

PROPOSED ABATEMENT ORDER AND NOTICE OF HEARING

October 10, 2023

MARIA TRUJILLO
323 W FRANCIS STREET #5
ONTARIO CA 91726-6546

RE: 0 Muirfield Dr
APN: 484-41-148

AGENDA ITEM:	6a
HEARING DATE	October 26, 2023
HEARING TIME:	6:30 p.m.
HEARING PLACE:	City Hall, Council Chambers 200 E Santa Clara Street San Jose, CA 95113

TO THE PROPERTY OWNER AND ALL OTHER PERSONS HAVING ANY LEGAL INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY OF SAN JOSE:

Please be advised that after inspections of the above described property by field investigators of the Code Enforcement Division, it has been determined that the property constitutes a Blighted Property as defined by San Jose Municipal Code Section 17.72.040 based on the following conditions: accumulation of wood, solid waste, debris, inoperable and/or dismantled vehicles, propane tanks, accessory buildings/structures, and improper occupancy. The property is hereby declared a public nuisance and must be abated.

If the abatement actions are not completed before the date of the hearing (date identified above), the San Jose Appeals Hearing Board may order the property, building and/or structure restricted from further use or occupancy and posted to prevent such occupancy until abatement work is completed and/or may proceed to cause the abatement work to be done and charge the costs against the property or its owner.

Any person having any record, title or legal interest in the property may appear and protest the Proposed Abatement Order and Notice of Hearing to the Appeals Hearing Board at the time and place specified above. Failure to file a written protest or to appear at such hearing will constitute a failure to exhaust the administrative remedies.

Pursuant to San Jose Municipal Code Section 17.02.120, the City Manager may file in the Office of the County Recorder a certificate declaring the property a Blighted Property and a Public Nuisance.

Should you have any questions regarding this matter, please contact Angel Esparza, Code Enforcement Inspector, at (408) 535-7945.



Rachel Roberts, Deputy Director
Planning, Building and Code Enforcement

Enclosure

Owner: MARIA TRUJILLO
323 W FRANCIS STREET #5
ONTARIO CA 91726-6546

Agenda Item: 6a
Hearing Date: October 26, 2023
Hearing Time: 6:30pm
Hearing Place: City Hall Council Chambers
San Jose, CA 95113

ADDRESS: 0 Muirfield Dr
APN: 484-41-148

INSPECTION REPORT

Status of Property

The vacant lot zoned for residential use located at 0 Muirfield Dr (“Subject Property”) known to the Santa Clara County Assessor as parcel number 484-41-148 is in violation of the San Jose Municipal Code due to an accumulation of wood, solid waste, debris, inoperable and/or dismantled vehicles, propane tanks, unpermitted accessory buildings/structures, and improper occupancy.

San Jose Municipal Code Violations

1.08.010 Violations and Remedies

- G. Any condition existing in violation of any of the provisions of any state or federal law or regulation or of this Code or any other city ordinance shall be deemed a public nuisance and may be abated by the city. Nuisance shall include, but is not limited to, the factors in Section 1.13.050.

Subject property is accessible to the public and contains an accumulation of wood, solid waste, debris, inoperable and/or dismantled vehicles, propane tanks, accessory buildings/structures, and improper occupancy in violation of state and local laws.

1.13.040 Public nuisance prohibited.

No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.

1.13.050 Public nuisance defined.

A. For purposes of this chapter, a public nuisance is:

1. The maintenance or use of property in the city in a manner that jeopardizes or endangers the health, safety or welfare of persons on the premises or in the surrounding area

17.02.010 General provision.

Any thing or condition, including but not limited to violations of this Code or state law, which threatens injury or damage to the health, safety, welfare or property of members of the public, which obstructs the free use of property of others or interferes with the comfortable enjoyment of life or property is a nuisance. Anything or condition, including but not limited to violations of this Code or state law, which fails to provide minimum standards of safety and habitability in housing for any citizen of the city is a nuisance. Such nuisances are prohibited within the City of San José and no person shall create or participate in the creation or maintenance of such a nuisance.

17.02.020 Applicability.

Whenever the city, pursuant to this title, takes any action to abate a nuisance or requires any person to abate any nuisance existing on private property, the procedures set forth in this chapter may be utilized, unless such use is specifically prohibited.

For the purpose of this chapter, property shall include parcels of land, and/or any building, structure or portion thereof.

17.02.070 Failure to comply - Abatement action by city authorized.

Whenever there is a failure to comply with an abatement notice or order within the time specified in Section 17.02.060 or within the later time specified by the decision of the commission, the city manager is authorized to:

- A. Cause the property to be restricted from use or occupancy; and/or
- B. Cause the conditions which require abatement actions to be repaired, demolished or abated to the extent necessary to remedy the conditions causing the nuisance.

17.72.030 Prohibition of Blighted Property

No person, whether as owner, agent, manager, operator, lessee, tenant, sublessee, or occupant in possession of a property, shall maintain a blighted property or cause or permit property to be maintained as a blighted property.

Subject property is accessible to the public and contains an accumulation of wood, solid waste, debris, inoperable and/or dismantled vehicles, propane tanks, accessory buildings/structures, and improper occupancy in violation of state and local laws.

17.72.505 Unsecured building or Structure

Any building or structure that is unsecured constitutes property blight. A building or structure is unsecured when either of the following conditions exist:

- A. The building or structure is inhabited, occupied or used without the consent of the owner or the agent of the owner; or
- B. Unauthorized persons can readily gain entry to the building or structure without the consent of the owner or the agent of the owner.

Subject property contains accessory building/structure(s) which are unsecured and improperly occupied.

17.72.515 Attractive Nuisance

Any property that is unsecured and constitutes an attraction to children or a harbor for vagrants, criminals or other unauthorized persons, or is in a condition such that persons can resort thereto for the purpose of committing a nuisance or unlawful act, constitutes property blight.

Subject property has attracted and/or has been occupied by unauthorized person(s) and contains an accumulation of wood, solid waste, debris, inoperable and/or dismantled vehicles, propane tanks, accessory buildings/structures, and improper occupancy.

17.72.545 A Inadequate Solid Waste Management

The accumulation of solid waste, as defined in Section 9.10.280, constitutes property blight in the following situations: The accumulation of solid waste is visible from a street or neighboring property and is present for more than seventy-two (72) hours; or the accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any street, or neighboring property, unless the method of storage or disposal is specifically allowed by this Code.

Subject property contains an accumulation of solid waste, including but not limited to abandoned vehicles and parts thereof, garbage/trash, and litter.

17.72.550 Hazardous Conditions
C, 1, 5, 6

Any property upon which there exists a hazardous condition constitutes property blight. A property is considered to have a hazardous condition prohibited by this chapter if any one or more of the following conditions exists on the property:

- C. Items are present that are inadequately secured or protected and, due to their accessibility to the public, may prove hazardous including, without limitation:
 - 1. Unused or broken equipment or machinery;
 - 5. Lumber, or accumulations of lumber or other construction materials; or
 - 6. Chemicals, motor oil, or other hazardous materials.

Subject property contains broken equipment/machinery, accumulation of lumber, construction material, motor oil containers and paint containers.

17.72.565 Parking, Storing, or Maintaining Motor Vehicles and Boats

A. No motor vehicle or boat that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle that is disabled or may not be operated because of the need of repairs or for any other reason shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

- B. Any parking, storage, or maintenance of either a motor vehicle or a boat in a side or rear yard shall either be:
 - 1. In an accessory building constructed in accordance with the provisions of this Code; or
 - 2. In an area that provides for a five-foot setback from any property line and is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet or sixty percent of the remaining rear yard area, whichever is less, must be maintained as useable outdoor recreational space.

Subject property contains inoperable and/or dismantled vehicles and parts thereof.

17.72.570 Storing or Maintaining Household Items

- A. No household item shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.
- B. The storage or maintenance of a household item in a side or rear yard shall either be:
 - 1. In an accessory building constructed in accordance with the provisions of this Code; or
 - 2. In an area that provides for a five-foot setback from any property line and, which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.
- C. No household item shall be stored, or maintained within five feet of any required building exit, including exit windows.
- D. This section does not prohibit the storage, or maintenance of any of the following:
 - 1. Machinery installed in accordance with the provisions of this Code in the rear or side yard setback areas for household or recreational use, or
 - 2. Furniture designed and used for outdoor activities, or
 - 3. Any item stored or kept within an enclosed storage structure.

Subject property contains household items

17.72.575 Storing or Maintenance of Boxes, Lumber, Dirt, and Other Debris

- A. No boxes, lumber, dirt, or other debris shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.
- B. The storage or maintenance of boxes, lumber, dirt, or other debris in a side or rear yard shall either be:
 - 1. In an accessory building constructed in accordance with the provisions of this Code; or
 - 2. In an area that provides for a five-foot setback from any property line, and which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.
- C. No boxes, lumber, dirt, or other debris shall be stored or maintained within five feet of any required exit, including exit windows.

Subject property contains an accumulation of solid waste/debris, and lumber.

9.10.410 General Requirements.

- A. Except as authorized by the provisions of this chapter:
1. No person shall store or accumulate any solid waste, nor permit the storage or accumulation of any solid waste within or upon any property or place owned, leased or rented by such person or in such person's possession or control.
 2. No person shall place any solid waste in or upon any premises in the city other than the premises where such solid waste is generated.
 3. No person shall permit any premises owned, leased or rented by such person or in such person's possession or control to be used for the storage or accumulation of any solid waste other than solid waste generated on such premises.
 4. No person shall place any solid waste on or in any public place or public property including without limitation any street, way, sidewalk, gutter, stream or creek or the banks thereof.
 5. No person shall dispose of any solid waste, nor permit the disposal of any solid waste, on any premises owned, leased or rented by such person or in such person's possession or control.
- B. No person shall sort, separate or segregate any solid waste of any kind within or upon any public street or place, unless so authorized by the city health officer or the city council, and then only in the manner, place and time and subject to such restrictions as may be imposed by the health officer or the city council.

Subject property contains an accumulation of solid waste, including but not limited to abandoned vehicles and parts thereof, garbage/trash, and litter.

9.10.540 Dangerous Accumulation Prohibited.

No person shall keep or accumulate, or permit to be kept or accumulated, any solid waste in or upon any premises or place in the city owned, leased or rented by such person or in such person's possession or control, in such manner that:

- A. Creates a fire hazard dangerous to persons or property;
- B. Becomes unreasonably offensive or dangerous to the public peace, health or safety;
- C. Promotes the propagation, harborage or attraction of vectors; or
- D. Becomes a public or private nuisance.

Subject property contains a large accumulation of solid waste throughout the property which has become a public nuisance and dangerous to the public health and safety.

Chronology

- 7/17/2018 Code Enforcement received a complaint alleging that a blighted property existed with an encampment including buildings and individuals defecating on the property.
- 7/23/2018 Code Enforcement Inspector Hector Ortiz conducted an inspection and confirmed an encampment at the property.
- 8/10/2018 Code Enforcement Inspector Hector Ortiz researched the property by APN (484-41-148) and found the owners name and mailing address. A true and correct copy of the Santa Clara County Assessor Parcel Map is attached hereto as **Exhibit A**.
- 7/23/2018-9/21/2022 From July 23, 2018, to September 23, 2022, multiple inspectors conducted inspections and documented that the conditions and activity at the property had continue to worsen. The inspectors attempted to contact the property owner, issued warning letters, citations, Inspection Notices, and Compliance Orders to advise the owners of the violations and require them to take corrective actions to address the violations, but received no response or attempt to achieve compliance.
- The inspectors also noted that the situation at the parcel had expanded to two neighboring undeveloped parcels. The neighboring parcels are identified by the Santa Clara County Assessor's Office as parcel numbers 484-41-089 and 484-41-090.
- 9/28/2022 The case was reassigned to Code Enforcement Inspector Angel Esparza.
- On this same day, Code Enforcement Inspector Angel Esparza completed an inspection and confirmed that the large piles of wood, inoperable vehicles, solid waste, debris, and buildings/structures, and improper occupancy remained on the property and had expanded to the neighboring parcels. The inspector also contacted unhoused individuals who were advised of the open code case and the attempt to have the property cleaned. True and correct photographs of the inspection are attached hereto as **Exhibit B**.

