



City Hall  
555 Santa Clara Street  
Vallejo, CA 94590

# AGENDA

## CODE ENFORCEMENT APPEALS BOARD MEETING

6:00 P.M.

City Council Chambers

October 23, 2014

George Roth, Chair  
Gary Bennett, Vice Chair

Board Members  
Patricia Bernard  
Richard Charmack  
Lee Lancaster  
Wanda Madeiros  
Angela McClure

Robert McConnell – City Council  
Liaison

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Code Enforcement Appeals Board (Board) without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Pursuant to the Government Code Section 54954.3 (The Brown Act), members of the public shall be afforded the opportunity to speak on any agenda item of interest to them provided they are first recognized by the presiding officer. Members of the public wishing to be so recognized are requested to submit a completed speaker card to the Staff of the Board prior to the consideration of the item.

Those wishing to address the Board on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the City Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Board will be available for public inspection at the Code Enforcement Division or City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the Board. Such documents may also be available on the City of Vallejo website at <http://www.ci.vallejo,ca.us> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-4469, TDD (707) 649-3562.



Vallejo City Council Chambers is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. ROLL CALL**

**4. APPROVAL OF AGENDA**

**5. READING & APPROVAL OF MINUTES**

A. August 28, 2014

B. September 25, 2014

**6. CORRESPONDENCE:** None

**7. FIRST COMMUNITY FORUM**

*Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Board to resolve, is requested to submit a completed speaker card to the Board Staff Person. When called upon, each speaker should step to the podium, state his/her name, and address for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three (3) minutes, with each speaker limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300. The remainder of the speakers wishing to address the Board on non-agenda items will be heard at the Second Community Forum listed later on the agenda.*

**8. GUEST SPEAKER:** None

**9. PRESENTATIONS: Code Enforcement Appeal Hearings**

A. 3028 Burnette Street – CEO Sidie

B. 125 Camino Del Sol – CEO Sidie

**10. NEW BUSINESS:**

A. Discussion of CEAB judgments for payment plans – Staff

B. Discussion of proposed towing authorization from Police Department for Inoperative Vehicle being cited by Code Enforcement – Madeiros / Staff

**11. OLD BUSINESS**

A. Beautification and Design Review Board Rules of Order and Procedure; information from the City Clerk – Vice Chairperson Bennett

B. Voluntary Compliance Coalition Update - Vice Chairperson Bennett

**12. SECOND COMMUNITY FORUM**

**13. STAFF COMMENTS:** None

**14. ANNOUNCEMENTS**

**15. ADJOURNMENT**

I, Dong Yoo, Staff, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Code Enforcement Appeals Board, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Friday, October 17, 2014.

Dated: October 16, 2014

\_\_\_\_\_  
Dong Yoo, Staff

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1. **CALL TO ORDER:** Chairperson George Roth (Chairperson Roth) 6:06 pm.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG :** Chairperson Roth
3. **ROLL CALL:**
  - Present: Chairperson George Roth,  
Board Members: Lee Lancaster, Richard Charmack, Angela McClure  
Council Liaison Robert McConnell
  - Absent: Vice Chairperson Gary Bennett -- Excused  
Board Member Patricia Bernard, Wanda Madeiros – Excused
  - Staff: Nimat Shakoor-Grantham
4. **APPROVAL OF AGENDA:** Board Member Lancaster motioned to approve the agenda, seconded by Board Member Charmack. The motion carried unanimously.
5. **APPROVAL OF MINUTES:** Board Member Lancaster motioned to approve the agenda, seconded by Board Member Charmack. The motion carried unanimously.
6. **CORRESPONDENCE:** None
7. **FIRST COMMUNITY FORUM:**

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A. Mr. John Swayze complained about 125 Camino Del Sol. The original hearing was scheduled for July 24, 2014. Since Code Enforcement Officer (CEO) John Silva left the city's employment, which the subject property owner's hearing is now scheduled for October 23, 2014. Mr. Swayze said he would not be able to attend the hearing in October and he didn't want his absence to indicate he was not interested. Mr. Swayze submitted a written statement to CEO Silva responding to the property owner's appeal statement and wanted to be sure that the board would receive it. Mr. Swayze said that the Planning and Code Enforcement Staff have been quick to respond to his concerns and have been very helpful. A copy of Mr. Swayze's submitted statement was left with the board for review and consideration.

## 8. NEW BUSINESS:

- A. Discussion of proposed consideration of changes to the Property Maintenance Ordinance – Craig Whittom, Assistant City Manager

Assistant City Manager Craig Whittom made a brief presentation to the Board concerning the property maintenance ordinance. He spoke about past citation revenue generation and the shift of focus to voluntary compliance. Mr. Whittom informed the Board that it was timely to look at the ordinance in terms of the fine structure and how the ordinance was administered. Mr. Whittom then presented a short staff report which listed the items that the Board previously discussed and as issues of concern.

Mr. Whittom also spoke about the following items: 1) Authority to modify citations based on certain criteria, 2) Maximum dollar limit per assessment, and 3) How specifically Staff could serve notice to the property owner. Mr. Whittom suggested that Staff take the concerns identified by the Board and prepare a red lined version of the ordinance that would allow specific alternate language for the ordinance in terms of how changes might be articulated in the ordinance.

Mr. Whittom proposed that Staff would bring the redlined draft ordinance to the September 25, 2014 CEAB meeting to discuss the changes and then submit the Board's recommendations to the City Council. The City Council would likely consider the changes in October. Mr. Whittom suggested having a Board Representative, to articulate and speak on behalf of the Board, at the City Council meeting. Mr. Whittom expressed Staff's interest in the Board's agreed approach and wanted to ensure the Board that Staff had captured the issues that they were concerned about.

Staff Person Ms. Shakoor-Grantham provided the Board with the Code Enforcement Fee Schedule and a copy of the resolution administrative citations fees/fines approved by the City Council.

Board Member Lancaster wanted to know how successful the City of Vallejo had been in accruing fee/fines placed against subject properties.

Mr. Whittom responded by explaining the city's successful process of liening citations fees/fines against properties and then submitting that information to the County when they were unpaid. Mr. Whittom explained that once the fees/fines go onto the County Tax Bill, the City had limited success during the recent recession on getting the fines paid. Mr. Whittom explained that if the fines were unpaid through the County over a 5 year period, then the County would take the money back from the City. Mr. Whittom said that the City had experienced this situation in high volume over the recent years and that was one of the reasons driving Staff to look at different elements of the ordinance.

Mr. Whittom spoke about the Board's cap idea to achieve better compliance at the payment stage so that staff wouldn't have to put fees/fines on the property tax roll. The second idea was to provide some level of flexibility in terms of negotiating a lower amount. The thought being that if there were a lower amount

to begin with, the city would more likely collect the money. Mr. Whittom said that if there were circumstances where the property owner had a legitimate reason for a \$10,000 fine being reduced to \$8,000, then Staff would have the flexibility to do that, but currently Staff didn't have that flexibility. Mr. Whittom explained that the only recourse that he and Staff had with the current ordinance was if a mistake were made in the enforcement process, then the fee/fines could be reduced.

Board Member Lancaster spoke about the idea of a settlement and said that the idea of a "cap" on fee/fines was a good idea.

Chairperson Roth suggested that there be a mechanism in place for installments as many times the Board would levy the full amount of the fine if an installment plan could be implemented. Chairperson Roth also expressed support for the idea of a cap. He inquired about the possibility of posting the warning letter and then sending the property owner a certified letter. Regarding the late fee, Chairperson Roth wanted to know if there was a way to just double the administrative fine as a late fee.

Staff Person Ms. Shakoor-Grantham explained that the way the fees/fines were administered was approved by the City Council.

Board Member McClure asked if it were possible to crunch the information for the types and number of citations so that the Board could balance the compliance and revenue portions.

Mr. Whittom replied that it could be done using the new metric that the division had used since the spring in which there was a chart showing the amount of compliance after the warning notice, the first citation, and the second citation.

Chairperson Roth asked if there was any relationship between homeowners and renters as far as compliance.

Staff Person Ms. Shakoor-Grantham answered that Staff was working on gathering that information.

Board Member Lancaster wanted to know how soon could Staff get the information.

Mr. Whittom proposed to spend the next couple of weeks putting together a red lined draft of the ordinance, getting some of the information that was being requested, and then putting that together in a staff report for the next meeting of September 25, 2014. Mr. Whittom said that if the board acted on September 25, 2014 and sent a recommendation to the City Council, it would likely go before the City Council on October 28, 2014; then if the City Council approved it, the changes would come back for a second reading before the City Council in November. If the second reading was approved, the changes would become effective in early December.

Chairperson Roth wanted to know if there was a problem with the absentee owners not putting down the correct mailing address for noticing.

Staff Person Ms. Shakoor-Grantham replied that Staff still had challenges with property owners who move/relocate and were not aware that they should change their address with the County Tax Assessor's Office. Per the ordinance, Staff received property owner mailing address information from the County Tax Assessor's Roll.

## **9. OLD BUSINESS**

- A. Beautification and Design Review Board Rules of Order and Procedure; information from the City Clerk – Vice Chairman, Bennett

Staff Person Ms. Shakoor-Grantham asked the Board's pleasure in either discussing the item or waiting until the absent Board members were present to have their input.

Chairperson Roth suggested that section 2.5 read as "Code Enforcement Staff Person" instead of "Secretary".

Staff Person Ms. Shakoor-Grantham suggested the idea of bringing a clerical staff person to the CEAB meetings to take minutes/notes which would allow her to concentrate more on the board.

Chairperson Roth suggested that the Board wait until the absent members were present to fully discuss the item in case there were some suggestions that had not been brought to the Board's attention yet.

Board Member Charmack motioned to table the discussion until the September 25<sup>th</sup> meeting. The motion was seconded by Board Member Lancaster; and was carried unanimously.

- B. Voluntary Compliance Coalition (VCC) Update –Nimat Shakoor-Grantham

Staff Person Ms. Shakoor-Grantham gave the Board an update on the VCC activities and the Board had a brief discussion.

## **10. SECOND COMMUNITY FORUM**

- 11. STAFF COMMENTS:** Board Member Lancaster requested that the VCC emails go out earlier so that he could schedule to attend. Staff Person Shakoor-Grantham stated that staff was trying to set up meetings every other Tuesday, opposite of the City Council Meetings.

## **12. ANNOUNCEMENTS**

- 13. ADJOURNMENT:** Board Member Lancaster motioned to adjourn the meeting. The motion was seconded by Board Member Charmack; and was carried unanimously. Chairperson Roth adjourned the meeting at 8:05 p.m.

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1. **CALL TO ORDER:** Chairperson George Roth (Chairperson Roth) 6:03 pm.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG :** Chairperson Roth
3. **ROLL CALL:**
  - Present: Chairperson George Roth, Vice Chairperson Gary Bennett  
Board Members: Lee Lancaster, Wanda Madeiros,  
Council Liaison Robert McConnell
  - Absent: Board Member Patricia Bernard, Richard Charmack, Angela McClure – Excused
  - Staff: Dong Yoo, David Sidie, Lorena Burciaga
4. **APPROVAL OF AGENDA:** Vice Chairperson Bennett motioned to approve the agenda, seconded by Board Member Lancaster. The motion carried unanimously.
5. **APPROVAL OF MINUTES:** The reading and approval of the minutes was postponed for the next meeting because the Board Members who were present at the last meeting were not all present at this meeting. The present Board Members felt that it would be appropriate they would be appropriate for them to vote on the minutes
6. **CORRESPONDENCE:** City Attorney's Office Memo: Cancellation, Reduction, or Modification of Code Enforcement penalties and fines.

The Board decided that Staff would present this item later in the meeting with item # 9 because the memo has answers to the questions the Board had from the July meeting.
7. **FIRST COMMUNITY FORUM:** None  
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8. **GUEST SPEAKER:** None
9. **PRESENTATIONS:** Code Enforcement Appeals Hearings
  - A. 224 Valley Oak Lane

Code Enforcement Officer (CEO) David Sidie testified that this case was already heard by the board and he then went over the memo from the City Attorney's office. CEO Sidie informed the Board, per the memo, that they had the authority to cancel, reduce, or uphold the fines being appealed. The CEAB Board also had the authority to judge for installment payments, payment deadlines, and amount totals given to the property owner. The notice stated that the Board couldn't address Notices of Violation or Administrative Citations (citation) that were not appealed within the 15 day deadline per the Vallejo Municipal Code (VMC) Chapters 1.15 & 7.54. unless there were mitigating circumstances.

CEO Sidie recommended that Citation CE14-0224 (B) be upheld. Board Member Lancaster inquired about the property owner's communication concerning appealing both citations. The property owner stated that he called in and was told he had a certain date to turn in his paperwork. Chairperson Roth stated that if the property owner filed his appeal after the first citation deadline, then he would be appealing the second citation. Chairperson Roth then asked if any citation had been paid yet? CEO Sidie testified that no citation had been paid. Board Member Madeiros requested clarification as to why the property owner did not have the vehicles towed after the first citation. Mr. Anderson stated that the vehicles were not removed because they were not his vehicles. One vehicle was his uncle's and was immediately removed. The second vehicle was his brother's and required more time to remove because the vehicle was not registered. Board Member Madeiros questioned if the property owner provided any documentation to Code Enforcement stating the situation. Mr. Anderson stated that he verbally gave CEO Silva the information.

Chairperson Roth suggested that the First and Second Citation be upheld but the late fee be removed. Board Member Lancaster motioned to accept both fines and remove the late charge. Board Member Madeiros seconded the motion; the motion was carried unanimously

B. 301 Honeydew Drive

CEO David Sidie presented evidence related to the case and recommended that Citation CE14-1161 (A) be upheld. Property owner Reis testified that the vehicle was registered but he had not gotten the plates to show registration. Chairperson Roth clarified that the date of registration was 4/9/14. Mr. Reis testified that he did pay the citations and started the appeal. He testified that the vehicle was registered at the time. Board Member Bennett motioned to waive the \$200 fee since CEO Silva did not have the privilege of knowing that the vehicle was registered at the time the citation was written which was clear with the date of the citation and the date the vehicle was registered. Board Member Madeiros seconded the motion; the motion carried unanimously.

C. 344 Florida Street – Postponed until the next Board meeting

D. 1028 Burnette Street

The property owner did not show up for the hearing. CEO Lorena Burciaga presented evidence related to the case and recommended that Citation CE14-1161 (B) be upheld. Board Member Madeiros questioned if there were two first citations in this case and why? Senior Code Enforcement Officer (SCEO) Dong Yoo stated that there were two



first citations. SCEO Yoo explained that one citation was for the PMO violation of junk, trash, and debris; and the other first citation was for the unregistered vehicle. Board Member Madeiros questioned why the report was only for one of the first citations and wanted to know if the Board might see this case again for the other first citation. CEO Burciaga clarified that the hearing was only for the 6/12/14 first citation. The other first citation was paid. Board Member Madeiros asked if the property owner called to state why he could not be at the hearing. SCEO Yoo and CEO Burciaga both stated that they had not received a call from the property owner. Chairperson Roth stated that without any communication with the property owner, the Board had to figure that the property owner agreed with the fines. Board Member Lancaster motioned to uphold the current fees. Board Member Madeiros seconded the motion; the motion carried unanimously.

**10. NEW BUSINESS:** None

Chairperson Roth wanted to discuss that it appeared the Board was doing special enforcement where the Board seems to only penalize the property owners that could pay the fees and let the property owners who couldn't pay the fees keep their violations forever. Therefore there was a citywide problem of trash cans being allowed to sit in front of properties and abandoned vehicles were being left in driveways and lawns. Also there was no Code Enforcement Staff available because the City was short staffed and the City hadn't provided a method for the Code Enforcement Staff to go onto the properties to deal with things like the abandoned vehicles. Chairperson Roth stated that the Code Enforcement Division was limited in their ability to do anything. He asked if there were any way for the Code Enforcement Division to inquire with the City Attorney's Office and the City Council about a process for gaining access to these properties to get the problems abated. Chairperson Roth stated that when somebody says they can't afford the fine/fee, then everyone walks away from the problem and it stays that way forever; and there was no way to revisit the situation because nothing could be done due to the fact the Board doesn't fine them. Chairperson Roth stated that these people were being rewarded at the same time that other people were being penalized.

Board Member Lancaster stated that the concern went back to making a payment plan for fines. Chairperson Roth mentioned that with the memo from the City Attorney's Office, it was ok for the Board to do an installment plan and the Board could move forward with that at the future meeting. Board Member Lancaster talked about individuals that are skirting, due to the fact that they allowed fees to grow and they just didn't care. Board Member Lancaster stated that there had to be some kind of procedure where the city could place a lien on a vehicle that had been sitting and then remove it and sell it for scrap metal.

SCEO Yoo stated that per the VMC Chapter 7.64, Code Enforcement staff already had the procedure to remove vehicles. There was a 10 day notice to send per the vehicle, then you notify the property owner, and the registered owner. After 10 days or more have passed, if the violation continued to exist, then Code Enforcement could tow the vehicle, and have a tow company put it in storage. Depending on the value, the storage

company could junk or resell the vehicle. The problem was that, if the vehicle was on private property, Code Enforcement couldn't touch it. That was why vehicles were only dealt with in reference to the procedure when they were on public streets. The City of Vallejo Code Enforcement Division was trying to step in and help the City with this situation. Code Enforcement didn't have the authority to run a license plate or tow a vehicle yet, but was trying to work with the police department to be able to do that. The situation had to do with law enforcement authority and who had access to people's registration information. Code Enforcement still had to work on that with them.

Chairperson Roth handed out the first page of a printed opinion from Daniel Longren (1992) with a city's ability to tow and store vehicles. SCEO Yoo mentioned that while working in the police department in the past, he did execute vehicle abatement on public and private properties, depending on the vehicle's location. Back then the vehicles were towed but not now due to shortage of personnel.

Chairperson Roth also brought up the situation where a vehicle was tagged in the driveway, and then they move the vehicle out in the street; so the police would come out and tag it, then they would put the vehicle back in the driveway. At that point, Code Enforcement Division and Police Department staff would go back and forth with the same vehicle. Board Member Lancaster stated that the CEO would have to be in contact with the Police Department with what they were about to do because as long as they skirt the law, the violations would continue. Board Member Lancaster requested that Code Enforcement staff get in touch with the Police Department to collaborate and improve the vehicle abatement process.

SCEO Yoo agreed with the discussion and stated that he will discuss this matter with the Code Enforcement Manager. Board Member Madeiros requested a written formal presentation with a proposal to bring to the City Council. Board Member Bennett added that this would be separate from those situations that they deal with now, where some property owners were truly in need.

## **11. OLD BUSINESS:**

- A. Discussion of proposed consideration of changes to the Property Maintenance Ordinance:

SCEO Yoo informed the Board that staff was still working on the proposed changes and should have them prepared for review for the next meeting. Chairperson Roth asked if there were plans to get a replacement officer for CEO Silva. SCEO Yoo informed the Board that staff was working with Human Resources on getting a temporary CEO since there wasn't an active hiring list available.

- B. Beautification and Design Review Board Rules of Order and Procedure; information from the City Clerk – Vice Chairman, Bennett

SCEO Yoo stated that the item came up last month and the Board stated they wanted to have a full board present before discussing it. Chairperson Roth postponed the discussion.

12. **SECOND COMMUNITY FORUMS:** None
13. **STAFF COMMENTS:** None
14. **ANNOUNCEMENTS:** None
15. **ADJOURNMENT:** Board Member Lancaster motioned to adjourn the CEAB meeting; the motion was seconded; and the motion carried unanimously. Chairperson Roth adjourned the meeting at 7:01 p.m.



## CODE ENFORCEMENT DIVISION

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**HEARING DATE:** October 23, 2014  
**TO:** Code Enforcement Appeals Board  
**FROM:** David Sidie, Code Enforcement Officer  
**SUBJECT:** HEARING ON PMO CITATION #1

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Subject Property Address: 3028 BURNETTE ST  
Parcel Number: 0071151280  
Owner of Record: BERGER, JEFFREY A  
Case Number: CE14-1457  
Violation(s): Vallejo Municipal Code Section 7.54.030 (under Chapter 7.54 known as the Property Maintenance Ordinance of the City of Vallejo) Section 7.64 (Storage of Inoperative and/or unregistered vehicles)

Section 7.54.030 F. Prohibits damaged lumber, junk, trash, salvage materials, household materials, etc.

Section 7.54.030 J. Prohibits vehicles, RVs, trailers and boats parked in front yard, on unpaved surface, in residential zoning districts.

Section 7.54.030 K. Prohibits dead, decayed, leaving any garbage can refuse can, or recycling container in front or side yard.

Section 7.54.030 S. Prohibits maintenance of property in such a manner as to constitute a public nuisance.

Section 7.64.010 Prohibits storage of inoperative, unregistered, wrecked, or dismantled vehicles on the property.

### **BACKGROUND**

- 1) 05/21/2014 This case was picked up while performing inspections in the area. By CEO John Silva.
- 2) 05/21/2014 CEO John Silva checked the Realquest and SCIPS reports for owner information. The owner listed on the reports was Jeffrey A Berger with a mailing address of 277 Montecito Blvd, Napa CA 94559.
- 3) 05/21/2014 CEO John Silva performed an inspection on property and confirmed there to be debris, an unregistered vehicle, trash and trash bins that were out of compliance. CEO, John Silva documented the violations and See photos attached.

On the same day CEO John Silva issued a Warning Notice and Administrative Notice by regular and certified mail to the property owner.

- 4) 06/12/2014 CEO John Silva checked Realquest and SCIPS reports for owner current information. The ownership status remained the same. (Jeffrey A Berger with a mailing address of 277 Montecito Blvd, Napa CA 94559).
- 5) 06/12/2014 CEO John Silva performed a re-inspection and confirmed that the violations had not been abated. See photos attached.
- 6) 06/12/2014 A 1<sup>st</sup> Administrative Citation for the inoperative vehicles was sent via regular and certified mail to the owner and a copy and cc occupants.
- 7) 06/12/2014 A Notice of Violation was sent via regular and certified mail to the owner and a copy and cc occupants.
- 8) 06/17/2014 CEO John Silva posted a copy of the First Citation and Notice of Violation on the property. See photo attached.
- 9) 07/16/2014 Owner status remained the same. CEO John Silva attempted to knock on the door but received no response.
- 10) 07/16/2014 CEO John Silva performed a re-inspection and confirmed that all vehicles had been removed. The only violation remaining were the tires that have not been abated. See photos attached.
- 11) 07/16/2014 First Administrative Citation, for PMO violations was sent via regular and certified mailed to the owner and a copy cc to occupants.
- 12) 07/21/2014 CEO John Silva posted a copy of the First Citation on the mailbox. See photo attached.
- 13) 07/23/2014 CEO John Silva received a phone call from the property owner about the appeal process and CEO John Silva explained to property owner the appeal process.
- 14) 07/24/2014 The property owner came into the office and reviewed case, fees due, policy, and photos with CEO John Silva. The owner was not happy with the late fee amount and requested a meeting with the division manager to have fees reviewed per the option given to him by CEO John Silva.
- 15) 07/25/2014 The Code Enforcement Manager, Nimat Shakoor-Grantham and CEO John Silva met with the property owner who wanted the late fees removed from the first citation. The Code Enforcement Manager Nimat informed the property owner that she could not make changes to the fees only if an error was made by the staff. The Code Enforcement Manager Nimat reviewed the file the only error on Citation 1 was the wrong fees of \$200 on Citation 1, but should have been \$400. The Code Enforcement Manager Nimat recommended the Property owner to file an appeal for the most recent Citation 1, and gave an appeal application to the property owner.
- 16) 07/25/2014 CEO John Silva called the property owner and explained that the fees would remain the same and the appeal date is schedule for July 31, 2014 and the payment for the property maintenance violations is due on August 16, 2014. Property owner said he will be in the office to pay Citation 1 for the appeal hearing prior to July 31, 2014.
- 17) 07/25/2014 CEO John Silva performed a final inspection and confirmed that all violations have been abated. See attached photos

1. Photos taken 05-21-14
2. Warning of Violation issued 05-21-14
3. Administrative Notice issued 05-21-14
4. Photos taken 06-12-14, 07-16-14, 7-21-14
5. Notice of Violation issued 06-12-14
6. 1<sup>st</sup> Citation issued 06-12-14
7. Appeal application received on 07-30-2014
8. Final photos taken 7-25-2014

### **RECOMMENDATION**

BASED UPON THE EVIDENCE PRESENTED, STAFF RECOMMENDS THAT THE BOARD:

1. UPHOLD THE FIRST CITATION ISSUED 07-16-14.

### **CONTACT**

David Sidie, Code Enforcement Officer  
(707) 648-4009  
DSidie@ci.vallejo.ca.us

3028 BURNETTE AVE

[data on Oes-cityhall] \\Oes-cityhall\data\DEPARTMENTS\CE\OFFICERS' NOTICES & PHOTOS\John Silva\PICTURES\2014\MAY\05.21.14



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Code Enforcement Division  
555 Santa Clara Street  
VALLEJO CA 94590-5922

AN WN CE14 1457 JS  
3028 BURNETTE ST

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1 oz First Class Mail

Letter Rate (No surcharge)

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USPS CERTIFIED MAIL



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BERGER JEFFREY A  
277 MONTECITO BLVD  
NAPA CA 94559-2119



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FOLD ALONG THIS LINE

5/21/2014

BERGER JEFFREY A  
277 MONTECITO BL  
NAPA, CA 94559

WN/ CE14-1457/ 3028 BURNETTE ST/ JOHN SILVA

## **WARNING NOTICE**

*Via certified mail, return receipt requested, and first class mail to the property owner at the address shown on the county's last property tax assessment rolls or to any other address known for the property owner. The failure of any property owner to receive this notice shall not affect the validity of any proceedings taken under Chapter 7.54 (Property Maintenance Ordinance) of the Vallejo Municipal Code.*

**CASE NO.: CE14-1457**  
**PARCEL NO.:0071151280**  
**LOCATION: 3028 BURNETTE ST**

We need your help! The property referenced, owned or controlled by you is in need of your immediate attention. **An inspection was made on 05/21/2014** and it was noted that the conditions that exist on the subject property constitute an unlawful public nuisance as defined in Vallejo Municipal Code Chapter 7.54 (Property Maintenance Ordinance). The following unlawful property violations, as stated in Section 7.54.030, are found to exist:

### **DESCRIPTION OF VIOLATION(S) AND REQUIRED CORRECTIVE ACTION(S)**

**Section 7.54.030 F. Prohibits damaged lumber, junk, trash, salvage materials, household materials, etc. Remove all trash, junk and debris on the property. This refers to the tires/rims by the fence**

**Section 7.54.030 J. Prohibits vehicles, RVs, trailers and boats parked in front yard, on unpaved surface, in residential zoning districts. Remove all vehicles, trucks or trailers from the front yard area and park on driveway or street.**

**Section 7.54.030 K. Prohibits dead, decayed, diseased or otherwise hazardous trees, weeds or overgrown vegetation. Cut and remove all overgrown weeds and vegetation on the property.**

**Section 7.54.030 R. Prohibits leaving any garbage can refuse can, or recycling container in front or side yard. Relocate all garbage and recycle containers out of public view.**

**Section 7.54.030 S. Prohibits maintenance of property in such a manner as to constitute a public nuisance. Correct above violations, monitor and maintain property free from blight and public safety issues.**

I hope you understand that the purpose of the Property Maintenance Ordinance is to benefit the entire community by maintaining real property and preventing deterioration of neighborhoods in our City. Please take immediate action to remedy this violation.

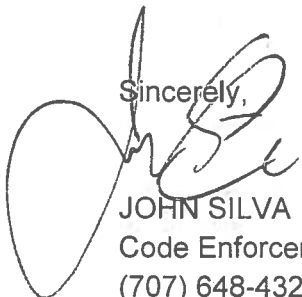
**CONSEQUENCES OF NOT ABATING**

**Failure to correct the noted violation(s) by 06/11/2014 will result in the issuance of a written Notice of Violation and imposition of an administrative charge of \$219.00, as established by resolution by the City Council, pursuant to Section 7.54.140 of the Vallejo Municipal Code.** If the Code Enforcement Manager or other city employees designated by the City Manager determines the violation(s) to be immediately dangerous to the general welfare, health and safety, the same may be summarily abated without compliance with the provisions of this code. If after a Notice of Violation is issued and the violation(s) are still not abated within the time limit specified, then you may be subject to administrative citations (1st Citation: \$200.00, 2nd Citation: \$500.00, 3rd and subsequent Citations: \$750.00 - *per violation*, per day that each violation continues to exist past the correction date), incurrence of City abatement costs, and/or other legal remedies available to the City. The amount of any unpaid administrative charges and/or abatement costs including incidental costs may be made a lien on the real property on which the violation occurred and may constitute as a special assessment added to the ordinary secured property taxes.

***\*Please be advised that if your property is found to be in violation again within twelve (12) months of compliance with this notice, you will receive an administrative fine of \$219.00 pursuant to Section 7.54.160 of the Vallejo Municipal Code.***

If you have any questions, please contact me immediately at the phone number or e-mail address listed below or call this office at (707) 648-4469. Thank you.

Sincerely,

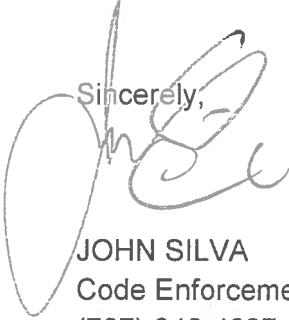


JOHN SILVA  
Code Enforcement Officer  
(707) 648-4327  
JSILVA@ci.vallejo.ca.us

and the violation(s) are still not abated within the time limit specified, then you may be subject to subsequent administrative citations with escalating fine amounts for repeat violations (2nd Citation: \$500.00, 3rd and subsequent Citations: \$750.00 - *per violation*, per day that each violation continues to exist past the correction date), and/or other legal remedies available to the City. The amount of any unpaid administrative charges may be made a lien on the real property on which the violation occurred and may constitute as a special assessment added to the ordinary secured property taxes.

If you have any questions, please contact me immediately at the phone number or e-mail address listed below or call this office at (707) 648-4469. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Silva', written over the word 'Sincerely,'.

JOHN SILVA  
Code Enforcement Officer  
(707) 648-4327  
JSILVA@ci.vallejo.ca.us

5/21/2014

BERGER JEFFREY A  
277 MONTECITO BL  
NAPA, CA 94559

WN-Zoning/ CE14-1457/ 3028 BURNETTE ST/JOHN SILVA

## **ADMINISTRATIVE NOTICE**

*Via certified mail, return receipt requested, and first class mail addressed to the person or persons listed as the owner of the real property in the most current equalized assessment roll of Solano County, including updated computer printouts, available to the City at the time notice is prepared, at his or their last known place of address as shown therein.*

**CASE NO.: CE14-1457**  
**PARCEL NO.:0071151280**  
**LOCATION: 3028 BURNETTE ST**

We need your help! The property referenced, owned or controlled by you is in need of your immediate attention. **An inspection was made on 05/21/2014** and the following violations were noted based on the Vallejo Municipal Code Section(s) stated below:

### **DESCRIPTION OF VIOLATION(S) AND REQUIRED CORRECTIVE ACTION(S)**

**Section 7.64.010 Prohibits storage of inoperative, unregistered, wrecked, or dismantled vehicles on the property.**

**Correction Required: Remove all inoperative and/or unregistered vehicles from the property or make the vehicles operational and currently registered. (NON-OPERATIONAL REGISTRATION IS NOT ACCEPTED)**

I hope you understand that the purpose of the Ordinance is to benefit the entire community by maintaining the value of real property and preventing deterioration of neighborhoods in our City. Please take immediate action to remedy this violation.

### **CONSEQUENCES OF NOT ABATING**

**Failure to correct the noted violation(s) by 06/11/2014 will result in the issuance of a 1<sup>st</sup> Citation, pursuant to Chapter 1.15 of the Vallejo Municipal Code, and imposition of a \$200.00 fine, as established by resolution by the City Council, per violation, per day that each violation continues to exist past the correction date.** If after a 1<sup>st</sup> Citation is issued

## ADMINISTRATIVE CITATION

City of Vallejo Municipal Code, Chapter 1.15, provides for the issuance of administrative citations for Municipal Code violations. The level of the citation and fine is indicated on the front of the citation. Each Municipal Code section violated is a separate offense with an independent fine. Likewise, each day any violation exists is a separate and distinct offense. Fines per each Municipal Code section violated are as follows: First Citation \$200.00, Second Citation \$500.00, Third and subsequent citations \$750.00.

### RIGHTS OF APPEAL

**You have the right to appeal this administrative citation within 15 calendar days from the date of the 1st class mailing of the citation. The failure of any person to file a request for hearing shall be deemed to have waived his or her right to an administrative hearing. A request for hearing form shall be obtained from the citing department listed near the bottom of the Administrative Citation. This request must be accompanied by an advance deposit of the imposed fine or a request for an Advance Fine Deposit Waiver as explained below. You will be sent a written notice of the date and time set for your hearing. A failure to appear at the administrative citation hearing shall constitute a forfeiture of the fine and shall be deemed a waiver of your right to an administrative hearing. The Code Enforcement Appeals Board (Board) or Hearing Officer's decision shall be final. You may seek judicial review of the decision of the Board or hearing officer by filing a petition with a court of competent jurisdiction pursuant to California Code of Civil Procedure §1094.5 and §1094.6.**

### ADVANCE DEPOSIT WAIVER

If you contend that you are financially unable to make the advance fine deposit required to request a hearing of your Administrative Citation, you must file a request for Advance Fine Deposit Waiver. The request form may be obtained from the citing department. This form together with supporting documentation must be filed with the Hearing Request Form. The decision specifying the reasons for issuing or not issuing the waiver will be made in writing by the director (or his/her designee) of the citing department. The written determination shall be final and shall be served upon the person who applied for the waiver. If the director decides not to issue a waiver, the advance fine deposit shall be remitted within 10 days of the decision. If the advance fine deposit is not received by the citing department by this date, the request for hearing shall not be accepted and you shall be deemed to have waived your right to an administrative hearing.

### HOW TO PAY THE FINE

The amount of the fine is indicated on the front of this administrative citation. **If the fine is not paid within 30 calendar days from the date of the citation, a \$890.00 administrative charge will be imposed.** Payment may be made in person at the Vallejo City Hall or by mail addressed to the City of Vallejo Code Enforcement Division, 555 Santa Clara Street, Vallejo, CA 94590. Payment by mail should be made by personal check, cashier's check or money order, payable to the City of Vallejo – Account No. 001-1303-310-36-13. Be sure to **write the Citation Number** on your check or money order and **enclose a copy of this Administrative Citation.**

### CONSEQUENCES OF FAILURE TO PAY THE FEE

Any unpaid fees and/or costs may be recovered by the City through a lien or declared a special assessment against the subject property. Alternatively, the City may collect the fee and/or costs in a civil court action. Any person who fails to pay any fee and/or costs shall be liable in any action brought by the City for costs incurred in securing payment of the delinquent amount.

### CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to, civil penalties, abatement, criminal prosecution, civil litigation, recording the violation with the County Recorder and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect fines, fees, demolish structures, make necessary repairs at the owner's expense, and incarcerate violators. Any of these options or others may be used if the notice and/or citations do not result in the achievement of compliance. If you need further clarification, please call the Department listed on the front of the citation.

3028 BURNETTE



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3028 BURNETTE

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3028 BURNETTE

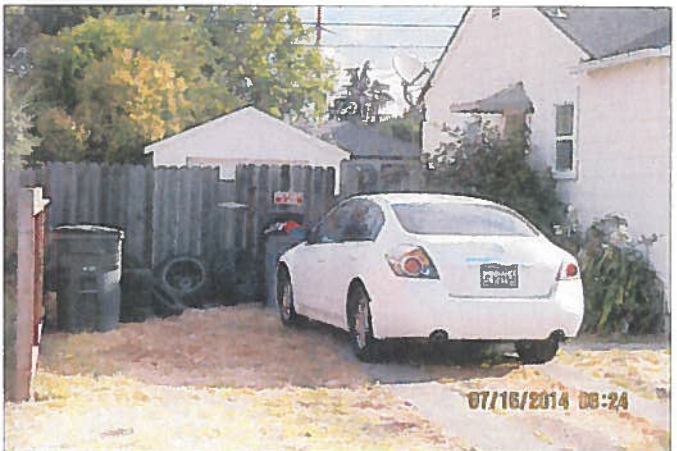
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3028 BURNETTE



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Code Enforcement Division · 555 Santa Clara Street · Vallejo · CA · 94590 · 707.648.4469

6/12/2014

BERGER JEFFREY A  
277 MONTECITO BL  
NAPA, CA 94559

NOV/CE14-1457/3028 BURNETTE ST/JOHN SILVA

## **NOTICE OF VIOLATION**

*Via certified mail, return receipt requested, and first class mail to the property owner at the address shown on the county's last property tax assessment rolls or to any other address known for the property owner. The failure of any property owner to receive this notice shall not affect the validity of any proceedings taken under Chapter 7.54 (Property Maintenance Ordinance) of the Vallejo Municipal Code.*

**CASE NO.: CE14-1457**  
**PARCEL NO.:0071151280**  
**LOCATION: 3028 BURNETTE ST**

You are hereby notified that a **reinspection was performed on 06/12/2014** and the violation(s) was not abated within the time limit specified in the Warning Notice. The conditions that exist on the subject property owned or controlled by you constitute an unlawful public nuisance as defined in **Section 7.54.030** of the Vallejo Municipal Code (Property Maintenance Ordinance). The following violation(s) which were observed during my initial inspection on 05/21/2014 **must be corrected by 07/10/2014**.

### **DESCRIPTION OF VIOLATION(S) AND REQUIRED CORRECTIVE ACTION(S)**

**Section 7.54.030 F. Prohibits damaged lumber, junk, trash, salvage materials, household materials, etc. Remove all trash, junk and debris on the property. This refers to the tires/rims by the fence**

**Section 7.54.030 J. Prohibits vehicles, RVs, trailers and boats parked in front yard, on unpaved surface, in residential zoning districts. Remove all vehicles, trucks or trailers from the front yard area and park on driveway or street.**

**Section 7.54.030 K. Prohibits dead, decayed, diseased or otherwise hazardous trees, weeds or overgrown vegetation. Cut and remove all overgrown weeds and vegetation on the property.**

**Section 7.54.030 R. Prohibits leaving any garbage can refuse can, or recycling container in front or side yard. Relocate all garbage and recycle containers out of public view.**

**Section 7.54.030 S. Prohibits maintenance of property in such a manner as to constitute a public nuisance. Correct above violations, monitor and maintain property free from blight and public safety issues.**

### **ADMINISTRATIVE CHARGE**

**A charge of \$219.00, as established by resolution by the City Council, is now owed to the City pursuant to Section 7.54.140 of the Vallejo Municipal Code payable twenty (20) days of the effective date of this notice.** Any property owner who fails to pay the administrative charges or abatement costs including incidental costs owed to the City shall be liable in any action brought by the City for costs incurred in securing payment of the delinquent amount. Legal action may include costs and/or charges being liened against the property and/or applied as a special assessment to the ordinary secured property taxes.

**How to Pay the Fine:** Payment may be made in person at the Vallejo City Hall, 1st Floor – Cashier (*please bring this notice to the cashier and drop off the duplicate receipt to the Code Enforcement Division office for recording*) or by mail addressed to the City of Vallejo Code Enforcement Division, 555 Santa Clara Street, Vallejo, CA 94590-5922. Payment by mail should be made by personal check, cashier's check or money order, payable to the City of Vallejo. Make sure to include the case number CE14-1457 and account number 001-1303-310-36-13 on your check.

*If the code enforcement manager or other city employees designated by the city manager determines the violation to be immediately dangerous to the general welfare, health and safety, the same may be summarily abated without compliance with the provisions of this code. Abatement may include, but is not limited to boarding of windows, doors and other openings to city specifications, removal of junk and debris, and securing the perimeter of the property with fencing, gates or barricades to prevent further occurrences of the nuisance activity.*

### **CONSEQUENCES OF NOT ABATING**

**Should these conditions not be corrected by 07/10/2014, the following action(s) may be taken:**

**Administrative Citation:** 1st Citation \$200.00, 2nd Citation \$500.00, 3rd and subsequent Citations \$750.00 - *per violation, per day that each violation continues to exist past the correction.*

**City Abatement:** The City may have the work done with city employees and/or by private contract if a violation is not abated within the time limit specified in this notice. **The costs of abatement, including incidental costs shall be billed to the property owner pursuant to Section 7.54.140 of the Vallejo Municipal Code and will be due and payable within thirty (30) days of the date the billing is mailed to the property owner.**

**Liens and Special Assessments:** The amount of any unpaid administrative charges and/or abatement costs including incidental costs may be made a lien on the real property on which the violation occurred and may constitute as a special assessment added to the ordinary secured property taxes.

**Civil Action:** \$50.00 per day for every day each separate violation exists

**Criminal Citation:** Maximum penalty of \$500.00 fine for every day each separate violation exists.

Administrative Citation

1st Citation     2nd Citation     3rd Citation     4th Citation     5th Citation

PERSON CITED:

CASE #: CE14-1457

BERGER JEFFREY A

VIOLATION ADDRESS:

PARCEL #:

3028 BURNETTE ST

0071151280

MAILING ADDRESS:

277 MONTECITO BL NAPA CA 94559

An administrative fine in the amount stated below is now being imposed. To avoid additional citations please correct this code violation by 07/10/2014. Other enforcement action may result if compliance is not achieved by the 3rd Citation.

FINE AMOUNT	MUNICIPAL CODE SECTION VIOLATED VIOLATION DESCRIPTION AND REQUIRED CORRECTION
\$200.00	Section 7.64.010 Prohibits storage of inoperative, unregistered, wrecked, or dismantled vehicles on the property.  <u>Correction Required: Remove all inoperative and/or unregistered vehicles from the property or make the vehicles operational and currently registered. (NON-OPERATIONAL REGISTRATION IS NOT ACCEPTED)</u>
\$200.00	(see reverse side for payment and appeal instructions)

Date and time violation was observed: 6/12/2014

Citation Date: 6/12/2014

Issuing Officer: JOHN SILVA

Signature: 

Citing Department / Division: Code Enforcement Division

Phone Number: (707) 648-4469

Division Address: City of Vallejo Code Enforcement Division, 555 Santa Clara St. 1<sup>st</sup> floor, Vallejo, CA 94590

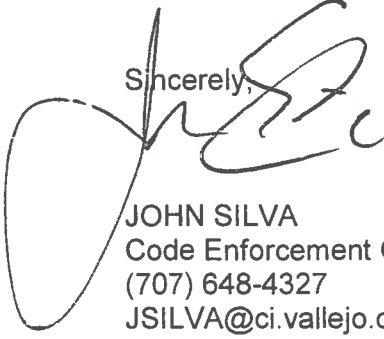
**READ REVERSE SIDE FOR IMPORTANT APPEAL INFORMATION**

**APPEALS PROCESS**

**Information on the process to appeal this notice is attached, which includes the amount of the appeal fee and procedure for requesting an appeal fee waiver.**

If you have any questions, please contact me immediately at the phone number or e-mail address listed below or call this office at (707) 648-4469. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Silva', written over the word 'Sincerely,'.

JOHN SILVA  
Code Enforcement Officer  
(707) 648-4327  
JSILVA@ci.vallejo.ca.us



## NOTICE OF VIOLATION APPEALS PROCESS

Any property owner may appeal the notice of violation and may request a hearing before the Code Enforcement Appeals Board as follows:

1. An appeal form shall be obtained from the Code Enforcement Manager via the Code Enforcement Division office. The completed appeal form shall be filed with the Code Enforcement Manager via the Code Enforcement Division office **within fifteen (15) days of the effective date of the notice of violation, which is the date of the first class mailing, together with an appeal fee of \$658.00 as established by resolution by the City Council or a request for an appeal fee waiver.**
2. Only after the completed appeal form has been filed together with the appeal fee or with an *approved* appeal fee waiver shall the Code Enforcement Manager set the date for a hearing. The hearing shall be set for a date not less than fifteen (15) days nor more than sixty (60) days after the Code Enforcement Manager via the Code Enforcement Division office received the request.
3. The appellant may request one continuance, but in no event shall the hearing be continued more than thirty (30) days after the date of the originally scheduled hearing unless the Code Enforcement Manager finds circumstances of hardship warrant a longer continuance not to exceed ninety (90) days after the date of the originally scheduled hearing.
4. The appellant shall be notified by first class mail and certified mail, return receipt requested, of the date, time and place set for the hearing. Such notice shall be sent at least ten (10) days prior to the date of the hearing. The notice shall include a statement that if the violation is found to be a public nuisance and the violation is not substantially abated, then the city may pursue any and all legal and equitable remedies for the recovery of unpaid abatement costs and administrative charges. The notice shall be sent to the appellant at the address provided on the completed appeal form. Failure of the appellant to receive such notice shall not affect the validity of any proceedings taken under Chapter 7.54 of the Vallejo Municipal Code.
5. Any documentation, other than the notice of violation, which the Code Enforcement Manager has submitted or will submit to the Code Enforcement Appeals Board, shall be served on the appellant at least three (3) days before the hearing.

Failure of any property owner to file an appeal in accordance with the provisions of Section 7.54.080 of the Vallejo Municipal Code shall be deemed to waive his or her right to an appeal hearing.

**Appeal Fee Waiver.** Any property owner who requests a hearing to appeal a notice of violation and is financially unable to pay the appeal fee may file a request for an appeal fee waiver as follows:

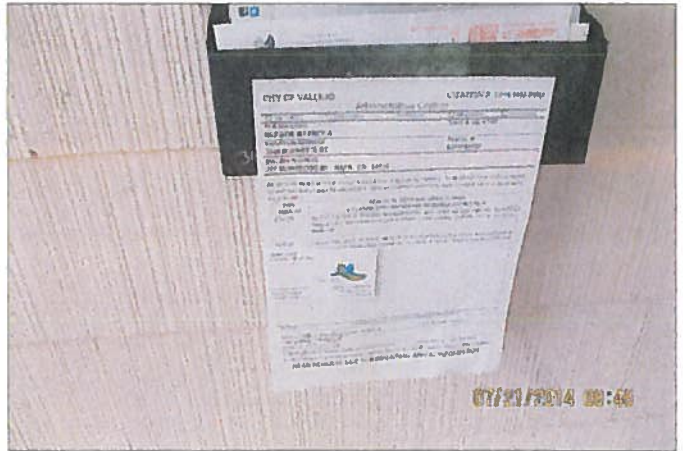
1. The request for waiver shall be made on a form obtained from the Code Enforcement Manager via the Code Enforcement Division office and submitted to the Code Enforcement Manager via the Code Enforcement Division office within fifteen (15) days of the effective date of the notice of violation.
2. The Code Enforcement Manager may issue an appeal fee waiver only if the person requesting the waiver submits a sworn affidavit together with any supporting documents demonstrating to the satisfaction of the manager the person's financial inability to deposit with the city the full amount of the fee in advance of the appeal hearing.
3. The Code Enforcement Manager via the Code Enforcement Division office shall issue a written decision specifying the reasons for issuing or not issuing the waiver within ten (10) days of the receipt of the request. The decision of the Code Enforcement Manager shall be final.
4. If the Code Enforcement Manager office determines a waiver is not warranted, the property owner shall remit the appeal fee within ten (10) days of the determination. If the Code Enforcement Manager via the Code Enforcement Division office does not receive the appeal fee within this time period, the request for hearing shall not be accepted and shall constitute a failure of the property owner to exhaust his or her administrative remedies.

3028 BURNETTE

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**Administrative Citation**

1st Citation     2nd Citation     3rd Citation     4th Citation     5th Citation

**PERSON CITED:**

**CASE #: CE14-1457**

**BERGER JEFFREY A**

**VIOLATION ADDRESS:**

**PARCEL #:**

**3028 BURNETTE ST**

**0071151280**

**MAILING ADDRESS:**

**277 MONTECITO BL NAPA CA 94559**

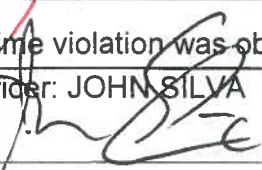
An administrative fine in the amount stated below is now being imposed. To avoid additional citations please correct this code violation by 08/06/2014. Other enforcement action may result if compliance is not achieved by the 3rd Citation.

FINE AMOUNT	MUNICIPAL CODE SECTION VIOLATED VIOLATION DESCRIPTION AND REQUIRED CORRECTION
\$200.00	Section 7.54.030 F. Prohibits damaged lumber, junk, trash, salvage materials, household materials, etc. Remove all trash, junk and debris on the property. This refers to the tires/rims by the fence
\$200.00	Section 7.54.030 S. Prohibits maintenance of property in such a manner as to constitute a public nuisance. Correct above violations, monitor and maintain property free from blight and public safety issues.
\$200.00	(see reverse side for payment and appeal instructions)

Date and time violation was observed: 7/16/2014

Citation Date: 7/16/2014

Issuing Officer: JOHN SILVA

Signature: 

Citing Department / Division: Code Enforcement Division

Phone Number: (707) 648-4469

Division Address: City of Vallejo Code Enforcement Division, 555 Santa Clara St. 1<sup>st</sup> floor, Vallejo, CA 94590

**READ REVERSE SIDE FOR IMPORTANT APPEAL INFORMATION**

## ADMINISTRATIVE CITATION

City of Vallejo Municipal Code, Chapter 1.15, provides for the issuance of administrative citations for Municipal Code violations. The level of the citation and fine is indicated on the front of the citation. Each Municipal Code section violated is a separate offense with an independent fine. Likewise, each day any violation exists is a separate and distinct offense. Fines per each Municipal Code section violated are as follows: First Citation \$200.00, Second Citation \$500.00, Third and subsequent citations \$750.00.

### RIGHTS OF APPEAL

**You have the right to appeal this administrative citation within 15 calendar days from the date of the 1st class mailing of the citation. The failure of any person to file a request for hearing shall be deemed to have waived his or her right to an administrative hearing. A request for hearing form shall be obtained from the citing department listed near the bottom of the Administrative Citation. This request must be accompanied by an advance deposit of the imposed fine or a request for an Advance Fine Deposit Waiver as explained below. You will be sent a written notice of the date and time set for your hearing. A failure to appear at the administrative citation hearing shall constitute a forfeiture of the fine and shall be deemed a waiver of your right to an administrative hearing. The Code Enforcement Appeals Board (Board) or Hearing Officer's decision shall be final. You may seek judicial review of the decision of the Board or hearing officer by filing a petition with a court of competent jurisdiction pursuant to California Code of Civil Procedure §1094.5 and §1094.6.**

### ADVANCE DEPOSIT WAIVER

If you contend that you are financially unable to make the advance fine deposit required to request a hearing of your Administrative Citation, you must file a request for Advance Fine Deposit Waiver. The request form may be obtained from the citing department. This form together with supporting documentation must be filed with the Hearing Request Form. The decision specifying the reasons for issuing or not issuing the waiver will be made in writing by the director (or his/her designee) of the citing department. The written determination shall be final and shall be served upon the person who applied for the waiver. If the director decides not to issue a waiver, the advance fine deposit shall be remitted within 10 days of the decision. If the advance fine deposit is not received by the citing department by this date, the request for hearing shall not be accepted and you shall be deemed to have waived your right to an administrative hearing.

### HOW TO PAY THE FINE

The amount of the fine is indicated on the front of this administrative citation. **If the fine is not paid within 30 calendar days from the date of the citation, a \$890.00 administrative charge will be imposed.** Payment may be made in person at the Vallejo City Hall or by mail addressed to the City of Vallejo Code Enforcement Division, 555 Santa Clara Street, Vallejo, CA 94590. Payment by mail should be made by personal check, cashier's check or money order, payable to the City of Vallejo – Account No. 001-1303-310-36-13. Be sure to **write the Citation Number** on your check or money order and **enclose a copy of this Administrative Citation.**

### CONSEQUENCES OF FAILURE TO PAY THE FEE

Any unpaid fees and/or costs may be recovered by the City through a lien or declared a special assessment against the subject property. Alternatively, the City may collect the fee and/or costs in a civil court action. Any person who fails to pay any fee and/or costs shall be liable in any action brought by the City for costs incurred in securing payment of the delinquent amount.

### CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to, civil penalties, abatement, criminal prosecution, civil litigation, recording the violation with the County Recorder and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect fines, fees, demolish structures, make necessary repairs at the owner's expense, and incarcerate violators. Any of these options or others may be used if the notice and/or citations do not result in the achievement of compliance. If you need further clarification, please call the Department listed on the front of the citation.

3028 BURNETTE



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3028 BURNETTE

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# CITY OF VALLEJO

## CODE ENFORCEMENT DIVISION

555 Santa Clara Street • P.O. Box 3068 • California • 94590-5934 • (707) 648-4469  
FAX: (707) 649-3540

CASE #: CE14-1457

LAST DAY TO TURN IN = JULY 31, 20

### HEARING REQUEST FORM (ONLY THE PERSON CITED OR NOTICED MAY APPEAL)

THIS REQ. FORM

PLEASE PRINT OR TYPE

- VACANT BUILDING MONITORING FEE (VMC CHAPTER 7.62)
- ADMINISTRATIVE CITATION (VMC CHAPTER 1.15) DATED 7/16/2014 CI PMO
- VACANT BUILDING NOTICE (VMC CHAPTER 7.62)
- PROPERTY MAINTENANCE ABATEMENT NOTICE
- OTHER: \_\_\_\_\_

BEFORE THE CODE ENFORCEMENT APPEALS BOARD:

THE APPEALS OF:

NAME(S): JEFFREY A. BERGER

SUBJECT PROPERTY: 3028 BURNOTTS ST.

MAILING ADDRESS: 277 MONTECITO BLVD.  
NAPA, CA. 94559

1) Brief statement explaining your legal interest in the subject property (e.g., owner, tenant, etc.)

OWNER

2) Brief statement of reason for appeal, together with any material facts to support the appeal.


I DID NOT RECEIVE FIRST WARNING NOTICE, SO I  
DID NOT HAVE A CHANCE TO CORRECT THE VIOLATION BEFORE  
THE CITATION WAS ISSUED.

3) Statement of why protested order or action should be reversed or modified and what you want the outcome to be.

THE VIOLATION WAS CORRECTED IMMEDIATELY AFTER I RECEIVED  
THE CITATION NOTICE. PLEASE DISMISS THE CITATION FINE

- I HAVE SUBMITTED THE REQUIRED APPEAL FEE.
- I HAVE SUBMITTED A REQUEST FOR APPEAL FEE WAIVER.

4) Signatures of all parties named as appellants, their official mailing addresses and daytime telephone number(s):

NAME: JEFFREY A. BERGER  
 MAILING ADDRESS: 277 MONTECITO BLVD  
NAPA, CA 94659  
 TELEPHONE NUMBER: 

NAME: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 TELEPHONE NUMBER: \_\_\_\_\_

5) ALL APPELLANTS MUST SIGN THE FOLLOWING DECLARATION:

I certify and declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

7/30/14                      JEFFREY A. BERGER                      Jeffrey A. Berger  
 DATE                                      PRINT NAME                                      SIGNATURE

\_\_\_\_\_  
 DATE                                      PRINT NAME                                      SIGNATURE

(ATTACH ADDITIONAL PAGES IF NEEDED)



**HEARING DATE:** October 23, 2014  
**TO:** Code Enforcement Appeals Board  
**FROM:** John Silva, Code Enforcement Officer  
**SUBJECT:** HEARING ON CITATION #1

---

Subject Property Address: 125 CAMINO DEL SOL  
Parcel Number: 0079601110  
Owner of Record: MACDONALD, TIMOTHY S&S C TR  
Case Number: ZV13-0053  
Violation(s): Section 16.14.060(E)2 – Site Development Standards  
E. Minimum Required Yards of Interior Lots and Through Lots  
2. Other Yards. One side yard shall have a minimum depth of ten feet, and all other yards five feet.

**BACKGROUND**

- 1) 09/17/2013 City of Vallejo Planning Division received a complaint from neighbor John Swayze, regarding blocked side yard access due to the construction of a garden wall at 125 Camino Del Sol.
- 2) 09/18/2013 James Cisney (Vallejo Planning Division Technician), received a follow-up complaint and email from John Swayze
- 3) 10/12/2013 James Cisney performed the initial site inspection and confirmed the violation.
- 4) 10/15/2013 James Cisney made a suggestion to complainant John Swayze, that he contact the HOA for their cooperation regarding CC&R (Covenant, Conditions & Restrictions) enforcement
- 5) 11/01/2013 James Cisney performed a second site inspection and took pictures
- 6) 02/26/2014 James Cisney sent a warning letter to the property owner, by regular and certified mail, with a deadline date of April 01, 2014
- 7) 04/11/2014 James Cisney sent a follow-up letter to the property owner, by regular and certified mail, granting a deadline extension to May 15, 2014.
- 8) 06/06/2014 James Cisney forwarded the case to Code Enforcement and made a request for the issuance of a citation, for non-compliance
- 9) 06/10/2014 I performed a reinspection of the property and confirmed that the garden wall was not removed  
On the same day, I issued the first citation to the property owner by regular and certified mail.
- 10) 06/13/2014 I posted a copy of the first citation on the front door of the property

11) 06/17/2014 The property owner came into the office and picked up an appeal application. I reviewed both the case and the appeal process, with the property owner.

12) 06/24/2014 The property owner paid the first citation fee of \$200 and submitted the appeal application

**ADDITIONAL STAFF COMMENTS:** James Cisney, City of Vallejo Planning Division

**ATTACHMENTS:**

1. Photos taken 11-01-2013
2. Warning of Violation issued 02-26-2014
3. Follow-up letter issues 04-11-2014
4. Photos taken 06-10-2014
5. 1<sup>st</sup> Citation issued 06-10-2014
6. Appeal application received on 06-24-2014

**RECOMMENDATION**

Based upon the evidence presented, Staff recommends that the Board:

1. Uphold the Frist Citation issued 06-10-2014

**CONTACT**

John Silva, Code Enforcement Officer  
(707) 648-4327  
jsilva@ci.vallejo.ca.us





**CITY OF VALLEJO**  
**CODE ENFORCEMENT DIVISION**

555 Santa Clara Street • P.O. Box 3068 • California • 94590-5934 • (707) 648-4469  
FAX: (707) 649-3540

CASE #: ZV13-0053

**HEARING REQUEST FORM**  
(ONLY THE PERSON CITED OR NOTICED MAY APPEAL)

**PLEASE PRINT OR TYPE**

- VACANT BUILDING MONITORING FEE (VMC CHAPTER 7.62)
- ADMINISTRATIVE CITATION (VMC CHAPTER 1.15)
- VACANT BUILDING NOTICE (VMC CHAPTER 7.62)
- PROPERTY MAINTENANCE ABATEMENT NOTICE
- OTHER: \_\_\_\_\_

**BEFORE THE CODE ENFORCEMENT APPEALS BOARD:**

**THE APPEALS OF:**

NAME(S): Mac Donald Timothy, S & Susan C, trustees

SUBJECT PROPERTY: 125 Camino Del Sol

MAILING ADDRESS: 125 Camino Del Sol  
Vallejo CA 94591

1) Brief statement explaining your legal interest in the subject property (e.g., owner, tenant, etc.)

SEE ATTACHED SHEETS

2) Brief statement of reason for appeal, together with any material facts to support the appeal.

SEE ATTACHED SHEETS


3) Statement of why protested order or action should be reversed or modified and what you want the outcome to be.

SEE ATTACHED SHEETS

- I HAVE SUBMITTED THE REQUIRED APPEAL FEE.
- I HAVE SUBMITTED A REQUEST FOR APPEAL FEE WAIVER.

4) Signatures of all parties named as appellants, their official mailing addresses and daytime telephone number(s):

NAME: MacDonald, Timothy S & Susan C. Trustees  
 MAILING ADDRESS: 125 Camino Del Sol  
Vallejo CA 94591

TELEPHONE NUMBER: 

NAME: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

5) ALL APPELLANTS MUST SIGN THE FOLLOWING DECLARATION:

I certify and declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

<u>6/24/14</u>	<u>Timothy MacDonald, Trustee</u>	<u>Timothy MacDonald</u>
DATE	PRINT NAME	SIGNATURE
<u>6/24/14</u>	<u>Susan MacDonald</u>	<u>Susan MacDonald</u>
DATE	PRINT NAME	SIGNATURE

(ATTACH ADDITIONAL PAGES IF NEEDED)

**Hearing Request Form dated June 24, 2014**

**Case # ZV13-0053**

**#1. Brief Statement explaining your legal interest in the subject property.**

Timothy S. and Susan C. MacDonald are the trustees of the property ownership entity, The 1998 MacDonald Family Trust.

**#2. Brief statement of reason for the appeal, together with any material facts to support the appeal.**

The cited parcel #0079601110 is located within a Planned Unit Development. The parcel does not meet the minimum "Site Development Standards" as stated in Section 16.14.060.

The cited parcel dimensions are 41' x 90' = 3190 sq. ft. well below the minimum "Site Development Standards".

The cited parcel side yard dimensions are: 9'9" to the south and 3'0", 4'6" and 6'6" to the north which do not meet the minimum "Standard Development Standards".

**#3. Brief statement of why protested order or action should be reversed or modified and what you want the outcome to be.**

This violation should be reversed because the property does not fall with the Minimum Site Development Standard Code as cited.

The referred to "Water Feature" which was created and built as a visual screen to block the direct and overpowering visual aspects of the 16' tall, solid tan colored stucco north wall of the neighboring property located 9'9" away to the immediate south of our ground floor living spaces.

On June 21, 2001, our then and current neighbor agreed to and signed our Home Owners Association Architectural Review Application for our hardscape/landscaping plan for the side yard area, which included the water feature. On October 5, 2001 we received the Solano County Villa Del Mar HOA approval for the hardscape/landscaping plan.

The project was started in late 2001 and completed in spring of 2002. The water wall has been installed for over 12 years.

The project is constructed with a substantial reinforced concrete footing; 8" thick cinder block reinforced with rebar and concrete filled cells. The exterior was formed with mesh wire and hand sculpted concrete to create many pockets for exotic plants, such as bromeliads, anthurium, ferns, philodendrons, spider plants, pitcher

plants, orchids. The exterior was sculpted and stained to resemble a tropical island scene. Over \$20,000.00 was spent to build and finish the project. This feature serves as a visual screen, which is not only very pleasant to look at, but has also been incorporated into the interior design aspects of the home. Large mirrors inside the home help to accentuate the visual aspects of the screening wall as well as providing a visual illusion of a much larger interior space. The ground floor space of the home being less than 29' feet in overall width.

Understanding the City's intent in allowing PUDs as per 16.06.010 to where "flexibility of design and development of land" is appropriate and that "these areas will be conducive to creative and experimental methods of land development" is important in viewing the overall matter at hand.

The desired outcome is to leave this well-established artful and lush 12 + year old screening structure intact and un-demolished.

To try and move the structure would require its completed demolition and reconstruction.

Demolition and complete removal of the screen structure would have a devastating impact financially, emotionally, and creatively to the trustees and all that enjoy the visual benefits of this screening water wall.

If required to obtain a building permit, then we will work with the building dept. to do so.

**125 CAMINO DEL SOL**

**Statement**

**of the**

**Complainant**



The UPS Store  
164 Robles Way  
Vallejo, CA 94591  
707-642-1915 Tel  
707-642-2909 Fax

## FAX COVER

**To:** JOHN SILVA **Fax #:** 707 649 3540

**Date:** 8/11/14 **# of Pages (including coversheet):** 6

**From:** JOHN SWAYZE **Phone #:** 707 649 1363

**Subject:** CASE # CV13-0053

*If you are not the intended recipient, do not disclose, copy, distribute or use this information. If you received this transmission in error, please call immediately to arrange return of the documents at no cost to you.*

August 11, 2014

John Swayze  
126 Camino Del Sol  
Vallejo, CA 94591

John Silva  
Code Enforcement Officer  
Code Enforcement Division  
City of Vallejo  
Vallejo, CA 94590

RE: Case #CV13-0053

Dear Mr. Silva,

I have reviewed the MacDonalds' Hearing Request Form dated June 24, 2014, and read the Vallejo Municipal Code ("VMC") and have the following comments:

- The MacDonalds have requested that the City reverse its violation citation based on a claim that their property is not subject to VMC Section 16.14.060 - Site Development Standards because their lot measures less than 5,000 square feet. This is an invalid claim resulting from an incomplete reading of the VMC. Specifically, VMC Section 16.80.30 – Exception Regulations identifies exceptions to "minimum lot areas" defined in Section 16.14.060. In particular, paragraph B to Section 16.80.30 exempts from the 5,000 square foot minimum lot size standard, lots that are part of a Planned Unit Development. Contrary to the MacDonalds' assertion, their lot, which is part of a Planned Unit Development, is subject to Section 16.14.060 notwithstanding that it measures less than 5,000 square feet.
- The MacDonalds state that the "Water Feature" was "created and built as a visual screen to block the direct and overpowering visual aspects of the 16' tall solid tan colored stucco north wall of the neighboring property...." There are 15 other houses in this community that have exactly the same sideyard configuration facing a solid wall of the house next door and no other owners have built accessory structures in the sideyard area. The MacDonalds' house has one set of patio doors and a small second story window directly facing the side of my house.
- I never "agreed" to the MacDonalds' "hardscape/landscaping plan." My signature was an acknowledgment that the MacDonalds had notified me of their plan for changes to the sideyard area of their lot. Please see enclosed copy of a September 5, 2013, e-mail from me to Meredith Nguyen of Massingham & Associates (the management company employed by our HOA) and her response for clarification on the HOA's position on "agreed" versus "heads up."

