

APPEAL OF NOTICE TO REGISTER

October 29, 2024

MV3 LLC
1520 W SAN CARLOS ST
SAN JOSE CA 95126-3235

MV3 LLC
c/o VIJAYALAKSHMI MANI
22561 POPPY DR
CUPERTINO CA 95014-0802

AGENDA ITEM:	6c
HEARING DATE	November 14, 2024
HEARING TIME:	6:30 p.m.
HEARING PLACE:	City Hall, Council Chambers 200 E Santa Clara Street San Jose, CA 95113

RE: 1520 W SAN CARLOS ST
APN: 277-18-021

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 property identified above, it has been determined that the property has been unoccupied for more than thirty (30) days and meets the criteria to require registration in the Neglected Vacant or Abandoned Building Monitoring Program.

City of San Jose Municipal Code Chapter 17.38 outlines the maintenance standards and the registration requirements.

San Jose Municipal Code section 17.38.410 states that the owner of a property may appeal the Director's decision to enter the building into the monitoring program. The property owner, MV3 LLC ("Property Owner"), filed a timely appeal on September 9, 2024. As a result, a public hearing will take place at the date and time noted above to hear the appeal.

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

Rachel Roberts

Rachel Roberts, Deputy Director
Planning, Building and Code Enforcement

OWNER: MV3 LLC
1520 W SAN CARLOS ST
SAN JOSE CA 95126-3235

AGENDA ITEM: 6c
HEARING DATE: November 14, 2024
HEARING TIME: 6:30 p.m.
HEARING PLACE: City Hall, Council Chambers
200 E Santa Clara Street

ADDRESS: 1520 W SAN CARLOS ST
APN: 277-18-021

INSPECTION REPORT

Status of Property

The Urban Village zoned property located at 1520 W SAN CARLOS ST San Jose CA 95126 (“Subject Property”) is a commercial property that is fenced for security, has boarded windows and doors, and has been vacant for over 30 days. Blight conditions such as graffiti, unfinished boarded openings and razor wire on the fencing at the sidewalk persist on the property and are visible to the public.

San Jose Municipal Code Violations

17.38.010 – Purpose.

Neglected vacant or abandoned buildings and storefronts are a major source of blight in the City of San José and pose serious threats to the public's health, safety, and welfare. They attract children, vagrants, gang members, and criminal activities. They are also vulnerable to fire set by transients or others using the property illegally. The presence of neglected vacant or abandoned buildings and storefronts can lead to neighborhood decline, create an attractive public nuisance, lower property values, and discourage economic development in the area. Furthermore, the presence of vacant, neglected, or abandoned buildings and storefronts acutely affects the vitality and economic development of the downtown area.

It is the responsibility of property owners, lenders, trustees, or others with possessory, equitable, or legal interests in the neglected vacant or abandoned buildings, including without limitation, historic buildings, or structures, to maintain, secure, and prevent these buildings and storefronts from becoming a burden to the neighborhood and community or a threat to the public health, safety, and welfare. The purpose of this Chapter is to provide standards for maintaining vacant and abandoned buildings and storefronts and to establish a monitoring program for those that are determined to be neglected or are vacant for longer than thirty days within the downtown area.

17.38.030 - Compliance Required.

- A. Every owner of a property shall maintain the property in accordance with this chapter.
- B. Every owner of a property is liable for violation of this chapter regardless of any contract or agreement the owner has with any third party.
- C. Except as otherwise provided herein, the director shall have the authority to enforce the provisions of this chapter.

17.38.020 – Definitions.

The definitions set forth in this Section shall govern the application and interpretation of this Chapter.

- J. "Neglected Vacant" building or structure means any Vacant building or structure that is not maintained in accordance with this Chapter.
- Q. "Vacant" means any building or structure which has remained unoccupied for a period of more than thirty (30) days or which has been occupied by any unauthorized person for any length of time. A building or structure is not deemed to be Vacant for purposes of this Chapter if construction, alteration, improvements, rehabilitation, or repair is in progress pursuant to a valid, unexpired building permit with inspections occurring at least every six (6) months.

17.38.040 - Public Nuisance.

Any property in violation of this chapter shall constitute a public nuisance.

17.38.230 - Security Standards.

- A. All vacant or abandoned property shall be maintained in a manner which secures it from any unauthorized entry and meets the following minimum security standards:
 - 1. All windows, doors, gates, fences, or any other opening of such size that may allow access of persons, animals, or other elements, to the interior of the property, building or structure shall be secured, locked, closed, or maintained in such a manner so as to prevent unauthorized entry. Windows, sliding doors, or similar openings shall provide either intact glazing or resistance to entry equivalent to or greater than that of a solid sheet of one-quarter-inch plywood, painted to protect it from the elements,

- cut to fit the opening, and securely nailed using 6D galvanized nails spaced not more than six inches on the center.
2. Doors and service openings with thresholds located ten feet or less above grade, stairway, landing, ramp, porch, roof, or similarly accessible area shall provide resistance to entry equivalent to or greater than that of a closed single panel or hollow core door one and three-eighths inches thick equipped with a half-inch throw deadbolt.
 3. Exterior doors, other than the operable door described in Section 17.38.230. A.4., may be closed from the interior of the building or structure by toe nailing them to the door frame using 10D or 16D galvanized nails.
 4. There shall be at least one operable door into each building or structure to allow access to all portions of the building or structure. If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a one-half inch deadbolt or dead latch.
 5. All locks shall be kept locked. When a door cannot be made operable and is not visible from the public right-of-way or neighboring property, a door shall be constructed of three-quarter-inch CDX plywood and shall be equipped with a lock as described above.
 6. There shall be a sign no less than 18" x 24" posted on the front of the exterior building or structure so it is legible from the public-right-of-way with the following information: (i) name and twenty-four hour contact telephone number and address of the owner, responsible party, or property management company; and (ii) the statement that "THIS PROPERTY MANAGED BY" with the appropriate name inserted and "TO REPORT PROBLEMS OR CONCERNS CALL" with the twenty-four hour telephone number listed. The sign shall be constructed and printed with weather resistant materials.

17.38.240 - Debris Removal.

All vacant or abandoned property including all adjoining yard areas shall be maintained free of debris, combustible materials, litter, garbage, or any other item that gives the appearance the property is vacant or abandoned in accordance with Chapters 9.10, 17.72, and other applicable provisions of this Municipal Code.

17.38.250 – Appearance.

- A. All vacant or abandoned property must be maintained in a manner which minimizes the appearance of vacancy and meets the following minimum appearance standards:
1. The property shall be maintained free of graffiti, tagging, or similar markings by removal or painting over within twenty-four hours with similar exterior grade paint to match the color of the exterior of the building or structure in accordance with Chapters 9.57 and 9.58 and other applicable provisions of this Municipal Code.
 2. Any construction, alteration, improvements, or rehabilitation shall be completed during the term of a valid building permit or building permit extension issued by the director, building official, or their designee.
 3. All exterior surfaces visible from the public right-of-way or neighboring properties shall be maintained to prevent entry including replacement or repair to any broken windows, doors or siding materials and be applied with sufficient paint, siding, stucco, or other finish to weatherproof the vacant or abandoned building or structure and to create a sufficient appearance of repair to deter unauthorized occupation.
 4. All exterior surfaces not visible from the public right-of-way or neighboring properties, including any boarded windows or doors shall be applied with sufficient paint, siding, stucco, or other finish to weatherproof the vacant or abandoned building or structure and to create a sufficient appearance of repair to deter unauthorized occupation.
 5. All landscaping, including grass, turf, trees, hedges, shrubs, flowers, and other similar materials, shall be kept in accordance with Chapter 17.72 of this Municipal Code and in such condition as not to create the appearance of a vacant or abandoned building or structure.
 6. All pools, spas, or other areas of standing water shall be kept in working order so that the water remains clear and free of pollutants or debris, unless the pools, spas, or other areas are drained and kept dry. All properties with pools, spas, or other areas of standing water must meet the minimum fencing requirements outlined in Chapter 17.28 of this Municipal Code and state law.

17.38.270 - Additional authority.

In addition to any other rights, remedies, or enforcement provided in this chapter or Municipal Code, the director shall have the authority to require the owner of any property in violation of this chapter, to implement additional maintenance, security, fire or other corrective or preventive measures as may be reasonably required to combat the decline of the property, such as securing the property, installing additional lighting, or increase on-site inspections.

17.38.300 - Neglected Vacant or Abandoned Building Monitoring Program.

- A. If the director determines that a property is subject to this chapter, director shall send a notice and require the owner of any vacant or abandoned building or structure to register the property into the neglected vacant or abandoned building monitoring program within ten calendar days of the date of the notice to register.
- B. The owner of a neglected vacant or abandoned building or structure may appeal the director's decision to place the building or structure into the neglected vacant or abandoned building monitoring program by filing a notice of appeal with the director within ten days of the date of the notice.
- C. If the director finds that a vacant or abandoned building or structure which has been placed in the monitoring program has not been in further violation of the provisions of this chapter for more than six consecutive months, the director shall have the discretion to remove the building or structure from the monitoring program.

Chronology

- 1/16/2024** On this day, a complaint of a vacant building at the Subject Property was opened with Code Enforcement. The complaint described a vacant unsecured building with unauthorized persons occupying the building(s) and trash around the property.
- 1/17/2024** On this day, Code Enforcement Inspector Angel Esparza inspected the Subject Property. Inspector Esparza noted that the property connected to other properties on W SAN CARLOS ST (between S WILLARD AV and BUENA VISTA AV). Inspector Esparza observed that the building was fenced, enclosing all buildings and parking lots. Inspector Esparza observed unsecured openings, graffiti and razor wire on the perimeter fence and solid waste at the rear of the building. See true and correct photographs attached hereto as **EXHIBIT A**.

- 1/19/2024** On this day, Code Enforcement Inspector Angel Esparza researched the Santa Clara County Assessor Office record obtaining the legal mailing address. Inspector Esparza also researched the grant deed on file with the Santa Clara Clerks Recorder. A true and correct copy of the deed is attached hereto as **EXHIBIT B.**
- On this same day, Code Enforcement Inspector Angel Esparza, drafted and completed a Warning Letter (Pre-cite). The Warning Letter was addressed to the Property Owner and Agent of Service. A true and correct copy of the citation is attached hereto as **EXHIBIT C.**
- 1/22/24** On this day, Code Enforcement Inspector Angel Esparza met with Property Owner Vijayalakshmi Mani and Maintenance Personnel Agosto for a schedule inspection at the Subject Property. Inspector Esparza observed the Subject Property remained unsecured with blight violations. Inspector Esparza educated the Owner regarding Community Preservation and the Vacant Building Ordinance and advised the need to respond, correct all violations and maintain property. See true and correct photographs attached hereto as **EXHIBIT D.**
- 2/5/2024** On this day, Code Enforcement Inspector Angel Esparza met with Owner Vijayalakshmi Mani and Maintenance Personnel Agosto for a schedule inspection at the Subject Property. Inspector Esparza observed that the Subject Property was secured. See true and correct photographs attached hereto as **EXHIBIT E.**
- 4/5/2024** On this day, Code Enforcement Inspector Wayne Cirone inspected the Subject Property. Inspector Cirone observed graffiti on front fencing/privacy screening and on the building and building's windows; razor wire remains on fencing. See true and correct photographs attached hereto as **EXHIBIT F.**
- Between 5/16/24-and 9/20/24 The Subject Property was inspected monthly, and Inspector Esparza observed the front fence to have graffiti and razor wire along the front fence.
- 7/22/2024** On this day, Code Enforcement Inspector Angel Esparza emailed the Property Owner Vijayalakshmi Mani that a Notice to Register the Subject Property to the Neglected and Vacant Building Monitoring Program is in progress.
- 8/26/2024** On this day, Support Staff mailed, via US Mail, a Notice to Register to the Property Owner. See true and correct copy of the Notice to Register attached hereto as **EXHIBIT G.**
- 9/9/2024** Code Enforcement received, via US Mail, a Notice of Appeal for the Notice To Register, from Viji Mani. See true and correct copy of the Notice of Appeal attached hereto as **EXHIBIT H.**

CODE ENFORCEMENT STAFF RECOMMENDATIONS

Staff recommends that the San Jose Appeals Hearing Board uphold the requirement to register the Subject Property into the Neglected Vacant or Abandoned Building Monitoring Program of the City of San Jose due to evidenced and ongoing blight conditions such as attractive nuisance unsecured perimeter fencing, graffiti, unfinished boarded openings and razor wire on the fencing at the sidewalk that persist on the property and are visible to the public. The property has been vacant since January of 2024, and blight conditions have persisted on the vacant property in excess of thirty days.

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 1520 W SAN CARLOS ST that are the subject of this report.
2. I have prepared and reviewed this report and can attest to the truth of the matters stated above.

Amber Zenk for Angel Esparza
Amber Zenk for Angel Esparza (Oct 30, 2024 10:27 PDT)

Angel Esparza
Code Enforcement Inspector II

Exhibit A



Graffiti on fencing and windows of building.



Breached board up of broken window creating access to building.



Picture from the public right of way on W San Carlos St. Unsecured opening/door and razor wire.

Exhibit B

**This document was electronically submitted
to Santa Clara County for recording**

25309084

Regina Alcomendras
Santa Clara County - Clerk-Recorder
05/25/2022 12:13 PM

Titles: 1 Pages: 4
Fees: \$37534.00
Tax: \$22000.00
Total: \$59534.00

RECORDING REQUESTED BY:
First American Title Insurance Company National
Commercial Services

**MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:**
MV3 LLC, a California limited liability company
22561 Poppy Drive
Cupertino, CA 95014

Space Above This Line for Recorder's Use Only

A.P.N.: 277-18-021

File No.: NCS-1013265-SC (JB)

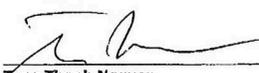
GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$**5,500.00**; CITY CONVEYANCE TAX \$**37,500.00**; CITY TRANSFER TAX \$**16,500.00**;

SURVEY MONUMENT FEE \$

- computed on the consideration or full value of property conveyed, OR
 computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
 unincorporated area; City of San Jose, and

EXEMPT FROM BUILDING HOMES AND JOBS ACTS FEE PER GOVERNMENT CODE 27388.1(a)(2).


Tung Thanh Nguyen
Signature of Declarant

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Tung Thanh Nguyen and Viet Thanh Nguyen, co-trustees of the Joseph Nguyen Survivor's Trust, as to an undivided 50% interest; and Tung Thanh Nguyen and Viet Thanh Nguyen, co-trustees of the Linda Nguyen Credit Shelter Trust, as to an undivided 50% interest**

hereby GRANTS to **MV3 LLC, a California limited liability company**

the following described property in the City of **San Jose**, County of **Santa Clara**, State of **California**:

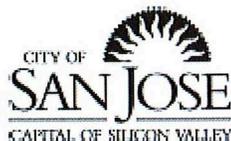
PARCEL ONE:

PORTION OF LOT 1, IN BLOCK 5, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE MAYPARK HALF ACRES" WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON DECEMBER 8, 1908 IN BOOK M OF MAPS AT PAGE 47 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF SAN CARLOS STREET, AS SAID LINE WAS ESTABLISHED BY THE DEED FROM JAMES GOODWIN, ET UX TO STATE OF CALIFORNIA, DATED OCTOBER 9, 1941 RECORDED NOVEMBER 12, 1941 IN BOOK 1071 OFFICIAL RECORDS PAGE 45, SANTA CLARA COUNTY RECORDS; WITH THE WESTERLY LINE OF LOT 1, IN BLOCK 5, AS SAID LOT AND BLOCK ARE SHOWN UPON THE MAP ABOVE REFERRED TO; RUNNING THENCE EASTERLY ALONG THE SAID SOUTHERLY LINE OF SAN CARLOS STREET, 124.97 FEET TO THE WESTERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM C.W. EMPEY, ET UX TO AUGUSTINE BIONDO, ET UX, DATED SEPTEMBER 26, 1919 RECORDED SEPTEMBER 26, 1919 IN BOOK 490 OF DEEDS, PAGE 458, SANTA CLARA COUNTY RECORDS; RUNNING THENCE SOUTHERLY ALONG SAID LAST NAMED LINE 54.72 FEET, MORE OR LESS, TO THE DIVIDING LINE BETWEEN LOTS 1 AND 2, IN SAID

Mail Tax Statements To: **SAME AS ABOVE**

Exhibit C



Department of Planning, Building and Code Enforcement

January 19, 2024

WARNING NOTICE

MV3 LLC
1520 W SAN CARLOS ST
SAN JOSE CA 95126-3235

MV3 LLC
C/O VIJAYALAKSHMI MANI
22561 POPPY DR
CUPERTINO, CA 95014

SUBJECT: Municipal Code Violation – Pending Administrative Citation
LOCATION: SCC APN 277-18-021- 1520 W SAN CARLOS ST AND
1528 W SAN CARLOS ST
CASE NUMBER: 202400605

The Code Enforcement Division of the City of San Jose has received and confirmed a report of the following violation(s) of the San Jose Municipal Code at the above referenced location:

<u>Code Section</u>	<u>Violation/Corrective Action</u>	<u>Fine if not Corrected</u>
17.72.030	Prohibition of Blighted Property	
17.72.505	Unsecured Building or Structure	\$250

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.

17.72.515 Attractive Nuisance \$250

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.

9.57.300 Real and personal property defaced with graffiti \$250

No person shall maintain graffiti that has been placed upon, or allow graffiti to remain on, any real property, including but not limited to any building or structure, nor on any motor vehicle, boat, trailer, or other personal property located on the real property, when the graffiti is visible from a street or from any other public or private property.

CORRECTIVE ACTION:

- Secure the perimeter fence and all openings of all buildings so that no unauthorized individuals can gain access or resort thereto for the purpose of committing a nuisance or unlawful act.
- Remove and do not permit anyone to store any solid waste/debris (this includes vegetation debris), household items, wood and cardboard boxes in any area of the property.
- Remove the graffiti at the property.

The above listed violation(s) must be corrected no later than January 22, 2024, or you will be subject to an Administrative Citation. If future site inspections reveal another violation of these code sections within one year of this letter, additional citations may be issued without further notice. Fines escalate for repeat violations.

If the re-inspection of the property reveals non-compliance with any of the required corrections in this warning and a subsequent re-inspection is required to determine compliance, a re-inspection fee of \$278.00 will be assessed for each subsequent re-inspection.

Your prompt attention to this matter is appreciated. Should you have any questions or information that indicates corrective action has been taken, please contact me at (408) 535-7945 or angel.esparza@sanjoseca.gov.

AE 157E

Angel Esparza 157E
Code Enforcement Inspector

THIS IS NOT A BILL

Exhibit D



Unsecured opening/door to vacant building.



Picture from the public right of way on W San Carlos St. Razor wire and graffiti on windows.

Exhibit E



Picture from interior lot of neighboring associated property. Graffiti present.

Exhibit F



Graffiti on fence screening and windows/building. Razor wire present.



Graffiti not removed on windows, but more paint on top of graffiti. Fence screening painted with a different color.

Exhibit G



Department of Planning, Building and Code Enforcement

MV3 LLC
C/O VIJAYALAKSHMI MANI
22561 POPPY DR
CUPERTINO, CA 95014

August 26, 2024

NOTICE TO REGISTER

(San Jose Municipal Code, Title 17, Chapter 17.38.010 – 17.38.370)

SUBJECT: Neglected Vacant Building Registration at 1520 W SAN CARLOS ST APN 277-18-021

FILE NO: 202400605

Inspections of the property identified above revealed that the Commercial Building has been unoccupied for more than thirty (30) days. The following conditions require that the property be registered into the Vacant Neglected Building Monitoring Program. (17.38.010, 17.38.020, 17.38.030, 17.38.040, 17.38.230, 17.38.240, 17.38.250).

- *Failure to maintain a vacant building in a manner that secures it from unauthorized entry. 17.38.230*
- *Failure to maintain a vacant building in a manner which minimizes the appearance of vacancy. 17.38.250*

To register in the Neglected Vacant Building Monitoring Program, you must complete the enclosed registration form and submit the initial registration fee to the City of San Jose, Code Enforcement Division, 200 East Santa Clara Street, San Jose, CA 95113. The registration form must be returned within ten days of the date of this notice.

The initial registration fee of \$1,812 includes the quarter that the property is required to be registered, plus an additional 6 months (2 quarters) for which the property has to be maintained in full compliance with the Neglected Vacant Building Ordinance standards (copy enclosed). Code Enforcement will conduct regular inspections to determine compliance with these standards. If the property is not maintained in compliance with the vacant building standards, you will be invoiced for additional quarter(s) at \$604.00 per quarter. *The property may be removed from the monitoring program if it has been in compliance for six (6) consecutive months.*

If you wish to appeal the placement of the property on the Neglected Vacant Building Monitoring Program, you must file a written Notice of Appeal postmarked within ten days from the date of this notice with the Deputy Director of Planning, Building & Code Enforcement at 200 E. Santa Clara Street, San Jose, CA 95113. Your Notice of Appeal will be forwarded to the Secretary of the San Jose Appeals Hearing Board who will notify you of the date, time and place of the Hearing. The appeal shall be heard no more than 60 days after the date on which the copy of the Notice of Appeal was filed with the Secretary of the Board.

If you fail to file a written notice of appeal, postmarked within ten days from the date of this notice, you waive your right of appeal of the registration of the property into the Neglected Vacant Building Monitoring Program.

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

Angel Esparza
Code Enforcement Inspector II

Enc. Neglected Vacant House Ordinance, Registration Form
Proof of Service

Exhibit H



Appeal for placement of properties in Neglected Vacant Building Monitoring Program

Date: 05 September 2024

Ref. File #: 202400885/202408255/202302230/202310042/202400605/202303711

Dear Mr. Deputy Director of Planning,

Thanks for your letter dated 26 August 2024 and received on 30th August 2024.

Mr Angel Esparza from Code enforcement and Fire Department's Mr David had come to inspect and provided instructions for changes which have been incorporated. Yet we find ourselves facing additional instructions - both repetitive and new through this letter - and with surprising levy of Neglected Vacant Building classification for reasons hard to fathom.

At the outset - with thousands invested every month by us Developers to maintain and protect in a hitherto-neglected part of city that City Fathers are drawing a vision of Urban Villas Framework - we confidently and respectfully submit that this property-set is *anything but Neglected*.

We feel hurt at the attempted classification with all the ravaging of (Pandemic) Mother Nature and armed miscreants who we have had to push back and repel with no help from Law Enforcement as we transition plans to find resources to realize the plans submitted to City and Approved in 2023!

Background & History

We would like to appeal the attempt at classification (as Neglected Vacant Building Monitoring Program - hereinafter in this document referred to as NVBMP) of this prime property under development wherein millions of dollars have been invested for development and thousands of dollars in maintenance/security. We plead you not to add on to our financial burden, which is already stressed in the current economic times. We have enough evidence to dispute and refute that classification City-procedurally and legally and hence this plea to avoid having to dispute formally. All this despite the City civic administration's apathy and Law Enforcement's hands tied due to procedural complexities that we had to plough in thousands of dollars every year through and before Pandemic and continuing to do so.

We respectfully submit that merely asserting that NVBMP is imposed is without basis as stated in this letter.

Further this becomes an insult to all of Urban Villas Framework vision we have been striving to implement with far-sighted City visionaries. Like all such large projects involving acquisition and Entitlement of a collection of properties - this does take time and effort and we are thankful to the perceptive officials who have been supportive of this endeavor and understanding of challenges.

At the outset we wish to note the following crucial important points, even prior to Pandemic when all activities stalled: we have spent tens of thousands in maintaining and securing despite little or no support by City or Law enforcement from providing the civic-required security assurances of safety as expected around city/urban properties to be considered civic.

We have had security services engaged even before all the properties were vacant including night time patrol

- In spite of the night patrol twice every night from the beginning, we had intruders breaking and entering the property. So we had continuous monitoring night time. This has cost us a lot of money.
- With the current security system in place we have had the property clean and without intruders since the beginning of this calendar year.
- We would respectfully bring to your attention that we have worked with your Code Enforcement Department (Mr Angel Esparza) and SJ Fire Department (Mr David) to keep the property clear of Debris, Graffiti and Intrusions
- We are working with a builder to get this project off ground in the next few months. (We are in a quiet period unable to disclose details). But we request business leeway to work through that: this started and evolving since May 2024.
- Plan to break ground soon within the next 6 months....

Your Claims:

This type of NVBMP is created, understandably for the people to preserve the interests of citizenry by responsible city Elders.

Failure to Secure from unauthorized entry

- As all pundits would have it "Security is about Risk Management". It is commensurate with the value of what / who is in the property. As evidenced below we have done more than needed and can prove with required documentation that we have done it alone through these tough years. It is false to accuse of Failure: sure enough we failed when we were under assault and had to react appropriately in 2023. But we had overcome that (Mr Angel Esparza & Mr. David would attest to some of that as witness). We can also establish that it is commensurate with the perimeter of street that is protected City Law; unless this claim is indirectly hinting at its inadequacy.
- ***Failure to yard areas free of debris, combustible materials, litter and garbage***
 - We have had situations in 2022 and mid-2023 when encroachments and miscreants – crossed the city law protection and violated our property sovereignty. We have since taken measures to augment the monitoring security to beef up perimeters constantly (as incursions do get attempted in this current state of the area) and active human monitoring and Police notifications by us. Thanks for the opportunity to make it official complaint: when we get to face firearm-wielding offenders threatening our security and neighbors we can only represent to Law Enforcement. When no coordinated follow-up actions take place we can only stay defensive: that is NOT Neglect – it is failure of City Security.
- ***Failure to maintain a vacant building in a manner which minimizes appearance of vacancy.***
 - We have enclosed the property so it is not visible from outside unless they jump over. Just the secure fence will let people aware that this is a vacant property. But we have kept the property clear of debris and graffiti.

All of these claims are already addressed – some recently augmented after your inspection and advisements.

Summary

Thanks to the Urban Village Framework – we are on the cusp of creating a historic achievement in the center of downtown San Jose that hitherto has remained an eyesore and through a hodgepodge of unstreamlined development of businesses and residences. From such creation to Historic Modernization we are embarking on and submitted to the City this must go through painful phases of darkness, demolition, development and elegant beautification.

It will be indeed shortsightedness and travesty of justice to penalize the Enterprise (viz., our entities) for going through and on the cusp of emerging from this dark period to light (*Tamasoma Jyotirgamaya* as the saying goes in Sanskrit Scripture).

Hence, we request a few months of patience to tide over for that light to come through and we are ready to prove that light to Shine on Urban Villas, Seven Hills, MV3 LLC and Moradi (329 S Willard is part of our project and we will complete the purchase when we begin construction phase. Hence we are including the appeal for Mrs Moradi as well) to start the path to the realization of Urban Village Framework without condemning this to NVBMP.

We humbly request you to waive our fee as we are getting ready for the development phase.

Best Regards



Viji Mani

22561 Poppy Dr, Cupertino, CA 95014

Manager

1530 W San Carlos St, San Jose, CA

1536 W San Carlos St, San Jose, CA

1544 W San Carlos St, San Jose, CA

1520 W San Carlos St, San Jose, CA

325 S Willard, San Jose, CA

329 S Willard, San Jose, CA

6c 1520 W SAN CARLOS ST

Final Audit Report

2024-10-30

Created:	2024-10-30
By:	Regina Lizaola (Regina.Lizaola@sanjoseca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAicpfWGXlt486fwNPHvZ-szkkQ1degu2V

"6c 1520 W SAN CARLOS ST" History

-  Document created by Regina Lizaola (Regina.Lizaola@sanjoseca.gov)
2024-10-30 - 5:14:33 PM GMT
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PROOF OF SERVICE

CASE NAME: CITY OF SAN JOSE v MV3 LLC c/o VIJAYALAKSHMI MANI

I, the undersigned declare as follows:

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

On October 30, 2024, I caused to be served the within:

APPEAL OF NOTICE TO REGISTER

Regarding real property located at: 1520 W SAN CARLOS ST

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

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

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

Party Served:

MV3 LLC
1520 W SAN CARLOS ST
SAN JOSE CA 95126-3235

Party's Attorney:

MV3 LLC
c/o VIJAYALAKSHMI MANI
22561 POPPY DR
CUPERTINO CA 95014-0802

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 30, 2024, at San Jose, California.


Regina Lizaola
Staff Specialist