

City Clerk Householder administered the Oath to all intending to testify.

- A. CASE NO. CE-2304-283 / ADMINISTRATIVE CITATION NO. 400166 – APPEAL FILED BY KIRAN SINGH, PROPERTY LOCATION AT 1000 W 8TH STREET, ANTIOCH, CA – VIOLATION OF ANTIOCH MUNICIPAL CODES 5-1.202(A)(2) OVERGROWN VEGETATION; 7-2-623(A)(2) – ENCROACHMENT.**

Code Enforcement Officer Lunsford presented the staff report dated November 16, 2023, recommending the Board of Administrative Appeals uphold Citation #400166, in the amount of \$440.00 issued to Kiran Singh on August 3, 2023, for violation of Antioch Municipal Code sections 5-1.202(A)(2) and 7-2.623(A)(2).

Kiran Singh reported that she had not received any notices of violation and she did not understand why the City had inspected her property. She stated she received the citation and explained that she had covered the graffiti with artwork. She reported the person who helped maintain her property was no longer able to do so. She stated it was her opinion that her property ended at the sidewalk. She explained that due to excessive rainfall the lawn had grown extremely fast, therefore making it very difficult to keep maintained. She noted she had an agreement with prior code enforcement officers. She commented that she did not have the equipment to maintain her landscaping and suggested the City fill in the sidewalk landscape strip with gravel.

Board Member Umair commented that photos depicted grass that was very dry and overgrown, which was a fire hazard.

In response to Board Member Richelsen, Ms. Singh reiterated that she was not notified her property was out of compliance, and she was only contacted once by Code Enforcement when the citation was issued. She suggested the City install pavers on their portion of the sidewalk. She reported that the person who maintained her lawn had recently passed away.

Code Enforcement Officer Lunsford clarified that the appellant was sent a notice of violation in April, and she had spoken to her twice regarding the violations prior to mailing the citation in August. She noted there were also phone conversations with the appellant in November.

Board Member Umair questioned if it was the property owner's responsibility to remove the vegetation growing in the sidewalk.

Code Enforcement Officer Lunsford stated she had verified that there was no easement on the property; therefore, it was the property owner's responsibility to maintain the sidewalk.

In response to Board Member Richelsen, Ms. Singh stated she hoped to be able to maintain her property; however, her landscaper had passed away. She reiterated that excessive rain had caused uncontrollable growth of her lawn. She stated that she hoped to correct the issues when the weather permitted. She commented that she was unaware of anyone willing to help maintain her property; however, she was willing to get the grass under control. She commented that the grass growing in the sidewalk cracks was a safety mechanism to prevent tripping.

City Attorney Smith clarified that the Antioch Municipal Code stated that the property owner was responsible for repairing and maintaining the sidewalk as well as the lawn and non-compliance was a violation of local law.

Ms. Singh stated she agreed with the city's standards; however, she could not prevent vegetation from growing.

City Attorney Smith responded that residents had to ensure their landscaping was compliant with the City's codes and properly maintain their properties. He noted the question before the Board today was if the citation was properly issued.

Ms. Singh commented that she hoped to be able to hire a landscaper that would be consistent, and she was willing to comply. She noted the first letter she received was the citation.

Chairperson Adeyemi commented that Code Enforcement Officer Lunsford had been to the property numerous times and as of yesterday the violations remained. He stated a plan had not been implemented to address the situation and waiting until the rain stopped was not adequate for addressing code violations. He noted all homeowners were responsible for maintaining their yards and reiterated that nothing had been done to address the violations.

Ms. Singh responded that she would try to get someone to help her maintain her property.

In response to Chairperson Adeyemi, Code Enforcement Officer Lunsford clarified the citation was mailed and the notice of violations were posted on the property.

Board Member Livingston stated that the time to correct the violations had been extended repeatedly. She noted that all property owners were responsible for maintaining their properties and complying with the municipal code. She further noted that she believed the citation was issued properly.

City Clerk Householder stated there were two decisions the board could make; find probable cause for the citation and deny the appeal or uphold the appeal and overturn the citation.

A motion was made and seconded to deny the appeal and uphold the citation. The motion carried the following vote:

Ayes: Livingston, Umair, Richelsen, Adeyemi, Higgins

Absent: Webster

B. CASE NO. CE-2305-0195 / ADMINISTRATIVE CITATION NO. 400221 – APPEAL FILED BY CARLOS PALACIOS GOMEZ, PROPERTY LOCATION AT 115 WILLIAM REED DRIVE, ANTIOCH, CA – VIOLATION OF ANTIOCH MUNICIPAL CODES 5-1-202(A)(2) OVERGROWN VEGETATION; 7-2-623(A)(2) – ENCROACHMENT.

Code Enforcement Officer Lunsford presented the staff report dated November 16, 2023, recommending the Board of Administrative Appeals uphold Citation #400221, in the amount of

\$440.00 issued to Carlos Palacios-Gomez on September 11, 2023, for violation of Antioch Municipal Code sections 5-1.202(A)(2) and 7-2.623(A)(2).

In response to Board Member Umair, Code Enforcement Officer Lunsford stated that the property was currently in compliance.

Carlos Palacios-Gomez stated he was not aware he remained in violation after he initially had trimmed the trees. He reported he had trimmed the vegetation more after he became aware he was still in violation. He noted there were no measurements given with regards to how to trim the trees. He stated the vegetation that was overgrown were roses near his front porch and not in the right of way. He stated current photos showed the property cleaned up and he had recently picked up the leaves.

In response to Board Member Richelsen, Mr. Palacios-Gomez reiterated that he trimmed the trees after receiving every notification and the shrubs were roses near his porch that had recently bloomed.

Board Member Umair stated that he did not see any significant violations on the property.

Code Enforcement Officer Lunsford stated she had conducted monthly inspections during the appeal process. She noted the citation was not related to the rose bushes. She commented that the municipal code was cited on the citation and her contact information was provided if the appellant had any questions regarding the violations.

City Clerk Householder stated there were two decisions the board could make; find probable cause for the citation and deny the appeal or uphold the appeal and overturn the citation.

Board Member Richelsen commented that the property was in compliance and the property owner had made clear attempts to rectify the situation.

A motion was made and seconded to uphold the appeal and overturn the citation. The motion carried the following vote:

Ayes: Livingston, Umair, Richelsen, Adeyemi, Higgins

Absent: Webster

Code Enforcement Manager Michael provided a brief overview of the property owner's responsibilities pertaining to maintenance of sidewalks and landscape strips. He explained the notice of violation, citation and abatement process. He clarified that the city's goal was education, compliance and the last resort was the City placing a lien on the property for completing the work to bring a property into compliance.

In response to Board Member Umair, Code Enforcement Manager Michael stated the City did not have graffiti abatement; however, Public Works would paint over gang graffiti on public property.

WRITTEN/ORAL COMMUNICATIONS

City Attorney Smith stated if there was interest from the Board to participate in Brown Act and Code Enforcement Training, they could be scheduled as part of a future meeting.

Following discussion, the Board Members present expressed interest in both training sessions.

ADJOURNMENT

On motion by Board Member Richelsen, seconded by Board Member Umair the Board of Administrative Appeals members present unanimously adjourned the meeting at 4:24 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk