

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

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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

**ADMINISTRATIVE ENFORCEMENT ORDER**

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**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**

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**4. Administrative Hearing Officer's Decision:**

A hearing a 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  
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 Millspaugh'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:

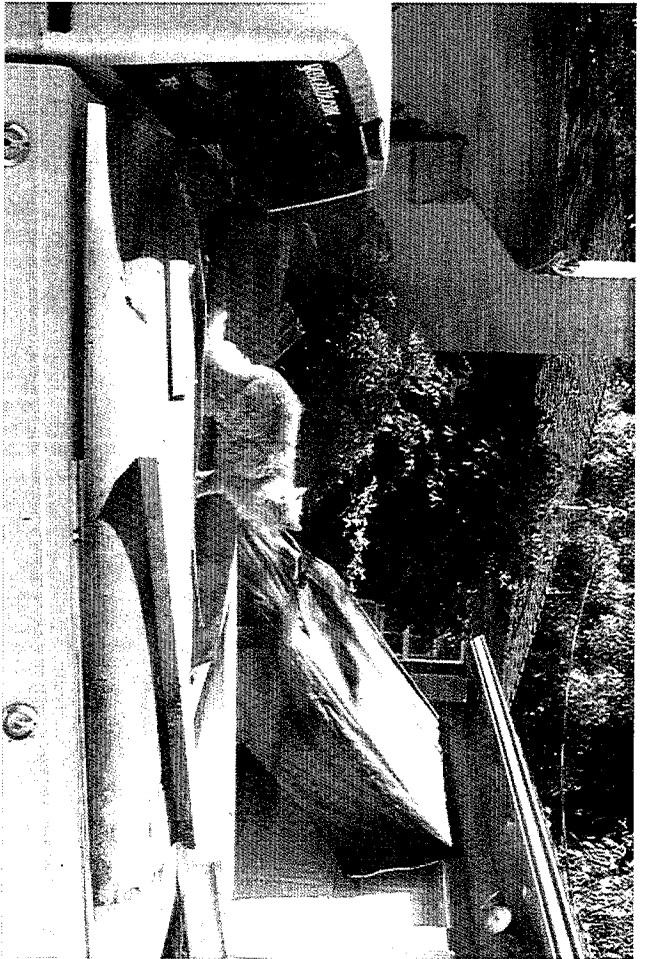
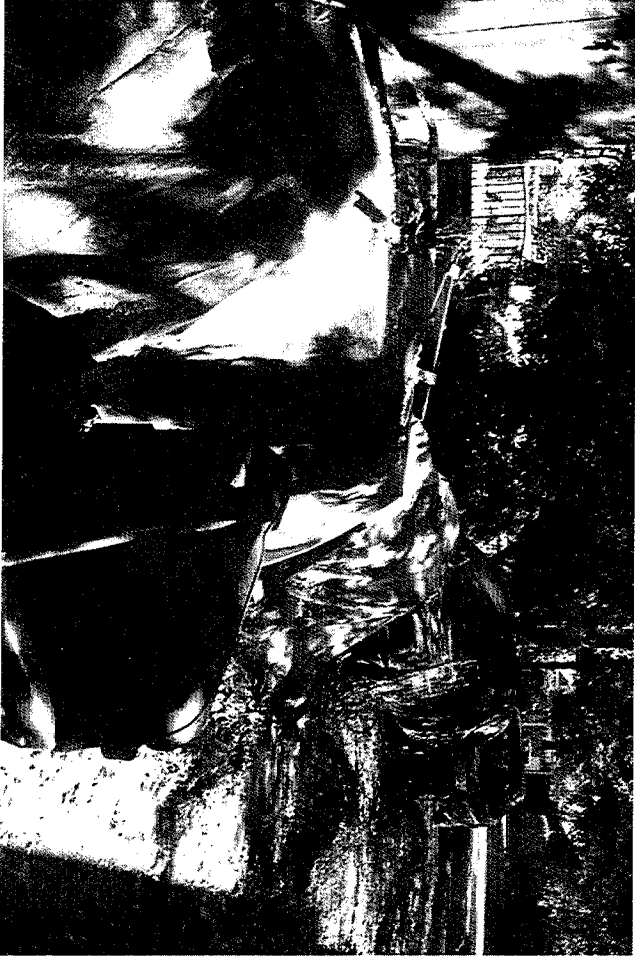
Mike Reynolds, Code Enforcement Officer  
City of Santa Rosa  
100 Santa Rosa Avenue  
Santa Rosa, CA 95404

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

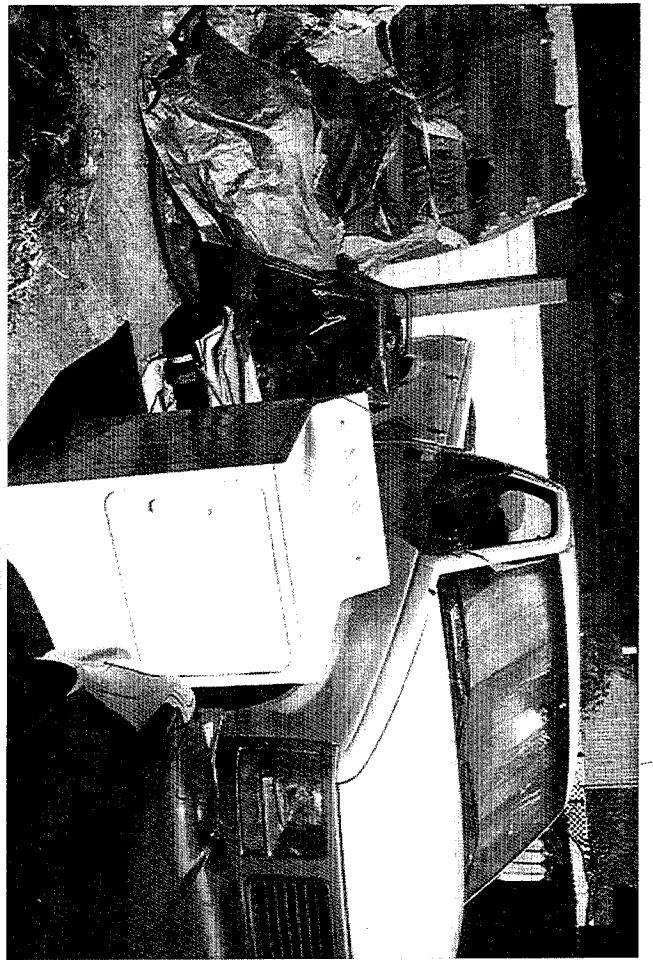
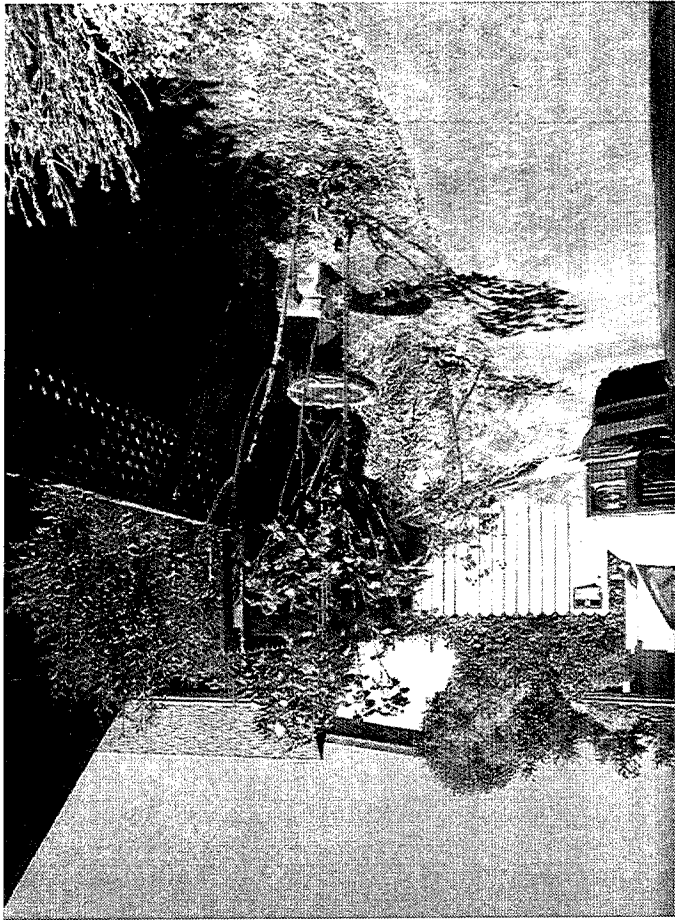




