

File No. 121217

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

Board Item No. 31

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date January 15, 2013

#### Cmte Board

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
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| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
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| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

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Completed by: Robert Moyer

Date January 2, 2013

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Final Map 5039 - 1946 Polk Street]  
2

3 **Motion approving Final Map 5039, a 2 Commercial and 41 Residential Unit Mixed-Use**  
4 **Condominium Project, located at 1946 Polk Street being a subdivision of Lot No. 024 in**  
5 **Assessor's Block No. 0596 and adopting findings pursuant to the General Plan and City**  
6 **Planning Code Section 101.1.**

7  
8       MOVED, That the certain map entitled "FINAL MAP 5039", comprising 2 sheets,  
9 approved November 28, 2012, by Department of Public Works Order No. 180,859 is hereby  
10 approved and said map is adopted as an Official Final Map 5039; and be it

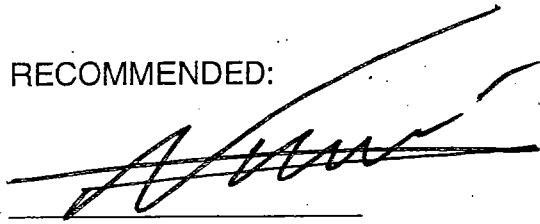
11       FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own  
12 and incorporates by reference herein as though fully set forth the findings made by the City  
13 Planning Department, by its letter dated June 14, 2011, that the proposed subdivision is  
14 consistent with the objectives and policies of the General Plan and the Eight Priority Policies  
15 of Section 101.1 of the Planning Code; and be it

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

20       FURTHER MOVED, That approval of this map is also conditioned upon compliance by  
21 the subdivider with all applicable provisions of the San Francisco Subdivision Code and  
22 amendments thereto.  
23  
24  
25

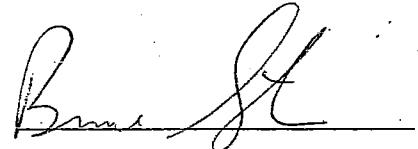
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RECOMMENDED:



Mohammed Nuru  
Director of Public Works

DESCRIPTION APPROVED:



Bruce R. Storrs, PLS  
City and County Surveyor



I, José Cisneros, Tax Collector of the City and County San Francisco, State of California, do hereby certify that according to the records of my office, there are no liens against the subdivision designated on the map entitled:

Block No. 0596 Lot No. 024

Address: 1946 Polk St.

for unpaid City & County property taxes or special assessments collected as taxes.

A handwritten signature of José Cisneros, consisting of a stylized, cursive name.

José Cisneros

Tax Collector

Dated this 8th day of November 2012



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

Office of the City and County Surveyor  
875 Stevenson Street, Room 410  
San Francisco, Ca 94103  
(415) 554-5827 www.sfdpw.org



Bruce R. Storrs, City and County Surveyor

**DPW Order No: 180859**

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

APPROVING FINAL MAP 5039, 1946 POLK STREET, A 2 COMMERCIAL AND 41 RESIDENTIAL UNIT MIXED-USE CONDOMINIUM PROJECT, BEING A SUBDIVISION OF LOT 024 IN ASSESSORS BLOCK NO. 0596.

**A 2 COMMERCIAL AND 41 RESIDENTIAL UNIT MIXED-USE CONDOMINIUM PROJECT**

The City Planning Department in its letter dated June 14, 2011, stated that the subdivision is in conformity 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. Four (4) paper copies 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 5039", each comprising 2 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 14, 2011, from the City Planning Department verifying conformity of the subdivision 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:

Bruce R. Storrs, PLS  
City and County Surveyor, DPW

cc: File (2)  
Board of Supervisors (signed)  
Tax Collector's Office

APPROVED: November 28, 2012

11/28/2012

**X** Bruce R. Storrs

---

Storrs, Bruce  
City and County Surveyor

APPROVED:

Mohammed Nuru  
Director of Public Works

MOHAMMED NURU, DIRECTOR

11/29/2012

**X** Mohammed Nuru

---

Nuru, Mohammed  
Director



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

RECORDING REQUESTED BY: )

And When Recorded Mail To: )

Name: James Suh )

Address: Four Embarcadero Center )  
# 3330 )

City: San Francisco )

State: California 94111 )

**CONFORMED COPY** of document recorded

01/28/2011, 2011J127560

on \_\_\_\_\_ with document no \_\_\_\_\_

This document has been compared with the original  
**SAN FRANCISCO ASSESSOR-RECORDER**

Space Above this Line For Recorder's Use

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

**(PLEASE ATTACH THE LEGAL DESCRIPTION AS ON DEED)**

**BEING ASSESSOR'S BLOCK: 0596; LOT: 024,**

**COMMONLY KNOWN AS: 1946 POLK STREET  
(AKA 1591 PACIFIC 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 a variance granted by the Zoning  
Administrator of the City and County of San Francisco on February 19, 2009, Case No.  
2006.0826V, to modify the rear yard requirements for the Project.

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

1. Any further physical expansion, even within the buildable area, shall be reviewed by  
the Zoning Administrator to determine if the expansion is compatible with existing  
neighborhood character, scale, and parking. 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.

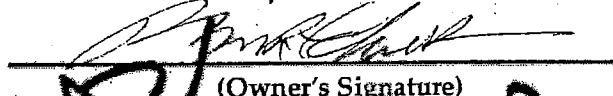
## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. 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 decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
5. The Project is also subject to all conditions of approval included in Exhibit A of Planning Commission Motion No. 17813, which is incorporated herein by reference as though fully set forth.


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.

Dated: January 19, 2011 at San Francisco, California.

KSW Properties



(Owner's Signature)



(Agent's Signature)

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

KG:pg\NETeam\Documents\Projects\Archive\1946 Polk\Final Action\2006.0826V - 1946 Polk - NSR - V



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Francisco }

On January 19, 2011 before me, Maura Milano  
Date Here Insert Name and Title of the Officer

personally appeared Albert R. Schreck  
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 Maura Milano  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

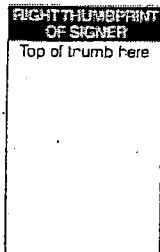
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

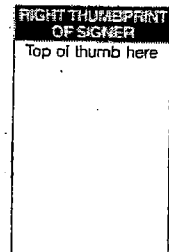
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Francisco

On January 19, 2011 before me, Maura Milano  
Date Here Insert Name and Title of the Officer

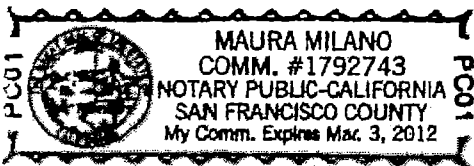
personally appeared Jon Knorpp  
Name(s) of Signer(s)

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 Maura Milano  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

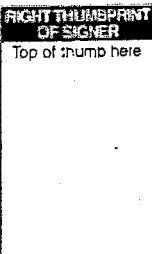
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

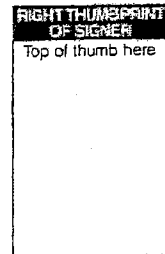
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

City and County of San Francisco



Edwin M. Lee, Mayor  
Edward D. Reiskin, Director  
Fuad S. Sweiss, PE, PLS,  
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827  
Fax: (415) 554-5324  
www.sfdpw.org  
Subdivision.Mapping@sfdpw.org

Department of Public Works  
Office of the City and County Surveyor  
875 Stevenson Street, Room 410  
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: May 25, 2011

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

Attention: Mr. Scott F. Sanchez

*1008.0166Q*

Project ID: 5039			
Project Type: 43 Units Multi Use / 41 Residential - 2 Commercial			
Address#	Street Name	Block	Lot
1932 - 1946	NEWINGTON B. GOOD	0596	024
Tentative Map Referral <i>Pole Sr.</i>			

Pursuant to Section 1325 of the City and County of San Francisco Subdivision Code and Section 4.105 of the 1996 City Charter, a print of the above referenced Map is submitted for your review, CEQA and General Plan conformity determination. Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the receipt of the application or CEQA Determination per SMA 664521(c). Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application or CEQA Determination per SMA 664521(c). Failure to do so constitutes automatic approval. Thank you for your timely review of this Map.

Enclosures:

- Print of Parcel Map
- List "B"
- Proposition "M" Findings
- Photos

Sincerely,

*[Signature]*  
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 environmental review per Class 1 California Environmental Quality Act Guidelines.

*~ See Attached ~*

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

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

PLANNING DEPARTMENT

DATE 6/14/2011

*[Signature]*  
Mr. Scott F. Sanchez, ~~City~~ Zoning Administrator

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

Per Negative Declaration issued on 24 September 2008 for Case No. 2006.0826ECVK, per NSR #J127559 (attached) for Case No. 2006.0826ECVK authorized by the Planning Commission of the City and County of San Francisco on 5 February 2009 as set forth in Planning Commission Motion No. 17813, per NSR #J127560 (attached) granted by the Zoning Administrator of the City and County of San Francisco on 19 February 2009 for Case No. 2006.0826ECVK, per Building Permit Application No. 2007.1114.8040 for the demo of a two-story commercial building and per Building Permit Application No. 2007.1114.8042 for the construction of a mixed-use building containing 41 residential units and two commercial units.

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY: )  
And When Recorded Mail To: )  
Name: James Suh )  
Address: Four Embarcadero )  
          # 3330 )  
City: San Francisco )  
California 94111 )

CONFORMED COPY of document recorded

on \_\_\_\_\_ with d: 01/28/2011 2011J127559  
This document has not been recorded with the original  
SAN FRANCISCO ASSESSOR-RECORDER

Space Above This Line For Recorder's Use

I (We) KSW Properties 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 0596, Lot 024, commonly known as 1946 POLK STREET (AKA  
1591 PACIFIC 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 Conditional Use Application No.  
2006.0826C authorized by the Planning Commission of the City and County of San Francisco  
on February 5, 2009 as set forth in Planning Commission Motion No. 17813, to allow  
development on a lot exceeding 10,000 square feet and the granting of exceptions to the  
Code requirements for bulk limitations on a 17,428-square-foot site, and reduce parking  
requirements.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

### 1. GENERAL CONDITIONS

- A. **Mitigation Measures.** The Project Sponsor shall implement the mitigation measures set forth in and otherwise comply with, the Mitigation Monitoring and Reporting Program attached to this Motion as "Exhibit C" and incorporated herein by this reference.
- B. **Community Liaison.** The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.
- C. **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 authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such 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.
- D. **Reporting.** The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy.
- E. **Construction.**
- (1). The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby Projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.
  - (2). The contractor(s) shall arrange for off-street parking for construction workers until workers can park at the proposed Project's parking garage.
  - (3). The Project sponsor and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed Project.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

### F. Performance.

- (1). 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 may become null and void.
- (2). This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection to construct the proposed building is delayed by a City, state or federal agency or by appeal of issuance of such permit. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the authorized development.

G. Severability. 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

### 2. INCLUSIONARY HOUSING

The Project is subject to the requirements of the Inclusionary Affordable Housing Program under ~~Section 315 et seq. of the Planning Code and the terms of the Affordable Housing Monitoring Procedures Manual~~ (hereinafter "Procedures Manual"), incorporated herein by reference, as published and adopted by Ordinance No. 198-07 on August 10, 2007 by the Board of Supervisors, and as required by Planning Code Section 315 (collectively the "Inclusionary Requirement"). The Project Sponsor has provided a "Declaration of Intent" electing to satisfy the requirements of this program through payment of an in-lieu fee.

### 3. PARKING

- A. Two of the 35 off-street parking spaces shall be dedicated for use by a car-share service, as defined by Planning Code Section 166(b)(1).
- B. All off-street parking provided to fulfill the requirement for residential units shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.
- C. The parking spaces must be marketed and sold or leased as an addition to, not a subtraction from, the base purchase or rental price of a dwelling unit, and units may not

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

be marketed or offered as a bundled package that includes parking without clear accompanying language that the parking is available only at additional cost. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units

- D. Renters or buyers of on-site inclusionary affordable units provided pursuant to Section 315 shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units, subject to procedures adopted by the Planning Commission notwithstanding any other provision of Section 315 et seq.

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

- A. Design. The Project Sponsor and the Project architects shall continue to work on design development with the Department, with particular attention given to:

- (1). Ground floor storefront and exterior wall treatments
- (2). Reveal dimensions at all windows, moldings, and other details
- (3). Building materials and colors.
- (4). Street trees and other landscaping.

- B. Signage. The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff. All subsequent ~~sign permits shall conform to the approved signage program. Once approved by~~ Department staff, the signage program information shall be submitted and approved as part of the first building or site permit for the Project.

- C. Lighting. The Project Sponsor shall develop a lighting program for the Project which shall be subject to review and approval by Planning Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting program information shall be submitted and approved as part of the first building or site permit for the Project.

- D. 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 Planning Director, in consultation with staff from the Department of Public Works, the Department of Parking and Traffic, and the Bureau of Urban Forestry. Other agencies shall be contacted as appropriate. The Project shall include street trees in conformance with Planning Code Section 143. The street trees planted pursuant to this condition shall be maintained in perpetuity by the Project Sponsor.



## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

### 5. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A FIRST SUPERSTRUCTURE ADDENDUM TO A BUILDING (OR SITE) PERMIT

- A. Except as otherwise provided in this Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans dated February 5, 2009, labeled "Exhibit B".
- B. Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department.
- C. Final detailed building plans shall be reviewed and approved by the Planning Department. Detailed building plans shall include a final site plan, elevations, sections, landscape plan, specification of finish materials and colors, and details of construction.
- D. Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.
- E. Per Section 141, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
- F. An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

### 6. OTHER CONDITIONS

- A. The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.
- B. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

- C. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
- D. The Property Owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
- E. Signs and exterior lighting for the business shall be consistent with the approved signage program and shall be reviewed and approved by the Planning Department before they are installed.
- F. Ground level storefronts in general conformity with Exhibit B shall be maintained in an attractive manner, providing transparency into the tenancy behind. Visibility of the commercial interiors and activity through all storefront windows shall be maintained in order to ensure that the ground level of the building remains visually active, provides visual interest to pedestrians, and enhances sidewalk security. Commercial interior layouts should be designed with these requirements in mind. Generally, storefront windows should not be visually obscured with the following: blinds, shades or curtains; shelving; equipment; darkly tinted, translucent or opaque film; painted, stenciled or adhesive signage applied to individual window surfaces that has an overall transparency of less than 50%, or any signage that covers more than 1/3 of the area of any individual window; full or partial height interior partition walls placed directly against or within 10 feet from the window glazing; or any other items that significantly block the vision of pedestrians through the storefront windows into the occupiable commercial space. Solid roll-down security gates shall not be installed in storefront openings. The Property Owner shall ensure that this condition of approval is incorporated into all commercial leases.
- G. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Project Sponsor will keep the above parties apprised should a different staff liaison be designated.
- H. An enclosed garbage area shall be provided within the Project. All garbage containers shall be kept within the building until pick-up by the disposal company.
- I. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.

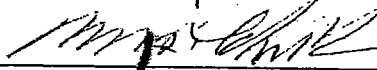
**NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

- J. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.

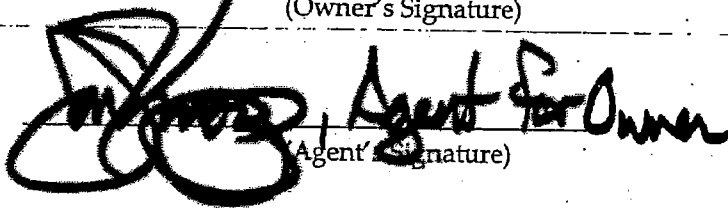
The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County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

Dated: January 19, 2011 at San Francisco, California

KSW Properties



(Owner's Signature)



Agent for Owner

(Agent's Signature)

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

KC:pg\NETeam\Documents\Projects\Archive\1946 Polk\Final Actions\2006.0826C - 1946 Polk - NSR - C

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Francisco

On January 19, 2011 before me, Maura Milano  
Date Here Insert Name and Title of the Officer

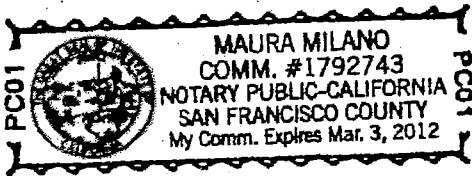
personally appeared Albert R. Schreck  
Name(s) of Signer(s)

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 Maura Milano  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

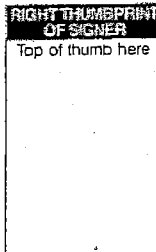
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

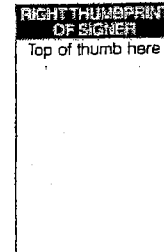
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Francisco

On January 19, 2011 before me, Maura Milano

Here Insert Name and Title of the Officer

personally appeared Jon Knorpp

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.

Place Notary Seal Above

Signature

Maura Milano

Signature of Notary Public

**OPTIONAL**

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**Description of Attached Document**

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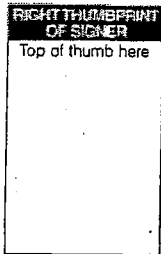
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

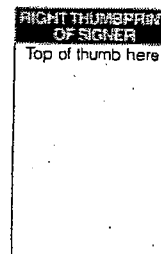
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- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

ORDER NO. : 0227004973-HK

**EXHIBIT A**

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 the point of intersection of the southerly line of Pacific Avenue with the easterly line of Polk Street; running thence easterly along said line of Pacific Avenue 136 feet and 6 inches; thence at a right angle southerly 127 feet and 8-1/4 inches; thence at a right angle westerly 136 feet and 6 inches to the easterly line of Polk Street; thence at a right angle northerly along said line of Polk Street 127 feet and 8-1/4 inches to the point of beginning.

Being a portion of Western Addition Block No. 20.

Lot 024; Block 0596

ORDER NO. : 0227004973-HK

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