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REGULAR MEETING MINUTES  
NOVEMBER 14, 2024

**1. CALL TO ORDER & ORDERS OF THE DAY**

**ROLL CALL**

**PRESENT:** Chair Karen Parsons, Commissioner Jon Budas, Commissioner Timothy Kenny, and Commissioner Brett Williamson.

**ABSENT:** Vice Chair Ron Cabanayan and Commissioner David Hook.

**STAFF:** Board Secretary Regina Lizaola, Senior Supervisor Administration Maria Diaz-Perez, Code Enforcement Inspector Manuel Duarte, Code Enforcement Inspector Angel Esparza, Code Enforcement Supervisor Amber Zenk, Division Manager Rita Tabaldo, and Deputy City Attorney Leanne Bolaño.

**CALL TO ORDER**

Chair Parsons convened the Appeals Hearing Board at 6:33 p.m. in the City Council Chambers of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

**2. OPENING REMARKS AND APPROVAL OF MINUTES**

**APPROVAL OF MINUTES**

Documents Filed: Draft Meeting Minutes from Appeals Hearing Board Regular Meeting on October 24, 2024.

Action: Upon motion by Commissioner Kenny, seconded by Chair Parsons, the minutes for October 24, 2024 was approved. (4-0-2).

**3. REQUEST FOR DEFERRALS**

There was no request for deferrals.

**4. CONSENT CALENDAR**

There was no request for consent calendar.

**5. DEFERRED AND/OR CONTINUED ITEMS**

There was no deferred and/or continued items.

## 6. PUBLIC HEARINGS

- a. **2559 MINUET DR (244-39-028) – ADMINISTRATIVE REMEDY**  
(Manuel Duarte, Code Enforcement Inspector/ Ashok Kumar and Soraj K Bala, Property Owner)

Documents Filed: Administrative Remedy and Notice of Public Hearing dated October 29, 2024

Action: Code Enforcement Inspector Manuel Duarte provided a summary.

Upon a motion by Commissioner Kenny, seconded by Commissioner Williamson and carried unanimously (4-0-2)

### 1. **Order to Correct**

- I. On or before January 2, 2025, submit a copy of your proposed plans in digital format via email to Building Code Compliance Inspector Marlon Aviles at [buildingcodecompliance@sanjoseca.gov](mailto:buildingcodecompliance@sanjoseca.gov) for review. The plans shall address all above listed violations. If the plans are approved by Inspector, visit Online Permit Services | City of San José ([www.sjpermits.org](http://www.sjpermits.org)) and submit the approved plans using SJePlans.

Please visit the link below for more information. We recommend watching the videos on the link below to better understand the permit process.

<https://www.sanjoseca.gov/businesses/development-services-permit-center/sjeplans-electronic-plan-submittal-review/sjeplans-for-building-permits-applications>

- II. On or before February 3, 2025, pay all required fees to and obtain a building permit from the City of San José Building Division to correct the above noted violation(s). Ensure permit is issued.
- III. On or before March 27, 2025, obtain a finalized permit (final clearance inspection) from the City of San José Building Division to correct the above noted violations. A final clearance inspection can be scheduled with a Building Inspector by emailing [CodeEnforcementInformation@sanjoseca.gov](mailto:CodeEnforcementInformation@sanjoseca.gov) or calling Code Enforcement at (408) 535-7770.

### 2. **Administrative Costs**

On or before **January 6, 2025**, the Property Owner(s) shall pay Administrative Costs to the City of San José in the amount of **\$1,670.00**.

### 3. **Administrative Penalties**

On or before **January 6, 2025**, the Property Owner(s) shall pay Administrative Penalties to the City of San José, pursuant to San José Municipal Code Section 1.14.090, in the amount of **\$5,000.00**. If full compliance with the Board's Order is not achieved by **March 27, 2025**, the Property Owner(s) shall pay additional Administrative Penalties in the amount of **\$150.00** per day, from **March 28, 2025** until the date of compliance with the Board's Order, up to a maximum of \$100,000.00. If the Administrative Penalties are not paid and are recorded as a

lien on the real property pursuant to San José Municipal Code Sections 1.14.160 and 1.14.180, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of the administrative lien, from the date the lien is first recorded until the date that payment is received by the City, consistent with California Code of Civil Procedure Section 685.010, as may be amended.

- b. **325 S WILLARD AVE (277-18-025) APPEAL OF NOTICE TO REGISTER**  
(Angel Esparza, Code Enforcement Inspector/ MV3 LLC c/o Vijayalakshmi Mani, Property Owner)

Documents Filed: Appeal of Notice to Register dated October 29, 2024.

Action: Code Enforcement Inspector Angel Esparza provided a summary of the matter and corrected the chronology, confirming the citation was issued on December 22, 2023. Inspector Esparza presented photographs of the most recent inspection conducted on November 14, 2024 shortly before the hearing to confirm the property was still in violation. Code Enforcement Supervisor Amber Zenk testified to explain the origins and purpose of the Neglected Vacant or Abandoned Building Monitoring Program (“Program”) in San José Municipal Code Chapter 17.38. Inspector Esparza confirmed the property is currently vacant with no active building permit and no active improvements or construction underway.

Property Owner Vijayalakshmi “Viji” Mani gave testimony to notify the Board she was in the process of submitting plans to the Building Department and requested an exception to her requirement to register the property into the Program.

Upon a motion by Commissioner Kenny, seconded by Commissioner Williamson and carried unanimously (4-0-2) the Board affirmed the Notice to Register the Subject Property into the Program.

- c. **1520 W SAN CARLOS ST (277-18-021) APPEAL OF NOTICE TO REGISTER**  
(Angel Esparza, Code Enforcement Inspector/ MV3 LLC c/o Vijayalakshmi Mani, Property Owner)

Documents Filed: Appeal of Notice to Register dated October 29, 2024.

Action: Code Enforcement Inspector Angel Esparza provided a summary of the matter and presented photographs of the most recent inspection conducted on November 14, 2024 shortly before the hearing to confirm the property was still in violation. He confirmed the property is currently vacant with no active building permit and no active improvements or construction underway.

Interested Party Mahalingam Mani gave testimony and explained the Property Owner and investors have invested significant funding for monitoring and securing the property with internet access and camera security.

Upon a motion by Commissioner Kenny, seconded by Commissioner Williamson and carried unanimously (4-0-2) the Board affirmed the Notice to Register the Subject Property into the Program.

- d. **1530 W SAN CARLOS ST (277-18-019) APPEAL OF NOTICE TO REGISTER**  
(Angel Esparza, Code Enforcement Inspector/ URBAN VILLAS LLC c/o  
Vijayalakshmi Mani, Property Owner)

Documents Filed: Appeal of Notice to Register dated October 29, 2024.

Action: Code Enforcement Inspector Angel Esparza provided a summary of the matter and presented photographs of the most recent inspection conducted on November 14, 2024 shortly before the hearing to confirm the property was still in violation. He confirmed the property is currently vacant with no active building permit and no active improvements or construction underway. Code Enforcement Supervisor Amber Zenk testified to provide additional clarity on the scope of the Program and the specific matter before the Board.

Interested Party Mahalingam Mani gave testimony and sought clarity on the role of local law enforcement in the Program.

Upon a motion by Commissioner Kenny, seconded by Commissioner Budas and carried unanimously (4-0-2) the Board affirmed the Notice to Register the Subject Property into the Program.

- e. **1536 W SAN CARLOS ST (277-18-020) APPEAL OF NOTICE TO REGISTER**  
(Angel Esparza, Code Enforcement Inspector/ URBAN VILLAS c/o Vijayalakshmi  
Mani, Property Owner)

Documents Filed: Appeal of Notice to Register dated October 29, 2024.

Action: Code Enforcement Inspector Angel Esparza provided a summary of the matter and corrected the chronology, confirming the citation was issued on December 22, 2023. Inspector Esparza presented photographs of the most recent inspection conducted on November 14, 2024 shortly before the hearing to confirm the property was still in violation. Inspector Esparza confirmed the property is currently vacant with no active building permit and no active improvements or construction underway.

Property Owner Viji Mani was present and chose not to speak.

Upon a motion by Commissioner Kenny, seconded by Commissioner Williamson and carried unanimously (4-0-2) the Board affirmed the Notice to Register the Subject Property into the Program.

- f. **1275 N 4<sup>TH</sup> ST (235-05-017) – APPEAL OF NOTICE TO REGISTER**  
(Angel Esparza, Code Enforcement Inspector/ Cornerstone Evangelical Baptist  
Churchin San Francisco Inc C/O Albert Cheung, Property Owner)

Documents Filed: Appeal of Notice to Register dated October 29, 2024.

Action: Code Enforcement Inspector Angel Esparza provided a summary of the matter and corrected the chronology, confirming the Notice to Register the Subject Property into the Program was mailed via US Mail on August 28, 2024. Inspector Esparza presented photographs of the most recent inspection conducted on November 14, 2024 shortly before the hearing to confirm the property was still in

violation. Inspector Esparza confirmed the property is currently vacant with no active building permit and no active improvements or construction underway.

Property Owner Albert Cheung was present and provided testimony. He testified the property was formerly an assisted living facility until the 2020 COVID-19 pandemic. He discussed past attempts at leasing the property. He also advised he recently hired a 24-hour security contractor to monitor the property. He stated there is a current effort to lease the property, and requested a 60-day postponement of the requirement to register the property into the Program.

Upon a motion by Commissioner Kenny, seconded by Commissioner Williamson and carried unanimously (4-0-2) the Board affirmed the Notice to Register the Subject Property into the Program.

**7. REQUEST FOR EXCUSED ABSENCE**

There was no request for excused absence.

**8. OTHER BUSINESS**

There was no other business.

**9. PUBLIC COMMENT**

There was no public testimony on the floor.

**10. ADJOURNMENT**

Upon a motion by Commissioner Williamson, seconded by Chair Parsons, and carried unanimously, the Hearing was adjourned at 7:47 p.m.