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Department of Public Works
Office of the City and County Surveyor

1155 Market Street, 3rd Floor
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Edwin M. Lee, Mayor
Mohammed Nuru, Director

Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

TENTATIVE MAP DECISION

NE

Date: April 1, 2014

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

Project ID: 8135			
Project Type: 3 Lot Air Space Subdivision, 190 Residential and 5 Commercial Units Multi Use New Construction Condominium.			
Address#	StreetName	Block	Lot
1400	MISSION ST	3507	042
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

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.

KB

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):

NSR 20135637412
recorded 4/1/14

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):

Enclosures:

- Application
- Print of Tentative Map

Sincerely,

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

PLANNING DEPARTMENT

DATE 7/10/14

(GFW) K. Burns
Mr. Scott F. Sanchez, Zoning Administrator

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)
)
 And When Recorded Mail To:)
)
 Name: TNDC) **CONFIRMED COPY OF DOCUMENT RECEIVED**
) **04/16/2013, 2013J637412**
 Address: 201 EDDY ST.) **on _____ with document no _____**
) **This document has not been compared with the original**
 City: SAN FRANCISCO) **SAN FRANCISCO ASSESSOR-RECORDER**
)
 California 94102) **Space Above This Line For Recorder's Use**

I (We) TENDERLOIN NEIGHBORHOOD DEVELOPMENT CORPORATION, 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 3507 Lot 042, commonly known as 1400 Mission Street, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to Conditional Use Application No. 2011.1043C, authorized by the Planning Commission of the City and County of San Francisco on January 17, 2013 as set forth in Planning Commission Motion No. 18784, TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 124(F) AND 303, TO ALLOW ADDITIONAL SQUARE FOOTAGE ABOVE THE BASE FLOOR AREA RATIO, WHICH HAS BEEN REDUCED TO ZERO, FOR DWELLING UNITS THAT WILL BE AFFORDABLE FOR A MINIMUM OF 20 YEARS TO HOUSEHOLDS WHOSE INCOMES ARE WITHIN 150 PERCENT OF THE MEDIAN INCOME ON THE PROPERTY AT 1400 MISSION STREET WITHIN THE C-3-G (DOWNTOWN GENERAL) DISTRICT AND THE 150-S/200-S HEIGHT AND BULK

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

AUTHORIZATION

1. This authorization is for the granting of a Conditional Use Authorization pursuant to Sections 124(f) and 303 to allow the construction of a new, 10-to-15-story, approximately 150-foot tall building containing approximately 203,733 gsf of residential space and up to 190 affordable dwelling-units, and approximately 4,660 gsf of commercial space, including approximately 55,912 sq. ft. of housing pursuant to Planning Code Section 124(f), for the property located at 1400 Mission Street, Block 3507, and Lot 042 within the C-3-G District and 150-S/200-S Height and Bulk District; in general conformance with plans, dated December 14, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1043CEKUX and subject to conditions of approval reviewed and approved by the Commission on January 17, 2013, under Motion No. 18784. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

2. 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 Commission on January 17, 2013, under Motion No. 18784.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

3. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18784 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use Authorization and any subsequent amendments or modifications.

SEVERABILITY

4. 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 responsible party.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

CHANGES AND MODIFICATIONS

5. Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use Authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

6. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained 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 diligently to completion. The Commission may also consider revoking the approvals 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.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

7. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

8. **Additional Project Authorization.** The Project Sponsor must obtain a Planning Code Section 309 Determination of Compliance with exceptions to Ground-Level Wind Currents in C-3 Districts (Section 148), Off-Street Loading (Section 152.1), and Rear Yard Requirements (Section 134). The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

9. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

MONITORING - AFTER ENTITLEMENT

10. **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.

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11. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses 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: FEBRUARY 11, 2013 at San Francisco, California



(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.

EW:gwf

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Francisco

On 2/11/13

Date

before me, Jaimila Santiago Cruz, Notary Public

Here Insert Name and Title of the Officer

personally appeared Donald J. Falk

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: [Handwritten Signature] Signature of Notary Public

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:

Signer's Name:

Corporate Officer - Title(s):

Corporate Officer - Title(s):

Individual

Individual

Partner - Limited General

Partner - Limited General

Attorney in Fact

Attorney in Fact

Trustee

Trustee

Guardian or Conservator

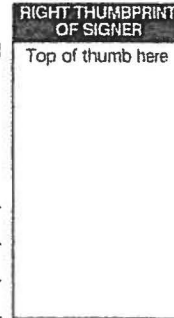
Guardian or Conservator

Other:

Other:

Signer Is Representing:

Signer Is Representing:



ORDER NO. : 0227007104B-DP

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:

Lot 42, as shown on the certain Map entitled, "Parcel Map being a Subdivision of the Lands described in Book 1543 of Official Records, Page 750; also being a Subdivision of Lot 39 of Book 42 of Parcel Maps, Page 37; also being a Subdivision of Lot 39 of Assessor's Block No. 3507", which was Filed January 5, 2006 in Book 46 at Page 136 of Parcel Maps in the Office of the Recorder of the City and County of San Francisco, State of California.

APN: Lot 042; Block 3507