Agenda Item #13.12
For Council Meeting of: May 13, 2025

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: GABE OSBURN, DIRECTOR, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: ADMINISTRATIVE COST RECOVERY LIEN AGAINST THE REAL PROPERTY LOCATED AT 2100 SEBASTOPOL ROAD

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the administrative cost recovery lien in the amount of $16,009.77 against the property located at 2100 Sebastopol Road for violations of the City Code which remain uncorrected by the responsible party and authorize the recordation of a lien and placement of a special assessment on the property tax roll for collection.

EXECUTIVE SUMMARY

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. If violations exist and an administrative enforcement order is issued, the responsible party has 30 days to pay the administrative costs in full. If administrative costs are not paid within 30 days, the Code Enforcement Officer will request Council confirm that an administrative cost recovery 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 2100 Sebastopol Road, and that the violations have remained uncorrected by the responsible party, Linda Corwin, who failed to appear at the Administrative Hearing held on November 13, 2024. The unpaid lien amount of $16,009.77 consists of administrative costs of $11,272.46 assessed by the Administrative Hearing Officer, and $4,737.31 in Administrative Hearing Officer fees and cost for hearing preparation, conducting the hearing, review of evidence and preparation and service of the Administrative Enforcement Order.

BACKGROUND

On May 8, 2024, a formal complaint was issued to the Code Enforcement Department regarding homeless persons camping upon private property at 2100 Sebastopol Road.

An inspection was performed by code enforcement staff on May 22, 2024, and a Notice of Violation was mailed to the Responsible Party, Linda Corwin, as the agent for property owner 3003-3085 Loma Vista Road LLC, at PO Box 30053 Thousand Oaks, CA 91359. The violation was not cleared and a Failure to Abate letter was mailed to the Responsible Party.

An Administrative Notice and Order was mailed to the Responsible Party by certified and regular mail on October 11, 2024. The timely noticed Administrative Hearing was held on November 13, 2024. The Responsible Party did not appear and administrative costs totaling $16,009.77 were ordered to the City, pursuant to the Enforcement Order.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

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 these 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. Where administrative 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 the administrative costs remain unpaid, the City retains the option to either place an administrative cost recovery 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 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 an administrative cost recovery lien be added to the next regular property tax bill levied against the parcel.

The County Auditor and the County Tax Collector require that the City Council act by resolution to create an administrative cost recovery 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 parcel number. It must also provide the dollar amount of the lien, and, when the lien amount is in excess of $2,500, 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.

FISCAL IMPACT

Collection of the costs of code enforcement activities will be applied to the administrative hearing fund.

ENVIRONMENTAL IMPACT

Pursuant to CEQA Guidelines Section 15378, the proposed action is not a “project” subject to the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. In the alternative, the proposed action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Property owner is provided notice of this action a minimum of 10 days prior to the Council meeting.

ATTACHMENTS

- Attachment 1 – Administrative Enforcement Order
- Attachment 2 – Case File Photographs
- Attachment 3 – Vicinity Map
- Resolution

PRESENTER

Lou Kirk
Assistant Chief Building Official