



APPEALS HEARING BOARD

THURSDAY, MAY 26, 2016

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 (Karla Cáceres at 408-535-7720) 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 May 26, 2016.

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 May 12, 2016.
- 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.

<p>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.</p>

AGENDA
ORDER OF BUSINESS
6:30 PM SESSION

1. **ROLL CALL AND OPENING REMARKS**

2. **APPROVAL OF MINUTES**

- a. Recommendation: approval of minutes for May 12, 2016.

3. **REQUESTS FOR DEFERRALS**

4. **PUBLIC HEARINGS CONSENT CALENDAR**

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

6. **PUBLIC HEARINGS**

7.

- a. **[5929 MARSHWELL WAY \(678-48-059\) ADMINISTRATIVE REMEDY](#)**
(Manuel Duarte, Inspector/ Montes, Erica L., "Property Owner")

The Director of Planning, Building and Code Enforcement requests a hearing to review the order requiring the property owner to remove decorative water fountain from its current location, apply for permit adjustment with the City of San Jose Planning Division to permit decorative water fountain and apply for all necessary building permits with the City of San Jose Building Division.

Recommendation: To affirm the proposed administrative remedy order as set forth in the staff report

- b. **[685 SOUTH 9TH STREET \(472-24-021\) PROPOSED ABATEMENT](#)**
(James Young, Inspector/ Roosma Albert C and Lucille, "Property Owner")

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of Proposed abatement and affirm the abatement action requiring the property owner to remove all solid waste (trash, debris, litter and discarded items), including but not limited to, any debris, litter and garbage from the front, side and rear yards, parkstrip, and any other areas visible from the street

and neighboring properties. All solid waste must be disposed of properly. All areas shall continuously be maintained free of animal waste, debris, litter and garbage in full compliance with the San José Municipal Code.

Recommendation: To affirm the proposed abatement order action as set forth in the staff report.

7. **REQUEST FOR EXCUSED ABSENCE**

8. **OTHER BUSINESS**

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

10. **ADJOURNMENT**

Next Board Meeting: June 9, 2016.