



APPEALS HEARING BOARD AGENDA

THURSDAY, DECEMBER 11, 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
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 December 11, 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 November 13, 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 November 13, 2008.

3. **REQUEST FOR EXCUSED ABSENCE**

4. **PUBLIC HEARINGS CONSENT CALENDAR**
 - a. **1238 FREMONT STREET (261-19-039) SUMMARY ABATEMENT**
(Garry McLeod, Inspector /Melvin S. Hull, 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 door.

 - b. **654 SINGLETON ROAD (494-59-040) SUMMARY ABATEMENT**
(Garry McLeod, Inspector / US Bank Assn Trust/Structured Asset Secs Corp Tr Series 20, 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, two side doors and two side windows to prevent entry.

 - c. **5072 CALWA COURT (684-50-050) SUMMARY ABATEMENT**(Garry McLeod, Inspector / US Bank National Trustee for CSFB Mtg Secs Corp Series 2006-3, 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 gate.

- d. **30 SUNOL STREET (261-33-015) SUMMARY ABATEMENT**(Joe Celio, Inspector / TJ Bartel, 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 condemn the property.

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

6. **PUBLIC HEARINGS**

a. **RECYCLE PLUS LIENS**

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 November 20, 2008, and directing the Director of Finance to place a Lien against related properties secured by a lien with the Santa Clara County Recorder's Office.

- b. The City Attorney's Office requests adoption of a resolution to renew and extend Appeals Hearing Board Resolution 98-138 and liens recorded with the Santa Clara County Recorder's Office (as Documents #15124295 and 14873647), pursuant to San Jose Municipal Code Section 1.14.160.

7. **OTHER BUSINESS**

Retreat Discussion by Appeals Hearing Board Commissioners

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

9. **ADJOURNMENT**

Next Board Meeting: January 22, 2009