

**To:** James L. App, City Manager

**From:** Doug Monn, Director of Public Works

**Subject:** Appeal of Notice and Order for a Dangerous Building

**Date:** April 15, 2008

**Needs:** For the City Council to consider an Appeal of a “Notice and Order” for the property owner to submit plans for repair or demolition of the dangerous building.

**Facts:**

1. On April 29, 2004, a “Notice and Order” for Abatement of Dangerous Buildings was sent to the owner of 1234 Pine Street due to conditions found to exist causing the need for the notice.
2. On February 15, 2005, City Council closed the notice and order based on an engineers report attesting to the structural safety of the building and Council further required a structural re-assessment of the building be submitted to the City every three years.
3. On December 14, 2007 a letter was sent by the City reminding the owner of the requirement to provide the structural re-assessment in accordance with City Council direction.
4. On March 4, 2008, the City received a letter from the owner indicating a structural re-assessment would not be provided to the City in the near future.
5. Failure to provide the City with the required structural re-assessment within the time prescribed by City Council, voids the closing of the 2004 notice and order, and reopens the file for Council action.
6. On March 10, 2008, a Notice and Order for Abatement of Dangerous Buildings was sent to the owner requiring all applicable permits for repair or demolition be submitted to the City not less than sixty (60) calendar days from date of the notice and order.
7. On March 20, 2008 a letter was received from the property owner requesting an Administrative Hearing with City Council to appeal the sixty day time period to submit permit application for repair or demolition.

**Analysis &  
Conclusion:**

The objective of the Notice and Order is to provide for the public safety by removal of the conditions causing the dangerous building. The notice and order specifically stated the minimum time afforded to the owner to submit a permit application for repair or demolition. The owner has indicated the time frame for submittal of the permit application would not be achievable and additional time is necessary.

Sufficient time has elapsed from the close of the original notice and order for abatement of the conditions existing at the structure, or provisions for a structural re-assessment. Extension of time period for permit submittal is not recommended.

**Fiscal  
Impact:**

If the City must take action to secure the building against entry or take other actions, all costs associated with such will be charged against the property and owners.

**Options:**

- a. Deny additional time for permit application submittal and order building vacated on specific date.
- b. Allow additional time for permit application to be submitted to the City.
- c. Amend, modify, or reject the above options.

Prepared by Steve Perkins  
Deputy Building Official

**Attachments: (6)**

1. Notice and Order dated April 29, 2004
2. City Council minutes from February 15, 2005 meeting.
3. December 14, 2007 letter reminder of structural re-assessment.
4. March 4, 2008 letter from owner indicating no re-assessment will be completed.
5. Notice and Order dated March 10, 2008.
6. March 20, 2008 letter from owner requesting administrative hearing for appeal.

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)



10. **1234 Pine Street – Consideration of Applicant’s Response to Council Direction of November 16, 2004**

R. Lata, Community Development Director

Consider acting upon an 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. The property owner’s initial Appeal was filed in May 2004. The Appeal has been opened and continued four times to allow the owner’s tenant time to secure a structural assessment of the building.)

Doug Monn read a letter into the record received from Robert Massey (Elbert O. Speidel, AIA & Associates) which stated “...there is no need to have the building vacated for safety reasons, neither for the occupants nor for pedestrians in the vicinity” and “the proposed improvements are not immediately necessary.”

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, moved 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. Motion failed due to lack of a second.

Councilmember Strong, seconded by Mayor Mecham, moved to receive and file the letter of February 14, 2005, from Robert Massey to Doug Monn, attesting to the safety of the building at 1234 Pine Street, close the Notice and Order; and require the property owner to re-assess the structural integrity of the building every three years.

Motion passed by the following roll call vote:

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

11. **Request to Remove One Oak Tree – 3201 Spring Street (Paso Robles Youth Arts Foundation)**

R. Lata, Community Development Director

Consider a request to remove one 57-inch diameter Valley Oak tree at 3201 Spring Street. (Property is on the north side of 32<sup>nd</sup> Street, between Spring and Oak Streets. The oak is located midway back on the 32<sup>nd</sup> Street side of the parcel, between the sidewalk and the existing parking lot.)

Mayor Mecham opened the public hearing. Speaking from the public were Chip Tamagni, Mike Menath, Sandy Chandler (Director of PR Youth Arts Foundation) and John Hoagland. There were no further comments from the public, either written or oral, and the public discussion was closed.

December 14, 2007

Christian I. Iverson, Attorney at Law  
605 13<sup>th</sup> Street  
Paso Robles, CA 93446

RE: Structural re-assessment of 1234 Pine Street

Mr. Iverson,

On April 29, 2004 a Notice and Order for abatement of a dangerous condition identified at 1234 Pine Street was sent to the property owner. A later letter received by the City dated June 24, 2004, confirmed that you would be assisting the owner in an appeal for the Notice and Order.

The appeal of the Notice and Order was presented to City Council at their February 15, 2005 meeting. The action taken by City Council was to close the Notice and Order and require the property owner to re-assess the structural integrity of the building every three years. In follow up, a letter was sent to your attention March 3, 2005 advising you of the Council action rescinding the Notice and Order with a condition that the structure was to be re-assessed every three years. The purpose of this letter is to remind the parties involved that, consistent with the Council action, an assessment of the structure must be performed and the findings filed with the City Building Division on or before February 15, 2008.

Sincerely,

Steve Perkins  
Deputy Building Official

Attachments:

Notice and Order dated April 29, 2004

Letter from Christian E. Iverson to the City of Paso Robles, dated June 24, 2004

Minutes from City Council Meeting, February 15, 2005, Item #10 of Agenda

Letter to Christian E. Iverson from City of Paso Robles, dated March 3, 2005

CC

Jim App

City Council

Doug Monn

Mike Seitz

File for 1234 Pine



Mr. Perkins,

This letter is in regards to the pending documents past due for the Structural Report concerning the building at 1234 Pine St.

Regrettably, I must inform you that this report will not be provided in the near future due to unforeseen circumstances.

Also, I thank you very much for your patience and time concerning this matter, since the due date was February 15<sup>th</sup>, 2008.

It is understandable this decision may effect the business that is currently open to the public located at 1234 Pine St.

Again, thank you for your time and patience.

Sincerely,

MATTHEW ESTRADA

Matthew Estrada

**RECEIVED**

MAR 04 2008

**BUILDING DIVISION**

March 10, 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Matthew Estrada  
Maria T. Estrada Family Trust  
2103 Summit Drive  
Paso Robles, CA 93446

**NOTICE AND ORDER**

Pursuant to Chapter 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, conducted an on-going inspection of the structure commonly known as 1234 Pine Street (APN 009-046-010) herein after the property. The inspection(s) were conducted in April of 2004. On April 29, 2004, the original Notice and Order was sent to the owner. On February 15, 2005, City Council closed the notice and order based on an Engineers Report stating “there is no need to have the building vacated for safety reason, neither for the occupants no for pedestrians in the vicinity”. As a condition of closing the notice and order, the property was to have a structural re-assessment every three years. The re-assessment has not been completed nor has any other evidence been provided to the City as to the continued structural safety of the structure. Therefore, you are being re-notified of a Notice and Order.

2. Whereas the 2007 Tax Assessors Roll list Maria T. Estrada Family Trust the current owner (and indicated by you as the new owner) of the property, you are hereby notified by reason of the conditions and defects specified below of the afore mentioned property, has been found to constitute a dangerous building as defined in Chapter 3 of the Uniform Code for Abatement of Dangerous Buildings.

Section 302, subsection(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 new 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 of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new building of similar structure, purpose of location without exceeding the working stresses permitted n the Building Code for such buildings”.

302.8 “Whenever the building or structure, or any 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 may cause the property to be demolished and charge any costs related thereto against the property and /or its owner(s).

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 council. 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 immediate attention to this matter.

Steve Perkins  
Deputy Building Official

**Attachments:**

Notice and Order dated April 29, 2004.

Minutes of City Council Meeting February 15, 2005, item #10.

Letter to Christian E. Iverson from the City of Paso Robles dated December 14, 2007.

Letter from Robert M. Massey, RCE, dated February 15, 2008.

Letter from Matthew Estrada dated February 19, 2008.

Letter to Matthew Estrada from the City of Paso Robles dated February 19, 2008.

Letter from Matthew Estrada date stamped March 4, 2008.

MR PERKINS,

REGARDING THE NOTICE AND ORDER  
FOR 1234 PINE ST, I ASK FOR  
AN EXTENSION TO APPEAL THE 60  
DAY TIME FRAME.

Thank You For your time.

Matthew Estrada

2103 Summit DR.

237-0764

3/20/08

RECEIVED

MAR 20 2008

BUILDING DIVISION

3/18/08

Mr. Steve Perkins  
City of Paso Robles  
Paso Robles, CA 93446

RECEIVED

MAR 18 2008

BUILDING DIVISION

SUBJECT: 1234 PINE STREET STRUCTURAL REPORT

Mr. Perkins,

I would like to have the opportunity to  
an Administrative Hearing for the property  
at 1234 Pine Street. I'm sure I will  
have repairs or demolition permits and  
the structural report completed within the  
time frames as outlined with the Notice  
and Order. I have spoken with John  
Kudla Engineering and he stated he will  
also be able to ~~produce~~ provide documentation  
within the time frames.

Again, thank you for your time and  
patience

Sincerely  
Matthew Estade