

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

IN RE:

118, 122, 124 and 126 HARVARD
STREET,

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: September 3, 2025
Time: 9:00 a.m.

1. This matter involves an Order to Demolish the structure behind 118, 122, 124 and 126 Harvard Street (“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 September 3, 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”), and Che Tang, Structural Engineer.

3. Jason Strain, Richard Thompson, and Michael Song 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 the structure at the Property 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 14-411.

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 structure at the rear of the Property 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.

1 The Notice to Abate was based, in part, on violations of the Hemet Municipal Code Chapter 14 regarding Building and Building Regulations. However, the Notice does not specify the exact violation of Chapter 14. Due process requires “notice “of what is alleged to be deficient. The broad reference to chapter without clarification on the specific violations is insufficient to provide notice. As such, this alleged basis for demolition will not be considered while making this decision.

14. The City Representative, Javier Nolasco, testified on behalf of the City. Nolasco testified that 118, 122-126 Harvard Street in the City of Hemet is owned by Simon Chu. He testified that Mr. Chu obtained a building permit to place a patio at the rear of the Property. Nolasco testified that the approval was for a one story structure. While there are two parcels on the property, Nolasco testified that Chu only obtained permit for 124-126 to have the patio. There never was a permit obtained for a patio 118-122 Harvard Street. Despite the lack of permits, a two story patio structure was built on both parcels of land. Nolasco emphasized that Chu constructed a structure with a second floor. The construction was performed without any of the necessary approvals or engineering to ensure that the structure was safe. Nolasco indicated that the roof to the structure was approximately seven feet higher than the plan that was originally submitted by Chu for the building permit. Due to the unpermitted nature of the construction, Nolasco expressed concern that the structure was unsafe and it posed risk of collapse. In addition, the materials used in the construction were starting to degrade. Nolasco expressed particular concern about the wood and the plywood that was used during the construction was deteriorating. While Nolasco was skeptical of what would need to be done in order to be able to get the necessary permits, he indicated that the ability to get permits would depend on the permits that were submitted. Nolasco testified that the previous permits could not support the structure. Nolasco emphasized that he believed that the structure was unpermitted and unsafe. He recommended that the building be demolished. In the alternative, if Chu is allowed to keep the structure, the structure would have to be stabilized within 30 days of the issuance of the demolition permit, the permits to complete the project should be issued within 90 days of the issuance of the demolition permit, and all of the construction on the structure would need to be done within 180 days. Nolasco indicated that the demolition permit was being held until the Hearing Officer gave the order.

15. Che Tang is a structural engineer. He indicated that he was retained by the City to evaluate the structural integrity of the structure at the Property. He expressed doubt that the structure and the Property was safe. He noted that the original permit was not designed to be a two story building. He expressed particular concern that the structure was being connected to a brick wall at the Property. Tang pointed out that the bricks had started to deteriorate and turn to dust. Tang expressed concern that the anchoring the of the structure to a deteriorating wall would pose a risk that the building and the structure would be compromised by seismic activity. He expressed concern that the structure was also unsafe due to the structure being too heavy to support itself. He indicated that the ability to keep the structure would depend heavily on the ability to fix the structural shortcomings.

16. Richard Thompson testified on behalf of Simon Chu. Thompson testified that he was hired to do a lot merger for the Property. Thompson testified that the merger application had been submitted to the City but the City has not taken action on the approval. The merger was requested four years ago. Thompson testified that the delay was considerably longer than the amount of time that it normally takes to complete a lot merger. He indicated that the delay of the merger had resulted in a delay in the completion of the project.

17. Michal Song testified on behalf of Simon Chu. Song testified that he is a structural engineer that was retained by Chu. He testified that the structure would need to be re-engineered in order to ensure the safety of the structure. However, he did not believe that the structure was at an imminent risk of collapsing. He testified that the wood had been weathered. He also indicated that the structure was built beyond the original plans. However, he believed the plans

could be updated to address the deficiencies. He testified that the brick wall that the building is connected to is a facade. The building was retrofitted to withstand seismic activity. There were metal bars that were put into the walls to address the seismic issue. Song testified that the structure is anchored to the portion of the wall that has the metal polls. While he did not believe that the structure was imminently at risk of falling down, he testified that the risk of collapse would increase if the construction had been completed. The completed structure would be top heavy and it would pose a risk to the structure and the Property. As such, he indicated that new plans would have to be prepared to address this issue. His conclusions about the safety of the building was primarily motivated by the original design and permits that were issued for the building.

18. Strand testified that he has worked with Chu to try to help facilitate getting permits for his real estate projects. Strand testified that there has been a number of impediments to getting the permits for the building for Simon's property. He testified that Chu had permission to build the two-story structure. He pointed to the approval and submission to the planning department to substantiate his claim that Chu had permission to build the two-story structure. In addition, Mr. Chu's team submitted evidence that there had been issues and irregularities with the approval of Chu's projects. It was alleged that the evidence of the irregularities will be presented at a later point in the future. There were also concerns raised about inconsistent and selective enforcement in the city.

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

20. 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. However, the Notice was based on non-specified sections of the Municipal Code. Based on the failure to provide Notice on exact violations, demolition of the property is not the appropriate remedy at this time.

Further, the key point of disagreement between the parties is whether there was an approval to build the structure as it currently exists. The City points to the building permit that limits the structure to a one story covered patio. However, Chu's team points to the planning Department's approval of the two-story structure. While planning approval is a key and necessary step in getting a project completed, it does not amount to the same thing as obtaining a building permit. As such, there was sufficient evidence that the structure was constructed without the necessary building permits. It must be emphasized that there is little dispute that the structure exceeds the scope of

the building permit that was issued for the construction of the patio structure. There is also a need to remove the wood components within the structure to ensure that the structure is compliant with the Code. Both structural engineers indicated that additional permits and modifications to the existing structure were necessary to complete the project.

While the City is seeking demolition of the structure, the violations that were noticed and proven were focused on the lack of permits for the construction. Both parties agreed that it was possible to modify the structure to see if and how the project could be completed. Due to this unresolved “possibility” of being able to remedy the unpermitted construction with the necessary approvals, it is premature to conclude that all of the construction should be demolished. With that said, the alternative proposal made by Nolasco provides a timeline for bringing the property into compliance.

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 expedited demolishing of the building.

25. The Hearing Officer hereby DENIES the City’s request to demolish the structure at the rear of 118, 122, 124 and 126 Harvard Street. However, there does need to be movement on bringing the Property into compliance. Consistent with the plan articulated by Nolasco, the first step of the process will be approving the demolition permit that Chu submitted for approval prior to the hearing. After the approval is provided on the demolition that was agreed on between Nolasco and Strand, the second step will be Chu submitting plans and obtaining the necessary approvals to prevent collapse of the Structure within 30 days after the approval of the demolition permit. Within 60 days of the issuance of the demolition permit, a complete set of plans should be submitted to the City regarding the construction of the structure. All of the permitted construction should be completed within 180 days after the issuance of the demolition permit.

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: September 16, 2025



Jamar M. Boyd-Weatherby
Hearing Examiner