

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, JUNE 25, 2009
6:30 P.M., COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:30 p.m., Council Chambers, City Hall, with the following members in attendance: Chairperson Clark Williams, Commissioners Sonja Etienne, Jose Hernandez, Judy Jones, Troy Overton and Susan Ruscigno. Commissioner Karen Parsons was absent.

Staff Present: Evet Loewen, Chief Deputy City Attorney
Shannon Smyth-Mendoza, Deputy City Attorney
Diane Buchanan, Code Enforcement Manager
Sandy Bouja, Appeals Hearing Board Secretary
Eusebio Espitia, Code Enforcement Supervisor
William Gerry, Code Enforcement
Margaret Lafferty, Code Enforcement
Maryellen Parra, Code Enforcement
Michael Randolph, Fire Department
Sylvia Do, Planning Department
Betty Mitre, Code Enforcement

2. **Opening Remarks and Approval of Minutes**

Chairperson Clark Williams read a statement to the public requesting that speakers identify themselves and state their address. There was a motion by Commissioner Jones, seconded by Commissioner Ruscigno, to approve the minutes of June 11, 2009. Commissioner Etienne abstained.

3. **Request for Excused Absence**

The Board approved the excused absence for Commissioner Etienne for June 11, 2009.

4. **Public Hearings Consent Calendar**

- a. **941 COLEMAN AVENUE(230-40-003) SUMMARY ABATEMENT**
(William Gerry, Inspector / Chen Ket Yow & Rebecca Ooi, Property Owners)
- b. **1573 SAWLEAF COURT (245-21-014) SUMMARY ABATEMENT**
(William Gerry, Inspector / Indymac Bank, NDEX West, LLC, Property Owners)
- c. **2382 SUMMER STREET (484-40-013) SUMMARY ABATEMENT**
(William Gerry, Inspector / Leo Cuevas, Property Owner)

- d. **2685 GLEN ELK COURT (491-45-085) SUMMARY ABATEMENT**
(Maryellen Parra, Inspector / Raul & Lidia A. Arriaga, Property Owners)

- e. **2661 S KING ROAD (670-08-005) SUMMARY ABATEMENT**
(William Gerry, Inspector / Quyen H. Tram, Property Owner)

There were no separate discussions on hearing items regarding 941 Coleman Avenue, 1572 Sawleaf Court, 2382 Summer Street, 2685 Glen Elk Court and 2661 S. King Road. The hearing items were considered to be routine and were adopted in one motion.

There was a motion by Commissioner Jones, seconded by Commissioner Etienne, to order as follows:

To uphold the abatement action taken by the City.

AYES: Etienne, Hernandez, Jones, Overton, Ruscigno, Williams
NAYS:
ABSENT: Parsons

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)

Code Enforcement Inspector Margaret Lafferty testified and presented testimony regarding the subject property. Code Enforcement Inspector Lafferty stated that as of today, AMI has not applied for permits. Deputy City Attorney Shannon Smyth-Mendoza presented testimony regarding the subject property.

Attorney Norm Matteoni, representative for Business Owner Howard Misle, presented his testimony and requested a continuance. Business Owner Howard Misle was present at the meeting and gave his testimony.

The City has agreed to continue the item to the Appeals Hearing Board Meeting of August 27, 2009.

6. **Public Hearings**

7. **Other Business**

8. **Open Forum - Oral Communication from the Public**

9. **Adjournment**

There was a motion by Commissioner Etienne, seconded by Commissioner Ruscigno to adjourn the meeting. Chair Clark Williams adjourned the meeting at 8: 50 p.m. The next regular meeting will be held on Thursday, July 9, 2009, at 6:30 p.m., at the City Hall Council Chambers.