

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
DEANNA MACKEY,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. **26-044**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 18, 2026, 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 August 7, 2026 to Irene Situ Qunai, of an Alteration Permit (3' landing in front of side door at first floor; 199 square foot concrete in rear yard; to comply with Notice of Violation No. 2026059762) at 462 Ramsell Street.

APPLICATION NO. 2026/08/07/6274

FOR HEARING ON October 7, 2026

Address of Appellant(s):

Address of Other Parties:

Deanna Mackey, Appellant(s)
466 Ramsell Street
San Francisco, CA 94132

Irene Situ Qunai, Yang Hai Don, Permit Holder(s)
462 Ramsell Street
San Francisco, CA 94132



Date Filed: August 18, 2026

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

PRELIMINARY STATEMENT FOR APPEAL NO. 26-044

I / We, **Deanna Mackey**, hereby appeal the following departmental action: **ISSUANCE** of **Alteration Permit No. 2026/08/07/6274** by the **Department of Building Inspection** which was issued or became effective on: **August 7, 2026**, to: **Irene Situ Qunai and Yang Hai Don**, for the property located at: **462 Ramsell Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **September 17, 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, carey.mcelroy@sfgov.org and situqunai@yahoo.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 1, 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 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, carey.mcelroy@sfgov.org and 1deannamackey@gmail.com

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

Hearing Date: **Wednesday, October 7, 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: Deanna Mackey, appellant

I, the downhill neighbor, respectfully appeal Permit 202608076274. This permit materially understates the actual scope of exterior construction at 462 Ramsell Street.

The property's original permit approvals/CEQA were for an interior-only remodel. Despite this, substantial exterior work was constructed. The exterior work includes:

- **Rear yard:** Increased grade and poured a ~700-sq-ft concrete slab flush to the top of the retaining wall, removing the edge/lip. No engineered drainage plan was identified. Drainage was altered and runoff began overflowing onto my property. The slab has since been sawcut into sections with a few soil strips added, but the total impervious area remains closer to 700 sq ft than the stated 199 sq ft. Several civil/structural engineers advised that (1) an engineered drainage plan is needed, (2) the soil strip along the retaining wall can allow water to accumulate and create hydrostatic pressure, and (3) the added concrete/pergola weight could be an issue if the existing retaining wall was not engineered for the additional load.

- **Front yard:** Increased grade, added pavers/landing, and a modified downspout have altered drainage, with soil and landscape material spilling onto my property.

- **Lightwell:** New windows and ventilation-stack work; one pipe was installed 3.5 inches from my wall, obstructing maintenance access, and my roof flashing was damaged during installation.

Requested Relief: I respectfully request you revoke Permit 202608076274 and require as-built plans of the actual exterior scope so all of the omitted work goes through full engineering, drainage, permeability, and applicable review to address and remedy NOV 202659762.

A detailed Appellant Brief with supporting exhibits will follow.

Permit Details Report**Report Date:** 8/17/2026 4:45:52 PM

Application Number: 202608076274
 Form Number: 8
 Address(es): 7007 / 037 / 0 462 RAMSELL ST
 Description: 3' landing in front of side door at first floor. 199 sqft concrete in rear yard; to comply with NOV2026059762.
 Cost: \$1,000.00
 Occupancy Code: R-3
 Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
8/7/2026	TRIAGE	
8/7/2026	FILING	
8/7/2026	FILED	
8/7/2026	APPROVED	
8/7/2026	ISSUED	

Contact Details:**Contractor Details:**

License Number: OWN
 Name: OWNER OWNER
 Company Name: OWNER BUILDER
 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		8/7/26	8/7/26			8/7/26	MOK CALVIN	Administrative	
BID-INSP		8/7/26	8/7/26			8/7/26	CHAN MICHAEL	Approved	
CP-ZOC		8/7/26	8/7/26			8/7/26	LAUSH MAGGIE	Not Applicable	8/7/26: N/A - hardscaping in front setback, less than 3' above grade - Maggie.Laush@sfgov.org
BLDG		8/7/26	8/7/26			8/7/26	DIAZ JONATHAN	Approved	Approved OTC
CPB		8/7/26	8/7/26			8/7/26	YU ZHANG REN	Administrative	

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.

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.

BRIEF SUBMITTED BY THE APPELLANT(S)

SAN FRANCISCO BOARD OF APPEALS

Appeal No. 26-044

462 Ramsell Street

Appellant: Deanna Mackey, 466 Ramsell Street

APPELLANT’S BRIEF

Permit No. 202608076274

I. INTRODUCTION AND REQUESTED RELIEF

This appeal is fundamentally about a large excavation, grading, and hardscaping project on a steep hillside that has never been accurately presented to the City for Planning review and approval. And unless this Board requires accurate plans be submitted and approved by Planning as a condition of compliance with the issued Notice of Violation No. 202659762 (“NOV”), it never will.

The original project was approved as an interior remodel. The approved plans expressly identified the front yard, rear yard, and lightwell as “OUT OF SCOPE.” Nevertheless, substantial exterior work proceeded, including excavation, grading, and hardscaping in the front and rear. When Appellant alerted DBI while work was underway, that they poured concrete over the entire lower yard up to the top of the retaining wall (RW) and drainage would be an issue, a plumbing inspector visited the site and documented a “large newly cemented yard area,” “no drainage provision,” and “No plan details avail on site- TBD.”

What followed was a repeated lack of due diligence. The homeowners had multiple opportunities to accurately present the out-of-scope exterior work for review. DBI had multiple opportunities to require it. Yet accurate plans for the rear-yard work were never submitted for Planning review and approval.

The distinction remains today. The less extensive front-setback work is being required to undergo plan-based Planning review and approval. The significantly larger rear-yard work, with documented drainage concerns affecting the downhill property, is not. Instead, the rear-yard condition was addressed through field corrections and a permit describing only “199 sqft concrete in rear yard.”

Appellant is not asking the Board to determine which technical requirements ultimately apply.

Appellant asks the Board to require the due diligence that has been missing from the beginning: accurate plans for the out-of-scope exterior work, submitted for Planning review and approval so the City can determine from an accurate record what further technical review is required. And so the City has a record of the actual OUT OF SCOPE work done.

II. ISSUE PRESENTED

Whether Permit No. 202608076274, which materially understates the true scope of construction in the rear yard, should remain in effect when it describes only “199 sqft concrete in rear yard,” and whether compliance with Notice of Violation No. 202659762 should require accurate plans for the out-of-scope front-yard, rear-yard, and lightwell work to be submitted and approved by Planning.

III. GOVERNING REQUIREMENTS

San Francisco Building Code §106A.3.1 requires a permit application to "identify and describe the work to be covered by the permit." Section 106A.3.3 requires plans to show the "location, nature and extent of the work proposed" with sufficient clarity to demonstrate compliance with applicable requirements. DBI's Information Sheet G-20 establishes routing procedures for permit applications requiring review by other City agencies, including Planning. Together, these provisions make accurate scope more than a labeling issue: the scope presented determines what work the City has before it for review.

Nor does exemption from a permit requirement establish Code compliance. Section 106A.2 expressly provides that exemptions from permit requirements do not authorize work performed in violation of

the Code or other applicable laws. Thus, even if DBI is correct that the corrected rear-yard concrete does not require a building permit, that conclusion does not resolve whether the completed condition complies with separate drainage requirements.

Appendix J §J109.5 provides that impervious paving exceeding a "total area of 200 square feet" must have storm and casual water drained directly to a public sewer or storm drain, and separately provides that "Drainage shall not be directed to flow onto adjacent property." Section J109.4, by contrast, addresses whether drainage across property lines exceeds that which existed before grading. The significance of these provisions therefore extends beyond whether a building permit is required: they separately regulate the completed drainage condition.

The NOV provided a case-specific opportunity to correct the scope problem. Its corrective action required a building permit "W/ PLANS" for "ALL WORK BEYOND APPROVED SCOPE" and stated "PLANNING DEPT. APPROVAL REQUIRED." Even if DBI now considers particular rear-yard corrections satisfactory in the field, that does not answer whether the permit issued to address the out-of-scope work accurately documents the project. It does not.

Appellant does not ask the Board to determine the appropriate drainage design or resolve every technical Code interpretation. She asks that those determinations be made from accurate plans reflecting the out-of-scope exterior work, rather than from a permit describing only "199 sq ft concrete in rear yard."

IV. FIVE MISSED OPPORTUNITIES FOR DUE DILIGENCE

A. Before Construction: The Homeowners Did Not Present the Exterior Project with the Remodel

The original project was presented as an interior remodel. The CEQA record stated "Rooms down scope with no exterior changes," and the approved architectural plans identified the front yard, rear yard, and lightwell as "OUT OF SCOPE." The City therefore had no occasion at that stage to

evaluate the exterior hardscape, grades, permeability, drainage paths, retaining walls, or relationship to adjoining downhill properties.

That was the first missed opportunity for due diligence. Before undertaking substantial exterior work on this steep hillside property, the homeowners should have evaluated the site conditions and developed appropriate plans for the work they intended to perform. Those plans should have been presented to the City for Planning review and approval before construction began.

B. April: Appellant Alerted DBI to the Out-of-Scope Rear-Yard Work & Drainage Concerns

The second opportunity arose while the out-of-scope rear-yard work was underway. Appellant alerted DBI that the lower rear yard had been paved to the top of the downhill retaining-wall edge without a drainage provision. Given the lower yard's enclosure by the house and retaining walls on three sides, raising the paved surface to the downhill retaining-wall edge created a direct surface overflow path toward Appellant's property. Had the original grade been maintained while the area was paved, stormwater instead could have been trapped within the lower yard.

On April 24, Plumbing Inspector Michael Allen responded and documented a "large newly cemented yard area," "no drainage provision," and "No plan details avail on site- TBD." He also recorded that the area was being divided into smaller surfaces and that areas were being restored to permeability.

At that point, DBI had direct notice of the problem while the work was still underway: substantial exterior work had occurred in an area expressly excluded from the approved plans, the newly cemented area had no drainage provision, and no plans were available on site. This was the second missed opportunity for due diligence. DBI could have required the actual exterior work to be documented in plans before determining how the condition should be corrected or approved. Instead, the out-of-scope front, lightwell, and rear work proceeded through field corrections without plans for the project as a whole.

C. Engineering Consultations Provided a Third Opportunity for Due Diligence

The third opportunity arose when Appellant consulted multiple civil and structural engineers seeking recommendations to address drainage for the stormwater being diverted toward her downhill property. During those consultations, the engineers identified additional concerns that Appellant had not previously raised, including concentrating infiltrating water in a soil strip immediately adjacent to the retaining wall and whether the existing wall had been designed for the additional load associated with the rear-yard work. The engineers recommended an engineered drainage plan. Central drainage was discussed as the “most elegant” solution, along with options for directing water away from the house and retaining wall and creating an appropriately designed permeable drainage area elsewhere in the yard. Appellant discussed these findings with the homeowner, and summarized these concerns and recommendations in writing for the homeowners. Appellant also offered to have an engineer visit the property and provide an engineering report. The homeowners declined. This was another opportunity for the homeowners to undertake their own due diligence concerning the changed rear-yard condition, obtain a professional evaluation, and consider an engineered drainage approach. They did not do so, and accurate plans for the out-of-scope rear-yard work were not developed or submitted for Planning review and approval.

D. The NOV and Corrective Permit Provided a Fourth Opportunity to Restore the Missing Review

DBI later issued NOV No. 202659762 addressing exterior work beyond the approved scope. Its corrective action called for a building permit “W/ PLANS” for “ALL WORK BEYOND APPROVED SCOPE” and stated “PLANNING DEPT. APPROVAL REQUIRED.” Whatever DBI now contends that plan requirement encompassed, this created a fourth opportunity for both the homeowners and DBI to correct the larger scope problem through accurate plans for the out-of-scope exterior work and Planning Department approval.

That did not occur. Permit No. 202608076274—filed to comply with the NOV—described the rear work as only “199 sqft concrete in rear yard.” No plans documented the rear-yard work as a whole.

Appellant’s approximate field measurements indicate that roughly 650–700+ square feet of the lower rear yard was paved in April 2026 and that approximately 555 square feet of concrete remains after DBI-directed corrective cuts to add a few soil strips. The distinction remains today: the less extensive front-setback work is being required to undergo plan-based Planning review and approval, while the significantly larger rear-yard work, with documented drainage concerns affecting the downhill property, is not.

E. Preparation for This Appeal Provided a Fifth Opportunity to Correct the Record

The appeal itself provided a fifth opportunity to correct the underlying problem. In preparation for this hearing, Appellant repeatedly identified the discrepancy between the exterior work actually performed and the limited scope reflected in the permit record. Revised materials were submitted and DBI undertook additional review, including a City Engineer site visit. The homeowners therefore had another opportunity to submit accurate plans for the out-of-scope rear-yard work for Planning Department approval, and DBI had another opportunity to require them. That still has not occurred.

DBI’s current position is instead that the corrected concrete may be treated as separate areas and that, because no individual area exceeds 200 square feet, no rear-yard building permit is required. Five opportunities, involving both the homeowners and DBI, led to the same result: no accurate plans documenting the full out-of-scope exterior work—including the excavation, actual hardscape, grades, permeable areas, retaining walls, and drainage configuration—were developed and submitted for Planning Department review and approval. No engineered drainage plan was developed to establish how stormwater would be collected, infiltrated, or directed from the substantially altered rear yard. As a result, the City has never reviewed the actual exterior project from plans showing the conditions necessary to determine what Planning, drainage, structural, or other technical review may be required.

V. DBI'S CURRENT POSITION DOES NOT RESOLVE THE REVIEW GAP

A. The Completed Physical Condition Is Not Accurately Reflected by "199 sq ft concrete in rear yard"

DBI is treating the completed rear yard as multiple separate concrete areas, none exceeding 200 square feet, with open areas between the slabs that it considers opportunities for stormwater to enter the underlying soil. On that basis, DBI has concluded that additional drainage is not required.

That approach matters because Appendix J §J109.5 does not refer simply to an individual slab or concrete area. It addresses areas surfaced with impervious paving that "exceed a total area of 200 square feet." DBI also relies on moss and discoloration as evidence of longstanding runoff and states that it found no evidence the concrete created or materially increased that condition. Appellant disputes aspects of those premises, but the Board need not resolve each dispute. The more fundamental problem is that these conclusions are being reached without accurate plans documenting the rear-yard project as a whole or an engineered drainage plan addressing the completed condition.

Following DBI's corrective cuts and soil strips, Appellant's approximate field measurements indicate that approximately 555 square feet of the new concrete installed in April 2026 remains on the lower terrace. Including the upper terrace, which was already predominantly concrete, Appellant estimates approximately 870 square feet of current concrete coverage within the approximately 1,100-square-foot rear yard. That is a lot of concrete on a steep hillside built with no engineered plans.

Within the approximately 555 square feet of remaining lower-terrace concrete, Appellant identifies three separate slabs. One slab alone measures approximately 261 square feet unless a two-to-three-inch control joint is treated as a separation. A contemporaneous communication concerning that joint states that it is for expansion/crack control and "it is not drainage." Elsewhere, an actual soil strip stops approximately 1 foot 4.5 inches short of the house—the same location where Appellant continues to observe runoff toward her property.

Appellant's measurements are approximate field measurements, not a professional survey, and the Board need not determine whether the control joint constitutes a separation or whether any particular area triggers a Code threshold. The discrepancy itself demonstrates the need for accurate plans. DBI's conclusion depends on the dimensions and configuration of the corrected concrete areas, yet no accurate plan documents the approximately 555 square feet of remaining lower-terrace concrete, approximately 870 square feet of total rear-yard concrete coverage, corrective soil strips, grades, retaining walls, or drainage configuration. Without those plans, the rear-yard project as a whole has never been presented for Planning review and approval from an accurate record from which the City can determine what further drainage, structural, or other technical review may be required.

B. The Open Soil Areas Are Corrective Features, Not the Condition Originally Constructed

The current permeable separations should not be confused with a drainage system. Inspector Allen documented a "large newly cemented yard area" with "no drainage provision" and recorded that it was then being divided into smaller surfaces and restored to permeability. The corrective cuts changed the configuration of the concrete; they did not erase the larger installation which could reasonably be considered as acting as one large pad, or eliminate the runoff created from the new concrete.

C. Moss and Discoloration Do Not Establish the Historic Direction or Quantity of Runoff

DBI also relies on moss, discoloration, and bleaching as evidence that runoff has flowed over the retaining wall for many years. But that theory underscores the due-diligence problem at the heart of this appeal. Pre-construction plans should have documented the existing grades, hardscape, drainage, and proposed changes before substantial excavation, grading, and hardscaping occurred. Instead, the City is now left trying to reconstruct the pre-construction drainage condition from moss, concrete slurry bleaching/whitening, and post-build photographs.

The photographic record also calls that inference into question. Appellant's photographs show similar green biological growth on surfaces unrelated to the disputed runoff path, while photographs taken before the April 2026 work do not show the significant bleaching now visible along that path. Separate photographs document water and concrete slurry flowing onto the downhill property during and after the work, beginning when DBI documented the newly cemented yard as having "no drainage provision."

This is precisely why accurate plans and an engineered drainage plan are needed now. The site has been altered, the historic and current drainage conditions are disputed, and DBI's corrective soil strips rely on infiltration opportunities. Accurate plans should document the completed condition, and an engineered drainage plan should establish how stormwater is collected, infiltrated, and directed.

D. Why the Missing Due Diligence Matters

The consequence of these repeated missed opportunities is straightforward: Planning has never reviewed accurate plans for the out-of-scope rear-yard work and therefore has never had the opportunity to determine what further technical review and correction was needed. The project progressed from Inspector Allen's "no drainage provision" and "No plan details avail on site- TBD," through field corrections and a later inspection entry of "drainage @ rear ok," to DBI's present position that no rear-yard permit is required.

The record reflects field observation of the corrective soil strips, but does not document a technical drainage evaluation of their capacity, contributing drainage area, grades or flow paths, or subsurface drainage conditions

San Francisco Building Code Appendix J, Section J109.5 provides in relevant part: 'All areas which are surfaced with asphalt, concrete or other paving of similar imperviousness, and which exceed a total area of 200 square feet, shall have storm- and casual water drained directly to a public sewer or storm drain. Drainage shall not be directed to flow onto adjacent property or to drain onto public

sidewalks.' By tying that threshold to a mandatory drainage path rather than leaving smaller impervious areas unregulated, the Code separately regulates the drainage path for impervious paving exceeding the stated threshold.

Appellant does not ask the Board to decide DBI's interpretation of the threshold; the point is that the underlying drainage questions are substantive and should be evaluated from an accurate depiction of the actual project.

The lower rear terrace is bounded on three sides by the house and two taller retaining walls. Its only open surface side is downhill toward Appellant's property. The corrective soil strips therefore create two different drainage questions: 1) where water goes when it cannot infiltrate, and 2) where it goes when it does. The first question is already answered by the yard's own geometry — with no other open side, surface overflow has nowhere to go but downhill onto Appellant's property. The second is not: the record does not establish the capacity of the corrective soil areas or where infiltrated water travels below the surface. The lack of plans creates the following issues.

Issue	What Remains to Be Established
Surface Drainage / Infiltration Capacity	What impervious area drains toward the corrective soil areas; their actual infiltration capacity; and where excess water goes when inflow exceeds that capacity.
Subsurface Drainage / Hydrostatic Pressure	Where water infiltrating beside the retaining wall travels; whether it can accumulate in retained soil or near the wall footing; and what drainage path, if any, allows that water to leave.
Surcharge Loading / Wall Stability	Whether the added concrete affects the existing retaining wall and whether the wall's footing and existing construction are adequate for the additional surcharge.
Hillside Drainage / Downslope Conditions	Where infiltrated stormwater travels through the hillside or fill; where it ultimately emerges; and whether that movement could affect Appellant's property or retaining walls and properties farther downhill.

A visual inspection by a DBI engineer didn't find any evidence that the new concrete overloaded the wall despite what appear to be new cracks, however another P.E. engineer, Jakob R. advised Appellant: "Evaluating whether the wall is overloaded would require a deeper investigation. The main question involves the wall's footing, which would require excavation on both sides to determine

its depth and width. Without that information, performing any calculations regarding the stability of the wall with the new concrete slab on the soil behind it would be futile.”

Published San Francisco geologic information recognizes rainfall infiltration as a source of groundwater recharge and substantial variation in how water moves through subsurface materials. That information does not establish an adverse condition at 462 Ramsell; it illustrates why exposed soil alone does not establish the capacity of the corrective areas or where infiltrated stormwater ultimately travels.

Appellant is not asking the Board to resolve these technical questions. The point is that the plan-based due diligence that would ordinarily place the actual exterior project before the City never occurred. DBI’s present position that no rear-yard permit is required does not cure that review gap; it risks making it permanent.

VI. THE FRONT YARD AND LIGHTWELL CORROBORATE THE SAME DUE-DILIGENCE PROBLEM

The rear yard is the principal issue in this appeal, but the same scope problem appears elsewhere.

The approved plans identified the front yard and lightwell as “OUT OF SCOPE,” yet exterior work occurred in both areas and was addressed after construction through complaints, corrections, and limited permitting. In the front, grading and runoff was corrected after Appellant raised concerns and a NOV was issued. In the lightwell, new windows and a six-pipe mechanical stack likewise generated after-the-fact questions concerning permits, clearances, and SFFD review. These areas need not become separate technical disputes here. They corroborate the central point: exterior work omitted from the approved project has repeatedly been addressed piecemeal after construction rather than through an accurate, coordinated plan of the work before it was performed.

VII. CONCLUSION AND REQUESTED RELIEF

This appeal does not ask the Board to design a drainage system or resolve every disagreement between Appellant and DBI. It asks a narrower question: should a permit describing “199 sq ft

concrete in rear yard” stand as the City’s permanent record of a substantially larger exterior project—built outside the approved scope, corrected only after DBI documented “no drainage provision,” and still never accurately documented in the permit record?

The rear yard illustrates why accurate plans matter. The lower terrace is bounded on three sides by the house and two retaining walls, with its only open side downhill toward Appellant’s property. DBI relies on corrective soil strips to provide opportunities for stormwater to infiltrate, but no drainage plan documents their capacity, where overflow is directed, or where infiltrated water travels. Those are technical questions that should be evaluated from an accurate site and drainage plan—not reconstructed after construction from field observations.

Appellant respectfully requests that the Board revoke Permit No. 202608076274 and require compliance with NOV No. 202659762 through accurate plans documenting the exterior work actually performed—including the excavation, hardscape and permeable areas, grades, slopes, retaining walls, and drainage configuration. Those plans should be submitted for Planning approval so that the City has a complete and accurate record of the exterior project and can determine what building, drainage, structural, or other technical review is required.

That is the due diligence that should have occurred before this hillside property was excavated, graded, and hardscaped. It is the due diligence that is still missing today. And it is the due diligence this Board can finally require.

EXHIBIT INDEX

Exhibit	Description	Purpose
1	Pre-Construction and Post-Construction Aerial Comparison	January 17 and July 30, 2026 aerial views of the rear yard.
2	Historic Rear Yard Condition	Historical photograph showing planting/soil areas and earlier hardscape configuration.
3	April 2026 Concrete Work at Downhill Retaining Wall	Photograph during the April concrete work showing the newly paved lower terrace at the downhill retaining-wall edge.
4	Observed Water / Concrete Slurry at Downhill Boundary	Photographs documenting water/slurry crossing the retaining-wall area during the 2026 work.
5	Current Rear-Yard Configuration	Panorama and overhead views showing the completed lower terrace, upper terrace, house, stairs, retaining walls, and corrective soil areas.
6	Rear-Yard Field-Measurement Diagram	Approximate, not-a-survey diagram showing ~555 sq. ft. current lower-terrace concrete and corrective soil strips.
7	Corrective Soil Strips	Current photographs of the corrective soil/planting strips relied upon as permeable areas.
8	DBI Complaint No. 202654964	April 24, 2026 record documenting a "large newly cemented yard area," "no drainage provision," and "No plan details avail on site- TBD."
9	Notice of Violation No. 202659762	NOV directing a permit "W/ PLANS" for "ALL WORK BEYOND APPROVED SCOPE" and stating "PLANNING DEPT. APPROVAL REQUIRED."
10	Runoff Calculation Table	Calculations are offered to illustrate why accurate as-built plans and an engineered drainage analysis/plan is needed.
11	Rear-Door / Grade Relationship	Historical/current comparison photograph offered as visual context for the relationship between paving and the rear elevation.
12	Retaining Wall & Neighboring Retaining Wall Edges	Image of 462's two tier retaining wall & the retaining wall edge/yard elevation difference present in neighboring yards
13	Green Things at 466 Ramsell	Images of green moss and other growth at 466

Photographs and measurements are offered for the limited purposes stated in the captions. Appellant's field measurements are approximate and are not a professional survey or engineered drainage analysis.

**EXHIBIT 1 — PRE-CONSTRUCTION AND POST-CONSTRUCTION AERIAL
COMPARISON**



Immediate pre-construction context for the rear yard.



Post-construction context following the April 2026 rear-yard work. Large slab/s and DBI's corrective soil strips visible.

EXHIBIT 2 — HISTORIC REAR YARD CONDITION



Earlier overall rear-yard condition showing upper rear terrace predominantly concrete, and lower terrace predominantly permeable. Offered as historical context; Exhibit 1 provides the closer January 2026 pre-construction comparison.

EXHIBIT 3 — APRIL 2026 NEW CONCRETE WORK



April 2026 photograph during the concrete installation. The image shows wet concrete across the lower yard. Appellant observed excavation, fill, and rebar before the pour. The contractor who did the work is also pictured above the wet concrete. DBI later documented this as a “large newly cemented yard area” with “no drainage provision.”

EXHIBIT 4 — OBSERVED WATER / CONCRETE SLURRY FLOWING ONTO DOWNHILL PROPERTY



Post construction photographs from the downhill property documenting water/concrete slurry crossing the retaining-wall area during the construction period. Concrete slurry bleaching/whitening starting to show.

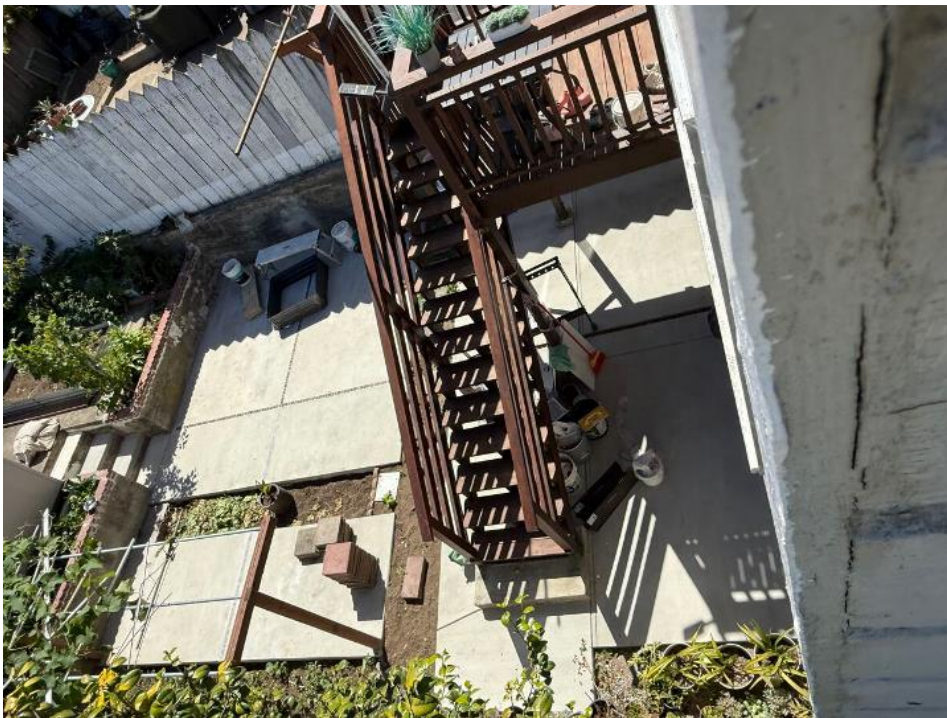


Post construction photographs from the downhill property documenting water/concrete slurry crossing the retaining-wall area during the construction period. Concrete slurry bleaching/whitening becoming more significant.

EXHIBIT 5 — CURRENT REAR-YARD CONFIGURATION

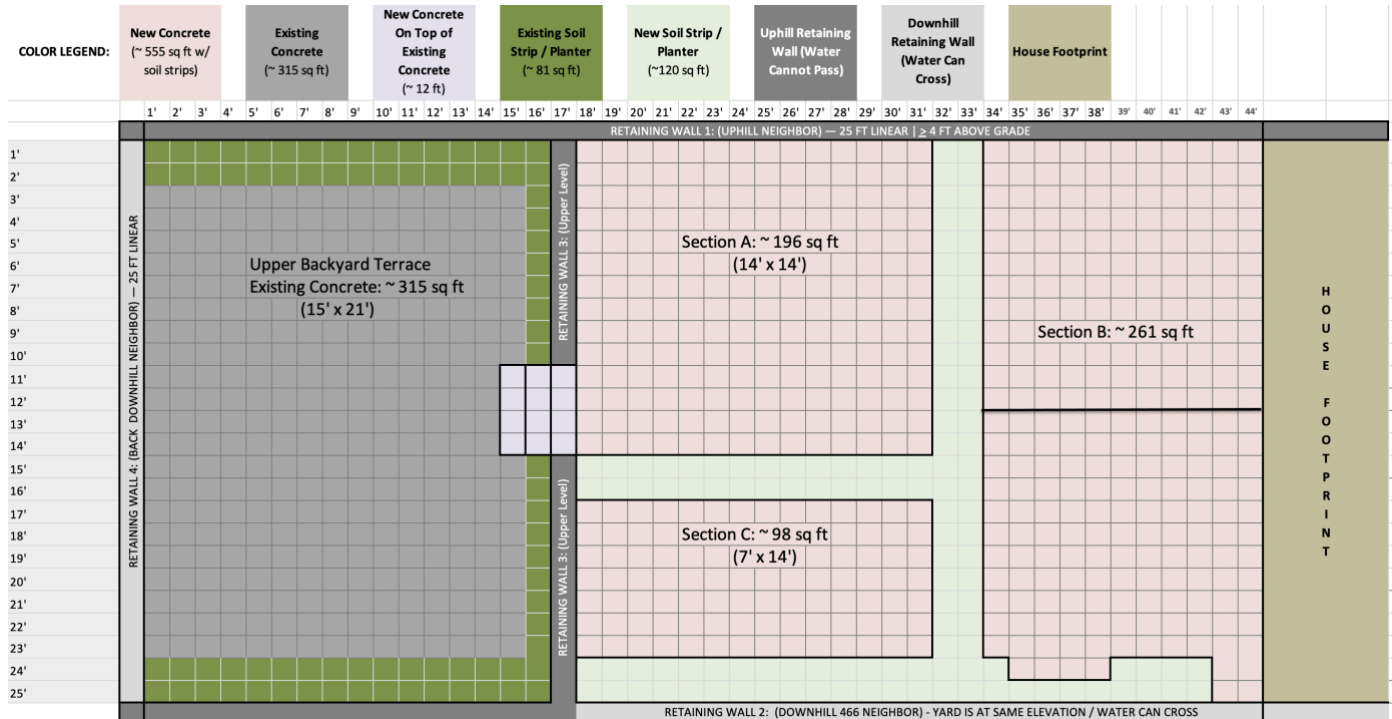


Current panorama shows the lower yard is predominantly concrete and enclosed on three sides (house and two taller retaining walls). The downhill fence and retaining wall are not visible.



The surface area of new concrete and new corrective soil strips are visible. The downhill fence and retaining wall are not visible.

EXHIBIT 6 — REAR-YARD FIELD-MEASUREMENT DIAGRAM — APPROXIMATE / NOT A SURVEY

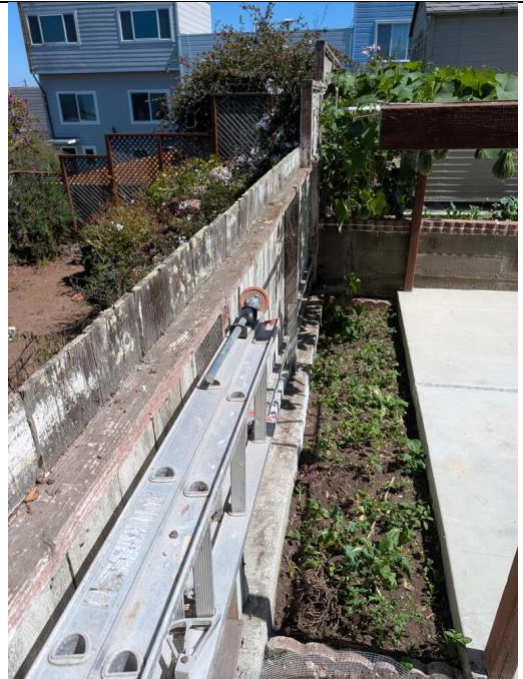


Illustrative plan view based on Appellant's approximate field measurements. Current lower-terrace concrete (Sections A+B+C) is approximately 555 sq. ft.; the lower-yard footprint, including corrective soil strips, is approximately 675 sq. ft. Appellant separately estimates approximately 870 sq. ft. of current concrete coverage in the approximately 1,100-sq.-ft. rear yard, including the predominantly concrete upper terrace. This diagram is not a survey but a visual to illustrate the new concrete, new soil strips, and backyard as a whole

EXHIBIT 7 — CORRECTIVE SOIL STRIPS



Soil strip sawcut after the correction along lower retaining wall.



Soil strip current condition along lower retaining wall.



Soil strip sawcut termination point.



Current condition. Widened but same termination point. Yard and RW grade are at the same elevation.

EXHIBIT 8 — DBI COMPLAINT NO. 202654964 — APRIL 24, 2026



Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Number: 202654964
Owner/Agent: OWNER DATA SUPPRESSED
Owner's Phone:
Contact Name:
Contact Phone:
Complainant: COMPLAINANT DATA SUPPRESSED
Complainant's Phone:
Complaint Source: TELEPHONE
Assigned to Division: PID
Description: Neighbor installed concrete pavement in the backyard. Have concern that surface drainage will flow over and damage property.

Date Filed:
Location: 462 RAMSELL ST
Block: 7007
Lot: 037
Site:
Rating:
Occupancy Code:
Received By: Brenda McBride
Division: INS

Instructions:

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
04/22/26	CASE OPENED	D'Amico	CASE RECEIVED		Brenda McBride 22-APR-26	INS
04/22/26	OTHER PLUMB VIOLATN	D'Amico	CASE UPDATE	Case reviewed and assigned to complaint inspector per KY;bm	Brenda McBride 22-APR-26	INS
04/24/26	OTHER PLUMB VIOLATN	Allen	CASE UPDATE	Permit research - multiple issued. Dist inspector Last plbg insp was on 4/13/26. Work in progress. Site insp - discussed by phone with GC. Observed large newly cemented yard area had no drainage provision. GC is in progress - area Being divided up to smaller surfaces & an open planting area along low prop line. Restoring areas back to permeable. No plan details avail on site- TBD	Michael Allen 24-APR-26	PID
05/28/26	OTHER PLUMB VIOLATN	Allen	CASE CLOSED	PTS check reveals issued plbg permit, remodel work in progress, and the dist inspector has approved the current plbg scope to the rough stage back on April 28th. Okay to close complaint	Michael Allen 28-MAY-26	PID

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](#).

DBI complaint record. On April 24, Inspector Michael Allen documented a "large newly cemented yard area" that "had no drainage provision," noted corrective division into smaller surfaces and restoration of areas to permeability, and recorded "No plan details avail on site- TBD." This complaint appears to have been closed based on the interior only plumbing permit and the interior rough in.

EXHIBIT 9 — NOTICE OF VIOLATION NO. 202659762

NOTICE OF VIOLATION
of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Av Suite#400
San Francisco, CA 94103

☒ FIRST NOTICE
☐ SECOND NOTICE
☐ OTHER:

COMPLAINT NUMBER
202659762

DATE 7/22/26
BLOCK 7070 **LOT** 018
STORIES 3 ☒ BASEMENT

ADDRESS 462 RAMSELL ST.
OCCUPANCY/USE R-3
CONST. TYPE V

☒ If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT:
MAILING ADDRESS:
PERSON CONTACTED @ SITE:

CITY
PHONE#:
ZIP

VIOLATION DESCRIPTION:

☐ WORK WITHOUT PERMIT (SFBC 103.A); ☒ ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106.4.7);
☐ EXPIRED PERMIT (SFBC 106A.4.4); ☐ CANCELLED PERMIT (SFBC 106.3.7) PA#:
☐ UNSAFE BUILDING (SFBC 102A); ☐ SEE ATTACHMENTS

SFBC 106.4.7

SITE INSPECTION HAS REVEALED THAT THE FRONT SET-BACK HAS BEEN ALTERED WITHOUT BENEFIT OF A BUILDING PERMIT & PLANNING DEPT. APPROVAL. WORK HAS ALSO BEEN PERFORMED AT THE REAR YARD WITHOUT COMPLIANCE TO DRAINAGE CODE <200 SQ FT OF SOLID SURFACE & TO COMPLY WITH PREVIOUSLY ISSUED CORRECTIVE ACTION.

MONTHLY MONITORING FEE Section 110A TABLE 1A-k

BC – Building Code HC – Housing Code PC – Plumbing Code [EC – Electrical Code] MC – Mechanical Code

CORRECTIVE ACTION:

☐ STOP ALL WORK SFBC 104.2.4

☒ FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
☒ OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF
☐ CORRECTION VIOLATIONS WITHIN DAYS. ☐ NO PERMIT REQUIRED.
☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS
☒ FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDING TO BEGIN, SEE REVERSE SIDE FOR ADDITIONAL WARNING

FILE FOR & OBTAIN A BUILDING PERMIT W/ PLANS TO ADDRESS NOTED VIOLATIONS FOR ALL WORK BEYOND APPROVED SCOPE. PLANNING DEPT. APPROVAL REQUIRED. PERMIT TO STATE "TO COMPLY NOV # 202659762."

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation
☐ 9x Fee (Work w/o Permit after 9/1/60)
☐ OTHER: ☒ Fee (Work Exceeding Scope of Permit)
☐ Re-inspection Fee\$ ☐ No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT 6/26 **VALUE OF WORK PERFORMED W/O PERMITS** \$1000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR PETER EISENBEISER (Inspector – Print Name)
OFFICE HOURS 7:30 AM TO 4:30 AM AND 3:00 PM TO 4:00 PM
PHONE # (628) 652-3617 peter.eisenbeiser@sfgov.org
By: (Inspector's Signature) *PE* **DISTRICT #** 9
CC: ☒ DCP ☐ EID ☒ PID ☐ BID ☐ HIS ☐ CED ☐ CPC ☐ DAD ☐ SFFD ☐ DPH ☐ RPC

Building Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-34
☐ Housing Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-37
☐ Electrical Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3
☐ Plumbing Inspection Division
49 S. Van Ness Av, Suite# 400 (628) 652-3
☐ Code Enforcement Division
49 S. Van Ness Av, Suite# 400 (628) 652-

M 9003 02 (Rev. 5/98)

Pursuant to SFBC 107.5 and 106.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permit. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor) (628) 652-3617

Notice of Violation addressing exterior work beyond the approved scope. The corrective action calls for a building permit "W/ PLANS" for "ALL WORK BEYOND APPROVED SCOPE" and states "PLANNING DEPT. APPROVAL REQUIRED."

EXHIBIT 10 — RUNOFF CALCULATION TABLE

462 Ramsell Street — Rear Yard Impervious Surface

Impervious Area Scenarios

Scenario	Sq Ft	Source
Permit-stated area	199	Permit No. 202608076274, DBI Permit Detail Report ("199 sq ft concrete in rear yard")
Remaining measured concrete, lower yard (Sections A+B+C)	~ 555	Appellant's field measurement/grid diagram (196 + 261 + 98 sq ft); not a professional survey
Original pour, estimate	~ 675	Appellant's estimate based on approximate measurements and illustrative grid diagram
Original pour, high estimate	~700+	Appellant's estimate based on googleearth measurements prior to DBI-directed corrective sawcuts
Estimated current total concrete coverage (lower + upper terrace)	~870	Lower yard, 555 sq ft (Sections A+B+C) + existing upper terrace, 315 sq ft, per Appellant's grid diagram. Upper terrace concrete predates 2026 construction; figure reflects total current site coverage, not new work.

Rainfall Scenarios

Scenario	Inches	Source
SFPUC design storm (24-hour)	0.75	San Francisco Public Utilities Commission, Stormwater Management Design Guidelines (sfpuc.gov)
Documented storm event (24-hour)	2.93	Official San Francisco rainfall records, February 2, 1998
All-time record (24-hour)	5.54	NOAA GHCN-Daily station records, San Francisco Downtown station; November 5, 1994 (highest calendar-day total on record)

Calculated Runoff Volume

Formula: $\text{gallons} = (\text{rainfall inches} \div 12) \times \text{area in sq ft} \times 7.48052 \text{ gal/ft}^3$

Scenario	Sq Ft	0.75" Design Storm	2.93" (2/2/98)	5.54" All-Time Record
Permit-stated area	199	93 gal	363 gal	687 gal
Remaining measured concrete, lower yard	~ 555	~ 259 gal	~ 1014 gal	~ 1917 gal
Original pour, low estimate	~ 600	~ 281 gal	~ 1096 gal	~ 2072 gal
Original pour, high estimate	~ 700+	~ 327+ gal	~ 1279+ gal	~ 2417+ gal
Total current coverage (lower + upper)	~ 870	~ 407 gal	~ 1589 gal	~ 3005 gal

Note: These calculations are offered to illustrate why accurate as-built plans and an engineered drainage analysis matter — not as a substitute for an engineered plan. All area figures other than the permit-stated 199 sq ft are Appellant's own field estimates, not a licensed survey.

EXHIBIT 11 — REAR-DOOR / GRADE RELATIONSHIP

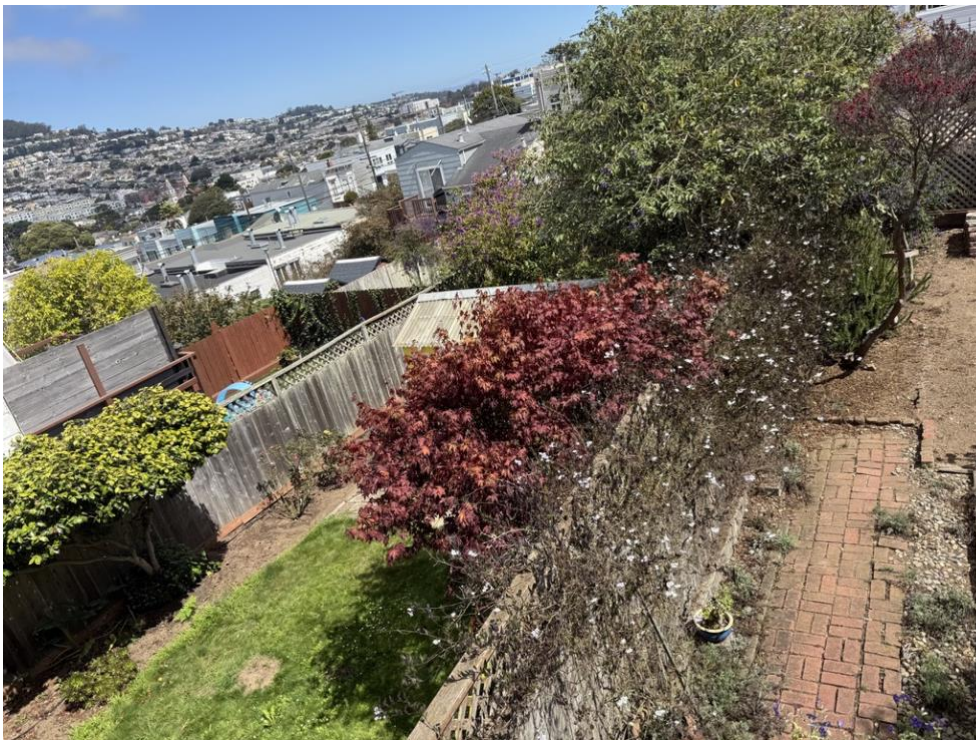


The new concrete grade appears elevated and now abuts the wood siding as seen on the lower right.

EXHIBIT 12 — RETAINING WALL & NEIGHBORING RETAINING WALL EDGES



Two tier retaining wall as seen from Appellant's rear yard. Concrete slurry whitening/bleaching visible.



Elevation difference between yard and retaining wall edges/lip at 466 and other downhill properties. The edge elevation is several inches above the yard elevation in other neighboring yards.

EXHIBIT 13— GREEN THINGS AT 466 RAMSELL



Green growth due to moist conditions



Green growth due to moist conditions



Green growth on bricks used to continue to wall. Growth on wall and closest bricks has died off, along with plants.



Current wall condition shows new whitened areas and corner where runoff has continued without rain

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF APPEALS

Appeal No. 26-044 – 462 Ramsell Street, San Francisco, CA 94132 (Block 7007, Lot 037)

IRENE SITU and YANG HAI DON,

Respondents and Permit Holders,

v.

DEANNA MACKEY,

Appellant.

RESPONDENT’S BRIEF IN OPPOSITION TO APPEAL

Permit No. 202608076274 — Hearing Date: October 7, 2026

I. INTRODUCTION

Respondents Irene Situ and Yang Hai Don — the homeowners and permit holders at 462 Ramsell Street — respectfully ask the Board to deny this appeal and uphold Permit No. 202608076274.

The Department of Building Inspection, the City agency charged with administering and enforcing the Building Code, reviewed this permit, approved it, inspected the property repeatedly, and now defends it. In its September 29, 2026 brief, DBI concludes the permit “was issued correctly” and “recommends the appeal be denied.” Appellant does not argue that DBI misapplied the law to the facts as DBI found them. Her disagreement is with DBI’s factual and technical conclusions themselves — how much concrete is new, how Building Code Appendix J

§J109.5 applies, and whether the rear yard drains properly. Those are exactly the questions on which this Board defers to the expert agency, particularly where DBI's conclusions rest on multiple field inspections by a building inspector, a senior inspector, a district inspector, and a City Engineer.

The record shows homeowners who did what the City asked at every step: they followed field directives from DBI inspectors, subdivided the new concrete into sections under 200 square feet separated by planted drainage strips, obtained the NOV-compliance permit DBI required, paid the penalties assessed, and passed follow-up inspection ("drainage @ rear ok," July 29, 2026). Appellant asks the Board to revoke a valid permit that DBI defends, and to order full Planning review and an engineered drainage plan for an entire rear yard — including concrete that predates this project by years. The Board should decline that invitation and deny the appeal.

II. STATEMENT OF FACTS

Respondents own and occupy 462 Ramsell Street, a single-family home. In March 2026, DBI issued Building Permit Application No. 2026-0115-3903 for interior alterations (converting a family room to a bedroom, expanding a bathroom, and related interior work). The approved plans marked the front yard, rear yard, and lightwell "out of scope."

The rear yard already contained extensive concrete long before 2026: the area beneath the deck was concrete, and a concrete walkway crossed the middle of the yard. A January 17, 2026 aerial photograph and a 2012 photograph of the property both show this pre-existing hardscape. (Exs. R-1, R-2.) Over time that concrete aged and cracked. When respondents refreshed the yard in the spring of 2026, they re-poured the deteriorated concrete — including the area beneath the deck — and added new concrete only in the middle section of the yard. Respondents candidly

acknowledge they believed, incorrectly, that backyard flatwork did not require a permit. That was their mistake, and they have worked since to correct it.

During the pour, respondents left a planting strip along the retaining wall — it was formed into the work as it was poured, not cut out afterward. (Ex. R-3.)

On April 24, 2026, DBI Inspector Michael Allen responded to a complaint, documented a newly cemented yard area, and directed that drainage be provided so water would not flow onto the neighboring property. Respondents' contractor saw-cut drainage grooves into the concrete. The complaint was closed.

A further complaint brought Senior Building Inspector Brett Howard to the property on June 9, 2026. Inspector Howard directed specific corrective measures, documented on the complaint data sheet and job card: subdivide the concrete so that no section exceeds 200 square feet; provide two-foot-wide planting strips adjacent to the property line; install a 3-foot landing at the side door; obtain permits for the lightwell window replacements; and verify that vent terminations comply with Code, with exhausts more than three feet from the adjacent property (measured by DBI from the roof with a tape). (Exs. R-4, R-5.) Respondents completed each of these directives. They did not understand, however, that the corrective work itself required a separate building permit.

On July 22, 2026, DBI issued Notice of Violation No. 202659762. When respondents asked DBI why a violation had issued after they had done everything the inspectors asked, DBI explained that corrective work also requires permits. Respondents then arranged a verification inspection: on July 29, 2026, Inspector Peter Eisenbeiser inspected and recorded "drainage @ rear ok." (Ex. R-6.) Respondents applied for the NOV-compliance permit, paid the penalties assessed, and on August 7, 2026, DBI — with Planning Department review — issued Permit No. 202608076274

(Ex. R-19), described as “3’ landing in front of side door at first floor” and “199 sq ft concrete in rear yard; to comply with NOV 2026059762.” Separately, respondents replaced three single-pane lightwell windows with double-pane windows under Permit No. BLDG-26-930, issued June 18, 2026 (Ex. R-9), and obtained Permit No. 202608176667 (issued August 17, 2026) for front-setback landscaping, permeable pavers, and a fence.

DBI’s chief, a City Engineer, and inspectors have since visited the property again in connection with this appeal. Each visit confirmed the rear yard’s compliance; no drainage deficiency has been found by any City inspector or engineer at any visit.

When respondents learned of this appeal, they asked their contractor to remove the rear-yard concrete. The contractor declined to bear the cost, noting the work had been performed per DBI’s directives. To spare everyone the time and expense of a hearing, respondents then offered — at their own sole cost — to remove the rear-yard concrete if appellant would withdraw the appeal; appellant declined. Respondents then voluntarily paused all further changes to the yard pending the Board’s decision, rather than risk further dispute.

III. ARGUMENT

A. The Board reviews DBI’s decision for error, and DBI — the expert agency — concluded the permit was correctly issued.

The Board of Appeals does not re-inspect properties or substitute its own technical judgment for DBI’s. It determines whether the department erred or abused its discretion. Here the department whose decision is under review has told the Board, in writing, that the permit “was issued correctly” and that the appeal should be denied. (DBI Brief, Sept. 29, 2026.)

Appellant’s brief notably does not ask the Board to resolve the disputed technical questions. She writes that she “is not asking the Board to determine which technical requirements ultimately apply.” But if the Board cannot determine the technical requirements, it cannot find that DBI — which did determine them, through plan review and repeated field inspections — determined them erroneously. Appellant’s lay measurements (described in her own exhibits as approximate, not a professional survey) and her own runoff calculations cannot overcome the concurring judgment of the inspectors and engineer who actually visited the site.

DBI acknowledges minor administrative inconsistencies in the permit record — the application did not label the permit a revision though the plan cover sheet did, and a site plan was mislabeled “Existing (No Change).” DBI characterizes these as minor errors that do not affect the permit’s validity, and the field inspector retains authority to verify that built conditions match the approved plans. An appeal is not sustained by paperwork imperfections that the enforcing agency itself deems immaterial.

B. The permit accurately describes the new work it authorizes; appellant’s square-footage figures combine old and new concrete.

Permit No. 202608076274 authorizes 199 square feet of concrete in the rear yard — the new patio areas (141 square feet and 58 square feet, as shown on the approved plans reviewed by DBI (Exs. R-18, R-21)). Appellant’s estimate of roughly 555 to 870 square feet of concrete does not measure new work. It aggregates: (i) the upper terrace (approximately 315 square feet), which predates 2026 and is visible in the January 2026 aerial photograph and the 2012 photograph (Exs. R-1, R-2); (ii) the area beneath the deck, which was old, cracked concrete that was re-

poured — a re-do, not new coverage (Ex. R-2); and (iii) the middle section, the only truly new concrete, which respondents subdivided into sections each under 200 square feet (Ex. R-8).

A building permit describes the work it authorizes, not a historical inventory of every square foot of hardscape on the lot. Pre-existing concrete is not “undocumented work” that must be drawn into a new permit; to hold otherwise would require every homeowner who pulls a permit to survey and justify decades of prior site conditions. DBI’s plan review confirmed the new work at 199 square feet, and DBI’s field inspectors verified the built condition. The permit’s description is accurate for the work it permits.

C. Drainage complies with the Building Code as reasonably interpreted and repeatedly verified by DBI.

San Francisco Building Code Appendix J §J109.5 requires drainage facilities for impervious areas exceeding 200 square feet. DBI — the agency that administers the Code — interprets the threshold as applying to each individual impervious area, not to the aggregate of all hardscape on a lot. Under that interpretation, the approved plans comply: the two new paved areas (141 and 58 square feet) are separated by minimum two-foot planter areas, so no area drain is required. The Board owes deference to DBI’s reasonable interpretation of the Code it enforces. (DBI further observes that had the work been built within these limits in the first place, plans would not even have been required under Building Code §106A.2.)

Beyond interpretation, compliance has been verified in fact — repeatedly. Inspector Allen directed drainage improvements in April; Senior Inspector Howard specified the subdivision and planting-strip design in June; Inspector Eisenbeiser verified “drainage @ rear ok” on July 29, 2026; and a City Engineer and DBI’s chief have since inspected and found no deficiency. The

planting strips are genuine, planted, permeable areas — not cosmetic features. (Exs. R-3, R-10–R-16.) The soil sits lower than the concrete, and the concrete sits lower than the retaining wall’s lip on the neighboring side, so water cannot flow uphill onto appellant’s property. And since the April 2026 work, San Francisco has seen no heavy rain — there has been no runoff event at all, let alone one reaching the neighboring lot.

Appellant’s photograph of moss and staining on her retaining wall does not show chronic site drainage. Respondents explain, with apology, what happened: when the two-foot planting strips were saw-cut, the water-cooled saw splashed cement slurry onto the fence boards; respondents then hosed the fence during a rain, sending wash water toward appellant’s wall. (Ex. R-7.) That one-time cleanup — respondents’ own doing, for which they apologize — accounts for the staining. It is not evidence that the yard sheds stormwater onto the neighboring property.

D. Respondents cured the NOV in good faith by doing everything DBI asked.

Appellant’s narrative of “missed opportunities” omits what actually happened at each step: a DBI inspector was present, gave directions, and respondents followed them. Inspector Allen’s April drainage directive → drainage grooves cut, complaint closed. Senior Inspector Howard’s June directives → slabs subdivided, planting strips provided, landing installed, window permits obtained, vents verified. The NOV issued because the corrective work itself required a permit — a sequencing point respondents did not understand until DBI explained it, at which point they promptly applied, paid penalties, and obtained the permit DBI required. Inspector Eisenbeiser then verified the drainage. To revoke the very permit that DBI required respondents to obtain to cure the NOV would resurrect the violation — a perverse outcome that punishes compliance.

Respondents' good faith is further shown by their conduct after the appeal was filed: when their contractor declined to bear the cost of removing the rear-yard concrete, respondents offered to remove it entirely at their own cost if appellant would withdraw the appeal. Appellant declined, and respondents then voluntarily paused all further yard changes pending the Board's decision. They declined appellant's request to bring her own engineer onto the property only because DBI's chief, a City Engineer, and inspectors had just completed their own inspection — respondents reasonably relied on the City's experts rather than submitting to a second, private inspection at the complainant's direction.

E. The relief appellant requests is disproportionate to the permit under appeal.

Appellant asks the Board to revoke Permit No. 202608076274 and to require accurate plans documenting all exterior work, Planning approval, and engineered drainage review for the entire rear yard. But the permit under appeal authorizes 199 square feet of new concrete and a landing — work DBI reviewed, approved, inspected, and defends. Appellant's requested relief would sweep in pre-existing conditions (the upper terrace, the under-deck concrete) that no permit was ever required to document, and would effectively require respondents to engineer a drainage system for a yard that the City's own inspectors and engineer have repeatedly found to drain properly. The Board should not order relief broader than the permit under review, particularly where the enforcing agency concludes no violation exists.

F. The front-yard landing and lightwell work are separately permitted and DBI-verified.

The 3-foot landing was built at DBI's direction. (Exs. R-4, R-5.) The front-yard permeable pavers appellant cites as new work pre-date the project — they are visible in appellant's own

January 2026 aerial photograph (Ex. R-1) — and respondents nonetheless obtained Permit No. 202608176667 for the front-setback work. The lightwell windows were not new openings; they were like-for-like replacements of existing single-pane windows with double-pane units, permitted under BLDG-26-930. (Ex. R-9.) DBI verified the vent pipes with tape measurements from the roof: every pipe lies within respondents’ property, and every exhaust terminates more than three feet from the neighboring property, as the Code requires. (Ex. R-5.)

IV. CONCLUSION

DBI reviewed this permit, approved it, inspected the work repeatedly — including through a City Engineer — and recommends that this appeal be denied. Respondents followed every directive DBI gave them, cured the NOV through the very permit appellant now challenges, and have shown through photographs, inspection records, and DBI’s own findings that the rear yard complies with the Building Code. Appellant’s disagreement with DBI’s technical conclusions, supported only by approximate lay measurements, is not a basis to revoke a correctly issued permit.

Respondents respectfully request that the Board DENY the appeal and UPHOLD Permit No. 202608076274.

Dated: October 1, 2026

Respectfully submitted,

Irene Situ, Permit Holder

462 Ramsell Street, San Francisco, CA 94132

EXHIBIT INDEX

R-1 — Aerial photographs of 462 Ramsell Street, January 17, 2026 (pre-construction) and July 30, 2026, showing extensive pre-existing concrete.

R-2 — Historic 2012 photograph of the rear yard, showing pre-existing concrete walkway and hardscape.

R-3 — April 2026: fresh concrete pour in the middle section of the rear yard; planting strip along the retaining wall formed during the pour.

R-4 — DBI handwritten job-card notes documenting inspector directives, April–June 2026.

R-5 — DBI Complaint Data Sheet No. 202657447, with Senior Inspector Brett Howard’s June 9, 2026 corrective directives.

R-6 — DBI Building Inspection History printout (July 31, 2026), showing Inspector Peter Eisenbeiser’s July 29, 2026 entry: “drainage @ rear ok.”

R-7 — Photograph of retaining-wall staining (explained in Section III.C above).

R-8 — Photograph of subdivided concrete sections with permeable saw-cut gaps; no new section exceeds 200 sq. ft.

R-9 — Building Permit No. BLDG-26-930, issued June 18, 2026 (three lightwell window replacements, single-pane to double-pane).

R-10–R-16 — Current rear-yard condition photographs (October 2026): planted drainage strips, subdivided slabs, and grade relationships.

R-17 — Approved plan title page (Sheet A0.1) for 462 Ramsell Street; DBI/Planning stamps, August 2026.

R-18 — Approved Proposed Site Plan (Sheet A1.2): two new concrete areas (141 and 58 sq. ft.), planter areas, 3-foot landing; DBI/Planning stamps.

R-19 — Approved plan title page (Sheet A0.1) for Permit No. 202608076274 (the permit under appeal); DBI stamp August 7, 2026.

R-20 — Approved Existing Site Plan (Sheet A1.1) for Permit No. 202608076274.

R-21 — Approved Proposed Site Plan (Sheet A1.2) for Permit No. 202608076274 (141 + 58 sq. ft. concrete, planters, landing); DBI stamp August 7, 2026.

R-22 — Approved first-floor plans (Sheet A2.1), existing and proposed, for Permit No. 202608076274.

CERTIFICATE OF SERVICE

I certify that on October 1, 2026, I served a true and correct copy of the foregoing Respondent's Brief in Opposition to Appeal, together with the accompanying exhibits (including the approved plans), by email on the San Francisco Board of Appeals at boardofappeals@sfgov.org and on each party listed in the Preliminary Statement for Appeal No. 26-044.

Irene Situ, Permit Holder

BOARD OF APPEALS

City and County of San Francisco

Appeal No. 26-044

462 Ramsell Street

RESPONDENT'S EXHIBITS

R-1 through R-22

In Support of

Respondent's Brief in Opposition to Appeal

(Permit No. 202608076274)

October 1, 2026

Exhibit R-1



Immediate pre-construction context for the rear yard.



Aerial photographs of 462 Ramsell Street: January 17, 2026 (pre-construction, left) and July 30, 2026 (right). Extensive concrete was already present before the 2026 work.

Exhibit R-2

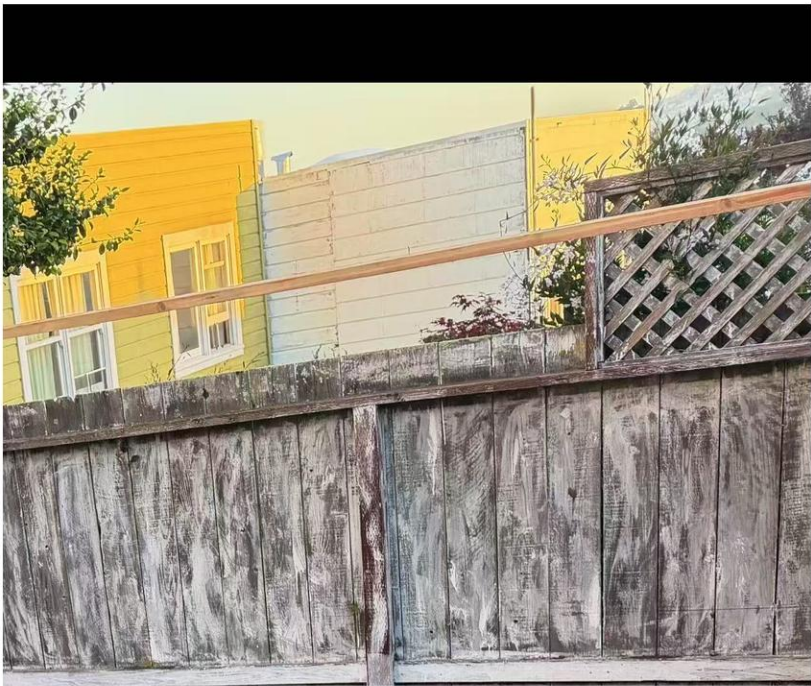


pre-existing



Historic 2012 photograph of the rear yard, showing the concrete walkway and hardscape.

Exhibit R-3



in the middle section of the rear yard.
The planting strip along the retaining wall was formed during the pour,

April 2026: fresh concrete pour
The planting strip along the retaining wall was not cut out afterward.

BID 4/2/26 OK to proceed per

Rev/D 4/13/26 Ptd wgs and 17 well waste/vent Piping
 APPROVED still need waters/gas Piping

Ray 4/28/26 Rough Plumbing APPROVED AS well AS 2
 Shower Pans. 3" PVC Flue for wit and furnace ok

BID 6/9/26 Site visit. Correction: Concrete slab cannot exceed 200 sq ft without
 drainage connected to sewer line. Provide 2' strips of planting area adjacent to
 property line (except where landscaping is required for deck slabs) and in other areas to
 subdivide slabs into smaller than 200 sq ft sections. Obtain new permit for
 lightwell windows and provide 3' level landscaping outside side door.
 Check w/ lightwell is to code and vents more than 3' from the adjacent property. PH

not pour concrete until the following items are signed:			Additional Work Requiring Approvals		
Inspection	Date	Inspector	Inspection	Date	Inspector
Foundation Forms					

DBI handwritten job-card notes documenting inspector field directives, April through June 2026.

Department of Building Inspection

COMPLAINT DATA SHEET

Complaint Number: 202657447

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone:

Contact Name:

Contact Phone:

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed:

Location: 462 RAMSELL ST

Block: 7007

Lot: 037

Site:

Rating:

Occupancy Code: AYU

Received By: BID

Division:

Complainant's Phone:

Complaint Source: WEB FORM

Assigned to: BID

Division:

Description: date last observed: 07-JUN-26; exact location: Main Bldg; building type: Residence/Dwelling
FIRE SAFETY/FIRE ESCAPE; PLUMBING INSTALLATION WITHOUT PERMIT; WORK BEYOND SCOPE OF PERMIT; OTHER BUILDING; ; additional information: Permit #202601153903 and associated trade permits identify the front yard, rear yard, and lightwell as outside the scope of work. However, observed work in the lightwell includes installation of three windows and a six-pipe mechanical stack located in close proximity to the adjacent property wall (approximately 3.5 inches). These conditions appear inconsistent with the approved permit scope and may require scope determination to confirm whether they are authorized. Given the configuration and proximity, this may have implications for fire/life-safety clearance and code compliance. Request review, including supervisory review as appropriate, of whether this work is consistent with the approved permit scope and whether additional approvals or revisions a

Instructions:

INSPECTOR CURRENTLY ASSIGNED			
DIVISION	INSPECTOR	ID	DISTRICT
BID	EISENBEISER	6346	9

REFERRAL INFORMATION

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
06/08/26	CASE OPENED	Eisenbeiser	CASE RECEIVED		Anne Yu 08-JUN-26	INS
06/08/26	OTHER BLDG/HOUSING VIOLATION	Eisenbeiser	CASE UPDATE	Case reviewed and assigned to district inspector per JG; ay	Anne Yu 08-JUN-26	INS
06/09/26	OTHER BLDG/HOUSING VIOLATION	Howard	CASE UPDATE	Concrete slab cannot exceed 200 sq ft without drainage connected to sewer line. Provide 2' strips of planting area adjacent to property line (except where landing is required for deck stairs) and in other areas to subdivide slab into smaller than 200 sq ft sections. Obtain a new permit for 3 lightwell windows and provide a 3' x 3' level landing outside side door. Venting exhaust is more than 3' from the adjacent (verified and documented from the roof and with a tape measure). This inspection was performed by Senior Building Inspector Brett Howard.	Brett Howard 09-JUN-26	BID

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.

dbiweb02.sfgov.org/dbipts/default.aspx?page=AddressComplaint&ComplaintNo=202657447

1/2

DBI Complaint Data Sheet No. 202657447, with Senior Inspector Brett Howard's June 9, 2026 corrective directives (subdivide slabs under 200 sq. ft., 2-ft planting strips, 3-ft landing, lightwell window permits, vent clearances).

Exhibit R-8



Subdivided concrete sections with permeable saw-cut gaps. Each new section is under 200 square feet; the area beneath the deck is likewise divided into sections.



City and County of San Francisco
Department of Building Inspections

49 S. Van Ness Ave San Francisco, CA 94103
Tel. (628) 652-3200



Building Permit: BLDG-26-930

ADDRESS: 462 RAMSELL ST
San Francisco, CA 94132
Parcel Number: 7007037

Description of Project: Replace (3) small windows - inside of house lightwell

Contractor:
Building Occupancy: R-3 Residential
Type of Construction: V-B

Cost of Construction: 1,500
Number of Stories: 2

Date Issued: June 18, 2026

Expiration Date: June 13, 2027

All permits must be posted at the jobsite in a conspicuous readily accessible location, and the approved plans packet **MUST** be on the jobsite for **ALL** inspections. Also, the address of the job must be posted visible from the road for all inspections. You will fail your inspection and may be subject to a reinspection fee if any of these things are not present when the inspector comes out.

To schedule your inspection, please call (628) 652-3625 from 8:00 am to 12:00 pm, Monday to Friday.

Building Permit No. BLDG-26-930, issued June 18, 2026: replacement of three existing single-pane lightwell windows with double-pane units.



Current rear-yard condition (October 2026): planted drainage strip between subdivided concrete sections.

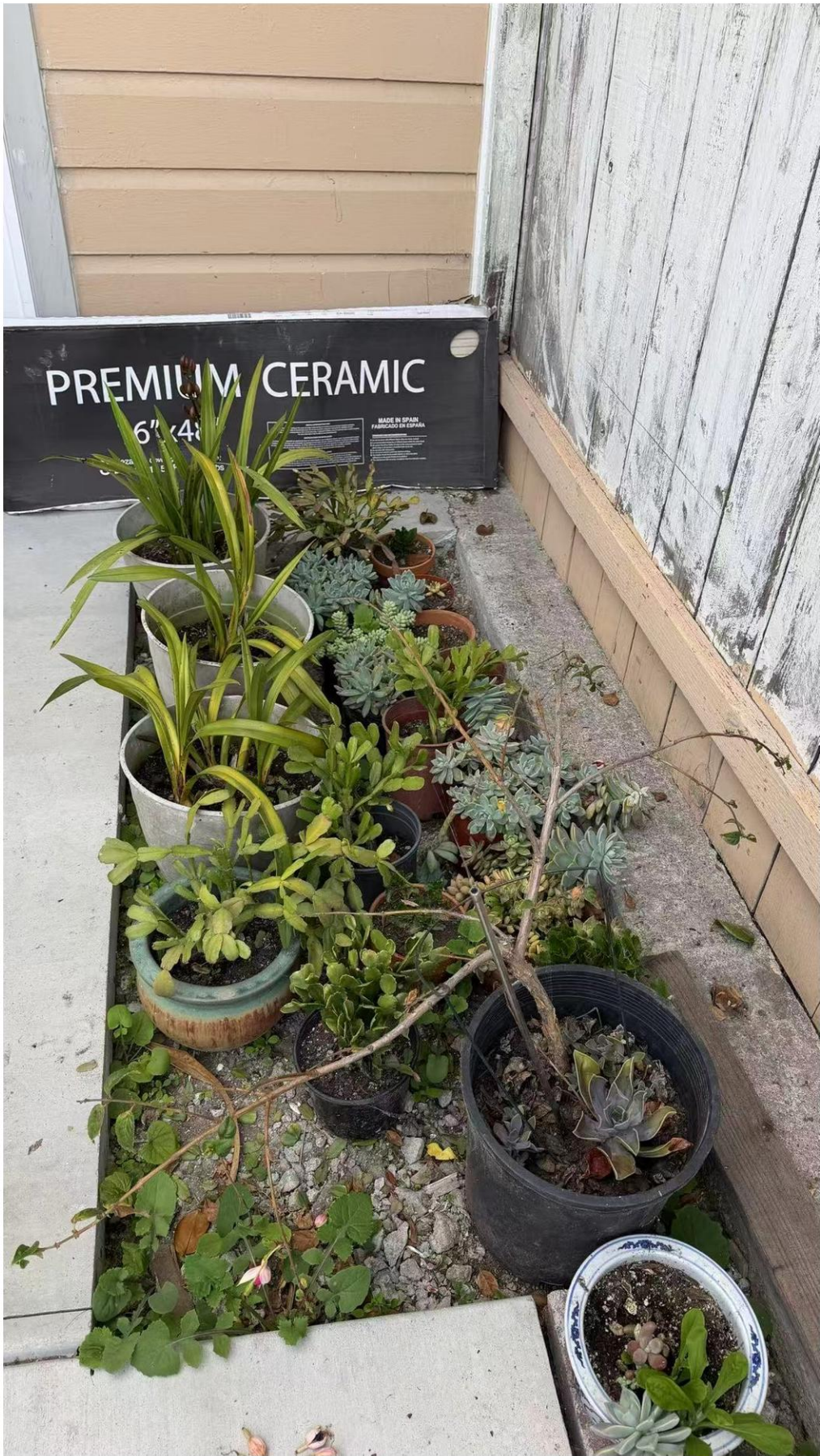


Current rear-yard condition (October 2026): planted strip with vegetation between concrete slabs.

Exhibit R-12



Current rear-yard condition (October 2026): planted strip along the fence and retaining wall.

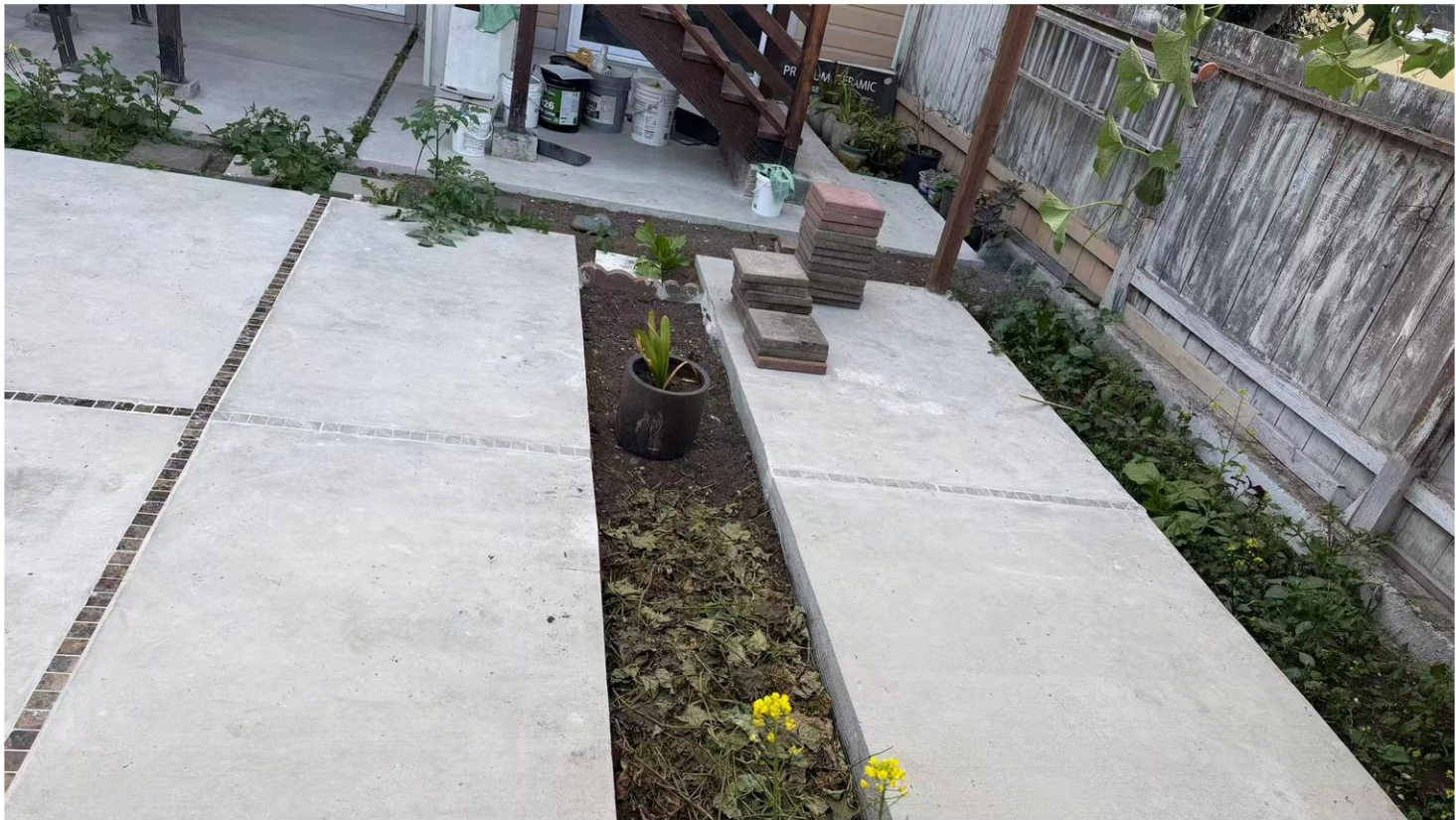


Current rear-yard condition (October 2026): planted areas adjacent to the concrete.



Current rear-yard condition (October 2026): planted drainage strip (additional view).

Exhibit R-15



Current rear-yard condition (October 2026): wide view showing subdivided slabs, planted strip, and grade.

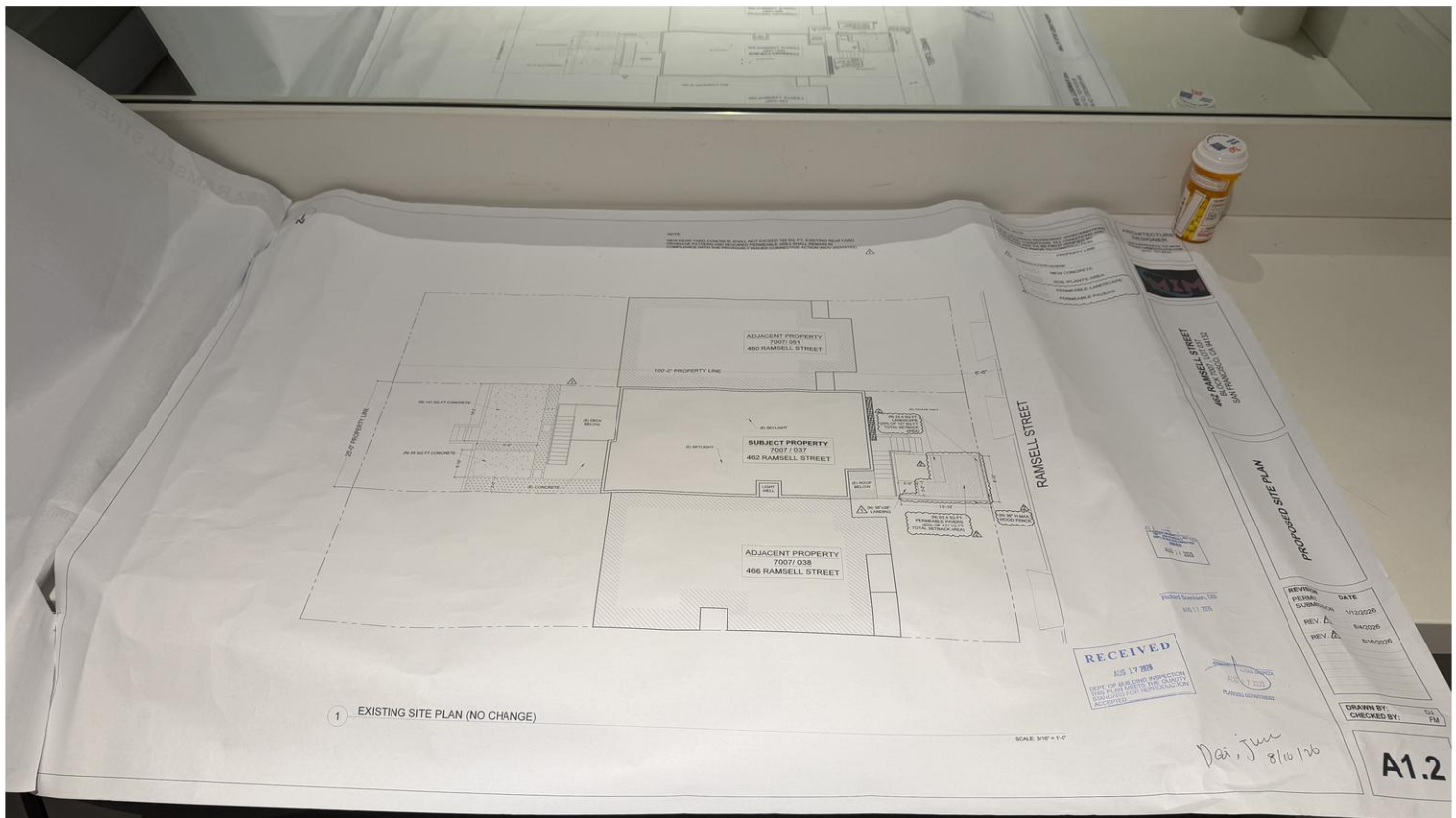


Current rear-yard condition (October 2026): plantings in the drainage strip (close view).

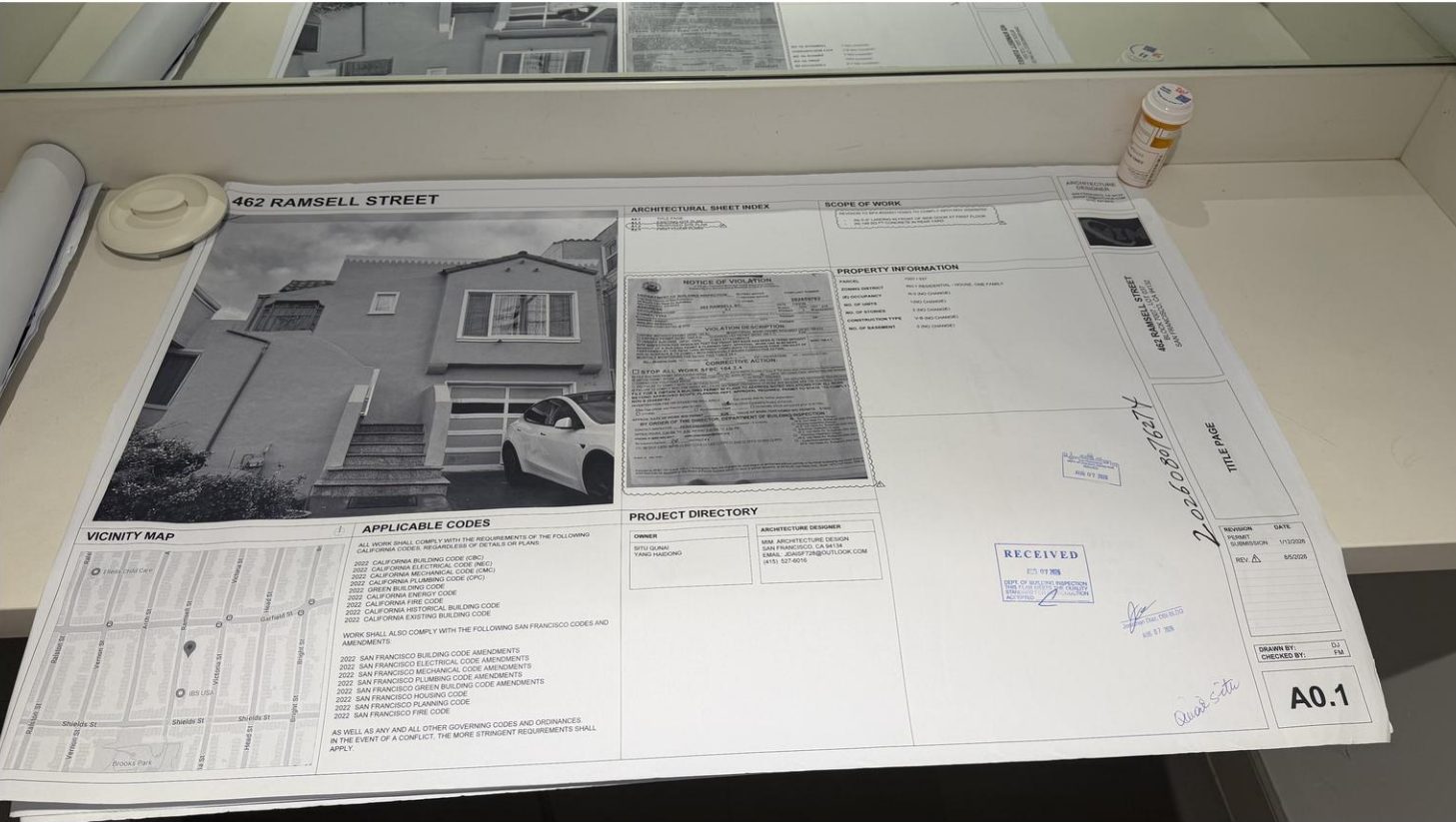


Approved plan title page (Sheet A0.1), 462 Ramsell Street: project information, scope of work, Notice of Violation, and DBI/Planning approval stamps (August 2026).

Exhibit R-18

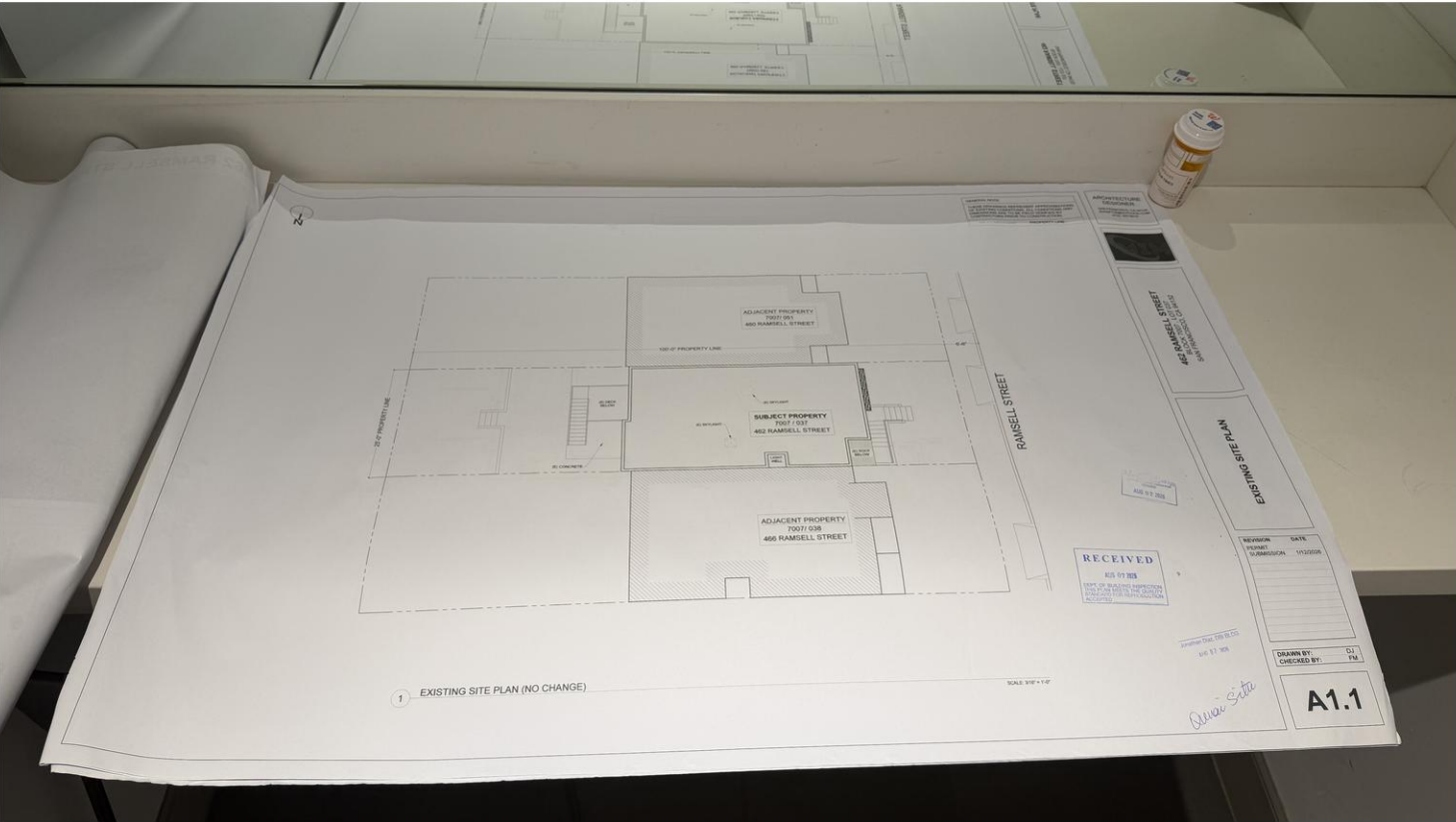


Approved Proposed Site Plan (Sheet A1.2): the two new rear-yard concrete areas (141 sq. ft. and 58 sq. ft., totaling 199 sq. ft.) separated by planter areas, the 3-ft landing, and DBI/Planning stamps. Plan note: new rear-yard concrete shall not exceed 199 sq. ft.



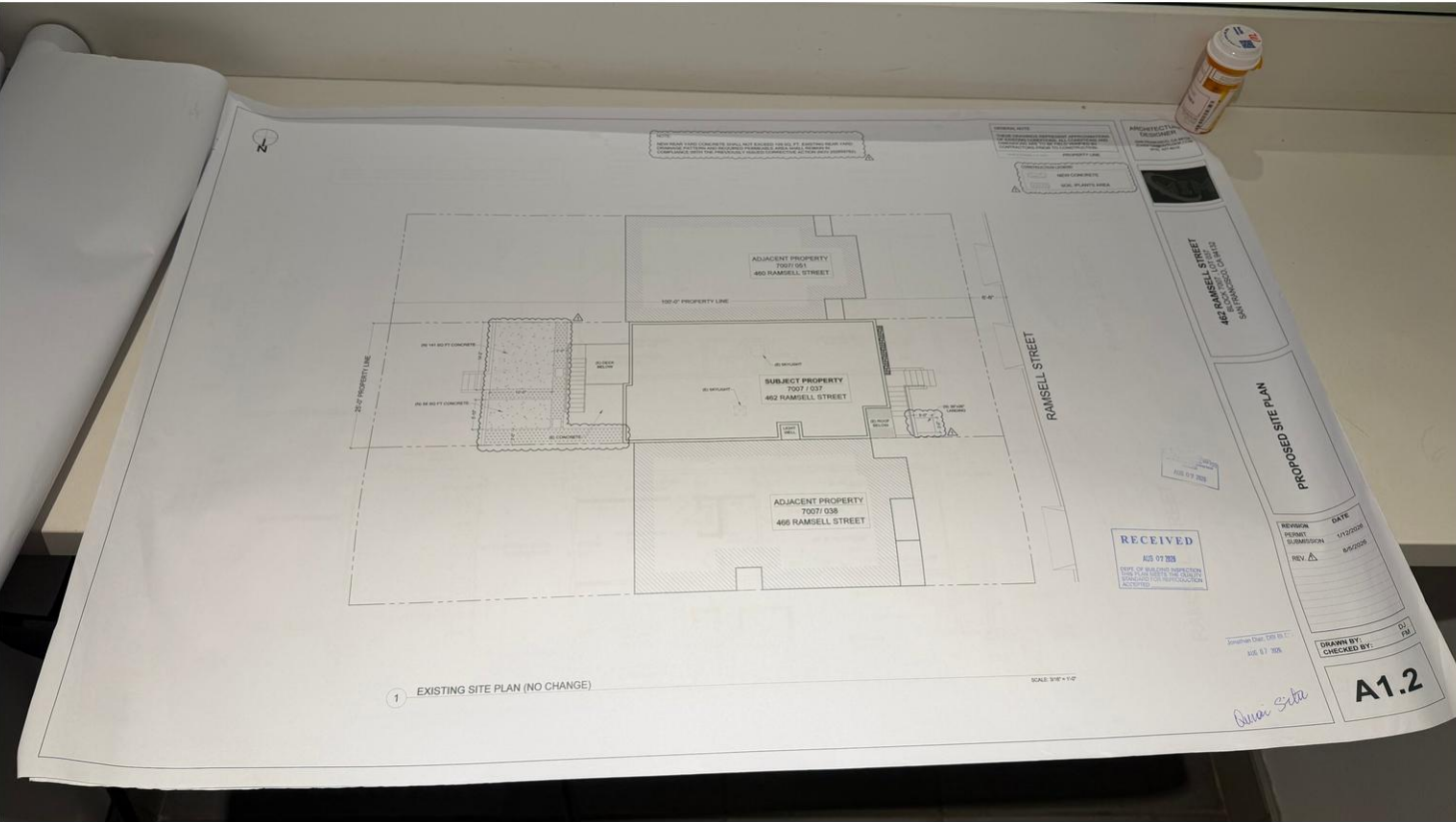
Approved plan title page (Sheet A0.1) for Permit No. 202608076274 (the permit under appeal). Scope of work: “(N) 3'-0” landing in front of side door at first floor, (N) 199 sq ft concrete in rear yard; to comply with NOV 202659762.” DBI approval stamp dated August 7, 2026.

Exhibit R-20



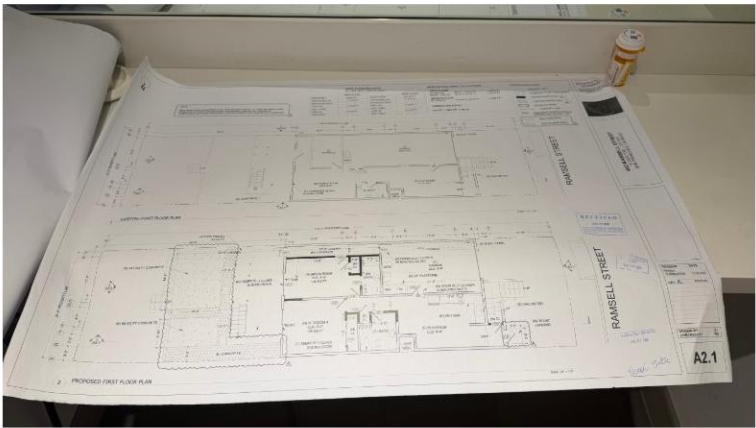
Approved Existing Site Plan (Sheet A1.1) for Permit No. 202608076274;
DBI-stamped August 7, 2026.

Exhibit R-21



Approved Proposed Site Plan (Sheet A1.2) for Permit No. 202608076274: the two new rear-yard concrete areas (141 sq. ft. and 58 sq. ft., totaling 199 sq. ft.) separated by planter areas, and the 3-foot side-door landing; DBI-stamped August 7, 2026. (Photograph rotated 180° for readability.)

Exhibit R-22



Approved first-floor plans (Sheet A2.1), existing and proposed, for Permit No. 202608076274; DBI-stamped August 7, 2026.

BRIEF SUBMITTED BY THE PLANNING DEPARTMENT



BOARD OF APPEALS BRIEF

HEARING DATE: October 7, 2026

October 1, 2026

Appeal No.: 26-044
Project Address: 462 Ramsell Street
Block/Lot: 7007/037
Zoning District: RH-1 (Residential-House, One Family)
Oceanview Large Residence SUD
Priority Equity Geographies SUD
Height/Bulk: 40-X
Staff Contact: Andrew Perry, Senior Planner – (628) 652-7430
Andrew.Perry@sfgov.org

Background & Analysis

Building Permit (BP) No. 202608076274 (“Permit”) was filed on August 7, 2026, for the creation of a small concrete landing measuring 3 feet by 3 feet at the front secondary entrance that was created under prior BP No. 202601153903, and for alterations at the rear yard area where 199 square feet of new concrete is proposed along with new vegetated areas with soil. The Permit was filed to resolve Department of Building Inspection (DBI) Notice of Violation No. 202659762, when a site inspection revealed that both front setback and rear yard areas had been altered without benefit of permit, and with respect to the rear yard, without compliance with drainage code.

While the Permit was routed to Planning for review and approval on August 7, 2026, Planning staff correctly determined that the Planning approval was not applicable to the Permit because the proposed landing at the front was less than 3 feet above grade and does not pave or repave more than 200 square

feet within the front setback, and because the Planning Code does not regulate concrete hardscaping or landscaping in the rear yard. The Permit was issued on August 7, 2026.

Subsequently, BP No. 202608176667 was filed and issued on August 17, 2026, as a revision to the Permit, in order to further document alterations at the front setback area including additional areas of permeable pavers and landscaping, and fencing atop an existing retaining wall along the front and side property lines limited to no more than 3 feet in height. This permit was reviewed and approved by Planning, noting that front setback permeability and landscaping requirements do not apply because the application does not propose paving or repaving of more than 200 square feet of the front setback, nor meets any of the other triggers for those requirements. This later permit was not appealed but is currently suspended pending the outcome of the subject appeal on the Permit.

The Appellant's concerns are primarily related to the grading and hardscaping or concrete work that has been performed at the rear yard, and its associated impacts on drainage, particularly onto the Appellant's adjacent downhill property, and to the shared retaining wall between the properties. As noted above, grading and hardscaping in the rear yard is not regulated by the Planning Code and the Planning Department does not have jurisdiction over drainage or structural matters, which are the purview of DBI.

Conclusion

The Permit was correctly determined "Not Applicable" to Planning review and approval based on the proposed scope of work. The drainage and structural issues raised by the Appellant regarding the retaining wall are not under Planning jurisdiction and should be addressed by DBI.

cc: Irene Situ Qunai and Yang Hai Don (Permit Holder)
Deanna Mackey (Appellant)
Carey McElroy (Department of Building Inspection)

BRIEF SUBMITTED BY DBI



Board of Appeals Brief

Hearing Date: October 07, 2026

September 29, 2026

RE: Appeal No: 26-044
Permit No: 2026-0807-6274
Subject Property: 462 Ramsell Street
Block / Lot: 7007 / 037
DBI contact: Carey McElroy, Senior Building Inspector.
628-652-3779 carey.mcelroy@sfgov.org

Permit Description and Background:

The permit before the board is PA# 2026-0807-6274 with a Project Description on the Permit

Application and in DBI's permit Tracking System (PTS) as follows:

3' landing in front of side door at first floor. 199 sq ft concrete in rear yard; to comply with NOV 2026059762.

This project description defers from the Scope of Work stated on the copy of the plans provided by the Permit Holder, which states: Revision to BPA# 2026-0115-3903 to Comply with NOV 202659762.

(N) 3'-0" landing in front of side door at first floor - (N) 199 SQ FT concrete in rear yard.

It appears the intent was to file the permit and plans as a revision to a previously approved alteration permit, but this was not reflected on the permit application or in PTS.

The permit Application and Plans were reviewed and approved over the counter by the Planning Department and DBI on 8/07/26 and the permit was issued the same day.



The permit under appeal was required per Notice of Violation # 202659762, for additional work beyond the scope of work authorized by currently issued permit number 2026-0115-3903, which was issued on 3/16/2026 for work at the first floor to convert an existing family room to a new bedroom; add a media room; expand an existing bathroom and add a wet bar to an existing playroom and permit number 2026-0803-5999, for Garage Door Replacement.

NOV # 202659762 was issued on 7/22/2026 with the following Code Violation Description:

ADDITIONAL WORK-PERMIT REQUIRED. Site inspection has revealed that the front set-back has been altered without benefit of a Building Permit & Planning Dept. approval. Work has also been performed at the rear yard without compliance to drainage code <200 sq ft of solid surface & to comply with previously issued corrective action. Code/Section: SFBC 106.4.7 Monthly monitoring fee applies. Code/Section: SFBC 110A, Table 1A-K. File for & obtain a Building Permit with plans to address noted violations for all work beyond approved scope. Planning Dept. approval required.

Permit to state "To Comply w/ NOV #202659762".

462 Ramsell also has an additional open Complaint # 202657447, with the following Case Update from the District Field Inspector on June 9, 2026: Concrete slab cannot exceed 200 sq ft without drainage connected to sewer line. Provide 2' strips of planting area adjacent to property line (except where landing is required for deck stairs) and in other areas to subdivide slab into smaller than 200 sq ft sections. Obtain a new permit for 3 lightwell windows and provide a 3' x 3' level landing outside side door. Venting in lightwell is to code and the exhaust is more than 3' from the adjacent (verified and documented from the roof and with a tape measure). This inspection was performed by Senior Building Inspector Brett Howard.



On 8/17/26 the permit holder obtained an additional permit, PA # 2026-0817-6667, with the following description: "Revision to PA #: 2026-0807-6274. In front of setback area. 25.4 sq ft landscape. 63.5 sq ft permeable pavers. 36" max fence", which was approved over the counter by both the Planning Department and DBI. The above project description defers from the Scope of Work stated on the plans, which states: Revision to BPA #2026-0115-3903: In front setback area: - (N) 25.4 SQ FT landscape - (N) 63.5 SQ FT permeable pavers and, - (N) 36" H Max. Wood Fence. This permit was suspended on 8/27/2026 by Deputy Director Matthew Greene pending the result of Appeal No. 26-044. The project description on the permit application and in PTS for this additional permit should have stated this was a revision to the original PA # 2026-0115-3903 as was noted on the plans. Revisions can only be made to the "mother" permit and not to a previously approved revision permit. To correct the permit record of this additional permit, DBI requests the permit holder file an administrative permit to correct the project description of PA # 2026-0817-6667. The description for this permit should state: "Administrative permit to revise the Project Description in PTS for PA# 2026-0817-6667 to state: Revision to PA# 2026-0115-3903, instead of revision to PA# 2026-0807-6274.

Analysis of Permit Approval:

After a review of the permit application, plans provided by the Permit Holder, and the Appellant's Brief, the following is an analysis of DBI's approval of the permit currently under appeal:

The permit in question was reviewed and approved by both the Planning Department and DBI to address Notice of Violation # 202659762 for hardscaping work performed in the front setback and rear yard which was beyond the scope of work authorized by previously issued permits. The Notice of



Violation was issued after inspections by District Field Inspectors in response to Complaint Numbers 202657447 and 202659762, which raised concerns regarding work beyond the scope of previously issued permits and drainage issues caused by the impermeable hardscaping work performed in the rear yard. The Notice of Violation required compliance with SFBC Appendix J109.5 which states: All areas which are surfaced with asphalt, concrete or other paving of similar imperviousness, and which exceed a total area of 200 square feet, shall have storm- and casual water drained directly to a public sewer or storm drain. Drainage shall not be directed to flow onto adjacent property or to drain onto public sidewalks.

While the permit application and PTS do not state this permit was a revision, the Scope of Work on the cover sheet of the plans notes this is a revision to PA # 2026-0115-3903. In addition to this discrepancy in the Project Description/Scope of Work, the approved plans have some minor errors regarding identification of revisions and plan naming as follows:

1. Sheet A1.2 Proposed Site Plan was not an original plan sheet in PA# 2026-0115-3903 and should have been clouded and provided with a delta to identify the sheet as a newly added plan sheet since this was a revision to the previously issued permit.
2. Sheet A1.2 is labeled as "Proposed Site Plan" in the title block and the proposed site plan shows the changes to the rear yard hardscape/patio area and new landing in the front at the side door, yet the title of the site plan on the sheet is noted as: Existing Site Plan (No Change). The Proposed Site Plan clearly shows proposed changes, as compared to the Existing Site Plan shown on Sheet A1.1.



Regarding Section V in the Appellant's Brief, which raises concerns about DBI's interpretation of SFBC Appendix J109.5 and that drainage should be required because the total aggregate area of impermeable hardscape exceeds 200', the plans show the newly added impermeable hardscape will not exceed 199 SF per area, with one newly paved area of 141 SF and another area of 58 SF. DBI interprets SFBC Appendix J109.5 as requiring individual areas surfaced with impervious material, which exceed 200 SF in area, to be provided with drainage to direct storm and casual water run-off to a public sewer or storm drain, not the total aggregate area of all impervious surfaces combined. Since each individual paved area in the rear yard will be less than 200 SF in area and are separated from one another with a minimum 2' wide planter area, SFBC Appendix J109.5 is not applicable, and therefore, area drains are not required to be provided in the new concrete patio areas. In addition, plans would not have been required for the new patio per SFBC Section 106A.2 Item # 7 if it was constructed within the limits of Appendix J109.5 in the first place.

.

Regarding Section VI in the Appellant's Brief, which raises concerns over additional work repeatedly being performed outside of the scope of approved permits, DBI has diligently responded to ten (10) complaints filed against 462 Ramsell in a timely manner, and all but three (3) of the complaints have been noted as Case Closed or Case Abated. In addition, DBI issued a Notice of Violation because of additional work being performed outside of the scope of previously approved permits and required the permit holder to file for a permit with plans to address the Notice of Violation, which is the permit currently under appeal.



Conclusion:

The Department of Building Inspection approves plans based on the information provided by the Design Professional who prepared the plans. Since the plans show that no individual area exceeds 200 SF in area, DBI did not require drainage to be provided, as it is not required by the code. Once a permit is issued, it is up to the Building Inspector in the field to verify the approved plans accurately reflect existing conditions and that the proposed work matches what is shown in the approved plans and complies with the applicable Building Codes with regards to storm or casual water not being directed to flow onto neighboring properties as a result of the work to install the new patio areas.

Despite the minor inconsistencies and errors in the plans, as noted in the analysis above, DBI believes the permit under appeal was issued correctly since the content of the plans show the changes that are required to reduce the SF area of the new patios to comply with NOV# 202659762, such that drainage as required by Appendix J109.5 is not required. Therefore, DBI recommends the appeal be denied.

Carey McElroy
Senior Building Inspector
Department of Building Inspection.



cc. Corey Teague, (Zoning Administrator)

Andrew Perry, (CPC)

Julie Lamarre, (Executive Director B.O.A)

Deanna Mackey (Appellant)

Irene Situ (Permit Holder)

Yang Hai Don (Permit Holder)

PUBLIC COMMENT

From: [Laura Luchsinger](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal 26-044@462 Ramsell St
Date: Thursday, October 1, 2026 2:26:15 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals,

My name is Laura Luchsinger, resident of the state of Iowa. I'm retired and was staying at 466 Ramsell Street in SF during June and July of 2026 to help my friend Deanna while she was on crutches and recovering from a sports injury. While Deanna was working from home, I had plenty of time to observe the construction going on in the front and back at 462 Ramsell Street.

In the front they added dirt, rocks and pavers approximately 5 inches above the retaining wall. As a result, when they walked on the pavers the dirt and rocks underneath the pavers rolled over to Deanna's yard and the pavers would start to slide over as well. It was such a bad job that I told Deanna that I could do a better job than her neighbors' contractors.

I did not see the light well up close, but did see the pictures of the new 6 duct mechanical pipes with elbow joints added, the 3 new windows, and the remaining flashing where the flashing had been cut from Deanna's wall.

I spent most of my time in the backyard. When I first got there, the back garden was full of flowers. I personally observed water coming over the retaining wall when the contractors or neighbors used the hose. I have been in Deanna's backyard many times since she has lived there and I have never seen water come over, and so have never heard her complain about runoff in her backyard. I know Deanna well, so if water has been coming over in the backyard, she would have complained and she would have done something about it.

The runoff was clearly toxic because the clover, flowers and moss around the wall started to die off. It was sad because her garden was so beautiful before. In mid July, after many complaints, the contractors stopped using the hose as much. They kept a large plastic water dispenser outside with a spout. Towards the end of July someone knocked over the water dispenser while we were outside. We heard the thud and water started coming over the wall right where the two houses meet. The contractor was then at the fence with a broom or something trying to push the water back away from the fence. I can only imagine how much water will come into Deanna's yard and against her foundation during the rainy season, especially if it is an El Niño year.

Sincerely,
Laura Luchsinger
Sent from my iPad

Subject: Public Comment in Support of Appeal No. 26-044 — 462 Ramsell Street — October 7, 2026 Hearing

To: Board of Appeals boardofappeals@sfgov.org

From: Sherman Tom shermantom@gmail.com

Date: October 1, 2026

Commissioners of the Board of Appeals,

I am writing as a friend of Appellant Deanna Mackey in support of Appeal No. 26-044. I have personally visited Deanna's property, observed the shared boundary along the steep hillside, helped photograph the adjacent yard, and assisted with field measurements used in her submissions.

While I am not a building-code professional or engineer, having documented the site firsthand reveals significant factual, technical, and administrative questions that warrant independent verification before this corrective permit is accepted as resolving Notice of Violation (NOV) No. 202659762. I respectfully expect the Board to fulfill its administrative duty to enforce City codes and grant this appeal.

Deanna has endured immense personal stress, hundreds of wasted hours, including the time to consult civil engineers to protect her downhill property, a burden stemming from unpermitted hillside construction and compounding DBI administrative oversights. I urge the Board to consider the following points:

1. The 200-Square-Foot Determination & Code Interpretation Require Verification

DBI's position is that SFBC Appendix J §J109.5 applies only to individual paved sections and that the newly poured concrete is exempt from direct storm drain routing because sections are separated by narrow planting cuts. This premise presents several major concerns:

- **Aggregate Area Threshold:** SFBC Appendix J §J109.5 regulates paved surfaces exceeding a *"total area of 200 square feet."* Re-pouring deteriorated pre-existing slabs combined with adding new concrete across ~555 sq ft of the lower terrace (~870 sq ft total rear hardscape) constitutes a major hardscape overhaul. Saw-cutting narrow gaps into a massive, unpermitted pour after the fact does not eliminate aggregate surface runoff or replace required engineered plans.
- **Contradictory Claims on Planting Strips (Exhibit 1):** The Permit Holders' brief asserts that planting strips were "formed during the pour", yet simultaneously admits the contractor saw-cut drainage grooves and cut concrete after DBI

issued violations. As shown in **Exhibit 1 (Saw-Cut Concrete)**, retrospectively breaking up a freshly poured slab is not a designed, engineered drainage system.

- **Mandatory Duty to Contain Runoff & Overtopping Risk (Exhibit 2 & Permit Holders' Exhibit R-13):** SFBC §J109.5 explicitly mandates that *"Drainage shall not be directed to flow onto adjacent property."* **Exhibit 2 (Site Elevation & Hillside Slope)** illustrates how the steep hillside grade forces surface water toward Deanna's lot. Furthermore, **Exhibit R-13 in the Permit Holders' Brief** proves the new concrete was poured flush and level with the top of the downhill retaining wall, eliminating freeboard containment and creating an uncontained surface overflow path.
- **Unverified Hydrostatic Pressure:** Concentrating unabsorbed surface water into narrow soil strips directly adjacent to the retaining wall creates unverified hydrostatic pressure against structural footings on a steep slope.

2. Chronology & Post-Approval Inspection Gaps

The Permit Holders cite a July 29 entry stating "drainage @ rear ok" as proof of compliance, but their brief notes they did not apply for the NOV-compliance permit until later, which DBI issued on August 7.

- What formal inspection occurred *after* the August 7 corrective plans were approved to verify that as-built field conditions actually matched those approved drawings?
- DBI maintains that field inspection is the primary safeguard for plan compliance, yet the record lacks documented post-approval verification.

3. Missing Technical Due Diligence & Inter-Agency Oversight

Visual checks by field inspectors cannot substitute for professional civil, hydrologic, or structural engineering calculations on a steep hillside lot. The administrative record remains completely silent on:

1. Infiltration and soil absorption capacity during peak rainfall events.
2. Subsurface hydrostatic pressure calculations near retaining wall footings.
3. Structural surcharge loading calculations on the retaining wall.
4. Formal Plumbing Division sign-off resolving Inspector Michael Allen's initial April 24 finding of "no drainage provision."

4. Enforcement Record, Impartiality, and Abdication of Duty

While I do not speculate on motives or relationships between site contractors and city staff, the documented enforcement history creates a troubling appearance of administrative inconsistency:

- **Desk Review Errors vs. Field Decisions:** DBI's brief admits to a chain of administrative errors, including mismatched project descriptions, improperly chained permits, and site plans incorrectly mislabeled "Existing (No Change)". If basic errors are continually missed during formal office reviews, informal field sign-offs without plans become fundamentally unreliable.
- **Documented Pattern of Unpermitted Work (Exhibit 3):** As shown in **Exhibit 3 (Historical Roofline)**, historical sales imagery reveals a sloped roofline that was converted into an expanded flat roofline with no city permits on record. This corroborates a broader pattern of major exterior alterations proceeding without required city review.
- **Abdication of Municipal Duty:** When DBI suggested that Deanna resolve documented code and drainage violations through private "civil issues," they signaled an explicit refusal to enforce the San Francisco Building Code. Offloading municipal code enforcement onto an impacted neighbor abdicates DBI's explicit statutory responsibility to ensure safe, permitted construction.

5. Requested Relief

The best response to concerns about safety and administrative fairness is independent, documented verification of the underlying facts. Before NOV No. 202659762 is treated as resolved, I respectfully ask the Board to require that the record establish:

1. **Revocation of Permit No. 202608076274** due to fundamental project scope mismatches and plan errors.
2. **Complete As-Built Plan Submittals** documenting all out-of-scope exterior work (front yard, lightwell, and rear yard) with accurate field measurements.
3. **Mandated Inter-Agency & Civil Engineering Plan Review** so formal Planning, Civil Engineering, and Plumbing divisions—rather than informal field sign-offs—evaluate drainage paths, wall stability, and code compliance.

Thank you for your consideration.

Sincerely,

Sherman Tom

Friend and Supporter of Deanna Mackey

Attachments:

- **Exhibit 1:** Saw-Cut Concrete After Initial Pour
- **Exhibit 2:** Site Elevation & Hillside Slope
- **Exhibit 3:** Historical Sales Imagery Showing Original Sloped Roof

Exhibit 1: Saw-Cut Concrete After Initial Pour



Exhibit 2: Site Elevation & Hillside Slope



Exhibit 3: Historical Imagery Showing Original Sloped Roof



\$1,146,671 Redfin Estimate

3 bd • 2 ba • 1,746 sq ft

462 Ramsell St, San Francisco, CA 94132

Schedule a selling consult
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From: [Amber Zertuche](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal 26-044 @ 462 Ramsell St: neighbor letter in support of appellant
Date: Thursday, October 1, 2026 10:12:09 PM

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Dear President and Commissioners,

My name is Amber Zertuche. I live at 473 Ramsell St. across the street from 462 and 466 Ramsell Street, and I have lived here for 12 years. My background is in engineering, and I am a Director at IGNITE Worldwide, a nonprofit that encourages girls in STEM. I am writing as a neighbor, in support of the appeal filed by Deanna Mackey regarding the work at 462 Ramsell Street.

Our hill is one of the steepest in Merced Heights. I often walk to the park at the top, and neighbors here have to be careful, because water and soil run downhill. Ms. Mackey's property sits directly downhill from 462 Ramsell.

From April through August, I saw construction in the front yard of 462 Ramsell. During that time I saw soil and rocks from the front of 462 come over onto the front of 466. New fill and pavers had been built several inches above the top of the retaining wall between the two properties. This continued until August, when the contractors removed the fill and pavers. I understand the City later issued a Notice of Violation that included the rear and front of the property.

Because of what I have seen and our hillside location, I ask the Board to require accurate plans of the work that was done and a proper review of the drainage at 462 Ramsell Street before the Notice of Violation is treated as resolved and the permit is treated as final.

Thank you for your consideration.

Amber Zertuche
473 Ramsell St, San Francisco, CA 94132
anzertuche@gmail.com