

Chair: Karen Parsons
Vice Chair: Ron Cabanayan
Commissioner: Timothy Kenny

Commissioner: Jon Budas
Commissioner: David Hook
Commissioner: Brett Williamson

AMENDED REGULAR MEETING AGENDA
April 11, 2024
6:30 p.m.
Council Chambers

How to observe the Meeting (no public comment):

1. Online at <https://sanjoseca.zoom.us/j/91486373661>; or
2. By Phone: (888) 475 4499. Webinar ID is 843 2517 8536. Alternative phone numbers are:
US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).

1. CALL TO ORDER & ORDERS OF THE DAY

2. OPENING REMARKS AND APPROVAL OF MINUTES

- a. Recommendation: Approval of minutes for March 14, 2024.

3. REQUEST FOR DEFERRALS

4. CONSENT CALENDAR

5. DEFERRED AND/OR CONTINUED ITEMS

6. PUBLIC HEARINGS

- a. [1726 Rogers Ave 237-09-128 & 237-09-127 Administrative Remedy](#)
(Manuel Duarte, Code Enforcement Inspector/Rogers Ave LLC, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing on a proposed order to require the Property Owner to take the corrective actions to:

On or before June 12, 2024, complete one of the two following corrective actions:

- A. Submit a complete application and all associated/required fees, documents and paperwork to the City of San Jose Planning Department, to apply for a Special Use Permit, to legalize all current and/or proposed uses.

Or

- B. Cease all unpermitted uses. Remove all associated materials and equipment and secure the property.

Should the Property Owner comply with part A. above, the owner shall, on or before January 12, 2025, obtain an approved Special Use Permit from the City of San Jose Planning Department for the use of the property.

Recommendation: Issue an administrative order as set forth in the Staff Report dated March 25, 2024.

7. REQUEST FOR EXCUSED ABSENCE

8. OTHER BUSINESS

- 9. PUBLIC COMMENT** *(Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Board. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Board.)*

10. ADJOURNMENT

The next regular meeting will be April 25, 2024, at 6:30 p.m. City Hall, Council Chambers and Virtually.

The [Code of Conduct](#) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

THE LEVINE ACT

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. Please visit <https://www.sanjoseca.gov/your-government/appointees/city-clerk/levine-act> for updated forms and information.

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Board about any discussion item that is on the agenda, and you may also speak during Public Comments on items that are not on the agenda and are within the subject matter jurisdiction of the Board. Please be advised that, by law, the Board is unable to discuss or take action on issues presented during Public Comments. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Board unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Board items may be viewed on the Internet at <http://sanjoseca.gov/index.aspx?nid=341>.

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 the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the Board meeting may not be the final documents approved by the Board. Contact the Office of the City Clerk for the final document. On occasion the Board may consider agenda items out of order.

The **APPEALS HEARING BOARD** meets every Second (2nd) and Fourth (4th) Thursday of each month at 6:30 p.m. If you have any questions, please direct them to the Board staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence and questions to:

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Tel: (408) 535-7915 or (408) 294-9337 (TTY)
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