



Town of Atherton

Building Department
91 Ashfield Road
Atherton, California 94027
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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 expired 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 safety 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.



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- 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