



City of San José Appeals Hearing Board

Vice Chair : Ron Cabanayan
Comissioner: Rajwant Bains
Comissioner: Elizabeth Chien-Hale

Comissioner: Karen Parsons
Comissioner: Thomas Skinner
Comissioner: Timothy Kenny

REGULAR MEETING AGENDA

6:30 p.m

MARCH 14, 2019

SAN JOSÉ CITY HALL,
COUNCIL CHAMBERS

1. CALL TO ORDER & ORDERS OF THE DAY

2. OPENING REMARKS AND APPROVAL OF MINUTES

- a. Recommendation: Approval of Minutes for October 11, 2018.
- b. Recommendation: Approval of minutes for November 8, 2018.
- c. Recommendation: Approval of minutes for January 24, 2019.

3. REQUEST FOR DEFERRALS

4. CONSENT CALENDAR

a. **867 PETER PAN AVENUE (484-36-070) SUMMARY ABATEMENT**

(Tony Gonzalez, Inspector / David B. Gomez Marcelina Castillo Rodriguez, Property Owners)

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

Recommendation: Affirm the summary abatement action on November 14, 2018 as set forth in the Staff Report dated February 21, 2019.

5. DEFERRED AND/OR CONTINUED ITEMS

a. **APPEAL OF TOW-CAR BUSINESS ASSISTANT PERMIT**

Conduct a Public Hearing on the Appeal of the denial of Luis E. Romo application for a Tow-Car Business Assistant's Permit pursuant to San Jose Municipal Code Section 6.66.200.

6. PUBLIC HEARINGS

a. **SPECIAL ASSESSMENTS AND LIENS FOR DELINQUENT RESIDENTIAL SOLID WASTE COLLECTION SERVICE CHARGES**

Conduct a public hearing to consider the adoption of a resolution confirming the Special Assessment Report of the Director of Finance concerning unpaid residential solid waste collection service charge billings for accounts in a delinquent status and direct the Director of Finance to place a special assessment and secure a lien in the amount of any delinquent customer account balance against the related parcels with the Santa Clara County Tax Assessor's Office and Recorder's Office, respectively.

b. **0 CLAITOR WAY (APN 595-20-071) ADMINISTRATIVE REMEDIES**
(Manuel Duarte, Inspector / Lawrence Liang and Meimeiwu, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing on a proposed order to require the Property Owner to take the corrective actions that:

On or before June 15, 2019, complete the following:

- Submit a completed Grading Permit application and a completed Geological Hazard Clearance application to the Public Works Department and pay all associated fees. The Grading Permit shall address the above noted violations. A Grading Permit will not be issued until the Geological Hazard Clearance application has been approved. I have enclosed a copy of both applications and instructions for submittal.
- Obtain an approved Grading Permit that addresses the above noted violations.
- Complete all work associated with the issued Grading Permit.
- Call Inspector Manuel Duarte to schedule an inspection with Public Works so that any damages to the storm lateral may be assessed.

Recommendation: Issue an administrative order as set forth in the Staff Report dated February 21, 2019.

c. **414 NORTH 33RD STREET (254-11-030) ADMINISTRATIVE REMEDIES**
(Manuel Duarte Inspector / Ricardo Sencion, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing on a proposed order to require the Property Owner to take the corrective actions to that

On or before May 14, 2019, the Property Owner shall:

- Submit all plans, structural calculations, and Title 24 documents with the payment of all Plan Check Fees to the City of San Jose Building Division located on the 1st floor of Development Services at City Hall 1st fir. 200 E. Santa Clara Street.

- Obtain all required permits to legalize or remove the unpermitted alterations/additions.

On or before August 14, 2019, the Property Owner shall:

- Complete all corrective building work to legalize or remove the unpermitted alterations/additions AND obtain a final clearance inspection (final permit) from the City of San Jose Building Division.

Recommendation: Issue an administrative order as set forth in the Staff Report dated February 21, 2019.

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 March 28, 2019 at 6:30 p.m at City Hall, Council Chambers.

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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