

DRAFT REGULAR MEETING MINUTES
FEBRUARY 12, 2026

1. CALL TO ORDER & ORDERS OF THE DAY

ROLL CALL

PRESENT: Chair Karen Parsons, Vice Chair Ron Cabanayan, Commissioner Genevieve Altwer, Commissioner Jon Budas, Commissioner David Hook, and Commissioner Martin Nguyen.

ABSENT: Commissioner Timothy Kenny.

STAFF: Board Secretary Regina Lizaola, Code Enforcement Inspector Manuel Duarte, Code Enforcement Inspector Wayne Cirone, Code Enforcement Supervisor Amber Zenk, Division Manager Eusebio Espitia, and Senior Deputy City Attorney Wesley Klimczak.

CALL TO ORDER

Chair Parsons convened the Appeals Hearing Board at 6:31 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 January 22, 2026.

Action: Upon motion by Vice Chair Cabanayan, and seconded by Commissioner Hook, the minutes for January 22, 2026 were approved. (6-0-1).

3. REQUEST FOR DEFERRALS

- a. **ITEM 6a: 116 N CAPITOL AVE (APN 481-16-140) – ADMINISTRATIVE REMEDY (Wayne Cirone, Code Enforcement Inspector / Carson L Grimes Jr. Property Owner)**

Action: Code Enforcement Inspector Wayne Cirone gave testimony and summary of the case and current conditions from the Inspection conducted on the date of the hearing February 12, 2026. Staff is ok to defer the case.

Request for deferral Property owner representative Gary Sullivan gave testimony that the property is in escrow and should close on March 9, 2026. He asked for a 30–60-day continuance.

Upon a motion by Vice Chair Cabanayan, seconded by Chair Parsons, the request for deferral was approved by the Board and the matter was deferred until March 26, 2026. (6-0-1).

4. CONSENT CALENDAR

- a. **335 S WINCHESTER BLVD (APN(S) 303-39-047 & 303-39-051) SUMMARY ABATEMENT**
(Manuel Duarte, Code Enforcement Inspector / Pacific Row Development LLC, Property Owner)

Documents Filed: Summary Abatement Order and Notice of Public Hearing dated January 27, 2026

Action: Item pulled from the Consent Calendar. Code Enforcement Inspector Manuel Duarte added the invoice for Tucker Construction, who conducted the abatement as identified on Exhibit F.

Property Owner Paul Yu gave testimony that he has a contractor that cleans up the property and monitors it weekly. He has issues with homeless people entering the property. He currently has a demolition permit approved as of December 2025.

Upon motion by Commissioner Hook, and seconded by Chair Parsons, the summary abatement actions as set forth in the Staff Report dated January 27, 2026 were affirmed (6-0-1).

5. DEFERRED AND/OR CONTINUED ITEMS

There was no deferred and/or continued items.

6. PUBLIC HEARINGS

- a. **2102 MCKEE RD (APN 481-05-037) NOTICE TO REGISTER**
Manuel Duarte, Code Enforcement Inspector /VSK LLC c/o Vishvaroop Agarwal, Property Owner)

Documents Filed: Administrative Remedy and Notice of Public Hearing dated January 27, 2026.

Action: Code Enforcement Inspector Manuel Duarte gave testimony and a summary of the case. He conducted an inspection on the date of the hearing, February 12, 2026, and provided updated photographs taken that day to the Board to show current conditions. The property is vacant, has no active Building permit and is not listed for lease or sale as of the hearing date. There is a CUP under review that was applied for in May 2022 to allow for the construction of a 2,000 sq ft commercial building, to be occupied by Starbucks. The last activity on the permit application indicated that it was being prepared for public hearing.

Property Owners Vish Agarwal testified, stating they visit the property 2-3 times a week, the property is secured and not abandoned and he has hired staff to come out to clean the property on a weekly basis and the property is fenced off. Mr. Agarwal states he has a current permit with the city that is almost about to go to Hearing.

Upon a motion by Vice Chair Cabanayan, and seconded by Chair Parsons, Code Enforcement's recommendation was adopted in its entirety, as written in the staff report dated January 27, 2026 (6-0-1).

7. REQUEST FOR EXCUSED ABSENCE

Upon a motion by Commissioner Hook, seconded by Chair Parsons, and carried unanimously by the Board, the Board approved the excused absence for Commissioner Kenny for the meeting of February 12, 2026. (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 Vice Chair Cabanayan, seconded by Chair Parsons, and carried unanimously, the Hearing was adjourned at 7:19 p.m.

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