

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
PACIFIC TOWNHOUSE ASSOCIATION,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. **25-028**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on July 23, 2025, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on July 10, 2025 to Hestia Trust 2001, of an Alteration Permit (To comply with NOV No. 202538518 repair in kind existing fence and existing roof deck) at 2518 Buchanan Street.

APPLICATION NO. 2025/0710/0533

FOR HEARING ON September 3, 2025

Address of Appellant(s):

Address of Other Parties:

Pacific Townhouse Association, Appellant(s)
c/o Cassandra Giarman, Agent for Appellant(s)
c/o Keith Giarman, Agent for Appellant(s)

Hestia Trust 2001, Permit Holder(s)
c/o Garrett O'Donoghue, Agent for permit Holder(s)
K2 Builders Inc.
1600 Webster Street, C2
San Francisco, CA 94115



Date Filed: July 23, 2025

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

PRELIMINARY STATEMENT FOR APPEAL NO. 25-028

I / We, **Pacific Townhouse Association**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit No. 2025/0710/0533** by the **Department of Building Inspection** which was issued or became effective on: **July 10, 2025**, to: **Hestia Trust 2001**, for the property located at: **2518 Buchanan Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **August 14, 2025, (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, Natalia.fossi@sfgov.org, joseph.ospital@sfgov.org, dkane@hk-se.com and garrett@k2buildersinc.com

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **August 28, 2025, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, Natalia.fossi@sfgov.org, joseph.ospital@sfgov.org, cmgiarman@comcast.net and rkg.qman@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, September 3, 2025, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties are encouraged to attend in-person, but 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.

Appeal sent via email.

**PACIFIC TOWNHOUSE ASSOCIATION
2175, 2177, 2179 and 2181 Pacific Avenue
San Francisco, CA 94115**

July 23, 2025

Board of Appeals, Department of Building Inspection
49 So. Van Ness Ave., Suite 1475
San Francisco, CA 94103

Re: Permit # 202507100533

Dear Members of the Board:

This will serve as a formal appeal to the above-referenced permit issued on July 11, 2025 to the owners of 2518 Buchanan Street. The basis for the appeal is as follows:

1. The structure at issue is affixed to a shared brick wall between the properties of 2518 Buchanan Street and 2175 through 2181 Pacific Avenue (Pacific Townhouse Association.)
2. Construction of the structure was started and completed prior to the issuance of a permit and without the permission of the adjacent property owners of Pacific Townhouse.
3. The structure at issue is, in essence, a wooden wall at least 5 feet in height and is attached to a 10 foot brick wall, thereby exceeding the height restrictions for fences in San Francisco and constitutes a safety hazard.
4. The wooden wall is constructed on top of masonry (possibly unsupported masonry) which appears to fall outside the exceptions outlined in the building code, and constitutes a safety hazard.
5. The structure at issue does not replace a prior structure "in kind" as the prior structure was constructed without a permit and without the consent of the adjacent property owners. (Please refer to the permit history for 2518 Buchanan Street.)
6. The current structure is substantially different from the prior structure in both design and form, and, as a result, affects natural light to the decks and gardens of the adjacent property owners which thereby impacts the owners' enjoyment of their property.

Photographs are available upon request. Please contact the undersigned for any questions.

Very truly yours,



CASSANDRA M. GIARMAN
cmgiarman@comcast.net
(415) 308-4312



R. KEITH GIARMAN
rkg.gman@gmail.com
(415) 519-4312

cc: Pacific Townhouse Association



Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 7/23/2025 11:31:05 AM

Application Number: 202507100533
 Form Number: 8
 Address(es): 0590 / 008 / 0 2518 BUCHANAN ST
 Description: To comply with nov 202538518 repair in kind (e) fence @ (e) roof deck.
 Cost: \$5,000.00
 Occupancy Code: R-3
 Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
7/10/2025	TRIAGE	
7/10/2025	FILING	
7/10/2025	FILED	
7/10/2025	APPROVED	
7/10/2025	ISSUED	

Contact Details:

Contractor Details:

License Number: 877856
 Name: GARRETT ODOGHOUE
 Company Name: K 2 BUILDERS INC
 Address: 1600 WEBSTER ST * SAN FRANCISCO CA 94115-0000
 Phone: 4152521507

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
BID-INSP		7/10/25	7/10/25			7/10/25	KWOK STEPHEN	Administrative	
INTAKE		7/10/25	7/10/25			7/10/25	PANGELINAN MARIANNE	Administrative	
CP-ZOC		7/10/25	7/10/25			7/10/25	ENCHILL CHARLES	Approved	to comply with re; nov 202538518; 07/10/2025.Repair rear deck and property line fencing to be fire-rated. Charles.Enchill@sfgov.org
BLDG		7/10/25	7/10/25			7/10/25	LAU (NELSON) CHI CHIU	Approved	
CPB		7/10/25	7/10/25			7/10/25	SONG SUSIE	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
7/24/2025	PM	OS	NEW Online Scheduled	ROUGH FRAME	1
7/14/2025	AM	OS	NEW Online Scheduled	START WORK	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
7/14/2025	Robert Power	START WORK	SITE VERIFICATION

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)

PACIFIC TOWNHOUSE ASSOCIATION
2175, 2177, 2179 AND 2181 Pacific Avenue
San Francisco, CA 94115
Tel: (415) 308-4312
Tel: (415) 519-4312

Appellant

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PACIFIC TOWNHOUSE ASSOCIATION,

Plaintiff / Appellant,

v.

DBI, PDA

Defendants / Respondents.

APPEAL NO.: 25-028

**APPELLANT'S BRIEF IN SUPPORT OF
OPPOSITION TO PERMIT NO. 20250710053**

Date: September 3, 2025
Time: 5:00 p.m.
Location: City Hall, Room 416

PROCEDURAL HISTORY

Pacific Townhouse Association and the property located at 2518 Buchanan share a common fence made of brick masonry. [Exhibit A.]

This appeal is based on the "add on" of a wooden fence at least five (5) feet in height to the top of the shared brick fence. [Exhibit B.] The pre-existing brick fence is approximately ten (10) feet high. [Exhibit A.]

The wooden structure at issue was constructed and affixed to the shared brick fence prior to the issuance of a permit and without the consent of or agreement by Pacific Townhouse Association.

During the construction of the wooden structure on top of the shared brick fence, Pacific Townhouse Association made a complaint on June 4, 2025 to the Department of Building Inspection. [Exhibit C.] As the only active permit on file for 2518 Buchanan was for a kitchen remodel, the complaint was made on the basis that the work being performed on the shared brick fence was outside the scope of work authorized. [Exhibit C.]

1 In response to the complaint, a building inspector reviewed the work being performed
2 at the site on June 9, 2025. [Exhibit C.] Either confused or failing to understand the basis for
3 the complaint, the inspector closed the complaint on June 9, 2025 without finding any Code
4 violation. [Exhibit C.]

5 However, upon further review, the complaint was re-opened on June 16, 2025 by a
6 senior building inspector, and on June 20, 2025 a second inspection was performed. [Exhibit
7 C.] Between the time the complaint was closed on June 9th and the second inspection on June
8 20th was performed, the work continued. [Exhibits D, E, G, H, and I.]

9 On June 20, 2025, following a second inspection and re-evaluation of the site, a Notice
10 of Violation was issued to 2518 Buchanan. [Exhibit C.] By that time, the wooden structure
11 affixed to the top of the shared masonry fence had essentially been completed. [Exhibits J
12 and K.]

13 Three weeks after the Notice of Violation was issued, 2518 Buchanan applied for and
14 was issued Permit No. 202507110533. [Exhibit L.] It is this permit which Pacific Townhouse
15 Association appeals.

16 **BASIS FOR THE APPEAL**

17 1. The structure at issue is affixed to a shared brick fence between the properties
18 of 2518 Buchanan and Pacific Townhouse Association.

19 2. Construction of the structure was started and essentially completed prior to the
20 issuance of a permit and without the permission of the adjacent property owners, Pacific
21 Townhouse Association.

22 3. The structure at issue is a solid wooden fence at least five (5) feet in height
23 and is attached to a ten (10) foot brick fence, thereby exceeding the height restrictions for
24 fences in San Francisco and constitutes a safety hazard.

25 4. The wooden structure constructed on top of the masonry appears to fall
26 outside the exceptions outlined in the Building Code and thereby constitutes a safety
27 hazard.

28 5. The structure at issue does not replace a prior structure “in kind” as the prior

1 structure was constructed without an active permit, deviated from a prior expired permit, and
2 was without the consent of the adjacent property owners.

3 6. The current structure is substantially different from the prior structure in both
4 design and form, and, as a result, affects the natural light to the decks and gardens of the
5 adjacent property owners which thereby impacts the owners' enjoyment of their property.

6 7. The permit issued on July 10, 2025 is more than 15 calendar days from the
7 June 20, 2025 Notice of Violation and is, therefore, untimely.

8 **ARGUMENT**

9 **A. The Structure Constitutes A Safety Hazard.**

10 As referenced above, the wooden structure is at least five (5) feet high and is affixed
11 with metal clips to the shared brick fence which is approximately ten (10) feet high. As such,
12 the "fence" is now approximately 15 feet high and thereby exceeds the height restrictions for
13 residential fences in San Francisco. [Exhibit M.]

14 As San Francisco's Building Code and Planning Code were enacted to ensure
15 seismic safety, the "add-on" to the shared masonry fence is in violation of the Codes and,
16 therefore, inherently unsafe.

17 The "add-on" wooden structure is also made of a combustible material which adds to
18 safety considerations and concerns for fire hazard.

19 Nor does the wooden structure affixed directly on top of the shared brick fence
20 appear to fall within any exceptions outlined in § 2304.13 of the California Building Code as
21 the structure is constantly exposed to the elements and the masonry upon which the
22 structure is attached was not designed to be load bearing.

23 **B. The New Structure Does Not Replace A Structure "In Kind."**

24 In response to the Notice of Violation issued by the Department of Building
25 Inspection, 2518 Buchanan applied for a permit on July 10, 2025. [Exhibit L.] In that permit,
26 2518 Buchanan represented the structure at issue was to replace a prior structure "in kind."
27 [Exhibit L.]

28 That, however, is not an accurate representation.

1 First, the prior structure was not constructed pursuant to an active permit. The permit
2 history for 2518 Buchanan reflects that although a permit was filed in October 1990 for
3 lattice panels to be installed on a “brick retaining wall”, the permit expired in April 1991 as
4 the work was never performed. [Exhibit N, page 1.] Of note, the expired permit did not
5 identify which “brick retaining wall” the lattice was to be affixed, as there are two brick “walls”
6 at the rear of the 2518 property, one of which 2518 Buchanan shares with 2198 Jackson
7 Street. [Exhibits A and E.] Although a structure was subsequently installed in May of 2006
8 following the reactivation of the expired permit, the lattice was installed on the masonry
9 between 2518 Buchanan and 2198 Jackson Street. [Exhibit N, page 2 and Exhibit E]. This
10 assertion is made on the basis there was no structure on top of the masonry between 2518
11 Buchanan and Pacific Townhouse Association as of June 2013. [Exhibit A.] A structure did
12 appear subsequent to June 2013 on the shared masonry between 2518 Buchanan and
13 Pacific Townhouse; that structure, however, not only deviated from the design described in
14 the 1990 permit but it is not supported by the City’s permit history post-May 2006 nor was it
15 installed with the agreement of Pacific Townhouse Association.

16 Second, and notwithstanding the absence of a permit for the prior structure, the
17 current structure is substantially different in design and form, and, therefore, is not “in kind.”
18 [Exhibits B and O.]

19 Third, the current structure affects the natural light to the decks and gardens of
20 Pacific Townhouse Association at various times of the day, thereby adversely impacting the
21 maintenance of plants and foliage.

22 And lastly, the “add-on” structure does not, in any way, benefit the property of Pacific
23 Townhouse Association. In fact, aesthetically, the structure detracts and affects Pacific
24 Townhouse Association’s enjoyment of its property. See Civil Code § 3479 re: private
25 nuisance.

26 **C. The Permit At Issue Is Untimely.**

27 Pursuant to the June 20, 2025 notice of violation, 2518 Buchanan was to obtain a
28 permit within 15 days. [Exhibit P.] Although the Notice of Violation was not posted on the

property of 2518 Buchanan as required, it is believed the 15 day deadline was marked by calendar days rather than business days.

Fifteen calendar days from the June 20th notice thereby ended on July 5, 2025. As 2518 Buchanan did not apply for a permit until July 10, 2025 [Exhibit L], the permit is, therefore, untimely, and any rights associated with that permit have been waived by 2518 Buchanan,

D. Remedy Requested.

Pacific Townhouse Association appreciates that 2518 Buchanan wants to add elements to allegedly enhance its property.

However, such enhancement cannot be to the detriment of adjacent property owners, i.e., Pacific Townhouse Association.

Based on the arguments presented in §§ A, B, and C above and Exhibits A through P attached hereto, Pacific Townhouse Association requests the Board of Appeals find the structure to be in violation of the Code and order the wooden structure attached to the shared masonry fence removed with costs to be borne by 2518 Buchanan.

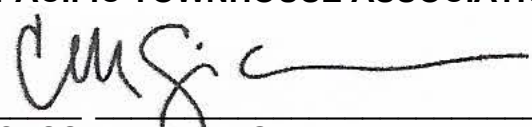
In the alternative, Pacific Townhouse Association requests the Board of Appeals order the wooden structure removed and replaced with a lattice and/or a trellis consistent with the design reflected on the brick masonry in Exhibit E, again, with costs to be borne by 2518 Buchanan.

Dated: August 12, 2025

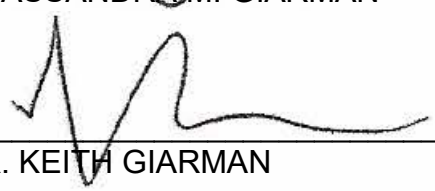
Respectfully submitted,

PACIFIC TOWNHOUSE ASSOCIATION

By:


CASSANDRA M. GIARMAN

By:


R. KEITH GIARMAN

PACIFIC TOWNHOUSE ASSOCIATION
2175, 2177, 2179 AND 2181 Pacific Avenue
San Francisco, CA 94115
Tel: (415) 308-4312
Tel: (415) 519-4312

Appellant

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PACIFIC TOWNHOUSE ASSOCIATION,

Plaintiff / Appellant,

v.

DBI, PDA

Defendants / Respondents.

APPEAL NO.: 25-028

**INDEX OF EXHIBITS IN SUPPORT OF
APPELLANTS' BRIEF IN SUPPORT OF
OPPOSITION TO PERMIT NO. 20250710053**

Date: September 3, 2025
Time: 5:00 p.m.
Location: City Hall, Room 416

INDEX TO EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
Exhibit A	Shared brick fence
Exhibit B	Structure at issue
Exhibit C	Complaint made on June 4, 2025
Exhibits D, E, F, G, H, I, J, K	Work completed by June 20, 2025
Exhibit L	Permit No. 20250710053
Exhibit M	Height restrictions for residential fences
Exhibit N	Permit history of 2518 Buchanan
///	
///	
///	
///	

Exhibit O	Prior Structure
Exhibit P	June 30, 2025 email from building inspector

Dated: August 12, 2025

Respectfully submitted,

PACIFIC TOWNHOUSE ASSOCIATION

By:

CASSANDRA M. GIARMAN

By:

R. KEITH GIARMAN

EXHIBIT A



EXHIBIT B



EXHIBIT C

COMPLAINT DATA SHEET**Complaint Number:** 202538518**Owner/Agent:** OWNER DATA
SUPPRESSED**Owner's Phone:** --**Contact Name:** --**Contact Phone:** --**Complainant:** COMPLAINANT DATA
SUPPRESSED**Date Filed:****Location:** 2518 BUCHANAN ST**Block:** 0590**Lot:** 008**Site:****Rating:****Occupancy Code:****Received By:** Czarina Blackshear**Division:** BID**Complainant's****Phone:****Complaint****Source:****Assigned to****Division:**

TELEPHONE

BID

Description: Doing work beyond scope of permit. Putting up structure 6ft above fence line in the backyard.
And affixing support structure on a shared brick retaining wall. Additional work in the backyard unrelated to the kitchen.**Instructions:****INSPECTOR CURRENTLY ASSIGNED**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270	4	

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	INSPECTOR	STATUS	COMMENT	UPDATED BY	DIV
06/04/25	CASE OPENED	Power	CASE RECEIVED		Czarina Blackshear 04-JUN-25	BID
06/05/25	OTHER BLDG/HOUSING VIOLATION	Power	CASE UPDATE	case reviewed and assigned to district inspector per JG-jt	Jackie Tran 05-JUN-25	INS
06/09/25	OTHER BLDG/HOUSING VIOLATION	Barnes	CASE ABATED	Site visit revealed no work description in scope or activity at property lines of a 6 foot fence refi complaint if necessary	Jeffrey Barnes 09-JUN-25	BID
06/16/25	OTHER BLDG/HOUSING VIOLATION	Power	CASE CONTINUED	Case continued per senior inspector, JChiu; slw	Suzanna Wong 16-JUN-25	BID
06/20/25	OTHER BLDG/HOUSING VIOLATION	Power	CASE UPDATE	Nov issued	Robert Power 20-JUN-25	BID
06/20/25	OTHER BLDG/HOUSING VIOLATION	Power	FIRST NOV SENT	1st NOV issued by Robert Power.ay	Anne Yu 23-JUN-25	INS
06/23/25	OTHER BLDG/HOUSING VIOLATION	Power	CASE UPDATE	1st NOV mailed.ay	Anne Yu 23-JUN-25	INS

COMPLAINT ACTION BY DIVISION**NOV (HIS):****NOV (BID):**

6/20/2025

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.

EXHIBIT D



EXHIBIT E



EXHIBIT F



EXHIBIT G



EXHIBIT H



EXHIBIT I



EXHIBIT J



EXHIBIT K



EXHIBIT L

Permit Details Report**Report Date:** 7/22/2025 7:22:46 AM

Application Number: 202507100533
Form Number: 8
Address(es): 0590 / 008 / 0 2518 BUCHANAN ST
Description: To comply with nov 202538518 repair in kind (e) fence @ (e) roof deck.
Cost: \$5,000.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
7/10/2025	TRIAGE	
7/10/2025	FILING	
7/10/2025	FILED	
7/10/2025	APPROVED	
7/10/2025	ISSUED	

Contact Details:**Contractor Details:**

License Number: 877856
Name: GARRETT O'DONOGHUE
Company Name: K 2 BUILDERS INC
Address: 1600 WEBSTER ST * SAN FRANCISCO CA 94115-0000
Phone: 4152521507

Addenda Details:**Description:**

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
BID-INSP		7/10/25	7/10/25			7/10/25	KWOK STEPHEN	Administrative	
INTAKE		7/10/25	7/10/25			7/10/25	PANGELINAN MARIANNE	Administrative	
CP-ZOC		7/10/25	7/10/25			7/10/25	ENCHILL CHARLES	Approved	to comply with re; nov 202538518; 07/10/2025: Repair rear deck and property line fencing to be fire-rated. Charles.Enchill@sfgov.org
BLDG		7/10/25	7/10/25			7/10/25	LAU (NELSON) CHI CHIU	Approved	
CPB		7/10/25	7/10/25			7/10/25	SONG SUSIE	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
7/24/2025	PM	OS	NEW Online Scheduled	ROUGH FRAME	1
7/14/2025	AM	OS	NEW Online Scheduled	START WORK	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
7/14/2025	Robert Power	START WORK	SITE VERIFICATION

Special Inspections:

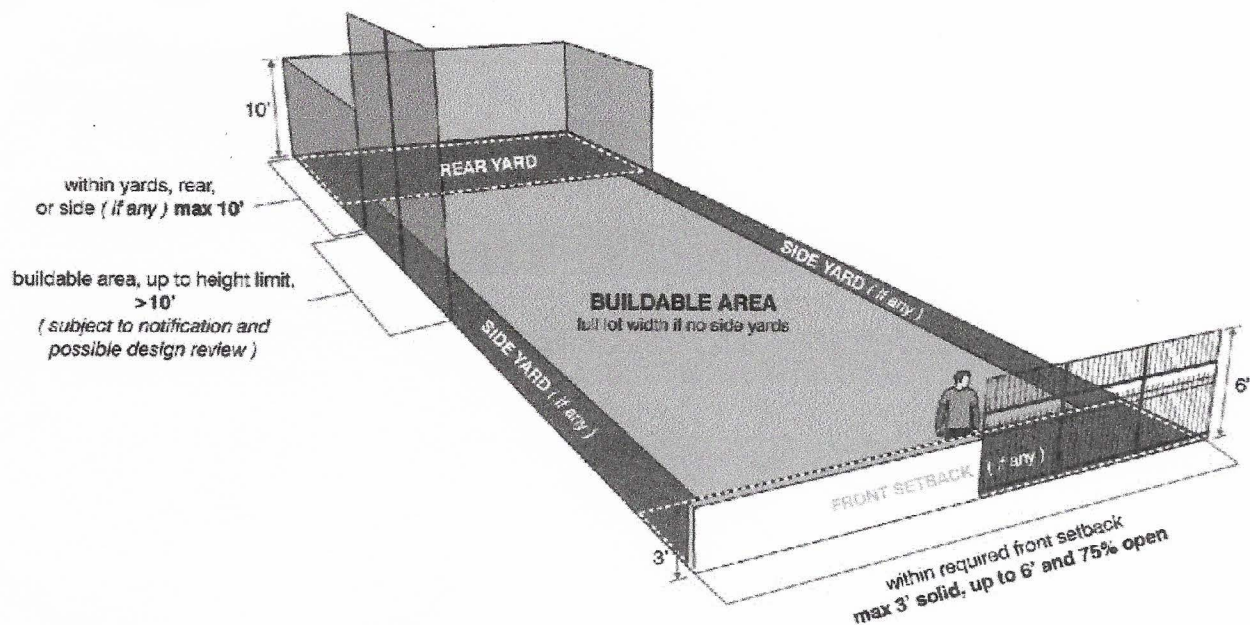
Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

EXHIBIT M

Figure 5:
Illustration of Fence Height Limits



**San Francisco
Planning**

FOR MORE INFORMATION:
Contact the San Francisco Planning Department

Central Reception
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

TEL: 628.652.7600
WEB: www.sfplanning.org

Planning counter at the Permit Center
49 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103

EMAIL: pic@sfgov.org
TEL: 628.652.7300

EXHIBIT N

Permit Details Report**Report Date:** 8/1/2025 1:41:51 PM

Application Number: 9021128

Form Number: 3

Address(es): 0590/008/0 2518 BUCHANAN ST

Description: INSTALL LATTICE PANELS ON (E) BRICK RETAINING WALL

Cost: \$2,500.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
10/15/1990	FILED	
11/19/1990	APPROVED	
11/19/1990	ISSUED	
4/24/1991	EXPIRED	
4/24/1991	EXPIRED	Work Not Completed

Contact Details:**Contractor Details:****Addenda Details:****Description:**

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
BID-INSP						10/18/90			
BID-INSP						11/14/90			
CNT-CE						10/26/90			
CPB						11/8/90			LOG TO DCP FOR FURTHER REVIEW PER BARBARA
CP-ZOC						10/24/90			APPROVED FOR LATTICE IN RR YD-MAX.HT 10'ABOVE GRDE
CP-ZOC						11/8/90			
CPB						10/30/90			LOG OUT/NO WORK DONE;ROUTE TO CNT-CE
CNT-PC						10/15/90			LOG OUT/NO WORK DONE;ROUTE TO BID

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.

Permit Details Report**Report Date:** 8/3/2025 11:46:56 AM

Application Number: 200605020462
 Form Number: 8
 Address(es): 0590 / 008 / 0 2518 BUCHANAN ST
 Description: RENEWAL EXPIRED PA #9016607 & #9021128 FOR FINAL INSPECTION.
 Cost: \$1.00
 Occupancy Code: R-3
 Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
5/2/2006	TRIAGE	
5/2/2006	FILING	
5/2/2006	FILED	
5/2/2006	APPROVED	
5/2/2006	ISSUED	
5/19/2006	COMPLETE	Final Inspection/Approved
5/25/2006	COMPLETE	Final Inspection/Approved

Contact Details:**Contractor Details:**

License Number: 177641
 Name: MAYTA & JENSEN
 Company Name: MAYTA & JENSEN
 Address: 101 WILLIAMS AV * SAN FRANCISCO CA 94124
 Phone: 8222200

Addenda Details:**Description:**

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
CNT-PC		5/2/06	5/2/06			5/2/06	SWEENEY EDWARD		
CPB		5/2/06	5/2/06			5/2/06	CHEUNG WAI FONG		

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
5/25/2006	Donald Simas	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD
5/19/2006	Donald Simas	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD
5/15/2006	Fergal Clancy	FINAL INSPECT/APPRVD	NO ENTRY/NO PROGRESS
12			

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.

EXHIBIT O



EXHIBIT P

marinabpitts@gmail.com

From: Power, Robert (DBI) <robert.power@sfgov.org>
Sent: Monday, June 30, 2025 2:16 PM
To: marina pitts
Subject: RE: Complaint # 202538518--2518 Buchanan Street--Block 0590--Lot 008

Marina,

The notice of violation was posted on 06/20/2025. The owners were given 15 days from that date to obtain a building permit to comply with the notice. The work is to be completed within 30 days from the date that the notice was posted. The permit has not been issued yet.

Robert Power,
District 4 Building Inspector

From: marina pitts <marinabpitts@gmail.com>
Sent: Monday, June 30, 2025 1:19 PM
To: Power, Robert (DBI) <robert.power@sfgov.org>; Chiu, Jonathan (DBI) <jonathan.chiu@sfgov.org>; Kwok, Stephen (DBI) <stephen.kwok@sfgov.org>
Subject: Re: Complaint # 202538518--2518 Buchanan Street--Block 0590--Lot 008

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

Please see request below.
Thank you.

Sent from my iPhone

On Jun 24, 2025, at 2:09 PM, < > wrote:

Dear Messrs. Power, Chiu and Kwok:

Your department issued a "Notice of Violation" on Friday June 20, 2025 to the owners of 2518 Buchanan Street in response to the above referenced complaint. A notice was mailed on that same date to the owners of 2518 Buchanan. Kindly provide the details of the violation(s) found and the due date for any remediation(s) to be completed, along with the date for any administrative hearing.

Thank you.

Marina B. Pitts, Esq.
2175 Pacific Avenue
San Francisco, CA 94115
(925) 330-2759 [cell]

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

Nicholas Colla (SBN 278792)
Luke Garvey (SBN 342956)
Colla & Ray LLP
250 Columbus Avenue, Suite 200
San Francisco, CA 94133
415-579-1414
luke@collaray.com
Attorneys for Permit Holder K2 Builders, Inc.

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF APPEALS

PACIFIC TOWNHOUSE ASSOCIATION,

Appellant,

vs.

DBI, PDA.

Respondent.

Appeal No.: 25-028

**PERMIT HOLDER K2 BUILDERS, INC.'S
OPPOSITION BRIEF**

Date: September 3, 2025

Time: 5:00 PM

Location: City Hall, Room 416

OPPOSITION BRIEF

I. INTRODUCTION

Permit Holder K2 BUILDERS, INC. (“K2 Builders”) submits this brief in opposition of Appellant PACIFIC TOWNHOUSE ASSOCIATION’S (“Appellant”) Appeal. Appellant appeals the issuance of Building Permit Application No. 2025.0710.0533 (the “Permit”). The Permit was issued by the San Francisco Department of Building Inspection (“DBI”) in order for K2 Builders to comply with a previously issued Notice of Violation by repairing and replacing the rear deck and property line fencing at 2518 Buchanan Street, San Francisco, CA 94115 (the “Subject Property”). The Permit brings a longstanding privacy screen at the rear of the Subject Property into compliance through plan review and inspection.

Contrary to Appellant’s claim, the privacy screen at issue is not affixed to a shared brick wall. Rather, the wall is located entirely on the Subject Property. The remainder of Appellant’s arguments rely on misstatements of the San Francisco Planning Code and California/San Francisco Building Codes, or on legal theories such as consent or aesthetics that fall outside of the Board’s mandate. The administrative record shows that K2 Builders followed precisely the enforcement and compliance pathway contemplated by State and local law. As such, K2 Builders respectfully requests that the Board of Appeals deny Appellant’s Appeal and uphold the issuance of the Permit.

II. FACTUAL AND PROCEDURAL BACKGROUND

This Appeal pertains to the real property located at 2518 Buchanan Street, San Francisco, CA 94115 (the “Subject Property”). K2 Builders is a contractor involved in a construction project at the Subject Property (the “Construction Project”). Appellant is an unincorporated common

1 interest development for the real properties immediately adjacent to the Subject Property, 2175-
2 2181 Pacific Avenue San Francisco, CA 94115 (the “Neighboring Properties”).

3 The Construction Project includes work to a preexisting deck located at the rear of the
4 Subject Property, including repairing and replacing the rear deck, the deck’s railing, and an open
5 lattice privacy screen/fence located near the property line. On June 20, 2025, after numerous
6 complaints from Appellant, DBI issued a Notice of Violation Complaint No.: 202538518 (the
7 “NOV”) for the Subject Property. (Exh. A, NOV.) The NOV ordered the following corrective
8 action:
9

10 STOP ALL WORK SFBC 104.2.4

11 FILE BUILDING PERMIT WITHIN 14 DAYS

12 (WITH PLANS) A copy of this notice must accompany the permit application

13 OBTAIN PERMIT WITHIN 21 DAYS AND COMPLETE ALL WORK WITHIN
14 28 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
15

16 (Exh. A.)

17 In order to comply with the NOV, K2 Builders filed Building Permit Application No.
18 2025.0710.0533 (the “Permit”), which is the subject of the instant Appeal. (Exh. B, Permit.) In
19 conjunction with the Permit, and in accordance with the NOV, K2 Builders submitted plans (the
20 “Plans”) outlining the proposed scope of work. (Exh. C, Plans.) Photos A through G included
21 with the Plans show the preexisting condition of the rear deck, deck railing, and privacy
22 screen/fence. (See Exh. C.) The Plans were approved by DBI and the San Francisco Planning
23 Department (“Planning”). The Permit was issued on July 10, 2025. Thereafter, Appellant filed
24 the instant appeal on July 23, 2025.
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28

1 **III. LEGAL STANDARD**

2 Pursuant to Section 4.106(b) of the San Francisco Charter, the Board of Appeals is
3 authorized to “hear and determine appeals with respect to any person . . . who believes that his or
4 her interest or the public interest will be adversely affected by the grant, denial, suspension or
5 revocation of a license or permit.”
6

7 **IV. LEGAL ARGUMENT**

8 **A. The Brick Wall on the Subject Property is Not a Shared Wall.**

9 Appellant asserts that the Subject Property’s brick wall is shared, but provides no survey,
10 deed, easement, or any documentation whatsoever to establish this alleged coownership. This
11 claim is unsupported and untrue and should therefore be disregarded. Furthermore, permits are
12 intended to neither adjudicate private title nor require proof of joint ownership.
13

14 California Civil Code section 841 addresses notice and cost-sharing between adjoining
15 owners of boundary fences, however, this code section does not condition permit issuance on
16 neighbor consent. Nor is this Board empowered to determine property rights. Indeed, the Board’s
17 authority on appeal is limited to review DBI’s issuance of the Permit on the administrative record.
18 (S.F. Charter § 4.106(d).) As such, any unfounded argument regarding the so-called “shared”
19 brick wall has no place in the instant appeal.
20

21 **B. The Privacy Screen/Fence is an In-Kind Replacement for a Preexisting**
22 **Structure.**

23 The Permit authorizes an in-kind replacement of a “fence” and a “roof deck,” (see
24 Appellant’s Exh. L) which is exactly what K2 Builders is installing at the Subject Property.
25 Section 401.2 of the California Existing Building Code provides that repair work to an existing
26 building shall not make the building less compliant than it was before the repair. When an
27 existing screen is in need of repair, the correct remedy is to bring the work under permit, review
28

1 it for compliance, and inspect the repairs. That is exactly what DBI has required and approved
2 vis-à-vis the Permit.

3 Further, Appellant's claim that the Permit was obtained five days after the alleged
4 deadline set in the NOV is immaterial and does not bar a like-for-like repair. In fact, if the prior
5 screen was done with the benefit of permits, Appellant stands to benefit by the preexisting
6 structure being brought up to code and into compliance.
7

8 **C. The Privacy Screen/Fence is Compliant with All Height Requirements.**

9 Appellant attempts to reframe the privacy screen/fence at the Subject Property as a single
10 "15-foot fence." That is incorrect. Planning's framework does not treat every combined element
11 as a per se violation. Appellant attaches a single page of the Planning Department's Fence
12 guidelines ("Fence Guidelines") in attempt to misconstrue the present privacy screen/fence as a
13 fence that sits in side yard or rear yard setback. (See Appellant Brief, Exh. B.) That is not so. As
14 such, the ten (10) foot height limit imposed on rear and side yards does not apply here. In fact,
15 had Appellant attached a complete copy of the Fence Guidelines to its Brief, it would have shown
16 that the prior page states "You may build a fence taller than 10 feet within the buildable area of
17 the lot." A true, correct, and complete copy of the Fence Guidelines, which Appellant
18 misconstrues, is attached hereto as Exhibit D.
19

20 Instead, fences or screens within the buildable area are governed by zoning height limits
21 or, where applicable, neighborhood design/review. That standard applies here, as the privacy
22 screen/fence at issue is an open lattice fence that is affixed around a roof deck of the Subject
23 Property. Thus, it is governed by the zoning height limitations set forth in San Francisco Planning
24 Code section 260. The Property sits in a 40-X height district; thus, the zoning height limitation is
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40 feet above grade. Further, Planning Code Section 260(b)(2) states that windscreens, lattices, and sunshades can exceed the relevant 40-foot height limit by up to ten (10) feet.

As set forth in the Plans, the privacy screen/fence is only 60 inches tall (five feet), and sits on top of a 12'1" portion of the building. Thus, it is well within forty (40) foot zoning height requirements and similar in height to the fence that existed at the Subject Property for years prior.

D. Any Alleged Pre-Permit Work has Been Addressed by the NOV.

Any issues regarding whether work was completed prior to K2 Builders obtaining the Permit is an enforcement matter that has already been addressed by DBI through the NOV and accompanying compliance process. These arguments are irrelevant to the present Appeal, which is solely to address the question of permit issuance.

The San Francisco Building Code authorizes DBI to require permits, oversee plan review, and conduct inspections to formally legalize any work that has been completed. The record shows that DBI has done exactly that by issuing the NOV, requiring K2 Builders to stop all work until a permit has been acquired, and scheduling a follow-up inspection. In this case, Planning even added the additional requirement for approval that the repair of the rear deck and property line fencing must be fire-rated. Neighborhood permission is not a criterion for permit issuance. The proper remedy for pre-permit work is permitting and inspection, not denial of a code-complaint permit.

E. Appellant's Arguments Regarding Any Alleged Safety Issues or Lack of Light are Unfounded.

Appellant raises arguments regarding unfounded safety issues caused by K2 Builders repairing a preexisting privacy screen. Specifically, Appellant argues that the privacy screen/fence is "inherently unsafe" because it is on top of the Subject Property's brick wall and because the privacy screen/fence is made out of a combustible material. Structural adequacy is

1 enforced by DBI through plan review and field inspection as set forth in the San Francisco
2 Building Code. Appellant apparently ignores that the privacy screen/fence will undergo
3 inspection upon completion and that Planning has required that the property line fencing be fire-
4 rated. These facts mitigate against Appellant's spurious safety claims.

5
6 Appellant also claims that "the current structure affects the natural light" at Appellant's
7 property. Additionally, Appellant asserts that the privacy screen/fence "detracts and affects"
8 Appellant's enjoyment of its property. Appellant makes these claims without providing any
9 evidence, despite the longstanding presence of the privacy screen/fence at the Subject Property.
10 The Planning Code regulates fences and screens by objective criteria – height and location – not
11 by subjective standards about private views or subjective aesthetic preferences. (See Exh. D.)
12 Appellant has not (nor can it) point to a demonstrated violation of those objective standards.
13 Accordingly, these arguments do not provide a legal basis to rescind the Permit.
14

15 **F. Appellant's Requested Relief is Improper.**

16
17 In Section D of its Brief, Appellant requests a variety of remedies, including asking this
18 Board to find the Subject Property in violation of unspecified sections of San Francisco's Code.
19 These requests are well beyond the jurisdiction of this Board. Instead, the sole question before
20 this Board is whether issuance of the Permit was proper. For the reasons stated herein, it was.

21 **V. CONCLUSION**

22
23 For the foregoing reasons, K2 Builders respectfully requests that the Board deny the
24 Appeal and uphold the issuance of the Permit.

25
26 Dated: August 28, 2025

/s/Luke Garvey

27 Luke Garvey
28 COLLA & RAY LLP
Attorneys for Permit Holder K2 Builders,
Inc.

EXHIBITS

EXHIBIT A Notice of Violation Complaint No.: 202538518

EXHIBIT B Building Permit Application No. 2025.0710.0533

EXHIBIT C City-Approved Plans

EXHIBIT D San Francisco Planning Department Fence Guidelines

1 **PROOF OF SERVICE**

2 I am a resident of the State of California and over the age of eighteen years, and not a
3 party to the within action. My business address is 250 Columbus Avenue, Suite 200, San
4 Francisco, California 94133. August 28, 2025, I served the foregoing document described as:

5 **PERMIT HOLDER K2 BUILDERS, INC.'S OPPOSITION BRIEF**

6 on the following persons at the location specified:

7 PACIFIC TOWNHOUSE ASSOCIATION
8 c/o Cassandra M. Giarman
9 c/o R. Keith Giarman
10 2175, 2177, 2179 AND 2181 Pacific Avenue San
11 Francisco, CA 94115
cmgiarman@comcast.net
rkg.gman@gmail.com

San Francisco Board of Appeals
c/o Julie Lamarre
49 South Van Ness, Suite 1475
San Francisco, CA 94103
boardofappeals@sfgov.org
julie.lamarre@sfgov.org

12 San Francisco Planning Department
13 c/o Corey Teague
14 c/o Natalia Fossi
15 49 South Van Ness, Suite 1475
16 San Francisco, CA 94103
corey.teague@sfgov.org
natalia.fossi@sfgov.org

San Francisco Department of Building
Inspection
c/o Joseph Ospital
49 South Van Ness Avenue
San Francisco, CA 94103
joseph.ospital@sfgov.org

17 in the manner indicated below:

18 ☒ **BY ELECTRONIC MAIL:** I caused the documents to be sent to the person(s) at the
19 electronic service address(es) listed above. Such document(s) were transmitted *via*
20 electronic mail from the electronic address: luke@collaray.com ☒ in portable document
format ("PDF") Adobe Acrobat or ☐ in Word document format.

21 I declare under penalty of perjury pursuant to the laws of the State of California that the
22 foregoing is true and correct.

23 Executed August 28, 2025, at San Francisco, California.

24 /s/ Luke Garvey
25 LUKE GARVEY
26
27
28

Exhibit A

**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 Ave, Suite 400 San Francisco,
CA

Notice: 1 COMPLAINT NUMBER:
202538518

DATE:
06/20/2025

ADDRESS : 2518 BUCHANAN ST

BLOCK : 0590 LOT : 008

**OCCUPANCY/USE : R-3 | RESIDENTIAL- 1 & 2 UNIT DWELLINGS,TOWNHOUSES LESS THAN 3
STORIES**

Y 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.

ON SITE CONTACT :

VIOLATION DESCRIPTION:

Y WORK WITHOUT PERMIT	103A
Y ADDITIONAL WORK-PERMIT REQUIRED	106A.4.7
<input type="checkbox"/> EXPIRED PERMIT	106A.4.4
<input type="checkbox"/> CANCELLED PERMIT PA#:	106A.3.7
<input type="checkbox"/> UNSAFE BUILDING	102A
<input type="checkbox"/> SEE ATTACHMENTS	

CODE VIOLATION DESC : Walls/fences around roof area being 1 replaced without a permit.
Code/Section: SFBC 103A, SFBC 106A.4.7 Monthly monitoring fee applies. Code/Section: SFBC 110A, Table 1A-K

CORRECTIVE ACTION:

- Y** STOP ALL WORK SFBC 104.2.4
Y FILE BUILDING PERMIT WITHIN **14** DAYS
Y (WITH PLANS) A copy of this notice must accompany the permit application
Y OBTAIN PERMIT WITHIN **21** DAYS AND COMPLETE ALL WORK WITHIN **28** DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
☐ CORRECT VIOLATIONS WITHIN DAYS.
☐ NO PERMIT REQUIRED
☐ YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS. **N**

FAILURE COMMENT DESCRIPTION : Stop all work at roof area. Pending obtaining a permit.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- | | |
|--|---|
| <input type="checkbox"/> 9x Permit Fee (Work w/o Permit after 9/1/60) | Y 2x Permit Fee (Work Exceeding Scope of Permit) |
| <input type="checkbox"/> Other | |
| <input type="checkbox"/> Reinspection Fee \$ | <input type="checkbox"/> NO penalty (Work w/o permit prior to 9/1/60) |
| <input type="checkbox"/> approx. date of work w/o permit | 6/1/2025 12:00:00 AM |
| <input type="checkbox"/> value of work performed without permits 5000 | |

CONTACT INSPECTOR : Robert J Power BID / 4 628-652-3619



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

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 permits. 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) 652-1150

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. **If an Order of Abatement is recorded against this property, the owner will be billed or the property will be liened for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102.2 & 110.**

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(6) of the Revenue and Taxation Code.

WARNING: Section 103 of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el límite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Peimisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendra el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos esten pagados, se le cobrarán al dueño del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102.2 y 110 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa. de \$200 por cada segunda infracción de incanformidad, aumentando hasta un maximo de \$7,500 por cada edificio. Esta Sección tambien permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios ó 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rapidamente y continua.mente acusado despues de seis(c) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103 de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 porcada día a cualquier persona que infrinja, desobedezca, omitta, descuide, rehusa cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección tambien impone multas per delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

根據《三藩市建築法規》(即 SFBC) 第 107.5 項和第106.4.7項條款規定，對沒有許可證就已開始的工程和或正在進行的工程，將收取調查費。當每人可以在許可證發出日起 15 天之內，調查費可以向許可上訴委員會提出上訴。該委員會地址在 South Van Ness 街 49 號 14 樓。電話：(628) 652-1150。

警告：如不按原要求立即採取行動，以糾正上述違章行為，將導致建築當局付諸強制糾正程序的執行。倘對此房地產頒發的強制糾正程序令一經在市府備案，則自通達通知張貼日起的各項與此糾正程序令有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法規》第 102.2 項和第 110 項條款。

警告：《三藩市建築法規》(即 SFBC) 第 204(b) 項條款規定：對每一違章初犯者立即將被罰款 100 元，二次違犯者罰款 200 元，每幢樓宇的最高罰款可達 7,500 元。此項法規還規定對每一違章犯者可提出刑事控告，每日最高罰款可達 1,000 元，或／和監禁六個月。

警告：任何人通過出租房屋獲得收入，而該房屋已被建築當局判定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息，以及與較低於規定標準的建築有關的折舊或稅收中扣除稅款。如果在此廣告公布六個月後，改正工程沒有完成，或者沒有償還、迅速有效地繼續進行，我們將根據《國家稅收法規》(即 Revenue & Taxation Code) 第 1264 (c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：《三藩市建築法規》第 103 項條款規定：對於任何違反、不服從、疏忽、忽視，或拒絕遵照此法規者，或者抵制、反對實施此法規中的任何條款的個人，將付最高 500 元的民事罰款。此法規還規定對違章者，如果被定罪，對每天所發生的、每一單獨的犯法行為，將付下高達 500 元的罰款，和／或監禁六個月。

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

Technical Support for Online Services

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

Exhibit B

City and County of San Francisco
DEPARTMENT OF BUILDING INSPECTION

J O B C A R D



OFFICE HOURS **EFFECTIVE APRIL 28, 2025 - DBI-HOURS** DAY THRU FRIDAY,
FROM 7:30A TUESDAY-FRIDAY FROM 8AM-5PM, EXCEPT MONDAY 9A-5PM 0AM to 4:00PM

REQUESTS FOR INSPECTIONS ARE TAKEN 24 HOURS A DAY / 7 DAYS A WEEK
BY CALLING (628) 652-3401

APPLICATION NO. 2025.0710.0533 ISSUED JUL 10 2025
JOB ADDRESS: 2518 Buchanan ST BLOCK: 0590 LOT: 008
NATURE OF WORK: _____

WORK PERMITTED UNDER AUTHORITY OF THIS BUILDING PERMIT NUMBER MUST BE COMPLETED
PRIOR TO EXPIRATION DATE OF 07/05/2026.

EXTENSION OF TIME TO COMPLETE WORK UNDER THIS BUILDING PERMIT NUMBER MAY BE GRANTED UPON
WRITTEN REQUEST PRIOR TO THE DATE NOTED ABOVE.

For information on the Permit Process, Building Plans Review, Access Issues, etc., please see page 4 of this
JOB CARD for useful and appropriate telephone numbers.

* ELECTRICAL & PLUMBING WORK MUST HAVE PERMITS SEPARATE FROM A BUILDING PERMIT. *

KEEP THIS CARD POSTED IN A CONSPICUOUS PLACE ON THE JOB SITE AT ALL TIMES.
PLANS AND PERMIT DOCUMENTS SHALL BE ON THE JOB SITE
AT ALL TIMES WHEN WORK IS IN PROGRESS.
AFTER COMPLETION OF WORK, RETAIN THIS CARD FOR YOUR RECORDS.

SUPPLEMENTAL INSPECTION RECORD

Application #:

FOR INFORMATION ON THE PERMIT PROCESS, CALL THE DEPARTMENT OF BUILDING INSPECTION'S CUSTOMER SERVICE DIVISION AT 628-652-3230.

FOR INFORMATION RELEVANT TO VARIOUS ASPECTS OF YOUR PERMITTED WORK UNDER WAY, PLEASE USE THE FOLLOWING PHONE NUMBERS:

BUILDING INSPECTION:	628-652-3450	ENERGY/MECHANICAL	
CENTRAL PERMIT BUREAU:	628-652-3240	PLAN CHECK:	628-652-3459
CODE ENFORCEMENT:	628-652-3430	RECORDS:	628-652-3420
PLAN REVIEW SERVICES:	628-652-3600	PLANNING DEPARTMENT:	628-652-7300
DISABLED ACCESS:	628-652-3730	PLUMBING INSPECTION:	628-652-3450
ELECTRICAL INSPECTION:	628-652-3450	REROOFING INSPECTION:	628-652-3401
FIRE INSPECTION:	415-554-8927	SPECIAL INSPECTION:	628-652-3407
FIRE PLAN CHECK:	628-652-3472	DPW-BSM:	
GENERAL INFORMATION:	628-652-3200	STREET USE & MAPPING /	628-271-2000
HEALTH INSPECTION:	415-252-3800	PERMIT & INSPECTION OFFICE:	
HOUSING INSPECTION:	628-652-3700	49 South Van Ness Avenue, #300:	
		BUREAU OF URBAN FORESTRY:	
		49 South Van Ness Avenue, #1000:	628-652-8733

A FINAL REMINDER

AFTER COMPLETION OF WORK BEING PERFORMED UNDER AUTHORITY OF YOUR BUILDING PERMIT, RETAIN THIS JOB CARD WITH YOUR IMPORTANT BUILDING RECORDS.

IMPORTANT!

If this permit was applied for to clear a NOTICE OF VIOLATION issued by HOUSING INSPECTION SERVICES, you must take a copy of the completed JOB CARD and mail it to the attention of the HOUSING INSPECTOR who wrote the NOTICE at the following:

**San Francisco Department of Building Inspection
Housing Inspection Services
49 South Van Ness Avenue, 4th Floor
San Francisco, California 94103**

FORM

City and County of San Francisco
DEPARTMENT OF BUILDING INSPECTION
INSPECTION RECORD



APPLICATION NO. 2025-0710.0533 ISSUED JUL 10 2025

JOB ADDRESS: 2518 Buchanan ST BLOCK: 0590 LOT: 008

NATURE OF WORK: _____

Do Not Pour CONCRETE until the following are signed			
	INSPECTIONS	Dates	Inspectors
	Foundation Forms		
	Foundation Steel		
	Grounding Electrode		
	O.K. TO POUR		

Do Not CONCRETE SLAB until the following are signed			
	INSPECTIONS	Dates	Inspectors
	Plumbing Underground		
	Electrical Underground		
	Fire Service Underground		

Do Not COVER until the following are signed			
	INSPECTIONS	Dates	Inspectors
	Rough Plumbing		
	Shower Pan		
	Flu, Vents & Ducts (PLBG)		
	Heating Hydrostatic Test		
	Rough Sprinklers (PLBG)		
	Rough Electrical		
	Rough Sprinklers (FIRE)		
	Hydrostatic (FIRE)		
	Sound Transmission		
	Rough Framing		
	Insulation		
	Environmental Air, Vents, Ducts (BLDG)		
	Lath		
	O.K. TO COVER		

ADDITIONAL WORK REQUIRING APPROVALS			
	INSPECTIONS	Dates	Inspectors
	Special		
	Special		
	Special		
	Fire Alarm		
	Energy Ordinance		

FINAL INSPECTION REQUIRED			
	INSPECTIONS	Dates	Inspectors
	Disabled Access		
	Sprinklers (PLBG)		
	Mechanical		
	Plumbing		
	Electrical		
	Street Use & Mapping		
	Urban Forestry		
	Fire Department		
	Health Department		
	Building		
	CERTIFICATE OF FINAL COMPLETION		

WARNING: THE PROVISIONS OF YOUR BUILDING INSPECTION PERMIT WILL BE NULLIFIED UNLESS ALL FINAL INSPECTIONS ARE SIGNED OFF ABOVE BY THE APPROPRIATE INSPECTORS.



NOTICE OF VIOLATION

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

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 permits. 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) 652-1150

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed or the property will be lien for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid, SFBC 102.2 & 110.

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(6) of the Revenue and Taxation Code.

WARNING: Section 103 of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 49 South Van Ness Ave., Suite 1475 (14th Floor), telefono (628) 652-1150.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendra el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos esten pagados, se le cobraran al dueño del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Sección 102.2 y 110 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de incanformidad, aumentando hasta un maximo de \$7,500 por cada edificio. Esta Sección tambien permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios ó 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rapidamente y continuamente acusado despues de seis(c) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103 de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobedezca, omita, descuide, rehusa cumplir, resiste o se opone a la ejecución de las provisiones de este código. Esta sección tambien impone multas per delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurra.

根據《三藩市建築法規》(簡稱 SFBC) 第 107.5 項和第 106.4.7 項條款的規定，對沒有許可證便已開始的工程和或正在進行的工程、或者超越許可範圍的工程，將收取調查費。當每人可以在許可證發出日起 15 天之內，調查費可以向許可上訴委員會提出上訴。該委員會地址在 South Van Ness 街 49 號 14 樓。電話：(628) 652-1150。

警告：如不按照要求立即採取行動、以糾正上述違規行為，將導致建築檢查局付諸強制糾正程序的執行。針對此房地產開發的強制糾正程序令一經在市府備案，則自通知通知張貼日起的各項與此糾正程序令有關的費用，將向房地產主索取，或將房地產扣押，直至付清各項費用。請參閱《三藩市建築法規》第 102.2 項和第 110 項條款。

警告：《三藩市房屋法規》(即 SFHC) 第 204(b) 項條款規定：對每一違章初犯者立即將罰款 100 元，二次重犯者罰款 200 元，每幢樓宇的最高罰款可達 7,500 元。此項法規還規定對每一違章初犯者可提出刑事控告，每日最高罰款可達 1,000 元，或/和監禁六個月。

警告：任何人通過出租房屋獲得收入，而該房屋已被建築檢查局定為低於規定標準者，不能從加州個人所得稅、銀行和公司所得稅利息、以及與該低於規定標準的建築有關的折舊或稅款中扣除稅款。如果在此通告公布六個月後，改正工程沒有完成，或者沒有積極、迅速有效地進行，我們將根據《國家稅收法規》(即 Revenue & Taxation Code) 第 1264(c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

警告：《三藩市建築法規》第 103 項條款規定：對於任何違反、不服從、疏忽、忽視、或拒絕遵照此法規者，或者抵制、反對實施此法規中的任何條款的個人，將付最高 500 元的民事罰款。此法規還規定對違法者，如果被判罪，對每天所發生的、每一單獨的犯法行為，將付最高達 500 元的罰款，和/或者監禁六個月。



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 Ave, Suite 400 San Francisco, CA

NOTICE: 1

NUMBER: 202538518
DATE: 20-JUN-25

ADDRESS: 2518 BUCHANAN ST

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS, TOWNHOUSES) BLOCK: 0590 LOT: 008

☒ 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: HESTIA TRUST 2001
MAILING: HESTIA TRUST 2001
ADDRESS: LISA M SARDEGNA TRUSTEE
425 VASSAR AVENUE
BERKELEY CA

PHONE #: --

94708

PERSON CONTACTED @ SITE:

PHONE #: --

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	CODE/SECTION# 103A 106A.1
<input checked="" type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106A.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102A

Walls/fences around roof area being 1 replaced without a permit.

Code/Section: SFBC 103A, SFBC 106A.4.7

Monthly monitoring fee applies.

Code/Section: SFBC 110A, Table 1A-K

CORRECTIVE ACTION:

☒ STOP ALL WORK SFBC 104A.2.4

628-652-3619

- ☒ FILE BUILDING PERMIT WITHIN 14 DAYS ☒ (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- ☒ OBTAIN PERMIT WITHIN 21 DAYS AND COMPLETE ALL WORK WITHIN 28 DAYS, INCLUDING FINAL INSPECTION AND SIGN OFF.
- ☐ CORRECT 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 PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Stop all work at roof area. Pending obtaining a permit.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- ☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☒ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT) ☐ NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)
- ☐ OTHER: ☐ REINSPECTION FEE \$
- APPROX. DATE OF WORK W/O PERMIT 01-JUN-25 VALUE OF WORK PERFORMED W/O PERMITS \$5000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECT

CONTACT INSPECTOR: Robert J Power

PHONE # 628-652-3619

DIVISION: BID

DISTRICT : 4

By:(Inspectors's Signature) _____

CENTRAL PERMIT BUREAU
49 South Van Ness Ave, Suite 400
San Francisco, CA 94103

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
(628) 652-3200

Receipt No: 25077251
Application/Permit No: 202507100533

PERMIT IS GRANTED TO

☐ ERECT ☒ ALTER BUILDING ☐ ERECT SIGN DATE OF ISSUE 10-JUL-25
☐ DEMOLISH BUILDING ☐ GRADE FILING FEE RECEIPT # _____
☐ LOWER CURB ☐ OCCUPY STREET SPACE
☐ EXCAVATE STREET OR SIDEWALK ☐ POST NOTICE
☐ HOUSE NUMBER CERTIFICATE ☐ REPAIR OR CONSTRUCT SIDEWALK

SUPPLEMENTAL FEE PAID:

☐ FINAL PLAN CHECK ☐ EXPEDITER FEE ☒ PENALTY ☐
☐ STRUCTURAL LTR ☐ DCP FEE ☐ ☐

OWNER:

HESTIA TRUST 2001

LOCATION OF JOB: HOUSE NUMBER: EXISTING ☐ ASSIGNED ☐
STREET ADDRESS BLOCK/LOT

2518 BUCHANAN ST 0590/008

METES AND BOUNDS

FRONTAGE FT 3 # STORIES 5 TYPE R-3 LEGAL OCCUPANCIES
BUILDING USE 1 FAMILY DWELLING ESTIMATED COST \$ 5,000.00
SIDEWALK SQ. FTGE ST. SPACE LINEAR FT. 9 FT. CURB SECT. TO BE LOWERED
PARKING METER LINEAR FT. PARKING METER DAYS

WORK MUST COMMENCE ON BUILDING WITHIN TIME PER CODE, UNLESS EXTENSION AUTHORIZED PRIOR TO EXPIRATION. IF UNDER ENFORCEMENT ORDERS, SPECIAL TIME PERIODS SPECIFIED IN NOTICE OF VIOLATION OR ABATEMENT ORDER WILL APPLY.

TIME FOR COMPLETION OF WORK UNDER THIS BUILDING PERMIT EXPIRES 360 Days AFTER DATE OF ISSUANCE. IF UNDER ENFORCEMENT ORDERS, SPECIAL TIME PERIODS WHERE SPECIFIED WILL APPLY.
(NOTE: STREET SPACE PERMIT EXPIRES ON COMPLETION OF WORK OR WHEN REVOKED BY DIRECTOR OF PUBLIC WORKS. SEE BACK OF FORM FOR OTHER TIME LIMITS.)

GARRETT O'DONOGHUE 4155969267

FEE PAYOR

ADDRESS

CITY

PERMIT 25077251

APPEAL

CENTRAL
PERMIT
BUREAU-D.B.I. SSONG

THIS PERMIT IS GRANTED IN ACCORDANCE WITH PROVISIONS OF THE CHARTER AND ORDINANCES OF THE CITY AND COUNTY OF SAN FRANCISCO AND/OR THE CURRENT STANDARD SPECIFICATIONS OF THE DEPARTMENT OF BUILDING INSPECTION

* ADDITIONAL INFORMATION REGARDING SPECIFIC PERMITS IS GIVEN ON THE BACK OF THIS FORM.

DBI P/C PAID AT FILING

AUDITED FOR REFUND		FEE
(1/2)	DCP PLAN CHECK	244.00
	BUILDING	178.12
	PLAN REVIEW	325.52
	PENALTY	356.24
	RECORDS RETENTION	4.00
	BLDG STDS ADMIN FUND	1.00

SURCHARGE 0.00
BOA SURCHARGE 90.00

SUBTOTAL OF FEES WITH APPLICABLE SURCHARGES \$1,198.88

STRONG MOTION 0.65

SUBTOTAL OTHER FEES 0.65

TOTAL \$ \$1,199.53

SEPARATE PERMITS MUST BE OBTAINED FOR ELECTRICAL, PLUMBING OR OTHER RELATED WORK
9003-18(Rev.10/95)

CENTRAL PERMIT BUREAU
49 South Van Ness Ave, Suite 400
San Francisco, CA 94103

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
(628) 652-3200**

Receipt No: 25077251
Application/Permit No: 202507100533

WARNING

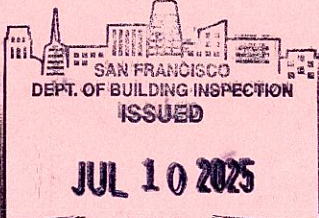
Pursuant to Article 20 of Chapter 10, Part II of the San Francisco Municipal Code (Public Works Code), certain building permits may be issued only after the permittee analyzes the soil for the presence of hazardous wastes and, where applicable, certifies that it has completed site mitigation. No officer, employee, or agency of the City conducted the soil sampling and analysis, recommended site mitigation measures, conducted the site mitigation or checked or verified the reports submitted or work performed for accuracy, reliability or adherence to protocols. In issuing this permit, neither the city nor any of its officers or employees make any representation that the soil on or about the site is free from the presence of hazardous wastes. Nor does the City's implementation of this process relieve any person from their duties and responsibilities relating to hazardous waste contamination under state and federal law. Neither soil analysis pursuant to Article 20 of Public Works Code nor the issuance of this permit is intended to alter, extinguish, or transfer these responsibilities.

ADDITIONAL INFORMATION

1. Building Permit.
All requests for extension of time must be in writing to Director, Dept. of Building Inspection.
Permits are issued subject to Appeal within 15 days to Board of Permit Appeals.
Incur no expenses until right of Appeal has lapsed.
2. Demolition Permit.
If Demolition involves Abandonment of Side Sewer Permittee must obtain a Side Sewer Permit. The Side Sewer will then be blocked at the Main Sewer.
3. Permit to Lower Curb/To Excavate in Street or Sidewalk.
Issued to construct Auto Runway as per Article 15. Public Works Code.
Excavation should be carried out in accordance with Article 8 of Public Works Code.
If issued with Building permit time for completion is same as Building; if issued alone, complete work within 6 months from date of Permit. Void if not started within 6 months.
4. Street Space Permit.
No refuse, excavated materials, concrete or mortar is to be disposed of upon Paved Streets, catch basins or into the City sewer system. No material or equipment shall be left on Roadway of Police Tow-Away Zone during hours when Tow-Away Rule is in force. Gutters and Waterways must be kept clear.
All provisions of Section 724.3 of the Public Works Code are incorporated into this permit by reference.
Street and sidewalk areas occupied must not exceed a width 1/2 the width of the sidewalk plus 1/3 the width of the Roadway fronting.
5. Permit to Repair or Construct Sidewalk.
Handicap Ramps required in vicinity of Crosswalks per plan No. 11-33, 982, Ch. 2. Before beginning any work under this permit contact your Area Inspector Tel. 554-5837. Permit valid for 3 months from date issued, unless extension authorized.
Some sidewalks have been constructed over a subsidewalk basement or other below ground structure. Issuance of this permit does not limit, modify, or alter in any way the responsibility of the property owner to ensure that such subsidewalk space complies with the San Francisco Building Code, Electrical Code, Fire Code, Mechanical Code, Plumbing Code, Public Works Code, and other Municipal Codes. In addition, issuance of this permit does not limit the liability of the property owner or his or her agent if work pursuant to this permit or the actions of a third party result in damage to the sidewalk or subsidewalk structure; consequently, permittees proceed at their own risk. The City and County of San Francisco makes no representations that issuance of a sidewalk permit will or will not directly or indirectly affect a subsidewalk structure. The Department of Building Inspection, in conjunction with the Department of Public Works, issues permits to construct or alter subsidewalk spaces separately from a sidewalk permit. Property owners are encouraged to seek the advice of qualified professionals to independently analyze the structural integrity of subsidewalk space and determine whether such space should be improved or modified.
6. Hold Harmless Clause.
The Permittee(s) by acceptance of this permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands and actions.

BOARD OF PERMIT APPEALS STIPULATIONS.

APPROVED FOR ISSUANCE



APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

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

2 NUMBER OF PLAN SETS

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

DATE FILED 6/10/25	FILING FEE RECEIPT NO. [check]	(1) STREET ADDRESS OF JOB 2518 Buchanan	BLOCK & LOT 0590 / 008
RECEIPT NO. [check]	ISSUED JUL 10 2025	(2A) ESTIMATED COST OF JOB \$5000	(2B) REVISED COST: BY: [check] DATE: 7/1/25

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V	(5A) NO. OF STORIES OF OCCUPANCY: 3	(6A) NO. OF BASEMENTS AND CELLARS: 1	(7A) PRESENT USE: Residential SFD	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS: 1
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. V	(5) NO. OF STORIES OF OCCUPANCY: 3	(6) NO. OF BASEMENTS AND CELLARS: 1	(7) PROPOSED USE (LEGAL USE) Residential SFD	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS: 1
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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(14) CONTRACTOR K2 Builders Inc.	E-MAIL david@k2buildersinc.com	PHONE 415 375 1578	CSLB NO. 817856	EXPIRATION DATE 5/31/26
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(15) PROPERTY OWNER HESTIA TRUST	ADDRESS 2001 425 VASSAR AVE	ZIP Berkeley CA	E-MAIL 94708	PHONE (FOR CONTACT BY DEPT.) 2521507
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
REPAIR ROOF DECK AND REPAIR KID (e) fence at (e) roof deck.
To comply with RE: NOV 2025-38518

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> (26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")	ADDRESS
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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 building. 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
☐ AGENT
☐ ENGINEER

APPLICANT'S CERTIFICATION

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

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 Everest Premier Insurance
Policy Number 7600023907241

() III. The cost of the work to be done is \$100 or less.

() IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 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.

Signature of Applicant or Agent

Date

CONDITIONS AND STIPULATIONS

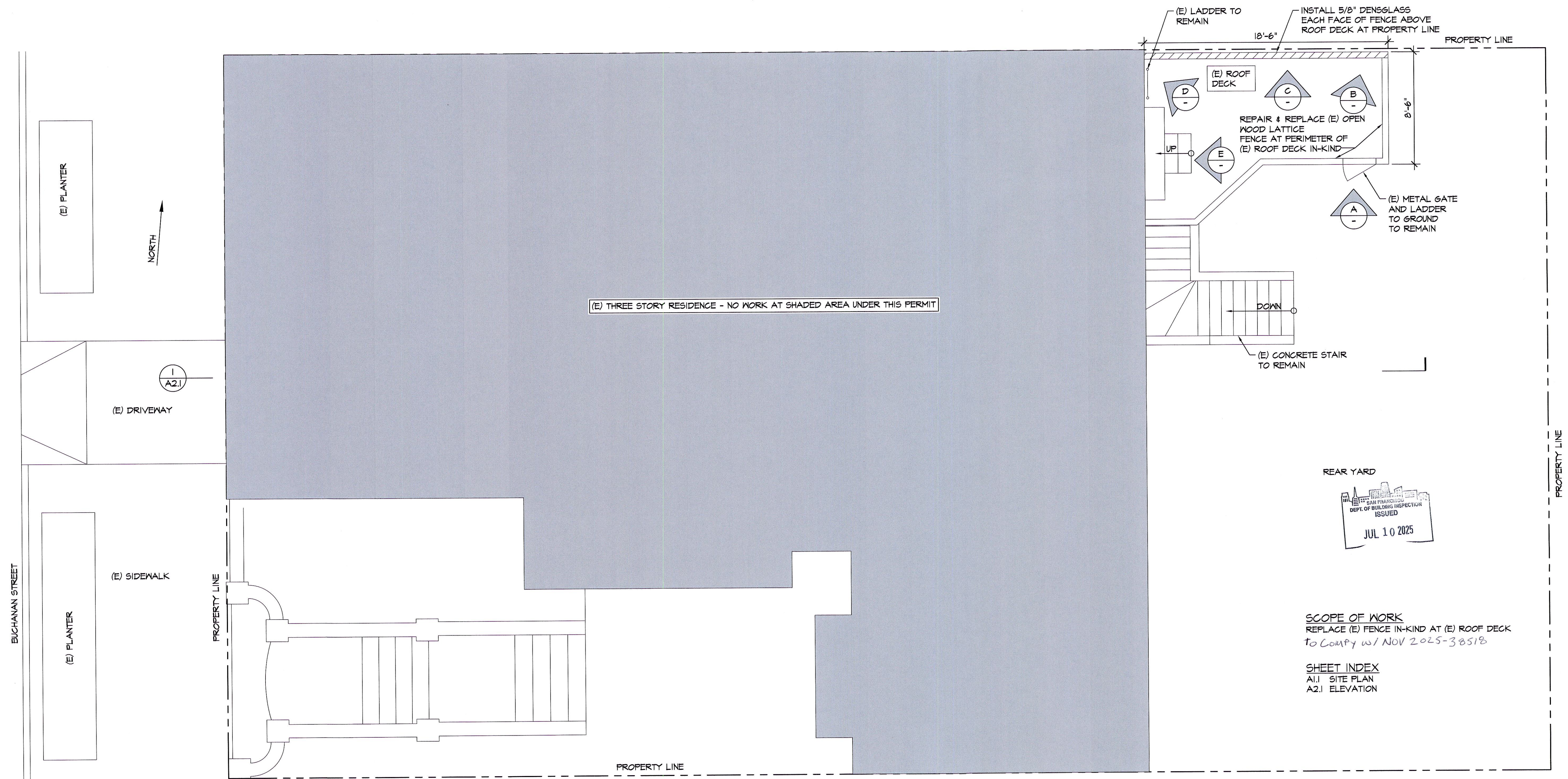
REFER TO: <input type="checkbox"/>	APPROVED: HOUSING INSPECTION DIVISION, DEPT. OF BLDG. INSPECTION	DATE: _____ INSPECTOR: Oleto Morales Sibane 7/10/25 BUILDING INSPECTION DIVISION
<input type="checkbox"/>	APPROVED: Repair of rear deck & property line fencing to be fire-rated. APPROVED BY CHARLES ENCHILL JUL 10 2025 DEPARTMENT OF CITY PLANNING PLANNING DEPARTMENT	DATE: _____ INSPECTOR: ELECTRICAL INSPECTION DIVISION
<input type="checkbox"/>	APPROVED: Nelson Lau, DBI BLDG JUL 10 2025 PLAN REVIEW SERVICES, DEPT. OF BLDG. INSPECTION	DATE: _____ INSPECTOR: PLUMBING INSPECTION DIVISION
<input type="checkbox"/>	APPROVED: CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ INSPECTOR: CODE ENFORCEMENT SERVICES
<input type="checkbox"/>	APPROVED: MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ INSPECTOR:
<input type="checkbox"/>	APPROVED: SAN FRANCISCO FIRE DEPARTMENT	DATE: _____ INSPECTOR:
<input type="checkbox"/>	APPROVED: 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

Exhibit C



1 PLAN SCALE: 1/4" = 1'-0" SITE



PHOTO A



PHOTO B



PHOTO C



PHOTO D

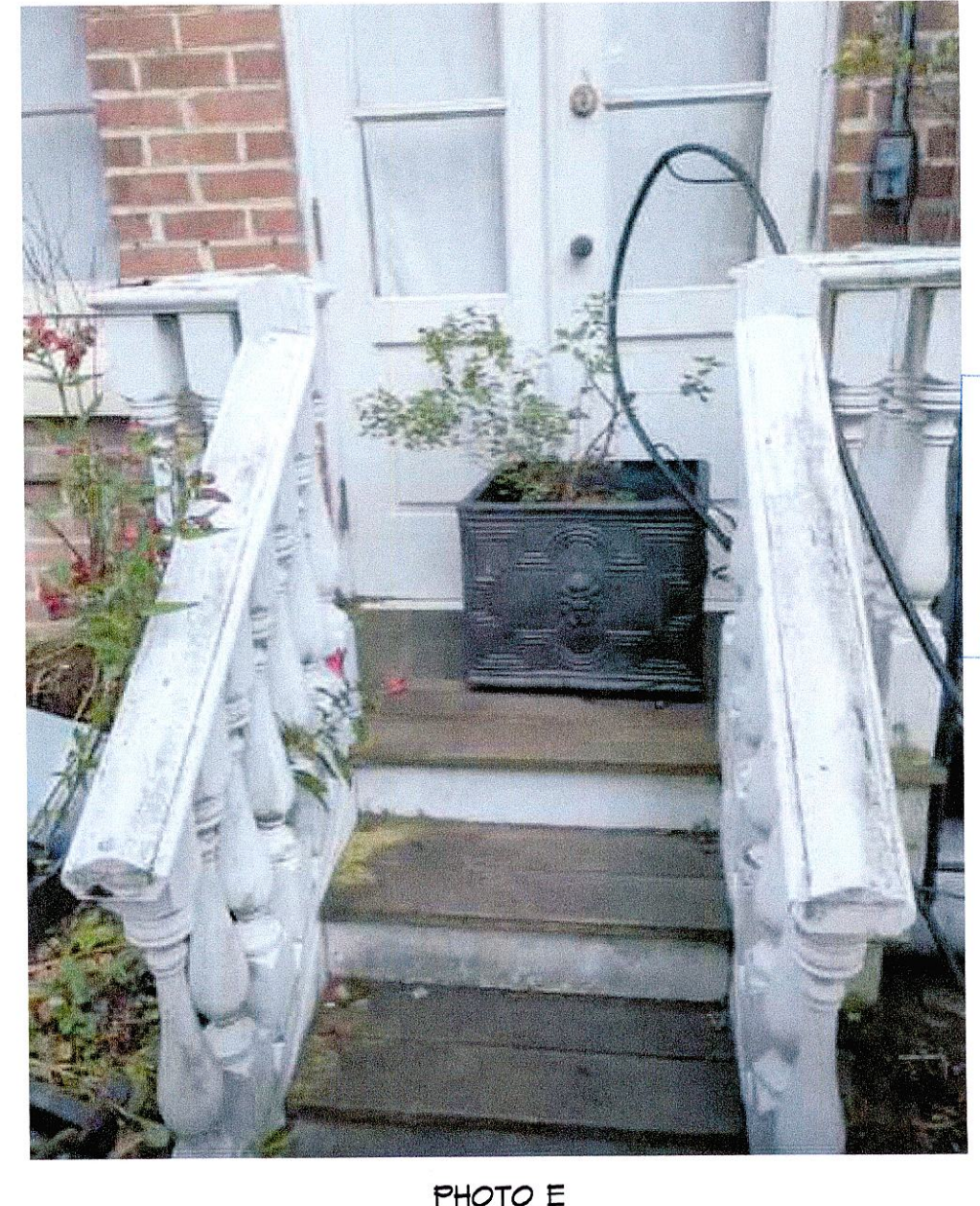


PHOTO E

APPROVED BY CHARLES ENCHILL
JUL 10 2025
PLANNING DEPARTMENT

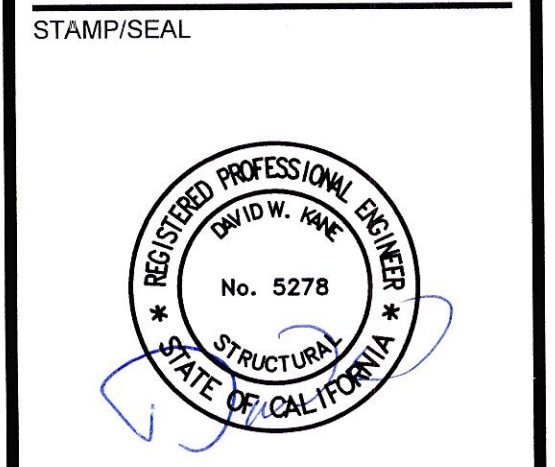
RECEIVED
JUL 10 2025
DEPT. OF BUILDING INSPECTION
THIS PLAN WAS REVIEWED BY A CITY STAFF MEMBER AND ACCEPTED FOR RECORD

Nelson Lau, DBI BLDG
JUL 10 2025

HARRELL KANE
STRUCTURAL ENGINEERS INC
303 SACRAMENTO ST 3RD FL
SAN FRANCISCO, CA 94111
TEL: (415) 501-9000

FENCE REPAIR AT (E) ROOF DECK
2518 BUCHANAN STREET
SAN FRANCISCO, CALIFORNIA
BLOCK & LOT: 0590/008
2025-0710-0533

REVISIONS		
DATE	SYMBOL	DESCRIPTION



HKSE JOB #: 16022

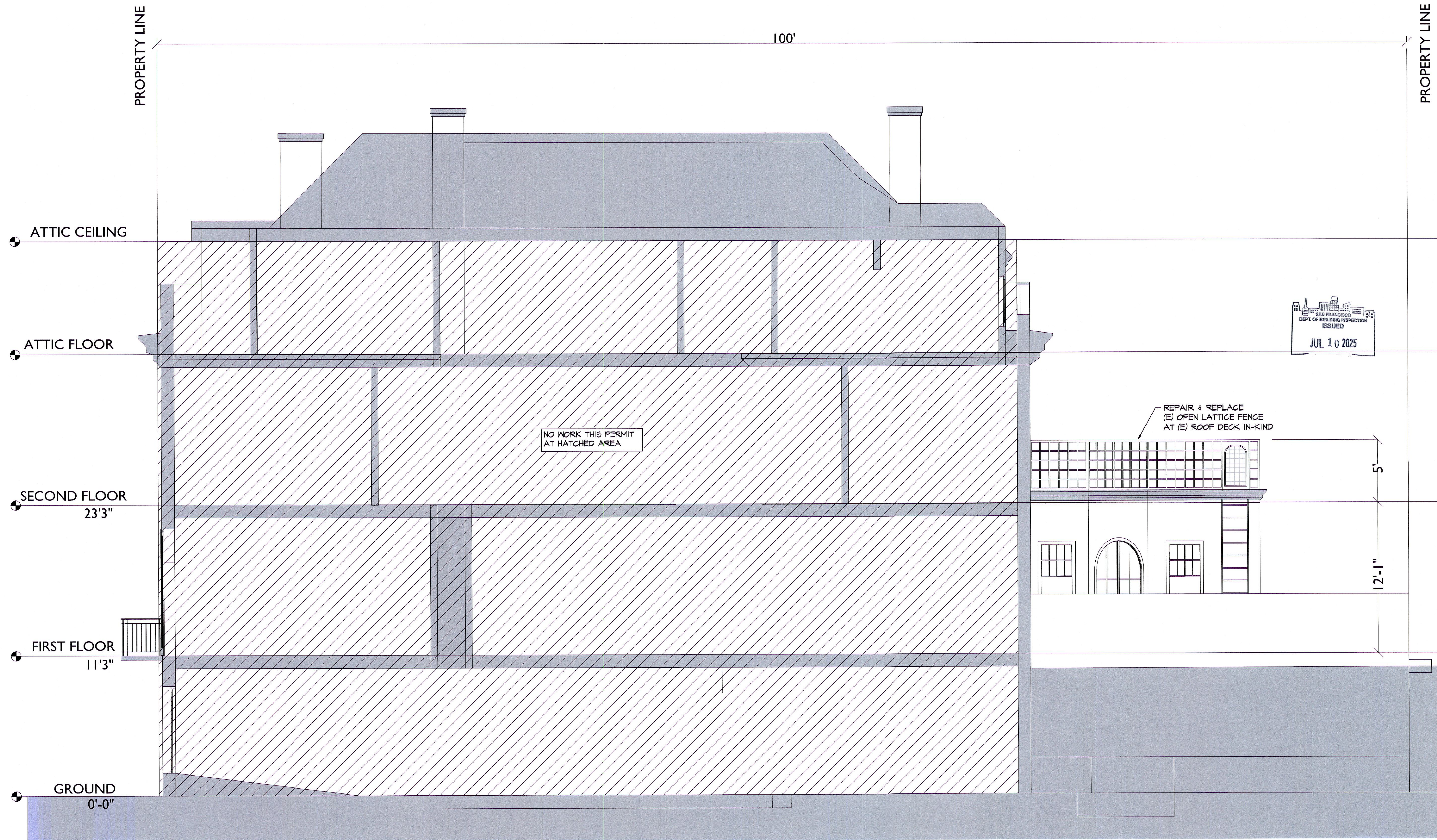
DATE:
7/9/2025
SHEET TITLE:
SITE PLAN

SCALE: AS NOTED

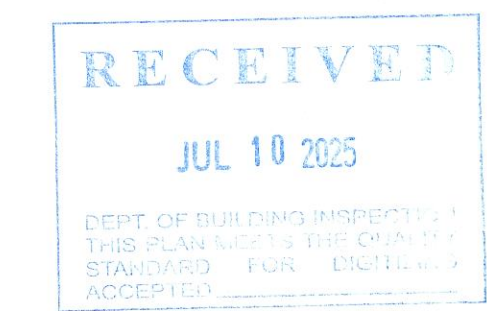
SHEET NUMBER

A1.1

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ENGINEER, AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ENGINEER



1 SECTION
SCALE: 1/4" = 1'-0"



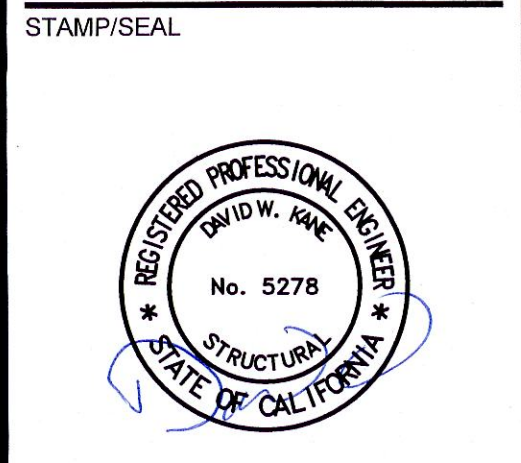
APPROVED BY CHARLES ENCHILL
JUL 10 2025
PLANNING DEPARTMENT

Nelson Lau, DEIRING
JUL 10 2025

HARRELL KANE
STRUCTURAL ENGINEERS INC
303 SACRAMENTO ST 3RD FL
SAN FRANCISCO, CA 94111
TEL: (415) 501-9000

FENCE REPAIR AT (E) ROOF DECK
2518 BUCHANAN STREET
SAN FRANCISCO, CALIFORNIA
BLOCK & LOT: 0590/008

REVISIONS		
DATE	SYMBOL	DESCRIPTION



HKSE JOB #: 16022

DATE:
7/9/2025

SHEET TITLE:
SECTION

SCALE: AS NOTED

SHEET NUMBER

A2.1

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ENGINEER AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF THE ENGINEER

Exhibit D



Fences

Planning Department
49 South Van Ness Avenue,
Suite 1400
San Francisco, CA 94103

T: 628.652.7600

Date:
January 2019

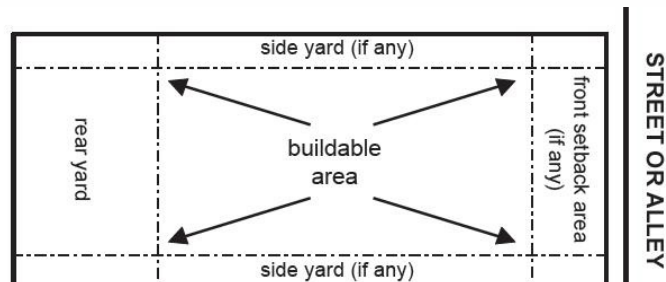
Subject:
Fences

Introduction

A building permit is not required for a fence that is three feet or less in height at the front of a property, or six feet or less in height at the side or rear property lines. Neighborhood notification is not required for fences ten feet or less in height. If a fence is ten feet or less in height and it meets the restrictions discussed below, it will usually be approved over the counter.

Controls on allowable heights of fences are contained in the Planning Code. They are based on the location of the fence(s) on the property and required yards and setbacks. In all residential zoning districts there are rear yard requirements. There may be side yard and front setback requirements as well. There are rear yard requirements in some commercial districts and in any commercial, industrial or mixed use district at the first story containing a dwelling. (Thus a ground floor dwelling would trigger a rear yard requirement at the ground level in these districts). The area of a lot that is not subject to a required setback is known as the 'buildable area'. (See Figure 1).

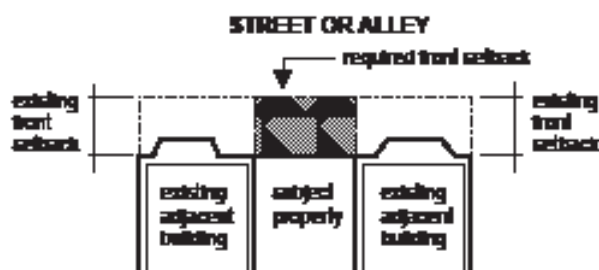
*Figure 1:
Yards and Setbacks*



FRONT SETBACK

Front setback requirements apply in RH, RM and RTO districts which encompass most San Francisco residential neighborhoods. These are generally based on the location of the front building walls of the adjacent properties fronting on the same street. The required setback for a property is usually an average of the setbacks of these two adjacent properties (see Figure 2).

Figure 2: Front Setbacks



If your property is a corner lot and subject to a front setback requirement it would be equal to one-half of the setback of the one adjacent property. (In a few cases there are front setbacks that are legislated by ordinance. See the discussion below under Variance).

If there are no adjacent setbacks, e.g. the adjacent buildings are built to the front property line, then your lot would have no front setback requirements.

The maximum required front setback is equal to 15% of the lot depth or 15 feet, whichever is less. So even if the adjacent buildings are substantially set back, you would not be required to set back beyond the maximum.

If you propose a fence within the required front setback area, it is limited to a height of 3 feet if solid, and 6 feet if 75% open. A 75% open fence would typically be something like a wrought iron gate where the solid portions of the fence make up 25% or less of the total area of the fence (see Figure 3, left). A picket fence with minor openings between slats would not qualify unless the slats were very thin and/or had large gaps between them (see Figure 3 right). (Please note, you will not be permitted a fence that is 3' solid with any additional fencing above that height in the front setback.)

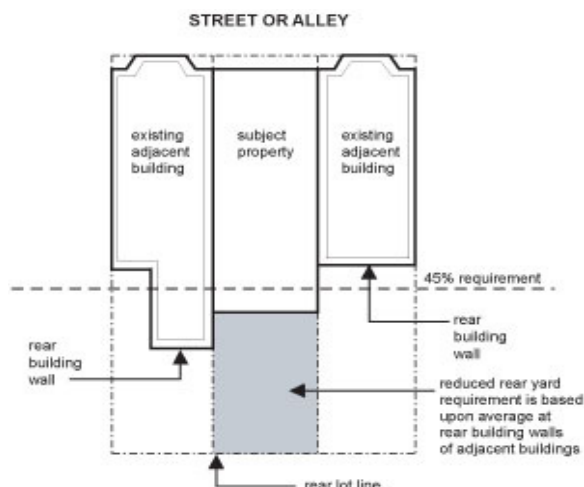
REAR YARDS

Generally, rear yards are required in all residential districts. With few exceptions, the requirements are either 25% or 45% of lot depth depending on the zoning. Rear yards are required in some commercial districts from the ground up, and in all commercial districts at residential levels, typically as a 25% of lot depth requirement. In the case of the 45% of lot depth requirement, the rear yard can be reduced based on an average of the adjacent building walls, i.e. if these building walls project further than the 45% requirement on your lot, then your requirement can be reduced to the average of those projections (see Figure 4). The requirement cannot be reduced to less than 25% of lot depth or 15' whichever is greater.

Figure 3: 'Open' and Solid Fences



Figure 4: Rear Yards



In the required rear yard area, the maximum allowable height of a fence is 10 feet above grade. (There may be circumstances, particularly when there are substantial grade differences between parcels, when the Zoning Administrator could authorize a fence up to six feet above a retaining wall on a case-by-case basis regardless of total height above the grade.)

SIDE YARDS

In a limited number of residential areas there are also side yard requirements (Residential House, One-Family (Detached Dwellings)). Per Planning Code Section 133, lots with a width of 28 feet or greater must provide side yards, increasing in size based on the width of the lot up to a maximum of 5 feet on each side. The limitations described in the preceding section for rear yards would also apply in side yards, i.e. fences are allowed up to 10 feet in height.

If you have any questions about determining your yard or setback requirements you should contact the Planning counter at the Permit center by e-mail pic@sfgov.org.

BUILDABLE AREA

You may build a fence taller than 10 feet within the buildable area of the lot (see Figure 1 and Figure 5). In residential districts, and some commercial districts, this would require a neighborhood notification. Please see the Neighborhood Notification handout for more. A fence taller than 10 feet in the buildable area may also be subject to review under the Residential Design Guidelines.

VARIANCE

If you wish to build a fence in a required yard or setback that exceeds the limitations stated above, you would need to seek and justify a Variance. In limited areas there are front setbacks that are established by ordinance. These are known as 'legislated setbacks'. The rules for fences in these areas are the same as 'typical' front setback requirements. However, a variance cannot be issued for exceptions to legislated setbacks. The setback would have to be modified or abolished

by ordinance, i.e. the Board of Supervisors, so that the fence would be allowable.)

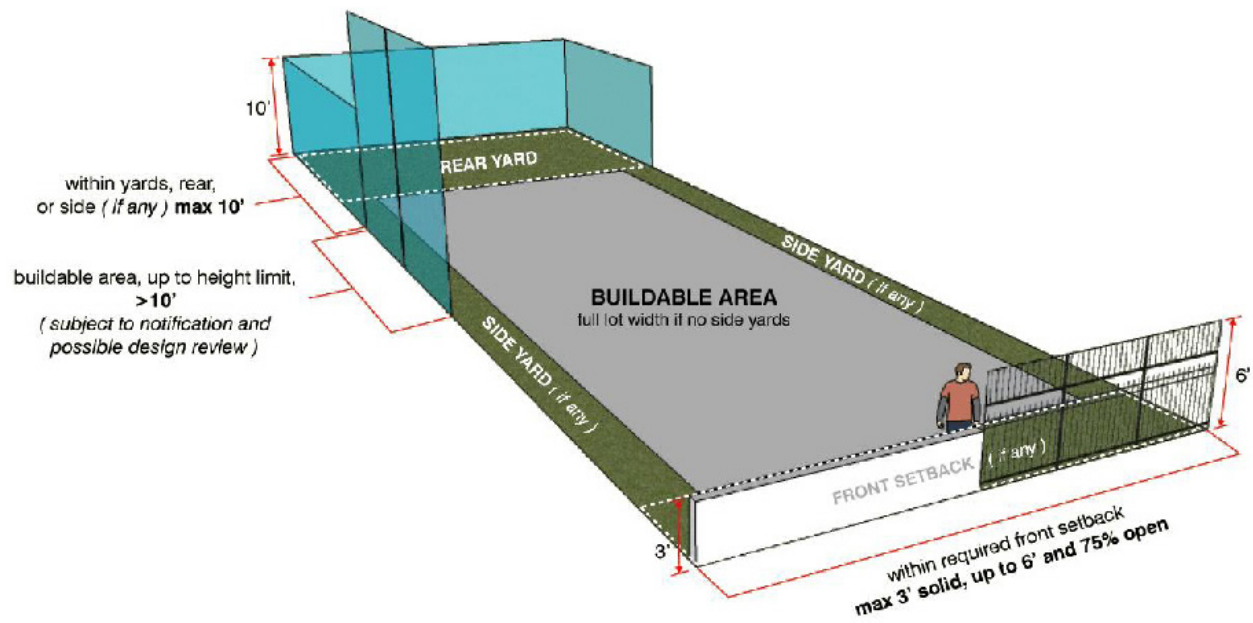
PERMITTING

When applying for a fence permit, provide plans that show the precise location of the fence on the site, the location of any required setbacks, and the height of the fence. If you are constructing a fence greater than 3 feet in height in the front setback and are relying on openness of the fence to gain additional allowable height, you should also show by illustration or diagram how the proposed fence meets the openness requirement.

Summary

Figure 5 below illustrates the Planning Code restrictions on fences. In summary, fences in a required front setback are limited to a maximum height of 3' if solid or 6' if 75% open. Fences in required yards, rear or side, are limited to 10' in height. Fences in the buildable area have no specified height restriction other than the applicable height limit for the lot. However, for fences greater than 10' in height neighborhood notification may be required and design review standards may limit the allowable height of the fence. Again, If the fence is less than or equal to 10 feet in height and it meets all other applicable limitations, it will typically be approved over the counter.

Figure 5:
Illustration of Fence Height Limits



San Francisco
Planning

FOR MORE INFORMATION:
Contact the San Francisco Planning Department

Central Reception
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

TEL: 628.652.7600
WEB: www.sfplanning.org

Planning counter at the Permit Center
49 South Van Ness Avenue, 2nd Floor
San Francisco, CA 94103

EMAIL: pic@sfgov.org
TEL: 628.652.7300

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)



BOARD OF APPEALS BRIEF

HEARING DATE: September 3, 2025

August 28, 2025

Appeal Nos.: 25-028
Project Address: 2518 Buchanan Street
Block/Lot: 0590/008
Zoning District: RH-2 (Residential-House, Two-Family)
Family and Senior Housing Opportunity Special Use District
Height District: 40-X
Staff Contact: Corey Teague, Zoning Administrator – (628) 652-7328
corey.teague@sfgov.org

Introduction

Building Permit (BP) Nos. 202507100533 was filed and issued by the Department of Building Inspection (DBI) on July 10, 2025. The scope of work was “To comply with nov 202538518 repair in kind (e) fence @ (e) roof deck.” This permit was not routed to the Planning Department for review.

Analysis

The subject lot is within the RH-2 Zoning District, which requires a rear yard equal to 30% of the lot depth. Because the proposed work involved the voluntary removal and rebuilding of a legal noncomplying wall and trellis structure (not a fence) within the required rear yard, the permit should have been routed to the Planning Department, and the proposed scope of work would have required a variance from the Zoning Administrator to be granted before such a building permit could be issued.

However, Ordinance No. 146-25 (Exhibit 1) was adopted by the Board of Supervisors earlier this year and becomes effective on September 5, 2025. This ordinance amends Planning Code Section 188 such that legal noncomplying structures in the required rear yard may be replaced in-kind without the need for a variance.

Conclusion

The subject permit was issued in error because it required Planning Department review and a rear yard variance from the Zoning Administrator. However, looking forward, the subject permit will no longer require such variance as of September 5, 2025, pursuant to new Planning Code Section 188(a)(1). As such, the Planning Department would support the subject permit's approval as of that date.

cc: Pacific Townhouse Association, c/o Cassandra and Keith Giarman (Appellant)
Hestia Trust 2001, c/o Garrett O'Donoghue (Determination Holder)
Joe Ospital (Department of Building Inspection)

Enclosures: Exhibit A – Ordinance No. 146-25

EXHIBIT A

[Planning, Building Codes - Noncomplying, Unpermitted, and Accessory Structures]

Ordinance amending the Planning Code to provide conditions for repair and relocation of existing noncomplying structures within required yards, grant unpermitted residential structures within yards that were constructed before 2003 noncomplying status, and allow accessory structures up to 10 feet in height and 120 square feet within required yards; amending the Building Code to exempt accessory structures up to 120 square feet from building permits; affirming the Planning Department's determination under the California Environmental Quality Act, making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental, Land Use, and General Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. 250284 and is incorporated herein by reference. The Board affirms
2 this determination.

3 (b) On June 26, 2025, the Planning Commission, in Resolution No. 21757, adopted
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the
5 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
6 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
7 Board of Supervisors in File No. 250284, and is incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
9 amendments will serve the public necessity, convenience, and welfare for the reasons set
10 forth in Planning Commission Resolution No. 21757 and the Board incorporates such reasons
11 herein by reference. A copy of Planning Commission Resolution No. 21757 is on file with the
12 Clerk of the Board of Supervisors in File No. 250284.

13 (d) On July 16, 2025, at a duly noticed public hearing, the Building Inspection
14 Commission considered this ordinance in accordance with Charter Section 4.121 and Building
15 Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection
16 Commission regarding the Commission's recommendation is on file with the Clerk of the
17 Board of Supervisors in File No. 250284.

18 (e) No local findings are required under California Health and Safety Code Section
19 17958.7 because the amendments to the Building Code contained in this ordinance do not
20 regulate materials or manner of construction or repair, and instead relate in their entirety to
21 administrative procedures for implementing the code, which are expressly excluded from the
22 definition of a "building standard" by California Health and Safety Code Section 18909(c).

23
24 Section 2. Articles 1.2 and 1.7 of the Planning Code are hereby amended by revising
25 Sections 136 and 188, and adding Section 188.1, to read as follows:

1 SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED
2 SETBACKS, YARDS, AND USABLE OPEN SPACE.

Streets and Alleys	Set- backs	Yards	Usable Open Space	
* * * *				
				(c) The permitted obstructions shall be as follows:
* * * *				
		x		(23) <i>One or more detached Other structures, which may not include sleeping quarters or full kitchens, but may include bathrooms and wetbars but not full kitchens, commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than 10eight feet in height above grade, as measured to the top of the structure, and covering no more than a combined 120100 square feet as measured at grade. An additional 1 foot of roof eave may be permitted beyond the 120 square feet maximum of land;</i>
* * * *				

23
24 SEC. 188. NONCOMPLYING STRUCTURES: ENLARGEMENTS, ALTERATIONS,
25 AND RECONSTRUCTION.

1 (a) Within the limitations of this Article 1.7, and especially Sections 172 and 180
2 hereof, and notwithstanding Sections 188(a)(1) and 188.1, a noncomplying structure as defined in
3 Section 180 may be enlarged, altered, or relocated, or undergo a change or intensification of
4 use in conformity with the use limitations of this Code, provided that with respect to such
5 structure there is no increase in any discrepancy, or any new discrepancy, at any level of the
6 structure, between existing conditions on the lot and the required standards for new
7 construction set forth in this Code, and provided the remaining requirements of this Code are
8 met.

9 (1) Existing Yard Structures. A noncomplying structure that is located within a
10 required yard may be enlarged, altered, or replaced provided that any above-grade enlargement of
11 such structure is only to the degree necessary to conform to current Building Code requirements,
12 including, but not limited to, the addition or construction of fire-rated walls. A noncomplying
13 structure that is located within a required yard may be relocated within the yard only if the structure's
14 new location is equally or further set back from the nearest property lines than the original location.
15 Interior alterations, including the structure's use for different purposes, shall not constitute an
16 intensification for the purposes of this subsection (a)(1). Additionally, for any partially noncomplying
17 structure that is located within a required yard, the rules set forth in this subsection (a)(1) shall apply
18 only to the portions of the structure that are noncomplying; portions of the structure within the
19 buildable area shall be subject to rules elsewhere in this Code governing building within the buildable
20 area of the lot.

21 (2) Nothing in this Section 188 shall exempt noncomplying structures from the Planning
22 Code controls other than those for required yards.

23 * * * *

1 **SEC. 188.1. NONCOMPLYING STRUCTURE STATUS FOR CERTAIN PRE-EXISTING**
2 **RESIDENTIAL STRUCTURES IN RH, RM, AND RTO DISTRICTS.**

3 (a) Within a required yard, residential structures that were constructed without the benefit of a
4 permit prior to January 1, 2003, shall be considered Noncomplying Structures and may be altered,
5 relocated, or replaced in-kind with the same dimensions as they existed prior to 2003. Alterations,
6 relocations, and in-kind or smaller replacements may deviate from the original structure's dimensions
7 only in keeping with the requirements of Section 188(a) of this Code.

8 (b) Nothing in this Section 188.1 shall exempt structures from the Planning Code controls other
9 than those for required yards.

10 ~~(c) The City shall refund any permit fees incurred by applicants who sought a Variance~~
11 ~~determination from Sections 133 or 134 to repair or replace structures that exceeded 100~~
12 ~~square feet and/or 8 feet in height, after January 1, 2021, only if: the structures subject to the~~
13 ~~Variance are no more than 10 feet in height and no more than 120 square feet total; and were~~
14 ~~originally constructed and completed prior to 2003.~~

15
16 Section 3. Chapter 1A of the Building Code is hereby amended by revising Section
17 106A.2, to read as follows:

18 **106A.2 Work exempt from permit.** [Section 105.2 of the California Building Code.]
19 Exemptions from the permit requirements of this code shall not be deemed to grant
20 authorization for any work to be done in any manner in violation of the provisions of this code
21 or any other laws or ordinances of this jurisdiction. A building permit shall not be required for
22 the following:

23 1. One-story detached accessory buildings or structures used as tool and storage
24 sheds, playhouses, and similar uses, provided the floor projected roof area does not exceed
25

1 120400 square feet (11.159-29 m²). It is permissible that these structures still be regulated by Section
2 710A, despite exemption from permit.

3 * * * *

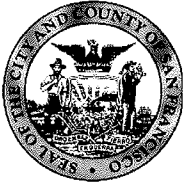
4
5 Section 4. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.

9 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the "Note" that appears under
14 the official title of the ordinance.

15
16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney

18 By: /s/ Robb Kapla
19 ROBB KAPLA
Deputy City Attorney

20 n:\leganas2025\2500219\01851660.docx



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 250284

Date Passed: July 29, 2025

Ordinance amending the Planning Code to provide conditions for repair and relocation of existing noncomplying structures within required yards, grant unpermitted residential structures within yards that were constructed before 2003 noncomplying status, and allow accessory structures up to 10 feet in height and 120 square feet within required yards; amending the Building Code to exempt accessory structures up to 120 square feet from building permits; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

June 30, 2025 Land Use and Transportation Committee - CONTINUED TO CALL OF THE CHAIR

July 21, 2025 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 21, 2025 Land Use and Transportation Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

July 22, 2025 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Chan, Chen, Dorsey, Engardio, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill and Walton

July 29, 2025 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Chen, Dorsey, Engardio, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill and Walton

File No. 250284

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
7/29/2025 by the Board of Supervisors of the
City and County of San Francisco.



 Angela Calvillo
Clerk of the Board



Daniel Lurie
Mayor

8 / 5 / 2025

Date Approved