



APPEALS HEARING BOARD AGENDA

THURSDAY, MAY 28, 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 May 28, 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 May 14, 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 May 14, 2009.

3. **REQUEST FOR EXCUSED ABSENCE**

4. **PUBLIC HEARINGS CONSENT CALENDAR**

Notice to the public: There will be no separate discussion of Consent Calendar hearing as they are considered to be routine by the Appeals Hearing Board and will be adopted by one motion. If a member of the Board, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- a. **734 VINE STREET (264-34-056) SUMMARY ABATEMENT**
(Don Singleton, Inspector / 1st National Bank of Northern California, 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 and the detached garage to prevent entry.

- b. **4893 WINTON WAY (421-10-083) SUMMARY ABATEMENT**
(William Gerry, Inspector / Indymac Federal Bank, 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 window, rear sliding glass door and french doors of the main home as well as the broken window and french doors to the rear cottage to prevent entry.

- c. **977 S. JACKSON AVENUE (481-34-036) SUMMARY ABATEMENT**
(Ed Callis, Inspector / Nathan Flores, 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 sliding glass door to prevent entry.
- d. **1692 SHORTRIDGE AVENUE (481-15-012) SUMMARY ABATEMENT**
(Ed Callis, Inspector / Deutsche Bank Natl Tr Co Trustee, 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 and window to prevent entry.
- e. **1883 E. ST JAMES STREET (481-10-025) SUMMARY ABATEMENT**
(William Gerry, Inspector /PCG REO Holdings, LLC, 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 bedroom window, side bedroom window, side bathroom window, side door, rear kitchen window, rear bathroom window and a door to a detached bedroom to prevent entry.
- f. **1629 SCOTTY STREET (486-09-079) SUMMARY ABATEMENT**
(William Gerry, Inspector / Vail Ovidio, 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 side living room window, side bedroom window, side bathroom window and a rear door to prevent entry.
- g. **325 E. ST JOHN STREET (467-18-054) SUMMARY ABATEMENT**
(William Gerry, Inspector / Nomura Home Equity, 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 four skylights to prevent entry.

5. DEFERRED AND/OR CONTINUED ITEMS

- a. **1023 S 10th STREET (472-13-029) PROPOSED ABATEMENT**
(Garry McLeod, Inspector / Anson Poon Yu Lee & Susanna Lu, Property Owners)
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 front side and rear yard. (Deferred from May 14, 2009).

6. **PUBLIC HEARINGS**

a. **1195 PIEDMONT ROAD (591-12-030) ADMINISTRATIVE REMEDY**

(Louis Johnson, Inspector / Mua D. Tran, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order requiring the property owner to obtain all necessary permits and to demolish the attached structure addition of the property and to remove all construction materials and debris from the premises.

b. **3425 SIERRA ROAD (595-10-006) ADMINISTRATIVE REMEDY**

(Louis Johnson, Inspector / Mai Tran, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order requiring the property owner to obtain all necessary permits to demolish the attached structure addition of the property and to remove all construction materials and debris from the premises.

c. **374 S. 19th STREET (467-51-056) PROPOSED ABATEMENT**

(William Gerry, Inspector / Luzmaria Martinez, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order requiring the property owner to remove all overgrown vegetation from the front yard and park strip and remove the garbage and miscellaneous debris from the driveway from the subject property.

7. **OTHER BUSINESS**

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

9. **ADJOURNMENT**

Next Board Meeting: June 11, 2009