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# CITY PLANNING COMMISSION

927-10th Street, Suite 300 - SACRAMENTO, CALIFORNIA 95814

<b>APPLICANT</b>	Sacramento Housing Development Corp., 811 'J' Street, Sacramento, CA 95814		
<b>OWNER</b>	State of California and City of Sacramento		
<b>PLANS BY</b>	Mogayero and Unruh, 811 'J' Street		
<b>FILING DATE</b>	4-9-82	<b>50 DAY CPC ACTION DATE</b>	
<b>REPORT BY</b>	TM:bw		
<b>NEGATIVE</b>	DEC 15 1985	<b>EIR</b>	<b>ASSESSOR'S PCL. NO.</b> 006-234-06 thru 14
	<small>Exempt</small>		

- APPLICATION:**
1. Variance to waive the required two-hour fire wall between condominium units;
  2. Lot Line Adjustment to merge nine parcels into two parcels.

**LOCATION:** West side of 17th Street, between 'O' and 'P' Streets

**PROPOSAL:** The applicant is requesting a variance from Section 28(D)(d) of the Zoning Ordinance which requires a two-hour fire separation on floors and common walls as well as a lot line adjustment to merge the subject properties into two lots.

**PROJECT INFORMATION**

1974 General Plan Designation: Major public/quasi public and transportation facilities

1980 Central City Community Plan Designation: Multiple Family

Existing Zoning of Site: R-5

Existing Land Use of Site: Vacant, residential

**Surrounding Land Use and Zoning:**

- North: Residential; R-5
- South: Residential; R-5
- East: Residential; R-5
- West: Residential/Commercial; C-2

- Parking Required: 25 spaces
- Parking Provided: 26 spaces
- Parking Ratio: 1 per du/unit (no parking provided for office uses)
- Property Dimensions: 160' x 80' and 160' x 201'
- Property Area: 1.2 acres
- Density of Development: 22 units per acre

**BACKGROUND INFORMATION:** On January 15, 1980, the City Council adopted an ordinance relating to new condominiums and condominium conversions. This ordinance set forth various requirements for these types of developments as well as defining what constitutes a condominium. Those requirements and definitions which pertain to this request are as follows:

Section 1(f) Condominium. Condominium shall mean and include:

(1) "Condominium" as defined by Section 783 of the Civil Code;

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(2) "Community Apartment Project" as defined by Section 11004 of the Business and Professional Code;

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MEETING DATE May 13, 1982

CPC ITEM NO. 21

- (3) "Stock Cooperative" as defined by Section 11003.2 of the Business and Professional Code; and
- (4) "Planned Development" as defined by Section 11003 of the Business and Professional Code.

Section D. Condominium New Construction - 2 Development Standards

(d) Fire Safety

It is the purpose of this development standard to provide safety to the occupants of condominium units and to protect the investment in real property represented by the ownership interest of each condominium owner.

Each condominium unit shall have a smoke detection system and a two-hour fire separation on its floors and each wall common to itself and an adjacent unit.

The applicant is requesting that this last provision be waived for the following reasons:

- a. A Limited-Equity Cooperative (LEHC) is substantially different from a condominium or stock cooperative;
- b. The two-hour requirement substantially impairs project feasibility and reduces the housing's initial and long-term affordability;
- c. Because of lower densities, the fire risk is far less than that associated with the more typical and newer downtown housing;
- d. The project and exclusion of the two-hour requirement provides substantial long-term benefits to the community;
- e. The waiver of condominium requirements for limited-equity co-op. is the norm in California.

STAFF EVALUATION: Staff has the following comments relative to the applicant's requests:

Variance Request

- 1. Staff cannot find any practical difficulty or unnecessary hardship which warrants the granting of the requested variance. Many other condominium projects, including condominium conversions as well as new construction have been approved and are under construction. These other projects have, or have been required to meet the fire wall standard.

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If the Commission was to grant the requested variance, it would be extending a special privilege to one developer. In addition, the variance would be injurious to the public welfare and to adjacent property owners in that the two-hour fire wall is intended to provide additional fire safety.

- 2. A copy of the applicant's variance request was forwarded to the City Fire and Building Departments for review. Both of these departments have indicated that they are opposed to the requested variance to waive the two-hour fire wall requirement (see Exhibit B-letter from the Building Department).
- 3. The Zoning Ordinance includes the proposed Limited-Equity Cooperative Cooperative (LEHC) in the definition of what constitutes a condominium (see Background Information). As a condominium, the cooperative is subject to the same development standards required of other condominium type developments. The applicant's emphasis on what constitutes a condominium or cooperative as defined by a different pattern of ownership does not constitute grounds for granting a variance. Each unit is still occupied by a person who has a financial interest in the dwelling unit and both units are subject to the same possibilities of fire.
- 4. The applicant was tentatively selected as the developer for Site 5 by the Capitol Area Development Authority on May 1, 1981. The new condominium development standards were in effect at that time. The statement that the two-hour requirement substantially impairs the project is irrelevant. Staff finds that the applicant should have based his proposal on compliance with the City Zoning Ordinance.

In conclusion, staff finds that the applicant has filed to demonstrate any hardship relative to complying with the standards for new condominiums as set forth in the Zoning Ordinance.

Approval of the variance, as requested, would constitute a special privilege extended to one property owner.

- 5. Lot Line Adjustment: The proposed lot line adjustment to merge a parcel into two lots was reviewed by the offices of the City Engineer, Sewer and Water Department and Planning Department. There were no objections to the request. The City Engineer recommended the following condition for this lot line adjustment:

The applicant shall submit new deed descriptions for the parcels being created.

STAFF RECOMMENDATION: The staff recommends the following actions:

- 1. Denial of the variance request based upon Findings of Fact which follow;
- 2. Approval of the Lot Line Adjustment by adoption of the attached resolution.

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Findings of Fact

- a. The variance, if granted, would constitute a special privilege extended to one developer in that the applicant has not demonstrated grounds for the granting of the variance.
- b. The variance, if granted, would be injurious to the owners and tenants of the proposed development and to the public welfare in that the two-hour fire wall provides additional fire safety.

P-82-095

May 13, 1982

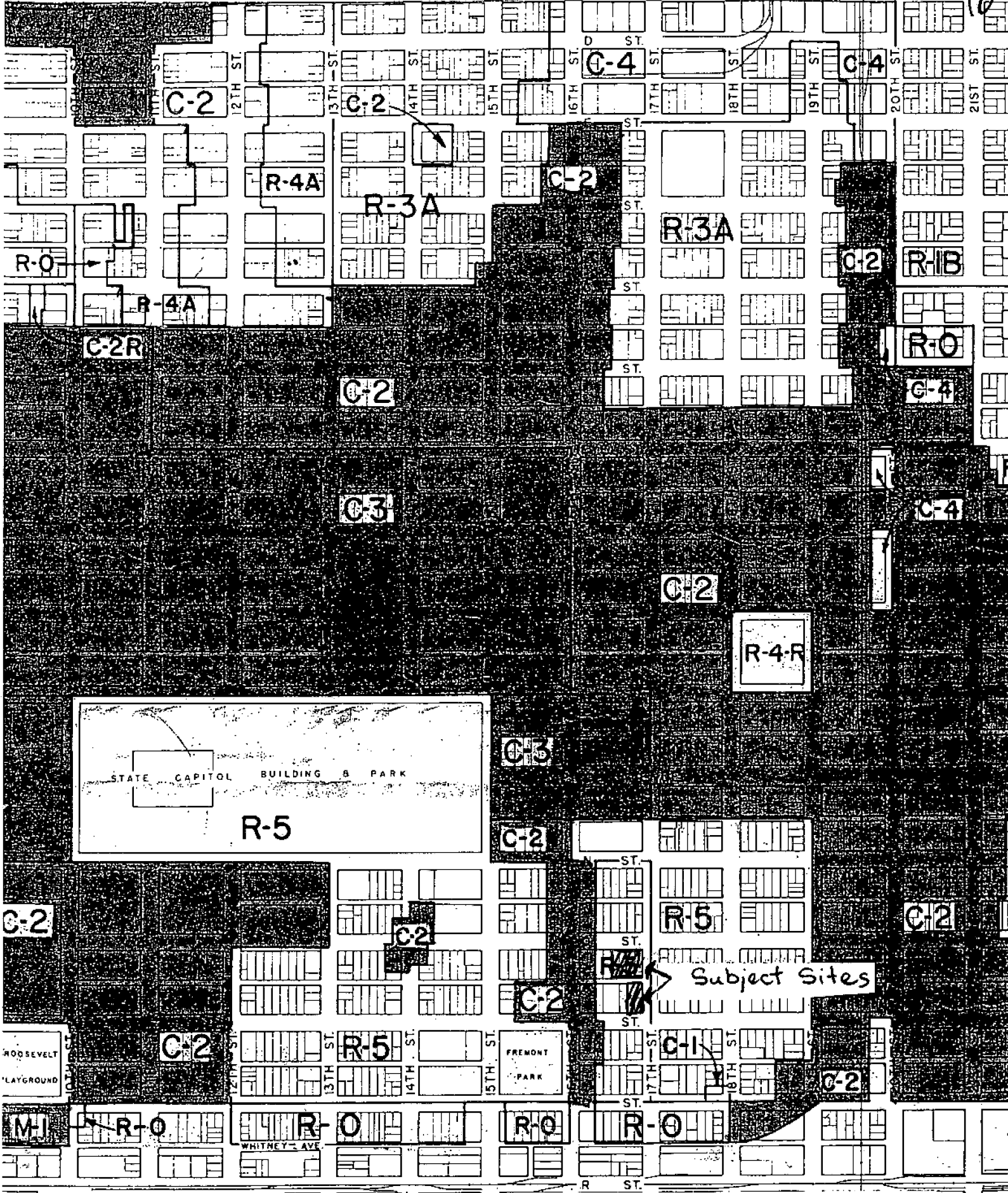
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Exhibit "B"  
CITY OF SACRAMENTO



CITY PLANNING COMMISSION

JAN 28 1982

RECEIVED

DIVISION OF BUILDING INSPECTIONS  
927-10TH STREET SACRAMENTO, CALIFORNIA 95814  
ROOM 100 449-5716

January 22, 1982

David J. Mogavero  
811 - J Street  
Sacramento, CA 95814

Dear David:

I must apologize for the long period of time which has lapsed since receiving your letter of September 4, 1981.

You requested a variance from the 2 hour construction requirements in a proposed Limited Equity Cooperative to be constructed at 17th, P, & Q Street. As I pointed out to you in our meeting of January 22, 1982, this type of ownership is included under the definition of condominium in the city code. Since the 2 hour construction requirements are a provision of the code, it would be beyond my authority to grant such a variance.

A variance of this nature would be initiated at the City Planning Department level. As I related to you during our meeting, I would not support such a variance request.

If you need further information, please call me.

Sincerely,

*D. T. Sullivan*  
D. T. Sullivan  
Superintendent, Building Inspections Div.

DTS:js

cc: Sharon Caudle, Planning Dept.

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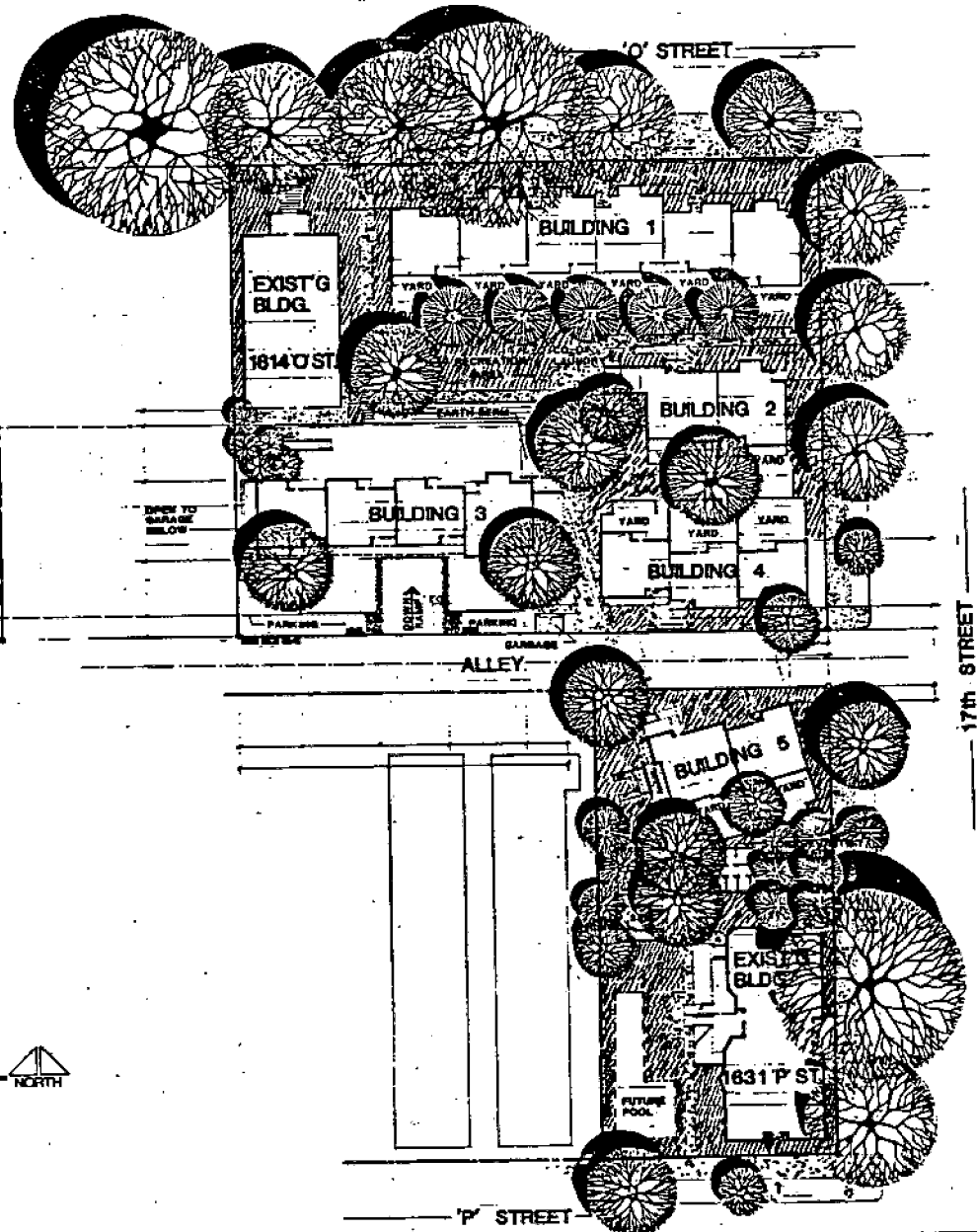
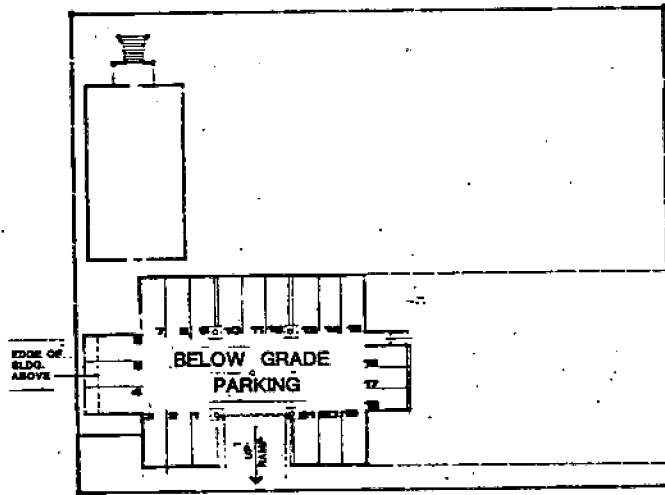
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# SITE PLAN

