

**CITY OF TEMPE  
HEARING OFFICER**

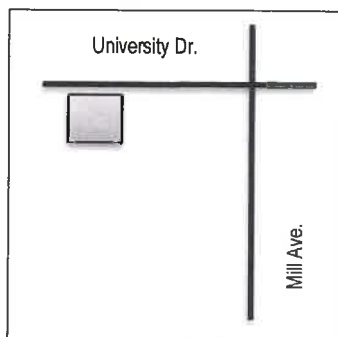
**Meeting Date: 11/02/2021  
Agenda Item: 8**

**ACTION:** Request approval to abate public nuisance items at the Nowrooz LP Property located at 405 W. University Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$896 for abatement request: graffiti removal.

**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 NOWROOZ LP 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 CM210909: graffiti removal.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Nowrooz Limited Partnership  
City of Tempe – Code Compliance  
CSS, Commercial Shopping & Service  
Michael Glab

**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 Nowrooz LP located at 405 W. University Drive, in the CSS, Commercial Shopping & Service district. This case was initiated 7/14/2021, 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 a 180-day open 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.

ABATEMENT

# Planning Application Submittal Form

Part 1 of 2

City of Tempe  
Community Development Department  
31 East 5<sup>th</sup> Street, Garden Level, Tempe, Arizona 85281  
(480) 350-4311 Fax (480) 350-8677  
Planning Fax (480) 350-8872  
<http://www.tempe.gov/planning>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

PROJECT INFORMATION - REQUIRED			
PROJECT NAME	NOWROOZ LIMITED PARTNERSHIP	EXISTING ZONING	CSS <input type="checkbox"/>
PROJECT ADDRESS	405 W UNIVERSITY DR., TEMPE, AZ 85281	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	GOODWIN HOMES MCR 7/14 N 153F OF LOTS 2 3 4 & 5 BLK 1 EX N 22F OF SD LOT ABATEMENT OF CM210909 NOVEMBER 02, 2021	PARCEL No(s)	124-69-025B <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
EMAIL	PHONE 1	PHONE 2	

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE or attach written statement authorizing the applicant to file the application(s)	X	DATE
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APPLICANT INFORMATION - REQUIRED			
COMPANY / FIRM NAME	CITY OF TEMPE / CODE COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE
EMAIL	michael_glab@tempe.gov	PHONE 1	(480) 350-5461
		STATE	AZ
		ZIP	85281-3681
		PHONE 2	

I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is deemed to be incomplete it will be returned to me without review, to be resubmitted with any missing information.

APPLICANT SIGNATURE	X <i>Michael J Glab</i>	DATE	10/1/21
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
TYPE OF BUSINESS	PHONE	EMAIL	

APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See Planning & Zoning Fee Schedule for types)	FOR CITY USE ONLY (Planning record tracking numbers)	
<input type="checkbox"/> A. PRELIMINARY SITE PLAN REVIEW			SPR	
<input type="checkbox"/> B. ADMINISTRATIVE APPLICATIONS			ADM	
<input type="checkbox"/> C. VARIANCES			VAR	
<input type="checkbox"/> D. USE PERMITS / USE PERMIT STANDARDS			ZUP	
<input type="checkbox"/> E. ZONING CODE AMENDMENTS			ZOA	ZON
<input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAYS			PAD	REC
<input type="checkbox"/> G. SUBDIVISION / CONDOMINIUM PLATS			SBD	REC
<input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW			DPR	
<input type="checkbox"/> I. APPEALS				
<input type="checkbox"/> J. GENERAL PLAN AMENDMENTS			GPA	
<input type="checkbox"/> K. ZONING VERIFICATION LETTERS			ZVL	
<input checked="" type="checkbox"/> L. ABATEMENTS			CE	CM
<input type="checkbox"/> M. SIGN TYPE K			GO	SE
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY			
DS TRACKING #	FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



**DATE:** October 1st, 2021  
**TO:** Jack Scofield, Senior Code Inspector  
**FROM:** Michael Glab, Code Inspector  
**SUBJECT:** CM210909, NOWROOZ LIMITED PARTNERSHIP Property Abatement

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**LOCATION:** 405 W UNIVERSITY DR., Tempe, AZ 85281

**PARCEL:** 124-69-025B

**OWNER:** NOWROOZ LIMITED PARTNERSHIP  
PO BOX 5215  
SCOTTSDALE, AZ 85261

**FINDINGS:**

07/14/21 The Code Compliance Division received complaint for graffiti. Inspected property and found graffiti present on exterior of building. Notice to comply mailed to owner.

07/28/21 Inspected the property and found graffiti present on exterior of building. Second notice to comply mailed to owner

07/29/21 The Code Compliance Division received a second complaint for graffiti.

08/11/21 Inspected the property and found graffiti present on exterior of building. Found additional mailing address for owner. Additional notice to comply mailed to owner. Email address located and latest notice attached to email, as well as mailed to owner

08/25/21 Inspected the property and found graffiti present on exterior of building. Phoned property management company whose advertisements are within the business windows. Received no response. Bids sought for property abatement

09/09/21 Inspected the property and found graffiti present on exterior of building. Phoned property management company whose advertisements are within the business windows once more. Received no response.

09/16/21 The Code Compliance Division received a third complaint for graffiti.

10/01/21 Posted notice of intent to abate to property and mailed to property owner.


**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 405 W UNIVERSITY DR due to property owner's failure to bring property into compliance with Tempe City Code 22-105. NOWROOZ LIMITED PARTNERSHIP has been given ample time to come into compliance and maintain the property. ~~The property owner has been issued a civil citation and has failed to appear to court.~~ 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,

Inspectors Name  
Code Inspector

ACTION TAKEN: Submit  
NAME:   
DATE: 10/5/21



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:10/01/2021  
CASE # CM210909

**NOWROOZ LIMITED PARTNERSHIP  
PO BOX 5215  
SCOTTSDALE, AZ 85261-5215**

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

**LOCATION:** 405 W UNIVERSITY DR., TEMPE, AZ 85281  
**PARCEL:** 124-69-025B

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This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 11/02/2021. 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 Code 22-105**

Graffiti prohibited. All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property.

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. Please remove or paint over the graffiti located on the property. If painting over, please use a color of paint consistent with existing paint colors**

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 ~~\$896.00~~. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost or 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.**

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**Code Inspector: MICHAEL GLAB**

**Phone Number: 480-350-5461**

**E-mail: Michael\_glab@tempe.gov**



Artistic Land Management, Inc.

September 8, 2021

City of Tempe  
Attn: Michael Glab  
Code Inspector II

RE: Graffiti Removal at 405 W. University 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 at 405 W. University Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

- Washing off or painting over of graffiti, located on the north side and west side of the building
- P.D presence on-site for duration of the visit

Total = \$896.00

Respectfully,

Jose Hernandez







COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

07/14/2021

NOWROOZ LIMITED PARTNERSHIP  
PO BOX 5215  
SCOTTSDALE, AZ 85261

Case #: CM210909  
Site Address: 405 W UNIVERSITY DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 07/14/2021 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	
Sec.22-105.	All sidewalks, walls, buildings, fences, signs, and other structures of surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property	
<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		<b>SITE REINSP ON OR AFTER</b>
	<b>Please remove the graffiti from the property (e.g. west side windows, just off Wilson St.). If painting over any graffiti located on surfaces other than windows, please use a color of paint consistent with existing paint color</b>	07/28/2021

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

**Michael Glab**  
Code Inspector

**Direct: 480-350-5461**  
**Code Compliance: 480-350-4311**  
**Email: Michael\_Glab@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 \$75.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

07/28/2021

NOWROOZ LIMITED PARTNERSHIP  
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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

08/11/2021

NOWROOZ LIMITED PARTNERSHIP  
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