

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

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

REGULAR MEETING AGENDA

April 27, 2023

6:30 p.m.

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/86912611118>

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, or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

Online Webinar ID: 869 1261 1118

Click *9 to raise a 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 [March 23, 2023](#).

3. REQUEST FOR DEFERRALS

4. CONSENT CALENDAR

a. [1505 McGinness Ave \(488-07-029\) Summary Abatement](#)

(Jason Gibilisco, Inspector/ Luella Mae Riley and Richard E Riley “Property Owner”)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and abatement to secure two rear windows, and install plywood fence at side yards to prevent entry to rear yard.

Recommendation: Affirm the summary abatement action on January 28, 2021 as set forth in the Staff Report dated April 12, 2023.

b. [1705 Curtner Ave \(446-09-067\) Summary Abatement](#)

(Jason Gibilisco, Inspector/ Kimberly S Connor “Property Owner”)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and abatement to secure the home by boarding it up and trimming and removing the overgrown vegetation.

Recommendation: Affirm the summary abatement actions on January 5, 2021, February 25, 2021 & June 7, 2021 as set forth in the Staff Report dated April 12, 2023

5. DEFERRED AND/OR CONTINUED ITEMS

- a. Recommendation: Approval of minutes for [January 26, 2023](#). Deferred from March 23, 2023: Agenda Item 2a

6. PUBLIC HEARINGS

a. [39 E St James St \(467-01-118 Administrative Remedy\)](#)

Brigitte Villagomez, Inspector/ 252 N First St Development LLC/ Z & L Properties Inc “Property Owner”)

The Director of Planning, Building and Code Enforcement requests a hearing on a proposed administrative order to require the Property Owner to take the corrective actions including an operating security system; continuous exterior lighting from dusk to dawn; an operating fire protection system; replacement of the tarp coverings over the building for proper weather protection; removal of the unpermitted vending facilities and activities (Opening Doors 2020) from the property; removal of all associated vehicles with vending facilities and Opening Doors 2020 and other related materials; and obtain an active building permit to modify or rehabilitate/repair the building

Recommendation: Issue an administrative order as set forth in the Staff Report dated April 12, 2023

7. REQUEST FOR EXCUSED ABSENCE

8. OTHER BUSINESS

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 May 11, 2023, 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 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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