

TO: James L. App, City Manager

FROM: Bob Lata, Community Development Director

SUBJECT: 1234 Pine Street – Consideration of Applicant’s Response to Council Direction of November 16, 2004

DATE: February 15, 2005

PURPOSE: For the City Council to act upon an 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 structural 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 established that a property may file an appeal if the property owner does not agree with the notice and order. The owner of 1234 Pine Street filed a letter appealing the notice with the Building Division on May 6, 2004.
3. The appeal was scheduled to be heard at the July 6, 2004 City Council meeting. On June 25, 2004, the Community Development Director received a letter from Christen E. Iversen, attorney for Mrs. Estrada, requesting the appeal hearing be postponed until August 17, 2004.
4. Since August 17, 2004, the Appeal has been opened and continued four (4) additional times to allow the owner’s tenant time to secure a structural assessment of the building.
5. The original appeal was predicated upon 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 contended that the notice and order was unnecessary 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.
6. 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).
7. Immediately after the earthquake of 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 recommended there be 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.

8. On April 26, 2004, at the request of the Building Division, Unique Perspectives 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.
9. 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. The building tenant reports that by using a plumb bob the lean nine (9) inches from vertical.
10. 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.
11. One hundred eighty six (186) days have passed since the original appeal scheduled for Council review.
12. Council, at their November 16, 2004, was advised that Main Street would fund the assessment. As a result Council gave the property owner until December 21, 2004. to provide the City with an assessment of the property.
13. On December 20, 2004, The Building Division received a fax from the property owner’s attorney (Christian Iversen). The fax contained a outline from the owner’s architect (Elbert O. Speidel). The outline provided a

history of the structure, suggested that a metal frame be installed in the front of the building and further suggested that strengthening of the under floor framing and foundation system was advisable and planned. It also included a statement to the effect that "The undersigned have determined through physical investigations, on-site inspections and discussions of building occupants who were present during the San Simeon Earthquake that the building is structurally stable and safe to occupy."

14. On December 29, 2004, the building Division responded to Mr. Speidel questioning the December 20, 2004, outline. Specifically:
 - a. If the building were safe, why did the outline contain referenced to installation of a metal frame and strengthening of the under floor and foundation.
 - b. Additionally, the Building Division's letter requested that timeline for installation of the improvements be included as part of the outline.
 - c. It questioned the use of patrons opinion's to determine the safety of the building.
15. On or about the January 5, 2005, the Building Official contacted Mr. Speidel to inquire as to whether he had received the letter from the City and when would he respond. On January 14, 2005, the Building Official was contacted by Mr. Ken Massey, engineer for the project. Mr. Massey informed the Building Official that he and Mr. Speidel would be meeting with the property owner on the weekend of the January 15th to discuss a response to the City's letter and to provide some input as to when work might begin.
16. As of January 24, 2005, no correspondence has been received.

ANALYSIS & CONCLUSION:

The property owner's last 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).

A 2004 assessment conducted at the request of the City indicates that the structure has continued to move over the years. The result is that the degree of lean from vertical of the structure may now exceed the limit 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, the City Building Division believed it prudent to cause the owner to cause a comprehensive structural review of the building and its foundation to be conducted. To date, no structural assessment has been submitted to the City.

The property owner has had adequate time to address the City's concerns and provide a clear, concise report regarding the building conditions, including structural calculations that would address the stability of the building given the type of materials present, the height and weight of the building and roofing materials to determine the stability of the building.

POLICY

REFERENCE: Section 17.04 of the Municipal Code

FISCAL

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. The cost of abatement would be established as a tax lien on the property.

OPTIONS:

- a.** For the City Council to confirm the Notice and Order by directing the property owner to vacate the public use of the building (lower floor) by March 15, 2005 and for it to remain vacant until such time as the questions asked in the City's December 29, 2004 letter are addressed.
- b.** Direct staff to cause a complete assessment to be conducted by an engineer selected by the City, with the cost of such, including all administrative costs, becoming a tax lien on the property. The assessment would be conducted by permission of the property owner or by obtaining an inspection warrant from the court should the owner not allow the City to access the building for assessment. Findings and recommendations from the City's Engineer would be presented to City Council at a future meeting.
- c.** Amend, modify, or reject the above options.

C: Mike Seitz

Attachments:

Notice and Order for 1234 – April 29, 2004
Structural Assessment
1983 Assessment
Pictures
Appeal letter for 1234 – May 6, 2004
Copy of 15 day Notice – May 10, 2004
Copy of June 15, 2004 letter to Ms. Estrada from Building Division
Copy of June 24, 2004 letter from Mr. Iversen requesting continuance of appeal
Copy of June 28, 2004 letter to Mr. Iversen from Building Division
Appeal and Notice and Order – July 6, 2004 - continue until August 17, 2004
Copy of Sept. 8, 2004 letter to Mr. Iversen from Bldg Division – continuance of appeal to October 5, 2004
Copy of September 15, 2004 letter from Ron French
Appeal of Notice and Order – October 5, 2004
Appeal of Notice and Order – October 19, 2004
Appeal of Notice and Order – November 16, 2004
Copy of City Council Minutes – November 16, 2004
Copy of December 20, 2004 letter from Mr. Iversen with attachment from Elbert O. Speidel & Robert Massey
Copy of the December 29, 2004 letter from the Building Division

Report by Doug Monn



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

December 29, 2004

Elbert O. Speidel
1750 Portola Street
San Luis Obispo, Ca 93405

RE: Letter of December 10, 2004
1234 Pine Street

Dear Mr. Speidel:

This letter is a follow up to my unsuccessful attempts to contact you by telephone during the holidays. I am in receipt of a letter dated December 10, 2004, pertaining to the building located at 1234 Pine Street. Unfortunately my review of the most recent letter has resulted in the following questions:

Bullet #4:

Are you recommending the installation of a steel frame to mitigate the "soft story" condition? The statement establishes that the addition of a steel frame would allow the building to perform better in an earthquake resulting in north-south forces; however, it does not clearly establish that its installation is or is not necessary to protect the public presently occupying the building nor does it provide a recommended time line for its installation.

Bullet #6:

Establishes that strengthening of the under floor framing and foundation system is advisable and planned, but again, it does not clearly establish that its installation is or is not necessary to protect the public presently occupying the building nor does it provide a recommended time line for its installation.

Bullet #7:

The item discusses on-going efforts to mitigate problems where necessary to assure that the structure remains safe and sound for the foreseeable future. Can you elaborate on what these efforts are and the time line for such?



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Bullet #8:

It was never the intent of the City Building Division to hold the structure to strict compliance with current code. It has always been the City's intent to work with the owner's design professionals to arrive at a mutually agreed upon level of structural stability that would:

- a. Protect the public who frequent the commercial portion of the building, and the surroundings public way and;
- b. Preserve it as a historical structure.

To expedite the above, the City has previously suggested application of the Historical Building Code or the Existing Buildings Code published by the International Code Council for retrofit of this structure.

Letter statement:

The Building Division has on several occasions request an assessment of the structure be performed using established engineering principals and building code values. I have a great deal of respect for Mr. Massey and his abilities as an engineer having known him for in excess of fifteen years. His creditability is above reproach, however, because I know Bob so well I have to question using "discussion of building occupants who were present during the San Simeon Earthquake" to determine that the building is structurally stable and safe to occupy.

Summary:

The most recent letter has raised the following questions:

- Is the recommendation to install the metal frame and under floor framing being made to insure the safety of the public or to preserve the building?
- If they are necessary to protect the public occupying the building and/or parking, walking in the adjacent public right-of-way and/or conducting business in or around the buildings adjacent to 1234 Pine Street, and then please establish a time frame for their installation.
- If in your professional opinion, the installation of the metal frame and under floor framing are needed only to preserve an historical building and are not needed to protect the public occupying the building and/or parking, walking in the adjacent public right-of-way and/or conducting business in or around the buildings adjacent to 1234 Pine Street, then please provide a statement saying as much accompanied by your signature and license classification.



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

I look forward to discussing these questions with both you and Bob at your earliest convenience. Please contact me at (805) 237-3850.

Sincerely:

Doug Monn
Building Official

C: Robert Massey
Chris Iversen
Jim App
Members of City Council
Building file

Elbert O. Speidel, AIA & Associates
1750 Portola Street
San Luis Obispo, CA 93405
(805) 544-8704

Robert M. Massey, P.E.
1019 Nanette Lane
Paso Robles, CA 93446
(805) 237-1681
HIT951FORD@digitalputty.com

December 10, 2004

Re: 1234 PINE STREET, Paso Robles

To Whom It May Concern:

We, the undersigned professionals, having inspected the subject building to determine its structural stability and safety, wish to offer the following comments.

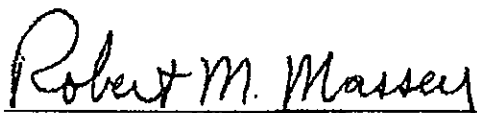
- The building appears to be in much the same condition as was expressed in a 1983 report by Elliot O. Stephenson, S.E., except with an apparent increase in "lean" on the south side.
- The South side of building has come out of plumb, more than other sides. This may well be due to over a century of exposure to sun, causing wood to dry out and shrink. In his 1983 report, Mr. Stephenson indicates the exterior south wall has settled over time. While this could be true, we found the foundation under said wall to be substantial. The North side shows no significant deformation, and was protected from sun exposure by its geographical position and very close proximity to the adjacent building (recently demolished). Another scenario could be that the building was not plumb at the conclusion of construction (approximately 1885), although there is no way to confirm such. While we conclude that the South side deformation does not constitute a safety hazard at this time, methods of mitigating said deformation to the extent practical are being investigated. In the meantime, we recommend that the deformation be monitored on a regular basis (perhaps every 3 months) with plumb bob measurements. Should such measurements show an ongoing increase of the deformation, further review and recommendations by the undersigned will be initiated.
- The building has survived two recent strong earthquakes (6.5 San Simeon Quake of 12/22/03 and 6.0 Parkfield Quake of 9/28/04) with no apparent damage or displacement.
- The addition of steel frame on the front side (similar to what was done at Vic's Café) is advisable and planned to mitigate a "soft story" condition. Installation of such steel frame will result in far better performance during a strong earthquake with predominately N-S forces (recent quakes produced predominately E-W forces).
- Numerous items of concern were stated in a report by an engineer hired by the City (Brian Traverso). The undersigned find many of the items in that report to be insignificant or, in some cases, incorrect or confusing. Additionally, many items were not specific as to the locations of alleged problems, which makes addressing such difficult if not impossible. Face-to-face discussions and perhaps field meetings with said engineer are needed to respond to many of his/her concerns.
- Strengthening of the underfloor framing and foundation system is advisable and planned.
- Concerns expressed in an August 18, 2004 letter from Doug Monn, City Building Official, such as the extent to which structural components can deform without posing a hazard, et al, are being incorporated in our ongoing efforts to mitigate problems where necessary to assure the structure remains safe and sound for the foreseeable future.
- The building has significant historical designation, which merits consideration and alleviation from strict, current code compliance.

The undersigned have determined through physical investigations, on-site inspections, and discussions of building occupants who were present during the San Simeon Earthquake that the building is structurally stable and safe to occupy. Its excellent performance during said recent earthquakes may be attributed to the building's light weight and the firmness/strength of the soil beneath the building. (Note: This engineer's house, constructed in 1995 and located near Paso Robles High School, sustained several thousand dollars damage from the San Simeon quake.)

Respectfully,



Elbert O. Speidel, Licensed Architect # 18283 (Exp. 2/20/05)



Robert M. Massey, P.E. #C26588 (Exp. 3/31/06)

Copy: Ron French, Maria Estrada, Christian E. Iversen

CHRISTIAN E. IVERSEN

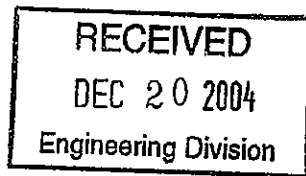
ATTORNEY AT LAW

605 THIRTEENTH STREET

PASO ROBLES, CALIFORNIA 93446

TELEPHONE: (805) 239-2130

FAX: (805) 239-9314



December 17, 2004

Mr. Doug Monn
City Building Official
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Maria Estrada - 1234 Pine Street

Dear Mr. Monn:

Enclosed is a copy of a letter and report dated December 10, 2004, from Elbert Speidel, architect, and Robert Massey, public engineer, following their assessment of the Estrada building. They state:

"The undersigned have determined through physical investigations, on-site inspections and discussions of building occupants who were present during the San Simeon Earthquake that the building is structurally stable and safe to occupy."

Mr. Speidel and Mr. Massey make several recommendations as to periodically monitoring the building and taking other steps to preserve the historic structure.

It appears that the concerns raised by the City have been addressed with the enclosed report. Would you please contact me at your earliest convenience as to any recommendation for City Council action at the December 21, 2004 hearing.

Sincerely yours,

A handwritten signature in black ink, appearing to be "C. E. Iversen", written over the typed name.

Christian E. Iversen

CEI/pd
Enclosure
cc: Maria Estrada

3. Appeal of Notice and Order for 1234 Pine Street by the Property Owner

R. Lata, Community Development Director

Consider appeal of a Notice and Order issued for a leaning building at 1234 Pine Street. (Property is a 120-year old wood, framed building. The City's assessment shows that the building is leaning and rotating four inches, exceeding limits set by code for this type of building.) CONTINUED FROM OCTOBER 19, 2004

Mayor Mecham opened the public hearing. Speaking from the public were John Costarella, Chris Iversen, Dale Gustin, and Ron French. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Finigan, seconded by Councilmember Picanco, moved to confirm the Notice and Order by directing the property owner to cause an assessment of the building by January 4, 2005. Further, should an assessment demonstrating that the building does not constitute a potential hazard not be filed with the Building Division on or before January 4, 2005, that the lower floor be posted by the Building Division and vacated until such time as an assessment is provided.

Motion failed by the following roll call vote:


AYES:	Finigan and Picanco
NOES:	Heggarty, Nemeth, and Mecham
ABSTAIN:	None
ABSENT:	None

Councilmember Nemeth, seconded by Mayor Mecham, moved to confirm the Notice and Order by directing the property owner to cause an assessment of the building by December 21, 2004. Further, should an assessment demonstrating that the building does not constitute a potential hazard not be filed with the Building Division on or before December 21, 2004, that the lower floor be posted by the Building Division and vacated until such time as an assessment is provided.

Motion passed by the following roll call vote:

AYES:	Finigan, Nemeth, and Mecham
NOES:	Heggarty and Picanco
ABSTAIN:	None
ABSENT:	None

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: November 16, 2004

PURPOSE: For the City Council to act upon an 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 structural 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 established that a property may file an appeal if the property owner does not agree with the notice and order. The owner of 1234 Pine Street filed a letter appealing the notice with the Building Division on May 6, 2004.
3. The appeal was scheduled to be heard at the July 6, 2004 City Council meeting. On June 25, 2004, the Community Development Director received a letter from Christen E. Iversen, attorney for Mrs. Estrada, requesting the appeal hearing be postponed until August 17, 2004.
4. Since August 17, 2004, the Appeal has been opened and continued four (4) additional times to allow the owner's tenant time to secure a structural assessment of the building.
5. The original appeal was predicated upon 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 contended that the notice and order was unnecessary 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.
6. 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).
7. Immediately after the earthquake of 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 recommended there be 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.

8. On April 26, 2004, at the request of the Building Division, Unique Perspectives 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.
9. 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. The building tenant reports that by using a plumb bob the lean nine (9) inches from vertical.
10. 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.
11. One hundred fifteen (115) days have passed since the original appeal scheduled for Council review.
12. As of October 18, 2004, nothing has been submitted the Building Division that would constitute a structural assessment addressing the specific concerns raised by the Engineer retained by the City.

ANALYSIS &
CONCLUSION:

The property owner's last 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).

A 2004 assessment conducted at the request of the City indicates that the structure has continued to move over the years. The result is that the degree of lean from vertical of the structure may now exceed the limit 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, the City Building Division believed it prudent to cause the owner to cause a comprehensive structural review of the building and its foundation to be conducted. To date, no structural assessment has been submitted to the City.

POLICY
REFERENCE:

Section 17.04 of the Municipal Code

FISCAL
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. The cost of abatement would be established as a tax lien on the property.

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 December 14, 2004. Further, should an assessment demonstrating that the building does not constitute a potential hazard be filed with the Building Division on or before December 14, 2004, that the lower floor be posted and by the Building Division and vacated until such time as an assessment is provided.
- b. Cause a complete assessment to be conducted by the City with the cost of such becoming a tax lien on the property. Further, should the assessment determine the building to be a hazard to the public, that staff initiate the process to abate the public safety hazard by demolishing the building with the cost of abatement becoming a tax lien upon the property.
- c. Amend, modify, or reject the above options.

C: Mike Seitz

Attachments:

Appeal letter for 1234
Notice and Order for 1234
Request for Appeal
Request for reschedule

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR 

SUBJECT: APPEAL OF NOTICE AND ORDER FOR 1234 PINE

DATE: OCTOBER 19, 2004

Needs: For the City Council to continue the open public hearing on this subject to the City Council meeting of November 16, 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 September 16, 2004, staff received a letter from the tenant requesting thirty (30) days to consult with his Architect and Engineer regarding repairs to the building.
7. As of October 11, 2004, 26 days of the 30 day extension requested on September 16th have expired. Staff has not received any information from the building owner or tenant regarding the review of the property by the owner's architect and engineer. As a result, staff requests the Appeal of the Notice and Order be continued to November 16, 2004. The purpose of the continuation would be to allow staff time to consult with the City Attorney for the purpose of providing City Council with a list specific options and/or follow up actions associated with the enforcement of the Notice and Order.

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. Continue the already open public hearing to the City Council meeting of November 16, 2004.
- b. Amend, modify, or reject the above option .

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: APPEAL OF NOTICE AND ORDER FOR 1234 PINE
DATE: OCTOBER 5, 2004

Needs: For the City Council to continue the open public hearing on this subject to the City Council meeting of October 19, 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 September 16, 2004, staff received a letter from the tenant requesting thirty (30) days to consult with his Architect and Engineer regarding repairs to the building.

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. Continue the already open public hearing to the City Council meeting of October 19, 2004.
- b. Amend, modify, or reject the above option .

September 15, 2004

Mr. Doug Monn, Building Official
City of El Paso de Robles

Re: 1234 Pine Street

Dear Mr. Monn:

This letter is in response to your letter of your letter in regards to the structural stability of our building.

Having examined the concerns of you documents, including your consultant's findings, and making on-site observations of the building, we concur with a number of your initial findings, and intend to address such in detail in as timely manner as we able to. We are involving a team of professionals, including an architect, engineer, and contractor. In that regard, we are unfortunately faced with scheduling problems due to prior obligations of team members, largely due to effects of the San Simeon Quake and serious illness of one team member. We are currently reviewing all items that have been presented in your correspondence and attempting to determine the economic impact of mitigating your concerns. Please be assured that we intend to address your concerns as soon as possible, and ask that you exercise patience considering the scheduling difficulties we are having. Initially, we need to establish an economic feasibility study to verify that the needed repairs are affordable. We anticipate such study will be accomplished within 10 days, at which time notify you as to our intentions. Should we find it economically feasibility to continue with the project, we will at that time submit a scheduling estimate for such repairs.

In the meantime, we do not feel that the building presents an immediate hazard to the public and the building's occupants. We base this opinion largely on the building's excellent performance during the San Simeon Earthquake, and lack of evidence of further changes since that time. Consequently, we respectfully request the City's patience, and welcome an open dialog.

Respectfully,

A handwritten signature in cursive script that reads "Ron French". The signature is written in dark ink and is positioned below the word "Respectfully,".

Ron French
Pine Street Salon



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:

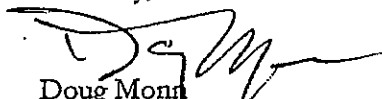
At our meeting of August 16, 2004, I was presented correspondence from an architect and engineer pertaining to 1234 Pine Street. The Engineer's letter charged that the City had not provided a list of its specific concerns regarding this property and that until the City did so the building could not be 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 agendaized 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

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: APPEAL OF NOTICE AND ORDER FOR 1234 PINE
DATE: JULY 6, 2004

Needs: For the City Council to open and continue the public hearing to the City Council meeting on August 17, 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."

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 August 17, 2004.
- b. Amend, modify, or reject the above option.

Attachment: Letter from Attorney Iversen



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

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

RE: Continuance of Estrada appeal to August 17, 2004

Dear Mr. Iversen:

In follow up to your letter of June 24, 2004, please consider this letter as confirmation that a staff report requesting the appeal of the notice and order for 1234 Pine Street be opened and continued to August 17, 2004, has been forwarded to City Council for consideration at the July 6, 2004 meeting.

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

Sincerely,

Doug Monn
Building Official

C: Bob Lata
Mike Seitz
File for 1234 Pine

CHRISTIAN E. IVERSEN

ATTORNEY AT LAW

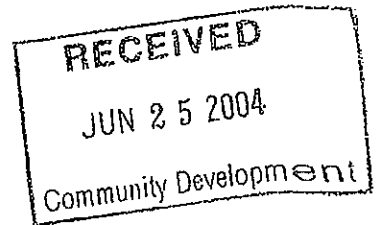
605 THIRTEENTH STREET

PASO ROBLES, CALIFORNIA 93446

TELEPHONE: (805) 239-2130

FAX: (805) 239-9314

June 24, 2004



Mr. Bob Lata
Community Development Director
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Appeal of Notice and Order for 1234 Pine Street -
Maria T. Estrada

Dear Mr. Lata:

Confirming our telephone conversation, I will be assisting Maria Estrada with the above appeal. We request that the hearing set for July 6th be continued to either July 20th or August 17th or later. Ron French will not be available on July 6th.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to be "C. E. Iversen".

Christian E. Iversen

CEI/pd
cc: Maria Estrada
Ron French



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Maria Estrada
1232 Pine Street
Paso Robles, Ca 93446

June 15, 2004

RE: Appeal of Notice and Order 1234 Pine Street

Dear Ms. Estrada:

As discussed in my letter dated May 10, 2004, acknowledging the City's receipt of your appeal of the Notice and Order associated with 1234 Pine Street, please consider this correspondence as notification that your appeal will be considered by the City Council during their regularly scheduled meeting on July 6, 2004.

Attached for your information is a copy of the staff report and attachments. Should you have any questions regarding this letter or the attachments, please contact this office at (805) 237-3850.

Sincerely,

Doug Monn
City Building Official

C: City Manager
City Council
Building File for 1234 Pine Street.



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Maria Estrada
1232 Pine Street
Paso Robles, Ca 93446

May 10, 2004

RE: Appeal of Notice and Order 1234 Pine Street

Dear Ms. Estrada:

The City Building Division acknowledges your letter of appeal regarding the Notice and Order issued for 1234 Pine Street, received May 10, 2004. Staff will schedule your appeal before City Council as soon as possible, providing you with a minimum fifteen (15) day notice by certified mail prior to the meeting/appeal date.

I also wish to address another issue noted in your letter regarding your concern over not being able to secure funding from FEMA for the repair of your building because of the timing of the Notice and Order. FEMA does not fund the repair of privately owned buildings damaged in conjunction with a disaster. Instead owners of buildings affected by the earthquake of December 22, 2003, can apply for low interest loans from the Small Business Administration. I contacted SBA at 4:20 pm on May 10, 2004, to inquire if the building located at 1234 Pine would still qualify. The answer is yes, however, you must make application before the end of May. It was suggested you contact the SBA at 1-800-488-5323 to request an application (I spoke with an individual by the name of Stan). You will be required to provide a letter explaining why the request is being made at this late date. At your option you may include this letter as an attachment and the notice and order as justification or should the Small Business Administration feel it necessary, the Building Division can provide them with a specific letter explaining the special conditions associated with your building.

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

Sincerely,

Doug Monn
City Building Official

C: City Manager
City Council
Building File for 1234 Pine Street.

Rec'd 5-10-04
9

Paso Robles City Mgr.
Paso Robles, ca. 93446

May, 6, 2004

Letter of Appeal.

My name is Maria Estrada, I live at 1232 Pine Street and own 1234 pine street also. On May, 3, 2004 I received a letter from your office giving me 10 days to file an appeal or 60 days to come up with a plan to repair or demolish my home and the building below. I feel that this is first unfair and untimely.

As to the unfair statement, we have been passed by your assigned structural engineers on December, 2004. Your department has sent me a letter in 1983 to have my building structurally engineered, that I did and had sent you a copy of their findings at that time. I am enclosing a copy of that letter for your records.

This building is over 120 years old and has been in this position since I purchased it in the 60's. I feel that if we have moved at all over the last 50 years it was a minor amount. 2-3 inches. And that the 2003 earthquake caused very little of the difference. The business lost a total of 5 glasses during the quake. We did not loose any thing here.

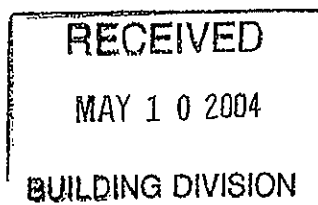
In regards to the untimely notice, we asked the people who inspected my building in December if we needed to make any major changes to the building, the answer to me was we were in great condition considering what we just went through. So I felt that was an OK, and we were passed at that time. Both I and the business below felt we were safe and were able to go on with our lives. Now that this is being brought to our attention I have no recourse to get assistance from the federal government. All the FEMA help has gone, I live on a fixed income and do not have the money needed to make changes that big to my home.

The owners of the business below have had estimates from different places to make my building stand up strait and they were all around \$100,000. This is not within my reach, now that all the assistance has run out.

I feel the city needs to have a historical engineer do the research on our current problem.

Thank You Maria Estrada

Maria Estrada



April 29, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Maria T. Estrada
1232 Pine Street
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 building inspectors from the Paso Robles Building Division in conjunction with a professional engineer retained by the City have monitored and conducted on-going inspection of the structure commonly known as 1234 Pine Street (APN 009-046-010) (hereinafter the property).
2. Whereas the 2003 Assessor's tax roll lists you as the owner of the property, you are hereby notified by reason of the conditions and defects specified below the afore mentioned property has been found to constitute a dangerous building as defined in Chapter 3 of the Uniform Code for the Abatement of Dangerous Buildings.

Section 302, sub-section(s)

302-4. "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for buildings of similar structure, purpose or location."

302-5 "Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property."

302-6 "Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes that is required in the case of similar new construction.

302-8 "Whenever the building or structure, or an portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

3. You are hereby ordered forthwith to abate the dangerous condition of the property by implementing a plan to repair or demolish the structure. All applicable permits for said repair or demolition must be filed with the Building Division within **sixty (60) calendar days** from the date of this Notice and Order and all related work shall be completed **not later than one hundred- eighty (180) calendar days** from issuance of required permits.
4. If work is not commenced within the time specified above, the Building Official for the City of Paso Robles will cause the property to be demolished and charge any costs related thereto against the property and/or its owner.
5. 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 ten (10) calendar days** from the date of this Notice and Order. Failure to appeal within this time period will constitute a waiver of all right to an administrative hearing and determination of the matter.
6. 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 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 Abatement of Dangerous Buildings.

c: Jim App
Bob Lata
Ken Johnson
Dennis Cassidy
Iris Yang

17.04.010 Technical building codes adopted--Copies on file.

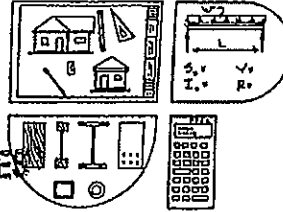
The eighteen documents and their respective appendices as outlined herein (one copy of each of which are on file in the office of the city clerk in the city of El Paso de Robles), being marked and designated as the:

- A. Uniform Building Code, 1997 Edition, published by the International Conference of Building Officials, including the generic fire-resistive assemblies listed in the Fire Resistance Design Manual, Sixteenth Edition, dated April 2000, published by the Gypsum Association as referenced in Tables Nos. 7-A, and 7-B, and 7-C. Specific appendices of the Uniform Building Code excluded from adoption by this ordinance are Appendix Chapters 3-Section 332, Sections 3107, 3108, 3110, 3111, 3112, 3113, Chapter 34-Sections, 3413, 3414, 3415, 3416, 3417 and 3418, respectively.
 - B. Uniform Building Code Standards, 1997 Edition published by the International Conference of Building Officials, including the Structural Welding Code-Reinforcing Steel, AWS D1.1-2002 (U.B.C. Standard No. 19-2); and the NFPA Standard for the Installation of Sprinkler Systems, 13, 13D, and 13R systems-1999 Edition, published by the National Fire Protection Association (U.B.C. Standard No. 9-1), as modified or amended in the Uniform Building Code Standards referenced herein.
 - C. Uniform Mechanical Code and appendices, 2000 Edition, published by the International Association of Plumbing and Mechanical Officials.
 - D. International Plumbing Code and appendices, 2000 Edition, published by the International Association of Plumbing and Mechanical Officials.
 - E. Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials.
 - F. *Uniform Code for Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials.*
 - G. Uniform Fire Code, 2000 Edition, published by the International Conference of Building Officials in conjunction with the Western Fire Chiefs Association.
 - H. Uniform Administrative Code, 1997 Edition, as published by the International Conference of Building Officials.
 - I. National Electric Code, 1999 Edition, as published by the National Fire Prevention Association.
 - J. Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition, published by the International Conference of Building Officials.
 - K. Uniform Solar Energy Code, 1997 Edition, published by the International Conference of Building Officials.
 - L. National Electrical Code Handbook, 1999 Edition, published by the National Fire Prevention Association.
 - M. Uniform Plumbing Code Training Manual, 1997 Edition, published by the International Association of Plumbing and Mechanical Officials.
 - N. Uniform Building Code Application and Interpretation Manual, 1997 Edition, published by the International Conference of Building Officials.
 - O. Uniform Code for Building Conservation, 1997, Second Printing, published by the International Conference of Building Officials.
 - P. Building Standards Construction Costs and Building Valuation, published six times yearly by the International conference of Building Officials.
 - Q. State of California, Historical Building Code, published by the State of California.
- are hereby adopted as the code of the City of El Paso de Robles for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, area, and maintenance of all building or structures in City of El Paso de Robles providing for issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, conditions, and terms of such Uniform Building Code, 1997 Edition, Volumes 1, 2, and 3, published by the international Conference of Building Officials, and secondary publications referenced above, all of which are on file in the office of the City Clerk, are with the exception of those changes or additions hereinafter appearing, hereby referred to, adopted and made a part here of as it is fully set out in this ordinance. (Ord. 844 N.S. § 1, 2002; Ord. 761 N.S. § 1, 1999; Ord. 705 N.S. § 2, 1995)

RECEIVED

MAY 06 2004

CITY OF PASO ROBLES



DARIN TRAVERSO, R. C.E.

STRUCTURAL
CONSULTANT

Phone: (805) 434-2950

Fax: (805) 434-2909

1155 Rolfe Lane
Templeton, CA 93465

April 26, 2004

UNIQUE PERSPECTIVES
ARCHITECTURAL ENGINEERING

TO: City of Paso Robles
Department of Building and Inspections

ATTN: Doug Monn, Chief Building Official

SUBJECT: Two-story commercial structure located at 1234 Pine Street, Paso Robles
(The "*Pine Street Bar*" building)

RE: Post-earthquake structural assessment report

Dear Doug:

As requested, my office performed on-site observations of the existing wood framed building (referenced above) to determine its current structural condition. It should be noted, our review was based on a visual, non-destructive discovery observation. Exposure and verification of the existing structural systems and their ability to resist future lateral loads was not performed, and is in no way implied.

Project Description:

The existing building is a two-story structure constructed with a wood framed roof and floor, wood framed wall studs, and a raised floor foundation. The lower unit appears to be a public bar/restaurant with a private residence located above on the 2nd floor. The lower "storefront" faces west (along Pine St.) with an existing URM (unreinforced masonry) building to the north and an alleyway to the south.

Description of Damage:

The western end of the upper floor diaphragm (+/- 12'-0" above the main floor) has shifted southward approximately 4" from vertical (with respect to the foundation) at the west (Pine St.) elevation. The rear of the structure does not appear to have shifted, although measurements were not able to be taken at this time. The interior lath and plaster finishes appear to have various degrees of cracking occurring throughout the structure. A number of wall sections between windows and doors, called "piers", have linear horizontal cracking as well as cracks which begin at openings and radiate away at +/- 45°. The wood framed exterior parapet at the northwest corner also appears to have moved away from the roof framing.

Areas of Immediate Concern:

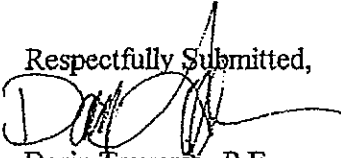
The earthquake motion appears to have facilitated a "soft-story" structural failure at the lower west (storefront) elevation. A "soft-story" is defined by the UBC as "one in which the lateral stiffness is less than 70% of the story above." This type of failure will only worsen with time as the building center-of-mass has now shifted southward.

Recommendations:

Our office recommends immediate verification of the lower level lateral resisting system at the Pine St. storefront. If this discovery results in the absence of shearwalls, a frame, or other lateral bracing, we recommend action be taken to protect against a potential structural failure in the event of another earthquake or significant aftershock. Should a lateral resisting system be found at the storefront, our office recommends immediate verification of its current condition, strength, and ability to resist future lateral loads.

Should you have any questions regarding the above items, or if you require further clarification of our findings, please contact my office at 805-434-2950.



Respectfully Submitted,

Darin Traverso, P.E.

September 5, 1983

Maria Estrada
1234 Pine Street
Paso Robles, CA 93446

Dear Mrs. Estrada:

This is a report of the inspection of your building at 1234 Pine Street that I made on August 30, 1983.

The inspection included a survey of the existing wood framing and foundations in sufficient detail to permit an evaluation of the structural integrity of the building to resist both vertical live and dead loads and to a certain degree its probable ability to resist lateral forces from wind and earthquake effects.

The building has dimensions approximately as shown in the attached sketch and has first floor framing and foundation system as shown in the details.

The reason the structural safety and integrity of the building has been questioned is quite probably the fact that the building leans approximately three inches to the South and that both interior floors slope approximately the same total amount in the same direction. The reason is that the foundation at the South exterior wall has settled approximately that amount at some time in the past. Since the two story portion of the building is approximately 25 feet in height and 28 feet in width these two amounts of movement would be expected to be about the same.

My inspection of the foundation system at the two story portion revealed that the South wall has been shoved up with new timbers and a series of steel jacks approximately three feet apart along much of the length of that wall. It is my conclusion that this installation has stopped the settlement of the South wall and should result in a foundation system capable of resisting the present building loads on it and of preventing future settlement.

I found no evidence of rotting or termite damage to the floor or foundation system.

It's my conclusion that your building is safe for occupancy from a structural standpoint at the present time.

Very truly yours,

Elliott O. Stephenson

EOS/bt
nc.

JOB DESCRIPTION 1234 PINE STREET

C. V. Stephenson
Elliott O. Stephenson

STRUCTURAL AND FIRE PROTECTION ENGINEER

(ESTRADA BUILDING)

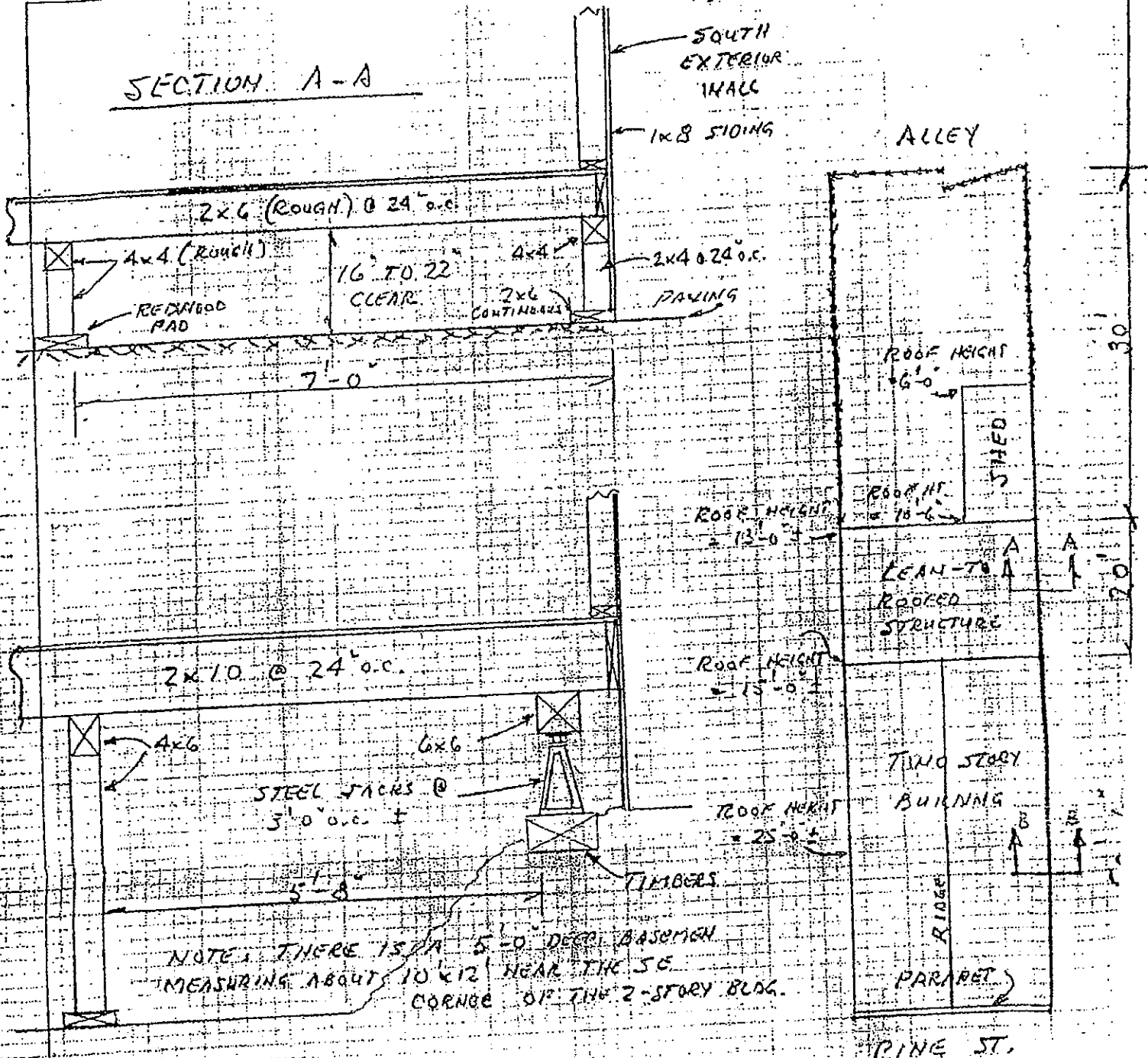
PASO ROBLES

CALIFORNIA LICENSES -
STRUCTURAL ENGINEER SE 763
PROFESSIONAL ENGINEER C 7138
FIRE PROTECTION ENGINEER SF 910

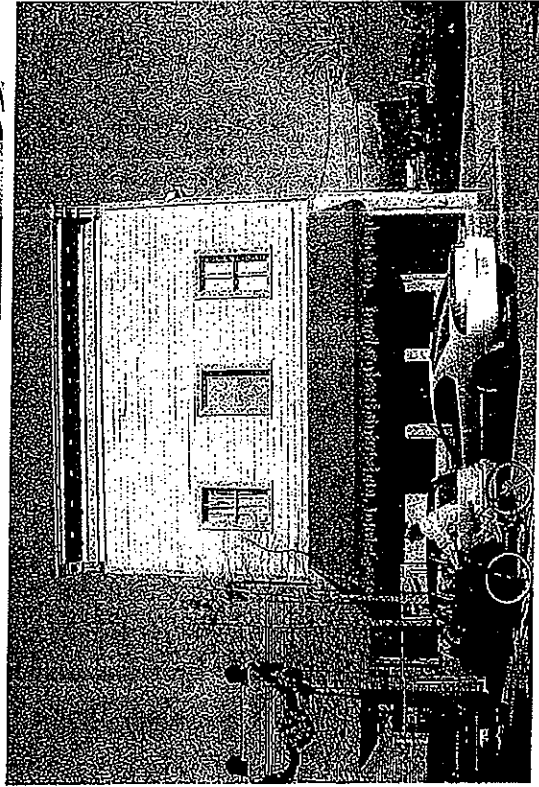
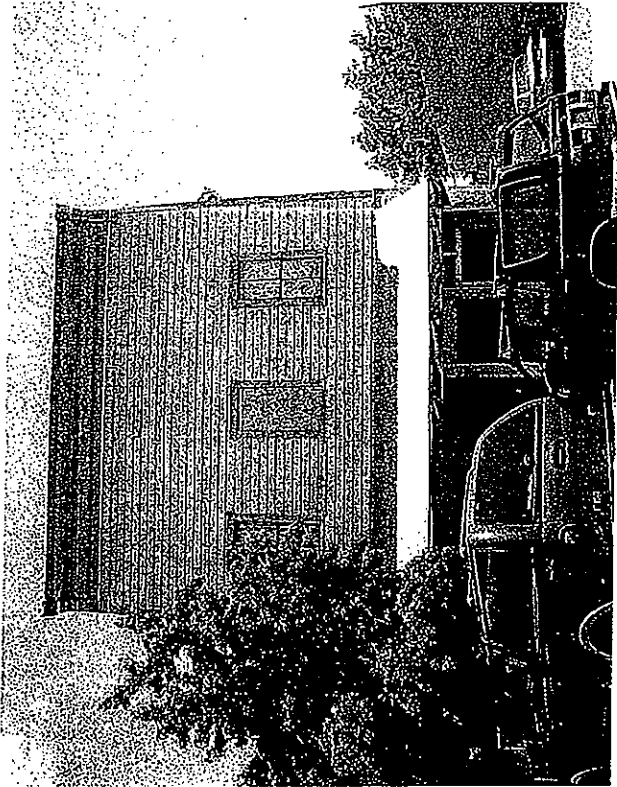
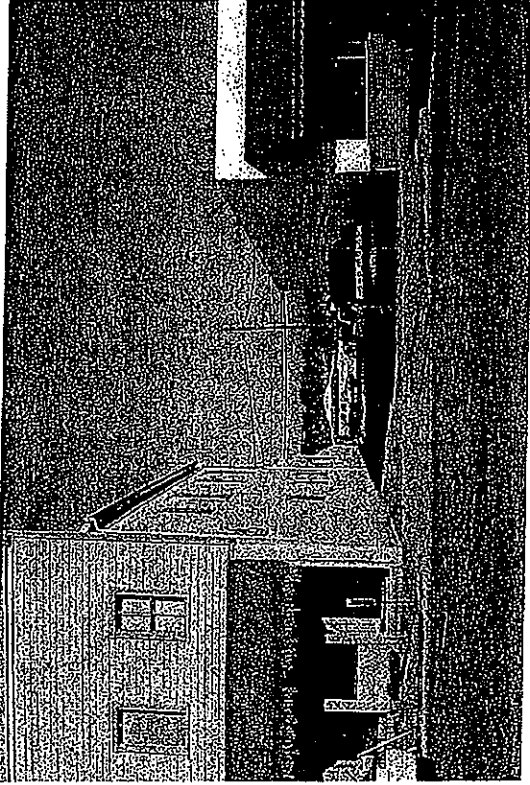
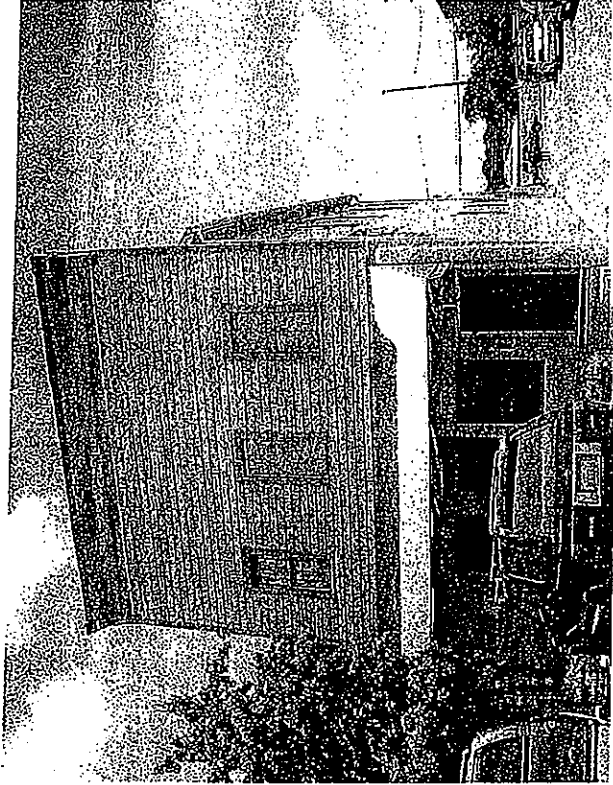
10025 EL CAMINO REAL, NUM 121
ATASCADERO, CALIFORNIA 9422
PHONE (805) 466-580

DATE SEPT 5, 1983 SHEET NO. 1

SECTION A-A



SECTION B-B



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Maria Estrada
1232 Pine Street
Paso Robles, CA 93446

7510 4869 0000 0742 2002

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail or on the front if space permits.

1. Article Addressed to:
Maria Estrada
1232 Pine Street
Paso Robles, CA 93446

2. Article Number:
 (Transfer from service label) **7002 2410 0000 6387 0767**

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

3. Signature: _____

4. Date of Delivery: _____

5. Service Type:
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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• Sender: Please print your name, address, and ZIP+4 in this box.

RECEIVED
JUN 17 2004
CITY OF PASO ROBLES

City Of Paso Robles
Attn: Building Division
1000 Spring Street
Paso Robles, CA 93446

93446+2500