
REGULAR MEETING MINUTES
JULY 24, 2025

1. CALL TO ORDER & ORDERS OF THE DAY

ROLL CALL

PRESENT: Chair Karen Parsons, Vice Chair Ron Cabanayan, Commissioner Genevieve Altwer, Commissioner Jon Budas, Commissioner David Hook, Commissioner Timothy Kenny and Commissioner Brett Williamson.

ABSENT: None.

STAFF: Board Secretary Regina Lizaola, Principal Office Specialist Leslie Alvernaz, Code Enforcement Inspector Angel Esparza, Code Enforcement Inspector Karla Caceres, Code Enforcement Inspector Oscar Martinez, Code Enforcement Supervisor Roger Beaudoin, Code Enforcement Supervisor Amber Zenk, Code Enforcement Supervisor Donald Timoteo, Division Manager Rick Arnaiz, Weed Abatement Manager Garik Losilevsky and Deputy City Attorney Wesley Klimczak.

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 June 26, 2025.

Action: Upon motion remove the extra n in Kenny by Commissioner Kenny, seconded by Chair Cabanayan the minutes for June 26, 2025 were approved. (7-0-0).

3. REQUEST FOR DEFERRALS

There was no request for deferrals.

4. CONSENT CALENDAR

No items on the Consent Calendar.

5. DEFERRED AND/OR CONTINUED ITEMS

There were no deferred and/or continued items.

6. PUBLIC HEARINGS

a. **WEED ABATEMENT SPECIAL ASSESSMENT LIENS**

Documents Filed: Weed Abatement Program Assessment Report 2025 dated July 3, 2025

Action: Garik Losilevsky, the County of Santa Clara Weed Abatement Manager, summarized the weed abatement program and he provided more specific information regarding the program and inspections or abatements.

The Board received letters objecting to the Hazardous Vegetation Program Assessment Report from Angie Ceraolo dated July 18, 2025 for APN 654-03-008 & 654-03-024, and Christina Gabrione dated July 16, 2025 for APN 477-27-025.

The property owners for APN 595-27-008, APN 015-06-087, and APN 612-57-017 appeared at the hearing with questions regarding the charge for their properties. Mr. Losilevsky provided more background information including photographs and other documentation specific to the parcel in support of the proposed assessments.

There was a motion by Commissioner Kenny, seconded by Chair Parsons, and carried unanimously, (7-0-0) to order as follows: Adopt the resolution which confirms the Weed Abatement Program's Assessment Report provided from the Santa Clara County Consumer and Environmental Protection Agency's (CEPA) Weed Abatement Program staff, concerning costs and expenses incurred to abate hazardous weeds and grass pursuant to Chapter 9.12 of the San José Municipal Code during the 2025 season and directs the Director of Finance to file a certified copy of the Weed Abatement Program's Assessment Report with the County Assessor, pursuant to Section 9.12.530 of the San José Municipal Code.

b. **1052 NOBLE LN (595-26-045) APPEAL OF NOTICE TO REGISTER**

(Angel Esparza, Code Enforcement Inspector/ NOBLE LANE LLC, A California Limited Liability Company C/O Tony Li, Property Owner)

Documents Filed: Appeal Of Notice To Register dated June 20, 2025.

Action: Code Enforcement Inspector Angel Esparza gave testimony and summarized the case. He stated he conducted an Inspection on the date of the hearing July 24, 2025 and provided updated photographs taken that day, to the Board to show current conditions and confirmed the building was still out of compliance. The property is vacant, no construction, and no active Building permits as of today.

Upon a motion by Commissioner Kenny, seconded by Chair Parsons and carried unanimously (7-0-0) the Board uphold the requirements to register the Subject Property into the Neglected Vacant or Abandoned Building Monitoring Program of the City of San José.

c. **404 N 6TH ST (249-47-037) APPEAL OF NOTICE TO REGISTER**

(Angel Esparza, Code Enforcement Inspector/ Nicolas G. Hernandez and Maria Del Carmen B. Hernandez, Property Owner)

Documents Filed: Appeal Of Notice To Register dated June 20, 2025.

Action: Code Enforcement Inspector Angel Esparza gave testimony and summarized the case. He stated he conducted an Inspection on the date of the hearing July 24, 2025 and provided updated photographs taken that day, to the Board to show current

conditions and confirm the building was still out of compliance. The property is vacant, no construction, and no active Building permits as of today.

Code Enforcement Supervisor Amber Zenk testified to explain the origins and purpose of the Program in San José Municipal Code Chapter 17.38.

Property Owner's Granddaughter Elizabeth Garcia gave testimony. She stated she is trying to get the title corrected and also to clean the property and requested more time.

Upon a motion by Commissioner Kenny, seconded by Commissioner Altwer and carried unanimously (7-0-0) the Board uphold the requirements to register the Subject Property into the Neglected Vacant or Abandoned Building Monitoring Program of the City of San José.

d. **332 EZIE ST (494-04-023) ADMINISTRATIVE REMEDY**

(Karla Caceres, Code Enforcement Inspector/ Trinh Ho Van, Property Owner)

Documents Filed: Administrative Remedy and Notice of Public Hearing dated June 20, 2025.

Action: Code Enforcement Inspector Karla Caceres made minor clerical corrections to the Notice of Hearing: Page 10 Section H Administrative Costs amount \$2,928.00 Page 11 number 3 Administrative Costs amount \$2,928.00, and Page 13 detailing the Administrative Costs is "Attachment 1" should be \$2,928.00. Ms. Caceres provided a summary of the case.

Upon a motion by Commissioner Kenny, seconded by Commissioner Budas and carried unanimously (7-0-0) adopted the following Administrative Order:

1. **Order to Correct**

- a. **On or before August 25, 2025**, the Property Owner(s) shall
 - Remove laminate flooring from garage floor,
 - Remove or move the two storage sheds on the left side of the property.
 - Remove chicken coop from the right side of the property close to the fence.
 - Call or email Inspector Caceres to schedule an inspection to verify compliance.
- b. **On or before January 26, 2026**, obtain a final permit by following the process on the Compliance Order and be subject to a final clearance inspection from the City of San José Building Division to confirm remediation of the violations. A final clearance inspection can be scheduled with a Building Inspector by emailing CodeEnforcementInformation@sanjoseca.gov or calling Code Enforcement.

2. **Administrative Costs**

On or before August 25, 2025, the Property Owner shall pay Administrative Costs to the City of San José in the amount of **\$2,928**.

3. **Administrative Penalties**

On or before August 25, 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 **\$20,000**.

If full compliance with the Board's order is not achieved by January 26, 2026, the Property Owner(s) shall pay additional Administrative Penalties in the amount of **\$500 per day**, from **January 27, 2026**, 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.

e. **3102 STORY RD (647-02-033) ADMINISTRATIVE REMEDY**

(Oscar Martinez, Code Enforcement Inspector /Karimi Ahmad & Nazir Mir, Property Owner)

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

Action: Code Enforcement Inspector Oscar Martinez made minor clerical corrections to the Notice of Hearing Page 6 Section D May 12, 2023 corrected to May 17, 2023. Mr. Martinez provided a summary of the case. He stated he conducted an inspection on the date of the hearing July 24, 2025 and Tacos Chencho is still operating at the property.

Property Owner: Ahmad Karimi, was present and testified

Upon a motion by Chair Parsons, seconded by Commissioner Kenny and carried unanimously (7-0-0) the Board sustained the Director's decision dated February 25, 2025.

1. **Order to Correct**

Immediately and upon issuance of the Board's Resolution, the Property Owners shall cease the operation of, or allowing the operation of, the unpermitted outdoor vending facilities ("Tacos Chencho" food truck/trailer), or any other type of unpermitted outdoor vending facility, at the subject property.

2. **Administrative Costs**

On or before August 24, 2025, the Property Owners shall pay Administrative Costs to the City of San José in the amount of **\$2,534.00**.

3. **Administrative Penalties**

On or before August 24, 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** for the following reasons:

1. The Code violations observed at **3102 Story Road** have been in existence since **May 12, 2023**; and
2. The Property Owners have not complied with the provisions of the

Compliance Order, dated **November 15, 2023**; and

3. The Property Owners have failed in good faith towards correction of the Municipal code violations found on the Subject Property.

Full compliance with Municipal Codes 20.80.810 and 20.40.520 shall be required immediately upon issuance of the Board's Resolution. If future inspections confirm non-compliance, Code Enforcement shall impose additional Administrative Penalties against the Property Owner in the amount of **\$2,500.00** per occurrence, **up to a maximum of \$100,000**.

7. REQUEST FOR EXCUSED ABSENCE

There was no request for excused absence.

8. OTHER BUSINESS

There was no other business.

9. PUBLIC COMMENT

Edwin Zuniga commented regarding Property 404 N 6th St.

Ruben Torres commented regarding Property 404 N 6th St.

Welcome our new Deputy City Attorney Wesley Klimczak.

Inspector Caceres was nice to see you back in the meeting again.

10. ADJOURNMENT

Upon a motion by Commissioner Kenny, seconded by Chair Parsons, and carried unanimously, the Hearing was adjourned at 8:21 p.m.