BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

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

Appeal No. **26-032**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on June 12, 2026, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on June 5, 2026 to Kimon Manolius, of an Alteration Permit (Comply w/ NOV 202547608 in-kind repair of exsting concrete retaining walls in rear yard) at 18 Wilder Street.

APPLICATION NO. 2026/01/09/3539

FOR HEARING ON November 4, 2026

Address of Appellant(s):	Address of Other Parties:
Christopher Rodehau, Appellant(s) 14 Wilder Street San Francisco, CA 94131	Kimon Manolius, Permit Holder(s) c/o Emily Charley, Attorney for Permit Holder(s) Hanson Bridgett, LLP 425 Market Street, 26th Floor San Francisco, CA 94105

Date Filed: June 11, 2026

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT FOR APPEAL NO. 26-032

I / We, **Christopher Rodehau**, hereby appeal the following departmental action: **ISSUANCE** of **Alteration Permit No. 2026/01/09/3539** by the **Department of Building Inspection** which was issued or became effective on: **June 5, 2026**, to: **Kimon Manolius,** for the property located at: **18 Wilder Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **August 6, 2026**, **(no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, andrew.perry@sfgov.org, carey.mcelroy@sfgov.org and the other parties.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **August 20, 2026**, **(no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, corey.teague@sfgov.org, andrew.perry@sfgov.org, carey.mcelroy@sfgov.org and cjrodehau@hotmail.com

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

Hearing Date: **Wednesday, August 26, 2026, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place.** The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

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

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

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

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal

email: cjrodehau@hotmail.com

APPEALING 18 WILDER ST - PERMIT 6/11/26

I would like to appeal the Building Permit issued on 6/5/26 for 18 Wilder Street.
Application # 202601093539

I have reviewed the permit & plans and have several concerns because this project has altered the water table and caused extensive damage to my home. This damage all started immediately following the construction of this wall. I had water enter my lower floor approx 6' above the floor and this has never happened in my 30+ years residing next door. The water entered my home approximated 3-4 feet from this new wall!
I'm concerned the plans ONLY focus on the structural integrity and do not address drainage. I do not see any evidence drainage has been evaluated properly. I do not believe the wall is lined with 12" drainage rocks. I'm also not clear that this is part of remediation or supposed to be existing. The plans do not specify if the 4" drain in the corner of the property closest to 14 Wilder is new or existing. I would like to review the plans with someone more knowledgeable before settling this matter.
Thank you. Respectfully,

CHRIS RODEHAU 415-404-1836

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: **6/12/2026 2:55:57 PM**

Application Number: 202601093539
Form Number: 8
Address(es): 6746 / 005A / 0 18 WILDER ST
Description: Comply w/ NOV 202547608 in-kind repair of e) concrete retaining walls in rear yard
Cost: $10,000.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
1/9/2026	TRIAGE	
1/9/2026	FILING	
1/9/2026	FILED	
6/5/2026	APPROVED	
6/5/2026	ISSUED	

Contact Details:

Contractor Details:

License Number: 961993
Name: MICHAEL NORTHOVER
Company Name: JTM DEVELOPMENTS
Address: 531 MADRID ST * SAN FRANCISCO CA 94112-0000
Phone:

Addenda Details:

Description:

Station	Rev#	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Review Result	Hold Description
INTAKE		1/9/26	1/9/26			1/9/26	JINGJING LU	Administrative	
CES		1/9/26	1/9/26			1/9/26	LAURA TORRES	Approved	Ok to process. 9x Penalty @ 50,000. LT
CP-ZOC		4/15/26	4/15/26			4/15/26	CUIFFO KAT	Approved	Repair of existing concrete retaining wall to maintain existing height and configurations in rear yard to maintain existing grade. Response to NOV #202547608. kathryn.yi@sfgov.org 4/15/26
BLDG		4/15/26	4/15/26			4/15/26	CHANG JOANNA	Approved	BLDG PAD-STR approved OTC
CPB		6/5/26	6/5/26			6/5/26	MASOUD HAMIDI	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

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks

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

Station Code Descriptions and Phone Numbers

BRIEF SUBMITTED BY THE APPELLANT(S)

APPELLANTS' OPENING BRIEF

In Support of Appeal from the Approval of After-the-Fact Alteration Permit No. 202601093539

Before the San Francisco Board of Appeals

Appeal No. 26-032

I. INTRODUCTION

This appeal concerns an after-the-fact permit for a retaining wall constructed without a permit immediately adjacent to the Appellants' property.

The Appellants' principal concern is drainage and its potential effect on their property. The Appellants have owned and occupied their residence since 1994. For approximately twenty-seven years before construction of the neighboring retaining wall in 2021, they did not experience significant first-floor water intrusion. Significant water intrusion began during the December 31, 2022 storm and has recurred during subsequent major rainstorms. Photographs documenting conditions before and after the onset of this recurring water intrusion are submitted as Exhibits 2 and 3.

The sequence of events is relevant for a narrower reason: it demonstrates why the drainage system associated with this retaining wall is a concrete and substantial concern to the immediately adjoining property, rather than an abstract objection to the permit.

The focus of this appeal is 2 Sheets in the Drawings:

- S1.2 TYPICAL STRUCTURAL DETAILS CONCRETE
- S1.3 STRUCTURAL DETAILS

S1.2 TYPICAL STRUCTURAL DETAILS CONCRETE

Sheet S1.2 is important because it is not clear whether all depicted drainage conditions describe existing construction or work to be completed under the present permit. This drawing is

important because it contains multiple sections which relate specifically to the Appellants' drainage concerns about drainage including:

(A) CLEAR OF TOP & BOTTOM REBAR (pipe)

(B) CLOSE TO BOTTOM OF FOOTING (pipe)

(C) BOTTOM REBAR (pipe)

(D) BELOW BOTTOM OF FOOTING (pipe)

(E) TYP. PIPE & TRENCH PARALLEL TO FOOTING

The Appellants request clarification of which details apply to this retaining wall and whether they represent existing conditions or required corrective work.

S1.3 STRUCTURAL DETAILS

The approved plans themselves make drainage a material component of the permitted work. Sheet S1.3, in the retaining-wall detail, depicts:

- "WATER PROOFING"
- "12" DRAIN ROCK WRAPPED IN FILTER FABRIC OR MIRADRAIN MAT"
- "4" PERFORATED DRAIN PIPE W/ HOLES DOWNWARD SEE PLAN"

These drawings raise 3 straightforward questions that the Appellants respectfully ask to be clarified before Final Approval:

1. Are the drainage components shown being accepted by DBI as components that already exist within the wall constructed in 2021, or are they corrective work required to be installed under the after-the-fact permit?
2. If those drainage components are represented as already existing, what evidence supports that determination? Contemporaneous photographs and four short videos document multiple stages of the actual 2021 construction. These materials show portions of the excavation and retaining-wall construction while the work was still exposed. The 12-inch drain-rock layer

and 4-inch perforated drain pipe depicted on Sheet S1.3 are not apparent in those materials. Because these components are now concealed, the Appellants respectfully request clarification of the evidence upon which DBI would rely in accepting them as existing conditions.

