

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: 10-950 Gough Owner, LLC

Address: 268 Bush Street, #2927

City: San Francisco

State: CA **ZIP:** 94104



San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC- 2019-K757649-00

Check Number 6653
Tuesday, APR 23, 2019 14:43:54
Ttl Pd \$98.00 Rcpt # 0005985536
OYY/YY/1-4

(Space Above This Line For Recorder's Use)

I (We) 10-950 Gough Owner, LLC, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows: (or see attached sheet marked "Exhibit A" on which property is more fully described):

BEING ASSESSOR'S BLOCK: 0744; LOT: 021;

COMMONLY KNOWN AS: 950 Gough Street;

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

Said Restrictions consist of conditions attached to Building Permit Application No. 201510281089 authorized by the Planning Department of the City and County of San Francisco for construction of a new mixed use building. Said project is granted by the Zoning Administrator of the City and County of San Francisco a Charitable Exemption from the Transportation Sustainability Fee (TSF) pursuant to Planning Code Section 411A.3(b)(7).

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

1. Within one year of issuance of final Certificate of Occupancy, the property owner shall provide documentation to the Zoning Administrator demonstrating that the subject property, or portion thereof, has been determined exempt from real property taxation or possessory interest taxation under California Constitution Article XIII, Section 4, as implemented by California Revenue and Taxation Code Section 214.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

2. The TSF shall not apply to any portion of a project located on a property or portion of a property that will be exempt from real property taxation or possessory interest taxation under California Constitution, Article XIII, Section 4, as implemented by California Revenue and Taxation Code Section 214. However, any Hospital or Health Service that requires an Institutional Master Plan under Section 304.5 of the Planning Code shall not be eligible for this charitable exemption, and shall be subject to the TSF, as set forth in Section 411A.4 and 411A.5.
3. Per Building Permit Application No. 201510281089, the project will create 10,043 gross square feet of new Non-Residential Use, which was subject to a TSF rate of \$20.03 per gross square foot when the permit was issued. Therefore, the TSF for the proposed project would be \$201,161.29 (10,043 gsf x \$20.03). As the property qualifies for a Charitable Exemption pursuant to Planning Code Section 411A.3(b)(7), the subject property shall be exempted from payment of this fee. The TSF applicable to the Residential Use created by this permit is not the subject of this notice.
4. Pursuant to Planning Code Section 411A.3(b)(7), if within 10 years from the date of the issuance of the Certificate of Final Completion, the exempt property or portion thereof loses its exempt status, then the sponsor shall, within 90 days thereafter, be obligated to pay the TSF that was previously exempted. After the TSF has been paid, the Zoning Administrator shall provide a release of this notice to be recorded.
5. Pursuant to Planning Code Section 411A.3(b)(7), if a property owner fails to pay a fee within the 90-day period, a notice for request of payment shall be served by the Development Fee Collection Unit at DBI under Section 107A.13 of the San Francisco Building Code. Thereafter, upon nonpayment, a lien proceeding shall be instituted under Section 408 of this Article and Section 107A.13.15 of the San Francisco Building Code.

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

[Handwritten Signature]
(Signature)

10-950 Group Owner, LLC
Burdford S. Dickason
(Printed Name)

Dated: April 22, 2019 at Orinda, California.
(Month, Day) (City)

(Signature)

(Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

(Signature)

(Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

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

**PLS SEE ATTACHED
CA ACKNOWLEDGMENT**

**CERTIFICATE OF ACKNOWLEDGMENT
California All-Purpose 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 Contra Costa

On April 22, 2019 before me, Patricia A. Rivera, Notary Public,
Date Name of Officer

personally appeared Bradford S Dickason,
Name 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/hor/their authorized capacity(ies), and that by his/hor/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.



Patricia A. Rivera
Signature of Notary Public

Place Notary Seal Above

Description of Attached Document

Title or Type of Document: Notice of Special Restrictions
Document Date: 04/22/2019 Number of Pages: 3
Signers(s) other than named above: none