



**ABATEMENT APPEALS BOARD**

**NOTICE OF MEETING**

**Wednesday, March 19, 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/4khVyKa>

**PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2667 272 9921**

**ADOPTED APRIL 16, 2025**

**MINUTES**

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

The meeting of the Abatement Appeals Board for Wednesday, March 19, 2025 was called to order at 9:30 a.m. and roll was taken by Commission Secretary Harris, and a quorum was certified.

**BOARD MEMBERS PRESENT:**

**President Evita Chavez, Excused**  
**Vice President Bianca Neumann**  
**Commissioner Alysabeth Alexander-Tut**  
**Commissioner Catherine Meng**  
**Commissioner Kavin Williams**

**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

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**MEMBERS OF THE BOARD**

Evita Chavez, President  
Bianca Neumann, Vice-President  
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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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: January 15, 2025**

**Public Comment**

*Vice President Neumann made a motion, seconded by Commissioner Alexander-Tut, to approve the meeting minutes of January 15, 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. 6943: 1416 Powell Street - Complaint # 202301642**

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

**ACTION REQUESTED BY APPELLANT:** Appellant appeals the October 17, 2024 Order of Abatement and assessment of costs.

**Public Comment**

Chief Building Inspector of Code Enforcement Mauricio Hernandez presented the Department's case regarding 1416 Powell Street, and made the following points:

- On September 18, 2015 the property was identified as part of the mandatory Soft Story program and the owners were required to complete retrofit work to enhance seismic safety.
- The violation status was the project had failed to complete all required work.
- The building remained in violation of the San Francisco Building Code and was specifically noncompliant with SFEBC505E and enforcement took action January 20, 2023 and Notice of Violation was issued.
- May 17, 2023 final notice was issued and August 1, 2024 the case was referred to Director's Hearing.

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- The case was heard August 28, 2024 and given a thirty-day advisement. The Order of Abatement was issued October 17, 2024.
- The permit history showed the last inspection was performed on March 24, 2022 and the only remaining item was to obtain signature from Public Works.
- There were two revisions obtained and one was related to an American's with Disabilities Act (ADA) door that was encroaching to the public right-of-way.
- The appellant stated the work had been effectively completed with final sign off from Public Works being withheld.
- Full compliance was only achieved upon obtaining Certificate of Final Completion which was due by September 2021.
- Staff recommended to uphold the Order of Abatement and impose all assessment of cost.

Representative for the Appellant Mr. Jason Siu presented the appellant's case regarding 1416 Powell Street and made the following points:

- Mr. Siu said he was representing his father, the property owner.
- The building had been effectively seismic retro-fitted and was not a public nuisance and did not pose a risk to earthquake safety.
- During the retrofit process and having entered into contract with a contractor and before the deadline the contractor entered into a separate agreement with the restaurant tenant without the building owner's knowledge to complete renovations to the restaurant which included adding double glass doors to the entrance which encroached upon the sidewalk and Public Works withheld their final sign off.
- DBI had signed off that the project was seismically retrofitted and essentially the final step was to have Public Works sign off in order to close the file.
- The owners have tried to collaborate with tenants but it had not worked out so far and had pursued a lawsuit against the tenant.
- The owners had obtained a permit for the tenant to redo the encroachment but the tenant was not in agreement and the trial was set for October 2025.
- Mr. Siu said the Appellant hoped that the Board recognized the work that was completed up to what had been the hold up with Public Works and that the building was not a public nuisance and set aside the abatement or continue the matter.

There was no public comment.

Staff made no rebuttal.

The Appellant's representative did not have a rebuttal.

Members of the Abatement Appeals Board (Catherine Meng, Bianca Neumann, Alysabeth Alexander-Tut, 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 return Case # 6943 regarding 1416 Powell Street to staff for monitoring up to one year and provide a status update.*

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

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

*The motion carried unanimously.*

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

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

**ACTION REQUESTED BY APPELLANT:** Appellant appeals the November 8, 2024 Order of Abatement and assessment of costs.

**Public Comment**

Chief Building Inspector of Code Enforcement Mauricio Hernandez presented the Department’s case regarding 820 Laguna Honda Blvd., and made the following points:

- Complaint filed on November 9, 2021 regarding unpermitted addition at the rear of the building.
- A sight inspection conducted on January 25, 2022 confirmed the presence of an addition that did not appear to be part of the 1993 aerial photograph.
- The unpermitted addition was three stories in height, and spanned the width of the building approximately twenty-five feet.
- A review of city records did not reveal any building permits associated with the addition.
- A permit was submitted to comply with the illegal addition and there was a Planning Code Enforcement case, that proposal included a new steel and glass deck, there was also a variance approval on this case.
- The last update was on February 21, 2025, but the permit remained in the filing stage and was undergoing all the approval processes.
- The Appellant was requesting an extension to May 2027 to complete the project and comply with the variance issue.
- Staff recommended to uphold the Order of Abatement as the property had remained in violation while the permit application was in progress.

