

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

File # CE 17-0283

ADMINISTRATIVE ENFORCEMENT ORDER (CORRECTED)*

1-A Responsible Party: Ronald Hunt

1-B Address: 446 Mallard Drive, Santa Rosa, CA 95401-5754

2. Location of Violation: 466 Mallard Drive, Santa Rosa, CA 95401-5754

3. APN: 035-453-022 Zoning District: PD

4. Administrative Hearing Officer's Decision:

A Noticed Hearing was held on April 18, 2018 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 Technician Cindy Schalich, on behalf of the "City". Responsible Party Ronald Hunt failed to appear at the hearing and no one appeared on behalf of the Responsible Party or filed any response on behalf of the Responsible Party.

After consideration of the testimony Ms. Schalich presented the documentary evidence contained in the staff report dated April 2, 2018, including pages 1 through 52 inclusive, consisting of Certificate of Service, Administrative Notice and Order, Penalty Calculation Worksheet, Complaint Log, Property Detail Report, Vicinity Map, Consent to Inspect dated April 27, 2017, Notice of Violation dated June 28, 2017, Notice of Violation, Failure to Abate dated August 31, 2017, Notice of Compliance recorded February 28, 2018, Site inspection Photos dated June 13, 2017, Site inspection Photos dated July 20, 2017 and Administrative Notice and Order Posting Photo dated March 21, 2018, and additional documentation presented by Ms. Schalich identified as two Site Inspection Photos dated April 10, 2018, two Site Inspection Photos dated April 13, 2018 and one Site Inspection Photo dated April 18, 2018, the hearing officer makes the following findings:

*APN Corrected

- 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 April 2, 2018 and the Administrative Notice and Order issued in this matter by the "City" on February 20, 2018:

Violation #1

SRCC Sec. 9-12.050, 9-12.070 and 9.12.110-Trash and Debris-Accumulated trash, debris and household items in front yard setback, rear yard side setback and rear yard

Violation #2

SRCC Sec. 20-42.030. A1 Accessory Structure-Construction of an accessory structure over 120 sq. ft. attached to fence in required setback

Violation #3

SRCC Sec. 18-20.605.4 Wiring—Flexible Extension cords used throughout accessory structure

Violation #4

SRCC Sec. 18-16.105.1 and 18.16.110.1 Building Permit and Building Inspection Required—Erection of a membrane structure without obtaining a building permit and inspection

Violation #5

SRCC Sec. 20-36.030C, 20-30.110.D. 2 Extended Storage or Parking—Storage of trailer at side of driveway

- C. The Administrative Notice and Order of February 20, 2018 is upheld as follows:

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

1. Remove all trash and debris in front exterior side yard setback and rear yard;
2. Obtain a demolition permit and remove accessory structure attached to fence in interior side yard setback
3. Remove all flexible extension cords in accessory structure

4. Obtain a permit and inspections or remove membrane structure in rear yard
5. Remove trailer from storage next to driveway

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;

- D. Based on these findings, I assess a penalty of \$ 2,500.00 (see attached penalty calculation sheet) plus administrative costs against the Responsible Party in the amount of \$ 1,298.80 which includes the cost incurred for the appearance of Ms. Schalich 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, 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 and the City's Code Enforcement Technician Ms. Schalich.
- E. I shall serve by mail this Administrative Enforcement Order on each party and their attorney, if any, and the Code Enforcement Technician Ms. Schalich. When the Administrative Enforcement Order is served by mail on the Code Enforcement Technician, the Order shall be final.
- 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, 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.
- 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 \$1000.00 for each day the violation continues.
- H. Within thirty (30) days from the date of this Order, the responsible party shall take corrective action to remedy the violation(s), by removing all trash and debris in front exterior side yard setback and rear yard; obtaining a demolition permit and removing accessory structure attached to fence in interior side yard setback; removing all flexible extension cords in accessory structure; obtaining a permit and inspections or removing membrane structure in rear yard; removing trailer from storage next to driveway.
- I. Pursuant to SRCC Section 1-30.210, a copy of which is attached to the Administrative Notice and Order served by mail on February 20, 2018, 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: May 22, 2018

BY ORDER OF



DIANE AQUINO

Administrative Hearing Officer

PENALTY CALCULATION SHEET

- 1 a. Responsible Party: Ronald Hunt
- 1 b. Address: 446 Mallard Drive, Santa Rosa, CA 95401-5754
- 2. Location of Violation: 446 Mallard Drive, Santa Rosa, CA 95401-5754
- 3. APN: 035-453-022
- 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 five (5) violations.
- 5. Date Violations were to be corrected: April 8, 2018
- 6. Date of Administrative Hearing: April 18, 2018
- 7. Number of Days between dates listed in items 5 and 6 above: ten (10) days
Total penalty assessed is \$ 2,500.00
10 days x \$50.00 per day 5 (five) violations

8. Administrative costs are assessed in the sum of \$ 1,298.80 which are as follows:

A. Letters, meetings, hearing preparation	
2.0 hrs. @ \$ 176.00 per hour	\$ 352.00
B. 3 site visits, total of 2.0 hrs. @ \$176 per hour	\$ 352.00
C. Sr. Code Enforcement Officer 1.0 hr.@ \$185.00 per hr.	\$ 185.00
D. Administrative Hearing time .20 hr.@\$174.00 per hr.	\$ 34.80
E. Hearing Officer time 1.5 hrs. @\$250.00 per hr.	<u>\$ 375.00</u>
Total	\$1,298.80

Total administrative costs:	\$1,298.80
Penalty from item 7:	<u>\$2,500.00</u>
Total penalties and costs:	\$3,798.80