



ABATEMENT APPEALS BOARD

NOTICE OF MEETING

Wednesday, April 17, 2024 at 9:30 a.m.

Remote Hearing via video and teleconferencing

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PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2661 086 0068

ADOPTED MAY 15, 2024

MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, April 17, 2024 was called to order at 9:36 a.m. and roll call 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, Excused

Commissioner Earl Shaddix, Excused

Commissioner Angie Sommer

Commissioner Kavin Williams

Ramaytush Ohlone Land Acknowledgment.

MEMBERS OF THE BOARD

Evita Chavez, President

Bianca Neumann, Vice-President

Alysabeth Alexander-Tut, 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

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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 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.
Public Comment**

Vice President Neumann made a motion, seconded by President Chavez to continue this item to the next meeting.

This motion carried unanimously.

There was no public comment.

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

1. CASE NO. 6918: 3655 20th St. – Complaint # 202295141

Owners of Record & Appellant: KNOWLES JOHN F. & DAPHNE & KNOWLES GREGORY

Appellant’s Representative: HENRY KARNILOWICZ

ACTION REQUESTED BY APPELLANT: Appellant appeals the Order of Abatement dated October 19, 2023 and posted on November 6, 2023, and assessment of costs. Appellant seeks “Cancelling of the OOA as a permit was procured in a timely manner to address the complaint considering owner was unaware of the complaint.”

Public Comment

Mr. Joe Ng, Senior Inspector, presented the case for the Department of Building Inspection Code Enforcement Services division and made the following points:

- Notice of Violation issued on September 8, 2022 for potential hazard at the rear-east property line of the address.
- First permit ending in 7117 was issued as an emergency.
- Final inspection found the work performed was unsafe.
- Owner failed to file re-issued permit to repair the work.

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- Director's Hearing was scheduled for September 5, 2023 and the owner was advised Order of Abatement subject to conditions.
- Permit issued ending in 5936 was to correct the previous work deemed unsafe; no inspection was completed to date.
- Staff recommended to uphold the Order of Abatement and Assessment of Costs.

Mr. Henry Karnilowicz, Appellant's Representative, made the following points:

- The original permit was to address the section of the retaining wall that was on the property line between two neighbors and it was signed off by an inspector.
- Another inspector visited the property and there were walls surrounding the property not just the walls in the complaint and that wall needed to be addressed.
- The owner retained a contractor and had plans drawn.
- Mr. Karnilowicz showed a photo of the retaining wall with a crack in it and said the wall had been in that condition for more than twenty years and it was not leaning or an immediate hazard.
- The work that was done was on the property itself but not the retaining wall and the owner was not happy with the work and wanted to change the design and had been working with designers.
- Mr. Karnilowicz said he believed the wall was not an imminent danger and the property should not have an Order of Abatement recorded.

Public Comment

The caller said they were the neighbor on the other side of the retaining wall to the property and the wall did fall onto their property and asked the owners to help the wall but they did not. The caller said they paid for the report of the retaining wall and it was reported to the city that the wall was moving. The caller said they also had to pay to remove a tree that would have fallen onto their property. The wall that was built previously by the owner did not meet the city requirement and the owner poured concrete on top of the wall.

Senior Inspector Joe Ng presented his rebuttal for the case and made the following points:

- Mr. Ng shared a printout of the property line to the Board and a picture of the original wall that was part of the permit issued as an emergency.
- Mr. Ng showed a photo of the property where the owner used plywood to temporarily uphold the unsafe condition which was not acceptable.
- The Department gave the owner time to respond to the complaint, the owner's filed a permit but had not taken action on the permit.
- Mr. Ng said the criteria to abate a case was to get all work complete with final sign-off.
- Staff recommended to uphold the Order of Abatement.

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Deputy City Attorney (DCA) Sarah Fabian asked Mr. Ng if the map he circulated to the Board was part of the staff report and he said it was not.

DCA Fabian advised the Board to consider if they would accept the map as late evidence submission. Mr. Ng said the map was printed out the morning of the hearing as part of his presentation but he was not able to show it on the overhead and he also gave the appellant a copy to review.

Mr. Karnilowicz gave his rebuttal and made the following points:

- There were no life safety issues and the wall that was falling had been removed.
- The owner was working with another engineer to address the other retaining wall.

Members of the Abatement Appeals Board (Bianca Neumann, Evita Chavez, 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, including the Assessment of Costs, seconded by Vice President Neumann.

Secretary Harris Called for a Roll Call Vote:

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

The motion carried unanimously.

D. GENERAL PUBLIC COMMENT.


There was no general public comment.

E. ADJOURNMENT

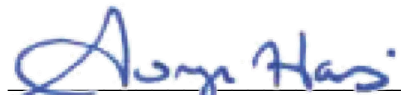
Vice President Neumann made a motion to adjourn the meeting, which was seconded by President Chavez.

The meeting was adjourned at 10:19 a.m.

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary