



**APPEALS HEARING BOARD AGENDA**

**THURSDAY, JUNE 12, 2008**

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

200 E. Santa Clara Street  
San Jose, California

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**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

**Availability of Public Records. 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 170 W. San Carlos Street, at the same time that the public records are distributed or made available to the legislative body.**

## 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 June 12, 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 May 22, 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 (Eusebio Espitia at 408-277-8441) 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 May 22, 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. **423 FIELDCREST DRIVE (689-30-011) SUMMARY ABATEMENT**  
(Garry Mcleod, Inspector / Pedram Valeh & Masoomah Misihi, Property Owners)  
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the side gates.
  
- b. **288 BURNING TREE DRIVE (704-45-064) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Bun W. & Teresa W. Koo, Property Owners)  
The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to close and lock the perimeter windows and secure the front door shut.
  
- c. **154 N 6<sup>TH</sup> STREET (467-19-024) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Jennifer L. S. Starbody & David A. Soares, Owners)  
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 basement entry door, the rear door to the home and a rear window.

- d. **1830 WAVERLY AVENUE (491-07-011) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / DLJ Mortgage Capital, Inc., 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 front door entry.
  
- e. **308 BODEGA WAY (704-03-011) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Ana R. Mercado, 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 secure the windows, door, and fence at the subject property. .

5. **DEFERRED AND/OR CONTINUED ITEMS**

6. **PUBLIC HEARINGS**

- a. **RECYCLE PLUS**  
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 May 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.
  
- d. **2265 E SAN ANTONIO STREET (481-22-064) ADMINISTRATIVE REMEDY**  
(Gerardo Nieves, Inspector / Alicia B. Reyes, Owner)  
The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order to direct the property owner to obtain the required approval and permits to legalize the addition or obtain the required approval and permits to remove the addition at the rear of the residence and have the addition demolished and removed.

7. **OTHER BUSINESS**

8. **ORAL COMMUNICATIONS FROM THE PUBLIC**

9. **ADJOURNMENT**

Next Board Meeting: June 26, 2008