

**To** James L. App, City Manager  
**From** Doug Monn, Director of Public Works  
**Subject** Appeal of Seismic Notice and Order  
**Date** April 17, 2007

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**Needs:** For the City Council to consider an Appeal of Seismic Notice and Order for 1320 Pine Street, Martha Silva owner.

**Facts:**

1. On July 6, 2004, City Council, by Ordinance, adopted certain amendments to Chapter 17.18 of the City's Municipal Code regarding seismic strengthening provisions for unreinforced masonry bearing wall buildings. The amended Chapter required structures identified with unreinforced masonry bearing walls to complete seismic retrofit or demolition not later than February 6, 2007.
2. On August 4, 2004, a Notice to comply with amended Chapter 17.18 was sent to the property owner(s) identifying dates for permit submittal, issuance and completion.
3. On November 14, 2005 a permit was issued to the owner of 1320 Pine Street for seismic retrofit. However, seismic retrofit work at the address was not complete by the February 6, 2007 date.
4. Consistent with the requirements set forth in the City's Seismic Safety Ordinance, on February 7, 2007 a Notice and Order was sent to the property owner stating the structure was to be vacated immediately until such time as all seismic work has been completed. The Notice and Order included provisions for Appeals of such Notice and Order
5. On March 6, 2007, the City received an Appeal of the February 7, 2007 Notice and Order from owner's agent, Matt Silva, requesting only a portion of the structure be vacated. Included with the appeal is a letter from owner's Engineer indicating failure of the URM portion of the building would have little impact on the occupied portion of the structure.

**Analysis & Conclusion:**

The objective of the Ordinance is to provide for the public safety. To this end, it specifically requires structures identified with unreinforced masonry bearing walls to be retrofitted or demolished by February 6, 2007. It further states, that structures not having completed the retrofit or been demolished, were to be, by February 6, 2007, vacated.

The owner's Agent and Engineer have requested continued occupancy of that portion of structure not containing URM construction, based on the Engineers assessment of the structure.

The owner's Engineer indicates, "The main seismic hazard from the structure at 1320 (unit) C has to do with the potential for the front and rear URM walls to collapse vertically or fall into or away from the building".

Given that the wall on the west side fronts a public right-of-way and the wall on the east side front a parking lot, (unit C) safety to the general public is not guaranteed. Continued occupancy of the building would not be recommended unless measures are taken to provide safety to the public from any collapsing materials.

**Fiscal Impact:**

No fiscal impact.

**Options:**

- a. Allow continued occupancy of that portion of the structure not containing unreinforced masonry bearing walls provided measures are taken to provide safety to the public from any collapsing materials.
- b. Order the property to be vacated and require measures to be taken to provide safety to the public from any collapsing materials.
- c. Amend, modify, or reject the above option.

Prepared by Steve Perkins  
Deputy Building Official

Attachments: (6)

1. August 4, 2004 letter to owner.
2. February 7, 2007 letter to owner.
3. Letter from owner's agent dated March 15, 2007
4. Letter from owner's Engineer dated March 5, 2007
5. Appeals Application Form dated March 15, 2007
6. Historical record of contacts.



# CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Date: August 4, 2004

Martha Silva Trust  
P.O. Box 366  
Paso Robles, CA 93446

Dear Property Owner

On July 6, 2004, Council for the City of Paso Robles amended Chapter 17.18 of the Municipal Code. This amendment established that all un-reinforced masonry structures within the City shall be retrofitted within thirty (30) months from the receipt of this notice (specifically January 8, 2007).

The Government Code also requires that a copy of Government Code Section 8875 be provided to each owner of an un-reinforced masonry structure in conjunction with that owner being provided an "actual or constructive notice" that a building is potentially constructed of un-reinforced masonry. Section 8875 requires that owners of un-reinforced masonry building post the building with a placard stating the following:

"This is an un-reinforced masonry building. Un-reinforced masonry buildings may be unsafe in the event of a major earthquake."

Whereas, the legislation requires the local jurisdiction to provide this information in conjunction with the issuance of any specific notice pertaining to seismic conditions, it does not charge the local jurisdiction with the enforcement of its contents.

Therefore, in compliance with this State mandate, the City Building Division is providing the attached copy of Government code Section 8875.

Sincerely,

Doug Monn  
Building Official

Notice to Owners of Un-reinforced  
Masonry Structures Subject to  
City of Paso Robles Municipal Code  
Chapter 17.18

Date: August 4, 2004

Owner: Martha Silva Trust  
Property Address: 1320 Pine Street  
Paso Robles, CA 93446

Dear Property Owner:

Please consider this letter as notification that the building referenced above has been classified as an Un-reinforced Masonry Structure.

The Seismic Safety Ordinance amended July 6, 2004 and codified under Chapter 17.18 of the City of Paso Robles Municipal Code (copy included), requires that minimum standards for structural seismic resistance be incorporated into un-reinforced masonry structures

The ordinance provided the following time line for retrofit of un-reinforced masonry structures:

**Compliance Calendar for Ordinance 878 N.S. (Seismic Safety)**

Date	Event	Time Elapsed
June 15, 2004	1 <sup>st</sup> Reading of Seismic Code Update Ordinance	
July 6, 2004	2 <sup>nd</sup> Reading and adoption of ordinance	
August 6, 2004 (Friday)	Effective date of ordinance; date of service of order (to URM building owners to retrofit their buildings)	Day 0
May 2, 2005 (Monday)	Deadline to submit structural analyses and construction plans for retrofit improvements	105 days prior to 1 year deadline
August 8, 2005 (Monday)	Deadline for issuance of a building permit to construct retrofit improvements	1 year
January 8, 2007 (Monday)	Deadline to complete retrofit work	30 months

Please note that in accordance with State requirements, the city must file with the County Recorder, a notice that your building is an un-reinforced masonry structure. When you have taken steps to reinforce your building in accordance with Chapter 17.18 of the City's Municipal Code, a Certificate of Compliance will be filed with the County Recorder.

Should you have questions pertaining to this Notice of Action, or Chapter 17.18 of the Municipal Code, please contact the City of Paso Robles Building Division?

Sincerely,

*Doug Monn / ba*

Doug Monn  
Building Official

c: Building file for property

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our <b>OFFICIAL</b> website	
Postage	\$ 1.52
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	5.57
Total Postage & Fees	\$ 11.14
Sent To	009-045-001
Street, Apt. No., or PO Box No.	Martha Silva Trust P.O. Box 366
City, State, ZIP+4	Paso Robles, CA 93446

Certified & First Class letters mailed  
8-16-04  
Postmark Here

<p><b>SENDER: COMPLETE THIS SECTION</b></p> <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>009-045-001 Martha Silva Trust P.O. Box 366 Paso Robles, CA 93446</p> </div> <p>2. Article Number (Transfer from service label)</p>	<p><b>COMPLETE THIS SECTION ON DELIVERY</b></p> <p>A. Signature <i>Martha J. Silva</i></p> <p>B. Received by (Printed Name) MARTHA J SILVA</p> <p>C. Date of Delivery SEP 16 2004</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below.</p> <p>3. Service type  <input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7004 1160 0007 3694 8358</p>	
<p>PS Form 3811, August 2001    Domestic Return Receipt    102595-02-M-1540</p>	



# CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

## Notice and Order to Owners of Unreinforced Masonry Structures Subject to City of Paso Robles Municipal Code Chapter 17.18

February 7, 2007

Martha Silva  
P.O. Box 366  
Paso Robles, CA 93447

Subject: Unreinforced Masonry Building 1320 Pine Street

Ms. Silva,

On July 6, 2004, the City Council for the City of Paso Robles, by Ordinance, adopted certain amendments to Chapter 17.18 of the City's Municipal Code regarding seismic strengthening provisions for unreinforced masonry bearing wall buildings.

A notice to comply with the replaced Chapter 17.18, Seismic Code Update Ordinance, were sent to all property owners on August 6, 2004. Additionally, numerous notices, beginning in January 2005, have been sent to all properties citing all requirements for permit submittals, permit issuance and final completion not later than February 6, 2007. Our records indicate that these notices were sent to you as the owner of the above-referenced property.

Section A115.6(B), "Enforcement" states, "If the order has been served on the recorded owner, then the Building Official may order that the entire building, or any portion thereof, be vacated until such order has been complied with".

Because the structure at the above listed address has not completed seismic retrofit nor has it been demolished, the City of Paso Robles hereby issues a Notice and Order for the structure to be immediately vacated until such time as all seismic retrofit or demolition has been completed and such work has been accepted by the City of Paso Robles.

If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted, the building is hereby declared a public nuisance. The Building Official shall order abatement of the building pursuant to Section A115.6 (c).

Section A115.5 of Chapter 17.18 states "Appeals or requests for modifications from any determination, actions, or orders by the Building Official pursuant to this chapter shall be made to the City Council. Such appeal shall be filed with the City Council within sixty (60) days of the rendering of the decision being appealed. Such appeal shall be made in writing on appropriate forms provided therefore by the Building Official and the grounds thereof shall be stated clearly and concisely".

If an appeal is submitted, it must be received by the City not later than 5:00 p.m. on April 6, 2007. Post marked dates will not be accepted.

Thank you for your time and attention to this matter. Your cooperation in working with the City is greatly appreciated. If you have any questions please call me at (805) 237-3850

Steve Perkins  
Deputy Building Official



RECEIVED

MAR 20 2007

Martha J. Silva Family Trust  
P.O. Box 366  
Paso Robles, CA 93447

BUILDING DIVISION

March 15, 2007

Steve Perkins  
Deputy Building Official  
City of El Paso de Robles  
1000 Spring Street  
Paso Robles, CA 93446

Subject: Appeal Notice 1320 "C" Pine Street

Mr. Perkins:

I am writing this letter on behalf of the Martha J. Silva Family Trust in response to your letter dated February 7, 2007.

I am concerned about your suggestion to vacate the buildings at 1320 "A" and "B" Pine Street. As the attached letter from RLA Engineering states, building 1320 "C" is a front and back in-fill that does not derive support from either structure, and therefore does not constitute a hazard. This type of enforcement would only put two more small downtown shops out of business and would leave two more unsightly empty buildings.

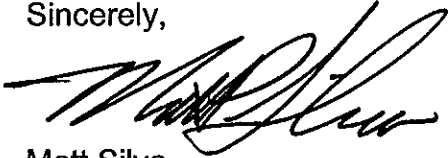
We have complied with every request from the City, and have met all URM time deadlines. In working with our advisors RLA Engineering, Nick Gillman, and Hasting Enterprises on this matter we have been working under the assumption that simply leaving 1320 "C" vacant was a legal and viable option until our final decision to retrofit or tear down was made.

1320 "C" was vacated in June 2005 when the permit to finish the URM process was pulled. At this time we were informed of the additional requirement of ADA compliance for this project. The additional ADA requirement added substantially to the cost to reoccupy this 600 square foot space and when faced with \$45,000 +/- in construction cost it hardly seemed viable with several years of rents to recover the costs. The decision was made to hold off on the retrofit/ADA work until a more viable solution was found.

Due to the small size of this space we found it was not an attractive job for the already booming business of URM construction in San Luis Obispo County. For these reasons we felt that the bids coming in were a bit usurious. We are currently working on new bids for both retrofit and demolition of 1320 "C".

These rentals account for a substantial portion of Martha Silva's retirement income at age 71. I hope that you will seriously consider the financial impact that this would have on her, and will support our decision to leave 1320 "C" vacated until all options are exhausted and a final decision has been made.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Silva", written in a cursive style.

Matt Silva  
Authorized Agent Martha J. Silva Family Trust

ENCLOSURE:

- Appeal of Notice and Order (Muni. Code Ch. 17.18)
- Copy of Order
- RLA Engineering appeal letter

CC:

- Lee Engelmeier, P.E. RLA Engineering
- Bryan Beckham, Hastings Enterprises
- Nick Gillman



March 5, 2007

Matt Silva  
Silva Family Trust  
P.O. Box 366  
Paso Robles, Ca 93447

Project: Silva Building U.R.M. Seismic Retrofit

Location: 1320 Pine Street, Paso Robles

Subject: 1320 Pine Street abatement appeal

Mr. Silva,

I have reviewed the retrofit plans for the subject building and the numerous letters sent by our firm to the City in order to get back up to speed on the history of your project.

When we finally got through the plan check process, it was determined that only work on unit 1320-C was required.

The property essentially has three different buildings on it; the original center building, and the two side/in-fill structures. Of these three units, only 1320-C had any portions constructed from un-reinforced masonry, as defined by the City of Paso Robles Municipal Code Chapter 17.18.

The front and rear lines of this unit are comprised of un-reinforced brick walls with concrete bond beam/parapet above. The side walls are of wood stud construction.

The retrofit plans called for the front and rear walls of this unit to be removed and re-framed with light gage steel shear walls. The retrofit plans did not call for any alterations to unit 1320-A and 1320-B because of their non-U.R.M. construction and structural independence from 1320-C.

The main seismic hazard from the structure at 1320-C has to do with the potential for the front and rear U.R.M. walls to collapse vertically or fall into or away from the building. This would obviously result in a portion of the roof over this unit collapsing as well, but would likely have little impact on the structural support systems of the other two units.

If the prescribed retrofit work will not be performed at this time, then vacating the structure at 1320-C is definitely prudent. The City's order for all of the structures on the property to be vacated would make more sense if they derived support from each other however this is not the case.

If you or Steve Perkins would like to discuss this matter further with me, please don't hesitate to call.

Respectfully submitted,

Lee S. Engelmeier, P.E.  
RLA ENGINEERING



c: 05.3-7/43

**CITY OF EL PASO DE ROBLES  
BUILDING DIVISION  
APPEAL OF NOTICE AND ORDER (MUNI. CODE CH. 17.18)**

**GENERAL INFORMATION REQUIRED**

Appellant/Property Owner Martha J. Silva Family Trust Phone 238-5912 Fax 597-5016

Mailing Address P.O. Box 366 Email \_\_\_\_\_

Assessor's Parcel Number(s) 009,045,001

Representative Matt Silva Phone 459-0523 Fax 597-5016

Mailing Address P.O. Box 366 Email mattsilva@gmail.com

**NOTICE AND/OR ORDER BEING APPEALED**


Description of Order (or attach copy) Copy Attached

Date of Order \_\_\_\_\_

**AUTHORIZATION:**

**PROPERTY OWNER/AUTHORIZED AGENT**

I certify that I am presently the legal owner/authorized representative of the owner [circle one] of the property that is the subject of this appeal. Further, I acknowledge the filing of this appeal and certify that all of the information contained herein is true and accurate.

 Signed \_\_\_\_\_ Date 3-15-2007

Area Below for Office Use Only

Notes to File/Staff Notes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Appeal received by: \_\_\_\_\_ Date: \_\_\_\_\_

Ordinance No #646 N.S.

An Ordinance of the City of Paso Robles, Amending the Uniform Code for Building Conservation

<b>Property Address: 1320 Pine Street</b>	
<b>Date</b>	<b>Action</b>
11/05/1993	Notification letter to property owner sent certified mail. (Included Assembly Bill 1963 chapter 941)
05/23/1994	Notice of Buildings within the scope of the seismic safety ordinance. Filed with the SLO County Recorder's office.
08/06/2004	Notification letter to property owner sent certified and first class mail. (amended Chapter 17.18)
10/04/2004	Notice of Buildings within the scope of seismic safety ordinance. <i>(Supersedes and replaces previously recorded notice file w/SLO )</i>
10/04/2004	Notice to Owners of Unreinforced Masonry Structures Subject to Assembly Bill 2533 – certificate and first class letters sent.
11/04/2004	Inspection completed by E.S. for compliance of AB 2533. <i>(NOT in compliance with AB 2533)</i>
01/03/2005	Notification letter with compliance calendar sent first class mail.
03/09/2005	Inspection completed by Building Division for compliance of AB 2533. <i>(NOT in compliance with AB 2533)</i>
03/10/2005	Letter to Mike Seitz, City Attorney
03/15/2005	Notification letter with compliance calendar sent first & certified mail.
03/16/2005	Inspection completed by Building Division for compliance of AB2533 <i>(IN compliance with AB 2533)</i>
05/02/2005	Building Permit Application submitted for plan check
09/08/2005	Notification letter with chapter 17.18, Section A115 sent first & certified mail.
11/14/2005	Building Permit Issued
12/14/2006	Notice to comply with Chapter 17.18 , Seismic Code Update Ordinance sent first & certified mail
02/07/2007	Notice to comply with Chapter 17.18 , Seismic Code Update Ordinance sent first & certified mail
02/15/2007	Expired permit letter sent first & certified mail
03/20/2007	Letter from owner's agent dated March 15, 2007 Letter from owner's Engineer dated March 15, 2007 Appeals Application Form submitted dated March 15, 2007

Ordinance No #646 N.S.  
An Ordinance of the City of Paso Robles, Amending the Uniform Code for Building Conservation

	<b>Certificate of compliance, mailed to the SLO County Assessor's office.</b>
	<b>Certificate of Termination filed with County Recorder's office.</b>
	<i>(Certificate of termination of notice of buildings within the scope of seismic safety ordinance)</i>