



CITY OF SACRAMENTO

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April 21, 1980

Honorable City Council
Sacramento, California 95814

RE: CONDOMINIUM CONVERSIONS - SPECIAL CLASSIFICATION
ORDINANCE (AMERICAN RIVER VILLIAGE)

Members in Session:

SUMMARY:

Attachment "A" is a proposed uncodified ordinance creating a special classification for condominium conversion projects for which tentative subdivision maps had been approved by the City Planning Commission on or before August 10, 1979. This ordinance was drafted in response to a Council request at the meeting of April 8, 1980.

The effect of the proposed ordinance is to subject such projects to all requirements of the City's Codified Condominium Conversion Ordinance, with certain limited exceptions. These exceptions are the purchase incentives; the requirement of a Planning Commission hearing prior to the Council hearing; the requirement of a single annual hearing for all conversion applications; and, in the case of a variance request, the requirement of a Planning Commission hearing prior to the Council hearing.

BACKGROUND INFORMATION

In its present form, the Condominium Conversion Ordinance would require all conversion projects to comply with building standards, relocation assistance, tenant notice provisions, purchase incentives, and other terms and conditions embodied in the ordinance.

The American River Village conversion application was first presented to the Planning Commission in March, 1979; on August 9, 1979, the Planning Commission approved a tentative map for the project, with certain specified conditions. Thereafter, a moratorium on conversion was imposed; the moratorium was lifted March 25, 1980.

On April 1, 1980, the project was before the Council for discussion. At that time, Mr. Bardis represented that the long delay had caused hardship, and that a certain low-interest federal loan program would be lost if his project was treated like other conversion projects.

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Council directed the City Attorney to provide a timetable and method for the special handling of the project so as to alleviate the hardship.

On April 8, 1980, the Council adopted the City Attorney's recommendations as to a timetable, and the creation (by means of an uncodified ordinance) of a special classification for projects for which a tentative subdivision map was approved by the Planning Commission on or before August 10, 1979. The Council directed that the project be exempted from the purchase incentives requirement, but that the Council be given specific power to condition approval of the Special Permit, to include conditions regarding sales at prices affordable to low and moderate income purchasers, and requirements concerning offers to purchasers of low interest loans.

The Proposed Uncodified Ordinance

As drafted, the proposed uncodified ordinance subjects this project to all building standards of the existing Condominium Conversion Ordinance, such as separate utility hookups, two-hour firewalls, and sound attenuation. Additionally, all tenant relocation assistance benefits of the ordinance are retained, as well as the 30-day notice requirement, whereunder each tenant must be given 30 days' notice of intent to convert.

The project would be exempted from: the purchase incentives requirement; the requirement of a Planning Commission hearing prior to the Council hearing; the requirement of a single hearing on all conversion applications; and, in the case of a variance, from the requirement of a Planning Commission hearing prior to the hearing before the Council.

The Council is given the specific power to condition the grant of the Special Permit. Under this provision, conditions can be imposed regarding sale at affordable price to low and moderate income tenants, as well as offering the low-interest federal loans to purchasers. Other suitable conditions may also be imposed.

The ordinance, if adopted, must be an emergency measure. This would permit the applicant to give the 30-day notice immediately after adoption of the ordinance, to keep the project on the proposed timetable.

Various technical adjustments are made to remove reference to the Planning Commission, where appropriate.

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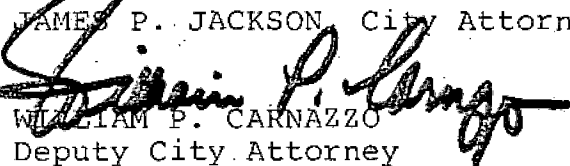
Timetable

1. April 29, 1980 - adopting of the proposed ordinance.
2. April 30, 1980 - date on which applicant must give 30-day notice to tenants.
3. May 30, 1980 - date on which applicant may file application for special permit.
4. June 23 - July 7, 1980 - period during which Planning Department to complete review of application.
5. July 15 or July 22, 1980 - hearing on special permit before City Council.

RECOMMENDATION

If the American River Village project is to be expedited, the proposed ordinance should be adopted as an emergency measure.

Very truly yours,

JAMES P. JACKSON, City Attorney

WILLIAM P. CARNAZZO
Deputy City Attorney

JPJ:WPC/KMF

RECOMMENDATION APPROVED


WALTER J. SLUPE, City Manager

ATTACHMENT

ORDINANCE NO. 4349 FOURTH SERIES

AN UNCODIFIED ORDINANCE RELATING TO CONDOMINIUM CONVERSIONS AND CREATING A SPECIAL CLASSIFICATION FOR CONDOMINIUM CONVERSION PROJECTS FOR WHICH TENTATIVE SUBDIVISION MAPS HAD BEEN APPROVED BY THE CITY PLANNING COMMISSION ON OR BEFORE AUGUST 10, 1979, AND DECLARING SAID ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

PURPOSE AND OBJECTIVES

The City Council finds that it is necessary to create a special classification for condominium conversion projects for which tentative subdivision maps had been approved by the City Planning Commission on or before August 10, 1979.

The necessity for the special classification is created by the fact that extreme hardship is imposed upon applicants in such projects, due to the length of time that the applications for such projects have been pending; such applications having been filed many months before the August 10, 1979 date. While such applications have been pending, a moratorium on condominium conversions was imposed, and remained in effect until March 25, 1980. During the moratorium period, construction and other costs related to condominium conversions have risen substantially, causing further hardship. Such hardship can be alleviated by providing for an expedited review procedure, while still requiring compliance with the provisions of the existing condominium conversion ordinance.

SECTION 2.

SPECIAL PERMIT REQUIRED

In the case of a condominium conversion project in which a tentative subdivision map was approved by the City Planning Commission on or before August 10, 1979, the applicant shall be required to file an application for and obtain a special permit for such condominium conversion project pursuant to and in compliance with each and every provision of Section 28 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, as it exists on the date of the hearing on the application for special permit before the City Council, except as specifically otherwise provided in this ordinance.

SECTION 3.

EXCEPTIONS TO REQUIREMENTS

Projects subject to the provisions of Section 2 of this ordinance are exempted from the following provisions of Section 28 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series:

- (a) Subsection 28-C-5-a (purchase Incentives);

SECTION 4.

The provisions of sections 13-A-8 and 12-A-9 of the Comprehensive Zoning Ordinance shall not be applicable to this ordinance due to the urgent necessity of this ordinance as set forth in section 7 of this ordinance.

SECTION 5.

IMPOSITION OF CONDITIONS

In approving a special permit for a condominium conversion under the provisions of this ordinance, the City Council may impose such conditions as may be necessary to carry out the intent, purpose and objectives of this ordinance, Section 28 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, the General Plan, and applicable community and specific plans and element thereof, or to protect the public health, safety and welfare. Such conditions may include, but shall not be limited to a requirement that the applicant offer a portion of the project units to persons of low and moderate income at an affordable price, and conditions requiring the applicant to make low cost financing available to purchasers of project units.

SECTION 6.

EMERGENCY

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are that the process for considering applications commences with the serving of notice of intent to convert, and in order to accomplish the purposes of this ordinance and alleviate hardship, this ordinance must be effective immediately to allow immediate delivery of the notices of intent to convert.

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK