



## **APPEALS HEARING BOARD AGENDA**

**THURSDAY, NOVEMBER 12, 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 November 12, 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 October 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 October 22, 2009.
3. **REQUEST FOR EXCUSED ABSENCE**  
Commissioner Hernandez was absent October 22, 2009 due to illness.
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. **[2311 SAMOA WAY \(486-35-034\) SUMMARY ABATEMENT](#)**  
(William Gerry, Inspector / Teofilo A. Cajés, 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 have the dried overgrown vegetation cut and removed from the property to prevent a fire.
- b. **[6085 INDIAN AVENUE \(687-11-014\) SUMMARY ABATEMENT](#)**  
(William Gerry, Inspector / Aurora Loan Service, 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 have the dried overgrown vegetation cut and removed from the property to prevent a fire.
- c. **[1299 ERINWOOD COURT \(494-58-056\) SUMMARY ABATEMENT](#)**  
(William Gerry, Inspector / Theavin Prom, 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 have the dried overgrown vegetation cut and removed from the property to prevent a fire.

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

a. **6192 CALLE DEL CONEJO (575-30-060) PROPOSED ABATEMENT**

(Pierre Schutz, Inspector / Allan Zmyslowski, 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 and dead vegetation from the park strip and contiguous front and side yards from the subject property. (Deferred from October 8, 2009; Agenda Item 6b)

6. **PUBLIC HEARINGS**

a. **11751 SOUTHWOOD DRIVE (307-03-031) ADMINISTRATIVE REMEDY**

(Kerry Smith, Inspector / Rafati Masood, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order requiring the property owner to obtain required permits to revert the converted garage to original usage, demolish the un-permitted garage, demolish the un-permitted patio cover in the driveway, and demolish the un-permitted patio cover attached to the rear of the house.

- c. **ABATEMENT LIENS** - 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 October 21, 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.

e. **830 WILLOW GLEN WAY (429-25-015) PROPOSED ABATEMENT**

(William Gerry, Inspector / Mohammed Hurani, 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 and dead vegetation from the contiguous front and side yards from the subject property.

7. **OTHER BUSINESS**

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

9. **ADJOURNMENT**

Next Board Meeting: December 10, 2009