



NOTICE OF SPECIAL RESTRICTION

City and County of San Francisco
Joaquin Torres, Assessor-Recorder

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: Mark Loper; Reuben, Junius & Rose, LLP

Address: One Bush Street, Suite 600

City: San Francisco

State: CA **ZIP:** 94104

Doc # **2021093066**

6/9/2021 12:28:17 PM

DS Electronic

Pages 13 Title 394

Customer 1097

Fees \$50.00

Taxes \$0.00

Other \$0.00

SB2 Fees \$75.00

Paid \$125.00

(Space Above This Line For Recorder's Use)

I (We), **LH MT MISSION OWNER 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 ATTACHED – Exhibit A)

BEING ASSESSOR'S BLOCK: 4023, LOT: 004A;

COMMONLY KNOWN AS: 2750 19th 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 Eastern Neighborhood/Large Project Authorization No. 2014-001400ENX authorized by the Planning Commission of the City and County of San Francisco on August 23, 2018 as set forth in Planning Commission Motion No.20264 to allow the construction of a six-story, 68- foot tall, mixed-use building with 60 dwelling units above 10,000 square feet of ground floor PDR (production distribution and repair) space within an UMU (Urban Mixed-use) Zoning District and the 68-X Height and Bulk District.

The approved dwelling unit mix of the project was 35 one-bedroom units and 25 two-bedroom units for a total of 60 dwelling units. After the project was approved, the dwelling unit mix was modified to include 5 studio units, 24 one-bedroom units, 27 two-bedroom units, and 7 three-bedroom units for a total of 63 dwelling units. The addition of three dwelling units did not change the required number of affordable units. The following conditions have been modified from the original motion to reflect the changes to the project after approval.

The Project is required to provide seventeen and one half (17.5%) of the total units as Inclusionary units under Section 415. The Project Sponsor elected to provide twenty percent (20%) of the total units as Inclusionary Units by adding an additional affordable 2 unit(s) beyond the requirements in Section 415. The addition of three dwelling units to the Project after the Planning Commission approval changed the required number of voluntary affordable units from one (1) to two (2) units to achieve twenty percent (20%) of the total units.

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The following units in the Project have been designated as affordable. The eleven (11) units listed under “Required Affordable Units” satisfy the requirements of Planning Code Section 415 et. al. the Inclusionary Affordable Housing Program. The two (2) units listed under “Voluntary Affordable Units” are two units the Project Sponsor elected to provide and exceed the requirements of Planning Code Section 415 et al. The unit numbers listed below are reflected in the reduced set of plans, dated November 6, 2020, which are attached to this document.

UNIT NUMBER (PLANS)	UNIT TYPE	UNIT SIZE	Target AMI
Required Affordable Units			
201	Studio	435 square feet	55% AMI
206	Three-Bedroom	1,242 square feet	55% AMI
211	Two-Bedroom	915 square feet	55% AMI
213	One-Bedroom	627 square feet	55% AMI
302	Two-Bedroom	667 square feet	55% AMI
304	Two-Bedroom	1,028 square feet	55% AMI
310	One-Bedroom	573 square feet	55% AMI
407	One-Bedroom	520 square feet	55% AMI
409	Two-Bedroom	662 square feet	55% AMI
411	Two-Bedroom	935 square feet	55% AMI
413	One-Bedroom	647 square feet	55% AMI
Voluntary Affordable Units			
209	Two-Bedroom	641 square feet	150% AMI
312	One-Bedroom	646 square feet	150% AMI

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

Affordable Units. The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project shall comply with the requirements in place at the time of issuance of first construction document.

- Number of Required and Voluntary Units.** The Project is required to provide seventeen and one half percent (17.5%) of the proposed dwelling units as affordable to qualifying households. The Project contains sixty-three (63) units; therefore, eleven (11) affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the eleven (11) affordable units on-site. The Project Sponsor has also elected to provide twenty percent (20%) of the units as Inclusionary Units by adding two (2) additional affordable unit beyond what's required by Section 415. The Project Sponsor requested that the additional units would be 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") for ease of implementation. Accordingly, all affordable units will be subject to the same requirements and the Procedures Manual. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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For information about compliance, contact the Case Planner, Planning Department at 415-55-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

2. **Voluntary Affordable Units.** The Project Sponsor has elected to provide a total of twenty percent (20%) of the proposed units as Inclusionary Units by adding two (2) additional affordable unit(s), beyond the requirements in Section 415. The additional unit(s) are 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").
3. **Unit Mix.** The Project contains five (5) studio units, twenty-four (24) one-bedroom units, twenty-seven (27) two-bedroom units, and seven (7) three-bedroom units; therefore, the required affordable unit mix is one (1) studio unit, four (4) one-bedroom units, five (5) two-bedroom units, and one (1) three-bedroom unit. In addition, the Project contains two voluntary affordable units; one (1) one-bedroom unit and one (1) two-bedroom unit. 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.
For information about compliance, contact the Case Planner, Planning Department at 415-55-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.
4. **Unit Location.** The affordable unit(s) 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 (Exhibit B).
For information about compliance, contact the Case Planner, Planning Department at 415-55-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.
5. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 20% of each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-55-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.
6. **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.
For information about compliance, contact the Case Planner, Planning Department at 415-55-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.
7. **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

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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 rent, rental and recertification.

For information about compliance, contact the Case Planner, Planning Department at 415-55-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sfmohcd.org.

- 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, (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. The Required Affordable Units identified in the table above shall be rented to qualified households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed fifty-five (55) percent of the Area Median Income under the income table published by MOHCD and 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 Voluntary Affordable Units identified in the table above shall be rented to qualified households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed one hundred and fifty (150) percent of the Area Median Income under the income table published by MOHCD and 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 and subsequent rent price of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; and (iii) subleasing, are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

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- 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. The project contains twenty-four (24) off-street parking spaces. Required parking spaces shall be made available to 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.
- 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. 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 void.

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For: LH MT MISSION OWNER LLC

David Balducci David Balducci (Authorized Signatory)
(Signature) (Printed Name) (Title) David Balducci - Authorized Signatory
Dated: June 9, 20 21 at San Francisco, California.
(Month, Day) (City)

(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 ACKNOWLEDGMENT

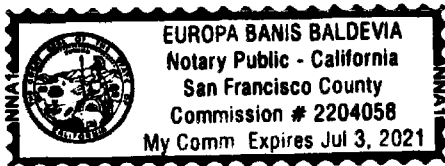
CIVIL CODE § 1189

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 San Francisco }On June 9, 2021 before me, Europa Banis Baldevia, Notary Public
Date Here Insert Name and Title of the Officerpersonally appeared David Balducci
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 Europa Banis Baldevia
Signature of Notary Public

Place Notary Seal and/or Stamp Above

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: _____

Document Date: _____ Number of Pages: _____

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: _____

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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:

Beginning at a point on the intersection of the Easterly line of Bryant Street and the Northerly line of Nineteenth Street; running thence Easterly and along said line of Nineteenth Street 100 feet; thence at right angle Northerly 150 feet; thence at a right angle Westerly 100 feet; thence at a right angle Southerly 150 feet to the point of beginning.

Being a part of Potrero Nuevo Block No. 39.

Assessor's Lot 004A; Block 4023

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EXHIBIT B

PLANS OF PROJECT INDICATING LOCATION OF AFFORDABLE UNITS

- GENERAL NOTES:**
1. REFER TO ALL OTHER DRAWINGS FOR DETAILS AND DIMENSIONS.
 2. REFER TO ALL DIMENSIONS FOR FINISHES AND MATERIALS.
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- GENERAL NOTES:**
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THE FITZGERALD - 2730 9TH ST
OWNER: THE FITZGERALD GROUP, LLC
2730 9TH STREET, SUITE 200
SAN FRANCISCO, CA 94115

ALIGN

REAL ESTATE

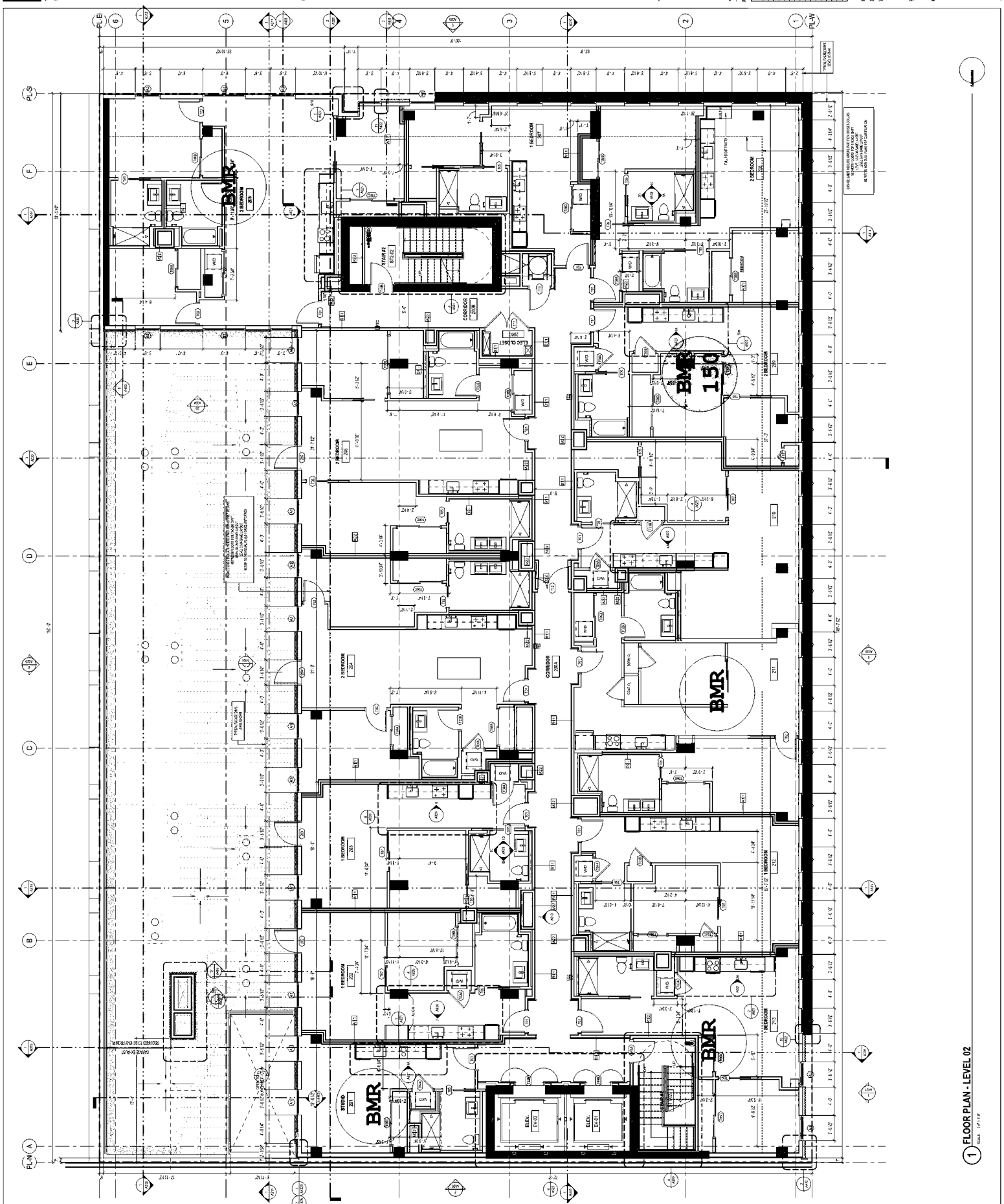
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PROJECT NUMBER: 10000000000000000000
SHEET NUMBER: 10000000000000000000
FLOOR PLAN - LEVEL 02

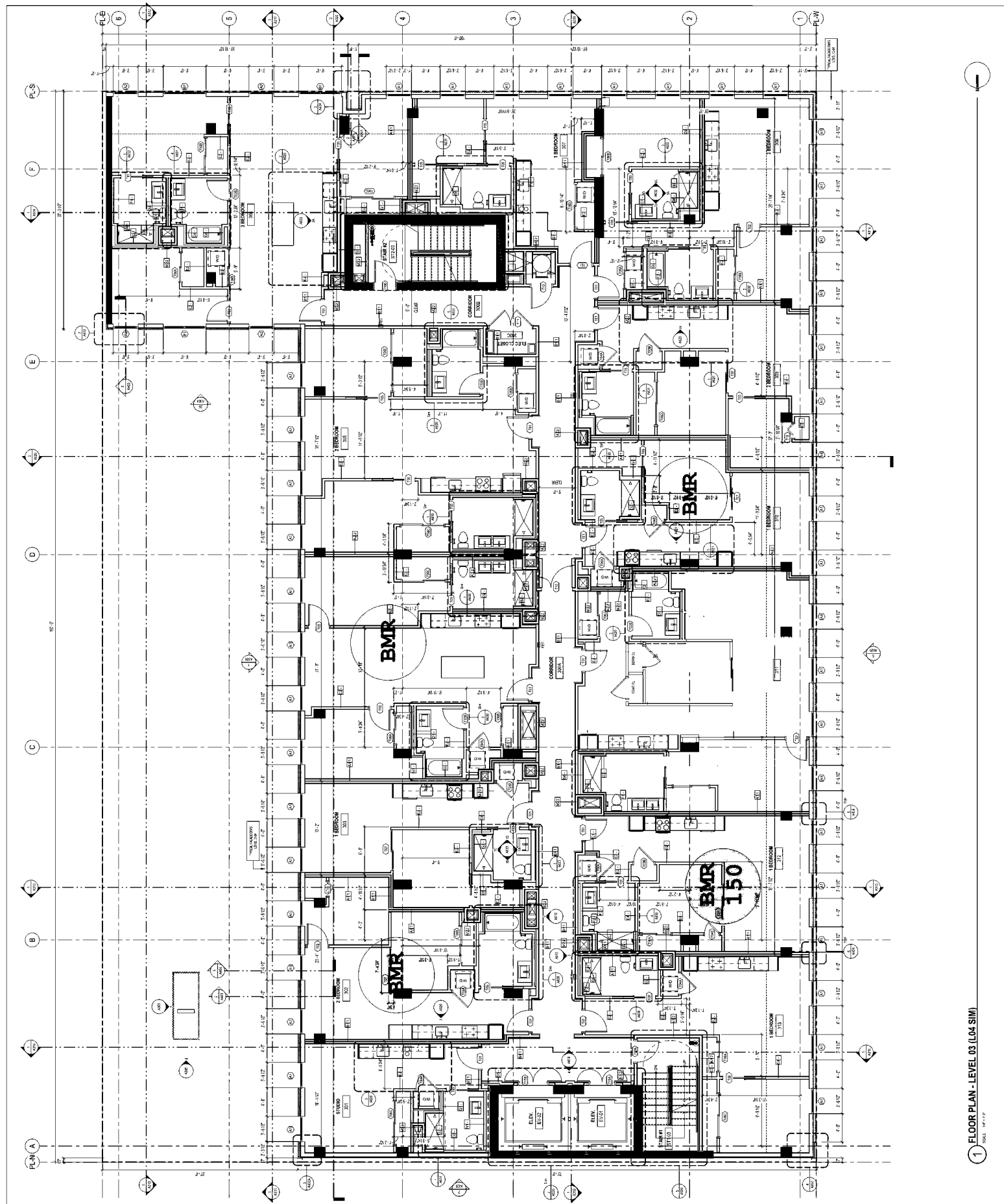
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FLOOR PLAN - LEVEL 02

PROJECT NUMBER: 10000000000000000000
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FLOOR PLAN - LEVEL 02

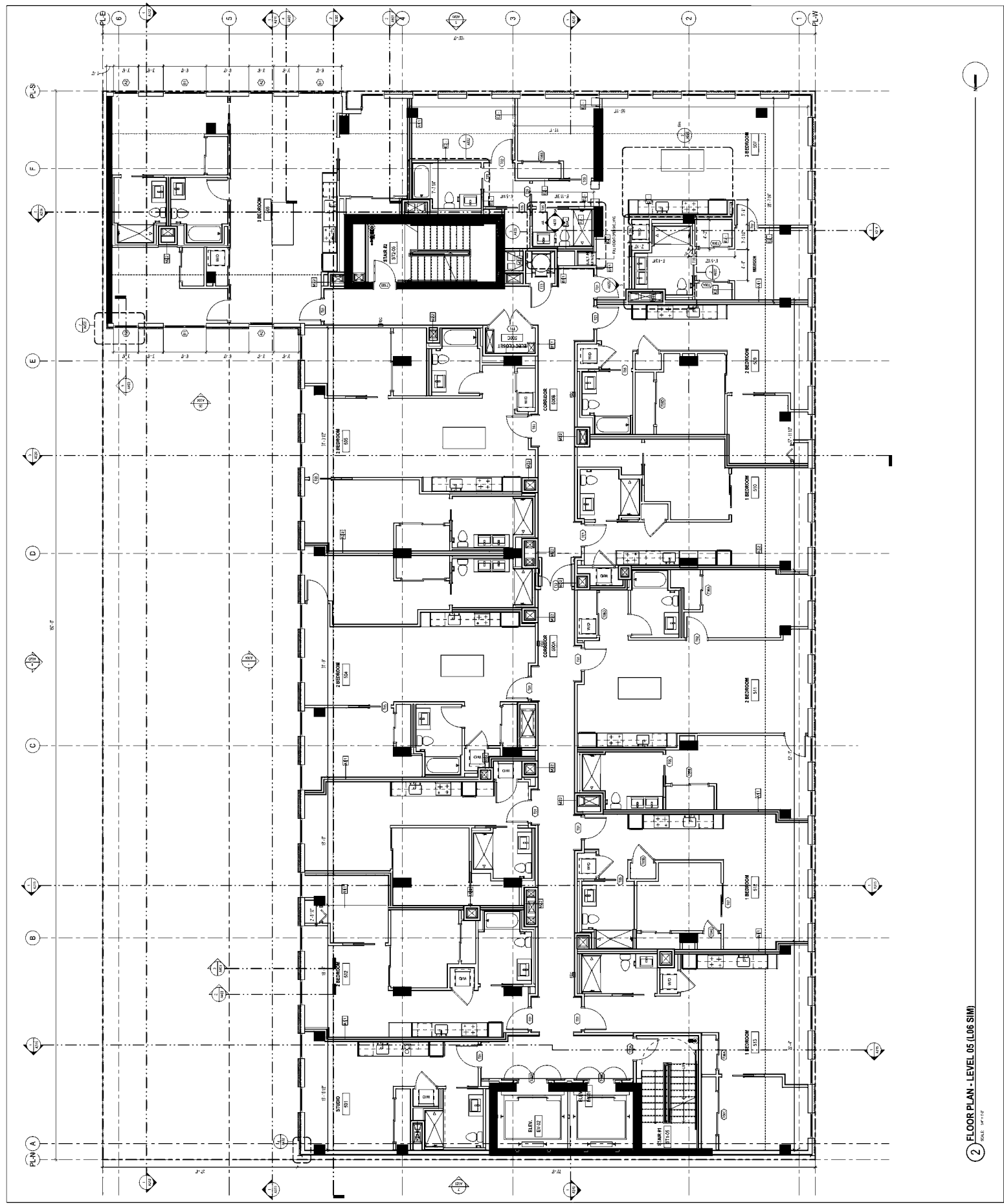
PROJECT NUMBER: 10000000000000000000
SHEET NUMBER: 10000000000000000000
FLOOR PLAN - LEVEL 02



1 FLOOR PLAN - LEVEL 02



1 FLOOR PLAN - LEVEL 03 (L04 SIM)



2 FLOOR PLAN - LEVEL 05 (L06 SIM)