



APPEALS HEARING BOARD AGENDA

THURSDAY, FEBRUARY 26, 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 February 26, 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 January 22, 2009.
- 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 January 22, 2009.

3. **REQUEST FOR EXCUSED ABSENCE**

4. **PUBLIC HEARINGS CONSENT CALENDAR**
 - a. **2090 MANASSAS COURT (481-35-045) SUMMARY ABATEMENT**
(Garry McLeod, Inspector /Countrywide Bank, 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 front garage door to prevent entry.

 - b. **1502 HERVEY LANE (434-28-085) SUMMARY ABATEMENT**
(Luis Arevalo, Inspector / Barbara Arata, 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 the necessary clean up has occurred.

 - c. **383 ATLANTA AVENUE (264-47-093) SUMMARY ABATEMENT**
(Garry McLeod, Inspector / Ramon Rivas & Tania Martinez, 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 side windows to prevent entry.

- d. [1512 MIDFIELD AVENUE \(486-07-013\) SUMMARY ABATEMENT](#)
(Garry McLeod, Inspector / Bank of New York TR / CWALT Inc. Tr. Series 2006OA10, 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 and rear bedroom window to prevent entry.
- e. [1823 WALKER COURT \(477-30-100\) SUMMARY ABATEMENT](#)
(Garry McLeod, Inspector / American Home Mortgage Servicing, Inc., 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 to prevent entry.

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

6. **PUBLIC HEARINGS**

- a. [348 N 20th STREET \(249-62-063\) PROPOSED ABATEMENT](#)
(Garry McLeod, Inspector / Angel Gonzalez, 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 and debris (vehicle engine, lumber, etc.) on the front lawn.
- b. [1825 PHELAN COURT \(477-30-093\) PROPOSED ABATEMENT](#)
(Garry McLeod, Inspector / Ken C. White, 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 and debris on the front lawn.
- f. [5718 ALLEN AVENUE #3 \(694-20-015\) ADMINISTRATIVE REMEDY](#)
(Greg Peacock, Inspector / George M. and Lora J. Aguilar, Property Owners)
The Director of Planning, Building and Code Enforcement requests a hearing to direct the property owner to remove the garage door from the carport for Units #1 and #3 located at the subject property.
- g. [345 N 3rd STREET \(249-44-015\) ADMINISTRATIVE REMEDY](#)
(William Gerry, Inspector / John L. Carlson, Property Owner)
The Director of Planning, Building and Code Enforcement requests a hearing to direct the property owner to obtain any necessary permits to correct the unpermitted alterations to the building and obtain a final inspection verifying the completed work.

- h. 3702 S. BASCOM AVENUE (421-01-104) ADMINISTRATIVE REMEDY**
(Kerry Smith, Inspector / Gregory A. Lefevre, Property Owner)
The Director of Planning, Building and Code Enforcement requests a hearing to direct the property owner to cease all leasing, renting and storage of any commercial vehicles on the subject property.
- i. 2446 STOKES STREET (282-18-033) ADMINISTRATIVE REMEDY**
(Luis Arevalo, Inspector / Sohrab Ezaz, Property Owner)
The Director of Planning, Building and Code Enforcement requests a hearing to direct the property owner to obtain any necessary permits and obtain a final inspection verifying the work has been completed.

7. OTHER BUSINESS

8. OPEN FORUM – ORAL COMMUNICATIONS FROM THE PUBLIC

9. ADJOURNMENT

Next Board Meeting: March 12, 2009