

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

Appeal of  
MARIA MARANGHI, \_\_\_\_\_ )  
Appellant(s) )  
vs. )  
DEPARTMENT OF BUILDING INSPECTION, \_\_\_\_\_ )  
PLANNING DEPARTMENT APPROVAL Respondent )

Appeal No. 14-098

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on May 19, 2014, 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 March 20, 2014, to Xelan Prop 1 LLC, Alteration Permit (remove illegal unit and convert back to legal use as single family home; connect both floors with new stair case interior) at 1020 Filbert Street.

**APPLICATION NO. 2014/03/20/1296**

**FOR HEARING ON July 16, 2014**

**Address of Appellant(s):**

**Address of Other Parties:**

|   |   |
|---|---|
| Maria Maranghi, Appellant<br>c/o Nancy Conway, Attorney for Appellant<br>345 Franklin Street<br>San Francisco, CA 94102 | Xelan Prop 1 LLC, Permit Holder<br>c/o Karen Uchiyama, Attorney for Permit Holder<br>1441 Baker Street<br>San Francisco, CA 94115 |
|---|---|



Date Filed:

BOARD OF APPEALS

MAY 19 2014

APPEAL # 14-098

CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS

**PRELIMINARY STATEMENT OF APPEAL**

I / We, **Maria Maranghi**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit** by the **Department of Building Inspection** which was issued or became effective on: **March 20, 2014**, to:

**Xelan Prop 1 LLC**, for the property located at: **1020 Filbert Street.** **JURISDICTION GRANTED MAY 14, 2014.**

**BPA No. 2014/03/20/1296.**

**BRIEFING SCHEDULE:**

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **June 26, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's and Other Parties' Briefs are due on or before: **July 10, 2014, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

**Only photographs and drawings may be submitted by the parties at hearing.**

Hearing Date: **Wednesday, July 16, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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 change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit an original and 10 copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. 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 at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

**If you have any questions please call the Board of Appeals at 415-575-6880**

**The reasons for this appeal are as follows:** This building is two Edwardian flats originally constructed in 1912 as such. When constructed water service was taken for the two units. The appellants lived in their ground floor flat for over forty years. There should have been mandatory discretionary review, rather than issue this without going through that process. The owner demo'd the upstairs unit without permits and appellants' unit is the only legal unit. The permit does not show that there is another 5 unit bldg on the lot.

Appellant or Agent (Circle One):

Signature: *Nancy Conway*

Print Name: Nancy Conway

MAY 20 2014

MAY 19 2014

Tom C. Hui  
TOM C. HUI, S.E.  
DIRECTOR  
DEPT. OF BUILDING INSPECTION

APPEAL # 14-098

APPROVED FOR ISSUANCE

MAR 20 2014

BLDG. FORM 3/8

APPLICATION NUMBER

APPROVAL NUMBER

OSHA APPROVAL REQ'D

### APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

### 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.

FORM 3  OTHER AGENCIES REVIEW REQUIRED

FORM 8  OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

▼ DO NOT WRITE ABOVE THIS LINE ▼

|                              |                          |   |                                   |
|------------------------------|--------------------------|---|-----------------------------------|
| DATE FILED<br><u>3/20/14</u> | FILING FEE RECEIPT NO.   | (1) STREET ADDRESS OF JOB<br><u>1020 Filbert St</u> | BLOCK & LOT<br><u>0093/010</u>    |
| PERMIT NO.<br><u>1319820</u> | ISSUED<br><u>3/20/14</u> | (2A) ESTIMATED COST OF JOB<br><u>\$5,000</u>        | (2B) REVISED COST<br><u>\$15K</u> |
|                              |                          | BY: <u>C.Y.</u>                                     | DATE: <u>3/20/14</u>              |

#### INFORMATION TO BE FURNISHED BY ALL APPLICANTS

##### LEGAL DESCRIPTION OF EXISTING BUILDING

|   |  |   |   |                                |                                      |
|---|--|---|---|--------------------------------|--------------------------------------|
| (4A) TYPE OF CONSTR.<br><input checked="" type="checkbox"/> | (5A) NO. OF STORIES OF OCCUPANCY: <u>2</u> | (6A) NO. OF BASEMENTS AND CELLARS: <u>0</u> | (7A) PRESENT USE:<br><u>Single Family</u> | (8A) OCCUP. CLASS<br><u>R3</u> | (9A) NO. OF DWELLING UNITS: <u>1</u> |
|---|--|---|---|--------------------------------|--------------------------------------|

##### DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

|  |   |  |  |                               |                                     |
|--|---|--|--|-------------------------------|-------------------------------------|
| (4) TYPE OF CONSTR.<br><input checked="" type="checkbox"/> | (5) NO. OF STORIES OF OCCUPANCY: <u>2</u> | (6) NO. OF BASEMENTS AND CELLARS: <u>0</u> | (7) PROPOSED USE (LEGAL USE)<br><u>Single Family</u> | (8) OCCUP. CLASS<br><u>R3</u> | (9) NO. OF DWELLING UNITS: <u>1</u> |
|--|---|--|--|-------------------------------|-------------------------------------|

|  |  |  |  |
|--|--|--|--|
| (10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (11) WILL STREET SPACE BE USED DURING CONSTRUCTION?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (12) ELECTRICAL WORK TO BE PERFORMED?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (13) PLUMBING WORK TO BE PERFORMED?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
|--|--|--|--|

(14) GENERAL CONTRACTOR: Tom Can Constructors ADDRESS: 1608 Treat Ave S.F. ZIP: 94157 PHONE: 415740-7968 CALIF. LIC. NO.: 548615 EXPIRATION DATE: Nov 30 14

(15) OWNER - LESSEE (GROSS DATELINE): Xelan Prop 1, LLC ADDRESS: 584 Castro St ZIP: 94109 PHONE (OR CONTACT BY DEPT.): S.F. (415) 323-244-918

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)  
Remove illegal unit and convert back to legal use as a single family home. Connect both floors with new stair case interior

#### ADDITIONAL INFORMATION

|   |  |   |  |
|---|--|---|--|
| (17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?<br>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?<br>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?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>       | (22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON LOT PLAN)<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>       | (24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |

(25) ARCHITECT OR ENGINEER (DESIGN  CONSTRUCTION ): ADDRESS: ADDRESS:

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

#### IMPORTANT NOTICES

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

No portion of building or structure or scaffolding used during construction is to be closer than 6" to any wire containing more than 750 volts. See Sec 385, California Penal Code.

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

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

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

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

#### CHECK APPROPRIATE BOX

- |  |                                    |
|--|------------------------------------|
| <input type="checkbox"/> OWNER                 | <input type="checkbox"/> ARCHITECT |
| <input type="checkbox"/> LESSEE                | <input type="checkbox"/> AGENT     |
| <input checked="" type="checkbox"/> CONTRACTOR | <input type="checkbox"/> 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.

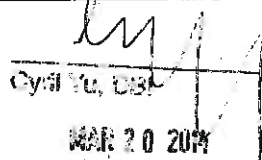
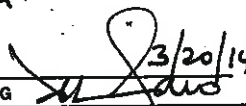

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must 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: State Fund  
Policy Number: 9048524
- ( ) 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 therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- ( ) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: [Signature] Date: 3/20/14

**CONDITIONS AND STIPULATIONS**

|                          |  |  |
|--------------------------|--|--|
| REFER TO:                | APPROVED: <br>CIVIL ENGR., DEPT. OF BLDG. INSPECTION<br>MAR 20 2014<br>BUILDING INSPECTOR, DEPT. OF BLDG. INSP.               | DATE: _____<br>REASON: _____<br>NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: Remove illegal unit @ front bldg.<br>Relocate interior stairs per plan.<br> 3/20/14<br>DEPARTMENT OF CITY PLANNING | DATE: _____<br>REASON: _____<br>NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: <br>BUREAU OF FIRE PREVENTION & PUBLIC SAFETY   | DATE: _____<br>REASON: _____<br>NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: <b>BOARD OF APPEALS</b><br>MAY 19 2014<br>MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION   | DATE: _____<br>REASON: _____<br>NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: <b>APPEAL # 14-098</b><br>CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION  | DATE: _____<br>REASON: _____<br>NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: _____<br>BUREAU OF ENGINEERING   | DATE: _____<br>REASON: _____<br>NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: _____<br>DEPARTMENT OF PUBLIC HEALTH   | DATE: _____<br>REASON: _____<br>NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: _____<br>REDEVELOPMENT AGENCY  | DATE: _____<br>REASON: _____<br>NOTIFIED MR. _____ |
| <input type="checkbox"/> | APPROVED: _____<br>HOUSING INSPECTION DIVISION   | DATE: _____<br>REASON: _____<br>NOTIFIED MR. _____ |

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.

Number of attachments

\_\_\_\_\_  
OWNER'S AUTHORIZED AGENT

1 NANCY M. CONWAY, ESQ. (SBN 122562)  
2 LAW OFFICES OF NANCY M. CONWAY  
3 345 Franklin Street  
4 San Francisco, CA 94102  
(415) 241-1140  
(415) 241-1156 fax

BOARD OF APPEALS

JUN 26 2014

APPEAL # 14-098

5 Attorneys for Appellant  
6 MARIA MARANGHI

7  
8 BOARD OF APPEALS  
9 CITY AND COUNTY OF SAN FRANCISCO  
10 LIMITED JURISDICTION  
11

12 In re: Application Number 2014-03-20-1296  
13 1020 Filbert Street  
14

) APPEAL OF ISSUANCE OF  
) BUILDING PERMIT  
)

) Date: July 17, 2014  
) Time: 4:00 p.m.  
15

16  
17 Appellant MARIA MARANGHI on behalf of herself and her family appeals the Building  
18 Department's over the counter issuance of a permit to demolish a ground floor flat where she and  
19 her family have resided for the past 45 years. The permit granted on March 20, 2014, is for removal  
20 of an illegal unit located at 1020 Filbert Street, San Francisco, so the building can be restored to its  
21 claimed original legal use as a single family home. However, it was never a single family home and  
22 there is not any evidence to support that.

23 Appellant bases her Appeal on the statement set forth below and attached exhibits, plus  
24 whatever arguments and evidence that will be presented at the hearing and any documentary  
25 evidence presented in the interim.

26 DATED: June 26, 2014

LAW OFFICES OF NANCY M. CONWAY

  
27 Nancy M. Conway  
28 Attorney for Appellant MARIA MARANGHI

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## STATEMENT

1. Background Facts

This permit concerns one of two residential rental buildings on a single lot in North Beach. There are seven units on the lot. The units are subject to San Francisco's rent control. The building was purchased last year by the current owner from an old Italian family that had occupied and owned it for over sixty years. See Exhibit A, the income property offering, pp. 2-3.

Contractor Tom Can Construction and Xelan Prop, I, LLC, filed a application for building permit on March 20, 2014, on Form 8 for over the counter issuance. See Permit Application attached as Exhibit B.

The work to be performed as stated on the application was as follows: "Remove illegal unit and convert back to legal use as a single family home. Connect both floors with new staircase Interior." On the application, the legal description of the existing building was a two-story building, no basement, single family, occupancy class is "R3," with one dwelling unit. The description of the building after the proposed alteration is exactly the same. See Exhibit B, Application for Building Permit filed March 20, 2014, a true and correct copy is which is attached hereto.

Appellant MARANGHI and her husband are seniors, over 65 years old. Appellant's mother, Martha Bini, is 91 years old and disabled and has been advised *not to move* by Dr. Jeffrey Fessel, Kaiser Permanente. They all live at 1020 Filbert Street, along with an adult son, where the family has resided for more than 40 years in what is a legal unit.

At the last hearing, Karen Uchiyama the permit holders attorney represented to this Board that the unit was an illegal basement unit. Nothing could be farther from the truth. The unit is a full flat on the ground level of a Palladian style two flat building. The building since its construction has always had two flats. The records on file with the City for the initial building permit issued for this address in October 1906. The building permit indicates permission to the then owner construct a single story tin roofed building. However that is clearly not what transpired. The building constructed consisted of two nearly identical flats. The upper flat has an additional small fainting room on the second floor. The building was built in 1912, not 1906. See Exhibit A. pp. 2. When it was built there were two units. The front of the building clearly reflects that there were two

1 original entryways. There is a full basement below the two flats as well as storage rooms. At the  
2 time of the construction the water was hooked up for two units and has been the case to date. There  
3 has also been separate gas and electric meters for each of the seven units.

4 When this permit holder purchased this ideally located North Beach property, the flat above  
5 Ms. Maranghi, was occupied by a female tenant who was paying under market rent for her unit.  
6 Thereafter the tenant vacated. The tenant accepted a buy out after the landlord made it clear, that  
7 life would be miserable for her otherwise and the unit was demolished by the owner. The kitchen  
8 and bathroom, directly above the appellant's unit was gutted and new electrical service was  
9 installed, with a new panel designed to serve the entire building. New plumbing was installed. All  
10 electrical and plumbing work was done without permits.

11 A complaint was made to the City, regarding installation of electric and plumbing work in  
12 appellants property. Permit holder was told to cease work by this board, yet she immediately turned  
13 around and continued to do building construction on the building. The unit above had been fully  
14 gutted at the time that Board directed a stop work.

15 Since that time, the permit holder got a new permit issued in which she removed the unit that  
16 Ms. Maranghi lives in, but continued to remodel the upstairs unit. There was never a staircase  
17 between the two units.

