Law Offices of
DANA DEAN

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October 28, 2016

RECEIVED
OCT 28 2016
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Rachel O'Shea
Building Official
Community Development Department
Building Division
City of Benicia
250 East L Street
Benicia, California 94510

Re: *Building Permit Application*
Emergency Demolition at 670 East H Street

Dear Ms. O'Shea:

This office represents APS West Coast, Inc. dba AMPORTS and on its behalf we submit the attached Building Permit Application with regards to the emergency demolition of the Foundry and Office buildings located at 670 East H Street. Please direct all future correspondence regarding the above-referenced matter to this office.

Per our discussion, it is our understanding that any associated fees regarding the building permit will be assessed and charged after the Building Division's review of the above-referenced application.

If you have any questions, please feel free to contact our office at the number listed above. Thank you for your cooperation with this matter.

Regards,

DANA DEAN

Enclosures

250 East L Street • Benicia, CA 94510 • (707) 746-4230 • Fax (707) 747-1637

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OCT 28 2016
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Community Development Department
Building Division

BUILDING PERMIT APPLICATION

Project Address: 670 East H Street, Benicia (APN 0080-180-050)

Description of Work: Emergency demolition and removal of the Foundry and Office buildings as recommended by Safety Assessment Program ["SAP"] evaluator who conducted an inspection and SAP evaluation of the two buildings for the City in December of 2015. No new development is proposed at this time. See attached for details.

Job Valuation: $280,000.00 ☐ Commercial ☑ Industrial ☐ Residential

Valuation used in computing the Building Permit fee shall include total current market value of work, including materials and labor .

Property Owner:
Name APS WEST COAST, INC. dba AMPORTS
Address 1997 Elm Road, Benicia, Ca 94510
Phone # (707) 745 2394
Email

Tenant:
Name
Address
Phone #
Email

Architect/Contractor/Engineer: Name Contractor License #
Address Phone#
Email

Does building currently have sprinklers? ☐ Yes ☑ No Will sprinklers be added or new? ☐ Yes ☑ No
Is the property in a flood zone? ☑ Yes ☐ No
Was the home built before 1994? (water conservation plumbing fixture certification required) N/A ☐ Yes ☐ No
Home was built before 1978: ☐ Yes ☐ No (SEE BELOW) N/A
If yes, an EPA Lead-Safe Firm is required for this project. Certified Firm Name:
Firm Certification No:
No EPA Lead-Safe Firm is required for this project because

Licensed Contractor's Declaration: I hereby affirm under penalty of perjury that I am licensed under provision of Chapter 9 (commencing with Sec. 7000) of Division 3 of the Business and Professionals Code, and my license is in full force and effect.
Signature Printed Name

General Permit Conditions

1. All work performed under this shall be in accordance with the Benicia Municipal Code, Public Works Department standard plans and design criteria, California Division of Occupational Safety and Health (OSHA) excavation standards and the Caltrans Manual of uniform traffic control devices. (MNTCP) California Building Code
2. The Applicant shall be responsible to obtain any other permit required by other public agencies (i.e. BCDC; Corps of Engineers; BAAQMD etc.). A city encroachment permit is required for work, parking removal and/or directing traffic in city right-of-way. Any individual or business contracting to work within the City is also required to have current City Business License.
3. The Applicant shall contact Underground Service Alert (USA) at least 48 hours prior to any excavation at (800) 227-2600 or 811.
4. The authorized hours of work for building and work within the Right-of-Way are 7am-7pm Mon-Fri and 8am-7pm Sat-Sun.
5. Every permit issued shall become invalid unless inspected every 180 days.
6. This permit may be revoked at any time if the continuing allowance of the encroachment or specified work interferes with the full, adequate and safe public use of the property, right-of-way and/or watercourse involved OR if the applicant fails to comply with or violates any code section, standard, safety regulation, or any condition incorporated with the issuance of the permit as determined by the City.
7. Upon expiration or revocation of the permit, the Applicant shall immediately restore property, public-right-of-way and/or watercourse to a condition as required by the City. If the restoration is not completed to the satisfaction of and within the time frame specified by the City, the City may take any and all actions necessary to restore the property, right-of-way and/or watercourse with any and all costs incurred by the City to be paid for by the applicant including the use of the security deposit or bond and, if necessary, by legal action.
8. Licensed Contractors Declaration: I hereby affirm under penalty of perjury that I am licensed under provisions of chapter 9 (commencing with section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

☐	Project requires Storm Water control approval prior to issuance.
☐	Project requires Erosion and Sediment Control Plan prior to issuance.
☐	Project requires Design Review prior to issuance.
☐	Project has Design Review Approval/Resolution/Decision of Record No._____
☐	Project requires C & D Waste Management Plan

WORKERS' COMPENSATION WARNING: Failure to secure Workers Compensation coverage is unlawful and shall subject an employer to criminal penalties and civil fines up to $100,000 in addition to the cost of compensation, damages provided for in section 3706 of the Labor Code, interest, and attorney's fees.

____(initial) I hereby affirm that I have a certificate of consent to self-insure or a certificate of workers' compensation insurance, or a certified copy thereof. (sec. 3700, labor code)

____(initial) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California.

Policy #_____ Carrier:_____

Expiration Date: _____

Signature:_____Date:_____

Note: A permit applicant who files a signed document by facsimile transmission (fax) with the city of Benicia permit service center represents that the original signed document is in his or her possession or control. At any time after filing the document, the city may demand production of the original physically signed document. Notwithstanding any provision of the law to contrary, the City of Benicia will treat the produced facsimile as an original.

****Owner/Builder Declaration: I hereby affirm under penalty of perjury that I am exempt from the Contractor's License Law for the following reason(s).**

____(initial), as owner of the property, or my employees with wages as their sole compensation will do all or portions of the work, and the structure is not intended or offered for sale. (Sec. 7044 Business and Professionals Code: The Contractors' State License Law does not apply to an owner of property who, through employees' or personal effort, builds or improves the property, provided that the improvements are not built or improved for the purpose of sale.

____(initial) I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044 Business and Professionals Code: The Contractor's License Law) does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a licensed Contractor pursuant to the Contractor's License Law.

Applicant: I certify that I have read the application and state that the information given is true and correct. I agree to comply with all local ordinances and state laws relating to building construction and I make this statement under penalty of law. I hereby authorize representatives of the City of Benicia to enter upon the above mentioned property for inspection purposes, except in those construction projects where the Building Official, due to the nature of the project, deems these limitations to be unreasonable. Every permit issued by the Building Official under the provisions of this code shall become invalid unless inspected every 180 days. Do not conceal or cover any construction units until the work is inspected by the City of Benicia and the inspection is recorded on the building inspection "Job Card". I hereby agree to save, defend, indemnify and keep harmless the City of Benicia and its officers, employees, agents and volunteers form all action, claims, demands, litigation, or proceedings, including those for attorney's fees, against the City in consequence of the granting of this permit or from the use or comply with the conditions under which this permit is granted.

Select one: ☐ Contractor ☐ Owner ☐ Design Professional Agent ☑ Other Senior Vice President, West Coast On behalf of Owner, AMPORTS

**I certify to each of the following: I am the property owner or authorized to act on the owner's behalf. I have read this application and the information I have provided is correct. I agree to comply with all applicable City and County ordinances and State Laws relating to building construction. I authorize representatives of this city or country to enter the above identified property for inspection purposes.