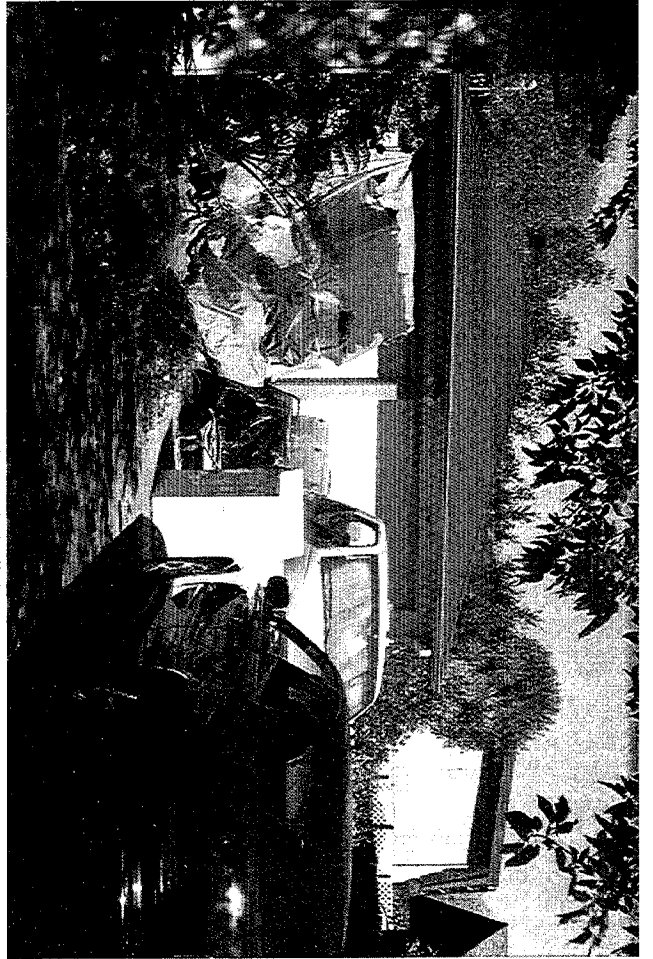
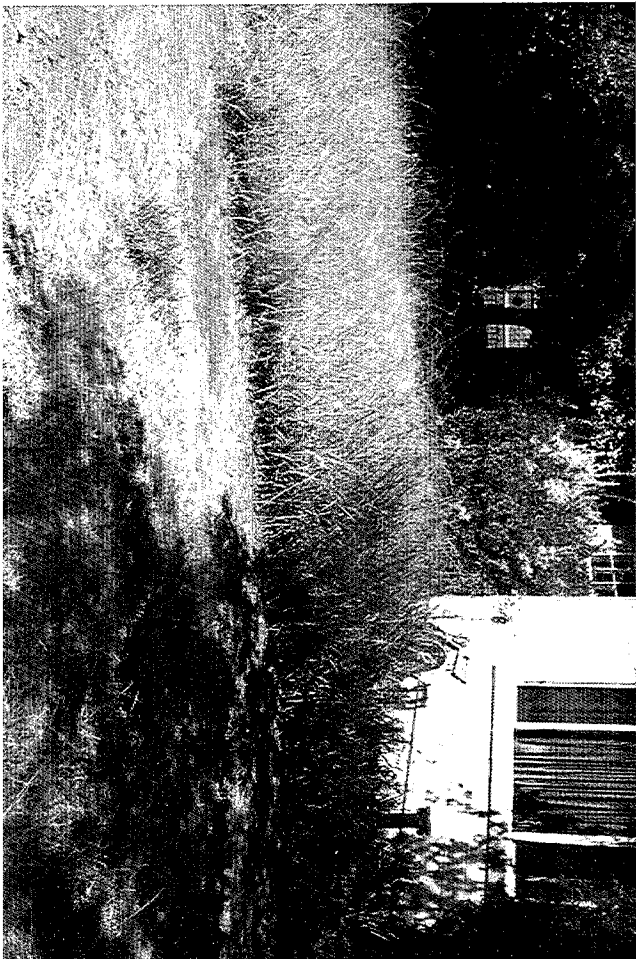




