



Appeals Hearing Board

Chair: Karen Parsons
Vice Chair: Ron Cabanayan
Commissioner: Timothy Kenny

Commissioner: Manish Bajpai
Commissioner: David Hook
Commissioner: Brett Williamson

REGULAR MEETING AGENDA

December 14, 2023

6:30 p.m.

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/98271130043>

How to attend the APPEALS HEARING BOARD MEETING:

- 1) By phone Dial (for higher quality, dial a number based on your current location):
US: +1 213 338 8477, or +1 408 638 0968,81093573046# or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

Online Webinar ID: 982 7113 0043

Click *9 to raise hand to speak.

- 2) Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - a. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - b. When the Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - c. When called, please limit your remarks to the time limit allotted.

1. CALL TO ORDER & ORDERS OF THE DAY

2. OPENING REMARKS AND APPROVAL OF MINUTES

- a. Recommendation: Approval of minutes for [November 9, 2023](#).

3. REQUEST FOR DEFERRALS

4. CONSENT CALENDAR

- a. **980 BOYTON AVE (299-46-023) SUMMARY ABATEMENT**
(Manuel Duarte, Inspector/ Dorothy M Escarcega, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement reflecting actions taken by Code Enforcement to abate the severe substandard housing conditions present in the single-family residence and to recover all associated City Contractor and administrative costs.

Recommendation: Affirm the summary abatement action as set forth in the Staff Report dated **11/28/23**.

- b. **8820 SANTA TERESA BLVD (712-01-010) SUMMARY ABATEMENT**
(Manuel Duarte, Inspector/ Benson Group LLC C/O Donald Benson FFV Coyote LLC C/O Frank Clohan Emc7 LLC C/O William Foster & Gretchen Foster, Donn J Comte, Nancy Bonetti Comte, Glenn C Kral, Susan S Kral, and Jean Beu, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement reflecting actions taken by Code Enforcement to restrict occupancy to three (3) unpermitted living units due to severe substandard housing conditions and building violations determined to be of an imminent hazard to the occupants.

Recommendation: Affirm the summary abatement action as set forth in the Staff Report dated **11/28/23**.

5. DEFERRED AND/OR CONTINUED ITEMS

6. PUBLIC HEARINGS

7. REQUEST FOR EXCUSED ABSENCE

8. OTHER BUSINESS

- a. Election of Appeals Hearing Board Chair.

9. **PUBLIC COMMENT** *(Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Board. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Board.)*

10. ADJOURNMENT

The next regular meeting will be January 25, 2024, at 6:30 p.m. Hybrid Meeting at City Hall, Council Chambers and Virtually.

The **Code of Conduct** is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution on this form.

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Board about any discussion item that is on the agenda, and you may also speak during Public Comments on items that are not on the agenda and are within the subject matter jurisdiction of the Board. Please be advised that, by law, the Board is unable to discuss or take action on issues presented during Public Comments. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Board unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Board items may be viewed on the Internet at <http://sanjoseca.gov/index.aspx?nid=341>.

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 the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the Board meeting may not be the final documents approved by the Board. Contact the Office of the City Clerk for the final document. On occasion the Board may consider agenda items out of order.

The **APPEALS HEARING BOARD** meets every Second (2nd) and Fourth (4th) Thursday of each month at 6:30 p.m. If you have any questions, please direct them to the Board staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence and questions to:

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200 East Santa Clara Street- 4th Fl
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Tel: (408) 535-7915 or (408) 294-9337 (TTY)
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