



APPEALS HEARING BOARD

THURSDAY, OCTOBER 8, 2015

Evening Session 6:30 p.m.
Council Chambers, City Hall

200 E. Santa Clara Street
San Jose, California

David Parker, Chair
Ron Cabanayan, Vice Chair
Rajwant Bains Andrew Ditlevsen
Timothy Kenny Karen Parsons
Robyn Shearin

Harry Freitas, 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 200 E. Santa Clara Street at the City Clerk's Office, at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Debbie Morales at 408-535-6811) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

NOTICE TO THE PUBLIC

Good evening, my name is David Parker 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 October 8, 2015.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in. Please make sure you fill out a speaker's card first and hand the card to the Board Secretary.

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, 2015.
- 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.

AGENDA
ORDER OF BUSINESS
6:30 PM SESSION

1. **ROLL CALL AND OPENING REMARKS**

2. **APPROVAL OF MINUTES**

- a. Recommendation: Approval of minutes for August 27, 2015.

3. **REQUESTS FOR DEFERRALS**

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, the item will be removed from the Consent Calendar and considered separately.

- a. **[66 SOUTH 6TH STREET \(467-24-034\) SUMMARY ABATEMENT](#)**
(Tony Gonzalez, Inspector / Douglas K & Norman F Watt, Nationstar Mortgage, LLC, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure, on two separate dates (6/22/15 & 6/29/15), a total of two (2) window openings and five (5) door openings to prevent unauthorized entry. Recommendation: To affirm the summary abatement action as set forth in the staff report.

- b. **[2842 DENNYWOOD COURT \(654-48-010\) SUMMARY ABATEMENT](#)**
(Tony Gonzalez, Inspector / Meredith G. Davis, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to have the crowns of the two (2) overgrown trees raised and reduced to eliminate the fire hazard, to eliminate the attraction for vector and to eliminate the obstruction from the public right of way. Recommendation: To affirm the summary abatement action as set forth in the staff report.

- c. **[739 WEST JULIAN STREET \(261-01-094\) SUMMARY ABATEMENT](#)**
(Tony Gonzalez, Inspector/ Speno Enterprises, LP, Anthony Speno, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure, ON four separate dates (6/20/15, 6/25/15, 7/14/15 & 7/31/15), a total of fifteen (15) window openings and twenty-five (25) door openings to prevent unauthorized

entry. Recommendation: To affirm the summary abatement action as set forth in the staff report.

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

6. **PUBLIC HEARINGS**

a. **WEED ABATEMENT**

Public Hearing to consider the adoption of a Resolution to confirm the Hazardous Vegetation Program Assessment Report of the costs and expenses incurred to abate weeds during the 2015-2016 season and to authorize the direct placement of the costs and expenses as a special assessment against the affected properties.

b. **ADMINISTRATIVE REMEDIES**

Conduct a Public Hearing on the report from the Director of Finance concerning the delinquent administrative penalties and costs for the accounts that have remained unpaid as of September 16, 2015.

c. **ABATEMENT LIEN**

Conduct a Public Hearing to adopt a resolution confirming the report of delinquent abatement costs and place a special assessment lien against the property accounts that have remained unpaid as of September 16, 2015.

d. **DELINQUENT TREE LIEN**

Conduct a Public Hearing to adopt a resolution confirming the report of delinquent tree violations costs and place a special assessment lien against the property accounts that have remained unpaid as of September 16, 2015.

e. **NEGLECTED VACANT HOUSE REGISTRATION COST LIEN**

Conduct a Public Hearing to adopt a resolution confirming the report of delinquent neglected vacant house registration cost and place a lien against the property accounts that have remained unpaid as of September 16, 2015.

7. **REQUEST FOR EXCUSED ABSENCE**

8. **OTHER BUSINESS**

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

10. **ADJOURNMENT**

Next Board Meeting: October 22, 2015