

***Regular Meeting of the
Building Inspection Commission***

October 16, 2024

Agenda Item 5

Appellant's Submittal

Tad Nguyen ECC appeal response regarding the notice of violations from the Department of Building Inspection (DBI)

September 27, 2024

ECC appeal is on 10-16-24.

1. **1237 Shafter Street** - This is a single family dwelling with two addresses - the upper level is 1237 Shafter Street and the lower level is 1239 Shafter Street. The owner obtained a permit that allowed for the upper and lower levels to be built simultaneously.

Before we accepted the job, it should be noted several notices were issued: 5 notice of violations including no footing, illegal height and addition. These notices were issued BEFORE I started work.

Thus, we began construction in an attempt to remedy not only these violations but also to ensure the safety and security of the building – and the subsequent structure that eventually would be built. As a result we attempted to raise the building to a proper legal height. During this process, we discovered that no footing was properly established/installed. As a result, we needed to redo and rebuild the footing. This involved breaking up part of the existing structure. A complaint was made that this was done without a permit – this is untrue because a permit was approved for this specific demolition. This ensured the safety of not only the building but the people who would not only build it but also eventually occupy it.

Therefore, we rebuilt all the perimeter using concrete and rebar according to the SF county codes. We called for an inspection to be done and approved. Paul Saunder, the inspector, came out, and cited us ostensibly for not having a demo permit. Originally I thought the permit obtained encompassed this type of reinforcement regarding the

footing. However, Mr. Saunder told us otherwise and I subsequently obtained a proper demo permit 2-3 weeks later. Thus we believe we were in compliance.

2. **1239 Shafter Street** - Please see the same explanation as above in number 1 regarding 1237 Shafter Street. Furthermore, this is part of the unit above and thus should not constitute a second complaint but rather part as the first one. It would be improper for me to be penalized twice for one project. Kindly asking for your consideration in this.
3. **1600 Thomas Street** - The primary complaint is that two rear yard stair/deck structures have been demolished and rebuilt with a new configuration outside the bounds of a permit. It should be made very clear that I was NOT the contractor to build/create these structures. Instead, they were already almost fully built by a prior contractor or the owner and I was hired to try to help resolve some of the conflicts/NOV. When I was hired, the structure already had a notice of violation but not from my work; again it was from the previous contractor. I was hired to attempt to remedy this NOV. Therefore, I did attempt to and did in fact successfully obtain a permit to have this structure finished properly and within code. My construction addressed the NOV and allowed it to be built safely and effectively. This was confirmed by the fact that the inspector came out and approved the final inspection.
4. **352 Head Street** - Firstly, when the inspector came out, he was supposed to be inspecting 350 Head Street and not 352 Head Street. We in no way called for this inspector. Why that is relevant is that we were not completely done with our constitution of the installation of the $\frac{5}{8}$ Type X type of walls required by the code. Citing us was premature and improper.

Secondly, the inspector did not know that we already obtained a sprinkler permit from the fire department. Thus, because of this sprinkler permit, the 5/8 Type X wall was not required. This would be in excess and not needed per the planning department. It should be noted that despite not needing both, I still installed both in an abundance of caution. A subsequent permit was obtained and the final inspection was approved.

All these cases seem to be a misunderstanding and I am doing my best to not only create a safe environment for San Franciscans but also to do my part in making it a little more beautiful. I also always attempt to follow the code because I know my safety and job is at risk. I pride myself in trying to do my best. This is my livelihood and I know the importance of doing work properly and according to code. Thank you for your time and consideration.