



ABATEMENT APPEALS BOARD

NOTICE OF MEETING

Wednesday, March 20, 2024 at 9:30 a.m.

Remote Hearing via video and teleconferencing

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Watch: <https://bit.ly/3T2oRoB>

PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2664 027 4172

ADOPTED MAY 15, 2024

MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, March 20, 2024 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:

President Bianca Neumann

Vice President Evita Chavez

Commissioner Alysabeth Alexander-Tut, Excused

Commissioner Earl Shaddix

Commissioner Angie Sommer

Commissioner Kavin Williams

Ramaytush Ohlone Land Acknowledgment.

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

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

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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. ELECTION OF THE AAB PRESIDENT AND VICE PRESIDENT SERVING DURING THE 2024 CALENDAR YEAR: (*Discussion and Action*) Abatement Appeals Board Bylaws Section I.A.1 require the Board to elect a President and a Vice President at its first regular meeting in February each year, or the first meeting held thereafter.
Public Comment**

There was no public comment.

Commissioner Neumann made a motion to nominate Commissioner Chavez as President of the AAB, which was seconded by Commissioner Shaddix.

Secretary Harris Called for a Roll Call Vote:

Commissioner Neumann	Yes
Commissioner Chavez	Yes
Commissioner Alexander-Tut	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

Commissioner Shaddix made a motion to nominate Commissioner Neumann as Vice President of the AAB, which was seconded by President Chavez.

Secretary Harris Called for a Roll Call Vote:

Commissioner Neumann	Yes
Commissioner Chavez	Yes
Commissioner Alexander-Tut	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

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

Discussion and possible action to adopt the minutes for meetings held on: July 20, 2022, January 11, 2024 and January 17, 2024.

Public Comment

There was no public comment.

Secretary Harris said in the July 20, 2022 minutes a motion was not recorded, and she read the motion into the record as follows:

Commissioner Bito made a motion, seconded by Vice President Tam, to uphold the Order of Abatement and hold the assessment of costs in abeyance until September 9, 2022. The assessment of costs would be extended until there was a revised permit, if no revision of permit required it reverts back to September 9, 2022. There was a roll call vote and the motion carried unanimously.

Commissioner Sommer made a motion, seconded by Vice President Neumann to approve the minutes of July 20, 2022 including the above motion, and also the minutes of January 11, 2024 and January 17, 2024.

Secretary Harris Called for a Roll Call Vote:

Commissioner Neumann	Yes
Commissioner Chavez	Yes
Commissioner Alexander-Tut	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

D. CHANGE THE START TIME OF AAB MEETINGS FROM 9:00 TO 9:30 A.M.:

(*Discussion and Action*) Discuss and potentially amend the AAB Bylaws, Section II.A, to change the start time of the AAB’s regular meetings from 9:00 a.m. to 9:30 a.m.

Public Comment

There was no public comment.

President Chavez made a motion, seconded by Commissioner Shaddix, to amend the AAB Bylaws changing the start time of the AAB regular meetings to 9:30 a.m.

Secretary Harris Called for a Roll Call Vote:

President Chavez	Yes
Vice President Neumann	Yes
Commissioner Alexander-Tut	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

E. CONTINUED APPEAL(S): Order of Abatement

1. CASE NO. 6911: 102 Baker Street – Complaint # 202290668

Owners of Record & Appellant: CHRISTOPHER A. NEDEAU

ACTION REQUESTED BY APPELLANT: Appellant appeals the November 3, 2021 Order of Abatement and assessment of costs. Appellant seeks to “reverse the Orders and assessment of costs” or, in the alternative, “continue this matter and reassess it at a later date to allow the Orders the opportunity to finish acquiring their Planning approvals and have their building permits issued.”

Public Comment

Commissioner Sommer disclosed that someone from her firm had been contacted regarding this property to observe the property, and the person was her spouse however they were not engaged contractually and did not believe it had any effect on her hearing the case.

Mr. Jim Lawrie, Senior Housing Inspector, presented the case regarding 102 Baker St. Mr. Lawrie discussed the following points:

- Notice of Violation was issued May 5, 2022 and last inspected March 7, 2024.
- At the time of NOV items 3, 4, and 6 were outstanding.
- Director’s Hearing was January 12, 2023 and the owner was present. Order of Abatement issued for outstanding items.
- Mr. Lawrie presented photos of the property.
- The division recommended to uphold the Order of Abatement and the assessment of cost.

Mr. Nedeau, the Appellant, presented the case regarding 102 Baker St. Mr. Nedeau discussed the following points:

Mr. Nedeau said he was joined at the hearing today by his wife and son. Also, there was a declaration and opinion submission by Edward Sweeney who was the Assistant Building Inspector, and Michael Spillane who was the project manager and the project had been delayed.

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Mr. Nedeau said he would submit supplement declarations from himself and his architect Mr. Paul Finwall regarding subsequent development of the property and an objection pursuant to AAB Bylaws Section III. Appeals D.2 that states the Department was required to provide an assessment of costs no later than seven days prior to the scheduled hearing date.

Matthew Greene, Acting Secretary to the Abatement Appeals Board, said he denied the submission from the Appellant the day before the hearing and advised the Appellant to submit at the hearing directly to the Board and it was at their discretion to accept or not.

Commissioner Williams made a motion, seconded by President Chavez, to accept the late submissions of declaration statements from the Appellant Mr. Nedeau.

There was no public comment.

Secretary Harris Called for a Roll Call Vote:

President Chavez	Yes
Vice President Neumann	Yes
Commissioner Alexander-Tut	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

Mr. Nedeau continued his testimony as follows:

- Mr. Nedeau said he and his spouse had lived in the neighborhood for more than forty years and raised three children in the property.
- They had hoped to renovate the house in 2021. Unfortunately, the foundation contractor left the job October 2021, sued Mr. Nedeau and placed two liens on the property.
- The lawsuit stopped all work on the property until it was resolved. The lawsuit ended November 2023 but the liens were still in the process of being removed.
- Until the liens were removed Mr. Nedeau said he could not get financed to move forward with the renovations and that was the reason for the delay.
- The property had been kept neat as possible to comply with the neighbor's complaint by Mr. Spillane who was managing the property.
- Mr. Nedeau said construction was expected to start again in the next six months and did not feel the assessment of cost was warranted.
- Mr. Nedeau said they were requesting the assessment of cost be held in abeyance as they awaited the liens removal from the property.
- The declaration submitted at the meeting detailed the harassment and vandalism the

property has experienced.

Mr. Ronald Lovaco said he was a retired Cinema Professor from S.F. State, and he and his wife had lived at 1192 Page St., which is near 102 Baker Street. It has been a consistent annoyance of starts and stops of construction work at 102 Baker Street, and the noise has been overwhelming and they have had to endure those conditions of periodic disturbances and incredible amounts of noise for at least half of the thirty years they lived near the property. Mr. Lovaco said that one can only imagine how it is to live next door to a place that is in shambles and rotting right in front of your eyes. Refuse is constantly shed onto his deck from the property, and he was sympathetic to Mr. Nedeau; However, the renovation had taken an unbelievable amount of time and asked whatever the legal power the Board had to stop any more delays to the work needed to complete the renovations of 102 Baker Street.

Secretary Harris stated that Agenda Item E1, labeled “Additional Submittal – Buteo Complaint for Breach of Contract” was considered as public comment and not part of the case.

Mr. Mark SurrIDGE said he lived on 1168 Page Street as well and his house backed 102 Baker Street. Mr. SurrIDGE’s family lived in their home for the last nineteen years, and had suffered the same conditions Mr. Lovaco raised in his comments regarding the lack of construction and the starts and stops. Along the fence line sand is coming through their fence, there are standing buckets of water drawing mosquitos, and they would like the delays stopped and the property fixed. The neighbors would like to live without the blight in the neighborhood.

Mr. Jim Lawrie, Senior Building Inspector, presented the rebuttal regarding 102 Baker Street. Mr. Lawrie discussed the following points:

- Mr. Lawrie said the typical procedure was when the Department received an appeal to the Order of Abatement action was suspended and the cost would be assessed at the time the Order would be recorded with the Assessor and the Department had not assessed cost because action had stopped on the Order of Abatement.
- The roof could have been sheeted with tarp and blocks.
- A lead assessor could have been obtained to resolve the question of lead in the chipping paint of the property.

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Mr. Peter Nedeau gave a rebuttal on behalf of his father Mr. Christopher Nedeau and made the following points:

- He received a message from his parents that had a picture of the hate speech sprayed across 102 Baker Street.
- He said the violation was under investigation by the San Francisco Police Department and the owners were in contact with the District Attorney’s Office.
- The property owners were requesting the Board delay the Abatement until the perpetrator of the hate speech violation was apprehended to give time for Mr. and Mrs. Nedeau time to recover emotionally and mentally.
- He said the property had been scaffold on the side and would be painted at the end of construction.
- Construction had not been completed due to the vandalism and liens on the property.

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

Commissioner Neumann made a motion to overrule the objection to the Assessment of Costs, seconded by Commissioner Williams.

Secretary Harris Called for a Roll Call Vote:

President Chavez	Yes
Vice President Neumann	Yes
Commissioner Alexander-Tut	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

Commissioner Shaddix made a motion to uphold the Order of Abatement, seconded by Vice President Neumann.

Secretary Harris Called for a Roll Call Vote:

President Neumann	Yes
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Vice President Chavez	Yes
Commissioner Alexander-Tut	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

2. CASE NO. 6915: 1807 Broadway St. – Complaint # 202181476

Owners of Record & Appellant: MAK FAMILY TRUST/ JANET MAK & DANIEL WONG

ACTION REQUESTED BY APPELLANT: Appellant appeals the November 3, 2021 Order of Abatement and assessment of costs. Appellant seeks to “reverse the Orders and assessment of costs” or, in the alternative, “continue this matter and reassess it at a later date to allow the Orders the opportunity to finish acquiring their Planning approvals and have their building permits issued.”

Public Comment

3. CASE NO. 6916: 1807 Broadway St. -- Complaint # 202181768

Owners of Record & Appellant: MAK FAMILY TRUST/ JANET MAK & DANIEL WONG

ACTION REQUESTED BY APPELLANT: Appellant appeals the November 3, 2021 Order of Abatement and assessment of costs. Appellant seeks to “reserve the Orders and assessment of costs” or, in the alternative, “continue this matter and reassess it at a later date to allow the Orders the opportunity to finish acquiring their Planning approvals and have their building permits issued.”

Public Comment

Please note that agenda items E2 and E3 were called together.

Mr. John Hinchion, Chief Building Inspector, presented the case regarding 1807 Broadway St. Mr. Hinchion discussed the following points:

- Regarding the first case #202181476; this was a four story, five-unit apartment building, the Notice of Violation (NOV) was served on August 27, 2021 for horizontal addition at the ground and second level, removal of fire escape, dry rot repair at windows, skylight infills at two locations in the rear, new elevated walkway on east elevation, roof replacement without permit and new retaining wall.
- Director’s Hearing was November 3, 2021 and Order of Abatement was issued with the following conditions: thirty days to complete all work including final sign off of permits to comply with NOV and pay all Code Enforcement Services (CES) fees.

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- In response to the NOV a permit was filed #202111011576 on November 1, 2021. This permit was filed to deal with another violation and was not issued and the last inspection was February 2024, no permit was issued at the time.
- Staff recommended to uphold the Order of Abatement and impose the assessment of cost.
- Regarding the second appeal on the same address complaint #202181768 block 0577, lot 001c a NOV was issued August 31, 2021 for the building illegally changed from five units to four units.
- A door was infilled on the second floor at the immediate landing.
- The building was configured with one unit at the ground level, two units on the second floor, and one unit on the third floor.
- Director's Hearing was November 3, 2021 and the Order of Abatement was issued with the following conditions: thirty days to complete all work including final sign-off, all permits to comply with NOV and pay all CES fees.
- Staff recommended to uphold the Order of Abatement and impose the assessment of cost.

