



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK
915 I STREET
CITY HALL ROOM 203
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5428

LORRAINE MAGANA
CITY CLERK

May 7, 1981

Honorable Mayor and City Council
City Hall
Sacramento, CA 95814

APPROVED
BY THE CITY COUNCIL
MAY 14 1981
OFFICE OF THE
CITY CLERK

*Hearing
Officer*

Members in Session:

SUBJECT: Appeal of Donald L. O'Connor from the decision of the
Housing Codes Advisory and Appeals Board

SUMMARY

Attached is the appeal of Donald L. O'Connor from the decision of the Housing Codes Advisory and Appeals Board regarding 1107 Ninth Street (the Forum Building) in the City of Sacramento, which the Board found to be in violation of City Code Chapter 50 (Dangerous Buildings Code) in a resolution adopted by the Council on April 8, 1981, as required by Section 50.501(a), Sacramento City Code.

Under Sections 2.323 and 2.324 of the 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 \$195.00 and would be available from the Building Inspections budget.

RECOMMENDATIONS

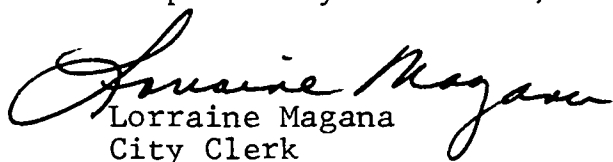
1. If the Council should decide to appoint a hearing examiner, it is recommended that the following motion be adopted: "The

Appeal of Donald L. O'Connor
May 7, 1981
Page 2

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 Steven Bair as hearing examiner to hear the appeal on Friday, June 25, 1981, at the hour of 9:00 a.m., in the City Council Chamber, City Hall Second Floor, 915 "I" Street, Sacramento, California."

2. If the Council should decide to consider the appeal itself, it is recommended that the hearing be set for June 2, 1981.

Respectfully submitted,


Lorraine Magana
City Clerk

LM/mm
Attachments

cc: Steven Bair
Donald O'Connor
Building Inspections

RECEIVED
CITY CLERK'S OFFICE
NOTICE OF APPEAL CITY OF SACRAMENTO

MAY 5 1 37 PM '81

DATE: May 5, 1981

Pursuant to Section 2.320, City Code, I wish to appeal the decision of the
Housing Code Advisory and Appeal Board made on April 8, 1981
regarding 1107 Ninth St. (Forum Bldg.) in the City of Sacramento, which
the Board found to be in violation of City Code Chapter 50 (Dangerous
Buildings Code) in a resolution adopted on April 8, 1981.

as required by Section 50.501(a), City Code.

My reason for appealing is as follows: I am a tenant, and have been since 1963,
at 1107 Ninth St. (Forum Bldg.) in the City of Sacramento.

I protest that Resolution and Order adopted April 8, 1981 in Build. Depart-
ment Case D B/1006 ordering that the second through tenth floors of 1107
Ninth St. Sacramento, be vacated 60 days from April 8, 1981.

The relief sought by the tenants is a reasonable extention of time to
obtain new quarters and to orderly vacate the building which was built
in 1910 and has had continued occupancy without incidents relative to
Chapter 50 of the Sacramento City Code. There are approximately 125
businesses now in the building and the logistics of vacating is self-
evident.

PLEASE PRINT:

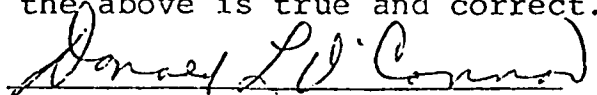
NAME: DONALD L. O'CONNOR

ADDRESS: 1107 Ninth Street Suite 919 Forum Bldg.

CITY: Sacramento STATE: California ZIP CODE: 95814

TELEPHONE NUMBER: 442 1067

I declare under penalty of perjury that the above is true and correct.


SIGNATURE

RECEIVED
CITY CLERK'S OFFICE
NOTICE OF APPEAL OF SACRAMENTO

MAY 5 1 37 PM '81

DATE: May 5, 1981

Pursuant to Section 2.320, City Code, I wish to appeal the decision of the
Housing Code Advisory and Appeal Board made on April 8, 1981
regarding 1107 Ninth St. (Forum Bldg.) in the City of Sacramento, which
the Board found to be in violation of City Code Chapter 50 (Dangerous
Buildings Code) in a resolution adopted on April 8, 1981.

as required by Section 50.501(a), City Code.

