

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

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

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**REGULAR MEETING AGENDA  
AUGUST 8, 2024  
6:30 p.m.  
Council Chambers**

**How to observe the Meeting (no public comment):**

1. Online at <https://sanjoseca.zoom.us/j/92121964839>; or
2. By Phone: (888) 475 4499. Webinar ID is 9212 196 4839. 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 [July 25, 2024](#).

**3. REQUEST FOR DEFERRALS**

**4. CONSENT CALENDAR**

- a. [\*\*146 & 152 N 4<sup>th</sup> ST \(467-20-24 and 467-20-022\)- SUMMARY ABATEMENT\*\*](#)  
(Wayne Cirone, Code Enforcement Inspector/ RPRO152N3 LLC C/O Brent Lee, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and abatement to secure the structure at 152 N 4<sup>th</sup> St with plywood over two entry points on July 1, 2022, and to secure the fire-damaged properties at 146 N 4<sup>th</sup> and 152 N 4<sup>th</sup> with cyclone fencing and clamps on March 30, 2024.

Recommendation: Affirm the summary abatement action on July 1, 2022 and March 30, 2024 as set forth in the Staff Report dated July 23, 2024.

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

## 6. PUBLIC HEARINGS

### a. 1091 O'BRIEN CT (230-16-066) ADMINISTRATIVE REMEDY

(Manual Duarte Code Enforcement Inspector/David A Henschel, 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 remove the shed located within the 60 foot setback for accessory buildings.

Recommendation: Issue an administrative order as set forth in the Staff Report dated July 22, 2024.

### b. 69 E SAN FERNANDO ST (467-22-056)– PROPOSED ABATEMENT

(Wayne Cirone, Code Enforcement Inspector/Eagles Hills Property LLC, GTL Investments LLC, Jose Anthonio Castillo, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing on a proposed administrative order to require the Property Owners to take the corrective actions including Public Works permits to install a covered walk way that would re-open the public right of way to pedestrian traffic; install continuous exterior lighting from dusk to dawn; post responsible party information signage; secure and maintain all openings and fencing to prevent unauthorized entry; remove graffiti; cover with sufficient paint all unfinished boarded openings; and ensure compliance with San Jose Municipal Code Section 17.38.200 by obtaining and maintaining a valid, unexpired building permit with inspections occurring at least every six months.

Recommendation: Adopt the proposed abatement order requiring the property owner to take abatement action as set forth in the Staff Report dated July 23, 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 August 22, 2024, at 6:30 p.m. City Hall, Council Chambers.

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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