELATED THERETO

The City Council of the City of Chula Vista does ordain as follows:

SECTION 1: That Chapter 15.56 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

CHAPTER 15.56 CONSTRUCTION OF CONDOMINIUMS AND CONVERSION OF DWELLING UNITS TO INDEPENDENT OWNERSHIP

15.56.010 Certificate of occupancy required.

In accordance with Section 306 and Section 502 of the Uniform Building Code of 1976, or as later amended and adopted by reference by the City Council of the City of Chula Vista, no building or structure in an apartment building or project which is a part of a new condominium project, or which has been converted to independent ownership of the units by means of a statutory condominium or subdivision of the land shall be occupied until the building official has issued a certificate of occupancy therefor as provided in said sections of the Building Code.

15.56.020 Condominium projects, condominium conversions and occupancy thereof

No condominium unit, whether a component of a condominium project which was originally planned for condominium ownership, or created by the conversion of a multiple-family dwelling or dwelling group into a condominium project, shall be occupied prior to the property owner's compliance with the following requirements:

- A. Condominium developments shall meet the fire protection standards which govern multi-family residences, dwelling groups, and other types of rental projects. All existing fire protection facilities shall be maintained.
- B. Walls which meet standards equivalent to those of the Uniform Building Code shall be installed between the airspaces of condominium units.
- C. A minimum 256 cubic foot enclosed and covered onsite storage area shall be assigned to the owner of each condominium unit. The required storage area shall have no dimension less than 2 feet, and shall not be a part of the interior living space of a condominium unit.
- D. Condominium projects shall conform to the requirements of the Uniform Housing Code which exist at the time of their establishment by subdivision map. The said Housing Code requirements are those which govern multiple family dwellings and dwelling groups.
- E. All condominium projects shall meet the protective-lighting standards of the Uniform Housing Code.
- F. Condominium projects shall conform to the offstreet parking requirements which exist at the time of their establishment by subdivision map or parcel map. The said offstreet parking requirements are those which govern multiple-family dwellings and dwelling groups.
- G. Condominium projects shall comply with the guidelines of the Design Manual of the City of Chula Vista, and shall be reviewed by the Design Review Committee, except where condominium projects are located within the Chula Vista Town Centre No. I Redevelopment Project Area, in which case the guidelines of the Town Centre Design Manual shall govern, and the reviewing body shall be the Town Centre Design Review Board. Notwithstanding the provisions of this subsection, the property owner shall not be required to make major structural or spatial changes to existing buildings.

- H. Each condominium unit shall be served by a separate water heater, and by separate water, gas and electric meters, unless the homeowners association, required to be established pursuant to the laws of the State of California, assumes the responsibility for centralized utility services, and the billing and payment of utility costs.
- I. The owner of a residential condominium project shall, prior to project occupancy, apply to the Building and Housing Department for a compliance survey. Upon receipt of this application, the Director of Building and Housing shall cause the inspection of the involved premises for the purpose of determining the state of the condominium project's compliance with the provisions of this section, and those of the Uniform Housing Code; and shall cause the subsequent preparation of a list of deficiencies, if such exist. These deficiencies must be corrected prior to the Department's issuance of a certificate of occupancy, required under Section 15.56.010 of this chapter.

If the owner does not concur with the list of deficiencies prepared under the supervision of the Director of Building and Housing, he may file an appeal therefrom to the Board of Appeals and Advisors, pursuant to the provisions of Chapter 12 of the Uniform Housing Code.

- J. All condominium projects shall meet the requirements of Chapter 15.32 of this code, which pertains to the undergrounding of utilities, and Chapter 18.44 thereof, which pertains to the filing of declarations of covenants, conditions and restrictions in conjunction with the subdivision process.

- 15.56.030 Satisfaction of said conditions required prior to final approval of subdivision or parcel map.

Compliance with the requirements for occupancy, enumerated in Section 15.56.020 of this code, shall be a condition precedent to the approval of a final subdivision map or parcel map which is required for the conversion of a multiple-family dwelling or dwelling group into a condominium project.

The subdivider may enter into an agreement and submit a bond guaranteeing the work and improvements required under Section 15.56.020, and if such is accepted by the City Council, the map may be recorded. Completion of the required improvements is required prior to occupancy in the condominium units.

- 15.56.040 Notice of intent to convert; sixty day right of first refusal to purchase.

The owners of multiple family dwelling or dwelling group developments shall provide their tenants 120 days' notice of their intent to terminate tenancies for the purpose of converting their developments to condominium ownership, and shall grant the said tenants a 60-day right of first refusal to purchase their dwelling units as condominium estates. Neither the 120 days' notice nor the 60-day right of first refusal shall commence to run prior to the owner's establishment of a firm price for the involved condominium units.

- 15.56.050 Notice of condominium conversion and previous occupancy by rental tenants to prospective purchasers.

The owners of residential condominium projects, which were created through the conversion of previously rented multiple-family dwelling or dwelling group developments, shall provide prospective purchasers of condominium units with notice that the involved projects are condominium conversions, and were originally occupied by tenants on a rental basis.

- 15.56.060 Submittals required.

Together with the filing of any tentative map to create condominium units, the applicant shall file such information as is required to determine whether the proposed or existing development complies with the provisions of Section 15.56.020 (A) through (J) of this ordinance. Such information may include but shall not be limited to the following:

- A. Landscape plans which show existing as well as proposed plant materials.
- B. Building elevations showing proposed or existing colors, materials and design features.

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- C. Statements with regard to the provision of water, gas and electric service and meters.
- D. Floor plans and plot plans showing building locations, offstreet parking layout, landscaped areas, property lines, easements, etc.

SECTION II: This ordinance shall take effect and be in full force and effect on the thirty-first day from and after its adoption. Projects for which tentative maps have not been filed prior to said thirty-first day shall be required to comply with the provisions of this ordinance.

SECTION III: Fees associated with the filing of any tentative map for the creation of condominium units shall be as specified in the Master Fee Schedule.

EXHIBIT A

Interim Ordinance governing the occupancy of condominium units created by "Condominium Conversion," and the approval of Subdivision and Parcel Maps related thereto

Section 1. Requirements for occupancy.

No condominium unit, created by the conversion of a multiple-family dwelling or dwelling group into a condominium project, shall be occupied prior to the property owner's compliance with the following requirements.

- a. Condominium developments shall meet the fire protection standards which govern multi-family residences, dwelling groups, and other types of rental projects. All existing fire protection facilities shall be maintained.
- b. Walls which meet the standards of the Uniform Building Code shall be installed between the airspaces of condominium units.
- c. A minimum 8' x 8' x 8' (512 cubic foot) enclosed and covered storage area shall be assigned to the owner of each condominium unit. The required storage area shall not be a part of the airspace of a condominium unit.
- d. Condominium projects shall conform to the Uniform Housing Code and off-street parking requirements which exist at the time of their establishment by subdivision map or parcel map. The said housing codes and offstreet parking requirements are those which govern multiple family dwellings and dwelling groups.
- e. All condominium projects shall meet the security and protective lighting standards of the Police Department and the Uniform Housing Code.
- f. Condominium projects shall comply with the guidelines of The Design Manual of the City of Chula Vista, and shall be reviewed by the Design Review Committee, except where condominium projects are located within the Chula Vista Town Centre No. I Redevelopment Project Area, in which case the guidelines of the Town Centre Design Manual shall govern, and the reviewing body shall be the Town Centre Design Review Board. Notwithstanding the provisions of this subsection, the property owner shall not be required to make major structural or spatial changes to existing buildings.
- g. Each condominium unit shall be served by separate water, gas, and electric meters.
- h. The subdivider-developer of a condominium project created by conversion shall authorize a licensed architect or civil engineer, retained by the city, but paid by the subdivider-developer, to inspect the physical and structural condition of involved buildings, and to submit an inspection report to the Director of Building and Housing. The said inspection and report shall address the following matters:
 - 1. Roof condition.
 - 2. Existence of termites or dry rot.
 - 3. Structural condition.
 - 4. Condition of plumbing, electrical, and water systems.
 - 5. Condition of pavement.
 - 6. Condition of external paint.

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Upon the receipt of the required inspection report, the Director of Building and Housing shall prepare a list of deficiencies which require remedial action prior to the occupancy of the involved buildings, and shall submit such list to the subdivider-developer. The subdivider-developer shall have ten days, from the date of the mailing of the list of deficiencies, to file an appeal from the action of the Director of Building and Housing with the City Council.

The Director of Building and Housing's decision shall be based upon the findings and recommendations of the inspection report, the standards embodied in the Uniform Building Code, the principles of sound residential construction, and the standards of residential construction within the Chula Vista area. The promotion of safety, health, and the general welfare, and the protection of property shall be the primary objectives of the list of deficiencies.

Section 2. Condition precedent to the final approval of a Subdivision or Parcel Map.

- a. Compliance with the requirements for occupancy, enumerated in Section 1 of this ordinance, shall be a condition precedent to the approval of a final subdivision map or parcel map which proposes the conversion of a multiple-family dwelling or dwelling group into a condominium project.
- b. The subdivider may submit a bond for the work and improvements required under Section 1, and if such is accepted by the City Council, the requirements of occupancy shall be deemed met, and the condition precedent to the approval of a final subdivision or parcel map shall be deemed satisfied.

Section 3. Exceptions.

The City Council may grant an exception to terms and provisions of Section 1 where it finds that the strict application of such would be infeasible, impracticable, and uneconomic, and that the granting of the exception would not substantially reduce the livability of the involved residential condominium units. Prior to City Council action on a petitioned exception, the City Planning Commission shall review such and submit its recommendation thereon.

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