

PURPOSE

The state has authorized local government agencies to regulate and control the conversion of rental apartments to condominiums. The State Subdivision Map Act and State Planning and Zoning Law provide general regulations and procedures that local governments must follow in the regulation of condominium conversion. The City also requires a Use Permit which ensures meeting of City policies and evaluates rental vacancy conditions.

The condominium conversion procedure is designed to ensure that items such as density, parking, structural conditions, fire prevention, sound transmission, energy efficiency, drainage, street improvements, utility metering, storage space, laundry facilities, and appliances conform to City regulations and policies and are arranged in the best possible manner to serve the public. The procedures also provide for tenant notification and rights with regard to vacation of units, rent increases and special hardship cases.

PROCESS

Step 1 - Project Consideration

The applicant should review the City of Antioch's Condominium Conversion Ordinance (AMC §9-5 Article 31), General Plan, and zoning requirements for the proposed project site with City staff. The applicant must prepare a Notice of Intent to Convert sixty (60) days prior to filing an application for Tentative Map or Use Permit and present the notice to each tenant and to City staff.

Step 2 – Pre-application Conference

It is recommended that the applicant contact the staff of the Planning, Building and Engineering divisions prior to the submission of a formal application. Building staff will provide a walk-through inspection and report as part of the Use Permit procedure.

A pre-application conference can be scheduled by contacting the Planning Division at 925.779.7035.

Step 3 - Filing of Application

Following the pre-application conference, the applicant should submit the completed application, drawings, and other materials to the Department of Community Development for the Use Permit and Tentative Map. A planner will review the materials to make sure they are complete. When all information is complete a notice of complete submittal will be furnished to the applicant. Processing begins on the date of this notice.

Please be aware that planning applications will be automatically withdrawn if an applicant receives an incomplete letter and does not resubmit a substantive response within 120 calendar days. The Zoning Administrator may grant a written extension for up to an additional 90 calendar days when the applicant shows good cause for an extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

Step 4 - Environmental Review

All Use Permit requests must include an environmental assessment and are required to comply with the provisions of the California Environmental Quality Act (CEQA). The project may be determined to be categorically exempt or a Negative Declaration may be prepared if the project will not cause significant environmental effects. An Environmental Impact Report (EIR) is required when the project will have a significant impact on the environment. An Initial Study is prepared to determine whether a Negative Declaration or EIR is the appropriate CEQA document. Costs to prepare environmental documents or necessary studies are required to be paid up front by the applicant.

Step 5 - Inspections

Following submittal of the application and prior to a subdivision conference, the applicant shall initiate inspections by the Building Division, Fire District, and Police Department and shall pay fees established for special inspections.

Step 6 – Subdivision Conference

Following submittal of the Use Permit and Tentative Map information, the map will be distributed to all affected agencies, utilities, school districts and other departments for their comments, and inspections will be conducted to check the structures involved. The staff shall hold a subdivision conference with the sub-divider and invite all affected agencies to review comments, suggested changes, and conditions of approval.

Step 7 - Staff Review for Planning Commission

Following the subdivision conference and receipt of any comments from other agencies, Planning and Engineering staff will study the application with attention to the structural and site features of the proposal, the surrounding area and the required findings necessary for approval. At this time, a tentative hearing date will also be set. A written staff report will be prepared and mailed to you approximately three (3) days prior to the hearing.

Step 8 – Planning Commission Review

The Planning Commission will hold a hearing with notice to the applicant (sub-divider), tenants and press to review the Use Permit and Tentative Map. The Planning Commission must review and take action on the Tentative Map and report its decision to the City Council and sub-divider within fifty days after the Tentative Map has been accepted for filing. The Use Permit will be processed concurrently with the Tentative Map.

Step 9 - City Council Review

The City Council will review the Use Permit and Tentative Map approximately three (3) weeks following the Planning Commission recommendation.

Step 10 – Other Required Actions

The applicant (sub-divider) must complete and receive approval for the Final Map and related improvement plans within the time period prior to expiration of the Tentative Map. Use Permit conditions must be met within one year unless otherwise specified.

CONDOMINIUM CONVERSION/USE PERMIT/TENTATIVE MAP SUBMITTAL CHECKLIST

- **SIGNATURES.** Application forms submitted and signed, including preliminary map.
- **DEPOSIT.** City of Antioch deposit of \$7,500.00 and appropriate State Department of Fish and Game fee. Staff charges time and materials to your project account monthly. You will receive a bill for services based on an hourly rate as identified in the Master Fee Schedule. The initial deposit is not a fee and monthly charges will not be drawn from this deposit. Actual charges may be in excess of the deposit. The deposit will be returned at the conclusion of the process after all invoices have been paid. If invoices are not paid on a monthly basis, processing will be terminated until all past due amounts have been paid. Costs to prepare environmental documents or necessary studies are required to be paid by the applicant up front.
- **NOTICE OF INTENT.** Copies of circulation of Notice of Intent to convert to tenants.
- **ENVELOPES.** Stamped (not metered postage) # 10 sized envelopes for all property owners within a 300-foot radius of the project site. Do not address the envelopes; this will be done by staff. Prior to application submittal contact Planning staff (925-779-7035) to confirm the number of envelopes you will need to submit.
- **COPIES.** A total of 30 copies of the Tentative Map sized 11" x 17" folded to 8 ½" X 11" size.
- **TENTATIVE TRACT OR PARCEL MAP-GENERAL.** Following environmental determination, an application shall be submitted for a tentative subdivision map prepared under the direction of a registered Civil Engineer. The Tentative Map shall be clearly and legibly drawn on one sheet and shall contain the following:
 1. The title shall contain the subdivision number, subdivision name, and the words "Condominium Conversion";
 2. Name, address, and telephone number of legal owner, sub-divider, and civil engineer or licensed surveyor preparing the map (including registration number);
 3. Sufficient legal description to define the boundary of the proposed subdivision;
 4. Date, north arrow and scale. Contours interval and drawn to standard engineering scale (1" = 20', 1" = 40", etc.) with scale shown;
 5. Assessor's parcel number;
 6. A vicinity map showing roads, adjoining subdivisions, watercourse, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community;
 7. For any new street sections, the edges of the pavement of existing paved roads and driveways and the edges of the traveled way along unpaved roads;
 8. The approximate existing property lines and boundaries of existing easements within the subdivision, with the names of owners of record of easements, exclusions, and the properties abutting the subdivision;

**CITY OF ANTIOCH
CONDOMINIUM CONVERSION / TENTATIVE TRACT MAP
APPLICATION**

9. The proposed lot and street layout with scaled dimensions of each unit and of each building site;
 10. The location of all proposed easements for utilities, drainage, and access;
 11. Provision of conceptual land use plan and indication of all trees over six (6") inches in diameter;
 12. The street names, widths of streets, widths of right-of-ways, and approximate grades and radii of curves along the property lines of each street;
 13. Typical geometric sections for streets showing the pavement widths, curbs, sidewalks, grading in marginal strips, slopes of cuts and fills, and other construction proposed or applicable;
 14. The location, approximate grade, direction of flow and type of facility for drainage channels and storm drains;
 15. Proposed recreation sites, trails, easements and parks for private or public use;
 16. Proposed additions, include elevations and finished grades;
 17. Proposed common areas and areas to be dedicated to public open space;
 18. All other improvements shall be drawn or noted on the map;
 19. Existing topography of the proposed site and at least 100 feet beyond its boundary;
 20. The approximate location and outline of existing structures identified by type, including number of stories, height, and units. Buildings to be removed shall be so marked;
 21. The approximate location of all areas subject to inundation or storm water overflow and the locations, width and direction of flow of each watercourse, and outline of existing slides, slips and sump areas;
 22. The location of on-site and off-street parking, number of stalls, size of stalls and assignment of stalls (covered and uncovered);
 23. All lettering size must be 1/8 inch minimum;
 24. The City Engineer may waive any of the foregoing Tentative Map requirements whenever it is found that the type of subdivision is such as not to necessitate compliance with these requirements or that other circumstances justify such waiver.
 25. A total of 30 copies of the Tentative Map will be required and on 11" X 17" paper folded to 8 ½" X 11" size.
- A complete legal description of the property
 - A site development plan
 - An affidavit attesting to the accuracy of all submitted material
 - Physical Elements Report – A report on the physical elements of all structures and facilities shall be submitted with the Use Permit application for the conversion to condominiums. The report shall include, but not be limited to:
 1. Property Report written and certified by a State licensed contractor in the appropriate field describing the structural condition of all elements of the property and estimating

the remaining useful life of each of the following elements for each structure situated in the conversion project:

- Roofs
- Foundations
- Exterior paint
- All paved surfaces
- Mechanical systems
- Electrical systems
- Plumbing systems
- Sewage and drainage systems
- Sprinkler systems for landscaping
- Central or community air-conditioning and heating
- Structural elements
- Balconies

The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed;

2. Sound Transmission Report – The report shall state the Sound Transmission Class and Sound Impact Class of the existing floor-to-ceiling and wall-to-wall assemblies of sample units. The report shall be prepared by an acoustical engineer and shall include a detailed description, including cost estimates of the measures necessary, if any, to improve sound attenuation between units;
 3. A pest report by a state licensed structural pest control inspector approved by the City, on each structure, including all accessory structures, and each unit within the structure;
 4. Building history report stating the date of the construction of all elements of the project; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and City of Antioch building code in effect on the date that the last building permit was issued for the subject structure;
 5. 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 soil problems relating to the structures. Reference shall be made to any previous soil reports for the site and a copy submitted with said report.
- A Rental History Report shall contain the rents charged for each type of unit in the project for the three years preceding the application, and the average vacancy rate in the project for the three years prior to the application for the project.
- Rental Availability Report stating the vacancy rate for similar rental units or developments within the City at the time of the application. The need for such a report may be waived by the Community Development Director if the City has completed or received a similar rental availability report within the six months preceding the application. The firm producing the

report shall be approved in advance by the Community Development Department and said firm shall include such vacancy reports as within the scope of their normally offered services. The report shall include the source and date of all provided information. Vacancy rate shall be determined by dividing the sum of comparable vacant units by the sum total of all similar vacant units. The City shall commission the report, and all costs associated with producing the report shall be borne by the applicant.

