

May 11, 2006

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

**Regular Meeting of
May 23, 2006**

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

Recommendation:

Adopt the attached resolution ordering abatement of the subject property by not later than August 23, 2006.

Background:

On April 25, 2006, the City Council determined that there was sufficient evidence of a public nuisance on the subject property to set a public hearing to determine if abatement proceedings should be initiated. The City Council set the public hearing for May 23, 2006, and directed the City Clerk to notify 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.

The City's engineering consultant, Mel Green and Associates, was hired to evaluate the condition of the property. His report, as well as the report of the Code Enforcement officer and photos of the inspection are attached, and indicate that the front structure should be demolished and the rear structure either demolished or repaired to conform with current codes.

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 3 of the process, conducting the hearing to abate a nuisance.

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. 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.”


Pursuant to 8.28 of the Hermosa Beach Municipal Code, the abatement process involves:

1. 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. This was done on May 2, 2006 (photos attached). The above documents have also been sent directly to the property owner’s address of record via certified and regular mail on May 2, 2006. The City Clerk sent notification of this hearing to properties within 300 feet of the subject property and posted notice of this hearing in a journal of record on May 11, 2006.
2. 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.
3. 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.”
4. 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.
5. 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.

6. 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. Vermin control at the site would cost \$250.00 per month. Temporary fencing would cost about \$560.00 for six months. Asbestos inspection will cost about \$1,400.00, and asbestos abatement could be as much as \$12,000, depending on the amount of asbestos found. Administrative expenses, including building inspections, code enforcement efforts, engineering review and the cost of the public mailing are approximately \$3,500.00. The total annual cost to abate the nuisance condition is \$4,120.00 and the maximum one-time cost will total \$25,500. 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.

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

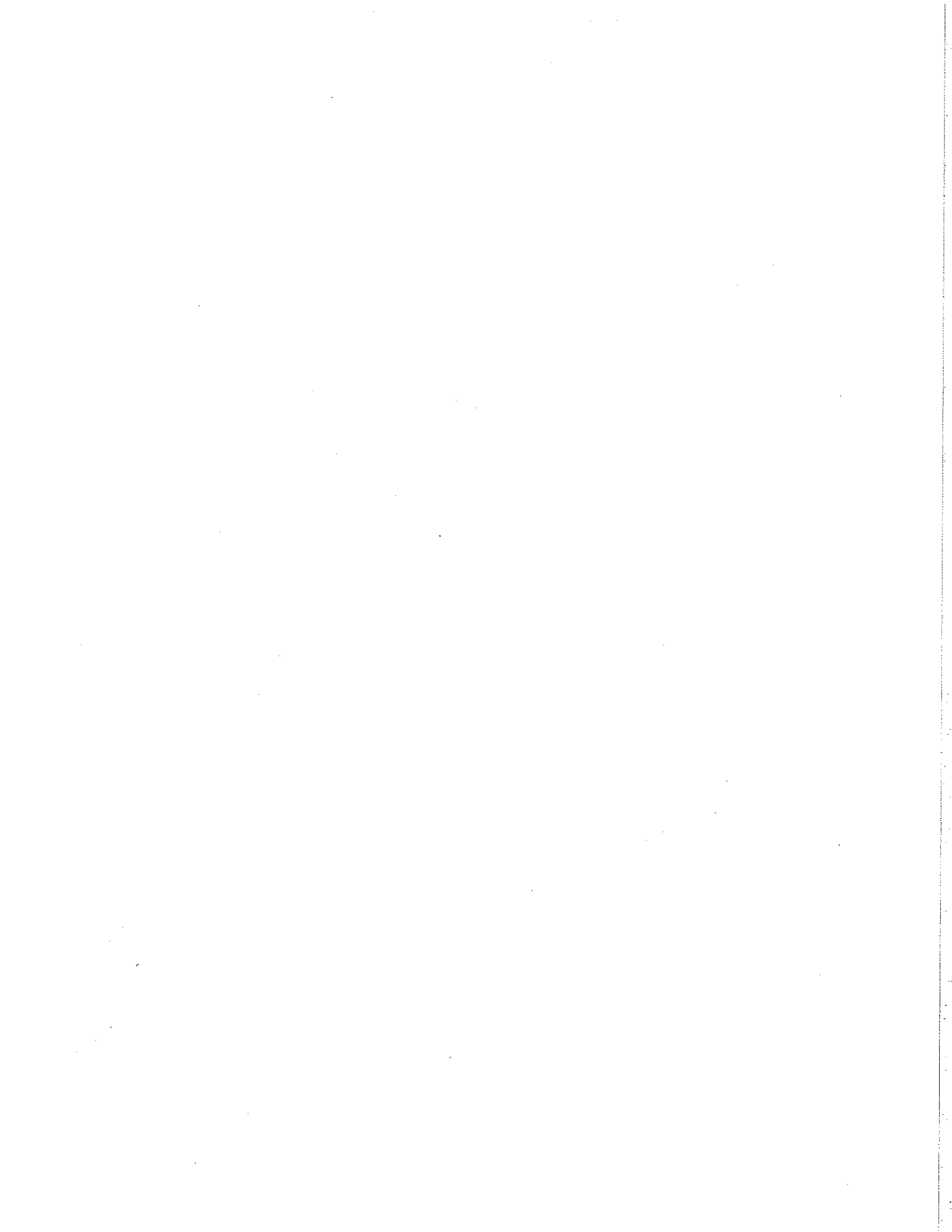
Concur:



Stephen R. Burrell
City Manager

Attachments:

1. Resolution to Declare Public Nuisance
2. Engineers Report
3. Code Enforcement Report
4. Abatement Cost
5. Photographs



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RESOLUTION 06-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA
BEACH, ORDERING ABATEMENT OF NUISANCE VIOLATIONS AT
THE PROPERTY AT 1811 MANHATTAN AVENUE**

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 and order the abatement of the public nuisances at the subject property.

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 order the abatement of said property due to:

2. Property has been abandoned and left in disrepair for several years
3. Property is not properly fenced or secured from intruders
4. Peeling paint
5. Deteriorated wood sheathing
6. Deteriorated and missing roofing materials
7. The structure on the property is an eyesore
8. Greater than 75% of the building is in need of repair

Section 4. Based on the foregoing, the City Council hereby orders the demolition, control of vermin, lot clearing and fencing to be completed no later than August 23, 2006. Furthermore, the City Council directs the City Attorney to take the necessary steps to attach the property for abatement and administrative costs, pursuant to the abatement procedures outlined in Section 8.28.070 of the Hermosa Beach Municipal Code.

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PASSED, APPROVED, and ADOPTED this 23rd day of May, 2006.

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

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.

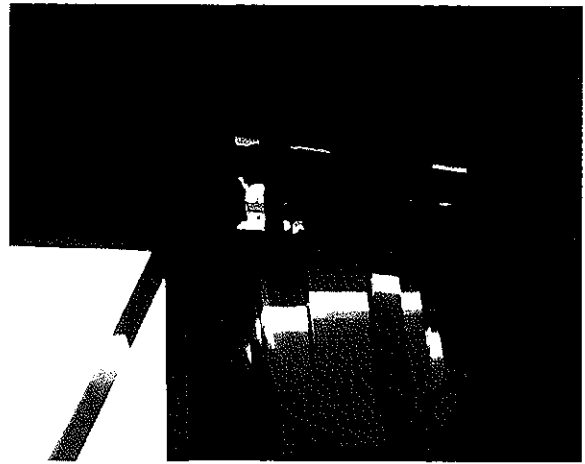
ABATEMENT COSTS

ONE TIME COSTS

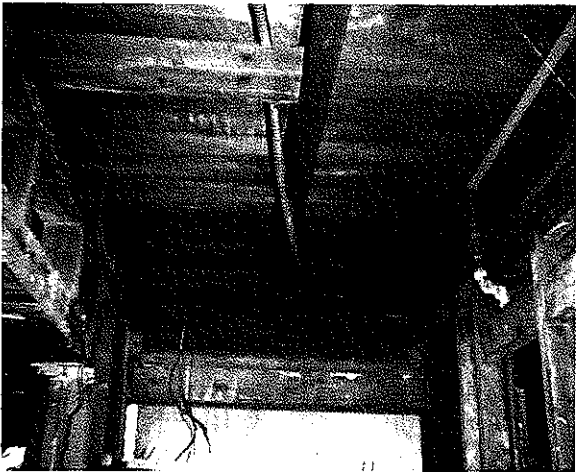
Asbestos testing/removal	\$12,000.00
Demolition	\$10,000.00
Staff Expenses	\$3,500.00
Total	\$25,500.00

ANNUAL COSTS

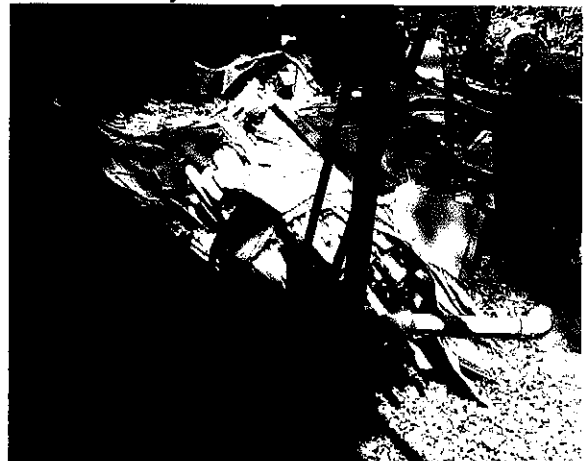
Rodent abatement	\$250.00 per month or \$3,000.00
Fencing	\$93.00 per month or \$1,120.00
Total	\$4,120.00



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

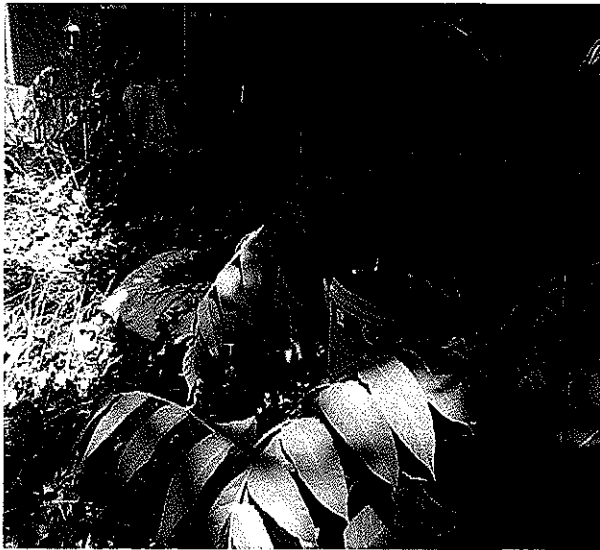


Interior has been essentially, gutted. Below, junk and debris in yards.





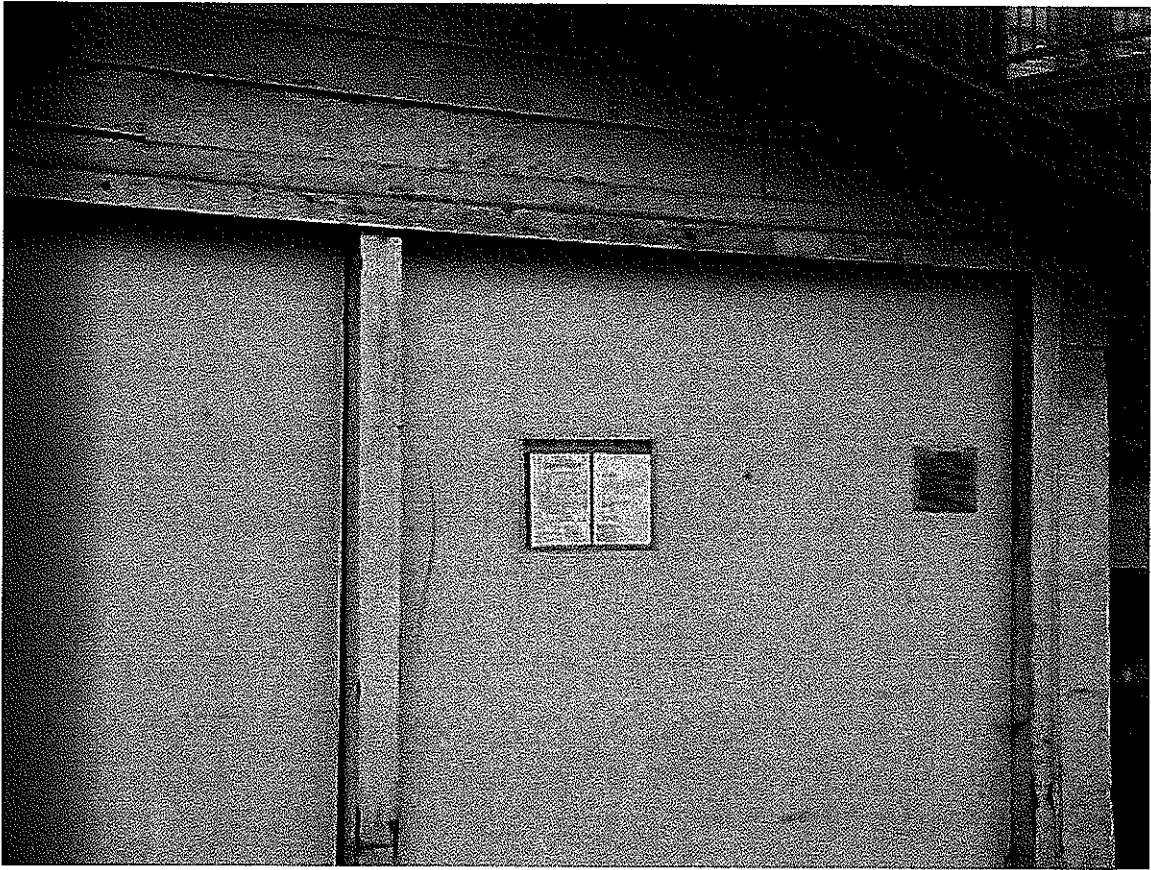
June 21, 2005 – 1811 Manhattan – Junk and debris in yard.





January 30, 2006 – Roof and yard still in disrepair.





May 2, 2006 – Notice of City Council Abatement meeting posted at front and rear of 1811 Manhattan Avenue.

