

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
SUBJECT: ASSESSMENT LIEN AGAINST THE REAL PROPERTY
LOCATED AT 540 LEWROSA WAY
STAFF PRESENTER: MICHAEL J. REYNOLDS, SENIOR CODE ENFORCEMENT
OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
AGENDA ACTION: RESOLUTION

ISSUE(S)

Shall the Council adopt a resolution to place a special assessment lien on the property located at 540 Lewrosa Way?

BACKGROUND

1. The owner and responsible party of 540 Lewrosa Way is Antoinette Shind.
2. The City received a complaint on August 23, 2005 for construction materials stored in the driveway. A Consent to Inspect letter was sent on November 17, 2005.

On May 17, 2006 a Notice of Complaint was mailed to the responsible party. The letter stated five alleged violations: re-roof without permit, prohibited parking/storage of vehicles in the rear yard, unapproved accessory structures in the rear yard setback, and interior remodel without permits.

The City received another complaint on August 1, 2012 for a fire hazard, overgrown weeds and brush, and an abandoned truck. Additionally, the original violations had not been corrected.

An inspection was conducted on August 23, 2012 from the public right-of-way, as the inspector was not allowed onto the property. A records check on September 4, 2012 confirmed that the violations had not been cleared. A Notice of Violation was sent to the responsible party the same day.

A Failure to Abate letter was mailed to the responsible party on October 23, 2012, and a Notice of Non-Compliance was recorded with Sonoma County on November 8, 2012 and mailed to the responsible party.

The Administrative Notice and Order was mailed to the responsible party on November 29, 2012, setting the Administrative Hearing date for December 19, 2012.

3. Pursuant to Chapter 1-30 of the Santa Rosa City Code, a Hearing Officer conducts administrative hearings to determine whether or not violations of the City Code exist on a specific property. Since May 2004, hearings have been scheduled twice a month. Per the procedures, when one or more violations are identified, the responsible party or parties are notified and given a reasonable time to make corrections. If the corrections are not accomplished by a specific date, the party or parties are required to appear before the Administrative Hearing Officer to determine whether or not the violations exist. A penalty is assessed for each violation, and where costs of the enforcement process were incurred and proven at the hearing, such costs are also assessed against the responsible party or parties. At the hearing, the responsible party or parties are advised that if penalty costs remain unpaid, the City retains the option to either place a special assessment lien against the property where violations occurred, or to create a personal obligation against the responsible party.

If the responsible party has not paid the administrative penalty, including administrative costs, in full within 30 days, the Code Enforcement Officer shall request, by placing on the City Council consent agenda, an item to confirm that a special assessment lien be added to the next regular bill levied against the parcel.

In this case, the Hearing Officer found that violations existed on the property at 540 Lewrosa Way, and that the violations have remained uncorrected by the responsible party of Antoinette Shind, who failed to appear at the Administrative Hearing held on December 19, 2012. The penalties and costs, as assessed by the Administrative Hearing Officer, amount to \$32,960.10 and remain unpaid. The Department of Community Development now seeks, by Resolution, to have Council confirm the Special Assessment Lien.

ANALYSIS

The County Auditor and the County Tax Collector require that the City Council act by resolution to create a special assessment lien. The resolution must identify the parcel by address, if available, by its recorded location in the Official Records of Sonoma County, and by the tax assessment parcel number. It must also provide the dollar amount of the lien, and, when the lien amount is in excess of \$2,500.00, the number of equal annual installment payments but not exceeding five in number. The resolution also authorizes and empowers the officers of the City, including the City Clerk and the Chief Financial Officer, to do all things as may be necessary, including but not limited to notifications to the Sonoma County Auditor and Tax Collector, to carry out the foregoing.

RECOMMENDATION

It is recommended by the Department of Community Development that Council, by resolution, approve a special assessment lien in the amount of \$32,960.10 against the property located at 540 Lewrosa Way for violations of the City Code that remain uncorrected by the responsible party, Antoinette Shind, and authorizes recording of a lien and placing the assessment on the property tax roll for collection.

Author: S. Sparacio

Attachments:

- Administrative Enforcement Order
- Certificate of Service
- Case File Photographs
- Property Detail Report
- Vicinity Map

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

File #CE-12-0470

ADMINISTRATIVE ENFORCEMENT ORDER

1-A Responsible Party: Antoinette Shind

1-B Address: 540 Lewrosa Way, Santa Rosa, CA 95405

2. Location of Violation: as above
(Subject Property)

3. APN: 180-330-012

4. Administrative Hearing Officer's Decision:

A hearing was held on December 19, 2012 before the undersigned regarding seven (7) violations of the Santa Rosa City Code alleged by the City of Santa Rosa ("City"). Representing the City at the hearing was Steven Sparacio, Code Enforcement Officer/Building Inspector. No one appeared for the responsible Party. After considering all of the evidence and testimony submitted at the hearing, this Hearing Officer makes the following findings:

- A. The City has complied with all applicable notice requirements relating to this proceeding.
- B. The record contains substantial evidence that the seven (7) violations listed in the Administrative Notice and Order ("AND") issued in this matter by the City on November 28, 2012 exist on the Subject Property. A listing of these code violations is set for in Appendix 5 to the AND and is attached hereto.
- C. Several of the code violations have existed on the Subject Property since at least August, 2006; the remaining code violations have existed on the Subject Property since at least August, 2012.
- D. Ms. Shind did not respond to the Notice of Violation, Notice of Non Compliance nor the AND issued by the City.
- E. The Responsible Party has failed to comply with the AND.

