

Jamaar M. Boyd-Weatherby, Hearing Officer  
JONES MAYER  
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**BEFORE THE ADMINISTRATIVE HEARING OFFICER  
FOR THE CITY OF HEMET**

IN RE:

102 E. FLORIDA AVENUE,

SUBJECT PROPERTY,

APPEAL OF ORDER TO DEMOLISH  
UNDER HEMET MUNICIPAL CODE.

FINDINGS OF FACT AND STATEMENT OF  
DECISION OF THE ADMINISTRATIVE  
HEARING OFFICER

Hearing Officer: Jamaar M. Boyd-Weatherby  
Date: August 1, 2025  
Time: 9:00 a.m.

1. This matter involves an Order to Demolish 102 E. Florida Avenue (“Subject Property”) in the City of Hemet under Section 14-40 of the Hemet Municipal Code (a locally adopted version of the California Building Code). Jamaar M. Boyd-Weatherby (“Hearing Officer”), sitting as the Hearing Officer, heard this matter on August 1, 2025 at 9:00 a.m. (the “Hearing”). The Hearing Officer is a licensed attorney in the State of California and serves as Hearing Officer under contract with the City of Hemet. Pursuant to Hemet Municipal Code, the Hearing Officer shall uphold or deny the City’s Demolition Order.

2. City is a municipal corporation existing under the laws of the State of California. The City was represented at the Hearing by Javiar Nolasco, Chief Building Official (“City Representative”), Monique Alaniz-Flejter, Community Development Director, and Sarah Kelly, Code Enforcement Manager.

3. Jason Strain, Michael Song, and Simon Chu appeared in opposition to the Notice of Demolition.

4. There were verbal and written submissions for public comment from members of the public both in support and in opposition of the Application.

5. The Hearing Officer considered the testimony of all witnesses at the hearing and all documents made part of the administrative record. The mere fact that a witness’s testimony or

document may not be specifically referred to below does not and shall not be construed to mean that said testimony or document was not considered.

6. Pursuant to the Administrative Procedures and practices for the City of Hemet, the hearing was digitally recorded.

7. The documents presented to the Hearing Officer during the hearing are the administrative record of the hearing.

### **ISSUES**

8. Pursuant to Section 116.3 of the California Building Code, as adopted by the Hemet Municipal Code, and the Hemet Municipal Code section 1-102, the issue to be determined by the Hearing Officer is whether to abate/demolish 102 E. Florida Avenue pursuant to the May 27, 2025 Notice of Violation.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9. This matter is before the Hearing Officer consistent with Section 116.3 of the CBC and the Hemet Municipal Code section 1-102.

10. The City of Hemet adopted the 2022 California Building Code under Hemet Municipal Code Section 14-40, which reads in part, “The 2022 California Building Code, codified in Part 2 of Title 24 of the California Code of Regulations, including Appendices C, F, G, I, and J, as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the building code of the city.”

11. The City of Hemet adopted certain additions, amendments, and deletions to the 2022 California Building Code as reflected in Hemet Municipal Code section 14-41.

12. Pursuant to Section 116.3 of the California Building Code, as adopted by the Hemet Municipal Code, and the Hemet Municipal Code section 1-102, the issue to be determined by the Hearing Officer is whether to abate/demolish 102 E. Florida Avenue pursuant to the May 27, 2025 Notice of Violation.

13. The Applicant filed a request to appeal the decision to abate/demolish his Property within 10 days of the May 27, 2025 Notice of Violation.

14. The City Representative, Javier Nolasco, testified on behalf of the City. He testified that he issued a Notice to Demolish Simon Chu’s property at 102 E. Florida. Nolasco testified that the property was in disrepair and that the property did not have a roof. He indicated that there were no active permits to complete the work. He noted that there were previous permits that were obtained but the permits expired without action. He also testified that the roof had been removed

between 2005 and 2007. Nolasco testified that Chu took over the property in 2005. He waited until 2014 to get a permit for the repair of the facade. However, he claimed that the repairs did not include any plans to address the missing roof. He indicated that the last inspection of the Property was on May 7, 2025. Nolasco did his first inspection of the building on August 7, 2024. The second inspection was done with Chu's team. Nolasco indicated that Chu and his representatives submitted a Permit application on April 23, 2024. However, the permits were rejected due to the fact that permits required corrections. Based on the failure to obtain permits, the City made the decision that Chu was dragging his feet on the finalization and submission of the permit. To date, the permits have not been finalized or resubmitted. Nolasco testified that the building is unsafe. He indicated that the work that was performed is unpermitted. He noted that the beams were not permitted. He expressed concern that the building may pose a particular life and safety concern due to the fact that the "shell" of the building may fall down during a seismic event. He went on to explain that he formed the opinion the building was unsafe based on his inspection in 2024 and the letter from Mr. Chu's engineer, Mr. Michael Song. Nolasco indicated that the issues mentioned in the letter from Song caused him to conclude that the structure was unsafe.

15. Monique Alaniz-Flejter, the Community Development Director for the City of Hemet, testified on behalf of the City. She has served as the Community Development Director since September 11, 2023. She indicated that the City Attorney's office approached her about the condition of 102 E. Florida Avenue. She testified that Chu can submit plans to bring the property into compliance. She indicated that the submission of plans was essential to assess whether Chu was "working" with the city. However, she noted that she would defer to the Building Official to determine if the Property was, in fact, safe. She indicated that the Building Official's concerns, supersede her position that Mr. Chu can still work with the City to bring the property into compliance.

16. Officer Sarah Kelly, the Code Compliance Manager for the City of Hemet, testified on behalf of the City. She indicated that she first inspected the property in May of 2025. Officer Kelly testified that the building is unsafe. She expressed the opinion that the building is unsafe due to the broken windows and the building is not properly secured. She also noted that the building's plywood flooring is rotting and it is at risk of failure. She noted that the junk, trash and debris also pose risks to the structure due to the weight created by it. She also noted that the expired permits and the unpermitted construction contributed to the lack of safety of the building.

17. Michal Song testified on behalf of Simon Chu. Song testified that he is a structural engineer and that he was retained by Chu. He testified that he has inspected the property and made the determination that the structure is stable. He pinioned that the structure could withstand seismic activities. He indicated that the building did not pose an imminent risk of falling down under "normal circumstances". He also testified that the letter that he submitted to the City did not mean that the building was an immediate life and safety issue. He clarified that the letter was intended to indicate what work needed to be done to move the project forward. Further, he testified that they were working with Welldan, the City Contractor, to complete the permit application. They met with the contractor in May and June to try to resolve the issues with the permit submission. He emphasized that they were continuing to try to work with the city.

18. Strand testified that he has worked with Chu to try to help facilitate getting permits for his real estate projects. He clarified that the roof was removed in order to complete the work with the retrofit in 2019. Strand acknowledged that the permit lapsed due to the financial impact of COVID 19 pandemic. Strand indicated that Chu had entered into a plan to bring the property into compliance in 2023. In December of 2023, the City Manager indicated that he was going to work with Chu. However, the building was red tagged shortly after the commitment was made to work with Chu. After the red tagging, it made it difficult to remove and/or obtain the materials from the building. Strand also noted that there was a lot of inconsistencies associated with the City messages to Chu. Strand indicated that he would take detailed notes to ensure that there was a record of what was agreed upon and previously stated by City Officials. However, Strand indicated that Chu and his team were continuing to work with the city contractors to try to resolve the issues with the permit application. He noted that the standards for review changed every time that the contractor changed for the City. Further, he attributed a significant amount of the delay to the contractors not being aware that the building had previous permitted construction. It was particularly problematic that the contractor thought that all the existing pillars should have been designated as a “new construction” on the plans. However, he emphasized that Chu and his team are ready and willing to work with the City. He noted that the red tag prevented them from doing a lot of the work, including the removal of the junk, trash and debris from the interior of the building. Strand also noted that there were irregularities on how City staff was dealing with Chu. He pointed out that a previous building official was investigated and disciplined due to her mistreatment of Chu.

19. Simon Chu testified that there were issues that will be uncovered. While he mentioned issues with other properties, he did not elaborate on what issues might come to light in the future for the property in question.

20. Credibility determinations were made in favor of the Applicant and the City.

21. It is undisputed that the City and the Building Official had the authority to order the demolition of a building. The Abatement of the building, including demolition, must comply with Health & Safety Code sections 17980. Section 17980 states, “If any building is constructed, altered, converted, or maintained in violation of any provision of, or in violation of any order or notice that gives a reasonable time to correct that violation issued by an enforcement agency pursuant to this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part, or if a nuisance exists in any building or upon the lot on which it is situated, the enforcement agency shall, after 30 days' notice to abate the nuisance or violation, or a notice to abate with a shorter period of time if deemed necessary by the enforcement agency to prevent or remedy an immediate threat to the health and safety of the public or occupants of the structure, institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.” As stated in Section 17980, the property should have been provided an “order or notice that gives a reasonable time to correct” by the enforcement agency. Despite this requirement, Chu received ten (10) days notice requiring him to demolish his building. Ten (10) days is facially insufficient to give Chu time to remedy the violation. Further, there were no active Code Enforcement cases against Chu. Per the evidence,

Chu was trying to finalize a permit to complete construction and, despite continued attempts to work with the City, the City issued Notice of Demolition.

22. It should also be noted that City failed to establish that there was an eminent “life/safety threat. Per the City’s evidence, the property has been without a roof since 2005. The unpermitted/unfinalized construction has been present since 2020. Further, it cannot be forgotten that Nolasco inspected the property in August of 2024 and May of 2025. However, he testified that there was no change in the condition of the property between these points. While the condition holding steady reflects that Chu had not fixed the property, it also means that the condition of the property did not deteriorate to a point that necessitated immediate action. The fact that he did not find an “imminent threat” in August meant that there was not an imminent threat in May of 2025. Further, there were no findings from the City Manager to establish the “imminence of the threat.” See, Hemet Municipal Code section 30-42(b).

23. Lastly, the City’s witnesses repeatedly indicated that the decision was based on the fact that Chu was not working with the City. However, this position undermines the claim that the action is based on imminent threats to life/safety. Particularly with no citations or other enforcement actions by the City, there was not enough to say that the proper remedy for not moving “fast enough” is the demolition of the entire building.

### **DECISION AND ORDER**

24. The City failed to present sufficient evidence that summary abatement/demolishing of the building was the appropriate remedy, at this time. The City did not present any imminent life and safety risks that would warrant the need for expediated demolishing of the building.

25. The Hearing Officer hereby DENIES the City’s request to demolish 102 East Florida Avenue. However, there does need to be movement on bringing the Property into compliance. As such, Chu shall submit permits to bring the property into compliance, including obtaining permits to finalize the previously issued permits, within 60 days of the issuance of this Order.

26. Any person aggrieved by an administrative decision of a Hearing Officer may obtain review of the administrative decision by filing a petition for review with the Riverside County Superior Court in accordance with the timelines and provisions as set forth in California Government Code Section 53069.4. There may be other time limits which also affect the ability to seek judicial review.

Dated: August 12, 2025



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Jamaar M. Boyd-Weatherby  
Hearing Examiner