

NOTICE OF HEARING

DATE: April 12, 2023

**TO: 252 N FIRST ST DEVELOPMENT
LLC/Z&L PROPERTIES INC
950 TOWERS LN #870
FOSTER CITY CA 94404-2125**

**CC: 1505 CORPORATION 1084
Corporate Creations Network INC.
c/o Sarah Clemens; c/o Ty Chandler; c/o Laura Baker;
c/o Veronica Valega; co Trent Bavar
5901 W. Century Blvd., #750, Los Angeles CA 90045]**

AGENDA ITEM:	6a
HEARING DATE:	April 27, 2023
HEARING TIME:	6:30 p.m.
HEARING PLACE:	City Hall Council Chambers 200 E Santa Clara Street San Jose, CA 95113

**RE: COMPLIANCE ORDER DATED February 28, 2023
FILE NO: 202106813
PERMIT NO: N/A
VIOLATION ADDRESS: 39 E St James St
ORIGINAL INSPECTION DATE: October 5, 2021
COMPLIANCE DATE: March 17, 2023**

ATTENTION RESPONSIBLE PARTY/PROPERTY OWNER:

Based upon the enclosed "Inspection Report," the Director of Planning, Building and Code Enforcement has determined that full compliance with the above referenced "Compliance Order" has not been achieved as of the "Compliance Date." As stated in the Compliance Order, you had a right to contest the issuance of the Compliance order through a hearing before the Director. However, you did not exercise this right. Therefore, the next step in the process under the San Jose Municipal Code is a hearing before the City of San Jose's Appeals Hearing Board (Board). Your hearing is set for April 27, 2023 at 6:30 pm. The hearing date is firm to ensure the prompt disposition of cases. All parties and their representative(s) must regard the date set for hearing as certain. A party seeking a continuance of the date set for hearing, whether contested or uncontested or stipulated to by the parties, must make the request for a continuance as soon as possible, and specify the grounds for continuance. A continuance may be granted on an affirmative showing of good cause specified in subsection b, and based on consideration of the facts and circumstances specified in subsection c of Section 408 of the Appeals Hearing Board Rules and Regulations.

San Jose Municipal Code section 1.14.060 (E) provides that the Hearing will be limited to whether or not compliance has been achieved and the assessment of penalties. However, Code Enforcement will ask that the Board issue findings as well.

The Board shall consider any written or oral evidence consistent with its rules and procedures regarding the violation and compliance by the violator or by the real property owner. Notification of matters to be presented to the Appeals Board including, but not limited to, documents and exhibits, must be exchanged between the parties, and provided to the Secretary of the Appeals Hearing Board, clearly identifying that the submittals are for the Appeals Hearing Board, identifying the hearing by title, and specifying the relevant hearing date(s), no later than ten (10) days before the scheduled hearing so that there is adequate time for City staff to prepare the packets for the Board members. (Section 307 of the Appeals Hearing Board Rules and Regulations). The Board will issue written findings that the violation is deemed admitted under the Code and whether the responsible party failed to make required corrections within the compliance period.

If the Board finds by a preponderance of the evidence that the violation has occurred and was not corrected within the specified period, the Board will issue an Administrative Order. The Administrative Order may include any or all of the following:

- An order to correct;
- Administrative penalties in an amount up to two thousand five hundred dollars (\$2,500.00) a day per violation;
- Reimbursement of all of the City's enforcement costs.

NOTE: Administrative Penalties imposed by the Board shall accrue from the Compliance Date specified in the Compliance Order and cease to accrue on the date the violation is corrected as determined by the Director or the Board. Failure to pay the assessed penalties and costs may be enforced as:

- A personal obligation of the violator; and/or
- If the violation is in connection with real property, a lien upon the real property. Consistent with California Code of Civil Procedure Section 685.010, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of an administrative lien, from the date the lien is first recorded until the date that payment is received by the City.

If the Board finds that no violation has occurred or that the violation was corrected within the time period specified in the Compliance Order, the Board shall issue a finding of those facts.

The Hearing serves to provide the full opportunity of any person subject to a Compliance Order to object to the determination that a violation has occurred and/or that the violation has continued to exist. The failure of any person subject to a Compliance Order to appear at the hearing shall constitute a failure to exhaust administrative remedies.

You are welcome to bring an interpreter, attorney, or any other person to assist you at this meeting. Please notify Board Secretary Regina Lizaola at (408) 535-7915 at least seven (7) days before the meeting date if you will be bringing interpreters, attorneys or other persons to assist you at the meeting.

A copy of the Compliance Order is attached for your information. Should you have any questions regarding this matter, please contact Code Enforcement Inspector Brigitte Villagomez at (408) 535-6811.

NOTE: If all outstanding violations now have been corrected you must schedule another inspection to avoid continuing administrative penalties. Please contact Inspector Brigitte Villagomez at (408) 535-6811 to make the arrangements. You will be subject to administrative charges for this follow-up inspection. Regardless of the results, the Hearing will NOT be cancelled.

Rachel Roberts, Deputy Director
Planning, Building and Code Enforcement

Enclosures

CITY OF SAN JOSÉ
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
200 E. Santa Clara Street, San Jose, CA 95113
(408) 535-7770 FAX (408) 292-6924

HEARING BEFORE

THE SAN JOSE APPEALS HEARING BOARD
CITY OF SAN JOSE - CITY HALL, COUNCIL CHAMBERS
200 E SANTA CLARA STREET, SAN JOSE, CA 95113

HEARING DATE: April 27, 2023

HEARING TIME: 6:30 P.M.

AGENDA ITEM NO: 6b

CODE ENFORCEMENT DIVISION - INSPECTION REPORT

RE: ASSESSOR'S PARCEL #: 467-01-118

LOCATION: 39 E St James St
San Jose, CA 95122

OWNER: 252 N First St Development
LLC/Z&L Properties INC

950 Towers Ln #870

Foster City CA 94404-2125

CC: 1505 CORPORATION 1084

Corporate Creations Network INC.

c/o Sarah Clemens; c/o Ty Chandler;

c/o Laura Baker; c/o Veronica Valega;

c/o Trent Bavar

5901 W. Century Blvd.,

#750, Los Angeles CA 90045

COMPLAINT DATE: October 6, 2021

COMPLIANCE ORDER INSPECTION DATE: March 20, 2023

COMPLIANCE ORDER MAILING DATE: February 28, 2023

SAN JOSE MUNICIPAL CODE SECTIONS: 17.38.030, 17.38.040, 17.38.200, 17.38.230,
17.38.250, 17.38.260, 17.38.270, , 17.72.030,
17.72.520, 17.72.520, 20.10.030, 20.70.100,
20.80.810

COMPLIANCE DUE DATE: March 17, 2023

REINSPECTION DATE: March 29, 2023

INSPECTION REPORT DATE: April 12, 2023

INSPECTOR: Brigitte Villagomez

ANALYSIS AND RECOMMENDATIONS

I. RECOMMENDATION

Code Enforcement staff recommends that the Appeals Hearing Board uphold the Director of Planning, Building and Code Enforcement's determination that compliance with the Compliance Order, described below, was not achieved by the Compliance Date and include the following findings of fact, conclusions and orders in its Administrative Order:

II. PROCEDURAL STATUS

This Compliance Order was issued under the provisions of San Jose Municipal Code Section 1.14.030. This procedure was intended to provide an opportunity for the property owners to appeal the issuance of compliance orders and streamline the process.

Under this procedure, the property owner was given an opportunity for an intermediate review of the basis for issuing the Compliance Order. If the property owner disputes the basis for the Compliance Order, he or she may request a hearing before the Director. (San Jose Municipal Code Section 1.14.045.) However, if the person does not contest the Compliance Order, the basis for the compliance is admitted, and this Board's role is to determine whether compliance has been achieved, and to assess penalties. San Jose Municipal Code Section 1.14.060(E). That section provides as follows:

If the person subject to the compliance order fails to request a director's hearing, or fails to file an appeal after the decision of the director, the basis for the issuance of a compliance order will be deemed admitted, and the hearing shall be limited to whether or not compliance has been achieved and the assessment of penalties.

SJMC Section 1.14.060(E).

As set forth in detail below, the Property Owner did not request a hearing before the Director. Therefore, this hearing is limited to whether or not compliance has been achieved and the assessment of penalties.

III. FACTS

A. Complaint Received

On October 6, 2021, Code Enforcement proactively opened up a complaint for the vacant, historic building located at 39 E St James St ("Subject Property") that contained a large, black plastic tarp over the building.

B. Pre-Compliance Order Investigation

On October 5, 2021, Code Enforcement Supervisor Joe Celio inspected the subject property and confirmed a material covering the building. He did not observe any blight or unsecured fencing at the property.

On November 17, 2021, Supervisor Joe Celio researched the Santa Clara County property ownership records and found that 252 N First St Development LLC/Z & L Properties Inc is the legal owner(s) ("Property Owner(s)") of 39 E St James St, San

Jose, CA 95113, as shown on the latest property assessment roll, and resides at 950 Tower Ln Unit 870, Foster City, CA. A true and correct copy of the Grant Deed, Tract Map, Assessor Mailing Address, and Statement of No Change Limited Liability Company are included as **Exhibit A**.

On April 6, 2022, Code Enforcement Inspector Brigitte Villagomez inspected the Subject Property from the public right of way. Inspector Villagomez confirmed the property is fenced and building is covered.

On September 29, 2022, Code Enforcement Inspector Brigitte Villagomez inspected the Subject Property from the public right of way. Inspector Villagomez confirmed the property is fenced and building is covered. True and correct photographs of the inspection are attached hereto as **Exhibit B**.

On December 14, 2022, Code Enforcement Inspector Brigitte Villagomez inspected the Subject Property from the public right of way. Inspector Villagomez confirmed the property is fenced and building is covered

On January 24, 2023, Code Enforcement Inspector Brigitte Villagomez searched the mailing address online and found a business operating out of the address as CB Richard Ellis. Inspector Brigitte Villagomez attempted to call the business and was unsuccessful.

On January 26, 2023, Code Enforcement Inspector Brigitte Villagomez inspected the Subject Property from the public right of way. Inspector Villagomez confirmed the building cover is damaged and in a blighted position. True and correct photographs of the inspection are attached hereto as **Exhibit C**.

On February 1, 2023, Code Enforcement Inspector Brigitte Villagomez mailed an attempt to contact letter to the property owner. True and correct copy of the letter is attached hereto as **Exhibit D**.

On February 6, 2023, Code Enforcement Inspector Brigitte Villagomez, prepared a registration invoice to register the property into the Neglected Vacant Monitoring Program.

On February 13, 2023, Code Enforcement Inspector Brigitte Villagomez inspected the Subject Property from the public right of way. Inspector Villagomez observed and photographed that the building remained covered in tarps that were damaged and dilapidated, leaving the historic building exposed to potentially harmful weather conditions and potential damage. Additionally, Inspector Villagomez observed various business trucks related to the organization "Opening Doors 2020" which serves food to the homeless, from the subject property parking lot. This business activity was confirmed by an organization representative who spoke to Inspector Villagomez during her inspection. The representative did not have any contact information for the property owners. True and correct photographs of the inspection are attached hereto as **Exhibit E**.

On February 13, 2023, Code Enforcement Inspector Brigitte Villagomez received the mailed attempt to contact letter (EXHIBIT D) returned as Return to Sender No Such Address Unable to Forward.

C. **Alleged Code Violations**

1. San Jose Municipal Code Section 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 provision of this chapter.

The property is not maintained in accordance with SJMC 17.38.030

2. San Jose Municipal Code Section 17.38.040 – Public Nuisance.

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

The property is not maintained and blighted creating a nuisance in violation of SJMC 17.38.040

3. San Jose Municipal Code Section 17.38.200 – Vacant or Abandoned Building

A. It shall be unlawful for any building or structure, whether residential, commercial, industrial, or historic, to be vacant for more than one hundred and eighty calendar days unless one of the following conditions exist:

1. The building or structure is subject to an active building permit for construction, alteration, modification, rehabilitation, or repair and the owner is progressing diligently to complete the construction, alteration, modification, rehabilitation, or repair within the time frame set forth in the building permit.
 2. The building or structure complies with all codes, ordinances, or laws adopted by the city, does not otherwise constitute a public nuisance, is ready for use or occupancy, and is actively being offered for sale, lease, or rent.
 3. The building or structure, including the property on which it is located, does not otherwise constitute a public nuisance and is unlikely to become a public nuisance because the property is actively maintained and monitored. Actively maintained and monitored shall mean the condition of the property complies with the minimum standards set forth in Part 2 of this chapter and any other applicable provisions of this Municipal Code.
- B. The owner of any vacant or abandoned building or structure, whether boarded by voluntary action of the owner or as a result of enforcement activity by city, shall rehabilitate the boarded building or structure for occupancy, in accordance with all applicable code regulations, within one hundred and eighty calendar days after the building is boarded, unless the building or structure meets one of the conditions set forth in Section 17.38.200.A. Rehabilitation shall mean taking corrective action to meet the minimum standards set forth in Part 2 of this chapter and complying with any other applicable provisions of the Municipal Code so the property is not a public nuisance.

The building has been vacant for over 180 days with no active building permit and constitutes a public nuisance in violation of SJMC 17.38.200

4. San Jose Municipal Code Section 17.38.230 – Security Standards
 - A. All vacant or abandoned properties 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 areas 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, others 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 deadlatch.
 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.

The building is not properly maintained to secure it from unauthorized entry in violation of SJMC 17.38.230.

5. San Jose Municipal Code Section 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:

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.

1. 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.
2. 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.
3. 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.
4. 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.

The building is not maintained in a manner that minimizes the appearance of vacancy in violation of SJMC 17.38.250.

6. San Jose Municipal Code Section 17.38.260 – Vacant or Abandoned Historic Building.

- A. This chapter shall apply to any vacant or abandoned historic building or structure located in the City of San Jose.
- B. In addition to any other requirement of this chapter, a vacant or abandoned historic building or structure shall also be safeguarded and maintained in accordance with this section.

1. All vacant or abandoned historic buildings or structures shall have an operating security alarm system at all times as approved by the director, such as, movement detectors, automatic signal device, intrusion alert, closed circuit television monitoring, or similar type of security systems.
2. All vacant or abandoned historic buildings or structures shall be maintained in accordance with Section 311 of the California Fire Code. A vacant or abandoned historic building that is deemed unsafe by the City of San Jose fire marshal may become subject to an abatement action that may require corrective action including, but not limited to, installation of a fire alarm system, sprinkler system, smoke detector, or a combination thereof.

The property owner has failed to meet the minimum requirements for compliance of an historic building, including, installing an operating security alarm system, in violation SJMC 17.38.260

7. San Jose Municipal Code Section 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.

The property is not properly maintained and needs maintenance, security and preventive measures in place to secure and maintain the property in accordance with SJMC 17.38.270.

8 San Jose Municipal Code Section 17.72.030 – Prohibition of Blighted Property

- A. 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.
- B. No person, whether as owner, agent, manager, operator, lessee, sublessee, tenant or occupant of a property, shall take any action or allow any action to be taken at that property in violation of any provision of this Chapter or any order issued pursuant to the provisions of this Chapter.

The property is blighted in violation of SJMC 17.72.030.

9 San Jose Municipal Code Section 17.72.520 – State of Disrepair.

Any building or structure that is in a state of disrepair constitutes property blight. A building or structure is in a state of disrepair when any of the following conditions exist:

- A. Exterior walls or roof coverings have become deteriorated, do not provide adequate weather protection, or show evidence of the presence of termite infestation or dry rot; or

- B. Broken or missing windows or doors that create a hazardous condition or a potential attraction to trespassers; or
- C. Building exteriors, walls, fences, retaining walls, driveways, or walkways that are broken or deteriorated to the extent that the disrepair is visible from a street or neighboring properties.

On the Subject Property there are multiple tarps covering the entirety of the building that are worn, damaged, and dilapidated, and in disrepair thereby leaving the building inadequately protected against various weather conditions and causing the property to be blighted.

10 San Jose Municipal Code Section 20.10.030 – Compliance Required.

No person shall use, allow, or suffer the use of any land, building, or structure except in strict compliance with the provisions of this Title 20, including the development and performance standards herein, and any permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.

The property is being used for food vending without Planning Division approval and permit(s), in violation of SJMC 20.10.030.

11 San Jose Municipal Code Section 20.70.100 – Allowed Uses and Permit Requirements.

- G. “Administrative” uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative use permit as set forth in Chapter 20.100.

The property does not have an Administrative Permit authorizing the use of food vendors in violation of SJMC 20.70.100.

12 San Jose Municipal Code Section 20.80.810 – Administrative Permit Required.

No person shall place or operate or allow or suffer the placement or operation of any stationary vending facility which serves members of the public outdoors on any privately owned parcel or lot except in compliance with an administrative permit issued pursuant to this title. The application for such administrative permit may be filed by the operator of the vending facility and shall be countersigned by the owner of the subject lot or parcel, or by the authorized agent of the owner, pursuant to the requirements of Chapter 20.100.

The vacant property is being used for un-permitted vending facilities by operators of “Opening Doors 2020” in violation of SJMC 20.80.810.

D. Compliance Order Issued

On February 28, 2023, Inspector Villagomez prepared and mailed to the Property Owner(s) of record, 252 N First St Development LLC/Z&L Properties Inc; 950 Tower Ln #870, Foster City, CA 94404-2125, a Compliance Order dated February 28, 2023. The Compliance Order provided 252 N First St Development LLC/Z&L Properties Inc with notice and a description of the violations of San Jose Municipal Code Sections 17.38.030, 17.38.040, 17.38.200, 17.38.230, 17.38.250, 17.38.260, 17.38.270, 17.72.030, 17.72.520, 20.10.030, 20.70.100 G, 20.80.810 and that 252 N First St Development LLC/Z&L Properties Inc shall:

- Complete the following corrective actions on or before March 17, 2023:
 1. Ensure the building has the required operating security alarm system per Section 17.38.260 (B)(1); is maintained in accordance with Section 311 of the California Fire Code per Section 17.38.260 (B)(2); and has exterior lighting continuously lit from dusk to dawn. Schedule an inspection prior to the due date to confirm the appropriate security system and fire protection is installed and is currently operating.
 2. Replace the tarp coverings over the building and ensure proper weather protection is provided.
 3. Remove the unpermitted vending facilities and activities (Opening Doors 2020) from the property, including all associated vehicles and other related materials.

AND

- Complete the following corrective actions on or before April 30, 2023
 1. Obtain an active building permit to modify or rehabilitate/repair the building;

OR,

2. Ensure the building is ready for occupancy, is actively maintained and monitored, does not otherwise constitute a public nuisance, and is actively offered for sale, lease, or rent. This includes removing all boarded windows and doors and ensuring windows and doors are intact, operable, and secure; the building/property is free of all blight, solid waste/debris, and graffiti; all exterior lighting is functioning; and property is secure. A building permit may be required.

The Compliance Order, mailed to the Property Owners(s) at 950 Tower Ln # 870 Foster City CA 94404-2125 on February 28, 2023 was not returned undeliverable.

A copy of the Compliance Order is attached hereto and incorporated herein by this reference as **Exhibit F**.

The Compliance Order explains the appeal process as follows:

The Department of Planning, Building and Code Enforcement (Code Enforcement) has issued an 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 notice, 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 Inspection Notice 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 3rd floor
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 within 5 business days of the hearing. If you dispute the Director's decision, you may appeal to the San Jose Appeals Hearing Board. That Board is described at:

<http://www.sanjoseca.gov/clerk/CommissionBoard/AppealsHear.asp>

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."

The Property Owners did not request a hearing.

E. Reinspections and Other Post Compliance Order Activity

On March 20, 2023, Inspector Villagomez conducted a compliance inspection of the Subject Property. During this re-inspection, Inspector Villagomez observed that no changes to the building were made and the unpermitted business activity and materials remained on the property resulting in non-compliance. True and correct copies of photographs of the reinspection are attached hereto as **Exhibit G**.

On March 29, 2023, Inspector Villagomez inspected the subject property and confirmed the tarp falling off of the building and the food vendor, "Opening Doors 2020", in operation. True and correct copies of photographs of the reinspection are attached hereto as **Exhibit H**.

F. Administrative Costs

In connection with this matter before the Appeals Hearing Board, the City of San Jose has incurred Administrative Costs that can be assessed against the Property Owner(s). These Administrative Costs total \$1,981.00 and are fully itemized on Attachment 1 attached hereto and incorporated herein by this reference.

I. Administrative Penalties

In connection with this matter, Code Enforcement staff recommends, pursuant to San Jose Municipal Code Section 1.14.090, the imposition of Administrative Penalties in the amount of \$5,000.00. If full compliance with the Board's Order is not achieved by June 12, 2023, Code Enforcement staff recommends the imposition of additional Administrative Penalties in the amount of \$1,000.00 per day starting with June 13, 2023 until the date of compliance with the Boards Order, up to a maximum of \$100,000.

These Administrative Penalty amounts are recommended in consideration of the following:

1. The Code violations observed at 39 E St James St have been in existence since January 26, 2023; and
2. The Property Owner(s) has not complied with the provisions of the Compliance Order, dated February 28, 2023; and
3. The Property Owner(s) has failed in good faith towards correction of the Municipal code violations found on the Subject Property.

IV. CODE ENFORCEMENT STAFF RECOMMENDATIONS

A. Code Enforcement staff recommends that, based upon analysis of the above facts the Appeals Hearing Board concludes and finds that:

1. 252 N First St Development LLC/Z&L Properties Inc is the owner of the property located at 39 E St James St and is responsible for the Code violations on the property.
2. On January 26, 2023, and March 29, 2023, and on all those dates in between the property located at 39 E St James St was in violation of 17.38.030, 17.38.040, 17.38.200, 17.38.230, 17.38.250, 17.38.260, 17.38.270, and 17.72.030. The Property Owner(s) failed to correct the identified violations.
3. On February 13, 2023, and March 29, 2023, and all those dates in between the property located at 39 E St James St was in violation of 20.10.030, 20.70.100, and 20.80.810. The Property Owner(s) failed to correct the identified violations.

4. Compliance with the requirements set forth in the Compliance Order dated February 28, 2023, was not achieved by the specified compliance date of March 17, 2023.

B. Code Enforcement staff recommends that, based upon analysis of the above referenced facts, conclusions and findings, the Appeals Hearing Board further concludes and finds that:

1. The code violations observed on the property located at 39 E St James St have been in existence since January 26, 2023; and
2. The Property Owner(s) has not complied with the provisions of the Compliance Order, dated February 28, 2023; and
3. The Property Owner(s) has failed to perform in good faith towards correction of the Municipal Code violations found on the Subject Property.

C. Code Enforcement staff recommends that, based upon the facts and findings set forth above, the Appeals Hearing Board hereby orders that:

1. The Violation Occurred

Pursuant to San Jose Municipal Code section 1.14.060(E), the Property Owner failed to timely request a hearing before the Director. Therefore, the basis for the Compliance Order is deemed admitted. Even if not deemed admitted, sufficient facts were presented to the Board to determine that the violations occurred.

2. Order to Correct

On or before June 12, 2023, 252 N First St Development LLC/Z&L Properties Inc shall complete the following corrective actions:

- Ensure the building has the required operating security alarm system per Section 17.38.260 (B)(1); is maintained in accordance with Section 311 of the California Fire Code per Section 17.38.260 (B)(2); and has exterior lighting continuously lit from dusk to dawn. Schedule an inspection prior to the due date to confirm the appropriate security system and fire protection is installed and is currently operating;
- Replace the tarp coverings over the building and ensure proper weather protection is provided; and
- Remove the unpermitted vending facilities and activities (Opening Doors 2020) from the property, including all associated vehicles and other related materials.

AND

4. Obtain an active building permit to modify or rehabilitate/repair the building;

OR

5. Ensure the building is ready for occupancy, is actively maintained and monitored, does not otherwise constitute a public nuisance, and is actively offered for sale, lease, or rent. This includes removing all

boarded windows and doors and ensuring windows and doors are intact, operable, and secure; the building/property is free of all blight, solid waste/debris, and graffiti; all exterior lighting is functioning; and property is secure. A building permit may be required.

3. Administrative Costs

On or before June 12, 2023, 252 N First St Development LLC/Z&L Properties Inc shall pay Administrative Costs to the City of San Jose in the amount of \$1,981.00.

4. Administrative Penalties

On or before June 12, 2023, the Property Owner(s) 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. If full compliance with the Board's Order is not achieved by June 12, 2023, the Property Owner(s) shall pay additional Administrative Penalties in the amount of \$1,000.00 per day, from June 13, 2023 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 Jose 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.

ATTESTING STATEMENT OF CODE ENFORCEMENT INSPECTOR

1. I am the Code Enforcement Inspector of the City of San Jose assigned to investigate the potential Municipal Code violations at 39 E St James St that are the subject of this Inspection Report; and
2. I have prepared or reviewed this Inspection Report and can attest to the truth of the matters within my knowledge stated above.

Brigitte Villagomez

SIGNATURE OF BRIGITTE VILLAGOMEZ

Code Enforcement Inspector

ATTACHMENT 1

DETAIL OF ADMINISTRATIVE COSTS

RE: COMPLIANCE ORDER, DATED February 28, 2023
 FILE NO: 202106813
 PERMIT NO: N/A
 VIOLATION ADDRESS: 39 E St James St
 INSPECTION DATE: January 26, 2023
 COMPLIANCE DATE: March 17, 2023

November 17, 2021	Santa Clara County Property Ownership Research	\$145.00
February 28, 2023	Zoning Research	\$153.00
February 13, 2023	Compliance Order Inspection	\$153.00
February 28, 2023	Compliance Order	\$153.00
N/A	Building Compliance Inspection	\$00.00
April 10, 2023	Hearing Paperwork	\$1,224.00
N/A	Attorney Review	\$00.00
April 27, 2023	Hearing	\$153.00

TOTAL	\$1,981.00
--------------	-------------------

<u>Effective July 1, 2014</u>	Code Enforcement Hourly Rate:	\$125.00
<u>Effective July 1, 2015</u>	Code Enforcement Hourly Rate:	\$126.50
<u>Effective July 1, 2016</u>	Code Enforcement Hourly Rate:	\$132.30
<u>Effective July 1, 2017</u>	Code Enforcement Hourly Rate:	\$132.00
<u>Effective July 1, 2018</u>	Code Enforcement Hourly Rate:	\$136.00
<u>Effective July 1, 2019</u>	Code Enforcement Hourly Rate:	\$130.00
<u>Effective July 1, 2020</u>	Code Enforcement Hourly Rate:	\$141.00
<u>Effective July 1, 2021</u>	Code Enforcement Hourly Rate:	\$145.00
<u>Effective July 2, 2022</u>	Code Enforcement Hourly Rate:	\$153.00
	City Attorney Hourly Rate:	\$202.00

Exhibit A

24054607

Regina Alecmendras
Santa Clara County - Clerk-Recorder
11/01/2018 01:13 PM

Recording requested by:
Hanson Bridgett LLP

When Recorded Mail Document and
Tax Statements to:
Z&L Properties, Inc.
950 Tower Lane, Suite 870
Foster City, CA 94553

Titles: 1 Pages: 6
Fees: \$120.00
Taxes: \$0.00
Total: \$120.00



APN: 467-01-008 and 467-01-118

Space Above This Line For Recorder's Use

CORRECTING GRANT DEED

Documentary Transfer Tax Declaration:

The undersigned grantors declare transfer tax of: NONE

- Unincorporated area \$
 Computed on the full value of property conveyed, or
 Computed on full value less liens and encumbrances remaining at time of sale, or

Exempt: This is a correcting deed only; there is no current transfer; this correcting grant deed corrects a previous deed exempt from transfer tax under R&T 11925(d) where the parties and their percentage ownership interests remained exactly the same with no change in proportional ownership interest. (R&T 11911.)

Tax paid on the original deed: County \$ City \$

Prior Grant Deed Instrument Number: 23906713

Recorded on: April 10, 2018 in Santa Clara County, California

THIS DEED IS BEING RECORDED TO CORRECT SCRIVENER'S ERROR AS TO THE LEGAL DESCRIPTION. THE EFFECTIVE DATE OF THE CONVEYANCE REMAINS THE SAME AS INSTRUMENT NUMBER 23906713 RECORDED ON APRIL 10, 2018 IN SANTA CLARA COUNTY RECORDS.

This Correction Grant Deed does not change any warranties in that Grant Deed on record and confirms title to the grantee.

Grantor Park View Towers SJ, LLC, a California limited liability company, grants to 252 N. First St. Development, LLC, a California limited liability company, the following described property in the City of San Jose, County of Santa Clara, State of California, legally described as:

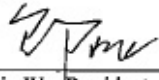
See legal description attached hereto as Exhibit A and made a part hereof.

[Signature pages and acknowledgments follow]

Executed as of this 15 day of October, 2018

Park View Towers SJ, LLC,
a California limited liability company

By: Z&L Properties, Inc. a California corporation,
Its: Manager

By: 

Lin Wu, President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

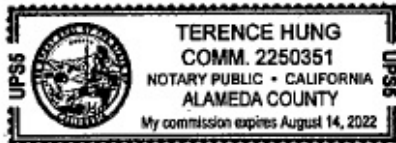
STATE OF California)
COUNTY OF San Mateo)

On October 15, 2018 before me, TERENCE HUNG, a notary public, personally appeared LIN WU who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Terence Hung
Signature



**Exhibit A
Legal Description**

A PORTION OF LOT 7, IN BLOCK 4, RANGE 2 NORTH, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "CITY OF SAN JOSE, COPIES FROM THE ORIGINAL MAP DRAWN BY SHERMAN DAY, CIVIL ENGINEER," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA BOOK A OF MAPS, AT PAGES 72 AND 73, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF ST. JAMES STREET WITH THE EASTERLY LINE OF FIRST STREET; RUNNING THENCE EASTERLY ALONG THE NORTHERLY LINE OF ST. JAMES STREET, 132.89 FEET TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM MARY E. STAPLES TO FIRST CHURCH OF CHRIST SCIENTIST, SAN JOSE, RECORDED NOVEMBER 2, 1904 IN BOOK 284 OF DEEDS, AT PAGE 399; THENCE AT RIGHT ANGLES NORTHERLY ALONG THE WESTERLY LINE OF SAID LAND SO DESCRIBED IN THE DEED TO FIRST CHURCH OF CHRIST SCIENTIST, SAN JOSE, PARALLEL WITH THE EASTERLY LINE OF FIRST STREET, 68.95 FEET TO THE SOUTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED TO THE SOUTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM MARY E. STAPLES TO CLARENCE H. LETCHER, RECORDED SEPTEMBER 30, 1927 IN BOOK 322 OF DEEDS, AT PAGE 352; RUNNING THENCE AT RIGHT ANGLES WESTERLY ALONG THE SOUTHERLY LINE OF SAID LAND SO DESCRIBED IN THE DEED TO LETCHER, PARALLEL WITH THE NORTHERLY LINE OF ST. JAMES STREET, 132.89 FEET TO THE EASTERLY LINE OF FIRST STREET; THENCE AT RIGHT ANGLES SOUTHERLY ALONG SAID EASTERLY LINE OF FIRST STREET 68.95 FEET TO THE POINT OF COMMENCEMENT.

PARCEL ONE:

LOTS 5 AND 6 IN BLOCK 4, RANGE 2 NORTH OF THE BASE LINE OF THE CITY OF SAN JOSE, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF SAN JOSE OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED TO THE CITY OF SAN JOSE BY DEED RECORDED DECEMBER 8, 1987 IN BOOK K 381, AT PAGE 1924, OFFICIAL RECORDS, SANTA CLARA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL B:

Grant Deed - continued

Date: 04/04/2017

COMMENCING AT A POINT ON THE EASTERLY SIDELINE OF FIRST STREET (80' WIDE) SAID POINT BEING THE CORNER COMMON TO LOTS 3 AND 6 OF BLOCK 4, RANGE 2 NORTH OF THE BASELINE OF THE CITY OF SAN JOSE, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF SAN JOSE, OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA AND RUNNING THENCE ALONG THE LINE BETWEEN LOTS 3 AND 6 OF SAID BLOCK AND SAID RANGE N. 60 DEGREES 05 MINUTES 38 SECONDS E. 138.00 FEET TO THE CORNER COMMON TO LOTS 3, 4, 5 AND 6 OF SAID BLOCK AND SAID RANGE AND THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE ALONG THE LINE COMMON TO SAID LOTS 4 AND 5 N. 60 DEGREES 05 MINUTES 38 SECONDS E. 138.00 FEET TO THE WESTERLY SIDELINE OF SECOND STREET (80' WIDE); THENCE ALONG SAID SIDELINE S. 29 DEGREES 55 MINUTES 16 SECONDS E. 137.94 FEET; THENCE N. 36 DEGREES 52 MINUTES 16 SECONDS W. 60.15 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 59.43 FEET, THROUGH A CENTRAL ANGLE OF 83 DEGREES 02 MINUTES 10 SECONDS, AN ARC DISTANCE OF 86.12 FEET; THENCE S. 60 DEGREES 05 MINUTES 34 SECONDS W. 71.75 FEET TO THE LINE COMMON TO SAID LOTS 3 AND 4; THENCE ALONG SAID LINE N. 29 DEGREES 55 MINUTES 10 SECONDS W. 26.02 FEET TO THE POINT OF BEGINNING.

PARCEL C:

BEGINNING AT A POINT ON THE EASTERLY SIDELINE OF FIRST STREET (80' WIDE), SAID POINT BEING THE CORNER COMMON TO LOTS 3 AND 6 OF BLOCK 4, RANGE 2 NORTH OF THE BASELINE OF THE CITY OF SAN JOSE, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF SAN JOSE OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA AND RUNNING THENCE ALONG THE LINE BETWEEN LOTS 3 AND 6 OF SAID BLOCK AND SAID RANGE N. 60 DEGREES 05 MINUTES 38 SECONDS E. 138.00 FEET TO THE CORNER COMMON TO LOTS 3, 4, 5 AND 6 OF SAID BLOCK AND SAID RANGE; THENCE ALONG THE LINE COMMON TO SAID LOTS 5 AND 6, S. 29 DEGREES 55 MINUTES 10 SECONDS E. 26.02 FEET; THENCE S. 60 DEGREES 05 MINUTES 34 SECONDS W. 70.70 FEET; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 59.43 FEET, THROUGH A CENTRAL ANGLE OF 83 DEGREES 02 MINUTES 10 SECONDS AN ARC DISTANCE OF 86.12 FEET; THENCE S. 22 DEGREES 56 MINUTES 36 SECONDS E. 60.13 FEET TO THE LINE COMMON TO LOTS 6 AND 7 OF SAID BLOCK AND SAID RANGE; THENCE ALONG SAID LINE S. 60 DEGREES 05 MINUTES 49 SECONDS W. 1.00 FEET TO THE EASTERLY SIDELINE OF FIRST STREET; THENCE ALONG SAID SIDELINE N. 29 DEGREES 55 MINUTES 05 SECONDS W. 137.93 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF ST. JAMES STREET WITH THE WESTERLY LINE OF SECOND STREET, AND RUNNING THENCE WESTERLY ALONG SAID NORTHERLY LINE OF ST. JAMES STREET 68.945 FEET, MORE OR LESS, TO THE LAND CONVEYED BY MARY E. STAPLES TO "FIRST CHURCH OF CHRIST SCIENTIST, SAN JOSE," A CORPORATION BY DEED DATED MARCH 26, 1900 AND RECORDED IN BOOK 230 OF DEEDS, PAGE 164; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LAND CONVEYED TO SAID CORPORATION 137.89 FEET; THENCE AT RIGHT ANGLES 68.945 FEET TO THE WESTERLY LINE OF SECOND STREET AND THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF SECOND STREET 137.89 FEET TO THE POINT OF BEGINNING AND BEING THE EASTERLY ONE-HALF OF LOT 8 IN BLOCK 4, RANGE 2 NORTH OF THE BASE LINE OF THE CITY OF SAN JOSE.

PARCEL THREE:

Grant Deed - continued

Date: 04/04/2017

BEGINNING AT A POINT ON THE NORTHERLY LINE OF ST. JAMES DISTANT THEREON 132.89 FEET EASTERLY FROM THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF ST. JAMES STREET WITH THE EASTERLY LINE OF FIRST STREET; AND RUNNING THENCE EASTERLY ALONG THE NORTHERLY LINE OF ST. JAMES STREET 73,945 FEET; THENCE NORTHERLY AND PARALLEL WITH THE EASTERLY LINE OF FIRST STREET 137.89 FEET TO THE DIVIDING LINE BETWEEN LOTS 5 AND 8 IN BLOCK 4, RANGE 2 NORTH OF THE BASE LINE OF THE CITY OF SAN JOSE; THENCE ALONG THE DIVIDING LINE BETWEEN SAID LOT 5 AND 8 AND ALONG THE DIVIDING LINE BETWEEN LOTS 6 AND 7 IN SAID BLOCK AND RANGE WESTERLY 73.945 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE WESTERLY LINE OF FIRST STREET 137.89 FEET TO THE POINT OF BEGINNING AND BEING THE EASTERLY 5 FEET OF LOT 7 AND THE WESTERLY 68.945 FEET OF LOT 8 IN BLOCK 4, RANGE 2 NORTH OF THE BASE LINE OF THE CITY OF SAN JOSE.

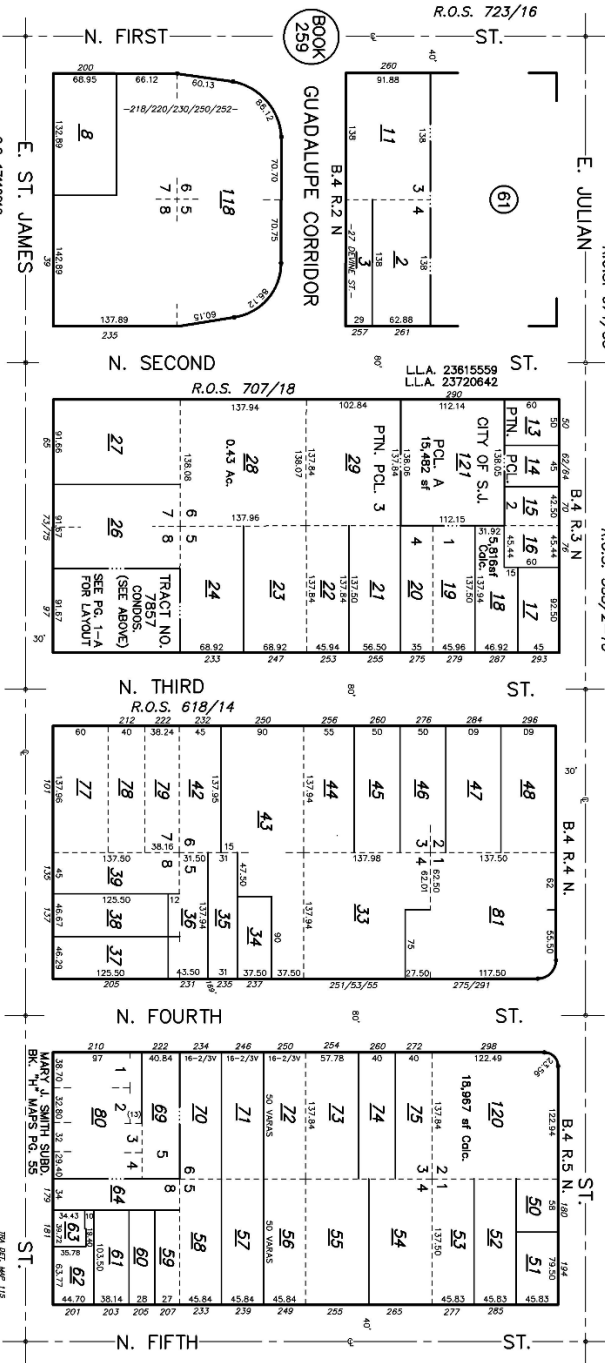
PARCEL FOUR:

BEGINNING AT A POINT ON THE EASTERLY LINE OF FIRST STREET, DISTANT THEREON 68.95 FEET NORTHERLY FROM THE POINT OF INTERSECTION OF THE EASTERLY LINE OF FIRST STREET, WITH THE NORTHERLY LINE OF ST. JAMES STREET, SAID POINT OF BEGINNING BEING THE NORTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY MARY E. STAPLES, A WIDOW, TO M. WENGER BY DEED DATED JANUARY 20, 1905 AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK 289 OF DEEDS, PAGE 481, RECORDS OF SAID COUNTY; THENCE RUNNING NORTHERLY AND ALONG THE EASTERLY LINE OF FIRST STREET 68.89 FEET TO THE WESTERLY COMMON CORNER FOR LOTS 6 AND 7 IN BLOCK 4 RANGE 2 NORTH OF THE BASE LINE OF THE CITY OF SAN JOSE; THENCE RUNNING AT RIGHT ANGLES EASTERLY AND ALONG THE DIVIDING LINE BETWEEN SAID LOTS 6 AND 7, 132.89 FEET TO THE NORTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY MARY E. STAPLES, A SINGLE WOMAN TO FIRST CHURCH OF CHRIST SCIENTIST, SAN JOSE, A CORPORATION BY DEED DATED OCTOBER 31, 1904 AND RECORDED NOVEMBER 2, 1904 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK 284 OF DEEDS, PAGE 399, RECORDS OF SAID COUNTY; THENCE RUNNING AT RIGHT ANGLES SOUTHERLY AND ALONG THE WESTERLY LINE OF SAID LAND SO CONVEYED TO FIRST CHURCH OF CHRIST SCIENTIST, SAN JOSE, A CORPORATION, 68.89 FEET TO THE NORTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO M. WENGER, AS AFORESAID; THENCE RUNNING AT RIGHT ANGLES WESTERLY AND ALONG THE NORTHERLY LINE OF SAID LAND SO CONVEYED TO M. WENGER, 132.89 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF LOT 7 IN BLOCK 4 RANGE 2 NORTH OF THE BASE LINE OF THE CITY OF SAN JOSE.

TRACT NO. 7857, CD. 9561407

UNIT	APN	UNIT	APN	UNIT	APN
RESIDENTIAL	35	96	51	108	
	21	84	36	92	52
	22	85	37	98	53
	23	86	38	99	54
	24	87	41	100	55
	25	88	42	101	56
	26	89	43	102	57
	27	90	44	103	58
	28	91	45	104	58
	31	92	46	106	101
	32	93	47	106	101
	33	94	48	107	102
	34	95			

R.O.S. 671/33 R.O.S. 555/2-16



BOOK 249

TRACED MAP 14
 MARSHALL E. STONE - ASSESSOR
 Computer map for assessment purposes only
 Compiled under R. & T. Code, Sec. 327
 Effective Fall Year 2018-2020

Property Information (APN: 467-01-118)

Situs Address (es) : 252 N 1ST ST SAN JOSE 95113-1002
 250 N 1ST ST SAN JOSE 95113-1002
 230 N 1ST ST SAN JOSE 95113-1002
 218 N 1ST ST SAN JOSE 95113-1002
 220 N 1ST ST SAN JOSE 95113-1002
 39 E ST JAMES ST SAN JOSE 95112-4005
 235 N 2ND ST SAN JOSE 95112-4016

Mailing Address: 950 TOWER LN Unit STE 870 FOSTER CITY CA 94553

Current Information Assessed Value

PROPERTY INFORMATION			
Document No:	24054607	Document Type:	DEED
Transfer Date:	4/10/2018	Tax Default Date:	N/A

TAX RATE AREA INFORMATION 017-108	
City:	San Jose
Unified School:	San Jose
Comm. College:	San Jose
Air Quality Mgmt.:	Bay Area Jt(1,7,21,28,38,41,43,48,49)
County Water:	Santa Clara Valley
County Water:	Santa Clara Valley-zone C-1
County Water:	Santa Clara Valley-zone W-4
Water-misc.:	Santa Clara County Importation

VALUE INFORMATION (Assessed Information as of 6/30/2022)						
Real Property		Business		Exemptions		Net Assessed Value
Land:	\$21,667,316	Fixtures:	\$0	Homeowner:	\$0	
Improvements:	\$0	Structure:	\$0	Other:	\$0	
		Personal Property:	\$0			
Total:	\$21,667,316	Total:	\$0	Total:	\$0	\$21,667,316

DISCLAIMER: This service has been provided to allow easy access and a visual display of County information. A reasonable effort has been made to ensure the accuracy of the data provided; nevertheless, some information may be out of date or may not be accurate. The County of Santa Clara assumes no responsibility arising from use of this information. ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating the data. [Revenue and Taxation Code Section 408.3(c)]

2022 Assessed Value

PROPERTY INFORMATION			
Document No:	24054607	Document Type:	DEED
Transfer Date:	4/10/2018	Tax Default Date:	N/A

TAX RATE AREA INFORMATION 017-108	
City:	San Jose
Unified School:	San Jose
Comm. College:	San Jose
Air Quality Mgmt.:	Bay Area Jt(1,7,21,28,38,41,43,48,49)
County Water:	Santa Clara Valley
County Water:	Santa Clara Valley-zone C-1
County Water:	Santa Clara Valley-zone W-4
Water-misc.:	Santa Clara County Importation

VALUE INFORMATION (Assessed Information as of 6/30/2022)						
Real Property		Business		Exemptions		Net Assessed Value
Land:	\$21,667,316	Fixtures:	\$0	Homeowner:	\$0	
Improvements:	\$0	Structure:	\$0	Other:	\$0	
		Personal Property:	\$0			
Total:	\$21,667,316	Total:	\$0	Total:	\$0	\$21,667,316

DISCLAIMER: This service has been provided to allow easy access and a visual display of County information. A reasonable effort has been made to ensure the accuracy of the data provided; nevertheless, some information may be out of date or may not be accurate. The County of Santa Clara assumes no responsibility arising from use of this information. ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating the data. [Revenue and Taxation Code Section 408.3(c)]

2021 Assessed Value

PROPERTY INFORMATION			
Document No:	24054607	Document Type:	DEED
Transfer Date:	4/10/2018	Tax Default Date:	N/A

TAX RATE AREA INFORMATION 017-108	
City:	San Jose
Unified School:	San Jose
Comm. College:	San Jose
Air Quality Mgmt.:	Bay Area Jt(1,7,21,28,38,41,43,48,49)
County Water:	Santa Clara Valley
County Water:	Santa Clara Valley-zone C-1
County Water:	Santa Clara Valley-zone W-4
Water-misc.:	Santa Clara County Importation

VALUE INFORMATION (Assessed Information as of 6/30/2021)						
Real Property		Business		Exemptions		Net Assessed Value
Land:	\$21,242,467	Fixtures:	\$0	Homeowner:	\$0	
Improvements:	\$0	Structure:	\$0	Other:	\$0	
		Personal Property:	\$0			
Total:	\$21,242,467	Total:	\$0	Total:	\$0	\$21,242,467

DISCLAIMER: This service has been provided to allow easy access and a visual display of County information. A reasonable effort has been made to ensure the accuracy of the data provided; nevertheless, some information may be out of date or may not be accurate. The County of Santa Clara assumes no responsibility arising from use of this information. ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating the data. [Revenue and Taxation Code Section 408.3(c)]

2020 Assessed Value

PROPERTY INFORMATION			
Document No:	24054607	Document Type:	DEED
Transfer Date:	4/10/2018	Tax Default Date:	N/A

TAX RATE AREA INFORMATION 017-108	
City:	San Jose
Unified School:	San Jose
Comm. College:	San Jose
Air Quality Mgmt.:	Bay Area Jt(1,7,21,28,38,41,43,48,49)
County Water:	Santa Clara Valley
County Water:	Santa Clara Valley-zone C-1
County Water:	Santa Clara Valley-zone W-4
Water-misc.:	Santa Clara County Importation

VALUE INFORMATION (Assessed Information as of 6/30/2020)						
Real Property		Business		Exemptions		Net Assessed Value
Land:	\$21,024,652	Fixtures:	\$0	Homeowner:	\$0	
Improvements:	\$0	Structure:	\$0	Other:	\$0	
		Personal Property:	\$0			
Total:	\$21,024,652	Total:	\$0	Total:	\$0	\$21,024,652

DISCLAIMER: This service has been provided to allow easy access and a visual display of County information. A reasonable effort has been made to ensure the accuracy of the data provided; nevertheless, some information may be out of date or may not be accurate. The County of Santa Clara assumes no responsibility arising from use of this information. ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating the data. [Revenue and Taxation Code Section 408.3(c)]



Secretary of State
Statement of No Change
(Limited Liability Company)

LLC-12NC

21-D95450

FILED

In the office of the Secretary of State
of the State of California

AUG 03, 2021

IMPORTANT — [Read instructions](#) before completing this form. This form may be used only if a complete Statement of Information has been filed previously and there has been no change.

Filing Fee – \$20.00

Copy Fee – \$1.00;

Certification Fee - \$5.00 plus copy fee

This Space For Office Use Only

1. **Limited Liability Company Name** (Enter the **exact** name of the LLC as it is recorded with the California Secretary of State. Note: If you registered in California using an alternate name, [see instructions.](#))

252 N. FIRST ST. DEVELOPMENT, LLC

2. **12-Digit Secretary of State File Number**

201721210239

3. **State, Foreign Country or Place of Organization** (only if formed outside of California)

CALIFORNIA

4. **No Change Statement** (Do not alter the No Change Statement. If there has been any change, please complete a Statement of Information (Form LLC-12).)

There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State.

5. The information contained herein is true and correct.

08/03/2021

Date

Lawrence J Fassler

Type or Print Name of Person Completing the Form

Z&L Properties, Inc.

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document, enter the name of a person or company and the mailing address. This information will become public when filed. [\(SEE INSTRUCTIONS BEFORE COMPLETING.\)](#))

Name: []

Company:

Address:

City/State/Zip: []

Exhibit B



9/29/22 – Front of tarped building

Exhibit C



1/26/23 Front of tarped building

Exhibit D



Department of Planning, Building and Code Enforcement

February 2, 2023

**252 N FIRST ST DEVELOPMENT LLC/Z & L PROPERTIES INC
950 TOWER LN # 870
FOSTER CITY CA 94404-2125 C027**

**SUBJECT: 39 E ST JAMES ST
CASE NO: 202106813**

Our office is in receipt of a complaint regarding possible code violations at the above referenced address. This is an attempt to contact you to discuss the property conditions and confirmed blight violations.

Please contact our office promptly at (408) 535-6811 or brigitte.villagomez@sanjoseca.gov to discuss this matter. Failure to do so may require the City of San Jose to take further enforcement action as appropriate.

Thank you for your cooperation.

Brigitte Villagomez

Brigitte Villagomez 114E

Code Enforcement Inspector

Exhibit E



2/13/23 Front of building and food vending trucks in parking lots



2/13/23 Rear of building



2/13/2023 Sign for food vending on property



2/13/2023 Business sign on gate

Exhibit F

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 9

Owner: 252 N FIRST ST DEVELOPMENT LLC/
Z & L PROPERTIES INC

Mailing Address: 950 TOWER LN # 870
FOSTER CITY CA 94404-2125 CO27

1505 Corporation 1084 CORPORATE CREATIONS NETWORK INC.
c/o Sarah Clemens; c/o Ty Chandler; c/o Laura Baker; c/o Veronica Valega;
c/o Trent Bavaro
5901 W. CENTURY BLVD., #750
LOS ANGELES, CA 90045

Occupant: Building VACANT; Parking lot being utilized by Opening Doors 2020
Case No: 202106813
Permit No: N/A
Violation Address: 39 E ST JAMES ST
Inspection Date: February 13, 2023
Compliance Date: See Page 7

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
17.38.030	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 provision of this chapter.	
17.38.040	Public Nuisance. Any property in violation of this chapter shall constitute a public 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

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

Page 2 of 9

Code Section	Violations and Corrections Required	Compliance Confirmed
--------------	-------------------------------------	----------------------

17.38.200 Vacant or Abandoned Building.

- A. It shall be unlawful for any building or structure, whether residential, commercial, industrial, or historic, to be vacant for more than one hundred and eighty calendar days unless one of the following conditions exist:
1. The building or structure is subject to an active building permit for construction, alteration, modification, rehabilitation, or repair and the owner is progressing diligently to complete the construction, alteration, modification, rehabilitation, or repair within the time frame set forth in the building permit.
 2. The building or structure complies with all codes, ordinances, or laws adopted by the city, does not otherwise constitute a public nuisance, is ready for use or occupancy, and is actively being offered for sale, lease, or rent.
 3. The building or structure, including the property on which it is located, does not otherwise constitute a public nuisance and is unlikely to become a public nuisance because the property is actively maintained and monitored. Actively maintained and monitored shall mean the condition of the property complies with the minimum standards set forth in Part 2 of this chapter and any other applicable provisions of this Municipal Code.
- B. The owner of any vacant or abandoned building or structure, whether boarded by voluntary action of the owner or as a result of enforcement activity by city, shall rehabilitate the boarded building or structure for occupancy, in accordance with all applicable code regulations, within one hundred and eighty calendar days after the building is boarded, unless the building or structure meets one of the conditions set forth in Section 17.38.200.A. Rehabilitation shall mean taking corrective action to meet the minimum standards set forth in Part 2 of this chapter and complying with any other applicable provisions of the Municipal Code so the property is not a public 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

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

Page 3 of 9

Code Section	Violations and Corrections Required	Compliance Confirmed
17.38.230	Security Standards. A. All vacant or abandoned properties 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 areas 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, others 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 deadlatch. 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.	

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

Page 4 of 9

Code Section	Violations and Corrections Required	Compliance Confirmed
17.38.250	<p data-bbox="415 474 537 495">Appearance.</p> <p data-bbox="451 531 1146 611">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:</p> <p data-bbox="561 615 1179 743">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.</p> <ol data-bbox="526 747 1203 1293" style="list-style-type: none"><li data-bbox="526 747 1203 827">1. 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.<li data-bbox="526 831 1203 1016">2. 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.<li data-bbox="526 1020 1203 1184">3. 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.<li data-bbox="526 1188 1203 1293">4. 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.	

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

Page 5 of 9

Code Section	Violations and Corrections Required	Compliance Confirmed
17.38.260	Vacant or Abandoned Historic Building. A. This chapter shall apply to any vacant or abandoned historic building or structure located in the City of San Jose. B. In addition to any other requirement of this chapter, a vacant or abandoned historic building or structure shall also be safeguarded and maintained in accordance with this section. <ol style="list-style-type: none">1. All vacant or abandoned historic buildings or structures shall have an operating security alarm system at all times as approved by the director, such as, movement detectors, automatic signal device, intrusion alert, closed circuit television monitoring, or similar type of security systems.2. All vacant or abandoned historic buildings or structures shall be maintained in accordance with Section 311 of the California Fire Code. A vacant or abandoned historic building that is deemed unsafe by the City of San Jose fire marshal may become subject to an abatement action that may require corrective action including, but not limited to, installation of a fire alarm system, sprinkler system, smoke detector, or a combination thereof.	
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.	
17.72.030	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. No person, whether as owner, agent, manager, operator, lessee, sublessee, tenant or occupant of a property, shall take any action or allow any action to be taken at that property in violation of any provision of this Chapter or any order issued pursuant to the provisions of this Chapter.	

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

Page 6 of 9

Code Section	Violations and Corrections Required	Compliance Confirmed
17.72.520	<p>State of Disrepair</p> <p>Any building or structure that is in a state of disrepair constitutes property blight. A building or structure is in a state of disrepair when any of the following conditions exist:</p> <ul style="list-style-type: none">A. Exterior walls or roof coverings have become deteriorated, do not provide adequate weather protection, or show evidence of the presence of termite infestation or dry rot; orB. Broken or missing windows or doors that create a hazardous condition or a potential attraction to trespassers; orC. Building exteriors, walls, fences, retaining walls, driveways, or walkways that are broken or deteriorated to the extent that the disrepair is visible from a street or neighboring properties.	
20.10.030	<p>Compliance Required.</p> <p>No person shall use, allow, or suffer the use of any land, building, or structure except in strict compliance with the provisions of this Title 20, including the development and performance standards herein, and any permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.</p>	
20.70.100 G	<p>Allowed Uses and Permit Requirements.</p> <ul style="list-style-type: none">G. "Administrative" uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative use permit as set forth in Chapter 20.100.	
20.80.810	<p>Administrative Permit Required.</p> <p>No person shall place or operate or allow or suffer the placement or operation of any stationary vending facility which serves members of the public outdoors on any privately owned parcel or lot except in compliance with an administrative permit issued pursuant to this title. The application for such administrative permit may be filed by the operator of the vending facility and shall be countersigned by the owner of the subject lot or parcel, or by the authorized agent of the owner, pursuant to the requirements of Chapter 20.100.</p>	

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

Page 7 of 9

VIOLATIONS

- This property and historic building has been vacant for over 180 days and has not been safeguarded and/or maintained in accordance with the Municipal Code.
- The property owner has failed to meet the minimum requirements for security standards of a vacant or abandoned historic property.
- The property owner has failed to meet the minimum requirements for appearance standards and for state of disrepair. The multiple plastic tarp coverings over the building are damaged and failing, thereby leaving the building inadequately protected against various weather conditions and causing the property to become blighted.
- The vacant property is being used for un-permitted vending facilities by Opening Doors 2020.

CORRECTIONS REQUIRED

- Complete the following corrective actions on or before March 17, 2023:
 1. Ensure the building has the required operating security alarm system per Section 17.38.260 (B)(1); is maintained in accordance with Section 311 of the California Fire Code per Section 17.38.260 (B)(2); and has exterior lighting continuously lit from dusk to dawn. Schedule an inspection prior to the due date to confirm the appropriate security system and fire protection is installed and is currently operating.
 2. Replace the tarp coverings over the building and ensure proper weather protection is provided.
 3. Remove the unpermitted vending facilities and activities (Opening Doors 2020) from the property, including all associated vehicles and other related materials.

AND

- Complete the following corrective actions on or before April 30, 2023:
 1. Obtain an active building permit to modify or rehabilitate/repair the building;

OR,

 2. Ensure the building is ready for occupancy, is actively maintained and monitored, does not otherwise constitute a public nuisance, and is actively offered for sale, lease, or rent. This includes removing all boarded windows and doors and ensuring windows and doors are intact, operable, and secure; the building/property is free of all blight, solid waste/debris, and graffiti; all exterior lighting is functioning; and property is secure. A building permit may be required.

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

Page 8 of 9

- *Note: Vacant buildings/storefronts should be maintained in accordance with the minimum standards as set forth in Part 2- Maintenance Standards of Chapter 17.38 Maintenance and Rehabilitation of Neglected Vacant or Abandoned Buildings of the San Jose Municipal Code*
- *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.

Brigitte Villagomez

February 28, 2023
Date of Notice

Brigitte Villagomez 114E
Code Enforcement Inspector

(408) 535-6811
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.

CITY OF SAN JOSE – COMPLIANCE ORDER

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

Page 9 of 9

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 on line 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 G



3/2023 Front of tarped building



3/2023 Front of tarped building



3/2023 Front of tarped building and food vending trucks in parking lot

Exhibit H



3/29/23 Front of tarped building



3/29/23 Front of tarped building



3/29/23 Opening Doors 2020 Truck