
REGULAR MEETING MINUTES
JANUARY 23, 2025

1. CALL TO ORDER & ORDERS OF THE DAY

ROLL CALL

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

ABSENT: Vice Chair Ron Cabanayan.

STAFF: Board Secretary Maria Diaz-Perez, Code Enforcement Inspector Angel Esparza, Code Enforcement Inspector Brandon Riddle, Code Enforcement Inspector Manuel Duarte, Code Enforcement Supervisor Amber Zenk, Code Enforcement Supervisor Joe Celio, Division Manager Rita Tabaldo, and Deputy City Attorney Leanne Bolaño.

CALL TO ORDER

Chair Parsons convened the Appeals Hearing Board at 6:37 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 December 12, 2024.

Action: Upon motion by Commissioner Hook, seconded by Commissioner Kenny, the minutes for December 12, 2024 was approved. (5-0-1).

3. REQUEST FOR DEFERRALS

There was no request for deferrals.

4. CONSENT CALENDAR

a. 826 N Winchester, (274-50-061) – SUMMARY ABATEMENT

(Angel Esparza, Code Enforcement Inspector/ Winchester Estate LLC c/o Tianxing Wang, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated January 7, 2025

Action: Item pulled from the Consent Calendar. Code Enforcement Inspector Angel Esparza provided a summary of the property and advised an inspection was conducted on January 23, 2025, which confirmed property remained vacant and secured.

Property Owner representative Kelly Errardi testified, to confirm the obligations, violations, and fees were equitably and properly assigned by City staff to the correct, past

property owners. Mr. Errardi also expressed gratitude to City staff for their diligence and communication.

Commissioner Kenny spoke to confirm with Inspector Esparza that the fees and responsibilities outlined in the staff report were assigned to the proper owners.

Upon a motion by Commissioner Kenny seconded by Commissioner Williamson and carried unanimously (5-0-1) to affirm the summary abatement actions taken by the City on March 22, 2021, December 2, 2022, and January 20, 2023 as set forth in the Staff Report dated January 7, 2025.

b. 1485/1495 S Winchester, (305-02-001) – SUMMARY ABATEMENT

(Brandon Riddle, Code Enforcement Inspector/ ADL 9 LLC, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated January 7, 2025

Action: Upon a motion by Commissioner Kenny seconded by Commissioner Hook and carried unanimously (5-0-1) to affirm the summary abatement action taken by the City on September 10-12, 2024 as set forth in the Staff Report dated January 7, 2025.

5. DEFERRED AND/OR CONTINUED ITEMS

There was no deferred and/or continued items.

6. PUBLIC HEARINGS

a. 1345 Michigan, (013-05-148) – ADMINISTRATIVE REMEDY

(Manuel Duarte, Code Enforcement Inspector/ Hasnain Haider, Property Owner)

Documents Filed: Administrative Remedy and Notice of Public Hearing dated January 8, 2025

Action: Code Enforcement Inspector Manuel Duarte provided a summary and confirmed that per an inspection completed January 23, 2025, the building remains the same and there appears to be no attempt to revert the building back into compliance.

Interested party Michael Taylor testified, stating he was a former tenant in the Subject Property from May 11, 2024 to December 1, 2024. Throughout this lease period, Mr. Taylor stated the Subject Property remained out of compliance as asserted in the Staff Report. He also advised the Property Owner and Property Manager are the same person. Finally he expressed gratitude to City staff for their efforts to bring the property into compliance.

Commissioner Kenny confirmed with Inspector Duarte that the violations outlined in the Staff Report were largely similar to the past violations described in the Staff Report. Commissioner Hook confirmed with Inspector Duarte that part of the violations include the occupation of the property as a living space.

Upon a motion by Commissioner Kenny, second by Commissioner Williamson and carried (5-0-1) to adopt a resolution

1. Order to Correct

- b) **Immediately** cease the occupancy of the unpermitted ground floor unit.

Remove all items that would constitute a habitable space. This includes but is

not limited to all beds, clothing, furniture, food and other personal items.

and

Remove the unpermitted electrical line, located in the laundry room, and cap it off at its source. The services of a professional are recommended.

Contact Inspector Manuel Duarte to schedule a compliance inspection. Inspection shall be completed on or before February 6, 2025.

- c) **On or before February 6, 2025**, submit a copy of Property Owner's proposed plans in digital format via email to Building Code Compliance Inspector Marlon Aviles at 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 Jose \(sjpermits.org\)](https://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>

- d) **On or before March 6, 2025**, pay all required fees to and obtain a building permit from the City of San José Building Division to correct the above noted violations. Ensure permit is issued.
- e) **On or before May 6, 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 or calling Code Enforcement at (408) 535-7770.

2. Administrative Costs

On or before March 6, 2025, the Property Owner shall pay Administrative Costs to the City of San José in the amount of **\$1,606.00**.

3. Administrative Penalties

On or before March 6, 2025, the Property Owner shall pay Administrative Penalties to the City of San José, pursuant to San José Municipal Code Section 1.14.090, in the amount of **\$12,500.00**. Code Enforcement staff recommends imposing additional Administrative Penalties in the amount of \$350.00 per day starting the day after the first date not met, as listed on the *Order to Correct* until the date of compliance with the Board Order, up to a maximum of \$100,000.

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.

7. REQUEST FOR EXCUSED ABSENCE

Recommendation: Request excused absence for:Commissioner Hook from regular meeting of November 14, 2024, due to personal business.

Action: Upon a motion by Chair Parsons, second by Commissioner Kenny the request for excused absence was approved (5-0-1).

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 Chair Parsons, seconded by Commissioner Williamson, and carried unanimously, the Hearing was adjourned at 7:14 p.m.