

**From:** [Hepner, Lee \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)  
**Cc:** [Peskin, Aaron \(BOS\)](#)  
**Subject:** BOS Agenda Items 26-29 - records for inclusion in public file  
**Date:** Tuesday, March 2, 2021 2:03:51 PM  
**Attachments:** [Re STR history at 424-434 Francisco St..msg](#)  
[M160595 - 428 Francisco Street.pdf](#)  
[M160596 - 428 Francisco Street.pdf](#)  
[M162621 - 428 Francisco Street.pdf](#)  
[FW Item #26 424-434 Francisco Condominium Conversion.msg](#)  
[424-434 Francisco Street- Appeal of Condominium Conversion tentative map denial.msg](#)  
[re 424-434 Francisco St. - Special Order Item No. 26 - BOS March 2 2021.msg](#)  
[Decline Appeal for Condo Conversion 424-434 Francisco St..msg](#)  
[FW Reject Condo Conversion on Francisco Street- Uphold the General Plan.msg](#)

---

Please find attached a number of records for inclusion in the public file pertaining to Items 26-29 on this afternoon's Board of Supervisors Agenda.

Thanks,  
Lee

Lee Hepner  
*Legislative Aide*  
Supervisor Aaron Peskin  
(415) 554-7419 | *pronouns: he, him, his*

[District 3 Website](#)

Sign up for our newsletter [here!](#)

**From:** [Masry, Omar \(CPC\)](#)  
**To:** [Hepner, Lee \(BOS\)](#)  
**Subject:** Re: STR history at 424-434 Francisco St.?  
**Date:** Thursday, February 25, 2021 9:16:50 PM

---

424 Francisco first applied circa December 2016; expired, then re-applied circa June 2019. Hosts may offer short-term rentals while an application is pending. Approved certificates are valid for 2 years.

434 Francisco applied circa January 2017 and was revoked (STR certificate) in 2018 over concerns of non-residency by individual host- TIC co-owner.

No other units have appeared to currently or previously host short-term rentals in the last 5 years (based on initial review without benefit of an administrative subpoena or other relevant information).

**OMAR MASRY, AICP | SENIOR ANALYST**

City & County of San Francisco | Office of Short Term Rentals | 49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

[omar.masry@sfgov.org](mailto:omar.masry@sfgov.org) | Phone: 628.652.7393

---

**From:** Hepner, Lee (BOS) <lee.hepner@sfgov.org>  
**Sent:** Thursday, February 25, 2021 9:13 PM  
**To:** Masry, Omar (CPC) <omar.masry@sfgov.org>  
**Subject:** STR history at 424-434 Francisco St.?

Mr. Masry - can you please confirm whether there are currently or have been historically any permitted Short-Term Rentals at any of the subject addresses, 424-434 Francisco St.?

Thanks,  
Lee

Lee Hepner  
Legislative Aide  
Supervisor Aaron Peskin

Please feel free to reach me on my cell phone: (949) 412-7623.

**TEN DAY NOTICE TO CURE OR QUIT**

RECEIVED

TO: RUSHI BHANDERI  
UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1;  
UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2;  
Any and All Other Occupants  
428 Francisco Street  
San Francisco, CA 94133  
including any garage and storage areas (the "Premises")

2016 FEB 17 PM 12:03  
S.F. RESIDENTIAL RENT  
STABILIZATION AND  
ARBITRATION BOARD

FAXED

TAKE NOTICE that, pursuant to California Code of Civil Procedure § 1161(3), within ten days after service on you of this Notice, you are required to either: (1) cure the breaches of your Rental Agreement for the Premises as such breaches are described below; or (2) quit possession of the Premises. If you fail to comply with this Notice, the Landlord will institute legal proceedings against you to: 1) Declare a forfeiture of any Lease or Rental Agreement under which you claim a right to possession; and 2) Recover possession of the Premises, plus costs and damages to the extent allowed by law.

Paragraph 9 of your Rental Agreement for the Premises provides, in relevant part, "Tenant will not assign this Agreement or sublet any portion of the premises without obtaining prior written consent of Owner."

You have violated the foregoing provision of your Rental Agreement by subletting all of a portion of the Premises to UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1 and UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2 without first requesting or obtaining the written consent of the owner.

To cure under this Notice, you must remove UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1, UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2, and all other unauthorized occupants from the Premises within ten days of service of this Notice.

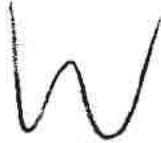
Please be advised that a cure of this Notice is not a cure of any other violations of your Rental Agreement and that the Landlord expressly reserves all rights with respect to any other past, current or future violations of your Rental Agreement. No waiver of any such violations is intended by the giving of this Notice.

Landlord has just cause to recover possession of the Premises under § 37.9(a)(2) of the San Francisco Residential Rent Stabilization and Arbitration Ordinance (the "Rent Ordinance") because you have violated a lawful obligation or covenant of tenancy.

M160595

Advice regarding this notice is available from the San Francisco Residential Rent Stabilization and Arbitration Board, located 25 Van Ness Avenue, Suite 320, San Francisco, California. Telephone number (415) 252-4602. Landlord attaches the form entitled Notice to Tenant Required by Rent Ordinance §37.9(c).

Dated: February 12, 2016



---

Edward C. Singer, Jr.  
Attorney for Landlord  
340 Lorton Avenue, Suite #202  
Burlingame, CA 94010  
(650) 393-5862

cc San Francisco Residential Rent Stabilization and Arbitration Board



## San Francisco Residential Rent Stabilization and Arbitration Board

# **Notice to Tenant Required by Rent Ordinance §37.9(c)**

*Effective November 9, 2015, a copy of this Notice to Tenant must be attached to every notice to terminate tenancy.*

### **NOTICE TO TENANT**

The landlord has served you with a notice to terminate your tenancy. A tenant's failure to timely act in response to a notice to terminate tenancy may result in a lawsuit by the landlord to evict the tenant. Advice regarding the notice to terminate tenancy is available from the San Francisco Rent Board located at 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Office hours are Monday to Friday, 8:00 am - 5:00 pm, except holidays. Counselors are also available by telephone at (415) 252-4602 between 9:00 am - 12:00 pm and 1:00 pm - 4:00 pm. Information is also available at [www.sfrb.org](http://www.sfrb.org).

### **AVISO AL INQUILINO**

El propietario le ha servido un aviso de desalojo de su inquilinato. La falta de un inquilino de actuar oportunamente en respuesta a un aviso de desalojo puede dar lugar a una demanda por el propietario para desalojar al inquilino. Asesoramiento con respecto al aviso de desalojo del inquilinato está disponible en la Junta del Control de Rentas de San Francisco localizada en la 25 Avenida Van Ness, No. 320, San Francisco, California 94102. El horario de la oficina es de lunes a viernes, de 8:00 am - 5:00 pm, excepto feriados. Consejeros están disponibles por teléfono llamando al (415) 252-4602 entre las horas de 9:00 am - 12:00 pm y 1:00 pm - 4:00 pm. La información también esta disponible en el sitio [www.sfrb.org](http://www.sfrb.org).

### **租客通知**

您的房東已向您發出終止租約通知。如租客未能及時採取行動回應該通知，可能導致房東提出訴訟驅逐租客。如果您需要獲得有關終止租約通知的建議，請洽詢三藩市租務委員會。地址：25 Van Ness Avenue, Suite 320, San Francisco, CA 94102。辦公時間：週一至週五，上午 8:00 - 下午 5:00（節假日除外）。您也可以致電諮詢員，電話：(415) 252-4602 上午 9:00 - 下午 12:00 及下午 1:00 - 4:00。相關資訊可參閱網站：[www.sfrb.org](http://www.sfrb.org)。

### **THÔNG BÁO CHO NGƯỜI THUÊ NHÀ**

Chủ nhà đã tổng đạt cho quý vị thông báo chấm dứt hợp đồng thuê nhà. Nếu người thuê không hành động kịp thời để đáp ứng thông báo chấm dứt hợp đồng thuê nhà thì có thể dẫn đến việc chủ nhà nộp đơn kiện để trục xuất người thuê đó. Quý vị có thể được tư vấn về thông báo chấm dứt hợp đồng thuê nhà này tại San Francisco Rent Board (Ủy Ban Kiểm Soát Tiền Thuê Nhà San Francisco), địa chỉ 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Văn phòng mở cửa từ Thứ Hai đến Thứ Sáu, 8:00 giờ sáng - 5:00 giờ chiều, không kể ngày lễ. Quý vị cũng có thể nói chuyện với người tư vấn qua điện thoại tại số (415) 252-4602 từ 9:00 giờ sáng - 12:00 giờ trưa và 1:00 - 4:00 giờ chiều. Thông tin cũng có sẵn tại trang web [www.sfrb.org](http://www.sfrb.org).

### **УВЕДОМЛЕНИЕ АРЕНДАТОРУ ЖИЛЬЯ**

Арендодатель вручил вам уведомление о расторжении договора аренды жилого помещения. В случае несвоевременных действий арендатора в ответ на данное уведомление арендодатель может подать в суд иск о выселении арендатора. Если вам необходима консультация по поводу уведомления о расторжении договора, вы можете обратиться в Комитет аренды жилья города Сан-Франциско, расположенный по адресу: 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Часы работы Комитета — с понедельника по пятницу с 8:00 до 17:00 (за исключением праздничных дней). С консультантами можно также связаться по телефону (415) 252-4602 с 9:00 до 12:00 и с 13:00 до 16:00. Кроме того, информация размещена на веб-сайте [www.sfrb.org](http://www.sfrb.org).

### **NOTISYA SA NANGUNGUPAHAN**

Binigyan na kayo ng nagpapaupa ng notisya ng pagwawakas sa inyong pangungupahan. Ang di-pagkilos sa tamang oras ng nangungupahan sa pagtugon sa notisya ng pagwawakas sa pangungupahan ay maaaring mauwi sa paghahabla ng nagpapaupa na i-evict ang nangungupahan. Maaaring makakuha ng payo tungkol sa notisya ng pagwawakas sa pangungupahan mula sa San Francisco Rent Board (Lupon ng Renta ng San Francisco) na nasa 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Bukas ang opisina tuwing Lunes hanggang Biyernes, 8:00 am - 5:00 pm, maliban sa mga pista opisyal. May mga tagapayo rin na makakausap sa telepono sa (415) 252-4602 sa pagitan ng 9:00 am - 12:00 pm at ng 1:00 pm - 4:00 pm. Makakakuha rin ng impormasyon sa [www.sfrb.org](http://www.sfrb.org).

Attorney Or Party Without Attorney (Name and Address)		Telephone:		<b>FOR COURT USE ONLY</b>  RECEIVED 2016 FEB 17 PH 12:03 S.F. RESIDENTIAL RENT STABILIZATION AND REGULATION BOARD Ref. No. Or File No. <b>W2658366</b>  Case Number:
EDWARD C. SINGER, ESQ. (226406) THE LAW OFFICES OF ED SINGER 340 Lorton Avenue, Suite 202 Burlingame, CA 94010		(650) 393-5862		
Attorneys for: LANDLORD				
Insert name of court, judicial district and branch court, if any:				
Plaintiff: LANDLORD		Defendant: RUSHI BHANDERI, et al.		
<b>PROOF OF SERVICE</b> CCP § 1162 (a)	Date:	Time:	Dept/Div:	

1. At the time of service I was at least 18 years of age and not a party to this action, and **I served** (specify documents):

THIRTY DAY NOTICE TO CURE OR QUIT AN ILLEGAL USE; TEN DAY NOTICE TO CURE OR QUIT;

2. a. Party served: RUSHI BHANDERI; UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1; UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2; ALL OTHER OCCUPANTS

b. Person served: CHRISTIAN WOLFER, Co-occupant

3. By delivery at: 428 Francisco Street, San Francisco, California 94133

a. ON, the date of: February 12, 2016

b. AT, the time of: 5:48 p.m. 7:30 p.m. (Mailing)

4. I served the party named in item 2 by:

- PERSONAL SERVICE** By personally delivering a copy of the notice to the named tenant(s).
- SUBSTITUTED SERVICE** If he or she is absent from his or her place of residence, and from his or her usual place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the mail addressed to the tenant at his or her place of residence
- POSTING** If such place of residence and business can not be ascertained, or a person of suitable age or discretion there can not be found, then by affixing a copy in a conspicuous place on the property, and also delivering a copy to a person there residing, if such person can be found; and also sending a copy through the mail addressed to the tenant at the place where the property is situated. Service upon a subtenant may be made in the same manner.

5. Person serving:  
Stephen Sabol  
Wheels of Justice, Inc.  
52 Second Street, 3rd Floor  
San Francisco, California 94105  
Phone: (415) 546-6000

a. Fee for service:  
d. Registered California Process Server  
(1) Employee or independent contractor  
(2) Registration No.: 1267  
(3) County: San Francisco  
(4) Expires: 1/6/2017

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

7.  I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct

Date: February 16, 2016

Signature: 

**THIRTY DAY NOTICE TO CURE OR QUIT AN ILLEGAL USE**  
(Code of Civil Procedure Section 1161)

RECEIVED

2016 FEB 17 PM 12:03

TO: RUSHI BHANDERI;  
UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1;  
UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2;  
Any and All Other Occupants  
428 Francisco Street  
San Francisco, California, 94133 including any garage and storage areas  
("Premises")

STATE OF CALIFORNIA  
LABOR RELATIONS BOARD  
ARBITRATION BOARD

**NOTICE IS HEREBY GIVEN** that you are required within thirty (30) days of the service on you of this notice to either (1) cure the illegal use at the Premises as set forth below; or (2) quit and deliver up possession of the Premises to Edward Singer, the attorney and authorized agent of Landlord, who is located at 340 Lorton Avenue, Suite 202, Burlingame, California, and is authorized to receive the same.

You are illegally using the Premises by renting the Premises for occupancy for less than a 30-day term of tenancy in violation of Section 41A.5(e) of the San Francisco Administrative Code. To cure under this Notice, you must cease your current violation of Chapter 41A within 30 days of service of this Notice. Should you violate Section 41A.5(e) of the San Francisco Administrative Code a second time, your Landlord will terminate your tenancy on Three Days Notice with no further opportunity to cure.

If you fail to comply with this Notice, legal proceedings will be commenced against you to recover possession of the Premises, to declare a forfeiture of the agreement under which you occupy the same, and to recover UNLAWFUL DETAINER DAMAGES, and court costs allowed by law.

This Notice complies with San Francisco Administrative Code, Chapter 37, and Landlord has good cause pursuant to Section 37.9(a)(4) thereof. Any and all previously served thirty-day notices to cure or quit for illegal use are hereby cancelled and rescinded.

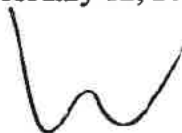
Landlord has concurrently served you with a ten-day notice to cure or quit for unauthorized subletting. The service of this notice does not enlarge or otherwise modify your obligation to cure the concurrently served ten-day notice to cure or quit for unauthorized subletting.

FAXED

m160596

Advice regarding this notice is available from the Residential Rent Stabilization and Arbitration Board, 25 Van Ness Avenue, San Francisco, CA. Telephone (415) 252-4602. Landlord attaches the form entitled Notice to Tenant Required by Rent Ordinance §37.9(c).

Dated: February 12, 2016



---

Edward C. Singer, Jr.  
Attorney for Landlord  
340 Lorton Avenue, Suite 202  
Burlingame, CA 94010  
(650) 393-5862

Cc San Francisco Residential Rent Stabilization and Arbitration Board





## **San Francisco Residential Rent Stabilization and Arbitration Board**

# **Notice to Tenant Required by Rent Ordinance §37.9(c)**

*Effective November 9, 2015, a copy of this Notice to Tenant must be attached to every notice to terminate tenancy.*

### **NOTICE TO TENANT**

The landlord has served you with a notice to terminate your tenancy. A tenant's failure to timely act in response to a notice to terminate tenancy may result in a lawsuit by the landlord to evict the tenant. Advice regarding the notice to terminate tenancy is available from the San Francisco Rent Board located at 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Office hours are Monday to Friday, 8:00 am - 5:00 pm, except holidays. Counselors are also available by telephone at (415) 252-4602 between 9:00 am - 12:00 pm and 1:00 pm - 4:00 pm. Information is also available at [www.sfrb.org](http://www.sfrb.org).

### **AVISO AL INQUILINO**

El propietario le ha servido un aviso de desalojo de su inquilinato. La falta de un inquilino de actuar oportunamente en respuesta a un aviso de desalojo puede dar lugar a una demanda por el propietario para desalojar al inquilino. Asesoramiento con respecto al aviso de desalojo del inquilinato está disponible en la Junta del Control de Rentas de San Francisco localizada en la 25 Avenida Van Ness, No. 320, San Francisco, California 94102. El horario de la oficina es de lunes a viernes, de 8:00 am - 5:00 pm, excepto feriados. Consejeros están disponibles por teléfono llamando al (415) 252-4602 entre las horas de 9:00 am - 12:00 pm y 1:00 pm - 4:00 pm. La información también esta disponible en el sitio [www.sfrb.org](http://www.sfrb.org).

### **租客通知**

您的房東已向您發出終止租約通知。如租客未能及時採取行動回應該通知，可能導致房東提出訴訟驅逐租客。如果您需要獲得有關終止租約通知的建議，請洽詢三藩市租務委員會。地址：25 Van Ness Avenue, Suite 320, San Francisco, CA 94102。辦公時間：週一至週五，上午 8:00 - 下午 5:00（節假日除外）。您也可以致電諮詢員，電話：(415) 252-4602 上午 9:00 - 下午 12:00 及下午 1:00 - 4:00。相關資訊可參閱網站：[www.sfrb.org](http://www.sfrb.org)。

### **THÔNG BÁO CHO NGƯỜI THUÊ NHÀ**

Chủ nhà đã tổng đạt cho quý vị thông báo chấm dứt hợp đồng thuê nhà. Nếu người thuê không hành động kịp thời để đáp ứng thông báo chấm dứt hợp đồng thuê nhà thì có thể dẫn đến việc chủ nhà nộp đơn kiện để trục xuất người thuê đó. Quý vị có thể được tư vấn về thông báo chấm dứt hợp đồng thuê nhà này tại San Francisco Rent Board (Ủy Ban Kiểm Soát Tiền Thuê Nhà San Francisco), địa chỉ 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Văn phòng mở cửa từ Thứ Hai đến Thứ Sáu, 8:00 giờ sáng - 5:00 giờ chiều, không kể ngày lễ. Quý vị cũng có thể nói chuyện với người tư vấn qua điện thoại tại số (415) 252-4602 từ 9:00 giờ sáng - 12:00 giờ trưa và 1:00 - 4:00 giờ chiều. Thông tin cũng có sẵn tại trang web [www.sfrb.org](http://www.sfrb.org).

### **УВЕДОМЛЕНИЕ АРЕНДАТОРУ ЖИЛЬЯ**

Арендодатель вручил вам уведомление о расторжении договора аренды жилого помещения. В случае несвоевременных действий арендатора в ответ на данное уведомление арендодатель может подать в суд иск о выселении арендатора. Если вам необходима консультация по поводу уведомления о расторжении договора, вы можете обратиться в Комитет аренды жилья города Сан-Франциско, расположенный по адресу: 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Часы работы Комитета — с понедельника по пятницу с 8:00 до 17:00 (за исключением праздничных дней). С консультантами можно также связаться по телефону (415) 252-4602 с 9:00 до 12:00 и с 13:00 до 16:00. Кроме того, информация размещена на веб-сайте [www.sfrb.org](http://www.sfrb.org).

### **NOTISYA SA NANGUNGUPAHAN**

Binigyan na kayo ng nagpapaupa ng notisya ng pagwawakas sa inyong pangungupahan. Ang di-pagkilos sa tamang oras ng nangungupahan sa pagtugon sa notisya ng pagwawakas sa pangungupahan ay maaaring mauwi sa paghahabla ng nagpapaupa na i-evict ang nangungupahan. Maaaring makakuha ng payo tungkol sa notisya ng pagwawakas sa pangungupahan mula sa San Francisco Rent Board (Lupon ng Renta ng San Francisco) na nasa 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Bukas ang opisina tuwing Lunes hanggang Biyernes, 8:00 am - 5:00 pm, maliban sa mga pista opisyal. May mga tagapayo rin na makakausap sa telepono sa (415) 252-4602 sa pagitan ng 9:00 am - 12:00 pm at ng 1:00 pm - 4:00 pm. Makakakuha rin ng impormasyon sa [www.sfrb.org](http://www.sfrb.org).

Attorney Or Party Without Attorney (Name and Address): EDWARD C. SINGER, ESQ. (226406) THE LAW OFFICES OF ED SINGER 340 Lorton Avenue, Suite 202 Burlingame, CA 94010		Telephone: (650) 355-5862		<b>FOR COURT USE ONLY</b>  RECEIVED 2016 FEB 17 PM 12:03 S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD Ref. No. Or File No. <b>W2658366</b>
Attorneys for: LANDLORD				
Insert name of court, judicial district and branch court, if any:				
Plaintiff: LANDLORD		Defendant: RUSHI BHANDERI, et al.		
<b>PROOF OF SERVICE</b> <b>CCP § 1162 (a)</b>	Date:	Time:	Dept/Div:	Case Number:

1. At the time of service I was at least 18 years of age and not a party to this action, and **I served** (specify documents):  
THIRTY DAY NOTICE TO CURE OR QUIT AN ILLEGAL USE; TEN DAY NOTICE TO CURE OR QUIT;

2. a. Party served: RUSHI BHANDERI; UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1; UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2; ALL OTHER OCCUPANTS

b. Person served: CHRISTIAN WOLFER, Co-occupant

3. By delivery at: 428 Francisco Street, San Francisco, California 94133

a. ON, the date of: February 12, 2016

b. AT, the time of: 5:48 p.m. 7:30 p.m. (Mailing)

4. I served the party named in item 2 by:

- PERSONAL SERVICE** By personally delivering a copy of the notice to the named tenant(s).
- SUBSTITUTED SERVICE** If he or she is absent from his or her place of residence, and from his or her usual place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the mail addressed to the tenant at his or her place of residence
- POSTING** If such place of residence and business can not be ascertained, or a person of suitable age or discretion there can not be found, then by affixing a copy in a conspicuous place on the property, and also delivering a copy to a person there residing, if such person can be found; and also sending a copy through the mail addressed to the tenant at the place where the property is situated. Service upon a subtenant may be made in the same manner.

5. Person serving:  
Stephen Sabol  
Wheels of Justice, Inc.  
52 Second Street, 3rd Floor  
San Francisco, California 94105  
Phone: (415) 546-6000

a. Fee for service:  
d. Registered California Process Server  
(1) Employee or independent contractor  
(2) Registration No.: 1267  
(3) County: San Francisco  
(4) Expires: 1/6/2017

6.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct
7.  I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct

Date: February 16, 2016

Signature: 

**FOURTEEN-DAY NOTICE TO QUIT FOR AN ILLEGAL USE**  
(Code of Civil Procedure Section 1161)

RECEIVED  
AUG 16 PM 4:37

TO: RUSHI BHANDERI  
UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1;  
UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2;  
Any and All Other Occupants  
428 Francisco Street  
San Francisco, CA 94133  
including any garage and storage areas (the "Premises")

S.F. RESIDENTIAL RENT  
STABILIZATION AND  
ARBITRATION BOARD

**NOTICE IS HEREBY GIVEN** that you are required within fourteen days of the service on you of this notice to quit and deliver up possession of the Premises to Edward Singer, the attorney and authorized agent of Landlord, who is located at 340 Lorton Avenue, Suite 202, Burlingame, California, and is authorized to receive the same.

RECEIVED

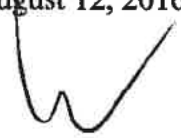
You are required to deliver up possession of the Premises within the fourteen-day period pursuant to Code of Civil Procedure section 1161(4) and Section 37.9(a)(4) of the San Francisco Residential Rent Stabilization and Arbitration Ordinance on the grounds that you have committed a second violation of Section 41A.5(e) of the San Francisco Administrative Code by illegally renting the Premises for occupancy for less than a 30-day term of tenancy after Landlord previously served you with a notice of first violation of illegal use, which gave you an opportunity to cure the illegal use within thirty days.

If you fail to comply with this Notice, legal proceedings will be commenced against you to recover possession of the premises, to declare a forfeiture of the agreement under which you occupy the same, and to recover UNLAWFUL DETAINER DAMAGES, and court costs allowed by law.

Advice regarding this notice is available from the Residential Rent Stabilization and Arbitration Board, 25 Van Ness Avenue, San Francisco, CA. Telephone (415) 252-4602. Landlord attaches the form entitled Notice to Tenant Required by Rent Ordinance §37.9(c).

This Notice complies with San Francisco Administrative Code, Chapter 37, and Landlord has good cause pursuant to Section 37.9(a)(4) thereof. Any and all previously served fourteen-day notices to quit for illegal use are hereby cancelled and rescinded.

Dated: August 12, 2016

  
\_\_\_\_\_  
Edward C. Singer, Jr.  
Attorney for Landlord  
340 Lorton Avenue, Suite 202  
Burlingame, CA 94010  
(650) 393-5862

Cc San Francisco Residential Rent Stabilization and Arbitration Board

m162621



## San Francisco Residential Rent Stabilization and Arbitration Board

### Notice to Tenant Required by Rent Ordinance §37.9(c)

Effective March 19, 2016, a copy of this Notice to Tenant must be attached to every notice to terminate tenancy.

#### NOTICE TO TENANT (English)

The landlord has served you with a notice to terminate your tenancy. A tenant's failure to timely act in response to a notice to terminate tenancy may result in a lawsuit by the landlord to evict the tenant. Advice regarding the notice to terminate tenancy is available from the San Francisco Rent Board located at 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Office hours are Monday to Friday, 8:00 am - 5:00 pm, except holidays. Counselors are also available by telephone at (415) 252-4602 between 9:00 am - 12:00 pm and 1:00 pm - 4:00 pm. Information is also available at [www.sfrb.org](http://www.sfrb.org).