Mr. Daniel Turner from Rueben, Junius & Ross LLP represented the Appellants Daniel Wong and Janet Mak, and presented the case regarding 1807 Broadway St. discussed the following points:

- Requested continuance on the basis of the permits were filed in 2021 upon issuance of the NOV and had been going through the review and approval process since that time.
- The owners submitted revised plans to the Planning Department in March 2024.
- Due to the unit reduction and rear addition the plans were also being reviewed by Planning Enforcement and there were planning entitlements needed in order to get the permits issued.
- The appeal was filed December 2021 and was just now in March of 2024 being heard by the AAB.

The Appellant, Daniel Wong, made the following points regarding the case for 1807 Broadway Street:

- Mr. Wong said as an immigrant in 2015 he was lucky enough to save the money for the down payment of the building at 1807 Broadway St.
- The idea was to live in one unit, an elderly parent in another unit, and care for a special needs child in another unit. As a father, Mr. Wong said he wanted to provide a living environment for his family.
- In 2019, a friend introduced Mr. Wong to contractor, Mr. Rodrigo Santos who contracted work with the appellants and later provided permits for the contracted work to begin.
- It was not until later Mr. Wong was notified by the Department the permits the contractor Mr. Santos previously provided were outside the scope of work.
- This caused a financial hardship and the family wanted to retire in the building and keep it in good condition.

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- Ms. Mak said they were misled by the contractor and thought they were going through the procedure of submitting plans with the Planning Department, but found later that was not true.
- Since, the owners had hired representation and were following through with due diligence to comply with the NOV.
- Requested time to go through the process as they had been since December 2022.
- Representative for the Appellant's added in the first half of 2023 a variance entitlement was submitted which would allow the project to become legal and abate the NOV and they were working with the Zoning Administrator.
- The variance entitlement was still going through the process at the time of this hearing.

Public Comment

Mr. Mel Murphy said he was the neighbor to 1807 Broadway St. and owned 1805 Broadway St., but was renting it out, wondered why he was not notified of these hearings. He said he found out around the beginning of the COVID-19 pandemic his tenants contacted him about the noise. Mr. Murphy visited 1807 Broadway to confirm his tenant's complaints and there was a black tarp covering the property. The tenant's moved out of his property due to the noise and he was finally able to see what was happening at 1807 Broadway. He said the neighbors had extended the ground floor to retaining wall and there is no longer a backyard, added a unit to the ground floor and built a deck above the ground unit. Mr. Murphy went on to describe other alterations made to 1807 that impeded his property and said he would like to be notified of future hearings.

Mr. John Hinchion, Chief Building Inspector, presented the rebuttal regarding 1807 Broadway Street. Mr. Hinchion discussed the following point:

- Mr. Hinchion presented a printout of the Permit Tracking System detailing the dates of permits filed and that there was no further action. He said the Department would like to see the permit followed through.

Mr. Daniel Turner presented his rebuttal and made the following points:

- The permit required sign-off from the Planning Department to legalize or remove the rear yard and his office along with cooperation from DBI had worked with Planning to comply with the NOV's since 2022.
- The appellant was actively pursuing the permit but before DBI could issue the permit the Planning Department needed to sign-off on it.
- Regarding the design affects some were being removed such as the light blocking the neighbor mentioned, and the rear yard abuts a church parking lot, all was being considered by Planning
- The appellant request a continuance and to reassess once the permits had been issued.

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

Vice President Neumann made a motion to uphold both Orders of Abatement (Case #s 6915 and 6916), including the Assessment of Costs on the property at 1807 Broadway Street, which was seconded by Commissioner Williams.

Secretary Harris Called for a Roll Call Vote:

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


Commissioner Sommer made a motion to adjourn the meeting, which was seconded by Commissioner Neumann. The motion carried unanimously.

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary