

ARTICLE 8A

CONDOMINIUMS

SECTION 1 Purpose

Residential condominiums differ from other residential subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas. The purpose of this article is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of condominiums.

SECTION 2 Standards - General

In addition to standards applicable to regular subdivisions, no new condominium project or portion thereof, except for Planned Unit Developments and Planned Community Developments which shall be subject to the provisions of the Zoning Ordinance shall be approved unless the following items have been submitted with the tentative map and approved by the city:

- A.** Development plan of the project including location and sizes of structures, parking layout, access areas, and exterior elevations;
- B.** A preliminary landscaping plan of the project indicating types and sizes of landscaping materials and permanent irrigation facilities shall be submitted;
- C.** A preliminary lighting plan of the project indicating location and nature of lighting and lighting fixtures in common areas;
- D.** The proposed condominium documents, including those portions of the Covenants, Conditions and Restrictions that apply to the conveyance of units, the assignment of parking and the management of common areas within the project; and
- E.** Such other information which the planning director determines is necessary to evaluate the proposed project.

SECTION 3 Site requirements

The following site requirements shall be subject to the approval of the City Council:

- A.** Architectural design. The evaluation of which may include the following:
 - 1.** The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole.
 - 2.** The design of all exterior surfaces of the buildings shall create an aesthetically pleasing project.
 - 3.** Consideration shall be given to the appearance of garages as viewed from within as well as outside the subdivision.

4. Vehicular access-ways shall be designed to eliminate an alley-like appearance through the use of lighting and landscaping.
- B. Environmental preservation. The location and orientation of all buildings shall, whenever feasible and desirable in the opinion of the City Council, be designed and arranged to preserve natural features by minimizing the disturbance to the physical environment. Natural features such as trees, waterways, historic landmarks, or slopes shall be delineated in the development plan and considered when planning the location and orientation of buildings, open spaces, underground services, walkways, paved areas, parking areas, and finished grade elevations.
- C. Landscaping:
1. All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure and open space areas shall be live landscaped in an attractive manner and provided with a method for the maintenance thereof.
 2. Decorative design elements such as fountains, pools, benches, sculpture, planters, exterior recreational facilities, and similar elements may be permitted providing such elements are incorporated as a part of the landscaping plan, except where otherwise prohibited.
 3. Permanent and automatic irrigation facilities shall be provided in all off-site and on-site planted landscaped areas.
 4. Final landscape plans implementing the concept of the preliminary landscaping plans required by Section 2(b) shall be prepared and submitted to and approved by the City Parks Director prior to the recordation of the final map.
- D. Lighting. The sub-divider shall install an on-site lighting system on all vehicular access-ways and along major walkways. Such lighting shall be directed onto the driveways and walkways within the development and away from the adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas.
- E. Open space - common.
1. Minimum open space for condominium projects shall be sixty (60) percent of the net area being developed. The net area shall exclude dedicated or proposed dedicated public rights-of-way.
 2. Common open space area shall be designed and located within the project to afford use by all residents of the project. These common areas may include, but are not limited to: game courts or rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.
 3. Enclosed buildings used for recreation or leisure facilities will not be used to satisfy more than thirty-seven and one-half (37 1/2) percent

of the required open space, i.e., fifteen (15) percent of the net area being developed.

4. Active recreation areas, except those located completely within a structure, used to meet the open space requirement shall not be located within 15 feet of any door or window of a dwelling unit.
5. Private waterways, including pools, streams and fountains, may be used to satisfy not more than fifty percent (50%) of the required open space.
6. Lighting and Landscaping in all open spaces should be planned so as to prevent areas of darkness, obscurity, or other conditions which would encourage criminal activity or jeopardize the safety of the residents.

F. Open space - private.

Notwithstanding the common open space requirement, each condominium unit must have directly accessible private patio, deck, balcony, atrium or solarium with a minimum area of one hundred (100) sq. ft. with no dimension less than 8 ft. and may have any amount of private open space in excess of the minimum accumulated to satisfy the minimum required common open space.

G. Parking.

1. Each unit shall be provided with two (2) covered parking spaces, one of which must be enclosed, and no tandem parking shall be permitted to comply with required parking.
2. In addition to the above requirement, if on-street parking is prohibited on the street upon which the project fronts, there shall be at least one (1) visitor parking space for each eight (8) condominium units or major fraction thereof, which spaces shall be located in such a manner as to be readily accessible to the visiting public.
3. Private attached 2-car garages directly accessible to the dwelling unit may be built to standards of the R-1 zone.

H. Trash collection areas.

Trash collection areas shall be approved by the Public Works Director. Such areas shall be enclosed within a building or screened with masonry walls having a minimum height of six (6) feet. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.

I. Street improvements.

1. The sub-divider shall improve or post a cash bond with the City guaranteeing the installation of the improvements to City standards of sub-standard or deficient street improvements fronting the property

within the public right-of-way to the satisfaction of the Public Works Director in accordance with current policy. These improvements may include, but shall not be limited to, curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, street lights, water mains.

2. The width of the public rights-of-way and roadway of the street(s) abutting the property shall conform to the minimum standard of the Circulation Element of the General Plan.

SECTION 4 Structural Requirements

A. Building height.

Building height shall be limited to Zoning Ordinance standards applicable to the zone in which the condominium is constructed.

B. Energy conservation.

Project shall be designed to fully comply with all energy conservation features and materials required by current State and local law.

C. Fire detection systems.

Early warning smoke detection systems in the living quarters and fire protection appurtenances as required by current State and local law shall be required for all condominium subdivisions.

D. Keying requirements.

Each single unit in a condominium subdivision shall have locks using combinations which are interchange-free from locks used in all other separate dwellings within the project. This specification is intended to prohibit master keying. Exception: Master keying may be permitted when requested by the condominium association authorized to represent the owners of the condominium units within the project.

E. Laundry areas.

Where laundry areas, other than these located within individual dwelling units are provided, such areas should be located to minimize visual and noise intrusion both within and outside the project.

F. Security measures.

1. General. The general design of the proposed condominium project should facilitate the reduction of crime. Individual unit security should be a significant consideration in the construction of the project.

2. Doors.

a. All exterior doors and doors leading from garage areas into private units shall be of solid core construction with a minimum thickness of one and three-eighths (1 3/8) inches with panels not less than nine-sixteenths (9/16) inch thick, except those portions constructed of metal or glass.

b. Exterior doors and doors leading from garage areas into private units shall be equipped with a single-cylinder, dead-bolt lock with a minimum one (1) inch throw, working in concert with a key in knob dead-latch mechanism, except for sliding glass doors and the stationary door of a double door entry which shall be provided with a slide dead bolt at both top and bottom.

c. Installation and construction of frames, jambs, strikes and hinges on exterior doors and doors leading from garage areas into private units shall be as follows:

aa. Door jambs shall be installed with solid backing in such a manner that no voids exist between the strike side of the jamb and the frame opening for a vertical distance of six (6) inches each side of the strike.

bb. In wood framing, horizontal blocking shall be placed between studs at door lock height for three (3) stud spaces each side of the door openings. The jamb shall have solid backing against sole plates, and the space between the trimmer and finished frame shall be filled with solid wood.

cc. Door stops and wooden jambs for exterior in-swinging doors shall be of a single piece of material.

dd. The strike plate for dead bolts on all wood frame doors shall be constructed of minimum sixteen (16) U. S. gauge steel, bronze, or brass anchored two (2) inches into solid backing beyond the surface to which the strike plate is attached.

ee. Hinges for out-swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by pins.

ff. Glazing in exterior doors or within forty (40) inches of any locking mechanism shall be of fully tempered glass or rated burglary-resistant glazing, except when double-cylinder dead-bolt locks are installed.

- gg. All front exterior doors shall be equipped with a wide-angle (180 degrees) door viewer, except where clear vision panels are installed.
3. Windows.
- a. Sliding glass windows and doors should incorporate design features which prevent them from being lifted from their tracks while closed or partially open. Locks on this type of opening should prevent its compromise by five hundred (500) pounds of pry force.
4. Mailboxes.
- a. Mailboxes should be placed in a secure and easily surveyable space, and be provided with lighting on a 24-hour basis when located in a building.
5. Street numbers and identifying data.
- a. Each individual unit within a condominium project with direct access to the street shall display a street number in a prominent location on the street side of the residence in such a position that the number is easily visible to approaching emergency vehicles.
- b. Street number numerals shall be no less than four (4) inches in height and shall be of a contrasting color to the background to which they are attached.
- c. An illuminated diagrammatic representation shall be positioned at the main pedestrian entrance of the complex which shows the viewer his location and the location and numbered designation of each unit within the complex.
6. Lighting.
- a. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.
- b. Open parking lots and carports shall be provided with a maintained minimum of one (1) foot-candle of light on the parking surface during the hours of darkness.
- c. Outdoor lighting devices, required by this section, shall be an approved exterior fixture or protected by weather-resistant covers.

d. Common garage areas shall be lit with a minimum of 0.5 foot-candles when located within a building.

