

# Original Enforcement Order Modified to Remove Penalties

City of Santa Rosa  
Administrative Hearings  
100 Santa Rosa Avenue  
Santa Rosa, California 95404

File # CE16-0780

## ADMINISTRATIVE ENFORCEMENT ORDER

- 1-A Responsible Parties:** JM WOODWORKER INC (DAVID MCDONALD)  
**1-B Mailing Address:** PO Box 1487 Sonoma CA 95476  
**2. Location of Violation:** 964 Petaluma Hill Road, Santa Rosa California 95404  
**3. APN:** 038-154-007  
**Zoning District:** PD 73-001  
**4. Administrative Hearing Officer's Decision:**

A noticed hearing was held on August 8, 2018, commencing at 1:10 pm in the City Council's Chambers at 100 Santa Rosa Avenue before the undersigned, regarding violations alleged by the City of Santa Rosa ("City") of the Santa Rosa City Code ("SRCC") at the above referenced property. The City was represented by Michael Reynolds, Code Enforcement Officer/Building Inspector. No one appeared on behalf of the Responsible Parties. The failure of a responsible party named in an administrative notice and order to appear at the administrative notice and order hearing shall constitute a failure to exhaust the party's administrative remedies. (SRCC Section 1-30.090).

After consideration of the testimony of Code Enforcement Officer/Building Inspector Michael Reynolds and the documentary evidence contained in the staff report dated August 1, 2018, the Hearing Officer makes the following findings:

- A. The City has complied with all applicable notice requirements for the Hearing.
- B. The record contains sufficient evidence to show that the Responsible Parties remain in violation of the code sections referenced by the City as set forth in the Amended Violations and Facts (Appendix No. 5, attached) and the Administrative Notice and Order issued in this matter by the City on July 23, 2018, specifically to submit all necessary plans and obtain all necessary approvals, permits, and inspections, to cease residential occupancy of the structure, keep the premises in a clean safe and sanitary condition, maintain all premises properly graded, maintain the exterior in good repair, and maintain the electrical system, as set forth in Amended Violations and Facts (Appendix No. 5, attached).
- C. The Administrative Notice and Order of July 23, 2018 is upheld as follows:
- D. Based on these findings I assess a penalty of \$42,464.80, which includes \$40,500.00 for violations (see attached amended penalty calculation sheet) plus administrative costs against the Responsible Parties in the amount of \$1,756.00. In addition, the cost of the Administrative Hearing Officer of \$208.80 shall be an additional administrative cost chargeable to the Responsible Parties, which includes preparation for the hearing, hearing time, review and analysis of the applicable law, the testimony and documentary evidence, rendering and


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preparation of this decision, and service of this order by mail upon the Responsible Parties and the City's Code Enforcement Officer/Building Inspector Mr. Reynolds.

- E. I shall serve by mail this Administrative Enforcement Order on each party and the Administrative Enforcement Order on the City. When the Administrative Enforcement Order is served by mail on the City, the Order shall be final.
- F. This shall serve as notice to the responsible party that if the ~~penalties and~~ administrative costs are not received within thirty (30) days of the date of this Administrative Enforcement Order, the City may seek to enforce it through judicial review. ~~The penalty for late payment of the assessed penalty is 7% per annum, pro-rated daily from the payment due date.~~
- G. ~~Should violations continue, the Responsible Parties may be subject to additional penalties as authorized by law. The penalty for subsequent violations within thirty-six (36) months of the initial violation is up to \$1,000 for each day the violation continues.~~
- H. Pursuant to Santa Rosa City Code (SRCC) Section 1-30.120, a copy of which is attached to the Administrative Notice and Order dated July 23, 2018, and herein, any person contesting this Administrative Enforcement Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days of this order.

Dated: August 21, 2018

BY ORDER OF

  
\_\_\_\_\_  
Jennifer Henry  
Administrative Hearing Officer

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## APPENDIX NO. 5

### AMENDED VIOLATIONS AND FACTS

#### CODE SECTION VIOLATIONS:

##### Violation #1

SRCC Sec. 20-23.030 Commercial District Land Use and Permits Required – Failure to obtain proper zoning approvals for uses onsite.

##### Violation #2

SRCC Sec. 18-16.105.1 Building Permits Required - Interior demolition of wall surfaces; interior wall framing for bathroom improvements without proper plans, approvals and permits; and SRCC Sec. 18-16.110.1 Building Inspections Required - Interior demolition of wall surfaces; interior wall framing for bathroom improvements without required inspections.

##### Violation #3

SRCC Sec. 20-52.030 Design Review – Failure to submit proper applications and obtain approvals for changes and alterations to front of structure.

##### Violation #4

SRCC Sec. 18-16.105.1 Building Permits Required – Failure to submit proper plans, obtain approvals and permits for structural changes to wall and roof framework; and SRCC Sec. 18-16.110.1 Building Inspections Required - Failure to obtain required inspections for structural changes to wall and roof framework.

##### Violation #5

SRCC Sec. 18-32.89.108.4.1 Electrical Permits Required – Alterations to existing electrical system without proper plans approvals and permits; and SRCC Sec. 18-32.89.108.4.4 Electrical Inspections Required – Alterations to existing electrical system without required inspections.

##### Violation #6

SRCC Sec. 18-16.114.1 Unlawful Acts – Residential occupancy of structure. It shall be unlawful for any person, firm or corporation to alter, repair or occupy any building or structure regulated by code; or cause the same to be done.

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## Violation #7

SRCC Sec. 18-20.302.1 Sanitation – Failure to maintain all exterior property and premises in a clean safe and sanitary condition; and SRCC Sec. 18-20.302.2 Grading and Draining – Failure to maintain all premises graded and maintained to prevent the accumulation of stagnant water therein.

## Violation #8

SRCC Sec. 18-20.304.1 Exterior Structure – Failure to maintain the exterior of a structure in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

## Violation #9

SRCC Sec. 18-20.605.1 Electrical System – Failure to maintain the structure electrical system in a safe and approved manner

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## AMENDED

### ~~PENALTY~~ CALCULATION SHEET

#### Appendix No. 7-E

- 1a. Responsible Party: JM Woodworker Inc.
- 1b. Address: P.O. Box 1487  
Sonoma, CA 95476
  
2. Location of Violation in the City of Santa Rosa: 964 PETALUMA HILL ROAD
3. Assessor Parcel Number: 038-154-007      Zoning District: PD 73-001
4. ~~The penalty for an initial violation is up to \$500.00 for each day the violation continues.~~
5. Date Violations were to be corrected: July 29, 2018
6. Date of Administrative Hearing: August 8, 2018
7. ~~Number of Days between Line 5 and Line 6: 9 violations x \$500.00/day x 9 days =~~  
~~\$40,500.00~~
8. Administrative Costs = \$1,964.80 combined totals below.  
See description beginning with item A, below.

A. Letters, meetings, hearing preparation 2 hr(s). @ \$176.00/hr. =	\$ 352.00
B. 4 site visit(s) 4 hr(s). @ \$176.00/hr. =	\$ 704.00
C. Senior Administrative Assistant - 2 hr(s). @ \$165.00/hr. =	\$ 330.00
D. Senior Code Enforcement Officer - 2 hr(s). @ \$185.00/hr. =	\$ 370.00
E. Administrative Hearing Officer Costs:	\$ 208.80
9. 

A. <del>Penalty from line 7:</del>	<del>\$ 40,500.00</del>
B. Costs from line 8:	\$ 1,964.80
C. <del>Total Assessment:</del>	<del>\$ 40,256.00</del>
10. Administrative Hearing Time for Code Enforcement Officers 1.2 hr(s). @ \$174.00/hr. = \$ 208.80 (to be added by Hearing Officer after hearing)

Date: August 8, 2018

BY ORDER OF: 

Name: Michael J. Reynolds  
Title: Senior Code Enforcement Officer  
Telephone: 707-543-3462

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## **Santa Rosa City Code**

### **Section 1-30.120 Limited appeal—Right to judicial review.**

Notwithstanding the provisions of Section 1094.5 or 1094.6 of the California Code of Civil Procedure, within 20 days after service of the final administrative order or decision of the local agency is made pursuant to an ordinance enacted in accordance with California Government Code section 53069.4 regarding the imposition, enforcement or collection of the administrative fines or penalties, any person contesting the final administrative order or decision made pursuant to this chapter may seek review by filing an appeal to be heard by the superior court. The right to appeal is limited to the terms and conditions set out in Section 53069.4. In the event that a copy of the notice of appeal is served in person or by first-class mail upon the City of Santa Rosa by the contestant-appellant pursuant the appeal to the superior court, the time for payment shall be suspended from the date of said service until the judgment of the court is final. (Ord. 3665 § 1, 2004; Ord. 3641 § 1, 2003)

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## PROOF OF SERVICE

I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the County of Sonoma where the mailing took place.

My business address is: c/o City of Santa Rosa Administrative Hearings, 100 Santa Rosa Avenue, Santa Rosa, CA 95404.

I served a copy of the following documents (*specify*):

**ADMINISTRATIVE ENFORCEMENT ORDER  
AMENDED VIOLATIONS AND FACTS (APPENDIX NO. 5)  
AMENDED PENALTY CALCULATION SHEET  
SRCC 1-30.120**

by enclosing them in an envelope addressed to the following persons:

JM Woodworker Inc (David McDonald)	City of Santa Rosa
PO Box 1487	Administrative Hearings
Sonoma CA 95476	100 Santa Rosa Avenue
	Santa Rosa, CA 95404

and depositing the sealed envelope with the U.S. Postal Service at Santa Rosa, CA with the postage fully prepaid.

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

Date: August 22, 2018

Signed \_\_\_\_\_

  
J. Henry