

TO: James L. App, City Manager

FROM: Bob Lata, Community Development Director

SUBJECT: Appeal of Notice and Order for 1234 Pine Street by the Property Owner

DATE: July 6 , 2004

PURPOSE: For the City Council to consider appeal of a Notice and Order issued for a leaning building at 1234 Pine Street.

- FACTS:
1. On April 29, 2004, a Notice and Order was issued for a 120 year old wood framed building at 1234 Pine Street. The notice requested the property owner cause a building assessment to be performed to determine the stability of the building. Based on an assessment by the City, it appears that the building is currently leaning and rotating four (4) inches to the south.
 2. The Notice and Order establishes that a property may file an appeal if it believes the City's assessment to be inaccurate. The owner of 1234 Pine Street filed a letter appealing the notice with the Building Division on May 6, 2004. It is the owner's position that while the building does lean, it does not present a hazard to either its inhabitants, the public, or the public right-of-way. The property owner contends that the notice is invalid as they believe there is no threat to the public health and safety. In support of this position the owner included a building assessment conducted in 1983 by Elliott O. Stephenson.
 3. In his 1983 assessment Mr. Stephenson noted that some steel jacks had been installed previous to his review (it is unknown who did the work) and while the building did lean approximately three inches at the upper most story, his conclusion was the building was "safe for occupancy from a building stand point at the present time" (1983).
 4. Immediately after the December 22, 2003, Office of Emergency Services inspectors assessed the building. The review conducted while under the state of emergency was visual and informal in nature. The inspection report noted the building was leaning, did show signs of horizontal cracking at the second floor and should be provided with a more specific review at a later date. The inspectors did not express an opinion the building was an immediate hazard. As a result no immediate action was taken by the Building Division regarding its condition.
 5. On April 26, 2004, at the request of the Building Division, Unique Perspective Architectural Engineering performed a review of the structure. Findings were as follows:
 - a. The upper floor at a point twelve (12) feet above the floor has shifted approximately four (4) inches from vertical.
 - b. The rear of the building does not appear to have shifted, instead the building appears to be rotating to the southeast.

- c. Areas between the windows and doors have linear horizontal cracking in addition to cracks that radiate away from door and window openings at forty-five (45) degree angles.
 - d. The wood framed exterior parapet at the northwest corner appears to have moved away from the roof framing.
6. The 1983 report estimated the lean at the roof to be three inches at the building roof line. This point of measure is ten (10) feet higher on the building than the point of measure reflected on the more recent review. As the recent review establishes the lean to be four (4) inches at a point ten (10) feet lower on the building, the lean at the roof line would be greater supporting a position that the building has moved further south since 1983.
 7. In the opinion of the Engineer retained by the City, the degree of lean appears to be facilitating a potential “soft-story” failure. A “soft-story” is defined by the Uniform Building Code as one in which the lateral stiffness (resistance to lateral movement) is less than 70% of the story above. This potential for failure (soft story condition) will only worsen with time as the building’s center-of-mass has now shifted outward. While it is impossible to determine the length of time required for the building to fail, unless stabilized and returned to a vertical state the potential for failure will continue to increase with age.

**ANALYSIS &
CONCLUSION:**

An assessment was done on the structure twenty one (21) years ago at which time the engineer of record determined the building to be safe for occupancy at that time (1983).

The 2004 assessment conducted at the request of the City maintains the structure has continued to move over the years. Additionally, it appears the building was also effected by the 6.5 earthquake of December 22, 2003 a condition demonstrated by the horizontal cracking at the first story and between window and door openings. The final result being that the degree of lean from vertical of the structure now exceeds the limits set by code for a soft-story building of this type.

Because of the proximity of the building to the public right-of-way and the intensity of the use associated within the lower floor it would seem prudent to cause the owner to cause a comprehensive building review of the building, its foundation system and the bearing capacity of the soils to be conducted by a licensed engineer to determine the potential for failure. Further, should the assessment determine the building will need repair to meet an acceptable level of safely, to cause the work to be completed in a timely manner.

**POLICY
REFERENCE:**

Section 17.04 of the Municipal Code

ISCAL
IMPACT:

Should it be determined the structure constitutes a risk to the public and the property owner not abate the hazard, it could result in the City being required to abate the hazard to insure the public safety. Historically, the City has abated hazardous buildings by their removal rather than repair. If it were to become necessary for the City to abate the nuisance by removal the estimated cost associated with this option, given prevailing wage, is approximately \$65,000.00.

OPTIONS:

- a. For the City Council to confirm the Notice and Order by directing the property owner to cause an assessment of the building by a specified date of August 30, 2004, for completion of the assessment of the building. Should the building be found to need repair, that plans be submitted for permit and all work completed by January1, 2005. Failure to address the building by the January date will result in the City to abate the public safety hazard by demolishing the building and the cost becoming a tax lien upon the property.
- b. Direct the Building Official to withdraw the Notice of Order, informing the property owners by written notice of the potential hazard should the building fail, further suggesting the property owners address the building on their own accord and consider the matter closed.
- c. Amend, modify, or reject the above options.

C: Dennis Cassidy
Bob Adams
Mike Seitz

Attachments: Appeal letter for 1234
Notice and Order for 1234
Request for Appeal
Structural Assessment
1983 Assessment
Pictures
Copy of 15 day Notice

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Maria Estrada
1232 Pine Street
Paso Robles, CA 93446

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