

CITY PLANNING COMMISSION

927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Merrill Stone, 1024 W. Robinhood Drive, Stockton, CA 95207		
OWNER	Southwood Apt. Ltd., 1024 W. Robinhood Drive, Stockton, CA 95207		
PLANS BY	Merrill Stone, 1024 W. Robinhood Drive, Stockton, CA 95207		
FILING DATE	7/10/84	50 DAY CPC ACTION DATE	8/9/84
REPORT BY:	SC:bw		
NEGATIVE DEC.	Ex. 15301(k)	EIR	ASSESSOR'S PCL. NO. 030-082-01-40; 030-083-01-64

APPLICATION: Variance to waive the one-year time limit and one-year time extension requirements for the condominium conversion special permit (Sec. 28-E & 15-D-4)

LOCATION: No. 54 Quay Court

PROPOSAL: The applicant is requesting the necessary entitlement to preserve the special permit on a condominium conversion project.

PROJECT INFORMATION:

1974 General Plan Designation:	Residential
1979 Pocket Community Plan Designation:	Light Density Multiple Family
Existing Zoning of Site:	R-3, R-2B & R-2A
Existing Land Use of Site:	Apartments

Surrounding Land Use and Zoning:

North:	Single Family; R-1
South:	Single Family; R-1
East:	City Park; R-3
West:	Apartments; R-3

Parking Required:	98 spaces
Parking Provided:	145 spaces
Property Dimensions:	Irregular
Property Area:	5.9+ acres
Density of Development:	17 du/ac
Square Footage of Units:	1,230 to 1,441
Height of Structure:	Two-story or 25 feet
Significant Feature of Site:	Existing Apartment Complex
Topography:	Flat
Street Improvements/Utilities:	Existing
Exterior Building Colors:	Gray
Exterior Building Materials:	Stucco and tile

BACKGROUND INFORMATION:

On October 11, 1983 the City Council approved a one-year extension on a special permit for the condominium conversion of Southwood Apartments.

The subject special permit as extended is due to expire on August 10, 1984. At the time the special permit extension was approved, the applicant anticipated the units would be available for sale within a month or two of the permit extension. The applicant has subsequently experienced difficulty in completing the conversion of this project due to conflicts between the State Department of Real Estate requirements, HUD and the applicant's lender.

The ordinance requires that a special permit issued for the conversion of rental housing into condominium be valid for a one-year period at which time the special permit must be established by the sale of one unit within the complex. The ordinance does, however, allow for a one time, one-year extension of the special permit. The applicant has used the allowed extension and is now requesting a variance from the ordinance in an effort to preserve the special permit on this project.

PROJECT EVALUATION: Staff has the following comments:

- A. The project is located within the Pocket Community Plan area and the current vacancy rate is 2.2% which is below the minimum level allowed for conversion. The project was approved when the vacancy rate exceeded the minimum level of 5+ %. The extension was, however, granted when the vacancy rate was below the minimum level, subject to additional conditions which were included to mitigate concerns over tenant displacement and relocation problems. Staff has no objection to the variance provided the original conditions of approval are met and that the conditions on the extension be revised to include all tenants residing in the complex as of August 10, 1984.
- B. The applicant has actively pursued the completion of this conversion project. The final map has been filed and improvements have also been completed on the first phase of this six-phased project. The applicant has satisfied a majority of the map conditions on this project through a Subdivision Improvement Agreement. In reviewing the applicant's request, the City Engineer indicated concern that the final phases of the project may not be completed in a reasonable time and that conditions for reinspection and the necessary upgrading may be desirable to ensure code compliance at time of sale.

Staff concurs with this recommendation and has included a condition to address this concern.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Sec. 15301(k)).

RECOMMENDATION: Staff recommends the Commission approve the requested variance, subject to the following conditions and based upon Findings of Fact which follow:

Conditions - Variance

1. The applicant shall extend the following benefits to all tenants residing in the complex as of August 10, 1984:
 - a. The applicant shall extend the special lease provisions outlined in Section 28-C-5(d) to all elderly and handicapped tenants residing in the complex as of August 10, 1984.
 - b. The applicant shall extend the relocation assistance outlined in Section 28-C-5(b) of the ordinance to all tenants residing in the complex as of August 10, 1984.
 - c. These tenants shall be notified of any additional benefits due them. A copy of the notice shall be submitted to the Planning Department for verification of compliance with these conditions.
 - d. The preconversion protection outlined in Section 28-C-5(f) of the ordinance shall be extended for a period of two more years from August 10, 1984. The percentage of rent increase shall be subject to the maximum allowable increase under the HUD rental income limits during the time this project is subject to HUD guidelines. The percentage of rent increases, under the income limits approach, shall be divided between all 98 units; however, no occupied unit shall receive a rent increase of greater than 10% within each year.

The maximum allowable rent increase shall be that determined by HUD fair market rents for assisted units if the project should be withdrawn from the HUD rental income guidelines.
2. The applicant shall comply with all of the special permit conditions of approval on the original request (P82-024).
3. Prior to sale of any unit after August 10, 1985 a reinspection shall be completed by the Building Inspections Division on the unit. Fees for reinspection shall be charged by the Building Division, and any code deficiencies noted at that time shall be corrected prior to final inspection of the unit.

Findings of Fact - Variance

The variance, as conditioned, will not be injurious to the public welfare or to other properties in the vicinity in that the applicant will be converting the project on a phasing basis which will minimize tenant displacement and any adverse effect on the rental housing stock in the area.

Granting the variance will not constitute a special privilege extended to one property owner in that this property owner faced hardships due to the time required to develop methods to comply with new ordinance provisions and conditions not yet implemented at the time of approval.

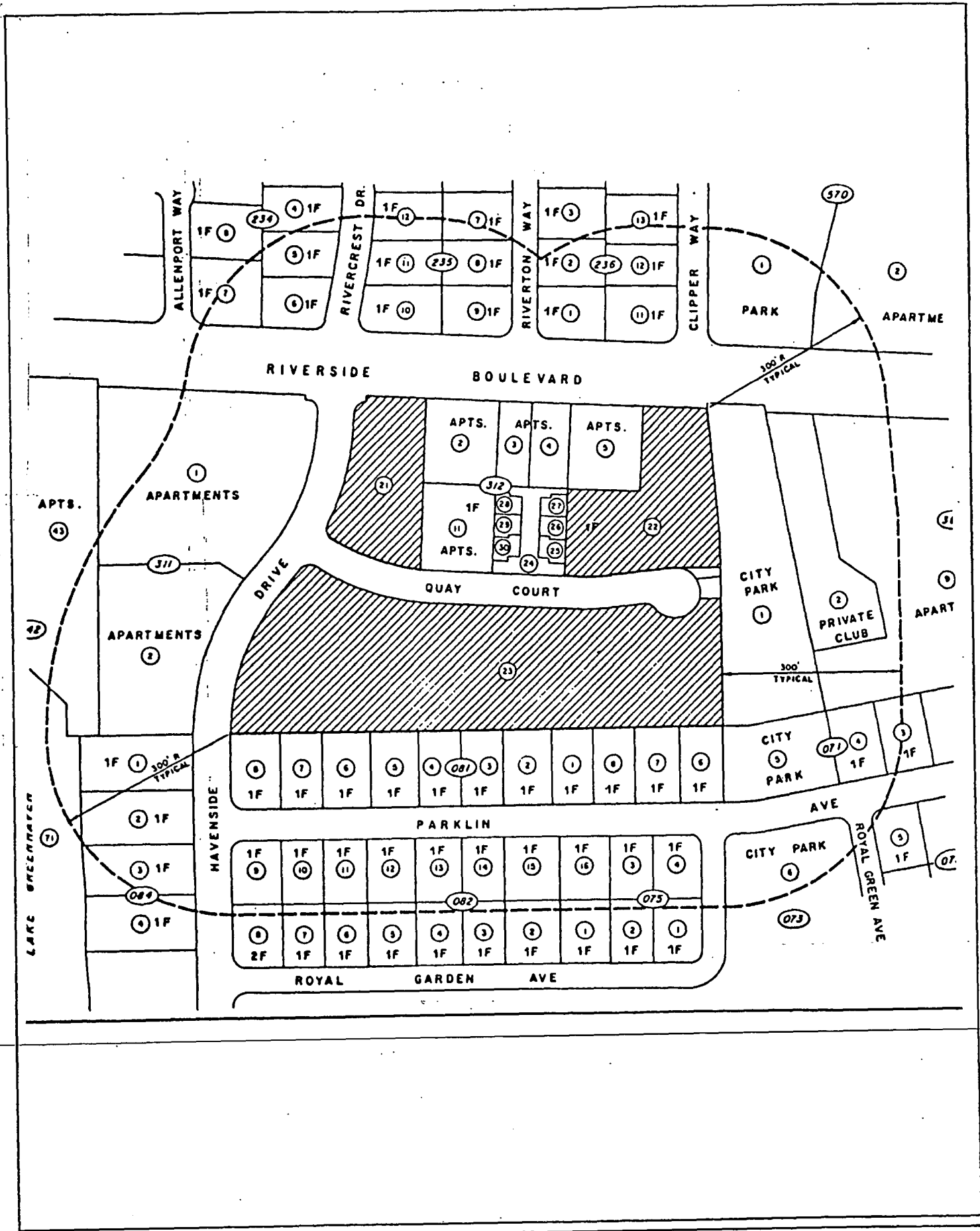
The variance is consistent with the 1974 General Plan and the Pocket Community Plan in that the site is designated for residential purposes.

