



**APPEALS HEARING BOARD**

**THURSDAY, AUGUST 25, 2016**

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

200 E. Santa Clara Street  
San Jose, California

---

**David Parker, Chair**  
**Ron Cabanayan, Vice Chair**  
**Rajwant Bains     Andrew Ditlevsen**  
**Timothy Kenny     Karen Parsons**  
**Robyn Shearin**

**Harry Freitas, 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 City Clerk's Office, 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 (Karla Caceres at 408-535-7720) 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 David Parker 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 August 25, 2016.

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 August 11, 2016.
- 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 AND OPENING REMARKS**

2. **APPROVAL OF MINUTES**

Recommendation: Approval of minutes for August 11, 2016.

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

a. **[3499 WATTERS DRIVE \(601-31-056\) SUMMARY ABATEMENT](#)**

(Tony Gonzalez, Inspector / Niu Ding & Liu Xin, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure seventeen (17) window openings, two (2) door openings and three (3) crawl space access openings were broken and unable to be secured. Code Enforcement Division found it necessary to secure the seventeen (17) window openings, two (2) door openings and three (3) crawl space access openings to prevent unauthorized entry.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

b. **[2836 DENNYWOOD COURT \(654-48-011\) SUMMARY ABATEMENT](#)**

(Tony Gonzalez, Inspector / Kevin Phan, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure four (4) window openings were broken and unable to be secured. Code Enforcement Division found it necessary to secure the four (4) window openings to prevent unauthorized entry.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

c. **333 NORTH 26<sup>TH</sup> STREET (249-66-045) SUMMARY ABATEMENT**

(Tony Gonzalez, Inspector / Thu Tam Nguyen, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure on two separate dates (April 22 and 27, 2016) a total of ten (10) window openings, six (6) door openings, one (1) garage door opening and one (1) parking lot gate were broken and unable to be secured. The Code Enforcement Division found it necessary on two separate dates (April 22 and 27, 2016) to secure a total of ten (10) window openings, six (6) door openings, one (1) garage door opening and one (1) parking lot gate to prevent unauthorized entry.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

d. **1705 CURTNER AVENUE (446-09-067) SUMMARY ABATEMENT**

(Tony Gonzalez, Inspector / Kimberly S. Conner, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure on two separate dates (May 10, 2016 and June 1, 2016) a total of one (1) 2<sup>nd</sup> floor balcony, thirty-five (35) window openings, seven (7) door openings, and one (1) garage door opening were broken and unable to be secured. The Code Enforcement Division found it necessary on two separate dates (May 10, 2016 and June 1, 2016) to secure a total of one (1) 2<sup>nd</sup> floor balcony, thirty-five (35) window openings, seven (7) door openings, and one (1) garage door opening to prevent unauthorized entry.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

e. **2664 BRAHMS AVENUE (670-23-053) SUMMARY ABATEMENT**

(Tony Gonzalez, Inspector / Delainah Borgonia, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure ten (10) window openings, three (3) door openings, and one storage shed opening were broken and unable to be secured. The Code Enforcement Division found it necessary to secure a total of ten (10) window openings, three (3) door openings, and one storage shed opening to prevent unauthorized entry.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

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

None

**6. PUBLIC HEARINGS**

**a. 34 GEORGE STREET () ADMINISTRATIVE REMEDY**

(Carolyn Slezak, Inspector / Cary O. Lindstorm , Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the order requiring the property owner to Cut and properly dispose of all overgrown vegetation on the property. Remove the furniture and other household items on the property in view of the street.

Remove the accumulation of boxes, wood, construction materials and debris on the property in view of the street. Remove and dispose of all uncontained trash, trash bags, and miscellaneous debris from the property. Repair or remove all inoperative vehicles from area in view of the street

On or before September 30, 2016, the property owner shall: Submit a new or revised set of plans to cover the scope of work outlined in Permit 2000-63178 to incorporate all items specified in the 2008 and 2014 investigation survey reports and pay all applicable review fees. All drawings and calculations must conform to current Codes. Plans may be submitted at the City of San Jose Development Center on the first floor of San Jose City Hall at 200 E Santa Clara Street.

On or before November 30, 2016, the property owner shall obtain permits to finish alteration and repair of the house per approved plans.

On or before February 28, 2017, the property owner shall obtain inspections to final the permit for 2000-63178.

Recommendation: To affirm the proposed administrative remedy order as set forth in the staff report.

**b. 15 PALA DRIVE (484-19-111) ADMINISTRATIVE REMEDY**

(Joseph Hatfield, Inspector / Quanhuy Le, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the order requiring the property owner Quanhuy Le that on or before September 25, 2016, shall schedule and complete an inspection with City of San Jose Code Enforcement Division to verify the extent of the alterations to the existing home as well as the status of the interior of the addition.

On or before October 25, 2016, Quanhuy Le shall obtain the required building, plumbing, mechanical and electrical permits to either legalize or demolish the roughly 1,000 square foot addition attached to the front of the house without permits.

Once permits are issued complete all work and ensure that an approved final inspection is completed within six months.

Recommendation: To affirm the proposed administrative remedy order as set forth in the staff report.

7. **REQUEST FOR EXCUSED ABSENCE**

8. **OTHER BUSINESS**

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

10. **ADJOURNMENT**

Next Board Meeting: September 8, 2016 at 6:30 p.m. in City Council Chambers.