



ABATEMENT APPEALS BOARD

NOTICE OF MEETING

Wednesday, December 17, 2025 at 9:30 a.m.

Remote Hearing via video and teleconferencing

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PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2663 231 5596

ADOPTED FEBRUARY 18, 2026

MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, December 17, 2025 was called to order at 9:38 a.m. and roll was taken by Commission Secretary Harris, and a quorum was certified.

BOARD MEMBERS PRESENT:

Vice President Bianca Neumann

Commissioner Alysabeth Alexander-Tut, Arrived 9:56 a.m.

Commissioner Dan Calamuci

Commissioner Judy Lee

Commissioner Lindsey Maclise

Commissioner Catherine Meng, Excused

Commissioner Kavin Williams

Ramaytush Ohlone Land Acknowledgment.

MEMBERS OF THE BOARD

Bianca Neumann, Vice President

Alysabeth Alexander-Tut, Commissioner

Dan Calamuci, Commissioner

Judy Lee, Commissioner

Lindsey Maclise, Commissioner

Catherine Meng, 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

Jesse Mainardi, Deputy City Attorney (415) 554-4724

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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 a Regular meeting held on: October 15, 2025 and November 14, 2025.

Public Comment

Commissioner Maclise made a motion, seconded by Vice-President Neumann, to approve the minutes for meetings held on October 15, 2025 and November 14, 2025.

There was no public comment.

The motion carried unanimously.

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

1. CASE NO. 6956: 4757 19th Street - Complaint # 202424763

Owners of Record & Appellant: MARK LAUDEN CROSLEY FAMILY TRUST

ACTION REQUESTED BY APPELLANT: Appellant appeals the February 27, 2025 Order of Abatement and assessment of costs.

Public Comment

Chief Building Inspector of Code Enforcement Mauricio Hernandez presented and made the following points:

- The case concerns a failing retaining wall along the shared boundary between 4757 19th Street the downhill property, and 46 Eagle Street the uphill property.
- Multiple boundary services confirmed that the retaining wall is a shared structure crossing the property line.
- DBI inspection document showed distress and a vertical crack and displacement of the wall leaning down slope towards 4757 19th Street and a hazardous condition.
- As a result, Notices of Violation (NOVs) were issued on 46 Eagle Street for this portion of the retaining wall system, and another for 4757 19th Street.

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- This established that both properties bear maintenance responsibility for ensuring the wall is repaired, and maintained in a safe condition.
- Required corrective action is to obtain a Structural Engineer report prepared by a Licensed Engineer addressing the condition of the wall, and submit to DBI within 5 calendar days, obtain and apply for a building permit to carry out all corrective measures, and complete all work necessary to repair or replace the retaining wall, and obtain final DBI sign offs.
- A Director's Hearing was held, which resulted in an Order of Abatement with the conditions that all permits required must be completed and finalized within 30 days.
- Staff recommendation is to uphold the Order of Abatement and Assessment of Costs.
- There are multiple surveys establishing that this is a shared retaining wall, and per DBI's process we cannot just write one NOV for the uphill property owner. That would be a civil matter for the owners to address and work together.

The Appellant's Representative Elizabeth Breckhus of Breckhus Law Partners spoke on behalf of the Mark Lauden Crosley Family Trust and the owner of 4757 19th Street, and presented the following:

- This appeal concerns a Director's Order which requires her client to obtain permits, and remedy a cracked retaining wall on another property owner's property within 30 days, and imposes an Assessment of Costs.
- They respectfully request that the Board reverse the Order, because enforcement has been addressed to the wrong responsible party.
- Ms. Breckhus made 3 points: 1) The function and cause of the wall, 2) The reason why the neighbor is responsible, and 3) Why the Order is inequitable and unworkable.
- The wall was already in existence when the property was purchased in 1989, and all competent evidence showed it was constructed to retain fill brought on 46 Eagle Street.
- When the property was developed in the 1920s, the geotechnical report commissioned by the owner of 46 Eagle Street is titled Gurn residence wall, and confirms that the yard at 46 Eagle consists of historic fill that was not compacted to modern standards, and this fill has settled and crept over time exerting lateral pressure on the retaining wall.
- The report repeatedly identifies the wall as part of the 46 Eagle Street property, and recommends replacement specifically to support the uphill wall and yard. This is not a wall supporting 4757 19th Street, and it exists to retain an artificially elevated yard on the uphill property.
- The wall in question is part of a three-part wall surrounding the neighbor's property, so it is clearly and undisputedly the neighbor's responsibility.
- No law requires a downhill neighbor to repair an uphill neighbor's wall that solely benefits the uphill neighbor's property.
- It is not a shared wall and it has a minor encroachment on the Appellant's property and whether due to a mistake by the builder or creep and settlement adjusting its location from the uphill property owner's property to the Appellant's property did not make it the downhill neighbor's wall.

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- It only serves the uphill neighbor's desire to maintain a raised yard.
- The Appellant would be fine with the neighbor returning their wall back to natural grade.
- The law is where a property owner alters natural grade by adding fill, the owner must provide whatever retaining structure is necessary to support that artificial condition.
- You do not need to be a lawyer to understand the law that governs this matter, and is to assign responsibility based on who built the wall and who benefits from it, which is the situation.
- The wall is part of a three-part system supporting the neighbor's raised yard, and the geotechnical evidence ties the wall's failure to fill, settlement, and creep on the uphill property but not to any excavation or grading by Mr. Crosley.
- The Order is inequitable and practically impossible to comply with as it applies to the owner. Mr. Crosley cannot repair the neighbor's uphill wall that is estimated to cost \$282K.
- The wall is on the neighbor's property and must be repaired in coordination with the uphill neighbor's 3 other walls with care to prevent the fill from sliding.
- The city initially cited the owner at 46 Eagle Street for this wall in 2021, which was correct. The city later changed course after the uphill owner supplied a faulty survey showing that the wall was over the property line, not by measuring the base of the wall but by measuring the top of a creeping wall, which slants towards the downhill property.
- The owner of 46 Eagle directed a contractor to pull a permit on 4757 19th Street, without Mr. Crosley's authorization. After this was done, the city issued an NOV to Mr. Crosley.
- The city's approach forces a retired homeowner living on social security to front hundreds of thousands of dollars to repair a wall that overwhelmingly benefits the neighbor's over elevated yard, and then pursue civil litigation to recover those costs.
- This is unlawful use of the abatement authority and the Board exists to avoid this kind of misdirected enforcement.
- Ms. Breckhus asked that the Director's Order be modified or reversed to remove the requirement that the Crosley Family Trust obtain permits and do repairs on the retaining wall, and they take the Assessment of Costs imposed on the Appellant.
- If the Board has immediate public safety concerns, an appropriate modified order would be to require Mr. Crosley to comply by giving reasonable access while directing responsibility to the uphill property that created and benefits from the wall. Mr. Crosley would allow access and asked that he is named as an additional insured on a Licensed Contractor's policy.

Public Comment:

Mr. Kevin Liebzig stated that he supported the neighbors at 4757 19th Street and it is unfair for DIB to assess a Notice of Violation on the downhill neighbor, especially since the uphill neighbor on 46 Eagle Street's wall was constructed to support fill on their land. It was not the downhill neighbor on 19th Street who eroded or excavated their land that necessitated a wall to

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be constructed. It would be unfair for the downhill neighbor to be responsible for the repair or maintenance of this retaining wall that was built in the 1920s.

Staff Rebuttal:

Chief Building Inspector Mauricio Hernandez said that regarding the process of sharing responsibility, the intent of the department when they file a violation for unsafe condition regarding the retaining wall is that both owners share the wall and it is a civil matter. The attorney referenced the Civil Code, but that is different from the Building Code Section 102 for an unsafe condition. DBI wrote one notice and the uphill neighbor at 46 Eagle has an NOV as well, and a lien on the property. There was a permit for Eagle Street and an administrative permit for 19th Street, so that they could work together. One permit was canceled and the other was appealed, and was reinstated as of last year but there was no further action. Regarding conditions where there is a property line or grey area, Building Inspectors do not get involved with the civil dispute, and cannot quote Civil Code on an NOV and cannot require that owners work together to resolve the issue. The reason that both properties were cited is that there were 3 surveys provided showing that it is a shared wall.

Appellant Rebuttal:

Ms. Breckhus responded to Mr. Hernandez’ statement that the survey showed the wall was shared, because that is not what the survey showed. It showed the location of the wall and there is approximately one inch of encroachment coming towards the downhill property owner, and that is not a shared wall. Walls can shift due to slope, lateral movement, and the owner of the uphill property submitted a geotechnical report, which says exactly that. Understood that staff are not attorneys and are unable to look at party walls and make this analysis, but it is not complex and is grossly unfair to say that it is a shared wall when their own report states that the purpose of the wall is to maintain the elevated yard.

Members of the Abatement Appeals Board (Alysabeth Alexander-Tut, Dan Calamuci, Judy Lee, Lindsey Maclise, and Kavin Williams,) made comments and asked various questions of DBI staff and the appellant pertaining to the Appeal.

Secretary Harris Called for a Roll Call Vote:

Vice President Neumann	No
Commissioner Alexander-Tut	Yes
Commissioner Calamuci	No
Commissioner Lee	Yes
Commissioner Maclise	Yes
Commissioner Meng	Excused
Commissioner Williams	Yes

Commissioner Alexander-Tut made a motion, seconded by Commissioner Maclise, to grant a continuance and hold the Order of Abatement and Assessment of Costs in abeyance for 60 days.

The motion carried 4 to 2, with Commissioners Calamuci and Neumann dissenting.

2. CASE NO. 6962: 1252 Gilman Avenue - Complaint # 202422568

Owners of Record & Appellant: CHRISTOPHER WISEMAN

ACTION REQUESTED BY APPELLANT: Appellant appeals the April 8, 2025 Order of Abatement and assessment of costs.

Public Comment

Chief Building Inspector of Code Enforcement Mauricio Hernandez presented and made the following points:

- Case originated from a phone complaint on 4-23-24 regarding 1252 Gilman Avenue. Complaint stated there was an illegal unit being built in the garage, including unpermitted electrical work and framing.
- Field verification by the department confirmed that there was construction of habitable rooms, cut outs for recessed lighting, electrical wiring alterations, and plumbing fixtures.
- 1st NOV was issued on 5-2-24 directing the owner to obtain required building, electrical, and plumbing permits to legalize or remove the illegal unit.
- Following non-compliance with the NOV a final warning letter was issued to refer the case to a Director’s Hearing, which was held on 4-1-25.
- The Hearing Officer determined that the violations remained outstanding, and issued an Order of Abatement.
- The Order required the owner to obtain all permits within 30 days and comply with all requirements.
- Staff recommendation is to uphold the Order of Abatement, and the violations remain outstanding.
- There was a filed permit to comply with the NOV; however, nothing was done since the Notice was filed. There were some photos taken that showed the work was completed without obtaining an electrical, building, or permits.

The Appellant, Mr. Christopher Wiseman, presented the following information:

- Mr. Wiseman stated that he is the owner of 1252 Gilman Avenue and he inherited this problem.
- He and his dad started doing some work on the property with a handy man in 2021.
- His dad developed dementia and moved in with him.

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- He and his dad hired a handy man to do some work and they rented out the top part, and the tenant crumbled up the paper/notice from DBI.
- He hired an Architect to try to legalize the work that he initially thought was already legal.
- They tried to make the home comfortable, added fans and flooring. He and his dad lived there a long time, and his dad lived there over 50 years.
- The Architect mentioned making the place into an Accessory Dwelling Unit (ADU) and he submitted a permit.
- Mr. Wiseman is trying to resolve the matter, but did not know about permits so he is trying to comply and make it work.
- He apologized that the handy man did finish the work, and he asked for more time to straighten out things.

Staff Rebuttal:

Chief Hernandez stated that there is a permit on file, but it only went through intake. All electrical openings are fixed, but there is no permit to do the work.

Appellant Rebuttal:

Mr. Wiseman said that there was no plumbing work and no extra rooms made. They were trying to “spruce the place up”. By looking at the pictures, the Commissioners could see their garage, and his dad used to park his car there.

Commissioner Calamuci asked how much additional time was needed for the owner to comply, and what was the plan?

Mr. Wiseman said that the work is not legal, so he is trying to make it legal. He also has to go through the process to get the tenant removed from the top part. All of his life his uncle lived on top, and his dad lived on the bottom. The tenant was upset due to the noise.

Members of the Abatement Appeals Board (Alysabeth Alexander-Tut, Dan Calamuci, Judy Lee, Lindsey Maclise, and Kavin Williams,) made comments and asked various questions of DBI staff and the appellant pertaining to the Appeal.

Secretary Harris Called for a Roll Call Vote:

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

Commissioner Williams made a motion, seconded by Vice-President Neumann, to grant a continuance and hold the Order of Abatement and Assessment of Costs in abeyance for 6 months.

The motion carried unanimously.

D. GENERAL PUBLIC COMMENT

There was no public comment.

E. ADJOURNMENT

Vice-President Neumann made a motion, seconded by Commissioner Alexander-Tut, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 10:54 a.m.

Respectfully submitted,



Sonya Harris, BIC Secretary