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CITY OF SACRAMENTO

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

August 23, 1985

Transportation and Community
Development Committee
Sacramento, California

Members in Session:

SUBJECT: 1. Environmental Determination - Negative Declaration

2. Ordinance Amending Section 28E and 28C3(d) Zoning Ordinance of the City of Sacramento Pertaining to Condominiums and Condominium Conversions (M85-076)

LOCATION: Citywide

SUMMARY

The attached Ordinance would amend sections of the Zoning Ordinance pertaining to condominiums and condominium conversions in two ways. First it would extend the time given for establishing a new condominium project or a conversion to condominium units from 1 year to 2 years. Second, it would eliminate the requirement of a two hour fire separation or fire sprinkler system unless deemed necessary by the City Council. The amendment has been prepared at the request of various applicants for conversions as well as the Council's Transportation and Community Development Committee. Staff recommends the Committee approve the Ordinance amendment and forward to City Council for adoption.

BACKGROUND

The current condominium Ordinance specifies that the project must be established within 1 year from approval. Based on the experience with past projects, most have had to request additional time to establish the use. The amendment would extend the time allowed to establish the use to 2 years. This would be consistent with the time allowed to establish other uses requiring Special Permits.

The other amendment relates to the present requirement of a two hour fire wall separation or sprinkler system when conversions of apartments to condominium units occur. Construction of new condominiums do not have this requirement and recently the City has approved variances to the requirement for conversions. The variances were approved when it was found that the units

were built under past construction codes that were similar to codes in present use in the area of fire safety. The proposed amendment would eliminate the requirement of a two hour fire separation or sprinklers unless deemed necessary by the City Council pursuant to recommendations from the Fire Chief and the Director of Building Division.

VOTE OF THE PLANNING COMMISSION

On August 22, 1985, the Commission voted eight ayes, one absent to recommend adoption of the Ordinance amendment.

RECOMMENDATION

The Planning Commission and staff recommend the Committee approve the proposed Ordinance amendment and forward to City Council for adoption.

Respectfully submitted,

Marty Van Duyn
Planning Director

RECOMMENDATION APPROVED:

Solon Wisham, Jr.
Assistant City Manager

MVD:AG:lr
Attachment
M85-076

ORDINANCE AMENDING SECTIONS 28E AND 28-C-3-(d) ZONING ORDINANCE OF THE CITY OF SACRAMENTO PERTAINING TO CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

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

SECTION 1.

Section 28E of the Comprehensive Zoning Ordinance of the City of Sacramento, (Ordinance No. 2550 Fourth Series as amended) is hereby amended to read:

E. Expiration for Failure to Establish Use

The expiration of a special permit issued under this section shall be governed by the provisions of Section 15-D-4, provided that a Condominium Conversion project shall be deemed established when one unit in the project has been sold to an individual purchaser other than the owner or applicant.

SECTION 2.

Section 28-C-3-(d) of the Comprehensive Zoning Ordinance of the City of Sacramento (Ordinance No. 2550 Fourth Series as amended) is hereby amended to read:

(d) Fire Safety.

It is the purpose of this development standard to provide safety to 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. In addition, where the Council finds it necessary in order adequately to provide for fire safety the Council may require, on recommendation of the Fire Chief and the Director of the Building Division, that each condominium unit shall have either a two-hour fire separation on its floors and each wall common to itself and an adjacent unit, or an automatic fire sprinkler system, or such other fire protection system as the Council finds will protect the occupants of and the owner's investment in the condominium as effectively as a two-hour fire separation or automatic fire sprinkler system. Nothing in this subsection (d) shall apply to a limited equity housing cooperative, as defined by Business and Processions Code Section 11003.4.

DATED PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Building Industry Association
Of Superior California, Inc.
2211 Royale Road
Sacramento. CA 95815
916-925-2772

August 20, 1985

The Honorable Terry Kastanis
Sacramento City Council
City Hall
915 I Street
Sacramento, CA 95814

Dear Councilman Kastanis:

As per your request, the B.I.A. has reviewed the proposed amendments pertaining to condominium conversions. We believe them to be of benefit to the industry and should significantly reduce the problems associated with this type of development.

In the past, our organization has voiced a concern about the prohibitive cost of retrofitting units with two-hour firewalls and automatic fire sprinklers.

While we would like to see the deletion of these items in their entirety, as has happened with new construction, the proposal practically eliminates them unless the council has overriding concerns.

In addition, we support the extra time given under the amended ordinance.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Robert K. Holmes
Legislative Advocate

RKH/rs