

CITY OF TEMPE HEARING OFFICER

Meeting Date: 04/05/2022

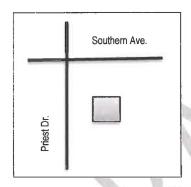
Agenda Item: 4

ACTION: Request approval to abate public nuisance items at the Star 2021 SFR Property located at 1231 W. La Jolla Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1110 for abatement request: landscape cleanup, remove excess palm fronds, clear sidewalk obstructions.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the STAR 2021 SFR PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE215301: landscape cleanup, remove excess palm fronds, clear sidewalk obstructions.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Star 2021 SFR Borrower LP
City of Tempe – Code Compliance
R1-6, Single Family Residential
Hector Heredia

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Shelly Seyler, Interim Department Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Star 2021 SFR Property located at 1231 W. La Jolla Drive, in the R1-6, Single Family Residential district. This case was initiated 08/24/2021, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

Project Submittal Application

□ Other

City of Tempe
Community Development Department
31 E. 5th Street, Garden Level, Tempe, AZ 85281
(480) 350-4311 Fax: (480) 350-8677

T Tempe

Planning Fax: (480) 350-8872 www.tempe.gov **Project Information - Required** Project Name: Project Address Proposed Use of Building/Suite: **Existing Zoning** Parcel No.: Legal Description:

Attached Description of Work/Request Valuation (for building plan review only): Applicant Information - Required Company or Firm Name Telephone 1: Applicant's (lame: Telephone 2: Ext: Fax: Email Address(es): City: Date. Applicant Sign For City Use Only Submitted Materials: Building Engineering Planning Fees □ New Building □ Engineering Fire □ Recordation Building □ SPR □ Com Add/Alt Signs Planning □ Revision ☐ PL Dev Plan Review Engineering Tracking Nos.: □ MF □ Sign Permit □ NRes DS □ Use Permit □ Res Remodel/Add □ Spec Book(s) □ Soils Report □ Variance □ Pool □ Structural Calcs □ Report ☐ General Plan Amend □ Demo □ Materials □ Truss Calcs □ Zoning Amend □ Grading Only □ Color Board □ Hydraulic Calcs □ Zoning Verification Letter RAF. □ Phased Constr □ Parking Analysis □ Haz Mat Form □ Subdivision/Condo □ Phased Constr □ Lighting Cut Sheets □ Other: □ PAD Overlay w/UG MEP **Total Valuation:** RAE_ □ Legal Posting Signs □ Structural Frame ☐ Administrative Decision □ MEP Only **Total Submittal Fees:** Abatement □ Mobile Home ☐ Shared Parking □ Factory Built Bldg SGN □ CCR Review □ Deferred submittal GO □ Continuance □ Revision GOB □ Appeal □ New Standard Validation: SE □ Permits based □ Other on Standard # ZP_ Fire MCA Code: □ Suiting □ Tanks □ Other_ □ AFES (O/H) ☐ Spray Paint Booth File With: □ Special Extinguishing Date Stamp: ☐ Fire Alarm ☐ Kitchen Hood System Received By: □ Rack Storage ☐ Hazmat



DATE:

02.25.2022

TO:

Jack Scofield, Senior Code Inspector

FROM:

Hector Heredia, Code Inspector

SUBJECT:

CE215301: STAR 2021-SFR1 BORROWER LP: ANDREW J SOSSEN ABATEMENT FINDINGS

LOCATION: 1231 W LA JOLLA DR TEMPE, AZ 85282

PARCEL:

123-42-089

OWNER:

STAR 2021 SFR1 BORROWER LP

591 W PUTNAM AVE GREENWICH, CT 06830

FINDINGS:

08/24/2021: Anonymous complaint was received regarding an obstructed sidewalk by palm trees, a dead tree including over height on the front yard. This was verified and a first notice was issued.

08/31/2021: Anonymous complaints are received regarding a deteriorated landscape and obstruction of the sidewalk.

09/15/2021: At the second inspection no corrective action had taken place and a final notice was issued.

10/08/2021: At the third inspection only minor corrective action had taken place and another final notice was issued.

11/09/2021: It was decided by management, that because multiple points of origins exist for Head Quarter locations across the nation; that the abatement process should be initiated.

2/25/2022: The abatement packet was turned in for the April 5th, 2022, Hearing Officer.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1231 W LA JOLLA DR due to property owner's failure to bring property into compliance with Tempe City Codes CC 21-3.b.7 & 21-3.B.8. STAR 2021-SFR1 BORROWER LP: ANDREW J SOSSEN has been given ample time to come into compliance and maintain the property. There has been no indication that the property owner will bring the property into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Hector Heredia Code Inspector

ACTION TAKEN: Submit

NAME

DATE: 3/1/22



DATE: 02.25.2022 CASE # CE215301

STAR 2021-SFR1 BORROWER LP : ANDREW J SOSSEN 591 W PUTNAM AVE GREENWICH, CT 06830

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LOCATION: 1231 W LA JOLLA DR TEMPE, AZ 85282

PARCEL: 123-42-089

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 04/05/2022. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Violation of City of Tempe Codes

CC 21-3.b.7

Any object, building, tree, bush, or vehicle that interferes with, obstructs, tends to obstruct, or renders dangerous the free
passage, use or vision in the customary manner of any sidewalk, street or highway in the city.

CC 21-3.b.8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or
presents a deteriorated appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or
otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any
palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than
eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground

If the violations have not been corrected within thirty days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

- 1. REMOVE GRASS AND WEEDS FROM THE FRONT YARD LANDSCAPE INCLUDING RIGHT OF WAY ARES.
- 2. REMOVE VEGETATION THAT OBSTRUCTS CLEAR PASSAGE OF THE SIDEWALK OR HINDERS ITS INTENED PURPOSE
- 3. REMOVE ALL PALM FRONDS THAT ARE BELOW THE GROUND HEIGHT REAUIREMENTS

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$1,110.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-4311.

Code Inspector: Hector Heredia Phone Number: 480.350.5462

E-mail: hector_heredia@tempe.gov



February 15, 2022

City of Tempe Attn: Hector Heredia Code Inspector II

RE: Clean-Up at 1231 W. La Jolla Dr.

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below a 1231 W. La Jolla Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

