

**To** James L. App, City Manager  
**From** Doug Monn, Director of Public Works  
**Subject** Appeal of Seismic Notice and Order  
**Date** May 15, 2007

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**Needs:** For the City Council to consider an Appeal of Seismic Notice and Order for 840 13<sup>th</sup> Street, William Jacobson, 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 January 27, 2006 a permit was issued to the owner of 840 13<sup>th</sup> 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 12, 2007, the City received an Appeal of the February 7, 2007 Notice and Order from owner requesting continued occupancy of the structure. A follow up letter to accompany the appeals, was submitted on April 4, 2007, from owner's Engineer indicating the eastern half of the building is safe to occupy.

**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 of the eastern half of the building based on the Engineers assessment of the structure.

Given that the Engineer of record has indicated that, in his opinion, the eastern half of the building is safe to occupy, it would be recommended to allow occupancy of this area only, provided, measures are taken to provide safety to the public from any collapsing materials at all public ways and any parking areas or alleys.

**Fiscal Impact:**

No fiscal impact.

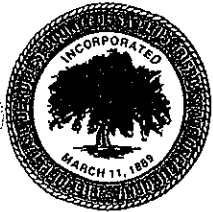
**Options:**

- a. Allow continued occupancy of the structure in the eastern half Only provided measures are taken to provide safety to the public from any collapsing materials at all public ways and any parking areas or alleys.
- b. Order the property to be vacated within ninety (90) days of Council's decision and require measures to be taken to provide safety to the public from any collapsing materials at all public ways and any parking areas or alleys.
- 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
- 4. Letter from owner's Engineer dated August 30, 2000
- 5. Appeals Application Form dated March 19, 2007
- 6. Historical record of contacts.



# CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Date: August 4, 2004

William Jacobson  
1401 Valleyview Rd # 120  
Glendale, CA 91202

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/ba*

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: William Jacobson  
 Property Address: 840 13th 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 / br*

Doug Monn  
Building Official

c: Building file for property

7004 1160 0007 3694 8174

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

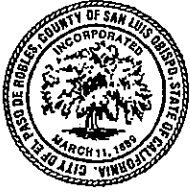
For delivery information visit our **OFFICE** Certified & First Class letters mailed

Postage	\$ 1.52	8-6-04 Postmark Here
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)	5.57	
Total Postage & Fees	\$ 009-044-005	
Sent To	William Jacobson	
Street, Apt. No., or PO Box No.	1401 Valleyview Rd # 120	
City, State, ZIP+	Glendale, CA 91202	

PS Form 3800, J

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<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>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>William Jacobson</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>WILLIAM JACOBSON</i> <i>10-1-04</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p><i>WB</i></p>
<p>1. Article Addressed to:</p> <p>009-044-005 William Jacobson 1401 Valleyview Rd # 120 Glendale, CA 91202</p>	<p>3. Service type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Required <input type="checkbox"/> Signature Required for Merchandise</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p>7004 1160 0007 3694 8174</p>	

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



## 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

William Jacobson  
1401 Valley View Rd. #120  
Glendale, CA 91202

Subject: Unreinforced Masonry Building 840 13<sup>th</sup> Street

Mr. Jacobson,

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 of 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

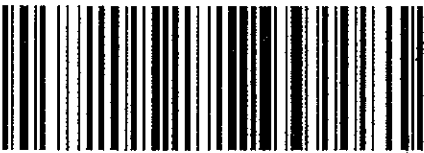
Sincerely,

[Handwritten signature]

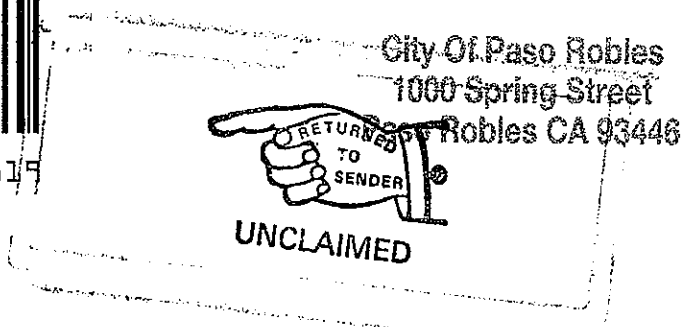
Steve Perkins
Deputy Building Official

U.S. Postal Service CERTIFIED MAIL RECEIPT
OFFICIAL USE
2/7/07 mailed 1st class and certified letters
William Jacobson
1401 Valley View Road #120
Glendale, CA 91202

CERTIFIED MAIL



7005 1820 0005 4898 9819



UNITED STATES POSTAGE
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02 1A
0004345400 FEB 07
MAILED FROM ZIP CODE 9

Paso Robles

MAR - 1 2007

Planning Division

William Jacobson
1401 Valley View Road #120
Glendale, CA 91202

1st NOTICE 2-9
2nd NOTICE 2-24
RETURN 2-27

[Handwritten initials and date]



# Real Estate Services Co.

4209 Santa Monica Boulevard, Suite 200, Los Angeles, CA 90029-3027  
Telephone (323) 660-3553 / Fax (323) 661-5888

March 7, 2007

Mr. Steve Perkins  
City Building Division  
City of Paso Robles  
1000 Spring Street,  
Paso Robles, CA 93446

Paso Robles  
MAR 12 2007  
Planning Division

Subject: 840 13<sup>th</sup> Street, Seismic Retrofit

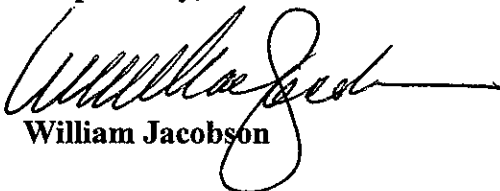
Dear Mr. Perkins:

This letter is written along with the completed extension of time appeal application requesting additional time to finish the seismic retrofit of the above subject building.

As of March 6<sup>th</sup> 2007, we have completed 70% of the seismic retrofit and, barring any delay due to weather conditions, the remaining 30% of work to be done is estimated to be completed by the end of May 2007.

Call for Final Completed Seismic Retrofit Inspection is expected to be on June 1<sup>st</sup> 2007.

Respectfully,



William Jacobson

cc: Doug Monn





# CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Paso Robles

MAR 12 2007

Planning Division

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

**GENERAL INFORMATION REQUIRED**

Appellant/Property Owner WILLIAM JACOBSON <sup>(823)</sup> Phone 660-3553 <sup>(823)</sup> Fax 661-5888  
Mailing Address 1401 VALLEY VIEW RD #120  
GLENDALE, CA 91202 Email RES\_MGT@yahoo.com

Assessor's Parcel Number(s) 009-044-005

Representative AGUILA CHASE <sup>(805)</sup> Phone 239-9503 <sup>(805)</sup> Fax 226-2781  
Mailing Address P.O. Box 2234  
PASO ROBLES, CA 93447 Email \_\_\_\_\_

**NOTICE AND/OR ORDER BEING APPEALED**

Description of Order (or attach copy) Unreinforced Masonry Building  
attached letter dated March 7, 2007, requesting additional  
time to complete scheduled seismic construction work.

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.

William Jacobson, Owner March 1, 2007  
Signed \_\_\_\_\_ Date \_\_\_\_\_

Area Below for Office Use Only

**Notes to File/Staff Notes**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**AMA**

Alex Mustapha &amp; Associates, Inc.

**RECEIVED**

APR 04 2007

**BUILDING DIVISION**

April 3, 2007

Mr. Bill Jacobsen  
Real Estate Services Co.  
4209 Santa Monica Blvd, Suite 200  
Los Angeles, CA 90029

RE: Pine Street Plaza at 840 13<sup>th</sup> Street, Paso Robles, CA

Dear Mr. Jacobsen:

Based upon your request, I am writing this letter to give an update on the seismic retrofit work for the above referenced project. I have been in contact with your project superintendent Quill Chase throughout the seismic upgrade process. The following is a summary:

- Steel moment frames for the entire building are completed.
- Secondary supports for the entire building are completed.
- Seismic work is completed for the eastern half of the building.
- Diaphragm upgrade and anchors on the western half is in progress.

Based on this information, I estimate that 70 percent of the work is completed as of the date of this letter. It is our opinion that the eastern half of the building is safe to occupy by the tenants and safe for public access.

If you have any questions, please do not hesitate to call me.

Sincerely,



Alex Mustapha, Ph.D., P.E.  
Principal

# Real Estate Services Co.

4209 Santa Monica Boulevard, Suite 200, Los Angeles, CA 90029-3027  
(323) 660-3553 FAX (323) 661-5888

RECEIVED

APR 04 2007

## FAX Transmittal Memorandum

BUILDING DIVISION

DATE: 4/3/07

FAX NO.: (805) 238-4704

TO: STEVE PERKINS

TEL. NO.: (805) 237-3850

FIRM: CITY OF PASO ROBLES

FROM: BILL JACOBSON

COMPANY: PINE STREET PLAZA

SUBJECT: UNREINFORCED MASONRY BLDG., 840 13th St. PR.

AS REQUESTED ATTACHED IS COPY OF ALEX MUSTAPHA'S SEISMIC ENG. LETTER DATED APRIL 3 2007 THAT STATES THE EASTERN 1/2 OF THE ABOVE SUBJECT BLDG IS SAFE FOR TENANTS & PUBLIC TO OCCUPY AND HAVE ACCESS THERE TOO.

THE ENTIRE BLDG'S SECONDARY SUPPORT COLUMNS HAVE BEEN INSTALLED & FINAL INSPECTIONS SIGNED OFF. WEST 1/2 ROOF DIAPHRAGM & ANCHORS ARE BEING INSTALLED, THIS LAST 30% OF RETROFIT REPAIRS & INSPECTIONS WILL BE DONE & WILL CALL FOR PROGRESS INSPECTIONS AS EACH PORTION IS COMPLETED, FINAL EXPECTED BY MAY 1, 2007.

WE ARE TRANSMITTING \_\_\_\_\_ PAGE (S)

NOTE: IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL US IMMEDIATELY AT:

TELEPHONE : (323) 660-3553 FAX NO: (323) 661-5888

OPERATOR: \_\_\_\_\_ TIME SENT: \_\_\_\_\_

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

**Property Address: 840 13th Street**

Date	Action
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>(in compliance with AB 2533)</i>
01/03/2005	Notification letter with compliance calendar sent first class mail.
03/11/2005	Building Permit Application submitted for plan check
03/15/2005	Notification letter with compliance calendar sent first & certified mail.
09/08/2005	Notification letter with chapter 17.18, Section A115 sent first & certified mail.
01/03/2006	Notification letter with chapter 17.18, Section A115 sent first & certified mail.
01/27/2006	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
02/13/2007	Appeal Form sent first & certified mail
03/12/2007	Letter from owner requesting extension Appeals Application form submitted dated March 1, 2007
	<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>