

CITY PLANNING COMMISSION

915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Gill & Pulver Engineer, 1300 Ethan Way #675, Sacramento, Ca. 95825		
OWNER	Virginia Terrance Inv. Ltd. 1710 Trousdale Bl., Burlingame, Ca. 94010		
PLANS BY	Gill & Pulver, 1300 Ethan Way #675, Sacramento, Ca. 95825		
FILING DATE	4-1-83	50 DAY CPC ACTION DATE	4-28-83
		REPORT BY:	SC:mm
NEGATIVE DEC.	4/8/83	EIR	ASSESSOR'S PCL NO. 295-02-15,16

- APPLICATION:
1. Negative Declaration
 2. Variance to waive requirements for sale of 1 unit within 1 year. Sec. 28-E of the Zoning Ordinance relating to condominium conversions.

LOCATION: 100 Cadillac Drive

PROPOSAL: The applicant is requesting a variance from the required 1 year time limitation in which a special permit must be validated by the sale of at least one unit for the conversion of apartments into condominium.

PROJECT INFORMATION:

1974 General Plan Designation:	Residential
Arden/Arcade Community Plan Designation:	Campus Commons PUD Multiple Family Residential
Existing Zoning of Site:	R-2B-R PUD
Existing Land Use of Site:	Apartments
Surrounding Land Use and Zoning:	
North:	Residential R-3-R
South:	Residential R-3
East:	Residential/Office & Commercial C-2-R, C-1, OB-R, S-C
West:	American River Parkway ARP-F
Parking Required:	140 spaces
Parking Provided:	242 Spaces
Property Dimensions:	Irregular
Property Area:	7.6 ± Acres
Density of Development:	18 Units per acre
Number of Units	140
Height of Structure(s)	2 Story
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Colors:	Earth Tone
Exterior Building Materials:	Stucco and Wood

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BACKGROUND INFORMATION: Cadillac Drive apartments is a 140 unit complex located in the Arden Arcade/East Sacramento Community Plan Areas. The combined vacancy rate for these areas is 3.2% which indicates that there is a shortage of available rental housing in this area.

A Special Permit was approved by the City Council on April 7, 1981 allowing the conversion of this apartment complex into condominiums. Prior to the expiration of the Special Permit, the applicant requested a one year extension of the Special Permit which was approved by the City Council on May 18, 1982.

The condominium conversion ordinance requires that a Special Permit issued for the conversion of rental housing into condominium ownership be established within one year after the permit is issued. The condominium project is considered established after a unit is completed and sold. Since an extension was granted, the applicant has one additional year to establish the condominium project. The one year extension was granted subject to the following conditions:

- a. Special Permit shall be granted for one-year providing that the tentative map is recorded within six months (October 8, 1982).
- b. If tentative map is not recorded within the six months (October 8, 1982), the Special Permit is null and void.
- c. Applicant shall provide to all current tenants a letter informing them of all benefits that are available as a result of the conversion. Letter to be approved by staff.

The applicant has not completed the requirement to sell at least one unit within the extended one year time period and is therefore, requesting this variance to preserve the Special Permit on this request.

STAFF EVALUATION: Staff has the following comments regarding this request:

1. The condominium conversion ordinance was developed to allow for the yearly review of all pending applications for condominium conversions. The yearly review was established to coincide with the yearly vacancy study which is accomplished to determine the status of available rental housing in each Community Plan Area. By allowing deviations from the yearly review, the vacancy report could be adversely effected since projects approved in previous years may suddenly remove a number of units from the rental housing stock for sales purposes. When this occurs, it may create problems for new projects trying to convert within the prescribed time since they will be competing for the available replacement housing for tenants living in their complex.
2. This project is located in the Arden/Arcade/East Sacramento Community Plan Areas. The combined vacancy rate for these areas is 3.2% which is below the required minimum of 5% for allowing condominium conversion. At the present time, there is an application pending for the conversion of a 500 unit apartment complex in the Arden/Arcade area. Last year a 57 unit apartment complex was approved for condominium conversion in the East Sacramento Community Plan Area. This proposed Variance, to waive the required time for completing the Special Permit, could create tenant displacement and relocation problems in light of the changes that have occurred since this project was originally approved in April of 1981.

3. Due to the period of time that has lapsed since this project was first approved, it is expected that many of the original tenants are no longer living in this complex. Those tenants who moved into Cadillac Drive Apartments since the original notice of intent to convert was filed in February of 1980 will not be eligible for the tenant protection provisions set forth in the condominium conversion ordinance. It is believed that these tenants will experience hardships since adequate comparable replacement housing is minimal in this area as indicated by the low vacancy rate.
4. Although the applicant has filed the final map in August of 1982, little if any on-site improvements have been completed. Instead of completing the required improvements, the applicant has entered into a Subdivision Improvement Agreement with the City to insure the completion of required improvements at times specified in the agreement.
5. This proposal was submitted to the City Engineer's office who indicated that the Subdivision Improvement agreement would have to be amended since the specified times for completion of improvements and Special Permit conditions were tied to the completion date of April 1982. If the Variance were granted, the existing Subdivision Improvement Agreement would be open-ended and no set time would be established to meet required conditions.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission deny the requested variance to waive Sec. 28E of the Zoning Code based on the following findings of fact.

Findings of Fact: Variance

1. Granting this variance would be a special privilege extended to one individual property owner in that all condominium conversions reviewed to date have been subject to the time limitations set forth in the Zoning Code and there are no special circumstances to justify this request.
2. The requested variance would be a disservice to tenants residing in this area and would be injurious to the public welfare and other properties proposing conversion in this area in that the vacancy rate is low at 3.2% indicating a shortage of available replacement housing. This variance will create tenant displacement problems for tenants in the area and other projects proposing to convert. In addition, this request will have an adverse effect on the rental housing stock in the area.
3. This proposed variance is contrary to the Housing Element of the General Plan and the Zoning Code in that the vacancy rate is below the required minimum and adequate comparable replacement housing is unavailable and this will have an adverse effect on the existing rental housing stock in the Planning Area.

