

11

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)

And When Recorded Mail To:)

Name: Paul Nieto)

Address: 100 Bush St. 22nd Flr)

City: San Francisco)

State: California 94104)

San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2011-J232926-00
Wednesday, AUG 03, 2011 15:47:25
Ttl Pd \$47.00 Rcpt # 0004203098
REEL K452 IMAGE 0451
081/AB/1-14

Space Above this Line For Recorder's Use

I (We) 1880 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:

(PLEASE ATTACH THE LEGAL DESCRIPTION AS ON DEED)

BEING ASSESSOR'S BLOCK: 3547; LOT: 2A, 3, 4, and 29

COMMONLY KNOWN AS: 1880 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 approval of Building Permit
Application No. 2007.10.01.4208 pursuant to Motion No. 17120 Case No. 2003.0758 by the
Planning Department and are conditions that had to be so attached in order that said
application should be approved under the Planning Code. (Building Form 1).

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 and Motion No. 17120, the Project is required to provide 20% of the proposed dwelling units as affordable to qualifying households. The Project contains 202 units; therefore, 40 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 40 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified

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accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

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 at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

2. **Unit Mix.** The Project contains 28 studios, 117 one-bedroom, 41 two-bedroom, and 16 three-bedroom units; therefore, the required affordable unit mix is 6 studios, 23 one-bedroom, 8 two-bedroom, and 3 three-bedroom units. 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 MOH.

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 at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

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 twelve percent (20%) 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 MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

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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 rent.

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 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 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 one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program, an amount that translates to 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. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH 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 the MOH or its successor.

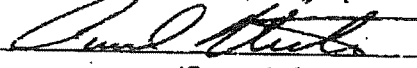
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- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department, and has executed an agreement with the City granting a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City.
- 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 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 MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code 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.

Dated: _____ at San Francisco, California.

AVANT HOUSING LLC, A MEMBER OF BSD HOLDINGS LLC


(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.

ACKNOWLEDGEMENT

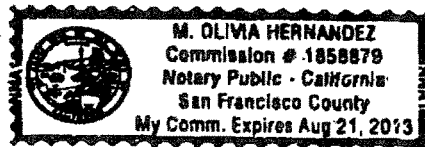
STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN FRANCISCO)

On August 3, 2011, before me M. Olivia Hernandez, a Notary Public, personally appeared PAUL NIETO, 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.

M. Olivia Hernandez
Notary Public



My commission expires on: August 21, 2013

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EXHIBIT A

The property referred to in this Notice of Special Restrictions is situated in the State of California, City and County of San Francisco, and is described more particularly as follows:

