

File No. 130994

Committee Item No. _____

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date November 26, 2013

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Appeal of Application of Condominium Conversion Fee for</u> |
| | | <u>124-5th Avenue, Apartment 5</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Joy Lamug

Date November 21, 2013

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

Appeal Filing to the Board of Supervisors, Reduction, Adjustment, or Waiver of Condominium Conversion Fee Appeal.

October 2, 2013

William Jeffery Rolf
7467 SE Division St
Portland, OR 97206
Phone: 415-412-1320

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 OCT -7 PM 3:00

Clerk of the Board of Supervisors
#1 Dr. Carlton B. Goodlett Place, Room #244
San Francisco, CA. 94102

To The Clerk of the Board of Supervisors,

I am the owner of a TIC unit in San Francisco that is going through the Condominium Conversion process.

My unit is at:

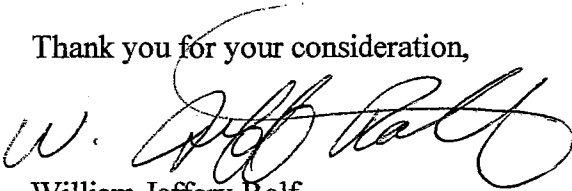
124 5th AVE #5
San Francisco, CA 94118.

I would like to appeal for a reduction, adjustment, or a waiver of the Condominium Conversion Fee.

When I purchased my TIC unit in February of 2010, I knew that our building would be entering the Condo Lottery in 2011. Unfortunately, our building was never picked by the lottery the 3 years that we were able to enter. When I purchased my TIC, I had no idea that the city would ever put into place a Condominium buyout to temporarily replace the lottery.

I am currently unemployed and I have just finished 3 years of Community College Education in Portland, OR. I will need to start paying on my school loan of \$32,894.53 starting in January of 2014. The only income that I am making right now is from the renting of my TIC unit, which I receive \$2000.00 a month for. Since I have not been employed since I started school in September of 2010, I was unable to take out a loan to pay the \$12,000.00 Condominium Conversion Fee and the other fees associated with this process. I did end up having to make a withdrawal from my 401K plan to come up with the money for this conversion process.

Thank you for your consideration,


William Jeffery Rolf



FedLoan Servicing
P.O. BOX 69184
Harrisburg, PA 17106-9184
Toll-free: 800-699-2908
www.MyFedLoan.org

WILLIAM J ROLF
7467 SE DIVISION ST
PORTLAND, OR 97206

October 2, 2013

The following information is provided as verification of the loans we service for WILLIAM J ROLF:

In Grace

- The loans listed below are currently in Grace through 12/16/2013 with repayment starting on 12/17/2013.

Loan #	Disbursement Date	Loan Program	Original Loan Amount	Current Principal Balance	Monthly Payment Amount	Repayment Term	Interest Rate	Days Delinquent
0003	09/30/2012	DLUNST	\$10,500.00	\$10,500.00	**\$60.64	- -	6.8%	0
0002	10/02/2011	DLUNST	\$9,500.00	\$9,500.00	**\$54.87	- -	6.8%	0
0001	10/25/2010	DLUNST	\$9,500.00	\$9,500.00	**\$54.87	- -	6.8%	0

Important Notes

- Based on your current principal balance and interest rate, your account's total monthly payment amount will be approximately \$170.37.
- ** **ESTIMATES** only. The estimate provided is an interest only payment amount. The actual Monthly Payment Amount may be higher than the amount provided. The actual amount and repayment terms will be provided to you in writing before the loan enters repayment.



Edwin M. Lee, Mayor
Mohammed Nuru, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

13 SEP 20 11:10:43

Department of Public Works
Office of the City and County Surveyor
1155 Market Street, 3rd Floor
San Francisco CA 94103

Bruce R. Storrs, City and County Surveyor

Sirkin and Associates
388 Market Street, Suite 1300
San Francisco, CA 94111

EXPEDITED CONVERSION PROGRAM INVOICE

Payment due upon receipt
Monday, September 16, 2013

Project Information

PID: 7820
Assessor's Block 1364
Lot 034
Address 124 05TH AVE

Amount Due
\$72,000.00

Notes:

1. Payment is due upon receipt of this invoice.
2. Payments must be made by Bank or Cashier's Check.
 - a. Credit Cards and personal checks will not be accepted.
3. Make checks out to "Department of Public Works - ECP"
4. Please write your Assessor's Block and Lot number on your check.
5. Submit a copy of this invoice with your payment.

Number of Years of Lottery Participation	Number of Units in the Building	Expedited Conversion Fee Per Unit	Total Fee Due
3	6	\$12,000.00	\$72,000.00

Bank of America 

Cashier's Check

No. 002151912

Notice to Purchaser: In the event this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Date: SEPTEMBER 20, 2013

91-1700321

NAZ

Banking Center

DIAMOND HEIGHTS

0002198 00010 0002151912

124 5TH AVE #4 SP CA 94110
Remitter (Purchased By)

\$ **72000.00**

05-14-3774B 02-2012

Pay **SEVENTY TWO THOUSAND DOLLARS AND 00 CENTS**

To:

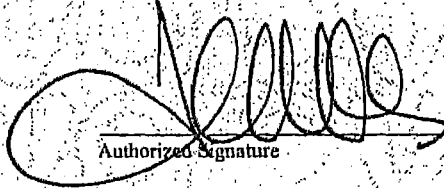
The

Order

Of

DEPARTMENT OF PUBLIC WORKS - RCP

BLOCK 1364 / LOT 034



Authorized Signature

Bank of America, N.A.
Phoenix, AZ

VOID AFTER 90 DAYS

THE ORIGINAL DOCUMENT HAS REFLECTIVE WATERMARK ON THE BACK THE ORIGINAL DOCUMENT HAS REFLECTIVE WATERMARK ON THE BACK

From: McCloskey, Benjamin
Sent: Monday, November 18, 2013 4:58 PM
To: Lamug, Joy
Cc: Malamut, John; Whitley, Gigi
Subject: MOHCD response to 124 5th Ave condo fee appeals
Attachments: Controller memo on 489 Sanchez.pdf; MOH response to condo fee appeal 112613-2appellants.pdf

Joy,

Attached is our office's response to the two condo fee appeals scheduled to be heard on November 26.

Thanks,
Benjamin

Benjamin McCloskey
Chief Financial Officer
Mayor's Office of Housing and Community Development
1 South Van Ness, 5th Floor
San Francisco, CA 94103
tel: 415.701.5575 fax: 415.701.5501
benjamin.mccloskey@sfgov.org



MEMORANDUM

TO: Gigi Whitley
Mayor's Office of Housing and Community Development

FROM: Ted Egan, Chief Economist, Office of Economic Analysis
Drew Murrell, Budget and Analysis Division

DATE: October 28, 2013

SUBJECT: Opinion regarding an appeal of a Reduction, Adjustment, or Waiver of Condominium Conversion Fee for a property located at 489 Sanchez Street

On Monday, October 21st, you requested that the Controller's Office review an appeal of a Reduction, Adjustment, or Waiver of Condominium Conversion Fee for a property located at 489 Sanchez Street. You asked for our opinion on whether the particular circumstances of the appellant affects the validity of the City's condominium conversion fee in her case. The fee is based upon the report "Condominium Conversion Fee Nexus Study" (the Nexus Study), prepared in 2011 by Keyser Marston Associates, Inc. While the Controller's Office did not manage the nexus study, we are familiar with the study, having relied upon it to produce revenue projections, and an economic impact report.

This memo offers our opinion specifically to the question you posed to us. We do not offer an opinion on the overall merit of her appeal, or on any other point she has raised.

The appellant, a co-owner of a Tenancy-in-Common (TIC) that has paid the condominium conversion fee, appears to make two claims regarding its applicability to her circumstances:

1. First, the nexus study presumed that a converted condominium would be sold upon conversion, while she intends to reside in her unit indefinitely and indeed is limited by a disability from moving.
2. Second, the nexus study presumed that a TIC owner who could not afford to pay the fee would benefit from an improved position in the condominium lottery, while in fact the legislation establishing the fee suspended the lottery.

To the appellant's first point, while the nexus study did assume, for analytical purposes, that the condominium was sold upon conversion, in our opinion, neither the existence nor the level of a nexus materially hinges upon this assumption. At some point in the future, the condominium will be vacated and sold, at a price that is reasonably likely to be higher than it would have been, and will be occupied by a household that is reasonably likely to have a higher income than would have been the case, in the absence of conversion. In this respect, the impact of a future sale is similar to a current sale. In fact, given the tendency for the City's affordable housing costs to increase over time, it is possible that, had the Nexus Study explored the impact of later condominium sales, it would have found a higher cost than those documented in the study.

The appellant's second point does not speak to her particular circumstances, but to the fact that the nexus study envisioned the continuation of the condominium lottery, while the ordinance establishing the fee suspended the lottery. It is true that the Nexus Study explored the costs and benefits, to TIC owners, of conversion. However, the study also made clear that this was a "real estate question", intended to determine the maximum fee the market would bear, and was not related to the legal nexus.

Therefore, the Controller's Office believes that neither of these two arguments provide a reason why the condominium conversion fee should be any less applicable to the appellant than it would be to any other TIC owner.

Mayor's Office of Housing and Community Development
City and County of San Francisco



Edwin M. Lee
Mayor

Olson Lee
Director

TO: Angela Calvillo, Clerk of the Board of Supervisors and Honorable Members of the Board of Supervisors

FROM: Gigi Whitley, Deputy Director, Mayor's Office of Housing and Community Development

CC: Scott Yarmark and William Jeffery Rolf, Appellants, and Property Owners at 124 5th Avenue

SUBJECT: Appeals Requesting Reduction, Adjustment or Waiver of Condominium Conversion Fees for Properties Located at 124 5th Avenue, Apts. 2 and 5.

