AAB Regular Meeting of August 21, 2024

Agenda Item B

Minutes of the Abatement Appeals Board Regular Meeting of July 17, 2024

ABATEMENT APPEALS BOARD
NOTICE OF MEETING
Wednesday, July 17, 2024 at 9:30 a.m.
Remote Hearing via video and teleconferencing
Watch SF Cable Channel 78/Watch www.sfgovtv.org

Watch: https://bit.ly/45GPcgA

PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2664 0179 3778

DRAFT MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, July 17, 2024 was called to order at 9:38 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 Catherine Meng
Commissioner Earl Shaddix
Commissioner Angie Sommer
Commissioner Kavin Williams

MEMBERS OF THE BOARD
Evita Chavez, President
Bianca Neumann, Vice-President
Alysabeth Alexander-Tut, Commissioner
Catherine Meng, Commissioner
Earl Shaddix, Commissioner
Angie Sommer, Commissioner
Kavin Williams, Commissioner

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

Ramaytush Ohlone Land Acknowledgment.

The Abatement Appeals 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 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: June 12, 2024.
Public Comment

There was no public comment.

Commissioner Alexander-Tut made a motion, seconded by Vice President Neumann, to approve the meeting minutes of June 12, 2024.

This motion carried unanimously.

2. CASE NO. 6925: 201 Ashton Ave. - Complaint # 201703961

Owners of Record & Appellant: EMBERTON & RUPPEL FAMILY TRUST/ MIHAL EMBERTON

ACTION REQUESTED BY APPELLANT: Appellant appeals the April 12, 2023 Order of Abatement and assessment of costs. Appellant request the Board to rescind and reverse the DBI violation notices (the Notice of Violation and Order of Abatement). Appellant has also stated that the "Removal of blight was completed prior to NOV."
Public Comment

There was no public comment.

Secretary Harris read item #C2 case #6925 for 201 Ashton Avenue.

Acting Deputy Director of Inspection Services Matthew Greene said the Appellant submitted the complaint timely, however, the department did not properly post or distribute it to the Board and recommended a continuance.

President Chavez asked if the appellant was aware of the recommendation.

Mr. Greene said the department had spoken to the appellant and that she was aware of the Board not having all of the information.

The Appellant, Ms. Emberton, said she agreed with the recommendation to continue the case.

President Chavez made a motion, seconded by Vice President Neumann, to continue case #6925 regarding 201 Ashton Avenue.

Secretary Harris Called a Roll Call Vote:

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

The motion carried unanimously.

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

1. **CASE NO. 6924: 204 Tingley St. - Complaint # 202173591**

   Owners of Record & Appellant: SAMUEL RANGEL AND MAR CARRIZALEZ

   Appellant's Representative: AHMAD LARIZADEH

   ACTION REQUESTED BY APPELLANT: Appellant appeals the February 7, 2023 Order of Abatement and assessment of costs. Appellant seeks that "No lien is bestowed on subject property: 204 Tingley St. City of SF destroyed plans/app in 2020. Due to hardship, permit was not processed in time of Director's hearing. Duplicate is being processed now with the city of SF."
   Public Comment

There was no public comment.

Senior Building Inspector Joe Ng presented the Department's case regarding 204 Tingley Street, and made the following points:

- The property was a one story building type, 5B construction for single family use in R3 occupancy.
- Upon complaint investigation performed February 2021 an unauthorized rear addition was found without weather building permit and City approval.

- It was found the same owner twelve-years prior had the same violation in 2012 and 2013.
- Three years ago a new complaint was filed and a Notice of Violation was issued March 2021.
- Subsequent Order of Abatement was issued due to the owner did not comply timely.
- In June 2023 the owner obtained a permit to correct the violation and that permit was the only one to address the violation.
- To date the owner had not had a final inspection and the case was continued from June 2024 and the work had not been completed.
- The last inspection was completed on June 18, 2024 and the inspector reported multiple construction deficiencies.
- Staff recommended to uphold the Order of Abatement and impose all costs.
- Owner continued to fail inspections due to work not complying with the Building Code and the unprotected building exterior had increased the fire hazard.

The Appellant's representative Ahmad Larizadeh and the Appellant Mar Carrizalez presented the following points:
(Ms. Carrizalez was assisted by a Spanish speaking interpreter as well.)

- There was a permit applied for but the contact person was in jail and the department was not able to contact the appellant.
- Mr. Larizadeh filed for a new permit after he became aware and the new permit was issued.
- The original contractor had been deported to Mexico.
- Mr. Larizadeh said once he became involved he followed the department's procedures.
- Mr. Larizadeh said he was a licensed contractor and could see the deficiencies but the appellant unfortunately had hired and paid someone who did not know what they were doing.
- He described a photo that showed the exterior of the building having the wrong water protection and plywood and another solution on the roof that was not supposed to be there. The material used had deteriorated.
- Mr. Larizadeh said the appellant had to start the work over and she was looking for a contractor.
- Ms. Carrizalez, the Appellant, said if a lien was placed against the property she would not be able to fix the property.
- The appellant also said the drawings were lost by the department before.
- Ms. Carrizalez said she was trying to fix the property and she wanted to keep her home.

