

Request by JTS Engineering for a Special Permit to convert an existing apartment complex located at 2508 Q Street into condominium units (P84-055)

APPROVED BY THE CITY COUNCIL

NOV 12 1985

OFFICE OF THE CITY CLERK

NOTICE OF DECISION AND FINDINGS OF FACT

At its regular meeting of November 12, 1985, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council approved the Special Permit based on the following Findings and Conditions:

Findings

1. The proposed conversion, as conditioned, is consistent with the goals and policies of the Housing Element in that the applicant has proposed measures that satisfactorily mitigate concerns over the low vacancy rate in the Central City by the provision of replacement housing.
2. The average rental vacancy rate is below that allowed for the conversion of rental housing; however, the applicant has offered a replacement housing program that will successfully mitigate concerns over tenant displacement and any adverse effect on the rental housing stock in the area.
3. Adequate "comparable" replacement housing has been provided by the use of long term leases, purchase assistance and replacement housing within the Central City.
4. The project does not represent a unique and needed rental housing resource in the community in that replacement housing opportunities will be provided in the form of leases, purchase opportunities will be provided in the form of leases, purchase options and the rehabilitation of housing units in this area.
5. As conditioned, this project complies with all development standards set forth in Section 28-C-3 of this Ordinance.

Conditions

1. The applicant shall provide the tenant benefits outlined in Section 28-C-5(b), (c), (d) and (e) of the Ordinance to all eligible tenants.
2. The applicant shall provide all tenants the protection outlined in Section 28-C-5(f) of the Ordinance. This shall be available for two years from January 31, 1984.
3. The applicant shall offer a purchase discount of 4% to all tenants residing in this complex at the time of sale. A 7% purchase discount shall be offered to elderly and handicapped tenants. All tenants will be eligible to receive an "as is" discount of from \$1000 to \$1500 if the tenant wishes to purchase a unit without cosmetic refurbishing.
4. The applicant shall offer all tenants residing in this complex a 90 day first right of refusal on the purchase of their unit. This offer shall be made at the time the units are available for sale.

5. The relocation assistance outlined in Section 28-C-5(b) of the Ordinance shall be available to each eligible tenant at the time the tenant is requested to vacate their unit or when renovation due to the conversion affects the tenant's unit or living environment. All other provisions of the Ordinance and applicant's program will be waived if the tenant elects to relocate under this provision.
6. The applicant shall offer a lifetime lease to all tenants residing in the complex within 30 days of the date of special permit approval. The rent on the lifetime lease shall be that rent the tenant is currently paying with a maximum allowable increase to be that percentage of increase allowed under the consumer price index for this area. The tenant shall have the option to discontinue the lease with a 30-day written notice to the applicant or owner.
7. The applicant shall also provide a lease option purchase plan as part of the extended leases offered to these tenants. The lease option plan will allocate 25% of the tenant's rent toward the down payment on the tenant's unit for a period not exceeding 18 months, but not less than 25% of 10 months. The lease option plan will commence within 45 days after approval of the use permit by the City Council.
8. The applicant shall provide a notice to all existing tenants and all prospective tenants within 45 days from the time of tentative approval, informing the tenant of the rights and benefits due them as a result of this conversion. Prospective tenants shall also be noticed of any rights or benefits they may be required to forfeit as a result of the proposed conversion. A notice of these rights and benefits shall be submitted to the Planning Director for review and approval prior to use by the applicant for these tenants. Proof of notification shall be submitted to the Planning Department for verification of compliance with this requirement.
9. The owner shall offer for sale to all qualified low and moderate income tenants the unit in which they live at the time the special permit for the conversion project is approved, or a comparable unit within the project, at terms that are affordable to the tenant. The applicant will use PHA single family purchase programs or any other programs available.

The terms shall be those at which the tenant can qualify for financing, through an established financial institution, for the unit for a minimum of thirty (30) years and for which the total monthly housing costs would not exceed 35% of the tenant's monthly income.

Whenever a unit is sold to a qualified tenant, the unit shall be encumbered by a second deed of trust securing an obligation in an amount equal to the difference between the amount of the note secured by the first deed of trust plus the down payment and the sale price. The beneficiary under the second deed of trust shall be the owner.

The second deed of trust shall provide the following:

- a. Simple interest on the amount secured shall accrue at a rate not exceeding 5% per annum; and

b. Neither principal nor interest shall be payable until the obligation secured by the second deed of trust has matured. The obligation shall mature when the units is conveyed, transferred, leased, rented or otherwise alienated by the tenant.

If, at the time the offer for sale at affordable terms is made the assets of the qualified tenant are not sufficient to cover the down payment and closing costs on the unit required by the financing on the unit, the owner shall pay all or a portion of the amount secured by the second deed of trust on the unit.

The qualified tenant shall have 90 days from the date the offer is made to accept the offer of sale.

- 10. The existing landscaping on the site shall be upgraded. An automatic irrigation system shall be provided in the landscaped areas. Landscape and irrigation plans shall be submitted for staff review and approval prior to issuance of building permits.
- 11. All trash recepticals shall be enclosed. Plans for the trash enclosures shall be submitted for staff's review and approval prior to issuance of building permits.
- 12. Prior to issuance of a building permit or approval of a final map, the applicant shall obtain the necessary Planning entitlements to construct at least twenty-six units on the block bounded by 18th, 19th, K and L Streets and the applicant shall also consummate a development agreement with the Redevelopment Agency for said block.
- 13. Prior to issuance of a building permit or approval of a final map for P84-049 (419-431 V Street), the applicant shall submit to the Planning Director the sales and financing program offered to the qualified tenants and evidence that households in at least four of the units (25%) plan to purchase their unit.
- 14. Prior to approval of a final map for the condominium conversion, the applicant shall have obtained a final City Building Permit Inspection and approval for occupancy for 26 new apartment units on the 18th, 19th, K and L Street block.

Carrie Ruder  
MAYOR

ATTEST:

Jessie Beamon  
DEPUTY CITY CLERK

P84-055

CERTIFIED AS TRUE COPY  
 \_\_\_\_\_  
 DATE CERTIFIED \_\_\_\_\_  
 \_\_\_\_\_  
 DEPUTY CITY CLERK

Request by JTS Engineering for Variances )  
to waive provisions of the Condominium )  
Conversion Ordinance and a Variance to )  
waive required parking and maneuvering area )  
for property located at 2508 Q Street )  
(P84-055) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its Special Meeting of December 3, 1984, and continued to November 12, 1985, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council approved the request based on the following findings:

Findings of Fact - Variance

1. Granting this Variance does not constitute a special privilege extended to one individual property owner in that special circumstances prohibit the applicant's ability to provide additional parking and maneuvering area since the units are already developed.
2. This Variance, if granted, would not be injurious to the public welfare or other property in the vicinity in that the on-site parking spaces will be assigned to certain units. Those units not provided parking will be sold with the understanding that reserved parking is not available. The present parking for this structure has been adequate to accommodate the parking needs of the residents since the complex is located in an area where parking and traffic problems do not presently exist.
3. The proposed Variance is consistent with the Central City Plan and the General Plan in that adequate parking is available for the residential uses in this neighborhood.

*Gene Ruder*  
MAYOR

ATTEST:

*Jennie Beaman*  
DEPUTY CITY CLERK

P84-055

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NOV 14 1985

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CITY CLERK