

LEGISLATIVE DIGEST

[Planning Code - Creating a Definition for Fractional Ownership of a Building Containing Two or More Dwelling Units]

Draft Ordinance amending the Planning Code by creating a definition for ownership of a building containing two or more dwelling units, or possession thereof under a written contract to purchase or transfer ownership, by persons, firms, companies, corporations or partnerships, where persons, firms, companies, corporations or partnerships have or may have an undivided ownership interest in the property; by agreement have an exclusive right of occupancy to an individual dwelling unit; where the dwelling unit have not been mapped as a condominium, community apartment or stock cooperative per Subdivision Code, Article 9; creating a requirement for the Planning Department to review the proposed project for compliance with the Planning Code and any applicable design guidelines approved by the Planning Commission; requiring any application for conversion of an existing building from One Ownership to Fractionalized Ownership to meet all applicable provisions of the City's Housing, Building and City Planning Codes including standards for fire and life safety consistent with new construction.

Existing Law

Existing Permit Review establishes procedures for reviewing building permit applications for lots in R, NC, RED, and Eastern Neighborhoods Mixed Use Districts in order to determine compatibility of the proposal with the neighborhood and for providing notice to property owners and residents neighboring the site of the proposed project and to interested neighborhood organizations, so that concerns about a project may be identified and resolved during the review of the permit. (Planning Code Sections 311 and 312).

Upon acceptance of any application, the Planning Department reviews the proposed project for compliance with the Planning Code and any applicable design guidelines approved by the Planning Commission. Applications determined not to be in compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, Residential Design Guidelines, including design guidelines for specific areas adopted by the Planning Commission, or with any applicable conditions of previous approvals regarding the project, are held until either the application is determined to be in compliance, is disapproved or a recommendation for cancellation is sent to the Department of Building Inspection. (Planning Code Sections 311 and 312).

It allows for requests for the Planning Commission to exercise its discretionary review powers over a specific building permit application. (Planning Code Section 311 and 312)

Amendments to Current Law

This ordinance creates a definition (Fractionalized Ownership) for ownership of a building containing two or more dwelling units, or possession thereof under a written contract to purchase or transfer ownership, by persons, firms, companies, corporations or partnerships, where persons, firms, companies, corporations or partnerships have or may have 1) an undivided ownership interest in the property, and 2) by agreement have an exclusive right of occupancy to an individual dwelling unit, and 3) where the dwelling unit have not been mapped as a condominium, community apartment or stock cooperative per Article 9 of the Subdivision Code.

It also requires the Planning Department to review the proposed project for compliance with the Planning Code and any applicable design guidelines approved by the Planning Commission.

Finally, any application for conversion of an existing building from One Ownership to Fractionalized Ownership must meet all applicable provisions of the City's Housing, Building and City Planning Codes including standards for fire and life safety consistent with new construction in order to be approved