



# Condominium Conversion Information

Community Development Department

Planning Division

100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915

(949)644-3204 Telephone / (949)644-3229 Facsimile

[www.newportbeachca.gov](http://www.newportbeachca.gov)

## General Information

Under the provisions of Title 19 and Title 20 of the Newport Beach Municipal Code (NBMC), residential condominium conversions may be allowed in any district in which residential uses are permitted, including planned communities, except within the R-BI (Two-Unit Residential, Balboa Island). Nonresidential condominium conversions may be allowed in any district in which such uses are permitted.

Condominium conversion projects containing five (5) or more dwelling units shall be reviewed by the Planning Commission via a tentative tract map. Condominium projects or conversions containing four (4) or fewer dwelling units, or nonresidential property, shall be reviewed by the Zoning Administrator via a tentative parcel map. All condominium conversion projects shall conform to (1) the applicable standards and requirements of the zoning district in which the project is located at the time of approval per the Zoning Code (Title 20), and (2) the applicable provisions of the Subdivision Code (Title 19).

## General Requirements

According to 19.64.070 (Standards for Condominium Conversions) condominium conversion projects shall conform to the following requirements:

- A. Off-Street Parking Requirements
  1. Residential Conversions. The minimum number and the design and location, of off-street parking spaces shall be provided in conformance with the provisions of Chapter 20.40(Off-Street Parking) of the Municipal Code in effect at the time of approval of the conversion.
  2. Nonresidential Requirements. The number of off-street parking spaces that were required at the time of original construction shall be provided on the same property to be converted to condominium purposes, and the design and location of such parking shall be in conformance with the provisions of Chapter 20.40 (Off-Street Parking) of the Municipal Code.
- B. Each dwelling unit within a building shall have a separate sewer connection to the City sewer.
- C. Each sewer lateral shall be retrofitted/fitted with a cleanout at the property line.
- D. Each dwelling unit shall maintain a separate water meter and water meter connection.
- E. The electrical service connection shall comply with the requirements of Chapter 15.32 (Underground Utilities) of the NBMC.
- F. The applicant for a condominium conversion shall request a special inspection from the Building Department to identify any building safety violations. The applicant shall correct all identified safety violations before approval of a final map for the condominium conversion. (Alterations and/or improvements to the building are not required to be made until after the Zoning Administrator or Planning Commission approves the condominium conversion application.)
- G. Permanent lot stakes and tags shall be installed at all lot corners by a licensed surveyor or civil engineer unless otherwise required by the City Engineer.

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- H. For residential conversions, the project shall be consistent with the adopted goals and policies of the General Plan, particularly regarding the balance and dispersion of housing types within the City.
- I. The establishment, maintenance, or operation of the use or building applied for shall not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of the person residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

Please note the following:

- The decision-making body may modify or waive the parking requirements of Subsection 19.64.70 (A) (Standards for Condominium Conversions) under waiver procedures of Chapter 20.40 (Off-Street Parking) of the Zoning Code.
- The decision-making body may modify or waive the requirement for separate sewer connections per Subsection 19.64.070 (B) (Standards for Condominium Conversions) if it finds that the modification or waiver will not be materially detrimental to the residents or tenants of the property or surrounding properties, nor to public health or safety.
- The application is subject to vacancy rate standards if the development is for 15 or more residential units.
- The project is subject to park fees if, on the date of conversion, the rental units are less than five (5) years of age and additional dwelling units are to be added as part of the conversion.
- The development is subject to a Traffic Phasing Ordinance if the proposed development adds more than 10 dwelling units to a residential development or more than 10,000 square feet of gross floor area to a nonresidential development.

### Application Requirements

The following may be submitted through our [CiViC online portal](#):

1. A completed [Discretionary Application Owner's Affidavit](#) for a  Parcel Map or a  Tract Map and  Condominium Conversion with all required supplemental materials. The supplemental requirements for the Condominium Conversion Application are listed below, but please refer to the Parcel Map/Tract Map Information Sheet for supplemental requirements related to that application.
2. (If Applicable) The written request for modification or waiver of conversion standards. Please note that a waiver of the parking requirements requires an application for a Conditional Use Permit according to Chapters 20.40 and 20.52 of the Zoning Code.
3. Tenant Notification

According to Sections 19.64.040 (Tenant Notification) and 19.64.050 (Tenant Purchase Option) of Title 19, the applicant/property owners for condominium conversion projects shall be responsible for sending a letter mailed via certified mail/return receipt notifying existing and prospective rental tenants of the information listed below. Each application submittal shall include a copy of the tenant notification as indicated to provide evidence that the notification requirements have been and will be met. An example letter of each tenant's notification requirements is attached.

- a. Existing Tenants (Attachment 1) **At least 60 days before the filing of a condominium conversion application**, the applicant/property owner shall give notice of his or her intent to file a conversion application to each tenant of the subject property. Further, if the conversion project is approved, the applicant/property owner shall give each tenant a minimum of 180 days advance written notice of the termination of his or her tenancy due to the proposed conversion. A copy of the certified letter and return receipt form mailed to each tenant of the subject property shall accompany the application submittal.

- b. Prospective Tenants (Attachment 2) **At least 60 days before the filing of a condominium conversion application**, the applicant/property owner shall give notice of his or her intent to file a conversion application to each person applying after such date for the rental or lease of a unit of the subject property. A copy of the certified letter and return receipt form mailed to each tenant of the subject property shall accompany the application submittal. A copy of the letter and return receipt form mailed to each tenant of the subject property shall be forwarded to the Planning Department if/when such notice is given.
- c. Tenant Purchase Option (Attachment 3) The applicant/property owner shall provide each of the tenants with written notification with an exclusive right to purchase his or her respective unit upon the same or more favorable terms and conditions than those on which such unit will be initially offered to the general public. Such right shall run for a period of no less than 90-days from the date of issuance of the subdivision public report (Section 11018.2 of the Business and Professions Code) unless the tenant gives prior written notice of his or her intention not to exercise the right. A copy of the certified letter and return receipt form mailed to each tenant of the subject property shall be forwarded to the Planning Department when such notice is given or before final of the condominium conversion permit.

#### 4. List of Tenants

The applicant shall submit a complete mailing list of all tenants occupying the subject property and two corresponding sets of stamped addressed envelopes.

#### 5. Condominium Conversion Plans

The application shall be accompanied by eight (8) sets of plans (20 sets of plans if five (5) or more units) and one (1) set of plans reduced to 11" x 17" consisting of plot/site plans, floor plans, and elevations, and any other pertinent information that will assist in clearly illustrating the proposal. If available, please provide copies of the plans approved by the City at the time of original construction and/or any plans after the original construction. If those plans are not available, plans prepared by an architect or plans acceptable to the Building Department as architectural floor plans shall be submitted. Each set of plans shall be collated, stapled, and folded to an approximate size of 8½" x 14". The plans shall be legibly drawn to scale and dimensioned, utilizing an engineering scale at 1" = 10', 20', 30', or 40', or an architectural scale at 1/8" or 1/4" = 1' and shall contain the following information:

- a. The name and address of the owner, and the owner's agent or representative.
- b. A north arrow and the scale of the drawing.
- c. Property lines of the subject property.
- d. All existing and proposed structures and all improvements, including driveways, walls, carports, garages, swimming pools, accessory buildings, existing and proposed water lines and meters, and sewer lines.
- e. Adjacent streets and alleys, giving right-of-way widths and street names.
- f. Parking areas, designed to City standards, with the clear minimum width and depth dimensions of the parking spaces shall be indicated on the plans.
- g. Signs, indicating location, height, and square footage.
- h. Fencing (walls) indicates the type, location, and height.
- i. Landscape areas.
- j. Topography, if applicable.

## 6. Public Noticing Requirements.

Please refer to the Planning Division's handout on [Public Noticing Requirements](#) for more information on the application materials required for a public hearing.

## 7. Filing Fee

A filing fee is required at the time of filing to partially defray the cost of processing and other expenses. The Planning Department will advise you of said fee.

### **Process Concurrent with/and After Submittal of Condominium Conversion Application**

1. Concurrently with the application submittal to the Planning Department, the applicant/property owner shall obtain a Condominium Conversion Permit from the Building Department. This permit will include the fees required by the Building Department for the Special Inspection to identify any building safety violations before the public hearing. Please note that Condominium Conversion permits and inspections are separate from any other remodel or additional permits submitted to the Building Department.
2. A minimum of one week before the public hearing, the Special Inspection Report must be completed. Scheduling the inspection and obtaining the Special Inspection Permit is completed by contacting the Building Department.
3. before the Special Inspection, the applicant shall contact a roofing contractor to obtain a certificate that the roof of the building is a minimum Class C fire retardant roof and estimate the life expectancy of the roof; and a plumber to help research the location and condition of the water, sewer, and gas piping on the property.
4. The roofing certificate and information regarding the location and condition of the water, sewer, and gas piping shall be available to the building inspector at the time of the Special Inspection. Furthermore, the building inspector must have full access to all areas of each unit and common space during the inspection.
5. Once the Special Inspection is completed and before the public hearing, the Building Inspector will forward the checklist and roofing certificate to the Planning Department.

# To Existing Tenant(s)

(This notice must be mailed at least 60 days before filing application(s) for a condominium conversion.)

SENT CERTIFIED MAIL/RETURN RECEIPT REQUESTED

(Date)

To the Tenant (s) of \_\_\_\_\_:  
(Address)

The owner(s) of this building at (address of subject property) plans to file a tentative Parcel Map with the City of Newport Beach to convert this building to a condominium. You shall be given notice of each hearing for which notice is required according to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

In addition, this letter shall serve to notify you that at the expiration of 180 days from the receipt of this letter, you may be asked to vacate your unit to accomplish the necessary building modifications.

Thank you for your cooperation. Please call if you have any questions.

Sincerely,

\_\_\_\_\_  
(Signature of the property owner or owner’s agent)

I received this notice \_\_\_\_\_.  
(Date)

\_\_\_\_\_  
(Prospective tenant’s signature)

# To Prospective Tenant(s)

(This notice must be mailed at least 60 days before filing applications for a condominium conversion.)

SENT CERTIFIED MAIL/RETURN RECEIPT REQUESTED

(Date)

To the prospective occupant (s) of \_\_\_\_\_:  
(Address)

The owner(s) of this building at (address of subject property) has filed or plans to file a tentative Parcel Map with the City of Newport Beach to convert this building to a condominium. No units may be sold in this building unless the conversion is approved by the City of Newport Beach and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required according to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

Sincerely,

\_\_\_\_\_  
(Signature of the property owner or owner’s agent)

I received this notice \_\_\_\_\_.  
(Date)

\_\_\_\_\_  
(Prospective tenant’s signature)

# Tenant Purchase Option

(This notice must be mailed before building permits being finalized for condominium conversion unless the tenant gives prior written notice of his or her intention not to exercise the right.)

SENT CERTIFIED MAIL/RETURN RECEIPT REQUESTED

(Date)

To the Tenant (s) of \_\_\_\_\_:  
(Address)

This is a notification to you that our property was approved by the City of Newport Beach as a Condominium Project \_\_\_\_\_. We will be placing the property for sale on the open market. (Date)

When we place the property for sale on the open market, you will be given notice of an exclusive right to contract for the purchase of your unit. The right shall run for not less than 90 days from the date of issuance of the public report that will be issued by the Department of Real Estate (according to Section 11018.2 of the Business and Professions Code).

If you have any questions, please call.

Sincerely,

\_\_\_\_\_  
(Signature of the property owner or owner’s agent)