DATE: November 18, 2013

On June 18, 2013, the Board of Supervisors passed Ordinance No. 117-13 amending the City's Subdivision Code to create an expedited and reliable option for tenancy-in-common (TIC) owners and other property owners to convert their TICs or buildings in to condominiums. By paying a one-time fee to the City, these owners could bypass the annual condominium conversion lottery and receive subdivision map approval as required for a condominium unit. As part of the law's legislative findings, the Board relied on a 2011 economic nexus study that demonstrated and quantified the impact of condominium conversion on the demand for affordable housing in San Francisco and the cost of mitigating the impact. The ordinance set the condominium conversion fee at \$20,000 per unit—below the fee level justified in the nexus study—and further reduced the fee for TIC owners based on the number of years of participation in the annual lottery. Fee revenue to the City is designated for the development of new affordable housing units for low- to moderate-income individuals and families.

This memo summarizes key findings of the nexus study, describes the law's requirements for granting an appeal, and analyzes a request for a fee waiver from Scott Yarmark, the property owner of 124 5th Avenue, Apartment 2, as well as a request for a fee waiver from William Jeffery Rolf, the property owner of Apartment 5 at the same address. Both apartments are part of a tenancy-in-common of a six-unit building at 124 5th Avenue. The law's standard for granting the appeal requires the appellants to successfully challenge the economic analysis in the nexus study. A hardship exemption is not an allowable reason to grant an appeal. Based on an analysis of this case, the Mayor's Office of Housing and Community Development (MOHCD) contends that the economic nexus study justifies the payment of this fee, already reduced to \$12,000 per unit in this case, and that the appellants have not met the

standard for a successful appeal. As such, MOHCD recommends that the Board of Supervisors deny these appeals.

Background.

Prior to the law's enactment, the City and County of San Francisco limited the number of rental or TIC units that could be converted to condominiums to 200 per year, in order to preserve affordable rental units in the City. Through a lottery process, TIC owners and other property owners could apply to receive approval for a condominium conversion subdivision map, the first step in a two-step process for creating a condominium unit in San Francisco. Condominium conversion is an option for owners in buildings with two to six units, under certain conditions. TICs are owned jointly as entire buildings in percentage shares. In contrast, a condominium is owned as a separate, divided legal real estate interest from the other condominium units in a building, and each individual condominium owner may separately sell, lease, or finance his or her condominium unit. TIC ownership can be more complex and risky due to this joint-ownership relationship. TIC owners may buy and sell shares equivalent to a single unit but that does not mean they own their unit outright with the ability to separately sell or finance the unit. Because of this risk, mortgage financing and transaction costs are significantly higher for TIC ownership share than condominium ownership. The benefits of condominium conversion include a more advantageous form of title and ownership and better mortgage loan terms that reduce homeownership costs and help owners remain in their homes. As such, there is a demonstrable financial incentive to convert jointly-owned, multi-unit property to individually owned condominiums.

Given pent up demand to convert to condominium and a backlog of approximately 2,000 units waiting to convert, the City began considering an alternative to its condominium lottery process. The City commissioned a 2011 nexus study to evaluate the economic impacts to the City of condominium conversion and whether those impacts justified an impact fee, similar to other development impact fees that mitigate the City's costs to provide additional affordable housing, such as the Jobs Housing Linkage Fee and inclusionary housing fees.

The 2011 nexus study conducted by Keyser Marston Associates (KMA)¹ determined that the conversion of a TIC or rental unit to a condominium would result in a net increase in household income in San Francisco, through the replacement of a TIC owner with a higher income condominium purchaser. Given the higher income of condominium purchasers, the condominium owner would have higher consumer spending and increased demands for goods and services such as banking and retail services, leading to increased job creation. Among the jobs created would be additional low- and moderate-income jobs. The workforce performing these additional lower income jobs create a greater demand for affordable housing, as these households cannot afford market-rate housing in San Francisco. The cost to the City to subsidize this increased need for additional affordable housing creates the nexus between the condominium conversion and justification for a conversion fee.

As part of the legislative findings for Ordinance No. 117-13, the Board determined that based on evidence presented in the nexus study, there is a reasonable relationship to the subdivision applicants' burdens on the City that result from the change in use and ownership

¹ *Condominium Conversion Nexus Analysis, San Francisco*, Keyser Marston Associates, January 2011

status from a dwelling unit within an unsubdivided property to a separate interest in a condominium unit.²

Basis for an Appeal.

In a November 7, 2013 letter to the City, Mr. Yarmark requests a waiver or reduction of the condominium conversion fee, based on financial need and inadequate time to save for the cost of the fee. In an October 2, 2013 letter to the City, Mr. Rolf also requests a waiver or reduction of the condominium conversion fee based on financial need. Neither request makes any claims regarding the applicability of the nexus study on which the fee was based. The KMA nexus study was not based on a household having the ability to pay a fee, but rather that the TIC unit(s) would be sold, at some point, to a higher income household, creating the need to offset costs to the City from the impacts of the actual conversion. In the future, either the appellants or their estates will sell the units to condominium purchasers, rather than separate TIC purchasers. That economic transaction creates the need for the impact fees, whether it occurs immediately or sometime in the future.

Acknowledging this reality, the Board decided to require fee payment at the time of application for the condominium conversion subdivision (when the TIC owner initiates the subdivision approval process that will result in the owner's benefit), rather than at another point in time, such as paying the fee at the sale of the condominium unit. While it is accurate that the nexus study focused on the converted condominium unit being purchased by a new buyer at some time, the study acknowledges that the units may not necessarily be purchased immediately.³

In an opinion letter provided for the October 29, 2013 condominium conversion fee appeal for 489 Sanchez Street, the Office of the Controller stated that "while the nexus study did

² Section 1(b) of Board Ordinance No. 117-13 (Subdivision Code – Condominium Conversion Fee) provides: "This Board finds that the condominium conversion fee as set forth in this legislation is an appropriate charge imposed as a condition of property development, which in this case is the City's approval of a condominium conversion subdivision, a discretionary development approval pursuant to the San Francisco Subdivision Code and the California Subdivision Map Act. Based on data, information, and analysis in a Condominium Conversion Nexus Analysis report prepared by Keyser Marston Associates, Inc., dated January 2011, and the findings of Planning Code Section 415.1 concerning the City's inclusionary affordable housing program, this Board finds and determines that there is ample evidentiary support to charge the fee set forth herein as it relates to a subdivision map approval that allows the conversion of existing dwelling units into condominiums. Said charge also is lower than the fee amount supported in the abovementioned Nexus Analysis report. As a consequence the Board finds that the amount of this charge is no more than necessary to cover the reasonable costs of the governmental activity and programs related to condominium conversion. The Board further finds and determines, that based on this evidence, the manner in which this charge is allocated and assessed on a per unit cost for each unit converted to a condominium bears a reasonable relationship to the subdivision applicants' burdens on the City that result from the change in use and ownership status from a dwelling unit within an unsubdivided property to a separate interest in a condominium unit."

³ The nexus study states: "The analysis assumes that the unit is sold upon conversion. Some existing owners will stay in the unit. Some of those who stay will refinance based on more favorable lending terms and higher unit value. **In any case, the conversion of the unit generates an increase in unit value and ultimately, a higher income occupant.**" (Highlight added.)

assume, for analytical purposes, that the condominium was sold upon conversion, in our opinion, neither the existence nor the level of nexus materially hinges upon this assumption.”⁴

The Office of the Controller opinion letter goes on to say, “at some point in the future, the condominium will be vacated and sold, at a price that is reasonably likely to be higher than it would have been, and will be occupied by a household that is reasonably likely to have a higher income than would have been the case, in the absence of conversion. In this respect, the impact of a future sale is similar to a current sale.”

Although the Office of the Controller opinion letter does not address the specifics of the appeals for property located at 124 5th Avenue, the conclusions are equally sound for use in these appeals.

Additionally, there are tangible financial advantages to the existing TIC owner who becomes a condominium owner. The KMA study quantified the gain of condominium conversion at 15 percent, or an estimated \$45,000 to \$75,000 gain after deducting standard City administrative fees. Property owners gain from the fact that financing costs are significantly lower for higher valued condominiums than TIC units (a 4.75% interest rate for TIC loans compared to 2.25% for condominium home loan at the time of the KMA study).

Mssrs. Yarmark and Rolf will reap immediate financial benefits through conversion to condominium units. After condominium conversion, the appellants could refinance an existing mortgage loan at a lower interest rate, thereby leaving more discretionary income for other uses. Mssrs. Yarmark and Rolf may also have the ability to obtain individual home equity loans to enhance their current living conditions. This increase in value and opportunity to refinance any existing mortgage would allow the owners to finance the condo conversion costs, including the conversion fee. Obtaining and using such additional discretionary income in the local economy can have similar economic impacts on the City as those analyzed in the nexus study for new condominium purchasers.

Existing Fee Relief.

Additionally, the Board set the fee at \$20,000 per unit, lower than the maximum mitigation cost of \$21,600 to \$34,900 supported by the KMA nexus analysis. The fee level also decreases from \$20,000, to as low as \$4,000 per unit, depending on the number of years the TIC has participated in the lottery. In the case of Mssrs. Yarmark and Rolf, the fee is calculated at \$12,000 per unit or \$72,000 for the 6-unit property.

It is important to note that while this building’s TIC owners apparently have chosen to each pay the per-unit cost (\$12,000 each), it is not necessary that each owner pay an equal share of the TIC’s \$72,000 fee. In other words, co-owners that place a higher value on the condominium conversion than the appellants could pay more than an equal share to reduce their fee payment. For example, the appellants’ co-owners could decide to loan them funds for the fee and structure it as a loan from the new condominium homeowners association (HOA). The loan could be repayable to the HOA upon sale of the units sometime in the future.

⁴ *Opinion Regarding an Appeal of a Reduction, Adjustment or Waiver of Condominium Conversion Fee for a Property Located at 489 Sanchez Street, October 28, 2013, memorandum from the Office of the Controller to the Mayor’s Office of Housing and Community Development.*

Law Does Not Allow for Hardship Waiver.

The only basis of these appeals is financial hardship. However, the legislation does not allow for waivers based on financial hardship, and granting waivers based on this rationale is problematic. Under the Subdivision Code requirements, the appellants need to demonstrate that there is an "absence of any reasonable relationship or nexus between the impact of development and the amount of fee." The appellants bear "the burden of presenting substantial evidence to support the appeal, including comparable technical information to support the appellant's position." The legislation provided an appeal process to allow a challenge to the impact fee analysis itself. For the Board to waive, reduce, or adjust the fee, the appellants must demonstrate that the economic nexus is somehow faulty.

The appellants' appeals do not meet this definition. Neither Mr. Yarmark nor Mr. Rolf has provided any economic or technical analysis to dispute the basic findings of the nexus study. Their appeals have not demonstrated that the nexus between condominium conversion and the need for additional affordable housing does not exist in this case.

Fee Deferral Process.

The law does allow for a TIC owner to request a fee deferral based on demonstrated economic hardship. Applicants demonstrating income for the last 12 months at less than 120 percent of area median income (AMI) can request a fee deferral while the Department of Public Works' (DPW) completes its application review.

Recommendation:

While the appellants' circumstances may be sympathetic, their cases do not meet the standard for appeal stated in the law. Given that the property owners have not presented substantial evidence and technical analysis to dispute the City's nexus study, the Board should reject this appeal. The Board has already provided fee relief by: a) setting the fee level below the maximum fee levels justified by the nexus study and 2) reducing the fee to credit the TIC owners based on number of years in the lottery. Based on the \$12,000 fee for each unit, Mssrs. Yarmark and Rolf are already receiving an \$8,000 per unit fee reduction based on prior years of participation in the lottery.

Furthermore, there is no requirement for Mssrs. Yarmark and Rolf to pay an equal share of the TIC building fee. The fee applies to the entire six-unit building, which allows Mssrs. Yarmark and Rolf to negotiate with their co-owners on a lower payment or possible loan from the HOA prior to resale of the unit if the ownership group voluntarily elects to pursue a condominium conversion at this time.

Finally, the legislation did not establish a fee waiver or reduction based solely on financial hardship. As such, there is no objective criteria upon which the Board can make such a determination. If the Board waives or reduces the fee based on these claims, it likely would create a precedent for any other applicant who is on a fixed income. Such a result could significantly jeopardize the amount of affordable housing fees available to the City that the Board specifically determined were needed to offset the economic impact on the City from condominium conversion.

The Mayor's Office of Housing and Community Development stands behind the Board's decision to offset the impact of additional market-rate condominiums to impose this fee. Based

on the rationale presented, the appeals do not meet the threshold for a fee waiver. As such, MOHCD recommends that the Board deny these appeals.



NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearings will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, November 26, 2013

Time: 3:00 p.m.

Location: Legislative Chamber, Room 250, located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

Subject: **File No. 130990.** Hearing of persons interested in or objecting to the application of the condominium conversion fee per Subdivision Code, Section 1396.4(j), for property located at **124-5th Avenue, Apartment 2**, Assessor's Block No. 1364, Lot No. 034. (District 2) (Appellant: Scott Yarmark) (Filed October 3, 2013).

File No. 130994. Hearing of persons interested in or objecting to the application of the condominium conversion fee per Subdivision Code, Section 1396.4(j), for property located at **124-5th Avenue, Apartment 5**, Assessor's Block No. 1364, Lot No. 034. (District 2) (Appellant: William Jeffery Rolf) (Filed October 7, 2013).

If you challenge, in court, the fee described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Friday, November 22, 2013.

Individuals submitting written comments or speaking at the hearing are not required to identify themselves. If an individual chooses to identify himself or herself, the individual's name – along with any information the individual provides – will become part of the public record.

Madeline Licavoli
For Angela Calvillo, Clerk of the Board

From: Chan, Cheryl [Cheryl.Chan@sfdpw.org]
Sent: Thursday, November 07, 2013 10:33 AM
To: Lamug, Joy
Subject: PID: 7820; AB 1364, Lot 034 at 124 5th Avenue
Attachments: 7820_Address List.pdf

Hi Joy,

Please see the attached address list for neighborhood notification. Unfortunately, we do not have this in an Excel format.

Please let me know if you need anything else.

Thank you,



CHERYL CHAN

CITY & COUNTY OF S.F. – DEPARTMENT OF PUBLIC WORKS
Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor, San Francisco, CA 94103
Main: 415-554-5827 | Direct: 415-554-4885 | Fax: 415-554-5324
E-Mail: cheryl.chan@sfdpw.org

115

BLOCK LOT	OWNER	OADDR	CITY	STATE	ZIP
0001 001	RADIUS SERVICES NO. 1364034	124 5TH AVE	WONGAG	13	0731
0001 002					
0001 003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001 004	AGNES WONG	124 5TH AVE #5	SAN FRANCISCO	CA	94118
0001 005					
1353 017	TOMAO TRS	95 5TH AV	SAN FRANCISCO	CA	94118-1307
1353 018	LAWRENCE ROSE	14 COUNCIL CREST DR	CORTE MADERA	CA	94925-1002
1353 018A	EVELYN LEE	303 CLAUDIA CT	MORAGA	CA	94556-2134
1353 018B	MARGARET WONG TRS	17 JASMINE CT	MILLBRAE	CA	94030-1701
1353 019	MIGUEL & ANGELO WONG	1280 8TH AV	SAN FRANCISCO	CA	94122-2406
1354 001	HOME FOR AGED OF LITTLE SISTER	300 LAKE ST	SAN FRANCISCO	CA	94118-1357
1354 002	EMILY EASTON HUNT TRS	340 LAKE ST	SAN FRANCISCO	CA	94118-1357
1354 003	TOPPING & HORTON	346 LAKE ST	SAN FRANCISCO	CA	94118-1357
1354 004	ANN FRANCISCO TRS	352 LAKE ST	SAN FRANCISCO	CA	94118-1357
1354 006	NEWMAYER TRS	84 5TH AV	SAN FRANCISCO	CA	94118-1308
1354 025	LAUREN FRIEDLY	360 LAKE ST #1	SAN FRANCISCO	CA	94118-1331
1354 026	BENTZLEY MISSION LP	1917 ARENA DR	DAVIS	CA	95618-6753
1354 027	DIANE SERNA	360 LAKE ST #3	SAN FRANCISCO	CA	94118-1331
1354 028	ALEXANDRA SOROTT	360 LAKE ST #4	SAN FRANCISCO	CA	94118-1331
1363 027A	WONG KWOK FU TRS	174 4TH AV	SAN FRANCISCO	CA	94118-1306
1363 029	PATTI HIRASAWA	127 9TH AV	SAN FRANCISCO	CA	94118-1222
1363 030	CHIN TRS	154 4TH AV	SAN FRANCISCO	CA	94118-1306
1363 031	ARCHIBALD & ANNA RAGIN	152 4TH AV	SAN FRANCISCO	CA	94118-1306
1363 032	WONG KWOK-HO & NG MAI SIM	144 4TH AV	SAN FRANCISCO	CA	94118-1306
1363 033	MICHAEL MCKEEMAN	128 4TH AV	SAN FRANCISCO	CA	94118-1306
1363 034	ELLEN BOLLA TRS	126 4TH AV	SAN FRANCISCO	CA	94118-1306
1363 036	NATALIA NIKOLAEFF TRS	135 6TH AV	SAN FRANCISCO	CA	94118-1325
1363 037	MINEO LEO KUNIHARA	120 4TH AV	SAN FRANCISCO	CA	94118-1306
1363 039	FOSTER TRS	239 LAKE ST	SAN FRANCISCO	CA	94118-1319
1363 040	IRENE LEW	233 LAKE ST	SAN FRANCISCO	CA	94118-1319
1363 041	LAWRENCE LUI ETAL	1382 18TH AV	SAN FRANCISCO	CA	94122-1808
1363 043	JONAS MARSON ETAL	124 4TH AV #A	SAN FRANCISCO	CA	94118-1306
1363 044	DONNA JACOBSEN	124 4TH AV #B	SAN FRANCISCO	CA	94118-1306
1363 045	NELSON LAM	243 LAKE ST	SAN FRANCISCO	CA	94118-1319
1363 046	NELSON LAM	243 LAKE ST	SAN FRANCISCO	CA	94118-1319
1363 047	NELSON LAM	243 LAKE ST	SAN FRANCISCO	CA	94118-1319
1363 048	WAI KWAN & SUSIE YUNG	4141 BYRON ST	HOUSTON	TX	77005-3515
1363 049	JOHN ANGLIM TRS	168 4TH AV	SAN FRANCISCO	CA	94118-1306
1363 050	MARGARET STARK-ROBERTS TRS	PO BOX 26472	SAN FRANCISCO	CA	94126-6472
1364 001	LASH & FANCHER	303 LAKE ST	SAN FRANCISCO	CA	94118-1320
1364 001A	EUGENIA LAU	375 LOS PALMOS DR	SAN FRANCISCO	CA	94127-2315
1364 002	JEE TRS	532 37TH AV	SAN FRANCISCO	CA	94121-2612
1364 004	LAKE DISTRICT PRPTY LLC	3701 SACRAMENTO ST #335	SAN FRANCISCO	CA	94118-1705
1364 005	JAMES FERRELL	129 4TH AV	SAN FRANCISCO	CA	94118-1305
1364 006	SACHIN & SEJAL DESAI	135 4TH AV	SAN FRANCISCO	CA	94118-1305
1364 007	TAI TRS	139 4TH AV	SAN FRANCISCO	CA	94118-1305
1364 008	TOMMY ENG ETAL	143 4TH AV	SAN FRANCISCO	CA	94118-1305
1364 009	QUAN TRS	147 4TH AV	SAN FRANCISCO	CA	94118-1305
1364 010	IRENE SUN TRS	151 4TH AV	SAN FRANCISCO	CA	94118-1305
1364 011	WILLIAM HETHERINGTON	155 4TH AV	SAN FRANCISCO	CA	94118-1305
1364 012	HUEY GIM YUEY & SOO PING TRS	276 9TH AV	SAN FRANCISCO	CA	94118-2209
1364 017	RINA MEZA TRS	4210 CALIFORNIA ST	SAN FRANCISCO	CA	94118-1314
1364 018	SVENSSON TRS	135 6TH AV	SAN FRANCISCO	CA	94118-1325
1364 019	LINDA DAVIS HOM TRS	212 DOWNEY ST	SAN FRANCISCO	CA	94117-4422
1364 020	MALTA TRS	4220 CALIFORNIA ST	SAN FRANCISCO	CA	94118-1393
1364 021	MAKAGON TRS	4224 CALIFORNIA ST #106	SAN FRANCISCO	CA	94118-1395
1364 023	EIDELHOCH TRS	652 MIRAMAR AV	SAN FRANCISCO	CA	94112-1232
1364 023A	LOUIE TRS	183 17TH AV	SAN FRANCISCO	CA	94121-1317
1364 024	BARBARA FEDUN	PO BOX 475472	SAN FRANCISCO	CA	94147-5472
1364 025	TAYLOR & MARY FITZHUGH	160 5TH AV	SAN FRANCISCO	CA	94118-1310
1364 026	ROBERT & KAREN PARKER	154 5TH AV	SAN FRANCISCO	CA	94118-1310
1364 027	LEE TRS	150 5TH AV	SAN FRANCISCO	CA	94118-1310
1364 028	KRANTZ & GUNTHER TRS	146 5TH AV	SAN FRANCISCO	CA	94118-1310
1364 029	VLASOFF TRS	489 45TH AV	SAN FRANCISCO	CA	94121-1446
1364 030	GERSHBERG & AZEVEDO TRS	739 12TH AV	SAN FRANCISCO	CA	94118-3620

