

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: August 20, 2015

TO: Zoning Hearing Officer

FROM: Code Compliance Staff

SUBJECT: Appeal of Administrative Fines issued to Cesar and Delmy Cazzalli, owners of two undeveloped, consecutive properties in Redwood City and zoned R-1/S-73, for use and maintenance of their properties contrary to the County's Zoning Regulations.

County File Number: VIO 2014-00048

APPEAL/APPELLANT

The property owners submitted an appeal on June 30, 2014 with a check for \$100. Unfortunately, the original check and appeal documents were lost. The appeal request was resubmitted on October 22, 2014 with a check for \$60 (less \$40 for cancellation of lost check).

The appeal request states:

"To Whom It May Concern, I would like to appeal the code violation that was given to me on 5-14-2-14. On 5-15-2014, Mr. Crivello, the agent that is assigned to this case, was very unpleasant when arriving to view the house.

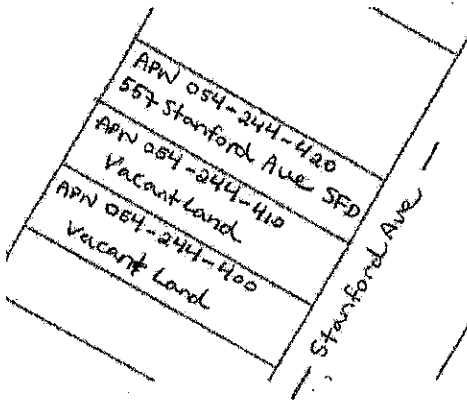
"Unfortunately, when speaking with Mr. Crivello, he was malicious and refused to hear any explanations and declined to re-schedule an appointment with me. On the following day, I spoke on the phone with Steve Monowitz for over an hour in regards on how Mr. Crivello was acting towards my husband and myself, but soon after he cut us off and hanged up the phone and refused to answer any of my calls or emails. I am disappointed in the fact that no one wanted to hear my explanation and to find a resolution on the matter at hand.

"To resolve the problem, I would appreciate if I can speak to someone who is able to hear my issues on the violation given to me and if I could explain that we are having issues with our current neighbor (who issued the complaint) that his property is more of a potential hazard. I can provide pictures of the property next door and pictures of other homes for comparison. We have been more than compliant with the violation given to us, but Mr. Crivello refuses to find a resolution and has issued more violations. I look

forward to your reply and a resolution to my problem, and will wait until 7-3-2014.
Regards, Delmy Cazzalli."

PROPERTY INFORMATION

- A. The owners of property containing a single-family dwelling located at 557 Stanford Avenue in Redwood City (North Fair Oaks) also own the subject two, undeveloped properties with APNs of 054-244-400 and 054-244-410.



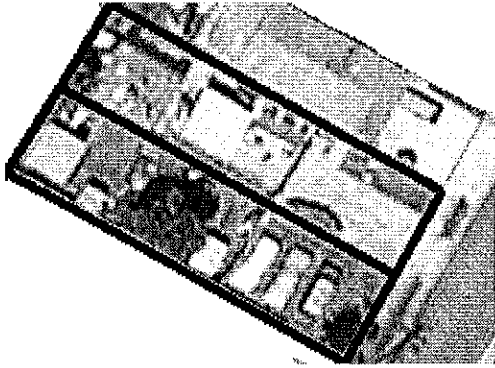
- B. Size: Approximately 2,500 square feet each lot.
C. Current Zoning: R-1/S-73.
D. General Plan Land Use and Description: Urban/Single-Family Residential.
E. Sphere-of-Influence: Redwood City (North Fair Oaks Unincorporated).
F. Water Supply/Sewage Disposal: NA (vacant lands).
G. Flood Zone: Zone X, Area of Minimal Flooding.

KEY ISSUES

Section 6161, USES PERMITTED, (e) states: "Accessory buildings and accessory uses appurtenant to a residential use, provided, however, that such accessory buildings shall not be constructed until the main building shall have been constructed."

The subject two undeveloped properties contain accessory structures (shed and carport) and are being used to store vehicles such as a house trailer, motor home, cars, boat, and other miscellaneous junk items. These accessory structures and uses are not permitted without an approved primary use on each property, such as a single-family dwelling.

The following aerial from 2011 shows the structures and vehicle storage existing at that time on the two subject properties.



ENFORCEMENT TIMELINE

- May 12, 2014 - Notice of Code Violation.
- June 16, 2014 - Administrative Citation for \$100.

FILE HISTORY

- A. March 5, 2014: Drive-by observation of the violations by Code Compliance Officer Mike Crivello; file assigned to Mike Crivello.
- B. April 8, 2014: Property research and additional site visit performed to confirm violations still existing prior to sending notice.
- C. May 12, 2014: Notice of Code Violation sent via certified mail to owners of record. This Notice informed the property owners that they had one month, or until June 13, 2014, to remove the accessory structures, vehicles, boats, junk, and debris. The Notice specified that failure to correct the violations by June 13, 2014, will result in a citation being issued with penalties of \$100 for the first violation, \$200 for a second violation within 12 months, and \$500 for a third and additional violations within 12 months. The Notice stated that failure to correct the violations by June 13, 2014, will result in assessment of administrative costs associated with the processing of this violation at an hourly rate established by the Board of Supervisors and presently \$50 per hour of staff time.
- D. May 14, 2014: Received certified return mail receipt.
- E. May 27, 2014: Delmy Cazzalli left a voicemail and requested a meeting to discuss this violation. Mike Crivello returned the phone call and asked what her concerns were regarding this violation. Mike stated that the purpose of the current phone call was to discuss her own violation and that if she wanted to file a complaint about a neighboring property, there was a different method available. According to Mike, Mrs. Cazzalli stated that she had no questions about her own violation and the call ended.

- F. June 16, 2014: Site visit performed to confirm violations still existing prior to sending citation. Inspection notes state some of the vehicles were moved, possibly behind the fence and others have been placed on the driveway of one of the undeveloped properties, which is still not permitted. The sheds, structure, junk, and debris still remain on the undeveloped parcels and must be removed. Citation issued for \$100 with required correction date of June 30, 2014. The citation specifies corrections as follows: Remove structures, sheds, house trailer, mobile home, cars, boat, miscellaneous junk and debris from two undeveloped properties.
- G. June 30, 2014: Initial appeal submittal.
- H. October 22, 2014: Replacement appeal submittal.

APPEAL PROCEDURES

Section 1.40.090 allows any recipient of an administrative citation to request an appeal hearing to contest that there was a violation or that he or she is the responsible party by completing a Request for Hearing Form and returning it to the County within 14 days from the date of the administrative citation, along with the processing fee as listed in the County's fee schedule. The Request for Hearing Form shall include a brief statement of material facts supporting the appellant's claim that no violation occurred or no penalties or other remedies shall be imposed. In accordance with these procedures, the property owners filed a timely and complete appeal.

Section 1.40.120 regulates the Hearing Officer's decision and administrative order. The Hearing Officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person has caused or maintained the violation on the date specified in the administrative citation. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or cancel all or part of the administrative citation and shall list the reasons for that decision.

STAFF RECOMMENDATION

Staff recommends that the Hearing Officer uphold all of the administrative citation because the persons responsible maintained the violations and the violations existed on the dates specified in the administrative citation. The decision issued by the Hearing Officer should include an administrative order to remove the structures and uses that are the subject of these violations by a set date.

Confirmed Violation: The violations were confirmed existing on site visits performed by Code Compliance Section staff in March, April, and June 2014.

Due Process: The Planning and Building Department has followed the codified procedures to ensure due process for the recipients of the Notice of Violation and administrative citation.

Integrity of Permit Requirements: Without use of administrative fines when necessary to enforce permitting and zoning requirements, there is less incentive for compliance, and those property owners who abide by the requirements are done a disservice.

Case Resolution: In order to close the active violation case, the property owners must bring the properties into a state of compliance and notify the Code Compliance Section so verification can occur. If the Hearing Officer orders abatement by a set date and abatement occurs on or before that set date, no additional fines will be pursued, provided any outstanding fines are paid.

ATTACHMENTS

- A. Notice of Code Violation with Certified Mail Receipt
- B. Administrative Citation
- C. Appeal Request Documents
- D. Site Visit Photos

LAA:fc – LAAZ0577_WFU.DOCX

sent
05/13/14

7013 2630 0000 2758 7845

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

Postage	\$	VIO 2014-00048	Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$		

Sent To: Cesar & Delmy Cazzalli
 Street, Apt. No., or PO Box No.: 557 Stanford Avenue
 City, State, ZIP+4: Redwood City, CA 94063
 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

 Cesar Cazzalli
 Delmy Cazzalli
 557 Stanford Avenue
 Redwood City, CA 94063

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *[Signature]* C. Date of Delivery: 5/14

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

5/14/14

2. Article Number (Transfer from service label): 7013 2630 0000 2758 7845
 PS Form 3811, July 2013 Domestic Return Receipt



SAN MATEO COUNTY
ADMINISTRATIVE CITATION

Date <i>06/16/14</i>	Location of Violation <i>357 Santa Rosa Ave, Redwood City</i>	APN# <i>054-244-400</i> <i>054-244-410</i>
Name of Property Owner <i>George J. Delgado</i>		CASE# <i>12-2014-0042</i>
Mailing Address (If Different Than Violation) <i>357 Santa Rosa Ave</i>		
City <i>Redwood City, CA</i>	State <i>CA</i>	Zip <i>94063</i>
Violations within a 12 month period: <input checked="" type="checkbox"/> 1 ST CITATION \$100.00 <input type="checkbox"/> 2 ND CITATION \$200.00 <input type="checkbox"/> 3 RD CITATION \$500.00 & any subsequent violations.	FINE Due By: <u><i>06/30/2014</i></u> Refer To The Back Of This Citation For Information On Paying The Amount Indicated. CONTACT THIS OFFICE @ (650) 363-4825	
REQUIRED CORRECTIONS MUST BE MADE BY: <u><i>06/30/2014</i></u>		
Description of Violations		Required Corrections
<input type="checkbox"/> 1.12.010(5): Inoperative, wrecked, or dismantled vehicles, trailers or boats.	Remove any & all inoperative, wrecked, or dismantled vehicles from property. Do not relocate onto street.	
<input type="checkbox"/> 1.12.010(4): Accumulation of debris, garbage, refuse, litter, junk, lumber broken/discarded household items etc.	Clear property of any and all debris, garbage, refuse, litter, junk, lumber, broken/discarded household items and/or	
<input type="checkbox"/> 1.12.010(4): Overgrown or dead weeds and/or other vegetation.	Clear property of all overgrown and/or dead weeds and/or other vegetation.	
<input type="checkbox"/> 1.12.010: Any attractive nuisance, dangerous to children, injurious to health, including abandoned equipment, excavations etc.	Abate the following nuisance: _____ _____	
<input type="checkbox"/> 6412: Fences, walls, and hedges, shall not exceed: (4) ft ht. in front yard and (6) ft. ht. in rear yard areas.	Reduce fence, wall and/or hedge to appropriate height.	
<input type="checkbox"/> 12,020: Permit required to cut, remove, destroy any significant tree, whether indigenous or exotic, on private property	Apply for and obtain an after-the-fact tree-cutting permit with the County of San Mateo Planning Department. (650) 363-1825	
<input type="checkbox"/> 8602.0: Excavating, grading, filling and/or land clearing without an approved grading permit is prohibited.	You must cease all work and immediately apply for and obtain a grading permit with the County of San Mateo Planning Department. (650) 363-1825	
<input checked="" type="checkbox"/> <i>see 611, 13284</i>	<i>...</i>	
Signature of Issuing Officer <i>X</i>	Printed Name of Issuing Officer MICHAEL CRIVELLO	

White(property owner)

Yellow(office)

Pink (file)

IMPORTANTE - LEA CUIDADAMENTE LA LEY QUE LE SIGUE

Administrative Citation: The San Mateo County Ordinance Code Section 1.40.010 provides for the issuance of administrative citations for Code Violations. There are three levels of citations that can be issued progressively for a violation. The fines, as indicated on the front of the citations, are \$100.00 for the first citation, \$200.00 for the second citation, and \$500.00 for the third and subsequent citations for violations of the same San Mateo County Code section within 12 months. These citations may be issued each day the violation(s) exists. A warning, if issued, does not incur a fine, and therefore, may not be appealed.

How to Pay Fine: The amount of the fine is indicated on the front of the administrative citation. You may pay by mail or in person at 455 County Center, 2nd floor, Planning and Building Department, Redwood City, CA 94063. Payments can be made by Visa, Master Card, personal check, cashiers' check, or money order, payable to San Mateo County. Please write the citation number on your check or money order.

If the citation is not paid or appealed within thirty (14) days from the date of issuance or mailing of the citation, whichever is later, a late payment charge may be imposed (The schedule of penalties shall specify the amount). Please follow the instructions to ensure proper processing of your payment. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the County of San Mateo.

Consequences of Failure to Pay Fine: The failure of any person to pay the fine assessed by the administrative citation within the time specified on the citation may result in any legal remedy available to collect such fee. The County has the authority to collect all costs associated with the filing of such actions. Failure to pay fine requirements may be found in the San Mateo County Ordinance Code Section 1.40.150.

Consequences of Failure to Correct Violations: There are numerous enforcement options that can be used to encourage the correction of the violation(s). These options include, but are not limited to: civil penalties, criminal prosecution, civil injunction, withholding of future permits, abatement, lien and recordation of the violations with the County Recorder. These options can empower the County to collect fines to demolish structures, make necessary repairs, and abate nuisance at the owner's expense. Any of these or other options may be used if the administrative citations do not achieve compliance.

If you need further clarification about payment of the citation, please call the San Mateo County Code Compliance Section at (650) 363-4825.

If you need further information about the violation(s) and/or how to comply, please contact the officer designated on the front of the citation.

Rights to Appeal: You have the right to file an appeal of the administrative citation. You may do so by completing a Request for Hearing form and returning it to the County, together with a processing fee and an advance deposit of the penalty within fourteen (14) days from the citation date. The Request for Hearing Form shall include a brief statement of material facts supporting your claim that no violation occurred or no penalties shall be imposed.

Failure of any person to properly file a written appeal within the specified time shall constitute a waiver of his or her right to an administrative hearing and adjudication of the administrative citation.

A full description of the hearing process for the County's administrative hearing for Ordinance Code violations and your rights in that process are found in the San Mateo County Ordinance Code Sections 1.40.100, 1.40.110, and 1.40.120.

**AVISO IMPORTANTE, si desea una traducción, favor de llamar al número
(650) 363-4825 dentro de las horas de 7:00 a.m. y 4:00 p.m.**

RECEIVED

2014 OCT 22 A 10:12

CITY OF REDWOOD CITY

RECEIVED

2014 JUN 30 A 9:58

SAN MATEO COUNTY
PLANNING AND BUILDING
DEPARTMENT

Riviced.

1-6

Delmy Cazzalli

557 Stanford Ave

Redwood City, Ca 94063

650-364-8663 (Home)

File Number: VIO 2014-00048

To whom it may concern,

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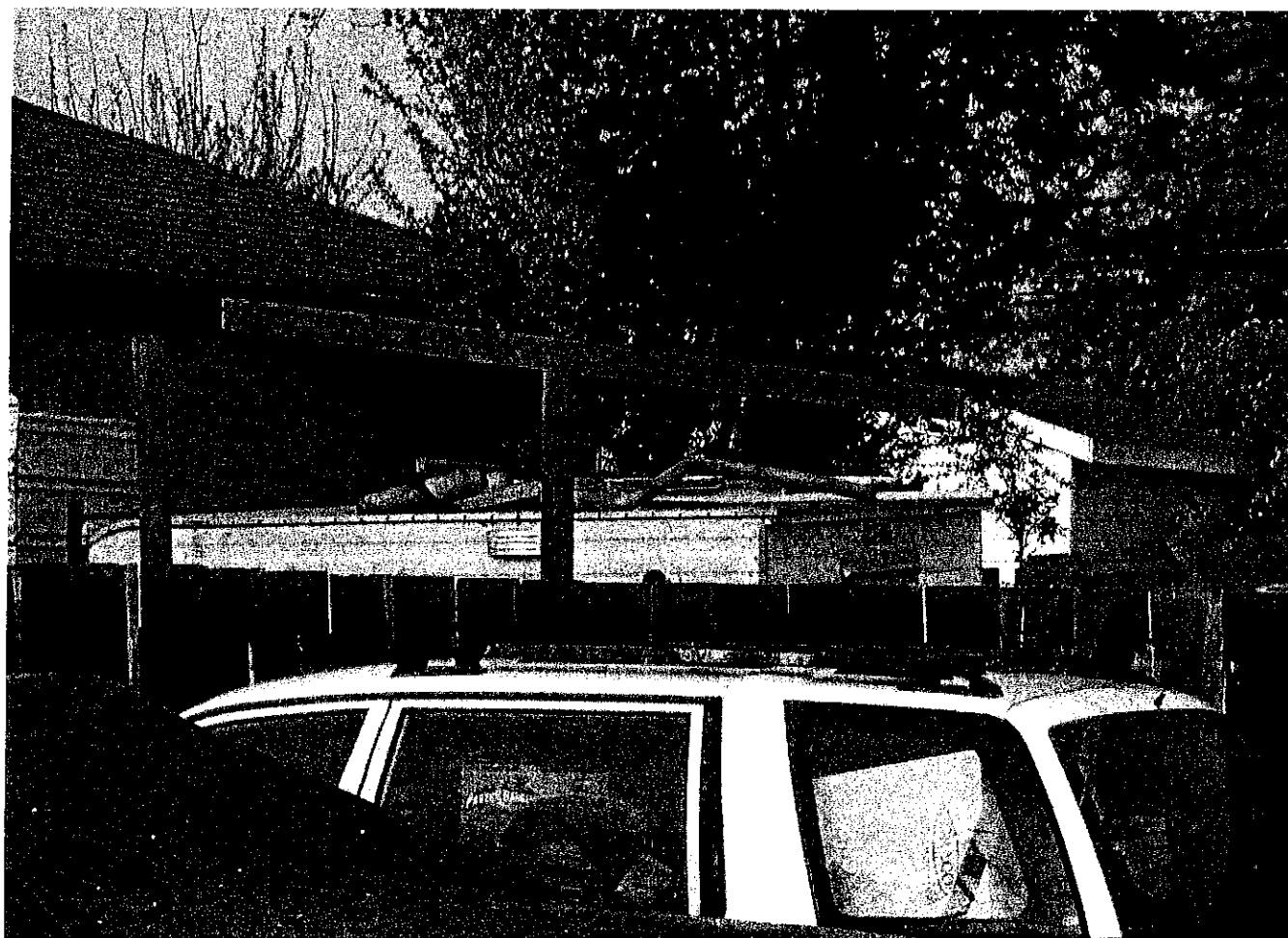
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Regards,

Delmy Cazzalli

Delmy Cazzalli 6/30/14
[Signature] 6/30/14

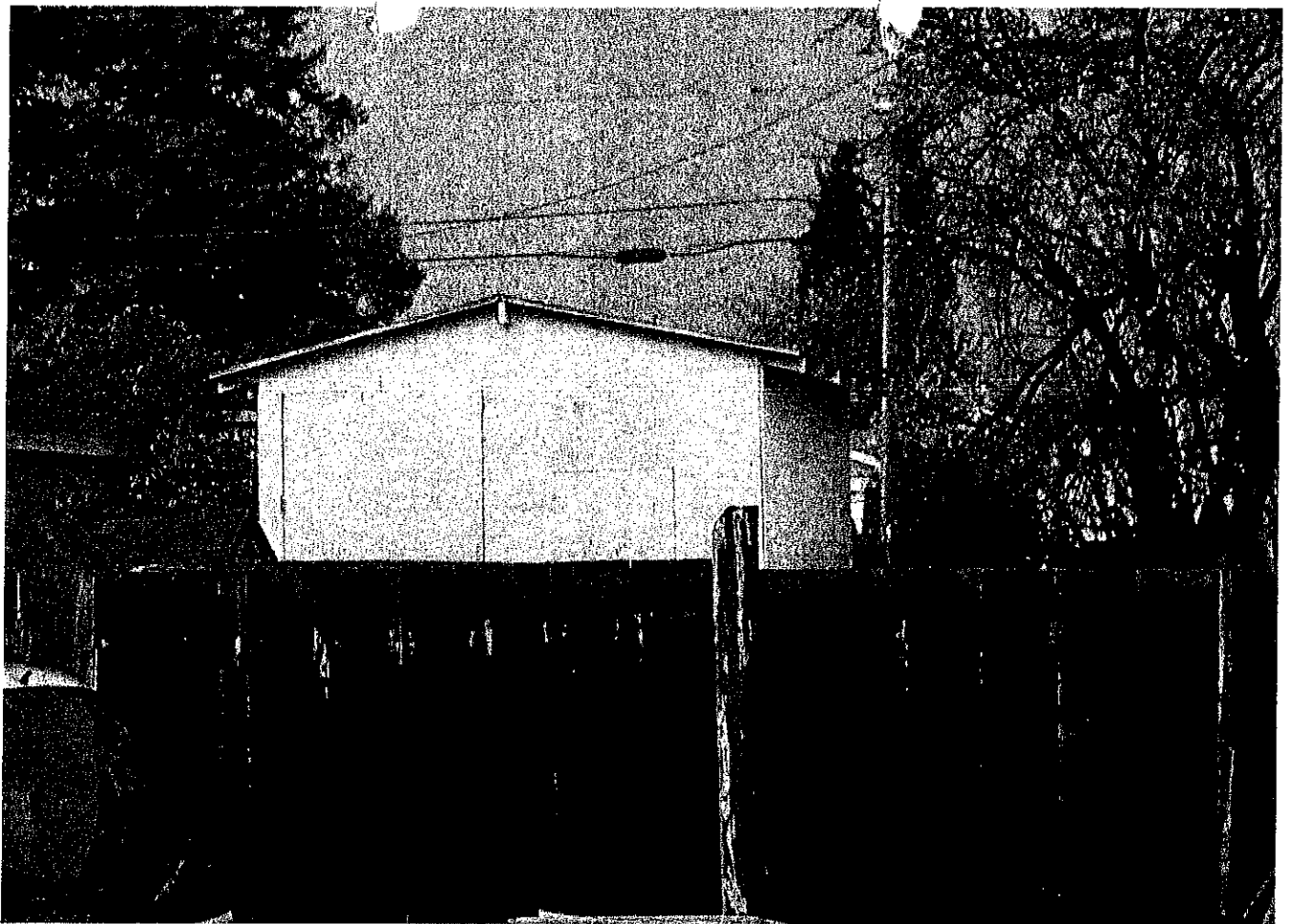
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04/08/14



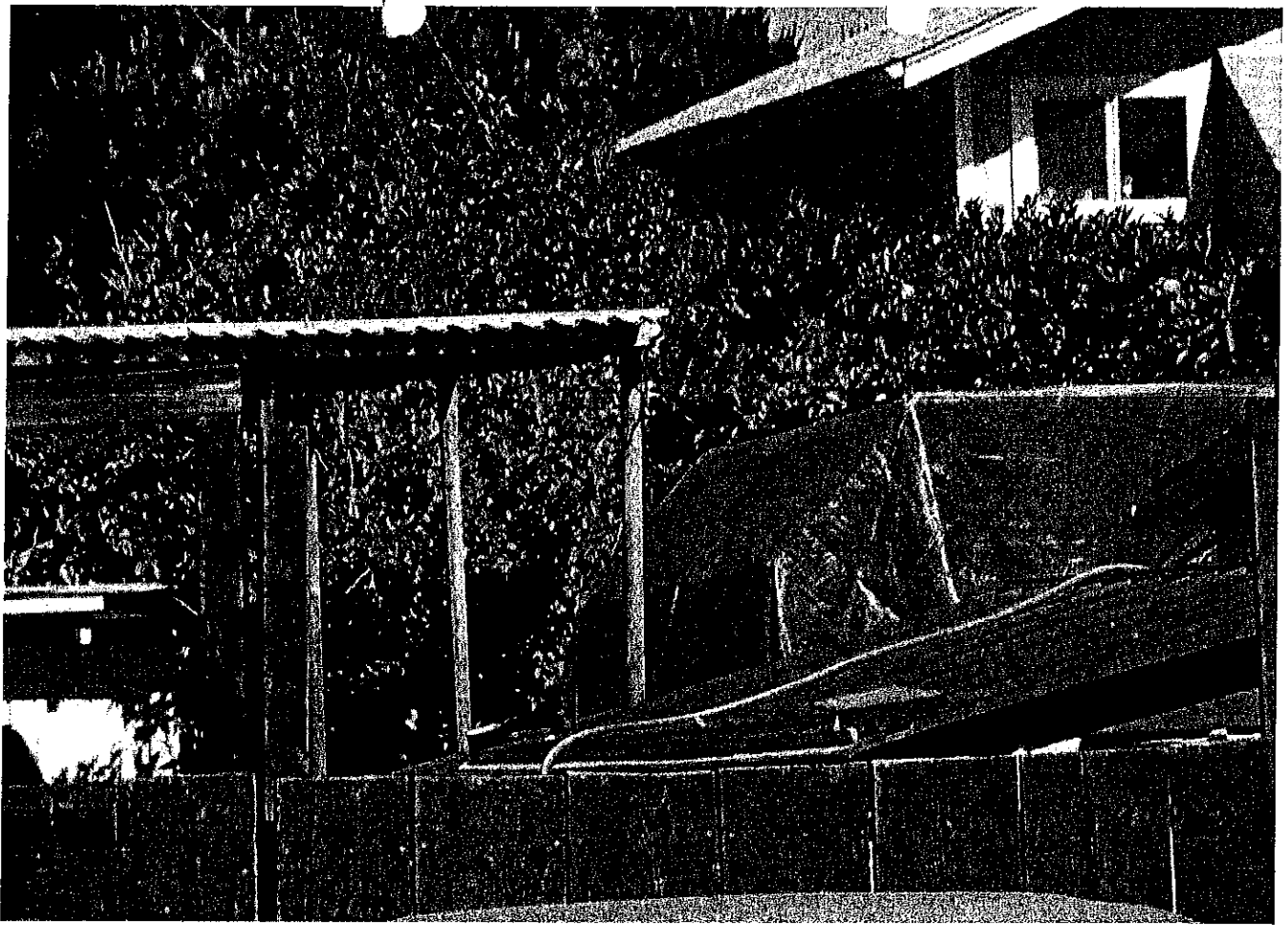
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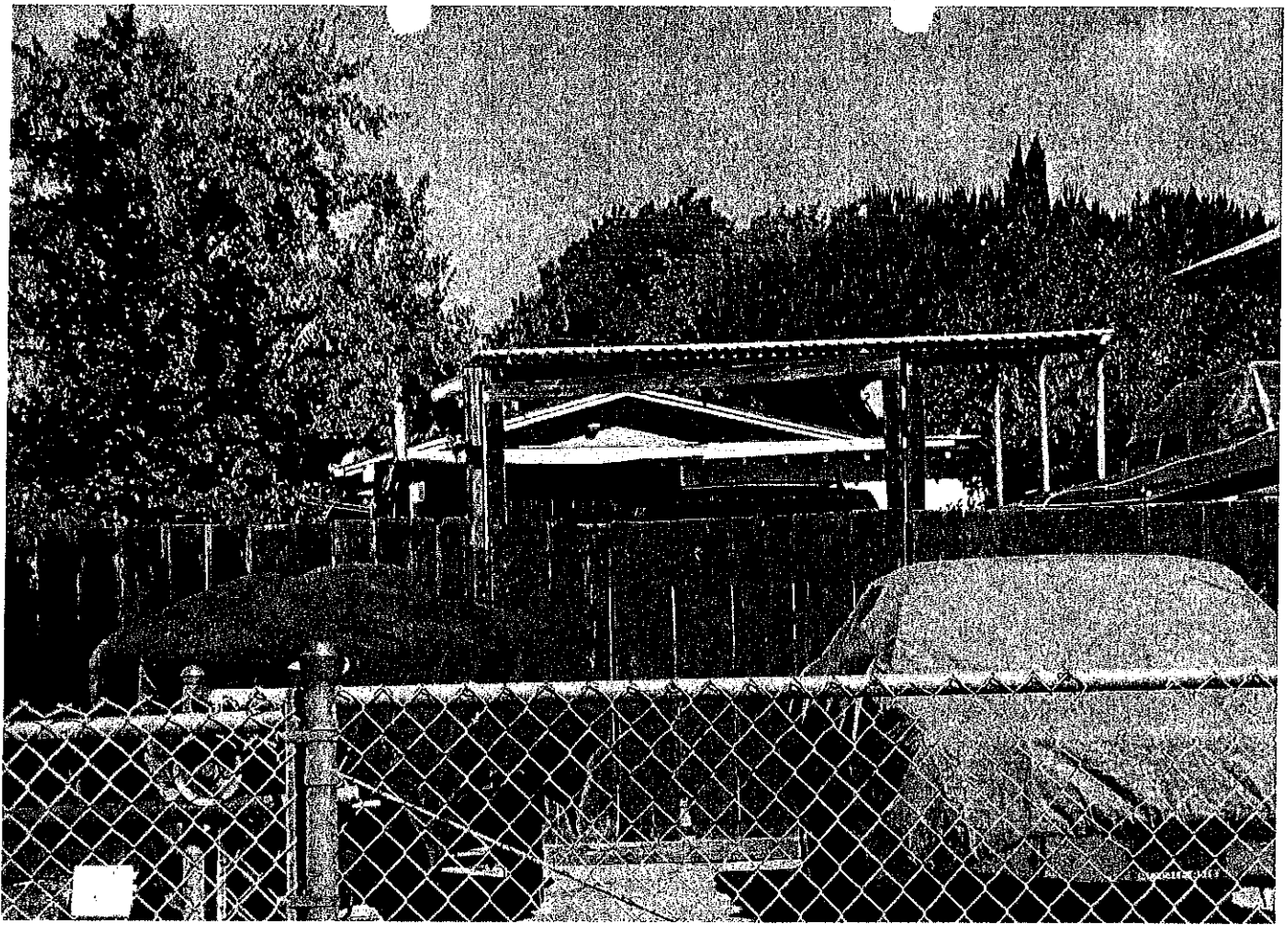
24/2/14



06/16/14



06/10/14



06/16/14

10-23-14

