



**ABATEMENT APPEALS BOARD**  
**Wednesday, May 21, 2014 at 10:30 a.m.**  
**City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416**  
**ADOPTED September 17, 2014**

**MINUTES**

**A. CALL TO ORDER and ROLL CALL.**

The meeting of the Abatement Appeals Board for Wednesday, May 21, 2014 was called to order at 10:55 a.m. and a roll call was taken by Commission Secretary Sonya Harris, and a quorum was certified.

**BOARD MEMBERS PRESENT:**

**Kevin Clinch, President**  
**Myrna Melgar, Vice-President**  
**Frank Lee, Commissioner**  
**Warren Mar, Commissioner**  
**Angus McCarthy, Commissioner**  
**Dr. James McCray, Jr., Commissioner**  
**Debra Walker, Commissioner**

**Sonya Harris, Building Inspection Commission Secretary**

**D.B.I. REPRESENTATIVE PRESENT:**

**Edward Sweeney, Secretary to the Board**  
**Rosemary Bosque, Chief Housing Inspector**  
**John Hinchion, Senior Building Inspector**  
**Teresita Sulit, Recording Secretary**

**Zachary Porianda, Deputy City Attorney**

**B. OATH:** Commission Secretary Harris administered an oath to those who would be giving testimony.

**C. NEW APPEALS: Order of Abatement(s)**

**1. CASE NO. 6788: 219 Whitney Street**

**Owner of Record and Appellant:** Knut A. & Norma L. Akseth, 219 Whitney Street, San Francisco CA 94131

**ACTION REQUESTED BY APPELLANT:** Modify the Order of Abatement to grant additional time to complete the work and to waive the Assessment of Costs.

**NOTICE OF DECISION:** The Abatement Appeals Board (AAB) heard oral testimony and reviewed the documentary evidence provided by the Department of Building Inspection, the Appellant and other interested persons. After consideration of the evidence submitted and the relief sought, the AAB made the following findings and decisions. The AAB finds that the Appellants have not demonstrated a basis to modify the Order of Abatement and that the violations as identified in the Notice of Violation remain outstanding. According, the AAB: (1) upholds the Order of Abatement and grants Appellants six (6) months to complete installation of stairs that conform to the Building Code and to obtain a final inspection of the upstairs addition to resolve the outstanding violation; and (2) reduces the Assessment of Costs to \$100.00 and imposes them.

Senior Building Inspector John Hinchion presented the case stating the issue was for removal of front stairs without permit and two expired permits without final inspection approval for a vertical addition. An Order of Abatement was issued on December 17, 2012. To date no new permits have been issued. Staff recommendation is to uphold the Order of Abatement and impose Assessment of Costs.

Mr. Knut Akseth, owner of the property stated he disagreed with his property being a public nuisance. A lot of repair work has been done to the façade of the property and due to health and financial issues the work could not be finished. Mr. Akseth had plans to replace the stairs with a well-crafted design, but he can no longer afford to do so. The Board concurred that Mr. Akseth needed to install a functional, basic set of stairs to comply with the NOV. There is a plan in place that will allow for work to be completed. Currently, the side door at garage level is being used to get into the property. The door to the missing stairs is secured by double ¾ inch thick bolted plywood.

Members of the Abatement Appeals Board (Kevin Clinch, Myrna Melgar, Frank Lee, Warren Mar, Angus McCarthy, Debra Walker and James McCray, Jr.) made comments, and asked various questions of DBI staff and the Appellant pertaining to the Appeal.

***Commissioner McCarthy made a motion, seconded by Vice-President Melgar, to uphold the Order of Abatement, complete work in six months and reduce Assessment of Costs to \$100.***

Secretary Harris called for public comment and there was none. She proceeded with a roll-call vote:

<b>President Clinch</b>	<b>Yes</b>
<b>Vice-President Melgar</b>	<b>Yes</b>
<b>Commissioner Lee</b>	<b>Yes</b>
<b>Commissioner Mar</b>	<b>Yes</b>
<b>Commissioner McCarthy</b>	<b>Yes</b>
<b>Commissioner McCray, Jr.</b>	<b>Yes</b>
<b>Commissioner Walker</b>	<b>Yes</b>

***The motion carried unanimously.***

**2. CASE NO. 6789: 641 – 48<sup>th</sup> Avenue**

**Owner of Record and Appellant:** Wing K. King, 641 – 48<sup>th</sup> Avenue, San Francisco, CA 94121

**ACTION REQUESTED BY APPELLANT:** Reverse the Order of Abatement.

**NOTICE OF DECISION:** The Abatement Appeals Board (AAB) heard oral testimony and reviewed the documentary evidence provided by the Department of Building Inspection, the Appellant and other interested persons. After deliberation of the evidence submitted and the relief sought, the AAB made the following findings and decisions. The AAB finds that the Appellant has not demonstrated a basis to reverse the Order of Abatement and that the violations as identified in the Notice of Violation remain outstanding. In particular, the AAB finds that the Appellant has not provided sufficient evidence demonstrating that the building is occupied rather than abandoned. Accordingly, the AAB: (1) upholds the Order of Abatement and grants the Appellant three (3) months to rectify the violations set forth in the Notice of Violation; and (2) imposes the Assessment of Costs.

Senior Building Inspector John Hinchion presented the case and stated the violation was for a vacant/abandoned building. An Order of Abatement was issued on March 18, 2013. Staff recommendation was to uphold the Order of Abatement and impose assessment of costs due to no proof of residency and maintenance issues on the property.

Mr. Wing King, owner of the property stated building has been occupied since 1982. A trail established behind the property has contributed to the maintenance issues; garbage gets thrown into the yard, the fence was vandalized with graffiti. In 2013 there was a fire at the park that crossed into the backyard, the damage has been cleaned. Utility bills have been provided to the department as proof of vacancy.

Members of the Abatement Appeals Board (Kevin Clinch, Myrna Melgar, Frank Lee, Warren Mar, Angus McCarthy, Debra Walker and James McCray, Jr.) made comments, and asked various questions of DBI staff and the Appellant pertaining to the Appeal.

President Clinch called for public comment.

Ms. Maria Yan, friend of the property owner, stated she moved into the property in October 2013. Ms. Yan has helped rebuild the fence damaged from the fire in 2013. Contractors have been hired to make the additional repairs the property needs.

***Commissioner Mar made a motion, seconded by Vice-President Melgar, to uphold the Order of Abatement, impose Assessment of Costs and three months to rectify the Notices of Violation.***

Secretary Harris called for public comment and there was none. She proceeded with a roll-call vote:

<b>President Clinch</b>	<b>Yes</b>
<b>Vice-President Melgar</b>	<b>Yes</b>
<b>Commissioner Lee</b>	<b>Yes</b>
<b>Commissioner Mar</b>	<b>Yes</b>
<b>Commissioner McCarthy</b>	<b>Yes</b>
<b>Commissioner McCray, Jr.</b>	<b>Yes</b>
<b>Commissioner Walker</b>	<b>Yes</b>

*The motion carried unanimously.*

**3. CASE NO. 6790      280 Union Street**

**Owner of Record and Appellant:** Clinton P. Choy, 284 Union Street, San Francisco, CA 94133

**Owner of Record and Appellant:** Khan Bushra, 280 Union Street, San Francisco, CA 94133

**Owner of Record and Appellant:** 280 Union Association, 284 Union Street, San Francisco, CA 94133

**ACTION REQUESTED BY APPELLANT:** Modify the Order of Abatement to waive the Assessment of Costs; Request to Expedite Permit Approval.

**NOTICE OF DECISION:** The Abatement Appeals Board (AAB) heard oral testimony and reviewed the documentary evidence provided by the Department of Building Inspection, the Appellant and other interested persons. After consideration of the evidence submitted and the relief sought, the AAB made the following findings and decision. The AAB: (1) upholds the Order of Abatement, grants the Appellant sixty (60) days to complete the work to cure the violations in the Notices of Violation; (2) reduces the Assessment of Costs by half of the stated amount and imposes them.

Senior Building Inspector John Hinchion introduced the case and stated the violation is for removal of guardrails without a permit. Guardrails were approved and installed under Permit Application #8707964. An Order of Abatement was issued June 28, 2013. Permit Application #201111179101 was approved on May 6, 2014 to replace existing roof deck and handrails. Unsure if permit has been issued. Staff recommendation is that the Order of Abatement be upheld and impose Assessment of Costs.

Mr. Clinton Choy, one of the owners of the property and president of the Home Owners Association, stated they are requesting penalty fees be waived. Owners applied for a permit two years ago but due to the property being located in a Landmark Preservation neighborhood, the

permitting process was subject to the Certificate of Appropriateness: Contradicting information was given by both Building Inspection and the Planning Department. The permit has been issued and property owners expect work to commence soon. Mr. Choy pointed out this has become an extenuating situation for the owners as well.

Mr. Richard Green, partner of one of the owners, stated they have done everything to get the permit and resolve the issues. The guardrails were removed due to a leak on the roof that needed to be fixed and they could not move into the unit until it was repaired.

Members of the Abatement Appeals Board (Kevin Clinch, Myrna Melgar, Frank Lee, Warren Mar, Angus McCarthy, Debra Walker and James McCray, Jr.) made comments, and asked various questions of DBI staff and the Appellant pertaining to the Appeal.

President Clinch called for public comment.

Mr. John Votruba, owner of 218 Union Street stated the extensive project at this property covers the whole roof; there is a 15ft rear yard in the back that is actually a deck and an extension to Mr. Choy's 284 Unit. It is shown as a designated concrete deck in the Subdivision Maps, which notes the deck is for Mr. Choy's exclusive use and not the entire building. The deck is located above a garage, which extends all the way to the back of the property; a Planning Code violation. Additionally, there are height issues, over 40ft limitation that the neighborhood has. There is also an unpermitted second penthouse stairway.

Mrs. Votruba stated the roof at this property is 6ft over the 40ft limitation in the Telegraph Hill district and a historic neighborhood. During the years 2010 and 2011 the property owners were able to get permits based on inadequate information presented as an existing penthouse staircase. The chimney flute covered in wood is not structurally built and it goes up 10ft. In 2010, the privacy wall – a fire wall, between Mrs. Votruba's building and the property owners was demolished without a permit.

***Commissioner Walker made a motion, seconded by Vice-President Melgar, to uphold the Order of Abatement, provide 60 days to complete work and reduce Assessment of Costs by 50%.***

Secretary Harris called for public comment and there was none. She proceeded with a roll-call vote:

<b>President Clinch</b>	<b>Yes</b>
<b>Vice-President Melgar</b>	<b>Yes</b>
<b>Commissioner Lee</b>	<b>Yes</b>
<b>Commissioner Mar</b>	<b>Yes</b>
<b>Commissioner McCarthy</b>	<b>Yes</b>
<b>Commissioner McCray, Jr.</b>	<b>Yes</b>
<b>Commissioner Walker</b>	<b>Yes</b>

***The motion carried unanimously.***

**D. GENERAL PUBLIC COMMENT**

There was no General Public Comment for items not on the Abatement Appeals Board Agenda.

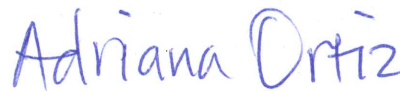
**E. ADJOURNMENT**

*Commissioner Walker made a motion, seconded by Commissioner Mar, that the meeting be adjourned.*

*The motion carried unanimously.*

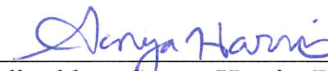
The meeting was adjourned at 12:40 p.m.

Respectfully submitted,



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Adriana Ortiz, Senior Clerk



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Edited by: Sonya Harris, BIC Secretary