

**NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

RECORDING REQUESTED BY:  
Neil H. Sekhri

And When Recorded Mail To:

Neil H. Sekhri  
Gibson, Dunn & Crutcher LLP  
One Montgomery Street  
San Francisco, California 94101

San Francisco Assessor-Recorder  
Phil Ting, Assessor-Recorder  
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Check Number 2333  
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I, 1160 Mission Associates, LLC, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California, more particularly described on the attached sheet marked Exhibit A.

**BEING ASSESSOR'S BLOCK: 3702 LOTS: 037, 038 and 056**

**COMMONLY KNOWN AS: 1160 Mission 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, labeled Exhibit A, attached to Planning Commission Motions No. 16692, 16693 and 16996 (Cases No. 2002.0626CEKVXI, 2002.0628CEKVXI and 2005.0096C respectively), and conditions of granting of Variance Case No. 2002.0628CEKVXI; record of the approval by the Planning Commission and the Zoning Administrator of the City and County of San Francisco.

Said Motions No. 16692, 16693 and 16996 adopted findings relating to the findings of consistency with Section 309 of the Planning Code and the authorization of two Conditional Uses under Planning Code Section 303 (Case No 2002.0628CEKVXI) for the construction of a new mixed-use building containing approximately 242 dwelling units, four floors of parking and ground-floor retail space, in general conformity with plans on file with the Applications and labeled Exhibit B.

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

**CONDITIONS OF APPROVAL**

**Motion No. 16692-2002.0628CEKVX  
(Adopted by Planning Commission on December 4, 2003)**

**1. COMPLIANCE WITH OTHER REQUIREMENTS**

(A) This decision conveys no right to construct. The Project Sponsor must obtain a building permit and satisfy all the conditions thereof, including mitigation measures addressing environmental impacts. 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. (The requirement that the more restrictive or



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protective condition or requirement shall supersede less stringent or protective conditions only applies to the conditions of approval adopted pursuant to Motion No. 16692-2002.0628CEKVX).

### 2. GENERAL CONDITIONS

#### (A) Mitigation Measures

Mitigation Measures identified in the Project's Final Negative Declaration (Case No. 2003.0628CEKVXI) shall be conditions of approval and are accepted by the Project Sponsor or its successor in interest, as follows:

#### Mitigation Measure 1: Construction Air Quality

The Project Sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the Project Sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The Project Sponsors would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

#### Mitigation Measure 2: Hazardous Materials

According to a site management plan prepared by Baseline Environmental<sup>1</sup> and reviewed and approved by the San Francisco Department of Public Health,<sup>2</sup> the following measures should be implemented to reduce exposure to hazardous materials.

*Construction Health and Safety Provisions.* Analytical data from previous investigations at the project site should be provided to all contractors at the site, so that the information can be incorporated into their worker health and safety and hazard communications plans. Although health risk assessment data (see Health Effects of Hazardous Materials in Soil, above) indicate that construction workers would not be significantly affected by lead concentrations in project site soils, health and safety provisions have been recommended to minimize exposure of workers and the nearby public to lead in soil. Prior to installation of the concrete foundation, all construction activities that would disturb the surface or shallow subsurface soils should be conducted in accordance with a site-specific health and safety plan (HSP) prepared by a certified industrial hygienist. The HSP should include measures to minimize inhalation and accidental ingestion of affected soils, dust control measures, and action levels for air monitoring. Particulate air monitoring should be conducted in work areas and at the site perimeter during all construction activities disturbing site soils. Should the air monitoring indicate conditions where lead may be encountered in excess of identified action levels, construction work should be halted until dust control measures reduce potential risks to construction workers and the public to acceptable levels.

- Watering all active construction areas at least twice daily.
- Covering all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet freeboard.



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- Cleaning of all heavy equipment and truck tires prior to leaving the site.
- Paving, applying water three times daily, or applying non-toxic soil stabilizers on all unpaved and staging areas at construction sites.
- Sweeping daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweeping street daily (with water sweeps) if visible soil material is carried onto adjacent public streets.
- Optional control measures that are encouraged by BAAQMD may also apply at construction sites that are located near sensitive receptors (e.g., day care centers, churches, community centers) which, for any other reason, may warrant additional emission reductions.
- The backfill for three 15-gallon trees shall be clean fill and clean fill shall be separated from contaminated soil.
- Should contamination remain on the site, a deed notification with SMP and a cap management plan shall be recorded.
- Upon the completion of the SMP a final report shall be submitted.
- Two weeks prior to the commencement of work a site-specific health and safety plan (HSP) shall be submitted.

**Soil Management and Disposal Provisions.** All soil stockpiles containing shallow fill materials at the project site should be covered with visquene or similar physical barrier to prevent wind dispersal of potentially lead-affected soils, either until reuse on-site or off-site disposal. All soils not reused on-site that will require off-site disposal should be characterized. At a minimum, four soil samples should be collected from each 1,000 cubic yards of soil proposed to be disposed (or as required by the disposal facility). Soil samples should be analyzed for total and soluble lead by a State-certified laboratory. Analytical results should be used to determine appropriate disposal of excess soils in accordance with State and Federal laws and regulations. Disposal facilities may also require additional sampling or analyses for profiling purposes.

**Post Construction Provisions.** Following construction of the project, contact with lead-affected soils would be limited to infrequent maintenance of underground utilities by custodial staff and utility workers. Future residents and the general public would not be expected to come into contact with lead-affected soils under any circumstances. As the concentrations of lead in soils would not pose a health risk to workers (see Health Effects of Hazardous Materials in Soil, above), no post-construction provisions would be necessary to protect human health.

### **Mitigation Measure 3: Archaeological Resources**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to



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revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

**Archeological Testing Program.** The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

**Archeological Monitoring Program.** If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; .
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until



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- the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

**Archeological Data Recovery Program.** The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

**Field Methods and Procedures.** Descriptions of proposed field strategies, procedures, and operations.

- **Cataloguing and Laboratory Analysis.** Description of selected cataloguing system and artifact analysis procedures.
- **Discard and Deaccession Policy.** Description of and rationale for field and post-field discard and deaccession policies.
- **Interpretive Program.** Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- **Security Measures.** Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.

**Final Report.** Description of proposed report format and distribution of results.



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- **Curation.** Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

**Human Remains and Associated or Unassociated Funerary Objects.** The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

**Final Archeological Resources Report.** The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

### 3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT OR FINAL ADDENDUM TO A BUILDING (OR SITE) PERMIT

#### A) Design

- (1) Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.
- (2) The Project Sponsor and the Project architect shall continue to work on design development with the Department.
- (3) Space shall be included for antennae in the building's design to avoid unattractive appendages.
- (4) The building design shall provide adequate space designated for trash compactors, trash loading, and recycling. These areas shall be indicated on the building plans.
- (5) Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review



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by, and shall be satisfactory to the Director of the Department. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to insure a high design quality is maintained.

- (6) Except as otherwise provided in this motion, the Project shall be completed in general accordance with plans dated August 3, 2001, labeled "Exhibit B," and reviewed by the Commission on September 6, 2001. [These plans are also affected by the subsequent motions and approvals described in these NSR's]

- (B) **Pedestrian Streetscape Improvements:** The Project shall include pedestrian streetscape improvements generally as described in this Motion and in conformance with Planning Code Section 138.1. A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the

Director of the Department, in consultation with the Director of the Department of Public Works.

- (C) **Inclusionary Housing:** The Project Sponsor shall comply with the Requirements and procedures for the Residential Inclusionary Affordable Housing Program (hereinafter "Program") as set forth in Sections 315.1—315.9 of the Code. The Program requires that a nominal twelve percent of the dwelling units on-site must be affordable either as rentals or as ownership units, for a fifty-year period beginning at issuance of the first Certificate of Occupancy. If the Below Market Residential (hereinafter "BMR") units are to be provided on site, they are required to reflect the proposed mix of unit sizes in the project and to be equal in construction quality and finish materials to the market-rate units. Alternately, pursuant to Section 315, the project sponsor may elect to provide "BMR" units off site or pay an in lieu fee which two options must be equivalent to 17 percent of the number of dwelling units in the Project.

- (D) **Public Artwork:** The Project shall include the work(s) of art valued at an amount equal to one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.

The Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, type and location of the art. The final art concept and location shall be submitted for review by, and shall be satisfactory to the Director of the (Planning) Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept no later than six months after the date of this approval.

- (E) **First Source Hiring Program:** The Project Sponsor shall have a First Source Hiring Construction Program approved by the First Source Hiring Administrator, and evidenced in writing.

- (F) **Recordation:** Prior to the issuance of any building permit for the construction of 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, which notice shall state that construction of the Project has been



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authorized by and is subject to the conditions of this Motion. [This condition has been satisfied by the recordation of these NSRs] From time to time after the recordation of this notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

- (G) **Transferable Development Rights (TDR):** The Project shall comply with Code Section 128(h), which states that when the transfer of TDR is necessary for the approval of a Site Permit for a project on a Development Lot, the Zoning Administrator shall impose as a condition of approval of the site permit the requirement that the Superintendent of the Bureau of Building Inspection shall not issue the first addendum to the site permit unless the Zoning Administrator has issued a written certification that the owner of the Development Lot owns the required amount of TDR. Alternately, the Project Sponsor may attempt to procure the necessary additional FAR through the method established in Code Section 124(f).
- (H) Off-street parking provided in conjunction with the residential portion of the Project shall not exceed one space for each two dwelling units (123 total spaces). The remainder of the spaces (381) shall be operated in a "short-term" manner consistent with the provisions of Code Section 155(g) wherein it states "(l) in order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3 District, whether classified as an accessory or Conditional Use, which are otherwise available for use for long-term parking by downtown workers must maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods." [this provision has been superseded and replaced by Motion No. 16693-2002.0628C, Condition (1), set forth below]
- (I) In accordance with the terms of the Memorandum of Understanding entered into by the Applicant and "City Car Share" of San Francisco, agreeing that two "carshare" spaces would be reserved in the commercial part of the proposed garage with two more spaces being reserved to be devoted to future expansion of the car-share use (if and when such expansion proves to be warranted).

#### 4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A TEMPORARY OR PERMANENT CERTIFICATION OF OCCUPANCY

- (A) **Public Artwork:** The Project Sponsor shall install the work(s) of art generally as described in this Motion and make it available to the public. The Project Sponsor shall place a plaque or cornerstone identifying the Project architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project site.
- (B) **Pedestrian Streetscape Improvements:** The Project Sponsor shall complete the required pedestrian streetscape improvements. The Project Sponsor shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.
- (C) **Garbage and Recycling:** The Project shall provide containers to collect and store recyclable solid waste and the Project Sponsor shall contract for





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recycling pickup. Trash compactors shall not occupy or impede the use of required freight loading spaces.

- (D) **First Source Hiring Program:** The Project Sponsor shall have a First Source Hiring Occupancy Program approved by the First Source Hiring Administrator, and evidenced in writing.
- (E) **Street Tree.** Pursuant to the standards set forth in Code Section 143, and in order to mitigate the six hours per year of new wind hazard exceedance at a single location opposite the Subject Property along the south side of Mission Street pursuant to the standards of Code Section 149, the Applicant shall plant and maintain a minimum of one tree of 15-gallon size for each 20 feet of frontage along the Mission Street frontage of the Subject Property (as well as along the Stevenson Street frontage thereof) with any remainder of ten feet or more of frontage requiring an additional tree.

### **Motion No. 16693-2002.0628CEKVX**

**(Adopted by Planning Commission on December 4, 2003)**

- (1) The authorization herein is of a Conditional Use for a new mixed-use building containing up to 248 dwelling units and up to 504 off-street parking spaces representing residential-serving parking in excess of accessory amounts (Section 204.5 of the Code) and a public parking garage for passenger vehicles in a C-3 District (Code Section 223(m)). 185 of these parking spaces are to serve the residential component of the building (being a ratio of three parking spaces for each four dwelling units), and the remaining 319 spaces are to be used in a short-term configuration per standards of Code Section 155(g). As such, in order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3 District, whether classified as an accessory or Conditional Use, which are otherwise available for use for long-term parking by downtown workers must maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

Final plans shall be reviewed and approved by the Staff of the Department prior to the issuance of the building permit.

- (2) Construction of the herein-authorized Project shall commence within three years of the date of this action and shall be, thenceforth pursued diligently to completion or the said authorization shall become null and void. [this provision has been superseded and replaced by Motion No. 16696-2005.0096C, Condition (3), set forth below]

#### Environmental

- (3) The mitigation measures identified in the Final Negative Declaration (Case No. 2002.0628CEKVX!) adopted and issued (as amended) for the Project shall be required of the Project.

#### Recordation

- (4) The Applicant shall cause this "Exhibit A" to be recorded against the title of the Subject Property as a Notice of Special Restrictions under the City Planning Code. [This condition has been satisfied by the recordation of these NSR's]



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### Design

- (5) The Project architect shall continue to work with the Planning Department to further develop and refine the design with special attention paid to the eventual replacement of the Mission Street driveway to the Project's parking garage (as outlined in the text of the Motion), commercial spaces and garage entrances cornice lines, windows, trim, and treatment of exposed exterior walls. The final design shall be reviewed and approved by the Planning Department prior to approval of any Building Permit Applications. [Condition Satisfied per Letter of Determination dated August 1, 2005 from Lawrence B. Badner, Zoning Administrator]
- (6) Decisions on final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.

### Landscaping

- (7) A final landscaping plan, which plan shall include the installation of street trees around of the Project site, shall be developed and approved by the staff of the Planning Department prior to the issuance of any Building Permit(s) for the Project.

### Performance

- (8) The Applicant shall appoint a person or persons to act as a neighborhood liaison. The function of said liaison shall be to consult with residents of the Project and neighbors in the surrounding neighborhood to resolve problems or complaints arising from operation of the Project. The Applicant shall report the name and telephone number of said community liaison to the Zoning Administrator for reference.
- (9) Should implementation of this Project result in complaints from interested property owners, residents or commercial lessees, which complaints are not resolved by the Applicant, (and/or the appointed community liaison for the Project), and are subsequently reported to the Zoning Administrator and found to be in violation of the Code and/or the specific conditions of approval for the Project as set forth in this Exhibit A, pursuant to Section 174 of the Code, the Zoning Administrator shall take appropriate violation abatement action and the Commission, after holding a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Section 174, pursuant to Section 306.3 and 306.4 of the Code, may revoke the subject Conditional Use authorization

### Motion No. 16996-2005.0096C

(Adopted by Planning Commission on April 28, 2005)

1. The authorization herein is of a Conditional Use, pursuant to Planning Code Section 124(f), for assignment of additional square footage of floor area above the applicable floor area ratio (FAR) of 8.0 to 1 equal to that of the up to 30 affordable dwelling units required as part of the approved new up to 246-unit residential building (Case No. 2002.0628CEKVXI) generally as described in Application No. 2005.0096C and in the text of Planning Commission Motion No. 16996. Said additional floor area is approximately 29,159 square feet and equal to the floor area devoted to the up to 30 affordable dwelling units included as part of the above-mentioned approved residential project. Said floor area represents an FAR of approximately 0.69 to 1. Final plans shall be reviewed and approved by the Staff of the Department prior to the issuance of the building permit.
2. All Conditions of Approval required by the previous approval (Case No. 2002.0628EKVXI) given by the Planning Commission in Motion No. 16693 shall still apply to this project approval. [Prior conditions apply except to the extent superseded, modified or replaced by subsequent Motions]



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3. A site permit or building permit for the herein-authorized Project shall be obtained within three years of the date of this action and construction, once commenced, shall be thenceforth pursued diligently to completion or the said authorization shall become null and void. [Date of action is April 2, 2005]

Environmental

4. The mitigation measures identified in the Final Mitigated Negative Declaration (Case No. 2002.0628CEKVXI) adopted and issued (as amended) for the Project shall be required of the Project.

**Recordation**

5. The Applicant shall cause this "Exhibit A" to be recorded against the title of the Subject Property as a Notice of Special Restrictions under the City Planning Code. [Satisfied by the recording of these NSRs]

**Performance**

6. The Applicant shall appoint a person or persons to act as a neighborhood liaison. The function of said liaison shall be to consult with residents of the Project and neighbors in the surrounding neighborhood to resolve problems or complaints arising from operation of the Project. The Applicant shall report the name and telephone number of said community liaison to the Zoning Administrator for reference.

**Additional Conditions Imposed by Board of Supervisors Motion MO4-15 (Adopted January 27, 2004)**

In addition to the foregoing, in the appeal hearing on Conditional Use Permit Case No. 2005.0096C, the Board of Supervisors imposed the following three conditions on the project:

1. The number of required bicycle parking stalls shall be increased from Twenty (20) to Forty (40).
2. The commercial parking garage entrance shall be operated using all reasonable measures to prevent vehicles from blocking the Mission Street sidewalk or bus lane in front of the Project, including such preventative measures as to increase the length of the queuing area entering the Garage.
3. The commercial parking garage and the residential-serving off-street parking approved by the Conditional Use Application shall be contained in Four (4) floors instead of Five (5) floors without change to the height or bulk of the Garage Podium and Residential Tower.

**Variance Decision- Case No. 2002.0628CEKVX**  
**(Approved by Zoning Administrator on December 4, 2003)**

1. No further vertical or horizontal expansion of the subject building shall be allowed unless such expansion is specifically authorized by the Zoning Administrator after the property owner or authorized agent has sought and justified a new variance request pursuant to the public hearing and all other applicable procedures of the City Planning Code. However, the Zoning Administrator, after finding that such expansion complies with applicable Codes, is compatible with existing neighborhood character and scale, and does not cause significant loss of light, air, view or privacy to adjacent buildings, may determine that a new variance is not required.



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2. The granting of this Variance is contingent upon findings of Compliance with Section 309 by the Planning Commission. All Conditions of Approval must be met.
3. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator. [Satisfied by the recording of these NSRs]
4. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
5. Minor modifications as determined by the Zoning Administrator may be permitted if it is demonstrated that such modifications are necessary in order to comply with Department of Building Inspection requirements.

### **"Below Market Rate" (BMR)**

In furtherance of the restrictions required by Motion No. 16692, adopted by the San Francisco Planning Commission on December 4, 2003, approving a 243-unit residential building on the above-referenced property pursuant to Planning Code ("Code") Section 309 (Case No. 2002..628CEKVX1), the following restrictions establish a record of the distribution of "Below Market Rate" ("BMR") dwelling units. Pursuant to Planning Code Section 315, this project is required to provide 29 "BMR" units. These units are seventeen (17) one-bedroom apartments, eleven (11) two bedroom apartments, and one (1) three-bedroom apartment distributed as shown on Maps No. 1 through 6 inclusive, appended hereto and incorporated herein. As further delineated, the Apartment Numbers and Unit Types are as follows:

#### **One-bedroom Units**

Unit Type 2: Apartments No. 611, 711, 811, and 911;

Unit Type 3: Apartments No. 609, 709 and 809;

Unit Type 5: Apartment No. 703;

Unit Type 6: Apartments No. 612, 705, 712, 805, 812, 905, 912, 1005 and 1105;

#### **Two-Bedroom Units**

Unit Type 1: Apartments No. 613, 713, 813 and 913;

Unit Type 4: Apartments No. 701 and 801;

Unit Type 7: Apartments No. 614, 714, 814, 914 and 1014;

#### **Three-Bedroom Unit**

Unit Type 12: Apartment No. 603



**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 herein 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: August 17, 2006 at San Francisco, California

**Owner**

By: SEE ATTACHED  
Name:

**Form Approved by Department of City Planning**

By: Leonard James Miller  
Name: 16 August 2006




**1160 MISSION ASSOCIATES, LLC**  
a Delaware limited liability company

By: **AGI-TMG Mission, LLC,**  
a Delaware limited liability company,  
Its: Administrative Member

By: **TMG 1160, LLC**  
a Delaware limited liability company  
Its: Managing Member

By: **TMG Partners,**  
a California corporation  
Its: Managing Member

By:   
Cathy Greenwald  
Its: Executive Vice President



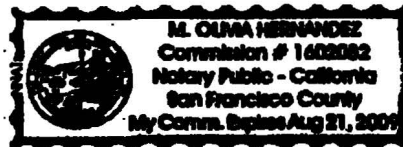
**NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO ) ss.

On AUGUST 17<sup>TH</sup>, 2006, before me, M. OLIVIA HERNANDEZ,  
a Notary Public in and for said State, personally appeared  
CATHY GREENWOLD, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person(s) who 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.

WITNESS my hand and official seal.

M. Olivia Hernandez  
Notary Public in and for said State



DESCRIPTION

CITY AND COUNTY OF SAN FRANCISCO

PARCEL 1:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF 7TH STREET AND THE SOUTHEASTERLY LINE OF STEVENSON STREET; RUNNING THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF 7TH STREET 155.135 FEET TO THE NORTHWESTERLY LINE OF JESSIE STREET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF JESSIE STREET 280.135 FEET TO AN ANGLE POINT THEREON; THENCE AT A RIGHT ANGLE NORTHWESTERLY 5 FEET TO THE NORTHWESTERLY LINE OF JESSIE STREET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF JESSIE STREET 219.970 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 150.135 FEET TO THE SOUTHEASTERLY LINE OF STEVENSON STREET; THENCE AT A RIGHT ANGLE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF STEVENSON STREET 500 FEET AND 1-3/8 INCHES TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED IN THE GRANT DEED RECORDED MARCH 31, 1999, REEL H353, IMAGE 391, SERIES NO. 99-0541425, OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF 7TH STREET WITH THE SOUTHEASTERLY LINE OF STEVENSON STREET; THENCE SOUTHEASTERLY ALONG SAID LINE OF 7TH STREET, 155.135 FEET TO THE NORTHWESTERLY LINE OF JESSIE STREET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY ALONG SAID LINE OF JESSIE STREET, 280.135 FEET TO AN ANGLE POINT THEREIN; THENCE AT A RIGHT ANGLE NORTHWESTERLY ALONG SAID LINE OF JESSIE STREET, 5 FEET TO AN ANGLE POINT THEREIN; THENCE AT A RIGHT ANGLE SOUTHWESTERLY ALONG SAID LINE OF JESSIE STREET, 94.865 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 150.135 FEET TO THE SOUTHEASTERLY LINE OF STEVENSON STREET; THENCE AT A RIGHT ANGLE NORTHEASTERLY ALONG SAID LINE OF STEVENSON STREET, 375 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF 100 VARA BLOCK 406.

ASSESSOR'S LOT 056, BLOCK 3702

PARCEL 2:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF MISSION STREET DISTANT THEREON 388 FEET NORTHEASTERLY FROM THE INTERSECTION OF THE NORTHWESTERLY LINE OF MISSION STREET WITH THE NORTHEASTERLY LINE OF 8TH STREET; RUNNING THENCE NORTHEASTERLY ALONG SAID LINE OF MISSION STREET 62 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 165 FEET TO THE SOUTHEASTERLY LINE OF JESSIE STREET; THENCE SOUTHWESTERLY ALONG SAID LINE OF JESSIE STREET 62 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 165 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF 100 VARA BLOCK 406.

ASSESSOR'S LOT 037, BLOCK 3702

PARCEL 3:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF MISSION STREET DISTANT THEREON 326 FEET NORTHEASTERLY FROM THE NORTHEASTERLY LINE OF 8TH STREET; RUNNING THENCE NORTHEASTERLY ALONG SAID LINE OF MISSION STREET 62 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 165 FEET TO THE SOUTHEASTERLY LINE OF JESSIE STREET; THENCE AT A





DESCRIPTION

RIGHT ANGLE SOUTHWESTERLY ALONG SAID LINE OF JESSIE STREET 62 FEET; THENCE AT A RIGHT ANGLE SOUTHEASTERLY 165 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF 100 VARA BLOCK 406.

ASSESSOR'S LOT 038, BLOCK 3702

PARCEL 4:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF JESSIE STREET DISTANT THEREON 375 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY LINE OF 7TH STREET; THENCE SOUTHWESTERLY ALONG SAID LINE OF JESSIE STREET 124.247 FEET TO A POINT PERPENDICULARLY DISTANT 326 FEET NORTHEASTERLY FROM THE NORTHEASTERLY LINE OF 8TH STREET, SAID POINT BEING THE WESTERLY CORNER OF PARCEL TWO AS DESCRIBED IN THE GRANT DEED RECORDED FEBRUARY 28, 1989, REEL E816, IMAGE 1295, SERIES NO. E328115, OFFICIAL RECORDS; THENCE ALONG A DEFLECTION ANGLE TO THE RIGHT OF 88°34'52" 35.01 FEET TO THE SOUTHERLY CORNER OF PARCEL ONE AS DESCRIBED IN SAID GRANT DEED, SAID SOUTHERLY CORNER BEING ON THE NORTHWESTERLY LINE OF JESSIE STREET; THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE OF JESSIE STREET 125.114 FEET TO A LINE DRAWN AT RIGHT ANGLES FROM THE POINT OF BEGINNING; THENCE AT A RIGHT ANGLE SOUTHEASTERLY ALONG SAID DRAWN LINE 35 FEET TO THE POINT OF BEGINNING.

BEING ALL OF JESSIE STREET BETWEEN A LINE 375 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE SOUTHWESTERLY LINE OF 7TH STREET, AND A LINE DRAWN FROM THE WESTERLY CORNER OF PARCEL TWO AS DESCRIBED IN THE GRANT DEED RECORDED FEBRUARY 28, 1989, REEL E816, IMAGE 1295, SERIES NO. E328115, OFFICIAL RECORDS, AND THE SOUTHERLY CORNER OF PARCEL ONE AS DESCRIBED IN SAID GRANT DEED.

ASSESSOR'S LOT - NONE

PARCEL 5:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF MISSION STREET DISTANT THEREON 375 FEET SOUTHWESTERLY FROM THE INTERSECTION OF THE SOUTHWESTERLY LINE OF 7TH STREET WITH THE NORTHWESTERLY LINE OF MISSION STREET, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF THE LAND DESCRIBED AS PARCEL TWO IN THE DEED TO THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO RECORDED MARCH 31, 1999, REEL H353, IMAGE 391, SERIES NO. 99-G541425, OFFICIAL RECORDS; THENCE SOUTHWESTERLY ALONG SAID LINE OF MISSION STREET FOR A DISTANCE OF 0.247 FEET TO A POINT THAT IS 450 FEET NORTHEASTERLY FROM THE INTERSECTION OF THE NORTHWESTERLY LINE OF MISSION STREET AND THE NORTHEASTERLY LINE OF 8TH STREET, SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF THE LAND DESCRIBED AS PARCEL TWO IN THE DEED TO FOX-WARFIELD LLC RECORDED SEPTEMBER 21, 2000, REEL H727, IMAGE 437, SERIES NO. 2000-G840672, OFFICIAL RECORDS; THENCE AT A RIGHT ANGLE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID FOX-WARFIELD PARCEL, 165 FEET TO THE SOUTHEASTERLY LINE OF JESSIE STREET; THENCE AT A RIGHT ANGLE NORTHEASTERLY ALONG SAID LINE OF JESSIE STREET 0.247 FEET TO THE MOST WESTERLY CORNER OF SAID REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO PARCEL; THENCE AT A RIGHT ANGLE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 165 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF 100 VARA BLOCK 406.

ASSESSOR'S LOT - NONE



CALIFORNIA

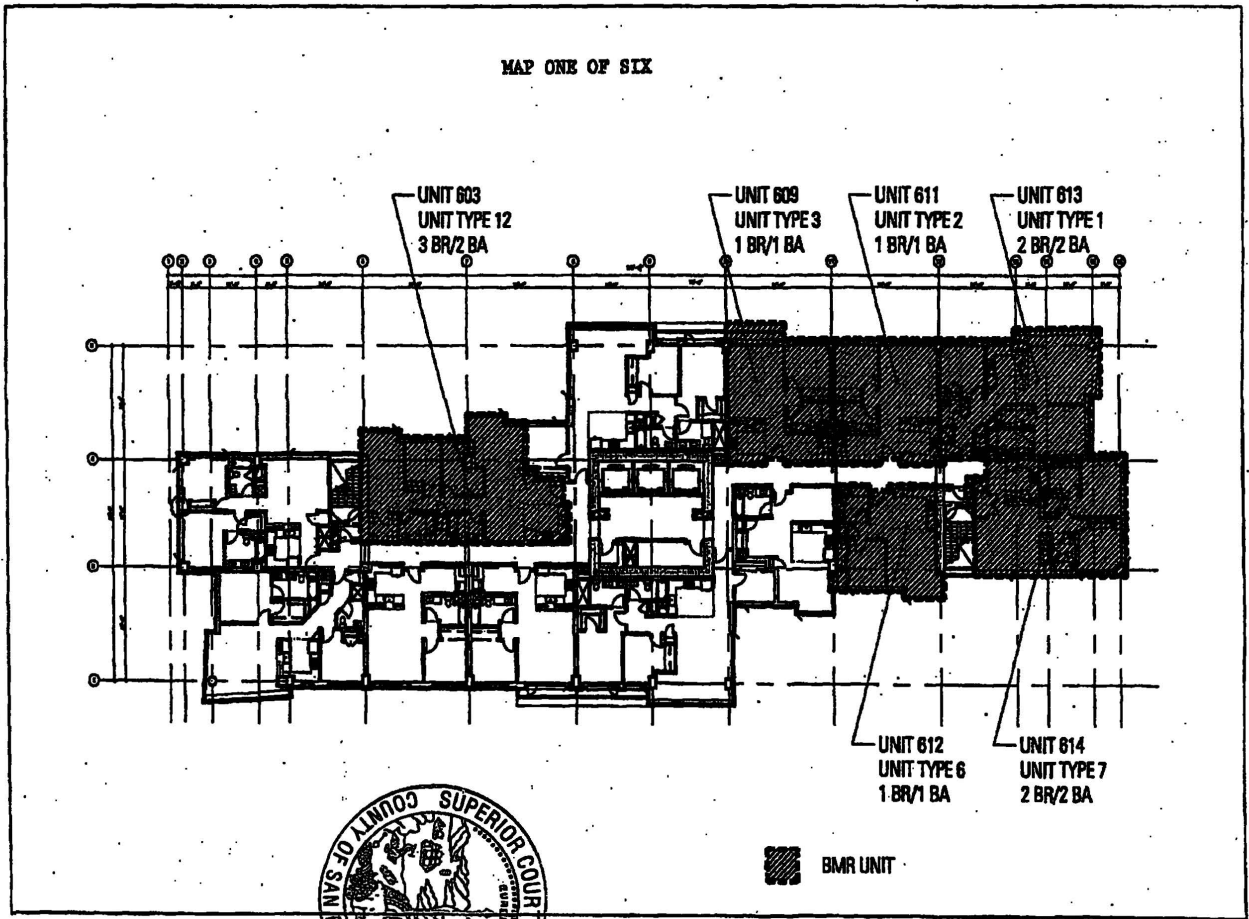
**NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

**MAPS OF BMR UNITS**

[Maps 1 – 6]  
[to be attached]



MAP ONE OF SIX



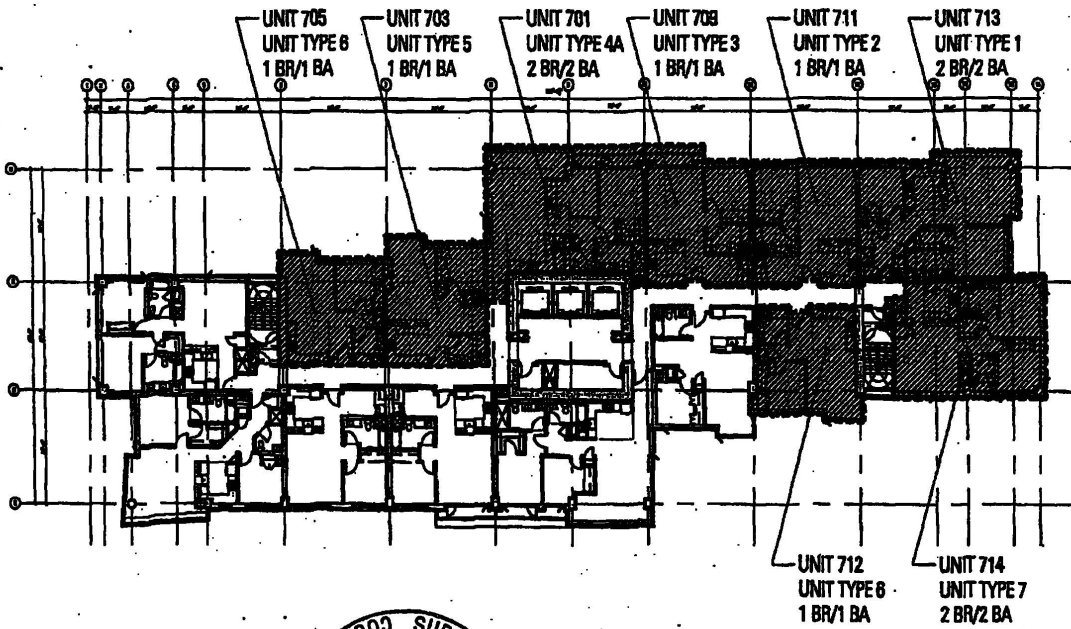
ARCHITECTURE INTERNATIONAL  
ARCHITECTURE ■ PLANNING ■ INTERIOR DESIGN

Soma Grand (1160 Mission)

SCALE: 1/8"=1'-0"  
Sheet Reference: A2.11  
Issue Date: 05/08/08  
Prepared by: CD/Heire  
Project Name: Soma Grand  
Project No.: 0507.00

LEVEL 06

MAP TWO OF SIX



 BMR UNIT

**Soma Grand (1180 Mission)**

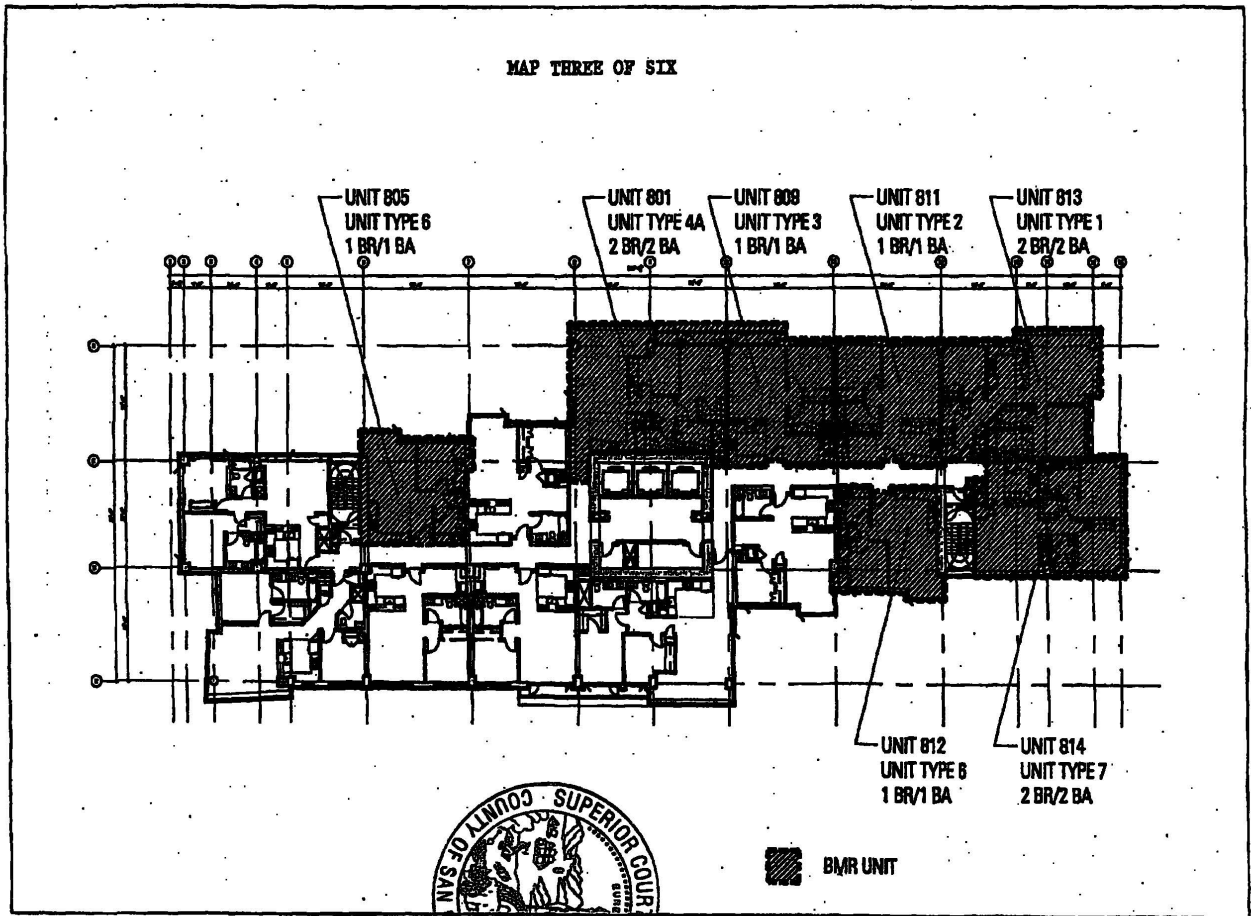
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Sheet Reference: A2.11  
Issue Date: 06/06/08  
Prepared by: CD/llm  
Project Name: Soma Grand  
Project No.: 6501.00

**LEVEL 07**



**ARCHITECTURE INTERNATIONAL**  
ARCHITECTURE ■ PLANNING ■ INTERIOR DESIGN

MAP THREE OF SIX



 BMR UNIT



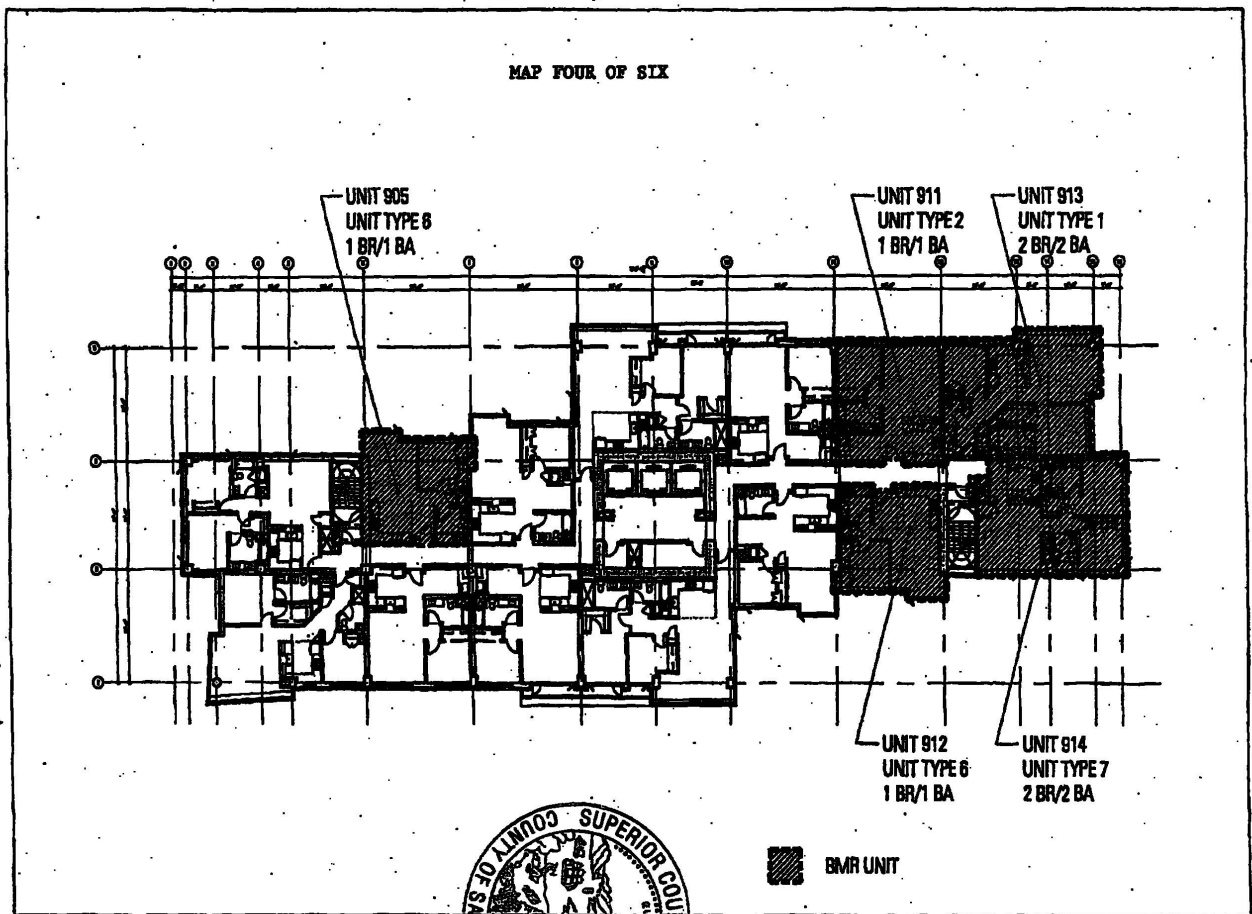
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ARCHITECTURE ■ PLANNING ■ INTERIOR DESIGN

Soma Grand (1160 Mission)

SCALE: 1/8"=1'-0"  
Sheet Reference: A2.11  
Issue Date: 06/06/08  
Prepared by: D'Callera  
Project Name: Soma Grand  
Project No.: 8501.00

LEVEL 08

MAP FOUR OF SIX



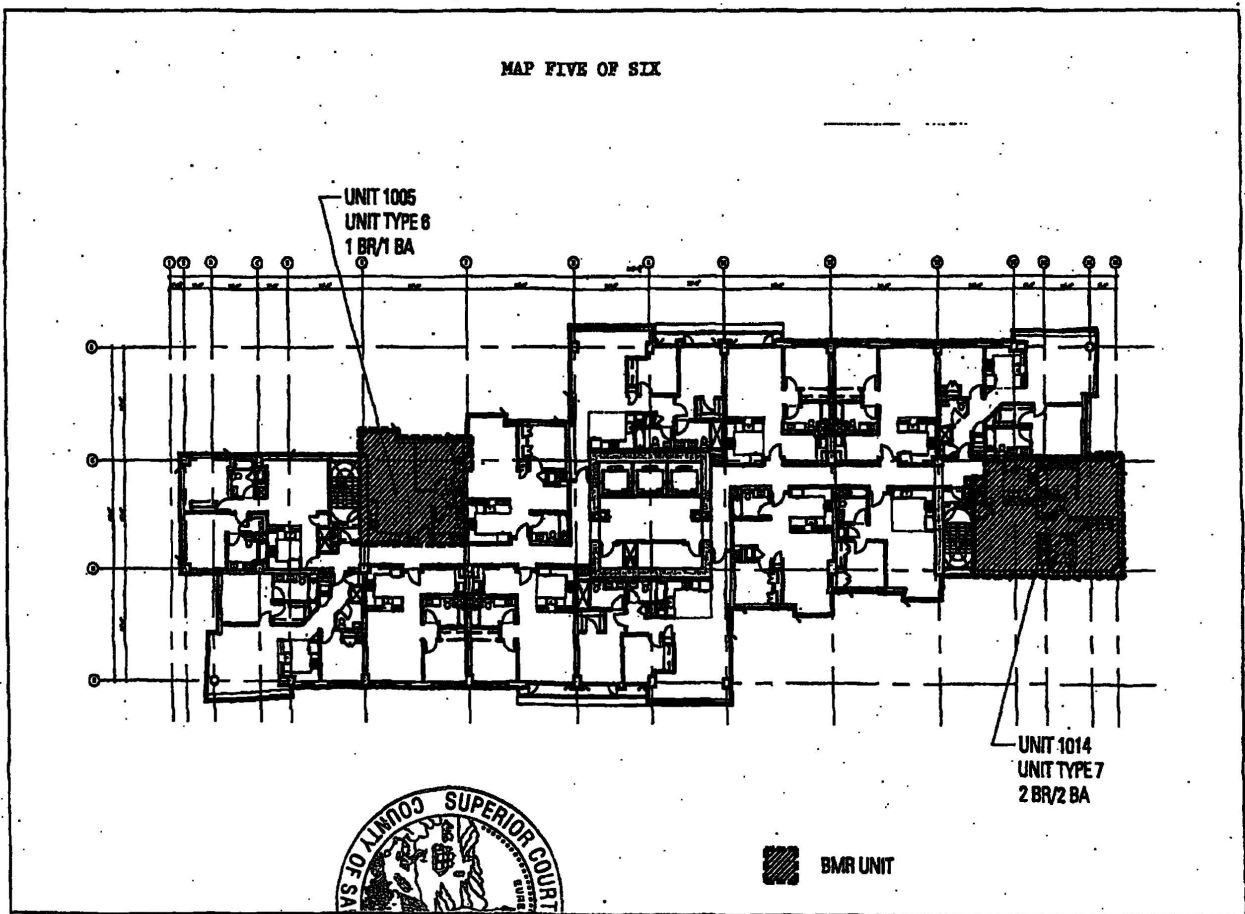
ARCHITECTURE INTERNATIONAL  
ARCHITECTURE ■ PLANNING ■ INTERIOR DESIGN

Soma Grand (1160 Mission)

SCALE: 1/8"=1'-0"  
Sheet Reference: A2.11  
Issue Date: 06/06/08  
Prepared by: DC/Res  
Project Name: Soma Grand  
Project No.: 0301.00

LEVEL 09

MAP FIVE OF SIX



 BMR UNIT

**Soma Grand (1160 Mission)**

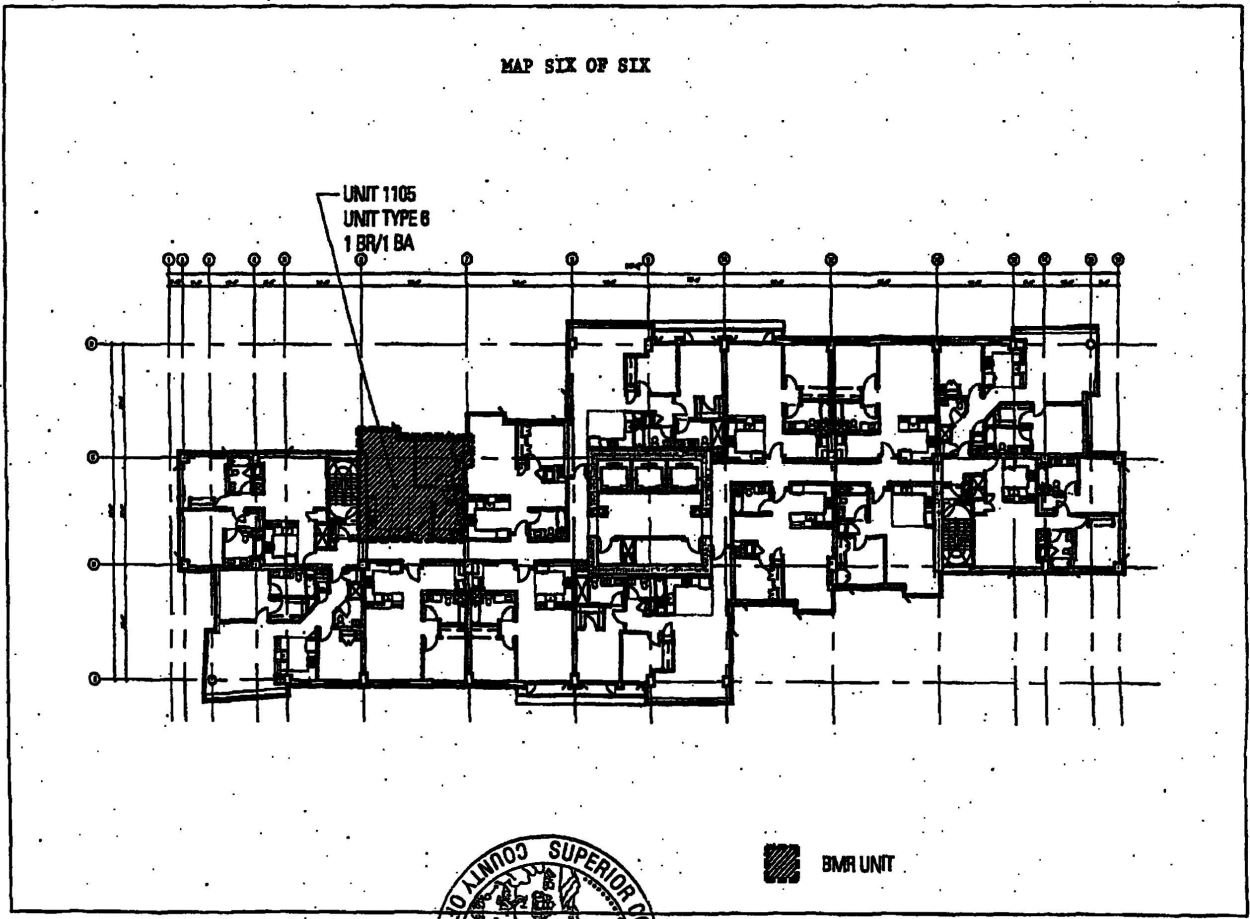
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Sheet Reference: A2.11  
Issue Date: 05/04/08  
Prepared by: CD/Shea  
Project Name: Soma Grand  
Project No.: 0501.00

**LEVEL 10**



**ARCHITECTURE INTERNATIONAL**  
ARCHITECTURE ■ PLANNING ■ INTERIOR DESIGN

MAP SIX OF SIX



UNIT 1105  
UNIT TYPE 6  
1 BR/1 BA

 BMR UNIT



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Soma Grand (1160 Mission)

SCALE: 1/8"=1'-0"  
Sheet Reference: A2.11  
Issue Date: 06/08/06  
Prepared by: DDallas  
Project Name: Soma Grand  
Project No.: 0501.00

LEVEL 11