



CITY OF ENCINITAS
Development Services Department
505 S. Vulcan Ave
Encinitas, CA 92024
www.encinitasca.gov
Phone: 760-633-2710
Email: planning@encinitasca.gov

CONDOMINIUM CONVERSION/PARCEL MAP WAIVER - APPLICATION SUPPLEMENT AND SUBMITTAL CHECKLIST

Encinitas Municipal Code (EMC) Chapter 24.40 (Conversion of Residential Property) contains procedures for minor airspace subdivisions (four or fewer units) for the conversion of existing residential units to condominium units. Section 24.60.050 of the Municipal Code allows for such condominiums to be approved through the parcel map waiver process. This process allows the recordation of a certificate of compliance, in lieu of the typical requirement to file a final parcel map. A parcel map waiver can only be processed when there are no required or proposed public improvements associated with the project. The parcel map waiver process is an administrative procedure that typically requires no public hearing.

The purpose of this handout is to summarize the procedures and submittal requirements for a condominium conversion/parcel map waiver. For complete information, please refer to Municipal Code sections referenced above.

All submittal items shall be provided in digital portable document format (PDF), meet the City's Document Submission Standards/File Category and be named in accordance with the required File Naming Conventions. See Planning Application Guide, Document Submission Standards & File Naming Conventions Guidelines on the Customer Self Service (CSS) Homepage found [here](#).

1. General Submittal Requirements

- All items in the **General Planning Application Checklist**
- Additional items, based upon project scope, as outlined below:

2. Condominium Conversion/Parcel Map Waiver¹

A. Proposed project scope:

- **Convert four or less existing residential units into condominium units; and**
- **No new units or improvements are created**

Required intake appointment items:

- Preliminary Title Report (6 months or less old)
- Parcel Map Waiver Plat
- Physical Elements Report
- Pest Control Report
- Soils Report
- Evidence of notice to tenants
- Statement of planned improvements
- Evidence supporting legal nonconformities
- Statement of justification/findings/general plan consistency

Required Drawing Elements

1. **Parcel Map Waiver Plat:** Clearly show all existing and proposed property lines, all existing and proposed easements, and all structures on all properties. (Note: Original wet signatures on the plat/legal are required for certificate of compliance recordation). Plats shall be provided in a format acceptable to the City Engineer and be prepared, signed, and stamped by a California-licensed civil engineer or land surveyor;

2. **Physical Elements Report:** A report signed and stamped by a California-licensed civil engineer detailing the structural conditions of all elements of the property including foundations, electrical, plumbing, utilities, walls, ceilings, windows, recreational equipment, parking facilities and appliances.
3. **Pest Control Report:** A report from a licensed structural pest control operator, approved by the City, for each structure and each unit within the structure.
4. **Soils Report:** A report by a licensed geotechnical engineer on any known soil and geological conditions regarding soil deposits, rock formations, faults, groundwater, and landslides or other geologic hazards in the vicinity of the project, and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports and a copy of previous reports shall be submitted.
5. **Evidence of Notice to Tenants:** Evidence that any current tenants and perspective tenants have received notice of the intent to convert the units in accordance with Section 66452.17 and 66452.18 of the State subdivision map act.
6. **Statement of Planned Improvements:** A written statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

Condominium Conversion

Condominium Conversion - Approval of Application

The application for a condominium conversion application shall not be approved unless the authorized agency finds that:

1. All provisions of chapter 24.40 are met;
2. The proposed conversion is not inconsistent with any objectives or policies in the City General Plan specifically directed to the conversion;
3. The proposed conversion will conform to the Municipal Code in effect at the time of tentative map approval except as otherwise provided in this chapter;
4. The overall design and physical condition of the conversion achieves a high degree of appearance, quality and safety; and
5. The conversion would not displace predominantly low and moderate income families or tenants without adequate provision for suitable relocation of such families or tenants.

Parcel Map Waiver

Under the circumstances and subject to the provisions in Encinitas Municipal Code Section 24.60.050 (Parcel Map Waiver), in lieu of the requirements to file and receive approval of a tentative and final map, and to record a final parcel map, a subdivider may file for approval of a parcel map waiver.

Parcel Map Waiver - Approval of Application

Prior to approval of a parcel map waiver, the following finding shall be made:

1. The proposed condominium conversion complies with requirements as to area, on-site improvements, design, access, floodwater drainage control, adequate boundary monumentation, dedications of right-of-way, payment of development fees, appropriate improved public streets and other offsite improvements, sanitary disposal facilities, water supply availability, fire protection facilities, environmental review and protection, grading, and any and all other requirements of this title and the state Subdivision Map Act which would be applicable to review and approval of a tentative final parcel map.
2. For purposes of consideration of a parcel map waiver application, the Director shall be the authorized agency. Any determination of the Director may be appealed to the next higher approval authority as provided under this title pursuant to Chapter 1.12.
3. An application for a parcel map waiver shall be submitted on such form and with such material as shall be determined by the Director. Such material shall include a parcel map waiver plat which shall provide all information required by this title to be provided on a tentative parcel map. Such fee as may be adopted by the City for a parcel map waiver application shall be paid. The application shall be distributed for review and comment as determined by the Director. Such distribution shall include review by the City Engineer to determine compliance with technical requirements applicable under the state Subdivision Map Act.
4. After receipt of all comments and review of the proposed subdivision, the Director shall determine if the required findings can be made and the application for parcel map waiver is approved or denied. Prior to any determination of approval, acceptance by the City Engineer by signature on the Final Parcel Map waiver plat shall be obtained. A letter of determination shall be provided to the applicant. An approval shall be valid for a period of one year from the date of approval, within which time the remaining procedures under subsection F of this section shall be completed, otherwise the approval shall expire.
5. If no appeal is filed or if approval is granted after an appeal, upon notification of approval the applicant(s) for a parcel map waiver shall have a site survey done and have a record of survey prepared and recorded at the County Recorder's office. The applicant(s) shall also have prepared and recorded new deeds of property ownership. The applicant(s) shall deliver to the Director copies of the recorded record of survey plat and the recorded deeds of ownership. Upon confirmation that these instruments are in substantial compliance with the parcel map waiver application as approved, the Director shall have prepared and recorded a certificate of compliance. Recordation of the certificate(s) of compliance shall complete the parcel map waiver process for an approved application.

Parcel Map Waiver – Initial Process

6. An application is submitted to the Development Services Department and reviewed by appropriate in-house departments.
7. The City Engineer, after determining that the application conforms with required standards, shall sign the Final Parcel Map Waiver Plat.
8. The Development Services Department, after determining that all City department requirements are satisfied, shall issue a Notice of Decision (NOD) providing tentative approval of the subdivision. Tentative approval is valid for two years, allowing time for recordation of the certificate of compliance.

Parcel Map Waiver – Final Process

9. Copies of closure calculations and record of survey are given to the Development Services Department for review.
10. The City Engineer reviews the new documents to ensure their correctness and provides written confirmation to the Director of Development Services that all the above items are correct and in order.
11. The Director of Development Services then prepares and records a Certificate of Compliance, indicating the total number of units of the condominium.

Final Completion of the Parcel Map Waiver - Certificate of Compliance

After the NOD is issued approving the parcel map waiver for the condominium conversion application, the creation of condominium units is finalized by the preparation and recordation of a certificate of compliance (COC). Prior to the recordation of the certificate of compliance the following shall occur:

1. The Director, or designee, determines that the applicant has complied with all conditions contained within the Notice of Decision.
2. The applicant submits one digital copy of the following items for final review by the Director (or designee):
 - a. Parcel map waiver plat
 - b. New grant deed with the new legal description
 - c. Preliminary change of ownership form from the San Diego County Assessor's Office.
3. The City Engineer reviews the final/new documents to ensure their correctness and provides written confirmation to the Director (or designee), that the parcel map waiver plat, grant deed, legal description, and closure calculations are correct and ready for recordation.
4. The applicant submits one wet-signed and stamped original copy of the approved parcel map waiver plat, approved new grant deeds, approved new legal description, and approved closure calculations.
5. Approved new grant deeds are recorded and conformed copies submitted to the Director (or designee).
6. The Director (or designee), prepares and records the Certificate of Compliance at the expense of the applicant.
7. In some circumstances, with prior Planning approval, the approved deed and certificate of compliance may be recorded concurrently. In this instance, the new deeds would be recorded first, and the certificate of compliance recorded next. All document recordation expenses will be covered by the applicant. Conformed copies of all recorded documents are then delivered to Planning staff.

FOOTNOTES:

¹If the project requires other discretionary application types (Coastal Development Permit, Use Permit, etc.) and the intake submittal requirements overlap, only one of the duplicate submittal items is required for the project submittal.