

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: Richard D Warren

Address: 929 Fresno Ave.

City: Berkeley

State: CA

ZIP: 94707



San Francisco Assessor-Recorder

Carmen Chu, Assessor-Recorder

DOC- 2018-K568978-00

Monday, JAN 22, 2018 09:57:53

Ttl Pd \$104.00

Rcpt # 0005748886

oes/ES/1-6

(Space Above This Line For Recorder's Use)

I (We) Ronald A. Paolini and Susan M. Bellach, 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: 0612; LOT: 022;

COMMONLY KNOWN AS: 2358 FILLMORE STREET;

hereby give notice that there are special restrictions on the use of said property under the Planning Code.

Said Restrictions consist of conditions attached to **Conditional Use Authorization No. 2017-008461CUA** authorized by the Planning Commission of the City and County of San Francisco on **December 7, 2017**, as set forth in **Planning Commission Motion No. 20071**, to allow a **Liquor Store (d.b.a. "Verve")** located at **2358 Fillmore Street, Lot 022 of Block 0612** pursuant to **Planning Code Sections 303 and 718** within the **Upper Fillmore Neighborhood Commercial District** and a **40-X Height and Bulk District**.

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

AUTHORIZATION

This authorization is for a conditional use to allow a Liquor Store (d.b.a. "Verve") located at 2358 Fillmore Street, Lot 022 of Block 0612 pursuant to Planning Code Sections 303 and 718 within the **Upper Fillmore Neighborhood Commercial District** and a **40-X Height and Bulk District**; in general conformance with plans, dated June 28, 2017, and stamped "EXHIBIT B" included in the docket for Case No. **2017-008461CUA** and subject to conditions of approval reviewed and approved by the Commission on

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December 7, 2017 under Motion No20071. 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

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 **December 7, 2017** under Motion No20071.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **20071** 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

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.

CHANGES AND MODIFICATIONS

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.

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Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

DESIGN

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly

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labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

MONITORING

7. **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.

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

8. **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.

OPERATION

9. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>.*

10. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.


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

11. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 10:00 a.m. to 10:00 p.m. daily.

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

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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.


(Signature)

Ronald A. Paolini
(Printed Name)

Dated: January 19, 2018 at Kenwood, California.
(Month, Day) (City)


(Signature)

Susan M. Bellach
(Printed Name)

Dated: January 19, 2018 at Kenwood, California.
(Month, Day) (City)


(Signature)


(Printed Name)

Dated: 1-19-18, 2018 at KENWOOD, 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).

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 Sonoma

On JAN. 19, 2018, before me, John C. Fortner, Notary Public¹, personally appeared

SUSAN MARIE BELLACH (FWD) RONALD ANTHONY PAOLINI

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 declare under PENALTY OF PERJURY under the laws of the State of California that the foregoing statement is true and correct.

Executed on JAN 19, 2018 at KENWOOD, California.

WITNESS my hand and official seal.

[Signature]
Notary Public signature



This CERTIFICATE is attached to:

Title of Document: NOTICE OF SPECIAL RESTRICTIONS UNDER PLAN CODE

Document Date: JAN 19, 2018 Number of Pages: 25

¹ California Commission #2178242, expires January 29, 2021
ACKNOWLEDGMENT Per California Civil Code, Sections 1185, 1189, effective 1/1/2014.

CERTIFIED COPY

This is a true certified copy of the record
if it bears the seal, imprinted in purple ink,
of the Assessor-Recorder

CARMEN CHU

JAN 22 2018



.....
ASSESSOR - RECORDER
SAN FRANCISCO COUNTY CALIFORNIA

BY

A handwritten signature in purple ink, appearing to read "Carmen Chu", written over a horizontal line.

CERTIFIED COPY