

CITY OF SACRAMENTO

22

DEPARTMENT OF PLANNING AND DEVELOPMENT
1231 "I" Street Sacramento, Ca. 95814

Administration
Room 300 449-5571
Building Inspections
Room 200 449-5716
Planning
Room 200 449-5604

September 10, 1985

APPROVED
BY THE CITY COUNCIL

City Council
Sacramento, California

SEP 17 1985

OFFICE OF THE
CITY CLERK

Honorable Members in Session:

SUBJECT: Variance to waive the maximum one year limitation for a time extension to allow conversion of a 98 unit apartment complex into condominium units (P82-024)

LOCATION: 54 Quay Court

SUMMARY

The applicant is requesting a Variance to extend a time extension beyond the allowable one year in order to complete the conversion project. The request is for a six month extension to February 10, 1986. The Planning Commission and staff recommend approval of the request.

BACKGROUND INFORMATION

Attached to the staff report to the Planning Commission is a letter from the owner's agent indicating the progress to date. It appears the owner is attempting to complete the project and staff therefore recommends approval of the six month request.

VOTE OF THE PLANNING COMMISSION

On August 8, 1985, the Commission voted five ayes, four absent, to recommend approval of the request.

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City Council

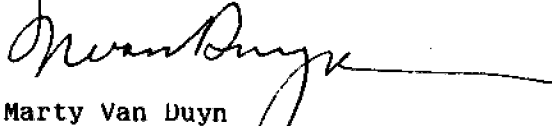
-2-

September 10, 1985

RECOMMENDATION

The Planning Commission and staff recommend approval of the Variance request based on the attached Findings of Fact.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

AG:pkb
attachments
P82-024

September 17, 1985
District No. 8

Variance to waive maximum one-year
limitation for a time extension to
allow conversion of a 98-unit apart-
ment to condominium units for property
located at 54 Quay Court. (P82-024)

NOTICE OF DECISION
AND
FINDINGS OF FACT

At its regular meeting of September 17, 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 Variance based on the following Findings:

1. The variance, as conditioned, will not be injurious to the public welfare or to other properties in the vicinity in that the applicant will be converting the project on a phasing basis which will minimize tenant displacement and any adverse effect on the rental housing stock in the area.
2. Granting the variance will not constitute a special privilege extended to one property owner in that this property owner faced hardships due to the time required to develop methods to comply with new ordinance provisions and conditions not yet implemented at the time of approval.
3. The variance is consistent with the 1974 General Plan and the Pocket Community Plan in that the site is designed for residential purposes.

MAYOR

ATTEST:

CITY CLERK

P82-024

APPROVED
BY THE CITY COUNCIL

SEP 17 1985

OFFICE OF THE
CITY CLERK

22

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE August 8, 1985
ITEM NO. 20 FILE # P 82-024
M _____

- GENERAL PLAN AMENDMENT TENTATIVE MAP
- COMMUNITY PLAN AMENDMENT SUBDIVISION MODIFICATION
- REZONING LOT LINE ADJUSTMENT
- SPECIAL PERMIT ENVIRONMENTAL DET.
- VARIANCE OTHER _____

Location: Tr. 54 Quarry Court

Recommendation:
 Favorable w/conds.
 Unfavorable Petition Correspondence

PROPOSERS	
NAME	ADDRESS

OPPOSERS	
NAME	ADDRESS

MOTION NO. _____

	YES	NO	MOTION	SECOND
Ferris	✓			
Fong	✓			
Goodin	absent			
Holloway	✓		✓	
Hunter	absent			
Ishmael	✓			
Ramirez	✓			✓
Simpson	absent			
Augusta	absent			

- MOTION
- TO APPROVE
 - TO DENY
 - TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 - TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
 - INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE _____
 - TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
 - TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
 - TO RATIFY NEGATIVE DECLARATION
 - TO CONTINUE TO _____ MEETING
 - OTHER _____

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City Planning Commission
Sacramento, California

Members in Session:

SUBJECT: Variance to waive one year limitation to allow the Extension of a Special Permit to Convert Southwood Townhomes, a 98-unit apartment project, into condominiums. (P82-024)

SUMMARY:

On August 10, 1982, the City Council approved a special permit and tentative map for the conversion of a 98 unit apartment complex into condominiums, subject to conditions. On July 29, 1983, the applicant recorded a final map through the use of a subdivision improvement agreement.

On October 11, 1983, the City Council approved an extension of time for one year to August 8, 1984.

On September 18, 1984, the City Council approved a variance to extend the Special permit beyond the one year extension period allowed by the Condominium Conversion Ordinance. Additional conditions were added to the approval to bring the conversion into compliance with amendments to the Condominium Conversion Ordinance.

On March 26, 1985, the City Council approved a waiver of the two-hour fire wall requirement (P85-038) for the units.

The present request for a six month extension to February 10, 1986, was submitted on July 3, 1985, for action by the Commission prior to expiration. The request will go to the City Council for final action. See Exhibit A for applicant's request.) The expiration date is August 10, 1985.

PROJECT EVALUATION:

In reviewing the progress to date in complying with the conditions of approval, staff observes that the applicant has made progress in complying with the conditions of approval. The limitations imposed by lending and financial institutions appear to have hampered the finalization of the conversion. Since the granting of the variance requires the Commission to make findings of fact, staff recommends that the Commission re-establish its findings of fact originally approved on August 9, 1984, by the planning Commission and adopted by the City Council on September 11, 1984. In addition, the conditions of variance approval of 1984 are to be extended six months to February 10, 1986, for compliance.

STAFF RECOMMENDATION: Staff recommends approval by the Planning Commission of the variance, subject to conditions and based upon the findings of fact which follow:

Conditions-Variance

- A. The applicant shall extend the following benefits to all tenants residing in the complex as of August 10, 1985.

1. The applicant shall extend the special lease provisions outlined in Section 28-C-5 (d) to all elderly and handicapped tenants residing in the complex as of August 10, 1985.
2. The applicant shall extend the relocation assistance outlined in Section 28-C-5 (b) of the Ordinance to all tenants residing in the complex as of August 10, 1985.
3. These tenants shall be notified of any additional benefits due them. A copy of the notice shall be submitted to the Planning Department for verification of compliance with these conditions.
4. The preconversion protection outlined in Section 28-C-5(f) of the Ordinance shall be extended for a period of 2 or more years from August 10, 1985. The percentage of rent increase shall be subject to the maximum allowable increase under HUD rental income limits during the time this project is subject to HUD guidelines. The percentage of rent increases, under the income limits approach, shall be divided between all 98 units; however, no occupied unit shall receive a rent increase of greater than 10 percent within each year.

The maximum allowable rent increase shall be that determined by HUD fair market rents for assisted units if the project should be withdrawn from the HUD rental income guidelines.

- B. The applicant shall comply with all of the special permit conditions of approval on the original request (P82-024).
- C. Prior to sale of any unit after February 10, 1986, a reinspection shall be completed by the Building Inspections Division on the unit. Fees for reinspection shall be charged by the Building Division, and any code deficiencies noted at that time shall be corrected prior to final inspection of the unit.

Findings of Fact-Variance

1. The variance, as conditioned, will not be injurious to the public welfare or to other properties in the vicinity in that the applicant will be converting the project on a phasing basis which will minimize tenant displacement and any adverse effect on the rental housing stock in the area.
2. Granting the variance will not constitute a special privilege extended to one property owner in that this property owner faced hardships due to the time required to develop methods to comply with new ordinance provisions and conditions not yet implemented at the time of approval.

Findings of Fact-Variance (Con't)

- 3. The variance is consistent with the 1974 General Plan and the Pocket Community Plan in that the site is designed for residential purposes.

Respectfully submitted,

Art Gee

Art Gee, Principal Planner

AG:sr

82-024
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Item 2p

Thompson
Architectural
Group, Inc.
1177 W Shaw Avenue
Fresno, California 93711
(209) 225-3232

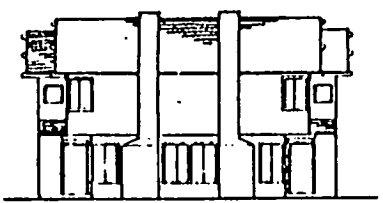


NOTE:
BLDG 22 TYPE IS -
ALL BLDG'S TYPE A BUT
EXCEPT BLDG'S 1, 2, 3, 4
4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22
OF BLDG 1 AND 2 TYPE

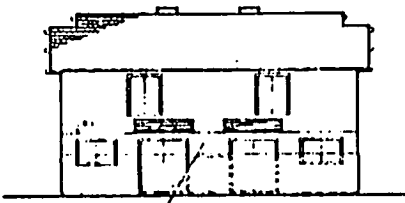
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Project Name	
Location	
Date	
Scale	

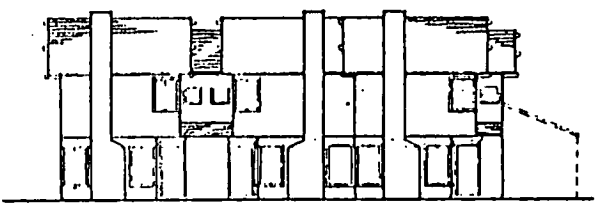
EXTERIOR ELEVATIONS	
Project Name	KFB
Location	
Date	
Scale	



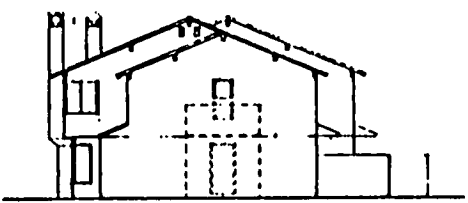
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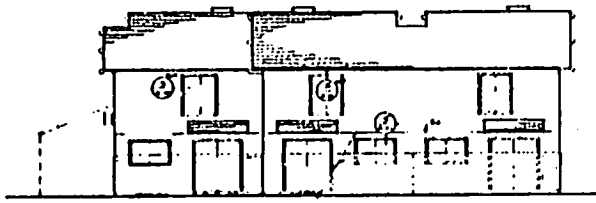
B (4'-0" wide, 10'-0" high)



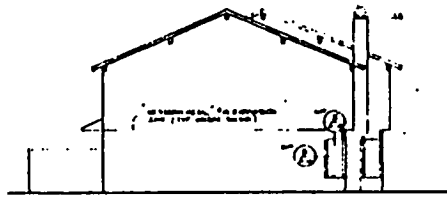
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(4'-0" wide, 10'-0" high)



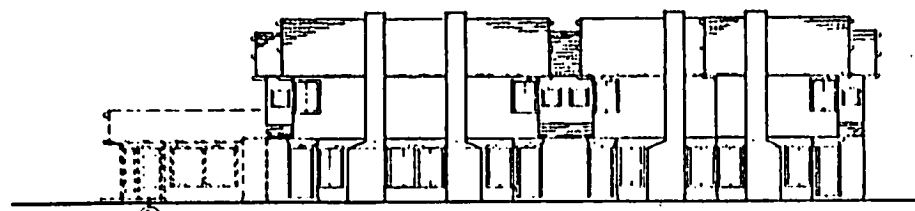
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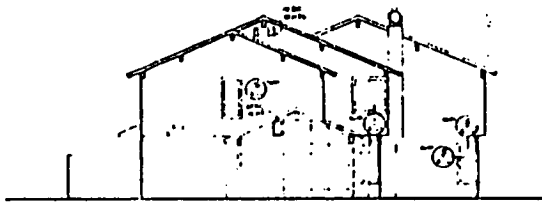
B (4'-0" wide, 10'-0" high)



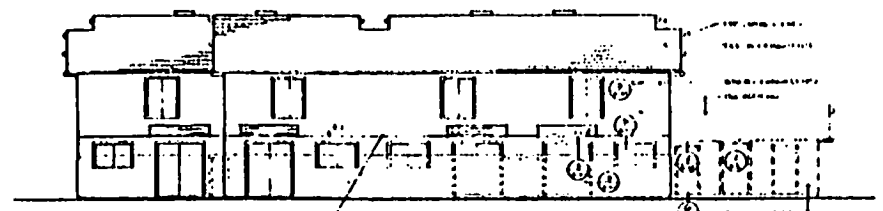
O (4'-0" wide, 10'-0" high)



BLDG 10 n
(4'-0" wide, 10'-0" high)



B (4'-0" wide, 10'-0" high)



B (4'-0" wide, 10'-0" high)

8-11-83

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No. 27

P82-024

9 8-11-83

#27

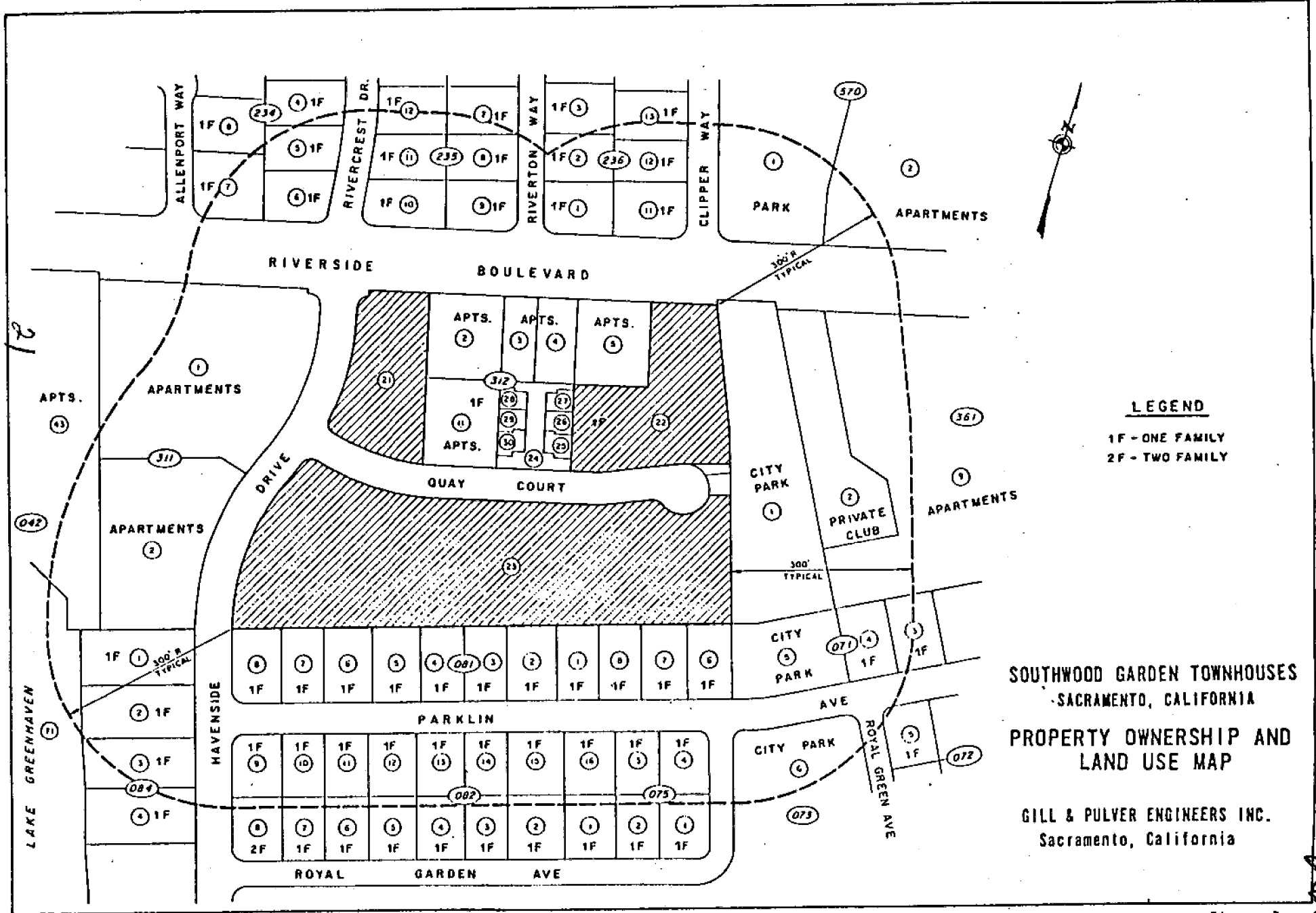


Figure 7

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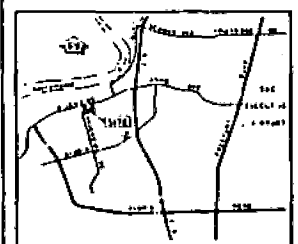
P82-024

8-11-83

EXHIBIT B
TO
SUBDIVISION IMPROVEMENT AGREEMENT
SOUTHWOOD GARDEN TOWNHOUSES
SACRAMENTO, CALIFORNIA
MARCH 1983 SCALE: 1" = 30'
SHEET 1 OF 1
GILL & PULVER ENGINEERS INC.
SACRAMENTO, CALIFORNIA

RIVERSIDE

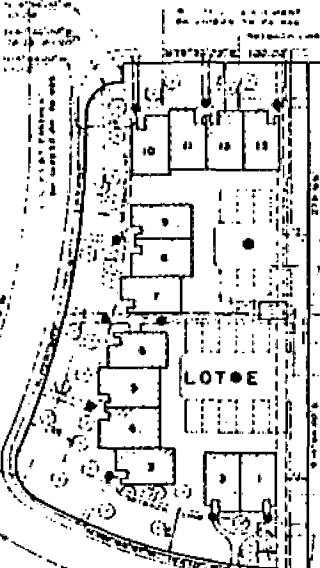
BOULEVARD



LOCATION MAP

ALL UNITS ARE UNDER CONSTRUCTION
LESS THAN 100 FEET OUT OF THE
CONCRETE SLAB.

SYMBOL	DESCRIPTION
(Symbol)	CONCRETE SLAB
(Symbol)	FOUNDATION
(Symbol)	FOUNDATION WALL
(Symbol)	FOUNDATION FOOTING
(Symbol)	FOUNDATION BEARING
(Symbol)	FOUNDATION BRACE
(Symbol)	FOUNDATION ANCHOR
(Symbol)	FOUNDATION TIE
(Symbol)	FOUNDATION REINFORCEMENT
(Symbol)	FOUNDATION BRACKET
(Symbol)	FOUNDATION JOINT
(Symbol)	FOUNDATION CRACK
(Symbol)	FOUNDATION SETTLEMENT
(Symbol)	FOUNDATION DAMAGE
(Symbol)	FOUNDATION REPAIR
(Symbol)	FOUNDATION PROTECTION
(Symbol)	FOUNDATION DRAINAGE
(Symbol)	FOUNDATION VENTILATION
(Symbol)	FOUNDATION INSULATION
(Symbol)	FOUNDATION FINISH
(Symbol)	FOUNDATION CURB
(Symbol)	FOUNDATION GUTTER
(Symbol)	FOUNDATION DOWNSPOUT
(Symbol)	FOUNDATION SLOPE
(Symbol)	FOUNDATION EROSION
(Symbol)	FOUNDATION STABILIZATION
(Symbol)	FOUNDATION REINFORCEMENT
(Symbol)	FOUNDATION BRACKET
(Symbol)	FOUNDATION JOINT
(Symbol)	FOUNDATION CRACK
(Symbol)	FOUNDATION SETTLEMENT
(Symbol)	FOUNDATION DAMAGE
(Symbol)	FOUNDATION REPAIR
(Symbol)	FOUNDATION PROTECTION
(Symbol)	FOUNDATION DRAINAGE
(Symbol)	FOUNDATION VENTILATION
(Symbol)	FOUNDATION INSULATION
(Symbol)	FOUNDATION FINISH
(Symbol)	FOUNDATION CURB
(Symbol)	FOUNDATION GUTTER
(Symbol)	FOUNDATION DOWNSPOUT
(Symbol)	FOUNDATION SLOPE
(Symbol)	FOUNDATION EROSION
(Symbol)	FOUNDATION STABILIZATION



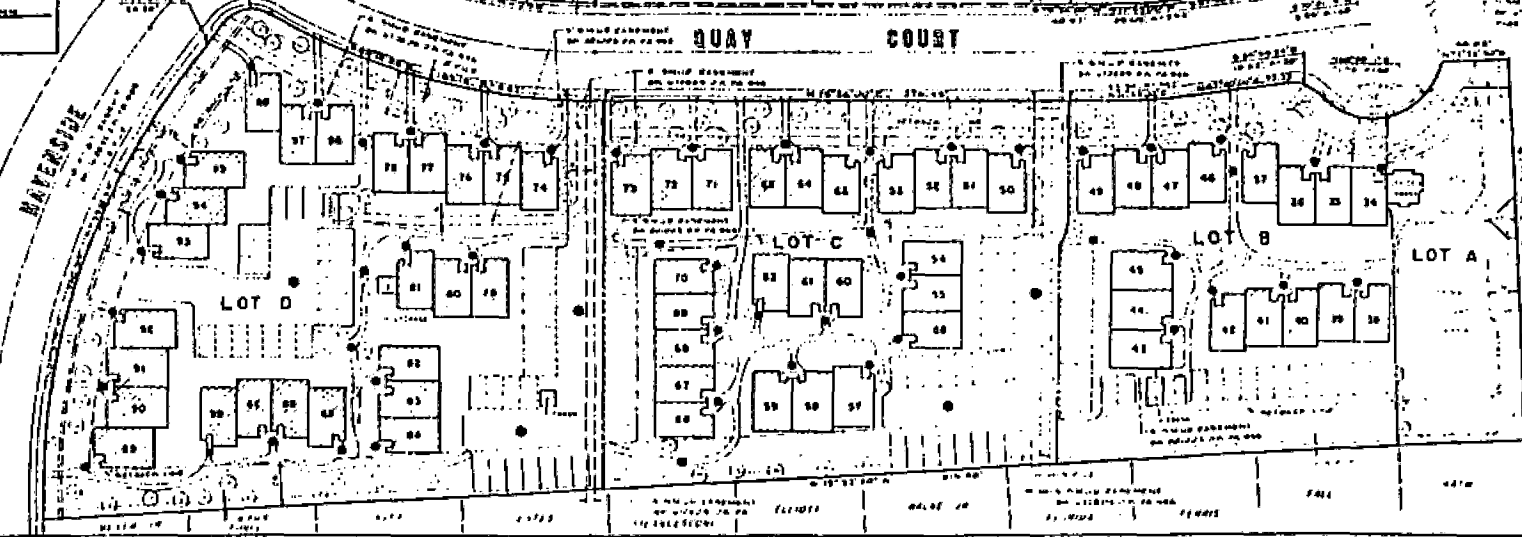
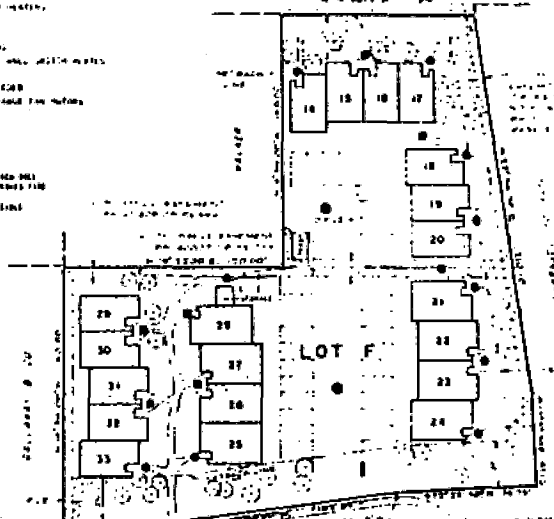
- STANDARD UNIT IMPROVEMENTS LISTED AS FOLLOWS:
- WEATHERSTRIP EXTERIOR DOORS
 - EXTERIOR PAINTWORK TO MATCH EXISTING
 - SEAL WEATHERSTRIP DOORS
 - REPAIR AND PAINT TRIM
 - REPAIR PAINT WORK ON EXTERIOR WALLS
 - REPAIR EXTERIOR ELECTRICAL PANEL UNITS AND WIRING WITHIN PANELS
 - REPAIR OR REPLACE ANY DAMAGED ELECTRICAL PANELS FOR UNITS

NOTES:

1. A 24-HOUR FIRE DEPARTMENT SHALL BE PROVIDED BY EACH UNIT
OWNER TO OBTAIN THE NEAREST FIRE DEPARTMENT AND
SPRINKLER SYSTEMS SHALL BE INSTALLED
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND REPAIRED
FOR THE USE OF THE UNITS.

LEGEND

- POINTS MARKED ON THE FIRST SHEET
- POINTS MARKED ON THE SECOND SHEET
- POINTS MARKED ON THE THIRD SHEET
- POINTS MARKED ON THE FOURTH SHEET



22

22

Item 20
4-27

22

EXHIBIT A



SOUTHWOOD APARTMENTS
54-QUAY COURT · SACRAMENTO, CA 95831 · 916 · 428-6368

July 2, 1985

CITY PLANNING DEPARTMENT

JUL - 8 1985

RECEIVED

Planning Commission
City of Sacramento
1231 I Street, Room 200
Sacramento, California 95814

ATTENTION: Dan Hendryeks

RE: P82-024 - Southwood Garden Townhouse
54 Quay Court, Sacramento, California

Gentlemen:

We hereby request our Permit to Convert to Condominium on the above project which expires on August 10, 1985 to be extended by six months.

HISTORY OF PROJECT

1. This project of 98 garden townhouses was originally designed for individual ownership. Construction was completed in 1980 with the mortgage being federally insured by Housing Urban Development.
2. Sequence of permits and extension
 - A) The Special Permit to convert was originally issued on August 10, 1982.
 - B) Subdivision Improvement Agreement between City of Sacramento and applicant was executed on July 26, 1983.
 - C) The final subdivision map was recorded July 29, 1983.
 - D) Extension of the Special Report was granted on October 11, 1983 and September, 1984.
 - E) The present expiration date of the Special Permit is August 10, 1985.
3. All of the required conditions, with the exception of the DRE "White Slip," imposed by the City Council enabling the applicant to proceed with the first sale were complete prior to the expiration of our original Permit to Convert to Condominium.
4. We have been dealing with four governmental agencies, The City of Sacramento, the State of California - Department of Real Estate, the State of Michigan (mortgagee) and Housing and Urban Development, which insures the present mortgage and trust deed. We have had no real problems with respect to the City of Sacramento; however, the task of coordinating the conversion documents among the mortgagee (State of Michigan), the D.R.E. (State of California) and H.U.D. has presented monumental challenges.

Item # 20

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Planning Commission
City of Sacramento
RE: P82-024, Southwood Garden Townhouses

-2-

July 2, 1985

5. Example of Delays:

- A) Due to the distance between the mortgagor, H.U.D. and the mortgagee, the State of Michigan, communication has been most difficult. The mortgagee is so far removed from California and California Law that they must depend on H.U.D. and H.U.D.'s counsel to protect H.U.D.'s insurance on the underlying mortgage.

See attached letter from H.U.D. dated June 13, 1985 and State of Michigan letter dated June 26, 1985.

- B) D.R.E. has recently advised us that our Homeowners' Association's budget expired in July, 1985 and the revised budget might take 1 or 2 months to review and approve.

Inasmuch as we are on the one yard line in terms of completing this conversion and we need and gratefully request this extension to enable us to complete the legal documentation so that we may complete the recording of sales where we have purchasers waiting.

