

CITY COUNCIL MEETING

March 4, 1981

ORDINANCES

ORDINANCE
AMENDING
ORDINANCE NO.
1187 RE
CONVERSION TO
COMMUNITY HOUSING
PROJECT OF
RESIDENTIAL OR
HOUSING UNITS

ORD. NO. 1222
ADOPTED

Ordinance No. 1222, entitled, " An Ordinance Amending the Municipal Code of the City of Lodi by Amending Chapter 8B Relative to Community Housing Project Conversions of Residential or Housing Units, and Amending Section 27-15 of the Municipal Code Relating to the Requirement of a Use Permit, for Conversion to a Community Housing Project of Residential or Housing Units; and for the Construction of a Community Housing Project, a Condominium, a Community Apartment Project, a Stock Cooperative or a Planned Development", having been introduced at a regular meeting of the Council held February 18, 1981 was brought for passage on motion of Mayor Pro Tempore McCarty, Pinkerton second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted, and ordered to print by the following vote:

Ayes: Councilmen - Hughes, McCarty, Pinkerton,
and Katnich

Noes: Councilmen - None

Absent: Councilmen - Murphy

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF LODI BY AMENDING CHAPTER 8B RELATIVE TO COMMUNITY HOUSING PROJECT CONVERSIONS OF RESIDENTIAL OR HOUSING UNITS, AND AMENDING SECTION 27-15 OF THE MUNICIPAL CODE RELATING TO THE REQUIREMENT OF A USE PERMIT, FOR CONVERSION TO A COMMUNITY HOUSING PROJECT OF RESIDENTIAL OR HOUSING UNITS; AND FOR THE CONSTRUCTION OF A COMMUNITY HOUSING PROJECT, A CONDOMINIUM, A COMMUNITY APARTMENT PROJECT, A STOCK COOPERATIVE OR A PLANNED DEVELOPMENT.

The City Council of the City of Lodi does ordain as follows:

Section 1. Chapter 8B to the City of Lodi Municipal Code is hereby amended to read in full as follows:

CHAPTER 8B

COMMUNITY HOUSING PROJECT CONVERSIONS

Section 8B-1. Purpose.

The purpose of the chapter is to:

- (1) Establish criteria for conversion of the existing multi-family rental housing to condominiums, community apartments or stock cooperatives;
- (2) To reduce the impact of such conversions on residents in rental housing who may be required to relocate during the conversion of apartments to condominiums, by providing for procedures for notifications for such relocation;
- (3) To assure that the purchasers of converted housing have been properly informed as to the physical conditions of the structure which is offered for purchase;
- (4) To insure that converted housing achieves a high degree of appearance, quality, and safety and is consistent with the goals of the City of Lodi.

Section 8B-2. Definitions (

(a) Association - An organization of persons who own a lot, parcel, area, condominium, shares in a stock cooperative, or right of exclusive occupancy in a community housing project.

(b) Community Housing Project - A community housing project includes the following:

(1) A condominium project containing two or more condominiums as defined in Section 783 of the Civil Code, to wit:

"('Condominium. ') A condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property. "

"Such estate may, with respect to the duration of its enjoyment, be either (1) an estate of inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years, such as a leasehold or a subleasehold. "

(2) A community apartment project containing two or more rights of exclusive occupancy, as defined in Section 11004 of the Business and Professions Code, to wit:

"Community apartment projects. A community apartment project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon. . . "

(3) A stock cooperative containing two or more rights of exclusive occupancy, as defined in Section 11003.2 of the Business and Professions Code, to wit:

"Stock cooperative. A 'stock cooperative' is a corporation

which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy."

(4) A planned development containing two or more separately-owned lots, parcels or area, as defined in Section 11003 of the Business and Professions Code.

(c) Conversion - Conversion is a change in the type of ownership of a parcel or parcels of land, together with the existing attached structures to that defined as a community housing project, regardless of the present or prior use of such land and structures and whether substantial improvements have been made to such structures. Conversion shall not include a structure for which a condominium plan has been recorded in accordance with the appropriate provisions of the Civil Code.

Section 8B-3. Conditional Use Permits Required.

No conversion to a community housing project shall be permitted unless and until a conditional use permit therefor has been applied for and issued pursuant to and in accordance with the provisions of Section 27-15 of the Lodi Municipal Code and the additional requirements as set forth in this chapter.

Section 8B-4 Application for Conditional Use Permit for Conversion.

In recognizing that the conversion of structures which have been previously occupied, to a community housing project, presents unique problems

to present tenant and future buyers, in addition to the requirements of Section 27-15 of the Lodi Municipal Code relating to the application for a use permit, the application for a conversion to a community housing project shall include the following information:

- (a) A physical elements report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, structural frame, roof, windows, recreational facilities, sound transmissions of each building, mechanical equipment, parking facilities, and appliances.

Regarding each such element, it shall be sufficient for such reports to state to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said elements; and any variation of the physical condition of said element from the current zoning and from the Uniform Housing Code and Uniform 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. Said report is to be prepared by a licensed architect, engineer, inspector or similar person, as approved by the Community Development Director.

(b) A report from a licensed, structural pest control operator, approved by the City, on each structure and each unit within the structure.

(c) A statement of repairs and improvements to be made by the applicant.

(d) The date and description of each major repair and/or renovation of any element since the date of construction.

For the purpose of this subsection, a major repair and/or renovation shall mean any repair and/or renovation for which an expenditure of more than Two Thousand Dollars (\$2,000.00) was made.

(e) A statement regarding current ownership of all improvements and underlying land.

(f) The name and mailing address of each present tenant of the project.

(g) A declaration of covenants, conditions and restrictions which would be recorded on behalf of any and all owners of the community housing project as required by Section 8B-8 of this chapter.

(h) A statement of the estimated annual operating and maintenance costs for all common facilities and services for the next 3 years as prepared or reviewed by a professional management firm familiar with operating and maintenance costs of similar

properties in the area.

- (i) . A copy of a warranty or a statement granting to each purchaser a one-year warranty on all appliances installed in his/her unit, as required by Section 8B-9 of this chapter.
- (j) A copy of a statement granting to each purchaser of a unit, the right to cancel his/her purchase of such unit without cost or liability as required by Section 8B-9 of this chapter.
- (k) Applicant shall submit evidence that a notification of the Notice of Intent to convert as per Section 8B-9 of this chapter was received by each tenant.
- (l) Any other information which, in the opinion of the Community Development Director, will assist in determining whether the proposed project, will be consistent with the purpose of this chapter.
- (m) A statement from the Public Works Department listing all on-site and off-site improvements necessary to bring the project up to City Standards as per Section 8B-6(c) of this chapter.

An applicant who is unable to provide the information required by subsections (a) through (m), inclusive, shall submit an affidavit, given under penalty of perjury, setting forth in detail all efforts undertaken to discover such information, and all reasons why said information cannot be obtained.

Section 8B-5 The application for a conditional use permit for a conversion shall not be complete until the final form of the Physical Elements Report and other documents are approved by the Community Development Department. The reports, in their acceptable form, shall remain on file with the Community Development Department for review by any interested persons. The report shall be referred to the City of Lodi Planning Commission.

Section 8B-6. Physical Standards for Condominium Conversions.

To achieve the purpose of this chapter, the Planning Commission shall not approve a conditional use permit for any project which does not comply with the following physical standards unless said standards cannot be reasonably complied with by applicant and the Planning Commission has waived or modified said standards:

- (a) All Residential buildings shall be in compliance with the minimum standards of the Uniform Housing Code as adopted by the City of Lodi, in effect at the time of the filing of the application to convert to a community housing project.
- (b) All buildings shall comply with the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, Uniform Fire Code and National Electrical Code that was in existence at the time that the building was constructed.
- (c) All projects shall comply with the City of Lodi develop-

ment requirements, including, but not limited to, dedication of public utility easements, streets, rights-of-way and construction of curb, gutter, sidewalk, streets, drainage, street lighting, fire protection, water and sewer service.

The Public Works Director shall set forth, in a written form, the City of Lodi development requirements applicable to the project.

If the proposed project does not comply with the above three standards, unless modified or waived by the Planning Commission, any conditional use permit issued pursuant to this chapter shall require the applicant to furnish a bond in an amount equal to the reasonable estimated costs to bring the project into compliance with the above. Said bond shall run in favor of individual purchasers and the Association.

Section 8B-7 Specific Physical Standards.

No conditional use permit for a community housing project shall be approved unless the project conforms to the following development standards, unless said development standards are modified or waived by the Planning Commission.

a) 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 Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in the corridor area, giving access to rooms used for sleeping purposes.

b) Sound Transmission.

1. Shock mounting of mechanical equipment. All mechanical equipment such as motors, compressors, pumps, and compactors which is determined by the Chief Building Inspector to be a source of structural vibration or structural-borne noise, shall be shock-mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Chief Building Inspector.
2. Sound standards. The structure shall conform to all interior and exterior sounds transmission standards of Chapter 35 of Appendix of the Uniform Building Code.

c) Utilities.

Each unit shall be separately metered for gas and electricity. A water shut-off valve shall be provided for each unit or for each plumbing fixture.

d) 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 for the sole use of the unit owner. Such space may be provided in any location approved by the Community Development Department but shall not be divided into two or more locations for any unit.

e) Laundry Facilities.

A laundry area shall be provided for each unit; or, if common laundry facilities are provided, such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof.

f) Parking Standards.

Parking requirements for a community housing project shall be as set forth in the Lodi City Code for the district in which the project is located.

g) Trash Collection Areas.

Trash collection areas shall conform to standards adopted by the Planning Commission.

h) Circuit Breakers.

Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit.

i) Lighting.

Exits, aisles, passageways and recesses related to and within the units, shall be illuminated with an intensity of at least 1 foot candle at the ground level during the hours of darkness. Open parking lots and carports shall be provided with and maintain a minimum of 0.25 foot candle of light on the parking surface during the hours of darkness.

j) Outdoor Lighting Devices.

Outdoor lighting devices, required by this section,

shall be approved exterior fixture, protected by weather resistant covers and adequately shielded to prevent glare.

k) Common Trash Areas.

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

If the proposed project does not comply with the applicable provisions of this section relating to compliance with the various physical standards, unless modified or waived by the Planning Commission, any conditional use permit issued pursuant to this chapter shall require the applicant to furnish a bond in an amount equal to the reasonable estimated costs to bring the project into compliance with this section. Said bond shall run in favor of the individual purchaser and the Association.

Section 8B-8 Declaration of Covenants, Conditions and Restrictions on Project Elements.

The Declaration of Covenants, Conditions and Restrictions on Project Elements relating to the management of the common area facilities shall be approved by the Planning Commission. In addition to such Covenants, Conditions and Restrictions that may be required by the Department of Real Estate of the State of California pursuant to Title 6 of the Civil Code and other State laws and policies, such declaration shall be subject to recording and shall provide for the following:

a) The assignment and use of off-street parking spaces.

Required off-street parking spaces shall be permanently and irrevocably specifically assigned

to partition the units within the project on the basis of the parking spaces required per unit pursuant to Section 27-11. To the maximum, practical extents, spaces assigned to each unit shall be contiguous to such unit.

b) Maintenance of Common Areas and Facilities-General.

In order to protect the public health, safety and welfare, provisions shall be made, both for annual assessments of the owner for maintenance and special assessment for capital improvements. The procedure for the change of the regular annual assessment shall be specified. The manner in which special assessments may be levied for the purpose of defraying in whole or in part, the costs of construction, reconstruction, repair or replacement of a capital improvement upon the common area, shall be specified. Both annual and special assessment may be collected on a monthly basis. The remedies which the Association may bring for the non-payment of assessment shall be specified and may include penalties for late payments.

c) Utility Easements over Private Streets and Other Areas.

If a community housing project contains private access ways, provisions shall be made for the public utility easements over the entire private access way.

d) Access for Construction Maintenance or Repairs.

Each owner and the Association shall have an easement for entry upon any privately-owned unit where necessary in connection with the construction and maintenance or repair for the benefit of the common area or the owners of the units in common. Unless otherwise prohibited by law or any local, state, or federal regulation, Association shall have the right to terminate contract with any person or organization engaged by the applicant to perform management or maintenance duties, three months after the Association assumes control of the project, or at that time re-negotiate such contracts.

None of the aforementioned, when approved by the Planning Commission, shall be amended, modified or changed without the written consent of the Planning Commission and the declaration shall contain a statement to that effect.

Section 8B-9 Conditions for approval.

All conditional use permits approved by the Planning commission for conversion to a community housing project shall be subject to, at a minimum, the following conditions unless said conditions are modified or waived by the Planning Commission:

a) Notice of Intent to Convert.

A Notice of Intent to Convert shall be delivered to each tenant 60 days prior to the filing of a tentative map. Evidence of receipt by each tenant shall be submitted with the application for conditional use permit to convert to community housing project. The form of the Notice shall be as approved by the Community Development Department. It shall contain not less than the following:

- 1) Name and address of the current owner;
- 2) Name and address of the proposed applicant;
- 3) Approximate date on which the application for conditional use permit is going to be filed;
- 4) Approximate date on which the unit is to be vacated by non-purchasing tenants;
- 5) Tenant's Right to Purchase;
- 6) Tenant's Right of Notification to Vacate;
- 7) Provisions for Special Cases;
- 8) Other information may be required as deemed necessary by the Community Development Department

b) Tenant's Right to Purchase.

Any present tenant of any unit shall be given the non-transferable right to purchase a unit occupied at a price not higher than the price offered to the general public. The right of first refusal shall extend for at least ninety days from the date of issuance of the subdivision public report.

c) Tenant's Right of Notification to Vacate.

Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which he/she occupies a unit, shall have not less than 180 days from the date of receipt of notification from the applicant of his intent to convert or from the approval of the conditional use permit, to convert or from the following date of the approval of the final subdivision map or parcel map pursuant to Chapter 22 of the Lodi Municipal Code, whichever date is later, to vacate his/her unit.

d) Provisions for Special Cases.

Any non-purchasing tenant, age 62 or older, or handicapped or with minor children in school, shall be given at least an additional 120 days from the date established by Section 8B-9(c) in which to vacate his/her unit.

e) A statement granting to each purchaser a one-year warranty on all appliances installed in his/her unit, and granting to the Association and to all purchasers of the individual units, a one-year warranty on all structures in the community housing project and on all electrical, heating, air conditioning, plumbing, ventilation equipment, and elevators.

f) A statement granting to each purchaser of a unit, the right to cancel his/her purchase of such unit without cost or liability, provided he/she gives written notice of cancellation within 15 days after he/she signs the purchase agreement.

Section 8B-10 Notice to New Tenants.

After submittal of the application for Conditional Use Permit to Convert, any prospective tenant shall be notified in writing of the intent to convert prior to leasing or renting any unit.

Section 8B-11 Documents Furnished by Applicant to Prospective Purchaser.

The applicant shall furnish each prospective purchaser of a unit within a project, a true copy of the conditional use permit issued under this chapter and each of the following informational documents:

1. The application for a conditional use permit and all attachments thereto which were required by Section 8B-4 of this chapter.

Section 8B-12 Fees.

The application for a conditional use permit under this chapter shall be accompanied by a fee in an amount to be determined from time to time by resolution of the City Council of the City of Lodi.

Section 8B-13 Consideration.

The Planning Commission shall order a public hearing on any application. Due notice of said public hearing shall be given as required and in the manner required by law. In addition thereto, each tenant of the proposed project shall be given written notice, postage prepaid, of the time, place and the purpose of such application on the agenda, ten days prior to

said meeting. Said public hearing may be continued from time to time by the Planning Commission.

Section 8B-14 Conditional Use Permit Findings.

The Planning Commission shall not approve an application for conditional use permit unless the Planning Commission finds that:

- a) The application for conditional use permit is complete;
- b) That all fees as required by this chapter are paid for;
- c) All bonds required by this chapter are furnished to the City of Lodi;
- d) The overall design and physical condition of the condominium conversion achieves a high degree of appearance, safety and quality;
- e) That the establishment, maintenance or conducting of the use will not, under the circumstances of the particular case, be detrimental to the health, morals, comfort or welfare of persons residing or working in the neighborhood of the proposed use, or to property or improvements in the neighborhood, or will not be contrary to the general public welfare.
- f) That applicant has complied with all provisions of this chapter.

Section 8B-15. Report to City Council.

Any and all actions and decisions of the Planning Commission in connection with the conditional use permit for conversion to community housing project, shall be reported

in writing to the City Council.

Section 8B-16 Appeal.

Any applicant or person claiming to be directly or inversely affected by the actions of the Planning Commission on matters referred to in this section, may within 5 days after the action, file written appeal with the City Clerk for transmittal to the City Council. Appeal shall stay the issuance of any permits in connection with the action pending from the decision of the City Council. Upon receipt of any such appeal, the City Council shall, after receiving a report from the Planning Commission and after at least one public hearing on the case as provided by law, render a decision sustaining, amending or overruling any actions of the Planning Commission on the case.

Section II. Amendment of Chapter 27-15

Chapter 27-15, subsection (c)1, relating to Use Permits, is hereby amended by the addition of new subsection (iv) and (v) and shall read as follows:

- (iv) Conversion of a residential or housing unit to a community housing project.
- (v) Construction of a community housing project, a condominium, a community apartment project, a stock cooperative, or a planned development.

Section III. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section IV This ordinance shall be published one time in the "Lodi Life and Times", a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 4th day of March 1981

Walter J. Katnich

WALTER J. KATNICH
MAYOR

Attest:

Alice M. Reimche
ALICE M. REIMCHE
CITY CLERK

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi do hereby certify that Ordinance No. 1222 was introduced at a regular meeting of the City Council of the City of Lodi held February 18, 1981 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held March 4, 1981 by the following vote:

Ayes: Councilmen - Hughes, McCarty, Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - Murphy

I further certify that Ordinance No. 1222 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Alice M. Reimche
ALICE M. REIMCHE
CITY CLERK