

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers
200 "H" Street**

**JUNE 1, 2017
3:00 P.M.**

3:00 P.M. ROLL CALL Deborah Simpson, Chairperson
Frederick Rouse, Vice Chairperson
Andrew Schleder
Ademuyiwa "Ade" Adeyemi
April Ussam-Lemmons
Alternate Vacancy

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR MAY 4, 2017

Recommended Action: Motion to approve the minutes

STAFF REPORT

B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTHS OF MARCH AND APRIL 2017

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

STAFF REPORT

2. **REGULAR AGENDA**

OATH for all intending to testify

- A. **CASE NO. CD1701-026/ APN NO. 065-110-007** – APPEAL NOTICE OF VIOLATION ISSUED TO JOE BOSMAN FOR PROPERTY ADDRESS LOCATED AT 701 WILBUR AVENUE, ANTIOCH, CA

STAFF REPORT

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

WRITTEN/ORAL COMMUNICATIONS

ADJOURNMENT

Notice of Availability of Reports

This agenda is a summary of the discussion items/actions proposed to be taken by the Board of Administrative Appeals. Materials provided regarding the agenda items will be available at the following website: <http://www.ci.antioch.ca.us/CityGov/Agendas/default.asp> or at the City Clerk's Office located on the 3rd floor of City Hall, 200 H Street, Antioch, CA 94509, Monday through Friday, 8:30 a.m. to 4:30 p.m., for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. The meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

Notice of Opportunity to Address the Committee

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

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

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

**May 4, 2017
Council Chambers**

Chairperson Simpson called the meeting to order at 3:03 P.M. on Thursday, May 4, 2017 in the Council Chambers.

ROLL CALL:

Present: Board Members Adeyemi, Schleder, Ussam-Lemmons, Chairperson Simpson
Absent: Board Members Rouse

Staff Present: City Attorney, Michael Vigilia
Deputy City Clerk, Christina Garcia
Code Enforcement Manager, Curt Michael
Code Enforcement Assistant, Denise Skaggs
Minutes Clerk, Kitty Eiden

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 APRIL 6, 2017

B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF FEBRUARY 2017

On motion by Board Member Ussam-Lemmons, seconded by Board Member Schleder, the Board of Administrative Appeals members present unanimously approved the Consent Calendar. The motion carried the following vote:

Ayes: Adeyemi, Schleder, Ussam-Lemmons, Simpson

Absent: Rouse

2. REGULAR AGENDA

A. CASE NO. CD1701-026/ APN NO. 065-110-007 – APPEAL NOTICE OF VIOLATION ISSUED TO JOE BOSMAN FOR PROPERTY ADDRESS LOCATED AT 701 WILBUR AVENUE, ANTIOCH CA

City Attorney Vigilia announced CASE NO. CD1701-026/ APN NO. 065-110-007 would be continued to the next meeting.

PUBLIC COMMENTS - None

WRITTEN/ORAL COMMUNICATIONS - None

ADJOURNMENT

Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 3:07 P.M. to the next regularly scheduled meeting on June 1, 2017.

Respectfully Submitted,

Kitty Eiden
Minutes Clerk

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS
FOR CONSIDERATION AT THE HEARING ON June 1, 2017**

Prepared by: Curt Michael, Code Enforcement Manager *CM*
Date: May 18, 2017
Subject: Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Abatements for the Month of March & April, 2017

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 March & April, in the amount of **\$6,510.00**

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

CITATIONS ABATEMENTS FOR BOARD OF APPEALS - JUNE 1, 2017
ATTACHMENT A

AR	Case	APN	Amount	Site Address	Owner last	Owner first	Mailing address	Paid
AR148541	CD1612-020	074-370-008	\$1,300.00	2301 SYCAMORE DRIVE	SYCAMORE GROVE		6 FANEUIL HALL SQ BOSTON, MA	
AR148536	CE1611-052	055-020-040	\$1,300.00	1920 MT HAMILTON DR	CASTILLO	MIRIAM	1920 MT HAMILTON DR	
AR148688	CE1612-055	066-032-003	\$310.00	6 ST VACANT	HAYES	EDWARD PHILLIP JR	9711A DUBLIN CANYON CASTRO VALLEY, CA	
AR148543	CD1611-039	066-191-005	\$310.00	604 H STREET	MOURA	DEANNE K.	P.O. BOX 4133, ANTIOCH, CA	
AR148689	CD1611-039	066-191-005	\$750.00	604 H STREET	MOURA	DEANNE K.	P.O. BOX 4133, ANTIOCH, CA	
AR148542	CD1701-025	056-270-026	\$420.00	5111 FERNBANK WAY	SHOOP	WAYNE H.	215 W 700 TOOELE, UT	
AR148535	CE1702-039	072-330-016	\$310.00	4916 COUGAR PEAK	SUBHIKKSHA	LLC	1821 EAGLE PEAK CLAYTON, CA	
AR148331	CD1612-029	071-341-020	\$750.00	3101 BROOK CT	TOLBERT	VICTORIA A.	3101 BROOK CT	
AR148544	CD1702-014	071-035-010	\$310.00	516 W TREGALLAS RD	WESTERN UPPER HAIGHT		P.O. BOX 3341, ANTIOCH, CA	
AR148538	CE1702-014	071-035-010	\$750.00	516 W TREGALLAS RD	WESTERN UPPER HAIGHT		P.O. BOX 3341, ANTIOCH, CA	
TOTAL			\$6,510.00					

**STAFF REPORT TO THE ADMINISTRATIVE REVIEW PANEL
FOR CONSIDERATION AT THE HEARING ON June 1, 2017**

PREPARED BY: Justine Sidie, Code Enforcement Officer

PREPARED FOR: Administrative Board of Appeals

APPROVED BY: Curt Michael, Code Enforcement Manager

DATE: April 25, 2017

SUBJECT: Case No. CD1701-026
Wilbur Ave.
Violation of Antioch Municipal Codes:
§5-1.202(D)(2), §9-5.3830, §8-1.02

REQUEST:

Joseph Bosman has requested a hearing to appeal a Notice of Violation issued on January 30, 2017, for the following violations of the Antioch Municipal Code:

§5-1.202 SPECIFIC NUISANCES PROHIBITED.

Parking or storage of motor vehicles or other mobile equipment in any area not designated as a parking space on the approved site plan or on any unpaved surface including, but not limited to, dirt, grass or any other surface that is not concrete or a similar paving material.

§ 8-1.02 VIOLATIONS.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of the Code. Penalties may include citation and/or doubling of original permit fees.

§9-5.3830 RECREATIONAL VEHICLES.

It shall be unlawful for any person to keep or maintain or to permit to be placed, kept, or main-tained any recreational vehicle as a temporary or permanent residence upon any lot, piece, or parcel of land within the city other than within an established recreational vehicle park.

BACKGROUND INFORMATION:

On 1-11-2017, the Code Enforcement Department received a complaint for multiple recreational vehicles at Wilbur Avenue being used as permanent and/or temporary residence.

On 1-13-2017 I went to the property and attempted contact with Mr. Bosman. I also attempted contact at multiple buildings on the property including a residential building, a brick and mortar building and a workshop. I made contact with a female at the workshop who stated that she did not know anything about the RV's located to the rear of the property and provided me with Mr. Bosman's phone number.

On 1-18-2017 I met with the City of Antioch Planning Department who told me that the Antioch Municipal Code prohibits people living in RV's and that Mr. Bosman is only allowed to have two residential units on the property, which is the duplex located on the front of the property.

On 1-26-2017, I returned to the property with Code Enforcement Manager Curt Michael to contact the occupants of the buildings on the property. I started at the building located on the front of the property. City records show this building is a duplex. I knocked on the West side entry door of the duplex and was able to make contact with an occupant. This occupant told me that there are three separate residential units in this building addressed "A" and that there are two other buildings on the property labeled "B" and "C". I then knocked on a second entry door located on the North side of the duplex. There was no answer. I then knocked on a third entry door located on the South side of the duplex and was able to make contact with an occupant. This occupant told me that there are four separate residential units in this building. I attempted knocked on a fourth entry door located on the south side of the duplex. There was no answer.

Next, I knocked on the door of the building labeled "B". There was no response. Finally, I knocked on the door of the building labeled "C". City records show this building is approved to be used as a work shop. There was no response. While on scene I saw 12 electrical meters in plain view of each of the building's front doors. There are two electrical meters located on the building addressed "A". There is one electrical meter located on the building labeled "B". Six electrical meters are located on the building labeled "C". I saw one electrical meter that is actively supplying power to a recreational vehicle. There are two electrical meters along the West side of the property that are used as recreational vehicle connections but, at the time of inspection, they were not supplying power to anything. I attempted to contact the property owner Mr. Joseph Bosman via phone. I left a message requesting contact to discuss the condition of his property.

On 1-27-2017 I conducted another property inspection with Code Enforcement Manager Curt Michael, Building Inspector Mike Boccio, and property owner Joseph Bosman. Mr. Bosman provided historical documents related to the property, historical photos of the property, and an eviction notice for a tenant living at the property. I advised Mr. Bosman that the Code Enforcement Department received a complaint for people living in multiple

recreational vehicles on the property. I told Mr. Bosman that when I was at the property yesterday, I saw multiple electrical meters around the property which were installed without the proper permits.

Mr. Bosman stated that the building addressed as A has three separate residential units inside the building. Building Inspector Mike Boccio advised Mr. Bosman that the City only approved that building to be used as a duplex. Mike Boccio told Mr. Bosman that he is required to convert the building back to a duplex and to contact the building department for an interior inspection.

Mr. Bosman stated that B has been used as a residence for many years and that the building has a full bathroom and kitchen. Mike Boccio advised Mr. Bosman that the building was not permitted to have a bathroom or kitchen inside. When asked, Mr. Bosman did not grant access to the inside of this building.

Mr. Bosman allowed access into the approved workshop building addressed C. Mr. Bosman stated that he was installing additional walls inside the shop and that he may convert a portion of the workshop into additional residential units. A check of city building permits found that Mr. Bosman has a permit to construct the walls. As we continued the interior inspection of C, we found an unpermitted residential unit constructed on the South end of the workshop. Mr. Bosman did not grant access to the inside of this living unit and it was inspected from the exterior only. Mr. Bosman stated that the unpermitted residential unit is a single unit with a second story for storage.

Mr. Bosman allowed an inspection of the rear of the property where I saw several trailers and recreational vehicles stored on an unimproved surface on the East side of the property. Mr. Bosman stated that there are 15 occupied recreational vehicles on the property. Mr. Bosman told me that each recreational vehicle has its own electrical meter and sewer line, and that he collects \$550 a month in rent for each recreational vehicle on the property. In addition to the recreational vehicles stored on an unimproved surface, I saw several automobiles and boats on the rear of the property parked on an unimproved surface. I also saw several inoperable vehicles stored on the property, out of public view. I advised Mr. Bosman that I will research all approved uses for the property and issue a Notice of Violation for any condition that is not approved.

On 1-30-2017, I made contact with Mr. Bosman at the property and issued a Notice of Violation. I explained the violations found during the inspection on January 27, and told him that he will have to contact the building department to obtain an electrical permit for all the electrical meters, and have the sewer inspected. I also told him that if he wanted to keep the third unpermitted residential unit in A, the unpermitted residential unit in B, and the unpermitted residential portion of C, he would have to contact the City of Antioch Planning Department and apply for a use permit. If not, then he would have to restore them all to their original use. I also told him that recreational vehicles cannot be used as a temporary or permanent residence in the City of Antioch and he would have to remove all of the recreational vehicles, boats and automobiles from the unimproved surface. Mr.

Bosman was provided 10 days to contact the Building Department and 30 days to have the recreational vehicles removed.

On 2-1-2017, I met with Mr. Bosman, Planning Manager Alexis Morris and Code Enforcement Manager Curt Michael at City Hall to discuss the violations on the property. Mr. Bosman was informed by Alexis that he was not allowed to have more than two residential units on the property, which is the front unit that is supposed to be a duplex. Alexis told Mr. Bosman that he would have to remove the unpermitted third residential unit from A, remove the unpermitted residential unit from B, and remove the unpermitted residential portion of C. He was also told that he is not allowed to operate a RV park in Antioch or allow any recreational vehicle to be used as a temporary or permanent residence.

On 2-7-2017, Curt Michael, Mike Boccio, Joseph Bosman and I met at the property to inspect the unpermitted sewer and electrical work. Mike Boccio told Mr. Bosman that he will not issue a permit to keep the unpermitted work due to the fact that he was not allowed to have the additional units or the recreational vehicles on the property. Mike Boccio advised Mr. Bosman that when the recreational vehicles and unpermitted units have been removed from the property, the additional electrical and sewer lines will have to be removed. During the inspection, Mr. Bosman dug up multiple spots on the property to show that the recreational vehicles, boats and automobiles on the property are parked on an improved surface.

On 3-28-2017 Mr. Bosman requested to reschedule his appeal hearing. Mr. Bosman was provided with a new appeal hearing on May 4, 2017.

On 4-28-2017 Mr. Bosman requested to reschedule his appeal hearing again. Mr. Bosman was provided with a new appeal hearing on June 1, 2017.

RECOMMENDATION:

Recommendation to uphold the Notice of Violation issued to Joseph Bosman for violations of the Antioch Municipal Code 9-5.3830



May 25, 2017

Joe Bosman

Subj: Notice of Hearing before the Antioch Board of Administrative Appeals

Ref: a) Your Citation Appeal application received February 9, 2017
b) Your request for an extension of your Citation Appeal received March 28, 2017
c) 60-day Tolling Agreement dated March 29, 2017
d) Your letter dated April 28, 2017 requesting an extension of the Tolling Agreement

Dear Mr. Bosman,

Please be advised that your appeal is scheduled for **Thursday, June 1, 2017, at 3:00 p.m.** in the Council Chambers (across the breezeway from City Hall). The Tolling Agreement extension granted by City Clerk Arne Simonsen will expire on June 1, 2017; please see attached e-mail.

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/>.

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

Thank you.

Sincerely,

CHRISTINA GARCIA
Deputy City Clerk

cc: Code Enforcement



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On May 25, 2017, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Joe Bosman

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on May 25, 2017, at Antioch, California.

Christina Garcia

Garcia, Christina

From: [REDACTED]
Sent: Monday, May 01, 2017 10:46 AM
To: Simonsen, Arne
Cc: Garcia, Christina; Vigilia, Michael; Michael, Curt; Sidie, Justine
Subject: Re: Tolling Agreement extension to June 1 2017

Mr. Simonsen and Staff:

Thank you for your consideration of additional time. I trust I have not disrupted your staff's schedules too much. I will try and make the most of this extension to represent myself in the best manner to the City.

Joe Bosman

From: "Arne Simonsen" <asimonsen@ci.antioch.ca.us>
To: "asimonsen@ci.antioch.ca.us"
Cc: "Christina Garcia" <cgarcia@ci.antioch.ca.us>, "Michael Vigilia" <mvigilia@ci.antioch.ca.us>, "Curt Michael" <cmichael@ci.antioch.ca.us>, "Justine Sidie" <jsidie@ci.antioch.ca.us>
Sent: Monday, May 1, 2017 10:26:30 AM
Subject: Tolling Agreement extension to June 1 2017

May 1, 2017

Joe Bosman

Subj: Notice of Hearing before the Antioch Board of Administrative Appeals

Ref: a) Your Citation Appeal application received February 9, 2017
b) Your request for an extension of your Citation Appeal received March 28, 2017
c) 60-day Tolling Agreement dated March 29, 2017
d) Your letter dated April 28, 2017 requesting an extension of the Tolling Agreement

Dear Mr. Bosman,

I am in receipt of your letter dated April 28, 2017 requesting an extension of the Tolling Agreement and rescheduling of the Board of Administrative Appeals Hearing on your appeal of Notice of Violation CD1701-026.

I am granting an extension of the Tolling Agreement and rescheduling the hearing of your appeal to **3:00 p.m., Thursday, June 1, 2017** at which time the Tolling Agreement will expire.

If you have any questions, please do not hesitate to call our office. Thank you.

Sincerely,

ARNE SIMONSEN
City Clerk

Arne Simonsen

City Clerk
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007
(925) 779-7008

The City keeps a copy of all E-mails sent and received for a minimum of 90 days. All retained E-mails will be treated as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms and subject to the exemptions of that Act.

From: Simonsen, Arne
Sent: Monday, April 24, 2017 2:09 PM
To: "
Cc: Garcia, Christina; Vigilia, Michael; Michael, Curt
Subject: Notice of hearing before the Antioch Board of Administrative Appeals
Attachments: Notice of Appeal hearing Joe Bosman 4-24-17.doc; General Info -Decisions-2014-1.doc

Dear Mr. Bosman,

Your appeal will be heard before the Board of Administrative Appeals on **Thursday, May 4, 2017 at 3:00 p.m.** in the City Council Chambers, 200 H Street, Antioch, CA.

The Tolling Agreement of March 29, 2017 extended the required 60-day period for hearing an appeal and will terminate with the hearing of your appeal on May 4, 2017.

All people who wish to speak on your appeal, including you, will be required to take an Oath. You will be allotted 5 minutes in which to present your case before the Board and provide any additional supporting materials not previously submitted to the City Clerk.

If you have any questions, please do not hesitate to call our office. Thank you.

Sincerely,

Arne Simonsen

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

The City keeps a copy of all E-mails sent and received for a minimum of 90 days. All retained E-mails will be treated as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms and subject to the exemptions of that Act.



COPY

April 24, 2017

Joe Bosman

Subj: Notice of Hearing before the Antioch Board of Administrative Appeals

Ref: a) Your Citation Appeal application received February 9, 2017

- b) Your request for an extension of your Citation Appeal received March 28, 2017
- c) 60-day Tolling Agreement dated March 29, 2017

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All people who wish to speak on your appeal, including you, will be required to take an Oath. You will be allotted 5 minutes in which to present your case before the Board and provide any additional supporting materials not previously submitted to the City Clerk.

If you have any questions, please do not hesitate to call our office. Thank you.

Sincerely,

ARNE SIMONSEN
City Clerk

Enclosure: General Information for Persons Appealing Decisions



CITY OF ANTIOCH ADMINISTRATIVE BOARD OF APPEALS

General Information for Persons Appealing Decisions

The Administrative Board of Appeals is comprised of five Antioch residents, who are appointed by the Mayor and have volunteered their time to hear your appeal. The Board Members do not receive monetary compensation for their time and they are not employees of the City. They do not make or control the law. They are hearing officers that will review your appeal because you have requested the City do so. As the person making the appeal (the appellant) please keep in mind the below:

Schedule of Hearing:

- When an appeal is requested, it is typically scheduled for the first Thursday of every month.
- You will receive written notice of the date and time of the appeal hearing from the City Clerk's office 10 days after you file your appeal.
- The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date. 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 2nd Street, and the Antioch Community Center on Lone Tree Way.

When You Don't Show For Your Hearing:

- If you do not appear at the hearing time and date you have been notified of, your appeal will be heard without you being there.

How You Will Act At Your Appeal Hearing:

- You and anyone else who is attending the appeal at your request will maintain a respectful attitude at all times,
- If you or anyone else does not maintain a respectful attitude, you may be asked to leave the hearing by the Board Chairperson.
- Your appeal is not an opportunity to debate or argue with City staff or Board members. Any questions should be directed to the Board Chairperson.
- When you speak, you should talk about the reasons why you feel the Decision was wrongfully made.

How The Appeal Hearing Will Go:

- The Board will read your item of appeal from its Agenda.
- The Board will then ask City staff to present an oral report with regard to your Decision. The Board may ask questions of City staff after the oral report. This oral report will be for **five (5) minutes**.
- After staff has provided its report, and the Board is finished with its questions of staff, you will then be called to the podium to speak. Please come up and speak at the podium, not from the audience.
- You will have **five (5) minutes** to present the reasons why you are appealing the Decision.
- Any other additional persons who may oppose or support your appeal can fill out speaker cards and speak for **three (3) minutes**.
- The Board may then ask City staff for a rebuttal to the statements you or others made in support or opposition of your appeal. This rebuttal is only for **three (3) minutes**.
- Then the hearing is completed and the Board will then issue its ruling on your appeal.

Your Burden:

- It is your appeal and therefore you bear the burden to prove that the Decision was wrongfully made.
- To win your appeal, you must have a majority of the Board uphold your appeal (3 of 5, or 2 of 3).
- If the Board determines there was in fact good reason to issue this Decision, your appeal will be denied.

How The Board Will Rule:

The Board can only rule one of two ways:

- To uphold your appeal and dismiss the Decision.
- To deny your appeal and uphold the Decision.

Written Findings and Order:

- The Board will render their findings and recommendations after the hearing is concluded or as soon as possible.
- You will be mailed the written decision of hearing within ten (10) days of the hearing.
- The decision of the Board is the final ruling on your appeal from the City.



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On April 24, 2017, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Joe Bosman

I, Arne Simonsen, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on April 24, 2017, at Antioch, California.

From: Simonsen, Arne
Sent: Tuesday, April 25, 2017 11:50 AM
To: Garcia, Christina
Subject: FW: Read report : Notice of hearing before the Antioch Board of Administrative Appeals

From: [REDACTED]
Sent: Monday, April 24, 2017 5:37 PM
To: Simonsen, Arne
Subject: Read report : Notice of hearing before the Antioch Board of Administrative Appeals

Recipient: [REDACTED]
Time of reading : 4/24/2017 05:36 PM
Subject: Notice of hearing before the Antioch Board of Administrative Appeals

Dear Mr. Bosman, Your appeal will be heard before the Board of Administrative Appeals on Thursday, May 4, 2017 at 3:00 p.m. in the City Council Chambers, 200 H Street, Antioch, CA. The Tolling Agree

From: Simonsen, Arne
Sent: Monday, April 24, 2017 2:55 PM
To: "
Cc: Garcia, Christina; Vigilia, Michael
Subject: FW: Notice of hearing before the Antioch Board of Administrative Appeals
Attachments: Notice of Appeal hearing Joe Bosman 4-24-17.doc; General Info -Decisions-2014-1.doc

Mr. Bosman,

The Agenda and Staff Reports will be posted on the City's Website 72 hours before the Board of Administrative Appeals Hearing of your Appeal on May 4, 2017.

To view the Agenda information go to www.ci.antioch.ca.us then click on "Agendas – Minutes"; then click on "Board of Administrative Appeals". Then click on Agenda/Minutes for the 5/4/2017 Hearing. The Agenda and staff reports will appear as an Adobe pdf file.

Respectfully,

Arne Simonsen

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

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Cc: Garcia, Christina; Vigilia, Michael; Michael, Curt
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All people who wish to speak on your appeal, including you, will be required to take an Oath. You will be allotted 5 minutes in which to present your case before the Board and provide any additional supporting materials not previously submitted to the City Clerk.

If you have any questions, please do not hesitate to call our office. Thank you.

Sincerely,

Arne Simonsen

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

The City keeps a copy of all E-mails sent and received for a minimum of 90 days. All retained E-mails will be treated as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms and subject to the exemptions of that Act.

From: Simonsen, Arne
Sent: Tuesday, April 25, 2017 11:50 AM
To: Garcia, Christina
Subject: FW: Read report : FW: Notice of hearing before the Antioch Board of Administrative Appeals

From: [REDACTED]
Sent: Monday, April 24, 2017 5:36 PM
To: Simonsen, Arne
Subject: Read report : FW: Notice of hearing before the Antioch Board of Administrative Appeals

Recipient: [REDACTED]
Time of reading : 4/24/2017 05:36 PM
Subject: FW: Notice of hearing before the Antioch Board of Administrative Appeals

Mr. Bosman, The Agenda and Staff Reports will be posted on the City's Website 72 hours before the Board of Administrative Appeals Hearing of your Appeal on May 4, 2017. To view the Agenda informatio

From: Simonsen, Arne
Sent: Wednesday, March 29, 2017 8:43 PM
To:
Cc: Vigilia, Michael; Garcia, Christina; Michael, Curt
Subject: Tolling Agreement on your appeal to the Board of Administrative Appeals re Wilbur Avenue

Mr. Bosman,

Your appeal of a Notice of Violation was delivered to the City Clerk's Office on February 9, 2017. The Antioch Municipal Code requires that the City Clerk schedule the appeal to be heard by the Board of Administrative Appeals within 60-days.

You have received the response with documents to the California Public Records Act request you submitted to the City Clerk's Office on March 9, 2017 which took longer than anticipated to retrieve the requested materials.

Therefore, following the discussion we had when you came to my office on March 28th and you handed me a written request to reschedule the hearing of your appeal that was scheduled for Thursday, April 4, 2017, our office agrees to a 60-day Tolling Agreement starting March 28th, 2017.

My office will be scheduling the hearing of your appeal for 3:00 p.m., Thursday, May 4, 2017 Board of Administrative Appeals meeting which is held in the City Council Chambers, 200 H Street, Antioch, CA 94509.

Respectfully,

Arne Simonsen
City Clerk
City of Antioch
(925) 779-7008

Joe Bosman

RECEIVED

MAR 28 2017

CITY OF ANTIOCH
CITY CLERK

March 28, 2017

City of Antioch

Attn: Christina Garcia, Deputy City Clerk

Re: Appeal of Notice of Violation CD

Site: Wilbur Ave. Antioch, Ca.

Mrs. Garcia:

Thank you for your correspondence dated February 9, 2017 regarding my Appeal Hearing scheduled for **April 6th, 2017 @ 3:00 PM.**

It is important that I am treated fairly regarding my appeal. My property rights are being taken and my tenants may be displaced as a result of this hearing. I am requesting that the following items be addressed **before** the hearing occurs:

1. Request For Public Records:

The City has not responded in writing or e-mail to my request for records dated March 9, 2017. The City is unique in that they are the best source of these documents, even though they are the plaintiff. I would appreciate a written response to this important request.

2. 1-4.01, B, Right To Appeal of Antioch Code of Ordinances:

I requested to you in person and by letter dated March 9, 2017 that the **Planning Commission** should hear specific issues related to my Notice of Violation. There are specific planning issues at stake.

Specifically, the City wants to strip my income producing uses from my property. They have changed the Zoning and are now attempting to tell me I have no grandfathered rights. The land will be useless. Will the City pay me in damages for my lost value?

Please read section **1-4.01, B The Planning Commission should hear my case.**

3. City Staff has yet to engage me:

I have attempted to work with staff as the Mayor directed at the City Council meeting. I have written Ron Bernal and Forrest Ebbs regarding the issues at hand. They have not attempted to resolve any issues yet.

I would appreciate a rescheduling of my appeal until the above items are sorted out.

Thank you,

Joe Bosman

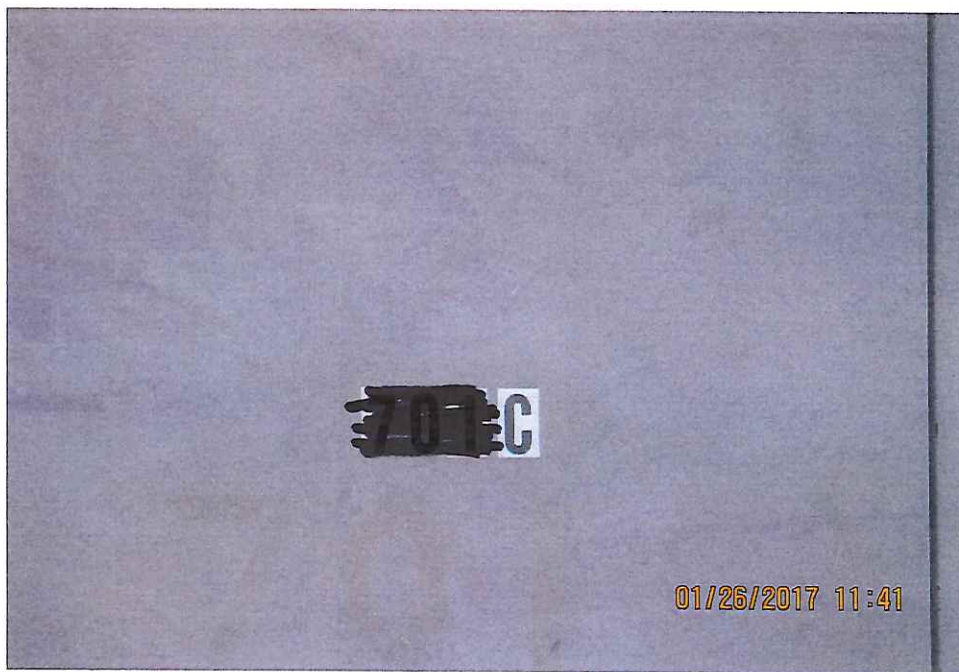


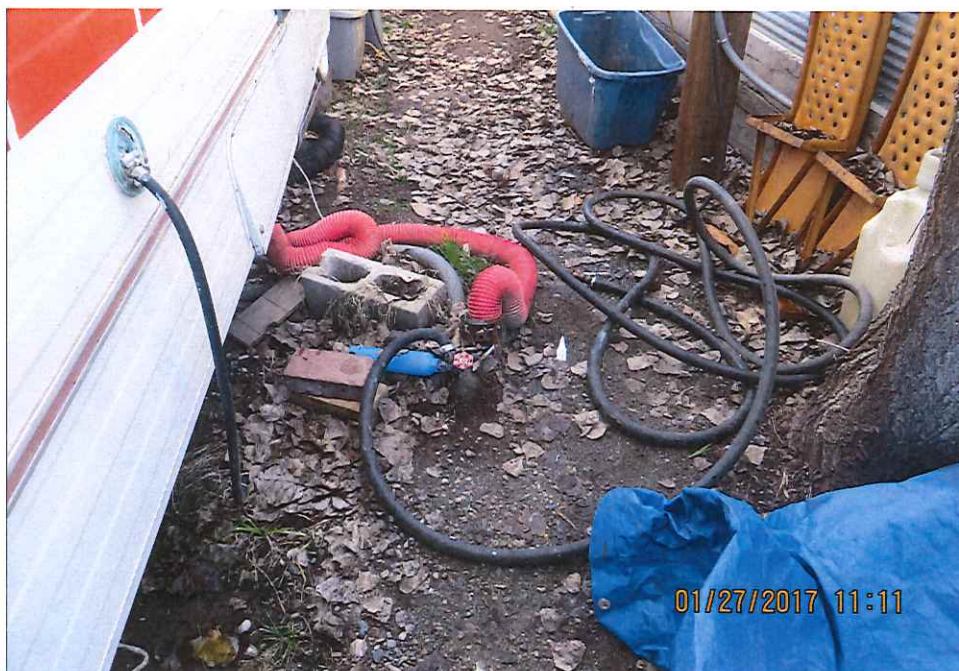
ATTACHMENT 1







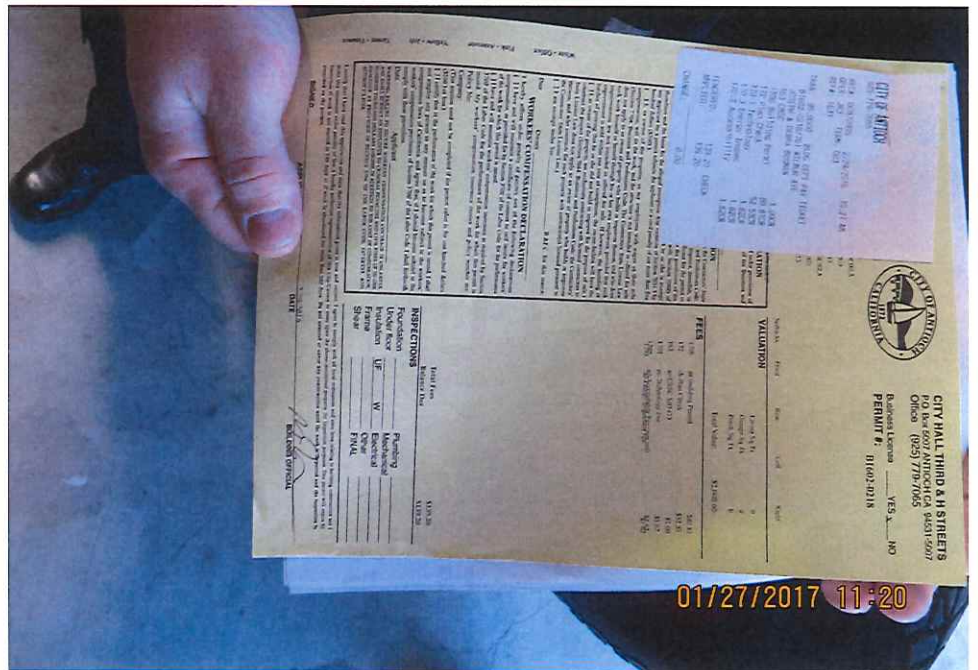


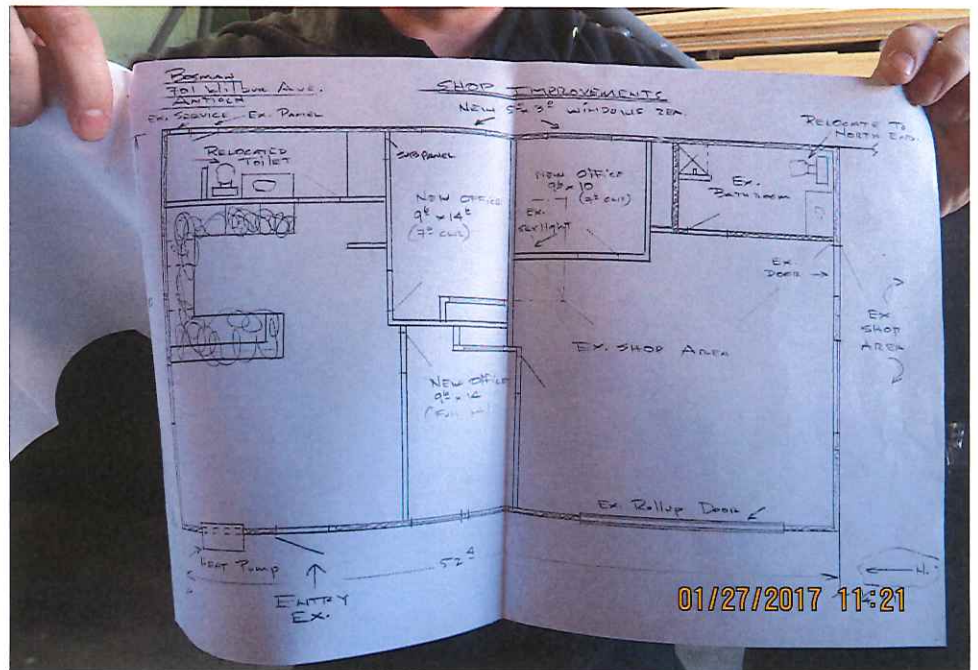
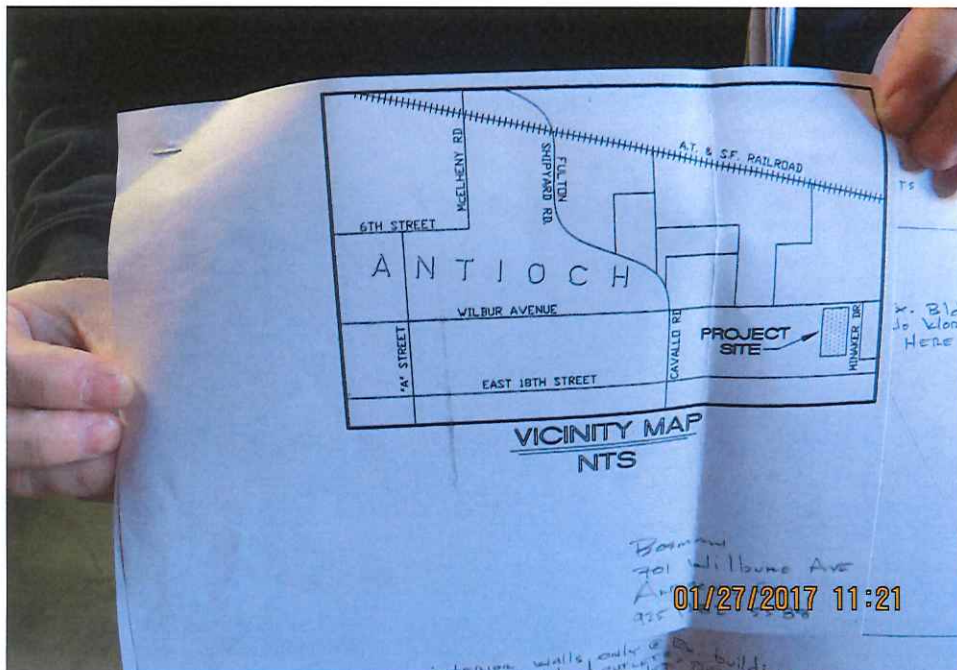
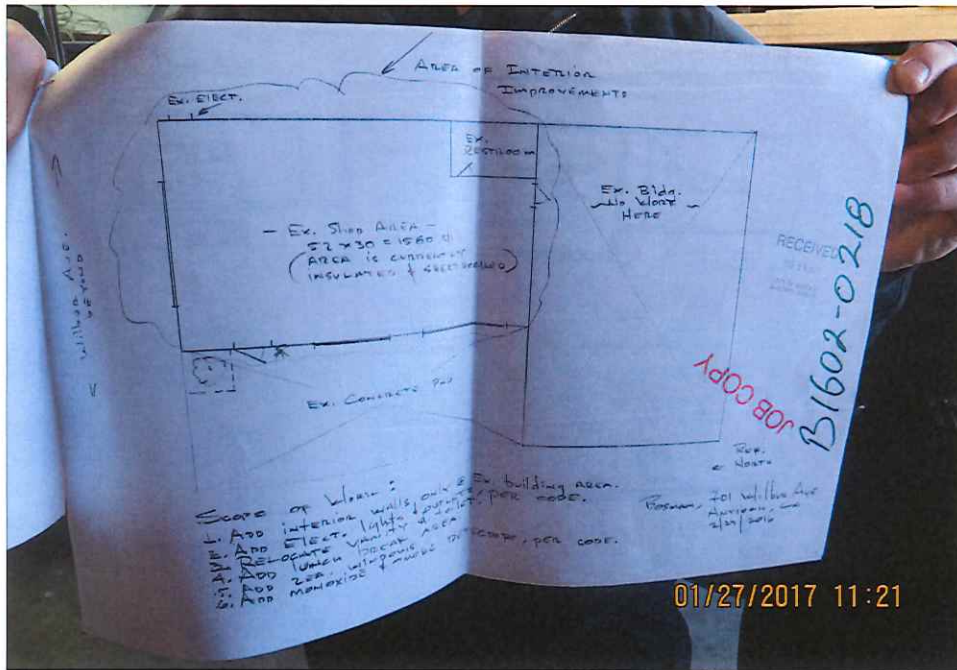














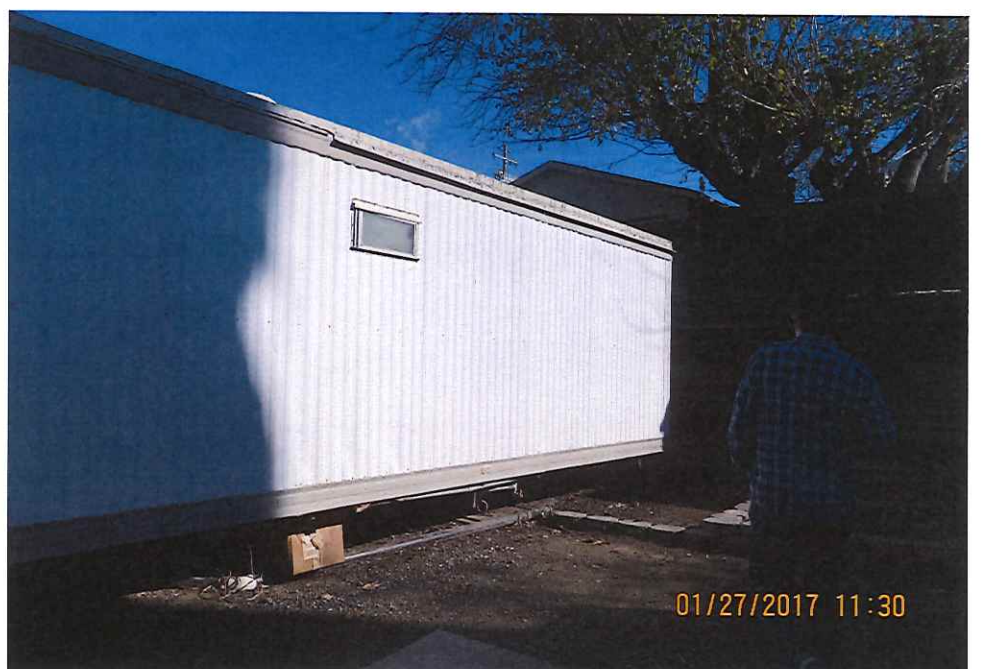








































NOTICE OF VIOLATION OF ANTIOCH MUNICIPAL CODE AND
MAINTAINING PUBLIC NUISANCE IN THE CITY OF ANTIOCH

To: BOSMAN, JOSEPH & DEBRA

Location of property: WILBUR AVE ANTIOCH CA 94509

APN: 065110007

Date of Inspection: 1-30-17 Case #: CD1701-021e

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

Antioch Municipal Code Sections:

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

Required Corrections: Within 10 calendar days from the date of this notice, you must correct the violation(s) (checked off above) or file an appeal with the office of the City Clerk. If you fail to do so, there will be a ~~\$150.00~~ re-inspection fee in addition, the City may issue Administrative Citations, which carry fines that range from ~~\$100.00~~ to \$1,000.00 per violation for every day the violation(s) are permitted to remain and/or take other actions to compel your compliance.

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

Notes: REMOVE ALL RECREATIONAL VEHICLES; RV'S, BOATS, TRAILERS
CARS & TRUCKS FROM UNIMPROVED SURFACE. CONTACT ANTIOCH
BUILDING DEPARTMENT TO OBTAIN ELECTRICAL PERMIT FOR
ELECTRAL PANELS ADDED TO PROPERTY.

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

Correct Violation(s) by: SEE SECOND SHEET Request building permit(s) by: _____

Officer: J. SIDIE

Phone: 925-779-6139

Date: 1-30-17

White - File / Yellow - Owner / Pink

Community Development Dep:

P.O. Box 5007 • 200 H Street • Antioch, CA 94531-5007 • Tel: 925-779-7035 • Fa:

ATTACHMENT 2

CONTINUATION OF NOTICE

LOCATION OF PROPERTY: ██████ WILBOR AVE ANTIOCH CA 94509

APN: CL05110007 Date of Inspection: 1-30-17 Case# CD701-0220

HAVE BUILDING INSPECTOR INSPECT SEWER LINE.
CONTACT ANTIOCH PLANNING DEPARTMENT TO OBTAIN
A USE PERMIT FOR THIRD UNIT IN ██████ A, ██████ B
AND ██████ C OR CONVERT THIRD UNIT IN A BACK
TO ORIGINAL USE, CONVERT B BACK INTO STORAGE
AND C BACK INTO WORK SHOP. IT SHALL
BE UNLAWFUL TO MAINTAIN ANY RECREATIONAL
VEHICLE AS A TEMPORARY OR PERMANENT RESIDENCE.
REMOVE ALL EVIDENCE RV'S BEING USED AS
TEMPORARY OR PERMANENT RESIDENCE.

CONTACT BUILDING & PLANNING B/L TO OBTAIN PERMITS
By: 2-10-17

REMOVE ALL RV'S AND VEHICLES FROM UNIMPROVED
SURFACE By: 3-1-17

REMOVE RV'S AS TEMPORARY OR PERMANENT RESIDENCE
By: 3-1-17

Officer: J. SIDIE Phone: 925-779-6139 Date: 1-30-17

Property Detail

Contra Costa, CA GUS KRAMER, ASSESSOR

Parcel # (APN): 065-110-007-5

Use Description: RESID. MULTIPLE FAMILY

Parcel Status:

Owner Name: BOSMAN JOSEPH & DEBRA

Mailing Address: [REDACTED] SAN JUAN OAKS RD BRENTWOOD CA 94513-4635

Situs Address: [REDACTED] WILBUR AVE ANTIOCH CA 94509-7536 R001

Legal

Description: IN NE QR SEC 19 T2N R2E 2.500 AC

ASSESSMENT

Total Value: \$456,938	Use Code: 24	Zoning:
Land Value: \$255,765	Tax Rate Area: 001086	Census Tract: 3060.04/1
Impr Value: \$201,173	Year Assd: 2015	Improve Type:
Other Value:	Property Tax:	Price/SqFt: \$128.40
% Improved 44%	Delinquent Yr	
Exempt Amt:	HO Exempt?: N	

SALES HISTORY

	<u>Sale 1</u>	<u>Sale 2</u>	<u>Sale 3</u>	<u>Transfer</u>
Recording Date:	02/02/2000			06/29/2005
Recorded Doc #:	21766			237836
Recorded Doc Type:	GRANT DEED			
Transfer Amount:	\$250,000			
Sale 1 Seller (Grantor):				
1st Trst Dd Amt:	Code1:	2nd Trst Dd Amt:	Code2:	

PROPERTY CHARACTERISTICS

Lot Acres: 2.500	Year Built: 1930	Fireplace:
Lot SqFt: 108,900	Effective Yr: 1930	A/C:
Bldg/Liv Area: 1,947		Heating:
Units:	Total Rooms: 9	Pool:
Buildings:	Bedrooms: 4	
Stories:	Baths (Full): 4	Park Type:
Style:	Baths (Half):	Spaces:
Construct:		Site Inflnce:
Quality:	Garage SqFt:	
Building Class:		Timber Preserve:
Condition:		Ag Preserve:
Other Rooms:		



WILBUR AVE

MINAKER DR

MINAKER DR

NORTH LAKE DR

N LAKE CIR

EAST LAKE DR

MILLER ST



City of Antioch
Citation Appeal Application

RECEIVED

FEB 09 2017

HUMAN RESOURCES

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

Date of Citation: 1.30.17

Citation #: CD 1701-026

Name: Joe Bosma

Property Address: [REDACTED] Wilbur Ave, Antioch

Mailing Address: [REDACTED] San Juan Oaks Rd.
Brentwood, CA 94513

Home Phone:

Work Phone:

REASON FOR APPEAL

See Attached Form 2 pages, dated
2.8.2017.

Signature

Date 2/9/2017

ATTACHMENT 3



February 16, 2017

Joe Bosman
[REDACTED] San Juan Oaks Road
Brentwood, CA 94513

RE: Board of Administrative Appeals Hearing
Property Address: [REDACTED] Wilbur Avenue, Antioch
APN NO: 065-110-007
Case NO: CD1701-026

Dear Mr. Bosman,

This is a follow up to your written appeal filed on February 9, 2017, regarding the above-referenced case. We are in receipt of your \$50 Administrative Appeal Fee that was paid on February 15, 2017, as per our City's Master Fee Schedule.

Please be advised your appeal is scheduled for Thursday, April 6, 2017, 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 2nd 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.

Thank you.

Sincerely,

CHRISTINA GARCIA
Deputy City Clerk

cc: Code Enforcement

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