CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Appeals Hearing Board

Chair: Karen Parsons
Vice Chair: Ron Cabanayan
Commissioner: Timothy Kenny
Commissioner: Martin Nguyen

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

AMENDED
REGULAR MEETING AGENDA
September 24, 2026
6:30 p.m.
Council Chambers

Hybrid Meeting - 200 E. Santa Clara St., San Jose, CA 95113 and Virtual

How to observe the Meeting:

1) In-Person at Council Chambers; or

2) By Phone: (888) 475-4499. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free). Webinar ID is 951 7580 8988; or

3) Online at https://sanjoseca.zoom.us/j/95175808988;

   Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause audio feedback.

   a. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
   b. When the Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
   c. When called upon, please limit your remarks to the time limit allotted.

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

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

   a. Recommendation: Approval of minutes for August 13, 2026.

3. **REQUEST FOR DEFERRALS**

   a. **1276 N CAPITOL AVE (589-22-034) ADMINISTRATIVE REMEDY**
   (Manuel Duarte, Code Enforcement Inspector / Balbir Singh Dhillon and Ranbir Kaur Dhillon, Property Owners)

   Request for deferral from Property Owner via email September 14, 2026.

   Deferral Request by Property Owner.

4. CONSENT CALENDAR

5. DEFERRED AND/OR CONTINUED ITEMS

6. PUBLIC HEARINGS

a. **1276 N CAPITOL AVE (589-22-034) ADMINISTRATIVE REMEDY DEFERRAL REQUESTED BY PROPERTY OWNER**
(Manuel Duarte, Code Enforcement Inspector / Balbir Singh Dhillon and Ranbir Kaur Dhillon, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing on a proposed order to require the Property Owner to take the corrective actions to obtain a Building permit to address the unpermitted conversion of the accessory building to a living space, remove all vehicles off of the unpaved surface, and remove or repair all inoperable vehicles. If choosing to repair, an inspection must be completed with the Inspector, to prove operability, remove all solid waste located in all yard areas, and remove all unpermitted items that are being stored in areas visible from the public right of way. This includes, but is not limited to, all appliances, household items and furniture, boxes, auto parts, tools, etc., trim all overgrown vegetation, reduce the height of the fencing along N Capitol Ave and Amaryl Dr, to a maximum of 3 feet or remove the fencing, repair or remove the fencing that is in a state of disrepair, adjacent to 2516 Amaryl Dr and remove all accessory buildings or structures located within 60 feet of both frontages (N Capitol Ave and Amaryl Dr).

Recommendation: Issue an administrative order as set forth in the Staff Report dated September 1, 2026.

DEFERRAL REQUESTED BY PROPERTY OWNER

b. **1226 MAGNOLIA AVE (APN 261-21-024) APPEAL OF NOTICE TO REGISTER**
(Manuel Duarte, Code Enforcement Inspector / David C Oliver, Jeremy P Oliver, Daniel C Oliver, Matthew D Oliver, Timothy A Oliver, Carolyn B Pund, Tim Bajarin and Bonnie Bajarin, Trustees of the Timothy and Bonnie Bajarin 1995 Trust, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the Notice to Register issued and sent to the Property Owner(s) for the blighted and vacant property at 1226 Magnolia Ave on July 23, 2026, and the Property Owner's Appeal of Notice to Register, received on July 29, 2026.

Recommendation: Affirm the Notice to Register the Subject Property (into the Neglected and Vacant Building Monitoring Program) actions on July 23, 2026, as set forth in the Staff Report dated September 1, 2026.

c. **2681 CAROL DR (APN 456-26-024) ADMINISTRATIVE REMEDY**
(Karla Caceres, Code Enforcement Inspector / Phu Huu Ly and Christina Hoang, Trustee of the Ly-Hoang Living Trust Dated October 11, 2011, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing on a proposed administrative order to require the Property Owner to take the corrective actions to:

- Renew final grading permit #2021-056962.
- Obtain a final permit for all building violations.

Recommendation: Issue an administrative order as set forth in the Staff Report dated September 3, 2026.

d. **2714 OPHELIA CT (APN 670-20-055) ADMINISTRATIVE REMEDY**
(Donald Timoteo, Code Enforcement Supervisor / Eva Panina, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing on a proposed order to require the Property Owner to take the corrective actions to uphold the Compliance Order that was not achieved by the Compliance Date of July 26, 2026, to remove paving in the front setback to not exceed 50% of the total setback, cease occupancy of ALL subject units which includes the improper occupancy of all unpermitted bedrooms, remove all items that would constitute a habitable space, and pay all required fees to and obtain a building permit from the City of San Jose Building Division to correct all noted violation(s) listed in the Compliance Order.

Recommendation: Issue an administrative order as set forth in the Staff Report dated September 9, 2026.

7. REQUEST FOR EXCUSED ABSENCE

a. Commissioner Hook requested an excused absence from the regular meeting of September 24, 2026, due to personal business.

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 one (1) minute 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.*

Virtual Public Comment through Zoom: Please raise your hand on Zoom to indicate to staff that you would like to provide a comment when the opportunity is announced. You will be called on verbally and permitted to unmute to speak for the timeframe allotted. Public comment is limited to one (1) minute per item, per speaker, in accordance with Council Policy 0-37)

10. ADJOURNMENT

The next regular meeting will be October 8, 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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