



APPROVED  
BY THE CITY COUNCIL

SEP 29 1987

OFFICE OF THE  
CLERK

27

OFFICE OF THE  
CITY ATTORNEY

CITY OF SACRAMENTO  
CALIFORNIA

812 TENTH STREET  
SACRAMENTO, CA  
95814-2694

JAMES P. JACKSON  
CITY ATTORNEY

September 23, 1987

916-449-5346

THEODORE H. KOBEY, JR.  
ASSISTANT CITY ATTORNEY

DEPUTY CITY  
ATTORNEYS:  
SAMUEL L. JACKSON  
WILLIAM P. CARNAZZO  
LAWRENCE M. LUNARDINI  
GARLAND E. BURRELL, JR.  
DIANE B. BALTER  
RICHARD F. ANTOINE  
TAMARA MILLIGAN-HARMON  
LINDA M. GONZALES

City Council  
City Hall  
Sacramento, CA 95814

Honorable Members in Session:

SUBJECT: Moratorium for a Portion of the Alhambra  
Corridor Study Area (Alhambra Boulevard,  
Granada Way/L, N and 33rd Streets)

DISCUSSION

This ordinance extends the current moratorium on construction and demolition of non-residential buildings in the above area. The current moratorium expires on September 30, 1987. This ordinance would extend the moratorium to December 8, 1987. The Planning staff has developed alternative recommendations for regulations governing the area, which are currently out for public review and comment. Comments have been requested to be submitted by October 16, 1987, and the Planning Commission will hear the various alternatives on November 4, 1987. This ordinance would prohibit the issuance of a building permit or demolition permit for any non-residential structure in the area for the period of the moratorium. A special permit could be issued for a non-residential building during the period of the moratorium.

RECOMMENDATION

If the Council wishes to extend the moratorium during the period that the Planning Commission and Council will study the various alternatives for the area developed by the Planning Division, this ordinance should be adopted.

Respectfully submitted,

THEODORE H. KOBEY, JR.

RECOMMENDATION APPROVED:

CITY MANAGER

# ORDINANCE NO. 87-097

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

**APPROVED**  
BY THE CITY COUNCIL

SEP 29 1987

CITY CLERK

ORDINANCE ESTABLISHING INTERIM REGULATIONS FOR THE ISSUANCE OF DEMOLITION PERMITS, BUILDING PERMITS, AND SPECIAL PERMITS FOR BUILDINGS IN THE AREA BOUNDED BY ALHAMBRA BOULEVARD, GRANADA WAY/L STREET, 33RD STREET AND N STREET, AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY.

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

**SECTION 1.** Regulations imposed.

(a) Notwithstanding any provisions of the City Zoning Ordinance to the contrary (Ordinance No. 2550, Fourth Series as amended), for a period ending December 8, 1987, no building permit shall be issued for any non-residential building or structure in the area shown on Exhibit "A", attached hereto, unless a special permit has first been granted therefor. A special permit may be granted for such building or structure. The provisions of Sections 15 and 18 of the Zoning Ordinance shall apply.

(b) For a period ending December 8, 1987, no demolition permit shall be issued for any building originally built for residential purposes. This prohibition shall not apply to:

- (1) Demolition permits for buildings on property which has received special permit project approval.
- (2) Demolition permits for buildings which have been classified as dangerous by the Superintendent of Building Inspections.

**SECTION 2.** Emergency.

This ordinance is hereby declared to be an emergency ordinance to take effect immediately. This ordinance is an extension of the moratorium imposed by Ordinance No. 87-086, which will expire on September 30, 1987. In order to continue the prohibition of the

construction or demolition of buildings which may conflict with various alternative regulations currently being considered by the Planning Commission, this ordinance must take effect immediately.

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_

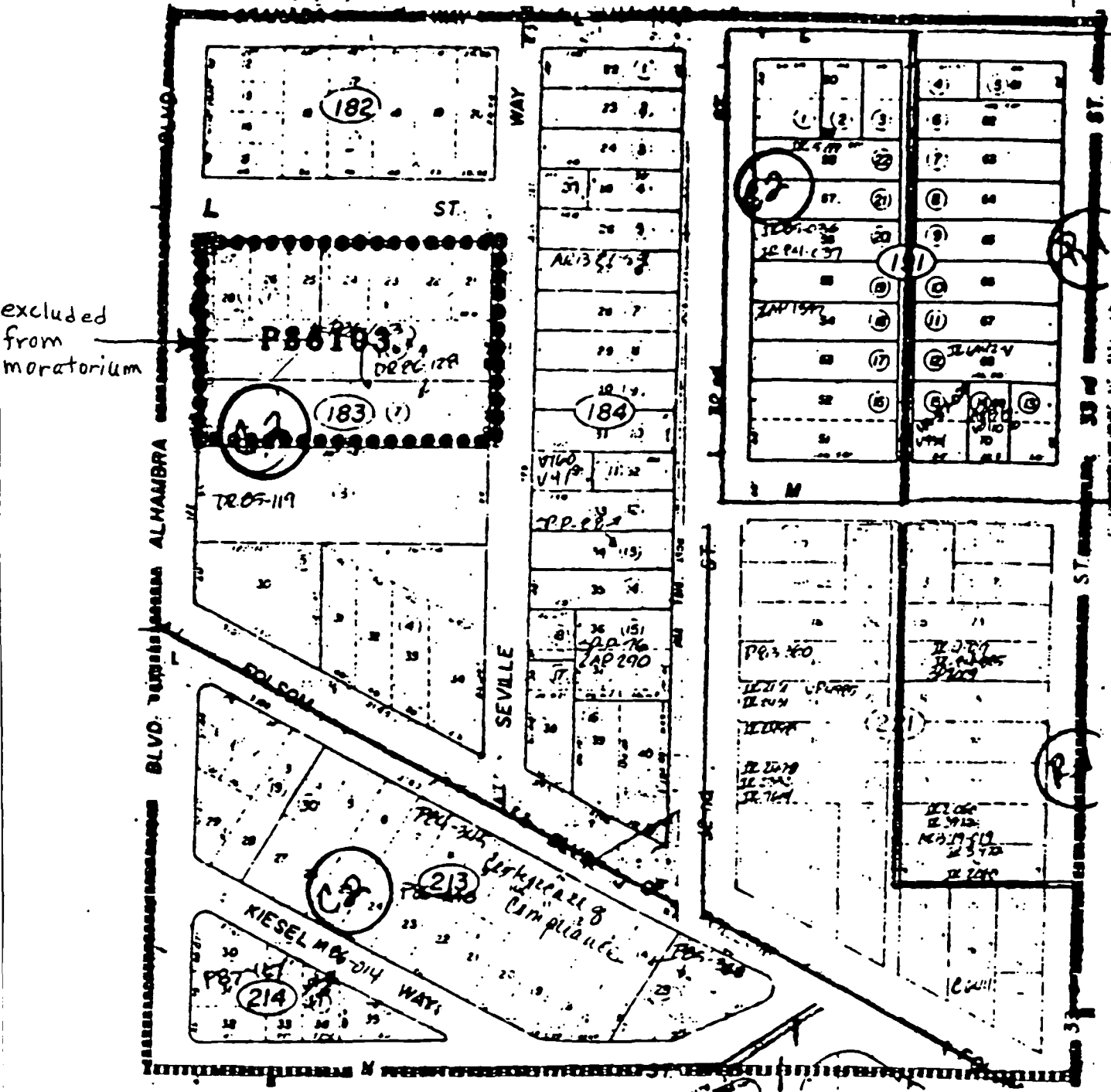
MAYOR

ATTEST:

\_\_\_\_\_


CITY CLERK

# OF PROPOSED MORATORIUM



area surrounded by ..... line to be excluded from moratorium

Scale  
1:150

Boundary of moratorium  




## EXHIBIT A

27

LAW OFFICES OF  
**LORENZ AND CUTTER**  
ATTORNEYS AT LAW

880 FORUM BUILDING  
1107 NINTH STREET  
P. O. BOX 1893

SACRAMENTO, CALIFORNIA 95809-1893

HERMANN E. LORENZ, JR.  
PROFESSIONAL CORPORATION  
KERRY E. CUTTER

TELEPHONE  
(916) 442-0473

September 29, 1987

To The Honorable Mayor and  
Honorable Members of the City Council  
City of Sacramento  
City Hall  
915 I Street  
Sacramento, California 95814

RE: AGENDA ITEM 27, EXTENSION OF DEMOLITION AND  
BUILDING MORATORIUM FOR ALHAMBRA CORRIDOR  
APN 007-0191-016  
1273 32nd Street  
(N.E. Corner of 32nd and M Streets)

Dear Mayor and Members of the City Council:

This office represents Earl Cummings and Daniel McGrew,  
owners of Progressive Orthopedics, Mfg., of 1248 32nd  
Street, Sacramento, California, and owners of the  
above-described Parcel of Real Property.

The owners object to the extension of the moratorium on  
building and demolition permits proposed in the above  
mentioned Agenda Item.

Messrs. McGrew and Cummings, purchased the above-  
described property in early 1986, when the same was  
zoned C-2. Upon purchase of the property, and reliance  
upon the C-2 zoning, they engaged an architect to  
prepare plans and specifications for the development of  
a commercial structure on the premises. The property  
is located across the street from their present  
location, in which they have operated their profession  
for many years. The building was designed well within  
the present zoning limitations for C-2 zoning. Annexed  
hereto, is a copy of the Elevations and Site Plan for  
the proposed building.

In late May, 1987, construction drawings were submitted  
to the Building Department for a building permit and a  
demolition permit. It was discovered, however, that  
the City had imposed a moratorium on the issuance of  
building permits and demolition permits for the area,  
so that a study could be made and completed "within  
ninety (90) days" to be finished by September 30, 1987.

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The Honorable Mayor and  
Honorable Members of the City Council  
September 29, 1987  
Re: Agenda Item 27  
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The project, as designed, is well within the standard under existing rules and regulations for C-2 zoning in the area. The previous action of the City Council in granting the moratorium, and the proposed extension of the moratorium, could result in damages to my clients under the theory of "inverse condemnation" set forth by The United States Supreme Court in its recent decision in the case of First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, California (1987) 107 Supreme Court Reporter 2378, which held that a governmental entity could be liable for damages incurred as a result of the taking of property through the use of ordinances. The Court stated at Page 2388;

"...These cases reflect the fact that "temporary" takings which, as here, deny a landowner all use of his property, are not different in kind from permanent takings, for which the Constitution clearly requires compensation..."

The Court further stated;

"...Where this burden results from governmental action that amounted to a taking, the Just Compensation Clause of the Fifth Amendment requires that the government pay the landowner for the value of the use of the land during this period..."

"...Invalidation of the ordinance or its successor ordinance after this period of time, though converting the taking into a "temporary" one, is not a sufficient remedy to meet the demands of the Just Compensation Clause..."

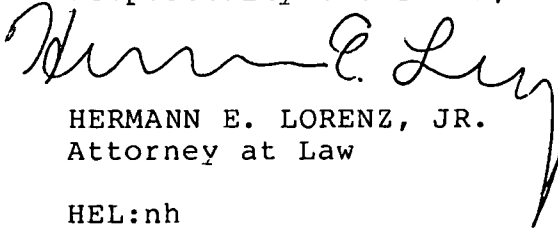
27

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Honorable Members of the City Council  
September 29, 1987  
Re: Agenda Item 27  
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Under the circumstances of this particular case, it would be in the best interest of the City, to exempt the above Parcel from the moratorium, and permit the project to go forward under existing City laws and regulations.

Respectfully submitted,

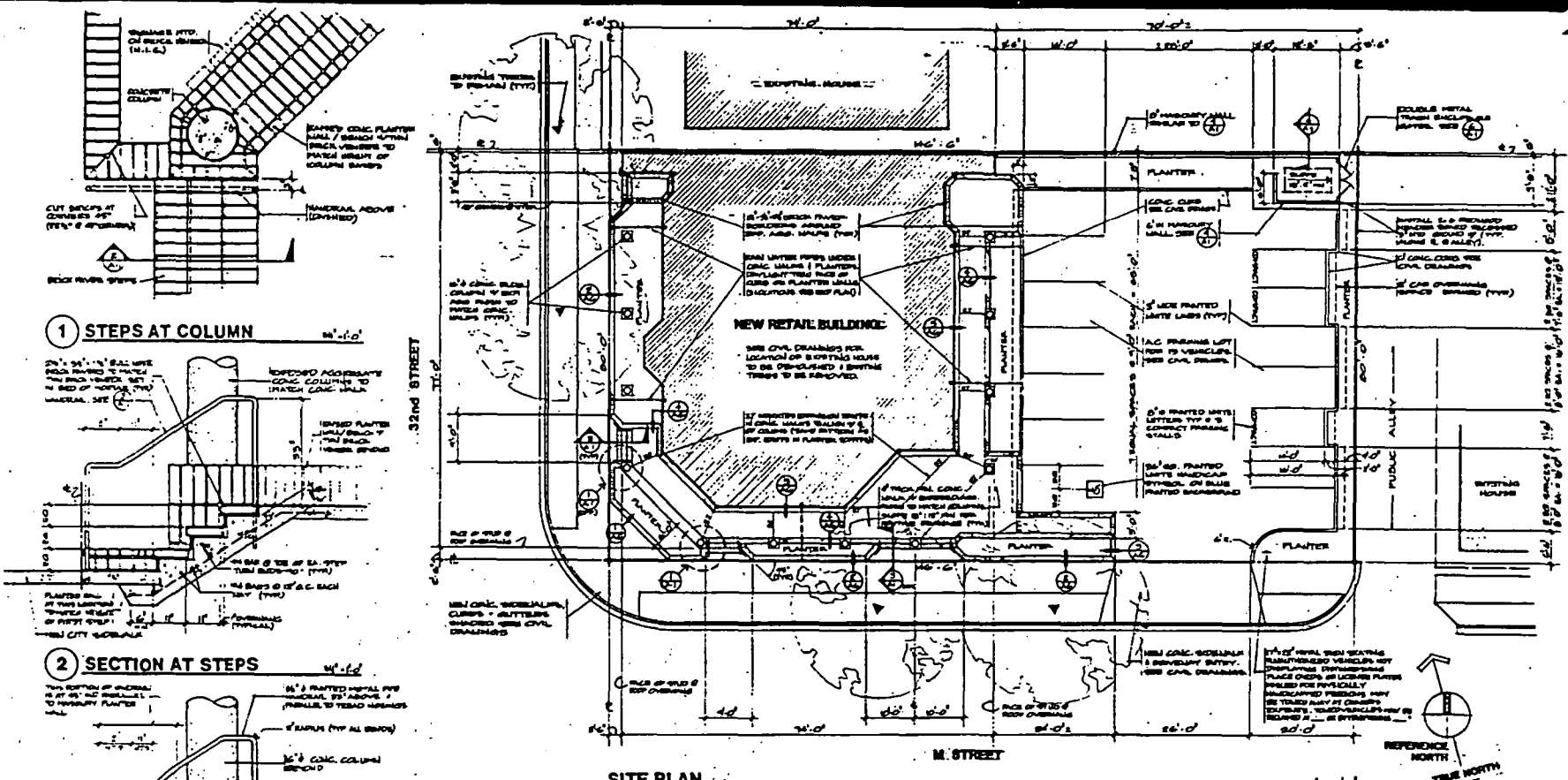


HERMANN E. LORENZ, JR.  
Attorney at Law

HEL:nh

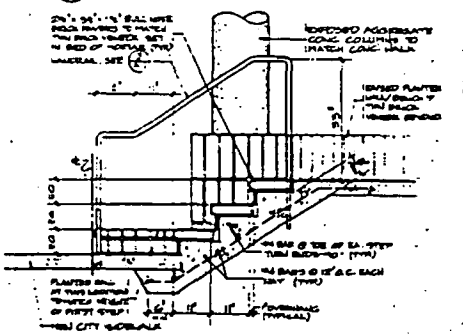
cc: City Attorney  
Members of the City Council

Project No.	0-18-01
Client	
Address	
City	
State	
Country	

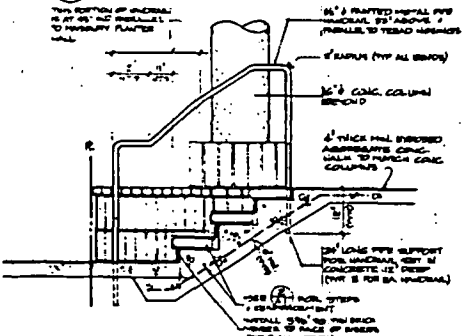


SITE PLAN

1 STEPS AT COLUMN



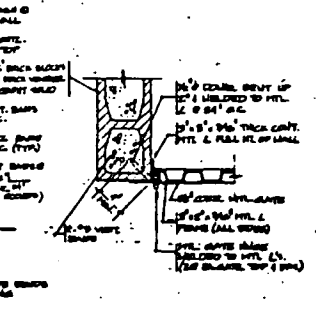
2 SECTION AT STEPS



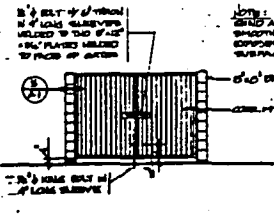
3 SECTION AT STEPS



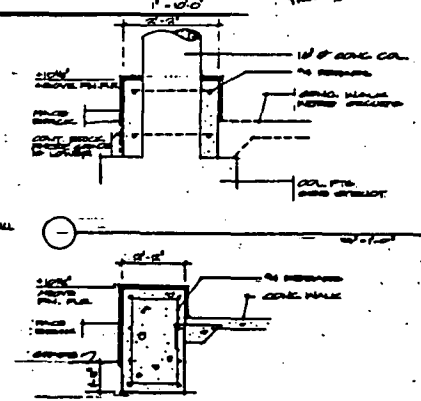
4 MASONRY WALL



5 GATE HINGE



6 TRASH GATES



CORNER OF 32nd & M STREETS  
 CITY OF SACRAMENTO

- 1 SITE PLAN
- 2 ENTRY STEP DETAILS
- 3 TRASH ENCLOSURE DETAILS

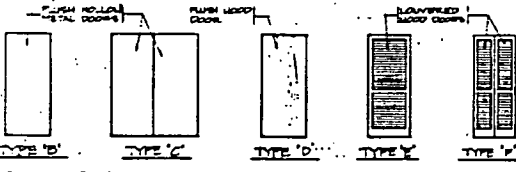
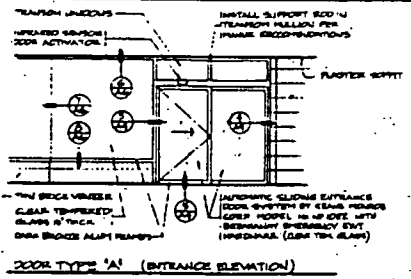


Project No. <b>86380</b>	Drawn By <b>J. W. WILSON</b>
Client <b>LAVERNE BOUTIQUE</b>	Checked By <b>J. W. WILSON</b>
Date <b>11-11-87</b>	
<b>LAVERNE BOUTIQUE</b>	
CORNER OF 22ND & M STREETS CITY OF SACRAMENTO	
PROJECT: <b>86380</b> SHEET: <b>A-2</b> TITLE: <b>FLOOR PLAN</b> SUB-TITLE: <b>DOOR SCHEDULE &amp; GENERAL NOTES</b>	
Scale: <b>1/4" = 1'-0"</b>	
Date: <b>11-11-87</b>	

**DOOR SCHEDULE:**

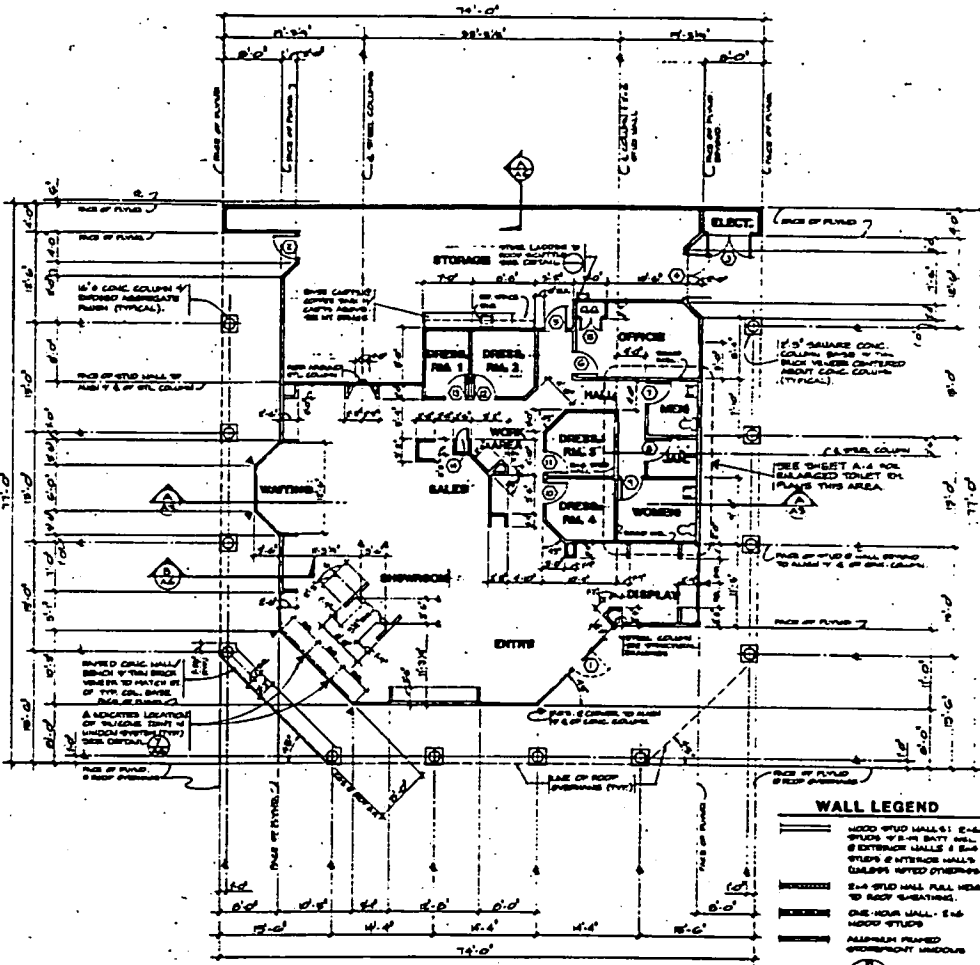
NO.	NO.	FR.	HTL.	TYPE	FR. NO.	HTL.	FR. NO.	REMARKS
1	24-04	FR	ALUM	A	1	ALUM	FR	AUTO SLIDING DOOR SWITH
2	24-10	I	H.L.	D	FR	H.L.	FR	NEW CAPITALS (S) (S)
3	24-12	I	H.L.	C	S	H.L.	FR	NEW CAPITALS (S) (S)
4	24-13	I	H.L.	D	S	H.L.	FR	NEW CAPITALS (S) (S)
5	24-14	I	H.L.	D	S	H.L.	FR	NEW CAPITALS (S) (S)
6	24-15	I	H.L.	D	S	H.L.	FR	NEW CAPITALS (S) (S)
7	24-16	I	H.L.	D	S	H.L.	FR	NEW CAPITALS (S) (S)
8	24-17	I	H.L.	D	S	H.L.	FR	NEW CAPITALS (S) (S)
9	24-18	I	H.L.	D	S	H.L.	FR	NEW CAPITALS (S) (S)
10	24-19	I	H.L.	D	S	H.L.	FR	NEW CAPITALS (S) (S)
11	24-20	I	H.L.	D	S	H.L.	FR	NEW CAPITALS (S) (S)

**DOOR FRAMES:**

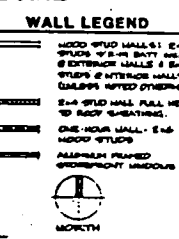


**DOOR HARDWARE GROUPS:**

<b>GROUP 1</b>	<b>GROUP 4</b>	<b>GROUP 7</b>	<b>GROUP 11</b>
LOC. 101: 1183 LINDH 3 RUB BUTTS: 1183 LINDH	LOC. 101: 1183 LINDH 3 RUB BUTTS: 1183 LINDH	LOC. 101: 1183 LINDH 3 RUB BUTTS: 1183 LINDH	LOC. 101: 1183 LINDH 3 RUB BUTTS: 1183 LINDH
<b>GROUP 2</b>	<b>GROUP 5</b>	<b>GROUP 8</b>	<b>GROUP 12</b>
LOC. 101: 1183 LINDH 3 RUB BUTTS: 1183 LINDH	LOC. 101: 1183 LINDH 3 RUB BUTTS: 1183 LINDH	LOC. 101: 1183 LINDH 3 RUB BUTTS: 1183 LINDH	LOC. 101: 1183 LINDH 3 RUB BUTTS: 1183 LINDH



**FLOOR PLAN**  
 1/4" = 1'-0"  
 3,075 10'-0"



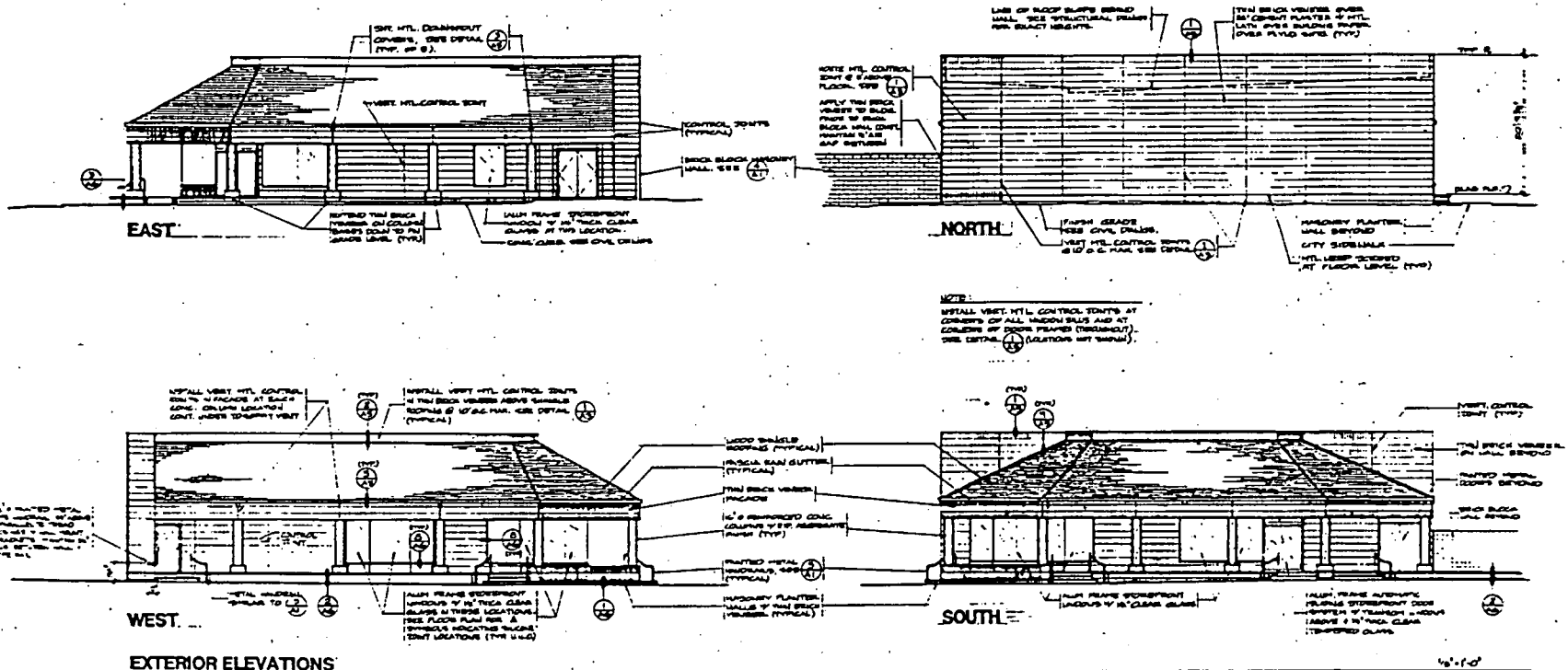
**GENERAL NOTES:**

- ALL CONSTRUCTION MATERIALS SHALL CONFORM TO CURRENT EDITIONS OF THE U.S.C. I.B.C., U.I.C., U.L.C. & LOCAL CODES & REGULATIONS.
- CONSTRUCTION SHALL BE ACCORDING TO SCALE, OR NOT SCALE THESE DIMENSIONS.
- ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- INSTALL WOOD WALL BLOCKING FOR CABINETS, PLUMBING FIXTURES, SAND BARS, TOILET BENCH ACCESSORIES, ETC.
- INSTALL FIRE BLOCKING @ TOP OF WALL JOISTS. IF WALL JOISTS ARE NOT FINISHED WITH G.I.C.
- ALL WOOD STUDS AND GYPSON WALLS SHALL BE PLACED AT 16" O.C. UNLESS OTHERWISE NOTED.
- INSTALL ALL WOOD STUDS AT BASE OF EACH COLUMN. PROVIDE 1/2" GAP BETWEEN STUDS. TYPICAL AROUND ENTRY AREA.
- ALL BRICK WORK AT TRASH ENCLOSURE WALLS AND OTHER FINISHES SHALL MATCH THE BRICK VENEER. BRICK SAMPLES OF EACH TO BE SUBMITTED FOR SELECTION.
- CONCRETE CURING SHALL BE UNDERTAKEN FOR FINISHED CONCRETE. BRICK VENEER SHALL BE SUBMITTED FOR SELECTION.
- CONCRETE CURING SHALL BE UNDERTAKEN FOR FINISHED CONCRETE. BRICK VENEER SHALL BE SUBMITTED FOR SELECTION.

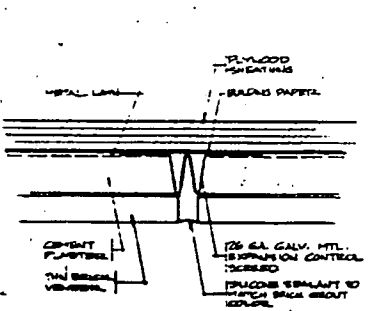


PROJECT: **86380** SHEET: **A-2**

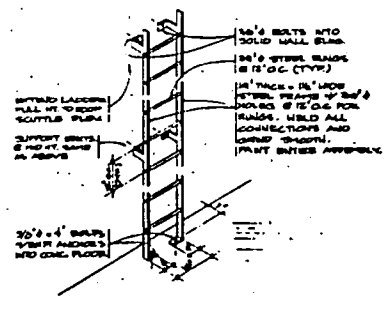
ARCHITECTS  
 2200 G Street, Suite 200  
 Sacramento, CA 95811  
 916-442-2222



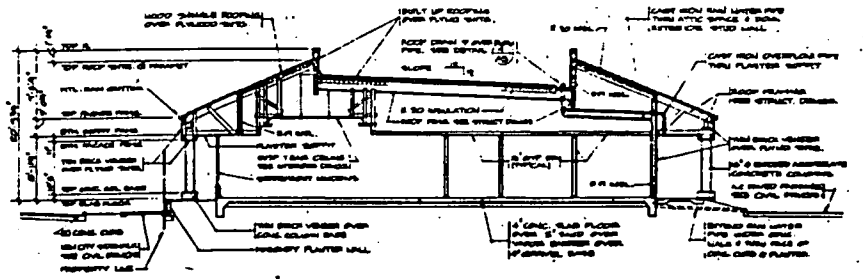
EXTERIOR ELEVATIONS



1 CONTROL JOINT - 1/4\"/>



2 STEEL LADDER



BUILDING SECTION A-A

Sheet No. **5-214**  
**GA-P**  
 Date: \_\_\_\_\_  
 Scale: \_\_\_\_\_

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**LAVERN BOUTIQUE**  
 CORNER OF 22ND & M STREETS  
 CITY OF SACRAMENTO

Sheet Description:  
 GENERAL SECTION  
 EXTERIOR ELEVATIONS

Project No. **85380** Date: **9-21-07**

**A-3**