My reason for appealing is as follows: I am a tenant, and have been since 1963,
at 1107 Ninth St. (Forum Bldg.) in the City of Sacramento.

I protest that Resolution and Order adopted April 8, 1981 in Build. Depart-
ment Case D B/1006 ordering that the second through tenth floors of 1107
Ninth St. Sacramento, be vacated 60 days from April 8, 1981.

The relief sought by the tenants is a reasonable extention of time to
obtain new quarters and to orderly vacate the building which was built
in 1910 and has had continued occupancy without incidents relative to
Chapter 50 of the Sacramento City Code. There are approximately 125
businesses now in the building and the logistics of vacating is self-
evident.

PLEASE PRINT:

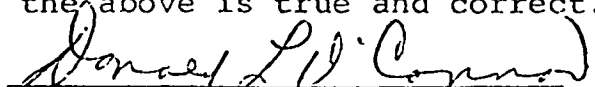
NAME: DONALD L. O'CONNOR

ADDRESS: 1107 Ninth Street Suite 919 Forum Bldg.

CITY: Sacramento STATE: California ZIP CODE: 95814

TELEPHONE NUMBER: 442 1067

I declare under penalty of perjury that the above is true and correct.


SIGNATURE

RECEIVED
CITY CLERK'S OFFICE
NOTICE OF APPEAL OF SACRAMENTO

MAY 5 1 37 PM '81

DATE: May 5, 1981

Pursuant to Section 2.320, City Code, I wish to appeal the decision of the
Housing Code Advisory and Appeal Board made on April 8, 1981
regarding 1107 Ninth St. (Forum Bldg.) in the City of Sacramento, which
the Board found to be in violation of City Code Chapter 50 (Dangerous
Buildings Code) in a resolution adopted on April 8, 1981.

as required by Section 50.501(a), City Code.

My reason for appealing is as follows: I am a tenant, and have been since 1963,
at 1107 Ninth St. (Forum Bldg.) in the City of Sacramento.

I protest that Resolution and Order adopted April 8, 1981 in Build. Depart-
ment Case D B/1006 ordering that the second through tenth floors of 1107
Ninth St. Sacramento, be vacated 60 days from April 8, 1981.

The relief sought by the tenants is a reasonable extension of time to
obtain new quarters and to orderly vacate the building which was built
in 1910 and has had continued occupancy without incidents relative to
Chapter 50 of the Sacramento City Code. There are approximately 125
businesses now in the building and the logistics of vacating is self-
evident.

PLEASE PRINT:

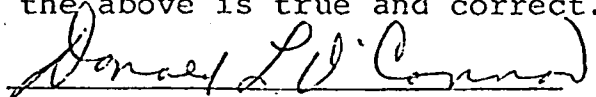
NAME: DONALD L. O'CONNOR

ADDRESS: 1107 Ninth Street Suite 919 Forum Bldg.

CITY: Sacramento STATE: California ZIP CODE: 95814

TELEPHONE NUMBER: 442 1067

I declare under penalty of perjury that the above is true and correct.


SIGNATURE

FILED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

NOTICE OF APPEAL

MAY 5 1 37 PM '81

DATE: May 5, 1981

Pursuant to Section 2.320, City Code, I wish to appeal the decision of the
Housing Code Advisory and Appeal Board made on April 8, 1981
regarding 1107 Ninth St. (Forum Bldg.) in the City of Sacramento, which
the Board found to be in violation of City Code Chapter 50 (Dangerous
Buildings Code) in a resolution adopted on April 8, 1981.

as required by Section 50.501(a), City Code.

My reason for appealing is as follows: I am a tenant, and have been since 1963,
at 1107 Ninth St. (Forum Bldg.) in the City of Sacramento.

I protest that Resolution and Order adopted April 8, 1981 in Build. Depart-
ment Case D B/1006 ordering that the second through tenth floors of 1107
Ninth St. Sacramento, be vacated 60 days from April 8, 1981.

The relief sought by the tenants is a reasonable extension of time to
obtain new quarters and to orderly vacate the building which was built
in 1910 and has had continued occupancy without incidents relative to
Chapter 50 of the Sacramento City Code. There are approximately 125
businesses now in the building and the logistics of vacating is self-
evident.

PLEASE PRINT:

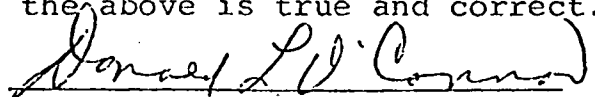
NAME: DONALD L. O'CONNOR

ADDRESS: 1107 Ninth Street Suite 919 Forum Bldg.

CITY: Sacramento STATE: California ZIP CODE: 95814

TELEPHONE NUMBER: 442 1067

I declare under penalty of perjury that the above is true and correct.


SIGNATURE

REC'D
CITY CLERK'S OFFICE
NOTICE OF APPEAL OF SACRAMENTO

MAY 5 1 37 PM '81

DATE: May 5, 1981

Pursuant to Section 2.320, City Code, I wish to appeal the decision of the
Housing Code Advisory and Appeal Board made on April 8, 1981
regarding 1107 Ninth St. (Forum Bldg.) in the City of Sacramento, which
the Board found to be in violation of City Code Chapter 50 (Dangerous
Buildings Code) in a resolution adopted on April 8, 1981.

as required by Section 50.501(a), City Code.

My reason for appealing is as follows: I am a tenant, and have been since 1963,
at 1107 Ninth St. (Forum Bldg.) in the City of Sacramento.

I protest that Resolution and Order adopted April 8, 1981 in Build. Depart-
ment Case D B/1006 ordering that the second through tenth floors of 1107
Ninth St. Sacramento, be vacated 60 days from April 8, 1981.

The relief sought by the tenants is a reasonable extention of time to
obtain new quarters and to orderly vacate the building which was built
in 1910 and has had continued occupancy without incidents relative to
Chapter 50 of the Sacramento City Code. There are approximately 125
businesses now in the building and the logistics of vacating is self-
evident.

PLEASE PRINT:

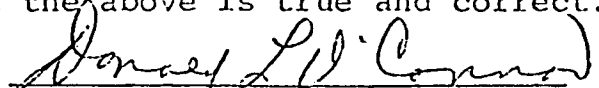
NAME: DONALD L. O'CONNOR

ADDRESS: 1107 Ninth Street Suite 919 Forum Bldg.

CITY: Sacramento STATE: California ZIP CODE: 95814

TELEPHONE NUMBER: 442 1067

I declare under penalty of perjury that the above is true and correct.


SIGNATURE



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET

CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5428

LORRAINE MAGANA
CITY CLERK

May 15, 1981

Mr. Donald L. O'Connor
1107 Ninth Street, Suite 919 Forum Building
Sacramento, CA 95814

Dear Mr. O'Connor:

On May 14, 1981, the City Council determined that pursuant to Section 2.324, City Code, your appeal regarding 1107 Ninth Street, (Forum Building) will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner.

Therefore the Council appointed Steven Bair as Hearing Examiner to hear your appeal on June 5, 1981 at the hour of 9:00 A.M., in the City Council Chamber, City Hall Second Floor, 915 "I" Street, Sacramento, California.

Sincerely,


Lorraine Magana
City Clerk

LM:sj

cc: Steven Bair
Building Inspections
Mike Miller

42



Pamela A. Bair
Steven R. Bair

Bair & Bair
Attorneys at Law
Van Voorhies Mansion
925 G Street
Sacramento, California 95814

CITY CLERK'S OFFICE
CITY OF SACRAMENTO
JUN 6 9 45 AM '81
Telephone
(916) 441-2247

June 5, 1981

Lorraine Magana
Sacramento City Clerk
915 Eye Street
Sacramento, CA 95814

Re: Appeal of Donald L. O'Connor

Dear Ms. Magana:

Please find attached the original and two copies of my Resolution in the above matter.

Inasmuch as the current order of the Housing Board requires that the Forum Building be vacated effective Monday, June 8, 1981, I know that you will immediately inform the parties of this decision extending that date to July 15, 1981.

Very sincerely yours,

BAIR & BAIR



STEVEN R. BAIR

SRB/nd
Attachment

RESOLUTION MODIFYING HOUSING CODE ADVISORY AND
APPEALS BOARD RESOLUTION NUMBER 4477

WHEREAS, on MAY 5, 1981, DONALD L. O'CONNOR did file in a timely fashion, pursuant to Emergency Ordinance No. 81-024 adopted by the Sacramento City Council on APRIL 28, 1981, a Notice of Appeal from the APRIL 8, 1981, Resolution of the Housing Code Advisory and Appeals Board (Resolution Number 4477 relating to the Forum Building), and

WHEREAS, on APRIL 14, 1981, pursuant to City Code Section 2.324, in Resolution Number 42, the Sacramento City Council did appoint STEVEN R. BAIR as Hearing Examiner to conduct the above appeal, and

WHEREAS, on JUNE 5, 1981, a formal hearing was held in the City Council Chambers at which time appellant DONALD L. O'CONNOR and respondent B. T. SULLIVAN, on behalf of the Housing Board, did appear and present testimony and argument, and

WHEREAS, after thorough consideration of all relevant evidence presented at such hearing, it is found that:

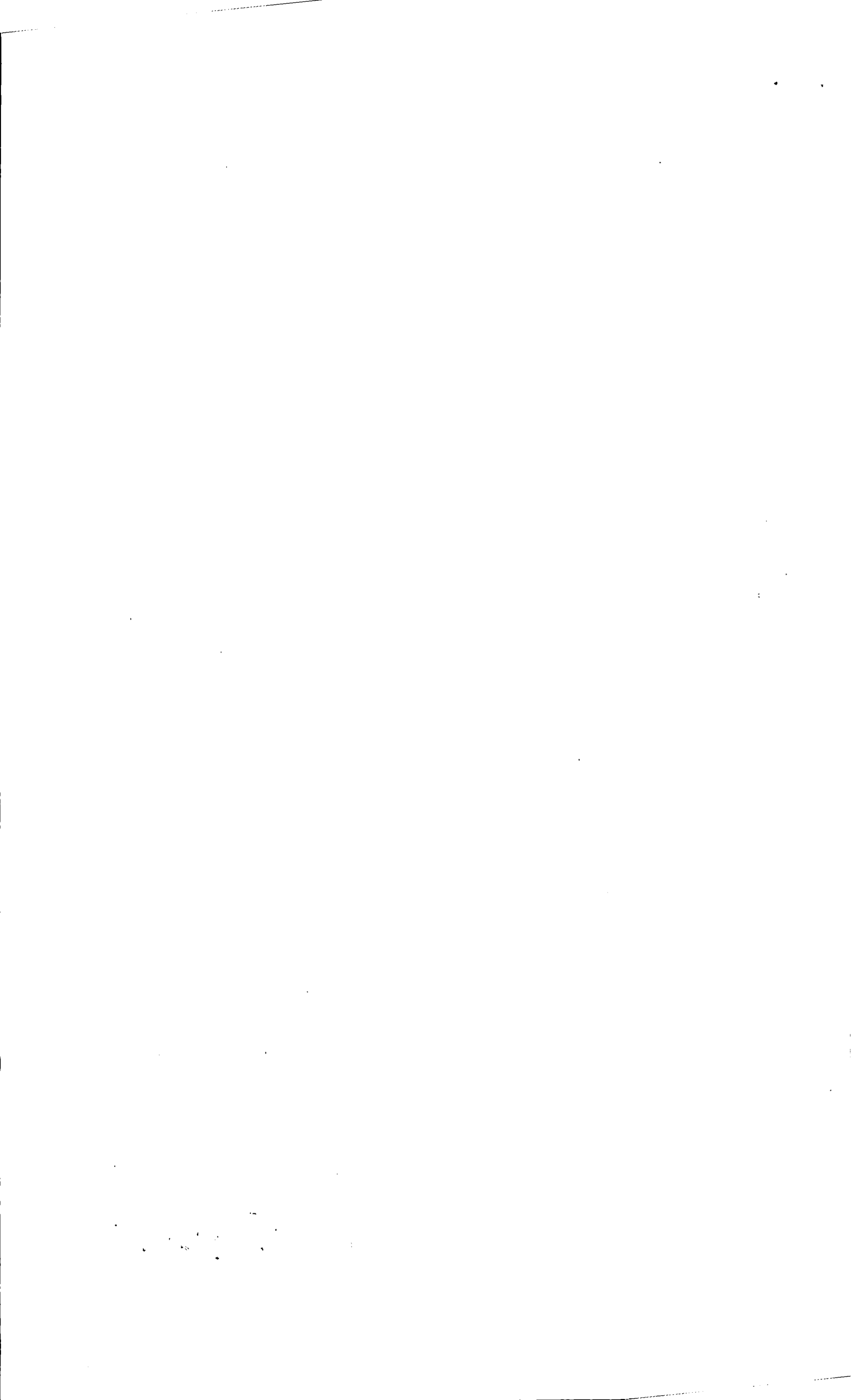
1. Since JANUARY, 1981 appellant and other tenants in the Forum Building have been given repeated assurances by the management that existing City Code violations would be corrected in the near future. Subsequently, on APRIL 23, 1981, the management informed the tenants that they must vacate the premises by JUNE 8, 1981. On MAY 13, 1981, the management provided tenants with a second notice indicating that the premises must be vacated by JUNE 19, 1981.
2. Appellant lacked standing to appeal the initial Notice and Order of the Director of the Buildings Inspection Division to the Housing Board.
3. Only one tenant was present and testified at the APRIL 8, 1981, hearing before the Housing Board. Appellant and most of the other tenants were unaware that this hearing was taking place.
4. On APRIL 28, 1981, appellant, as a tenant of the Forum Building, in Emergency Ordinance Number 81-024, was given standing to appeal the Building Inspection Division order. However, the statute of limitations on appeals to the Housing Board had already run.
5. As a result of the above-described circumstances, the Housing Board was deprived of an opportunity to receive and evaluate substantial evidence establishing that current tenants of the Forum Building, as a result of misinformation supplied by the management, severely limited elevator availability, and difficulties in effecting relocation, would suffer extreme hardship unless the owners of such building were allowed additional time in which to vacate floors two through ten.

