

March 4, 2004

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
March 9, 2004**

SUBJECT: NUISANCE ABATEMENT OF PROPERTY AT 24 8th STREET

Recommendation:

Direct staff to proceed with the nuisance abatement by approving the attached resolution.

Background:

On January 13, 2003 the City Council set a hearing to consider abatement actions because of repeated complaints and code enforcement actions in connection with the property. On February 10, 2004, the City Council conducted the nuisance abatement hearing and deferred declaring the property a public nuisance for 30 days in order to obtain additional information about the condition of the property and directed staff to obtain an inspection warrant. The Council also directed staff to ensure that the owner received adequate notice of the inspection and pending abatement action and hearing. On February 11, 2004, staff issued a letter to the property owner, Mr. George Van Dorn, informing him of the City Council hearing and requesting his cooperation in providing access to conduct an interior inspection. (See Attachment No. 1). The property owner refused receipt of the letter and it was returned "unclaimed". On March 1, 2004, Staff called the owner to discuss the matter. The owner again refused to provide access and indicated he "could not receive the letter" but was obviously aware of it, and stated that the City was harassing him. He reiterated that the property was in escrow and that the City's actions could jeopardize the sale. On March 1, 2004 staff obtained an inspection warrant issued by the Superior Court, authorizing inspection of the property by city building and code enforcement inspection staff.

Analysis:

On March 3, 2004 staff conducted an inspection of the premises and found the property to be in a state of major disrepair, but that it was not in danger of imminent collapse.¹ The property has been vandalized on the building interior and there is graffiti in the downstairs bedroom and kitchen areas. It has sustained water damaged and there is dry rot affecting the walls, floor framing, plates, eaves, deck framing, guardrails and stairs. There is also missing plaster in the ceiling and walls. These problems can be corrected but the owner has stated in two telephone conversations that he does not plan to make improvements to the property.

If the property is sold soon as the owner alleges, the building will likely be demolished and the nuisance problems will be resolved quickly. As it stands today, the property is an attractive nuisance inviting vandalism and vagrants.

Conclusion:

The owner is unwilling to make improvements to bring the property into conformance with the Municipal Code. The City cannot demolish the building unless it is in danger of imminent collapse. The property is not in danger of imminent collapse.

The property may be sold soon, but the owner is not willing to provide compelling evidence of the sale. Therefore, staff recommends that it be secured and fenced immediately. All property openings including, doors, windows, stairs, stair access and garage entry, should be thoroughly secured with exterior plywood screwed to the building face utilizing City forces, and the City should place a lien against the property to recover costs. If the City Council wants to proceed with the nuisance abatement it should adopt the attached resolution declaring the property a nuisance and directing staff to proceed with measures to secure the property. The resolution contains findings regarding the property conditions and an abatement schedule.

Sol Blumenfeld, Director
Community Development

Concur:

Stephen R. Burrell,
City Manager

Attachments:

1. Official notification letter to owner
2. Code enforcement investigation report
3. Photos of property interior.
4. Correspondence
5. Resolution

P:/VanDornAbatement

RESOLUTION 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, FINDING THAT THE PROPERTY AT 24 EIGHTH STREET CONSTITUTES A PUBLIC NUISANCE AND ORDERING ABATEMENT

The City Council of the City of Hermosa Beach does hereby resolve as follows:

Section 1. State and City statutes provide for the abatement of structures and properties determined to be a public nuisance.

Section 2. Chapter 8.28 of the Hermosa Beach Municipal Code contains provisions allowing the City Council to conduct a public hearing to determine whether a public nuisance exists on a property and whether proceedings to abate the nuisance should be initiated.

Section 3. The City Council has reviewed written and photographic evidence of substandard conditions on the property at 24 8th Street, Hermosa Beach, and determined that there is sufficient evidence of a public nuisance on the property to set a public hearing to determine if abatement proceedings should be initiated.

Section 4. The City Council has ordered an interior inspection of the premises and obtained an inspection warrant to conduct an interior inspection of the premises.

Section 5. Based on the foregoing, the City Council held a public hearing on February 10, 2004 and March 9, 2004 to determine if the above-reference property constituted a public nuisance. The hearing was duly-noticed pursuant to the procedures outlined in Section 8.28.070 of the Hermosa Beach Municipal Code.

Section 6. The City Council hereby finds and determines as follows:

A. Chapter 8.28 of the Hermosa Beach Municipal Code states in part:

“The following are expressly declared to be nuisances, and any person

maintaining or permitting such nuisances or any of them to be maintained or to exist on his premises whether as owner, lessee or otherwise, shall be guilty of a misdemeanor punishable as hereinafter provided and each and every day in which the nuisance shall be permitted to be continued shall constitute a separate offense: (8.28.020)

“...3. Actions Damaging the Use or Enjoyment of Property. Harboring or permitting any premises or permitting individuals or groups using or visiting such premises in a manner which adversely affects the use or enjoyment of surrounding properties or uses thereof (8.28.020B3).

“4. Maintaining Premises Detrimental to Property of Others. Maintaining any condition of premises which is detrimental to the property of others, including, but not limited to, keeping or depositing on the premises, or scattering over the premises, any of the following:

“... d. Any fence, structure or vegetation which is unsightly by reason of its condition or its inappropriate location; (8.28.020B4).”

B. From an exterior and interior inspection of the property, the following specific nuisance conditions have been identified by City staff:

1. The property has been left in disrepair for several years
2. The exterior stairway and landing are damaged, unstable, and unsafe
3. Property is regularly trashed and vandalized
4. Property is not properly fenced or secured from intruders
5. The building's paint is peeling and deteriorated
6. The building's wood sheathing is deteriorated
7. Property is overgrown with untended vegetation and weeds
8. The structure on the property is an eyesore
9. Greater than 75% of the building is in need of repair.

C. Based on the above observations, documented by photos included in the February 10, 2004 and March 9, 2004 staff reports to the City Council, the Council hereby finds that the subject property constitutes a public nuisance; specifically:

1. The property contains a structure, the house, which is unsightly by reason of its condition and therefore detrimental to the property of others (8.28.020B4).

2. The condition of the property, its unsightliness and its attraction to vandals and intruders, interferes with neighbors' enjoyment of their properties (8.28.020B3).

Section 7. The City Council hereby orders that the above-described public nuisance be abated. Abatement actions may consist of either of the following at the option of the property owner:

- A. Extensive repairs and rehabilitation of the house to correct all of the above-specified nuisance conditions and all Building Code and other code violations, both interior and exterior: or
- B. Securing all openings to the house with exterior plywood screwed to the face of the building and securing the property with a perimeter security fence.
- C. Demolition and clearance of all structures and installing a security fence around the property.

Section 8. The abatement schedule shall be as follows:

- A. Within 10 days of adoption of the resolution, the owner shall secure all openings in the house with plywood screwed to the face of the building and secure the property with a perimeter fence.
- B. If the owner fails to take such action to secure the property, the City Attorney shall notify the owner by certified mail of expiration of the abatement period and inform the owner that such abatement must be completed or a further appeal must be made to City Council within 10 days from the date of mailing.
- C. If the owner fails to file such appeal, on the 1st day following the abatement appeal period, the City shall secure the property as specified above, using its own forces and recover costs pursuant to Chapter 8.28 of the Hermosa Beach Municipal Code.
- D. If the owner intends to repair and rehabilitate the house, following securing of the premises, the owner shall submit a list of proposed repairs to the house for approval by the Community Development Department.

B. Repairs shall be completed within 60 days after approval by the Community Development Director of the foregoing list of repairs and issuance of a building permit; or

D. If owner intends to demolish the house, submission by the owner of a letter by March 31, 2004 , declaring owner's intention to do so.

E. Owner shall obtain a demolition permit by April 14, 2004.

F. Demolition shall be completed within 60 days after issuance of demolition permit.

Section 8. Upon expiration of the time specified for abatement, the City Attorney shall notify the owner of the affected premises, and other persons having an interest therein, by registered or certified mail of such expiration and inform the owner that abatement must be completed or a further appeal made to the City Council within ten days from the date of mailing. If the abatement period expires and no further appeal is made in response to the preceding City Attorney's notification and if the Community Development Director determines that the owner is not making a good faith effort to comply with the order of abatement, the Director shall schedule the issue for further City Council review to determine if civil or criminal action should be initiated.

Section 9. Upon showing of good cause by the owner, the City Council may grant time extensions to the preceding schedule.

PASSED, APPROVED, and ADOPTED this 9th day of March 2004.

PRESIDENT _____ of the City Council and MAYOR of the City of Hermosa Beach,
California

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY