CONDOMINIUM CONVERSION APPLICANT'S GUIDE

ZONING DIVISION

(Additional units are Tentative Map Applications)

NOTE TO THE PUBLIC: Please read this Applicant's Guide before you bring in your application for filing. If your application is not complete, it may not be accepted for processing.

PERMIT APPLICATIONS AND PERMIT COVERSHEETS: Discretionary Permit Applications are listed on this webpage: http://www.sandiegocounty.gov/content/sdc/pds/zoning/ZoningPermits.html. Each link opens a specific Permit Coversheet that provides important information on fees and deposits, links to forms, specific instructions and submittal requirements for that Permit Application. We suggest that you refer to these Permit Coversheets frequently when preparing and/or applying for a permit as they are regularly updated.

A condominium conversion is the conversion of existing residential and nonresidential developments to condominiums. "Existing development" is development which has received final building inspection (ready for occupancy) from Planning & Development Services (PDS). Development under construction which has not received final inspection is **not** a condominium conversion and must be processed as a **condominium.** A condominium conversion of a development with five or more units would be processed as a **major** subdivision while a development with four or fewer units would be processed as a **minor** subdivision.

REGULATIONS AND POLICIES

Condominium conversions are governed by the following regulations.

State of California Subdivision Map Act, Chapter 2, Article 1, Sections 66427.1, 66427.2 and 66428 and Chapter 3, Article 2, Sections 66452.10, 66452.13 through 66452.20 and 66452.50.

San Diego County Code Title 8, Division 1 (Subdivision Ordinances), Sections 81.105, 81.516, 81.1103 and 81.617.

Major subdivisions wherein dedications or improvements would be required as a condition of approval are deemed not to comply with the findings required by Section 81.516 for waiver of the Tentative and Final Map.

PREPARATION OF APPLICATION AND PROCESSING

The applicant must provide the same application package as for major/minor subdivisions. *However, the plot plan (map) may be drawn to Major Use Permit standards. Applications are processed in a manner similar to the processing of applications for Tentative Maps or Tentative Parcel Maps, including review and recommendation from affected public agencies.

There are several differences in processing which are unique to condominium conversions and which are described below:

A. Notification

Besides the usual Public Notice Package (PDS-515), condominium conversions require supplemental notification.

1. Notification prior to submittal (applies to residential major subdivisions only).

   The California Subdivision Map Act (Section 66427.1[a]) requires that all tenants be notified at least 60 days prior to the filing of the application. The notice must be worded exactly as set forth in Section 66452.17 (a) and (b) of the Map Act.

2. Submittal
   a. Signed affidavit stating that the 60-day prior notification has been accomplished, with a sample of the notice attached. This notice may be deemed satisfied if served on the tenants by mail.
   b. A list of the tenants living in the development at the time of application.
   c. One set of stamped **(use *ONLY* USPS "Forever" stamps)** and addressed envelopes for each apartment unit. Planning & Development Services will supply the return address.

B. Environmental Impact

Applications for both major and minor condominium conversions may be found to be categorically exempt from the environmental review process pursuant to Section 15301, Class 1(K) of the California Environmental Quality Act (CEQA).

C. General Plan Conformance

Condominium conversions are not subject to findings of conformance to the General Plan, pursuant to Section 66427.2 of the Map Act.

D. Content of the Plot Plan

A condominium conversion plan shall show the following:

1. All existing structures including the number of units per building.
2. Recreational facilities such as swimming pools and accessory structures.
3. Circulation including parking spaces, driveways and walkways.
4. Trash areas.
5. A note showing a tabulation of the number of dwelling units by the number of bedrooms (e.g., 24 two-bedroom units). This tabulation is necessary to determine parking requirements which are based upon the number of bedrooms. See Zoning Ordinance Sections 6750 through 6799, Parking Regulations, for further information.

   Based upon previous staff experience in processing condominium conversions, it is recommended that the plan be prepared using information based upon an on-site survey. Original building plans may not accurately depict the existing location of structures and parking. Be sure that dimensions of structures and setbacks are accurate and truly show existing conditions.
6. Height, setbacks, parking, and open space requirements.

E. Conditions

The following conditions will be added to the Certificate of Compliance or Resolution of Approval as applicable:

1. Section 81.105 of the Subdivision Ordinance specifies that all residential and non-residential condominium conversions, except residential mobilehomes developments, shall be conditioned to require that the applicant:

   (a) Submit evidence to Planning & Development Services that each of the tenants of the proposed condominium has been or will be given: (a) 180 days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion; (b) notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date

of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his/her intention not to exercise the right; and (c) 10 days written notification that an application for a public report will be or has been submitted to the Department of Real Estate and that such report will be available on request.

(b) An applicant to convert an existing residential or non-residential development to condominiums shall submit a tentative map for five or more units or a tentative parcel map for four or fewer units. As used in this section, an existing residential or non-residential development means a development that has received a final certificate of occupancy. The subdivision map shall indicate all sub-lots including common-held sub-lots. If the project is to be an air space condominium, a one-lot subdivision is required.

(c) A tentative subdivision map involving conversion to condominiums of any existing residential or non-residential building, other than a residential mobilehome development, shall have conditions which:

(1) Bring the development into conformance with current Zoning Ordinance requirements for a new development except that Zoning Ordinance section 4115 dealing with "Computation of Permitted Dwelling Units" shall only apply if the tentative map or tentative parcel map proposes additional dwelling units.

(2) Bring all structures on the site into conformance with the requirements the County Building, Plumbing, Electrical, Mechanical and Fire Codes as they were modified and in effect in San Diego County at the time the structures were constructed and with the requirements of those codes in effect at the time the tentative map or tentative parcel map is approved with regard to all of the following items:

(A) Interior fire sprinklers.

(B) Smoke detectors.

(C) Railings, guardrails and handrails.

(3) Require individual meters for gas and electric metering for each unit.

(4) Require enclosures to screen trash and recycling storage areas. These areas shall be enclosed with a solid masonry wall or solid wooden fences. This wall or fence shall be at least five feet high.

(5) Require the subdivider to obtain a compliance survey from the Building Division of PDS confirming that the requirements that Conditions E [(a) through (c)] above, have been satisfied.

* For information regarding the processing of subdivisions, see PDS-372 (Major Subdivisions) and PDS-249 (Minor Subdivisions).