

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, MAY 26, 2016
6:30 P.M. COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:38 p.m., Council Chambers, City Hall, with the following members in attendance: Vice Chair Ron Cabanayan, Commissioners Rajwant Bains, Timothy Kenny and Robyn Shearin. Commissioner Andrew Ditlevsen and Commissioner David Parker were absent.

Staff Present: Karla Cáceres, Appeals Hearing Board Secretary
James Young, Code Enforcement Inspector
Manuel Duarte, Code Enforcement Inspector
Rachel Roberts, Code Enforcement Division Manager
Todd Waltrip, Code Enforcement Supervisor
Rosa Tsongtaatarii, Senior Deputy City Attorney

2. **Approval of Minutes**

Commissioner Kenny made the motion, seconded by Commissioner Bains to approve the minutes of April 28, 2016 with the modification to distinguish between members that were present and the members that were absent.

AYES: Bains, Cabanayan, Kenny and Shearin
ABSTAIN: Parsons
NAYS:
ABSENT: Ditlevsen, Parker

3. **Requests for Deferrals**
None

4. **Public Hearings Consent Calendar**
None

5. **Deferred and/or Continued Items**
None

6. **Public Hearings**

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

Code Enforcement Inspector Manuel Duarte gave a summary of the inspections at the Subject Property. Inspector Duarte stated that as of 1:30 p.m. 5/26/16, the property is not in compliance. Since the case has been opened there has been no contact with the property owner, Erica Montes. The primary contact person has been Nathaniel Rutkoski, the property owner's husband. There was no contact with Mr. Rutkoski since January 25, 2016 when he e-mailed CEI Jason Gibilisco. The e-mail from Mr. Rutkoski stated that they have been having a difficult time with the contractor who installed the water feature, but that the contractor will be removing it.

There was a motion by Commissioner Kenny, seconded by Commissioner Shearin, to order as follows:

On or before June 27, 2016, the Property Owner shall remove the decorative water fountain. On or before June 27, 2016, the Property Owner shall pay the administrative cost of \$1,344.50.

The Administrative Penalties to the City of San Jose pursuant to the San Jose Municipal Code Section 1.14.090 in the amount of \$5,500 will be waived if full compliance with the Board's Order is achieved on or before June 27, 2016. If full compliance is not achieved, the Property Owner shall pay \$5,000.00 on June 28, 2016, and additional penalties of \$25.00 per day beginning June 28, 2016, until the date of compliance with the Board's Order, up to a maximum of \$100,000.00.

AYES: Bains, Cabanayan, Kenny, Parsons and Shearin

NAYS:

ABSENT: Ditlevsen, Parker

b. **385 SOUTH 9TH STREET (472-24-021) PROPOSED ABATEMENT**
(James Young, Inspector / Roosma Albert C and Lucille, "Property Owners")

Code Enforcement Inspector James Young gave a summary of his inspection at the Subject Property. CEI Young stated that Property Owner has made some attempts by removing the inoperable vehicle and removing some debris, but there are still piles of debris and large items in the front yard and driveway with transients coming in and out of the property. As of 5/26/16, the property is not in compliance.

Rochelle Bueno, daughter of Property Owner, stated that she did not receive any of the compliance orders or any mail because the mailing address is at Spyglass Hill

Road, her step father's address. Ms. Bueno stated that she is assisting her Lucille Roosma, her mother and one of the Property Owners to clean up the Subject Property, but she needs more time to be in compliance.

Lucille Roosma, The Property Owner, stated that there have been many things that have happened, but she will get things cleaned up. Both Ms. Bueno and Ms. Roosma stated that their personal circumstances, and the location of the Subject Property make it difficult to keep transients from loitering on the property, and from individuals illegally dumping on the Subject Property.

Code Enforcement Inspector Supervisor Todd Waltrip stated that the City can provide Ms. Roosma with a dumpster next week free of charge to help her come into compliance.

There was a motion by Commissioner Kenny, seconded by Commissioner Bains, to order as follows:

Motion to adopt Code Enforcements recommendation that the property owner take the required corrective actions by the end of fourteen (14) calendar days of the date of service of the Board's resolution in this matter. The recommended corrective actions are 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, park-strip, 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.

If the above mentioned hazards and violations are not removed within fourteen (14) calendar days of the date of service of the Board's resolution in this matter, the abatement shall be performed by a City approved contractor or service providers and the cost of removal charged to the property owner to be billed following the completion of the work and paid in full within thirty (30) days of the billing date.

AYES: Bains, Cabanayan, Kenny, Parsons and Shearin

NAYS:

ABSENT: Ditlevsen, Parker

7. **Request for Excused Absence**

Commissioner Ditlevsen requested to be excused from the meeting due to a conflict at work. The Board will consider the request at the next meeting.

8. **Other Business**

None

9. **Open Forum - Oral Communication from the Public**

None

10. **Adjournment**

There was a motion by Commissioner Shearin, seconded by Commissioner Parsons to adjourn the meeting. Vice Chair Cabanayan adjourned the meeting at 7:47 p.m. The next regular meeting will be held June 9, 2016 at 6:30 p.m. in the City Hall Council Chambers.