



# PLANNING DIRECTOR BULLETIN NO. 3

## Condominium Application, New Construction and Conversion

This Bulletin lists conditions under which the Planning Department can make findings consistent with the General Plan regarding subdivision map applications where existing dwellings are proposed for conversion to condominiums.

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Relevant Code Sections:  
**Subdivision Code  
Housing Element of the San Francisco General Plan**

Formerly known as: Planning Department Bulletin

### TOPIC:

Planning Department Policy regarding Condominium Applications pursuant to Subdivision Code, Article 9 Exclusions ("A9E") for new construction vs. conversions.

### DEFINITION:

"Condominium" is a different type of residential ownership. (See Section 102.18) Section 313.1 (11) of the Planning Code says that "condominium" shall be defined by California Civil Code 783. Condominium conversions are regulated by the California Civil Code, The Subdivision Ordinance, The Uniform Building Code and the Housing Element of the San Francisco General Plan.

### PURPOSE:

This Bulletin lists conditions under which the Planning Department can make findings consistent with the General Plan regarding subdivision map applications where existing dwellings are proposed for conversion to Condominiums.

### DISCUSSION:

In recent years, the Surveyor of the County of San Francisco has issued letters allowing applications that convert existing housing into condominiums to be excluded from the rules governing conversions, by allowing the applications to be exempt under Article 9 of the Subdivision Code. This has been allowed where there is a creation of a new unit, or the significant expansion of the existing units. This practice has been problematic during the review of such map applications by the Planning Department, which is directed by the General Plan to treat such applications as conversions, rather than new construction. The Department is concerned that such exemptions encourage expansions that would not otherwise occur, and violate the intent of the Condominium process by allowing existing units to become Condominiums as though they are new units.

### CURRENT POLICIES:

Condominium map applications received by the Planning Department for existing buildings that seek exemptions from Condominium Conversion process as new construction, will not be approved if the legal use of the existing space is or was as a dwelling.

Regardless of the addition of any amount of habitable space, or an increase in the number of dwelling, such projects should not be exempted from conversion requirements,<sup>1</sup> and will be found not to be in conformity with the General Plan and will be disapproved if exempted from conversion requirements, with the following exceptions:

- **Single family homes, where units have been added;**
- **Two family homes, where both units have been owner-occupied continuously for a one-year period, and so documented, may be considered new construction for the purposes of Condominium mapping and exemptions from lottery requirements.**

Conversions of these types, may be approved without undergoing the Lottery Process.

All other conversions of two or more units that are exempted from the conversion requirements of the Subdivision Code as new construction will not be approved by the Planning Department, unless that exemption predates **August 10, 2006** and a map application was filed with DPW within six months of the issuance of the County Surveyor's exemption letter.

Further, the reestablishment of non-conforming dwellings and/or reconstruction of non-complying structures pursuant to Planning Code Sections 186(d) and 188(b) which allow, respectively, the restoration of a non-conforming use and the repair or rebuilding of a non-complying structure where damage or destruction occurred as a result of fire or other calamity, may not be considered new construction where conversion would not be allowed absent a new **A9E determination**.

The Planning Code specifies that structures or uses so restored shall be aged from the date of original construction or use, and such dwellings, therefore would be subject to conversion rules of the Subdivision Code, unless mapped as condominium prior to the fire or other calamity.

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<sup>1</sup> Any newly constructed units may be mapped as condominiums separately from the existing dwellings, which must remain aggregated, unless approved as conversions, where the Subdivision Code so allows.



**San Francisco  
Planning**

#### FOR MORE INFORMATION: Contact the San Francisco Planning Department

**Central Reception**  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

TEL: **628.652.7600**  
WEB: **www.sfplanning.org**

**Planning counter at the Permit Center**  
49 South Van Ness Avenue, 2nd Floor  
San Francisco, CA 94103

EMAIL: **pic@sfgov.org**  
TEL: **628.652.7300**