Signature:_____Date: 19 Oct. 2016

Print Name Jim Triplett (for AMPORTS)

ATTACHMENT TO BUILDING PERMIT APPLICATION
FOR EMERGENCY DEMOLITION AT 670 EAST H STREET

Description of Work

Additional Information

In December of 2015, a fire caused further damage to the Foundry and Office buildings, which had already been severely damaged in a 2006 fire and, as a result, had been determined to be considered unsafe structures by the City of Benicia.[1]

In response to the mounting safety concerns and dangerous conditions resulting from this 2015 fire, a Safety Assessment Program ["SAP"] evaluation of the two buildings was conducted for the City.

In his Inspector Field Report [the "Report"] dated 12/17/15, SAP evaluator/inspector, Chris Gale, described the current conditions of the Foundry and Office buildings and his observations during his safety inspection for the two buildings and recommended that "emergency demolition and safety conditions be implemented *immediately*".[2]

In the Report, Mr. Gale further outlines various items of concern that indicate the two buildings' dangerous conditions as observed during his site visit, including:[3]

- Both long walls made of brick and mortar on the large building are missing most of the grout that holds the brick work together as well as the bricks have no structural integrity left in them.

- There are obvious and significant soil failures happening in the street, the sidewalk and under the building, likely caused by the weight of the structure accelerating soil subsidence.

- The site has concrete remnants from several structures on site, all concrete viewed had significant degradation based on the highly corrosive environment. All steel on site was severely corroded and most all wood framing was rotted and decayed.

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[1] *Historic Context Statement, City of Benicia*, dated February 2011 (prepared by Page & Turnbull) ["Historic Context Statement"], p. 34.
[2] *Inspector Field Report, City of Benicia SAP Evaluation of 670 East H Street* [the "Report"], p. 117 (emphasis added). Please note that references in this attachment to the Report are from the second copy provided to Applicant's representative which contains photographs whereas the initial copy of the Report delivered to Applicant's representative was 119 pages but did not contain all photographs.
[3] *Id.* at p. 115-116. As a note, Mr. Gale made his observations from the outside of the subject buildings as he indicated on page 115 of the Report: "Access to the interior of the property was not deemed necessary due to the dangerous condition of the buildings and that the significant and obvious failures were easily viewed from the outside."

- The parapet is falling off the entire building and it is my recommendation that the building be removed as the extraordinary measures in place to prevent unauthorized entry into the buildings are not sufficient to keep vandals out.

- Both buildings have current major structural collapses happening. Floors and roofs are collapsed as are walls and many structural members.

- The foundation/soil building interface has failed and will continue to degrade. This condition will accelerate if any additional loads such as seismic, wind or flood loads are encountered which is a given in this location.

- The large building has burned at least once recently and the heat of the fires have significantly reduced the strength of the concrete, mortar, steel and wood.

- The subject building also has some very eccentric lateral and gravity loads imposed on it as the pictures show. Each crack in each area viewed demonstrated building movements not intended by the designer of the building. This has greatly decreased the ability of the building to even hold itself up.

- The subject building is of wood roof framing which due to fires, pests and rot is generally less than 30% of its original design values. Under the Historic and Existing Building Codes this is unacceptable.

- The subject building is not only very old and has exceeded its design life by over 60 years. This coupled with the differed maintenance mentioned earlier means that some of the more likely methods of repair may not be available for use on this building. It the case of these buildings the testing required to engineer the buildings back into compliance could not be completed. In other words the materials are so degraded that they cannot be reused.

- There are bricks falling from every location on the buildings, interior and exterior. Floors and roofs are collapsed and vital structural members have been seriously compromised. Both buildings are "Attractive Nuisances" under the code and all reasonable methods of keeping the public out have failed.

In addition, the Report describes and provides photographs depicting the two buildings' current conditions and indicates Mr. Gale's comments/observations, including that:

> The current condition of the subject buildings are extremely poor and continual failure is anticipated due to site conditions and lack of appropriate strength of the materials that make up these buildings.[4]

[4] *Id.* at p. 114.

