



## **APPEALS HEARING BOARD AGENDA**

**THURSDAY, AUGUST 13, 2009**

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**  
**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 August 13, 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 July 23, 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 July 23, 2009.
3. **REQUEST FOR EXCUSED ABSENCE**  
Request of Board Member, Judy Jones, for excused absence July 23, 2009, due to medical reasons.
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. **1679 FOLEY AVENUE (486-01-086) SUMMARY ABATEMENT**  
(William Gerry, Inspector / Flagstar Bank & PLM Lender Services, 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 three doors, two air conditioning holes, and four windows to prevent unauthorized entry.
- b. **2672 OTHELLO AVENUE (670-22-007) SUMMARY ABATEMENT**  
(Steve Duncan, Inspector / Gloria M. Alvarez, 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 rear door to the attached garage and the door leading into the house from the garage to prevent entry into the garage and house.

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

- a. 1195 PIEDMONT AVENUE (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.

**6. PUBLIC HEARINGS**

- b. 3531 MILLICENT COURT (654-22-047) PROPOSED ABATEMENT**  
(William Gerry, Inspector / Don C. & Mary L. Sylvestri, Property Owners)  
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 park strip and front yard and to remove the mattress and miscellaneous debris from the driveway and front yard from the subject property.
- c. 2661 S. KING ROAD (670-08-005) PROPOSED ABATEMENT**  
(William Gerry, Inspector / Quyen H. Tram, 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 and debris from the park strip and front lawn from the subject property.
- d. 3139 OAKGATE WAY (659-37-084) PROPOSED ABATEMENT**  
(William Gerry, Inspector / Joanna Medios, 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 and debris from the front yard and driveway from the subject property.
- e. 1144 DELYNN WAY (439-36-044) PROPOSED ABATEMENT**  
(William Gerry, Inspector / Jerry and Elizabeth Ellis, Property Owners)  
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, side yard, rear yard and park strip from the subject property.

**7. OTHER BUSINESS**

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

**9. ADJOURNMENT**

Next Board Meeting: August 23, 2009