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NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)

And When Recorded Mail To:)

Name: Louis Roesch Company)

Address: 289-B Foster City Blvd.)

City: Foster City)

California)

San Francisco Assessor-Recorder

Phil Ting, Assessor-Recorder

DOC- 2010-1933061-00

Monday, MAR 01, 2010 12:23:31

Ttl Pd \$50.00 Rpt # 0003862452

REEL K089 IMAGE 0273

ced/FT/1-15

) Space Above This Line For Recorder's Use

I (We) Louis Roesch Company, A California corporation, 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):

APN: Lot 2-A, Block 3547, Lot 3, Block 3547, Lot 4, Block 3547, Lot 29, Block 3547

Being Assessor's Block 3547, Lots 02A, 003, 004 and 029, commonly known as 1880 Mission 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 Conditional Use Application No. 2009.0932C authorized by the Planning Commission of the City and County of San Francisco on December 3, 2009 as set forth in Planning Commission Motion No. 17995, to allow an extension of the performance period for the construction of a planned unit development with up to 194 dwelling units, 9,000 square feet of commercial space, up to 181 independently accessible off-street parking spaces and 40 valet parking spaces; in a building exceeding bulk limits as set forth in Section 270; with exceptions from rear yard, dwelling unit exposure and parking requirements of Planning Code as set forth in Sections 134, 140 and 151; previously within a C-M (Heavy Commercial) Use District, currently within a Mission NCT (Mission Street Neighborhood Commercial Transit) and UMU (Urban Mixed Use) District; previously within a 50-X and 65-B Height and Bulk District, and currently within a 45-X, 58-X and 65-X Height and Bulk District, and formerly within the Housing/Mixed use overlay under Resolution No. 16727.

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

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is pursuant to Sections 303(e) to modify Condition No. 21 of Motion No. 17120 to add an additional 24 months to the performance period, as extended by the Zoning Administrator to October 9, 2009. The original proposal was to construct a mixed use project that would consist of up to 194 dwelling units, up to 9,000 square feet of ground floor commercial space, up to 181 independently accessible off-street parking spaces, and up to 40 valet spaces ("Project"). Conditional use authorization was required pursuant to San Francisco Planning Code Sections 215(a), 303 and 304 to permit a Planned Unit Development containing dwelling units in a C-M (Heavy Commercial) District. All previously granted exceptions and Conditions of Approval would remain and are attached as Exhibit B. The amendment extends the approval to October 9, 2011.

GENERAL CONDITIONS

1. **Performance.** This extension is valid for a period of 2 years after the expiration date of the administrative extension granted by the Zoning Administrator, which expired on October 9, 2009. The new expiration date is October 9, 2011.
2. **Recordation.** Prior to the issuance of any building or site permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

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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: 1-15-10 at San Francisco, California

Louis Roesch Company Inc.

X
Bill A. Dan
(Owner's Signature)
[Signature]
(Agent's Signature)

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