



CITY OF SACRAMENTO

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DEPARTMENT OF LAW
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CITY MANAGER'S OFFICE
RECEIVED
MAR 7 1980

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STEPHEN B. NOCITA
DEPUTY CITY ATTORNEYS

March 7, 1980

Honorable City Council
Council Chamber
City Hall
Sacramento, California 98514

RE: HEARING ON CONDOMINIUM CONVERSION ORDINANCE

Members in Session:

SUMMARY

We are requesting that the hearing on the Condominium Conversion Ordinance be continued to March 25, 1980, in order to allow for completion of reports and amendments in sufficient time for Council and public review. The reports and amendments will be distributed prior to March 18, 1980.

DISCUSSION

This office has been continuing to study the existing Condominium Conversion Ordinance since it was adopted, as well as working on the amendments thereto. We have several serious concerns which center on the purchase incentives for low and moderate income tenants, the relocation assistance provisions, and the methods of enforcement of various provisions of the ordinance.

We request that the hearing on the ordinance and amendments there- to be continued to the March 25th meeting. The concerns referred to above will be discussed in separate reports to be distributed to the Council prior to March 18th. Also, several technical amendments to the ordinance will be distributed at the same time. The continuance is necessary in order to allow time for the reports and amendments to be completed and to enable the Council and the public to review the material prior to the hearing.

APPROVED
BY THE CITY COUNCIL

MAR 11 1980

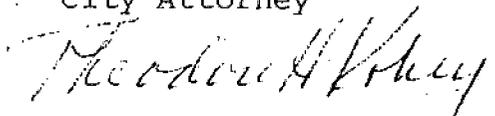
OFFICE OF THE
CITY CLERK

RECOMMENDATION

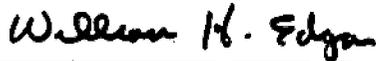
We recommend that the hearing on the Condominium Conversion Ordinance be continued to March 25, 1980.

Very truly yours,

JAMES P. JACKSON
City Attorney


THEODORE H. KOBAY, JR.
Assistant City Attorney

RECOMMENDATION APPROVED:



Ass't CITY MANAGER

THK:GD

ORDINANCE NO.

FOURTH SERIES

AN ORDINANCE AMENDING SECTIONS 28-B, 28-C-1, AND 28-C-6(a)(ii) OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO CONDOMINIUM CONVERSIONS AND USE OF THE VACANCY RATE, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1.

Section 28-B of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended by revising the title thereof to read as follows:

- B. General Requirements; Special Permit Required; Hearing; Determination of Vacancy Rate

SECTION 2.

Section 28-B-4 is added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

4. Whenever a vacancy rate percentage is used in this Section or any other law or regulation of the City in connection with an application for a condominium conversion project, the percentage shall be that determined by the City in accordance with the method for determining vacancy rates established by the City Council by resolution; provided, that whenever said percentage is within one percentage point of a vacancy rate percentage standard or requirement set forth in this Section or any other law or regulation of the City, an applicant may proceed with an application for a condominium conversion project as if the percentage met the standard or requirement if the applicant submits evidence based on a survey of vacancies prepared by an independent consultant that the percentage determined by the City is inaccurate and that the percentage does in fact meet the standard or requirement; and provided further, that the City Planning Commission and City Council may consider but shall not be bound by said evidence when considering an application for a condominium conversion special permit or tentative map.

APPROVED
BY THE CITY COUNCIL
PPP HRL 2-25-90
(MAR 11 1990)

OFFICE OF THE
CITY CLERK

SECTION 3.

Section 28-C-1 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended by revising the first paragraph of said Section to read as follows:

Recognizing that the conversion to condominium ownership of rental units in existing buildings presents unique problems to present tenants and future buyers, the application for a special permit for a condominium conversion project shall include the information set forth below in (a) through (m), in addition to that required by Section 15 of this ordinance, and shall meet the requirements set forth in (n) below:

SECTION 4.

Section 28-C-1(n) is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

(n) An application for a special permit for a condominium conversion project shall not be accepted for filing nor processed if the vacancy rate for the affected community plan areas during the preceding twelve months is less than or equal to 5%; provided, that if the applicable vacancy rate is equal to or less than 5% but greater than or equal to 4%, an application for a special permit for a condominium conversion project may be accepted for filing and processed if the applicant includes in the proposed project measures which would effectively mitigate the displacement of tenants and any adverse effects upon the housing stock of the affected community plan areas which would be caused by the proposed conversion. No application for a special permit for a condominium conversion project shall be accepted for filing if the applicable vacancy rate is less than 4%.

SECTION 5.

Section 28-C-6(a)(ii) of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

(ii) That the average rental vacancy rate in the affected community plan areas during the 12 months preceding the filing of the application is greater than 5%; provided, that a special permit may be approved where the said vacancy rate is equal to or less than 5% but greater than or equal to 4% if the applicant has proposed measures which the Council finds would effectively mitigate the displacement of tenants and any adverse effects upon the housing stock in the affected community plan areas which would be caused by the proposed conversion.

In evaluating the average rental vacancy rate in the affected community plan areas and in the building proposed for conversion, the City Planning Commission and the City Council shall consider the rental history of the building, including the number of evictions and increases in rent over the preceding three (3) years. Notwithstanding any other provision of this subsection, the City Council may deny a special permit under this Section if it finds that vacancies in the building have been created by unjust evictions and unreasonable rent increases in order to qualify a project for conversion under this subsection.

The requirements of this subsection (ii) shall not apply to condominium conversion projects comprised of the conversion of a nonresidential building into condominium ownership intended for residential occupancy.

SECTION 6. Emergency.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are the expiration on March 26, 1980, of the existing moratorium on the conversion of residential structures to condominium ownership, the existence of numerous residential structures in the City of Sacramento which have been proposed for conversion to condominium ownership, and the need to insure, in the interests of the public health, safety and welfare, that the regulations contained in this ordinance take effect before the expiration of the moratorium and are made applicable to all proposed residential condominium conversion projects.

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT

915 "I" STREET
CITY HALL - ROOM 308

SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5604

Marty Van Duyn

PLANNING DIRECTOR

March 6, 1980

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: AMENDMENT TO ORDINANCE NO. 4305, FOURTH SERIES, ADDING SECTION 22-A-60 AND SECTION 28 TO, AND REPEALING SECTION 2-H-11 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, REPEALING SECTION 9.05(g) AND 9.37 OF THE SACRAMENTO BUILDING CODE, CHAPTER 9 OF THE SACRAMENTO CITY CODE, AND ADDING SECTION 40.109 TO CHAPTER 40 OF THE SACRAMENTO CITY CODE, RELATING TO CONDOMINIUMS AND CONDOMINIUM CONVERSIONS. (M-394)

SUMMARY

This item is presented at this time for Council's approval of its publication for legal advertisement purposes.

BACKGROUND INFORMATION

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

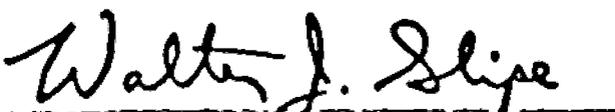
RECOMMENDATION

It is recommended the item be passed for publication.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR TRANSMITTAL TO CITY COUNCIL:


Walter J. Slize, City Manager

jm
M-394

March 11, 1980
All Districts