

1 DAVID A. SMYTH SBN 058339

Attorney at Law

2 3478 Buskirk Ave., #1000

Pleasant Hill, CA 94523

3 **Tel:** 925/933-4541

Fax: 925/932-7077

4 dsmyth2@hotmail.com

5 Attorney for ENTERTAINMENT LANE, INC.
and ANTHONY LANE

8 BEFORE THE CITY COUNCIL
OF THE CITY OF SALINAS

10 In re:

ID#: 18-234

(May 1, 2018 City Council Meeting)

11 ANTHONY LANE and THE FOX
12 THEATER, SALINAS,

**APPELLANTS' BRIEF ON APPEAL OF
A NOTICE AND ORDER TO REPAIR
OR ABATE DATED 4/12/18 RELATED
TO 241 MAIN ST., SALINAS, CA 93901
(APN 002-234-031)**

Hearing:

Date: 5/1/18

Time: 4:00p.m.

Salinas Rotunda

200 Lincoln Ave., Salinas, CA

16 _____ Appellants. /

17 **INTRODUCTION**

18 On April 12, 2018 the City of Salinas posted a Notice and Order to Repair and Abate the
19 Fox Theater and closed the Theater. Four items were cited: Electrical, Stage, Sprinklers and
20 Unreinforced Masonry (URM). The URM issue will remain after the first three items are
21 resolved and thereby prevent the Theater from reopening. The URM issue is the only matter
22 which is being appealed by the Theater's owner, Anthony Lane.

23 There is no dispute that the masonry wall in question is actually the north wall of the
24 neighboring Central Building fka the Elks Building, which was built in 1885, 36 years before the
25 Fox Theater was constructed. The issue here is whether some of the roof trusses from the
26 Theater that touch the wall are supported by that wall. The most recent formal engineering
27 report which evaluated up to 100 downtown buildings in Salinas, is the Ruth, Goings & Curtis
28 Report (hereinafter referred to as "The Ruth & Goings Report") and it was completed in 1976.

1 The Ruth & Goings Report found that the Theater has no masonry structures and was “NOT (a)
2 URM,,” meaning that the report found that the masonry wall in question was not part of the
3 Theater and that it supplied no support to the Theater. The Ruth & Goings Report is attached as
4 Exhibit B.

5 Michael Martin, Lane’s civil engineer, inspected the Theater and is in agreement with the
6 Ruth & Goings Report as are other engineers who have evaluated the Theater since the
7 April 12, 2018 notice was posted. Mr. Martin’s sworn declaration is attached here as
8 Exhibit A. All engineers referenced above will be present at the May 1, 2018 City Council
9 Meeting.

10
11 **1. Based upon the circumstances here, the City should pay for an immediate**
12 **structural analysis of the masonry wall in question and thereafter require that the**
13 **Building Official consider said analysis and render a new decision on the URM status of**
14 **the Fox Theater.**

15 In early 2007, Anthony Lane purchased the Fox Theater from the Martin Family. At that
16 time, Lane and his engineer, Michael Martin (no relation to the seller, Martin Family), met City
17 officials and were assured that the Theater was not an unreinforced masonry structure (URM)
18 and that no earthquake or retrofit issues existed. It is clear now that the City officials were
19 relying on the findings of the Ruth & Goings Report which determined that the Theater was
20 “NOT (a) URM” structure.

21 In early 2012, City engineers informed Lane that they believed that the Theater was in
22 fact a URM structure. This revelation to Lane transpired without a “triggering event,” which is
23 required by law. There was no inspection, no evaluation and no paperwork whatsoever, not even
24 notes or memos, that purport to support the building officials thought processes and subsequent
25 notice to Lane.

26 City officials knew of the Ruth & Goings Report in early 2012 but elected not to give the
27 report to Lane or disclose to him that the report had formally and officially found the Theater to
28 be “NOT (a) URM” structure. Without the report and its findings, Lane did not realize that he
had grounds on which to file an administrative appeal and therefore did not file one.

1 On April 12, 2018, the Theater was closed for four code violations, including failure to
2 clear the URM issue by retrofit or demolition. This violation will remain even when the three
3 other issues noted earlier are cleared and will prevent the Theater from reopening. Lane believes
4 the other three issues will be cleared within in a matter of days.

5 Anthony Lane is asking the City Council to modify the order only as to the URM issue,
6 as follows:

7 “That the City be required to have the masonry wall in question structurally evaluated at
8 the City’s expense as soon as possible and that the building official shall consider said evaluation
and make a new decision regarding the URM status of the FoxTheater.”

9 Additionally, Lane requests that the Theater be allowed to reopen once all other non
10 URM issues are cleared, with the URM warnings still posted, while the structural analysis is
11 performed, unless the City shows a recent change in condition of the alleged URM supporting
12 structure.

13 It is fair and logical that the City pay for this evaluation since Lane would not have
14 purchased the Theater without the assurances by the City that the significant expense of a retrofit
15 was not needed and because Lane would have appealed the reclassification of the Theater to
16 URM status had the City sent him a copy of the Ruth & Goings Report which formally and
17 officially classified the Theater as “NOT (a) URM” structure.

18 If the City does not grant the request to reopen the Theater pending the structural analysis
19 of the masonry wall in question, it should at least grant the request for an immediate structural
20 analysis and bear the financial responsibility thereof.

21 Appellant Lane is not requesting that the City Council make a decision with regard to
22 reopening the Theater or that the City Council direct the building official to reopen the Theater
23 or that the City Council have another party make the final decision. Lane is here today to
24 request that the City pay for and obtain an immediate structural analysis of the masonry wall in
25 question and thereafter require the building official to make a new (not necessarily different)
26 decision on the URM status of the Theater based upon said analysis.

27 ///

28 ///

1 ///

2
3 **2. The URM status of structures in downtown Salinas was initially established by**
4 **an engineering report prepared Ruth, Goings & Curtis on behalf of the City commissioned**
5 **by the Redevelopment Agency.**

6 At his July 6, 2017 deposition, Alan Stumpf, former head of the Redevelopment Agency,
7 testified as follows:

8 “The Redevelopment Agency commissioned a series of reports on all known
9 unreinforced masonry buildings in the downtown, in the City, but primarily focused on the
10 downtown that we’re - where all of these buildings were, so the City commissioned an
11 engineering firm, Ruth & Goynes (sic), to provide these preliminary reports on a lot of the
12 buildings downtown, and from these reports, there was a list that was developed by the City, by
13 the Building Official, that said - that established a set of time lines for those buildings to be
14 brought into compliance.” See Deposition of Alan Stumpf in Superior Court Case No.

15 M131833, taken on July 6, 2017, pg. 46, line 16 to pg. 47, line 1.

16 Mr. Stumpf also testified that the City had 30 to 100 Ruth & Goings Reports in its
17 possession. See Deposition of Alan Stumpf, supra., pg. 65, lines 9 to 10. The City Attorney
18 refuses to allow Lane or his attorney see these reports. However, it appears that the URM status
19 of all older buildings in downtown Salinas was established by the Ruth & Goings Reports.

20 **3. For the Fox Theater to truly be an unreinforced masonry structure, the two**
21 **engineering firms that analyzed the masonry wall in question would have to have**
22 **overlooked something simple and very fundamental. There is no evidence that this**
23 **happened.**

24 An unreinforced masonry wall (URM) is simply a brick wall. It is not possible that the
25 engineers who prepared the Ruth & Goings Report did not see this wall, which is the north wall
26 of the neighboring Central Building. And, it is not possible that they did not see that a portion of
27 the roof trusses from the Theater touched that wall. Yet, these engineers did not mention the
28 wall in question. It is evident that they did not believe that the wall was part of the Theater
because they reported that the Theater had no masonry components. And, it is also evident that
these same engineers did not believe that the masonry wall provided support for the Theater
because they found that the Theater was “NOT (a) URM” structure. Obviously, there is/was no
indication that the brick (masonry) wall of the neighboring Central Building supplied any
support to the Theater.

1 This same brick (masonry) wall and these same trusses touching this wall were seen by
2 the engineering firm that retrofitted the Central Building in 2001. Below, is Civil Engineer
3 Michael Martin's finding regarding the retrofit:

4
5 "A seismic retrofit was performed on the Central Building in 2001 based on a design by
6 Graebe and Associates. After careful review of the structural calculations which are located in
7 the archives of the City Permit Record Department, I observed that no truss loads for the Fox
8 Theater were included in the analysis of the unreinforced masonry wall in question. Therefore, it
9 can be concluded that the retrofit Design Engineer did not believe that the truss loads from the
10 Fox Theater were being supported by the Unreinforced Masonry wall. Had the Engineer
11 believed the Unreinforced Masonry wall was supporting these loads they would have been
12 included in the retrofit Design." See Item 2 of Michael Martin's April 16, 2018 sworn
13 declaration, attached here as Exhibit A.

14
15 These two professional engineering reports that were specifically evaluating the very
16 wall in question and the very trusses in question in order to make a formal report on URM status,
17 are unquestionably accurate. No one should believe that these reports overlooked something so
18 obvious and so vital as the significance of the trusses from the Theater touching the neighboring
19 building's wall.

20
21 Certainly, no inference that these engineers each independently made such a fundamental
22 error should be drawn from the bare statement made by Dennis Richardson and
23 Joseph DeSante, given the fact that Richardson and De Sante did not consider or reference the
24 Ruth & Goings Report and/or the Graebe and Associates Report or anything else whatsoever.

25
26 Adding to the evidence that the Theater is not a URM structure and that it is structurally
27 sound, is the fact that it survived the 1989 Loma Prieta earthquake with no damage. See
28 Exhibit C which is a letter dated December 11, 1989 wherein Lawrence Martin with RTC
Theaters reminded Ray Campton with the City of Salinas that the City's inspector had
determined that no damage was sustained to the Theater in the Loma Prieta earthquake.
Moreover, the fact that the Central Building was retrofitted in 2001 (See Exhibit D)
demonstrates that the wall in question must now be "encapsulated" so that falling bricks are no
longer an issue.

4. The City's position is that Anthony Lane may have to lose the Theater not

1 **because it truly is an unreinforced masonry structure but because it has “been deemed as a**
2 **matter of law” to be an unreinforced masonry structure.**

3 The City of Salinas is on the verge of losing an operating Theater that is nearly a century
4 old on the basis of a legalistic interpretation of a statute that the City Attorney alleges equals,
5 “Checkmate. The Fox Theater is deemed an unreinforced masonry structure regardless of the
6 truth, and there is nothing you can do about it.”

7 Fortunately, the City Attorney is incorrect, for at least two reasons: First, the law does
8 not allow the interpretation of a statute that produces an absurd result. Doolittle vs. Exchange
9 Bank (2015) 241 Cal. App.4th 529, 544. Second, the City Attorney argues that because Lane did
10 not file a Notice of Administrative Appeal in 2012, when the City first alleged that the Theater
11 was an unreinforced masonry structure, he can never again challenge this contention. The City
12 is incorrect. An individual does not forfeit his rights if his failure to file a timely Notice of
13 Appeal is caused by the wrongdoing of the opposing party. It is undisputed that City officials
14 were aware of the Ruth & Goings Report and knew that it officially and formally found that the
15 Theater was “NOT (a) URM” structure and that these officials deliberately chose not to tell Lane
16 about this report when they cited him in 2012 for a URM structure. “No one can take advantage
17 of his own wrong.” C.C.P. §3517.

18 An individual is excused for not filing a timely Notice of Appeal if his failure was caused
19 by the wrongdoing of the other party. See Ateeg vs. Najor (1993) 15 Cal. App. 4th 1351, 1356.

20 CONCLUSION

21 The URM wall in question is the north wall of the Central Building, the building which is
22 directly to the south of the Fox Theater. That wall, and the trusses touching it, have been
23 formally and officially analyzed and evaluated by two engineering firms for the specific purpose
24 of determining URM status. Neither engineering firm stated that this wall supplied any support
25 whatsoever for the Theater.

26 The Ruth & Goings Report found that the Theater had no masonry structures and was not
27 a URM building. Graebe and Associates, when reporting the load on that wall, did not include
28

1 any load from the Theater. The Central Building was retrofitted in 2001. See Declaration of
2 Michael Martin and Exhibit D, attached. Three other engineers will attend the City Council
3 meeting on May 1, 2018 to testify that the Fox Theater is earthquake safe.

4 The building official's evaluation of the Theater as a URM is not an evaluation at all. It
5 is not supported by inspection reports, or paperwork, or a reference to the Ruth & Goings Report
6 and/or the Graebe and Associates Report or notes of even thoughts or conclusions.

7 Anthony Lane purchased the Fox Theater relying on the City's assurances that the
8 Theater was not a URM structure and that it had no earthquake safety or retrofit issues. Now,
9 with no explanation or supporting documentation, the City is telling Lane, "What you were told
10 when you purchased the Theater is not accurate. The Theater is closed until you retrofit the
11 building. If you do not retrofit the building it will be demolished."

12 Under these circumstances, the City should pay for an immediate structural analysis of
13 the wall in question to determine if in fact the Fox Theater is a URM structure. Thereafter, the
14 building official should review said structural analysis and make a new decision regarding the
15 Fox Theater's URM status.

16
17 **DATED:** April 30, 2018

Respectfully submitted,

18 s David A. Smyth
19 DAVID A. SMYTH
20 Attorney for Appellants
ENTERTAINMENT LANE, INC. and
ANTHONY LANE

EXHIBIT A

April 16th, 2018

DECLARATION OF MICHAEL MARTIN

I Michael Martin, declare under penalty of perjury as follows:

I am a civil engineer with 33 years of professional experience; I own and operate Michael James Martin Engineering in Monterey, California and have done so for the last 20 years.

It is my opinion the roof trusses of the Fox Theater are not being supported by an unreinforced masonry wall of the adjacent building known as the Central Building - 247 main street Salinas, California as is being claimed by the City of Salinas. This opinion is based on the following observations.

- 1) The Central Building was constructed in 1895. At that time, the bearing walls of the Central building were not designed or constructed to support the truss loads of the Fox Theater. The Fox Theater was constructed in 1921. It is unlikely the theater design would rely on the Central building's unreinforced masonry wall to support heavy Truss Loads. In Fact, a bearing wall was constructed to carry these Truss loads as part of the original Fox Theater design (see line item #3)
- 2) A seismic retrofit was performed on the Central Building in 2001 based on a design by Graebe and Associates. After careful review of the structural calculations, which are located in the archives of the City Permit Center Record Department, I observed that no truss loads for the Fox Theater were included in the analysis of the unreinforced masonry wall in question. Therefore, it can be concluded that the retrofit Design Engineer did not believe that the truss loads from the Fox Theater were being supported by the unreinforced Masonry Wall. Had the Engineer believed the unreinforced masonry wall was supporting these loads they would have been included in the retrofit design.
- 3) After I inspected the bearing points of the Trusses in question, I discovered a supporting Wood framed bearing wall, and associated concrete foundation, which does support these truss loads. Each of the 4 trusses in question bear on solid heavy timber wood columns. These columns extend from the point of truss loading to the foundation. This bearing wall is extensively braced with heavy timber diagonal bracing. It is my opinion that this bearing wall, which is a part of the Fox Theater structure, is designed to carry the truss loads, and not the unreinforced masonry wall of the adjacent Central Building.
- 4) The Ruth and Goings report, which classifies all unreinforced masonry buildings in the City of Salinas, does not classify the Fox Theater as an unreinforced masonry building. I concur with this report. Please find attached the Ruth and Goings report.

In conclusion, it is my professional opinion that the heavy timber-bearing wall carries the Truss loads of the Fox Theater and not the adjacent masonry wall of the Central Building.

Signed this day April 16th, 2018 in Salinas, California in the County of Monterey.



EXHIBIT B

TITLE: Fox Theater *NOT URM*

ADDRESS: 237, 241 & 245 Main St.

BLDG. NO. E-9 2-224-27 31

RUTH, GOING AND CURTIS, INC. ARCHITECTS ENGINEERS PLANNERS



Leo W. Ruth, Jr., C.E., M.E.
E. Jackson Going, Jr., C.E.
William H. Bender, S.E.
Harry H. Lester, C.E.
Harold S. Curtis, AIA
Dick M. Watson, AIA

919 THE ALAMEDA P.O. BOX 26430 SAN JOSE, CALIFORNIA 95159 (408) 297-8273

BUILDING ADDRESS: 237, 241 and 245 Main Street

DATE _____

BUILDING TITLE: Fox Theater

BUILDING REFERENCE NUMBER: E-9

Dear _____,

An inspection and a preliminary structural analysis of the building at the above address have been made to determine the major deficiencies, if any, which exist in the structural building elements which resist the forces produced by earthquakes. In this investigation a structural element is considered deficient if it does not comply with the minimum requirements of the 1973 Uniform Building Code as modified by the Unsafe Building Ordinance adopted by the City of Salinas.

The attached SUMMARY OF STRUCTURAL DEFICIENCIES lists the structural elements which were investigated and the status of each element in terms of deficiency is indicated by marking the appropriate block. Status in terms of deficiency is defined as follows:

- | | |
|--------------------------------|---|
| <u>Deficient:</u> | The preliminary investigation determined that there is considerable evidence to indicate that the element <u>is deficient</u> . |
| <u>Probably Deficient:</u> | The preliminary investigation was unable to determine the nature and condition of the element; however, based on other data, it is <u>probable</u> that the element <u>is deficient</u> . |
| <u>Probably Not Deficient:</u> | The preliminary investigation determined that there is evidence to indicate that the element <u>is probably not deficient</u> . |
| <u>Not Applicable:</u> | The element does not apply to this building. |

It should be noted that this is a preliminary investigation and that additional detailed investigations would be required to positively establish the status of the elements.

Also attached are floor plans for this building upon which the location of each deficient element is indicated by using arrows and the appropriate letters, A through K.

The enclosed REPORT AND SCOPE OF STRUCTURAL INVESTIGATION discusses each element in detail and recommends methods of rehabilitating the elements in order to correct the deficiencies.

An additional building inspection and code review have been made to determine code violations, if any, pertaining to exits, corridors, fire protection requirements and other life safety conditions as set forth in the 1973 editions of the Uniform Building Code and Uniform Fire Code. The enclosed report on Life Safety Building Inspection summarizes the results of this survey.

SUMMARY OF STRUCTURAL DEFICIENCIES

BUILDING REFERENCE NO. E-9

STRUCTURAL ELEMENT	STATUS IN TERMS OF DEFICIENCY			
	Deficient	Probably Deficient	Probably Not Deficient	Not Applicable
A. Brick (tile block) masonry walls				X
B. Concrete walls			X	
C. Concrete block masonry walls				X
D. Frame at open store front		X		
E. Diaphragm - straight sheathing	X			
F. Diaphragm - diagonal sheathing				X
G. Diaphragm - plywood sheathing				X
H. Ledgers	Balcony X	Roof X		
I. Ledger bolts	X			
J. Chords and chord splices		X		
K. Parapets			X	

COMMENTS:

PRELIMINARY BUDGET ESTIMATE FOR
STRUCTURAL REHABILITATION OF:

BUILDING ADDRESS: 241 Main Street DATE: 6-24-76

BUILDING TITLE: Fox Theater

BUILDING REFERENCE NO.: E-9

BUILDING FLOOR AREA: 1st floor: 8,000 sq. ft.; 2nd floor: 6,000 sq. ft.

ITEM	QUANTITY	DESCRIPTION	UNIT COST	TOTAL
1.	----- Sq. Ft.	Brick Masonry Walls	-----	-----
2.	8,000 Sq. Ft.	Roof Diaphragm	3.75/sq.ft.	\$ 30,00
3.	6,000 Sq. Ft.	Floor Diaphragm	3.00/sq.ft.	18,00
4.	780 Lin. Ft.	Ledgers including Ledger Bolts	22.50/L.F.	17,55
5.	----- Lin. Ft.	Parapets	22.50/L.F.	-----
6.	Lump Sum	Frames at Open Store Front	L.S.	36,01
7.		Miscellaneous		
	200 Lin. Ft.	Cutting of partitions on second floor for diaphragms	30.00/L.F.	6,0
	Lump Sum	Allowance for diaphragm over basement	L. S.	12,6
Total - Items 1 through 7				\$120,
Cost per Sq. Ft. of Floor Area				\$8.58

WALL/FRAME

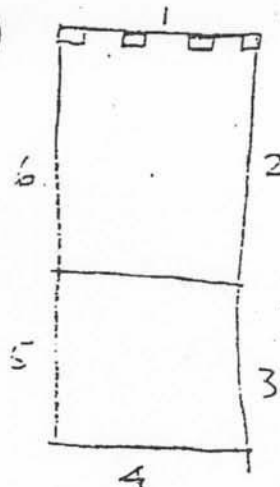
BUILDING: E-9

WALL: #1

FRAME: _____

SEE WALL: _____

FRAME: _____ BLDG: _____



WALL: _____

FRONT

REAR

SIDE

INTERIOR

BASEMENT

STORY HEIGHT: 2-STORY

MATERIAL: WOOD WOOD W/SHEATHING (_____)

STEEL CONCRETE MASONRY MORTAR (_____)

REINFORCED (UNKNOWN) OPEN OTHER UNKNOWN

OPEN 1ST FLOOR W/ APPARENTLY, 4 LARGE COLS.

SOLID CONC WALL ABOVE WHICH MEASURES

21" THICK @ PROJECTION ROOM

PARAPET: NONE HEIGHT 4' ± MAX.

CONDITION: _____

GOOD

FAIR

POOR

WALL/FRAME

BUILDING: E-9

WALL: # 2 & 6

FRAME: _____

SEE WALL: _____

BLDG: _____

FRAME: _____

WALL: FRONT REAR SIDE INTERIOR BASEMENT

STORY HEIGHT: 2-STORY

MATERIAL: WOOD WOOD W/SHEATHING (_____)

STEEL CONCRETE MASONRY MORTAR (_____)

REINFORCED (UNIL) OPEN OTHER UNKNOWN

SOLID CONC. WALL W/18"X36" CONC. PILASTERS
ON EXT. WHICH COULD SEE ON WALL # 2 ONLY

PARAPET: NONE HEIGHT 2' ± max.

CONDITION: GOOD FAIR POOR

WALL/FRAME

BUILDING: E-9

WALL: # 3, 4, 5

FRAME: _____

SEE WALL: _____

BLDG: _____

FRAME: _____

WALL:

FRONT

REAR

SIDE

INTERIOR

BASEMENT

STORY HEIGHT: _____

MATERIAL: WOOD WOOD W/SHEATHING (_____)

STEEL CONCRETE MASONRY MORTAR (_____)

REINFORCED (UNK) OPEN OTHER UNKNOWN

7" WALL (0 DOOR) WITH 12" X 5' INT. PILASTERS
TO ROOF TRUSSES

PARAPET: NONE HEIGHT UNK

CONDITION: GOOD FAIR POOR

DIAPHRAGM

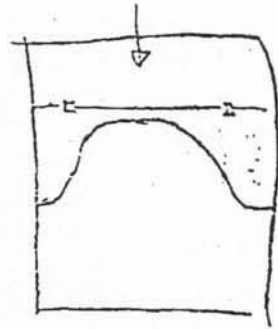
BUILDING: E-9

FLOOR BALCONY

ROOF: _____

SEE FLOOR: _____

ROOF: _____



DIAPHRAGM:

STRAIGHT

DIAGONAL

PLYWOOD

STEEL

CONCRETE

THICKNESS (1 x 3 PLYWOOD)

OTHER

UNKNOWN

NAILING:

NONE

UNKNOWN

JOISTS:

WOOD

STEEL

CONCRETE

UNKNOWN

NONE

TRUSSED W/ LIGHT FRAMING

PURLINS:

WOOD

STEEL

CONCRETE

UNKNOWN

NONE

BEAMS:

WOOD

STEEL

CONCRETE

UNKNOWN

NONE

SUPPORT OF BALCONY

LEDGER:

NONE

UNKNOWN

LEDGER BOLTS: NONE

UNKNOWN

CHORD: NONE

UNKNOWN

CHORD SPLICE: NONE

UNKNOWN

CONDITION: GOOD

FAIR

POOR

DIAPHRAGM

BUILDING: E-9

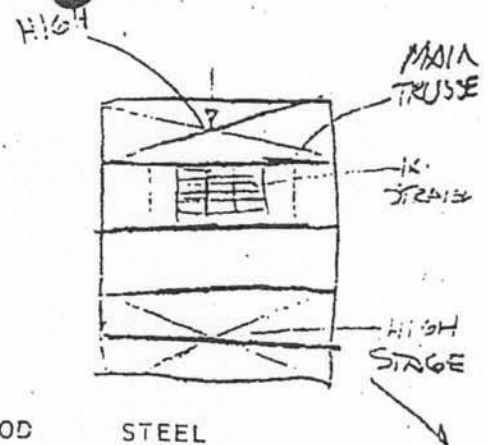
FLOOR: _____

ROOF: _____

FLOOR: _____

SEE _____

ROOF: _____



DIAPHRAGM: STRAIGHT DIAGONAL PLYWOOD STEEL
 CONCRETE THICKNESS (1/2)
 OTHER UNKNOWN

NAILING: NONE UNKNOWN

JOISTS: WOOD STEEL CONCRETE UNKNOWN NONE
LIGHT STICK FRAMED

PURLINS: WOOD STEEL CONCRETE UNKNOWN NONE
 " " "

BEAMS: WOOD STEEL CONCRETE UNKNOWN NONE
LARGE TRUSSES

LEDGER: NONE UNKNOWN YES, BUT NOT
ATTACHED TO WALL

LEDGER BOLTS: NONE UNKNOWN

CHORD: NONE UNKNOWN

CHORD SPLICE: NONE UNKNOWN

CONDITION: GOOD FAIR POOR



SOUTH AND GORING

ENGINEERING - PLANNING - ARCHITECTURE
919 THE ALAMEDA SAN JOSE, CALIFORNIA, 95126 297-8273

PROJECT

PREP. BY RLR

DATE 3/31/76 CHECK BY

ENGINEER

JOB NO. 15428

R.E.

E-9

This building has walls constructed of concrete, probably reinforced. Since it is beyond the scope of this investigation to determine the strength, size & spacing of the reinforcing and the strength of the concrete, a meaningful analysis at this time is impossible. Because of the occupancy (theater), a thorough investigation under gravity & seismic loads should be made.

The following work should be done to correct obvious deficiencies.

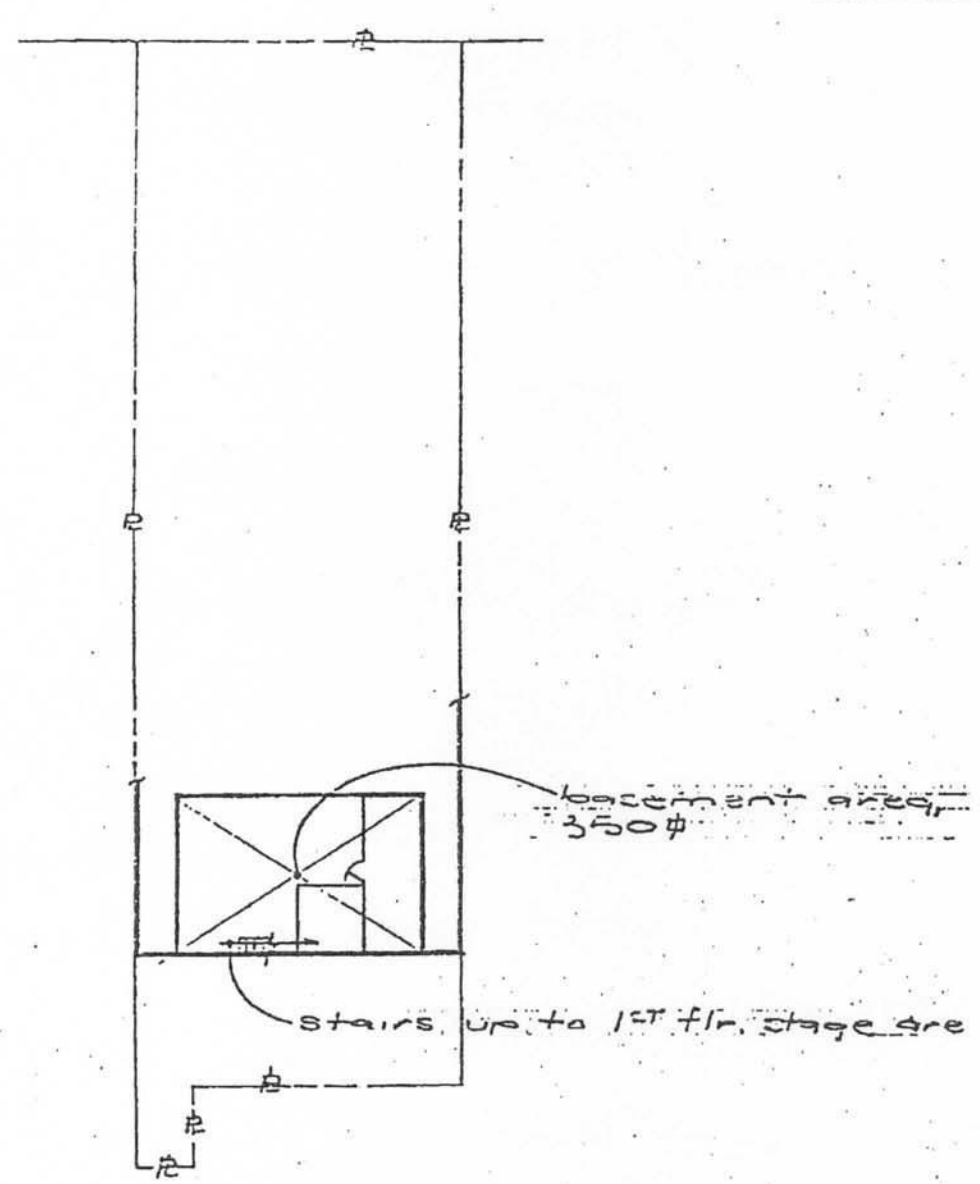
Req'd: New plywood diaphragms at roof & balcony.

Ledgers/Chords & Ledger Bolts.

As part of detailed rehab design take cores of concrete, determine reinf.

