

File No. 180311

Committee Item No. \_\_\_\_\_

Board Item No. 57

# COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_

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

Board of Supervisors Meeting

Date: April 10, 2018

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- \_\_\_\_\_

Prepared by: Jocelyn Wong

Date: April 5, 2018

Prepared by: \_\_\_\_\_

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

1 [Final Map 9286 - 616 Divisadero Street]

2  
3 **Motion approving Final Map 9286, a seven residential unit condominium project,**  
4 **located at 1238 Divisadero Street, being a subdivision of Assessor's Parcel**  
5 **Block No. 1202, Lot No. 002J, and adopting findings pursuant to the General Plan, and**  
6 **the eight priority policies of Planning Code, Section 101.1.**

7  
8       MOVED, That the certain map entitled "FINAL MAP 9286", a seven residential unit  
9 condominium project, located at 616 Divisadero Street, being a subdivision of Assessor's  
10 Parcel Block No. 1202, Lot No. 002J, comprising four sheets, approved March 16, 2018, by  
11 Department of Public Works Order No. 187379 is hereby approved and said map is adopted  
12 as an Official Final Map 9286; and, be it

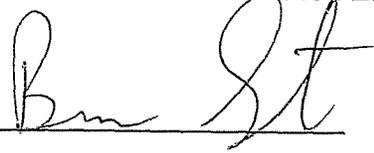
13       FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own  
14 and incorporates by reference herein as though fully set forth the findings made by the  
15 Planning Department, by its letter dated June 23, 2017, that the proposed subdivision is  
16 consistent with the objectives and policies of the General Plan and the eight priority policies of  
17 Planning Code, Section 101.1; and, be it

18       FURTHER MOVED, That the San Francisco Board of Supervisors hereby authorizes  
19 the Director of the Department of Public Works to enter all necessary recording information on  
20 the Final Map and authorizes the Clerk of the Board of Supervisors to execute the Clerk's  
21 Statement as set forth herein; and, be it

22       FURTHER MOVED, That approval of this map is also conditioned upon compliance by  
23 the subdivider with all applicable provisions of the San Francisco Subdivision Code and  
24 amendments thereto.

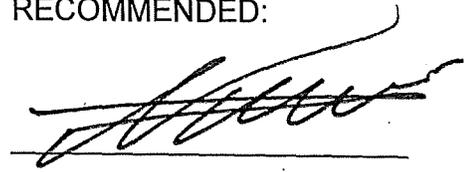
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DESCRIPTION APPROVED:



Bruce R. Storrs, PLS  
City and County Surveyor

RECOMMENDED:



Mohammed Nuru  
Director of Public Works



# SAN FRANCISCO PLANNING DEPARTMENT

## Variance Decision

*Date:* December 30, 2015  
*Case No.:* 2005.0911V  
*Project Address:* 616 Divisadero Street & 1282 Hayes Street  
*Zoning:* Divisadero Street NCT (Neighborhood Commercial Transit)  
 65-A Height and Bulk District  
*Block/Lots:* 1202/002J  
*Applicant:* Mark Topetcher  
 Topetcher Architecture Inc.  
 828 Divisadero Street  
 San Francisco, CA 94117  
*Owner:* Divisadero Hayes, LLC  
 1812 Noriega Street  
 San Francisco, CA 94122  
*Staff Contact:* Chris May – (415) 575-9087  
[christopher.may@sfgov.org](mailto:christopher.may@sfgov.org)

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

Reception:  
~~415.558.6378~~

Fax:  
 415.558.6409

Planning  
 Information:  
 415.558.6377

### DESCRIPTION OF VARIANCES – REAR YARD MODIFICATION, AND PARKING AND LOADING VARIANCES SOUGHT:

The project proposes to repurpose the former Harding Theater building for use as a bar, amusement game arcade, other entertainment uses and movie uses (d.b.a. Emporium), while retaining and restoring the Divisadero Street facade. Two small general retail sales spaces, totaling approximately 875 square feet, are proposed along the Divisadero Street façade, flanking the main entrance to the Emporium, which would occupy approximately 14,618 square feet of the existing building. Commercial loading is proposed to occur off-site on Divisadero Street.

The project also includes the construction of a new 5-story residential building on the vacant portion of the lot fronting Hayes Street. The new residential building will contain seven dwelling units with five one-bedroom units that range in size from 705 square feet to 755 square feet, and two three-bedroom units of approximately 1,784 square feet each. Seven resident bicycle parking spaces will be provided in the basement with ramp access to Hayes Street. Two stacked automobile parking spaces are proposed on the ground floor of the residential building.

Section 134 of the Planning Code requires that the project provide a rear yard equal to 25 percent of the total lot depth, but in no case less than 15 feet, at the lowest level containing a residential unit, and at each succeeding level or story of the building. In Neighborhood Commercial (NC) Districts, the rear yard requirement may be modified or waived by the Zoning Administrator provided that residential uses are included in the new development and a comparable amount of usable open space is provided elsewhere within the development where it is more accessible to the residents of the development, and that the proposed new structure will not significantly impede the access of light and air to and views or adversely affect the interior block open space formed by the rear yards of from adjacent properties. The

proposed residential building falls within the require rear yard for the subject property. Therefore, the project requires a rear yard modification from the rear yard requirement.

