

## RESOLUTION NO. 2007-832

Adopted by the Sacramento City Council

November 13, 2007

### APPROVING THE CAPITOL VILLA CONDOMINIUM CONVERSION PROJECT (P07-065) (APN: 002-0125-024)

#### BACKGROUND

- A. On September 27, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Capitol Villa Condo Conversion, from a vacant fourplex apartment to four condominium units located 1411 E Street.
- B. On November 13, 2007, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section Sections 16.24.097, 17.212.035, and 17.200.010(C)2(a), (b), and (c) (publication, posting, and mail 500'), and received and considered evidence concerning the Capitol Villa Condo Conversion.

#### BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Based on the verbal and documentary evidence received at the hearing on the Capitol Villa Condominium Conversion Project, the City Council approves the Project Tentative Map and Special Permit based on the findings of fact and subject to the conditions of approval as set forth below.
- Section 2. The City Council approves the Project Tentative Map and Special Permit based on the following findings of fact:
  - A. **Environmental Determination:** The determination of the Project's exemption from CEQA has been made by Resolution No 2007-831.
  - B. The **Tentative Map** to designate one parcel for condominium purposes is hereby approved based upon the following findings of fact:
    1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows;

- a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;
  - b. The site is physically suitable for the type of development proposed and suited for the proposed density;
  - c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;
  - d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;
  - e. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision;
2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan and Chapter 16 of the City Code, which is a Specific Plan of the City. The City's General Plan designates the site as High Density Residential 30+ du/na;
  3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. code §66474.6);4.
  4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1);
  5. The City Council has considered the effect of the approval of this tentative subdivision map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and

environmental resources (Gov. Code §66412.3).

- C. The **Special Permit** for condominium conversion to convert a vacant fourplex apartment into four condominium units within a structure listed on the Sacramento Register as a Contributing Resource is hereby approved based upon the following findings of fact:
1. A special permit shall be granted if there exists adequate comparable replacement housing for each eligible tenant in the building proposed for conversion. In this case, staff finds that this requirement is not applicable to the subject condominium conversion because the building is a vacant structure and has not had rental tenants since August 2006. The project will not displace any tenants.
  2. A special permit shall not be granted if it is determined that the average rental vacancy rate in the affected community plan area during the twelve months preceding the date the city-determined rental vacancy rates are issued is greater than five percent otherwise adequate measures have been incorporated that would effectively mitigate the displacement of tenants and any adverse effects upon the rental housing stock in the affected area caused by the conversion. The average rental vacancy rate is 9.6% within the Central City; therefore, it can be assumed that the proposed project will not adversely affect the rental housing stock in the surrounding area.
  3. A special permit for condominium conversion shall not be granted if the applicant has not complied with all submittal requirements, public notices to existing tenants, and building inspections. In addition, the project shall be subject to the development standards established for condominium conversions. In this case, staff finds that the applicant has supplied staff with all required documents and is subject to all future building inspections that are applicable to this condominium conversion. No existing tenants are affected by the conversion and therefore the applicant is not required to comply with the tenant notification procedures outlined in the conversion ordinance.
  4. A special permit for condominium conversion shall not be granted if the apartment building or residential complex

proposed for conversion represents a unique and needed rental housing resource in the city. Staff finds that given the lack of rental tenants in the structure that the proposed conversion does not affect a needed rental housing resource in this area.

5. A special permit for condominium conversion shall not be granted if it is found that the results of the tenant survey indicate strong disapproval for the conversion of the units. Staff finds that in this case, the residential structure is vacant and therefore, the applicant is not required to produce a tenant survey.
6. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located. The proposed project is consistent with the residential land use policies and of the General Plan and the Central City Community Plan which encourage the rehabilitation of historically significant structures and to provide additional housing opportunities within the Central City to all economic segments of the population.
7. A special permit shall be granted upon sound principles of land use. In this case, staff finds that the proposed condominium conversion use is consistent with the city's objectives to promote the re-use of vacant structures and provide additional housing opportunities within the Central City. The use does not change with the condominium conversion process and provides viable housing stock for the area.

Section 3. The City Council approves the Project Tentative Map and Special Permit subject to the following conditions of approval:

- A. The **Tentative Map** to designate one parcel for condominium purposes is hereby approved subject to the following Conditions of Approval:

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P07-065). The design of any improvement not covered by these conditions shall be to City standard.**

The applicant shall satisfy each of the following conditions prior to filing the

Parcel Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Development Engineering Division.

**GENERAL: All Projects**

- A1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
- A2. Show all continuing and proposed/required easements on the Parcel Map;
- A3. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition;

**DEVELOPMENT ENGINEERING: Streets**

- A4. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering Division;
- A5. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division;
- A6. Form a Homeowner's Association. CC&R's shall be approved by the City and recorded assuring maintenance of private drives. The Homeowner's Association shall maintain all private drives, lights, and common landscaping;

## CITY UTILITIES

- A7. Only one metered domestic water service is allowed for the condominium units. Excess services shall be abandoned to the satisfaction of the Department of Utilities. Connections are only allowed to the existing 6" water main in the alley between D Street and E Street;
- A8. An ownership association shall be formed and C.C. & R's shall be approved by the City and recorded prior to the recordation of the final map. The onsite water, sewer and storm drain systems shall be private facilities maintained by the owners' association formed pursuant to the provisions of sections 1350 et seq. of the California Civil Code (the Davis-Stirling Common Interest Development Act). The C.C. & R's recorded for the project (as "governing documents" defined in Civil Code section 1351(j)), shall authorize and require the owners' association to maintain these facilities and to obtain and pay for water, sewer and storm drain service for the project (including the condominiums and all common areas) and on behalf of all condominium owners;
- A9. Prior to the recordation of the final map, any water, sanitary sewer or storm drainage services to the condominium project, the owner(s) and ownership association shall enter into a Utility Service Agreement with the City to receive such utility services at points of service designated by the Department of Utilities. Such agreement shall provide, among other requirements, for payment of all charges for the condominium project's water, sanitary sewer and storm drainage services, shall authorize discontinuance of utility services at the City's point(s) of service in the event that all or any portion of such charges are not paid when and as required, shall require compliance with all relevant utility billing and maintenance requirements of the City, the Association will sub-meter in the future if required to do so by any law or regulation, and shall be in a form approved by the City Attorney;

## ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

1. The proposed project is located in the Flood zone designated as a **Shaded X** zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the **Shaded X** zone, there are no requirements to elevate or flood proof;
- B. The **Special Permit** for condominium conversion to convert a vacant fourplex apartment into four condominium units within a structure listed on the Sacramento Register as a Contributing Resource is hereby approved subject to the following Conditions of Approval:

## **GENERAL**

- B1. The applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction.
- B2. The applicant shall comply with the conditions of approval contained in the Preservation approval (PB07-059).
- B3. The applicant shall record the final map and sell at least one unit in order to activate the Special Permit within three years of final approval or submit a time extension application pursuant to the section of 17.212.100.

## **UTILITIES**

- B4. An ownership association shall be formed and C.C. & R's shall be approved by the City and recorded prior to the recordation of the final map. The onsite water, sewer and storm drain systems shall be private facilities maintained by the owners' association formed pursuant to the provisions of sections 1350 et seq. of the California Civil Code (the Davis-Stirling Common Interest Development Act). The C.C. & R's recorded for the project (as "governing documents" defined in Civil Code section 1351(j)), shall authorize and require the owners' association to maintain these facilities and to obtain and pay for water, sewer and storm drain service for the project (including the condominiums and all common areas) and on behalf of all condominium owners.
- B5. Prior to the recordation of the final map, any water, sanitary sewer or storm drainage services to the condominium project, the owner(s) and ownership association shall enter into a Utility Service Agreement with the City to receive such utility services at points of service designated by the Department of Utilities. Such agreement shall provide, among other requirements, for payment of all charges for the condominium project's water, sanitary sewer and storm drainage services, shall authorize discontinuance of utility services at the City's point(s) of service in the event that all or any portion of such charges are not paid when and as required, shall require compliance with all relevant utility billing and maintenance requirements of the City, the Association will sub-meter in the future if required to do so by any law or regulation, and shall be in a form approved by the City Attorney.

## **ADVISORY NOTES for the Special Permit**

- 1. The garage entrance must have its own light source and remain on from dusk till dawn.
- 2. All residential buildings shall display a street number in a prominent location on the street side in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than four (4) inches in height

and shall be of a contrasting color to the background to which they are attached. The numerals shall be illuminated at night.

3. The proposed project is located in the Flood zone designated as a Shaded X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof.

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Exhibits A-D: Map and Site Plans

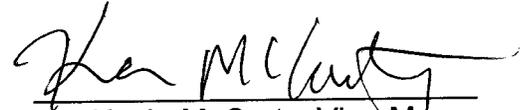
Adopted by the City of Sacramento City Council on November 13, 2007 by the following vote:

Ayes: Councilmembers Fong, Hammond, McCarty, Pannell, Sheedy, and Waters.

Noes: None.

Abstain: None.

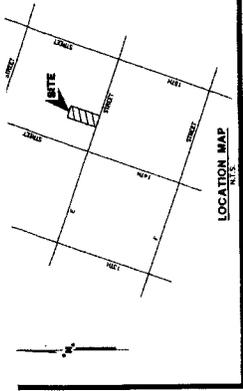
Absent: Councilmembers Cohn, Tretheway, and Mayor Fargo.

  
Kevin McCarty, Vice-Mayor

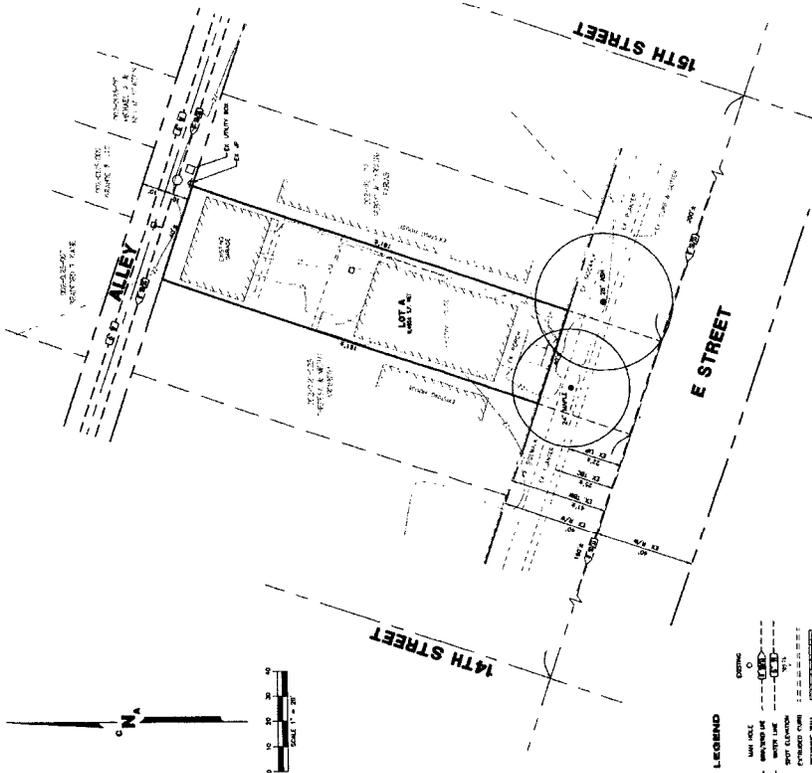
Attest:

  
Shirley Concolino, City Clerk

P07-065  
April 25, 2007



**TENTATIVE PARCEL MAP  
FOR  
CAPITOL VILLA CONDOMINIUMS  
1411 E STREET  
STATE OF CALIFORNIA  
SCALE 1" = 20'  
CITY OF SACRAMENTO  
MARCH 2007  
CNA ENGINEERING INC.  
SHEET 1 OF 1**



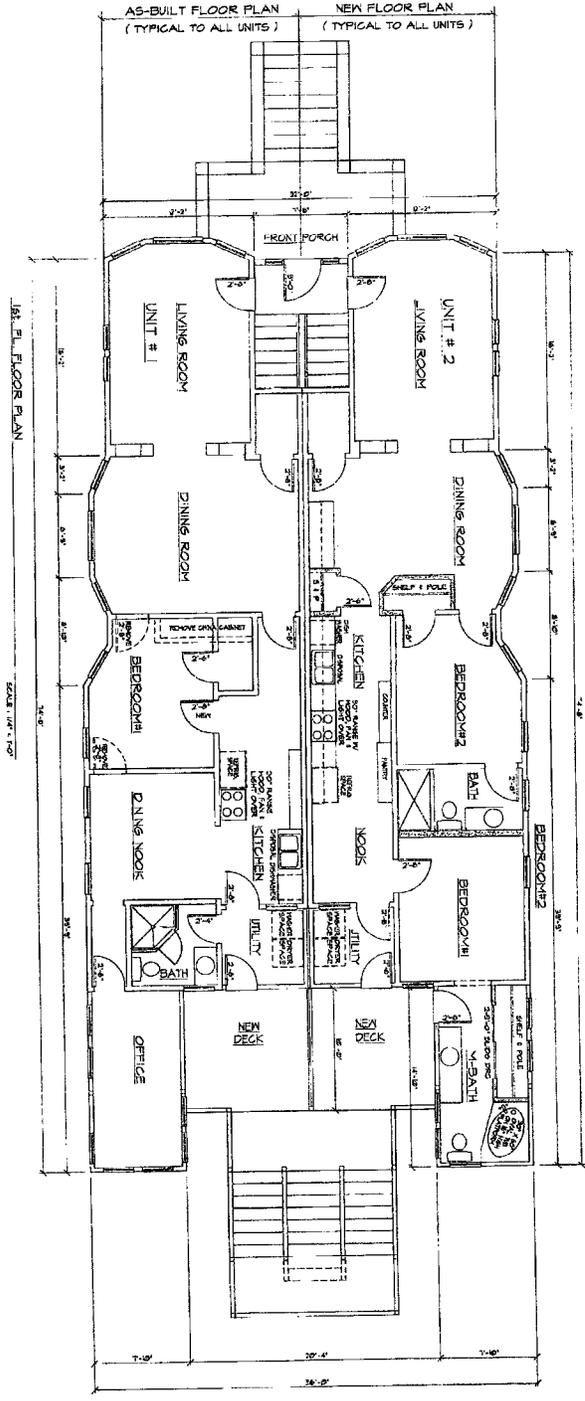
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|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------|--------------------------------------------------|---------------------------------------------------------------|
| <b>OWNER</b><br>CITY OF SACRAMENTO<br>2000 MARKET STREET<br>SACRAMENTO, CA 95811       | <b>EXISTING USE</b><br>CITY OF SACRAMENTO<br>1. MUNICIPAL USE<br>2. PUBLIC USE<br>3. RECREATION USE | <b>FIRE DISTRICT</b><br>CITY OF SACRAMENTO  | <b>PARK DISTRICT</b><br>CITY OF SACRAMENTO       | <b>FLOOD CONTROL AND STORM DRAINAGE</b><br>CITY OF SACRAMENTO |
| <b>ENCLINEMENT</b><br>CITY OF SACRAMENTO<br>2000 MARKET STREET<br>SACRAMENTO, CA 95811 | <b>PROPOSED USE</b><br>CITY OF SACRAMENTO<br>1. CONDOMINIUMS<br>2. PUBLIC USE<br>3. RECREATION USE  | <b>WATER DISTRICT</b><br>CITY OF SACRAMENTO | <b>SCHOOL DISTRICT</b><br>CITY OF SACRAMENTO     |                                                               |
| <b>PARCEL NO.</b><br>001000000                                                         | <b>ELECTRICITY</b><br>SACRAMENTO                                                                    | <b>SEWER DISPOSAL</b><br>CITY OF SACRAMENTO | <b>DRAINAGE FACILITIES</b><br>CITY OF SACRAMENTO |                                                               |

**LEGEND**

BOUNDARY  
 EASEMENT  
 UTILITY  
 EXISTING  
 PROPOSED  
 FLOOD CONTROL AND STORM DRAINAGE  
 PARK DISTRICT  
 SCHOOL DISTRICT  
 FIRE DISTRICT  
 WATER DISTRICT  
 SEWER DISPOSAL  
 ELECTRICITY  
 PARCEL NO.