- 9/29/2022 Code Enforcement Inspector Angel Esparza researched the Santa Clara County Assessor Office and confirmed the mailing address and reviewed the deed on file with the Santa Clara County Clerks Recorder to confirm property ownership. A true and correct copy of the deed is attached hereto as **Exhibit C**.
- Inspector Esparza also searched property records for additional properties of the owner, the property owner of the mailing address on record, and potential family members. He was unable to make contact with anyone with information regarding the property or the property owner.
- 10/4/2022 Code Enforcement Inspector Angel Esparza issued a Compliance Order to the property owner. A true and correct copy of the of the Compliance Order is attached hereto as **Exhibit D**.
- 11/17/2022-7/26/2023 Code Enforcement Inspector Angel Esparza conducted multiple inspections and found that the property remained in violation. True and correct photographs of the inspection are attached hereto as **Exhibit E**.
- 9/12/2023 The case was reassigned Code Enforcement Inspector Edwin Miranda.
- Code Enforcement Inspector Edwin Miranda conducted an inspection and observed that the parcel remained blighted. There was an accumulation of tires, debris, vehicles/campers, garbage bins, boxes, and chopped wood/tree trunks. True and correct photographs of the inspection are attached hereto as **Exhibit F**.
- 10/03/2023 Code Enforcement Inspector Edwin Miranda conducted a follow up inspection and found that the lot APN: 484-41-148 (furthest from the corner of Lendrum and Muirfield) was heavily blighted including but not limited to storage and accumulation of vehicles, tires, cartons, and other items and debris and appeared to be a homeless encampment. The two adjacent lots APN: 484-41-089 and 484-41-090 were mostly clear but some items, mostly wood, still remained. True and correct photographs of the inspection are attached hereto as **Exhibit G**.

CODE ENFORCEMENT STAFF RECOMMENDATIONS

Staff recommends that the San Jose Appeals Hearing Board order the property owner to take the required corrective actions by the end of ten (10) calendar days of the date of service of the Board's resolution in this matter. The recommended corrective actions are to:

- 1) Remove the accumulation of wood, solid waste, household or other items, and debris; inoperable and/or dismantled vehicles or parts; propane tanks; and unpermitted accessory buildings/structures; and
- 2) Cease the improper occupancy; and
- 3) Install a fence around the perimeter of the property or take other measures approved by the Code Enforcement Division to prevent further trespassing, accumulation, and/or illegal occupancy.

If the above mentioned violations are not corrected within ten (10) calendar days of the date of service of the Board's resolution in this matter, the abatement shall be performed by a City approved contractor or service providers and the cost of removal charged to the property owner to be billed following the completion of the work and paid in full within thirty (30) days of the billing date.

ATTESTING STATEMENT OF CODE ENFORCEMENT INSPECTOR

1. I am the Code Enforcement Inspector for the City of San Jose assigned to investigate the potential Municipal Code Violations at **0 Muirfield Dr known to the Santa Clara County Assessor as parcel number 484-41-148** that are the subject of this Inspection Report.
2. I have prepared and reviewed this Inspection Report and can attest to the truth of the matters stated above.



Angel Esparza
Code Enforcement Inspector

Exhibit A

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK 484	PAGE 41
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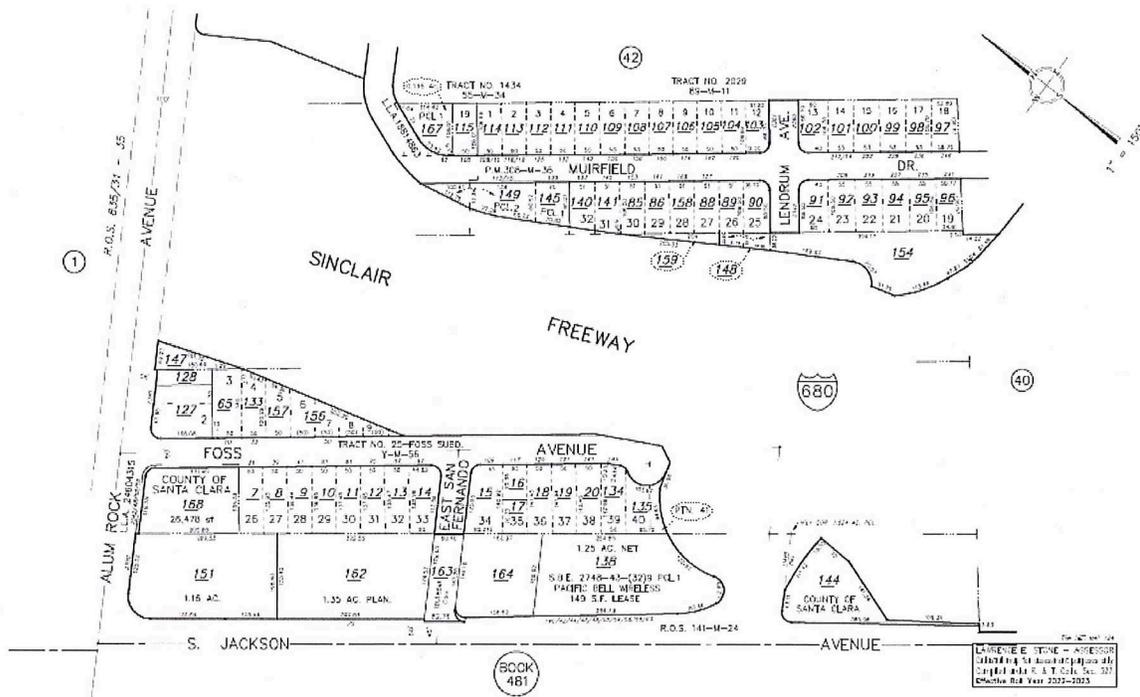
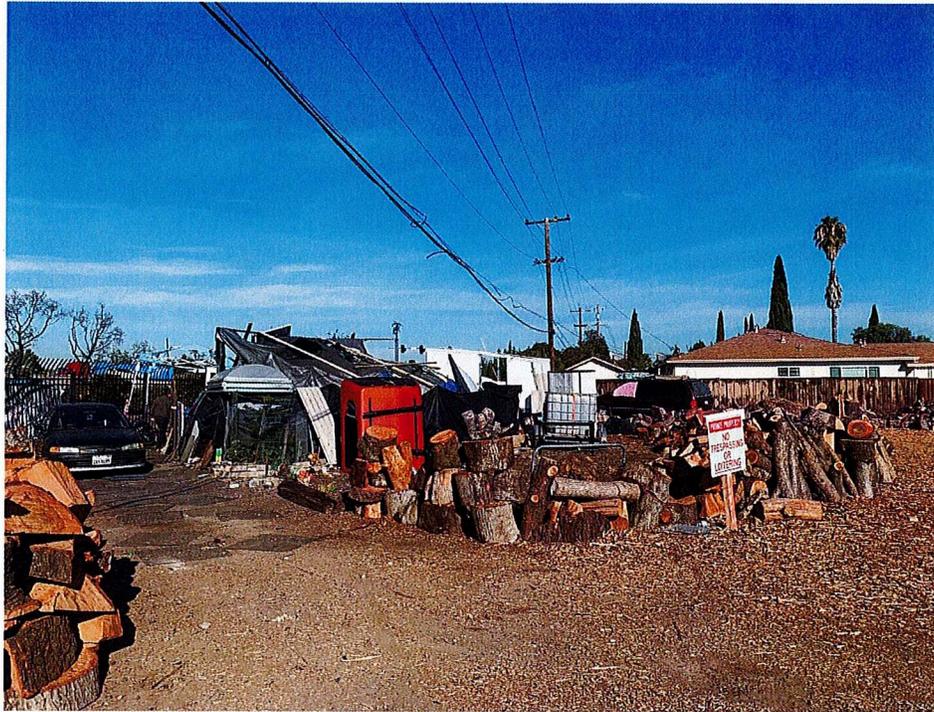
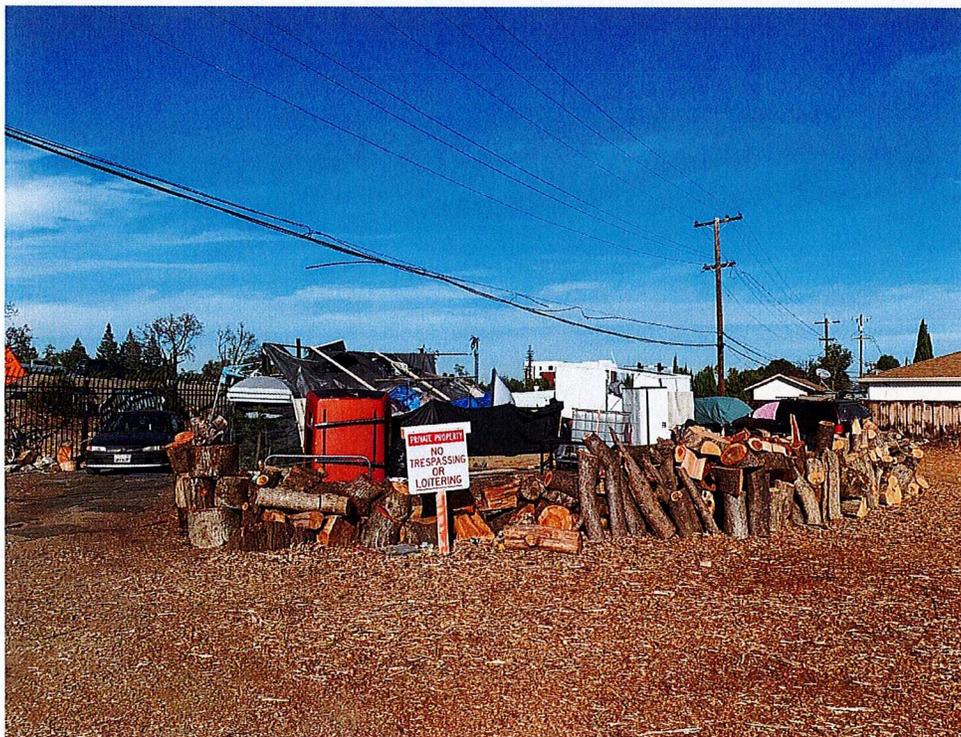


Exhibit B



Pile of wood and solid waste. Structures being used for living space purposes.



Water meter valve in "OFF" position and secured with a lock.

Exhibit C

THE CLERK OF COUNTY OF SANTA CLARA
 70 W. HEDDING STREET
 SAN JOSE, CALIFORNIA 95110

REDEMPTION

REC FEE	4
TIME	2
MICRO	1
LIEN	
CHRG	
DATE	
FEES	

10076149
 FILED FOR RECORD
 AT REQUEST OF
 TAX COLLECTOR
 Apr 14 4 23 PM '89
 OFFICIAL RECORDS
 SANTA CLARA COUNTY
 LAURIE KANE
 RECORDER

Doc. Trans. Tax - computed on full value of property conveyed \$ 2,700.00
 County tax \$3.30; City tax \$9.90 13.20

K916PAGE 1
 Signature of Declarant

TAX DEED TO PURCHASER OF TAX-DEFAULTED PROPERTY

On which the legally levied taxes were a lien for Fiscal Year June 30, 1982
 and for non-payment were duly declared to be in default. 484-41-148
Default Number

This deed, between the Tax Collector of Santa Clara
 County ("SELLER") and Maria Trujillo

("PURCHASER"),
 conveys to the PURCHASER the real property described herein which the
 SELLER sold to the PURCHASER Public Auction on March 15, 1989
 pursuant to a statutory power of sale in accordance with the provisions of
 Division 1, Part 6, Chapter 7, Revenue and Taxation Code for the sum of \$ 2,700.00

No taxing agency objected to the sale
 In accordance with law, the SELLER hereby grants to the PURCHASER that
 real property situated in said county, state of California, last assessed to
Blaz, Guadalupe described as follows: 484-41-148
Assessor's Parcel Number

Tax Rate Area 40-844 City of San Jose

PARCEL 1 Portion of that certain parcel of land described in deed no. 35147, to the State of
 California, recorded June 29, 1967 in volume 7768, page 1 official records of Santa
 Clara County, described as follows:

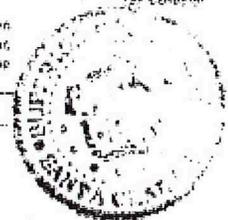
Commencing at the westerly corner of lot 25 as said lot is shown on that certain
 map entitled "TRACT NO. 2029", which map was filed for record in the office of the
 Recorder of Santa Clara County on December 17, 1967 in book 99 of maps, at page 1,
 thence along the southwesterly prolongation of the northwesterly line of said lot,
 S. 52° 58' 21" W 29.76 feet; thence N. 30° 31' 09" W 51.33 feet to the Southwesterly
 prolongation of the Northwesterly line of lot 26, as last said lot is shown on said

STATE OF CALIFORNIA } EXECUTED ON 4-11-89 By Emma L. Rock
 Santa Clara COUNTY }
 Tax Collector

On 3-28-89 Emma L. Rock known
 to me to be both the Tax Collector of said County and the person who executed this
 document, personally appeared before me and acknowledged having executed the
 same as Tax Collector.

CHRIS L. YAMAKAWA
 County Clerk
 County Clerk and Ex Officio Clerk
 of the Superior Court

G. S. STOKLAND



K916PAGE 2

CONTINUATION OF:
ASSESSOR'S PARCEL NO. 484-41-148-00

TAX RATE AREA: 40-844

map; thence along last said prolongation line, N. 52° 58' 21" E 23.94 feet to the Northeasterly line of said parcel (7768 or 1); thence along last said line, S. 37° 01' 39" E. 51.00 feet to the point of commencement.

PARCEL 2

Portion of that certain parcel of land described in deed no. 25147 to the State of California, recorded June 29, 1967 in Volume 7768, page 1 official records of Santa Clara County, described as follows:

Commencing at the Westerly corner of lot 25, as said lot is shown on said map mentioned in parcel 1 described above; thence along the Southwesterly prolongation of the Northwesternly line of said lot S. 52° 58' 21" W 29.76 feet; thence S. 30° 31' 09" E 55.98 feet to the Southwesterly prolongation of the Northwesternly line of Landrun Ave. (60 feet wide), as said Avenue is shown on said map; thence along last said prolongation line, N. 52° 58' 21" E 36.22 feet to the Northeasterly line of said parcel (7768 or 1); thence along last said line, N. 37° 01' 39" W. to the point of commencement.

Exhibit D

CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

Page 1 of 6

Owner: MARIA TRUJILLO
Mailing Address: 323 W FRANCIS STREET #5
ONTARIO CA 91726-6546
Occupant: VACANT
Case No: 201816702
Permit No: N/A
Violation Address: 00 MUIRFIELD DR – SANTA CLARA COUNTY
ASSESSOR PARCEL NUMBER: 484-41-148
Inspection Date: September 28, 2022
Compliance Date: SEE PAGE 5

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATIONS OF THE SAN JOSE MUNICIPAL CODE:

Code Section	Violations and Corrections Required	Compliance Confirmed
17.72.030	Prohibition of Blighted Property No person, whether as owner, agent, manager, operator, lessee, tenant, sublessee, or occupant in possession of a property, shall maintain a blighted property or cause or permit property to be maintained as a blighted property.	
17.72.515	Attractive Nuisance Any property that is unsecured and constitutes an attraction to children or a harbor for vagrants, criminals or other unauthorized persons, or is in a condition such that persons can resort thereto for the purpose of committing a nuisance or unlawful act, constitutes property blight.	
17.72.545 A	Inadequate Solid Waste Management The accumulation of solid waste, as defined in Section 9.10.280, constitutes property blight in the following situations: The accumulation of solid waste is visible from a street or neighboring property and is present for more than seventy-two (72) hours; or the accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any street, or neighboring property, unless the method of storage or disposal is specifically allowed by this Code.	

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113

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17.72.550 C 1 Hazardous Conditions
5 6

Any property upon which there exists a hazardous condition constitutes property blight. A property is considered to have a hazardous condition prohibited by this chapter if any one or more of the following conditions exists on the property:

C. Items are present that are inadequately secured or protected and, due to their accessibility to the public, may prove hazardous including, without limitation:

1. Unused or broken equipment or machinery;
5. Lumber, or accumulations of lumber or other construction materials; or
6. Chemicals, motor oil, or other hazardous materials.

17.72.565 Parking, Storing, or Maintaining Motor Vehicles and Boats

A. No motor vehicle or boat that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle that is disabled or may not be operated because of the need of repairs or for any other reason shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

B. Any parking, storage, or maintenance of either a motor vehicle or a boat in a side or rear yard shall either be:

1. In an accessory building constructed in accordance with the provisions of this Code; or
2. In an area that provides for a five-foot setback from any property line and is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet or sixty percent of the remaining rear yard area, whichever is less, must be maintained as useable outdoor recreational space.

17.72.570 Storing or Maintaining Household Items

A. No household item shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

B. The storage or maintenance of a household item in a side or rear yard shall either be:

1. In an accessory building constructed in accordance with the provisions of this Code; or
2. In an area that provides for a five-foot setback from any property line and, which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

C. No household item shall be stored, or maintained within five feet of any required building exit, including exit windows.

D. This section does not prohibit the storage, or maintenance of any of the following:

1. Machinery installed in accordance with the provisions of this Code in the rear or side yard setback areas for household or recreational use, or
2. Furniture designed and used for outdoor activities, or
3. Any item stored or kept within an enclosed storage structure.

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CITY OF SAN JOSE – COMPLIANCE ORDER

Department of Planning, Building and Code Enforcement
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17.72.575 Storing or Maintenance of Boxes, Lumber, Dirt, and Other Debris

A. No boxes, lumber, dirt, or other debris shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

B. The storage or maintenance of boxes, lumber, dirt, or other debris in a side or rear yard shall either be:

1. In an accessory building constructed in accordance with the provisions of this Code; or
2. In an area that provides for a five-foot setback from any property line, and which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

C. No boxes, lumber, dirt, or other debris shall be stored or maintained within five feet of any required exit, including exit windows.

9.10.410 General Requirements.

A. Except as authorized by the provisions of this chapter:

1. No person shall store or accumulate any solid waste, nor permit the storage or accumulation of any solid waste within or upon any property or place owned, leased or rented by such person or in such person's possession or control.
2. No person shall place any solid waste in or upon any premises in the city other than the premises where such solid waste is generated.
3. No person shall permit any premises owned, leased or rented by such person or in such person's possession or control to be used for the storage or accumulation of any solid waste other than solid waste generated on such premises.
4. No person shall place any solid waste on or in any public place or public property including without limitation any street, way, sidewalk, gutter, stream or creek or the banks thereof.
5. No person shall dispose of any solid waste, nor permit the disposal of any solid waste, on any premises owned, leased or rented by such person or in such person's possession or control.

B. No person shall sort, separate or segregate any solid waste of any kind within or upon any public street or place, unless so authorized by the city health officer or the city council, and then only in the manner, place and time and subject to such restrictions as may be imposed by the health officer or the city council.

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9.10.540 Dangerous Accumulation Prohibited.

No person shall keep or accumulate, or permit to be kept or accumulated, any solid waste in or upon any premises or place in the city owned, leased or rented by such person or in such person's possession or control, in such manner that:

- A. Creates a fire hazard dangerous to persons or property;
- B. Becomes unreasonably offensive or dangerous to the public peace, health or safety;
- C. Promotes the propagation, harborage or attraction of vectors; or
- D. Becomes a public or private nuisance.

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

CITY OF SAN JOSE – COMPLIANCE ORDER
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200 E. Santa Clara Street, San Jose, CA 95113

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CORRECTIONS REQUIRED

- I. **On or before October 21, 2022**, Contact Code Enforcement Inspector Angel Esparza at (408) 535-7945 or angel.esparza@sanjsoeca.gov to schedule an inspection to confirm compliance.

Corrective actions required:

- Remove and properly dispose of all solid waste / garbage, hazardous materials, debris, boxes, lumber and all other miscellaneous items generated from the homeless encampments. Do not permit anyone to store such items on the property.
- Remove and properly dispose of all the household items including but not limited to bikes, coolers, tents, and all other household items generated from the homeless encampment. Do not permit anyone to store such items on the property.
- Remove and do not store any unused / broken equipment on the property.
- Secure the property so that it is secure and does not attract children or become a harbor for vagrants, criminals, or other unauthorized person, or creates a condition that such persons can resort thereto for the purpose of committing a nuisance or unlawful act.
- Remove all the inoperable vehicles and parts thereof and do not permit any to store such vehicles in such conditions or parts thereof.

Additional property and permit information may be found on the City's website at www.sjpermits.org/permits/ or by calling our information hotline at (408) 535-3555.

NOTE: PERMITS FROM THE BUILDING DIVISION ARE REQUIRED FOR STRUCTURAL, PLUMBING, MECHANICAL AND ELECTRICAL WORK. WORK DONE WITHOUT THE REQUIRED PERMITS IS A MISDEMEANOR AND WILL NOT QUALIFY AS COMPLIANCE.

If compliance has not been achieved by the date as reflected in this compliance order, the City of San Jose will assess a re-inspection fee of \$245.00 for each re-inspection.

October 4, 2022
Date of Notice

Angel Esparza 157E
Code Enforcement Inspector



(408) 5357945
Phone #

WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

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200 E. Santa Clara Street, San Jose, CA 95113

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The Department of Planning, Building and Code Enforcement (Code Enforcement) has issued a Compliance Order (Compliance Order) alleging that the subject property is in violation with the San Jose Municipal Code. Failure to correct all violations listed in the order, before the compliance date may result in administrative penalties up to \$2,500 per day for each violation until compliance is achieved as well as the assessment of all administrative costs. This action is in addition to all other legal remedies, criminal or civil, which may be pursued by the city in response to any violation.

If you believe that your property is not in violation with the San Jose Municipal Code and you dispute the basis for Compliance Order, you MUST file a request for a Director's hearing within fourteen (14) calendar days of the date of the Compliance Order was mailed or personally delivered to the responsible person(s).

Your request for hearing must be mailed or personally delivered to:

City of San Jose
Code Enforcement Division
200 East Santa Clara Street 4th flr.
San Jose Ca, 95113-1905

Your request for an appeal must be received by the City within the timeline above.

If you do not file a request for hearing, the Compliance Order will become final. If a timely appeal is filed, then a hearing will be scheduled. You will receive at least seven (7) days notice that a hearing on your appeal will take place.

The Director's hearing is informal and provides you with an opportunity to present your evidence and testimony in dispute of the Compliance Order. After the close of the hearing, the Director will make a decision. The written decision will be mailed to the person subject to the Compliance Order. If you dispute the Director's decision, you may appeal to the San Jose Appeals Hearing Board within ten (10) days of the date of the written decision of the Director. That Board is described at:

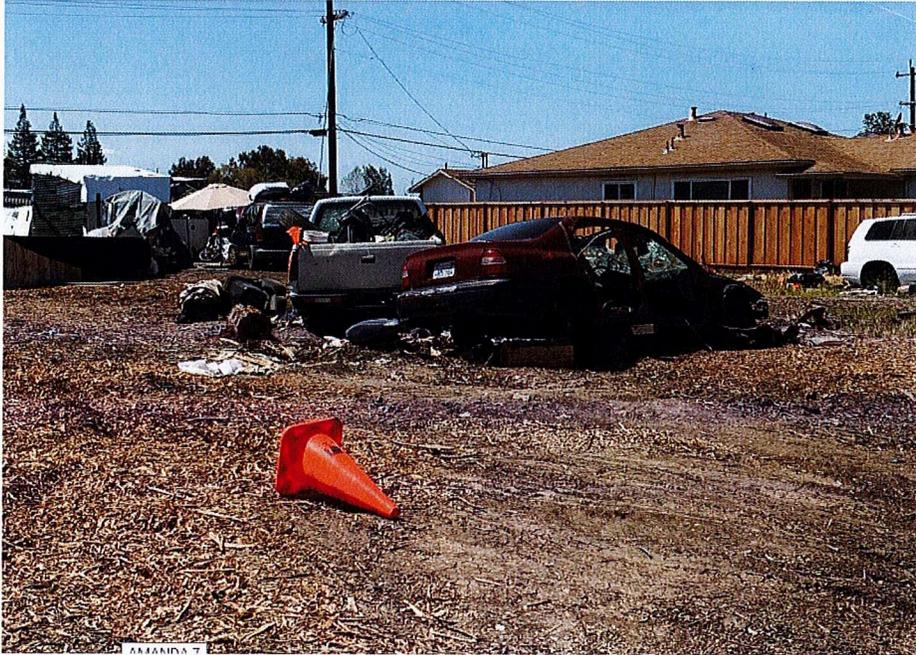
<https://www.sanjoseca.gov/AppealsHearingBoard>

Your rights when a Compliance Order is issued are contained in the San Jose Municipal Code Section 1.14.030 and the following sections. It is available online at www.sanjoseca.gov by clicking on the link at the right of the page, "Municipal Code."

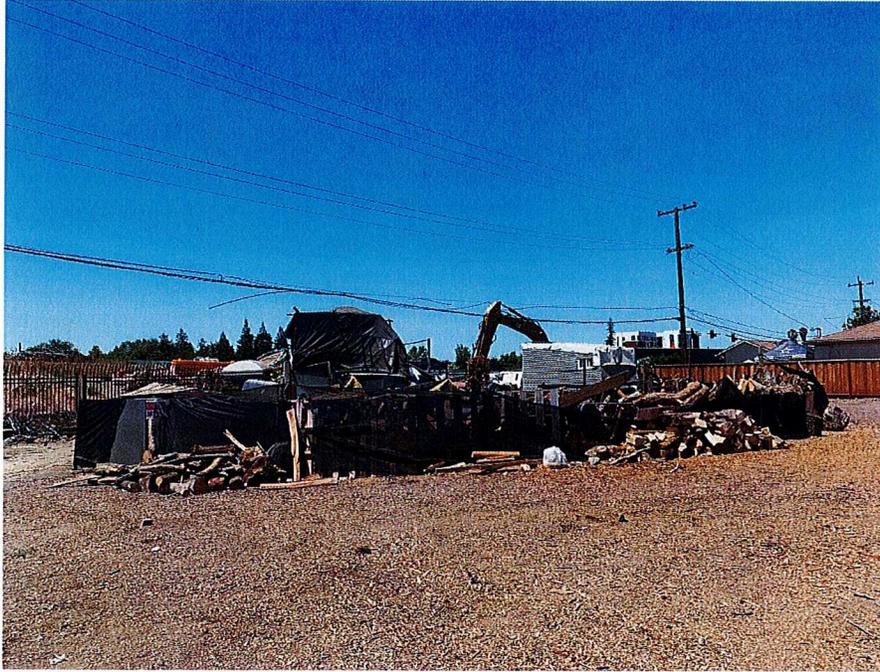
WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$2,500 PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED AS WELL AS THE ASSESSMENT OF ALL ADMINISTRATIVE COSTS. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION.

Exhibit E



Pictures taken from Muirfield Dr on April 14, 2023



Pictures taken from Muirfield Dr on July 26, 2023

Exhibit F



Chopped barks, tarp, cars, etc.

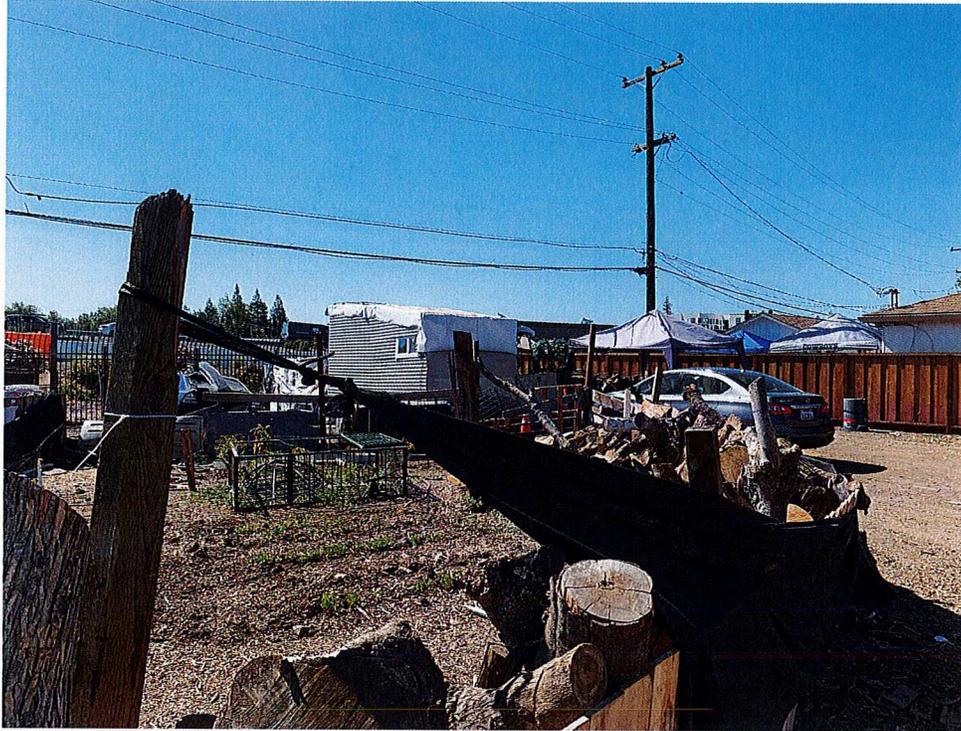
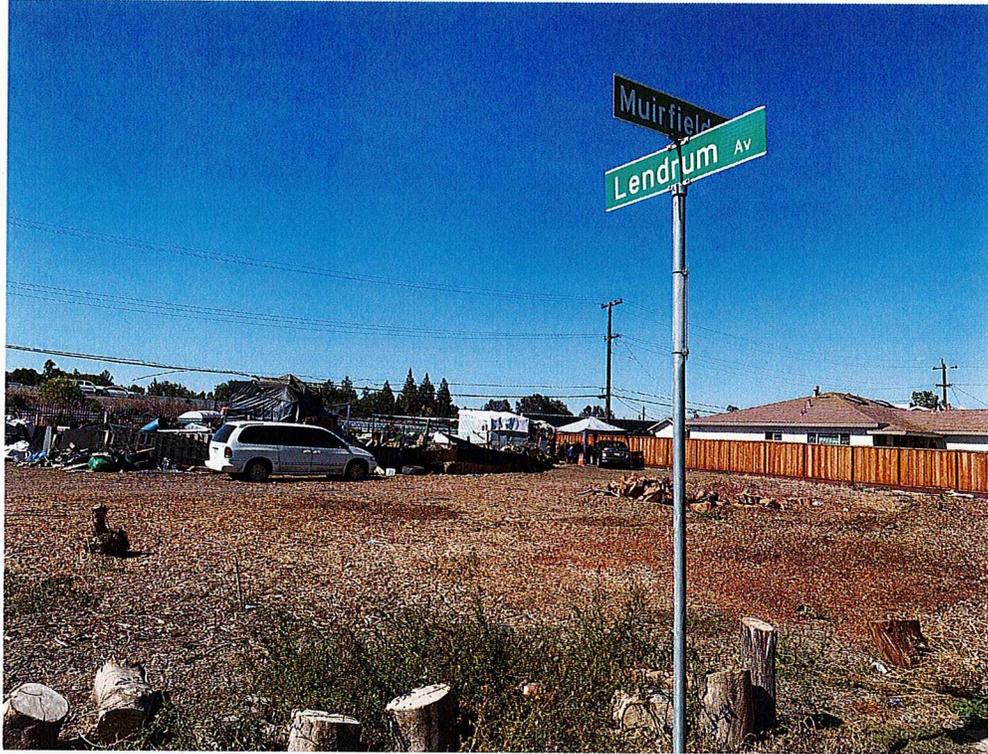
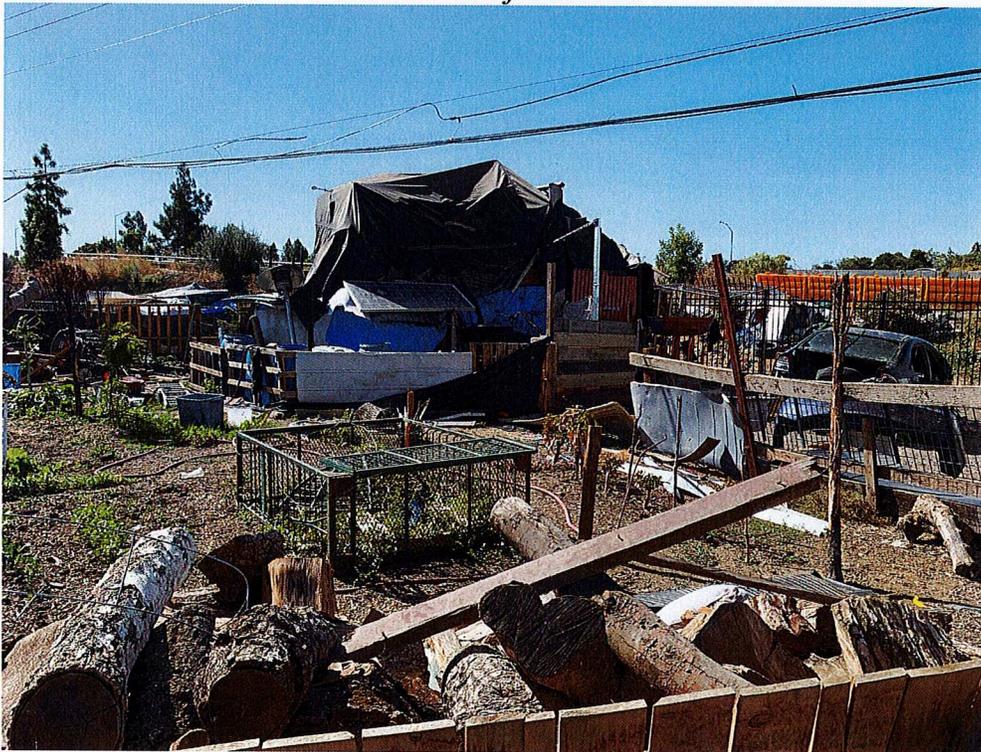


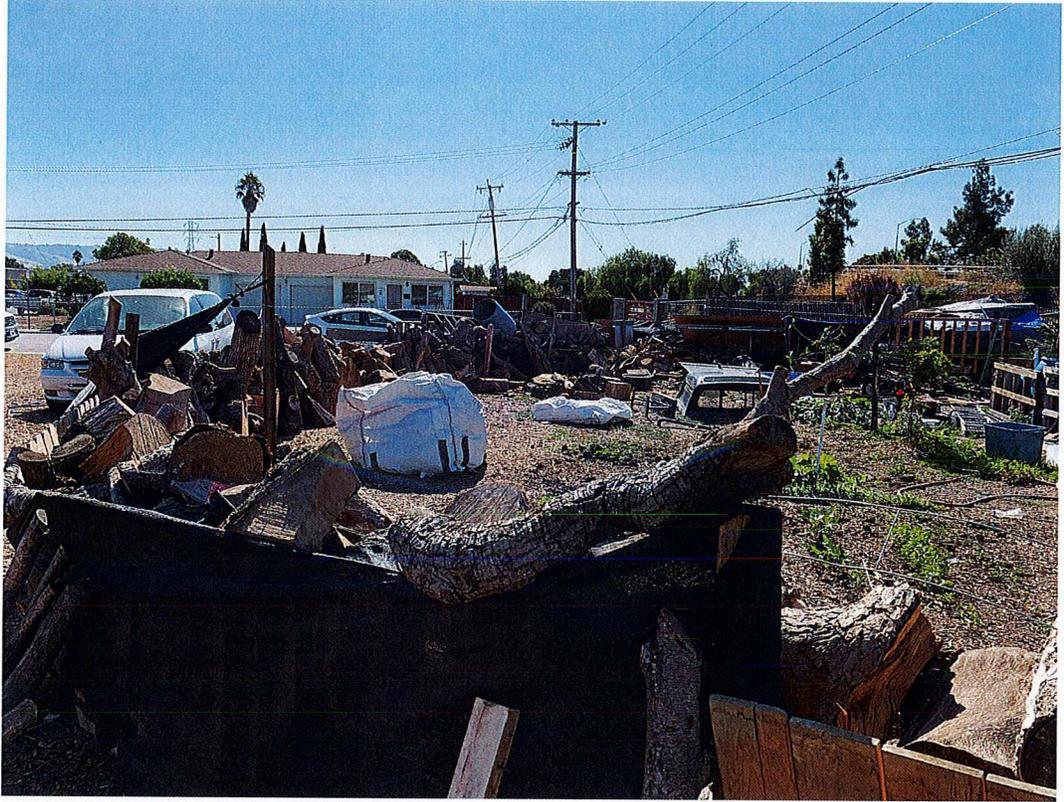
Exhibit G



Rear lot seen from corner



Debris, tents, tarp, wood



1
2 **PROOF OF SERVICE**

3 CASE NAME: CITY OF SAN JOSE v MARIA TRUJILLO

4
5 I, the undersigned declare as follows:

6 I am a citizen of the United States, over 18 years of age, employed in Santa Clara
7 County, and not a party to the within action. My business address is 200 E. Santa Clara
8 Street, San Jose, California 95113, and I am employed in the county where the service
9 described below occurred.

10 On October 11, 2023, I caused to be served the within:

11 **PROPOSED ABATEMENT ORDER AND NOTICE OF HEARING**

12 **Regarding real property located at: 0 Muirfield Dr**

13 by MAIL, with a copy of this declaration, by depositing them into a sealed envelope,
14 with postage fully prepaid, and causing the envelope to be deposited for collection
15 and mailing on the date indicated above.

16 I further declare that I am readily familiar with the business' practice for collection
17 and processing of correspondence for mailing with the United States Postal Service.
18 Said correspondence would be deposited with the United States Postal Service the
19 same day listed above in the ordinary course of business.

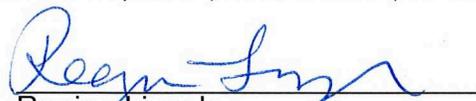
20 I further declare that the name and address as shown on the envelope is as follows:

21 Party Served:

22 Party's Attorney:

23 MARIA TRUJILLO
24 323 W FRANCIS STREET #5
25 ONTARIO CA 91726-6546

26 I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct. Executed on **October 11, 2023**, at San Jose, California.

28 
Regina Lizaola