

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

File # CE 20-0668

ADMINISTRATIVE ENFORCEMENT ORDER

- 1-A Responsible Party: Guillermo Diaz Lopez**
- 1-B Address: 2620 Iroquois Street, Santa Rosa, CA 95403**
- 2. Location of Violation: 2620 Iroquois Street, Santa Rosa, CA 95403**
- 3. APN: 015-561-011 Zoning District: R-1-6**
- 4. Administrative Hearing Officer's Decision:**

A Noticed Hearing was held on August 11, 2011 commencing at 1:00 p.m. via Zoom coordinated/proctored by City of Santa Rosa staff member 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 Cassidy Anderson, on behalf of the "City". Responsible Party Guillermo Diaz Lopez was not present, and Ana Hernandez, his spouse and purported co-owner of the property, appeared on his behalf.

After consideration of the testimony Ms. Anderson and Ms. Hernandez presented and the documentary evidence contained in the staff report dated July 26, 2021 (and supplemented on August 11, 2021) including pages 1 through 215, and the 15 page Supplemental Report, consisting of Certificate of Service, Administrative Notice and Order dated May 14, 2021 (and the operative Revised Administrative Notice and Order dated June 1, 2021), Penalty Calculation Worksheet, Complaint Log, Property Detail Report, Vicinity Map, Notice of Violation dated October 14, 2020, Failure to Abate dated December 9, 2020, Notice of Noncompliance recorded on February 16, 2021, Notice and order to Vacate dated May 27, 2021, the hearing officer makes the following findings:

- A. The City has complied with all applicable notice requirements for the hearing, and

- B. 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 July 26, 2021 (and supplemented on August 11, 2021) and the Revised Administrative Notice and Order issued in this matter by the "City" on June 1, 2021:

Violation #2

Rear Yard Shed-No Setback:

SRCC Sec. 20-42.030.1-Accessory Structures. Accessory Structures in residential zones have required setbacks from property lines that must be maintained to comply with zoning regulations, fire codes, and lot drainage requirements. Accessory structures in excess of 120 square feet of floor area also require a building permit.

Violation #3

Rear Yard Shed-No Permit/No Inspection:

SRCC Sec. 18-16.105.1 Building Permit Required. A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

SRCC Sec. 18-16.109.1 Building Inspections Required. Construction of work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved.

Violation #4

Rear Yard Shed-No Electrical Permit/No Inspection:

SRCC Sec. 18-32.89.108.4.1 Electrical Permits Required. A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, relocation, or alteration of any electrical system.

SRCC Sec. 18-32.89.108.4.4 Electrical Inspections Required. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved.

Violation #5

Erection of walls in garage creating two rooms without permits/inspection

SRCC Sec. 18-16-105.1, 18-16.110.1, 18-16-114.1-4, and 20-36.040 Table 3-4-18-16.R105.1-Permits, Section 18-16.R110.1-Inspections, Sections 18-16.114.1-4-Unlawful Acts

Violation #6

Flexible cords wired throughout garage

SRCC Sec. 18-20.605.4 Wiring-Flexible cords shall not be used for permanent wiring. Or for running through doors, windows, or cabinets or concealed within walls, floors or ceilings.

Violation #9

Mildew and mold on ceiling

SRCC Sec. 18-20-305.3 Interior Surfaces. All interior surfaces, including windows and doors shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paints shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

- C. The record does not contain 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 July 26, 2021 (and supplemented on August 11, 2021) and the Revised Administrative Notice and Order issued in this matter by the "City" on June 1, 2021 for the reasons set forth below:

Violation #1

Driveway paved in setback. Setback shall consist of at least 50% permeable surface area

SRCC Sec. 20-42-.303(c)(3)(b)(4) Driveways, walkways, patios and wood decks. Driveways, walkways, patio slabs, and other areas paved with concrete, asphalt or similar materials, and wooden decks, may be placed in up to 50 percent of the area within any required setback, provided that the structures do not exceed a height of 12 inches. This requirement does not exclude the use of steps providing access between areas of different elevation on the same site. At least 50 percent of all setback areas shall consist of permeable surface. The Director may approve additional coverage

where a replacement open area equivalent to the additional coverage over 50% is substituted elsewhere on the site.

The undersigned Hearing Office is unable to find that this code section exists. Arguendo, even if it does exist, the City did not meet its burden of proof that 50% of the setback area was NOT permeable surface.

Violation #7

Lack of heat in the unpermitted garage conversion

SRCC Sec. 18-20.602.1 Facilities Required. Heating facilities shall be provided in structures required by this section.

Inapplicable code citation- Space not a dwelling unit nor an occupiable work space under Section 602.

Violation #8

Lack of proper means of egress in unpermitted garage conversion

SRCC Sec. 18-16-R311.1 Means of egress. All dwelling shall be provided with a means of egress as provided in this section. The means of egress shall provide a continuous and unobstructed path vertical and horizontal egress travel from all portions of the dwelling to the exterior of the dwelling at the required egress door without requiring travel through a garage.

Inapplicable code citation- Space is not a dwelling nor an accessory structure.

D. The Revised Administrative Notice and Order issued on June 1, 2021 is modified as follows:

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

1. Obtain demolition permit for the rear yard shed, and demolish same; if desired, obtain permit and required inspections for rebuild, including electrical.
2. Obtain demolition permit for the unpermitted walls in the garage, and demolish same; if desired, obtain permit and required inspections for rebuild, including electrical.
3. Remove all extension cords running through doors, windows, etc., and if desired, obtain electrical permit for permanent wiring.

4. Maintain all interior surfaces in a clean and sanitary condition, including cleaning all mold and mildew.

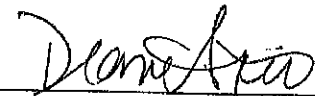
Responsible party is **HEREBY ORDERED** to cease and desist from permitting the violation(s) set forth above or from repeating the existing or similar violations;

- E. Based on these findings, I assess a ~~penalty of \$3,000.00~~ (see attached penalty calculation sheet) ~~plus~~ administrative costs against the Responsible Party in the amount of \$2,633.61 which includes the cost incurred for the appearance of Ms. Anderson on behalf of the City at the hearing for .50 hours. In addition, the cost of the Administrative Hearing Officer of \$926.11 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. Anderson.
- F. I shall serve by mail this Administrative Enforcement Order on each party and their attorney, if any, and the Code Enforcement Officer Ms. Anderson. 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 thirty (30) days of this Order, the responsible party shall take corrective action to remedy the violation(s), by doing the following: Obtain demolition permit for the rear yard shed, and demolish same; if desired, obtain permit and required inspections for rebuild, including electrical; Obtain demolition permit for the unpermitted walls in the garage, and demolish same; if desired, obtain permit and required inspections for rebuild, including electrical; Remove all extension cords running through doors, windows, etc., and if desired, obtain electrical permit for permanent wiring; Maintain all interior surfaces in a clean and sanitary condition, including cleaning all mold and mildew.

J. Pursuant to SRCC Section 1-30.210, a copy of which is attached to the Revised Administrative Notice and Order served by mail on June 1, 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: August 20, 2021

BY ORDER OF



DIANE AQUI

Administrative Hearing Officer

PENALTY CALCULATION SHEET

- 1 a. Responsible Party: Guillermo Diaz Lopez
- 1 b. Address: 2620 Iroquois Street, Santa Rosa, CA 95403
- 2. Location of Violation: 2620 Iroquois Street, Santa Rosa, CA 95403
- 3. APN: 015-561-011
- 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: June 1, 2021
- 6. Date of Administrative Hearing: August 11, 2021 (Continued from May 30, 2021)
- 7. ~~Number of Days between dates listed in items 5 and 6 (original hearing date of May 30, 2021) above: ten (10) days~~

~~Total penalty assessed is \$3,000.00
10 days x \$50.00 per day 6 (six) violation~~

- 8. Administrative costs are assessed in the sum of \$ 2,633.61 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 2.0 hr. @ \$170.00 per hr.	\$ 340.00
D. Sr. Code Enforcement Officer 1.0 hr. @ 191.00 per hr.	\$ 191.00
E. Administrative Hearing time .50 hr. @ \$181.00 per hr.	\$ 90.50
F. Hearing Officer time 3.2 hrs. @ \$289.41 per hr.	<u>\$ 926.11</u>
	Total
	\$2,633.61

Total administrative costs: \$2,633.61

Penalty from item 7: ~~\$3,000.00~~

Total penalties and costs: ~~\$5,633.61~~

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 August 21, 2021, I served the attached:

ADMINISTRATIVE ENFORCEMENT ORDER

For

2620 Iroquois Street, Santa Rosa, CA 95403
(File # CE 20-0668)

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

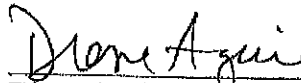
Guillermo Diaz Lopez
2620 Iroquois Street
Santa Rosa, CA 95403

Cassidy Anderson, Code Enforcement Officer
Santa Rosa Building and Code Compliance Division
100 Santa Rosa Ave.
Santa Rosa, CA 95404

Y 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 August 21, 2021, at Santa Rosa, California.



Diane Aqui