



Agenda Item:

72

## COUNCIL COMMUNICATION City Manager's Office

### GENERAL INFORMATION

Agenda Date: June 21, 2004

No.: 04-307

Agenda Item Type: Resolution

No.:

Communication

Roll Call

Submitted by: Larry Hulse, Community Development Director

### SUBJECT—

Public Nuisance Structure located at 1101 Scott St.

### SYNOPSIS—

This building, deemed a fire hazard by the Fire Marshall, is unsanitary due to non-operational sanitation facilities, and is being utilized for storage and warehouse uses not permitted under the Zoning Ordinance. The building has suffered failure of structural systems, including walls, roof and floor systems to a degree that portions are unsound. If the City Council concurs, this action will affirm the Building Officials determination that the building located on this property constitutes a public nuisance, and will refer the matter to the Legal Department to bring the appropriate legal action to cause the abatement of the nuisance.

### FISCAL IMPACT—

Estimated demolition costs total \$50,000, including asbestos abatement if present. All costs associated with this action are intended to be collected from the owner by means of a personal judgment or assessed against the property.

### RECOMMENDATION—

Approval

## **BACKGROUND—**

This property contains a single-story building with partial basement. The building is constructed of wood and masonry exterior walls, and wood roof and floor systems. This building has been used for retail in the past, and has been vacant for a considerable period. This building is presently used for the storage of used tires, a use the Zoning Enforcement Officer has deemed inconsistent with Zoning Ordinance provisions applicable to this district.

Rooms within this structure are filled with tires, automotive parts, construction debris, and other combustible materials. The materials within are of a type and quantity, and stored in a manner within a building sufficiently hazardous to firefighters and the public that the Fire Marshall has classified it as a fire hazard.

The building has suffered from exposure to the elements and a lack of adequate maintenance. These conditions have allowed significant moisture intrusion into the structure, which has contributed to partial collapse of the roof and floor, and damage to exterior walls. The building lacks adequate sanitation facilities. Although the site is fenced, the building is open in several locations, allowing access by rodents, bird's, insects and other animals.

An inspection of the building interior was conducted April 29, 2004. Following that inspection, a notice was issued dated May 12, 2004. This notice required demolition within 30 days of receipt of the notice. Alternatively, the notice ordered repairs, including submission of plans and cessation of warehousing use and removal of contents within 30 days, and appeal of the Zoning Officer's determination within 15 days of receipt. Additional exterior inspections were conducted May 21, 2004, and June 4, 2004, with no progress observed. As of June 8, 2004, there have been no applications for permits, and no request for appeal of the zoning officer's determination.

Notice of public nuisance, dated May 12, 2004, was issued to titleholder William Rice Jr. This notice required repair or demolition of the structure within 14 days of receipt of the notice. The notice indicated if he failed to comply, this matter would be presented to the City Council on June 21, 2004. It is the Community Development Department's recommendation that the public nuisance determination is affirmed, and the matter is referred to the Legal Department to bring the appropriate legal action against said property to abate this public nuisance.

Attached to the fact sheet are copies of the May 12, 2004 notice, return receipts, site plan, photographs and a property condition report prepared by the Permit and Development Center.