



## TENTATIVE MAP DECISION

Date: October 6, 2017

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

Attention: Mr. Scott F. Sanchez

<b>Project ID:</b> 9452			
<b>Project Type:</b> A Merger and 61 Residential , 4 Commercial Unit Mixed Use New Construction Condominium Project			
<b>Address#</b>	<b>StreetName</b>	<b>Block</b>	<b>Lot</b>
5050	MISSION ST	6969	001
33	SENECA AVE	6969	011
<b>Tentative Map Referral</b>			

Attention: Mr. Scott F. Sanchez

Please review and respond to this referral within 30 days in accordance with the Subdivision Map Act.

Sincerely,

**ADRIAN VERHAGEN**  
Digitally signed by ADRIAN VERHAGEN  
 DN: cn=ADRIAN VERHAGEN, o, ou=DPW-BSM, email=adrian.verhagen@sfdpw.org, c=US  
 Date: 2017.10.05 15:33:56 -0700

for, 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 California Environmental Quality Act (CEQA) environmental review as categorically exempt Class , CEQA Determination Date , based on the attached checklist.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the attached conditions.

Not a project under CEQA. Subject to 2006.1213C conditions, required to provide 9 BMR units.  
 See Case No. 2006.1213E (EE clearance) for demo/new construction).

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 reason(s):

PLANNING DEPARTMENT

Signed **Nancy Tran**  
Digitally signed by Nancy Tran  
 DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Nancy Tran, email=Nancy.H.Tran@sfgov.org  
 Date: 2018.01.09 10:47:01 -0800

Date

Planner's Name   
 for, Scott F. Sanchez, Zoning Administrator

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

**RECORDING REQUESTED BY**

**And When Recorded Mail To:**

**Name:** AGI AVANT INC

**Address:** 100 BUSH ST STE 1450

**City:** SAN FRANCISCO

**State:** CA **ZIP:** 94104

CONFORMED COPY of document recorded

09/15/2015, 2015K132351

on \_\_\_\_\_ with document no. \_\_\_\_\_  
This document has not been compared with the original  
SAN FRANCISCO ASSESSOR-RECORDER

(Space Above This Line For Recorder's Use)

I (We) THOMAS CHEUNG, Cheshill 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: 6969, LOTS: 001 and 011**

**COMMONLY KNOWN AS: 5050 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 Authorization Application No. 2006.1213C authorized by the Planning Commission of the City and County of San Francisco on August 14, 2008, as set forth in Planning Commission Motion No. 17684, for a Planned Unit Development under Planning Code Section 304 to allow the construction of a mixed use building with 61 residential units and commercial on two lots at 5050 Mission Street.

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

**Affordable Units**

1. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. The Project contains 61 units; therefore, 9 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 9 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

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

2. **Unit Mix.** The Project contains 24 one-bedroom, 28 two-bedroom, and 9 three-bedroom units; therefore, the required affordable unit mix is 4 one-bedroom, 4 two-bedroom, and 1 three-bedroom units. The Project Sponsor will fulfill this requirement. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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3. **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 first construction permit.

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4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) of the each phase's total number of dwelling units as on-site affordable units.

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5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

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6. **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.

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- 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

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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.

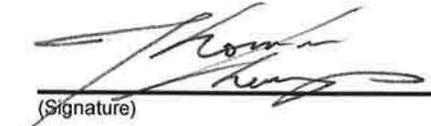
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under 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 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; and (v) procedures for inheritance apply 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 initial buyers or 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 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 Sponsor'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.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, 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, this document would no longer be in effect and would be null and

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

void.

X CHESHILL LLC

  
\_\_\_\_\_  
(Signature)

THOMAS CHEUNG  
\_\_\_\_\_  
(Printed Name)

Dated: Sept 11, 2015 at Palo Alto, California.  
(Month, Day) (City)

PLEASE SEE  
NOTARY ATTACHMENT

\_\_\_\_\_  
(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).**

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

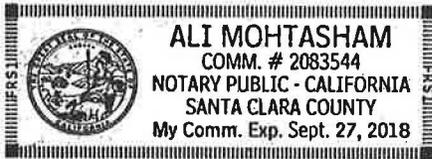
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Santa Clara )  
On Sep 11, 2015 before me, Ali Mohitasham, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Thomas Cheung  
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 [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Notice of special Restrictions Under The Planning Code Document Date: \_\_\_\_\_  
Number of Pages: 4 Signer(s) Other Than Named Above: \_\_\_\_\_

