

*AAB Regular
Meeting of
March 20, 2024*

Agenda Item C

Minutes of the Abatement Appeals Board

Meeting of July, 20, 2022

January 11, 2024

January 17, 2024



ABATEMENT APPEALS BOARD

NOTICE OF MEETING

Wednesday, January 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/41YFKna>

PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2664 464 4212

DRAFT MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, January 17, 2024 was called to order at 9:38 a.m. and roll was taken by Commission Secretary Sonya Harris, and a quorum was certified.

BOARD MEMBERS PRESENT:

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

MEMBERS OF THE BOARD

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Evita Chavez, 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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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. REMOTE PUBLIC COMMENT: *(Discussion and Possible Action)*

Discussion and possible action to follow the Board of Supervisor’s remote public comment policy that eliminates remote public comment except when necessary to enable the participation of people with disabilities.

The members of the Abatement Appeals Board (AAB) discussed the option of whether or not to continue providing remote public comment. The Board determined that it was best to continue allowing remote public comment, in order to allow members of the public more opportunities to comment either in person or remotely.

There was no public comment.

Commissioner Alexander-Tut made a motion, seconded by Vice President Chavez to continue remote public comment.

Secretary Harris Called for a Roll Call Vote.

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

The motion carried unanimously.

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

Discussion and possible action to adopt the minutes for meetings held on: May 18, 2022 and June 15, 2022.

This item was agendized in error. The minutes for the Abatement Appeals Board meetings of May 18, 2022 and June 15, 2022 were approved July 20, 2022.

There was no public comment.

D. CONTINUED APPEAL(S): Order of Abatement

1. CASE NO. 6912: 460 Vallejo St. – Complaint # 202286188

Owners of Record & Appellant: JUSTIN YONKER

ACTION REQUESTED BY APPELLANT: Appellant appeals the April 26, 2022 Order of Abatement and assessment of cost on the ground that he is in the process of correcting the cited violation. Appellant requests that the Order of Abatement and assessment of costs be reversed or modified.

Mr. John Hinchion, Acting Chief Building Inspector of Code Enforcement, presented the case regarding 460 Vallejo Street. Mr. Hinchion discussed the following points:

- This was a 4-story Single Family Dwelling
- The violation was work exceeding the scope of permit, there were a number of items including fence greater than nine feet nine inches, property line windows removed and relocated, garage door widened, front façade stucco removed and replaced with horizontal siding, new entry building door installed, roof deck barriers removed, three stairway windows were installed, elevator shaft enclosure does not have required doors, rear stairs were changed to cantilever steel stairs.
- Director’s Hearing was on April 26, 2022 and an Order of Abatement was issued with the following conditions: 30 days to obtain permit and complete including final sign off, and pay all fees.
- Permit was filed on May 19, 2022, plan review process had not been completed.
- To date permit had not been issued.
- Staff recommended uphold Order of Abatement and impose assessment of cost.

Mr. Thomas Tunny of Reuben, Junius and Rose, LLP representing Mr. Ischandar stated the following:

- Council for the property owner, Mr. Tunny, stated that Justin Yonker filed the appeal on behalf of Mr. Ischandar.
- They did not disagree with what Mr. Hinchion presented.
- This was a 2-unit building not a Single Family Dwelling.
- The issue was after submitting for a permit to abate the violations and address the items, the permit was routed to Planning and they were working with them.
- Neighborhood noticing was done, and a discretionary review request was filed. The review was scheduled and cancelled several times.

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- We did not hear from Planning again after the last cancellation, and tried to follow up. They reached out to Planning and were waiting for them to reschedule the review.

Mr. Ischandar, the Appellant, presented the case regarding 460 Vallejo Street. Mr. Ischandar discussed the following points:

- He acquired the property in 2014 to accommodate an expanding family, with the intention of housing elderly parents.
- Subsequently over five years we secured permits, collaborated with skilled builders and tradespersons to finalize the project in 2018.
- After inspections they received a Certificate of Completion in 2018.
- Shortly after he received notice from Planning regarding items that were approved, but did not undergo Planning Review.
- Those items included façade restoration to original wood siding, fence along eastern sidewall, new garage and front doors.
- We addressed all of the discrepancies and followed staff recommendation from 2019 until January 2022 when Planning staff scheduled a hearing.
- The hearing was postponed by Planning.
- We filed Permit Application (PA) #202205194663 which stated Notice of Abatement #202286188. The PA was sent to the Planning Department, and its status was under review.
- While Planning had not communicated next steps, the Department of Building Inspection continued to send notices to abate and proceeded with further enforcement.

Public Comment:

Mr. Jerry Dratler said that he was not prepared to comment on 460 Vallejo street, but added that Mr. Ischandar was a contractor and should know better. Mr. Dratler said Mr. Ischandar put a swimming pool on top of the building and he was told by a well-known structural engineer that the weight of the pool was about the same as the building itself. The list goes on and on.

Mr. John Hinchion, Acting Chief Building Inspector of Code Enforcement, presented the rebuttal regarding 460 Vallejo Street. Mr. Hinchion discussed the following points:

- Staff agreed with the appellant that it was a 2-unit building.
- Staff may have misspoken but it was believed the 2 units may have been merged together.

Mr. Ischandar the Appellant did not give a rebuttal.

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

Commissioner Alexander-Tut made a motion, seconded by President Neumann, to uphold the Order of Abatement, including the assessment of costs.

Secretary Harris Called for a Roll Call Vote.

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

The motion carried unanimously.

E. GENERAL PUBLIC COMMENT

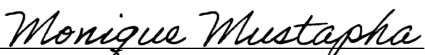
There was no general public comment.

E. ADJOURNMENT


President Neumann made a motion to adjourn, seconded by Commissioner Alexander-Tut. The motion carried unanimously.

The meeting was adjourned at 10:27 a.m.

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary



ABATEMENT APPEALS BOARD

NOTICE OF MEETING

Wednesday, July 20, 2022 at 9:00 a.m.

Remote Hearing via video and teleconferencing

Watch SF Cable Channel 78/Watch www.sfgovtv.org

Watch: <https://bit.ly/3zTph7I>

PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2496 665 8212

DRAFT MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, July 20, 2022 was called to order at 9:09 a.m. and roll was taken by Commission Secretary Sonya Harris, and a quorum was certified.

BOARD MEMBERS PRESENT:

President Jason Tam

Vice President J.R. Eppler

Commissioner Alysabeth Alexander-Tut

Commissioner Raquel Bito

Commissioner Bianca Neumann

Commissioner Angie Sommer

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 have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well

MEMBERS OF THE BOARD

Jason Tam, President

J.R. Eppler, Vice-President

Alysabeth Alexander-Tut, Commissioner

Raquel Bito, Commissioner

Bianca Neumann, Commissioner

Angie Sommer, Commissioner

DEPARTMENT REPRESENTATIVES

Joseph Duffy, Secretary to the Board (628) 652-4411

Sonya Harris, BIC Secretary (628) 652-3510

Melissa Reyes, Recording Secretary (628) 652-3427

CITY ATTORNEY'S OFFICE REPRESENTATIVE

Zachary Porianda, Deputy City Attorney (415) 554-4665

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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. FINDINGS TO ALLOW TELECONFERENCED MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(e). (*Discussion and Possible Action*)

The Board will discuss and possibly renew findings that it adopted at its October 20, 2021 meeting that are necessary to authorize the Board to hold meetings remotely under the modified Brown Act provisions in Assembly Bill 361.

Assistant Secretary Harris asked if all Commissioners were in agreement to continue to meet remotely. All members said aye.

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

Discussion and possible action to adopt the minutes for meetings held on: May 18, 2022 and June 15, 2022.

President Tam made a motion, seconded by Commissioner Sommer, to approve the May 18, 2022 and June 15, 2022 minutes with the correction that Commissioner Alexander-Tut was excused.

D. CONTINUED APPEAL(S): Order of Abatement

1. CASE NO. 6906: 1234-24TH AVENUE_20195941

Owners of Record & Appellant: JAMES D. WAGNER

ACTION REQUESTED BY APPELLANT: Appellant appeals the December 28, 2021 Order of Abatement and assessment of costs on the ground that he is in the process of correcting the cited violation. Appellant requests that the Order of Abatement and assessment of costs be reversed or modified.

Mr. John Hinchion, Acting Chief Building Inspector of Code Enforcement, presented the case regarding 1234 24th Avenue, and discussed the following points:

- This was a 2-story single family dwelling.
- Notice of Violation was issued June 5, 2019 relating to building permit issued to complete work under a permit from 2004 to replace stairs
- The permit had expired without completion of work.
- Director’s Hearing took place October 6, 2021 and Order of Abatement was issued.

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- A permit was issued on September 14, 2021 for commencement of work not started on previously approved permit application #200405103397.
- Staff recommended to uphold the Order of Abatement and impose assessment of cost. Mr. James Wagner the Appellant presented the case regarding 1234 24th Avenue. Mr. Hinchion discussed the following points:
- Mr. Wagner said he had approved plans and permit to complete the work in question that does not expire until September 9, 2022.
- Mr. Wagner said an inspection was done July 19th by inspector Bill Walsh and was told the work was satisfactory and to continue the project.
- Mr. Wagner gave the inspectors phone number and said the inspector would speak on his behalf in his favor.
- Mr. Wagner requested that no fine be assessed while he had an ongoing valid permit and satisfactory progress in the work and support from the inspector.

There was no public comment.

Mr. John Hinchion, Acting Chief Building Inspector of Code Enforcement, presented the rebuttal regarding 1234 24th Avenue, and discussed the following points:

- In the section report there were two entries from January 3, 2022 and February 9, 2022.
- The inspector noted a revision was needed.
- The conditions in the field did not match the approved plans.
- The follow up inspection from February 9, 2022 noted no inspection performed on questions and answers with site verification.
- Staff does not have verification of the inspection performed the day before the hearing on July 19, 2022.
- Unless the Appellant was able to provide verification of the inspection staff would not be able to comment.
- The permit issued in 2004 was issued in response to a Notice of Violation and the permit was renewed on three different occasions.
- From 2004 there had been little progress and the report provided photos
- Mr. Hinchion said how does someone safely enter the building while there were no stairs.
- Based on life safety standards staff recommended to uphold the Order of Abatement and Assessment of Cost.

Mr. James Wagner, Appellant, presented the rebuttal regarding 1234 24th Avenue and discussed the following points:

- Mr. Wagner said Inspector Walsh noted there were two entrances into the property.
- A great deal of work had been done and asked that Inspector Walsh be consulted.
- Mr. Wagner provided the job card he said Inspector Walsh gave to him.
- Mr. Walsh said the Inspector indicated on the job card the date of the inspection.

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- Mr. Walsh said he and his wife had been managing medical issues over the years but he managed to continue work on the project.
- The permit did not expire until September 9, 2022 and expected the work to be completed by that date.
- Mr. Walsh stated he had been completing the work on his own as he could not afford a contractor.
- Mr. Walsh said he thought it to be wrong to uphold a fine while he had a valid permit.

Members of the Abatement Appeals Board (Jason Tam, J.R. Eppler, Raquel Bito, Alysabeth Alexander-Tut, Angie Sommer, and Bianca Neumann) made comments and asked various questions of DBI staff and the Appellant pertaining to the Appeal.

There was no public comment.

E. GENERAL PUBLIC COMMENT

There was no general public comment.

E. ADJOURNMENT

Vice President Eppler made a motion to adjourn the meeting, which was seconded by Commissioner Bito.


The motion carried unanimously.

The meeting was adjourned at 9:50 a.m.

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary



ABATEMENT APPEALS BOARD
NOTICE OF SPECIAL MEETING
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Remote Hearing via video and teleconferencing
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Watch: <https://bit.ly/3ROPTOz>

PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2662 866 1628

DRAFT MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, January 11, 2024 was called to order at 10:48 a.m. and roll was taken by Commission Secretary Sonya Harris, and a quorum was certified.

BOARD MEMBERS PRESENT:

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

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

Abatement Appeals Board – MINUTES – Notice of Meeting of January 17, 2024 – Page 2

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. ELECTION OF AAB PRESIDENT AND VICE-PRESIDENT (Discussion and Action)

The Abatement Appeals Board bylaws, Section I.A.1., require the Abatement Appeals Board to elect a President and a Vice President during its first regular meeting in February each year, or the first meeting held thereafter.

Commissioner Alexander-Tut made a motion, seconded by Commissioner Shaddix, to nominate Commissioner Neumann as President.

There was no public comment.

Secretary Harris Called for a Roll Call Vote.

Commissioner Alexander-Tut	Yes
Commissioner Chavez	Yes
Commissioner Neumann	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

Commissioner Alexander-Tut made a motion, seconded by Commissioner Sommer, to nominate Commissioner Chavez as Vice-President.

There was no public comment.

Secretary Harris Called for a Roll Call Vote.

Commissioner Alexander-Tut	Yes
Commissioner Chavez	Yes
Commissioner Neumann	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

C. GENERAL PUBLIC COMMENT

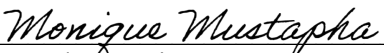
Members of the public may address the Board on matters that are within the Board's jurisdiction and are not on today's agenda. Speakers shall address their remarks to the Board as a whole and not to individual Board members or Department personnel.

There was no public comment


D. ADJOURNMENT

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary