

CALIFORNIA COASTAL COMMISSION

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The



Prepared June 18, 2009 (for July 9, 2009 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Jonathan Bishop, Coastal Planner

Subject: Minor Amendment Determination for San Luis Obispo County Local Coastal Program Amendment Number 2-07 Part 4 (Condominium Conversions)

San Luis Obispo County's Proposed Amendment

San Luis Obispo County is proposing to amend the certified Local Coastal Program (LCP) Implementation Plan (IP, also known as the Coastal Zone Land Use Ordinance (CZLUO)) to establish standards for converting existing development in the Residential Single-Family (RSF) and Residential Multi-Family (RMF) land use categories (Section 23.04.028e) into residential condominiums. The purpose of the amendment is to accommodate the conversion of existing rental housing into residential condominiums in order to maintain a supply of affordable housing units, retain some rental units, reduce the impact of conversions on tenants, facilitate resident ownership of converted units, ensure safety and quality of converted units, and inform prospective buyers of the physical conditions of the structures; see Exhibit A for the Board of Supervisors Resolution and see Exhibit B for the cross-through and underline proposed changes. These proposed changes would apply throughout the County's coastal zone.

Minor LCP Amendment Determination

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor". CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on July 9, 2009).

The purpose of this notice is to advise interested parties of the Executive Director's determination



that the proposed LCP amendment is minor.

The proposed amendment will establish new standards for converting existing rental housing (residential) into condominiums (residential), and the standards only apply to property in the RSF and RMF land use categories. Thus, the amendment will not change the allowed kind, location, intensity, or density of use. Rather, the amendment will simply allow for residential renters to become residential owners in single and multi-family residential districts through condominium ownership. The amendment does not alter LCP standards otherwise in these residential districts, and thus the amount of such development allowed under the LCP in these areas (including mass, scale, density, etc.) will be unchanged. The amendment also does not apply to visitor-serving land use designations where it would raise issues associated with converting visitor-serving rental units (overnight or otherwise) to residential units. Thus, the proposed amendment is consistent with the certified LCP Land Use Plan and qualifies as a minor LCP amendment.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its July 9, 2009 meeting at the San Luis Obispo County Government Center, Board of Supervisors Chambers, 1055 Monterey Street in San Luis Obispo. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Jonathan Bishop at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by July 3, 2009.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on July 16, 2008. It is IP only and the original 60-day action deadline was September 14, 2008. On September 11, 2008, the Commission extended the action deadline by one year to September 14, 2009. Thus, the Commission has until September 14, 2009 to take a final action on this LCP amendment.

Exhibits:

Exhibit A: Board of Supervisor's Resolution

Exhibit B: Proposed CZLUO Section 23.04.028e



IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday December 19, 2006

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall,
James R. Patterson and Chairperson K.H. 'Katcho' Achadjian
ABSENT: None

RESOLUTION NO. 2006 - 478

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, LOCAL
COASTAL PLAN, THE LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE AND THE
COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF THE COUNTY CODE AND TO ADOPT
ORDINANCES AND TO APPROVE ENVIRONMENTAL DOCUMENTS

The following resolution is now hereby offered and read:

WHEREAS, state law requires that a general plan be adopted; and

WHEREAS, the Land Use Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on September 22, 1980, and is a proper element of the General Plan; and

WHEREAS, on March 1, 1988, the San Luis Obispo County Board of Supervisors adopted the Local Coastal Program as amendments and additions to the Land Use Element of the San Luis Obispo County General Plan, specifically incorporating the Land Use Plan of the Local Coastal Program into the Land Use Element of the General Plan hereinafter referred to as the "Land Use Element and Local Coastal Plan", and to the San Luis Obispo County Code Titles 19, 21, and 23; and

WHEREAS, state law, public necessity, convenience and general welfare requires that general and specific plans be amended from time to time; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the General Plan, the Local Coastal Plan, the Land Use Ordinance - Title 22 of the County Code and the Coastal Zone Land Use Element - Title 23 of the County Code, adopted resolutions or otherwise took action recommending said amendments.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the twelfth day of December, 2006, that the County General Plan, the Local Coastal Plan, the Land Use Ordinance - Title 22 of the County Code and the Coastal Zone Land Use Element - Title 23 of the County Code be amended as follows:

1. Amend the San Luis Obispo County General Plan, by adopting a Parks and Recreation Element as such amendment appears on Exhibit LRP2005-00015, attached hereto and incorporated herein as though fully set forth, rescind the 1968 Recreation Plan, the 1991 Trails Plan and the 1988 Parks and Recreation Master Plan. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]
2. Amend the San Luis Obispo County General Plan, as such amendment appears on Exhibit LRP2005-00015:A, attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize the Coastal Zone Framework amendment submittal to the California Coastal Commission for consideration and certification.
3. Amend the San Luis Obispo County General Plan, Land Use Element, Salinas River Area Plan, official maps, as such amendment appears on Exhibit LRP2004-00026:A, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

CCC Exhibit A
(page 1 of 4 pages)

4. Amend the San Luis Obispo County General Plan, Land Use Element, South County Area Plan, official maps, as such amendment appears on Exhibit LRP2003-00011:A, attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

5. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.112 to correct references to the Trails Plan" as set forth in Exhibit LRP2005-00015:B which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

6. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.104 by amending Section 22.104.070 relating to the Commercial Retail, Commercial Service, Residential Single Family, Residential Multifamily and Office And Professional areas in the Community Of San Miguel" as set forth in Exhibit LRP2003-00026:B which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

7. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending Section 22.94.050.F.7 relating to maximum density on 2006 Assessor Parcel Number 033-321-009" as set forth in Exhibit LRP2005-00017:B which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

8. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.112 by amending Section 22.112.040G relating to the Residential Rural area on West El Campo Road" as set forth in Exhibit LRP2003-00011:B which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

9. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending Section 22.12.040 relating to density bonus determinations and 22.12.070 relating to housing affordability standards" as set forth in Exhibit LRP2005-00016:A which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

10. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Chapter 23.04 by amending Section 23.04.090 relating to density bonus determinations, Section 23.04.092 and 23.04.094 relating to housing affordability standards" as set forth in Exhibit LRP2005-00016:B which is attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize the Coastal Zone Framework and San Luis Bay Coastal amendment submittal to the California Coastal Commission for consideration and certification.

11. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending Title 26 of the San Luis Obispo County Code, the Land Use Ordinance, Sections 26.01.034 relating to period affordable housing must remain affordable to qualify for exemption from Title 26" as set forth in Exhibit LRP2005-00016:C which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

12. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22.22 by amending Section 22.22.080 relating to conversion of an existing residential unit to a condominium, planned development or similar residential unit ownership project" as set forth in Exhibit LRP2005-00009:A which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

* [13. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Chapter 23.04 by amending Section 23.04.028 relating to conversion of an existing residential unit to a condominium, planned development or similar residential unit ownership project" as set forth in Exhibit LRP2005-00009:B which is attached hereto and incorporated herein as though fully set forth and pursuant to Public Resources Code, section 30514, authorize the Coastal Zone Framework and San Luis Bay Coastal amendment submittal to the California Coastal Commission for consideration and certification.

14. Adopt, enact and instruct the Chairman of the Board of Supervisors to sign "An Ordinance Amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code and the Coastal Zone Land Use Ordinance, Title 23 of the County Code" which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]

BE IT FURTHER RESOLVED AND ORDERED that the environmental documents for the above enacted amendments be approved as follows:

1. Regarding the amendments that were processed on the basis of a proposed Negative Declaration, the Board of Supervisors reviewed and considered the proposed Negative Declarations together with all comments received during the public review process prior to enacting the amendment. Further, on the basis of the initial studies and comments received for the Negative Declaration, there is no substantial evidence that the amendments will have a significant effect on the environment, therefore the Board of Supervisors hereby adopts the Negative Declaration pursuant to the applicable provisions of the California Environmental Quality Act (CEQA). The Negative Declaration prepared reflect the independent judgment of the Board of Supervisors, acting as the lead agency for the amendments.

2. Regarding the amendments that were processed on the basis of a General Rule Exemption, the Board of Supervisors finds that the activity is covered by That the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

3. Regarding the amendments that were processed on the basis of a Final Environmental Impact Report (FEIR), the Board of Supervisors hereby certifies that the FEIR has been prepared and completed in compliance with the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the amendments and that the FEIR reflects the lead agency's independent judgement and analysis. Further, the Board of Supervisors hereby adopts the recommended findings of the County Environmental Coordinator which are attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to Exhibits LRP2005-00015:A (portion), LRP2005-00016:B, and LRP2005-00009:B shall become operative automatically, pursuant to 14 California Code of Regulations §13551(b)(1), upon the certification without any modifications or amendments to said amendments by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification pursuant to 14 California Code of Regulations §13544. In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code § 65350 et seq., before final local government adoption of the amendments with the modifications suggested by Coastal Commission pursuant to 14 California Code of Regulations §13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Section 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

BE IT FURTHER RESOLVED AND ORDERED that in accordance with Government Code Section 25131, after reading of the title of the ordinances, further reading of the ordinances in full is waived.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinances 3104 thru 3113, said date being January 18, 2007.

Upon motion of Supervisor Ovitt, seconded by Supervisor Lenthall, and on the following roll call vote, to wit:

AYES: Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted.

K.H. ACHADJIAN

Chairman of the Board of Supervisors
of the County of San Luis Obispo,
State of California

CCC Exhibit A
(page 3 of 4 pages)

ATTEST

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California

[SEAL] By: C.M. CHRISTENSEN Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss
I, JULIE L. RODEWALD, County Clerk of the above
entitled County, and Ex-Officio Clerk of the Board
of Supervisors thereof, do hereby certify the fore-
going to be a full, true and correct copy of an order
entered in the minutes of said Board of Super-
visors, and now remaining of record in my office.
Witness, my hand and seal of said Board of
Supervisors this JAN 08 2007
JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
By C.M. Christensen
Deputy Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, CHAPTER 23.04 BY AMENDING SECTION 23.04.028 RELATING TO CONVERSION OF AN EXISTING RESIDENTIAL UNIT TO A CONDOMINIUM, PLANNED DEVELOPMENT OR SIMILAR RESIDENTIAL UNIT OWNERSHIP PROJECT

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.04.028 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

d. Condominiums. A condominium, planned development or similar residential unit ownership project in compliance with Subdivision Map Act Sections 66427 et seq. may use smaller parcel sizes to be determined by the Review Authority through Development Plan approval as set forth in Section 23.02.034, provided that:

- (1) The common ownership external parcel is in compliance with the provisions of this Section; and
- (2) The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

e. Condominium conversion. The standards in this Subsection apply to the conversion of an existing residential or nonresidential development into a residential condominium, planned development, stock cooperative or similar residential unit ownership. All conversions shall comply with the California Subdivision Map Act and Title 21 of the County Code in addition to the standards of this Subsection.

(1) **Purpose and intent.** The purpose of this section is to establish standards for the conversion of rental housing into condominiums that conform to the General Plan and Housing Element, maintain a supply of affordable housing units, retain some rental units, reduce the impact of such conversions on the tenants, facilitate resident ownership of the converted units, ensure that converted housing achieves a high standard of safety and quality, and inform the prospective buyers of the physical conditions of the structure.

(2) **Parcel sizes.** As set forth in Subsection 23.04.028d.

(3) **Application contents.** The Development Plan application required by Subsection d - Condominiums, shall include all information specified by Chapter 2 of this Title, in addition to the following:

- (i) **Impact Report.** A report shall be prepared and submitted with the application that describes: the number of households that will be displaced, the numbers of persons residing in all households, the age and income levels for all tenants, the rental rates and vacancy rate of all units for the previous three years, documentation of the community-wide number of rental units with similar rental rates, and the current rental vacancy rate for the urban or village area where the project is located. This

information shall be used in the Relocation Plan required in subsection e.(5)(ii).

- (ii) **Property Condition Report.** A report shall be prepared by a structural or civil engineer and submitted with the application that contains: a detailed description of the physical condition of the roads, paving, buildings, structures, common areas, recreation features, landscape, utilities and infrastructure, an analysis of property and structural compliance with the current building, fire and land use codes, cost estimates for needed repairs and ongoing maintenance costs, and an estimate of the annual amount of homeowners' association fees.
- (iii) **Tenant Information Package.** An information package shall be prepared and submitted with the application. Once the Tenant Information Package is determined by the Planning Director to be complete, the applicant shall provide verification that this package has been distributed to each tenant. The information package shall include the following notification and documents:
- (a) The name and address of developer and/or property owner.
 - (b) A copy of the Impact Report and Property Condition Report that are submitted in compliance with subsections e.(3)(i) and (ii).
 - (c) The approximate date that the units shall be vacated if the Development Plan and tentative map are approved.
 - (d) The tenant has the right to continue to rent his or her unit for at least 180 days after the date of approval of the Development Plan and tentative map.
 - (e) A general description of the relocation assistance to be provided pursuant to subsection e(5).
 - (f) The tenant has the right to terminate any long term rental lease or agreement that he or she may have with the manager or property owner.
 - (g) The approximate sales price of the tenant's unit.
 - (h) The tenant has an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate. If no public report is required then the 90 day period shall begin when the final subdivision map is approved by the County.
 - (i) Protection from unjust eviction shall be provided to tenants who comply with their rental or lease agreements and with the written regulations of the rental property.
 - (j) Once the applicant has issued a notice of "intent to convert," a tenant's rent shall not be increased more than once annually, and such increase shall not exceed the rate of increase in the Consumer Price Index for the same period. Only rate increase terms covered by existing rental or lease agreements are exempt from this provision.
- (4) **Special noticing requirements.** The applicant shall provide evidence, to the satisfaction

of the Planning Director, that each tenant has received or will receive each of the following notices and documents, in addition to the notice required by Section 23.01.060.

- (i) **Notice of intent to convert.** A notice of "intent to convert" at least 60 days prior to submittal of the Development Plan and tentative map application, pursuant to Government Code Section 66427.1. After the notice of "intent to convert" has been issued, the applicant shall inform any new and/or prospective tenants that the County has received the request for approval of a condominium conversion, or that the condominium conversion request has been granted. The format of this notice shall comply with Government Code Section 66452.8(b), or superseding code.
 - (ii) **Submittal notice.** A "submittal notice" issued within 10 days of the submittal of an application for a public report to the Department of Real Estate, pursuant to Government Code Section 66427.1. The notice shall indicate that the report will be available on request. No such notice is necessary if a public report is not required.
 - (iii) **Approval notice.** An "approval notice" within 10 days after the County's approval of the final map, pursuant to Government Code Section 66427.1.
 - (iv) **Option to purchase.** An "option to purchase" notice that grants the tenant an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate, pursuant to Government Code Section 66427.1. If no public report is required then the 90 day period shall begin when the final subdivision map is approved by the County.
 - (v) **Termination of tenancy.** A "termination of tenancy" notice that provides each tenant a minimum period of 180 days after County approval of the Development Plan and tentative map to vacate his or her residential unit. All relocation assistance to be provided, pursuant to Subsection e(5)(i) and (ii), shall be described. The said notice to be delivered by U.S. mail to each tenant within 10 days of County approval of the Development Plan and tentative map.
- (5) **Conditions of approval.** Approval of a Development Plan shall include the following conditions of approval at a minimum.
- (i) **Affordable Housing:** Where the project consists of three (3) or more units, the applicant shall agree to rent or sell 25 percent of the total number of units to low or moderate income households, and a minimum of 50 percent of the affordable units shall be affordable to low income households. The sales prices, rental rates, terms and restrictions for the affordable units shall comply with Section 23.04.094. Existing project residents who are income qualified shall be given priority in acquiring the affordable units, and a lottery shall be used if necessary to determine unit possession. Any existing deed restricted affordable units shall remain in the project, and may be counted towards meeting the project's affordable housing requirements. The affordability period of the existing deed restricted units that are counted to meet the project's affordable housing requirements shall be extended to meet the affordability requirements of this project pursuant to Section 23.04.094. If the project is subject to the affordable housing requirements of other ordinances or agencies then the most restrictive requirements shall apply.

(ii) **Relocation assistance.** Applicant shall provide each displaced household with a relocation payment of a dollar amount equal to three months rent in the unit currently occupied by that household. Said relocation payment shall be paid at least 30 days before the household vacates its unit.

(a) **Rent Subsidy.** For displaced low income households, when the household moves into a comparable unit where the rent is higher than the rent for the unit that the household occupied in the conversion project then the applicant shall pay the difference for a period of one year from the date of relocation. If the Planning Director determines that no comparable unit is available then the applicant shall extend the household's rental agreement for one (1) year beyond the 180 day termination period, at a rental rate determined by the household's income level and Section 23.04.094.

A comparable unit is one that is decent, safe, sanitary, and in compliance with all local and state housing codes. A comparable unit has facilities that are equivalent to the household's existing dwelling unit with regards to the following features: a) apartment size including number of rooms; b) rent range; c) major kitchen and bathroom facilities; d) special facilities for the handicapped or senior citizen; and e) willingness to accept families with children. A comparable unit is located in an area no less desirable than the household's existing unit with regards to accessibility to the following features: a) the tenant's place(s) of employment; b) community and commercial facilities; c) schools; and d) public transportation. A unit is not comparable if it is located in a building for which a notice of intent to convert has been given.

(b) **Relocation Plan.** The Relocation Plan shall describe the affordable housing or relocation benefits that each tenant will received as a result of the conversion. All affordable housing unit sales, transfer of displaced tenants to new housing and execution of one-year lease agreements shall be completed prior to termination of tenancy of each displaced resident.

(iii) **Property improvements.** Each residential unit shall have separate utility hook-ups and meters (i.e., water, electricity and gas meter for each unit).

(iv) **Compliance with codes.** The property, plus all structures and improvements shall be in substantial conformance with building codes, fire codes, and the standards of the County Public Works. The property, plus all structures and improvements shall be inspected and approved by the Chief Building Official, the fire agency responsible for service, and County Public Works.

(v) **Compliance with land use standards.** The condominium conversion shall comply with the development standards for new residential projects pursuant to the Land Use Ordinance and Land Use Element. This shall include the standards for unit density, setbacks, landscape and irrigation, fencing, parking and paving. All project elements shall be refurbished and restored as necessary to achieve a high standard of appearance, quality, and safety.

(vi) **Warranty.** Applicant shall provide a one-year warrantee free of charge to the homeowners' association for all project components which are owned or maintained by the association. The applicant shall guarantee the condition of common area items, including but not limited to roads, paving, drainage systems, landscaping, and recreational facilities. The applicant shall also guarantee the

condition of all residential and/or common area structures, roofing, foundations, plumbing, electrical, heating, ventilation, mechanical systems and utilities. All of these items shall be guaranteed to be in sound, usable condition for a period of one year from the date of the sale of the last individual unit sold.

(vii) Covenants, Conditions, and Restrictions. Covenants, Conditions and Restrictions shall be submitted for review and approval by the County.

(viii) Property Condition Report. Applicant shall provide each prospective buyer with a copy of the Property Condition Report before the unit is sold.

(6) Special findings for condominium conversion. A Development Plan for the conversion of an existing residential development into a residential condominium, planned development, stock cooperative or similar residential unit ownership may be approved only after the Review Authority makes the following findings:

(i) That the total number of residential rental units to be converted to condominium units in any calendar year does not exceed 25 percent of the number of residential rental units that were built in the previous calendar year. The converted residential units are not required to be located in the same community as the newly constructed residential rental units.

(ii) That the proposed condominium conversion will not create a substantial loss of affordable rental housing stock in the community where the conversion project is located.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 20_____, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20_____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____