

Original Enforcement Order Modified to Remove Penalties

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

File # CE 13-0392

ADMINISTRATIVE ENFORCEMENT ORDER

- 1 a. Responsible Party(ies): Luciano Jesus Dominguez Billy and Danielle Dominguez Billy**
- 1 b. Address: 4730 Parktrail Drive, Santa Rosa, CA 95405**
- 2. Location of Violation: 4730 Parktrail Drive, Santa Rosa, CA 95405**
- 3. APN: 049-553-014 Zoning District: R175**
- 4. Administrative Hearing Officer's Decision:**

A Noticed Hearing was held on December 11, 2019 commencing at 1:00 p.m. in the Santa Rosa City Council Chambers located at 100 Santa Rosa Ave 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/Building Inspector Mark Maystrovich on behalf of the "City". Responsible Party(ies) Luciano Jesus Dominguez Billy was present.

After consideration of the testimony Mr. Maystrovich presented, the testimony of Luciano Jesus Dominguez Billy, the 47 pages of documentary evidence dated December 11, 2019, including the Staff Report, Certificate of Service, Administrative Notice and Order dated November 14, 2019, Penalty Calculation Worksheet, Complaint Log, Property Detail Report, Vicinity Map, January 8, 2019 Administrative Citation, October 31, 2019 site inspection photos, September 3, 2019 Notice of Violation, October 8, 2019 Failure to Abate and November 5, 2019 Notice of Noncompliance, 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 was in violation of the Code section(s) listed below that are set forth in the Staff Report dated December 11, 2019 and the Administrative Notice and Order issued in this matter by the "City" on November 4, 2019:

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Violation #1

SRCC Sec. 18-20.302.7 Accessory Structure – Temporary tent in front yard/
failure to obtain a conditional use permit for covered parking

Violation #2

SRCC Sec. 18-20.302.8 Motor Vehicles – Inoperable vehicles in driveway.

Violation #3

SRCC Sec 1-30.030 (G)3(f) Nuisance Standards – Accumulation of debris and household furnishings, vehicles and vehicular parts, in public view, or equipment stored either (1) so as to be visible from a public street, alley, or from any adjoining property for at least 72 consecutive hours, or (2) so as otherwise to constitute a harborage for rodents or pests or detriment to health, safety and welfare of nearby properties, the neighborhood and/or the City.

Violation #4

SRCC Sec. 20-30.110.D.2 Extended storage or parking.

- C. The Administrative Notice and Order of November 4, 2019 is modified as follows:

As of December 9, 2019, Responsible Party has corrected all violations and is **HEREBY ORDERED** to cease and desist from repeating the existing or similar violations.

- D. Based on these findings, there will be no penalty assessed. I will assess administrative costs against the Responsible Party(ies) in the amount of \$1,668.20 which includes the cost incurred for the appearance of Mr. Maystrovich on behalf of the City at the hearing for .20 hours. In addition, the cost of the Administrative Hearing Officer of \$375.00 shall be an additional administrative cost chargeable to the Responsible Party(ies), 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(ies) and Mr. Maystrovich.
- E. I shall serve by mail this Administrative Enforcement Order on each party and their attorney, if any, and the Code Enforcement Officer Maystrovich. When the Administrative Enforcement Order is served by mail on the Code Enforcement Officer, the Order shall be final.

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- ~~F. 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, the City may seek to enforce it through judicial review. The penalty for late payment of the assessed penalty is 7% pro-rated daily from the payment due date.~~
- ~~G. 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.~~
- H. Pursuant to SRCC Section 1-30.210, a copy of which is attached to the Administrative Notice and Order served by mail on November 4, 2019, 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: December 23, 2019

BY ORDER OF



DIANE AQUÍ

Administrative Hearing Officer

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PENALTY CALCULATION SHEET

1 a. Responsible Party(ies): Luciano Jesus Dominguez Billy and Danielle Dominguez Billy

1 b. Address: 4730 Parktrail Drive, Santa Rosa, CA 95405

2. Location of Violation: 4730 Parktrail Drive, Santa Rosa, CA 95405

3. APN: 049-553-014

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 were four (4) violations.~~

5 a. Date Violations were to be corrected: December 1, 2019

5 b. Date Violations were corrected: December 9, 2019

6. Date of Administrative Hearing: December 11, 2019

7. ~~Number of Days between dates listed in items 5a and 5b above: eight (8) days~~

~~Total penalty assessed is \$ 0.00~~

~~8 days x \$0 per day x four (4) violations~~

8. Administrative costs are assessed in the sum of \$ 1,668.20 which are as follows:

A. Letters, meetings, hearing preparation

2.0 hrs. @ \$ 181.00 per hour \$ 362.00

B. 2 site visits, 2.0 hrs. @ \$181 per hour \$ 362.00

C. Senior Administrative Assistant 2.0 hrs. @170.00 per hr. \$ 340.00

D. Sr. Code Enforcement Officer 1.0 hrs.@ \$191.00 per hr. \$ 191.00

E. Administrative Hearing time .20 hr.@ \$191.00 per hr. \$ 38.20

F. Hearing Officer time 1.5 hrs. @ \$250.00 per hr. \$ 375.00

Total \$ 1,668.20

Total administrative costs: \$ 1,668.20

~~Penalty from item 7: \$ 00~~

Total ~~penalties and costs:~~ \$ 1,668.20

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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 December 24, 2019, I served the attached:

ADMINISTRATIVE ENFORCEMENT ORDER

For

4730 Parktrail Drive
Santa Rosa, CA 95405

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

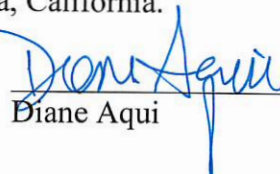
Luciano Jesus Dominguez Billy and Danielle Dominguez Billy
4730 Parktrail Drive
Santa Rosa, CA 95405

Mark Maystrovich, Code Enforcement Officer/Building Inspector
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. on the attached service list.

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

Executed on 12-24, 2019, at Santa Rosa, California.



Diane Aqui