1880 Mission

BMR Units

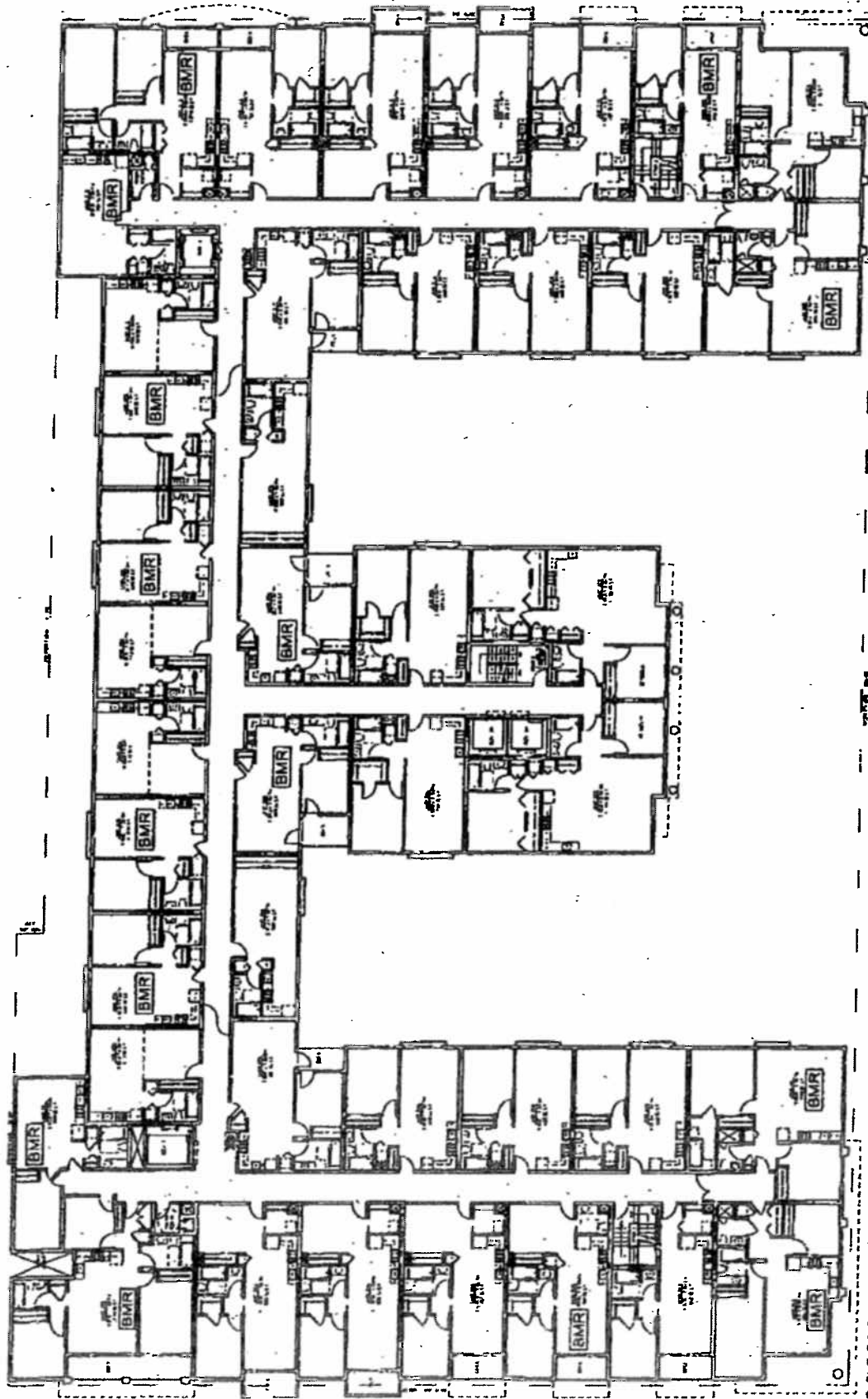
7/27/2011

Unit #	Bedrooms	Bathrooms
211	Studio	1
212	Studio	1
213	2	2
221	1	1
223	2	2
230	Studio	1
231	Studio	1
241	2	1
306	1	1
307	1	1
309	1	1
312	Studio	1
313	2	2
321	1	1
322	2	2
325	1	1
326	1	1
328	1	1
331	1	1
332	3	2
338	1+	1.5
341	2	2
342	2	2
406	1	1
407	1	1
409	1	1
412	Studio	1
413	2	2
419	1+	1.5
426	1	1
431	1	1
432	3	2
436	1+	1
439	1	1
506	1	1
509	1	1
518	1	1
531	1	2
532	3	2
539	1	1
Count:		40

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EXHIBIT B

PLANS OF PROJECT INDICATING LOCATION OF AFFORDABLE UNIT(S)



3RD FLOOR PLAN

SCALE 1" = 30'-0"

0 12 24

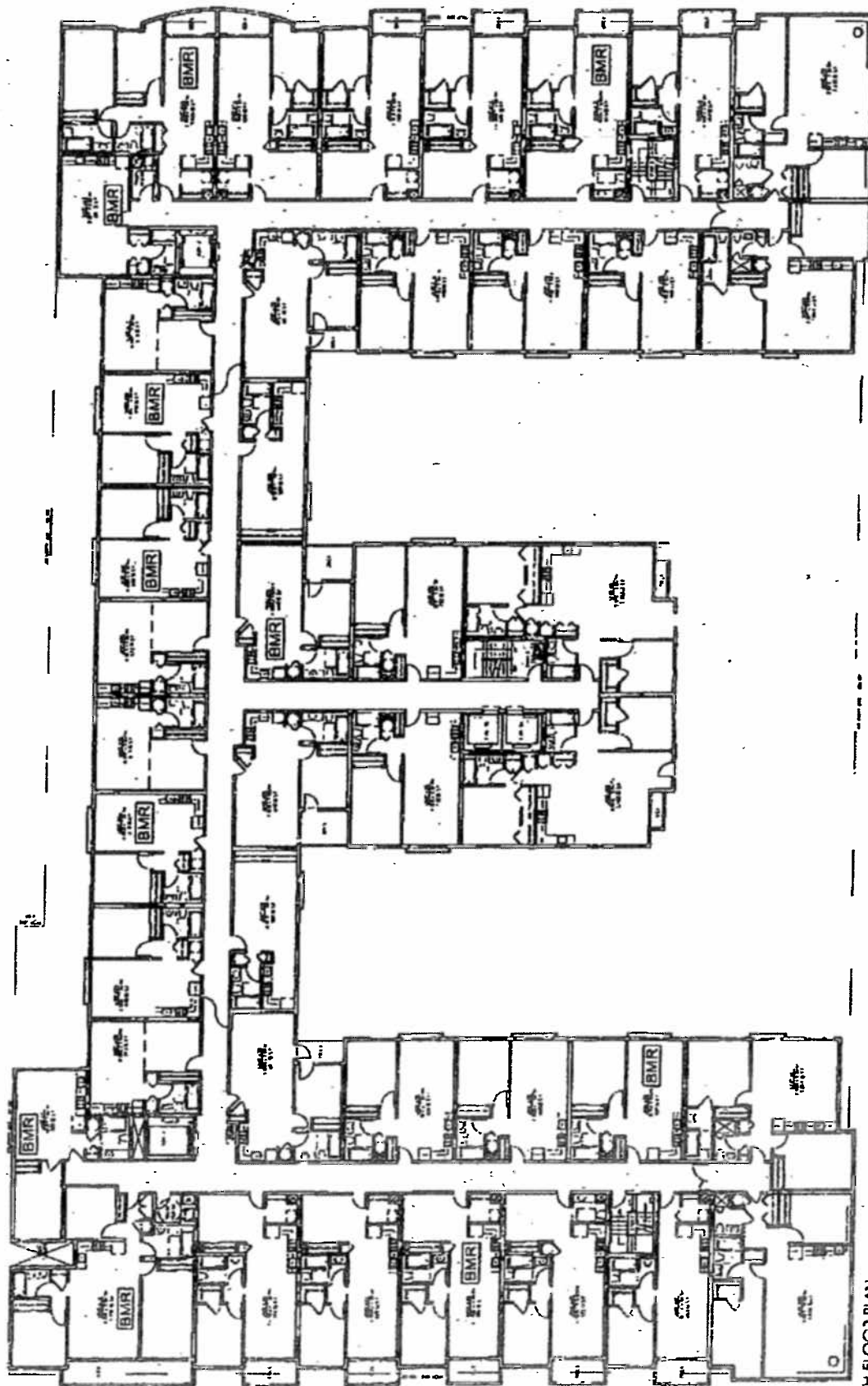
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San Francisco, California 94103

MISSION GARDENS

1880 MISSION STREET, SAN FRANCISCO, CALIFORNIA 94103

FORUM DESIGN
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4TH FLOOR PLAN

SCALE: 1/8" = 1'-0"

1" = 12'-0"

2" = 24'-0"

3" = 36'-0"

4" = 48'-0"

5" = 60'-0"

6" = 72'-0"

7" = 84'-0"

8" = 96'-0"

9" = 108'-0"

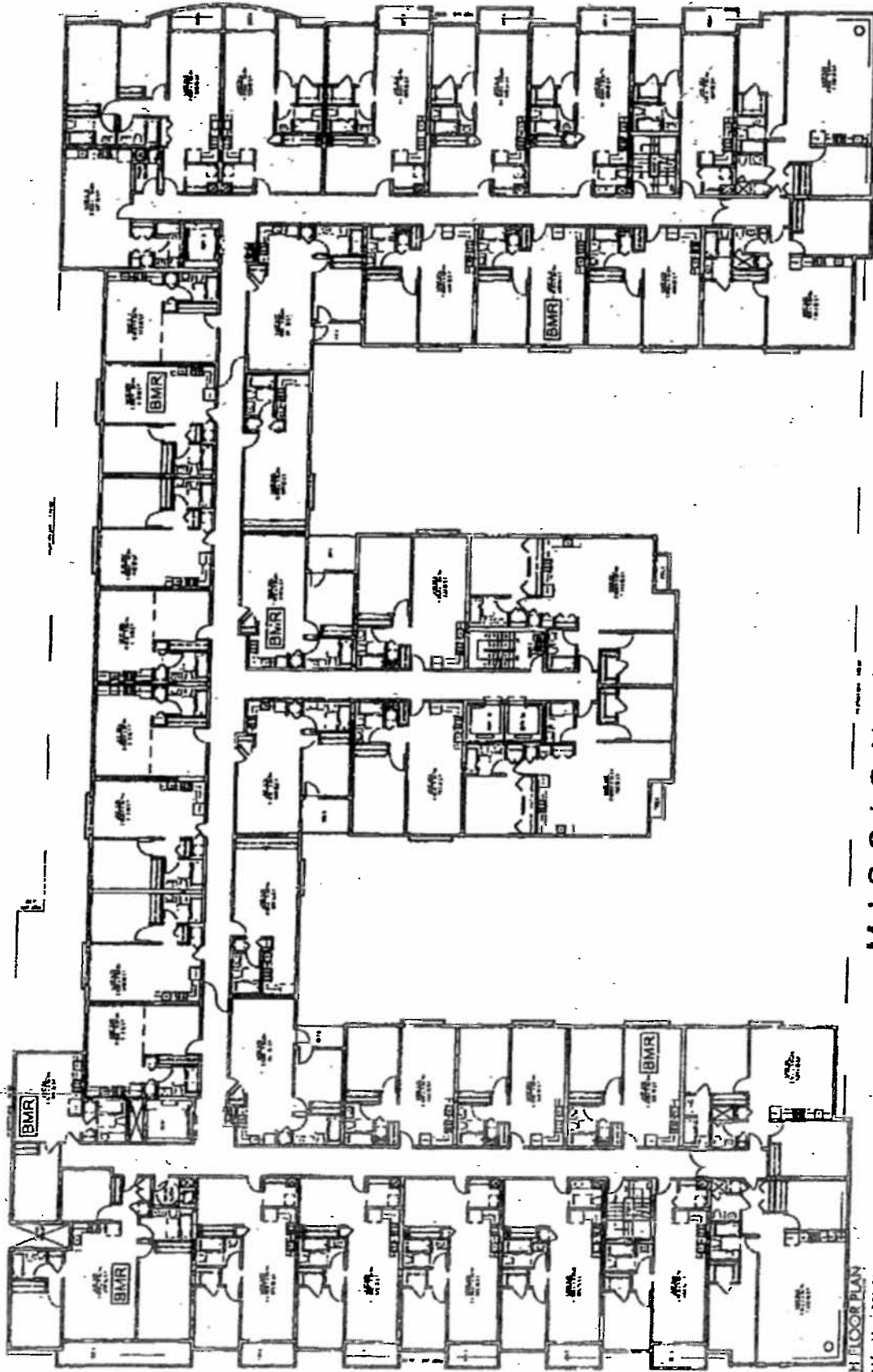
10" = 120'-0"

MISSION GARDENS

1880 MISSION STREET SAN FRANCISCO CALIFORNIA 94103

FORUMDESIGN
ARCHITECTS

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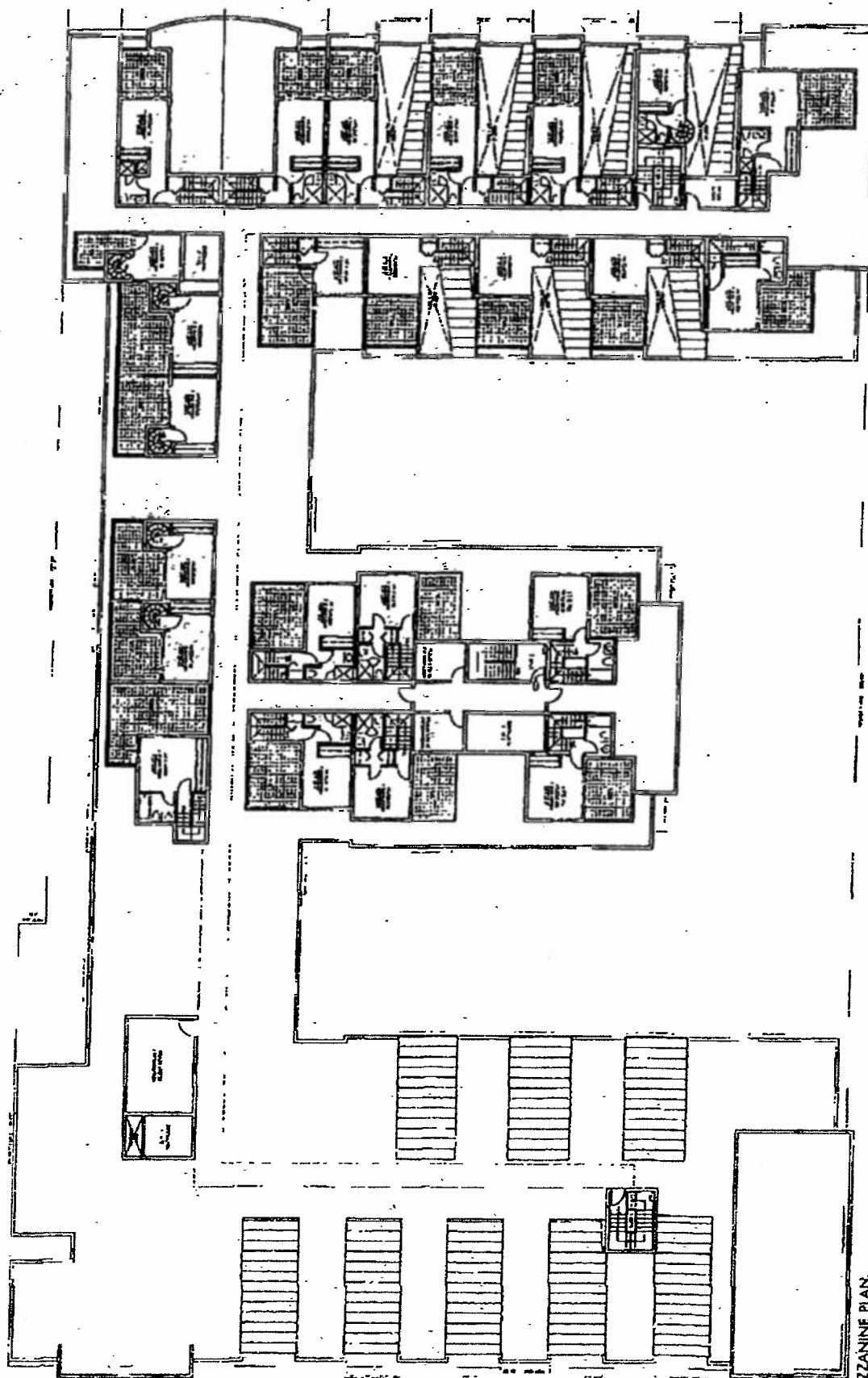
5TH FLOOR PLAN

SCALE 1" = 12' 0"

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MISSION GARDENS
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MEZZANINE PLAN

1/4" = 1' - 0"



1/4" = 1' - 0"

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MAY 1991 1991
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