

28. Public Hearing - Recovery of Uncollected Costs Incurred by the City Related to the Abatement of Dangerous and Abandoned Buildings

Legal notice published in OC Reporter on July 3, 2024 and property owner notification letters mailed on same date.

Department(s):

Recommended Action: 1. Adopt a resolution affirming the Fiscal Year 2023-2024 Dangerous and Abandoned Building Program Report and authorize the transmittal of uncollected charges incurred by the City related to the abatement of dangerous and abandoned buildings to the office of Auditor-Controller, County of Orange.

RESOLUTION NO. 2024-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CONFIRMING THE COSTS OF SECURING AND/OR DEMOLITION OF VARIOUS STRUCTURES DECLARED TO BE PUBLIC NUISANCES; MAKING, CONFIRMING AND LEVYING ASSESSMENTS FOR SUCH COSTS; AND ORDERING SUCH COSTS TO BE RECORDED WITH THE ORANGE COUNTY RECORDER'S OFFICE

2. Determine that the proposed action does not constitute a "project" under the California Environmental Quality Act (CEQA) in accordance with section 15378(a) and (b)(5) as the adoption of this resolution authorizes an administrative action and will not result in a direct or reasonable foreseeable indirect physical change in the environment and there is no possibility it will have a significant effect on the environment. Accordingly, it is exempt from further CEQA review pursuant to section 15061(b)(3) and (b)(5) of the CEQA guidelines as amended.



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
July 16, 2024

TOPIC: Abatement of Dangerous and Abandoned Buildings

AGENDA TITLE

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RECOMMENDED ACTION

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GOVERNMENT CODE §84308 APPLIES: No

DISCUSSION

The City's Dangerous and Abandoned Building Program has proven to be an effective tool to abate dangerous and abandoned structures that create an attractive nuisance for children and provide harborage for illegal and nuisance activities. The abatements are accomplished by board-ups, clean-ups, and/or demolition. Property owners are given two to 30 days to abate the conditions or the City, through its contractors, will perform the work. The property owners are then notified of the outstanding abatement costs every 30 days until the Planning and Building Agency is reimbursed for the expenditure.

For Fiscal Year 2023-24, Code Enforcement secured abandoned buildings and assisted the Santa Ana Police Department in the city's continued effort to address illegal activities and establishments through public nuisance abatement actions. In addition to the issuance of the Notice and Orders advising property owners of the need to address concerns on the property, pursuant to the Santa Ana Municipal Code, the Finance Agency assists the city in the recovery of costs associated with the public nuisance abatement actions by sending monthly invoices for cost recovery. The amount invoiced includes City-approved contractual services providing board-up services, security, and recovery of City staff time.

Each year, the City finds it necessary to seek legal recourse in order to recover the uncollected costs expended for abatement of dangerous buildings and against reluctant property owners. This year the outstanding charge for work performed on four individual addresses is \$46,545.12. Exhibit 1 provides parcel numbers and the total assessment amount. The property owner names are provided in Exhibit 2. The most effective method of collection is to submit these charges to the office of the County Auditor-Controller in order that they may be placed as a lien on the property tax rolls. Charges must be submitted to the County of Orange.

ENVIRONMENTAL IMPACT

The proposed action does not constitute a "project" under the California Environmental Quality Act (CEQA) in accordance with section 15378(a) and (b)(5). The adoption of this resolution authorizes an administrative action and will not result in a direct or reasonable foreseeable indirect physical change in the environment and there is no possibility it will have a significant effect on the environment. Accordingly, it is exempt from further CEQA review pursuant to section 15061(b)(3) and (b)(5) of the CEQA guidelines as amended.

FISCAL IMPACT

The recovered charges will result in an estimated \$46,545.12 deposited in the Special Repair and Demolition Fund (Account No.12116002-53507).

EXHIBIT(S)

1. Parcel Assessment Amount
2. Property Owner Listing
3. DABS Resolution

Submitted By: Minh Thai, Executive Director of Planning and Building Agency

Approved By: Alvaro Nuñez, Acting City Manager

**PROPERTY OWNER LISTING
FISCAL YEAR 2023-2024**

ADDRESS	PARCEL NO.	OWNER/ADDRESS	ASSESSMENT
5217 W. Wisteria Place	AP# 108-58-407	Paul and Diana Nguyen 5217 W. Wisteria Place Santa Ana, CA 92704	\$786.63
1325 S. Main	AP# 014-021-30	Roman and Susan Law Pacific Bell Mobile Service 937 Corrigan Ave. Santa Ana, CA 92706	\$7,879.71
4618 W. Maurie Ave.	AP# 100-425-08	Joseph A. Gamez 312 Prairie Hill Dr. Cheyenne, Wyoming 82009	\$19,994.05
1001 N. Freeman	AP#405-282-11	Michael and Mary Alcala Mitchell 1001 N. Freeman Santa Ana, CA 92706	\$11, 865.00

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CONFIRMING THE COSTS OF SECURING AND/OR DEMOLITION OF VARIOUS STRUCTURES DECLARED TO BE PUBLIC NUISANCES; MAKING, CONFIRMING AND LEVYING ASSESSMENTS FOR SUCH COSTS; AND ORDERING SUCH COSTS TO BE RECORDED WITH THE ORANGE COUNTY RECORDER'S OFFICE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. The City's Dangerous and Abandoned Buildings (DABS) Program has proven to be an effective tool to abate dangerous and abandoned structures that create an attractive nuisance for children and provide harborage for illegal activity. The abatements are accomplished by board-ups and/or demolition.
- B. Pursuant to Section 17-40 of the Santa Ana Municipal Code, the Executive Director of the Planning and Building Agency has submitted an itemized report, a copy of which is on file with the Clerk of the Council, showing the costs of securing property and/or demolition of various structures carried out by the City of Santa Ana upon each individual lot or parcel of land where such work was done.
- C. The Executive Director of the Planning and Building Agency has given notice of the public hearing as required by law, in which the 16th day of July, 2024, at the hour of 5:30 p.m. was fixed as the time, and 22 Civic Center Plaza, Santa Ana as the place, where any and all person interested in said report might be heard.
- D. The City Council of the City of Santa Ana, at said time and place has received, heard, and considered said report and all objection by property owners liable to be assessed for the abatement, and directed such modification of said report as it has deemed necessary.

Section 2. Each and every objection to said work and the costs thereof is hereby overruled; said report, a copy of which is on file with the Clerk of the Council, is hereby confirmed; the cost of abatement work done in front of or upon each lot or parcel of real property, as shown on Exhibits 1 and 2, which are incorporated by this reference

as though fully set forth herein, and the amounts therein on such assessments shall become due thirty (30) days after the adoption of this Resolution.

Section 3. This Resolution shall take effect immediately upon its adoption by the City Council and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

Section 4. The Executive Director of Planning and Building Agency is hereby directed to file a certified copy of said report and this Resolution with the County Recorder's Office, the County Auditor, County Assessor, and County Tax Collector on or before August 9, 2024.

Section 5. The County Auditor is requested to enter the assessments on the county tax rolls.

Section 6. The County Tax Collector is requested to collect the assessment at the time and in the manner of ordinary municipal taxes.

Section 7. The City of Santa Ana hereby certifies that the special assessments, special taxes, parcel taxes, charges and/or fees which are to be placed on the fiscal year 2023-2024 property tax roll have been duly adopted in accordance with State law and are legally valid.

ADOPTED this ____ day of July, 2024

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Kyle Nellesen
Kyle Nellesen
Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIRGINALITY

I, Jennifer Hall, City Clerk, do hereby attest to and certify the attached Resolution No. 2024-_____ to be the original resolution adopted by the City Council of the City of Santa Ana on July 16, 2024.

Date: _____

City Clerk, City of Santa Ana