

DRAFT REGULAR MEETING MINUTES

April 25, 2019

1. CALL TO ORDER & ORDERS OF THE DAY

ROLL CALL

PRESENT: Chair Karen Parsons, Vice Chair Ron Cabanayan, Commissioners Rajwant (Raji) Bains, Elizabeth Chien-Hale, Timothy Kenny, and Thomas Skinner.
(Commissioner Bains was present at 6:33 p.m.)

ABSENT: None.

STAFF: Board Secretary Karla Caceres, Code Enforcement Inspector Manuel Duarte, Code Enforcement Supervisor Oscar Carrillo, and Senior Deputy City Attorney Rosa Tsongtaarii.

CALL TO ORDER

Chair Parsons convened the Appeals Hearing Board at 6:30 p.m. in the City Council Chambers of City Hall, 200 E. Santa Clara Street, San Jose, CA 95113.

2. OPENING REMARKS AND APPROVAL OF MINUTES

APPROVAL OF MINUTES

Documents Filed: Draft Meeting Minutes from Appeals Hearing Board Regular Meeting on March 14, 2019.

Action: Upon motion by Commissioner Cabanayan, seconded by Commissioner Kenny, and carried (5-0), the minutes for March 14, 2019 was approved. (Commissioner Bains was present at 6:33 p.m.)

3. REQUEST FOR DEFERRALS

There was no request for deferrals.

4. CONSENT CALENDAR

There was no items on consent calendar.

5. DEFERRED AND/OR CONTINUED ITEMS

- a. **414 NORTH 33RD STREET (254-11-030)– ADMINISTRATIVE REMEDY**
(Manuel Duarte, Code Enforcement Inspector/ Ricardo Sencion, Property Owner)

Documents Filed: Notice of Hearing dated February 21, 2019.

Action: Code Enforcement Inspector Manuel Duarte provided a summary of the inspection at the subject property. He stated that as of today, the property conditions still exist and the Property Owner has not applied for permits.

Ricardo Sencion, Property Owner, with interpreter Claudia Espino-Hernandez gave testimony. He stated that he needs about 4 to 5 months to be compliant. He also requested if he could make payments on the administrative cost in the amount of \$1,860.90.

Upon a motion by Commissioner Kenny, second by Commissioner Cabanayan and carried 5-1, to approve staff recommendations that:

If full compliance with the Board's Order is not achieved by September 29, 2019, the Property Owner(s) shall pay additional Administrative Penalties in the amount of \$100.00 per day, from September 29, 2019 until the date of compliance with the Board's Order, up to a maximum of \$100,000.00. If the Administrative Penalties are not paid and are recorded as a lien on the real property pursuant to San Jose Municipal Code Sections 1.14.160 and 1.14.180, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of the administrative lien, from the date the lien is first recorded until the date that payment is received by the City, consistent with California Code of Civil Procedure Section 685.010, as may be amended.

6. PUBLIC HEARINGS

There was no items on public hearing.

7. REQUEST FOR EXCUSED ABSENCE

There was no request for excused absence.

8. OTHER BUSINESS

Commissioner Kenny acknowledged Robyn Shearin's service to the Appeal Hearing Board as a Commissioner and Chair for 5 years.

Chair Parsons also acknowledged Robyn Shearin and thanked her for her service.

9. PUBLIC COMMENT

There was no public testimony on the floor.

10. ADJOURNMENT

Upon a motion by Commissioner Kenny, seconded by Commissioner Bains, and carried unanimously, the Hearing was adjourned at 7:09 p.m.