

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, FEBRUARY 28, 2008
6:30 P.M., COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:30 p.m., Council Chambers, City Hall, with the following members in attendance: Chairperson Clark Williams, Commissioners Calvin Chu, Sonja Etienne, Jose Hernandez, Troy Overton, Karen Parsons, and Susan Ruscigno.

Staff Present: Evet Loewen, Chief Deputy City Attorney
Peggy Rollis, Manager Code Enforcement
Luis Arevalo, Code Enforcement
Sandy Bouja, Appeals Hearing Board Secretary
Diane Buchanan, Code Enforcement
Susan Cate, Code Enforcement
Garry McLeod, Code Enforcement
Greg Peacock, Code Enforcement
Kerry Smith, Code Enforcement
Betty Mitre, Code Enforcement

2. **Opening Remarks and Approval of Minutes**

Chairperson Clark Williams read a statement to the public requesting that speakers identify themselves and state their address. There was a motion by Commissioner Ruscigno, seconded by Commissioner Etienne, to approve the minutes of January 27, 2008. Commissioner Clark stated that beginning with the next meeting there will be a Consent Calendar with hearing items considered to be routine and adopted in one motion.

3. **Request for Excused Absence**

4. **Deferred or Continued Items**

5. **Public Hearing**

- a. **1137 Via Jose (577-23-013) Proposed Abatement**
(Greg Peacock, Inspector / Edwin Hill, Property Owner)

Code Enforcement Inspector Greg Peacock testified and presented the Board with a brief summary of the alleged conditions of the subject property. Inspector Peacock stated that there is still a large quantity of dirt and a steel I-beam on the property.

Property Owner Ed Hill was present and requested to continue the matter to another date because of health issues. Mr. Hill stated that part of the dirt is removed.

Commissioner Parsons asked Inspector Peacock if there are unsafe conditions that are an immediate concern. In response, Inspector Peacock stated that the dirt would run into the storm drain when it rains.

There was a motion by Commissioner Hernandez seconded by Commissioner Etienne, to order as follows:

To continue the matter to March 27, 2008.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams
NAYS:
ABSENT:

**b. 1330 Britton Avenue (429-12-011) Administrative Remedy
(Luis Arevalo, Inspector / Michael Pena, Property Owner)**

Code Inspector Luis Arevalo testified and gave a summary of his investigation and presented photos regarding the subject property.

Property Owner Michael Pena was present. Mr. Pena requested an additional two months to correct the violations. Inspector Arevalo agreed to the property owner's request. Commissioner Overton asked Inspector Arevalo if the garage looks the same, in response, Inspector Arevalo stated that the garage is the same and does not have a building permit.

There was a motion by Commissioner Etienne, seconded by Commissioner Overton, to order as follows:

To adopt the City of San Jose's recommendations. The property owner must achieve compliance by August 30, 2008.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams
NAYS:
ABSENT:

c. 1339 Garrans Drive (307-22-019) Administrative Remedy
(Kerry Smith, Inspector / John Borst, Property Owner)

Code Enforcement Inspector Kerry Smith testified and gave a brief summary of the violations observed at the subject property and also presented photographs of the roof.

Property Owner John Borst was present. Mr. Borst stated that the repairs on his roof are continuous repairs and not a reroof. Mr. Borst stated that the tenants had a trampoline and the tenants would cause damage to the roof requiring him to fix parts of the roof. Mr. Borst did admit that part of the work he did consisted of more than 25%.

Mr. Joe Denim Jr., a neighbor of Mr. Borst, was present and testified against the subject property. Mr. Denim stated that Mr. Borst had a crew work on the entire roof a few years ago.

There was a motion by Commissioner Parsons, seconded by Commissioner Ruscigno, to order as follows:

To uphold the City's recommendation.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams
NAYS:
ABSENT:

d. 223 Edwards Avenue (264-38-062) Administrative Remedy
(Garry McLeod, Inspector / Roberto & Mayra M. Guerra, Property Owners)

A letter from the property owner date February 26, 2008 was submitted requesting a deferral of the case to another date.

There was a motion by Commissioner Ruscigno, seconded by Commissioner Etienne to order as follows:

To defer the case to March 27, 2008.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams
NAYS:
ABSENT:

**e. 1549 Iris Court (429-30-041) Administrative Remedy
(Luis Arevalo, Inspector / Scott & Heather Giddens, Property Owners)**

Code Enforcement Inspector Luis Arevalo testified and gave a brief summary of his inspections and observations of the subject property. Inspector Arevalo presented photos of the addition to the garage.

Property Owner Heather Giddens was present. Ms. Giddens stated that the previous property owner built the addition to the garage. Ms. Giddens stated the Sanborn Map the City uses is inaccurate and the date determining when the addition was built is hard to establish. Ms. Giddens stated that she is waiting to sell the property to a development company.

There was a motion by Commissioner Clark, seconded by Commissioner Overton, to order as follows:

To hold \$1,115.00 in abeyance from February 28, 2008 to August 30, 2008. If compliance is not achieved by August 30, 2008, Administrative Penalties in the amount of \$100.00 per day would apply. The Administrative Costs remain the same.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams
NAYS:
ABSENT:

**f. 1449 Ford Avenue (434-23-074) Summary Abatement
(Garry McLeod, Inspector / Liquidation Properties, Property Owners)**

**g. 1775 Crucero Drive (477-41-099) Summary Abatement
(Garry McLeod, Inspector / Citibank NA, Property Owner)**

There were no separate discussions on hearing items regarding 1449 Ford Avenue and 1775 Crucero Drive. The hearing items were considered to be routine and were adopted in one motion.

There was a motion by Commissioner Hernandez, seconded by Commissioner Parsons, to order as follows:

To support the City staff's recommendation to abate the property.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams
NAYS:
ABSENT:

6. DISCUSSION

- a. Discussion of the adoption of a resolution of the Appeals Hearing Board establishing revised and updated rules and regulations pertaining to the organization of the Board, Membership, Officers and Meetings will be continued at the next meeting with a cleaned up version of the resolution.

7. ORAL COMMUNICATIONS FROM THE PUBLIC

8. ADJOURNMENT

There was a motion by Commissioner Parsons, seconded by Commissioner Etienne to adjourn the meeting. Chair Clark Williams adjourned the meeting at 8:40 p.m. The next regular meeting will be held on Thursday, March 13, 2008 at 6:30 p.m., at the City Hall Council Chambers.