



MEMORANDUM

TO: MAYOR AND COUNCIL

City Council Combined Special Meeting/Work Session

5.

Meeting Date: 11/12/2013

Co-Submitter: Roger Eastman, Zoning Code Administrator

Department: Community Development

Co-Submitter:

TITLE:

Update on a List of Reported Distressed Properties and/or Buildings

DESIRED OUTCOME:

At this work session, staff will be providing a progress report/update on work to date regarding certain reported distressed properties and potentially dangerous buildings within the City.

INFORMATION:

For at least seven years an idea to develop and implement a City-wide Property Maintenance Ordinance has been discussed and pursued. In part, this stemmed from a legal interpretation many years ago that there were possible problems with the implementation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the 1997 Uniform Housing Code. Thus, staff did not pursue the abatement of many unsightly buildings and structures in the community until a Property Maintenance Ordinance was adopted.

At the January 8, 2013 work session staff provided an update to the Council on what progress had been made with the abatement of certain properties within the City that were well known as a nuisance and an eyesore. Staff and the Council also discussed various options to the so-called Property Maintenance Ordinance as the Council had previously agreed that the development of such an ordinance was not appropriate at this time. Instead, a majority of the Council agreed that once the amendments to the Zoning Code had been completed, staff would draft amendments to the City Code to provide clearer and updated standards to replace existing regulations for littering, abandoned vehicles, etc. as well as new standards for controlling overgrown vegetation. At this time too, the City Attorney's office opined that staff can implement the 1997 Uniform Code for the Abatement of Dangerous Buildings and the 1997 Uniform Housing Code to require the abatement of dangerous and unmaintained buildings and structures. This was the window of opportunity that staff has successfully used to abate a number of long-standing problem properties within the City. At the January 8, 2013 work session Council also asked for clarification and a review of the criteria adopted in the 1997 Uniform Code for the Abatement of Dangerous Buildings which some councilors felt were ambiguous.

Since the January 8th work session, staff has maintained a spreadsheet to record information on

reported dangerous, abandoned, or distressed properties in the City. Much of this information was derived from information provided by Flagstaff residents, or from City staff observations while in the course of other enforcement duties.

OVERVIEW OF THE LIST OF REPORTED DISTRESSED PROPERTIES

A list of reported distressed properties has been established in a spreadsheet, a copy of which is attached as Attachment A. For now, the spreadsheet serves as a simple tool for tracking address and property owner information, the date of the first inspection or when a complaint was first received, dates of any follow-up action on a specific address, and comments/notes describing the property, action taken so far, and its current status. The last column in the spreadsheet includes a link to either a photograph of existing conditions on any property, and when applicable, a photograph of the property after clean-up activities has occurred. As these photographs are located on the the City's S:Drive server, they may not be viewed from the attached file. Staff will present a sample of these photographs to the Council in the November 12th work session - see the attached draft PowerPoint presentation, Attachment D. This spreadsheet is organized into two sections – Closed Cases and Active/Inactive Cases.

Staff has also been working closely with the City's GIS Program on an interactive mapping application based on the List of Reported Distressed Properties. The purpose of this application is to develop a web-based map of the City of Flagstaff using free ESRI (Environmental Systems Research Institute) mapping software, and linking the data from the spreadsheet to it. Initial draft versions of this mapping application looked extremely promising as a simple and comprehensive way of presenting the data to the Council or interested Flagstaff residents. IT staff are still resolving one technical issue that is making it difficult to view a photograph of each case, and it is hoped that this will be resolved by the time of the November 12, 2013 Council work session.

COMMENTS/OBSERVATIONS ON THE LIST OF REPORTED DISTRESSED PROPERTIES

1. There are 39 properties currently recorded on the List of Reported Distressed Properties. Of these staff has closed 9 cases as they have been resolved, has taken no action so far on 20 cases (see note #2 below), continues to work on 3 major cases (overgrown vegetation and other issues at a house located at 1726 N. Kutch Drive; a boarded house often referred to as "Grandma's House" at 23 S. Agassiz Street; and the historic Tourist Home building located at 46 S. San Francisco Street), and has 7 minor cases on file. As staff has not concluded investigations or made contact with property owners of 18 reported cases on this list, these cases have been removed from the spreadsheet in Attachment B.
2. In addition to the code compliance staff's primary duties, including for example, responding to citizen complaints, reviewing and issuing permits, managing volunteers and various community clean-up activities, and responding to and removing graffiti, staff dedicates as much time as possible to working on distressed property and building abatement with the assistance of the Chief Building Official. While progress is admittedly slow, staff resources are limited. Nonetheless, staff is working hard to steadily address and abate all properties and buildings listed in the List of Reported Distressed Properties.
3. Staff is pleased to report progress on a number of critical properties in the community that have been the source of frequent complaints from Flagstaff residents. An overview of the more significant cases is provided below, with a description of how the case was resolved using existing regulations in City Building Codes. These include:
 - a. Demolition and removal of the ruins of a single-family home destroyed by fire at 523 S. Ernest Street in the Southside neighborhood. Staff cited Section 302 (Dangerous Building) of the 1997 Uniform Code for the Abatement of Dangerous Buildings Code, and specifically Subsections 8, 9, 12, 15, and 17. A copy of this Section of the Code is attached as Attachment B for the Council's reference.
 - b. Repair of the existing home located at 1809 N. Arrowhead Avenue in the Sunnyside

