



# Request for City Council Committee Action from the Department of Regulatory Services

**Date:** June 17, 2009

**To:** Council Member Don Samuels, Chair – Public Safety & Regulatory Services Committee

**Subject:** 115 5<sup>th</sup> Street North East

**Recommendation:** Review and update Council Action regarding Council Directive to stay demolition if conditions met by the owner.

**Previous Directives:** PSRS decision - March 31, 2006 to Stay demolition order for Property at 115 – 5<sup>th</sup> Street NE subject to conditions.

## Department Information

Prepared by: Kellie Jones, 673-3506

Approved by:

Rocco Forte, Assistant City Coordinator for Emergency Preparedness & Regulatory Services

Henry Reimer, Director of Inspections

Tom Deegan, Manager – Problem Properties Unit

Presenters in Committee: Tom Deegan

## Reviews

- Permanent Review Committee (PRC): Approval \_\_\_ Date \_\_\_\_\_
- Civil Rights Approval Approval \_\_\_ Date \_\_\_\_\_
- Policy Review Group (PRG): Approval \_\_\_ Date \_\_\_\_\_

## Financial Impact

- No financial impact
- Action is within the Business Plan
- Other financial impact – grant funded demolition

## Community Impact

- Neighborhood Notification
- City Goals

- Comprehensive Plan
- Zoning Code
- Other

### **Supporting Information**

This is a two story commercial structure it has a base foundation of 7,053 square feet, with a total building area of 20,676 square feet. The structure was originally built as a warehouse in 1912 and is considered an "F" occupancy under current adopted International Building Code.

The property was condemned in 1994 and sold to its present owner by the county in that condition. The property was boarded in December of 1998 and was not to be occupied and kept empty of all storage. A fire call in 1999 and subsequently an inspection conducted by the Fire Department had resulted in outstanding orders. An additional inspection conducted by the fire department included violations for illegal car repair and storage.

The property was first reviewed by the Public Safety and Regulatory Services committee on August 24, 2005. At that time, the PS&RS committee directed the owner to remove all combustible materials, including illegal car repair vehicles and tools from the building within two weeks and mandated that the owner provide staff with a redevelopment plan for the structure. The owner complied with the order to remove all improperly stored materials from the building, but failed to supply staff with an adequate redevelopment plan.

Staff returned to PS&RS in March of 2006 and asked the committee to consider demolishing the property, the committee authorized a stay of the demolition until May 3<sup>rd</sup> 2006 and required that the owner meet the following conditions:

- a. Secure a design professional to develop the scope of the rehab plan.
- b. Provide a code analysis of the sprinkler system.
- c. Provide a code analysis of the elevator and occupancy classification.
- d. Provide updated design plans to include a second means of egress.
- e. Provide a detailed timeline plan for the rehabilitation.
- f. Notify and meet with the neighborhood group.

The owner provided staff with a drawing and minimal plans for rehab, but never provided staff with the remaining requirements. Staff attempted to gain compliance on several occasions since then, but was not successful.

The property has remained unchanged for the past 2 ½ years. The owner is currently facing actions by the County for possible tax forfeiture and has a final settlement date scheduled for August 5, 2009. He owes \$23,455.73 in back taxes. We do not know if the property has been kept clear of all combustibles.

Estimated cost to rehab: Our cost for a rehab has not been completed because the current occupancy use would not fit the needs of the neighborhood. However it will easily exceed one million dollars just for mechanicals and fire life safety rough-in regardless of a proposed use

Estimated cost to demolish: Not determined at this time but may exceed \$50,000 and therefore have to go through Ways and Means committee for appropriation of new funds.

Staff is before Council requesting a reconsideration of the demolition order.