

CHAPTER 26.32
CONDOMINIUM CONVERSION PERMITS

§ 26.32.010. Purpose.

The purposes of this chapter include the following:

- (a) To establish criteria for conversion of existing multiple family rental housing to condominiums, community apartments, cooperatively owned property, and any other subdivision which converts existing rental housing, commercial, office or industrial buildings;
- (b) To ensure the City has adequate multiple family rental housing stock at prices affordable to renters and to provide opportunities for long-term tenants to purchase units converted to condominiums;
- (c) To reduce the impact of such conversions on residents in rental housing and tenants in commercial, office and industrial buildings who may be required to relocate due to the conversion to condominium ownership by providing for procedures for notification and adequate time and assistance for such relocation;
- (d) To ensure adequate information regarding the physical conditions of the structure is provided to purchasers of converted housing, commercial, office or industrial spaces;
- (e) To ensure that converted properties achieve a high degree of appearance, quality and safety and is consistent with the general plan and zoning goals of the city;
- (f) To provide a reasonable balance of ownership and rental housing in the city and a variety of choices of tenure, type, price, and location of housing;
- (g) To maintain a supply of rental housing for all households; and
- (h) To position the City for future funding opportunities.

§ 26.32.020. Eligibility.

No application shall be accepted, and no conversion shall be allowed, for any residential project which will result in any of the following:

- (a) Conversion of deed-restricted affordable housing units from rental to ownership, unless Residential Impact Fees are received as described in Section 25.45.30.B of this code;
- (b) Produce 20 or fewer condominium units or, if in a commercial, office, or industrial structure, containing less than 20,000 square feet of building area.

§ 26.32.030. Application requirements.

- (a) A condominium conversion permit is required before final approval and issuance of any building permit for any condominium conversion project. Condominium conversions shall also require a tentative and final map pursuant to Title 26 of this Code and shall be subject to all applicable provisions of the Subdivision Map Act, Title 25 of this Code, and all other applicable state and local laws and ordinances. Provisions for notice, hearing, and appeal shall be as specified in Title 25 of this Code for conditional use permits and tentative maps, respectively, and by the Subdivision Map Act.

(b) An application for a condominium conversion permit shall be filed and processed in compliance with BMC Chapter 25.62 (Application Processing Procedures). It is the responsibility of the applicant to provide evidence in support of the findings required by Section 26.32.100 (Required Findings), below. The application shall include the information and materials specified in the most up-to-date Department handout for condominium conversion permit applications, together with the required fee, and including, but not limited to, the following:

- (1) Site plan based on a site survey;
- (2) Fully dimensioned elevation plans;
- (3) Physical elements report of all structures;
- (4) Draft declaration of the covenants, conditions and restrictions, conforming to Department of Real Estate requirements, which would be applied on behalf of any and all owners of condominium units within the project;
- (5) Specific information concerning the demographic characteristics of the project and project occupants;
- (6) Signed copies from each tenant of a notice of intent to convert as required by this Code, or for tenants from whom a notice of intent to convert is not submitted by applicant, proof of notice by certified mail to such tenants;
- (7) Signed consent to the conversion by the tenants of at least a majority of the units;
- (8) A Tenant Relocation Assistance Plan that outlines tenant protections, benefits and required relocation payments for anyone temporarily or permanently displaced; and
- (9) Any other information which, in the opinion of the director of community development, will assist in determining whether the proposed project will be consistent with the purposes of this code.

§ 26.32.050. Reports on File.

The application that is deemed complete, including but not limited to the site plan, physical elements report, and other submitted documents shall remain on file with the community development department for review by any interested persons.

§ 26.32.060. Copy to buyers.

A summary of all reports required by this code, in a form approved by the community development department, shall be provided to each person executing any purchase, rental or other agreement to purchase or occupy a unit in the project. Copies of the full reports shall be made available at all times at the sales office and shall be posted at various locations, as may be required by the city, at the project site.

§ 26.32.070. Physical standards for condominium conversions.

- (a) Adequate Physical Conditions. To achieve the purpose of this chapter, the Planning Commission shall require, except as may otherwise be provided in this code, that all units to be converted to condominium conform to the Burlingame Municipal Code in effect at the time of tentative map approval, including all building and fire codes.

All violations of the city code and all required modifications of units of the project must be corrected prior to the approval of the final map, or, upon approval of the planning commission, funds shall be adequately escrowed, prior to the closing of escrow of a unit, to assure completion thereafter of such corrective work.

(b) Specific Physical Standards. In addition to any other requirements, the following specific standards and requirements shall be met:

(1) Fire Prevention—Smoke Detectors and Sprinklers. Each condominium unit whether residential, commercial, industrial or office, shall meet all California Building and Fire Code standards as adopted by this code.

(2) Sound Transmission.

(A) Shock Mounting of Mechanical Equipment. All permanent mechanical equipment, such as motors, compressors, pumps and compactors which are determined by the chief building official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the chief building official.

(B) Noise Standards. The structure shall conform to all exterior and interior sound transmission standards of the California Building Code and the city's general plan. In those cases where present standards cannot reasonably be met, the Planning Commission may require the applicant to notify potential buyers of the noise deficiency currently existing within these units.

(3) Utility Metering.

(A) The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shut-off valve shall be provided for each unit or for each plumbing fixture. The planning commission may find at the time of approval that individual metering of gas and electricity is impractical and excessively expensive and waive those requirements. Each unit having individual meter(s) or heater(s) shall have access to its own meter(s) and heater(s) which shall not require entry through another unit.

(B) Each unit shall have its own panel, or access thereto, for all electrical circuits which serve the unit.

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

(5) Laundry Facilities in Residential Projects. For residential projects, either a laundry area in each unit or common laundry areas shall be provided; provided such facilities shall consist of not less than one automatic washer and dryer for each common five units or fraction thereof. In such cases where the developer can demonstrate that this standard cannot reasonably be met, this standard may be modified by the Planning Commission.

- (6) **Landscape Maintenance.** All landscaping shall be restored or replanted as necessary taking into consideration shade and sun patterns on the site and shall be irrigated and maintained to achieve a high degree of appearance and quality; front setback landscaping may be 50% to provide for an on-site delivery area and, with a special permit, landscaping may be reduced to 45% of the front setback if a circular driveway is provided; if the front setback is altered to provide on-site parking for delivery vehicles or to provide a circular driveway, the front setback shall be relandscaped with the emphasis on planting large scale and more vertical plant material which will frame and screen the view of the structure from the street and turf and ground cover areas in the front setback shall be minimized.
- (7) **Condition of Equipment and Appliances.** The developer shall provide written certification to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, air conditioners and any other major appliances that are provided are in operable working condition as of the close of escrow. At such time as the homeowners association takes over management of the development, the developer shall provide written certification to the association that any pool and pool equipment (filter, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association is in operable working condition.
- (8) **Refurbishing and Restoration.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas and additional elements as required by the community development department shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety.

§ 26.32.080. Minimum project requirements.

Except as otherwise provided by law, in approving or conditionally approving any condominium project, the same minimum requirements shall be met for parking, access, vehicular driveways, parking areas, setbacks, landscaping and open space, and project plans and submittals as required by Section 26.30.070 of this chapter.

§ 26.32.090. Replacement Requirements.

All rental units converted to condominiums must pay Residential Impact Fees in accordance with Section 25.45.030.B of this code, except as follows:

- (a) Conversions where at least 90 percent of condominium units are purchased by current rental tenants;
- (b) Conversions that include an affordability restriction of 80% AMI or lower for all newly created condominium units; and
- (c) Conversions that allow existing tenants the first right to purchase a unit at the same price offered to the general public consistent with the Subdivision Map Act.

§ 26.32.100. Findings.

The Planning Commission, or the City Council upon appeal, may approve a condominium conversion if it can make the following findings to:

- (a) The project has adequately met all the disclosure and upgrade requirements for the conversion as required in this chapter;

- (b) The project conforms to all applicable zoning regulations of Title 25 of this code;
- (c) All provisions of this chapter are met, including, but not limited to the provisions of Section 26.32.090 (Replacement Requirements);
- (d) The proposed conversion is consistent with the city's general plan;
- (e) The proposed conversion will conform to this code and other applicable code provisions, if any, in effect at the time of tentative map approval, except as otherwise provided in this chapter or specifically excepted by the Planning Commission; and
- (f) The overall design and physical condition of the condominium conversion achieves a high degree of appearance, quality, and safety.