

September 16, 2025

VIA EMAIL

City of Antioch
Chair Webber and Members of the Planning Commission
200 H St.
Antioch, CA 94509

planning@antiochca.gov

**RE: Appeal of Cruise America Home Occupation Use Permit and Business
License Denial / 2425 Willow Lane / Item #7.1**

Dear Ms. Scott:

We represent Mr. Ken Johnston and Mrs. Nanette Johnston, the owners (the “Owners”) of real property at 2425 Willow Ave., Antioch, CA 94509, (APN 051180017) (the “Property”). The Owners currently operate a U-Haul and Cruise America RV rental dealership on the Property¹. On April 29, 2025, the City of Antioch (the “City”) issued a notice of violation (**Case No. CE2504-0689**) for the Property (“Notice of Violation”), stating that the RV storage use is in violation of the City’s zoning code (“Code”) and that the Property did not have an active business license.

The key issue of the dispute centers around whether the Owner’s current use is a legal non-conforming use. The owner contests the City’s Notice of Violation for the Property that the current use of the Property is not a legal use on the grounds that the Property’s current use is substantially similar to the U-Haul storage and rental use authorized under the Home Occupation Use Permit (“2000 HOUP”). As such, the Owner’s current RV storage use is a legal non-conforming use and should be allowed to continue as part of the 2000 HOUP. Further, neither the RV storage use nor the U-Haul storage use constitutes a public nuisance. Thus, discontinuance of the RV storage use, which is not a nuisance, would constitute deprivation of property without due process of law.

¹ Custom Bunk Beds is not currently operational; the Owners only use the name and business license to run their dealerships.

RE: Appeal of Denial of HOUP/Business License

September 16, 2025

Page 2

a. Background of Use and Dispute

1. Background of Use

The Owners have operated Custom Bunk Beds on the Property since April 1996.² In January of 1998, the Owners began to operate a U-Haul rental dealership on the Property through their company, Custom Bunk Beds. On May 18, 2000, the Owners obtained the 2000 HOUP to allow them to operate a U-Haul dealership on the Property.³ The 2000 HOUP stated, in relevant part, that the permit was for a proposed U-Haul dealership, and would allow for trucks and trailers to be stored on the Property.⁴ Importantly, the 2000 HOUP did not set limits on the number of vehicles that can be stored on the property.⁵

In 2021, the Owners began to operate a Cruise America RV rental dealership at the same location.⁶ The Owners did not expand the area that they were storing vehicles on the Property. The only difference is that the Owners began to lease RVs in addition to U-Hauls. The Owners operate the U-Haul and RV dealership through their company, Custom Bunk Beds. The Owners are agents of U-Haul and Cruise America.⁷ As such, they store U-Haul trucks and RVs on the Property, but do not own any of the vehicles or equipment.⁸

On April 29, 2025, the City issued a Notice of Violation against the Owners for failing to have a valid business license and for a zoning code use violation.⁹ Specifically, the City, in a letter to the Owners dated July 25, 2025 (the “July 25 Letter”) states, in pertinent part:

No building or structure shall be erected, reconstructed, or structurally altered in any manner, nor shall any building or land be used for any purpose other than as permitted.[...] Per the planning dept. the bunk bed business and U-Haul business are currently permitted. These are legal, non-conforming uses that may continue in their current form. The expansion of the business to include Cruise America rentals is not permitted. That is an expansion beyond the current legal, non-conforming uses and cannot be permitted. Cruise America would not be consistent with our current HOUP standards.

² Decl. of Nanette Johnston, para. 3. The Declaration of Nanette Johnston is attached hereto as Exhibit “A”.

³ *Id.*

⁴ The 2000 HOUP application is attached hereto as Exhibit “B”.

⁵ *Id.*

⁶ Decl. of Nanette Johnston, para. 3.

⁷ *Id.*

⁸ *Id.*

⁹ The Notice of Violation is attached hereto as Exhibit “C”.

RE: Appeal of Denial of HOUP/Business License
 September 16, 2025
 Page 3

(July 2025 Letter, page 1.)¹⁰

In an email chain dated July 2, 2025 (included within the “July 7 Email Chain”), Mr. David Sotrter from the City said that, “[the Owner] would need to apply for the Administratively reviewed 2000 HOUP for Cruise America – and staff (based on the Antioch Municipal Code) would deny the application as mentioned previously.”¹¹ The Property is within the Planned Development (“P-D”) zone, and is within the East Eighteenth Specific Plan.¹²

b. The U-Haul Storage Use is a Legal Non-Conforming Use.

The City has conceded that the current U-Haul storage use, is a “legal, non-conforming use that may continue in [its] current form.”¹³

c. The Current RV Storage Use Did Not Expand the U-Haul Use.

The 2000 HOUP did not specify the number of vehicles that were allowed to be stored on the Property as part of the business.¹⁴ The Owners have not expanded the area on which they were operating their rental business – the only difference was that they began leasing RVs in addition to U-Haul trucks.¹⁵ The Owners also did not intensify the use by increasing the hours of operation, the number of employees, the occupancy, the volume of traffic to the Property, or the noise generated on the Property.¹⁶ As such, the RV storage use did not expand the U-Haul storage use.

d. The Current RV Storage Use is Substantially Similar to the Use Permitted under the 2000 HOUP.

The Owner’s current RV storage use is allowed because it is “grandfathered” as substantially similar to the permitted nonconforming use of the Property under the 2000 HOUP.

1. Substantially Similar Uses are Grandfathered into Legal Non-Conforming Uses under California Law.

The Municipal Code allows for “[a nonconforming] use [to] be replaced with another nonconforming use of a similar classification or a less intensive use in compliance with division (A)(2) of this section.”¹⁷ It is a long-standing principle that “[a] nonconforming use is not restricted

¹⁰ The July 2025 Letter is attached as Exhibit “A” to the Declaration of Nanette Johnston

¹¹ Email from David Sotrter, dated July 2, 2025, included in July 7 Email Chain. The July 7 Email Chain is attached hereto as Exhibit “D”.

¹² Decl. of Nanette Johnston, para. 3.

¹³ Notice of Violation, page 1.

¹⁴ Decl. of Nanette Johnston, para. 3.

¹⁵ *Id.*

¹⁶ *Id.*; Antioch Municipal Code Section 9-5.3003(A)(2).

¹⁷ Antioch Municipal Code Section 9-5.3003(A)(3).

RE: Appeal of Denial of HOUP/Business License

September 16, 2025

Page 4

to the identical particular use which was in existence at the time of the enactment of the zoning ordinance but embraces any use substantially the same or similar.” *Endara v. City of Culver City* (1956) 140 Cal.App.2d 33, 38.

In *Endara*, a parcel of land that had previously been used for manufacturing ceramic tiles began being used for laminating resin sheets. The court held that the nonconforming use nevertheless remained permitted:

The trial court heard the testimony and observed the property and the plant in operation and found that **the building was designed and intended for manufacturing and storage purposes**; that the premises had been substantially continuously used for such purposes; that there had not been any increase or enlargement of the space devoted to industrial and storage use; that there had been no abandonment of the nonconforming use and that the present use is substantially the same as before the adoption of the ordinances.

(*Id.* at 38, emphasis added)

In short, even though the building went from being used to manufacture/store tile to being used to manufacture/store resin sheets, the court held that that use was “substantially the same.” Thus, a use is grandfathered as a legal non-conforming use if it is substantially similar to the original legal non-conforming use.

2. *The RV Storage Use is Substantially Similar to the Legally Non-Conforming U-Haul Storage Use .*

Here, the rationale in *Endara* applies even more strongly because, whereas *Endara* involved using a building for the manufacture and storage of completely different industrial products -- which would have necessarily involved retrofitting the building in order to transform it from a ceramic tile facility to a resin sheet facility – the instant case merely involves the storage and rental of similar types of vehicles: RVs and U-Haul trucks.

RVs and U-Haul trucks are significantly more similar to each other than ceramic tiles and resin sheets. RVs and U-Haul trucks are substantially similar in function, form, and storage impact.¹⁸ Both are large, self-propelled, utility-based vehicles used occasionally and stored when not in use, often for extended periods.¹⁹ Neither generates significant ongoing noise, especially when parked.²⁰ The only noise generated from storing the RVs and U-Haul trucks comes from

¹⁸ Decl. of Nanette Johnston, para. 4.

¹⁹ *Id.*

²⁰ *Id.*

RE: Appeal of Denial of HOUP/Business License
 September 16, 2025
 Page 5

clients removing and returning the vehicles from the Property.²¹ The only difference between an RV and U-Haul truck is that the RV is retrofitted with amenities that allow for temporary human occupation.²² Further, unlike in *Endara*, the Owners were not required to purchase or install new facilities or equipment to expand their storage use to include RV storage.²³ If the court in *Endara* held that a ceramic tile facility and a resin sheet facility were substantially similar, then they would certainly find that an RV storage facility and a U-Haul storage facility are substantially similar.

As such, the current RV storage use is substantially similar to the legal, non-conforming U-Haul truck use.

Therefore, the RV storage use should be recognized and allowed to continue as a legal nonconforming use under applicable land use and zoning principles.

e. *The Current RV and U-Haul Storage Uses Do Not Create a Nuisance.*

Further, discontinuance of a nonconforming use which is not a nuisance, and which existed when the ordinance was adopted constitutes a deprivation of property without due process of law. *City of Los Altos v. Silvey* (1962) 206 Cal.App.2d 606, 609; *McCaslin v. City of Monterey Park* (1958) 163 Cal.App.2d 339, 347. Because the current use of the Property is substantially similar to the U-Haul storage use allowed by the 2000 HOUP and does not create a nuisance for the surrounding community, discontinuing the Owner's use of the Property would deprive the Owner of its property interest without due process, entitling the Owner to pursue a cause of action for inverse condemnation.

1. *RV Storage is Substantially Similar to the U-Haul Storage Use.*

As discussed above, RVs and U-Haul trucks are substantially similar to each other.

2. *Neither the RV Storage Use Nor the U-Haul Storage Use Creates a Nuisance.*

The Owner's use of the Property is lawful, longstanding, and does not rise to the level of a public nuisance under California law. A public nuisance is defined as "a condition which interferes with the comfortable enjoyment of life or property by an entire community or neighborhood."²⁴ To determine whether a use constitutes a nuisance, courts consider "a number of circumstances: locality and surroundings, the number of people living there, [and] the prior use[.]" *Hellman v. La Cumbre Golf & Country Club* (1992) 6 Cal.App.4th 1224, 1230. That standard is not met here.

²¹ *Id.*

²² *Id.*

²³ *Id.* at para. 3.

²⁴ Civ. Code, § 3480.

RE: Appeal of Denial of HOUP/Business License
 September 16, 2025
 Page 6

First, there has been no significant increase in business volume on the Property. Indeed, even if there was an increase in business volume (for which there is absolutely no evidence), “the general rule appears to be that an increase in business volume alone is not an expansion of a nonconforming use.” *Hansen Bros. Enters., Inc. v. Bd. of Supervisors* (1996) 12 Cal. 4th 533, 573. “By way of example, we assume that a grocery store operating as a lawful, nonconforming use in an area of increasing population would not be restricted to the same number of customers and volume of business conducted when the zoning ordinance was enacted. Neither an increase in the number of patrons or in the volume of goods sold would be considered an enlargement or intensification of the use.” *Id.*

Second, the RV storage use does create additional “disturbance” compared to the U-Haul storage use. Further, any disturbance created is minimal and incidental to the use.²⁵ The most activity generated on the Property comes from clients delivering and picking up RVs—a function that is inherent to the nature of a use expressly permitted by the 2000 HOUP.²⁶ Client visits occur infrequently and do not produce a volume of traffic or noise that would be atypical or unreasonable in the context of the surrounding area.²⁷

Therefore, the Property’s RV and U-Haul storage use is not a nuisance.

3. *Failure to Acknowledge the Current, Grandfathered Use Would Constitute a Violation of Due Process and Constitute an Inverse Condemnation.*

The current use is substantially similar to the U-Haul use allowed by the 2000 CUP and is not a nuisance. Because the Property’s current use is a legal non-conforming use which is not a nuisance, depriving the Owner of this use would violate due process and constitute a deprivation of the Owner’s property interest without due process of law, entitling the Owner to pursue a cause of action for inverse condemnation. *City of Los Altos*, 206 Cal.App.2d at 609.

“If the law effects an unreasonable, oppressive, or unwarranted interference with an existing use, or a planned use for which a substantial investment in development costs has been made, the ordinance may be invalid as applied to that property unless compensation is paid[.]” *Hansen*, 12 Cal. 4th at 551-52 (citing *Beverly Oil Co. v. City of Los Angeles* (1953) 40 Cal.2d 552, 559; *Village of Terrace Park v. Errett* (2d Cir.1926) 12 F.2d 240). “The rights of users of property as those rights existed at the time of the adoption of a zoning ordinance are well recognized and have always been protected.” *Hansen*, 12 Cal. 4th at 551-52 (citing *Edmonds v. County of Los Angeles* (1953) 40 Cal.2d 642, 651, 772).

²⁵ Decl. of Nanette Johnston, para. 5.

²⁶ *Id.*

²⁷ *Id.*

RE: Appeal of Denial of HOUP/Business License
September 16, 2025
Page 7

f. Conclusion.

The Property is currently being used by the Owner for RV and U-Haul storage and rental. This RV storage use is substantially similar to the U-Haul storage use, which is a legal non-conforming use allowed under the 2000 HOUP. Because the RV storage use is substantially similar to the legal non-conforming use currently allowed on the Property, the current RV storage use is a legal nonconforming use and must be allowed to continue as is unless the Owner is paid just compensation.

We respectfully request the Planning Commission accept the Owner's appeal, direct staff to authorize the HOUP for the continued use of the Property for the RV and U-Haul storage/rental activities and approve the business license for Cruise America.

Sincerely,

Fennemore LLP

/s/ Amara L. Morrison

Amara L. Morrison
Director

ALMO/csua

EXHIBIT A

DECLARATION OF NANETTE JOHNSTON IN SUPPORT OF APPEAL LETTER

I, Nanette Johnston, declare as follows:

1. My husband and I are the owners of the property located at 2425 Willow Ave. Antioch, CA (the "Property").
2. On information and belief, prior to our purchase of the Property, the previous owners operated a backhoe business on the Property.
3. We have operated Custom Bunk Beds on the Property, since April of 1996. In January of 1998, we started a U-Haul rental dealership. In May of 2000, we obtained a Home Occupation Use Permit ("2000 HOUP"). The 2000 HOUP did not set limits on the number of vehicles that we would store on the property for rental. In 2021, we added a Cruise America RV rental dealership at the same location. We did not purchase or install new facilities or equipment to expand their storage use to include RV storage. We have not enlarged or expanded the area where we operate the business. We also did not intensify the use by increasing the hours of operation, the number of employees, the occupancy, the volume of traffic to the Property, or the noise generated on the Property. The only difference is that we now store Cruise America units, which are stored in the same location that we store U-Haul equipment. We currently operate both a U-Haul truck and a Cruise America RV rental business through our company, Custom Bunk Beds. We are agents – not franchisees – of both U-Haul and Cruise America. As such, we store the vehicles and complete the rentals, but do not own any of the equipment. U-Haul and Cruise America 1099 Custom Bunk Beds for our services. There has been no significant increase in business volume on the Property.
4. The U-Haul truck storage use is very similar to the RV storage use. Both are large, self-propelled, utility-based vehicles used occasionally and stored when not in use, often for extended periods. Neither generates significant ongoing noise, especially when parked. The only noise generated from storing the RVs and U-Haul trucks comes from clients removing and returning the vehicles from the Property. The only difference between an RV and U-Haul truck is that the RV is retrofitted with amenities that allow for temporary human occupation.
5. The RV storage use does create additional "disturbance" compared to the U-Haul storage use. Further, any disturbance created is minimal and incidental to the use. The most activity generated on the Property comes from clients delivering and picking up RVs—a function that is inherent to the nature of a use expressly permitted by the 2000 HOUP. Client visits occur infrequently and do not produce a volume of traffic or noise that would be atypical or unreasonable in the context of the surrounding area.
6. On April 29th, 2025, the City of Antioch (the "City") issued a code violation notice, claiming the Cruise America RV rental dealership is an unpermitted expansion and must be removed, citing Municipal Code 9-5.2904.

7. On July 25, 2025, the City sent my husband and me a letter, clarifying by the Notice of Violation by stating, "...the bunk bed business and U-Haul business are currently permitted. These are legal, non-conforming uses that may continue in their current form. The expansion of the business to include Cruise America rentals is not permitted. That is an expansion beyond the current legal, non-conforming uses and cannot be permitted. Cruise America would not be consistent with our current HOUP standards. Within the next 30 days please remove all vehicles, all advertising and any items associated with Cruise America from the property." (July 25, 2025 Letter, attached hereto as Exhibit "A".)
8. On April 27, 2025, Kevin Bensen of Cruise America submitted a business license application for the Cruise America operations. On August 5, 2025, I learned that the City denied our business license application.
9. On August 14, 2025, my husband and I filed an appeal with the City to challenge the Notice of Violation.

I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed in Antioch, California.

Dated: 9-16-2025


NANETTE JOHNSTON

EXHIBIT “A”

LETTER FROM CITY OF ANTIOCH, DATED JULY 25, 2025



July 25, 2025

JOHNSTON K L & NANNETTE R TRE NANNETTE R TRE
2425 WILLOW AVE
ANTIOCH, CA 94531

SUBJECT: EXTENSION LETTER

ADDRESS: 2425 WILLOW AVE, ANTIOCH, CA 94509

PARCEL NUMBER: 051180017

CASE NUMBER: CE2504-0689

Dear Property Owner,

In the spirit of allowing property owners the opportunity to comply with City ordinances, I would like to inform you that the request for an extension has been granted. Please attend to the following violations by making the appropriate corrections as listed below **by Monday, August 25, 2025.**

VIOLATION: 9-5.2904

No building or structure shall be erected, reconstructed, or structurally altered in any manner, nor shall any building or land be used for any purpose other than as permitted

Required Correction: Per the planning dept. the bunk bed business and U-Haul business are currently permitted. These are legal, non-conforming uses that may continue in their current form. The expansion of the business to include Cruise America rentals is not permitted. That is an expansion beyond the current legal, non-conforming uses and cannot be permitted. Cruise America would not be consistent with our current HOUP standards. Within the next 30 days please remove all vehicles, all advertising and any items associated with Cruise America from the property.

Failure to bring this property into compliance will result in continued enforcement action(s) until the property is brought into compliance.

These actions may include the issuance of Citations and re-inspection fees and or abatement action.

If you have any questions or want further information, please contact Code Enforcement Officer PETE C. at the Code Enforcement Division (925)779-6120. A re-inspection will be performed on or shortly after the specified date.

Sincerely,

PETE C.

Code Enforcement Division
City of Antioch

EXHIBIT B



CITY OF ANTIOCH
HOME OCCUPATION USE PERMIT

OK ✓
5/18/00

Location of Home Occupation (Address)

Assessor's Parcel No. 051 180 017

Applicant Name KEN & NAVETTE JOHNSTON

Phone

Applicant Address 2425 WILLOW AVE. ANTIOCH

Property Owner Name KEN & NAVETTE JOHNSTON

Phone

Property Owner Address 2425 WILLOW AVE. ANTIOCH

Please read the Home Occupation description on the reverse side of this sheet. If your proposed business can comply with all these requirements, then please briefly describe the following:

Your proposed business:

U-HAUL DEALERSHIP

Materials/equipment used:

TRUCKS & TRAILERS

How product would be distributed or service made available to customers:

PICK UP FROM SITE

How products/materials would be delivered to residence:

NONE

Any chemicals/hazardous materials to be used:

NONE

The Home Occupation Use Permit Ordinance requires that the neighbors on either side of and across the street from your home be notified of the issuance of this permit. Please list the addresses of these neighbors:

1) 2401 Willow Ave

2) 2451 Willow Ave.

3) 2625 Oakley Rd

O.K. w/chgo PA

I have read and understand the requirements listed on the reverse side of this sheet and will comply with these requirements. I understand that noncompliance with any of these requirements may result in revocation of my Home Occupation Use Permit and business license. Furthermore, I also understand that complaints regarding the operation of my business may be cause for permit revocation.

[Signature]
Signature of Applicant

5-18-00
Date

[Signature]
Signature of Property Owner

5-18-00
Date

APPLICATION NO. H0-00-137

RECEIVED BY PA

DATE 5/18/00

FEE RECEIVED 25-

RECEIPT NO.

Please check each box to confirm that you have read and will comply with each requirement. To qualify for a Home Occupation Use Permit, your proposed business:

