



MINUTES

November 12, 2019

BOARD OF APPEALS HEARING

9:00 a.m.

City Council Chambers

311 Vernon Street

Roseville, CA

1. CALL TO ORDER

Chairperson Sherry Rutledge called the meeting to order at 9:00 a.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Joseph Bales
Basil Deem
Sherry Rutledge

The following Staff members were present:

Joseph Speaker	Senior Deputy City Attorney
Lynda Risucci	Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the November 12, 2019 hearing was Sherry Rutledge.

4. PLEDGE OF ALLEGIANCE

Chairperson Rutledge led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

Chairperson Rutledge administered the Oath to those in attendance who would be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No. 17769

Appellant: Seyedmohammad Caranizadeh

- Roseville Municipal Code Section 4.25.080(A), Short-Term Rentals, Performance Standards – No permittee shall, for compensation, provide lodging for more than six people at any time in a short-term rental.
- Roseville Municipal Code Section 4.25.080(C), Short-Term Rentals, Performance Standards – All eligible short-term rentals shall be located on a parcel develop with the permittee's primary residence and shall not be rented for more than 182 days per year as a short-term rental.
- Roseville Municipal Code Section 4.25.130(B)(3) – Short Term Rentals, Violations – Excessive noise, as defined by Section 9.24.150 of this code, which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.

A. Staff Report:

Code Enforcement Officer Ranjit Dosanjh offered testimony in regard to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative.

Exhibit A-1:

- Timeline of case history with supporting Attachments 1-7.

Complainant's Statement:

Complainant Jeff Drongesen presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Information Regarding Airbnb at 7153 Artisan Circle since June 2019 and supporting documentation.

B. Appellant's Response:

Exhibit C:

(Appellant's Exhibit B was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on September 26, 2019.

Appellant Seyedmohammad Caranizadeh offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 17769.

In regard to Roseville Municipal Code Sections 4.25.080(A), 4.25.080(C), and 4.15.130(B)(3), a motion was made by Basil Deem and seconded by Joseph Bales to deny the appeal and uphold the charges because the City proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Joseph Bales, Basil Deem, Sherry Rutledge

NOES: None.

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 17769 and uphold the charges of Roseville Municipal Code Sections 4.25.080(A), 4.25.080(C), and 4.25.130(B)(3) because the City proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

Chairperson Rutledge signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7.2. Citation No. 22681

Appellant: Sarbjit Grewal

- Roseville Municipal Code Section 10.54.020(E)(1), Nuisance Abatement – Property Which Creates a Dangerous Condition - Algae
- Roseville Municipal Code Section 14.09.060(A), Water Conservation – Water Waste

A. Staff Report:

Water Conservation Specialist John Shannon offered testimony in regard to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative.

Exhibit A-1:

- Samples of City of Roseville Door Hangers:
 - (1) Water Efficiency Administrative Warning
 - (2) Water Efficiency Notice of Violation.

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on September 03, 2019.

Appellant Sarbjit Grewal, by and through interpreter Ranjit Dosanjh, offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

John Shannon offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 22681.

In regard to Roseville Municipal Code Sections 10.54.020(E)(1) and 14.09.060(A), a motion was made by Joseph Bales and seconded by Basil Deem to deny the appeal and uphold the charges because the City proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Joseph Bales, Basil Deem, Sherry Rutledge

NOES: None.

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 22681 and uphold charge of Roseville Municipal Code Sections 10.54.020(E)(1) and 14.09.060(A) because the City proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party

Chairperson Rutledge signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7.3. Citation No. 22698

Appellant: Leovardo Escobar

- Roseville Municipal Code Section 10.54.020(E)(1), Nuisance Abatement – Property Which Creates a Dangerous Condition - Algae
- Roseville Municipal Code Section 14.09.060(A), Water Conservation – Water Waste
- Roseville Municipal Code Section 14.09.060(C), Water Conservation – Water Leak

At 9:15 a.m., the Appellant was not present. According to section VII(A) of the rules for Administrative Hearing Procedures, if the responsible party fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically denied.

A. Panel Discussion:

In regard to Roseville Municipal Code Sections 10.54.020(E)(1), 14.09.060(A), and 14.09.060(C), a motion was made by Basil Deem and seconded by Joseph Bales to deny the appeal and uphold the charge because the Appellant failed to appear.

The motion passed with the following vote:

AYES: Joseph Bales, Basil Deem, Sherry Rutledge

NOES: None.

B. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 22698 and uphold the charges of Roseville Municipal Code Section 10.54.020(E)(1), 14.09.060(A), and 14.09.060(C) because the Appellant failed to appear.

8. ADJOURNMENT

A motion was made by Basil Deem and seconded by Joseph Bales to adjourn the hearing.

AYES: Joseph Bales, Basil Deem, Sherry Rutledge

NOES: None

Chairperson Sherry Rutledge adjourned the November 12, 2019 hearing at 10:15 a.m.

Lynda Risucci
Legal Clerk