

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
LAUREN NEMETH and TIM FAYE, _____)
Appellant(s) _____)
vs. _____)
_____)
DEPARTMENT OF BUILDING INSPECTION, _____)
PLANNING DEPARTMENT APPROVAL Respondent

Appeal No. 25-058

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on December 19, 2025, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on December 9, 2025 to Diane Xu, of an Alteration Permit (kitchen in-kind renovation, new cabinets, fixtures, connection gas & water line) at 2198 Jackson Street.

APPLICATION NO. 2025/12/09/1363

FOR HEARING ON January 28, 2026

Address of Appellant(s):

Address of Other Parties:

Lauren Nemeth and Tim Faye, Appellant(s) c/o Emily Brough, Attorney for Appellant(s) Zacks & Freedman, PC 180 Montgomery Street, Suite 1950 San Francisco, CA 94104	Diane Xu, Permit Holder(s) 2198 Jackson Street San Francisco, CA 94115
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Date Filed: December 19, 2025

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 25-058

I / We, Lauren Nemeth and Tim Faye, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2025/12/09/1363** by the **Department of Building Inspection** which was issued or became effective on: **December 9, 2025**, to: **Dan Xu**, for the property located at: **2198 Jackson Street**.

BRIEFING SCHEDULE:

Appellants' Brief is due on or before: 4:30 p.m. on **January 22, 2026, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, andrew.perry@sfgov.org; joseph.ospital@sfgov.org; and millande@gmail.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **February 5, 2026, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, andrew.perry@sfgov.org; joseph.ospital@sfgov.org and emily@zfplaw.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: Wednesday, February 11, 2026, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Emily Brough, attorney for appellants



December 19, 2025

San Francisco Board of Appeals
49 South Van Ness Avenue
Suite 1475
San Francisco, CA 94103
boardofappeals@sfgov.org

Via email and personal delivery

Re: Appeal of Building Permit No. 202512091363
 2198 Jackson Street, San Francisco

Dear Board of Appeals:

On behalf of appellants Lauren Nemeth and Tim Faye, owners of 2196 Jackson Street, we hereby appeal the San Francisco Department of Building Inspection's issuance of building permit No. 202512091363, for the adjacent property located at 2198 Jackson Street, San Francisco ("Property"). The appeal is based on the following grounds: **(1)** The applicant of Permit No. 202512091363 misrepresented the scope of the permit which states that it is for a "KITCHEN IN-KIND RENOVATION," however, there are no kitchens that currently exist at the Property, and thus any installation of a kitchen would be brand new. **(2)** The applicant of Permit No. 202512091363 is currently exceeding the scope of the permit by installing electrical, gas lines, and other utilities without the appropriate permits, and without licenses. **(3)** The applicant of Permit No. 202512091363 misrepresented the building use at the Property as a "TOURIST HOTEL/MOTEL" when in fact this use, once nonconforming, was abandoned (PC § 183), or alternatively, based upon the Property's recorded conditions on title, which conditions have since been violated and/or not complied with. Appellants therefore request that the subject permit be revoked.

San Francisco Board of Appeals
December 19, 2025
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Very truly yours,

ZACKS & FREEDMAN, PC



Emily L. Brough

Encls. Owner's Letter of Authorization; DBI printout of Building Permit No 202512091363



City and County of San Francisco

Home



Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 12/19/2025 9:03:37 AM

Application Number: 202512091363
 Form Number: 8
 Address(es): 0590 / 007 / 1 2198 JACKSON ST
 Description: KITCHEN IN-KIND RENOVATION, NEW CABINETS, FIXTURES, CONNECTION GAS & WATER LINE.
 Cost: \$30,000.00
 Occupancy Code: R-1
 Building Use: 25 - TOURIST HOTEL/MOTEL

Disposition / Stage:

Action Date	Stage	Comments
12/9/2025	TRIAGE	
12/9/2025	FILING	
12/9/2025	FILED	
12/9/2025	APPROVED	
12/9/2025	ISSUED	

Contact Details:

Contractor Details:

License Number: OWNER
 Name: OWNER
 Company Name: OWNER
 Address: OWNER * OWNER CA 00000-0000
 Phone:

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
INTAKE		12/9/25	12/9/25			12/9/25	JINGJING LU	Administrative	
HIS		12/9/25	12/9/25			12/9/25	LAWRIE JAMES	Approved	12-9-25 OK To Process JKL
BLDG		12/9/25	12/9/25			12/9/25	JONES DAVID	Approved	Approved OTC a no-plans, non-structural kitchen remodel/renovation p/a per intake description, no other work proposed or authorized, DMJ 12/09/2025;
CPB		12/9/25	12/9/25			12/9/25	TRUONG ALEX	Administrative	PLEASE VERIFY HIS'S RECORD/SIGN OFF AT ISSUANCE. UNABLE TO VERIFY R-3 OR R-1 AT INTAKE- J LU 12/9/25

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our [FAQ area](#).

City and County of San Francisco © 2025

BRIEF SUBMITTED BY THE APPELLANT(S)



January 8, 2026

John Trasviña, President
Member of the Board of Appeals
San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
boardofappeals@sfgov.org

Via Email Only

Re: *Nemeth vs. DBI* – Appellant’s Brief
Subject Property: 2198 Jackson Street
Appeal No. 25-058
Permit No. 202512091363
Hearing Date: January 28, 2026

Dear President Trasviña and Members of the Board:

This office represents Lauren Nemeth & Tim Faye, Trustees of the Nemeth-Faye Family Trust (Collectively, “**Appellants**”), owner of 2196 Jackson Street, the home adjacent to the property subject of this appeal, 2198 Jackson Street, San Francisco (“**Property**”). Appellants’ live in a home with their two young children that shares an entryway with the Property; both buildings are over 100 years old, were built simultaneously and are located in the in the RH-2 district of Pacific Heights.

The permit at issue in this appeal (approved without plans showing existing conditions) is purportedly one for an “in kind” full kitchen renovation at the Property (“**Kitchen Permit**”). But the Property currently does not have any full kitchen facilities—thus there necessarily could not be an “in-kind” renovation of one—and construction of kitchens is expressly restricted via conditions recorded on the Property’s title. The Property was originally built as a four-story single-family home in the early 1900’s, but has been used mostly for boarding/Group Housing since the 1950s. The Property’s legal use was most recently formalized and constrained in 1991, when a prior owner recorded a Notice of Special Restrictions (“**1991 NSR**”) required by the Planning

Department on the Property’s title, restricting its legal use to one (1) dwelling unit on the basement floor and ten (10) Group Housing units on the upper three floors.¹ (**Ex. 2.**) This same NSR expressly restricts the type and scope of kitchens by floor at the Property: the one (1) dwelling unit was allowed a full kitchen, but only more limited “community kitchen[s]” were permitted on two of the other floors, and kitchens were prohibited altogether on the top floor. (**Ex. 2.**)

Most recently, however, as confirmed by Appellants during a recent tour of the Property during its sale process, the Property *does not contain any full kitchen facilities.* (**Ex. 7.**) The current cooking appliances at the Property are limited to several hotplates and microwaves, and a small refrigerator. (*Ibid.*) Moreover, the Property’s current owner/applicant has misrepresented the legal use of the Property on the Kitchen Permit, claiming the use is purportedly a “Family” use, and has refused access to DBI to inspect the Property after complaints were filed regarding unlawful construction. Thus, because the 1991 NSR expressly restricts kitchens at the Property; there are no full kitchen facilities currently in place at the Property; and the owner has made various misrepresentations on the Kitchen Permit, the Board of Appeals (“**Board**”) should revoke the Permit, or alternately require that the issuance of the Kitchen Permit be conditioned upon submission of existing and as-built plans, 311 notice, and be accompanied by any necessary plumbing, gas and electric permit applications.

Background:

The Property was built as a single-family home in 1904, but by the mid 1950’s was being used for Group Housing and/or boarding. (See, **Ex. 1** [June 5, 1991 disapproval of building permit application].) In 1991, after being cited for unlawful “hotel/transient” use (see **Ex. 1**) a prior owner of the Property sought and obtained a building permit to correct the violations with conditions

¹ As is further detailed below, while subsequent ownership attempted legalize the Property as partially transient/Hotel, the conditions of the City were never met, and this the 1991 NSR remains the last legal use of the Property.

thereafter recorded on title on October 28, 1991 per a Notice of Special Restrictions (i.e., the 1991 NSR). (**Ex. 2.**) Per the 1991 NSR, the Property is allowed one (1) dwelling unit on the basement floor and ten (10) Group Housing units, as defined under the San Francisco Planning Code, on the first through third floors. (*Ibid.*) That Group Housing use *specifically* does not permit transient, i.e., nightly rentals, either then—or now.² (**Exs. 1 & 2;** SF PC § 102 [“*Group Housing*. A Residential Use that provides lodging or both meals and lodging, without individual or limited cooking facilities or kitchens, by prearrangement for 30 days or more at a time and intended as Long-Term Housing, in a space not defined by this Code as a Dwelling Unit”].)

In addition, the 1991 NSR specifically limits the scope and type of kitchens on each floor of the Property:

- In the one (1) permitted dwelling unit on the Property’s basement floor, full “kitchen facilities” are allowed. (**Ex. 2**)
- On both the Property’s first and second floors, only “community kitchen[s],” to serve the Group Housing rooms at the Property, are permitted. (**Ex. 2.**) A “community kitchen” is defined under the SF Building Code as one with *only* electric cooking appliances (such as a hotplate)—and “gas fuel appliances shall be prohibited.” (SF Building Code § 507(a)(2).)
- Kitchens of any kind are *prohibited* on the Property’s third/top floor. (**Ex. 2.**)
- Finally, the 1991 NSR also provides that installation of cooking appliances in any of the ten (10) Group Housing rooms shall result in the creation of a new dwelling unit. (**Ex. 2.**)

² The prior owner of the Property was also apparently authorized to sell week-plus-long timeshares for each of the ten (10) group housing rooms. (See, **Ex. 3.**)

Soon after the 1991 NSR was recorded, the Property’s prior owner, an unusual group of timeshare owners, applied for conditional use to convert five (5) out of the ten (10) Group Housing rooms at the Property to transient/Hotel use. (**Ex. 3** [Staff Report for October 15, 1992 CUA].) The SF Planning Commission granted the 1992 conditional use application (“**1992 CUA**”), “subject to the condition” that the owner file a new Notice of Special Restrictions (NSR) reflecting transient/Hotel use of five (5) out of the ten (10) rooms. (**Ex. 4** (p. 3 & Ex. A) [1992 CUA motion].) The Planning Department followed up with the prior owner on October 29, 1992, reminding them that they were required to record a new NSR reflecting the conditional use, and provided that new NSR for recordation, along with explicit instructions on how to do so. (**Ex. 5.**)

However, the new—required—NSR was never recorded. Thus, the conditions of the 1992 CUA were never met, and have now long expired and have not been reapplied for. (See, e.g., SF PC § 178(d) [“A permitted conditional use that is discontinued for a period of three years, or otherwise abandoned, shall not be restored, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code”].) Thus, the current legal use of the Property appears to be the use set forth in the recorded 1991 NSR. In any event, the 1991 NSR’s restrictions on the Property’s allowable kitchens has never changed, and must be complied with respecting the conversion of a “community kitchen” to a family kitchen.

The Kitchen Permit is Improperly Issued Over the Counter.

On December 9, 2025, the owner of the Property submitted the Kitchen Permit application over-the-counter at DBI for “kitchen in-kind renovation, new cabinets, fixtures, connecting gas and water lines.” (**Ex. 6.**) However, Appellants have recently toured the inside of the Property during the Property’s sale in 2025 and have confirmed that ***no full kitchen facilities currently exist at the Property, on any floor.*** (**Ex. 7** [Nemeth Dec.].) At most, there are several microwaves and hotplates in the areas in which the “community kitchens” are permitted on the first and second

floors. (*Ibid.*) Indeed, this is precisely what the first and second floor is limited to for cooking appliances under 1991 NSR. (Ex. 2.) Thus, because no full kitchen facilities currently exist at the Property, there necessarily could not be an “in kind” renovation of any kitchen. (*Ibid.*)

In addition, even though the Property is restricted to one (1) dwelling unit and ten (10) Group Housing rooms, the Property owner/applicant misrepresented the use of the Property on the Kitchen Permit application, labeling the alleged use as “Family.”

Despite the 1991 NSR’s restrictions on the type and scope of construction of kitchens on each floor of the Property (Ex. 2), no plans were submitted as part of the purported “in kind” Kitchen Permit application, and the Kitchen Permit was granted the same day the owner/applicant of the Property applied for it (Ex. 8.). Moreover, no permit applications for any plumbing, gas or electrical work were filed, even though the Kitchen Permit indicated that at least plumbing and gas line work was to be completed as part of the project. (*Ibid.*) And, Appellants witnessed—both before and after the Kitchen Permit was granted—unauthorized electrical and gas line work at the Property, ongoing on a daily basis and into the late evenings. (Ex. 7 [Nemeth Dec.].) However, even after complaints were filed about what appeared to be ongoing unpermitted construction at the Property, DBI inspectors were consistently denied access to the Property. DBI inspectors also confirmed that while a plumbing permit was needed for the scope of work indicated in the Kitchen Permit, no plumbing permit had in fact been pulled for the Property. (Ex. 9.)

Finally, the current owner of the Property also advised Appellants in November of 2025 that she intended to expand the one (1) dwelling unit on the basement floor at the Property to the first floor, and rent out the remaining six (6) Group Housing rooms on a daily basis, via Airbnb (Ex. 7), even though doing so would expressly violate the terms of the 1991 NSR and San Francisco’s laws on short term rentals and removal/conversion of Group Housing units.

Given the 1991 NSR’s Restrictions on the Property’s Kitchens, the Ongoing Unpermitted

Work at the Property, and the Misrepresentations of the Property Owner, the Kitchen Permit Must Be Revoked or Alternatively Conditioned to Allow for Further Transparency.

The Board of Appeals conducts a *de novo* review of matters before it. The Kitchen Permit should be revoked, or alternatively conditioned upon the owner submitting plans for any proposed kitchen (SF BC § 106A.3.1(4).), along with the appropriate 311 notice to the neighborhood (SF PC § 311).

Because (1) the 1991 NSR expressly restricts the type and scope of kitchens at the Property, (2) the fact that there are no full kitchen facilities currently in place at the Property, (3) the ongoing unpermitted work at the Property and the failure of the owner to allow DBI inspection, (4) *and* the owner’s misrepresentation of the Property’ current authorized use as purportedly “Family” use, the revocation of, or alternatively conditions on, the Kitchen Permit to allow for transparency into the owner’s project is appropriate here.

Not only should full plan sets for existing and as-built conditions of the Property be required for any proposed kitchen conversion or installation, but notice pursuant to SF PC § 311 should be provided to allow neighbors’ insight into the process. The purpose of such notice is “so that concerns about a project may be identified and resolved during the review of the permit.” (SF PC § 311(a).) This is especially important here, given the complicated past use of the Property and the current owner’s apparent desire to violate local law and the recorded conditions on title by converting half of the Group Housing Rooms into a single-family dwelling and the other half into transient Hotel/Airbnb use. (**Ex. 8.**)

January 8, 2026

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Appellants therefore respectfully request the appeal be granted and the Kitchen Permit either be revoked or conditions placed upon its issuance, as detailed herein. We thank the Board for its consideration.

Very truly yours,

ZACKS & FREEDMAN, PC

/s/ Emily L. Brough

Emily L. Brough

Encl. (Exs. 1-9.)

EXHIBIT 1



City and County of San Francisco Department of City Planning

CHKO

450 McAllister Street
San Francisco, CA 94102

ADMINISTRATION
(415) 558-6414

CITY PLANNING COMMISSION
(415) 558-6414

PLANS AND PROGRAMS
(415) 558-6264

IMPLEMENTATION / ZONING
(415) 558-6377

June 5, 1991

Ms. Susen Hecht
President, Board of Directors
Jackson Court City Share Homeowners' Association
2198 Jackson Street
San Francisco, CA 94115

Dear Ms. Hecht:

RE: 2198 JACKSON STREET
BLOCK: 590; LOT: 7
ZONING DISTRICT: RH-2 (HOUSE, TWO-FAMILY)
FILE NUMBER: 8701238/C
BUILDING PERMIT APPLICATION No. 8615110,
FILED NOVEMBER 26, 1986
DISAPPROVAL OF BUILDING PERMIT APPLICATION

At your request, the Department of City Planning is disapproving the above-referenced Building Permit Application. The application was originally filed to bring the subject building into full compliance with the provisions of the San Francisco Municipal Code. However, the property owners' current practice of letting guest rooms for less than a week at a time, even on an occasional basis, violates Sections 175(a) (APPROVAL OF PERMITS), 178(e)(3) (CONDITIONAL USES: CHANGES IN USE), 182(a) (NONCONFORMING USES: CHANGES IN USE) and 209.2 (a) (USES PERMITTED IN R DISTRICTS, GROUP HOUSING) of the City Planning Code.

The referenced application is being disapproved because you indicated in your letter of April 19, 1991 that the execution and recordation of the Notice of Special Restrictions specified in my letter of November 28, 1990, is not acceptable to the Jackson Court City Share Homeowners' Association.

PROPERTY DESCRIPTION/ZONING HISTORY

The referenced property is a rectangular shaped lot of 3,634 square feet at the northeast corner of Jackson and Buchanan Streets. The property was zoned Second Residential from 1921 to 1960 and R-3 (Low-Medium Multiple Residential) from 1960 to 1976, at which time the zoning was changed to R-2 (Two-Family Residential). In 1978, the property was zoned RH-2 (House, Two-Family), the zoning which has been maintained to the present.

STATEMENT OF THE CASE

An inspection of the subject property by District Housing Inspector Louise Kimball, on October 1, 1986 (copy of Inspection Report attached as Exhibit A) revealed that the building was being used as ten (10) guest rooms on three floors plus an apartment of three rooms in the basement. The legal use of the property is twelve (12) guest rooms plus a self-contained basement apartment.

2198 - Jackson St.

June 5, 1991
Ms. Susen Hecht
Re: 2198 Jackson Street
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The subject building was constructed as a single-family dwelling in 1904, but had been converted to a boarding house by the early 1950s. In 1953, Building Permit Application Number 155824 was approved, establishing the legal use of the building as a "guest house" for residential use only (copy of application attached as Exhibit B). Building Permit Application Number 312001 was approved in 1965, establishing the legal use of the property as twelve guest rooms and one apartment on four floors of residential occupancy (copy of application attached as Exhibit C). It should be noted that the City Planning Code in effect in 1965 included in its definition of "boarding house" a guest house, rooming house or lodging house, but not a hotel. A boarding house or guest house was a permitted principal use in an R-3 District in 1965, while a hotel use would have required Conditional Use authorization by the City Planning Commission. No Conditional Use authorization was approved for the subject property. (copy of applicable 1960 Planning Code Sections attached for reference as Exhibit D).

In 1976, the Zoning District of subject property zoning was changed from R-3 to R-2, a district which did not permit boarding houses. However, in 1978, the City-wide Residential Rezoning study changed the District to RH-2, which allows boarding houses or "guest houses" as Conditional Uses. Section 178(a)(2) of the Planning Code permits, as a conditional use, any use which is classified as a conditional use in the district in which it is located and which lawfully existed on the effective date of any amendment imposing new conditional use requirements upon such use. Use as a guesthouse was therefore automatically allowed under this Code section.

A complaint alleging the operation of a hotel on the subject property in late 1978 prompted the Department of City Planning to inspect the property in January, 1979. As indicated in my February 5, 1979 letter to a former owner of the building, Malin Giddings, the inspection revealed that the subject property was being operated at that time as a boarding house, as defined in the Planning Code. My letter also clearly stated that the rental of rooms for "overnight" guests, even on an infrequent basis, is not permitted under the Planning Code, since a hotel of more than five rooms or suites of rooms is not a permitted use in an RH-2 zoning district. (Copy of letter attached as Exhibit E).

In 1980, the subject property was being proposed for a "time-sharing" arrangement. This Department confirmed that use of the property for this purpose would be in conformity with the Planning Code, one of the conditions being that "none of the rooms will be rented, nor will any timeshares be sold allowing occupancy for less than one week." (copy of letters attached as Exhibit F).

In response to the 1986 inspection of the subject property by the Housing Inspection Division of the Bureau of Building Inspection, the owners filed Building Permit Application Number 8615110 on November 26, 1986 to bring the building into compliance with the Municipal Code. (copy of application and

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Ms. Susan Hecht
Re: 2198 Jackson Street
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plans attached as Exhibit G). Although the current legal use of the property is twelve guest rooms and one apartment on four floors, the owners were advised that the Department of City Planning that was prepared to establish the legal use of the property as the existing ten guest rooms plus a basement apartment, provided the basement rooms were proposed to be made into a self-contained apartment. Since it had also come to this Department's attention that guest rooms are occasionally being let on a less than weekly basis, we advised the owners that such a use is not permitted under the Planning Code, and that, as a condition of approval of the application, the owners were required to execute and record a Notice of Special Restrictions specifying that guest rooms be let for a minimum of one week. (copy of November 28, 1990 letter attached as Exhibit H.)

In your letter of April 19, 1991, you advised this Department that the Association was unable to sign the Notice of Special Restrictions and requested that the Building Permit Application be disapproved (copy of letter attached as Exhibit I).

Section 175(a) of the City Planning Code states that "No application for a building permit or other permit or license, or for a permit of Occupancy, shall be approved by the Department of City Planning, and no permit or license shall be issued by any City department, which would authorize a new use, a change of use or maintenance of an existing use of any land or structure contrary to the provisions of this Code." The maintenance of the existing use of the subject structure as a hotel with more than six guestrooms for the accommodation of transient overnight guests in an RH-2 zoning district is contrary to the provisions of the Planning Code, and the building permit application cannot be approved unless the use of the property is first brought into compliance as a guest house accommodating guests for a week or more at a time.

Section 209.2(a) of the Planning Code states that group housing ("providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit") is permitted in an RH-2 Zoning District subject to approval by the City Planning Commission as a conditional use in the district. As indicated previously, the use of the subject building as a guesthouse was permitted as an automatic conditional use as a result of the 1978 City-wide residential rezoning. The provision of lodging for less than a week at a time and housing six or more persons violates Section 209.2(a) of the Code. In addition, Section 178(e)(3) of the Planning Code states that "A permitted conditional use may not be changed to another use not permitted or prohibited by Articles 2, 7, or 8 of this Code. If a permitted conditional use has been wrongfully changed to another use in violation of the foregoing provisions and the violation is not immediately corrected when required by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or abandonment of the permitted conditional use." The permitted conditional use as a guesthouse providing lodging for a week or more at a time for six or more persons has been changed to use as a hotel with six or more guestrooms for the accommodation of

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Re: 2198 Jackson Street
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transient overnight guests, a use not permitted in an RH-2 zoning district. The means to correct this violation is through the execution and recordation of a Notice of Special Restrictions as a condition of approval of the subject building permit application, and restoration of the property's legal use. If this correction is not made, the change will be considered an abandonment of the permitted conditional use, which can only be restored upon approval of a new conditional use application pursuant to the provisions of Article 3 of the Planning Code.

In addition to violating the conditional use provisions referenced above, the provision of lodging for transient overnight guests in six or more guestrooms in an RH-2 zoning district is a violation of Section 182(a) of the Planning Code, regarding nonconforming uses. As a use which lawfully existed at the time of the 1978 Residential Rezoning, the use of the subject building as a guesthouse providing accommodation for a week or more at a time for six or more persons, is considered a nonconforming use, since it does not conform to the use limitations under Article 2 of the Planning Code. Section 182(a) of the Code states that "A nonconforming use shall not be changed or modified so as to increase the degree of nonconformity under the use limitations of this Code, with respect to the type of use or its intensity...The degree of nonconformity shall be deemed to be increased if the new or modified use is less widely permitted by the use districts of the City than the nonconforming use existing immediately prior thereto." Use as a hotel with six or more guestrooms for the accommodation of transient overnight guests is less widely permitted by the use districts of the City than use as a guesthouse providing lodging for a week or more at a time and housing six or more persons. Section 182(h) of the Code states that "If a non-conforming use has been wrongfully changed to another use...and the violation is not immediately corrected when required by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or abandonment of the nonconforming use." The means to correct this violation is the same as the means to correct the violation of the conditional use provisions of the code - through the execution and recordation of a Notice of Special Restrictions as a condition of approval of the building permit application and the restoration of the property's legal use. If this correction is not made, the change will be considered to be an abandonment of the nonconforming use, and the use of the property must be brought into conformity with the current use limitations of the Code for the district in which it is located.

You are therefore required to file a new building permit application, with complete floor plans of all four floors. The plans must identify the restoration of a self-contained apartment in the basement by indicating the addition of a full bathroom (toilet, lavatory and bathtub or shower) within the proposed apartment, and by physically connecting, with a doorway, the two rooms of the proposed apartment. You would also need to show the sealing of the existing doorway between the proposed apartment's bedroom and the corridor. Once the plans are reviewed and approved, a Notice of Special Restrictions will be prepared by this Department for the owners to execute and record. One of the stipulations of that Notice will be that guest rooms be let for a minimum of one week.

June 5, 1991
Ms. Susen Hecht
Re: 2198 Jackson Street
Page 5

I would point out that the establishment of legal use of the subject property as a hotel, inn or hostel with six or more rooms for the accommodation of transient overnight guests would be dependent on the successful reclassification of the property (i.e. change in the Zoning Map) pursuant to Section 302 of the City Planning Code (copy attached as Exhibit J). Such a use is first permitted in a C-1 (Neighborhood Shopping) Zoning District.

If you have substantial reason to believe that there was an error in interpretation of the provisions of the Code, or abuse of discretion on the part of the Zoning Administrator, you may file an appeal with the Board of Permit Appeals (Room 154-A, City Hall, telephone 554-6720) within fifteen (15) days of this order. In the case of a Building Permit Application, you may file within fifteen (15) days of the denial of said permit by the Central Permit Bureau.

If you have any questions, please contact David Lindsay at 558-6393.

Very truly yours,



Robert W. Passmore
Assistant Director of
Planning - Implementation
(Zoning Administrator)

RWP:DRL:gwf/309

Attachments

cc: Tom Gillardoni
Bay City Enterprises
220 Redwood Hwy., Suite 136
Mill Valley, CA 94941

David Smith Fox
Deputy City Attorney
1390 Market Street, Suite 250
San Francisco, CA 94102

Robin Fay, HID

EXHIBIT 2

RECORDING REQUESTED BY }
 And When Recorded Will be }
 Name: Jackson Court City }
 Share Homeowners' Assoc. }
 Address: Attn: Susan Hecht }
 2198 Jackson Street }
 City: San Francisco, }
 California 94115 }
 State: California }
Space Above This Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

JACKSON COURT CITYSHARE HOMEOWNERS' ASSOCIATION, the owner of that certain real property situated in the City and County of San Francisco, State of California, more particularly described as delineated below:

BEGINNING at the point of intersection of the northerly line of Jackson Street and the easterly line of Buchanan Street; running thence easterly and along said line of Jackson Street 50 feet; thence at a right angle northerly 72 feet, 8-1/4 inches; thence at a right angle westerly 50 feet to the easterly line of Buchanan Street; thence at a right angle southerly along said line of Buchanan Street 72 feet, 8-1/4 inches to the point of beginning.

BEING part of WESTERN ADDITION BLOCK NO. 240, being Assessor's Block 590, Lot 7, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (City Planning Code).

Said restrictions consist of conditions attached to the approval of Building Permit Application No. 8615110 by the Department of City Planning and are conditions that had to be so attached in order that said application could be approved under the City Planning Code. (Building Form 3.)

The plans filed with the present application for the 10 guest rooms, Group Housing, at 2198 JACKSON STREET indicate the following uses:

The basement shall contain one (1) dwelling unit (with kitchen facilities, full bathroom, hallway and two (2) bedrooms), one (1) furnace room, one (1) storage room, one (1) mechanical room, one (1) storage supply closet and a garage with two (2) independently-accessible off-street parking spaces. Said rooms have independent access to the street by way of the garage.

The first floor shall contain one (1) entrance foyer, one (1) business office, one (1) parlor, one (1) conference room, two (2) guest rooms, two (2) full bathrooms and one (1) community kitchen. Said rooms have independent access to the street by way of the main entrance.

The second floor shall contain one (1) lobby, one (1) community kitchen, four (4) guest rooms and four (4) full bathrooms.

The third floor shall contain one (1) lobby, one (1) pantry with no cooking facilities, four (4) guest rooms and four (4) full bathrooms.

The restrictions and conditions of which notice is hereby given are:

1. That said property shall have one (1) dwelling unit, and ten (10) guest rooms as under the R1-2 zoning of the subject property, Section 209.2(a) of the City Planning Code permits group housing, boarding to provide lodging or both meals and lodging, without individual cooking facilities, by rearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit.

F017890

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

Such group housing shall include but not be limited to a boarding house, guest house, rooming house, lodging house, residence club, commune, fraternity and sorority house, but shall not include group housing for religious orders or group housing for medical and educational institutions, whether on a separate lot or part of an institution, as defined and regulated by the Planning Code; and

2. That for the purposes of this restriction and the City Planning Code, installation of any appliances for cooking, such as a stove or hot plate, in any of the ten (10) guest rooms shall be deemed creation of a kitchen and therefore creation of an additional separate dwelling unit as defined in Section 102.6 of the City Planning Code.

The use of said property contrary to these special restrictions shall constitute a violation of the City Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses herein restricted are thereby permitted and in conformity with the provisions of the City Planning Code, this document would no longer be in effect and would be null and void.

Dated: 25 October 1991 at San Francisco, California

Robert Keeley
Signature of Owner
President
Jackson Court City Shores
Homeowners' Association

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO)
SS

WITNESS my hand and official seal.

Signature (This area for official notarial seal)

DRL:qmf/174

F017830

EXHIBIT 3

CITY PLANNING COMMISSION
Case Report for Hearing on October 15, 1992

Case No. 92.330C
2198 Jackson Street

CONDITIONAL USE TO ALLOW RENTAL OF FIVE TIME SHARE GUEST ROOMS FOR TRANSIENT USE (LESS THAN ONE WEEK'S OCCUPANCY) IN AN RH-2 (HOUSE, TWO-FAMILY) DISTRICT.

DEPARTMENT CONTACT: Lois Scott (415) 558-6317

REVIEWED BY: Glenda Skiffer

PROPOSAL: The proposal is to allow the management to rent up to five of the rooms for transient use, depending on their availability, to offset operations and maintenance costs. There are a total of ten previously authorized timeshare guest rooms in this project which is known as Jackson Court. Under the time share provisions, each of the rooms is potentially made available for fifty weeks of the year. A purchaser of a one-week timeshare has a right to occupy any of the ten different rooms available. Less than half of the potential time shares have been purchased. In addition, not all purchasers choose to occupy a room in a given year. Therefore, there are a number of vacant available rooms at any given time.

PRELIMINARY RECOMMENDATION: Approval to facilitate better maintenance and economic viability for Jackson Court. The subject property is one block from the Webster Street Historic District and is a well-maintained and stately structure at a prominent location.

ISSUES AND OTHER CONSIDERATIONS:

Trip Generation - Residents of the previously authorized group housing (one week or more occupancy) and residents of transient housing (less than one week) in the same location are likely not to differ in their use of automobiles and need for parking. Those staying on a shorter term basis might be less likely to bring automobiles.

Intensification of Use - Time Share group housing has a slightly more residential character than transient units, in terms of its users, but the physical aspects of the structure, a 1904 Edwardian building, legally used as a guest house since 1953, would remain unchanged.

Neighborhood Support or Opposition - Prior to the 1980 conversion to time share, and clarification of the zoning status, there were general inquiries and complaints regarding "hotel use" of this property by the Pacific Heights Residents Association. At the present time, according to the applicant, "the facility has served a very useful function in the neighborhood, ... (as) very decent accommodations for visiting relatives and guests or residents of the neighborhood ... (and for) relatives and friends of patients at the nearby Pacific Presbyterian Medical Center."

PROPERTY DESCRIPTION:

Location: Northeast corner of Jackson and Buchanan Streets, one block north of the Pacific Presbyterian Medical Center, in the Pacific Heights Neighborhood.

Size: Parcel size is 3,634 square feet containing a four story structure of 7,243 square feet and 17 rooms.

Zoning: RH-2 (House, Two-Family) District. 40X Height and Bulk District. The building at 2198 Jackson has been used as a boarding house since before 1953, when the City Planning Department authorized Building Permit Application No. 155824 for a "guest house". Between 1921 and 1976, the subject property was zoned second residential, and later R-3, districts which permitted boarding houses. In 1976, the property's zoning was changed to R-2, a district which does not permit boarding houses.

In 1978, the City-wide Residential Rezoning study changed the District to RH-2, which allows boarding houses or guest houses as Conditional Uses. Section 178(a)(2) of the Planning Code permits, as a conditional use, any use which is classified as a conditional use in the district in which it is located and which lawfully existed on the effective date of any amendment imposing new conditional use requirements upon such use. Use as a guesthouse was therefore automatically allowed under this Code section.

However, Section 208 of the Planning Code, regulating density, allows only eight guest rooms at a ratio of 415 square feet of lot area per guest room. There is already one dwelling unit on the site, five of the guest rooms are grandfathered and five comprise a legal non-conforming use. The issue of intensification of a non-conforming use can be considered moot because the proposal for transient use would affect a maximum of five rooms, the same number as grandfathered rooms.

Present Use: The property has one dwelling unit, ten guest rooms and ten full bathrooms, two community kitchens and two independently accessible off-street parking spaces.

Each purchaser of a Jackson Court timesharing unit receives a deed to an undivided interest in common for the entire real property, allowing a one week occupancy or more each year. Persons occupying the guest rooms stay for one week or longer.

APPLICANT AND FILING DATE: Jackson Court City Shares Homeowner's Association, June 9, 1992.

ENVIRONMENTAL REVIEW STATUS: Categorically Exempt from Environmental Review per Section 15301, Class 1, Existing Facilities, of the State EIR Guidelines.

SURROUNDING LAND USE AND ZONING: Surrounding land use is residential consisting of condominium projects, cooperative apartments and large older homes of various heights. Zoning within this block contains both "house" character districts (RH-2) and "mixed" character districts RM-1 (Mixed Residential, Low Density) and RM-2 (Mixed Residential, Moderate Density) Districts.

PLANNING CODE PROVISIONS: Section 209.2(d) provides for conditional use authorization for no more than five individual rooms for accommodation of transient overnight guests in various residential districts including the RH-2 district.

MASTER PLAN CONSIDERATIONS: The primary master plan policy which is relevant to this proposal is the conservation and protection of existing housing and neighborhood character in order to preserve the cultural and economic diversity of the neighborhood. Pacific Heights, in this vicinity, is diverse in terms of housing types, institutional (hospital uses) and ages of structures. The subject property is one block from the Webster Street Historic District and is a well-maintained and stately structure at a prominent corner location.

OTHER DEPARTMENTAL ACTION: A Notice of Special Restrictions (NSR) under the City Planning Code was required to be filed prior to the Department's approval of building permit application 8615110 which related to code compliance items. It specified in detail the uses specified on the plans, including the ten guest rooms and was dated October 25, 1991.

The form of timeshare ownership for this project required State (California Department of Real Estate) but not City review.

The project files are available for inspection and review and are part of the record before the Commission.

=====

Exhibits

LHS:mj:441

EXHIBIT 4

File No. 92.330C
2198 Jackson Street
Assessor's Block 590, Lot 7

SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 13417

Preamble

On October 15, 1992, the San Francisco City Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 92.330C at which time the Commission reviewed and discussed the findings prepared for its review.

The proposed conditional use application was determined by the San Francisco Department of City Planning (hereinafter "Department") to be categorically exempt from the environmental review process pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

Findings

Having heard all the materials identified in the recitals above, and having heard oral testimony and arguments, this Commission finds, concludes and determines as follows:

1. On or about June 9, 1992, Lee Woods, Jr., permit consultant for Jackson Court City Shares Homeowners' Association (hereinafter "Applicant"), made application (hereinafter "Application") for Conditional Use on the property at 2198 Jackson Street, northeast corner of Jackson and Buchanan Streets, Lot 7 in Assessor's Block 590 (hereinafter "Subject Property") to allow rental of up to five previously authorized time share guest rooms for transient use (hereinafter "Project") in an RH-2 (House, Two-Family) District and a 40-X Height and Bulk District.
2. Section 209.2(d) provides for conditional use authorization for no more than five individual rooms for accommodation of transient overnight guests in various residential districts including the RH-2 District.
3. No exterior or interior alterations are proposed. The selection of which five of the ten existing guest rooms would be occupied by transient guests would be determined by the applicant based on preferences and reservations of the time share guests.

4. Under the provisions of Code Section 303, the Commission may authorize a Conditional Use only after holding a duly noticed public hearing and making findings that the proposed use will provide a development that is necessary or desirable for and compatible with the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity and that such use will comply with the applicable provisions of the Code, and will not adversely affect the Master Plan.

The proposed Project complies with the criteria of Section 303 of the Code in that:

- a. The Project would be in keeping with the character and scale of the surrounding neighborhood in that no exterior alterations will be made. The Project would provide a needed public service, e.g. accommodations for San Francisco visitors, visiting relatives and guests of residents of the neighborhood, and relatives and friends of patients at the nearby Pacific Presbyterian Medical Center and, subject to the imposition of appropriate conditions, would not have any negative impacts on the surrounding area. Therefore, the Project would be compatible with and desirable for the neighborhood and the community.
- b. Use of a private automobile is not typical of "Jackson Court" guests. Guests tend to arrive by taxi, limousine or in the company of relatives or friends residing in the neighborhood. Guests with travel needs in the City tend to rely on neighborhood relatives, taxi service and public transit. Guests whose visits relate to the medical facility tend to walk. Guests with private cars are generally aware of the Pacific Presbyterian Medical Center garage and are encouraged to use that facility. The existing use operates with no signage and will continue to do so. Therefore, the Project would not be detrimental to the health, safety or general welfare of the residents of the area.
- c. The proposed Project would implement the policy of the City's Master Plan which in its Residence Element seeks to allow appropriate neighborhood-serving, non-residential activities in residential areas.
- d. The proposed Project complies with the applicable provisions of the Code.

The proposed Project is consistent with the criteria of Section 101.1 of the Code in that:

1. No neighborhood-serving retail uses will be deleted, altered or in any way affected by the Project. The existing use provides local resident employment.

2. The proposal will have minimal effect on existing housing and neighborhood character and could contribute to the cultural and/or economic diversity of the neighborhood.
3. The proposed use will have no effect on the City's supply of affordable housing.
4. There will be no significant demand for parking and no increase in demand for City transit service as a result of this project. Guests arriving by private auto would be directed to use the public parking garage at the Pacific Presbyterian Medical Center, two blocks to the south.
5. The Project is not a commercial office project and will not displace or alter any elements of the City's industrial or service sectors.
6. The existing building meets the seismic-safety standards of the San Francisco Building Code.
7. The Project will not affect any landmark structures or historic buildings.
8. The Project will not decrease City park space nor will it alter access to sunlight or vistas from City parks or open space.

The Commission, after carefully balancing the competing public and private interests, hereby finds that authorization of the requested Conditional Use promotes the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department of City Planning and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the City Planning Commission hereby APPROVES Conditional Use Application No. 92.330C subject to the conditions contained in Exhibit A appended hereto and incorporated herein by reference thereto as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on October 15, 1992.

Linda Avery
Commission Secretary

CITY PLANNING COMMISSION

File No. 92.330C
2198 Jackson Street
Assessor's Block 590, Lot 7
Motion No. 13417
Page 4

AYES: Commissioners Fung, Boldridge, Levine, Lowenberg, Prowler, Smith and Unobskey

NOES: None

ABSENT: None

ADOPTED: October 15, 1992

CITY PLANNING COMMISSION

File No. 92.330C
2198 Jackson Street
Assessor's Block 590, Lot 7
Motion No. 13417

EXHIBIT A

CONDITIONS OF APPROVAL

1. A notice of special restrictions (NSR) under the City Planning Code modifying the previous NSR must be filed indicating that only up to five of the ten existing guest rooms may be occupied on a transient basis at any given time, and incorporating other conditions of approval.
2. There shall be no exterior signage on the subject property.
3. Upon any complaint of excess transient occupancy, the Jackson Court Homeowners Association shall make its guest registers and occupancy records available to Department of City Planning staff to determine if a hearing to consider revocation of the conditional use authorization for transient occupancy would be appropriate.
4. The applicants agree to provide all guests with information on parking regulations and available parking facilities in the vicinity. They will implement a procedure to reimburse all guests parking at the Pacific Medical Center Garage for the daily public parking fee and shall direct all guests with cars to use this garage.
5. The applicants shall diligently monitor taxi, limousine, airport van or other vehicles which pick up and deliver guests in order to avoid blocking of neighbors' driveways.

LHS:mj:JACK2198.MOT

EXHIBIT 5



**City and County of San Francisco
Department of City Planning**

**450 McAllister Street
San Francisco, CA 94102**

October 29, 1992

Mr. Lee Woods Jr.
1165 Vallejo Street
San Francisco, CA 94104

**RE: 2198 Jackson Street - Conditional Use Application No. 92.330C Notice of
Special Restrictions**

Dear Mr. Woods:

On October 15, 1992 the Planning Commission voted unanimously to approve Conditional Use Application No. 92.330C, subject to five conditions of approval, in Motion No. 13417.

In accordance with this motion, please have the owners record a Notice of Special Restrictions for which the forms and instructions are enclosed. You may also wish to provide for the file a letter indicating how reimbursement of parking charges are to be handled for guests using the Pacific Medical Center Garage.

As I indicated earlier by telephone Mary Powell 923-3305 and Scott Berkman 923-3554 at PMC were willing to discuss approaches to this procedure, although PMC would be unable to lease parking to any outside agency. However parking is available to the public at \$10.00 for 24 hours.

Sincerely,

Lois H. Scott

**Lois H. Scott
Planner**

Enclosures: Motion 13417
NSR Forms

cc: Suseen Hecht, Jackson Court City Share
Homeowners' Association
Mary Powell, CPMC

**City and County of San Francisco
DEPARTMENT OF CITY PLANNING
450 McALLISTER STREET, 5TH FLOOR
SAN FRANCISCO, CA 94102 (415) 558-6377**

**PROCEDURE FOR RECORDATION OF NOTICE OF SPECIAL RESTRICTIONS
UNDER CITY PLANNING CODE SECTION 174**

Two identical Notice of Special Restrictions forms are enclosed. Follow these steps closely:

1. Write the legal property description, as stated on the deed, in the space provided on each Notice or attach a copy of the legal description.
2. Have both original Notices signed by the owner(s) in the presence of a notary public and then notarized.
3. Record both original Notices at the Recorder's Office (Room 167) in City Hall. The Recorder will retain one original and return it to you by mail.
4. Make three photocopies of your original Notice as notarized and recorded. (You will now have 4 documents - one original and three photocopies.)
5. Bring the recorded original Notice and the three copies to the Department of City Planning's Zoning Information Counter, 450 McAllister Street, 5th Floor, Room 502 between the hours of 10:00 a.m. to noon and 1:00 to 5:00 p.m. The Department will keep all four documents. (Any building permit on hold with the Department cannot be released until this step is completed.)
6. Once your building permit application is approved by the Planning Department, it will be routed to the next scheduled City department for continued processing.

PLG:63
REVISED - 1/18/90

RECORDING REQUESTED BY)
And When Recorded Mail to)
Name: Jackson Court City Share)
Homeowner's Association)
Address: Attn: Suseen Hecht)
2198 Jackson Street)
City: San Francisco)
California 94115)
State: California) Space Above This Line for Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

JACKSON COURT CITYSHARE HOMEOWNERS' ASSOCIATION, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California, more particularly described as delineated below:

BEGINNING at the point of intersection of the northerly line of Jackson Street and the easterly line of Buchanan Street; running thence easterly and along said line of Jackson Street 50 feet; thence at a right angle northerly 72 feet, 8-1/4 inches; thence at a right angle westerly 50 feet to the easterly line of Buchanan Street; thence at a right angle southerly along said line of Buchanan Street 72 feet, 8-1/4 inches to the point of beginning.

BEING part of WESTERN ADDITION BLOCK NO. 240.

BEING Assessor's Block 590, Lot(s) 17, commonly known as 2198 Jackson Street, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (City Planning Code).

Said restrictions consist of conditions attached to approval of Motion No. 13417 approved by the City Planning Commission October 15, 1992. The condition #1 below supersedes Condition #1 in a previous Notice of Special Restriction recorded October 28, 1991 by the Jackson Court City Share Homeowner's Association.

The restrictions and conditions of which notice is hereby given are:

1. A notice of special restrictions (NSR) under the City Planning Code modifying the previous NSR must be filed indicating that only up to five of the ten existing guest rooms may be occupied on a transient basis at any given time, and incorporating other conditions of approval.

NOTICE OF SPECIAL RESTRICTIONS

2. There shall be no exterior signage on the subject property.
3. Upon any complaint of excess transient occupancy, the Jackson Court City Share Homeowner's Association shall make its guest registers and occupancy records available to Department of City Planning staff to determine if a hearing to consider revocation of the conditional use authorization for transient occupancy would be appropriate.
4. The Jackson Court City Share Homeowner's Association agrees to provide all guests with information on parking regulations and available parking facilities in the vicinity. They will implement a procedure to reimburse all guests parking at the Pacific Medical Center Garage for the daily public parking fee and shall direct all guests with cars to use this garage.
5. The Jackson Court City Share Homeowner's Association shall diligently monitor taxi, limousine, airport van or other vehicles which pick up and deliver guests in order to avoid blocking of neighbors' driveways.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the City Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

Dated _____, at San Francisco, California

(Owner)

(Owner)

State of California)
City and County of San Francisco)

On _____ before me, _____
a Notary Public, in and for said City and County and State, personally appeared _____

known to me to be the
persons whose names are subscribed to the within instrument, and acknowledged to me that they
executed the same.

Notary Public in and for said
City and County and State

San Francisco Department of City Planning

EXHIBIT 6



BLDG. 3/8
FORM 3/8

APPLICATION NUMBER
20251209363

OSHA APPROVAL REQ'D
OSHA APPROVAL NUMBER

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE-COUNTER ISSUANCE

NUMBER OF PLAN SETS

▼ DO NOT WRITE ABOVE THIS LINE ▼

DATE FILED 12/09/2025	FLYING FEET RECEIPT NO. 251-981	(1) STREET ADDRESS OF JOB 2198 Jackson St	BLOCK & LOT 0590/067
RECEIPT NO. 251-981	ISSUED 12/09/2025	(2A) ESTIMATED COST OF JOB \$2500	(2B) REVISED COST BY \$30000
		DATE 12/9/20	

INFORMATION TO BE FURNISHED BY ALL APPLICANTS					
LEGAL DESCRIPTION OF EXISTING BUILDING					
(4A) TYPE OF CONSTR. Wood/Concrete	(5A) NO. OF STORIES OF OCCUPANCY 4	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE: Family	(8A) OCCUP. CLASS R-1	(9A) NO. OF DWELLING UNITS 1
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION					
(10) TYPE OF CONSTR. Wood/Concrete	(5) NO. OF STORIES OF OCCUPANCY 4	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) Family	(8) OCCUP. CLASS R-1	(9) NO. OF DWELLING UNITS 1
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO	YES <input type="checkbox"/> BE USED DURING CONSTRUCTION?	NO <input type="checkbox"/>	YES <input type="checkbox"/> ELECTRICAL WORK TO BE PERFORMED? NO <input type="checkbox"/>	YES <input type="checkbox"/> PLUMBING WORK TO BE PERFORMED? NO <input type="checkbox"/>	YES <input type="checkbox"/> EXPIRATION DATE NO <input type="checkbox"/>
(14) CONTRACTOR DAN XIA	EMAIL MILLIANDE@GMAIL.COM (650) 992-1688			PHONE CSLB NO.	EXPIRATION DATE
(15) PROPERTY OWNER DAN XIA Katherina Chao	ADDRESS 2198 Jackson St, 94115	ZIP MILLIANDE@GMAIL.COM	PHONE (FOR CONTACT BY DEPT.)		
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT) Kitchen in-kind renovation, new cabinets - fixtures, connecting gas and water line.					
ADDITIONAL INFORMATION					
(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO <input type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT		(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? NO <input type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA 80. FT.	
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAVED OR ALTERED? NO <input type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? NO <input type="checkbox"/>		(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) NO <input type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO <input type="checkbox"/>	
(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/>)	ADDRESS			CALIF. CERTIFICATE NO.	
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")					

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structures or scaffolding used during construction is to be closer than 5'0" to any wires containing more than 750 watts. See Sec. 205, California Public Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED, EXCEPT POST-ENTITLEMENT PERMITS IN CONJUNCTION WITH THE CREATION AND/OR LEGALIZATION OF ONE OR MORE HOUSING UNIT(S).

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN RESERVED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment. CHECK APPROPRIATE BOX

- OWNER
- ARCHITECT
- AGENT
- ENGINEER
- CONTRACTOR

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agrees(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3803 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (i) or (ii) designated below, or shall indicate Item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following docketlines:

- () I have and will maintain a certificate of coverage to self-insure for worker's compensation, as provided by Section 3803 of the Labor Code, for the performance of the work for which this permit is issued.
- () I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number _____
- () II. The cost of the work to be done is \$100 or less.
- () III. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any capacity or on a subcontract subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3803 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- () IV. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will be a completed copy of this form with the General Permit Bureau.

Signature of Applicant or Agent

12/9/25



CONDITIONS AND STIPULATIONS

REFER TO: APPROVED: *Jim Lawrie, HIS*
 DEC 09 2025

Legal Use Per CFC# 8615110
1DW
NO. of Units 10 T-GR
Floors of Occu. -

For Stated Work Only

HOUSING INSPECTION DIVISION, DEPT. OF BLDG. INSPECTION

APPROVED:

X N. F. Lawrie 12/9/2025

DEPARTMENT OF CITY PLANNING

APPROVED:

Mr
David Jones, DBI

DEC 09 2025

PLAN REVIEW SERVICES, DEPT. OF BLDG. INSPECTION

APPROVED:

CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

N/A Dec 12/9/2025

SAN FRANCISCO FIRE DEPARTMENT

APPROVED:

SF DEPARTMENT OF PUBLIC WORKS / MAYOR'S OFFICE OF DISABILITY (CROSS ONE OUT)

APPROVED:

SF PUBLIC UTILITIES COMMISSION

APPROVED:

DEPT. OF PUBLIC HEALTH / OCII (CROSS ONE OUT)

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

DATE: _____

INSPECTOR: _____

BUILDING INSPECTION DIVISION

DATE: _____

INSPECTOR: _____

ELECTRICAL INSPECTION DIVISION

DATE: _____

INSPECTOR: _____

PLUMBING INSPECTION DIVISION

DATE: _____

INSPECTOR: _____

CODE ENFORCEMENT SERVICES

DATE: _____

INSPECTOR: _____



PERMIT APPLICATION #: 202512091363

PROPERTY OWNER'S DISCLOSURES

Disclosures & Forms for Owner-Builders Applying for Building Permits

The permitting authority will not issue a building permit until the owner has read and initialed each provision and signed the declaration below. An agent of the owner cannot execute this notice unless the property owner has obtained the prior approval of the permitting authority.

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the reason(s) indicated below by the checkmark(s) I have placed next to the applicable item(s) (Section 7031.5, Business and Professions Code: Any city or county that requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for the permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt from licensure and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).)

1. I, as owner of the property, or my employees with wages as their sole compensation, will do all of or portions of the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who, through employees' or personal effort, builds or improves the property, provided that the improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the Owner-Builder will have the burden of proving that it was not built or improved for the purpose of sale.).

2. I, as owner of the property, am exclusively contracting with licensed Contractors to construct the project (Section 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who builds or improves thereon, and who contracts for the projects with a licensed Contractor pursuant to the Contractors' State License Law.).

3. I am exempt from licensure under the Contractors' State License Law for the following reason. _____

1. By my signature below, I acknowledge that, except for my personal residence in which I must have resided for at least one year prior to completion of the improvements covered by this permit, I cannot legally sell a structure that I have built as an owner-builder if it has not been constructed in its entirety by licensed contractors. I understand that a copy of the applicable law, Section 7044 of the Business and Professions Code, is available upon request when this application is submitted or online at: leginfo.legislature.ca.gov.

OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION

Read and initial each statement below to signify you understand or verify this information.

1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am wilfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

2. I understand building permits are not required to be signed by property owners unless they are responsible for the construction and are not hiring a licensed Contractor to assume this responsibility.

3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.

4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.

5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.

6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.

7. I understand under California Contractors' State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless all work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or cslb.ca.gov for more information about licensed contractors.

10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed changes at the following address.

11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.

12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form.

Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors' State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their workers' compensation insurance coverage.

Central Permit Bureau

49 South Van Ness Avenue, Suite 200 – San Francisco CA 94103
(828) 652-3240 – sfbdbi.org



WORKERS' COMPENSATION DECLARATION

Warning: failure to secure workers' compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000), in addition to the cost of compensation, damages as provided for in section 3706 of the labor code, interest, and attorney's fees.

I hereby affirm under penalty of perjury that: (select one)

I have and will maintain a certificate of consent to self-insure for workers' compensation, issued by the Director of Industrial Relations as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

Policy No. _____

I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier _____ Policy Number _____ Expiration Date _____

Name of Agent _____ Phone Number _____

I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that, if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

DECLARATION REGARDING CONSTRUCTION LENDING AGENCY

I hereby affirm under penalty of perjury one of the following declarations: (select one)

I have no construction lending agency for this project.

I have a construction lending agency, of the following, for the performance of the work for which this permit is issued (Section 8172, Civil Code).

Lender's Name _____ Branch Designation _____

Lender's _____ Address _____

ASBESTOS REMOVAL DECLARATION & LEAD HAZARD WARNING

I certify that notification of asbestos removal is either not applicable or has been submitted to the Bay Area AQMD or EPA as per section 19827.5 of the Health and Safety Code. Information is available at <https://www.baaqmd.gov/permits>. Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6716 and 6717 of the Labor Code. Information is available at San Francisco Public Health Department at sfdph.org/dph/ELHP/Lead/InfoContractor.asp.

By my signature below, I certify to each of the following:

- I am authorized to act on the property owner's behalf.
- I have read this application and the information I have provided is correct.
- I agree to comply with all applicable city and county ordinances and state laws relating to building construction.
- I authorize representatives of this city or county to enter the above-identified property for inspection purposes.

Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the agency responsible for issuing the permit. A copy of a government-issued ID, like your Driver's License, state-issued ID card, alien registration card, or passport or form notarization is required to be presented when the permit is issued to verify the property owner's signature.

Property Owner's Name _____

DAN XU _____

Date *12/09/2025*

Property Owner's Email _____

MILLIANE@GMAIL.COM _____

Phone Number *(650) 492-1688*

Property Owner's Signature _____

[Signature] _____

The following Authorization Form is required to be completed by the property owner only when designating an agent of the property owner to apply for a building permit for the Owner-Builder.

AUTHORIZATION OF AGENT TO ACT ON PROPERTY OWNER'S BEHALF

Excluding the Notice to the Property Owner, the execution of which I understand is my personal responsibility, I hereby authorize the following person to act as my agent to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Description of Work _____

Project Location or Address _____ Phone Number _____

Authorized Agent's Name _____ Authorized Agent's Email _____

Authorized Agent's Address _____

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy. A copy of the owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.

Property Owner's Signature _____ Date _____

Central Permit Bureau

49 South Van Ness Avenue, Suite 200 – San Francisco CA 94103
(628) 652-3240 – sfdbi.org

Revised 2/13/2025



JOB SITE ADDRESS 2198 Jackson St PERMIT APPLICATION NUMBER _____

FINAL DECLARATION FOR PERMIT ISSUANCE

I certify that I have read this application INCLUDING THE PROPERTY OWNER'S PACKAGE / CONTRACTOR'S STATEMENT and state that the information, INCLUDING THE PROPERTY OWNER'S PACKAGE / CONTRACTOR'S STATEMENT, are correct. I agree to comply with all City and County of San Francisco ordinances and state laws relating to building construction, and hereby authorize representatives of the City and County of San Francisco to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City and County of San Francisco nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible, for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to other, and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided.

By signing below, I certify that:

1. I accept all the declarations above namely the Licensed Contractor's Declaration; Workers' Compensation Declaration, Asbestos Removal Declaration/Lead Hazard Warning, Construction Lending Agency Declaration, and Final Declaration; and
2. This permit is being obtained with the consent of the property owner; and
3. I acknowledge that any stipulation required herein or by code may be appealed, except post-entitlement permits in conjunction with the creation and/or legalization of one or more housing units.

Applicant Name DAN XU Owner Contractor Agent

Applicant Email MILLANDE@GMAIL.COM Phone Number (650) 492-1688

Applicant Signature [Signature] Date 12/09/2025

EXHIBIT 7

Declaration of Lauren Nemeth in Support of Appeal No. 25-058

I, Lauren Nemeth, declare as follows:

1. I am a trustee of the Nemeth-Faye Family Trust, owner of 2196 Jackson Street, San Francisco, where I reside with my husband and young children. 2196 Jackson Street is the building adjacent to the property subject of this appeal, 2198 Jackson Street. My home at 2196 Jackson Street shares an entryway with the Property. Both buildings are over 100 years old.
2. The Property was on the market for sale during most of 2025. I toured the inside of the Property during this process. I saw several hotplates, microwaves, and a small refrigerator on the first and second floors of the Property, but did not see any full kitchen facilities on any floor of the Property.
3. I met Diane Xu, owner of the Property, in or about November 2025, right after the sale of the Property closed.
4. In early December 2025, Ms. Xu and I spoke in our shared entryway. Despite the permit at issue describing an “in kind” kitchen remodel at the Property, Ms. Xu confirmed to me that the Property does *not* currently have a full kitchen, and that she intended to install full kitchen facilities on the first floor (over basement level) of the Property.
5. Ms. Xu also informed me that she intended to convert the first and second floors of the Property into a single family dwelling for her mother, and rent the remaining rooms on the top floor as tourist hotel rooms or for short-term / AirBnB rental.

I declare, under penalty of perjury of the laws of the State of California, that the foregoing is true and correct, and that this was signed in San Francisco, California on January 8, 2026.

DocuSigned by:

282DAD771418457...
Lauren Nemeth, Trustee of the
Nemeth-Faye Family Trust

EXHIBIT 8

Permit Details Report**Report Date:** 1/4/2026 12:28:40 PM

Application Number: 202512091363
 Form Number: 8
 Address(es): 0590 / 007 / 1 2198 JACKSON ST
 Description: KITCHEN IN-KIND RENOVATION, NEW CABINETS, FIXTURES, CONNECTION GAS & WATER LINE.
 Cost: \$30,000.00
 Occupancy Code: R-1
 Building Use: 25 - TOURIST HOTEL/MOTEL

Disposition / Stage:

Action Date	Stage	Comments
12/9/2025	TRIAGE	
12/9/2025	FILING	
12/9/2025	FILED	
12/9/2025	APPROVED	
12/9/2025	ISSUED	
12/19/2025	SUSPEND	Per BOA Appeal No. 25-058-AR

Contact Details:**Contractor Details:**

License Number: OWNER
 Name: OWNER
 Company Name: OWNER
 Address: OWNER * OWNER CA oooooo-oooo
 Phone:

Addenda Details:**Description:**

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
INTAKE		12/9/25	12/9/25			12/9/25	JINGJING LU	Administrative	
HIS		12/9/25	12/9/25			12/9/25	LAWRIE JAMES	Approved	12-9-25 OK To Process JKL
BLDG		12/9/25	12/9/25			12/9/25	JONES DAVID	Approved	Approved OTC a no-plans, non-structural kitchen remodel/renovation p/a per intake description, no other work proposed or authorized, DMJ 12/09/2025;
CPB		12/9/25	12/9/25			12/9/25	TRUONG ALEX	Administrative	PLEASE VERIFY HIS'S RECORD/SIGN OFF AT ISSUANCE. UNABLE TO VERIFY R-3 OR R-1 AT INTAKE- J LU 12/9/25

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

[Online Permit and Complaint Tracking home page.](#)

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

City and County of San Francisco © 2026

EXHIBIT 9

COMPLAINT DATA SHEET**Complaint Number:** 202548436

Owner/Agent: OWNER DATA SUPPRESSED

Date Filed:

Owner's Phone:

Location: 2198 JACKSON ST

Contact Name:

Block: 0590

Contact Phone:

Lot: 007

Complainant: COMPLAINANT DATA SUPPRESSED

Site:

Complainant's Phone:

Rating:

Complaint Source: TELEPHONE

Occupancy Code:

Assigned to Division:

Received By: Brenda McBride

Description: PID

Division: INS

Description: unpermitted gas line work

Instructions: from BID #202548094

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
PID	ALLEN	6370		

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
12/18/25	CASE OPENED	Allen	CASE RECEIVED		Brenda McBride 18-DEC-25	INS
12/18/25	OTHER PLUMB VIOLATN	Allen	CASE UPDATE	case reviewed and assigned to inspector;bm	Brenda McBride 18-DEC-25	INS
12/18/25	OTHER PLUMB VIOLATN	Allen	PERMIT RESEARCH	Permit research revealed no active plumbing permits.	David Ledda 18-DEC-25	PID
12/19/25	OTHER PLUMB VIOLATN	Allen	CASE UPDATE	Current BID - work description for kitchen remodel also rqr a plbg permit. Attempt access - left door info hanger & sending access letter	Michael Allen 19-DEC-25	PID
12/19/25	OTHER PLUMB VIOLATN	Allen	CASE UPDATE	Current BID permit - work description is for kitchen remodel also rqr a plbg permit. Attempt access - left door info hanger & sending access letter	Michael Allen 19-DEC-25	PID
12/22/25	OTHER PLUMB VIOLATN	Allen	CASE UPDATE	1st inspection request letter mailed.ay	Anne Yu 22-DEC-25	INS

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):****Inspector Contact Information**[Online Permit and Complaint Tracking home page.](#)**Technical Support for Online Services**

If you need help or have a question about this service, please visit our FAQ area.

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

REUBEN, JUNIUS & ROSE LLP

Thomas Tunny
ttunny@reubenlaw.com

January 22, 2026

Delivered Via Email

President John Trasviña
San Francisco Board of Appeals
49 South Van Ness Avenue
Suite 1475 (14th Floor)
San Francisco, CA 94103

**Re: 2198 Jackson Street
Appeal No. 25-058; Nemeth v. DBI, PDA
Permit No. 202512091363
Permit Holder's Brief**

Dear President Trasviña and Members of the Board:

This firm is working with Diane Xu, owner of 2198 Jackson Street (the “**Property**”). Ms. Xu recently purchased the Property in November 2025 with the intention for the time being to house and care for her elderly mother, who is gravely ill. The building at the Property was originally constructed in 1904. Its systems and infrastructure are outdated. The most pressing need is for a kitchen on the first floor, where Ms. Xu’s mother’s bedroom is located. Ms. Xu submitted Building Permit Application No. 202512091363 (Exhibit A; the “**Kitchen Permit**”) to do the work necessary for the kitchen. Ms. Xu is not a contractor but submitted the permit application herself with the assistance of Department of Building Inspection (“**DBI**”) staff at the counter.

We respectfully submit that the Kitchen Permit was properly issued, and the appeal should be denied, for the following reasons:

San Francisco Office
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
456 8th Street
Oakland, CA 94607

San Jose Office
30 E Santa Clara Street, Suite 360
San Jose, CA 95113

www.reubenlaw.com

- The Kitchen Permit merely seeks to re-instate the kitchen as expressly approved by DBI and the Planning Department in 1991. In that year DBI issued Building Permit Application No. 8615110 (the “1991 Permit”), which authorized construction of the kitchen on the first floor. (The 1991 Permit is attached as Exhibit B and the approved drawings are attached as Exhibit C.) The approved drawing for the first floor shows the approved size and location of the kitchen, a gas range, cabinets and countertops, a refrigerator, and a sink. This is exactly what Ms. Xu seeks to re-instate. She seeks simply to re-attach the gas line to a new range, re-attach the water, electric, and plumbing, and install new pre-fabricated cabinets. This is simple kitchen designed only to allow her to care for her mother.
- The 1991 Permit and kitchen were approved subject to conditions set forth in a Notice of Special Restrictions required by the Planning Department in connection with the permit application (Exhibit D; the “1991 NSR”). The 1991 NSR was recorded on October 28, 1991.
- As to the first floor at the Property, the 1991 NSR provides as follows:

The first floor shall contain one (1) entrance foyer, one (1) business parlor, one (1) parlor, one (1) conference room, (2) guest rooms, two (2) full bathrooms, and one (1) community kitchen.
- David Lindsay at the Planning Department signed off on the 1991 Permit expressly noting the 1991 NSR. This meant he found the 1991 Permit consistent with the 1991 NSR. The 1991 Permit was approved on October 29, 1991 and issued on November 5, 1991.

- The kitchen was constructed as approved as evidenced by the record of its inspection and final sign-off. (See Exhibit B and Certificate of Final Completion and Occupancy, Exhibit E.)
- The kitchen was used as an office in the intervening years, but the gas line, water line and plumbing, electrical receptacles, and exhaust hood and vent all remained in place and its temporary use as an office did not impact Ms. Xu's ability to use the space as a kitchen today as previously approved by DBI and the Planning Department. The 1991 Permit remains the governing legal control over the programming and uses of the first floor of the Property. Its legal authority remains intact.
- Accordingly, DBI issued the Kitchen Permit on December 9, 2025 and Ms. Xu began work on the kitchen. The appellants filed a complaint about the work on December 15, 2025. (Complaint No. 202548094, Exhibit F.) DBI inspector David Real inspected the Property and the kitchen on December 22, 2025. Senior Building Inspector Fergal Clancy reviewed the inspection report and the Property's records and determined there was no violation and closed the complaint. (See Exhibit F.)
- The appellants argue that a gas range is not allowed in the kitchen because the 1991 NSR authorizes a "community kitchen", and a gas range is not allowed in a community kitchen under today's Building Code. That may be what the Building Code provides today and in fact the same definition of a community kitchen existed in the Building Code in 1991. (Exhibit G.) Hence, we know the Planning Department and DBI were aware that gas ranges were prohibited in community kitchens in 1991; and yet both Departments expressly allowed the kitchen to have a gas range. Our role today is not to question the wisdom of

what they approved and we cannot know the rationale, and it cannot be challenged now.

The 1991 Permit continues to govern the Property and it allows a gas range.

- The appellants also argue that a 1992 Planning Commission approval allowing five (5) hotel units at the Property is no longer valid. Whether or not that is correct is arguable, but in any event is of no consequence to this appeal. The 1992 Planning Commission approval had no impact on the kitchen.

Based on all of the foregoing, we respectfully submit that the Kitchen Permit was properly issued. The appeal should be denied.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Thomas Tunney

Enclosures:

cc: Matthew Greene, DBI Deputy Director
Corey Teague, Zoning Administrator
Fergal Clancy, DBI Senior Inspector
Emily L. Brough, Zacks and Freedman, PC

EXHIBIT A



DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA 94103-1226

Date: 12/09/25 15:47:08

Permit details report

Application Number: 202512091363

Bluebeam ID:

Form Number: 8 Application KITCHEN IN-KIND RENAVATION, NEW CABINETS, FIXTURES, CONNECTION GAS &
Description: WATER LINE

Address: 0590/007/1 2198 JACKSON ST

Cost: \$2,500 Occupancy code: R-1 Building Use:

Disposition/Stage:

Action Date	Stage	Comments	
09-DEC-2025	TRIAGE		
09-DEC-2025	FILING		
09-DEC-2025	FILED		

Contact Details:

Contractor Details

License No. : OWNER

Name: OWNER

Company name: OWNER

Address: OWNER OWNER CA 00000-0000

Phone:

Addenda Details:

Description:

Step #	Station	Arrive Date	Start Date	In Hold	Out Hold	Finish Date	Plan Checked by	Hold Description
1	INTAKE	09-DEC-2025	09-DEC-2025			09-DEC-2025	JINGJING LU	
2	HIS							
3	BLDG						JINGJING LU	PLEASE VERIFY HIS'S RECORD/SIGN OFF AT ISSUANCE. UNABLE TO VERIFY R-3 OR R-1 AT INTAKE- J LU
4	CPB							12/9/25

(Office Use Only)

<input type="checkbox"/> Planning: General	<input type="checkbox"/> Building: No plans permit
<input checked="" type="checkbox"/> Building: General	<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Building: Non-structural	<input type="checkbox"/> Building: Structural
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Electrical
<input type="checkbox"/> Fire: Plan Review	<input type="checkbox"/> Fire: Operational
<input type="checkbox"/> Public Works	
<input type="checkbox"/> Public Utilities Commission	
<input type="checkbox"/> Public Health	
<input type="checkbox"/> Development Fee Collection Unit	
<input type="checkbox"/> Office of Community Investment & Infrastructure	
<input type="checkbox"/> Permit Processing	

2. Project Information (include all)

Name Dan Xu
Address 111 L A W D E S I G N M A I L . c o m
Cell/Phone Number (650)442-1688

3. What Is Your Role As The Applicant?

- Agent Engineer
- Architect Lessee
- Attorney in fact Owner
- Contractor Permit consultant
- Other

4. Is This Project For Work In A Commercial Space?

If so, are you interested in learning about special programs for your business?

- Yes - Streamlined review (Prop H)
- Yes - Waiving permit fees (FYF)

Referred to Business Permit Support (Office Use Only)
BAN: 1234567890 FYF Eligible

(Office Use Only)

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PT <u>12/12/2017</u>
<input type="checkbox"/> Building Inspection	<input type="checkbox"/> Code Enforcement <u>Unit 1 Count</u>
<input type="checkbox"/> Electrical Inspection	<input checked="" type="checkbox"/> Housing Inspection
<input type="checkbox"/> Plumbing Inspection	<input type="checkbox"/> Disabled Access

IN: 1234567890 FYF Eligible

APPLICATION NUMBER
202512091363OSHA APPROVAL RECD. APPROVAL NUMBER
DAPPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRSFORM 3 OTHER AGENCIES REVIEW REQUIRED
FORM 8 OVER-THE-COUNTER ISSUANCE

NUMBER OF PLAN SETS

DATE FILED

12/09/2025

FILING FEE RECEIPT NO.

RECEIPT NO.

ISSUED

▼ DO NOT WRITE ABOVE THIS LINE ▼

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HEREWITHE AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH.

(1) STREET ADDRESS OF JOB

2198 Jackson St

BLOCK & LOT

0590/007

(2A) ESTIMATED COST OF JOB

\$2500

OR REvised COST:

By: \$30,000

DWS

DATE: 12/9/20

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

(4A) TYPE OF CONSTR. W/ CONCRETE		(5A) NO. OF STORIES OF OCCUPANCY:	(4B) NO. OF BASEMENTS AND CELLARS:	(7A) PRESENT USE: Family		(8A) OCCUP. CLASS: R-1	(9A) NO. OF DWELLING UNITS:
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?		(5) NO. OF STORIES OF OCCUPANCY:	(6) NO. OF BASEMENTS AND CELLARS:	(7) PROPOSED USE (LEGAL USE): Family		(8) OCCUP. CLASS: R-1	(9) NO. OF DWELLING UNITS:
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		4	1	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(14) CONTRACTOR		DAN Xu		E-MAIL	PHONE	CSL# NO.	EXPIRATION DATE
(15) PROPERTY OWNER		DAN Xu, Katherine Chao		ADDRESS	ZIP	E-MAIL	PHONE (FOR CONTACT BY DEPT.)
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT) Kitchen in-kind renovation. New cabinets - fixtures, connecting gas and water line.							
(17) ADDITIONAL INFORMATION							
(18) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(19) IF (18) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT		(20) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(21) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?		(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?
(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input checked="" type="checkbox"/>)				ADDRESS	CALIF. CERTIFICATE NO.		
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")							

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 285, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED, EXCEPT POST-ENTITLEMENT PERMITS IN CONJUNCTION WITH THE CREATION AND/OR LEGALIZATION OF ONE OR MORE HOUSING UNITS).

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (14) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

OWNER ARCHITECT
 CONTRACTOR AGENT
 ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformance with the provisions of Section 3806 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (i) or (ii) designated below, or shall indicate item (iii), (iv), or (v), whichever is applicable. If however item (v) is checked, item (ii) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- (i) I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- (ii) I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are: Carrier: _____ Policy Number: _____
- (iii) The cost of the work to be done is \$100 or less.
- (iv) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3806 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- (v) I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

12/9/25
Signature of Applicant or Agent
Date

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

EXHIBIT B

APPROVED
Dept. of Public Works
1981

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 OTHER AGENCIES REVIEW REQUIRED
FORM 8 OVER-THE-COUNTER ISSUANCE *W/C/56*

O. NUMBER OF PLAN SETS *3*

DO NOT WRITE ABOVE THIS LINE

DATE FILED *11/26/86* FILING FEE RECEIPT NO. *154787* (1) STREET ADDRESS OF JOB *2198 Jackson St.* BLOCK & LOT *510, 57*

PERMIT NO. *685634* ISSUED *11-5-91* (2A) ESTIMATED COST OF JOB *3500* (2B) REVISED COST *6000* BY *11/26/86*

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

(4A) TYPE OF CONST.	(5A) NO. OF STOREYS OF OCCUPANCY: <i>4</i>	(6A) NO. OF BASEMENTS AND CELLARS: <i>0</i>	(7A) PREVIOUS USE: <i>GROUP HOUSING</i> (legal 12GR) (8A) OCCUP. CLASS: <i>R1</i> (9A) NO. OF DWELLING UNITS: <i>10 GR</i>
(4B) ADDRESS: <i>Bud Mohr Construction 3860-23rd St.</i>	(5B) ADDRESS: <i>373045</i>	(6B) ADDRESS: <i>821-4965</i>	(7B) ADDRESS: <i>1 Apr</i>
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(12) ELECTRICAL WORK TO BE PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(13) PLUMBING WORK TO BE PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
(14) GENERAL CONTRACTOR: <i>Bud Mohr Construction</i>	(15) OWNER: <i>601 Montgomery St #1910 94111</i>	(16) MAIL ADDRESS: <i>90 Dixie Knollay</i>	(17) PHONE (FOR CONTACT BY BUREAU): <i>929-7670</i>
(18) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT): <i>To bring building into full compliance with the provisions of the Municipal Code as required by Division of Apartment and Hotel Inspection Report.</i>			
(19) CAUF UC. NO. <i>821-4965</i> EXPIRATION DATE <i>8/21/91</i>			
(20) # (19) IS YES, STATE NEW GROUND FLOOR AREA <i>5000</i> SQ. FT.			
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REMOVED OR ALTERED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
(22) (23) ANY OTHER EXISTING BLDG. ON LOT IF YES, SHOW ON PLOT PLAN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
(24) CONSTRUCTION LEADER (ENTER NAME AND RANK/ DESIGNATION IF ANY, IF THERE IS NO SHOWN CONSTRUCTION LEADER, ENTER "UNKNOWN"). <i>N/A None</i>			
(25) ADDRESS: <i>3860-23rd St. S.A. (94114) 821-4965</i>			

ADDITIONAL INFORMATION — FORM 3 APPLICANTS ONLY

(27) DOES THIS ALTERATION CREATE ADDITIONAL STORY TO BUILDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(28) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT FT. <i>11</i>	(29) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(30) IF (19) IS YES, STATE NEW GROUND FLOOR AREA <i>5000</i> SQ. FT.
(31) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REMOVED OR ALTERED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(32) (33) WILL BUILDING EXTEND BEYOND PROPERTY LINE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(34) DOES THIS ALTERATION CONSTITUTE A CHANGE IN OCCUPANCY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
(35) ARCHITECT OR ENGINEER (DESIGN) CONSTRUCTION FOR <i>Bud Mohr Construction 3860-23rd St.</i> ADDRESS: <i>373045</i> CAUF. CERTIFICATE NO. <i>821-4965</i>			
(36) CONSTRUCTION LEADER (ENTER NAME AND RANK/ DESIGNATION IF ANY, IF THERE IS NO SHOWN CONSTRUCTION LEADER, ENTER "UNKNOWN"). <i>N/A None</i>			

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 383, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this bureau for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATION OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24). THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

OWNER ARCHITECT ENGINEER
 LESSEE AGENT WITH POWER OF ATTORNEY
 CONTRACTOR ATTORNEY IN FACT

APPLICANT'S CERTIFICATION

HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: The Permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands and actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have on file, or file with the Central Permit Bureau, either Certificate (I) or (II) or (III) designated below or shall indicate items (IV) or (V) or (VI) below, whichever is applicable. If however, item (VI) is checked then item (V) must be checked as well. Mark the appropriate method of compliance below:

() I. Certificate of Consent to Self-Insure issued by the Director of Industrial Relations.
 II. Certificate of Workman's Compensation Insurance issued by an admitted insurer.
 III. An exact copy or duplicate of (I) certified by the Director or (II) certified by the insurer.
 IV. The cost of the work to be performed is \$100 or less.
 V. I certify that in the performance of the work for which this Permit is issued, I shall not employ any person in any manner so as to become subject to the workman's compensation laws of California. I further acknowledge that I understand, in the event that I should become subject to the workman's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the Permit herein applied for shall be deemed revoked.
 VI. I certify as the owner (or the agent of the owner) that in the performance of the work (or which this Permit is issued), I will employ a contractor who complies with the workman's compensation laws of California and who has on file, or prior to the commencement of any work will file, with the Central Permit Bureau evidence that workman's compensation insurance is carried.

H. Mohr *11/26/86*
 Applicant's Signature Date

<p>APPROVED</p> <p>CONTACT DISTRICT INSPECTOR IN ADVANCE OF COMMENCEMENT AT START OF WORK (TELEPHONE NO. 501-5000) THIS APPLICATION IS APPROVED WITHOUT FIELD INSPECTION AND DOES NOT CONSTITUTE AN APPROVAL OF THE BUILDING WORK APPROVED MUST BE DONE IN STRICT ACCORDANCE WITH THE PLANS AND CODE.</p> <p>Any electrical or plumbing work will require appropriate separate permits.</p> <p>15-87 <i>John M. ...</i> BUREAU OF BLDG. INSPECTION</p>		REASON: <i>None</i>
		NOTIFIED MR. _____
		DATE: _____ REASON: _____
<p>APPROVED: FOR ONE (1) DWELLING UNIT AND TEN (10) GUEST ROOMS ON FOUR (4) STORIES OF OCCUPANCY. PER APPLICATION, PLANS AND NOTICE REFERENCED BELOW.</p> <p>NOTICE OF SPECIAL RESTRICTIONS FO17790 RECORDED 10/28/91 CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW c. David Lindsey 10/28/91 DEPARTMENT OF CITY PLANNING</p>		NOTIFIED MR. _____
		DATE: _____ REASON: _____
		NOTIFIED MR. _____
<p>APPROVED:</p> <p>BUREAU OF FIRE PREVENTION & PUBLIC SAFETY</p>		NOTIFIED MR. _____
		DATE: _____ REASON: _____
		NOTIFIED MR. _____
<p>APPROVED:</p> <p>CIVIL ENGINEER, BUR. OF BLDG. INSPECTION</p>		NOTIFIED MR. _____
		DATE: _____ REASON: _____
		NOTIFIED MR. _____
<p>APPROVED:</p> <p>BUREAU OF ENGINEERING</p>		NOTIFIED MR. _____
		DATE: _____ REASON: _____
		NOTIFIED MR. _____
<p>APPROVED:</p> <p>DEPARTMENT OF PUBLIC HEALTH</p>		NOTIFIED MR. _____
		DATE: _____ REASON: _____
		NOTIFIED MR. _____
<p>APPROVED:</p> <p>REDEVELOPMENT AGENCY</p>		NOTIFIED MR. _____
		DATE: _____ REASON: _____
		NOTIFIED MR. _____
<p>APPROVED:</p> <p>COMPLY WITH REQUIREMENTS THAT ARE CIRCLED ON THE ATTACHED BUILDING INSPECTION REPORT</p>		NOTIFIED MR. _____
		DATE: _____ REASON: _____
		NOTIFIED MR. _____
<p><i>J. D. Chan 12-1-86</i></p> <p>HOUSING INSPECTION DIVISION</p>		
<p>I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.</p>		
<p>Number of attachments <input type="checkbox"/> OWNER'S AUTHORIZED AGENT</p>		



ADDRESS OF JOB		BLOCK/LOT		AP/210A/110/4/0	
2198	JACKSON	BT	0590 /007	8615110	TELEPHONE
INTERATYNE VACATIONS, INC.				929-7670	
ESTIMATED COST	FILE DATE	DISPOSITION	DISPOSITION DATE	PERMIT NO.	EXPIRE DATE
\$6,000	11/28/86	ISSUED	11/05/91	685634	05/05/92
FORM CONST. TYPE	OCCUPANCY CODES		PLANS	STORIES	UNITS
3 5	R-1		2	4	10
CONTACT NAME				TELEPHONE	
MID MOOR CONSTR.				821-4965	
STANDARD DESCRIPTION/BLDG. USE		OTHER DESCRIPTION			
MORRISEY HOTEL/MOTEL		BRING BUILDING INTO CODE PER D AHJ			
SPECIAL INSPECTIONS?	NO	FIRE ZONE			
SPECIAL USE DISTRICT		TIDF	NO	COMPLIANCE WITH REPORTS	
NOTES:					
9003-15					
PERMIT INSPECTION RECORD DEPARTMENT OF PUBLIC WORKS CITY AND COUNTY OF SAN FRANCISCO BUILDING INSPECTION JOB CARD 0					



OFFICIAL COPY

BUILDING INSPECTORS JOB RECORD

2-10-92 WORK COMPLETED. FINAL CERTIFICATE POSTED.

APP. NO. 8615110

R. Farn



ADDRESS OF JOB		BLOCK/LOT		APPLICATION NO.	
2198	JACKSON	11-61		0590 /007	8615110
OWNER NAME		FILE DATE		DISPOSITION	
VERSATYNE VACATIONS INC.		ESTIMATED COST		DISPOSITION DATE	
\$6,000 11/28/86 ISSUED		11/05/91		PERMIT NO.	
FORM CONST. TYPE	OCCUPANCY CODES	PLANS	STORIES	UNITS	EXPIRE DATE
3 5	R-1	2	4	10	DAHT
CONTACT NAME		TELEPHONE			
BUD MOHR CONST.				821-4965	
STANDARD DESCRIPTION/BLDG. USE		OTHER DESCRIPTION			
TOURIST HOTEL/MOTEL		BRING BUILDING INTO CODE PER D			
AHT					
SPECIAL INSPECTIONS? NO		FIRE ZONE			
SPECIAL USE DISTRICT		TIDF	NO		
		PENALTY	NO	COMPLIANCE WITH REPORTS	

NOTES:

PERMIT INSPECTION RECORD
DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO
BUILDING INSPECTION JOB CARD

9003-15

DATE

BUILDING INSPECTORS JOB RECORD

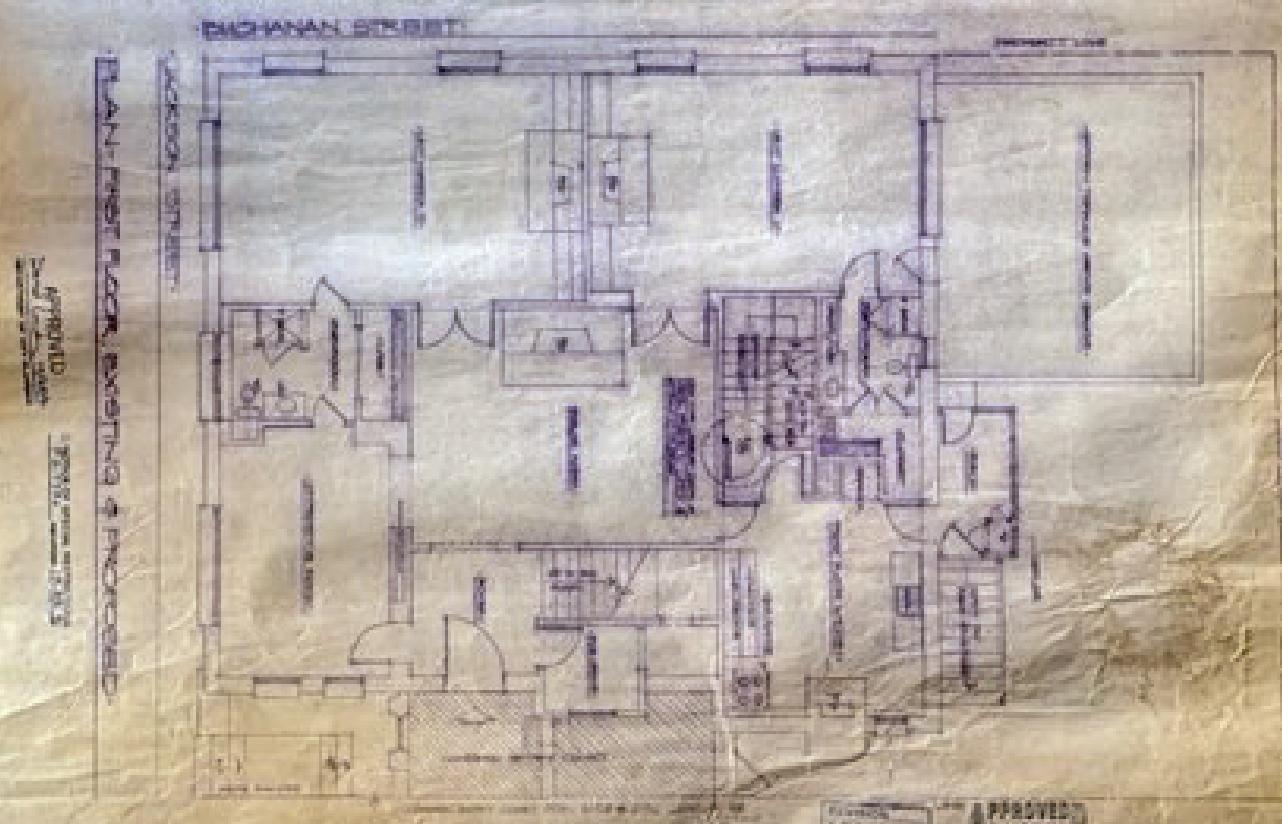
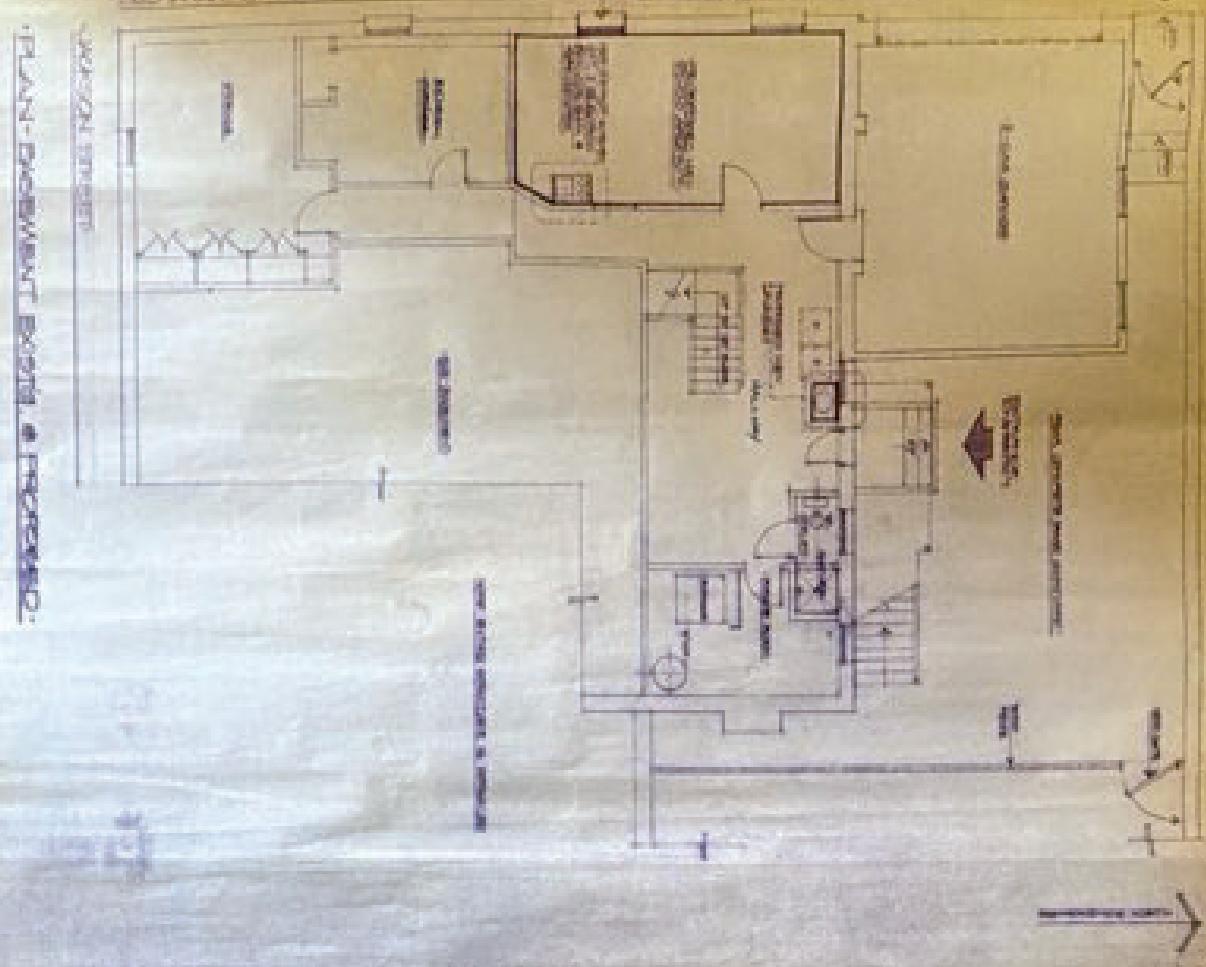
2-10-92 WORK COMPLETED. FINAL CERTIFICATE POSTED.

APP. NO. 8615110

R-Four

119 BUILDING INSPECTOR

EXHIBIT C

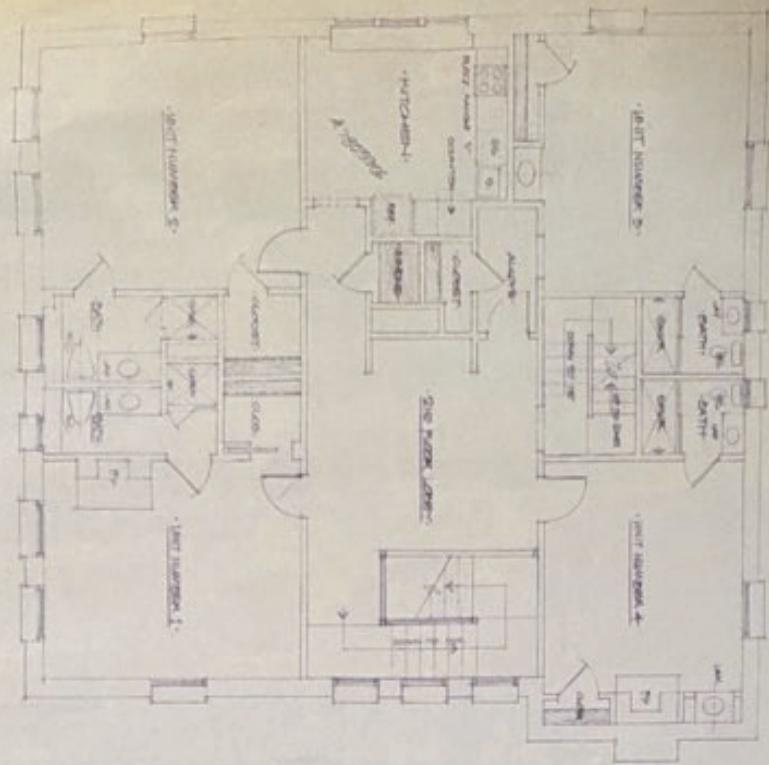


86151101 R-1

86151101 R-1

BUCHANAN STREET.

JACKSON STREET.
*PLAN- 2ND FLOOR, AS-BUILT.

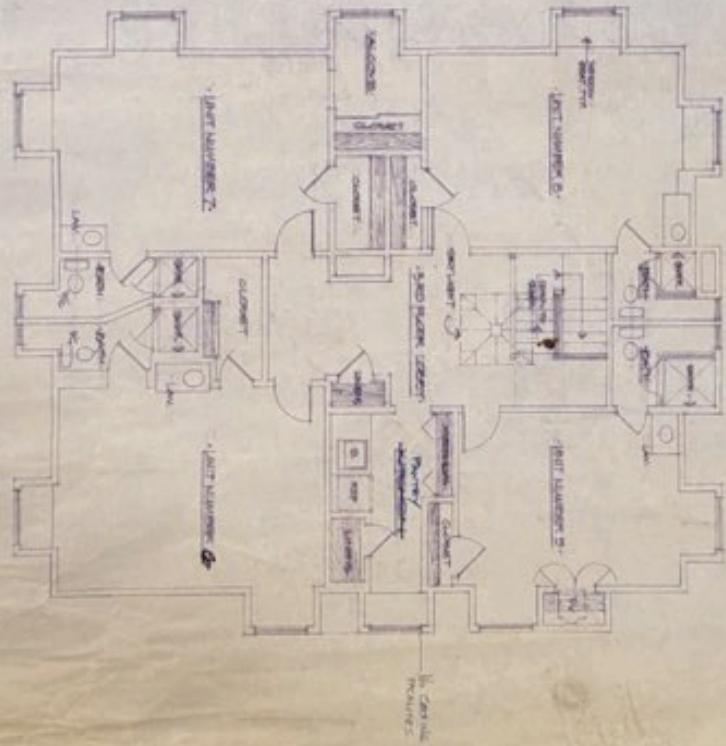


SCALE: 1/4" = 10'

BUCHANAN STREET.

NEAREST COR. NORTH

JACKSON STREET.
*PLAN- 3RD FLOOR, AS-BUILT.



APPROVED
JULY 15, 1967
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

REVISION RECEIVED
BY THE FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE, WASH. 20535

APPROVED
FED. BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
JULY 15, 1967
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE, WASH. 20535

Lippi Scandurra

PROPOSAL TO CHANGE FROM TOURIST HOTEL TO
TOURIST 10-ROOMS AND 1-APARTMENT
STREET

EXHIBIT D

SAN FRANCISCO, CA RECORDER'S OFFICE
 Bruce Jamison, Recorder
 DOC- F017898
 RECORDING REQUESTED BY)
 And When Recorded Mail to)
 Name: Jackson Court City)
 Share Homeowners' Assoc.)
 Address: Attn: Susen Hecht)
 2198 Jackson Street)
 City: San Francisco,)
 California 94115)
 State: California)
) Space Above This Line For Recorder's Use

Monday, October 26, 1991 01:22:12PM
 Rec 5.00 --- Pg 3.00
 Stp 2.00 --- Mic 1.00
 Amt 11.00 ---
 TOTAL -> \$11.00
 REEL F498 IMAGE 8449

3
4.
NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

JACKSON COURT CITYSHARE HOMEOWNERS' ASSOCIATION, the owner of that certain real property situated in the City and County of San Francisco, State of California, more particularly described as delineated below:

BEGINNING at the point of intersection of the northerly line of Jackson Street and the easterly line of Buchanan Street; running thence easterly and along said line of Jackson Street 50 feet; thence at a right angle northerly 72 feet, 8-1/4 inches; thence at a right angle westerly 50 feet to the easterly line of Buchanan Street; thence at a right angle southerly along said line of Buchanan Street, 72 feet, 8-1/4 inches to the point of beginning.

BEING part of WESTERN ADDITION BLOCK NO. 240, BEING Assessor's Block 590, Lot 7, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (City Planning Code).

Said restrictions consist of conditions attached to the approval of Building Permit Application No. 8615110 by the Department of City Planning and are conditions that had to be so attached in order that said application could be approved under the City Planning Code. (Building Form 3.)

The plans filed with the present application for the 10 guest rooms, Group Housing, at 2198 JACKSON STREET indicate the following uses:

The basement shall contain one (1) dwelling unit (with kitchen facilities, full bathroom, hallway and two (2) bedrooms), one (1) furnace room, one (1) storage room, one (1) mechanical room, one (1) storage supply closet and a garage with two (2) independently-accessible off-street parking spaces. Said rooms have independent access to the street by way of the garage.

The first floor shall contain one (1) entrance foyer, one (1) business office, one (1) parlor, one (1) conference room, two (2) guest rooms, two (2) full bathrooms and one (1) community kitchen. Said rooms have independent access to the street by way of the main entrance.

The second floor shall contain one (1) lobby, one (1) community kitchen, four (4) guest rooms and four (4) full bathrooms.

The third floor shall contain one (1) lobby, one (1) pantry with no cooking facilities, four (4) guest rooms and four (4) full bathrooms.

The restrictions and conditions of which notice is hereby given are:

1. That said property shall have one (1) dwelling unit, and ten (10) guest rooms as under the RH-2 zoning of the subject property, Section 209.2(a) of the City Planning Code permits group housing, boarding to provide lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

Such group housing shall include but not be limited to a boarding house, guest house, rooming house, lodging house, residence club, commune, fraternity and sorority house, but shall not include group housing for religious orders or group housing for medical and educational institutions, whether on a separate lot or part of an institution, as defined and regulated by the Planning Code; and

2. That for the purposes of this restriction and the City Planning Code, installation of any appliances for cooking, such as a stove or hot plate, in any of the ten (10) guest rooms shall be deemed creation of a kitchen and therefore creation of an additional separate dwelling unit as defined in Section 102.6 of the City Planning Code.

The use of said property contrary to these special restrictions shall constitute a violation of the City Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses herein restricted are thereby permitted and in conformity with the provisions of the City Planning Code, this document would no longer be in effect and would be null and void.

Dated: 25 October 1991 at San Francisco, California

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO)
ss.

On _____, before me, _____, the undersigned, a Notary Public, in and for said City and County and State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he or she (they) executed the same.

WITNESS my hand and official seal.

Signature (This area for official notarial seal)

DRL:qwf/174

FO17890

ALL-PURPOSE ACKNOWLEDGMENT

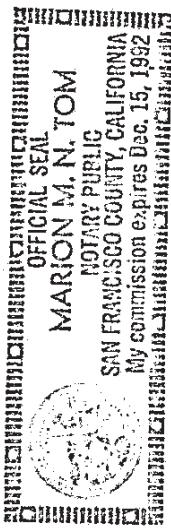
State of California
County of San Francisco

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL SIGNING FOR THEMSELVES

On 10-25-91 before me, Marion M.N. Tom (name, title of officer), personally appeared Susan Hecht personally known to me — OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she~~ executed the same in his/her authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Marion M. N. Tom
Signature

NOTARY PUBLIC
SAN FRANCISCO COUNTY, CALIFORNIA

<input type="checkbox"/> <small>ATTORNEY-IN-FACT</small>	<input type="checkbox"/> <small>PRINCIPAL(S)</small>
<input type="checkbox"/> <small>NOTARY</small>	<input type="checkbox"/> <small>NOTARY</small>
<input type="checkbox"/> <small>ASSOCIATION</small>	<input type="checkbox"/> <small>PARTNERSHIP</small>
<input type="checkbox"/> <small>BOARD OF DIRECTORS</small>	<input type="checkbox"/> <small>CHARTERED CITY</small>
<input type="checkbox"/> <small>SHARE OWNERSHIP</small>	<input type="checkbox"/> <small>ASSOCIATION</small>
<input type="checkbox"/> <small>ATTORNEY-IN-FACT</small>	<input type="checkbox"/> <small>PRINCIPAL(S)</small>

EXHIBIT E



FB-501a

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS
BUREAU OF BUILDING INSPECTION

Application 8615110
Number _____

CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY

(NOTE: A separate PERMIT OF OCCUPANCY is required for buildings with a class R-1 occupancy)

Location 2198 Jackson Street 590/7

House Number (Street or Avenue) (Metres & Bounds if Applicable)

Type of Bldg. 5/N Stories 4 Occupancy R1 No. of Apts 10 guest

Description of Construction To comply with HID report (List Floors for B Occupancy) 100MS

dated 11/3/86 #12 33 36 40 44 46 49 55 58 60

70 71 72 98

The hereinabove described construction is completed and conforms to Ordinances of the City and County of San Francisco and Laws of the State of California effective as of the date on which the hereinabove mentioned application for building permit was filed and proposed occupancy is approved in pursuance to Sec. 306.C, Article 3, Chapter I, Part II of the San Francisco Municipal Code.

Approved: 19
BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

This certificate posted on

February 10 92

19
SUPERINTENDENT, BUREAU OF
BUILDING INSPECTION

Approved: 19
DEPT. OF PUBLIC HEALTH

By HID P. Fair
Building Inspector

X

EXHIBIT F

COMPLAINT DATA SHEET

Complaint Number: **202548094**

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: Location: 2198 JACKSON ST

Contact Name: Block: 0590

Contact Phone: Lot: 007

Complainant: COMPLAINANT DATA SUPPRESSED

Site: Rating: Occupancy Code: Received By: JTRAN

Complainants Division: BID

Phone: WEB FORM

Complaint Source: Assigned to Division: BID

date last observed: 12-DEC-25; time last observed: 8:00; identity of person performing the work: Diane Xu; floor: 2nd floor; exact location: Main Bldg; building type: Residence/Dwelling WORK BEYOND SCOPE OF PERMIT; ; additional information: Owner misrepresented the scope of the project to get an over the counter permit. This is NOT and "in kind kitchen renovation". This is building a completely new kitchen on the second floor where there never was a kitchen. This is not an over the counter permit and warrants plans and inspection.;

Description: Instructions:

INSPECTOR CURRENTLY ASSIGNED

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270	4	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
12/15/25	CASE OPENED	Power	CASE RECEIVED		Jackie Tran	INS
12/15/25	OTHER BLDG/HOUSING VIOLATION	Power	CASE UPDATE	Case reviewed and assigned to district inspector per JG-jt	Jackie Tran	INS
12/16/25	OTHER BLDG/HOUSING VIOLATION	Real	CASE UPDATE	visited address no access granted. will forward complaint to district inspector. DR.	David Real	BID
12/16/25	OTHER BLDG/HOUSING VIOLATION	Real	CASE UPDATE	visited address no access granted. will forward complaint to district inspector. DR.	David Real	BID

12/18/25	OTHER BLDG/HOUSING Real VIOLATION	CASE UPDATE	Received message from supervisor to perform another site inspection. Arrived on site gained no access, contacted permit holder, will coordinate with permit holder for site visit, generated plumbing and electrical complaints.	Fergal Clancy 23-DEC-25	BID
12/18/25	OTHER BLDG/HOUSING Real VIOLATION	CASE UPDATE	Received message from supervisor to perform another site inspection. Arrived on site gained no access, no signs of construction and/or workers at site, contacted permit holder, will coordinate with permit holder for site visit, generated plumbing and electrical complaints.	David Real 18-DEC-25	BID
12/22/25	OTHER BLDG/HOUSING Real VIOLATION	CASE UPDATE	site visit per Senior Inspector (FC) voice mail, I meet with project sponsor, access granted, no workers on site...made aware of the permit suspension per BOA	David Real 22-DEC-25	BID
12/26/25	OTHER BLDG/HOUSING Clancy VIOLATION	CASE CLOSED	This is a valid permit and has an accurate description Upon research with records. This is a property has 4 levels Lowest level: 1 apartment dwelling in the bottom level 1st floor: #9 & #10 guest rooms with common parlor, common conference room, common kitchen 2nd floor: # 1, #2, #3 & #4 guest rooms with common lobby and common kitchen 3rd floor: #5, #6, #7 & #8 guest rooms with common lobby and common pantry	Fergal Clancy 26-DEC-25	BID

COMPLAINT ACTION BY DIVISION

NOV (HIS):

[Inspector Contact Information](#)

NOV (BID):

[Online Permit and Complaint Tracking home page](#)

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

EXHIBIT G

K

Sec. 412. (a) KICK PLATE is an abrasion-resistant plate affixed to the bottom portion of a door to prevent a trap condition and protect its surface.

(b) **KITCHEN** is any room used or intended or designed to be used for cooking, preserving, and preparing food.

(c) **KITCHEN, COMMUNITY.** See Section 1205 (e).

~~shall be provided~~

Other requirements on water closets, see Section 511.

(c) **Community Kitchens. 1. General.** Community kitchens provided for the use of guest rooms shall comply with this subsection.

The maximum number of guest rooms that may be served by a community kitchen shall be based on the following schedule:

<u>Minimum Size of Community¹ Kitchen (Superficial Area)</u>	<u>Maximum Number of Guest Rooms Served</u>
100 (square feet) 10	1 — 6 per additional guest room

Footnote. I. Adjacent dining areas may be counted as additional superficial floor area.

2. Cooking Facilities. Only electric cooking appliances shall be used in community kitchens. Where they consist of electric plates, not more than two single or one double unit shall be permitted for each guest room served by the kitchen. Gas fuel appliances are prohibited.

Electric plates shall be securely attached to a metal shelf or metal table, and shall be located not closer than 3 inches from a wall surface. Where a combustible wall is closer than 24 inches to an electric plate, a wall guard consisting of sheet metal of not less than 28 gauge over $\frac{1}{4}$ -inch millboard, or other materials of comparable performance, shall be installed directly to the rear of the electric plates. Such protective guard shall extend a minimum of 24 inches above the surface of the shelf or table.

3. Storage Facilities. Storage cabinets and countertops shall be noncombustible construction. One noncombustible food storage cabinet with a minimum of 4 square feet of shelf space shall be provided for each guest room served by the community kitchen.

1205-1206

SAN FRANCISCO BUILDING CODE

EXCEPTION: Cabinets and countertops may be of combustible materials provided the countertop is of an approved non-absorbent material, the countertop and cabinets meet the requirements of Chapter 42, and the cooking appliances are fully enclosed in metal except at the top. Countertops of combustible materials shall not be used to support electric plates.

Wood cabinets located over the cooking area shall have a minimum of 30 inches clearance above the counter, and shall have a noncombustible covering on the underside above the cooking area.

4. Construction. Community kitchens shall be located in a room with a self-closing door. They shall not be located within stair enclosures. The minimum ceiling height shall be 90 inches. Floors shall be waterproofed as required in Section 510 (b) for floors. Light and ventilation shall comply with Section 1205.

At least one metal kitchen sink drainboard shall be provided. Each sink shall be provided with hot and cold running water.

(f) **Guest Room Cooking Facilities.** All cooking facilities located within guest rooms shall comply with (e)(2) of this section.

BRIEF SUBMITTED BY THE PLANNING DEPARTMENT



BOARD OF APPEALS BRIEF

HEARING DATE: January 28, 2026

January 22, 2026

Appeal No.: 25-058
Project Address: 2198 Jackson Street
Block/Lot: 0590/007
Zoning District: RH-2 (Residential-House, Two Family)
Family and Senior Housing Opportunity SUD
Height District: 40-X
Staff Contact: Corey Teague, Zoning Administrator – (628) 652-7328
corey.teague@sfgov.org

Background & Analysis

The permit under appeal is minor in scope, as it only proposes an in-kind renovation of a kitchen.

However, the existing building has a complicated permitting history and is permitted to have three separate kitchens, and the subject permit does not specify which kitchen will be renovated and no plans are included with the permit.

While the subject permit (Appellant's Exhibit 6) is only related to renovation of the kitchen, and does not propose to change the legal use of the building, the following timeline is provided to provide historical and regulatory context in a manner that responds to the Appellant's claims:

1. 1991: Building Permit No. 8615110 issued to confirm the legal use of the building as 1 Dwelling Unit at the basement level and 10 guest rooms (Group Housing) within the three upper levels. That approval was subjected to conditions of approval that were recorded on the property as a

Notice of Special Restrictions (NSR – Appellant’s Exhibit 2).

2. 1992: The Planning Commission grants a Conditional Use Authorization to convert 5 of the 10 group housing bedrooms to a tourist hotel use per Motion No. 13417 (Appellant’s Exhibit 4). At that time, and still today, a hotel use with more than 5 guest rooms is not permitted in the RH-2 Zoning District.
3. Beyond 1992: Despite the hotel approval, the property owner did not move forward to record the NSR or obtain a building permit to legally establish the hotel use. *As such, the legal use of the building was never changed.* However, the historical records indicate that previous owners did in fact operate a hotel use from the subject building (Jackson Court Hotel).
4. Beyond 1992: Per the Appellant’s claim and conversation with the Permit Holder, at some point in the past the cabinets and fixtures were removed from the first floor kitchen.
5. 2025: The subject property was marketed primarily as a single-family home and was purchased by the Permit Holder to accommodate herself and her mother.

It’s important to note that the subject permit does not propose to change the use of the building. While the Permit Holder listed the existing and proposed use as “Family,” the Housing Inspection Division of the Department of Building Inspection approved the permit with a note stating the legal use of the building, per Building Permit No. 8615110, is “1 DU” (Dwelling Unit) and “10 T-GR” (Transient Guest Rooms – i.e., Group Housing under the Planning Code). Because the permit is so limited in scope, the Planning Department was not required to review or approve the permit.

Conclusion

The subject permit was not subject to Planning Department review, but the renovation of the required first floor kitchen is consistent with the Planning Code. Additionally, while deference is given to the Department of Building Inspection and the Board on this issue, it seems that the lack of clarity regarding which kitchen the permit applies to is an issue that will need to be addressed. Any issues regarding the Permit Holder's intended use of the property will be addressed through separate conversations and processes, as needed, and is not germane to the appealed permit.

cc: Diane Xu (Permit Holder)
Emily Brough (Attorney for Appellants)
Joe Ospital (Department of Building Inspection)

BRIEF SUBMITTED BY THE DBI



Board of Appeals Brief

Hearing Date: January 28, 2026

January 28, 2026

Appeal #: 25-058
Permit: Alteration Permit #2025-1209-1363
Project Address: 2198 Jackson Street
Block/Lot: 0590/007
DBI contact: Joseph Ospital, Senior Building Inspector. 628-652-3546
Joseph.ospital@sfgov.org

Permit description:

The project before the Board this evening is for the following:

Kitchen in kind renovation, new cabinets, fixtures, connection gas and water line

After a thorough search of available records at DBI, the property in question was previously permitted (Permit # 8615110) with common kitchens on the 1st and second floors, a third floor pantry with no cooking appliance, and a compact kitchen in the basement R-3 occupancy, the 1st, 2nd and third floors are an R-1 occupancy. Per the applicants permit application, an in kind kitchen remodel was applied for but did not designate which kitchen is being remodeled. After viewing emails provided by the applicant, the in kind kitchen replacement is on the first floor. The application was reviewed and approved by SFDBI and all applicable departments based on the information provided at the counter.

Conclusion: The Department of Building Inspection believes that this project was approved in error as the description of work includes removing the existing electrical appliance (required in 1986 SF housing code) with a gas cooking appliance. The current housing code for R-2 group housing facility community kitchens also requires only electrical cooking appliances in community kitchens. The last approved plans show kitchens on the 1st and second floors with approve electric cooking appliances as required by the 1986 SF Housing Code, and as such, in "like kind" would require that when the kitchens are being upgraded, the electrical cooking appliances shall be replaced with new electrical cooking appliances. It is DBI's recommendation that the appeal be upheld, and the current permit revised to provide the location of the kitchen remodel (floor level), and include the requirement for electric cooking appliances only, and also update occupancy type to correctly reflect an R-2 occupancy, and the use code changed to 024 to reflect last approved use.

Joseph Ospital, Senior Building Inspector.