



SAN FRANCISCO PLANNING DEPARTMENT

NF
Parker
Done

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: Scott F. Sanchez
Zoning Administrator

Address: 1650 Mission Street, Suite 400

City: San Francisco, CA 94103



San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC- 2017-K432789-00

Check Number 199
Thursday, APR 13, 2017 11:28:43
Ttl Pd \$21.00 Rcpt # 0005582152
oar/AB/1-3

St.

3

1

1

3 08

(Space Above This Line For Recorder's Use)

RELEASE OF NOTICE OF SPECIAL RESTRICTIONS

Property Address: 537 Grove Street

Block and Lot: 0807/023, 059 & 062

Notice is given that the Notice of Special Restrictions recorded on the land records by James A. Johnson on May 21, 1984 as Document No. 1984-498717 and on April 30, 1986 as Document No. D797946 of the Official Records is hereby **RELEASED** as it pertains to the property situated in the City and County of San Francisco, State of California, more particularly described as follows:

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF GROVE STREET, DISTANT THEREON 155 FEET WESTERLY FROM THE WESTERLY LINE OF OCTAVIA STREET; RUNNING THENCE WESTERLY ALONG SAID LINE OF GROVE STREET 26 FEET 3 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET; THENCE AT A RIGHT ANGLE EASTERLY 26 FEET 3 INCHES, AND THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 208.

APN: LOT: 023 AND BLOCK: 0807

Said Notice of Special Restrictions is no longer necessary because the subject property's Zoning was changed from the designation of a Low-Density Residential Mixed-Use District (RM-1) to that of a Residential Transit Oriented District (RTO). The RTO Zoning District allows for greater density than RM-1, and therefore, the restrictions that the property remain a single family dwelling are no longer valid. As such, the conditions

Memo

CALIFORNIA ALL-PURPOSE 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)

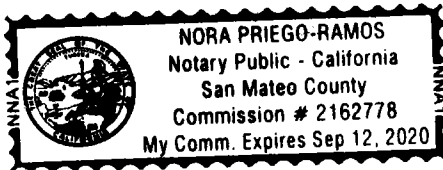
On April 12, 2017 before me, Nora Priego-Ramos, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared -----Scott Sanchez-----
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 [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is 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: NSR Document Date: 4/6/17

Number of Pages: 1 Signer(s) Other Than Named Above: none

Capacity(ies) Claimed by Signer(s)

Signer's Name: Scott Sanchez

- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: Zoning Administrator

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: _____

HERZIG & BERLESE

ATTORNEYS AT LAW

IVY COURT, SUITE 5, 414 GOUGH STREET, SAN FRANCISCO, CA 94102
(415) 861-8800 FAX (415) 861-0259

BARBARA E. HERZIG
MARGARET J. BERLESE (Of Counsel)
CANDICE B. MACARIO (Of Counsel)

March 24, 2017

Scott Sanchez
Zoning Administrator
San Francisco Planning Department
1650 Mission Street #400
San Francisco, CA 94103

Dear Mr. Sanchez,

I represent Callie and Sheridan Oakes. The Oakes own the property located at 537 Grove Street in San Francisco. The Oakes request that the Planning Department revoke two Notices of Special Restrictions that are recorded against their property. Enclosed are copies of the two NSRs in issue.

Here is background information. The property at 537 Grove Street is a through lot from Grove to Ivy Street on which is built a single family residence facing Grove Street and a garage facing Ivy. In 1984 and 1986, the two Notices of Special Restrictions were recorded against the property by a previous owner. At that time, the zoning in the neighborhood was RM-1 and permitted only a single family residence on this lot. The Planning Department permitted the previous owner to do some renovation work at the property, but recorded the two NSRs to prevent an illegal tenancy in part of the building. One NSR pertained to the first floor of the building and one pertained to the second floor. Both NSRs state, in the last paragraph, that if the zoning of the property were to change in the future and be less restrictive, then the NSRs would be null and void. Several years ago, zoning did change to Residential Transit Oriented and I have enclosed a copy of a screenshot shows the current zoning. Residential Transit Oriented zoning is intended to protect and enhance areas characterized by a mix of houses and apartment buildings. It was typically RM and RH3 neighborhoods that were rezoned to permit multi-family, moderate density housing. As a result of the zoning change to RTO, the property at 537 Grove Street no longer is restricted to a single family residence. Even though the NSRs state that they are null and void if zoning of the property changes to permit an additional unit or units, the Oakes wish to have the NSRs revoked so that the title to their property is not clouded by the restrictions. The draft Notice of Termination of Restrictions Under the Planning Code is enclosed. Please review it and let me know what changes you would like made to it. Alternatively, I can email the draft Termination to you and you can change it in any way that suits you. I have enclosed my check for your review of the Termination in the amount of \$664 payable to the Planning Department. I also have enclosed a check for \$15 payable to Nora Priego-Ramos for the notarization of your signature on the Termination.

R# 2017-003819 ZAD
CK # 195 \$ 664. -
M. LUELLEN (NE)

Thank you,

Herzig & Berlese



Margaret J. Berlese

cc: Bruce Storrs

Callie and Sheridan Oakes

RECORDING REQUESTED BY

And When Recorded Mail to

Name: James M. Johnson

Address: 2321 Laurel Ave

City & State: Los Altos California

State: California

RECORDED AT REQUEST

BOOK D678 PAGE 246

59 MAY 21 AM 11:35

SAN FRANCISCO, CALIF

RECORDER

0498717

Space Above This Line For Recorder's Use

4/12

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

I (We) James M. Johnson the owner(s) of that certain real property situate in the City and County of San Francisco, State of California, more particularly described as follows:

Beginning at a point on the southerly line of Grove Street, distant thereon 155 feet westerly from the westerly line of Octavia Street; running thence westerly along said line of Grove Street 26 feet 3 inches; thence at a right angle southerly 120 feet; thence at a right angle easterly 26 feet 3 inches, and thence at a right angle northerly 120 feet to the point of beginning.

Being a portion of Western Addition Block No. 208.

BEING Assessor's Block 807, Lot 23, 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 (City Planning Code).

Said restrictions consist of conditions attached to the approval of Building Permit Application No. 8404072 by the Department of City Planning and are conditions that had to be so attached in order that said application could be approved under the City Planning Code. (Building Form 3)

The plans filed with the present application indicate on the lower floor (basement) of the ONE -family dwelling at 597 GROVE STREET ONE HALL, ONE DINING ROOM, ONE KITCHEN, ONE PANTRY AND ONE FULL BATH(S) said rooms having independent access to the street by way of AN ENTRY HALL AND AN INTERIOR CONNECTION TO THE FLOOR ABOVE

The restrictions and conditions of which notice is hereby given are

1. That said lower floor (basement) area shall be used only as accessory to the dwelling above, as under the RM-1 zoning of the subject property, Section 209.1 of the City Planning Code provides that not more than one (1) DWELLING UNIT FOR EACH 300 SQUARE FEET OF LOT AREA SHALL BE PERMITTED AND that Sec. 151 of said Code provides that one (1) independently accessible, on-site, off-street parking space shall be provided for any new dwelling unit and the subject property contains 0 such additional space(s); and

NOTICE OF SPECIAL RESTRICTION UNDER CITY PLANNING CODE

- 2. That this lower floor (basement) area shall not be used as a separate dwelling unit or rooming unit, and no boarder shall reside therein; that utility, other services, mailbox and doorbells shall be provided for this dwelling solely on a ONE-family basis; and
- 3. That for the purposes of this restriction and the City Planning Code, installation of any appliances for cooking, such as a stove or hot plate, in this lower floor (basement) area shall be deemed creation of a kitchen and therefore creation of an additional separate dwelling unit as defined in Section 102.6 of the City Planning Code.

The use of said property contrary to these special restrictions shall constitute a violation of the City 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 herein restricted are thereby permitted and in conformity with the provisions of the City Planning Code, this document would no longer be in effect and would be null and void.

Dated: 15 May 1984 at San Francisco, California

James A. Johnson
(signature of owner)

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO)**

On May 15, 1984, before me William D. Tutix, the undersigned, a Notary Public, in and for said City and County and State, personally appeared JAMES A. JOHNSON personally known to me (or 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 or she (they) executed the same.

WITNESS my hand and official seal.

Signature William D. Tutix (this area for official notarial seal)



SAN FRANCISCO, CA
RECORDER'S OFFICE

RECORDING REQUESTED BY

DOC- D797946

And When Recorded Mail to

Wednesday, April 30, 1986 12:19:27PM

Name: James A. Johnson, Jr.

Rec	4.00	---	Pr	2.00
Mic	1.00	---	Amt	10.00
Chg	3.00	---		

Address: 23991 Spaulding

TOTAL -> \$7.00

City: Los Altos, CA 94022

State: California

Space Above This Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

I (We) JAMES A. JOHNSON, the owner(s) of that certain real property situate 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):

Beginning at a point on the southerly line of Grove Street, distant thereon 155 feet westerly from the westerly line of Octavia Street; running thence westerly along said line of Grove Street 26 feet 3 inches; thence at a right angle southerly 120 feet; thence at a right angle easterly 26 feet 3 inches, and thence at a right angle northerly

BEING Assessor's Block 807, Lot 23, 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 (City Planning Code).

Said restrictions consist of conditions attached to the approval of Building Permit Application No. 8601317 by the Department of City Planning and are conditions that had to be so attached in order that said application could be approved under the City Planning Code. (Building Form 3.)

The plans filed with the present application indicate on the second floor of the one (1)-family dwelling at 537 Grove Street: one (1) bedroom, one (1) social room, one (1) den, two (2) bathrooms, one (1) medical library, and one (1) living room.

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

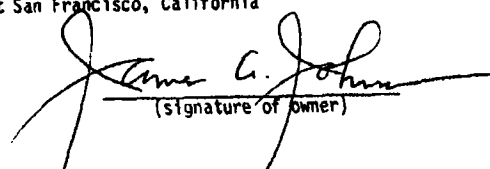
1. That said second floor area shall be used only as accessory to the dwelling below, as under the RM-1 zoning of the subject property, Section 209.1(d) of the City Planning Code provides that not more than one (1) one-family dwelling shall occupy a lot, AND that Sec. 151 of said Code provides that one (1) independently accessible, on-site, off-street parking space shall be provided for any new dwelling unit and the subject property contains no such additional space(s); and

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

- 2. That this second floor area shall not be used as a separate dwelling unit or rooming unit, and no boarder shall reside therein; that utility, other services, mailbox and doorbells shall be provided for this dwelling solely on a one (1)-family basis; and
- 3. That for the purposes of this restriction and the City Planning Code, installation of any appliances for cooking, such as a stove or hot plate, in this second floor area shall be deemed creation of a kitchen and therefore creation of an additional separate dwelling unit as defined in Section 102.6 of the City Planning Code.

The use of said property contrary to these special restrictions shall constitute a violation of the City 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 herein restricted are thereby permitted and in conformity with the provisions of the City Planning Code, this document would no longer be in effect and would be null and void.

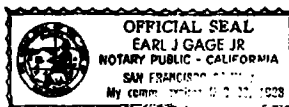
Dated: April 29, 1986 at San Francisco, California


 (signature of owner)

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

On APRIL 29, 1986, before me, EARL J. GAGE, JR., the undersigned, a Notary Public, in and for said City and County and State, personally appeared JAMES A. JOHNSON personally known to me (or 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 or she (they) executed the same.

WITNESS my hand and official seal.



Signature Earl J. Gage Jr. (This area for official notarial seal)

propertymap.sfplanning.org

- Apps
- Suggested Sites
- HP Photosmart Basic
- Hotmail
- My company's intern
- Remote E-mail Access
- Imported From IE

Map Help Your Feed

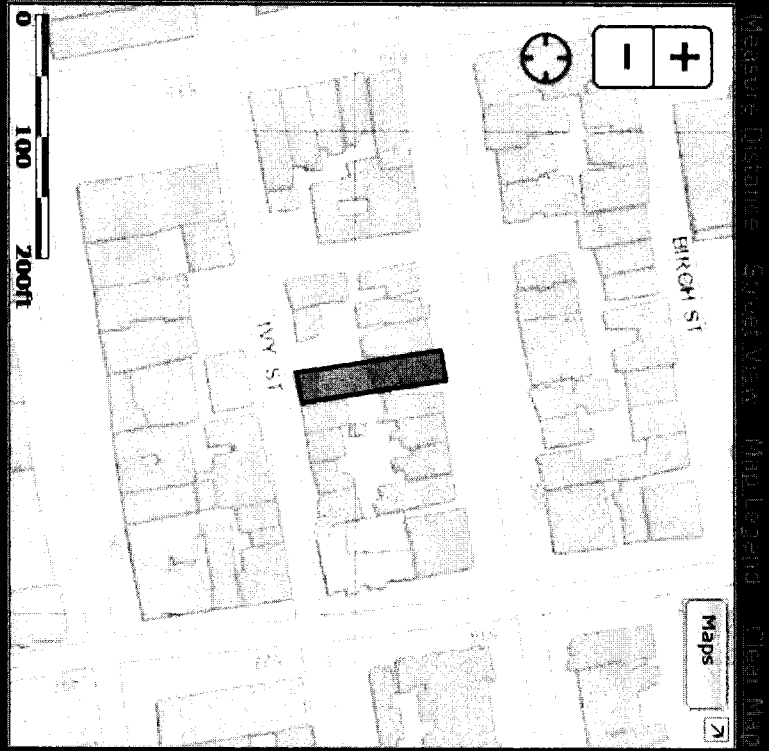
Link Disclaimer Downlo

Search or Click on the Map

Search Examples: 401 Van Ness Ave 0737001
Mission and Van Ness 2014.005040PRJ
Ferry Building

537 Grove Street

SEARCH



Review Property Information

Click tabs below to view property or parcel information

- Property
- Zoning
- Preservation
- Planning Apps
- Building Permits**
- Other Permits
- Complaints
- Appeals
- BBN

ZONING DISTRICTS: **MAP**
RTO - RESIDENTIAL TRANSIT ORIENTED DISTRICT

HEIGHT & BULK DISTRICTS: **MAP**
40-X

SPECIAL USE DISTRICTS: **MAP**
Within 1/4 Mile of an Existing Fringe Financial Service

SPECIAL SIGN DISTRICTS: **MAP**
None

LEGISLATIVE SETBACKS: **MAP**
None

COASTAL ZONE: **MAP**
Not in the Coastal Zone

PORT: **MAP**
Not under Port Jurisdiction

Select Language Powered by Translate

SAN FRANCISCO PLANNING DEPARTMENT

When Recorded Mail To:)
Name: Herzig & Berlese)
Address: Ivy Court)
414 Gough Street, Suite 5)
San Francisco, CA 94102)

AB:0807, Lot:023

Space Above This Line For Recorder's Use

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

This Notice of Termination of Restrictions under the Planning Code is made with reference to the following:

1. The improved real property which is the subject of this Notice of Termination of Restrictions under the Planning Code ("Notice") is located at 537 Grove Street, San Francisco, California ("the Property"), described as set forth in Exhibit A, attached to this Notice and incorporated by reference in it.
2. On May 21, 1984 a Notice of Special Restrictions Under the City Planning Code was recorded against the Property as Document No. 1984-498717 in the Official Records of the City and County of San Francisco. The owner of the Property at the time constructed a second floor on what formerly was a single story single family residence. This Notice of Special Restrictions restricted use of the Property to a single family residence.
3. On April 30, 1986 a second Notice of Special Restrictions Under the City Planning Code was recorded against the Property as Document No. D797946 in the Official Records of the City and County of San Francisco. This second Notice of Special Restrictions also restricted use of the Property to a single family residence.
4. Each of the Notices of Special Restrictions stated that if the zoning standards applicable to the Property were modified to be less restrictive and the uses of the Property that were prohibited in the Notices of Special Restrictions became permitted uses and conformed to new zoning standards, then the Notices of Special Restrictions would be null and void.
5. Zoning standards applicable to the Property were modified after recordation of the two Notices of Special Restrictions and at the current time, the use prohibited by the Notices of Special Restrictions now is permitted. At this time, the applicable zoning is RTO, Residential Transit Oriented, which permits the construction of a second dwelling at the Property.

Therefore, NOTICE IS HEREBY GIVEN that the SINGLE FAMILY USE RESTRICTION for the Property is hereby TERMINATED and the two above-described Notices of Special Restrictions are hereby REVOKED.

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation
Planning Department

By: _____

Date: _____

Name: Scott Sanchez
Title: Zoning Administrator

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____

Date: _____

Name: John D. Malamut
Title: Deputy City Attorney

PROPERTY OWNERS

Caroline Oakes

Sheridan Oakes

CALIFORNIA ALL-PURPOSE 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 _____

County of _____

On _____ before me, _____, Notary Public, personally appeared _____, 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 of Notary Public

(Notary Seal)

Exhibit A
Legal Description

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF GROVE STREET, DISTANT THEREON 155FEET WESTERLY FROM THE WESTERLY LINE OF OCTAVIA STREET; RUNNING THENCE WESTERLY ALONG SAID LINE OF GROVE STREET 26 FEET 3 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET; THENCE AT A RIGHT ANGLE EASTERLY 26 FEET 3 INCHES, AND THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE POINT OF BEGINNING. BEING A PORTION OF WESTERN ADDITION BLOCK NO. 208.
APN: LOT: 023 AND BLOCK: 0807