

ORDINANCE NO. **81-101**

NOV 10 1981

AN ORDINANCE AMENDING SECTIONS 40.108, 40.109, AND 40.404(h) OF CHAPTER 40 OF THE SACRAMENTO CITY CODE, AMENDING SECTIONS 28-C-2, 28-C-5(k), 28-C-5(a) AND 28-C-5-(b) (ii) OF AND ADDING SECTION 28-C-5-(b) (iv) TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550 FOURTH SERIES, RELATING TO CONDOMINIUM CONVERSION PROJECTS 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 40.108 of Chapter 40 of the Sacramento City Code is hereby amended to read as follows:

Sec. 40.108 Hearings; notice.

(a) Any public hearing required by or conducted pursuant to the provisions of this chapter shall be governed by the following procedural requirements; provided that if the provisions of any section of this chapter or other ordinance or regulation of the City expressly provide for a procedure different than that set forth below, the express provisions of that section shall control to the extent inconsistent with this section.

(b) The procedural requirements for any public hearing required by or conducted pursuant to the provisions of this chapter shall be governed by the provisions of Section 18 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series.

(c) Notice of the hearing shall be provided as follows:

(1) The property involved in the proceedings shall be posted in a conspicuous place for a period of seven (7) days prior to the date of the hearing.

(2) Written notice of the hearing shall be mailed at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed, and as checked in the manner specified in Section 18-B of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance NO. 2550, Fourth Series.

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(i) All owners of property located within a radius of three hundred (300) feet from the property involved in the proceedings.

(ii) The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, public right of way or other easement. Same ownership of property exists when the applicant holds any legal or equitable interest in the adjoining property.

(iii) Notwithstanding subparagraphs (i) and (ii) above, notice need not be given to property owners outside a radius of five hundred (500) feet from the property involved in the proceedings.

(3) In the case of a subdivision map to convert an existing residential building into condominium ownership written notice of the hearing shall be mailed at least ten (10) days but no greater than thirty (30) days before the hearing to each tenant of the subject property. The notice shall give the time, date, and place of the hearing and shall include notification of the tenants' right to appear and right to be heard at the hearing.

(d) The city clerk shall give the required notice of hearings before the city council, and the planning director shall give the required notice of hearings before the planning commission. The city clerk and the planning director may, in their discretion, require the applicant to post or cause to be posted the property involved in the proceedings whenever posting of the property is required by the provisions of this chapter.

(e) Any report or recommendation on a tentative map by City staff to the Planning Commission or City Council shall be in writing and a copy served on the subdivider and, in the case of a subdivision map to convert an existing residential building into condominium ownership, on each tenant of the subject property, at least three (3) days prior to any hearing or action on such map by the Commission or Council.

(f) A fee for noticing such hearing required by or conducted pursuant to the provisions of this chapter shall be required in addition to any other fee provided for herein. The noticing fee shall accompany the application and shall be in an amount established by resolution of the city council for the following:

(i) For mailing notice to the owners of property within a radius of 100 feet;

(ii) For mailing notice to the owners of property within a radius of 300 feet;

(iii) For posting the property involved in the proceedings where the city clerk or the planning director is to post or cause to be posted the property.

(iv) For mailing notice to the tenants of a residential building proposed for conversion to condominium ownership.

(v) For serving staff reports on subdividers and the tenants of a residential building proposed for conversion to condominium ownership.

If a hearing required by or conducted pursuant to the provisions of this chapter is to be held concurrently with a hearing on another land use entitlement for which a fee for equivalent noticing has been paid, the fee required by this section shall be waived.

SECTION 2.

Section 40.109 of Chapter 40 of the Sacramento City Code is hereby amended to read as follows:

Sec. 40.109 Tentative maps for residential condominium conversions; tenant notice.

The tenant noticing provisions set forth in Section 28-C-2 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, shall apply to all applications and hearings on tentative maps for residential condominium conversion, in addition to the applications and hearings on special permits for condominium conversions. Failure of a subdivider to comply with the applicable noticing provisions set forth therein shall be grounds to deny the tentative map.

SECTION 3.

