

# 5641 BEACON



BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 FOR  
Tuesday, November 25, 2008

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM  
November 19, 2008

TO: The Honorable Chairman and Board Members

THROUGH: Victor Torres. – The Director of Development Services

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 5641 Beacon Ave., El Paso, Texas 79905

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

On July 30, 2008, The Building and Standards Commission accepted the staff recommendations and found:

- 1) That the 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 structure and accessory structures be demolished within 30 days; and
- 6) That the premises be cleaned and maintained clean 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.
- 8) The Building and Standards Commission Final Order of July 30, 2008 was sent certified mail to the owners and all interested parties on August 8, 2008. On October 22, 2008, Mr. David Santoscoy and Mr. Juan Arriola the owners requested a rehearing to present evidence to the Commission showing that part of the building can be made safe.
- 9) On November 4, 2008, the owners were notified of the rehearing scheduled for November 25, 2008 and advised that the commissioners will need a **full set of plans and a completion schedule** for the reconstruction or rehabilitation of the structure, **that a bonded and insured contractor must be hired to obtain the required permits and an engineer must provide a complete structural analysis of the portion of the building planned to be rehabilitated.** The owners were also advised that **the structural analysis must include the size and condition of the footings, condition of the adobe walls and all wood framed structural members for loading, size, spacing and span.**

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  
March 14, 2007

David Santoscoy  
1405 Meadowview Dr.  
El Paso, Texas 79925-2515

Re: 5641 Beacon Ave.  
Blk: 3 Hughes S/D Blk 1 Alameda Acres  
Lot: 14 & 15  
Zoned: M1  
COD07-06079  
Certified Mail Receipt #  
7105 8874 0190 1000 1652

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

5641 Beacon Ave.

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.

**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 **5641 Beacon Ave.** 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]

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.
- 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.

5641 Beacon Ave.

**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

JOHN COOK  
MAYOR



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON  
CITY MANAGER

VICTOR Q. TORRES  
DIRECTOR

## DEVELOPMENT SERVICES DEPARTMENT

### BUILDING STANDARDS ENFORCEMENT

November 4, 2008

Mr. David Santoscoy  
1405 Meadowview Drive  
El Paso, Texas 79925

Re: 5641 Beacon Ave.  
Blk: 7 Brentwood Heights  
Lot: 1  
Zoned: C4  
BSC08-00363  
Certified Mail Receipt #  
7007 3020 0001 2772 4961

Mr. Santoscoy and others,

We have received your request for a rehearing. Your case is scheduled to be heard before the Building and Standards Commission on Tuesday, November 25<sup>th</sup>, 2008, at 5:30 p.m., 2<sup>nd</sup> Floor, City Council Chambers.

The commissioners will need a **full set of plans and a completion schedule** for the reconstruction or rehabilitation of the structure, **a bonded and insured contractor must be hired to obtain the required permits. Your engineer must provide the commission with a complete structural analysis of the portion of the building you plan to rehabilitate. The structural analysis must include the size and condition of the footings, condition of the adobe walls and all wood framed structural members for loading, size, spacing and span.**

I will make myself available to meet with your contractor on site to advise him of what the commission will need to determine if the structure can be repaired. The commission will not accept your appeal for consideration if the above mentioned conditions are not complied with.

It is very important that this information is provided to the commission for their consideration. Please submit the required information to me one (1) week before the hearing so that I may deliver the documentation to the commission for review prior to the hearing.

5641 Beacon Ave.

Be advised that the permitted use of the property would be limited to commercial use. A single family or duplex use would not be permitted.

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

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Bill Stern, C.B.O.  
Chief Building Inspector

WS/nms

cc: Juan Arreola

## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **November, 2008** 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 **5641 Beacon Ave.** in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lots 14 and 15, Block 3, HUGHES SUBDIVISION, an addition to the City of El Paso, EL Paso County, Texas, according to the map thereof on file in Book 13, Page 15, Plat Records of El Paso County, Texas and Lot 1, Block 7, of the BRENTWOOD HEIGHTS addition in El Paso County, Texas.**

Should be granted a rehearing.

According to the real property records of the County of El Paso, Texas, Guadalupe Rincon, 5641 Beacon Ave, El Paso, Texas, 79905, Hector Rincon, 111 Anita Circle, El Paso, Texas, 79905, Alford Rincon, 3604 Frankfort, El Paso, Texas, 79930, Isela Rincon, 5641 Beacon Ave., El Paso, Texas, 79905, Juan Arriola, P. O. Box 10570, El Paso, Texas, 79995, David Santoscoy, 1405 Meadowview Drive, El Paso, Texas, 79925 (the "**Owners**"), 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 are 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 a rehearing should be granted.

The Owners, 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 shows 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:

\_\_\_\_\_  
Mark Shoesmith  
Assistant City Attorney

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

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 5641 Beacon Ave. was PUBLISHED in the official City newspaper on the \_\_\_\_day of \_\_\_\_\_, 2008.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Guadalupe Rincon  
5641 Beacon Ave.  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Hector Rincon  
111 Anita Circle  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Alford Rincon  
3604 Frankfort  
El Paso, Texas 79930

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Isela Rincon  
5641 Beacon  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Juan Arriola  
P. O. Box 10570  
El Paso, Texas 79995

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

David Santoscoy  
1405 Meadowview Drive  
El Paso, Texas 79925

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Juan Arriola  
905 Marlow  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Julia Rincon  
7234 Dale Rd  
El Paso, Texas 79915

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

First Savings & Loans  
506 North Mesa  
El Paso, Texas 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Guadalupe Rincon  
6115 Geiger Ave  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Brown & Shapiro  
4620 Fairmont Suite 108  
Pasadena, Texas 77504  
Attn: S. Russell

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Juan Rincon Jr.  
823 E. 62<sup>nd</sup> St.  
Los Angeles California 90001

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Fausto Rincon  
6013 Ybarra  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Josefa Rodriguez  
3305 E. Paisano  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Gregoria Rincon  
3305 E. Paisano  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

L. Taylor Zimmerman  
1200 Bassett Tower  
El Paso, TX 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ramon and Eloisa Jimenez  
State of Texas – TWC  
101 E 15<sup>th</sup> Street, Room 556  
Austin, Texas 78778

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Old West Capital Co.  
C/O Kurt Looman  
17314 Pastoria  
Houston, Texas 77083

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Alfredo Rincon  
7150 Sanderson Way  
El Paso, Texas 79915

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Alejandra Arreola  
905 Marlow  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was HAND-DELIVERED to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, TX 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court  
500 E. San Antonio Avenue, Suite 703  
El Paso, Texas 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5641 Beacon Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer  
Linebarger, Heard & Perez, LLP  
Attn: Bonnie Cooper  
221 N. Kansas Suite 1400  
El Paso, TX 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 5641 Beacon Ave., El Paso, Texas.

Date:  
Time:

Inspector

**ORDER OF THE BUILDING AND STANDARDS**  
**COMMISSION OF THE CITY OF EL PASO**

**WHEREAS**, the Deputy Director for Development Services of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structures located on the property at **5641 Beacon Avenue**, in El Paso, Texas, which property is more particularly described as follows:

**Legal Description: Lots 14 and 15, Block 3, HUGHES SUBDIVISION, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 13, Page 15, Plat Records of El Paso County, Texas and Lot 1, Block 7, of the BRENTWOOD HEIGHTS addition in El Paso County, Texas.**

are dilapidated, substandard, and unfit for human habitation; are a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

**WHEREAS**, According to the real property records of the County of El Paso, Texas, Guadalupe Rincon, 5641 Beacon Ave, El Paso, Texas 79905, Hector Rincon, 111 Anita Circle, El Paso, Texas, 79905, Alford Rincon, 3604 Frankfort, El Paso, Texas 79930, Isela Rincon, 5641 Beacon Ave., El Paso, Texas 79905, Juan Arriola, P.O. Box 10570, El Paso, Texas, 79995, David Santoscoy, 1405 Meadowview Drive, El Paso, Texas 79925 (the "**Owners**"), are listed as the owners of the real property described herein, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building and Standards Commission at 5:30 p.m. on July 30, 2008; and

**WHEREAS**, David Santoscoy, Juan Arriola, and Carlos Torres appeared.

**IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:**

1. That having heard the evidence, and being persuaded by a preponderance of same, the Building and Standards Commission makes the following findings:
  - A. That the structures located on said property are an urban nuisance; and
  - B. That the structures located on said property are currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and

- C. That the structures are not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
  - D. That because of the Owner's failure to supply any drawings, plans, or reports to indicate otherwise, the structures cannot be repaired; and
  - E. That in order to be made safe, all of the aforementioned violations must be corrected.
2. That the Building and Standards Commission hereby orders the structure's certificate of occupancy revoked and the Owner(s) to comply with the following requirements:
- A. That the primary building and all accessory buildings be demolished within thirty (30) days; and
  - B. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days; and
3. That upon failure of the Owner(s) to comply with this Order, any mortgagees, lienholders, and/or other persons having an interest in the property have an additional ten (10) days to clear the property of all weeds, trash, and debris, demolish all the structures on the property, and remove all junked vehicles.
4. That upon failure of the Owner(s), mortgagees, lienholders, and/or any other person having an interest in the property to comply with this Order, the City of El Paso, through its Director for Building Permits and Inspections, shall:
- A. Demolish the primary and accessory structures; and
  - B. Clean the property of all weeds, trash and debris; and
  - C. Assess the cost of the work noted above as a lien against the property which will become due and payable within thirty (30) days of the date the City of El Paso completes the work; and
  - D. Provide for any other remedies permitted by State law.

5. That upon failure of the Owner(s) to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may request a hearing before the Building and Standards Commission to:
  - A. Determine the amount and duration of civil penalties the City of El Paso may recover for failure to comply with this Order as allowed by Texas Local Government Code Chapter 54; and
  - B. Provide any other remedies permitted by State law.
6. When this Order has been filed in the deed records of the county in which the property that is the subject of this Order is located, execution of this Order shall not be affected by a sale or other transfer of such property. Any person or entity acquiring an interest in such property after this Order has been so filed is subject to the requirements of this Order.
7. **RIGHT TO APPEAL:** *The decision of the Building and Standards Commission is final (see discussion of rehearing, below). An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party within twenty (20) days of receipt of notice of the Order of the Commission. Appeals in District Court are limited to hearings under the substantial evidence rule.*

*A rehearing by the Building and Standards Commission may only be granted in the following circumstances:*

- A. *Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and*
- B. *Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED,** that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the 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 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 this office no later than the twentieth

(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.

**ADOPTED on this 30<sup>th</sup> day of July, 2008.**

BUILDING AND STANDARDS COMMISSION

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Michael Bray, Chairman, Panel A

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

---

Mark Shoesmith  
Assistant City Attorney

---

Bill Stern, C.B.O., Chief Building Inspector  
Development Services Department  
Building Permits & Inspection Division

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property located at **5641 Beacon Avenue**, El Paso, Texas, was PUBLISHED in the official City newspaper on the \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Juan Arriola  
5735 Welch View  
San Antonio, Texas 78249

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Guadalupe Rincon  
5641 Beacon Ave.  
El Paso, Texas 79905

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Hector Rincon  
111 Anita Circle  
El Paso, Texas 79905

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Alford Rincon  
3604 Frankfort  
El Paso, Texas 79930

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Gregoria Rincon  
3305 E. Paisano  
El Paso, Texas 79905

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

L. Taylor Zimmerman  
1200 Bassett Tower  
El Paso, Texas 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Ramon and Eloisa Jimenez  
State of Texas – TWC  
101 E. 15<sup>th</sup> Street, Room 556  
Austin, Texas 78778

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Old West Capita Co.  
C/O Kurt Looman  
17314 Pastoria  
Houston, Texas 77083

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Brown & Shapiro  
4620 Fairmont, Suite 108  
Pasadena, Texas 77504  
Attn: S. Russell

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Juan Rincon, Jr.  
823 E. 62<sup>nd</sup> St.  
Los Angeles, CA 90001

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Fausto Rincon  
6013 Ybarra  
El Paso, Texas 79905

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Josefa Rodriguez  
3305 E. Paisano  
El Paso, Texas 79905

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Julia Rincon  
7234 Dale Rd  
El Paso, Texas 79915

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Alejandra Arreola  
905 Marlow  
El Paso, Texas 79905

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

First Savings & Loans  
506 North Mesa  
El Paso, Texas 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Guadalupe Rincon  
6115 Geiger Ave  
El Paso, Texas 79905

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Isela Rincon  
5641 Beacon  
El Paso, Texas 79905

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Juan Arriola  
P.O. Box 10570  
El Paso, Texas 79995

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

David Santoscoy  
1405 Meadowview Drive  
El Paso, Texas 79925

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Juan Arriola  
905 Marlow  
El Paso, Texas 79905

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Alfredo Rincon  
7150 Sanderson Way  
El Paso, Texas 79915

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, was [HAND-DELIVERED] to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, TX 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA The Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, TX 79907

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, El Paso, Texas, was [MAILED CERTIFIED RETURN RECEIPT REQUESTED] to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court  
500 E. San Antonio Avenue, Suite 703  
El Paso, Texas 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated July 30, 2008 regarding the property at **5641 Beacon Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer  
Linebarger, Heard & Perez, LLP  
Attn: Bonnie Cooper  
221 N. Kansas Suite 1400  
El Paso, TX 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at \_\_\_\_\_, El Paso, Texas.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** July 15, 2008

**REP. DISTRICT:** 3

**ADDRESS:** 5641 Beacon

**ZONED:** C4/M1

**LEGAL DESCRIPTION:** Lots 14 and 15, Block 3, HUGHES SUBDIVISION, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 13, Page 15, Plat Records of El Paso County, Texas and Lot 1, Block 7, of the BRTENTWOOD HEIGHTS addition in El Paso County, Texas

**OWNER:** David Santoscoy

**ADDRESS:** 1405 Meadow View Dr.

Juan Arriola

El Paso, Texas 79925

905 Marlow

Guadalupe Rincon

El Paso, Texas 79905

5641 Beacon Ave.

Hector Rincon

El Paso, Texas 79905

111 Anita Circle

Isela Rincon

El Paso, Texas 79905

5641 Beacon Ave.

El Paso, Texas 79905

**BUILDING USE:** Cabinet Shop

**TYPE OF CONSTRUCTION:** V

**FOOTINGS:** Reinforced concrete footing

**CONDITION:** A structural engineer should be hired to evaluate footing conditions and submit a report of the required corrections needed to make footings safe.

**FOUNDATION WALL:** N/A

**CONDITION:** N/A

**FLOOR STRUCTURE:** Slab on grade and dirt

**CONDITION:** Poor. Unfinished. A structural engineer should be hired to evaluate footing conditions and submit a report of the required corrections needed to make footings safe.

**EXTERIOR WALLS:** CMU and wood frame with paneling.

**HEIGHT:** 10- 12' +/-

**THICKNESS:** 12" to 14" +/-

**CONDITION:** Poor. Water and ground movement has caused cracks. Unfinished walls.

**INTERIOR WALLS & CEILINGS:** Adobe and wood frame with paneling.

**CONDITION:** Poor. Unfinished walls. Adobe walls are exposed to the elements. A structural engineer should be hired to evaluate structural elements of the building and submit a report of the required corrections to make the buildings safe

**ROOF STRUCTURE:** Wood frame, flat roof with rolled roof covering.

**CONDITION:** Poor.

**DOORS, WINDOWS, ETC.:** Wood frame/metal frames.

**CONDITION:** Poor. Doors and windows will need to be repaired or replaced.

**MEANS OF EGRESS:** Does not meet code requirements.

**CONDITION:** Poor.

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

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

**MECHANICAL:** Poor. Spraying booth does not meet any mechanical code adopted by the City of El Paso Texas. 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 requirement.

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

**WARNING POSTED:** Yes

**BARRICADED:** No

**POLICE AID REQD.:** No

**REMARKS:** Original family dwelling has been converted into a cabinet shop without the required change of occupancy. These structures present a hazard to neighbors and employees mostly from structural collapse, fire and electrical hazard. Spraying operations and dust pose problems for the interior environment.

Zuleika Davila

**Building Inspector**