

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 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.

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.

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 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.



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).

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".



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

Ordinance No #646 N.S.

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

Property Address: 1320 Pine 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>(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