5. **The Administrative Notice and Order issued on this matter by the City of Santa Rosa on November 28, 2012 is upheld as to each of the identified violations.**
6. IT IS ORDERED THAT the Responsible Party:
 - A. Remove all trash, debris, stored vehicles and building materials from the Subject Property within thirty (30) days from the date of this Order, and
 - B. Secure all permits required to legalize the reproofing work and to remove the accessory structure from the rear yard setback within thirty (30) days from the date of this Order. All work contemplated by the permits shall be completed and inspected within sixty (60) days from permit issuance unless, upon a showing of good cause, City staff grants a time extension to the Responsible Party to complete the work and/or secure required inspections
7. IT IS FURTHER ORDERED that the Responsible Party shall pay administrative civil penalties in the amount \$31,500 (\$500.00 per day for the nine (9) days that the seven (7) violations upheld herein existed on the Subject Property) to the City of Santa Rosa within thirty (30) days from the date of this Order.
8. IT IS FURTHER ORDERED that the Responsible Party shall pay administrative costs of \$1460.10 (\$1120.10 plus Hearing Officer Millsbaugh's costs of \$340.00 (which includes preparation time, hearing time, and preparation of this Order) to the City of Santa Rosa within thirty (30) days from the date of this Order.
9. This Order shall serve as notice that the administrative civil penalties and the administrative costs may become a special assessment against the subject property where the violations occurred, and if any required payment is not received within thirty (30) days of the date of this Administrative Enforcement Order, it will be confirmed by the City Council. The penalty for late payment of assessed penalty is 7%, pro-rated daily, from the payment due date.
10. If the 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 **\$1,000.00 for each day** the violations continues.
11. This Administrative Enforcement Order will be served on each party, and when served on the Code Enforcement Officer, this Order shall be final.

12. Pursuant to SRCC Section 1-30.210 (a copy of which was attached to the Administrative Notice and Order), any person contesting this Administrative Enforcement Order may seek review by filing an appeal with the Superior Court **within twenty (20) days** after service of this Order.

Dated: January 7, 2013

ORDER OF: 

LYNDA MILLSPAUGH
Administrative Hearing Officer

APPENDIX NO. 5
VIOLATIONS AND FACTS

CODE SECTION VIOLATIONS: SRCC 18-16-105.1 PERMIT REQUIRED.
The following work was done without the required permit:

Violation 1 Dwelling was re-roofed.

CODE SECTION VIOLATIONS: SRCC 18-16-110.1 INSPECTION REQUIRED.
The following work was not inspected:

Violation 2 Dwelling was re-roofed.

CODE SECTION VIOLATIONS: SRCC 18-20-308.1 RUBBISH AND GARBAGE.

Violation 3 Failure to maintain property free of trash and debris.

CODE SECTION VIOLATIONS: SRCC 20-30-110.D.2 SETBACK REQUIREMENTS.

Violation 4 Failure to maintain property free of stored vehicles.

CODE SECTION VIOLATIONS: SRCC 20-42-030.A.1 ACCESSORY STRUCTURES.

Violation 5 Failure to comply with setback standards regarding the accessory structures in rear yard.

CODE SECTION VIOLATIONS: SRCC 20-30-110.D.2 SETBACK REQUIREMENTS.

Violation 6 Failure to maintain premises clear of building materials (an active building permit is required).

CODE SECTION VIOLATIONS: SRCC 20-30-060.C.2 FENCES, WALKS AND SCREENING.

The following work was done without the required building permit:

Violation 7 Construction of a fence over 6 feet in height.

PROOF OF SERVICE
(CCP §1013a and CCP §2015.5)

I, the undersigned, declare that I am a resident of the County of Sonoma, California, over the age of 18 years and am not a party to the within action or proceedings; my residence address is 415 Peach Tree Court, Sonoma, California,

On January 8, 2013, I served the following:


ADMINISTRATIVE ENFORCEMENT ORDER

in said cause by placing a true and correct copy thereof enclosed with first class mail postage, fully prepaid, in the United States mail at Glen Ellen , California, addressed as follows:

