



RECORDING REQUESTED BY
OLD REPUBLIC TITLE COMPANY

Escrow No.: 1117019285
APN: 1797-007
Situs: Shirley Chisolm Village - 1360 43rd
Avenue

WHEN RECORDED MAIL TO

Midpen Housing
350 College Ave #250
Santa Rosa, CA 95401

City and County of San Francisco
Joaquin Torres, Assessor-Recorder

Doc #	2021111360	Fees	\$47.00
7/16/2021	11:39:49 AM	Taxes	\$0.00
YY	Electronic	Other	\$0.00
Pages 12	Title 394	SB2 Fees	\$75.00
Customer 9001		Paid	\$122.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Notice of Special Restrictions Under The Planning Code

117019885
Block 1797, Lot 7
1360 43rd Ave

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

NO fee requested

RECORDING REQUESTED BY:)

And When Recorded Mail To:)

Name: Midlen Housing)

Address: 350 College Ave #250)

City: Santa Rosa, CA 95401)

State: California Zip: _____) Space Above this Line For Recorder's Use

I, (We) San Francisco Unified School District, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly on attached sheet marked "Exhibit A":

BEING ASSESSOR'S BLOCK: 1797, LOTS: 007;

COMMONLY KNOWN AS: 1360 43rd Avenue;

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

Said restrictions consist of conditions attached to Building Permit Application Nos. **2019.1209.9006** and **2019.1209.9009** by the Planning Department and are conditions that had to be so attached in order that said application could be approved under the Planning Code (Planning Case No. 2018-15768PRJ). The plans filed with the present application indicate that the proposed project at 1360 43rd Avenue includes the demolition of an existing school site and the construction of a four-to-five-story, 100% affordable residential building with 135 residential units (24 studios, 43 one-bedroom units, 59 two-bedroom units, and 9 three-bedroom units), inclusive of the manager's unit, with residential accessory uses and a community room, conference room, learning center and computer lab, a workspace, and a lounge (the "Project"). One-hundred percent of the units in the residential portion of the Project will be rented at a price that is affordable to 40- to 120-percent Area Median Income (AMI), exclusive of the manager's unit. The Project intends to provide residential units to educators.

Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Department on **May 21, 2020**.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Severability

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

Changes and Modifications

Changes to the approved plans may be approved administratively by Planning Staff if the modifications to the Project are compliant with the objective provisions of the Planning Code.

Withdrawn

If the Project is abandoned and Building Permit Application Nos. 2019.1209.9006 and 2019.1209.9009 are withdrawn or cancelled, then this Notice of Special Restrictions may be superseded with a subsequent Notice of Special Restrictions nullifying the Conditions of Approval, Compliance, Monitoring, and Reporting noted below.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

- 1. Validity.** Pursuant to California Government Code Section 65913.4(e)(1) the authorization and right vested by virtue of this action does not expire, as the Project includes public investment in affordability, and more than 50 percent of units are restricted by a land use restriction or covenant as affordable to households earning at or below 80 percent of the area median income for no less than fifty-five years if rented and forty-five years if owned. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863/628-652-7463, www.sf-planning.org*
- 2. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval. *For information about compliance, contact Code Enforcement, Planning Department at 628-652-7463, www.sf-planning.org*
- 3. Priority Processing.** This Project was enrolled into the Priority Processing Program, as a Type 1 Project, pursuant to Director's Bulletin No. 2. *For information about compliance, contact the Case Planner, Planning Department at 628-652-7366 www.sf-planning.org*

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

DESIGN – compliance at plan stage

4. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 628-652-7366, www.sf-planning.org
5. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 628-652-7366, www.sf-planning.org
6. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 628-652-7366 www.sf-planning.org
7. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.
For information about compliance, contact the Case Planner, Planning Department at 628-652-7366, www.sf-planning.org
8. **Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s): at the ground floor of the project site. The Project Transformer is entirely within the property line. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628-271-2000, <http://sfdpw.org>

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

For information about compliance, contact Code Enforcement, Planning Department at 628-652-7463, www.sf-planning.org

10. **Car Share.** Pursuant to Planning Code Section 166, no fewer than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

For information about compliance, contact Code Enforcement, Planning Department at 628-652-7463, www.sf-planning.org

11. **Bicycle Parking** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 116 bicycle parking spaces (109 Class 1 spaces and 7 Class 2 spaces for the residential portion of the Project. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

For information about compliance, contact Code Enforcement, Planning Department at 628-652-7463, www.sf-planning.org

12. **Parking Maximum.** Pursuant to Planning Code Section 151, the Project shall provide no more than two-hundred and three (203) off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 628-652-7463, www.sf-planning.org

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Provisions

- 13. Prevailing Wages.** If the Project is not in its entirety a public work, as defined in Government Code Section 65913.4 (a)(8)(A), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
For information about compliance, contact the Case Planner, Planning Department at 628-652-7366, www.sf-planning.org
- 14. Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 628-652-7366, www.sf-planning.org
- 15. First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org For information about compliance, contact the Case Planner, Planning Department at 628-652-7366, www.sf-planning.org
- 16. Educator Housing Project.** The Project shall adhere to the requirements in the Educator Housing Project definition in Planning Code Section 206.9 which state that: a project for the development of deed-restricted Residential Units all of which are restricted for the Life of the Project or 55 years, whichever is longer and consistent with any applicable tax credit regulatory requirements, to occupancy by at least one employee of the San Francisco Unified School District ("SFUSD") or San Francisco Community College District ("SFCCD"), as verified by the Planning Department or MOHCD. At least four-fifths of the units (108 units) in an Educator Housing Project must be deed restricted for the Life of the Project or 55 years, whichever is longer and consistent with any applicable tax credit regulatory requirements to be affordable to households with an income from 30% to 140% of the unadjusted area median family income (AMI), with an overall average of 100% AMI across all such units. Up to one-fifth of the units (27 units) may be deed restricted up to a maximum 160% AMI for the HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco, as published annually by MOHCD. An Educator Housing Project is also allowed to be a mixed-use development project with a maximum 20% of the gross building square footage designated for non-residential neighborhood-serving uses.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

(A) No units in an Educator Housing Project shall be smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017, or smaller than 300 square feet for a studio.

(B) Any units in an Educator Housing Project with a rental rate set above 120% of Area Median Income shall have a minimum occupancy of two persons.

(C) Notwithstanding any other provision of the Code, an Educator Housing Project shall include a minimum of 50% of the total units as 2-bedroom units or larger.

For information about compliance, contact the Case Planner, Planning Department at 628-652-7366, www.sf-planning.org or MOHCD at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

17. **Mixed-Income Project.** The Project is anticipated to possibly be subdivided into two separate parcels and two separately financed projects. In such an event, the overall combined Project will maintain a mix of low and moderate income units for educators in accordance with the educator housing definition per Planning Code Section 206.9 and State Law Regulatory Agreement(s), though each subdivided project will have its own specific restrictions that will apply solely to that subdivided project, violation of which will not result in a violation for the other subdivided project. The owner shall execute a new notice of special restrictions, or any amendment to this NSR, for the Project, (or, if applicable, for each subdivided portion of the Project) specifying the affordable housing requirements and designating the low income units and moderate income units within the Project (or, if applicable, within such subdivided portion of the Project), in form and substance approved in writing by the Planning Department and MOHCD.

For information about compliance, contact the Case Planner, Planning Department at 628-652-7366, www.sf-planning.org or MOHCD at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

18. **State Law Regulatory Agreement.** The Project was approved ministerially in accordance with the provisions of California Government Code Section 65913, as the project includes public investment in affordability, and more than 50 percent of the residential units are restricted by a land use restriction or covenant as affordable to households earning at or below 80 percent of the area median income for no less than fifty-five years if rented and forty-five years if owned. In addition, the Department has granted waivers from the development standards for setbacks and yards (Planning Code Sections 132 and 134, respectively), usable open space (Planning Code Section 135), dwelling unit exposure (Planning Code Section 140), off-street freight loading (Planning Code Section 152), and building height (Planning Code Section 260) as permitted by the State Density Bonus Law (CA Govt. Code 65915, Planning Code Section 206.6). Prior to the issuance of the first construction document for the Project, the property owner must enter into a regulatory agreement with the City pursuant to the provisions of Planning Code Section 206.6(f).

