

***AAB Regular
Meeting of
July 20, 2022***

***Agenda Item D
Appellant's Submittal***

W
1/10/22

APPEAL TO THE ABATEMENT APPEALS BOARD
OF THE CITY AND COUNTY OF SAN FRANCISCO
FROM THE BUILDING INSPECTION DEPARTMENT DIRECTOR'S ORDER

Check Type of Appeal: Appeal of Director's Order Request for Jurisdiction Re-hearing

Appellant Name: JAMES D. WAGNER
Director's Order No 201959541A
Date Appeal Filed: JAN 10, 2022

Appeal Number _____
Complaint Tracking No(s) _____
Filing Fee: \$158.10

Instructions: Please (1) answer all the questions on pages 1 and 2 for appeals of Director's Orders, and complete pages 1 through 3 for Requests for Jurisdiction, (2) sign the bottom of page 2 (and 3 if applicable); and (3) include the requisite filing fee of \$158.10 (checks are payable to the San Francisco Department of Building Inspection). Please attach additional pages as necessary and print legibly.

Jurisdiction of the Abatement Appeals Board (AAB): Under Section 105A.2 of the San Francisco Building Code (SFBC), and Chapter 77 of the San Francisco Administrative Code, the AAB has the power to hear and decide appeals from Orders of Abatement and hear direct appeals pursuant to SFBC Section 102A.. The Board may "uphold, modify, or reverse such orders, provided that the public health, safety and public welfare are secured most nearly in accordance with the intent and purpose of this code and the San Francisco Housing Code." (SFBC 105A.2.3).

Appellant Questionnaire & Declaration: The undersigned appellant hereby appeals to the AAB and makes the following allegations in connection therewith:

- (1) The Order appealed from was made at a public hearing by the Director of Building Inspection, of the City and County of San Francisco, on DEC. 28, 2021
- (2) The affected premises are located at 1234 24th AVE San Francisco. They contain 1 dwelling units and 0 guest rooms.
- (3) State in ordinary and concise language the specific nature of the action appealed from, together with any material facts relating thereto. Please see attached sheet
- (4) State the relief you seek and reasons why you claim the appealed action should be modified or reversed by this board. (Attach additional sheet(s) if necessary).
Please see attached sheet
- (5) Please state /check appellant's relationship to the property: property owner owner's agent attorney architect engineer contractor other _____
If the appellant is an agent of the owner(s) of record please attach documentation delineating representation.
- (6) **Appellant's Information:**
Print Appellant's Name: JAMES D. WAGNER Daytime Phone Number: [REDACTED]
Appellant's Mailing Address: 1234 24th AVE. SAN FRANCISCO 94122

Abatement Appeals Board (AAB)
Tel. (628) 652-3517 - (628) 652-3426
49 South Van Ness Avenue Suite 400, San Francisco, CA 94103

Abatement Appeals Board Appeal Application Form
Page Two

- (7) Please state any work that you are aware of that was performed at the subject property without required building, plumbing, electrical permits:
Only disassembly of falling down stairs in 2004 to prevent injury
- (8) Did the current owner(s) of record own the property when this work was performed?
 Yes No
- (9) If no, explain property purchases and approximate time when work was performed:

- (10) Please state any work completed to correct the related code violations: (of no stairs)
Some work was done under approved plans and permits
- (11) What was the extent of the work performed? How much remains to be completed? 80%?
- (12) When was the work done? 2004 and subsequent as permitted
- (13) Who did the work? I did.
- (14) What is your occupation? If you are a co-owner, list all other co-owners and other occupants.
I am 80 and retired. My wife Valerie H. Wagner
- (15) Do you own other properties in San Francisco? Yes No
- (16) If yes, do any of these properties have active Department of Building Inspection code enforcement cases or Orders of abatement? Yes No
- (17) If Yes, please list Complaint Tracking or Order numbers

- (18) Have you owned property in San Francisco before? Yes No
- (19) Are you aware that building, plumbing, and/or electrical permits may be required to abate the subject code violations? Yes No
- (20) Have you applied for the required permits to abate the subject code violations? Yes No
If yes, please list permit applications:
 Building Permit Application Nos. 2021 0909 8104
 Plumbing Permit Application Nos. _____
 Electrical Permit Application Nos. _____
- (21) What other permits have you been granted by the City? None except previous stair permits
- (22) What other facts do you want the Board to consider?
I am 80 years old and will work with the inspector to complete the stairs by summer. See attached. We simply cannot afford the \$2,118 fee.

