

CITY OF SACRAMENTO
1231 I Street, Sacramento, CA 95814

Permit No: 0106022
Insp Area: 3

Site Address: 401 FAIRGROUNDS DR SAC
Parcel No: 011-0340-009

Sub-Type: COM
Housing (Y/N): N

CONTRACTOR
KOO CONSTRUCTION INC
POB 348541
SACRAMENTO CA 95834

OWNER
HUD
925 L ST
SACRAMENTO CA 95814

ARCHITECT

Nature of Work: CAP OFF UTILITIES, DEMOLITION OF BUILDING

CONSTRUCTION LENDING AGENCY: I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, CIV. C.)

Lender's Name _____ Lender's Address _____

LICENSED CONTRACTORS DECLARATION: I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with section 7000) of Division 3 of the Business and Professions Code and my license is in full force and effect.

License Class B License Number 56467 Date 6-1-01 Contractor Signature [Signature]

OWNER-BUILDER DECLARATION: I hereby affirm under penalty of perjury that I am exempt from the contractors License Law for the following reason (Sec. 7031.5, Business and Professions Code, any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 8 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).

_____, I, as a owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professional Code). The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his/her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he/she did not build or improve for the purpose of sale.)

_____, I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.

_____, I am exempt under Sec. _____ B & PC for this reason _____

Date _____ Owner Signature _____

IN ISSUING THIS BUILDING PERMIT, the applicant represents, and the city relies on the representation of the applicant, that the applicant verified all measurements and locations shown on the application or accompanying drawings and that the improvement to be constructed does not violate any law or private agreement relating to permissible or prohibited locations for such improvements. This building permit does not authorize any illegal location of any improvement or the violation of any private agreement relating to location of improvements.

I certify that I have read this application and state that all information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction and hereby authorize representative(s) of this city to enter upon the abovementioned property for inspection purposes.

Date 6-1-01 Applicant Agent Signature [Signature]

WORKER'S COMPENSATION DECLARATION: I hereby affirm under penalty of perjury one of the following declarations:

_____, I have and will maintain a certificate of consent to self-insure for workers' compensation as provided for by Section 3700 of the Labor Code, for the performance of work for which the permit is issued.

I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier STATE FUND Policy Number 713-00 UNIT 000177 Exp Date 10/01/2001

_____, (This section need not be completed if the permit is for \$100 or less.) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Date 6-1-01 Applicant Signature [Signature]

WARNING: FAILURE TO SECURE WORKER'S COMPENSATION COVERAGE IS UNLAWFUL AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000) IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST AND ATTORNEY'S FEE.

THIS PERMIT SHALL EXPIRE BY LIMITATION IF WORK IS NOT COMMENCED WITHIN 180 DAYS.

DELIA OIL

Sacramento Metropolitan Air Quality Management District

ASBESTOS SURVEY AND DEMOLITION NOTIFICATION FORM

NOTE: Please read instructions on the back of this form.

1 Contractor Delta Oilfield Serv Owner H.U.O.
 Address P.O. Box 1675 Address 5515 Doyle St.
 City Woodland City Emeryville
 State/Zip Ca. 95776 State/Zip Ca. 94608
 Telephone 530-662-2841 Telephone 510-420-0384

2 Structure Name MJC-1 Use Apt.
 Address 401,405,409,413 Fairground City/Zip Sacramento Ca. 95817

3 Structure Age 30+ (years) Number of Rooms: 2 Size: 5K sq. ft.

4 Has RACM reported by the consultant been removed? (circle) YES NO N/A
 Asbestos contractor who removed or will remove RACM A.E.M. Environmental

5 DEMOLITION Start Date 5-21-01 Completion Date 6-12-01

6 Preference for return of form: Mail Pick-Up (after 2 working days)

7 Applicant Name (Print) Delta Oilfield Serv Owner Contractor
 Applicant's Signature [Signature] Date 5/25/01

I have read and understand the directions. The information on this form is true and accurate.

