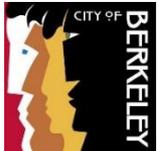


Accessory Dwelling Unit (ADU) Condominium Ordinance



Agenda

I. Background

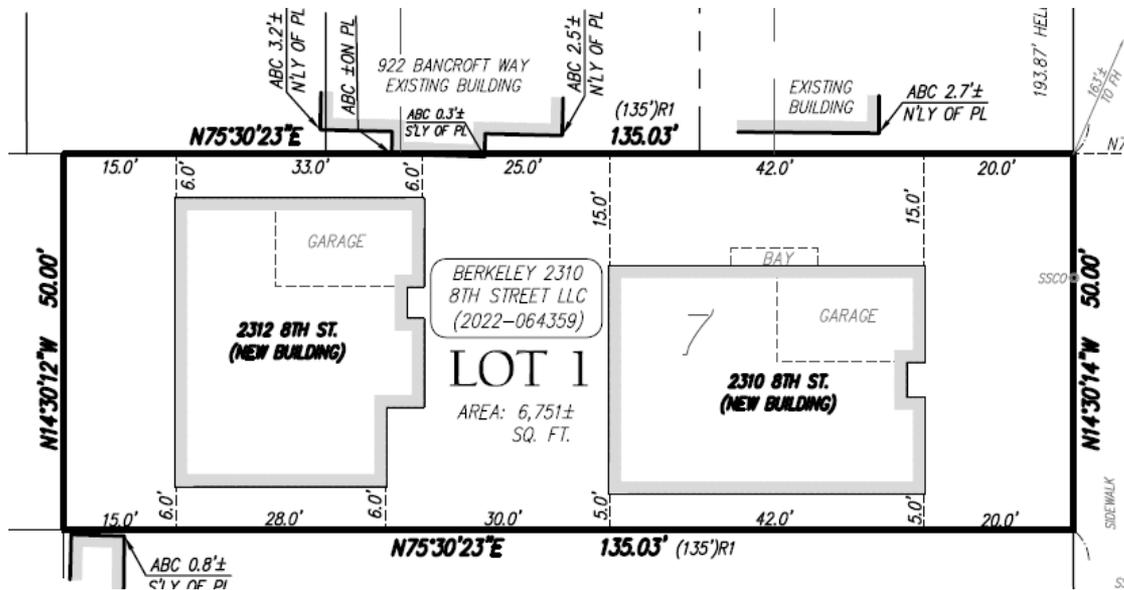
II. ADU Condo Ordinance Outline

III. Policy Decisions

I. Background

- City Council Referral to staff
- State law AB 1033 implementation requirements
- March 5th Planning Commission feedback to staff

City Council Referral to Staff



AB 1033 – State Law Requirements

Required

- **Compliance with Map Act, Davis-Sterling Act and the City's Subdivision Ordinance**
- **Lienholders' consent procedure**
- **Safety Inspection Report Procedure**
- **Consumer Disclosures Regarding Lender Requirements**

Direction from Planning Commission

- **Separate and Streamlined Application and Map processing**
- **No Affordable Housing Mitigation Fee**
- **Extend Tenant Protection to ADU Renters**
- **Offer Right of First Refusal to ADU Renters**

Direction from Planning Commission

- **Separate and Streamlined Application and Map processing**
- **No Affordable Housing Mitigation Fee**
- **Extend Tenant Protection to ADU Renters**
- **Offer Exclusive Right to Purchase (ERP) to ADU Renters**

II. ADU Condo Ordinance Outline

- Ministerial approval separate from condo conversions
- Provisions required by the State Law
- Tenant protections

Title 21

SUBDIVISIONS**



Chapters:

- 21.04 General Provisions
- 21.08 Definitions
- 21.16 Tentative Maps (Five or More Parcels)
- 21.18 Vesting Tentative Maps
- 21.20 Final Maps (Five or More Parcels)
- 21.24 Parcel Maps (Four or Less Parcels)
- 21.28 Condominiums and Other Common Interest Subdivisions
- 21.32 Lot Line Adjustments
- 21.36 Dedications and Reservations
- 21.40 Design Requirements
- 21.44 Subdivision Improvements
- 21.48 Reversion to Acreage
- 21.52 Parcel Mergers
- 21.56 Correction and Amendment of Maps
- 21.60 Enforcement of Title Provisions
- 21.70 Exceptions

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21.29. Accessory Dwelling Unit Condominium Subdivision

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21.29. Accessory Dwelling Unit Condominium Subdivision

21.29.010 -- *Purpose and Applicability.*

21.29.020 -- *Definitions.*

21.29.030 -- *Permit required.*

21.29.040 -- *Eligibility.*

21.29.050 -- *Application Requirements.*

21.29.060 -- *Required Notice to Consumers.*

21.29. Accessory Dwelling Unit Condominium Subdivision

21.29.010. -- *Purpose and Applicability.*

- Implements AB 1033
- Applicable to lots containing ADUs compliant with the ADU standards
- Not subject to Chapter 21.28 (Condo Conversions) except for renter's right to remain and to purchase the unit (no mitigation fee)
- Defines (Rent Ord) Exempt ADUs and applies renter protections to them
- Ministerial approval

21.29. Accessory Dwelling Unit Condominium Subdivision

21.29.010 (C)(2) -- *Exempt ADUs with Long-Term Tenancy.*

If the ADU is exempt from rent-ceiling coverage under BMC 13.76.050 but the current tenant has occupied the unit for twelve (12) consecutive months or more:

- A tenant in an ADU shall have a continued right to occupy the ADU after a conversion, pursuant to Section 21.28.090(C)(4);
- The tenant shall be given a right of first refusal to purchase the ADU condominium on terms defined under BMC 21.29.020.

21.29.020. -- *Definitions.*

- Defines "Exclusive Right to Purchase an ADU Condominium Unit"

means the right of a resident tenant at the date of conversion of an Exempt ADU with Long-Term Tenancy to condominium unit to purchase the unit that they occupy, as set forth in the "Notice of Tenants' Rights Regarding ADU Condominium Conversion" required pursuant to BMC Section 21.29.050(F). The period of the Exclusive Right to Purchase begins on the date written notice is given to the resident tenant that the unit will be made available for purchase to persons other than the resident tenant, **and lasts for 180 days** except as otherwise provided in Section 21.28.090(C)(2).

21.29.030. -- *Permit required.*

- Ministerial Approval under the ADU Condo Ordinance

21.29.040 -- *Eligibility.*

- Proposed and existing ADUs compliant with the ADU Ordinance
- Project containing up to 10 total condo units

21.29.050 -- *Application Requirements.*

- AB 1033 requirements in addition to Notice of Tenants' Rights Regarding ADU Condominium Conversion

21.29.060 -- *Required Notice to Consumers.*

- AB 1033 Requirement

Questions

- What should be the exclusive right to purchase period?



Staff Recommendation

- **Consider public comments and provide feedback to staff on potential amendments to the ADU Ordinance.**

Thank you!

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