



APPEALS HEARING BOARD AGENDA

THURSDAY, SEPTEMBER 10, 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 September 10, 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 August 27 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 August 27, 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.

- b. **[2145 RAMISH DRIVE \(245-12-057\) SUMMARY ABATEMENT](#)**
(William Gerry, Inspector / Luzviminda C. 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 two rear windows and rear door to prevent unauthorized entry.
 - c. **[2010 SIERRA ROAD \(245-10-050\) SUMMARY ABATEMENT](#)**(William Gerry, Inspector / Charlie Chi Pham, 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 and clean up the blighted property.
5. **DEFERRED AND/OR CONTINUED ITEMS**
 - a. **[1655 BERRYESSA ROAD \(241-03-015, 241-03-016\) ADMINISTRATIVE REMEDY](#)**(Margaret Lafferty, Inspector / Howard Misle, Business Owner/Operator, Maureen Stickler, Robert B. Facchino & Robert B. Facchino Family Limited Partnership, JRDK LLC, Robert B. Facchino & Karisa S. Flores, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order to direct the property owner to:

1. Immediately vacate the Subject Property until a Site Development Permit is obtained permitting activities related to the Business Owner's metal recycling and equipment storage business.
2. Immediately cease all use of the unpermitted structures on the Subject Property unless the requisite permits are obtained.
3. Immediately cease all unpermitted outdoor storage on the Subject Property.
4. Immediately cease all unpermitted storage of any and all hazardous materials on the Subject Property.
5. On or before April 3, 2009, clean up all unauthorized discharges on the Subject Property and immediately cease any further unauthorized discharges of industrial waste on the Subject Property.

Continued from August 27, 2009

6. PUBLIC HEARINGS

a. RECYCLE PLUS LIENS

Public Hearing to adopt a resolution confirming the report from the Director of Finance concerning unpaid Recycle Plus bills for accounts in a delinquent status as of August 19, 2009, and directing the Director of Finance to place a Lien against related properties secured by a lien with the Santa Clara County Recorder's Office.

7. OTHER BUSINESS

8. OPEN FORUM – ORAL COMMUNICATIONS FROM THE PUBLIC

9. ADJOURNMENT

Next Board Meeting: October 8, 2009