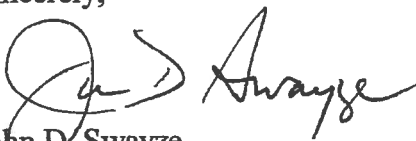
- The plan the MacDonalds showed me omitted material facts about actual changes they intended to make to their sideyard. I only became aware of their omissions in the summer of 2013.
- The MacDonalds state: “[o]n October 5, 2001 we received the Solano County Villa Del Mar HOA approval for the hardscape/landscaping plan.” Please read enclosed pages of Section 8.2 of the Villa Del Mar HOA CC&Rs, particularly the final sentence, which obligated the MacDonalds to meet any review or permit requirements of the City prior to constructing the water feature. The HOA’s approval of their plan was conditioned on this requirement and they failed to meet the requirement.

In considering the MacDonalds’ appeal, I respectfully ask the Code Enforcement Appeals Board also consider the above comments and the following:

- The water feature is a safety risk and there exists the possibility that it could fall into the side of my house in an earthquake.
- The water feature is an encroachment to an easement granted under the deed of trust for my property and its continued existence would have a material adverse effect on the value of my property and my ability to sell it in the future. While the easement encroachment is not an issue before the City, if the City allows the water feature to remain, the costs of private litigation to enforce the right of easement would in all probability exceed \$20,000, i.e., the amount the MacDonalds claim they spent on their water feature project.
- The MacDonalds should have consulted with the City before spending \$20,000 on the water feature project.

I assume that this letter will be provided to members of the Code Enforcement Appeals Board for their consideration prior to the hearing presently scheduled for August 28, 2014. If otherwise, I request to be notified within a reasonable time period before the meeting.

Sincerely,

  
John D. Swayze

Enclosures as stated.



attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act or any other statute governing electronic transactions.

From: swayzejohn@comcast.net [mailto:swayzejohn@comcast.net]  
Sent: Thursday, September 05, 2013 4:49 PM  
To: Meredith Nguyen  
Subject: Re: Unreturned voicemail

I have the CC&Rs that I received when I purchased my house in 1998. In that version, I don't read any specific requirement in Article VIII, paragraph 8.2, that homeowners of adjacent properties must give written approval for any proposed improvements by their neighbor for ARC or board consideration of a homeowner's improvement plan request. Perhaps the Board adopted this requirement pursuant to the statement in paragraph 8.2 that "The ARC may also issue rules or guidelines setting forth procedures for the submission of plans for approval...." In either case, I would appreciate receiving the specific written language wherever it resides.

It would seem that if my signature was required on a document submitted to the ARC/board then I am a party to that document and therefore privy to that document and can't quite understand the privacy concern you cited. Would you please elaborate.

John Swayze

From: "Meredith Nguyen" <mnguyen@massingham.com<mailto:mnguyen@massingham.com>>  
To: "swayzejohn@comcast.net<mailto:swayzejohn@comcast.net>"  
<swayzejohn@comcast.net<mailto:swayzejohn@comcast.net>>  
Sent: Thursday, September 5, 2013 1:32:53 PM  
Subject: RE: Unreturned voicemail

Good Afternoon John,

I apologize for the delay, I did not receive your message. With regards to our email below, Article VIII, Section 8.2 discusses the Architectural Control Committee. On page 26 it discusses the details that the Association may require for approval. My understanding is the board has included this in the application so that your neighbors are aware of the work going on not so they approve the work. It is more of a "heads up" that construction will be taking place. Are you having an issue obtaining the signatures for work you want to have done? \*

With regards to your second request, due to privacy laws I cannot give you information on the other homes, which includes copies of documents they have submitted. Do you have a concern with items they have installed? If you let me know what your concerns are I can review them and address them with the board if necessary.

We have put in a work order for the pedestrian gate and it should be repaired this week.

Again, I am sorry, I did not receive your phone message. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Meredith Nguyen, CMCA, AMS  
Community Association Manager  
Massingham & Associates - An Associa Company  
1855 Gateway Boulevard, Suite 300  
Concord, CA 94520  
O: 925-405-4900  
D: 925-405-4736  
F: 925-405-4747

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# SOLANO COUNTY VILLA DEL MAR HOA CC&RS

second amended Public Report for Phase I, after which the Board may appoint and remove all of the members of the ARC. ARC members appointed by the Board must be Members, but ARC members appointed by Declarant need not be Members. The ARC has the right and duty to promulgate reasonable standards against which to examine any request made pursuant to this Article in order to ensure that the proposed plans conform harmoniously to the exterior design and existing materials of the buildings in the Properties. Board members may also serve as ARC members.

## 8.2. Review of Plans and Specifications.

The ARC shall consider and act upon all plans and specifications submitted for its approval under this Declaration and perform such other duties as the Board assigns to it, including inspection of construction in progress to assure conformance with plans approved by the ARC. No construction, installation or alteration of an Improvement occurring after the date of Recordation of the Declaration, including landscaping, in the Properties may be commenced or maintained until the plans and specifications therefor showing the nature, kind, shape, height, width, color, materials and location thereof have been submitted to and approved in writing by the ARC; provided, however, that any Improvement may be repainted without ARC approval so long as the Improvement is repainted the identical color which it was last painted. Without limiting the generality of the foregoing, the provisions of this Article VIII apply to the construction, installation and alteration of solar energy systems, as defined in Section 801.5 of the California Civil Code, subject to the provisions of California Civil Code Section 714, the City Building Code, applicable zoning regulations, and associated City ordinances. The Owner submitting the plans and specifications ("Applicant") shall obtain a written, dated receipt therefor from an authorized agent of the ARC. Until changed by the Board, the address for submission of such plans and specifications is the Association's principal office. The ARC shall approve plans and specifications submitted for its approval only if it determines that (a) the installation, construction or alterations contemplated thereby in the locations indicated will not be detrimental to the appearance of the surrounding area of the Properties as a whole, (b) the appearance of any structure affected thereby will be in harmony with the surrounding structures, (c) the installation, construction or alteration thereof will not detract from the beauty, wholesomeness and attractiveness of the Common Area and Association Maintenance Areas or the enjoyment thereof by the Members, and (d) the maintenance thereof will not become a burden on the Association. Declarant and any Person to whom Declarant may assign all or a portion of its exemption hereunder need not seek or obtain ARC approval of any Improvements constructed on the Properties by Declarant or such Person.

The ARC may condition its approval of proposals or plans and specifications for any Improvement upon any of the following: (1) the Applicant's furnishing the Association with security acceptable to the Association against any mechanic's lien or other encumbrance which may be Recorded against the Properties as a result of such work, (2) such changes therein as it deems appropriate, (3) the Applicant's agreement to grant appropriate easements to the Association for the maintenance of the Improvements, (4) the Applicant's agreement to install (at its sole cost) water, gas, electrical or other utility meters to measure any increased consumption, (5) the Applicant's agreement to reimburse the Association for the cost of such maintenance, or

2/2

(6) the Applicant's agreement to complete the proposed work within a stated period of time, and may require submission of additional plans and specifications or other information prior to approving or disapproving material submitted. The ARC may also issue rules or guidelines setting forth procedures for the submission of plans for approval, requiring a fee to accompany each application for approval, or stating additional factors which it will consider in reviewing submissions. The ARC may provide that the amount of such fee be uniform, or that it be determined in any other reasonable manner, such as by the reasonable cost of the construction, alterations or installations contemplated. The ARC may require such detail in plans and specifications submitted for its review as it deems proper, including, without limitation, landscape plans, floor plans, site plans, drainage plans, elevation drawings and descriptions or samples of exterior material and colors. Until receipt by the ARC of any required plans and specifications, the ARC may postpone review of any plans submitted for approval. The ARC shall transmit its decision and the reasons therefor to the applicant at the address set forth in the application for approval within forty-five (45) days after the ARC receives all required materials. Any application submitted pursuant to this Section 8.2 shall be deemed approved unless the ARC transmits written disapproval or a request for additional information or materials to the Applicant within forty-five (45) days after the date the ARC receives all required materials. The Applicant shall meet any review or permit requirements of the City prior to making any construction, installation or alterations permitted hereunder.

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8.3. Meetings of the ARC.

The ARC shall meet as necessary to perform its duties. The ARC may, by resolution unanimously adopted in writing, designate an ARC representative (who may, but need not, be one of its members) to take any action or perform any duties for and on behalf of the ARC except the granting of variances pursuant to Section 8.8. In the absence of such designation, the vote or written consent of a majority of the ARC constitutes an act of the ARC.

8.4. No Waiver of Future Approvals.

The ARC's approval of any proposals or plans and specifications or drawings for any work done or proposed or in connection with any other matter requiring the ARC's approval does not waive any right to withhold approval of any similar proposals, plans and specifications, drawings or matters subsequently or additionally submitted for approval.

8.5. Compensation of Members.

The ARC's members shall receive no compensation for services rendered, other than reimbursement for expenses incurred by them in performing their duties.

8.6. Inspection of Work.

The ARC or its duly authorized representative may inspect any work for which approval of plans is required under this Article VIII ("Work"). The right to inspect includes the right to require any Owner to take such action as may be necessary to remedy any noncompliance with the ARC-approved plans for the Work or with the requirements of this Declaration ("Noncompliance").