3. This sheet expressly directs the reader to "SEE PLAN" regarding the 4-inch perforated drain pipe. From the approved plan sheets available to and reviewed by the Appellants, they have been **unable to identify where that pipe terminates or where the water collected behind the retaining wall is intended to discharge**. Because the drainage system collects water immediately adjacent to the Appellants' property, the discharge location is directly relevant to their concern.

The Appellants therefore do not seek to prevent legitimate corrective work. They respectfully request that, before Final Approval, the record clearly establish what drainage work is required, how concealed drainage components are verified, and where the drainage system shown on S1.3 discharges the water it collects.

II. FACTUAL BACKGROUND

The Appellants have continuously owned and occupied their residence since 1994. Their property is immediately adjacent to the property on which the retaining wall that is the subject of this appeal was constructed.

For approximately twenty-seven years before construction of the retaining wall, the Appellants did not experience significant first-floor flooding, even during the November 5, 1994 storm, when Downtown San Francisco recorded 5.54 inches of rainfall in a single day. This history is relevant as factual context for the Appellants' concern regarding drainage conditions along the common property boundary.

A. Construction of the Retaining Wall Without a Permit

In 2021, the neighboring property owner constructed a reinforced concrete retaining wall immediately adjacent to the Appellants' property.

According to the permit history subsequently reviewed by the Appellants, the retaining wall was constructed without first obtaining the building permit required for the work.

During construction, portions of the excavation, reinforcement, and wall construction were visible from the Appellants' property. The Appellants retained contemporaneous photographs and video recordings documenting portions of the construction sequence (Exhibit 4).

These photograph and short videos from the contractor's TikTok account show the retaining-wall excavation and reinforcement at an exposed stage before completion of the wall. At the stage depicted in these materials, the 12-inch drain-rock layer and 4-inch perforated drain pipe later depicted on approved Sheet S1.3 are **not** visible.

The photograph and videos document an exposed stage of the actual 2021 construction at which the drainage components later depicted on Sheets S1.2 and S1.3 are not visible. Whether those components were subsequently installed, and what evidence establishes any such installation, are matters that should be ascertainable from the permit and inspection record.

Rather, the photograph and videos are relevant because the present permit was obtained after construction had already been completed and because the drainage components now depicted on the approved plans are concealed. The photograph and videos therefore reinforce the need for a clear record identifying the basis upon which those concealed conditions are accepted or verified.

B. Subsequent First Floor Water Intrusion

Significant water intrusion on the first floor began during the December 31, 2022 storm and has recurred during subsequent major rainstorms. Before construction of the neighboring retaining wall in 2021, the Appellants had not experienced this pattern of first-floor flooding during approximately twenty-seven years of occupancy.

The first floor is accessed from the street, and the street-facing entrance is not below street level. Accordingly, the Appellants' drainage concern is not based on an assumption that ordinary street runoff simply entered through a below-grade front entrance. This site condition makes the management and discharge of water behind the immediately adjacent retaining wall particularly relevant to this appeal.

The historical rainfall record provides additional context. NOAA records show 5.54 inches of rain in Downtown San Francisco on November 5, 1994, compared with 5.46 inches on December 31, 2022. Despite the greater 1994 single-day rainfall event, the Appellants did not experience significant first-floor flooding during that event.

The relationship between the retaining-wall construction and the recurring water intrusion is not an issue the Appellants ask the Board to adjudicate in this permit appeal. The chronology is relevant because the approved plans depict a drainage system intended to collect and manage subsurface water behind a wall immediately adjacent to the Appellants' property.

C. DBI Investigation and After-the-Fact Permit

In 2025, after learning that the retaining wall had been constructed without the required permit, the Appellants submitted a complaint to the Department of Building Inspection requesting investigation.

DBI subsequently investigated the unpermitted construction.

Rather than requiring removal of the retaining wall, the City permitted the neighboring property owner to pursue an after-the-fact alteration permit addressing the previously unpermitted work.

DBI thereafter approved Alteration Permit No. 202601093539.

The Appellants do not object to the City allowing an appropriate corrective permitting process rather than requiring removal of the wall. Their concern is whether the corrective permit and the

record supporting it adequately address the drainage-related conditions associated with the previously completed construction.

D. The Approved Plans Expressly Depict a Drainage System

The approved structural plans are particularly important because they expressly depict drainage-related components behind the retaining wall.

On Sheet S1.3, the retaining-wall detail identifies, among other components:

- "WATER PROOFING"
- "12" DRAIN ROCK WRAPPED IN FILTER FABRIC OR MIRADRAIN MAT"
- "4" PERFORATED DRAIN PIPE W/ HOLES DOWNWARD SEE PLAN"

These are not merely general references to drainage. The drawing depicts specific physical components located behind the retaining wall.

At the same time, the same detail contains explicit construction terminology concerning other portions of the wall. For example, Sheet S1.3 states:

"REPLACE FAILING (E) 10"± CONC WALL IN-KIND"

and

"EXTEND 'AS-PLACED' CONC FOOTING."

The status of the drainage components, however, is not similarly clear from the drawing reviewed by the Appellants.

The labels for the 12-inch drain rock and 4-inch perforated drain pipe do not, on their face, state whether those components are being documented as existing construction or are required to be installed as part of the corrective work authorized by the after-the-fact permit.

That distinction is particularly important because those components are concealed behind the completed retaining wall.

E. Sheet S1.3 Directs the Reader to the Plan, but the Drainage Discharge Location Is Not Apparent

The notation concerning the 4-inch perforated drain pipe on Sheet S1.3 does not end with the description of the pipe. It expressly states: “SEE PLAN.”

The Appellants understand this notation to direct the reader to the applicable plan drawing for additional information concerning the drainage pipe.

The Appellants reviewed the approved plan sheets made available to them, including the proposed site plan. From those materials, the Appellants have been unable to identify a clearly designated route, termination, connection, or discharge location for the 4-inch perforated drain pipe depicted on S1.3.

The Appellants do not contend that no such drainage path exists merely because they have been unable to identify it on the drawings available to them. Rather, they respectfully request clarification of a straightforward factual question raised by the approved drawing itself:

> **Where does the water collected by the 4-inch perforated drain pipe shown on Sheet S1.3 ultimately discharge?**

This question is directly related to the purpose of the drainage system. A perforated pipe located behind a retaining wall is intended to collect water. Identification of where that collected water is conveyed is therefore material to understanding the approved drainage configuration, particularly where the wall is immediately adjacent to another residential property.