9 REVISION #: 1 2 3 4 5 6 7 8 9 (circle)

Old: Start Date _____ Completion Date _____

New: Start Date _____ Completion Date _____

DEMOLITION PERMIT SHALL NOT BE ISSUED PRIOR TO

NOV 30 2001

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

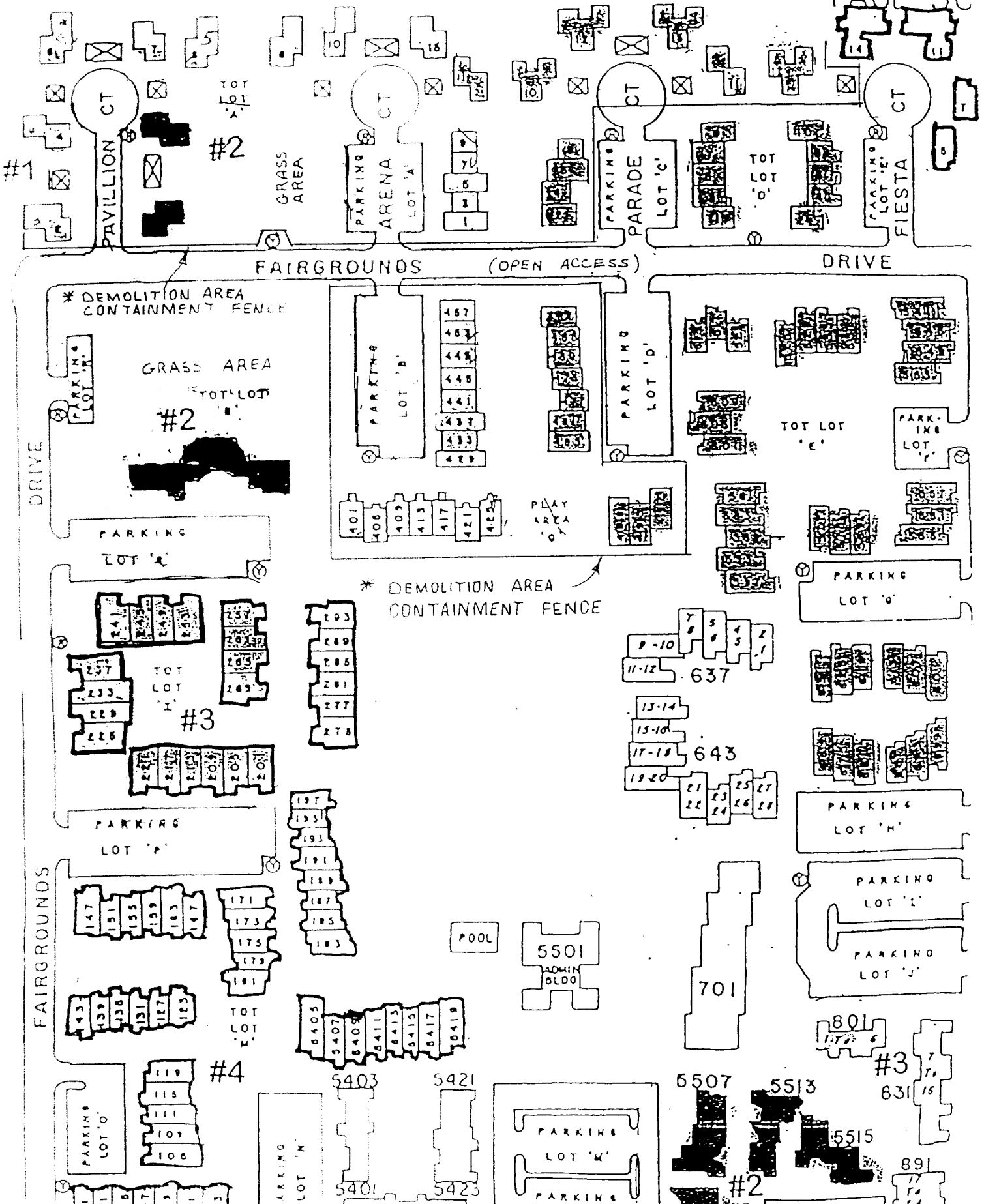
#1 MATERIAL SYSTEMS

#3 - ALCOA

#4 - CHRISTIANA WEST

GREENFAIR

#3
PAGE 30



Date of Request: 4-27-01 ^{5/9/01}
By: Keith Odister
K.O.O. Construction

CITY OF SACRAMENTO DEVELOPMENT SERVICES DIVISION
PLANNING AND ZONING INFORMATION REQUEST

Project Address: 50 addresses in 22 Bldgs - see attached
list.

Assessor's Parcel Number: multiple - see attached

Previous Use: HED Housing development

Description of Request/Proposed Use: Demolish all 22 Bldgs
on attached list.

Is This a Change of Use? yes ^{from} developed to vacant

Zoning Designation: RIA-XH
Prior Applications for Project Site(P#, Z#, DRPB#): DR 01-065

Comments: Waiting for determination from ^{City} attorneys
whether a SP is required or
not. ~~Do not~~ Applicant may submit
demo requests to building Division, but do
not issue
demolition
permit
until Planning
gets word

Are There Any Planning Issues?: (circle one) YES NO

- * Staff Site Plan Check Required? (Circle one) YES NO
- * Field Inspection Required? (Circle one) YES NO
- * Design Review/Preservation Required?: (Circle one) YES NO

Planning Review by/Date: [Signature]

A list of items that must be reviewed by Planning is provided on the reverse side of this form. from

5/9/01:
For letter from City Attorney's
Office: Okay to demo without
Special Permit. (in mail 5/9/01)

MICROFILM AFTER FINAL

Attorney's
Office.
[Signature]
4-27-01.



OFFICE OF THE
CITY ATTORNEY

SAMUEL L. JACKSON
CITY ATTORNEY
WILLIAM P. CARNAZZO
CHIEF ASSISTANT CITY ATTORNEY
RICHARD E. ARCHIBALD
ASSISTANT CITY ATTORNEY
SENIOR DEPUTY CITY ATTORNEYS
BRUCE C. CLINE
SHANA S. FABER
SANDRA G. TALBOTT

CITY OF SACRAMENTO
CALIFORNIA

980 NINTH STREET, TENTH FLOOR
SACRAMENTO, CA 95814-2736
PH 916-264-5346
FAX 916-264-7455

May 8, 2001

DEPUTY CITY ATTORNEYS
DIANE B. BALTER
PAUL A. GALE
GERALD C. HICKS
STEVEN Y. ITAGAKI
STEVEN T. JOHNS
MARCOS A. KROPF
DENA E. LAHANN
RICHARD A. LOVELL
GUSTAVO L. MARTINEZ
EMILY RANDON
JOE ROBINSON
MATTHEW D. RUYAK
DEBORAH R. SCHULTE
MICHAEL T. SPARKS
ROBERT D. TOKUNAGA
STEPHEN P. TRAYLOR
LAN WANG

Dexter Bergounous
U.S. Department of Housing and Urban Development
Sacramento Office
925 "L" Street
Sacramento, CA 95814

VIA FACSIMILE (916-498-5248) & U.S. MAIL

Re: Greenfair Operation Breakthrough Project

Dear Mr. Bergounous:

This letter will acknowledge receipt of a letter from William F. Bolton, U.S. Department of Housing and Urban Development (HUD), dated April 24, 2001, sent to Joy Patterson, City of Sacramento Senior Planner. I am also in receipt of your letter dated May 4, 2001.

The City concurs in part, and respectfully disagrees in part, with that April 24th letter. In the end, however, the City concurs that zoning administrator approval is not necessary prior to issuance of a demolition permit.

To summarize, HUD has purchased fifty (50) units at the Greenfair Operation Breakthrough project located at 55th and Broadway in the City of Sacramento. Apparently, HUD has determined that repairs of the units are unfeasible, and that they should be demolished. And to do so, HUD seeks a demolition permit from the City of Sacramento.

As a general rule under Sacramento City Code ("SCC") § 15.44.020(D)(1), when a property owner seeks a demolition permit for a residential structure located within the City, zoning administrator approval is required, prior to issuance of a demolition permit.

Apparently, HUD entered into a contract with a construction company for the demolition of the above-referenced units without knowledge of SCC § 15.44.020. And HUD hopes to avoid expending additional time and resources that would be necessary if zoning administrator approval were required prior to issuance of a demolition permit.

In addressing the application of SCC § 15.44.020, HUD offers three independent arguments for issuance of the demolition permit without requiring zoning administrator approval. First, zoning administrator approval is not required for the demolition of an immediately dangerous buildings. Second, sufficient facts exist for zoning administrator approval. Third, HUD owned property is exempt from the requirements of 15.44.020 because of the Supremacy Clause of the U.S. Constitution in the context of its power to handle and dispose of property under 12 U.S.C. § 1710(g).

The three arguments offered by HUD are addressed in turn. For the reasons specified below, the City concurs with the third argument, in this narrow issue only, and it disagrees with the first and second arguments.

With respect to the first argument, while the buildings may in fact be immediately dangerous, there are no competent facts before the City to make that determination. As you likely are aware, SCC §15.44.020(D)(1)(d) provides that the "[d]emolition of immediately dangerous structures shall not be subject to the requirement of. . . zoning administrator approval.

In assessing the conditions that make a building immediately dangerous, that determination is a function for the building official or building inspectors of the City of Sacramento. (See SCC § 8.96.050(A), enclosed.) In support of the determination that the buildings in question are immediately dangerous, HUD relies upon a report apparently prepared by a private agency, Mariscal & Associates, who conducted an inspection of the units. That report has not been provided to the City's building official or building inspectors, and the units have not, to my knowledge, been inspected by said official or inspectors. Consequently, there are no facts before the City to make a determination as to what dangerous conditions, if any, may exist at the units.

Turning to HUD's second argument, once again, while facts may exist that ultimately support zoning administrator approval for issuance of the demolition permit, these facts are not yet before the City.

Examining HUD's third argument, the City concurs that HUD may be exempt from the requirements of 15.44.020 because of the Supremacy Clause of the U.S. Constitution in the context of its power to handle and dispose of property under 12 U.S.C. § 1710(g). Pursuant to 1710(g), the Secretary of HUD has the power to handle and dispose of property acquired by HUD under the mortgage insurance program.

Dexter Bergounous
Re: Greenfair Operation Breakthrough Project
May 8, 2001
Page 3

As a well established rule, where the United States in carrying out one of its proper functions constructs buildings on land over which it does not have exclusive jurisdiction, it is not required to abide by local zoning ordinances. (See e.g. United States v. City of Philadelphia, 147 F.2d 291 (3rd Cir. 1945); United States v. City of Pittsburgh, 661 F.2d 783 (U.S.P.S. need not comply with county zoning regulations in constructing a post office on land owned or leased by the United States (9th Cir. 1981); see generally 57 Ops. Cal. Atty. Gen. 42.)

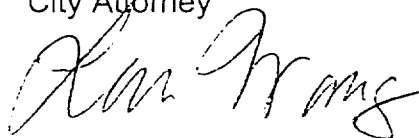
In light of the above, the City concurs that zoning administrator approval is not required prior to issuance of a demolition permit for the specific properties in questions. At the City's request, HUD has provided a list of parcel numbers for the units to be demolished. That list is being provided forthwith to City staff to expedite issuance of the demolition permit.

Finally, please be advised that the City is not waiving any other state or local ordinances, statutes, regulations or law that otherwise would be applicable to HUD owned properties. The City, nevertheless, is happy to provide the assistance and information that it reasonably can.

Thank you for your time and attention to this matter.

Very truly yours,

SAMUEL L. JACKSON
City Attorney



LAN WANG
Deputy City Attorney

Enclosure

LW/jg

cc: Joy Patterson, Senior Planner
Monica May, Associate Planner

Title 8 HEALTH AND SAFETY

Chapter 8.96 DANGEROUS BUILDINGS CODE

8.96.050 Generally.

A. **Authority and Administration.** The building official is authorized and directed to administer and enforce all provisions of this chapter, including but not limited to the classification of buildings as dangerous or immediately dangerous. As used herein, the term "building official" shall include his or her authorized representatives and/or designee, except as specifically provided otherwise.

B. **Inspections.** The county health officer, the city fire marshal, and the building official are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

C. **Right of Entry.** Those persons entitled to make inspections may enter on premises to make inspections to the extent authorized by law. (Prior code § 50.02.201)

Street Addresses	Assessor's Parcel Number	Lot #
2 PAVILLION CT	011-0350-001	1
4 PAVILLION CT	011-0350-002	2
6 PAVILLION CT	011-0350-003	3
7 PAVILLION CT	011-0350-004	4
5 PAVILLION CT	011-0350-005	5
3 PAVILLION CT	011-0350-006	6
1 PAVILLION CT	011-0350-007	7
8 ARENA CT	011-0350-014	14
10 ARENA CT	011-0350-015	15
15 ARENA CT	011-0350-016	16
11 ARENA CT	011-0350-017	17
9 ARENA CT	011-0350-018	18
7 ARENA CT	011-0350-019	19
5 ARENA CT	011-0350-020	20
3 ARENA CT	011-0350-021	21
1 ARENA CT	011-0350-022	22
2 PARADE CT	011-0360-020	23
4 PARADE CT	011-0360-021	24
6 PARADE CT	011-0360-022	25
8 PARADE CT	011-0360-023	26
10 PARADE CT	011-0360-001	27
12 PARADE CT	011-0360-002	28
15 PARADE CT	011-0360-003	29
11 PARADE CT	011-0360-004	30
12 FIESTA CT	011-0360-043	41
489 FAIRGROUNDS DR	011-0370-014	60
493 FAIRGROUNDS DR	011-0370-015	61
497 FAIRGROUNDS DR	011-0370-016	62
401 FAIRGROUNDS DR	011-0340-009	169
405 FAIRGROUNDS DR	011-0340-010	170
409 FAIRGROUNDS DR	011-0340-011	171
413 FAIRGROUNDS DR	011-0340-012	172
417 FAIRGROUNDS DR	011-0370-005	173
421 FAIRGROUNDS DR	011-0370-006	174
425 FAIRGROUNDS DR	011-0370-007	175
485 FAIRGROUNDS DR	011-0370-008	176
481 FAIRGROUNDS DR	011-0370-009	177
477 FAIRGROUNDS DR	011-0370-010	178
473 FAIRGROUNDS DR	011-0360-027	179
469 FAIRGROUNDS DR	011-0360-026	180
465 FAIRGROUNDS DR	011-0360-025	181
461 FAIRGROUNDS DR	011-0360-024	182
457 FAIRGROUNDS DR	011-0350-042	183
453 FAIRGROUNDS DR	011-0350-041	184
449 FAIRGROUNDS DR	011-0350-040	185
445 FAIRGROUNDS DR	011-0350-039	186
441 FAIRGROUNDS DR	011-0370-001	187
437 FAIRGROUNDS DR	011-0370-002	188
433 FAIRGROUNDS DR	011-0370-003	189
429 FAIRGROUNDS DR	011-0370-004	190

2 INSPECTION PERMIT

ADDRESS: 401 FAIRGROUNDS DR.

OWNER: HUI

Approval by the following City Departments must be obtained prior to the issuance of a wrecking permit by the Building Inspection Division. Design Review approval required on all wrecking permits in Central City/Alhambra Blvd. corridor prior to sewer disconnect permit being issued.

DESIGN REVIEW 1231 I Street, Room 200 (916)264-5604	1762-552 7/1/01
PLUMBING DIVISION (All) 1231 I Street, Room 200 (916)264-7619 (or) Housing (916)264-5404	
WATER DEPARTMENT (All) 1391 35 TH Avenue (916)264-5371	Private 5-11-01
FIRE DEPARTMENT (All) 1231 I Street, Room 401 (916)264-5416	
TRAFFIC ENGINEER (Commercial) 1000 I Street (916)264-5307	
ARBORIST/TREE SERVICE (<u>Downtown</u> and <u>Commercial Buildings</u>) 5730 24 th Street (916)433-6345	

- 1.) Route to Planning and Fire
- 2.) Sewer Disconnect after we call 264-5371 Kill Tap
Bring Permit (signed off by plumbing inspector) back to the building department to add Wrecking.
* Unless City Awarded Contract.
- 3.) Commercial Buildings Required to have Asbestos Form and not to be issued Before Air Quality Date on Asbestos Form (bottom right corner)



DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

WRECKING PERMIT # _____

BUILDING INSPECTIONS
916-264-5716
Permit Services
916-264-7619
FAX 916-264-7046

DEMOLITION PERMIT NOTIFICATION

A Demolition Permit for a 2 story building at:

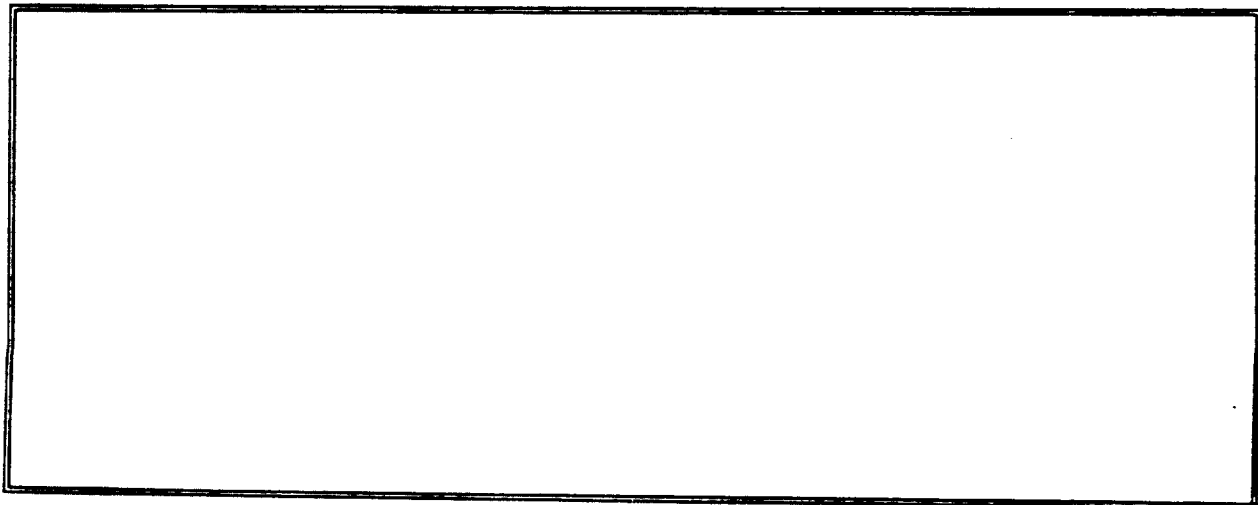
401 FAIRBROOKS DR SACRAMENTO, CA
(Address)

Parcel number: C11-0340-009

has been issued on _____
(date)

The structure is scheduled for demolition within 30 days.

Please update your service and billing records accordingly.



(SAMPLE SITE PLAN)

cc: P.G. & E (Terry Clark)
SMUD
SOLID WASTE (3141)
UTILITIES (3350)
UTILBILLING (1125)
FIREDEPT. (2510)

INITIAL: _____ DATE: _____

APPLICATION FOR WRECKING PERMIT

LOCATION

ADDRESS: 401 FAIRBANKS DR. SACRAMENTO, CA
 LOT: 011-0306-004 (LOT 169) TRACT: _____
 LOT DEPTH: _____ LOT WIDTH: _____ CORNER LOT: _____ INTERIOR LOT _____
 OWNER: HUD
 ADDRESS: 925 L STREET SACRAMENTO, CA

BUILDING DATA

LENGTH: _____ WIDTH _____ FIRST FLOOR AREA _____ (SQ.FT.) NO. STORIES 2
 USE OF BUILDING: _____ CONSTRUCTION TYPE _____ HEIGHT _____
 # OF UNITS _____ REAR YARD _____ SIDE YARD _____ SET BACK _____
 CITY SEWER _____ WATER _____ SEPTIC _____ WELL _____

CONTRACTOR

NAME: KING CONSTRUCTION INC. STATE LICENSE NO. 560169
 ADDRESS: PO BOX 347541 SACRAMENTO CA 95834
 PHONE: 916-736-9608 FAX: 916-736-1015
 LIABILITY INSURANCE P.L. _____ P.D. _____ POLICY ON FILE _____

CODE REQUIREMENTS

NOTIFICATION OF ADJACENT PROPERTY OWNERS _____ DATE: _____
 COPY OF NOTIFICATION ON FILE _____ USE OF PROPERTY REQUIRED: _____
 PEDESTRIAN PROTECTION REQUIRED: _____ REQUIREMENTS ATTACHED _____
 BASEMENTS OR OTHER EXCAVATIONS ON LOT: _____ TO BE FILLED _____ FENCED _____

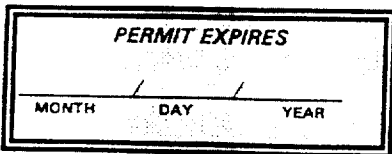
PREPARE PLOT PLAN SHOWING LOCATION OF BUILDING ON LOT AND TYPE AND LOCATION OF BUILDING BARRICADE.

SPECIAL CONDITIONS:

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing the demolition of buildings within the City of Sacramento and the State of California and that the above structure will be razed in conformity therewith. I further state that I understand that this permit may be revoked for any violation of the provisions of the Code of the City of Sacramento pertaining to or affected by the demolition procedure to be used on the above building.

No. W _____
 DATE: 5/07/01
 FEE: _____

APPLICANT: [Signature]
 TITLE: City President
 (APPLICANT/OWNER)



✓ THIS IS A REVOCABLE PERMIT

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

BUILDING INSPECTIONS
916-264-5716
Permit Services
916-264-7619
FAX 916-264-7046

AGREEMENT TO HOLD CITY HARMLESS FROM LIABILITY
BY REASON OF DEMOLITION OF BUILDING

DATED: 5/8/01

KNOW ALL MEN BY THESE PRESENT:

The undersigned owner of the premises at 401 FAIRGROUNDS DR.

pursuant to provisions of the City code, hereby agrees as follows:

1. That the building to be demolished consists of a single story building, garage, and other supplemental buildings to be demolished by owner with personnel employed by him.
2. That the structure to be demolished will be so torn down so as to complete all operations within the normal setback area from the property line.
3. That in accordance with provisions of sub-section (3) of Section 913 - 4408 of the City Building Code, the undersigned shall comply with the following:

"The permittees shall take all necessary precautions to adequately protect adjacent property and its occupants. Said permittee shall, at least ten (10) days before said demolition of a building or structure begins, notify, in writing, each property owner, tenant, or occupant on either or both sides of the time when said work will commence."

4. That in consideration of waiver of insurance as allowed in an opinion written by the City Attorney dated March 31, 1964 (City Code Section 913 - 4401) setting forth the conditions under which a waiver could be allowed, the undersigned owner hereby agrees to hold the City of Sacramento, a municipal corporation, its officers and employees, harmless from liability, suits, actions, claims and damages of every kind and description to which the City or its officers or employees may be subjected by reason of negligent

injury to persons or property arising out of the granting of permission by the City to the undersigned to demolish the building and salvage the materials from the premises above named.

IN WITNESS THEREOF, the undersigned has fully read this Agreement and executed this Agreement the day and year first above written.

Keith Austin
Owner

Address

Subscribed and sworn to before me this 7 day of May
19 2001

Notary Public in and for the County of
Sacramento, State of California