

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: NUISANCE ABATEMENT 2342 ALMOND SPRINGS DRIVE

DATE: APRIL 19, 2005

Needs: For the City Council to consider Nuisance Abatement of the structure located at 2342 Almond Springs Drive (APN 008-431-035).

Facts:

1. On April 16, 2003, Building Permit #B02-0735 and Grading Permit #B03-0374 were issued concurrently for construction of a new single family residence at above location.
2. After construction of foundation and partial frame, a Stop Work Notice was posted at the site on May 5, 2004, based on inconsistency with the City of Paso Robles Zoning front yard set back requirements.
3. On June 29, 2004, a request for, and approval of reinstatement of the permit was granted and completed on June 29, 2004. No approved inspections had been completed in the previous 180 days, thus expiring the permit. As a condition of approval for reinstatement, the owner was to submit redesigned building plans correcting the non-conforming set backs.
4. On November 10, 2004, a letter was sent to owner advising him the Building Division would be scheduling the subject property for City Council approval to proceed with abatement authorization.
5. On January 10, 2005, a Notice and Order was sent to property owner declaring the structure to be a Dangerous Building and instructing them to abate the structure.
6. On January 20, 2005, the City received notification that the property was in escrow by new owner and he was requesting new compliance dates be approved by the City.
7. On January 26, 2005, a new Notice and Order was sent to new owner identified in escrow papers received by the City. New owner was given sixty (60) calendar days with which to submit new building plans correcting the Zoning violation.
8. On January 31, 2005, the City received a letter from original owner releasing all rights to the above property.
9. On February 11, 2005, the City received an email from the prospective new owner indicating they are no longer pursuing the purchase of the property and escrow has been cancelled.

10. On February 25, 2005, a new Notice and Order was sent to the original owner (since the sale was not finalized) again instructing the owner to abate the structure. The property owner has not responded to the notice to abate the nuisance.
11. On April 6, 2005, a follow up inspection was conducted at the site after being informed that the wood portion of the structure had been removed. Currently only the foundation remains standing. See attached photos.

Analysis &
Conclusion:

The partially completed structure is located in an otherwise “built-out” residential neighborhood. The construction site and structure has been abandoned and is unsecured with nothing to prevent access by the public. The partial construction of walls and unguarded openings in the floor and un-finished wall framing constitute potential hazards. Additionally, the unfinished structure has become an eye sore to the neighboring residences.

Policy
Reference

Section 9.06 and 17.04 of the Municipal Code.

Fiscal
Impact:

Should Council determine that the structure constitutes a risk to the public and the property owner has not abated 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 \$14,000.00. The cost of abatement would be established as a tax lien on the subject property.

Options:

- a.** For the City Council to confirm the Notice and Order by directing the property owner:
 - 1.** To submit revised plans and pay any fees necessary to re-activate the permit by May 3, 2005, and obtain a successful inspection on or before June 15, 2005; or secure a permit for demolition by May 3, 2005, and cause the demolition to be completed on or before June 15, 2005; **and**
 - 2.** Authorize staff to proceed with abatement of the nuisance by demolition if the property owner does not resume construction, with substantial progress, or complete demolition by June 15, 2005. The City abatement of the public safety hazard by demolishing the building will result in the City's cost becoming a tax lien upon the property.
- b.** Amend, modify, or reject the above options.

Attachments:

Notice and Order(s) for 2342 Almond Springs Drive
Photos of site dated April 6, 2005

Cc: Mike Seitz



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

January 10, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joe Deidun
241 Cheyenne Drive
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 have monitored and conducted on-going inspections of the structure commonly known as 2342 Almond Springs Drive (APN 008-431-035) (hereinafter the property).
2. Whereas the 2004 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)

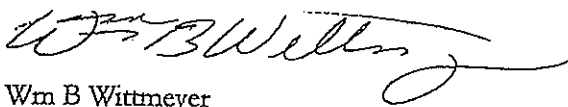
302-17. "Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings."

302-17. "Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence."

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 **fourteen (14) calendar days** from the date of this Notice and Order and all related work shall be completed **not later than thirty (30) 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 three (3) 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.



Wm B Wittmeyer
Senior Building Inspector

Attachments: Copy of Chapter 17.04 of the City of
Paso Robles Municipal Code adopting
the Uniform Code for Abatement of Dangerous Buildings.

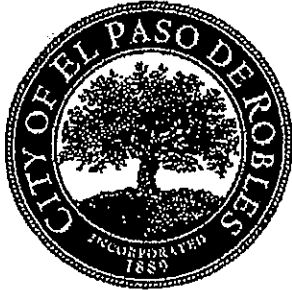
cc: Jim App
Bob Lata
Doug Monn
Iris Yang
Mike Seitz
Steve Perkins

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.
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- 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)



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

January 26, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Pahler and Lisa Pahler
8860 Palomar Avenue
Atascadero, CA 93422

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 have monitored and conducted on-going inspections of the structure commonly known as 2342 Almond Springs Drive (APN 008-431-035) (hereinafter the property).
2. Whereas copies of escrow documents submitted by you, show that you are in the process of becoming 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)

302-17. "Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings."

302-17. "Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence."

3. You are hereby ordered forthwith to abate the dangerous condition of the property by implementing a plan to repair or demolish the structure in accordance with the following time frame:
 - a. 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.

- b. All permits and/or revisions are to be picked up within **seven (7) calendar days** from notification of approval/acceptance.
 - c. Illegal encroachment into the required setback is to be removed within **forty-five (45) calendar days** from notification of approval/acceptance.
 - d. All work covered by the related permits shall be completed **not later than one-hundred and eighty (180) calendar days** from issuance of required permits and/or approval/acceptance of revisions.
- 4. If work is not commenced and maintained within the times 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 three (3) 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.
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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.



Wm B Wittmeyer
Senior Building Inspector

Attachments: Copy of Chapter 17.04 of the City of Paso Robles Municipal Code adopting the Uniform Code for Abatement of Dangerous Buildings.

cc: Jim App
Bob Lata
Doug Monn
Iris Yang
Mike Seitz
Steve Perkins

17.04.010 Technical building codes adopted--Copies on file.

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CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

February 25, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joe Deidum
241 Cheyenne Drive
Paso Robles, CA 93446

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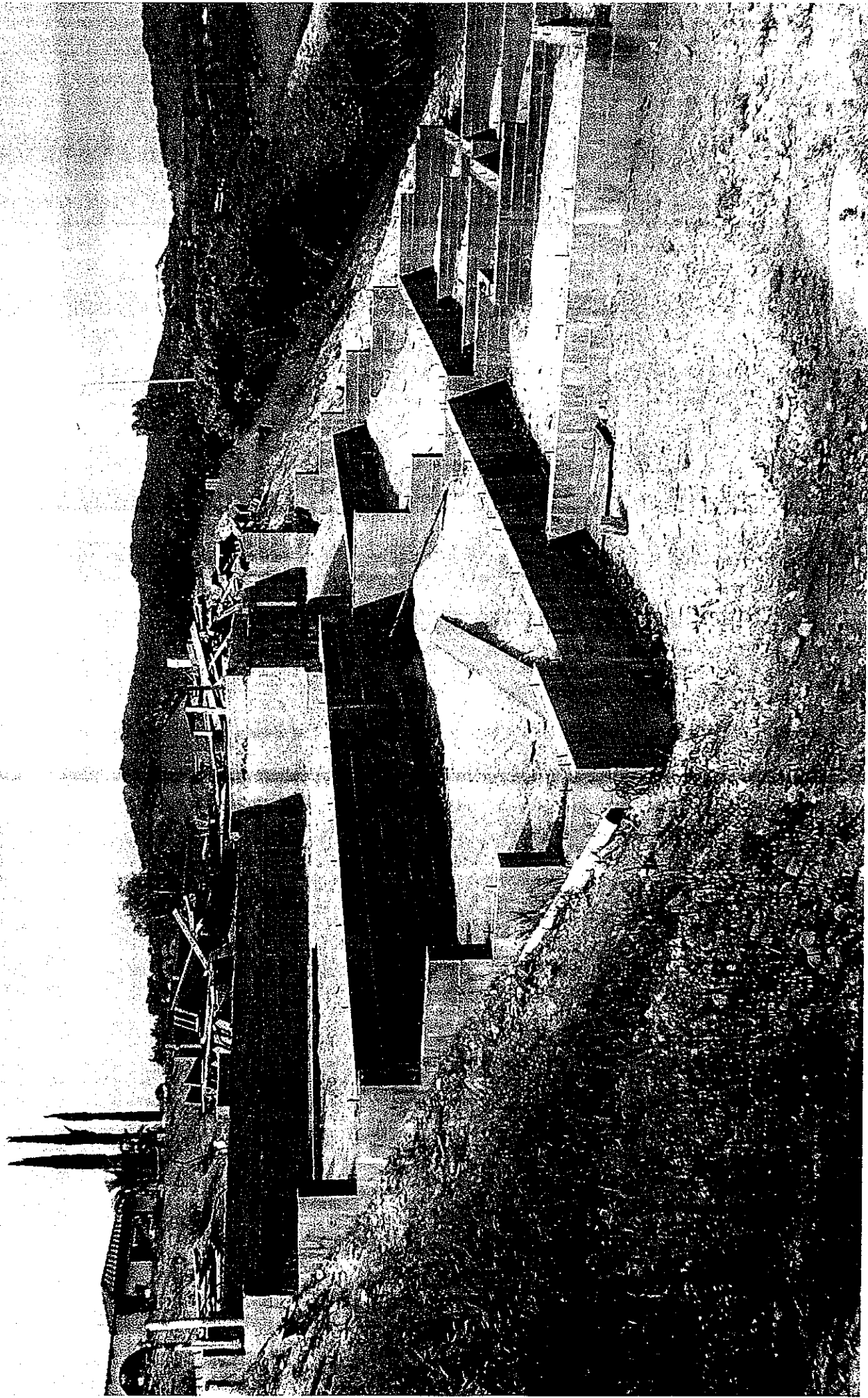
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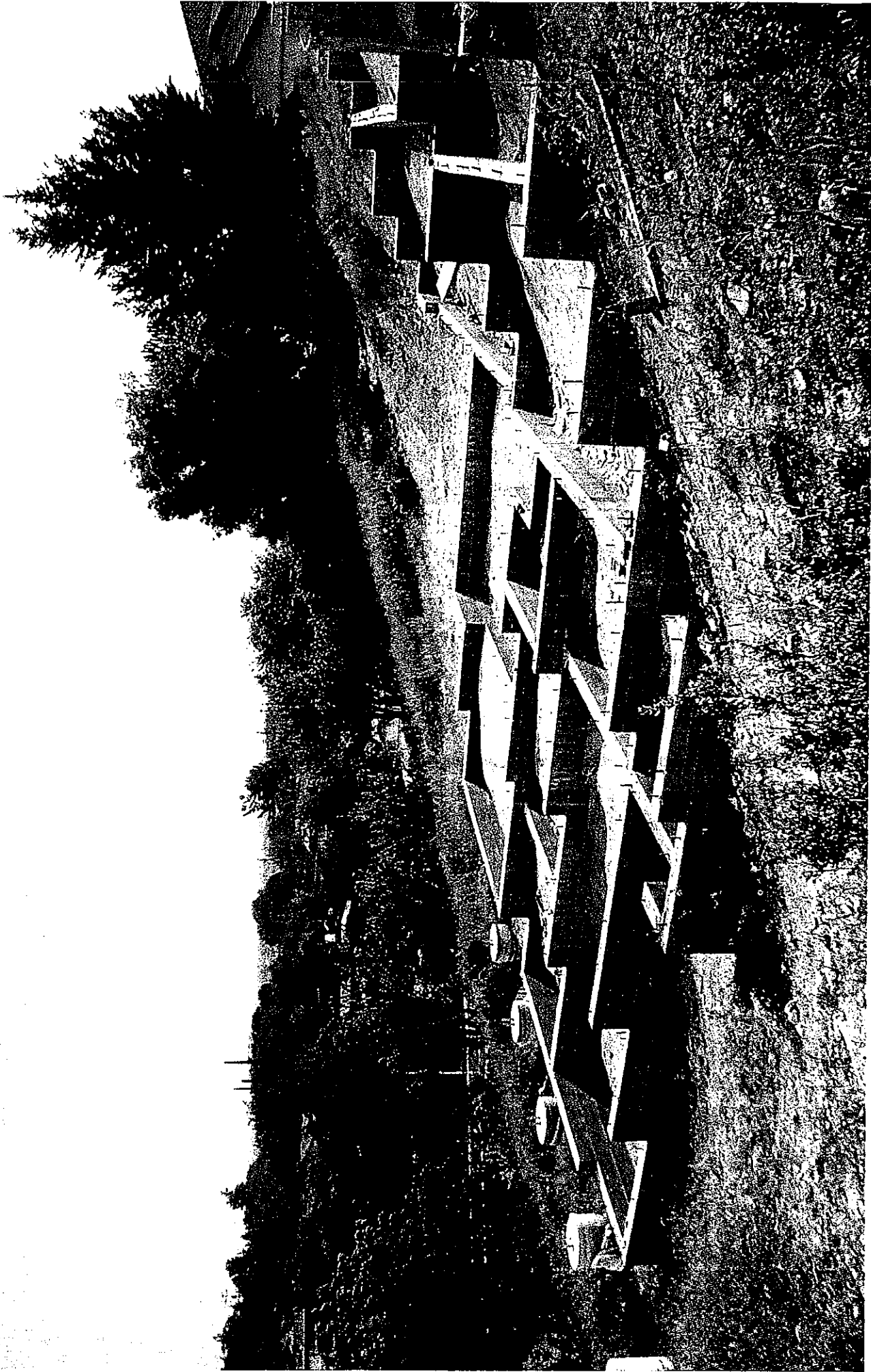
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