

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: EDWARD SHOIKHET
Address: 438 KIRKHAM ST.
City: SAN FRANCISCO,
State: CA ZIP: 94122

CONFORMED COPY of document recorded

05/07/2014, 2014J874832

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)

GARY C.U.
I (We) ~~GERMAN VERKHOLAZ, VLADIMIR VERKHOLAZ, RIMMA VERKHOLAZ~~, 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: 1402 LOTS: 022 and 023

COMMONLY KNOWN AS: 3032 – 3038 Clement 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 Application No. 2012.0990C** authorized by the Planning Commission of the City and County of San Francisco on **February 27, 2014**, as set forth in **Planning Commission Motion No. 19096**, to allow a development lot size of 5,000 square feet, in an **NC-1 (Neighborhood Commercial Cluster) 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 Authorization to allow a development lot size of 5,000 square feet, pursuant to Planning Code Sections 121.1, 303(c) and 710.11, in an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District; in general conformance with plans dated January 31, 2014 and labeled "EXHIBIT B" included in the docket for Case No. 2012.0990CEUV and subject to conditions of approval reviewed and approved by the Commission on February 27, 2014 under Motion No. 19096. 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 Application 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

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subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 27, 2014 under **Motion No. 19096**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "EXHIBIT A" of this Planning Commission **Motion No. 19096** 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. The 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.

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

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- 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.

- 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

- 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 – COMPLIANCE AT PLAN STAGE

- Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Planning Department staff review and approval. The Building/Site Permit Application and/or the Architectural Addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

- Garbage, Composting and Recycling Storage Placement.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Building Permit plans. 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

- Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department's approval of the Building or Site Permit Application.

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

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9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the Building Permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

10. **Signage Program.** Any proposed signage shall be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

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

11. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- (a) On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- (b) On-site, in a driveway, underground;
- (c) On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- (d) Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- (e) Public right-of-way, underground; and based on Better Streets Plan guidelines;
- (f) Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- (g) On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact the Bureau of Street use and Mapping, Department of Public Works at 415-554-5810, <http://sdpmo.org>.

PARKING AND TRAFFIC

12. **Automobile Parking.** The Project Sponsor shall provide six spaces for the Project.

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

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- 13. Bicycle Parking.** The Project Sponsor shall provide ten (10) on-site "Class 1" bicycle parking spaces, and two (2) "Class 2" bicycle parking spaces. Adequate signs or notices of the availability of bicycle parking shall also be provided at the Project Site.

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

- 14. Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation impacts during construction of the Project.

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

PROVISIONS

- 15. Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

For information about compliance, contact the Case Planner, Planning department at 415-558-6378, www.sfplanning.org

MONITORING - AFTER ENTITLEMENT

- 16. 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

- 17. 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.

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OPERATION

18. **Community Liaison.** Prior to issuance of a Building Permit to construct the Project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

19. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within trash enclosures on the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfidpwe.org>.

20. **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, 415-554-5810, <http://sfidpwe.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] (Signature) VLADIMIR VerkholaZ (Printed Name)
 Dated: MAY 6/1, 2014 at S.F., California.
 (Month, Day) (City)

[Signature] (Signature) RIMMA VerkholaZ (Printed Name)
 Dated: MAY 6/14, 2014 at S.F., California.
 (Month, Day) (City)

[Signature] (Signature) GARY VerkholaZ (Printed Name)
 Dated: 5/6, 2014 at S.F., 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).

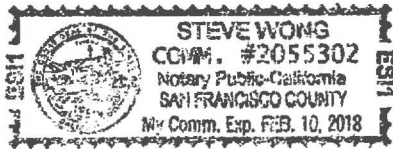
ACKNOWLEDGMENT

State of California, County of SAN FRANCISCO
 On MAY 6, 2014 before me, STEVE WONG (notary public),
 personally appeared VLADIMIR VERKHOLAZ,
GARY VERKHOLAZ, AND RIMMA VERKHOLAZ
 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/hers/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 [Signature] (Seal)



MCW/kc/3032-3038 Clement Street/NSR

EXHIBIT A

Title No. 12-36513878-RM
Locate No. CACTI7738-7738-2365-0036513878

LEGAL DESCRIPTION

EXHIBIT "A"

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

Parcel A:

Beginning at a point on the northerly line of Clement Street distant thereon 82 feet, 6 inches easterly from the easterly line of 32nd Avenue; running thence easterly along said line of Clement Street, 25 feet; thence at a right angle northerly 100 feet; thence at a right angle westerly 25 feet; thence at a right angle southerly 100 feet to the point of beginning.

Being a portion of Outside Land Block 151.

Assessors Parcel No. : Lot 22, Block 1402

Parcel B:

Beginning at a point on the northerly line of Clement Street distant thereon 57 feet, 6 inches easterly from the easterly line of 32nd Avenue; running thence easterly along said line of Clement Street, 25 feet; thence at a right angle northerly 100 feet; thence at a right angle westerly 25 feet; thence at a right angle southerly 100 feet to the point of beginning.

Being a portion of Outside Land Block 151.

Assessors Parcel No. : Lot 23, Block 1402

APN: Lot 022 & 0233, Block 1402