

TO: Jim App, City Manager
FROM: Bob Lata, Community Development Director
SUBJECT: Tilting Block Fence - 800 Block of Niblick Road
DATE: August 17, 2004
PURPOSE: To provide information regarding a tilting masonry wall at the 800 block, south side of Niblick Road.

- FACTS:**
1. On May 18, 2004, City Council continued the hearing associated with a Notice and Order to mitigate a tilting masonry wall at the 800 block of Niblick Road given that permits to repair the wall had been secured prior to the close of work on May 18, 2004.
 2. Since May, the eastern most walls (911 and 915 Austin) have constructed masonry pilasters in the property owner's rear yards to brace the wall and reduce the potential for to tile further or fall into the property.
 3. The westerly property owners (903 and 911 Austin Court.), where the wall tilted most severely, retained a local firm to hydraulically rotate the wall to a more upright position and place a new concrete foundation under the wall.
 4. On July 30, 2004, the wall was returned to within 4 inches of vertical (there was a fear the wall might fail if any further stress were put upon it) and the foundation necessary to secure the wall completed.

ANALYSIS & CONCLUSION: In stabilizing the wall, the property owners have mitigated the potential hazard for which the Notice and Order was issued.

POLICY REFERENCE: Section 17.04 of the Municipal Code

FISCAL IMPACT: There was no impact to the General Fund.

- OPTIONS:**
- a. Determine the property owners have complied with the intent of the Notice and Order and that no further action by staff will be necessary.
 - b. Amend, modify, or reject the above option.

Attachments: Notice and Order for 903, 907 Austin Ct.

February 3, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Rigoberto Lopez
903 Austin Court
Paso Robles, Ca 93446

NOTICE AND ORDER

1. Pursuant to Chapters 17.04 of the Paso Robles Municipal Code and the Uniform code for Abatement of Dangerous Buildings, adopted by reference therein, you are hereby notified that on June 6, 2003, building inspectors from the Paso Robles Building Division conducted an inspection of the northern most boundary of property commonly known 907 Austin Court Street (APN 009-463-003) (hereinafter the property) after receiving a report from the Paso Robles Police Department that potentially a dangerous condition existed at this property. The 2003 Assessor's tax roll lists you as the owner of the property.

2. During the inspection, the following conditions and defects were found to exist at the property:

**A. Violation of the Uniform Code for Abatement of Dangerous Buildings ,
Section 302, sub-sections 5, 6, 7, 10:**

5. Whenever any portion of a building or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of the specified in the Building code for new buildings or similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code for such building.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls of other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

10. Whenever the exterior walls or other vertical structure members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

By reason of the conditions and defects specified above, the property has been found to be subject to abatement as defined in Chapter 302 of the Uniform Code for the Abatement of Dangerous Buildings..

1. On July 14, 2003, a letter was sent to your attention (copy attached) requesting you stabilize or replace the masonry fence prior to January 31, 2004. As of the filing of this notice and order, no work has been performed.

2. You are hereby ordered forthwith to complete all work associated with this notice and order shall be completed not later than Sixty (60) calendar days from issuance of this notice (April 5, 2004).
3. If the required repair work is not commenced within the time specified above, the Building Official for the City of Paso Robles may cause the property to be secured against entry and the nuisance abated by the City of Paso Robles. Any costs related thereto would become the responsibility of the property owner and may result in a lien being placed against the property or its owner.
4. The decision of the Building Official contained herein ordering the above-prescribed action may be appealed to the City Council by any person having title or legal interest in the property by preparing a written appeal and filing it with the Building Division of the City of Paso Robles, 1000 Spring Street, Paso Robles, CA 93446 within thirty (30) days from date of this Notice and Order. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
5. If an appeal is filed, the appellant may present any relevant evidence and may be, but need not be, represented by legal counsel. The Uniform Code for the Abatement of Dangerous Buildings outlines the appeal procedures and is available for examination in the Building Division at the address referenced above.

If you have any questions concerning this Notice and Order, please call me at (805) 237-3850. Thank you for your prompt attention to this matter.

Doug Monn

Building Official

Attachments: Copy of Chapter 17.04 of the City of
Paso Robles Municipal Code adopting
the Uniform Code for the Abatement of Dangerous Buildings
Letter of July 24, 2003

c: Bob Adams
Bob Lata
Steve Perkins
Building File
Mike Seitz

February 3, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Shanna Terry
907 Austin Court
Paso Robles, Ca 93446

NOTICE AND ORDER

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2. During the inspection, the following conditions and defects were found to exist at the property:
 - A. **Violation of the Uniform Code for Abatement of Dangerous Buildings , Section 302, sub-sections 5, 6, 7, 10:**
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