

Meeting Date: March 4, 2026
Agenda Item No. 5
Batch No. 01

From: [Celeste Goyer](#)
To: [FGG, Public Comment; Board.Communications@sdcounty.ca.gov](#)
Subject: [External] Casita Coalition supports Agenda item 5 Option 1--Land Use Session March 4 2026
Date: Tuesday, March 3, 2026 5:55:10 PM
Attachments: [AB-1033-Guidance-Memo-ADU-Condos-Reuben-Junius-Rose-Casita-Coalition-2026.pdf](#)
[San-Diego-County-BOS-Letter-ADU-Starter-Homes-Agenda-item-5-Land-Use-March-4-2026-SUPPORT-Option-1-Casita-Coalition.pdf](#)

March 2, 2026

To: San Diego Board of Supervisors, Clerk of the Board
Chair Pro Tem Aguirre and all Supervisors

Re: Land Use Legislative Session March 4, 2026
Agenda Item 5: ADU Ordinance Amendment Including the Separate Sale of ADUs and
Related CEQA Exemption--SUPPORT for OPTION 1

Dear Chair Pro Tem Aguirre, Supervisor Anderson, Supervisor Lawson-Remer, Supervisor
Steppe and Supervisor Desmond,

On behalf of Casita Coalition, a statewide nonprofit working to improve our housing
shortage and affordability crisis through accessory dwelling units and other middle housing,
I urge you to vote yes on Agenda item 5 on March 4th and select Option 1. Option 1 utilizes
the state law provisions for separate sale of Accessory Dwelling Units as condominiums
under AB 1033, a bill we sponsored.

Please see the attached letter from our CEO, Noerena Limon, with our rationale for this
support and for our recommendation that the board move forward with the option to use
state law language from AB 1033 as written and opt-in to create a new pipeline of
attainable homes for purchase for San Diego County residents.

We are also attaching our guidance memo with more information.

Thank you,
Celeste Goyer

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Celeste Goyer
VP of Research and Operations
CasitaCoalition.org


a 501 (c)(3) nonprofit public benefit organization



March 2, 2026

To: San Diego Board of Supervisors
Chair Pro Tem Aguirre and all Supervisors

Re: Land Use Legislative Session March 4, 2026

Agenda Item 5: Adu Ordinance Amendment Including the Separate Sale of Adus and Related CEQA Exemption–SUPPORT for OPTION 1

Dear Chair Pro Tem Aguirre, Supervisor Anderson, Supervisor Lawson-Remer, Supervisor Steppe and Supervisor Desmond,

On behalf of Casita Coalition, a statewide nonprofit working to improve our housing shortage and affordability crisis through accessory dwelling units and other middle housing, I urge you to vote yes on Agenda item 5 on March 4th and select Option 1. Option 1 utilizes the state law provisions for separate sale of Accessory Dwelling Units as condominiums under AB 1033, a bill we sponsored.

As you're aware, the lack of attainable homeownership opportunities in San Diego County and throughout California keeps the majority of us from ever dreaming of homeownership. It also harms our economy, forcing many into long commutes or into leaving the area entirely, while worsening the racial wealth gap.

Opting in to ADU condos will create a pipeline of attainable starter homes, give vulnerable older homeowners more options for aging in place and downsizing, and make neighborhoods more inclusive—all without public subsidy. The provision for separate sale of ADUs was already established for nonprofits—AB 1033 extended the opportunity to other homeowners—but requires cities and counties to opt in.

This is not a new concept—many thousands of ADU condos have been built and converted in Austin, TX, Portland OR, Seattle WA and other places around the U.S. Where ADU condos are commonplace, they often sell for 30-40% less than single detached homes in the same neighborhood.

In regions with rising home and land costs, existing lower-cost older homes are too often replaced by costly large single homes, creating displacement and gentrification. ADU condos provide builders with a way to make smaller, more attainable homes feasible to build.

We encourage you to select Option 1. See our rationale below.

- **Option 1: State Framework.** Adopt AB 1033 as implemented by the State.
 - **Casita Coalition recommends Option 1.**

- Option 2: Right of First Refusal to Condo Tenants and owners
 - This option may be the result of a confusion between a provision for ‘occupant buyer priority’ and ‘first right of refusal.’ Some cities have considered ‘occupant buyer priority’ as a way to prioritize owner-occupant buyers during the first 45 days of an ADU condo’s listing on a public MLS platform. Casita Coalition supports an owner-occupant buyer priority. But if the goal of Option 2 is to protect the rights of tenants in existing dwellings converted as part of an ADU condo project—it is not necessary. San Diego County’s existing Subdivision Ordinance rules on condominium conversions, Section 81.105, already requires noticing of any existing tenants in rentals to be converted to condominiums, and includes a 90-day exclusive right to contract for them at the same terms or better than will be offered to the general public. **We do not recommend Option 2.**

- Option 3: Detached ADUs Only.
 - This option prohibits condo conversion of attached ADUs based on concerns about clear physical and ownership distinctions between the primary home and the attached ADU.
 - Condo conversions for attached apartments and existing spaces in large homes have well-established pathways for clearly delineating ownership boundaries. Prohibiting attached ADU condo conversions puts unnecessary and inequitable restrictions on lower cost attached units that may be more in reach for lower-resourced homeowners. **We do not recommend Option 3.**

- Option 4: New Construction Only.
 - This option would exclude homeowners with existing ADUs from using the separate sale provision as an aging-in-place strategy—an important pathway to free up larger homes for families and create smaller, more accessible homes for elders to downsize into and stay in their communities.
 - As noted in Attachment F, data from cities who have long had separate sale provision shows that allowing separate sale of ADUs as condos does not substantially reduce the rental housing supply.
 - Further, the language in Option 2(b) of Attachment A, notes that “*Separate sale of ADUs as condominiums will apply to new development only, and not to ADUs existing prior to condominium mapping.*” This could be seen as prohibiting all new construction ADUs, which are built as ADUs first, then converted to condominium units upon recordation of the subdivision map or condo plan.
 - **For the above reasons, we do not recommend Option 4.**

- Option 5: Don’t opt in to AB 1033.
 - We respectfully encourage the Board of Supervisors to select Option 1 and opt-in to the ordinance as written in state law.

The cities of San Jose, Santa Cruz, Santa Monica, West Hollywood, San Diego, Martinez, San Francisco, Sebastopol, Berkeley, Culver City and Stockton here in our state have already voted to opt in to ADU condos and have updated their ordinances, with Sacramento, Los Angeles, and many more in the process of opting-in. With your help, San Diego County can be next.

Thank you for considering this important step to bring hope to residents locked out of homeownership opportunities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Noerena Limon', written in a cursive style.

Noerena Limon, CEO
Casita Coalition



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AB1033 – HOW TO IMPLEMENT NEW STATE ADU CONDOMINIUM LAW

Today, nearly 20% of housing units built in California are accessory dwelling units (“ADUs”). According to the California Association of Realtors Housing Affordability Index, only 17% of households can afford a single-family home, less than half of the national average. In many States across the country, ADU condo conversion projects are re-enabling a generation of home buyers to live in the communities of their choice near work and family. The State of Washington recently required all local agencies to allow conversions of a primary unit and ADU to condominiums for sale. Consequently, in Seattle and Portland 40% to 50% of ADUs constructed are sold as condominiums to new homebuyers, where they are bought for approximately half the value of a stand-alone single-family home. Such ADU condo conversion purchases are eligible for federally guaranteed mortgages, making them easy to finance for ordinary homebuyers.

The California State Legislature recently adopted a new law, AB1033, that creates affordable options for homeownership by allowing ADUs to be sold separately from a primary unit. AB1033 removes the previous State law prohibition against mapping and selling a single-family home and its ADU as condominiums. Even though this prohibition on condo conversion has been eliminated, it is up to Local Agencies to amend their codes to allow these entry-level home ownership opportunities.



WHAT NEEDS TO BE DONE TO ALLOW SALE OF ADUS?

Respecting local control, the Legislature left it up to Local Agencies to amend their municipal code(s) to allow these entry-level home ownership opportunities through the sale of ADUs. The Casita Coalition and Reuben, Junius, and Rose, LLP have developed this guidance to encourage your Local Agency to make the following changes to your code(s), procedures and policies to re-enable Californians priced out of many of our communities to once again have a dream of buying a home by enabling more naturally-affordable condominiums for sale.

RECOMMENDED STEPS TO IMPLEMENT SALE OF ADUS

1. **Eliminate Sale Restrictions.** Remove all provisions in your municipal code that prohibits the sale or other conveyance of an ADU. These restrictions are typically included in local Condominium Codes and Zoning Codes.
2. **Adopt Legislation Expressly Allowing ADU Sales.** To align local rules with State law, adopt changes to the municipal code that allow conversion of a home and its ADU into condominiums subject to the requirements of the Davis Sterling Common Interest Development Act (Cal. Govt. Code Sec. 66410-66499.40.) Appropriate amendment text will differ depending on the existing municipal code, but AB1033 requires a list of express provisions be included in such local ordinance, attached at the end of this document.
3. **Publish ADU Checklists.** Provide a comprehensive checklist for any ADU building permit and for ADU condominium/subdivision projects, indicating Subdivision Map Act compliance and lender subordination information.
4. **First Right of Offer to Owner Occupants.** To further encourage new homeownership, consider including a condition of approval for establishing condominiums of a primary unit and ADU giving a first right of offer for a period of 45 days on publicly accessible databases, e.g., MLS, to buyers

indicating an intent to live in the property (either themselves or their immediate family). To avoid issues with lenders, however, do not require owner occupancy.

5. **Create “Grow Homeownership” Program.** Establish a program with dedicated staff that expedites ADU condominium processing with first comments to be issued within 45 days of submission of a complete application.
 - Consider waiving or reducing application and impact fees otherwise applied to condominiums.
 - The Grow Homeownership Program could be paired with other funding programs your jurisdiction may have, e.g., through SB2 (2017) funds.

UPDATE: CITY OF SAN JOSE FIRST TO OPT-IN

In June 2024, the City of San Jose’s City Council voted to approve and incorporate the new state provisions into their local ordinance.

Documents and resources developed by the city of San Jose are included in Appendix B of this memo as examples of one city’s ordinance language and applicant materials.

- Approved ordinance Section 20.80.185 ADU Condominium Requirement
- ADU Condominium Checklist
- AB 1033 Parcel Map Checklist
- AB 1033 Parcel Map Application
- Development Services page for ADU condominium conversions
 - <https://www.sanjoseca.gov/businesses/development-services-permit-center/accessory-dwelling-units-adus/adu-condominium-conversions>

Note: San Jose’s City Council did not choose to include our recommended provision for a 45-day exclusive listing of ADU condos to owner occupant purchasers, citing



the urgency of their housing shortage and the desire to keep additional requirements to a minimum.

If you have any questions or would like to discuss any of the above, please do not hesitate to reach out to Justin A. Zucker from Reuben, Junius & Rose, LLP at 415.656.6489 or jzucker@reubenlaw.com.

Next:

Appendix A: Required Ordinance Language (Reuben, Junius & Rose LLP)

Appendix B: Example Local Ordinance and Applicant Materials

As of March 2, 2026, the following cities are known to have opted in to AB 1033:

- San Jose
- Santa Cruz
- Santa Monica
- West Hollywood
- City of San Diego
- Martinez
- Berkeley
- Stockton
- San Francisco
- Culver City
- Sebastopol

Appendix A

AB1033 – Required Text in ADU Condominium Ordinances – Cal. Govt. Code Sec. 65852.2(a)(10)

(A) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(B) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of a local subdivision ordinance.

(C) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(D) (i) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(I) A lienholder may refuse to give consent.

(II) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(ii) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

(iii) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

(I) The lienholder's signature.

(II) The name of the record owner or ground lessee.

(III) The legal description of the real property.

(IV) The identities of all parties with an interest in the real property as reflected in the real property records.

(iv) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(E) The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

"NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

(a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."

(F) If an accessory dwelling unit is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

(G) (i) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

(ii) For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

(H) An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this paragraph or pursuant to Section 65852.26.

Appendix B: City of San Jose Local Ordinance and Applicant Materials

NVF:TLC:KML
06/7/2024

SECTION 9. A new Part is added to Chapter 20.80 of Title 20 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

Part 2.76

Accessory Dwelling Unit Condominium

20.80.181 Purpose and Applicability

This Part implements Government Code Section 66342, herein referred to as Assembly Bill 1033 (AB 1033). The purpose of this Part is to apply objective local development standards for subdivisions covered by AB 1033. This Part is applicable only so long as AB 1033 is operative.

Where this Part or AB 1033 conflict with any other provisions of this Code, this Part and AB 1033 shall control. Any development standard or requirement not specifically addressed by this Part or AB 1033 must conform to all other provisions of this Code and all other objective policies and requirements governing subdivisions.

20.80.183 Permit Required

Pursuant to Government Code Section 66342, this Section provides for the streamlined approval for conversion of existing or new Accessory Dwelling Units (ADU) into condominiums. These condominiums shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this Part or pursuant to Government Code Section 66341. No condominium conversion to a project shall be permitted in any district unless permitted in such district and without obtaining approval of a Parcel Map pursuant to the provisions of this Title and Title 19 of the San José Municipal Code.

20.80.185 ADU Condominium Requirements

Subject to the provisions of Section 20.80.180, to achieve the purposes of this Chapter, all projects shall conform to the following requirements:

- A. A maximum of two ADU condominium units shall be allowed on lots that presently allow ADUs, and could include an attached Accessory Dwelling Unit and/or a detached Accessory Dwelling Unit built in accordance with Part 2.75, (Accessory Dwelling Units), Chapter 20.80. In conjunction with the ADU condominium, the parcel map approved pursuant with this section may also include the subdivision of up to two primary dwelling units, in conformance with Part 8, Senate Bill 9 implementation, into condominiums. This allowance shall not exceed a total of four condominium units on each single-family, two-family or multi-family lot under any circumstances.
- B. All structures and buildings included as part of a condominium project shall conform to the building and zoning requirements applicable to the zoning district in which the project is proposed to be located. Designation of individual

condominium units shall not be deemed to reduce or eliminate any of the building and zoning requirements applicable to any such buildings or structures.

C. The condominium shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

D. The condominium shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all other objective requirements of this Part.

1 Neither a subdivision map nor a condominium plan shall be recorded with the county recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:

a. A lienholder may refuse to give consent.

b. A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

2. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”

3. The lienholder's consent shall be included on the condominium plan, or attached to the condominium plan that includes the following information:
 - a. The lienholder's signature.
 - b. The name of the record owner or ground lessee.
 - c. The legal description of the real property.
 - d. The identities of all parties with an interest in the real property as reflected in the real property records.
 - e. The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

- E. An Accessory Dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this Part and of Title 19 of the San José Municipal Code. Prior to approval of a parcel map, a home or property owners' association or similar entity shall be formed for any condominium project. The association shall, at a minimum, provide for the administration, management and maintenance of all common areas including landscaping, drive aisles and parking areas, maintenance of the exterior of all buildings, pool or common roof, the collection of dues, payment of public utilities not billed separately to each unit, and enforcement of standards within the project.
 1. The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

2. For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.
- F. The applicant shall prepare a declaration of covenants, conditions and restrictions (CC&Rs) which shall be recorded and apply to each owner of a condominium unit within the project. The CC&Rs shall be recorded at, or prior to, the time of parcel map approval, and shall include all applicable conditions of approval and requirements of the City. The CC&Rs shall, at a minimum, provide:
1. That any amendment to the CC&Rs related to the conditions of approval or other requirements of this Chapter may not be approved without prior consent of the City.
 2. That there shall be an entity created (e.g., a property or homeowners' association) which shall be financially responsible for and shall provide for the effective establishment, operation, management, use, repair and maintenance of all common areas and facilities.
 3. A provision containing information regarding the conveyance of units and any assignment of parking, an estimate of any initial assessment fees anticipated for maintenance of common areas and facilities, and an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit.
 4. A provision addressing the payment of utilities including water, sewer, gas and electricity by the homeowner or through the association.

5. A provision requiring that any owner who rents his/her condominium unit shall conform to the homeowners' association which is responsible for management of the common areas and enforcement of the CC&Rs.
- G. In addition to such covenants, conditions, and restrictions that may be required by the Department of Real Estate of the State of California pursuant to Title 6 (Condominiums) of the Civil Code or other State laws or policies, the organization documents shall provide for the following:
1. Conveyance of units.
 2. Management of common areas within the project where common areas exist.
 3. A proposed annual operating budget containing a reserve fund to pay major anticipated maintenance, repair, or replacement expenses where shared common area infrastructure exists; and indicating the association fees needed for the operating budget and reserve fund.
 4. FHA regulatory agreement, if any.
- H. If an accessory dwelling unit is established as a condominium, the homeowner shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- I. The ADU shall comply with all applicable technical codes including the California Building and Fire Codes. Prior to approval of the parcel map, a safety inspection of the ADU shall be conducted as evidenced through issuance of a final Building

Permit or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

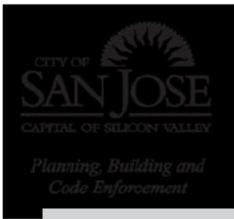
J. In addition to other application submittal requirements, the following information shall be provided:

1. Statement regarding current ownership of all improvements and underlying land.
2. A site plan and boundary map showing the location of all existing easements, structures, mature and/or scenic trees, and other improvements upon the property.
3. Dimensions and location of each building or unit and the location of all fences and walls.
4. The location, size, and design for all common areas, including all facilities and amenities provided within the common areas for use by unit owners.
5. Location and condition for all paved areas, including pedestrian walkways.
6. Maintenance plan of all buildings and common areas and facilities.

SECTION 10. Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.060 Parking Spaces

A. Off-Street Vehicle Spaces.



ADU CONDOMINIUM CHECKLIST

If you are seeking to sell or otherwise convey your accessory dwelling unit (ADU) as a property separate from a primary residence, you must first apply for a condominium conversion of the residence and ADU. Use this checklist to ensure your project qualifies for a condominium conversion under the following provisions:

- State law [AB 1033](#), effective January 2024, enables condominium conversions of ADUs and [California Code Section 66342](#) enables cities to adopt local ordinances to allow for conveyance of an ADU as a condominium.
- In June 2024, the San José City Council approved and incorporated state provisions into San José [Ordinance No. 31095](#), specifying that permitted ADUs that meet all conditions may be conveyed through a Parcel Map as issued by the Public Works Department.

Only projects that meet all conditions of this checklist and that can provide the required documentation may proceed to submit a Parcel Map application.

For questions: Email ZoningQuestions@sanjoseca.gov or speak with a City Planner at 408-535-3555 during Planning's [phone service hours](#).

Para información en español, comuníquese con un Planificador de la ciudad al 408-793-4100.

Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại 408-793-4305.

INSTRUCTIONS

To fill out this checklist on a computer, download it and follow the [Digital Forms](#) instructions. For Part 1, find property information at www.SJPermits.org by clicking on "Permits & Property Information." Then enter your address. On the next screen, click on your property and select "Property Information." A list of designations will appear.

