



21810 Copley Drive
Diamond Bar, CA 91765

NOTICE AND ORDER

**Concerning a Substandard Building
and Dangerous Portions Thereof**

Date of Issue: November 4, 2021

To: DIAMOND BAR VILLAGE HOMEOWNERS ASSOCIATION

Notice from City of Diamond Bar (“City”) to Repair or Demolish

THIS PROPERTY MUST BE REPAIRED AS SET FORTH BELOW:

Prior to December 31, 2021, plans and a work schedule for correction of all conditions described below must be submitted to the City of Diamond Bar. In the event you believe you will not be able to comply within this time period, you may submit a written request to the Building Official setting forth: (a) which conditions you have already corrected, (b) which conditions you need more time to correct, and (c) a statement explaining why you need additional time to submit the plan and work schedule for the corrections. You must obtain any and all required permits before repairing.

If you determine that it is not economically feasible to repair the structure(s) you may, at your option, notify the City of your election to demolish all violating structures on the Property, including the foundation, prior to December 31, 2021. You must obtain any and all required permits before beginning demolition.

Property Address: 23601 through 23665 Golden Springs Drive (inclusive of all individually designated units), Diamond Bar, CA 91765
APN: 8281-028-032 through 8281-028-182.

REPAIR ORDER: PURSUANT TO THIS NOTICE & ORDER, SUBMITTAL OF PLANS AND WORK SCHEDULE TO REPAIR THE STRUCTURES ON THE PROPERTY MUST BE PROVIDED TO THE BUILDING OFFICIAL BY DECEMBER 31, 2021. IF YOU FAIL TO SUBMIT PLANS AND A WORK SCHEDULE FOR THE STRUCTURES ON THE PROPERTY BY DECEMBER 31, 2021, YOU MAY BE SUBJECT TO PENALTIES.

RIGHT TO APPEAL: Due to significant deferred and/or lack maintenance, this building is in a substandard condition and portions thereof, namely the balconies of those units listed below are dangerous to life, limb, property, or safety of the public. Any person having record title or legal interest in the building may appeal from this Notice and Order or an action of the Building Official or their designee. Any appeal will be conducted in accordance with the provisions of the 1997 Uniform Housing Code as adopted and amended by Diamond Bar Municipal Code Chapter 15.00.1110 *et seq.* A complete text of all codes is available at the City Clerk’s Office. Appeals must be made in writing and in the form required Section 1201.1 of the 1997 Uniform Housing Code and filed with the City Clerk within ten (10) days from the date of issuance of this Notice and Order. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter, and a waiver of any and all other rights of appeal. Where appropriate, as determined by the City, the City may conduct further proceedings in accordance with the Diamond Bar Municipal Code.

BUILDING OFFICIAL'S FINDINGS

After inspections by three structural and civil engineers licensed by the State of California (retained by the Diamond Bar Village Homeowners Association, property owners, and the City of Diamond Bar), inspection by City personnel, and review by the Building Official, the Property, including all residential units thereon, and the clubhouse building, have been determined to be substandard within the meaning of the Diamond Bar Municipal Code, State Housing Laws (California Health & Safety Code (hereinafter "H&S Code") Section 17920.3), California Civil Code, California Civil Code of Regulations Title 24, and/or all Uniform Codes adopted therein, including the 1997 Uniform Housing Code ("UHC") and the California Building Code ("CBC"). This determination has been made based on the dangerous conditions at the Property, including, but not limited to, the following:

1. Those conditions described in the June 15, 2017, and September 22, 2021 reports and recommendations (including the October 4, 2021 addendum to the September 22nd report) of structural and civil engineering firm Khatri International, Inc. which is available upon request;
2. Those conditions described in the November 3, 2021 report and recommendations of structural and civil engineering firm Engelkirk Structural Engineers which is available upon request; and
3. Those conditions described in the November 4, 2021 report and recommendations of structural and civil engineering firm Cannon Corporation which is available upon request.
4. Structural Hazards in all buildings on the Property, including defective or deteriorated flooring and/or floor supports, members of vertical supports that split, lean, list or buckle due to defective materials or deterioration, and members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective materials or deterioration. (See, H&S Code §17920.3(b); UHC §1001.3)
5. Faulty weather protection in all buildings on the Property including deteriorated, crumbling or loose plaster, deteriorated or ineffective waterproofing of exterior walls, roof, foundation, and/or floors, and broken, rotted, split, or buckled exterior wall or roof coverings. (See, H&S Code §17920.3(g); UHC §1001.8)
6. Faulty Materials in all buildings on the Property caused by failure to maintain construction materials in good and safe condition. (See, UHC §1001.10)

7. Inadequate sanitation in all buildings on the Property including infestation of insects (termites), visible mold growth, and general dilapidation or improper maintenance. (See, H&S Code §17920.3(a))
8. Structures that are unsafe, insanitary, or deficient because of inadequate maintenance or dangerous to human life. (See CBC §116).

If you choose to repair the structures, prior to any repairs of the structures, you must submit to the Building Official a detailed rehabilitation plan, which shall include all details of actions to be taken to repair the Property. You shall submit plans and make repairs as indicated below and obtain all necessary permits before commencing work. All structural work shall be required to be done by or under the supervision of a licensed civil or structural engineer. A work schedule shall be included which provides at least the following information to be approved by the Building Official:

1. Temporary shoring of areas of immediate hazard which includes balconies of units D8, F6, E8, B8, G7, H7, and H8.
2. Permanent repair of areas listed in item 1 above.
3. Permanent repair of stairs and support which includes units C6 and K8.
4. Repair of any loose tile throughout the sloped roof areas.
5. A comprehensive repair plan shall be completed based on exposure of the structural elements of the building. The repair plan shall prioritize and include a clear timeline on when each repair item will be completed.
6. A contractor or remediation company shall review the extent of any water damage and prioritize repairs or remediation necessary for any substandard or hazardous water damaged conditions such as for mold or protection of the structure.
7. Any unpermitted construction work shall be removed or appropriately permitted.

FAILURE TO TIMELY REPAIR OR DEMOLISH. If the required repair work and/or demolition is not commenced or completed within the time specified, the Building Official will proceed with further legal action, up to and including demolition of the structures and charging the costs thereof against the Property and/or its owner(s).

As the Homeowners Association, you responsible for correcting the violations described herein. Should the repair work and/or demolition not be commenced and completed within the time period specified in this notice the repair work may be abated by the City through further administrative proceedings, including, but not limited to, added inspections and directions to remediate the violations, by judicial process, or by entry upon the Property by City employees or contractors for purposes of effecting those actions necessary. Alternatively, the City may file a civil action and seek appointment of a health and safety receiver pursuant to H&S Code §17980.7. You will be charged a fee equal to the actual costs incurred by the City in obtaining compliance with this notice, including, but not limited to, subsequent inspection costs, staff time, overhead and legal expenses, including attorney's fees.

City staff is available to meet with you or your representatives to discuss any issues or questions that may arise regarding this Notice and Order. You may contact Raymond Tao at (909) 839-7021 or RTao@DiamondBarCA.Gov if you have any questions.

DATED this 4th day of November, 2021.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a long, horizontal, slightly wavy line extending to the right.

Raymond Tao
Building Official