

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

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

Appeal No. **26-012**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on March 5, 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 February 18, 2026 to Primax Investment LLC, of an Alteration Permit (revision to Permit Application #2025-0428-5375: Add walls & windows below rear deck; enclose area below deck and build a bedroom; reference Permit Application #2022/1130/7370 and 2014/0321/1426) at 134 Athens Street.

**APPLICATION NO. 2026/01/20/4180**

**FOR HEARING ON April 15, 2026**

Address of Appellant(s):

Address of Other Parties:

Linda Hinkel, Appellant(s) 138 Athens Street San Francisco, CA 94112	Primax Investment LLC, Permit Holder(s) c/o Henry Yeung, Agent for Permit Holder(s) Jan Threlkeld AIA 473 Pine Street, 5/F San Francisco, CA 94104
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Date Filed: March 5, 2026

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

**PRELIMINARY STATEMENT FOR APPEAL NO. 26-012**

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I / We, **Linda Hinkel**, hereby appeal the following departmental action: **ISSUANCE** of **Alteration Permit No. 2026/01/20/4180** by the **Department of Building Inspection** which was issued or became effective on: **February 18, 2026**, to: **Primax Investment LLC**, for the property located at: **134 Athens Street**.

**BRIEFING SCHEDULE:**

Appellant's Brief is due on or before: 4:30 p.m. on **March 26, 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](mailto:boardofappeals@sfgov.org), [julie.lamarre@sfgov.org](mailto:julie.lamarre@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), [carey.mcelroy@sfgov.org](mailto:carey.mcelroy@sfgov.org), [andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org) and [henry@sfaem.com](mailto:henry@sfaem.com)

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **April 9, 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](mailto:boardofappeals@sfgov.org), [julie.lamarre@sfgov.org](mailto:julie.lamarre@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), [carey.mcelroy@sfgov.org](mailto:carey.mcelroy@sfgov.org) and [linda.hinkel@gmail.com](mailto:linda.hinkel@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, April 15, 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](mailto: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](http://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.

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**The reasons for this appeal are as follows:**

See attachment to the Preliminary Statement of Appeal.

**Appellant or Agent:**

Signature: Via Email

Print Name: Linda Hinkel, appellant

I would like to file an appeal against permit application 202601204180 (at 134 Athens St). 134 Athens Street has already caused a lot of damage to my property at 138 Athens St and had done work outside of what was authorized on previous permits and I do not believe that they should be allowed to continue to do work until they fix their building to align with building codes and address the damage the 134 Athens Contractors have already caused to my property at 138 Athens. Below is a list of damages that I have complained about. I have filed complaints with the DBI and have evidence of damages but have been unable to talk with a Department of Building Inspector since Michael Chan was reassigned. Below are some of the issues that I have: 1) Rather than build a new retaining wall next to the existing retaining wall that we had between properties, 134 Athens tore down the retaining wall that held up my property and excavated out a 24' X 3' X 6' hole in my backyard, causing an approx 6' X 3' concrete patio slab to break as well as other damages to my backyard (including but not limited to drilling holes in remaining parts of my concrete patio, ruining a large planter, trampling & removal of plants that were in my garden, etc.). They also harassed my tenants (who no longer live at the property now). 2) 134 Athens wanted me to sign a contract containing false statements before they would fix the retaining wall, which I would not do and then began to claim that I should pay half of construction costs for a new retaining wall since the previous wall was failing. I did not know that the old retaining wall was failing and felt it was a moot point since they were permitted to build a wall NEXT to the existing retaining wall and should not have torn it down. 134 Athens' Contractor then sent me a picture of the old retaining wall to prove that it was failing at which point I noticed that their workers were jackhammering and sawing off the shared foundational footing for our homes which led to concerns about potential foundational issues due to their unauthorized work on my home. I reported this to the DBI but was told I had to hire someone to inspect the footing. A neutral engineer was hired but he was unable to inspect the footing due to additional construction done by 134 Athens that impeded his ability to view/inspect the foundation. 134 Athens also build a new retaining wall during that time which, according to the engineer, had an improper base that would need to be fixed before it could hold soil. 3) I then noticed that Athens did not put siding on the side of their home that borders mine and, as a result, I could not refill in the dirt still since it would come into direct contact with the drywall/plywood that they had up instead. I filed another complaint with the DBI which went ignored. 134 Athens has since (late December 2025) covered up the exposed side of their building so that one can no longer easily see that they lack siding but the lack of siding has now led to concerns that my home will be at an increased risk to fire originating from 134 Athens. 4) I also found out that because 134 Athens moved the location of the new retaining wall, my backyard is now eroding down hill. It will cost me \$50-90k to fix those damages alone which I cannot afford to fix. I believe that the Department of Building should be protecting the public from things like this and should NOT continue to award a contractor with permission to continue to build a larger and larger home while damaging their neighbors. Attached is a copy of the Notification of Structural Addition that I am referring to as well as an Affidavit of Indigency (appeal number unknown).

Please consider my appeal.

Thank you, Linda Hinkel



Notification of Structural Addition  
Date Permit Issued 02/18/2026

Notice Sent Date 19-FEB-26

Date: 02/19/2026

HINKEL LINDA L  
138 ATHENS ST  
SAN FRANCISCO CA 94112

Pursuant to ordinance #248-76, you are hereby notified that permit/application no. 202601204180, has been issued for a structural addition to the building located at 134 ATHENS ST .

This ordinance requires that all owners of property immediately adjacent to the subject building be notified of the issuance of the permit. (Adjacent property is located at 138 ATHENS ST ).

This structural addition consists in general of \_\_\_\_\_

Revision to pa #2025-0428-5375: Add walls & windows below rear deck. Enclose area below deck and build a bedroom. Ref pa #202211307370 and 201403211426.

\*\*\*\*\*IMPORTANT INFORMATION\*\*\*\*\*

No action needs to be taken by you. However, if you wish to obtain further information on the proposed work or to inspect the building permit application and plans, please contact the Records Management Division at dbi.records3R@sfgov.org or 628-652-3420. You have the right to file an appeal of the issuance of the permit at the Board of Appeals, except post-entitlement permits in conjunction with the creation and/or legalization of one or more housing units, but it is mandatory that it be filed within **FIFTEEN** (15) days of the permit issuance date noted above. Permits for Accessory Dwelling Units issued pursuant to Planning Code Section 207(c)(6) must be appealed within **TEN** (10) days of the permit issuance date. For further information regarding the appeal method and procedure, email boardofappeals@sfgov.org.

Under the San Francisco Charter of 1996, Section 4.106(b), the Board of Appeals has no jurisdiction over building and demolition permits that are issued pursuant to a Conditional Use Authorization of the Planning Commission.

**To View Documents:**

Records Management Division  
49 South Van Ness, Suite 400  
San Francisco, CA 94103  
Mon. - Fri. except holidays  
7:00 AM - 4:00 PM AND  
Wed 9:00AM - 4:00PM  
Phone: (628) 652-3420  
Email: dbi.records3R@sfgov.org  
Website: www.sfdbi.org/RMD

**To File A Permit Appeal:**

The Office of the Board of Appeals  
Email: boardofappeals@sfgov.org  
Phone: (628) 652-1150  
49 South Van Ness, Suite 1475  
San Francisco, CA 94103  
Mon. - Fri. except holidays  
8:00 AM - 5:00 PM  
www.sfgov.org/boa

Permit Holder

Name PRIMAX INVESTMENT LLC

Address 1602 REVERE AVE

SAN FRANCISCO CA US 94124

Very truly yours,  
PERMIT SERVICES  
CENTRAL PERMIT BUREAU  
(628) 652 - 3240

FEB 18 2026

DCP FEE

BUILDING ENLARGEMENT
HORIZONTAL
VERTICAL
STRUCTURAL NOTIFICATION

APPROVAL FOR ISSUANCE

BLDG. FORM 3/8

APPLICATION NUMBER 20260204180

OSHA APPROVAL REQ'D APPROVAL NUMBER

202427383 BID NOV-ND
202311376 CES NOV-P

REVIEWED BY FIRE DEPT.

FIRE DEPT. INSPECTIONS NOT REQUIRED

FIRE

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

FORM 3 OTHER AGENCIES REVIEW REQUIRED
FORM 8 OVER-THE-COUNTER ISSUANCE

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

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

Form with fields: DATE FILED (1/21/26), FILING FEE RECEIPT NO., (1) STREET ADDRESS OF JOB (134 Athens St.), BLOCK & LOT (5959/1006), RECEIPT NO. (26026471), ISSUED (2-18-26), (2A) ESTIMATED COST OF JOB (\$1000), (2B) REVISED COST BY (\$42,402.00), DATE (1/26/26)

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

Fields: (4A) TYPE OF CONSTR. (VB), (5A) NO. OF STORIES OF OCCUPANCY (2), (6A) NO. OF BASEMENTS AND CELLARS (0), (7A) PRESENT USE (SFD), (8A) OCCUP. CLASS (R3), (9A) NO. OF DWELLING UNITS (1)

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

Fields: (4) TYPE OF CONSTR. (VB), (5) NO. OF STORIES OF OCCUPANCY (3), (6) NO. OF BASEMENTS AND CELLARS (0), (7) PROPOSED USE (LEGAL USE) (SFD), (8) OCCUP. CLASS (R3), (9) NO. OF DWELLING UNITS (1)

Fields: (10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? (NO), (11) WILL STREET SPACE BE USED DURING CONSTRUCTION? (NO), (12) ELECTRICAL WORK TO BE PERFORMED? (NO), (13) PLUMBING WORK TO BE PERFORMED? (NO)

Fields: (14) CONTRACTOR (AMBERST ASSOCIATES CONSTRUCTION MGMT. INC.), E-MAIL, PHONE (415 271 8828), CSLB NO. (811425), EXPIRATION DATE (2/28/27)

Fields: (15) PROPERTY OWNER (PRIMAX INVESTMENTS INC.), ADDRESS (1602 REYRE ST), ZIP (94124), E-MAIL, PHONE (415-699-5488)

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
Revision To PA # 20250428 5375, (202211307370, \$201403211426)
Add walls & Windows Below Rear 2FL Deck.

ADDITIONAL INFORMATION

Fields: (17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? (NO), (18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT, (19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? (NO), (20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA (SQ. FT.)

Fields: (21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? (NO), (22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? (NO), (23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) (NO), (24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? (NO)

Fields: (25) ARCHITECT OR ENGINEER (DESIGN CONSTRUCTION), ADDRESS, CALIF. CERTIFICATE NO.

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") ADDRESS

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.
No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 385, California Penal Code.
Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.
Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.
ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED, EXCEPT POST-ENTITLEMENT PERMITS IN CONJUNCTION WITH THE CREATION AND/OR LEGALIZATION OF ONE OR MORE HOUSING UNIT(S).
BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.
APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).
THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.
In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.
CHECK APPROPRIATE BOX
[ ] OWNER
[ ] CONTRACTOR
[ ] ARCHITECT
[X] AGENT
[ ] ENGINEER

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.
In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.
I hereby affirm under penalty of perjury one of the following declarations:
( ) I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
( ) II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier
Policy Number
( ) III. The cost of the work to be done is \$100 or less.
[X] IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
( ) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

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

Signature of Applicant or Agent (Handwritten Signature) Date (1/20/26)

CONDITIONS AND STIPULATIONS

<input type="checkbox"/>	APPROVED: N/A HOUSING INSPECTION DIVISION, DEPT. OF BLDG. INSPECTION	DATE: 1/20/26 INSPECTOR: ON TO PROCESS M
<input type="checkbox"/>	APPROVED: APPROVED BY KALANI ALCALA JAN 26 2026 KEDUINU DECK, BY 150 SQ FT. NEW WINDOW + DOOR IN REAR PLANNING DEPARTMENT DEPARTMENT OF CITY PLANNING	DATE: APPROVED BY KALANI ALCALA INSPECTOR: FEB 20 2026 ELECTRICAL INSPECTION DIVISION
<input type="checkbox"/>	APPROVED: Richard Soenksen, DBI JAN 26 2026 PLAN REVIEW SERVICES, DEPT. OF BLDG. INSPECTION	DATE: INSPECTOR: PLUMBING INSPECTION DIVISION
<input checked="" type="checkbox"/>	APPROVED: Calvin Hom, DBI FEB 06 2026 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: 1/20/26 INSPECTOR: ON TO PROCESS M. Kunda CODE ENFORCEMENT SERVICES
<input checked="" type="checkbox"/>	APPROVED: MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: INSPECTOR:
<input checked="" type="checkbox"/>	APPROVED: Bela Carrera, SFD FEB 13 2026 SAN FRANCISCO FIRE DEPARTMENT	DATE: INSPECTOR:
<input type="checkbox"/>	APPROVED: N/A SF DEPARTMENT OF PUBLIC WORKS / MAYOR'S OFFICE OF DISABILITY (CROSS ONE OUT)	DATE: INSPECTOR:
<input type="checkbox"/>	APPROVED: SF PUBLIC UTILITIES COMMISSION	DATE: INSPECTOR:
<input type="checkbox"/>	APPROVED: DEPT. OF PUBLIC HEALTH / OCII (CROSS ONE OUT)	DATE: INSPECTOR:

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

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

OWNER'S AUTHORIZED AGENT

Home



## Welcome to our Permit / Complaint Tracking System!

### Permit Details Report

**Report Date:** 3/5/2026 3:16:38 PM

Application Number: 202601204180  
 Form Number: 8  
 Address(es): 5959 / 006 / 0 134 ATHENS ST  
 Description: Revision to pa #2025-0428-5375: Add walls & windows below rear deck. Enclose area below deck and build a bedroom. Ref pa #202211307370 and 201403211426.  
 Cost: \$42,402.00  
 Occupancy Code: R-3  
 Building Use: 27 - 1 FAMILY DWELLING

#### Disposition / Stage:

Action Date	Stage	Comments
1/20/2026	TRIAGE	
1/20/2026	FILING	
1/20/2026	FILED	
2/18/2026	APPROVED	
2/18/2026	ISSUED	

#### Contact Details:

##### Contractor Details:

License Number: 811425  
 Name: KAI CHENG TANG  
 Company Name: AMHERST ASSOCIATES CONST  
 Address: 68 DORADO TR \* SAN FRANCISCO CA 94112-0000  
 Phone: 4152718828

#### Addenda Details:

##### Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
INTAKE		1/20/26	1/20/26			1/20/26	HANKINS ETHAN	Administrative	
CES		1/20/26	1/20/26			1/20/26	HERNANDEZ MAURICIO	Approved	1/20/26 Okay to process no penalty MH
BID-INSP		1/20/26	1/20/26			1/20/26	HERNANDEZ MAURICIO	Approved	1/20/26 okay to process per MH/ no penalty
CP-ZOC		1/26/26	1/26/26			2/9/26	ALCALA KALANI	Approved	Revision to PA 202504285375. Reducing the size of the deck by 150 square feet. Adding new window and door opening in the rear. Restamp for Building
BLDG		1/26/26	1/26/26			1/26/26	SOENKSEN RICHARD	Approved	Approved OTC Revision to BPA# 202504285375 Add living space under previously approved deck. reduce size of approved deck. Add bedroom to first floor. 1/26/26
PAD-STR		2/6/26	2/6/26			2/6/26	HOM CALVIN	Approved	approved otc

MECH		1/26/26	1/26/26			1/26/26	NAGATA TIMOTHY	Issued Comments	OTC comments. Comments on back of routing slip. TN 1-26-26
MECH	1	2/9/26	2/9/26			2/9/26	TAN (PETER) JIA JIAN	Approved	
SFFD		2/9/26	2/9/26			2/9/26	LO JONATHAN	Issued Comments	2/9/2026: Officer needed for EG-02. No ladder access to rear, but only adding bedroom to ground floor? JL.
SFFD	1	2/13/26	2/13/26			2/13/26	CARREIRA BELA	Issued Comments	PLANS NOT APPROVED. A STRAIGHT PATH FROM FRONT TO BACK NEEDS TO BE AVAILABLE IN THE FIRST FLOOR FOR EERO ACCESS TO BEDROOM ON 3RD FLOOR.
SFFD		2/13/26	2/13/26			2/13/26	CARREIRA BELA	Approved	PLANS APPROVED AND RETURNED TO APPLICANT. COMMENTS HAVE BEEN ADDRESSED.
CPB		2/18/26	2/18/26			2/18/26	SHAWL HAREGGEWAIN	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.

[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](#).

THE APPELLANT DID NOT SUBMIT A BRIEF

**BRIEF SUBMITTED BY THE DETERMINATION HOLDER**

Appeal No. 26-012

Appeal Brief Response:

1. Neighbor Concern:

Rather than building a new retaining wall next to the existing one between the properties, 134 Athens tore down the existing retaining wall that supported my property and excavated a 24' x 3' x 6' hole in my backyard. This caused an approximately 6' x 3' concrete patio slab to break, along with other damage to my backyard (including but not limited to drilling holes into the remaining patio, ruining a large planter, and trampling or removing plants from my garden). They also harassed my tenants, who no longer live at the property.

Response:

The owner conducted a site survey confirming that both the old and new walls were located in the same position, entirely within the subject parcel, and did not belong to the tenant. The owner's contractor notified the tenant before beginning work on the retaining wall.

During initial demolition, the contractor observed that the L-shaped footing of the existing wall—also located within the subject parcel—needed to be removed before the new wall could be built. Attempting to build around it would have caused the existing, failed, and tilted wall to collapse. Therefore, the contractor had no choice but to demolish the existing wall to complete the new construction.

Neither the existing nor the new structures belong to the neighbor, who previously received the site survey. During construction, some soil from the neighbor's rear yard eroded due to seasonal rain; however, the neighbor has not yet granted permission to backfill the area. Once permission is received, the contractor can backfill the site with drainage gravel—a process that will take approximately one day.

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## 2. Neighbor Concern:

134 Athens wanted me to sign a contract containing false statements before they would fix the retaining wall. When I refused, they began claiming that I should pay half of the construction costs for a new retaining wall, arguing that the previous wall was failing. I was not aware that the old retaining wall was failing, and I felt it was irrelevant since they were permitted to build a wall next to the existing wall and should not have torn it down.

134 Athens' contractor then sent me a photo of the old retaining wall to prove it was failing, at which point I noticed that their workers were jackhammering and sawing off the shared foundational footing for our homes. This raised concerns about potential foundation issues due to their unauthorized work on my home. I reported this to the Department of Building Inspection (DBI), but was told I had to hire someone to inspect the footing. A neutral engineer was hired but was unable to inspect the footing because additional construction by 134 Athens blocked his access. 134 Athens also built a new retaining wall during that time, which—according to the engineer—had an improper base that would need to be fixed before it could hold soil.

## Response:

In early 2023, the neighbor filed a Notice of Violation (NOV) with the DBI regarding the replacement of the existing retaining wall, which halted construction. The complaint required the owner to resolve the issue and obtain the neighbor's consent before work could resume. Although the owner and contractor drafted multiple versions of a consent letter based on the neighbor's suggestions, the neighbor ultimately refused to sign.

This impasse lasted until mid-2025, when a DBI inspector intervened and determined there was no valid reason to halt construction. Consequently, the city authorized the project to recommence. To address the neighbor's ongoing concerns, the owner and contractor offered to expose the front side of the newly constructed footing to verify the structural integrity of the neighbor's foundation; however, the neighbor declined this offer. All retaining wall and foundation work complied with building codes and passed all required city inspections before the concrete pour.

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### 3. Neighbor Concern:

I then noticed that 134 Athens did not put siding on the side of their home bordering mine. As a result, I could not refill the dirt, since it would come into direct contact with the drywall and plywood they had installed instead. I filed another complaint with the DBI, which went ignored. 134 Athens has since (late December 2025) covered up the exposed side of their building so that one can no longer easily see the missing siding. However, the lack of siding has now led to concerns that my home will be at increased risk of fire originating from 134 Athens.

### Response:

The newly constructed concrete retaining wall sits at least 8 inches higher than the adjacent neighbor's backyard soil elevation. This height meets the minimum building code requirement for separating building materials from the adjacent grade, allowing for proper soil backfill. According to the approved plans, the exterior one-hour fire-rated wall consists of 5/8" fire-rated gypsum sheathing over structural plywood, framing studs, and 5/8" interior fire-rated gypsum board. According to city records, the building inspector properly inspected and approved the exterior components of this fire-rated wall assembly before the exterior enclosure.

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### 4. Neighbor Concern:

I also discovered that because 134 Athens moved the location of the new retaining wall, my backyard is now eroding downhill. It will cost me \$50,000–\$90,000 to fix those damages alone, which I cannot afford.

### Response:

According to the site survey, both the old and new retaining walls are situated in the same location, entirely within the subject parcel and independent of the neighbor's property. For over 1.5 years, the owner and contractor have been unable to reach a resolution or settlement with the neighbor. This ongoing work stoppage has prevented the completion of

soil backfill in the neighbor's rear yard. Once the neighbor grants permission, the crew can backfill the area with drainage gravel and finalize the work within a single day.

BRIEF SUBMITTED BY THE PLANNING DEPARTMENT



# BOARD OF APPEALS BRIEF

**HEARING DATE: April 15, 2026**

April 9, 2026

**Appeal Nos.:** 26-012  
**Project Address:** 134 Athens Street  
**Block/Lot:** 5959/006  
**Zoning District:** RH-1 (Residential-House, One Family)  
Priority Equity Geographies SUD  
**Height/Bulk:** 40-X  
**Staff Contact:** Andrew Perry, Senior Planner – (628) 652-7430  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

## Background & Analysis

The scope of Building Permit (BP) No. 202601204180, which is under appeal, is a revision to the project under BP No. 202504285375, which itself was issued in order to recommence and complete work authorized under BP Nos. 201403211426 and 202211307370. Overall, the proposed project scope has not changed significantly from the original permit (201403211426), to construct a replacement single-family dwelling after the prior single-family dwelling was destroyed by fire. The relevant permit history for the subject property is as follows:

- Under the original BP No. 201403211426, the proposed single-family building is three stories in height and fully located within the buildable area of the lot. The proposed third story is set back from the front building wall by 12'-6" and 15'. At the rear, the proposed second story extends further to the rear than either the first story below or third story above and includes setbacks from

both side property lines. A roof deck is proposed directly above this second-story projection. An additional deck is proposed at the rear of the second story, with stairs then leading down toward the rear yard grade and a lower deck area, as the topography of the site begins to steeply slope downward at that point.

- BP No. 202211307370 includes changes to the proposed interior layout, but no changes to the exterior or building envelope.
- Both BP Nos. 201403211426 and 202211307370 expired on March 5, 2025. BP No. 202504285375 was then filed and issued on April 28, 2025, for the recommencement and completion of work approved under the two prior permits.
- As the subject permit under appeal, BP No. 202601204180 was approved by Planning on February 9, 2026 and issued on February 18, 2026. This permit proposes revisions to the project as follows:
  - At the rear, expansion of the first story of the building to exactly match the second-story building wall above, facilitating the creation of an additional bedroom.
  - At the rear, reduction of the decks located at the second story and below. The revision eliminates the lowest rear yard deck and stairs leading down to it from the second story deck. The depth of the second story deck is also reduced down slightly from about 14 feet to about 11 feet, without any expansion toward either side property line.
  - No other changes are proposed to the building envelope at the second or third stories, or to the roof deck at the rear located directly above the second-story projection.

The revision under BP No. 202601204180 was correctly reviewed and approved by Planning. Although the subject property is located within the Priority Equity Geographies Special Use District, and Section 311 generally requires notice within this SUD for building alterations that would increase the exterior dimensions of a building, there is a long-standing Zoning Administrator interpretation of this Section 311 that exempts certain “fill-ins” from notification requirements. Specifically, the filling in of the open area under a cantilevered room or room built on columns is exempt from notification pursuant to Section 311, so long as the height of the open area under the room does not exceed one story or 12 feet, noting also that this exemption does not apply to space immediately under a deck, nor to space under a room constructed without required authorization. In this case, the proposed fill-in at the first story is located entirely under the previously approved second-story building massing and would not be proposed under any portion previously approved as a deck. The height of the proposed fill-in is limited to the first story, which is also less than 12 feet. Therefore, this BP No. 202601204180 did not require notification pursuant to Section 311 and was properly approved by Planning.

The Appellant’s arguments do not specifically address any concerns that they may have with the proposed revisions to the project made under BP No. 202601204180, or to the project’s compliance under the Planning Code. Instead, the Appellant’s arguments are primarily focused on construction practices undertaken by the project’s contractors, requirements under the Building Code, past complaints filed with the Department of Building Inspection, and perceived damages caused to their property because of the construction. The subject appeal appears to be less about this specific permit and revised scope of work, and more generally as a plea to the City to help rectify damages and costs to the Appellant’s property.

## Conclusion

The proposed revision to the project under BP No. 202601204180 is located fully within the buildable area of the lot and was properly reviewed and approved by Planning without requiring neighborhood notification due to the exception from neighborhood notification requirements for one-story fill-ins. As with the original project, the proposed revision is consistent with Residential Design Guidelines. For these reasons, the Planning Department respectfully requests that the Board deny the appeal and uphold the issuance of BP No. 202601204180.

cc: Henry Yeung (Agent for Permit Holder)  
Linda Hinkel (Appellant)  
Carey McElroy (Department of Building Inspection)

BRIEF SUBMITTED BY DBI



# Board of Appeals Brief

Hearing Date: April 15, 2026

April 9, 2026

**Appeal No:** 26-012  
**Permit No:** Alteration Permit # 2026-0120-4180  
**Subject Property:** 134 Athens Street  
**Block/Lot:** 5959 / 006  
**DBI contact:** Carey McElroy, Senior Building Inspector.  
628-652-3779 carey.mcelroy@sfgov.org

## Permit description:

The project before the Board is revision permit #2025-0428-5375 with the scope of work as follows:

*Add walls and windows below a rear deck. Enclose area below deck and build a bedroom.*

*Reference PA# 2022-1130-7370 and 2014-0321-1426.*

The permit application and plans were reviewed and approved over the counter by both a DBI Building Inspector and Structural Engineer, and all other required agencies, and the permit was issued on 2/18/2026. For context, the 2025-0428-5375 permit referenced in the project description above was issued to recommence and complete work approved under the 2014-0321-1426 and 2022-1130-7370 permits also referenced above, which had expired. The scope of work under original PA # 2014-0321-1426 was as follows: *Rebuild home destroyed by fire on remaining foundation. (See Drawings for Details of Scope) with vertical extension. Add 1 bedroom and 1 bath. Home to have 4 bedrooms, 3 baths.* The scope of work under PA # 2022-1130-7370 was as follows: *Revision to PA #2014-0321-1426-S1. Update interior layout. No change to exterior.*



**Conclusion:**

After review of the approved plans under appeal, the Department of Building Inspection believes the plans complied with all applicable Building Code requirements at the time of issuance. It is the Department's recommendation the appeal be denied, as the scope of work under the permit in question, does not appear to be related to the issues raised in the Appellants Brief. The issues raised by the Appellant are construction related and are a field inspection or code enforcement issue.

Carey McElroy

Senior Building Inspector

Department of Building Inspection.

cc. Linda Hinkel, (Appellant 26-012)

Corey Teague, (Zoning Administrator)

Andrew Perry

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