



**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers  
200 "H" Street**

**AUGUST 7, 2014  
3:00 P.M.**

**REVISED**

**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 JULY 24, 2014

Recommended Action:    Motion to continue

MINUTES

**2.    APPEALS**

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

STAFF REPORT

**A.**    **CASE NO. CE1406-033 / APN NO. 056-190-005-1** – Appeal of Abatement Notice issued regarding Solid Waste and Recycling; Mandatory Service [§6-3.02(F)] and Solid Waste and Recycling Containers; Location [§6-3.03(C)] for Tony Vuong/Stephanie Tran, 5254 Prewett Ranch Drive, Antioch, CA

**3.    NEW ITEM – CODE ENFORCEMENT, ABATEMENT AND CITATION PRESENTATION**

Recommended Action:    Motion to receive and file

**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.***

**REPORT FROM THE CITY CLERK'S OFFICE TO THE BOARD MEMBERS FOR  
CONSIDERATION AT THE BOARD OF ADMINISTRATIVE APPEALS MEETING OF  
AUGUST 7, 2014**

**PREPARED BY:** Christina Garcia, Deputy City Clerk



**APPROVED BY:** Michelle Fitzer, Administrative Services Director



**DATE:** July 31, 2014

**SUBJECT:** APPROVAL OF THE BOARD OF ADMINISTRATIVE APPEALS  
SPECIAL MEETING MINUTES

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The Board of Administrative Appeals Special Meeting Minutes of July 24, 2014 will be continued to the next meeting.

**STAFF REPORT TO THE ADMINISTRATIVE REVIEW PANEL  
FOR CONSIDERATION AT THE HEARING ON AUGUST 7, 2014**

**PREPARED BY:** Julie Haas-Wajdowicz, Environmental Resource Coordinator  
City of Antioch

**PREPARED FOR:** Administrative Board of Appeals

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

**DATE:** July 29, 2014

**SUBJECT:** Case No. CE1406-033 ; Prewett Ranch Dr.  
Violation of Antioch Municipal Codes §6-3.02(F) and §6-3.03(C)

**REQUEST:**

Ms. Stephanie Tran requested a hearing to appeal Abatement Invoice issued on June 17 2014, citing violation of the **Antioch Municipal Code Section:**

**§6-3.02(F)** - Failure to subscribe for the collection of Solid Waste, Rubbish and Recyclable Materials as required by this Code in unlawful. In addition to the penalties provided on Chapter 2 of Title 1 of this Code, failure to subscribe for the collection and disposal of Solid Waste, Rubbish and Recyclable Materials may also result in abatement action by the City, including the City subscribing to the collection service on behalf of the property owner in incremental periods of six months and the imposition of a special assessment lien upon the property for recovery of costs thereof in accordance with the procedures set forth in sections 1-5.09 and 5-1.309 of this Code.

Mandatory service is a very common way for California urban and suburban communities to insure that all occupied residences and business have a minimum level of solid waste collection services to properly dispose of garbage every 7 days as is required by health code. Recycling services provided with the service provide customers with the option to divert materials that don't have a redemption value. This aspect of the mandatory service helps the City and our residents to maintain compliance with state waste diversion legislation. By making sure that all residents have service, the level of illegal dumping can be reduced.

**BACKGROUND INFORMATION:**

On 5-30-14, Republic Services did a street review and sent notices of violation to all addresses on Prewett Ranch Dr that did not have active waste removal service.

On 6-11-14, I spoke on the phone with Ms Tran. I explained that all occupied residences have to have garbage service per AMC §6-3.02. She doesn't believe that she should be

required to have the service as she goes over to her brother's home for meals, she takes her garbage to his service and cashes in all her beverage containers. I explained that sharing service was not allowed per AMC§6-3.03(C).

On 6-16-14, Staff conducted a site inspection to verify occupancy and noted that there was a van in the driveway. Additionally, the mailing address for the property with the Assessor's is the site address. The same is also true for the water account.

On 6-17-14, the Abatement Invoice was prepared. Since Ms Tran had attempted to file an appeal with the City Clerk prior to the abatement, a note was written on the Abatement Invoice letting Ms Tran know that now was the time to file, if she wished to do so. (Attachment A).

On 6-18-14, Ms Tran hand delivered to Neighborhood Improvement Services, a letter explaining why they do not need service and asking us to "reconsider our message" (Attachment B). In her letter, she argues that they away from home every day for an extended period and share service with her brother, nearby.

On 6-19-14 I mailed a reply to Ms Tran's letter dated 6-16-14, explaining that sharing service was not allowed per §6-3.03(C). (Attachment C)

Additionally, staff cannot grant an exemption to mandatory garbage service as the property is occupied. AMC§6-3.02(H) states that:

*Any person, firm, corporation or other entity may apply for an exemption to the requirements of this Article upon the showing that the premises are unoccupied. Such application shall be made on any form supplied by the City.*

On 6-24-14, Ms Tran filed for an appeal. Since this was done prior to the abatement going into effect, the abated garbage service has been put on hold pending the scheduling of the hearing and the ruling from the Appeals Board. (Attachment D).

### **RECOMMENDATION:**

Recommendation to uphold the abatement process initiated by staff. In doing so, staff will subscribe the property for six months of service in compliance with Antioch Municipal Codes §6-3.02(F) on August 18, 2014 unless service has been initiated by the resident prior to that date.

### **ATTACHMENTS:**

- A: Abatement Invoice
- B: 6-16-14 letter from Ms Tran
- C: 6-19-14 letter to Ms Tran
- D: Ms Tran's appeal

# ATTACHMENT "A"

COMMUNITY DEVELOPMENT



P.O. Box 5007, Antioch, CA 94531-5007

6/17/2014

Tony Vuong / Sephanie Tran  
Prewett Ranch Dr  
Antioch, CA 94531-8477

## ABATEMENT INVOICE

Abatement Address: Prewett Ranch Dr  
APN NO: 056-190-005-1  
Case NO: CE1406-033

Dear Property Owner:

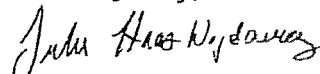
The above reference property has been subscribed for garbage service as is allowed per AMC §6-3.02(F). If service is setup with Republic Service reinstated by 7/9/2014, this abatement will be rescinded. You may reach Republic Services at (925) 685-4711 to start service. If no action is taken by the deadline above, the City will begin service on 7/14/2014 and run for 6 months. The following is a list of incurred abatement costs to the City of Antioch on 6/17/2014 at the referenced violation address:

6 months of solid waste collection service with Republic Services with a 32 gallon garbage cart (7/14/2014 through 1/16/2015)	161.82
Administration fee	250.00
<b>TOTAL</b>	<b>\$411.82</b>

You may remit payment to: City of Antioch  
Neighborhood Improvement Services  
P.O. Box 5007  
Antioch, CA 94531-5007

If you wish to file an appeal, you must do so with the City Clerk within 10 calendar days from the date of this notice. If you have any further questions, please contact me at (925) 779-7097.

Yours very truly,

  
Julie Haas-Wajdowicz  
Environmental Resource Coordinator

JHW

Building Services Phone: (925) 779-7065 - Fax: (925) 779-7034  
Planning Services Phone: (925) 779-7035 - Fax: (925) 779-7034  
Neighborhood Improvement Services Phone: (925) 779-7042 - Fax: (925) 779-7034  
Residential Rental Inspection Program Phone: (925) 779-6179 - Fax: (925) 779-7034  
Land Development/Engineering Phone: (925) 779-7035 - Fax: (925) 779-7034

*Stephanie,  
now is the  
time to  
appeal.  
Julie Haas*

# ATTACHMENT "B"

June 16, 2014

Ms. Julie Haas-Wajdowicz  
City of Antioch, City Hall  
Neighborhood Improvement Services  
200 H Street, 2nd floor

RE: Waste Collection and Disposal Service at Prewett Ranch Dr. Antioch, CA

Dear Ms. Haas-Wajdowicz:

I have called numerous times and spoken with different City Representatives. No one has given me a straight answer until I spoke with you last Thursday on June 12. I was told by you that I could appeal my case. So I spoke with a gentleman in the County Clerk office on the 1st floor. He referred me to speak with a representative on the 3rd floor. She told me that I cannot appeal my case yet because the letter I received was not a citation and that I can only appeal a citation. She then asked me to speak with you to resolve my case.

At our home, Prewett Ranch Drive, we only have two people currently living and producing waste: my husband (Tony Vuong) and myself. My husband works an average of twelve hours a day for six days a week. I work an average of sixteen hours a day for seven days a week. We seldom eat breakfast and lunch, and if we do, we eat at work. Because we are so busy, we often eat dinner with my mother at my brother's house at Oso Grande Way, only a few blocks from our house. My brother works on a commercial shipyard and travels out of the States nine or more months out of a year. Even for the two months that he's off work, he travels for vacation and spends four to six weeks out of his home. In other words, he hardly lives in his house. My mother is basically house-sitting for him.

As a result of having only three people living in two different houses and two of us rarely at home, we do not have much waste to dispose of. At our home, we empty less than half of a thirteen gallon garbage bag, twice a week (Monday & Friday) at the most. Any trash that accumulates at our home, we take to my brother's. There, we only fill up the smallest waste bins halfway every week. We also take recyclables, like cans & plastic bottles, to the Antioch Recycle Center on Sunset Lane. We take burned light bulbs to Lowe's & used batteries to Staples.

As per the City's letter we received, it stated that it is a violation of the Antioch Municipal Code for failing to subscribe for the collection of solid waste. However, we do in fact have a legal and valid place subscribed for the service for which we dispose our waste, at my brother's. It is not right for the City to force us to subscribe for the waste collection service at a location for which we do not need the service. Therefore, we would like to ask the City to reconsider its message that we received. Thank you for your time and understanding, please let us know of any further concerns you may have.

Sincerely,

Stephanie Tran

# ATTACHMENT "C"



Tran, Stephanie  
PREWETT RANCH DR  
ANTIOCH, CA 94531

Date 6/19/2014

Case No. CE1406-033  
Parcel No. 056190005  
Address: PREWETT RANCH DR, ANTIOCH, CA

Ms Tran,

This letter is a reply to the letter that was delivered to Julie Haas-Wajdowicz on June 18, 2014. Unfortunately, I cannot exempt you from the mandatory garbage service requirement set for in AMC SECTION §6-3.02(F). Additionally, sharing service with your brother is not permitted per AMC SECTION §6-3.03(C):

*Solid waste, green waste, and recyclables shall not be transferred from a nonsubscribing premises to any other premises.*

Based on the two sections of the Antioch Municipal Code reference above, every occupied residence in the City of Antioch must have their own service. On June 17, 2014 I prepared an Abatement Notice for your property. This gives you until July 9, 2014 to start service. **If you wish to file an appeal, now that you have received the abatement notice, you must do so with the City Clerk within 10 calendar days from the date of that notice.**

If you have any questions, you may contact me at (925) 779-7097 during regular business hours.

Sincerely,

  
JULIE HAAS WAJDOWICZ  
Environmental Resource Coordinator

Community Development Department

P.O. Box 5007 • 200 H Street • Antioch, CA 94531 5007 • TEL: 925 779 7035 • FAX: 925 779 7044 • [www.ci.antioch.ca.us](http://www.ci.antioch.ca.us)



ATTACHMENT "D"

City of Antioch  
Decision Appeal Application

RECEIVED

JUN 23 2014

CITY OF ANTIOCH  
CITY CLERK

CITY OF ANTIOCH ATTN: CITY CLERK P.O. BOX 5007 ANTIOCH, CA 94531-5007 (925) 779-7009	
Date of Decision: <sup>June 9<sup>th</sup></sup> <del>July</del> 17, 2014	
Name: Stephanie Tran	
Property Address: Prewett Ranch Dr. Antioch CA 94531	
Mailing Address: Same as above	
Home Phone: 925-	Work Phone: 925-
<b>REASON FOR APPEAL</b>	
apple for an exemption / exception not to subscribe to the waste collection service which we don't really need and unnecessary.	
Signature: <i>Stephanie Tran</i>	Date: 6/23/14

June 23, 2014

City Clerk  
City of Antioch, City Hall  
Neighborhood Improvement Services  
200 H Street, 2nd floor

RE: Waste Collection and Disposal Service at Prewett Ranch Dr. Antioch, CA

To Whom This May Concern:

I was told by Ms. Julie Haas Wajdowicz to contact City Clerk to file an appeal or apply for an exemption / exception to our circumstance not to subscribe to the waste collection service which we don't really need and we think it's unnecessary.

Here is our situation: At our home , Prewett Ranch Drive, we only have two people currently living and producing waste: my husband (Tony Vuong) and myself. My husband works an average of twelve hours a day for six days a week. I work an average of sixteen hours a day for seven days a week. We seldom eat breakfast and lunch, and if we do, we eat at work. Because we are so busy, we often eat dinner with my mother at my brother's house at Oso Grande Way, only a few blocks from our house. My brother works on a commercial shipyard and travels out of the States nine or more months out of a year. Even for the two months that he's off work, he travels for vacation and spends four to six weeks out of his home. In other words, he hardly lives in his house. My mother is basically house-sitting for him.

As a result of having only three people living in two different houses and two of us rarely at home, we do not have much waste to dispose of. At our home, we empty less than half of a thirteen gallon garbage bag, twice a week (Monday & Friday) at the most. Any trash that accumulates at our home, we take to my brother's. There, we only fill up the smallest waste bins halfway every week. We strongly believe in recycle & reuse. We take recyclables, like cans & plastic bottles, to the Antioch Recycle Center on Sunset Lane. We take burned light bubs to Lowe's & used batteries to Staples. We reuse plastic bags, papers, & envelopes, etc. I often bring my own reusable bags to grocery store.

As per the City's letter we received, it stated that it is a violation of the Antioch Municipal Code for failing to subscribe for the collection of solid waste. However, we do in fact have a legal and valid place subscribed for the service for which we dispose our waste, at my brother's. It is not right for the City to force us to subscribe for the waste collection service at a location for which we do not need the service. Therefore, we would like to ask the City to reconsider its message that we received. Thank you for your time, understanding and consideration.

Sincerely,

Stephanie Tran



June 26, 2014

Tony Vuong / Stephanie Tran  
Prewett Ranch Drive  
Antioch, CA 94531-8477

RE: Abatement Appeal Hearing  
Abatement Address: Prewett Ranch Drive, Antioch  
APN NO: 056-190-005-1  
Case NO: CE1406-033

Dear Mr. Vuong and Ms. Tran,

We are in receipt of your written appeal and \$50 appeal payment regarding the Abatement Notice received for the following Antioch Municipal Code violations:

**§ 6-3.02 SOLID WASTE AND RECYCLING; MANDATORY SERVICE.**

Unless special contractual arrangements have been made by the subscriber with the contractor for commercial containers, cart services, or otherwise, every subscriber described in this section shall be subject to the provisions of this section.

(F) Failure to subscribe for the collection of solid waste, rubbish and recyclable materials as required by this code is unlawful. In addition to the penalties provided in Chapter 2 of Title 1 of this code, failure to subscribe for the collection and disposal of solid waste, rubbish and recyclable materials may also result in abatement action by the city, including the city subscribing to the collection service on behalf of the property owner in incremental periods of six months and the imposition of a special assessment lien upon the property for recovery of costs thereof in accordance with the procedures set forth in §§ 1-5.09 and 5-1.309 of this code.

**§ 6-3.03 SOLID WASTE AND RECYCLING CONTAINERS; LOCATION.**

(C) Solid waste, green waste, and recyclables shall not be transferred from a nonsubscribing premise to any other premises.

---

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

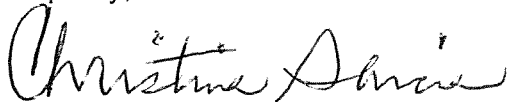
Please be advised your appeal is scheduled for **Thursday, August 7, 2014, at 3:00 p.m.** in the Council Chambers (across the breezeway from City Hall).

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 appeals.

Sincerely,



CHRISTINA GARCIA  
Deputy City Clerk

cc: Community Development

Enclosure



June 23, 2014

City Clerk  
City of Antioch, City Hall  
Neighborhood Improvement Services  
200 H Street, 2nd floor

RE: Waste Collection and Disposal Service at Prewett Ranch Dr. Antioch, CA

To Whom This May Concern:

I was told by Ms. Julie Haas Wajdowicz to contact City Clerk to file an appeal or apply for an exemption / exception to our circumstance not to subscribe to the waste collection service which we don't really need and we think it's unnecessary.

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As a result of having only three people living in two different houses and two of us rarely at home, we do not have much waste to dispose of. At our home, we empty less than half of a thirteen gallon garbage bag, twice a week (Monday & Friday) at the most. Any trash that accumulates at our home, we take to my brother's. There, we only fill up the smallest waste bins halfway every week. We strongly believe in recycle & reuse. We take recyclables, like cans & plastic bottles, to the Antioch Recycle Center on Sunset Lane. We take burned light bulbs to Lowe's & used batteries to Staples. We reuse plastic bags, papers, & envelopes, etc. I often bring my own reusable bags to grocery store.

As per the City's letter we received, it stated that it is a violation of the Antioch Municipal Code for failing to subscribe for the collection of solid waste. However, we do in fact have a legal and valid place subscribed for the service for which we dispose our waste, at my brother's. It is not right for the City to force us to subscribe for the waste collection service at a location for which we do not need the service. Therefore, we would like to ask the City to reconsider its message that we received. Thank you for your time, understanding and consideration.

Sincerely,

Stephanie Tran

CITY OF ANTIOCH  
925-779-7055

REC#: 00698505 6/23/2014 10:19 AM  
OPER: AJ1 TERM: 001  
REF#:

ACCT #: XXXX-XXXX-XXXX-6501  
AUTH #: 02345R  
TRAN #: 000000004391

TRAN: 900.0000 TRUE MISC RECEIPTS  
STEPHANIE TRAN  
06/23/2014  
ADMINISTRATION FEE 50.00CR

TENDERED: 50.00 CREDIT CARD  
APPLIED: 50.00-

CHANGE:            0.00

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 Stephanie Tran [APPELLANT]

Case no: CE1406-033 Prewett Ranch Dr,  
ANTIOCH, CA)

[PROPOSED] DECISION OF BOARD OF  
ADMINISTRATIVE APPEALS

11  
12  
13  
14 I. GENERAL FINDINGS:

- 15 1. City of Antioch Abatement Invoice was upheld.
- 16 2. City of Antioch Abatement Invoice (Prewett Ranch Dr, Antioch, CA) was duly issued on  
17 June 17, 2014 citing two violations of the Antioch Municipal Code section §6-3.02(F) which  
18 states is unlawful to fail to subscribe for the collection of Solid Waste, Rubbish and Recyclable  
19 Materials.
- 20 3. The Abatement Invoice concerns Municipal Code violations at (Prewett Ranch Dr, Antioch,  
21 California. At all relevant times Appellant was the owner of the property and/or the responsible  
22 party.
- 23 4. Appellant appealed the Abatement Invoice on June 17, 2014
- 24 5. An Administrative Appeals Board Hearing regarding the appeal was set August 7, 2014 at 3:00  
25 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 enforcement actions 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 Abatement Invoice  
3 was duly held on August 7, 2014, at 3:00 p.m. Evidence, both oral and documentary, was taken and  
4 based on the preponderance of said evidence, the following specific findings are made:

- 5 1. On 5-30-14, Republic Services did a street review and sent notices of violation to all addresses on  
6 Prewett Ranch Dr that did not have active waste removal service.
- 7 2. On 6-11-14, I spoke on the phone with Ms Tran. I explained that all occupied residences have to  
8 have garbage service per AMC §6-3.02. I explained that sharing service was not allowed per  
9 AMC§6-3.03(C).
- 10 3. On 6-16-14, Staff conducted a site inspection to verify occupancy and noted that there was a van  
11 in the driveway. Additionally, the mailing address for the property with the Assessor's is the site  
12 address. The same is also true for the water account.
- 13 4. On 6-17-14, the Abatement Invoice was prepared. Since Ms Tran had attempted to file an appeal  
14 with the City Clerk prior to the abatement, a note was written on the Abatement Invoice letting  
15 Ms Tran know that now was the time to file, if she wished to do so.
- 16 5. On 6-18-14, Ms Tran hand delivered to Neighborhood Improvement Services, a letter explaining  
17 why they do not need service and asking us to "reconsider our message". In her letter, she argues  
18 that they away from home every day for an extended period and share service with her brother,  
19 nearby.
- 20 6. On 6-19-14 I mailed a reply to Ms Tran's letter dated 6-16-14, explaining that sharing service  
21 was not allowed per §6-3.03(C).
- 22 7. Additionally, staff cannot grant an exemption to mandatory garbage service as the property is  
23 occupied. AMC§6-3.02(H) states that:  
24 *Any person, firm, corporation or other entity may apply for an exemption to the requirements of*  
25 *this Article upon the showing that the premises are unoccupied. Such application shall be made*  
26 *on any form supplied by the City.*
- 27 8. On 6-24-14, Ms Tran filed for an appeal. Since this was done prior to the abatement going into  
28 effect, the abated garbage service has been put on hold pending the scheduling of the hearing and  
the ruling from the Appeals Board.

