

City of Santa Rosa
Administrative Hearings
100 Santa Rosa Ave.
Santa Rosa, CA 95404

File # CE 16-0373 and
CE 16-0634

ADMINISTRATIVE ENFORCEMENT ORDER

1-A Responsible Party: Steven Mc Donald

1-B Address: 1350 Page Court Santa Rosa, CA 95407

2. Location of Violation: 1350 and 1352 Page Court Santa Rosa, CA 95407

3. APN: 125-342-031 Zoning District: PD

4. Administrative Hearing Officer's Decision:

A Noticed Hearing was held on April 19, 2017 commencing at 1:00 p.m. in the Santa Rosa City Council Chambers located at 100 Santa Rosa Ave before the undersigned regarding violations alleged by the City of Santa Rosa ("City") of the Santa Rosa City Code at the above referenced property. Present at the hearing was Cindy Schalich, Code Enforcement Technician, on behalf of the "City" and the Responsible Party Steven McDonald. Ms. Schalich and Mr. Mc Donald were duly sworn prior to their testimony.

After consideration of the testimony Ms. Schalich and Mr. McDonald and the documentary evidence contained in the staff report dated April 10, 2017, the hearing officer makes the following findings:

- A. The City has complied with all applicable notice requirements for the hearing, and
- B. The record contains sufficient evidence that the Responsible Party is/was in violation of the Code section(s) listed below that are set forth in the Staff Report dated April 10, 2017 and the Administrative Notice and Order issued in this matter by the "City" on March 15, 2017. The Administrative Notice and Order of March 15, 2017 is upheld as follows:

1350 Page Court

VIOLATION ONE

SRCC Section 20-36.030C, 20-30.110D and 18-20.302.8 – Prohibited Parking or Storage- Unlicensed truck stored in front yard.

VIOLATION TWO

SRCC Section 9-12.050, 9-12.070 and 9-12.110- Trash and Debris-Side of Driveway, front yard area trash and debris under membrane structure.

1352 Page Court

VIOLATION THREE

SRCC Sec. 20-36.030c, 20-30.11d.2 and 18-20.302.8- Prohibited Parking or Storage- Unlicensed motor vehicle stored in driveway and generator on side of driveway

VIOLATION FOUR

SRCC Sec. 9-12.050, 9-12.070 and 9-12.110- Trash and debris- Carport area trash and debris

- C. Based on these finding I assess a penalty of \$ 500.00 (see attached penalty calculation sheet) plus administrative costs against the Responsible Party in the amount of \$ 943.00 of which includes the cost incurred for the appearance of Ms. Schalich on behalf of the City at the hearing for one half hour. In addition, the cost of the Administrative Hearing officer of \$ 350.00 shall be an additional administrative cost chargeable to the Responsible Party, which cost includes preparation for the hearing, hearing time, review and analysis of the applicable law, the testimony and documentary evidence, rendering and preparation of this decision, and service of this order by mail upon the responsible party and the City's Code Enforcement officer Ms. Schalich.
- D. I shall serve by mail the Administrative Enforcement Order on each party and their attorney, if any, and the Code Enforcement Officer Ms. Schalich. When the Administrative Enforcement Order is served by mail on the Code Enforcement Officer the Order shall be final.

- E. This shall serve as notice to the Responsible Party that the penalties and administrative costs are special assessments against the subject property where the violations occurred and if payment is not received within thirty (30) days of the date of this Order, it will be confirmed by the City Council. The penalty for late payment of the assessed penalty is 7% pro-rated daily from the payment due date.
- F. Should 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 up to \$1000.00 for each day the violation continues.
- G. Within thirty (30) days from the date of this Order, the responsible party shall take corrective action to remedy the violation(s), by removal of the unlicensed vehicle and trash and debris at the property; obtain required permits and inspections for the membrane structure erected on the property and/or obtain the required permits for demolition or removal of the membrane structure and inspection of the property.
- H. Pursuant to SRCC Section 1-30.210, a copy of which is attached to the Administrative Notice and Order served by mail on March 15, 2017, any person contesting the Administrative Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days of this Order.

Dated: June 14, 2017

BY ORDER OF



STEVEN M. LANDER
Administrative Hearing Officer

(AMENDED)

PENALTY CALCULATION SHEET

- 1 a. Responsible Party: Steven Mc Donald
- 1 b. Address: 1350 Page Court
- 2. Location of Violation: 1350 and 1352 Page Court
- 3. APN: 125-342-031
- 4. The penalty for initial code violations is up to \$500.00 per day for each day the violation continues. In this proceeding, there are four (4) violations.
- 5. Date Violations were to be corrected: April 9, 2017
- 6. Date of Administrative Hearing: April 19, 2017
- 7. Number of Days between in dates listed in items 5 and 6 above: 10

Total penalty assessed is \$ 500.00 (10 days x \$50.00 per day)

8. Administrative costs are assessed in the sum of \$ 1108.00 which are as follows:

A. Letters, meetings, hearing preparation	
2.0 hrs. @\$ 170.00 per hour	\$ 340.00
B. 3 site visits, total of 2.0 hrs.@ \$170 per hour	\$ 340.00
C. Sr. Administrative Assistant	\$ 00.00
D. Sr. Code Enforcement Officer 1 hr.@ \$178.00 per hour	\$ 178.00
E. Administrative Hearing time 0.5hrs@\$170.00 per hr.	\$ 85.00
F. Hearing Officer time 1.4 hrs. @\$250.00 per hr.	<u>\$ 350.00</u>
	Total \$ 1293.00

Total admin. costs. \$1293.00

Penalty from item 7: \$ 500.00

Total penalties and costs: \$1793.00