

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
SUBJECT: ASSESSMENT LIEN AGAINST THE REAL PROPERTY
LOCATED AT 2535 SHAWNEE STREET
STAFF PRESENTER: MICHAEL REYNOLDS, SENIOR BUILDING INSPECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT
AGENDA ACTION: RESOLUTION

ISSUE(S)

Shall the Council adopt a resolution to place a special assessment lien on the property located at 2535 Shawnee Street?

BACKGROUND

The owner and responsible party of 2535 Shawnee Street is Angel Arturo Ledesma.

Code Enforcement Officer Juan de la Cruz responded to a complaint submitted on October 15, 2002 regarding an interior remodel and trash and debris being stored in the front yard at 2535 Shawnee Street. His initial inspection revealed several other violations: a new window, electrical work, construction of a detached building, a roof structure attached to the rear and side of the house, and a room addition. All work was done without benefit of permits. Code Officer de la Cruz notified the responsible party, Arturo Ledesma, of the violations and what needed to be done to abate the violations, and later granted Mr. Ledesma two extensions; no work was corrected.

The case had been scheduled for an Administrative Hearing on January 17, 2007, but was postponed because Mr. Ledesma obtained a building permit on January 10, 2007. However, a lack of request for inspections in a timely manner prompted another Administrative Notice and Order to be sent on July 9, 2007, which was also postponed due to Mr. Ledesma's assurances of progress to abate violations.

The building permit has since expired and a new Notice and Order of Administrative Hearing was sent to Mr. Ledesma on August 14, 2008. An Administrative Hearing was held on September 10, 2008, and the Notice and Order was upheld. An Administrative Enforcement Order was issued on October 21, 2008.

In this case, the hearing officer found that violations existed on the property at 2535 Shawnee Street and that the violations have remained uncorrected by the responsible party, Angel Arturo Ledesma.

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 the 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. A penalty is assessed for each violation, and where 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 penalty costs remain unpaid, the City retains the option to either place a special assessment 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 penalty, including administrative costs, in full within 30 days, the Code Enforcement Officer may request, by placing on the City Council consent agenda, an item to confirm that a special assessment 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 2535 Shawnee Street, and that the violations have remained uncorrected by the responsible party of Angel Arturo Ledesma. The penalties and costs, as assessed by the Administrative Hearing Officer, amount to \$56,347.18 and remain unpaid. The Department of Community Development now seeks, by Resolution, to have Council confirm the Special Assessment Lien.

ANALYSIS

1. The County Auditor and the County Tax Collector require that the City Council act by resolution to create a special assessment 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 tax assessment parcel number. It must also provide the dollar amount of the lien, and, when the lien amount is in excess of \$2,500.00, 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 Director of Administrative Services, 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.

RECOMMENDATION

It is recommended by the Department of Community Development that the Council, by resolution, confirm the special assessment lien in the amount of \$56,347.18 against the property located at 2535 Shawnee Street.

Author: Juan de la Cruz

Attachments:

Administrative Enforcement Order

Case file photographs

Property Detail Report

Parcel Map

Steven M. Lander
Administrative Hearing Officer
P.O. Box 14355
Santa Rosa, CA 95402

ADMINISTRATIVE ENFORCEMENT ORDER

1-a Responsible Party: Angel Arturo Ledsema

1-b Address: 2535 Shawnee Street Santa Rosa. CA 95403

2. Location of Violation: 2535 Shawnee Street Santa Rosa. CA 95403

3. Assessor Parcel Number: 015-563-042 Zoning District: R-1

4. Hearing Officers Decision:

(A) After consideration of all testimony and documentary evidence submitted at the hearing on September 10, 2008, I make the following findings:

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

STATUTE (S)

VIOLATION (S)

SRCC 18-16-108.4.1
Building Permits required

- Violation 1:** The addition to the southwest side of structure constructed without proper plans, approvals and permits
- Violation 2:** An attached roof structure to the unpermitted addition built without proper plans, approvals and permits
- Violation 3:** The addition of an attached roof structure to the rear of the building without proper plans, approvals and permits
- Violation 4:** A deck at the rear of the structure built without proper plans, approvals and permits
- Violation 5:** Two French doors installed in the rear of the structure without proper plans, approvals and permits

SRCC 18-16-108.4.4

Building Inspections required

Violation 6: The addition on the southwest side of the structure without required inspections

Violation 7: An attached roof structure to the un-permitted addition built without required inspections

Violation 8: The addition of an attached roof structure to the rear of the building without required inspections

Violation 9: A deck at the rear of the structure built without required inspections

Violation 10: Two French doors installed in the rear of the structure without required inspections

Violation 11: Electrical wiring installed under the un-permitted roof structure attached to the un-permitted addition, without proper plans, approvals and permits.

Violation 12: Electrical wiring to un-permitted roof structure added to the rear of the rear of the building without proper plans, approvals and permits.

SRCC 18-32A-301.1

Electrical Permits required

Violation 13: Electrical wiring installed under the un-permitted roof structure attached to the un-permitted addition without required inspections.

Violation 14: Electrical wiring to un-permitted roof structure added to the rear of the rear of the building without required inspections

SRCC 18-32a-305.1

Electrical Inspections required

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

(B) Based on these findings, I assess a penalty of \$ 56,000.00 (see attached Penalty Calculation Sheet), plus administrative costs, against the Responsible Parties. In addition, the cost of

Administrative Hearing Officer of \$ 400.00 shall be an additional administrative cost chargeable to the Responsible Parties.

(C) I shall serve the Administrative Enforcement Order on each party and their attorney(s), if any. 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 Parties that the penalties and administrative costs are special assessments against the property where the violations occurred and if payment is not received within thirty (30) days of the date of this Administrative Enforcement 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 of November 19, 2008.

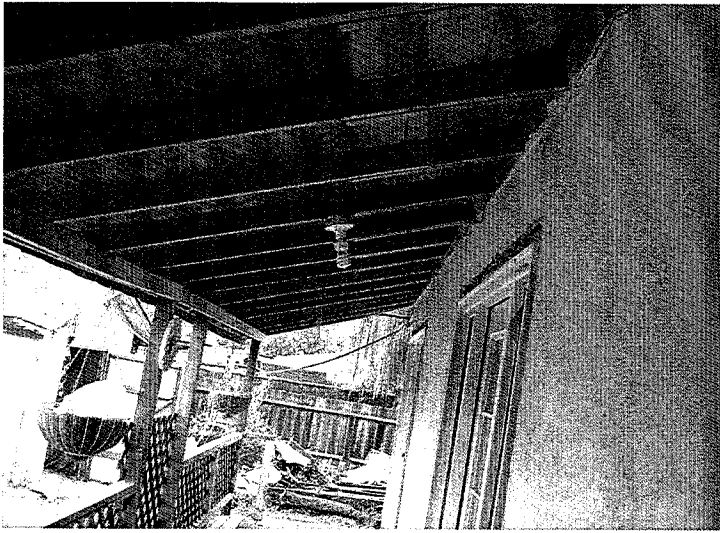
(E) Should violations continue, the Responsible Parties may be subject to additional penalties as authorized by law. The penalty for a subsequent violation within thirty-six (36) months of an initial violation is \$ 1000.00 for each day the violations continues. immediately. Further, within thirty (20) days from the date of this order, the Responsible Parties shall obtain demolition permits to remove any un-permitted work or, shall take corrective action to remedy the violations and shall submit applications for and obtain building permits, as required, to perform the work. Building or demolition permits are to be obtained within twenty (20) days of this order. All work must be completed and inspected within sixty (60) days of permit issuance.

Dated: October 21, 2008

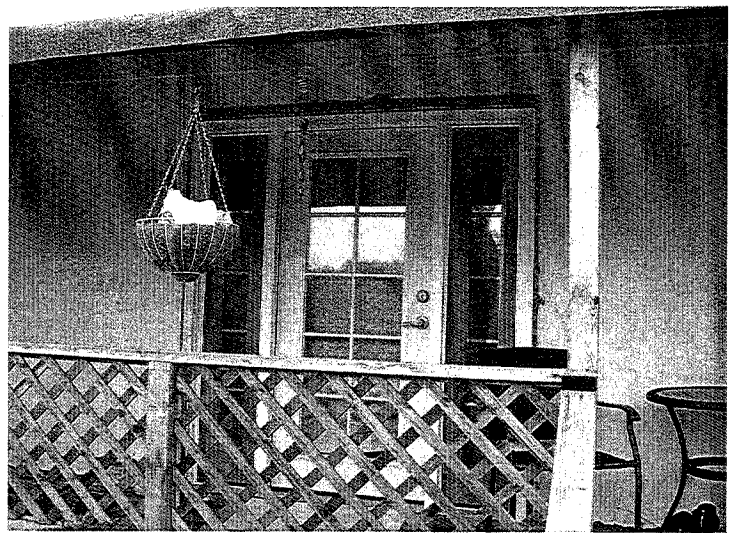
By Order of 
Administrative Hearing Officer

PENALTY CALCULATION SHEET

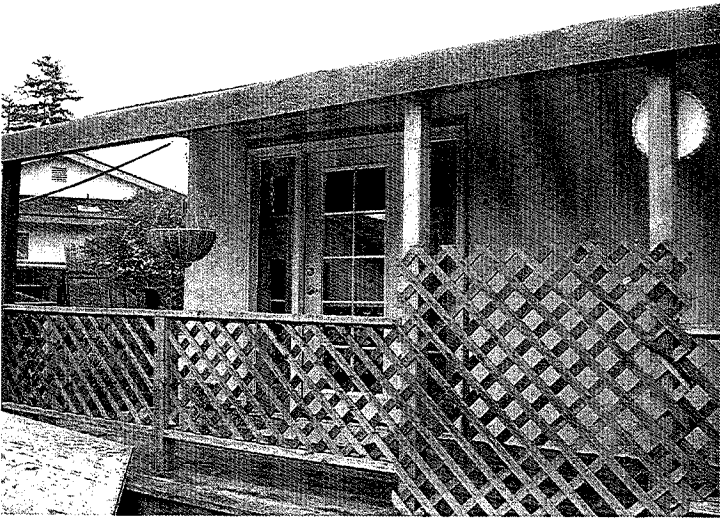
- 1.a Responsible Party: Angel Arturo Ledsema
- 1.b Address: 2535 Shawnee Street Santa Rosa CA 95403
2. Location: Address: 2535 Shawnee Street Santa Rosa, CA 95403
3. Assessors Parcel Number: 010-031-015 Zoning District: PD
4. The penalty for an initial violation is up to \$500.00 for each day that the violation(s) continue. In this particular case, there are fourteen (14) violations that exist at the property.
5. Date violations were to be corrected: August 31, 2008
6. Date of Original Administrative Hearing: September 10, 2008
7. Number of days between line 5 and line 6: 10 days
10 days X 14 violations X 400.00= \$ 56,000.00
8. Administrative Costs of \$ 347.18 , which is the total of the costs detailed below.
- a. Letters, meetings, hearing preparation by Code Enforcement Officer: 2 hours @ \$56.00 per hour = \$112.00
 - b. 2 site visits: 2 total hours@ \$56.00 per hour = \$112.00
 - c. Sr. Admin. Asst. 2 hrs.@\$30.00 per hour = \$ 60.00
 - d. Administrative Costs at Hearing- Code Enforcement Officer - 1.0 hours@ \$ 56.00 per hour = \$ 56.00
 - e. Mileage- 2 visits 12.28 total miles@\$0.585 per mile = \$ 7.18
9. A. Penalty from line 7 \$56,000.00
B. Costs from line 8 \$ 347.18
Total penalty and Costs \$56,347.18



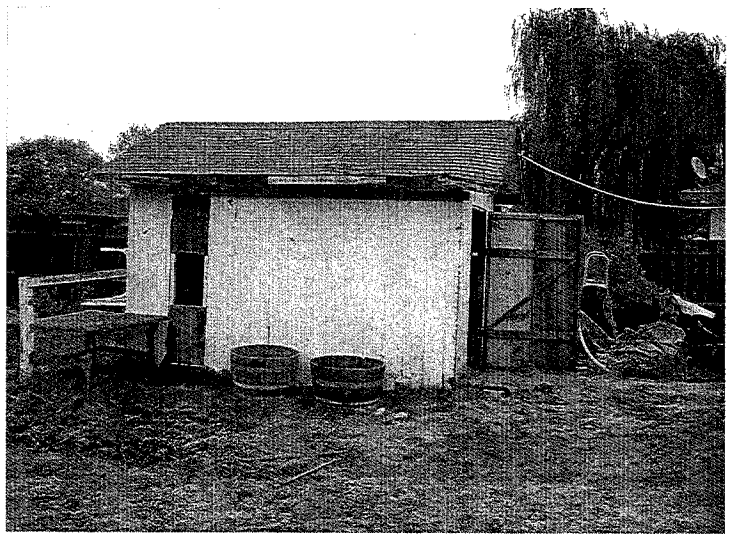
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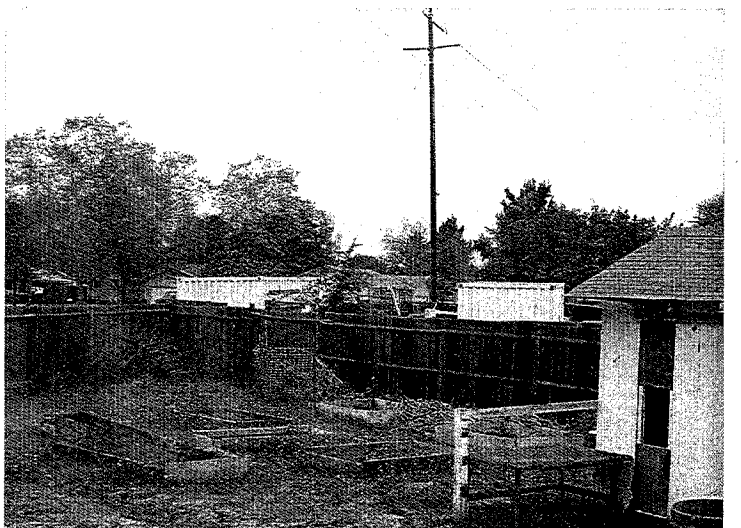
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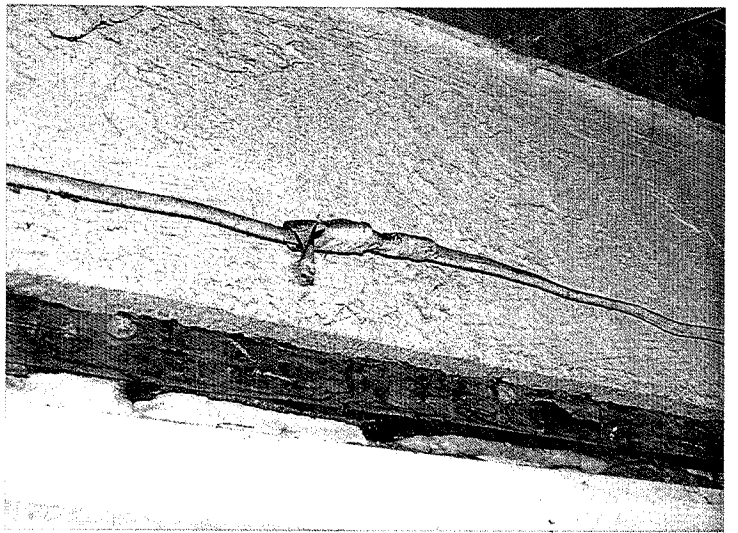
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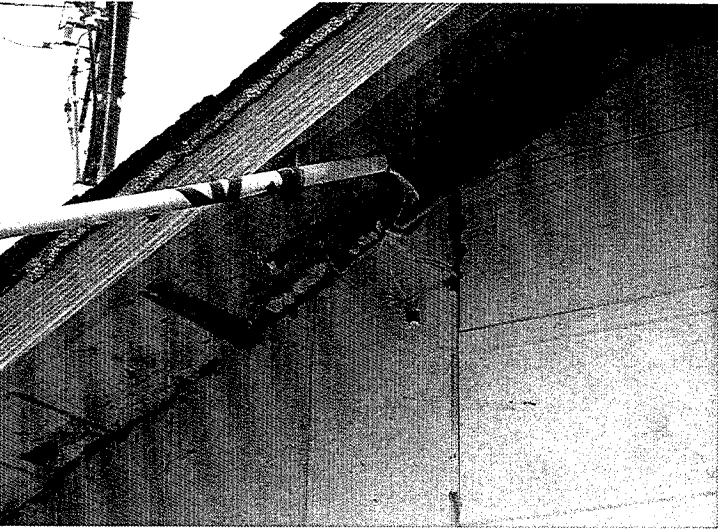
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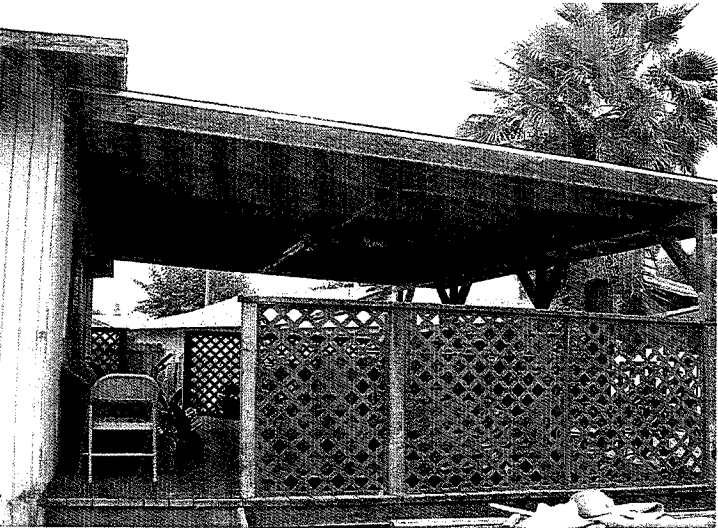
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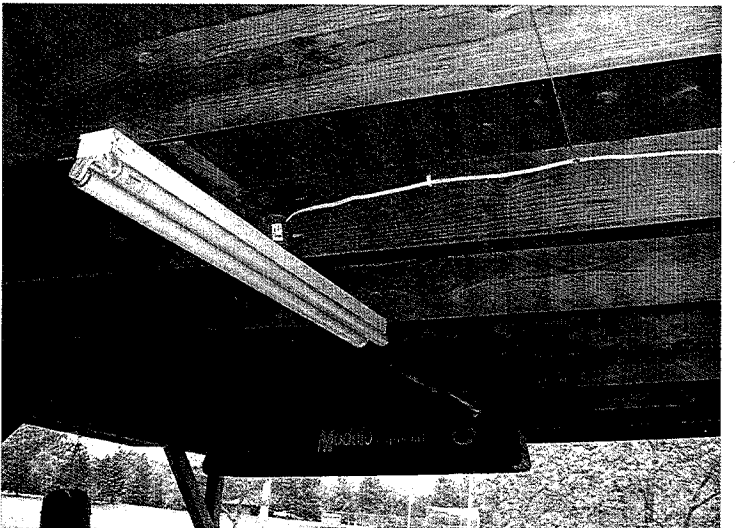
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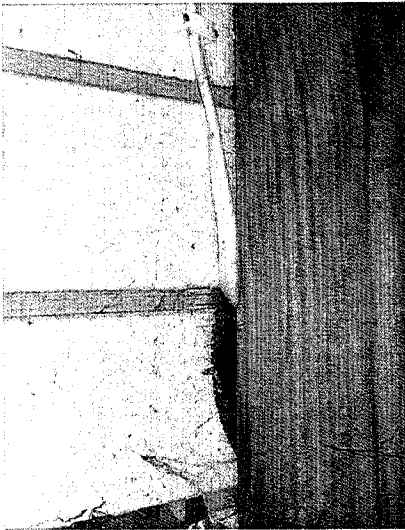
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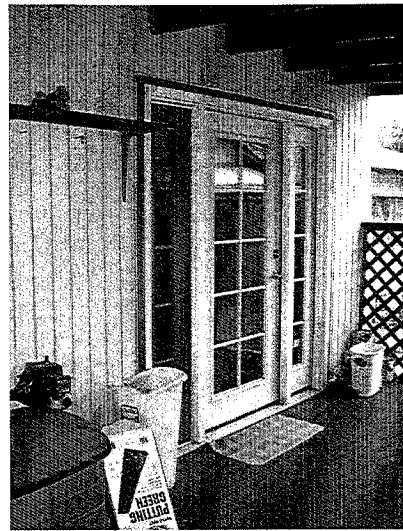
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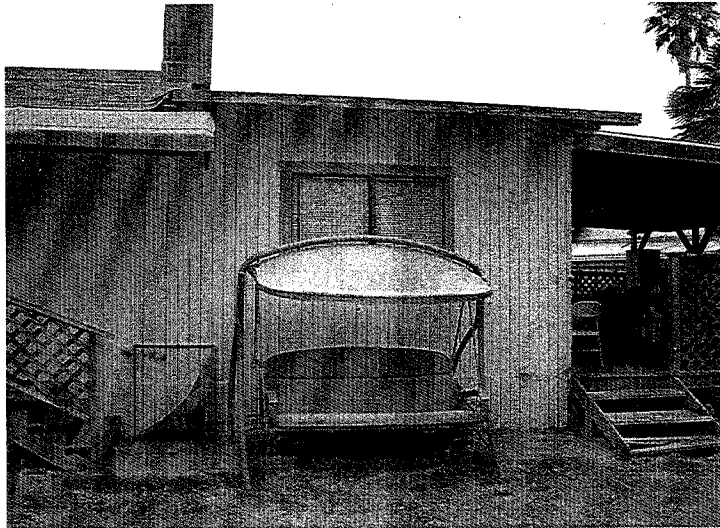
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Property Detail Report

For Property Located At

RealQuest.com®**2535 SHAWNEE ST, SANTA ROSA CA 95403-3316****Owner Information:**

Owner Name: LEDESMA ANGEL ARTURO
 Mailing Address: 2535 SHAWNEE ST, SANTA ROSA CA 95403-3316 C024
 Phone Number: (707) 526-5534 Vesting Codes: / A /

Location Information:

Legal Description: MAP A3 129
 County: SONOMA, CA APN: 015-563-042
 Census Tract / Block: 1529.03 / 2 Alternate APN: CODDINGTOWN 04
 Township-Range-Sect: B
 Subdivision:
 Legal Book/Page: Map Reference: 129-A3 / 384-C3
 Legal Lot: 8 Tract #:
 Legal Block: School District: SANTA ROSA CITY
 Market Area: Munic/Township:
 Neighbor Code:

Owner Transfer Information:

Recording/Sale Date: 07/11/2006 / 05/31/2006 Deed Type: GRANT DEED
 Sale Price: 1st Mtg Document #:
 Document #: 85910

Last Market Sale Information:

Recording/Sale Date: 12/09/1999 / 11/29/1999 1st Mtg Amount/Type: \$132,000 / CONV
 Sale Price: \$165,000 1st Mtg Int. Rate/Type: 4.30 / ADJ
 Sale Type: FULL 1st Mtg Document #: 150403
 Document #: 150402 2nd Mtg Amount/Type: /
 Deed Type: GRANT DEED 2nd Mtg Int. Rate/Type: /
 Transfer Document #: Price Per SqFt: \$150.00
 New Construction: Multi/Split Sale:
 Title Company:

Lender: WASHINGTON MUTUAL BK
 Seller Name: BEASLA BALJINDER S

Prior Sale Information:

Prior Rec/Sale Date: 10/21/1994 / Prior Lender:
 Prior Sale Price: Prior 1st Mtg Amt/Type: /
 Prior Doc Number: 120056 Prior 1st Mtg Rate/Type: /
 Prior Deed Type: GRANT DEED

Property Characteristics:

Gross Area:		Parking Type:	GARAGE	Construction:	WOOD FRAME/CB
Living Area:	1,100	Garage Area:	427	Heat Type:	FORCED AIR
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	STUCCO
Above Grade:		Parking Spaces:	1	Porch Type:	
Total Rooms:	4	Basement Area:		Patio Type:	COVERED PATIO
Bedrooms:	3	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 /	Basement Type:		Air Cond:	BUILDING SQUARE DESIGN
Year Built / Eff:	1963 /	Roof Type:		Style:	AVERAGE
Fireplace:	Y / 1	Foundation:	SLAB	Quality:	
# of Stories:	1.00	Roof Material:	COMPOSITION SHINGLE	Condition:	
Other Improvements:	COVERED PATIO				

Site Information:

Zoning: CITYSR Acres: 0.25 County Use: SINGLE FAM DWELLING (0010)
 Flood Zone: C Lot Area: 10,890 State Use:
 Flood Panel: 0603810005B Lot Width/Depth: x Site Influence:
 Flood Panel Date: 08/03/1981 Res/Comm Units: 1 / Sewer Type: PUBLIC

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Land Use:	SFR	Water Type:	SERVICE PUBLIC
Tax Information:			
Total Value:	\$189,286	Assessed Year:	2007
Land Value:	\$80,303	Improve %:	058%
Improvement Value:	\$108,983	Tax Year:	2007
Total Taxable Value:	\$182,286	Property Tax:	\$2,070.56
		Tax Area:	004002
		Tax Exemption:	HOMEOWNER

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Santa Rosa GIS Map Site - 2535 SHAWNEE STREET



SCALE 1 : 3,291

