



# City of Watsonville

*"A Community of Opportunities"*

## Sunshine Gardens Chronological List of Activities as was experienced by the Building Division

Created by Rob Allen Chief Building Official

- 4 Single Family Homes – Permits Issued on **7-11-2017** / Expired on **11/08/2019**. These units are 95% completed and have no outstanding issues, they just need final inspections.
- Remaining 30 units of Duplex and Townhome Structures – Permits issued on **9-11-2017** / Expired on **5/17/2020**. Progress of the these units vary from 4 with only a foundation slabs to the remainder of 26 units framed up to the roof on about 85% of them with the remaining 15% framed up to the second or third floor levels.
- Foundation estimated pour dates **8-31-2017 through 5-4-2018** (Please see attached sheet for breakdown) all reinforcement inspections where performed by the Building Inspection Division prior to the concrete pours.
- Around **May 13<sup>th</sup>, 2018** a stop work order was placed on the project by the Assistant Community Development Director/Building Official Eric Simonson. It was discovered that the General Contractor had framed all 3 floor levels and added the roof truss system without calling the Building Division for any inspections as the floor levels were being built.
- As sequential inspections were not called for at the required time to be performed by the Building Department, deficiencies developed within the structures. Multiple code construction violations were discovered because of the lack of supervision and experience by the framing crews. Following is a non- inclusive list of some examples found at the project jobsite of noncompliance issues of the adopted codes:
  1. Improper shear wall nailing.
  2. Substitution of structural framing members that were different than what was shown on the approved plans. No approvals from the Engineer of Record.
  3. Missing or misplaced hold downs.
  4. Improper Stairway Construction.
  5. Cutting of roof trusses.
  6. Missing or improperly installed hardware shown on the approved plans.
  7. Improper location or missing adequate support on structural beams.

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8. Contractor failed to install 5/8" Type-X drywall between common walls at the Townhome units as per approved plan construction details.
  9. At the time of the stop work order, Concrete was chipping, spalling, and failing off around the strong wall assemblies at many of the overhead garage doors.
- A correction notice was further issued by Eric Simonson B.O. for the deficiencies, and work was allowed to continue to correct the known defects.
  - **Early October 2018** – Inspectors are called for inspection of the repairs and fixes to bring project back into compliance and conform to the approved plans and specifications as approved on the plans. Building Inspectors continue to find many defective repairs fixes and further inconsistent methods of acceptable trade practices including those when installing Electrical and Plumbing components. Example; Paul Manley found an electrician was installing underground electrical conduit and was not using a reaming tool to smooth out the end edges where the conduit connects together as is normal practice for conduit that would be carrying electrical feeder conductors. If left un-reamed, the sharp edges at the end of the conduit would cut the protective casing layer on the outside of the electric wire feeder conductors when the wires were pulled through the conduits at a later time, possibly causing the wiring to short circuit and fail.
  - **Mid October 2018** the framing components on these units have been built-up and left exposed to the weathering elements for an estimated period of 9 to 10 months. We were into one of the wettest rainy seasons ever experienced on record. The contractor had made no effort to protect the structures from the weathering effects.
  - **November 14, 2018** – Jose Perez and Paul Manley inform the site superintendent for U.S. Longton Hector Hu, that there are multiple safety violations occurring on the site that require immediate attention. After allowing 2 weeks to go by, a revisit of the site showed no relative safety improvements. OSHA is notified of the safety concerns by the Watsonville Building Division for follow-up.
  - **Winter of 2018/2019** – A long period of time goes by and the site has been left unattended with no activity (approximately middle of November 2018 through end of January 2019) no activity or work progress, buildings are still exposed to the heavy rainy season without protection. Building Division starts to have some serious concerns regarding the presence of mold growth, although not specifically addressed in the building codes, newly hired Building Official Rob Allen (January 14<sup>th</sup>, 2019) raises issue of length of time the structures had been left unprotected.



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Rob explains that he is responsible for ensuring the life, safety, health, and welfare of all residents of the community he serves. The mold issues are very concerning.

- **February 14<sup>th</sup>, 2019** – Rob Allen, Jose Perez, and Paul Manley schedule a meeting with representatives of Sunshine Gardens and U.S. Longton team. Discussions were had regarding the Building Division concerns if the current general contractor had the experience and ability to complete the work on the existing 30 units of Duplex/Townhome units since they had only constructed single family homes in the past and they were not familiar with Townhome construction. The building division continues to experience challenges on being able to approve the repairs and fixes on the framed structures as multiple inspections are being performed with correction notices written to necessitate the approval of the corrections. Processes and procedures on when inspections need to be made and work needs to be ready are unclear by the current general contractor U.S. Longton. Rob Allen further directed representatives of U.S. Longton to find an experienced California Licensed Construction Superintendent to serve the project who clearly understood what expectations and proper procedures were needed for this type of project and to ensure the project was successful. Further discussion was made about long-term exposure of the structures are now showing evidence of potential mold growth throughout the buildings. Rob Allen further offered a plan to the developers and the general contractor to hire an Industrial Hygienist to perform a mold evaluation and ask the Hygienist to outline proper remedial actions. Rob further stated that a California Certified Mold Remediation Contractor would also be necessary to productively perform the remediation work plan that was offered by the Industrial Hygienist.
- **March 5<sup>th</sup>, 2019** - Both the Project Architect, Mike Manzo, and the Project Engineer, Truitt Vance visited the Sunshine Gardens job site to investigate deficiencies. After thorough investigation and examination of existing site conditions within all of the Duplex and Townhome structures built by U.S. Longton, the Architect and Engineer develop a 300 page report of deficiencies occurring on the project site. This report is provided to the Watsonville Building Division.

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- **March 18<sup>th</sup>, 2019** A relaunch for a pre-construction meeting is performed with the introductions of Ben Atwood (Allied General Contractors) as Superintendent and Lorenzo Jaso as Assistant Superintendent for the Sunshine Gardens project. The project primary General Contractor is still U.S. Longton with both Ben and Lorenzo representing Longton on site.
- **April 4<sup>th</sup>, 2019** - Rob Allen calls for a meeting with the new Superintendents and Developers representatives. The following items were discussed and documented at the meeting:
  1. New superintendents shall provide Watsonville Building Division with a complete and comprehensive safety program.
  2. Corrections and repair submittals are expected from the Architect on the findings of the March 5<sup>th</sup>, 2019 site visit performed by the Architect/Engineer that created the 300 page report.
  3. Developers are directed to hire an Industrial Hygienist to perform visual inspection of the jobsite, develop and action plan, and provide suggestive mitigation measures.
  4. Superintendent was required to notify Rob Allen, Building Official, when the Industrial Hygienist was scheduled to be onsite (This was not done).
  5. Developer would hire a certified Hazardous Mitigation Contractor to perform all of the mitigation work generated from the report of the Industrial Hygienist.
  6. As each building reached completion for the mitigation work, the Industrial Hygienist would be directed to return to the site and confirm the work was effective, completed, and to further provide the Developers a copy of the completion confirmation, and send a copy to City of Watsonville Building Division (This was never done).
- **May 13<sup>th</sup>, 2019** - Hector HU Project Superintendent representing U.S. Longton calls the Building Division for inspections of the shear walls. This inspection should not have been called for until the entire repair fix plan reviews had been submitted from the project Architect, received by the Building Division and approved by the City Plan Reviewers. The repairs shall also be required to be completed and inspected prior to any further shear wall nailing work or inspection requests. Hector Hu should not have the U.S. Longton crews even working on these structures until the entire repair fixes have been done and approved by the Building Division.



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- **May 20<sup>th</sup>, 2019** - An Industrial Hygienist from M3 Environmental from Monterey, CA. is proposed by the Developer to the Building Division.
- **July 1<sup>st</sup>, 2019** - California Premier Restoration located in Monterey is chosen to serve as the Mold Remediation contractor for Sunshine Gardens.
- **July 10<sup>th</sup>, 2019** - Evaluation report from the Project Engineer was provided on structural work needed for the existing buildings. The site inspection by the engineer for this report occurred on June 20<sup>th</sup>, 2019.
- **July 30<sup>th</sup>, 2019** - Rob Allen B.O. meets with Ben Atwood Superintendent at the Beach Street Café in Watsonville. Summarization of items discussed at this meeting follows:
  1. Plan of Approach to remedy deficiencies.
  2. Architect and Engineer upcoming site visit on site August 1<sup>st</sup>, 2019.
  3. All current deficiencies shall be corrected.
  4. Removal of Sheathing may reveal additional remediation requirements.
  5. Requirement to call Building Division for inspections before any work is covered.
  6. Maintain good communications between all parties.
  7. Ensure that all workers on site are qualified and certified to perform the duties assigned and proper supervision is provided by journey and master trade professionals.
  8. Confirm and share all compliance with jobsite safety plans with the city Inspectors during the site visits and designate a jobsite safety manager (Ben stated it will be Lorenzo).
  9. Site cleanliness, stockpiles, weeds, erosion control, installation of any temporary structure(s) requires approvals for CDD.
  10. Offsite improvements and utilities? Has the City of Watsonville Engineering Division been contacted?
  11. Secure a local business license for working within the city limits.
- **August 26<sup>th</sup>, 2019** - First request for shear wall nailing inspection by the new Job Superintendent Ben Atwood. The inspection was performed by Jose Perez and Paul Manley and the request was for the duplexes on lots 57 & 58 on San Luis Ave. Inspection failed as the proper shear transfer was not provided in six of ten panels.

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Both Ben Atwood and Lorenzo Jaso said that they believed that the shear nailing was acceptable and compliant because they stated “our Deputy Inspector inspected the shear nailing and signed it off, therefore it must be correct”.

To clarify, a “special inspector should never be referred to as a deputy inspector” and furthermore, The City of Watsonville Building Inspection Division is the only agency as having the Authority of Jurisdiction (AHJ) that would be capable of making any approving decisions based on section 1.8.3 of the California Building Codes and Section 1.8.3 of the California Residential Codes.

- **September 10, 2019** – Building Division receives the repair fix submittals from the project Architect Mike Manzo. Each building had approximately 9 to 10 repair or replacement fixes for the 18 buildings. The approvals for these repair fixes were sent back as approved to the new Superintendents on September 30<sup>th</sup>, 2019.
- **September 16<sup>th</sup>, 2019** – The new Superintendent and Assistant Superintendent were found making repairs and replacing work at the jobsite without securing any repair fix approvals from the Building Division. These same repair fixes were only submitted two days earlier to the Building Division for review (cart before the horse). Because of the assumption by the new Superintendents to take the repair fixes from the project Architect and Engineer and start the work without having plan review approvals for this work from the Building Division, a heightened tension mounted between the new Superintendents and the Building Division team. The repair fixes should be reviewed by city plan review staff first, and if found to be in compliance with the code standards, be approved, then stamped by the Building Division staff, signed by the Building Official, then returned back to the contractor to then start to perform the work repairs as would normally expected by construction practices. Other steps were being missed as well such as follow through on informing City Inspectors of what jobsite safety measures had been implemented and showing them the procedure to confirm compliance. The Superintendents were directed to inform the city inspectors when this was in place and they never did (See item # 8 on previous page). The Superintendent (Ben Attwood) argued with Rob Allen that the inspectors needed to ask if they were interested as the safety program was in place. Rob reminded Ben that it requested to have Lorenzo Jaso make the effort to show the inspectors what had been done to comply with this requirement. Again, the remediation completeness letters have never been provided by the Superintendents from the Industrial Hygienist on each structure as compliance was finalized from the report.



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- **September 30<sup>th</sup>, 2019** – It has now been 2 years and 2 months since the first permits had been issued for this project and still no utilities have been approved and/or provided by P.G.& E. to the Sunshine Gardens project site. The Building Division confirmed from P.G.&E. representatives that the reason was that the Developer had never acquired an approved project utilities plan from P.G.&E. for the site nor paid for or acquired an engineer to provide such plan.
- **October 1<sup>st</sup>, 2019** - Mold remediation is almost completed on all of the existing buildings. Building Division is still waiting to receive final completion letters from the hygienist or the remediation contractor. Building Official, Rob Allen, had requested this on several occasions through written email correspondence without response from the contractor nor has the contractor ever called the Building Division once for any final remediation inspections.
- **October 15<sup>th</sup>, 2019** – While on a routine request for inspections on the repair fixes, Jose Perez notices evidence of severe cracking and chipping at the poured concrete slabs, and presence of voids and sand seepage between poured layers of concrete along the exterior foundations walls. This appeared to be evident in about 70% of the existing framed structures. Using a discarded nail at the jobsite, Jose was able to easily pick at an area of the slab at one of the duplexes where the cracks in the concrete slabs were larger than would normally be expected for this type of job. He was easily able to chip and remove the concrete at this cracked area revealing through discovery evidence of potentially defective concrete, a thin layer of poured concrete of about 2" thick with rebar's resting in the sand bed below this explored slab area (Approved plans called out for a minimum of 5" thick concrete with # 3 rebar resting at 2 ½" down at 18" on center each direction, concrete required to have a minimum compressive strength of 2500 P.S.I.). Further observations found several more similar defective slabs throughout the project leading the Building Division to require the contractor to halt work pending a written correction notice.
- **October 16<sup>th</sup>, 2019** – A correction notice is issued to the general contractor U.S. Longton and to Ben Atwood (representative for U.S. Longton) addressing that the contractor produce evidence of all required documentation shall be produced for the footings and slab pours. Contractor was further required to hire a local concrete testing laboratory to perform concrete core samples throughout the project at the various cracking locations and test for minimum 2500 P.S.I.

The contractor did not produce accurate records as required during these slab pours. The only records provided to the Building Division were questionable delivery tickets from the concrete supplier San Benito Concrete Supply .

Additional records that were missing from our request were as follows:

- 1. Testing was required to show that 2500 p.s.i. at the slabs was required to be tested by testing labs after 28 days. No test results were provided by the general contractor. Construction notes also required that any concrete that was found not to achieve the 28 day compressive strength of 2500 p.s.i. shall be removed. As no testing was done the contractor could not confirm acceptance of this.**
- 2. No documentation was ever provided that confirmed that any special inspections were performed by a special inspection agency (this would primarily be for the slump tests), nor was there ever any evidence supplied by the contractor or owners that the project engineer had a representative on site during the concrete pours.**
- 3. Contractor was required to provide slump testing on all concrete work per the structural construction notes found on the approved plans (see sheet S1.2E). No slump testing was confirmed by the contractor; therefore it is assumed that this was not performed as required.**
- 4. Contractor could not confirm that the concrete met the required ASTM C150 standards as shown on the construction notes.**
- 5. Contractor could not confirm that the aggregates within the concrete conformed to ASTM C33.**
- 6. As previously discovered through slab invasion using various metal nails and pocket knives to explore large openings along cracks within the slabs, some of the reinforcing steel was not where it was expected or required to be located as specified on the approved structural plans.**
- 7. Photos of concrete pours for the footings and foundations revealed that the required mechanical vibrators were not used for footing and foundation pours. The extremely uneven and rough condition on the tops of the footing pours in photos available by the Building Division will confirm that the required mechanical vibration practices specified in the approved construction documents (sheet S 1.2E) could not have been used as vibrators would have leveled out the tops of all footing pours to allow an even consistent level finish to accept the next pour for the stem wall.**





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**Contractor further never provided any evidence that if mechanical vibrators were used, were the operators experienced in the use of the equipment as specified in the construction documents.**

- 8. Contractor has never shown any evidence that the concrete was kept moist for a minimum of 5 days after placement as specified on the structural notes.**
  - **October 31<sup>st</sup>, 2019** – Contractor hires Pacific Crest Engineering to take the concrete core samples and perform the compressive strength testing on the concrete samples.
  - **November 22<sup>nd</sup>, 2019** – Final (draft) test report from Pacific Crest Engineering revealed that 4 of the 12 concrete samples did not meet the required design compressive strength of 2500 p.s.i. Note: the Building Division requested a final report from the General Contractor (U.S. Longton) and not a draft report. We were never provided the official final report from the contractor. This is important to note should the City end up in litigation with the General Contractor and the Developers.
  - **January 6<sup>th</sup>, 2020** – Building Division receives installation specifications from the Engineer of Record for the epoxy re-bars repairs.
  - **January 9<sup>th</sup>, 2020** - Building Division receives installation specifications from the Engineer of Record for the procedures on the slab replacements and repair fixes. Plan reviews for the repairs are scheduled.
  - **January 18<sup>th</sup>, 2020** – Building Official, Rob Allen, notifies the General Contractor that the foundation/slab repair fixes provided by the Project Architect and Engineer are approved and ready to be picked up so that the work may proceed with the concrete repairs.
  - **January 27<sup>th</sup>, 2020** – Building Official, Rob Allen, notifies General Contractor in an email that he is prepared to extend selected building permits that are coming close to expiration (9 total). Rob further warns General Contractor about the validity of the remaining building permits expiration dates in the same email dated January 27<sup>th</sup>, 2020.
  - **February 25<sup>th</sup>, 2020** – Rob sends an email to Lorenzo Jaso and cc's Ben Atwood asking them why they have yet to pick up the approved repair fixes. Rob received no response from the contractor.

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- **March 13<sup>th</sup>, 2020** – We are notified that the County of Santa Cruz Health Officer has issued a Health State of Emergency due to a Covid-19 outbreak. All construction activity has been halted by the orders. As Sunshine Gardens General Contractor has yet to pick-up their approved repair fix permits to date, they are not affected by the orders as construction has not proceeded.
- **March 30<sup>th</sup>, 2020** – County of Santa Cruz Health Officer issues a new revised emergency order that allows any currently active construction project that has affordable housing units to continue. As the General contractor has not picked up the approved repair fixes yet, Sunshine Gardens is not an active project.
- **April 27<sup>th</sup>, 2020** – Rob Allen sends email notification out again to Lorenzo Jaso & Ben Atwood, general contractor for Sunshine Gardens, notifying them that the expirations on all permits is becoming dangerously close to expiring and precious time is slipping away. Rob receives no response from contractor other than they are working on it.
- **May 27<sup>th</sup>, 2020** – Rob receives a written request from Ben Atwood general contractor requesting a 6 month extension for 26 building permits of which only 9 of them had not already expired (as was noted in Rob's email to the general contractor dated January 27<sup>th</sup>, 2020). The written request stated that Covid-19 was one of the reasons to justify the request. The written request also stated other off-site (Engineering) reasons as well. The written request was denied as it was not compelling or factual enough to grant any extensions. Rob Allen the Building Official also took the lack of response to his several email requests to pick up the approved repair fixes as the contractors and developers lack of reasonable intent to their desire to move the project forward.
- **July 20<sup>th</sup>, 2020** – The Building Division receives a package from U.S. Longton representative J. Anthony Vittal. The package contained an alternative proposal to make necessary repair fixes to the slabs and evaluate the foundations on lots 55 through 58 using an independent 3<sup>rd</sup> party engineer Miyamoto International and alternative special inspection agency Advanced Testing & Inspection LLC.



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At the time that the Building Division had received this new, unrequested information, all of the building permits had expired. This was the first time that the Building Division had even been made aware that an alternative proposal was being developed and submitted by U.S. Longton. This procedure that was proposed by the General Contractor, U.S. Longton, is highly unorthodox and unprecedented as the Project Architect Mike Manzo along with the Project Engineer Truitt Vance has total control of the design drawings including the outcome of any repair fixes or modifications and additional third party acceptance of the construction of the buildings. The Building Division had already received the required repair fixes for all of the concrete work from the Project Architect and Engineer, reviewed the submitted plans and documents, and approved them as was discussed on page # 9 on January 18<sup>th</sup>, 2020. General Contractor included supplemental electronic counter signatures from the Project Architect and Project Engineer as well as from all Developers representatives as part of the documentation.

