

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

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

Appeal No. **23-024**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on May 30, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on May 12, 2023 to Ling La, of an Alteration Permit (demolition of non-code ADU spaces in garage, two rooms, one bathroom and kitchen; separate plumbing and electrical permits required for this work) at 807 44th Avenue.

**APPLICATION NO. 2022/01/12/5846**

**FOR HEARING ON July 26, 2023**

Address of Appellant(s):

Address of Other Parties:

Shuxian Tan, Appellant(s) c/o Pamela C Kong, Attorney for Appellant(s) Law Offices of Pamela Kong 4104 24th Street, #919 San Francisco, CA 94941-3823	Ling La, Permit Holder(s) 807 44th Avenue San Francisco, CA 94121
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Date Filed: May 30, 2023

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

**PRELIMINARY STATEMENT FOR APPEAL NO. 23-024**

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I / We, **Shuxian Tan**, hereby appeal the following departmental action: **ISSUANCE** of **Alteration Permit No. 2022/01/12/5846** by the **Department of Building Inspection** which was issued or became effective on: **May 12, 2023**, to: **Ling La**, for the property located at: **807 44th Avenue**.

**BRIEFING SCHEDULE:**

Appellant's Brief is due on or before: 4:30 p.m. on **June 22, 2023**, (**no later than three Thursdays prior to the hearing date**). The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), [tina.tam@sfgov.org](mailto:tina.tam@sfgov.org) [lingla@hotmail.com](mailto:lingla@hotmail.com) or [Ling.La@sfmta.com](mailto:Ling.La@sfmta.com)

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **July 6, 2023**, (**no later than one Thursday prior to hearing date**). The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org), [tina.tam@sfgov.org](mailto:tina.tam@sfgov.org) and [rachel.hung@chinatowncdc.org](mailto:rachel.hung@chinatowncdc.org)

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

Hearing Date: **Wednesday, July 12, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

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

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

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

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**The reasons for this appeal are as follows:**

See attachment to the preliminary Statement of Appeal.

**Appellant or Agent:**

Signature: Via Email

Print Name: Rachel Hung, agent for appellant

May 30, 2023

President Rick Swig  
San Francisco Board of Appeals  
49 South Van Ness, Suite 1475  
San Francisco, CA 94103

RE: DBI Permit 202201125846 – 807 44<sup>th</sup> Avenue

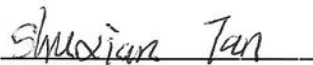
President Swig and Commissioners:

I write to appeal this demolition permit and urge that the permit be withdrawn and denied.

I am an 70 year old tenant renting the lower unit at 807 44<sup>th</sup> Avenue. This permit would demolish the housing that I have rented and lived in since 2007.

The owners have failed to satisfy the requirements for obtaining such a permit. The Planning Code requires Conditional Use Authorization or a determination of the Zoning Administrator before a permit is approved for demolition of a housing unit regardless of whether the unit was authorized or not. There has been no such approval or determination. Therefore this permit application should have been denied.

Sincerely,



SHUXIAN TAN  
807 44<sup>th</sup> Avenue  
San Francisco, CA 94121

**Permit Details Report**

**Report Date:** 5/24/2023 4:23:55 PM

Application Number: 202201125846  
 Form Number: 3  
 Address(es): 1687 / 001B / o 807 44TH AV  
 Description: DEMOLITION OF NON-CODE ADU SPACES IN GARAGE, 2 ROOMS, 1 BATHROOM AND KITCHEN. SEPARATE PLUMBING & ELECTRICAL PERMITS REQUIRED FOR THIS WORK.  
 Cost: \$7,500.00  
 Occupancy Code: R-3  
 Building Use: 27 - 1 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
1/12/2022	TRIAGE	
1/12/2022	FILING	
1/12/2022	FILED	
4/27/2023	APPROVED	
5/12/2023	ISSUED	

**Contact Details:**

**Contractor Details:**

License Number: OWNER  
 Name: OWNER  
 Company Name: OWNER  
 Address: OWNER \* OWNER CA 00000-0000  
 Phone:

**Addenda Details:**

**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	1/12/22	1/12/22			1/24/23	SAPHONIA COLLINS	1/24/22: OWNER SUBMITTED NEW PLAN SET. SUBMITTAL IS COMPLETE SENT TO PPC. 1/20/22: APPLICANT WILL SCHEDULE DAY TO SUBMITT NEW PLAN SET. SC 1/14/22: SENT INVOICE. NEED TO ARRANGE MEETING ONCE PAYMENT IS RECEIVED.SC 1/13/22: APPLICANT COMPLETED SFPUC FORMS. WILL CONTACT ME ONCE THEY HAVE THE DRAWINGS. SC 1/12/22: SENT THE APPLICANT SFPUC FORMS. NEED SITE PLANS AND FLOOR PLANS. SC
2	HIS	5/11/23	5/11/23			5/11/23	LAWRIE JAMES	
3	CP-ZOC	1/24/22	8/8/22	2/10/22	8/8/22	8/8/22	RACHNA RACHNA	8/8/22: APPROVED as per plans and application to remove unauthorized livable space from the ground floor including kitchen and bathroom; Revert bedroom to storage. rachna.rachna@sfgov.org (PRJ not required) 1.19.22: Please submit a copy of the Digital Project Application (PRJ) and 11x17 size set plans for Current Planning intake directly to victoria.lewis@sfgov.org. Project Application can be found here:
4	BLDG	8/9/22	2/28/23			2/28/23	WALLS MARK	
5	MECH	3/1/23	3/27/23			3/27/23	TAN (PETER) JIA JIAN	3/27/2023: Approved and sent the plans to PPC.
6	SFPUC	3/27/23	4/26/23			4/26/23	GARCIA JOBEL	Capacity Charge not applicable. No change in meter size, not enough fixtures added to warrant a larger meter. Route to PPC - 04/26/23.
7	PPC	4/26/23	4/26/23			4/26/23	WAI CHUNG WONG	4/26/23: To CPB; kw 3/27/23: To SFPUC; kw 03/01/23: TO MECH. -CC 2/28/23: Routed plans to Mark Wall per his request. TW 8/9/22: To BLDG; ST 1/24/22: To Planning (CP-ZOC); ST
								05/12/2023: Issued; cm 05/05/2023: Per



8	CPB	4/26/23	4/27/23		5/12/23	MOK CALVIN	Mark Walls extension request denied. Expires on August 04, 2023. 05/03/2023: Customer is requesting extension. 1st extension fee \$207.88. When pay fee, new cancel date: 07/29/2024. 04/27/2023: Approved, pending docs prior to sending invoice for payment; cm
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This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

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

Station Code Descriptions and Phone Numbers
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[Online Permit and Complaint Tracking](#) home page.

**Technical Support for Online Services**

If you need help or have a question about this service, please visit our FAQ area.



APPROVED Building Insp. Francisco -

12 2023

Patrick O'Riordan, Inspector, Dept. of Building Inspection

Capacity Charges

Handwritten capacity charges and dates



APPROVED FOR ISSUANCE

BLDG FORM 3/8

APPLICATION NUMBER 2022-0112-58416

OSHA APPROVAL REQ'D APPROVAL NUMBER

2022-0112-58416

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

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

DO NOT WRITE ABOVE THIS LINE

Header information including Date Filed (1/11/2022), Filing Fee Receipt No., Street Address (807 44th Ave), Block & Lot (1687 001B), Permit No., Issued Date (05/12/2023), Estimated Cost (\$2,000.00), Revised Cost (\$7,500.00), and Date (2-28-23).

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

Legal Description of Existing Building and Description of Building After Proposed Alteration. Includes details on type of construction, present use (Residence), proposed use (Residence on upper floor, home office and storage at basement), and occupancy class (R-3).

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT). Demolition of non-code ADU spaces in basement, 2 rooms, 1 bathroom, and fixtures. Separate Plumbing & Electrical Permits required for this work.

ADDITIONAL INFORMATION

Additional information questions regarding height, deck extension, and other building details. Includes questions (17) through (24) with checkboxes for 'Yes' or 'No'.

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

IMPORTANT NOTICES

No change shall be made to the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code. No portion of building or structure or scaffolding used during construction to be closer than 6'0" to any fire containing more than 750 volts. Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site. Grade lines as shown on drawings accompanying this application are assumed to be correct. Any stipulation required herein or by code may be appealed. BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED. APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24). THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED. In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment. CHECK APPROPRIATE BOX: OWNER, LESSEE, CONTRACTOR, ARCHITECT, AGENT, ENGINEER.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions. In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below. I hereby affirm under penalty of perjury one of the following declarations: ( ) I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. (X) II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are: Carrier Hippo, Policy Number HCA-1648674-02. ( ) III. The cost of the work to be done is \$160 or less. ( ) IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked. ( ) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

APPLICANT'S CERTIFICATION

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

Signature of Applicant or Agent: Ling La, Date: 1/11/2022. OFFICE COPY





CONDITIONS AND STIPULATIONS

807 44th Ave

<input type="checkbox"/>	APPROVED: Mark Walls, DBI FEB 28 2023 PLAN REVIEW SERVICES, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____
<input checked="" type="checkbox"/>	APPROVED: AS PER PLANS AND APPLICATION TO REMOVE UNAUTHORIZED LIVING SPACE FROM GROUND FLOOR INCLUDING REMOVAL OF KITCHEN & BATHROOM RE YEST BEDROOM TO STORAGE. DEPARTMENT OF CITY PLANNING	NOTIFIED MR. _____ DATE: 8/8/22 REASON: _____
<input type="checkbox"/>	APPROVED: _____ SAN FRANCISCO FIRE DEPARTMENT	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ Peter Tan, DBI MAR 27 2023 MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ DEPT. OF PUBLIC WORKS	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ SFPUC PUBLIC UTILITIES COMMISSION	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: DEPT. OF PUBLIC HEALTH / OCII (CROSS ONE OUT)	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: Jim Lawrie, HIS MAY 11 2023 FOR WORK STATED ONLY HOUSING INSPECTION DIVISION, DEPT. OF BLDG. INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

OWNER'S AUTHORIZED AGENT

# BRIEF SUBMITTED BY THE APPELLANT(S)

1 Glenn Katon SBN 281841  
2 ASIAN AMERICANS ADVANCING JUSTICE  
3 - ASIAN LAW CAUCUS  
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5 San Francisco, CA 94111  
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9 Pamela Kong SBN 220912  
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15 Attorney for Appellant  
16 SHUXIAN TAN

17 **SAN FRANCISCO BOARD OF APPEALS**

18 SHUXIAN TAN,

19 Appellant,

20 v.

21 CITY AND COUNTY OF SAN FRANCISCO,  
22 SAN FRANCISCO DEPARTMENT OF  
23 BUILDING INSPECTION,  
24 Respondent,

25 LING LA,

Permit Holder.

Appeal No.: 23-024

**APPELLANT'S BRIEF OPPOSING THE PERMIT**

Subject Property: 807 44<sup>th</sup> Avenue  
Alteration Permit No.: 2022/01/12/5846

Hearing Date: July 26, 2023  
Time: 5:00 p.m.

Place: One Dr. Carlton B. Goodlett Place  
Room: 416

INTRODUCTION

Shuxian Tan ("Tenant" or "Tan") appeals of the decision of the Planning Department to approve issuance of a permit to demolish the housing that she rented and has resided in for almost 16 years. (Department of Building Inspection's ("DBI") Alteration Permit No. 2022/01/12/5846 ("Permit")). Ms. Tan requests the Board of Appeal to revoke this permit because it was based upon the Planning

**APPELLANT'S BRIEF OPPOSING THE PERMIT**

Appeal No.: 23-024

1 Department’s erroneous conclusions of law and fact which were in turn based upon false and misleading  
2 information provided by the permit holder. Ms. Tan’s housing unit, complete with a separate bedroom,  
3 kitchen, and bath, first came to the attention of the Planning Department after DBI cited the owners for  
4 the unlawful unit in December 2021. Exhibit 1 (12/17/21 Notice of Violation).

5 Under existing city policy, when DBI issues a Notice of Violation for an Unlawful Dwelling  
6 Unit (“UDU”), the property owner must file a permit to legalize the unit unless either the owner applies  
7 for and receives Conditional Use Authorization (“CUA”) or the Zoning Administrator makes a written  
8 finding that the unit is not able to be legalized. See San Francisco Building Code §102A.3.1 and  
9 Planning Code § 317(c)(1).

10 Any application for a permit that would result in the Removal of one or more Residential  
11 Units or Unauthorized Units is required to obtain Conditional Use authorization. For  
12 Unauthorized Units, this Conditional Use authorization will not be required for Removal  
if the Zoning Administrator has determined in writing that the unit cannot be legalized  
under any applicable provision of this Code.

13 Planning Code §317.

14 The City enacted Section 317 in order to protect its affordable housing stock, including UDUs:  
15 San Francisco faces a continuing shortage of affordable housing...The General Plan  
16 recognizes that existing housing is the greatest stock of rental and financially accessible  
residential units, and is a resource in need of protection.

17 Planning Code §317(a).

18 Planning Code section 317(b)(13) defines an “unauthorized dwelling unit” as:

19 ...one or more rooms within a building that has been used without the benefit of a  
20 building permit as a separate and distinct living or sleeping space independent from  
21 residential units on the same property. “Independent” shall mean that (i) the space has  
independent access that does not require entering a residential unit on the property and  
(2) there is no open, visual connection to a residential unit on the property.

22 As will be further discussed below, Tenant’s home meets all the elements of a UDU. But as the facts  
23 presented in this filing and the discussion below, Permit Holder successfully circumvented the  
24 requirements of section 317(c)(1) and obtained the Permit by falsely denying Tan’s tenancy and  
25 obscuring other material facts. The Board of Appeal should revoke the Permit because the Permit

1 violates Planning Code section 317(c)(1) and require the owner to seek an application based upon the  
2 complete and actual facts. If the permit is not set aside, a senior and long-time tenant will lose her home  
3 and a needed housing unit will be lost without review by the Planning Commission in violation of City  
4 policy.

#### 5 PROCEDURAL HISTORY

6 On December 17, 2021, DBI issued a Notice of Violation (“NOV”) to Permit Holder for an  
7 unlawful dwelling unit. Exhibit 1.

8 On January 11, 2022, Permit Holder submitted a “Project Application” to demolish the unlawful  
9 dwelling unit. Permit Holder falsely claimed under penalty of perjury the units to be demolished were  
10 “ownership units” when in fact they are rental units, one occupied by appellant and the other formerly  
11 occupied by Tenant’s relatives. Exhibit 3, p.3. Significantly, Permit Holder cannot claim ignorance of  
12 the tenancy because she knew that Tenant paid rent and lived downstairs for almost 16 years. Tenant  
13 also sent Permit Holder a letter about her tenancy in October 2021, before Permit Holder filed the  
14 Project Application. (Tan Decl., Exhibit 12)

15 On January 25, 2022, Permit Holder submitted the “Conditional Use Authorization Informational  
16 Use and Supplemental Form” to the City and attested under penalty of perjury that “This is an owner-  
17 occupied property and it’s not being used as a rental property so it will not affect the General Plan.”  
18 Exhibit 5, p.3

19 On January 26, 2022 Permit Holder submitted the “Dwelling Unit Removal: Merger, Conversion  
20 or Demolition Informational and Supplemental Application Packet” and asserted under penalty of  
21 perjury that there were “0” rental units in the unit to be demolished. Exhibit 6, p.3). She further claimed  
22 that “no” rental units were being converted to “other forms of tenure or occupancy” (Exhibit 6, p.6)

23 On January 29, 2022 Permit Holder submitted “Unauthorized Unit Screening Request Form and  
24 Affidavit” (Determination issued 8/8/22) to the City and attested under penalty of perjury that the unit to  
25 be demolished is “not an Unauthorized Dwelling Unit” Exhibit 7, p.3.

1 On May 12, 2023 DBI issued the Permit based on Rachna’s representation that the Subject  
2 Property was not a UDU. Exhibit 2.

3 On May 30, 2023, Tenant filed her appeal of the Permit.

4 FACTS

5 Shuxian Tan has rented and resided at the subject property for almost sixteen years.

6 Shuxian Tan is a seventy-year-old tenant formerly employed as a caregiver by the family of Ling  
7 La (“Permit Holder”). She immigrated to the United States from Canton, China and her primary  
8 language is Cantonese. (Declaration of Shuxian Tan (“Tan Decl.”), pars.1 and 3).

9 In or around August 2007, Tenant entered into an oral rental agreement with permit Holder’s  
10 father Cau La to rent a room in the lower floor of 807 44<sup>th</sup> Avenue for \$400 a month. (Tan Decl., Par.4)  
11 Cau La lived upstairs with his wife. (Tan Decl., Par.4). Permit Holder failed to disclose to the Planning  
12 Department and denied the existence of Ms. Tan’s tenancy.

13 Tenant and her family lived downstairs and had exclusive use of the downstairs facilities.

14 Tenant moved into her unit in August 2007. In or around 2009 Tenant’s sister Zhaoying Tan and  
15 brother in-law Yaun Cheung He moved into the vacant room next to Tenant’s pursuant to a separate  
16 rental agreement. (Tan Decl., Par.7) Tenant and her family did not share the downstairs kitchen, the  
17 bathroom, or bedrooms with the owners or any other tenants. (Tan Decl., Par.8)

18 Tenant’s downstairs unit is independent of the upstairs unit and there is a door separating the lower unit  
19 from the upstairs unit.

20 Tenant’s entrance to her home on the lower floor is through the side door next to the garage.  
21 Tenant does not go through the upstairs to enter her unit. (Tan Decl., Par.12) Although there is a  
22 stairway from the garage that leads to the upstairs, a door separates the two floors. Tenant never entered  
23 the unit without the owners’ permission. (Tan Decl., Par.13)

24 Since August 2007, Tenant paid rent to Cau La to live in the subject property.

25 Tenant paid rent to Cau La from August 2007 until January 2022. She paid her rent up to a year  
in advance until 2013. Cau La provided rent receipts to Tenant for these lump sums. (Tan Decl.,



1 Par.16). After 2013, Tenant paid rent in cash on a monthly basis to Cau La. (Tan Decl., Par.17) From  
2 2013 to approximately 2021, Tenant occasionally asked Cau La for a rent reduction. Cau La refused,  
3 saying, “if you don’t want to pay, you can move.” (Tan Decl., Par.20)

4 Tenant continued to pay rent for twenty months after her employment terminated.

5 In or around April 2020, in the beginning of the Pandemic, Cau La terminated Tenant’s  
6 employment. (Tan Decl., Par.22) After her termination, Tenant continued paying her rent of \$400 in  
7 cash each month to Cau La from May 2020 through December 2021.

8 In November 2021, Tenant photographed Cau La collecting her rent because she learned that  
9 Permit Holder filed an unlawful detainer action against Tenant’s sister and brother-in-law, claiming that  
10 they were not tenants and that they did not pay rent. (Tan Decl., Par. 23).

11 Shortly thereafter, the Department of Building Inspection issued the Notice of Violation to  
12 Permit Holder in December 2021 finding that the lower unit was an unpermitted dwelling unit. Exhibit  
13 1. In January 2022 Cau La refused to accept Tenant’s rental payment. Cau La told Tenant that Permit  
14 Holder said that he could no longer accept rent from Tenant because Tenant’s unit was an illegal  
15 dwelling. (Tan Decl., Par.26)

16 Permit Holder failed to provide Tenant with notice of the application for the demolition or of the permit  
17 itself.

18 Permit Holder submitted her application for a demolition permit in January 2022. She did not  
19 inform Tenant of the application at any time. In fact, Tenant learned that the owners planned to demolish  
20 her home only in late April 2023, more than one year after Permit Holder filed the application. (Tan  
21 Decl., Pars. 27 - 29) To date no notice of the demolition has been posted anywhere on the Property. (Tan  
22 Decl., Pars. 27 and 31)

23 After learning that she would be displaced by the demolition, Tenant asked Permit Holder for the  
24 notice about the demolition so that she could seek help. Permit Holder responded, “Tell them to look it  
25 up.” (Tan Decl., Par.30)

1 The Planning Department Did Not Investigate Permit Holder’s Claim That There Were No Tenants on  
2 the Property.

3 Conspicuously absent from the Planning Department’s records is any communication with  
4 Tenant or her family. This appears to be due to Permit Holder’s representation that there had never been  
5 renters and that the unit was not occupied.

6 I mentioned in my previous email that I don’t have and never have a rental/lease  
7 agreement with anyone. We let the caregivers live there for free in addition to pay them  
8 for the in-house services. The caregivers are no longer living in the room since 12/20/21.

9 Exhibit 8, p.1, January 24- 25, 2022 Emails between Ling La to Rachna Rachna

10 Indeed, Senior Planner Rachna believed that Tenant had been evicted:

11 Thanks so much for looking into this, Natalia! I really appreciate your help!  
12 Shuxian Tan is the name of the caregiver and was registered to vote at this address in 2018.  
13 Here are two court documents related to the care giver’s eviction. No separate utility bills.

14 Exhibit 9, July 8, 2022 Email from Rachna to Natalia Kwiatkowska

15 Notably, by time of this email, the Planning Department had obtained records from the  
16 Rent Board regarding the eviction history of 807 44<sup>th</sup> Avenue. San Francisco requires landlords  
17 to file a copy of eviction notices with the Rent Board. The Rent Board documented that Permit  
18 Holder had filed an eviction action on October 5, 2021 against Tenant’s sister and brother-in-  
19 law, who were identified as “Tenants”. Permit Holder is identified as “Landlord” and the cause  
20 for eviction is “Breach of Lease Agreement”. Exhibit 10, January 11, 2022 Rent Board Response  
21 to Planning Department, p.2.

22 Although Tenant’s name is not on the eviction record (she was not named in the Unlawful  
23 Detainer action), Rachna concluded that Tenant no longer resided on the premises. A review of the  
24 email history between Rachna and Permit Holder explains Rachna’s erroneous conclusion. When  
25 Rachna asked Permit Holder to identify “Shuxian Tan (Tenant)” Permit Holder responded, “Tan,  
Shuxian – She occupied the lower level space, she was the IHSS caregiver till 2020...**None of these  
people is owner or renter. (emphasis added).** Exhibit 11, June 16, 2022 Email from Ling La to  
Rachna.

1 Permit Holder misled Rachna that Tenant no longer resided at the unit. To wit, Rachna was  
2 unaware of Tenant’s tenancy. Apparently in response to Rachna’s inquiry about Tenant after the filing  
3 of this appeal, Permit Holder stated, “Please review the email below that I did tell you who Tan, Shuxian  
4 is.” Exhibit 12, June 6, 2023 Email Ling La to Rachna. The email to which she refers is Exhibit 11  
5 wherein she tells Rachna that Tan “occupied” the unit (past tense) and was not a renter.

6 The Planning Department’s record is clear that its decision to approve the Permit was based on  
7 information gleaned solely from Rachna’s communications with Permit Holder. Indeed, no one  
8 contacted Tenant about her tenancy. (Tan Decl., Par.27) Consequently, by providing false information  
9 Permit Holder successfully circumvented Planning Code section 317(c)(1)’s requirement of a  
10 Conditional Use Authorization prior to removal of any unauthorized unit. Thus, the City never had the  
11 opportunity to evaluate whether the demolition would preserve and enhance the City’s supply of  
12 affordable housing, one of the articulated priorities in the City’s General Plan. See Planning Code §  
13 101.1.

14 ARGUMENT

15 **A. De Novo Review**

16 The Board of Appeals reviews the decisions of the Department of Building Inspection and the  
17 Planning Department *de novo*.

18 **B. The Board Should Revoke the Permit Because the Subject Property is a UDU**  
19 **Pursuant to Planning Code section 317(b)(13) and Permit Holder failed to obtain CUA**  
20 **or the Zoning Administrator’s determination that the unit cannot be legalized.**

21 As explained above, Planning Code section 317(c)(1) prohibits the removal of unauthorized  
22 dwelling units (“UDU”) without first obtaining conditional use authorization or a determination by the  
23 Zoning Administrator that the unit cannot be legalized. Here, DBI should have followed 317(c)(1)  
24 because Tenant’s home is a UDU.

25 1. Tenant’s Home is an UDU.

Planning code section 317 (b)(13) defines an unauthorized unit as:

1 ...one or more rooms within a building that has been used without the benefit of a  
2 building permit as a separate and distinct living or sleeping space independent from  
3 residential units on the same property. “Independent” shall mean that (i) the space has  
independent access that does not require entering a residential unit on the property and  
(2) there is no open, visual connection to a residential unit on the property.

4 Tenants’ home meets the elements of a UDU as follows:

5 a. Tenant’s home was an unpermitted unit.

6 DBI issued the December 17, 2021 NOV to Permit Holder for an unlawful unit. Permit Holder  
7 admits throughout her permit applications that her intent is to “demolish non-complying/unpermitted  
8 spaces in garage: 2 rooms, 1 bathroom and fixtures.” (Exhibit 3, p.3)

9 b. The lower level where Tenant lives is a separate and distinct living and  
10 sleeping space.

11 Tenant and at one point, her family, lived and slept in the lower level of the building. The DBI  
12 identified their unit is an in-law unit. Exhibit 1. Permit Holder admits that “there were two rooms in the  
13 basement where all of our family members used to live” [sic] I used to live in the room downstairs...”  
14 Exhibit 4. The downstairs where Tenant resides isn’t used for any purpose other than a dwelling. Tenant  
15 and her family did not share the downstairs facilities with the owners or tenants in the upstairs. They had  
16 exclusive use of the kitchen and bathroom and their rooms.

17 Most significantly, the unit is a *bona fide* rental unit. Tenant resides at the Property pursuant to  
18 an oral rental agreement that commenced almost 16 years ago. There are rent receipts that evidence a  
19 landlord-tenant relationship and show that her rent was \$400 per month. Tenant sought and the landlord  
20 denied her a rent reduction on more than one occasion. Significantly, Tenant paid rent for 20 months  
21 after her employment terminated. There are photos of Cau La collecting her rent of \$400 in November  
22 2021, 19 months after her employment ended. (Tan Decl., par. 23) This fact alone puts to rest any  
23 uncertainty that the Subject Property is a separate and distinct living and sleeping space. Tenant’s home  
24 simply was not tied to her employment.  
25

1 c. Tenant's home is "independent" because she accesses her home  
2 independent of the upstairs unit and there is no open, visual connection  
3 between the upstairs and downstairs.

4 Tenant enters her unit through the side door next to the garage door. She does not need to go  
5 through the upper unit to reach her home. There is an internal stairway that leads from the upstairs unit  
6 through the garage and into the backyard, both common areas. However, there is a door with a latch at  
7 the top of the stairs that prevents Tenant from directly seeing into and entering into the upstairs.  
8 Moreover, Tenant was not free to enter the upstairs as she pleased. She only ever went upstairs with the  
9 La family's permission.

10 2. The Planning Department erroneously determined that the Subject Property is not  
11 a UDU.

12 On August 8, 2022, Rachna completed the Planning Department's evaluation of whether the  
13 Subject Property is a UDU. She determined that it was not. Exhibit 7, p.4 sets forth the Planning  
14 Department's step-by-step inquiry into whether or not Tenant's home is a UDU. First, the Planning  
15 Department correctly determined that Tenant's home meets the criteria for Physical Independence as  
16 described in Planning Code section 317(b)(13). Exhibit 7, p.4 ("Yes" Response to Question 1, "Does the  
17 space meet the criteria for Physical Independence as described in Planning Code section 317(b)(13)).

18 However, the Planning Department incorrectly determined that the Subject Property had not  
19 been used as a separate and distinct living space. Exhibit 7, p.4 ("No" Response to Question 2, "Has the  
20 space been used as a separate and distinct living space?")

21 Question 2 has five subparts, at least three of which the Planning Department answered  
22 incorrectly based on Permit Holder's misinformation and the Planning Department's failure to inspect  
23 the living space, which would have clearly established Tan's tenancy. Had the Planning correctly  
24 answered them, the Planning Department should have concluded that Tenant's home is a UDU.

25 First, in response to the question of whether the rent board provided records for the Subject  
Property, the Planning Department said, "No." Exhibit 7, p.4. But the Rent Board provided an eviction

1 record on January 11, 2022. Exhibit 10. The Record identified a landlord/tenant relationship between  
2 Permit Holder and Tenant’s sister and brother-in-law.

3           Second, the follow-up question asks whether the Rent Board Record provides evidence of a  
4 UDU. The Planning Department mistakenly indicated, “No.” The correct answer is yes, because a  
5 tenancy indicates a separate and distinct use of a living space.

6           Thirdly, the final inquiry asks whether there is any other documentation that indicates the space  
7 has been occupied. The Planning Department mistakenly responded “No.” The correct answer is “Yes.”  
8 There are other documents that show that the space has been occupied. Permit Holder’s own emails to  
9 Rachna confirmed that the space had been occupied. Exhibit 4 (Permit Holder’s family members  
10 occupied the downstairs, Exhibit 11 (Tenant occupied the downstairs.). Photos submitted with plans for  
11 the demolition include a bathroom showing signs of occupancy, e.g., shampoo bottle and towel, kitchen  
12 area with food items such as rice cooker, saran wrap, peanut butter, etc. (Tan Decl., Par. 11, Exhibit 4).

13           Exhibit 4 is important for two reasons. First, the photos are incomplete. Rachna specifically  
14 asked Permit Holder to provide plans and photos of the downstairs. Exhibit 4, p.3. The floor plan on  
15 page three clearly shows two bedrooms, yet there are no photos of these bedrooms to be converted to an  
16 office and storage room. Second, the photos show signs of occupancy. Permit Holder indicated that her  
17 father lived upstairs (Exhibit 11), so the signs of occupancy downstairs should have at least triggered  
18 further inquiry.

19           Yet, the only narrative before the Planning Department was Permit Holder’s. In response to the  
20 question “Does the Unauthorized Unit Affidavit indicate that the project would remove a UDU?” The  
21 Planning Department responded, “No,” because Permit Holder affirmed under penalty of perjury that  
22 there isn’t a UDU on the subject property. The Planning Department would have found the Subject  
23 Property to be a UDU had it not relied solely on Permit Holder’s deliberate misrepresentations.

24           Permit Holder willfully withheld the truth of Tan’s Tenancy. She knew that Tenant paid rent to  
25 Cau La. She told Cau La that he could no longer accept rent from Tenant in January 2022. This

1 instruction coincides with the timing of Permit Holder’s application for a demolition permit. Permit  
2 Holder had numerous opportunities to declare Tan’s tenancy during the permitting process. Instead, she  
3 repeatedly represented to the Planning Department that Tenant and her family members were caregiver  
4 licensees and did not pay rent. Permit Holder’s deliberate misstatements achieved the desired result – the  
5 granting of the Permit now at issue.

6 The Board must revoke the Permit because it was issued in violation of the Section 317’s  
7 demolition controls.

8 **CONCLUSION**

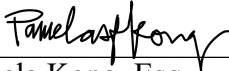
9 Tenant is precisely the type of San Francisco resident who needs the protection of Section 317.  
10 She is immigrant and elderly and has virtually no income. Her daughter doesn’t live in the country. She  
11 relies solely upon herself. Permit Holder’s deliberate misstatements about the tenancy deprived Tenant  
12 of the opportunity to be heard at a Conditional Use Authorization Hearing. The Planning Department  
13 never reached the issue of whether her unit could be legalized. Furthermore, the erroneous determination  
14 that the unit was not a UDU has dire consequences - It deprives Tenant of all rights under the Just Cause  
15 Eviction Ordinance, including but not limited to relocation fees.

16 The La family exploited Shuxian Tan and grossly underpaid her when they employed her. Now  
17 they seek to strip her of all her rights as a tenant by misstating the facts of her tenancy and  
18 circumventing the requirements of section 317. Tenant is entitled to all the protections of section 317.  
19 She should not be forced out of her home without the City having considered whether the demolition  
20 conflicts with the General Plan. Tenant pays \$400 per month for her rent. In August she will have been  
21 in her home for 16 years. This affordable unit will be permanently lost if it is removed. This affordable  
22 UDU is exactly the existing housing stock that the City wants to protect. Permit Holder must not be  
23 allowed to remove it before she has obtained CUA or the Zoning Administrator’s determination that it  
24 cannot be legalized. Accordingly, the Board of Appeal should revoke the Department of Building  
25 Inspection’s Alteration Permit No. 2022/01/12/5846.

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Dated: July 6, 2023

LAW OFFICE OF PAMELA KONG

By:   
Pamela Kong, Esq.  
Attorney for Appellant SHUXIAN TAN



# Exhibit 1



NOTICE OF VIOLATION

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

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
49 South Van Ness Ave, Suite 400 San Francisco, CA

Notice: 1 COMPLAINT NUMBER: 202183025
DATE: 12/17/2021

ADDRESS : 807 44TH AV

BLOCK : 1687 LOT : 001B

OCCUPANCY/USE : R-3 | ( I ) RESIDENTIAL

- If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

ON SITE CONTACT : NELSON WONG & AMANDA LA LIVING

VIOLATION DESCRIPTION:

Table with 2 columns: Violation Description and Code Reference. Includes entries like WORK WITHOUT PERMIT (103A), ADDITIONAL WORK-PERMIT REQUIRED (106A.4.7), EXPIRED PERMIT (106A.4.4), CANCELLED PERMIT PA#: (106A.3.7), UNSAFE BUILDING (102A), and SEE ATTACHMENTS.

CODE VIOLATION DESC : THE LEGAL USE OF THIS BUILDING IS R-3, SINGLE FAMILY DWELLING ON ONE FLOOR OF OCCUPANCY OVER A GARAGE. Inspection and permit history research revealed that there is unpermitted construction, plumbing and electric work on the first floor, including a kitchen complete with gas-powered stove-top and oven, sink, counter top and cabinets. Also on the first floor is a sleeping room constructed with drywall and equipped with a window that does not meet emergency escape and rescue requirements. A locked door led to another area at the first floor that was not accessible. On the first floor is a sliding glass door separating garage and unpermitted kitchen. THE FOLLOWING CODE VIOLATIONS EXIST AT THIS PROPERTY: \* WORK WITHOUT PERMIT. [SFHC 301; SFBC 106A, 108.4] \* UNAPPROVED WIRING. [SFHC 1001(e)] \* UNAPPROVED PLUMBING. [SFHC 1001(f)] \* LACK OF REQUIRED SMOKE DETECTORS. [SFHC 909] \* LACK OF REQUIRED CARBON MONOXIDE DETECTOR. [SFBC 420.6] \* INADEQUATE EXITS. [SFHC 801; 1001(m,j)] \* IMPROPER ROOM DIMENSIONS AND CEILING HEIGHTS. [SFHC 503] \* NO EVIDENCE THAT THE REQUIRED ONE HOUR FIRE RESISTANT MATERIALS WERE CORRECTLY INSTALLED BETWEEN ADDED DWELLING UNIT. [SFHC 601] \* LACK OF EMERGENCY ESCAPE AND RESCUE OPENINGS AT BEDROOM [SFBC 1030] \* NO APPROVED PERMANENT SOURCE OF HEAT IN LIVING SPACE. [SFHC 701] \* LACK OF REQUIRED LIGHT AND VENTILATION IN A HABITABLE ROOM. [SFHC 504] \* CHANGE OF USE. [CBC 3412, 3408 SFBC]

CORRECTIVE ACTION::

- STOP ALL WORK SFBC 104.2.4
FILE BUILDING PERMIT WITHIN 30 DAYS
(WITH PLANS) A copy of this notice must accompany the permit application
OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION SIGNOFF.
CORRECT VIOLATIONS WITHIN DAYS.
NO PERMIT REQUIRED
YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE COMMENT DESCRIPTION : Because of the above cited alterations without permit, you are required to comply with the following ordinance: NOTICE per Ordinance 33-16: SFBC Section 102A.3.1. Dwelling units constructed or installed without required permit(s). In case of an unauthorized dwelling unit constructed or installed in an existing building without the required permit or permits, in addition to the above requirements the written Notice of Violation shall order the property owner to file an application for a building and other permits required to legalize the unit pursuant to Building Code Section 106A.3.1.3 and Planning Code 207.3. Exceptions: \*Removal of the unit has been approved by the Planning Commission pursuant to Planning Code Section 317; or \*After performing a screening under Section 106A.3.1.3(a) of this Code, the Department has determined that the unauthorized dwelling unit is not able to be legalized under Section 106A.3.1.3 of this Code; or \*The Building Official has determined that a serious and imminent hazard under Section 102A.16 of this Code exists on the subject property. If none of the three exceptions listed



SECTION 102.10 OF THIS CODE EXISTS ON THE SUBJECT PROPERTY. IF NONE OF THE THREE EXCEPTIONS LISTED ABOVE ARE MET, SUBMIT A COPY OF THIS NOTICE AND TWO SETS OF PLANS WITH A BUILDING PERMIT APPLICATION TO LEGALIZE THE CONVERSION OF THE REAR OF THE GARAGE INTO A LEGAL DWELLING UNIT. AFTER THE BUILDING PERMIT IS ISSUED, PLUMBING AND ELECTRICAL PERMITS MUST BE OBTAINED. IF ANY OF THE ABOVE 3 EXCEPTIONS ARE MET, THE OWNER SHALL SUBMIT A COPY OF THIS NOTICE AND TWO SETS OF PLANS WITH A BUILDING PERMIT APPLICATION TO REVERT THE AREAS OF VIOLATION BACK TO THEIR LAST LEGAL USE BY REMOVING THE UNPERMITTED DWELLING UNIT. AFTER THE BUILDING PERMIT IS ISSUED, PLUMBING AND ELECTRICAL PERMITS MUST BE OBTAINED. TO ABATE THIS NOTICE OF VIOLATION, YOU MUST OBTAIN ALL PERMITS AND COMPLETE ALL WORK AS SPECIFIED ABOVE. THEN, WHEN WORK IS COMPLETED AND ALL BUILDING, PLUMBING, AND ELECTRICAL PERMITS ARE SIGNED OFF AND COMPLETED, YOU MUST CONTACT THE DISTRICT HOUSING INSPECTOR FOR A FINAL INSPECTION. AT FINAL INSPECTION, ALL FINALIZED BUILDING, PLUMBING AND ELECTRICAL PERMITS AND PLANS MUST BE PRODUCED.

**INVESTIGATION FEE OR OTHER FEE WILL APPLY**

- Y** 1x Permit Fee (Work w/o Permit after 9/1/60)  2x Permit Fee (Work Exceeding Scope of Permit)
- Other  Reinspection Fee \$  NO penalty (Work w/o permit prior to 9/1/60)
- approx. date of work w/o permit 1/1/2000 12:00:00 AM
- value of work performed without permits 25346

**CONTACT INSPECTOR : Liam D McCarthy HIS / 8 628-652-3385**



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

Pursuant to SFBC 107.5 and 106.4.7 investigation fees are charged for work begun or performed without permits or for Work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 49 South Van Ness Ave., Suite 1475 (14th Floor), (628) 652-1150

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

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

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

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

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

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

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

**ADVERTENCIA:** Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rápidamente y continuamente acusado después de seis(6) meses de la fecha de este aviso, se le enviara una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

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

**提醒:** 《三藩市建築法規》(即 SFBC) 第 107.5 項和第 106.4 項條款的規定，對沒有許可證就已開始的工程或正在進行的工程，或者超過許可證範圍的工程，將收取調查費用。費事人可以在許可證發出日起 15 天之內，向委員會提出上訴。委員會地址在 South Van Ness 街 49 號 14 樓。電話：(628) 652-1150。

**警告:** 如不按照要求立即採取行動，以糾正上述違規行為，則房屋檢查局將強制執行糾正程序的執行。針對此房地產發出的強制糾正程序令一經在市府簽發，則從這通知發出日期的各項與此糾正程序令有關的費用，將向房地產主索取，並將房地產抵押，直到付清各項費用。請參閱《三藩市建築法規》第 102.2 項和第 110 項條款。

**警告:** 《三藩市房屋法規》(即 SFHC) 第 204(N) 項條款規定：對每一處最初犯有立即糾正罰款 100 元，二次重犯罰款 200 元，每處犯率的最高罰款可達 7,500 元。此項法規還規定對每一處重犯罪者可提出刑事控查，每日最高罰款可達 1,000 元，或/和監禁六個月。

**警告:** 任何人通過出租房屋獲得收入，而該房屋已被建築檢查局判定為低於規定標準者，不能就加州州人所得稅、銀行和公司所得稅利息，以及與該建築檢查局有關的折舊或撥款中扣除稅款。如果在此通告公布六個月後，改正工程沒有完成，或者沒有償還，迅速有房地稅項進行，我們將報稅局(國家稅收法規)(即 Revenue & Taxation Code) 第 1264 (c) 項條款，通知加州稅務委員會 (The Franchise Tax Board)。

**警告:** 《三藩市建築法規》第 103 項條款規定：對於任何違反、不服從、疏忽、忽視、或拒絕遵照此法規者，或拒絕糾正、反對或阻礙此法規中的任何條款的個人，將付最高 500 元的民事罰款。此項條規對違犯者，如果被定罪，對每天所發生的、每一單獨的犯法行為，罰款不超過 500 元的罰款，和/或監禁六個月。

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

**Technical Support for Online Services**

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

# Exhibit 2

**From:** Mok, Calvin (DBI)  
**Sent:** Thursday, May 11, 2023 10:45 AM  
**To:** Rachna, Rachna (CPC); Lawrie, James (DBI)  
**Cc:** Victorio, Christopher (DBI); Chan, Amaris (DBI); Secondez, Grace (DBI); Wong, Albert (DBI)  
**Subject:** RE: 807 44th Av (PA#: 202201125846) Permit needs letter for Conditional Use Authorization letter prior to Housing Dept sign-off

Hi Rachina,

Thanks your reply on not triggering Conditional Use Authorization.

Hi James,

Is the application okay to sign off? If yes, please let me know when I can swing by to get approved.

If not, please let us know what is needed.

Thank you.

Best Regards,

**Calvin Mok**  
Department of Building Inspection  
49 South Van Ness Ave  
San Francisco, CA. 94103  
[calvin.mok@sfgov.org](mailto:calvin.mok@sfgov.org)

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**From:** Rachna, Rachna (CPC) <rachna.rachna@sfgov.org>  
**Sent:** Thursday, May 11, 2023 10:33 AM  
**To:** Mok, Calvin (DBI) <calvin.mok@sfgov.org>  
**Cc:** Victorio, Christopher (DBI) <christopher.victorio@sfgov.org>; Lawrie, James (DBI) <james.lawrie@sfgov.org>; Chan, Amaris (DBI) <amaris.chan@sfgov.org>; Secondez, Grace (DBI) <grace.secondez@sfgov.org>; Wong, Albert (DBI) <albert.kh.wong@sfgov.org>  
**Subject:** RE: 807 44th Av (PA#: 202201125846) Permit needs letter for Conditional Use Authorization letter prior to Housing Dept sign-off

Hi Calvin,

Thank you for reaching out. The unauthorized space on the ground floor on this property was not determined as an unauthorized unit and as such, it did not trigger the Conditional Use Authorization requirement. Permit can be issued as approved.

Thanks again!

**Rachna, Senior Planner**  
**Zoning and Compliance Division**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7404 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

---

**From:** Mok, Calvin (DBI) <[calvin.mok@sfgov.org](mailto:calvin.mok@sfgov.org)>  
**Sent:** Thursday, May 11, 2023 9:15 AM  
**To:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Cc:** Victorio, Christopher (DBI) <[christopher.victorio@sfgov.org](mailto:christopher.victorio@sfgov.org)>; Lawrie, James (DBI) <[james.lawrie@sfgov.org](mailto:james.lawrie@sfgov.org)>; Chan, Amaris (DBI) <[amaris.chan@sfgov.org](mailto:amaris.chan@sfgov.org)>; Secondez, Grace (DBI) <[grace.secondez@sfgov.org](mailto:grace.secondez@sfgov.org)>; Wong, Albert (DBI) <[albert.kh.wong@sfgov.org](mailto:albert.kh.wong@sfgov.org)>  
**Subject:** 807 44th Av (PA#: 202201125846) Permit needs letter for Conditional Use Authorization letter prior to Housing Dept sign-off

Hi Rachna,

Hope you're good. This permit is ready to issue however, Housing Dept Inspection team can not signed off on violation until we receive a Conditional use Authorization letter.

Again, the plans and application has been approved and pending letter prior to HIS Dept approval and issuance of permit.

# Exhibit 3



## PROJECT APPLICATION (PRJ)

A Project Application must be submitted for any Building Permit Application that requires an intake for Planning Department review, including for environmental evaluation or neighborhood notification, or for any project that seeks an entitlement from the Planning Department, such as a Conditional Use Authorization or Variance. For more, see the [Project Application Informational Packet](#).

**Cost for Time and Materials:** Any time and materials exceeding initial fees charged for services provided are subject to billing.

For questions, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

### BUILDING PERMIT APPLICATIONS

#### HOW TO SUBMIT:

For projects that do not require an entitlement action by the Planning Department, but require Planning Department review of a Building Permit Application, please present a complete signed Project Application along with the Building Permit Application for intake at <https://sf.gov/apply-building-permit>.

#### WHAT TO SUBMIT:

- One (1) complete and signed application.
- Two (2) hard copy sets of plans that meet the Department of Building Inspection’s submittal standards. Please see the Planning [Department’s Plan Submittal Guidelines](#) for more information.
- A Letter of Authorization from the owner(s) designating an Authorized Agent to communicate with the Planning Department on their behalf.
- Pre-Application Meeting materials, if required. See the [Pre-Application Meeting Informational Packet](#) for more information.

Note: The applicable fee amount for Building Permit Applications will be assessed and collected at intake by the Department of Building Inspection at the Central Permitting Bureau at 1660 Mission St, Ground Floor.

(See [Fee Schedule and/or Calculator](#)).

### ENTITLEMENTS

#### HOW TO SUBMIT:

For projects that require an entitlement from the Planning Department (e.g., Conditional Use, Variance), submit a Project Application with any required supplemental applications online at [sfplanning.org/resource/prj-application](http://sfplanning.org/resource/prj-application), or to submit in person, submit an [Intake Request Form](#) to [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org).

#### WHAT TO SUBMIT:

- One (1) complete and signed PRJ application, or complete online submittal, including the following:
- An electronic copy (online or USB drive) of plans formatted to print at 11” x 17”. Please see the [Department’s Plan Submittal Guidelines](#) for more information about the required contents of plan submittals.
- A Letter of Authorization from the owner(s) designating an Authorized Agent to communicate with the Planning Department on their behalf.
- Pre-Application Meeting materials, if required. See the [Pre-Application Meeting Informational Packet](#) for more information.
- Current or historic photograph(s) of the property.
- All supplemental entitlement applications (e.g., Conditional Use, Variance) and information for environmental review, as indicated in this Project Application or in the Preliminary Project Assessment (PPA) letter.
- Payment via check, money order or debit/credit card for the total fee amount for all required supplemental applications. (See [Fee Schedule and/or Calculator](#)).





**PROJECT APPLICATION (PRJ)**

**GENERAL INFORMATION**

**Property Information**

ProjectAddress: 807 44th Ave, San Francisco, CA 94121

Block/Lot(s): 1687/0001B

**Property Owner's Information**

Name: Ling La

Address: 34 St. Marks Ct. Daly City CA 94015

Email Address: lingla@hotmail.com

Telephone: 650-733-4605

**Applicant Information**

Same as above

Name:

Company/Organization:

Address:

Email Address:

Telephone:

Please Select Billing Contact:  Owner  Applicant  Other (see below for details)

Name: Ling La Email: lingla@hotmail.com Phone: 650-733-4605

Please Select Primary Project Contact:  Owner  Applicant  Billing

**RELATED APPLICATIONS**

**Related Building Permit Applications (any active building permits associated with the project)**

N/A

Building Permit Application No(s):

**Related Preliminary Project Assessments (PPA)**

N/A

PPA Application No:

PPA Letter Date:

## PROJECT INFORMATION

### PROJECT DESCRIPTION:

Please provide a narrative project description that summarizes the project and its purpose. Please list any required approvals (e.g. Variance) or changes to the Planning Code or Zoning Maps if applicable.

Demolish non-complying/unpermitted spaces in garage: 2 rooms, 1 bathroom and fixtures.

### PROJECT DETAILS:

- Change of Use     New Construction     Demolition     Facade Alterations     ROW Improvements  
 Additions     Legislative/Zoning Changes     Lot Line Adjustment-Subdivision     Other:

- Residential:**     Senior Housing     100% Affordable     Student Housing     Dwelling Unit Legalization  
 Inclusionary Housing Required     State Density Bonus     Accessory Dwelling Unit

Indicate whether the project proposes rental or ownership units:     Rental Units     Ownership Units     Don't Know

Indicate whether a Preliminary Housing Development Application (SB-330) is or has been submitted:     Yes     No

- Non-Residential:**     Formula Retail     Medical Cannabis Dispensary     Tobacco Paraphernalia Establishment  
 Financial Service     Massage Establishment     Other: \_\_\_\_\_

**Estimated Construction Cost:** \_\_\_\_\_

# PROJECT AND LAND USE TABLES

All fields relevant to the project **must be completed** in order for this application to be accepted.

	Existing	Proposed
General Land Use	Parking GSF	
	Residential GSF	
	Retail/Commercial GSF	
	Office GSF	
	Industrial-PDR	
	Medical GSF	
	Visitor GSF	
	CIE (Cultural, Institutional, Educational)	
	Useable Open Space GSF	
	Public Open Space GSF	

Project Features	Dwelling Units - Affordable	
	Dwelling Units - Market Rate	
	Dwelling Units - Total	
	Hotel Rooms	
	Number of Building(s)	
	Number of Stories	
	Parking Spaces	
	Loading Spaces	
	Bicycle Spaces	
	Car Share Spaces	
	Roof Area GSF - Total	
	Living Roof GSF	
	Solar Ready Zone GSF	
	Other: _____	


Land Use - Residential	Studio Units	
	One Bedroom Units	
	Two Bedroom Units	
	Three Bedroom (or +) Units	
	Group Housing - Rooms	
	Group Housing - Beds	
	SRO Units	
	Micro Units	
	Accessory Dwelling Units For ADUs, list all ADUs and include unit type (e.g. studio, 1 bedroom, 2 bedroom, etc.) and the square footage area for each unit.	(1) 2 bedroom, 590 SF


## ENVIRONMENTAL EVALUATION SCREENING FORM





This form will determine if further environmental review is required.


If you are submitting a Building Permit Application only, please respond to the below questions to the best of your knowledge. You do not need to submit any additional materials at this time, and an environmental planner will contact you with further instructions.

If you are submitting an application for entitlement, please submit the required supplemental applications, technical studies, or other information indicated below along with this Project Application.

Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
<b>1a. General</b>	Estimated construction duration (months):	N/A	
<b>1b. General</b>	Does the project involve replacement or repair of a building foundation? If yes, please provide the foundation design type (e.g., mat foundation, spread footings, drilled piers, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>1c. General</b>	Does the project involve a change of use of 10,000 square feet or greater?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>2. Transportation</b>	Does the project involve a child care facility or school with 30 or more students, or a location 1,500 square feet or greater?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit an Environmental Supplemental- <a href="#">School and Child Care Drop-Off &amp; Pick-Up Management Plan</a> .
<b>3. Shadow</b> 	Would the project result in any construction over 40 feet in height?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, an initial review by a shadow expert, including a recommendation as to whether a shadow analysis is needed, may be required, as determined by Planning staff. (If the project already underwent Preliminary Project Assessment, refer to the shadow discussion in the PPA letter.)  An additional fee for a shadow review may be required.
<b>4a. Historic Preservation</b>	Would the project involve changes to the front façade or an addition visible from the public right-of-way of a structure built 45 or more years ago or located in a historic district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a complete <a href="#">Historic Resource Determination</a> Supplemental Application. Include all materials required in the application, including a complete record (with copies) of all building permits.
<b>4b. Historic Preservation</b>	Would the project involve demolition of a structure constructed 45 or more years ago, or a structure located within a historic district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, a historic resource evaluation (HRE) report will be required. The scope of the HRE will be determined in consultation with <a href="mailto:CPC-HRE@sfgov.org">CPC-HRE@sfgov.org</a> .

 Please see the [Property Information Map](#) or speak with Planning counter staff at the Permit Center to determine if this applies.

Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
<b>5. Archeology</b> 	Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeologically sensitive area or eight (8) feet below grade in a non-archeologically sensitive area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, provide depth of excavation/disturbance below grade (in feet*):  <i>*Note this includes foundation work</i>
<b>6a. Geology and Soils</b> 	Is the project located within a Landslide Hazard Zone, Liquefaction Zone or on a lot with an average slope of 25% or greater?  -----  Area of excavation/disturbance (in square feet):  _____  Amount of excavation (in cubic yards):  _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project:  The project involves: <ul style="list-style-type: none"> <li>• excavation of 50 or more cubic yards of soil, or</li> <li>• building expansion greater than 500 square feet outside of the existing building footprint.</li> </ul> A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.
<b>6b. Geology and Soils</b> 	Does the project involve a lot split located on a slope equal to or greater than 20 percent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A categorical exemption cannot be issued. Please contact <a href="mailto:CPC.EPIntake@sfgov.org">CPC.EPIntake@sfgov.org</a> , once a Project Application has been submitted.
<b>7. Air Quality</b> 	Would the project add new sensitive receptors (residences, schools, child care facilities, hospitals or senior-care facilities) within an Air Pollutant Exposure Zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit an <a href="#">Article 38 Compliance application</a> with the Department of Public Health.
<b>8a. Hazardous Materials</b>	Is the project site located within the Maher area and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a <a href="#">Maher Application Form</a> to the Department of Public Health and submit documentation of Maher enrollment with this Project Application.  Certain projects may be eligible for a waiver from the Maher program. For more information, refer to the Department of Public Health's <a href="#">Environmental Health Division</a> .  <u>Maher enrollment may also be required for other circumstances as determined by Environmental Planning staff.</u>
<b>8b. Hazardous Materials</b>	Would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit documentation of enrollment in the Maher Program (per above), or a Phase I Environmental Site Assessment prepared by a qualified consultant.

 Please see the [Property Information Map](#) or speak with Planning counter staff at the Permit Center to determine if this applies.

# APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.



Signature

Ling La

Name (Printed)

January 11, 2022

Date

Owner

650-733-4605

lingla@hotmail.com

Relationship to Project

(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

# Exhibit 4

San Francisco, CA 94103



---

**From:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Sent:** Tuesday, February 1, 2022 5:50 PM  
**To:** La, Ling <[Ling.La@sfmta.com](mailto:Ling.La@sfmta.com)>  
**Subject:** RE: 807 44th Av.

Thank you for the submittals. I will review and get back to you.

**Rachna, Senior Planner**  
**Current Planning Division**

San Francisco Planning

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

Direct: 628.652.7404 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

---

**From:** La, Ling <[Ling.La@sfmta.com](mailto:Ling.La@sfmta.com)>  
**Sent:** Saturday, January 29, 2022 12:36 AM  
**To:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Subject:** RE: 807 44th Av.

Hi Rachna,

**CRITERIA FOR AN UNAUTHORIZED UNIT (UDU)**

---



A UDU **must** meet two criteria:

1. An UDU **must be independent** from other Residential Units on the property, which means that the space has independent access, **and there is no open, visual connection to a Residential Unit on the property.**
2. Use as Independent dwelling Space. A UDU must have been used as a separate and distinct living or sleeping space.

From the criteria above, I can tell you this is not UDU because this is a shared space and there is a stair that connects to the upper floor.

I provided you the floor plans earlier but I attached in this email again. The 1<sup>st</sup> page is the site plan, the 2<sup>nd</sup> page is the 2 rooms inside the garage that are before and after demolition, and the 3rd page is from upstairs floor plan.

I also told you (see email dated 1/24/22 at 4:18 pm below) that **“We bought the house long ago somewhere in 1990ish and there were two rooms in the basement where all of our family members used to live”** I used to live in the room downstairs since we bought the house until I moved out somewhere in 2003 or 2004 (I don't remember exactly).

Thanks,

Ling

---

**From:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Sent:** Friday, January 28, 2022 5:03 PM  
**To:** La, Ling <[Ling.La@sfmta.com](mailto:Ling.La@sfmta.com)>  
**Subject:** RE: 807 44th Av.

Hi Ling,

Per my earlier email, please provide me with floor plans and photos of both units. When was this area converted to habitable space? Please fill out these forms and send to me with supportive documents before submitting any further applications so I can help with the next

# Exhibit 5



# CONDITIONAL USE AUTHORIZATION

## INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

**ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.**

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding Conditional Use Authorization applications.

For questions, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電628.652.7550。請注意, 規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

### WHAT IS A CONDITIONAL USE AUTHORIZATION?

A Conditional Use refers to a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will “condition” the use by applying operational conditions that may minimize neighborhood concerns as well as other conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

### WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to dwelling unit removal, Planned Unit Developments (PUD’s), and for off-street parking in certain Zoning Districts. Please consult a planner at the Planning counter at the Permit Center for additional information regarding these applications.

### FEES

Please refer to the [Planning Department Fee Schedule](#) available at [www.sfplanning.org](http://www.sfplanning.org). For questions related to the Fee Schedule, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder’s office and for monitoring compliance with any conditions of approval.



# CONDITIONAL USE AUTHORIZATION

## SUPPLEMENTAL APPLICATION

### Property Information

---

Project Address: 807 44th Ave, SF CA 94121

Block/Lot(s): 1687/001B

---

### Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

**Demolish non-complying/unpermitted spaces in garage: 2 rooms, 1 bathroom and fixtures.**

### Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding. For some Conditional Use Authorizations, additional findings that are unique to the specific Conditional Use request must also be made by the Planning Commission. If such findings are required, as outlined in [Planning Code Sections 303\(g\)-\(z\)](#), please provide those separately and append to this application.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

**The proposed use or feature, at the size and intensity contemplated and at the proposed location, will NOT provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community because this is to convert the existing rooms into one storage room and one home office room.**

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
  - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

- a. **NO change in size, shape and structure to the proposed site.**
- b. **NO change or impact to the accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading.**
- c. **NO offensive emission.**
- d. **NO work will be done to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs**

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

**This is an owner-occupied property and it's not being used as rental property so it will not affect the General Plan**

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

**Planning code section 303 (g) does not apply to this use because this property is not hotel or motel.**

## Priority General Plan Policies Findings - Planning Code Section 101.1

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the Planning Code. These eight policies are listed below. Please state how the Project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. If a given policy does not apply to your project, explain why it is not applicable.

(Add additional sheets if necessary)

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

**Not applicable because this proposed use is not related to retail uses**

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

**There is no change to the building envelope**

3. That the City's supply of affordable housing be preserved and enhanced;

**This is owner-occupied property and is not used for rental or affordable housing**

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

**Not applicable because no work will be done outside the street**

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

**Not applicable because this proposed use is for residential use only**

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

**Not applicable because no work will be done to the foundation**

7. That landmarks and historic buildings be preserved; and

**Not applicable because this is not a landmark or historic building**

8. That our parks and open space and their access to sunlight and vistas be protected from development.

**Not applicable because no work will be done outside the building**

# APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.



Signature

Ling La

Name (Printed)

1/25/22

Date

Owner

650-733-4605

lingla@hotmail.com

Relationship to Project

Phone

Email

(i.e. Owner, Architect, etc.)

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_



# Exhibit 6



## DWELLING UNIT REMOVAL: MERGER, CONVERSION OR DEMOLITION

### INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

**ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.**

Pursuant to Planning Code Section 317, the Planning Commission shall hear and make determinations regarding the loss of dwelling units including the loss of unauthorized dwelling units, with some codified exceptions.

For questions, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

### WHAT IS A DWELLING UNIT REMOVAL APPLICATION?

The Dwelling Unit Removal application is intended for any requests involving the removal of existing housing. This application is designed to determine if the proposed dwelling unit removal is desirable, utilizing the review criteria set forth in Planning Code Section 317. The Dwelling Unit Removal application will be processed as a Conditional Use Authorization. The Code provides for some administrative exceptions where Planning staff may approve an application to remove dwelling units without a public hearing, but only if the project meets certain specific requirements. For more information, please refer to Planning Code Section 317, or consult a planner at the Planning counter at the Permit Center.

### WHEN IS A DWELLING UNIT REMOVAL APPLICATION NECESSARY?

The Planning Commission requires Conditional Use hearings for all projects that would result in the removal of existing housing units, whether by demolition, merger with other dwellings, or by conversion to non-residential uses. This application is also required when an alteration is considered tantamount to demolition.

Please note that pursuant to Planning Code Section 317(g)(2), the Planning Commission will not approve an application for a Residential Merger if any tenant has been evicted where the tenant was served with an eviction notice after December 10, 2013 and:

- pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14) if the eviction notice was served within 10 years prior to filing this application for a merger; or
- pursuant to Administrative Code Section 37.9(a)(8) if the eviction notice was served within 5 years prior to filing this application for a merger.

Please consult a planner at the Planning counter for additional information regarding these applications.

## HOW DOES THE PROCESS WORK?

If the proposed project results in the loss or removal of one (1) or more residential dwelling units a Conditional Use Authorization application is required.

### Housing Crisis Act of 2019

Pursuant to state law, additional conditions shall be applied to dwelling unit removal projects through January 1, 2025, including requirements for replacement units and relocation benefits.

In order to implement these conditions, this application now requires additional information from all applicants related to the occupancy history of existing occupied or vacant rental units. If the applicant affirms that such information is unknown, replacement unit requirements may still apply.

For more information, please see [Planning Director's Bulletin No. 7](#) , available at [sfplanning.org](http://sfplanning.org).

### FEES

Please refer to the [Planning Department Fee Schedule](#) available at [www.sfplanning.org](http://www.sfplanning.org). For questions related to the Fee Schedule, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.



# DWELLING UNIT REMOVAL: MERGER, CONVERSION OR DEMOLITION

## SUPPLEMENTAL APPLICATION

### Property Information

Project Address: 807 44th Ave, SF CA 94121

Block/Lot(s): 1687/001B

### Project Details

UNITS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Units:	1	1	0
Rental Units:	0	0	0
Total Units:	1	1	0
Units subject to Rent Control:	0	0	0
Vacant Units:	0	0	0

BEDROOMS	EXISTING:	PROPOSED:	NET CHANGE:
Owner-occupied Bedrooms:	2	2	0
Rental Bedrooms:	0	0	0
Total Bedrooms:	2	2	0
Bedrooms subject to Rent Control:	0	0	0

### Unit Specific Information

	UNIT NO.	NO. OF BEDROOMS	GSF	OCCUPANCY	ADDITIONAL INFORMATION
EXISTING	1	2		<input checked="" type="checkbox"/> OWNER OCCUPIED <input type="checkbox"/> RENTAL <input type="checkbox"/> VACANT*	<input type="checkbox"/> Ellis Act eviction in past 10 years <input type="checkbox"/> Rent Control in past 5 years <input type="checkbox"/> Below-Market Rate in past 5 years
				If vacant, indicate the most recent year occupied:	_____
				Indicate the number of persons in the household, or most recent household in occupancy:	4 _____
				Indicate the approximate income of the current or most recent household in occupancy:	\$ 0 _____
PROPOSED	1	2			

# RESIDENTIAL MERGER

## (SUPPLEMENTAL INFORMATION)

Pursuant to Planning Code Section 317(c), any application that would result in the removal of one or more residential units or unauthorized units is required to obtain a Conditional Use Authorization. In addition to filing a Conditional Use Authorization application, this Dwelling Unit Removal application, along with responses to the specific conditional use criteria listed below, as described in Planning Code Section 317(g)(2), must be submitted to the Planning Department.

Please note that pursuant to Planning Code Section 317(g)(2), the Planning Commission shall not approve an application for residential merger if any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14) where the tenant was served with a notice of eviction after December 10, 2013 if the notice was served within 10 years prior to filing the application for merger. Additionally, the Planning Commission shall not approve an application for residential merger if any tenant has been evicted pursuant to Administrative Code Section 37.9(a)(8) where the tenant was served with a notice of eviction after December 10, 2013 if the notice was served within five (5) years prior to filing the application for merger.

Please answer the following questions to determine how the project does or does not meet the Planning Code requirements:

DWELLING UNIT MERGER CRITERIA:		YES	NO
1	Does the removal of the unit(s) eliminate only owner-occupied housing?  If yes, for how long was the unit(s) proposed for removal owner-occupied?  _____ months or years (check one)	<input type="checkbox"/>	<input type="checkbox"/>
2	Is the removal of the unit(s) and the merger with another intended for owner occupancy?	<input type="checkbox"/>	<input type="checkbox"/>
3	Will the removal of the unit(s) remove an affordable housing unit as defined in Section 401 of the Planning Code or housing subject to the Rent Stabilization and Arbitration Ordinance?  If yes, will replacement housing be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
4	If the unit(s) proposed for removal was occupied by a tenant or tenants, please specify the date of when it was last occupied:  _____		
5	Will the number of bedrooms provided in the merged unit be equal to or greater than the number of bedrooms in the separate units?	<input type="checkbox"/>	<input type="checkbox"/>
6	Is the removal of the unit(s) necessary to correct design or functional deficiencies that cannot be corrected through interior alterations?	<input type="checkbox"/>	<input type="checkbox"/>
7	If the merger does not involve an unauthorized unit, what is the appraised value of the least expensive unit to be merged?  _____  Please include an attachment of the appraisal dated within six months of filing this application.		

# RESIDENTIAL CONVERSION (SUPPLEMENTAL INFORMATION)

Pursuant to Planning Code Section 317(g) (3), the conversion of residential dwelling units to a non-residential use is required to obtain a Conditional Use Authorization.

In reviewing proposals for the conversion of residential dwelling units to other forms of occupancy, the Planning Commission will review the criteria below.

Please answer the following questions to inform the Planning Commission as to how the project does or does not meet the following criteria:

<b>DWELLING UNIT CONVERSION CRITERIA:</b>		<b>YES</b>	<b>NO</b>
1	<p>Will the conversion of the unit(s) eliminate only owner occupied housing?</p> <p>If yes, for how long was the unit(s) proposed for removal owner-occupied?</p> <p>_____ months or years (check one)</p>	<input type="checkbox"/>	<input type="checkbox"/>
2	<p>Will the conversion of the unit(s) provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining district(s)?</p>	<input type="checkbox"/>	<input type="checkbox"/>
3	<p>Is the property located in a district where Residential Uses are not permitted?</p> <p>If yes, will the Residential Conversion bring the building closer into conformance with the uses permitted in the zoning distirt?</p> <p><input type="checkbox"/> YES    <input type="checkbox"/> NO</p>	<input type="checkbox"/>	<input type="checkbox"/>
4	<p>Will the conversion of the unit(s) be detrimental to the City's housing stock?</p>	<input type="checkbox"/>	<input type="checkbox"/>
5	<p>Is the conversion of the unit(s) necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected?</p>	<input type="checkbox"/>	<input type="checkbox"/>
6	<p>Will the Residential Conversion remove Affordable Housing, or unit(s) subject to the Rent Stabilization and Arbitration Ordinance?</p>	<input type="checkbox"/>	<input type="checkbox"/>

# DWELLING UNIT DEMOLITION

## (SUPPLEMENTAL INFORMATION)

Pursuant to Planning Code Section 317(d), residential demolition is subject to a Conditional Use Authorization or will qualify for administrative approval.

Administrative approval only applies to:

- (1) single-family dwellings in RH-1 and RH-1(D) Districts proposed for Demolition that are not affordable or financially accessible housing (valued by a credible appraisal dated within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco); **OR**
- (2) residential buildings of two units or fewer that are found to be unsound housing.

Please see the Department’s website under Publications for “*Dwelling Unit Removal: Current Numerical Values*” and the “*Zoning Controls on Dwelling Unit Removal Implementation*” documents..

The Planning Commission will consider the following criteria in the review of residential demolitions Please answer the following questions to inform the Planning Commission as to how the project does or does not meet the following criteria, as described in Planning Code Section 317(g)(5):

EXISTING VALUE AND SOUNDNESS		YES	NO
1	Is the value of the existing land and structure of the single-family dwelling affordable or financially accessible housing (below the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months)?  If no, submittal of a credible appraisal dated within the past six months is required with the application or if administrative approval (as outlined above) is being sought.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Has the housing been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Is the property free of a history of serious, continuing code violations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Has the housing been maintained in a decent, safe, and sanitary condition?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Is the property a <i>historical resource</i> under CEQA?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
RENTAL PROTECTION		YES	NO
6	Does the Project convert rental housing to other forms of tenure or occupancy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Does the Project remove rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRIORITY POLICIES		YES	NO
8	Does the Project conserve existing housing to preserve cultural and economic neighborhood diversity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Does the Project conserve neighborhood character to preserve neighborhood cultural and economic diversity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Does the Project protect the relative affordability of existing housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Does the Project increase the number of permanently affordable units as governed by Section 415?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# RESIDENTIAL DEMOLITION

## (SUPPLEMENTAL INFORMATION CONTINUED)

REPLACEMENT STRUCTURE		YES	NO
12	Does the Project locate in-fill housing on appropriate sites in established neighborhoods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Does the Project increase the number of family-sized units on-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Does the Project create new supportive housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Is the Project of superb architectural and urban design, meeting all relevant design guidelines, to enhance the existing neighborhood character?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Does the Project increase the number of on-site dwelling units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	Does the Project increase the number of on-site bedrooms?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the Project maximize density on the subject lot?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	If the building is not subject to Rent Stabilization and Arbitration Ordinance or affordable housing, will the Project replace all of the exiting units with new dwelling units of similar size and with the same number of bedrooms?	<input type="checkbox"/>	<input checked="" type="checkbox"/>



# REMOVAL OF UNAUTHORIZED UNIT(S) (SUPPLEMENTAL INFORMATION)

The Planning Commission will consider the following criteria in the review of applications for removal of unauthorized units, pursuant to Planning Code Section 317 (g)(6). Please fill out answers to the criteria below:

DWELLING UNIT REMOVAL OF UNAUTHORIZED UNIT(S) CRITERIA:		YES	NO
1	<p>Is it financially feasible to legalize the unauthorized unit(s)?</p> <p>If no, please provide the cost to legalize the unauthorized unit(s) <u>\$200,000</u></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	<p>What is the appraised value of the building with the unauthorized unit(s)?</p> <p><u>\$1.64M to \$1.8M</u></p> <p>Please include an attachment of the appraisal dated within six months of filing this application.</p>		
3	<p>What is the appraised value of the building with the unit(s) legalized?</p> <p><u>\$1.58M to \$1.86M</u></p> <p>Please include an attachment of the appraisal dated within six months of filing this application.</p>		

# APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.



Signature

Ling La

Name (Printed)

1/26/22

Date

Owner

650-733-4605

lingla@hotmail.com

Relationship to Project

Phone

Email

(i.e. Owner, Architect, etc.)

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

# Exhibit 7



## UNAUTHORIZED UNIT SCREENING REQUEST FORM AND AFFIDAVIT

An Unauthorized Unit, or UDU, is defined in Planning Code Section 317(b)(13) as one or more rooms within a building that have been used, without the benefit of a permit, as a separate and distinct living or sleeping space independent from other Residential Units on the property.

For questions, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電628.652.7550。請注意, 規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

### CRITERIA FOR AN UNAUTHORIZED UNIT (UDU)

A UDU must meet two criteria:

1. An UDU must be independent from other Residential Units on the property, which means that the space has independent access, and there is no open, visual connection to a Residential Unit on the property.
2. Use as Independent dwelling Space. A UDU must have been used as a separate and distinct living or sleeping space.

Please note that the definition of a UDU does not rely on the existence of any cooking facilities, so a space may still be considered a UDU even if it doesn't have a kitchen; however a full bathroom is required to be considered a UDU.

Planning Staff may request a UDU screening for permits for interior work to determine if a project removes certain features that allow the space to operate as a separate unit. Scopes of work that may require UDU screening include but are not limited to:

- Removal of direct or indirect access doors
- Removal of a full bathroom
- Removal of a kitchen
- Removal of a wet bar
- Addition of a staircase to create an interior connection between floors

### SUBMITTAL INSTRUCTIONS

Please complete the form below and submit it to [CPC.UDU@sfgov.org](mailto:CPC.UDU@sfgov.org) with the following materials:

1. A completed [Unauthorized Unit Affidavit](#) (attached);
2. A digital set of existing and proposed plans (.pdf or .jpeg); and
3. Photographs of the space that may be a UDU.

Planning Staff will contact you with a determination if the space in question is considered a UDU.

**Please note that if the Planning Department determines that a UDU is present at the site, the property owner will be required to legalize the unit, which can usually be completed administratively, or seek a Conditional Use Authorization from the Planning Commission to remove the unit. If a UDU is not present at the site, Planning Staff will review the plans for any unpermitted work on the premises. Staff may provide comments to bring the work into compliance with the Planning Code, which may include removal of the unpermitted work. If Planning Code violations persist, Staff may refer the property to the Code Enforcement Division.**



# San Francisco Planning

## UNAUTHORIZED UNIT SCREENING REQUEST FORM AND AFFIDAVIT

### Property Information

Project Address: 807 44th Ave, San Francisco, CA 94121

Block/Lot(s): 1687/001B

### Related Building Permits Applications

N/A

Building Permit Applications No(s):

### Applicant Information

Name: Ling La

Owner  Authorized Agent

Primary Phone Number: 650-733-4605

## APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

*Ling La*

Signature

Ling La

Name (Printed)

January 29, 2022

Date

Owner

650-733-4605

lingla@hotmail.com

Relationship to Project  
(i.e. Owner, Architect, etc.)

Phone

Email

## COMPLIANCE WITH ORDINANCE 208-15



## UNAUTHORIZED UNIT AFFIDAVIT

Project Address: 807 44th Ave, San Francisco, CA 94121Block/Lot (APN): 1687/001B

“Unauthorized Unit” shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property.

“Independent” shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.

I, Ling La, do hereby declare as follows:

To the best of my knowledge:

- There is an Unauthorized Unit, as defined above, located on the subject property.
- There is not an Unauthorized Unit, as defined above, located on the subject property.

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

EXECUTED ON THIS DAY, January 29, 2022, IN Daly City, CA.

Signature

Ling La

Name (Printed)

Owner

Relationship to Project  
(i.e. Owner, Architect, etc.)

650-733-4605

Phone

lingla@hotmail.com

Email

*Submit completed Affidavit upon request by Planning Staff or in conjunction with a UDU Screening Request form.*

**FOR DEPARTMENT USE ONLY**

1. Does the space meet the criteria for Physical Independence as described in Planning Code Section 317(b) (13)?  YES  NO

If you've checked no, the space is **not** considered a UDU.

Plans Dated: \_\_\_\_\_

Photographs Provided on (date): \_\_\_\_\_

2. Has the space been used as a separate and distinct living space?  YES  NO
- Did the Rent Board provide records for this property?  YES  NO
- If yes, is there evidence of a UDU?  YES  NO
- Is there more than one unit accounted for in the Voter Rolls?  YES  NO
- Does the Unauthorized Unit Affidavit indicate that the project would remove a UDU?  YES  NO
- Is there any other documentation that indicates that the space has been occupied?  YES  NO

If yes has been checked above, describe the information further below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- An Unauthorized Unit is present at the Subject Property
- There are no Unauthorized Units present at the Subject Property

Planning counter Research Number: \_\_\_\_\_

*Rachna*  
\_\_\_\_\_  
Signature

Rachna  
\_\_\_\_\_  
Name(Printed)

8/8/22  
\_\_\_\_\_  
Date

# Exhibit 8



Ling

---

**From:** La, Ling  
**Sent:** Tuesday, January 25, 2022 1:25 PM  
**To:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Cc:** Scott T <[scottt26@hotmail.com](mailto:scottt26@hotmail.com)>; Robinson Jr, Charles (DBI) <[charles.robinson@sfgov.org](mailto:charles.robinson@sfgov.org)>; Collins, Saphonia (DBI) <[saphonia.collins@sfgov.org](mailto:saphonia.collins@sfgov.org)>  
**Subject:** RE: 807 44th Av.

Hi Rachna,

I mentioned in my previous email that I don't have and never have a rental/lease agreement with anyone. We let the caregivers live there for free in addition to pay them for the in-house services. The caregivers are no longer living in the room since 12/20/21.

I have no knowledge when the kitchen was installed but as soon as I found out, I removed the appliances. I did not take any picture before the removal, I only have the pictures after the removal, which are in the attached plans.

Further, the legalization requires homeowner to **provide documentation that the dwelling unit to be legalized existed prior to January 1, 2013**, which I don't have any. This is a single family home with only ONE address with no separate utility meter.

And I also mentioned that we are pursuing the eviction since October 2020 so it would not be qualified for legalization.

*Units that have pursued no-fault evictions with the Rent Board after March 2014 must wait either 5 or 10 years before applying for legalization.*

I will work on filling out the forms to submit to you soon.

Thanks,

Ling

---

**From:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Sent:** Tuesday, January 25, 2022 11:54 AM  
**To:** La, Ling <[Ling.La@sfmta.com](mailto:Ling.La@sfmta.com)>  
**Cc:** Scott T <[scottt26@hotmail.com](mailto:scottt26@hotmail.com)>; Robinson Jr, Charles (DBI) <[charles.robinson@sfgov.org](mailto:charles.robinson@sfgov.org)>; Collins,

Saphonia (DBI) <[saphonia.collins@sfgov.org](mailto:saphonia.collins@sfgov.org)>

**Subject:** RE: 807 44th Av.

Hi Ling,

The planning commission would need to see the cost analysis to verify whether it can or cannot be legalized. You would also need to get this documentation from DBI on building code issues and start the process with them. It sounds like you may qualify for this program if the unit was added before 2013. [Legalize Your Illegal Units Today | Department of Building Inspection \(sfdbi.org\)](#)

You can also request a pre-application meeting with DBI; [Schedule a pre-application meeting | San Francisco \(sf.gov\)](#)

Your current permit can be tied to the CUA application, or you can change scope of work later based on the CUA and DBI determination.

When was the kitchen installed and removed? Please send me copies of rental leases, before and after plans, and before and after photos of the caregiver's unit area.

Thanks,

**Rachna, Senior Planner  
Current Planning Division**

San Francisco Planning

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

Direct: 628.652.7404 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

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**From:** La, Ling <[Ling.La@sfmta.com](mailto:Ling.La@sfmta.com)>  
**Sent:** Monday, January 24, 2022 4:18 PM  
**To:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Cc:** Robinson Jr, Charles (DBI) <[charles.robinson@sfgov.org](mailto:charles.robinson@sfgov.org)>; Collins, Saphonia (DBI) <[saphonia.collins@sfgov.org](mailto:saphonia.collins@sfgov.org)>; Scott T <[scottt26@hotmail.com](mailto:scottt26@hotmail.com)>  
**Subject:** RE: 807 44th Av.

Hi Rachna,

I reached out to multiple parties to get the process going and luckily Charles helped me out with the permitting process. They also got all the plans and per Saphonia, this package will get to planning department soon. I also paid the permit fees and thought that I did the due diligence to respond to this complaint.

I will fill out the additional forms that you provided but I need to know what will happen to the permit fees that I already paid.

In regards to your questions below, I don't have any rental agreement. We bought the house long ago somewhere in 1990ish and there were two rooms in the basement where all of our family members used to live. Then my mother had dementia who needed 24 hrs/day care so we let the caregivers live there to take care of my mom. My mother passed away in 2012 so we continue to let the caregivers stay there to look after my father who is 92 years old now. But I discovered last year that they were abusing my father so I am in the process of evicting them. The case is still pending in SF Superior Court.

Please provide me with floor plans and photos of both units along with copies of any rental agreements/leases for the illegal unit space. When was this area converted to habitable space and occupied by any tenants?

So absence of the rental agreement coupled with the low ceiling, we can't afford to legalize the rooms. The kitchen appliances have been removed from usage long ago. Therefore I am applying for a demo permit with partial alterations.

Thanks,

Ling

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**From:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Sent:** Monday, January 24, 2022 3:05 PM  
**To:** La, Ling <[Ling.La@sfmta.com](mailto:Ling.La@sfmta.com)>  
**Cc:** Robinson Jr, Charles (DBI) <[charles.robinson@sfgov.org](mailto:charles.robinson@sfgov.org)>; Collins, Saphonia (DBI) <[saphonia.collins@sfgov.org](mailto:saphonia.collins@sfgov.org)>  
**Subject:** RE: 807 44th Av.

Hi Ling,

Thank you for reaching out.

It is my understanding that you have already been informed by our staff on the process to remove or legalize the illegal dwelling unit and have been provided with such informational links. I will forward you that email chain.

As such, if you intend to remove the unit, the following applications with accurate scope of work as removal of unauthorized dwelling unit along with two sets of plans and photos are required to be submitted to [cpc.intake@sfgov.org](mailto:cpc.intake@sfgov.org). **The permit you can filed can not be processed until you have received CUA.**

[Project Application \(PRJ\) | SF Planning](#)

[Conditional Use Authorization \(CUA\) Supplemental | SF Planning](#)

[Dwelling Unit Removal - Merger, Conversion or Demolition \(CUA\) Supplemental | SF Planning](#)

# Exhibit 9

**From:** Rachna, Rachna (CPC)  
**Sent:** Friday, July 08, 2022 2:19 PM  
**To:** Kwiatkowska, Natalia (CPC)  
**Subject:** RE: 807 44th Ave  
**Attachments:** [CUD-21-668506.pdf](#); [CUD-21-667607.pdf](#)

Thanks so much for looking into this, Natalia! I really appreciate your help!

Shuxian Tan is the name of the caregiver and was registered to vote at this address in 2018. Here are two court documents related to the care giver's eviction. No separate utility bills.

Best,  
**Rachna, Senior Planner**  
**Current Planning Division**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7404 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

---

**From:** Kwiatkowska, Natalia (CPC) <[natalia.kwiatkowska@sfgov.org](mailto:natalia.kwiatkowska@sfgov.org)>  
**Sent:** Friday, July 08, 2022 2:04 PM  
**To:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Subject:** RE: 807 44th Ave

Hi Rachna,

Can you share the voter record findings please. Is there any other evidence like separate utility bills or eviction history?

Thank you and stay well,

**Natalia Kwiatkowska, Principal Planner**  
**ADU Coordinator & Preservation Planner**  
**Flex Team/Current Planning**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7306 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

---

**From:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Sent:** Friday, July 08, 2022 12:03 PM  
**To:** Kwiatkowska, Natalia (CPC) <[natalia.kwiatkowska@sfgov.org](mailto:natalia.kwiatkowska@sfgov.org)>  
**Subject:** 807 44th Ave

Hi Natalia,

I was wondering if you can provide your insight on determining UDU at the above property.

The owner created a ground floor unit for the caregiver staff to provide care for the owner. No rent was charged but the caregiver was evicted due to abuse to owner. Voter records show caregiver lived at this property.

There is a door on top of the stairs that owner indicated that it is not locked as caregiver needed access to upstairs (Photos show it could potentially be locked). Would you say not an UDU? See attached plans and photos.

We typically consider housing keeping units as separate dwelling units but was wondering if it would not be the case for UDUs.

Thanks so much for your time! I can set up a quick meeting if you are able to spare few minutes!

Best,

**Rachna, Senior Planner**  
**Current Planning Division**

San Francisco Planning

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

Direct: 628.652.7404 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

# Exhibit 10



# RENT BOARD RESPONSE TO REQUEST FROM PLANNING DEPARTMENT FOR EVICTION HISTORY DOCUMENTATION

Re: 807 44th Avenue

This confirms that the undersigned employee of the San Francisco Rent Board has reviewed its database records pertaining to the above-referenced unit(s) to provide records that may demonstrate evidence of residential use. All searches are based upon the street addresses provided.

No database records were identified.

There are no Rent Board records in our database related to your search request for the property address requested. However, it is important to note that the absence of records for some or all of the residential units at a property does not mean there is or has been no residential use. Property owners are not required by law to provide any information or file any documents with the Rent Board unless they are seeking to take a certain action such as an eviction, a rent increase, or a buyout. Thus, there are many properties and many residential units for which the Rent Board has no records.

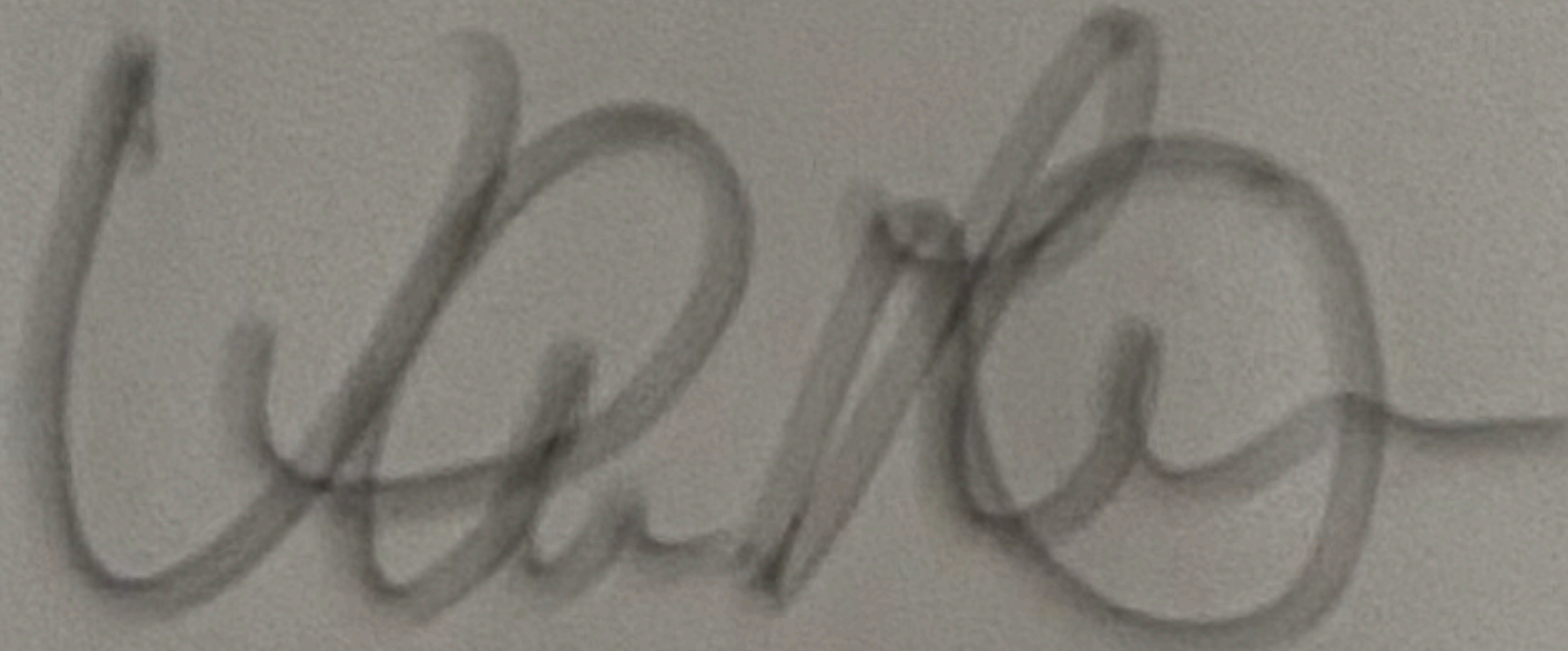
Yes, the following records were identified:

- o See attached documents

Pursuant to your request, we have searched the Rent Board's database for records related to the property requested. Attached are some Rent Board records resulting from our search. These records can be used as evidence of prior and/or current residential use of the property. However, it is important to note that the absence of records for some or all of the residential units at a property does not mean there is or has been no residential use. Property owners are not required by law to provide any information or file any documents with the Rent Board unless they are seeking to take a certain action such as an eviction, a rent increase, or a buyout. Thus, there are many properties and many residential units for which the Rent Board has no records.

Regarding the records provided, please note that the data in the " # of units " field was imported from another department's database in 2002 and may not be accurate. It does not represent a determination by the Rent Board of the number of units at the property.

Signed:



Dated: 1-11-22

Van Lam  
Citizens Complaint Officer

The Rent Board is the originating custodian of these records. The applicability of these records to Planning permit decisions resides with the Planning Department.





# Exhibit 11

**From:** La, Ling <Ling.La@sfmta.com>  
**Sent:** Thursday, June 16, 2022 10:43 AM  
**To:** Rachna, Rachna (CPC)  
**Cc:** McCarthy, Liam (DBI)  
**Subject:** RE: 807 44th Av.  
**Attachments:** [20220113\\_142907.jpg](#); [SmartSelect\\_20220616-102708\\_Photos.jpg](#)

Hi Rachna,

Please see the attached pictures per your request. There is a swinging door on top of the stairs.

Tan, Shuxian – She occupied the lower level space, she was the IHSS caregiver till 2020.

La, Lau – There is no such person here, it could be La, Cau (my father name), he lives upstairs.

Chang, Tim – He is our family friend, he stayed over at the house occasionally to drive my dad to medical appointments. He uses our home address as his mailing address. He does not occupy the lower level space.

None of these people is owner or renter.

Thanks,  
Ling

On Jun 15, 2022 5:23 PM, "Rachna, Rachna (CPC)" <rachna.rachna@sfgov.org> wrote:

Hi Ling,

Hope you are doing well. I am following up on this. Can you please provide photos from top of stairs looking down the stairs and photos from lower level going up the stairs? I need to see how both floors are connected. Is there a door on top of the stairs?

And voter records these people below have lived at this property:

Tan, Shuxian

La, Lau

Chang, Tim

Please let me know if above people were owners or renters and if they occupied the lower level space.

# Exhibit 12

**From:** [La, Ling](#)  
**To:** [Rachna, Rachna \(CPC\)](#)  
**Subject:** RE: 807 44th Av.  
**Date:** Wednesday, June 07, 2023 12:23:28 PM  
**Attachments:** [GeneralInfo\\_Accessory\\_Uses\\_Dwellings.pdf](#)

---

Hi Rachna,

Do you mean this Section 204.1? Please see attached. I do not see how these codes applying to my case.

Thanks,  
Ling

---

**From:** La, Ling  
**Sent:** Tuesday, June 6, 2023 6:22 PM  
**To:** 'Rachna, Rachna (CPC)' <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Subject:** RE: 807 44th Av.

Hi Rachna,

Just received the Employment Verification Form from IHSS for Shuxian Tan. Please let me know if you have reviewed my brief before I can submit to the board.

Thanks,  
Ling

---

**From:** La, Ling  
**Sent:** Saturday, June 3, 2023 11:32 PM  
**To:** Rachna, Rachna (CPC) <[rachna.rachna@sfgov.org](mailto:rachna.rachna@sfgov.org)>  
**Subject:** RE: 807 44th Av.

Hi Rachna,

Please review the email below that I did tell you who Tan, Shuxian is.

Anyway, please review the attached brief with some supporting documents. I am still waiting for IHSS Employment verification form to confirm her hiring date which was April 16, 2008, which should be sent to me next Tuesday.

Thanks,  
Ling

---

**From:** La, Ling <[Ling.La@sfmta.onmicrosoft.com](mailto:Ling.La@sfmta.onmicrosoft.com)>  
**Sent:** Thursday, June 16, 2022 12:18 PM

1 Glenn Katon SBN 281841  
2 ASIAN AMERICANS ADVANCING JUSTICE  
3 - ASIAN LAW CAUCUS  
4 55 Columbus Avenue  
5 San Francisco, CA 94111  
6 Tel: (415) 896-1701  
7 Fax: (415) 896-1702  
8 Email: glennk@advancingjustice-alc.org

9 Pamela Kong SBN 220912  
10 LAW OFFICE OF PAMELA KONG  
11 4104 24<sup>TH</sup> Street, #919  
12 San Francisco, CA 94114  
13 Telephone: (650) 762-8450  
14 Email: pamela@sfkonglaw.com

15 Attorney for Appellant  
16 SHUXIAN TAN

17 **SAN FRANCISCO BOARD OF APPEALS**

18 SHUXIAN TAN,

19 Appellant,

20 v.

21 CITY AND COUNTY OF SAN FRANCISCO,  
22 SAN FRANCISCO DEPARTMENT OF  
23 BUILDING INSPECTION,  
24 Respondent,

25 LING LA,

Permit Holder.

Defendants.

Appeal No.: 23-024

**DECLARATION OF SHUXIANG TAN IN  
SUPPORT OF APPEAL OPPOSING THE  
PERMIT**

Subject Property: 807 44<sup>th</sup> Avenue  
Alteration Permit No.: 2022/01/12/5846

Hearing Date: July 26, 2023

Time: 5:00 p.m.

Place: One Dr. Carlton B. Goodlett Place  
Room: 416

**DECLARATION OF SHUXIANG TAN**

1. My name is Shuxian Tan. I am 70 years old. I was born in China and my primary language is Cantonese.

**DECLARATION OF SHUXIAN TAN ISO APPEAL OPPOSING THE PERMIT**

Appeal No.: 23-024

1           2.       I live at the lower unit of 807 44<sup>th</sup> Avenue, San Francisco where I have been a tenant  
2 since August 2007. Attached hereto as Exhibit 1 is a true and correct copy of my home behind the  
3 parking area in the lower unit.

4           3.       In 2007 I applied for a home care position with Cau La and his wife Huu Dang, the  
5 parents of Ling La and Amanda La. I was employed by the family and my wages were funded through  
6 the state's In-Home Support Service Program ("IHSS"). Beginning in 2008, I was scheduled to work  
7 from 8am to 8pm and was paid \$60 per day. Cau La cared for his wife at night.

8           4.       Months after I was hired, I entered into a separate oral rental agreement with Cau La to  
9 rent a room in the lower floor of 807 44<sup>th</sup> Avenue for \$400 a month. Cau La and Huu Dang lived  
10 upstairs. Housing was never a part of my compensation. Living on the premises was not a job  
11 requirement.

12           5.       Cau La represented to me that he owned the house.

13           6.       I moved into the lower unit with my daughter who was 20 years-old at the time. When we  
14 first moved in, we had no stove, only a hot plate and refrigerator in the lower unit. We have always had  
15 our own bathroom on the lower floor. Attached hereto as Exhibit 2 is a true and correct copy of a  
16 photograph of the bathroom.

17           7.       At the beginning of my tenancy there another room on the lower floor that was vacant. In  
18 or around 2009 Cau La convinced my sister Zhaoying Tan and my brother in-law Yaun Cheung He to  
19 move into the vacant room. Cau La installed a kitchen counter, cabinets, and stove in the kitchen area in  
20 or around late 2009 or early 2010 before they moved in. My sister and brother-in-law also paid monthly  
21 rent to Cau La.

22           8.       My family had exclusive use of and did not share the downstairs kitchen or the bathroom  
23 with the owners or any other tenants.  
24  
25



1           9.       When Huu Dang was still alive, I cooked the owners' meals upstairs and would eat with  
2 them when I was working. I cooked dinner for Cau La after Huu Dang passed away, I cooked dinner for  
3 Cau La and ate with him while I was working, but I cooked breakfast and all other meals in my own unit  
4 for myself and for my family. Exhibit 3 is a true and correct copy of a photograph of my family in the  
5 kitchen in happier days. You can see the stove in the downstairs kitchen.

6           10.      The owners-took the stove away in 2021 when they started trying to evict my sister and  
7 brother-in-law. Since then, I have cooked with my rice cooker and microwave.

8           11.      My bedroom faces the garden. My name is written on page 3 of Exhibit 4 to show where  
9 my bedroom is located.

10          12.      I access my unit through the side door next to the garage. I do not enter my home  
11 through the upstairs unit. Attached hereto as Exhibit 5 is a true and correct copy of a photograph of the  
12 door to the right of the garage door that I use to enter my home from the street.

13          13.      There is a stairway that leads to the upstairs but there is a door that prevents direct access  
14 into the upper unit. I have only ever gone upstairs for work or at the La family's behest.

15          14.      The door to my room has a lock and remains locked when I'm not at home. Attached  
16 hereto as Exhibits 6, 6a and 6b are true and correct copies of photographs of the door to my bedroom, a  
17 view of the inside of my bedroom from the doorway, and my grandson visiting me in my room,  
18 respectively.

19          15.      Until she moved out eight years ago, my daughter and I shared this room.

20          16.      My rent was \$400 per month. I paid rent to Cau La from August 2007 until January 2022.  
21 I used to pay my rent up to a year in advance. Attached hereto as Exhibits 7 and 8 are true and correct  
22 copies of my rent receipts from Cau La with his signature.  
23  
24  
25

1           17.     After 2013, I started paying my \$400 rent in cash each month and Cau La stopped giving  
2 me rent receipts. I started paying my rent monthly because my wages decreased significantly after Huu  
3 Dang passed away.

4           18.     I have never shared or lived in the upstairs unit. I could not rest, sleep or be with my  
5 family upstairs. Upstairs is where I worked as the owners' maid, cook, caregiver, and servant.

6           19.     After Huu Dang passed away in 2013, I kept house for Cau La, including daily cleaning  
7 of the house. I cleaned the bathroom and mopped the kitchen floors. I accompanied him on errands or  
8 appointments. I did laundry and yardwork. I cooked Cau La's dinner. After Huu Dang passed away, Cau  
9 La paid me \$20 per day for all my work.

10           20.     From 2013 to approximately 2021, I occasionally asked Cau La if he could reduce my  
11 rent. Cau La responded, "if you don't want to pay, you can move."

12           21.     Beginning in or around 2017, at Cau La's request, I started cooking dinner for Cau La,  
13 the two occupants in the upstairs unit, and Cau La's female friend every day. As part of my job, I ate  
14 dinner with them and cleaned up after everyone.

15           22.     During the Pandemic, in or around April 2020, Cau La suggested that I split my hours  
16 with his female friend. I could not agree to this. Cau La told me, "If you don't agree, then don't work."  
17 This is how he terminated my employment.

18           23.     From May 2020 to December 2021, I continued to pay my rent to Cau La for another  
19 twenty months after my employment terminated. Attached hereto as Exhibits 9, 10, and 11 are true and  
20 correct copies of photographs that I took of Cau La accepting my rent of \$400 from me in cash for the  
21 month of November 2021, after I had stopped working for him. I took photographs of Cau La accepting  
22 rent because I learned that the Permit Holder filed an unlawful detainer claiming that my sister and  
23 brother-in-law were not tenants.  
24  
25

1           24.     In October 2021, I hand delivered and mailed a letter to Cau La and Ling La about my  
2 tenancy after they filed an unlawful detainer action against my sister and brother-in-law. In this letter, I  
3 confirm my discussion with Cau and Ling La that my tenancy would not be affected by the eviction  
4 lawsuit. I also confirm that the owners accepted rent from me that month. Attached hereto as Exhibit 12  
5 is a true and correct copy of said letter.

6           25.     After my employment terminated, I applied for unemployment benefits at Cau La's  
7 suggestion. He said that he would support my application. Until he suggested it, I did not know that I  
8 could apply for unemployment benefits.

9           26.     In January 2022, Cau La refused to accept my rent. He told me that Ling La said that he  
10 could no longer accept rent from me.

11           27.     I did not know that the owners planned to demolish the unit until the end of April 2023. I  
12 received no notice about the application. No one from the City contacted me to ask about my tenancy.

13           28.     In or around the end of April 2023, Ling La called me on the phone and told me that I  
14 had to move out because my unit would be demolished.

15           29.     Also at the end of April 2023, Ling La met me in person and said, "It's not that I want to  
16 force you to leave, but your sister sued me and said that I violated the law. People can't live here. The  
17 City says the unit needs to be demolished. No one can stay." I asked if I could move upstairs. Ling La  
18 said, "You can sleep in the living room for a few days." I told her, "I have nowhere to go." Ling La  
19 asked, "Can you find a place to live? There's nothing we can do. The City says that we must do the  
20 demolition by August. I was very frightened that I would become homeless.

21           30.     When I asked Ling La for copies of the permit notice so that I could show them to  
22 lawyers to help me with my situation. Ling responded, "Tell them to look it up."  
23  
24  
25



# Exhibit 1







# Exhibit 2







# Exhibit 3



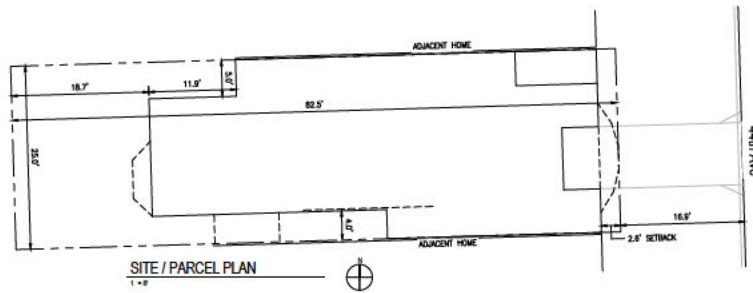
# Exhibit 4



**ABBREVIATIONS**

- BT BATHTUB
- D DRYER
- FT FEET
- LAV LAVATORY
- LS LAUNDRY SINK
- REF REFERENCE
- SF SQUARE FEET
- SK SINK
- W WASHER
- WC WATER CLOSET

# 807 44th Ave SAN FRANCISCO



**PROJECT INFO**

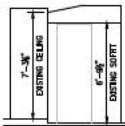
<b>PROJECT ADDRESS</b>	<b>BUILDING AREA</b>
807 44th Ave SAN FRANCISCO, CA 9 4121	1,2 0 SF
	<b>STORIES</b>
	1 BASEMENT

**PARCEL INFO**

<b>BLOCK/LOT</b>	<b>FRONTAGE</b>
1007 / 0018	25 FT
<b>PARCEL AREA</b>	<b>DEPTH</b>
2,086 SF	82.5 FT

807 44th Ave  
SAN FRANCISCO

**REFERENCE PHOTOS AND SECTIONS**



EXIST NG SOFFITS IN BASEMENT BATHROOM AND KITCHENETTE ARE AT 6'-6".  
THE EXISTING STRUCTURE DOES NOT HAVE ENOUGH CLEARANCE TO COMPLY WITH CURRENT BUILD NG CODE OCCUPANCY AND INSULATION REQUIREMENTS.  
THE NON-CODE ADU WILL BE DEMOLISHED AND THE SPACES WILL REVERT TO THEIR ORIGINAL USE AS STORAGE SPACES.

**A SECTION AT BATHROOM**  
1" = 4'



REMOVE NON-STRUCTURAL PARTITION WALL



REMOVE BATHROOM FIXTURES



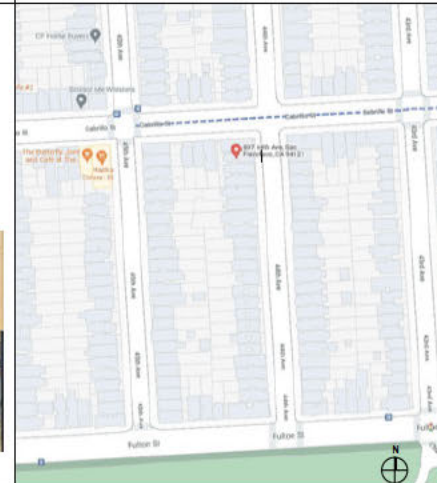
REMOVE KITCHENETTE FIXTURES



REMOVE HOOD

SEE SHEET G2 FOR PLANS AND FURTHER DESCRIPTION OF WORK.

**VICINITY MAP**



**PROJECT DIRECTORY**

**PROPERTY OWNER**  
LING LA  
3 SAINT MARIN CT  
DALY CITY, CA 9 4121  
LingL@earthlink.com  
(925) 723- 900

**SCOPE OF WORK**

- DEMOLITION OF EXISTING NON-CODE ADU IN BASEMENT.
  - A. REMOVAL OF NON-STRUCTURAL PARTITION WALLS
  - B. REMOVAL OF BATHROOM FIXTURES
  - C. REMOVAL OF KITCHENETTE FIXTURES
  - D. REMOVAL OF KITCHENETTE HOOD
  - E. PATCH AND FINISH/PAIN REMAINING SURFACES TO MATCH SURROUNDING
- NO WORK ON MAIN FLOOR  
EXIST NG MAIN FLOOR TO REMAN AS IS.

**CODES**

- 2019 SAN FRANCISCO BUILDING CODE
- 2019 SAN FRANCISCO PLUMBING CODE
- 2019 SAN FRANCISCO MECHANICAL CODE
- 2019 SAN FRANCISCO ELECTRICAL CODE

**DRAWING INDEX**

- G1 PROJECT INFO, REF PHOTOS, PARCEL / SITE PLAN
- G2 BASEMENT DEMOLITION PLAN, FINISH PLAN
- G3 EXIST NG MAIN FLOOR PLAN

Issue	Date
PLAN CHECK	01 10 2022
PLAN CHECK RESUBMITTAL	01 14 2022

Notes	AS NOTED
Date	01 14 2022

PROJECT INFO,  
REFERENCE PHOTOS,  
SITE / PARCEL PLAN

G1





# Exhibit 5





807



# Exhibit 6







# Exhibit 6a







# Exhibit 6b







# Exhibit 7

No. \_\_\_\_\_ Date 04.01.08 - 31.11.08

RECEIVED OF Shu xian Tan

For rent 8 month - DOLLARS \$ 3,200<sup>00</sup>

Amt. of Account		
Amt. Paid		
Balance Due		

BY [Signature] 04/01/08

No. \_\_\_\_\_ Date 12.01.08

RECEIVED OF \$ ~~5,000.00~~ pay rent 12 months

From 12.01.08 - 12.01.09 DOLLARS \$ 5,000

Amt. of Account		
Amt. Paid		
Balance Due		

BY [Signature]

No. 0168 - Date 12.01.09

RECEIVED OF rent for 12 months

From 12.01.09 to 12.01.10 DOLLARS \$ 4,600<sup>00</sup>

Amt. of Account		
Amt. Paid		
Balance Due		

BY [Signature]



# Exhibit 8

No. \_\_\_\_\_ Date 10-23-12

RECEIVED OF 12 month for rent  
at 807 44<sup>TH</sup> AVE SF CA 94124 DOLLARS \$ 2,000<sup>00</sup>  
(Two thousand only)

Amt. of Account		
Amt. Paid		
Balance Due		

BY [Signature]

No. \_\_\_\_\_ Date 01-01-12

RECEIVED OF pay 12 month rent  
From 01-01-12 to 01-01-13 DOLLARS \$ 3,600<sup>00</sup>

Amt. of Account		
Amt. Paid		
Balance Due		

BY [Signature]

No. 0169 Date 07-12-10

RECEIVED OF rent for 13 months  
From 12-01-10 to 01-01-12 DOLLARS \$ 5000<sup>00</sup>

Amt. of Account		
Amt. Paid		
Balance Due		

BY [Signature]

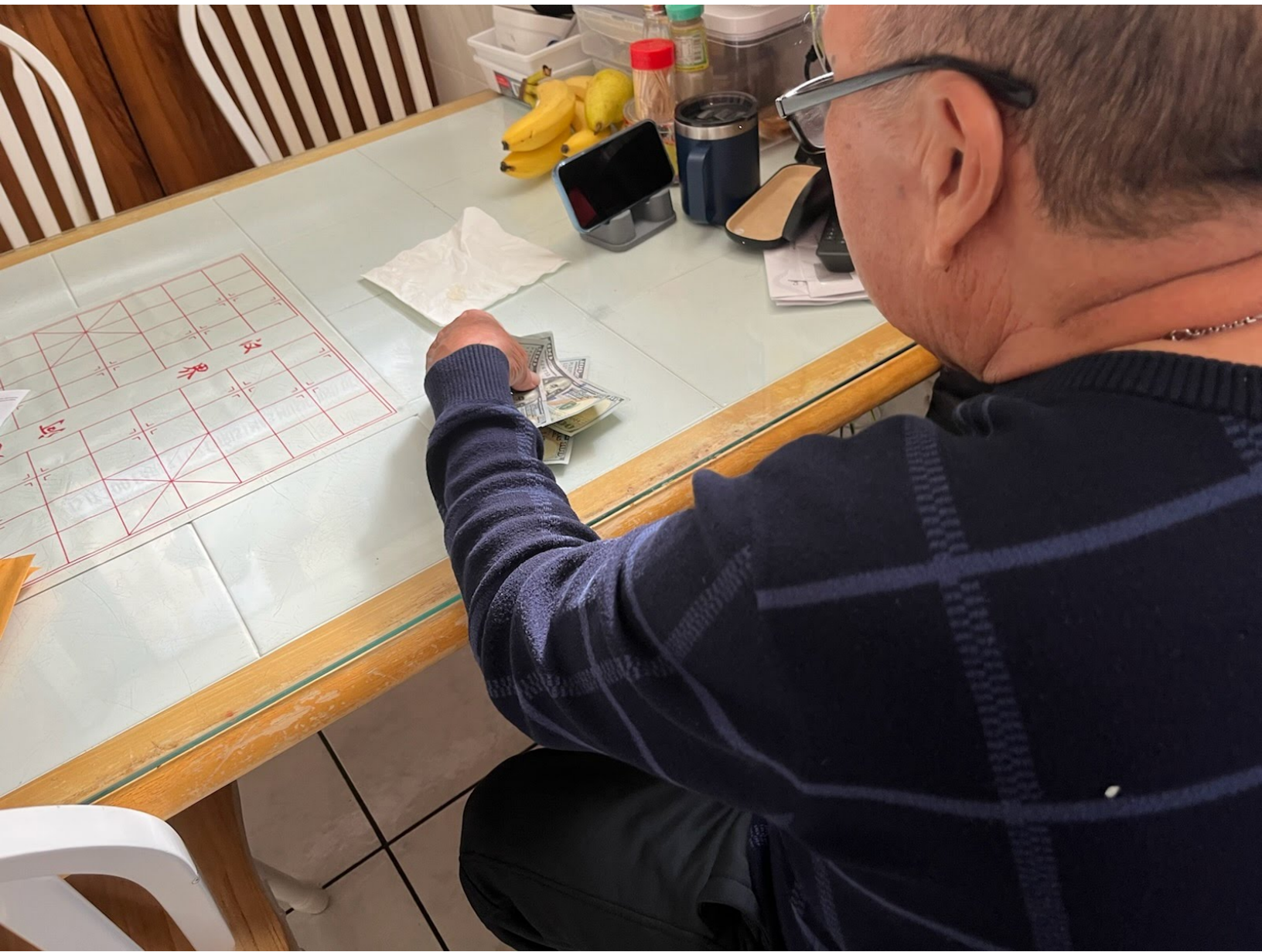


# Exhibit 9





# Exhibit 10





# Exhibit 11





# Exhibit 12

October 19, 2021  
2021 年 10 月 19 日

Via USPS & Hand delivery  
通過 USPS 以及本人親手遞送

Cau La  
Ling La  
807 44<sup>th</sup> Avenue  
San Francisco, CA 94121

**Re: CUD-21-668208; Eviction case against Yuanchang He and Zhaoying Tan**  
**相關事宜: CUD-21-668208; 針對 Yuanchang He 以及 Zhaoying Tan 的驅逐案**

Dear Cau La and Ling La,  
致 Cau La 和 Ling La

I am writing regarding my tenancy in the downstairs unit at 807 44<sup>th</sup> Avenue, San Francisco, CA 94121 and our recent communications about the above-referenced eviction lawsuit that you have filed against my sister and her family.

寫這封信的起因是我在舊金山 44 大道 807 號樓下單位的租賃關係，該單位的郵區編碼為 CA94121，希望在此複述我們之間的溝通，關於你們起訴我妹妹和她家人的驅逐訴訟一事。

### **Eviction lawsuit** **驅逐訴訟**

I received two pages of a form titled “Pre-Judgment Claim” from your granddaughter/daughter sometime around October 8, 2021. I did not understand what the form was for. I later found out that these papers are part of an eviction lawsuit. I am not named as a Defendant in this lawsuit. I did not receive the eviction notice and the other court papers in this lawsuit. I am a tenant occupying one of the separate rooms in the unit described as “807, 44<sup>th</sup> Ave, Bottom Floor” in the lawsuit. I have a separate lease with you. My monthly rent is \$400.

我在 2021 年 10 月 8 日左右收到了你的孫女（或女兒）給我的一份文件，共兩頁的標題為「預判申訴」的表格。我一開始並不明白這份表格是用作何處。我稍後發現這些文件是一宗驅逐訴訟的法庭文書。我並未在此訴訟中被點名為被告。我並未收到驅逐通知書亦未收到此案中的任何其它法庭文書。我是住在位於訴訟中提到的 44 大道 807 號樓下這個單位內其中一個房間的租客。我和你們有另外的租約。我的月租金為 400 美元。

When I contacted you about this lawsuit, you confirmed that this is not an attempt to evict me and that you were not suing me. You told me that my tenancy will not be impacted by this lawsuit. You have also accepted rent from me for the month of October 2021. Because of your actions and statement, and believing these to be true, I am not taking any steps to respond to this eviction lawsuit.



當我因此訴訟而跟你進行溝通時，你跟我確認你並不是要驅逐我、你亦並未起訴我。你告訴我，我在此單位的租賃關係並未因此訴訟而受影響。你亦接受了我繳交的 2021 年十月租金。因為我相信你上述的說辭和行徑皆出於真誠，我因而並未應訴。

**Rent payment**  
**繳納租金**

Through this lawsuit, I also learned that Ling La is the current owner of the downstairs unit. However, based on the terms of my verbal lease since the beginning of my tenancy, I have paid rent in cash directly to Cau La. I did not receive notice of any change in ownership during my tenancy. Please let me know if there are any changes in how I pay my rent and provide me with a rent receipt going forward.

通過這個訴訟案，我得知 Ling La 才是現在樓下單位的物業持有人。但是基於我剛搬進來時與你們進行口頭上的租賃條款的磋商，我一直都是直接向 Cau La 以現金形式繳交租金。若有任何關於交租方式的變更，請告知我，亦請在未來收租後給我提供租金收據。

Please contact me at (415) 710 0966 if you have any questions or concerns.  
若你對此信有任何問題或疑慮，請致電 415-710-0966 與我取得聯繫。

Sincerely,  
僅此致意，

Shu Xian Tan  
Tenant at 807 44<sup>th</sup> Ave (downstairs unit)  
住在 44 大道 807 號樓下單位的租客

cc. Kriss Miranda (Property Agent), 501 Gonzalez Drive, San Francisco, CA 94132  
另寄送 Kriss Meranda (物業經理)，地址為 501 Gonzalez Drive, San Francisco, CA 94132

## **BRIEF SUBMITTED BY THE PERMIT HOLDER(S)**



## **LING LA, PROPERTY OWNER**

34 St. Marks Ct., Daly City CA 94015 | Tel: 650-733-4605 | Email: lingla@hotmail.com

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### **PERMIT HOLDER'S BRIEF**

July 17, 2023

TO: City and County of San Francisco, Board of Appeals

RE: Appeal No.: 23-024, Tan vs. PDA, Address: 807 44th Avenue, San Francisco, CA 94121

Permit Type: Alteration Permit, Permit No.: 2022/01/12/5846

### **INTRODUCTION AND STATEMENT OF FACTS**

This is an appeal brought by Shuxian Tan (“Appellant”) to challenge the demolition permit issued by Department of Inspection (“DBI”) and Department of City Planning. Shuxian Tan claims to be a tenant of the lower unit at 807 44<sup>th</sup> Ave (Premises) since 2007. This is not true because she has been an In-House Support Services (IHSS) provider to care for my mother Huu Dang, and later for my father Cau La, who is now 94 years old. No tenancy agreement was ever established, discussed and agreed between Appellant and property owners Ling La or Amanda La. Mr. Cau La, who is physically and mentally disabled incompetent person, is not the property owner and has no legal authority to negotiate or enter into any agreement with anyone.

Our family of eight (8) people immigrated to U.S. as refugees in 1986. On or about 1992 my sisters and I purchased the 807 44<sup>th</sup> Ave property. There were just two rooms and no kitchen in the lower level. Later, all of us got married and moved out, leaving the elderly parents remaining at the subject property. Somewhere in 2007, my mother suffered horrible



disease, dementia. Her condition got worse overtime and progressed to the last stage of the disease in 2008.

Appellant used to live at her brother's residence located at 718 42<sup>nd</sup> Ave, San Francisco CA 94121, just two blocks away from 807 44<sup>th</sup> Ave. On or about April 2008, Appellant was granted a right to occupy the lower room as a licensee/employee to care for Mrs. Huu Dang, my mother. Mrs. Dang's sickness often required urgent medical attention thus requiring Appellant to stay over the property to provide additional care as needed. Mrs. Dang became IHSS recipient and Appellant became IHSS provider (See Exhibit 1, IHSS Employment Verification). On or about 2009, Appellant asked her sister, Zhaoying Tan, to come over to help Appellant to take care of Mrs. Dang. In the interim, Zhaoying Tan had her husband Yuancheng He to accompany her and had moved in with her as well.

At no time, neither rent payments nor any agreement was offered or accepted by any property owners. This arrangement was made for the benefit of both parties in a household of elderly adults to look out for one another and keep one another emotional companionship. As property owners to the subject property, we did not see a need for any financial opportunity, so long Appellant and her sister were caring for our parents.

Upon Mrs. Dang's passing in 2012, the employment and services for in-home care was transferred to Mr. Cau La, who also suffered three strokes and two cancers. Mr. Cau La, who is now 94 years old, has been physically and mentally disabled, and incapable to differentiate what is wrong and what is right. We believe at that time; Appellant has started taking advantage of my father. My father is a very naïve man, and due to his unstable mental state, he is very easy to be manipulated, which marks him a target for anyone to take advantage of. If someone says nice things to him, or butters him up, he'd give that person anything he/she



wants. Appellant used this opportunity to take advantage of Mr. Cau La and forced him to do things to further her greed. Mr. Cau La mistakenly believed that Appellant liked him, so he proposed to marry Appellant. However, Appellant declined Mr. Cau La's marriage proposal because she is aware that Mr. Cau La does not own any asset and he is just an old poor guy. During our family gatherings with Appellant's presence, we often reminded Appellant that Mr. Cau La is not a property owner of this subject property. Therefore, Appellant knows very well that Mr. Cau La's daughters are indeed the property owners.

For the following years after my mother's passing, we started to see thousands of dollars of charges to Mr. Cau La's credit cards. When we questioned him about those charges, he replied that he bought the merchandise such as jewelry, new iphones, clothes, and shoes, etc... for Appellant and she then reimbursed him with cash. This had led us to believe that Appellant made up the 'fake' receipts to establish her "long-term" tenancy as a 'paid' renter and set a trap for Mr. Cau La to falsely accept the cash as rent. She then illegally and secretly took pictures of Mr. Cau La without his consent. ***CA Civil Code Section 1708.8 makes it illegal to capture photos, videos or audio recordings of people "engaging in a private, personal or familial activity."*** Further ***California Penal Code 647(j) criminalizes someone using cameras and other devices to invade a person's privacy. This statute makes it a crime for someone to invade another person's privacy unlawfully.*** We ask the Board to disregard these pictures. These illegally obtained photos are inadmissible in court, thus the Board should comply with the state and federal laws.

Appellant has never had any tenancy agreement with any property owner, and Appellant never paid rent in exchange for use and occupancy of the room. We even paid for Appellant's and her sister's share of utilities and let them access to all housing privileges. We,



the property owners, have not issued any rent receipt presented in Appellant's declaration before. These receipts are made up by Appellant because there is no name, address and phone number of the issuer. The form of payments such as by cash, check, or credit card, and most importantly the unit address is also missing on the receipts. We ask the Board to disregard these unauthenticated receipts. These are triable issues and need to be determined by the trier of facts.

We were not aware of how and when the kitchen cabinets and a stove was installed at the lower level of the property although Appellant would often come upstairs to cook for herself and my parents. Appellant admits in her declaration that "...When we first moved in, we had no stove, only a hot plate and refrigerator in the lower unit." (Tan Decl, ¶. 6), and "...When Huu Dang was still alive, I cooked the owners' meals upstairs and **would eat with them** when I was working. I cooked dinner for Cau La after Huu Dang passed away, I cooked dinner for Cau La and **ate with him** while I was working..." (Tan Decl, ¶. 9), and "Beginning in or around 2017, at Cau La's request, I started cooking dinner for Cau La, the two occupants in the upstairs unit, and Cau La's female friend **every day**. As part of my job, **I ate dinner with them** and cleaned up after everyone." (Tan Decl, ¶. 21). These facts alone proved that Appellant freely entered upper level through the stairs and the door was never locked. Appellant's sister and her husband also came upstairs multiple times to yell at Mr. Cau La and extorted him money before they would move out.

On or about April 2020, Appellant requested to be discharged so she could claim unemployment benefits during the pandemic (See Exhibit 2, W2's from 2018-2020, and Appellant's 2020 tax return). Doing so, she would get extra \$600 of benefits per week in addition to unemployment pay during that period. Mr. Cau La never wanted to terminate her



as she claimed because he could not find anyone to take care of him. I ended up substituting for Appellant to care for Mr. Cau La during that period and soon found out that Appellant and her sister have abused Mr. Cau La for years.

Since Appellant and her sister no longer cared for my father, Mr. Cau La, we asked them to leave our house, but they refused to leave. On January 2021, I filed Unlawful Detainer to evict Appellant's sister and her husband upon finding out that they have been abusing Mr. Cau La. They finally left our property on December 19, 2021.

As for Appellant, she told us that she would move out to live with her daughter, who owns a property elsewhere. She also told us that she is applying for housing in San Francisco city and waiting for the opportunity. In fact, her brother's residence at 718 42nd Ave is still available for her to move back. Her sister, Zhaoying Tan, owns two houses in San Leandro city (See Exhibit 4 – Tan's Deed of Trust), which could also be used to house her temporarily. However, seeing no need to use the rooms on the lower level, we let Appellant to temporarily live in that room until we have to demolish the illegal rooms and kitchen. We were nice enough to offer Appellant to go upstairs to sleep in our living room if she could not move out right away. We treated Appellant as our stepmother because we think she would take care of our elderly father. To our surprise, she has abused him, lied and presented false evidence to establish tenancy.

Appellant has no right to challenge this demolition permit as she is not a rightful tenant. She never pays rent to any property owner. There was no landlord-tenant relationship between Appellant and property owner. Appellant held a license to occupy the room which has been terminated when she quit caring for Mr. Cau La. Pursuant to California Code of Civil Procedure §1161, subdivision 1, a licensee is not protected under sections 37.2(h) and 37.2(t) of



the Rent Ordinance, and a license to occupy may be terminated at any time. Appellant cannot prove she has entered into any tenancy agreement with Permit Holder that would entitle her to possession of the Premises. Permit Holder will offer eyewitnesses to testify that Appellant has never been a tenant but an in-house caregiver only.

### **ARGUMENT**

#### **The removal of illegal unit is warranted, and conditional use authorization should be exempt.**

Pursuant to Planning Code Section 317 (d)(1), it states “No permit to Demolish a Residential Building in any zoning district shall be issued until a building permit for the replacement structure is finally approved, unless **the building is determined to pose a serious and imminent hazard** as defined in the Building Code.” That said, the subject kitchen being installed without property owner’s knowledge could pose imminent fire hazard due to improperly installed gas line.

Pursuant to Planning Code Section 317 (c)(5) and (d)(3), it states that “The Demolition of a Single-Family Residential Building that meets the requirements of Subsection (d)(3) below may be approved by the Department without requiring a Conditional Use authorization”, and “...A building is unsound if its **soundness factor exceeds 50%**. A Residential Building that is unsound may be approved for demolition without requiring a Conditional Use authorization.” The estimated costs to legalize the unit is around \$252,770.65, which is more than 50% ( $\$252,770.65/\$470,000 = 53.78\%$ ) of replacement costs of \$470,000 (see Exhibit 3, GMBC quote and State Farm Insurance Binder). The repair costs would constitute a financial hardship to property owners pursuant Planning Code Section 317 (g) (7) (C).



**The lower level where Appellant lives is NOT a separate and distinct living and sleeping space.**

The application was submitted based upon complete and actual facts. Permit Holder has no knowledge what happened after we moved out around year of 2005. There was no kitchen and appliance at the garage level. The garage had two tandem parking spaces for our family's use including exercise equipment for Mr. Cau La. The bathroom in the garage is a public restroom and has been used for convenience by anyone. Even after Appellant moved in, we still often entered the side door, walked through the garage and went upstairs. The door to the upper floor was never locked because if Mr. Cau La falls or need medical emergency, he would yell out to Appellant for help. The house occupants frequently accessed the lower level through the only stairs to access the laundry room, backyard and the garage to dump trash. This is a common area so Appellant would not have any exclusive use of the lower level as she claimed. Appellant and her family intended to usurp the property by having someone put in a kitchen without getting the property owners' permission to claim this as an independent unit.

**Appellant was verbally notified several times that Permit Holder applied for demolition permit.**

Around end of December 2021, Appellant's sister moved out and during that time I repeatedly and verbally advised Appellant that I was in the process of applying for the demolition permit due to the notice of violation. Appellant was made aware of this situation ever since. She asked if she could move upstairs, I told her she could do that temporarily until she finds a permanent place.

**Filing a copy of eviction notices with the Rent Board was a mistake of the property manager.**

The initial eviction notice being filed with the Rent Board was mistakenly submitted by our Property Manager, who was unaware of the situation of the in-house caregivers. She



mistakenly interpreted the eviction law for the unlawful detainer case CUD-21-668208, therefore she submitted a form to the Rent Board to notify our intention to evict Appellant's sister and her husband. Shortly after that we dismissed this case and refiled with a new case CUD-21-668506 to correct the true relationship of licensor (property owner) and licensees (employees). This relationship is exempt from Rent Board for notice purposes.

**Appellant was provided written notice advising her that her employment in exchange of occupancy has long been terminated.**

On October 24, 2021, we hand delivered and mailed a notice to Appellant advising her that "...your occupancy agreement in exchange for in-home care services has also been deemed terminated and/or expired. Additionally, there have been no rent payments received and/or accepted from you since time of termination, including October 2021 as you claim.

Furthermore, there were no rental agreement, oral or written, were ever established between you and Mr. La or Ms. La. You have been occupying the bottom floor because you refuse to vacate the premises and without permission by the Owner, Ling La." (See Exhibit 5 – Letter to Shuxian Tan). We further advised Appellant that "Additionally, this is an Owner-occupied residence in which Landlord/Owner Ling La is the Owner of the home since 1992, in which her elderly father, Mr. Cau La resides in, located at 807-44th Avenue, San Francisco, CA 94121."

(See Exhibit 5 – Letter to Shuxian Tan). Appellant has played ignorance of our multiple notices advising her that Mr. Cau La is not the property owner and she needed to stop abusing him to establish tenancy. Appellant never presented any rent receipt to any property owner until now. She was making up these receipts with her attorney's help and setting up Mr. Cau La as scapegoat for this appeal with her criminal intent.

**CONCLUSION**



For the reasons above, Appellant's appeal should be denied. Permit Holder respectfully requests the Board of Appeals to uphold the demolition permit as is and deny this frivolous appeal.

A handwritten signature in blue ink that reads "Ling La". The signature is written in a cursive style with a long horizontal stroke extending to the right.

---

Ling La, Property Owner



# **EXHIBIT 1**





**Independent Provider Employment Verification**

Name: **SHUXIAN TAN**

Initial Hire Date **4/16/2008**

JOB TITLE: **In-Home Supportive Services Care Provider**

**Client 1** Provider's status: **Terminated on 5/20/2021**

SERVICE DATE	PAID DATE	PAID RATE	GROSS	NET_PAYMENT	HOURS
3/1/2019	4/8/2019	\$16.00	\$320.00	\$276.16	20:00
3/16/2019	4/8/2019	\$16.00	\$320.00	\$276.16	20:00
4/1/2019	4/26/2019	\$16.00	\$320.00	\$276.16	20:00
4/16/2019	5/9/2019	\$16.00	\$320.00	\$276.16	20:00
5/1/2019	5/23/2019	\$16.00	\$320.00	\$276.16	20:00
5/16/2019	6/10/2019	\$16.00	\$320.00	\$276.16	20:00
6/1/2019	7/1/2019	\$16.00	\$320.00	\$226.16	20:00
6/16/2019	7/15/2019	\$16.00	\$320.00	\$276.16	20:00
7/1/2019	7/26/2019	\$16.50	\$330.00	\$284.29	20:00
7/16/2019	8/12/2019	\$16.50	\$330.00	\$284.30	20:00
8/1/2019	9/3/2019	\$16.50	\$330.00	\$284.29	20:00
8/16/2019	9/13/2019	\$16.50	\$346.50	\$297.72	21:00
9/1/2019	9/26/2019	\$16.50	\$330.00	\$284.30	20:00
9/16/2019	10/10/2019	\$16.50	\$330.00	\$284.29	20:00
10/1/2019	10/28/2019	\$16.50	\$330.00	\$284.30	20:00

*Note: 0 hour indicates special transaction such as Travel Claim, Tax Returns and Sick Leave.*





**Independent Provider Employment Verification**

Name: **SHUXIAN TAN**  
 Initial Hire Date **4/16/2008**  
 JOB TITLE: **In-Home Supportive Services Care Provider**

**Client 2** Provider's status: **Terminated on 5/20/2021**

SERVICE DATE	PAID DATE	PAID RATE	GROSS	NET_PAYMENT	HOURS
11/16/2015	12/3/2015	\$12.25	\$463.46	\$386.32	37:48
12/1/2015	12/17/2015	\$12.25	\$367.50	\$336.09	30:00
12/16/2015	1/4/2016	\$12.25	\$402.21	\$330.32	32:48
1/1/2016	1/21/2016	\$12.25	\$367.50	\$336.08	30:00
1/16/2016	2/4/2016	\$12.25	\$389.96	\$319.11	31:48
2/1/2016	2/18/2016	\$12.25	\$367.50	\$336.10	30:00
2/16/2016	3/3/2016	\$12.25	\$402.21	\$330.31	32:48
3/1/2016	3/18/2016	\$12.25	\$367.50	\$336.08	30:00
3/16/2016	4/13/2016	\$12.25	\$451.21	\$375.13	36:48
4/1/2016	4/21/2016	\$12.25	\$367.50	\$336.07	30:00
4/16/2016	5/4/2016	\$12.25	\$500.21	\$419.95	40:48
5/1/2016	5/20/2016	\$12.25	\$367.50	\$336.08	30:00
5/16/2016	6/6/2016	\$12.25	\$515.52	\$433.94	42:06
6/1/2016	6/16/2016	\$12.25	\$367.50	\$336.08	30:00
6/16/2016	7/5/2016	\$12.25	\$402.21	\$330.32	32:48
7/1/2016	7/18/2016	\$13.00	\$390.00	\$356.65	30:00
7/16/2016	8/4/2016	\$13.00	\$426.83	\$352.84	32:48

*Note: 0 hour indicates special transaction such as Travel Claim, Tax Returns and Sick Leave.*





## Independent Provider Employment Verification

Name: **SHUXIAN** **TAN**

Initial Hire Date **4/16/2008**

JOB TITLE: **In-Home Supportive Services Care Provider**

8/1/2016	8/19/2016	\$13.00	\$416.00	\$380.44	32:00
8/16/2016	9/2/2016	\$13.00	\$586.08	\$498.46	45:06
9/1/2016	9/21/2016	\$13.00	\$455.00	\$416.10	35:00
9/16/2016	10/6/2016	\$13.00	\$465.83	\$388.51	35:48
10/1/2016	10/17/2016	\$13.00	\$390.00	\$356.66	30:00
10/16/2016	11/3/2016	\$13.00	\$426.83	\$352.82	32:48
11/1/2016	11/18/2016	\$13.00	\$390.00	\$356.65	30:00
11/16/2016	12/7/2016	\$13.00	\$426.83	\$352.84	32:48
12/1/2016	12/20/2016	\$13.00	\$390.00	\$356.66	30:00
12/16/2016	1/5/2017	\$13.00	\$413.83	\$340.95	31:48
1/1/2017	1/20/2017	\$13.00	\$403.00	\$368.55	31:00
1/16/2017	2/3/2017	\$13.00	\$608.83	\$519.27	46:48
2/1/2017	2/17/2017	\$13.00	\$390.00	\$356.65	30:00
2/16/2017	3/6/2017	\$13.00	\$595.83	\$507.39	45:48
3/1/2017	3/20/2017	\$13.00	\$442.00	\$404.20	34:00
3/16/2017	4/3/2017	\$13.00	\$482.08	\$403.36	37:06
4/1/2017	4/18/2017	\$13.00	\$390.00	\$356.66	30:00
4/16/2017	5/5/2017	\$13.00	\$413.83	\$342.33	31:48
5/1/2017	5/17/2017	\$13.00	\$390.00	\$356.65	30:00

*Note: 0 hour indicates special transaction such as Travel Claim, Tax Returns and Sick Leave.*





### Independent Provider Employment Verification

Name: **SHUXIAN** **TAN**

Initial Hire Date **4/16/2008**

JOB TITLE: **In-Home Supportive Services Care Provider**

5/16/2017	6/5/2017	\$13.00	\$478.83	\$406.73	36:48
6/1/2017	6/19/2017	\$13.00	\$403.00	\$368.54	31:00
6/16/2017	7/6/2017	\$13.00	\$413.83	\$349.34	31:48
7/1/2017	7/18/2017	\$14.00	\$420.00	\$384.09	30:00
7/16/2017	8/2/2017	\$14.00	\$445.67	\$376.10	31:48
8/1/2017	8/17/2017	\$14.00	\$420.00	\$384.09	30:00
8/16/2017	9/8/2017	\$14.00	\$495.83	\$423.43	35:24
9/1/2017	9/20/2017	\$14.00	\$504.00	\$460.92	36:00
9/16/2017	10/4/2017	\$14.00	\$607.83	\$524.88	43:24
10/1/2017	10/19/2017	\$14.00	\$630.00	\$576.14	45:00
10/16/2017	11/3/2017	\$14.00	\$383.83	\$316.02	27:24
11/1/2017	11/17/2017	\$14.00	\$490.00	\$448.11	35:00
11/16/2017	12/5/2017	\$14.00	\$411.83	\$334.49	29:24
12/1/2017	12/20/2017	\$14.00	\$420.23	\$384.29	30:00
12/16/2017	1/8/2018	\$14.00	\$481.60	\$408.73	34:24
1/1/2018	1/17/2018	\$14.00	\$420.00	\$383.67	30:00
1/16/2018	2/7/2018	\$14.00	\$551.83	\$474.15	39:24
2/1/2018	2/22/2018	\$14.00	\$490.00	\$447.61	35:00
2/16/2018	3/6/2018	\$14.00	\$481.83	\$408.09	34:24

*Note: 0 hour indicates special transaction such as Travel Claim, Tax Returns and Sick Leave.*





## Independent Provider Employment Verification

Name: **SHUXIAN** **TAN**

Initial Hire Date **4/16/2008**

JOB TITLE: **In-Home Supportive Services Care Provider**

<b>3/1/2018</b>	<b>3/21/2018</b>	<b>\$14.00</b>	<b>\$490.00</b>	<b>\$447.62</b>	<b>35:00</b>
<b>3/16/2018</b>	<b>4/3/2018</b>	<b>\$14.00</b>	<b>\$481.83</b>	<b>\$403.90</b>	<b>34:24</b>
<b>4/1/2018</b>	<b>4/16/2018</b>	<b>\$14.00</b>	<b>\$504.00</b>	<b>\$460.40</b>	<b>36:00</b>
<b>4/16/2018</b>	<b>5/23/2018</b>	<b>\$14.00</b>	<b>\$495.83</b>	<b>\$418.79</b>	<b>35:24</b>
<b>5/1/2018</b>	<b>5/23/2018</b>	<b>\$14.00</b>	<b>\$420.00</b>	<b>\$383.67</b>	<b>30:00</b>
<b>5/16/2018</b>	<b>6/6/2018</b>	<b>\$14.00</b>	<b>\$481.83</b>	<b>\$405.59</b>	<b>34:24</b>
<b>6/1/2018</b>	<b>6/19/2018</b>	<b>\$14.00</b>	<b>\$420.00</b>	<b>\$383.67</b>	<b>30:00</b>
<b>6/16/2018</b>	<b>7/2/2018</b>	<b>\$14.00</b>	<b>\$481.83</b>	<b>\$407.67</b>	<b>34:24</b>
<b>7/1/2018</b>	<b>7/16/2018</b>	<b>\$15.00</b>	<b>\$450.00</b>	<b>\$411.08</b>	<b>30:00</b>
<b>7/16/2018</b>	<b>8/3/2018</b>	<b>\$15.00</b>	<b>\$516.25</b>	<b>\$439.55</b>	<b>34:24</b>
<b>8/1/2018</b>	<b>8/17/2018</b>	<b>\$15.00</b>	<b>\$555.00</b>	<b>\$506.99</b>	<b>37:00</b>
<b>8/16/2018</b>	<b>9/5/2018</b>	<b>\$15.00</b>	<b>\$607.51</b>	<b>\$522.01</b>	<b>40:30</b>
<b>9/1/2018</b>	<b>9/18/2018</b>	<b>\$15.00</b>	<b>\$495.00</b>	<b>\$452.19</b>	<b>33:00</b>
<b>9/16/2018</b>	<b>10/4/2018</b>	<b>\$15.00</b>	<b>\$472.51</b>	<b>\$394.50</b>	<b>31:30</b>
<b>10/1/2018</b>	<b>10/18/2018</b>	<b>\$15.00</b>	<b>\$540.00</b>	<b>\$493.29</b>	<b>36:00</b>
<b>10/16/2018</b>	<b>11/5/2018</b>	<b>\$15.00</b>	<b>\$457.51</b>	<b>\$379.85</b>	<b>30:30</b>
<b>11/1/2018</b>	<b>11/21/2018</b>	<b>\$15.00</b>	<b>\$510.00</b>	<b>\$465.89</b>	<b>34:00</b>
<b>11/16/2018</b>	<b>12/5/2018</b>	<b>\$15.00</b>	<b>\$547.51</b>	<b>\$464.76</b>	<b>36:30</b>
<b>12/1/2018</b>	<b>12/19/2018</b>	<b>\$15.00</b>	<b>\$525.00</b>	<b>\$479.59</b>	<b>35:00</b>

*Note: 0 hour indicates special transaction such as Travel Claim, Tax Returns and Sick Leave.*





## Independent Provider Employment Verification

Name: **SHUXIAN** **TAN**

Initial Hire Date **4/16/2008**

JOB TITLE: **In-Home Supportive Services Care Provider**

12/16/2018	1/4/2019	\$15.00	\$502.51	\$425.00	33:30
1/1/2019	1/17/2019	\$15.00	\$495.00	\$452.19	33:00
1/16/2019	2/5/2019	\$15.00	\$502.51	\$421.87	33:30
2/1/2019	3/1/2019	\$16.00	\$128.00	\$116.93	00:00
2/1/2019	2/22/2019	\$16.00	\$592.00	\$540.79	37:00
2/16/2019	3/4/2019	\$16.00	\$536.01	\$454.72	33:30
3/1/2019	3/21/2019	\$16.00	\$528.00	\$482.32	33:00
3/16/2019	4/3/2019	\$16.00	\$520.01	\$437.19	32:30
4/1/2019	4/18/2019	\$16.00	\$512.00	\$467.72	32:00
4/16/2019	5/2/2019	\$16.00	\$536.01	\$448.88	33:30
5/1/2019	5/16/2019	\$16.00	\$480.00	\$438.48	30:00
5/16/2019	6/3/2019	\$16.00	\$552.01	\$454.26	34:30
6/1/2019	6/17/2019	\$16.00	\$528.00	\$482.33	33:00
6/16/2019	7/2/2019	\$16.00	\$456.01	\$416.56	28:30
7/1/2019	7/16/2019	\$16.50	\$495.00	\$452.19	30:00
7/16/2019	8/1/2019	\$16.50	\$569.25	\$473.01	34:30
8/1/2019	8/19/2019	\$16.50	\$528.00	\$482.33	32:00
8/16/2019	9/2/2019	\$16.50	\$486.75	\$394.64	29:30
9/1/2019	9/18/2019	\$16.50	\$495.00	\$452.18	30:00

*Note: 0 hour indicates special transaction such as Travel Claim, Tax Returns and Sick Leave.*





### Independent Provider Employment Verification

Name: **SHUXIAN** **TAN**

Initial Hire Date **4/16/2008**

JOB TITLE: **In-Home Supportive Services Care Provider**

9/16/2019	10/3/2019	\$16.50	\$552.75	\$457.12	33:30
10/1/2019	10/17/2019	\$16.50	\$495.00	\$452.18	30:00
10/16/2019	11/2/2019	\$16.50	\$569.25	\$470.01	34:30
11/1/2019	11/18/2019	\$16.50	\$544.50	\$497.40	33:00
11/16/2019	12/3/2019	\$16.50	\$548.08	\$450.67	33:12
12/1/2019	12/18/2019	\$16.50	\$511.50	\$467.25	31:00
12/16/2019	1/3/2020	\$16.50	\$531.58	\$447.18	32:12
1/1/2020	1/17/2020	\$16.50	\$511.50	\$467.27	31:00
1/16/2020	2/3/2020	\$16.50	\$564.58	\$478.95	34:12
2/1/2020	2/17/2020	\$16.50	\$528.00	\$482.32	32:00
2/16/2020	3/3/2020	\$16.50	\$531.58	\$449.32	32:12
3/1/2020	3/17/2020	\$16.50	\$511.50	\$467.25	31:00
3/16/2020	4/2/2020	\$16.50	\$531.58	\$447.82	32:12
4/1/2020	4/17/2020	\$16.50	\$495.00	\$452.18	30:00

*Note: 0 hour indicates special transaction such as Travel Claim, Tax Returns and Sick Leave.*



# **EXHIBIT 2**



Department of the Treasury - Internal Revenue Service				
d Control number 63888	1 Wages, tips, other compensation 0.00	2 Federal income tax withheld 0.00		
OMB NO. 1545-0008	3 Social security wages 11876.87	4 Social security tax withheld 736.37		
	5 Medicare wages and tips 11876.87	6 Medicare tax withheld 172.21		
c Employer's name, address, and ZIP code CAU LA PO BOX 1717 WEST SACRAMENTO CA 95691				
7 Social security tips 0.00	8 Allocated tips 0.00	9 Verification code		
10 Dependent care benefits 0.00	11 Nonqualified plans 0.00	12a See instructions for box 12		
12b	12c	12d		
b Employer identification number (EIN) 942629822		a Employee's social security number		
13 Statutory employee Retirement plan Third-party sick pay	14 Other CA-SDI 118.77			
e Employee's name, address and ZIP code SHUXIAN TAN 807 44TH AVE SAN FRANCISCO CA 94121-3307		This information is being furnished to the Internal Revenue Services. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.		
<b>Form W-2</b> <b>Wage and Tax Statement</b> <b>2018</b> Copy C-For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B)	15 State Employer's state ID number	16 State wages, tips, etc. 0.00		
	17 State income tax 0.00	18 Local wages, tips, etc. 0.00		
	19 Local income tax 0.00	20 Locality name		
	15 State CA		Employer's state ID number 57245391	
	17 State income tax 0.00		18 Local wages, tips, etc. 0.00	
19 Local income tax 0.00		20 Locality name		
Department of the Treasury - Internal Revenue Service				

Department of the Treasury - Internal Revenue Service				
d Control number 65885	1 Wages, tips, other compensation 0.00	2 Federal income tax withheld 0.00		
OMB NO. 1545-0008	3 Social security wages 12663.15	4 Social security tax withheld 785.12		
	5 Medicare wages and tips 12663.15	6 Medicare tax withheld 183.02		
c Employer's name, address, and ZIP code CAU LA PO BOX 1717 WEST SACRAMENTO CA 95691				
7 Social security tips 0.00	8 Allocated tips 0.00	9		
10 Dependent care benefits 0.00	11 Nonqualified plans 0.00	12a See instructions for box 12		
12b	12c	12d		
b Employer identification number (EIN) 942629822		a Employee's social security number		
13 Statutory employee Retirement plan Third-party sick pay	14 Other CA-SDI 126.03			
e Employee's name, address and ZIP code SHUXIAN TAN 807 44TH AVE SAN FRANCISCO CA 94121-3307		This information is being furnished to the Internal Revenue Services. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.		
<b>Form W-2</b> <b>Wage and Tax Statement</b> <b>2019</b> Copy C-For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B)	15 State CA	Employer's state ID number 57245391		
	17 State income tax 0.00	18 Local wages, tips, etc. 0.00		
	19 Local income tax 0.00	20 Locality name		
	15 State CA		Employer's state ID number 57245391	
	17 State income tax 0.00		18 Local wages, tips, etc. 0.00	
19 Local income tax 0.00		20 Locality name		
Department of the Treasury - Internal Revenue Service				

Department of the Treasury - Internal Revenue Service				
d Control number 65840	1 Wages, tips, other compensation 0.00	2 Federal income tax withheld 0.00		
OMB NO. 1545-0008	3 Social security wages 4205.32	4 Social security tax withheld 260.73		
	5 Medicare wages and tips 4205.32	6 Medicare tax withheld 60.98		
c Employer's name, address, and ZIP code CAU LA PO BOX 1717 WEST SACRAMENTO CA 95691				
7 Social security tips 0.00	8 Allocated tips 0.00	9		
10 Dependent care benefits 0.00	11 Nonqualified plans 0.00	12a See instructions for box 12		
12b	12c	12d		
b Employer identification number (EIN) 942629822		a Employee's social security number		
13 Statutory employee Retirement plan Third-party sick pay	14 Other CA-SDI 42.05			
e Employee's name, address and ZIP code SHUXIAN TAN 807 44TH AVE SAN FRANCISCO CA 94121-3307		This information is being furnished to the Internal Revenue Services. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.		
<b>Form W-2</b> <b>Wage and Tax Statement</b> <b>2020</b> Copy C-For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B)	15 State CA	Employer's state ID number 57245391		
	17 State income tax 0.00	18 Local wages, tips, etc. 0.00		
	19 Local income tax 0.00	20 Locality name		
	15 State CA		Employer's state ID number 57245391	
	17 State income tax 0.00		18 Local wages, tips, etc. 0.00	
19 Local income tax 0.00		20 Locality name		
Department of the Treasury - Internal Revenue Service				



**Filing Status**  Single  Married filing jointly  Married filing separately (MFS)  
 Head of household (HOH)  Qualifying widow(er) (QW)  
 Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent ▶

Your first name and middle initial SHU X	Last name TAN	Your social security number [REDACTED]
If joint return, spouse's first name and middle initial	Last name	Spouse's social security number
Home address (number and street). If you have a P.O. box, see instructions. 807 44TH AVENUE		Apt. no.
City, town, or post office. If you have a foreign address, also complete spaces below. SAN FRANCISCO	State CA	ZIP code 94121
Foreign country name	Foreign province/state/county	Foreign postal code

At any time during 2020, did you receive, sell, send, exchange, or otherwise acquire any financial interest in any virtual currency? . . . . .  Yes  No

**Standard Deduction** **Someone can claim:**  You as a dependent  Your spouse as a dependent  
 Spouse itemizes on a separate return or you were a dual-status alien

**Age/Blindness** { **You:**  Were born before January 2, 1956  Are blind  
**Spouse:**  Was born before January 2, 1956  Is blind

Dependents (see instructions):	(1) First name	Last name	(2) Social security number	(3) Relationship to you	(4) <input checked="" type="checkbox"/> if qualifies for (see instructions):	
					Child tax credit	Credit for other dependents
If more than four dependents, see instructions and check here ▶ <input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>

Attach Schedule B if required.	<b>1</b> Wages, salaries, tips, etc. Attach Form(s) W-2 . . . . .					<b>1</b>	0.
	<b>2a</b> Tax-exempt interest . . . . .	<b>2a</b>		<b>b</b> Taxable interest . . . . .	<b>2b</b>		
	<b>3a</b> Qualified dividends . . . . .	<b>3a</b>		<b>b</b> Ordinary dividends . . . . .	<b>3b</b>		
	<b>4a</b> IRA distributions . . . . .	<b>4a</b>		<b>b</b> Taxable amount . . . . .	<b>4b</b>		
	<b>5a</b> Pensions and annuities . . . . .	<b>5a</b>		<b>b</b> Taxable amount . . . . .	<b>5b</b>		
	<b>6a</b> Social security benefits . . . . .	<b>6a</b>		<b>b</b> Taxable amount . . . . .	<b>6b</b>		
	<b>7</b> Capital gain or (loss). Attach Schedule D if required. If not required, check here . . . . .				<b>7</b>		
	<b>8</b> Other income from Schedule 1, line 9 . . . . .				<b>8</b>		15,198.
	<b>9</b> Add lines 1, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your <b>total income</b> . . ▶				<b>9</b>		15,198.
	<b>10</b> Adjustments to income:						
<b>a</b> From Schedule 1, line 22 . . . . .			<b>10a</b>				
<b>b</b> Charitable contributions if you take the standard deduction. See instructions . . . . .			<b>10b</b>				
<b>c</b> Add lines 10a and 10b. These are your <b>total adjustments to income</b> ▶				<b>10c</b>			
<b>11</b> Subtract line 10c from line 9. This is your <b>adjusted gross income</b> . . ▶				<b>11</b>		15,198.	











**SCHEDULE 1  
(Form 1040)**

Department of the Treasury  
Internal Revenue Service

**Additional Income and Adjustments to Income**

▶ **Attach to Form 1040, 1040-SR, or 1040-NR.**  
▶ **Go to [www.irs.gov/Form1040](http://www.irs.gov/Form1040) for instructions and the latest information.**

OMB No. 1545-0074

**2020**  
Attachment  
Sequence No. **01**

Name(s) shown on Form 1040, 1040-SR, or 1040-NR  
SHU X TAN

Your social security number  
[REDACTED]

**Part I Additional Income**

<b>1</b>	Taxable refunds, credits, or offsets of state and local income taxes . . . . .	<b>1</b>	
<b>2a</b>	Alimony received . . . . .	<b>2a</b>	
<b>b</b>	Date of original divorce or separation agreement (see instructions) ▶ _____		
<b>3</b>	Business income or (loss). Attach Schedule C . . . . .	<b>3</b>	
<b>4</b>	Other gains or (losses). Attach Form 4797 . . . . .	<b>4</b>	
<b>5</b>	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	<b>5</b>	
<b>6</b>	Farm income or (loss). Attach Schedule F . . . . .	<b>6</b>	
<b>7</b>	Unemployment compensation . . . . .	<b>7</b>	15,198.
<b>8</b>	Other income. List type and amount ▶ _____ _____	<b>8</b>	
<b>9</b>	Combine lines 1 through 8. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 8 . . . . .	<b>9</b>	15,198.

**Part II Adjustments to Income**

<b>10</b>	Educator expenses . . . . .	<b>10</b>	
<b>11</b>	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 . . . . .	<b>11</b>	
<b>12</b>	Health savings account deduction. Attach Form 8889 . . . . .	<b>12</b>	
<b>13</b>	Moving expenses for members of the Armed Forces. Attach Form 3903 . . . . .	<b>13</b>	
<b>14</b>	Deductible part of self-employment tax. Attach Schedule SE . . . . .	<b>14</b>	
<b>15</b>	Self-employed SEP, SIMPLE, and qualified plans . . . . .	<b>15</b>	
<b>16</b>	Self-employed health insurance deduction . . . . .	<b>16</b>	
<b>17</b>	Penalty on early withdrawal of savings . . . . .	<b>17</b>	
<b>18a</b>	Alimony paid . . . . .	<b>18a</b>	
<b>b</b>	Recipient's SSN . . . . . ▶ _____		
<b>c</b>	Date of original divorce or separation agreement (see instructions) ▶ _____		
<b>19</b>	IRA deduction . . . . .	<b>19</b>	
<b>20</b>	Student loan interest deduction . . . . .	<b>20</b>	
<b>21</b>	Tuition and fees deduction. Attach Form 8917 . . . . .	<b>21</b>	
<b>22</b>	Add lines 10 through 21. These are your <b>adjustments to income</b> . Enter here and on Form 1040, 1040-SR, or 1040-NR, line 10a . . . . .	<b>22</b>	



# **EXHIBIT 3**





## HOME IMPROVEMENT ESTIMATE

### Invoice #1818

COMPANY NAME: GMBC Construction  
REPRESENTATIVE: Eli Dagan  
LICENSE NUMBER: 1025897  
PHONE NUMBER: 650-810-6710  
EMAIL: [gmbcconstructioninc@gmail.com](mailto:gmbcconstructioninc@gmail.com)  
Workers Compensation Policy Number: 9256014-2019

BUYER: Ling La  
PHONE: 650-733-4605  
ADDRESS: 807 44<sup>th</sup> Ave San Francisco, CA 94121

Description of the Work: Contractor will furnish all labor and materials to construct and complete in a good, workmanlike and substantial manner, the following:

#### **Design and Architectural Plans**

- Prepare designs for new unit downstairs
- Prepare architectural plans for entire home and unit downstairs
- Prepare Title 24
- Prepare electrical plan
- Includes up to 3 revisions within 3 months, after that should be finalized or \$500 per revision

#### **Engineering Plans**

- Prepare engineering plans
- We take care of pulling permits and dealing with the city, client pays permit and city fees

#### **Downstairs Unit**

- Demolish existing illegal unit downstairs
- Bring out dumpster for debris removal
- Haul away debris
- Bring out porter potty for entire duration of construction
- Excavate approximately 1 foot downstairs to meet height code
- Pour concrete over new dug out floors
- Create new framing for walls for kitchen, bathroom, bedrooms and closets



- Install new insulation
- Install new drywall
- Install new orange peel texture
- Paint walls, up to 3 colors
- Install vinyl flooring
- Install baseboards
- Install doors
- Install door handles
- Install new windows, per plans

#### **Bathroom in Downstairs Unit**

- Install new plumbing to code
- Install mechanical for exhaust fan
- Install new electrical to code
- Install new toilet
- Install new single vanity
- Install new shower pan or bathtub
- Install shower head
- Install 1 new LED light over tub or shower
- Install switches
- Install 1 GFCI outlet by vanity
- Install new tiles on bathroom floor
- Install exhaust fan
- Install toilet paper holder
- Install towel hanger

#### **Kitchen in Downstairs Unit**

- Install new plumbing to code
- Install new electrical wiring to code
- Install new cabinets
- Install new countertops
- Install appliances
- Install 4" backsplash
- Install garbage disposal
- Install 4 LED lights in kitchen/living room area
- Install new switches
- Install new outlets



### **Bedrooms in Downstairs Unit**

- Install new closets, based on plans
- Install 4 LED lights in each room
- Install switches
- Install outlets
- Install new vinyl flooring
- Install baseboards
- Install orange peel texture
- Install doors
- Install door handles
- Install shelving in closet
- All rough and finishing materials to be provided by contractor.
- Finishing materials are to be mid-grade materials by contractor suppliers.
- Finishing materials included are Cabinets, countertops, stove, fridge, microwave/vent, dishwasher, toilet, vanity, tub, tiles, vinyl flooring, baseboards, LED lights, doors, door handles, toilet paper holder, towel hanger, shower head, paint, exhaust fan, cabinet handles, outlets, switches, windows, sink and faucet.

Total Contract Price - \$252,770.65



CA

**Homeowners  
 Application / Binder-Receipt**

57 E1 E019 2

<b>NEW BUSINESS</b>					
<b>APPLICANT:</b> LA, LING		<b>CO-APPLICANT:</b> LA, AMANDA M			
		<b>CO-APPLICANT:</b> WONG, NELSON			
<b>MAILING ADDRESS:</b> 807 44TH AVE SAN FRANCISCO, CA 94121 3307			<b>PROPERTY LOCATION:</b> 807 44TH AVE SAN FRANCISCO, CA 94121 3307		
<b>MORTGAGEE / ADDITIONAL INTERESTS:</b> Named additional insured NELSON WONG AND AMANDA LA LIVING TRUST DATED 08/27/2014 807 44TH AVE SAN FRANCISCO, CA 94121 3307 Loan #:					
<b>BILLING:</b> Put application on SFPP: No Renewal Bills to: Named Insured Endorsement Bills to: Named Insured					
<b>COVERAGES / PREMIUM SECTION:</b>					
Type: HOMEOWNERS		Policy Deductible: 2,000		Rate IV: 100%	
<b>Policy Coverage</b>	<b>Limit</b>	<b>Premium</b>	<b>Endorsements</b>	<b>Limit</b>	<b>Premium</b>
Dwelling (Coverage A)	470,000	1,231.00			
Increased Dwelling Option ID	94,000		Fire Department Service Charge	500 included	
Dwelling Extension	47,000		Increased Limits		
Personal Property (Coverage B)	235,000	(9.00)			
Personal Liability (Coverage L) each occurrence	500,000	42.00			
Medical Payments (Coverage M) each occurrence	1,000				
Credit Card / Bank Card and Forgery	1,000				
Damage to Property of Others (Each Occurrence)	1,000				
Loss of Use	141,000				
<b>Loss Settlement Options</b>					
Loss Settlement Option Dwelling	A1				
	Replacement Cost Similar Construction				
Loss Settlement Option Personal Property	B1 Limited Replacement Cost				
<b>Accepted Options</b>			<b>Declined Options / Endorsements</b>		
Jewelry and Furs	1,500 / 2,500 Option JF included		Additional Insured		
Silver/Goldware Theft Option SG	2,500 included		Addl Insured (Electric Vehicle Charging System)		
Business Property Option BP	1,500 included		Addl Insured Special Event		
Building Ordinance or Law of Coverage A) Option OL (%)	10% 47,000		Back Up Sewer/Drain Dwelling/Contents, 10% of Dwelling		
Firearms Option FA	2,500 included		Back Up Sewer/Drain Dwelling/Contents, 5% of Dwelling		
Additional Insured Option AI			Building Ordinance or Law Option OL (% of Coverage A) 25%		
			Building Ordinance or Law Option OL (% of Coverage A) 50%		
			Business Property Option BP 2,500		
			Business Property Option BP 5,000		
			Business Pursuits Option BU		



CA

**Homeowners  
 Application / Binder-Receipt**

57 E1 E019 2

		<b>Declined Options / Endorsements (Continued)</b>	<b>Limit</b>
		CA Fair Plan Policy Peril Excl	
		Common Construction Rplc Cost	
		Cyber Event, Identity Restoration, and Fraud Loss Coverage	
		Energy Efficiency Upgrade	
		Fire Department Service Charge Increased Limits	1,000
		Fire Department Service Charge Increased Limits	1,500
		Fire Department Service Charge Increased Limits	2,000
		Firearms Option FA	5,000
		Home Rental	
		Incidental Business Option IO	
		Jewelry and Furs	2,500 / 5,000
		Jewelry and Furs	Option JF 1,000 Special Limit
		Loss Assessment	
		Nurses' Professional Liability	
		Off Premises Structures	
		Personal Injury	
		Personal Property Deletion	
		Rented Personal Property	
		Silver/Goldware Theft Option SG	5,000
		Silver/Goldware Theft Option SG	7,500
		Silver/Goldware Theft Option SG	10,000
		Special Limit For Water Damage	5,000
		Special Limit For Water Damage	10,000
		Special Limit For Water Damage	15,000
		Special Limit For Water Damage	25,000
		Waterbed Liability	
<b>Discounts / Charges</b>			
	Claim free discount	(295.00)	
	Home alert	(99.00)	
	Utility rating plan	56.00	
	Intervenor fees	0.38	
	Policy deductible	97.00	
<b>Total Premium:</b>	\$1,023.38		
<b>Amount Paid:</b>	\$1,023.38		
<b>Credit Amount:</b>			
<b>Balance Due:</b>	\$0.00		

**UNDERWRITING:**  
 Has applicant had any losses, insured or not, in the past 5 years: No

**APPLICANT(S) ACKNOWLEDGEMENT:**  
 For your protection California law requires the following to appear on this form: Any person who knowingly presents false or fraudulent information to obtain or amend insurance coverage or to make a claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison.  
 By submission of this application, you agree that: (1) You have read this application, (2) your statements on this application are correct, (3) the coverages, including options and endorsements, and the amounts of coverage on this application are those chosen by you, and (4) the premium charged must comply with State Farm's rules and rates and may be revised.

**BINDER:**  
 State Farm will provide coverage to the applicant and his or her legal representative on the property described for up to ninety (90) days from the Effective



CA

**Homeowners  
Application / Binder-Receipt**

57 E1 E019 2

Date, subject to all terms and conditions of the policy and endorsements for which application has been made. If no Effective Date is indicated, this Binder does not provide any coverage. This Binder will be void when the declarations page is issued on the policy for which application has been made or when coverage under this Binder is canceled in accordance with policy provisions.

The premium due State Farm for the coverage provided by this Binder will be the full annual premium for the policy for which application has been made, and will be pro rated for the length of time coverage is provided under this Binder.

**AGENT INFORMATION:**

App date and time: 12 09 2022, 02:41 PM

Agent: Wilson Chan

Agent / AFO Code: 6077 / 02FAF2

Agent Phone: (415)593 8802

Location Address: 25 Division St Ste 200  
San Francisco, CA 94103 5234

**IMPORTANT NOTICES****REGARDING CLAIM FREE DISCOUNT...**

If you are a new applicant, the Claim Free Discount Plan, if in effect in your state, provides a premium discount if you have not had any claims considered for rating in the five year period before applying for coverage with State Farm. When rating new applicants, State Farm considers all claims, including weather related claims, that resulted in property damage or injury.

If you are a current policyholder and have been insured by State Farm for three or more years, the Claim Free Discount Plan provides a premium discount if you have not had any claims considered for rating in the most recent three year period since becoming insured with State Farm. Claims considered for rating generally include claims resulting in a paid loss and, depending on the Claim Free Discount Plan that applies in your state, may include weather related claims. Additionally, if you have been insured with State Farm for less than three years, your claim record in the five year period before applying for coverage with State Farm may affect your eligibility for the Claim Free Discount. To find out whether a Claim Free Discount Plan is in effect in your state and to learn more about the plan and the claims we consider for rating, please contact your State Farm agent.

**REGARDING CONSUMER REPORTS...**

Consumer reports may be ordered in conjunction with this application. These reports provide information that assists with determining your eligibility for insurance and the price you are charged. A brochure explaining how State Farm uses consumer reports is available upon your request. For additional information, please contact your State Farm agent.

**REGARDING YOUR COVERAGE AMOUNT....**

The limit of liability for this structure (Coverage A) is based on an estimate of the cost to rebuild your home, including an approximate cost for labor and materials in your area, and specific information that you have provided about your home. It is up to you to choose the coverages and limits that meet your needs. We recommend that you purchase a coverage limit at least equal to the estimated replacement cost of your home. Replacement cost estimates are available from building contractors and replacement cost appraisers, or, your agent can provide an estimate from a third party vendor using information you provide about your home. We can accept the type of estimate you choose as long as it provides a reasonable level of detail about your home.

State Farm® does not guarantee that any estimate will be the actual future cost to rebuild your home. Higher limits are available at higher premiums. Lower limits are also available, which if selected may make certain coverages unavailable to you.

We encourage you to periodically review your coverages and limits with your agent and to notify us of any changes or additions to your home.

**REGARDING CLAIM RECORD RATING PLAN...**

The longer you are insured with State Farm, and the fewer claims you have, the lower your premium. Our Claim Record Rating Plans determine if a premium discount or premium increase applies. The premium adjustment is based on the number of years you have been insured with State Farm and on the number of claims that we consider for rating. Depending on the Claim Record Rating Plan that applies in your state, claims considered for rating generally include claims with State Farm resulting in a paid loss and may include weather related claims. And depending on your state's plan and your tenure with State Farm, any claims with your prior insurer resulting in property damage or injury may also influence your premium. For further information about whether a Claim Record Rating Plan applies in your state and to learn about the claims we consider for rating, please contact your State Farm agent.

**REGARDING PERSONAL, FAMILY OR HOUSEHOLD INSURANCE TRANSACTIONS...**

We may collect personal information from persons other than the individual or individuals applying for coverage. Such personal information as well as other personal or privileged information subsequently collected may, in certain circumstances, be disclosed to third parties without your authorization as permitted by law. If you would like additional information about the collection and disclosure of personal information, please contact your State Farm agent. You may also act upon your right to see and correct any personal information in your State Farm files by writing your State Farm agent to request this access.



# **EXHIBIT 4**



**SHIPPING INVOICE**

ALAMEDA COUNTY RECORDER

1106 Madison Street  
Oakland, CA 94607  
Phone: (510)272-6362 Fax:(510)208-9957**TO:Ling La**  
**34 Saint Marks Ct.**  
**Daly City, California 94015****Confirmation Number: OPR1644630954709**  
Delivery Type: Regular Mail  
Phone: (650) 733-4605**This Is Not A Bill**

## Document(s) Ordered:

Document Type	# Pages	Certified?	# Copies	Total Amount
2016046179- OPR - DEED	3	Yes	1	** \$11.50
2020129014- OPR - DEED	4	Yes	1	** \$15.00

Sub Total:	\$26.50
*Convenience Fee:	\$2.00
Delivery Charge:	\$0.00
Total Amount Paid:	\$28.50

PAID IN FULL

\*The copy fee plus any delivery charge will appear on your credit card statement as ALAMEDA CNTY CLERK REC. Your secure online order credit card transaction is processed by Alameda County's third party processing partner, IntelliPay Inc. IntelliPay charges a \$ 2.00 non-refundable convenience fee per order. This charge will appear on your credit card statement separately as Alameda County Clerk Recorder SVC Fee.



21



2016046179 02/26/2016 08:30 AM

RECORDING REQUESTED BY:  
Chicago Title Company

OFFICIAL RECORDS OF ALAMEDA COUNTY  
STEVE MANNING  
RECORDING FEE: 21.00  
COUNTY TAX: 583.00  
CITY TAX: 3180.00

Escrow Order No.: FWAC-5971600011

When Recorded Mail Document To:  
Zhaoyang Tan and Yuancheng He  
14344 Antone Court  
San Leandro, CA 94578

TH  
ON  
03  
3/15



3 PGS

Property Address: 14344 Antone Court,  
San Leandro, CA 94578  
APN/Parcel ID(s): 077D-1449-003-00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
  - The documentary transfer tax is \$583.00 and City Tax is \$3,180.00 and is computed on:
    - the full value of the interest or property conveyed.
    - the full value less the liens or encumbrances remaining thereon at the time of sale.
- The property is located in  the City of San Leandro.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Richard G. Carson and Sue A. Carson, or their successor(s), as trustees of the Richard and Sue Carson 2009 Family Trust, dated April 6, 2009, as the separate property of Richard G. Carson

hereby GRANT(S) to Yuancheng He and Zhaoying Tan, husband and wife as community property with right of survivorship the following described real property in the City of San Leandro, County of Alameda, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: February 19, 2016

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Richard and Sue Carson 2009 Family Trust, dated April 6, 2009, as the separate property of Richard G. Carson

BY: Richard G. Carson  
Richard G. Carson, Trustee

BY: Sue A. Carson  
Sue A. Carson, Trustee

### MAIL TAX STATEMENTS AS DIRECTED ABOVE



**GRANT DEED**  
(continued)

APN/Parcel ID(s): 077D-1449-003-00

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CA

County of ALAMEDA

On Feb 21, 2016 before me, M.G. LUPO, Notary Public,  
(here insert name and title of the officer)

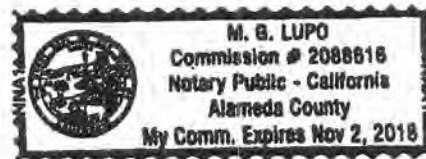
personally appeared RICHARD G. CARSON + SARA CARSON,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M. G. Lupo  
Signature

(Seal)





**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 077D-1449-003-00**

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN LEANDRO, COUNTY OF ALAMEDA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 3, AS SHOWN ON THE MAP OF TRACT 1429, FILED OCTOBER 1, 1954, IN BOOK 34 OF MAPS AT PAGE 65, IN THE ALAMEDA COUNTY RECORDER'S OFFICE.



This is to certify that  
this is a true copy of  
the document on file  
in this office.

ATTEST: FEB 14 2022

*Melissa Wilk*  
COUNTY CLERK-RECORDER  
ALAMEDA COUNTY, CALIF.



RECORDING REQUESTED BY:  
Chicago Title Company

2020129014

06/04/2020 01:16 PM

4 PGS



OFFICIAL RECORDS OF ALAMEDA COUNTY  
MELISSA WILK, CLERK-RECORDER  
RECORDING FEES: \$33.00  
TOTAL TAX: \$3,017.50  
COUNTY TAX PORTION: \$467.50  
CITY TAX PORTION: \$2,550.00

**When Recorded Mail Document  
and Tax Statement To:**  
Yuan Cheng He and Zhaoying Tan  
1640 Clarke Street  
San Leandro, CA 94578

**ELECTRONICALLY RECORDED**

Escrow Order No.: FWAC-5872000367

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Property Address: 1640 Clarke Street,  
San Leandro, CA 94578  
APN/Parcel ID(s): 075-0012-026-00

Exempt from fee per GC 27388.1 (a) (2); recorded in connection with a transfer subject to  
the imposition of documentary transfer tax.

### GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
- The documentary transfer tax is \$467.50 and City Tax is \$2,550.00 and is computed on:
  - the full value of the interest or property conveyed.
  - the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in  the City of San Leandro.

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,** Cynthia De Santi, Executor of the Estate of America Clorinda Trainor aka America C. Trainor aka America Trainor, deceased, authorized under Letters Testamentary issued under Probate Case No. RP19042364, filed in the Superior Court of California, County of Alameda, as to an undivided one-half interest and Eugene Castagnini, Successor Trustee of The De Santi Revocable Family Trust dated March 9, 1988, Survivor's Trust, as to an undivided one-half interest

hereby **GRANT(S)** to Yuan Cheng He and Zhaoying Tan, husband and wife as community property with right of survivorship

the following described real property in the City of San Leandro, County of Alameda, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**PROPERTY COMMONLY KNOWN AS:** 1640 Clarke Street, San Leandro, CA 94578

THIS DEED IS MADE PURSUANT TO THE INDEPENDENT ADMINISTRATION OF ESTATES ACT, AS GRANTED IN THE ORDER FOR PROBATE, TO WHICH REFERENCE IS HEREBY MADE.

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**



GRANT DEED  
(continued)

APN/Parcel ID(s): 075-0012-026-00

Dated: May 29, 2020

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Estate of America Clorinda Trainor aka  
America C. Trainor aka America Trainor

BY: Cynthia De Santi, Executor  
Cynthia De Santi, Executor

The De Santi Revocable Family Trust dated March 9, ~~1998~~<sup>1988</sup>, Survivor's Trust

BY: Eugene Castagnini, Trustee  
Eugene Castagnini, Successor Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

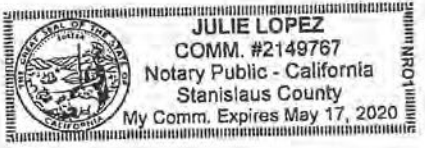
State of California  
County of Alameda

On 5/30/2020 before me, Julie Lopez, Notary Public,  
(here insert name and title of the officer)

personally appeared Cynthia De Santi,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.  
Julie Lopez  
Signature



The notary commission extended pursuant to Executive  
Grant Deed  
SCA0000129.doc / Updated: 04.08.20  
ORDER N-63-20



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

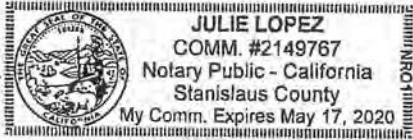
CALIFORNIA ALL-PURPOSE  
ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Contra Costa }

On 5/30/2020 before me, Julie Lopez, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Eugene Castagnini  
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

*The notary commission extended  
pursuant to executive order  
N-03-20*

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Julie Lopez  
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 075-0012-026-00**

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN LEANDRO, COUNTY OF ALAMEDA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN LINE OF CLARKE' STREET, DISTANT THEREON SOUTHERLY ONE HUNDRED FEET FROM THE INTERSECTION THEREOF, WITH THE SOUTHERN LINE OF PARROTT STREET, AS THE SAID STREETS ARE SHOWN UPON THE MAP HEREINAFTER REFERRED TO, RUNNING THENCE SOUTHERLY ALONG SAID LANE OF CLARKE STREET ONE HUNDRED FEET, THENCE AT RIGHT ANGLES EASTERLY ONE HUNDRED FEET; THENCE AT RIGHT ANGLES NORTHERLY ONE HUNDRED FEET, AND THENCE AT RIGHT ANGLES WESTERLY ONE HUNDRED FEET TO THE POINT OF BEGINNING

BEING A PORTION OF BLOCK NUMBERED 11, AS THE SAID BLOCK DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED "MAP OF THE TOWN OF SAN LEANDRO. " ETC., RECORDED FEBRUARY 27, 1855, IN LIBER 1 OF MAPS, PAGE 19, AND MAP BOOK 2, PAGE 43, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO ROY L. BANKS AND MARIE L. BANKS IN THAT CERTAIN JOINT TENANCY DEED RECORDED OCTOBER 9, 1947, BOOK 5276, PAGE 279, OF OFFICIAL RECORDS.



This is to certify that  
this is a true copy of  
the document on file  
in this office.

ATTEST: FEB 14 2022

*Melissa Wild*  
COUNTY CLERK-RECORDER  
ALAMEDA COUNTY, CALIF.



# **EXHIBIT 5**



# KRISS MIRANDA

501 Gonzalez Drive, San Francisco, CA 94132  
Telephone 415.966.5343 | Email: [krisssmiranda@yahoo.com](mailto:krisssmiranda@yahoo.com)

October 24, 2021 – Hand Delivery and US Mail

Shuxian Tan  
807 – 44<sup>th</sup> Avenue  
San Francisco, CA 94121

RE: 807-44<sup>th</sup> Avenue, San Francisco, CA 94121

Dear Shuxian Tan

My name is Kriss Miranda, and I am the new assigned Agent/Property Manager in the above-referenced premises and for Ms. Ling La, hereinafter the “Owner”. Please direct all communications and correspondences relating to above-subject premises to me going forward.

I am writing in response to your letter of October 19, 2021, in which you sent to Mr. Cau La and Ms. Ling La.

I understand your agreement for employment in exchange of occupancy is through an oral agreement, in a single family residence and share with the Owner and/or Owner’s family, located at the above-referenced address. Such oral agreement was for in-home care services to Ling La’s elderly parents as of 2009. The services for your in-home care has long since expired and/or have ceased any and all services.

On or around April 2020, you specifically requested to Mr. La for your termination of employment, it is believed that you have been collecting unemployment benefits since.

Therefore, your occupancy agreement in exchange for in-home care services has also been deemed terminated and/or expired. Additionally, there have been no rent payments received and/or accepted from you since time of termination, including October 2021 as you claim. Furthermore, there were no rental agreement, oral or written, were ever established between you and Mr. La or Ms. La. You have been occupying the bottom floor because you refuse to vacate the premises and without permission by the Owner, Ling La.



Shuxian Tan  
*October 24, 2021*  
*Page 2*

Additionally, this is an Owner-occupied residence in which Landlord/Owner Ling La is the Owner of the home since 1992, in which her elderly father, Mr. Cau La resides in, located at 807-44<sup>th</sup> Avenue, San Francisco, CA 94121.

If you have any questions or concerns regarding the premises, please do not hesitate to contact me at your earliest convenience.

I look forward to working with you in this regard. Thank you for your attention and anticipated cooperation in this regard.

Sincerely yours,

A handwritten signature in blue ink that reads "Kriss Miranda". The signature is written in a cursive, flowing style.

Kriss Miranda  
Agent/Property Manager for Ling La

Cc: Ling La (Email only at [Lingla@hotmail.com](mailto:Lingla@hotmail.com))