A 25 UNIT HOUSING COOPERATION  
 sacramento  
 housing  
 development  
 cooperation

17th-O-P Streets  
 Sacramento, Ca.



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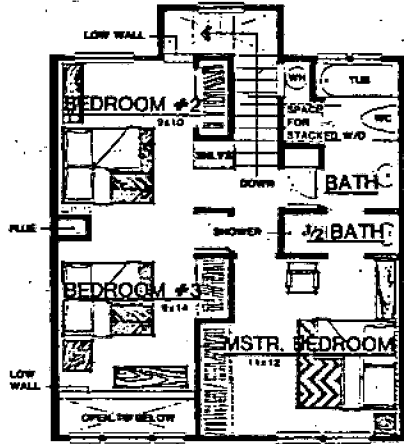
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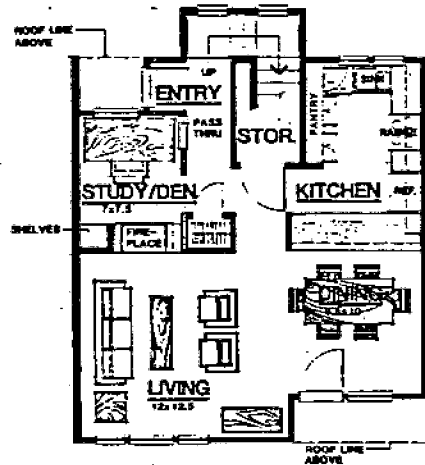
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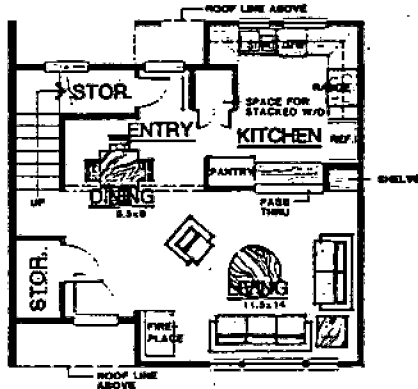
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**THREE BEDROOM UNIT**



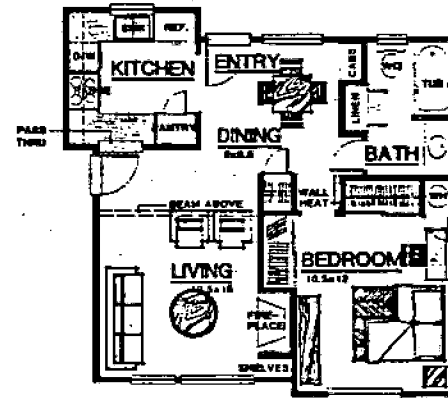
SECOND LEVEL  
**TWO BEDROOM UNIT**



FIRST LEVEL  
**THREE BEDROOM UNIT**



FIRST LEVEL  
**TWO BEDROOM UNIT**



**ONE BEDROOM UNIT**





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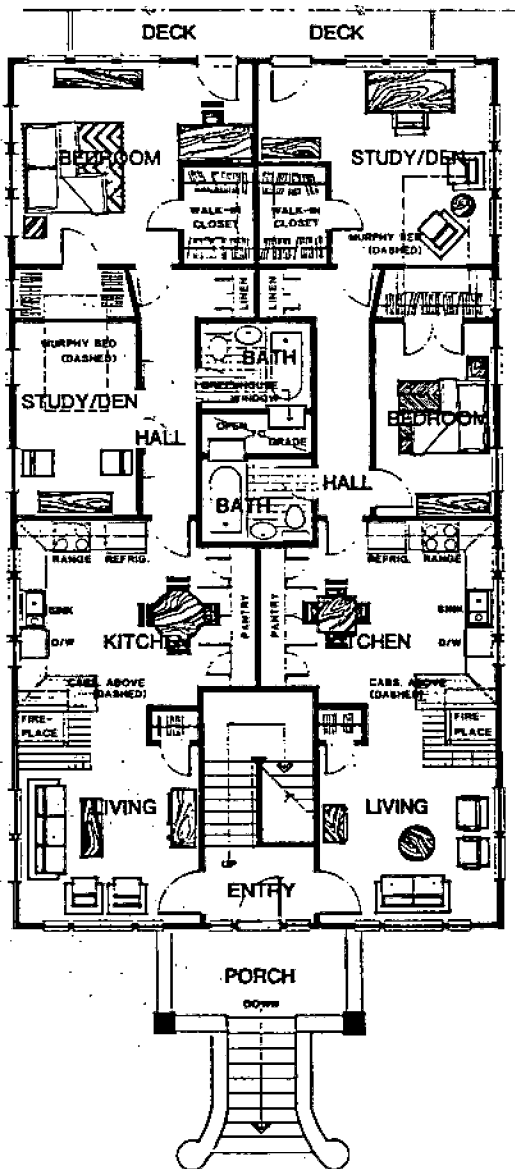
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**A 25 UNIT HOUSING COOPERATION**  
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 cooperation

17th-O-P Streets  
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TYPICAL LEVEL FLOOR PLAN

EXIST'G BLDG. 1614 "O" ST.



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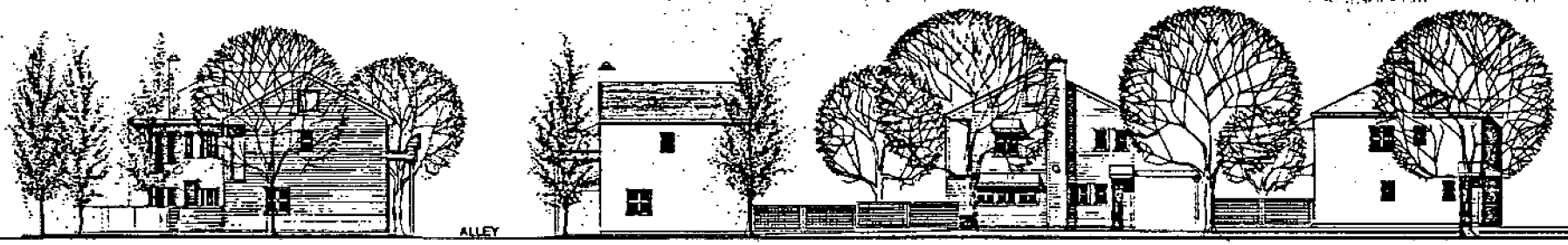
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"O" STREET ELEVATION



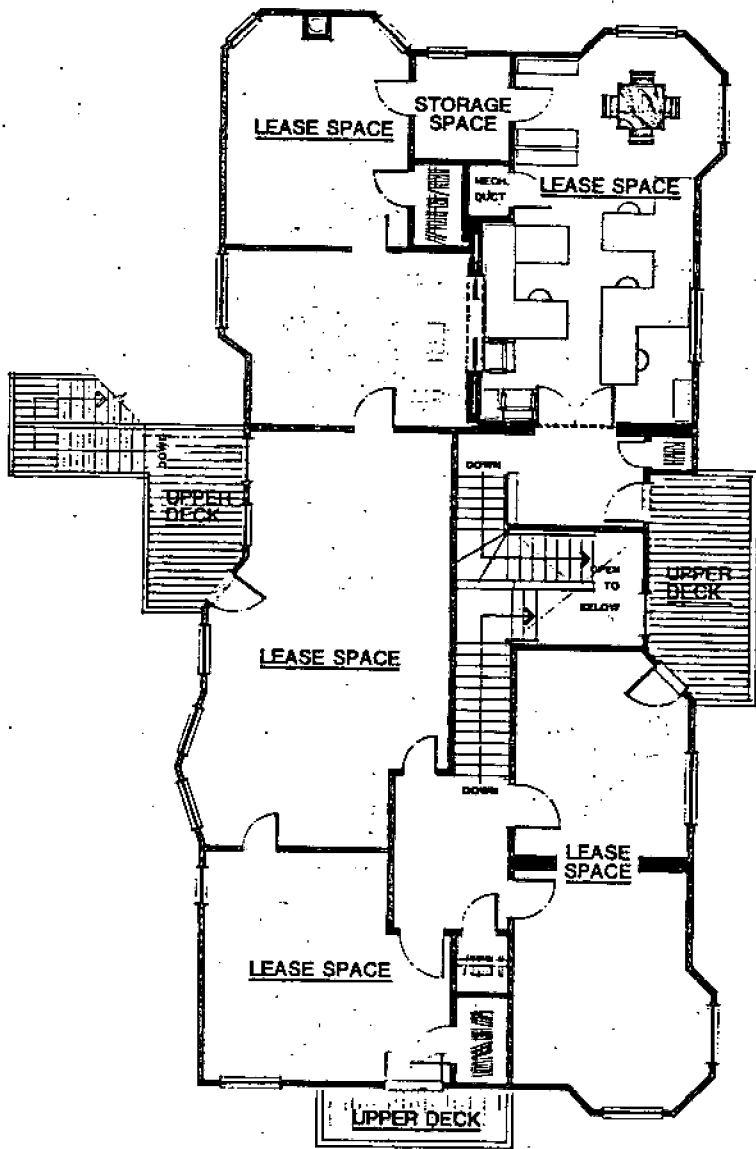
17th STREET ELEVATION

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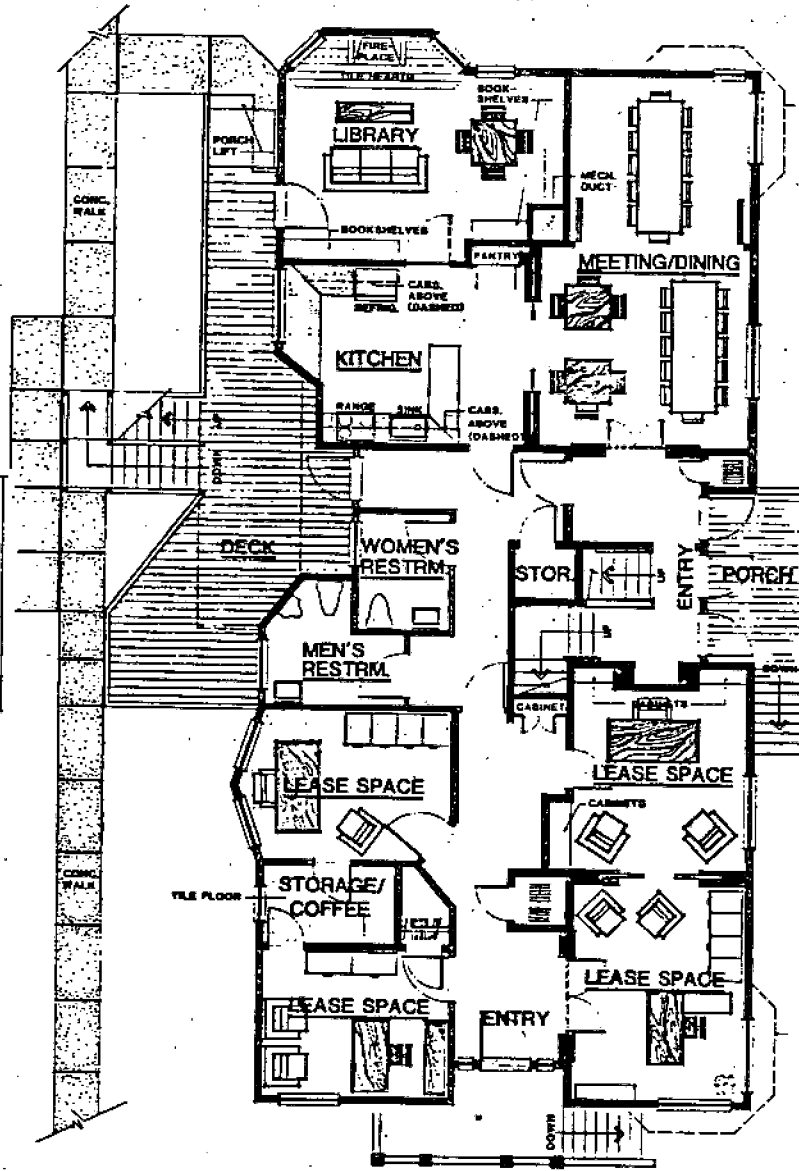
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SECOND LEVEL FLOOR PLAN



FIRST LEVEL FLOOR PLAN

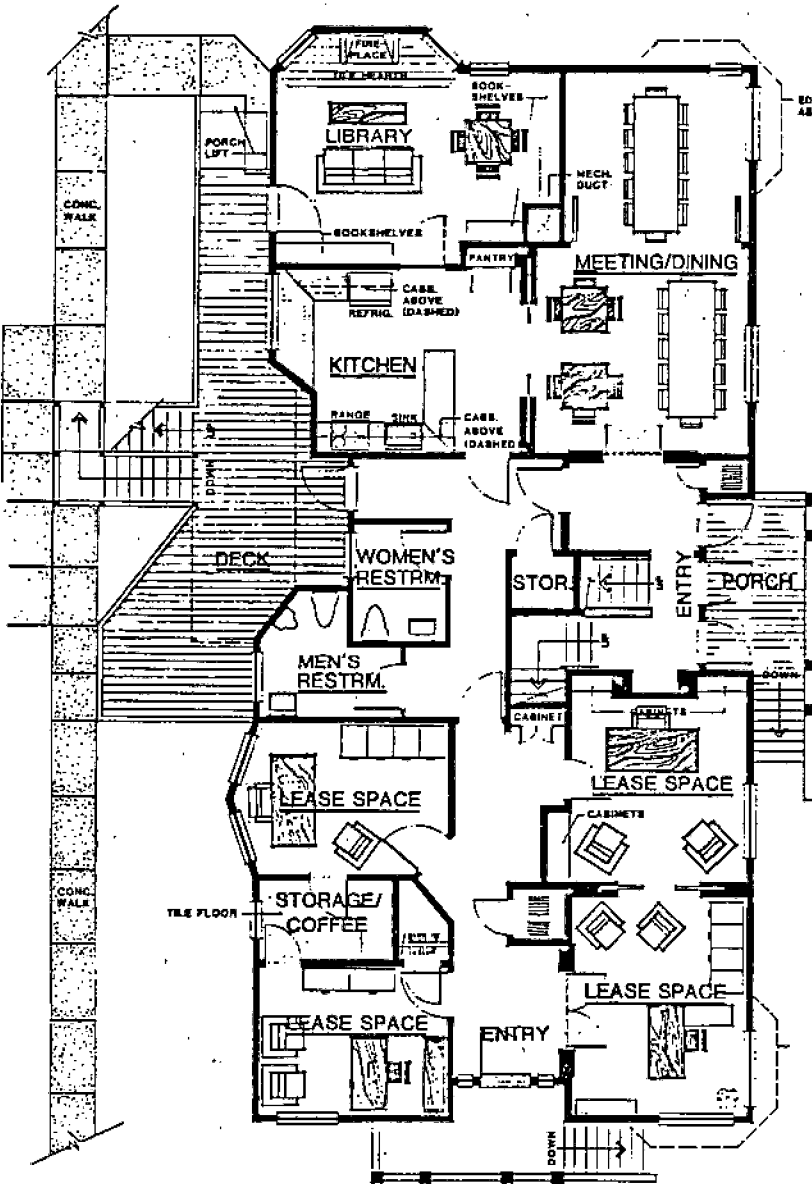
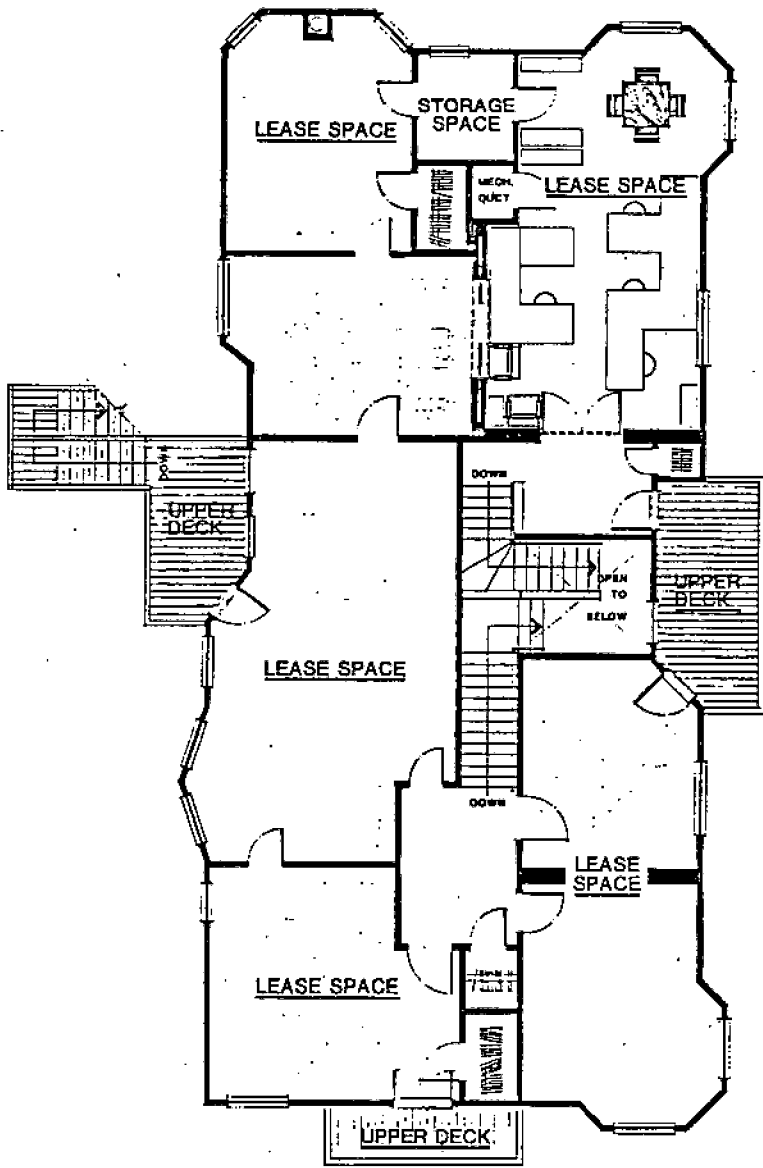


EXISTG BLDG.  
1631 P ST.

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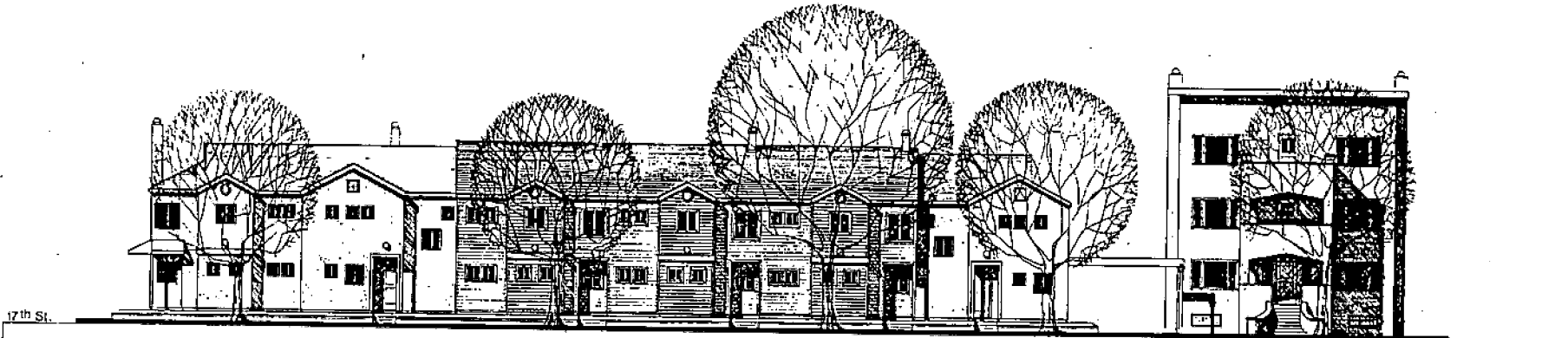
EXIST'G BLDG.  
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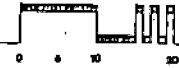
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