CITY OF SACRAMENTO

1231 I Street, Sacramento, CA 95814

Sub-Type: COM Site Address: 405 FAIRGROUNDS DR SAC Housing (Y/N): N Parcel No: 011-0340-010

Permit No: 0106023

3

Insp Area:

ARCHITECT CONTRACTOR OWNER KOO CONSTRUCTION INC HUD

POB 348541 925 L ST

SACRAMENTO CA 95834 SACRAMENTO CA 95814

Nature of Work:	CAP OFF	UTILITIES.	DEMOLITION	OF BUILDING
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CONSTRUCTION LENDING AGENCY: Thereby affirm under penalty of perjury that there is a construction lending agency for the performant of the work for which this permit is issued (Sec. 1997. Cn. C.) LICENSED CONTRACTORS DECLARATION: Thereby affirm under penalty of perjury that I am licensed under provisions of Chapter commencing with section 1900 of Docision 3 of the Business and Professions Code and my license is in full force and effect. LICENSED CONTRACTORS DECLARATION: Thereby affirm under penalty of perjury that I am exempt from the contractors license Law for looking reason (Sec. 2013). Business and Professions of other penalty of perjury that I am exempt from the contractors license Law for incommencing with Section 700 of the requires a permit to construct aller, improve, demolish, orrepays structure, prior to its issuance, also requires for applicant for such permit to file a signed statement that he or she is licensed pursuant to the provision of the Contractors License Law (Cn. 1994) of 1905 (1904) of 1906 (1906) of	OII OII	UTILITIES, DEMOLITION OF BUILDING
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Page 2/2

Sacramento Metropolitan Air Quality Management District

ASBESTOS SURVEY AND DEMOLITION NOTIFICATION FORM

NOT	E. Meass read instructions on the back of this form.
1	Contractor Dolla Oilfield Santoner H. U.D.
	Clark Francisco
l	State // Survey / Sur
l	Telephone 510-667-2841 Telephone 510-420-0384
2	Structure NameMSC-/ UseAst.
4	Address 401, 405, 407 1413 Faigrend City/Zip Sacram and Co. 758
3	10 Ca. 738
3	Structure Age 307 (years) Number of Roors: 2 Size: 5 K sq. ft.
4	Sabestee contractor who consultant been removed? (circle) (TE) NO N/A
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5	DEMOLITION Start Date 5 721101 Completion Date 6 7-4-01
	Completion Date (9-13-1-0)
6	Plaference for return of form: Mail Fick-Up (after 2 working days)
~	Applicant Name (Print) De/4- O: 15: 1 d Serve Owner Contractor
7	Contractor
	Applicant's Signature J Date 5 185101
	I know start and understand the directions. The information on this form is true and accurate.
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CITY OF SACRAMENTO DEVELOPMENT SERVICES DIVISION PLANNING AND ZONING INFORMATION REQUEST

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OFFICE OF THE

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 916-264-53-46 FAX 916-264-7455

May 8, 2001

DEPUTYCTYATTORNEYS DIANE B. BALTER PAUL A. GALE GERALD C. HICKS STEVEN Y. ITAGAKI STEVEN T. JOHNS MARCOS A. KROPF DENAE M. LAHANN RICHARD A. LOVELL GUSTAVO L. MARTINEZ EMILY RANDON IOE 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.

Dexter Bergounous

Re: Greenfair Operation Breakthrough Project

May 8, 2001

Page 2

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

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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

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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)

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2 INSPECTION PERMIT

ADDRESS:	465 FAIR GROWNS BR.
OWNER:	Hall

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	1801-06°
PLUMBING DIVISION (All) 1231 I Street, Room 200 (916)264-7619 (or) Housing (916)	
WATER DEPARTMENT (All) 1391 35 TH Avenue (916)264-5371	Aray Clas 5-11-01
FIRE DEPARTMENT (All) 1231 I Street, Room 401 (916)264-5416	Cara m Male
TRAFFIC ENGINEER (Commer 1000 I Street (916)264-5307	
ARBORIST/TREE SERVICE (Do 5730 24th Street (916)433-6345	owntown and Commercial Buildings)

- 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

		916-264-7619 FAX 916-264-7046
DEMOLITION 1	PERMIT NO	TIFICATION
A Demolition Permit for a		
405 FAIRCRONNIS	DR S	ACRAMENTA CA
	(Multicas)	
Parcel number: 6416 6346	010	
has been issued on(date)	<u>-</u> :	
The structure is scheduled for demolition		
Please update your service and billing rec	ords accordingly.	
		Ī
		. 1
(SJ	AMPLE SITE PLAN)	
cc: P.G.& E (Terry Clark)	- Sile i Gily	
SMUD SOLID WASTE (3141)		
UTILITIES (3350)		
UTILBILLING (1125) FIREDEPT (2510)		
No. of the second secon	INITIAL:	DATE:
		_

DEVELOPMENT SERVICES DIVISION

APPLICATION FOR WRECKING PERMIT

916-264-7619 FAX 916-264-7046

LOCATION				
ADDRESS: 40	FARCEONNE 34C C/C LOT WIDTH:	15 De	511000	
LOT: 611-6	340 010 /	67 100 -	ZHCKAINEN	to, CA
LOT DEPTH:	LOT WIDTH-	CODALED I	ACT:	
OWNER: HO	(1)	CURNER I	LOT:INT	ERIOR LOT 🔀
ADDRESS: 925	L STREET	54	11 Dames to	1 ² 1
			CRAMILEN (C)	(4
BUILDING DATA				
LENGTH:	WIDTH FIRST EL	OOD ADEA		_
USE OF BUILDING:	WIDTHFIRST FL	STRUCTION TYPE	(SQ.FT.) NO. STOP	RIES
# OF UNITS	CON	STRUCTION TYPE	HEIGHT	
CITY SEWER	REAR YARDWATER	SIDE YARD	SET BAC	K
	WATER	SEPTIC	WELL	
CONTRACTOR				
	Court of		<i></i>	
ADDRESS: PL	1214 PUZZZZ	_ STATE LICENSE N	o. <u>36016</u>	2
PHONE 9//2-	CONSTRUCTION (MC 136X 347541	DACRAM	1ENTO CA	95834
EN COLERT MOONANC	E P.L.	P.D	POLICY O	N FILE
CODE REQUIREM				
NOTIFICATION OF A	LIVI O			
COPY OF NOTIFICAT	DJACENT PROPERTY OWNERS	3	DATE:	
	The state of the s	E E	DECLIDENTENTS A	A
DYDEMICK 12 OH OTH	ER EXCAVATIONS ON LOT	T0	BE FILLED F	ENCED
"REPARE PLUI PLANS	CHOWING LOCATION OF BUILDIN	G ON LOT AND TYPE AI	ND LOCATION OF BUILE	DING BARRICADE.
SPECIAL CONDIT	IONS:			
have read the above a	polication and know the conto	ents thereof: the same	is true and access to	
am familiar with the	laws governing the demolition above structure will be razed in	of buildings within to	he City of Sacramento	further state that
his permit may he rev	above structure will be razed in oked for any violation of the p	n conformity therewit	h. I further state that	understand that
	oked for any violation of the problem procedure to be used o		of the City of Sacrame	ento pertaining to
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	n the above building.	1////	
No. W	0.3/	APPLICANT:	MA Court	
ATE: S	6/6/	19		
EE		TITLE: CH	Politican	*

PERMIT EXPIRES

MONTH DAY YEAR

✓ THIS IS A REVOCABLE PERMIT

(APPLICANT/OWNER)

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

KNOW ALL MEN BY THESE PRESENT:

The undersigned owner of the premises at 45 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.

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