

***Regular Meeting of the  
Abatement Appeals Board***

***July 16, 2025***

***Agenda Item B***

***Meeting Minutes of May 21, 2025***



**ABATEMENT APPEALS BOARD**

**NOTICE OF MEETING**

**Wednesday, May 21, 2025 at 9:30 a.m.**

**Remote Hearing via video and teleconferencing**

Watch SF Cable Channel 78/Watch [www.sfgovtv.org](http://www.sfgovtv.org)

Watch: <https://bit.ly/4cX3i11>

**PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2662 114 3646**

**DRAFT MINUTES**

**A. CALL TO ORDER and ROLL CALL.**

The meeting of the Abatement Appeals Board for Wednesday, May 21, 2025 was called to order at 9:34 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**

**Commissioner Alysabeth Alexander-Tut, Excused**

**Commissioner Dan Calamuci**

**Commissioner Catherine Meng**

**Commissioner Kavin Williams**

**Ramaytush Ohlone Land Acknowledgment.**

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**MEMBERS OF THE BOARD**

Evita Chavez, President

Bianca Neumann, Vice-President

Dan Calamuci, Commissioner

Alysabeth Alexander-Tut, Commissioner

Catherine Meng, Commissioner

Kavin Williams, Commissioner

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**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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## **Abatement Appeals Board – Minutes – Meeting of May 21, 2025 – Page 2**

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: March 19, 2025**  
**Public Comment**

*President Chavez made a motion, seconded by Vice President Neumann, to approve the meeting minutes of March 19, 2025.*

*The motion carried unanimously.*

There was no public comment.

Commission Secretary Harris read the oath for all parties giving testimony.

### **C. NEW APPEALS: Order of Abatement *(Discussion and Action)***

#### **1. CASE NO. 6946: 116 Merced Ave. - Complaint # 201973412**

**Owners of Record & Appellant:** CHAK LUNG & ANNIE YU SIU TRUST

**ACTION REQUESTED BY APPELLANT:** Appellant appeals the November 5, 2024 Order of Abatement and assessment of costs.

**Public Comment**

Senior Building Inspector Gilbert Lam gave a presentation and made the following points:

- R3 Single Family Home
- Complaint first filed July 2019 regarding possible unpermitted dwelling with kitchen at the property
- Site inspection conducted revealed habitable rooms in basement including bathroom and kitchen
- NOV issued August 2019
- City records indicated the property was a one-story building over basement

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- The NOV required the owner to obtain building permits with Planning Department for approval of dwelling unit in basement and obtain all required inspections to close complaint
- Final warning letter issued September 2022 and in August 2024 a Director's Hearing was scheduled and a 30-day continuance was granted to the owner
- The hearing was rescheduled and heard on October 2024 and the owner was granted a 30-day advisement period to obtain permits and complete required work
- November 2024 the Order of Abatement was issued due to continued non-compliance

Mr. Lam said the permit status was that the owner filed with Planning Department to legalize the unit which was approved June 2023 and the last update was November 2023 by DBI Plan Check was a request of pdf file from customer and the permit remained in the filing stages awaiting the owner's response. April 2024, a PRJ was submitted to propose the removal of the illegal unit, it was approved by Planning Department in January 2025 but no new permit filed for the removal. The violation was current. Staff recommended to uphold the Order of Abatement and impose Assessment of Costs.

Attorney Brett Gladstone for the Appellant gave a presentation and made the following points:

- This case was a storm of delays beginning with the pandemic, the property owner's health concerns and relocation, changed laws, inconsistent instructions between DBI and Planning Department's, among others.
- The request was for a one-year moratorium which under Section 105A.2.8.2 of the Building Code to complete the unit removal and Planning had already approved the removal but an alteration permit had to be submitted, if it was not completed within that year a one-year extension would be requested.
- Another request was to suspend the monthly monitoring fee of DBI which of all the fees was most expensive.
- Grounds for the moratorium were financial hardship, no hazardous condition, fundraising, approval of plans and finding contractors, inspections and finalizations.
- To do the work the appellant would need a loan which would trigger a lien and it was requested that the Abatement be removed during the year to complete work or the lien be subordinated to a new loan.
- Due to financial hardship the request was to lower the penalty of \$9,000.
- Architect Janet Campbell said they had difficulties with the Planning Department and were given inconsistent advice and requirements for legalization.

There was no public comment.

Senior Building Inspector Gilbert Lam gave a rebuttal and made the following points:

- Some of the concerns the appellant mentioned were due to the Planning Department and DBI had no control over their actions.

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Attorney Brett Gladstone for the Appellant gave a rebuttal and made the following points:

- Mr. Gladstone explained during the time the appellant was in the process of applying for the dwelling unit removal the Board of Supervisors had pass a law and then revised it making the appellants efforts void.
- There was much inconsistency between the appellant and the Planning Department's instructions and the architect requested inspections by Planning over a nine-month span to verify the claim of the room being seven feet six inches, which was the required height to bypass Planning.
- The architect Janet Campbell showed drawings explaining how some of the space did not meet the Code and how many corrections were issued by Planning.

Members of the Abatement Appeals Board (Dan Calamuci, Evita Chavez, Catherine Meng, Bianca Neumann, and Kavin Williams,) made comments and asked various questions of DBI staff and the Appellant pertaining to the Appeal.

***Commissioner Meng made a motion, seconded by President Chavez, to hold the Order of Abatement in Abeyance for one year and reduce the penalty fee from 9x to 2x the permit application.***

**Secretary Harris Called for a Roll Call Vote:**

<b>President Chavez</b>	<b>Yes</b>
<b>Vice President Neumann</b>	<b>Yes</b>
<b>Commissioner Alexander-Tut</b>	<b>Excused</b>
<b>Commissioner Calamuci</b>	<b>Yes</b>
<b>Commissioner Meng</b>	<b>Yes</b>
<b>Commissioner Williams</b>	<b>Yes</b>

***The motion carried unanimously.***

### **D. REQUEST FOR REHEARING: Order of Abatement (*Discussion and Action*)**

#### **1. CASE NO. 6945: 820 Laguna Honda Blvd. - Complaint # 202184157**

**Owners of Record & Appellant:** WILLIAM O'KEEFE

**ACTION REQUESTED BY APPELLANT:** Appellant requests a rehearing of the Abatement Appeals Board's March 19, 2025 decision to uphold the November 8, 2024 Order of Abatement and assessment of costs.

**Public Comment**

Deputy City Attorney Sarah Fabian said the Board may grant a rehearing request only upon a showing of new or different material facts or circumstances had arisen where such facts or

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circumstances if known at the time of hearing would have affected the outcome of the original hearing or where the Board's decision was legally erroneous. Failure to exercise due diligence to produce new facts and circumstances shall be deemed grounds for denial of the request.

Attorney David Pearl with Clark Hill Representative of Appellant said the following:

- The basis for the request was the Commission's prior decision was legally erroneous.
- In reviewing that standard: If a local administrative board based its order on incompetent hearsay evidence, it acted arbitrarily, capriciously and abuse of discretion and those orders cannot stand.
- The Board did not make its decision based on competent evidence and there were three errors made in the original decision.
- The Board focused on the appellant's belief of having a permit and based their decision on public comment stating that he did not, where in fact the permit issued was found to be out of scope. Therefore, the appellant reasonably believed he had a permit.
- Over the year's neighbors submitted numerous complaints to DBI which were investigated and found to be meritless or minor issues that the appellant quickly remedied.
- The issue was, did the appellant obtain a permit or not, and further the issue was the Order of Abatement that came from the NOV, not the actual notice of violation. Therefore, the decision was based on erroneous facts based on erroneous standards.
- DBI should not have issued the Abatement hearing, because under Building Code Section 1023.1 stated a property owner shall up to one year to cure the NOV with exception of good faith effort to comply the NOV the time may be suspended when delays to complete were not due to the property owner.
- The evidence showed the owner promptly submitted the permit and had been trying for over three years to complete the permit.
- Building Code Section 102A5 stated DBI could set NOV hearing for Abatement unless the building owner demonstrated substantial progress in abating the situation and Mr. O' Keefe in this instance had done all he could do by getting a permit and had tried to move it forward but it was held up by department delays.
- The third error was the timing requirements and deadlines that were in the Order of Abatement.

Senior Building Inspector Gilbert Lam gave a presentation and made the following points:

- The request was reviewed however there was no new evidence brought forward and staff recommend to deny the request for rehearing.

Public Comment:

Mr. Tony Hall said he was one of the neighbors most affected by the unlawful construction that had taken place on a continuing basis over twenty-five years and though what was before the Board is whether to uphold the decision from March 2025 the Appellant's statement was nothing more

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than rehash of its submission from March 2025 and there was no new evidence put forth as required. The question was why hadn't the appellant resolved the NOV regarding the illegal and unpermitted three-story addition to his property. Mr. Hall went on to read part of the violation, the delay was with the property owner not DBI. Many of the neighbors who complained were harassed by bogus property violations and their property values diminished due to one neighbor who does not think the Building Code applies to him.

Mr. Robert Coleman said he was a public interest lawyer and did not think there were any grounds for a rehearing. He said a few of the Commissioners were in attendance at the first hearing and had a good understanding that it was about the encroachment. Mr. Coleman said he attended the Planning Commission hearing as well and they did the minimal possible while enriching the property owner by granting the variance which permitted the illegal addition. He said that there was documentary evidence to rely on and hearsay was not relevant. Mr. Coleman asked why should a property owner seek additional advantage on an enrichment that was already lavish. He read from the March 2015 meeting minutes and referred to a comment that said if there were any more delays the Planning order would sunset and undue some of the guarantees that Planning put in place that the enrichments did not roll over in to the future given the sketchy permit history.

Mr. Matthew Gonzalez former San Francisco Supervisor said he found it interesting the argument was the Board relied on arguments of hearsay evidence that Mr. O' Keefe believed he had permits. He said the neighbors brought the issue and the Planning Commission heard the argument and the Zoning Administrator remedied the issued by only impacting the balconies and put away the issue of having the permit or not. The focus for Planning was the balconies due to the noise and closeness to neighbors. He said the issue was argued and Mr. O' Keefe won with Planning but he was trying to put the issue aside if not for permit violations and the fact of hearsay being the argument for rehearing was not true. Mr. Gonzalez said Mr. O' Keefe used the defense of permitting in case of any future fines while abating, however he was not being fined. He said members of the public and our city want to know that when someone does not get the permits they should, there would be remedied and final.

Mr. Christopher Hall said he lived in the area and wanted to point out a few errors he believed was in the brief submitted to the Board. He said Mr. O' Keefe had not acted in good faith belief because he received a variance on his addition to the rear of his home and in receiving the variance came the issue of the balconies, which had no permits, were added thirteen-years after. Mr. Hall said a contractor passed away four years ago and they had no way of knowing if they did anything wrong, however Mr. O'Keefe was a Licensed Contractor and it seemed unlikely that he did not know what was going on or what the other contractor did as well. He said now they were in front of the Board again because Mr. O' Keefe was delaying to get permits to remove the balcony's.

Mr. Christopher Schroeder said he was the inspector assigned to 820 Laguna Honda Blvd project that the last speaker mentioned and he mentioned what was happening to DBI Director O' Riordan who was his supervisor at the time and Mr. O' Riordan assigned Bernie Curran to the site. He said Mr. Curran was assigned to projects that he was supposed to be the district inspector of including

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341826<sup>th</sup> Street, a five-story and eleven-unit building which involved Rodrigo Santos was also issued a NOV by Mr. O' Riordan and Matthew Greene. Mr. Schroeder insinuated bribes were offered in lieu of inspections.

Mr. Peter Vitu said he spoke at the March 2015 hearing on the perspective of real estate buyers and left us with a quote from a television show that was, 'I, almost got away with murder', and that was what the appellant was trying to do.

Attorney David Pearl with Clark Hill Representative of the Appellant gave a rebuttal and made the following points:

- Two issues that were brought up in public comment reflected a misunderstanding of what the purpose of the hearing was, there was no intent to vacate a NOV.
- The pending permit was still there and the appellant was moving forward in the process. The only issue the Board should look at was the Order of Abatement which imposed fines and penalties to cure the NOV.
- No matter the decision the permits would not be ignored or go away.
- With the issue of why the balconies had not been removed was the appellant was held with delays.
- The pending approved permit by Planning and DBI called for the removal of the balconies and would be completed once the permit was issued.
- The question of why the work was not done, was the permit although approved had not been issued.
- To recap the initial NOV was issued January 2022, Mr. O' Keefe filed a permit four months later May 2022. Mr. O' Keefe tried to work with his neighbor regarding the plans to reach a resolution, no agreement was reached and as result the neighbors filed a discretionary review of the permit. The review was heard in 2024.
- There were delays internally over time and only recently did the process begin to move forward at DBI, the variance was granted but DBI had not granted the site permits.

Senior Building Inspector Gilbert Lam gave a rebuttal and made the following points:

- The stations to approve the permit had stamped the application and the permit would be issued.

Members of the Abatement Appeals Board (Dan Calamuci, Evita Chavez, Catherine Meng, Bianca Neumann, and Kavin Williams,) made comments and asked various questions of DBI staff and the Appellant pertaining to the Appeal.

***Commissioner Williams made a motion, seconded by Vice President Neumann, to deny the request to rehear case #6945 regarding the Order of Abatement on 820 Laguna Honda Blvd.***

**Secretary Harris Called for a Roll Call Vote:**



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President Chavez	Yes
Vice President Neumann	Yes
Commissioner Alexander-Tut	Excused
Commissioner Calamuci	Yes
Commissioner Meng	Yes
Commissioner Williams	Yes

*The motion carried unanimously.*

**E. GENERAL PUBLIC COMMENT.**

Mr. Peter Vitu said there was a typo in the meeting minutes from April 2025 of former Supervisor Matthew Gonzalez's name.

**F. ADJOURNMENT**

*President Chavez made a motion to adjourn the meeting, which was seconded by Commissioner Meng.*

*The motion carried unanimously.*

The meeting was adjourned at 10:57 a.m.

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary