

Recording Requested by

AND

When Recorded Mail To:

ALI MURPHY
3520 20TH STREET, STE. B
SAN FRANCISCO, CA 94110

APN:3610-010

Property Address:

986 SOUTH VAN NESS AVENUE

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

Doc #	2021182332	Fees	\$56.00
12/14/2021	2:04:27 PM	Taxes	\$0.00
ES	Electronic	Other	\$0.00
Pages	15	SB2 Fees	\$75.00
Customer	2301	Paid	\$131.00

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

(Please fill in Document Title(s) above this line)

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)

And When Recorded Mail To:)

Name: Ali Murphy)

Address: 3520 20th St., Ste. B)

City: San Francisco)

State: California Zip: 94110)

Space Above this Line For Recorder's Use

I (We) 986 South Van Ness LLC, the owner(s) (also referred to as "Project Sponsor") 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):

(LEGAL DESCRIPTION AS ON DEED ATTACHED – Exhibit A)

BEING ASSESSOR'S BLOCK: 3610 LOT: 010

COMMONLY KNOWN AS: 986 SOUTH VAN NESS AVENUE

Said Restrictions consist of conditions attached to **Building Permit Application No. 201809140274** by the Planning Department and conditions that had to be so attached in order that said application could be approved under the Planning Code. The plans filed with the present application indicate that the proposed project at 986 South Van Ness Avenue includes a new five-story, 15 residential unit development.

The following units in the Project have been designated as affordable to satisfy the Inclusionary Affordable Housing Requirements. The Unit Numbers listed below are reflected in the reduced set of plans, dated September 29, 2021, which are attached to this document.

UNIT NUMBER	UNIT TYPE	UNIT SIZE (GSF)	AREA INCOME (AMI)	MEDIAN
101	Studio	377	55%	
202	1 bedroom	503	80%	
503	2 bedroom	717	80%	

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

Affordable Units. The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. If the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction

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document.

1. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 12.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 15 units; therefore, two (2) affordable units are currently required. In addition, the Project Sponsor has elected to provide one (1) additional affordable studio unit that will be subject to the applicable requirements of the Inclusionary Affordable Housing Program ("voluntary affordable unit"); therefore, three (3) affordable units will be provided 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").

For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

2. **Unit Mix.** The Project contains one (1) studio, eight (8) one-bedroom, and six (6) two-bedroom units, and the required affordable unit mix is 1 one-bedroom and 1 two-bedroom units. The voluntary affordable unit will be a studio unit. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly. Any changes to the unit mix shall receive written approval from Planning Department staff in consultation with MOHCD.

For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

3. **Mixed Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, Ownership Units for low-income households shall have an affordable sales price set at 80% of Area Median Income or less, with households earning up to 100% of Area Median Income eligible to apply. The voluntary affordable unit shall have an affordable sales price set at 55% of Area Median Income or less, with a household earnings up to 65% of Area Median Income eligible to apply.

For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

4. **Minimum Unit Sizes.** Pursuant to Planning Code Section 415.6, the affordable units shall meet the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) as of May 16, 2017. One-bedroom units must be at least 450 square feet, two-bedroom units must be at least 700 square feet, and three-bedroom units must be at least 900 square feet. Studio units must be at least 300 square feet pursuant to Planning Code Section 415.6(f)(2). The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the principal project, provided that a 10% variation in floor area is permitted.

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For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

5. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the architectural addenda.

For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

6. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve and one half percent (12.5%) of each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

7. **Duration.** Under Planning Code Section 415.8, all three units (required and voluntary) constructed pursuant to Planning Code Section 415.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

8. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of project approval then it is subject to the Inclusionary Affordable Housing requirements in effect at the time of site or building permit issuance.

For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

9. **Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the Project Sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.

For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

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10. **20% below market sales prices.** Pursuant to Planning Code Section 415.6, the maximum affordable sales price shall be no higher than 20% below market sales prices for the neighborhood within which the project is located. MOHCD shall be responsible for any necessary adjustments.
11. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or re-sale. *For information about compliance, contact the Planning Department at (628) 652-7600, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.*
 - 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) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building floor plates; and (3) 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 Planning Code and Procedures Manual.
 - b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to Qualified Buyer Household, as defined in the Procedures Manual, including but not limited to a First-time Homebuyer requirement. The affordable unit shall be affordable to low-income households, as defined in the Planning Code and Procedures Manual. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; (v) procedures for inheritance; and (vi) re-sale apply and are set forth in 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 as well as compliance with the Inclusionary Affordable Housing

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Program once occupied. 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 initial buyers 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 Planning Department and to 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 that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.

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.

(Signature)

986 South Van Ness LLC

Lucas Eastwood - Manager
(Print Name)

Dated: December 1, 2021 at San Francisco, California.
(Month, Day) (City)

(Signature)

NATASHA SADEGH - Manager
(Print Name)

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Dated: December 6, 2021 at San Francisco, California.
(Month, Day) (City)

(Signature)

(Print 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) below.

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 San Francisco

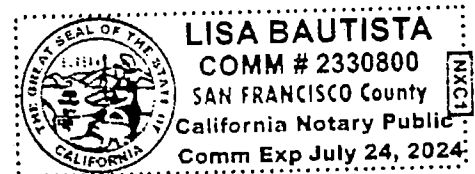
On December 1, 2021 before me, Lisa Bautista- Notary Public
(insert name and title of the officer)

personally appeared Lucas Eastwood
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 Lisa Bautista (Seal)



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 San Francisco

On December 6, 2021 before me, Lisa Bautista- Notary Public
(insert name and title of the officer)

personally appeared Natasha Sadeghi
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 Lisa Bautista

(Seal)



NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT A – Property Description

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:

Commencing at a point on the Westerly line of Van Ness Avenue South, formerly Howard Street, distant thereon 40 feet Northerly from the Northerly line of Twenty-First Street, running thence Northerly along the said Westerly line of Van Ness Avenue South 55 feet; thence at a right angle Westerly 95 feet; thence at a right angle Southerly 55 feet and thence at a right angle Easterly 95 feet to the Westerly line of Van Ness Avenue South and the point of commencement.

Being a portion of Mission Block No. 63

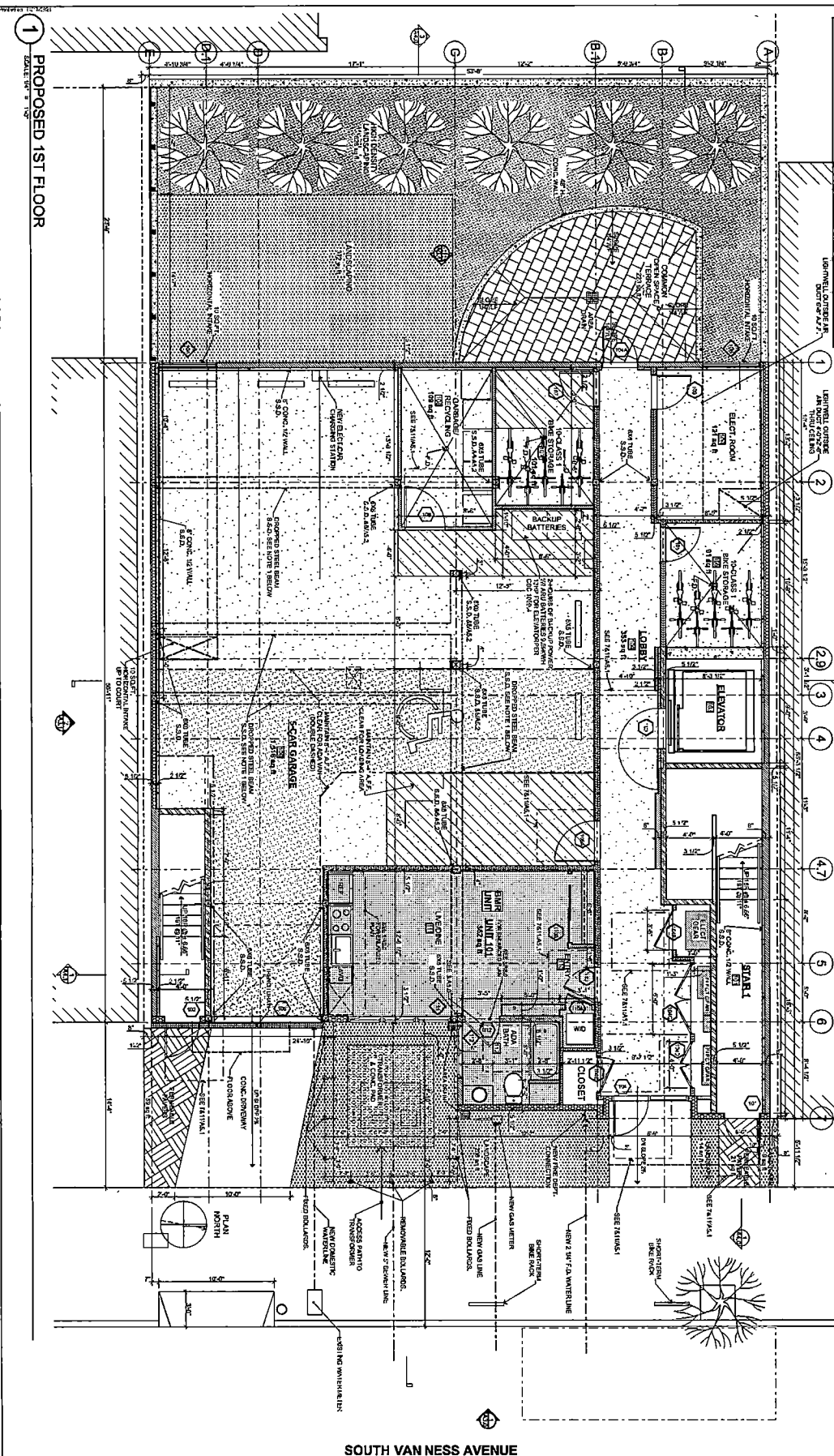
Assessor's Lot 010; Block 3610

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT B – Floor Plans w/ BMR Designation

GREEN BUILDING REQUIREMENTS

- PARKING - BICYCLE PARKING: PROVIDE SHORT- AND LONG-TERM BICYCLE PARKING EQUAL TO 5% OF MOTOR-VEHICLE PARKING OR MORE IF PLANNING CODE REQ. 105.1.2, WHICHEVER IS GREATER.
- WASTE DIVERSION - RECYCLING BY OCCUPANTS: PROVIDE ADEQUATE SPACE AND EQUAL ACCESS FOR STORAGE, COLLECTION, AND LOADING OF COMPATIBLE, RECYCLABLE AND LANDFILL MATERIAL.
- RESIDENTIAL, ONLY - ACCIDENT PROOFING: SEAL AROUND PRE-CABLE CONDUIT, AND OTHER OPENINGS IN EXTERIOR WALLS WITH GEMENT ACOTING OR DDA-PROVED SIMILAR METHOD.
- RESIDENTIAL, ONLY - ACROSTRE CONTENT: WALL AND FLOOR WOOD FINISHING MUST HAVE +19% WOOD/ACROSTRE CONTENT BEFORE EXPOSURE.



SEE A5.0 & A5.1 FOR CBC 11A REQUIREMENTS

WALL SCHEDULE

NEW MASONRY WALL, 8" D.B. FOR INTERIOR PARTITIONING	NEW CONCRETE MASONRY, 8" D.B. FOR INTERIOR PARTITIONING	NEW CONCRETE MASONRY, 8" D.B. FOR INTERIOR PARTITIONING	NEW CONCRETE MASONRY, 8" D.B. FOR INTERIOR PARTITIONING
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SOUTH VAN NESS AVENUE

15 RESIDENTIAL UNITS
986 SOUTH VAN NESS AVENUE
SAN FRANCISCO, CA 94110

FOR DBI USE

A2.1



Kotas/
Pantaleoni
Architects
1000 Market Street, Suite 100
San Francisco, CA 94102
415.398.1111
www.kotas.com

15 RESIDENTIAL UNITS
986 SOUTH VAN NESS AVENUE
SAN FRANCISCO, CA 94110
FLOOR PLANS
PROPOSED 1ST
FLOOR
DATE: 01/23/21
DRAWN BY: DBI
CHECKED BY: DBI
DATE: 2-11-19

[illegible][illegible]

PROPOSED 2ND FLOOR

FOR DBI USE

**15 RESIDENTIAL UNITS
986 SOUTH VAN NESS AVENUE
SAN FRANCISCO, CA 94110**

**Floor Plans:
PROPOSED 2ND
FLOOR**

Casey, BM

A2.2

Kotas/
Pantaleoni
Architects

[illegible]

WALL SCHEDULE

	NEW ONYX BLACK GRANITE INTERIOR WALL, 22" x 22"
	NEW ONYX BLACK GRANITE INTERIOR WALL, 22" x 22"
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**Kotas/
Pantaleon
Architects**

15 RESIDENTIAL UNITS
986 SOUTH VAN NESS AVENUE
SAN FRANCISCO, CA 94110

FOR DBI USE

**4th- and 5th-floor Plans:
PROPOSED 5TH
FLOOR**

ADDENDUM #1
DATE: 01/15/21
FOR: BM
BY: M
2-1119

A2.5