

Appeal of Over the Counter Permit No. 24CNP-00475

Property:

APN Number: 005-270-006

Site Address: 3215 Foothill Rd. Carpinteria CA

Project Details:

Project Name: Seidler Pedestrian Bridge Repair

Case Number: 24CNP-00475

Case Date: 6/23/22

Date of Action Taken by Building & Safety: 4/16/24

Decision Maker: Building Official

Introduction

This appeal contests the over the counter permit 24CNP-00475 authorized and issued by the Building Official for Building and Safety and the Director of Planning and Development (collectively, "County") on April 16, 2024. The County is authorizing bridge repair/enhancement activities and authorizing the bridge use for "Pedestrian and light utility use" on my property located at 3196 Serena Ave. Carpinteria. Independent reports from four qualified structural engineers all indicate the bridge's abutments are unsafe due to structural deficiencies. Additionally, allowing the reconstruction of the bridge outside of the easement on my property is a violation of my property rights.

Right to Appeal

This appeal is filed pursuant to Section 10-1.12 of the 2022 California Building Code, which allows appeals of decisions made by the Building Officials.

Reasons for Appeal

The bridge constitutes a public nuisance pursuant to County Code, Section 10-1.12, Section 116.5 (Public Nuisance) in that the bridge is "dangerous to human life," and constitutes a "hazard to health, safety or public welfare by reason of inadequate maintenance, dilapidation, damage, obsolescence, or abandonment." No building permit should be issued relating to the bridge until the following concerns are addressed:

1. **Structural Concerns:** Four qualified structural engineers, including the County's own Structural Engineer, have stated the bridge is unsafe due to significant deficiencies in the abutments. These reports, dated October 4, 2022, March 10, 2023, March 14, 2023 and April 8, 2024, document concerning issues such as cracks, voids, and potential loss of bearing capacity due to creek erosion. Three of the structural engineers have specified that the bridge is unsafe for pedestrians and motor vehicles.

2. **County Engineer's Assessment:** The County's own structural engineer, in an email dated March 14, 2023, raised concerns about the bridge's condition based on available reports. These concerns mirror the findings of the three independent engineers I commissioned. Per Mr. Crabtree's email:

"With additional precipitation and flow within the creek this may lead to scouring below the abutment causing the bearing capacity to be diminished and/or unstable. The abutments are the primary area of concern based on current conditions."

3. **Incomplete Permit Application:** The permit application overlooks the critical issue of the bridge's structural integrity. Issuing a permit for railing repairs and for "Pedestrian and light utility use" without addressing the abutment safety concerns poses a significant risk.
4. **Negligent Permit Issuance:** The Building Official authorized repairs while a red tag remained on the bridge (email dated January 10, 2024). This action disregards basic safety protocols and potentially facilitated further construction on an unsafe structure.
5. **Trespass and Encroachment:** The bridge is located on my property, outside of the established easement as confirmed by the 2018 Survey provided by the County. This survey established my property's liability for the area where the bridge is built. The neighbor's Cross-Complaint answers further support this by imposing the liability to my property as the bridge was outside of the easement. Building Inspector Carl Lindberg's actions allowed for the bridge to be built outside of the easement. Per Craig Johnson's Building Official email:

"If the person wishing to complete the bridge has legal access (ownership, or an easement, or some other legal access), to the area the bridge is located, then I don't wish to stop them. We need to be careful we're not giving approval for someone to construct something on a portion of property they may not own, or don't have legal access to. If that's not an issue I have no objection."

Request for Relief

Based on the outlined concerns, I respectfully request the following:

1. **Revocation of Permit 24CNP-00475:** The permit should be revoked due to the bridge's unsafe condition, the incomplete application, and trespass on my property.
2. **Protection of My Property Rights:** The County should acknowledge that the bridge resides on my property, outside of the easement, and ensure the immediate removal from my property.

Supporting Documentation

I have attached the following documents to support my appeal:

1. Reports from three independent structural engineers (dated October 4, 2022, March 10, 2023, and April 8, 2024)
2. Email from the County Structural Engineer (dated March 14, 2023)
3. Email from the Building Official disregarding red tag, in-house review, and previous lawsuit (dated January 10, 2024)
4. Neighbor's 2018 Cross-Complaint answers regarding bridge location
5. 2018 Survey provided by the County, which established my property's liability in the 2018 lawsuit
6. Sec. 10-1.4. - Section 105.1.1 of California Building Code

Conclusion

I urge the County to seriously consider the safety concerns and trespass associated with this bridge. I am confident that a thorough review will reveal the permit's shortcomings and the need for a more cautious approach.

Thank you for your time and attention to this urgent matter.

Sincerely,



Diana Sandoval

April 29, 2024

Appeal Contact:

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