



ABATEMENT APPEALS BOARD

NOTICE OF MEETING

Wednesday, December 17, 2014 at 10:30 a.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416

Aired Live on SFGTV Channel 78

AGENDA:

The Abatement Appeals Board (AAB) will take public comment on every item appearing on the agenda. Members of the public who address the Board have the discretion on whether or not they wish to identify themselves for the record.

A. CALL TO ORDER and ROLL CALL.

B. OATH: All parties giving testimony before this Board today will rise, raise their right hands and be sworn.

C. APPROVAL OF MINUTES: Discussion and possible action to adopt the minutes for meeting held on October 15, 2014.

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

1. CASE NO. 6794: 819 Ellis Street

Owner of Record: Achilles Revoc. Trust 2003, Phillip Achilles Trustee, 819 Ellis Street, San Francisco, CA 94109

Agent for the Appellant: Armando Jimenez, 819 Ellis Street, 3rd Floor, San Francisco, CA 94109

Attorney for the Appellant, Susanne B. Kelly, M. Brett Gladstone, Hanson Bridgett LLP, 425 Market St., 26th Fl. San Francisco, CA 94105

ACTION REQUESTED BY APPELLANT: At the November 19, 2014 hearing, the AAB held the Order of Abatement in abeyance until December 17, 2014, provided the following conditions were satisfied:

MEMBERS OF THE BOARD DEPARTMENT REPRESENTATIVES

Kevin Clinch, President	Edward Sweeney, Deputy Director and Secretary to the Board (415) 558-6272
Myrna Melgar, Vice President	Sonya Harris, BIC Secretary (415) 558-6164
Frank Lee, Commissioner	Teresita Sulit, Recording Secretary (415) 558-6267
Warren Mar, Commissioner	
Angus McCarthy, Commissioner	
Dr. James McCray, Jr., Commissioner	CITY ATTORNEY'S OFFICE REPRESENTATIVE
Debra Walker, Commissioner	Zachary Porianda, Deputy City Attorney (415) 554-4665

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- (1) Appellants shall immediately stop all advertisement for unauthorized uses, including residential occupancy and auto repair;
- (2) Appellants shall immediately stop all auto repair activities;
- (3) Appellants shall immediately install code-compliant fire extinguishers, fire alarms, and carbon monoxide detectors;
- (4) Within 7 days of the hearing, Appellants shall file permits to cure the violations outlined in the Notices of Violation;
- (5) Within 7 days of the hearing, all transient residential occupancy shall stop;
- (6) Within 20 days of the hearing, Appellants shall properly close off access to areas of the second and third floors and restrict elevator access as represented at the hearing;
- (7) Within 21 days of the hearing, all residential occupancy shall stop and occupants vacated;
- (8) Appellants shall work with DBI to schedule inspections of the property to take place at 7 days, 14 days, 21 days, and 25 days from the hearing date

Applicant is requesting that the Order of Abatement be held in further abeyance until they receive an approval from the Planning Department.

The Board will hear testimony regarding whether the conditions were satisfied and whether the Order of Abatement shall be held in further abeyance or should otherwise be upheld, modified or reversed.

E. NEW APPEAL: Order of Abatement(s).

1. CASE NO. 6795: 23 Wood Street

Owner of Record: Berger, Arkady, 5427 Geary Blvd., #2, San Francisco, CA 94121

Owner of Record: A. Berger and Nelly Merzheritsky, 3318 Divisadero St.,
San Francisco, CA 94123

ACTION REQUESTED BY APPELLANT: To reverse the Order of Abatement and allow sufficient time to complete litigation relating to design defects and to re-design and repair defects.

Testimony, deliberation and possible action to uphold, modify or reverse the Order of Abatement.

2. CASE NO. 6796: 411 Marina Blvd.

Appellant and Owner of Record: Angelica Phillips Irrevoc Trust, Frank Passantino, Regina Passantino Irrevocable Trust, 411 Marina Blvd., San Francisco, CA 94123

Attorney for the Appellant: John Kevlin, Reuben, Junius & Rose LLP, One Bush St., Suite 600, San Francisco, CA 94104

ACTION REQUESTED BY APPELLANT: Reverse Order of Abatement or grant a 10-year moratorium on the Order under Section 105A.2.8.3 of the San Francisco Building Code. .

Testimony, deliberation and possible action on request to reverse the Order of Abatement or grant a moratorium to correct conditions under Section 105A.2.8.3.

F. GENERAL PUBLIC COMMENT

G. ADJOURNMENT

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT 554-6075.

ACCESSIBLE MEETING INFORMATION POLICY

The meeting will be held at the City Hall Building, located at 1 Dr. Carlton B. Goodlett Place, 4th Floor, Room 416. The closest accessible BART station is the Civic Center Station at 8th (at the United Nations Plaza) and Market Streets.

Accessible MUNI/Metro lines servicing this location are the J-Church, K-Ingleside, L-Taraval, —Ocean View, and N-Judah at Van Ness and Civic Center Stations; 9-San Bruno, 71-Haight, and 42-Downtown bus lines. For information about MUNI accessible services call (415) 923-6142.



The Commission meeting room is wheelchair accessible. Accessible curbside parking spaces have been designated on the Van Ness Avenue and McAllister Street perimeters of City Hall for mobility-impaired persons. There is accessible parking available within the Civic Center Underground Parking Garage at the corner of McAllister and Polk Streets, and within the Performing Arts Parking Garage at Grove and Franklin Streets.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available. Assistive Listening devices will be available at the meeting. A sign language interpreter will be available upon request. Agendas and Minutes of the meeting are available in large print/tape form and/or readers upon request. Please contact the **Deputy Director and Secretary to the Board, Edward Sweeney at (415) 558-6272** or the **Building Inspection Commission Secretary, Sonya Harris at (415) 558-6164** or the **Recording Secretary, Teresita Sulit at (415) 558-6267** at least 72 hours in advance of the meeting to request for these services.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call (415) 558-6164 or (415) 558-6267 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such persons, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

LANGUAGE ACCESS

Please note: For questions about the Language Access Ordinance, please contact OCEIA at (415) 581-2360 and ask for the Executive Director or Language Access Compliance Officer. Language Assistance: To request an interpreter for a specific item during the meeting, please contact the **Recording Secretary, Teresita Sulit, at (415) 558-6267** or by email at teresita.sulit@sfgov.org at least 48 hours in advance of the hearing.

POLICY STATEMENT OF PUBLIC HEARING OR MEETING

Pursuant to Section 67.7-1(c) of the San Francisco Administrative Code, members of the public who are unable to attend the public meeting or hearing may submit written comments regarding a calendared item to the Secretary, at 1660 Mission Street, 3rd Floor, San Francisco, CA 94103 or at the place of the scheduled hearing before the proceedings begin. These written comments shall be made a part of the official public record and these comments will be brought to the attention of the members of the Abatement Appeals Board. [Twenty copies are necessary.]

POLICY STATEMENT OF PUBLIC COMMENT

FOR THIS MEETING OF THE ABATEMENT APPEALS BOARD--and until such time as a policy is formally adopted,--it is the interim cooperative intent of the Abatement Appeals Board of the City & County of San Francisco that, at the point so designated as **Public Comment** on the following Calendar, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board--excepting calendar items. With respect to calendar items, the public's opportunity to address the Board will be afforded when the item is reached in the meeting. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the chairperson may continue **Public Comment** to another time during the meeting.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Administrative Code Sec. 16.520-16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market St. #701, SF, CA 94102 or (415) 554-9510 voice, or (415) 703-0121 fax, or <http://www.ci.sf.ca.us/ethics/> - web.