

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
SUBJECT: ASSESSMENT LIEN AGAINST THE REAL PROPERTY
LOCATED AT 1080 TIJUANA COURT
STAFF PRESENTER: SCOTT MOON, SENIOR FIRE INSPECTOR
SANTA ROSA FIRE DEPARTMENT

AGENDA ACTION: RESOLUTION

ISSUE(S)

Shall the Council adopt a resolution to place a special assessment lien on the property located at 1080 Tijuana Court?

BACKGROUND

1. The owners and responsible parties of 1080 Tijuana Court are Christina and Yonghee Jang.
2. On August 7, 2012, Fire Department staff conducted an inspection regarding an apartment complex violation of an out-of-date fire alarm system. Follow up inspections conducted from August through November, 2012 confirmed that violations remained. A Pre-Citation letter was sent to the responsible parties on November 26, 2012.

A follow up inspection conducted on January 2, 2013 confirmed that the violation had not been corrected. Subsequent follow up inspections confirmed that the fire alarm system had not been serviced.

An Administrative Notice and Order was sent to the responsible parties on April 17, 2013.

A follow up inspection on May 5, 2013 confirmed that the violations had not been corrected.

3. 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 the procedures, when one or more violations are identified, the responsible party or parties are notified and given a reasonable

time to make corrections. If the corrections are not accomplished by a specific date, the party or parties are required to appear before the Administrative Hearing Officer to determine whether or not the violations exist. A penalty is assessed for each violation, and where costs of the enforcement process were incurred and proven at the hearing, such costs are also assessed against the responsible party or parties. At the hearing, the responsible party or parties are advised that if penalty costs remain unpaid, the City retains the option to either place a special assessment 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 penalty, including administrative costs, in full within 30 days, the Fire Inspector shall request, by placing on the City Council consent agenda, an item to confirm that a special assessment 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 1080 Tijuana Court, and that the violations have remained uncorrected by the responsible parties of Christina and Yonghee Jang, who did not appear at the hearing but were represented by Mr. Dave Paulsen at the Administrative Hearing held on May 15, 2013. The penalties and costs, as assessed by the Administrative Hearing Officer, amount to \$3,471.00 and remain unpaid. The Santa Rosa Fire Department now seeks, by Resolution, to have Council confirm the Special Assessment Lien.

ANALYSIS

1. The County Auditor and the County Tax Collector require that the City Council act by resolution to create a special assessment 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 tax assessment parcel number. It must also provide the dollar amount of the lien, and, when the lien amount is in excess of \$2,500.00, 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 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.

RECOMMENDATION

It is recommended by the Santa Rosa Fire Department that Council, by resolution, approve the special assessment lien in the amount of \$3,471.00 against the property located at 1080 Tijuana Court for violations of the City Code that remain uncorrected by the responsible parties, Christina and Yonghee Jang, and authorizes recording of a lien and placing the assessment on the property tax roll for collection.

Author: D. Ricci

Attachments:

- Administrative Enforcement Order
- Certificate of Service
- Case File Photographs
- Property Detail Report
- Vicinity Map

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

RECEIVED
JUL 01 2013
SANTA ROSA FIRE DEPT.

File # RMS 04347

REC'D

JUL 01 2013

ADMINISTRATIVE ENFORCEMENT ORDER

- 1-A Responsible Party: Christina Jang and Younghee Chang
- 1-B Address: P.O. Box 388, Santa Rosa, CA 95402
2. Location of Violation: 1080 Tijuana Ct. Court Santa Rosa, CA 95401
3. APN: 012-452-020 Zoning District: R-3-18
4. Administrative Hearing Officer's Decision:

A Noticed Hearing was held on May 15, 2012 commencing at 1:05 p.m. in the City Council Chambers at Santa Rosa City Hall, 100 Santa Rosa Ave. Santa Rosa, CA 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 on behalf of the "City" was Dave Ricci, Certified Fire Inspector. The Responsible Parties did not personally appear at the hearing. However Mr. Dave Paulson appeared on their behalf. The Mr. Ricci and Mr. Paulson were duly sworn prior to their testimony.

After review and consideration of the oral testimony, the documentary evidence contained in the staff report received in evidence at the hearing, documents submitted by Mr. Paulson the violation, the Hearing Officer makes the following findings:

- A. The "City" has complied with all applicable notice requirements.
- B. The record contains substantial evidence that the Responsible Parties are in violation of the codes sections listed below, that are also set forth in the Staff Report dated May 15, 2013 and in the Administrative Notice and Order issued in this matter by the City of Santa Rosa on April 16, 2013. The Administrative Notice and Order of April 17, 2013 is upheld as follows:

VIOLATION ONE

Santa City Code Section 18-44.901.6

Failure to have testing and inspection of the fire alarm system at the subject property as required by law.

C) Based on these findings, I assess a penalty of \$ 1500.00 (see attached Penalty Calculation Sheet) plus administrative costs against the Responsible Party in the amount of \$1596.00, which includes the cost incurred for the appearance of a Certified Fire Inspector at the hearing for one hour. In addition, the cost of the Administrative Hearing Officer of \$ 375.00 shall be an additional administrative cost chargeable to the Responsible Parties, which costs includes preparation time for hearing, time at hearing, review of codes and analysis of the evidence, rendering a decision, and service of this order.

(D) I shall serve the Administrative Enforcement Order on each party and their attorney(s), if any. When the Administrative Enforcement Order is served on the Fire Inspector, the order shall be final.

(E) This shall serve as notice to the Responsible Parties that the penalties and administrative costs are special assessments against the property where the violations occurred and if payment is not received within thirty (30) days of the date of this Administrative Enforcement 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.

(F) Should the violation continue the Responsible Parties 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 \$ 1000.00 for each day the violations continue.

(G) Within thirty (30) days from the date of this order, the Responsible Party shall take corrective action to remedy the violation and shall obtain permit(s) as may be required, All work must be completed and inspected within thirty (30) days of issuance of the permit(s), if any there may be required. If no permit is required, all corrective action shall be completed within thirty days from the date of this order.

(H) Pursuant to SRCC Section 1-30.210 (a copy of which was attached to the Administrative Notice and Order dated and served on April 16, 2013), any person contesting the Administrative Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days after service of this Order.

Dated: June 28, 2013

BY ORDER OF


STEVEN M. LANDER
Administrative Hearing Officer

PROOF OF SERVICE BY MAIL

I am employed in the County of Sonoma, State of California. I am over 18 years of age and I am not a party in this proceeding. My business address is 100 Santa Rosa Ave. Santa Rosa, CA 95404.

On June 28, 2013 I served the attached **Administrative Order** on the following parties in this proceeding by placing a true copy in a sealed envelope addressed as follows:

Dave Ricci, Fire Inspector
City of Santa Rosa
100 Santa Rosa Ave.
Room 3
Santa Rosa, CA 95404

Christina Jang and Younghee Chang
P.O. Box 388,
Santa Rosa, CA 95402

I placed the sealed envelope with postage thereon fully prepaid with the United States Postal Service.

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

Executed on June 28, 2013



Steven M. Lander

1080

4/8/2013
1080 Juana Court

DO NOT

REMOVE

BY ORDER OF THE STATE FIRE MARSHAL



CCI

Electric & Fire Alarm
Contractor

(800) 421-4800

Lic. #319819

Fire Alarm

Inspector

Signature

But Dave 10
See Comments
on Back

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026

Property Detail Report

For Property Located At :
1080 TIJUANA CT, SANTA ROSA, CA 95401-4625



Owner Information

Owner Name: JANG YONGHEE
 Mailing Address: PO BOX 388, SANTA ROSA CA 95402-0388 B004
 Vesting Codes: MW / /

Location Information

Legal Description:	MAP 101 PG 6 PART OF LOT 34	APN:	012-452-020
County:	SONOMA, CA	Alternate APN:	
Census Tract / Block:	1530.01 / 2	Subdivision:	CODDINGTOWN ACRES 03
Township-Range-Sect:		Map Reference:	129-B4 / 384-D4
Legal Book/Page:		Tract #:	
Legal Lot:	34	School District:	SANTA ROSA CITY
Legal Block:		Munic/Township:	
Market Area:			
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	08/26/1998 / 08/20/1998	Deed Type:	DEED (REG)
Sale Price:		1st Mtg Document #:	
Document #:	98615		

Last Market Sale Information

Recording/Sale Date:	08/26/1998 /	1st Mtg Amount/Type:	\$179,400 / CONV
Sale Price:	\$276,000	1st Mtg Int. Rate/Type:	7.62 / ADJ
Sale Type:	FULL	1st Mtg Document #:	
Document #:	98614	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$88.46
New Construction:		Multi/Split Sale:	
Title Company:	NORTHWESTERN TITLE CO.		
Lender:	WASHINGTON MUTUAL BK		
Seller Name:	MAKOWSKI JOHN ANTHONY		

Prior Sale Information

Prior Rec/Sale Date:	12/26/1991 / 00/1991	Prior Lender:	WORLD S&L
Prior Sale Price:	\$312,000	Prior 1st Mtg Amt/Type:	\$234,000 / CONV
Prior Doc Number:	129992	Prior 1st Mtg Rate/Type:	/ FIX
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:		Parking Type:		Construction:	WOOD FRAME/CB
Living Area:	3,120	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:		Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	16	Basement Area:		Patio Type:	
Bedrooms:	8	Finish Bsmnt Area:		Pool:	
Bath(F/H):	8 /	Basement Type:		Air Cond:	
Year Built / Eff:	1969 /	Roof Type:		Style:	
Fireplace:	/	Foundation:		Quality:	
# of Stories:	2.00	Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:	CITYSR	Acres:	0.24	County Use:	FOURPLEX (0034)
Lot Area:	10,500	Lot Width/Depth:	x	State Use:	
Land Use:	QUADRUPLX	Res/Comm Units:	4 /	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$344,487	Assessed Year:	2012	Property Tax:	\$3,933.46
Land Value:	\$124,813	Improved %:	64%	Tax Area:	004002
Improvement Value:	\$219,674	Tax Year:	2012	Tax Exemption:	
Total Taxable Value:	\$344,487				

1080 Tijuana Court



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