



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: July 25, 2017

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Authorizing The Interim City Engineer To Approve The Plans And Specifications For Abatement Of 1264 Ocean Avenue Pursuant To Emeryville Board Of Appeals Final Decision Dated August 25, 2016 (“Project”); Authorizing The City Manager To Advertise Notice For Bids For The Project And Enter Into An Agreement With The Lowest Responsible Bidder In An Amount Not To Exceed \$175,000; And Appropriating \$175,000 From The General Fund Unassigned Fund Balance To The Building Division Code Enforcement Account (1730-87260) To Cover The Abatement Cost**

RECOMMENDATION

Staff recommends that the City Council authorize the Interim City Engineer to approve bid specifications for abatement of 1264 Ocean Avenue and authorize the City Manager to advertise notice for bids for the project and enter into an agreement with the lowest bidder in an amount not to exceed \$175,000 and appropriate \$175,000 for the General Fund Unassigned Fund Balance to the Building Division Code Enforcement Account.

BACKGROUND

On July 29, 2015, Building Division staff inspected the property at 1264 Ocean Avenue and determined it to be uninhabitable due to imminent danger as a result of dilapidation, deterioration of the structure and foundation, illegal construction, faulty electrical, lack of a potable water system, non-permitted well water, etc. On September 3, 2015, the Building Division secured and posted the property with a 24-hour inspection warrant notice issued by the Alameda County Superior Court. On September 8, 2015, City inspection staff and Haley & Aldrich Construction Services, Inc. (HCS), engineering consultants, accessed the property to analyze the unpermitted excavation under the existing house for structural impacts to the dwelling and the adjacent dwelling located at 1262 Ocean Avenue. The inspection results supported the initial findings from Building Inspection staff on July 29, 2015. As a result, occupants were directed to vacate the premises and the structure was “red tagged” as uninhabitable. Subsequently all utilities were disconnected by PG&E.

On October 19, 2015, the property owner, [REDACTED], was served with a Notice and Order of Intention to Demolish the structure, which addressed the findings of the inspections and options for compliance, including the property owner's right to appeal the findings within 30 days. The property owner filed an appeal on November 18, 2015. At a special meeting held on August 23, 2016, the Board of Appeals of the City of Emeryville unanimously voted to uphold the Chief Building Official's Notice and Order to Demolish the building ("Final Decision"). This decision was final and could not be further appealed. The Board of Appeal's Final Decision stayed the order to demolish for forty-five days to afford the owner, [REDACTED], time to remove his personal effects from the property and make other arrangements as necessary, and for staff to provide information on housing and social services.

DISCUSSION

Staff has attempted to meet with [REDACTED] per the Final Decision, but [REDACTED] has declined any such outreach. Prior to carrying out the abatement, and once a contractor is hired, staff will provide notice to [REDACTED] of the date that the City will carry out the abatement so that he may remove any remaining personal belongings.

Based on the Building Division staff and HCS engineering consultant's inspection and observations, staff concluded that a large unpermitted excavation exists beneath the residence at 1264 Ocean Avenue extending to and beneath the public sidewalk. The excavation exposes highly plastic clayey soil in near vertical side slopes. The clayey soil is very dry and has large tension cracks. The depth and location of the excavation ranges in depth from 6 feet to 12 feet, encompassing over half of the structure's perimeter foundation. Much of the building's foundation is either: 1) removed, 2) in place but completely undermined without soil support, or 3) located adjacent to a vertical cut, such that any collapse of the excavation side slope would result in a sudden loss of support of the building footing. The excavation has significantly reduced the lateral resistance capability of the existing non-conforming foundation. In addition to the excavated areas of the residence, the excavation extending into the public right of way in an apparent attempt to expose the City's storm water system has a depth from 4 feet to 6 feet and a width of 15 feet. Thus, the abatement presents some safety challenges.

With the City Council's authorization, the Interim City Engineer will approve the plans and specifications for the abatement once the documents are completed. Thereafter the Project will be publicly bid. The proposed resolution also authorizes the City Manager to enter into an agreement with the lowest responsible bidder for an amount not to exceed \$175,000, which is the engineer's estimate of the Project cost.

FISCAL IMPACT

As noted above, the engineer's estimate of the abatement cost is \$175,000. An appropriation of \$175,000 from the unassigned General Fund balance to the Building Division Code Enforcement Account (1730-87260) to cover the abatement cost is

requested. To eventually recoup this cost, a lien on the property at 1264 Ocean Avenue for a total not to exceed \$175,000 is proposed. The lien amount represents the cost to abate the dangerous conditions resulting from the property owner's failure to comply with the previous Notice and Order to Demolish pertaining to illegal excavation of the property and public right of way.

STAFF COMMUNICATIONS WITH PUBLIC

There have been no communications with the general public on this item.

CONCLUSION

Staff is requesting that the City Council delegate authority to the Interim City Engineer and the City Manager to approve the bid specifications, and to advertise and award the contract if the lowest responsible bid is within the engineer's estimate of \$175,000. By having such authority delegated, staff will be able to continue to make progress on the abatement during the Council's recess in August.

PREPARED BY: Victor Gonzales, Chief Building Official
Michael Roberts, Senior Civil Engineer

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Carolyn Lehr, City Manager

ATTACHMENTS
1. Draft Resolution