

Original Enforcement Order Modified to Remove Penalties

RECORDED AT REQUEST OF AND RETURN TO:

City of Santa Rosa
Division Code Compliance
90 Santa Rosa Avenue
Santa Rosa, CA 95404

"NO FEE REQUIRED"

(Govt. Code Sec. 6103 and 27383)
Recorded for the benefit of the
City of Santa Rosa

Exempt from SB2 fee per GC 27388.1 (a) (s);
Executed or recorded by a government agency

CE 19-0034

FOR RECORDER'S USE ONLY ABOVE THE LINE

ADMINISTRATIVE ENFORCEMENT ORDER

ADMINISTRATIVE ENFORCEMENT ORDER

APN: ~~134-280-013~~

2282 WEST HEARN AVENUE
SANTA ROSA, CA 95407

Original Enforcement Order Modified to Remove Penalties

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

File # CE 19-0034

ADMINISTRATIVE ENFORCEMENT ORDER

- 1 a. Responsible Party(ies): Guido Boccaleoni**
- 1 b. Address: 2283 West Hearn Ave., Santa Rosa, CA 95407**
- 2. Location of Violation: 2282 West Hearn Ave., Santa Rosa, CA 95407**
- 3. APN: 134-280-013 Zoning District: RR-20-RH**
- 4. Administrative Hearing Officer's Decision:**

A Noticed Hearing was held on December 11, 2019 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 City of Santa Rosa Code Enforcement Officer/Building Inspector Mark Maystrovich on behalf of the "City". Responsible Party(ies) Guido Boccaleoni was not present.

After consideration of the testimony Mr. Maystrovich presented, the testimony of witnesses Michelle Wilson, Jennifer Coulter, and Brenda Fowler Hart, the entirety of the 82 pages of documentary evidence dated December 11, 2019, including the Staff Report, Certificate of Service, Administrative Notice and Order dated October 22, 2019, Penalty Calculation Worksheet, Complaint Log, Property Detail Report, Vicinity Map, Consent to Inspect, Site Inspection Photos dated February 27, 2019, and additional documents presented at the hearing including Site Inspection Photos dated December 11, 2019, documents from County of Sonoma Permit and Resource Management Department, and a two page handwritten letter dated December 10, 2019 from Maria E. Sissan, 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 to show that the Responsible Party is in violation of the Code section(s) listed below that are set forth in the Staff Report**

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dated December 11, 2019 and the Administrative Notice and Order issued in this matter by the "City" on October 22, 2019:

Violation #1

SRCC Sec. 18-16.105.; 18-16.110.1 Building Permits Required and Inspections - Addition of bathroom and laundry room, in main house, without required building permits and inspections.

Violation #2

SRCC Sec. 18-24.104.1; 18-24.105.2 Required Plumbing Permits and Inspections - Installation of new sewer, vent and water lines for bathroom addition and laundry room, in main house, without required plumbing permits and inspections.

Violation #3

SRCC Sec. 18-32.89.108.4.1; 18-32.89.108.4.4 Required Electrical Permits and Inspections - Installation of new electrical wiring, outlets, switches and light fixtures for bathroom addition and laundry room, without required electrical permits and inspections.

Violation #4

SRCC Sec. 18-16.105.1; 18-16.110.1 Required Building Permits and Inspections - Remodel of shed 1, over 120 square feet on south side of property, next to main house, without required building permits and inspections

Violation #5

SRCC Sec. 20-22.050 Table 2-4 RR and R-I District Development Standards (Building Setbacks) Remodel of shed 1, rear yard on south side of property in setback. Property setback is 5 feet.

Violation #6

SRCC Sec. 18-20.304.7 Roofs and Drainage -Roof of shed 1, rear yard on south side of property is sloped to discharge rain water onto neighbor's property.

Violation #7

SRCC Sec. 18-32.89.108.4.1; 18-32.89.1 08.4.4 Required Electrical Permits and Inspections – Installation of electrical wiring in remodeled shed 1, rear yard on south side of property. Installation of new electrical subpanel inside shed 2 for trailer under shed roof 3 without proper electrical permits and inspections.

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Violation #8

SRCC Sec. 18-16.111.1 Use and Occupancy - Classification change; prohibited occupation of a travel trailer converted into a single-family dwelling.

Violation #9

SRCC Sec. 18-16.105.1; 18-16.110.1 Required Building Permits and Inspections - Addition to travel trailer to expand footprint/living space, plus addition of covered accessory roof structure over travel trailer without required building permits or inspections.

Violation #10

SRCC Sec. 20-22.050 Table 24 RR and R-1 District Development Standards (Building Setbacks) - All Buildings, trailers, accessory structures and fabric roof structures are in the rear side yard setbacks.

Violation #11

SRCC Sec. 18-24.1 04.1; 18-24.1 05.2 Required Plumbing Permits and Inspections - Installation of new water line to unpermitted trailer that is being used as second dwelling unit.

Violation #12

SRCC Sec. 18-20.302.8 Motor Vehicles - Prohibited storage of inoperative and unlicensed motor vehicle throughout rear yard.

Violation #13

SRCC Sec. 18-20.308.1 Rubbish and Garbage - Failure to maintain exterior of property free from the accumulation of rubbish or, garbage throughout the rear yard area.

Violation #14

SRCC Sec. 18-16.105.1; 18-16.110.1 Required Building Permits and Inspections - Construction of as accessory structure back towards the middle of rear yard without the required permits and inspections.

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Violation #15

SRCC Sec. 18-32.89.108.4.1; 18-32.89.108.4.4 Required Electrical Permits and Inspections – Installation of electrical wiring, switches, outlets and light fixtures in shed located, at roughly middle rear yard.

Violation # 16

SRCC Sec. 18-16.105.1; 18-16.110.1 Required Building Permits and Inspections - Conversion of garage shop into habitable living space without the required building permits and inspections.

Violation # 17

SRCC Sec. 18-16.105.1; 18-16.110.1 Required Building Permits and Inspections - Installation of carport without the required building permits and inspections.

C. The Administrative Notice and Order of October 22, 2019 is upheld as follows:

Responsible Party is **HEREBY ORDERED** to correct the violations set forth above by doing the following:

1. Hire a licensed professional to submit all necessary plans for all additions, remodeling, accessory structures, roof structures and electrical and plumbing on main house and all structures located on property. Pay all fees at time of plan and permit application.
2. Remove all unlicensed vehicles, auto parts, tires, wood debris, fabric structures and trash and debris.

Responsible party is **HEREBY ORDERED** to cease and desist from permitting the violation(s) set forth above or from repeating the existing or similar violations;

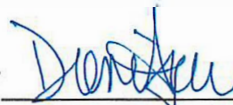
D. Based on these findings, I assess a penalty of \$25,500 (~~see attached penalty calculation sheet~~) plus administrative costs against the Responsible Party(ies) in the amount of \$ 1,390.50 which includes the cost incurred for the appearance of Mr. Maystrovich on behalf of the City at the hearing for .50 hours. In addition, the cost of the Administrative Hearing Officer of \$750.00 shall be an additional administrative cost chargeable to the Responsible Party(ies), 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(ies) and the City's Code Enforcement Officer Mr. Maystrovich.

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- E. I shall serve by mail this Administrative Enforcement Order on each party and their attorney, if any, and the Code Enforcement Officer Mr. Maystrovich. When the Administrative Enforcement Order is served by mail on the Code Enforcement Officer, the Order shall be final.
- F. 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, the City may seek to enforce it through judicial review. ~~The penalty for late payment of the assessed penalty is 7% pro-rated daily from the payment due date.~~
- G. ~~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 \$1,000.00 for each day the violation continues.~~
- H. Within thirty (30) days from the date of this Order, the responsible party shall take corrective action to remedy the violation(s), by doing the following:
1. Hire a licensed professional to submit all necessary plans for all additions, remodeling, accessory structures, roof structures and electrical and plumbing on main house and all structures located on property. Pay all fees at time of plan and permit application.
 2. Remove all unlicensed vehicles, auto parts, tires, wood debris, fabric structures and trash and debris.
- I. Pursuant to SRCC Section 1-30.210, a copy of which is attached to the Administrative Notice and Order served by mail on October 22, 2019, 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: December 23, 2019

BY ORDER OF



DIANE AQUINO

Administrative Hearing Officer

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PENALTY CALCULATION SHEET

- 1 a. Responsible Party(ies): Guido Boccaleoni
- 1 b. Address: 2283 West Hearn Ave., Santa Rosa, CA 95407
2. Location of Violation: 2282 West Hearn Ave., Santa Rosa, CA 95407
3. APN: 134-280-013
4. ~~The penalty for each initial code violation is up to \$500.00 per day for each day the violation continues. In this proceeding, there are seventeen (17) violations.~~
5. Date Violations were to be corrected: December 1, 2019
6. Date of Administrative Hearing: December 11, 2019
7. ~~Number of Days between dates listed in items 5 and 6 above: ten (10) days~~
~~Total penalty assessed is \$ 25,500.00~~
~~10 days x \$150.00 per day seventeen (17) violations~~
8. Administrative costs are assessed in the sum of \$ 2,140.50 which are as follows:
 - A. Letters, meetings, hearing preparation
3.0 hrs. @ \$ 191.00 per hour \$ 573.00
 - B. 2 site visits, total of 2.0 hrs. @ \$191 per hour \$ 382.00
 - C. Senior Administrative Assistant 2.0 hrs. @170.00 per hr. \$ 340.00
 - D. Administrative Hearing time .50 hr. @ \$191.00 per hr. \$ 95.50
 - F. Hearing Officer time 3.0 hrs. @ \$250.00 per hr. \$ 750.00
 - Total \$ 2,140.50

Total administrative costs: \$ 2,140.50

Penalty from item 7: \$ 25,500.00

~~Total penalties and costs: \$ 27,640.50~~

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PROOF OF SERVICE

I declare as follows:

I am over the age of 18 years and not a party to the within action. My business address is 418 B Street, Santa Rosa, CA 95401.

On December 24, 2019, I served the attached:

ADMINISTRATIVE ENFORCEMENT ORDER

For

2282 West Hearn Ave., Santa Rosa, CA 95407

on the following parties by placing a true copy therein a sealed envelope addressed as follows:

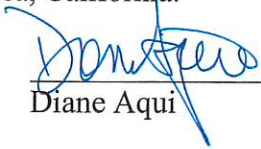
Guido Boccaleoni
2283 West Hearn Ave.,
Santa Rosa, CA 95407

Mark Maystrovich, Code Enforcement Officer/Building Inspector
Santa Rosa Building and Code Compliance Division
100 Santa Rosa Ave.
Santa Rosa, CA 95404

____ By Regular U.S. Mail. The documents were placed for collection and mailing, following ordinary business practice for deposit in the United States Postal Service, in a sealed envelope, with the postage thereon fully prepaid, addressed as stated. on the attached service list.

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

Executed on 12.24, 2019, at Santa Rosa, California.



Diane Aqui

Original Enforcement Order Modified to Remove Penalties

December 24, 2019

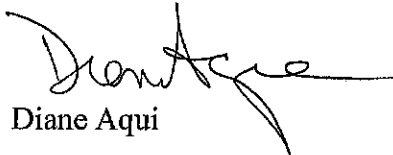
Mark Maystrovich, Code Enforcement Officer/Building Inspector
Santa Rosa Building and Code Compliance Division
100 Santa Rosa Ave.
Santa Rosa, CA 95404

Ref.: File # CE 19-0034 (Responsible Party(ies): Guido Boccaleoni)

Dear Mr. Maystrovich,

Enclosed for the record is the original of the additional evidence I received in File # CE 19-0034 (Responsible Party(ies): Guido Boccaleoni) consisting of a two page letter dated December 10, 2019 from Maria E. Sissan.

Sincerely,



Diane Aqui

Encl.