QUESTIONS

	YES	NO
PART 1. PROPERTIES THAT QUALIFY		
<p>1. Is the property in San José? Use SJPermits.org as instructed above. At the "Incorporated" field, "yes" means the property is in San José; "no" means the property is in a different jurisdiction.</p> <p>> If yes, proceed with this checklist. If no, contact the jurisdiction where your property is located.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2. Is there a finalized building permit for the ADU/s? Use SJPermits.org to determine an ADU's building permit status. This condominium process is available only to ADUs with a building permit that has been issued by the City as finalized.</p> <p>> If yes, proceed with this checklist. If no, contact the Building Division for assistance with obtaining a finalized building permit; email BuildingPermits@sanjoseca.gov.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3. Does your proposal comply with the maximum allowed number of converted units? The number of converted units is limited, as follows:</p> <ul style="list-style-type: none"> ▪ For single-family, duplex, or multifamily properties - Is there a maximum conversion of one primary residence and up to two ADUs? ▪ For a duplex project under SB 9 - Is there a maximum conversion of up to two primary residences and up to two ADUs? <p>> If yes, proceed with this checklist. If no, refer to the Zoning Ordinance provisions or email a Planner at ZoningQuestions@sanjoseca.gov or call 408-535-3555 during Planning's phone service hours.</p>	<input type="checkbox"/>	<input type="checkbox"/>

continued >

PART 2. OWNERSHIP AND AUTHORIZATION		
<p>4. Are you the owner of the property or do you have written authorization from the property owner to proceed with a Parcel Map application?</p> <p>> If yes, proceed with this checklist.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5. Do you have your lienholder’s written permission for the conversion? For any existing lien, loan, or mortgage secured by the property, you must get the lienholder’s written permission for the condominium conversion. Attach the lienholder’s consent to the condominium plan when submitting the Public Works application. The consent should include:</p> <ul style="list-style-type: none"> ▪ Lienholder’s signature. ▪ Name of the owner of record or ground lessee. ▪ Legal description of the real property. ▪ Identities of all parties with an interest in the real property as reflected in the real property records. <p>> If yes, proceed with this checklist.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Is your ADU property located in an existing Homeowners Association (HOA)? If yes, do you have written authorization to proceed with a condominium conversion?</p> <p>> If applicable, you must provide the written authorization from the existing HOA to proceed with your application for a condominium conversion.</p>	<input type="checkbox"/>	<input type="checkbox"/>
PART 3. PARCEL MAP APPLICATION REQUIREMENTS		
<p>7. Does the condominium proposal conform to State Law? Is the condominium created pursuant to the Davis-Stirling Common Interest Development Act, Civil Code Division 4, Part 5, commencing with Section 4000? And does it conform with all applicable objective requirements of Division 2 of the Subdivision Map Act, commencing with Section 66410?</p> <p>> If yes, proceed with this checklist.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>8. Do you have a Condominium Plan for the new property? A Condominium Plan is necessary to form a Homeowners Association. The plan must be created by a licensed Surveyor or Civil Engineer and, at minimum, must incorporate the following requirements:</p> <ul style="list-style-type: none"> ▪ Establish the legal boundaries and legal description of each unit and any common areas. ▪ Conveyance of any common or private outdoor space. <p>> If yes, proceed with this checklist.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>9. Do you have a Site Plan for the new condominiums? The Site Plan must show:</p> <ul style="list-style-type: none"> ▪ Existing buildings and structures on the subject property. ▪ Distances between buildings/structures to property lines. ▪ On-site utilities servicing existing buildings and structures and the proposed condominiums. <p>> If yes, proceed with this checklist.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>10. Have you notified utility providers of the condominium creation? For each ADU or unit to be conveyed as a separate condominium, the property owner must notify all utility providers (including water, sewer, gas, and electricity). Please contact your utility provider if you need help obtaining additional meters or new lines of service. If you propose to segregate the utilities, please provide a copy of the building permit and/or Public Works permit approval as needed.</p> <p>> If yes, proceed with this checklist.</p>	<input type="checkbox"/>	<input type="checkbox"/>

