

City of Santa Rosa
Administrative Hearings
100 Santa Rosa Avenue
Santa Rosa, CA 95404

File # CE20-0135

ADMINISTRATIVE ENFORCEMENT ORDER

Property Address: 4760 Granada Drive, Santa Rosa, CA 95409-3011

Responsible Party: Clayton Anderson and Epifania Anderson

APN: 182-200-015-000 Zoning District: RR-20

Administrative Hearing Officer's Decision:

A noticed Hearing was held for this matter on May 12, 2021 commencing at approximately 1:47 p.m. The Hearing was held via the Zoom meeting format coordinated by Joseph Moody, City of Santa Rosa Senior Administrative Assistant ("Mr. Moody"). Shortly after 1:00 p.m., after all participants for this Hearing had joined the Zoom meeting, Mr. Moody announced that due to the Order of the Health Officer of the County of Sonoma to shelter in place to minimize the spread of Covid-19, the Administrative Hearing was being held via the Zoom format. The meeting was then turned over to the undersigned ("Hearing Officer"), who called the Hearing to order. After the first matter on the Hearing Calendar was adjourned at approximately 1:45 p.m., the Hearing for this matter commenced, after all participants rejoined the Hearing. Participating with the Hearing Officer at this Hearing were: Adam Abel, Esq. of the Santa Rosa City Attorney's Office; Cassidy Anderson, City of Santa Rosa Certified Code Enforcement Officer ("Ms. Anderson"); and, Clayton Anderson, Responsible Party and an owner of the above described property ("the property")—who appeared at the Hearing by telephone ("Mr. Anderson"). Responsible Party, Epifania Anderson did not participate in the Hearing, but this did not impact this Administrative Enforcement Order.

The Hearing concerned allegations by the City of Santa Rosa ("City") of multiple unabated violations of the City Code at the property, which are specifically discussed below. Unless otherwise mentioned. All City Code Sections discussed will be styled "Section" followed by the specific number.

Prior to the Hearing, the Hearing Officer was provided with Ms. Anderson's Administrative Hearing Staff Report and supporting attachments ("Report"), consisting of 104 pages, plus an index, and two "Certificate of Service" documents executed by Ms. Anderson. Also, on the day of, but before the Hearing, Ms. Anderson emailed to the Hearing Officer, and to Mr. Anderson, a message, attaching her photos of the property taken on May 5, and May 12, 2021 plus an updated introduction to her Report.

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The Hearing Officer reviewed the Report in its entirety before the Hearing, and carefully examined all photos of the property therein. The updated introduction to the Report was also read before the Hearing commenced. The twelve photos of the property taken on May 5, and the twenty photos of the property taken by Ms. Anderson on the morning of May 12, 2021, were reviewed carefully by the Hearing Officer immediately *after* the Hearing adjourned. The Report, the Certificates of Service, the updated introduction, the twelve photos taken on May 5, and the twenty photos taken on the morning of the Hearing were received in evidence.

The Report included proof that Responsible Party was served with a copy of the Report, which included the Administrative Notice and Order issued by Ms. Anderson on April 13, 2021.

After calling the Hearing to order the Hearing Officer administered oaths to Ms. Anderson and Mr. Anderson.

Ms. Anderson testified on behalf of City, and gave a detailed chronology of City's issues with the property dating back to February, 2020. She authenticated the Report, and all photos of the property. She informed the Hearing officer that her inspection of the property immediately before the Hearing resulted in her determination that Violation #3 and Violation #5 set forth in her Administrative Notice and Order dated April 13, 2021 had been resolved.

Mr. Anderson was given the opportunity to ask questions of Ms. Anderson, and then he gave his testimony replying to the chronology given by Ms. Anderson. The Hearing Officer also asked questions of Ms. Anderson and Mr. Anderson. The Hearing was adjourned at approximately 2:10 p.m.

After considering all oral and documentary evidence presented before and during the Hearing, the Hearing Officer makes the following findings:

- A. City has complied with all notice requirements for the Hearing.
- B. The Administrative Notice and Order issued by City on April 13, 2021 is upheld with the modifications discussed below.
- C. By a preponderance of the evidence, Clayton Anderson and Epifania Anderson—together as the Responsible Party herein—are in violation of Sections of the City Code, itemized in the Administrative Notice and Order, as follows:

Violation #1. Section 1-30.030(G)3(f): Nuisance Standards. The accumulation of debris, of many types and descriptions stored either (1) so as to be visible from a public street, alley, or from any adjoining property for at least 72 consecutive hours, or (2) so as to otherwise constitute a harborage for rodents or pests or a detriment to health, safety, and welfare of nearby properties, the neighborhood and/or the City.

The dozens of photos taken by Ms. Anderson, and her testimony authenticating same, conclusively show this violation.

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Violation #2. Section 18-20.302.5: Rodent harborage. Failure to maintain all structures and exterior property free from rodent harborage and infestation.

As above, the photos and testimony of Ms. Anderson establish this violation.

Violation #4. Sections 20-42.070B.2 and 20-42.070C.2.c, d & f: non-permitted Auto/vehicle Repair activity, and home occupation generating excessive vehicle and pedestrian traffic, garage use interfering with normal vehicle storage, and use generating noise, dust, fumes, etc. interfering with residential use of neighboring properties.

Violation #6. Sections 18-16.105.1 and 18-16.110.1: construction of roof addition/patio cover in rear yard exceeding 120 square feet without required plans, approvals, permits and inspections.

Violation #7. Sections 18-16.105.1 and 18-16.110.1: construction of addition in side yard setback without proper plans, approvals, permits and inspections.

Violation #8. Section 20-16.030. Parking of, and use of a large recreational vehicle as a residence in a required setback area of the front yard of the property, without a Temporary Use Permit.

Violation #9. Section 18-16-3102.1. Construction/erection of a "membrane structure", made with PVC pipe in a front yard/side yard setback area. The photos received in evidence show the presence of this structure on the Hearing date, and all earlier dates when Ms. Anderson took photos at the property.

Violation #10. Section 20-52.020. Operating an in home care facility at the property without the required Zoning Clearance. The testimony of Mr. Anderson confirmed that an in home care facility was in operation at the property.

D. Good cause exists for an Order requiring Responsible Party to abate the above violations.

Responsible Party **IS HEREBY ORDERED** to immediately abate the eight violations described above. Should Responsible Party fail to commence any and all actions necessary to abate the violations within thirty (30) days of the date this Order becomes final, City is authorized to enter upon the property, and employ contractors who may enter upon the property, and take whatever actions are necessary to abate the existing violations. Responsible Party **IS FURTHER ORDERED TO CEASE AND DESIST** from any acts that would cause any of the existing violations to continue, or constitute new violations of the City Code. **IT IS FURTHER ORDERED** that Responsible Party shall not interfere with any abatement activities carried out by City or the contractors employed by City, if such activities become necessary. Further, any and all costs incurred by City in abating the violations shall be an additional charge Responsible Party shall owe to City.

E. The Hearing Officer assesses Penalties and Administrative Costs to Responsible Party as detailed below. ~~While the Hearing Officer has discretion to assess penalties up to \$500.00 per~~

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day for each violation upheld, factors have been considered in assessing penalties herein. Mr. Anderson's assertion that he failed to receive several mailed notices and requests from City before April 13, 2021 lacks credibility. Although two violations were resolved shortly before the Hearing, and Mr. Anderson has expressed his desire to work with Ms. Anderson and City to resolve other violations, the unabated violations are quite visible in this residential neighborhood. While progress has been made, it was late. Mr. Anderson's argumentative contention that he needed no "permit" from City to operate an in home care facility—while a Zoning Clearance was legally required—is recognized by the Hearing Officer as a case of Mr. Anderson's defiance and being mistaken about his legal obligations. There are no mitigating factors for his failure to remove the RV and the PVC membrane structure. There are no mitigating factors for the non-permitted additions, and non permitted auto repair activity.

~~1. As to Violations #1, #2 and #10, the assessed penalty for those three violations from May 2, 2021 (the date the violations were to be corrected) through May 12, 2021 (date of Hearing) will be \$-300.00 per day. For those three violations the penalty is:~~

~~Three violations x \$ 300.00 per day x ten days = \$ 9,000.00~~

~~---As to Violations #4, #6, #7, #8 and #9, the assessed penalty for those five violations from May 2, 2021 through May 12, 2021 will be \$ 500.00 per day, as follows:~~

~~Five violations x \$ 500.00 per day x ten days = \$ 25,000.00~~

~~The Total Penalty assessed to Responsible Party is: \$ 34,000.00~~

2. The Hearing Officer assesses Administrative Costs to Responsible Party as follows:

a. Attached hereto is a copy of the "ADMINISTRATIVE COSTS CALCULATION SHEET" received in evidence as part of the Report, which itemizes the Administrative Costs incurred by City prior to the Hearing. Those pre-hearing costs were \$ 1,458.00. Because of the appearance of Ms. Anderson at the Hearing, and participating until it was adjourned at 2:10 p.m., the Administrative Costs are increased by \$ 76.02 (\$ 181.00/hr. x .42 hours). Total City Administrative Costs assessed to Responsible Party are: \$ 1,534.02.

b. Per Section 1-30.030 of the City Code, the services of the Hearing Officer are an Administrative Cost. The Hearing Officer's time included reading the Report; careful review of all photos of the property; legal research of City Codes; preparing for Hearing; logging onto Zoom meeting format and communicating with Mr. Moody in advance of Hearing; conducting Hearing; reviewing all oral and documentary evidence received at Hearing; preparing this Administrative Enforcement Order; and service of this Order by mail on Responsible Party and Ms. Anderson. The additional Administrative Costs assessed herein to Responsible Party for the services of the Hearing Officer are: \$ 1,331.29.

~~Total Penalty assessed to Responsible Party: \$ 34,000.00~~

~~Total Administrative Costs assessed to Responsible Party: \$ 2,865.31~~

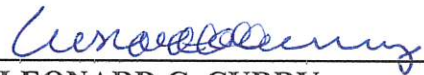
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F. The Hearing Officer will serve copies of this Order on Responsible Party and Ms. Anderson by U.S. Mail. When the Order is so mailed on Ms. Anderson, the Order shall be final.

G. This Order shall serve as notice to Responsible Party that if the above penalty and administrative costs assessed are not received by City within thirty (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 assessed ~~penalty and~~ administrative costs may become the subject of a special assessment against the property if payment is not received within thirty (30) days of the date this Order becomes final. Should Responsible Party cause a delay in City's efforts to correct the above violations, Responsible Party may be subject to additional penalties authorized by law.

H. Per Section 1-30.120 of the City Code, any person contesting this Administrative Enforcement Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days of this Order.

Dated: June 1, 2021

BY ORDER OF 
LEONARD C. CURRY
Administrative Hearing Officer

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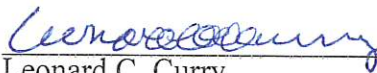
PROOF OF SERVICE BY MAIL

I am employed in the County of Sonoma, State of California. I am over eighteen years of age and not a party to the within action. My business address is 115 West First Street, Cloverdale, California 95425.

On June 1, 2021, I served the attached ADMINISTRATIVE ENFORCEMENT ORDER on the interested parties in this proceeding, by placing true copies of the documents in a sealed envelope, and mailing same with the United States Postal Service at Healdsburg, California, that same day addressed as follows:

1. City of Santa Rosa
Attn: Cassidy Anderson, Code Enforcement Officer
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404
2. Clayton Anderson and Epifania Anderson
4760 Granada Drive
Santa Rosa, CA 95409-3011

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 June 1, 2021, at Healdsburg, California.


Leonard C. Curry