



**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**ANTIOCH COMMUNITY CENTER**  
**Community Hall C**  
**4703 Lone Tree Way, Antioch**

**FEBRUARY 6, 2020**  
**3:00 P.M.**

**3:00 P.M.**

**ROLL CALL**

Deborah Simpson, Chairperson  
Ademuyiwa "Ade" Adeyemi, Vice Chairperson  
Marie Livingston  
Darrell Goodbeer  
Antwon Webster  
*Vacant, Alternate*

**PLEDGE OF ALLEGIANCE**

**1. CONSENT CALENDAR**

**A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR  
DECEMBER 5, 2019**

Recommended Action: Motion to approve the Minutes.

**B. CODE ENFORCEMENT – APPROVAL OF THE LEVY OF SPECIAL  
ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE  
CITATIONS AND LIEN PROCESSING FEES FOR THE MONTH OF NOVEMBER  
2019**

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.

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

**WRITTEN/ORAL COMMUNICATIONS**

**MOTION TO ADJOURN:** *After Written/Oral Communications, the Chair will make a motion to adjourn the meeting. A second of the motion is required, and then a majority vote is required to adjourn the meeting.*

**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: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/> or at the City Clerk's Office, City Hall, 200 H Street, Antioch, CA 94509, Monday through Friday, 8:00 a.m. to 5:00 p.m., for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection.

**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 near the entrance doors, and place in the Speaker Card Tray near the City Clerk's table. 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".

**IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND CALIFORNIA LAW**, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: [publicworks@ci.antioch.ca.us](mailto:publicworks@ci.antioch.ca.us).

**PLEASE TURN OFF CELL PHONES BEFORE ENTERING THE MEETING LOCATION.**

**Unpaid Citations and  
Abatements for Board of Appeals-February 6, 2020**

AR	Case	APN	Amount	Lien Processing Fee	Site Address	Owner last	Owner first	Mailing address	Paid
AR159612	CE1908-205	076-361-019	\$1,233.00	\$296.00	2212 Jefferson Wy.	Kent	Bickford		
AR159610	CE1910-080	068-584-020	\$333.00	\$296.00	3325 Bluejay Dr.	Bialock	William		
AR159585	CE1910-169	075-394-036	\$343.00	\$303.00	3831 Hummingbird Dr.	Cuevas	Omar Alcala Fleet Jessica		
	CE1911-039	055-420-024	\$733.00	\$296.00	5433 Southwood Wy.	Dai Wei	Wang		
AR159611	CE1911-039	055-420-024	\$100.00		5433 Southwood Wy.	Dai Wei	Wang		
AR159872	CE1911-133	075-442-015	\$433.00	\$296.00	3547 Heron Wy.	Darby	Eric		
AR159613	CE1908-219	071-212-010	\$333.00	\$303.00	208 Longview Ct.	Fulks	Henry & Betty Tre		
AR159712	CE1908-219	071-212-010	\$733.00		208 Longview Ct.	Fulks	Henry & Betty Tre		
AR159887	CE1908-219	071-212-010	\$1,233.00		208 Longview Ct.	Fulks	Henry & Betty Tre		
AR159757	CE1907-334	055-090-053	\$333.00	\$296.00	2627 Whitetail Dr.	Flores	Manuela D Tre		
AR159587	CE1910-066	076-350-039	\$1,333.00	\$296.00	2916 Garfield Pl.	Green	Richard O	2054 Bonifacio St #A Concord CA 94520	
AR159614	CE1910-066	076-350-039	\$2,233.00		2916 Garfield Pl.	Green	Richard O	2054 Bonifacio St #A Concord CA 94520	
AR159714	CE1910-066	076-350-039	\$2,233.00		2916 Garfield Pl.	Green	Richard O	2054 Bonifacio St #A Concord CA 94520	
AR159713	CE1910-329	055-250-068	\$333.00	\$296.00	2524 Crocker Wy.	Grant	Katherine L		
AR159791	CE1910-329	055-250-068	\$733.00		2524 Crocker Wy.	Grant	Katherine L		
AR159715	CE1910-114	055-440-003	\$333.00	\$303.00	1940 Kern Mountain Wy.	Guzman	Francisco & Yuviza J		
AR159615	CE1910-114	055-440-003	\$733.00		1940 Kern Mountain Wy.	Guzman	Francisco & Yuviza J		
AR159716	CE1910-251	052-012-028	\$1,233.00	\$296.00	2751 Hillcrest Ave.	Harman KFC Investments		PO Box 572530 Salt Lake City UT 84157-2530	
AR159588	CE1910-212	072-212-013	\$453.00	\$303.00	336 Boulder Dr.	Hendricks	Maurice & Monique		
AR159717	CE1910-212	072-212-013	\$1,233.00		336 Boulder Dr.	Hendricks	Maurice & Monique		
AR159589	CE1910-104	075-610-001	\$783.00	\$296.00	2417 Cambridge Dr.	Lin	Zhong Yi		
AR159718	CE1910-104	075-610-001	\$1,233.00		2417 Cambridge Dr.	Lin	Zhong Yi		
AR159601	CE1910-299	075-291-011	\$333.00	\$296.00	2105 Cordoba Wy.	Le	Hong Dan Thi		
AR159602	CE1910-376	089-570-026	\$200.00	\$296.00	4040 Roberts Ct.	Lodinoff	Stephanie		
AR159792	CE1910-275	055-500-019	\$333.00	\$303.00	5204 Saddle Mtn Wy.	Moreno	Jose & Maria D Felipe		
AR159767	CE1911-005	065-121-014	\$433.00	\$303.00	904 Minaker Dr.	Malve	Pravinchandra & Sujata	2311 Grimsby Dr. Antioch CA 94509	
AR159761	CE1908-039	075-411-012	\$1,233.00	\$296.00	3932 Kite Wy.	Madison	Clayborn		
AR159590	CE1908-039	075-411-012	\$783.00		3932 Kite Wy.	Madison	Clayborn		
AR159604	CE1910-120	075-480-009	\$733.00	\$296.00	4919 Union Mine Ct.	Mai	Sandra Yan		

**ATTACHMENT A**

**Unpaid Citations and  
Abatements for Board of Appeals-February 6, 2020**

AR159765	CE1910-120	075-480-009	\$1,233.00		4919 Union Mine Ct.	Mai	Sandra Yan	
AR159880	CE1908-213	055-120-012	\$333.00	\$296.00	4409 Whitehoof Wy.	Pandey	Rajesh	243 Latera Ct. San Ramon CA 94582-4680
AR159781	CE1905-071	053-600-027	\$1,233.00	\$296.00	4478 Buckeye Wy.	Pandhe	Rahul Kulakarni Kerri	598 Calistoga Cir. Fremont CA 94536
AR159782	CE1910-145	071-272-002	\$333.00	\$296.00	3100 Camby Rd.	Price	Khathune B.	
AR159038	CE1908-221	068-514-004	\$783.00	\$296.00	Cavallo Rd.	QIG Holding LLC.		2220 Trinity Dr. Brentwood CA 94513
AR159595	CE1908-221	068-514-004	\$1,333.00		Cavallo Rd.	QIG Holding LLC.		2220 Trinity Dr. Brentwood CA 94513
AR159607	CE1909-070	051-200-061	\$1,733.00	\$296.00	2435 Phillips Ln.	Schwartz	Adita Bueno	4262 Rosewood Dr. Concord CA 94521
AR159784	CE1909-070	051-200-061	\$2,233.00		2435 Phillips Ln.	Schwartz	Adita Bueno	4262 Rosewood Dr. Concord CA 94521
AR159878	CE1909-070	051-200-061	\$3,233.00		2435 Phillips Ln.	Schwartz	Adita Bueno	4262 Rosewood Dr. Concord CA 94521
AR159596	CE1910-177	076-453-014	\$343.00	\$296.00	2412 Tomkins Wy.	Singh	Raman P Randhawa Kirandeep	1017 Chesapeake Dr. Pittsburg CA 94565
AR159608	CE1910-177	076-453-014	\$733.00		2412 Tomkins Wy.	Singh	Raman P Randhawa Kirandeep	1017 Chesapeake Dr. Pittsburg CA 94565
AR159594	CE1909-072	072-400-005	\$783.00	\$303.00	4713 Matterhorn Ct.	Tse	Wilson Shun Tang Ding Qia-Ling	1670 33rd Ave San Francisco CA 94122
AR159788	CE1909-072	072-400-005	\$1,233.00		4713 Matterhorn Ct.	Tse	Wilson Shun Tang Ding Qia-Ling	1670 33rd Ave San Francisco CA 94122
AR159789	CE1911-018	089-580-031	\$333.00	\$303.00	4053 Barn Hollow Wy.	Wright	Michael & Regina	2080 Mountain Blvd. Oakland CA 94611
AR159794	CE1911-018	089-580-031	\$733.00		4053 Barn Hollow Wy.	Wright	Michael & Regina	2080 Mountain Blvd. Oakland CA 94611
<b>Total</b>			<b>\$39,326.00</b>	<b>\$8,048.00</b>				
<b>Grand Total</b>			<b>\$47,374.00</b>					

**ATTACHMENT A**

**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Regular Meeting  
3:00 P.M.**

**December 5, 2019  
Antioch Community Center**

Chairperson Simpson called the meeting to order at 3:00 P.M. on Thursday, December 5, 2019 in the Council Chambers.