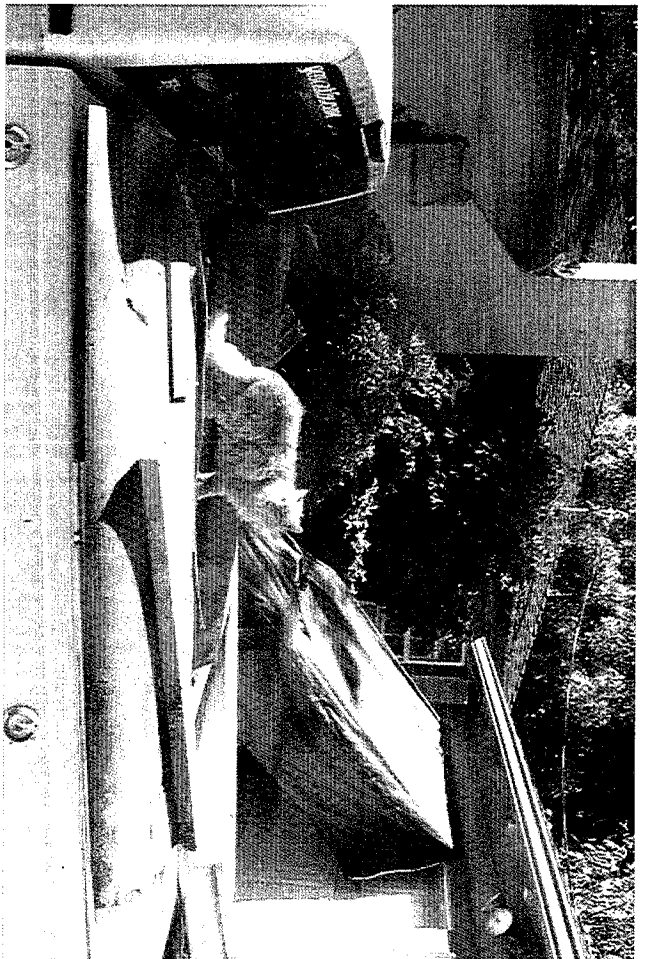
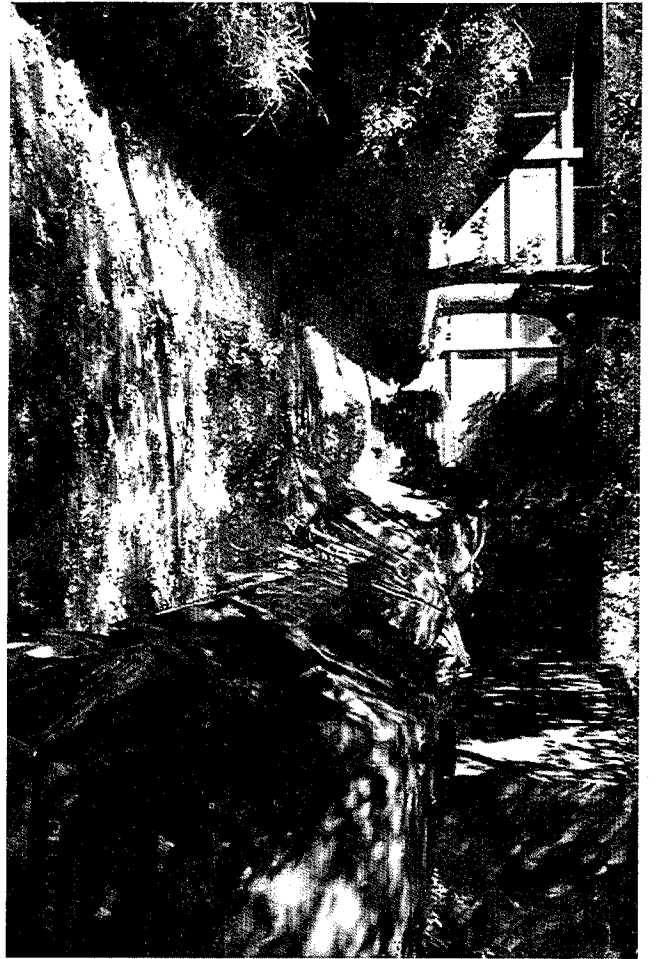
Mike Reynolds, Code Enforcement Officer
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

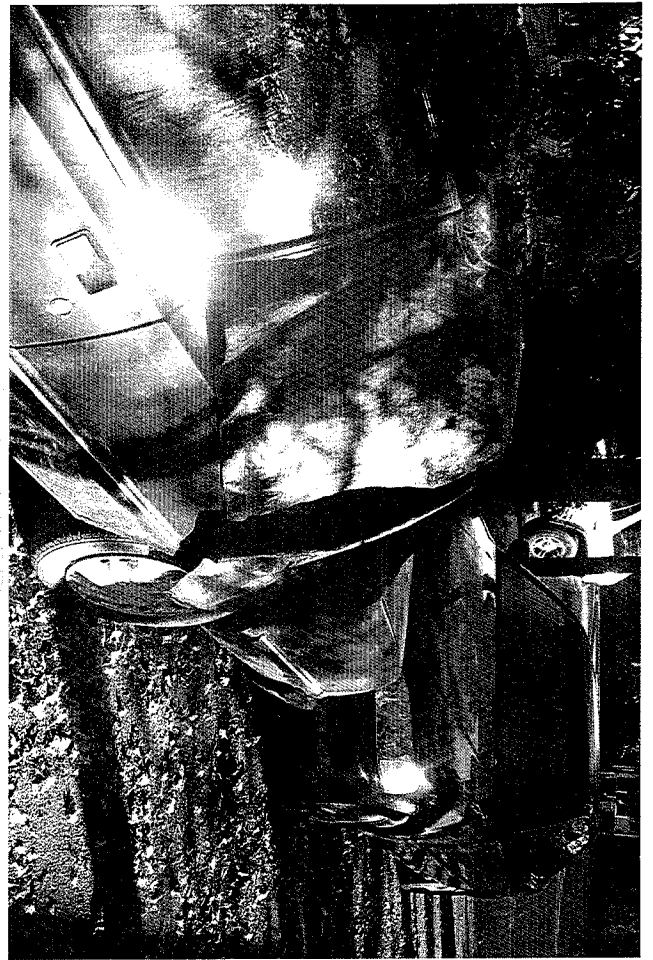
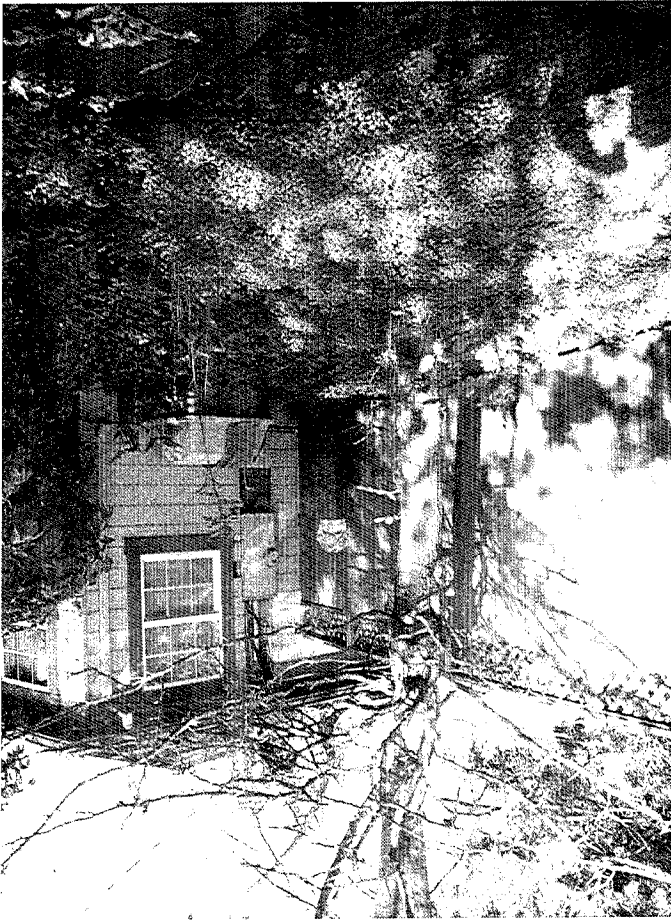
Antoinette Shind
540 Lewrosa Way
Santa Rosa CA 95405

I declare under penalty of perjury, pursuant to the laws of the State of California, that the foregoing is true and correct and that this Declaration was executed on January 8, 2013, at Glen Ellen, California.

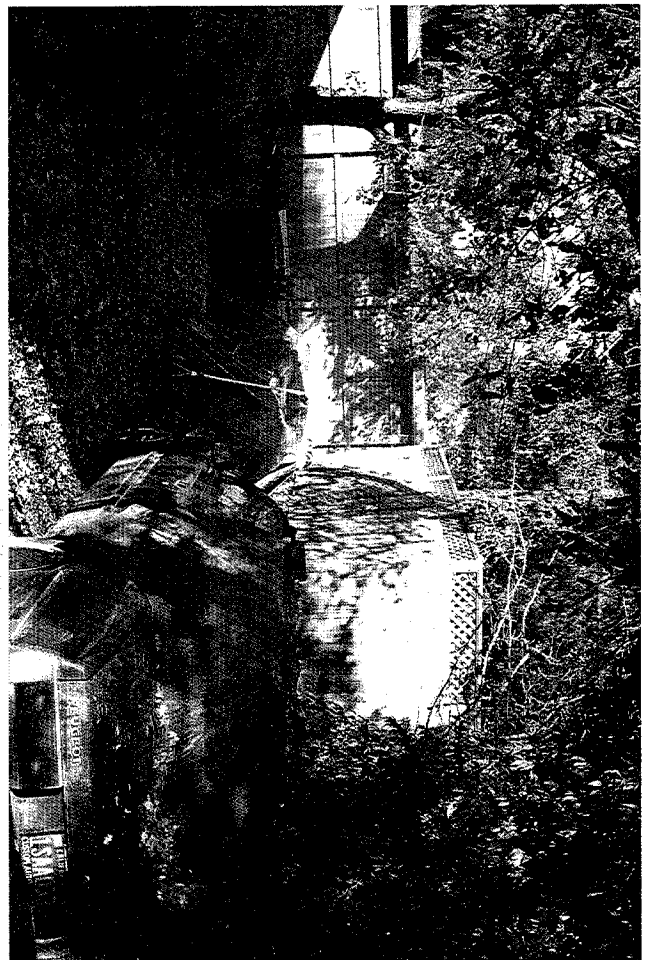
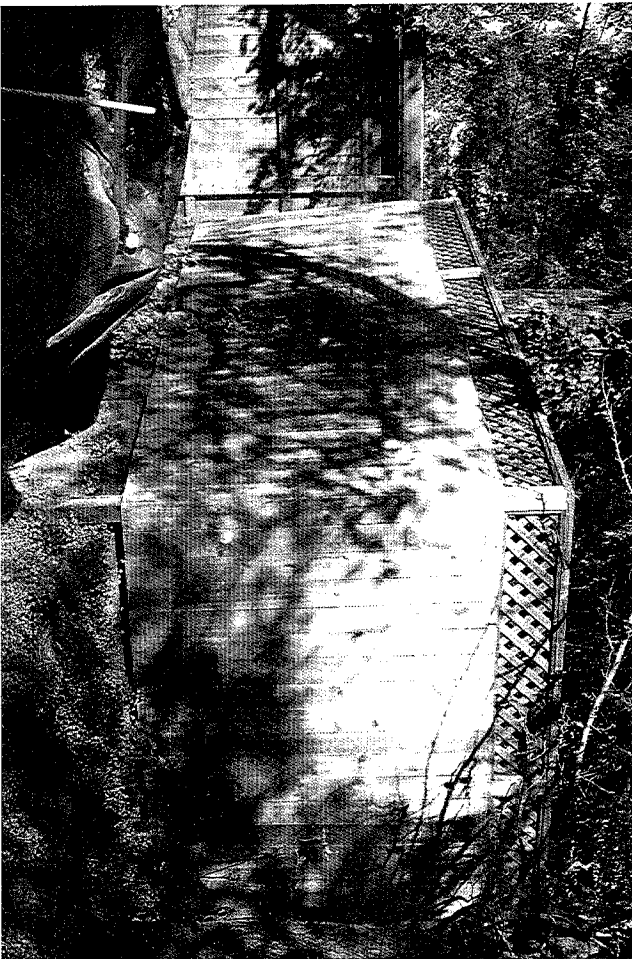


Gail Braun

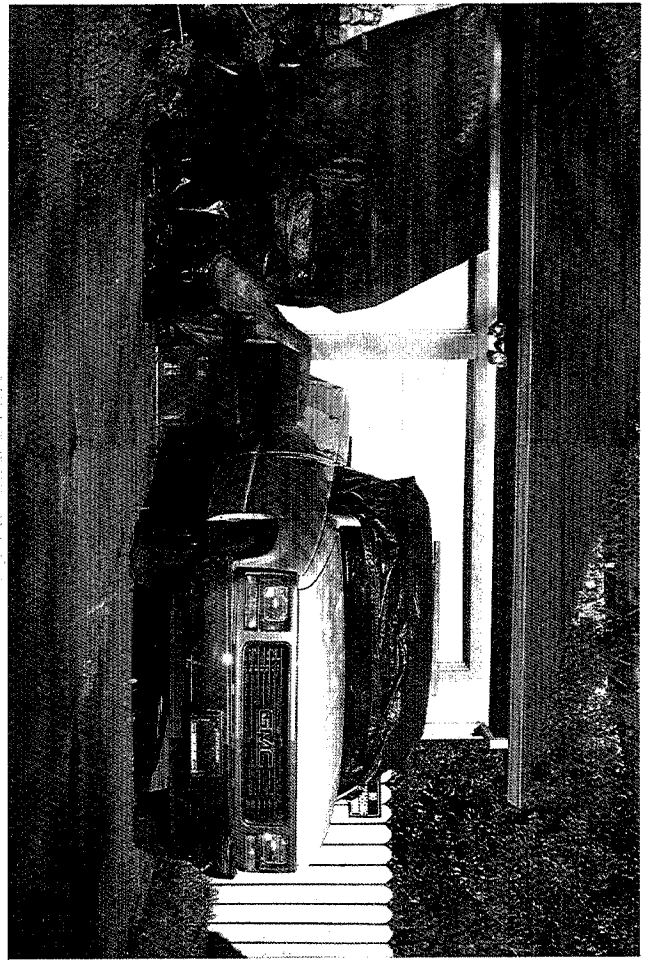




10-11-77



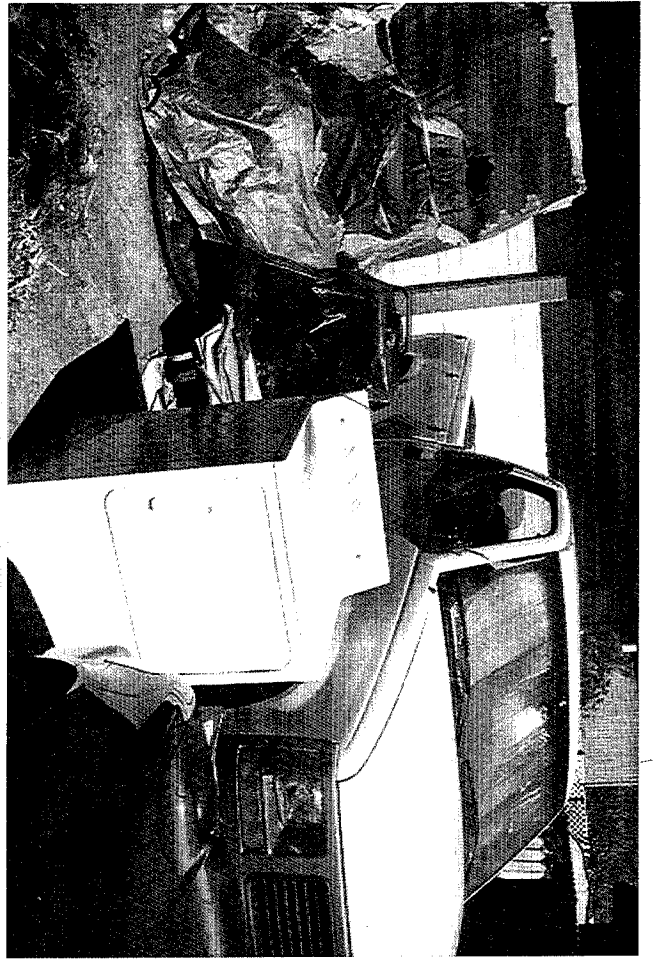
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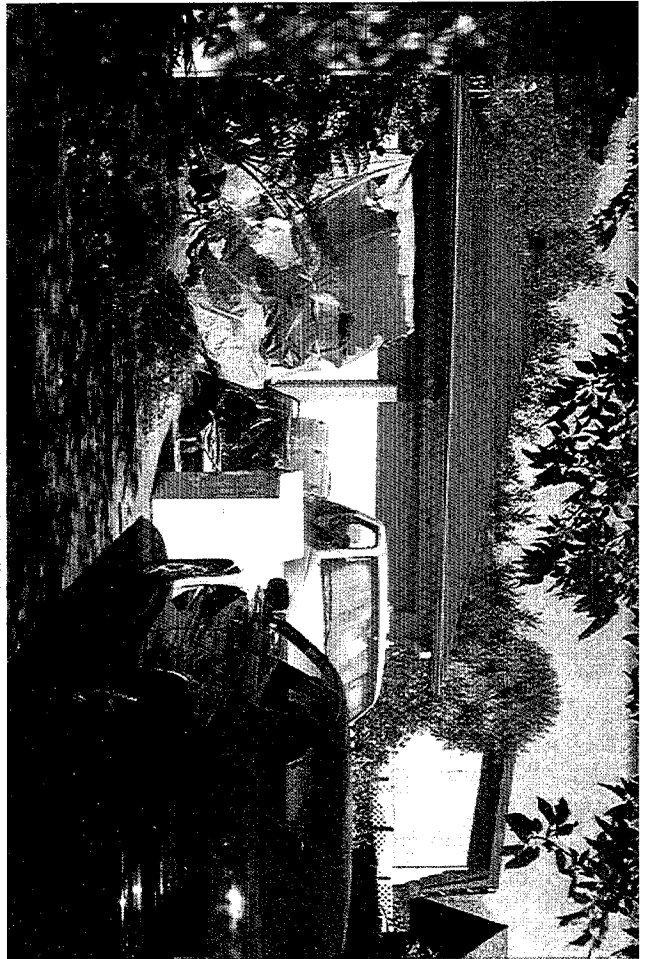
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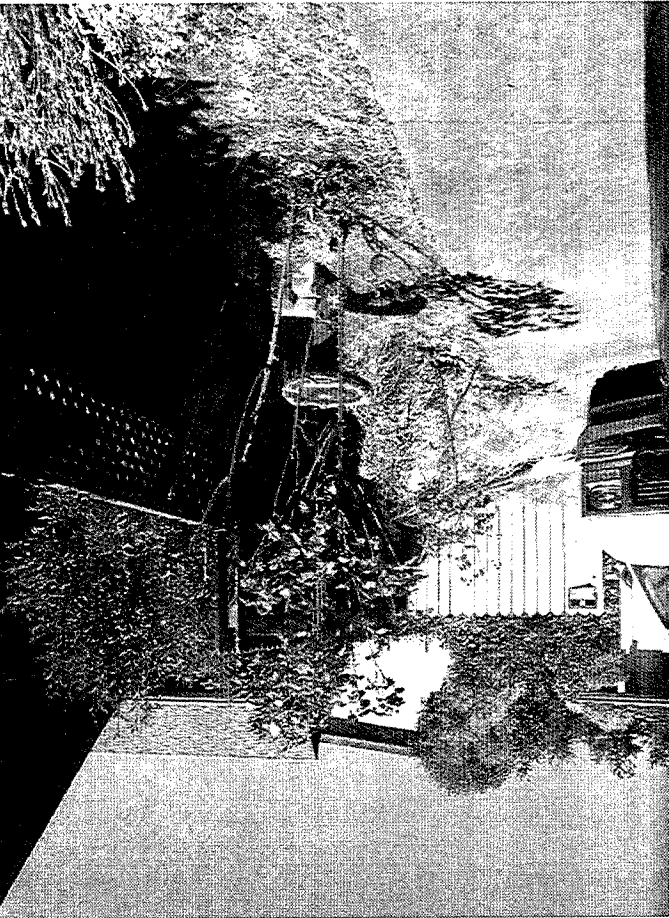
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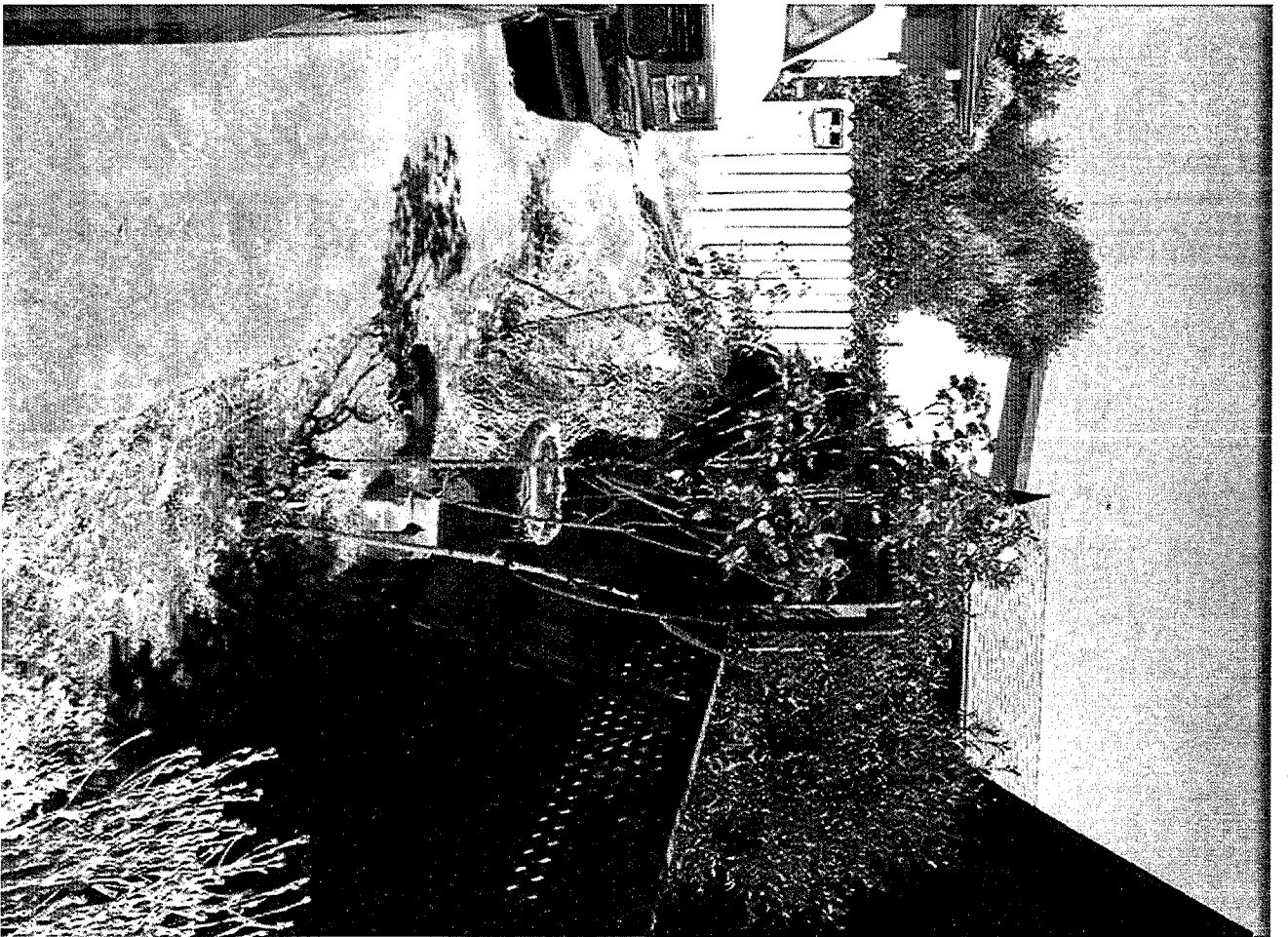


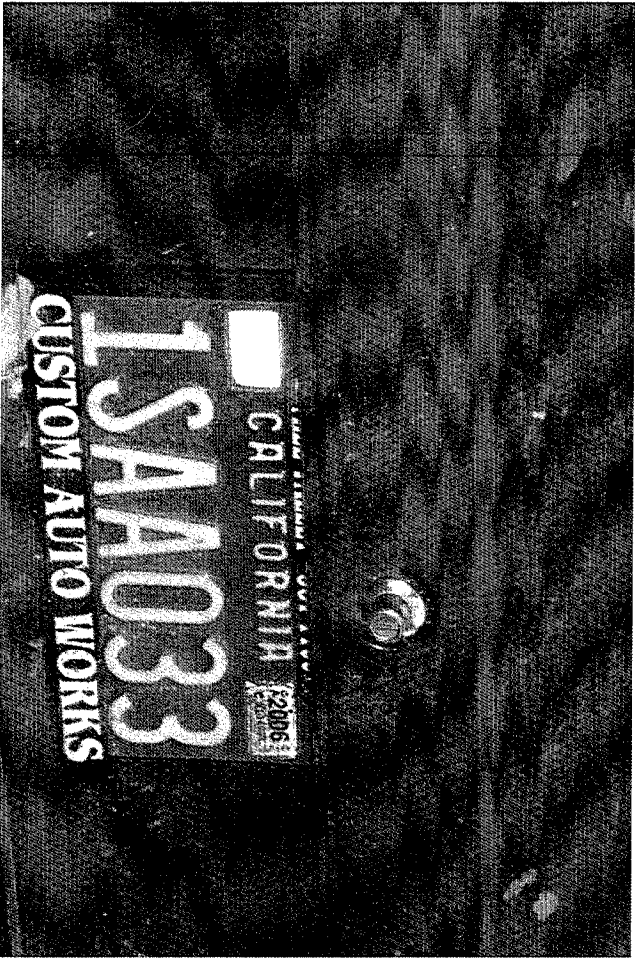
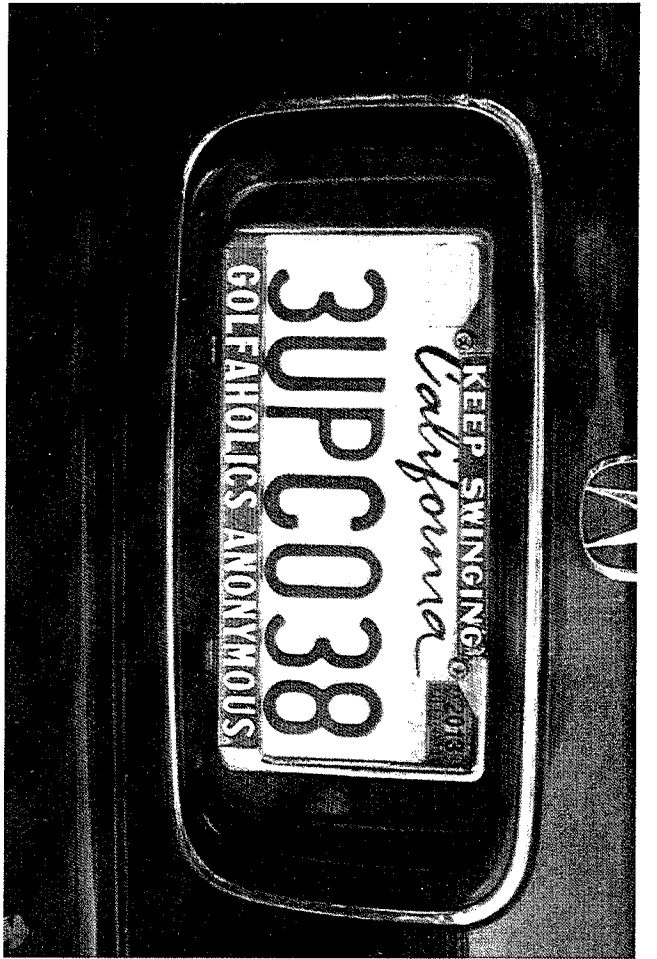
7-11-77 (10:00 AM)



7-11-77 (10:00 AM)







Property Detail Report

For Property Located At



CoreLogic®

RealQuest Professional

540 LEWROSA WAY, SANTA ROSA, CA 95404-2421**Owner Information:**

Owner Name: SHIND ANTOINETTE
 Mailing Address: 540 LEWROSA WAY, SANTA ROSA CA 95404-2421 C020
 Phone Number: Vesting Codes: / A /

Location Information:

Legal Description: MAP C3 129
 County: SONOMA, CA
 Census Tract / Block: 1522.01 / 1
 Township-Range-Sect:
 Legal Book/Page:
 Legal Lot: 6
 Legal Block:
 Market Area:
 Neighbor Code:
 APN: 180-330-012
 Alternate APN:
 Subdivision: LEWROSA COURT
 Map Reference: / 384-F3
 Tract #:
 School District: SANTA ROSA CITY
 Munic/Township:

Owner Transfer Information:

Recording/Sale Date: 04/04/2006 / 03/27/2006
 Sale Price:
 Document #: 39791
 Deed Type: GRANT DEED
 1st Mtg Document #:

Last Market Sale Information:

Recording/Sale Date: 09/15/1997 /
 Sale Price:
 Sale Type:
 Document #: 81979
 Deed Type: AFFIDAVIT
 Transfer Document #:
 New Construction:
 Title Company:
 Lender:
 Seller Name: ERICKSON EVANGELINE M TRUST
 1st Mtg Amount/Type: /
 1st Mtg Int. Rate/Type: /
 1st Mtg Document #:
 2nd Mtg Amount/Type: /
 2nd Mtg Int. Rate/Type: /
 Price Per SqFt:
 Multi/Split Sale:

Prior Sale Information:

Prior Rec/Sale Date: /
 Prior Sale Price:
 Prior Doc Number:
 Prior Deed Type:
 Prior Lender:
 Prior 1st Mtg Amt/Type: /
 Prior 1st Mtg Rate/Type: /

Property Characteristics:

Gross Area: Parking Type: GARAGE Construction: WOOD
 Living Area: 1,295 Garage Area: 400 FRAME/CB
 Tot Adj Area: Garage Capacity: 2
 Above Grade: Parking Spaces:
 Total Rooms: 6 Basement Area:
 Bedrooms: 3 Finish Bsmnt Area:
 Bath(F/H): 1 / Basement Type:
 Year Built / Eff: 1947 / Roof Type:
 Fireplace: Y / 1 Foundation:
 # of Stories: 1.00 Roof Material:
 Other Improvements:
 Heat Type:
 Exterior wall:
 Porch Type:
 Patio Type:
 Pool:
 Air Cond: YES
 Style: L-SHAPE
 Quality: AVERAGE
 Condition:

Site Information:

Zoning: CITYSR Acres: 0.22 County Use: SINGLE FAM
 Lot Area: 9,583 DWELLING
 Land Use: SFR Res/Comm Units: 1 / (0010)
 Site Influence:
 State Use:
 Water Type:
 Sewer Type:

Tax Information:

Total Value: \$168,900 Assessed Year: 2012 Property Tax: \$1,801.02
 Land Value: \$72,656 Improved %: 57% Tax Area: 004002
 Improvement Value: \$96,244 Tax Year: 2011 Tax Exemption: HOMEOWNER
 Total Taxable Value: \$161,900