- ☒ must be incidental and subordinate to the use as a residence.
- ☒ will not change the appearance of the structure, either by the use of colors, materials, construction, lighting, or signs.
- ☐ will not require the outside display or storage of goods or materials.
- ☒ will require no significant interior physical alteration.
- ☒ will not decrease the amount of off-street parking required for the residence through the use of the garage.
- ☒ will not create any noise, vibration, fumes, odors, dust, or electrical interference.
- ☒ will not cause an excessive use of, or unusual discharge into, the following utilities: water, sewers, electrical, garbage, or storm drains.
- ☒ will be operated by residents of the unit, with one nonresident employee allowed.
- ☒ may receive deliveries from vehicles limited to those which typically make deliveries to single-family neighborhoods (e.g. the U.S. Postal Service, UPS, pickup trucks, and light vans).
- ☒ will require no manufacturing, except for arts and crafts.
- ☒ will not include the repair of large appliances, internal combustion engines, automobiles or motorcycles at the home.
- ☐ will not require the use of more than one commercial motor vehicle, with the maximum vehicle size not to exceed one ton.
- ☒ will not include cooking or food preparation at the site for the purpose of retail sales from a vehicle. (Note: Any permitted food preparation shall first receive a permit from the Health Department.)
- ☐ will not require customers or clients to visit the home, with the exception of in-home lessons for no more than six (6) children at any one time.
- ☐ will not include any wholesale or retail sales from the home.

CITY OF
HOME O

=====

CITY OF ANTIOCH
THIRD & H STREETS, PO BOX 5007
ANTIOCH, CA 94509
JANE L. PARSONS
CITY TREASURER

REG-RECEIPT:01-0074793 C:May 18 2000
CASHIER ID:K 2:28 pm A:May 18 2000

=====

7050 GF-BUSINESS LICENS	\$260.00
100-1250-4155.0000	
3050 GF-PLANNING FEES	\$25.00
100-5130-4726.0000	

=====

TOTAL DUE	\$285.00
-----------	----------

RECEIVED FROM:
CUSTOM BUNK BEDS

CHARGE CARD:MC \$285.00

=====

TOTAL TENDERED	\$285.00
----------------	----------

=====

CHANGE DUE	\$0.00
------------	--------

=====

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)

How products/materials would be delivered to resident

Any chemicals/hazardous materials to be used:

JOHN UST
AVE. AN
E JOHNS

ow AVE.

ption on the
ements, then

S & TR

vice made av

EXHIBIT C



City of Antioch, CA
200 H St, Antioch, CA 94509

Case Number: **CE2504-0689**

Case Type: **Code Enforcement - General**

Violation Notice Created On: 4/29/2025

Compliance Deadline: **05/14/2025**

Notice of Violation

Owner: JOHNSTON K L & NANNETTE R TRE NANNETTE R TRE

Mailing Address

JOHNSTON K L & NANNETTE R TRE NANNETTE R TRE
2425 WILLOW AVE
ANTIOCH, CA 94531

Notice of Violation for the following location:

Address

2425 WILLOW AVE
ANTIOCH, CA 94509

Parcel

051180017

Dear Owner(s):

The City of Antioch has been working closely with our residents and businesses to increase the livability and desirability of all neighborhoods within the City of Antioch. On April 29, 2025, an inspection of your property found that it is not in compliance with the City of Antioch Municipal Code. Recognizing that many of our property owners may not be aware of the Code requirements, and therefore inadvertently violate the ordinances, the purpose of this letter is to provide you with information about the specific violations noted on your property, as well as the corrective action.

The specific violation with the required corrective action is listed below:

Violation: 3-1.103(A) - LICENSE REQUIRED

(A) Except as provided in § 3-1.120, it shall be unlawful for any person to commence, conduct or purport to commence or conduct, either directly or indirectly, any business activity in the city without having an unrevoked license under this chapter so to do, valid and in effect at the time, and without paying the required taxes and fees therefore and complying with any and all regulations of such business provided in this chapter, unless such person is exempt under this chapter. Licensees shall promptly inform the city of any change in operation, ownership, location and/or name of licensed businesses. No person who is an employee, or who is the direct representative of a licensee, shall be required to pay a license tax for doing any part of the work of such licensee.

Corrective Action: Please obtain a business license for the cruise America business as well as the Uhaul business. Please call the business license dept. at (925)779-7059. Thank you.

Compliance Date: 05/14/2025

Violation: 9-5.2904 - ZONING CODE USE VIOLATION

No building or structure shall be erected, reconstructed, or structurally altered in any manner, nor shall any building or land be used for any purpose other than as permitted

Corrective Action: It is a Misdemeanor to violate the Zoning Code of the City which prohibits land be used for any purpose other than as permitted. Please reach out to the planning dept. for approval. (925)779-6159. Thank you.

Compliance Date: 05/14/2025

Violation: 9-5.3830(B)(2)(a) - PARKING AND STORAGE OF MOTOR VEHICLES ON RESIDENTIAL PARCELS

(2) The motor vehicle may be parking on an attached extension of the existing driveway apron, subject to the following standards:

- (a) The extension shall be paved with concrete or other material similar to the existing paved driveway.

Corrective Action: Please remove all vehicles and trailers from the unpaved surface or pave the surface to Municipal Code Standards. Thank you.

Compliance Date: 05/14/2025

Violation: 9-5.3830(C)(2) - PARKING AND STORAGE OF MOTOR VEHICLES ON RESIDENTIAL PARCELS

(2) The motor vehicle shall be parked on a surface paved with brick, concrete, asphalt, or similar material, or on pervious gravel.

Community Development Department
Code Enforcement Division

P.O. Box 5007 • 200 H Street • Antioch, CA 94531-5007 • Tel: 925-779-7042 • Fax: 925-779-7034 • www.ci.antioch.ca.us



City of Antioch, CA
200 H St, Antioch, CA 94509

Notice of Violation

Case Number: **CE2504-0689**

Case Type: **Code Enforcement - General**

Violation Notice Created On: 4/29/2025

Compliance Deadline: **05/14/2025**

Corrective Action: Please remove all vehicles and trailers from the unpaved surface or pave that area to Municipal Code Standards. Thank you

Compliance Date: 05/14/2025

Please correct the violation by May 14, 2025. You are advised that failure to correct the violation by this date will result in the issuance of administrative citations.

The fine amount for the first citation is \$100 plus a re-inspection fee of \$246.00. The second citation amount is \$500 and the third and subsequent citations are \$1,000 plus the re-inspection fee. You will be responsible for all administrative costs involved in the City's investigation, including fees for each re-inspection. Please be advised that the City will assess the fines and administrative costs against the property if you fail to pay.

If you have any further questions or concerns about the matter, you may contact me at (925)779-6120. If you wish to discuss this situation with me, I strongly urge you to call and make an appointment as I am frequently out of the office on other site inspections.


Sincerely,

PETE C.
Code Enforcement Officer
City of Antioch

Community Development Department
Code Enforcement Division

P.O. Box 5007 • 200 H Street • Antioch, CA 94531-5007 • Tel: 925-779-7042 • Fax: 925-779-7034 • www.ci.antioch.ca.us

EXHIBIT D

From: David Storer dstorer@antiochca.gov 
Subject: Re: Help with keeping Cruise America
Date: July 2, 2025 at 7:13 PM
To: DReAM Agency info@dreamagency.us, Bessie M. Scott bscott@antiochca.gov
Cc: [REDACTED]

DS

Hi Allen:

The short answer to your last question is "Yes"...

All actions of staff and the Planning Commission are appealable.

The process:

Nanette would need to apply for the Administratively reviewed HOUP for Cruise America - and staff (based on the Antioch Municipal Code) would deny the application as mentioned previously. Then Nanette would need to appeal the action of staff to the Planning Commission if she wanted to. Staff would recommend denial to the Planning Commission based on its prior review. The Planning Commission would consider the recommendation of staff and receive public testimony (and also that of Nanette). Any action of the Planning Commission is appealable to the City Council. Should Nanette appeal, staff would forward the recommendation of the Planning Commission to the City Council. The City Council would consider the staff report and public testimony (and that of Nanette) prior to taking any action. Actions of the City Council are final and cannot be appealed to any other public body.

Hope this helps...and...

Please call with any questions...

regards,

David

916.502-7341 mobile

From: DReAM Agency <info@dreamagency.us>
Sent: Tuesday, June 24, 2025 6:19 PM
To: Bessie M. Scott <bscott@antiochca.gov>
Cc: David Storer <dstorer@antiochca.gov>; [REDACTED]
Subject: Re: Help with keeping Cruise America

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Bessie & David,

Thank you for the information.

I always function under the belief that there is law and exceptions for the law. So, with that in mind, is there any exception that can be made for their Cruise America part of their business? Because it's basically the same kind of use and operation as the U-Haul business, renting out large vehicles, but for a different length of time.

Can the decision be appealed either to the Planning Commission and/or the City

Council?

Allen D. Payton
President
Del Rey Advertising & Marketing Agency
*Advertising, Marketing, Branding, Public Relations,
Government Relations & Political Campaign Consulting*
101 H Street, Waldie Plaza, Suite 3
Antioch, CA 94509
(925) 457-5324 Cell
(925) 206-4110 Fax
www.dreamagency.us

From: Bessie M. Scott <bscott@antiochca.gov>
Sent: Monday, June 23, 2025 4:19 PM
To: DReAM Agency <info@dreamagency.us>
Cc: David Storer <dstorer@antiochca.gov>
Subject: RE: Help with keeping Cruise America

Hi Allen, thanks so much for the additional information.

Our Community Development Director (David - copied here) has spoken with Nanette previously about options available to her. Unfortunately, there's not much to go on for us based on the Antioch Municipal Code.

Many years ago, Nanette received a Home Occupation Use Permit to allow a very specific (non-residential use) at her residential property for "U-Haul" that limited the type and level/intensity of activity (to just the U-Haul). The Antioch Municipal Code was later modified to such a point that if the existing U-Haul business was to be discontinued, it would not be permissible at that location in the future as the regulations have changed to further protect residential areas. It's currently a "legal non-conforming use" and be there indefinitely as is.

As time has progressed, the Cruise America use was started without the City's knowledge and without permits. As the City (and most other cities) operate under a complaint driven code, the neighbor basically turned her in for a violation and Nanette is aware of this. The city has a duty to investigate the complaint and that brings us to where we are today.

The option open to Nanette is to apply for a new Home Occupation Use Permit for the Cruise America use: and the City Community Development Department would deny the request based on the Municipal Code. That action can be appealed to the Planning Commission and their decision could ostensibly be appealed to the City Council. Both the Planning Commission and City Council would need to provide evidence that the requested use is consistent with the Municipal Code. The City Council would be able to approve or deny the application.

Hope this information helps. Please feel free to call David if you have any further questions. He can be reached at (916) 502-7341. Talk soon! ~Bessie

Bessie Marie Scott, EMPA, CIG
City Manager

Desk: (925) 779-7011
Cell: (925) 628-2629



From: DReAM Agency <info@dreamagency.us>
Sent: Friday, June 13, 2025 4:03 AM
To: Bessie M. Scott <bscott@antiochca.gov>
Subject: Fw: Help with keeping Cruise America

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Bess,

It was good speaking with you yesterday and catching up a bit. Sorry to learn you're not feeling well.

Please see below the email from Nan Johnston what we spoke about regarding the Cruise America and U-Haul businesses (under their Custom Bunk Beds business) on Willow Avenue in the northeast part of Antioch. [U-Haul Neighborhood Dealer - Google Maps](#)

Her phone numbers are (925) 383-4221 cell and (925) 757-2587 office.

She needs to get things taken care of by Monday. Sorry for the short notice. But I'm sure something can be done to grandfather them in to continue operating at the same location.

Thank you for your assistance in this matter!

Allen D. Payton
President
Del Rey Advertising & Marketing Agency
*Advertising, Marketing, Branding, Public Relations,
Government Relations & Political Campaign Consulting*
101 H Street, Waldie Plaza, Suite 3
Antioch, CA 94509
(925) 457-5324 Cell
(925) 206-4110 Fax
www.dreamagency.us

From: [REDACTED]
Sent: Tuesday, May 27, 2025 6:41 PM

To: DReAM Agency <info@dreamagency.us>

Subject: Help with keeping Cruise America

Hi Allen,

Thank you for helping me with this. I greatly appreciate it.

Below explains the situation we are in. Please let me know if I should send anything additional.

Our property at 2425 Willow Ave. Antioch, CA, has been home to a small, family-run business before the area was zoned residential. As such, the East Antioch Specific Plan grandfathered in our property as a non-conforming use and allows for the use to be replaced with others that are similar or less intense. Currently, we operate both a U-Haul and a Cruise America dealership through our Custom Bunk Beds business license. Both U-Haul and Cruise America consider Custom Bunk Beds to be an agent, not a franchise, and as such, we believe we do not require an additional business license to operate either service. However, we have had a Home Occupation Use Permit (HOUP) since 2000 to operate U-Haul. I've been informed that the U-Haul operation may continue, but that the Cruise America dealership must be discontinued.

I would like to respectfully ask the City of Antioch to reconsider this decision. Cruise America's operations are no more intense than U-Haul's; if anything, they're comparable in scale and nature. Both involve vehicle rentals and have comparable noise and activity levels. In fact, Cruise America may be considered less intense, as it operates a smaller fleet, rentals are typically scheduled well in advance, and involve longer rental periods, resulting in fewer customer visits overall.

Thank you,
Nanette Johnston