NOW THEREFORE BE IT RESOLVED, that Housing Board Resolution Number 4477 shall be and is modified to provide that "If the owners of the Forum Building fail to comply, in all respects, with the orders contained in Resolution Number 4477 of the Housing Board relating to correction of deficiencies in said structure, the second through the tenth floors of said structure shall be vacated on or before JULY 15, 1981.

BE IT FURTHER RESOLVED, that in all other respects, Resolution Number 4477 is affirmed.

JUNE 5, 1981


STEVEN R. BAIR, Hearing Examiner
City of Sacramento



RESOLUTION MODIFYING HOUSING CODE ADVISORY AND
APPEALS BOARD RESOLUTION NUMBER 4477

WHEREAS, on MAY 5, 1981, DONALD L. O'CONNOR did file in a timely fashion, pursuant to Emergency Ordinance No. 81-024 adopted by the Sacramento City Council on APRIL 28, 1981, a Notice of Appeal from the APRIL 8, 1981, Resolution of the Housing Code Advisory and Appeals Board (Resolution Number 4477 relating to the Forum Building), and

WHEREAS, on APRIL 14, 1981, pursuant to City Code Section 2.324, in Resolution Number 42, the Sacramento City Council did appoint STEVEN R. BAIR as Hearing Examiner to conduct the above appeal, and

WHEREAS, on JUNE 5, 1981, a formal hearing was held in the City Council Chambers at which time appellant DONALD L. O'CONNOR and respondent B. T. SULLIVAN, on behalf of the Housing Board, did appear and present testimony and argument, and

WHEREAS, after thorough consideration of all relevant evidence presented at such hearing, it is found that:

1. Since JANUARY, 1981 appellant and other tenants in the Forum Building have been given repeated assurances by the management that existing City Code violations would be corrected in the near future. Subsequently, on APRIL 23, 1981, the management informed the tenants that they must vacate the premises by JUNE 8, 1981. On MAY 13, 1981, the management provided tenants with a second notice indicating that the premises must be vacated by JUNE 19, 1981.
2. Appellant lacked standing to appeal the initial Notice and Order of the Director of the Buildings Inspection Division to the Housing Board.
3. Only one tenant was present and testified at the APRIL 8, 1981, hearing before the Housing Board. Appellant and most of the other tenants were unaware that this hearing was taking place.
4. On APRIL 28, 1981, appellant, as a tenant of the Forum Building, in Emergency Ordinance Number 81-024, was given standing to appeal the Building Inspection Division order. However, the statute of limitations on appeals to the Housing Board had already run.
5. As a result of the above-described circumstances, the Housing Board was deprived of an opportunity to receive and evaluate substantial evidence establishing that current tenants of the Forum Building, as a result of misinformation supplied by the management, severely limited elevator availability, and difficulties in effecting relocation, would suffer extreme hardship unless the owners of such building were allowed additional time in which to vacate floors two through ten.

NOW THEREFORE BE IT RESOLVED, that Housing Board Resolution Number 4477 shall be and is modified to provide that "If the owners of the Forum Building fail to comply, in all respects, with the orders contained in Resolution Number 4477 of the Housing Board relating to correction of deficiencies in said structure, the second through the tenth floors of said structure shall be vacated on or before JULY 15, 1981.

BE IT FURTHER RESOLVED, that in all other respects, Resolution Number 4477 is affirmed.

JUNE 5, 1981


STEVEN R. BAIR, Hearing Examiner
City of Sacramento

RESOLUTION MODIFYING HOUSING CODE ADVISORY AND
APPEALS BOARD RESOLUTION NUMBER 4477

WHEREAS, on MAY 5, 1981, DONALD L. O'CONNOR did file in a timely fashion, pursuant to Emergency Ordinance No. 81-024 adopted by the Sacramento City Council on APRIL 28, 1981, a Notice of Appeal from the APRIL 8, 1981, Resolution of the Housing Code Advisory and Appeals Board (Resolution Number 4477 relating to the Forum Building), and

WHEREAS, on APRIL 14, 1981, pursuant to City Code Section 2.324, in Resolution Number 42, the Sacramento City Council did appoint STEVEN R. BAIR as Hearing Examiner to conduct the above appeal, and

WHEREAS, on JUNE 5, 1981, a formal hearing was held in the City Council Chambers at which time appellant DONALD L. O'CONNOR and respondent B. T. SULLIVAN, on behalf of the Housing Board, did appear and present testimony and argument, and

WHEREAS, after thorough consideration of all relevant evidence presented at such hearing, it is found that:

1. Since JANUARY, 1981 appellant and other tenants in the Forum Building have been given repeated assurances by the management that existing City Code violations would be corrected in the near future. Subsequently, on APRIL 23, 1981, the management informed the tenants that they must vacate the premises by JUNE 8, 1981. On MAY 13, 1981, the management provided tenants with a second notice indicating that the premises must be vacated by JUNE 19, 1981.
2. Appellant lacked standing to appeal the initial Notice and Order of the Director of the Buildings Inspection Division to the Housing Board.
3. Only one tenant was present and testified at the APRIL 8, 1981, hearing before the Housing Board. Appellant and most of the other tenants were unaware that this hearing was taking place.
4. On APRIL 28, 1981, appellant, as a tenant of the Forum Building, in Emergency Ordinance Number 81-024, was given standing to appeal the Building Inspection Division order. However, the statute of limitations on appeals to the Housing Board had already run.
5. As a result of the above-described circumstances, the Housing Board was deprived of an opportunity to receive and evaluate substantial evidence establishing that current tenants of the Forum Building, as a result of misinformation supplied by the management, severely limited elevator availability, and difficulties in effecting relocation, would suffer extreme hardship unless the owners of such building were allowed additional time in which to vacate floors two through ten.

NOW THEREFORE BE IT RESOLVED, that Housing Board Resolution Number 4477 shall be and is modified to provide that "If the owners of the Forum Building fail to comply, in all respects, with the orders contained in Resolution Number 4477 of the Housing Board relating to correction of deficiencies in said structure, the second through the tenth floors of said structure shall be vacated on or before JULY 15, 1981.

BE IT FURTHER RESOLVED, that in all other respects, Resolution Number 4477 is affirmed.

JUNE 5, 1981


STEVEN R. BAIR, Hearing Examiner
City of Sacramento