1  
2 Based on a preponderance of evidence, the Board finds that there was probable cause to abate the property and the  
3 appeal is denied.

4 III. NOTICE:

5 Notice of this decision shall be given to the Appellant, by hand delivering a copy of these Findings  
6 and Decision to Appellant or by mailing a copy by first class U.S. Mail, addressed to Stephanie Tran,  
7 Prewett Ranch Dr, Antioch, CA, 94531.

8 Dated: August 7, 2014

9  
10 \_\_\_\_\_  
CHAIRPERSON OF THE BOARD

11 **Notice of Right To Appeal Decision:** Any person aggrieved by an Administrative Board of Appeals may obtain  
12 review of the decision by the Contra Costa Superior Court, 725 Court Street, Martinez, CA, 94553, pursuant to  
13 Section 53069.4 of the California Government Code.  
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28

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

6 ABATEMENT HEARING

7 PURUSANT TO SECTION 1-5.05 OF ANTIOCH MUNICIPAL CODE

8  
9 In re the Matter of:

10 Stephanie Tran [APPELLANT]

Case no: CE1406-033 (█████ Prewett Ranch Dr,  
ANTIOCH, CA)

[PROPOSED] DECISION OF BOARD OF  
ADMINISTRATIVE APPEALS

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for a violation of the Antioch Municipal Code.

1 II. SPECIFIC FINDINGS:

2 An Administrative Appeals Board Hearing regarding Appellant's appeal of the Abatement Invoice  
3 was duly held on August 7, 2014, at 3:00 p.m. Evidence, both oral and documentary, was taken and  
4 based on the preponderance of said evidence, the following specific findings are made:

- 5 1. On 5-30-14, Republic Services did a street review and sent notices of violation to all addresses on  
6 Prewett Ranch Dr that did not have active waste removal service.
- 7 2. On 6-11-14, I spoke on the phone with Ms Tran. I explained that all occupied residences have to  
8 have garbage service per AMC §6-3.02. I explained that sharing service was not allowed per  
9 AMC§6-3.03(C).
- 10 3. On 6-16-14, Staff conducted a site inspection to verify occupancy and noted that there was a van  
11 in the driveway. Additionally, the mailing address for the property with the Assessor's is the site  
12 address. The same is also true for the water account.
- 13 4. On 6-17-14, the Abatement Invoice was prepared. Since Ms Tran had attempted to file an appeal  
14 with the City Clerk prior to the abatement, a note was written on the Abatement Invoice letting  
15 Ms Tran know that now was the time to file, if she wished to do so.
- 16 5. On 6-18-14, Ms Tran hand delivered to Neighborhood Improvement Services, a letter explaining  
17 why they do not need service and asking us to "reconsider our message". In her letter, she argues  
18 that they away from home every day for an extended period and share service with her brother,  
19 nearby.
- 20 6. On 6-19-14 I mailed a reply to Ms Tran's letter dated 6-16-14, explaining that sharing service  
21 was not allowed per §6-3.03(C).
- 22 7. Additionally, staff cannot grant an exemption to mandatory garbage service as the property is  
23 occupied. AMC§6-3.02(H) states that:  
24 *Any person, firm, corporation or other entity may apply for an exemption to the requirements of*  
25 *this Article upon the showing that the premises are unoccupied. Such application shall be made*  
26 *on any form supplied by the City.*
- 27 8. On 6-24-14, Ms Tran filed for an appeal. Since this was done prior to the abatement going into  
28 effect, the abated garbage service has been put on hold pending the scheduling of the hearing and  
the ruling from the Appeals Board.

1 Based on a preponderance of evidence, the Board finds that there was probable cause to abate the property and the  
2 appeal is denied.

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 Stephanie Tran,  
6 [REDACTED] Prewett Ranch Dr, Antioch, CA, 94531.

7 Dated: August 7, 2014

8  
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.