



Item No. 19 Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER
STEVE McCULLEY, CHIEF OF POLICE

FROM: MONICA DIAZ, CSO/CODE ENFORCEMENT OFFICER

DATE: SEPTEMBER 19, 2018

SUBJECT: PUBLIC HEARING – PROPERTY OWNER APPEAL OF A
NOTICE AND ORDER ISSUED FOR 370 WALSH ROAD

RECOMMENDATION

Staff recommends the corrective actions in the Notice and Order issued on July 19, 2018 for existing violations at the property located at 370 Walsh Road be upheld. The Notice and Order is requiring that the Property Owners comply with the Atherton Municipal Code, California Building Code, Uniform Code for the Abatement of Dangerous Buildings and Uniform Housing Code through standardized repairs with proper plans and building permits, or by removing or demolishing a structure located on the property.

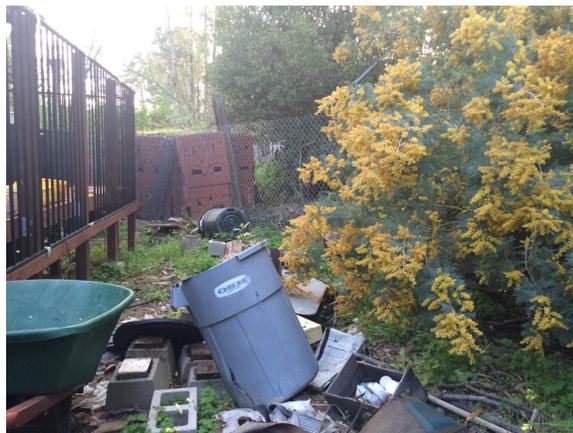
BACKGROUND

Code Enforcement staff responds to complaints and addresses violations of various codes. The typical practice is to begin by contacting resident(s) personally whenever a violation is observed or by mail when that's not possible. Staff continues working with residents until corrections have been met and the case closed due to compliance. There are cases where escalation within the process is necessary to provide the community relief of a violation. Escalating the process through formal notices is a serious matter, and one that staff does not take lightly. Atherton's municipal code describes this process as the issuance of a notice of nuisance and order of abatement, otherwise known as a Notice and Order. These notices are not issued often and are reserved as a tool for serious situations. In the event compliance is not attained through a Notice and Order, the Town reserves the right to pursue compliance by further escalation within the process. Escalation can include, but is not limited to, abatement or judicial actions in Superior Court. Abatement is a process in which the Town seeks an Abatement Warrant through the courts to enter private property and physically remove a public nuisance, by hiring professional(s) and coordinating the work until the property meets a minimum standard in compliance with the codes. Judicial actions can include injunctive relief, a receivership or a civil lawsuit, each being decided on a case-by-case basis. The Town may seek cost recovery with and through these actions.

There is an active case for this property that was opened in April 2014 via complaints related to maintenance standards. Efforts were initiated with then property owner, Dr. Norman Tong, who passed away on the property in February 2016. Shortly after, his wife Mrs. Priscilla Gee-Schoon and son Mr. Christopher Gee Schoon-Tong, became the new property owners.

Initial conditions observed included numerous dead and/or dangerous trees, heavy overgrowth, general lack of maintenance, heavy accumulations of trash, debris, rubbish, scrap metal, tires, concrete, construction supplies and materials, lumber, various combustible materials, various collections of various materials, numerous inoperable vehicles and a large structure which showed significant deterioration. Staff also discovered the structure had been used as living space.





After the initial inspection, staff began working with the Property Owners to address the violations. Staff's main contact has been their daughter/sister, Mrs. Jennifer Gee Schoon-Tong. Given the numerous violations and overwhelming conditions found at the property, the list of corrective actions needed to bring the property into compliance was broken up into three (3) phases:

Corrections, Phase 1. – Vegetation Issues: Any overgrown, dead, decayed, diseased or hazardous trees or other such vegetation located throughout the property was required to be removed.

Corrections, Phase 2. – Clean-up: Weeds, yard waste, trash, debris, rubbish, scrap metal, tires, concrete, asphalt, stoves, sinks, toilets, lumber, or otherwise unusable materials were required to

be removed. Proper disposal was also required. Construction supplies/materials required to be properly stored or removed. Removal of various inoperable vehicles was required since there was no way to properly store them on the property.



Phase 1 (Vegetation issues) and Phase 2 (Clean-up) have been completed to date, as shown in the images above. Mrs. Gee Schoon-Tong requested to keep the brick lots and some tiles onsite, as well as be allowed a temporary construction-type fence in order to secure the property. Her request was approved by our Building Official, Mr. Michael Greenlee, with the condition that brick piles be reduced to a maximum three (3) feet in height, and that both fence and pile corrections be completed within 30 days, by October 11, 2018.



Corrections, Phase 3. – Structure and Security: Structure needs to have proper plans and permits filed with the Building Department, or be removed. Property needs to be secured so as to be made inaccessible by unauthorized person(s). *There is a stay on the fence requirement until October 11, 2018.*

The Town issued the late Dr. Tong a Building Permit for the construction of a “New Single Family Home” on February 3, 1978; Permit #11227. This permit remained active for over 38 years. Construction work happened slowly, with inspections taking place sporadically and intermittently. It was brought up to Dr. Tong that construction work deviated from the plans. Various letters were mailed to this effect, requesting plans as well as reminding Dr. Tong that allowing the permit to expire would cause him to have to re-submit his application, with new plans that would change the construction requirements to those of the current year. The earliest letter on file was mailed March 1st, 2007 and the latest on this subject mailed November 7, 2013. Building Permit #11227 was expired on September 30, 2016 since no meaningful progress had been made in over one (1) year and no plans had been made available for inspection as requested.

A Notice and Order (“The Notice” hereafter) was issued on July 19, 2018 for violations related to the structure located on the property. The Notice requires corrections for violations of the Atherton Municipal Code, California Building Code, Uniform Code for the Abatement of Dangerous Buildings and Uniform Housing Code. These codes require any unsafe, unsound, faulty and/or defective structure or building be either made safe through standardized repairs with proper plans and building permits, or that it be removed or demolished. Substandard, faulty, dangerous buildings or structures are a public nuisance and not allowed. The Notice being appealed, requires the Property Owners to submit plans and obtain permits for the structure. Another option available as corrective action for the violations is demolition of the structure.

Per our Building Official, in order to obtain Building Permits for standardized repairs or alterations for the existing structure at this property an updated set of plans is being required, an evaluation of the foundation system and all other structural components of the structure by a licensed Structural Engineer is required, and an evaluation of the soil stability and other conditions by a licensed Geotechnical Engineer is required. This is due to noted cracking, settlement and erosion in areas of the foundation, which are a cause for major concern. Also, the conditions of the foundation could affect other components of the structure. Some of these include the anchorage of the floor or roof to walls, columns and walls, and columns to the foundation. Having licensed Engineer(s) complete those observations and evaluations will allow them to determine the

conditions of the structure, and whether it's possible to proceed with construction on the existing structure. An alternative to those evaluations, observations and plan requirements would be demolition.







POLICY FOCUS

The Town of Atherton’s policies and ordinances aim to ensure the enjoyment of property by all residents. In the event a property exists with conditions that create a public nuisance or those which may affect others’ peace, health, safety, welfare or property values, the Town may take proper actions to abate such a condition.

FISCAL IMPACT

There is no fiscal impact in connection with this Public Hearing.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about this item is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ___ has or X has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)

ATTACHMENTS

- EXHIBIT A. Previous letters issued by the Town;
- EXHIBIT B. Notice and Order dated July 19, 2018;
- EXHIBIT C. Appeal filed by Property Owner(s);
- EXHIBIT D. Statements from the Town’s Building Official.

Exhibit A



TOWN OF ATHERTON

83 Ashfield Road | Atherton, CA 94027

Notice of Violation and Order to Abate

November 23, 2016

Gee-Schoon, Priscilla Tr
Tong, Christopher Geeschoon Tr
788 8th Avenue
Sacramento, CA 95818

Gee-Schoon, Priscilla Tr
Tong, Christopher Geeschoon Tr
393 Blossom Hill Rd. Ste. 370
San Jose, CA 95123

Sent Regular Mail and Certified Mail, Return Receipt Requested

Subject Property: APN: 073-202-150, *property known as 370 Walsh Road*

Dear Property Owner(s):

As a result of the inspections conducted at the subject property by Town staff, and pursuant to Atherton Municipal Code (AMC) § 8.20.070 et seq., you are hereby notified that the following conditions exist and constitute violations of the Atherton Municipal Code and the incorporated codes:

AMC § 8.08.010 Responsibility of property owner, AMC § 8.20.050 Unlawful materials, conditions and activities.

(See the attached inspection report for a list of the violations and the required corrective actions.)

You are hereby ordered to correct such violations. All corrective actions must physically commence within fourteen (14) days of service of this Notice and Order. All required corrections must be completed within thirty (30) days of service of this Notice and Order. Disposal of materials involved in correcting these violations shall be carried forth in a legal manner. If the required work is not commenced within the time specified above, the Town will have the work done and you will be billed for abatement costs and administrative expenses. Failure to pay may result in a levy against the subject property. Uncorrected violations are subject to the issuance of administrative citations, daily civil penalties and/or associated administrative costs, as well as any other remedies available by law.

Any person having interest or record title in the subject property may appeal this Notice and Order to the City Council in writing within ten (10) days from the date of service of this Notice and Order.

The compliance date for correction of the noted violations is December 23, 2016. A re-inspection will be conducted on or about December 26, 2016 to verify compliance with this Notice and Order.

If you believe that there are reasonable grounds for an extension of the compliance date, you may submit a written request specifying the grounds and requested period for such an extension. Such a request must be received no later than ten (10) days prior to the compliance date specified above. An extension is discretionary and may be granted where a good faith effort has been made to correct the violations and an extension is reasonable under the circumstances.

The Town is looking to work with you to have these violations corrected as soon as possible, and we appreciate your cooperation in this manner. If you have any questions or need further information, please feel free to contact me.

