



APPEALS HEARING BOARD AGENDA

THURSDAY, JANUARY 22, 2009

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
Judy Jones 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 January 22, 2009.

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 December 11, 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 December 11, 2008.

3. **REQUEST FOR EXCUSED ABSENCE**

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 side door to the detached garage.

b. **[351 MAYELLEN AVENUE \(277-16-036\) SUMMARY ABATEMENT](#)**

(Garry McLeod, Inspector / Maryam Adabi, 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 and rear converted shed door.

c. **[2590 POPLARWOOD WAY \(092-05-062\) SUMMARY ABATEMENT](#)**

(Garry McLeod, Inspector / Junior C. Quinn & Mary Torrey-Quinn, 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 sliding door and rear window to prevent entry.

d. **2148 LEON DRIVE (282-30-029) SUMMARY ABATEMENT**

(Luis Arevalo, Inspector / Tamio Yanagawa, 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 and restrict entrance to the property until necessary repairs are made.

e. **NOTICE OF PUBLIC HEARING AND APPLICATION FOR AND RENEWAL OF APPEALS HEARING BOARD ADMINISTRATIVE ORDER AND LIEN**

Public Hearing to adopt a resolution for renewal of Appeals Hearing Board Administrative Orders and Liens for the real properties located in the City of San Jose identified below (“Subject Property”)

1000 Lincoln Ave
5006 Kingston Way
1190 S 9th St
2083 Cranworth Cl
83 N Almaden Ave
323 W St John St

328 W St John St
75 W William St
2974 Irwindale Dr
1230 Hester Ave
46 S 22nd St
1594 Wabash St

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

6. **PUBLIC HEARINGS**

c. 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 January 6, 2009 and direct staff to place a lien against the property to be recorded with the Santa Clara County Recorder’s Office.

d. Public Hearing to adopt a resolution confirming the Director of Finance’s report concerning unpaid Abatement Costs for the accounts that have remained unpaid as of January 6, 2009, and directs the Director of Finance to place a Special Assessment against the property secured by a lien against the property with the Santa Clara County Recorder’s Office.

7. **OTHER BUSINESS**

Report on Board and Commission Structural Improvement Program Focus Groups and Request for two Commissioners to participate in the Focus Group.

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

9. **ADJOURNMENT**

Next Board Meeting: February 26, 2009