



Planning & Development

# Residential Condominium Conversion Packet

(updated 07-01-2022)

# Residential Condominium Conversion Packet Index

- A. Residential Condominium Conversion Flow Chart
- B. Inter-Departmental Coordination and Contact Information
- C. Residential Condo Conversion Application Submittal Requirements
- D. Application for Local Law Compliance
- E. Worksheet for Local Law Compliance Request
  - E.1. Building Permit Submittal Checklist
- F. Application for Residential Condominium Conversion
- G. Public Works Application for Condominium
- H. Condominium Conversion Fee Sheet
  - H.1. Subdivision and Encroachment Permit Fees Transmittal Form (for Map Deposit)
  - H.2. Other Costs Associated With Condominium Conversion
  - H.3. Understanding Berkeley's Condominium Conversion Housing Mitigation Fee
- I. Pre-Application Sign Guideline
- J. Notice of Tenants' Rights Regarding Condominium Conversion
- K. Proof of Service Form
- L. Notice of Offer: Tenants' Exclusive Right to Purchase Form

## NOTE

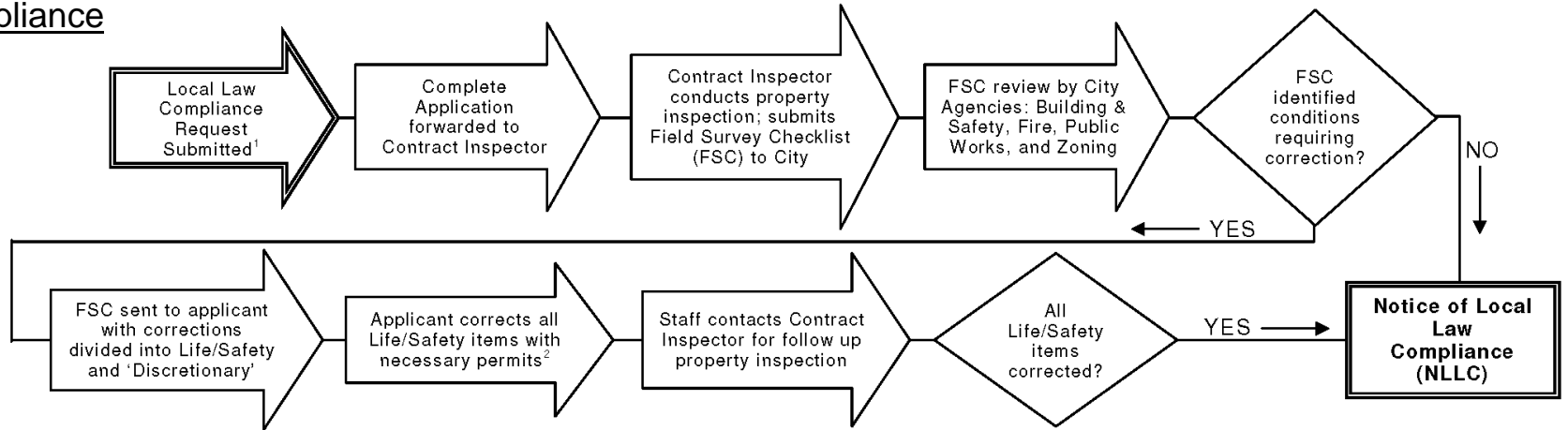
**Timing** can take anywhere from 6 months to several years depending on, but not limited to:

1. Number and extent of LLC issues
2. Tenant issues
3. Map survey issues
4. Submittal response to incomplete and outdated items

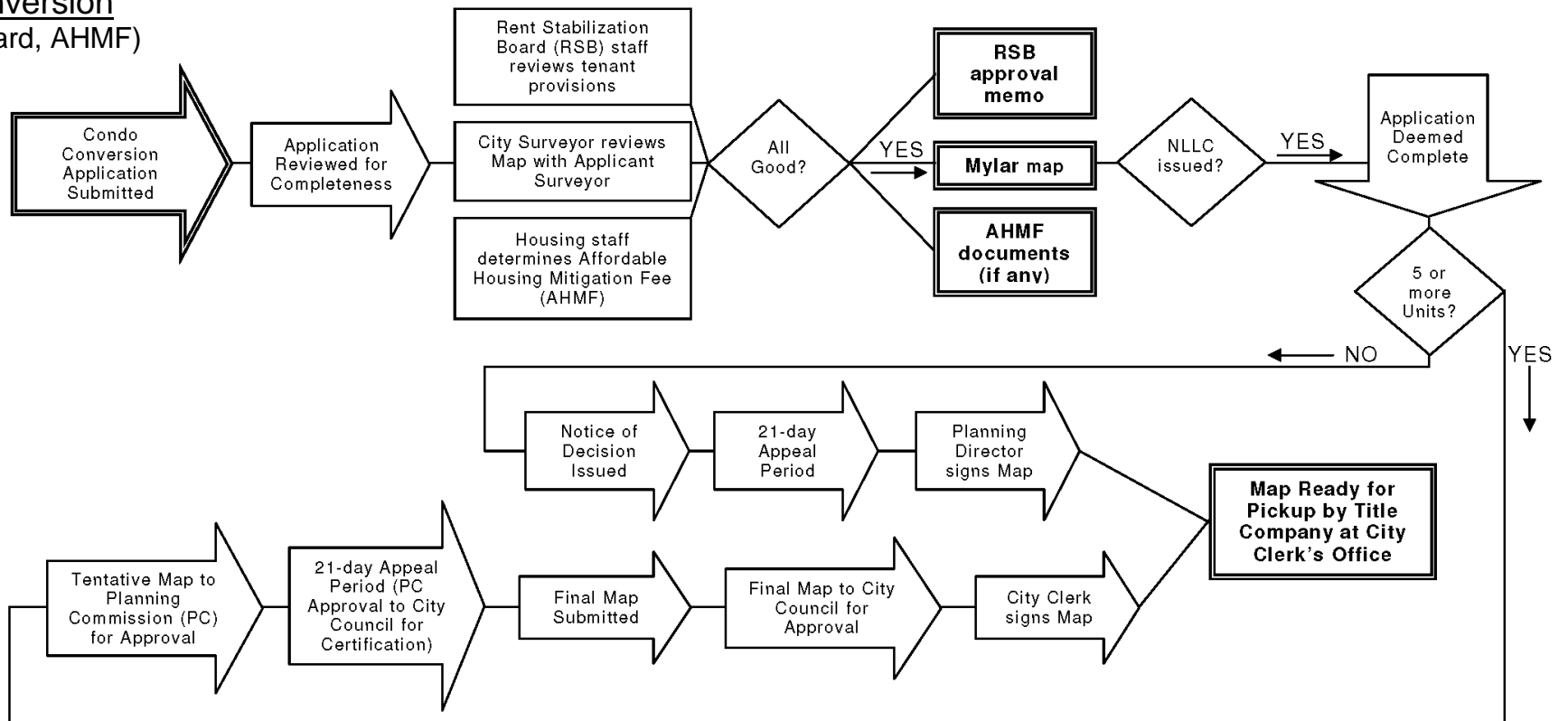
There is no typical time frame; the average processing time for a Parcel Map is 2.25 years.

# A. Residential Condominium Conversion Flow Chart

## Local Law Compliance



## Condo Conversion (Map, Rent Board, AHMF)



1. Notice of Local Law Compliance is a required component of the residential condominium conversion process (BMC §21.28.050).

2. Items not identified as Life/Safety as per 21.28.050.D are not required to be corrected. Any 'uncorrected' items will be recorded with the title in a Notice of Limitation.

## B. Residential Condominium Conversion Inter-Departmental Coordination and Contact Information

Multiple City agencies are involved in the processing and review of condominium conversion applications. These agencies and/or departments and their roles are summarized below:

**Housing & Community Services** – Responsible for the interpretation of the Condominium Conversion Ordinance, policy issues, and the determination of the mitigation fees for each project.

For Housing questions please contact Mike Uberti via email at [MUberti@berkeleyca.gov](mailto:MUberti@berkeleyca.gov) or by telephone at (510) 981-5114.

**Planning and Development Department** – Responsible for processing Condominium Conversion applications, application completeness review, and general assistance.

For Planning questions please contact Branka Tatarevic via email at [BTatarevic@berkeleyca.gov](mailto:BTatarevic@berkeleyca.gov) or by telephone at (510) 981-7472.

**Building and Safety** – Reviews the inspection report for visible life/safety issues; advises on building code issues, and reviews building permit applications.

For Building and Safety please contact Avotcja Jones via email at [AJones@berkeleyca.gov](mailto:AJones@berkeleyca.gov).

**Engineering** – Responsible for technical review of subdivision maps.

For Engineering questions please contact Vincent Chen via email at [VChen@berkeleyca.gov](mailto:VChen@berkeleyca.gov) or by telephone at (510) 981-6409.

**Rent Board** – Responsible for verifying eligibility requirements for Condominium Conversion applications and advises owners and tenants of legal rights

For Rent Board questions please contact Lief Bursell via email at [LBursell@berkeleyca.gov](mailto:LBursell@berkeleyca.gov) or by telephone at (510) 981-4919.

**Permit Service Center** – Responsible for assisting applicants with obtaining permits and application fee intake.

For Permit Service Center questions please call (510) 981-7500.



# PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Permit Service Center 3<sup>rd</sup> Floor Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420  
Email: [Planning@ci.berkeley.ca.us](mailto:Planning@ci.berkeley.ca.us)

## C. RESIDENTIAL CONDOMINIUM CONVERSION APPLICATION SUBMITTAL REQUIREMENTS

Effective June 25, 2015

### NOTE TO APPLICANTS:

- This document identifies information required to process permits and provides Guidelines to assist applicants.
- You are responsible for the accuracy and completeness of all application materials. Incorrect or incomplete information may result in delay or denial of your application.
- All application materials become the property of the City of Berkeley and are subject to public review.
- All application materials must be clear and legible. Faxes, poor reproductions, and cluttered or confusing drawings will not be accepted.

### Project Requirements

#### General requirements

1. Staff will not accept your application if it does not contain all items listed below.
2. You must notify the City of any change in ownership or tenancy and to provide new tenants with the Statement of Tenants' Exclusive Right to Purchase and Notice of Tenants' Rights Regarding Condominium Conversion.
3. Please submit an electronic copy of your application materials on a CD.

#### Local Law Compliance

Properties that wish to convert existing residential units into condominiums must request a determination of their property's compliance with local laws. Permits may be required in order to bring your property into compliance.

Only the following types of violations must be corrected prior to approval of your condominium conversion application:

1. Violations of the Zoning Ordinance that result in the creation of new units or the addition of 100 sq. ft. or more of habitable space on the property;
2. Visible violations of local laws that govern the structural or fire safety of buildings, the safety of their major systems, such as plumbing, electrical and mechanical systems, or Health and Safety Code Section 17920.3, to the extent that they are likely to endanger the occupants or the public.

\_\_\_\_\_ **1. Application for Local Law Compliance (Item D)**

**Submit** one (1) copy of the Application for Local Law Compliance Inspection.

\_\_\_\_\_ **2. Worksheet for Request for Notice of Local Law Compliance (Item E)**

**Submit** a completed worksheet provided by the City with a copy of the required documentation, including: Building & Safety microfiche records, Zoning file records, Finance Department records, and Rent Board records. (See the guidelines on the back of the worksheet for full requirements).

Note: refer to the Building Permit Submittal Checklist (**Item E.1**) for a list of building corrections frequently required. It also provides instructions for submitting building permits.

\_\_\_\_\_ **3. Site Plan and Floor Plans**

**Submit** a dimensioned and scaled site plan showing the following:

- Building footprint(s) for all buildings, dimensions, required setbacks and projects such as eaves, balconies, and bays;
- Any portion of neighboring buildings within 20 feet of subject property;
- Driveways and parking spaces with dimensions, locations of handicapped parking spaces, bicycle racks, and security gates;
- Fences, retaining walls (indicate height), decks, patios, hot tubs, and other similar features; and
- Significant natural features such as trees, creeks, and prominent landforms.

**Submit** dimensioned and scaled floor plans showing the following:

- All floors, mezzanines, basements, attics; and
- Uses of all rooms

Provide one (1) scaled plan sets, sized 11" x 17", with a minimum scale of 1/8" = 1' and one (1) reduced plan set, sized 8½" x 11" **and one original electronic plan set**—not a scanned paper copy—**on a CD**. Plans must include project address, scale (common architects scales preferred), north arrow, date of preparation, legend, and name of person preparing the plans.

### **Condominium Conversion Application**

You may apply for condominium conversion at the same time as you request a determination of Local Law Compliance, but the City will not deem your condominium conversion application complete until you have received your Notice of Local Law Compliance.

**In addition to the paper copies listed below provide an electronic copy off all documents on a CD. Preliminary title report, CC&Rs, Parcel Map and Condo Map must be provided in the original electronic format (not a scan of a paper copy).**

\_\_\_\_\_ **1. Application for Residential Conversion to Condominium (Item F)**

**Submit one (1) copy** of the Application for Residential Conversion to Condominiums. If you have questions about this application, please contact Planning Staff at (510) 981-7410.

\_\_\_\_\_ **2. Public Works Application for Condominium (Item G)**

**Submit one (1) copy** of the Public Works Application for Condominium. This application supports staff's technical review of the Map. If you have questions about this application, please contact the Engineering Staff at (510) 981-6409.

\_\_\_\_\_ **3. Application Fees (Item H)**

**All projects** must pay the following application fees:

1. Request for Notice of Local Law Compliance
2. Rent Board review for each residential unit
3. Map Deposit (Item **H.1** : Subdivision and Encroachment Permit Fees Transmittal Form)
4. Application fee for Application for Conversion to Condominium (this depends on the number of units—see Fee Sheet Item **H**)

**Submit** fees to the cashier in the Permit Service Center

Note: Condominium conversion requires other costs, in addition to these fees. Item **H.2** provides examples of these costs. In addition, Item **H.3** provides information on the Berkeley Condominium Conversion Housing Mitigation Fee.

\_\_\_\_\_ **4. Pre-Application Poster (Item I)**

**Submit** a color photo of the pre-application poster installed at front of site. The photo must include a person or measuring stick in the photo to provide scale and the sign must be visible to passersby. See Item **I** for full requirements, including installation and preparation.

\_\_\_\_\_ **5. Notice of Tenants' Rights Regarding Condominium Conversion (Item J)**

**Submit** proof of service of a Notice of Tenants' Rights Regarding Condominium Conversion (Item J), on the form required by the City (Item K), on each tenant household at the property, no earlier than 60 days prior to the date of the application.

Note: you have an ongoing obligation to provide each new tenant with this Notice until the project is approved. If you have questions about this form, please contact the Rent Stabilization Board at 981-RENT (7368).

\_\_\_\_\_ **6. Rental/Occupant History**

**Submit** one (1) copy of detailed rental/occupant history of each unit within the building that is to be converted, under penalty of perjury, that includes the name and current contact information (Phone number, address, email) of each person who has resided there within the 5 years immediately prior to the date of the application.

\_\_\_\_\_ **7. Parcel Map or Tentative Tract Map**

**Submit** three (3) copies of the Parcel Map (four or fewer units) or Tentative Tract Map (five or more units) Check Prints along with one (1) 8 1/2" x 11" reproducible copy. A licensed civil engineer or surveyor must prepare the Check Prints.

\_\_\_\_\_ **8. Engineering Calculations**

**Submit** one (1) copy of the Engineering Calculations (also called Closure Calculations) for the map. The licensed civil engineer or surveyor who prepared the map will provide you with the calculations.

\_\_\_\_\_ **9. Preliminary Title Report**

**Submit** one (1) copy of a preliminary title report. The report must be prepared during the 6 months prior to Map approval.

\_\_\_\_\_ **10. Covenants, Conditions, and Restrictions (CC&Rs)**

**Submit** one (1) copy of the CC&Rs with Condominium Plans. An attorney must prepare the CC&Rs.

All forms and guidelines can be found on the City's website:  
[http://www.ci.berkeley.ca.us/Online\\_Service\\_Center/Home/Forms.aspx](http://www.ci.berkeley.ca.us/Online_Service_Center/Home/Forms.aspx),  
which includes a copy of all required forms and the Guidelines.



# PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Permit Service Center 3<sup>rd</sup> Floor,  
Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420  
Email: [Planning@ci.berkeley.ca.us](mailto:Planning@ci.berkeley.ca.us)

DATE STAMP HERE

## D. Application for Local Law Compliance

CCPM # \_\_\_\_\_

Intake Planner \_\_\_\_\_

Effective June 25, 2015

• **Project Address:** \_\_\_\_\_

Number of Residential Units: \_\_\_\_\_

• **Property Owner Name(s):** \_\_\_\_\_

• **Owner's Mailing Address:** \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

• **Applicant Name** (or write same): \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Owner(s) Signature(s):

(If additional owners, provide information on a separate 8.5" x 11" sheet of paper)

\_\_\_\_\_  
OWNER (PRINT NAME)                      OWNER'S SIGNATURE                      DATE

\_\_\_\_\_  
OWNER (PRINT NAME)                      OWNER'S SIGNATURE                      DATE

\_\_\_\_\_  
OWNER (PRINT NAME)                      OWNER'S SIGNATURE                      DATE

\_\_\_\_\_  
OWNER (PRINT NAME)                      OWNER'S SIGNATURE                      DATE

OWNER (PRINT NAME)

OWNER'S SIGNATURE

DATE

**Contact(s) for Local Law Compliance Inspection:**

(If additional unit contacts, please provide information on a separate 8.5" x 11" sheet)

Provide the contact information for the person able to provide legal entry to the unit for a contract inspector.

Unit # \_\_\_\_\_ Name \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Unit # \_\_\_\_\_ Name \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Unit # \_\_\_\_\_ Name \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Unit # \_\_\_\_\_ Name \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Unit # \_\_\_\_\_ Name \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Unit # \_\_\_\_\_ Name \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_



# E. Worksheet for Local Law Compliance Request

06.25.15

Property address(es): \_\_\_\_\_

APN: \_\_\_\_\_

Proposed # condominium units: \_\_\_\_\_

**SEE INSTRUCTIONS ON THE REVERSE SIDE OF THIS PAGE. PLEASE PROVIDE LEGIBLE COPIES OF REQUESTED RECORDS. ALL INFORMATION SHALL BE PROVIDED IN PAPER AND ELECTRONIC (ON A CD) FORMAT.**

A. Building and Safety Division microfiche records

B. Zoning file records

C. Finance Department records

D. Rent Stabilization Board records

E. County Assessor's property information:

Use:

Number Res. Units:

F. Parking space information from the above sources (location and number of spaces):

G. Sanborn Map (vol:\_\_\_\_\_, pg:\_\_\_\_\_): Identify number of units their locations and uses as depicted on map.

H. Site and Floor Plans:

Submit a dimensioned and scaled site plan showing the following:

- Building footprint(s) for all buildings and all projections such as balconies, and bays;
- Driveways and parking spaces with dimensions;
- Decks, patios, hot tubs, and other similar features.

Submit dimensioned and scaled floor plans showing the following:

- Addresses of all units; and
- All floors, mezzanines, basements, attics, including uses of all rooms.

Provide one (1) scaled plan sets, sized 11" x 17", with a minimum scale of 1/8" = 1', one (1) reduced plan set, sized 8½" x 11", **and one original electronic plan set**—not a scanned paper copy—**on a CD**. Plans must include project address, scale (common architects scales preferred), north arrow, date of preparation, legend, and name of person preparing the plans.

# Request for Notice of Local Law Compliance Instructions

---

## Number of Residential Units, Items A to E

Complete items A-E by reviewing the records on file with the appropriate City department or County Assessor's office regarding the number of residential units at the subject property. Attach and label documentation for items A-E.

- A. Building and Safety Div. microfiche records are located in the Planning and Development Department office at 1947 Center Street, 3<sup>rd</sup> floor. They can be viewed without an appointment between 8:30 – 4:00. Provide a legible copy of **all records**. Indicate any information regarding the number of residential units and permits for construction of the units; note if there are floor plans in the record.
- B. Zoning file records are located in the Planning and Development Department office at 1947 Center Street, 2<sup>nd</sup> floor. Please contact the Planning Department at 981-7410 to make an appointment to view the property records. Indicate any information regarding the number of residential units and permits for construction of the units; note if there are floor plans in the record.
- C. Finance Department records are located in the Finance Department office at 1947 Center Street, 1<sup>st</sup> Floor. If you are not the property owner, please bring written authorization from the property owner to obtain copies of the records for the subject property. Indicate information regarding the number of residential units, permit numbers for construction of the units, and construction dates. Attach a photocopy of each side of the property record card.
- D. Rent Stabilization Board records can be obtained by contacting the Board and requesting the rental history for the subject property. The Board is located at 2125 Milvia Street; please contact the office at 981-RENT (7368). Indicate information regarding the number of residential units and the years those units are registered with the board as either rental or owner-occupied units. Attach a printout of the rental history of the property.
- E. The Alameda County Assessor's office is located at 1221 Oak Street, Room 145, Oakland, CA 94612 (phone: 510-272-3787; web: <http://www.acgov.org/assessor/>). Indicate the use of the property, number of units, and homeowner's exemption information for the units.

## Parking spaces and location, Item F

1. Include notes on any records of parking spaces on the property found in sources A-E, above.
2. Attach and label documentation for section F to support conclusions regarding the number and location of parking spaces on the subject property.

## Sanborn Map, Item G

1. The Sanborn Maps are located in the Planning and Development Department office at 2120 Milvia Street, 2<sup>nd</sup> floor. They can be viewed without an appointment.
2. Indicate the volume and page number of the subject property.
3. State the use indicated on the Sanborn Map exactly as shown. For example, "two detached structures each labeled 'D' "; "one long structures with 4 unit each labeled 'D' "; "one structured labeled '3-R' "; "one structure labeled '8-F' ".
4. Indicate the number of structures shown, including garages or accessory structures, and their general location (front, center, or rear of the lot).



Planning Department  
Permit Service Center

# E1. BUILDING PERMIT SUBMITTAL CHECKLIST

Effective March 24, 2009

## For Permit Submittal Required by Field Survey For Local Law Compliance / Condo Conversion

### Compliance with Local Laws

**BMC 21.28, Section 21.28.050 Request for determination as to compliance with local laws – corrections required.**

- A. A person who wishes to apply for a tentative map or parcel map to convert to condominiums may request a determination as to whether any building to be converted complies with applicable local laws on the form required by the City.
- B. Upon receipt of a request for determination the City shall perform a record review and site inspection, and provide a determination regarding compliance with such local laws.
- C. Determinations under this section shall state what work must be corrected prior to recordation of a final map, what actions, if any, must be taken in order to bring the property into compliance, and shall require full disclosure of all remaining violations, including unpermitted work, to the homeowners association and all purchasers of each unit to be created. The disclosure must also be recorded with the County and may not be removed until the City confirms that all violations have been corrected.
- D. Only the following types of violations must be corrected prior to recordation of the final map:
  - 1. violations of the Zoning Ordinance that result in the creation of new units or the addition of 100 sq. ft. or more of habitable space on the property; and
  - 2. visible violations of local laws that govern the structural or fire safety of buildings, the safety of their major systems, such as plumbing, electrical and mechanical systems, or Health and Safety Code Section 17920.3, to the extent that they are likely to endanger the occupants or the public.
- E. A determination under this section shall not constitute approval of any work that was done without a permit or any other violation of any applicable code or ordinance or preclude the City from requiring correction of identified violations subsequent to recordation of a final subdivision map, and shall not preclude the City from requiring additional corrective action if additional noncomplying conditions are discovered.

### Typical visible life and safety violations include, but are not limited to:

Visible dry rot  
Rotted or missing stairs, decks, porches and balconies  
Rotted or missing handrails and guardrails  
Non-complying stairs that create a hazard  
Severely damaged foundation  
Unsafe electrical, mechanical or plumbing  
New/replaced/alterd gas lines  
Water heaters strapping, venting, relief valve drains  
Visible structural deficiencies  
Lack of egress window(s)  
Lack of smoke detectors  
\*New/replaced wall heaters \*(Obtain permit **or** have Licensed Mechanical Contractor certify unit(s))

### General information for permits for visible life and safety violations

- Schedule an appointment at (510) 981-7502 to submit your building, plumbing, mechanical, and/or electrical permit application.
- All work that requires a permit shall be applied for at the same time. One permit application and plan set shall be submitted for each structure on the property that requires a permit based on the Condominium Conversion Field Survey Checklist.
- Five sets of plans are required with each permit application.
- Allow five (5) to fifteen (15) working days for 1<sup>st</sup> review by all plan check agencies of your application and plans. If corrections are required, allow five (5) to ten (10) working days for each additional review of all resubmitted plans.

### Plan Submittal Requirements

- All plans shall be legible and drawn to scale, for example  $\frac{1}{4}'' = 1''$ .
- **The minimum sheet size is 11"x17"**
- Provide a clear scope of work statement on the plans and indicate that it is for a "Condominium Conversion." Include the owner's name, address and telephone number as well as the name, address and telephone number of the person that has prepared the plans. Include the number of structures on the lot, the number of stories of the structure, the total number of dwelling units per structure, and any commercial units, if applicable.
- Submit all pages of the inspector's Condominium Conversion Field Survey Checklist including the building card and photographs. Tell the Permit Service Center Staff the application is for a Condominium Conversion project.

- Submit a site plan that includes: a north arrow, property line dimensions, setback distance from front, rear and side property lines, parking spaces, garages, carports and driveway locations and sizes, decks, porches, balconies, accessory structures.
- Provide a floor plan for each level and indicate the location of all work that needs a permit.
- Submit an elevation for any exterior changes or repairs.
- Provide a valuation for the scope of work to be done based on the current rate of labor, material(s) being repaired, replaced or altered.
- Fill out building, electrical, mechanical, plumbing applications, and a zoning certificate or UP or AUP, if applicable, and submit all forms with your plans. State on the application(s) that work is for a Condominium Conversion. All forms are available at our website at: <http://www.ci.berkeley.ca.us/psc/>. Select “Forms and Applications.”
- If the valuation of the project is over \$50,000 and includes alterations that include two plumbing fixtures, you will need to obtain a private sewer lateral (PSL) permit to replace the entire sewer lateral, or provide a Sewer Lateral Certificate from Public Works. Further information is available at our website at: <http://www.ci.berkeley.ca.us/pw/sewers/pvtlat.html>
- Residential plans submitted for this project are also subject to Berkeley’s Residential Energy Conservation Ordinance (RECO, Berkeley Municipal Code Chapter 19.16) if the valuation of all work is \$50,000 or more. This ordinance applies to all residential buildings in the City of Berkeley upon sale or repair/renovation with a valuation of \$50,000 or more. RECO compliance and inspection are required prior to the permit being finalized. Add a statement to your plans saying that RECO compliance will be met prior to final inspection. Further information is available at our website at: <http://www.ci.berkeley.ca.us/sustainable/>
- ***For Disclosure Items that are to be recorded with the County of Alameda, provide a copy of the filed, recorded document to Building and Safety for inclusion in the master permit file.***

**Additional Information for permits for disclosure items or Zoning Ordinance violations**

For applicants who wish to obtain permits for work done without permits, or to legalize work, (***disclosure items or violations of the Zoning Ordinance as noted above***) provide a current floor plan identifying the use of all rooms and showing all electrical, mechanical, and plumbing. The plans shall clearly depict what work is being legalized (e.g., existing non-habitable attic being converted to master bedroom with bath; basement storage area converted to home office/bedroom; existing closet converted to bathroom, etc.)

- Provide detailed information of previous work done without permit that you are legalizing on your plan submittal.
- The valuation of the project should be determined based on the current rate of labor, material, cabinetry, appliances and lighting fixtures that you are repairing, replacing, or altering.
- Additions, basement and attic conversions will be considered new work and will need to meet current code. All applications for residential structures with three or more living units and/or mixed-use occupancies must be reviewed by the Fire Department. Allow

fifteen (15) working days for the review of these plans, and ten (10) working days for any resubmitted plans.

- It is recommended that you submit any additional photos that may help the plans examiner become familiar with the property as it relates to the work that requires permits.
- Submit copies of permits or any documentation you have that may aid in the approval of alleged work without permit, or where the legal number of dwelling units is questioned. Otherwise, the work will be considered as new and must meet current code requirements.

### Specific Guidelines

Review other City guidelines for specific information at <http://www.ci.berkeley.ca.us/psc/>. Select “Forms and Applications.”

- Bathroom Remodel guideline
- Kitchen Remodel guideline
- Window replacement
- Decks, Stairs and Porches
- Building Permit Detailed Checklist
- Document Submittal List for Single Family Additions/Alterations

### Tips

- Some homeowners are capable of drawing plans, but many are not. Depending on the scope of work, and how many residential units are on the property, you may be required to have a professional draw up your plans. Even when it is *not* required, it may be wise to use an architect or experienced contractor to aid you in plan submittal. This can often shorten the plan review process. In either case, please make sure you allow enough time for plans to be drawn up, submitted, reviewed, issued and work completed prior to any deadlines that must be met. Most plans submitted to the City of Berkeley do not pass the first review, and corrections are often required on the 2<sup>nd</sup> plan submittal as well. You should allow 2-4 months for the design and review of your plans.
- The “Building Permit Detailed Checklist” and the “Document Submittal List for Single Family Additions/Alterations” are great tools to use to ensure your plans are as complete as possible.



# PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Permit Service Center 3<sup>rd</sup> Floor, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420  
Email: [Planning@ci.berkeley.ca.us](mailto:Planning@ci.berkeley.ca.us)

DATE STAMP HERE

## F. Application for Residential Condominium Conversion

CCPM # \_\_\_\_\_

Intake Planner \_\_\_\_\_

Effective June 25, 2015

• **Project Address(es):** \_\_\_\_\_

Number of Residential Units: \_\_\_\_\_

• **Property Owner Name(s):** \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Daytime Phone # \_\_\_\_\_ E-mail: \_\_\_\_\_

• **Applicant Name** (or write same): \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

Daytime Phone # \_\_\_\_\_ E-mail: \_\_\_\_\_

**Please answer the following questions to the best of your ability. If you require assistance, please contact Planning Staff at 981-7410.**

1. Has the current or any previous owner filed with the City of Berkeley a statement of intent to go out of the rental business pursuant to Berkeley Municipal Code (BMC) 13.77 or Government Code Section 7060 in the past 10 years?

Yes

No

2. Has the current or any previous owner initiated proceedings to recover any unit at the property pursuant to BMC 13.76.130.A.8 or 9 in the past 10 years?

Yes

No

a. If yes to #2, when were proceedings initiated? \_\_\_\_\_

3. Was a vacancy created in the past 5 years due to the termination of a tenancy?

Yes

No

a. If yes to #3, was the vacancy created within one year after the service by the owner of a termination of tenancy notice pursuant to Civil Code Section 1946 or Civil Code Section 1946.1?

Yes

No

b. If yes to #3, was the vacancy created within one year after a change in the terms of the tenancy noticed pursuant to Civil Code Section 827, including the owner's termination or nonrenewal of a contract or recorded agreement with a governmental agency that provides for a rent limitation to a qualified tenant?

Yes

No

c. If yes to #3, was the vacancy created by the tenant being constructively evicted because the unit had been cited in an inspection report as containing serious health, safety, fire or building code violations that were not caused by the tenant beyond normal wear and tear and one or more of the violations had not been abated by the date of the termination?

Yes

No

d. If yes to #3, was the vacancy created by the tenant household vacating the property and subsequently bringing an action for constructive or wrongful eviction that is currently pending or that resulted in a judgment for the plaintiff?

Yes

No

e. If yes to #3, was the vacancy created as the result of a rent increase greater than 10% of the prior rent in effect but for which the tenant would not have vacated the unit, unless that rent increase was approved by the Rent Stabilization Board?

Yes

No

4. Does the owner(s) agree to limit future rent increases for any resident tenant at the time of conversion to no more than 65% of the increase in the Consumer Price Index for All Bay Area Consumer?

Yes

No

5. Does the owner(s) agree to pay an affordable housing mitigation fee as described in Berkeley Municipal Code Chapter 21.28, to execute a promissory note, deed of trust, and conversion agreement to secure payment of the affordable housing mitigation fee, and to utilize escrow instructions approved by the City?

Yes

No

6. Is there a contract or recorded agreement with a government agency that provides for a rent subsidy to any tenants on the property?

Yes

No

a. If yes to #6, does the owner(s) agree not to opt out of the contract or recorded agreement except for cause as defined in 24 CFR982.310 (except (d)(iii) and (d)(iv) thereof) from the date of the application until at least 2 years after the date the application is approved unless the program under which the subsidy is provided terminates?

Yes

No

7. Does the owner(s) intend to invoke any of the affordable housing mitigation fee reductions listed in BMC 21.28.080.C.?

Yes

No

a. If yes to #7, please attach documentation to support the affordable housing mitigation fee reduction. Please see Guide to Affordable Housing Mitigation Fee for more information.

**OWNER(S) AND APPLICANT SIGNATURES**

**I/We, the owners and applicant of the property located at \_\_\_\_\_, in the City of Berkeley, state under penalty of perjury, that all information provided in this Application for Residential Condominium Conversion is true and correct to the best of our knowledge. (Please print and sign names—application is not complete without the names and signatures of all owners of record.)**

\_\_\_\_\_  
OWNER (PRINT NAME)

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
OWNER (PRINT NAME)

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
OWNER (PRINT NAME)

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
OWNER (PRINT NAME)

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT (PRINT NAME)

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE



Planning Department  
Engineering Division

## G. PUBLIC WORKS APPLICATION FOR CONDOMINIUM

This application is to be used for the submission of a proposed new **Condominium** or a **Condominium conversion**, as defined in Section 783 of the California Civil Code, the Subdivision Map Act (current revision), and in the City of Berkeley's Municipal Code, Title 21.

### INSTRUCTIONS:

Please answer the following questions, checking the appropriate boxes and/or supplying the requested information. Be as complete as possible, attaching additional sheets or supplemental data as required. Respond to **all** of the questions. If the question does not apply to your project, please mark **N/A** where an answer is requested. Incomplete applications will be returned to the applicant.

Your attention is directed to the "NOTE" section at the end of this application.

If you have any questions, it is suggested that you first consult the State of California's Subdivision Map Act (current revision) and the City of Berkeley's **Municipal Code, Title 21**. If you wish further information, please call the **Staff Engineer** at **(510) 981-6409**.

It is your responsibility as the applicant to make certain that your proposal conforms to all of the requirements (Zoning/Current Planning, Planning, Public Works, etc.) for condominiums in the City of Berkeley, or that the appropriate variances, waivers, use permits, etc., have been obtained/approved.

1. Please check and give the appropriate map number below if this application is for a:

Tract Map \_\_\_\_\_ Parcel Map \_\_\_\_\_ Vesting Tentative Map \_\_\_\_\_

Tract Map No. \_\_\_\_\_ Parcel Map No. \_\_\_\_\_

2. This condominium is **new construction** \_\_\_\_\_ or **conversion** \_\_\_\_\_

If this is a **conversion**, please complete the attached questionnaire.

3. The condominium will contain \_\_\_\_\_ units/parcels.

4. Check if this is a  
Residential condominium \_\_\_\_\_  
Commercial condominium \_\_\_\_\_  
Other condominium type \_\_\_\_\_

If you have checked **Other condominium type**, please describe:

---

---

5. Address of property: \_\_\_\_\_

6. Record Lot(s)/Block/Tract

\_\_\_\_\_  
(Include a legal description of the property with this application – attach as a separate sheet)

7. Assessor's Parcel Number(s) \_\_\_\_\_

8. Name, Address, and Telephone Numbers of **Owner(s) of record**:

A. \_\_\_\_\_

B. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Day: (     ) \_\_\_\_\_

Day: (     ) \_\_\_\_\_

Evening (     ) \_\_\_\_\_

Evening (     ) \_\_\_\_\_

9. Name, Address, and Telephone Numbers of **Applicant** (letters from the City will be addressed to this person):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Day: (     ) \_\_\_\_\_

Evening (     ) \_\_\_\_\_

10. Name, Address, and Telephone Number of **Engineer/Surveyor**, and Registration information:

\_\_\_\_\_

\_\_\_\_\_  
Registration Number of Engineer/Surveyor

\_\_\_\_\_

\_\_\_\_\_  
Expiration Date of Registration

(     ) \_\_\_\_\_

11. Will/has an attorney be/been retained to coordinate the Condominium Plan with the Conditions, Covenants and Restrictions (CC&Rs)? Please indicate, if available:

Name of attorney: \_\_\_\_\_

Address of attorney: \_\_\_\_\_

Phone number of attorney: \_\_\_\_\_

12. Will the detailed plans be attached to the CC&Rs in the form of an exhibit(s)? Yes \_\_\_ No \_\_\_

13. Will the final/parcel map contain a detailed plan of the division of "air space"? Yes \_\_\_ No \_\_\_

14. Current zoning status of site: \_\_\_\_\_

15. Describe the present use of the site: \_\_\_\_\_

\_\_\_\_\_

16. Briefly describe the purpose and intent of the proposed condominium: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

17. Total number of separate buildings which will contain all of the units: \_\_\_\_\_

18. Type of construction proposed (check all that apply): New \_\_\_ Rehabilitation \_\_\_ None \_\_\_

19. Please briefly outline the proposed construction (or explain why none is proposed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

20. Attach a separate sheet **clearly** showing the following:

- (1) Total lot area
- (2) Total common area
- (3) Number of floors per building
- (4) Total floor area of each building
- (5) Number of units per building
- (6) Total floor area of each unit
- (7) Total floor area of the project
- (8) A description of any areas which are not floor areas or common areas, with references to the tentative Map.

21. Minimum clearance from any building to the property line: \_\_\_\_\_  
Minimum clearance from any building to any other building: \_\_\_\_\_

22. If, under item #21, any distances are **less** than the minimum City of Berkeley zoning requirements, has a variance been granted as of the date of this application? Yes\_\_\_\_ No\_\_\_\_

23. What are the proposed setbacks for the building(s)?  
\_\_\_\_\_  
\_\_\_\_\_

24. Briefly describe the proposed method of off-street vehicle parking/storage:  
\_\_\_\_\_  
\_\_\_\_\_

25. Briefly describe all of the common areas:  
\_\_\_\_\_  
\_\_\_\_\_

26. Are there any easements in/on/over the site? If so, please describe:  
\_\_\_\_\_  
\_\_\_\_\_

27. Are there any utilities in an abutting public right-of-way(s) or easements?

Check all that apply and show on the Tentative Map:

Gas \_\_\_\_\_ Electricity \_\_\_\_\_ Telephone \_\_\_\_\_  
Water \_\_\_\_\_ Storm \_\_\_\_\_ Sanitary \_\_\_\_\_

28. Is any utility construction proposed? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_

29. Is any sanitary sewer construction proposed? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_

30. If a new sewer lateral(s) will be constructed, will all existing laterals be capped at the main sewer line? Yes \_\_\_\_\_ No \_\_\_\_\_

31. What are the provisions for sewage disposal (common lateral with clean-out at the curb, separate laterals in a common utility corridor, etc.)? Please describe:

---

---

32. Is any storm sewer construction proposed? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

---

---

33. What provisions are planned for the drainage of surface and/or rainwaters and flood control?

---

---

34. Is any grading/excavation proposed? Yes \_\_\_\_\_ No \_\_\_\_\_

Estimate the volume: \_\_\_\_\_ cubic yards

35. Is any demolition or building relocation proposed? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

---

---

36. The nearest fire hydrant is \_\_\_\_\_ feet from the farthest parcel as measured along the public right-of-way.

37. Describe any proposed construction of private access roads/strips. Will all passages or driveways (proposed or existing) be of sufficient size so as to permit the entry of fire fighting equipment to all buildings and areas? **Please check with the fire department for current requirements.**

---

---

38. Briefly describe any other proposed improvements:

---

---

39. All proposed improvements should be completed within \_\_\_\_\_ months after the approval of this condominium subdivision.

40. Will any variances, waivers, use permits, etc. (including any listed under item #21), be required for this application? Yes \_\_\_ No \_\_\_

41. If so, have the variances, waivers, use permits, etc., been obtained?

Yes \_\_\_\_\_ No \_\_\_\_\_ Applied for \_\_\_\_\_

NOTE: If applying with a VESTING Tentative Map, written approval from the Board of Adjustments, in the form of APPROVED variances, permits, etc., is required PRIOR to applying for a condominium.

If yes, please show the appropriate permit number \_\_\_\_\_ or date granted \_\_\_\_\_, and a description:

\_\_\_\_\_

If applied for, cite date, agency, application data, and a brief description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The acceptance of a completed application by the City of Berkeley does not constitute the approval of any application, nor does it guarantee that such application will be approved by the appropriate agency/agencies.

Once accepted by the City of Berkeley, all fees required for the submission of this application are **nonrefundable**.

SIGNATURES OF APPLICANT AND ALL OWNERS OF RECORD (attach additional sheets, as needed):

OWNER (PRINT NAME) OWNER'S SIGNATURE DATE

OWNER (PRINT NAME) OWNER'S SIGNATURE DATE

OWNER (PRINT NAME) OWNER'S SIGNATURE DATE

OWNER (PRINT NAME) OWNER'S SIGNATURE DATE

APPLICANT (PRINT NAME) APPLICANT'S SIGNATURE DATE

DO NOT WRITE BELOW THIS LINE

FILING DATE OF APPLICATION: \_\_\_\_\_



# PLANNING & DEVELOPMENT

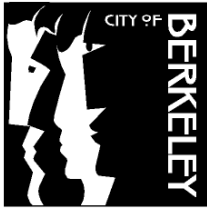
Land Use Planning Division, 1947 Center Street, Permit Service Center 3rd Floor, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: [planning@cityofberkeley.info](mailto:planning@cityofberkeley.info)

## H. Condominium Conversion Fee Sheet

Effective July 1, 2024

DESCRIPTION	FEE
<b><i>Condominium Conversions</i></b>	
Condominium Conversion (1 to 4 units)	\$5,555 <sup>1</sup>
Condominium Conversion (5 or more units)	\$9,555 <sup>1</sup>
Notice of Local Law Compliance	\$3,555 <sup>1</sup>
Rent Board review	\$125 per unit
Appeal by project applicant	\$6,000
Appeal by person other than project applicant	\$4,000
Map Deposit Fee	\$706
HHCS Project Application Fee	\$310
HHCS Application Fee	\$420 per unit
HHCS Recording Documents	\$620 per unit
Application Fee	\$500

<sup>1</sup> Includes \$55 Records Management Fee.



# H.1 Subdivision and Encroachment Permit Fees

Department of Public Works  
Engineering Division

NAME OF REMITTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

EMAIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

LOCATION OF JOB: \_\_\_\_\_

- (P840) Parcel Map ..... \$ 4,820.00
- (P660) Lot Line Adjustment ..... \$ 1,743.00
- (P720) Tentative Tract Map..... \$ 5,453.00
- (P216) Final Map: filing fee ..... \$ 376.00
- (P218) Final Map: map checking fee: \$181.00 per unit X \_\_\_\_\_ (no. units) = ..... \$ \_\_\_\_\_
- (P201) Certificate of Compliance ..... \$ 1,743.00
- (P210) Subdivision Map deposit – **separate check** ..... \$ 588.00
  
- (FP515) Encroachment Permit application fee ..... \$ 454.00
- (FP520) Encroachment Permit, Minor, final fee ..... \$ 1,228.00
- (FP540) Encroachment Permit, Major, final fee..... \$ 1,774.00
- (CRK010) Creek Permit: base fee ..... \$ 988.00
- (CRK60) Creek Permit: records management fee ..... \$ 50.00
  
- (P630) Tieback Mitigation fee: d <= 12' Revenue Code: 197-5201-341.81-70.....\$ \_\_\_\_\_
- (P640) Tieback Mitigation fee: 12' < d <= 24' Revenue Code same as above .....\$ \_\_\_\_\_
- (P650) Tieback Mitigation fee: d > 24' Revenue Code: same as above .....\$ \_\_\_\_\_
  
- (FP590) In-Lieu fee: trench/paving .....\$ \_\_\_\_\_
- (P850) Office Engineering fee: \$153.00 per hour X \_\_\_\_\_ (no. hours) = .....\$ \_\_\_\_\_
- ( ) .....\$ \_\_\_\_\_
- ( ) .....\$ \_\_\_\_\_

**TOTAL FEES.....\$ \_\_\_\_\_**

For map deposits, transmittal form, a copy of the receipt and check must be provided to the AOSIII in Planning Administration. A copy goes to the PW-Engineering box.

**For Office Use Only**

THIS IS TO CERTIFY THAT \_\_\_\_\_ IS ENTITLED TO A REFUND

REFUND AMOUNT \_\_\_\_\_ RECEIPT# \_\_\_\_\_

ADDRESS TO FORWARD REFUND \_\_\_\_\_

APPROVED FOR REFUND BY \_\_\_\_\_ DATE \_\_\_\_\_



## H.2 OTHER COSTS ASSOCIATED WITH CONDOMINIUM CONVERSION

---

- A Parcel Map or Tentative Map must be prepared by a state-licensed engineer or surveyor. Costs will vary depending on the engineer and the complexity of the property.
- The Conditions, Covenants and Restrictions (CC&Rs) must be prepared by an attorney with varying costs depending on the attorney and the complexity of the condominium property.
- Preliminary title reports and final title reports have similar costs. Some title companies may waive all or part of these fees in return for an agreement to use their services to provide title insurance for the new parcel and the refinanced mortgage.
- The County Tax Collector may require a deposit based on the estimated property taxes for the upcoming year to be paid before the map can be filed.
- With properties of **five or more residential units**, State law requires that the California Department of Real Estate (DRE) prepare a Public Report before any converted units are sold. The Public Report must be given to prospective buyers of the units the first time they are sold after conversion. Preparation of the Public Report is not a condition of condominium conversion and can be done after conversion as long as no units are sold until it is prepared. There will also be costs to providing DRE with the required information if the owners choose not to perform this work themselves.
- Projects may be subject to an Affordable Housing Mitigation Fee as determined by the Health, Housing, and Community Services (HHCS) Department.
- If the unit has a tenant or if the owner defers payment of the Affordable Housing Mitigation Fee, the unit must record a regulatory agreement. The fee is \$580 per unit to draft and execute the regulatory agreement.



## H.3. Understanding Berkeley's Residential Condominium Conversion Housing Mitigation Fee

Health, Housing and Community Services Department  
Housing and Community Services Division

### **About the Mitigation Fee and City of Berkeley Housing Policy**

Condominium conversion is the process of subdividing a multi-unit property into separately owned housing units. Subdivisions are regulated under the California Subdivision Map Act and Subdivided Lands Act. State law also allows local government to impose additional requirements. In Berkeley, these additional requirements are found in the Condominium Conversion Ordinance (CCO, Berkeley Municipal Code [BMC] Chapter 21.28 *et seq.*). Until 2005, the CCO prohibited conversion of rental units to Tenancy in Common (TIC) ownership. Because condominium units typically have a higher market value than rental units or TICs, it has an overall effect on the affordability of the City's housing stock. To mitigate this impact, since 1992, the City of Berkeley has imposed a housing mitigation fee. Revenues from the fee accrue to the Berkeley Housing Trust Fund to help finance construction and rehabilitation of permanently affordable housing in Berkeley. Between 1992 and 2005, this mitigation fee recaptured the entire difference in affordability that resulted from conversion. This had the effect of discouraging conversions.

In 2005, the state Court of Appeal held that cities could not prohibit conversion of rental units to TICs. Since then, the City has sought to encourage conversion of rental units to condominiums rather than TICs because of difficulties that can arise for people who invest in TIC properties. It has done so by imposing a cap on the affordable housing mitigation fee charged for conversion to condominiums.

In addition, Berkeley's affordable housing mitigation fee is designed to encourage property owners to extend protections to their tenants. Owners providing additional tenant protections specified in the CCO receive a substantial decrease in the amount of the affordable housing mitigation fee.

### **Exemptions from the Mitigation Fee**

There is only one exemption under the Berkeley CCO.

- ✓ **Inclusionary housing units provided on site in multi-unit properties built since 1987** are exempt from the affordable housing mitigation fee, because these units provide permanently affordable housing opportunities. However only the inclusionary units are exempt from the affordable housing mitigation fee.

All other multi-unit properties are subject to the CCO's affordable housing mitigation fee provisions.

### **Two Mitigation Fee Formulæ**

There are two mitigation fee formulæ in the CCO.

