



APPEALS HEARING BOARD

THURSDAY, JANUARY 26, 2012

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

200 E. Santa Clara Street
San Jose, California

Karen Parsons, Chair
Sonja Etienne, Vice Chair
Rajwant Bains Cynthia Cobb
William Murphy David Parker
Susan Ruscigno

Joseph Horwedel, 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 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 (Eusebio Espitia at 408-535-7885) 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 Karen Parsons 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 January 26, 2012.

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 December 8, 2011.
- 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**

2. **OPENING REMARKS AND APPROVAL OF MINUTES**

- a. Recommendation: Approval of minutes for December 8, 2011.

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

a. **[2661 CAROL DRIVE \(455-19-082\) SUMMARY ABATEMENT](#)**

(William Gerry, Inspector / Roman Avila & Monaree Avila, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the sixteen (16) windows, four (4) doors and two (2) sliding glass doors to prevent unauthorized entry.

b. **[2311 ORLANDO DRIVE \(491-28-034\) SUMMARY ABATEMENT](#)**

(William Gerry, Inspector / JP Morgan Chase, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the one (1) window to prevent unauthorized entry.

c. **[831 MALONE ROAD \(439-23-028\) SUMMARY ABATEMENT](#)**

(Roger Beaudoin, Inspector / Henry R. & Ruth A. Lloret, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to remove the excessive vegetation and to secure the two (2) doors and one (1) window to prevent unauthorized entry.

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

6. **PUBLIC HEARINGS**

7. **REQUEST FOR EXCUSED ABSENCE**

8. **OTHER BUSINESS**

Appeals Hearing Board Secretary Eusebio Espitia to discuss upcoming Appeals Hearing Board Retreat for February 9, 2012.

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

10. **ADJOURNMENT**

Next Board Meeting: February 23, 2012