



**ABATEMENT APPEALS BOARD**  
**Wednesday, May 18, 2016 at 9:00 a.m.**  
**City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416**  
**ADOPTED November 16, 2016**

**MINUTES**

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

The meeting of the Abatement Appeals Board for Wednesday, April 20, 2016 was called to order at 9:09 a.m. and roll call was taken by Commission Secretary Sonya Harris, and a quorum was certified.

**BOARD MEMBERS PRESENT:**

**Myrna Melgar, President**  
**Kevin Clinch, Vice-President**  
**Gail Gilman, Commissioner – Excused**  
**John Konstin, Commissioner**  
**Frank Lee, Commissioner**  
**Angus McCarthy, Commissioner**  
**Debra Walker, Commissioner**

**Sonya Harris, Building Inspection Commission Secretary**

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

**Edward Sweeney, Secretary to the Board**  
**Joseph Duffy, Senior Building Inspector**  
**Teresita Sulit, Recording Secretary**

**Bradley Russi, Deputy City Attorney**

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

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

**1. CASE NO. 6821: 4130 – 3<sup>rd</sup> Street**

**Owner of Record:** Alfred McAfee, 4128 – 3<sup>rd</sup> Street, San Francisco, CA 94124

**Owner's Representative:** Robert Noelke, 1019 Howard Street, San Francisco, CA 94103

**ACTION REQUESTED BY APPELLANT:** To reverse the Order of Abatement and provide more time to obtain the permit to comply with the Notice of Violation.

**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 decision: The AAB upheld the Order of Abatement and held it in abeyance as follows: (1) the Appellant may seek a permit for emergency demolition within 30 days, and (2) if the emergency demolition permit is denied, or Appellant chooses not to apply for an emergency demolition permit, all work to correct the violations must be completed within 90 days.

Senior Building Inspector Joseph Duffy stated this case was from a complaint received from the San Francisco Fire Department for a fire damaged building. The first Notice of Violation was issued on June 9, 2014, the second Notice of Violation was issued on July 9, 2014 and has gone through the Code Enforcement process. On November 12, 2014 an Order of Abatement was issued for the fire damage. This was the second fire at the property. The first fire occurred in 2013 and there was another case in 2008 for illegal construction. As of today, there was an open building permit that was obtained in 2013 to correct a Notice of Violation; however there has not been any work on that permit. The Department has followed all its processes and the orders were properly issued therefore staff recommended the order be upheld.

Bob Noelke, the Appellant's representative, stated the property had two fires and the occupants left the residential unit after the first fire. The second floor of the building was not habitable and it was gutted. Engineers recommended that the building be demolished due to the damage being over 50% caused by the fire and termites. The property was vacant. The Appellant was going through processes with the Office of Community Investment and Infrastructure (OCII) and proposed a seven unit over commercial building with six stories, therefore they asked the Board to hold the Order of Abatement and send it back to staff for six months and for Assessment of Costs to be put on hold. The Office of Community Investment and Infrastructure was already reviewing the project and Mr. Noelke was anticipating an approval by June or July for the project to move forward.

Rebuttal from the Department – Senior Inspector Duffy stated he contacted in with the Planning Department and was informed that there had been a Pre-Application meeting over a year ago but nothing resulted from this. Senior Inspector Duffy did not contact the Office of Community Investment and Infrastructure.

Rebuttal from the Appellant – Mr. Noelke stated the project proposal was with the Department of Community Investment and Infrastructure and not with the Planning Department because the property was located in a redevelopment area therefore the Department of Community Investment and Infrastructure had jurisdiction.

Commission Secretary Harris asked for public comment and there was none.

Members of the Abatement Appeals Board (Myrna Melgar, Kevin Clinch, John Konstin, Frank Lee, Angus McCarthy, and Debra Walker) made comments, and asked various questions of DBI staff pertaining to the Appeal.

***Commissioner Walker made a motion, seconded by President Melgar, to uphold the Order of Abatement in abeyance for up to 90 days with two options; one being that the Appellant must***

*file for an emergency demolition within 30 days and if denied then the Appellant must file a building permit application within 90 days to correct the Notice of Violation.*

Secretary Harris called for a roll-call vote:

President Melgar	Yes
Vice-President Clinch	Yes
Commissioner Konstin	Yes
Commissioner Lee	Yes
Commissioner McCarthy	Yes
Commissioner Walker	Yes

*The motion carried unanimously.*

**2. CASE NO. 6822: 1575 – 11<sup>th</sup> Avenue**

**Owner of Record:** Erkol Kemal, 1575 11<sup>th</sup> Avenue, San Francisco, CA 94122

**ACTION REQUESTED BY APPELLANT:** To be granted additional time to complete the work and to waive the Assessment of Costs.

**NOTICE OF DECISION:** A duly noticed hearing before the Abatement Appeals Board (AAB) concerning the property located at 1575 11<sup>th</sup> Avenue was scheduled for May 18, 2016. At the request of the Appellant, the matter is continued for the next AAB hearing.

Edward Sweeney, Secretary to the Board, stated the case was requested to be continued, which the AAB granted.

**D. GENERAL PUBLIC COMMENT**

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

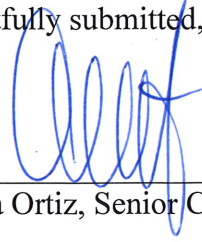
**E. ADJOURNMENT**

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

*The motion carried unanimously.*

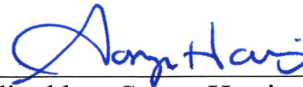
The meeting was adjourned at 9:45 a.m.

Respectfully submitted,



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Adriana Ortiz, Senior Clerk



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Edited by: Sonya Harris, BIC Secretary