
**CITY OF TEMPE
HEARING OFFICER**

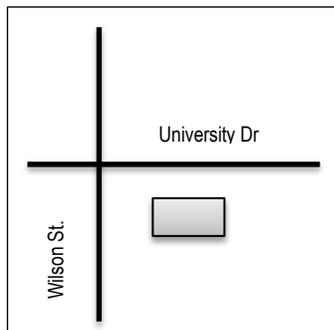
**Meeting Date: 08/16/2022
Agenda Item: 2**

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

FISCAL IMPACT: \$886.00 for abatement request, including graffiti, Security on site.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the NOWROOZ PROPERTY (CM220809). 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 CM220809: Graffiti. The request includes the following:



Property Owner
Applicant
Zoning District:
Code Compliance Inspector:

Nowrooz Limited Partnership
City of Tempe – Code Compliance
CSS, Commercial Shopping and Services District
Michael Glab

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Code Compliance Administrator

Department Director: Jeff Tamulevich, Community Development Director
Prepared by: Cassidy Hernandez, Administrative Assistant
Reviewed by: Drew Yocom, Code Compliance Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Nowrooz Property located at 405 West University Drive in the CSS, Commercial Shopping and Services District. This case was initiated 05/12/22 following 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 the 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 5th 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 CM220809 AUGUST 16, 2022	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	X	DATE
or attach written statement authorizing the applicant to file the application(s)		

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	7/7/22
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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 nd or 3 rd submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: July 7th, 2022
TO: Jack Scofield, Senior Code Inspector
FROM: Michael Glab, Code Inspector
SUBJECT: CM220809, NOWROOZ LIMITED PARTNERSHIP Property Abatement

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

PARCEL: 124-69-025B

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

FINDINGS:

05/12/22 The Code Compliance Division received complaint for graffiti.

05/13/22 Inspected property and found graffiti present on exterior of building. Notice to comply mailed, and emailed, to owner.

05/19/22 Spoke with property owner via telephone, where we discussed the matter. The Code Compliance Division received complaint for graffiti.

06/02/22 Inspected the property and found graffiti present on exterior of building. Spoke with P.D. and neighboring property owner at site regarding the matter. Email sent to property owner, asking him to follow through with addressing the site.

06/08/22 The Code Compliance Division received complaint for graffiti.

06/13/22 Inspected the property and found graffiti present on the exterior of the building. No response received from property owner. Bids sought for property abatement

06/21/22 The Code Compliance Division received complaint for graffiti.

07/07/22 Inspected the property and found graffiti present on the exterior of the building. Abatement packet submitted for addition to August 16, 2022 Hearing agenda

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: 7/7/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/07/2022
CASE # CM220809

**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

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 08/16/2022. 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 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 **\$886.00**. 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: MICHAEL GLAB
Phone Number: 480-350-5461
E-mail: Michael_glab@tempe.gov**



Artistic Land Management, Inc.

June 20, 2022

City of Tempe
Attn: Michael Glab
Code Compliance Inspector

RE: Clean-Up 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

- Paint over graffiti located on the exterior of West and South sides of building

Total = \$886.00

Respectfully,

Jose Hernandez



ACAB @ Apeol

The Court Land Back
ACT UP caps



RIP MURDEROCK
FUCK

THE COURT LAND BACK



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

05/13/2022

NOWROOZ LIMITED PARTNERSHIP
10835 E SAN SALVADOR DR
SCOTTSDALE, AZ 85259

Case #: CM220809
Site Address: 405 W UNIVERSITY DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 05/13/2022 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

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Please remove graffiti from the property (e.g. west facing side of building, etc.). If painting over, please use a color of paint consistent with existing paint colors

05/27/2022

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 \$82.00 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

05/13/2022

NOWROOZ LIMITED PARTNERSHIP
PO BOX 5215
SCOTTSDALE, AZ 85261

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05/27/2022

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Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-4311
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