Therefore, the recommended emergency demolition is needed not only because it has been determined that the two buildings are unsafe but also because

> These buildings [are] not going to stay "as it is" and will continue to fall if nothing is done soon. Both buildings are already in a state of collapse and the materials they are constructed of are no longer able to sustain any loading whatsoever.[5]

It has further been determined that

> absolutely nobody should be allowed to enter the buildings under any circumstances. This includes firefighters, police and paramedics as these buildings are not safe under any circumstance. It is recommended that the Fire Department take a "defensive position only" stance on these building as if there is another fire flood or earthquake anyone inside these buildings will likely [perish]. The photographs contained in this report demonstrate clearly to the average person that these buildings are a danger to anyone with 100 feet of them as the brick will explode as they continue to fall in larger and larger sections of the structures fail.[6]

As further reference supporting an emergency demolition permit, Benicia Municipal Code Section 17.45.100(A) states:

> Prior approval of the community development director or the historic preservation review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.

Moreover, the *Arsenal Historic Conservation Plan (November 1993)* ["AHCP"] references "permit applications of an *emergency* nature to demolish a structure which has been deemed *unsafe* by the Building Division, subject to review, if required, by the State Office of Historic Preservation."[7] With this in mind, while the California Office of Historic Preservation ["OHP"] has been contacted regarding this proposed emergency demolition of the Foundry and Office buildings, the OHP has not yet responded or submitted any comments regarding such proposed emergency demolition.

Given the extremely dangerous condition of the Foundry and Office buildings, the SAP Inspector's specific warning that no one should enter either of the buildings "under any circumstances", and the severity of destruction to the interior of the Foundry building, especially as the result of the 2015 fire, it is unlikely that anything can be safely salvaged from the Foundry building. The Office building, on the other hand, may possibly be in a slightly better condition to

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[5] *Id.* at p. 117.
[6] *Id.*
[7] *Arsenal Historic Conservation Plan (November 1993)* ["AHCP"], p. 22 (emphasis added).

salvage potential historical items, if any are found, when the building is demolished from the top down.

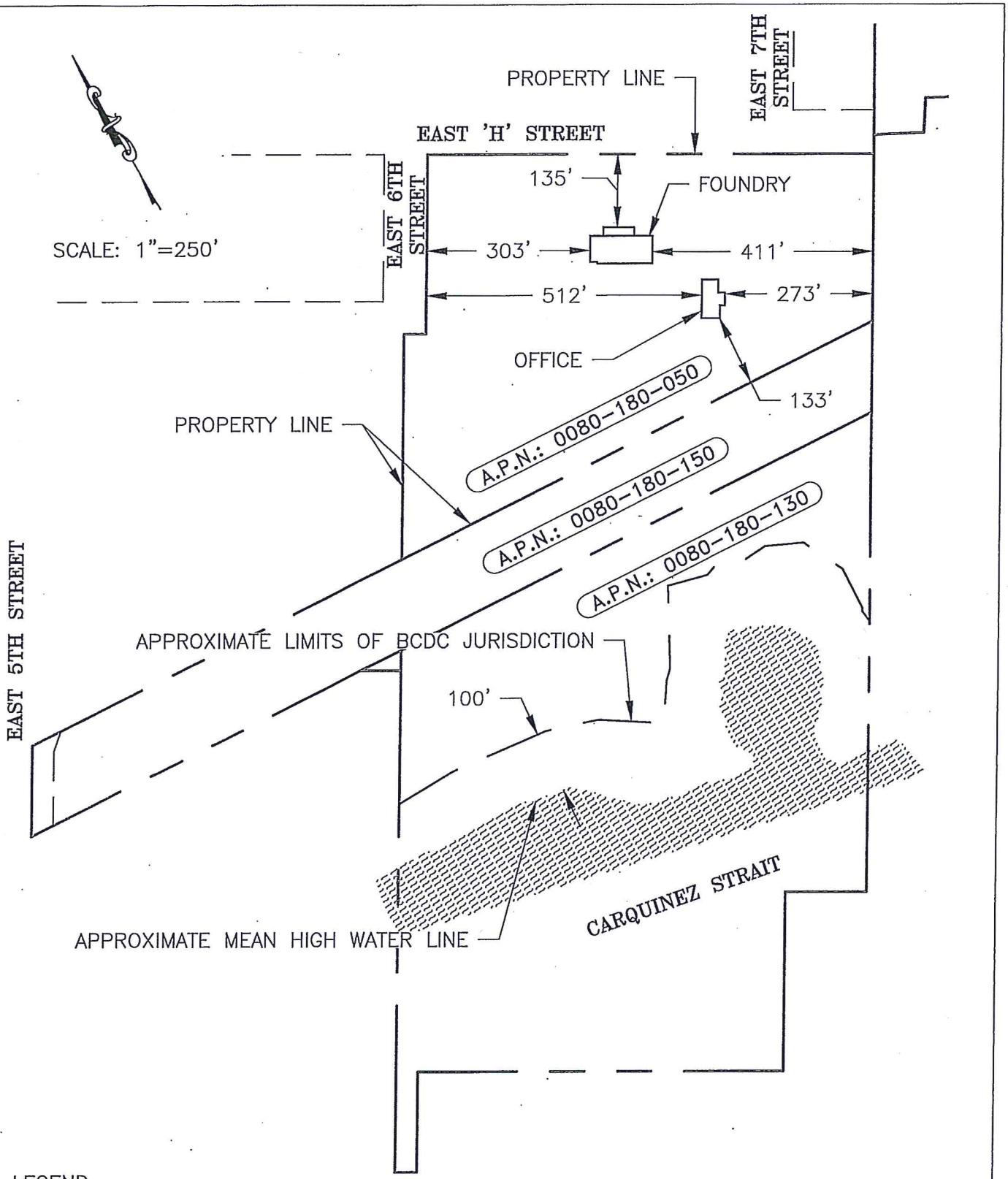
As background, the Foundry and Office buildings are located on the former site of the Pacific Mail Steamship Company Depot and shops. As one of the two companies authorized by Congress to provide the Pacific Coast with a link to the rest of the country via steamship service to and from Panama, the Pacific Mail Steamship Company selected Benicia for its depot, wharf, and shops in 1850 and became "the first major industrial works constructed in California, and employed over 100 persons by the early 1850s."[8] The City's AHCP indicates that the Foundry and Office buildings have been designated by the City as landmark structures because of their "strong associations with the growth and development of Benicia and the region."[9]

Therefore, in conducting this emergency demolition and removal project, efforts will be made to respect the historical elements of both of these buildings. For example, the property owner and applicant are sensitive to having a historian onsite during the emergency demolition process and to donating any potential historical artifacts found at the site to the Benicia Historical Museum.

Conclusion:

In summary, because the Foundry and Office buildings have been determined to be dangerous and unsafe as discussed herein and in detail in the above-referenced Report, *immediate* action involving *emergency* demolition of both buildings is required in order to prevent and/or mitigate any further (or more serious) harm, damage, and/or loss to life, health, property, or essential public services, especially considering the state of collapse of these two buildings and their already "extremely poor" conditions which have been, and will be further, exacerbated by the 2015 fire damage, the recent Napa earthquake, the property's soil conditions, liquefaction concerns, seismic considerations, and deteriorating building material conditions. As mentioned above, efforts will be undertaken to respect the historical elements of these buildings and to salvage any potential historical artifacts found onsite during this emergency demolition process.

[8] *AHCP*, p. 17 and quoting from *Historic Context Statement*, p. 33.
[9] *AHCP*, p. 17.



LEGEND

A.P.N: SOLANO COUNTY ASSESSOR'S PARCEL NUMBER

B.C.D.C.: SAN FRANCISCO BAY CONSERVATION & DEVELOPMENT COMMISSION

PLAT MAP

10-12-2016