



DBI's Order of Abatement VIOLATES SFBC §102A

SFBC §102A - UNSAFE BUILDINGS, STRUCTURES OR PROPERTY

- PURPOSE OF §102A

TO ADDRESS: "All buildings, structures, property, or parts thereof that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, safety, or health of the occupants or the occupants of adjacent properties or the public by reason of inadequate maintenance, dilapidation, obsolescence or abandonment."

- §102A REQUIRES EVIDENCE OF UNSAFE PROPERTY FOR NOV

"When the Building Official observes or otherwise determines any condition which renders the building, structure or property unsafe, the Building Official shall serve a Notice of Municipal Code Violation ("NOV") upon the building owner. The NOV shall identify the violations which render the building, structure or property unsafe."

DBI's NOV AND OOA VIOLATE §102A & OUR CONSTITUTIONS BY CRIMINALIZING SAFE PROPERTY

In 2017 we repaired our dilapidated fence as mandated by CA Civil Code §1714(a), SF Administrative Code Chapter 80, SF Housing Code §1001, and SF Building Code §102A. We added safety lighting to enhance nighttime pedestrian safety along the sidewalk, as supported by SF Public Works Code §706. The style of the fence was chosen to prevent "nuisance," "vegetable matter," "grass," "weeds," and "vegetation overgrowth" from impinging the sidewalk, as mandated by SF Public Works Code §174. The increased visibility and safety of the repaired fence also protects the Ingleside Terraces Landmark Pillars in alignment with SF Planning Code §1008. After using a music complaint to justify an unconstitutional search of private

property without probable cause of unsafe property, without procedural due process of warrant or consent, and without due process confines in area or duration, DBI found evidence of only safe property, a repaired fence. DBI then filed NOV 2017-012837ENF for safe property violating §102A & our Constitutions. We filed fence-repair permit application 2017-1011-0923 on 10/11/17, filed mandated (and approved) variance 2018-002358VAR allowing the 4-ft height of *historically* 4-ft fence with Assessor-Recorder, and DBI approved repair-permit on 11/24/21. OOA was ordered for DPW's illegal hold on fence-repair permit, not for any unsafe property, in further violation of §102A and our Constitutions, an order which violates the law and which should be reversed.



CHALLENGING DBI'S ORDER OF ABATEMENT

201 Ashton Ave.

SAFE PROPERTY



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"The resident at this address has been consistently doing construction and playing loud music from 10am-6pm/7pm most days of the week. I would like to request the music volume be lowered or turned off. I can hear it in my apartment all day."



COMPLAINT

DBI'S VIOLATION NOTICE IS FOR SAFE PROPERTY



9.11.17 NOV Enforcement Case 2017-012837ENF

10.11.17 fence-repair permit application 2017-1011-0923

Mandated Variance 2018-002358VAR, approved 7.20.19 | COVID | NSR processed by the Assessor-Recorder's Office 6.6.21

11.24.21 DBI/Planning approved fence-repair permit, but DPW placed HOLD on permit claiming the public utility easement was instead an unpaved sidewalk in order to mandate: (1) minor sidewalk encroachment permit, (2) building & plumbing & excavation permits to remove *permitted* fire table, and (3) excavation permit to remove the arbor/solarium





SFBC §102A REQUIRES UNSAFE PROPERTY TO JUSTIFY NOV



ORDER OF ABATEMENT WAS ISSUED
FOR

1. DPW'S ILLEGAL HOLD ON THE FENCE-REPAIR PERMIT,
2. OUR REFUSAL TO GIVE THE CITY OUR EASEMENT (PRIVATE PROPERTY), &
3. SAFE PROPERTY IN VIOLATION OF SFBC §102A

DBI HEARING – NOV/OOA FOR SAFE PROPERTY

DBI DOES NOT HAVE
JURISDICTION TO CURE
UNLAWFUL NOV NOR DPW'S
UNLAWFUL HOLD ON THE
FENCE-REPAIR PERMIT

Appellant: "So I don't know how to
resolve the hold on the permit by DPW."

DBI John Hinchion: "You would submit
revised drawings showing the fence
being reduced to 3-feet. That's still..."



Appellant: "Despite the fact, despite the fact that we had a variance hearing legalizing the 4-foot height of the fence?"

DBI Brett Howard: "That's something you bring up with DPW I assume. I mean I don't know. If they granted you a variance hearing for the 4-foot height of the fence then they would have no issue about signing off on the permit."

Appellant: "That's correct."

DBI Brett Howard: "So why don't we do that?"

Appellant: "That would be great."



DBI Brett Howard: "So why don't you follow up with DPW?"

Appellant: "We have followed up with DPW multiple, multiple times, there's an email string going all the way up to Nicolas Huff, who does not believe that the variance hearing was proper jurisdiction, and they believe that they have jurisdiction and Planning does not, and that is an impasse. I asked to meet an Alternative Dispute Resolution in Court, and he said that that is not going to happen and its impossible."



DBI RATIFIES CITY'S
CONVERSION OF PRIVATE
EASEMENT

DBI John Hinchion: "You are aware that some of the work you did was in the public way, which they would have jurisdiction over?"



Appellant: "They are alleging that 9-feet of our property is a public way when it is not, and I added documentation in the folder for that."



DBI Brett Howard: "This has been going on for far too long. This back and forth between you, yourselves and your clients, and DPW whatever, that you say that is your property and they say is their property, um"

Appellant: "There is a case in federal court regarding this."

DBI Brett Howard: "We're not going to wait for the federal court to make its decision, so I'm going to move to issue an Order of Abatement."



PURPOSE OF ABATEMENTS IS PUBLIC SAFETY



DBI Director's Hearing
3/27/23