

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

Needs: For the City Council to consider an Appeal of Seismic Notice and Order for 1405 Spring Street, Eugene Keem, 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 February 2, 2007 a permit was issued to the owner of 1405 Spring 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 23, 2007, the City received an Appeal of the February 7, 2007 Notice and Order from owner requesting continued occupancy of the structure until such time as permits are issued for construction of a new building. Included with the appeal is a letter from owner's Engineer indicating deficiencies in 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 has requested continued occupancy until such time as he receives City approval to construct a new building and at that time, the current structure would be removed.

Given that the structure contains unreinforced masonry bearing walls and no seismic retrofit has been completed, and the owner's Engineer indicates deficiencies in the structure, safety to the general public is not guaranteed. Continued occupancy of the building would not be recommended.

Fiscal Impact:

No fiscal impact.

Options:

- a. Allow continued occupancy of the structure.
- b. Order the property to be vacated.
- c. Amend, modify, or reject the above option.

Prepared by Steve Perkins
Deputy Building Official

Attachments: (5)

- 1. August 4, 2004 letter to owner.
- 2. February 7, 2007 letter to owner.
- 3. Letter from owner date stamped March 23, 2007
- 3. Letter from owner's Engineer dated August 30, 2000
- 4. Appeals Application Form dated March 19, 2007
- 5. Historical record of contacts.



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Date: August 4, 2004

Eugene & W. Keem
11855 Santa Ana
Atascadero, CA 93422

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: Eugene & W. Keem
Property Address: 1405 Spring 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 st Reading of Seismic Code Update Ordinance	
July 6, 2004	2 nd 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.

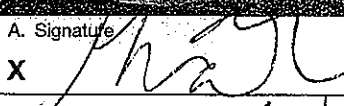
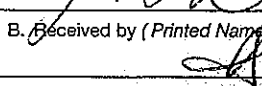
Should you have questions pertaining to this Notice of Action, or Chapter 17.18 of the Municipal Code, please contact the City of Paso Robles Building Division?

Sincerely,

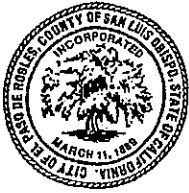
Doug Monn
Building Official

c: Building file for property

U.S. Postal Service CERTIFIED MAIL RECEIPT <small>(Domestic Mail Only, No Insured or Registered Mail)</small>	
<small>For delivery information visit us at</small> OFFICE	
Certified & First Class letters mailed	
Postage	\$ 1.52
Certified Fee	2.30
Return Receipt Fee <small>(Endorsement Required)</small>	1.75
Restricted Delivery Fee <small>(Endorsement Required)</small>	
Total Postage & Fees	\$ 5.57
008-316-010	
Sent To Eugene & W. Keem	
Street, Apt. No., or PO Box No. 11855 Santa Ana	
City, State, Zip+4 Atascadero, CA 93422	

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> ■ 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 mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="margin-left: 40px;">008-316-010 Eugene & W. Keem 11855 Santa Ana Atascadero, CA 93422</p> <p>2. Article Number <small>(Transfer from service label)</small></p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  C. Date of Delivery 8-7-04</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</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>
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7004 1160 0007 3694 8327



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

Eugene Keem
11855 Santa Ana Road
Atascadero, CA 93422

Subject: Unreinforced Masonry Building, 1405 Spring Street

Mr. Keem,

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

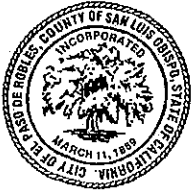
A notice to comply with the replaced Chapter 17.18, Seismic Code Update Ordinance, were sent to all property owners on August 6, 2004. Additionally numerous notices, beginning in January 2005, have been sent to all properties citing all requirements for permit submittals, permit issuance and final completion 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".



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

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

Sincerely,

Steve Perkins
Deputy Building Official

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information, visit our website at www.usps.com

OFFICIAL USE

7005 1820 0005 4898 9796

2/7/07 mailed 1st class
and certified letters

Re (Endors)
 Restr: (Endors)
 Total Postage \$ 1.00

Sent To Eugene & Wonja Keem
 11855 Santa Ana Road
 Atascadero, CA 93422

Street, Apt. or PO Box
 City, State

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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 mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Wonja Keem</p> <p>C. Date of Delivery 2-9-07</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Eugene & Wonja Keem 11855 Santa Ana Road Atascadero, CA 93422</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input 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>2. Article Number (Transfer from service label)</p>	<p>7005 1820 0005 4898 9796</p>

Eugene and Wanja Keem
11855 Santa Ana Road
Atascadero, CA 93422

To Whom It May Concern:

The building at 1405 Spring Street, Paso Robles, CA 93446 has been used as a radiator shop for the past 25 years, a coffee drive thru kiosk was added in 2004 and City of Paso Robles, CA required curb, gutter and sidewalk improvements completed.

Owner requests time extension for added vacate time so as city approval of new building plans for the property. City approval prior to architectural rendering and submission to City of Paso Robles and any corrections ask for can be made. Final approval of plans by the City complete, building can be vacated, removed from property and construction of new building started without hardship to owners.

Attached, a copy of Consulting Civil Engineer, Robert F. Alderman stating the safety of building dated August 30, 2000.

Respectfully
Eugene and Wanja Keem

RECEIVED

MAR 23 2007

BUILDING DIVISION

Robert F. Alderman
Consulting Civil Engineer
6080 Joan Place
San Luis Obispo, CA 93401
(805) 782-9001

CLIENT Eugene & Wonja Keem
PROJECT 1405 Spring St., Paso Robles, CA
Seismic Structural Design Study

SHEET 2 OF 45
JOB NO. 1040
DATE 8/30/00
ENGINEER RFA

DESCRIPTION

This single story building was originally constructed as a service station and is now being used, with very little alteration, as a radiator repair shop.

The structure is approximately 25 feet by 33 feet with exterior walls 15 feet high. This area includes a shop approximately 24 by 29 feet, a storage and rest room area approximately 13 by 14 feet, and an office area that is 13 by 13 feet. The original 14 by 21 foot canopy for service to the gas pumps is still in place.

The exterior walls of the shop, storage and rest-room areas are constructed of brick masonry with stucco on the outside and plaster on the inside. The walls separating the storage and rest-room areas from the shop and office are constructed of brick masonry. The rest-rooms are separated from the storage area by a hollow clay tile masonry wall. One of the rest-rooms is currently used for storage. The north, south and east walls of the office are wood frame, with large openings. The canopy is supported on the east side by two 5-inch diameter pipe columns.

In-place masonry shear tests indicate that the walls are relatively strong in shear and the analysis shows that the loads mandated by the Code would be resisted in shear by all of the masonry walls. However, because of the short length of the masonry piers in the east and south exterior walls and in the wall between the shop and storage area, these walls would fail by "rocking" or overturning of the piers. Steel angle sections anchored to these walls and to the concrete floor have been designed to resist this overturning.

An indication of the strength of a wall in resisting perpendicular loads is determined by its height-to-thickness ratio. The brick wall between the shop and storage area, and the clay tile wall between the rest room and the storage areas do not meet the Code in this regard. Braces to correct this deficiency have been designed and are shown on the plans.

The roof has been divided into three sub-diaphragms. Sub-diaphragm A, over the storage and rest room area, is constructed of 1x diagonal sheathing supported on 2x8 joists at 12 inches on center. Sub-diaphragm B, over the office is supported by 2x10 joists at 12 inches on center and is part of the wood frame structure of the office. Sub-diaphragm C, over the shop is constructed of 1x straight tongue and groove sheathing supported by 2x12 joists at 16 inches on center. The analysis showed that the deflections under the Code design loads are acceptable and no work is needed to strengthen the roofs.

The connections between the walls and the roof diaphragms, however are not adequate for resisting the required seismic loads, neither in a direction parallel with, nor perpendicular to, the walls. Details for correcting this are shown on the plans.

The exterior masonry walls extend 2 to 3 1/2 feet above the roof, and the Code requires that these parapets be supported laterally. Measures for retrofitting these walls are shown in the calculations and on the plans. The stucco and the roof cap sheets that bind the masonry units further strengthen the parapets. It should also be pointed out that the parapets are located well back of any public right of way, and do not pose a great danger to the public.

Robert F. Alderman
Consulting Civil Engineer
6080 Joan Place
San Luis Obispo, CA 93401
(805) 782-9001

CLIENT Eugene & Wonja Keem
PROJECT 1405 Spring St. Paso Robles, CA
Seismic Structural Design Study

SHEET 3 OF 45
JOB NO. 1040
DATE 8/30/06
ENGINEER RFA

Perhaps a grater danger is posed by the possibility of collecting a large amount of water on the roof if the drains are not kept in good working order. Three feet of water on the roof could cause either the roof to collapse or the parapets to fall.

The recommended work for this structure has been designed, and the structure is configured so, that no sheathing, plaster or stucco will need to be removed for access to the work. Therefore, the cost of retrofitting this building should be considerably less than that of most other buildings.

COST ESTIMATE

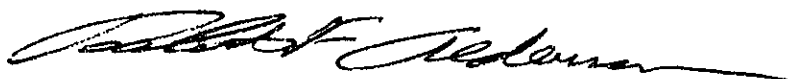
An estimate of the cost of completing the recommendations made in this report and on the accompanying plans follows. These costs are based on estimates received from contractors and on prices bid for similar work on other projects. Since the actual bids will be provided by independent contractors, having varying work loads and varying economic circumstances, and under an unknown future economic climate, there is no way to guarantee the actual cost of the project. It should also be kept in mind that additional repair work may be required if damaged material is revealed during construction.

LIMITATIONS

As stated in the Uniform Code of Building Conservation, the purpose of the Code (and these calculations and plans, which are based on this Code) is to reduce the risk of death, injury or property damage that may result from earthquakes. Because of these limited goals and due to the unpredictable nature of earthquakes and the possibility of undetected flaws that can exist in any building, the recommendations made in this report and shown on the accompanying plans are not guaranteed to prevent death, injury or property damage.

I appreciate the opportunity to provide this report, and am available to answer any questions or to provide any further assistance that may be needed.

Sincerely,



Robert F. Alderman

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

GENERAL INFORMATION REQUIRED

Appellant/Property Owner Eugene and Wanja Keem Phone 805 466 2880 or 805 238 2268 Fax

Mailing Address 11855 Santa Rosa Rd, Atascadero, CA 93422 Email _____

Assessor's Parcel Number(s) 008-316-010

Representative _____ Phone _____ Fax _____

Mailing Address _____ Email _____

NOTICE AND/OR ORDER BEING APPEALED

Description of Order (or attach copy) Notice and Order to Owners of Unreinforced Masonry

Structures Subject to City of Paso Robles Municipal Code Chapter 17.18 (Copy Attached)

Date of Order February 7, 2007

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 Eugene Keem Eugene and Wanja Keem Date 3-19-07

Area Below for Office Use Only

Notes to File/Staff Notes

Report received by: _____ Date: _____

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

Property Address: 1405 Spring Street

Date	Action
11/5/93	Notification letter to property owner sent certified mail. (Included Assembly Bill 1963 chapter 941)
5/23/94	Notice of Buildings within the scope of the seismic safety ordinance. Filed with the SLO County Recorder's office.
8/6/04	Notification letter to property owner sent certified and first class mail. (amended Chapter 17.18)
10/4/04	Notice of Buildings within the scope of seismic safety ordinance. <i>(Supersedes and replaces previously recorded notice file w/SLO)</i>
10/4/04	Notice to Owners of Unreinforced Masonry Structures Subject to Assembly Bill 2533 – certificate and first class letters sent.
11/4/04	Inspection completed by E.S. for compliance of AB 2533. <i>(in compliance with AB 2533)</i>
1/3/05	Notification letter with compliance calendar sent first class mail.
3/15/05	Notification letter with compliance calendar sent first & certified mail.
3/24/05	Grant Agreement for Seismic Design Reimbursement Approved.
5/2/05	Building Permit Application Submitted
9/8/05	Notification letter with chapter 17.18, Section A115 sent first & certified mail.
1/3/06	Notification letter with chapter 17.18, Section A115 sent first & certified mail.
3/1/06	Notification letter with chapter 17.18, Section A115 sent first & certified mail.
6/5/06	Notification letter with chapter 17.18, Section A115 sent first & certified mail.
9/1/06	Notification letter with chapter 17.18, Section A115 sent first & certified mail.
12/14/06	Notification letter with chapter 17.18, Section A115 sent first & certified mail.
2/2/07	Building Permit Issued
2/6/07	Grant Paid
2/7/07	Notice to Comply with chapter 17.18 , Seismic Code Update Ordinance sent first & certified mail
3/23/07	Letter from owner date stamped March 23, 2007 Letter from owner's Engineer dated August 30, 2000 Appeals application Form dated March 19, 2007
	Certificate of compliance, mailed to the SLO County Assessor's office.
	Certificate of Termination filed with County Recorder's office. <i>(Certificate of termination of notice of buildings within the scope of seismic safety ordinance)</i>