Section 40.404(h) of Chapter 40 of the Sacramento City Code is hereby amended to read as follows:

(h) With respect to tentative maps for residential condominium conversion projects, a special permit for such conversion project approved pursuant to Section 28 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series. The Planning Director may waive this requirement if at the time of the filing of the tentative map the subdivider, in writing, irrevocably offers to the Advisory Agency and City Council to extend the time

limits specified in the Subdivision Map Act for reporting and acting upon the tentative map by said bodies. The extension shall be for such periods of time as are reasonably necessary to permit the processing, review, and final action on the special permit concurrently with the tentative map.

SECTION 4.

Section 28-C-2 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

2. Notices

(a) Notice of Intent to Convert.

At least 60 days prior to filing an application for a special permit for a condominium conversion pursuant to this Section or for a tentative subdivision map to convert an existing residential building into condominium ownership, the applicant shall notify all the tenants of the project, the City of Sacramento, and the local Project Area Committees, if any, of the intended conversion. The notification shall include the following:

- (i) A general description of the proposed project;
- (ii) The name of the current owner and applicant and where such person or persons can be contacted;
- (iii) The anticipated schedule of approval and conversion;
- (iv) A detailed description of the applicant's plans for relocation of tenants, relocation assistance, compliance with the sale and lease program for qualified low and moderate income tenants, and limitations on rent increases;
- (v) Notification of the tenants' rights to receive notice of hearings in the following form:

"To the occupants of _____ :

The owner(s) of this building, at _____
(address)
has filed an application with the City of Sacramento to convert this building to a condominium. You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.2 of the Government

Code, and you have the right to appear and the
the right to be heard at such hearing.

(Signature of owners or owner's agent

(Date) "

(vi) Notification of the tenants' right to purchase the unit they are renting; to receive notice of intention to convert prior to termination of tenancy due to conversion, and to receive notice of final approval of the application within ten (10) days of approval of the final map.

(vii) Notification that the tenants will be given ten (10) days written notice that an application for a public report has been or will be submitted to the Department of Real Estate and that such report will be available on request.

The notice must be written in nontechnical language comprehensible to all tenants of the building.

(b) Notice of hearings on Special Permit; Planning Commission.

In addition to the notice provisions of Section 15 of this ordinance, notice of the time, date and place that the application for a conversion special permit pursuant to this Section is to be heard by the Planning Commission shall be mailed by the Planning Director to the tenant of each unit proposed to be converted to condominium ownership. The notice shall be provided at least ten (10) but no greater than thirty (30) days before the hearing date, and the notice shall include the following information:

(i) The time, date and place of the hearing on the application;

(ii) a general description of the proposed project in nontechnical language;

(iii) the location and time at which tenants and other interested persons may review the Planning Department staff report on the application and the materials submitted with the application pursuant to subsection C-1 of this Section.

(iv) That the tenants shall have the right to appear at the hearing and be heard;

(c) Application to be Made Available for Inspection.

(i) The applicant shall make available for public inspection the materials submitted with the application for the special permit pursuant to subsection C-1 of this Section and the tentative map at the Sacramento Central Library and branch library nearest to the project site and on the project site itself, in the project manager's office or the central office.

(ii) The Planning Director shall serve on the applicant and each tenant of the subject property a copy of staff's report and recommendation on the application at least three (3) days prior to the hearing or action on the application by the commission.

(d) Notice of Hearing on Special Permit; City Council.

The provisions of subsection c-2-(b) and (c) of this Section shall apply to hearings held by the City Council on conversion special permits pursuant to this Section.

SECTION 5.

Section 28-C-5-(k) of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

(k)(i) After notice of intent to convert is given pursuant to subsection C-2-(a) of this section, the applicant shall give notice of the intent to convert in the form set forth below to each person applying after such date for rental or lease of a unit of the subject property immediately prior to acceptance of any rent or deposit from the prospective tenant:

"To the prospective occupant(s) of

(address)

The owner(s) of this building, at (address), has filed or plans to file an application with the City of Sacramento to convert this building to a condominium. No units may be

sold in this building unless the conversion is approved by the City of Sacramento and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

(signature of owner or owner's agent)

(dated)

I have received this notice on _____
(date)

(Prospective tenant's signature)"

Prospective tenants who receive this notice prior to renting or leasing a unit shall not be subject to the provisions of (f) above.