There was no public comment.

Senior Building Inspector Joe Ng gave a rebuttal and made the following points:

- The appellant had said themselves they were not able to complete the project to date

- The next option the appellant would consider was to remove the unauthorized rear addition and restore to the last legal condition.

Mr. Larizadeh and Ms. Carrizalez gave a rebuttal and made the following points:

- The appellant was not considering removing the rear addition and they were going to continue looking for the proper contractor.
- It was unfortunate that the appellant was in business with a bad contractor and lost money, but they were trying to fix the issues.
- The request was to not place a lien against the property so the appellant would be able to get a loan and complete the project.
- Ms. Carrizalez said the addition was there when she purchased the home more than thirty years ago and she tried to fix the addition because it was already wrong.
- The appellant said she did not want to destroy the home and she wanted to conserve it and make the conditions better. They had the right to live in a house and she wanted to keep the property for her children and grandchildren.

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

President Chavez made a motion to uphold the Order of Abatement, which was 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 Meng	**Yes**
Commissioner Shaddix	**Yes**
Commissioner Sommer	**Yes**
Commissioner Williams	**Yes**

The motion carried unanimously.

President Chavez made a motion to uphold the Assessment of Costs, which was seconded by Commissioner Alexander-Tut.

Secretary Harris Called for a Roll Call Vote:

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

The motion carried unanimously.

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

1. CASE NO. 6926: 2121 Laguna St. - Complaint # 201843561

Owners of Record & Appellant: CATHERINE SILER

ACTION REQUESTED BY APPELLANT: Appellant appeals the June 28, 2022 Order of Abatement and assessment of costs and re-hearing. Appellant states that "SFFD plan check released fire hose cabinet approval as a prerequisite to obtain permit." Appellant seeks "removal of abatement status," and argues that the "notices went to non-board member or agent." Appellant also request for jurisdiction on the ground that their "permit application is waiting for DBI approval."

Public Comment

Senior Building Inspector Joe Ng presented the Department's case regarding 2121 Laguna Street and made the following points:

- The property was a four story building, type five construction for a multifamily residential building with R2 occupancy.
- The department issued two Notices of Violation in 2018 and 2019 after receiving anonymous complaints that the retaining wall foundation deterioration in the property's parking garage.
- Order of Abatement was issued June 2022 and nearly six years later the work had not been completed.
- The property owner obtained permit approval January 2023 in attempt to comply, however to date the final inspection had not been completed.
- Staff recommended to uphold Order of Abatement including assessment of all costs.
- The Notice of Violation issued in 2018 and the owner failed to comply with the violation within the timeline.
- Four years after the Notice of Violation the Order of Abatement was issued June 2022 and over two years had elapsed and violation was still outstanding.

Representative for the Appellant Robert Caruso with The John Benjamin Company presented the following points regarding 2121 Laguna Street:

- Mr. Caruso said his company was hired by Project Management Company (PMC). He stated that he would go into the history of the property and bring all parties up to date.
- Mr. Caruso said he went back to 2018 when the first Notice of Violation was filed. A permit was filed in February 2020 and the permit was issued January 2023.
- The work to mitigate the complaint began July 2023 and completed in September 2023.
- Rainbow Waterproofing and Restoration was the general contractor and the structural engineer was Murphy, Burr, and Curry.
- Mr. Caruso said a project of this nature involves special inspections with an independent inspector which was with Applied Materials and Engineering (AME).
- AME submitted report to DBI's special inspections group.
- The general contractor and AME were working with an over the counter inspector to have the special report approved and then the final permit would be signed off.
- Mr. Caruso said there were some very reputable companies involved and his opinion was that there was some lost paperwork in the mix, however, the project was completed.

There was no public comment.

Senior Building Inspector Joe Ng gave his rebuttal on case #6926 and made the following points:

- The issue was if the Order of Abatement (OOA) and the Notice of Violation (NOV) were issued correctly.
- The NOV was issued for deterioration of the foundation.
- The OOA was issued correctly as it was issued in June 2022, and to date the final permit had not been issued.
- Although the corrections were made before the OOA was issued Mr. Ng informed the appellant that in order to submit a revised special inspections report, an application for a permit needed to be submitted and approved by a plan checker.

Representative for the Appellant Robert Caruso with The John Benjamin Company presented the following points for rebuttal:

- The permit application showed it was submitted in 2020 and finally issued in 2023.
- He referenced another document from AME that was submitted to DBI addressing the issue of finalizing the permit.
- Mr. Caruso said the application was submitted in 2020 and not approved until 2023, and the work started in July of 2023.
- Mr. Caruso said there was a letter from AME date November 2023 addressing the reports the special inspections unit was looking for.

- Mr. Caruso said a meeting should have been scheduled when those letters were sent to DBI to address the special inspections report that was not needed due to the type of work that was performed.

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

E. GENERAL PUBLIC COMMENT.

There was no general public comment.

F. ADJOURNMENT

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

The motion carried unanimously.

The meeting was adjourned at 11:04 a.m.

Respectfully submitted,

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Monique Mustapha, Assistant BIC Secretary

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Edited By: Sonya Harris, BIC Secretary