



**ABATEMENT APPEALS BOARD**

**NOTICE OF MEETING**

**Wednesday, January 17, 2024 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/41YFKna>

**PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2664 464 4212**

**ADOPTED MARCH 20, 2024**

**MINUTES**

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

The meeting of the Abatement Appeals Board for Wednesday, January 17, 2024 was called to order at 9:38 a.m. and roll was taken by Commission Secretary Sonya Harris, and a quorum was certified.

**BOARD MEMBERS PRESENT:**

**President Bianca Neumann**  
**Vice President Evita Chavez**  
**Commissioner Alysabeth Alexander-Tut**  
**Commissioner Earl Shaddix**  
**Commissioner Angie Sommer**  
**Commissioner Kavin Williams**

**Ramaytush Ohlone Land Acknowledgment.**

---

**MEMBERS OF THE BOARD**

Bianca Neumann, President  
Evita Chavez, Vice-President  
Alysabeth Alexander-Tut, Commissioner  
Earl Shaddix, Commissioner  
Angie Sommer, 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**

Sarah Fabian, Deputy City Attorney (415) 554-4679

---

**Abatement Appeals Board – MINUTES – Notice of Meeting of January 17, 2024 – Page 2**

The Abatement Appeal 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. REMOTE PUBLIC COMMENT: *(Discussion and Possible Action)***

**Discussion and possible action to follow the Board of Supervisor’s remote public comment policy that eliminates remote public comment except when necessary to enable the participation of people with disabilities.**

**There was no public comment.**

*Commissioner Alexander-Tut made a motion, seconded by Vice President Chavez to continue remote public comment.*

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

<b>President Neumann</b>	<b>Yes</b>
<b>Vice President Chavez</b>	<b>Yes</b>
<b>Commissioner Alexander-Tut</b>	<b>Yes</b>
<b>Commissioner Shaddix</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Yes</b>
<b>Commissioner Williams</b>	<b>Yes</b>

*The motion carried unanimously.*

**C. APPROVAL OF MINUTES: *(Discussion and Possible Action)***

**Discussion and possible action to adopt the minutes for meetings held on: May 18, 2022 and June 15, 2022.**

This item was agendized in error. The minutes for the Abatement Appeals Board meetings of May 18, 2022 and June 15, 2022 were approved July 20, 2022.

**D. CONTINUED APPEAL(S): Order of Abatement**

**1. CASE NO. 6912: 460 Vallejo St. – Complaint # 202286188**

**Owners of Record & Appellant: JUSTIN YONKER**

**Abatement Appeals Board – MINUTES – Notice of Meeting of January 17, 2024 – Page 3**

**ACTION REQUESTED BY APPELLANT:** Appellant appeals the April 26, 2022 Order of Abatement and assessment of cost on the ground that he is in the process of correcting the cited violation. Appellant requests that the Order of Abatement and assessment of costs be reversed or modified.

Mr. John Hinchion, Acting Chief Building Inspector of Code Enforcement, presented the case regarding 460 Vallejo Street. Mr. Hinchion discussed the following points:

- This was a 4-story Single Family Dwelling
- The violation was work exceeding the scope of permit, there were a number of items including fence greater than nine feet nine inches, property line windows removed and relocated, garage door widened, front façade stucco removed and replaced with horizontal siding, new entry building door installed, roof deck barriers removed, three stairway windows were installed, elevator shaft enclosure does not have required doors, rear stairs were changed to cantilever steel stairs.
- Director’s Hearing was on April 26, 2022 and an Order of Abatement was issued with the following conditions: 30 days to obtain permit and complete including final sign off, and pay all fees.
- Permit was filed on May 19, 2022, plan review process had not been completed.
- To date permit had not been issued.
- Staff recommended uphold Order of Abatement and impose assessment of cost.

Thomas Tunny of Reuben, Junius and Ross, LLP representing Mr. Ischandar stated the following:

- Council for the property owner who was actually Mr. Ischandar not Justin Yonker who filed the appeal on behalf of Mr. Ischandar.
- We do not disagree with what Mr. Hinchion presented.
- This was a 2-unit building not a Single Family Dwelling.
- We think the issue was after submitting for a permit to abate the violations and address the items, the permit was routed to Planning and we were working with them.
- Neighborhood notice, discretionary review request was filed. The review was scheduled and cancelled several times.
- We did not hear from Planning again after the last cancellation and tried to follow up, we had reached out to Planning and were waiting for Planning to reschedule the review.

Mr. Ischandar, the Appellant, presented the case regarding 460 Vallejo Street. Mr. Ischandar discussed the following points:

- They acquired the property in 2014 to accommodate expanding family with the intention of housing elderly parents.

**Abatement Appeals Board – MINUTES – Notice of Meeting of January 17, 2024 – Page 4**

- Subsequently over five years we secured permits, collaborated with skilled builders and tradespersons to finalize the project in 2018.
- After inspections we received certificate of completion in 2018.
- Shortly after we received notice from Planning regarding items that were approved but did not undergo Planning Review.
- Those items included façade restoration to original wood siding, fence along eastern sidewall, new garage and front doors.
- They addressed all of the discrepancies and followed staff recommendation from 2019 until January 2022 when Planning staff scheduled a hearing.
- The hearing was postponed by Planning.
- They filed PA #202205194663 which stated Notice of Abatement #202286188. The PA was sent to the Planning Department and its status was under review.
- While Planning had not communicated next steps, the Department of Building Inspection continued to send notices to abate and further enforcement.

**Public Comment**

Mr. Jerry Dratler said he was not prepared to comment on 460 Vallejo street but added that Mr. Ischandar was a contractor and should know better. Mr. Dratler said Mr. Ischandar put a swimming pool on top of the building and he was told by a well-known structural engineer that the weight of the pool was about the same as the building itself. The list goes on and on.

Mr. John Hinchion, Chief Building Inspector of Code Enforcement, presented the rebuttal regarding 460 Vallejo Street. Mr. Hinchion discussed the following points:

- Staff agreed with the appellant that it was a 2-unit building.
- Staff may have misspoken but it was believed the 2 units may have been merged together.

Mr. Ischandar, the Appellant, did not give a rebuttal.

Members of the Abatement Appeals Board (Bianca Neumann, Evita Chavez, Alysabeth Alexander-Tut, Earl Shaddix, Angie Sommer, Kavin Williams) made comments and asked various questions of DBI staff and the Appellant pertaining to the Appeal.

***Commissioner Alexander-Tut made a motion, seconded by President Neumann to uphold the Order of Abatement, including the assessment of costs.***

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

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

Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

*The motion carried unanimously.*

**E. GENERAL PUBLIC COMMENT**

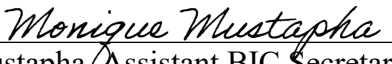
There was no general public comment.

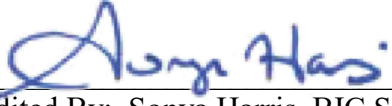
**E. ADJOURNMENT**

*President Neumann made a motion to adjourn the meeting, seconded by Commissioner Alexander-Tut. The motion carried unanimously.*

The meeting was adjourned at 10:27 a.m.

Respectfully submitted,

  
\_\_\_\_\_  
Monique Mustapha, Assistant BIC Secretary

  
\_\_\_\_\_  
Edited By: Sonya Harris, BIC Secretary