You may be eligible for affordable housing programs and apartments. Visit the website of the Mayor's Office of Housing and Community Development (MOHCD) at [www.sfmohcd.org](http://www.sfmohcd.org) for information about available homes, waiting lists and program eligibility. If you are being evicted because the building's owner or relative is moving into your unit or because of the Ellis Act, you may qualify for an affordable housing lottery preference. For more information about local housing resources, the *San Francisco Housing Resource Guide* is available at <http://sfmohcd.org/san-francisco-housing-resource-guide>.

#### NOTIFICACIÓN AL INQUILINO (Spanish)

El arrendatario le ha dado a usted un aviso de desalojo de su inquilinato. Si el inquilino no actúa a tiempo en respuesta a un aviso de desalojo, el arrendatario podría demandar legalmente al inquilino para desalojarlo. Puede obtener asesoría sobre el aviso de desalojo de su inquilinato en la Junta del Control de Rentas de San Francisco ubicada en 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. El horario de atención es de lunes a viernes de 8:00 am a 5:00 pm, excepto feriados. Consejeros están disponibles por teléfono en el (415) 252-4602 entre las 9:00 am - 12:00 pm y 1:00 pm - 4:00 pm. También hay información disponible en [www.sfrb.org](http://www.sfrb.org).

Puede ser que usted reúna los requisitos para programas de vivienda y apartamentos a precios asequibles. Visite el sitio web de la Oficina de Desarrollo de Vivienda y la Comunidad del Alcalde (Mayor's Office of Housing and Community Development o MOHCD) en [www.sfmohcd.org](http://www.sfmohcd.org) para obtener información sobre viviendas disponibles, listas de espera y requisitos para el programa. Si está siendo desalojado porque un familiar del propietario del inmueble se está mudando a su unidad o debido a la Ley Ellis, se le podría dar preferencia en el sorteo de viviendas a precios asequibles. Para información sobre recursos de vivienda local, la *Guía de Recursos para Vivienda de San Francisco* está disponible en <http://sfmohcd.org/san-francisco-housing-resource-guide>.

#### THÔNG BÁO CHO NGƯỜI THUÊ NHÀ (Vietnamese)

Chủ nhà đã tổng đạt cho quý vị thông báo chấm dứt hợp đồng thuê nhà. Nếu người thuê không hành động kịp thời để đáp ứng thông báo chấm dứt hợp đồng thuê nhà thì có thể dẫn đến việc chủ nhà nộp đơn kiện để trục xuất người thuê đó. Quý vị có thể được tư vấn về thông báo chấm dứt hợp đồng thuê nhà này tại San Francisco Rent Board (Ủy Ban Kiểm Soát Tiền Thuê Nhà San Francisco), địa chỉ 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Văn phòng mở cửa từ Thứ Hai đến Thứ Sáu, 8:00 giờ sáng - 5:00 giờ chiều, không kể ngày lễ. Quý vị cũng có thể nói chuyện với người tư vấn qua điện thoại tại số (415) 252-4602 từ 9:00 giờ sáng - 12:00 giờ trưa và 1:00 - 4:00 giờ chiều. Thông tin cũng có sẵn tại trang web [www.sfrb.org](http://www.sfrb.org).

Có thể quý vị hội đủ điều kiện tham gia chương trình trợ cấp nhà ở và căn hộ chung cư với chi phí vừa túi tiền. Hãy xem trang web của Sở Phát Triển Nhà Ở Và Cộng Đồng Của Thị Trường (Mayor's Office of Housing and Community Development - MOHCD) tại địa chỉ [www.sfmohcd.org](http://www.sfmohcd.org) để biết thêm thông tin về các loại nhà có sẵn, danh sách chờ đợi và các điều kiện của chương trình. Nếu quý vị đang bị trục xuất khỏi nhà vì điều luật Ellis hoặc vì chủ nhà hay người thân của chủ nhà sắp dọn vào ở nhà của quý vị, có thể quý vị hội đủ điều kiện được ưu tiên trong cuộc rút thăm trúng nhà thuê vừa túi tiền. Để biết thêm thông tin về các nguồn trợ giúp trong địa phương về nhà ở, quý vị có thể tìm đọc *Cẩm Nang Các Nguồn Trợ Giúp Về Nhà Ở San Francisco* (*San Francisco Housing Resource Guide*) tại địa chỉ <http://sfmohcd.org/san-francisco-housing-resource-guide>.



## San Francisco Residential Rent Stabilization and Arbitration Board

# Notice to Tenant Required by Rent Ordinance §37.9(c)

Effective March 19, 2016, a copy of this Notice to Tenant must be attached to every notice to terminate tenancy.

### 租客通知 (Chinese)

您的房東已向您發出終止租約通知。如租客未能及時採取行動回應該通知，可能導致房東提出訴訟驅逐租客。如果您需要獲得有關終止租約通知的建議，請洽詢三藩市租務委員會。地址：25 Van Ness Avenue, Suite 320, San Francisco, CA 94102。辦公時間：週一至週五，上午 8:00 - 下午 5:00（節假日除外）。您也可以致電諮詢員，電話：(415) 252-4602 上午 9:00 - 下午 12:00 及下午 1:00 - 4:00。相關資訊可參閱網站：[www.sfrb.org](http://www.sfrb.org)。

您可能有資格申請可負擔房屋計劃和公寓。請上網 [www.sfmohcd.org](http://www.sfmohcd.org) 瀏覽市長的住房與社區發展辦公室 (MOHCD) 網站，以獲知有關現有住屋、等候名單和計劃參加資格等資訊。如果您因為建物所有人或親戚要遷入您的住宅單位或由於艾利斯塔而被驅逐，您可能有資格獲得可負擔房屋的抽籤優先權。如需更多有關本地住房資源的資訊，請上網 <http://sfmohcd.org/san-francisco-housing-resource-guide> 瀏覽三藩市住房資源指南。

### УВЕДОМЛЕНИЕ АРЕНДАТОРУ ЖИЛЬЯ (Russian)

Арендодатель вручил вам уведомление о расторжении договора аренды жилого помещения. В случае несвоевременных действий арендатора в ответ на данное уведомление арендодатель может подать в суд иск о выселении арендатора. Если вам необходима консультация по поводу уведомления о расторжении договора, вы можете обратиться в Комитет аренды жилья города Сан-Франциско, расположенный по адресу: 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Часы работы Комитета — с понедельника по пятницу с 8:00 до 17:00 (за исключением праздничных дней). С консультантами можно также связаться по телефону (415) 252-4602 с 9:00 до 12:00 и с 13:00 до 16:00. Кроме того, информация размещена на веб-сайте [www.sfrb.org](http://www.sfrb.org).

Вы, возможно, имеете право на участие в программах по предоставлению доступного жилья и квартир. Посетите веб-сайт мэра города, раздел жилищного строительства и развития общин («MOHCD»), [www.sfmohcd.org](http://www.sfmohcd.org), где вы сможете получить дополнительную информацию о предоставляемом жилье, списках ожидания и ваших правах на участие в подобной рода программах. Если вас выселяют, потому что владелец или родственники владельца здания должны въехать в вашу квартиру, соответственно закону «Ellis Act», то у вас, возможно, есть право претендовать на определенные преимущества при участии в лотерее по предоставлению доступного жилья. За более подробной информацией о помощи по предоставлению жилья просьба обращаться к руководству г. Сан-Франциско по предоставлению подобной помощи на веб-сайте <http://sfmohcd.org/san-francisco-housing-resource-guide>.

### ABISO SA NANGUNGUPAHAN (Filipino)

Nabigyan na kayo ng nagpapaupa ng abiso tungkol sa pagwawakas sa inyong pangungupahan. Ang hindi pagkilos sa tamang oras ng nangungupahan sa pagtugon sa abiso ng pagwawakas sa pangungupahan ay posibleng mauwi sa paghahabla ng nagpapaupa para ma-evict o mapaalis sa tahanan ang nangungupahan. May makakuhang payo tungkol sa abiso ng pagwawakas sa pangungupahan mula sa San Francisco Rent Board (Lupon para sa Pangungupahan sa San Francisco) na nasa 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Bukas ang opisina tuwing Lunes hanggang Biyernes, 8:00 am - 5:00 pm, maliban sa mga pista opisyal. May mga tagapayo rin na makakausap sa telepono sa (415) 252-4602 sa pagitan ng 9:00 am - 12:00 pm at ng 1:00 pm - 4:00 pm. Makakukuha rin ng impormasyon sa [www.sfrb.org](http://www.sfrb.org).

Posibleng kuwalipikado kayo para sa mga abot-kayang pabahay at apartment. Pumunta sa Opisina para sa Pabahay at Pagpapaunlad sa Komunidad (Office of Housing and Community Development, MOHCD) ng Alkalde sa [www.sfmohcd.org](http://www.sfmohcd.org) para sa karagdagang impormasyon tungkol sa makakuhang bahay, waiting lists (listahan para sa naghihintay makapasok) at mga kinakailangan para maging kuwalipikado. Kung pinapaalis kayo sa inyong tahanan dahil titira na sa inyong unit ang may-ari ng building o ang kanyang kamag-anak, o dahil sa Ellis Act, posibleng kuwalipikado rin kayo para sa abot-kayang pabahay sa pamamagitan ng lottery preference (pagbibigay-preperensiya batay sa ala-suwerteng bunutan). Para sa karagdagang impormasyon tungkol sa mapagkukunan ng tulong para sa lokal na pabahay, matitingnan ang *San Francisco Housing Resource Guide* (Gabay para sa Mapagkukunan ng Impormasyon at Tulong ukol sa Pabahay sa San Francisco) sa <http://sfmohcd.org/san-francisco-housing-resource-guide>.

Attorney Or Party Without Attorney (Name and Address): EDWARD C. SINGER, ESQ. (226406) THE LAW OFFICES OF ED SINGER 340 Lorton Avenue, Suite 202 Burlingame, CA 94010		Teleph: (650) 393-5862	<b>FOR COURT USE ONLY</b>  RECEIVED AUG 16 PM 4:37 S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Attorneys for: LANDLORD			
Insert name of court, judicial district and branch court, if any:			
Plaintiff: LANDLORD	Defendant: RUSHI BHANDERI, et al.		Ref. No. Or File No. W2666693
<b>PROOF OF SERVICE</b> CCP § 1162 (a)	Date:	Time:	Dept/Div:
			Case Number:

1. At the time of service I was at least 18 years of age and not a party to this action, and **I served** (specify documents):  
FOURTEEN- DAY NOTICE TO CURE OR QUIT AN ILLEGAL USE; TEN DAY NOTICE TO CURE OR QUIT;
2. a. Party served: RUSHI BHANDERI; UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1; UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2; ALL OTHER OCCUPANTS
- b. Person served: By POSTING and MAILING true and correct copies.
3. By delivery at: 428 Francisco Street , San Francisco, California 94133
  - a. ON, the date of: August 12, 2016
  - b. AT, the time of: 2:25 p.m. (Posting) 3:25 p.m. (Mailing)
4. I served the party named in item 2 by:
  - PERSONAL SERVICE** By personally delivering a copy of the notice to the named tenant(s).
  - SUBSTITUTED SERVICE** If he or she is absent from his or her place of residence, and from his or her usual place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the mail addressed to the tenant at his or her place of residence
  - POSTING + MAILING** If such place of residence and business can not be ascertained, or a person of suitable age or discretion there can not be found, then by affixing a copy in a conspicuous place on the property, and also delivering a copy to a person there residing, if such person can be found; and by placing a true copy in a sealed envelope with postage fully prepaid for first class in the United States mail. Service upon a subtenant may be made in the same manner.
    - Attempted personal service, no answer, posted and mailed true and correct copies
5. Person serving:
  - William E. Galdamez
  - Wheels of Justice, Inc.
  - 52 Second Street, 3rd Floor
  - San Francisco, California 94105
  - Phone: (415) 546-6000
  - a. Fee for service:
  - d. Registered California Process Server
    - (1) Employee or independent contractor
    - (2) Registration No.: 966
    - (3) County: Contra Costa
    - (4) Expires:
6.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct
7.  I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct

Date: August 12, 2016

Signature: William E. Galdamez

RECEIVED

AUG 16 PM 4:37

**TEN DAY NOTICE TO CURE OR QUIT**

TO: RUSHI BHANDERI  
UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1;  
UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2;  
Any and All Other Occupants  
428 Francisco Street  
San Francisco, CA 94133  
including any garage and storage areas (the "Premises")

S.F. RESIDENTIAL RENT  
REGULATION AND  
ARBITRATION BOARD

TAKE NOTICE that, pursuant to California Code of Civil Procedure § 1161(3), within ten days after service on you of this Notice, you are required to either: (1) cure the breaches of your Rental Agreement for the Premises as such breaches are described below; or (2) quit possession of the Premises. If you fail to comply with this Notice, the Landlord will institute legal proceedings against you to: 1) Declare a forfeiture of any Lease or Rental Agreement under which you claim a right to possession; and 2) Recover possession of the Premises, plus costs and damages to the extent allowed by law.



Paragraph 9 of your Rental Agreement for the Premises provides, in relevant part, "Tenant will not assign this Agreement or sublet any portion of the premises without obtaining prior written consent of Owner."

You have committed a substantial violation of the foregoing provision of your Rental Agreement by subletting a portion of the Premises to UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1 and UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2 without first requesting or obtaining the written consent of the owner.

To cure under this Notice, you must either:

1. Make a written request to add occupants as allowed under San Francisco Administrative Code § 37.9(a)(2) and San Francisco Rent Board Rules and Regulations §§ 6.15D and 6.15E within ten days of service of this Notice; or
2. Remove UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1 and UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2, and all other unauthorized occupants from the Premises within ten days of service of this Notice.

Please be advised that a cure of this Notice is not a cure of any other violations of your Rental Agreement and that the Landlord expressly reserves all rights with respect to any other past, current or future violations of your Rental Agreement. No waiver of any such violations is intended by the giving of this Notice.

Landlord has just cause to recover possession of the Premises under § 37.9(a)(2) of the San Francisco Residential Rent Stabilization and Arbitration Ordinance (the "Rent Ordinance") because you have violated a lawful obligation or covenant of tenancy. Landlord seeks possession of the Premises in good faith and the above violations are Landlord's dominant motive in seeking possession.

Advice regarding this notice is available from the San Francisco Residential Rent Stabilization and Arbitration Board, located 25 Van Ness Avenue, Suite 320, San Francisco, California. Telephone number (415) 252-4602. Landlord attaches the form entitled Notice to Tenant Required by Rent Ordinance §37.9(c).

Dated: August 12, 2016



---

Edward C. Singer, Jr.  
Attorney for Landlord  
340 Lorton Avenue, Suite #202  
Burlingame, CA 94010  
(650) 393-5862

cc San Francisco Residential Rent Stabilization and Arbitration Board





## San Francisco Residential Rent Stabilization and Arbitration Board

# Notice to Tenant Required by Rent Ordinance §37.9(c)

Effective March 19, 2016, a copy of this Notice to Tenant must be attached to every notice to terminate tenancy.

### NOTICE TO TENANT (English)

The landlord has served you with a notice to terminate your tenancy. A tenant's failure to timely act in response to a notice to terminate tenancy may result in a lawsuit by the landlord to evict the tenant. Advice regarding the notice to terminate tenancy is available from the San Francisco Rent Board located at 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Office hours are Monday to Friday, 8:00 am - 5:00 pm, except holidays. Counselors are also available by telephone at (415) 252-4602 between 9:00 am - 12:00 pm and 1:00 pm - 4:00 pm. Information is also available at [www.sfrb.org](http://www.sfrb.org).

You may be eligible for affordable housing programs and apartments. Visit the website of the Mayor's Office of Housing and Community Development (MOHCD) at [www.sfmohcd.org](http://www.sfmohcd.org) for information about available homes, waiting lists and program eligibility. If you are being evicted because the building's owner or relative is moving into your unit or because of the Ellis Act, you may qualify for an affordable housing lottery preference. For more information about local housing resources, the *San Francisco Housing Resource Guide* is available at <http://sfmohcd.org/san-francisco-housing-resource-guide>.

### NOTIFICACIÓN AL INQUILINO (Spanish)

El arrendatario le ha dado a usted un aviso de desalojo de su inquilinato. Si el inquilino no actúa a tiempo en respuesta a un aviso de desalojo, el arrendatario podría demandar legalmente al inquilino para desalojarlo. Puede obtener asesoría sobre el aviso de desalojo de su inquilinato en la Junta del Control de Rentas de San Francisco ubicada en 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. El horario de atención es de lunes a viernes de 8:00 am a 5:00 pm, excepto feriados. Consejeros están disponibles por teléfono en el (415) 252-4602 entre las 9:00 am - 12:00 pm y 1:00 pm - 4:00 pm. También hay información disponible en [www.sfrb.org](http://www.sfrb.org).

Puede ser que usted reúna los requisitos para programas de vivienda y apartamentos a precios asequibles. Visite el sitio web de la Oficina de Desarrollo de Vivienda y la Comunidad del Alcalde (Mayor's Office of Housing and Community Development o MOHCD) en [www.sfmohcd.org](http://www.sfmohcd.org) para obtener información sobre viviendas disponibles, listas de espera y requisitos para el programa. Si está siendo desalojado porque un familiar del propietario del inmueble se está mudando a su unidad o debido a la Ley Ellis, se le podría dar preferencia en el sorteo de viviendas a precios asequibles. Para información sobre recursos de vivienda local, la *Guía de Recursos para Vivienda de San Francisco* está disponible en <http://sfmohcd.org/san-francisco-housing-resource-guide>.

### THÔNG BÁO CHO NGƯỜI THUÊ NHÀ (Vietnamese)

Chủ nhà đã tổng đạt cho quý vị thông báo chấm dứt hợp đồng thuê nhà. Nếu người thuê không hành động kịp thời để đáp ứng thông báo chấm dứt hợp đồng thuê nhà thì có thể dẫn đến việc chủ nhà nộp đơn kiện để trục xuất người thuê đó. Quý vị có thể được tư vấn về thông báo chấm dứt hợp đồng thuê nhà này tại San Francisco Rent Board (Ủy Ban Kiểm Soát Tiền Thuê Nhà San Francisco), địa chỉ 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Văn phòng mở cửa từ Thứ Hai đến Thứ Sáu, 8:00 giờ sáng - 5:00 giờ chiều, không kể ngày lễ. Quý vị cũng có thể nói chuyện với người tư vấn qua điện thoại tại số (415) 252-4602 từ 9:00 giờ sáng - 12:00 giờ trưa và 1:00 - 4:00 giờ chiều. Thông tin cũng có sẵn tại trang web [www.sfrb.org](http://www.sfrb.org).

Có thể quý vị hội đủ điều kiện tham gia chương trình trợ cấp nhà ở và căn hộ chung cư với chi phí vừa túi tiền. Hãy xem trang web của Sở Phát Triển Nhà Ở Và Cộng Đồng Của Thị Trường (Mayor's Office of Housing and Community Development - MOHCD) tại địa chỉ [www.sfmohcd.org](http://www.sfmohcd.org) để biết thêm thông tin về các loại nhà có sẵn, danh sách chờ đợi và các điều kiện của chương trình. Nếu quý vị đang bị trục xuất khỏi nhà vì điều luật Ellis hoặc vì chủ nhà hay người thân của chủ nhà sắp dọn vào ở nhà của quý vị, có thể quý vị hội đủ điều kiện được ưu tiên trong cuộc rút thăm trúng nhà thuê vừa túi tiền. Để biết thêm thông tin về các nguồn trợ giúp trong địa phương về nhà ở, quý vị có thể tìm đọc *Cẩm Nang Các Nguồn Trợ Giúp Về Nhà Ở San Francisco (San Francisco Housing Resource Guide)* tại địa chỉ <http://sfmohcd.org/san-francisco-housing-resource-guide>.



## San Francisco Residential Rent Stabilization and Arbitration Board

# Notice to Tenant Required by Rent Ordinance §37.9(c)

Effective March 19, 2016, a copy of this Notice to Tenant must be attached to every notice to terminate tenancy.

### 租客通知 (Chinese)

您的房東已向您發出終止租約通知。如租客未能及時採取行動回應該通知，可能導致房東提出訴訟驅逐租客。如果您需要獲得有關終止租約通知的建議，請洽詢三藩市租務委員會。地址：25 Van Ness Avenue, Suite 320, San Francisco, CA 94102。辦公時間：週一至週五，上午 8:00 - 下午 5:00（節假日除外）。您也可以致電諮詢員，電話：(415) 252-4602 上午 9:00 - 下午 12:00 及下午 1:00 - 4:00。相關資訊可參閱網站：[www.sfrb.org](http://www.sfrb.org)。

您可能也有資格申請可負擔房屋計劃和公寓。請上網 [www.sfmohcd.org](http://www.sfmohcd.org) 瀏覽市長的住房與社區發展辦公室 (MOHCD) 網站，以獲知有關現有住屋、等候名單和計劃參加資格等資訊。如果您因為建物所有人或親戚要遷入您的住宅單位或由於艾利斯法而被驅逐，您可能也有資格獲得可負擔房屋的抽籤優先權。如需更多有關本地住房資源的資訊，請上網 <http://sfmohcd.org/san-francisco-housing-resource-guide> 瀏覽三藩市住房資源指南。

### УВЕДОМЛЕНИЕ АРЕНДАТОРУ ЖИЛЬЯ (Russian)

Арендодатель вручил вам уведомление о расторжении договора аренды жилого помещения. В случае несвоевременных действий арендатора в ответ на данное уведомление арендодатель может подать в суд иск о выселении арендатора. Если вам необходима консультация по поводу уведомления о расторжении договора, вы можете обратиться в Комитет аренды жилья города Сан-Франциско, расположенный по адресу: 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Часы работы Комитета — с понедельника по пятницу с 8:00 до 17:00 (за исключением праздничных дней). С консультантами можно также связаться по телефону (415) 252-4602 с 9:00 до 12:00 и с 13:00 до 16:00. Кроме того, информация размещена на веб-сайте [www.sfrb.org](http://www.sfrb.org).

Вы, возможно, имеете право на участие в программах по предоставлению доступного жилья и квартир. Посетите веб-сайт мэра города, раздел жилищного строительства и развития общин («МОHCD»), [www.sfmohcd.org](http://www.sfmohcd.org), где вы сможете получать дополнительную информацию о предоставляемом жилье, списках ожидания и ваших правах на участие в подобной рода программах. Если вас выселяют, потому что владелец или родственники владельца здания должны въехать в вашу квартиру, соответственно закону «Ellis Act», то у вас, возможно, есть право претендовать на определенные преимущества при участии в лотерее по предоставлению доступного жилья. За более подробной информацией о помощи по предоставлению жилья просьба обращаться к руководству г. Сан-Франциско по предоставлению подобной помощи на веб-сайте <http://sfmohcd.org/san-francisco-housing-resource-guide>.

### ABISO SA NANGUNGUPAHAN (Filipino)

Nabigyan na kayo ng nagpapaupa ng abiso tungkol sa pagwawakas sa inyong pangungupahan. Ang hindi pagkilos sa tamang oras ng nangungupahan sa pagtugon sa abiso ng pagwawakas sa pangungupahan ay posibleng mauwi sa paghahabla ng nagpapaupa para ma-evict o mapaalís sa tahanan ang nangungupahan. May makakuhang payo tungkol sa abiso ng pagwawakas sa pangungupahan mula sa San Francisco Rent Board (Lupon para sa Pangungupahan sa San Francisco) na nasa 25 Van Ness Avenue, Suite 320, San Francisco, CA 94102. Bukas ang opisina tuwing Lunes hanggang Biyernes, 8:00 am - 5:00 pm, maliban sa mga pista opisyal. May mga tagapayo rin na makakausap sa telepono sa (415) 252-4602 sa pagitan ng 9:00 am - 12:00 pm at ng 1:00 pm - 4:00 pm. Makakukuha rin ng impormasyon sa [www.sfrb.org](http://www.sfrb.org).

Posibleng kuwalipikado kayo para sa mga abot-kayang pabahay at apartment. Pumunta sa Opisina para sa Pabahay at Pagpapaunlad sa Komunidad (Office of Housing and Community Development, MOHCD) ng Alkalde sa [www.sfmohcd.org](http://www.sfmohcd.org) para sa karagdagang impormasyon tungkol sa makakuhang bahay, waiting lists (listahan para sa naghihintay makapasok) at mga kinakailangan para maging kuwalipikado. Kung pinapaalis kayo sa inyong tahanan dahil titira na sa inyong unit ang may-ari ng building o ang kanyang kamag-anak, o dahil sa Ellis Act, posibleng kuwalipikado rin kayo para sa abot-kayang pabahay sa pamamagitan ng lottery preference (pagbibigay-preperensiya batay sa ala-suwerteng bunutan). Para sa karagdagang impormasyon tungkol sa mapagkukunan ng tulong para sa lokal na pabahay, matitingnan ang *San Francisco Housing Resource Guide* (Gabay para sa Mapagkukunan ng Impormasyon at Tulong ukol sa Pabahay sa San Francisco) sa <http://sfmohcd.org/san-francisco-housing-resource-guide>.

Attorney Or Party Without Attorney (Name and Address)		Phone:		<b>FOR COURT USE ONLY</b>
EDWARD C. SINGER, ESQ. (226406) THE LAW OFFICES OF ED SINGER 340 Lorton Avenue, Suite 202 Burlingame, CA 94010		(650) 593-5862		
Attorneys for: LANDLORD				RECEIVED AUG 16 PM 4:37 S.F. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD
Insert name of court, judicial district and branch court, if any:				
Plaintiff: LANDLORD			Ref. No. Or File No.	
Defendant: RUSHI BHANDERI, et al.			W2666693	
<b>PROOF OF SERVICE</b> CCP § 1162 (a)	Date:	Time:	Dept/Div:	Case Number:

1. At the time of service I was at least 18 years of age and not a party to this action, and **I served** (specify documents):  
FOURTEEN- DAY NOTICE TO CURE OR QUIT AN ILLEGAL USE; TEN DAY NOTICE TO CURE OR QUIT;
2. a. Party served: RUSHI BHANDERI; UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #1; UNIDENTIFIED UNAUTHORIZED SUBSEQUENT OCCUPANT #2; ALL OTHER OCCUPANTS
- b. Person served: By POSTING and MAILING true and correct copies.
3. By delivery at: 428 Francisco Street , San Francisco, California 94133
  - a. ON, the date of: August 12, 2016
  - b. AT, the time of: 2:25 p.m. (Posting) 3:25 p.m. (Mailing)
4. I served the party named in item 2 by:
  - PERSONAL SERVICE** By personally delivering a copy of the notice to the named tenant(s).
  - SUBSTITUTED SERVICE** If he or she is absent from his or her place of residence, and from his or her usual place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the mail addressed to the tenant at his or her place of residence
  - POSTING + MAILING** If such place of residence and business can not be ascertained, or a person of suitable age or discretion there can not be found, then by affixing a copy in a conspicuous place on the property, and also delivering a copy to a person there residing, if such person can be found; and by placing a true copy in a sealed envelope with postage fully prepaid for first class in the United States mail. Service upon a subtenant may be made in the same manner.
    - Attempted personal service, no answer, posted and mailed true and correct copies
5. Person serving:
 

William E. Galdamez Wheels of Justice, Inc. 52 Second Street, 3rd Floor San Francisco, California 94105 Phone: (415) 546-6000	a. Fee for service: d. Registered California Process Server (1) Employee or independent contractor (2) Registration No.: 966 (3) County: Contra Costa (4) Expires:
---	---
6.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct
7.  I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct

Date: August 12, 2016

Signature: William E. Galdamez

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Item #26 424-434 Francisco Condominium Conversion  
**Date:** Tuesday, March 2, 2021 8:08:23 AM

---

**From:** Jennifer Elmore <jennifere\_sf@yahoo.com>

**Sent:** Monday, March 1, 2021 4:25 PM

**To:** Waltonstaff (BOS) <waltonstaff@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>  
**Subject:** Item #26 424-434 Francisco Condominium Conversion

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

As a resident of San Francisco, having lived three blocks from the 424-434 Francisco Street site, I urge you to please support the Planning Commission disapproval of the condo conversion of a, now tenancy-in-common, rent-controlled building of 6 units to preserve affordable rental and homeownership housing in North Beach. Deny the appeal of this project.

The specific housing needs of this North Beach neighborhood were front & center in evaluating, applying the SF General Plan & Housing Elements to this condo conversion. North Beach has already lost too many affordable rent-controlled buildings. Between 2001-2005 the original owner WB Coyle and his 16 LLC partners have emptied out over 55 rent controlled units, displacing over 120 people the majority of whom worked in North Beach as well. We cannot replace one-for-one the stable, affordable housing that we have lost. Condo conversion **at this site, surrounded by 132 condos already**, would mean further loss of another six units of affordable homeownership or rentals in our community.

This building at **424-434 Francisco** is adjacent to **444 Francisco large condominium complex of 33 units** to the west (1982) and to the east, **418/420 Francisco** also a **2 unit rent-controlled** building which was converted to condos and added **another 11 condos** extending through the block to Vandewater Street. The **total number of condos** to the left and right of 424-434 Francisco is **44units**. Directly across the street, at **445 Francisco**, The Malt House, **another 88 condos** have been added, 28 of which face Francisco Street. **A total of 132 Condos.**

Meanwhile, in 2020 at 2223 Powell, just around the corner, a fire **destroyed 6 units of rent-controlled** housing & displaced 13 people. Two doors down from the fire also on Powell/Bay Street, construction on a **24 unit condominium complex** has begun.

Six blocks away, in 2018, a fire destroyed the 26 unit Verdi Apartment building, displacing over 38 people, seniors & families included. This **loss of 26 rent-controlled units** is not to be replaced in kind, rather, this is slated to become a **47 unit condo** complex.

Francisco/Powell Total condos w/ additional development = 132 + 24 new = **156 Condos** within 1 block

**Rent-controlled units lost: 32 due to fire, 2 due to condo conversion= 34**

**Condominiums to be added: 71 Let's not add 6 more to this total.**

**I commend the Planning Commissioners for focusing on the real housing needs of our North Beach community, and following the Policies & Objectives of the General Plan in disapproving the condo conversion of 424-434 Francisco Street. Please deny the appeal for condo conversion**

**From:** [Steve Collier](#)  
**To:** [ChanStaff \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#)  
**Subject:** 424-434 Francisco Street- Appeal of Condominium Conversion tentative map denial  
**Date:** Monday, March 1, 2021 8:39:44 PM  
**Attachments:** [2021.03.01 ltr to BOS.pdf](#)

---

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

Dear Members of the Board,

Please find attached my letter in opposition to the above appeal.

**Steve Collier**

Attorney at Law  
Tenderloin Housing Clinic  
126 Hyde Street  
San Francisco, CA 94102  
415-771-9850 x 1122

**CONFIDENTIALITY NOTICE:** This document is intended for the use of the party to whom it is addressed and may contain information that is privileged, confidential, and protected from disclosure under applicable law. If you are not the addressee, or a person authorized to accept documents on behalf of the addressee, you are hereby notified that any review, disclosure, dissemination, copying, or other action based on the content of this communication is not authorized. If you have received this document in error, please immediately reply to the sender and delete or shred all copies.

# TENDERLOIN HOUSING CLINIC

RANDALL M. SHAW  
STEPHEN L. COLLIER  
RAQUEL FOX  
STEPHEN P. BOOTH  
TYLER ROUGEAU  
MICHAEL ZITANI  
JOHN PAUL VISAYA

126 Hyde Street  
San Francisco, CA 94102  
Tel. (415) 771-9850  
Fax. (415) 771-1287

*Contact:*  
steve@thclinic.org  
(415) 771-9850 x1122

March 1, 2021

## HAND/ELECTRONIC DELIVERY

San Francisco Board of Supervisors

*Re: 424-434 Francisco Street*

Dear Board of Supervisors:

I write to comment on the appeal of the denial of the condominium tentative map for the conversion of the above apartment building into condominiums.

The former tenants in this building were evicted pursuant to the Ellis Act. My office represented the tenants in their efforts to fight displacement from the building. The Planning Commission denied the tentative map on the ground that the conversion of these units into condominiums runs counter to the priority policies of Section 101.1 of the San Francisco Planning Code (Prop. M.) The conversion of apartments to condominiums results in a permanent exemption from rent control under the Costa-Hawkins Housing Act once the subdivider no longer owns the unit. Therefore, the conversion does not advance, and in fact counters, the priority policy of the Planning Code Section 101.1(b)(3), to preserve and enhance the City's supply of affordable housing. The loss of rental housing and permanent loss of rent-controlled housing, also diminishes the cultural and economic diversity of our neighborhoods, contrary to Section 101.1(b)(2). On this basis alone, the appeal should be denied.

Furthermore, the eviction of the tenants was the subject of a precedent published opinion the First District Court of Appeal, *Daro v. Superior Court* (enclosed).

The opinion describes the factual background regarding the eviction of the tenants. Petitioners Daro and Shultz were owners who were intending to move into

their units. The other evicting owners were referred to as the “LLC owners” in the opinion. The opinion states:

Daro and Schultz purchased their interest with the intent to make it their home. The LLC owners purchased their interests as investments for purposes of future sale. The LLC owners intended to create vacancies in the Francisco Street property, repair and remodel the units after the tenants left, and then sell their interests to owners who would occupy the units. The owners understood before the close of escrow that they might have to invoke the Ellis Act in order to create vacancies in the units. *The owners also agreed to convert the Francisco Street property into condominiums at the earliest possible date.*

*When the owners acquired the property, all six units at the Francisco Street property were occupied by tenants. In order to recover possession of the premises, the owners invoked the Ellis Act on April 13, 2004, by serving notices terminating tenancy on all of the tenants in the building.*

*(Daro v. Superior Court (2007) 151 Cal.App.4th 1079, 1087-88 (emphasis added).)*

As stated by the Court of Appeal in *Daro*, the owners invoked the Ellis Act and evicted all the tenants in the building with the intention to convert the property to condominiums at the earliest opportunity.

Section 1386 of the Subdivision Code, titled Denial of Tentative Map, states:

*When the City Planning Commission determines that vacancies in the project have been increased, or elderly or permanently disabled tenants displaced or discriminated against in leasing units, or evictions have occurred for the purpose of preparing the building for conversion, or if rents in the project over the previous 18 months preceding the date of filing the application have been increased substantially greater than any increase in the residential rent component of the "Bay Area Cost of Living Index, U.S. Dept. of Labor," (except for increases reasonably related to construction of Code-required capital improvements directly related to Code enforcement, or to recoup the costs thereof), or when the City Planning Commission determines that the subdivider has knowingly submitted incorrect information (to mislead or misdirect efforts by agencies of the City and County of San Francisco in the administration of this Code), the Tentative Map shall be disapproved and the subdivider may not reapply for 18 months from the date of denial. In evaluation of the current vacancy level under this Section, the increase in rental rates for each unit over the preceding five years and the average monthly vacancy rate for the project over the preceding three years shall be considered. In the evaluation of displacement of*



March 1, 2021

Page 3

elderly tenants any such displacements over the preceding three years, and the reasons therefor, shall be considered.

(San Francisco Subdivision Code § 1386 (emphasis added).)

There were elderly and disabled tenants in the property at the time of eviction who were displaced. It is clear from the *Daro* opinion that tenants were displaced and “evictions have occurred for the purpose of preparing the building for conversion.” Therefore, Section 1386 of the Subdivision Code also requires that the tentative map be denied.

Please take this into account when considering this appeal.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'S. L. Collier', is written over a light blue horizontal line.

Stephen L. Collier  
Attorney at Law

Enc.

**From:** [Mitchell Omerberg](#)  
**To:** [Peskin, Aaron \(BOS\)](#)  
**Cc:** [T. Flandrich](#)  
**Subject:** re: 424-434 Francisco St. - Special Order Item No. 26 - BOS March 2, 2021  
**Date:** Monday, March 1, 2021 8:18:41 PM  
**Attachments:** [AHA letter re Francisco Street.pdf](#)  
[TIC disclosure 2012 with highlights.pdf](#)

---

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

Dear Supervisor:

Please find attached a letter and exhibit concerning 424-434 Francisco Street, Special Order Item No. 26, to be considered on March 2, 2021.

Thank you for your consideration.

Sincerely,  
Mitchell Omerberg  
Affordable Housing Alliance



March 1, 2021

San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102

Re: 424-434 Francisco Street – Special Order Item No. 26 - March 2, 2021

Dear President Walton and Members of the Board:

I write to respectfully urge you to deny the appeal of the application for condominium conversion for 424-434 Francisco Street for the reasons set forth below:

The overriding principle in our condo conversion law is contained in Section 1386 of the San Francisco Subdivision Code which states:

“When the City Planning Commission determines that... evictions have occurred for the purpose of preparing the building for conversion, ....the Tentative Map shall be disapproved.”

If the building is cleared for conversion by evicting the tenants, then the building is ineligible for condo conversion.

This fundamental principle has been in the Subdivision Code since 1980. It reflects the consensus that the specific tenants must be protected, but also the principle contained in the Housing Element of the General Plan that affordable housing must be preserved.

The City has never wavered from this. If anything, the City has only added additional provisions that prohibit conversions following evictions.

And a few years ago, when Supervisors Farrell and Weiner authored legislation to allow a batch of TICs to convert under an expedited program (the program the current owners of Francisco Street are endeavoring to use to convert), those Supervisors left that fundamental principle intact, so that it applies to the expedited conversion program, as well. Buildings that have been cleared for conversion by evicting the tenants are ineligible for condominium conversion under all programs and in all circumstances.

The significance of this provision of the law should not be understated. If “evictions have occurred for the purpose of preparing the building for conversion,” the conversion “shall be disapproved.” It does not say, “oh, if someone else evicted all the tenants, then the conversion goes forward. If someone else did the dirty work, conversion is OK.” No, the law is if “evictions have occurred for the purpose of preparing the building for conversion,” the conversion “shall be disapproved.”

3265 Harrison Street, San Francisco, CA 94110  
415-756-3037

Again, it's a significant provision that should not be understated. And that's why it is the subject of the standard form disclosure statement developed by the S.F. Board of Realtors that is provided to, and must be signed and acknowledged by every TIC purchaser.

The TIC Disclosure Statement in use in 2012, when most of these TIC purchasers bought their units, stated:

**"NO ASSURANCE OF CONVERSION TO CONDOMINIUMS.** No one can represent or warrant that a TIC building will ever be converted to condominiums at any future date. Condominium conversion laws are complex and subject to change."

**"LOCAL LAW.** San Francisco laws ... may limit ... the right to convert a building with a history of evictions... to condominiums."

**"THOROUGH INVESTIGATION REQUIRED.** From the property to the.... [sellers], special scrutiny is strongly recommended before a buyer commits to purchase a TIC interest."

**"ADVICE FROM QUALIFIED ATTORNEYS.** ...Before signing any agreements, ...Buyers.... are urged to consult with a qualified real estate attorney who is knowledgeable regarding residential tenancy-in-common agreements and transactions, the California Subdivided Lands Act and Subdivision Map Act, the Ellis Act, residential landlord-tenant law (State and San Francisco) and residential condominium conversion (San Francisco).

And what would these TIC purchasers have found if they had done their due diligence and conducted a thorough investigation? Maybe consulted a qualified attorney? Maybe just Googled the property?

They would have found the California Court of Appeal decision adopting the trial court factual finding that the owners of Francisco Street had evicted the tenants from all six units in order to convert to condos. Daro v. Superior Court (2007) 151 Cal.App.4<sup>th</sup> 1079, 1087-88.

They might have found that the owners of Francisco Street previously tried to evict the tenants from all six units in order to demolish the building, if they got to the Rent Board records. They would have found numerous newspaper and on-line accounts, including that two of the evicted tenants died within six months of their evictions.

And they would have found, as you should today, that the building is therefore ineligible for conversion under Subdivision Code Section 1386, and the Housing Element of the General Plan.

Thank you for your consideration of these comments. We urge you to deny the appeal.

Sincerely,

[Mitchell Omerberg](#)

Mitchell Omerberg  
Executive Director



TENANCY-IN-COMMON (TIC) DISCLOSURE
SAN FRANCISCO ASSOCIATION OF REALTORS® STANDARD FORM

This is a disclosure regarding a form of ownership under California law known as a Tenancy-in-Common (TIC). It is informational only and not intended in any way to take the place of, or substitute for, consulting with a qualified legal counsel and CPA. Real Estate Brokers and Agents are not qualified to provide any legal, tax or financial advice about TICs. Buyers are urged, before signing any agreements, to review and consider all matters of concern, including but not limited to:

- 1. TIC DEFINED. A TIC is a form of ownership under California Law which is created when more than one individual or entity has an undivided ownership interest in the same property. Typically, in a residential TIC, a written agreement provides for the exclusive right of occupancy of a given part of the property and sets forth rules for management of the property as a whole. No two TIC agreements are necessarily the same, however, and experience or knowledge of one TIC may not translate to another. Each TIC is as unique as the land, building and people involved. One property may be easy to maintain but have a group of owners who do not get along. Or, another property may be expensive to maintain but have a group of owners that gets along well. Each involves important legal, tax and financial rights, liabilities, obligations and interests. The current TIC marketplace is made up of resales of existing TIC interests and the creation of new TICs.
2. A TIC IS NOT A CONDOMINIUM. With a condominium (a form of subdivision), you individually own the unit in which you live and share ownership of the common areas of the condominium project with all of the other condominium owners through a homeowners' association. With a TIC (not a form of subdivision), you own an undivided interest in the entire property with all of the other TIC interest owners and may, or may not, have a contract or lease with them to live in a particular unit. In other words, an owner's use and occupancy of a TIC property is controlled by the TIC Agreement, which should be carefully read and reviewed with an attorney.
3. A CURRENT TIC AGREEMENT IS STRONGLY RECOMMENDED. Having a current, well-drafted TIC Agreement prepared by an attorney knowledgeable about TIC laws and San Francisco's unique requirements is vital to an effective TIC and a right to exclusive occupancy. Care should be taken to make sure that the TIC Agreement meets the specific needs of the property and the owners. If the TIC Agreement does not cover current issues, or worse, if there is no Agreement at all, there may be serious problems, liabilities and expenses that can be difficult or even impossible to resolve. Real Estate Brokers and Agents are not qualified to prepare a TIC Agreement and cannot provide reliable samples of such.
4. A GOOD TIC AGREEMENT IS NO GUARANTEE THE TIC WILL BE PROBLEM-FREE. A well-written, current TIC Agreement is only as good as the people who sign it and their ability to perform. Even the best intentions can go awry due to a job loss, bankruptcy, divorce, or worse. The failure of any TIC interest owner to timely and fully comply with the TIC Agreement's requirements can create very serious financial hardship for the other TIC interest owners.
5. POTENTIAL PROBLEMS THAT A TIC AGREEMENT MAY NOT SOLVE. Many events and problems can be difficult or impossible, as a practical matter, for the TIC owners to resolve. Neither Seller nor the Real Estate Brokers and Agents for the parties can represent or warrant that the TIC property will be operated in accordance with the terms set forth in the TIC Agreement. Nor can they predict that in the future all other owners can or will comply with any TIC Agreement requirements to make the required payments for the operation and maintenance of the TIC property, or what the cost to enforce payment would be. Some of the risks involved are: (i) One of the TIC owners goes bankrupt and the property becomes subject to bankruptcy court jurisdiction; (ii) A lien for unpaid taxes by one of the TIC owners is recorded against the entire property; (iii) There is a foreclosure on a loan secured by the property and, for "fractional" loans the lender of a foreclosed buyer may become a co-owner and seek to more conservatively set reserves and otherwise manage the property,

Buyer's Initials / Seller's Initials [Handwritten initials]

Copyright © 2007 San Francisco Association of REALTORS®

Page 1 of 3 (Rev. 8/07)



and for “group loans” each co-owner may suffer damage to their credit rating or be subject to a deficiency judgment under California law; and (iv) Landlord-tenant (rent control or wrongful termination) issues; (v) an accident occurs in the unit that one owner of a TIC interest exclusively occupies, leading to claims of joint liability against the other owners; (vi) Disagreements over the TIC Agreement’s terms and conditions and changes to that Agreement that might be undesirable from an individual owner’s standpoint. Failure to timely repair a roof, plumbing, electrical, foundation or other component can result in unanticipated consequences, e.g. complaints from local government, tenant claims, loss of property insurance (and the ability to get new insurance), issues with existing financing or the ability to refinance, difficulty in selling a TIC interest, etc. TIC Agreements should make provisions for such risks by establishing operating reserve and default fund requirements. The levels of reserve and default funds in the TIC should be carefully reviewed by Buyer with a qualified CPA. Real Estate Brokers and Agents are not qualified to make these determinations.

6. **NO ASSURANCE OF CONVERSION TO CONDOMINIUMS.** No one can represent or warrant that a TIC building will ever be converted to condominiums at any future date. Condominium conversion laws are complex and subject to change. Since 1982, there have been very restrictive annual limits on conversions in San Francisco and a complete ban on converting any building with more than six (6) residential units.
7. **STATE LAW.** (A.) If a State law, commonly known as the “Ellis Act”, was used to end all residential tenancies at a property later subject to a TIC, the owners of the TIC interests may be subject to serious restrictions on the future rental of units for which they have an exclusive use. (B.) A TIC in which there are 4 or fewer undivided interests, each of which is accompanied by a right of exclusive occupancy, is not subject to any special regulatory procedures by the California Department of Real Estate (DRE). In contrast, according to the DRE, a TIC having **5 or more interests**, each of which is accompanied by a right of exclusive occupancy, is subject to the requirement for a **Public Report** approved by the DRE. (To determine if 5 or more interests exist, the DRE disregards whether one co-owner owns several TIC interests or if there are any agreements between the co-owners limiting the total number of interests or the like. It makes its determination in this regard strictly by counting the total number of physical or constructed units at the TIC property.) Public reports, however, are no guarantee whatsoever that there will be any greater protection for a buyer. Indeed, there may be greater risk from a 5 or more interest TIC because of the costs of operation, potential problems and liabilities due to the increased number of co-owners involved, and in the case of a group loan on the property, the size of that joint debt.
8. **LOCAL LAW.** San Francisco laws impact many legal rights and interests important to owners of TIC interests. Local laws provide, among other things, that eviction may only be for a set of specific allowed causes or reasons. They may limit, or attempt to limit, the right to occupy a dwelling unit already occupied by a tenant under the Owner Move-In (“OMI”) provisions, or the right to convert a building with a history of evictions (under the Ellis Act or local law) to condominiums. The laws are actively enforced by the San Francisco Rent Board and by local tenant groups and attorneys. New laws affecting property rights are routinely proposed and enacted. Most seem to favor residential tenants and disfavor the interests of property owners. Such new or proposed laws can affect the value, marketability or desirability of a TIC interest.
9. **THOROUGH INVESTIGATION REQUIRED.** From the property to the current and prospective co-owners involved, special scrutiny is strongly recommended before a Buyer commits to purchase a TIC interest. It is strongly recommended that there be at least one meeting with the existing owners or other prospective buyers to consider whether the group is likely be able to cooperate and get along. A Transfer Disclosure Statement (TDS) prepared by a Seller of an undivided interest in a TIC may cover information within the Seller's knowledge only with respect to the area where the Seller resides and not the remaining areas of the property (other exclusive occupancy TIC areas, roof, foundation, halls, garage, storage areas, etc.). Buyer is advised to have a qualified general contractor of their choice conduct a thorough investigation of the **entire property** and to have further inspections performed by other professionals, as may be recommended by the general contractor or others. Also, because work performed **anywhere** in the TIC property without permits can result in problems for all of the TIC owners, Buyer is urged to investigate the permit history and **all** other public records for the entire property. Be forewarned, the City’s Department of Building Inspection routinely inspects 3 or more unit buildings.
10. **FINANCIAL IMPLICATIONS OF TIC OWNERSHIP.** Because a TIC involves co-ownership and issues of shared liability, information and documentation should be obtained and carefully reviewed regarding the financial condition of the current and prospective TIC owners and their ability to pay joint obligations before

Buyer's Initials \_\_\_\_\_  
Seller's Initials     RW    

Copyright © 2007 San Francisco Association of REALTORS®

Page 2 of 3  
(Rev. 8/07)

Buyer removes all conditions associated with the purchase of a TIC interest. Unforeseen changes in the financial condition of one TIC owner can affect the financial and property interests of the other co-owners.

**11. FINANCING, REFINANCING AND RESALE TIC INTERESTS.** Relative to financing TIC ownership, there are currently two primary types of loans:

**A. Group Loans:** This type of loan is made to all of the TIC owners and secured by the entire property. All of the TIC owners are thus jointly liable. Most TIC Agreements for properties with group loans require Buyers of a TIC interest to share their personal financial statements with other existing TIC owners and other prospective buyers. There may also be requirements for TIC owners to update the information periodically and provide documentary back up. Such requirements are reasonable as they provide some level of comfort, but no guarantee, that the owners will be able to meet their joint TIC obligations.

**B. Fractional Interest Loans:** This type of loan is made to each TIC owner separately and secured by that individual TIC owner's undivided co-ownership interest in the property. A TIC owner is thus not jointly liable for another TIC owner's fractional loan. In many cases the lender has already been pre-determined by the seller, or the existing TIC owners, and their interest rates and fees may be higher than the financing available for other types of property. Also, the pre-determined lender may require terms in the TIC Agreement that other potential fractional interest lenders might find unacceptable.

For any type of loan, a TIC interest is generally more difficult and expensive to finance, refinance or resell than a condominium. The interest rates and costs for the loan or "points" may be higher, the required downpayment larger and the length or term of the loan shorter. No seconds or other junior loans may be allowed. The existing financing may not be assumable by Buyer or assumable only with a costly change in terms (e.g., refinancing costs, interest rate differential, etc.) or substantial restrictions. For group loans, the potential issues may further include, without limitation, whether: (i) all new buyers qualify with the existing lender; and (ii) the lender will release the seller from the TIC loan obligation. For fractional interest loans the potential issues may further include, without limitation, whether any such financing will be available at the time of resale or a refinance. Some TIC Agreements also give the other owners a right to approve a new owner or a right of first refusal to buy the TIC interest. While such co-owner rights can be fair and reasonable, that is not always the case.

**12. ADVICE FROM QUALIFIED ATTORNEYS.** Real Estate Brokers and Agents are not qualified to provide any legal advice, including, without limitation, as regards the rights and obligations of a buyer or seller under a TIC agreement or the legal effect of any grant deeds, deeds of trust or other documents relating to a TIC. Only an attorney can advise on such matters. **Therefore, before signing any agreements or legal instruments, Buyers and Sellers are urged to consult with a qualified real estate attorney who is knowledgeable regarding residential tenancy-in-common agreements and transactions, the California Subdivided Lands Act and Subdivision Map Act, the Ellis Act, residential landlord-tenant law (State and San Francisco) and residential condominium conversion (San Francisco).**

**THE UNDERSIGNED ACKNOWLEDGE THAT THEY HAVE READ AND UNDERSTAND THE ABOVE.**

Date \_\_\_\_\_

Date 12/10/13 \_\_\_\_\_

Buyer \_\_\_\_\_

Seller  \_\_\_\_\_

Richard Whittow

Buyer \_\_\_\_\_

Seller \_\_\_\_\_

**From:** [marla bastien knight](#)  
**To:** [Walton, Shamann \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [asha.safai@sfgov.org](mailto:asha.safai@sfgov.org); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [ChanStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [MelgarStaff \(BOS\)](#)  
**Subject:** Decline Appeal for Condo Conversion 424-434 Francisco St.  
**Date:** Monday, March 1, 2021 1:09:46 PM

---

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

Dear President Walton and Board Supervisors:

I urge you to decline the appeal to convert the TICs at 424-434 Francisco St. to condos. This conversion would further the loss of affordable housing in North Beach given that TIC rents and sales are both lower than the rents and sales of condos. I live two blocks from this property and over the past fifteen-twenty years have been saddened by the increasing loss of affordable housing in North Beach. Further there has been the accompanying loss of friends and neighbors including the original 15 residents of the Francisco St property, a loss which weakens the fabric of our community. There are already 132 condos within a quarter of a block of 424-434 Francisco!!! We need more affordable housing to make sure we keep North Beach a vibrant community, not just for our residents but also for all city residents and its visitors.

Please decline this conversion to condos thus helping stop the further erosion of affordable housing and character of North Beach.

Respectfully yours,  
Marla Bastien Knight  
Co-founder  
North Beach Tenants Committee



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Reject Condo Conversion on Francisco Street- Uphold the General Plan  
**Date:** Monday, March 1, 2021 9:31:16 AM

---

**From:** T Flandrich <tflandrich@yahoo.com>

**Sent:** Sunday, February 28, 2021 8:42 PM

**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>

**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

**Subject:** Reject Condo Conversion on Francisco Street- Uphold the General Plan

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

February 26, 2021

**Item #26 March 2<sup>nd</sup> 201379 [Hearing - Appeal of Tentative Map Disapproval - 424, 426, 428, 430, 432, and 434 Francisco Street]**

Dear President Walton and Supervisors,

I am writing you today to ask for support in upholding the disapproval of condo-conversion at 424-434 Francisco Street. This is a 6 unit rent- controlled building. While the current TIC owners may not have had involvement with the original, well known North Beach evictor WB Coyle (and myriad LLCs he operated under), the TIC disclosure "Declaration" at the time of TIC sale, would have revealed not only the building's history, but also the risks involved in converting the units into higher value condos.

Planning Commissioners Chan, Moore, and Imperial, cited the General Plan Objectives & Policies in disapproving this project. Also, looking closely at North Beach housing needs, they found this conversion inconsistent with the community objectives of the General Plan.

But it IS important to understand the building history. When the condo conversion was presented in July 2020 at the Planning Commission, the application for condo-conversion raised many questions. The building has a very notorious history, including evictions of 15 tenants (low-income elderly & disabled). And the hearing was therefore re-scheduled to September for further research on many issues.

A fuller staff report was presented at the October 1 Planning Commission hearing where the application was disapproved. The disapproval was based not on the 15-year-old evictions, but on the Housing Elements of the General Plan, which require The City to preserve diversity and affordable housing.

We the opponents of this condo conversion feel that the General Plan must be followed. If these policies are ignored, it will render the entire General Plan Housing Elements meaningless. We therefore urge you to uphold the General Plan, support the Planning Commission decision and deny this appeal.

Theresa Flandrich

Leader, Opposition to the Francisco Street Appeal

**Excerpts from the Planning Commission decision as reported in the Planning Dept memorandum October 28, 2020:**

"The tenancy in common "TIC" dwelling unit is a more affordable housing type than a condominium...typically valued 10-20% lower than the equivalent condominium unit... provides somewhat increased housing accessibility to middle-income residents. Removal of these TIC units reduces the diversity of housing types, and therefore is not consistent with this (General Plan) policy.

In particular, the North Beach area needs diverse housing and affordable home ownership for first time buyers."

The condominium conversions exacerbate "the inaccessibility of home- ownership in the North Beach neighborhood, a neighborhood with many urban amenities but where an affordable housing balance is currently challenged. "

The memorandum also reports North Beach as "a neighborhood ...where cultural and economic diversity is currently challenged."

"The Commissioners who voted against approval of the condo conversion found that approval of the Condominium Subdivision Conversion thus would not promote the health, safety and welfare of the City."

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Item #26 424-434 Francisco Condominium Conversion  
**Date:** Tuesday, March 2, 2021 8:08:23 AM

---

**From:** Jennifer Elmore <jennifere\_sf@yahoo.com>

**Sent:** Monday, March 1, 2021 4:25 PM

**To:** Waltonstaff (BOS) <waltonstaff@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>  
**Subject:** Item #26 424-434 Francisco Condominium Conversion

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

As a resident of San Francisco, having lived three blocks from the 424-434 Francisco Street site, I urge you to please support the Planning Commission disapproval of the condo conversion of a, now tenancy-in-common, rent-controlled building of 6 units to preserve affordable rental and homeownership housing in North Beach. Deny the appeal of this project.

The specific housing needs of this North Beach neighborhood were front & center in evaluating, applying the SF General Plan & Housing Elements to this condo conversion. North Beach has already lost too many affordable rent-controlled buildings. Between 2001-2005 the original owner WB Coyle and his 16 LLC partners have emptied out over 55 rent controlled units, displacing over 120 people the majority of whom worked in North Beach as well. We cannot replace one-for-one the stable, affordable housing that we have lost. Condo conversion **at this site, surrounded by 132 condos already**, would mean further loss of another six units of affordable homeownership or rentals in our community.

This building at **424-434 Francisco** is adjacent to **444 Francisco large condominium complex of 33 units** to the west (1982) and to the east, **418/420 Francisco** also a **2 unit rent-controlled** building which was converted to condos and added **another 11 condos** extending through the block to Vandewater Street. The **total number of condos** to the left and right of 424-434 Francisco is **44units**. Directly across the street, at **445 Francisco**, The Malt House, **another 88 condos** have been added, 28 of which face Francisco Street. **A total of 132 Condos.**

Meanwhile, in 2020 at 2223 Powell, just around the corner, a fire **destroyed 6 units of rent-controlled** housing & displaced 13 people. Two doors down from the fire also on Powell/Bay Street, construction on a **24 unit condominium complex** has begun.

Six blocks away, in 2018, a fire destroyed the 26 unit Verdi Apartment building, displacing over 38 people, seniors & families included. This **loss of 26 rent-controlled units** is not to be replaced in kind, rather, this is slated to become a **47 unit condo** complex.

Francisco/Powell Total condos w/ additional development = 132 + 24 new = **156 Condos** within 1 block

**Rent-controlled units lost: 32 due to fire, 2 due to condo conversion= 34**

**Condominiums to be added: 71 Let's not add 6 more to this total.**

**I commend the Planning Commissioners for focusing on the real housing needs of our North Beach community, and following the Policies & Objectives of the General Plan in disapproving the condo conversion of 424-434 Francisco Street. Please deny the appeal for condo conversion**

**From:** [Gee, Natalie \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: 424-434 Francisco St. - Special Order Item No. 26 - BOS March 2, 2021  
**Date:** Monday, March 1, 2021 11:17:46 PM  
**Attachments:** [AHA letter re Francisco Street.pdf](#)  
[TIC disclosure 2012 with highlights.pdf](#)

---

Please add this to BOS Item 26/File No. 201379 for Tuesday's meeting.

Thank you,  
Natalie

**Natalie Gee** 朱凱勤, Chief of Staff  
**Supervisor Shamann Walton, District 10**  
**President, Board of Supervisors**  
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282  
**Direct:** 415.554.7672 | **Office:** 415.554.7670

*I am working from home due to the **COVID-19 Stay Safer At Home order** and will be most responsive by email.*

---

**From:** Mitchell Omerberg <mitchello@pacbell.net>  
**Date:** Monday, March 1, 2021 at 7:58 PM  
**To:** Walton, Shamann (BOS) <shamann.walton@sfgov.org>  
**Cc:** Gee, Natalie (BOS) <natalie.gee@sfgov.org>  
**Subject:** re: 424-434 Francisco St. - Special Order Item No. 26 - BOS March 2, 2021

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

Dear Supervisor:

Please find attached a letter and exhibit concerning 424-434 Francisco Street, Special Order Item No. 26, to be considered on March 2, 2021.

Thank you for your consideration.

Sincerely,  
Mitchell Omerberg  
Affordable Housing Alliance



March 1, 2021

San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102

Re: 424-434 Francisco Street – Special Order Item No. 26 - March 2, 2021

Dear President Walton and Members of the Board:

I write to respectfully urge you to deny the appeal of the application for condominium conversion for 424-434 Francisco Street for the reasons set forth below:

The overriding principle in our condo conversion law is contained in Section 1386 of the San Francisco Subdivision Code which states:

“When the City Planning Commission determines that... evictions have occurred for the purpose of preparing the building for conversion, ....the Tentative Map shall be disapproved.”

If the building is cleared for conversion by evicting the tenants, then the building is ineligible for condo conversion.

This fundamental principle has been in the Subdivision Code since 1980. It reflects the consensus that the specific tenants must be protected, but also the principle contained in the Housing Element of the General Plan that affordable housing must be preserved.

The City has never wavered from this. If anything, the City has only added additional provisions that prohibit conversions following evictions.

And a few years ago, when Supervisors Farrell and Weiner authored legislation to allow a batch of TICs to convert under an expedited program (the program the current owners of Francisco Street are endeavoring to use to convert), those Supervisors left that fundamental principle intact, so that it applies to the expedited conversion program, as well. Buildings that have been cleared for conversion by evicting the tenants are ineligible for condominium conversion under all programs and in all circumstances.

The significance of this provision of the law should not be understated. If “evictions have occurred for the purpose of preparing the building for conversion,” the conversion “shall be disapproved.” It does not say, “oh, if someone else evicted all the tenants, then the conversion goes forward. If someone else did the dirty work, conversion is OK.” No, the law is if “evictions have occurred for the purpose of preparing the building for conversion,” the conversion “shall be disapproved.”

3265 Harrison Street, San Francisco, CA 94110  
415-756-3037

Again, it's a significant provision that should not be understated. And that's why it is the subject of the standard form disclosure statement developed by the S.F. Board of Realtors that is provided to, and must be signed and acknowledged by every TIC purchaser.

The TIC Disclosure Statement in use in 2012, when most of these TIC purchasers bought their units, stated:

**"NO ASSURANCE OF CONVERSION TO CONDOMINIUMS.** No one can represent or warrant that a TIC building will ever be converted to condominiums at any future date. Condominium conversion laws are complex and subject to change."

**"LOCAL LAW.** San Francisco laws ... may limit ... the right to convert a building with a history of evictions... to condominiums."

**"THOROUGH INVESTIGATION REQUIRED.** From the property to the.... [sellers], special scrutiny is strongly recommended before a buyer commits to purchase a TIC interest."

**"ADVICE FROM QUALIFIED ATTORNEYS.** ...Before signing any agreements, ...Buyers.... are urged to consult with a qualified real estate attorney who is knowledgeable regarding residential tenancy-in-common agreements and transactions, the California Subdivided Lands Act and Subdivision Map Act, the Ellis Act, residential landlord-tenant law (State and San Francisco) and residential condominium conversion (San Francisco).

And what would these TIC purchasers have found if they had done their due diligence and conducted a thorough investigation? Maybe consulted a qualified attorney? Maybe just Googled the property?

They would have found the California Court of Appeal decision adopting the trial court factual finding that the owners of Francisco Street had evicted the tenants from all six units in order to convert to condos. Daro v. Superior Court (2007) 151 Cal.App.4<sup>th</sup> 1079, 1087-88.

They might have found that the owners of Francisco Street previously tried to evict the tenants from all six units in order to demolish the building, if they got to the Rent Board records. They would have found numerous newspaper and on-line accounts, including that two of the evicted tenants died within six months of their evictions.

And they would have found, as you should today, that the building is therefore ineligible for conversion under Subdivision Code Section 1386, and the Housing Element of the General Plan.

Thank you for your consideration of these comments. We urge you to deny the appeal.

Sincerely,

[Mitchell Omerberg](#)

Mitchell Omerberg  
Executive Director



TENANCY-IN-COMMON (TIC) DISCLOSURE
SAN FRANCISCO ASSOCIATION OF REALTORS® STANDARD FORM

This is a disclosure regarding a form of ownership under California law known as a Tenancy-in-Common (TIC). It is informational only and not intended in any way to take the place of, or substitute for, consulting with a qualified legal counsel and CPA. Real Estate Brokers and Agents are not qualified to provide any legal, tax or financial advice about TICs. Buyers are urged, before signing any agreements, to review and consider all matters of concern, including but not limited to:

- 1. TIC DEFINED. A TIC is a form of ownership under California Law which is created when more than one individual or entity has an undivided ownership interest in the same property. Typically, in a residential TIC, a written agreement provides for the exclusive right of occupancy of a given part of the property and sets forth rules for management of the property as a whole. No two TIC agreements are necessarily the same, however, and experience or knowledge of one TIC may not translate to another. Each TIC is as unique as the land, building and people involved. One property may be easy to maintain but have a group of owners who do not get along. Or, another property may be expensive to maintain but have a group of owners that gets along well. Each involves important legal, tax and financial rights, liabilities, obligations and interests. The current TIC marketplace is made up of resales of existing TIC interests and the creation of new TICs.
2. A TIC IS NOT A CONDOMINIUM. With a condominium (a form of subdivision), you individually own the unit in which you live and share ownership of the common areas of the condominium project with all of the other condominium owners through a homeowners' association. With a TIC (not a form of subdivision), you own an undivided interest in the entire property with all of the other TIC interest owners and may, or may not, have a contract or lease with them to live in a particular unit. In other words, an owner's use and occupancy of a TIC property is controlled by the TIC Agreement, which should be carefully read and reviewed with an attorney.
3. A CURRENT TIC AGREEMENT IS STRONGLY RECOMMENDED. Having a current, well-drafted TIC Agreement prepared by an attorney knowledgeable about TIC laws and San Francisco's unique requirements is vital to an effective TIC and a right to exclusive occupancy. Care should be taken to make sure that the TIC Agreement meets the specific needs of the property and the owners. If the TIC Agreement does not cover current issues, or worse, if there is no Agreement at all, there may be serious problems, liabilities and expenses that can be difficult or even impossible to resolve. Real Estate Brokers and Agents are not qualified to prepare a TIC Agreement and cannot provide reliable samples of such.
4. A GOOD TIC AGREEMENT IS NO GUARANTEE THE TIC WILL BE PROBLEM-FREE. A well-written, current TIC Agreement is only as good as the people who sign it and their ability to perform. Even the best intentions can go awry due to a job loss, bankruptcy, divorce, or worse. The failure of any TIC interest owner to timely and fully comply with the TIC Agreement's requirements can create very serious financial hardship for the other TIC interest owners.
5. POTENTIAL PROBLEMS THAT A TIC AGREEMENT MAY NOT SOLVE. Many events and problems can be difficult or impossible, as a practical matter, for the TIC owners to resolve. Neither Seller nor the Real Estate Brokers and Agents for the parties can represent or warrant that the TIC property will be operated in accordance with the terms set forth in the TIC Agreement. Nor can they predict that in the future all other owners can or will comply with any TIC Agreement requirements to make the required payments for the operation and maintenance of the TIC property, or what the cost to enforce payment would be. Some of the risks involved are: (i) One of the TIC owners goes bankrupt and the property becomes subject to bankruptcy court jurisdiction; (ii) A lien for unpaid taxes by one of the TIC owners is recorded against the entire property; (iii) There is a foreclosure on a loan secured by the property and, for "fractional" loans the lender of a foreclosed buyer may become a co-owner and seek to more conservatively set reserves and otherwise manage the property,

Buyer's Initials / Seller's Initials [Handwritten initials]

Copyright © 2007 San Francisco Association of REALTORS®

Page 1 of 3 (Rev. 8/07)





and for “group loans” each co-owner may suffer damage to their credit rating or be subject to a deficiency judgment under California law; and (iv) Landlord-tenant (rent control or wrongful termination) issues; (v) an accident occurs in the unit that one owner of a TIC interest exclusively occupies, leading to claims of joint liability against the other owners; (vi) Disagreements over the TIC Agreement’s terms and conditions and changes to that Agreement that might be undesirable from an individual owner’s standpoint. Failure to timely repair a roof, plumbing, electrical, foundation or other component can result in unanticipated consequences, e.g. complaints from local government, tenant claims, loss of property insurance (and the ability to get new insurance), issues with existing financing or the ability to refinance, difficulty in selling a TIC interest, etc. TIC Agreements should make provisions for such risks by establishing operating reserve and default fund requirements. The levels of reserve and default funds in the TIC should be carefully reviewed by Buyer with a qualified CPA. Real Estate Brokers and Agents are not qualified to make these determinations.

6. **NO ASSURANCE OF CONVERSION TO CONDOMINIUMS.** No one can represent or warrant that a TIC building will ever be converted to condominiums at any future date. Condominium conversion laws are complex and subject to change. Since 1982, there have been very restrictive annual limits on conversions in San Francisco and a complete ban on converting any building with more than six (6) residential units.
7. **STATE LAW.** (A.) If a State law, commonly known as the “Ellis Act”, was used to end all residential tenancies at a property later subject to a TIC, the owners of the TIC interests may be subject to serious restrictions on the future rental of units for which they have an exclusive use. (B.) A TIC in which there are 4 or fewer undivided interests, each of which is accompanied by a right of exclusive occupancy, is not subject to any special regulatory procedures by the California Department of Real Estate (DRE). In contrast, according to the DRE, a TIC having **5 or more interests**, each of which is accompanied by a right of exclusive occupancy, is subject to the requirement for a **Public Report** approved by the DRE. (To determine if 5 or more interests exist, the DRE disregards whether one co-owner owns several TIC interests or if there are any agreements between the co-owners limiting the total number of interests or the like. It makes its determination in this regard strictly by counting the total number of physical or constructed units at the TIC property.) Public reports, however, are no guarantee whatsoever that there will be any greater protection for a buyer. Indeed, there may be greater risk from a 5 or more interest TIC because of the costs of operation, potential problems and liabilities due to the increased number of co-owners involved, and in the case of a group loan on the property, the size of that joint debt.
8. **LOCAL LAW.** San Francisco laws impact many legal rights and interests important to owners of TIC interests. Local laws provide, among other things, that eviction may only be for a set of specific allowed causes or reasons. They may limit, or attempt to limit, the right to occupy a dwelling unit already occupied by a tenant under the Owner Move-In (“OMI”) provisions, or the right to convert a building with a history of evictions (under the Ellis Act or local law) to condominiums. The laws are actively enforced by the San Francisco Rent Board and by local tenant groups and attorneys. New laws affecting property rights are routinely proposed and enacted. Most seem to favor residential tenants and disfavor the interests of property owners. Such new or proposed laws can affect the value, marketability or desirability of a TIC interest.
9. **THOROUGH INVESTIGATION REQUIRED.** From the property to the current and prospective co-owners involved, special scrutiny is strongly recommended before a Buyer commits to purchase a TIC interest. It is strongly recommended that there be at least one meeting with the existing owners or other prospective buyers to consider whether the group is likely be able to cooperate and get along. A Transfer Disclosure Statement (TDS) prepared by a Seller of an undivided interest in a TIC may cover information within the Seller's knowledge only with respect to the area where the Seller resides and not the remaining areas of the property (other exclusive occupancy TIC areas, roof, foundation, halls, garage, storage areas, etc.). Buyer is advised to have a qualified general contractor of their choice conduct a thorough investigation of the **entire property** and to have further inspections performed by other professionals, as may be recommended by the general contractor or others. Also, because work performed **anywhere** in the TIC property without permits can result in problems for all of the TIC owners, Buyer is urged to investigate the permit history and **all** other public records for the entire property. Be forewarned, the City’s Department of Building Inspection routinely inspects 3 or more unit buildings.
10. **FINANCIAL IMPLICATIONS OF TIC OWNERSHIP.** Because a TIC involves co-ownership and issues of shared liability, information and documentation should be obtained and carefully reviewed regarding the financial condition of the current and prospective TIC owners and their ability to pay joint obligations before

Buyer's Initials \_\_\_\_\_  
Seller's Initials     RW    

Copyright © 2007 San Francisco Association of REALTORS®

Page 2 of 3  
(Rev. 8/07)

Buyer removes all conditions associated with the purchase of a TIC interest. Unforeseen changes in the financial condition of one TIC owner can affect the financial and property interests of the other co-owners.

**11. FINANCING, REFINANCING AND RESALE TIC INTERESTS.** Relative to financing TIC ownership, there are currently two primary types of loans:

**A. Group Loans:** This type of loan is made to all of the TIC owners and secured by the entire property. All of the TIC owners are thus jointly liable. Most TIC Agreements for properties with group loans require Buyers of a TIC interest to share their personal financial statements with other existing TIC owners and other prospective buyers. There may also be requirements for TIC owners to update the information periodically and provide documentary back up. Such requirements are reasonable as they provide some level of comfort, but no guarantee, that the owners will be able to meet their joint TIC obligations.

**B. Fractional Interest Loans:** This type of loan is made to each TIC owner separately and secured by that individual TIC owner's undivided co-ownership interest in the property. A TIC owner is thus not jointly liable for another TIC owner's fractional loan. In many cases the lender has already been pre-determined by the seller, or the existing TIC owners, and their interest rates and fees may be higher than the financing available for other types of property. Also, the pre-determined lender may require terms in the TIC Agreement that other potential fractional interest lenders might find unacceptable.

For any type of loan, a TIC interest is generally more difficult and expensive to finance, refinance or resell than a condominium. The interest rates and costs for the loan or "points" may be higher, the required downpayment larger and the length or term of the loan shorter. No seconds or other junior loans may be allowed. The existing financing may not be assumable by Buyer or assumable only with a costly change in terms (e.g., refinancing costs, interest rate differential, etc.) or substantial restrictions. For group loans, the potential issues may further include, without limitation, whether: (i) all new buyers qualify with the existing lender; and (ii) the lender will release the seller from the TIC loan obligation. For fractional interest loans the potential issues may further include, without limitation, whether any such financing will be available at the time of resale or a refinance. Some TIC Agreements also give the other owners a right to approve a new owner or a right of first refusal to buy the TIC interest. While such co-owner rights can be fair and reasonable, that is not always the case.

**12. ADVICE FROM QUALIFIED ATTORNEYS.** Real Estate Brokers and Agents are not qualified to provide any legal advice, including, without limitation, as regards the rights and obligations of a buyer or seller under a TIC agreement or the legal effect of any grant deeds, deeds of trust or other documents relating to a TIC. Only an attorney can advise on such matters. **Therefore, before signing any agreements or legal instruments, Buyers and Sellers are urged to consult with a qualified real estate attorney who is knowledgeable regarding residential tenancy-in-common agreements and transactions, the California Subdivided Lands Act and Subdivision Map Act, the Ellis Act, residential landlord-tenant law (State and San Francisco) and residential condominium conversion (San Francisco).**

**THE UNDERSIGNED ACKNOWLEDGE THAT THEY HAVE READ AND UNDERSTAND THE ABOVE.**

Date \_\_\_\_\_

Date 12/10/13 \_\_\_\_\_

Buyer \_\_\_\_\_

Seller  \_\_\_\_\_  
Richard Whittow

Buyer \_\_\_\_\_

Seller \_\_\_\_\_

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Reject Condo Conversion on Francisco Street- Uphold the General Plan  
**Date:** Monday, March 1, 2021 9:31:16 AM

---

**From:** T Flandrich <tflandrich@yahoo.com>

**Sent:** Sunday, February 28, 2021 8:42 PM

**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>

**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

**Subject:** Reject Condo Conversion on Francisco Street- Uphold the General Plan

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

February 26, 2021

**Item #26 March 2<sup>nd</sup> 201379 [Hearing - Appeal of Tentative Map Disapproval - 424, 426, 428, 430, 432, and 434 Francisco Street]**

Dear President Walton and Supervisors,

I am writing you today to ask for support in upholding the disapproval of condo-conversion at 424-434 Francisco Street. This is a 6 unit rent- controlled building. While the current TIC owners may not have had involvement with the original, well known North Beach evictor WB Coyle (and myriad LLCs he operated under), the TIC disclosure "Declaration" at the time of TIC sale, would have revealed not only the building's history, but also the risks involved in converting the units into higher value condos.

Planning Commissioners Chan, Moore, and Imperial, cited the General Plan Objectives & Policies in disapproving this project. Also, looking closely at North Beach housing needs, they found this conversion inconsistent with the community objectives of the General Plan.

But it IS important to understand the building history. When the condo conversion was presented in July 2020 at the Planning Commission, the application for condo-conversion raised many questions. The building has a very notorious history, including evictions of 15 tenants (low-income elderly & disabled). And the hearing was therefore re-scheduled to September for further research on many issues.

A fuller staff report was presented at the October 1 Planning Commission hearing where the application was disapproved. The disapproval was based not on the 15-year-old evictions, but on the Housing Elements of the General Plan, which require The City to preserve diversity and affordable housing.

We the opponents of this condo conversion feel that the General Plan must be followed. If these policies are ignored, it will render the entire General Plan Housing Elements meaningless. We therefore urge you to uphold the General Plan, support the Planning Commission decision and deny this appeal.

Theresa Flandrich

Leader, Opposition to the Francisco Street Appeal

**Excerpts from the Planning Commission decision as reported in the Planning Dept memorandum October 28, 2020:**

"The tenancy in common "TIC" dwelling unit is a more affordable housing type than a condominium...typically valued 10-20% lower than the equivalent condominium unit... provides somewhat increased housing accessibility to middle-income residents. Removal of these TIC units reduces the diversity of housing types, and therefore is not consistent with this (General Plan) policy.

In particular, the North Beach area needs diverse housing and affordable home ownership for first time buyers."

The condominium conversions exacerbate "the inaccessibility of home- ownership in the North Beach neighborhood, a neighborhood with many urban amenities but where an affordable housing balance is currently challenged. "

The memorandum also reports North Beach as "a neighborhood ...where cultural and economic diversity is currently challenged."

"The Commissioners who voted against approval of the condo conversion found that approval of the Condominium Subdivision Conversion thus would not promote the health, safety and welfare of the City."