

April 18, 2006

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

**Regular Meeting of  
April 25, 2006**

**SUBJECT: NUISANCE ABATEMENT OF PROPERTY AT 1811 MANHATTAN  
AVENUE**

**Recommendation:**

Direct as deemed appropriate.

**Background:**

The City has received complaints regarding the condition of a house at 1811 Manhattan Avenue. The house was fire damaged in 1998, and has been sitting in a condition of neglect and disrepair since that event.



Rear of house has been fire damaged and yard has been full of debris and overgrown since the fire in 1998.

A letter informing the property owner of this hearing was sent on April 4, 2006 by both regular and certified mail. The property owner rarely accepts mail from the City.

The property record for the house is incomplete. It was probably built in 1913, with a garage built in 1920. It was remodeled in 1952, and two rooms with a deck were added in 1960. The house is a single family dwelling with a detached garage.

The current owner, Mr. Steven Tack, purchased the home in 1978. Hermosa Beach Fire Department responded to a call and extinguished a fire at the rear of the house in 1998. Since then, the property has been neglected; neither repairs of the fire damage, nor any basic maintenance efforts have been made.

The current Code Enforcement effort began in June of 2003, with a complaint from a neighbor of trash and debris in the yard. Code Enforcement inspected the property and took photos from the public right of way. (Photos attached.)

Several letters sent to the owner were returned unaccepted, but some clean up of the rear yard was observed in September of 2003.

Renewed neighborhood complaints were received in January of 2005, and new efforts to contact the owner and resolve the situation were undertaken. Due to lack of response, the City obtained an inspection warrant which was executed on June 21, 2005.

The City's engineering consultant, Mel Green and Associates was hired to evaluate the condition of the property. Their report, with that of the code enforcement officer and photos of the inspection are attached and indicate that either the structure should be demolished or that all openings be secured and the lot be kept clean from debris and undergrowth.

**Analysis:**

The City Prosecutor has advised using the Nuisance Abatement procedures outlined in Chapter 8.28 of the Hermosa Beach Municipal Code (HBMC), as summarized as below:

1. Precise identification of violations and solutions.
2. Setting the matter for public hearing by the City Council.
3. Conducting the hearing, consideration of evidence submitted, and decision by Council.
4. Implementation of the Council decision, e.g. demolition and clearing of the site, clean up and securing from entry, or repair to a habitable condition.
5. Recovery of City costs to abate the nuisance. (Including all staff time and out of pocket expenses.)

We are presently at Step 2 of the process, determining if a City Council hearing is to be set to abate a nuisance.

From our inspection of the property, the following specific nuisance conditions have been identified:

1. Property has been abandoned and left in disrepair for several years
2. Property is regularly covered in trash and debris
3. Property is not properly fenced or secured from intruders
4. Peeling paint
5. Deteriorated wood sheathing
6. Deteriorated/missing roofing materials
7. Property is overgrown with untended vegetation and weeds
8. The structure on the property is an eyesore

If the violations are so extensive and of such a nature that they constitute a threat to the health and safety of residents or the public is substantially endangered, the property may be declared to be a nuisance. Staff recommends that City Council consider formal action to abate the nuisance since there does not appear to be interest by the owner in doing more than partially securing it. Abatement could consist of; extensive repair of the structure, cleaning the property and securing the lot, or demolition as per Section 8.28.28.020B(4) of the HBMC. In considering abatement, the City Council will need to find that the premises are being maintained in a condition 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:

- a. Lumber, junk, trash, debris or an accumulation of substantial quantities of loose earth, rocks or pieces of concrete;
- b. Abandoned, discarded, unused or deteriorating materials, objects or equipment, such as furniture, bedding, machinery, packing boxes, cans or containers;
- c. Stagnant water, untilled excavations, any earth or sand which has eroded and sloughs onto an adjoining sidewalk or street;
- d. Any fence, structure or vegetation which is unsightly by reason of its condition or its inappropriate location;
- e. Abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, including automobiles, trucks, motorcycles, bicycles, boats, trailers or similar vehicles; or
- f. Barbed-wire fences or limbs of trees, shrubs, hedges or vegetable growth so situated or located as to endanger persons traversing streets or sidewalks in the immediate area thereof.”

The City Council must find that many of the above conditions apply to the subject property in addition to the deterioration of the house itself. If the City Council orders initiation of abatement proceedings, the following is a summary of the procedures required under Chapter 8.28:

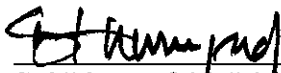
1. Resolution of Intent to Conduct Hearing. The City Council may, by resolution, declare its intent to conduct a public hearing to determine whether a public nuisance exists on the property. A draft resolution setting such a hearing for May 23, 2006 is attached should the Council determine that a hearing is warranted.
2. Posting of Notice of Hearing. At least 15 days prior to the date set for the public hearing, the Director of Community Development shall cause a certified copy of the above resolution; and at least two notices of the time and place of hearing before the council to

be posted on the premises. The above documents would also be sent directly to the property owner's address of record via certified mail.

3. Hearing by City Council. Unless the nuisance has already been abated, the City Council will consider all relevant evidence, including, but not limited to, testimony from owners, witnesses, parties interested and staff reports relative to the matter. Upon the conclusion of the hearing, the Council may determine whether the premises constitutes a nuisance. If the Council determines that the premises constitutes a nuisance, it may order the nuisance abated within a reasonable time.
4. Resolution of Abatement. The City Council's decision shall be by resolution containing the informal findings of the Council upon which such determination of nuisance is based, shall order the abatement of the nuisance, shall describe the needed corrections and/or repair necessary to abate the nuisance, and shall contain the time within which the nuisance is to be abated. Any property owner shall have the right to have the nuisance, as declared, abated, provided the same is completed prior to the expiration of the period of time set forth in said resolution. The time set for abatement, upon good cause shown, may be extended for a reasonable time by the Council. City Council will also need to make findings that, per Section 1.12.010 of the HBMC: "any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be summarily abated by the city, and each day such condition continues shall be regarded as a new and separate offense."
5. Final Notice. Upon expiration of the time specified for abatement, the City Attorney shall notify the owner of the affected premises, by registered or certified mail, of such expiration and inform the owner that such abatement must be completed or a further appeal made to the City Council within ten days from the date of mailing.
6. City Abatement. If the nuisance is not abated within the time set forth in the resolution ordering abatement, or such later date as may be determined by the City Council, the City Attorney shall notify the Director of Community Development that the abatement proceedings were legally conducted and are concluded, whereupon the Director is empowered to cause the nuisance to be abated by city forces or private contract. Upon obtaining an abatement warrant, the Director of Community Development is expressly authorized under this Chapter to enter upon the premises for the purpose of abating such nuisance in the manner herein provided.
7. Recovery of City Costs. The Chapter goes on to detail the procedures for recovering the City's costs for abating the nuisance, including a special assessment and nuisance abatement lien against the property. The Public Works Superintendent has estimated the cost of demolition to be approximately \$10,000. This provision will enable the City to both lien the property to recover expenditures upon the sale of the property and to add the cost as a special tax assessment to the regular tax bill for the property, subject to the same penalties and procedures under foreclosure and sale in case of delinquency. Other costs could include maintaining fencing or boarding of doors and windows.

Furthermore, pursuant to Section 8.28.110, the City Council may also direct the City Attorney to commence a civil action to abate a nuisance as an alternative or in

conjunction with the abatement proceedings or to proceed with a criminal action against the responsible party for the maintenance of a nuisance.



\_\_\_\_\_  
Sol Blumenfeld, Director  
Community Development Department

Concur:



\_\_\_\_\_  
Stephen F. Burrell  
City Manager

Attachments:

1. Resolution to Set Public Hearing
2. Engineers Report
3. Code Enforcement Report
4. Photographs

F:\B95\CD\Larry\Nuisance Abatement - 8th Street - CC Staff Report - Draft.doc

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**RESOLUTION 06-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA  
BEACH, SETTING A PUBLIC HEARING TO DETERMINE IF THE  
PROPERTY AT 1811 MANHATTAN AVENUE CONSTITUTES A PUBLIC  
NUISANCE**

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 1811 Manhattan Avenue, 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. Based on the foregoing, the City Council hereby sets a public hearing for May 23, 2006 to determine if the above-reference property constitutes a public nuisance, and directs the City Clerk to advertise the hearing and to notify thereof the property owner and all owners within 300 feet of the subject property, pursuant to the abatement procedures outlined in Section 8.28.070 of the Hermosa Beach Municipal Code.

**PASSED, APPROVED, and ADOPTED** this 25<sup>th</sup> day of April, 2006.

---

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY

**Code Enforcement Inspection**  
**1811 Manhattan Avenue, Hermosa Beach**

June 21, 2005

Personnel: Melvyn Green, SE  
Loretta Duvall, PE  
Elizabeth Green, Bldg Code Tech

Code Basis: 1997 Uniform Housing Code

Chapter 10 – Substandard Buildings Fire damaged building

1001.1 – Substandard Generally

1001.2 – Inadequate Sanitation

General dilapidation

1001.3 Structural

South wall has studs, cripple studs, plates. Wall could hinge and buckle.

Floor cracked and possible structural issue

1001.4 – Nuisance – Possible attractive nuisances with back yard debris.

1001.5 - Electrical – Loose wiring

1001.8 – Faulty Weather Protection

Damaged waterproofing on exterior walls and roof

Deteriorated, broken, rotted wall and roof coverings

Broken window

1001.11 – Hazardous, unsanitary conditions

Back yard trash, garbage, vegetation, weeds, site for vermin

Neighbors report major jump in rat and mice population

1001.13- Fire Protection

Smoke detectors may be missing.

**Recommendation**

The major portion of the fire damaged building has been demolished. However all the debris remains on the site creating a harbor for vermin and a potential health issue.

It is recommended that the area be cleaned and all openings into the house and its underside be secured or that the entire house be demolished.



INSPECTION REPORT FOR 1811 MANHATTAN AVENUE, HERMOSA BEACH  
June 28, 2005

**Date time and personnel:**

On June 21, 2005, an inspection warrant was executed at 1811 Manhattan Avenue after due notification to the owner, Mr. Steven Tack. Present at the inspection were Bob Rollins, Code Enforcement Officer, Mel Green, Loretta Duvall and Elizabeth Green, from Mel Green and Associates Engineering, an officer of the Hermosa Beach Police Department, and two personnel from Hermosa Beach Public Works Department.

Staff arrived at the site at approximately 9:45 a.m., and were met there by the owner, Mr. Tack, who granted entrance to the property.

**Purpose of Inspection:**

The purpose of the inspection was to examine the physical condition of the property, which had been neglected for several years, after having been fire damaged in 1998, to determine if it met the criteria for nuisance abatement. Mr. Rollins photographed the property (copies attached), while Mel Green and Associates inspected the structural aspects (copy of the report attached).

**Conditions noted:**

Ceiling and wall coverings were damaged and missing, with fire damage noted at the rear walls. Where ceiling materials were missing, damaged structural members and daylight coming through the roofing materials were noted in various locations.

Old furniture, clothing, books, papers and other debris, some combustible were strewn or heaped about in various locations.

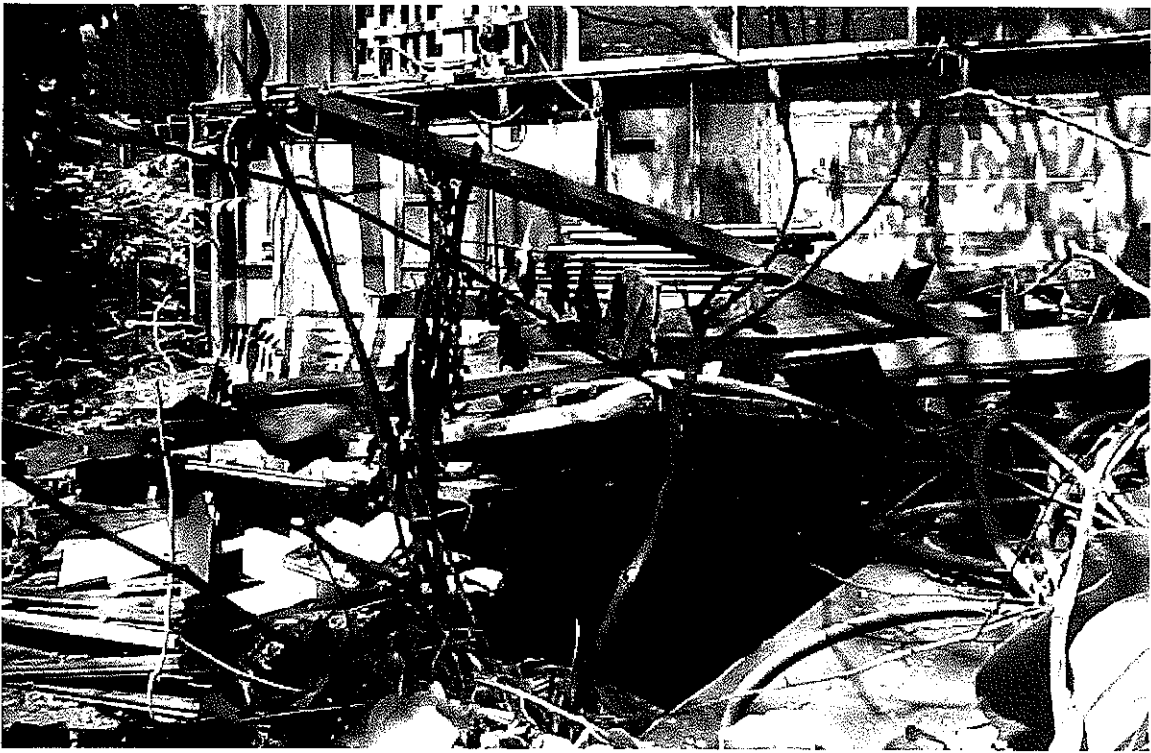
Exterior weather protection, including roofing and siding materials, were missing, damaged and in a general state of neglect and disrepair. Rafter tails and fascia boards were rotted and weather damaged. The yard was cluttered with roofing materials, fire damage wood, weeds and debris (photos attached).

**Conclusion:**

By virtue of the conditions found on the property, the building meets several conditions that establish it as a substandard building per the 1997 Uniform Building Code, Chapter 10, "Substandard Buildings," and the Hermosa Beach Municipal Code Chapter 8.28 "Nuisances".

**Recommendation:**

That a Nuisance Abatement procedure be undertaken though the methods described in Hermosa Beach Municipal Code Section 8.28.070.



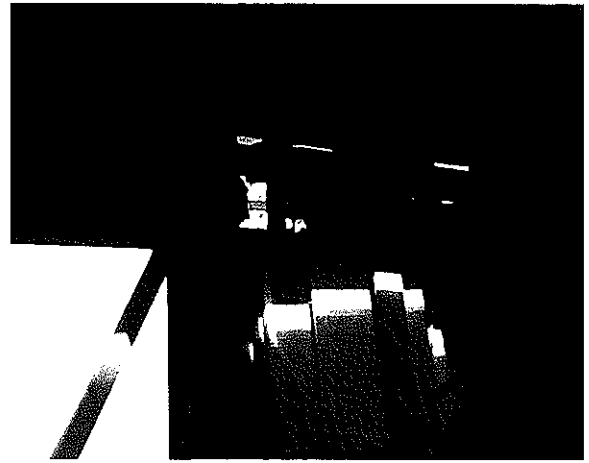
June 23, 2003 – 1811 Manhattan. Rear of house is fire damaged, yard is cluttered with debris.



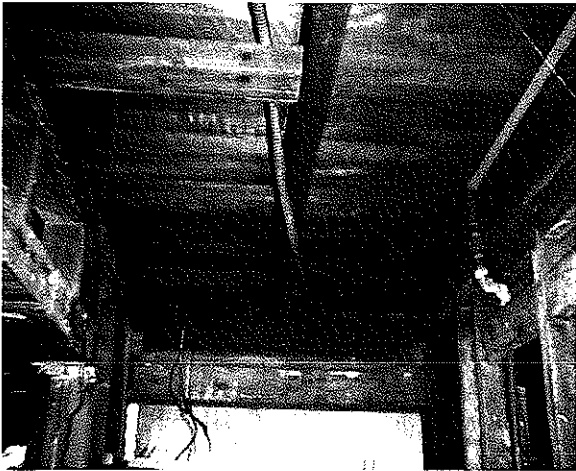


June 21, 2005 – 1811 Manhattan – Junk and debris in yard.





June 21, 2005 – 1811 Manhattan – Roof materials are damaged and missing, gaps in siding.



Interior has been essentially, gutted. Below, junk and debris in yards.





April 20, 2006 – Conditions remain the same at 1911 Manhattan Avenue.