Thank you,



Monica Diaz
CSO/Code Enforcement Officer
(650) 752-0553
mdiaz@ci.atherton.ca.us

cc: City Manager, City Attorney, Chief of Police,

Enclosed:

- Inspection Report
- Property Images dated 02/29/2016
- Letter from Town Arborist mailed 10/18/2016
- E-mail dated 10/18/2016
- Town of Atherton Tree Care Providers courtesy list

Town of Atherton Inspection Report

Date of Inspection: 02/29/2016, 11/10/2016

Subject Property: *property known as 370 Walsh Road* (APN: 073-202-150)

Inspection(s) by: Monica Diaz, CSO/Code Enforcement Officer

Violations:

- | | |
|----|---|
| 1. | <u>AMC § 8.08.010</u> Responsibility of property owner.
It shall be the responsibility of owners, tenants and occupants of property to discover the existence of dead or dangerous trees located on such property. Any owner, tenant or occupant of property in the town on which property there is a tree which appears to be dead, is liable to fall, is dangerous or is an obstruction to public travel shall report in writing the existence of such hazard to the superintendent of streets and shall, within ten days after observation thereof, at his own expense, cut down and remove such tree. |
| 2. | <u>AMC § 8.20.050</u> Unlawful materials, conditions and activities.
F. Overgrown, dead, decayed, diseased or hazardous trees or other vegetation. |

Atherton Municipal Code (AMC)

Corrective Actions:

- | | |
|----|---|
| 1. | The Town Arborist, Ms. Sally Bentz, has assessed the trees on your property and has found at least one (1) of them to be decaying, decayed, dying, dead, and/or dangerous. Any and all decaying, decayed, dying, dead, and/or dangerous trees need to be removed, as required by code. You will need to schedule a meeting with her and your tree care professional to coordinate the exact and specific tree(s) that are being addressed by this Notice and Order. The meeting needs to take place as soon as possible and tree work must commence by the deadline date provided within this Notice. |
| 2. | F. Remove and properly dispose of any overgrown, dead, diseased and/or hazardous vegetation. Any and all remaining trees need to be trimmed, clipped, pruned and/or otherwise properly maintained in order to keep them from deteriorating or becoming unsafe. |
- The enclosed Tree Care Providers list is included for reference, and as a courtesy only. The Town of Atherton does not recommend or require that you hire any of the companies or individuals listed within it.

For questions regarding this Inspection Report:

CSO/Code Enforcement Officer: Monica Diaz (650) 752-0553



Town of Atherton
Building Department
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0560

Pricilla Gee-Schoon
788 8th Ave.
Sacramento, CA 95818

October 18th, 2016

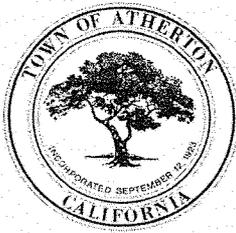
Dear Mrs. Gee-Schoon,

My name is Sally Bentz and I am the Town Arborist. It has been brought to my attention that you have dead eucalyptus tree on your property at 370 Walsh Rd. The dead tree will need to be removed within 10 days by Thursday October 27th 2016. After October 27th I will send the case to code enforcement. Please see the town ordinances 8.08 regarding the removal of dead trees on private property.

Please contact me with any question.

Respectfully

Sally Bentz
Town Arborist
(650) 752-0526
sbentz@ci.atherton.ca.us



Town of Atherton
Building Department
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0560
Fax: (650) 688-6539

Gee-Schoon, Priscilla Tr
Tong, Christopher Geeschoon Tr
788 8th Avenue
Sacramento, CA 95818

Gee-Schoon, Priscilla Tr
Tong, Christopher Geeschoon Tr
393 Blossom Hill Rd, Ste. 370
San Jose, CA 95123

February 15, 2017

Sent Regular Mail and Certified Return Receipt Requested

Subject Property: APN: 073-202-150, 370 Walsh Road Atherton CA

Dear Property Owner(s):

The purpose of this letter is to provide you with the status of the subject property including the building permit, current enforcement actions and possible resolutions.

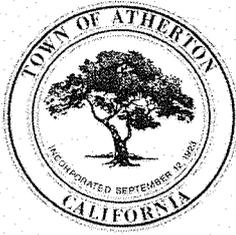
Part 1: Building Permit #11227 for the construction of a new single family home.

The building permit was issued February 3, 1978. Town of Atherton has notified the owner in writing that meaningful progress be made on the home every 180 days, as required by the code. In addition, the approved plans must have been made available for each inspection or the permit would expire by default. A copy of the correspondence that includes the requests and the referenced code is attached.

Excerpt from the November 7, 2013 letter which is attached:

"If meaningful progress cannot be demonstrated, the Town will be required to expire your building permit

In order to conduct any further required inspections the following is needed. The built in shelving, unless shown on the plans, needs to be taken down, all hallways must be a minimum of 36" clear in width, excessive storage needs to be removed so the job site can be safely traversed, and a copy of the approved plans needs to be



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onsite for every inspection. If you do not have the approved plans you can come to the office and order a reproduced set which you would need to pay for. If any changes to the plans have been made, submit two complete sets of the revised plans along with original plans for review and approval. For example, it was noted on an inspection in February of 2009 that an additional entrance was being proposed on the east side, that the work was underway and that revised plans would be required."

While inspections have been requested, and the inspection record is attached, in most cases a meaningful inspection could not be done since approved plans were never available or the work was not ready for a complete inspection. The last requested inspection was October 9, 2015 and could not be performed since no plans were available. The last recorded inspection for work was on October 22 2014 a gas line which failed because it was not completely ready and no plans were available.

The permit was expired on September 30, 2016 since no meaning progress had been made in over a year and no plans were made available for the inspections requested.

Potential Building Permit Expiration Resolutions:

You have the following options to resolve the expired permit:

- 1) Apply for a new permit with complete plans supporting documents to show compliance with the current 2016 California Code of Regulations and Town of Atherton Construction Requirements. Obtain the permit and complete the work.
- 2) Keep the property free of fire hazards and the building secured and in a condition that will prevent it from becoming an Attractive Nuisance/Public Nuisance (Atherton Municipal Code Section 8.20.060) or Dangerous Nuisance Condition as specified in Atherton Municipal Code Section 8.20.050 that would require the Town to pursue abatement.
The Atherton Municipal Code is available at "<http://www.codepublishing.com/CA/Atherton>".
- 3) Obtain the necessary demolition permit to remove the structure and complete the demolition.

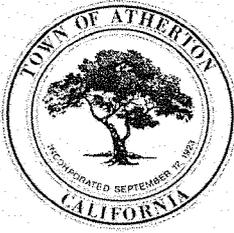
Part 2: Code Enforcement Action Summary:

See the attached Notice and Order for the referenced Items:

#1. This item was completed and has been checked-off the list of corrective actions.

#2. AMC § 8.20.050 Unlawful materials, conditions and activities.

F. Overgrown, dead, decayed, diseased or hazardous trees or other vegetation.



Town of Atherton
Building Department
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0560
Fax: (650) 688-6539

- Corrective Action: F. Remove and properly dispose of any overgrown, dead, diseased and/or hazardous vegetation. Any and all remaining trees need to be trimmed, clipped, pruned and/or otherwise properly maintained in order to keep them from deteriorating or becoming unsafe.
- *Progress made: Davey Tree was hired by the property owners to work on the violations with staff. Sally Bentz met with Jess Running of Davey Tree on 01/11/17. Together, they conducted an assessment of all trees on the property. Sally came to the conclusion that all debris and eucalyptus trees must be removed to make the property safe (approx. 20 unmaintained/sprout trees), which will require a permit. All oak and other non-eucalyptus trees are required to stay. Sally also explained that she doesn't believe work can begin until about May due to the wet soil's slope and lack of driveway at the property, which is needed for large equipment (i.e. large bucket truck) to do the work. Per the last email I received, she and I need to get together and discuss a plan of action as well as a timeline that we could then relay to the property owners.*

Please provide the Town of Atherton with a schedule plan of action to bring the property into compliance for the both the expired Building Permits and the ongoing Code Enforcement Case within 30 days of the date of this letter for review. The Town is available to meet regarding the property should you have questions.

Nothing in this letter or process should be construed to limit the Town of Atherton in pursuing any and all further remedies as allowed by law.

Sincerely,

George Rodericks
City Manager
Town of Atherton

Cc: City Attorney, Community Development Director, Chief of Police, Building Official, Code Enforcement Officer and Jennifer Gee Schoon-Tong 1954 S. Forest Hill Pl. Danville, CA 94526

Attached:

- PDF of Correspondence Dated: 3/1/07, 2/26/09, 1/26/12, 2/21/12, 8/16/12, 11/7/13 4/16/15, 5/4/15 and the inspection record.
- PDF of Notice and Order



Town of Atherton
Building Department

91 Ashfield Road
Atherton, Ca. 94027
Phone: (650) 752-0560
Fax: (650) 614-1212

March 1, 2007

Dr. Norman J Tong
393 Blossom Hill Road, Suite 370
San Jose, Ca. 95123

RE: 370 Walsh Road, Atherton

Dr. Tong,

As you are aware, you are required to have an inspection performed not more than 180 days from the date of your last inspection. On October 6, 2006 Michael Cully, Acting Building Official and Ken Huo were at your site, 370 Walsh Road, to meet with you and discuss the history of the project and expectations of you from that day forward. They also performed a Drywall Inspection at that time. **Your next inspection shall occur prior to April 6, 2007.**

As Mr. Cully explained to you the Town wishes that this project is completed as expeditiously as possible. The Town has been very patient and lenient with your project. Mr. Cully also clarified to you that any future inspections shall be made in strict adherence to the provisions of Permit Expiration, and that those inspections shall demonstrate measurable and quantifiable progress – specifically inspections of those items as required by the Building Codes.

As I understand, with the drywall inspection completed, we should be expecting this project to be nearing completion. Most projects only require a shower pan and shower lath (for site built shower enclosures) prior to the Final Inspection. At the final Inspection we typically look at all items throughout the interior and exterior of the house. This would include, but not limited to: completion of Electrical (outlets, switches, plugs, light fixtures, etc) Plumbing (faucets, valves, drain lines, etc) Mechanical (water heater, furnace & ducts, etc) as well as stairways, hand and guard railings, and all required landings. These items are "measurable and quantifiable" inspections. The Town Staff will no longer make progress inspections of items that I feel are irrelevant to the inspection requirements as outlined in the Building Code.

Additionally, if you do not have inspections performed within the established time frames (less than 180 days) I will have no option but to consider your permit for expiration. If the permit is expired you will be required to obtain a new building permit. A completed application accompanied by plans, which are

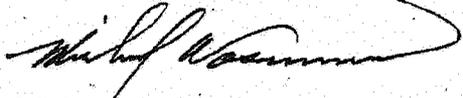
in compliance with the current building code, will be required, as well as all fees. Please be advised that since the issuance of your original permit there have been a considerable number of changes to the Building Code that would involve changes to your foundation and structural designs. Additionally the Town has since enacted an Ordinance that would put a time limit on the period of construction, as well as the enactment of a Fire Sprinkler Ordinance. I would assume that you will ensure that timely requests for "measurable and quantifiable" inspections are made, and that you avoid having your permit expired.

At this time it would appear that you will **need to have an inspection performed by the Building Department prior to April 6, 2007**. Again I stress the urgency of having an inspection performed, and that that inspection is what I would consider measurable and quantifiable. Failure to have an inspection performed, both within the required time-frame and one which is required by the California Building Code is of the utmost importance. I do not believe I can stress the importance of these issues further.

If you have any further questions or concerns please do not hesitate to call me immediately at 650-752-0560.

Please call 650-572-0560 to schedule an inspection.

Respectfully,



Michael Wasmann
Building Official

Cc: M. Hynes, City Attorney
File



Town of Atherton

Building Department

Address: 370 WALSH

Permit # 11227 Date: 2/26/09 AM / PM

- | | | |
|---|--|-------------------------------------|
| <input type="checkbox"/> Foundation / Piers | <input type="checkbox"/> Underground | <input type="checkbox"/> underfloor |
| <input type="checkbox"/> Shear Nailing | <input type="checkbox"/> Framing - PME | <input type="checkbox"/> Insulation |
| <input type="checkbox"/> Ext. Lath | <input type="checkbox"/> Int. Lath | <input type="checkbox"/> Drywall |
| <input type="checkbox"/> Plumbing | <input type="checkbox"/> Mechanical | <input type="checkbox"/> Electrical |
| <input type="checkbox"/> Final | <input type="checkbox"/> Drainage | <input type="checkbox"/> COP |

Other: NEW ENTRY

CORRECTIONS REQUIRED:

PLEASE SUBMIT PLANS
FOR NEW OR REVISED
ENTRY TO BUILDING/
PLANNING DEPT. FOR
REVIEW.

Inspector: G. A. [Signature]

- Please make the above corrections and call 650-752-0560 to schedule a re-inspection



Town of Atherton
Building Department

91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0560
Fax: (650) 688-6539

January 26, 2012

Dr. Norman J. Tong
393 Blossom Hill Road, Suite 370
San Jose, CA 95123

RE: 370 Walsh Road, Atherton

Dear Dr. Tong:

On January 12, 2012, at your request, the Town of Atherton visited your house at 370 Walsh Road to do a "progress" inspection of the sub-floor. As a result of our visit, Building Inspector Mike Greenlee and I observed and noted several items of concern.

The first item is the large amount of construction material, boxes, and other combustible material being stored within the two rooms we had access to. As a result of this discovery, we requested permission to inspect more of the house, but were unable since you denied us access. The amount of loose, combustible materials you are storing in your house is a clear violation of the Building Code and Zoning Ordinance. **Accordingly, you are hereby directed to contact me immediately to schedule a full inspection of your house with representatives of the Town of Atherton Building Department as well a Fire Inspector with Menlo Park Fire District.**

The second item of concern is your inability to complete the construction of your house. According to Town records, your house was permitted under the 1976 Uniform Building Code (UBC) and construction commenced in 1978. Since then, there have been numerous updates, revisions, and adoptions of new codes. We are currently under 2010 California Residential Code (CRC) which is based on the 2009 International Residential Code (IRC).

The '76 UBC under Section 303 (d) Expiration stipulates; *"Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days"*. The Section R105.4 of 2010 CRC stipulates; *"Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced"*.

As you see, this section of the code has remained the same over the years, and contrary to your belief, a permit cannot remain open indefinitely. A reasonable progression of code

required inspections must be successfully satisfied in order to keep your current permit active. Based upon what we observed during our site visit on January 12, 2012, it appears that final inspection may be the only remaining required inspection. Therefore it is important that you complete your project and schedule the final inspection.

Given the fact that your house has been under construction for over 30 years, I believe the Town of Atherton has been very accommodating and liberal in our responsibilities to interpret and administer the requirements of the building code. However, allowing a residential building permit to remain active for over 30 years is beyond the intent and the loosest interpretations of the Code. **Therefore, you are hereby notified that your building permit will become invalid if your house is not complete and ready for final inspection on or before August 31, 2012.**

Failure will result in expiration of your permit. Upon expiration of your permit, if you choose to continue with your project, you will be required to obtain a new permit. A new permit will prompt the followings;

- Submittal of new set of plans and calculations.
- Full compliance with non-structural requirements of 2010 CRC.
- Full compliance with structural requirements of 2010 CBC and (or) CRC. The current codes are the result of the years of studies and researches that followed Loma Prieta, Northridge, Kobe (Japan) and other earthquake disasters throughout the world. The current codes are more superior and more stringent than 1976 UBC. The chances that your building will comply with the current codes without major modifications, is very slim.
- Full compliance with 2010 California Mechanical Code.
- Full compliance with 2010 California Plumbing Code.
- Full compliance with 2010 California Electrical Code.
- Full compliance with 2010 California Green Building Standards Code (CalGreen). CalGreen is a new code that did not exist in the seventies.
- Full compliance with 2010 California Energy Code. There were no such requirements in the seventies.
- Full compliance with The Menlo Park Fire Protection District Ordinance Number 32-2010. Automatic fire sprinklers will be required throughout the house.
- Construction of an all-weather driveway from Walsh Road to your house to accommodate fire truck access.

Complying with all of the above requirements would be very costly, so the Town of Atherton is interested in working with you to insure you successfully make the August 31st deadline for the completion of your project. We would be very happy to perform a courtesy walk thru with you to help you identify required work and to also develop an itemized list of work necessary to complete your project.

Please contact me at (650) 752-0518 to schedule the inspection with Menlo Atherton Fire as well our courtesy walk thru.

Sincerely,

Homer Maiel, PE, CBO
Building Official

Cc: Michael Kashiwagi, Town of Atherton Community Services Director
Bob Blach, Menlo Park Fire District
Bill Conners, City Attorney



Town of Atherton
Building Department

91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0560
Fax: (650) 688-6539

February 21, 2012

Dr. Norman J. Tong
393 Blossom Hill Road, Suite 370
San Jose, CA 95123

RE: 370 Walsh Road, Atherton

Dear Dr. Tong:

On January 12, 2012, at your request, the Town of Atherton visited your house at 370 Walsh Road to do a "progress" inspection of the sub-floor. As a result of our visit, Building Inspector Mike Greenlee and I observed and noted several items of concern.

The first item is the large amount of construction material, boxes, and other combustible material being stored within the two rooms we had access to. As a result of this discovery, we requested permission to inspect more of the house, but were unable since you denied us access. The amount of loose, combustible materials you are storing in your house is a clear violation of the Building Code and Zoning Ordinance. **Accordingly, you are hereby directed to contact me immediately to schedule a full inspection of your house with representatives of the Town of Atherton Building Department as well a Fire Inspector with Menlo Park Fire District.**

The second item of concern is your inability to complete the construction of your house. According to Town records, your house was permitted under the 1976 Uniform Building Code (UBC) and construction commenced in 1978. Since then, there have been numerous updates, revisions, and adoptions of new codes. We are currently under 2010 California Residential Code (CRC) which is based on the 2009 International Residential Code (IRC).

The '76 UBC under Section 303 (d) Expiration stipulates; *"Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days"*. The Section R105.4 of 2010 CRC stipulates; *"Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced"*.

As you see, this section of the code has remained the same over the years, and contrary to your belief, a permit cannot remain open indefinitely. A reasonable progression of code required inspections must be successfully satisfied in order to keep your current permit active. Based upon what we observed during our site visit on January 12, 2012, it appears

that final inspection may be the only remaining required inspection. Therefore it is important that you complete your project and schedule the final inspection.

Given the fact that your house has been under construction for over 30 years, I believe the Town of Atherton has been very accommodating and liberal in our responsibilities to interpret and administer the requirements of the building code. However, allowing a residential building permit to remain active for over 30 years is beyond the intent and the loosest interpretations of the Code. **Therefore, you are hereby notified that your building permit will become invalid if your house is not complete and ready for final inspection on or before August 31, 2012.**

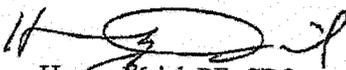
Failure will result in expiration of your permit. Upon expiration of your permit, if you choose to continue with your project, you will be required to obtain a new permit. A new permit will prompt the followings;

- Submittal of new set of plans and calculations.
- Full compliance with non-structural requirements of 2010 CRC.
- Full compliance with structural requirements of 2010 CBC and (or) CRC. The current codes are the result of the years of studies and researches that followed Loma Prieta, Northridge, Kobe (Japan) and other earthquake disasters throughout the world. The current codes are more superior and more stringent than 1976 UBC. The chances that your building will comply with the current codes without major modifications, is very slim.
- Full compliance with 2010 California Mechanical Code.
- Full compliance with 2010 California Plumbing Code.
- Full compliance with 2010 California Electrical Code.
- Full compliance with 2010 California Green Building Standards Code (CalGreen). Calgreen is a new code that did not exist in the seventies.
- Full compliance with 2010 California Energy Code. There were no such requirements in the seventies.
- Full compliance with The Menlo Park Fire Protection District Ordinance Number 32-2010. Automatic fire sprinklers will be required throughout the house.
- Construction of an all-weather driveway from Walsh Road to your house to accommodate fire truck access.

Complying with all of the above requirements would be very costly, so the Town of Atherton is interested in working with you to insure you successfully make the August 31st deadline for the completion of your project. We would be very happy to perform a courtesy walk thru with you to help you identify required work and to also develop an itemized list of work necessary to complete your project.

Please contact me at (650) 752-0518 to schedule the inspection with Menlo Atherton Fire as well our courtesy walk thru.

Sincerely,



Homer Maiel, PE, CBO
Building Official

Cc: Michael Kashiwagi, Town of Atherton Community Services Director
Bob Blach, Menlo Park Fire District
Bill Connors, City Attorney



Town of Atherton
Building Department

91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0560
Fax: (650) 688-6539

August 16, 2012

Ms Priscilla M. Gee Schoon
4082 Los Altos Drive
Pebble Beach, CA 93953

RE: 370 Walsh Road, Atherton

Dear Ms. Schoon:

The purpose of this letter is to document and confirm discussions we've had over the past several weeks regarding (1) the need for the Town of Atherton to meet you and Dr Tong at your home site at 370 Walsh Road and (2) the extension of your building permit. The purpose of the on-site meeting is to allow the Town of Atherton to inspect the current state of construction of your home so we can determine items which must be completed prior to final inspection. In our conversations, I also told you that I will consider a reasonable extension to your building permit as long as meaningful progress is being made to complete construction of your house at 370 Walsh Road.

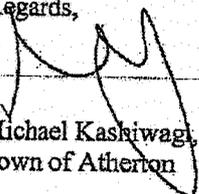
I also want to emphasize and reinforce that at this point, the primary interest and role of the Town of Atherton is to provide information necessary to facilitate the completion of your home. We are not interested in pursuing litigation to force completion and we are not interested in issuing monetary fines.

I think we can all agree that taking over 30 years to complete your home is unreasonable and extraordinary. In the past, I realize Town of Atherton staff has been extremely lenient and patient regarding the lack of construction progress and inability to complete construction of your home. However, regardless of this past practice, the Town of Atherton simply cannot continue to perform "progress inspections" requested by Dr Tong and maintain an open building permit for 370 Walsh without seeing meaningful construction progress and having an agreed upon timetable for completion.

Accordingly, it is very important that we are able to meet with Dr Tong and yourself so we can make a determination of (1) items to be completed prior to final inspection, (2) determine and agree upon a timetable for completion, and (3) determine an appropriate and reasonable extension to your building permit.

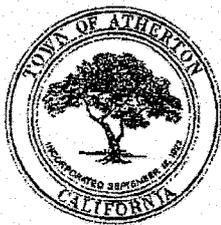
Please contact me at (650) 752-0532 to schedule our site meeting. Thank you.

Regards,



Michael Kashiwagi, P.E.
Town of Atherton

Cc: Dr. Norman Tong
Theresa DellaSanta
Homer Mael
Geoff Aus
William Conner



Town of Atherton

Building Department
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0560
Fax: (650) 688-6539

November 7, 2013

Dr. Norman J. Tong
393 Blossom Hill Road, Suite 370
San Jose, CA 95123

RE: 370 Walsh Road, Atherton – Building Permit #11227

Dear Dr. Tong:

Thank you for the opportunity to visit your project on October 29, 2013. It was disappointing we were unable to perform an inspection due to the excessive clutter and storage of materials throughout the house. This included the abundance of built in shelving and storage of materials which blocked access to areas necessary for inspection by the Town of Atherton. These inspections must be performed to confirm your house meets the minimum code requirements in effect at the time your permit was issued.

The primary interest of the Town of Atherton is to focus your future work efforts on items necessary to receive an approved final inspection. Accordingly, Town staff would be happy to help you understand which items require code compliance inspections and which items do not. This is important since the Building Code requires that meaningful progress is being made on the construction of your home. If meaningful progress cannot be demonstrated, the Town will be required to expire your building permit

In order to conduct any further required inspections the following is needed. The built in shelving, unless shown on the plans, needs to be taken down, all hallways must be a minimum of 36" clear in width, excessive storage needs to be removed so the job site can be safely traversed, and a copy of the approved plans needs to be onsite for every inspection. If you do not have the approved plans you can come to the office and order a reproduced set which you would need to pay for. If any changes to the plans have been made, submit two complete sets of the revised plans along with original plans for review and approval. For example, it was noted on an inspection in February of 2009 that an additional entrance was being proposed on the east side, that the work was underway and that revised plans would be required.

While not a complete list due to the limited access, excessive storage and no approved plans on the site, the following list will provide you with guidance on what to focus on:

1. Building:
 - a. Windows are installed incorrectly and need to be properly flashed and counter flashed.
 - b. Interior and exterior stairs, porches and landing – proper rise and run of the steps, grip-able handrails for all stairs with more than 3 rises installed between 30 and 34 inches above the nosing. Guardrails and guards at all porches/landings or other walking surfaces more than 30" above grade.
 - c. Provide under floor ventilation at 1.5 S.F. for every 25 feet of wall on 2 opposing sides of each under floor area.
 - d. There are numerous areas both interior and exterior where you have un-treaded wood in contact or within 6" of earth.
 - e. Review by a California Licensed Engineer the shifting soil and foundations at two locations. One by the piers on the front of the house on the bedroom wing and the foundation shift on the front of the house at the cold joint.
2. Electrical:
 - a. Complete all house wiring to all required outlets, equipment and switches which need to be exposed for inspection
 - b. Provide permanent electrical service to the residence
 - c. GFCI receptacles are required within 6' of sinks, exterior and under floor mechanical room. (This is not current code but code in effect at the time)
3. Mechanical:
 - a. Complete HVAC duct system including sealing ducts. (This item has been noted as being worked on since early 2011 and will not constitute continued meaningful progress).
 - b. Properly vent all gas appliances to the exterior.
 - c. Verify combustion for gas water heaters and furnace.
 - d. Provide natural ventilation or mechanical ventilation system for all rooms with a tub/shower and similar fixture directly to the outside.
 - e. Properly install the furnace which cannot rest on earth or untreated material underfloor.
 - f. Complete the kitchen exhaust hoods.
4. Plumbing:
 - a. Complete all gas lines extending from the gas meter location to each appliance and pressurize the line for a test.
 - b. Complete the kitchen sinks and bathroom(s) which consist of a water closet, lavatory and either a bathtub or shower including running water. Note: If you choose, you only need to complete one bathroom for a final inspection and the others can be capped off and noted that a separate permit would be issued in the future to complete them.
 - c. Complete approved shower wall finishes to a height of 72" above the drain inlet.
 - d. Complete the water service and sewer to the public utility.
 - e. Clarify the water heater in the living room? If it remains it needs property clearance venting and combustion air.

In addition to the work required under the building permit, the following general information and observations were made. Work such as landscaping, floor coverings, interior paint, interior doors and even more than one bathroom is not required to be completed under the permit to obtain a final. Since they are not required, progress in these areas or any item that was not originally required by the code would not constitute the progress needed to keep the permit open.

It is also important to maintain the site by installing erosion control on the property. One example is the exposed earth on the driveway that would cause runoff during a rain event. In addition, the California Fire Code (CFC) limits the excessive storage of combustible material in and around the building. Sections of CFC and CCR Title 19, Division 1 are paraphrased as follows: 307(a), no combustible material within 10 feet of a building, 307(b) Ground clearance of 30' around a building weed, wood etc. needs to be cleared (you said you were bringing a dumpster in to start on this) and 307(c) Housekeeping, building need to be maintained in an orderly manner, free of any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire (excessive storage).

Again, the visit on October 29th, 2013 did not constitute a required inspection. I encourage you to complete the work that is needed to conduct any required inspections within the allotted 180 day time frames. In order to accomplish the required inspections and allow the Town to keep your permit active we ask that you provide an itemized schedule of work so we can work with you to systematically complete the required building inspections within time frames required by code and to obtain a final inspection.

If you have any question about whether or not an element is required please contact me directly at (650) 752-0518. I look forward to you submitting the itemized schedule.

Sincerely,



Brett Hale, CBO
Building Official
Town of Atherton

CC:

- Michael Kashiwagi, P.E. Town of Atherton
- Ms Priscilla M. Gee Schoon
4082 Los Altos Drive
Pebble Beach, CA 93953



370. Walsh Rd

Town of Atherton

Building Department
650-752-0560

Permit # _____

date: 4/16/15

- | | | |
|---|--|-------------------------------------|
| <input type="checkbox"/> Foundation / Piers | <input type="checkbox"/> Underground | <input type="checkbox"/> Underfloor |
| <input type="checkbox"/> Shear Nailing | <input type="checkbox"/> Framing | <input type="checkbox"/> Insulation |
| <input type="checkbox"/> Plumbing | <input type="checkbox"/> Mechanical | <input type="checkbox"/> Electrical |
| <input type="checkbox"/> Exterior Lath | <input type="checkbox"/> Interior Lath | <input type="checkbox"/> Drywall |
| <input type="checkbox"/> Drainage | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Final |
| <input type="checkbox"/> Other _____ | | |

CORRECTIONS REQUIRED:

Please provide plans for all new construction and meet requirements per letter.

No inspections till plans have been approved.

Complete the above listed items and call to schedule re-inspection to verify compliance with the noted corrections. The inspection can be requested at 650-752-0560.

Inspector *William Jones*



Town of Atherton
Building Department
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0560
Fax: (650) 688-6539

May 4, 2015

Dr. Norman J. Tong
393 Blossom Hill Road, Suite 370
San Jose, CA 95123

RE: 370 Walsh Road, Atherton – Building Permit #11227

Dear Dr. Tong:

The primary interest of the Town of Atherton is to focus efforts on items necessary to receive an approved final inspection. In response to your letter dated April 22, 15 and the site visit of April 16, 2015 I wanted to again clarify what will be needed to conduct inspections on your property.

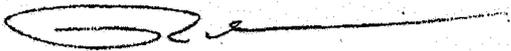
From the letter dated February 7, 2013 that I sent to you specifically the need for approved plans:

"In order to conduct any further required inspections the following is needed. The built in shelving, unless shown on the plans, needs to be taken down, all hallways must be a minimum of 36" clear in width, excessive storage needs to be removed so the job site can be safety traversed, and a copy of the approved plans needs to be onsite for every inspection. If you do not have the approved plans you can come to the office and order a reproduced set which you would need to pay for. If any changes to the plans have been made, submit two complete sets of the revised plans along with original plans for review and approval. For example, it was noted on an inspection in February of 2009 that an additional entrance was being proposed on the east side, that the work was underway and that revised plans would be required."

It is imperative that the approved plans are on the site and any changes to the plans be submitted for review and approval prior to future inspection. I encourage you to complete the work that is needed to conduct any required inspections within the allotted 180 day time frames. If meaningful progress cannot be demonstrated, the Town will be required to expire your building permit

If you have any question please contact me directly at (650) 752-0518.

Sincerely,



Brett Hale, CBO
Building Official
Town of Atherton

CC:

- Michael Kashiwagi, P.E. Town of Atherton
- Ms Priscilla M. Gee Schoon
4082 Los Altos Drive
Pebble Beach, CA 93953

Permit Inspections Town of Atherton

Permit Number: 11227

Description: **NEW RES & GARAGE**

Applied:

Approved:

Site Address: **370 WALSH RD**

Issued: **2/3/1978**

Finalized:

City, State Zip Code: , **CA**

Status: **EXPIRED**

Applicant: **<NONE>**

Parent Permit:

Owner: **NORMAN TONG**

Parent Project:

Contractor: **OWNER BUILDER**

Details:

NEW RES & GARAGE

Last Called inspection was October 2015 but no inspection was done due to no plans on site or meaning full progress. The home was essentially the same.

Permit expired by default. No meaningful progress was made, no plans made available at least back to 2006.

LIST OF INSPECTIONS

SCHEDULED DATE	COMPLETED DATE	TYPE	INSPECTOR	RESULT	REMARKS
		SEE NOTES	Unassigned	INSPECTION HISTORY	
Notes: Inspection Type: SEE MICROFISHE FILE FOR					
10/6/2006	10/6/2006	DRYWALL COMPLETE	Unassigned	OK	
Notes:					
4/2/2007	4/2/2007	WATER HEATERS	Unassigned	SEE C/N	
Notes:					
3/17/2008	3/17/2008	OTHER STRUCTURAL	Unassigned	PASS	IN-PROGRESS WALK THROUGH
Notes:					
2/26/2009	PM 2/26/2009	OTHER	JOSEPH AIELLO	PARTIAL	SEE NOTES
Notes: (2/26/2009 17:25 JA)HOMEOWNER NOTIFIED INSPECTOR OF INTENT TO CREATE NEW ENTRY AT EAST SIDE OF RESIDENCE (SOME WORK IN PROGRESS) INSPECTOR REQUESTED THAT OWNER SUBMIT REVISION TO BUILDING/PLANNING DEPT. FOR REVIEW (SEE ATTACHMENTS).					
8/20/2009	PM 8/20/2009	OTHER STRUCTURAL	JOSEPH AIELLO	PARTIAL	SEE NOTES
Notes: (8/20/2009 16:32 JA)FRONT ENTRY PROGRESS.DISCUSSED BALANCE OF WORK REMAINING TO CALL FOR FINAL.STRESSED IMPORTANCE TO GET DONE ASAP.					

Permit Inspections Town of Atherton

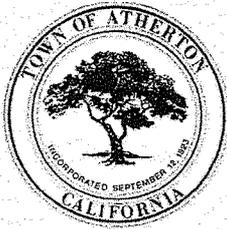
2/10/2010		2/10/2010	SUBFLOOR SHEAR NAIL	JOSEPH AIELLO	PASS	ENTRY ONLY
Notes:						
2/10/2010	PM	2/22/2010	DRY WALL	JOSEPH AIELLO	PASS	ENTRY ONLY
Notes:						
8/4/2010	PM	8/4/2010	DUCTS	JOSEPH AIELLO	PARTIAL	consult
Notes:						
1/28/2011		1/28/2011	FURNACE	KEVIN CITTADINI	PARTIAL	see notes
Notes: Two furnaces were placed in crawl space on wood platforms. Still need to provide level access pathway. There are lights located next to each furnace controlled by switches near the access door. Proper gas connector installed, but gas line is not hooked up yet.						
7/22/2011		7/22/2011	ROUGH FRAMING	Unassigned	PASS	floor nail
Notes:						
1/12/2012	--	1/12/2012	SUBFLOOR SHEAR NAIL	MIKE GREENLEE	See Notes	See Notes
Notes: Met with Homer on this project, this permit was issued in 1978 and is still open. Mr. Tong called for a subfloor inspection and this inspection has already been signed off. The Mr. Tong showed us that he has been installing tile and with that is making progress. Tile installation is not a required inspection. So no inspection was performed today. When myself and Homer walked into the residence the house was full of lumber, boxes and other items wall to wall, on shelves that are attached to the walls. You could only walk on a approx. 2'-0" walking area in all the rooms that Mr. Tong allowed us to enter. In what we observed this is a fire hazard. We asked Mr. Tong if we could look at the rest of the house and he denied our request. Then Mr. Tong said he would call and schedule a Mechanical inspection on the furnace and the furnaces have been looked at. Mr. Tong is at the final stages of his project. And needs a final inspection when project is complete.						
1/25/2012		1/25/2012	OTHER	MIKE GREENLEE	NO ENTRY	See Notes
Notes: Met with Homer, Bob Blach (Fire Inspector), and Dave Huynh (Public Works), to look at property from the exterior and see if any issues are to be noted in letter to owner regarding Fire Inspector and Public Works non-compliant issues.						
3/28/2012		3/28/2012	HAZARD INSPECTION	MIKE GREENLEE	CORRECTIONS	See Notes
Notes: Met with Homer and Geoffrey Aus (Division Chief Fire Prevention) and property owner Dr. Tong. Walked entire interior of structure. Every room is full of boxes and building material. Geoffrey Aus advised owner Dr. Tong that the interior of the structure is a fire hazard and that the interior has to be cleaned up of all combustable materials, Owner has 30 days to comply and a reinspection will be scheduled at the end of April 2012.						
10/29/2013	PM	10/29/2013	MEETING/INFO STOP	MIKE GREENLEE	FAILED	2pm with Brett, Fire and Code Enf
Notes:						
10/29/2013		10/29/2013	MEETING/INFO STOP	BRETT HALE	FAILED	
Notes:						

Permit Inspections Town of Atherton

4/25/2014	10:00 AM	4/25/2014	ROUGH MECHANICAL	BRETT HALE	FAILED	not ready
Notes:						
4/25/2014	10:00 AM	4/25/2014	UNDER-FLOOR MECH	BRETT HALE	FAILED	
Notes:						
4/25/2014	10:00 AM	4/25/2014	GAS TEST	BRETT HALE	FAILED	not ready
Notes:						
4/25/2014		4/25/2014	MEETING/INFO STOP	BRETT HALE	CORRECTIONS	
Notes: Meet at site with Dr Tong, Mike K, Mike G, Andrew. Showed progress in getting cleanup up but no work complete enough to sign off.						
10/22/2014	2:00 PM	10/22/2014	MEETING/INFO STOP	ADAM SANDERS		Dr. Norman Tong - 408-365-1234
Notes: Document progress the Owner has made. No outside work or structural until plans are reproduced. Owner installed 2 1" gas lines for the residence. He is in the process of installing a 1" ridged pipe water line under the house in the basement/crawl space. Looked at deck but no inspection was done, deck was not connected to main house and guard rail was not installed.						
10/22/2014	2:00 PM	10/22/2014	GAS TEST	ADAM SANDERS	FAILED	See notes-Do not issue gas tag
Notes: Inspection gas line to furnace and test. May have other misc work available. Document what you see Did not have both new 1" gas lines pressurized. Only pressurized 1 of the gas lines 20' from furnace to ball valve. Need to have both under pressure. NO gas tag was issued.						
4/16/2015	10:30 AM	4/16/2015	WARNING #1	ADAM SANDERS	CORRECTIONS	SEE NOTES
Notes: PLANS HAVE NOT BEEN SUBMITT, NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY HANDED LETTER OVER TO MR. TONG DATED NOV. 2013 TO LET HIM KNOW THAT WE NEED PLANS FOR ALL WORK THAT HAS BEEN DONE. NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY						
4/16/2015	10:30 AM	4/16/2015	ROUGH FRAME	ADAM SANDERS	FAILED	Dr. Norman Tong - 408-365-1234
Notes: NO APPROVED PLANS FOR FRONT PORCH DECK						
4/16/2015	10:30 AM	4/16/2015	MEETING/INFO STOP	ADAM SANDERS	CORRECTIONS	Dr. Norman Tong - 408-365-1234
Notes: HANDED LETTER OVER TO MR. TONG DATED NOV 2013 TO LET HIM KNOW THAT WE NEED PLANS FOR ALL WORK THAT HAS BEEN DONE. NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY						

Permit Inspections Town of Atherton

10/9/2015	10:00 AM	10/13/2015	GAS TEST	ADAM SANDERS	CANCELLED	NO INSPECTIONS
<p>Notes:</p> <p>NO INSPECTIONS UNTIL PLANS SUBMITTED & ISSUED AS PREVIOUSLY REQUESTED BY THE TOWN OF ATHERTON BUILDING DEPART.</p> <p>4/13/2015 2:41:36 PM (MIKE GREENLEE) PLANS HAVE NOT BEEN SUBMITT, NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY</p> <p>4/16/2015 2:48:24 PM (ADAM SANDERS) HANDED LETTER OVER TO MR. TONG DATED NOV. 2013 TO LET HIM KNOW THAT WE NEED PLANS FOR ALL WORK THAT HAS BEEN DONE. NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY</p> <p>HANDED LETTER OVER TO MR. TONG FOR THE SECOND TIME. TO LET HIM KNOW THAT WE NEED PLANS FOR ALL WORK THAT HAS BEEN DONE. NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY.</p>						
10/9/2015	10:00 AM	10/13/2015	ROUGH PLUMB	ADAM SANDERS	CANCELLED	NO INSPECTIONS - NORMAN - 408-417-4561
<p>Notes:</p> <p>NO INSPECTIONS UNTIL PLANS SUBMITTED & ISSUED AS PREVIOUSLY REQUESTED BY THE TOWN OF ATHERTON BUILDING DEPART.</p> <p>4/13/2015 2:41:36 PM (MIKE GREENLEE) PLANS HAVE NOT BEEN SUBMITT, NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY.</p> <p>4/16/2015 2:48:24 PM (ADAM SANDERS) HANDED LETTER OVER TO MR. TONG DATED NOV. 2013 TO LET HIM KNOW THAT WE NEED PLANS FOR ALL WORK THAT HAS BEEN DONE. NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY.</p>						
9/30/2016	10:00 AM	9/30/2016	WARNING #1	MIKE GREENLEE	FAILED	NO INSPECTIONS UNTIL PLANS SUBMITTED
<p>Notes:</p> <p>NO INSPECTIONS UNTIL PLANS SUBMITTED & ISSUED AS PREVIOUSLY REQUESTED BY THE TOWN OF ATHERTON BUILDING DEPART.</p> <p>4/13/2015 2:41:36 PM (MIKE GREENLEE) PLANS HAVE NOT BEEN SUBMITT, NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY</p> <p>4/16/2015 2:48:24 PM (ADAM SANDERS) HANDED LETTER OVER TO MR. TONG DATED NOV. 2013 TO LET HIM KNOW THAT WE NEED PLANS FOR ALL WORK THAT HAS BEEN DONE. NO INSPECTION WILL BE DONE UNTIL NEW PLANS ARE SUBMITTED AS INSTRUCTED PREVIOUSLY</p>						



TOWN OF ATHERTON

Department of Police | 83 Ashfield Road Atherton, CA 94027

May 11, 2018

Gee-Schoon, Priscilla Tr
Tong, Christopher Geeschoon Tr
788 8th Avenue
Sacramento, CA 95818

Subject Property: APN: 073-202-150, property known as 370 Walsh Road

Dear Property Owner(s):

This is to provide you with a report of findings from our last re-inspection of the property, which occurred on April 20, 2018. Much progress was observed with the clean-up efforts, which included clearing out much of the structure's interior.

As we discussed, there is still a portion of the rear of the property that needs to be finished in order to consider the clean-up complete. Given the progress made, an extension of 60 days from the date of re-inspection has been granted. The clean-up of the property needs to be completed by June 20, 2018. This includes the following pending issues:

- Since there is no way to properly store the inoperable vehicles onsite (enclosed facility/garage), these need to be removed from the property;
- Remove or properly store any and all building materials in an enclosed facility. We discussed the option of building a couple storage sheds to make this possible (120 square feet, without electrical or plumbing does not require a building permit), or donating the items;
- Remove any and all overgrown brush, trash, debris and/or otherwise unusable materials from the property. Properly dispose of these items;
- Temporary power pole needs to be removed. Building Department staff has been working to take care of this for you. The removal of the equipment is awaiting to be scheduled by PG&E staff.

Please let me know of a day and time that works for you the week of June 20th so we may meet at the property for a final re-inspection on the clean-up. After the clean-up has been completed, we will move on to the final issues involving the structure. Specifically, the lack of building permits or plans.

I take this opportunity to say we appreciate your efforts thus far. I look forward to our continued work together toward compliance of the property. If you have any questions, please feel free to contact me via email at mdiaz@ci.atherton.ca.us or by calling (650) 752-0553.

Thank you,

Monica Diaz
CSO/Code Enforcement Officer

Enclosed: Property Images taken 04/20/2018
cc: City Manager, City Attorney, Building Official

Exhibit B



TOWN OF ATHERTON

Department of Police | 83 Ashfield Road Atherton, CA 94027

Notice of Violation and Order to Abate

July 19, 2018

Gee-Schoon, Priscilla Tr
Tong, Christopher Geeschoon Tr
788 8th Avenue
Sacramento, CA 95818

Sent Regular Mail and Certified Mail, Return Receipt Requested

Subject Property: APN: 073-202-150, property known as 370 Walsh Road

Dear Property Owner(s):

As a result of the inspections conducted at the subject property by Town staff, and pursuant to Atherton Municipal Code (AMC) § 8.20.070 et seq., you are hereby notified that the following conditions exist and constitute violations of the Atherton Municipal Code and the incorporated codes:

AMC § 8.20.050 Unlawful materials, conditions and activities, Uniform Code for Abatement of Dangerous Buildings (UCADB), California Building Code (CBC), Uniform Housing Code (UHC) § 1001 et al.

(See the attached inspection report for a list of the violations and the required corrective actions.)

You are hereby ordered to correct such violations. All corrective actions must physically commence within fourteen (14) days of service of this Notice and Order. All required corrections must be completed within thirty (30) days of service of this Notice and Order. Disposal of materials involved in correcting these violations shall be carried forth in a legal manner. If the required work is not commenced within the time specified above, the Town will have the work done and you will be billed for abatement costs and administrative expenses. Failure to pay may result in a levy against the subject property. Uncorrected violations are subject to the issuance of administrative citations, daily civil penalties and/or associated administrative costs, as well as any other remedies available by law.

Any person having interest or record title in the subject property may appeal this Notice and Order to the City Council in writing within ten (10) days from the date of service of this Notice and Order.

The compliance date for correction of the noted violations is August 19, 2018. A re-inspection will be conducted on or about August 20, 2018 to verify compliance with this Notice and Order.

If you believe that there are reasonable grounds for an extension of the compliance date, you may submit a written request specifying the grounds and requested period for such an extension. Such a request must be received no later than ten (10) days prior to the compliance date specified above. An extension is discretionary and may be granted where a good faith effort has been made to correct the violations and an extension is reasonable under the circumstances.

The Town is looking to work with you to have these violations corrected as soon as possible, and we appreciate your cooperation in this manner. If you have any questions or need further information, please feel free to contact me via email at mdiaz@ci.atherton.ca.us or by calling (650) 752-0553.

Thank you,



Monica Diaz
CSO/Code Enforcement Officer

cc: City Manager, City Attorney, Building Official

Enclosed:

- Inspection Report
- Property Images dated 07/18/2018

Town of Atherton Inspection Report

Date of Inspection: 07/18/2018

Subject Property: *property known as 370 Walsh Road (APN: 073-202-150)*

Inspection(s) by: *Monica Diaz, CSO/Code Enforcement Officer*

Violations:

1.	<p><u>AMC § 8.20.050</u> Unlawful materials, conditions and activities.</p> <p>A. A building or structure which is structurally unsafe, ... in an unreasonable state of partial construction, a fire hazard or otherwise dangerous;</p> <p>B. A building or structure which because of ..., electrical wiring, gas connections or other cause is in such a condition as to constitute a fire hazard;</p> <p>P. Conditions that may prove detrimental or dangerous to children, whether in a building, on the premises of a building, or on an unoccupied lot, including but not limited to:</p> <p style="padding-left: 40px;">4. Structurally unsound fences or structures; ...</p>
2.	<p><u>UCADB § 302 (13)</u> Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.</p>
2.	<p><u>UCADB § 302 (17)</u> Whenever any building or structure is in such a condition as to constitute a public nuisance known to common law or inequity jurisprudence.</p>
3.	<p><u>CBC § 1.8.4.1</u> Building Permit Required.</p>
4.	<p><u>UHC § 1001 et al.</u> Substandard Building: Inadequate Sanitation, Structural Hazards, Nuisance, Hazardous Electrical Wiring, Hazardous Plumbing, Faulty Weather Protection, Fire Hazard, Faulty Materials of Construction, Hazardous or Insanitary Premises, Inadequate Exits.</p>

Atherton Municipal Code (AMC), Uniform Code for the Abatement of Dangerous Buildings (UCADB), California Building Code (CBC), Uniform Housing Code (UHC).

Corrective Actions:

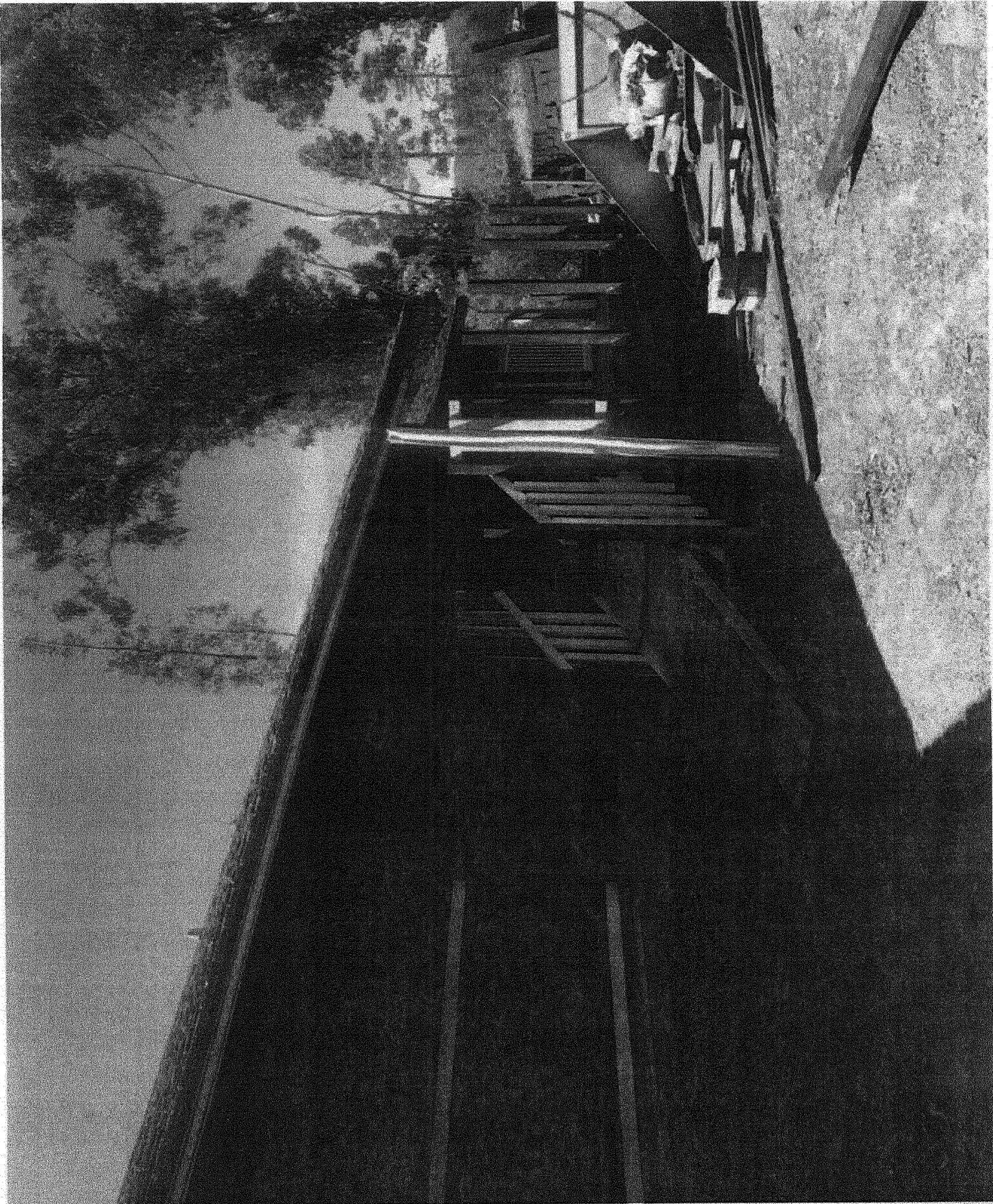
1.	<p>A. Secure the property and structure(s) to make them inaccessible to unauthorized person(s). Repair, restore and/or remove the structure(s).</p>
1.	<p>B. Cannot maintain a building or structure which is in dilapidated condition, deteriorated, ..., electrical wiring, gas connections or other issue causing it to be a fire hazard. Repair, restore and/or remove the structure(s).</p>
1.	<p>P4. Repair, replace and/or remove any unsound fences or structures.</p>
2.	<p>In its current state, the property substantially detracts from the appearance and/or reduces the property values of the surrounding properties. The property needs to remain clean/clear of any such conditions, and secured in a manner that keeps it from causing a nuisance to surrounding properties. The structure needs to be repaired, restored or removed from the property.</p>

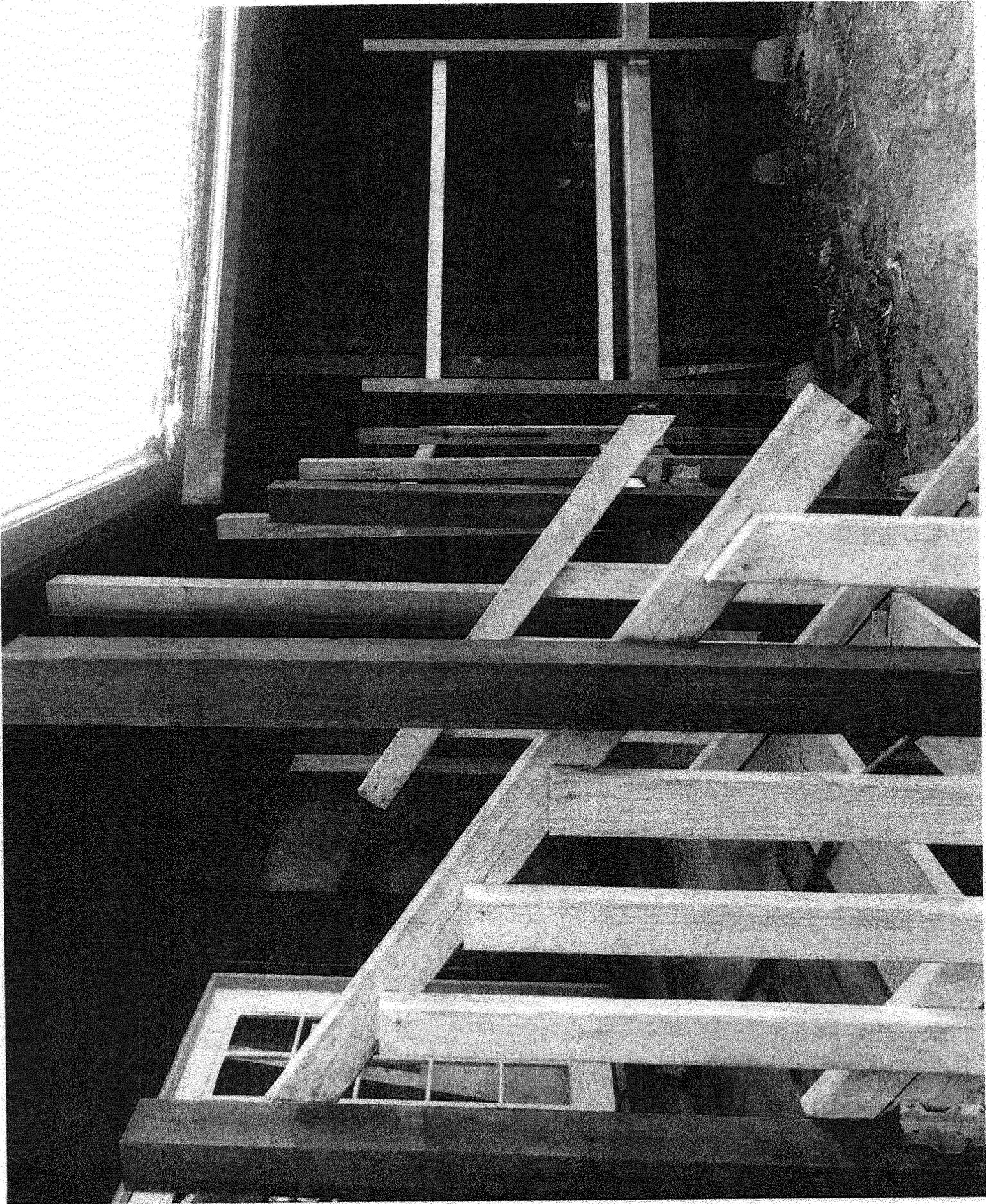
3.	The Town has limited records as it pertains to the construction of the main structure on the property. Contact the Town of Atherton Building Department at 91 Ashfield Road, Atherton or by calling (650) 752-0560 to obtain any required building permits <u>prior</u> to working on any structure(s) or making any installation(s) or alteration(s). Any structures that are kept on site need to be properly built and permitted as per the California Building Code.
4.	The structure needs to be repaired, restored or removed from the property.

For questions regarding this Inspection Report:

CSO/Code Enforcement Officer: Monica Diaz (650) 752-0553







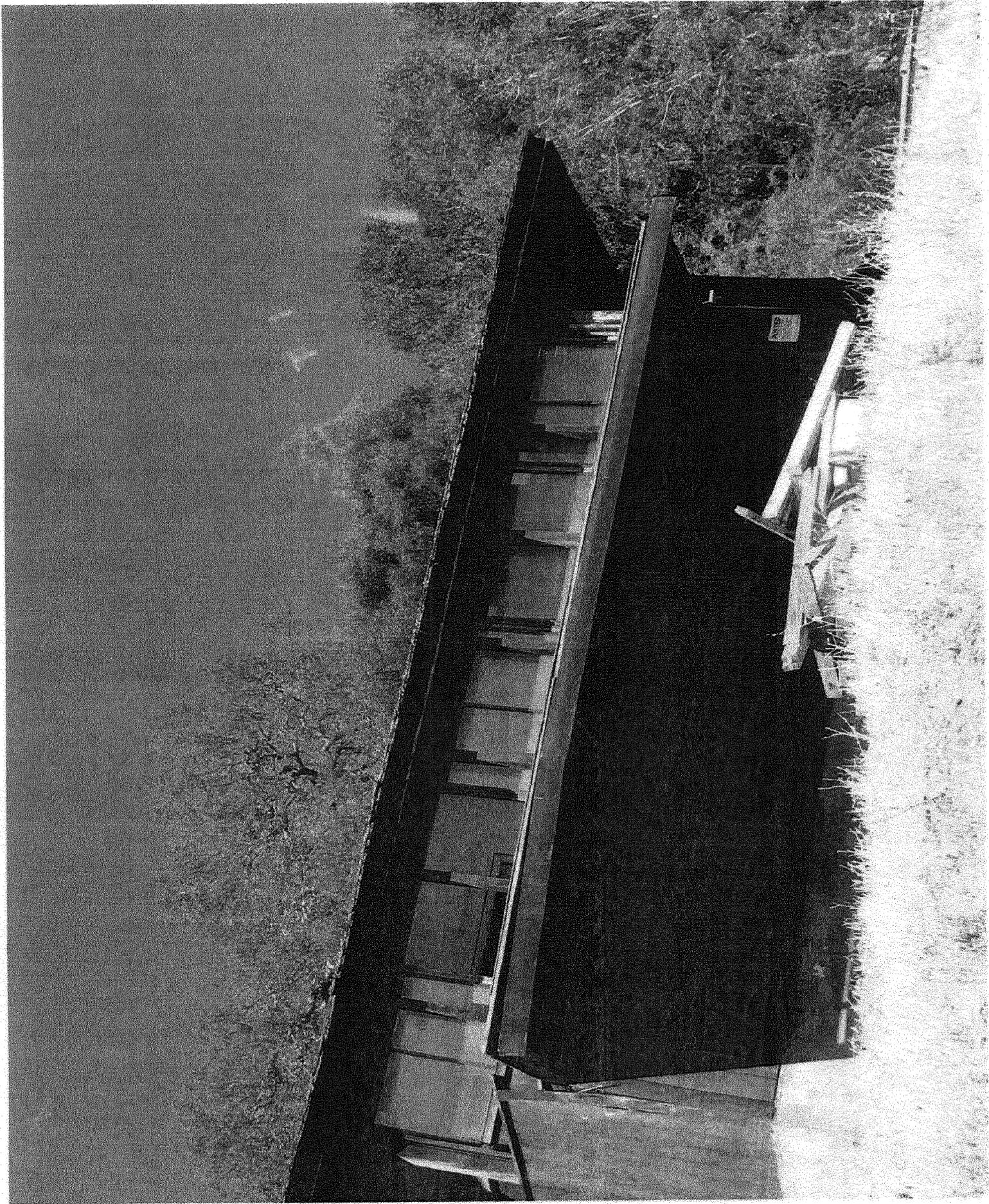


Exhibit C

Monica Diaz

From: Jennifer Gee Schoon-Tong <jennifergst@gmail.com>
Sent: Saturday, July 21, 2018 6:50 PM
To: Theresa DellaSanta; Michael Greenlee
Cc: Monica Diaz; cgstong@gmail.com
Subject: Written appeal

July 21, 2018

Town of Atherton
91 Ashfield Drive
Atherton, CA 94027

To whom it may concern of the City Council Members of Atherton

Regarding property: APN 073-202-150 notice of violation and order to abate dated 7/19/2018 & citations similarly dated

My name is Jennifer Gee Schoon-Tong and I am writing as is my right and appealing the recent Notice of Violation and Order dated 7/19/2018 by the Town of Atherton. I am the daughter of the owner Priscilla M. Gee Schoon and the late Dr. Norman J Tong, who passed away on February 28, 2016, and I am writing this appeal to do everything possible to help in this difficult situation.

My parents purchased this property prior to me being born – I am now almost 38 years old. My parents went through all of the requirements to have this home project completed. They went through all the proper channels, had architectural plans, structural engineers, soil evaluations, mechanical engineers, a building permit issued in 1978 and started the project in good faith more than 3 decades ago. For whatever reason, instead of building small my father decided to build this larger structure all on his own. Also for whatever reason my father didn't finish the home. Only he and God knows why. I do know that this was their dream – to build a home for our family to live in. But now here we are in 2018, with my father no longer alive to help me or guide me in what to do and I would appeal to your humanity and understanding in helping me in this difficult situation.

To return to the issue at hand there are things that I would like to address in my appeal:

1) The **inactive permit**: When my father passed away in 2016, this property had an active permit- that only expired in September of 2016 because my father passed away and we couldn't show progress on the property because unlike my father I didn't have expertise in building homes. Not discounting that the first year was very difficult on many counts while dealing with shock and grief. There was no notice prior to the permit's expiration, only after the fact. And subsequently we have been told the permit wouldn't ever be renewed. This leaves us in a difficult situation with an unpermitted structure and violation.

If I understand the jargon correctly, one particular item is that the unfinished structure itself that is the violation. It is my limited understanding that if a house reaches a point in construction where there is a roof and sheetrock, it has passed certain requirements needed in its completion. My father's "home" has a foundation, framing, roof, sheetrock. Since there is an expired permit and the older one will not be re-issued, to resolve the violation I would request since there IS a structure present, if a "REMODEL/addition to a structure" permit could be granted to our family we would no longer be in violation, could move forward, evaluate the structure as it is now, do everything to make things up to code by today's standards, and finish the home as we'd like to do. If allowed, I know my family can see this project to completion.

2) The **30 day Notice and Abatement requirement**: While I understand that the building and the property condition must be addressed, for safety and for neighborly conduct, this is a generational issue that I am trying

to resolve. That I am being forced to make a decision in just a mere 30 days for a home that the town was aware of was in this condition for decades is fundamentally wrong. Given the state of the property when I came to it I was shocked and recognized that there were many issues to resolve. And I have been addressing these issues as quickly and as efficiently as humanly possible – removing trees, cleaning the internal part of the structure of waste and debris that has been allowed to accumulate for decades. I feel it is finally to a point where I can now do my due diligence and allow people to actually come in, see and evaluate the existing structure and see what can or can't be done, what can or can't be used. We would like demolition to be our last resort but would like more time to evaluate the structure and know our options before condemning my father's lifetime efforts.

3) Violation regarding **bricks requirement** enclosure: There are over 24 palettes of bricks that have been on the property. Given that the property isn't considered a construction zone we have been instructed to place the brick in multiple enclosed structures, no bigger than 120sq feet. If we are able to continue our project we would like to use these bricks for the structure. It is impossible at this time, given the time constraints for us to put them individually brick-by-brick in a secured structure(s). We would beg of you to discuss would beg of you to allow an alternative option such as surrounding them with secured fence and cover them with tarp so they are not a hazard to others (safety or otherwise) and lock the fence while we address the structure and determine what will be done regarding the project before recycling or donation is considered. They have been on the property throughout the previous project and to ask us to move them now, after 3 decades, in 10 days or be at risk of continued fines and violations feels unreasonable

4) **Securing the property:** the Town and building department have considered allowing us to get a permit for the fabrication of a fence to allow secure the property. Again, this is something we would like to do – but I hope that you understand that I do not want to build a fence until the cleanup is complete as that might undermine any new fence construction and a determination is made to see if we can alter and finish the existing structure. It is my understanding that construction permits allow for temporary fencing until the project is done and this would be ideal.

5) The **citations and monetary fines: frequency, and amount:** Finally I would like to address the multiple site visits, multiple administrative citations, and issuance of monetary fines that I understand will keep coming every 10 days. I am a full time employee in a dental practice and take care of others/community/patients every day and have two small children under the age of 6. I am not of great wealth, have student loans, and a mortgage. In spite of this and due to the fact that time is not infinite, I have been dedicated to keeping this project moving forward and have come to all the requested inspections, taken care of each prioritized violation the best I can, and will continue to do so if allowed. I understand that the project needs to keep moving forward and cannot stay as it is. However, accumulating monetary fines and making progress but not enough causing us to failing inspections every 10 days to me is unnecessary, fiscally and mentally stressful, and the timeline unrealistic **given the scope of work required**. Please know that we will pay as we don't want even more violations and do not want to break the law but please know that we **pay under protest**. Because this was deemed a construction site prior to September 2016 there are building materials on the premises. If we are able to do what is necessary and construction is allowed to continue then we hopefully these violations and monetary fines will become moot. It was our understanding from several prior letters from the Town itself that you were not interested in citations and monetary fines and litigation to our family. We can only hope that this continues to be the case. I also hope that the Town of Atherton can agree to own some culpability in allowing this problem to escalate and reach this point of urgency and that good faith that I continue to demonstrate will appeal to you to allow me more time to do what is necessary.

I would sincerely appreciate your consideration of my appeal as I truly believe an extension of the compliance date is reasonable. Please contact me at any time regarding this appeal at jennifergst@gmail.com or 925-389-7442. My address is 1954 S Forest Hill, Danville, CA 94526. Thank you very much for your time.

Sincerely,

Jennifer Gee Schoon-Tong D.D.S.

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"Without deep reflection, one knows from daily life that one exists for other people." ~ Albert Einstein

"A smile is happiness you'll find right under your nose." ~ Tom Wils

8/11/2018

To whom it may concern:

As the legal owner of 370 Walsh Road, Atherton, CA 94027,
 I authorize Jennifer Gee Schoon-Tong and Christopher Gee Schoon-Tong to
 continue to represent me in matters pertaining to municipal code violations on
 this property and to work within the Town of Atherton to resolve these issues.
 Jennifer is my daughter & Christopher is my son. The children of me,
 Priscilla M. Gee Schoon (TONG) and the late Dr. Norman Tong.
 Priscilla M. Gee Schoon (Tong)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
 County of Contra Costa

On 08/11/2018 before me, Devendra Patel, Notary Public
 (insert name and title of the officer)

personally appeared Priscilla M. Gee Schoon
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
 subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
 person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
 paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)

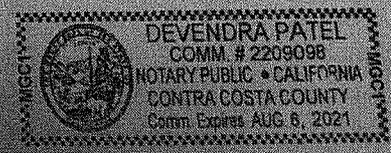


Exhibit D

370 Walsh Road

My opinion on the property at 370 Walsh Rd. is that it is an Attractive/Public Nuisance and at this time is accessible for the public to enter onto the property and gain access to the structure. It would be an unsafe condition if someone was to enter the structure especially at night due to the conditions of the interior not being completed and the life safety conditions are not completed such as handrails, guardrails, and construction material stored inside. On the property exterior there are multiple stacks of red brick that are stacked over 6'-0" in height which is a safety hazard if these brick fell and of collapsed on top of someone.

- To resolve the accessibility onto the property and the safety issue with the stacked brick Jennifer Gee Schoon Tong who is the daughter of the owner has been notified and directed to install a Screened Construction Fence around the property to make it more secure from unwanted entry and to restack the brick to a safer height not to exceed 3'-0".

Areas of the foundation show cracking, settlement, and erosion which is a major concern. These conditions could affect other structural components of the structure itself. Such as the anchorage of the floor or roof to walls, columns and walls, and columns to the foundations. If these areas have been compromised it could affect the capability of resisting all nominal loads or load effects and could be considered a dangerous structure. The owner needs to have the following engineer observations and evaluations that are listed below. These observations and evaluations should be able to determine what the existing conditions are of the structure and determine if it is possible to proceed and continue with construction on the existing structure. Keep in mind the owner would have to submit all new plans and engineering and will have to meet all the current 2016 California Building Codes. Or the owner can demolish the structure and start over.

- Have a licensed Structural Engineer evaluate the foundation system and all other structural components of the structure.
- Have a licensed Geotechnical Engineer evaluate the soil stability and other conditions.

These observations and evaluations should take place as soon as possible. Once completed the owner will be able to make a decision on how they want to proceed.

Mike Greenlee
Building Official
Town of Atherton

Monica Diaz

From: Michael Greenlee
Sent: Tuesday, September 11, 2018 8:43 AM
To: jennifergst@gmail.com
Cc: Monica Diaz; cgstong@gmail.com
Subject: RE: Hello & Bricks enclosure request

Jennifer,

After meeting with the City Attorney, Assistant City Attorney regarding the stacked bricks on your property it has been agreed that it will be allowed for the bricks to remain on the property provided they are restacked no higher than 3'-0". The way they are stacked now and the property being an Attractive Nuisance it creates an unsafe condition if someone was to come on your property and climb on the stacked bricks which could cause the bricks to fall and or collapse down on someone possibly causing severe. Also it was discussed to allow you to install a Screened Construction Fence around your property to prevent and or detour the public from entering your property. So please lower the stacked bricks down to 3'-0" high and install a Screened Construction Fence around your property to secure your site from unwanted entry. We will give you 30 days to complete. Must be completed by October 11, 2018.

Thanks,

Mike Greenlee
Building Official
Town of Atherton
(650)752-0560 Main
(650)752-0518 Direct
mgreenlee@ci.atherton.ca.us
<http://www.ci.atherton.ca.us/>

Office counter hours are Monday through Friday 8 to 11 am and 1 to 4 pm excluding holidays.

-----Original Message-----

From: jennifergst@gmail.com [mailto:jennifergst@gmail.com]
Sent: Thursday, August 23, 2018 6:44 AM
To: Michael Greenlee <mgreenlee@ci.atherton.ca.us>
Cc: Monica Diaz <mdiaz@ci.atherton.ca.us>; cgstong@gmail.com
Subject: Hello & Bricks enclosure request

Dear Michael,

Good morning. This is Jennifer Gee Schoon Tong writing. The daughter of the owner of 370 Walsh Road.

I hope you are very well.

I am writing as we have cleaned the property and there remains the issue of bricks.

There are too many to move one by one and put into a 120sq foot enclosure without a permit. my mom would like to keep them for building a possible fence or for future use.

I am writing to ask if you and the building department would allow me to build an enclosure over the existing bricks - that would be larger than 120sq feet? It would not have plumbing or lighting or electrical.

I am extremely distressed as we are being fined and given citations at each inspection for these bricks despite all the progress we have made and all my efforts.

I am ccing Monica Diaz and my brother in this email.

Thank you so very much for your consideration and I look forward to hearing from you at your earliest convenience.

Sincerely
Jennifer
925-389-7442
Jennifergst@gmail.com