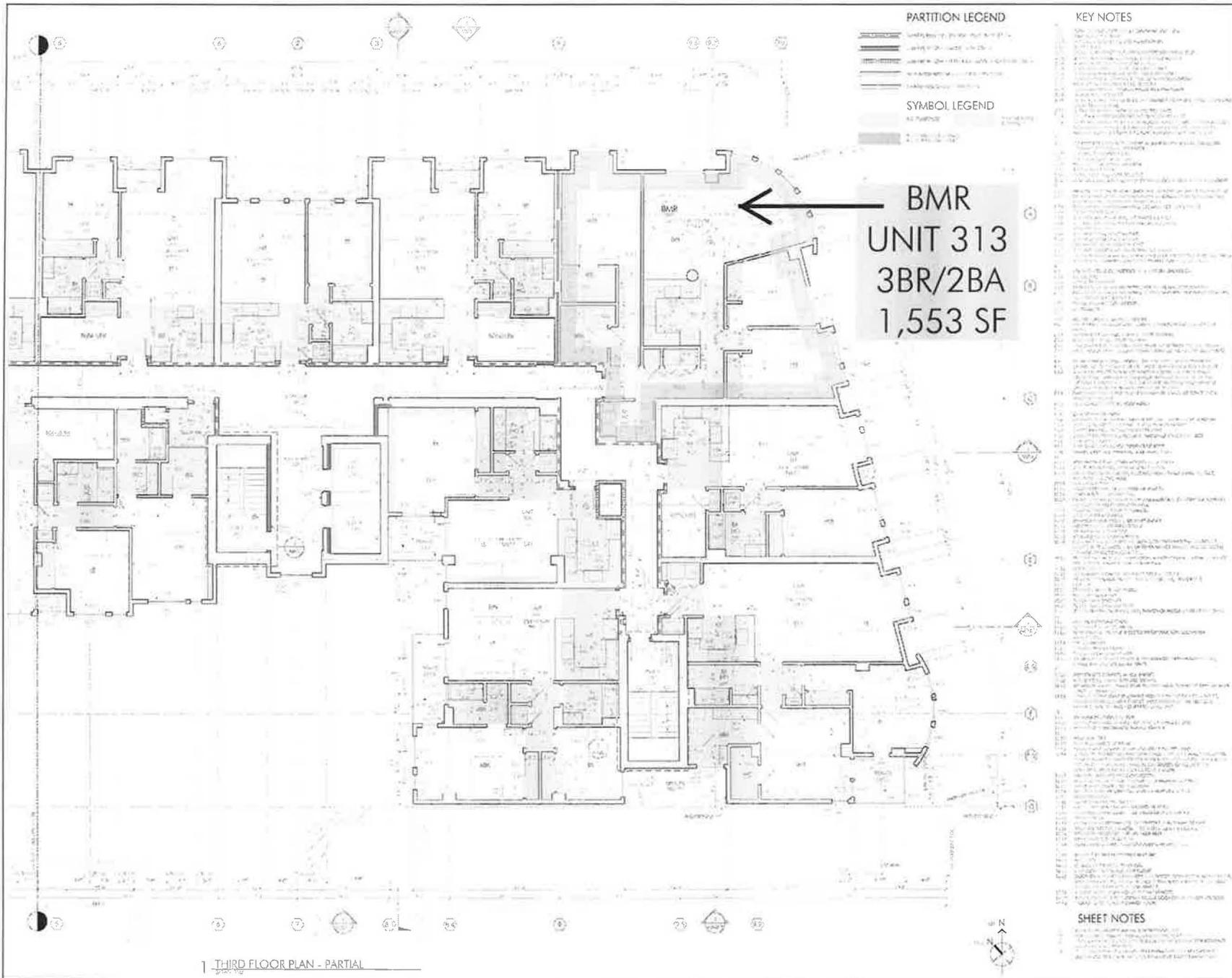
**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_







**PARTITION LEGEND**

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RECORDING REQUESTED BY )  
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 And When Recorded Mail to )  
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 Name: 5050 Mission Street LLC )  
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 Address: c/o 128 Kensington Way )  
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 City: San Francisco, Ca 94112 )  
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 State: ~~Not Not and~~ )

CONFORMED COPY of document recorded on,  
 11/07/2008, 20081676962  
 as No. \_\_\_\_\_ at \_\_\_\_\_  
 This document has not been compared with the original  
 SAN FRANCISCO ASSESSOR RECORDER

Space Above This Line For Recorder's Use

APN: Lot 011, Block 6969

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

I, (We) 5050 Mission Street 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).

BEING Assessor's **Block 6969, Lots 001 and 011**, commonly known as **5050 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 the Conditional Use Application No. **2006.1213C** approved by the Planning Commission of the City and County of San Francisco on **August 14, 2008**, as set forth in Planning Commission Motion No. **17684**.

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

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 304 and 712.21 to allow a Planned Unit Development with a commercial use exceeding 5,999 square feet in area within the NC-3 (Moderate Scale, Neighborhood Commercial) District and a 65-A and 40-X Height and Bulk District., in general conformance with plans filed with the Application dated March 10, 2008 and stamped "EXHIBIT B" included in the docket for **Case No. 2006.1213C**, reviewed and approved by the Commission on August 14, 2008.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

2. Prior to the issuance of the Building Permit 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 premises (Assessor's 5050, Lots 001 and 011), which notice shall state that construction 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.
3. The authorization of the Conditional Use is contingent upon the change in zoning classification of the parcel at Assessor's Block 5050, Lot 011 from RH-1 (Residential House, One Family) to NC-3 (Moderate Scale Neighborhood Commercial) and will not be effective until the effective date of the rezoning ordinance.
4. 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.
5. 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).
6. 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.
7. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
8. The Project Sponsor shall maintain an attractive storefront providing visibility of the commercial interiors through the storefront windows.
9. 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 Applicant will keep the above parties apprised should a different staff liaison be designated.
10. Trash and recycling receptacles shall be stored inside a fully enclosed building except they may be placed outside of such building for pick up and removal of the trash or recyclable materials.
11. The Project sponsor will continue to work with the Department on the building design.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

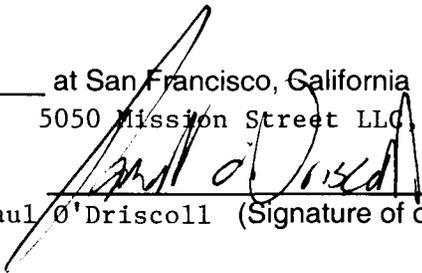
12. All residential parking spaces shall be unbundled from sale or rental of the dwelling units in compliance with Planning Code Section 167. Renters or buyers of on-site inclusionary affordable units provided pursuant to Section 315 shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units, and at a price determined by the Mayor's Office of Housing, subject to procedures adopted by the Planning Commission notwithstanding any other provision of Section 315 et seq.
13. The Project shall provide 9 on site affordable housing units in compliance with the requirements of Planning Code Section 315.
14. The Project shall provide a minimum of one parking space for exclusive use of car share vehicles in compliance with Planning Code Section 166.
15. Measures within the Commission's jurisdiction proposed as part of the Project, as outlined in Exhibit C – Mitigation Monitoring Report, and Exhibit D – Improvement Monitoring Report shall be conditions of approval and are accepted by the Project Sponsor or its successor in interest. If said measures are less restrictive than the other conditions herein, the more restrictive and protective control as determined by the Zoning Administrator, shall govern.
16. 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.
17. 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.

Dated: November 3, 2008

at San Francisco, California

5050 Mission Street LLC, a California limited liability company

  
Paul O'Driscoll (Signature of owner) Manager

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

Patrick Coakley  
Patrick Coakley (Signature of owner) Manager

**This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.**

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State of California )  
County of San Francisco )

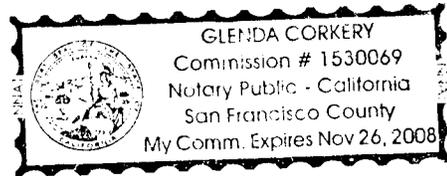
On November 3, 2008 before me,  
Glenda Corkery, Notary Public,  
personally appeared Paul O'Driscoll and Patrick Coakley,

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 *Glenda Corkery* (Seal)



**LEGAL DESCRIPTION**

**EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Commencing at the point of intersection of the southwesterly line of Seneca Avenue and the northwesterly line of Mission Street; running thence northwesterly along said southwesterly line of Seneca Avenue, 230 feet, 6 inches, more or less, to a point distant thereon 172 feet southeasterly from the southeasterly line of Alemany Boulevard; thence at a right angle southwesterly 100 feet; thence at a right angle southeasterly 225 feet, more or less, to the northwesterly line of Mission Street; thence northeasterly along said line of Mission Street, 101 feet, 3 inches, more or less, to the point of commencement.

Being Lot 8 and a portion of Lot 1 in Block 5 of West End Map No. 1.

Lots 001 and 011, Block 6969