Should you have any questions regarding this request, please address them to the undersigned at 1024 West Robinhood Drive, Suite 7, Stockton, California 95207.

Sincerely,



Brent M. Stone,
Agent for Applicant

BMS:mh

Enclosures



22
U.S. Department of Housing and Urban Development

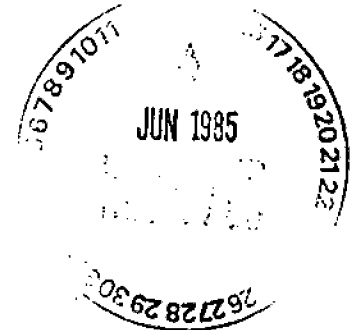
Sacramento Office, Region IX
777 - 12th Street, Suite 200
Post Office Box 1978
Sacramento, California 95809-1978

June 13, 1985

Merrill L. Stone
Southwood Apartments
1024 W. Robinhood Drive, Suite 7
Stockton, CA 95207

Dear Mr. Stone:

SUBJECT: Southwood Apartments
Project Number 136-35551



This office has been in contact with your mortgagee concerning the conversion of Southwood Apartments.

On May 22, 1985, Mr. Phillip Van Syckle, Assistant Administrator, Mortgage and Real Estate Division, Department of Treasury, State of Michigan, advised this office that your proposal was being turned down on the basis it was submitted. Therefore, we are putting your proposal in abeyance until such time as this office has the approval of the mortgagee.

Sincerely,

R L Hirsch
for Rita Phillips, Chief
Loan Management and
Property Disposition

P 82024

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF TREASURY

TREASURY BUILDING, P.O. BOX 15128, LANSING, MICHIGAN 48901

ROBERT A. BOWMAN, State Treasurer

(517) 373-0702

June 26, 1985

Ms. Rita Phillips, Chief
Loan Management and Property Disposition
U.S. Department of Housing & Urban Development
Sacramento Office, Region IX
545 Downtown Plaza, Suite 250
P.O. Box 1978
Sacramento, CA 95809

Dear Ms. Phillips:

Re: Southwood Apartments
Project No. 136-35551

We have received a copy of your June 13 letter and wish to reply.


In my May 2 letter to you I had stated that there were many parts of the proposed conversion of Southwood that we had questions on. However, the intent of the letter was not to arbitrarily cut off negotiations between the Mortgagee, HUD and ourselves. The purpose of the letter was to inform HUD that we the Mortgagee could not approve the documents until HUD had approved them and that we had many concerns that needed to be addressed.

We are willing to communicate with you and your counsel so that the Mortgagee may complete his conversion within the time requirements as established by California law. In our opinion, cooperation between the Mortgagee and Mortgagee and HUD could result in a successful completion of this project.

We are so far removed from California and California law that we must depend on HUD and HUD counsel to protect the insurance on the mortgage investment. Therefore, will you please notify us as to what lines of communication you wish us to follow in communicating with your office to assist the Mortgagee in complying with HUD's request for adequate documentation and approvals.

Please call me if you have questions. We are looking forward to your reply.

Sincerely,


Philip L. Van Syckle
Assistant Administrator
Mortgage and Real Estate Division

PVS:nlh

cc: Robert C. Peck; Mr. Brent Stone; Mr. Ted Wittmayer

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P 8. 021

Item 20

September 19, 1985

Southwood Apartment
1024 W. Robinhood Drive
Stockton, CA 95207

Dear Gentlemen:

On September 17, 1985, the Sacramento City Council took the following action(s) for property located at 54 Quay Court:

Variance approved based on Findings of Fact to waive time limitation of establishing a condominium conversion project in the Light Density Multiple Family zone. (P-82024)

Enclosed, for your records, are fully certified copies of the above referenced documents.

Sincerely,

Lorraine Magana
City Clerk

LM/dbp/22

Enclosure

cc: Planning Department
Merrill Stone/Brent Stone
1024 W. Robinhood Drive
Stockton, CA 95207