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REGULAR MEETING MINUTES  
SEPTEMBER 25, 2025

**1. CALL TO ORDER & ORDERS OF THE DAY**

**ROLL CALL**

**PRESENT:** Chair Karen Parsons, Vice Chair Ron Cabanayan, Commissioner Jon Budas, Commissioner David Hook, Commissioner Timothy Kenny and Commissioner Brett Williamson.

**ABSENT:** Commissioner Genevieve Altwer.

**STAFF:** Board Secretary Regina Lizaola, Code Enforcement Inspector Manuel Duarte, Code Enforcement Supervisor Amber Zenk, and Deputy City Attorney Wesley Klimczak.

**CALL TO ORDER**

Chair Parsons convened the Appeals Hearing Board at 6:30 p.m. in the City Council Chambers of City Hall, 200 E. Santa Clara Street, San Jose, CA 95113.

**2. OPENING REMARKS AND APPROVAL OF MINUTES**

**APPROVAL OF MINUTES**

Documents Filed: Draft Meeting Minutes from Appeals Hearing Board Regular Meeting on August 28, 2025.

Action: Upon motion by Commissioner Hook, seconded by Commissioner Kenny, the minutes for August 28, 2025 were approved. (5-0-2).

**3. REQUEST FOR DEFERRALS**

There was no request for deferrals.

**4. CONSENT CALENDAR**

No items on the Consent Calendar.

**5. DEFERRED AND/OR CONTINUED ITEMS**

There were no deferred and/or continued items.

## 6. PUBLIC HEARINGS

- a. **1689 N CAPITOL AVE (244-06-008) ADMINISTRATIVE REMEDY**  
**(Manuel Duarte, Code Enforcement Inspector/ Dean Fisher Properties LLC,  
Property Owner)**

Documents Filed: Administrative Remedy and Notice of Public Hearing dated August 25, 2025.

Action: Code Enforcement Inspector Manuel Duarte made the following clerical corrections to the Notice of Hearing: on page 5, at the top of the document between the dates December 18, 2023 and June 6, 2024, the use of the word approximately was used. He wanted to clarify what that means. During the course of his regular duties, he travels to other cases and often observes the cases that he has open for other properties. This is why the word “approximately” was used. On the same paragraph at the last line, it references that true and correct copies of the citations were attached. These were inadvertently left out and were provided on today’s date. Further, in Exhibit D, there was an administrative citation dated September 10, 2025 inadvertently included with the packet. It was not associated with this property and should be disregarded. Regarding general question for citations that are issued, the citations generally contain verbiage of total due (\$250, \$750, etc.). Those fines are separate from what Code is asking for today. They are still due and are pursued by the Finance Department if they are not paid on time. They accrue interest and late charges.

Inspector Duarte gave a summary of the case. He stated he conducted an inspection of the property on the date of the hearing, September 25, 2025, and provided pictures of the inspection. The property remains vacant, blighted and an occupied vehicle remains on the property. The vehicle has been documented to be present in the rear area of the property as far back as July 16, 2025. As of today, research has confirmed the property is not listed for sale and does not have an active building permit. The Property Owner has not engaged in maintaining or rehabilitating the property for occupancy. Therefore, the Subject Property creates a public nuisance.

Supervisor Amber Zenk spoke to give background on the case, which started with multiple City Departments. Caltrans and the Property Owner had a meeting in 2023 to discuss how to maintain the property during the vacancies. The code enforcement process was also explained to the Property Owner. At the time, the Property Owner was looking into having a business relationship with Starbucks. Since the date of the first inspection, the property has been a public nuisance to the nearby shopping center and the community.

Property Owner Mr. Fisher was present but chose not to speak.

Property Owner Representative Thomas Krehbiel spoke of how he has tried to keep the property clean on a daily basis. He testified the property is constantly being occupied by the unhoused population. There has been significant illegal dumping on the property that he has been trying to clean up. He has also attempted to lease the property but has had no success with leasing it.

Upon a motion by Commissioner Kenny, seconded by Commissioner Hook and carried unanimously by the Board (6-0-1), the Board adopted the following order:

1. **Order to Correct**

**On or before October 8, 2025:**

Complete all obligations and requirements for maintenance and security standards as a vacant property under San Jose Municipal Code Chapter 17.38 – Maintenance and Rehabilitation of Neglected Vacant or Abandoned Buildings and San Jose Municipal Code Chapter 17.72 – Community Preservation, including but not limited to:

- a) Maintain minimum security standards.
- b) Post appropriate responsible party information signage.
- c) Secure and maintain all openings and fencing to prevent unauthorized entry and remove current/future encampments (tents, makeshift structures, occupied vehicles, etc.) from the property.
- d) Ensure all unfinished (without paint, stucco, siding, etc.) boarded openings – windows and doors – are covered with sufficient paint, siding, stucco, or other finish to weatherproof the vacant, abandoned building or structure to create a sufficient appearance of repair to deter unauthorized occupation.
- e) Repair or replace damaged or missing windows and woodwork at the property to deter unauthorized access to the property. Abate all hazardous conditions.
- f) Conduct inspections of the property at a minimum of once every two weeks and maintain a log of those inspections pursuant to 17.38.330.
- g) Remove all solid waste, litter, debris, overgrown vegetation(trim), vegetation debris, boxes, appliances, household items, wood. Do not permit anyone to store any moving forward.
- h) Paint over all graffiti with similar matching paint. Maintain free of graffiti.

**On or before October 22, 2025:**

Ensure compliance with 17.38.200 by demonstrating with evidence that you have met the criteria for either A or B below:

- A. One of the following conditions exists:
  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 of San Jose, 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.

Or

- 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 and 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.

**2. Administrative Costs**

**On or before November 10, 2025**, the property owner shall pay Administrative Costs to the City of San Jose in the amount of **\$2,159.00**.

**3. Administrative Penalties**

**On or before November 10, 2025**, 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 **\$25,000.00**. If full compliance with the Board's Order is not achieved by:

- a. October 8, 2025- the Property Owner shall pay additional Administrative Penalties in the amount of **\$2,500.00** per day, from October 9, 2025 until the date of compliance with the Board's Order, up to a maximum of \$100,000.00.
- b. October 22, 2025- the Property Owner shall pay additional Administrative Penalties in the amount of **\$2,500.00** per day, from October 23, 2025 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.

**7. REQUEST FOR EXCUSED ABSENCE**

The commission approved Commissioner Altwer's request for an excused absence due to personal business for the meeting of September 25, 2025.

Upon a motion by Commissioner Kenny, seconded by Chair Parsons, and carried unanimously the Board, they approved the excused absence for Commissioner Altwer. (6-0-1)

**8. OTHER BUSINESS**

There was no other business.

**9. PUBLIC COMMENT**

There was no public testimony on the floor.

**10. ADJOURNMENT**

Upon a motion by Commissioner Hook, seconded by Vice Chair Cabanayan, and carried unanimously, the Hearing was adjourned at 7:11 p.m.