



APPEALS HEARING BOARD AGENDA

THURSDAY, JULY 24, 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

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 July 24, 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 June 26, 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 June 26, 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. **846 W TAYLOR STREET (261-08-079) SUMMARY ABATEMENT**
(Garry McLeod, Inspector / Morgan Stanley ABS CAP I Inc T, 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 two (2) windows.

- b. **3810 DOVE HILL ROAD (679-10-006) SUMMARY ABATEMENT**
(Garry McLeod, Inspector / Joey & Frances Lo, 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 all windows, doors and cover the hole exposing the in-ground septic tank.

- c. **2352 GIBSON GIRL WAY (652-14-012) SUMMARY ABATEMENT**
(Garry McLeod, Inspector /, BKR Investors, LLC & Red Horizon Investors LLC, 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 door and close the windows.

- d. **1055 CALIFORNIA AVENUE (429-18-033) SUMMARY ABATEMENT**
(Garry McLeod, Inspector / Marcelo & Silvia Weinberger, 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 rear door of the property.
- e. **49 KITTEERY COURT (706-16-029) SUMMARY ABATEMENT**
(Garry McLeod, Inspector / Deutsche Bank Nat'l Trust Co. 2006)
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 window of the single-family residence.
- f. **1419 MORRILL AVENUE (589-15-032) SUMMARY ABATEMENT**
(Margaret Lafferty, Inspector / Deutsche Bank National Trust, 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 of the property.

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

- a. **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.

6. **PUBLIC HEARINGS**

- a. Public Hearing to Adopt a Resolution Confirming the Hazardous Vegetation Program Assessment Report of the Director of Planning for the Costs and Expenses Incurred to Abate Weeds and to Direct Placement of the Costs and Expenses as a Special Assessment Against the Affected Properties.
- b. **1150 DELYNN WAY (439-36-043) PROPOSED ABATEMENT**
(John Hernandez, Inspector / Edna E. Ellis, Property Owner)
The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order requiring the property owner to abate the overgrown vegetation in the parkstrip, front and rear yards, stored firewood and debris in the front yard and trash bins in the driveway of the property.

7. **OTHER BUSINESS**

8. **ORAL COMMUNICATIONS FROM THE PUBLIC**

9. **ADJOURNMENT**

Next Board Meeting: August 14, 2008