

Chapter 20.59

Condominium Projects

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20.59.010 Purpose. The purpose of this Chapter is to provide consumer protection for prospective purchasers and existing tenants and to protect the availability of rental units within the City of Mill Valley. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.020 Condominium defined. As used in this Chapter, "condominium" shall have the meaning set forth in California Civil Code Section 783 except that the definition shall not apply to proposed commercial or industrial condominiums. As used in this Chapter, "condominium" includes community apartment. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.030 Condominium conversion defined. As used in this Chapter, "condominium conversion" means the conversion of an existing structure or structures to a condominium project, regardless of the present or prior use of such land and structures, and regardless of whether substantial improvements have been made to such structures. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.040 Condominium project defined. As used in this Chapter, "condominium project" means the entire parcel of real property including all structures thereon, to be subdivided into two or more units for the purpose of converting existing structures to condominium units. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.050 Community apartment defined. As used in this Chapter, "community apartment" means a development in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon. Community apartments shall be subject to the same restrictions and conditions as condominiums. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.060 Use permit for condominium conversion. The conversion of any existing building to a condominium or condominium project or community apartment project shall require the issuance of a conditional use permit. The procedures, considerations, findings and requirements set forth in this Chapter and in Chapter 20.64, Use Permits and Variances, shall govern the issuance of a condominium conditional use permit. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.070 Intent. It is the intent of this Chapter to accomplish the following:

A. To insure the performance of maintenance responsibilities in condominiums and to avoid public nuisances and to avoid hazards to public health and safety in condominiums.

B. To insure that rental apartments being converted to condominiums meet reasonable physical standards as required by all applicable laws, ordinances and regulations.

C. To maintain the availability of an adequate supply of rental housing. (Ord. 890, Sec. 2(part); April 4, 1977.)

D. To insure that rental apartments being converted to condominiums shall conform to California Administrative Code, Title 24: Energy Conservation Standards for New Residential Buildings and Non-Residential Buildings. (Ord. 890, Sec. 2(part); Ord. 999, Sec. 6(part); November 15, 1982.)

20.59.080 Condominium standards. In addition to the requirements set forth in Chapter 20.64, a condominium conditional use permit shall not be approved or conditionally approved in whole or in part without the following conditions:

A. The condominium project shall conform to all applicable laws, ordinances, and regulations for existing buildings including, but not limited to, those pertaining to housing, building, fire, subdivision, and zoning. In addition, the noise transfer standards for new buildings as contained in the latest Uniform Building Code shall apply. (Ord. 1001, Sec. 1; March 21, 1983.)

B. Each dwelling unit shall have space and connections for the installation and operation of laundry equipment for the private use of the occupants of that unit.

In addition, each dwelling unit shall be provided with enclosed and secure personal storage space to be located on-site, but not within the defined air space of the condominium unit. The amount of space shall be equal to one cubic foot of storage area for each three feet of gross floor area. (Ord. 1001, Sec.1; March 21, 1983.)

C. The City shall approve the declaration of restrictions required by California Civil Code Section 1355 for the project, which document shall set forth the occupancy and management policies for the project and shall contain provisions satisfactory to the City regarding the following:

1. Maintenance of all common areas and payment of all assessments and taxes;
2. Provision for the City to make any repairs or engage in any maintenance necessary to abate any nuisances, health or safety hazards and assess the owners of the condominium units for such repair or maintenance; and
3. Provision that an individual owner cannot avoid liability for his prorated share of the expenses for the common area by renouncing rights in the common areas.
4. Provisions limiting the resale of low income and moderate income units (provided in accordance with Subdivision D of the section) to low and moderate income households. (Ord. 1001, Sec. 1; March 21, 1983.)

D. In projects of ten or more units, 15 percent of all units must be sold or rented at prices affordable to low income households as defined in the latest Mill Valley General Plan Housing Element. An additional 10 percent of all units must be offered for sale to moderate income households at prices affordable to such households as defined in the Mill Valley General Plan Housing Element. (Ord. 1001, Sec. 1; March 21, 1983.)

E. Existing tenants who are low income, 65 years of age or older or the handicapped must be awarded lifetime leases on reasonable terms to be approved by the City of Mill Valley. Annual rent increases for tenants awarded lifetime leases may not exceed a rate equal to one-half the annual Bay Area inflation rate as determined by the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Metropolitan area -- All Items. (Ord. 1001, Sec. 1; March 21, 1983.)

F. Evidence shall be submitted that at least 120 days' notice of termination has been provided to existing tenants and at least a 60-day exclusive right of first purchase for existing tenants. (Ord. 1001, Sec. 1; March 21, 1983.)

G. An initial capital improvement fund not exceeding \$200.00 per unit shall be provided to be available for any unforeseen repair and replacement costs to the areas held in common. (Ord. 890, Sec. 2(part), April 4, 1977; Ord. 1001, Sec. 1, March 21, 1983.)

20.59.090 Filing of an application. In addition to the filing requirements set forth in Chapter 20.64, an application for a condominium conditional use permit shall include a map showing the boundaries of all units for information purposes, and a report containing the following information regarding current tenants:

- A. length of occupancy;
- B. current rents, any utilities included in rent, date and amount of last rental increase;
- C. expiration date of any current lease agreements;
- D. approximate effective housing cost of representative sales units after taxes (including maintenance fees and homeowners' association dues) given a thirty-percent tax bracket. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.100 Structural report. Prior to conclusion of its public hearing on an application for a condominium conditional use permit, the Planning Commission shall obtain a report from the Building/Zoning Code Inspector on the general conditions of all buildings, listing all code violations. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.110 Special considerations. The desire of current tenants to either purchase prospective condominium units or maintain rental status may be a consideration in a review of the effects on the general welfare of persons residing in the neighborhood. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.120 Findings. In addition to requirements set forth in Section 20.64.040, the City shall find that approval of the proposed condominium project will not affect the provision of rental housing in the community and that adequate replacement housing for displaced tenants is available. (Ord. 890, Sec. 2(part); April 4, 1977.)

20.59.130 Other regulations--Compliance. Nothing contained in this Chapter shall be interpreted as authorizing a condominium, condominium conversion, or condominium project in any zoning district where such use would be otherwise prohibited; nor shall anything contained in this Chapter be interpreted as waiving compliance with the provisions of Title 21 of this Code or any other applicable statutes, ordinances, or regulations. (Ord. 890, Sec. 2(part); April 4, 1977.)

Chapter 20.60

General Provisions and Exceptions

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- 20.60.060 Height limits--Exceptions.
- 20.60.065 Fences.
- 20.60.070 Projections, encroachments--Yards measured from official plan line.
- 20.60.075 Regulations for accessory building or structure.
- 20.60.080 Garages--Carports--Lot location regulated.
- 20.60.090 Parking space and car storage.
- 20.60.095 Payments in lieu of providing off-street parking.
- 20.60.100 Loading space--Off-street parking.
- 20.60.140 Non-conforming uses--Existing uses and buildings.