



City Hall  
555 Santa Clara Street  
Vallejo, CA 94590

# AGENDA

## CODE ENFORCEMENT APPEALS BOARD MEETING

6:00 P.M.

City Council Chambers

January 22, 2015

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. December 3, 2014 (Special)

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: None

10. NEW BUSINESS: Code Enforcement Appeal Hearings

- A. **Hearing on Appeal of Citation #3 Regarding 344 Florida Street Recommendation:** Uphold the third Citation for the storage of the inoperative vehicles, and order the property owner to pay the fines incurred on or before 30 days from the date of this hearing, and remove the inoperative vehicles from the property or provide proof that all of the vehicles are operational with current registration.  
Contact: Dong Yoo, Senior Code Enforcement Officer, 648-4389

11. OLD BUSINESS

A. **Staff Report on the Following Items:**

1. Red-lined Changes to Vallejo Municipal Code Chapters 7.54 (Property Maintenance) and 1.15 (Administrative Citation) - Staff
2. Proposed CEAB Rules of Order and Procedure (modeled after the Beautification and Design Review Board Rules of Order and Procedure) – Staff

12. SECOND COMMUNITY FORUM

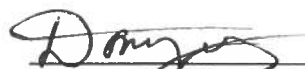
13. STAFF COMMENTS: None

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., Thursday, January 15, 2015.

Dated: January 13, 2015

  
Dong Yoo, Staff

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 Code Enforcement Appeals Board (Board) will be available for public inspection at the 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) 648-3414, TDD (707) 649-3562.



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.

1. **CALL TO ORDER:** Chairperson George Roth (Chairperson Roth) 6:00 pm.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG :** Chairperson Roth
3. **ROLL CALL:**
  - Present: Chairperson George Roth, Vice Chairperson Gary Bennett  
Board Members: Patricia Bernard, Angela McClure
  - Absent: Board Members: Richard Charmack, Lee Lancaster, Wanda Madeiros, Council Liaison Robert McConnell
  - Staff: Assistant City Manager Craig Whittom, Code Enforcement Manager Nimat Shakoor-Grantham, Code Enforcement Senior Officer Dong Yoo
4. **APPROVAL OF AGENDA:** Vice Chairperson Bennett motioned to approve the agenda, seconded by Board Member Bernard. The motion carried unanimously.
5. **APPROVAL OF MINUTES:** Board Member McClure motioned to approve the minutes, seconded by Vice Chairperson Bennett. The motion carried unanimously.
6. **CORRESPONDENCE:** None
7. **FIRST COMMUNITY FORUM:** None  
*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 minutes. 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:** None
10. **NEW BUSINESS:** None

Chairperson Roth requested status of hearing for 344 Florida. Staff stated that the hearing notice did not go out in time and therefore 344 Florida will be heard at the January hearing. Chairperson Roth did request for Mr. Vonderhaar to bring proof that shows he is able to speak on behalf of the property owner, possibly

bringing the Board Certification of Trust. Staff will inquire with the City of Vallejo Attorney's Office as to what Mr. Vonderhaar needs to present to the Board.

**11. OLD BUSINESS:**

- A. Proposed changes to Vallejo Municipal Code Chapter 7.54 Property Maintenance and 1.15 Administrative Citations presented by staff:

The Code Enforcement Division (CED) did not yet have a red-lined ordinance to present. Instead, Staff presented to the Board the seven items in the distributed packet, listed out staff's recommendations, and gathered the Board's comments. A red-lined ordinance will then be presented at the next hearing.

Item A - Length of time to appeal citation:

Currently: 15 days from citation date  
Recommendation: 30 days from citation date  
CEAB Comments: agreed, 30 days from citation date

Item B - Amount of late fee:

Currently: late fee \$890.00  
Recommendation: 50% reduction of current late fee, \$455.00  
CEAB Comments: agreed, 50% reduction of current late fee, \$455.00

Item C - Hearing fee waiver requirements:

Currently: Property owners need to prove economic need by providing certain type of documentation  
Recommendation: No changes due to the fact that the current system seems to be working  
CEAB Comments: agreed, no changes

Item D - Board jurisdiction / Appellant due process:

Currently: The CEAB has a broad jurisdiction in its ability to modify citations amounts  
Recommendation: No changes due to the CEAB already being able to modify the citation amounts after hearing the appellant's case  
CEAB Comments: agreed, no changes

Item E - Authority of the City Manager to administrative to modify citations amounts based upon certain criteria:

Currently: City Manager has no authority to modify any citation fines unless staff makes a technical error.

