

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: GABE OSBURN, DIRECTOR  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
SUBJECT: ADMINISTRATIVE COST RECOVERY LIEN AGAINST THE REAL  
PROPERTY LOCATED AT 616 MENDOCINO AVENUE

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the administrative cost recovery lien in the amount of \$34,562.44 against the property located at 616 Mendocino Avenue for violations of the City Code which remain uncorrected by the Responsible Party, Sam Ruslander Young, and authorize the recordation of a lien and placement of a special assessment on the property tax roll for collection.

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EXECUTIVE SUMMARY

Pursuant to Chapter 1-30 of the Santa Rosa City Code, a Hearing Officer conducts administrative hearings to determine whether or not violations of the City Code exist on a specific property. If violations exist and an administrative enforcement order is issued, the Responsible Party has 30 days to pay the administrative costs in full. If administrative costs are not paid within 30 days from the date of the order, the Code Enforcement Officer will request Council confirm that an administrative cost recovery lien be added to the next regular bill levied against the parcel.

In this case, the Hearing Officer found that violations existed on the property at 616 Mendocino Avenue, and that the violations have remained uncorrected by the Responsible Party, who appeared at the Administrative Hearing held on November 8, 2023. The unpaid lien amount of \$34,562.44 consists of staff administrative costs of \$31,386.00 assessed by the Administrative Hearing Officer and actual costs for the Administrative Hearing of \$2,995.44.

BACKGROUND

On December 2, 2020, a formal complaint was issued to the Code Enforcement division regarding COVID-19 Health Orders associated with commercial bar patrons and staff

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not wearing masks. The complaint also identified the business staying open beyond operational hours. Additional violations were discovered through the inspection process involving an unpermitted patio and several additional complaints were received regarding noise. Inspections were performed by Code Enforcement staff on May 1, 2021 and a Notice of Violation was mailed to the Responsible Party. The violation was not cleared and a Failure to Abate letter was mailed to the Responsible Party.

An Administrative Notice and Order was mailed to the Responsible Party by certified and regular mail on October 5, 2023. The Administrative Notice and Order was also posted on the property. The timely noticed Administrative Hearing was held on November 8, 2023. The Responsible Party did appear and administrative costs totaling \$34,562.44 were ordered to the City, pursuant to the Enforcement Order.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

Pursuant to Chapter 1-30 of the Santa Rosa City Code, a Hearing Officer conducts Administrative Hearings to determine whether or not violations of the City Code exist on a specific property. Since May 2004, hearings have been scheduled twice a month. Per these procedures, when one or more violations are identified, the Responsible Party is notified and given a reasonable time to make corrections. If the corrections are not accomplished by a specific date, the Responsible Party is required to appear before the Administrative Hearing Officer to determine whether or not the violations exist. Where administrative costs of the enforcement process were incurred and proven at the hearing, such costs are also assessed against the Responsible Party. At the hearing, the Responsible Party is advised that if the administrative costs remain unpaid, the City retains the option to either place an administrative cost recovery lien against the property where violations occurred or to create a personal obligation against the Responsible Party.

If the Responsible Party has not paid the administrative costs in full within 30 days, the Code Enforcement Officer shall request, by placing on the City Council consent agenda, an item to confirm that an administrative cost recovery lien be added to the next regular tax bill levied against the parcel.

The County Auditor and the County Tax Collector require that the City Council act by resolution to create an administrative cost recovery lien. The resolution must identify the parcel by address, if available, by its recorded location in the Official Records of Sonoma County, and by the parcel number. It must also provide the dollar amount of the lien, and, when the lien amount is in excess of \$2,500, the number of equal annual installment payments but not exceeding five in number. The resolution also authorizes and empowers the officers of the City, including the City Clerk and the Chief Financial

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Officer, to do all things as may be necessary, including but not limited to notifications to the Sonoma County Auditor and Tax Collector, to carry out the foregoing.

FISCAL IMPACT

Collection of the costs of code enforcement activities will be applied to the administrative hearing fund.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline Section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Property owner is provided notice of this action a minimum of 10 days prior to the Council meeting.

ATTACHMENTS

- Attachment 1 – Administrative Enforcement Order
- Attachment 2 – Case File Photographs
- Attachment 3 – Vicinity Map
- Resolution

PRESENTER

Lou Kirk  
Assistant Chief Building Official