

November 7, 2006

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

**Regular Meeting of
November 28, 2006**

SUBJECT: NUISANCE ABATEMENT OF PROPERTY AT 1928 ARDMORE AVENUE.

Recommendation:

Direct as deemed appropriate.

Background:

The City has received complaints regarding the condition of a house at 1928 Ardmore Avenue. In response to complaints by neighbors, the City has repeatedly inspected the house from the public right of way. The following pictures were taken in August and September of this year.



Rear yard August 14, 2006.



Rear yard September 26, 2006

A letter notifying the owner of this meeting was sent by regular and certified mail on November 8, 2006.

Records show recurring complaints about junk and debris on the property starting in 1994, with some effort by the owner to correct the complaints on each occasion. The following is a summary of City records concerning the property:

1. The Community Development Department's master property file contains the following complaint records: October 24, 1994, junk, debris and an inoperable vehicle in the front yard. From July 21, 2001 to July 17, 2002, the Community Development Department worked with Lance Widman of the South Bay Center for Dispute Resolution to remove an inoperable vehicle from the driveway, clean the yard and install a handrail on the front porch.
2. The current Code Enforcement case is as follows: On July 27, 2006, a complaint was received concerning debris, mattresses, furniture and other junk in the front and back yards. Photos were taken and a letter sent to "Executor of the Martin Estate" on July 27, 2006. The Los Angeles County Health Department and Lance Widman were also contacted on this date. Upon learning the identity of the occupant, a letter was sent to Ms. Sheila Ann Martin on August 14, 2006. A third letter, warning of the possibility of bringing the matter before City Council was sent by regular and certified mail on October 24, 2006. (Letters attached.)

Since the latest activity, no progress has occurred and staff has not received communication from the occupant. The Community Development Department continues to receive complaints from neighborhood residents.

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. cleaning of the site.
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 inspections of the property, the following specific nuisance conditions have been identified:

1. Property has been a recurring source of complaints for several years
2. Trash, debris, furniture and other items litter the front, rear and side yards which provide or are likely to provide a breeding place for vermin, insects or rodents.

3. The property is a nuisance and an eyesore.
4. Allowing of noxious weeds and other rank growth or vegetation on private property.
5. Maintaining condition of premises which is detrimental to the property of others.

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 so. Abatement consists of removal of all exterior trash and debris and landscaping to remove all overgrown vegetation as per Section 8.28.020B (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 the following:

1. Unhealthy Occupancy or Use. Notwithstanding any other provisions of city or state codes, the occupancy or use of any premises, commercial or residential, in such numbers or manner as to constitute an unhealthy environment.
2. 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.
3. 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:
 - 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

The City Council must find that the above conditions apply to the subject property and then initiate abatement proceedings, as required under Chapter 8.28:

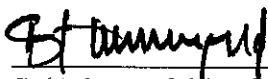
- i. Resolution of Intent to Conduct Hearing. The City Council may, by resolution, declare its intent to conduct a public hearing to determine whether a public nuisance exists on the property. A draft resolution setting

such a hearing for December 26, 2006 is attached should the Council determine that a hearing is warranted.

- ii. 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.
- iii. 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 constitute a nuisance. If the Council determines that the premises constitute a nuisance, it may order the nuisance abated within a reasonable time.
- iv. 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."
- v. 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.
- vi. 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.

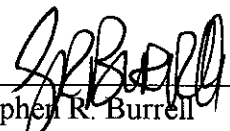
- vii. Recovery of City Costs. The Chapter goes on to detail the procedures for recovering the City's costs for abating the nuisance, including a special assessment and nuisance abatement lien against the property. The Public Works Superintendent has estimated the cost of the project to be approximately \$1,200.00 (twelve hundred dollars). 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 Set Public Hearing
2. Photos
3. Letters sent
4. Code Enforcement Report
5. Estimate to abate

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RESOLUTION 06-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA
BEACH, SETTING A PUBLIC HEARING TO DETERMINE IF THE
PROPERTY AT 1928 ARDMORE 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 1928 Ardmore 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 January 9, 2007 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 28th day of November, 2006.

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

ATTEST:

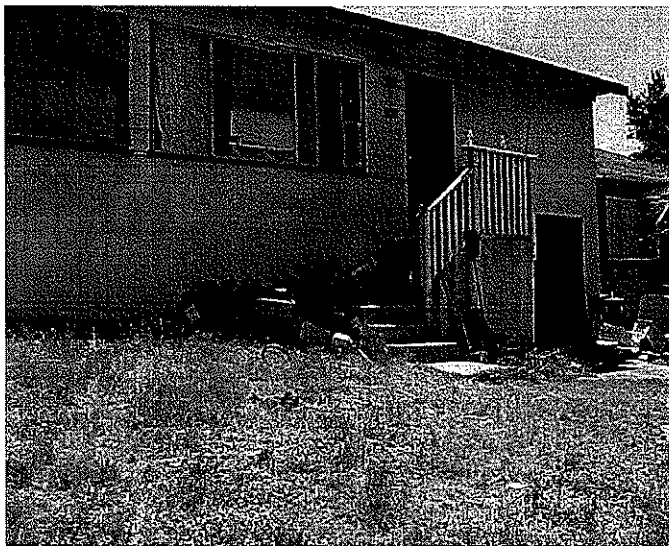
APPROVED AS TO FORM:

CITY CLERK

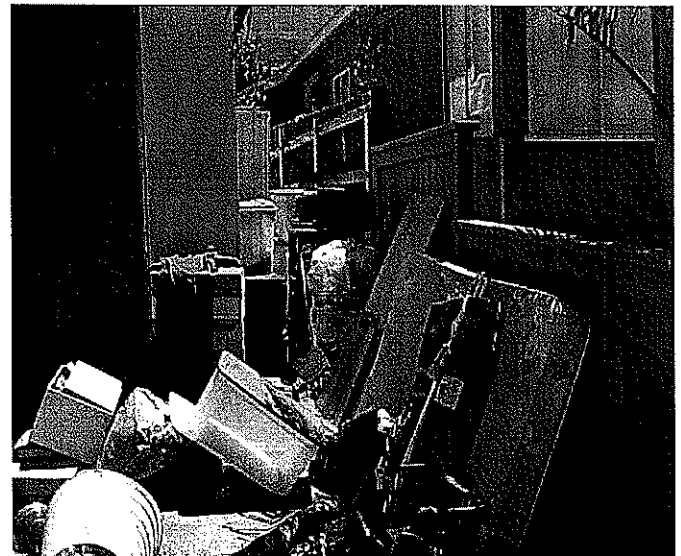
CITY ATTORNEY



August 8, 2006 – Rear yard (left) front yard (right) 1928 Ardmore.

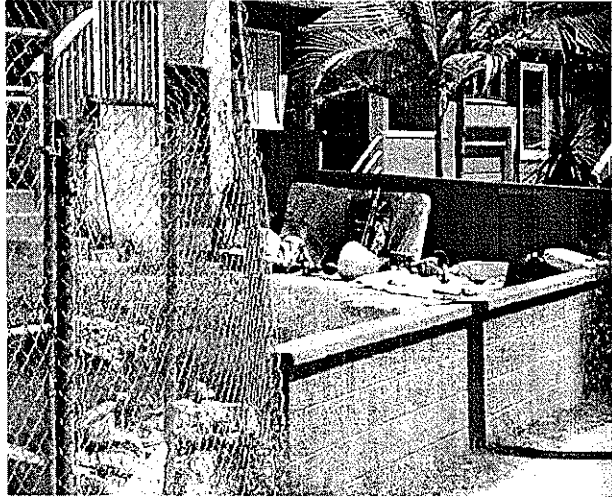
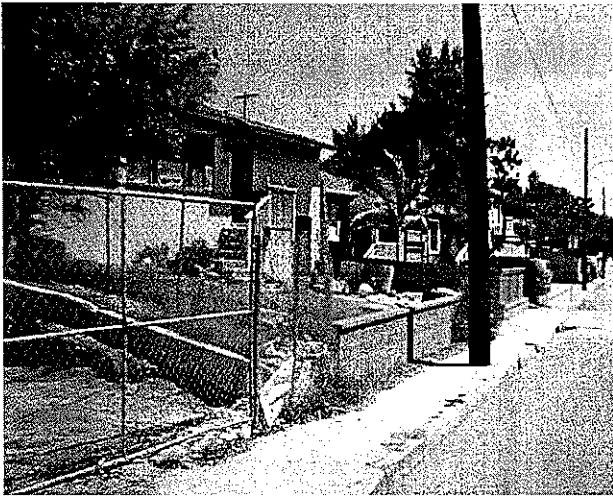


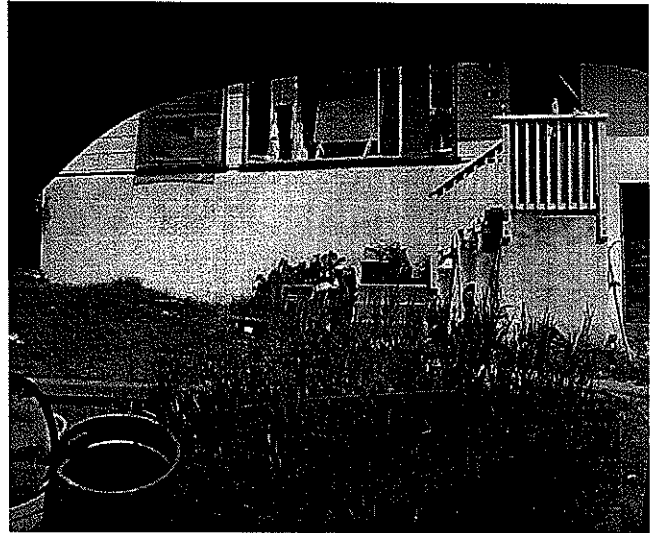
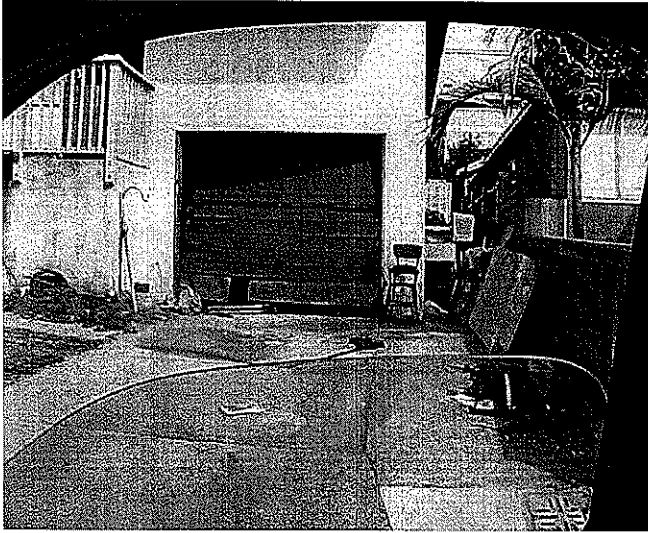
August 8, 2006 – Front yard 1928 Ardmore.





August 14, 2006 – Rear yard of 1928 Ardmore, below the front yard.

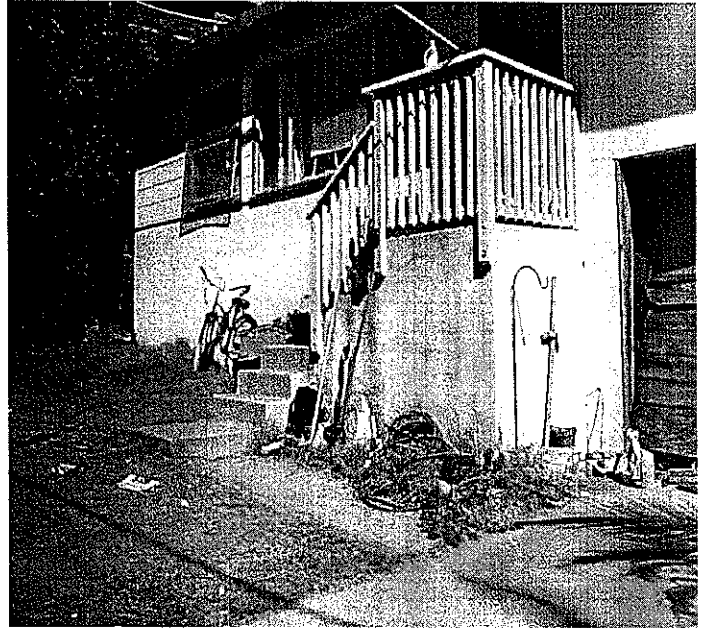
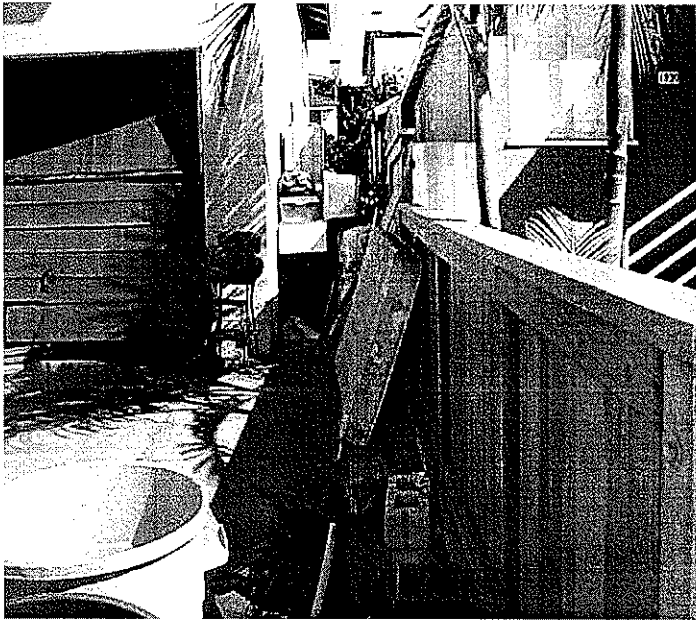




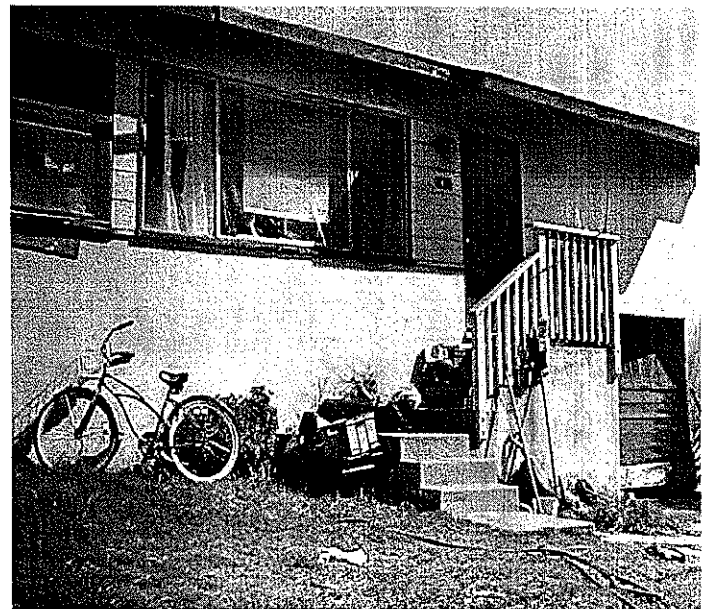
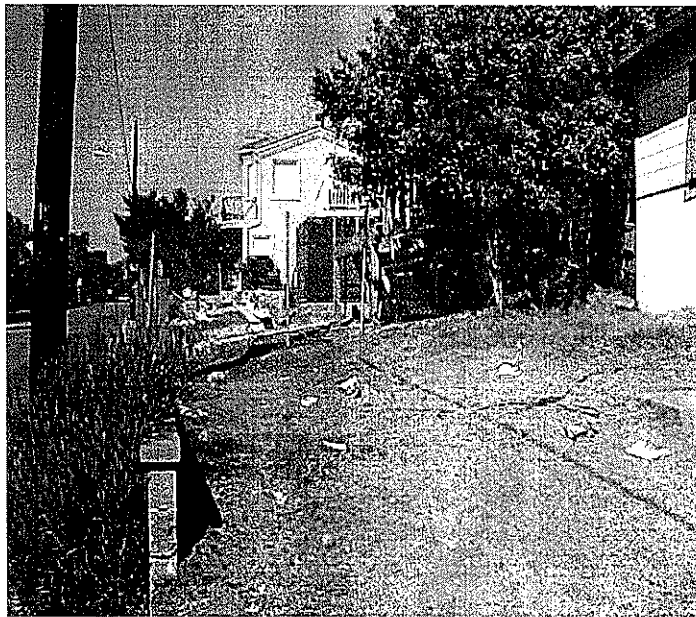
September 26, 2006 – Trash and debris in front yard of 1928 Ardmore.

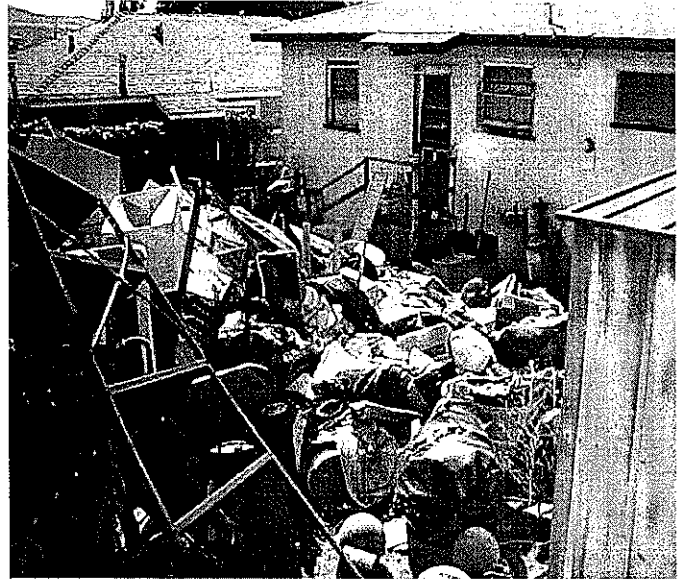


September 26, 2006 – Trash and debris in rear yard of 1928 Ardmore.



October 26, 2006 – Trash and debris in front yard of 1928 Ardmore Avenue.





October 26, 2006 – Trash and debris in rear yard of 1928 Ardmore Avenue.





City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3884

July 27, 2006

#01-97

Executor of the Martin Estate
1928 Ardmore Av
Hermosa Beach, CA 90254

Subject: **Substandard Conditions** on your Property Located at 1928 Ardmore Av.
Hermosa Beach, California 90254, APN#4184-0230014.

Dear Resident:

Due to neighborhood complaints and our own review of your property, the City has found the following **Health and Safety Concerns**:

Garbage and debris in the yard. The condition of your yard is an eyesore and a potential health hazard as a refuge for rodents and other vermin.

Conditions on your property are addressed by the following (and other) codes:

Section 8.28. 020 of the Municipal Code: Enumeration of nuisances.

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:

B. Nuisances affecting health:

1. **Materials Dangerous to Public Health.** The keeping or maintaining of decayed or unwholesome food, sold or offered for sale to the public; or the **accumulations of manure, rubbish or debris or animal or vegetable matter** of any kind or character from which foul smells or odors emanate or which provide or are **likely to provide a breeding place for vermin, insects or rodents of any kind**; or other obnoxious substances which are or may reasonably be expected to become detrimental to the public health or which unnecessarily interfere with the health, comfort or safety of any person.
2. **Unhealthy Occupancy or Use.** Notwithstanding any other provisions of city or state codes, the occupancy or use of any premises, commercial or residential, in such numbers or manner as to **constitute an unhealthy environment.**
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.

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:
- **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;

"Premises," as used herein, means and includes real property, landscaping, plantings, trees, bushes, fences, buildings, structures, improvements, fixtures and the exterior storage of personal property, equipment, supplies or vehicles.

Please take steps to correct these conditions immediately, and notify me of your repair schedule **no later than August 3, 2006**. Failure to do so will result in our proceeding with legal action against you. I can be reached at (310) 318-0235 Monday through Thursday between 7:00 a.m. and 6:00 p.m.

Thank you for your anticipated cooperation.

Respectfully,

Robert J. Rollins

Robert J. Rollins

Code Enforcement Officer



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3884

August 14, 2006

#01-97

Ms. Sheila Anne Martin
1928 Ardmore Avenue
Hermosa Beach, CA 90254

Subject: **Intent to issue citations for continued violations** on your Property Located at 1928 Ardmore Avenue, Hermosa Beach, California 90254, APN#4184-0230014.

Dear Ms. Martin:

Due to neighborhood complaints and our own review of your property, the City has found the following **Health and Safety Concerns**:

Garbage and debris in the yard. The condition of your yard is an eyesore and a potential health hazard as a refuge for rodents and other vermin.

Conditions on your property are addressed by the following (and other) codes:

Section 8.28. 020 of the Municipal Code: Enumeration of nuisances.

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:

B. Nuisances affecting health:

5. **Materials Dangerous to Public Health.** The keeping or maintaining of decayed or unwholesome food, sold or offered for sale to the public; or the **accumulations of manure, rubbish or debris or animal or vegetable matter** of any kind or character from which foul smells or odors emanate or which provide or are **likely to provide a breeding place for vermin, insects or rodents of any kind**; or other obnoxious substances which are or may reasonably be expected to become detrimental to the public health or which unnecessarily interfere with the health, comfort or safety of any person.
6. **Unhealthy Occupancy or Use.** Notwithstanding any other provisions of city or state codes, the occupancy or use of any premises, commercial or residential, in such numbers or manner as to **constitute an unhealthy environment.**
7. **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. **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:

- o **a. Lumber, junk, trash, debris or an accumulation of substantial quantities of loose earth, rocks or pieces of concrete;**
- o b. Abandoned, discarded, unused or deteriorating materials, objects or equipment, such as **furniture, bedding, machinery, packing boxes**, cans or containers;

"Premises," as used herein, means and includes real property, landscaping, plantings, trees, bushes, fences, buildings, structures, improvements, fixtures and the exterior storage of personal property, equipment, supplies or vehicles.

1.12. 010 Violations--Misdemeanors-- Infractions.

B. Any violation deemed to be an infraction of this code shall be punishable by: (1) a fine not exceeding one hundred dollars (\$100.00) for the first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for the second violation of the same ordinance within one year; and (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year. Any ordinance passed by the council after July 1, 1984, which does not specify that its violation constitutes a misdemeanor shall constitute an infraction as provided in this section.

Please take steps to correct these conditions by **no later than August 30, 2006**. Failure to do so will result in our issuing citations against you as per Section 1.12.010 above. The first citation will list four violations for a total of \$400.00. I can be reached at (310) 318-0235 Monday through Thursday between 7:00 a.m. and 6:00 p.m.

Respectfully,

Robert J. Rollins

Robert J. Rollins

Code Enforcement Officer

Community Development Department

cc: Sol Blumenfeld, Director, City Prosecutor



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3884

October 23, 2006

#06-72

Ms. Sheila Anne Martin
1928 Ardmore Avenue
Hermosa Beach, CA 90254

VIA REGULAR AND CERTIFIED MAIL

Subject: **Notice of Intent to hold a Public Hearing** regarding substandard conditions on your Property Located at 1928 Ardmore Avenue, Hermosa Beach, California 90254, APN #4184-0230014.

Dear Ms. Martin:

Per my letters of July 27 and August 14, 2006, the City has found the following **Health and Safety Concerns**:

Garbage and debris in the yard. The condition of your yard is an eyesore and a potential health hazard as a refuge for rodents and other vermin.

Conditions on your property are addressed by the following (and other) codes as enumerated in my prior letters: Section 8.28. 020 of the Municipal Code: Enumeration of nuisances.

City staff is preparing a Nuisance Abatement report to bring before the City Council, with the intent to hold a public hearing to determine if your property should be abated by the city. If you have any questions, I can be reached at (310) 318-0235 Monday through Thursday between 7:00 a.m. and 6:00 p.m.

Respectfully,

Robert J. Rollins

Robert J. Rollins
Code Enforcement Officer

cc: Sol Blumenfeld, Director, City Prosecutor



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3884

November 8, 2006

#06-72

Ms. Sheila Anne Martin
1928 Ardmore Avenue
Hermosa Beach, CA 90254

VIA REGULAR AND CERTIFIED MAIL

Subject: **Notice of Public Hearing** regarding substandard conditions on your Property
Located at 1928 Ardmore Avenue, Hermosa Beach, California 90254, APN #4184-
0230014.

Dear Ms. Martin:

Per my letters of July 27 and August 14, and October 23, 2006, the City has found the following **Health and Safety Concerns**:

Garbage and debris in the yard. The condition of your yard is an eyesore and a potential health hazard as a refuge for rodents and other vermin.

City staff is preparing a Nuisance Abatement report to bring before the City Council, with the recommendation to **hold a public hearing on November 28, 2006** to determine if your property should be abated by the city. You are urged to attend the meeting as decisions made there could affect your property.

If you have any questions, I can be reached at (310) 318-0235 Monday through Thursday between 7:00 a.m. and 6:00 p.m.

Respectfully,

Robert J. Rollins

Robert J. Rollins
Code Enforcement Officer

cc: Sol Blumenfeld, Director, City Prosecutor

CODE ENFORCEMENT REPORT FOR 1928 ARDMORE AVENUE

November 20, 2006

July 27, 2006 – Code Enforcement receives complaint from a resident of the neighborhood regarding trash and debris in the yards of 1928 Ardmore Avenue. Same date a caller made same complaint to City Managers Office.

Code Enforcement looks at property and researches, finds that former owner is deceased. Issues letter addressed to “Executor of Martin Estate”.

July 31, 2006 – Code Enforcement discusses situation with Lance Widman of South Bay Dispute Resolution to see if he can once again intervene and assist in clean up. Also refers matter to the Los Angeles County Health Department.

August 8, 2006 – Code Enforcement takes photos and meets at site with Rasaan Ayodele, Environmental Health Specialist from Los Angeles Department of Health Services. Mr. Ayodele subsequently mails “Notice of Violation” to last recorded owner (copy attached).

August 14, 2006 – Code Enforcement takes photos at site and sends second letter to occupant, Ms. Sheila Anne Martin.

September 19, 2006 – Code Enforcement receives another complaint from a different neighbor.

September 26, 2006 – Code Enforcement takes more photos of site.

October 4, 2006 - Code Enforcement receives another complaint from a different neighbor.

October 10, 2006 - Code Enforcement receives another complaint from a different neighbor.

October 23, 2006 – Code Enforcement sends letter of intent to hold a public meeting regarding the conditions on the property.

October 26, 2006 – Code Enforcement takes more photos of site.

November 8, 2006 – Code Enforcement sends Notice of Public Hearing informing the occupant of the City Council meeting of November 28, 2006.

RECEIVED

OCT 31 2006

COMMUNITY DEV. DEPT.

(OFFICE ADDRESS)



OFFICIAL NOTICE OF VIOLATION No 227212

County of Los Angeles Department of Health Services

Public Health Programs and Services Environmental Health

DATE 8-8-06

TO Martin, Frank & Dians ADDRESS 1928 Ardmore ave H.B CA 90254
SUBJECT SFD ADDRESS S A A

Due to public health significance, you are hereby directed by the health department to do the following:

Eliminate/Remove all cast-offs/rubbish/trash etc from your premise. Observed cast-off items such as trash, boxes, plywoods, mattresses, clothes, plastics, old books through out your dwelling.

This notice shall be complied with as required by: State Health and Safety Code, California Code of Regulations Los Angeles County Code Title 11 City Ordinance No. _____ Other Code _____

CORRECTION DATE 8-29-2006

See Reverse for Franchise Tax Board WARNING

LOS ANGELES COUNTY HEALTH OFFICER

RECEIVED BY U.S mail

BY RASAD A-IOELE ENVIRONMENTAL HEALTH SPECIALIST

MAIL SERVICE FIRST CLASS CERTIFIED H-2267 780226B (REV. 4/97) 6/99 (WHITE-VIOLATOR, YELLOW-ENVIRONMENTAL HEALTH SPECIALIST, PINK-SUPERVISOR)



November 1, 2006

Mike Flaherty
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254

RECEIVED

NOV 02 2006

COMMUNITY DEV. DEPT.

Dear Mike,

The following is a proposal to clear trash and debris from the front and back yard at 1928 Ardmore in Hermosa Beach.

CleanStreet will provide a four-man crew and debris hauling service to the local transfer station. CleanStreet will complete this project on the same day.

The cost for this service will be \$1,120 plus tipping fees, which we estimate to be approximately two tons at \$40 per ton, or a total price of \$1,200.

Thank you for the opportunity to provide this proposal.

Sincerely,



Andrew Jacoby