



## **APPEALS HEARING BOARD AGENDA**

**THURSDAY, OCTOBER 23, 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**  
**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 October 23, 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 September 25, 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 September 25, 2008.
  
3. **REQUEST FOR EXCUSED ABSENCE**
  
4. **PUBLIC HEARINGS CONSENT CALENDAR**
  - a. **2382 SUMMER STREET (484-40-013) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Leo & Mercedes Cuevas, 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 front door of the subject property.
  
  - b. **837 DELMAS AVENUE (264-41-021) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Piper L. Cook, 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 doors of the subject property.
  
  - c. **486 N 8th STREET (249-49-055) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Terry Lancaster, 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 front and rear doors as well as the detached garage and shed.
  
  - d. **807 GILCHRIST WW, UNIT 2 (254-21-102) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Misael V. Morales, 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 front window.

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

6. **PUBLIC HEARINGS**

a. **118 RAINIER STREET (261-31-033) ADMINISTRATIVE REMEDY**

(William Gerry, Inspector / Lester Gora, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to direct the property owner to obtain any necessary permits and correct the deteriorated exterior stairs, eliminate the cockroach infestation throughout the building, repair the deteriorated bathroom wall, defective water handles on tub, clear the clogged bathtub drain and repair the deteriorated porcelain surface of bathtub in Unit #6.

b. **965 DELMAS AVENUE (264-46-062) ADMINISTRATIVE REMEDY**

(Luis Arevalo, Inspector /, Karen L. & Mark Sanchez, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing to direct the property owner to complete Permit application #2008-018530 to revert the subject property back to a single family residence and obtain a final inspection verifying the completed work.

c. **2094 TREEWOOD AVENUE (092-21-066) PROPOSED ABATEMENT**

(Margaret Lafferty, Inspector / Joan McCammet, 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 from the property.

7. **OTHER BUSINESS**

8. **ORAL COMMUNICATIONS FROM THE PUBLIC**

9. **ADJOURNMENT**

Next Board Meeting: November 13, 2008