

ORDINANCE NO. 2003-005

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAR 25 2003

AN ORDINANCE AMENDING SECTIONS 17.192.030, 17.192.040 AND 17.192.050 OF CHAPTER 17.192, AND ADDING SECTION 17.192.055 TO CHAPTER 17.192, OF TITLE 17 OF THE CITY CODE PERTAINING TO CONDOMINIUM CONVERSION AND NEW CONDOMINIUM CONSTRUCTION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1

A. Section 17.192.030 is amended as follows:

1. Subsection (D) is amended to read as follows:

Determination of Vacancy Rate: The Planning Director shall determine and make public, on an annual basis, on March 1 of each year, the average rental vacancy rate in each community plan area in accordance with accepted industry reporting methods. The vacancy rates shall be calculated on the basis of multiple family rental vacancy by community plan area. The applicable City-determined vacancy rates shall be submitted to and considered by the City Planning Commission and City Council in connection with the review of applications for Special Permits for condominium conversion projects under this section; provided, that at any hearing wherein such an application is considered, the applicant or any other person may present evidence concerning the accuracy of the vacancy rate as determined by the City, or as contended by the applicant, and the City Planning Commission and City Council may consider but shall not be bound by such evidence when considering the application.

2. Subsection (E) is added to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO:
2003-005

DATE ADOPTED:
MAR 25 2003

E. Exception: Condominium Conversions of Certain Buildings Located in the Central City: Notwithstanding the provisions of this Section and Section 17.192.050, the conversion to condominiums of buildings located within the Central City that were constructed pursuant to building permits issued on or after January 1, 1999, and on or before December 31, 2002, shall be governed by Section 17.192.055; provided that the application for conversion is filed on or before January 1, 2010 and thereafter pursued diligently to completion.

3. Except as amended by "1" and "2" above, the provisions of Section 17.192.030 shall remained unchanged and in full force and effect.

Section 2

A. Section 17.192.040 is amended as follows:

1. Subsection B (4) is deleted
2. Except as amended by "1" above, the provisions of Section 17.192.040 shall remained unchanged and in full force and effect

Section 3

A. Section 17.192.050 is amended as follows:

1. Subsection A (2)(c) is added to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO:
2003-005

DATE ADOPTED:

MAR 25 2003

A. Special Permit Application. Recognizing that the conversion of existing structures which have been previously occupied and constructed as rental units presents unique problems to present tenants and future buyers, the application for a special permit for a condominium conversion project shall include the following information in addition to that required by Chapter 17.212 of this title.

1. A boundary map drawn to scale showing the location of all existing easements, structures, existing trees and other improvements on the property;
2. Proposed organizational documents, including the covenants, conditions and restrictions to be recorded pursuant to Section 1350 et seq. of the Civil Code. The organizational documents shall provide for the following:
 - a. Transfer of title to each unit;
 - b. Assignment of parking for each owner;
 - c. The management of common areas within the projects and minimum maintenance requirements for continued compliance with applicable health and safety standards as established by the City;
 - d. A proposed annual operating budget, including a report disclosing the amount of deposit to be provided by the developer and the manner in which it was calculated, to defray expenses of the association in replacing and maintaining major mechanical and electrical equipment;
 - e. The FHA regulatory agreement, if any; and
 - f. The anti-discrimination provisions set forth in subsection (F)(4)(f) of this section.

2. Subsection C (4) is deleted:

3. Subsection G (2) is amended to read as follows:

That the average rental vacancy rate in the affected community plan areas during the 12 months preceding the date the City-determined rental vacancy rates are issued pursuant to 17.192.030(D) of this section is greater than 5 percent; provided that a Special Permit may be approved where the said vacancy rate is equal to or less than 5 percent if the applicant has proposed measures which the

FOR CITY CLERK USE ONLY

ORDINANCE NO:
2003-005

DATE ADOPTED:

MAR 25 2003

Council finds would effectively mitigate the displacement of tenants and any adverse effects upon the rental housing stock in the affected community plan areas which would be caused by the proposed conversion.

In evaluating the average rental vacancy rate in the affected community plan areas and in the building proposed for conversion, the City Planning Commission and City Council shall consider the rental history of the building, including the number of evictions and increases in rent over the preceding three (3) years. Notwithstanding any other provision of this subsection, the City Council may deny a Special Permit under this section if it finds that a substantial number of vacancies in the building have been created by unjust evictions and unreasonable rent increases in order to qualify a project for conversion under this subsection or that the applicant has intentionally created or maintained a substantial number of vacancies to reduce the number of eligible and eligible special category tenants in the project who would be entitled to the tenant protection provision set forth in this section.

The requirements of this subsection (G)(2) shall not apply to condominium conversion projects comprised of the conversion of a nonresidential building into condominium ownership intended for residential occupancy.

The requirements of this subsection (G)(2) shall not apply to the conversion of residential buildings or space in the Central City Community Plan Area created through the issuance of building permits between January 1, 1999, and December 31, 2002.

4. Except as amended by "1" and "2" above, the provisions of Section 17.192.050 shall remained unchanged and in full force and effect.

Section 4

Section 17.192.055 is added to Chapter 17.192 to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO:
2003-005

DATE ADOPTED:

MAR 25 2003

17.192.055: Conversion of Certain Buildings Located in the Central City

A. General: Conversions of buildings located in the Central City and constructed pursuant to building permits issued on or after January 1, 1999, and December 31, 2002, shall be subject to the requirements of this section, and to the extent of any conflict between this Section and other sections of this Chapter, including Sections 17.192.030 and Sections 17.192.040, the provisions of this Section shall prevail; provided that this section shall apply only to applications for conversion of such buildings if they are filed on or before January 1, 2010, and thereafter pursued diligently to completion. Applications filed after that date shall be subject to the general provisions governing condominium conversions, as they may be amended from time to time.

B. Special permit required: No condominium conversion of a building located in the Central City and constructed pursuant to building permits issued on or after January 1, 1999, and on or before December 31, 2002, shall be permitted in any zoning district unless the same is permitted in such district pursuant to the provisions of Chapter 17.24 of this Title and until a special permit has been applied for and approved in accordance with this Section and Chapter 17.212 of this title.

C. Special Permit Application: The application for a condominium conversion subject to this section shall include the information required by Subsections A-1 through A-4 of Section 17.192.050. The information otherwise required by the remaining provisions of Subsection 17.192.050 shall not be required.

D. Development standards: The development standards set forth in Subsection C of Section 17.192.050 shall apply to applications for a special permit for a condominium conversion under this section.

E. Building inspection: The building inspection requirements of Subsection D of Section 17.192.050 shall apply to applications for a special permit for a condominium conversion under this section.

FOR CITY CLERK USE ONLY

ORDINANCE NO.:
2003-005

DATE ADOPTED:

MAR 25 2003

F. Decision, Findings

The City Council shall not approve a special permit under this chapter unless, in addition to the findings required by Chapter 17.212, it makes the following findings:

- a. That the proposed conversion is consistent with the general plan and applicable community and specific plans in effect at the time of the special permit application, especially with the objectives, policies and programs of the housing element of the general plan
- b. That the applicant has complied with all of the provisions of this section relating to the application procedure, submittal of required information and building inspection.
- c. That the proposed conversion complies with all development standards set forth in subsection D of this section.

In approving a special permit for a condominium conversion under the provisions of this section, the City Council may impose such conditions as may be necessary to carry out the intent, purpose and objectives of this section, the general plan and applicable community and specific plans and elements thereof, or to protect the public health, safety or welfare.

FOR CITY CLERK USE ONLY

ORDINANCE NO.:
2003-005

DATE ADOPTED:

MAR 25 2003

DATE PASSED FOR PUBLICATION: MAR 18 2003
DATE ENACTED: MAR 25 2003
DATE EFFECTIVE: APR 24 2003

Heather Fergo
MAYOR

ATTEST:

Alicia G. Burrows
CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.:
2003-005

DATE ADOPTED:

MAR 25 2003