Recommendation: Give the City Manager authority to modify the citation fines under very narrow criteria; technical error by staff, death or incapacitating illness of property owner, or natural disaster.

CEAB Comments: Board questions if these changes will be occurring pre-appeal or post-appeal. Staff responds that the changes will be pre-appeal so as to not change the Board's decision(s). The Board mentions to consider having the ability to change fines post-appeal also in the case of life threatening emergencies.

Item F - Maximum dollar amount for total assessment:

Currently: No maximum dollar amount

Recommendation: \$10,000 maximum dollar amount per case

CEAB Comments: Chairperson Roth agrees. Board Member Bernard asks if this maximum dollar amount will wipe out previous fines that are over the \$10,000 maximum. Staff states that the intent is for going forward only to new citations. Staff also mentions that the intent of this item is for the maximum dollar amount to be applied per case or per incident, not per property. Vice Chairperson Bennett inquires about the dollar amount the City of Vallejo is still owed on back taxes and if the amount was reduced to \$10,000 would the City of Vallejo get more of that money back. Staff states that this is a hard to predict number but CED can look into the details. Board Member Bennett also inquires about the amount being greater for financial institutions. Staff mentions that there could be legal issues with establishing different caps for different types of owners.

Item G - Required type of service:

Currently: Posting notice on the property, mail with regular mail, and mail with certified mail and a return receipt with a signature

Recommendation: Posting notice on the property and mail by certified mail with no return receipt and no signature. This certified mail service is still mailed with a tracking number for proof of service

CEAB Comments: Chairperson Roth inquires if this will pertain to the Warning Notice? Staff answered that currently it does not but we can do it to ensure that we notify the property owner. Vice Chairperson Bennett asks why this is being recommended. Staff mentions that mailing with certified mail return receipt with a signature is a high standard of notice in addition to regular mail and does not achieve additional means of notifying the property owner. Board Member Bernard

mentions that having a signature is not better because many people just do not pick the letter up at all and it gets returned. Staff agreed with Board Member Bernard's comment. Vice Chairperson Bennett questioned the legal aspect of not having a signature since there seems to be no way of tracking the notice. Staff responded that certified mail with no signature does have a tracking # and therefore meets the legal threshold per the City of Vallejo's Attorney's office.

**B. Beautification and Design Review Board Rules of Order and Procedure; information from the City Clerk:**

Staff is making last minute corrections and everyone should have the CEAB Rules and Order for review by the next hearing.

**C. Voluntary Compliance Coalition Update (VCC):**

A meeting has been set up with Housing and Community Development (HCD) staff concerning funding through the Community Development Block Grant (CDBG) program. City Council has approved \$50,000 for rehabilitation loans, which will be administered by California Housing Development Corp (CHDC). These loans can address structural items such as roofing, but cannot cover things such as weeds, broken fences, or broken windows. CED staff currently has four (4) properties that may be eligible to apply for these low-cost, low-interest loans. Staff is also looking for additional non-profits to aid run program and will supply the non-profit with a list of recipients eligible to receive help.

**D. Discussion of proposed towing authorization from Police Department for Inoperative Vehicle being cited by Code Enforcement: with the volunteer component for these types of problems. CED wants the non-profit to**

Code Enforcement Senior Officer Dong Yoo presented that final arrangements have been finalized and CED can now work with the Community Service Sector (CSS) of the Vallejo Police Department (VPD) to get the registration information from the DMV. The Code Enforcement Officer can then notify the registered owner and the property owner about the inoperable vehicle violations. After 10 days due process, the CED can then contact the VPD dispatch to have the vehicles towed. Even though we have not had an opportunity to use this, we now at least have the mechanism to get the vehicles towed.

**E. Installment Plan Update:**

Staff is still brainstorming and taking down ideas before hopefully presenting this item to the Board at the next hearing.

**F. Planning/Zoning/CEAB scope of influence:**

City Hall  
555 Santa Clara Street  
Vallejo, CA 94590

**CODE ENFORCEMENT**  
**Code Enforcement Appeals Board (CEAB)**  
**MINUTES**

**December 3, 2014**  
**6:00 p.m.**

Staff is working with the Attorney's Office to determine what is applicable to bring before the Board and verify what specific types of information can be shared.

**12. SECOND COMMUNITY FORUMS:** None

**13. STAFF COMMENTS:** None

**14. ANNOUNCEMENTS:** The Board is still looking for one additional Board Member.

**15. ADJOURNMENT:** Board Member Bernard motioned to adjourn the meeting at 7:03 pm. Motion seconded by Vice Chairperson Bennett. The motion carried unanimously.



## CODE ENFORCEMENT DIVISION

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**HEARING DATE:** January 22, 2015  
**TO:** Code Enforcement Appeals Board  
**FROM:** Dong M. Yoo, Sr. Code Enforcement Officer  
**SUBJECT:** HEARING ON APPEAL OF CITATION #3 REGARDING 344 FLORIDA ST

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Subject Property Address: 344 Florida Street  
Parcel Number: 0055-104-120  
Owner of Record: Vonderhaar, Pauline A TR  
Case Number: CE13-3300  
Violation(s): Vallejo Municipal Code (VMC) Section 7.64 (Inoperative and/or unregistered vehicles)

**Section 7.64 Prohibits storage of inoperative and/or unregistered, wrecked, or dismantled vehicles on the property.**

### **BACKGROUND**

- 1) 12-18-13 I performed an inspection of the property per a complaint. I noticed deteriorated or missing shingles on the house siding, deteriorated front deck rail, an unpainted and boarded up opening on the Santa Clara Street side and inoperative vehicles stored on the same side with car covers. The tires for the inoperative vehicles have sunk into the dirt, due to extended storage of the inoperative and/or unregistered vehicles at the same location and in the same condition. Photographs were taken.
- 2) 12-19-13 I checked the Realquest and SCIPS for the owner information. The owner was Pauline A Vonderhaar with a mailing address of 1341 Arkansas Street Vallejo, CA 94590. But from previous knowledge, I also knew owner's son had a mailing address of PO Box 1714 Shingle Springs, CA 95682.
- 3) 12-19-13 A Warning Notice was sent to the property owner for the Property Maintenance Ordinance (PMO), via regular and certified mail to 1341 Arkansas Street Vallejo, CA 94590 and PO Box 1714 Shingle Springs, CA 95682. This Warning Notice advised the owner to correct the violations by 01-05-14, and to maintain the property to prevent it from becoming a public nuisance. An Administrative Warning Notice for the inoperative vehicles was sent to the owner at the same mailing addresses. This Administrative Warning Notice advised the owner to correct the violation by 01-05-14.
- 4) 2-3-14 I conducted a re-inspection. The missing or deteriorated siding has been repaired and the plywood on Santa Clara Street has been painted. The deteriorated deck fence/rail was still the same, and the inoperative vehicles were still the same. Photographs were taken.
- 5) 2-4-14 A Notice of Violation for PMO Violations was sent via regular and certified mail to the owner at 1341 Arkansas Street Vallejo, CA 94590 and to PO Box 1714 Shingle Springs, CA 95682. This Notice of



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- Violation advised the owner to repair the front deck railing by 2-23-14, and to maintain the property to prevent it from becoming a public nuisance. A 1<sup>st</sup> Administrative Citation for the storage of inoperative vehicles was sent to the same addresses advising the owner to correct the violation by 2-23-14.
- 6) 2-10-14 Copies of the Notice of Violation and the 1st Administrative Citation were posted. A photo was taken.
- 7) 3-7-14 I conducted another re-inspection. The deteriorated deck rails and inoperative vehicles were still the same. Photographs were taken.
- 8) 3-10-14 A 1<sup>st</sup> Administrative Citation for the PMO Violations was sent to the owner, via regular and certified mail to 1341 Arkansas Street, Vallejo, CA 94590 and to PO Box 1714 Shingle Springs, CA 95682. This 1<sup>st</sup> Administrative Citation advised the owner to correct the violation by 3-30-14, and to maintain the property to prevent it from becoming a public nuisance. A 2nd Administrative Citation for the storage of the inoperative vehicles was sent to the same addresses advising the owner to correct the violation by 3-30-14.
- 9) 3-11-14 Copies of the 1<sup>st</sup> Administrative Citation for the deck rail and the 2nd Administrative Citation for the inoperative vehicles were posted. A photo was taken.
- 10) 3-25-14 The property owner, Michael Vonderhaar, came into Code Enforcement Office with copies of the 1<sup>st</sup> Administrative Citation for the deteriorated deck rail and the 2nd Administrative Citation for storage of the inoperative vehicles. He wanted to appeal the citations. I advised him he needed to complete and submit the Appeal Application by end of this date. He filled out the Appeal Application and submitted it, but didn't have enough time to complete the Fee Waiver Form. Mr. Vonderhaar was told to turn the Fee Waiver Form in immediately for review; otherwise his appeal would be voided. He understood and said he would fill it out and drop it inside our door slot.
- 11) 4-16-14 I called the owner, Mr. Vonderhaar and left a message stating it has been 3 weeks and have not received the Fee Wavier Form. He was advised if the Fee Waiver Form was not turned in by 4-23-14, then he would forfeit his appeal rights.
- 12) 4-22-14 Fee Waiver Form received from the owner and turned over to the Code Enforcement Division Manager for review.
- 13) 5-1-14 Code Enforcement Manager, Nimat Shakoore-Grantham, reviewed the Fee Waiver Form. She determined the property owner didn't demonstrate financial inability to qualify for the fee waiver. The Manager determined the owner should pay half of the fee due for the appeal.
- 14) 6-9-14 A letter stating the Code Enforcement Manager's decision and to pay the advance fine deposit by June 20, 2014 or to contact the Officer with any questions. If not paid by this date, then it shall deem to have waived his right to an administrative hearing. The owner failed to respond to the letter.
- 15) 7-10-14 The owner failed to respond to the letter dated 6-9-14. I conducted a re-inspection. The deck rail has been repaired, but the inoperative vehicles were still on the property. Photographs were taken of the vehicles.
- 16) 7-10-14 A 3<sup>rd</sup> Administrative Citation for the inoperative vehicles sent to the addresses, via regular and certified mail to remove the inoperative vehicles by 7-31-14.

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- 17) 7-14-14 A copy of the 3<sup>rd</sup> Administrative Citation was posted and a photo taken.
- 18) 7-23-14 The property owner, Michael Vonderhaar, called and left a message stating “seems there are still problems with his property in Vallejo” and asked for a call back on his cell phone at (707) 235-6771. I called the owner and left a message asking for a call back at (707) 648-4389.
- 19) 7-24-14 The Code Enforcement Manager, Nimat Shakoor-Grantham and I met with the property owner, Michael Vonderhaar in the Planning Conference Room. Mr. Vonderhaar was advised he failed to respond to the letter dated June 9, 2014. He now wanted to appeal the 3<sup>rd</sup> Administrative Citation. Mr. Vonderhaar had a copy of the hearing agenda and staff report for this property and for the same violations from 2005. He said he met with Code Enforcement Manager, Nimat Shakoor-Grantham and the Department Manager, Brian Dolan about the same vehicles in 2005. Mr. Vonderhaar said he was told to put car covers over the vehicles and they will be in compliance. He wanted to know why he was in violation now 10 years later. Code Enforcement Manager, Nimat Shakoor-Grantham, advised Mr. Vonderhaar, she had to find out what exactly happened at that meeting in 2005. She advised Mr. Vonderhaar neither Brian Dolan nor she can allow him to put car covers over the inoperative vehicles and make them come into compliance. Nimat asked if we can make a copy of the 2005 hearing agenda and the staff report. Mr. Vonderhaar wanted Nimat to let her Supervisor, Craig Whittom, know about this issue before he goes and speaks to him.  
Mr. Vonderhaar also filled out an Appeal Application for the 3<sup>rd</sup> Administrative Citation and the Fee Wavier application. Nimat reviewed the application and discussed the details with Mr. Vonderharr. She approved the application.
- 20) 7-28-14 I called Mr. Vonderhaar and asked if he can provide a copy of the 2005 hearing packet for review. He said he will bring the documents into Code enforcement Office next week, as long as he didn’t have any medical procedures scheduled. Mr. Vonderhaar will let call me by end of the week.
- 21) 8-7-14 I called Mr. Vonderhaar and advised him that he has been waiting for his call back to see when he will be bringing a copy of the 2005 hearing document. He said he was on his way to the doctor and will know what will happen by end of the day. Mr. Vonderhaar promised to call me back by next day.
- 22) 9-8-14 I conducted a re-inspection and the inoperative vehicles were still on the property.
- 23) 11-18-14 I conducted a re-inspection and the inoperative vehicles were still on the property.

## ATTACHMENTS

1. Photographs dated 12-18-13
2. Warning Notice for PMO dated 12-19-13
3. Administrative Warning Notice for vehicles dated 12-19-13
4. Photographs dated 2-3-14
5. Notice of Violation for PMO dated 2-4-14
6. 1<sup>st</sup> Administrative Citation for vehicles dated 2-4-14
7. Photographs dated 3-7-14
8. 1<sup>st</sup> Administrative Citation for PMO dated 3-10-14
9. 2<sup>nd</sup> Administrative Citation for vehicles dated 3-10-14

10. Photographs dated 7-10-14
11. 3<sup>rd</sup> Administrative Citation dated 7-10-14
12. Photographs dated 9-8-14
13. Photographs dated 11-18-14

### **RECOMMENDATION**

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

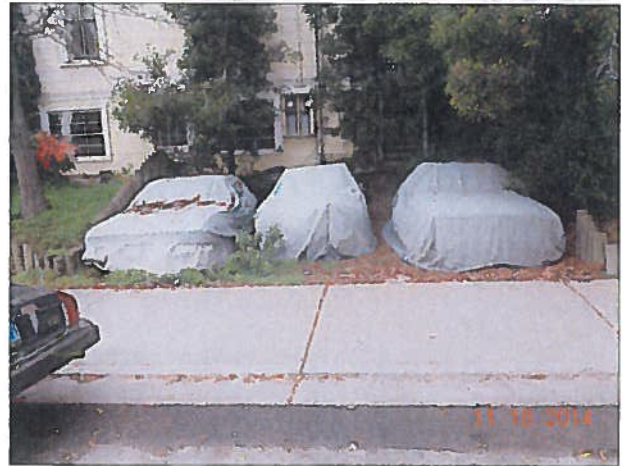
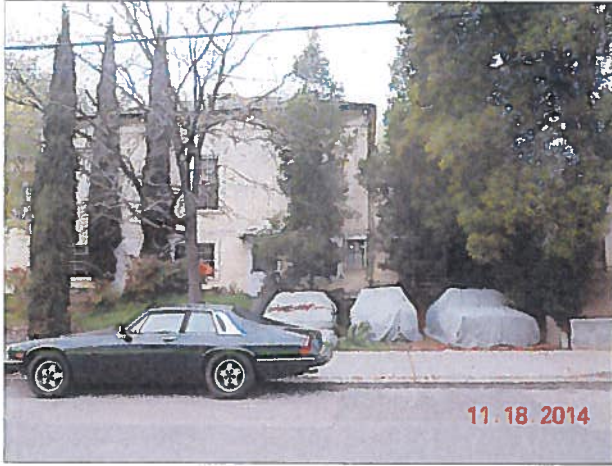
1. Uphold the third Citation for the storage of the inoperative vehicles, and order the property owner to pay the fines incurred on or before 30 days from the date of this hearing.
2. Remove the inoperative vehicles from the property or provide proof that all of the vehicles are operational with current registration.

### **CONTACT**

Dong M. Yoo, Senior Code Enforcement Officer  
(707) 648-4389  
dyoo@ci.vallejo.ca.us

344 Florida The inoperative vehicles were still on the property.

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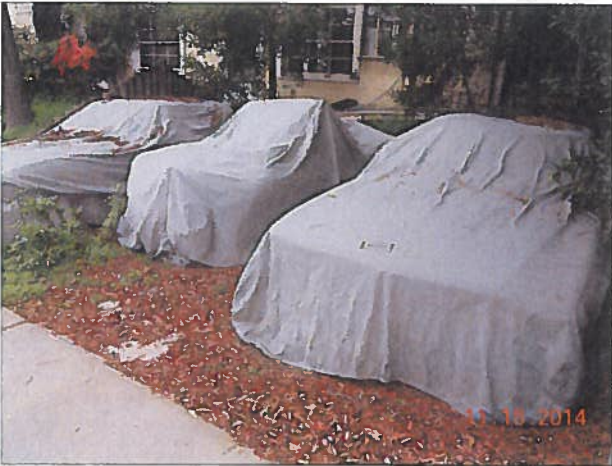
344 Florida The inoperative vehicles were still on the property.

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## CODE ENFORCEMENT DIVISION

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**HEARING DATE:** January 22, 2015  
**TO:** Code Enforcement Appeals Board  
**FROM:** Dong M. Yoo, Sr. Code Enforcement Officer  
**SUBJECT:** #11 Old Business

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### **OLD BUSINESS**

- A. Red-lined Changes to Vallejo Municipal Code Chapters 7.54 (Property Maintenance) and 1.15 (Administrative Citation) are being reviewed and updated by staff and will be on the February 26<sup>th</sup>, 2015 agenda.
  
- B. Proposed CEAB Rules of Order and Procedure (modeled after the Beautification and Design Review Board Rules of Order and Procedure) are being reviewed by the City Attorney's Office and should be on the February 26<sup>th</sup>, 2015 agenda.