

REGULAR MEETING MINUTES  
APRIL 25, 2024

**1. CALL TO ORDER & ORDERS OF THE DAY**

**ROLL CALL**

**PRESENT:** Chair Karen Parsons, Vice Chair Ron Cabanayan, Commissioner Jon Budas, Commissioner Timothy Kenny, and Commissioner Brett Williamson.

**ABSENT:** Commissioner David Hook

**STAFF:** Board Secretary Regina Lizaola, Code Enforcement Inspectors Manuel Duarte, Division Manager Joseph Hatfield, and Deputy City Attorney Leanne Bolano.

**1. CALL TO ORDER**

Chair Parsons convened the Appeals Hearing Board at 6:30 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 April 11, 2024.

Action: Upon motion by Commissioner Kenny, seconded by Commissioner Williamson, the minutes for April 11, 2024 was approved. (5-0-1).

**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 was no deferred and/or continued items.

**6. PUBLIC HEARINGS**

- a. 1560/1562 MICHIGAN AVE (012-06-169) ADMINISTRATIVE REMEDY  
(Manuel Duarte, Code Enforcement Inspector/Erika Ze Ying Zhang Property Owner)

Documents Filed: Administrative Remedy and Notice of Public Hearing dated April 9, 2024

Action: Code Enforcement Inspector Manuel Duarte provided a summary and related pictures of the inspection completed at the subject property on April 11, 2024. Inspector Duarte also corrected on page 12 of the Notice of Hearing a typo in the amount of Administrative Costs. The correct Administrative Costs is \$1,812.60 not \$11,812.60.

Property Owner Erika Ying spoke and stated she is the primary caregiver for her mom. Ms. Ying concurred with Code Enforcement's summary and actions. She requested the Board provide her an extension in the compliance schedule for July 25, 2024 to September 25, 2024 to obtain necessary permits and October 24, 2024 to December 24, 2024 to complete the work. She also requested the Board reduce the proposed Administrative Costs and reduce the proposed Administrative Penalties in the amount of \$5,000.00 pursuant to San Jose Municipal Code Section 1.14.090. Finally, she stated she submitted a permit application on April 10, 2024, which Code Enforcement staff stated was not received in the AMANDA online permit system.

Upon a motion by Commissioner Kenny, second by Chair Parsons and carried (5-0-1) unanimously.

I. Order to Correct:

A. On or before September 24, 2024, the Property Owner shall:

1. Submit all plans to the Code Enforcement Building Code Compliance Inspector, obtain approval, submit pre-approved plans to the Building Department, and pay all associated fees.
2. Obtain all required permits to legalize or remove the unpermitted alterations.

And

B. On or before December 24, 2024, the Property Owner shall:

1. Complete all corrective building work necessary to remedy the violations and obtain a final clearance inspection (finalized permit) from the City of San José Building Division.

II. Administrative Costs

On or before July 25, 2024, the Property Owner shall pay Administrative Costs to the City of San Jose in the amount of \$1,812.60.

III. Administrative Penalties

On or before June 25, 2024, 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 \$5,000.00 to be held in abeyance and to be dismissed if work is completed by December 24, 2024.

If full compliance with the Board's Order is not achieved by September 24, 2024 and/or December 24, 2024 as described in the order to correct, Code Enforcement staff recommends the imposition of additional Administrative Penalties in the amount of \$250.00 per day starting with September 25, 2024 for non-compliance with the September 24, 2024 date and an additional \$100 per day for a total of \$350 per day beginning December 25, 2024 for non-compliance with the December 24, 2024 date until the date of compliance with the Board's Order, up to a maximum of \$100,000.00.

**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 Vice Chair Cabanayan, and carried unanimously (5-0-1), the Hearing was adjourned at 7:15 p.m.