- **August 3<sup>rd</sup>, 2020 A.M.** –Assistant Superintendent Lorenzo Jaso calls Rob Allen to ask about the Permit extension request made by Ben Atwood on April 29<sup>th</sup>, 2020. Rob informs Lorenzo that he could not find a copy of the request for extensions and that even if it was submitted within the required qualifying time period it was still not an assurance of the approvals of any extensions. Rob further provides Lorenzo with a copy of Chapter one of the Building and Housing Administrative Code under section 8-1.105 titled "Permits". Rob further informs Lorenzo that justifiable cause must be demonstrated by the applicant to provide reason that the delays to the construction was out of the control of the applicant.
- **August 3<sup>rd</sup>, 2020 P.M.** – Lorenzo Jaso provides Rob Allen with the copy of the extension request letter submitted from Ben Atwood dated May 27<sup>th</sup>, 2020 and not April 29<sup>th</sup>, 2020. It should be noted that 11 of the permits had already expired on May 11<sup>th</sup>, 2020.

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4 additional permits were also expiring on May 28<sup>th</sup>, 2020, while the remainder would be expiring around June 15<sup>th</sup>, 2020. Rob had made this perfectly clear to the contractors in an email dated January 27<sup>th</sup>, 2020.

- **August 4<sup>th</sup>, 2020** – Rob Allen reads and reviews the request for extension letter submitted by Ben Atwood dated May 27th, 2020. The written request stated that Covid-19 was one of the reasons to justify the request. The written request also stated other off-site (Engineering) reasons as well. The written request was denied as it was not compelling or factual enough to grant any extensions. As this project had affordable housing units within the project there would not have been any reasons to hold up the project once the repair fixes were picked up and paid for. **The health orders allowed any active projects with affordable housing units to be able to continue. The issues regarding any engineering and off-site improvement agreements were not tied or constraining the construction schedules in any way. It was understood that if the project was to be able to move forward they would work the off-site requirements out between the Developer and the Engineering Department.**

Rob Allen the Building Official also considered the lack of responsiveness to his several email and telephone requests to the contractor to please come and pick up the approved repair fixes as the contractors and developers lack of reasonable intent of their desire to move the project forward.

- **August 5<sup>th</sup>, 2020** – Both the Project Architect and Engineer are scheduled for a site visit with Rob Allen Building Official and Jose Perez Senior Building Inspector to examine the Concrete Slabs once more. When Rob and Jose arrive it is discovered that J. Anthony Vittal and several other representatives from U.S. Longton were also present at the jobsite without being invited. After further examining the concrete slabs and foundations, the project engineer, Truitt Vance and Architect Mike Manzo stated they would be in touch with the City Building Division at a later date.
- **August 13<sup>th</sup>, 2020** – Rob Allen receives a call from Jan Hockhauser, the President of Hockhauser & Blatter the Project Architects for Sunshine Gardens Development.



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He informed Rob Allen that the project Architects and Engineer, Truitt Vance have decided not to accept the third party results as was previously presented by U.S. Longton. Jan informed Rob that they would like to have a teleconference with City Officials as to how they may be able to move this project forward as the rainy season was fast approaching. He proposed the he and Truitt Vance the project Engineer would assume responsibility for the allowance of the continuation of structural repair fixes to the buildings while the slabs and foundation issues were being resolved. He went on to state that there would be no additional loading to the perimeter foundation walls or structures in access of the framing materials and that no exterior stucco would be installed nor would any of the units be loaded with drywall on the interior floors. He further offered the start of a suggestion to assist us in moving the project forward by them hiring an independent 3<sup>rd</sup> party inspection and engineering firm to do a complete evaluation of the existing project and make assessments of the condition and suggest further remedial actions moving forward. Rob informs Jan that the City of Watsonville is currently evaluating all options regarding the current viability of the project to be able to sustain momentum with so many challenges experienced by the developers. Rob further informed Jan Hockauser that he appreciates the fresh perspective and suggestive approaches being put forth by the design team and that after the City evaluates their position, and determines next course of action, that he will then notify Jan of a virtual on-line meeting date.

- **September 8<sup>th</sup>, 2020** – Several (6 to be exact) attempts have been made by many developer associated parties to place pressure on the Building Official to expedite the proposed teleconference so that the project can move forward as the rainy season is fast approaching.

This concludes the Building Division chronological history of this project to date 9-10-2020.

Rob Allen, Assistant Community Development Director/Building Official