


NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:) 
)
And When Recorded Mail To:) San Francisco Assessor-Recorder
) Phil Ting, Assessor-Recorder
) **DOC- 2008-1683606-00**
Name: LIGA CONGDON) Check Number 1036
 c/o PRADO GROUP) Friday, NOV 21, 2008 09:27:56
Address: 150 POST ST. #320) Ttl Pd \$23.00 Rept # 0003575199
) **REEL J773 IMAGE 0266**
 City: SAN FRANCISCO) car/AB/1-6
)
 California 94108) **Space Above This Line For Recorder's Use**

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I (We) 1266 NINTA LLC, a CA 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 (or see attached sheet marked Exhibit A on which property is more fully described):

Being Assessor's Block 1742, Lot 043, commonly known as 1266 - 9th Avenue, 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. 2007.1397C authorized by the Planning Commission of the City and County of San Francisco on October 16, 2008 as set forth in Planning Commission Motion No. 17718, to allow the demolition of a vacant funeral home (formerly occupied by Sullivan Funeral Home) and removal of a surface parking lot; and the development of a four-story mixed use building (15 residential units over ground-floor commercial) with a 16-space subterranean garage, within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District.

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

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 303, 730.11 and 730.21 of the Planning Code to allow the demolition of a vacant funeral home (formerly occupied by Sullivan Funeral Home) and surface parking lot; and to develop a four-story mixed-use building (15 residential units over ground-floor commercial) with a 16-space subterranean garage. The lot area is approximately 12,000 square feet and the total commercial area will be approximately 5,650 square feet, with no one tenant exceeding 4,999 square feet of occupied floor area within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on June 26, 2008 and stamped "EXHIBIT B" included in the docket for Case No. 2007.1397C, reviewed and approved by the Commission on October 16, 2008.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 1742, Lot 043), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
3. Security gates/bars shall be restricted from the exterior of the building, but permitted on the interior side of the windows.
4. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
5. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
6. The Project Sponsor shall maintain an attractive storefront providing visibility of the interior through the storefront windows.
7. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 of the Planning Code and the terms of the Affordable Housing Monitoring Procedures Manual (hereinafter "Procedures Manual"), incorporated herein by reference, as published and adopted by Resolution No. 13405 on June 28, 2007 by the Planning Commission, and as required by Planning Code Sections 315 ("Inclusionary Requirement"). The Project Sponsor has elected to provide fifteen percent (15%) or two (2) on-site affordable below-market-rate units ("BMR units") to satisfy its Inclusionary Requirement.



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8. The BMR units shall be designated on the building plans prior to approval of any building permit. The BMR units shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, and ready for occupancy no later than the market rate units, and (3) shall be of comparable overall quality, construction, location, and exterior appearance as the market rate units in the principal Project.
9. If the units in the building are offered for sale, the BMR units shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) of the San Francisco Area Median Income (SFAMI).
10. The initial sales price of such units shall be calculated according to the Procedures Manual based on such percentage of median income. This restriction shall apply for the life of the project.
11. The Applicant shall administer the marketing and reporting procedures, according to the procedures established in the Procedures Manual or as otherwise provided by law.
12. The definitions, procedures and requirements for BMR units are set forth in the Procedures Manual and are incorporated herein as Conditions of Approval. Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual.
13. Prior to issuance of the Building Permit, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval and identifies the BMR 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 the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit.
14. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
15. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
16. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.
17. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).

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- 18. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued 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 thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization 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. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.

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.

Dated: 11/17/08 at San Francisco, California

1266 Ninth LLC, a California limited liability company



 (Owner's Signature)
 Joseph L. Felson, Manager

 (Agent's Signature)

This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal.

EXHIBIT A

The land referred to in this Policy is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Beginning at a point on the Easterly line of Ninth Avenue, distant thereon 100 feet Northerly from the Northerly line of Irving Street; and running thence Northerly along the said Easterly line of Ninth Avenue 100 feet; thence at a right angle Easterly 120 feet; thence at a right angle Southerly 100 feet; and thence at a right angle Westerly 120 feet to the point of beginning.

Being a portion of Outside Land Block No. 665.

APN: Lot 043; Block 1742.

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State of California)
County of Alameda)

On November 17, 2008 before me,
V. Rose, Notary Public (here insert name and title of the officer),
personally appeared Joseph L. Felson,
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 _____ (Seal)