<p>11. Do you have CC&Rs prepared for each condominium unit? The HOA bylaws and declaration of covenants, conditions and restrictions (CC&Rs) must be recorded following recordation of the Parcel Map, and apply to each owner of a condominium unit within the project at the time of Parcel Map approval. It is highly recommended that these documents are prepared in consultation with an attorney. At minimum, this documentation must include:</p> <ul style="list-style-type: none"> a. There shall be an entity created, e.g., a homeowners association, which shall be financially responsible for and provide for the effective establishment, operation, management, use, repair and maintenance of all common areas and facilities. b. Designate board members and delineate processes for resolution of potential conflicts and issues and enforcement of standards within the project. For a small association with three or fewer members, you may opt for an unincorporated association pursuant to Civil Code Section 4800, in which case you would not have a board of directors. c. Insurance for any common areas and/or facilities. d. Establishment of dues to be collected for maintenance of utilities, common space, and shared facilities such as shared roofs, pool, driveways, fencing, landscaping, exteriors, etc., and payment of public utilities that are not billed separately to each unit. e. A provision addressing the payment of utilities including water, sewer, gas and electricity by the homeowner or through the association. f. A provision containing information regarding the conveyance of units and any assignment of parking; an estimate of any initial assessment fees anticipated for maintenance of common areas and facilities; and an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit. g. A provision requiring that any owner who rents his/her condominium unit shall conform to the homeowners association which is responsible for management of the common areas and enforcement of the CC&Rs. <p>> If yes, proceed with this checklist.</p>	<input type="checkbox"/>	<input type="checkbox"/>
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If you meet all conditions and have all documentation specified in the checklist, you may proceed to complete the [AB 1033 Parcel Map application](#) for submittal to the Public Works Department.

SUMMARY OF REQUIRED DOCUMENTATION

Include the following with your AB 1033 Parcel Map application; see the checklist item number for details.

- #4 - Property owner's written and signed authorization if applicant is other than the property owner
- #5 - Lienholder's written consent if property has a lien, loan, or mortgage (*attach to Condominium Plan*)
- #6 - HOA's written authorization if there is an existing HOA
- #8 - Condominium Plan
- #9 - Site Plan (*attach to Condominium Plan*)
- #10 - Proof of notification to all utility providers used by the property
- #11 - Bylaws and CC&Rs prepared and that apply to each owner of a condominium unit within the project

IMPORTANT LAST STEP: OBTAIN NEW ADU ADDRESSES

A condominium conversion requires new addresses for the ADUs; they can no longer be designated as "Unit 2" or "Unit 3." After recordation of the Parcel Map, Condominium Plan, HOA documentation, and CC&Rs, follow these instructions:

Complete [Form #302-Address Assignment Request](#) - Include the ADU finalized permit number and list the approved AB1033 Parcel Map application. You will email the form and documentation as outlined on the form to: Addressing@sanjoseca.gov



Public Works Number: _____ - _____ / 3- _____
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Department of Public Works
Development Services
200 East Santa Clara Street
San Jose, California 95113
(408) 535-7802

APPLICATION FOR ASSEMBLY BILL 1033 (AB 1033) PARCEL MAP

Applicant	Phone Number	Fax Number	
Street Address	City	State	Zip Code
Surveyor / Civil Engineer	Phone Number	Fax Number	
Street Address	City	State	Zip Code
State License Number	City Business License number		
Main Contact Person	Phone Number	Fax Number	
Street Address	City	State	Zip Code
E-mail Address:			

Use of this application is for a proposed residential housing development proposing no more than three condominiums (maximum of one residential condo and maximum two ADU condos) OR four condominiums (maximum of two residential codos for an SB9 Duplex site and maximum 2 ADU condos) within a single-family, two-family or multi-family lot. If your submittal does not meet the requirements under AB1033, submit using the standard application and instructions. Refer to the specific AB1033 Instructions for all required documents needed to constitute a complete submittal.

General Questions

Yes, I have read the Planning ADU Condo Conversion Checklist and my property qualifies under AB1033

Site Information

Assessor Parcel Number(s)	Gross Acres	Net Acres
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Existing Land Use Information

No. of Lots	No. & Type of Units	Land Use
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Proposed Land Use Information

No. of Lots	No. & Type of Units	Land Use
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MAKE SURE TO INCLUDE ALL REQUIRED DOCUMENTS WITH YOUR AB1033 APPLICATION

AB 1033 PARCEL MAP CHECKLIST

Please Note: This checklist summarizes major and typical topics of review. Site specific issues can and will produce additional comments.

Project ID / Description:				
Reviewer / Date:				
<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>ITEM OR DESCRIPTION</u>	
MAP SUBMITTAL PACKAGE REVIEW				
			PDF of AB1033 Parcel Map processed without a Tentative Map	
			PDF of the current title report (Dated within last 90 days)	
			Closure calculations (<u>signed & sealed by LLS or RCE</u>)	
			PDF sets of <u>all</u> easements, deeds and maps listed in the Title Report	
			PDF sets of any other maps and deeds used to the prepare map	
			PDF of Planning Planning ADU Condo Conversion Checklist filled out	
			PDF of all documents required in the Planning ADU Condo Conversion Checklist	
			All Map Review Fees	
MAP REVIEW (Non-compliance with bold items can trigger rejection of submittal)				
<i>Formatting Requirements</i>				
C			Map sheets 18" X 26" with 1" border from edge?	
C/T			Map includes a Scale?	
C/T			Map includes complete Standard Legend? (Include all found and set pipes and monuments-Include "As Noted")	
C			Map Statements formatted correctly? (Ownership statements adjacent to left margin, Engineers' Statements, Clerk's and Recorder's Certificates adjacent to right margin)	
C			Title block must be at the top of the page either centered or at upper right of each sheet. Should be desingated as "Parcel Map for a Residential and Accessory Dwelling Unit Condominium For a Maximum of X Residential Condo(s) and X ADU Condo(s) (AB1033)", numbered one of three, etc. and contain the description of property such as "BEING A PORTION OF THE ...ETC."	
C			Date of Map (Month and Year) shown?	

AB 1033 PARCEL MAP CHECKLIST

	Yes	No	N/A	ITEM OR DESCRIPTION
<i>Technical Requirements</i>				
C				Map conforms to Tentative Map, Planning conditions, Map Act and City Muni Code?
C/T				Distinctive Border Line shown? (Distinctive Border Line around property to be subdivided-easements and ROW dedicated by this map to be within the distinctive border line)
T				Basis of Bearing indicated? (Basis of Bearing: Must be between two found monuments of record and include distance and bearing. Provide TIE to boundary with bearing and distance)
C				Lots designated by numbers or letters?
C				Adjoining property owners names shown for unsubdivided property, or record map reference with lot or parcel number and book and page?
C/T				Map references shown?
C				Public Street Dedication shown?
C				Public Service Easements and other public easements shown?
C				Private easements shown?
C				Restricted Access required/shown?
C				Geologic Set Back Zone required/shown?
C				All streets shown and ROW dimensioned?
C				All streets (public, private) named?
T				Curve data for all curves?
T				Radial Bearings for all non-tangent curves?
T				Parcel tie to next sheet?
T				Subdivision boundary monumentation complies with Muni Code Section 19.24.010?
T				Existing / found monuments verified by Record Maps?
T				Witness monuments shown?
T				Map agrees with Record Data? (Adjoining record maps or records of survey-(give record data and provide copies of documents))
T				Record and measured data shown and differentiated?

AB 1033 PARCEL MAP CHECKLIST

	Yes	No	N/A	ITEM OR DESCRIPTION
T				Closure calculations comply with Muni Code Section 19.24.010?
T				Closure calculations indicate area? (Survey Closure Calculations must include: gross area within Distinctive Border line, individual lot areas and public street areas dedicated by this map)
C				Property borders County or another City? (If the property is next to city boundary with county or other city, show and label it)
C	-	Conformance items reviewed by Development Services staff		
T	-	Technical items reviewed by the City Land Surveyor and her staff		
C/T	-	Conformance/Technical items reviewed by both groups		