- ✓ **Nexus-Based Affordable Housing Mitigation Fee** (BMC 21.28.070.A) is intended to mitigate the entire loss of affordability that results from conversion of rental units to condominium units. The fee is calculated by dividing the difference between the costs of owning the unit as a condominium less the rental costs by the current fixed

## Understanding Berkeley's Affordable Housing Mitigation Fee for Condominium Conversions (June 2015)

mortgage rate. If a unit is an owner-occupied TIC unit, the CCO specifies how rental costs are to be calculated.

- ✓ **Affordable Housing Mitigation Fee Cap** (BMC 12.28.080) provides fee reductions to converters who agree to limit future rent increases for the life of the property to any resident tenant at the time of conversion to no more than 65% of the increase in the Consumer Price Index for all Bay Area Consumers. If a converter commits to that rent limitation, the affordable housing mitigation fee is capped at 8% of the sale price, or 4% for 2-unit properties.

### Example of first formula:

Rental Costs = \$1,500 per month x 12 months/year = \$18,000 annually

Ownership Cost (including principal, interest, taxes, insurance, and homeowners' association dues) = \$2,700 per month x 12 = \$32,400

Assume a mortgage rate of 6.5 percent.

Increased housing cost due to ownership conversion of the unit = \$32,400 - \$18,000 = \$14,400

Mitigation Fee = \$14,400/0.065 = \$221,538

Example of second formula:

Assume a condominium unit you created through conversion has sold for \$400,000, and you've agreed to limit rents to existing or future tenants.

**Mitigation fee = 8% x \$400,000 = \$32,000.**

### Understanding Mitigation Fee Reductions

- ✓ **Duplex units** are subject to a cap of 4% of the sales price for each unit.
- ✓ **An owner occupant** in a property containing three or more units who has occupied the unit as his or her principal place of residence, including as a tenant, for at least 5 consecutive years immediately prior to the date of sale is eligible for a 50% fee reduction, **but only if the owner owned and resided in the unit as of June 30, 2010.** This reduction applies to both the full fee or the 8% cap, whichever is otherwise applicable.
- ✓ **An additional 25% fee reduction** is available to converters who pay the fee no later than the date of conversion. This reduction also applies to both the full fee or the 8% cap, whichever is otherwise applicable, and is in addition to any other reduction.

### How will the City collect the mitigation fee?

In drafting the three mitigation fee documents (promissory note, deed of trust, and conversion agreement), the City will prepare an estimated fee that is based on either a prorated value for each unit based on the price at which you originally purchased the entire property as reported by the Alameda County Assessor's office, an analysis of sales price for comparable units, or some other mutually agreed upon basis for estimating the fee.

The fee estimate is done for two reasons.

## Understanding Berkeley's Affordable Housing Mitigation Fee for Condominium Conversions (June 2015)

- ✓ To determine whether you are eligible for fee reductions
- ✓ To generate an estimate of the entire mitigation fee for the property for inclusion in the promissory note and the deed of trust.

**It is only at the time of sale of your unit that your actual mitigation fee is finally calculated for determining your fee payment,** unless you elect to pay the fee up front (see below).

To complete your condominium conversion, the City will issue escrow instructions to your title company that will accompany your new subdivision map, condominium plan and CC&Rs, along with three documents that implement the City's mitigation fee: a promissory note, a deed of trust, and a conversion agreement. You will sign these documents through your title company. City escrow instructions will tell your title company the order in which to record your Subdivision Map, followed by its plan, CC&Rs, and your deed of trust and conversion agreement. You will execute the promissory note also through the title company, but the note will be returned to the City directly. Once recorded, the City will receive a copy of the deed of trust and conversion agreement from the County and will retain them in your property file in the Health, Housing and Community Services Department.

At the time you sell your unit, your realtor (or the realtor for your buyer) will obtain a title report that discloses the conversion agreement. As part of your escrow process, you will be in touch with the City of Berkeley to arrange final calculation of your fee based on the sales price. The fee should be paid to the "City of Berkeley Health, Housing and Community Services Department" as part of disbursements from escrow. Payment of the fee is **not** triggered by transfer of an owner-occupied TIC unit from the TIC to that owner-occupant.

### **Paying the Mitigation Fee Up Front**

You may choose to take advantage of the additional 25% prepayment reduction by paying the affordable housing mitigation fee no later than the date of conversion (BMC Section 21.28.080.D). To pursue this alternative, you must obtain an appraisal from a Certified Residential Appraiser licensed by the California Office of Real Estate Appraisers, who will be instructed to appraise your property as a condominium. The affordable housing fee will be based on the appraised value of the unit, subject to the 25% reduction. If this option is selected, the three City documents mentioned above are not required. If the unit contains a Resident Tenant as defined by BMC Section 21.28.030.G, a performance deed of trust will be recorded on the unit.

### **How do I document that I owned and occupied my property for purposes of claiming a fee reduction?**

The City of Berkeley Health, Housing and Community Services Department will recognize a variety of personal and public records in making a determination of your eligibility to claim the owner/occupant fee reduction.

<b>Record Keeping for Demonstrating Occupancy of the Converting Unit</b>	
<b>Tax Records</b>	<ul style="list-style-type: none"> <li>• Property tax records, especially bills from Alameda County indicating you claimed the homeowner's exemption for the property.</li> <li>• Records indicating you filed your income taxes from the unit you own and live in.</li> </ul>
<b>Utility Records</b>	<ul style="list-style-type: none"> <li>• Phone bills from as far back as you have retained.</li> <li>• PG&amp;E bills from as far back as you have retained.</li> <li>• City of Berkeley refuse collection bills from as far back as you have retained.</li> </ul>

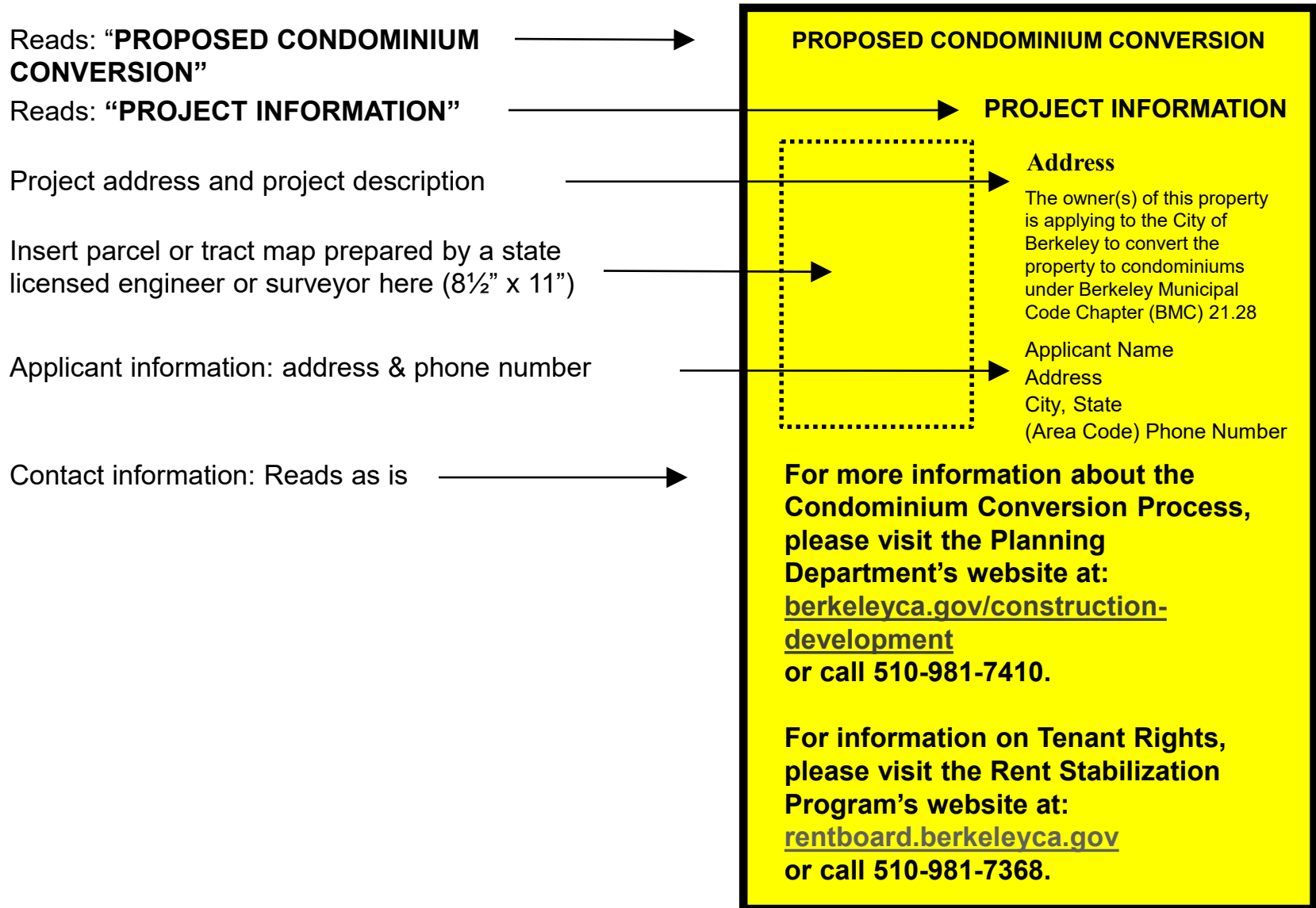
**Understanding Berkeley's Affordable Housing Mitigation Fee for Condominium Conversions** (June 2015)

<b>Other Records</b>	<ul style="list-style-type: none"><li>• Rent Board information indicating you were a tenant in the unit.</li><li>• Other evidence that reasonably proves you used the unit as your principal place of residence during the time in question.</li><li>• Rent Board information indicating your property had been owner-occupied and/or occupied rent-free.</li></ul>

**For More Information**

You may consult the Berkeley Planning and Development Department web site at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=794>.

# I. Pre-Application Sign Format for Proposed Residential Condominium Conversion (3 ft. x 2 ft.)





# J. Notice of Tenants' Rights

## Regarding Residential Condominium Conversion

06/25/2015

The owner of your unit is applying to the City of Berkeley to convert the property to condominiums under Berkeley Municipal Code Chapter (BMC) 21.28. Tenants of rental units that are subject to condominium conversion have important rights. **Most significantly, you do not have to move.**

### **THE RIGHT TO CONTINUE RENTING YOUR UNIT**

- You have the right to continue to occupy the unit as your principal residence both during and after the completion of the conversion process. Neither the current owner nor the new owner, if your unit is sold, can evict you as long as the unit remains your principal place of residence and you remain a tenant in good standing. (BMC Section 21.28.090.C.4)
- Your landlord may elect to limit future rent increases as part of their application for condominium conversion. Contact the Rent Stabilization Board to verify if the owner of your unit has agreed to limit your future rent increases at (510) 981-7368.
- If the proposed conversion plans include making improvements to the property or if improvements are required as a condition of approval, the applicant must include an analysis of potential harmful impacts on tenants due to noise, blocked access, temporary displacement, or other harms and must also include a plan for mitigating any harmful impacts. (BMC Section 21.28.090.C.6 & 7)

### **THE RIGHT TO PURCHASE YOUR UNIT**

- If you continue to reside in the unit when the unit is converted, the owner is required to offer you the Exclusive Right to Purchase (ERP) your unit before placing it on the market. The owner will offer to sell you your unit at a specified price for a period of not less than 1 year prior to the date the unit is made available for purchase to anyone other than you. At least a year before your unit is offered on the market, the owner is required to notify you in writing to inform you when the ERP period starts, and provide you a copy of this notice with proof of service to all tenants and to the City at the same time. (BMC Section 21.28.090.C.2)
- If you are interested in purchasing the unit **and** the unit is in a project that contains 5 or more units, you should request that the seller provide you with the California Department of Real Estate (DRE) Public Report before you purchase your unit. The seller is required to provide you written notification within 5 days from when he or she has received the Public Report from the DRE. The Report contains vital information designed to protect prospective buyers. The seller must also provide you with a report on the seismic safety of the property. (BMC Section 21.28.090.C.8) You may contact the DRE for more information at (510) 622-2552.
- If you are **not** interested in purchasing your unit you may voluntarily waive your ERP in writing after 30 days. You may wish to consult with the Berkeley Rent Stabilization Board before choosing to waive this right. An ERP waiver is not valid unless executed after the resident tenant's receipt of the notice of ERP from the owner. Resident tenants that voluntarily vacate their unit automatically waive the exclusive right to purchase their unit.

# Notice of Tenants' Rights Regarding Residential Condominium Conversion

## THE RIGHT TO BE INFORMED

- The application to convert your property has to go through several stages to confirm that the property and the owner's plans for conversion comply with local and State laws. The City's Land Use Planning Department staff will oversee the review of applications. Application materials and inspection reports are public record and may be viewed at 1947 Center Street during business hours.
- For all projects, regardless of the number of units, you have the right to submit your comments in writing regarding the application for conversion. Please direct all written comments to the Land Use Planning Division located at 1947 Center Street, Berkeley, CA 94704. You may also submit comments via email at [planning@ci.berkeley.ca.us](mailto:planning@ci.berkeley.ca.us).
- The owner of your property must notify each tenant prior to filing an application to convert the property. Failure to do so will result in the denial of the application.

### Properties with 4 or less units

- The Director of the Planning and Development Department grants approvals for properties with four or less units and you may address your comments and concerns to Planning staff at the addresses noted above. (BMC Section 21.24.040)

### Properties with 5 of more units

- Before the Planning Commission grants final approval of properties with **5 or more units**, the Commission will hold a Public Hearing on the application. (BMC 21.16.047)
- The Planning & Development Department will notify you of any hearings on the application to be held before the Planning Commission.
- You have the right to appear at these hearings and speak for or against the application.
- You also have the right to appeal the Planning Commission's decision to the City Council.

---

*If you have questions about **your rights as a tenant** please contact the **Rent Stabilization Program at 981-RENT (7368) or [rent@ci.berkeley.ca.us](mailto:rent@ci.berkeley.ca.us).***

*If you have questions regarding the **status of an application** or if you would like to view the files please contact **Land Use Planning at (510) 981-7410 or [planning@ci.berkeley.ca.us](mailto:planning@ci.berkeley.ca.us)**. All Land Use Planning files are available to the public for viewing during normal business hours.*



## K. Proof of Service Form

To be used with Notice of Tenants' Rights (Item J) and Notice of Offer of an Exclusive Right to Purchase (Item L)

---

I am a resident of \_\_\_\_\_ County and was, at a time of service, over eighteen years of age. On \_\_\_\_\_ (date), I served one copy of the following documents:

---

---

---

By:

Delivering the documentes in person to the following individual(s):

---

---

---

---

Placing the documents, enclosed in a sealed envelope with first-class postage fully paid, into a U.S. Postal Service Mailbox, addressed as follows:

---

---

---

---

---

---

---

---

---

---

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct

---

Signature

---

Date

---

Print Name



# L. NOTICE OF OFFER OF AN EXCLUSIVE RIGHT TO PURCHASE YOUR UNIT

Today's Date \_\_\_\_\_ 20\_\_

Name of Notice Recipient \_\_\_\_\_

Name of resident tenant \_\_\_\_\_

Berkeley Municipal Code (BMC) Section 21.28.030.C provides that as a resident tenant of \_\_\_\_\_, residing in this unit and paying rent for the accommodations

Address of the Unit

as your principal place of residence either on the date of conversion or at the time of sale of the first unit on the property, you have an Exclusive Right to Purchase (ERP). Your Exclusive Right to Purchase begins on the date this written notice has been provided to you, as indicated by the proof of service.

**You may voluntarily waive your ERP either in writing or by vacating your unit. However a written waiver that is made within 30 days of the date an ERP is provided is not valid. You may wish to contact the Berkeley Rent Stabilization Board before choosing to waive your ERP. The Rent Board may be reached by phone at (510) 981-7368 or email at rent@cityofberkeley.info. A waiver of the ERP is valid only if it is executed after your receipt of a Notice of ERP from the owner.**

Your unit is hereby offered to you at the price of \$\_\_\_\_\_ for one year unless you waive your Exclusive Right to Purchase. Your Exclusive Right to Purchase will last until \_\_\_\_\_, 20\_\_. After that date I may offer this unit for sale to other persons.

ADDITIONAL CONDITIONS OF SALE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**This Notice is not a sales agreement, It guarantees you an opportunity to purchase your unit during the ERP period, but it is not a guarantee you will qualify for financing or complete the purchase.**

Please contact me at your earliest convenience to discuss this Notice.

Owner Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_