1364	Q31	ROBERT KOSTOW	134 5TH AV	SAN FRANCISCO	CA	94118-1310
1364	Q32	PETER BYRNE TRS	255 W NAPA ST #L	SONOMA	CA	95476-6546
1364	Q33	YIM TRS	128 5TH AV	SAN FRANCISCO	CA	94118-1310
1364	Q34	WILLIAM ROLF	124 5TH AV #5	SAN FRANCISCO	CA	94118-1336
1364	Q35	ANITA & GARY HSUEH	136 18TH AV	SAN FRANCISCO	CA	94121-1322
1364	Q36	LINDA BOZZO	1162 BOWDOIN ST	SAN FRANCISCO	CA	94134-1804
1364	Q37	NONAKA TRS	3380 JOSHUA WOODS PL	CONCORD	CA	94518-2311
1364	Q38	W & R MCCrackEN	6933 CALIFORNIA ST	SAN FRANCISCO	CA	94121-1730
1364	Q40	BRIAN & BETSY BROWN	325 LAKE ST	SAN FRANCISCO	CA	94118-1320
1364	Q41	MATTHEW & ERIN STEERE	321 LAKE ST	SAN FRANCISCO	CA	94118-1320
1364	Q42	ANSEL KINNEY	315 LAKE ST	SAN FRANCISCO	CA	94118-1320
1364	Q45	D & T LLC	658 3RD AV	SAN FRANCISCO	CA	94118-3907
1364	Q46	KAREN YAN	327 HAWK RIDGE DR	RICHMOND	CA	94806-5819
1364	Q47	PATRICIA LANDIS HULTING TRS	335 LAKE ST	SAN FRANCISCO	CA	94118-1320
1364	Q50	NADINE LEONARD TRS	161 4TH AV	SAN FRANCISCO	CA	94118-1305
1364	Q51	OGILVIE-BREWER TRS	163 4TH AV	SAN FRANCISCO	CA	94118-1305
1364	Q52	JOHN BACKER	121 4TH AV	SAN FRANCISCO	CA	94118-1305
1364	Q53	MCCLENAHAN TRS	123 4TH AV	SAN FRANCISCO	CA	94118-1305
1364	Q54	BERTMAN & WILDES	4228 CALIFORNIA ST #1	SAN FRANCISCO	CA	94118-1314
1364	Q55	JOYCELYN LEE	4228 CALIFORNIA ST #2	SAN FRANCISCO	CA	94118-1314
1364	Q56	BARBARA KLEIN	4230 CALIFORNIA ST	SAN FRANCISCO	CA	94118-1314
1365	Q01	PIETRO & PIETRO	325 W POPLAR AV	SAN MATEO	CA	94402-1155
1365	Q02	GRACE KURTZ TRS	121 5TH AV	SAN FRANCISCO	CA	94118-1309
1365	Q03	MELNICK TRS	199 FREMONT ST #21ST	SAN FRANCISCO	CA	94105-2245
1365	Q04	ZAMOUN & NONOMURA TRS	131 5TH AV	SAN FRANCISCO	CA	94118-1309
1365	Q05	PATRICIAN REALTY HLDGS INC	2227 STEINER ST	SAN FRANCISCO	CA	94115-2219
1365	Q06	DERALD & PATRICIA SEID	153 5TH AV	SAN FRANCISCO	CA	94118-1309
1365	Q07	NATHAN TRS	159 5TH AV	SAN FRANCISCO	CA	94118-1309
1365	Q08	CONSAGRA TRS	163 5TH AV	SAN FRANCISCO	CA	94118-1309
1365	Q09	T & C JOHNSTON	167 5TH AV	SAN FRANCISCO	CA	94118-1309
1365	Q09A	ALVIN WONG TRS	171 5TH AV	SAN FRANCISCO	CA	94118-1309
1365	Q10	LUCINDA & EDDY WONG	152 8TH AV	SAN FRANCISCO	CA	94118-1211
1365	Q11	JENNY CHAN	PO BOX 14193	FREMONT	CA	94539-1393
1365	Q13	JAMES YU	995 MONTAGUE EXPY #21	MILPITAS	CA	95035-6851
1365	Q14	CARMEN CHAN	4318 CALIFORNIA ST	SAN FRANCISCO	CA	94118-1316
1365	Q15	TALMAGE TRS	PO BOX 591540	SAN FRANCISCO	CA	94159-1540
1365	Q22	ENG LP	7439 LA PALMA AV	BUENA PARK	CA	90620-2655
1365	Q23	JONES MEMORIAL METHODIST CH	1975 POST ST	SAN FRANCISCO	CA	94115-3571
1365	Q24	GILMORE FMLY	160 6TH AV	SAN FRANCISCO	CA	94118-1326
1365	Q25	BLAY & CURTIS TRS	156 6TH AV	SAN FRANCISCO	CA	94118-1326
1365	Q26	DAVID & ANN PAPALE	152 6TH AV	SAN FRANCISCO	CA	94118-1326
1365	Q27	MELVYN & DEANNA SEID	148 6TH AV	SAN FRANCISCO	CA	94118-1326
1365	Q28	NATALIE BASZILE	144 6TH AV	SAN FRANCISCO	CA	94118-1326
1365	Q29	MARK MCKANE ETAL	140 6TH AV	SAN FRANCISCO	CA	94118-1326
1365	Q30	CAROL LANE	136 6TH AV	SAN FRANCISCO	CA	94118-1326
1365	Q31	REED TRS	126 6TH AV	SAN FRANCISCO	CA	94118-1326
1365	Q32	HARRIS & HAWTHORNE	1547 LAKE ST	SAN FRANCISCO	CA	94118-1037
1365	Q33	SWAGEL TRS	118 6TH AV	SAN FRANCISCO	CA	94118-1326
1365	Q34	CLARENCE GRIDER TRS	190 UPLAND DR	SAN FRANCISCO	CA	94127-2517
1365	Q35	GROSSBARD TRS	443 LAKE ST	SAN FRANCISCO	CA	94118-1321
1365	Q36	J & M DAVIS	437 LAKE ST	SAN FRANCISCO	CA	94118-1321
1365	Q37	ROSE TRS	431 LAKE ST	SAN FRANCISCO	CA	94118-1321
1365	Q38	ASHLEY TAYLOR TRS	425 LAKE ST	SAN FRANCISCO	CA	94118-1321
1365	Q39	AGNES YUEN TRS	5 GREEN HILLS CT	MILLBRAE	CA	94030-1773
9999	999

F. Expedited Conversion Program – FORMS

Form No. 1

**Building History, Statement of Repairs & Improvements,
Occupants, Rental History, and Proposed Prices**

Assessor's Block 1364 Lot 034 Address 124 5th Avenue, San Francisco, CA 94118

Item No. 6 – Building History

No information known except for as detailed on Report of Residential Record

Item No. 7 – Statement of Repairs & Improvements

n/a

Item No. 8 – List of occupants, their apartment number, vacant units, and owners and tenants who intend to purchase

Unit	Occupant Name	Apartment Number	Is the unit vacant?		Does occupant intend to purchase unit?	
One	Tung Ying Wong, Tung Sheun Wang	1	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Two	Scott S. Yarmark	2	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Three	David Lau	3	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Four	Ryan L. Jones	4	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Five	Susheela Carroll & John Hawkins	5	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Six	Dylan Rudolph & Shadi Jalali	6	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Total # of vacant units: 0

Item No. 9 - Five-year Occupancy History (Include all building occupants)

Five Year Occupancy History

Apartment No.	Duration	Occupants	Rent	Reason for Termination/Leaving
1	04/2007-present	Fung Ying Wong, Fung Sheun Wang	0-0	n/a
2	04/2007-present	Scott S. Yarmark	0-0	n/a
3	06/2007-present	David Lau	0-0	n/a
4	05/2007-present	Ryan L. Jones	0-0	n/a
5	02/2011-present	Susheela Carroll & John Hawkins	\$2,000	n/a
	02/2010-02/2011	William Jeffrey Rolf	0-0	n/a
	2007-02/2010	Robert M. Gavin	0-0	Sold
6	08/2012-present	Dylan Rudolph & Shadi Jalali	\$2,400	n/a
	07/2009-08/2012	Kevin LaPorte	0-0	moved
	2007-07/2007	Christopher F. Welsh	0-0	Sold

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Clerk of the Board

Subject:

Public Hearing - Appeal of Application of Condominium Conversion Fee - 124-5th Avenue, Apartment 5

The text is listed below or attached:

Hearing of persons interested in or objecting to the application of the condominium conversion fee per Subdivision Code, Section 1396.4(j), for property located at 124-5th Avenue, Apartment 5, Assessor's Block No. 1364, Lot No. 034. (District 2) (Appellant: William Jeffery Rolf) (Filed October 7, 2013).

Signature of Sponsoring Supervisor: Alisa Miller for

For Clerk's Use Only:

130994