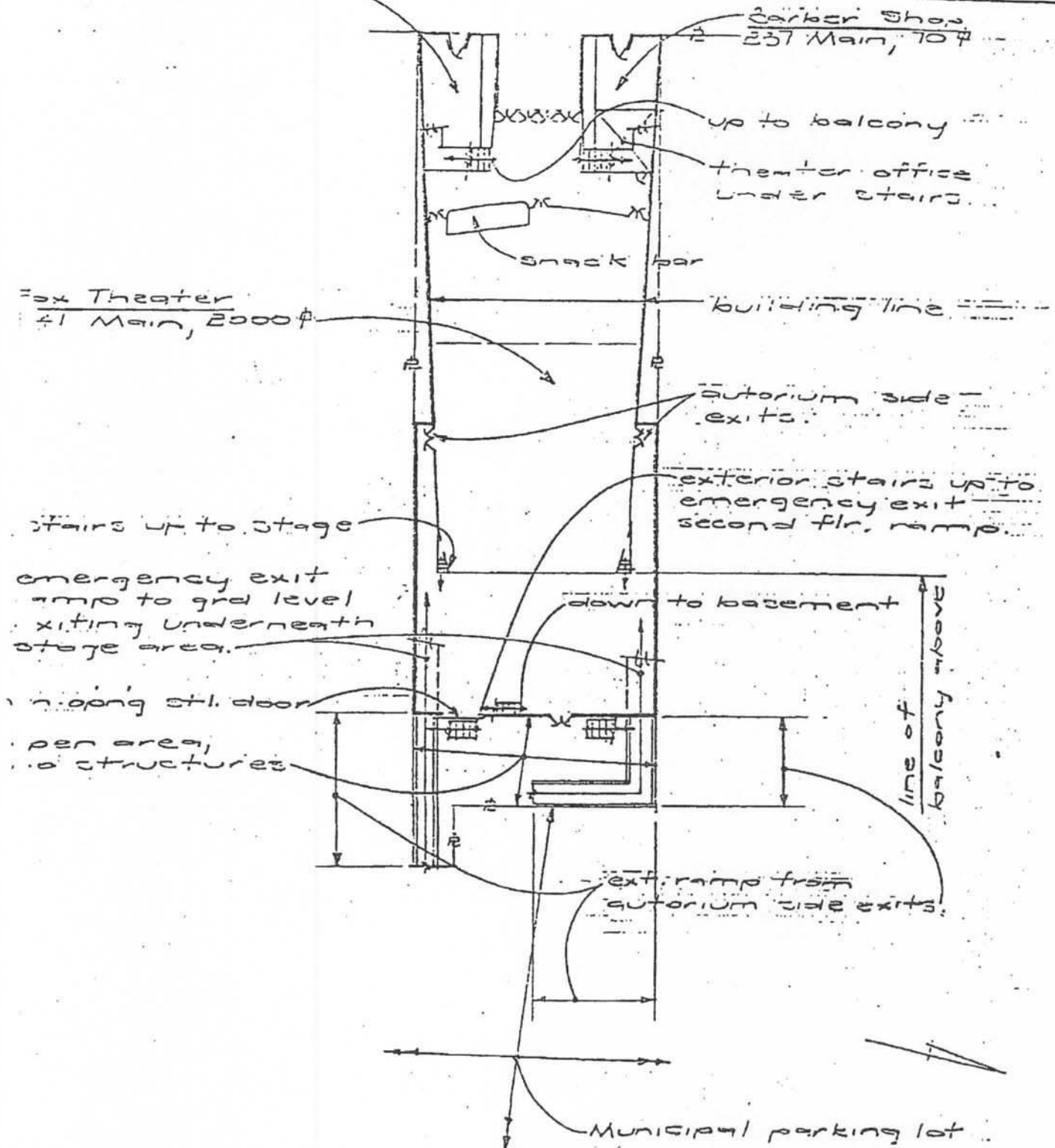
MAIN ST.

E-9



E-9

-Carlier Shop
-237 Main, 704



MAIN ST.

E-9

projection
room above
balcony lobby

closets on
balcony lobby
flr., typ.

stairs down to
st floor level

line of upper
balcony above

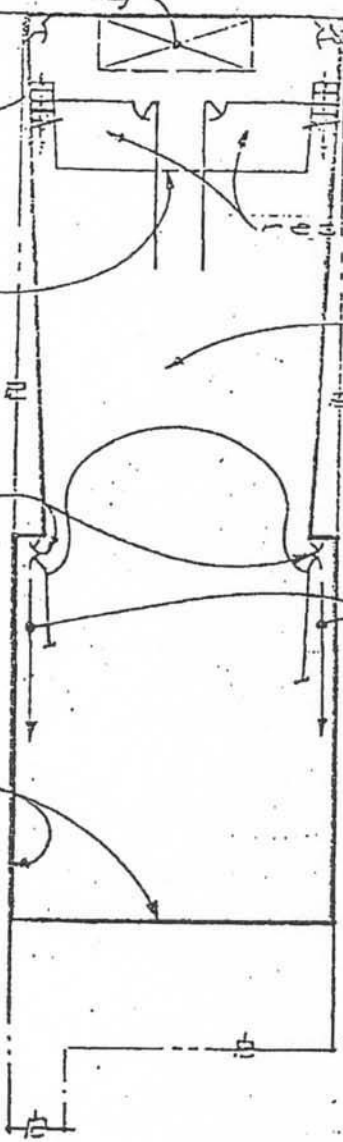
restrooms

balcony seating
1600 #

balcony side exits

emergency exit
tunnel from balcon
to rear of bldg w/
stairs dn to grd.
level.

building line



ADDITIONAL MAIN ST.

LIFE SAFETY BUILDING INSPECTION FOR COMPLIANCE WITH UCB 1973

STREET ADDRESS: 237, 241 and 245 Main Street DATE 3-5-76
BUILDING TITLE: Fox Theater
BUILDING REFERENCE NO. E-9

A. CODE ANALYSIS

1. FIRE ZONE 1 2. OCCUPANCY (TABLE 5A) B-2 (no live stage) 1125 occupan.
3. TYPE OF CONSTRUCTION (PART V) III-N

COMMENTS: Type III-N is not permitted in Fire Zone 1. Recommend installation of an
approved automatic sprinkler system and accept it as an alternate to one hour construction
(Section 106). This will waive Section 508, Exception 4. It has been decided by the Fire
Department that no live performances will be permitted.

4. NO. OF STORIES 2 BASEMENT: FULL --- PARTIAL X
5. ALLOWABLE AREA: A) BASIC (TABLE 5C) III-one hour 10,100 sq.f
B) FIRE ZONE INCREASE (TABLE 5C) ---
C) SIDE YARD INCREASE (SEC. 506A) 5,050 sq.f
D) SPRINKLER INCREASE (SEC. 506) ---
TOTAL AREA 15,150 x 2 = 30,300 sq.f
6. ACTUAL AREA First floor: 8400 sq.ft. Second floor: 6000 sq. ft. 14,400 sq.f

COMMENTS Allowable areas are based on the assumption that sprinklers are approved as an
alternate to one hour construction.

7. REMARKS: A) MIXED OCCUPANCY (SEC. 503) No
B) OCCUPANCY SEPARATION REQUIRED (SECTION 503 & TABLE 5B) No
C) AREA SEPARATION REQUIRED (SEC. 505) No
D) LOCATION ON PROPERTY PARAPET REQUIRED (SECTION 1709) Yes on
north and south wall. Existing parapets are o.k.

EXHIBIT C

RTC Theatres & Associates

805 FLETCHER LANE

TELEPHONE 415-886-7727
HAYWARD, CALIFORNIA 94544

RECEIVED
DEC 18 1989
BUILDING
INSPECTION

December 11, 1989

Ray Campton
City of Salinas
Building Inspection
200 Lincoln Avenue
Salinas, CA 93901

Re.: Fox Theatre, 241 Main Street, Letter Dated November 8, 1989

Dear Mr. Campton:

As per our conversation concerning the Fox Theatre, I believe that there may have been a mix up with the Cinema 1 (El Rey) Theatre and the Fox. According to your inspector, there was no damage whatsoever to the Fox. However, at the C-1 (El Rey) there was some concern about the parapet wall on the marquee which has since been rectified. If you have any further question please contact me at 415-886-7727.

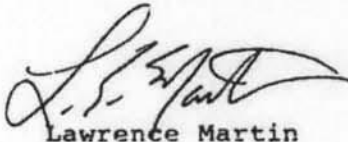

Lawrence Martin

EXHIBIT D

City of Salinas

After recording,
Please return to:

BUILDING OFFICIAL
City Of Salinas
65 W. Alisal St. #101
Salinas, CA 93901

Joseph F. Pitta
Monterey County Recorder
Recorded at the request of
City of Salinas

CRKATHLEEN
3/22/2001
10:23:18

DOCUMENT: **2001020807**



2001020807

Titles: 1/ Pages: 1

Fees....	12.00
Taxes...	
Other...	
AMT PAID	\$12.00

CERTIFICATE OF COMPLIANCE WITH (URM) UNREINFORCED MASONRY ORDINANCE #2106

PLEASE TAKE NOTICE that the real property described below has complied with the provisions of section 9-5.2 of the Salinas City Code. The owner has obtained a building permit, performed necessary repairs or construction and received an approved final inspection which satisfies the requirements of the URM Seismic Retrofit Ordinance #2106. This recorded document supersedes "Certificate of Unreinforced Masonry Construction Status" recorded as Document Number 51401 in the Office of Monterey County Recorder On September 26, 1995.

OWNER: THE CENTRAL BUILDING - C/O JIM GATTIS

The subject property is located in the City of Salinas, County of Monterey at:

247 MAIN STREET

and is further identified generally as Assessor's Parcel Number 002-234-17

Date: 1/3/2001

Davis J. Pappalardo
BUILDING OFFICIAL

Attest:

Ann Camel
City Clerk

APPROVED BY:

[Signature]
City Attorney's Office

END OF DOCUMENT

PROOF OF SERVICE BY MAIL

I, Heidi Miller, declare under penalty of perjury that I am employed in Contra Costa County, in the State of California. I am over the age of 18 years and not a party to the within entitled action. My business address is 3478 Buskirk Ave., #1000, Pleasant Hill, CA 94523.

On April 30, 2018 I served the following document entitled:

**APPELLANTS' BRIEF ON APPEAL OF A NOTICE AND ORDER TO REPAIR
OR ABATE DATED 4/12/18 RELATED TO 241 MAIN ST., SALINAS, CA 93901
[APN 002-234-031]**

on interested parties in said action, by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Pleasant Hill, California. I am readily familiar with our business practice for collection and processing of correspondence for mailing, and this document will be deposited with the United States Postal Service this date in the ordinary course of business, addressed as follows:

Michael Mutalipassi
Sr. Deputy City Attorney
City of Salinas
200 Lincoln Avenue
Salinas, CA 93901

and via e-mail (michaelmu@ci.salinas.ca.us)

I declare under penalty of perjury that the foregoing is true and correct and was executed this 30th day of April 2018 at Pleasant Hill, California.


HEIDI MILLER