



**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers  
200 "H" Street**

**FEBRUARY 5, 2015  
3:00 P.M.**

**3:00 P.M. ROLL CALL** Diana Busenbarrick, Chairperson  
Deborah Simpson, Vice Chairperson  
Andrew Schleder  
Mike Schneider  
Frederick Rouse  
Ademuyiwa "Ade" Adeyemi, Alternate

**PLEDGE OF ALLEGIANCE**

**1. CONSENT CALENDAR**

**A. APPROVAL OF ADMINISTRATIVE APPEALS SPECIAL MEETING MINUTES FOR JANUARY 8, 2015**

Recommended Action: Motion to approve the minutes

MINUTES

**B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTHS OF NOVEMBER AND DECEMBER 2014**

Recommendation: The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board shall also direct that the same be recorded with the Contra Costa County Recorder's Office and thereafter the assessment shall constitute a special assessment and lien against the property.

STAFF REPORT

**2. APPEALS**

**OATH** for all intending to testify on an appeal

**A. CITATION NO. 23881/CASE NO. CE1412-016 – APPEAL OF ADMINISTRATIVE CITATION ISSUED REGARDING TREES, HEDGES, FENCES, AND SHRUBBERY [§7-2.623] FOR ALLEN AND ANASTASIA BROUSSARD, 1100 NEAH COURT, ANTIOCH, CA**

STAFF REPORT

- B. **CITATION NO. 23883/CASE NO. CE1411-050** – APPEAL OF ADMINISTRATIVE CITATION ISSUED REGARDING SPECIFIC NUISANCES PROHIBITED [§5-1.202(A2) AND §5-1.202(B)] FOR ALBERTO AND HENRIETTA VITUG, 2085 MOKELUMNE DRIVE, ANTIOCH, CA

STAFF REPORT

**PUBLIC COMMENTS—*Only unagendized issues will be discussed during this time***

**WRITTEN/ORAL COMMUNICATIONS**

**ADJOURNMENT**

### **Notice of Availability of Reports**

This agenda is a summary of the discussion items/actions proposed to be taken by the Board of Administrative Appeals. Materials provided regarding the agenda items will be available at the following website: <http://www.ci.antioch.ca.us/CityGov/Agendas/default.asp> or at the City Clerk's Office located on the 3<sup>rd</sup> floor of City Hall, 200 H Street, Antioch, CA 94509, Monday through Thursday, for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. The meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

### **Notice of Opportunity to Address the Committee**

The public has the opportunity to address the Board on each agenda item. To address the Board, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section on the agenda. No one may speak more than once on an agenda item or during "Public Comments".

***PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.***

**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Special Meeting  
4:00 P.M.**

**January 8, 2015  
Council Chambers**

Vice Chairperson Simpson called the meeting to order at 4:07 P.M. on Thursday, January 8, 2015 in the Council Chambers.

**ROLL CALL:**

Present: Board Members Schneider, Rouse, Adeyemi and Vice Chairperson Simpson  
Absent: Board Members Schleder and Chairperson Busenbarrick

Staff Present: City Attorney, Lynn Tracy Nerland  
Deputy Director of Community Development, Ryan Graham  
Code Enforcement Officer, Andrew Shuck  
City Clerk, Arne Simonsen  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

Vice Chairperson Simpson led the board, staff and public in the Pledge of Allegiance.

**1. CONSENT CALENDAR**

**A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR  
DECEMBER 4, 2014**

On motion by Board Member Schneider, seconded by Board Member Adeyemi, the Board of Administrative Appeals unanimously approved the minutes of December 4, 2014.

**B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN  
PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS &  
ABATEMENTS FOR THE MONTHS OF OCTOBER AND NOVEMBER 2014**

Deputy Director of Community Development Graham presented the staff report dated December 29, 2014 recommending the Board of Administrative Appeals confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board shall also direct that the same be

recorded with the Contra Costa County Recorder's Office and thereafter the assessment shall constitute a special assessment and lien against the property.

On motion by Board Member Schneider, seconded by Board Member Rouse, the Board of Administrative Appeals unanimously confirmed each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board also directed that the same be recorded with the Contra Costa County Recorder's Office and thereafter the assessment shall constitute a special assessment and lien against the property.

## **2. APPEALS**

### **A. CITATION NO. 23822 – APPEAL OF ADMINISTRATIVE CITATION ISSUED REGARDING SPECIFIC NUISANCES PROHIBITED: PARKING AND STORAGE OF VEHICLES AND EQUIPMENT – UNIMPROVED SURFACE [§5-1.202(D)(2)] FOR KENNY DE RESPINI, 403 W. 19TH STREET, ANTIOCH, CA**

City Attorney Nerland announced the appellant was not present and recommended the Appeal be heard by the Board of Administrative Appeals. She noted if the appellant arrived he would be allowed the opportunity to speak on this item.

Code Enforcement Officer Shuck presented the staff report dated December 17, 2014 recommending the Board of Administrative Appeals uphold the Administrative Citation issued to Kenny DeRespini for violation of the Antioch Municipal Code § 5-1.202 (D) (2).

In response to Board Member Adeyemi, Deputy Director of Community Development Graham explained the citation fee was a tool for compliance and the inspection fee was for the City to recoup the cost of the inspections. He added that if the violation is cleared after the notice of violation and prior to the follow-up inspection, the appellant would not have incurred any fees.

On motion by Board Member Rouse, seconded by Board Member Adeyemi, the Board of Administrative Appeals unanimously upheld the Administrative Citation issued to Kenny DeRespini for violation of the Antioch Municipal Code § 5-1.202 (D) (2).

**PUBLIC COMMENTS** - None

## **WRITTEN/ORAL COMMUNICATIONS**

Board Member Rouse complimented Code Enforcement Officer Shuck's penmanship.

**ADJOURNMENT**

Vice Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 4:18 P.M. to the next regularly scheduled meeting on February 5, 2015.

Respectfully Submitted,

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Kitty Eiden  
Minutes Clerk

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS  
FOR CONSIDERATION AT THE HEARING ON February 5, 2015**

**Prepared by:** Ryan Graham, Deputy Director of Community Development



**Date:** January 23, 2015

**Subject:** Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Abatements for the months of November and December, 2014

**RECOMMENDATION**

The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property (Attachment "A"). The Board shall also direct that the same be recorded with the Contra Costa County Recorders Office and thereafter the assessment shall constitute a special assessment and lien against the property.

**FISCAL IMPACT**

The action will enable the City of Antioch to collect outstanding receivables against properties for the months of November, 2014 and December, 2014 respectively in the amount of \$17,217.32 in unpaid Administrative Citations & Abatements.

**BACKGROUND INFORMATION**

Pursuant to Antioch Municipal Code §1-5.09 the City may collect any past due Administrative Citation fines, Abatements or late payment charges by use of special assessment liens and all action for recovery of money.

A Notice of Intent to Record Lien was sent to each property owner who is entitled to notice reflecting the property address directly connected to conditions or activities on the subject real property, assessors parcel number, the municipal code violation, administrative citation fine and copy of the administrative citations.

**ATTACHMENT**

A: List of assessments

13

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02-05-15

CITATIONS & ABATEMENT FOR APPEALS HEARING FEBRUARY, 2015

AR	Case	APN	FEB	Amount	Owner Last	Owner First	Owner Address	Site Address	Paid
AR140481	CE1410-051	068-076-004	X	\$411.82	BIGGS	ROBERT J. & CONNIE L.	2201 BIGLOW DR	2201 BIGLOW DR	
AR140902	CE1410-127	074-323-012	X	\$411.82	BRADFORD	KATHLEEN D.	1713 DAISY WAY	1713 DAISY WAY	
AR140908	CE1410-120	071-363-010	X	\$411.82	CALERO	FRANCISCO E SANTIAGO &	1013 HARROGATE WAY	1013 HARROGATE WAY	
AR140909	CE1410-105	053-401-002	X	\$411.82	CASTILLO	MARY WILLIAM R. SR & ROSINE P.	5029 BRIDLE WAY	5029 BRIDLE WAY	
AR140470	CE1409-011	072-041-017	X	\$235.00	COSTA	CHR WIDOW	239 BOULDER DRIVE	239 BOULDER DRIVE	
AR140873	CD1411-073	067-223-011	X	\$235.00	FUND LLC		2420 SAND CREEK ROAD #338, BRENTWOOD, CA 94513-2707	411 W 19 STREET	
AR140567	CE1410-096	068-594-008	X	\$345.00	CHUN	JEFFREY D.	908 BURWOOD WAY	908 BURWOOD WAY	
AR140576	CE1410-096	068-594-008	X	\$565.00	CHUN	JEFFREY D.	908 BURWOOD WAY	908 BURWOOD WAY	
AR140912	CE1410-109	055-030-014	X	\$411.82	DENG	MEIYING	1929 BLUE MOUNTAIN COURT	1929 BLUE MOUNTAIN COURT	
AR140872	CE1411-072	067-223-009	X	\$235.00	DERESPINI	KENNY G. EDWIN S. III	403 W 19TH ST	403 W 19TH ST	
AR140907	CE1410-094	052-165-007	X	\$411.82	CRAMBLETT	TRUST	1723 GLAZIER DR, CONCORD, CA	2810 BUTTERCUP CT	
AR140466	CE1408-019	068-241-067	X	\$345.00	GAGE	GEORGE & KATHY C.	317 BURBANK RD #A	317 BURBANK RD A	
AR140568	CE1408-019	068-241-067	X	\$565.00	GAGE	KATHY C. & GEORGE & KATHY C.	317 BURBANK RD #A	317 BURBANK RD A	
AR140929	CE1408-019	068-241-067	X	\$675.00	GAGE	KATHY C.	317 BURBANK RD #A	317 BURBANK RD A	
AR140482	CE1410-008	076-361-026	X	\$411.82	GALLEGOS	SHIRLEY	4726 TIERRAPARK CT, RENO, NV 89502-7708	2120 JEFFERSON WAY	
AR140911	CE1410-134	068-281-011	X	\$411.82	GAMICA	CAESAR & JOAN	2721 BONITA AVE	2721 BONITA AVE	
AR140479	CE1410-016	053-081-010	X	\$411.82	HAMATAKA	SCOTT O.	4016 BENBOW CT	4016 BENBOW CT	
AR140906	CE1410-119	068-584-016	X	\$411.82	HAMMOND	CHARLES	306 CHESTVIEW AVE, MARTINEZ, CA 94553	3309 BLUEJAY DR	
AR140477	CE1410-014	055-140-058	X	\$411.82	BARAJAS	LUIS E.	4409 BELVEDERE WAY	4409 BELVEDERE WAY	
AR140572	CE1410-115	055-100-024	X	\$235.00	HIGASHI	LINDA TIMOTHY D. &	100 W HUDSON AVE #C2, ENGLEWOOD, NJ 07631-1765	2604 BUGLE WAY	
AR140573	CE1410-078	051-380-021	X	\$235.00	HOUJHAN	BARBARA R.	2625 COFFEE TREE WAY	2625 COFFEE TREE WAY	
AR140905	CE1410-101	052-181-012	X	\$411.82	HUDSON	KIVU J. & NEHESHAA	2838 BLUEBELL CIRCLE	2838 BLUEBELL CIRCLE	
AR140458	CE1408-085	065-191-011	X	\$411.82	INC.		505 MONTGOMERY ST. S.F., CA 94111-6512	1109 JACOBSEN ST	
AR140904	CE1410-108	053-690-011	X	\$411.82	IBEAUUCHI	AMA E REMY	4109 BROCATTELLO CT	4109 BROCATTELLO CT	
AR140480	CE1410-012	055-350-063	X	\$411.82	JACKSON	OTIS & ROSIE L.	1928 BADGER PASS WAY	WAY	
AR140328	CE1408-094	089-580-016	X	\$411.82	KIDD	JOHNNY	4060 BARN HOLLOW WAY	4060 BARN HOLLOW WAY	
AR140475	CE1410-010	072-330-054	X	\$411.82	LEE	ANGELA S.	9378 S MASON MONTGOMERY RD, MASON, OH 45040-8827	4852 BELFORD PEAK CT	
AR140903	CE1410-126	072-480-006	X	\$411.82	LM	MARIJI	4100 BRAMANTE COURT	4100 BRAMANTE COURT	
AR140474	CE1410-013	072-360-060	X	\$411.82	PACIFIC	RENTAL UNITS LLC	P.O. BOX 3941, ANTOCH, CA 94531-3941	2117 BAMBOO WAY	
AR140869	CE212673	053-101-005	X	\$235.00	LYONS	GREGORY P.	4017 PALOMAR DRIVE	4017 PALOMAR DRIVE	
AR140459	CE1408-086	076-380-019	X	\$411.82	MCWILLIAN	DAVID	3101 JACKSON PLACE	3101 JACKSON PLACE	
AR140575	CE1408-036	052-140-002	X	\$345.00	CREEK	MEADOW	1500 WILLOW PASS COURT, CONCORD CA 94520	WILFLOWER DRIVE	
AR140578	CE1408-036	052-140-002	X	\$565.00	CREEK	MEADOW	1500 WILLOW PASS COURT, CONCORD CA 94520	WILFLOWER DRIVE	
AR140901	CE1410-123	068-382-027	X	\$411.82	MUNOZ	VICTOR M. & SILVIA E.	1117 DANBERRY COURT.	1117 DANBERRY COURT	
AR140310	CE1407-032	076-574-010	X	\$411.82	NERIHOUSE	ARLENE	2404 REWOOD DRIVE	2404 REWOOD DRIVE	
AR140570	CE1410-050	067-156-009	X	\$455.00	ONN	HANAN	4660 E 2ND STREET, BENICIA, CA 94510	1117 KLENGEL ST	
AR140467	CE1407-087	068-594-009	X	\$675.00	SACCHO	MEY LIAM	900 BURWOOD WAY	900 BURWOOD WAY	
AR140569	CE1407-087	068-594-009	X	\$675.00	SACCHO	MEY LIAM	900 BURWOOD WAY	900 BURWOOD WAY	
AR140478	CE1410-011	055-410-012	X	\$411.82	SCHREPEL	ERIC & CHRISTEN A.	1853 BADGER PASS WAY	1853 BADGER PASS WAY	
AR140460	CE1408-087	053-650-001	X	\$411.82	TRAN	BINH T.	4213 BARDOZ COURT	4213 BARDOZ COURT	

AR140461	CE1406-091	055-440-037	X	\$411.82	TRAN	THO THIEM TRUST SERGIO & PATRICIA TROY, JR	145 NIAGARA AVE, SF, CA 94112 2633 POINT LOBOS COURT 234 TEXAS STREET	5217 KELSEY PEAK WAY 2633 POINT LOBOS COURT 234 TEXAS STREET
AR140870	CE1411-085	053-112-010	X	\$235.00	VIVEROS			
AR214178	CE1406-109	067-281-020	X	\$411.82	WILCOX			
<b>TOTAL</b>				<b>\$17,217.32</b>				



**STAFF REPORT TO THE ADMINISTRATIVE REVIEW PANEL  
FOR CONSIDERATION AT THE HEARING ON FEBRUARY 5, 2015**

**PREPARED BY:** Renee Souza, Code Enforcement Officer City of Antioch



**PREPARED FOR:** Administrative Board of Appeals

**APPROVED BY:** Ryan Graham, Deputy Director of Community Development



**DATE:** January 22, 2015

**SUBJECT:** Case No. CE1412-016 Neah Court  
Violation of Antioch Municipal Codes §7-2-623

**REQUEST:**

Mr. Allen & Anastasia Broussard request a hearing to appeal Administrative Citation # 23881 issued on January 6, 2015, citing violation of the Antioch Municipal Code Sections:

**§7-2.623** No encroachment of any nature shall be permitted or maintained which impedes, obstructs, or denies such pedestrian or other lawful travel within the limits of the right-of-way of a public street or which impairs adequate sight distance for safe pedestrian or vehicular traffic.

**BACKGROUND INFORMATION:**

On 12-3-14, Code Enforcement administrative staff received a complaint of a motor home blocking the sidewalk and into the street at Neah Court Antioch, Ca. The reporting party also reported that it is blocking the view around the corner causing unsafe driving conditions.

On 12-9-14, I conducted a site inspection at Neah Court Antioch, Ca and observed a large motor home encroaching on the public right away and into the street causing a site obstruction to the neighboring property. I prepared a Notice of Violation letter for Antioch Municipal Code violation

§7-2.623 Encroachment on the public right of way. I mailed the Notice of Violation letter by first class mail to the listed property owner on file by the County Assessor's office to Allen & Anastasia Broussard at Neah Court Antioch, CA 94509. A photo and a copy of the Notice of Violation letter are hereto attached as Exhibit "A".

On 1-6-15, I conducted a follow up inspection and observed the same motor home encroaching on the public right of way and a causing a visual sight obstruction. I issued an Administrative citation in the amount of \$100.00 and a \$125.00 re-inspection fee. The citation was mailed to the property owner first class mail to the same address as the Notice of Violation letter Neah Court Antioch, CA 94509. Photos, citation and re-inspection fee sheet attached hereto as Exhibit "B".

On 1-12-15, Mrs. Broussard filed an appeal and is attached hereto as Exhibit "C".

**RECOMMENDATION:**

Recommendation to uphold the Administrative Citation issued to Allen & Anastasia Broussard for violation of the Antioch Municipal Codes §7-2.623.



**NOTICE OF VIOLATION OF ANTIOCH MUNICIPAL CODE AND  
MAINTAINING PUBLIC NUISANCE IN THE CITY OF ANTIOCH**

To: Allen + Anastasia Broussard  
 Location of property: Neah Ct  
 APN: 068-442-010 Date of Inspection: 12-9-14 Case #: CE1412-016

The property listed above has been found to be in violation of the City of Antioch's Municipal Code. The violation(s) marked below require immediate action by the property owner/resident. Failure to correct these violation(s) by the date indicated will result in further actions being taken by the City.

**Antioch Municipal Code Sections:**

- 4-16.03 Major automotive repairs in a residential district in public view
- 5-1.201 (B) Violation of Building Code, Electrical Code, Mechanical Code, Plumbing Code, Housing Code, Health and Safety Code
- 5-1.202 (A1 a) Property inadequately maintained (inoperable equipment, junk, rubbish, building materials and containers) in public view
- 5-1.202(A2) Premises on which overgrown, dead or decayed trees, weeds or other vegetation pose a risk or harm to public, visual blight
- 5-1.202(B) Building or structures in a state of disrepair including walls, fences, signs, retaining walls which are broken, deteriorated
- 5-1.202(D) Outdoor parking or storage of inoperable, wrecked, dismantled, salvaged, abandoned vehicle, or parts thereof including watercrafts
- 5-1.202(D)(2) Parking on unimproved surface.
- 5-1.403 Property owner shall not permit property that has been defaced with graffiti to remain
- 8-1.02 Building permits required to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, occupy or maintain
- 9-5.1210 Tree branches shall be trimmed at least 7 feet over the sidewalk and 14 feet over the street
- 9-5.3830 It shall be unlawful to maintain any recreation vehicle as a temporary or permanent residence upon a lot or parcel of land within the city
- 5-1.202(c)(1) Abandoned/unsecured or partially constructed buildings
- 7-2.623 No encroachment of any nature shall be permitted within the public right-of-way.
- Other.

**Required Corrections:** Within 5 calendar days from the date of this notice, you must correct the violation(s) (checked off above) or file an appeal with the office of the City Clerk. If you fail to do so, there will be a \$125.00 re-inspection fee in addition, the City may issue Administrative Citations, which carry fines that range from \$100.00 to \$1,000.00 per violation for every day the violation(s) are permitted to remain and/or take other actions to compel your compliance.

We will be conducting our follow up inspection at the end of the above deadline to confirm your compliance. Thank you in advance for your cooperation in abating these violation(s). If you have any questions, you may contact me at number indicated below during regular business hours.

Notes: Remove R.V. from encroaching on the public right-of-way (sidewalk).

The property owner is responsible for all costs associated with the abatement of this nuisance including, inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Correct Violation(s) by: 12-14-14 Request building permit(s) by: Ø  
 Officer: R. Souza Phone: 925-779-6153 Date: 12-9-14



A1

ADMINISTRATIVE  
CITATION  
City of Antioch

Citation # 23881

- Police Department - (925) 779-6981
- Animal Control - (925) 779-6989
- Code Enforcement (NIS) - (925) 779-6153
- Residential Rental Inspection Program (RRIP) (925) 779-

Date of Violation: 1-6-15 Time: 239  AM  PM Day of Week: Tuesday

Location of Violation: NEAH CT Date Issued: 1-6-15

Citation issued to (owner/resident/business): Allen + Anastasia Broussard

Address if different than violation: \_\_\_\_\_

City: Antioch State: CA Zip: 94509

Driver's License: \_\_\_\_\_ State: \_\_\_\_\_ DOB: \_\_\_\_\_

Vehicle License: \_\_\_\_\_ State: \_\_\_\_\_ Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_

You are being issued an Administrative Citation for the above violation(s). Additional violations may result in additional Administrative fines and/or legal action.

- 1<sup>st</sup> Violation \$100.00
  - 2<sup>nd</sup> Violation \$200.00/\$500.00
  - 3<sup>rd</sup> Violation \$500.00/\$1,000.00
- Refer to the back of this citation for information on paying the amount indicated.

AMC Violation Code Section	Description of Violation(s)	Fine Amount(s)
<u>7-2.623</u>	<u>Encroachment on the public right-of-way</u>	<u>\$ 100-</u>
		\$
		\$
		\$
		\$
<b>TOTAL DUE:</b>		<b>\$ 100-</b>

Motorhome / RV

Notes: CE1412-016

Issuing Officer: R. Souza ID number: E4D42 Date: 1-6-15

TO AVOID ADDITIONAL CITATIONS, YOU MUST ABATE THE ABOVE VIOLATION(S) ON OR BEFORE: 1-12-15

Questions regarding payment of this citation, call the Finance Department, (925) 779-7055. Mail payment to:

City of Antioch  
Finance Department  
P.O. Box 5007  
Antioch, CA 94531-5007

To pay in person, the Cashiers are located on the First Floor of City Hall, Third & "H" Streets, Antioch, California  
Monday - Friday - 8:00 a.m. - 4:30 p.m. except holidays

See Reverse Side

WHITE - VIOLATION COPY / YELLOW - NIS COPY / PINK - FINANCE COPY



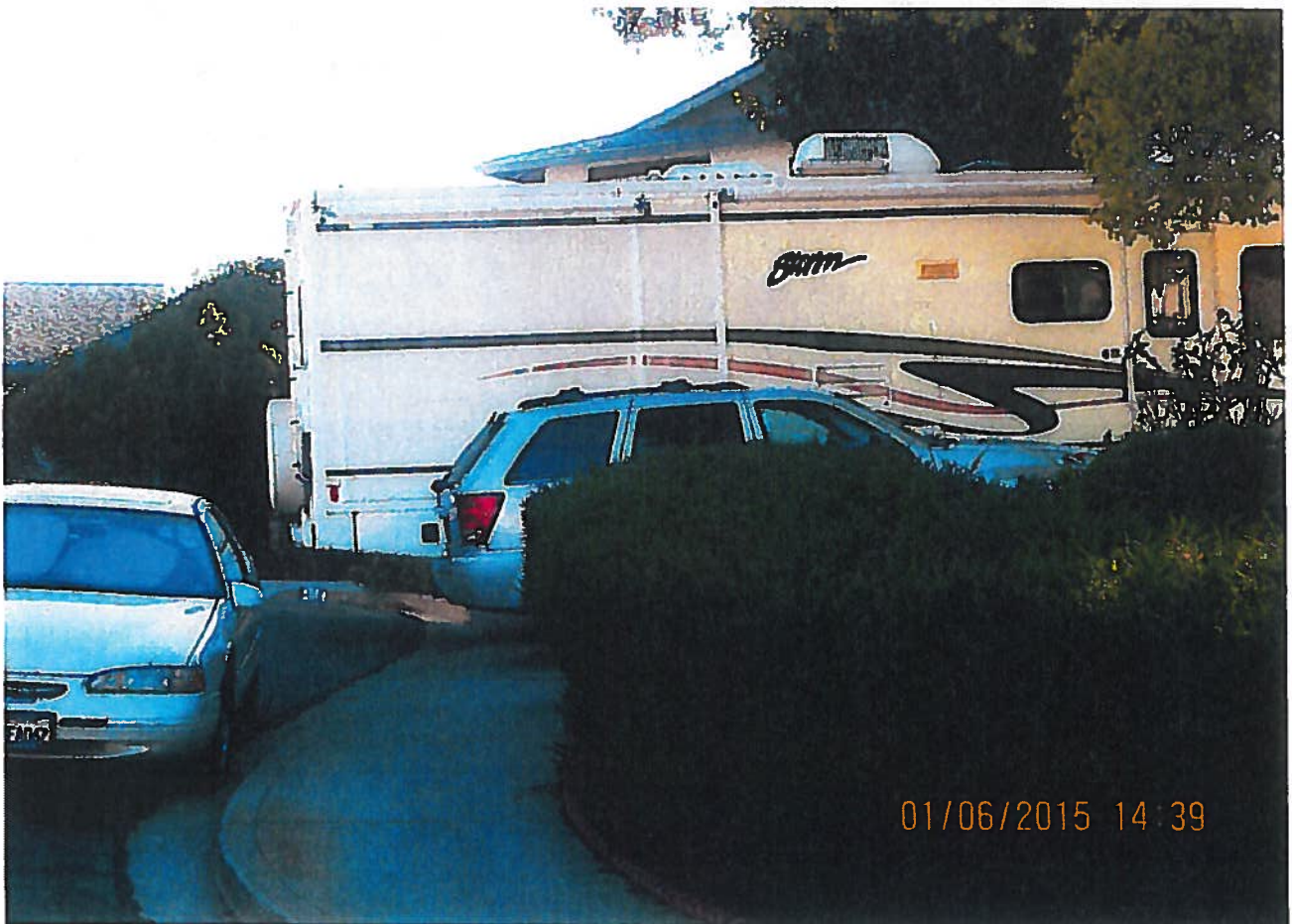
**RE-INSPECTION FEE**

The violation(s) as indicated on the Notice of Violation or Notice and Order have not been corrected and will require additional inspection(s). In addition to your citation, you have been assessed a re-inspection fee of \$125.00. This fee is due within ten (10) days from the date of this notice. Each additional inspection will also be assessed re-inspection fees.

Case #: CE1412-016 Inspection Date: 1-6-15

Property address: Neah Ct APN#: 068-442-010

Officer: R. Souza Phone #: 779-6153 Date: 1-6-15



B2



City of Antioch  
Citation Appeal Application

RECEIVED

JAN 13 2015

CITY OF ANTIOCH  
CITY CLERK

CITY OF ANTIOCH  
ATTN: CITY CLERK  
P.O. BOX 5007  
ANTIOCH, CA 94531-5007  
(925) 779-7009

Date of Citation: 1/6/15

Citation #: 23661

Name: Allen & Anastasia Broussard

Property Address: Newh Ct.

Antioch CA 94509

Mailing Address: Same as above

Home Phone:

Work Phone:

REASON FOR APPEAL

We had our RV parked in our driveway because there is a clunking noise in the wheel. The mechanic had a waiting time to take our RV. We have a storage facility in Security RV Storage at 6313 Bridgehead in Antioch since 2007!

We did not get a warning letter. If we had received the warning letter, we would have moved it. However, we did not to leave it on the street because the crime rate in Antioch is so high and cars/trucks/RCVs get broken into all the time.

Signature

*Antioch Council*

Date 1/12/15

**CITY OF ANTIOCH  
NEIGHBORHOOD IMPROVEMENT DEPARTMENT  
PAY TICKET**

PAID BY ANASTASIA BROUSSARD FOR BROUSSARD DATE 1/12/15  
 Address Neah Ct Case # CE 1412-016 Parcel# 068-442-010

REVENUE ACCOUNT		A/R INVOICE NUMBER
100-5140-46020	Assessment Fees	_____
100-5140-46025	Abatement Fees	_____
100-5140-46020	Citation Fee <u>#23881</u> <u>100.00</u>	# _____
100-5140-47010	Miscellaneous	_____
100-5140-47010	Release of Lien	_____
100-0000-25000	Due to others	_____
CDBG:		
2125210-46025	Abatement & Admin	_____
2125210-46020	Citations & ReInsp.	# _____

ANASTASIA L BROUSSARD  
 ALLEN BROUSSARD  
 NEAH CT  
 ANTIOCH, CA 94509

90-7083/3211

3117

DATE 1/12/15

PAY TO THE ORDER OF

City of Antioch

\$ 100.00

\$ 100.00

One hundred and no/100

DOLLARS

MEMO

Citation # 23881

Christina Bunn

PREPARED BY

DSKAGGS

AMOUNT

\$100.00

CHECK #

3117





**RE-INSPECTION FEE**

The violation(s) as indicated on the Notice of Violation or Notice and Order have not been corrected and will require additional inspection(s). In addition to your citation, you have been assessed a re-inspection fee of \$125.00. This fee is due within ten (10) days from the date of this notice. Each additional inspection will also be assessed re-inspection fees.

Case #: CE1412-016 Inspection Date: 1-16-15  
Property address: NEAH CT APN#: 018-442-010  
Officer: R. SUTER Phone #: 779-1153 Date: 1-16-15

**ADMINISTRATIVE CITATION**  
City of Antioch

Citation # **23881**

- Police Department - (925) 779-6981
- Animal Control - (925) 779-6989
- Code Enforcement (NIS) - (925) 779-6153
- Residential Rental Inspection Program (RRIP) (925) 779-

Date of Violation 1-6-15 Time 2:31  AM  PM Day of Week Tuesday

Location of Violation NEAH CT  
Citation issued To (owner/resident/business) Allen & Christina Musick Date Issued 1-16-15

Address if different than violation

City Antioch State CA Zip 94501  
Driver's License State CA DOB

Vehicle License State Year Make Model Color

You are being issued an Administrative Citation for the above violation(s). Additional violations may result in additional Administrative fines and/or legal action.

- 1<sup>st</sup> Violation \$100.00
- 2<sup>nd</sup> Violation \$200.00/\$500.00
- 3<sup>rd</sup> Violation \$500.00/\$1,000.00

Refer to the back of this citation for information on paying the amount indicated.

AMC Violation Code Section	Description of Violation(s)	Fine Amount(s)
7.2.1.23	Encroachment on the public right of way	\$ 100.00
		\$
		\$
		\$
		\$

**TOTAL DUE:** \$ 100.00

Antioch/AV

Notes: CE1412-016  
Issuing Officer R. SUTER ID number 11112 Date 1-16-15

**TO AVOID ADDITIONAL CITATIONS, YOU MUST ABATE THE ABOVE VIOLATION(S) ON OR BEFORE:** 1-12-15

Questions regarding payment of this citation, call the Finance Department, (925) 779-7055. Mail payment to:  
City of Antioch  
Finance Department  
P.O. Box 5007  
Antioch, CA 94531-5007

To pay in person, the Cashiers are located on the First Floor of City Hall, Third & "H" Streets, Antioch, California  
Monday - Friday - 8:00 a.m. - 4:30 p.m. except holidays

See Reverse Side  
WHITE - VIOLATION COPY / YELLOW - NIS COPY / PINK - FINANCE COPY

C2



January 23, 2015

Allen and Anastasia Broussard  
Neah Court  
Antioch, CA 94509

RE: Administrative Appeal Hearing  
Property Address: Neah Court, Antioch  
Citation Date: 01/06/15  
Citation #: 23881

Dear Mr. and Mrs. Broussard,

We are in receipt of your written appeal and \$100 payment regarding the citation received for "Trees, Hedges, Fences, and Shrubbery [\$7-2.623]".

Please be advised your appeal is scheduled for **Thursday, February 5, 2015, at 3:00 p.m.** in the Council Chambers (across the breezeway from City Hall).

The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Agenda information, click on the following link and then double click 'Board of Administrative Appeals': <http://www.ci.antioch.ca.us/CityGov/agendas/>. Other locations to view the Agenda are the City Council Chambers front window, City Clerk's Office, Antioch Branch Library, Senior Center on 2<sup>nd</sup> Street, and the Antioch Community Center on Lone Tree Way.

This case will be heard and a decision rendered by the Board of Administrative Appeals.

A General Information sheet is enclosed to answer any questions you may have regarding the appeal.

Sincerely,

CHRISTINA GARCIA  
Deputy City Clerk

cc: Code Enforcement

Enclosure

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Office of the City Clerk  
200 H Street  
P. O. Box 5007  
Antioch CA 94531-5007  
Phone: (925) 779-7009/ Fax: (925) 779-7007

C3

1 CITY OF ANTIOCH  
2 Third and "H" Streets  
3 P.O. Box 5007  
4 Antioch, CA 94531-5007  
5 925-779-7015

6 ADMINISTRATIVE CITATION HEARING  
7 PURUSANT TO SECTION 1-5.05 OF ANTIOCH MUNICIPAL CODE

9 In re the Matter of:  
10 ALLEN & ANASTASIA BROUSSARD  
11 [APPELLANT]

Citation No.: 23881 NEAH COURT,  
ANTIOCH, CA)  
[PROPOSED] DECISION OF BOARD OF  
ADMINISTRATIVE APPEALS

14 I. GENERAL FINDINGS:

- 15 1. City of Antioch Citation No. 23881 was upheld.
- 16 2. City of Antioch Citation No. 23881 ( ) Neah Court, Antioch, CA) was duly issued on January  
17 6, 2015 citing a violation of the Antioch Municipal Code section §7-2.623 which states no  
18 encroachment of any nature shall be permitted or maintained which impedes, obstructs, or denies  
19 such pedestrian or other lawful travel within the limits of the right-of-way of a public street or  
20 which impairs adequate sight distance for safe pedestrian or vehicular traffic.
- 21 3. The Citation concerns Municipal Code violations at Neah Court, Antioch, California. At all  
22 relevant times Appellant was the owner of the property and/or the responsible party.
- 23 4. Appellant appealed Citation No. 23881 on January 12, 2015.
- 24 5. An Administrative Appeals Board Hearing regarding the appeal was set for February 5, 2015 at  
25 3:00 p.m. at the Antioch City Council Chambers, and the Appellant was duly notified by the City  
26 Clerk.
- 27 6. Chapter 5 of Title 1 of the Antioch Municipal Code allows police officers, as well as other City  
28 officials enumerated in the Municipal Code to issue administrative citations to persons  
responsible for a violation of the Antioch Municipal Code.

1 II. SPECIFIC FINDINGS:

2 An Administrative Appeals Board Hearing regarding Appellant's appeal of the Citation was duly held  
3 on February 5, 2015, at 3:00 p.m. Evidence, both oral and documentary, was taken and based on the  
4 preponderance of said evidence, the following specific findings are made:

- 5 1. On December 3, 2014, Code Enforcement Administrative staff received a complaint of a motor  
6 home blocking the sidewalk, street and blocking the view causing unsafe driving conditions.
- 7 2. On December 9, 2014, CEO Souza conducted a site inspection and observed a large motor  
8 home encroaching on the public right-of-way and causing a site obstruction to neighboring  
9 properties.
- 10 3. On December 9, 2014, CEO Souza mailed a Notice of Violation letter by first class mail to the  
11 listed property owner from the County Assessor's office to Allen & Anastasia Broussard  
12 Neah Court Antioch, CA 94509.
- 13 4. On January 6, 2015, CEO Souza conducted a follow up inspection and observed the motor  
14 home still encroaching on the public right-of-way and causing a site obstruction. A \$200.00  
15 Administrative citation was issued to Allen & Anastasia Broussard and mailed to ) Neah  
16 Court Antioch, CA 94509 along with a \$125.00 re-inspection fee.
- 17 5. On January 12, 2015, Allen & Anastasia Broussard filed an appeal for an Administrative  
18 hearing.
- 19 6. The Board finds that the reasons given by Appellant for this violation are not credible and are  
20 not mitigations for her unlawful conduct.

21 Based on a preponderance of evidence, the Board finds that there was probable cause to issue the citation and the  
22 appeal is denied. The citation deposit amount will not be refunded.

23 III. NOTICE:

24 Notice of this decision shall be given to the Appellant, by hand delivering a copy of these Findings  
25 and Decision to Appellant or by mailing a copy by first class U.S. Mail, addressed to Allen &  
26 Anastasia Broussard Neah Court, Antioch, CA, 94509.

27 Dated: February 5, 2015

28 \_\_\_\_\_  
CHAIRPERSON OF THE BOARD

1 **Notice of Right To Appeal Decision:** Any person aggrieved by an Administrative Board of Appeals may obtain  
2 review of the decision by the Contra Costa Superior Court, 725 Court Street, Martinez, CA, 94553, pursuant to  
3 Section 53069.4 of the California Government Code.  
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**STAFF REPORT TO THE ADMINISTRATIVE REVIEW PANEL  
FOR CONSIDERATION AT THE HEARING ON FEBRUARY 5, 2015**

**PREPARED BY:** Renee Souza, Code Enforcement Officer City of Antioch



**PREPARED FOR:** Administrative Board of Appeals

**APPROVED BY:** Ryan Graham, Deputy Director of Community Development



**DATE:** January 22, 2015

**SUBJECT:** Case No. CE1411-050 [REDACTED] Mokelumne Drive  
Violation of Antioch Municipal Codes §5-1.202(A2) & §5-1.202 (B)

**REQUEST:**

Mr. Alberto Vitug requests a hearing to appeal Administrative Citation # 23883 issued on January 7, 2015, citing violation of the Antioch Municipal Code Sections:

**§5-1.202(A2)** Premises on which overgrown, dead or decayed trees, weeds or other vegetation pose a risk of harm to the public, or constitute visual blight or reduce the aesthetic appearance of the neighborhood, or are offensive to the senses, or are detrimental to the use and enjoyment of nearby properties, or reduce nearby property values due to its visibility from the public right-of-way.

**§5-1.202(B)** Any building or other structure, including, but not limited to, walls, fences, signs or retaining walls, which are broken, deteriorated, or substantially defaced (including defacement by markings commonly referred to as "graffiti") so that the disrepair poses a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to the use and enjoyment of nearby properties, or reduces nearby property values due to its visibility from the public right-of-way.

**BACKGROUND INFORMATION:**

On 11-17-2014, I was conducting an inspection of a nearby property when I observed Antioch Municipal Code violations in public view on the property of [REDACTED] Mokelumne Drive Antioch, Ca.

On 11-17-2014, I prepared a Notice of Violation letter for Antioch Municipal Code violations §5-1.202(A2) Overgrown vegetation and §5-1.202(B) Fence in disrepair. I posted a copy of the Notice of Violation on the front door and mailed a copy of the Notice of Violation letter by first class mail to the listed property owner on file by the County Assessor's office to Alberto & Henrietta Vitug at [REDACTED] Mokelumne Drive Antioch, CA 94531. Photos and a copy of the Notice of Violation letter are hereto attached as Exhibit "A".

On 12-4-14, I received a phone message from Mr. Vitug asking for a return phone call. I called Mr. Vitug and he said that he had hired a landscaper to take care of the overgrowth and the fence but he needed more time because of the rain. I asked Mr. Vitug if the house was vacant and he replied that he lived there. I gave Mr. Vitug an extension until the 17<sup>th</sup> of December.

On 12-17-14, I received another phone call from Mr. Vitug asking for another extension because he is trying to refinance his house and because of the rain. I gave him another extension until the 31<sup>st</sup> of December.

On 1-7-15, I conducted a follow up inspection and observed the overgrowth and fence in disrepair remain the same and in public view. I issued an Administrative Citation in the amount of \$200.00 (\$100.00 for each violation) and a \$125.00 re-inspection fee. Photos were taken. The photos, citation and re-inspection fee sheet are attached hereto as Exhibit "B".

On 1-9-15, Mr. Vitug filed an appeal and is attached hereto as Exhibit "C".

On 1-20-15, I conducted another follow up inspection and the violations remain the same on the property. Photos attached hereto as Exhibit "D".

**RECOMMENDATION:**

Recommendation to uphold the Administrative Citation issued to Alberto & Henrietta Vitug for violation of the Antioch Municipal Codes §5-1.202(A2) and §5-1.202(B).



**NOTICE OF VIOLATION OF ANTIOCH MUNICIPAL CODE AND MAINTAINING PUBLIC NUISANCE IN THE CITY OF ANTIOCH**

To: Alberto + Henrietta Vitug  
Location of property: [REDACTED] Mokelumne Dr  
APN: D55-660-021 Date of Inspection: 11-17-14 Case #: CE1411-050

The property listed above has been found to be in violation of the City of Antioch's Municipal Code. The violation(s) marked below require immediate action by the property owner/resident. Failure to correct these violation(s) by the date indicated will result in further actions being taken by the City.

**Antioch Municipal Code Sections:**

- 4-16.03 Major automotive repairs in a residential district in public view
- 5-1.201 (B) Violation of Building Code, Electrical Code, Mechanical Code, Plumbing Code, Housing Code, Health and Safety Code.
- 5-1.202 (A1 a) Property inadequately maintained (inoperable equipment, junk, rubbish, building materials, and containers) in public view
- 5-1.202(A2) Premises on which overgrown, dead or decayed trees, weeds or other vegetation pose a risk or harm to public, visual blight
- 5-1.202(B) Building or structures in a state of disrepair including walls, fences, signs, retaining walls, which are broken, deteriorated
- 5-1.202(D) Outdoor parking or storage of inoperable, wrecked, dismantled, salvaged, abandoned vehicle, or parts thereof including watercrafts
- 5-1.202(D)(2) Parking on unimproved surface.
- 5-1.403 Property owner shall not permit property that has been defaced with graffiti to remain
- 8-1.02 Building permits required to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, occupy or maintain
- 9-5.1210 Tree branches shall be trimmed at least 7 feet over the sidewalk and 14 feet over the street
- 9-5.3830 It shall be unlawful to maintain any recreation vehicle as a temporary or permanent residence upon a lot or parcel of land within the city
- 5-1.202(c)(1) Abandoned/unsecured or partially constructed buildings.
- 7-2.623 No encroachment of any nature shall be permitted within the public right-of-way.
- Other:

**Required Corrections:** Within 10 calendar days from the date of this notice, you must correct the violation(s) (checked off above) or file an appeal with the office of the City Clerk. If you fail to do so, there will be a \$125.00 re-inspection fee in addition, the City may issue Administrative Citations, which carry fines that range from \$100.00 to \$1,000.00 per violation for every day the violation(s) are permitted to remain and/or take other actions to compel your compliance.

We will be conducting our follow up inspection at the end of the above deadline to confirm your compliance. Thank you in advance for your cooperation in abating these violation(s). If you have any questions, you may contact me at number indicated below during regular business hours.

Notes: Cut and remove all overgrown grass, weeds, bushes on property. Repair & Replace fallen down fence.

The property owner is responsible for all costs associated with the abatement of this nuisance including, inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Correct Violation(s) by: 11-27-14 Request building permit(s) by: Ø  
Officer: RISOUZA Phone: 925-779-6153 Date: 11-17-14  
White - File / Yellow - Owner / Pink - Post





A2



11/17/2014 13:32



11/17/2014 13:32

A3

**ADMINISTRATIVE CITATION**  
City of Antioch

Citation # **23883**

- Police Department - (925) 779-6981
- Animal Control - (925) 779-6989
- Code Enforcement (NIS) - (925) 779-**6153**
- Residential Rental Inspection Program (RRIP) (925) 779-

Date of Violation **1-7-15** Time **2:00**  AM  PM Day of Week **Wednesday**

Location of Violation **Hotelumne DR**

Citation Issued To (owner/resident/business) **Albert + Henrietta Vitug** Date Issued **1-7-15**

Address if different than violation

City **Antioch** State **CA** Zip **94531**

Driver's License State DOB

Vehicle License State Year Make Model Color

You are being issued an Administrative Citation for the above violation(s). Additional violations may result in additional Administrative fines and/or legal action.

- 1<sup>st</sup> Violation \$100.00 **x 2**
  - 2<sup>nd</sup> Violation \$200.00/\$500.00
  - 3<sup>rd</sup> Violation \$500.00/\$1,000.00
- Refer to the back of this citation for information on paying the amount indicated.

AMC Violation Code Section	Description of Violation(s)	Fine Amount(s)
5-1.202(A2)	Overgrown Vegetation	\$ 100-
		\$
		\$
5-1.202(B)	Fence in disrepair	\$ 100-
		\$
<b>TOTAL DUE:</b>		<b>\$ 200-</b>

Notes: **CE1411-050**

Issuing Officer **R. SOUZA** ID number **ELI012** Date **1-7-15**

**TO AVOID ADDITIONAL CITATIONS, YOU MUST ABATE THE ABOVE VIOLATION(S) ON OR BEFORE: 1-13-15**

Questions regarding payment of this citation, call the Finance Department, (925) 779-7055. Mail payment to:  
City of Antioch  
Finance Department  
P.O. Box 5007  
Antioch, CA 94531-5007

To pay in person, the Cashiers are located on the First Floor of City Hall, Third & "H" Streets, Antioch, California  
Monday - Friday - 8:00 a.m. - 4:30 p.m. except holidays

See Reverse Side

WHITE - VIOLATION COPY / YELLOW - NIS COPY / PINK - FINANCE COPY



**RE-INSPECTION FEE**

The violation(s) as indicated on the Notice of Violation or Notice and Order have not been corrected and will require additional inspection(s). In addition to your citation, you have been assessed a re-inspection fee of \$125.00. This fee is due within ten (10) days from the date of this notice. Each additional inspection will also be assessed re-inspection fees.

Case #: **CE1411-050** Inspection Date: **1-7-15**

Property address: **Hotelumne DR** APN#: **055-10100-021**

Officer: **R. SOUZA** Phone #: **779-6153** Date: **1-7-15**

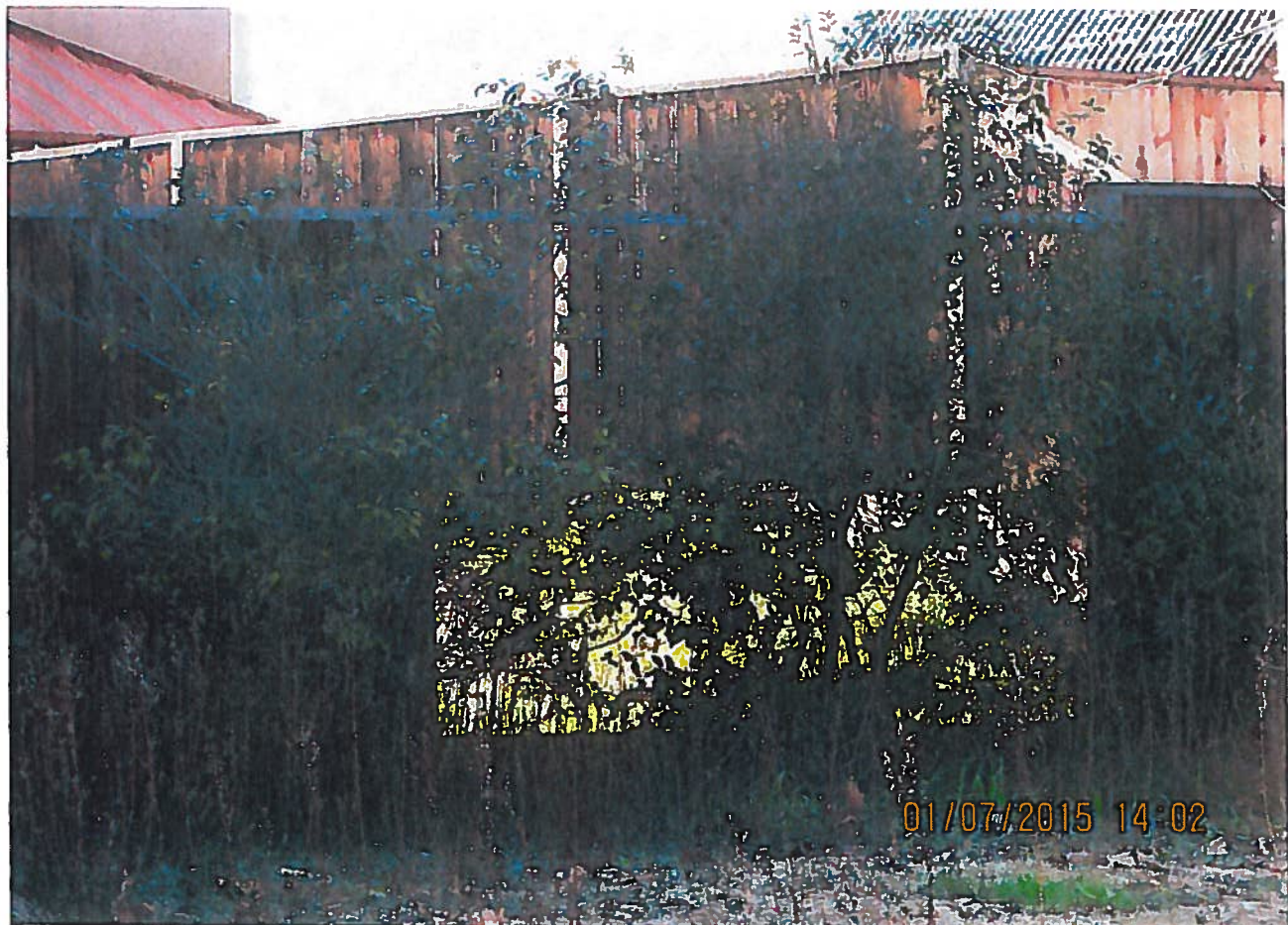


01/07/2015 14:02



01/07/2015 14:02

B1



B2



**ORIGINAL**

**City of Antioch  
Citation Appeal Application**

EXHIBIT "C"

**RECEIVED**

JAN 13 2015

CITY OF ANTIOCH  
CITY CLERK

CITY OF ANTIOCH  
ATTN: CITY CLERK  
P.O. BOX 5007  
ANTIOCH, CA 94531-5007  
(925) 779-7009

Date of Citation: 1-07-2015

Citation #: 23883

Name: ALBERTO A. VITUG

Property Address: [REDACTED] MOKELUMNE DR.  
ANTIOCH, CA. 94531-9114

Mailing Address: (SAME AS ABOVE)

Home Phone: [REDACTED]

Work Phone: (NONE)

**REASON FOR APPEAL**

TO CONTEST CITATION & REQUEST RECONSIDERATION  
FOR ADDITIONAL TIME TO CONTRACT FOR  
FENCE, YARD, CONCRETE & LANDSCAPING WORK.

Signature: [Handwritten Signature]

Date: 1-13-2015

CITY OF ANTIOCH  
925-779-7055

REC#: 00754231 1/13/2015 1:12 PM  
OPER: AJ1 TERM: 001  
REF#:

ACCT #: XXXX-XXXX-XXXX-2981  
AUTH #: 01317R  
TRAN #: 000000001612

TRAN: 900.0000 TRUE MISC RECEIPTS  
ALBERTO VITUG  
Citation - NIS 200.00CR

TENDERED: 200.00 CREDIT CARD  
APPLIED: 200.00-

CHANGE: 0.00

**ADMINISTRATIVE  
CITATION**  
City of Antioch

Citation # **23883**

- Police Department - (925) 779-6981
- Animal Control - (925) 779-6889
- Code Enforcement (NIS) - (925) 779- **6153**
- Residential Rental Inspection Program (RRIP) (925) 779-

Date of Violation <b>1-7-15</b>	Time <b>2:00</b>	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Day of Week <b>Wednesday</b>
Location of Violation <b>1104 Columne DR</b>			
Citation Issued To (owner/resident/business) <b>Allyria Kraweeta Viking</b>			Date Issued <b>1-7-15</b>
Address if different than violation			
City <b>Antioch</b>	State <b>CA</b>	Zip <b>94531</b>	
Driver's License	State	DOB	
Vehicle License	State	Year	Make Model Color

You are being issued an Administrative Citation for the above violation(s). Additional violations may result in additional Administrative fines and/or legal action.

- 1<sup>st</sup> Violation \$100.00 **x 2**
  - 2<sup>nd</sup> Violation \$200.00/\$500.00
  - 3<sup>rd</sup> Violation \$500.00/\$1,000.00
- Refer to the back of this citation for information on paying the amount indicated.

AMC Violation Code Section	Description of Violation(s)	Fine Amount(s)
<b>3.1.2.2(A)</b>	<b>Overgrown Vegetation</b>	<b>\$ 100-</b>
		\$
		\$
<b>5.1.2.2(B)</b>	<b>Fence in disrepair</b>	<b>\$ 100-</b>
		\$
<b>TOTAL DUE:</b>		<b>\$ 200-</b>

Notes: **CE1411-CSD**

Issuing Officer	ID number	Date
<b>R. SOLERA</b>	<b>E11012</b>	<b>1-7-15</b>

**TO AVOID ADDITIONAL CITATIONS, YOU MUST ABATE THE ABOVE VIOLATION(S) ON OR BEFORE: **1-13-15****

Questions regarding payment of this citation, call the Finance Department, (925) 779-7055. Mail payment to:

City of Antioch  
Finance Department  
P.O. Box 5007  
Antioch, CA 94531-5007

To pay in person, the Cashiers are located on the First Floor of City Hall, Third & "H" Streets, Antioch, California  
Monday - Friday - 8:00 a.m. - 4:30 p.m. except holidays

See Reverse Side

WHITE - VIOLATION COPY / YELLOW - NIS COPY / PINK - FINANCE COPY

C2



JAN 13, 2015  
CITATION No. 23883 DTD 1-07-2015  
(MAILED/RECEIVED 1-09-2015)

DEAR SIR/MADAM,

TO EXERCISE MY RIGHT TO APPEAL I AM REQUESTING A HEARING BEFORE AN ADMINISTRATIVE REVIEW PANEL REGARDING THE ABOVE CITATION.

AFTER RECEIVING THE NOTICE OF VIOLATION DATED 11-17-2014, I CALLED DIFFERENT LANDSCAPING SERVICES TO CLEAR THE PROBLEMS. DUE TO CONTINUOUS STORMS AND BAD WEATHER AND HOLIDAYS (CHRISTMAS & NEW YEARS) THE JOB WAS POSTPONED AGAIN AND AGAIN. I TRIED TO NOTIFY MRS. SOUZA AND SHE LATER RESPONDED BY EXTENDING THE DEADLINE BY 12-17-2014. THE PROBLEM WAS THAT THE BAD WEATHER CONTINUED AND THE CONTRACTORS I'VE CALLED REFUSED TO COME DUE TO THE WEATHER AND HOLIDAY. I TRIED TO CALL MRS. SOUZA AGAIN FOR AN EXTENSION BUT SHE'S NOT AVAILABLE SO I LEFT A MESSAGE. I DID NOT HEAR FROM HER THIS TIME.

ON JAN 02, 2015 I MADE AN APPOINTMENT WITH NEW LEGACY CONCRETE & LANDSCAPE TO GIVE ME AN ESTIMATE NOT ONLY TO CLEAN THE YARD BUT ALSO FOR OTHER LANDSCAPING WORK. I ALSO MET WITH CONCRETE SOLUTIONS AND Mt. Diablo CARPENING & LANDSCAPING FOR DRIVEWAY, FENCING & RETAINING WALL WORK.

C<sup>3</sup>

I ALSO BELIEVE THAT I MAYBE UNFAIRLY SINGLED OUT FOR SOME OF THIS VIOLATIONS WHILE MY NEIGHBORS MAYBE CAUSING SOME OF THESE PROBLEMS WITH THEIR DOGS, PLANTS & TREES, AND THEIR ACTIVITIES INSIDE THEIR PROPERTIES.

IT IS NOT MY INTENTION TO DISREGARD THESE CITATIONS AND DEADLINES AND FINES, BUT I HOPE THAT YOU WILL RECONSIDER. I AM REFINANCING MY MORTGAGE LOAN TO LOWER MY PAYMENTS SO I COULD AFFORD TO PAY FOR ALL THE NEEDED LANDSCAPING WORK ON MY PROPERTY. I AM JUST WAITING TO CLOSE BEFORE THE END OF THIS MONTH (JANUARY).

SINCERELY YOURS.

ALBERT A VITIG

*Albert A Vitig*

JANUARY 13, 2015

██████████ MORELUMNE DR.

PANTIOCH, CA. 94531-9114



**RE-INSPECTION FEE**

The violation(s) as indicated on the Notice of Violation or Notice and Order have not been corrected and will require additional inspection(s). In addition to your citation, you have been assessed a re-inspection fee of **\$125.00**. This fee is due within ten (10) days from the date of this notice. Each additional inspection will also be assessed re-inspection fees.

Case #: CE 1411-050 Inspection Date: 1-7-15  
Property address: [REDACTED] Wokelumne Dr APN#: 055-1010-001  
Officer: R. SOUZA Phone #: 779-1153 Date: 1-7-15

White: Case File    Yellow: Owner    Pink: Finance

T./CODE ENFORCEMENT/RE-INSPECTION FEE DOCUMENT

C5



January 23, 2015

Alberto and Henrietta Vitug  
██████ Mokelumne Drive  
Antioch, CA 94531

RE: Administrative Appeal Hearing  
Property Address: ██████ Mokelumne Drive, Antioch  
Citation Date: 01/06/15  
Citation #: 23883

Dear Mr. and Mrs. Vitug,

We are in receipt of your written appeal and \$200 payment regarding the citation received for "Specific Nuisances Prohibited [§5-1.202(A2) and §5-1.202(B)]".

Please be advised your appeal is scheduled for **Thursday, February 5, 2015, at 3:00 p.m.** in the Council Chambers (across the breezeway from City Hall).

The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Agenda information, click on the following link and then double click 'Board of Administrative Appeals': <http://www.ci.antioch.ca.us/CityGov/agendas/>. Other locations to view the Agenda are the City Council Chambers front window, City Clerk's Office, Antioch Branch Library, Senior Center on 2<sup>nd</sup> Street, and the Antioch Community Center on Lone Tree Way.

This case will be heard and a decision rendered by the Board of Administrative Appeals.

A General Information sheet is enclosed to answer any questions you may have regarding the appeal.

Sincerely,

CHRISTINA GARCIA  
Deputy City Clerk

cc: Code Enforcement

Enclosure

---

Office of the City Clerk  
200 H Street  
P. O. Box 5007  
Antioch CA 94531-5007  
Phone: (925) 779-7009/ Fax: (925) 779-7007

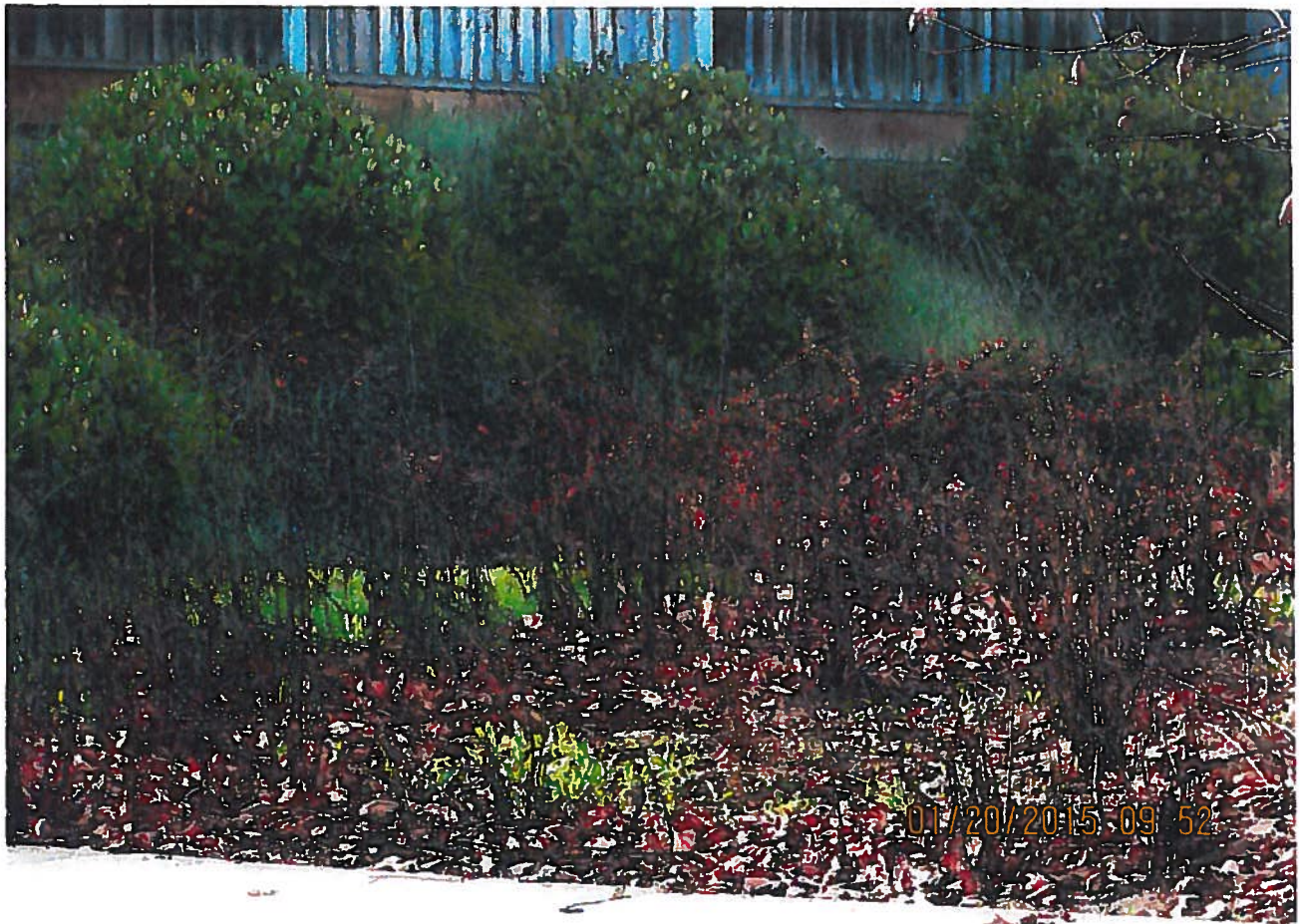
Cl6



01/20/2015 09 53



01/20/2015 09 53



DI

1 CITY OF ANTIOCH  
2 Third and "H" Streets  
3 P.O. Box 5007  
4 Antioch, CA 94531-5007  
5 925-779-7015

6 ADMINISTRATIVE CITATION HEARING  
7 PURUSANT TO SECTION 1-5.05 OF ANTIOCH MUNICIPAL CODE  
8

9 In re the Matter of:  
10 ALBERTO VITUG [APPELLANT]

Citation No.: 23883 [REDACTED] MOKELUMNE DR,  
ANTIOCH, CA)

[PROPOSED] DECISION OF BOARD OF  
ADMINISTRATIVE APPEALS

11  
12  
13  
14 I. GENERAL FINDINGS:

- 15 1. City of Antioch Citation No. 23883 was upheld.
- 16 2. City of Antioch Citation No. 23883 [REDACTED] Mokelumne Drive, Antioch, CA) was duly issued on  
17 January 7, 2015 citing two violations of the Antioch Municipal Code section §5-1.202(A2) which  
18 states is it a public nuisance to have overgrown, dead or decayed trees, weeds or other vegetation  
19 which pose a risk of harm to the public, or constitute visual blight or reduce the aesthetic  
20 appearance of the neighborhood, or are offensive to the senses, or are detrimental to the use of  
21 and enjoyment of nearby properties, or reduce nearby property values due to its visibility from the  
22 public right-of-way. Antioch Municipal Code section §5-1.202(B) any building or other  
23 structure, including, but not limited to, walls, fences, signs or retaining walls, which are broken,  
24 deteriorated or substantially defaced (including defacement by markings commonly referred to as  
25 "graffiti") so that the disrepair poses a risk of harm to the public, or constitutes visual blight or  
26 reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is  
27 detrimental to the use and enjoyment of nearby properties, or reduces nearby property values due  
28 to its visibility from the public right-of-way.
3. The Citation concerns Municipal Code violations at [REDACTED] Mokelumne Drive, Antioch, California.  
At all relevant times Appellant was the owner of the property and/or the responsible party.
4. Appellant appealed Citation No. 23883 on January 13, 2015.
5. An Administrative Appeals Board Hearing regarding the appeal was set for February 5, 2015 at  
3:00 p.m. at the Antioch City Council Chambers, and the Appellant was duly notified by the City  
Clerk.

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6. Chapter 5 of Title 1 of the Antioch Municipal Code allows police officers, as well as other City officials enumerated in the Municipal Code to issue administrative citations to persons responsible for a violation of the Antioch Municipal Code.

II. SPECIFIC FINDINGS:

An Administrative Appeals Board Hearing regarding Appellant's appeal of the Citation was duly held on February 5, 2015, at 3:00 p.m. Evidence, both oral and documentary, was taken and based on the preponderance of said evidence, the following specific findings are made:

1. On November 17, 2014, CEO Souza conducted an inspection and a Notice of Violation letter was sent to Alberto & Henrietta Vitug (property owner) of [REDACTED] Mokelumne Drive, Antioch, CA for violations of the Antioch Municipal Codes.
2. On December 4, 2014, CEO Souza received a phone call from Mr. Vitug requesting an extension to bring the property into compliance. An extension was granted until the 17<sup>th</sup> of December.
3. On December 17, 2014, CEO Souza received a phone call from Mr. Vitug requesting another extension to bring the property into compliance. An extension was granted until the 31<sup>st</sup> of December.
4. On January 7, 2015, CEO Souza conducted a follow up inspection and the violations had not been corrected. An Administrative citation was issued to Alberto & Henrietta Vitug in the amount of \$200.00 (\$100.00 for overgrown vegetation and \$100.00 for fence in disrepair.) A \$125.00 re-inspection fee was also issued to Alberto & Henrietta Vitug.
5. On January 9, 2015, Mr. Vitug filed an appeal for an Administrative hearing.
6. On January 20, 2015, CEO Souza conducted another inspection and the violations remain on the property and in public view.
7. Appellant has continued conduct in violation of Antioch Municipal Code section §5-1.202(A2) and §5-1.202(B) despite the warnings.
8. The Board finds that the reasons given by Appellant for these ongoing violations are not credible and are not mitigations for her unlawful conduct.



1 Based on a preponderance of evidence, the Board finds that there was probable cause to issue the citation and the  
2 appeal is denied. The citation deposit amount will not be refunded.

3 III. NOTICE:

4 Notice of this decision shall be given to the Appellant, by hand delivering a copy of these Findings  
5 and Decision to Appellant or by mailing a copy by first class U.S. Mail, addressed to Alberto &  
Henrietta Vitug, [REDACTED] Mokelumne Drive, Antioch, CA, 94509.

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7 Dated: February 5, 2015

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9 CHAIRPERSON OF THE BOARD

10 **Notice of Right To Appeal Decision:** Any person aggrieved by an Administrative Board of Appeals may obtain  
11 review of the decision by the Contra Costa Superior Court, 725 Court Street, Martinez, CA, 94553, pursuant to  
12 Section 53069.4 of the California Government Code.  
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