

REGULAR MEETING MINUTES
MARCH 13, 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 Regina Lizaola, Code Enforcement Inspector Wayne Cirone, Code Enforcement Inspector My Young, Code Enforcement Inspector Angel Esparza, Code Enforcement Supervisor Joseph Hatfield, Code Enforcement Supervisor Roger Beaudoin, Division Manager Eusebio Espitia, and Deputy City Attorney Leanne Bolaño.

CALL TO ORDER

Chair Parsons convened the Appeals Hearing Board at 6:31 p.m. in the City Council Chambers of City Hall, 200 E. Santa Clara Street, San Jose, CA 95113.

2. OPENING REMARKS AND APPROVAL OF MINUTES

APPROVAL OF MINUTES

Documents Filed: Draft Meeting Minutes from Appeals Hearing Board Regular Meeting on February 13, 2025.

Action: Upon motion by Commissioner Hook, seconded by Commissioner Williamson, the minutes for February 13, 2025 was approved. (5-0-1).

3. REQUEST FOR DEFERRALS

There was no request for deferrals.

4. CONSENT CALENDAR

- a. **27 CLEAVES AVE (261-32-025) – SUMMARY ABATEMENT**
(Wayne Cirone, Code Enforcement Inspector/ Tommy Eugene Pugh, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated February 24, 2025.

Upon motion by Commissioner Budas, seconded by Commissioner Kenny and carried, the summary abatement action taken by the City and the recommendations as stated by the City in its entirety as set forth in the Staff Report dated February 24, 2025 was approved. (5-0-1)

b. 236 E EMPIRE ST (249-47-017) – SUMMARY ABATEMENT

(Joseph Hatfield, Code Enforcement Inspector/ Jathinder Majjiga and Rohini Majjiga, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated February 25, 2025.

Upon motion by Commissioner Budas, seconded by Commissioner Kenny and carried, the summary abatement action taken by the City and the recommendations as stated by the City in its entirety as set forth in the Staff Report dated February 25, 2025, was approved. (5-0-1)

C. 49 E SANTA CLARA ST (467-21-045) - SUMMARY ABATEMENT

(Wayne Cirone, Code Enforcement Inspector/ James K. Eu, Grace L. Eu, And David Eu, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated February 25, 2025.

Action: Item pulled from the Consent Calendar. Code Enforcement Inspector Wayne Cirone provided a summary of the property and advised an inspection conducted on March 13, 2025 revealed the property remains vacant and securely boarded. Inspector Cirone made a correction to the packet, and confirmed the administrative costs total \$1,544.30 and the total of City's enforcement bill is \$2,114.65.

Upon motion by Commissioner Kenny, seconded by Commissioner Budas and carried, the summary abatement actions on November 21, 2018, and May 25, 2022 and recommendations as set forth in the Staff Report dated February 25, 2025, including all costs and fee's as corrected during the hearing, were approved. (5-0-1).

D. 1360 LEXINGTON DR (APN # 305-07-047) - SUMMARY ABATEMENT

(My Vuong, Code Enforcement Inspector/ KDF REGENCY LP, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated February 25, 2025.

Upon motion by Commissioner Budas, seconded by Commissioner Kenny and carried, the summary abatement action taken by the City and the recommendations as stated by the City in its entirety as set forth in the Staff Report dated February 25, 2025, were approved. (5-0-1)

5. DEFERRED AND/OR CONTINUED ITEMS

There was no deferred and/or continued items.

6. PUBLIC HEARINGS

a. 27 CLEAVES AVE (261-32-025)– ADMINISTRATIVE REMEDY

(Wayne Cirone, Code Enforcement Inspector/ Tommy Eugene Pugh, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated February 25, 2025.

Action: Code Enforcement Inspector Wayne Cirone provided a summary and confirmed that per an inspection completed March 13, 2025, the property remains in

a state of disrepair and noncompliance. Inspector clarified questions asked by Commissioner Hook, regarding the recommended administrative penalties.

Upon a motion by Commissioner Kenny, seconded by Commissioner Hook and carried, the Board (5-0-1) adopted City's recommendations in their entirety as written in the Staff Report dated February 25, 2025, and outlined below:

1. Order to Correct

On or before April 30, 2025, the Property Owner shall install Responsible Party signage, maintain minimum security standards; cover with sufficient paint, siding or stucco any unfinished boarded openings; repair or replace any damaged sections of fencing to deter unauthorized access; maintain vegetation to acceptable lengths; demonstrate with evidence compliance with 17.38.200 by obtaining a valid, unexpired building permit towards the rehabilitation and repair of the property, or that the property no longer constitutes a public nuisance, or that the property has been rehabilitated and is actively being offered for sale, lease, or rent.

2. Administrative Costs

On or before April 30, 2025, the Property Owner shall pay Administrative Costs to the City of San Jose in the amount of \$2,222.00.

3. Administrative Penalties

On or before April 30, 2025, the Property Owner shall pay Administrative Penalties to the City of San Jose, pursuant to San Jose Municipal Code Section 1.14.090, in the amount of \$25,000. If full compliance with the Board's Order is not achieved by April 30, 2025, the Property Owner shall pay additional Administrative Penalties in the amount of \$1,000.00 per day, from May 1, 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 Jose 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

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 6:46 p.m.