For information about compliance, contact the Case Planner, Planning Department at 628-

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

652-7366, www.sf-planning.org or MOHCD at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

19. **Inclusionary Affordable Housing Program Exemption.** As currently proposed, the Project is exempt from the Inclusionary Affordable Housing Program under Planning Code Section 415.3(f) because it is a 100% affordable housing project in which rents are controlled or regulated by a government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development. A portion of the Project has been awarded or will be awarded low income housing tax credits by the State of California's Tax Credit Allocation Committee (TCAC) and funding from MOHCD, and all of the residential units shall be restricted for occupancy by educators and affordable rent under a recorded TCAC regulatory agreement and/or MOHCD restriction (each, a "Regulatory Agreement"), as applicable. After recordation of each Regulatory Agreement, the Project Sponsor shall deliver to the Planning Department: (a) a conformed copy of each Regulatory Agreement, and (b) a letter from MOHCD that the Project complies with Section 415.3(f). In the event of foreclosure or for any other reason the Project no longer qualifies as a 100% affordable housing project meeting the requirements under Section 415.3(f), the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code, or any successor provision, and the requirements of the then-applicable Inclusionary Affordable Housing Program Monitoring and Procedures Manual, as amended from time to time, published by MOHCD. To comply with Section 415 of the Planning Code, the owner shall execute a new notice of special restrictions or any amendment to this NSR, as well as any related regulatory agreement, in form and substance approved in writing by the Planning Department and MOHCD. This condition of approval shall constitute the written determination and notice of the inclusionary housing requirement pursuant to the procedures set forth in Code Section 415.

For information about compliance, contact the Case Planner, Planning Department at 628-652-7366, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500,

MONITORING - after entitlement

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

For information about compliance, contact Code Enforcement, Planning Department at 628-652-7463, www.sf-planning.org

OPERATION

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

For information about compliance, contact Bureau of Street Use and Mapping,

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Department of Public Works, 628-271-2000, <http://sfdpw.org>

22. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor. For information about compliance, contact Code Enforcement, Planning Department at 628-652-7463, www.sf-planning.org

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

Under San Francisco Building Code Section 106A.3.8.1, applications filed for permits may be withdrawn by the owner, provided that no part of the work proposed on the application or under the permit has been performed. To withdraw a permit, the owner/applicant shall submit the request to the Central Permit Bureau at the San Francisco Department of Building Inspection (DBI). DBI Information Sheet G-06 explains the procedure for withdrawal.

If the permit applications are withdrawn, owner may submit to the Zoning Administrator of the City and County of San Francisco a request to release and eliminate this Notice of Special Restrictions through a revised Notice of Special Restrictions recorded on the Land Records.

San Francisco Unified School District

Vincent Matthews

(Signature) Vincent Matthews
Superintendent

Vincent Matthews

(Print Name)

Dated: June 8, 2021 at San Francisco, California.
(Month, Day) (City)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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.

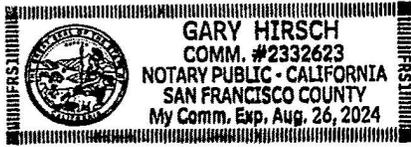
State of California)
County of San Francisco)

On June 8, 2021 before me, Gary Hirsch, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Vincent Matthews
Name(s) of Signer(s)

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

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 _____
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT A – Property Description

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Beginning at a point on the Westerly line of 42nd Avenue, distant thereon 125 feet from the Northerly line of Judah Street; thence at a right angle Westerly 240 feet to a point on the Easterly line of 43rd Avenue; thence at a right angle Northerly along said Easterly line of 43rd Avenue 250 feet; thence at a right angle Easterly 240 feet to a point on the Westerly line of 42nd Avenue; thence at a right angle Southerly along said Westerly line of 42nd Avenue 250 feet to the point of beginning.

Being part of Outside Land Block No. 714

Assessor's Lot 007; Block 1797