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CONDOMINIUM CONVERSIONS

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6-3201

Purpose.

The purpose of this chapter is:

- (a) To establish criteria for the conversion of existing multiple-family rental housing to condominiums;
- (b) To reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums by providing procedures for notification and adequate time and assistance for such relocation;
- (c) To ensure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase;
- (d) To ensure that converted housing achieves a high degree of appearance, quality and safety and is consistent with the goals of the city;
- (e) To provide a reasonable balance of ownership and rental housing in Lafayette and a variety of choices of tenure, type, price and location of housing; and
- (f) To maintain a supply of rental housing for low-income and moderate-income persons.

(Ord. 337 § 1(a) (part), (b) (part), 1985; Ord. 218§ 1 (part), 1979)

6-3202

Application requirements.

In addition to the other requirements and procedures as set forth in this title, conversions shall be subject to the additional requirements provided in this chapter. The application for approval of the tentative map for the condominium subdivision shall be accompanied by the following items:

- (a) Physical Elements Report. A report on the physical elements of all structures and facilities which shall include, but not be limited to, the following:
 - (1) A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities, and appliances. Regarding each such element, the report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when the element was replaced; the approximate date upon which the element will require replacement; the cost of replacing the element; and any variation of the physical condition of the element from the current zoning and from the county housing code and county building code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed,
 - (2) A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure,
 - (3) A report on any known soil and geological conditions regarding soil deposits, rock formations, faults, groundwater, and landslides in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with the report,
 - (4) A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety;
- (b) A declaration of covenants, conditions and restrictions which would be applied on behalf of any and all owners of condominium units within the project. The declaration shall include, but not be limited to, pertinent information regarding the conveyance of units and the assignment of parking; an agreement for common area maintenance, including facilities and landscaping, together with an estimate of any initial assessment fees anticipated for such maintenance; and an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit;

(c) Specific information concerning the demographic characteristics of the project, including but not limited to the following:

- (1) Square footage and number of rooms in each unit,
- (2) Rental rate history for each type of unit for the previous five years,
- (3) Monthly vacancy rate for each month during the preceding two years,
- (4) Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or state rent subsidies,
- (5) Proposed sale price of units,
- (6) Proposed homeowners' association fee,
- (7) Financing available, and
- (8) Names and addresses of all tenants.

When the subdivider can demonstrate that such information is not available, this requirement may be modified by the planning director;

(d) Signed copies from each tenant of notice of intent to convert, as specified in Section 6-3204(a); or evidence that a certified letter of notification was sent to each tenant for whom a signed copy of said notice is not submitted;

(e) Any other information which, in the opinion of the planning director, will assist in determining whether the proposed project will be consistent with the purposes of this chapter.

(Ord. 337 § 1(a) (part), (b) (part), 1985; Ord. 218 § 1 (part), 1979)

6-3203

Procedures.

(a) Acceptance of Reports. The final form of the physical elements report and other documents shall be as approved by the city. The reports in their acceptance form shall remain on file with the planning department for review by any interested persons. The report shall be referenced in the subdivision report to the planning commission.

(b) Copy to Buyers. The subdivider shall provide each purchaser with a copy of all reports (in their final, acceptable form), except the information required by Sections 6-3202 (c) and (d), prior to the purchaser executing any purchase agreement or other contract to purchase a unit in the project, and the developer shall give the purchaser sufficient time to review such reports. Copies of the reports shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site.

(c) Hearing. Prior to tentative map approval, the planning commission shall hold a public hearing. Notice of the hearing shall be given to tenants of the proposed conversion and posted on the property at least ten days prior to the meeting date.

(Ord. 337 § 1(a) (part), 1985; Ord. 218 § 1 (part), 1979)

6-3204

Physical standards for condominium conversions.

The following physical standards apply to a condominium conversion. These standards must be satisfied, or security provided in a form approved by the city attorney, before the final map is approved.

(a) Building Regulations. The project shall conform to the applicable standards of the Contra Costa County building code in effect at the time the structures were completed.

(b) Fire Prevention.

(1) Smoke Detectors. Each living unit shall be provided with approved detectors of products of combustion other than heat, conforming to the latest U.B.C. standards, mounted on the ceiling or wall centrally located in the corridor or area giving access to rooms used for sleeping purposes.

(2) Maintenance of Fire Protection System. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protective appliances shall be retained in an operable condition at all times.

(c) Sound Transmission.

(1) Vibration Transmission. All permanent mechanical equipment, such as motors, compressors, pumps and compactors which is determined by the building inspector to be a source of structural vibrations or structure-borne noise shall be vibration-isolated with inertia blocks or bases and/or vibration isolator springs in manner approved by the building inspector.

(2) Noise Standards. The structures shall conform to all interior and exterior sound transmission standards of the State Administrative Code, Title 24 and Uniform Building Code, Appendix Chapter 35 as administered by the Contra Costa County building inspection department. In such cases where present standards cannot reasonably be met, the planning commission may require the applicant to notify potential buyers of the noise deficiency currently within these units.

(d) Utility Metering. Each dwelling unit shall be separately metered for gas and electric.

(e) Private Storage Space. Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space in addition to guest, linen, pantry and clothes closets customarily provided. Such space shall be provided in any location approved by the planning director, but shall not be divided into two or more locations. In cases where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the planning commission.

(f) Laundry Facilities. A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of no less than one automatic washer and dryer for each five units or fraction thereof. In cases where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the planning commission.

(g) Landscape Maintenance. All landscaping shall be restored as necessary and maintained to achieve a high degree of appearance and quality.

(h) Parking. Off-street parking shall be provide in accordance with the provisions of Chapter 6-6 of this title, except that the number of spaces shall be as follows:

(1) One-bedroom units, 1.5 spaces per unit;

(2) Two or more bedroom units, 2.0 spaces per unit.

In cases where it can be demonstrated that because of the physical limitations of the site or that there would result a severe loss of amenities due to the provision of required parking, the planning commission may reduce the number of stalls required above, to that number required by the zoning ordinance.

(i) Refurbishing and Restoration. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas and additional elements as required by the planning director shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety. Such refurbishing and restoration is subject to review and approval by the planning director.

(j) Additional Requirements. In addition to the above physical standards, an existing residential project may not be converted unless it has all of the following characteristics:

(1) Twenty or fewer units;

(2) Excellent condition;

(3) Townhouse-style units (one floor of each unit at ground level);

(4) Separate exterior entrance for each unit;

(5) Patio or balcony for each unit.

(Ord. 337 § 1(a) (part), 2, 1985: Ord. 218 § 1 (part), 1979)

Tenant provisions.

(a) Notice of Intent. A notice of intent to convert shall be delivered to each tenant. Evidence of receipt shall be submitted with the tentative map. The form of the notice shall be as approved by the planning director and shall contain not less than the following:

- (1) Name and address of current owner;
- (2) Name and address of the proposed subdivider;
- (3) Approximate date on which the tentative map is proposed to be filed;
- (4) Approximate date on which the final map or parcel map is to be filed;
- (5) Approximate date on which the unit is to be vacated by non-purchasing tenants;
- (6) Tenant's right to purchase;
- (7) Tenant's right of notification to vacate;
- (8) Relocation information;
- (9) Statement of no rent increase;
- (10) Provision for special cases;
- (11) Provision of moving expenses;
- (12) Deposit rebate;
- (13) Remodeling provisions;
- (14) Other information as deemed necessary by the planning director.

(b) Tenant's Right to Purchase. As provided in Government Code Section 66427.1(d), any present tenant or tenants of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 90 days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.

(c) Vacation of Units. Each non-purchasing tenant, not in default, under the obligations of the rental agreement or lease under which he occupies his unit, shall have not less than 180 days from the date of receipt of notification from the subdivider of his intent to convert, or from the filing date of the final subdivision map or parcel map, whichever date is later, to find substitute housing and to relocate.

(d) No Increase in Rents. A tenant's rent shall not be increased during the period between the filing of the tentative map and the tenant's relocation, or the denial or withdrawal of the map.

(e) Other Available Rentals. The subdivider shall provide tenants not wishing to purchase a unit with up-to-date information of available apartments of comparable size and price, and located within a 15-mile radius of the apartment to be converted; and shall provide transportation to assist elderly or handicapped tenants in finding alternative housing.

(f) Special Cases. Any non-purchasing tenant aged 62 or older, or handicapped, or with minor children in school, shall be given at least an additional six months in which to find suitable replacement housing.

(g) Deposits. All security, cleaning or other deposits made as a condition of tenancy shall be returned to the tenant prior to termination of tenancy, unless it can be shown that damage has occurred to the unit beyond the scope of repairs or remodeling contemplated in the conversion process, or unless the landlord is otherwise entitled to the deposit.

(h) Moving Expenses. The subdivider shall provide moving expenses of one and one-half times the monthly rent to any tenant who relocates from the building to be converted after receipt of notification from the subdivider of his intent to convert, except

when the tenant has given notice of his intent to move prior to receipt of notification from the subdivider of his intent to convert.

(i) Remodeling. No remodeling, planned as part of the conversion, shall be performed in a unit still occupied by a non-purchasing tenant without his written permission.

(j) Notice to New Tenants. After submittal of the tentative map, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit.

(Ord. 371 §§ 8 — 9, 1988; Ord. 337 § 1(a) (part), 1985; Ord. 218 § 1 (part), 1979)

6-3206 Effect of proposed conversion on the city's low-income and moderate-income housing supply.

In reviewing requests for conversion of existing apartments to condominiums, the planning commission shall consider the following:

(a) Whether or not the amount and impact of the displacement of tenants, if the conversion is approved, would be detrimental to the health, safety or general welfare of the community;

(b) The role that the apartment structure plays in the existing housing rental market. Particular emphasis will be placed on the evaluation of rental structures to determine whether the existing apartment complex is serving low-income and moderate-income households. Standard definitions of low-income and moderate-income rents used by the federal and state governments will be used in the evaluation. Along with other factors, the city will consider the following:

(1) The number of families on current waiting lists for assisted rental housing programs that operate in Lafayette, such as the Section 8, Section 23 and Section 236 programs,

(2) The probable income range of tenants living in existing apartments based on the assumption that households should pay between one-quarter and one-third of their income for housing. That income range will be compared with existing income limits for said Section 8 program to determine whether potential displaced tenants can be categorized as low-income and moderate-income;

(c) The vacancy rate and turnover rate in multiple-family rental housing in the community and the extent to which the proposed conversion will create hardships. A conversion may be denied based upon a lack of reasonable alternative housing opportunities, in the discretion of the city;

(d) The need and demand for lower-cost home-ownership opportunities which are increased by the conversion of apartments to condominiums;

(e) The current and historical vacancy rate in the project. In evaluation of the current vacancy level under this subsection, the increase in rental rates for each unit over the preceding five years and the average monthly vacancy rate for the project over the preceding two years shall be considered. If the planning commission determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map may be disapproved;

(f) Whether or not the conversion will be detrimental to the retention of low and moderate housing stock or reduce or alter significantly the opportunity within the city for the housing of young and elderly citizens.

(Ord. 337 § 1(a) (part), 3, 1985; Ord. 218 § 1 (part), 1979)

6-3207 Limitation.

(a) The total number of apartment units which may be approved for condominium conversion in any one calendar year (beginning January 1, 1985) shall not exceed 12

units. Applications will be considered on a first come, first served basis. If the limit is reached, subsequent applications will be carried over to the next calendar year.

(b) By December 1, 1986 the planning department shall report to the planning commission the effect of this section's limitation on the rental housing stock in Lafayette so that the planning commission can then consider any necessary amendments to this chapter.

(Ord. 337 § 4, 1985)

6-3208 Findings.

The planning commission shall not approve an application for condominium conversion unless it finds that the proposed conversion:

- (a) Conforms to the requirements of this chapter;
- (b) Is consistent with the Lafayette general plan; and
- (c) Will not displace a significant number of low-income and moderate-income rental units from the city's housing stock.

(Ord. 337 § 1(a) (part), 1985; Ord. 218 § 1 (part), 1979)