



ABATEMENT APPEALS BOARD
Wednesday, March 18, 2015 at 9:00 a.m.
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
ADOPTED April 15, 2015

MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, March 18, 2015 was called to order at 9:15 a.m. and a roll call was taken by Commission Secretary Ann Aherne, and a quorum was certified.

BOARD MEMBERS PRESENT:

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

Ann Aherne, 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 Aherne administered an oath to those who would be giving testimony.

C. APPROVAL OF MINUTES: Discussion and possible action to adopt the minutes for the meeting held on January 21, 2015.

Commissioner Walker made a motion, seconded by Commissioner Mar, to approve the minutes of January 21, 2015.

Commission Secretary Aherne asked for public comment and there was none. The minutes were approved.

The motion carried unanimously.

D. CONTINUED APPEAL: Order of Abatement(s).

1. CASE NO. 6791: 921 Central Avenue

Owner of Record and Appellant: Levine, Arnold Loeb-Levine S., 921 Central Avenue, San Francisco, CA 94115

Owner of Record and Appellant: S. Loeb, 601 Van Ness Avenue, E415, San Francisco, CA 94102

ACTION REQUESTED BY APPELLANT: Continued Stay of Order of Abatement to allow owner time to abate violations

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. Accordingly, after deliberation of the evidence submitted and the relief sought, the AAB made the following findings and decision: (1) the Order of Abatement is UPHELD; (2) the Order will be HELD IN ABEYANCE for 60 days from the date of the March 18, 2015 hearing to allow the property owners time to obtain permits and complete work; if the work is not completed, the Order will be issued and recorded, (3) the Assessment of Costs is UPHELD.

Chief Housing Inspector Rosemary Bosque stated this case was before the AAB in September, October and November of last year. The case was then continued from January to February and until today to provide the Appellant sufficient time to work with the Mayor's Office of Housing and Community Development's Lead Hazard Control Program. An email from the Mayor's Office of Housing and Community Development's Lead Hazard Control Program dated March 9, indicated they cannot move forward without proper signatures. Chief Bosque declined to state any more information to give the Appellant the opportunity to brief the AAB on where the process was.

The Appellant stated that she would not share too much information as this was public record and the information she has was private but willing to share in a closed session. Certain things are happening and the Appellant would like to have more time. With an Order of Abatement on the property, the Appellant will not be able to obtain insurance.

Rebuttal from the Department – Chief Bosque stated per emails from the Mayor's Office of Housing and Community Development's Lead Hazard Control Program, there is another owner on the title and they need that person's signature before they can move forward, this was delaying the process. This case has been continued six times therefore staff recommends to uphold the Order of Abatement.

Rebuttal from the Appellant – The department was being unreasonable. The Appellant was doing everything she could at the moment and needs more time. The necessary paperwork was in her possession however it is a copy and not the original. Legal assistance has been contacted and she was waiting for them to respond.

Members of the Abatement Appeals Board (Myrna Melgar, 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.

Vice-President Melgar called for public comment, and there was none.

Commissioner Walker made a motion, seconded by Commissioner McCarthy, to uphold the Order of Abatement and hold the Order in abeyance for 60 days for appellant to obtain permit and allow for work to be done.

Secretary Aherne called for a roll-call vote:

Vice-President Melgar	Yes
Commissioner Mar	Yes
Commissioner McCarthy	Yes
Commissioner McCray, Jr.	Yes
Commissioner Walker	Yes

The motion carried unanimously.

2. CASE NO. 6799: 1235V Sansome Street

Owner of Record and Appellant: Eric Woods, 42309 Winchester Road, Temecula, CA 92590

Owner of Record and Appellant: Woods, Herbert & Helen & Eric, 67 Millay Place, Mill Valley, CA 94901

ACTION REQUESTED BY APPELLANT: On December 17, 2012, the Director issued an Order of Abatement indicating that the building owner had (1) 30 days to obtain a soil engineer's report on remedy to correct unstable hillside; (2) 5 days to obtain permit based on the soil engineer's recommendations; and (3) 30 days to complete work including final inspection approval. Appellant requests that the AAB modify the Order of Abatement to grant additional time to obtain required permit.

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 found that the conditions are as stated in the Notices of Violation and present a serious and imminent hazard under Building Section Code Section 105A.2.8.2. Accordingly, the AAB: UPHELD the Order of Abatement. The AAB further held that Appellant shall have: (1) 30 days to obtain a soil engineer's report on a remedy to correct the unstable hillside; (2) 5 days after receiving the soil engineer's report to obtain a permit based on the soil engineer's recommendation; and (3) 90 days from the date of this Decision to complete the work, including final inspection and approval. Further, the AAB UPHELD the Assessment of Costs.

Senior Inspector John Hinchion stated this was a vacant lot. The violation relates to an unstable hillside. The Order of Abatement was issued on November 6, 2012. There are no open permits to deal with the violation therefore staff recommends to uphold the Order of Abatement and impose Assessment of Costs.

Eric Woods, Owner of Record and Appellant, stated they have begun with a soil report that covers the seven properties between Sansome Street, Union Street and Alta Street. The delay was due to the involvement of six property owners. They are conducting a topographical survey to determine the property lines. Once determined, they will be able to know which of the properties was hazardous. It could take from 60-90 days to complete work.

Rebuttal from the Department – Senior Inspector Hinchion stated the instructions on the issued Order of Abatement were generated in September 2012. There has been a lot of time for repairs to be done, so the department would like to see something happen.

Zachary Porianda, Deputy City Attorney, reminded the AAB that per San Francisco Building Code Section 105.A.2.8.2, states where there are life safety hazards, there are time constraints that should be followed. If the AAB finds that there is a life safety hazard, it shall provide for immediate protection of the public, the work to correct such hazard shall commence within 30 days and be completed 90 days after service of the decision.

Commissioner Walker made a motion, seconded by Commissioner McCarthy, to uphold the Order of Abatement. Within 30 days, obtain a soil engineer to report on a remedy to correct unstable hillside, 5 days to obtain permit based on soil engineer recommendation, 90 days to complete work including final inspection approval and impose Assessment of Costs.

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

Vice-President Melgar	Yes
Commissioner Mar	Yes
Commissioner McCarthy	Yes
Commissioner McCray, Jr.	Yes
Commissioner Walker	Yes

The motion carried unanimously.

E. GENERAL PUBLIC COMMENT

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

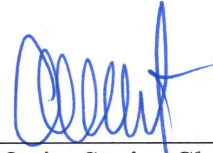
F. ADJOURNMENT

Vice-President Melgar made a motion, seconded by Commissioner Walker, that the meeting be adjourned.

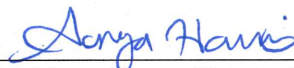
The motion carried unanimously.

The meeting was adjourned at 9:46 a.m.

Respectfully submitted,



Adriana Ortiz, Senior Clerk



Edited by: Sonya Harris, BIC Secretary

