



APPEALS HEARING BOARD AGENDA

THURSDAY, MARCH 13, 2008

Evening Session 6:30 p.m.
Council Chambers, City Hall

200 E. Santa Clara Street
San Jose, California

Clark Williams, Chair
Karen Parsons, Vice Chair
Calvin Chu Sonja Etienne
Jose Hernandez Troy Overton
Susan Ruscigno

Joseph Horwedel, Director
Planning, Building and Code Enforcement

The Appeals Hearing Board Packet is available for viewing between the hours of 8 a.m. to 5 p.m., Monday through Friday, at the Code Enforcement Office, 170 W. San Carlos Street, San Jose, CA 95113. The Appeals Hearing Board Packet is available by contacting the AHB Secretary at (408) 277-4528.

NOTICE TO THE PUBLIC

Good evening, my name is Clark Williams and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of March 13, 2008.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of February 28, 2008.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Sandy Bouja at 408-277-8428) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

AGENDA
ORDER OF BUSINESS
6:30 PM SESSION

1. **ROLL CALL**
2. **OPENING REMARKS AND APPROVAL OF MINUTES**
Recommendation: Approval of minutes for February 28, 2008.
3. **REQUEST FOR EXCUSED ABSENCE**
4. **PUBLIC HEARINGS CONSENT CALENDAR**

Notice to the public: There will be no separate discussion of Consent Calendar hearing items as they are considered to be routine and are adopted in one motion. If any member of the Appeals Hearing Board, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearing Consent Calendar and considered separately.

- a. **409 S 5TH STREET (467-47-068) SUMMARY ABATEMENT**
(Joe Celio, Inspector / Aurora Loan Services LLC, Property Owner)
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to condemn the vacant property and restrict the usage of living, sleeping and cooking purposes due to the lack of water service throughout the property.
 - b. **49 KITTELY COURT (706-16-029) SUMMARY ABATEMENT**
(Garry McLeod, Inspector / Edgard A. Camacho, Property Owner)
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to board up the windows and door of the single-family residence due to the imminently dangerous conditions of the unsecured window and unsecured door.
5. **DEFERRED AND/OR CONTINUED ITEMS**
 - a. **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. (Continued from February 28, 2008.)**

6. **PUBLIC HEARINGS**

a. **RECYCLE PLUS LIENS**

Public Hearing to adopt a resolution confirming the report from the Director of Finance concerning unpaid Recycle Plus bills for accounts in a delinquent status as of February 20, 2008, and directing the Director of Finance to place a Special Assessment against related properties secured by a lien with the Santa Clara County Recorder's Office.

f. **415 MADISON DRIVE (689-27-043) PROPOSED ABATEMENT**

(Garry McLeod, Inspector / Mary Anne Foley, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the proposed abatement order and to seek an order requiring the property owner to abate the property of all overgrown vegetation from the property.

g. **528 W. VIRGINIA STREET (264-41-002) PROPOSED ABATEMENT**

(Garry McLeod, Inspector / Michael V. Bondarenko, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the proposed abatement order and to seek an order requiring the property owner to abate the property of all overgrown vegetation in both the front and side yards.

7. **OTHER BUSINESS**

8. **ORAL COMMUNICATIONS FROM THE PUBLIC**

9. **ADJOURNMENT**

Next Board Meeting: March 27, 2008