

# Original Enforcement Order Modified to Remove Penalties

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

File # CE18-0150

## **SECOND AMENDED** **ADMINISTRATIVE ENFORCEMENT ORDER**

- 1-A Responsible Parties: Susan McClellan**
- 1-B Address: 2615 Canterbury Drive Santa Rosa, CA 95405**
- 2. Location of Violation: 2615 Canterbury Drive Santa Rosa, CA 95405**
- 3. APN: 014-664-006          Zoning District: R-1-6**
- 4. Administrative Hearing Officer's Decision:**

A Noticed Hearing was held on September 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 that were observed at the above referenced property. Present at the hearing were Code Enforcement Officer Cindy Schalich on behalf of the "City" and the Responsible Party Susan D. Mc Clellan. Cindy Schalich and Susan D. Mc Clellan were both duly sworn in prior to their testimony.

After consideration of the testimony of Ms. McClellan and Code Enforcement Officer Cindy Schalich, and the documentary evidence contained in the staff report dated August 29, 2019, 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 including sworn testimony contain sufficient evidence that the Responsible Party was in violation of the Code section(s) listed below that are set forth in the Staff Report dated August 29, 2019, and the Administrative Notice and Order issued in this matter by the "City" on June 25, 2019.
- C. The Administrative Notice and Order of June 25, 2019 is upheld as follows:

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## VIOLATION ONE

SRCC Section 20-36-040 Table 3-4 provides as follows

**Number of Parking Spaces Required- Failure to provide one on-site covered parking space located outside of setback.**

## VIOLATION TWO

SRCC Section 20-30.060 provides as follows:

**Fences, Walls and Screening- Failure to remove lattice located in the required setback between property and neighboring driveway**

Based on these findings I assess a penalty of \$ 500.00 (~~see attached penalty calculation sheet~~) plus administrative costs against the Responsible Party in the amount of \$ 1139 .00 which includes the cost incurred for the appearance of Code Enforcement Officer Cindy Schalich on behalf of the "City at the hearing for 0.3 hours. In addition, the cost of the Administrative Hearing officer of \$ 331.50 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 taking of the testimony and review of 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 Cindy Schalich.

A. I shall serve by mail the Administrative Enforcement Order on each party and their attorney, if any, and the Code Enforcement Officer Cindy Schalich. When the Administrative Enforcement Order is served by mail on Code Enforcement Officer Schalich the Order shall be final.

B. This shall also serve as notice to the Responsible Party that if payment of the ~~penalties~~ and administrative costs are 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.~~

C. Within thirty (30) days from the date of this Order the responsible party shall take corrective actions remedy and remove the violations cited herein by obtaining all necessary permits to correct and remove such violations and any inspections as necessary and required.

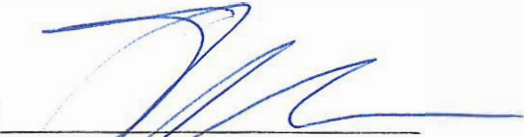
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D. ~~Should the violations continue the Responsible Party may be subject to additional penalties as authorized by law~~

E Pursuant to SRCC Section 1-30.210, a copy of which is attached to the Administrative Notice and Order served by mail on August 29, 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 Second Amended Order.

Dated: November 9, 2019

BY ORDER OF

  
\_\_\_\_\_  
STEVEN M. LANDER  
Administrative Hearing Officer

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## PENALTY CALCULATION SHEET

- 1 a. Responsible Party: Susan D. Mc Clellan
- 1 b. Address: 2615 Canterbury Drive Santa Rosa 95405
2. Location of Violation: 2615 Canterbury Drive, Santa Rosa 95405
3. APN: 014-664-006
4. ~~The penalty for each Code violation is up to \$500.00 per day for each day the violation continues. In this proceeding, there are two (2) violations.~~
5. Date Violations were to be corrected: August 4, 2019
6. Original scheduled hearing date of Administrative Hearing: August 14, 2019
7. ~~Number of Days between in dates listed in items 5 and 6 above: 10 days~~  
~~Total penalty assessed is \$ 500.00~~  
~~10 (ten) days x \$ 50.00 per day X 1 (one) consolidated violation.~~
8. Administrative costs are assessed in the sum of \$ 1470.50 which are as follows:

A. Letters, meetings, hearing preparation

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

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

C. Sr. Administrative Assistant-1hrs.@ \$ 170.00 per hr. \$ 170.00

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

E. Administrative Hearing time 0.3hr.@\$181.00 per hr. \$ 54.00

F. Hearing Officer time 1.3 hrs. @\$255.00 per hr. \$ 331.50

Total \$1470.50

Total administrative costs. \$1470.50

~~Penalty from item 7: \$ 500.00~~

~~Total penalties and costs: \$1970.50~~

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## PROOF OF SERVICE BY MAIL C.C.P. 1013a

I declare that I am a resident of or employed in the County of Sonoma, California. I am over the age of 18 years and not a party to the within entitled cause. The address of my business is 100 Santa Rosa Ave, Santa Rosa, CA 95404.

I am readily familiar with the ordinary practice of the business of collecting, processing and depositing correspondence in the United States Postal Service and that the correspondence will be deposited the same day with postage thereon fully prepaid.

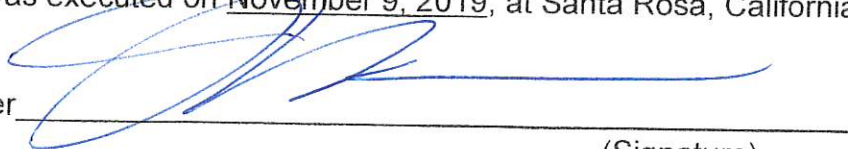
On November 7, 2019, I served the attached First Amended Administrative Enforcement Order, and Penalty Calculation Sheet in this matter on the parties/persons listed below by placing a true copy thereof enclosed in a sealed envelope for collection and mailing in the United States Postal Service following ordinary business practices at Santa Rosa, California on the addressed as follows:

Cindy Schalich  
Code Enforcement Officer  
100 Santa Rosa Ave.  
Santa Rosa, CA 95404

Susan D. Mc Clellan  
2615 Canterbury Drive  
Santa Rosa, CA 95405

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on November 9, 2019, at Santa Rosa, California.

Steven M. Lander



(Signature)