

ORDINANCE NO. 2009-04

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SAN JUAN BAUTISTA
AMENDING SECTION 11-09-500 OF THE
SAN JUAN BAUTISTA MUNICIPAL CODE
TO PROVIDE FOR AN ALTERNATE IN-LIEU
FEE PROVISION FOR CONDOMINIUM
CONVERSIONS**

-o0o-

**THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The text set forth in the current Section 11-09-500 of the San Juan Bautista Municipal Code hereby is designated as subsection “(A)”, and a new subsection designated as “(B)” hereby is added to Section 11-09-500, to read as follows:

“(B) As to a condominium conversion, where findings can be made by the City Council that (i) no general plan or specific plan objectives or policies relate to or govern the proposed conversion, and (ii) the number of condominium units created will not exceed the number of units existing on the subject property at the time of application for conversion, and (iii) the application of Section 11-09-400 and subsection 11-09-500(a) of this Chapter does not substantially further the purpose of this Chapter regarding the sort of development projects intended for inclusion, and (iv) the utilization of this subsection (B) in place of said Section 11-09-400 and subsection 11-09-500(A) shall not affect or prejudice State-required approval of City’s General Plan or any of its elements, and (v) imposition of an in-lieu fee per subsection 11-09-500(A) would render conversion infeasible, then and only then the City Council may negotiate, set, and impose an in-lieu fee in a range consistent with the needs of the City and the goals of the developer.”

SECTION 2. This ordinance and the various parts hereof are hereby declared to be severable. Should any part of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any other part than the part so declared.

SECTION 3. This ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 18th day of August, 2009, and was adopted at a regular meeting of the San Juan Bautista City Council on the 15th day of September, 2009, by the following vote:

AYES: Edge, Laverone, Hill, Bilich, Moore

NOES: None

ABSENT: None

ABSTAIN: None

Rick Edge, Mayor

ATTEST:

Linda G. McIntyre, City Clerk

APPROVED AS TO FORM:

George Thacher, City Attorney