Attorney David Pearl from Clark Hill represented the Appellant and presented the case regarding 820 Laguna Honda Blvd. and made the following points:

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- The property was cited in 2022 for noncompliance and less than four months later Mr. O' Keefe submitted a permit to legalize the addition and had been stuck in a wave of bureaucratic hang ups.
- For more than two years the permit was stalled in discretionary review by the Building Department and the Zoning Administrator, and the variance was not approved until 2024.
- After the variance was approved the Appellant submitted an appeal but withdrew the appeal in an effort to comply with the second Director's Hearing deadlines, but was not able to meet those deadlines because DBI said it could only extend ninety days.
- On September 26, 2024 site plans were submitted conforming to approved variance application and two months later this Notice of Violation (NOV) was issued.
- The NOV required the appellant to obtain and complete a permit within thirty days which would have been December 25<sup>th</sup>, but the application was not assigned until forty-five after DBI's deadline to finalize the permit.
- Mr. O' Keefe had been working for years to get the permit approved and was facing fines in excess of \$5,000 and up to \$52,000 in fines for the three years in delays due to the department.

### **Public Comment**

Mr. Tony Hall said he lived at 20 Rockaway Avenue and it was one of the properties that had been most affected by the unpermitted additions to 820 Laguna Honda. He said around the year 2000 the owner of 812 Laguna Honda complained to the neighborhood group that the three-story unpermitted addition to the rear of 820 Laguna Honda blocked all sunlight to their kitchen. Multiple complaints were filed and the owner proceeded to build an unpermitted balcony further intruding on the space of 812 Laguna Honda. The balcony was built almost thirteen years after the unpermitted rear addition was built. The owner then built an eighteen-foot fence between his property. The neighborhood associations filed for a discretionary review of 820 Laguna Honda after the owner submitted plans for a deck that would have reached within five feet of his primary room windows.

Mr. Robert Coleman said he had been a resident in San Francisco for forty years and had been tracking this case. He said he attended the Planning Commission hearing and tracked the responses of the Zoning Administrator and he supported the staff recommendation to uphold the Order of Abatement. He said the Planning Commission and Zoning Administrator were appalled at the background of the case because of the length of time, but also the ghost of criminality that was hanging over it, referring to the incarcerated Building Inspector Bernie Curran, who signed off on most of those permits. Mr. Coleman said it was in the Building Inspection Commission's power to uphold the abatement on a very egregious encroachment and should not be vacated due to the length of time that had gone by that would be undermining and make moot the processes.

Mr. Matt Gonzalez said that he was a former San Francisco Supervisor and attorney and that he had testified at the Planning Commission as well regarding this property. He said the Planning

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Commission looked at the case and said what would have been approved had that owner gotten approvals and the particular issue was the construction that was built would not have been approved due to the one corner that encroached on the neighbors. The appellants said the abatement had a time period that could not be met. However, Mr. Gonzalez suggested a couple of different ways the BIC might use their authority to remedy the time requested from the appellant, but not to set the abatement aside.

Ms. Karen Tarentola said she was the president of the Greater West Portal Neighborhood Association and she spoke at a Planning Commission hearing regarding the long running actions of Mr. O' Keefe of illegally expanding his property should have been corrected. The Zoning Administrator ordered a minimal correction to the illegal construction. If the extra time would be allotted the variance would sunset.

Mr. Christopher Hall said the order that was initiated in November should stay in place and not be vacated. Mr. O' Keefe does not have clean hands, the problem has been going on for twenty years and he added on to his property without permits. The balcony should be removed due to invasion of privacy and the case should be referred to the district attorney office.

Mr. Peter Fatu said he felt bad for the property owners who faced Mr. O' Keefe's property and if those illegal additions were allowed to remain the property values of the neighbors would drop and he urged the Board to uphold the abatement.

Mr. Chris Schroeder said he was the inspector listed on permit 201605177615, and Bernie Curran took over. Mr. Schroeder said he reported the property to Director O'Riordan.

Chief Building Inspector of Code Enforcement Mauricio Hernandez gave a rebuttal and made the following points:

- Clarified the fines were not \$500 per day, that was only when a case is referred to the City Attorney's Office and the fees were only focused on what had been assessed so far.
- From the first NOV to the last issued the Department had provided extensive time to comply and the case had either been on hold or staff was working with the owner.

Attorney David Pearl from Clark Hill gave a rebuttal and made the following points:

- Half dozen complaints about the scope of a permit that had already been subsequently approved by the Zoning Administrator and by discretionary review.
- The time for those complaints had passed.
- The timeframe was that the NOV was issued on January 25, 2022 and less than four months later the appellant submitted the permit that was still pending and had not been approved for a site plan by DBI.
- They were receiving tremendous backlash while trying to complete the permit
- All of the complaints heard today were abated timely

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- The permit was being held up by administrative hearings and the appellant should not be penalized for that.
- Request the Order of Abatement (OOA) be vacated.

Members of the Abatement Appeals Board (Catherine Meng, Bianca Neumann, Alysabeth Alexander-Tut, 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 Commissioner Meng, to uphold the Order of Abatement and Assessment of All Costs for 820 Laguna Honda Boulevard.*

Secretary Harris Called for a Roll Call Vote:

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

*The motion carried unanimously.*

**E. GENERAL PUBLIC COMMENT.**

There was no general public comment.

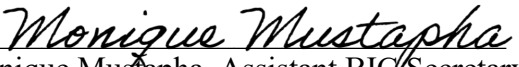
**F. ADJOURNMENT**

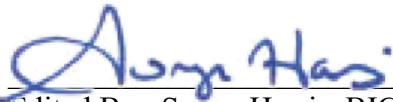
*Commissioner Alexander-Tut made a motion to adjourn the meeting, which was seconded by Vice President Neumann.*

*The motion carried unanimously.*

The meeting was adjourned at 10:30 a.m.

Respectfully submitted,

  
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Monique Mustapha, Assistant BIC Secretary

  
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Edited By: Sonya Harris, BIC Secretary