

Appeals Hearing Board

Chair: Karen Parsons
Vice Chair: Ron Cabanayan
Commissioner: Timothy Kenny
Commissioner: Brett Williamson

Commissioner: Genevieve Altwer
Commissioner: Jon Budas
Commissioner: David Hook

REGULAR MEETING AGENDA December 11, 2025 6:30 p.m. Council Chambers

How to observe the Meeting (no public comment):

1. Online at <https://sanjoseca.zoom.us/j/93013733565> ; or
2. By Phone: (888) 475 4499. Webinar ID is **930 1373 3565**. Alternative phone numbers are:
US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).

1. CALL TO ORDER & ORDERS OF THE DAY

2. OPENING REMARKS AND APPROVAL OF MINUTES

- a. Recommendation: Approval of minutes for [November 13, 2025](#).

3. REQUEST FOR DEFERRALS

4. CONSENT CALENDAR

- a. [972 ELM ST \(APN 230-41-025\) SUMMARY ABATEMENT](#)
(Manuel Duarte, Code Enforcement Inspector / GZ Investment Inc c/o Shangao Zhou, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement reflecting the actions taken by Code Enforcement to secure the house and the board up of multiple door and window openings.

Recommendation: Affirm the summary abatement action taken on September 5, 2025, as set forth in the Staff Report dated November 21, 2025.

- b. [1689 N CAPITOL AVE \(APN 244-06-008\) SUMMARY ABATEMENT](#)
(Manuel Duarte, Code Enforcement Inspector / Dean Fisher Properties LLC, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement reflecting the actions taken by Code Enforcement to secure the building, board up of multiple door and window openings, trim overgrown vegetation, and remove the accumulation of solid waste.

Recommendation: Affirm the summary abatement action taken on August 22 & 29, 2025 and September 2, 2025, as set forth in the Staff Report dated November 21, 2025.

- c. **404 N 6TH ST (APN 249-47-037) SUMMARY ABATEMENT**
**(Angel Esparza, Code Enforcement Inspector / Nicolas G. Hernandez
Maria Del Carmen B. Hernandez, Property Owner)**

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement reflecting the actions taken by Code Enforcement to secure the residence and board up of multiple openings.

Recommendation: Affirm the summary abatement actions taken on July 1 & 2, 2025, as set forth in the Staff Report dated November 21, 2025.

- d. **2185 FAIRMONT DR (APN 652-17-006) SUMMARY ABATEMENT**
(Angel Esparza, Code Enforcement Inspector / Hong Nhien Le, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement reflecting the actions taken by Code Enforcement to address the overgrown vegetation at all yard areas.

Recommendation: Affirm the summary abatement action taken on August 8 & 11, 2025, as set forth in the Staff Report dated November 21, 2025.

5. DEFERRED AND/OR CONTINUED ITEMS

- a. **49 E Santa Clara St (AKA 35, 29, 43, and 45 E Santa Clara St, 9 N 2nd St) (APN 467-21-045) - ADMINISTRATIVE REMEDY**
(Wayne Cirone, Code Enforcement Inspector / James K. Eu, Grace L. Eu, and David Eu, as Trustees of the 9 N. Second Street Trust, Property Owner)

Conduct a public hearing on the appeal of the Director's Decision dated August 4, 2025, sustaining the Compliance Order dated January 28, 2025, to require the Property Owner to meet compliance with all sections of the Compliance order on or within 120 days of August 4th, 2025 (December 2, 2025). **Deferred from Agenda 11/13, 2025, Agenda Item 6e.**

Maintain minimum appearance and security standards per SJMC section 17.38; cover with sufficient paint, siding or stucco any unfinished boarded openings; repair or replace any damaged sections of boarding to deter unauthorized access; remove solid waste; maintain the property free of graffiti, demonstrate with evidence compliance with SJMC section 17.38.200 by obtaining a valid, unexpired building permit towards the rehabilitation and repair of the property, or that the property no longer constitutes a public nuisance, or that the property has been rehabilitated and is actively being offered for sale, lease, or rent.

6. PUBLIC HEARINGS

7. REQUEST FOR EXCUSED ABSENCE

8. OTHER BUSINESS

- 9. PUBLIC COMMENT** *(Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Board. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Board.)*

10. ADJOURNMENT

The next regular meeting will be January 22, 2026, at 6:30 p.m. City Hall, Council Chambers.

The [Code of Conduct](#) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

[The Levine Act](#) requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$500 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution on the form located on [the Levine Act webpage](#).

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Board about any discussion item that is on the agenda, and you may also speak during Public Comments on items that are not on the agenda and are within the subject matter jurisdiction of the Board. Please be advised that, by law, the Board is unable to discuss or take action on issues presented during Public Comments. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Board unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Board items may be viewed on the Internet at <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/code-enforcement/appeals-hearing-board>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the Board meeting may not be the final documents approved by the Board. Contact the Office of the City Clerk for the final document. On occasion the Board may consider agenda items out of order.

The **APPEALS HEARING BOARD** meets every Second (2nd) and Fourth (4th) Thursday of each month at 6:30 p.m. If you have any questions, please direct them to the Board staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence and questions to:

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