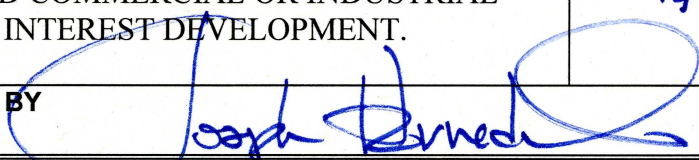


City of San José, California

PLANNING POLICY

TITLE PROCESSING PROPOSED COMBINATION OF (AIRSPACE) CONDOMINIUM UNITS IN A RECORDED COMMERCIAL OR INDUSTRIAL COMMON INTEREST DEVELOPMENT.	PAGE 1 of 1	POLICY NUMBER
APPROVED BY 	EFFECTIVE DATE 12/12/08	REVISED DATE 12/12/2008

This is the Department of PBCE Policy for processing proposed combination of (airspace) condominium units for the purposes of a creating a single tenant space in a recorded commercial or industrial Common Interest Development. In this case the creation of a single tenant space is not akin to a “lot combination”.

1. This policy applies only to the proposed combination of units pursuant to an approved final condominium map and recorded condominium plan for the purposes of creating a single tenant space. The creation of additional units that exceed the maximum number of units authorized pursuant to the Final Map does require additional land use development and subdivision map review by the City in accordance with applicable laws and regulations.
2. The City will not require additional land use development or subdivision map review for the combination of multiple airspace units into a single tenant space in an approved condominium project only if ALL of the following criteria are met:
 - a. There is an approved Final Map for the establishment of the condominium in accordance with the Subdivision Map Act and SJMC Title 19 indicating the maximum number of units authorized pursuant to the Map,
 - b. There is an approved Special Use Permit or the project otherwise meets the requirements of SJMC Title 20, and there is no violation of any of the land use permits issued by the City as a result of the change in units,
 - c. The total number of condominium units established is not increased above the maximum number authorized by the approved land use permits and the approved Final Map,
 - d. All physical improvements comply with applicable regulations regarding construction, including but not limited to Building and Fire Codes,
 - e. There are no proposed exterior alterations that would require a development permit in accordance with the Zoning Ordinance,
 - f. The new combined tenant space complies with the minimum condominium unit square footage requirements in SJMC Title 20.
3. The applicant is responsible for verifying that the reconfiguration of the units within the condominium project into a single tenant space is effected in conformance with the recorded CC&Rs and the condominium plan for the project as required by state law (subject to verification by the applicant), and
4. Section 66427 of the Subdivision Map Act does not require the applicant to indicate the manner in which airspace is to be divided in a proposed condominium if the division of airspace is specified in a recorded condominium plan..