

RESOLUTION NO. 25-0053

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING THE RECORD OF THE COSTS OF ABATEMENT AND DETERMINING THAT THE COSTS OF \$121,887.74 CONSTITUTE A SPECIAL ASSESSMENT AGAINST THE PROPERTY LOCATED AT 1467 11th STREET, MANHATTAN BEACH, CA 90266 (LOS ANGELES COUNTY ASSESSOR PARCEL NUMBER 4167-001-025) OR SHALL BE A LIEN ON THE PROPERTY FOR SUCH COSTS

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES, DETERMINES AND FINDS AS FOLLOWS:

SECTION 1. On August 16, 2019, the City received a complaint that: there was a blue liquid draining from a spout on the property located at 1467 11th Street, Manhattan Beach (Los Angeles County Tax Assessor's Parcel Number ("APN") 4167-001-025) ("Property") that stained the sidewalk near the drain; a car hood was stored in bushes on the Property; a trash can was stored on the roof of the Property; and a makeshift ramp for a kayak extending from the roof of the structure into a swimming pool had been installed. City staff investigated and confirmed the complaints. The now deceased owner of the Property, Douglass Aziz:

A. Discharged paint and other non-storm water from the Property into the municipal separate storm sewer system ("MS4") in violation of Manhattan Beach Municipal Code ("MBMC") Section 5.84.040(d) [prohibiting the discharge of non-storm water into the MS4];

B. Allowed or caused unpermitted construction on buildings on the Property, including removing the railing on the second story balcony on the Property and constructing a makeshift kayak slide from the balcony over the garage and into the pool at the Property, in violation of the California Building Code and MBMC Section 9.02.010 [prohibiting the repair, addition, alteration, relocation, or demolition of a building on the Property, and/or causing such work to be performed, without first obtaining the required permits];

C. Allowed unsafe or substandard conditions on the Property, including accumulating junk, trash, debris, building materials, rocks, and pieces of concrete without a valid building permit; removing an exterior deck and interior stairs in a building on the Property; failing to maintain the pool area in a safe manner; and not preparing several broken windows on the Property in violation of MBMC Section 9.68.020 [prohibiting the maintenance of the Property in an unsafe or substandard condition]; and

D. Removed yellow tags placed on the Property by the City warning the public that the Property was fit for "Restricted Use" only.

SECTION 2. City staff spent months and incurred substantial expenses seeking compliance from Mr. Aziz and the current owner of the Property, - the Douglass Aziz Estate (hereinafter collectively “Owner”) to voluntarily abate the nuisances.

A. City Code Enforcement staff issued the Owner a notice of the violations on November 7, 2019, but the Owner disputed the complaints and refused to bring the Property into compliance with the Municipal Code. Code Enforcement staff issued a second notice of violations on December 10, 2019. The Owner again refused to bring the Property into compliance.

B. After nine months of seeking the Owner’s voluntary compliance, the City Attorney filed a Complaint for Preliminary and Permanent Injunction to Abate a Public Nuisance against the Owner on May 3, 2021.

SECTION 3. The City’s Complaint alleged causes of action for public nuisance under state law and the Municipal Code and declaratory relief. After submitting evidence and testimony collected by the City Code Enforcement Department, as well as corroborating photographs showing that the Property was not in compliance with the Municipal Code, Judge Gary Y. Tanaka of the Superior Court of Los Angeles County granted the City’s Motion for Preliminary Injunction against Mr. Aziz (see Attached Ruling). The Superior Court’s Ruling prohibited Mr. Aziz (and all persons acting in concert with him) from allowing and/or permitting any condition on the Property that constitutes a public nuisance under the Municipal Code or the laws of California, including all of the violations described above. Mr. Aziz is now deceased, and his Estate has placed the Property on the market to sell. It does not appear that the Property is occupied.

SECTION 4. In issuing the Preliminary Injunction, the Superior Court ruled that pursuant to state law, cities have the power to declare what constitutes a nuisance. MBMC Section 9.68.010 defines a public nuisance as follows:

“Anything injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property ... so as to interfere with the comfortable enjoyment of life or property by a neighborhood or by a considerable number of persons in the City[.]”

MBMC Section 9.68.020 lists several conditions that constitute a nuisance, including “any condition caused or permitted to exist in violation of any provision of this [Municipal] Code.” The Superior Court found that the Owner was “not in compliance with the Municipal Code” based upon several conditions, and recited the conditions set forth in Section 1 of this Resolution.

Pursuant to MBMC Section 9.68.130(A):

“The prevailing party in any action, administrative proceeding, or special proceeding to abate a public nuisance, or in any appeal or other judicial action arising therefrom, may recover its reasonable attorneys’ fees in those actions or proceedings wherein the City elects, at the initiation of the individual action or proceeding, to seek recovery of its own attorneys’ fees.”

Pursuant to Subsections (ii) and (iii) of MBMC Section 9.68.130(B), the City, may collect the cost of abatement of any nuisance and related administrative costs, including but not limited to inspection costs, investigation costs, attorneys' fees and costs, and costs to repair and eliminate all substandard conditions by:

(ii) recording a nuisance abatement lien pursuant to this Code against the parcel of land on which the nuisance is maintained; or

(iii) imposing a special assessment pursuant to this Code against the parcel of land on which the nuisance is maintained.”

MBMC Section 9.68.150 provides that after conducting a hearing and providing an opportunity for the owner, any occupants, and interested parties to comment on the report of abatement costs, the City Council shall determine that the costs of abatement constitute a special assessment against the property, or shall be a lien on the property for the amount of the assessment.

MBMC Section 9.68.160 (Nuisance Abatement Lien) provides the process for recording a lien. MBMC Section 9.68.170 (Special Assessment) provides:

A. As an alternative to the procedures set forth in Section 9.68.160, the City Council may impose a special assessment.

B. The City shall provide the owner with notice of the imposition of the special assessment. The notice shall specify that that the property may be sold after three (3) years by the tax collector for unpaid delinquent assessments.

C. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment.

SECTION 5. On March 5, 2025, the City provided the Owner's attorney and a local realtor who has listed the Property for sale with a written notice of the hearing in full compliance with the Municipal Code. On May 20, 2025, the City Council held a duly noticed hearing to consider the report of abatement costs and whether the City should impose a special assessment or record a lien against the Property. At the hearing, the City Council provided an opportunity for the Owner and other interested persons to comment, *inter alia*, on the report of the abatement costs.

SECTION 6. Based upon substantial evidence, including the facts in Sections 1-5 of this Resolution and the accompanying staff report, and pursuant to MBMC Chapter 9.68, including Section 9.68.150, the City Council hereby: (1) approves the Supplemental Cost Report, attached hereto as Exhibit A and incorporated herein by this reference, in the amount of \$121,887.74; and (2) determines that the costs of abatement constitute a special assessment against the Property or shall be a lien on the Property for the amount of such assessment.

SECTION 7. The City Council hereby directs staff to either: record a nuisance abatement lien against the Property in the amount of \$121,887.74; or, alternatively, impose a special assessment against the Property in the amount of \$121,887.74. The Council delegates to the City Manager the authority to choose either option based upon cost efficiency and other factors.

SECTION 8. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED on May 20, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

AMY THOMAS HOWORTH
Mayor

ATTEST:

LIZA TAMURA
City Clerk

EXHIBIT A
SUPPLEMENTAL COST REPORT

UPDATED TOTALS	
Legal Fees Incurred	119,195.55
Costs	2,692.19
Total	121,887.74

Breakdown:

	Through 2/18/25	2/19/25 to 3/31/25	4/30/2025	May-25	TOTALS
FEES	109,972.35	1,625.40	1,587.60	6,010.20	119,195.55
COSTS	2,472.80	16.78	202.61	0.00	2,692.19
TOTALS	112,445.15	1,642.18	1,790.21	6,010.20	121,887.74