G. Sound attenuation.

1. Projects shall be designed to comply with California's Noise Insulation Standards (California Administrative Code, Title 25, Chapter 1, Subchapter 1, Article 4, Section 28).

H. Fire Resistive Construction.

1. Each unit shall be separated on the floor, ceiling and walls, extending throughout the roof, by a minimum of one hour fire separation from any adjoining unit.

I. Storage space - private.

1. Where the proposed units are to be constructed with other than an attached garage unit for each dwelling unit, a minimum of ninety (90) cubic feet of storage space shall be provided outside the dwelling unit for each such unit.

2. Such storage space shall have a minimum horizontal surface area of twenty-four (24) square feet of enclosed, lockable storage space.

J. Unit size.

1. Unit size shall conform to Zoning Ordinance requirements for the zoning district in which the condominium is proposed.

K. Utilities.

1. All plumbing within a unit shall be installed in a manner which will allow any individual plumbing fixtures, and all plumbing fixtures, within a single unit, to be shut off from the water supply without shutting off the water supply to plumbing fixtures in other units.

2. Drip pans. Clothes washers, dishwashers, hot water heaters and other appliances which the building section determines to be a potential source of water leakage or flooding shall be installed with built-in drip pans and appropriate drains (except in the case of concrete slab floors on grade).

3. Utility meters. With the exception of water supply and gas when supplied primarily to common area fixtures and accessory features, such as fireplaces and barbecues, each utility that is controlled by and consumed within the individual unit shall be separately metered in such a way that the unit owner can be separately billed for its use. Utility meters shall be screened architecturally or with landscaping if located

outside of building's Water meters shall be placed at locations designated by the Public Works Director.

4. Circuit breakers. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. Such panel shall be accessible without leaving the unit, except for townhouse units.

5. Sewer. A sanitary sewer fee, equal to the amount of a single-family residence times the number of units in the condominium shall be paid prior to submittal of the final map.

L. Vibration

1. All permanent mechanical equipment, including fixed and built-in domestic appliances, which is determined by the building section to be a 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 vibrations and noise and attached to floor or cabinet.

SECTION 5 Declaration of Project Elements and Covenants, Conditions, and Restrictions

To achieve the purpose of this article, the sub-divider shall include a copy of those portions of the Declaration and Restrictions proposed to be recorded as required by State law together with any and all documents required and relating to the items regulated by this section and all proposals for condominium subdivisions made pursuant to the provisions of this section. Once the Declaration is accepted in final form by the Community Development Director, none of the portions of the Declaration relating to items regulated by this ordinance shall be amended, modified or changed without first obtaining the written consent of the Community Development Director and all of which shall contain, at the end of each such provision, a statement to that effect.

SECTION 6 Assignment or conveyance of private open space, storage and parking

A. Assignment or conveyance of private open space. An exclusive easement to airspace or private open space areas provided under Section 3(f) of this article shall be described and conveyed with each unit.

B. Assignment or conveyance of private storage areas. An exclusive easement to airspace of private storage areas including but not limited to the private storage space required by Section 4(h) of this article shall be described and conveyed with each unit.

C. An exclusive easement for two required off street parking spaces shall be conveyed with each unit. All parking spaces shall be used solely by unit owners, members of their families, their guests or lessees of the owner's unit. A unit occupant within the condominium project may rent one (1) space to another unit occupant or to the condominium association, provided that a minimum of one (1) space is retained for use in conjunction with the residential unit.

SECTION 7 Exceptions to Condominium Proposals

A condominium proposal which does not comply with all of the standards and requirements in this article may be approved if upon application by the sub-divider the City Council finds that there are unusual circumstances regarding the development's location, site, or configuration, that the condominium project is in substantial compliance with both the general standards and site and structural requirements, and that there are mitigating features incorporated in the project which tend to further the expressed intent and purpose of this article.

Condominium Conversions

SECTION 8 Purposes

In order to provide for the housing needs of all economic segments of the community, the Council declares that the purposes of this article are as follows:

A. To insure that rental units being converted to condominiums meet reasonable physical standards as required by this chapter and building codes of the City in effect at the time of conversion;

B. To help mitigate the impact of eviction for residents of rental units as a result of their units being converted to condominiums;

C. To promote the concept of home ownership and to bring a greater amount of owner-occupied housing on the market affordable by all economic segments of the community, thus encouraging participation in the various economic and social benefits associated with home ownership.

SECTION 9 Application for a Condominium Conversion

In addition to the requirements of this chapter relating to applications for Tentative Maps, the application for a condominium conversion subdivision shall include the following:

A. A Condominium Conversion Application.

B. Tenant and rental information which shall consist of the name and address of each present tenant of the project, and the identification of the vacant units.

C. Schedule of proposed improvements which shall be made to the project prior to their sale; said list shall not prohibit the applicant from making additional improvements.

D. A plot plan of the project including the location and sizes of structures, parking layout and access areas.

SECTION 10 Inspections

A. Upon receipt of the application to convert, the application for subdivision, and the additional reports required in Section 9, the Community Development Director shall submit copies of applicable reports or documents to the fire department, building section, and other departments as found necessary.

B. The premises shall be inspected for needed repairs to bring the project into compliance with the building code applicable at the time of conversion. The cost of said inspection shall be borne by the sub-divider.

C. The fire chief shall cause an inspection to be made of said project to determine the sufficiency of fire protection systems serving said project and report on any deficiencies and indicate which deficiencies are required to be corrected by law.

D. Thee Community Development Director shall cause an inspection to be made to ascertain conformance of the project with zoning ordinance requirements applicable to the project, in effect at the time the project is converted, and may submit copies of application documents to other department for their review and comments.

SECTION 11 Other requirements

A. Correction of deficiencies.

1. Corrections required in the building inspection report shall be made by the sub-divider at his expense to the satisfaction of the building official and applicable codes.

2. The sub-divider shall correct any deficiencies in the fire protection system, required by law.

3. The sub-divider shall repair or replace any damaged or infested areas in need of repair or replacement as shown in the structural pest control report, which shall be prepared by a licensed structural pest control operator and dated and filed at least thirty (30) days prior to the submittal of the final map.

4. The sub-divider shall bring into conformity any zoning ordinance violations.

B. Final inspection report.

A final inspection report shall be made by the building official prior to consideration of the final map, indicating the compliance with all requirements imposed herein.

C. Street improvements.

1. The sub-divider shall improve or post a cash bond with the City guaranteeing the installation of the improvements to city standards of substandard or deficient street improvements fronting this property within the public right-of-way to the satisfaction of the Public Works Director in accordance with current policy. These improvements may include, but shall not be limited to, curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, and street lights.

2. The width of the public rights-of-way and roadway of the street(s) abutting the property shall conform to the minimum standard of the Circulation Element of the General Plan.

D. Fees.

If the apartment proposed for condominium conversion has not paid capital improvement, sewer, park or school fees as required by the City School District or E.M.W.D., it shall pay a charge equal to the amount of a single family residence times the number of units in the condominium prior to the submittal of the final map.

E. Maintenance of conversion records.

The planning division shall keep and maintain the copies of all such reports required herein, as public records for no less than five years and shall send copies to the California Real Estate Commissioner as may be required by law.

SECTION 12 Tenants' rights

A. The City shall notify in writing all tenants in any building being proposed for conversion no less than ten (10) days prior to the Planning Commission meeting regarding the tentative map for the project.

B. Each tenant shall be given a minimum of one hundred and fifty (150) days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion.

C. The present tenant or tenants of any unit to be converted shall be given such exclusive right to contract to purchase the unit occupied as provided by State law.

D. Unless tenants of the building proposed to be converted were given written notice of the intention to convert to condominiums by the owner or owner's agent

at the time the tenants signed rental or lease agreements, the sub-divider shall compensate the tenants for their relocation expenses as follows: actual cost of relocation not to exceed eight hundred dollars (\$800) per residential unit to be paid at the time the notice of termination (eviction) is presented (if prior to the submittal of the final map); if termination of residency has not been noticed, and the relocation fee not paid, prior to the filing of the final map, the owner of the property shall submit written evidence to the City that he has entered into an agreement with each tenant to provide actual cost of relocation not to exceed eight hundred dollars (\$800) to said tenant at the time the notice of termination or eviction is served.

SECTION 13 Minimum standards for conversion

Conversions shall not be approved which fail to meet the following minimum standards:

A. Parking.

1. One and one-half covered accessible parking spaces must be provided for each dwelling unit in a building constructed prior to 1974.

2. Parking spaces shall meet parking code requirements of Ordinance No. 621 for the zone in which they are proposed for buildings constructed between January 1, 1974, and the effective date of this ordinance.

3. Two covered parking spaces for each dwelling shall be required for all condominium conversions of buildings for which a building permit was issued after the effective date of this ordinance.

B. Sound attenuation. Unless existing floor-to-ceiling assemblies between separate units meet a Sound Transmission Class of 50, as certified in the inspection report, wall-to-wall carpeting shall be required in all rooms of dwelling units with the exception of bathroom, kitchen, and private open space areas.

C. Storage space. Each dwelling unit shall be provided with a minimum of sixty (60) cubic feet of enclosed storage space outside the dwelling unit.

D. Density. Each apartment building proposed for conversion shall comply with the maximum density indicated in the Land Use Element of the General Plan, if less than three (3) years has elapsed between the date of final construction and the date of application.

E. Fire detection systems. Early warning smoke detection system in the living quarters and fire protection appurtenances as required by current State and local law shall be required for all condominium conversion subdivisions.

F. A Landscaping plan utilizing live planting suitable to the project shall be submitted for review and approval. Types and sizes of landscaping materials and plan for irrigation facilities shall be included.

G. Keying requirements. Each single unit in a condominium conversion shall have locks using combinations which are interchange-free from locks used in all other separate dwellings within the project. This specification is intended to prohibit master keying. Exception: Master keying may be permitted when requested by the condominium association authorized to represent the owners of the condominium units within the project.

H. Security measures.

1. General. The general design of the proposed condominium project should facilitate the reduction of crime. Individual unit security should be a significant consideration.

2. Doors.

a. All exterior doors and doors leading from garage areas into private units shall be of solid core construction with a minimum thickness of one and three-eighths (1 3/8) inches with panels not less than nine-sixteenths (9/16) inch thick, except those portions constructed of metal or glass.

b. Exterior doors and doors leading from garage access into private units shall be equipped with a single-cylinder, dead-bolt lock with a minimum one (1) inch throw, working in concert with a key in knob dead-latch mechanism, except for sliding glass doors and the stationary door of a double door entry which shall be provided with a slide dead bolt at both top and bottom.

c. Installation and construction of frames, jambs, strikes and hinges on exterior doors and doors leading from garage areas into private units shall be as follows:

aa. Door jambs shall be installed with solid backing in such a manner that no voids exist between the strike side of the jamb and the frame opening for a vertical distance of six (6) inches each side of the strike.

bb. In wood framing, horizontal blocking shall be placed between studs at door lock height for three (3) stud spaces each side of the door openings. The jamb shall have solid backing against sole plates, and the space between the trimmer and finished frame shall be filled with solid wood.

cc. Door stops and wooden jambs for exterior in-swinging doors shall be of a single piece of material.

dd. The strike plate for dead bolts on all wood frame doors shall be constructed of minimum sixteen (16) U. S. gauge steel, bronze, or brass anchored two (2) inches into solid backing beyond the surface to which the strike plate is attached.

ee. Hinges for out-swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.

ff. Glazing in exterior doors or within forty (40) inches of any locking mechanism shall be of fully tempered glass or rated burglary-resistant glazing, except when double-cylinder dead-bolt locks are installed.

gg. All front exterior doors shall be equipped with a wide-angle (180 degrees) door viewer, except where clear vision panels are installed.

3. Windows. Sliding glass windows and doors should incorporate design features which prevent them from being lifted from their tracks while closed or partially open. Locks on this type of opening should prevent its compromise by five hundred (500) pounds of pry force.

4. Mailboxes. Mailboxes should be placed in a secure and easily surveyable space, and be provided with lighting on a 24-hour basis when located in a building.

5. Street numbers and identifying data.

i. Each individual unit within a condominium project with direct access to the street shall display a street number in a prominent location on the street side of the residence in such a position that the number is easily visible to approaching emergency vehicles.

ii. Street number numerals shall be no less than four (4) inches in height and shall be of a contrasting color to the background to which they are attached.

iii. An illuminated diagrammatic representation shall be positioned at the main pedestrian entrance of the complex which shows the viewer his location and the location and numbered designation of each unit within the complex.

6. Lighting.

a. The sub-divider shall install an onsite lighting system on all vehicular access-ways and along major walkways. Such lighting shall be directed onto the driveways and walkways within the development and away from the adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas.

b. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.

c. Open parking lots and carports shall be provided with a maintained minimum of one (1) foot-candle of light on the parking surface during the hours of darkness.

d. Outdoor lighting devices, required by this section, shall be an approved exterior fixture or protected by weather-resistant covers.

e. Common garage areas shall be lit with a minimum of 0.5 foot-candles when located within a building.

I. Utilities.

1. All plumbing within a unit shall be installed or altered as necessary so as to allow any individual plumbing fixtures, and all plumbing fixtures, within a single unit, to be shut off from the water supply without shutting off the water supply to plumbing fixtures in other units.

2. Drip pans. Clothes washers, dishwashers, hot water heaters and other appliances which the building section determines to be a potential source of water leakage or flooding shall be installed with built-in drip pans and appropriate drains (except in the case of concrete slab floors on grade).

3. Utility meters. With the exception of water supply and gas when supplied primarily to common area fixtures and accessory features, such as fireplaces and barbecues, each utility that is controlled by and consumed within the individual unit shall be separately metered in such a way that the unit owner can be separately billed for its use. Utility meters shall be screened architecturally or with landscaping if located outside of buildings. Water meters shall be placed at locations designated by the Public Works Director.

4. Circuit breakers. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. Such panels shall be accessible without leaving the unit, except for townhouse units.

J. Trash collection areas.

Trash collection areas shall be approved by the Public-Works Director. Such areas shall be enclosed within a building or screened with masonry walls having a minimum height of six (6) feet. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.

SECTION 14 Declaration of Project Elements and Covenants, Conditions, and Restrictions

A. General. To achieve the purpose of this article, the sub-divider shall include a copy of those portions of the Declaration of Restrictions proposed to be recorded, as required by State law, together with any and all documents required and relating to the items regulated by this section and all proposals for condominium subdivision made pursuant to the provisions of this section. Once the declaration is accepted in final form by the Community Development Director, none of the portions of the Declaration shall be amended, modified, or change without first obtaining the written consent of the Community Development Director and all of which shall contain, at the end of each such provision, a statement to that effect.

B. Maintenance of impact insulation class. The Impact Insulation Class (IIC) rating of all separating floor/ceiling assemblies, as required by Section 4(g) of this article, shall be described in the Declaration. Where the minimum IIC rating is obtained through the use of floor covering(s), the Declaration shall provide that said covering shall not be removed for any purpose except cleaning or replacement, and further provide that any replacement covering(s) shall furnish the same or a greater degree of impact insulation as that originally installed.

SECTION 15 Assignment or conveyance of private storage areas and parking

A. Assignment or conveyance of private storage areas. An exclusive easement to airspace of private storage areas including but not limited to the private storage space required by Section 6(b) of this article shall be described and conveyed with each unit.

B. An exclusive easement for required off street parking spaces shall be conveyed with each unit. All parking spaces shall be used solely by unit owners, members of their families, their guests or lessees of the owner's unit. A unit occupant within the condominium project may rent one (1) space to another unit occupant or to the condominium associated, provided that a minimum of one (1) space is retained for use in conjunction with the residential unit.

SECTION 16 Exceptions to conversion requirements

Recognizing that conversions of existing structures to condominium usage presents unique problems with respect to meeting the requirements of condominium construction, the City Council may vary, upon application by the sub-divider, all but the minimum standards of Section 13 with regard to a particular conversion proposal upon finding the creation of the proposed condominium will not have the potential to contravene the intent and purpose of this article.

SECTION 17 Conversion of New Construction

All units which are both less than 15 years old and having building permits issued after the effective date of this ordinance shall comply with the minimums set forth in Section 2 through 7 of this ordinance in addition to the conversion requirements of Sections 8 through 16.

Adopted February 3, 1981