



ABATEMENT APPEALS BOARD

NOTICE OF MEETING

Wednesday, August 21, 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/3Y5gAmX>

PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2662 324 8361

ADOPTED SEPTEMBER 18, 2024

MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, August 21, 2024 was called to order at 9:41 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, Excused
Commissioner Alysabeth Alexander-Tut
Commissioner Catherine Meng, Excused
Commissioner Earl Shaddix
Commissioner Angie Sommer
Commissioner Kevin 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
Kevin 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: July 17, 2024.
Public Comment

There was no public comment.

President Chavez made a motion, seconded by Commissioner Sommer, to approve the meeting minutes of July 17, 2024.

This motion carried unanimously.

Abatement Appeals Board Secretary Matthew Greene said the Appellant for cases 6927 and 6928 address 1920 Quint Street withdrew their appeals and would not be heard today.

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

1. 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

Senior Building Inspector Joe Ng presented the Department’s case regarding 201 Ashton Avenue and made the following points:

Abatement Appeals Board – Minutes – Meeting of August 21, 2024 – Page 3

- Property was one-story building, type 5B construction for single family house with R3 occupancy.
- September 2017 DBI inspector responded to public complaint and reviewed unauthorized new fences were erected surrounding the fee side of the premises located at the corner lot of the block.
- All fences were visible from the street, height ranged from four to six feet, at the back of the sidewalk and enclosing within public right of way.
- The unauthorized fences were found to have multiple violations of the code and regulation.
- The owner had taken no action to comply with the violation and remove the fences within the timeline.
- After five years DBI inspector rendered decision to issue an Order of Abatement in March 2023.
- Seven years ago the building owner filed a building permit in attempt to legalize the fence, but the permit was not approved due to the owner failure to comply with plan review comments and obtain permit from Department of Public Works for minor sidewalk encroachment.
- Subsequently, the owner followed up with an appeal in December 2023 and an order was released and currently the owner was required to revise the permit drawing and incorporate the condition and outlines from Public Works date June 13, 2024 with a modification as detailed in the order.
- Staff recommends uphold the Order of Abatement including the Assessment of Costs.

Ms. Mihal Emberton, the Appellant, for the property located at 201 Ashton Avenue gave a presentation and made the following points:

- In 2017, they repaired and replaced a blighted four-foot wooden fence along the property following municipal codes regarding blight and sidewalk safety.
- In September 2017 a citizen filed a music complaint.
- The complaint did not detail any unsafe property as required by the San Francisco Administrative Code.
- DBI conducted a search of private property without the legal requirement of probable cause of unsafe property and proceeded to a Notice of Violation.
- DBI violation notice did not notify the owner of their due process right to appeal the notice.
- A Building Permit was filed October 2017 and the Variance was approved and processed by the Assessor-Recorder's office in 2021.
- November 2021 the Department of Public Works alleged the private property easement was now public right of way and mandated a minor sidewalk encroachment permit which was filed December 2021.
- DBI claim that the private right-of-way (public utility easement), was a 'city-owned unpaved sidewalk (public right-of-way)' violates state and municipal sidewalk codes.
- The appellant requested the Board to remand the case to the San Francisco Superior Court because DBI's searches and violation notices violate municipal code, state and federal law which were outside of the Board's jurisdiction.

Abatement Appeals Board – Minutes – Meeting of August 21, 2024 – Page 4

There was no public comment.

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

- The owner was required to obtain permits for any fence in front of the property.
- The owner failed to obtain permits prior to making repairs.
- Exhibit B, bottom photo captured in 2017 the owner erected fence without obtaining permit from DBI, the fence was beyond the allowed three feet and was a solid panel which had not been approved.
- The notices referred to erecting the type of fence without a permit constituted the violations.
- There was no approval from DBI for encroaching the public right-of-way was compelling the owner to comply with the violations.

The Appellant did not have a rebuttal.

Members of the Abatement Appeals Board (Evita Chavez, , 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.

Commissioner Sommer made a motion to uphold the Order of Abatement, and hold it in abeyance for one hundred eighty days, including all of the Assessment of Costs, which was seconded by Commissioner Shaddix.

Secretary Harris Called for a Roll Call Vote:

President Chavez	Yes
Vice President Neumann	Excused
Commissioner Alexander-Tut	Yes
Commissioner Meng	Excused
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. 6927: 1920 Quint St. - Complaint # 201918206

Owners of Record & Appellant: EDWARD A. REBARCHIK

ACTION REQUESTED BY APPELLANT: Appellant appeals the July 13, 2021 Order of Abatement and assessment of costs. Appellant objects to the Order of Abatement, seeks

Abatement Appeals Board – Minutes – Meeting of August 21, 2024 – Page 5

a reversal of the order and fees and, asks that the order be suspended as Appellant had been actively working to resolve the associated NOV's 201899816 and correct the errors on the NOV.

Public Comment

This appeal was withdrawn.

2. CASE NO. 6928: 1920 Quint St. - Complaint # 201899816

Owners of Record & Appellant: EDWARD A. REBARCHIK

ACTION REQUESTED BY APPELLANT: Appellant appeals the July 13, 2021 Order of Abatement and assessment of costs. Appellant objects to the Order of Abatement, seeks a reversal of the order and fees and, asks that the order be suspended as Appellant had been actively working to resolve the associated NOV's 201899816 and correct the errors on the NOV.

Public Comment

This appeal was withdrawn.

E. GENERAL PUBLIC COMMENT.

There was no general public comment.

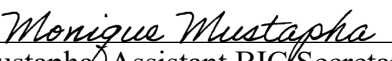
F. ADJOURNMENT

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

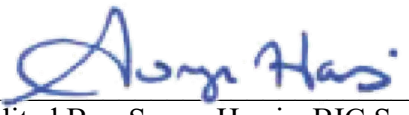
The motion carried unanimously.

The meeting was adjourned at 10:44 a.m.

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary