



CITY COUNCIL AGENDA REPORT



DEPARTMENT Community Development

MEETING DATE January 3, 2006

PREPARED BY Alice Griselle, Director of Community Development

AGENDA LOCATION D-1

TITLE Amendment to Title 17 (Zoning) of the Monrovia Municipal Code Adding Regulations Pertaining to Condominium Conversions, Introduction and First Reading of Ordinance No 2006-02

BACKGROUND Condominium conversions have become more prevalent in the last year in Monrovia and Southern California. A combination of economic factors and available housing stock have created an incentive for conversion. Two conversions, one on Alta Street and one on Genoa Street, were approved in 2005. There are current inquiries on other conversions of apartments to ownership housing.

On October 12, 2005, the Planning Commission recommended approval of a condominium conversion and also recommended that the City Council consider adoption of a conversion ordinance. On November 1, 2005, the City Council approved the same condominium conversion project and directed Staff to draft a conversion ordinance to bring back to City Council in the following months. On December 14, 2005, the Planning Commission held a public hearing and adopted a Resolution recommending approval of the subject ordinance to the City Council. No public testimony was received.

DISCUSSION The adoption of a condominium conversion ordinance allows the Planning Commission and City Council the ability to apply aesthetic standards and upgrading of apartment buildings before they are allowed to be sold as units. Without a specific ordinance only health and safety upgrades are allowed to be required. At the Planning Commission and City Council meetings, aesthetic or other building improvements were questioned but not allowed to be applied to the conversion as there was no ordinance in place.

The ordinance has been drafted to include all forms of common ownership housing such as condominiums, planned unit developments, stock cooperatives, and all other forms of common interest developments.

The proposed ordinance requires the subdivider to submit a report detailing the condition of the existing buildings in regard to the foundation, roofs, exterior walls, electrical, plumbing, utilities, walls and fences, heat insulation factors, mechanical equipment, and fire protection equipment. The applicant is also required to submit a report on the site detailing existing walls and fences, all paved surfaces, landscaping and sprinkler systems. A report prepared by a licensed structural pest control operator describing the entire project is proposed as a requirement. Additionally, a soils report will be required if there were no previous reports. The

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report will consider any known evidence of soils problems relating to the structures on the project site

In order to be able to improve the appearance of the building, a section was added allowing the City to review the exterior of the building. The exterior changes would be approved by Development Review Committee, Planning Commission and the City Council as the application made its way through the approval process

Once the reports are completed and the subdivider is aware of any issues with the site, a restoration plan is submitted as part of the application. The final step is that the subdivider will correct the deficiencies and adequately renovate the project with a final inspection by the City, prior to approval of the final map

The Subdivision Map Act establishes requirements for notice to tenants and the right of tenants to exclusive contracts for purchase in condominium, community apartment or stock cooperative projects. In summary, each of the tenants of the proposed conversion shall receive written notification of the intention to convert at least 60 days prior to the filing of the tentative map. Each of the tenants will be given written notification within 10 days of approval of a final map for the proposed conversion and will be given 180 days written notice of intention to convert prior to termination of tenancy due to the conversion. They will also be given notice of an exclusive right to contract for the purchase of the respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant

FISCAL IMPACT No significant fiscal impact to the City

RECOMMENDATION The Planning Commission and City Council directed Staff to draft an ordinance that will guide the orderly conversion of apartments to ownership housing. The proposed ordinance provides for improvement to the appearance of the exterior of the buildings and site plan in terms of upgraded landscaping and paving surfaces. It also addresses safety, building, fire, and public works improvements, so that the buildings and site plan conform to appropriate standards. At their meeting of December 14, 2005, the Planning Commission adopted Resolution No. 2005-17 recommending approval of Ordinance No. 2006-02

COUNCIL ACTION REQUIRED If the City Council concurs with this recommendation, following the public hearing, the appropriate actions would be to

- 1 Determine that there is no possible significant effect directly related to the adoption of the ordinance, therefore no further action is required under the California Environmental Quality Act (CEQA)
- 2 Find that the custodian of records of all materials that constitute the record of proceeding upon which this decision is based is the City Clerk. Those documents are available for public review in the office of the City Clerk at Monrovia City Hall, 415 South Ivy Avenue, Monrovia, California 91016
- 3 A motion to introduce and waive further reading of Ordinance No. 2006-02
- 4 A motion to read by title only Ordinance No. 2006-02 pertaining to regulations regarding condominium conversions

PLANNING COMMISSION RESOLUTION NO 2005-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONROVIA, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ORDINANCE 2006-02 AMENDING TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE BY ADOPTING CHAPTER 17 051 WHICH WILL REGULATE CONVERSION OF APARTMENTS TO CONDOMINIUMS, PLANNED UNIT DEVELOPMENTS, STOCK COOPERATIVES, AND OTHER FORMS OF COMMON INTEREST DEVELOPMENTS

THE PLANNING COMMISSION OF THE CITY OF MONROVIA HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS

A RECITALS

(i) The City Council and the Planning Commission have directed City Staff to draft Ordinance 2006-02 amending the Monrovia Municipal Code (hereinafter referred to as "application")

(ii) Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that there is no possible significant effect directly related to Ordinance 2006-02 ("project"), therefore no further action is required under CEQA. The Planning Commission has reviewed the project and concurs that City staff has correctly concluded that the proposed amendment to the Municipal Code will not have a potential significant effect on the environment, because the adoption of this ordinance will impose greater limitations on development in the City, and will thereby serve to reduce potential significant adverse environmental impacts

(iii) On December 14, 2005, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on the application, pursuant to Section 17 52 090 of the Monrovia Municipal Code and the applicable provisions in State law

(iv) All legal prerequisites to the adoption of this Resolution have occurred

B RESOLUTION

NOW, THEREFORE, the Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows

- 1 The Planning Commission finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct
- 2 Ordinance 2006-02 is necessary to carry out General Plan goals and policies set forth in the Land Use and Housing Elements, and to guide and direct orderly development of the City and the respective neighborhoods

- 3 Ordinance 2006-02 will not adversely affect the public health, safety, or welfare in that
- a) It will provide for the orderly conversion of apartments to ownership housing
 - b) It will result in a consistent application of building, fire, zoning and public works codes to bring the property to today's health, safety, and aesthetic standards
- 4 Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends approval of Ordinance 2006-02 to the City Council

The Secretary of the Planning Commission shall certify to the adoption of this Resolution

PASSED, APPROVED, AND ADOPTED this 14th day of December 2005

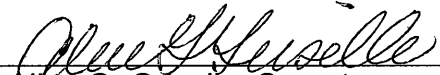
AYES Abe, Faith, Guerra, Owens, Zoolalian
NOES NONE
EXCUSED Beebe, Theall
ABSTAIN NONE

BY



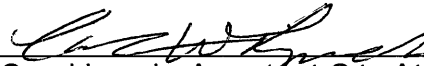
Eric Faith, Vice-Chair
Monrovia Planning Commission

ATTEST



Alice G. Griselle, Secretary
Monrovia Planning Commission

APPROVED AS TO FORM



Carol Lynch, Assistant City Attorney
City of Monrovia

ORDINANCE NO 2006-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 17 OF THE MONROVIA MUNICIPAL CODE BY ADOPTING CHAPTER 17 051 WHICH WILL REGULATE CONVERSION OF MULTIFAMILY RESIDENTIAL UNITS TO CONDOMINIUMS, PLANNED UNIT DEVELOPMENTS, STOCK COOPERATIVES, AND OTHER FORMS OF COMMON INTEREST DEVELOPMENTS

THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA hereby ordains as follows

SECTION 1 At their meeting of October 12, 2005, the Planning Commission recommended approval of a condominium conversion and recommended adoption of a conversion ordinance to the City Council, and the City Council meeting of November 1, 2005, the City Council approved the same condominium conversion but directed staff to bring a conversion ordinance to the City Council in the following months

SECTION 2 The City is responsible for adopting and implementing the land use and subdivision regulations within its boundaries In 2005, the City has experienced an increase in applications to convert existing multifamily residential units to condominiums Surrounding cities have experienced an increase in applications to convert existing multifamily residential units to condominiums and stock cooperatives, and Monrovia is anticipating this trend

SECTION 3 The City Council finds that the unregulated conversion of multifamily residential units to condominiums, stock cooperatives and other forms of common interest developments without appropriate procedures and regulations has the potential to cause adverse impacts to the character of the City's existing residential neighborhoods and adjacent development A large percentage of the City's rental housing stock is comprised of architecture that does not meet the aesthetic or quality standards of housing that is approved today in the City of Monrovia and does not meet today's standard for building or fire codes The purpose of the proposed regulations is to establish a review process and criteria to combat the adverse effects that extensions of the life of certain buildings have on the character of the City's residential neighborhoods without first bringing the buildings into compliance with specific building and fire codes, and bringing the architecture of the buildings up to the standard of the existing neighborhoods and quality of newer projects

SECTION 4 The City expects reinvestment in bringing the structures in to compliance with the building and fire codes, and upgrading the architecture, site design, and amenities of multifamily residential unit conversions to ownership housing The property owner is reasonably expected to invest in the property to bring it up to today's health, safety and aesthetic standards

SECTION 5 California Environmental Quality Act (CEQA) The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this ordinance may have a significant adverse effect on the environment, because the adoption of this ordinance will improve the quality of existing housing stock in the City that is being converted from multifamily residential units to condominiums and other common interest developments, and will thereby serve to reduce potential significant adverse environmental impacts. It is therefore exempt from CEQA review pursuant to Title 14, Section 15061(6)(3) of the California Code of Regulations.

SECTION 6 Common Interest Development Projects This article is enacted pursuant to the authority contained in sections 66421 and 66426 of the California Government Code. The provisions of this article shall apply to subdivisions involving common interest development projects as set forth in the definition of "subdivision" in Section 16 08 280 of the Monrovia Municipal Code.

SECTION 7 Title 17, Chapter 17 44 051 of the Monrovia Municipal Code is hereby adopted to read as follows:

17 44 051 Conversion of Multifamily Residential Units to Condominiums, Planned Unit Developments, Stock Cooperatives, and other Forms of Common Interest Developments

- (A) Purpose Common interest development projects require special additional regulations because of unique problems resulting from the divided ownership of individual units, and the purpose of this article is to provide reasonable standards for the location, design, and development of common interest development projects and the information to be contained in the application for a conditional use permit, which shall be filed with the tentative map.
- (B) Application Requirements Except as otherwise provided in this article, the provisions of this article shall apply to both residential and nonresidential common interest development projects. Each application for the approval of a conditional use permit for a common interest development project shall include the following information and documents:
 - (1) A site plan with at least the following details shown to scale:
 - (a) The location, height, gross dwelling and accessory floor area, dwelling and accessory area per building and per unit, and proposed uses of each existing structure to remain and for each proposed structure,
 - (b) The location, use, and type of surfacing for all open storage areas,
 - (c) The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, and curb cuts,
 - (d) The location, height, and type of materials for walls or fences,
 - (e) The landscape and irrigation plan by a licensed Landscape Architect showing the location of all landscaped areas, the type of

landscaping, and a statement specifying the method by which the landscaping areas shall be maintained,

- (f) The location and square footage of all recreational and open space areas, both private and common and a statement specifying the method of the maintenance common areas,
- (g) The location of the parking facilities to be used in conjunction with each unit and the location of guest parking spaces in the common interest development,
- (h) The floor plans and elevations of all structures, showing the architectural features and the types and materials of construction,
- (i) Specific reports on the physical elements of each structure and facility shall be submitted that includes, but is not limited to, the following
 - 1 A report detailing the condition of each element of any structures located on the property by a certified licensed contractor or inspector including
 - a foundations,
 - b roofs,
 - c exterior walls,
 - d electrical,
 - e plumbing,
 - f utilities,
 - g interior walls,
 - h ceilings,
 - i heat insulation factors,
 - j windows,
 - k recreational and open space facilities,
 - l sound transmission characteristics between units,
 - m mechanical equipment,
 - n fire protection equipment,
 - o parking facilities,
 - p walls and fences,
 - q all paved surfaces, and
 - r landscaping, sprinkler system

For each element listed above, the report shall state, to the best knowledge or estimate of the inspector, the following (1) the date the building permit was originally issued for each

element (or the date the permit was issued for the most recent replacement of the original element), (2) the replacement cost of the element at the time the report is prepared, (3) the current condition of each element. If applicable, the report shall describe why the physical condition of each element does not comply with current Zoning, Housing or Building Code and shall identify how each deteriorated, defective or unsafe element will be required or replaced.

2. A report prepared by a licensed structural pest control operator describing the general condition of the entire project shall be submitted. In addition, prior to the approval of the Final Map, the applicant shall also cause to be prepared by a licensed pest control operator a pest infestation and dry rot report for each individual unit in the project,
3. A structural engineer's evaluation of the integrity of the foundations shall be submitted.
4. If a soils report was not done at time of original construction, the application for conversion shall also include a report on any known soil and geological conditions regarding soil deposits, rock formations, faults, ground water and landslides in the vicinity of the project, and a statement regarding any known evidence of soils problems relating to the structures on the project site. Reference shall be made to any previous soils reports for the site and a copy of said prior reports shall be submitted with the soils report required by this section.
5. A statement of the repairs and improvements the subdivider proposes to refurbish and restore the project to achieve a high degree of appearance and safety.

(C) **Conditions for Approval.** A tentative map of a common interest development project may be approved subject to the imposition of reasonable conditions relating to the design and improvement of the subdivision.

(D) **Compliance with Code Provisions**

- (1) Code Compliance Required Except as otherwise provided by this Title, neither a tentative map nor a conditional use permit for a new common interest development project or for the conversion of existing multifamily residential units to a common interest development shall be approved unless the project will comply with the building codes and zoning regulations and all the other requirements of this code in effect at the time of the filing of a complete application.
- (2) Architectural Review Required Nothing in this chapter shall relieve a project to convert an existing development to a common interest development from the architectural review requirements of

2 56 030(D)(1)(b) Any plans for exterior maintenance, restoration or refinement of the project, including landscape plans, shall be reviewed and approved by the Planning Commission prior to approval of the tentative map for the project

(E) Requirements for Residential Conversions

In addition to the other requirements of this Section, the conversion of existing multifamily residential units to any form of common interest development shall comply with the following

- (1) Reports Upon receipt of the application, the Director of Community Development or his/her designee shall submit copies of the applicable reports or documents required to be reviewed by the Public Works Department, Fire Department, Building Division, Planning Division, and Neighborhood Preservation Division, and any other department as appropriate. Each department or Division is responsible for reviewing the reports in the areas under their purview and shall prepare a written report detailing the deficiencies and the corrective actions required to bring the project into compliance with this Section.
- (2) Correction of Deficiencies Prior to filing for approval of the final map for the purposes of converting an existing multifamily residential units to common interest ownership, the subdivider shall complete the following
 - (a) The subdivider shall correct all deficiencies identified by the City to the satisfaction of the City Building Official, City Fire Marshall, and City Engineer and Planning Division Manager
 - (b) The subdivider shall repair or replace any damaged or infested areas in need of repair or replacement as shown in the structural pest control report required by this Section to the satisfaction of the City Building Official
 - (c) Except as otherwise approved by the Planning Commission pursuant to this article, the subdivider shall correct any outstanding zoning ordinance violations and shall bring the project site into full compliance with current zoning codes