18 The permit holder failed to produce promised architectural records to appellant. If the  
19 property owner contends there should only be one unit in 1020-1022, they have achieved that by  
20 demolition of the upstairs unit. Mrs. Maranghi has lowest address number in the building. She and  
21 her family live at 1020 Filbert.

22 Although it is noteworthy, that the building since its inception, had two separate address  
23 numbers, indicative of two separate units.

24 The owner after obtaining this permit immediately moved to terminate Mrs. Maranghi and  
25 her family's tenancy. See Notice to Terminate Tenancy, exhibit C. The appellants were harassed  
26 by the present owner's agents. At the time the seven unit property was acquired by the new owner,  
27 there were several occupied units and all were either evicted or voluntarily vacated pursuant to a buy  
28 out.

1           **2.     Fraud on the Permit Application**

2           Item 23 of the Application asks “Any Other Existing Building on Lot? If yes, show on plot  
3 plan. ” The applicant said “no”. In fact, there are five other units on the lot. Additionally the  
4 application states that there are no basements but there is a basement at the property. The number  
5 of dwelling units, which has been crossed out, says “1”; in fact, there are two dwelling units in the  
6 building. The application stated that the building had been in single family use, when in fact it had  
7 been separated out into two flats, and rented out to non-owners. Upon Xelan’s taking ownership of  
8 the property 1000-1022 Filbert Street, there were two vacant units and there were five occupied  
9 units. Xelan, through buyouts and other means, got all tenants to vacate except for Ms. MARANGHI  
10 and her family.

11           Apparently, the plan was to remove unit 1022 Filbert, which was an address that was illegally  
12 added and which the landlord Xelan has now gutted. The owner illegally commenced plumbing work  
13 and electrical work in both buildings and was cited for that by the building inspector. Permits for that  
14 work, while noted on the building permit, have not yet been obtained.

15           The landlord told appellant’s attorney they were getting a permit to demolish the unit at 1022  
16 Filbert. Now they are actually merging the two units, at 1020 and 1022. Appellant lives at 1020  
17 Filbert. Even though this property was in residential rental use by Mrs. Maranghi, her mother Maria  
18 Bini, her father and her children for more than 40 years, the landlord is now saying that in 1906 the  
19 building permit was for this building to be a single-family house and for the other building to be five  
20 flats, and that therefore she can remove this without any discretionary review from affordable rental  
21 housing. This is in distinct contrast to the Mayor’s directive to preserve affordable housing.

22           When the property 1000-1022 Filbert Street was marketed for sale in June 2013, the property  
23 was represented as containing seven apartment units, three- car parking and a private courtyard  
24 between the two buildings. See Exhibit A. Information regarding the rent rolls on the offering  
25 reflected that *Ms. MARANGHI’s unit 1020 Filbert has a current rent of \$507.31 and a projected*  
26 *rent of \$5000.0.* The unit above Ms. MARANGHI’s, unit 1022 then had a current rent \$2865.93  
27 and a projected rent of \$6000. The offering also indicated that the tenant in 1022 Filbert was  
28 agreeable to a buyout. Also indicated was a “possible potential for lot split.” The offering describe



1 the property as "built in 1912 this seven unit Russian Hill property consists of a five unit building  
2 and two unit building on a corner lot. See Exhibit C, Offering from Hill & Co. Real Estate, a true  
3 and correct copy of which is attached as Exhibit C.

4 **CONCLUSION**

5 For the above reasons, Appellant MARANGHI respectfully requests the permit be revoked.  
6 The original permit reflected a tin roofed single story building and issued in 1906 following the  
7 earthquake which was never built; in 1912, it was built and was two flats with full basement and  
8 storage rooms, separate water connection. The current building following the demolition of the  
9 upper unit, contains only one unit, so it is presently a single family dwelling. The upper demolition  
10 was done without permits or discretionary review or planning review. The City building and  
11 planning laws have been scoffed by the owner. There are numerous outstanding code violations at  
12 the property, the owner installed new plumbing and electrical service without permits, and put the  
13 last remaining occupants at risk by doing so. The owner has been cited for continuing to construct  
14 after this Board told them to stop. The owner has been a scofflaw and should not be rewarded for  
15 its efforts to evade the law.

16 In the background of all this has been a continuous harassment from the current owner's  
17 managing partner and principal Anna Swain. Ms. Swain has harassed the tenants by yelling at them,  
18 numerous entries, and continuously demanding they vacate. Swain made numerous entries and  
19 demands for entries many of which she failed to appear at, and by failing to maintain the premises  
20 in habitable while carrying on construction over and around them. All the while, having work  
21 crews live and sleep at the property.

22 Due to the age of the property and the property owners failure to produce records we  
23 anticipate production of additional documentation prior to the hearing date.

24 DATED: 6/26/ 2014

LAW OFFICES OF NANCY M. CONWAY

25  
26   
27 Nancy M. Conway  
28 Attorney for Appellant MARANGHI

# **EXHIBIT A**

INCOME PROPERTY

1000-1022 Filbert Street  
San Francisco, CA



## 7 Apartment Units

- (1) One-Bedroom Unit
- (5) Two-Bedroom Units
- (1) Three-Bedroom Unit

Three-Car Parking and Private Courtyard

- 14 GRM – Outstanding Potential, Several View Units
- Two Detached Buildings on a Corner Lot
- Close Proximity to North Beach, The Embarcadero, Fort Mason, Downtown and Freeways
- Possible Potential for Lot Split (Buyers to Investigate)

**Missy Wyant Smit**

#2 Top Producer 2012

(415) 321-4315

[msmit@hill-co.com](mailto:msmit@hill-co.com)

[www.MissySmit.com](http://www.MissySmit.com)

DRE License #01408017

**Offered at \$2,485,000**

 **HILL & CO.**  
REAL ESTATE

# INCOME PROPERTY 1000-1022 Filbert St. San Francisco, CA

## PROPERTY OVERVIEW



### PROPERTY

Address: 1000-1022 Filbert Street  
San Francisco, CA 94133

Cross Street: Jones Street

County: San Francisco

APN: 0093-010

\*Square Feet: 8006 Square Feet

\*Lot Size: 3767 Square Feet

Year Built: 1912

\*Square feet per tax records, not verified by seller or seller's agent

### PROPERTY SUMMARY

Built in 1912, this 7 unit Russian Hill property consists of a 5 unit building and a 2 unit building on a corner lot (Filbert & Jones). There are two vacant units. Several units have outstanding VIEWS! The units have hardwood floors, abundance of natural light, character and are separately metered for gas and electricity. This property has been in the same family for 60+ years and has tremendous opportunity and superior long term growth.

Russian Hill is a residential neighborhood with pockets of charming restaurants and shops. Located on sunny Russian Hill, this property has spectacular views looking out over the Golden Gate Bridge, Alcatraz and the Bay Bridge. Lombard Street, the "World's Crookedest Street," winds through the area, and the Spanish-style San Francisco Art Institute with its distinctive bell tower is located down the hill towards North Beach.

(continued Page 3)



**HILL & CO.**  
REAL ESTATE

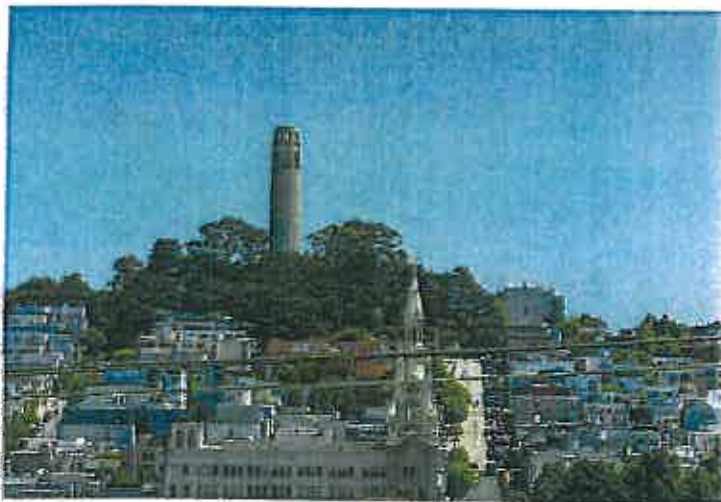
# INCOME PROPERTY 1000-1022 Filbert St. San Francisco, CA



## PROPERTY SUMMARY (continued)

Best known as San Francisco's Little Italy, North Beach attracts both tourists and locals to its high density of restaurants, cafes and outdoor eateries. Washington Square Park and the neo-gothic spires of Sts. Peter and Paul Church form the center of this historic neighborhood. Climbing up to Coit Tower you'll find magnificent views overlooking the city and the Bay.

This coveted location is close to downtown, the freeways, bridges and public transportation and what many consider to be one of San Francisco's best neighborhoods.

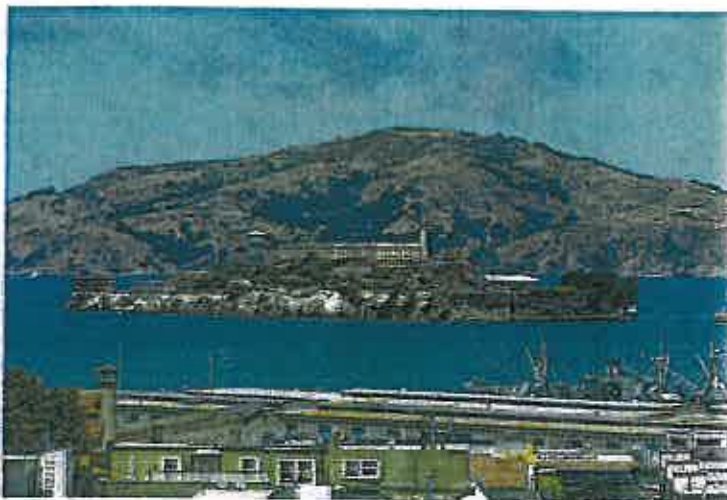


## PROPERTY DETAIL

- Some units have outstanding water and city views
- Well-maintained building
- Original detailing throughout
- Building separately metered for gas and electric
- Large storage units
- Possible potential for lot split (buyers to investigate)

## NEIGHBORHOOD AMENITIES

- Public transportation
- Plethora of restaurants, cafes, bars and shops
- Ghirardelli Square
- Aquatic Park
- Alice Marble Tennis Courts
- San Francisco Art Institute

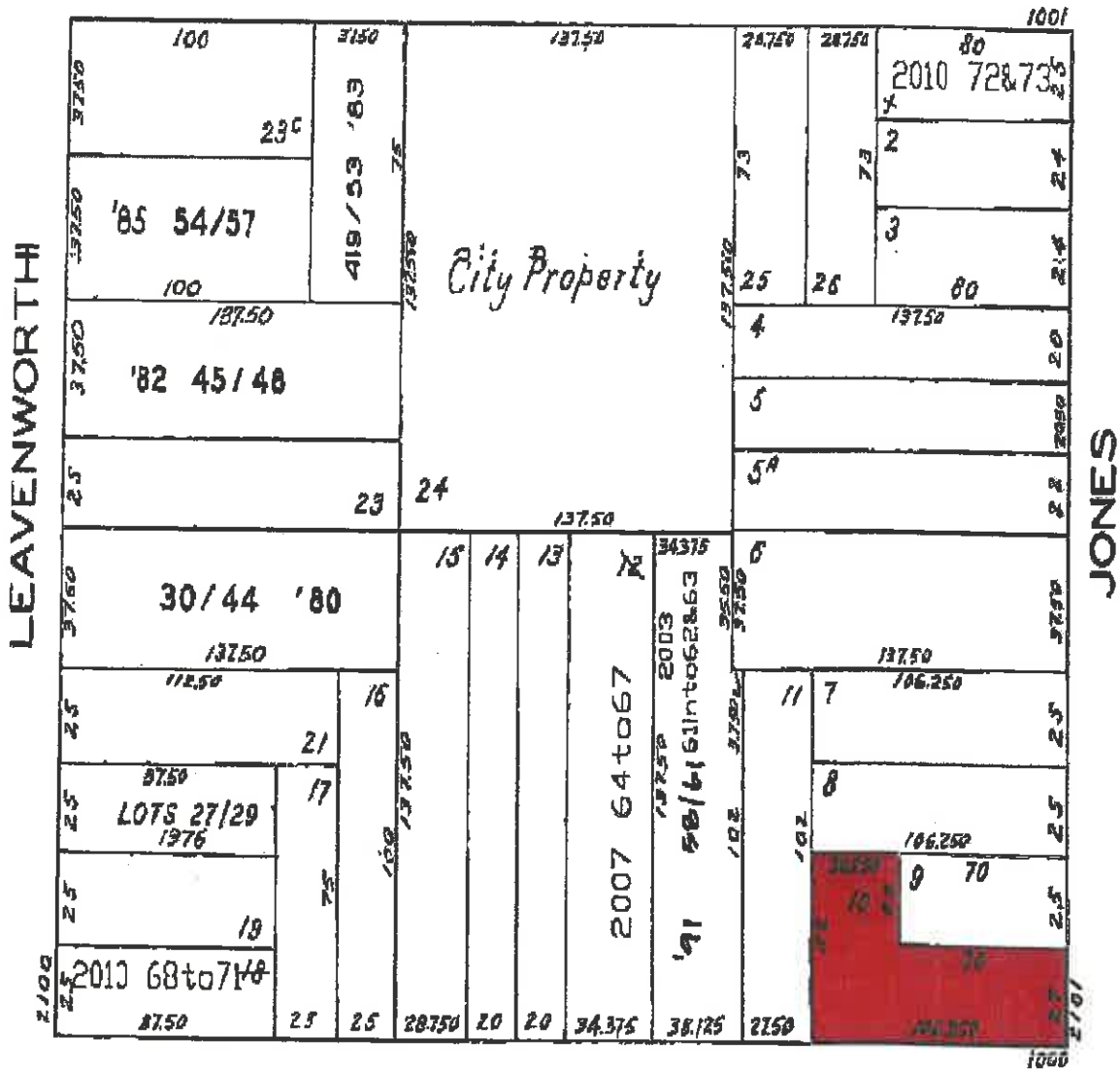


 **HILL & CO.**  
REAL ESTATE

INCOME PROPERTY 1000-1022 Filbert St. San Francisco, CA

PARCEL MAP

GREENWICH



FILBERT



**RENT ROLL & INCOME**

**Rent Roll: 1000-1022 Filbert Street as of 06/07/2013**

| Unit #        | Split         | Current Rent       | Projected Rent     | Increase | Comments                                   |
|---------------|---------------|--------------------|--------------------|----------|--|
| 1000          | 2x1           | \$4,000.00*        | \$4,000.00         |          | Vacant, Tenant Passed Away 04/2011         |
| 1002          | 2 x1          | \$ 611.10          | \$4,000.00         | Yes      | No lease                                   |
| 1004          | 2 x1          | \$4,500.00*        | \$4,500.00         |          | Vacant                                     |
| 1006          | 2 x1          | \$1,547.35         | \$4,800.00         | Yes      | Tenant agreeable to buyout                 |
| 1008          | 1 x1          | \$ 425.18          | \$3,000.00         | 7/1/2013 |  |
| 1020          | 2 x1          | \$ 507.31          | \$5,000.00         | Yes      | No lease                                   |
| 1022          | 3 x1          | \$2,865.93         | \$6,000.00         | Yes      | Tenant agreeable to buyout<br>2 car garage |
| Garage 1      | 2 car         | \$ -               | \$500.00           |          | Currently included in 1022 lease           |
| Garage 2      | 1 car (small) | \$350.00*          | \$350.00           |          | Vacant                                     |
| <b>Total:</b> |               | <b>\$14,806.87</b> | <b>\$32,150.00</b> |          |  |

Annual actual income plus projected income = \$177,682.44

\*Projected rents of \$4,000 (unit 1000), \$4500 (unit 1004) and \$350 (garage) = \$9,850

**Income:**

**Gross projected annual income** **\$177,682.44**

**Expenses 2012:**

|  |              |
|--|--------------|
| Real Estate Tax at 1.16191% & Licenses | \$ 4,267.86  |
| Management & Administrative            | \$ 6,700.58  |
| Insurance                              | \$ 6,001.83  |
| PG&E                                   | \$ 160.04    |
| Water                                  | \$ 2,963.73  |
| Garbage                                | \$ 1,283.08  |
| Cleaning and Maintenance (3%)          | \$ 12,157.16 |
| Operating Expenses                     | \$ 1,711.49  |

**Total:** **\$ 35,245.77**

**Net Operating Income:** **\$142,436.67**

\*Please note that the 2012 expenses exclude legal (ask agent for detail).

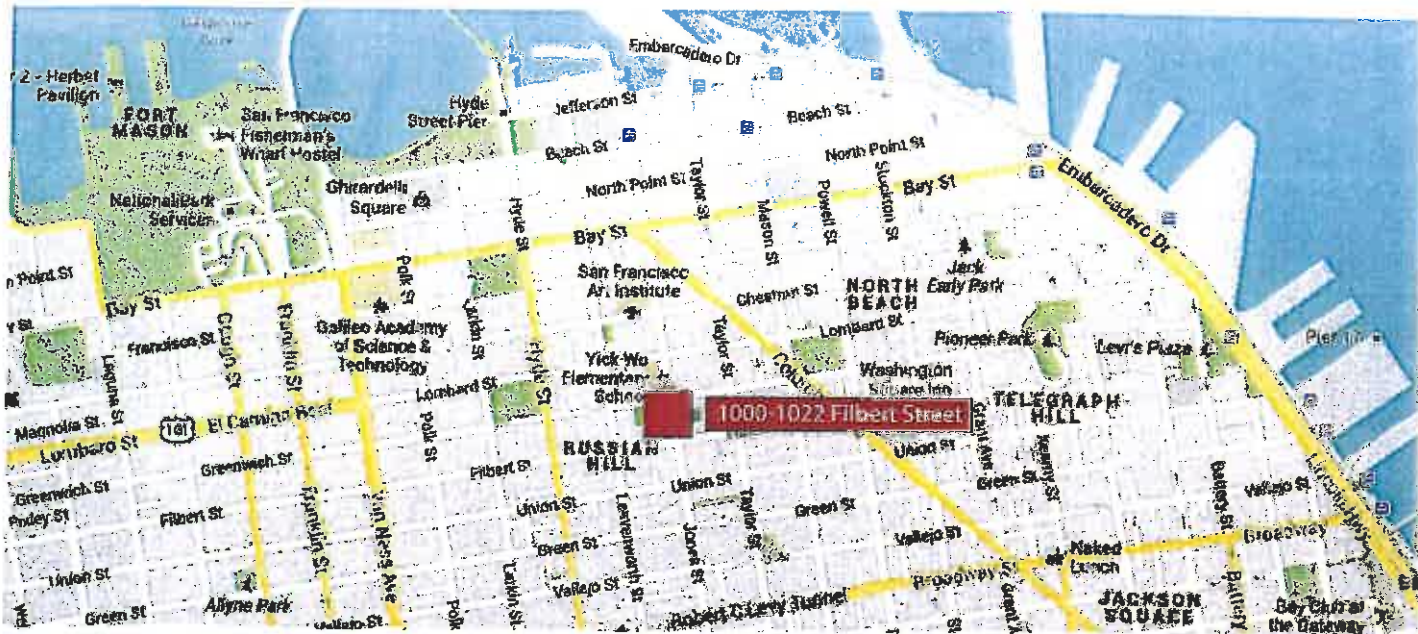
\*Per comparable units in area.

\*Expenses are estimated and actual may vary



# INCOME PROPERTY 1000-1022 Filbert St. San Francisco, CA

## LOCAL MAP



## OVERHEAD OBLIQUE



**HILL & CO.**  
REAL ESTATE



## **EXHIBIT B**

**APPROVED**  
 Dept. of Building Insp.

MAK 20 2014

Tom C. Hui  
 TOM C. HUI, S.E.  
 DIRECTOR

APPROVED FOR ISSUANCE

BLDG. FORM 318

APPLICATION NUMBER  
 1319820

OSHA APPROVAL REQ'D   
 APPROVAL NUMBER

**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.

DO NOT WRITE ABOVE THIS LINE

|                              |                          |   |  |
|------------------------------|--------------------------|---|--|
| DATE FILED<br><u>3/20/14</u> | FLING FEE RECEIPT NO.    | (1) STREET ADDRESS OF JOB<br><u>1020 Filbert St</u> | BLOCK & LOT<br><u>0093/010</u>                                     |
| PERMIT NO.<br><u>1319820</u> | ISSUED<br><u>3/20/14</u> | (2A) ESTIMATED COST OF JOB<br><u>15,000</u>         | (2B) REVISED COST<br><u>15K</u> BY: <u>1-1</u> DATE <u>3/20/14</u> |

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

**LEGAL DESCRIPTION OF EXISTING BUILDING**

|                                  |   |  |   |                                |   |
|----------------------------------|---|--|---|--------------------------------|---|
| (4A) TYPE OF CONSTR.<br><u>V</u> | (5A) NO. OF STORIES OF OCCUPANCY:<br><u>2</u> | (6A) NO. OF BASEMENTS AND CELLARS:<br><u>0</u> | (7A) PRESENT USE:<br><u>Single Family</u> | (8A) OCCUP. CLASS<br><u>R3</u> | (9A) NO. OF DWELLING UNITS:<br><u>1</u> |
|----------------------------------|---|--|---|--------------------------------|---|

**DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION**

|                                 |  |   |  |                               |  |
|---------------------------------|--|---|--|-------------------------------|--|
| (4) TYPE OF CONSTR.<br><u>V</u> | (5) NO. OF STORIES OF OCCUPANCY:<br><u>2</u> | (6) NO. OF BASEMENTS AND CELLARS:<br><u>0</u> | (7) PROPOSED USE (LEGAL USE)<br><u>Single Family</u> | (8) OCCUP. CLASS<br><u>R3</u> | (9) NO. OF DWELLING UNITS:<br><u>1</u> |
|---------------------------------|--|---|--|-------------------------------|--|

|  |  |  |  |
|--|--|--|--|
| (10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (11) WILL STREET SPACE BE USED DURING CONSTRUCTION?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (12) ELECTRICAL WORK TO BE PERFORMED?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (13) PLUMBING WORK TO BE PERFORMED?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
|--|--|--|--|

|  |                                     |                      |                      |                                  |                                       |
|--|-------------------------------------|----------------------|----------------------|----------------------------------|---------------------------------------|
| (14) GENERAL CONTRACTOR<br><u>Tom Can Contractor</u> | ADDRESS<br><u>1608 Trent Ave St</u> | ZIP<br><u>415740</u> | PHONE<br><u>7968</u> | CALIF. LIC. NO.<br><u>348615</u> | EXPIRATION DATE<br><u>Nov 30 1/14</u> |
|--|-------------------------------------|----------------------|----------------------|----------------------------------|---------------------------------------|

|   |                                 |                     |                          |   |
|---|---------------------------------|---------------------|--------------------------|---|
| (15) OWNER - LESSEE (CROSS OUT ONE)<br><u>Xelan Prop 1, LLC</u> | ADDRESS<br><u>584 Castro St</u> | ZIP<br><u>94114</u> | BTRCH<br><u>S.F. DPH</u> | PHONE (FOR CONTACT BY DEPT.)<br><u>323-244-9183</u> |
|---|---------------------------------|---------------------|--------------------------|---|

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)  
Remove illegal unit and convert back to legal use

as a single family home. Connect both floors with new stair case interior

**ADDITIONAL INFORMATION**

|   |   |   |   |
|---|---|---|---|
| (17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?<br>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?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA<br>SQ. FT. |
|---|---|---|---|

|   |  |  |  |
|---|--|--|--|
| (21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN)<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?<br>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
|---|--|--|--|

(25) ARCHITECT OR ENGINEER (DESIGN  CONSTRUCTION   
 ADDRESS \_\_\_\_\_ CALIF. CERTIFICATE NO. \_\_\_\_\_

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

**IMPORTANT NOTICES**

**NOTICE TO APPLICANT**

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of this permit, agree(s) to indemnify and hold harmless

# **EXHIBIT C**

**SIXTY DAY NOTICE OF TERMINATION OF TENANCY**  
**(San Francisco Administrative Code Section 37.9(a)(10))**

TO: MARIA BINI, MARTHA BINI, and All Occupants in Possession of the real property located at 1020 Filbert Street, San Francisco, California 94133 (hereafter, "Subject Property"), one of two unwarranted units composing the single family house identified as 1020-1022 Filbert Street, San Francisco, CA 94133 (hereafter, "the Single Family House").

PLEASE TAKE NOTICE THAT YOU ARE HEREBY required within sixty (60) days of the service upon you of this notice to vacate from and deliver possession of the Subject Property to XELAN PROP 1, LLC, the owner of the Single Family House identified as 1020-1022 Filbert Street, San Francisco, California 94133 ("Owner"), which is authorized to take permanent possession of the Subject Property by virtue of its plans to demolish and permanently remove the unwarranted separate residential unit from its existing separate housing use in order to legalize it and transform the structure back into the Single Family House as it was originally and legally built.

THIS NOTICE IS INTENDED to terminate your month-to-month tenancy and rental agreement by which you now hold possession of the Subject Property. If you fail to comply, legal proceedings will be instituted against you to recover possession, and to recover rents, court costs, and damages for the period of unlawful detention.

YOUR MONTHLY RENT OF \$507.31 shall be regularly due and payable to the Owner, up to and including the date of the termination of your tenancy.

XELAN PROP 1, LLC is in compliance with state law and served proper written notice to Tenants MARIA BINI, MARTHA BINI and All Occupants in Possession per Civil Code Section 1940.6 of its application for a permit to demolish the Subject Property on or after May 1, 2014. XELAN PROP 1, LLC and this Notice are in compliance with San Francisco Administrative Code Chapter 37.9(a), Subsection (10), in that: XELAN PROP 1, LLC seeks in good faith, without ulterior reasons, and with honest intent, to demolish and otherwise permanently remove the Subject Property from its existing, separate housing use in order to legalize the Subject Property and transform the two unwarranted rental units back into a Single Family House as it was originally built. XELAN PROP 1, LLC has obtained all the necessary permits to remove the unwarranted units before the date upon which this Sixty Day Notice of Termination of Tenancy is given and gave written notice to the Tenants of its application for permits to demolish the residential dwelling unit under Civil Code §1940.6 on February 6, 2014.

The following is the actual text of the amended Section 37.9(a)(10) of the Rent Ordinance explaining your rights regarding relocation expenses:

(a) A landlord shall not endeavor to recover possession of a rental unit unless:

(10) The landlord seeks to recover possession in good faith in order to demolish or to otherwise permanently remove the rental unit from housing use and has

obtained all necessary permits on or before the date upon which notice to vacate is given, and does so without ulterior reasons and with honest intent provided that a landlord who seeks to recover possession under this Section 37.9(a)(10) shall pay relocation expenses as provided in Section 37.9C except that a landlord who seeks to demolish an unreinforced masonry building pursuant to the Building Code Chapters 16B and 16C must provide the tenant with the relocation assistance specified in Section 37.9A(f) below prior to the tenant's vacating the premises...

The voters approved Proposition H on November 7, 2006, effective December 22, 2006, which requires landlord to pay relocation payments for "no fault" evictions such as an eviction under Section 37.9(a)(10) of the San Francisco Rent Ordinance.

Section 37.9C of the San Francisco Administrative Code provides, in pertinent part,

"37.9C Tenants Rights to Relocation for No-Fault Evictions

(a) Definitions.

(1) Covered No-Fault Eviction Notice.

For purposes of this section 37.9C, a Covered No-Fault Eviction Notice shall mean a notice to quit based upon **Section 37.9(a)(8), (10), (11), or (12).**

(2) Eligible Tenant. For purposes of this section 37.9C, an Eligible Tenant shall mean any authorized occupant of a rental unit, regardless of age, who has resided in the unit for 12 or more months...

(e) Relocation expenses shall be:

(1) Each Eligible Tenant receiving a Covered No-Fault Eviction Notice shall receive \$4,500, \$2,250 of which shall be paid at the time of the service of the notice to quit, and \$2,250 of which shall be paid when the unit is vacated. In no case, however, shall the landlord be obliged under this section 37.9C(e)(1) to provide more than \$13,500 in relocation expenses to all Eligible Tenants in the same unit..."

(2) In addition, each Eligible Tenant who is 60 years of age or older or who is disabled within the meaning of Sections 12955.3 and 12926 of the California Government Code, and each household with at least one Eligible Tenant and at least one child under the age of 18 years, shall be entitled to receive an additional payment of \$3,000.00, \$1,500.00 of which shall be paid within fifteen (15) calendar days of the landlord's receipt of written notice from the Eligible Tenant of entitlement to the additional relocation payment along with supporting evidence, and \$1,500.00 of which shall be paid when the Eligible Tenant vacates the unit. If you claim the

additional \$3,000.00, please notify the Owner with supporting evidence of your eligibility for the additional payment. Within 30 days after notification to the Owner of a claim of entitlement to additional relocation expenses because of disability, age, or having children in the household, the Owner will give written notice to the Rent Board of your claim for additional relocation assistance and whether or not the Owner disputes the claim, without invalidating this Notice.

Since March 1, 2007, these relocation expenses have been increased annually, rounded to the nearest dollar, at the rate of increase in the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for All Urban Consumers in the San Francisco-Oakland-San Jose Region for the preceding calendar year, as that date is made available by the United States Department of Labor and published by the Rent Board.

**Effective March 1, 2014, relocation payments were increased to the following amounts: \$5,261.00 per Eligible Tenant with a cap of \$15,783.00 per rental unit, with an additional \$3,508.00 for each elderly (60 years or older) or disabled (per California Governmental Code Section 12955.3) tenant or each household with at least one child under the age of 18 years old.**

Please be advised that the tenants in occupancy of the Subject Property are entitled to the following relocation payments:

|                       |                   |
|-----------------------|-------------------|
| Martha Bini           | \$5,261.00        |
| <u>Over age of 60</u> | <u>\$3,508.00</u> |
|                       | \$8,769.00        |
| <br>                  |                   |
| Maria Bini            | \$5,261.00        |
| <u>Over age of 60</u> | <u>\$3,508.00</u> |
|                       | \$8,769.00        |
| <br>                  |                   |
| Maria Bini's spouse*  | \$5,261.00        |
| <u>Over age of 60</u> | <u>\$3,508.00</u> |
|                       | \$8,769.00        |

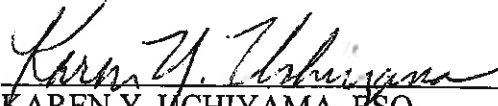
\*Full name unknown to Xelan Prop 1, LLC.

Each Eligible Tenant will receive one-half of their relocation payment (\$4,384.50 each) along with the service of this 60 Day Notice of Termination of Tenancy. The other half will be paid when the Eligible Tenant vacates. *Section 37.9C of the San Francisco Rent Ordinance, and the most recent Relocation Payments schedule for no cause evictions under Sections 37.9(a)(8), (10), (11), and (12) are attached hereto collectively as Exhibits "A" and "B," and incorporated herein by reference.*

The building plans, specifications and permits (and any renewals thereof) for the demolition and permanent removal of the rental unit from its existing form and condition are on file with the Central Permit Bureau of the Department of Building Inspection located at 1660 Mission Street, and that arrangements for reviewing such plans and permits can be made with the Central Permit Bureau to review such applications, plans or permits. *Copies of all necessary permits are attached collectively hereto as Exhibit "C."*

ADVICE REGARDING THIS NOTICE is available from the San Francisco Residential Rent Stabilization and Arbitration Board located at 25 Van Ness Avenue, Room 320, San Francisco, California, 415.252.4600.

Date: March 27, 2014

  
KAREN Y. UCHIYAMA, ESQ.  
Authorized Representative for Owner  
XELAN PROP 1, LLC  
(415) 563-9300

cc: San Francisco Rent Stabilization and Arbitration Board,

[SFGOV](#) | [Residents](#) | [Business](#) | [Government](#) | [Visitors](#) | [OnlineServices](#)

## Section 37.9C Tenants Rights To Relocation For No-Fault Evictions

[Added by Proposition H, effective December 22, 2006; annotated section 37.9C(a)(1) to reference California Civil Code Section 1947.9, which went into effect on January 1, 2013]

### (a) Definitions.

(1) **Covered No-Fault Eviction Notice.** For purposes of this section 37.9C, a Covered No-Fault Eviction Notice shall mean a notice to quit based upon Section 37.9(a)(8), (10), (11), or (12). [However, effective January 1, 2013, the amount of relocation payments for temporary displacement of a tenant household under Section 37.9(a)(11) for less than 20 days is governed by California Civil Code Section 1947.9 and not by this Section.]

(2) **Eligible Tenant.** For purposes of this section 37.9C, an Eligible Tenant shall mean any authorized occupant of a rental unit, regardless of age, who has resided in the unit for 12 or more months.

(b) Each Eligible Tenant who receives a Covered No-Fault Eviction Notice, in addition to all rights under any other provision of law, shall be entitled to receive relocation expenses from the landlord, in the amounts specified in section 37.9C(e).

(c) On or before the date of service of a Covered No-Fault Eviction Notice, the landlord shall notify all occupant(s) in the unit in writing of the right to receive payment under this section 37.9C and the amount of that relocation and shall provide a copy of section 37.9C. Such notification shall include a statement describing the additional relocation expenses available for Eligible Tenants who are senior or disabled and for households with children. The landlord shall file a copy of this notification with the Rent Board within 10 days after service of the notice, together with a copy of the notice to vacate and proof of service upon the tenant.

(d) A landlord who pays relocation expenses as required by this section in conjunction with a notice to quit need not pay relocation expenses with any further notices to quit based upon the same just cause under Section 37.9(a) for the same unit that are served within 180 days of the notice that included the required relocation payment. The relocation expenses contained herein are separate from any security or other refundable deposits as defined in California Code Section 1950.5. Further, payment or acceptance of relocation expenses shall not operate as a waiver of any rights a tenant may have under law.

(e) Relocation expenses shall be:

(1) Each Eligible Tenant receiving a Covered No-Fault Eviction Notice shall receive \$4,500, \$2,250 of which shall be paid at the time of the service of the notice to quit, and \$2,250 of which shall be paid when the unit is vacated. In no case, however, shall the landlord be obligated under this section 37.9C(e)(1) to provide more than \$13,500 in relocation expenses to all Eligible Tenants in the same unit.

(2) In addition, each Eligible Tenant who is 60 years of age or older or who is disabled within the meaning of Section 12955.3 of the California Government Code, and each household with at least one Eligible Tenant and at least one child under the age of 18 years, shall be entitled to receive an additional payment of \$3,000.00, \$1,500.00 of which shall be paid within fifteen (15) calendar days of the landlord's receipt of written notice from the Eligible Tenant of entitlement to the relocation payment along with supporting evidence, and \$1,500 of which shall be paid when the Eligible Tenant vacates the unit. Within 30 days after notification to the landlord of a claim of entitlement to additional relocation expenses because of disability, age, or having children in the household, the landlord shall give written notice to the Rent Board of the claim for additional relocation assistance and whether or not the landlord disputes the claim.

(3) Commencing March 1, 2007, these relocation expenses, including the maximum relocation expenses per unit, shall increase annually, rounded to the nearest dollar, at the rate of increase in the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for All Urban Consumers in the San Francisco-Oakland-San Jose Region for the preceding calendar year, as that data is made available by the United States Department of Labor and published by the Board.

(f) The provisions of this Ordinance shall apply to all notices to quit served on or after August 10, 2006.

Contact  
SFGov

Accessibility Policies  
City and County of San Francisco ©2000-2014

EXHIBIT "A"





**Relocation Payments for Evictions based on Owner/Relative Move-in OR Demolition/Permanent Removal of Unit from Housing Use OR Temporary Capital Improvement Work OR Substantial Rehabilitation\***

| Date of Service of Notice of Termination of Tenancy ("Eviction Notice") | Relocation Amount Due Per Tenant | Maximum Relocation Amount Due Per Unit | PLUS Additional Amount Due for Each Elderly (60 years or older) or Disabled Tenant or Household with Minor Child(ren) |
|---|----------------------------------|--|---|
| 3/01/13 – 2/28/14   | \$5,207.00                       | \$15,621.00                            | \$3,472.00  |
| 3/01/14 – 2/28/15   | \$5,261.00                       | \$15,783.00                            | \$3,508.00  |

\*See Ordinance Section 37.9C for additional relocation requirements for evictions under 37.9(a)(8) (owner/relative move-in), 37.9(a)(10) (demolition/permanent removal from housing use), 37.9(a)(11) (temporary eviction for capital improvement work) and 37.9(a)(12) (substantial rehabilitation). [However, effective 1/1/13, the amount of relocation payments for temporary capital improvement evictions under 37.9(a)(11) for less than 20 days is governed by California Civil Code Section 1947.9 and not by Rent Ordinance Section 37.9C.]

**Pagos de traslado por desalojo debidos a mudanza del propietario/pariente O por demolición/eliminación definitiva del uso de la unidad como vivienda O trabajos temporales de mejora de capital O rehabilitación substancial\***

| Fecha del servicio de entrega del aviso de desalojo | Monto de traslado correspondiente por inquilino | Monto de traslado máximo correspondiente por unidad | ADICIONAL Monto adicional correspondiente por cada persona mayor de edad (60 años o más) o inquilino discapacitado o familia con niños menores |
|---|---|---|--|
| 3/01/13 – 2/28/14                                   | \$5,207.00                                      | \$15,621.00   | \$3,472.00   |
| 3/01/14 – 2/28/15                                   | \$5,261.00                                      | \$15,783.00   | \$3,508.00   |

\*Ver la Sección 37.9C de la Ordenanza para requisitos adicionales de traslado por desalojo según 37.9(a) (8) (mudanza del dueño/pariente), 37.9(a)(10) (demolición/eliminación definitiva del uso de la unidad como vivienda), 37.9(a)(11) (trabajos temporales de mejora de capital) y 37.9(a)(12) (rehabilitación substancial). [Sin embargo, efectivo 1/1/13, la cantidad del pago de traslado para los desalojos temporales de mejora de capital bajo la Sección 37.9(a)(11) por menos de 20 días esta gobernado por la Sección del Código Civil de California 1947.9 y no por la Sección 37.9C de la Ordenanza.]

**以業主/親屬身份入住，或拆除/出租單位，且永遠不再做為居住房屋使用或臨時資本設備改善工程或大規模裝修為由進行迫遷的搬遷費\***

| 送達迫遷通知的日期         | 每位房客應得的搬遷費金額 | 每個單位應得的最高搬遷費金額 | 外加 每位老年 (60 歲或以上) 或殘障房客或每戶有未成年兒童的家庭應得的額外金額 |
|-------------------|--------------|----------------|--|
| 3/01/13 – 2/28/14 | \$5,207.00   | \$15,621.00    | \$3,472.00                                 |
| 3/01/14 – 2/28/15 | \$5,261.00   | \$15,783.00    | \$3,508.00                                 |

\*請參閱《租賃條例》第 37.9C 節中有關依照第 37.9(a)(8) 節 (業主/親屬入住)、第 37.9(a)(10) 節 (拆除/出租單位永遠不再做為居住房屋使用)、第 37.9(a)(11) 節 (臨時資本設備改良工程) 及第 37.9(a)(12) 節 (大規模裝修) 迫遷的額外搬遷費要求。[然而從 2013 年 1 月 1 日開始生效，因主要修繕的臨時逐出少於 20 天受租務條例 37.9(a)(11) 條的制約。此類搬家費用金額由加州民事訟法 1947.9 修規管制而不是租務條例 37.9C 條制約。]

EXHIBIT "B"