Section 152 of the Planning Code requires one (1) off-street loading space for non-residential uses with a gross floor area between 10,001 square feet and 60,000 square feet. The proposed bar, amusement game arcade, other entertainment uses and retail sales uses will occupy approximately 15,493 square feet, and therefore trigger the requirement for one (1) off-street loading space. The project includes no off-street loading spaces. Therefore, the project requires a variance from the off-street loading requirement.

Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor. Off-street parking at street must be set back at least 25 feet on the ground floor from any facade facing a street at least 30 feet in width. The location of the two proposed off-street parking spaces on the ground floor of the residential building is located within 25 feet of the main front wall. Therefore, the project requires a variance from the parking setback requirement.

#### PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption.
2. The Zoning Administrator held a public hearing on Variance Application No. 2005.0911V on November 19, 2015.
3. The Planning Commission held a public hearing on November 19, 2015 and approved Conditional Use Authorization Application No. 2005.0911C.
4. Planning Code Section 312 notification was conducted in conjunction with the Conditional Use Authorization notification process.

#### DECISION:

**GRANTED**, in general conformity with the plans on file with this application, shown as EXHIBIT A, to permit no off-street loading space in association with the bar and amusement game arcade use at 616 Divisadero Street, and to construct a 5-story residential building at 1282 Hayes Street that will extend into the required rear yard and provide two stacked parking space within 25 feet of the main front wall, subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.

3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owner 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.
5. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

**FINDINGS:**

Section 134(e) of the Planning Code states that in order to grant a rear yard modification, the Zoning Administrator must determine that the facts of the case are sufficient to establish each of the following criteria:

**CRITERIA 1.**

Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.

**Requirement Met.**

- A. The proposed project will provide 7 new dwelling units. As the L-shaped lot has its primary frontage along Divisadero Street, the rear lot line is the lot line that would separate the proposed residential building from the adjacent elderly care facility at 1250 Hayes Street. The depth of the vacant portion of the subject property in this location is 45 feet, and therefore the minimum required rear yard setback would be 15 feet, leaving only 30 feet of developable area. Such a rear yard would have an area of 675 square feet. The proposed roof deck to offset the rear yard encroachment is designed to be common usable open space and will be accessible to all dwelling units. The proposed size and configuration of the roof deck is considered more usable than the otherwise required rear setback for this portion of the lot, as it is larger in all horizontal dimensions, and totals 931 square feet. Additionally, locating the open space on the roof removes any privacy or usability conflicts that could result from at-grade rear yard open space directly adjacent to ground floor dwelling units.

**CRITERIA 2.**

The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.

**Requirement Met.**

- A. The subject lot surrounded by the theater to the north, a 3-story apartment building to the west, and the Hayes Convalescent Hospital to the east. The proposal would not significantly impede

the access to light, air, or views for the adjacent properties, as these properties have structures that are essentially full-lot coverage and abut the shared property lines.

**CRITERIA 3.**

The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yard of adjacent properties.

**Requirement Met.**

- A. The subject lot is disconnected from the mid-block open space by the theater to the north and the Hayes Convalescent Hospital to the east, which extends almost the full depth of its property, obstructing into the mid-block open space. Due to the short depth of the relevant portion of the subject property, and due to being surrounded by other buildings that are full lot coverage, the proposed residential building will have no connection to the existing mid-block open space, and therefore will have no adverse impact on that space.

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

**FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

**Requirement Met.**

- A. The subject property is a large L-shaped lot of more than 13,000 square feet with frontages on both Hayes and Divisadero Streets. The Divisadero Street frontage is considered to be the front lot line, with a majority of the vacant portion of the lot fronting Hayes Street falling within the required rear yard. The shape and size of the subject lot is unusual for this block, neighborhood, and the city in general. Therefore, it qualifies as an exceptional and extraordinary circumstance.
- B. The parking setback requirement of 25 feet from the main front wall is intended to promote active uses at the street frontage, and to discourage higher amounts of parking from being provided as tandem if only one space is permitted. The Planning Code permits this project to have up to four off-street parking spaces. Due to the unusual shape and size of the overall property, and the minimal 45 feet of depth for the vacant portion of the property that fronts onto Hayes Street, providing only one parking space within the first 25 feet of depth would leave minimal space behind for other uses.
- C. The existing theater building, which has never had an enclosed off-street loading space, is an historic resource that nearly covers the entire portion of the lot fronting Divisadero Street. A loading space for the theater building cannot be provided on Divisadero Street without significant impacts to the historic resource's primary façade and interior programming. Providing such loading on the Hayes Street frontage would have a major impact on the ability

to develop residential uses on that portion of the property, while also being out of context with the primarily residential nature of that block.

**FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**Requirement Met.**

- A. The parking setback requirement of 25 feet from the main front wall is intended to promote active uses at the street frontage, and to discourage higher amounts of parking from being provided as tandem if only one space is permitted. The Planning Code permits this project to have up to four off-street parking spaces. It is not possible to set back the proposed car stacker any further in order to meet the 25-foot setback requirement.

As proposed, the parking is well within Planning Code requirements, and does not displace any area that would otherwise be able to be used for active uses. Therefore, would be an unnecessary hardship to reduce the parking to one parking space in order to meet the literal standards of the Planning Code.

- B. The existing theater building, which has never had an enclosed off-street loading space, is an historic resource that nearly covers the entire portion of the lot fronting Divisadero Street. Providing a loading space for the theater building on Divisadero Street would be a practical difficulty because it would significantly impact to the historic resource's primary façade and interior programming. Providing such loading on the Hayes Street frontage would have a major impact on the ability to develop residential uses on that portion of the property, while also being out of context with the primarily residential nature of that block.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Met.**

- A. Granting the parking setback variance will allow the project to provide only half the number of spaces permitted by the Planning Code, while still meeting the intent of the setback requirement. Providing a small amount of Code-complying off-street parking, while meeting the full intent of the Planning Code, is a substantial property right of the subject property, possessed by other property in the Divisadero Street NCT Zoning District.
- B. Granting the off-street loading variance will preserve the primary façade and interior programming of the former Harding Theater, which is an historic resource, while also reducing a potentially major impact on the proposed residential development on the Hayes Street frontage. Preserving historic resource buildings and developing residential structures are substantial

property rights of the subject property, possessed by other property in the Divisadero Street NCT Zoning District.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Met.**

- A. The garage door screening the two stacked parking spaces would remain the same regardless of where the parking spaces are located behind it. Providing two spaces instead of one does not displace any area that could otherwise be able to be used for active uses. Therefore, the granting of the variance for a parking setback of less than 25 feet will have no effect on the public welfare or improvements in the vicinity.
- B. The former theater never had an enclosed off-street loading space. Proposed and future uses of the theater will have lesser demands for loading than the prior large-scale theater use. Similar to the adjacent Independent concert venue, the new use within the theater building may work with other City agencies to find on-street loading accommodations. Providing such loading along the Hayes Street frontage would be out of character with the primarily residential block, and may have major negative impacts on residential uses constructed on that portion of the subject property.

**FINDING 5.**

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Met.**

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
  - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing historic Harding Theater building and construct seven new residential units on the property.
  - 3. The proposed project will have no effect on the City's supply of affordable housing.
  - 4. The proposed project does not adversely affect neighborhood parking or public transit.
  - 5. The project will have no effect on the City's industrial and service sectors.

6. The proposed project will have no negative effect on the City's preparedness to protect against injury and loss of life in an earthquake. The project will rehabilitate and repurpose the historic Harding Theater building, and the residential building will be constructed to meet all current seismic standards.
7. The project will have a positive effect on the City's landmarks or historic buildings because it will preserve the historic Harding Theater.
8. The project will not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

**APPEAL:** Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3<sup>rd</sup> Floor (Room 304) or call 575-6880.

Variance Decision  
December 30, 2015

CASE NO. 2005.0911V  
616 Divisadero Street & 1282 Hayes Street

Very truly yours,



Corey A. Teague  
*Assistant Zoning Administrator*

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THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

SMY:WP51\Northwest\Variance\2005.0911V – 616 Divisadero Street & 1282 Hayes Street - Granted  
Copy to I:\Decision Documents\Variance Decision Letters\2005\2005.0911V – 616 Divisadero Street & 1282 Hayes Street - Granted



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

Office of the City and County Surveyor  
1155 Market Street, 3rd Floor  
San Francisco, Ca 94103  
(415) 554-5827 www.SFPublicWorks.org

2018 MAR 27 PM 3:00

BY *[Signature]*



Mark Farrell, Mayor  
Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

**Public Works Order No: 187379**

**CITY AND COUNTY OF SAN FRANCISCO  
SAN FRANCISCO PUBLIC WORKS**

APPROVING FINAL MAP 9286, 616 DIVISADERO STREET, A 7 UNIT RESIDENTIAL CONDOMINIUM PROJECT, BEING A SUBDIVISION OF ASSESSORS PARCEL NUMBER 1202-002J

**A 7 UNIT RESIDENTIAL CONDOMINIUM PROJECT**

The City Planning Department in its letter dated June, 23, 2017 stated that the subdivision is consistent with the General Plan and the Priority Policies of City Planning Code Section 101.1.

The Director of Public Works, the Advisory Agency, acting in concurrence with other City agencies, has determined that said Final Map complies with all subdivision requirements related thereto. Pursuant to the California Subdivision Map Act and the San Francisco Subdivision Code, the Director recommends that the Board of Supervisors approve the aforementioned Final Map.

Transmitted herewith are the following:

1. One (1) paper copy of the Motion approving said map – one (1) copy in electronic format.
2. One (1) mylar signature sheet and one (1) paper set of the "Final Map 9286", comprising 4 sheets.
3. One (1) copy of the Tax Certificate from the Office of the Treasurer and Tax Collector certifying that there are no liens against the property for taxes or special assessments collected as taxes.
4. One (1) copy of the letter dated June, 23, 2017, from the City Planning Department stating the subdivision is consistent with the General Plan and the Priority Policies set forth in City Planning Code Section 101.1.

It is recommended that the Board of Supervisors adopt this legislation.

RECOMMENDED:

APPROVED:



3/16/2018

X Bruce R. Storrs

Storrs, Bruce  
City and County Surveyor  
Signed by: Storrs, Bruce

3/16/2018

X Mohammed Nuru

Nuru, Mohammed  
Director, DPW  
Signed by: Nuru, Mohammed



San Francisco Public Works  
Making San Francisco a beautiful, livable, vibrant, and sustainable city.



**TENTATIVE MAP DECISION**

Date: February 23, 2017

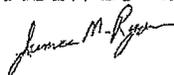
Department of City Planning  
 1650 Mission Street, Suite 400  
 San Francisco, CA 94103

<b>Project ID:</b> 9286			
<b>Project Type:</b> 2 Lot Subdivision and 7 Residential Units New Construction			
<b>Address#</b>	<b>StreetName</b>	<b>Block</b>	<b>Lot</b>
608 - 624	DIVISADERO ST	1202	002J
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

Please review and respond to this referral within 30 days in accordance with the Subdivision Map Act.

Sincerely,

 James Ryan  
 2017.02.23 16:16:33 -08'00'

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

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 California Environmental Quality Act (CEQA) environmental review as categorically exempt Class \_\_\_\_\_, CEQA Determination Date: \_\_\_\_\_, based on the attached checklist.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the attached conditions.

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 reason(s):

**PLANNING DEPARTMENT**

Signed:  Christopher May  
Digitally signed by Christopher May  
 DN: cn=Christopher May, o=City and County of San Francisco, ou=City Planning, email=Christopher.May@sf.gov, c=US  
 Date: 2017.06.23 07:48:38 -07'00'

Date: June 23, 2017

Planner's Name: Christopher May  
 for, Scott F. Sanchez, Zoning Administrator



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**CERTIFICATE OF REDEMPTIONS OFFICER  
SHOWING TAXES AND ASSESSMENTS PAID.**

I, David Augustine, Tax Collector of the City and County San Francisco, State of California, do hereby certify, pursuant to the provisions of California Government Code Section 66492 et. seq., that according to the records of my office, there are no liens against the subdivision designated on the map entitled:

**Block No.            1202            Lot No.    002J**

**Address:            616 Divisadero St**

for unpaid City & County property taxes or special assessments collected as taxes, except taxes or assessments not yet payable.

A handwritten signature in black ink, appearing to read "David Augustine".

David Augustine, Tax Collector

The above certificate pertains to taxes and special assessments collected as taxes for the period prior to this current tax year.

Dated this 16th day of February. This certificate is valid for the earlier of 60 days from this date or December 31, 2018. If this certificate is no longer valid please contact the Office of Treasurer and Tax Collector to obtain another certificate.



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**CERTIFICATE SHOWING TAXES A LIEN, BUT NOT YET DUE**

I, David Augustine, Tax Collector of the City and County San Francisco, State of California, do hereby certify, pursuant to the provisions of California Government Code Section 66492 et. seq., that the subdivision designated on the map entitled is subject to the following City & County property taxes and Special Assessments which are a lien on the property but which taxes are not yet due:

Block No.            1202            Lot No. 002J

Address:            616 Divisadero St

Estimated probable assessed value of property within the proposed Subdivision/Parcel

Map:                    \$2,900,000

Established or estimated tax rate:                    1.2000%

Estimated taxes liened but not yet due:                    \$34,800.00

Amount of Assessments not yet due:                    \$892.00

These estimated taxes and special assessments have been paid.

David Augustine, Tax Collector

Dated this 16th day of February. This certificate is valid for the earlier of 60 days from this date or December 31, 2018. If this certificate is no longer valid please contact the Office of Treasurer and Tax Collector to obtain another certificate.

**OWNER'S STATEMENT:**

WE HEREBY STATE THAT WE ARE ALL THE OWNERS OF AND HOLDERS OF SECURITY INTEREST OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; THAT WE HEREBY CONSENT TO MAKING AND RECORDING OF SAID MAP AS SHOWN WITHIN THE DISTINCTIVE BORDERLINE; THAT SAID MAP CONSTITUTES AND CONSISTS OF A SURVEY MAP SHOWING MONUMENTATION ON THE GROUND WITHIN THE MEANING OF PARAGRAPHS 4120 AND 4286 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA; AND THAT WE HEREBY CONSENT TO THE MAKING AND RECORDING OF SAID MAP PURSUANT TO DIVISION 4, PART 5, CHAPTER 3, ARTICLE 4 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA.

IN WITNESS WHEREOF, WE, THE UNDERSIGNED, HAVE CAUSED THIS STATEMENT TO BE EXECUTED.

**OWNERS:**

DIVISADERO HAYES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

*Michael Y. Klestoff* *Patrick J. Stack*  
MICHAEL Y. KLESTOFF, MANAGING MEMBER PATRICK J. STACK, MANAGING MEMBER

**BENEFICIARY:**

PREFERRED BANK

*[Signature]* **EVP**  
BY: TITLE *Executive Vice President*  
*Alice Huang*  
PRINT NAME:

**OWNER'S ACKNOWLEDGMENT:**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO  
ON March 17, 2019 BEFORE ME, Cathy Bryant NOTARY PUBLIC  
(INSERT NAME)

PERSONALLY APPEARED: Michael Y. Klestoff + Patrick J. Stack  
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]* Cathy Bryant  
SIGNATURE: PRINTED NAME:  
COMMISSION # 2058429 March 19, 2018  
COMMISSION EXPIRES: COMMISSION # OF NOTARY:

San Francisco  
PRINCIPAL COUNTY OF BUSINESS:

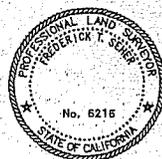
**RECORDER'S STATEMENT:**

FILED THIS ..... DAY OF ..... AT ..... M.  
IN BOOK ..... OF CONDOMINIUM MAPS, AT PAGE(S) ..... AT THE REQUEST OF  
FREDERICK T. SEHER.

SIGNED .....  
COUNTY RECORDER

**SURVEYOR'S STATEMENT:**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MICHAEL KLESTOFF ON APRIL 6, 2016. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.



*Frederick T. Seher*  
FREDERICK T. SEHER, PLS  
LICENSE NO. 6216

DATE: 03-14-18

**CITY AND COUNTY SURVEYOR'S STATEMENT:**

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THIS MAP IS TECHNICALLY CORRECT.

BRUCE R. STORRS, CITY AND COUNTY SURVEYOR  
CITY AND COUNTY OF SAN FRANCISCO

*[Signature]*  
BRUCE R. STORRS, PLS 6914



DATE MARCH 17, 2018

1973

**BENEFICIARY ACKNOWLEDGMENT:**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO  
ON 2-14-2018 BEFORE ME, DORA LAU NOTARY PUBLIC  
(INSERT NAME)

PERSONALLY APPEARED: ALICE HUANG  
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]* DORA LAU  
SIGNATURE: PRINTED NAME:  
COMMISSION # 2109353 MAY 16, 2019  
COMMISSION EXPIRES: COMMISSION # OF NOTARY:

San Francisco  
PRINCIPAL COUNTY OF BUSINESS:

**FINAL MAP NO. 9286**  
**A 2 LOT SUBDIVISION, LOT "2" BEING A 7 UNIT RESIDENTIAL CONDOMINIUM PROJECT**

BEING A SUBDIVISION OF THAT CERTAIN REAL PROPERTY AS DESCRIBED IN THAT CERTAIN DEED FILED FOR RECORD ON JUNE 23, 2003, DOCUMENT NUMBER 2003-H468286-01 OF OFFICIAL RECORDS, ON FILE IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA.

ALSO BEING A PART OF WESTERN ADDITION BLOCK NO. 447

CITY AND COUNTY OF SAN FRANCISCO

CALIFORNIA  
JANUARY, 2018



**Frederick T. Seher & Associates, Inc.**  
PROFESSIONAL LAND SURVEYORS  
841 LOMBARD STREET, SAN FRANCISCO, CA 94133  
PHONE (415) 921-7690 FAX (415) 921-7655

SHEET ONE OF FOUR SHEETS

APN: 1202-002J 616 DIVISADERO STREET

**TAX STATEMENT:**

I, ANGELA CALVILLO, CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE SUBDIVIDER HAS FILED A STATEMENT FROM THE TREASURER AND TAX COLLECTOR OF THE CITY AND COUNTY OF SAN FRANCISCO, SHOWING THAT ACCORDING TO THE RECORDS OF HIS OR HER OFFICE THERE ARE NO LIENS AGAINST THIS SUBDIVISION OR ANY PART THEREOF FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES, OR SPECIAL ASSESSMENTS COLLECTED AS TAXES.

DATED ..... DAY OF ..... 20.....

CLERK OF THE BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO  
STATE OF CALIFORNIA.

**CLERK'S STATEMENT:**

I, ANGELA CALVILLO, CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, HEREBY STATE THAT SAID BOARD OF SUPERVISORS BY

ITS MOTION NO. .... ADOPTED ..... 20..... APPROVED THIS MAP ENTITLED, "FINAL MAP NO. 9286".

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY HAND AND CAUSED THE SEAL OF THE OFFICE TO BE AFFIXED.

BY: ..... DATE: .....  
CLERK OF THE BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO  
STATE OF CALIFORNIA

**APPROVALS:**

THIS MAP IS APPROVED THIS 16<sup>TH</sup> DAY OF March 2018

BY ORDER NO. 187379

BY: ..... DATE: .....

MOHAMMED NURU  
DIRECTOR OF PUBLIC WORKS AND ADVISORY AGENCY  
CITY AND COUNTY OF SAN FRANCISCO  
STATE OF CALIFORNIA

**APPROVED AS TO FORM:**

DENNIS J. HERRERA, CITY ATTORNEY

BY: .....

DEPUTY CITY ATTORNEY  
CITY AND COUNTY OF SAN FRANCISCO

**BOARD OF SUPERVISORS' APPROVAL:**

ON ..... 20..... THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA APPROVED AND PASSED MOTION NO. ....

..... A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE BOARD

OF SUPERVISORS IN FILE NO. ....

**GENERAL NOTES:**

A) LOT "2", AS SHOWN ON THIS MAP, IS THE SURVEY MAP PORTION OF A CONDOMINIUM PLAN AS DESCRIBED IN CALIFORNIA CIVIL CODE SECTIONS 4120 AND 4286. THE CONDOMINIUM PROJECT ON LOT "2" IS LIMITED TO A MAXIMUM NUMBER OF SEVEN (7) DWELLING UNITS.

B) ALL INGRESSIES, EGRESSIES, PATH(S) OF TRAVEL, FIRE/EMERGENCY EXITS AND EXITING COMPONENTS, EXIT PATHWAY(S) AND PASSAGEWAY(S), STAIRWAY(S), CORRIDOR(S), ELEVATOR(S), AND COMMON USE ACCESSIBLE FEATURE(S) AND FACILITIES SUCH AS RESTROOMS THAT THE BUILDING CODE REQUIRES FOR COMMON USE SHALL BE HELD IN COMMON UNDIVIDED INTEREST.

C) UNLESS SPECIFIED OTHERWISE IN THE GOVERNING DOCUMENTS OF A CONDOMINIUM HOMEOWNERS' ASSOCIATION, INCLUDING ITS CONDITIONS, COVENANTS, AND RESTRICTIONS, THE HOMEOWNERS' ASSOCIATION SHALL BE RESPONSIBLE, IN PERPETUITY, FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF:

(i) ALL GENERAL USE COMMON AREA IMPROVEMENTS; AND  
(ii) ALL FRONTING SIDEWALKS, ALL PERMITTED OR UNPERMITTED PRIVATE ENCROACHMENTS AND PRIVATELY MAINTAINED STREET TREES FRONTING THE PROPERTY, AND ANY OTHER OBLIGATION IMPOSED ON PROPERTY OWNERS FRONTING A PUBLIC RIGHT-OF-WAY PURSUANT TO THE PUBLIC WORKS CODE OR OTHER APPLICABLE MUNICIPAL CODES.

D) IN THE EVENT THE AREAS IDENTIFIED IN (C)(i) ARE NOT PROPERLY MAINTAINED, REPAIRED, AND REPLACED ACCORDING TO THE CITY REQUIREMENTS, EACH HOMEOWNER SHALL BE RESPONSIBLE TO THE EXTENT OF HIS/HER PROPORTIONATE OBLIGATION TO THE HOMEOWNERS' ASSOCIATION FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF THOSE AREAS. FAILURE TO UNDERTAKE SUCH MAINTENANCE, REPAIR, AND REPLACEMENT MAY RESULT IN CITY ENFORCEMENT AND ABATEMENT ACTIONS AGAINST THE HOMEOWNERS' ASSOCIATION AND/OR THE INDIVIDUAL HOMEOWNERS, WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, IMPOSITION OF A LIEN AGAINST THE HOMEOWNER'S PROPERTY.

E) APPROVAL OF THIS MAP SHALL NOT BE DEEMED APPROVAL OF THE DESIGN, LOCATION, SIZE, DENSITY OR USE OF ANY STRUCTURE(S) OR ANCILLARY AREAS OF THE PROPERTY ASSOCIATED WITH STRUCTURES, NEW OR EXISTING, WHICH HAVE NOT BEEN REVIEWED OR APPROVED BY APPROPRIATE CITY AGENCIES NOR SHALL SUCH APPROVAL CONSTITUTE A WAIVER OF THE SUBDIVIDER'S OBLIGATION TO ABATE ANY OUTSTANDING MUNICIPAL CODE VIOLATIONS. ANY STRUCTURES CONSTRUCTED SUBSEQUENT TO APPROVAL OF THIS FINAL MAP SHALL COMPLY WITH ALL RELEVANT MUNICIPAL CODES, INCLUDING BUT NOT LIMITED TO THE PLANNING, HOUSING AND BUILDING CODES, IN EFFECT AT THE TIME OF ANY APPLICATION FOR REQUIRED PERMITS.

F) BAY WINDOWS, FIRE ESCAPES AND OTHER ENCROACHMENTS (IF ANY SHOWN HEREON, THAT EXIST, OR THAT MAY BE CONSTRUCTED) ONTO OR OVER DIVISADERO STREET AND HAYES STREET ARE PERMITTED THROUGH AND ARE SUBJECT TO THE RESTRICTIONS SET FORTH IN THE BUILDING CODE AND PLANNING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO. THIS MAP DOES NOT CONVEY ANY OWNERSHIP INTEREST IN SUCH ENCROACHMENT AREAS TO THE CONDOMINIUM UNIT OWNER(S).

G) SIGNIFICANT ENCROACHMENTS, TO THE EXTENT THEY WERE VISIBLE AND OBSERVED, ARE NOTED HEREON, HOWEVER, IT IS ACKNOWLEDGED THAT OTHER ENCROACHMENTS FROM ADJOINING PROPERTIES MAY EXIST OR BE CONSTRUCTED. IT SHALL BE THE RESPONSIBILITY SOLELY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ANY ISSUES THAT MAY ARISE FROM ANY ENCROACHMENTS WHETHER DEPICTED HEREON OR NOT. THIS MAP DOES NOT PURPORT TO CONVEY ANY OWNERSHIP INTEREST IN AN ENCROACHMENT AREA TO ANY PROPERTY OWNER.

**NOTES:**

THE PROPERTY SHOWN HEREIN IS SUBJECT TO THE TERMS AND PROVISIONS AS DESCRIBED IN THE FOLLOWING RECORDED DOCUMENTS:

"NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE"  
RECORDED ON FEBRUARY 10, 2018  
DOC. 2018-K198883-00

"NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE"  
RECORDED ON FEBRUARY 29, 2018  
DOC. 2018-K208269-00

"DECLARATION OF RESTRICTIONS AND RESERVATION OF EASEMENT"  
RECORDED ON FEBRUARY 25, 2018  
DOC. 2018-K682392-00

1974

**FINAL MAP NO. 9286**  
A 2 LOT SUBDIVISION, LOT "2" BEING A  
7 UNIT RESIDENTIAL CONDOMINIUM PROJECT

BEING A SUBDIVISION OF THAT CERTAIN REAL PROPERTY, AS DESCRIBED IN THAT CERTAIN DEED FILED FOR RECORD ON JUNE 23, 2003, DOCUMENT NUMBER 2003-H488296-01 OF OFFICIAL RECORDS, ON FILE IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA.

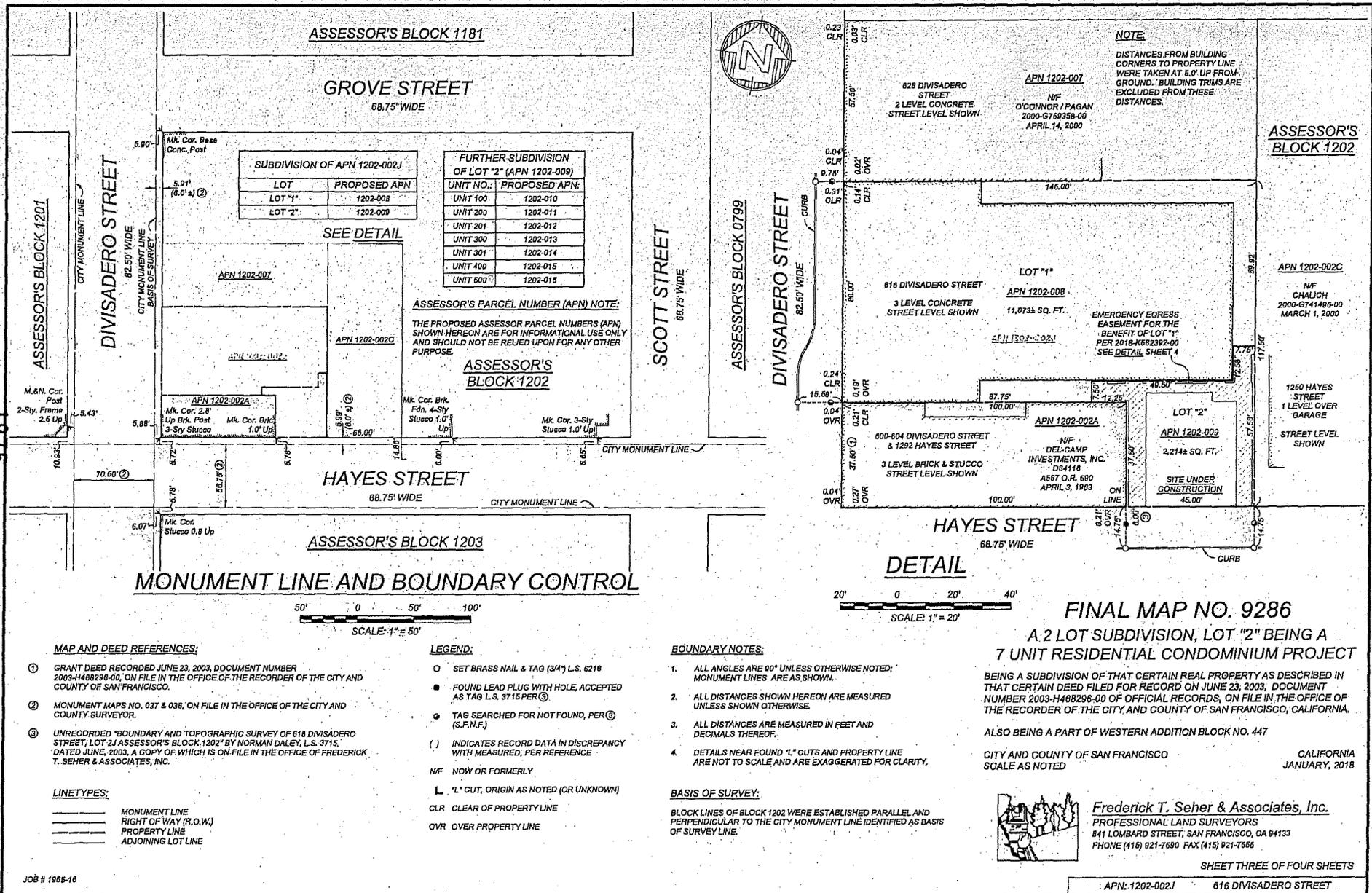
ALSO BEING A PART OF WESTERN ADDITION BLOCK NO. 46  
CITY AND COUNTY OF SAN FRANCISCO CALIFORNIA  
JANUARY, 2018



Frederick T. Seher & Associates, Inc.  
PROFESSIONAL LAND SURVEYORS  
811 LOMBARD STREET, SAN FRANCISCO, CA 94133  
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SHEET TWO OF FOUR SHEETS

APN: 1202-002J 616 DIVISADERO STREET



ASSESSOR'S BLOCK 1181

GROVE STREET  
68.75' WIDE

SUBDIVISION OF APN 1202-002J

LOT	PROPOSED APN
LOT "1"	1202-008
LOT "2"	1202-009

FURTHER SUBDIVISION OF LOT "2" (APN 1202-009)

UNIT NO.:	PROPOSED APN:
UNIT 100	1202-010
UNIT 200	1202-011
UNIT 201	1202-012
UNIT 300	1202-013
UNIT 301	1202-014
UNIT 400	1202-015
UNIT 600	1202-018

SEE DETAIL

ASSESSOR'S PARCEL NUMBER (APN) NOTE:

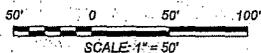
THE PROPOSED ASSESSOR PARCEL NUMBERS (APN) SHOWN HEREON ARE FOR INFORMATIONAL USE ONLY AND SHOULD NOT BE RELIED UPON FOR ANY OTHER PURPOSE.

ASSESSOR'S BLOCK 1202

HAYES STREET  
68.75' WIDE

ASSESSOR'S BLOCK 1203

MONUMENT LINE AND BOUNDARY CONTROL



NOTE:

DISTANCES FROM BUILDING CORNERS TO PROPERTY LINE WERE TAKEN AT 5.0' UP FROM GROUND. BUILDING TRIMS ARE EXCLUDED FROM THESE DISTANCES.

ASSESSOR'S BLOCK 1202

APN 1202-002C

NF CHAUCH  
2000-0741498-00  
MARCH 1, 2000

1280 HAYES STREET  
1 LEVEL OVER GARAGE  
STREET LEVEL SHOWN

628 DIVISADERO STREET  
2 LEVEL CONCRETE STREET LEVEL SHOWN

APN 1202-007  
NF O'CONNOR / PAGAN  
2000-0769358-00  
APRIL 14, 2000

616 DIVISADERO STREET  
3 LEVEL CONCRETE STREET LEVEL SHOWN

LOT "1"  
APN 1202-008  
11,073± SQ. FT.

EMERGENCY EGRESS EASEMENT FOR THE BENEFIT OF LOT "1" PER 2018-K682302-00 SEE DETAIL SHEET 4

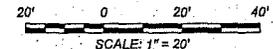
600-604 DIVISADERO STREET & 1292 HAYES STREET  
3 LEVEL BRICK & STUCCO STREET LEVEL SHOWN

APN 1202-002A  
NF DEL-CAMP INVESTMENTS, INC. DB4118 A587 O.R. 690 APRIL 9, 1983

LOT "2"  
APN 1202-009  
2,214± SQ. FT.  
SITE UNDER CONSTRUCTION  
45.00'

HAYES STREET  
68.75' WIDE

DETAIL



FINAL MAP NO. 9286

A 2 LOT SUBDIVISION, LOT "2" BEING A 7 UNIT RESIDENTIAL CONDOMINIUM PROJECT

BEING A SUBDIVISION OF THAT CERTAIN REAL PROPERTY AS DESCRIBED IN THAT CERTAIN DEED FILED FOR RECORD ON JUNE 23, 2003, DOCUMENT NUMBER 2003-H488298-00 OF OFFICIAL RECORDS, ON FILE IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA.

ALSO BEING A PART OF WESTERN ADDITION BLOCK NO. 447

CITY AND COUNTY OF SAN FRANCISCO  
SCALE AS NOTED

CALIFORNIA  
JANUARY, 2018



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841 LOMBARD STREET, SAN FRANCISCO, CA 94133  
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SHEET THREE OF FOUR SHEETS

APN: 1202-002J 616 DIVISADERO STREET

MAP AND DEED REFERENCES:

- GRANT DEED RECORDED JUNE 23, 2003, DOCUMENT NUMBER 2003-H488298-00, ON FILE IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO.
- MONUMENT MAPS NO. 037 & 038, ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.
- UNRECORDED BOUNDARY AND TOPOGRAPHIC SURVEY OF 618 DIVISADERO STREET, LOT 2J ASSESSOR'S BLOCK 1202 BY NORMAN DALEY, L.S. 3715, DATED JUNE, 2003. A COPY OF WHICH IS ON FILE IN THE OFFICE OF FREDERICK T. SEHER & ASSOCIATES, INC.

LEGEND:

- SET BRASS NAIL & TAG (3/4" L.S. 6218)
- FOUND LEAD PLUG WITH HOLE, ACCEPTED AS TAG L.S. 3715 PER (C)
- ⊙ TAG SEARCHED FOR NOT FOUND, PER (C) (S.F.N.F.)
- ( ) INDICATES RECORD DATA IN DISCREPANCY WITH MEASURED, PER REFERENCE
- NF NOW OR FORMERLY
- L 1" CUT, ORIGIN AS NOTED (OR UNKNOWN)
- CLR CLEAR OF PROPERTY LINE
- OVR OVER PROPERTY LINE

BOUNDARY NOTES:

- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED; MONUMENT LINES ARE AS SHOWN.
- ALL DISTANCES SHOWN HEREON ARE MEASURED UNLESS SHOWN OTHERWISE.
- ALL DISTANCES ARE MEASURED IN FEET AND DECIMALS THEREOF.
- DETAILS NEAR FOUND 1" CUTS AND PROPERTY LINE ARE NOT TO SCALE AND ARE EXAGGERATED FOR CLARITY.

BASIS OF SURVEY:

BLOCK LINES OF BLOCK 1202 WERE ESTABLISHED PARALLEL AND PERPENDICULAR TO THE CITY MONUMENT LINE IDENTIFIED AS BASIS OF SURVEY LINE.

LINETYPES:

- MONUMENT LINE
- RIGHT OF WAY (R.O.W.)
- PROPERTY LINE
- ADJOINING LOT LINE