(ii) Failure by an applicant to give the above described notice shall not be grounds to deny the application for a special permit or tentative map. Each prospective tenant who becomes a tenant, who was entitled to but was not given the notice, and who does not purchase a unit shall be deemed an eligible tenant for purposes of, and shall receive the relocation assistance provided by subsection(b)(iv) above.

SECTION 6.

Section 28-C-5-(a)-(iv)-b of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

(b) "Apartment market value" shall be the value of the unit as an apartment and shall be determined by either a single appraisal or, at the option of the applicant, by averaging the results of two independent appraisals. The appraisal(s) shall be submitted to the Planning Director not less than 30 days prior to the first public hearing on the special permit. The appraisal(s) shall be made by appraiser(s) selected randomly by the Planning Director from a pool of names of no less than five (5) qualified appraisers. A "qualified appraiser" shall be an appraiser experienced in appraising multiple family residential property and who is an active MAI member in good standing of the American Institute of Real Estate Appraisers, an active SREA or SRPA member in good standing of the Society of Real Estate Appraisers, an active ASA (urban real estate) member in good standing of the American Society of Appraisers, or a similarly qualified appraiser in good standing in a nationally recognized real estate appraisal institute or society. The names of qualified appraisers for the pool shall be selected by the City Manager or his/her designee. The value determined by the appraisal(s) shall be binding on the City and the applicant. The applicant shall pay the fee(s) of the appraiser(s).

SECTION 7.

Section 28-C-5-(b)(ii) of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

(ii) Payment of a relocation fee to each eligible tenant. The relocation fee shall consist of the payment of actual moving costs to relocate the tenant's personal property including the following specific costs: insurance, boxes, packing, transportation and unpacking. In lieu of this requirement, the eligible tenant may, at his or her

option, accept a cash payment of \$600.00 if the tenant is relocating from an unfurnished housing unit or \$500.00 if the tenant is relocating from a furnished housing unit. If the eligible tenant is relocating to an area outside the Sacramento Standard Metropolitan Statistical Area, the tenant shall be entitled only to the cash payment of \$600.00 or \$500.00, whichever is applicable. An eligible tenant is not entitled to a relocation fee pursuant to this subsection if the tenant has been evicted for just cause.

SECTION 8.

Section 28-C-5-(b)(iv) is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

(iv) In the case of tenants who did not receive the notice required to be given under (k) below, relocation assistance shall include the following measures:

a. First month's rent on the new housing unit, if any, immediately after moving from the subject property, but not to exceed \$500.00.

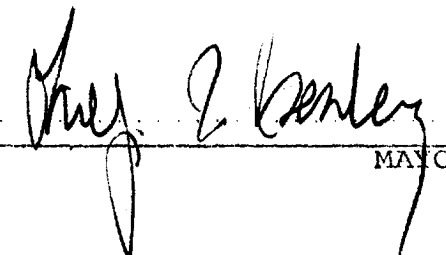
b. The assistance described in (b)(i) and (b)(ii) above.

c. In the case of these tenants who are elderly, handicapped, low-income, or single heads of households living with one or more minor children, the assistance described in (b)(iii) above.

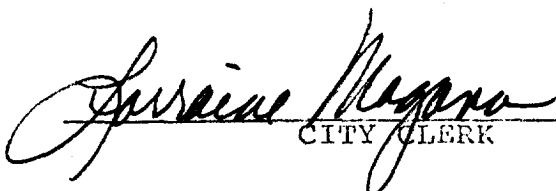
SECTION 9.

This ordinance is hereby declared to be an emergency measure to take effect immediately in order that the processing of condominium conversion permit applications during the City designated 1981 application receipt period complies with the mandatory requirements of SB 1645 (Sieroty), Chapter 1128 Statutes of 1980.

DATE ENACTED: NOV 10 1981
DATE EFFECTIVE: NOV 10 1981


MAYOR

ATTEST:


CITY CLERK

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