

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

**RECORDING REQUESTED BY:** )  
)  
**And When Recorded Mail To:** )  
)  
**Name:** John C. Kevlin )  
)  
**Address:** Reuben, Junius & Rose, LLP )  
One Bush Street, Ste. 600 )  
**City:** San Francisco )  
)  
**State:** California **Zip:** 94104 )

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SAN FRANCISCO ASSESSOR-RECORDER

**Space Above this Line For Recorder's Use**

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

24th STREET PROPERTIES, LLC, a California limited liability company

I, (We) \_\_\_\_\_, 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:** 6506, **LOT(S):** 032 ;

**COMMONLY KNOWN AS:** 4171 24<sup>th</sup> 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. 2014-000437CUA approved by the Planning Commission of the City and County of San Francisco on January 21, 2016, as set forth in Planning Commission **Motion No. 19552**.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

### ***AUTHORIZATION***

This authorization is for a conditional use to allow demolition of a two-story single-family dwelling with garage and replacement with a four-story five residential-unit building with ground-floor commercial use located at 4171 24<sup>TH</sup> Street, Block 6506, Lot 032, pursuant to Planning Code Section(s) **303, 317, 728.37** within the **24TH Street – Noe Valley NCD (Neighborhood Commercial) District** and a **40-X Height and Bulk District**; in general conformance with plans, dated **December 22, 2015**, and stamped "EXHIBIT B" included in the docket for Case No. **2014-000437CUA** and subject to conditions of approval reviewed and approved by the Commission on **January 21, 2016** under Motion No. **19552**. 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 **January 21, 2016** under Motion No. **19552**.

### ***Printing of conditions of approval on plans***

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19552** 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.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

### Conditions of Approval, Compliance, Monitoring, and Reporting

#### *Performance*

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained 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 diligently to completion. The Commission may also consider revoking the approvals 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.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

#### *DESIGN – compliance at plan stage*

2. **Final Design.** The Project Sponsor shall continue to work with Staff on the following design related issued:
  - a. At the top level, provide a 15 foot front setback from the front building wall;
  - b. The roof deck to be setback from building edges so firewalls are not required;
  - c. At the third floor in rear, provide a 14 foot setback from rear building wall;
  - d. At ground floor level, provide greater definition to separate retail entry and residential entry;
  - e. Review interior stairs for number and placement for better efficiency;
  - f. Rear window size for compatibility and privacy;
  - g. Compatibility with the neighborhood.
3. **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 Department staff review and approval. 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](http://www.sf-planning.org)*
4. **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 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.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).

### Design

5. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).

### Monitoring

6. **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](http://www.sf-planning.org)

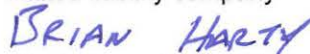
### Operation

7. **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/>

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.

24th STREET PROPERTIES, LLC, a California  
limited liability company

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

  
\_\_\_\_\_  
(Print Name) **MANAGER**

Dated: 3/22, 2016 at SAN FRANCISCO, California.  
(Month, Day) (City)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

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 this document.

State of California )

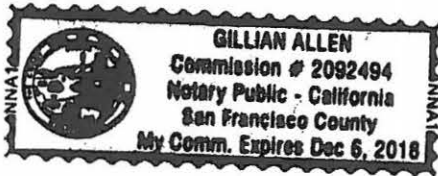
County of San Francisco )

On March 22, 2016 before me, Gillian Allen, Notary Public  
*Here Insert Name and Title of the Officer*

personally appeared Brian Martin Harty  
*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 on 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 *Gillian Allen*  
*Signature of Notary Public*

## **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 Southerly line of Twenty-fourth Street distant thereon 160 feet Easterly from the Easterly line of Diamond Street; running thence Easterly and along said Southerly line of Twenty-fourth Street, 25 feet; thence at a right angle Southerly 114 feet; thence at a right angle Westerly 25 feet; thence at a right angle Northerly 114 feet to the Southerly line of 24th Street and the point of commencement.**

**Being a portion of Horner's Additions Block No. 184.**

**Assessor's Lot 032; Block 6506**