



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: MAY 3, 2022

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: MICHAEL KLEIN, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SPARKY COHEN,
BUILDING OFFICAL**

**SUBJECT: ADOPTION OF RESOLUTION 2022-1787, TO RECORD A NUISANCE
ABATEMENT LIEN AGAINST REAL PROPERTY LOCATED AT APN
2072-031-011, CALABASAS (OLD TOPANGA CANYON)**

MEETING

DATE: MAY 10, 2022

SUMMARY RECOMMENDATION:

That the City Council Adopt Resolution 2022-1787 (Attachment A) of the City Council of the City of Calabasas, California, to record a nuisance abatement lien against real property located at APN 2072-031-011 in the City of Calabasas.

BACKGROUND:

Violations: The City addressed nuisance conditions on parcel APN 2072-031-011, which is the most southerly located parcel on Old Topanga Canyon Road in the City limits. There is no permit history of lawful development on the parcel. The property owner Topanga Land, LLC, and its apparent agents Bruce Westin and Goose Trust (responsible persons) commenced development without the appropriate City approvals in May of 2019 (see Attachments B and C). Prior to the abatement of the nuisance conditions Code Enforcement observed the following violations:

1. Erection of structures [i.e., a deck (i.e., patio) and a wooden stairway] and concrete footings, (hereinafter, collectively the "STRUCTURES") without a building permit in violation of Section 105.1 of the Calabasas Building Code and CMC Section 15.04.840 A.
2. Maintaining the STRUCTURES in violation of CMC Section 8.20.040 B.12, due to the Building Code violations.
3. Erecting the STRUCTURES with use(s) thereof in violation of the Development Code (including Sections 17.11.010 B., 17.12.010 B., 17.12.165 A.1, 17.01.040 A. and 17.80.020 A.)
4. Encroaching into protected zones of Coast Live Oak trees (also known as a California Live Oaks) with regard to northerly and westerly portions of the STRUCTURE without first obtaining an oak tree permit in violation of CMC Section 17.32.010 C.1 (a).
5. Encroaching into a protected zone of a Coast Live Oak tree (also known as California Live Oak) with regard to stairs (risers and treads) without first obtaining an oak tree permit in violation of CMC Section 17.32.010 C.1 (a).

Abatement Actions: The City accessed the premises on January 18, 2022, pursuant to a January 13, 2022 Abatement Warrant, Judge Shellie Samuels in Department 112 of the Los Angeles County Superior Court (Van Nuys Courthouse) issued. The City, by Newbury Park Tree Service, Inc., its agent, undertook the following nuisance abatement actions pursuant to the Abatement Warrant: demolishing, removing, and disposing of (without regard to salvage value) the following structure and installations: (i) a deck with concrete footings; (ii) stair treads encroaching into the protected zones of Live Oak Trees, (iii) lights installed and attached on oak trees with trunks equal to or greater than 4 inches dbh (diameter at breast height), and (iv) solar panels and supporting posts.

A Report of Abatement Costs was prepared by the Community Development Director (see Attachment D). Topanga Land, LLC, Goose Trust, and Bruce Westin as responsible persons/property owner were notified that an Abatement Cost Hearing would be held at Calabasas City Hall on April 13, 2022 at 2:00 P.M. (see Attachment E). Notification to the responsible persons/property owner was mailed to all their known addresses (see attachment F). The hearing was conducted by the City Manager pursuant to CMC 8.20.160 to determine if the report of Abatement Costs submitted by staff were accurate and reasonable. At the hearing, the City Manager affirmed the City's Report of Abatement Costs and issued his final report and determination to Topanga Land, LLC, Goose Trust, and Bruce Westin as the

responsible persons/property owner, which is attached as Attachment G. The report recommends to the Council that a lien should be placed on the property to recover City costs. The City Manager's determination was also mailed to all known addresses of the responsible persons/property owner consistent with Calabasas Municipal Code Section 8.20.030 (see Attachment H).

FISCAL IMPACT/SOURCE OF FUNDING:

The total cost to the City for the nuisance abatement was \$17,602.70, as is identified in the Report of Abatement Costs prepared by the Community Development Director (Attachment D). Adoption of Resolution 2022-187 will recover the City's costs associated with the nuisance abatement, which would otherwise be paid for by the tax payers, from the City General Fund .

REQUESTED ACTION:

That the City Council Adopt Resolution 2022-1787 of the City Council of the City of Calabasas, California, to record a nuisance abatement lien against real property located at APN 2072-031-011, Calabasas.

ATTACHMENTS:

- Attachment A: Resolution 2022-1787
- Attachment B: June 21, 2019 Notice of Violation
- Attachment C: October 22, 2020 Notice of Nuisance Determinations and Request to Abate Nuisance
- Attachment D: March 8, 2022 Report of Abatement Costs
- Attachment E: April 1, 2022 Notice of Hearing Before the City Manager
- Attachment F: April 1, 2022 Declaration Affidavit of Service
- Attachment G: April 15, 2022 Abatement Cost Hearing Decision
- Attachment H: April 19, 2022 Declaration/Affidavit of Service