I declare under penalty of perjury and the laws of the State of California that the foregoing is true and correct.

Print Name: JAMES D. WAGNER Signature: James D. Wagner
Date Signed: 1/9/2022 Signatory is property owner agent other _____



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
 49 South Van Ness Ave, Suite 400
 San Francisco, CA 94103-1226

PAYMENT RECEIPT

Printed on: 01/10/2022 03:39:34 PM

Code Enforcement Division

Phone:(628) 652-3430

Payment Date: 01/10/2022

Job Address

1234 24TH AV -

Receipt Number: CED06865

Issued By: KCHEUNG

Payment received from:

JAMES WAGNER

Application Number:

1234 24TH AVE
 SAN FRANCISCO CA 94122

AAB FILING FEE

Payment received for the items indicated:

Fee Description	Payment Amount	Complaint# (if applicable)
CED AAB Filing Fee	\$158.10	201959541

TOTAL \$158.10



BY _____

DBI COPY

The County and City of Francisco
 DBI
 Reference Number: 202207005-129
 Date/Time: 01/10/2022 3:38:03 PM
 Permit or Reference Numb Payment
 202207005-129-1
 Line Item
 Permit or Reference Num CED06865
 Comment: 1234 24TH AV
 Fee Desc: CED AAB Filing Fee \$158.10
 Amount:
 Total: \$158.10
 1 ITEM TOTAL: \$158.10
 TOTAL: \$158.10
 10L Check \$158.10
 Total Received: \$158.10
 Safe Building

1234 24TH AV

ATTACHMENT TO APPEAL 201959541A

I was surprised on December 28 to see an Order of Abatement and bill for \$2,118 taped to the house. I called Inspector Ed Greene who had helped issue my current stair building permit issued on September 14, 2021 and which would expire on September 9, 2022 but was told he no longer worked there. (Mr. Greene had helped in my request that the stairs be done first as the most important safety concern.) My call was then transferred to Mr. Maurice Hernandez, Chief Building Inspector.

I related to Mr. Hernandez, poorly I'm afraid, (I am 80 this month and often do not speak well) but respectfully, my confusion over receiving the Order and bill.

He explained to me that (besides missing the Director's Hearing for which I had requested and received a continuance until October 6, 2021) I had not scheduled any inspection or otherwise made a schedule for completion of the work. I asked if I were to schedule an inspection immediately would it help. He thought it might. I asked if I could appeal the Order and was sent Appeal forms.

So I scheduled an Inspection for the afternoon of Monday, January 3. I met with Inspector Van Zeng at that time.

I proposed, and Inspector Zeng was amenable, that I schedule an inspection around the first of every month beginning in February with a completion date goal of this summer. This monthly inspection will help keep me on track in noting progress and preventing missteps. Inspector Zeng offered helpful advice and assured me that he and everyone at DBI wanted to help me achieve this goal. I appreciated that.

I regret having missed the Director's Hearing Continuance on October 6, the attendance at which I had requested. I had been to one before and was perfectly willing to attend. I mistakenly thought that having obtained the new building permit made it unnecessary to attend. I was wrong about that. I am very sorry.

In regard to inspections the only other time I asked an inspector years ago when I should have one I was told "When you're finished." This was a long time ago. But it helped to distance me from the idea of the positive and helpful aspects of inspections.

I mean well. I am determined to finish this project correctly and in the near future. I am old (80), and have responsibilities in caring for my wife but I will continue. We receive less than \$10,000 per year all income from social security and cannot afford the \$2,118 fine.

James D. Wagner
415 613-1984

James D. Wagner 1/10/22