**ROLL CALL:**

Present: Board Members Adeyemi, Webster, Livingston and Chairperson Simpson  
Absent: Board Member Goodbeer

Staff Present: City Attorney, Thomas Lloyd Smith  
City Clerk, Arne Simonsen  
Minutes Clerk, Kitty Eiden  
Code Enforcement Manager, Curt Michael  
Code Enforcement Assistant, Denise Skaggs  
Code Enforcement Officer, Pete Ceja

**PLEDGE OF ALLEGIANCE**

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

**1. CONSENT CALENDAR**

**A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR NOVEMBER 7, 2019**

On motion by Board Member Adeyemi, seconded by Board Member Livingston, the Board of Administrative Appeals members present unanimously approved the Minutes for November 7, 2019. The motion carried the following vote:

*Ayes: Adeyemi, Webster, Livingston and Simpson*

*Absent: Goodbeer*

**B. CODE ENFORCEMENT APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF OCTOBER 2019.**

On motion by Board Member Webster, seconded by Board Member Adeyemi, the Board of Administrative Appeals members present unanimously confirmed each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property for the total amount of \$22,107. The Board also directed that the same be recorded with the Contra Costa County Recorder's Office. The motion carried the following vote:

*Ayes: Adeyemi, Webster, Livingston and Simpson*

*Absent: Goodbeer*

2. **REGULAR AGENDA**

City Attorney Smith explained the manner in which the proceedings would be conducted.

**OATH** for all intending to testify

City Clerk Simonsen administered the Oath to all those intending to testify.

A. **CASE NO. CE1909-078 – APPEAL FILED BY HESTER “MARIE” HAMPTON, 1716 PETIT PEAK COURT, ANTIOCH, CA – VIOLATION OF ANTIOCH MUNICIPAL CODE §5-1.202(D).**

Code Enforcement Manager Michael announced that Ms. Hampton contacted Code Enforcement and rescinded the appeal advising that the violation had been corrected, and the vehicle was removed from the property. He reported that upon reinspection Code Enforcement had confirmed that the vehicle had been removed.

B. **CASE NO. CE1909-015 / ADMINISTRATIVE CITATION NO. 28890 – APPEAL FILED BY HISHAM ABU AL SHAER, 5132 UNION MINE DRIVE, ANTIOCH, CA – VIOLATION OF ANTIOCH MUNICIPAL CODE §7-2.623(A)(2).**

Code Enforcement Officer Ceja presented the staff report dated November 5, 2019 recommending the Board of Administrative Appeals uphold the Citation #28890 in the amount of \$333 issued to Hisham Abul-Al Shaer on October 15, 2019 for violation of Antioch Municipal Code 7-2.623 (A) (2).

In response to Board Member Webster, Code Enforcement Officer Ceja confirmed all photos in the staff report were taken by Code Enforcement.

In response to City Attorney Smith, Code Enforcement Officer Ceja clarified that the shrubs encroached into the sidewalk by approximately 15-inches.

In response to Chairperson Simpson, Code Enforcement Officer Ceja explained that the photo dated September 17, 2019 showed the shrubs trimmed at an angle; however, they were still encroaching into the sidewalk area. He noted the citation was issued on October 15, 2019 and the photo from that date showed the same shrubs from a different angle.

Board Member Adeyemi stated that he felt it was confusing because the photos were taken from different angles.

Code Enforcement Officer Ceja further explained that a violation lasted up to a year so if the same violation occurred within that timeframe, it went straight to a citation.

Hisham Abu-al Shaer stated that on September 4, 2019 he received a citation for his shrubs being on the sidewalk and he complied so the sidewalk was no longer blocked. He noted it was then stated that the shrubs were still blocking the sidewalk which was untrue. He further noted

that the plants were there for 10-years and he had had no complaints from his neighbors. He commented that he felt the citation was unfair. He presented the Board and staff with a photo on his cellphone showing that the shrubs had been completely removed.

In response to Chairperson Simpson, Mr. Abu-al Shaer confirmed that Code Enforcement had issued a warning on September 4, 2019 to correct the violation and the shrubs were trimmed 2-3 days after he received that notice. He stated he believed he had complied with what was asked.

Chairperson Simpson stated that the photo from October 15, 2019 showed the shrubs had grown back into the sidewalk area.

Mr. Abu-al Shaer responded that he believed that it appeared as though the shrubs impeded the sidewalk due to the angle of the photo.

City Attorney Smith asked Mr. Abu-al Shaer if he understood that the Municipal Code called for the appellant to conduct the maintenance required to keep the shrubs out of the sidewalk and to ensure that it was kept clear for pedestrians.

Mr. Abu-al Shaer responded that after he trimmed the shrubs, the sidewalk was cleared for pedestrians and he did not believe they had grown back so fast that on October 15, 2019, they were blocking the sidewalk again.

City Attorney Smith commented that the photos showed that the sidewalk was impeded.

Mr. Abu-al Shaer responded that after the shrubs were trimmed, there was room to walk on the sidewalk and there was no reason for a citation.

City Attorney Smith asked Mr. Abu-al Shaer if he believed the shrubs had grown into the sidewalk.

Mr. Abu-al Shaer responded that even after the shrubs grew back, he did not believe the sidewalk was blocked.

Chairperson Simpson stated the notice of violation was issued on September 4, 2019 and under the notes, it stated to cut back shrubs blocking sidewalk and keep right of way clean. She noted it was the homeowner's responsibility to make sure that the right of way was kept cleared. She further noted upon reinspection they had grown back and needed to be trimmed again.

Mr. Abu-al Shaer reiterated that he maintained the shrubs and did not believe that one month later they were blocking the sidewalk again.

In response to Board Member Webster, City Attorney Smith explained that at the point in time when the shrubs encroached the sidewalk the citation was issued with the expectation that the homeowner come into compliance immediately. He noted that if they were cited again because they were not in compliance, the citation stands and they were still expected to come into

compliance because if they failed to do so, another citation could be issued. He commented that it was incumbent upon the person cited to come into compliance as soon as possible.

Board Member Adeyemi stated that he was in compliance now; however, the homeowner was responsible to keep the sidewalk clear and when the citation was issued, he was not in compliance.

Chairperson Simpson agreed and noted that when Code Enforcement reinspected the property on October 15, 2019, the shrubs had grown out and a citation was issued. She stated that the notice of violation and citation indicated that the homeowner must keep the shrubs completely clear of the sidewalk, and continuously maintained.

City Attorney Smith clarified that if the Board denied the appeal, the citation stood and if they approved the appeal, the citation would not stand.

City Clerk Simonsen added that another option for the Board would be to deny the appeal and uphold the citation for the full or lesser amount.

City Attorney Smith responded, that option would be based on the fact that the code was wrongly applied or the Board supported an alternate ruling.

Board Member Livingston commented that the homeowner had trimmed the shrubs; however, on October 15, 2019 they were once again blocking the sidewalk.

On motion by Board Member Livingston, seconded by Board Member Webster, the Board of Administrative Appeals denied the appeal and upheld the Citation #28890 in the amount of \$333 issued to Hisham Abul-Al Shaer on October 15, 2019 for violation of Antioch Municipal Code 7-2.623 (A) (2). The motion carried the following vote:

*Ayes: Webster, Livingston and Simpson*

*Noes: Adeyemi*

*Absent: Goodbeer*

**PUBLIC COMMENTS** – None

### **WRITTEN/ORAL COMMUNICATIONS**

City Clerk Simonsen announced that the January 2020 meeting for the Board of Administrative Appeals had been cancelled and the next meeting would be February 6, 2020.

City Attorney Smith stated that the renovations to Council Chambers may be completed by the February meeting.

### **ADJOURNMENT**

On motion by Board Member Webster, seconded by Board Member Livingston, the Board of Administrative Appeals unanimously adjourned the meeting at 3:40 P.M.



Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk



**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR  
CONSIDERATION AT THE HEARING ON FEBRUARY 6, 2020**

**Prepared by:** Curt Michael, Code Enforcement Manager *Curt Michael*  
**Date:** January 23, 2020  
**Subject:** Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Lien Processing Fees for the Month of November, 2019.

**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 month of November, 2019 in the grand total amount of **\$47,374.00**

**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

**Unpaid Citations and  
Abatements for Board of Appeals-February 6, 2020**

AR	Case	APN	Amount	Lien Processing Fee	Site Address	Owner last	Owner first	Mailing address	Paid
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Abatements for Board of Appeals-February 6, 2020**

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AR159038	CE1908-221	068-514-004	\$783.00	\$296.00	Cavallo Rd.	QIG Holding LLC.		2220 Trinity Dr. Brentwood CA 94513
AR159595	CE1908-221	068-514-004	\$1,333.00		Cavallo Rd.	QIG Holding LLC.		2220 Trinity Dr. Brentwood CA 94513
AR159607	CE1909-070	051-200-061	\$1,733.00	\$296.00	2435 Phillips Ln.	Schwartz	Adita Bueno	4262 Rosewood Dr. Concord CA 94521
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<b>Total</b>			<b>\$39,326.00</b>	<b>\$8,048.00</b>				
<b>Grand Total</b>			<b>\$47,374.00</b>					

**ATTACHMENT A**