



Agenda Item:

62

## COUNCIL COMMUNICATION City Manager's Office

### GENERAL INFORMATION

Agenda Date: 03/22/04

Communication

No.: 04-155

Agenda Item Type: Resolution

Roll Call

No.:

Submitted by: Larry Hulse, Director, Community Development Department

### SUBJECT—

Public Nuisance at 692 17<sup>th</sup> Street

### SYNOPSIS—

The Building Official has determined that the structure located at this address is unsafe and therefore constitutes a public nuisance under the provisions of Section 26-78 of the Municipal Code. If the City Council concurs, this action will affirm the Building Official's determination of public nuisance, and will refer the matter to the Legal Department to bring the appropriate legal action to cause the repair or demolition of the structure. Alternatively, if City Council determines that additional time should be granted, Council may affirm the determination of public nuisance, and grant the appropriate time necessary, but set a date certain whereby the nuisance is abated. If City Council determines that this property should not be repaired or demolished, it may deny this action and revoke the determination of public nuisance, and may direct those actions as deemed appropriate.

### FISCAL IMPACT—

If demolition becomes necessary, estimated demolition costs total \$17,000. 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 building is a Victorian structure located in the Sherman Hill Historic District. The building was originally used as a single family dwelling, later occupied as a nursing home, and later converted to a single family dwelling with a commercial restaurant on the first floor. The building sustained substantial damage from a fire that occurred in January 1988, and this damage not been completely repaired. The fourth floor tower addition exhibits substantial racking, has exhibited movement following wind events, and is considered unsound. The building has been open and exposed to weather conditions since the fire, and deterioration from this weather exposure is occurring and will continue until the building is enclosed and made weather tight.

In addition, records indicate the following:

- In September of 1988, the Historic District Commission issued a Certificate of Appropriateness for reconstruction and a fourth floor tower addition to the property.
- A permit was issued in March of 1989 for structural reconstruction of fire damage, and the addition of fourth level tower. This work was initiated, but later suspended without completion. No inspections were requested, and the permit expired without completion in 1990. Observation of the work in place reveals that the structure is not yet ready for inspection.
- The first floor of the building was boarded and secured by the owner following the work suspension. Staff has monitored the site since that time to confirm that the building has been maintained in a secure condition. Upper floors have remained open.
- Responding to a complaint regarding the condition of the building, an inspection was conducted in April 2001. Deterioration and apparent wind damage to the tower was observed, and staff discussed measures necessary to stabilize and preserve the structure with the owners. The property owners indicated their intent to complete the exterior walls, install windows, stabilize the tower, and complete the roof and the brick veneer as the first steps toward rehabilitation of the structure.
- In May 2001, the owners requested and received approval from the Historic District Commission for exterior restoration and to enclose the structure.
- A permit was issued in June 2001 authorizing exterior wall framing and sheathing, installation of window openings, gutters, and general repair and stabilization of roof and tower. Temporary cable bracing of the tower was installed, but the remaining work was not completed, and the permit expired in June 2002 without completion.
- Following a wind event in Fall 2003, comments were directed to staff regarding additional tower movement, and confirmed by staff observation.

Notice of public nuisance, dated January 26, 2004, was issued to titleholders Guy and Sandra Roberts. This notice required that the structure be brought into compliance with applicable city code through repair or demolition within 30 days of receipt. The notice indicated if they failed to comply, this matter would be presented to the City Council on March 22, 2004. The notice indicated the titleholders have the opportunity to speak before Council at this hearing by

providing written notice to the City Clerk within 5 days of receipt of the notice. The City Clerk has not received response to this notice. However, the titleholders have had hearing and received approval from the Historic Preservation Commission at its March 17, 2004 meeting. The Commission voted to reissue a Certificate of Appropriateness for completion of the exterior of the building, as well as construction of a gazebo and driveway improvements on the site. Approval of this certificate is necessary before a Building Permit may be issued to repair or reconstruct the structure.

In addition, on March 16, 2004, Guy Roberts presented a letter to the Permit and Development Center proposing a series of steps that proposes to complete portions of the exterior and stabilize the tower by stipulated dates. This is similar to the agreement reached in 2001, and authorized by permit at that time. As noted above, this permit expired without completion. This proposal does not restore the building to a habitable condition, nor propose a timeline whereby such repairs are completed, but would stabilize the structure. A copy of this letter is attached to the fact sheet.

It is the Community Development Departments recommendation that the public nuisance determination is affirmed, and the matter be referred to the Legal Department to bring the appropriate legal action against said property to abate this public nuisance by either its complete restoration and repair by a date certain, or its demolition if complete repair cannot be achieved.

Observation by staff on March 16, 2004 found that no improvements have been made, and the Permit and Development Center has received no permit applications for work at this site.

Attached to the roll call are copies of notice, return receipts, site plan, a property condition report and photographs that detail the condition of this structure observed by staff.