

## Article 4: Subdivision Regulations

### Division 5: Condominium Conversion Regulations

(Added 3-8-2004 by O-19266 N.S.)

#### §144.0501 Purpose of Condominium Conversion Regulations

The purpose of the Condominium Conversion Regulations is to allow the conversion of apartments to condominiums while protecting the interests of tenants by requiring that tenants receive adequate notice of proposed *condominium conversions*, are advised of their rights with respect to the conversion of their apartment to a condominium, and are afforded reasonable relocation assistance. It is also the intent of these regulations to protect the interests of the community and prospective purchasers by requiring the *applicant* to provide certain information regarding the condition of the *structure* and to require reasonable improvements for the health, safety, and general welfare of the public.

(Added 3-8-2004 by O-19266 N.S.)

(Amended 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)

#### §144.0502 When Condominium Conversion Regulations Apply

This division applies to any *development* that proposes a change in the ownership of a single *structure* or group of *structures* used for residential rental units from individual ownership of the *structure* or group of *structures* to individual ownership of the units within the *structure* or group of *structures* under a condominium plan or to a cooperative or stock apartment project pursuant to State law.

(“When Condominium Conversion Regulations Apply” added 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)

**§144.0503 Fees and Deposits**

In addition to the fees required by Chapter 11, Article 2, Division 2, Fees and Deposits, the *applicant* shall pay fees to the San Diego Housing Commission in an amount equal to \$200 for each unit proposed to be converted, plus any additional expenses incurred by the City or the Housing Commission to secure tenant relocation benefits. The funds shall be used by the San Diego Housing Commission to monitor compliance with the obligations set forth under this division, provide technical assistance to tenants in their relocation, and recapture legal fees. Nothing contained in this division shall impose a duty upon the City or the Housing Commission to pay any relocation benefits to eligible tenants.

*(Added 3-8-2004 by O-19266 N.S.)*

*(“Fees and Deposits” added by renumbering 144.0502 to 144.0503 on 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)*

*(Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)*

**144.0504 Building Conditions Report**

- (a) A Building Conditions Report shall be prepared in accordance with the Land Development Manual by a California registered architect or engineer licensed by the State of California to perform these services.
- (b) A *condominium conversion* shall not be approved until the *applicant* has submitted a Building Conditions Report and the City has accepted the report as complete.
- (c) A copy of the Building Conditions Report shall be provided to a prospective purchaser prior to the opening of an escrow account.

*(Added 3-8-2004 by O-19266 N.S.)*

*(“Building Conditions Report” added 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)*

*(Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)*

**§144.0505 Tenant Benefits, Rights and Obligations**

The *subdivider* of a *condominium conversion* project shall provide all the following benefits to any person whose tenancy in the project the *subdivider* terminates due to the *condominium conversion*:

- (a) Any tenant who lawfully resides in a condominium plan, cooperative, or stock apartment *development* pursuant to this Section shall be given a right of first refusal by the *subdivider* or subsequent owner of the *development* for the purchase of tenant’s rental *dwelling unit* upon the same terms and conditions that the *dwelling unit* will be initially offered to the general public or terms and conditions more favorable to the tenant. This right to purchase shall run for a period of 90 days from the date of the notice, unless the tenant gives written notice within the 90-day period of tenant’s intention not to exercise that right.
- (b) This Section shall not apply to the following:
  - (1) A *record* owner of four *dwelling units* or less.
  - (2) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in the administration of an estate, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, or transfers by a sale under a power of sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, and any subsequent transfer by a mortgagor or beneficiary of a deed of trust who accepts a deed in lieu of foreclosure or purchases the property at a foreclosure sale.
  - (3) Transfers by a fiduciary during the administration of a decedent’s estate, guardianship, conservatorship, or trust. For purposes of this paragraph, a “fiduciary” means a state- or federally-chartered bank, trust company, savings association, savings bank, credit union, or industrial loan company.
- (c) Relocation Assistance shall be provided in accordance with the Residential Tenant Protection Regulations in Chapter 9, Article 8, Division 7 or California Government Code Sections 7260 through 7277, whichever regulations provide greater relocation assistance.

- (d) In the Barrio Logan Community Plan Area, any existing tenants in the *development* will be allowed to occupy their *dwelling units* until six months before the start of construction activities with proper notice, which shall occur at least 12 months prior to the anticipated date of termination of residency. The *record owner* shall deliver a notice of intent to terminate residency to the San Diego Housing Commission and to each resident household.

(Added 3-8-2004 by O-19266 N.S.)

(“Tenant Benefits, Rights and Obligations” renumbered from 144.0503 to 144.0505 on 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)

(Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)

(Amended 1-27-2022 by O-21411 N.S.; effective 2-26-2022.)

(Amended 1-16-2024 by O-21758 N.S.; effective 3-16-2024.)

**[Editors Note:** Amendments as adopted by O-21758 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language [http://docs.sandiego.gov/municode\\_strikeout\\_ord/O-21758-SO.pdf](http://docs.sandiego.gov/municode_strikeout_ord/O-21758-SO.pdf) ]

#### §144.0507 Development Regulations for Condominium Conversions

Prior to final map approval, to the satisfaction of the City Engineer, the following improvements shall be completed:

- (a) Electrical – Electrical system grounding and equipment grounding shall be provided, and electrical receptacle protection shall be upgraded to include ground fault circuit interrupter (GFCI) protection. GFCI protection shall comply with the prevailing Code.
- (b) Windows – Basements in *dwelling units* and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue. Windows provided for emergency escape or rescue shall comply with minimum sill height and opening size requirements in the prevailing Code.
- (c) Smoke alarms – Smoke alarms shall be installed within *dwelling units* and designed to operate in compliance with the prevailing Code. Smoke alarms shall be interconnected and shall receive their primary power from the building wiring and shall be equipped with a battery backup. Within sleeping rooms, smoke alarms shall include a visual notification device to notify hearing impaired occupants.

- (d) Landscape – Street trees and street yard landscape shall be provided in accordance with the requirements for *condominium conversions* in Section 142.0402.
- (e) Building components and systems – Building components and system with a remaining life of five years or less, as identified in the Building Conditions Report shall be replaced as follows:
  - (1) Building components necessary to protect occupants and the building from weather exposure, such as roof coverings, exterior wall and floor coverings, and finishes.
  - (2) Water heating systems, cooling, and heating mechanical systems.
- (f) Parking – Parking shall be provided in accordance with Section 142.0525(a).  
*(Added 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)*  
*(Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)*

**§144.0509 Deviations from the Development Regulations for Condominium Conversions**

Deviations to the requirements in section 144.0507 may be requested in accordance with a Process Four Site Development Permit.

*(Added 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)*  
*(“Deviations from the Development Regulations for Condominium Conversions” renumbered from 144.0508 to 144.0509 by O-19505 N.S.; effective 8-5-2006.)*