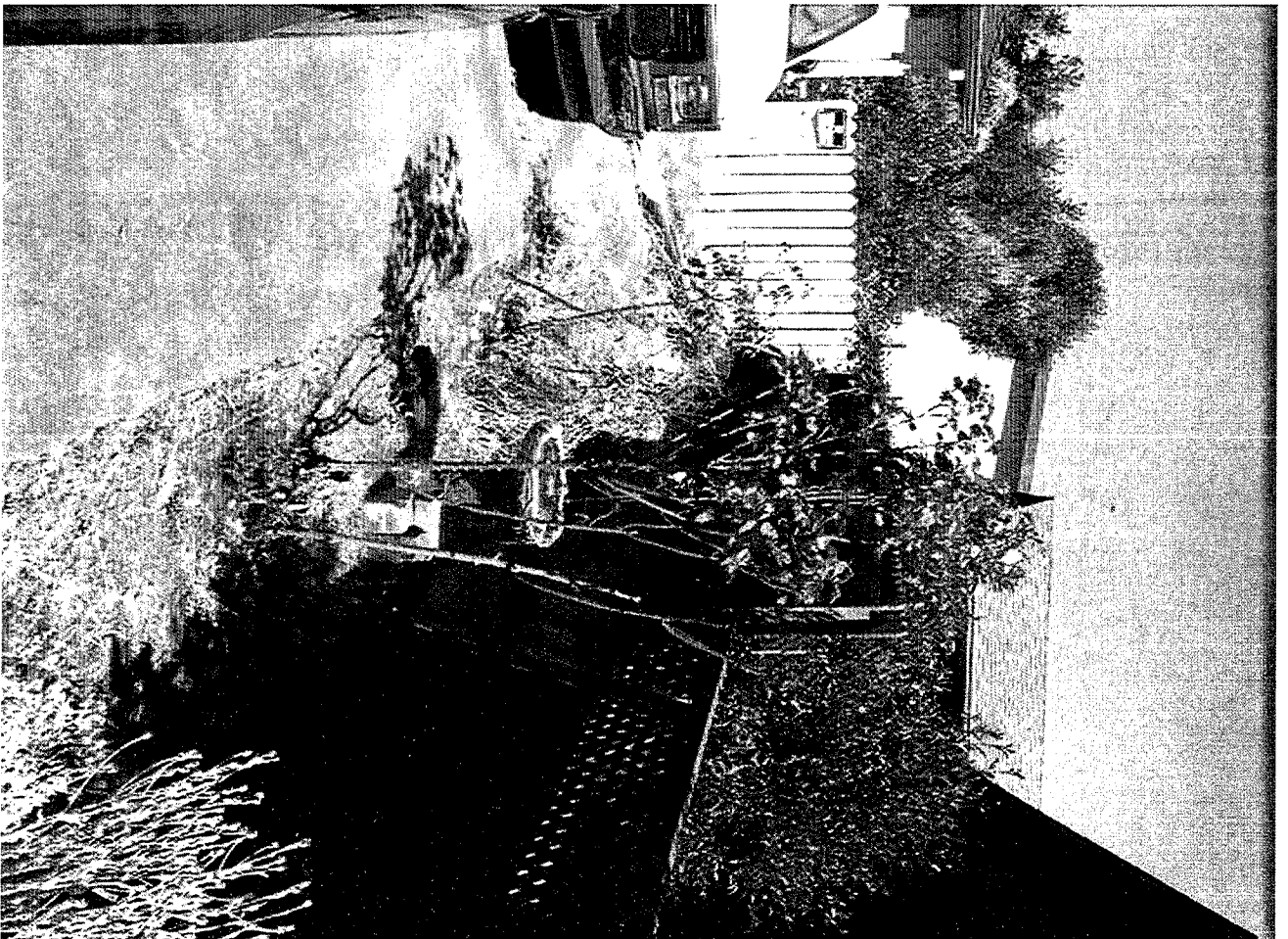
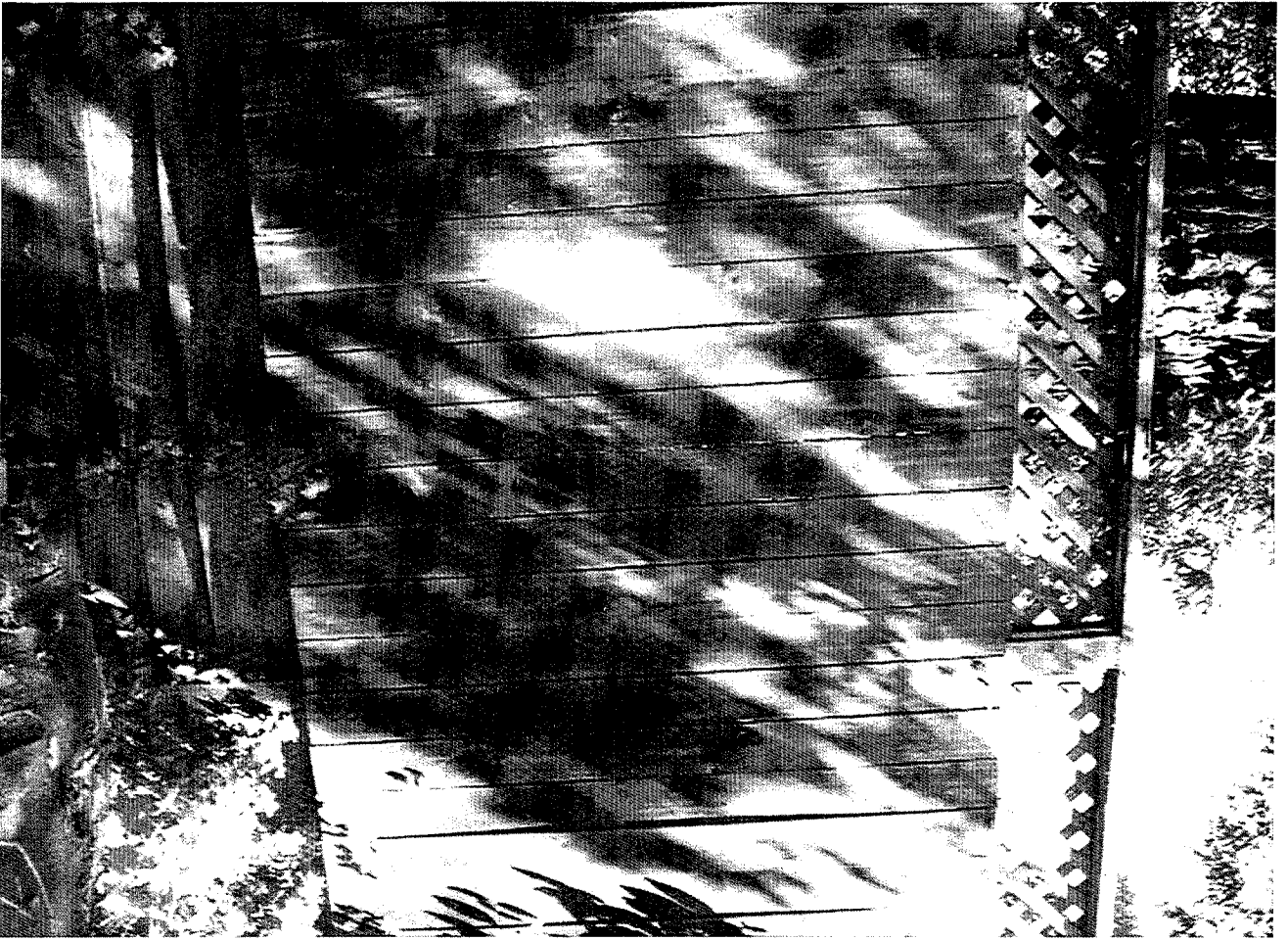




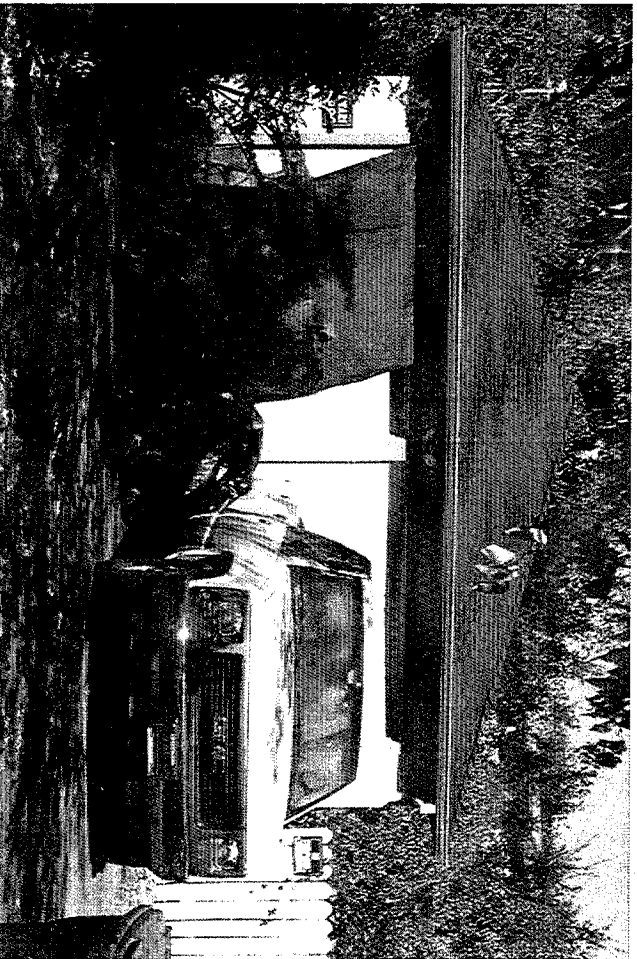
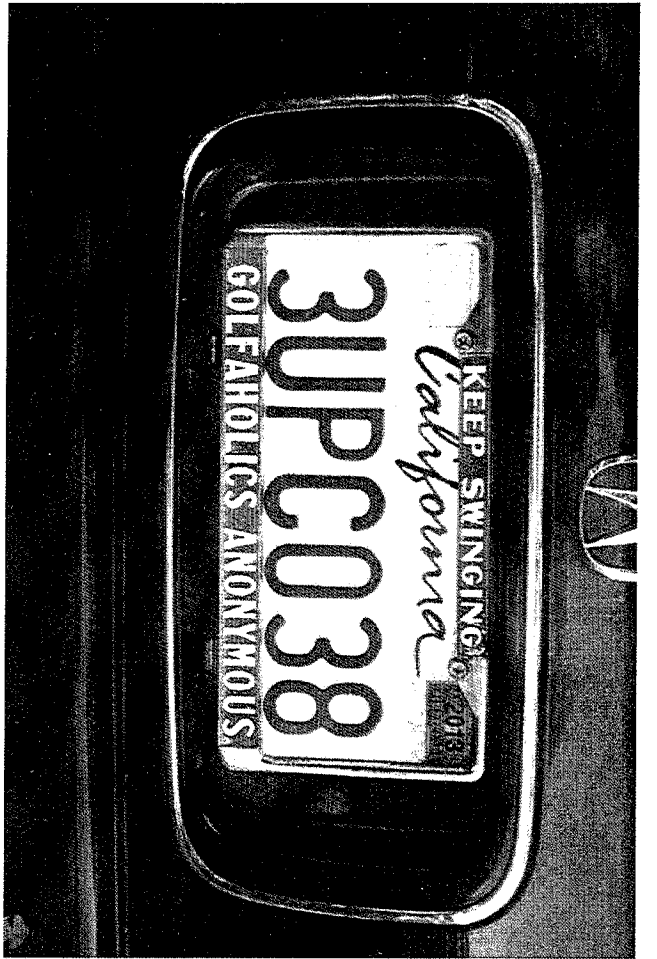
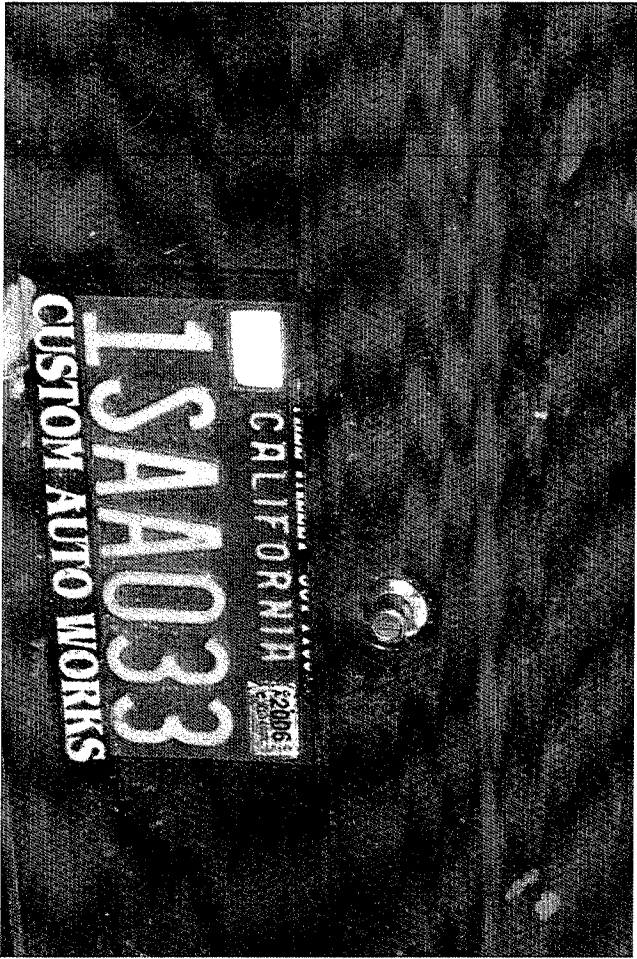
(11) VAN WITH DOOR OPEN



(12) VAN WITH DOOR OPEN







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

**Owner Transfer Information:**

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

**Last Market Sale Information:**

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

**Prior Sale Information:**

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

**Property Characteristics:**

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

**Site Information:**

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

**Tax Information:**

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

Santa Rosa Internal Mapguide Site - Windows Internet Explorer

http://gis/gisweb/int/index.cfm

Google Search Share More Sign In

Santa Rosa Internal Mapguide Site

CITY OF SANTA ROSA GIS MAP SITE

SRG IN GUT PRV ALL PAN SEL CLR PRT LBL REP HLP LIVE TLS

Logout User BasicUser

Urban Boundary

Street Labels

Station Area Plan

Planned Developments

Existing Land Use - Vac

Zoning

Annexations

Utility Service Agreement

South of Todd Fire Protection

Prior Zoning

Prior Zoning Labels

Historic Properties

HD Properties

Historic Preservation

Historic Landmarks

Local Landmark Eligible

Other Potential South

Identified Northeast

Rail

Street Centerlines

Park Fees Service Area

Southwest Area Plan

Southeast Area Plan

Assessors Parcel Book

Assessors Pages

Assessors Books

Parcels

General Plan

Identifier

HILLSIDE

HILLSIDE & SMALL LOT

SMALL LOT

Creeks

Zoning: PD 0226 - Combining District = na - Historic District = NA - Ordinance = 2125 - Date of Ordinance = 11/11/1975

Scale: 1:2,000 1,502 x 1,160 (ft)

http://srcity.org/cd/Zoning\_Code/SantaRosaZC.02.Oct2005.pdf

Unknown Zone (Mixed) | Protected Mode: Off | 100%