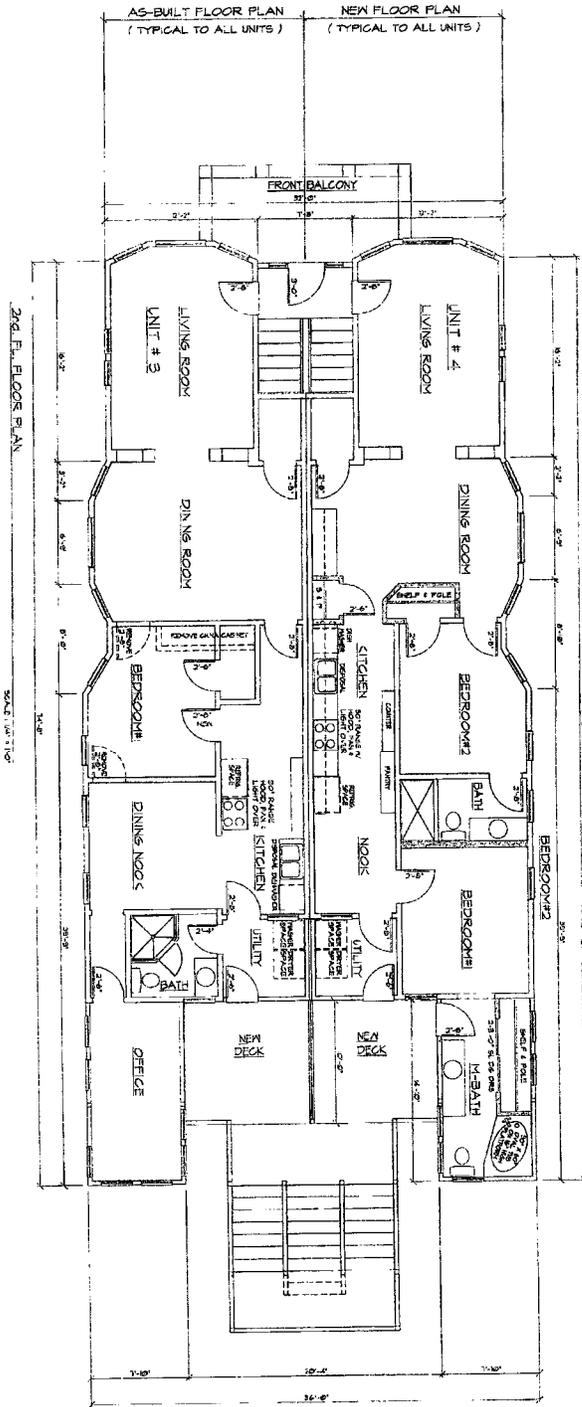
<b>CNA ENGINEERING INC.</b> CIVIL ENGINEERING, LAND SURVEYING, PLANNING, STRUCTURAL, GEOTECH		<b>CNA ENGINEERING INC.</b> CIVIL ENGINEERING, LAND SURVEYING, PLANNING, STRUCTURAL, GEOTECH 2575 VALLEY ROAD, SACRAMENTO, CA 95811 (916) 485-1744 WWW.CNAENGINEERING.COM	
COUNTY APPROVAL APPROVED BY DATE CHECKED BY DATE DATE: 03/27/2007 PLD BK: 002-0125-004	COUNTY APPROVAL APPROVED BY DATE CHECKED BY DATE DATE: 03/27/2007 PLD BK: 002-0125-004	COUNTY APPROVAL APPROVED BY DATE CHECKED BY DATE DATE: 03/27/2007 PLD BK: 002-0125-004	COUNTY APPROVAL APPROVED BY DATE CHECKED BY DATE DATE: 03/27/2007 PLD BK: 002-0125-004

Exhibit B Floor Plans



<p>A-1a</p>	<p>DATE: 12-11-11</p>	<p>STEVEN WINKEL - OMNI CONTRACTORS 1411 E STREET SACRAMENTO CA. 95814 AS-BUILT AND NEW 1st. FL FLOOR PLAN</p>	<p>W S WILLIAM F. STADDES, JR. ARCHITECT 2714 PARK ROAD SUITE 200 CHICAGO, IL 60658 PH: 312-344-0044 FAX: 312-344-0117</p>	<p>DATE: 09-26-07 SCALE: 1/4" = 1'-0"</p>
	<p>BY: [Signature]</p>			
	<p>SEPT. 5, 2007</p>			
	<p>17-11-11</p>			

Exhibit B Floor Plans



A-2a

DATE: 09-25-07

BY: J/K

SCALE: 1/4" = 1'-0"

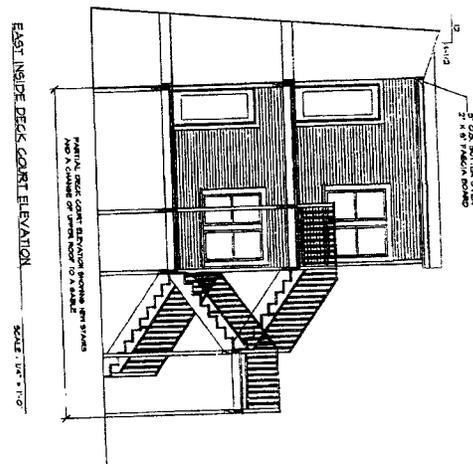
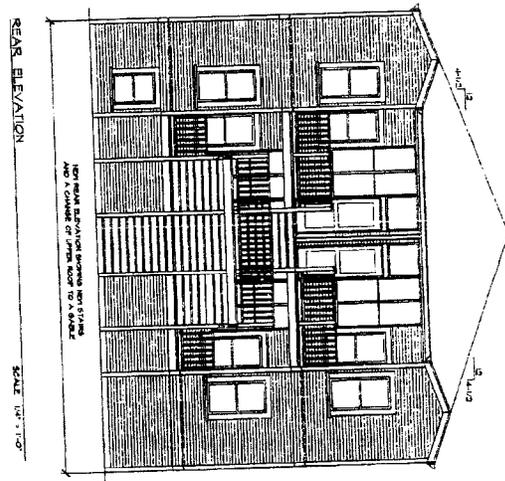
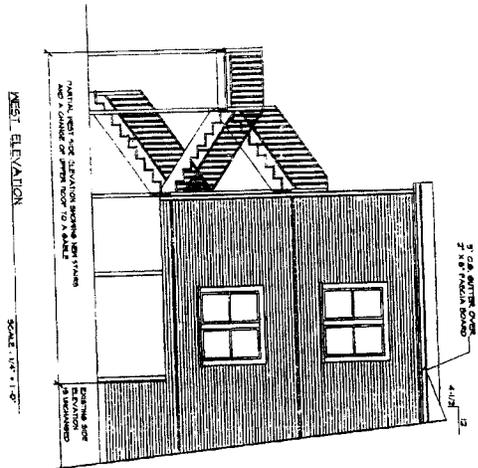
STEVEN WINKEL - OMNI CONTRACTORS  
 1411 E STREET SACRAMENTO CA. 95814  
 AS-BUILT AND NEW 2nd. FL. FLOOR PLAN

W S

WILLIAM F. STAINES, JR. ARCHITECT  
 1411 E STREET SACRAMENTO CA. 95814  
 TEL: (916) 441-2117 FAX: (916) 441-2117



Exhibit C Elevations



A-5	DATE: APRIL 26, 2007	<b>STEVEN WINKEL - OMNI CONTRACTORS</b> 1411 E STREET SACRAMENTO CA. 95814 <b>NEW REAR ELEVATION</b> <b>AND PARTIAL SIDE ELEVATIONS</b>		<b>WILLIAM F. STADES, JR. ARCHITECT</b> 1713 FIVE OAKS BLVD CARLETON, CA 95626 (916) 944-4444 FAX (916) 944-2117
	SCALE: 1/4" = 1'-0"			

