



**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**

New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name:	Southwood Townhomes Condo Conversion
Project Number:	P06-038
Project Location:	54 Quay Court
Assessor's Parcel No.:	030-0820-001 through 040 and 030-0830-001 through 064
Applicant:	Gallelli Real Estate Management Services c/o Warren Hughes
Action Status:	Recommended approval and forwards to the City Council
Action Date:	09-27-2007

**REQUESTED
ENTITLEMENT(S):**

A request to convert an existing 98-unit rental apartment complex into a 98-unit for-sale condominium complex in the Multi-Family (R-2A & R-2B) zone.

- A. **Environmental Determination:** Categorical Exemption pursuant to CEQA Section 15301(k).
- B. **Special Permit:** for condominium conversion to convert an existing 98-unit rental apartment complex to a 98-unit for-sale condominium complex.

ACTIONS TAKEN:

On 09/27/2007, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:

Recommended Approval of Item A & B and forwards to the City Council

Action certified by:

for David Kwong
David Kwong, Planning Manager

Sent to Applicant: 09/28/2007

By:

[Signature]
Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

APPEALS

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 10/07/2007. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

- A. The Planning Commission recommends approval and forwards to the City Council the **Environmental Exemption** for the Project as set forth in Attachment 1.
- B. The Planning Commission recommends approval and forwards to the City Council the **Special Permit** for the Southwood Townhomes Condo Conversion Project based on the findings and subject to the conditions of approval set forth in Attachment 2.

Findings Of Fact

- A.** Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under Section **15301 (k)** of the California Environmental Quality Act Guidelines as follows:

The proposed project consists of the division of existing multiple family or single family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.

- B.** The Planning Commission approves the Project Special Permit based on 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 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.

Conditions Of Approval

The Planning Commission 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, effective from the day the special permit is approved. The applicant/owner shall provide qualified tenants leasing options subject to the leasing requirements pursuant at Section 17.192.050 (I).
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 ENGINEERS:

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.

Note:

The applicant shall apply for a Driveway Variance Permit for any site driveway that cannot meet City standards.

12. 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.
13. The applicant shall enter into a reciprocal access easement agreement for the shared use of the driveways.
14. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance).
15. 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.
16. 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.

UTILITIES:

17. 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.

18. 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:

19. 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.



SACRAMENTO CITY PLANNING DIVISION

915 I Street, Suite 300, Sacramento, CA 95814

(916) 808-5656 x3

Application taken by: E. Gumm/ Date:03-09-06

Project Location: 54 Quay Court
Assessor's Parcel No.: 030-0820-001 through 040 and 030-0830-001 through 064
Owner: Mickey Turpen
Address: 4240 ROCKLIN RD SUITE 9, Rocklin, CA 95677
Applicant: Mickey Turpen
Address: 4240 ROCKLIN RD SUITE 9, Rocklin, CA 95677

REQUESTED ENTITLEMENT(S):

Item A: Categorical Exemption pursuant to CEQA Section 15301(k);

Item B: Special Permit: for condominium conversion to convert an existing 98-unit rental apartment complex to a 98-unit for-sale condominium complex in the Multi-Family (R-2A & R-2B) zone.

ACTIONS TAKEN:

On September 27, 2007, the Planning Commission took the following action on items: Item A Recommended approval and forwards to the City Council.

CITY COUNCIL ACTION TAKEN:

On November 13, 2007, the City Council took the following action on:
Adopted Ordinance No. 2007-833, 2007-834

Sent to Applicant: 02-20-08

Date

By:

Renee Enos

Customer Service Representative

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P06-038



Development Services
Department

CITY OF SACRAMENTO
CALIFORNIA

New City Hall
915 I Street, Suite 300
Sacramento, CA 95814
Phone: 916/808-5656 x3

Date: February 20, 2008

Sacramento County Assessor
Real Property Support
3701 Power Inn Road #3000
Sacramento, California 95826-4329

RE: 030-0820-001 through 040 and 030-0830-001 through 064

Pursuant to Section 65862 of the Government Code of the State of California, we are hereby notifying your office of the following action taken by the City of Sacramento with respect to the above-numbered property:

Special Permit: for condominium conversion to convert an existing 98-unit rental apartment complex to a 98-unit for-sale condominium complex in the Multi-Family (R-2A & R-2B) zone

Yours truly,

Renee Enos
Customer Service Representative

Cc: Mickey Turpen (OWNER)

As owner of record of the above mentioned property, you are hereby notified pursuant to Government Code Section 6863.5 that the County Assessor has been notified of the granting of a zoning change, variance, special permit or other action for your property.

P06-138