

RESOLUTION NO. 09- 7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE BUILDING OFFICIAL TO ABATE THE PUBLIC NUISANCE CONDITIONS AT 2258 ORANGE AVENUE PURSUANT TO ESTABLISHED COSTA MESA MUNICIPAL CODE PROCEDURES.

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

WHEREAS, the City Council has previously 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 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 1,527 square feet in size and approximately nine-feet deep, and it 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 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 property to a vacant lot;

WHEREAS, at its meeting of January 6, 2009, the City Council considered the matter, heard public comment both pro and con, and approved Resolution No. 09-5 declaring conditions at this property to be a public nuisance subject to abatement; and set the matter for further hearing on January 20, 2009, at 7p.m., or as soon as possible thereafter; and,

WHEREAS, it is both the duty and the right of the City of Costa Mesa, through its City Council, and pursuant to Chapter 1, Article 5 of the Costa Mesa Municipal Code, 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:

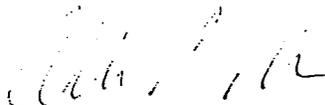
1. The property has a large open basement, filled with various building materials, equipments, tools, household goods, and rubbish. The site is also being used to store a heavy construction vehicle and equipment, a tractor, a trailer, and a large recreational vehicle.
2. The Building Division has informed the owner that building permits have expired. The owner responded that he does not have the resources to construct the house at 2258 Orange Avenue. Staff then directed the owner to:
 - a. Remove all construction materials, equipment, vehicles, and household goods;
 - b. Remove the basement; and
 - c. Restore the site to a vacant lot with required fencing and erosion control.

To date, the owner has not complied with this directive.

3. 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.
4. 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.
5. The total cost of abatement, including administrative costs, of these nuisance conditions is estimated to exceed \$50,000.00. The City of Costa Mesa's administrative costs will be assessed on a time and material basis. The total cost, including City administrative costs, will constitute a lien upon the property until paid. The estimated timeframe to complete the abatement is four weeks on site. However, if the owner does not grant entry to the property, staff will need to obtain a court warrant, which may extend the time frame by one week.

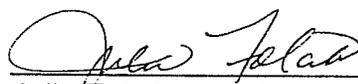
6. City staff is hereby further directed to report back to the City Council within 30 days of this resolution concerning the completion of such abatement or the progress toward completion of abatement, and to continue such reports each 30 days thereafter until such time as the abatement of this nuisance has been completed.
7. 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 20th day of January, 2009.



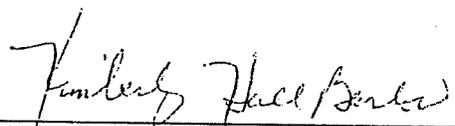
Allan R. Mansoor, Mayor

ATTEST:



Julie Folcik, City Clerk

APPROVED AS TO FORM:



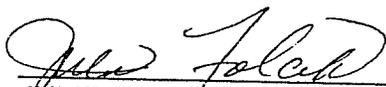
Kimberly Hall Barlow, City Attorney

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. 09-7 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 20th 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 21st day of January, 2009.



JULIE FOLCIK, CITY CLERK

(SEAL)