

ORDINANCE NO. 1744

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING ZONING ORDINANCE NO. 1000 BY ADOPTING AMENDMENT NO. 152 THERETO ESTABLISHING PROCEDURES PERTAINING TO CONDOMINIUM CONSTRUCTION AND CONDOMINIUM CONVERSIONS

THE CITY COUNCIL OF THE CITY OF REDLANDS does ordain:

SECTION ONE: That Ordinance No. 1000 of the City of Redlands, Section 52.10: Development Provisions for Specific Uses, be amended by the inclusion of Sub-section G: Condominium Construction and Condominium Conversions, to read as follows:

SECTION 52.10: DEVELOPMENT PROVISIONS FOR SPECIFIC USES

G. CONDOMINIUM CONSTRUCTION AND CONDOMINIUM CONVERSION

The purpose of these provisions is to establish criteria, standards and procedures for the construction of new condominium projects or conversion of existing residential buildings to condominiums consistent with the following objectives:

- a. To make adequate provision for the housing needs of all economic segments of the community;
- b. To provide for inhabitant ownership of residential units, while recognizing the need for maintaining adequate rental housing inventories;
- c. To provide a reasonable balance of rental and ownership housing;
- d. To inform prospective conversion buyers regarding the physical conditions of the structure offered for sale.

1. COMMISSION AND COUNCIL APPROVAL REQUIRED

Residential condominiums shall comply with all appropriate provisions of this Code and the conditions imposed by a conditional use permit. The Planning Commission and City Council shall review and approve the use prior to the consideration of a tentative map application.

G. CONDOMINIUM CONSTRUCTION AND CONDOMINIUM CONVERSION (Continued)

2. DEFINITIONS

- a. A condominium shall mean and include the following:
  - 1. "Condominium" as defined by Section 783 of the Civil Code;
  - 2. "Community Apartment Project" as defined by Section 11004 of the Business and Professions Code;
  - 3. "Stock Cooperative" as defined by Section 11003.2 of the Business and Professions Code; and
  - 4. "Planned Development" as defined by Section 11003 of the Business and Professions Code.
- b. A condominium project, as defined in Civil Code Section 1350, shall be subject to the requirements and procedures applicable to subdivisions and any additional requirements and procedures herein set forth.
- c. The term "proposed condominium" shall refer to condominiums in which the unit(s) are not as yet constructed.
- d. The term "condominium conversion" shall refer to condominiums in which the existing unit(s) are being used as single or multiple family residences, not divided into separate units.
- e. Condominium Documents shall mean the Declaration of Covenants, Conditions and Restrictions, the description of project elements, and the enabling declaration establishing a plan for condominium ownership.
- f. Common Area shall mean the entire project excepting all units granted or reserved.
- g. Project Elements shall mean the condominium units which are to be conveyed, the areas and spaces which are to be assigned to such units and the common areas which are to be shared by the owners of all units.
- h. Condominium unit or units shall mean the space(s) within a condominium project to be owned as an individual estate.

G. CONDOMINIUM CONSTRUCTION AND CONDOMINIUM CONVERSION (Continued)

- i. All other terms in this article shall have the same definitions as set forth in the applicable state laws relative to the subdivision of land. The provisions of the Redlands Subdivision Ordinance and the California Subdivision Map Act shall govern all applications hereunder.

3. APPLICATION REQUIREMENTS AND PROCEDURES

- a. The initial action in connection with the making of any condominium subdivision shall be the preparation of a map, which shall include or be accompanied by the following data, as well as otherwise complying with the Property Development Standards of the zone in which the project is to be located.
  - (1) The location, assignment, and square footage of each unit including the number of rooms in each unit.
  - (2) The location and assignment of all storage space outside of each unit.
  - (3) The location and assignment of all parking spaces.
  - (4) The location and assignment of all private open space areas.
  - (5) The location of all common areas.
  - (6) The location of all facilities and amenities provided within the common area for the enjoyment and use of the unit owners.
  - (7) A word description of all common areas, facilities, and amenities which are provided for the enjoyment and use of the unit owners.
  - (8) A tree, landscaping, and irrigation plan.
  - (9) A complete copy of Conditions, Covenants and Restrictions shall be provided. The City may be made a third party beneficiary to Conditions, Covenants and Restrictions as deemed appropriate.

G. CONDOMINIUM CONSTRUCTION AND CONDOMINIUM CONVERSION (Continued)

The following paragraph shall be included in the Conditions, Covenants and Restrictions. The condominium units have been constructed in accordance with the Uniform Building Code as portions of an apartment house. The fire resistance of walls, ceilings, and floors between units is not equal to the fire resistant separations required by the Uniform Building Code for single family dwelling units constructed on adjacent properties.

- (10) The minimum standards for condominium construction or conversion shall be as follows:
- (a) Two (2) covered parking spaces in a fully enclosed garage plus one-half ( $\frac{1}{2}$ ) open guest parking space for each dwelling unit shall be provided.
  - (b) Wall and floor-ceiling assemblies shall conform to the sound insulation performance criteria promulgated in Title 25, California Administrative Code, Section 1092, or its successor.
  - (c) The consumption of gas and electricity within each dwelling unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shut-off valve shall be provided for each unit.
  - (d) All permanent mechanical equipment, including domestic appliances, which is determined by the building official to be a source or potential source of vibration or noise, shall be shock-mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the building official to lessen the transmission of vibration and noise.

The anchorages of the permanent mechanical equipment are to be designed to resist the lateral seismic forces as required by the current edition of the Uniform Building Code. Failure of the City to identify potential sources of

G. CONDOMINIUM CONSTRUCTION AND CONDOMINIUM CONVERSION (Continued)

vibration on the approval of a Specific Vibration System does not prevent the City from subsequently requiring additional modification to the mechanical equipment to prevent vibration or noise from being detected in other condominium dwelling units.

- (e) The proposed condominium project shall comply with all requirements of building, fire, and housing codes, zoning provisions and other applicable regulations in effect at the time of the application.
  - (f) A private outdoor living space containing a minimum area and dimension as specified for the particular zone shall be provided for each unit.
- b. In a conversion, the application shall furthermore provide:
- (1) A building report detailing the condition and estimating the remaining useful life of each element of the project proposed for conversion including but not limited to: Curbs, paving, walkways, roofs, foundations, exterior paint, systems, including sewage systems, swimming pools, elevators, irrigation systems for landscaping, utility and air-conditioning systems, fire protection systems including automatic sprinkler systems, alarm systems, or standpipe systems and structural elements. Such report shall be prepared by an appropriately licensed contractor, architect, registered civil or structural engineer other than the owner. For any element whose useful life is less than five (5) years, a replacement cost estimate shall be provided. The report shall state, to the best knowledge or estimate of the applicant, when such element was built, the condition of each element, when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the Housing Code and City Building Code in effect on the date that the last building permit was issued for the

G. CONDOMINIUM CONSTRUCTION AND CONDOMINIUM CONVERSION (Continued)

subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measure to be employed. The building official shall review the report and shall indicate improvements, repairs, and/or replacements to be provided.

- (2) A structural pest report prepared by a licensed structural pest control operator. The developer shall repair or replace any damaged or infested areas in need of repair or replacement as shown in the structural pest report.
- (3) A report on any known soil and geological conditions regarding soil deposits, rock formations, faults, groundwater, and landslides in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structure. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.
- (4) The developer shall submit a current list of all tenants and a proposed program to accommodate tenants of units sought to be converted with specific reference to: relocation assistance; availability of substitute accommodations; notice of termination of tenancy giving tenants 180 days notice to vacate units; increase in rent during the period between the date of application and the date of approval or disapproval of the final map to be limited to the increase in the Bureau of Labor Statistics retail price index for all items from the date of application to the date of increase; and a statement that tenants, as of date of the application filed, have a pre-emptive right to purchase a unit, with such right being irrevocable for 90 days after recordation of final map, together with a certification that all tenants in any building or structure have been notified individually and in writing in accordance with all state laws and any amendments thereto prior to the time of filing an application hereunder.



G. CONDOMINIUM CONSTRUCTION AND CONDOMINIUM CONVERSION (Continued)

- (5) The developer shall provide moving expenses of two (2) times the monthly rent to any tenant who relocates from the building to be converted after approval of the condominium conversion by the City, except where the tenant has given notice of his intent to move prior to receipt of notification from the developer of his intent to convert.
- (6) The developer shall allow an extension of time to permit a tenant to complete a school semester or quarter, as the case may be.
- (7) The developer shall be required to retain ownership to units occupied at the time of filing of the tentative subdivision map or tentative parcel map by senior citizens (62 years of age or older) or the handicapped (as defined by Section 50072 of the Health and Safety Code) or the disabled (as defined by Section 223 of the U. S. Social Security Act) until alternative comparable housing can be obtained.

4. PLANNING COMMISSION AND COUNCIL ACTION

- a. An application for a condominium project shall not be approved or conditionally approved unless the Planning Commission and City Council determine that the conversion is consistent with the public health, safety and welfare, and with the City's comprehensive General Plan and the Housing Element thereof. In making such determination, the Planning Commission and the City Council may consider such factors relevant to public health, safety or welfare as appear in each particular case.
- b. The Council of the City finds and declares that when the number of vacant apartments being offered for rent or lease in the City is equal to or less than five percent (5%) of the total number of such dwelling units offered for rent or lease in the City, a housing shortage exists which is inconsistent with the purposes of this chapter and with the declared goals and objectives of the City. Vacancy data shall be provided by the developer and confirmed by the City.

G. CONDOMINIUM CONSTRUCTION AND CONDOMINIUM CONVERSIONS (Continued)

5. COVENANTS, CONDITIONS AND RESTRICTIONS

Each condominium subdivision and minor subdivision shall be required to have a declaration of restrictions which provides for those powers, duties, rights and obligations as set forth in the Civil Code, Section 1355, and such declaration shall meet the requirements of the City Attorney.

6. CONDITIONS FOR FINAL MAP APPROVAL

Each condominium project shall meet the following requirements prior to the granting of final approval of the tract map or parcel map:


- a. All requirements imposed by the Conditional Use Permit shall have been complied with.
- b. The building official has certified that all required improvements, repairs and/or replacements for a condominium conversion have been completed.
- c. The City Attorney has approved the Covenants, Conditions and Restrictions and organizational documents.
- d. The developer shall provide proof of compliance with all conditions required for final map approval as contained in the California Government Code and any amendments thereto.

SECTION TWO: This ordinance shall be in force and take effect as provided by law.

SECTION THREE: The City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in this city.

ATTEST:

  
City Clerk

  
Mayor of the City of Redlands

APPROVED FOR FORM:

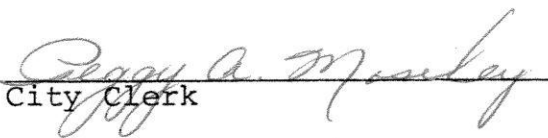
Unanimously adopted at a regular meeting of the City Council held on March 17, 1981.

s/ Edward F. Taylor  
City Attorney



I, Peggy A. Moseley, City Clerk, City of Redlands, do hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 17th day of March, 1981, by the following vote:

AYES: Councilmembers Gorman, Martinez, Riordan, Roth; Mayor  
DeMirjyn  
NOES: None  
ABSENT: None

  
City Clerk