Special Permit Conditions: (P82-024)

1. The applicant shall provide all tenant benefits described in Section 28-C-5(a) & (b) of the Zoning Ordinance.
2. eligible tenants shall be provided relocation assistance at the time they are requested to vacate their unit or when renovation, due to the conversion, affects the unit in which the tenant resides. This assistance shall also be provided when conversion activity on the site affects the tenant's living environment.
3. Eligible tenants shall be given a minimum one-year lease, effective from the day the tentative map and special permit are approved.
4. All tenants shall be given a 180-day written notice to vacate their unit should they elect not to purchase.
5. All eligible tenants who purchase a Southwood unit shall be given a purchase discount of \$3,300 for the two-bedroom unit and \$4,000 for the three-bedroom unit. This discount will be taken off the sales price that the units are sold for to the general public.

6. The applicant shall provide notice to all prospective tenants that the apartment has been approved for conversion to condominium. This shall be accomplished through a written notice, in a form acceptable to the City, which indicates that due to the conversion the tenant may be asked to move for rehabilitation purposes or sale of their unit. In addition, the notice shall inform the tenant that, as a condition of renting in this complex, the tenant must waive all provision of the tenant protection section of the ordinance unless otherwise stated. Any benefits or provisions that will be made available to these tenants, in addition to the 180 day notice to vacate, shall be included in the notice.

7. The applicant shall prepare for Planning staff review and approval a notice to all existing tenants informing them of any rights or benefits due them as a result of this special permit approval:
 - a. The notice shall be clear and concise and must be submitted to the Planning Department within 60 days from the tentative map and special permit approval;
 - b. The notice shall be sent to each tenant by the applicant after approval by the Planning Department;
 - c. The applicant shall provide the Planning Department with proof of service of the notice to each tenant residing in the complex.