- Affordable Housing Analysis: The applicant shall provide an analysis documenting the level of affordability of the existing rental units, and the proposed affordability level of the proposed individual ownership units.
- An Improvement Report listing all of the proposed interior and exterior structure, landscaping, structural, security and other improvements to the complex to correct deficiencies identified in the submitted reports and to refurbish, restore or upgrade the project to achieve a high degree of appearance and safety. The detailed description of any additional amenities shall be included in this report. The firm producing the improvement report shall be approved in advance by the Community Development Department and said firm shall include such reports as within the scope of their normally offered services. The report shall include a construction-phasing plan addressing pedestrian access, lighting and site conditions for occupied buildings during construction or repair, work schedule indicating hours of construction, type of equipment and proposed noise control and list of units uninhabitable during and due to the proposed construction. The phasing plan shall provide detailed information on methods the applicant shall employ to minimize the adverse impacts of construction to the existing tenants, particularly in terms of noise and tenant safety, to the satisfaction of the Community Development Director and Chief Building Inspector.
- Improvement plans and details for all exterior site and building improvements that satisfy the Design Review Board application requirements to the satisfaction of the Community Development Director. The plans submitted for the proposed improvements to the site and/or building shall be produced, sealed, and signed by a licensed professional in the respective field (i.e. Architect, Landscape Architect, Civil Engineer, etc.) as deemed acceptable by the Director of Community Development.
- Covenants, Codes & Restrictions (CC&R's): The developer shall submit prior to filing the final subdivision map or parcel map, to the Directors of Community Development and Public Works, the City Engineer and the City Attorney a Declaration of Covenants, Conditions, and Restrictions relating to the management of the common areas and facilities. The developer shall submit a statement signed by the attorney who prepared the CC&R's and bylaws for the Homeowners' Association stating the final map shall not be filed until City approval has been obtained.
- Maintenance Program: The developer shall submit to the City a copy of the maintenance program to be performed by a homeowner's association or other enforceable means to assure the maintenance of common areas, landscaping, private streets, parking areas, and recreational

facilities. An estimate of annual operating and maintenance costs for all common facilities, together with a recommendation for reasonable reserves for the replacement of major elements shall be included. The Program shall be prepared by an independent management firm subject to the approval in advance of the Community Development Department. Once the final maintenance program is approved by the City, it shall be incorporated into the CC&R's and implemented by the Homeowner's Association.

- The Community Development Director may request such other information or reports which in the opinion of the Director are necessary or convenient in order to make recommendations to the Commission and Council and to make the findings that the project meets the intent of this article and is consistent with the Condominium Conversion Ordinance and the General Plan.
- In addition to the property owner list, maps and envelopes required for Use Permit noticing, the applicant shall provide a list of current tenants of the complex and stamped envelopes bearing the names and addresses of the tenants of each unit. At least 15 days prior to the date of the public hearings, the developer shall provide the City with an update to the tenant list and provide the City with additional envelopes as needed to notify tenants who have moved in after the application was filed.
- Documentation of Tenant Notification: At the time of the Use Permit and Tentative Map application, the applicant shall provide documentation to the satisfaction of the Community Development Director of conformance with the noticing, form, and timing of:
 - The tenant notice and advisement of tenant rights as set forth by Chapter 2, Article 1, Section 66427.1 of the California Subdivision Map Act.
 - The tenant notices for both prospective and existing tenants of intent to convert and Tentative Map filing as set forth in Chapter 3, Article 2, Sections 66452.8 and 66452.9 of the California Map Act.
 - The statutory references in this section shall also apply to successor legislation of the same or differing section numbers.

ATTACHMENT:

- A. Application Form

**CITY OF ANTIOCH
DEVELOPMENT APPLICATION**



Site Location	
Assessor's Parcel No. (s)	
Total Acreage	
Brief Description of Request:	

PROPERTY OWNER OF RECORD	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

APPLICANT	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

**CITY OF ANTIOCH
DEVELOPMENT APPLICATION**



AGENT/DESIGNER	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

ANY OTHER PERSON THAT YOU WOULD LIKE THE CITY TO NOTIFY OF THE PUBLIC HEARING	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

FOR OFFICE USE ONLY	
Date Received:	File No.:
Title:	Account No.:
Type of Application:	Notes: