

# 138 Palla



BUILDING AND STANDARDS BOARD AGENDA ITEM # 3 FOR  
WEDNESDAY, JULY 25, 2007

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

July 12, 2007,

TO: The Honorable Chairman and Board Members

THROUGH: R. Alan Shubert, P. E., C.B.O. – Development Services Director

FROM: Bill Stern, C.B.O., Residential Inspector Supervisor

SUBJECT: 138 Palla Place, El Paso, Texas 79907

The following is a brief chronology of the investigation of the referenced location:

1. First investigated on January 3, 2007. The building was found to be in an advanced state of disrepair, open and abandoned. The building has been used as a harborage by unwanted persons.
2. A certified condemnation letter was mailed to Rutilio and Ysidra Lopez, 138 Palla Place, El Paso, Texas 79907-5522.
3. Certified notices of the public hearing scheduled for July 25, 2007 were mailed to the owners and all interested parties on July 11, 2007.
4. There has been contact with the property owner's son.
5. As of February 13, 2007, \$1,506.00 are owed in property taxes.

The Department recommends that it be found:

1. That the main structure and accessory structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structure cannot be repaired; and
5. That the main structure be demolished within 30 days; and accessory building be secured and maintained secured within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 30 days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

R. ALAN SHUBERT, PE, CBO  
DEVELOPMENT SERVICES DEPARTMENT, DIRECTOR



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

## DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT  
January 16, 2007

Rutilio & Ysidra Lopez  
138 Palla Pl.  
El Paso, Texas 79907-5522

Re: 138 Palla  
Blk: North Valumbrosa  
Lot: 27  
Zoned: R4  
COD06-17358  
Certified Mail Receipt #  
7105 8873 0193 6301 8093

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50 International Property Maintenance Code, which states:

### **18.50.106.1 General.**

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

### **18.50.106.1.1 Unsafe Structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

### **18.50.106.1.2 Unsafe Equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

## **138 Palla Pl.**

### **18.50.106.1.3 Structure Unfit for Human Occupancy.**

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **138 Palla Pl.** has the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- k. In addition to the above mentioned violations, the auto repair garage in the rear of property may be used only as an incidental use to the primary permitted use of the property which is – single family dwelling. Furthermore, the garage does not meet minimum requirements for safety; for fire protection which is addressed in the building code of the City of El Paso. The garage in the rear of the property may not be utilized for the purposes of auto repair or painting.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.

## **138 Palla Pl.**

b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

**Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.**

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Zuleika Davila  
Building Inspector

ZCD/nms



## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **July, 2007** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the buildings located on the property at **138 Palla Street**, in El Paso, Texas, which property is more particularly described as:

**LEGAL DESCRIPTION: Lot 27, NORTH VALUMBROSA SUBDIVISION, to the City of El Paso, Texas, El Paso County, Texas, according to the plat thereof on file in Book 15, Page 26, Plat Records of said county; also known as 138 Palla Street, El Paso, Texas**

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Rutilio and Ysidra Lopez** (the "**Owners**"), **138 Palla Street, El Paso, Texas 79907**, are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said buildings should not be declared a nuisance and ordered to be abated. The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structures or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owners show that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Elaine S. Hengen  
Senior Assistant City Attorney

Department

\_\_\_\_\_  
Bill Stern, C.B.O.  
Chief Building Inspector  
Building Permits and Inspections



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** February 12, 2007

**REP. DISTRICT:** 6

**ADDRESS:** 138 Palla Place

**ZONED:** R-4

**LEGAL DESCRIPTION:** Lot 27, NORTH VALUMBROSA SUBDIVISION, to the City of El Paso, Texas, El Paso County, Texas, according to the plat thereof on file in Book 15, Page 26, Plat Records of said county; also known as 138 Palla Place, El Paso, Texas.

**OWNER:** Rutilio and Ysidra Lopez **ADDRESS:** 138 Palla Place, El Paso, Texas 79907

**BUILDING USE:** Single family residence

**TYPE OF CONSTRUCTION:** V

**FOOTINGS:** Concrete

**CONDITION:** Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** N/A

**CONDITION:** N/A

**FLOOR STRUCTURE:** Wood framing with wood floors.

**CONDITION:** Poor. Unable to determine due to floor covering. A structural engineer or general contractor should be hired to evaluate the actual condition.

**EXTERIOR WALLS:** Adobe

**HEIGHT:** 10 – 12'

**THICKNESS:** 11 - 12"

**CONDITION:** Poor. Separation of walls due to settlement.

**INTERIOR WALLS & CEILINGS:** Adobe/Plaster/Drywall

**CONDITION:** Poor. Most of the sheet rock is falling off the ceiling due to roof leaks. Walls have weakened due to cracks and separation.

**ROOF STRUCTURE:** Wood frame with built up roofing.

**CONDITION:** Poor. A registered roof contractor or general contractor will need to be hired to evaluate roof condition.

**DOORS, WINDOWS, ETC.:** Wood frame doors and windows. Wood doors.

**CONDITION:** Poor. Most doors and windows will need to be replaced.

**MEANS OF EGRESS:**

**CONDITION:** Does not meet code.

**PLUMBING:** A licensed plumbing contractor must be hired to evaluate plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

**ELECTRICAL:** A licensed electrical contractor must be hired to evaluate the electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

**MECHANICAL:** A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to this department on the corrective action required to bring the system up to minimum code.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

**WARNING POSTED:** Yes      **BARRICADED:** No      **POLICE AID REQD.:** Yes

**REMARKS:** This open and abandoned single-family residence was built in 1983. Due to structure being in an advanced state of disrepair and a hazard to the public health, safety and welfare, the department recommends the main structure be condemned for demolition within 30 days and that the accessory structure be secured and maintained secured within 30 days; and that property be cleared of all weeds and trash within 30 days.

Zuleika Davila  
**Building Inspector**

**EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT  
ENVIRONMENTAL HEALTH**



**MEMORANDUM**

**DATE:** 01-29-07

**MEMO TO:** William Stern C.B.O., Residential Inspector Supervisor

**FROM:** Ben Blumenfeld, Environmental Health Inspector

**SUBJECT:** Condemnation Report

**RE:** Address: 138 Palla

An inspection of the property was conducted at 138 Palla and the conditions checked were found in violation of Title 9 of the El Paso Municipal Code.

**SECTION 9.04 - SOLID WASTE STORAGE AREA**

Trash noted through out the yard.

**SECTION 9.04.340 – ACCUMULATIONS**

Broken glass, tires, rubbish and debris and weeds were noted.

**SECTION 9.16 - NUISANCE**

Containers of unknown fluid were found the property.

**SECTION 9.16.010 – DESIGNATED**

The structure was noted to be unsecured, heavy structural damage was noted. The roof is dilapidated. Foul odors were also noted and disabled vehicles were also noted.

**SECTION 9.28 -RAT CONTROL**

Rodent droppings were noted.

