



APPEALS HEARING BOARD AGENDA

THURSDAY, JUNE 25, 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 June 25, 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 June 11, 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 June 11, 2009.
3. **REQUEST FOR EXCUSED ABSENCE**
Request of Board Member, Sonja Etienne, for excused absence June 11, 2009, due to a death in the family.
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. **941 COLEMAN AVENUE(230-40-003) SUMMARY ABATEMENT**
(William Gerry, Inspector / Chen Ket Yow & Rebecca Ooi, 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 side windows and the front door to prevent entry.
- b. **1573 SAWLEAF COURT (245-21-014) SUMMARY ABATEMENT**
(William Gerry, Inspector / Indymac Bank, NDEX West, LLC, 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 rear yard fence to prevent entry.
- c. **2382 SUMMER STREET (484-40-013) SUMMARY ABATEMENT**
(William Gerry, Inspector / Leo Cuevas, 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 doors of the main house and one door on the rear accessory structure to prevent entry.

- d. [2685 GLEN ELK COURT \(491-45-085\) SUMMARY ABATEMENT](#)
(Maryellen Parra, Inspector / Raul & Lidia A. Arriaga, 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 condemn the property and restrict entrance until all necessary clean up has occurred.
- e. [2661 S KING ROAD \(670-08-005\) SUMMARY ABATEMENT](#)
(William Gerry, Inspector / Quyen H. Tram, 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 seven windows, two doors and two sliding glass doors to prevent entry.

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.

Deferred from March 26, 2009.

6. **PUBLIC HEARINGS**

7. **OTHER BUSINESS**

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

9. **ADJOURNMENT**

Next Board Meeting: July 9, 2009