

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: APPEAL OF NOTICE AND ORDER FOR 1234 PINE
DATE: SEPTEMBER 21, 2004

Needs: For the City Council to open and continue the public hearing to the City Council meeting to October 5, 2004.

Facts:

1. A Notice and Order requesting the owner of 1234 Pine Street conduct a structural assessment of the property was forwarded by return receipt mail on April 29, 2004.
2. On May 10, 2004, the property owner appealed the Notice and Order. A hearing date for Council review of that appeal was set for July 6, 2004.
3. On June 24, 2004, a letter was received from Christian E. Iversen, Attorney representing the property owner, requesting the appeal be continued to " July 20, 2004 or August 17th or later."
4. On August 17, 2004, representatives of the owner of 1234 Pine Street provided the Building Official with letters from the Architect and Engineer for the property owner. Given the timing of the submittal, Building Division staff requested a continuance of the appeal to September 21, 2004 to allow time to review and verify the information included in the assessment.
5. A review of the material established that the letters did not address the issues identified in an assessment performed by the engineer retained by the City.
6. On August 19, 2004, the Building Official meet with the property owner's engineer. As a result of the meeting it was determined that the Engineer had not received a copy of the City assessment. After reviewing the document, the suggested he would work with the project architect to draft a response specifically addressing the concerns listed in the City assessment.
7. On September 1, 2004, the Building Official contacted Mr. Iversen, attorney for the property owner, advising him the City had not yet received any follow up from the architect or engineer. Further, it was discussed that unless the information was received on or before September 13, 2004, there would not be enough time to include the matter on the September 21, 2004 agenda. A letter (copy attached) was also forward Mr. Iversen memorializing the phone conversation.

Options: After considering the information and analysis presented and the public testimony received, the City Council will be asked to select one of the following options:

- a. Open and continue the public hearing to the City Council meeting on October 5, 2004.
- b. Amend, modify, or reject the above option .



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Christian E. Iversen, Attorney at Law
605 13th Street
Paso Robles, Ca 93446

September 8, 2004

RE: Continuance of Estrada appeal to October 5, 2004

Dear Mr. Iversen:

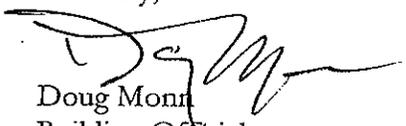
At our meeting of August 16, 2004, I was presented correspondence from an architect and engineer pertaining to 1234 Pine Street. The Engineer's letter charged that the City had not provided a list of its specific concerns regarding this property and that until the City did so the building could not be properly addressed. I met with Mr. Bob Massey, engineer for 1234 Pine Street, on August 19, 2004 to discuss his concerns. As a result of our meeting it was determined that Mr. Massey had not been provided with a copy of the City's engineering assessment that was included with the staff report for the appeal of the notice and order. This assessment did outline the City's specific concerns. After review of this information, Mr. Massey suggested he contact the architect for the project to discuss drafting an amended letter that would specifically address the questions contained in the assessment.

On September 1, 2004, I contacted your office to advise you that the Building Division had not received any correspondence from the Architect or Engineer for 1234 Pine Street. During this conversation we also discussed and that in order for the matter to be agendised for the September 21, 2004 meeting, the staff report reflecting the findings of the Architect and Engineer would need to be submitted to the City Manager on or before September 13, 2004. As of the writing of this letter (September 8, 2004) nothing has been provided the City Building Division.

Therefore, please consider this letter as notification that staff will request the item be opened and continued until the October 5, 2004, meeting to allow the property owner's architect and engineer time complete their assessment and copy it to the City Building Division. Please note, that in order to make the October 5, 2004 meeting date, the report from the property owner's architect and engineer should be received by the Building Division no later than September 15, 2004.

Should you have any questions regarding this letter, please contact this office at (805) 237-3850.

Sincerely,


Doug Monn
Building Official

C: Jim App
City Council
Bob Lata
Mike Seitz
File for 1234 Pine