



**SAN FRANCISCO ADJACENT INDUSTRIAL USES
DISCLOSURE AND AFFIDAVIT**

SAN FRANCISCO ASSOCIATION OF REALTORS® STANDARD FORM

This form is intended for use in San Francisco

This disclosure concerns the residential property situated in the City and County of San Francisco, California, described as 30 Sheridan St, San Francisco, CA 94103-3821 ("Property").

1. **GENERAL INFORMATION:** Both state and local law contain requirements regarding disclosure of adjacent industrial uses to those who intend to buy or lease residential real property adjacent to properties containing such industrial uses.
2. **STATE LAW:** Disclosures of adjacent industrial uses is required if the transferred property is a residential building containing four or fewer dwelling units. California Civil Code §1102.17 states, "The seller of residential real property subject to this article who has actual knowledge that the property is adjacent to, or zoned to allow, an industrial use described in §731a of the Code of Civil Procedure, or affected by a nuisance created by such a use, shall give written notice of that knowledge as soon as practicable before transfer of title." This statute does not contain a definition of "adjacent." This Disclosure may be made on C.A.R. forms SPQ or ESD, or on the San Francisco Seller Disclosure.
3. **LOCAL LAW:**
 - A. San Francisco has adopted a local ordinance (San Francisco Administrative Code Chapter 35) designed to protect industrial uses which are located adjacent to other properties which are used in whole or in part for residential use. San Francisco Administrative Code §35.3 defines "adjacent property" as any property "inside or within 150 feet of an Industrial Use Zoning District."
 - B. Chapter 35 requires that every transferor make and sign, upon penalty of perjury, an affidavit stating that the transferor provided the disclosure required by §35.6 and shall attach a copy of the disclosure statement actually provided. This notice shall be provided at the time required by California Civil Code §1102.3, which provides that the notice shall be given (i) as soon as practicable before transfer of title in the case of a sale, and (ii) as soon as practicable before execution of the contract in the case of transfer by a real property sales contract, as defined in Civil Code §2985, or by a lease together with an option to purchase, or a ground lease coupled with improvements. See California Civil Code §1102.3 for additional information. The transferor is not required to provide a copy of the then-current text of Chapter 35. This affidavit, with the attached disclosure notice, shall be maintained in the transferor's records for not less than two years, and a copy shall be provided to the City or the transferee upon request.
 - C. Penalties for Failure to Provide Disclosure. Any person who fails to provide the required disclosure may be liable for a civil penalty of not less than \$500 for each failure to provide said disclosure. The Ordinance gives to the current and former transferees of the adjacent residential property the right to sue for damages of not less than \$500 for each failure to provide the disclosure and whatever other relief the Court deems appropriate. In addition, the prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the Court. The remedy available under §35.6(d) is in addition to any other existing remedies that may be available to the transferee. Therefore sellers and landlords should be careful to make complete disclosures.
 - D. For more information, visit or contact the San Francisco Planning Department at: 1650 Mission Street, Suite 400, San Francisco, CA 94103, phone: (415) 558-6378. Zoning maps detailing industrial use zoning districts are available online at: www.sf-planning.org
4. **Disclosure of Adjacent Industrial Uses pursuant to San Francisco Administrative Code §35.6:** "You are purchasing or leasing property that may be adjacent to an existing industrial use. Industrial uses may subject you to inconveniences or discomfort arising from industrial operations, which may include, but are not limited to: noise, odors, dust, chemicals, smoke, operation of machinery, and loading and unloading operations. One or more of these types of inconveniences may occur even if the industrial use is operating in conformance with existing laws and regulations and locally accepted customs and standards for operations of such use. If you live near industrial uses, you should be prepared to accept such inconveniences or discomfort as normal and a necessary aspect of living in a neighborhood with mixed industrial and residential uses. Transferor shall maintain a copy of this disclosure in the transferor's records for not less than two years, and a copy shall be provided to the City or the transferee upon request."



5. AFFIDAVIT OF DELIVERY OF DISCLOSURE (This section to be completed by agent representing Seller):
 I, Dan McLean & Steven Caravelli, state that I delivered the above disclosure regarding adjacent industrial uses to Jacob Peck Brent Webster, a buyer of residential real property as soon as practicable before transfer of title.

This Notice was served by as part of the disclosure package, on _____ (date), in the following manner: (if mailed, a copy was mailed at _____ (location))

1. **Personal service.** A copy of the Notice was personally delivered to the above named Buyer.
2. **Delivery to Agent.** A copy of the Notice was delivered to the individual Real Estate licensee representing Buyer (or, if checked, escrow)
3. **Mail.** This Notice was mailed (Registered Certified) to Buyer at the following address _____

DocuSigned by: Dan McLean (Signature) _____ Date: 4/22/2022
WP6845842CAAD2... (Date)

DocuSigned by: Steven Caravelli (Keep a copy for your records.) _____ Date: 4/22/2022
C9B8EE574302485...

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Landlord/Seller: Jonathan Browning Date: 4/22/2022
518F0251E1B70 Jonathan Browning

Signature of Landlord/Seller: [Signature] Date: 4/23/2022
8330-1141 Marcus Heithaus

By signing below, Buyer acknowledges Buyer has received, read, and understands this Adjacent Industrial Uses Disclosure form.

Signature of Tenant/Buyer: Jacob Peck Date: 4/26/2022
5F7979E9036B40C...

Signature of Tenant/Buyer: Brent Webster Date: 4/26/2022
879F0562A7944FC...

BROKERS/AGENTS CAN ADVISE ON REAL ESTATE TRANSACTIONS ONLY. FOR LEGAL OR TAX ADVICE, CONSULT A QUALIFIED ATTORNEY OR CPA.