

**Meeting Date:** 10/14/2014

**Report Type:** Consent

**Report ID:** 2014-00714

**Title:** Croasman/Nigro House Landmark Nomination Time Extension (M14-016)  
(Two-Thirds Vote Required) [Passed for Publication 10/07/2014; Published 10/10/2014]

**Location:** 2305 K Street, District 4

**Issue:** Only the City Council can grant an extension of the initial 45 day protection period for an additional 45 days for a structure at 2305 K Street, which has been deemed nominated for listing on the Sacramento Register of Historic & Cultural Resources as a landmark by the Preservation Director.

**Recommendation:** Pass an Ordinance extending the initial 45-day protection period for an additional 45-days for a structure at 2305 K Street, which has been deemed nominated for listing on the Sacramento Register of Historic & Cultural Resources as a landmark by the Preservation Director.

**Contact:** Arwen Wacht, Associate Planner, (916) 808-1964; Roberta Deering, Preservation Director, (916) 808-8259, Community Development Department

**Presenter:** Arwen Wacht, Associate Planner, (916) 808-1964, Community Development Department

**Department:** Community Development Dept

**Division:** Planning Design/Preservation

**Dept ID:** 21001226

**Attachments:**

- 1-Description/Analysis
- 2-Background
- 3-Attachment A Continuance Request from Applicant
- 4-Ordinance

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**City Attorney Review**

Approved as to Form  
Michael W. Voss  
10/7/2014 3:17:57 PM

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**City Treasurer Review**

Prior Council Financial Policy Approval or  
Outside City Treasurer Scope  
City Treasurer

**Approvals/Acknowledgements**

Department Director or Designee: Ryan Devore - 10/6/2014 3:59:50 PM



## Description/Analysis

**Issue Detail:** On September 4, 2014, the Preservation Director made the preliminary determination that the existing structure at 2305 K Street is eligible for listing on the Sacramento register, as part of a demolition/relocation investigation and report application (IR14-166). Pursuant to Title 17.604.600.B.3 of the Sacramento City Code, the Preservation Director has 45 days from the date of the preliminary determination to take the nomination of the structure to hearing before the Preservation Commission and the City Council. During this 45-day time period, the structure is under the same protections from demolition and modifications, as if it were a listed property. The applicant has requested to continue the hearing before the Preservation Commission from its September 17<sup>th</sup> to its October 15<sup>th</sup> meeting, and therefore it is no longer possible to have the City Council hear the nomination within the original 45-day period. Therefore, staff is requesting, pursuant to the provisions of Title 17.604.600.B.3 of the Sacramento City Code, that the City Council approve a 45-day extension in order to maintain the existing protections on the property. This ordinance is considered to be an emergency measure as the structure under nomination will lose protections from demolition and modification on October 19, 2014, unless the City Council approves ordinance to extend the protections by an additional 45-days and the ordinance is put into effect immediately upon adoption.

**Policy Considerations:** This proposed action is consistent with the City's Historic & Cultural Resources Element of the 2030 General Plan and the Historic Preservation sections in Title 17 of the City Code.

**Economic Impacts:** None.

**Environmental Considerations:** The Environmental Planning Services Manager has determined that this action is not a Project per Section 15378 of the California Environmental Quality Act (CEQA), because it will not result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Future development proposals affecting the property may require environmental review.

**Sustainability:** Not applicable.

**Commission/Committee Action:** The Preservation Director's nomination for the property to be placed on the Sacramento Register as a landmark was originally scheduled to be heard at the September 17, 2014, Preservation Commission meeting. At the request of the applicant for proposed demolition, with the property owner's agreement, the hearing was continued to the October 15, 2014 Preservation Commission meeting. See Attachment A.

**Rationale for Recommendation:** City Code allows for a very limited amount of protection time (45 days) for buildings or structures over 50 years of age that have been deemed nominated for listing on the Sacramento Register under the demolition review process, and that original 45-day time period would expire on October 19, 2014. With the continuance of the Preservation Commission's review of the nomination to the October 15<sup>th</sup> meeting and public noticing requirements for the City Council's review of the nomination, there will not be adequate time to take the nomination to City Council before the review/protection period expires. Therefore, staff is requesting that the City Council adopt an ordinance to extend, for an additional 45-days, the initial 45-day protection time period, as allowed by the City Code. If the extension is adopted, the protections would extend until December 3, 2014, which will allow for adequate time for the nomination ordinance to be presented and heard at a City Council meeting, prior to this December 3, 2014 date.

**Financial Considerations:** None

**Local Business Enterprise (LBE):** Not applicable.

**Background Information:** On July 8, 2014, the City of Sacramento received a complete application for a demolition/relocation investigation and report (IR14-166), for the proposed demolition of an existing single-unit dwelling and attached garage at 2305 K Street. As the structure is more than 50 years old, the preservation director reviewed the demolition request pursuant to Title 17.604 of the Sacramento City Code, to determine whether or not the building was eligible for listing on the Sacramento Register. As part of the demolition/relocation investigation, the property at 2305 K Street was recorded and evaluated by Paula Boghosian, Architectural Historian, of Historic Environment Consultants.

This preliminary determination by the Preservation Director was required to be performed within 45 days of the receipt of a complete application. At the applicant's request, the preservation director granted a two-week extension to the determination period. On September 4, 2014, the Preservation Director made the preliminary determination, under section 17.604 of the City Code, that the building at 2305 K Street was eligible for listing in the Sacramento Register and the property was deemed nominated for listing in the Sacramento Register of Historic & Cultural Resources as a landmark.

Under the "Proposed Demolition" provision of the Sacramento City Code (Section 17.604.600), the review/protection period prior to City Council action listing the structure, including the Preservation Commission's noticed public hearing, followed with a City Council noticed public hearing for its' action on the landmark designation ordinance, the normal 180-day nomination review process is expedited to 45 days, with the provision that the City Council may extend this protection period by an additional 45 days.

The nomination for listing of the structure on the Sacramento register was scheduled for hearing at the Preservation Commission's September 17, 2014 meeting, which would have allowed time for the City Council to review and take action on the nomination within the 45-day protection period. On Monday, September 15, 2014, the Preservation Director received a request from the applicant of the demolition/relocation investigation and report application (IR14-166) to continue the nomination review to the October 15, 2014 Preservation Commission meeting. The applicant's continuance request, which was supported by the property owner, was granted by the Preservation Director. Due to the continuance of the Preservation Commission's review of the nomination, it is now no longer possible for the nomination review to be heard by the City Council within the initial 45-day time period, which would end on October 19, 2014. Therefore staff is requesting, pursuant to the provisions of Title 17.604.600.B.3 of the Sacramento City Code, that the City Council extend the time period for the City Council's action for an additional 45 days in order to maintain the existing protections on the property.

The ordinance is proposed as an emergency ordinance which would take effect immediately, as the structure under nomination will lose protections from demolition and modification on October 19, 2014, unless the City Council approves ordinance to extend

the protections by an additional 45-days and the ordinance is put into effect immediately upon adoption.

**From:** [Ryan Hooper](#)  
**To:** [Roberta Deering](#)  
**Cc:** [David Kwong](#)  
**Subject:** 2305 K Street  
**Date:** Wednesday, September 10, 2014 4:27:55 PM

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Roberta,

Our client would like to seek a continuance for next week's Preservation Commission meeting as it pertains to 2305 K Street. I believe the next meeting would be on October 15<sup>th</sup>? In the meantime, we will be in touch to schedule a time to meet and discuss the property. Thank you for your assistance. Please respond to this email to confirm that the item will be continued.

Regards,

Ryan

Ryan M. Hooper  
LAW OFFICES OF  
GREGORY D. THATCH  
1730 I Street, Suite 220  
Sacramento, CA 95811  
Phone: (916) 443-6956  
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**From:** [Ryan Hooper](#)  
**To:** [Roberta Deering](#)  
**Cc:** [David Kwong](#)  
**Subject:** FW: CONTINUANCE REQUEST  
**Date:** Friday, September 12, 2014 2:10:24 PM

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Roberta---Per your request we have obtained the property owner's consent to continue the item per the email below. Please confirm that we are officially being continued.

Thanks for your help.

Regards,

Ryan

Ryan M. Hooper  
LAW OFFICES OF  
GREGORY D. THATCH  
1730 I Street, Suite 220  
Sacramento, CA 95811  
Phone: (916) 443-6956  
Fax: (916) 443-4632  
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**From:** MARILYN SHAFFER <[mmshafter@sbcglobal.net](mailto:mmshafter@sbcglobal.net)>  
**Subject:** **CONTINUANCE REQUEST**  
**Date:** September 12, 2014 at 12:03:54 PM PDT  
**To:** Nancy Reid <[reidprice@comcast.net](mailto:reidprice@comcast.net)>  
**Reply-To:** MARILYN SHAFFER <[mmshafter@sbcglobal.net](mailto:mmshafter@sbcglobal.net)>

Marilyn Nigro Shaffer  
2305 K Street  
Sacramento, California

As the owner of 2305 K Street I approve of the request for a continuance of the Preservation Committee meeting scheduled for September 17, 2014.

If you have any questions or comments please feel free to call me at 96-448-5160

Thank you for your help with this matter.

Marilyn Nigro Shaffer

## RECOMMENDED Ordinance

ORDINANCE NO. \_\_\_\_\_

Adopted by the Sacramento City Council on \_\_\_\_\_

**TIME EXTENSION OF HISTORIC RESOURCE PROTECTIONS PENDING FINAL CITY COUNCIL DECISION ON THE LANDMARK NOMINATION OF THE PROPERTY AT 2305 K STREET, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION  
(M14-008)**

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

### **SECTION 1**

On September 4, 2014, the City's preservation director determined that the structure located at 2305 K Street (APN: 007-0095-020-0000) was eligible for listing on the Sacramento Register under subsection A of section 17.604.220 and would be subject to section 17.604.240. Pursuant to 17.604.600.C., "Preliminary determination-Effect," this protection incorporates section 17.604.240, which temporarily protects potential historic resources during the listing process by treating the resources as a landmark or contributing resource on the Sacramento Register. The temporary protection applies for a period of 45 days (until October 19, 2014) from the date of the preservation director's preliminary determination under this subsection and the time by which the City Council may extend the time period shall be limited to an additional 45 days (until December 3, 2014).

### **SECTION 2**

Pursuant to Sacramento City Code sections 17.604.600.B.3.a., 17.604.220, and 17.604.240, the City Council adopts an ordinance extending the historic resource protections for the property at 2305 K Street (007-0095-020-0000) by an additional 45 days, which extension expires on December 3, 2014.

### **SECTION 3**

This ordinance is adopted as and declared by the City Council to be an emergency measure and shall take effect immediately upon adoption. The facts constituting the emergency are as follows:

It is necessary that this ordinance become effective immediately because the nominated structure will lose protections from demolition and modification on October 19, 2014 unless the City Council approves the extension of time and the ordinance takes effect immediately upon adoption. The loss of protection could result in the demolition of the

structure, which would defeat the purpose of the City's ordinance protecting the nominated structure until the Preservation Commission and the City Council have had an opportunity to consider the eligibility of the structure for the Sacramento Register.