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CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 203 TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

July 31, 1980

Honorable Mayor and City Council
City Hall
Sacramento, CA 95814

Members in Session:

SUBJECT: Appeal of building destruction from the decision of Housing Code Advisory and appeals Board

SUMMARY

Attached is the appeal of Javed T. Siddiqui, P.E. for building destruction as required by Section 50, City Code.

Under Sections 2.323 and 2.324, City Code, the Council may appoint a hearing examiner to hear the appeal if it finds that "the appeal may involve a lengthy factfinding process which would be more appropriately accommodated by a formal hearing before a hearing examiner".

FINANCIAL DATA

The estimated cost would be \$100 and would be available from the Building Inspections budget.

RECOMMENDATIONS

1. If the Council should decide to appoint a hearing examiner, it is recommended that the following motion be adopted: The Council hereby determines pursuant to Section 2.324, City Code, that this appeal will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner. Therefore, the Council appoints Herman Lorenz as a hearing examiner to hear the appeal on Wednesday, August 20, 1980, 9:30 a.m. at Council Chambers.
2. If the Council should decide to consider the appeal itself, it is recommended that the hearing be set for August 19, 1980.

Sincerely,

Lorraine Magana
Lorraine Magana
City Clerk

APPROVED
BY THE CITY COUNCIL

AUG - 5 1980

OFFICE OF THE
CITY CLERK

*Rec'd
adopted*

LM:pc

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NOTICE OF APPEAL

DATE: July 24, 1980

Pursuant to Section 2.320, City Code, I wish to appeal the decision by the
Housing Code Advisory and Appeals Board #4385 made on July 9, 1980

regarding Case DB-986, Property located at 1481 Meadowview Road

as required by Chapter 50, City Code.

My reason for appealing is as follows: The owner is now in the process of setting
up a convenience store on this site with provisions for selling gasoline. She has
indicated that the site will be cleaned up and restored according to City codes so
that she can conduct her new business. She is presently in Greece and will be
back on August 14th.

PLEASE PRINT:

NAME: Javed T. Siddiqui, P.E.

ADDRESS: 811 J Street

CITY: Sacramento STATE: California ZIP CODE: 95814

TELEPHONE NUMBER: (916)441-6708

JUL 24 2 18 PM '80

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Javed T. Siddiqui
SIGNATURE



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET

CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

August 6, 1980

Javed T. Siddiqui, P.E.
811 J Street
Sacramento, CA 95814

Dear Mr. Siddiqui:

On August 5, 1980, the City Council determined that pursuant to Section 2.324, City Code, your appeal regarding Property located at 1481 Meadowview Road will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner.

Therefore, the Council appointed Herman Lorenz as Hearing Examiner to hear your appeal Wednesday, August 20, 1980, 9:30 a.m., Council Chamber, 2nd floor, 915 - I Street, Sacramento, California.

Sincerely,

Lorraine Magana
City Clerk

LM:pc

cc: Herman Lorenz
Housing Code Adv. & Appeals Bd.
Item No. 40

HERMANN E. LORENZ, JR.
PROFESSIONAL CORPORATION
ATTORNEY AT LAW
COURT PLAZA BUILDING, SUITE 408
901 H STREET
SACRAMENTO, CALIFORNIA 95814
AREA CODE 916-446-6741

RECEIVED
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CITY OF SACRAMENTO

SEP 4 2 33 PM '80

September 4, 1980.

Lorraine Magana, City Clerk
City of Sacramento
915 I Street
Sacramento, CA 95814

RE: APPEAL OF JAVED T. SIDDIQUI, P.E. -- Item No. 40 (8-5-80)

Dear Ms. Magana:

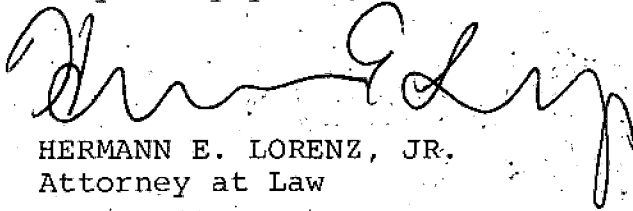
Enclosed herewith are triplicate originals of the decision in the above-entitled matter.

Would you please forward them to the interested parties.

I am also enclosing herewith my statement for services rendered.

Thank you for allowing me to handle this matter.

Very truly yours,



HERMANN E. LORENZ, JR.
Attorney at Law

HEL:jg
Enclosures

BEFORE THE CITY COUNCIL

CITY OF SACRAMENTO, STATE OF CALIFORNIA 2 33 PM '80

IN RE APPEAL OF

Item No. 40 (8-5-80)

JAVED T. SIDDIQUI, P.E.

FINDINGS OF FACT AND ORDER

The above-entitled matter came on regularly for hearing on August 20, 1980 at 9:30 a.m. at City Hall, Sacramento, California, before Hermann E. Lorenz, Jr., duly appointed Hearing Examiner.

Appellant, JAVED T. SIDDIQUI, P.E., appeared with Jerry Staveris. Mr. Siddiqui advised the Hearing Examiner that he was the agent representing Jerry Staveris who is the husband of the legal owner of the property, Penny Bordan. M. Calloway, City Building Inspector of Condemned Buildings, appeared representing the City.

Oral testimony and written evidence and documents were introduced by both parties, and after further argument by both parties, the matter was taken under submission.

FINDINGS OF FACT

The Hearing Examiner, having heard the evidence, makes the following findings:

1. That on or about October 11, 1977, the City gave notice to the Atlantic Richfield Corporation, the owner of real property which is the subject of this appeal, to wit, 1481 Meadowview Road, Sacramento, California, that the subject property was operating as a blight on the neighborhood and requested ARCO to remove said service station and underground tanks or to convert the same to another use according to law.

1 2. That on or about February 23, 1978, the subject
2 property was purchased by Penny Bordan.

3 3. That on or about January 15, 1980, the City gave
4 Penny Bordan a preliminary notice of public nuisance requesting
5 Penny Bordan to a) re-establish the service station operation
6 on the premise; or b) demolish and remove all buildings on said
7 premises; or c) convert the premises to another use permitted by
8 law. Said notice further requested that Penny Bordan contact the
9 City on or before January 26, 1980. Said notice was received by
10 Penny Bordan on January 23, 1980.

11 4. That on or about January 28, 1980, Penny Bordan, by
12 and through her husband, Jerry Staveris, advised the City that
13 the subject property was going to be converted to another use and
14 plans would be submitted to the Health Department within thirty
15 days thereafter.

16 5. That no action was taken by the owner of the
17 property and that on or about May 7, 1980, the City issued a
18 Notice and Order to Repair or Demolish Dangerous Building to
19 Penny Bordan, and further, posted said Notice on the subject
20 property. That said Penny Bordan received said notice on May 13,
21 1980, and Atlas Thrift Co., the beneficiary under a Deed of Trust,
22 received said notice on May 9, 1980.

23 6. On June 6, 1980, the City received a request from
24 Atlas Thrift Co. for an appeal hearing and for a hearing before
25 the Housing Code Advisory and Appeals Board. Said request for
26 hearing was timely filed.

27 7. That on or about June 17, 1980, the Building In-
28 spector gave notice of a hearing before the Housing Code Advisory

1 and Appeals Board of the subject case to be heard on July 9, 1980
2 at 7:30 p.m. Said notice of hearing was received by Atlas Thrift on
3 June 18, 1980 and by Penny Bordan on June 18, 1980.

4 8. On July 9, 1980, a duly noticed and properly held
5 meeting of the Housing Code Advisory and Appeals Board was con-
6 ducted. No representative of Penny Bordan or Atlas Thrift appeared
7 at said Housing Code Advisory and Appeals Board meeting. A proper
8 hearing was conducted and evidence was introduced concerning the
9 condition of the premises and the Housing Code Advisory and Appeals
10 Board issued its findings and order on July 9, 1980. The findings,
11 allegations and actions of said Housing Code Advisory and Appeals
12 Board are true and correct and are incorporated herein as if fully
13 set forth as a finding herein.

14 9. That on July 17, 1980, a notice of the action of the
15 Housing Code Advisory and Appeals Board and a copy of the reso-
16 lution of said Board was sent to Penny Bordan and Atlas Thrift Co.
17 That said notice was received by Penny Bordan on July 19, 1980 and
18 by Atlas Trhift on July 24, 1980.

19 10. That on August 1, 1980, Appellant filed its notice
20 of appeal herein. Said notice was timely filed and that said
21 matter is properly before the City Council in accordance with the
22 City Code of the City of Sacramento.

23 11. That on August 5, 1980, pursuant to Section 2.324,
24 City Code, the City Council appointed Hermann E. Lorenz, Jr. to
25 act as a Hearing Examiner in the above-entitled matter and set the
26 case for hearing on August 20, 1980. Due and proper notice of
27 said hearing was given.

28 12. That M. Calloway appeared at said hearing and

O R D E R

IT IS HEREBY ORDERED that said appeal be granted under the following conditions:

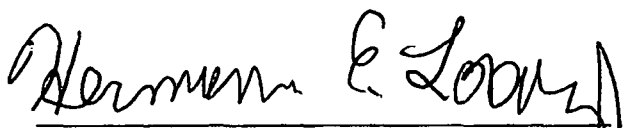
1. That the order of the Housing Code Advisory and Appeals Board of July 9, 1980 be, and is hereby stayed until October 7, 1980.

2. That Appellant shall, on or before October 7, 1980, file with the Office of the City Building Inspector, and all other necessary offices of the City of Sacramento, a properly completed application for a building permit and/or all other necessary permits to a) operate said premises as a service station site; or b) convert said site to other suitable uses; or c) demolish the building and remove the tanks on said site according to law. Said application for permit shall be complete and according to law and regulation. Appellant shall have five days to comply with any deficiencies in said permit process. Failure to comply with such additional information or requests of the Building Inspector or related agencies in said permit procedure, shall result in immediate lifting of said stay and the order of the Housing Code Advisory and Appeals Board of July 9, 1980 shall immediately be reinstated.

3. In the event a building permit is issued as set forth in condition 2 above, then in that event, Appellant shall have fifteen days to commence construction. The construction or the conversion of said project shall be completed within 180 days of the issuance of said building permit, if one is issued. Failure to commence construction within fifteen (15) days of the issuance of the building permit shall result in a lifting of this stay as

1 provided in condition 1 above, and the order of the Housing Code
2 Advisory and Appeals Board of July 9, 1980 shall be immediately
3 reinstated.

4 DATED: SEPTEMBER 4, 1980.

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7 HERMANN E. LORENZ, JR.
8 Hearing Examiner
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