

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, APRIL 24, 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, and Susan Ruscigno. Commissioner Karen Parsons was absent.

Staff Present: Evet Loewen, Chief Deputy City Attorney
Mike Hannon, Deputy Director, Code Enforcement
Sandy Bouja, Appeals Hearing Board Secretary
Mollie McLeod, Code Enforcement
Jaime Avalos, Code Enforcement
Garry McLeod, Code Enforcement
Pierre Schutz, Code Enforcement
James Young, Code Enforcement
Belen Avalos, 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 Hernandez, seconded by Commissioner Etienne, to approve the minutes of April 10, 2008.

3. **Request for Excused Absence**

Karen Parsons was absent.

4. **Public Hearings Consent Calendar**

- a. **308 Bodega Way (704-03-011) Summary Abatement**

(Garry McLeod, Inspector / Trustee Corps. & MTC Financial Inc, Property Owners)

- b. **49 Kittery Court (706-16-029) Summary Abatement**

(Garry McLeod, Inspector /Reconstruct Company, Property Owner)

Item 4c (700 Richmond Ave) will be removed from Consent Calendar due to the property owner being present and wishing to speak. There were no separate discussions on hearing items regarding 308 Bodega Way and 49 Kittery Court. The hearing items were considered to be routine and were adopted in one motion

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

To approve the Consent Calendar and to remove item 4c.

AYES: Chu, Etienne, Hernandez, Overton, Ruscigno, Williams

NAYS:

ABSENT: Parsons

c. 700 Richmond Avenue (282-44-021) SUMMARY ABATEMENT
(Pierre Schutz, Inspector / Mahendra & Sangita Chhaunkar)

Code Enforcement Inspector Pierre Schutz testified that a report was received March 26, 2008 that a vehicle drove through the exterior of a carport. An inspection conducted the next day found the toilet and bathtub had been pushed in about a foot into the vanity area. The bathroom had no running water or bathing facilities. The property was posted for "Condemnation" because of the substandard housing conditions. Inspector Schutz testified that the Property Owner has secured the Vehicle Damage Survey and permits to restore the property back to its original condition and are now waiting for the permits to be finalized.

The property owner testified that as soon as he received the information from the inspector, he applied for the damage inspection survey report and obtained permits for the repairs. The plumbing inspection will take place tomorrow. The property owner showed his permit paperwork. The property owner also stated that the unit is not occupied.

Chair Williams requested that Inspector Schutz review the permit paperwork.

Inspector Schutz viewed the paperwork and stated the paperwork is not a permit, it is an application for permit. A permit is granted when it has been finalized by the Building Department. Inspector Schutz confirmed that the inspection has been secured.

Deputy Director Mike Hannon clarified that the Condemnation is the posting of the sign and also restricts the unit from occupancy.

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

To uphold the Abatement Order.

5. Deferred and/or Continued Items

6. Public Hearings

a. 1609 Waverly Avenue (491-23-069) Administrative Remedy
(James Young, Inspector / Daniel Garcia, Property Owner)

Code Enforcement Inspector James Young testified that the violations at this property are alterations to the interior of the house: non-permitted recess lighting installed, kitchen walls removed, kitchen counter tops added, a walk-in closet and a bathtub added to the master bedroom. The property was sold on March 28, 2006 to the new owner Daniel Garcia. Inspector Young testified that on October 2007 he conducted an inspection and verified the violations from 2005 were still present. From 2006 until February 2008 several attempts had been made to contact the property owner to resolve the violations on the property.

The property owner or the tenant was not present.

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

To uphold City Staff's recommendation of Administrative Cost and Administrative Penalties

AYES: Chu, Etienne, Hernandez, Overton, Ruscigno, Williams

NAYS:

ABSENT: Parsons

7. OTHER BUSINESS

Chair Williams thanked all who attend the recognition ceremony given by Mayor Chuck Reed on Tuesday, April 22, 2008

8. ORAL COMMUNICATIONS FROM THE PUBLIC

9. ADJOURNMENT

There was a motion by Commissioner Etienne, seconded by Commissioner Ruscigno to adjourn the meeting. Chair Clark Williams adjourned the meeting at 7:05 p.m. The next regular meeting will be held on Thursday, May 8, 2008 at 6:30 p.m., at the City Hall Council Chambers.