- neighborhood so that the structure is once again habitable. Section 302 of the Dangerous Building Code was cited, with specific reference to Subsections 5, 8, 9, 12, and 15. Even though the exterior of the building is deteriorated and requires maintenance, the property owner eventually complied with all requirements of the Building Official, and the structure now meets all applicable Building Code requirements.
- c. Steady progress to address the overgrown vegetation and accumulation of debris at an abandoned home located at 1726 N. Kutch Avenue. Section 1001.4 (Nuisance) of the 1997 Uniform Housing Code – refer to Attachment B. – was used to require the existing residence to be secured as the front door and rear sliding door were open allowing access to the building which appeared to be vandalized. The structure was eventually secured so that unauthorized access was no longer possible. However, there are no existing City Code provisions that City staff could use to require the removal and clean-up of the overgrown vegetation on the property. Fortunately, the County Health Officer determined that conditions on the property “provided an excellent harborage for vermin”, which enabled City staff to cite Section 1001.11 of the 1997 Uniform Housing Code, and require the property owner to abate the conditions that caused a “rat harborage”. To date, certified mail correspondence to the owner has been returned, and the Post Office has reported that they have no forwarding address for the property owner. Accordingly, in accordance with existing City Code provisions, staff will hire a landscape contractor to clean up the property and remove the “vermin harborages”, the cost of which (est. \$600) will be liened against the property.
 - d. Steady progress to resolve the ongoing issues associated with the boarded-up single-family home locally referred to as “Grandma’s House” located on 23 S. Agassiz Street. Section 302 of the Dangerous Building Code was cited, with specific reference to Subsections 5, 6, 12, and 13. The property owner has completed a Phase I Cultural Resource Study which was accepted by the Heritage Preservation Commission at their October 16th meeting. Based on the conclusion of this study, the Commission moved to require completion and submittal of a Phase II Cultural Resource Study because of the historic significance of this structure prior to any possibility of it being demolished. The property owner also has this property listed for sale.
 - e. Progress is also being made on the adjoining boarded-up “Tourist Home” located at 46 S. San Francisco Street. Staff has again cited Section 302 of the Dangerous Building Code, with specific reference to Subsections 5, 13, and 17. This structure is well known as an important historic resource, and therefore, a Phase I Cultural Resource Study is being prepared for Heritage Preservation Commission review. The property owner also has this property listed for sale.
 - f. Steady progress by the owner on the voluntarily planned demolition of a house located at 251 East Brannen Avenue. This property owner inherited the home and parcel on which it is located, and found it full of household goods (most of which were thrown away or recycled) and in very poor condition. The owner has received a demolition permit and in the next few months plans to demolish the home and build a new one.
4. While the GIS mapping application may not be complete by the time of the November 12, 2013 Council work session, staff has completed a map that shows the locations of all the cases currently documented in the List of Reported Distressed Properties.

CODE LANGUAGE

During the January 8, 2013 Council work session, some councilors expressed concern with the criteria adopted in the 1997 Uniform Code for the Abatement of Dangerous Buildings (Section 302, Dangerous Building) as being too ambiguous and hard to apply and enforce. This Code was adopted by the City Council in 2000. As noted previously, a copy of these criteria which are used to define a dangerous building are included in Attachment B. The criteria or findings listed in this Section have been developed and refined over at least 50 years through the Western International Council of Building Officials. They are the product of experience and have been honed over time through practical experience and court

decisions to fit the typical public health, safety, and welfare issues that municipalities experience. Like many codes, these criteria are based on a “reasonableness standard”, and their application relies on the experience, skill, and qualifications of trained City officials, which in this case, would be the City Building Official. As with most City Codes, there are also oversight mechanisms in place including the right of a person aggrieved by a decision of the Building Official to appeal to the Building and Fire Code Board of Appeals, and if necessary to Superior Court.

It is staff’s recommendation that the 18 findings/criteria included in Section 302 of the 1997 Uniform Code for the Abatement of Dangerous Buildings Code and those included in Section 1001 of the 1997 Uniform Housing Code should be retained, and that as written, they provide important and useful tools currently used by staff for the abatement of most dangerous buildings within the City.

As noted in comment #2 above, staff is making slow but steady progress on the abatement of dangerous buildings and unsightly properties within the City. Currently staff is working on three of the most egregious cases in the community (23 S. Agassiz Street, 46 S. San Francisco Street, and 1726 N. Kutch Avenue); time and resources are dedicated to the abatement of these properties as it is available. Several property owners have taken responsibility for their properties and have proceeded to abatement and demolition in a timely manner. Staff’s daily and weekly workload dictate the rate of progress on the listed properties and structures, with the highest priority being those with the greatest threat to public health and safety, historic significance, the greatest number of complaints, or the visibility of the project. One issue that staff plans to address is how time frames can be shortened to ensure more timely abatement. For example, clearer and reasonable deadlines for the completion, submission, and review of reports (e.g. Cultural Resource Studies) should be established.

CONCLUSION

The purpose of the November 12th Council work session is for staff to provide the Council with a progress report/update on work to date regarding distressed properties and dangerous buildings within the City. It is also to receive comment and/or direction related to altering any existing language in the applicable code. Any ideas, comments, and suggestions on the List of Reported Distressed Properties are welcomed, will be used to refine the list, and inform any future amendments to the City Code.

Attachments

List of Reported Distressed Properties
Findings
Draft Power Point Presentation