III. REQUESTED RELIEF

The Appellants respectfully request that the Board grant the appeal in part, or uphold the permit subject to appropriate clarification or conditions, so that the record supporting Final Approval clearly addresses the drainage matters identified in this brief.

The Appellants' requested relief is directed to the drainage issues identified in this brief and to ensuring that those issues are adequately addressed before Final Approval. The Appellants do not seek to prevent the permit holder from performing legitimate corrective work approved by DBI. Instead, before Final Approval is issued, the Appellants respectfully request that the record clearly address the following three matters:

A. Clarification of Whether the Drainage Components Shown on Sheet S1.3 Are Existing Conditions or Required Corrective Work

The record should clearly identify whether these components depicted on approved Sheet S1.3 are being accepted by DBI as components that already exist within the retaining wall constructed in 2021, or whether they constitute work required to be installed, completed, or otherwise brought into conformity under Alteration Permit No. 202601093539:

- Waterproofing
- 12-inch drain-rock layer wrapped in filter fabric or Miradrain material
- 4-inch perforated drain pipe

The Appellants do not ask the Board to determine from the drawings or photographs alone which characterization is correct. They request that the status of these concealed components be expressly identified so that the obligations imposed by the approved permit are clear.

B. Identification of the Factual Basis for Acceptance or Verification of Concealed Drainage Components

If DBI determines that the drainage components depicted on S1.3 already exist within the 2021 retaining wall, the Appellants respectfully request that the record supporting Final Approval identify the factual basis for that determination, such as inspection records, construction documentation, engineering certification, contemporaneous photographs, or other evidence relied upon by DBI.

If DBI instead determines that those components constitute corrective work required under the present permit, the Appellants respectfully request that the record supporting Final Approval establish that the required work was completed and accepted by DBI before it was permanently concealed or before Final Approval was issued.

The Appellants do not request that the Board prescribe a particular inspection, testing, or verification method. The method of determining compliance remains within DBI's professional judgment. The Appellants request only that the basis for the determination be identifiable in the final permit record.

C. Identification of the Route and Discharge Location of the 4-Inch Perforated Drain Pipe

Approved Sheet S1.3 expressly depicts a "4" PERFORATED DRAIN PIPE W/ HOLES DOWNWARD SEE PLAN." Because the detail itself directs the reader to the plan, the Appellants respectfully request clarification of the approved route, connection, termination, or discharge point for that pipe.

From the approved plan sheets made available to and reviewed by the Appellants, the route and ultimate discharge location of the depicted 4-inch perforated drain pipe are not apparent.

The Appellants therefore respectfully request that DBI or the permit holder identify where the water collected behind the retaining wall is designed to be conveyed and discharged, and that the approved drainage configuration be sufficiently reflected in the permit record before Final Approval.

The Appellants seek clarification of the drainage path contemplated by the approved plans, including where the 4-inch perforated drain pipe is intended to discharge.

D. Final Approval After the Drainage Record Is Complete

Because the permit concerns previously completed construction and because the drainage components at issue become concealed, the Appellants respectfully request that Final Approval occur only after the permit record clearly identifies:

(1) the status of the drainage components shown on S1.3

(2) the basis for DBI's acceptance or verification of those components

(3) the route and discharge or connection point for 4-inch perforated drain pipe depicted on S1.3.

This relief would not impose a new engineering design, require removal of the retaining wall, or prevent corrective work from proceeding. It would simply ensure that the drainage system already reflected in the approved plans is clearly understood and addressed before the after-the-fact permit receives Final Approval.

IV. CONCLUSION

This appeal arises from a retaining wall constructed without a permit immediately adjacent to the Appellants' residence and later addressed through an after-the-fact alteration permit.

The Appellants' concern is focused on drainage. For approximately twenty-seven years before construction of the neighboring retaining wall, they did not experience significant first-floor water intrusion. After the wall was constructed in 2021, significant first-floor water intrusion began during the December 31, 2022 storm and has recurred during subsequent major rainstorms. This history demonstrates why the drainage system behind this particular wall is a concrete concern to the immediately adjoining property.

The history demonstrates why the drainage system behind this particular wall is a tangible concern to the immediately adjoining property.

For these reasons, the Appellants respectfully request that the Board grant the appeal in part, or uphold the permit subject to appropriate clarification or conditions ensuring that these drainage matters are clearly addressed in the record before Final Approval is issued.

CONTEMPORANEOUS 2021 CONSTRUCTION PHOTOGRAPH

Photograph taken during construction of the retaining wall showing an exposed stage of excavation and reinforcement before completion of the wall. At the stage depicted, the 12-inch drain-rock layer and 4-inch perforated drain pipe shown on approved Sheet S1.2 are not visible. Appellants submit this photograph as contemporaneous evidence of the observable construction condition. Appellants do not contend that this single photograph conclusively establishes what may have been installed at a later stage. Rather, it supports Appellants' request that the record identify the factual basis for determining whether the concealed drainage components shown on S1.2 existed in the 2021 construction or constitute corrective work under the present permit.

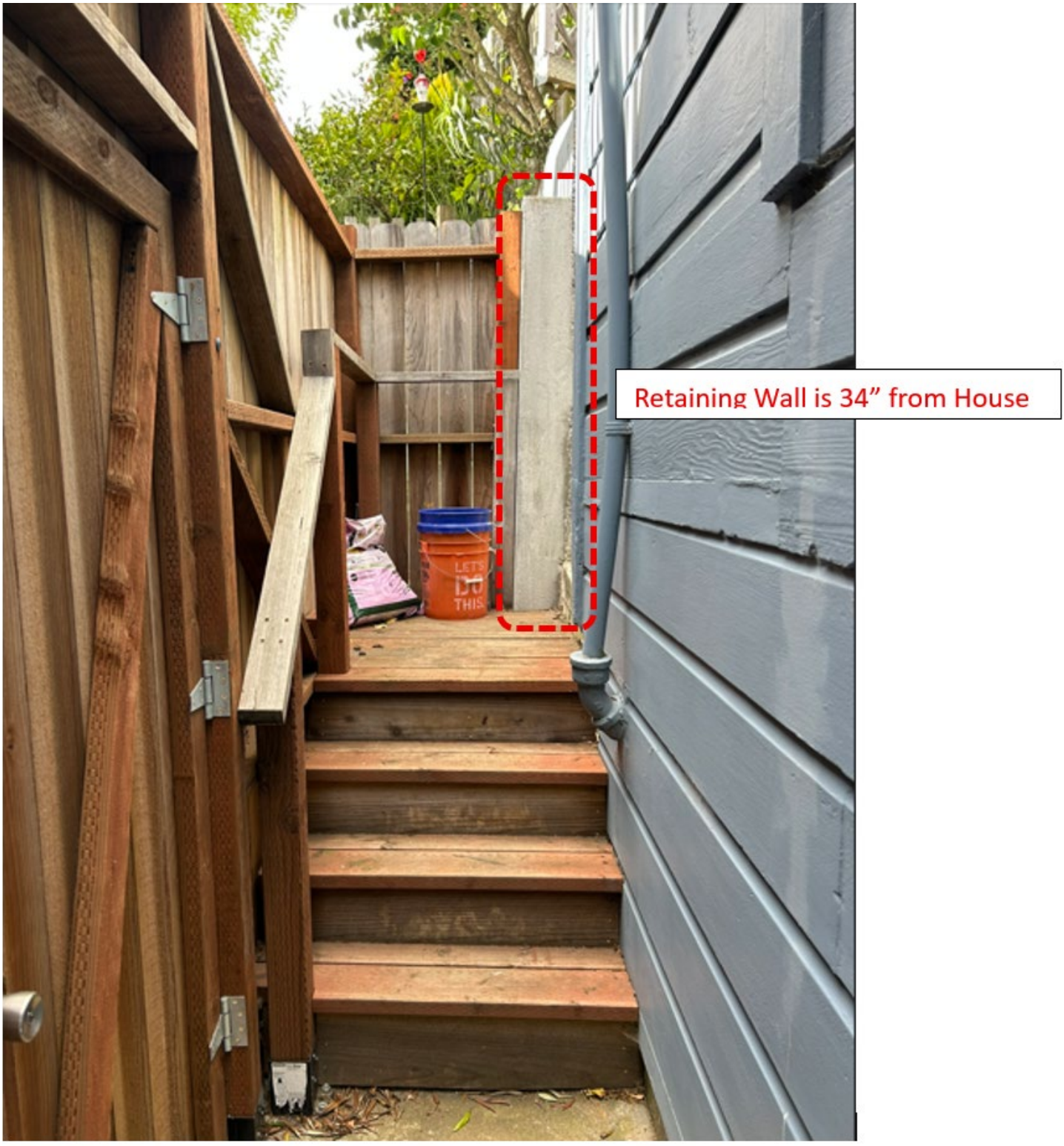


Respectfully submitted,

Chris Rodehau

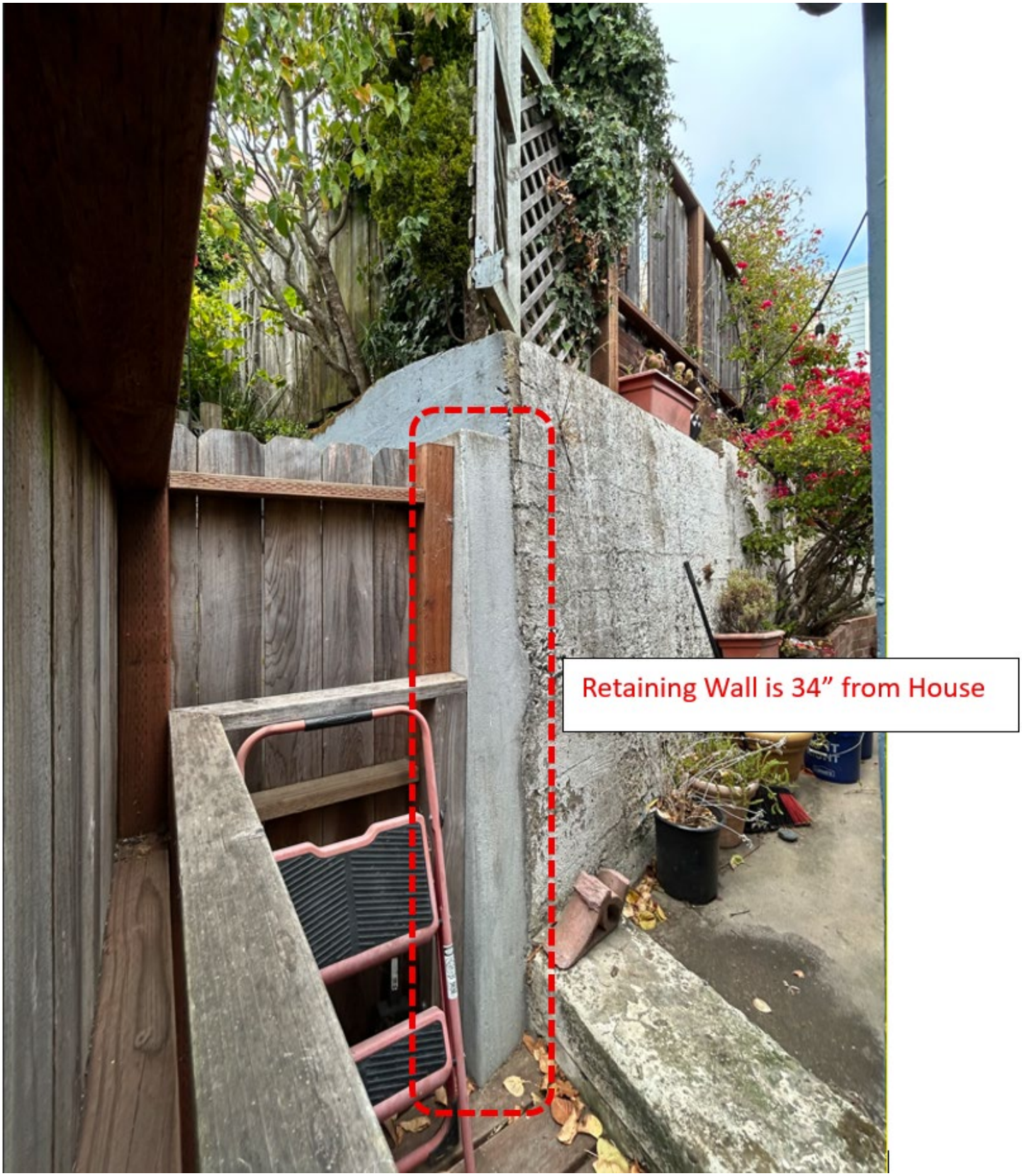
EXHIBIT 1 — Two Properties share easement

The bottom of the stairs is level with the bottom of their wall. The highlighted concrete wall was built in 2021.



This photo shows the wall which rises 68” from the base of my backyard.

The top of the retaining wall is level with 18 Wilder back yard.



Their right side wall built in 2021 lines up with our left wall.

EXHIBIT 2 — Appellant's basement before flooding

Basement Photos August 2021 (before flooding)

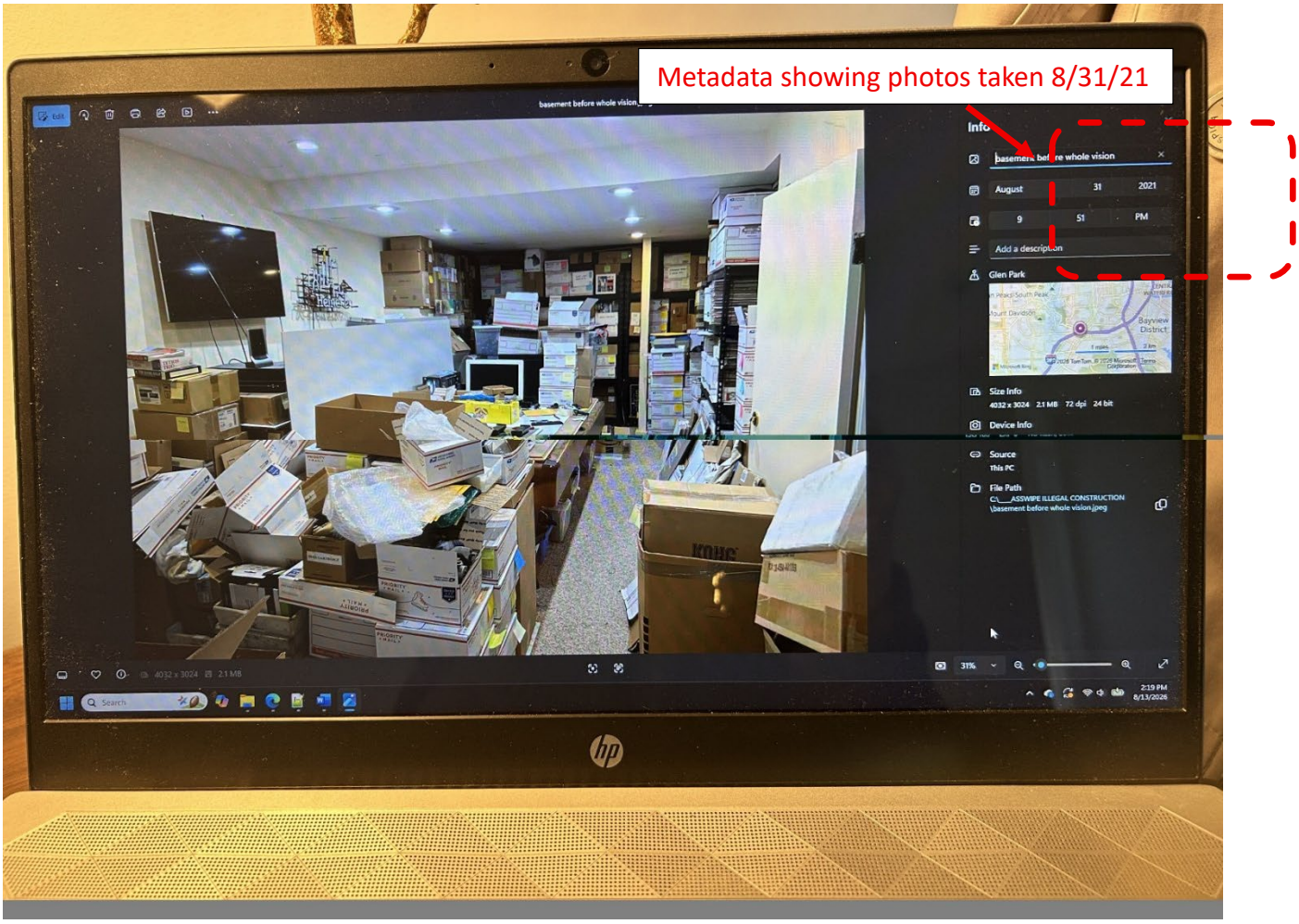


This is corner closet to wall (the inner lower side of the grey wall in Exihibit 1) before flooding.





Another photo which shows entire basement was carpeted prior to the wall and flooding.

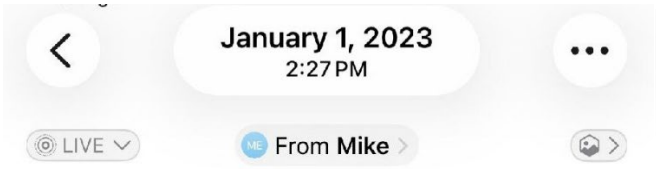


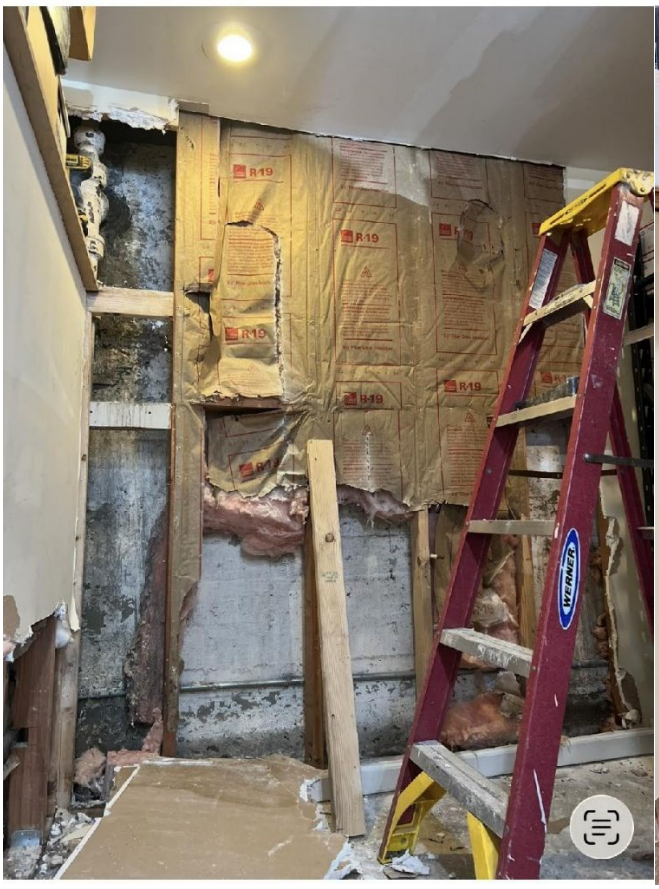
All of the above pictures were taken on 8/31/2021

EXHIBIT 3 — FLOODED FIRST FLOOR 2023

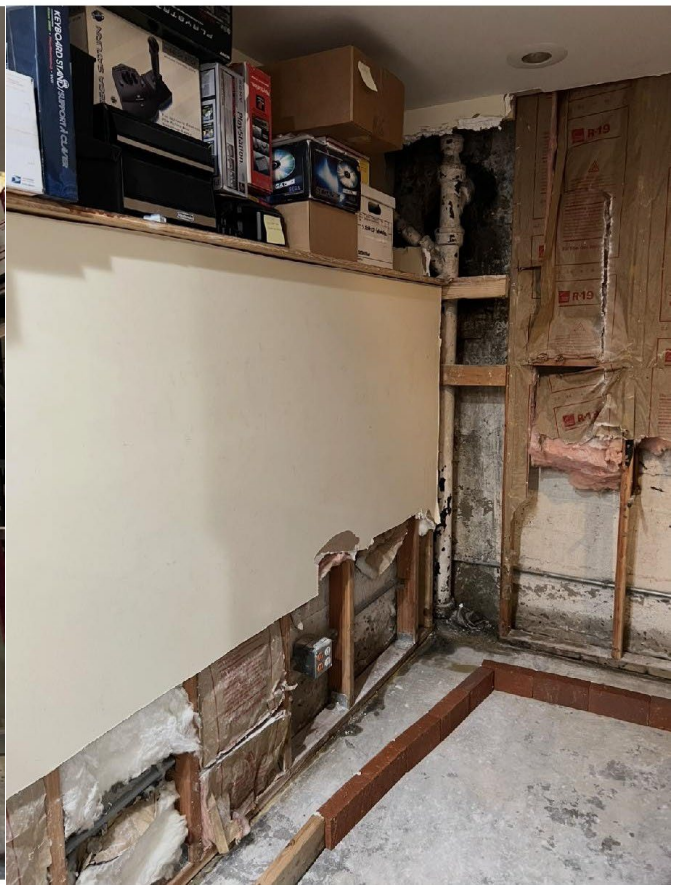












TIK TOK VIDEOS

These videos were downloaded from the contractor’s tiktok account

demolish old wall.mov

process of the construction - begir

process of the wall construction - towa

retaining wall is built.mov

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

EMILY M. CHARLEY
PARTNER
DIRECT DIAL (415) 995-5009
E-MAIL ECharley@hansonbridgett.com

HansonBridgett

October 29, 2026

Board of Appeals
1 Dr. Carlton B. Goodlett Place, Rm 416
San Francisco, CA 94102
boardofappeals@sfgov.org

Re: Protest Appeal No. 26-032 (18 Wilder St.) – Respondents' Opening Brief

Dear San Francisco Board of Appeals:

Appellant Christopher Rodehau's Protest Appeal of Permit Application No. 2026/0109/3539 (the "Permit")[1] seeks to inappropriately use the appeal process to get information based upon an unsupported (and belated) claim that a long-existing retaining wall has caused "extensive damage" to his property. And while Appellant does not ask the Board to resolve the flooding issue purportedly caused by Respondents the Manoliuses' repaired retaining wall, no such causation has been shown or exists. The only issue before the Board is whether or not the Department of Building Inspection errored in issuing the Permit, and it did not.

I. Brief History of The Retaining Wall

When the Manoliuses bought their home in the hilly neighborhood of Glen Park in 2004, there already was a retaining wall in the backyard.[2] (Declaration of Kimon Manolius ["Manolius Decl."], ¶2.) Nearly twenty years after moving in, the Manoliuses noted a growing crack in a portion of the existing retaining wall. Before it became an issue, the Manoliuses arranged to have it repaired. The

[1] "Repair of existing concrete retaining wall to maintain existing height and configurations in rear yard to maintain existing grade. Response to NOV #202547608."

[2] According to the structural engineer hired by the Manoliuses, the original retaining wall appears to been built at least 75 years ago to enable the presence of homes in this hilly neighborhood. (Declaration of Gregory Wallace ["Wallace Decl."], ¶3.)

work was completed over five years ago in early July 2021. (*Id.,* ¶3.) The original retaining wall had not failed, and so no soil was displaced or needed to be moved; rather, the cracked portion was able to be repaired exactly in the same location, like-for-like with one exception: additional rebar was added within the repaired section to strengthen it. For the portion of the wall without any cracks, the Manoliuses chose only to shore up that portion. Doing so eliminated the need for more jackhammering and annoyance to their neighbors while keeping a uniform cosmetic look. (*Id.,* ¶2.)

The repaired and shored up retaining wall operated exactly as the original had done for decades, i.e., without issue. And for the years since the work was completed, there also have been no issues. That is until Appellant did a down-to-the-studs multi-month renovation of his home without any permits starting in 2024, and the Manoliuses complained. Since then, Appellant has complained to the City about a number of other alleged issues, including an outside light that has been above the Manoliuses' front door for years and the location of trash cans which had not changed in decades.

II. Procedural Posture

A. Appellant's Complaint and Issuance of a Notice of Violation

According to the San Francisco Complaint Tracking system, on or about December 5, 2025, Appellant complained of the unpermitted retaining wall work completed "about three years ago," and alleged he was "now experiencing extensive water damage as a direct result." In response to Appellant's complaint, the Manoliuses received a Notice of Violation requiring them to file a building permit with plans and pay fines. The Manoliuses hired a structural engineer, Gregory Wallace, and then submitted plans, and paid their fine. On June 5, 2026, the Permit was issued after being reviewed by the DBI Structural Plan team.

B. Appellant's Stated Reason for Appeal Narrowed

In his June 11, 2026 Preliminary Statement of Appeal, Appellant reiterated his prior complaint that the repair work had caused "extensive damage" to his house, and also claimed that "this damage

all started immediately following the construction [which he inaccurately alleged started three years ago]…." (Emph. in original.) Appellant concluded that he would "like to review the plans with someone more knowledgeable before settling this matter."

After the original August 6, 2026 deadline for Appellant to file an Opening Brief passed without submission, counsel for the Manoliuses was informed by the Board's Executive Director that Appellant had indicated he wanted to withdraw the Protest Appeal. The Board's Legal Assistant followed up with Appellant, and counsel understood Appellant shared that he was willing to sign the withdrawal form that same day (i.e., August 7, 2026) but he wanted first to know the material used for drainage. Appellant was encouraged to reach out to the Manoliuses' counsel regarding his question about the material used five years ago. Instead, Appellant requested an extension to file an Opening Brief and hearing continuance.

C. Appellants Opening Brief Confirms an Improper Objective

On August 15, 2026, Appellant submitted his Opening—and then revised—Brief. In it, Appellant tacitly acknowledges the work was done more than three years ago,[3] and alleges the flooding issue of which he now complains "began during the December 31, 2022 storm and has recurred during subsequent major rain storms." In other words, the alleged "immediate[]" issues arose 17 months after the repair work was completed. The Brief goes on to outline parts of the plan that were "not clear" to Appellant, followed by Appellant's requests for "clarification."

Protest Appeals are not a way to satisfy one's curiosity. As the Department of Building Inspection noted in its Brief, "[a]ny drainage issue that may have arisen as a result of the new replacement retaining wall are not related to the permit approval and issuance and will be addressed

[3] Appellant is well aware the work was completed in July 2021, not just because he lives next door, but because the Manoliuses communicated with him about the work by text both before it began and at its completion. (Manolius Decl., ¶2.)

by the District Building Inspector…." By appealing the Permit, Appellant has halted confirmation that the drainage installed "…complies with San Francisco Building Code requirements." (*Ibid.*)

III. Appellant's Unsubstantiated Claims have No Merit

Aside from the improper basis of appeal (i.e., seeking "clarification") and Appellant's failure to show the Permit was issued in error, Appellant's stated justification that the Manoliuses' repair work has caused him damage is wholly unsupported.

A. Conclusory Claims of Causation Cannot Overcome Gravity

Though Appellant offered no evidence to meet his burden that the in-kind repairs to the long-existing retaining wall caused any damage, the Manoliuses took the time to confirm this was not the case. Their structural engineer Mr. Wallace concluded that the repair work done to the retaining wall had no impact, hydrologically or structurally, to Appellant's home. (Wallace Decl., ¶6.) This conclusion was based upon site visits, review of construction photographs, historical information about the existing retaining wall, and the simple fact that the Manoliuses' property is downslope of Appellant's property. (*Id.,* at ¶¶2, 4.) Specifically, the general downslope of the hillside and the flow of ground water was assessed to be at an approximately 45 degree angle towards the Manoliuses' property. (*Id.,* at ¶5.) The area where the Manoliuses' retaining wall is located "is lower than that of Appellant's property by approximately 3 feet." (*Ibid.;* see also Manolius Decl., ¶7 and Ex. A [photographs showing slope of the neighborhood].)

B. The Timing of Appellant's Complaint Belies a Genuine Concern of Causation

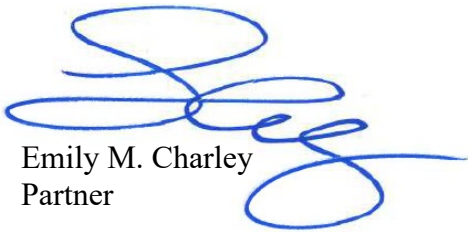
Appellant knew of the repair work and of its completion in July 2021 (Manolius Decl., ¶¶2-3), and the neighbors were on good terms and in communication regarding many topics until late 2024. (*Id.,* ¶4.) And yet, despite claims of "extensive damage," Appellant never reached out to the Manoliuses (*id.,* ¶5); it defies logic that a person believing their neighbors were causing them to experience "[s]ignificant water intrusion" for years (i.e., flooding) would have remained silent.

Finally, Appellant himself concedes his first flooding was not until December 30, 2022, a full 17 months after the repair work was completed. (See Appellant's Opening Brief; Manolius Decl., ¶3.)[4]

IV. Conclusion

The appeal process is not intended to satisfy the curiosity of neighbors. Furthermore, the undisputed facts do not support the Appellant's belated claim of flooding caused by the Manoliuses' repair of a long-existing retaining wall downslope of Appellant's house. The Manoliuses respectfully request that the Board deny Appellant's Protest Appeal and reinstate the approved Permit.

Very truly yours,



Emily M. Charley
Partner

cc. Julie Lamarre, Executive Director, SF Board of Appeals (julie.lamarre@sfgov.org)
Corey Teague, Zoning Administrator (corey.teague@sfgov.org)
Andrew Perry, Senior Planner (andrew.perry@sfgov.org)
Carey McElroy, Senior Building Inspector (carey.mcelroy@sfgov.org)
Christopher Rodehau, Applicant (cjrodehau@hotmail.com)

[4] Further calling into question the veracity of Appellant's damage claims is the fact that Appellant never sought permits to repair the "extensive damage" allegedly suffered; has not provided any evidence of insurance claims associated with "extensive damage"; and the permits Appellant eventually did file for his major renovation last year did not address any issues one might associate with "extensive damage."

DECLARATION OF KIMON MANOLIUS

I, Kimon Manolius, declare as follows:

1. Along with my wife, Lisa-Anne Manolius, I am a respondent in this appeal. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. On May 29, 2021, I let Appellant Christopher Rodehau know that we were planning to repair the retaining wall in our backyard. That wall was there when we purchased the property in March of 2004, and likely was erected decades before that time. Appellant's property also has a similar retaining wall in his backyard. Given the hillside on which our property and Appellant's property are located, it is difficult to imagine that either house could have been built without such a retaining wall. On June 24, 2021, I updated Appellant on our decision regarding the portion of our wall closest to his property—there were no cracks in that part of the wall. Thus, we left that portion of the wall as it was, and erected a buttress wall in front of it. We made that decision to reduce the noise associated with the project as we hated bothering our neighbors.

3. On June 26, 2021, I let Appellant know the noisy part of the project was done and thanked him for his patience. He responded with a happy face. The entirety of the retaining wall work was completed shortly thereafter in early July 2021.

4. I was on good terms and in communication with Appellant until the end of 2024 when he started around the clock unpermitted construction and our relationship soured.

5. We first learned of Appellant’s claims when we received a Notice of Violation regarding our backyard retaining wall on December 8, 2025. Appellant never contacted us at

any time after our repair work was completed in July 2021 with regard to any problems or issues that our retaining wall was allegedly causing on his property. In fact, as of the date of this declaration, he has never contacted us regarding any issues allegedly caused by our retaining wall.

6. In response to the Notice of Violation we hired a structural engineer, Gregory Wallace. Mr. Wallace measured the elevation change between my property and Appellant's property in my presence and confirmed that the differential was approximately 3 feet with Appellant's backyard higher than ours.

7. The attached photographs, identified as **Exhibit A**, were taken on October 23, 2026 and accurately represent the front of my house and Appellant's house on Wilder Street, as well as a portion of the backyard patio area. In order, the photographs show (a) our two houses from across the street, with my house as the downhill property on the left (with a yellow door) and Appellant's property uphill on the right; (b) the view in front of my house going up the hill towards Appellant's house; and (c) the view of Appellant's house going down the hill towards my house where my front gate is open. Our property is downhill from Appellant's property and water flows towards our house and away from Appellant's house, presumably because his backyard is higher than ours. Moreover, the pathway from his backyard to the front street descends down a stairway and drops precipitously toward the street.

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

Executed on this 29th day of October, 2026.

KIMON MANOLIUS

EXHIBIT A




STOP


NO PARKIN
9AM to
STREET SWEEPING
2 HOUR PARKING
7AM to 6PM
MON thru FRI
D
7LXE919

DECLARATION OF GREGORY WALLACE

I, Gregory Wallace, declare as follows:

1. I am a structural engineer in the State of California. I am licensed with over 40 years of experience.

2. I inspected the existing wall conditions initially on December 19, 2025. In response to the Notice of Violation the Manoliuses' received, I created permit drawings and calculations for legalization of the structural replacement of the existing retaining wall.

3. The original concrete retaining wall at the rear yard— a portion of which still remains— appears to have been built at least 75 years ago. This is in line with the hilly neighborhood and need for retaining walls to allow for residences to be built.

4. As a result of Appellant's Protest Appeal and claims of water intrusion, I reinspected the wall, patio, and general layout of the Manoliuses' property on June 30, 2026, and August 4, 2026.

5. The Manoliuses' property at 18 Wilder Street is downslope of Appellant's property at 14 Wilder Street. Appellant's property is downhill from 56 Natick Street, which is at the rear of 14 Wilder Street. The general down slope of the hillside at these three properties and the flow of ground water is at an approximate 45 degree angle towards the Manoliuses' property. Although the base garage levels of both the Manoliuses' and Appellant's properties are built into the hillside for a garage level, the base level of the Manoliuses' property and their rear yard level where the retaining wall is located, is lower than that of Appellant's property by approximately 3 feet. The result is that water drains southwest toward the rear of the Manoliuses' property.

6. It is my professional opinion that neither the previously repaired and shored up retaining wall work, nor the proposed legalization work, have any hydrologic or structural effect on Appellant's property.

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

Executed on 10/28/2026.

DocuSigned by:
9B2DEE9AA87F400...

GREGORY WALLACE

BRIEF SUBMITTED BY THE PLANNING DEPARTMENT(S)

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

BOARD OF APPEALS BRIEF

HEARING DATE: November 4, 2026

October 29, 2026

Appeal No.:	26-032
Project Address:	18 Wilder Street
Block/Lot:	6746/005A
Zoning District:	RTO-C (Residential Transit Oriented District) Central Neighborhoods Large Residence SUD
Height/Bulk:	40//65-R-4
Staff Contact:	Corey A. Teague, AICP, Zoning Administrator – (628) 652-7328 corey.teague@sfgov.org

Background & Analysis

The subject building permit (No. 202601093539) was required per DBI NoV No. 202547608 to repair the existing retaining wall in the rear yard of the subject property. The permit does not move or increase the size of the wall. The proposes scope of work is fully compliant with the Planning Code and does not require neighborhood notice. Additionally, the Appellant does not raise any concerns regarding Planning Code compliance, and instead focuses on issues related to drainage.

Conclusion

The subject permit complies with the Planning Code and was appropriately approved by the Planning Department. Therefore, the Department respectfully requests that the Board deny the appeal.

cc: Emily Charley (Attorney for Permit Holder)
Christopher Rodehau (Appellant)
Carey McElroy (Department of Building Inspection)

BRIEF SUBMITTED BY DBI

City and County of San Francisco
Department of Building Inspection

Daniel Lurie, Mayor
David Kane, Interim Director

Board of Appeals Brief

Hearing Date: November 04, 2026

October 22, 2026

RE: Appeal No: 26-032
Permit No: 2026-0109-2539
Subject Property: 18 Wilder Street
Block / Lot: 6746/005A
DBI contact: Carey McElroy, Senior Building Inspector.
628-652-3779 carey.mcelroy@sfgov.org

Permit Description and Background:

The permit before the board is PA# 2026-0109-2539 with the Scope of Work as follows:

Comply w/ NOV 202547608 in-kind repair of e) concrete retaining walls in rear yard.

On 12/5/26 DBI received a complaint regarding the construction of a retaining wall without a permit.

On 12/8/26, DBI Inspection Services conducted a site visit and on 12/9/26 DBI Code Enforcement issued an NOV with the following Code Violation Description:

A complaint investigation revealed, viewed from an adjacent property, a retaining wall was constructed in the rear yard without the benefit of a building permit. Retaining wall size approximately 20 feet in length, 8 feet in height, and 6 inches in width. Code/Section: SFBC 103A Monthly monitoring fee applies Code/Section: SFBC 110A, Table 1A-k.

On 1/9/26, a permit application was submitted to DBI for intake and was given an “OK TO PROCESS” by DBI Code Enforcement.

On 4/15/26, the permit application and plans were reviewed and approved over the counter by the Planning Department and were reviewed and approved over the counter by a member of the DBI Structural Plan review team.

The permit was issued on 6/5/26, and Appeal No. 26-032 was filed 6 days later on 6/11/26.

Analysis of Permit Approval:

After a review of the Plans and Permit Application and the Appellant’s Brief, DBI believes the permit was approved and issued correctly based on the following reasons:

1. The plans were submitted to address a Notice of Violation for the construction of a retaining wall without permits and the permit was given an “OK TO PROCESS” by Code Enforcement.
2. The Plans included structural drawings showing the location of the new retaining wall and included structural details and calculations for the retaining wall.
3. Detail 1/S1.3 of the plans shows the north facing portion of the new retaining wall with drainage to be installed behind the wall.
4. The plans and details show the portion of the existing retaining wall facing east, which abuts the property line between 18 Wilder and 14 Wilder, was to remain in place with a new retaining wall to be installed adjacent to the existing retaining wall on the 18 Wilder side of the wall and fully within the bounds of the property line. The plans did not show drainage at this portion of the new retaining wall as the existing retaining wall was not being replaced in this location.

Conclusion:

The Department of Building Inspection recommends the Board deny the appeal and re-instate the approved permit to abate the Notice of Violation issued for the installation of the new retaining wall without a permit. Any drainage issues that may have arisen as a result of the new replacement retaining wall are not related to the permit approval and issuance and will be addressed by the District Building Inspector based on visual inspections of the new retaining wall in relation to the approved plans and conditions in the field. I have been assured by Deputy Director Matt Green that the District Field Inspector will verify if proper drainage was installed and that the drainage complies with San Francisco Building Code requirements.

Carey McElroy
Senior Building Inspector
Department of Building Inspection.

cc. Corey Teague, (Zoning Administrator)

Andrew Perry, (CPC)

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

Christopher Rodehau (Appellant)

Kimon Manolius (Permit Holder)

Emily Charley, (Attorney for Permit Holder)