

RESOLUTION NO. 09- 5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING CONDITIONS AT THE PROPERTY KNOWN AS 2258 ORANGE AVENUE, COSTA MESA, TO BE A PUBLIC NUISANCE SUBJECT TO ABATEMENT.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council has considered information submitted by City staff concerning certain conditions extant at the property known as 2258 Orange Avenue (APN 426-073-27), Costa Mesa; and

WHEREAS, the City Council has also afforded both the property owner and nearby neighbors an opportunity to be heard concerning the conditions extant at this property; and

WHEREAS, since 2005, the owner has negatively impacted the surrounding residential neighborhood with excessive noise after 8 p.m. associated with on-site construction-related activities and light and glare impacts from improperly placed security lighting, despite numerous complaints to the owner and to City staff from neighbors, and despite numerous violation notices and citations from Code Enforcement; and

WHEREAS, the large basement is 9-feet deep by 40-feet wide by 40-feet long, and is an attractive nuisance and hazard even in dry conditions, but all the more so with the recent onset of seasonal rains falling into a large hole in the ground which has no natural or man-made drainage, thus allowing water to accumulate to potentially the nine-foot depth of the basement; and, notwithstanding that it is temporarily secured by fencing, the long-term remedy is to remove the basement walls and floor and fill in the remaining hole with appropriately compacted soil; and,

WHEREAS, the owner has ignored staff's direction to restore this property to a vacant lot, and it has been used as a storage yard since June 2008; and,

WHEREAS, in addition to building materials and equipment, household goods and rubbish have also accumulated on the property, which contributes further to the visual blight impacts to the surrounding neighborhood; and,

WHEREAS, the owner has indicated that he lacks the resources to complete the construction of the house and that he has no intention of performing any more work; including restoration of the site to a vacant lot; and,

WHEREAS, it is, pursuant to Chapter 1, Article 5 of the Costa Mesa Municipal Code, both the duty and the right of the City of Costa Mesa, through its City Council, to take action where appropriate to cause and authorize the abatement of nuisance conditions which endanger the peace and safety of the citizens of Costa Mesa;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa, does hereby declares as follows:

1. Conditions at the property known as 2258 Orange Avenue, Costa Mesa, and in particular the open basement structure and the related storage and accumulation of materials, implements and vehicles on this property, constitute a nuisance within the meaning of §§ 20-3 and 20-4 of the City of Costa Mesa Municipal Code.
2. City staff is hereby directed to take all steps lawful and necessary to abate said nuisance conditions, and to restore this property to a safe, quiet and orderly condition.
3. City staff is hereby further directed to report back to the City Council within thirty (30) days of this resolution concerning the completion of such abatement or the progress toward completion of abatement, and to continue such reports each thirty (30) days thereafter until such time as the abatement of this nuisance has been completed.
4. City staff is hereby furthermore directed to provide written notice of this Resolution to the property owner, together with written notice of his/her/their right under § 20-14(e) and Title 2, Chapter IX (Appeal, Rehearing and Review Procedure) of the City of Costa Mesa Municipal Code to appeal this determination.

PASSED AND ADOPTED this 6th day of January, 2009.



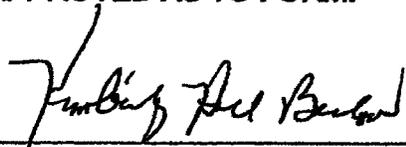
Allan R. Mansoor, Mayor

ATTEST:



Julie Folcik, City Clerk

APPROVED AS TO FORM:



Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 09-5 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 6th day of January, 2009, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: MANSOOR, LEECE, BEVER, FOLEY, MONAHAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 7th day of January, 2009.



JULIE FOLCIK, CITY CLERK

(SEAL)