



**APPEALS HEARING BOARD AGENDA**

**THURSDAY, NOVEMBER 13, 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 November 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 October 23, 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 October 23, 2008.

3. **REQUEST FOR EXCUSED ABSENCE**  
Request for excused absence for Karen Parsons due to illness on 8/25/08 and 10/23//08. Municipal Code Section 20.08.060.

4. **PUBLIC HEARINGS CONSENT CALENDAR**

- a. **[455 W VIRGINIA STREET \(264-22-101\)](#) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / HSBC Bank USA Tr./Ace Securities Corp Tr Series 2004 HE4, 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 two doors and three windows.
- b. **[1595 HAVANA DRIVE \(486-01-001\)](#) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Deutsche Bank Natl Tr Co Tr / Securitized Asset backed Recei, 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 cover and secure the front and side of the home.
- c. **[4124 LEMOYNE WAY \(404-15-062\)](#) SUMMARY ABATEMENT**  
(Garry McLeod, Inspector / Alex V. Kipper, 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 garage entrance and five windows.

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

6. **PUBLIC HEARINGS**

- a. The Finance Department requests adoption of a resolution confirming the Director of Finance's report concerning the delinquent Administrative Penalties and administrative costs for the accounts that have remained unpaid as of October 28, 2008 and direct staff to place a lien against the property to be recorded with the Santa Clara County Recorder's Office.

7. **OTHER BUSINESS**

8. **OPEN FORUM – ORAL COMMUNICATIONS FROM THE PUBLIC**

9. **ADJOURNMENT**

Next Board Meeting: December 11, 2008