

*AAB Special  
Meeting of  
June 12, 2024*

*Agenda Item B*

*Minutes of the Abatement Appeals  
Board  
Meeting of May 15, 2024*



**ABATEMENT APPEALS BOARD**

**NOTICE OF MEETING**

**Wednesday, May 15, 2024 at 9:30 a.m.**

**Remote Hearing via video and teleconferencing**

Watch SF Cable Channel 78/Watch [www.sfgovtv.org](http://www.sfgovtv.org)

Watch: <https://bit.ly/49uGG5u>

**PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2661 668 3773**

**DRAFT MINUTES**

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

The meeting of the Abatement Appeals Board for Wednesday, May 15, 2024 was called to order at 9:34 a.m. and roll was taken by Commission Secretary Harris, and a quorum was certified.

**BOARD MEMBERS PRESENT:**

- President Evita Chavez**
- Vice President Bianca Neumann**
- Commissioner Alysabeth Alexander-Tut**
- Commissioner Earl Shaddix**
- Commissioner Angie Sommer, Excused**
- Commissioner Kavin Williams**

**Ramaytush Ohlone Land Acknowledgment.**

The Abatement Appeal Board acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone

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**MEMBERS OF THE BOARD**

Evita Chavez, President  
Bianca Neumann, Vice-President  
Alysabeth Alexander-Tut, Commissioner  
Earl Shaddix, Commissioner  
Angie Sommer, Commissioner  
Kavin Williams, Commissioner

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**DEPARTMENT REPRESENTATIVES**

Matthew Greene, Secretary to the Board (628) 652-3510  
Sonya Harris, BIC Secretary (628) 652-3510  
Code Enforcement Section (628) 652-3430  
Housing Inspection Services (628) 652-3700

**CITY ATTORNEY'S OFFICE REPRESENTATIVE**

Sarah Fabian, Deputy City Attorney (415) 554-4679

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have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.

**B. APPROVAL OF MINUTES: (*Discussion and Possible Action*)**

**Discussion and possible action to adopt the minutes for meeting held on: March 20, 2024 and April 17, 2024.**

**Public Comment**

There was no public comment.

*Vice President Neumann made a motion, seconded by Commissioner Shaddix, to approve the meeting minutes of March 20, 2024 and April 17, 2024.*

*This motion carried unanimously.*

**C. NEW APPEAL(S): Order of Abatement (*Discussion and Action*)**

Secretary Harris read the following cases and asked the Appellant’s representative Mr. Henry Karnilowicz if he would agree for the Board to hear all five cases at the same time. Mr. Karnilowicz agreed.

Commissioner Shaddix disclosed his working relationship with Mr. Karnilowicz, and stated they had not spoken about the following cases and he was capable to vote on the issue.

**1. CASE NO. 6919: 311 – 11<sup>th</sup> Ave. - Complaint # 202033422**

**Owners of Record & Appellant: GUNDOGDU TONY MEHMET**

**Appellant’s Representative: HENRY KARNILOWICZ**

**ACTION REQUESTED BY APPELLANT:** Appellant appeals the May 20, 2021 Order of Abatement and assessment of costs. Appellant seeks to “Defer Order of abatement for 180 days as consultant hired by owner stated that permits were issued whereas in fact they were not.”

**Public Comment**

*Vice President Neumann made a motion to uphold the Order of Abatement, including the Assessment of Costs on case 6919, seconded by President Chavez.*

Secretary Harris Called for a Roll Call Vote:

President Chavez	Yes
Vice President Neumann	Yes
Commissioner Alexander-Tut	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Excused
Commissioner Williams	Yes

*The motion carried unanimously.*

**2. CASE NO. 6920: 311 – 11<sup>th</sup> Ave. - Complaint # 202173261**

**Owners of Record & Appellant:** GUNDOGDU TONY MEHMET

**Appellant’s Representative:** HENRY KARNILOWICZ

**ACTION REQUESTED BY APPELLANT:** Appellant appeals the May 20, 2021 Order of Abatement and assessment of costs. Appellant seeks to “Defer Order of abatement for 180 days as consultant hired by owner stated that permits were issued whereas in fact they were not.”

**Public Comment**

*President Chavez made a motion to uphold the Order of Abatement, including the Assessment of Costs for case 6920, seconded by Vice President Neumann.*

Secretary Harris Called for a Roll Call Vote:

President Chavez	Yes
Vice President Neumann	Yes
Commissioner Alexander-Tut	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Excused
Commissioner Williams	Yes

*The motion carried unanimously.*

**3. CASE NO. 6921: 311 – 11<sup>th</sup> Ave. - Complaint # 202173268**

**Owners of Record & Appellant:** GUNDOGDU TONY MEHMET

**Appellant’s Representative:** HENRY KARNILOWICZ

**ACTION REQUESTED BY APPELLANT:** Appellant appeals the May 20, 2021 Order of Abatement and assessment of costs. Appellant seeks to “Defer Order of abatement for 180 days as consultant hired by owner stated that permits were issued whereas in fact they were not.”

**Public Comment**

*Commissioner Alexander-Tut made a motion to uphold the Order of Abatement, including the Assessment of Costs for case 6921, seconded by Commissioner Shaddix.*

**Secretary Harris Called for a Roll Call Vote:**

<b>President Chavez</b>	<b>Yes</b>
<b>Vice President Neumann</b>	<b>Yes</b>
<b>Commissioner Alexander-Tut</b>	<b>Yes</b>
<b>Commissioner Shaddix</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Excused</b>
<b>Commissioner Williams</b>	<b>Yes</b>

*The motion carried unanimously.*

**4. CASE NO. 6922: 311 – 11<sup>th</sup> Ave. - Complaint # 202172642**

**Owners of Record & Appellant:** GUNDOGDU TONY MEHMET

**Appellant’s Representative:** HENRY KARNILOWICZ

**ACTION REQUESTED BY APPELLANT:** Appellant appeals the May 20, 2021 Order of Abatement and assessment of costs. Appellant seeks to “Defer Order of abatement for 180 days as consultant hired by owner stated that permits were issued whereas in fact they were not.”

**Public Comment**

*Commissioner Shaddix made a motion to uphold the Order of Abatement, including the Assessment of Costs for case 6922, seconded by Commissioner Williams.*

**Secretary Harris Called for a Roll Call Vote:**

<b>President Chavez</b>	<b>Yes</b>
<b>Vice President Neumann</b>	<b>Yes</b>
<b>Commissioner Alexander-Tut</b>	<b>Yes</b>
<b>Commissioner Shaddix</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Excused</b>
<b>Commissioner Williams</b>	<b>Yes</b>

*The motion carried unanimously.*

**5. CASE NO. 6923: 311 – 11<sup>th</sup> Ave. - Complaint # 202173081**

**Owners of Record & Appellant:** GUNDOGDU TONY MEHMET

**Appellant’s Representative:** HENRY KARNILOWICZ

**ACTION REQUESTED BY APPELLANT:** Appellant appeals the May 20, 2021 Order of Abatement and assessment of costs. Appellant seeks to “Defer Order of abatement for 180 days as consultant hired by owner stated that permits were issued whereas in fact they were not.”

**Public Comment**

*Commissioner Williams made a motion to uphold the Order of Abatement, including the Assessment of Costs, seconded by Commissioner Shaddix.*

**Secretary Harris Called for a Roll Call Vote:**

<b>President Chavez</b>	<b>Yes</b>
<b>Vice President Neumann</b>	<b>Yes</b>
<b>Commissioner Alexander-Tut</b>	<b>Yes</b>
<b>Commissioner Shaddix</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Excused</b>
<b>Commissioner Williams</b>	<b>Yes</b>

*The motion carried unanimously.*

Senior Building Inspector Joe Ng presented the Department’s case regarding 311 – 11<sup>th</sup> Avenue and made the following points:

- **Case: 6919 - Complaint #202033422**, two-story type five building, legal occupancy, R2 residential hotel with fourteen guest rooms and one manager. Notice of Violation (NOV) issued May 20, 2020 due to new framing and partition wall erected within ground floor commercial space. At the time of complaint investigation, the permit application had not been approved. The case was transferred to Code Enforcement because the owner did not comply within the timeline. Director’s hearing was scheduled May 11, 2021 and an Order of Abatement was issued with conditions. The owner obtained a permit May 2022 to address the violation however the permit had not been signed off as complete to date.
- **Case: 6920 - Complaint #20217361**, this was a plumbing and mechanical violation. The plumbing inspector discovered unpermitted plumbing installed at the ceiling of the ground floor commercial space. Mechanical equipment furnace was installed without permit.

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- **Case: 6921 – Complaint #202173268**, this violation was on the second floor residential area, the violation was unauthorized building plan alternation and plumbing installation of shower stall in guest room #5 and 9. Kitchen appliance was installed in guest room #5. Inspector discovered unauthorized bathroom and kitchen installed on second floor.
- **Case 6922 – Complaint #202172642**, mechanical and plumbing equipment installed corresponded to case 6921 which was the building violation.
- **Case 6923 – Complaint #2024173081**, NOV issued February 11, 2021 an electrical installation in the exterior wall of the entire building and had not received final inspection sign-off to date.
- Staff recommended to uphold the Order of Abatement and impose Assessment of Cost.

Appellant's representative, Mr. Henry Karnilowicz, presented his case regarding 311 – 11<sup>th</sup> Avenue and made the following points:

- This had been a long project that started on the ground floor commercial space.
- Planning Department said the first and second floors had to be merged and that took some time.
- As of May 15, 2024 most of the work had been done to comply.
- There was a signed-off permit for the replacement of water heaters on September 28, 2022, permit #PW20220905623.
- There was a plumbing permit to install plumbing fixtures at second floor Single Room Occupancy (SRO) hotel and for bathrooms on first floor as necessary. This permit was suspended then reinstated. All of the work was not complete, however there was a permit issued but it was showing expired.
- Case ending in 268, bathrooms constructed on second floor guest rooms five and nine and in the boiler storage room.
- There was a permit issued for the bathrooms, but the tenants still occupied the building and the owner could not complete the work.
- There was a permit for the furnace and they need to complete the sign-off inspection.
- The appellant was requesting at least 180 days to complete the final inspections for sign-off.
- Mr. Karnilowicz presented printouts of permits from the DBI website and one printout that was printed on DBI letterhead.

Deputy City Attorney Sarah Fabian advised the Board they should make a motion to accept or deny the evidence presented by Mr. Karnilowicz.

Abatement Appeals Board Secretary Matthew Greene said the printouts were authentic and staff had access to those permits prior to the hearing.

Senior Building Inspector Joe Ng said pertaining to the permits presented by the appellant that the hearing today was regarding the Order of Abatement issued in 2021, and all of the permits were

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submitted after that date. The owner has not been able to come into compliance and some of the permits required additional re-inspections. The description of the proposed work did not have a clear indication of correcting the violation.

*Commissioner Alexander-Tut made a motion, seconded by Commissioner Shaddix, to deny acceptance of the late evidence presented by Mr. Karnilowicz.*

There was no public comment on the motion.

**Secretary Harris Called for a Roll Call Vote:**

<b>President Chavez</b>	<b>Yes</b>
<b>Vice President Neumann</b>	<b>Yes</b>
<b>Commissioner Alexander-Tut</b>	<b>Yes</b>
<b>Commissioner Shaddix</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Excused</b>
<b>Commissioner Williams</b>	<b>Yes</b>

*The motion carried unanimously.*

Public Comment for case 6919:

Mr. Jerry Dratler said he lived in the Richmond District of San Francisco and he was familiar with the building at 311 – 11<sup>th</sup> Street. He said the Planning Departments website has a property information map (PIM) and this property had twelve complaints so far in 2024 and the owner should not be cut any slack due to its history.

Secretary Harris called for public comment on case numbers 6920, 6921, 6922, and 6923.

There was no additional public comment.

Senior Building Inspector Joe Ng gave his rebuttal for case numbers 6919, 6920, 6921, 6922, and 6923 as follows:

- This building had five violations, the building included commercial and residential space.
- There were architectural, mechanical, plumbing, and electrical violations.
- The appeal was to respond to the Order of Abatement from 2021 and the permits had not completed any work.
- Staff recommended to uphold the Order of Abatement and Assessment of Cost.

Mr. Karnilowicz gave his rebuttal for case numbers 6919, 6920, 6921, 6922, and 6923 as follows:

- The printouts were from the DBI's Permit Tracking System (PTS) and were printed a few days before the hearing.



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- Most of the complaints shown by public comment were no longer open.
- Requesting time to complete the work that was in process.

Members of the Abatement Appeals Board (Evita Chavez, Bianca Neumann, Alysabeth Alexander-Tut, Earl Shaddix, and Kavin Williams) made comments and asked various questions of DBI staff and the Appellant pertaining to the Appeal.

**D. GENERAL PUBLIC COMMENT.**

There was no general public comment.


**E. ADJOURNMENT**

*Commissioner Alexander-Tut made a motion to adjourn the meeting, which was seconded by Vice President Neumann.*

The meeting was adjourned at 10:35 a.m.

Respectfully submitted,

  
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Monique Mustapha, Assistant BIC Secretary

  
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Edited By: Sonya Harris, BIC Secretary