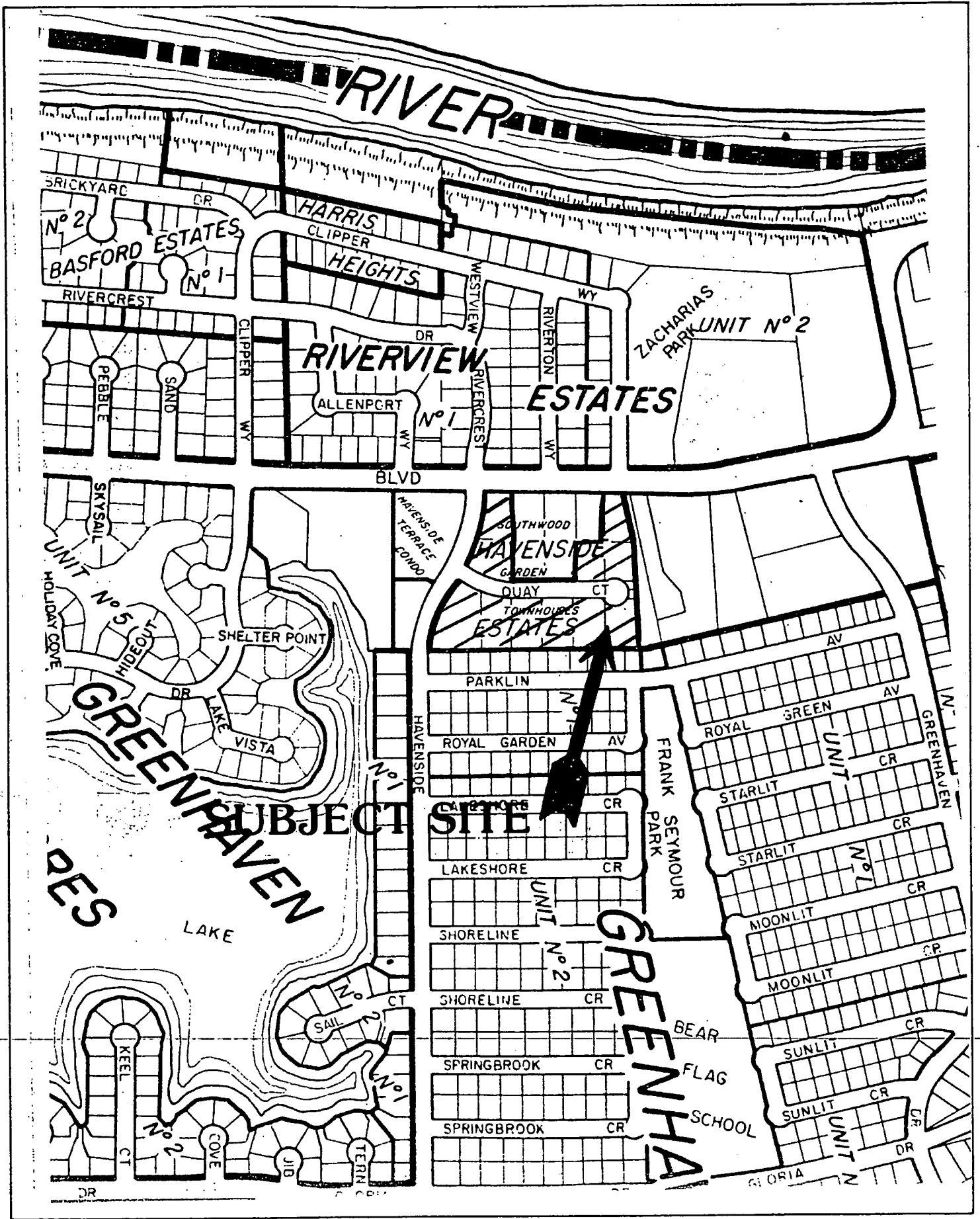


LAND USE MAP

EXHIBIT A

SPECIAL PERMIT CONDITIONS (P82-024)

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VICINITY MAP

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8-9-84

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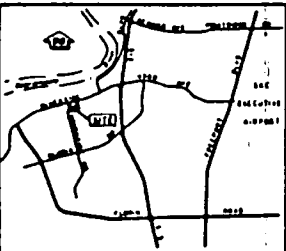
**TENTATIVE MAP
OF
SOUTHWOOD GARDEN TOWNHOUSES
SACRAMENTO, CALIFORNIA**

JANUARY 1982 SCALE: 1" = 30'
SHEET 1 OF

**GILL & PULVER ENGINEERS INC.
SACRAMENTO, CALIFORNIA**

OWNER AND APPLICANT OF PROJECT:
SOUTHWOOD APARTMENTS, A LIMITED PARTNERSHIP
GENERAL PARTNER: GEORGE H. PETERSON
C/O THE HOME & DIVISION
1004 1011 PULVERWOOD DRIVE
STOCKTON, CALIFORNIA 95210
(209) 931-3100

