

## RESOLUTION NO. 2007-834

Adopted by the Sacramento City Council

November 13, 2007

### APPROVING THE SPECIAL PERMIT FOR THE SOUTHWOOD TOWNHOMES CONDOMINIUM CONVERSION PROJECT (P06-038) (APN: 030-0820- 001 THROUGH 040 & 030-0830-001 THROUGH 064)

#### BACKGROUND

- A. On September 27, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Southwood Townhomes Condo Conversion, a 98-unit rental apartment complex to a 98-unit for-sale condominium complex located at 54 Quay Court;
- B. On November 20, 2007, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Sections 17.192.050, 17.212.035 and 17.200.010(C)(2)(b) and (c) (posting and mail 500'), and received and considered evidence concerning the Southwood Townhomes Condo Conversion.

#### BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Based on the verbal and documentary evidence received at the hearing on the Southwood Condominium Conversion Project, the City Council approves the Project Special Permit based on the findings of fact and subject to the conditions of approval as set forth below.
- Section 2: The City Council approves the Project Special Permit based on the following findings of fact:
  - A. **Environmental Determination:** The determination of the Project's exemption from CEQA has been made by Resolution No. 2007-833.
  - B. The **Special Permit** for condominium conversion to convert a 98-unit rental apartment complex to a 98-unit for-sale condominium complex is hereby approved based upon the following findings of fact:
    - 1. The proposed conversion is consistent with the General Plan and Housing Element in that:
      - a. The vacancy rate in the Pocket Community Plan area is in excess of the required minimum for conversion to

condominium and it is not expected to have an adverse impact on the rental housing stock or create tenant displacement problems as conditioned;

b. Ownership opportunities for low and moderate income tenants will be provided with this condominium conversion.

2. The proposed condominium conversion project is located in the Pocket Community Plan Area where the rental vacancy rate is 7.1%, which is in excess of that required for condominium conversion. Tenant relocation and displacement problems should not occur with this proposed conversion.
3. Adequate comparable replacement housing shall be made available to all tenants in the form of extended leases, relocation assistance and purchase incentives.
4. The applicant has complied with all of the requirements of Chapter 17.192 of the Sacramento City Code pertaining to condominium conversion as they relate to application procedure.
5. The proposed conversion project as conditioned shall comply with all development standards set forth in Chapter 17.192 of the Sacramento City Code.
6. The proposed conversion project is not a unique and needed rental housing resource in the City or this community in that tenant displacement problems should not occur with this conversion.

Section 3. The City Council approves the Project Special Permit subject to the following conditions of approval:

1. The applicant/owner shall provide all tenant benefits described in Section 17.192.050(F) through (P) of the Sacramento City Code except conditions otherwise provided below.
2. All eligible tenants shall be provided a copy of the relocation assistance report and the report on the sales and lease program for qualified low and moderate income tenants.
3. All 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.

4. All eligible tenants shall be given a minimum one-year lease to stay and all qualified tenants shall be given a minimum three-year lease to stay, effective from the day the special permit is approved.
5. The applicant/owner 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 prospective tenants 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 shall be included in the notice.
6. The applicant/owner shall prepare for the Planning Director review and approval a notice to all 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 Director within 60 days from the special permit approval.
  - b. The notice shall be sent to each tenant by the applicant/owner after approval by the Planning Director.
  - c. The applicant/owner shall provide the Planning Director the proof of service of the notice to each tenant residing in the Complex.
7. The applicant shall obtain all necessary building and/or encroachment permits prior to commencing the improvements to the units.
8. The applicant/owner shall sell at least one unit in order to activate the Special Permit within three years of the final approval or submit a time extension application pursuant to the section of 17.212.100.

**BUILDING:**

9. Potential buyers of the condominium unit shall be given the Property Condition Assessment and Code Compliance Survey completed by ATC Associates Inc. Completed on March 18, 2005.

**DEVELOPMENT ENGINEERING:**

10. Construct standard improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. Improvements shall be designed and constructed to City standards in place at the time that the Building Permit is issued. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall

include the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering Division.

11. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division. Any existing site driveways shall be redesigned and reconstructed, if necessary, to the satisfaction of the Development Engineering Division.

**UTILITIES:**

12. An ownership association shall be formed and C.C. & R's shall be approved by the City and recorded assuring maintenance of private sanitary sewer, water and storm drainage facilities within the condominium project. The onsite water and storm drainage systems shall be private systems maintained by the association.
13. Prior to the initiation of any water, sanitary sewer or storm drainage services to the condominium project, the owner(s) and ownership association shall enter into a Utility Service Agreement with the City to receive such utility services at points of service designated by the Department of Utilities. Such agreement shall provide, among other requirements, for payment of all charges for the condominium project's water, sanitary sewer and storm drainage services, shall authorize discontinuance of utility services at the City's point(s) of service in the event that all or any portion of such charges are not paid when and as required, shall require compliance with all relevant utility billing and maintenance requirements of the City, the Association will sub-meter in the future if required to do so by any law or regulation, and shall be in a form approved by the City Attorney.

**PG&E:**

14. Dedicate the Private Drives and the Common Areas as a public utility easement for underground facilities and such underground and aboveground appurtenances and additional areas as required within the Common Areas as required to provide service as a public utility easement for underground facilities and appurtenances except for those areas where structures or pool is located.

**ADVISORY NOTES:**

- A. The applicant shall apply for a Driveway Variance Permit for any site driveway that cannot meet City standards.
- B. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.
- C. The applicant shall enter into a reciprocal access easement agreement for the shared use of the driveways.

- D. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance).
- E. Form a Homeowner's Association (unless already existing). The Homeowner's Association shall maintain all private streets/drives, common areas, lights, sewers, drains and water systems.
- F. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Development Engineering Division.

#### **DEFINITIONS:**

- ❖ Eligible Tenant - means any tenant who was a resident of the project proposed for conversion on the date notice of intent to convert is given, pursuant to Section 17.192.050(B)(1) of the condominium conversion ordinance and on the date of approval of the special permit for the condominium conversion.
- ❖ Qualified Tenants – means any tenant who is an eligible tenant also who is elderly, handicapped, and/or qualified low and moderate income tenant. “Elderly” is defined that individuals sixty-two (62) years of age or older; “Handicapped” or “disabled” is defined in Section 50072 of the California Health and Safety Code or Section 223 of the United States Social Security Act, 42 USC 423; “Low income” is defined when used by itself or as a modifier of person or household or other term, means eighty (80) percent or less of the median income as established annually by the U.S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the proposed conversion project is located as adjusted for the number of members of the household; and “Moderate income” is defined when used by itself or as a modifier of person or household or other term, means eighty-one (81) percent to one hundred twenty (120) percent of the median income as established annually by the U.S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the proposed conversion project is located as adjusted for the number of members of the household.
- ❖ Prospective Tenants – means any tenant who becomes a resident of the project on or after the date of approval of the special permit for the condominium conversion.
- ❖ All Tenants – means eligible tenants and prospective tenants of the project.

Table of Contents:  
Exhibits A-E: Map and Plans

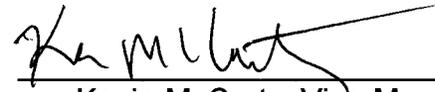
Adopted by the City of Sacramento City Council on November 13, 2007 by the following vote:

Ayes: Councilmembers Fong, Hammond, McCarty, Pannell, Sheedy, and Waters.

Noes: None.

Abstain: None.