(F) Physical Standards for Residential Conversions Except as expressly provided in this section, no application for a tentative map to convert existing multifamily residential units to any form of common interest development shall be approved unless the Planning Commission finds that the proposed conversion will conform to each and every standard set forth in this section. These findings are in addition to the findings required for any concurrent application for a conditional use permit pursuant to Section 17 52 240

- (1) Building Regulations The proposed conversion shall conform to the applicable standards of the Housing Code and the Building Code in effect on the date the City determines the application for conversion is complete
- (2) Fire Prevention The proposed conversion shall conform to the applicable standards of the Fire Code in effect on the date the City determines the

application for conversion is complete, which shall include, but not be limited to requirements regarding Housing Accessibility for condominiums, townhouses and apartments

(3) Utilities

(a) Each dwelling unit shall be separately metered for utilities, including, but not limited to, gas, electricity and water. Any water meters that are operated through a single meter must be addressed to the City's satisfaction by the Covenants, Codes and Restrictions, which shall include, but not be limited to, cost allocation

(b) Electrical service for each unit shall be provided through a minimum 100 ampere circuitry

(4) Landscape and Open Space Requirements – Installation and Maintenance

(a) Prior to the issuance of the final map for any proposed conversion, the subdivider shall install new landscaping as per the approved landscape plan

(b) The proposed conversion shall comply with all applicable provisions of Title 17 of this Code with respect to landscape setbacks, and usable private and common open space

(5) Condition of Equipment and Appliances At such time as the homeowners' association takes over management of the development, the developer shall provide written certification to the association that any improvements, such as pools and pool equipment (filters, pumps, and chlorinators), spas, saunas and other appliances and mechanical equipment, which are to be owned in common by the association, are in operable working condition

(6) Refurbishing and Restoration In connection with an application for a tentative map to convert an existing multifamily residential units to any form of common interest development, the subdivider shall submit a comprehensive plan for the rehabilitation of the exterior elements of the property. Said comprehensive plan shall provide for the rehabilitation and restoration of each building, structure, wall, fence, patio enclosure, carport, accessory building, sidewalk, driveway, paved area, landscaped area, and additional exterior element of the site, as necessary, to achieve a high degree of appearance, quality and safety, subject to review and approval by the Planning Commission. All required work shall be completed prior to the approval of the final map

(7) Parking

(a) *Spaces Required* Off-street parking shall be provided in accordance with the applicable provisions of Chapter 17 24 of this title. No required courtyard or open space may be eliminated to expand on-site parking

(b) *Assignment and Use of Required Off-Street Parking Spaces* The covenants, conditions and restrictions, or similar ownership

agreements of the common interest development shall incorporate the following parking requirements

- 1 Required off-street parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project on the basis of the parking spaces required per unit
- 2 To the maximum practical extent, the spaces assigned to each unit shall be contiguous
- 3 All parking spaces shall be for the use of unit owners
- 4 All parking spaces, shall be used solely for the purpose of parking motor vehicles as defined by the Vehicle Code of the State of California and shall not be used for storage or trailers, unmounted campers, boats, or other recreational vehicles

(G) All common interest development projects that are governed by this Section also shall comply with all applicable provisions of State law, including, without limitation, Government Code Sections 66427 1, et seq

SECTION 8 The City Clerk shall certify to the adoption of this Ordinance and shall cause same to be published once in the Monrovia Weekly within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage

INTRODUCED this 3rd day of January 2006

PASSED, APPROVED, AND ADOPTED this 17th day of January 2006 by the following vote

AYES
NOES
ABSTAIN
EXCUSED

BY

Rob Hammond, Mayor
City of Monrovia

ATTEST

APPROVED AS TO FORM

Linda B Proctor, MMC, City Clerk
City of Monrovia

Craig A Steele, City Attorney
City of Monrovia