

Original Enforcement Order Modified to Remove Penalties

Ira Leslie Lowenthal
Administrative Hearing Officer
357 Miramonte Court
Santa Rosa, CA 95409

ADMINISTRATIVE ENFORCEMENT ORDER File No. CE18-0926

- 1A. Responsible Party: Santa Rosa Ridge Pointe LLC
1B. Address: 3128 Willow Avenue, Suite 101, Clovis, CA 93612-4746
2. Location of Violation: 2410 Stony Point Road, Santa Rosa, CA
3. Assessor Parcel Number: 125-521-004 Zoning District: RR-3-18
4. Administrative hearing Officer's Decision:

- (A) Appearance was made by Kelly Aboudara, Code Enforcement Officer on behalf of the City of Santa Rosa. Property owner/responsible party, Santa Rosa Ridge Point LLC did not appear.
(B) After considering all of the testimony and evidence submitted at the hearing on November 13, 2019, I make the following findings:

1. The City of Santa Rosa has proven by a preponderance of the evidence that the following violations exist against the responsible party:

STATUTE	VIOLATION
SRCC Sec. 18-20.301.3 Vacant Land and Structures	1. Failure to maintain property in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health and safety.
SRCC 11-22.030 Camping on property	2. Unlawful camping exists on the property.
SRCC 18-20.302.1 Sanitation	3. Unsanitary conditions exist on the property.
SRCC 9-12.050, 9-12.070, 9-12.110 Trash and Debris	4. Litter, trash and debris exists on the property due to homeless encampment.

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SRCC 18-20.302.4
Weeds

5. Overgrown vegetation exists on the property in excess of 4 inches.

SRCC 18-302.5
Rodent Harborage

6. Property owner has failed to maintain property free from rodent harborage and infestation.

2. The City of Santa Rosa has complied with all notice requirements as required by law.

(A) Based on these findings, I assess a ~~penalty of \$30,000.00 plus~~ administrative costs of \$1,336.00 (See attached ~~Penalty~~ Calculation Sheet) against the responsible party. In addition, the cost of the Administrative Hearing Officer of \$487.50 shall be an additional administrative cost chargeable to the responsible party. Total administrative costs are \$1,823.50.

(B) The property owner shall pay all ~~penalties~~, administrative costs and additional administrative costs in the total sum of \$1,823.50.

(C) ~~Section B above notwithstanding, \$15,000.00 of the penalty sum is stayed for a period of one (1) month. In the event that the property owner shall abate the forgoing violations within said one month period, plus any additional time the City of Santa Rosa shall grant, that portion of the penalty shall be waived. The balance of the penalty in the sum of \$15,000.00 shall remain due as set forth herein. In the event that the violations are not abated within said period, the full penalty shall become enforceable as set forth in paragraph D below.~~

(D) This shall serve as notice to the responsible party that the ~~penalties and~~ administrative costs are special assessments against the property where the violations occurred and if the payment is not received within thirty days of the date of this Administrative Enforcement Order, it will be confirmed by the City Council. ~~The penalty for the late payment of assessed penalty is 7%, pro-rated daily, from the payment due date of January 13, 2020.~~

(E) ~~Should the violation 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 violation continues.~~

Dated: December 12, 2019

By Order Of:



Ira Leslie Lowenthal
Administrative Hearing Officer

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PENALTY CALCUALATION SHEET

- 1A. Responsible Party: Santa Rosa Ridge Pointe LLC
- 1B. Address: 3128 Willow Avenue, Suite 101, Clovis, CA 93612
2. Location of Violation: 2410 Stony Point Road, Santa Rosa, CA 95407

3. Assessor Parcel Number: 125-521-004 Zoning District: RR-3-18

4. ~~The penalty for an initial violation is \$500.00 for each day the violation continues.~~

5. Date Violations were to be corrected: November 8, 2015

6. Date of Administrative Hearing: November 18, 2015

7. ~~Number of days between Line 5 and Line 6: 10 days X \$500.00/day X 6 violation = \$30,000.00~~

8. Administrative Costs = \$1336.00 combined total below
 - A. Letter, meetings, hearing preparation – 2hr(s). @ \$181.00 per hr. = \$362.00
 - B. 3 site visit(s) 1 hr(s). @ \$181.00 per hr. = \$543.00
 - C. Sr. Administrative Assistant- 2hr(s) @ \$170.00 per hr. = \$240.00
 - D. Sr. Code Enforcement Officer - 1 hr(s) @ \$191.00 per hr = \$191.00

9. ~~A. Penalty from Line 7 \$30,000.00~~
 - B. Costs from Line 8 \$ 1,336.00
 - C. Admin. Hearing Officer \$ 487.50
 - Total** **\$31,336.00**
 - \$ 1,823.50

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CERTIFICATE OF SERVICE

I am and at all times mentioned herein was, an active member of the State Bar of California and not a party to the above entitled cause. My business address is 1729 Mariposa Drive, Santa Rosa, CA 95405.

On December 13, 2019, I served the forgoing document, described as:

ADMINISTRATIVE ENFORCEMENT ORDER

By placing a true copy thereof enclosed in a sealed envelope addressed as follows:


Santa Rosa Ridge Pointe LLC
3128 Willow Avenue, Suite 101
Clovis, CA 93612

Kelley Aboudara
Code Enforcement Officer
Dept. of Community Development
100 Santa Rosa Avenue
Santa Rosa, CA 95404

I deposited such envelope in the mail at Santa Rosa, California. The envelope was mailed with postage thereon fully prepaid.

Executed on December 13, 2019 at Santa Rosa, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Ira Leslie Lowenthal

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Proof of Service

I declare that on the date of this declaration, I served the attached document(s) on the party(ies) listed below addressed as follows:

Santa Rosa City Attorney
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Kelley Aboudara
100 Santa Rosa Avenue
Santa Rosa, CA 95404

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

City of Santa Rosa
Office of the City Clerk
100 Santa Rosa Avenue
Santa Rosa, CA 95404