

# Attachment 1

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

File # CE15-0484

## Administrative Enforcement Order

1-A. Responsible Party: David Knotts

1-B. Address: 16100 N. Highway 101 #80  
Willits, CA 95490

2. Location of Violation: 5316 Gold Drive, Santa Rosa, CA

3. Assessor Parcel Number: 153-201-024 Zoning District: R-1-6

4. Administrative Hearing Officer's Decision:

(A) This matter came on for hearing on June 15, 2016. At the hearing, Senior Code Enforcement Officer Michael Reynolds, Code Enforcement Officer Mark Maystrovich, and Responsible Parties David Knotts and his sister, Jodi Fitzpatrick, were sworn and testified. Mr. Maystrovich testified that he had performed an inspection that morning of the front and rear yard areas, and confirmed that Violation #6 in the staff report, regarding an unsafe electrical subpanel, had been addressed. The Responsible Parties did not dispute the alleged violations regarding the presence of vehicles in the yard setbacks, the accumulation of rubbish and debris, or the failure to maintain the premises in a clean, safe and sanitary condition. Regarding the structures within the rear creek side setback, the Responsible Parties testified that some of them had been in place for decades, though did not produce evidence that they had been permitted. The Code Enforcement Officers testified that the City records also do not evidence that the older structures in the rear setback had been permitted. It was undisputed that a relatively new deck in the rear yard was built without a permit, and that some structures previously in the rear setback had been removed. The Responsible Parties expressed their interest and willingness to address the remaining violations in a timely fashion. The Responsible Parties requested a continuance of the hearing until their brother who resides at the subject property returned from a trip abroad. However, the Responsible Parties had sufficient knowledge of the property and alleged violations for the hearing to proceed, and the request for continuance was denied. After considering all of the testimony and evidence submitted, I make the following findings:

1. The record contains substantial evidence that the subject property is in violation of Santa Rosa City Code (SRCC) Sections 18.16.105.1, 18.16.110.1, 20-36.030C, 9-12.050, 9-12.070, 9-12.110, and 18-20.302.1, due to the following conditions: (a) unpermitted and uninspected structures in the rear creekside setback; (b) vehicles being stored in required yard setbacks; (c) the accumulation of trash and debris on the premises; and (c) failure to maintain the exterior in a clean, safe and sanitary condition.

2. The City has complied with applicable notice requirements.

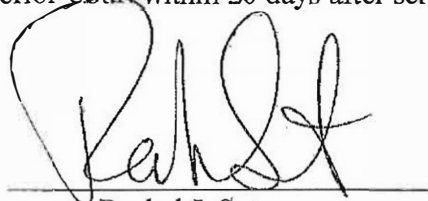
(B) **Based on these findings, I uphold the Administrative Notice and Order, and direct the Responsible Party, within 60 days of the date of this order, to remove all vehicles**

**from required setbacks, to remove and lawfully dispose of all accumulated trash and debris, to restore the premises to a clean and sanitary condition, and to retain a design specialist to inspect the unpermitted structures in the rear setback and furnish a letter of retention to the City. I further assess a penalty of \$ 4,000 (five violations x \$400/day x 2 days) plus \$ 1,307.00 for administrative costs which include the cost incurred for the appearance of the Code Enforcement Officer at the hearing for one hour, plus \$ 600 for Administrative Hearing Officer costs related to the hearing on June 15, 2016 (Hearing Officer preparation time, proportional share of travel time, hearing time, analysis of evidence, and preparation and mailing of Administrative Enforcement Order), for TOTAL COSTS AND PENALTIES OF \$ 5,907.00.**

- (C) This Administrative Enforcement Order will be served on each party; when the Administrative Enforcement Order is served on the Code Enforcement Officer, the order shall be final.
- (D) This shall serve as notice to the responsible party that the administrative costs are a special assessment against the property where the violations occurred and if payment is not received within thirty days of the date of this Administrative Enforcement Order, will be confirmed by the City Council. The penalty for late payment of assessed penalty is 7%, pro-rated daily, from **payment due date of August 7, 2016.**
- (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 for each day** the violation continues.
- (F) Pursuant to SRCC Section 1-30.120 (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 20 days after service of this Order.

**DATE:** July 8, 2016

**BY ORDER OF:**



Rachel J. Sater  
Administrative Hearing Officer