

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 07/28/08		Item Number: <u> A-5 </u>	
AGENDA ITEM: Discussion of Report on Status of New Enforcement Services Division and Enforcement Standards for Property Maintenance and Provide Direction to Staff as Deemed Appropriate.			
Contact Person/Dept: Sharon Guidry, Sol Blumenfeld Community Development		Phone Number: 310-253-5936	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: All Persons Submitting Addressed Speaker Cards since 01/01/08 Referencing Enforcement Issues (04/03/08); Master E-Mail Notification List (04/01/08 and 07/24/08).			
Department Approval: Sol Blumenfeld (06/25/08)		City Attorney Approval: Carol Schwab (by H. Baker) (07/21/08)	
Chief Financial Officer: Jeff Muir (by M. Noller) (07/08/08)		City Manager Approval: Jerry Fulwood (07/23/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council review the status of the new Enforcement Services Division and give policy direction on the thresholds and conditions for enforcement of property maintenance standards. <u>BACKGROUND:</u> Since commencement of the new Community Development Enforcement Services Division in 2008, staff has focused on implementing the approved Enforcement Services Work Plan, recruitments, staff training and integration of enforcement efforts with other city departments. The Division works closely with the City Attorney's Office and the Parks, Recreation and Community Services Department and has concentrated upon: <u>Operations and Training:</u> • Refining operational requirements, including documentation, procedures, logs, forms and notices. • Coordination of interdepartmental activities in connection with code enforcement on public and private property. • Adoption of an Administrative Citations Ordinance. • Training of Code Enforcement and Park Patrol Officers on operational requirements, field training, safety training and CRM training from IT.			

City of Culver City, California
City Council Agenda Item Report

Commercial and Residential Property Maintenance:

- Identification of code related property maintenance issues.
- Enforcement of deferred property maintenance complaints.
- Monitoring Agency owned properties relative to maintenance.
- Conducting property condition surveys of West Washington Blvd. in connection with Redevelopment Division programs.
- Attending Downtown Business Association (DBA) meetings regarding shared trash compactor and area maintenance.
- Coordination with Committee on Permits and Licenses in Finance Department.
- Banner Enforcement in commercial areas.
- Monitoring and reporting shopping carts in commercial and residential areas.

Park Patrol:

- Evaluating and developing Park Patrol operational requirements with Parks, Recreation and Community Services Department.
- Conducting weekly ride-a-longs with Park Patrol Officer. Monitoring Skate Park and meeting with skate park users twice weekly regarding park regulations.
- Developing proposed changes to park Patrol Officer job specifications with Parks, Recreation and Community Services Department and City Attorney.

Enforcement on abandoned and neglected properties throughout the City has met with very positive results. Overgrown vegetation, illegal dumping and graffiti have been removed from vacant properties through collaboration with property owners and other city departments. The following reflects activity for May, 2008:

20 Banner Enforcement
07 Banners Removed
01 Banner Permits
09 Case Files Opened
14 Case Files Closed
19 Follow-up/Rechecks
11 Warning Notices Issued
04 Warning Notices Closed
15 Verbal Warnings to correct violations
03 Complaint Inspections to confirm violations
09 Property Inspections
15 Outdoor Dining Survey
11 Permit/License Checks

City of Culver City, California
City Council Agenda Item Report

43 Referrals to other Departments
90 Signs removed from public right-of-way
107 Shopping Carts Reported

DISCUSSION:

Residential Property Maintenance Standards:

Over 60 percent of the City's total land use is residential, and over half is comprised of single-family development. This means a great portion of the enforcement activities are concentrated in residentially zoned areas. The issues in these single-family areas are primarily the protection and enhancement of neighborhood character.

Field survey of residential areas indicate deferred maintenance conditions such as broken or discarded household furniture and appliances, inoperable and/or abandoned vehicles, overgrown vegetation, trash containers and other miscellaneous items stored in yard areas and visible from the public right-of-way. Paint deterioration, buildings in a state of partial construction, lack of adequate landscaping and dilapidated fences are among other deferred maintenance conditions that exist in residential areas.

Section 9.04.405 of the Culver City Municipal Code (CCMC) related to Property Maintenance establishes standards for maintaining commercial and residential property. The requirements are general in some cases and give wide latitude for interpretation. Section 9.04.405 states, in part:

It is hereby declared a public nuisance for any person owning, leasing, occupying, or having charge of any premises in this city to maintain such premises in such a manner that any of the following conditions are found to exist thereon:

Land containing noxious weeds or other rank growth or vegetation to such a degree as to be injurious to the public health, safety, or welfare, or to adjacent properties.

Buildings or other structures, whether occupied or unoccupied, which are in a state of neglect or damage, from fire or other causes, or in need of repairs such as painting, weather proofing, or insect extermination; to such a degree that there exists dry rot, warping, molding, or other exteriorly visible physical deterioration or partial destruction. Such neglect or damage or need of repairs shall include but not be limited to broken windows, broken or missing doors, or other

City of Culver City, California
City Council Agenda Item Report

broken or missing components or parts which are customarily and reasonably expected to be attached to or built into such buildings or other structures.

Debris, rubbish, and trash accumulated and stored for a period of time exceeding two (2) weeks in front yards, or in side and rear areas abutting streets visible from public rights-of-way or alleys; including but not limited to items such as:

- *Discarded household furnishings, appliances, boxes or packing materials of all kinds,*
- *Discarded building materials, and/or*
- *Abandoned, wrecked, dismantled or inoperative toys, wheel goods, boats or recreation equipment,*
- *Neglected machinery.*

Vegetation causing economic or physical detriment to neighboring properties, such as, but not limited to:

- *Likely to harbor rats, vermin, or other types of animal or insect life customarily and reasonably considered harmful to the public health and welfare,*
- *Fallen, dead, decayed or diseased trees, weeds, or other vegetation in accumulated or bulky quantities.*

If a property front or side yard contains chairs, tables, boxes, equipment, tools, lumber, debris and trash cans stored in their driveway or yard area, grass that has overgrown about 6", inoperable vehicles parked in the driveway, vehicles with flat tires and without regular cleaning or when a dwelling has areas where paint is peeling and fading, all visible from the public right-of-way, code enforcement staff would make contact with the resident or property owner regarding such conditions and ask that the condition be corrected.

The Enforcement Services Division has implemented an interim strategy, pending Council confirmation, which involves enforcing all property maintenance complaints ranging from simple deferred maintenance to more extensive derelict property conditions. Enforcement includes documenting violations observed in the field, notifying property owners of violations and providing a date certain to correct the condition(s). Where enforcement includes properties with many deferred maintenance conditions which may have existed for an extended time period, a "work-out program" is established to assist the owner by scheduling completion of the required corrective measures over a reasonable length of time.

City of Culver City, California
City Council Agenda Item Report

Staff is seeking City Council direction as to standards for determining what constitutes: i) unkempt lawns and overgrown vegetation that are “physically detrimental to neighboring properties;” ii) “bulky” quantities of vegetation; and iii) buildings that are in “a state of neglect and damage...” or “in need of painting, weatherproofing... to such a degree there exists dry rot, warping, molding or other exteriorly visible physical deterioration or partial destruction,” such that a particular property should be subject to enforcement measures that may include fines or prosecution. The attached photos show properties in various stages of deferred maintenance for review and evaluation by Council.

Staff can interpret these standards as written, but is seeking Council input to ensure that the interpretation is consistent with City Council policy direction. Property owners may believe that their property does not fit the above criteria as assessed by staff and may complain that they are being singled for enforcement. The recently adopted Administrative Citations Ordinance provides a city administered procedure to appeal a citation to a third party hearing officer.

FISCAL ANALYSIS:

Depending upon Council’s direction, there may potentially be an incremental increase or decrease in revenue generated by penalties for failure to rectify property maintenance violations, but staff anticipates the potential revenue to be negligible. Though Enforcement Services has authority to issue Orders to Comply and Administrative Citations, staff intends to pursue compliance with property maintenance standards through voluntary cooperation to the greatest extent possible, using fines and penalties only as a last resort.

ATTACHMENTS:

1. Photographs of examples of potential deferred maintenance and property maintenance violations.
2. Code Enforcement activity log for May, 2008.

MOTION:

That the City Council:

1. Receive and file this report; and,
2. Provide direction on standards for determining property conditions; and,
3. Provide additional direction as deemed appropriate.