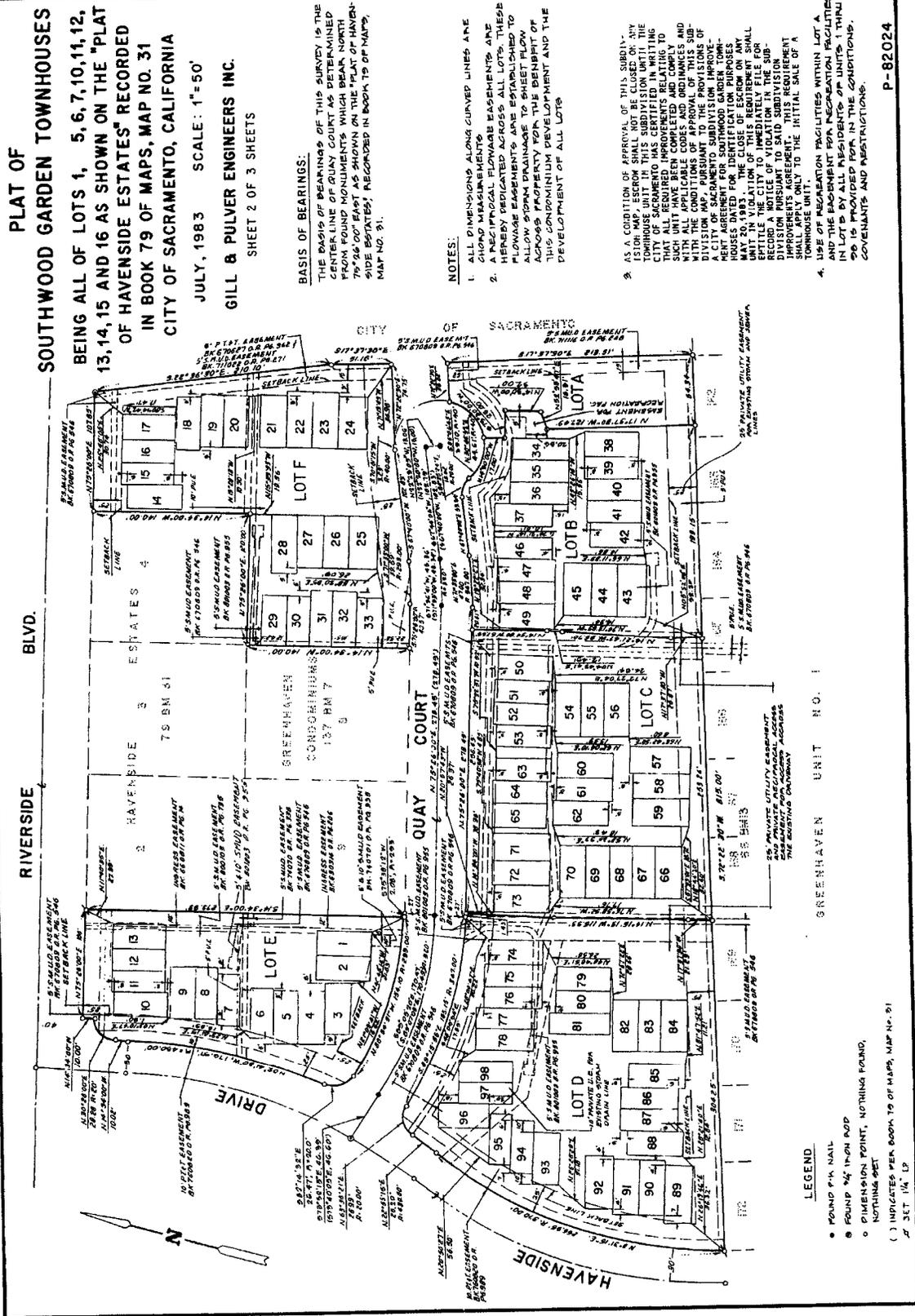
Absent: Councilmembers Cohn, Tretheway and Mayor Fargo.

  
Kevin McCarty, Vice-Mayor

Attest:

  
Shirley Concolino, City Clerk

153/20-153



**PLAT OF  
SOUTHWOOD GARDEN TOWNHOUSES**  
BEING ALL OF LOTS 1, 5, 6, 7, 10, 11, 12,  
13, 14, 15 AND 16 AS SHOWN ON THE "PLAT  
OF HAVENSIDE ESTATES" RECORDED  
IN BOOK 79 OF MAPS, MAP NO. 31  
CITY OF SACRAMENTO, CALIFORNIA

JULY, 1983 SCALE: 1"=50'  
GILL & PULVER ENGINEERS INC.  
SHEET 2 OF 3 SHEETS

**BASIS OF BEARINGS:**  
THE BASIS OF BEARINGS OF THIS SURVEY IS THE  
CENTER LINE OF QUAY COURT AS DETERMINED  
FROM FOUND MONUMENTS WHICH BEAR NORTH  
79°58'00" EAST AS SHOWN ON THE "PLAT OF HAVENSIDE  
ESTATES," RECORDED IN BOOK 79 OF MAPS,  
MAP NO. 31.

**NOTES:**

1. ALL DIMENSIONS ALONG CURVED LINES ARE  
GIVEN IN FEET AND INCHES.
2. ALL LEGAL EASEMENTS, ENCUMBRANCES AND  
PLUMBING DEDICATED ACROSS ALL LOTS, THESE  
EASEMENTS ARE ESTABLISHED TO  
ALLOW STORM DRAINAGE TO SHEET FLOW  
ACROSS PROPERTY FOR THE BENEFIT OF  
THIS CONDOMINIUM DEVELOPMENT AND THE  
DEVELOPMENT OF ALL LOTS.
3. AS A CONDITION OF APPROVAL OF THIS SUBDIVISION,  
THE CITY OF SACRAMENTO HAS CERTIFIED IN WRITING THAT  
ALL REQUIRED IMPROVEMENTS SHALL BE COMPLETED AND  
COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES AND  
WITH THE CONDITIONS OF APPROVAL OF THIS SUBDIVISION  
APPROVED BY THE CITY ENGINEER AND THE DIVISION OF  
PLANNING AND COMMUNITY DEVELOPMENT. THE CITY ENGINEER  
HAS DATED FOR IDENTIFICATION PURPOSES MAY 20, 1983.  
MAY 20, 1983 ACTION OF THIS REQUIREMENT SHALL  
RECORD A NOTICE OF VIOLATION. THIS REQUIREMENT SHALL  
APPLY TO ALL IMPROVEMENTS. THIS REQUIREMENT SHALL  
APPLY ONLY TO THE INITIAL SALE OF A  
TOWNHOUSE UNIT.
4. USE OF RECREATION FACILITIES WITHIN LOT 1  
IS PROHIBITED FROM NEGOTIATION FACILITIES  
IN LOTS BY ALL RESIDENTS OF UNITS 1 THRU  
96 IS PROVIDED FOR IN THE CONDITIONS,  
COVENANTS AND RESTRICTIONS.

P-82024



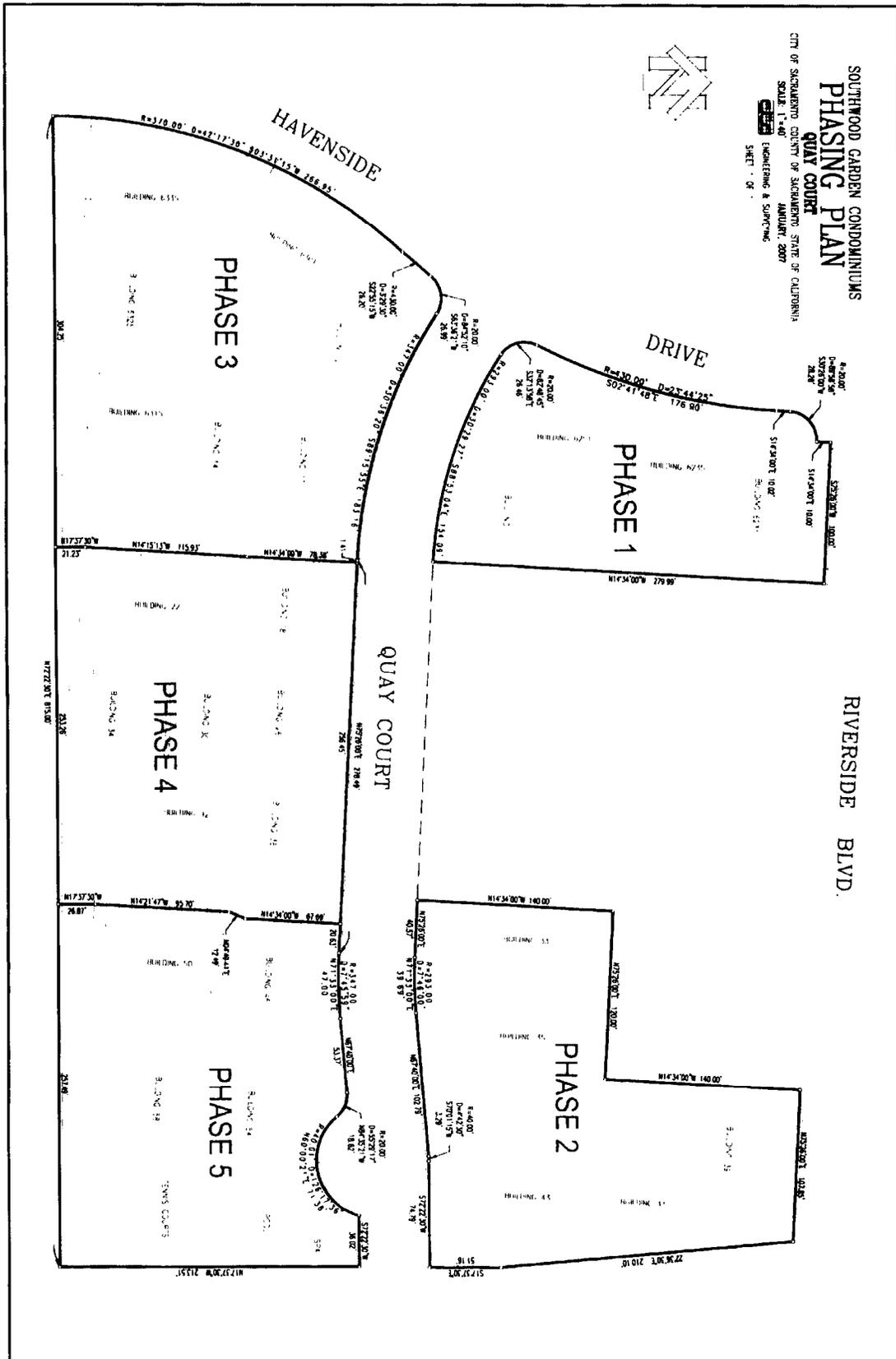


Exhibit D Floor Plans

**Thompson Architectural Group, Inc.**  
 177 W. Shaw Avenue  
 Fresno, California 93711  
 (209) 225-3232

notes:  
 1. PER THE CITY OF FRESNO, THE UNIT SHALL BE CONSIDERED AS ONE UNIT.  
 2. ALL FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.  
 3. SEE SPECIFICATIONS FOR MORE DETAILS.

NO.	DATE	REVISION
1	08/14/07	ISSUE FOR PERMITS
2	08/14/07	ISSUE FOR PERMITS
3	08/14/07	ISSUE FOR PERMITS
4	08/14/07	ISSUE FOR PERMITS
5	08/14/07	ISSUE FOR PERMITS
6	08/14/07	ISSUE FOR PERMITS
7	08/14/07	ISSUE FOR PERMITS

<b>FLOOR PLANS</b>		Drawing No.	A-7
Project Name	T.A.S.	Project No.	1008
Scale	1/8" = 1'-0"	Sheet	2

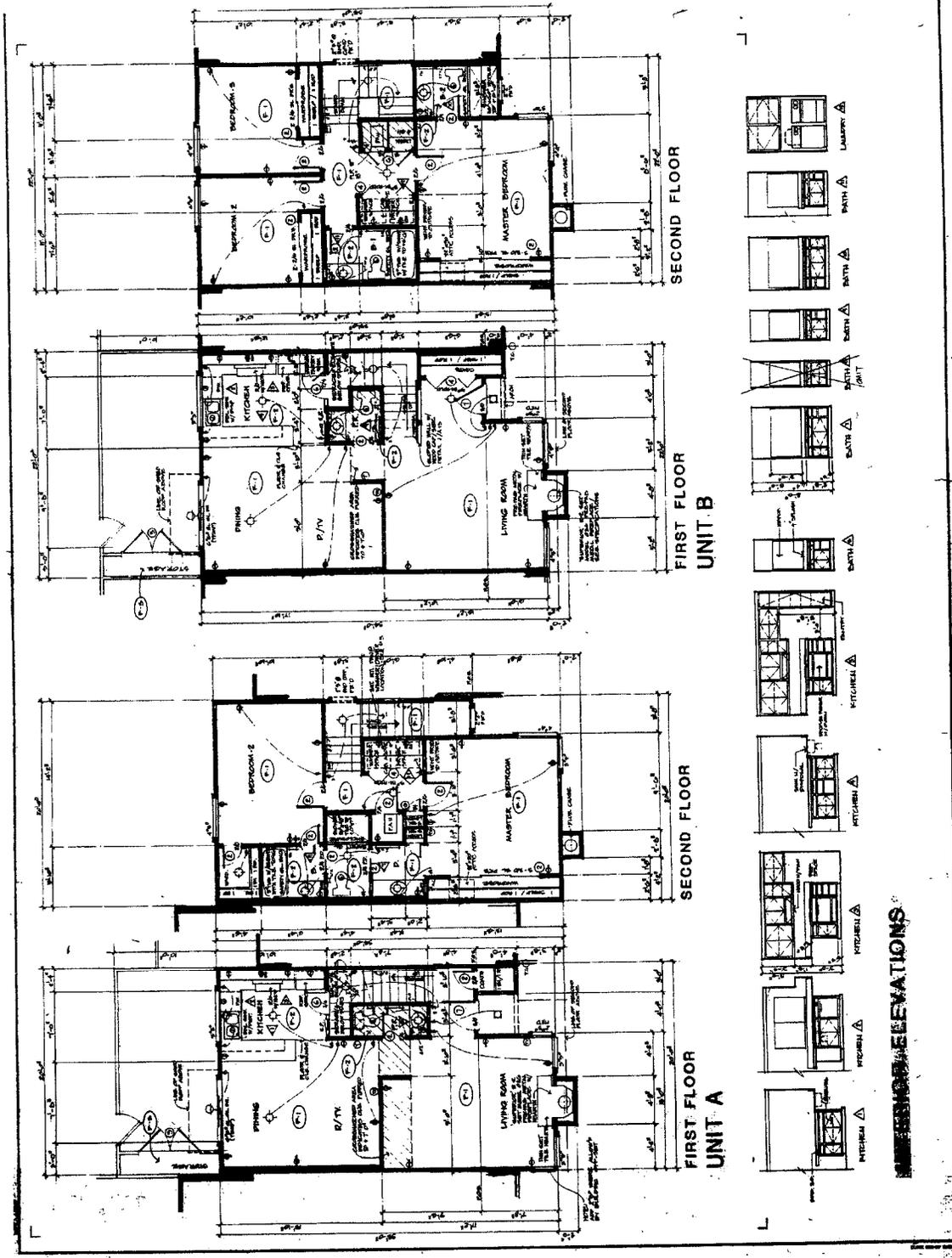


Exhibit E Elevations

Thompson  
Architectural  
Group, Inc.  
117 W Shaw Avenue  
Fresno, California 93711  
(209) 252-3232



DATE	REV
10/10/07	1
10/10/07	2
10/10/07	3
10/10/07	4
10/10/07	5
10/10/07	6

Project Name	Project No.	Sheet No.
BLDG 11	11010	A-10
Scale	Drawn By	Checked By
1/8" = 1'-0"	JL	JK

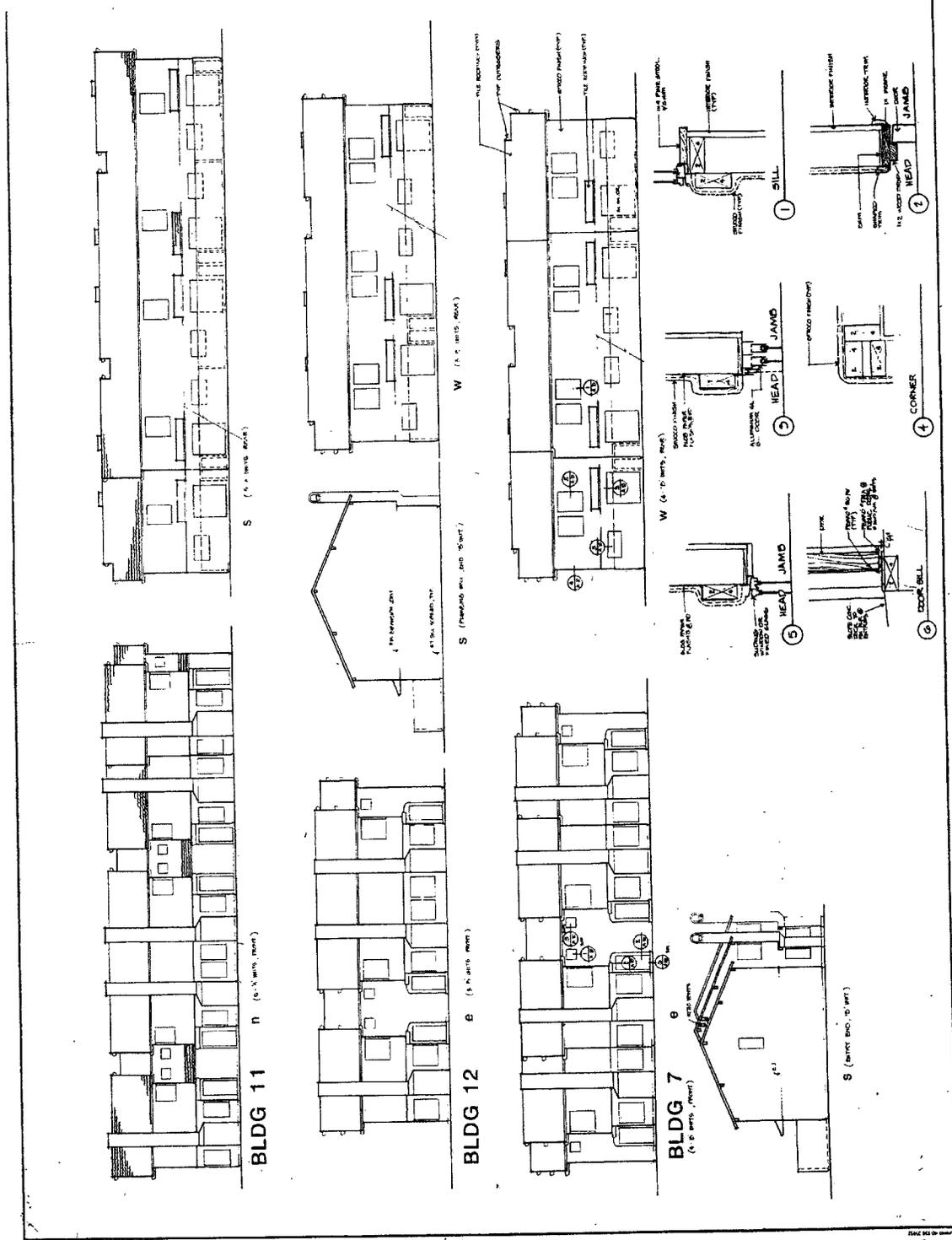


Exhibit E Elevations

**Thompson Architectural Group, Inc.**  
 177 W. Shaw Avenue  
 Fresno, California 93711  
 (209) 225-3232

**NOTE:**  
 ELEV./DATE TYPE 10  
 ALL DIMS. TYPE A, B, C  
 ARE IN FEET AND INCHES  
 UNLESS OTHERWISE NOTED.  
 OF BLDG. TYPE A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.

NO.	DATE	DESCRIPTION
10	11.18.07	REVISED ELEVATIONS FOR EXHIBIT E
11	11.18.07	REVISED ELEVATIONS FOR EXHIBIT E

<b>EXTERIOR ELEVATIONS</b>	
Project No.	07-001
Client	AFG
Architect	Thompson Architectural Group, Inc.
Date	11.18.07
Scale	1/8" = 1'-0"

