

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)
)
And When Recorded Mail To:)
)
Name: SST Investments LLC)
)
Address: 1256 Howard St)
)
City: San Francisco CA 94103)
)
State: California)

CONFIRMED COPY of document recorded
10/02/2014, 2014J957506
ON _____ WITH _____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-REGISTRAR

Space Above This Line For Recorder's Use

I (We), SST Investments, 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:

(LEGAL DESCRIPTION AS ON DEED ATTACHED – Exhibit A)

BEING ASSESSOR'S BLOCK: 6944; LOTS: 061 & 062;

COMMONLY KNOWN AS: 270 and 280 Brighton 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. 2013.08.30.5736 approved on February 27, 2014, and Building Permit Application No. 2013.08.30.5729 approved on October 2, 2014 by the Planning Department of the City and County of San Francisco.

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

AFFORDABLE HOUSING

1. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 29 units; therefore, three (3) affordable units are required. The Project Sponsor will fulfill this requirement by providing the three (3) affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental

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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: 10/2/2014 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 below.

G:\Documents\ADDRESS FILES\270B aka 280 Brighton Avenue_2013.08.30.5729\280 Brighton Ave_NSR_BMR.doc

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of SAN FRANCISCO

On October 2, 2014 before me, WILLIAM H TRAVIS JR, NOTARY PUBLIC
(Here insert name and title of the officer)

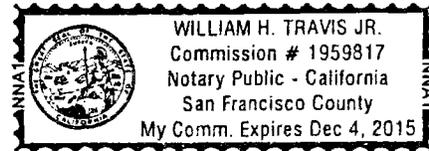
personally appeared SIAVASH TAHAZOF

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.

William H Travis Jr
Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

NOTICE OF SPECIAL RESTRICTIONS
(Title or description of attached document)

UNDER THE PLANNING CODE
(Title or description of attached document continued)

Number of Pages 10 Document Date 10/1/14

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer
(Title)
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public)
- Print the name(s) of document signer(s) who personally appear at the time of notarization
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form
- Signature of the notary public must match the signature on file with the office of the county clerk
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document
 - ❖ Indicate title or type of attached document, number of pages and date
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary)
- Securely attach this document to the signed document

EXHIBIT A

Legal Description of Property

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

BEGINNING AT A POINT ON THE EASTERLY LINE OF BRIGHTON AVENUE, 70 FEET WIDE, DISTANT THEREON 450.00 FEET NORTHERLY FROM THE NORTHERLY LINE OF HOLLOWAY AVENUE, 60 FEET WIDE; RUNNING THENCE NORTHERLY ALONG THE SAID EASTERLY LINE OF BRIGHTON AVENUE 130.89 FEET TO THE SOUTHWESTERLY LINE OF OCEAN AVENUE, 80 FEET WIDE; THENCE AT A DEFLECTION ANGLE TO THE RIGHT OF 105°02'04" SOUTHEASTERLY 77.66 FEET ALONG THE SOUTHWESTERLY LINE OF OCEAN AVENUE; THENCE AT A DEFLECTION ANGLE TO THE RIGHT OF 74°57'56" SOUTHERLY 110.75 FEET; THENCE AT A RIGHT ANGLE WESTERLY 75.00 FEET TO THE POINT OF BEGINNING.

BEING LOTS NO. 24, 25 AND 26, IN BLOCK NO. 3, ACCORDING TO THE MAP ENTITLED, LAKE VIEW, A PORTION OF RANCHO SAN MIGUEL, FILED AUGUST 11, 1890, IN BOOK "E" AND "F" OF MAPS, AT PAGES 138 AND 139, IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY SAN FRANCISCO, STATE OF CALIFORNIA.

THIS LEGAL DESCRIPTION IS PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 14, 2013 AS DOCUMENT NO. 2013-J783822, BOOK/REEL L024, PAGE/IMAGE 0520 OF OFFICIAL RECORDS.

APN: LOT: 061 BLK; 6944

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

BEGINNING AT A POINT ON THE EASTERLY LINE OF BRIGHTON AVENUE, DISTANT THEREON 425 FEET NORTHERLY FROM THE NORTHERLY LINE OF HOLLOWAY AVENUE; RUNNING THENCE NORTHERLY ALONG THE SAID EASTERLY LINE OF BRIGHTON AVENUE 25 FEET, MORE OR LESS; THENCE AT A RIGHT ANGLE EASTERLY 100 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 25 FEET, MORE OR LESS; AND THENCE AT A RIGHT ANGLE WESTERLY 100 FEET TO THE POINT OF BEGINNING.

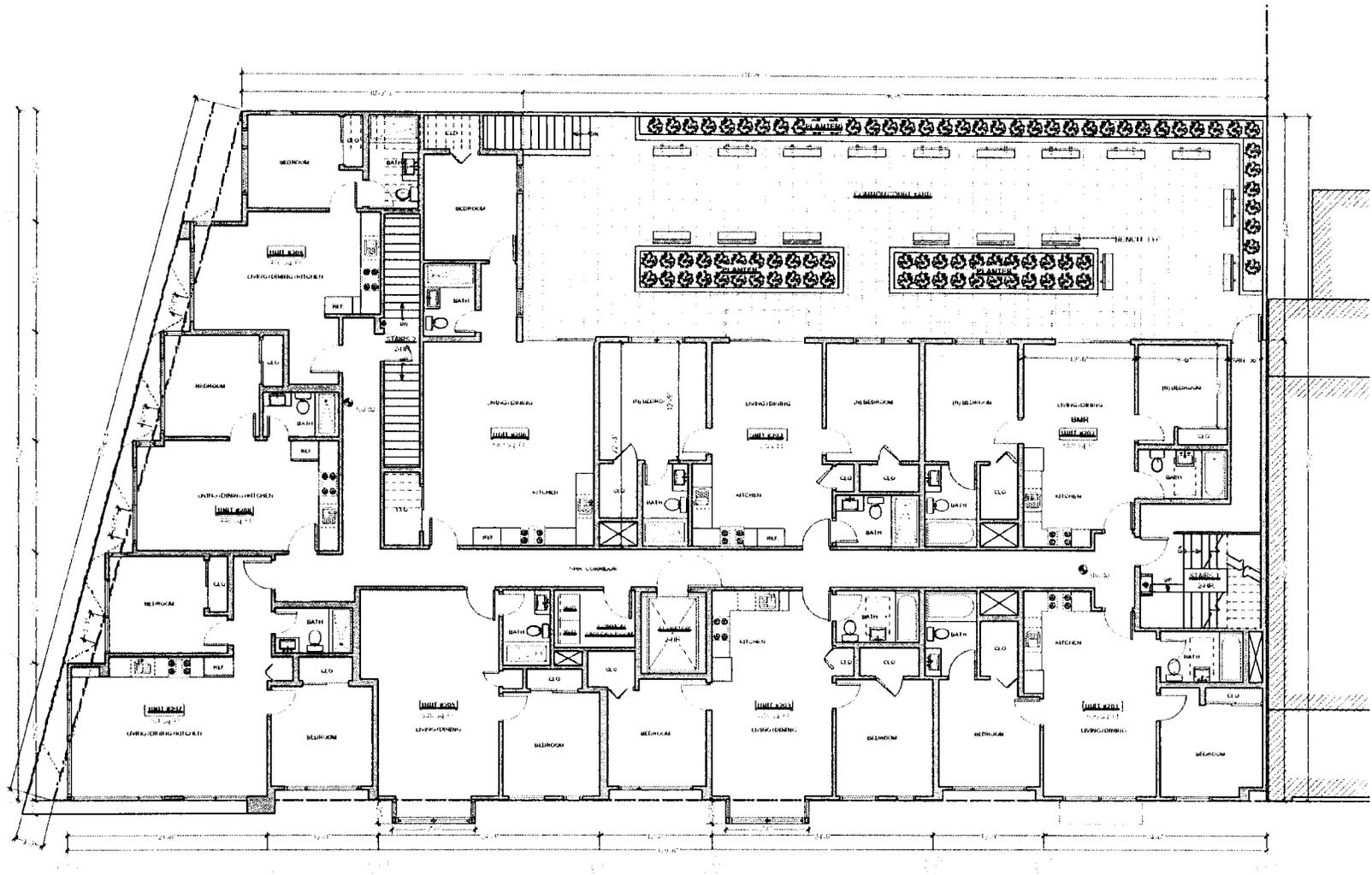
BEING LOT NO. 23, IN BLOCK NO. 3, ACCORDING TO THE MAP ENTITLED, "LAKE VIEW, A PORTION OF RANCHO SAN MIGUEL", FILED AUGUST 11, 1890, IN BOOK "E" AND "F" OF MAPS, AT PAGES 138 AND 139, IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA.

APN: LOT: 062 BLK; 6944

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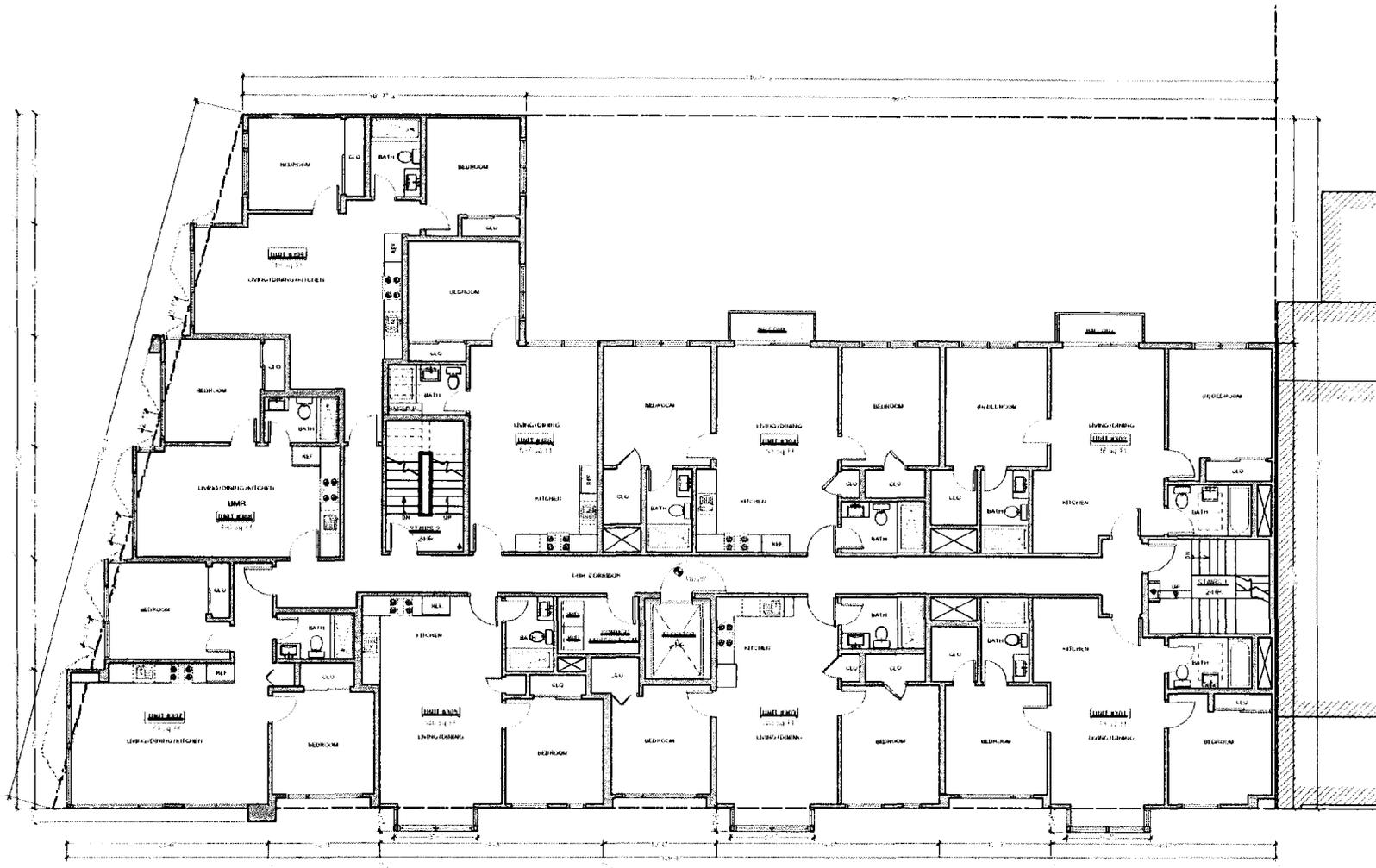
EXHIBIT B

PLANS OF PROJECT INDICATING LOCATION OF AFFORDABLE UNIT(S)



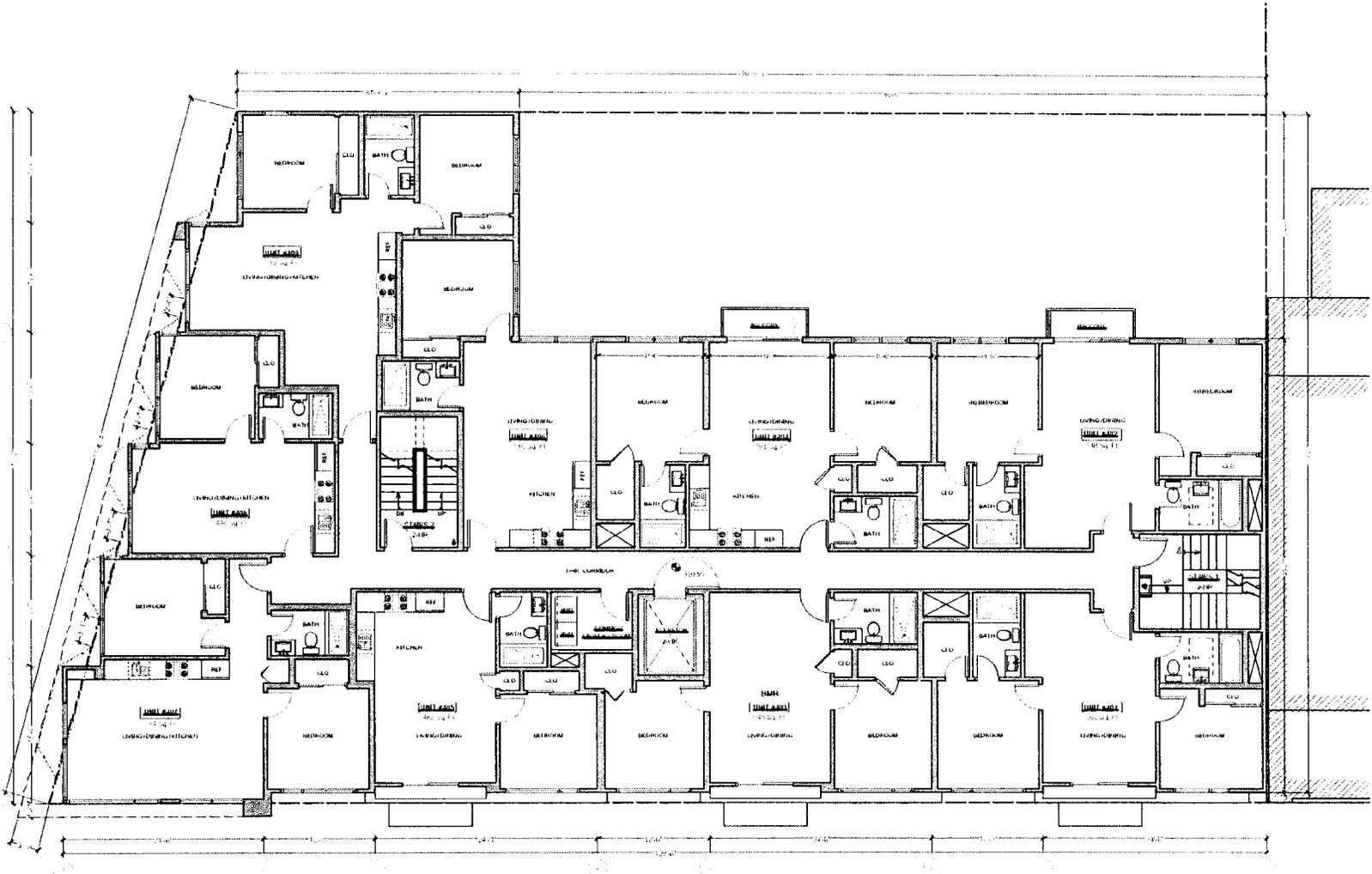
Proposed Second Floor Plan





Proposed Third Floor Plan





Proposed Fourth Floor Plan

