

City of Santa Rosa
Administrative Hearings
100 Santa Rosa Ave.
Santa Rosa, CA 95404

File # CE 19-0453

ADMINISTRATIVE ENFORCEMENT ORDER

1-A Responsible Party: Spiers Kelly V

1-B Address: 3712 Douglas Drive, Santa Rosa, CA 95404

2. Location of Violation: 3712 Douglas Drive, Santa Rosa, CA 95404

3. APN: 014-323-001 Zoning District: R-1-6

4. Administrative Hearing Officer's Decision:

A Noticed Hearing was held on April 14, 2021 commencing at 1:00 p.m. via Zoom coordinated/proctored by City of Santa Rosa staff member Jenny Marquez pursuant to the Order of the Health Officer of the County of Sonoma to shelter in place to minimize the spread of Covid-19, before the undersigned regarding violations alleged by the City of Santa Rosa ("City") of the Santa Rosa City Code at the above referenced property. Present at the hearing was City of Santa Rosa Code Enforcement Officer Lizzette Marquez, on behalf of the "City". Responsible Party Spiers Kelly V failed to appear at the hearing and no one appeared on behalf of the Responsible Party or filed any response on behalf of the Responsible Party.

After consideration of the testimony Ms. Marquez presented and the documentary evidence contained in the staff report dated March 31, 2021 (and amended on April 14, 2021) including pages 1 through 66 inclusive, consisting of Certificate of Service, Administrative Notice and Order, Penalty Calculation Worksheet, Complaint Log, Property Detail Report, Vicinity Map, Notice of Violation dated July 24, 2019, Notice of Violation, Failure to Abate dated October 21, 2019, Notice of Noncompliance recorded on December 30, 2019, Revised Notice of Violation, Failure to Abate dated July 28, 2020, September 11, 2020 Administrative Citation, Site Inspection Photos dated July 23, 2019, October 1, 2019, December 10, 2019, July 23, 2020, February 24, 2021, March 31 2021, April 9, 2021, and April 14, 2021, the hearing officer makes the following findings:

- A. The City has complied with all applicable notice requirements for the hearing, and
- B. The City has withdrawn the following Violation #1 (SRCC Sec. 20-34.070.B.4.c – Post-installation requirements) as it was abated as of the date of the hearing,
- C. The record contains sufficient evidence to show that the Responsible Party is in violation of the Code section(s) listed below that are set forth in the Staff Report dated March 31, 2021 (and amended on April 14, 2021) and the Administrative Notice and Order issued in this matter by the "City" on, February 24, 2021:

Violation #2

SRCC Sec. 1.30.120(G)(L) Nuisance Standards. Overgrown vegetation including weeds, trees and hedges in the side and rear setback of the property.

- D. The Administrative Notice and Order of February 24, 2021 is modified as follows:

Responsible Party is **HEREBY ORDERED** to correct the violations set forth above by doing the following:

1. Remove or cutback all overgrown and uncultivated vegetation, including ivy, shrubs and hedges in the front, side and rear yards.
2. Reduce all weeds to less than four (4) inches.

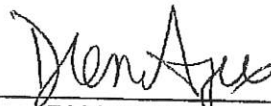
Responsible party is **HEREBY ORDERED** to cease and desist from permitting the violation(s) set forth above or from repeating the existing or similar violations;

- E. Based on these findings, I assess a ~~penalty of \$ 1,000.00~~ (see attached penalty calculation sheet) ~~plus~~ administrative costs against the Responsible Party in the amount of \$ 2,098.70 which includes the cost incurred for the appearance of Ms. Marquez on behalf of the City at the hearing for .70 hours. In addition, the cost of the Administrative Hearing Officer of \$ 525.00 shall be an additional administrative cost chargeable to the Responsible Party, which cost includes preparation for the hearing, hearing time, review and analysis of the applicable law, the testimony and documentary evidence, rendering and preparation of this decision, and service of this order by mail upon the responsible party and the City's Code Enforcement Officer Ms. Marquez.

- F. I shall serve by mail this Administrative Enforcement Order on each party and their attorney, if any, and the Code Enforcement Officer Ms. Marquez. When the Administrative Enforcement Order is served by mail on the Code Enforcement Officer, the Order shall be final.
- ~~G. This shall serve as notice to the Responsible Party that the penalties and administrative costs are special assessments against the subject property where the violations occurred and if payment is not received within thirty (30) days of the date of this Order, it will be confirmed by the City Council. The penalty for late payment of the assessed penalty is 7% pro-rated daily from the payment due date.~~
- ~~H. Should violations continue the Responsible Party may be subject to additional penalties as authorized by law. The penalty for a subsequent violation within thirty-six (36) months of an initial violation is up to \$1,000.00 for each day the violation continues.~~
- I. Within twenty one (21) days of this Order, the responsible party shall take corrective action to remedy the violation(s), by removing or cutting back all overgrown and uncultivated vegetation, including ivy, shrubs and hedges in the front, side and rear yards; and by reducing all weeds to less than four (4) inches of less.
- J. Should responsible party fail to take the corrective action to remedy the violation within twenty one (21) days of this Order, after thirty (30) days of this Order, the City of Santa Rosa shall abate the violation pursuant to SRCC 1-30.100 (F) (4) and the Responsible Party shall be responsible for the cost.
- K. Pursuant to SRCC Section 1-30.210, a copy of which is attached to the Administrative Notice and Order served by mail on February 24, 2021, any person contesting the Administrative Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days of this Order.

Dated: April 16, 2021

BY ORDER OF


DIANE AQUINO
Administrative Hearing Officer

PENALTY CALCULATION SHEET

- 1 a. Responsible Party: Spiers Kelly V
- 1 b. Address: 3712 Douglas Drive, Santa Rosa, CA 95404
2. Location of Violation: 3712 Douglas Drive, Santa Rosa, CA 95404
3. APN: 014-323-001
4. ~~The penalty for each initial code violation is up to \$500.00 per day for each day the violation continues. In this proceeding, there is one (1) violation.~~
5. Date Violations were to be corrected: April 4, 2021
6. Date of Administrative Hearing: April 14, 2021
7. ~~Number of Days between dates listed in items 5 and 6 above: ten (10) days~~
~~Total penalty assessed is \$ 1,000.00~~
~~40 days x \$100.00 per day 1 (one) violation~~
8. Administrative costs are assessed in the sum of \$ 2,098.70 which are as follows:
- A. Letters, meetings, hearing preparation
- | | |
|--|------------------|
| 3.0 hrs. @ \$ 181.00 per hour | \$ 543.00 |
| B. 3 site visits, total of 3.0 hrs. @ \$181 per hour | \$ 543.00 |
| C. Sr. Administrative Assistant 1.0 hr.@ \$170.00 per hr. | \$ 170.00 |
| D. Sr. Code Enforcement Officer 1.0 hr. @ 191.00 per hr. | \$ 191.00 |
| E. Administrative Hearing time .70 hr.@ \$181.00 per hr. | \$ 126.70 |
| F. Hearing Officer time 2.0 hrs. @\$262.50 per hr. | <u>\$ 525.00</u> |
| Total | \$2,098.70 |
- Total administrative costs: \$2,098.70
- Penalty from item 7: ~~\$1,000.00~~
- Total penalties and costs: ~~\$3,098.70~~

PROOF OF SERVICE

I declare as follows:

I am over the age of 18 years and not a party to the within action. My business address is 418 B Street, Santa Rosa, CA 95401.

On April 16, 2021, I served the attached:

ADMINISTRATIVE ENFORCEMENT ORDER

For

3712 Douglas Drive, Santa Rosa, CA 95404
(File # CE 19-0453)

on the following parties by placing a true copy therein a sealed envelope addressed as follows:

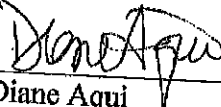
Spiers Kelly V
3712 Douglas Drive
Santa Rosa, CA 95404

Lizzette Marquez, Code Enforcement Officer
Santa Rosa Building and Code Compliance Division
100 Santa Rosa Ave.
Santa Rosa, CA 95404

By Regular U.S. Mail. The documents were placed for collection and mailing, following ordinary business practice for deposit in the United States Postal Service, in a sealed envelope, with the postage thereon fully prepaid, addressed as stated.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 16, 2021, at Santa Rosa, California.


Diane Aqui