



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
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To: Planning Commission via Community Development Director
From: Code Enforcement Officer
Date: September 19, 2006
RE: PC 06-107 – Determination of a public nuisance, Order to abate and proposed demolition of residential structure that constitutes a public nuisance, located at 2650 Cholla Avenue, Zone RL-2.5, T1N, R9E, Section 5, APN# 0620-301-10.

RECOMMENDATION: That the Planning Commission determine that, pursuant to Section 19.92 of the Development Code that a public nuisance exists, adopt an Order to Abatement, determine that the building and property be repaired, vacated, secured or demolished, and direct the property owner to immediately initiate the repair of the roof and un-reinforced masonry in accordance with an approved plan prepared by a licensed structural engineer and complete said repairs within 45 days or demolish the entire structure.

Attachments

- Resolution
- Locator Map
- August 10, 2006 Notice of Public Hearing
- August 3, 2006 letter from Building Inspector
- Photos

BACKGROUND: On August 2, 2006, a San Bernardino County Sheriff's Department dispatcher called Code Enforcement requesting response to 2650 Cholla Avenue to assist deputies. Code Enforcement responded, as did the City's Building Inspector.

Upon arrival, Code Enforcement observed that the roof of the house was sagging. Inside the living room, the ceiling was open and not enclosed by drywall. The roof was found to be sagging because of a broken ridge beam, and was considered extremely unsafe by the Building Inspector. Further inspection of the structure revealed significant deterioration and cracks in the un-reinforced masonry walls.

The Building Inspector requested that Code Enforcement red-tag the house as uninhabitable, but advised the residents they could stay in a rear section of the residence temporarily. The front of the house was red-tagged on August 2, 2006.

Findings:

1. The residential structure at 2650 Cholla Avenue was built in 1941, and was constructed of un-reinforced masonry walls.
2. A roof ridge beam has broken causing the ceiling to sag. The ridge beam is structurally un-sound and presents an immediate danger to the inhabitants.
3. The un-reinforced masonry walls are cracked and are not considered structurally sound by the Building Inspector.

4. The Building Inspector states that the structure is unsafe and un-repairable, and should be demolished.
5. Section 102 of the California Building Code states that “All buildings or structures regulated by this code that are structurally unsafe...or are otherwise dangerous to human life are, for the purpose of the section, unsafe”. “All such unsafe buildings...are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been adopted...by this jurisdiction”.
6. City Municipal Code 19.92.020,A, states that a Dangerous Building includes:
 - Any portion of a building that is likely to fail or to collapse and thereby injure persons or damage property;
 - Any portion of a building has been wracked, warped, buckled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar construction;
 - Whenever the building is likely to partially or completely collapse because of dilapidation, deterioration or decay; and
 - Whenever the building is manifestly unsafe for the purpose for which it is being used.

Summary: The Planning Commission may take any of the following actions:

1. Order the immediate demolition of the building and removal of the debris.
2. Allow the property owner to submit an engineered plan for the repair of the roof and walls that is to the satisfaction of the Building Inspector or City Engineer. Should this occur, the Planning Commission may order construction to begin by a date to be specified by the Commission.
3. Order demolition of the structure if the property owner fails to submit an engineered plan or begin by dates specified by the Commission.
4. Continue the item to a future date to allow additional consideration of the issues.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 06-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, REGARDING PC 06-107 – DETERMINING THAT A PUBLIC NUISANCE EXISTS AND ADOPTING AN ORDER OF ABATEMENT, AND DETERMINING THAT THE BUILDING AND PROPERTY SHOULD BE REPAIRED, VACATED, SECURED OR DEMOLISHED, 2650 CHOLLA AVENUE, APN# 0620-301-10, ZONE RL-2.5.

WHEREAS, the residential structure at 2650 Cholla Avenue was built in 1941, and was constructed of un-reinforced masonry walls; and

WHEREAS, a complaint was received by the City that the building constitutes a public nuisance; and

WHEREAS, an inspection of the property was conducted on August 2, 2006, which indicated that the building was structurally unsound;

WHEREAS, the inspection revealed a broken ridge beam that was determined to be structurally un-sound; and

WHEREAS, the existing building is an attractive nuisance which presents an immediate danger to the inhabitants and the community; and

WHEREAS, the un-reinforced masonry walls are cracked and are not considered structurally sound by the Building Inspector; and

WHEREAS, the Building Inspector states that the structure is unsafe and un-repairable, and should be demolished; and

WHEREAS, Section 102 of the California Building Code states that “All buildings or structures regulated by this code that are structurally unsafe...or are otherwise dangerous to human life are, for the purpose of the section, unsafe”. “All such unsafe buildings...are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been adopted...by this jurisdiction”; and

WHEREAS, the City of Twentynine Palms Development Code 19.92.020(A) states that a Dangerous Building includes:

Any portion of a building that is likely to fail or to collapse and thereby injure persons or damage property;

Any portion of a building has been wracked, warped, buckled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar construction;

Whenever the building is likely to partially or completely collapse because of dilapidation,

deterioration or decay; and

Whenever the building is manifestly unsafe for the purpose for which it is being used.

WHEREAS, the land use, an existing single-family residence in the RL-2.5 zone is consistent with the General Plan and Zoning Ordinance;

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project, nuisance abatement of dangerous buildings is Categorical Exempt from further environmental review under state law; and

WHEREAS, public hearing notice was published in a newspapers of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 19, 2006; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms hereby determines that, pursuant to Section 19.92 of the Development Code that a public nuisance exists at 2650 Cholla Avenue, and adopts an Order to Abatement for that property.

BE IT FURTHER RESOLVED that the Planning Commission orders that the building and property be repaired, vacated, secured or demolished, and directs the property owner to immediately initiate the repair of the roof and all un-reinforced masonry in accordance with an approved plan prepared by a licensed structural engineer and complete said repairs within 45 days or demolish the entire structure.

APPROVED AND ADOPTED THIS 19th DAY OF September, 2006

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Irving Stone, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. _____ duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the _____ day of _____, _____, in Twentynine Palms, California.
Dated this _____ day of _____, _____.

Charlene L. Sherwood, City Clerk