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

Bruce R. Storrs, City and County Surveyor

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

TENTATIVE MAP DECISION

Date: December 2, 1013

Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Attention: Mr. Scott F. Sanchez

Project ID:	7909		
Project Type:	7 Lot Merger and 140 Mixed Use Condominiums 139 Residential and 1 Commercial		
Address #	Street Name	Block	Lot
555	Fulton Street	0794	15 & 28

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

X The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):
SEE ATTACHED

_____ The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

- Enclosures:**
- Application
 - Print of Tentative Map

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor

PLANNING DEPARTMENT

DATE 01-06-14

C. LAMORENA
FOR Mr. Scott F. Sanchez, Zoning Administrator



SAN FRANCISCO PLANNING DEPARTMENT

Per Final EIR and NSR #2013J780051 for Case No. 2005.0555E, 2009.0885MTZCBRSK, and 2012.0403W adopted by the Planning Commission of the City and County of San Francisco on May 23, 2013, as set forth in Planning Commission Motion No. 18891, 18588, and 18589, per Building Application Nos. 201305036059 and 201305036062 to construct to a new mixed-use building (139 dwelling units, approximately 30,400 square feet of ground floor retail, and parking for approximately 148 spaces).

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

CL: G:\DOCUMENTS\2013\Condos\2175 Market St - Approval Memo.doc

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)
)
And When Recorded Mail To:)
)
Name: Mike Liu)
)
Address: 459 Fulton Street, Suite 206)
)
City: San Francisco)
)
State: California)

CONFORMED COPY of document recorded

11/05/2013, 2013J780051

on _____ with d. _____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

Space Above this Line For Recorder's Use

I (We) SHADYONG LIU the owner(s) of
that certain real property situated in the City and County of San Francisco, State of California
more particularly described as follows:

(PLEASE ATTACH THE LEGAL DESCRIPTION AS ON DEED)

BEING ASSESSOR'S BLOCK: 0794 LOT: 015, 028

COMMONLY KNOWN AS: 555 Fulton Street

hereby give notice that there are special restrictions on the use of said property under Part II,
Chapter II of the San Francisco Municipal Code (Planning Code).

Said Restrictions consist of conditions attached to Conditional Use Case No. 2013.0063CET
authorized by the Planning Commission of the City and County of San Francisco on October 3,
2013 as set forth in Planning Commission Motion No. 18991, TO ALLOW A COMMERCIAL
USE SIZE EXCEEDING 3,000 SQUARE FEET, TO ALLOW DEVELOPMENT ABOVE THE 40-FOOT
BASE HEIGHT LIMIT UP TO 50 FEET, TO ALLOW ADDITIONAL OFF-STREET ACCESSORY
PARKING FOR COMMERCIAL USES, AND TO APPROVE A PLANNED UNIT DEVELOPMENT,
WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS REGARDING REAR
YARD, DWELLING UNIT EXPOSURE, CURB-CUT LOCATIONS, AND VEHICULAR ENTRY
WIDTH, PURSUANT TO SECTIONS 303 AND 304 OF THE PLANNING CODE. THE PROPOSAL IS
TO DEMOLISH AN EXISTING OFFICE/INDUSTRIAL BUILDING AND CONSTRUCT A NEW
FIVE-STORY, MIXED-USE BUILDING CONTAINING APPROXIMATELY 139 DWELLING UNITS,
30,400 SQUARE FEET OF GROUND FLOOR COMMERCIAL USES (A GROCERY STORE), AND 148
OFF-STREET PARKING SPACES, LOCATED AT 555 FULTON STREET, LOTS 015 AND 028 IN
ASSESSOR'S BLOCK 0794, WITHIN THE HAYES-GOUGH NEIGHBORHOOD COMMERCIAL
TRANSIT DISTRICT, THE RESIDENTIAL TRANSIT-ORIENTED DISTRICT, THE 40-50-X HEIGHT
AND BULK DISTRICT, AND THE FULTON STREET GROCERY STORE SPECIAL USE DISTRICT.
THE CURRENT PROPOSAL REQUESTS AN EXTENSION OF THE TERM OF THE PREVIOUS
ENTITLEMENTS, AND ALSO INCLUDES MINOR REVISIONS TO THE DESIGN AND PROGRAM
OF USES THAT WERE PREVIOUSLY APPROVED, AND ADOPTING A FINAL MITIGATED
NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING
PROGRAM.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The restrictions and conditions of which notice is hereby given are:

AUTHORIZATION

This authorization is for a conditional use to allow development on a lot exceeding 10,000 square feet, to allow a commercial use size exceeding 3,000 square feet, to allow development above the 40-foot base height limit up to 50 feet, to allow additional off-street accessory parking for commercial uses, and to approve a Planned Unit Development, with specific modifications to Planning Code regulations regarding rear yard, dwelling unit exposure, curb-cut locations, and vehicular entry width, pursuant to Planning Code Sections 303 and 304. The proposal is to demolish an existing office/industrial building and construct a new five-story, mixed-use building containing approximately 139 dwelling units, 30,400 square feet of ground floor commercial uses (a grocery store), and 148 off-street parking spaces located at 555 Fulton Street, Block 0794, Lots 015 and 028, within the Hayes-Gough Neighborhood Commercial Transit District, the Residential Transit-Oriented District, the Fulton Street Grocery Store Special Use District, and the 40-50-X Height and Bulk District; in general conformance with plans, dated October 3, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0063C and subject to conditions of approval reviewed and approved by the Commission on October 3, 2013 under Motion No 18891. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on October 3, 2013 under Motion No 18891.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18891 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment become effective. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

6. **Additional Project Authorization.** The Project Sponsor must obtain a Planning Code Amendment to extend the term of the Fulton Street Grocery Store Special Use District (Section 249.35A). The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

7. Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

8. Final Materials. The Project Sponsor shall continue to work with the Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. In particular, the Project Sponsor shall continue to refine the design to express and articulate smaller modules across each elevation. In addition, the Project Sponsor shall work with the Planning Department to delineate the subdivision of individual ground-floor tenant spaces if commercial uses other than the grocery store are proposed. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. Garbage, composting and recycling storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

10. Rooftop Mechanical Equipment. Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

11. Lighting Plan. The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

12. Streetscape Plan. Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

13. Signage. The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

14. Transformer Vault. The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

15. Overhead Wiring. The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

16. Street Trees. Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

17. Parking for Affordable Units. All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

18. Car Share. Pursuant to Planning Code Section 166, no fewer than three car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. Commercial Parking for Co-Operative Auto Programs. Pursuant to Section 151.1, 5% of the commercial parking spaces shall be dedicated to short-term, transient use by car-share vehicles, vanpool, rideshare, taxis, or other co-operative vehicle programs. These spaces may be used by shuttle or delivery vehicles used to satisfy condition #XX. The locations of the spaces required by this condition shall be indicated on plans for the site and building permits.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

20. Shuttle or Delivery Service. Pursuant to Section 151.1, the grocery store shall offer, at minimal or no charge to its customers, door-to-door delivery or shuttle service.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

21. Short-Term Use. Pursuant to Section 151., all commercial parking spaces shall be limited to short-term use only, and shall be available to the general public when such commercial parking spaces are not needed to serve the grocery store.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

22. Bicycle Parking. Pursuant to Planning Code Sections 155.1 and 155.2, the Project shall provide no fewer than 117 bicycle parking spaces (110 Class 1 spaces and 7 Class 2 spaces) for the residential portion of the Project. For the commercial portion of the Project, one Class 1 space shall be provided for each 7,500 square feet of occupied floor area, and one Class 2 space shall be provided for each 2,500 square feet of occupied floor area. All bicycle parking shall comply with the standards of Section 155.1.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

23. Showers and Clothes Lockers. Pursuant to Planning Code Section 155.4, the Project shall provide no fewer than one shower and six clothes lockers.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

24. Parking Maximum. Pursuant to Planning Code Section 151.1, the Project shall provide no more than 77 commercial off-street parking spaces and 68 residential off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

25. Off-street Loading. Pursuant to Planning Code Section 152, the Project will provide two off-street loading spaces.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

26. Managing Traffic During Construction. The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

27. First Source Hiring. The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

28. Transit Impact Development Fee. Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

29. Inclusionary Affordable Housing Program.

1. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 139 units; therefore, 17 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 17 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written

approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

2. **Unit Mix.** The Project contains 21 studios, 51 one-bedroom, 64 two-bedroom, and 3 three-bedroom units; therefore, the required affordable unit mix is 3 studios, 6 one-bedroom, and 8 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income adjusted for household size does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size" derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these

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conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the MOH or its successor.

- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415*, to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning

Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and pursue any and all available remedies at law.

- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties if applicable.

30. Market Octavia Affordable Housing Fee. Pursuant to Planning Code Section 416 (formerly 315.4), the Project Sponsor shall comply with the Market Octavia Affordable Housing requirements through payment of the Market Octavia Affordable Housing Fee in full to the Treasurer, prior to the issuance by Department of Building Inspection of the first certificate of occupancy for the development project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

31. Market Octavia Community Improvements Fund. Pursuant to Planning Code Section 421 (formerly 326), the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee in full to the Treasurer, or the execution of a Waiver Agreement, or an In-Kind agreement approved as described per Planning Code Section 421 (formerly 326) prior to the issuance by Department of Building Inspection of the construction document for the development project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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MONITORING - AFTER ENTITLEMENT

32. Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

33. Revocation due to Violation of Conditions. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

34. Garbage, Recycling, and Composting Receptacles. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

35. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

36. Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

Dated: 11/05/2013 at San Francisco, California

Shanyue
(Owner's Signature)

This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal Below.

KG: /jms/555 Fulton Street/ Attachments: Exhibit C (Mitigation Measures)

State of California
County of San Francisco
On 11/5/13 before me, PUNAMBHAI C. PATEL
personally appeared SHAQYONG LIU
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.

Signature: _____

[Handwritten signature]

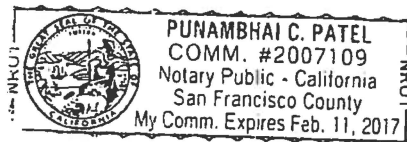


Exhibit "A"

Legal Description

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF BIRCH STREET AND THE WESTERLY LINE OF OCTAVIA STREET; RUNNING THENCE NORTHERLY AND ALONG SAID LINE OF OCTAVIA STREET 60 FEET; THENCE AT A RIGHT ANGLE WESTERLY 87 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 60 FEET TO THE NORTHERLY LINE OF BIRCH STREET; THENCE AT A RIGHT ANGLE EASTERLY ALONG SAID LINE OF BIRCH STREET 87 FEET, 6 INCHES TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 207.

PARCEL TWO:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF FULTON STREET, DISTANT THEREON 87 FEET, 6 INCHES WESTERLY FROM THE WESTERLY LINE OF OCTAVIA STREET; RUNNING THENCE WESTERLY ALONG SAID LINE OF FULTON STREET 25 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF BIRCH STREET, FORMERLY BIRCH AVENUE; THENCE EASTERLY ALONG THE NORTHERLY LINE OF BIRCH STREET 25 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 207.

PARCEL THREE:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF BIRCH STREET, FORMERLY BIRCH AVENUE, DISTANT THEREON 112 FEET; 6 INCHES WESTERLY FROM THE WESTERLY LINE OF OCTAVIA STREET; RUNNING THENCE WESTERLY ALONG SAID LINE OF BIRCH STREET 25 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 60 FEET; THENCE AT A RIGHT ANGLE EASTERLY 25 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 60 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 207.

PARCEL FOUR:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF FULTON STREET, DISTANT THEREON 112 FEET, 6 INCHES WESTERLY FROM THE WESTERLY LINE OF OCTAVIA STREET; RUNNING THENCE WESTERLY ALONG SAID LINE OF FULTON STREET 25 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 60 FEET; THENCE AT A RIGHT ANGLE EASTERLY 25 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 60 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 207.

PARCEL FIVE:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF FULTON STREET, DISTANT THEREON 46 FEET EASTERLY FROM THE EASTERLY LINE OF LAGUNA STREET; RUNNING THENCE EASTERLY ALONG SAID LINE OF FULTON STREET 91 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF BIRCH STREET; THENCE AT A RIGHT ANGLE WESTERLY ALONG SAID LINE OF BIRCH STREET 91 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 207.

PARCEL SIX:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF FULTON STREET, DISTANT THEREON 137 FEET, 6 INCHES WESTERLY FROM THE WESTERLY LINE OF OCTAVIA STREET; RUNNING THENCE WESTERLY AND ALONG SAID LINE OF FULTON STREET 137 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF BIRCH STREET; THENCE AT A RIGHT ANGLE EASTERLY AND ALONG SAID LINE OF BIRCH STREET 137 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE POINT OF BEGINNING.

BEING PART OF WESTERN ADDITION BLOCK NO. 207.

Block 0794 Lot 028

Exhibit "A"

Legal Description

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF FULTON STREET AND THE EASTERLY OF LAGUNA STREET; RUNNING THENCE EASTERLY ALONG SAID LINE OF FULTON STREET 46 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF BIRCH STREET; THENCE AT A RIGHT ANGLE WESTERLY ALONG SAID LINE OF BIRCH STREET 46 FEET TO THE EASTERLY LINE OF LAGUNA STREET; AND THENCE AT A RIGHT ANGLE NORTHERLY ALONG SAID LINE OF LAGUNA STREET 120 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 207.

Block 0794 Lot 015

