

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: APPEAL OF NOTICE AND ORDER FOR 1234 PINE

DATE: OCTOBER 19, 2004

Needs: For the City Council to continue the open public hearing on this subject to the City Council meeting of November 16, 2004.

Facts:

1. A Notice and Order requesting the owner of 1234 Pine Street conduct a structural assessment of the property was forwarded by return receipt mail on April 29, 2004.
2. On May 10, 2004, the property owner appealed the Notice and Order. A hearing date for Council review of that appeal was set for July 6, 2004.
3. On June 24, 2004, a letter was received from Christian E. Iversen, Attorney representing the property owner, requesting the appeal be continued to “ July 20, 2004, or August 17th or later.”
4. On August 17, 2004, representatives of the owner of 1234 Pine Street provided the Building Official with letters from the Architect and Engineer for the property owner. Given the timing of the submittal, Building Division staff requested a continuance of the appeal to September 21, 2004 to allow time to review and verify the information included in the assessment.
5. A review of the material established that the letters did not address the issues identified in an assessment performed by the engineer retained by the City.
6. On September 16, 2004, staff received a letter from the tenant requesting thirty (30) days to consult with his Architect and Engineer regarding repairs to the building.
7. As of October 11, 2004, 26 days of the 30 day extension requested on September 16th have expired. Staff has not received any information from the building owner or tenant regarding the review of the property by the owner’s architect and engineer. As a result, staff requests the Appeal of the Notice and Order be continued to November 16, 2004. The purpose of the continuation would be to allow staff time to consult with the City Attorney for the purpose of providing City Council with a list specific options and/or follow up actions associated with the enforcement of the Notice and Order.

Options: After considering the information and analysis presented and the public testimony received, the City Council will be asked to select one of the following options:

- a. Continue the already open public hearing to the City Council meeting of November 16, 2004.
- b. Amend, modify, or reject the above option .