

CITY OF SANTA ROSA
ADMINISTRATIVE ENFORCEMENT ORDER

ASSESSOR'S PARCEL NUMBER 035-113-029

2100 SEBASTOPOL ROAD, SANTA ROSA, CALIFORNIA

FILE #CE24-0554 - HEARING DATE NOVEMBER 13, 2024

RESPONSIBLE PARTY

LINDA CORWIN

SUMMARY OF PROCEEDINGS

Santa Rosa City Code section 1-30.020 declares that a violation of the Santa Rosa City Code or any ordinance enacted by the Santa Rosa City Council is subject to an administrative fine or penalty. Pursuant to Santa Rosa City Code section 1-30.040, whenever a Code Enforcement Officer determines that a violation of an ordinance has occurred, the Code Enforcement Officer may issue an administrative notice and order to the responsible party for the violation.

The purpose of this hearing was to provide a review of the Administrative Notice and Order dated October 10, 2024 in which the responsible party had been given up to and including November 3, 2024 to correct/abate all violations. An in person hearing was conducted by Administrative Hearing Officer Charles J. Tarr, duly appointed pursuant to Santa Rosa City Code section 1-30.080, and was convened on November 13, 2024. Shortly prior to the commencement of the hearing the responsible party contacted Code Enforcement to ask for attendance via a Zoom hearing. Staff set up the zoom meeting. The responsible party failed appear via the zoom virtual meeting. The in-person hearing with staff proceeded.

Code Enforcement Officer Carrie Wilson was in attendance and after being placed under oath, presented oral testimony and documentary evidence on behalf of the City of Santa Rosa in support of the Administrative Notice and Order.

ENFORCEMENT HISTORY

There is an extensive enforcement history in this matter. Evidence provided by the City in the staff report chronology contained the following case notes and comments from Code Enforcement Officer Carrie Wilson:

1. 05/08/2024: A complaint was received for homeless persons camping upon private property, weeds and trash and debris.
2. 05/21/2024: Code Enforcement viewed the property on GIS, reviewed the RealQuest property detail report dated 05/08/2024 and checked Accela for previous case history. The responsible party purchased the property in 2009 and the owner was listed as Corwin, Joel M./Corwin, Linda

K. The following case files were found as closed and all had the responsible party listed as Linda Corwin: CE22-0339, CE22-0527 and CE23-037. It is important to highlight there is a long history of code enforcement between the current property owner and previous owners dating back to 1999 (CE13-0416, CE05-0747 and CE99-0975).

3. 05/22/2024: I performed a site inspection and observed graffiti on the real estate for sale sign and on two locations on the fence, tall weeds, scattered trash and debris, overgrown vegetation impeding traffic vision, pedestrians and bicyclist. I photographed my observations. I emailed the Realtor as posted on the property. I drafted a Notice of Violation and mailed it to the responsible party. Also, I emailed the Realtor Jeff Negri regarding his listing to notify him the property has code enforcement concerns. I requested a response.

4. 05/26/2024: A public complaint was received for scattered trash, debris and rubbish, weeds and safety hazard.

5. 05/28/2024: Officer Jenny Marquez (J. Marquez) performed a site inspection with the City Encampment Team. She observed no presence of transients on the property. J. Marquez noted observations of trash, rubbish, debris, tall dry weeds, overgrown vegetation, graffiti on the real estate sign and multiple locations of the fence. I received an email from the responsible party L. Corwin stating the fence is not on her property, suggested the weed abatement be postponed to August.

5. 05/30/2024: The responsible party Linda Corwin (L. Corwin) contacted me via email to state she would have the property cleaned except for the graffiti. Realquest.com property detail report reflected a transfer of ownership on 05/31/2024 to 3003-3085 LOMA VISTA ROAD LLC.

6. 05/31/2024: A revised Notice of Violation was mailed to the responsible party L. Corwin with a compliance deadline of June 10, 2024. I emailed L. Corwin clarification to the directives described in the Notice of Violation letter to provide direction for the graffiti removal standards in the Santa Rosa City Code.

7. 06/03/2024: I received an email from the responsible party L. Corwin stating the weeds were abated and informed me she had not yet hired a painter to abate the graffiti.

8. 06/04/2024: I received the 5/22/24 Notice of Violation as Return to Sender, no such number, Unable to Forward, as addressed to Current Occupant / Property Owner, 2100 Sebastopol Road, Santa Rosa, CA 95407.

9. 06/10/2024: I received and responded to an email from L. Corwin to clarify if additional time was needed to abate the graffiti. I granted an extension to the compliance time limit to June 17, 2024. I encouraged Ms. Corwin to seek legal counsel regarding the good neighbor fence since it is a civil matter. I recommended she consult with a licensed surveyor to determine property boundaries. I received an email from Jeff Negri, listing agent for the subject property, who requested an extension to clean up the graffiti.

10. 06/11/2024: I listened to a voice mail message from the responsible party L. Corwin recorded on 06/10/2024 to my office line 707-543-4703 indicating she intended to hire a surveyor to get the fence removed. She explained she is an attorney, and she consulted an

attorney in Santa Rosa. She indicated that removing the graffiti would be trespassing. She requested an email for contact if needed.

11. 06/14/2024: I received and responded to an email from the responsible party L. Corwin stating the graffiti would be cleaned up by Tuesday the following week.

12. 06/18/2024: I received an email from the responsible party L. Corwin indicating the lot had been cleaned up and the graffiti removed. I performed a site inspection and took photographs of my observations. I observed dry grasses and weeds. The dry grasses were cut; however, the clippings were left on the ground instead of raked and removed. Graffiti remained on the fence. Weeds at the mound were not trimmed, storm drain gutters were not cleaned, the plant encroaching and impeding pedestrian and bicycle lane view was not trimmed.

13. 06/19/2024: I performed a site inspection of the property and took photos of my observations. I observed clipped grass across the property, tall grasses at the rock mound, scattered trash and debris stuck in weeds across the premises, debris in the street gutters and storm drain, an overgrown plant in the landscape strip impeding pedestrian and bicyclist view causing a safety hazard, and graffiti on the fence. I emailed the responsible party an itemized list of remaining items that needed abatement with reference to specific photos and included a link to download photos. I reiterated the requirement for ongoing maintenance in the VBL ordinance and provided a link to the ordinance. I offered to meet the responsible party or her designated agent at the property and offered to speak over the phone. I granted a generous extension of time to July 30, 2024 to allow sufficient time to abate all the violations as well as due to my various time off schedule through the month of July. I explained that after the July 30 time limit, the property would be subject to the VBL program, registration and monitoring. I received an email from the responsible party L. Corwin indicating she did not agree with cutting back the weeds from the bike lane. I received an additional email requesting information on how to report every neglected property within a 2–3-mile radius of the subject property. She provided one photo of the cut grass as provided to her from her contractor.

14. 06/24/2024: I set up a virtual meeting with the responsible party L. Corwin to address all of her concerns. 06/26/2024: I attended a TEAMS meeting with the responsible party L. Corwin to discuss the code enforcement matters of the property. Officer Megan Lackie was present on the call. L. Corwin informed me the property was transferred to an LLC called 3003-385 LOMA VISTA RD, LLC. Ms. Corwin asserted the LLC cannot pay any fees and stated she is not the owner. I explained that an LLC shields owners from liability to a certain degree, however, as the Agent for Service of Process, she has responsibility of property maintenance. I explained the VBL ordinance. I encouraged Ms. Corwin to hire a property manager to maintain the property for her since she did not reside in the area. She confirmed she had read the ordinance and is familiar with the requirements. Ms. Corwin asserted she was not going to maintain the property and expressed her feeling that the ordinance is not fair. She further wanted to make a complaint about me and requested my supervisor's contact information. I emailed the responsible party L. Corwin a follow up to the TEAMS meeting to provide information she requested about how to submit a request for investigation, the contact information for the City Attorney and my supervisor's contact information.

15. 06/27/2024: I received an email from the responsible party L. Corwin that indicated she was still searching for someone to hire for abatement.

16. 06/28/2024: I emailed the responsible party L. Corwin of my vacation and provided instructions to contact Senior Code Enforcement Officer Daniela Debaca during my absence. I provided Officer Debaca's email and phone number. I reinforced the complete list of remaining items to abate was emailed to Ms. Corwin on June 19, 2024. I reiterated the requirement for ongoing maintenance in the VBL ordinance and provided a link to the ordinance. I also provided the contact information for the Chief Building Official Lou Kirk.

17. 07/30/2024: I performed an inspection of the subject property and took photographs of my observations. I observed cut dry grasses scattered on the parcel, scattered trash and debris, an overgrown plant in the landscape strip encroaching upon the bike lane, unresolved graffiti on the fence located near the entrance to the residential neighborhood. The graffiti on the real estate sign had been removed as well as some was removed from fence with a newer wood appearance behind the real estate sign.

18. 08/08/2024 I mailed a Notice of Violation to the responsible party L. Corwin dated 08/08/2024 to the mailing address of record according to the California Secretary of State business search for 3003-3085 Loma Vista Road LLC and to the mailing address listed according to the Property Detail Report (RealQuest).

19. 08/15/2024: I received an email from the responsible party L. Corwin stating she received the Notice of Violation letter. She indicated no one responded to her workers attempts to contact me and Senior Code Enforcement Officer Daniela Debaca who covered my cases while I was on vacation during the month of July. Senior Code Enforcement Officer Daniela Debaca attests she did not receive any voicemail message, no phone calls nor emails from the responsible party nor from anyone associated with the responsible party.

20. 08/20/2024: I replied to an email from the responsible party L. Corwin in which she acknowledged receipt of the Notice of Violation letter. I included a copy of the email correspondence from June 28th, 2024 that itemized the remaining items that needed to be abated as emailed on June 19th, 2024. I explained that in lieu of issuing a citation for non-compliance, and to give the benefit of the doubt, I gave a thirty-day extension to clear the violations as a courtesy.

21. 08/21/2024: I sent an email to the responsible party L. Corwin with photos. I encouraged Ms. Corwin to communicate with her realtor about the property maintenance needs, to speak frankly with the service providers she hired regarding incomplete work and requested she review the inspection photos I send from June and July 2024.

22. 08/22/2024: I received and replied to an email from the responsible party indicating the grass was mowed and the graffiti was cleared up. I reiterated the abatement was not complete as of the reinspection date of July 30, 2024. I offered to meet Ms. Corwin or her designated agent at the property.

23. 08/23/2024: I conducted a site inspection, and I took photographs of my observations. I observed graffiti on the fence, overgrown vegetation, weeds taller than six inches and vegetation

debris in the gutter. I received and replied to multiple emails from the responsible party L. Corwin. L. Corwin indicated the weeds and grass were abated as well as the graffiti in June 2024. She indicated she was sick and dealing with health concerns. She indicated she wanted the City Attorney to contact her. Ms. Corwin stated the LLC generates no income. I responded to the emails to inform Ms. Corwin the violations at the property were not fully cured and I provided photos taken on 08/23/2024. I encouraged Ms. Corwin to hire a property manager and I offered to meet her or her designated agent at the property.

24. 08/28/2024: I responded to Ms. Corwin's email regarding the unfinished work done at the property to clear the overgrown vegetation. I explained in detail the location of the violations. I offered to meet Ms. Corwin or her designee at the property. I provided a link to the Vacant Building and Lot (VBL) ordinance and website which provides additional information about the program and expectations for property maintenance. I responded to additional emails from the responsible party L. Corwin regarding the adjacent property owners contact information. I provided the public access to the GIS map tool. I informed Ms. Corwin that the office of record for property owner information is the Sonoma County Assessor's Office, and I provided a link to their website. Ms. Corwin indicated in an email response that she would lend some money to the LLC to abate the vegetation violations. She further asserted the graffiti is not on her fence.

25. 09/03/2024: I conducted a site inspection, and I took photographs of my observations. I observed the bike lane vegetation had been cured. I observed the following uncured violations: weeds in excess of six inches, vegetation debris (broken branches, leaf debris, clipped grass), scattered trash, graffiti on the fence near the cul-de-sac. I emailed the responsible party L. Corwin regarding the aforementioned observations and included photos and encouraged compliance by the deadline of 09/09/2024 and explained the next enforcement action would be an Order to Register with the VBL program. I offered to set up a meeting.

26. 09/04/2024: I received an email from the responsible party L. Corwin indicating she was out of the country until 09/16/2024. She asserted the graffiti removal was not her responsibility.

27. 09/12/2024: I performed a site inspection and took photographs of my observations. I observed unresolved graffiti on the fence, weeds in excess of six inches and scattered trash. I mailed an Order to Register letter dated 09/12/2024 to the responsible party L. Corwin by regular mail.

28. 09/18/2024: I received an email from the responsible party L. Corwin asserting the 2100 Sebastopol Road property ownership is in transition. She requested reimbursement for graffiti abatement of one section of the fence. She requested my supervisor's contact information who was already cc'd on the communication as well as the Assistant Chief Building Official.

29. 09/19/2024: Senior Code Enforcement Officer Cassidy Anderson emailed the responsible party L. Corwin. The responsible party L. Corwin sent an email indicating the LLC did not have any income, that she lent the LLC funds to pay for landscape abatement, indicated she would not pay for inspections, and would hire a property manager to maintain the property.

30. 09/27/2024: A Notice of Non-Compliance was recorded with the Sonoma County Recorder's Office.

31. 09/28/2024: I received an email from the responsible party L. Corwin that informed me of a pending change of ownership to 2100 Sebastopol Road LLC as of 09/24/24 and indicated she is still the person to address emails and all correspondence to.
32. 09/30/2024: City Attorney Adam Abel mailed a letter dated 09/30/2024 to the responsible party L. Corwin.
33. 10/01/2024: I emailed the responsible party L. Corwin a copy of the letter dated 09/30/2024 drafted by City Attorney Adam Abel.
34. 10/02/2024: I received an email from the responsible party L. Corwin indicating the LLC filing had changed to 2100 Sebastopol Road, LLC and claimed completing the VBL registration process could not be completed due to the change as well as no funds were available in the LLC to pay the registration fee.
35. 10/03/2024: City Attorney Adam Abel responded to the responsible party, L. Corwin's 10/02/2024 email to inform her the change of LLC had no bearing on registering the property per the Order to Register and encouraged her to follow the instructions in the September 12, 2024 correspondence and register the property accordingly.
36. 10/04/2024: I performed a site inspection and took photographs of my observations. I observed overgrown weeds and scattered trash on the property.
37. 10/07/2024: I issued Administrative Citation SR1293 to the responsible party.
38. 10/08/2024: Code Technician Ryan West performed a site inspection and observed graffiti on the fence, scattered trash and regrowth of weeds. R. West took photographs of his observations. I mailed a Second Order to Register dated 10/08/2024 to the responsible party L. Corwin, Agent for Service of Process for 2100 SEBASTOPOL ROAD, LLC. by regular mail.
39. 10/11/2024: Administrative staff Jehovana Contreras An Administrative Notice and Order was mailed to the responsible party by regular mail and priority mail.
40. 10/15/2024: Code Technician Ryan West performed a site inspection and observed graffiti on the fence, scattered trash and regrowth of weeds. R. West took photographs of his observations.
41. 10/21/2024: I emailed the responsible party L. Corwin a copy of the Administrative Notice and Order for the Administrative Hearing scheduled for November 13, 2024 and reiterated attendance could be made via ZOOM. Ms. Corwin requested additional information regarding the property condition and requested a two-week extension. I denied the request since the hearing date is more than two weeks away. I received additional emails from Ms. Corwin regarding sending a contractor to the property to clear the graffiti and claimed the contractor did not see any graffiti; she requested photos of the recent inspections performed on 10/08/24 and 10/15/2024 as well as requested all legal documents be directed to the 2100 SEBASTOPOL ROAD, LLC. I responded to the email request for photos of the graffiti with copies of the photos that were taken on 10/15/2024 by Code Technician Ryan West. Ms. Corwin further claimed she tried to hire a property manager but could not find one that would be willing to take on a small job. She indicated she would be present at the Administrative Hearing in person.

42. 10/22/2024: I responded to an email from the responsible party L. Corwin. I provided a copy of correspondence from 10/15/24, a copy of the Administrative Notice and Order and a copy of the Order to Register. I explained I would consider a postponement of the Administrative Hearing if progress toward compliance was made at minimum, completion of the VBL registration process, including hiring a property manager and removal of the graffiti by the November 3, 2024 deadline.

43. 10/23/2024: I received a voice message from Robert Gibbs, who identified himself as the painter hired by the responsible party, L. Corwin. He informed me that he is at the property to locate the graffiti and bid the job for abatement. I called Mr. Gibbs back and we agreed to meet at the property within fifteen minutes of the phone call. I met Mr. Gibbs at the property along with Code Technician Heather Landreneaux. I inspected the property and took photographs of my observations. I informed Mr. Gibbs of the graffiti ordinance standards for graffiti removal and provided him a copy of the ordinance as well as the ordinance for the VBL program. He informed me he could clear the graffiti the same day once the responsible party L. Corwin approves the work. This same day, I received confirmation from WeTransfer.com that the responsible party L. Corwin at email linda2244@gmail.com downloaded photos I sent. I received multiple email correspondence from the responsible party between at 7:25 AM PST and 2:12PM PST. L. Corwin stated the graffiti was abated. I received a subsequent email from the responsible party that indicated she is seeking to hire a property manager and would have a potential property manager view the property the next day. It is important to highlight that the correspondence from the responsible party became extremely unprofessional and included statements that defamed the character of city staff.

44. 10/24/2024: I received at least ten emails from the responsible party beginning at 3:34 AM PST. L. Corwin asked for clarification about the downed sign. I emailed the City of Santa Rosa's Transportation and Public Works (TPW) Department to request the fallen city sign that was dumped on the subject party be removed. TPW agreed to remove the city sign debris. I emailed Robert Gibbs, the painter hired by the responsible party, a request for photos of the completed graffiti removal. Mr. Gibbs emailed photos of the graffiti removal performed at the subject property. Upon review of the photos, I determined the graffiti had been removed in accordance with the graffiti removal standards. I received an email from the responsible party that indicated she would register the property next week.

45. 10/30/2024: I received a voice mail message from the responsible party L. Corwin requesting information about the signage requirements and asked me about the Order to Register letter she received from Code Technician Heather Landreneaux. I responded to L. Corwin via an email instructing her to refer to the notices previously sent to her and the ordinance regarding compliance standards.

46. 10/31/2024: I received an email from the responsible party L. Corwin that indicated the remaining debris clean up would occur by the end of the weekend and asked for clarification if that work needed to be completed prior to registration. I replied to the email to inform L. Corwin that property registration is not contingent upon completing debris clean up. She replied to the email to indicate that she began completing the registration application.

EXHIBITS

Code Enforcement tendered the following documents to the hearing officer which were received into evidence and marked as indicated:

Exhibit 1 573 page staff report with documentary evidence

Exhibit 2 44 pages documents as additional communication to Revised Staff Report via email November 13, 2024

Exhibit 3 21 pages of photographs received November 13, 2024 for Revised Staff Report

WITNESSES

1. Carrie Wilson Code Enforcement Officer

VIOLATIONS ALLEGED IN THE ADMINISTRATIVE NOTICE AND ORDER

Violation #1

VBL Registration and Monitoring

The responsible party failed to complete the registration and monitoring process required by the Vacant Building and Lot Program, Santa Rosa City Code section 9-24.020.

Violation #2

VBL Posting, Maintenance, Inspection and Reporting Requirement

The responsible party failed to comply with the property posting, maintenance, inspection and requirements of Santa Rosa City Code section 9-24.030

Violation #3

VBL Improvement Requirements

The responsible party failed to comply with the improvement requirements set forth in Santa City Code section 9-24.040

Violation #4

Weed Ordinance Violation

The responsible party failed to comply with the provisions of Santa Rosa City Code weed ordinance, section 18-20.302.4.

Violation #5

Failure to Secure Property from Trespassers

The responsible party failed secure the property from trespassers as required by Santa Rosa City Code section 9-24-050.

Violation #6

VBL Enforcement and Definitions

The responsible party failed to comply with the enforcement provisions set forth in Santa Rosa City Code section 9-24-060.

Violation #7

Graffiti Removal

The responsible party failed to comply with the graffiti removal provisions of Santa Rosa City Code section 10-17.050

Violation #8

Graffiti Removal Standards

The responsible party failed to comply with the graffiti removal standards set forth in Santa Rosa City Code section 10-17.080.

FINDINGS OF FACT

SERVICE OF DOCUMENTS

Based on the documentary evidence and oral evidence, the Hearing Officer finds that the Administrative Notice and Order and attachments were duly served by USPS Priority Mail and First Class Mail, and email.

NAMING OF RESPONSIBLE PARTY

Based on the documentary evidence and oral evidence, the Hearing Officer finds that Linda Corwin is a properly named responsible party pursuant to Santa Rosa City Code section 1-30.030(B)(2),(3),(5).

FINDINGS OF FACT ON ALLEGED VIOLATIONS

Violation #1--VBL Registration and Monitoring

FINDINGS OF FACT AS TO VIOLATION #1

Based on oral testimony, photographic and other documentary evidence, the violation was established by a preponderance of the evidence. The responsible party failed to comply with the VBL registration and monitoring requirements set forth in Santa City Code section 9-24.020.

Violation #2-- VBL Posting, Maintenance, Inspection and Reporting Requirement

FINDINGS OF FACT AS TO VIOLATION #2

Based on oral testimony, photographic and other documentary evidence, the violation was established by a preponderance of the evidence. The responsible party failed to comply with the VBL posting, maintenance, inspection and reporting requirements as set forth in Santa Rosa City Code section 9-24.030.

Violation #3--VBL Improvement Requirements

FINDINGS OF FACT AS TO VIOLATION #3

Based on oral testimony, photographic and other documentary evidence, the violation was established by a preponderance of the evidence. As of the date of this hearing the evidence established that the maintenance requirements of Santa Rosa City section 9-24.040A(1) and (2) had been met, however there was no compliance with the provisions of subsections (3), (4) and (5), nor was there evidence that the required active monitoring and maintenance schedule had been established within 30 days.

Violation #4--Weed Ordinance Violation

FINDINGS OF FACT AS TO VIOLATION #4

Based on oral testimony, photographic and other documentary evidence, the violation of Santa Rosa City Code section 18-20.302.4 had been abated as of the date of this hearing. This was acknowledged by testimony from Code Enforcement.

Violation #5--Failure to Secure Property from Trespassers

FINDINGS OF FACT AS TO VIOLATION #5

Based on oral testimony, photographic and other documentary evidence, the violation was established by a preponderance of the evidence. The responsible party failed to comply with the VBL requirement to secure the property from trespassers as set forth in Santa Rosa City Code section 9-24.050.

Violation #6--VBL Enforcement and Definitions

FINDINGS OF FACT AS TO VIOLATION #6

Based on oral testimony, photographic and other documentary evidence, the violation was established by a preponderance of the evidence. The responsible party to comply with the VBL enforcement and definitions of violations set forth in Santa City Code section section.9-24.060 as alleged.

Violation #7--Graffiti Removal

FINDINGS OF FACT AS TO VIOLATION #7

Based on oral testimony, photographic and other documentary evidence, the violation was not established by a preponderance of the evidence. Ownership of the fence was disputed. There was insufficient evidence to prove that the fence in question was on the subject property nor that the graffiti existed as of November 3, 2024, the date by which correction was to be made. Regardless of the ownership issue, the 10/24/2024 chronology entry in the Staff Report. EXHIBIT 1, states that the graffiti had been removed in compliance with the graffiti removal standards set forth in Santa Rosa City Code section 10-17.050. As set forth in the below conclusions of law, the Administrative Notice and Order is by cancelling violation #7.

Violation #8--Graffiti Removal Standards

FINDINGS OF FACT AS TO VIOLATION #8

Based on oral testimony, photographic and other documentary evidence, the violation was not established by a preponderance of the evidence. Ownership of the fence was disputed. There was insufficient evidence to prove that the fence in question was on the subject property nor that the graffiti existed as of November 3, 2024, the date by which correction was to be made. Regardless of the ownership issue, the 10/24/2024 chronology entry in the Staff Report. EXHIBIT 1, states that the graffiti had been removed in compliance with the graffiti removal standards set forth in Sant Rosa City Code section 10-17.080. As set forth in the below conclusions of law, the Administrative Notice and Order is by cancelling violation #8.

CONCLUSIONS OF LAW

1. The Responsible party Linda Corwin violated each of the provisions of the City of Santa Rosa City Code as referenced in the above findings of facts.
2. The existence of the violations have been established by a preponderance of the evidence.
3. Imposition of penalties and administrative costs are mandatory
4. Pursuant to Santa Rosa City Code section 1-30.030 the violations constitute a public nuisance.
5. The Administrative Notice and Order is modified with the cancellation of Violations 7 and 8 for the reasons set forth in the respective findings of fact.

PENALTIES

The hearing officer is tasked with determining the appropriate penalty to be imposed based upon a number of factors. Penalties must not only impose financial punishment but also incentivize the responsible parties to promptly correct all the violations. Factors in setting the penalty include the seriousness of the violations, length of time the violations have existed, degree of cooperation and/or diligence or lack thereof, effect on other properties and culpability, including economic incentive or benefit, impact on the community and involvement of City Departments caused by the violations. Compliance with zoning laws and other provisions of the law are legal duties attendant to ownership of property.

Fundamental to the setting of penalties is adherence to principles of substantive due process requirements and the avoidance of the imposition of an excessive fine. Regarding the setting of penalties, there is some overlap in the acts and omissions in the statute violated, particularly, the issues as to exterior condition with debris, trash and the like, and maintaining the property in a clean, safe and sanitary condition. Hence, imposition of penalties for the same wrongful acts under multiple charging statutes is to be avoided so as to not run afoul of due process requirements. The hearing officer has taken into account the cumulative nature of the violations in setting penalties that accomplish the enforcement goal.

Aggravating factors are the egregious nature of the violations and the impact on the health and welfare of the community, the involvement of multiple City personnel, the length of time the violations have existed, the lack of cooperation and diligence by the owner/responsible party in correcting the violations notwithstanding numerous directives and communications from Code Enforcement. The record reflects that there were public complaints for homeless persons camping on the property, weeds and trash and debris and safety hazards. See Staff Report Chronology, EXHIBIT 1. There were three prior enforcement cases on this property, naming Linda Corwin as the responsible party. See staff Report Chronology, EXHIBIT 1.

An Administrative Citation was issued on October 7, 2024. Enforcement and/or collection of administration citations fines are not within the scope of this proceeding.

Considering the above criteria, the hearing officer imposes a daily fine of \$250 per day for violations 1 through 6 for a total of \$1,500 per day commencing November 3, 2024. As set forth in the Penalty Calculation Sheet, Appendix No. 7-F, the date by which all violations were to be corrected was November 3, 2024. There being 11 days of non-compliance inclusive of November 3, 2024 and November 13, 2024, the date of this hearing, penalties imposed as of November 13, 2024, are \$16,500.. Penalties as to each violation continue to accrue after that date at the rate of \$250 per day until cured/abated, subject to the stay provisions below.

To incentivize compliance with this order and to effectuate a prompt curing/abatement of the violations, imposition of the penalties accruing after November 13, 2024 are stayed for 21 days from the date of this order subject to full compliance and abatement/curing of violations not requiring a permit. As to work requiring a permit, such permit(s) must be issued within the 21 days from the date this order. As to accrual of penalties on any violations that required a permit to cure/abate, and providing that said permit or permits were issued within the above 21 day stay

period, accrual of penalties as to permitted work continue to be stayed for a period of 21 days from date of issuance of any timely issued permits.

As to violations that are verified by Code Enforcement as abated/cured as set forth above within the 21 day stay periods, plus any additional time, if any, that might be granted by the City of Santa Rosa, the stayed penalties are waived. Failure to comply within the 21 day stay periods or any granted extensions will result in imposition of all accrued but stayed penalties accruing from November 13, 2024.

ADMINISTRATIVE COSTS

Costs incurred by the City of Santa Rosa including but not limited to any administrative overhead, salaries and expenses and Administrative Hearing Officer fees and costs are to be recovered pursuant to Santa Rosa City Code section 1-30.100(D).

The initial Administrative Notice and order dated October 10, 2024 contained an "Administrative Costs Calculation Sheet", Appendix No 7E, which set forth the calculation of staff costs as of October 10, 2024 as \$3,847.28 and sought additional costs for Code Enforcement Officer time for the hearing to be determined by the Hearing officer.

The hearing officer received a "Revised" Administrative Notice and Order dated November 6, 2024 with an attached Appendix No.7-E bearing a date "updated as of November 6, 2024, with a revised amount of \$11,100.81 with additional time to be added at the rate of \$171.65 per hour for Code Enforcement time at the hearing.

The hearing officer inquired of Code Enforcement as to the basis for the substantial additional costs sought subsequent to the October 10, 2024 version and asked for clarification. Code Enforcement Officer Cassidy Anderson advised that there is an internal system that tracks the staff time in these matters and that the additional costs were proper. Ms. Anderson stated that guidance from Assistant City Attorney Adam Abel and Assistant Chief Building Official Lou Kirk provided that the cost recovery calculations required revision. Ms. Anderson explained that Assistant Chief Building Officer Lou Kirk had directed Code Enforcement Officer Carrie Wilson to revise the amount to correctly reflect hours for the City Attorney, Code Enforcement Officer, Senior Code Enforcement Officer, Assistant Chief Building Officer and others. Ms. Anderson replied that those revisions and changes were reflected in the November 6, 2024 Administrative Costs Calculation Sheet and that the revised amount took into account time not previously reported with the October 10, 2024 Administrative Notice and order and were based on additional staff time from October 10, 2024 to November 6, 2024.

Ms. Anderson stated that the amount reported and sought in the November 6, 2024 Administrative Cost Calculation sheet accurately accounts for staff time and that the time had been underreported in the October 19, 2024 Cost Calculation Sheet.

Based on the sworn testimony of Code Enforcement Carrie Wilson, official documents in evidence and the representations and clarifications from Code Enforcement Officer Cassidy Anderson, the Hearing Officer finds that clarification has been provided and that administrative

costs as set forth in the November 6, 2024 Administration Costs Calculation Sheet in the amount of \$11,100.81 have been proven by a preponderance of the evidence. The Hearing Officer allows one hour of Code Enforcement time for the hearing at the rate of \$171.65 per hour. Total staff costs allowed are \$11,272.46.

Administrative Hearing Officer fees and costs for hearing preparation, conducting the hearing, review of evidence, and preparation and service of the Administrative Enforcement Order are \$4,737.31. Total administrative costs to be recovered are \$16,009.77.

ORDER

Having heard and considered all relevant evidence, the hearing officer orders as follows:

The violations of the Santa Rosa City Code sections set forth above in the findings of fact shall be abated in the following manner:

A. The responsible party shall forthwith apply for any required permits to complete the abatement. The penalty stay provisions set forth in the penalty discussion above apply if the terms and conditions are met. As to all violations, the responsible party shall pursue abatement and correction with diligence including those not requiring a permit.

The responsible party is ordered to take the following action:

1. Secure the entire property from trespassers and criminal activity. Install adequate perimeter fencing to prevent trespassing, dumping, camping, and criminal activity on the premises. Obtain all necessary approvals, permits and inspections from all applicable agencies.
2. Post signs stating, "No Trespassing" Such signs shall be no smaller than 8 ½" tall by 11 ½" wide and shall consist of white lettering no smaller than 1" inch in height on a contrasting background. Such signs shall be weatherproof in design. Such signs shall contain the words, "NO TRESPASSING," the California Penal Code Section(s) that apply to the property, and the name and phone number for the City's Police Department. Such signs shall at a minimum be placed at each entrance to the real property and maintained in good condition at all times. Obtain all necessary approvals, permits and inspections from all applicable agencies.
3. Post a sign providing the name and contact phone number of the property owner, or the service provider or agent of the property owner, responsible for the required inspection, maintenance, and reporting obligations. The sign shall be a minimum of 17" x 22" in size and shall consist of white lettering no smaller than 1" inch in height on a contrasting background. The sign shall be weatherproof in design. The sign shall provide the contact's name and phone number, along with the words, " THIS PROPERTY MANAGED BY" and " TO REPORT PROBLEMS OR CONCERNS CALL" or similar words. The sign shall be placed at the front of the property in a conspicuous location and shall be maintained in good condition at all times. Obtain all necessary approvals, permits and inspections from all applicable agencies.
4. Safely remove and dispose of all accumulated trash; debris; litter; dead or overgrown weeds or vegetation.

5. Complete the registration process required by the Vacant Building and Lot ordinance (ORD-2024-003) Santa Rosa City Code Chapter 9-24 including payment of the \$260.00 registration fee and bring the property into compliance with the Vacant Building and Lot ordinance (ORD-2024-003) Santa Rosa City Code Chapter 9-24.

6. Hire a property manager to regularly maintain the property in accordance with the Vacant Building and Lot ordinance (ORD-2024-003), Santa Rosa City Code Chapter 9-24.

7. Submit all necessary plans and obtain all necessary approvals, permits and inspections from all applicable agencies, and ensure all work complies with city code and zoning requirements.

8. Provide regular weekly progress check-ins to C. Wilson at 707-543-4703 and cwilson@srcity.org until all violations are cured/abated.

9. All work that requires a permit shall be completed and inspected within thirty (21) days of permit issuance unless an extension is granted by Code Enforcement.

10. The Administrative Notice and Order is modified with the cancellation of Violations 7 and 8 for the reasons set forth in the respective findings of fact.

11. If the City of Santa Rosa exercises its authority and power under the applicable statutes to enter the property and proceed with abatement, all costs are chargeable to the responsible party.

B. The hearing officer imposes a daily penalty of \$250 per day against the responsible party for violations 1 through 6 for a total of \$1,500 per day commencing November 3, 2024. As set forth in the Penalty Calculation Sheet, Appendix No. 7-F, the date by which all violations were to be corrected was November 3, 2024. There being 11 days of non-compliance inclusive of November 3, 2024 and November 13, 2024, the date of this hearing, penalties imposed as of November 13, 2024, are \$16,500. Penalties as to each violation continue to accrue after that date at the rate of \$250 per day until cured/abated, subject to the stay provisions below.

Imposition of the penalties accruing after November 13, 2024 are stayed for 21 days from the date of this order subject to full compliance and abatement/curing of all violations not requiring a permit. As to work requiring a permit, such permit(s) must be issued within the 21 days from the date this order. As to accrual of penalties on any violations that required a permit to cure/abate, and providing that said permit or permits were issued within the above 21 day stay period, accrual of penalties as to permitted work continue to be stayed for a period of 21 days from date of issuance of any timely issued permits.

As to violations that are verified by Code Enforcement as abated/cured as set forth above within the 21 day stay period, plus any additional time, if any, that might be granted by the City of Santa Rosa, the stayed penalties are waived. Failure to comply within the 21 day stay period or any granted extensions will result in imposition of all accrued but stayed penalties accruing from November 13, 2024.

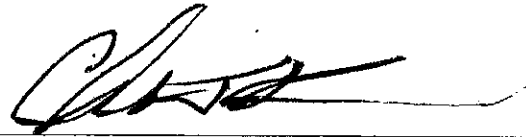
C. The responsible party shall pay administrative costs of \$16,009.77. Payment shall be made within 30 days of the date of this order.

D. This decision is a final decision upon service and subject to judicial review in accordance with California Code of Civil Procedure section 1094.6

E. Pursuant to Santa Rosa City Code section 1.30-100(E), the responsible party is hereby notified that penalties and administrative costs may become the subject of a special assessment against the property where the violations occurred if payment is not received within 30 days of the date of the final order. The penalty for any late payment is set forth below in paragraph F. If the violation continues, the responsible party may be subject to additional penalties authorized by law and as set forth in this order.

F. This shall serve as notice to the responsible party that if the penalties and administrative costs as ordered are not received within 30 days of the date of this Administrative Enforcement Order, the City may seek to enforce it through judicial review. The penalty for late payment of the assessed penalty is 7% per annum, pro-rated daily from the payment due date. The penalty for a subsequent violation within thirty-six months of an initial violation is \$1,000 for each day the violation continues. Pursuant to City Council Resolution 26900, any penalty may be deemed either a special assessment lien against the property where the violation occurred or a personal obligation of the party responsible for the violation.

DATED: December 20, 2024

A handwritten signature in black ink, appearing to read 'Charles J. Tarr', is written over a horizontal line.

Charles J. Tarr

Administrative Hearing Officer

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On December 20, 2024 I served the within attached document entitled **CITY OF SANTA ROSA ADMINISTRATIVE ENFORCEMENT ORDER** on the interested parties in said matter by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Linda Corwin
P.O. Box 3005
Thousand Oaks, CA 91359

Linda Corwin
4607 Lakeview Canyon Road #452
Westlake Village, CA 91361

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on December 20, 2024.

Chen

Charles J. Tarr

rr
Law
90
, CA 95402

SAN FRANCISCO CA 940

20 DEC 2024 PM 5



Code Enforcement Officer Carrie Wilson
Code Enforcement
100 Santa Rosa Ave. Room 3
Santa Rosa, CA 95404

PLANNING & ECONOMIC
DEVELOPMENT DEPARTMENT

DEC 24 2024

CITY OF SANTA ROSA
SANTA ROSA, CA

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