

Original Enforcement Order Modified to Remove Penalties

RECORDED AT REQUEST OF AND RETURN TO:

City of Santa Rosa
Division Code Compliance
90 Santa Rosa Avenue
Santa Rosa, CA 95404

"NO FEE REQUIRED"

(Govt. Code Sec. 6103 and 27383)
Recorded for the benefit of the
City of Santa Rosa

Exempt from SB2 fee per GC 27388.1 (a) (s);
Executed or recorded by a government agency

CE 18-0341

FOR RECORDER'S USE ONLY ABOVE THE LINE

ADMINISTRATIVE ENFORCEMENT ORDER

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APN: ~~125-371-039~~

1597 WEST AVENUE
SANTA ROSA, CA 95407

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

File # CE 18-0341

ADMINISTRATIVE ENFORCEMENT ORDER

- 1-A Responsible Party(ies): Norma M. Cronin**
- 1-B Address: 1597 West Avenue, Santa Rosa, CA 95407-6302**
- 2. Location of Violation: 1597 West Avenue, Santa Rosa, CA 95407-6302**
- 3. APN: 125-371-039 Zoning District: R-1-6**
- 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) Norma M. Cronin was not present.

After consideration of the testimony Mr. Maystrovich presented, the testimony of witness Vehicle Abatement Officer, Kyle Duggin of the City of Santa Rosa, the 206 pages of documentary evidence dated December 11, 2019, including the Staff Report, Certificate of Service, Administrative Notice and Order dated October 22, 2019, Penalty Calculation Worksheet, Complaint Log, Property Detail Report, Vicinity Map, Consents to Inspect, Inspection Warrants, and Site Inspection photos, 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 December 11, 2019 and the Administrative Notice and Order issued in this matter by the "City" on October 22, 2019:

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Violation #1

SRCC Sec. 18-20.301.2 Responsibility – Owner of the premises has failed to maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping it in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

Violation #2

SRCC Sec. 18-16-111.1 Use and Occupancy- Failure to obtain certificate of occupancy for garage conversion and 3 single room structures.

Violation #3

SRCC Sec. 18-16.105.1, 18-16.110.1 Building Permits and Inspections Required - Failure to submit plans, obtain approval, permits and inspections for garage conversion and 3 single room structures.

Violation #4

SRCC Sec. 18-32.89.108.4.1, 18-32.89.108.4.4 Electrical Permits and Inspections Required – Failure to submit plans, obtain approval, permits and inspections for installation of electrical in garage conversion.

Violation #5

SRCC Sec. 18-20.605.4 Wiring – Use of flexible cords as permanent wiring.

Violation #6

California Health and Safety Code 18871 Unlawful Occupancy - Habitation of motorhome on property.

Violation #7

SRCC Sec. 20-30.110.D.2 – Extended storage of non-operational motorhome.

Violation # 9

SRCC Sec. 90-12.050, 9-12.070 and 9-12.110 Trash and Debris – Trash and debris throughout property.

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C. The following violation was withdrawn by the City as duplicative of Violation #9:

Violation #8

SRCC Sec. 18-20.302.1 Sanitation – Failure to keep the exterior property in a clean, safe and sanitary condition.

D. The Administrative Notice and Order of October 22, 2019 is modified as follows:

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

1. Remove stored non-operational and unregistered vehicles.
2. Remove stored trailer.
3. Cease habitation of motorhome.
4. Obtain demolition permits for removal of sheds and attached roof structures
5. Maintain exterior of the property in a clean, safe and sanitary condition by removing all trash and debris.
6. Maintain the interior of the property in a clean, safe and sanitary condition.

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 ~~\$12,000 (see attached penalty calculation sheet)~~ plus administrative costs against the Responsible Party(ies) in the amount of \$ 3,428.40 which includes the cost incurred for the appearance of Mr. Maystrovich on behalf of the City at the hearing for .40 hours. In addition, the cost of the Administrative Hearing Officer of \$550.00 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 the City's Code Enforcement Officer Mr. Maystrovich.
- F. I shall serve by mail this Administrative Enforcement Order on each party and their attorney, if any, and the Code Enforcement Officer Mr. Maystrovich. When the Administrative Enforcement Order is served by mail on the Code Enforcement Officer, the Order shall be final.

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- 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, 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.~~
- 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 from the date of this Order, the responsible party shall take corrective action to remedy the violation(s), by doing the following:
1. Remove stored non-operational and unregistered vehicles.
 2. Remove stored trailer.
 3. Cease habitation of motorhome.
 4. Obtain demolition permits for removal of sheds and attached roof structures
 5. Maintain exterior of the property in a clean, safe and sanitary condition by removing all trash and debris.
 6. Maintain the interior of the property in a clean, safe and sanitary condition.
- J. Pursuant to SRCC Section 1-30.210, a copy of which is attached to the Administrative Notice and Order served by mail on October 22, 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 AQUI
Administrative Hearing Officer

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PENALTY CALCULATION SHEET

- 1-A Responsible Party(ies): Norma M. Cronin
- 1-B Address: 1597 West Avenue, Santa Rosa, CA 95407-6302
2. Location of Violation: 1597 West Avenue, Santa Rosa, CA 95407-6302
3. APN: 125-371-039
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 are eight (8) violations.~~
5. Date Violations were to be corrected: December 1, 2019
6. Date of Administrative Hearing: December 11, 2019
7. ~~Number of Days between dates listed in items 5 and 6 above: ten (10) days~~
~~Total penalty assessed is \$ 12,000.00~~

~~10 days x \$150 per day x eight (8) violations~~

8. Administrative costs are assessed in the sum of \$ 3,428.40 which are as follows:

A. Letters, meetings, hearing preparation

7.0 hrs. @ \$ 191.00 per hour \$ 1,337.00

B. 4 site visits, 4.0 hrs. @ \$191 per hour \$ 764.00

C. Senior Administrative Assistant 3.0 hrs. @170.00 per hr. \$ 510.00

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

E. Administrative Hearing time .40 hr.@ \$191.00 per hr. \$ 76.40

F. Hearing Officer time 2.2 hrs. @ \$250.00 per hr. \$ 550.00

Total \$ 3,428.40

Total administrative costs: \$ 3,428.40

~~Penalty from Item 7: \$12,000.00~~

~~Total penalties and costs: \$ 15,428.40~~

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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

1597 West Avenue,
Santa Rosa, CA 95407-6302

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

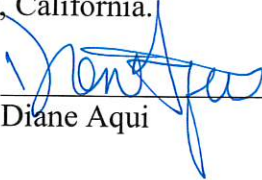
Norma M. Cronin
1597 West Avenue,
Santa Rosa, CA 95407-6302

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