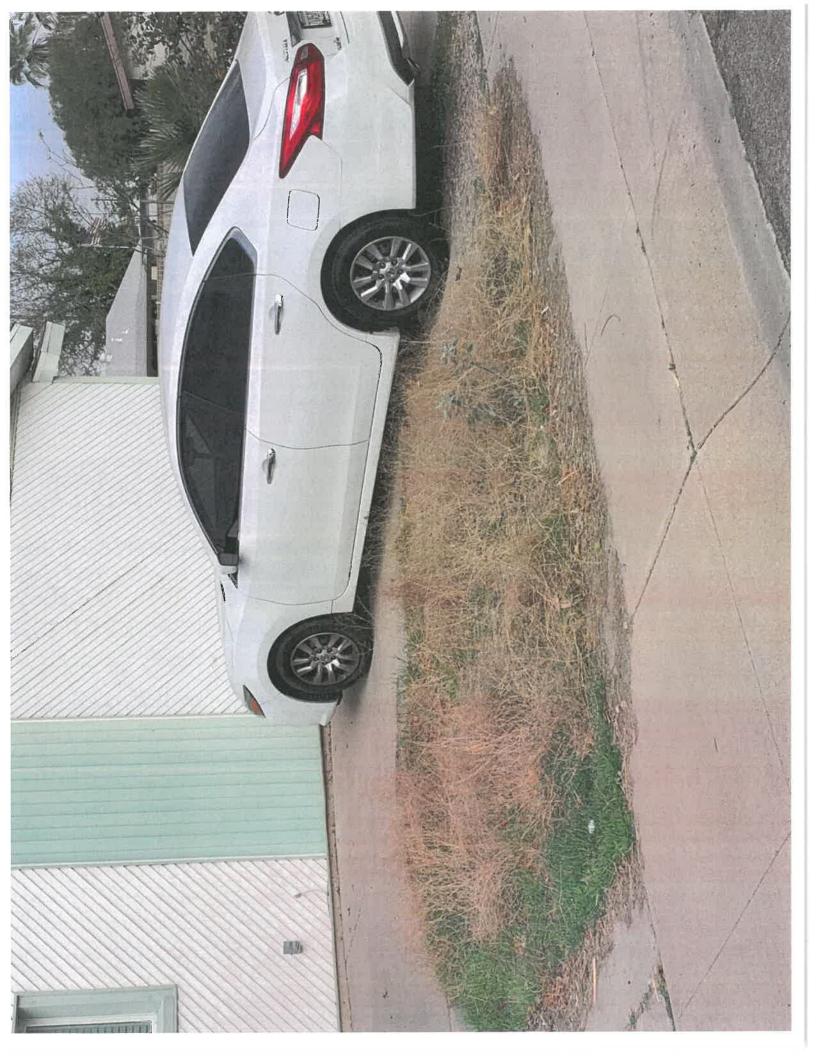
- Landscape clean-up in front yard gravel/dirt and right of way areas
- Trim bushes and clear sidewalk obstruction caused by tree, bush, and palm tree in front yard
- Trim overgrown palm tree in back yard
- Police presence on-site for duration of visit

Total = \$1,110.00

Respectfully,

Jose Hernandez



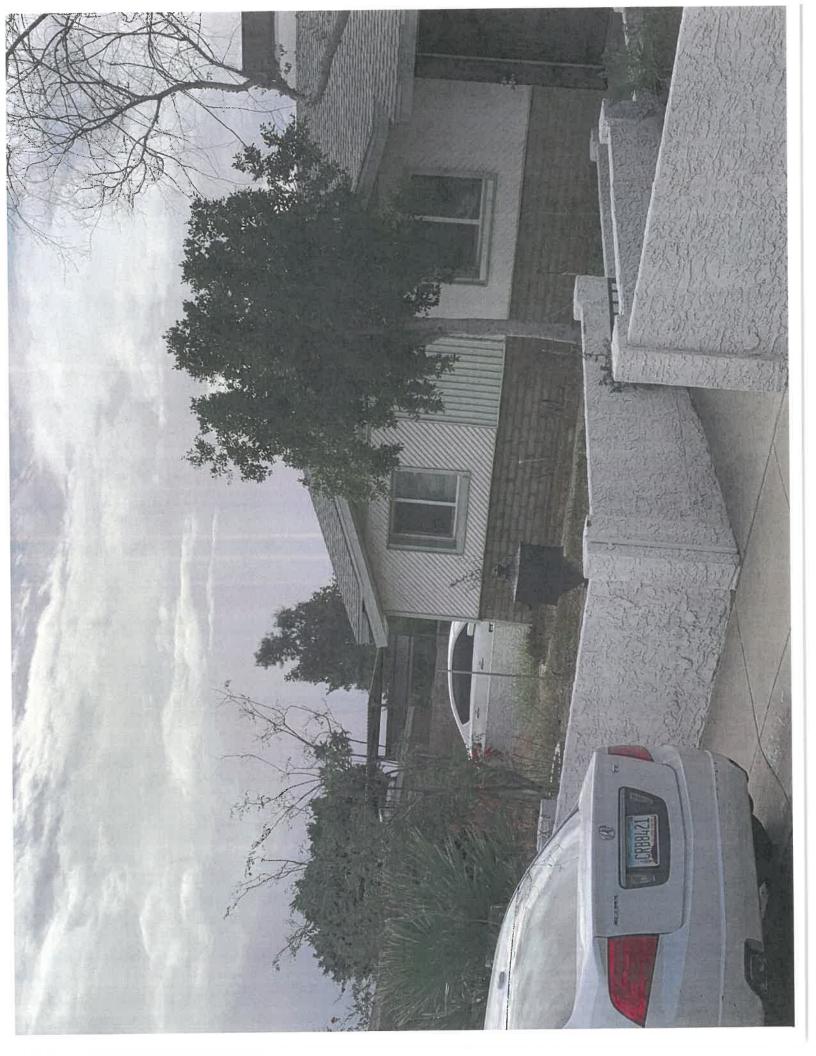














COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

08/30/2021

STAR 2021-SFR1 BORROWER LP : MANAGERS ATTN: CURRENT RESIDENT TENANTS 1231 W LA JOLLA DR TEMPE, AZ 85282

Case #: CE215301

Site Address: 1231 W LA JOLLA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/30/2021 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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SITE REINSP

PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	ON OR AFTER
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CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and their surrounding area. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please utilize those areas to discard all waste to diminish a deteriorated state of appearance or potential hazard. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	09/15/2021
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09/15/2021

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Hector Heredia Jr Code Inspector Direct: 480-350-5462

Code Compliance: 480-350-4311 Email:Hector_Heredia@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b). Civil and Criminal Penalties



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

08/30/2021

STAR 2021-SFR1 BORROWER LP : MANAGERS 591 W PUTNAM AVE GREENWICH, CT 06830

Case #: CE215301

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

09/15/2021

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09/30/2021

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

09/15/2021

STAR 2021-SFR1 BORROWER LP : MANAGERS 591 W PUTNAM AVE GREENWICH, CT 06830

Case #: CE215301

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CC 21-3.b.8	Any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE TH	IE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.7	Please remove any object that is obstructing clear passage of the sidewalk in any way. These items include any type of vegetation. Please maintain those areas free of obstructions so they do not hinder the intended purpose of the sidewalk for all pedestrians or neighbors. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/08/2021
CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and their surrounding area. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please utilize those areas to discard all waste to diminish a deteriorated state of appearance or potential hazard. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/08/2021
CC 21-3.b.8	Please remove the dead tree from your properties front yard. Removal of the dead tree must be addressed from the stump at ground level. After the removal has taken place the excavated area must be refilled with like materials from the surrounding area as a precaution to a potential hazardous situation for any pedestrian. Please discard all tree debris in appropriate city dumping sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/08/2021

Please completely address and cut the over height grass and weeds from your front yard graveled areas including any visible surrounding areas up against property walls and fence lines, as necessary. Make sure to address and maintain city right of way areas that you are responsible for. Please make sure that all growth is always eliminated from the graveled area. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.

10/08/2021

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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Hector Heredia Jr Code Inspector Direct: 480-350-5462

Code Compliance: 480-350-4311 Email:Hector_Heredia@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b). **Civil and Criminal Penalties**



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

10/08/2021

STAR 2021-SFR1 BORROWER LP : ANDREW J SOSSEN ATTN: CURRENT RESIDENT TENANTS 1231 W LA JOLLA DR TEMPE, AZ 85282

Case #: CE215301

Site Address: 1231 W LA JOLLA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/08/2021 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
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CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and their surrounding area. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please utilize those areas to discard all waste to diminish a deteriorated state of appearance or potential hazard. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/18/2021
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Hector Heredia Jr Code Inspector Direct: 480-350-5462

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

10/08/2021

STAR 2021-SFR1 BORROWER LP : ANDREW J SOSSEN 591 W PUTNAM AVE GREENWICH, CT 06830

Case #: CE215301

Site Address: 1231 W LA JOLLA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/08/2021 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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SITE REINSP

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10/18/2021

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