



CITY OF SACRAMENTO

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

October 31, 1983

Mr. Robert Garcia
1121 L Street Suite 500
Sacramento, CA 95816

Re: Amber House

Dear Mr. Garcia,

Your letter of October 11, 1983 to me regarding the Amber House prompts me to attempt to clarify several items.

I did not try to create a false impression for the City Council of personally saving Amber House \$8,000.00. I was asked to attempt to estimate, for the Council's information, the difference in cost of full compliance with building code compliance and compliance with the requirements after utilizing the State Historical Building Codes Committee's recommendations. Given, the \$8,000.00 figure was a personal estimate of my own, it was made based on my knowledge of costs to other property owners to install complete fire sprinling systems, ramps or lifts for the handicapped, and fire exit stairways.

The fire sprinkler system along the North side of the building is due to the fact that there are only approximately three feet between the Amber House and the neighboring building across the north property line. The Uniform Building Code requires a firewall with a 30 inch high parapet extending above the roof for walls this close to property lines. This office has waived these unsightly firewalls on historical buildings provided a full fire sprinkler system was installed. The State Historical Building Code Committee recommended the sprinkler be installed only along the north wall because they apparently also felt there should be some protection for both properties. This issue is covered by the 1979 Uniform Building Code, Section 1203, 504(b), Table 5-A, City Code Chapter #54, and State Historical Building Code Section 8-806(a). I recall discussing this issue in detail with Mr. McComber, his partner, and Dean Tieman, during our first meeting in the conference room of this office in February of this year. I also recall discussing this item with you and McComber when we met at the Amber House several weeks after the initial meeting.

My reference to the Amber House being a 3 story building

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By the City Council
Office of the City Clerk

APPROVED
BY THE CITY COUNCIL

NOV. 9 1983

OFFICE OF THE
CITY CLERK

*referred to
Const Codes
appeals
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October 31, 1983, Page 2

relates to the fact that the main floor is more than 6' above the average surrounding grade. If you recall I measured this distance while I was at the Amber House. By definition in the Uniform Building Code it is a 3 story building. The SHBC committee feels it is a 2 story building because regardless of the height, only 2 floors were used.

I am not requiring new exits or rearrangement of the existing exits because of the height of the building. I view the subject of height as a mute issue.

As stated before, other Bed and Breakfast Inns had prior uses as boarding homes or other types of R-1 occupancies, the Amber House did not therefore, is being treated as a conversion of occupancy as provided for in the Uniform Building Code and the State Historical Building Code. You may appeal these issues to the City Council, however, the normal course of actions is to appeal first to the Construction Codes Advisory and Appeals Board. I have enclosed copies of applicable code sections for your use. If you have questions regarding this matter please contact me.

Sincerely,


Tim Sullivan, Superintendent

TS:gd

cc: City Council
Walter Slipe
Mac Mailes

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than one-hour fire-resistive construction. All openings in such separation shall be protected by a fire assembly having a one-hour fire-protection rating.

(d) Fire Ratings for Occupancy Separations. Occupancy separations shall be provided between the various groups and divisions of occupancies as set forth in Table No. 5-B.

EXCEPTIONS: 1. Where an approved spray booth constructed in accordance with the Fire Code is installed, such booth need not be separated from other Group H Occupancies or from Group B Occupancies.

2. In Groups A, Division 1, E and I Occupancies a three-hour occupancy separation is permitted from a Group B, Division 1 Occupancy used only as a garage for the parking of passenger motor vehicles having a capacity of not more than nine persons per vehicle and provided no repair or fueling is done.

3. In Group R, Division 1 Occupancies, a one-hour occupancy separation is permitted from a Group B, Division 1 Occupancy used only as a garage for the parking of passenger motor vehicles having a capacity of not more than nine persons per vehicle and provided no repair or fueling is done and the area does not exceed 3000 square feet in a building.

4. In the one-hour occupancy separation between a Group R, Division 3 and M Occupancy, the separation may be limited to the installation of materials approved for one-hour fire-resistive construction on the garage side and a self-closing, tight-fitting solid wood door 1 1/2 inches in thickness will be permitted in lieu of a one-hour fire assembly. Fire dampers shall not be required in ducts piercing this separation for ducts constructed of not less than No. 26 gauge galvanized steel.

5. The following occupancies need not be separated from the uses to which they are accessory: assembly rooms having a floor area of not over 750 square feet; administrative and clerical offices and similar rooms which in the aggregate do not exceed 25 percent of the floor area of the major use when not related to Group H, Division 1 and Group H, Division 2 Occupancies.

Location on Property

Sec. 504. (a) General. Buildings shall adjoin or have access to a public space, yard or street on not less than one side. Required yards shall be permanently maintained.

For the purpose of this section, the center line of an adjoining street or alley shall be considered an adjacent property line.

Eaves over required windows shall be not less than 30 inches from the side and rear property lines. For eaves, see Section 1710.

(b) Fire Resistance of Walls. Exterior walls shall have fire resistance and opening protection as set forth in Table No. 5-A, Part III, and in accordance with such additional provisions as are set forth in Part IV and Part VII. Distance shall be measured at right angles from the property line. The above provisions shall not apply to walls at right angles to the property line.

Projections beyond the exterior wall shall not extend beyond:

- 1. A point one-third the distance to the property line from an exterior wall; or

TABLE NO. 5-A—Continued
TYPES II ONE-HOUR, II-N AND V ONLY

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GROUP	DESCRIPTION OF OCCUPANCY	FIRE RESISTANCE OF EXTERIOR WALLS	OPENINGS IN EXTERIOR WALLS
	5—Aircraft repair hangars	1 hour less than 60 feet	Protected less than 60 feet
I See also Section 1002	1—Nurseries for full-time care of children under the age of six (each accommodating more than five persons). Hospitals, sanitariums, nursing homes with nonambulatory patients and similar buildings (each accommodating more than five persons)	2 hours less than 5 feet, 1 hour elsewhere	Not permitted less than 5 feet Protected less than 10 feet
	2—Nursing homes for ambulatory patients, homes for children six years of age or over (each accommodating more than five persons)	1 hour	
	3—Mental hospitals, mental sanitariums, jails, prisons, reformatories and buildings where personal liberties of inmates are similarly restrained	Permitted in Types I and II-F.R. buildings only [See Section 902 (b)]	
M ²	1—Private garages, carports, sheds and agricultural buildings	1 hour less than 3 feet (or may be protected on the exterior with materials approved for 1-hour fire-resistive construction)	Not permitted less than 3 feet
	2—Fences over 6 feet high, tanks and towers	Not regulated for fire resistance	

²For agricultural buildings, see Appendix Chapter 11.

R See also Section 1202	1—Hotels and apartment houses Convents and monasteries (each accommodating more than 10 persons)	1 hour less than 5 feet	Not permitted less than 5 feet
	3—Dwellings and lodging houses	1 hour less than 3 feet	Not permitted less than 3 feet

- NOTES: (1) See Section 504 for types of walls affected and requirements covering percentage of openings permitted in exterior walls.
 (2) For additional restrictions, see chapters under Occupancy and Types of Construction.
 (3) For walls facing streets, yards and public ways, see Part IV.
 (4) Openings shall be protected by a fire assembly having a three-fourths-hour fire-protection rating.

RESTORATION OF HISTORIC BUILDINGS

CHAPTER 54

Article I. In General

Secs. 54.1 to 54.100 Reserved.

Sec. 54.101 Intent and scope of chapter.

(a) It is the intent of this chapter to provide for restoration of certain existing older residential buildings in order to develop a varied and interesting environment within the "old city," and

(b) To provide special regulations relating to the restoration of such buildings as will best promote their upgrading and retention consistent with the public health, safety and general welfare of the community.

(c) It is not the intent of this chapter to require restoration projects be historically or architecturally "faithful" reproductions. Rather, it is the intent of this chapter to permit older, interesting residential buildings to be upgraded and restored to the "general character" of the era they represent. To accomplish this, it is necessary that special regulations and construction code requirements be established as herein provided. (Ord. No. 3100, § 1)

Sec. 54.102 General qualifications and definitions.

(a) Old city: The term "old city" shall mean the hereinafter described area of the city:

That area of the City of Sacramento lying between the Southern Pacific main line railroad levee on the north, Broadway on the south, the Sacramento River on the west and Alhambra Boulevard on the east.

(b) Restoration project: The term "restoration project" shall mean the restoration, rehabilitation or reconversion of buildings and structures, located in the old city, pursuant to this chapter.

(c) Building: The term "building" shall mean a residence originally constructed for single-family use which was constructed not later than 1910.

(d) Structure: The term "structure" shall mean an accessory structure completed not later than 1910, located on the same parcel as the building proposed for restoration.

(e) Property line opening: The term "property line opening" shall mean an opening in an exterior wall which is required by the city Code to be of fire resistive construction due to its location with respect to its adjacent property line.

(f) Restoration requirements: The term "restoration requirements" shall mean the general upgrading of buildings, structures and on-site nonstructural improvements pursuant to section 54.201. (Ord. No. 3100, § 1)

Sec. 54.103 Zoning requirements.

Nothing in this chapter shall authorize the development or use of any parcel of property in violation of any applicable zoning or land use regulation of the city. (Ord. No. 3100, § 1)

Sec. 54.104 Variances; special permits.

Nothing in this chapter shall prevent the issuance of variances or special permits pursuant to the provisions of the zoning ordinance where appropriate to accomplish the intent and scope of this chapter. (Ord. No. 3100, § 1)

Secs. 54.105 to 54.200 Reserved.

Article II. Restoration and Construction Code Requirements

Sec. 54.201 Minimum restoration requirement.

Minimum restoration requirements under this chapter shall comprise the following:

(a) Restoration and renovation of the exterior of all buildings and structures.

(b) Removal or alteration of all additions to original buildings or structures which do not conform to the original exterior design and architecture of such buildings or structures.

(c) Restoration of the site to provide the maximum amount of landscaping and on-site nonstructural improvements commensurate with the restoration of the character of the project.

(d) Proposed interior restoration or remodeling need not conform to the character of the original structure or building, but may be modified to suit the proposed occupancy requirements. (Ord. No. 3100, § 1)

Sec. 54.202 Residential use exception.

Restoration projects which do not exceed three stories in height and which are designed or modified for use by not more than two families, and which are not located in Fire Zone 1 or 2, need not meet the requirements imposed by sections 54.204, 54.206 (except for emergency exit or rescue requirements), 54.207, and 54.212. In lieu of the requirements of these sections, the planning director may impose conditions pursuant to section 54.302 depending on the individual circumstances of the building proposed for restoration. (Ord. No. 3100, § 1)

Sec. 54.203 Construction code--Generally.

Buildings and structures approved or conditionally approved for restoration project status under this chapter may as an alternative comply with the following requirements in lieu of such other conflicting fire protection requirements of this code which would otherwise be applicable to such alterations or conditions due to change of occupancy from single-family residential use to a multi-family, office or commercial use. (Ord. No. 3100, § 1)

Sec. 54.204 Same--Fire protection.

All portions of the building and structure shall be provided with an approved automatic fire extinguishing system. Such system shall include the installation of sprinkler heads for exterior protection of property line openings and roof eave overhangs when required by proximity of the walls with relation to property lines, and such other locations as required by the fire marshal. Such automatic fire extinguishing system shall be independent of the normal domestic water supply to the building. (Ord. No. 3100, § 1)

Sec. 54.205 Same--Exceptions.

Where sprinklers are installed, as provided above, the following exceptions from the code shall be allowed:

(a) Street front facades, including balconies, canopies, columns, doors, windows, and signing, may be constructed of wood.

(b) Exterior wood stairways, balconies and canopies may be located at the rear of the building in any interior court area.

(c) Wood windows and plain glass may be installed in the building where protected openings might normally be required.

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§ 8-803
(p. 8-32)

STATE HISTORICAL BUILDING CODE

TITLE 24

(Register 79, No. 34—8-25-79)

8-803. Fire Hazard.

No person shall permit any fire hazard relating to a building standard to exist on premises under their control, or fail to take immediate action to abate such hazard when required by the enforcing agency.

NOTE: Authority cited: Sections 18950-18960, Health and Safety Code. Reference: Sections 18950-18960, Health and Safety Code.

8-804. Automatic Fire Extinguishing Systems.

(a) Every historical building which does not conform to the construction requirements specified in prevailing code for the occupancy or use and which constitutes a distinct fire hazard shall be provided with an approved automatic fire extinguishing system, as deemed appropriate by the enforcing agency.

(b) An automatic fire extinguishing system shall not be used to substitute for or act as an alternate to the required number of exits from any facility. (See Chapter 8-7 for exiting requirements.)

(c) Automatic Fire Extinguishing systems shall be provided in every detention facility in accordance with the provisions of Subsection (a).

NOTE: Authority cited: Sections 18950-18960, Health and Safety Code. Reference: Sections 18950-18960, Health and Safety Code.

8-805. Fire Alarm Systems.

(a) Every historical building classified as a multi-family dwelling and which does not conform to the construction or fire resistive requirements of prevailing code as appropriate for the occupancy in question shall be provided with an approved automatic fire alarm system having detectors which will respond to visible or invisible particles of combustion.

EXCEPTIONS:

1. Heat detectors may be used in closets, under floor areas, in storage rooms, bathrooms, attached garages, attics, plenums, laundry rooms, and rooms of similar use.

2. Buildings provided with an automatic sprinkler system throughout and conforming to prevailing standards, provided an approved detection device which will respond to visible or invisible particles of combustion is installed in every sleeping room or area, or in the corridor or area immediately adjacent to every sleeping room or area.

(b) All other occupancies shall be provided with fire alarm systems as required by prevailing code.

NOTE: Authority cited: Sections 18950-18960, Health and Safety Code. Reference: Sections 18950-18960, Health and Safety Code.

8-806. Fire Resistive Construction.

(a) Exterior wall construction and opening protection in relationship to property lines shall be as required by prevailing code, except that automatic sprinklers may be installed on the exterior under the roof line with at least one sprinkler head located over each opening required to be protected. Additional sprinkler heads shall also be distributed along combustible walls that do not meet the fire resistive requirement due to its relationship to property lines as required by prevailing code. Such sprinkler system may be connected to the domestic water supply on the street-main side of the building shut-off valve. A shut-off valve may be installed for the sprinkler system provided it is locked in an open position.

(b) One-hour fire-resistive construction throughout shall not be required regardless of construction or occupancy.

NOTE: Authority cited: Sections 18950-18960, Health and Safety Code. Reference: Sections 18950-18960, Health and Safety Code.

TITLE 24
(Register 79, No. 34—8-25-79)

8-807. Interior Wall and ceiling. Existing nonconforming interior wall and ceiling with an approved fire-resistive plaster walls, see Section 8-808.

NOTE: Authority cited: Sections 18950-18960, Health and Safety Code.

8-808. Maximum height of openings of prevailing code.

EXCEPTIONS: at every floor level equivalent to the required height by case law.

NOTE: Authority cited: Sections 18950-18960, Health and Safety Code.

8-810. Requirements for materials used in walls and ceilings.

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THE LAW FIRM OF
ROBERT B. GARCIA
ATTORNEY AT LAW

October 11, 1983

Mr. D. T. Sullivan, Superintendent
Division of Building Inspections
Sacramento, California 95814

Dear Mr. Sullivan:

Your letter of September 6, 1983, to Mr. William McComber, my client and proprietor of Amber House, along with your memorandum to the City Council of September 20, 1983, relative to Amber House raised several issues which I feel compelled to address.

Firstly, in your memorandum of September 20, 1983, you indicate that the modifications recommended for Amber House by the State Historical Building Code Advisory Board would "lower the cost of the project by approximately \$8,000". Although we have no way of knowing, presumably you are referring to the cost of what your original estimate of what it would have taken to modify Amber House prior to receiving the recommendations of the State Historical Building Code Advisory Board. As you well know, it has always been our position that your original modification requirements and costs associated therewith (whatever they were as we were never informed as to an amount) were onerous and misguided. Moreover, we feel that it is unfair for you to attempt to create the impression with the City Council that you have now graciously agreed to "save" Amber House \$8,000.00. How can you state that the cost to Amber House is now reduced by \$8,000.00 when no one (but you) arrived at a conclusion as to what your original modifications might cost?

Our second concern focuses on the fact that, to this date, no one has told us authoritatively why a sprinkler system of any type is needed along the north side of the building. We have heard nebulous comments about a liability problem for the city but no reference has ever been made to case law, a code section or regulation that clarifies this issue.

Thirdly, we take exception to the conclusion in your memorandum (at p. 2, point no. 3) that Amber House is a three story building. The State Historical Building Code Advisory Board's

Letter to Mr. D. T. Sullivan
October 11, 1983
Page Two

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letter to you of August 8, 1983, makes it clear that it is not a three story structure.

In closing, we restate our position that the most equitable manner in which to resolve the Amber House matter is by way of variance or by amendment to the Bed & Breakfast Zoning Ordinance. In our minds there is no rational basis for treating Amber House differently than the other Bed & Breakfast establishments. It is our intention to pursue these avenues with the City Council.

Also, as counsel for Amber House, I request that you direct future correspondence on this matter directly to me. To date, I have had to rely on receiving copies of correspondence from you by obtaining them from my client.

Sincerely,



Robert B. Garcia
Attorney at Law

RBG:sh

cc: Members of City Council

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THE LAW FIRM OF
ROBERT B. GARCIA
ATTORNEY AT LAW

November 3, 1983

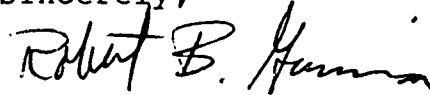
Sacramento City Council
915 I Street
Sacramento, California 95814

Honorable Members in Session:

The purpose of this letter is to formally request that the Sacramento City Council overrule a determination by Mr. D. T. Sullivan, Superintendent of the Division of Building Inspections which requires Amber House, 1315 - 22nd Street, Sacramento, California to undertake substantial and costly modifications. The details of these modifications appear in the attached letter signed by Mr. Sullivan.

I look forward to fully explaining our position when the Council considers this matter.

Sincerely,



Robert B. Garcia
Attorney At Law

RBG:sh

Attachment



CITY OF SACRAMENTO

16

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

September 6, 1983

Mr. William McComber
Amber House
1315 - 22nd Street
Sacramento, CA 95816

Re: Amber House Code Requirements

Dear Mr. McComber:

I have received an answer from the Secretary of the State Historical Building Code Advisory Board to my letter of March 11, 1983, requesting interpretations of that code as it applies to your building. The following are the minimum code requirements to comply with the State Historical Building Code:

1. Install automatic fire sprinklers at the roof eaves on the north side of the building and sprinklers over each window on the interior at the north wall. The sprinkler system may be combined with the domestic water system provided it is connected ahead of the building water shut-off and is adequately sized.
2. Provide a fire alarm system, activated by products of combustion, throughout the building. This should provide adequate safety even though the two exits are not separated as required by existing or prior codes.
3. If the first level is utilized for combustible storage, it should be made a one-hour enclosure or fire sprinklered.

A building permit will be required for the above work. Plans for the intended work will be necessary to clearly show what is intended. Please feel free to contact me regarding this matter.

Sincerely,

D. T. Sullivan
Supt., Building Insp. Div.

DTS:jp

cc: Ann Rudin
Mac Mailes
Ted Kobey
Dennis Smith
Dick Hastings
Greg Hatfield

MEMORANDUM

TO: CONSTRUCTION CODES ADVISORY & APPEALS BOARD
FROM: LORRAINE MAGANA, CITY CLERK *LM*
SUBJECT: REFERRAL TO ITEM NUMBER 16, COUNCIL
AGENDA OF NOVEMBER 09, 1983
DATE: NOVEMBER 15, 1983

Pursuant to Council action, the following subject matter is referred to your committee for hearing, report and recommendation:

Appeal of the Building Inspections Division decision regarding Amber House Bed and Breakfast Inn for requirements of a fire sprinkler system and fire alarm; located at 1315 22nd Street.

LM/sml/16 ✓

cc: Building Inspections