APPLICANT:
SOUTHWOOD APARTMENTS, A LIMITED PARTNERSHIP
GENERAL PARTNER: GEORGE H. PETERSON
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1004 1011 PULVERWOOD DRIVE
STOCKTON, CALIFORNIA 95210
(209) 931-3100



LOCATION MAP
ON SHEET

ALL TIES AND BENCH MARKS SHOWN
ARE FROM THE NEAREST SET OF THE
POLARIS TIES:

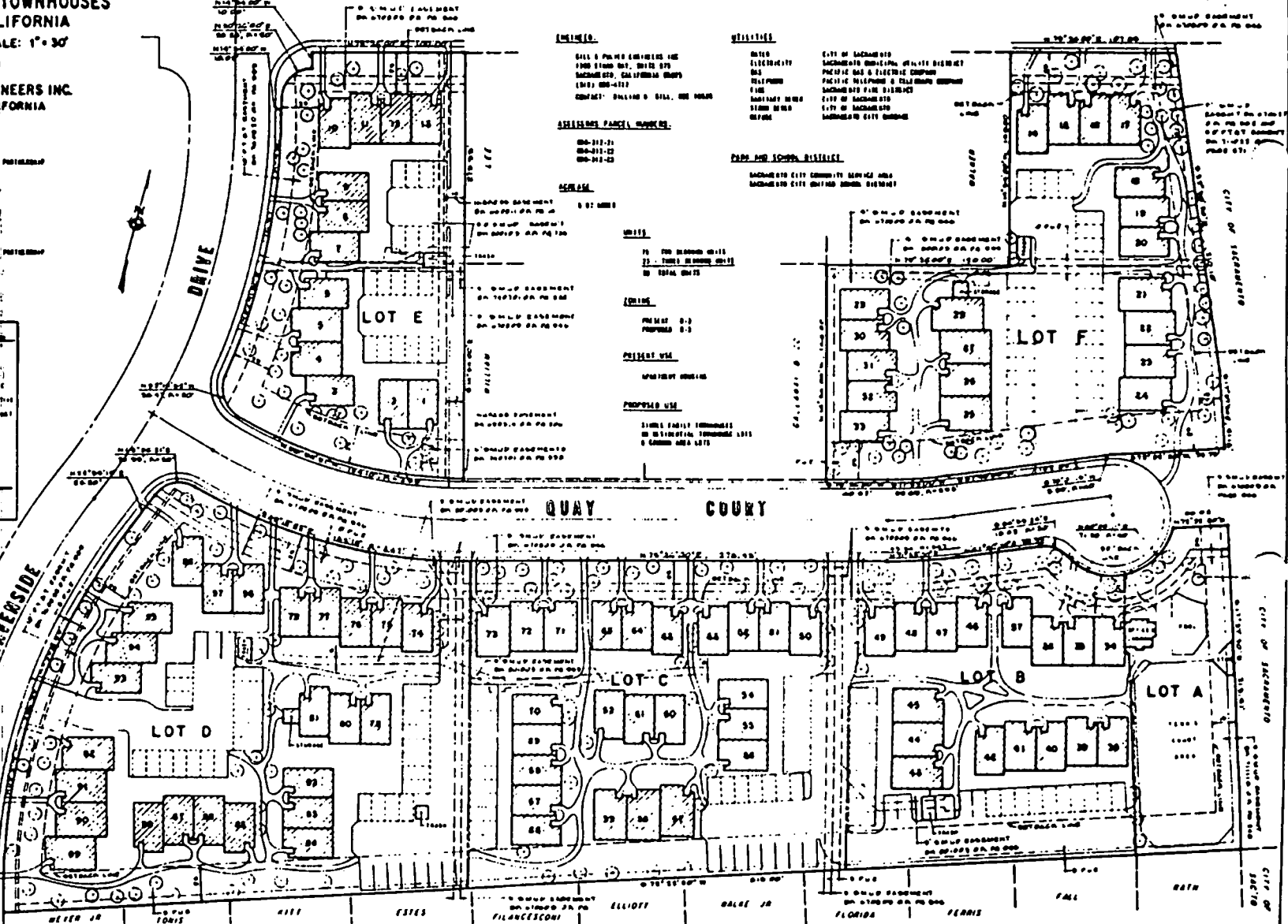
SYMBOLICAL NAME	COMMON NAME
Small circle	Level point
Circle with cross	St. Johns cross
Circle with dot	Fire hydrant
Circle with horizontal lines	Water hydrant
Circle with vertical lines	Fire trap
Circle with diagonal lines	Gas trap
Circle with wavy lines	Flow meter
Circle with horizontal lines and dots	Water meter
Circle with vertical lines and dots	Gas meter
Circle with diagonal lines and dots	Electric meter
Circle with wavy lines and dots	Water meter
Circle with horizontal lines and dots	Gas meter
Circle with vertical lines and dots	Electric meter
Circle with diagonal lines and dots	Water meter
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Circle with vertical lines and dots	Water meter
Circle with diagonal lines and dots	Gas meter
Circle with wavy lines and dots	Electric meter

RIVERSIDE

BOULEVARD

RIVERSIDE DRIVE

QUAY COURT



UTILITIES:
GILL & PULVER ENGINEERS INC
1700 QUAY COURT, SUITE 270
SACRAMENTO, CALIFORNIA 95811
(916) 998-4117
CONTACT: DALLAS D. GILL, P.E. OR NORA

ADJACENT PARCEL NUMBERS:
004-211-71
004-211-72
004-211-73

SECURE:
0.87 ACRES

UTILITIES:
70' TO BOUNDARY
22' TO BOUNDARY
IN TOTAL WIDTH

EXISTING:
Paved 0.2
Proposed 0.2

PRESIDENT USE:
APARTMENT BUILDING

PROPOSED USE:
SINGLE FAMILY TOWNHOUSES
IN EXISTING COMMERCIAL LOT
0.87 ACRES AREA

UTILITIES:
CITY OF SACRAMENTO
SACRAMENTO DIVISION OF WATER SUPPLY
PACIFIC GAS & ELECTRIC COMPANY
PACIFIC TELEPHONE & TELEGRAPH COMPANY
SACRAMENTO FIRE DISTRICT
CITY OF SACRAMENTO
CITY OF SACRAMENTO
SACRAMENTO CITY ENGINEER

PLANS AND TECHNICAL SERVICES:
SACRAMENTO CITY COMMUNITY SERVICE AREA
SACRAMENTO CITY ENGINEER

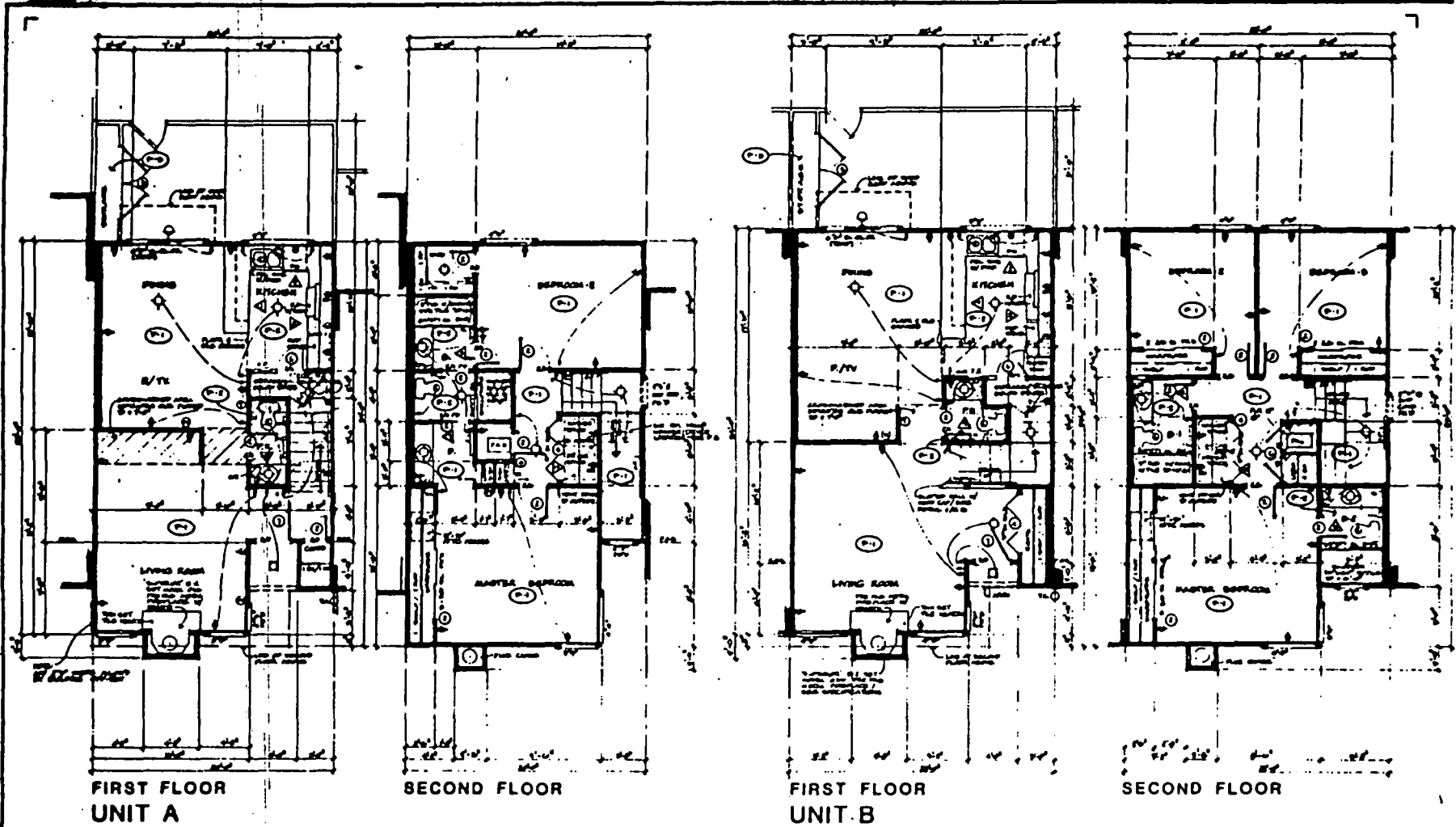
MEYER JR, TORIS, KILL, ESTES, FLORENCONI, ELLIOTT, GAGE JR, FLORIDA, FERRIS, FALL, BATH

Thompson
Architectu
Group, Inc

107 W. Shaw Avenue
Fresno, California 937
(208) 225-3232

notes:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL WALLS ARE 1/2" THICK UNLESS NOTED OTHERWISE.
3. ALL DOORS ARE SWINGING INTO THE ROOM UNLESS NOTED OTHERWISE.

FLOOR PLAN	
Project Location	YAB
Project No.	7000
Scale	1/4" = 1'-0"
Sheet No.	A-1

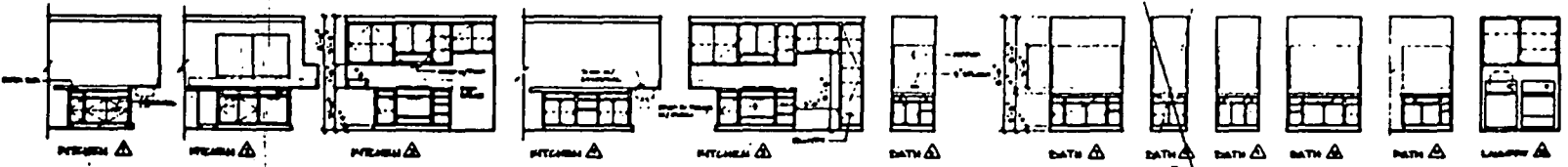


FIRST FLOOR
UNIT A

SECOND FLOOR

FIRST FLOOR
UNIT B

SECOND FLOOR



SECTION ELEVATIONS

001584

P 84265

8-9-84

No. 17

Thompson
Architecture
Group, Inc

1177 W Shaw Avenue
Fresno, California 93711
(209) 225-3232

DATE: 8/27/84
BY: J. THOMPSON
CHECKED: J. THOMPSON
SCALE: AS SHOWN
PROJECT: 84-265

EXTERIOR
ELEVATIONS

Project Number	84-265
Project Name	THOMPSON ARCHITECTURE GROUP
Date	8-27-84
Scale	AS SHOWN

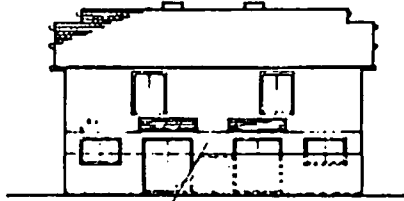
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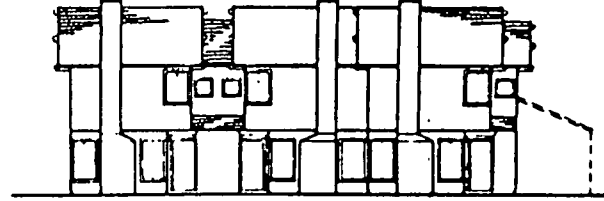
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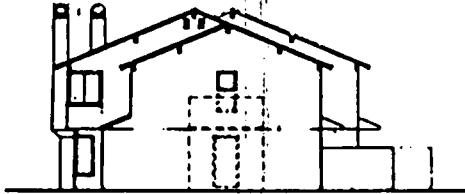
BLDG 1 n (4' x 10' elev., rear)



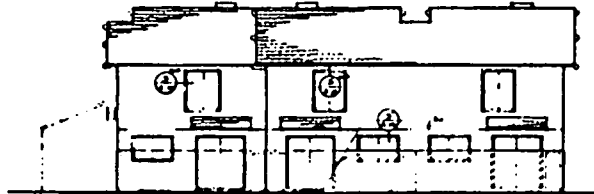
n (4' x 10' elev., rear)



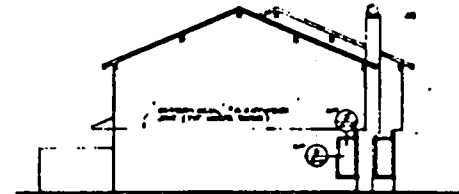
BLDG 22 n
(4' x 10' elev., rear)



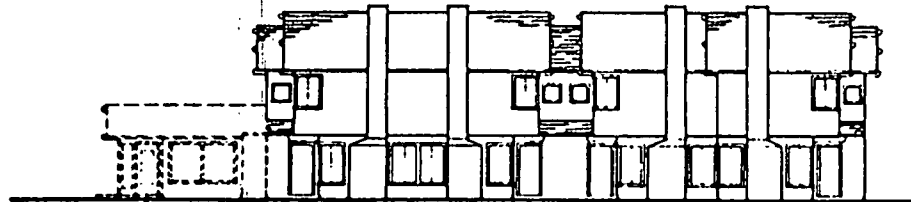
W (4' x 10' elev., rear)



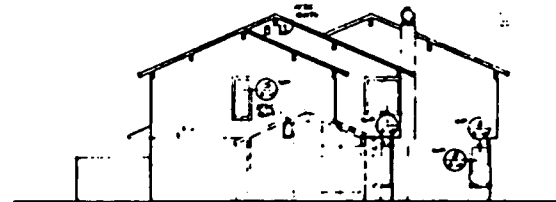
n (4' x 10' elev., rear)



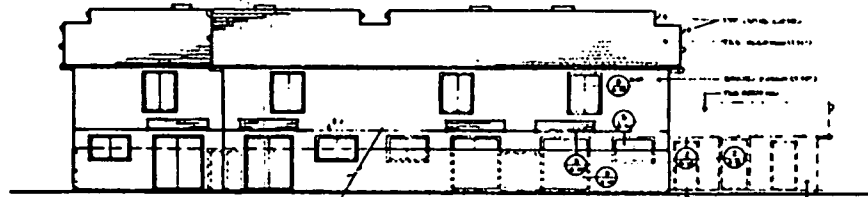
n (4' x 10' elev., rear)



BLDG 10 n
(4' x 10' elev., rear)



n (4' x 10' elev., rear)



n (4' x 10' elev., rear)