

REGULAR MEETING MINUTES
MARCH 27, 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 Manuel Duarte, Division Manager Eusebio Espitia, and Deputy City Attorney Leanne Bolaño.

CALL TO ORDER

Chair Parsons convened the Appeals Hearing Board at 6:32 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 March 13, 2025.

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

3. REQUEST FOR DEFERRALS

There was no request for deferrals.

4. CONSENT CALENDAR

There was no items on the Consent Calendar.

5. DEFERRED AND/OR CONTINUED ITEMS

There was no deferred and/or continued items.

6. PUBLIC HEARINGS

- a. **1195 PIEDMONT RD (591-12-030) – ADMINISTRATIVE REMEDY**
(Manuel Duarte, Code Enforcement Inspector/ Mua D Tran, Property Owner)

Documents Filed: Administrative Remedy and Notice of Public Hearing dated March 10, 2025.

Action: Code Enforcement Inspector Manuel Duarte provided a summary and confirmed that during an inspection completed March 24, 2025, he hand delivered a copy of the Notice of Hearing to the subject property at the request of the Property

Owner and provided a copy via email. Inspector Duarte also answered clarifying questions from the Board regarding prior action by the Board on the same property and the scope of the present administrative remedy proposal. The Board also discussed additional actions the City may explore to remedy the property and address the concerns of neighbors and the general public, including condemnation or potential civil action.

Complaining Party Michael Gange testified to express safety concerns regarding the illegal accessory dwelling unit on the property. He stated his parents have neighbored the Subject Property for many years, and he has witnessed several issues at the Subject Property, presenting severe safety concerns for his family. He implored the City to take remedial action. Chair Parsons clarified the present item before the Board was limited to issuance of an Administrative Order to correct the violation(s) and assess penalties and costs.

Upon a motion by Commissioner Hook, seconded by Commissioner Kenny and carried, the Board (5-0-1) upheld City's recommendations in their entirety as written in the Staff Report dated March 27, 2025, and outlined below:

Uphold the Director of Planning, Building and Code Enforcement's determination that compliance with the Compliance Order of April 27, 2023 was not achieved by the Compliance date of May 11, 2023 and include the —

1. **Order to Correct**

- B. Immediately, cease occupancy of the unpermitted addition.
Remove all items that would constitute a habitable space.**

And

Remove/relocate all furniture and/or personal items blocking egress windows located in the living room area of the main home, that was converted to a bedroom. **Contact Inspector to schedule and complete compliance inspection. Compliance Inspection shall be completed by April 10, 2025.**

- C. On or before May 1, 2025**, submit a copy of your 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.sanjoseca.gov/development-services-permit-center/sjeplans-electronic-plan-submittal-review/sjeplans-for-building-permits-applications) 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 July 2, 2025, pay all required fees and obtain a building permit from the City of San José Building Division to correct the above noted violation(s). Ensure permit is issued.**

E. On or before October 2, 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 May 12, 2025, the Property Owner shall pay Administrative Costs to the City of San José in the amount of **\$1,754.00**.

3. Administrative Penalties

On or before May 12, 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 **\$20,000.00**.

Code Enforcement staff recommends imposing additional Administrative Penalties in the amount of **\$1,500.00** 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

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 6:54 p.m.