

RECORDING REQUESTED BY.)

And When Recorded Mail to)

Name: Waldo Group
c/o Visa Condo
Address: 150 Post Street
Suite 320
City: SAN FRANCISCO, CA
State: 94108



) San Francisco Assessor-Recorder
) Phil Ting, Assessor-Recorder
) **DOC- 2012-J424355-00**
) Thursday, MAY 31, 2012 15:56:24
) Ttl Pd \$23.00 Rcpt # 0004418315
) **REEL K658 IMAGE 0764**
) 081/AK/1-4

) Space Above This Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

I, (We) 1266 NINTM LLC, ^ ^{a California limited liability company} 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). *see exhibit A

BEING Assessor's Block 1742, Lots 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 the Conditional Use Application No. 2007.1397C approved 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. This Notice rescinds and supersedes only those certain restrictions associated with the provision of two on-site affordable below-market-rate ("BMR") units described in the Notice of Special Restrictions

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

under the Planning Code recorded in the Official Records of San Francisco County on November 21, 2008 as Instrument No. 2008-1683606-00.

The Project has been modified into a rental development and the Zoning Administrator has issued a Letter of Determination modifying the Project's Inclusionary Housing condition(s) of approval from providing on-site affordable units to satisfying its affordable housing requirement by paying an in-lieu fee.

In order to satisfy the Affordable Housing requirement the Project must pay an in-lieu fee (estimated to be \$950,514, but subject to adjustment under Planning Code Section 413), prior to building permit application issuance, established by the following unit distribution:

Unit Size	Total No.	Percentage	Off-site requirement
Studio	0	20%	0
1-bdrm	4	20%	0.80
2-bdrm	9	20%	1.80
3-bdrm	2	20%	0.40
Total:	15		3.0

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.

Dated: 5/30/12 at San Francisco, California


(Signature of owner)

1266 NINTH LLC, a CA limited liability company
(Signature of owner)

This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.

ACKNOWLEDGMENT

State of California
County of Alameda) SS.

On May 30, 2012 before me, P. D. Campbell, Notary Public, personally
(insert name and title of the officer)

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.

P. D. Campbell

[Notary Signature]



(Seal)

ORDER NO. : 0436004800-MK

EXHIBIT A

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

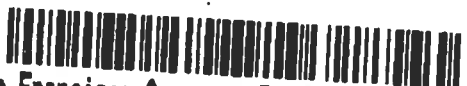
Beginning at a point on the Easterly line of Ninth Avenue, distant thereon 100 feet Northerly from the Northerly line of Irving Street; and running thence Northerly along the said Easterly line of Ninth Avenue 100 feet; thence at a right angle Easterly 120 feet; thence at a right angle Southerly 100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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)
And When Recorded Mail To:)
Name: *JP Lachance*)
Bay Bread LLC)
Address: *2325 Pine St.*)
City: *San Francisco, CA 94115*)
California)


San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2012-J424607-00
Friday, JUN 01, 2012 09:16:26
Ttl Pd \$32.00 Rcpt # 0004418437
REEL K659 IMAGE 0246
081/AK/1-7

) Space Above This Line For Recorder's Use

I (We) *1266 Ninth LLC, a California limited liability company* 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. 2011.1420C, authorized by the Planning Commission of the City and County of San Francisco on April 5, 2012 as set forth in Planning Commission Motion No. 18586, TO ALLOW A FORMULA RETAIL FULL-SERVICE RESTAURANT (D.B.A. LA BOULANGE CAFÉ AND BAKERY) WITHIN THE INNER SUNSET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) AND THE 40-X HEIGHT AND BULK DISTRICT.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

AUTHORIZATION

This authorization is for a Conditional Use authorization to allow a Formula Retail Use (d.b.a. La Boulange) located at 1266 – 9th Avenue, Block 1742 in Assessor's Lot 043, pursuant to Planning Code Sections 303, 703.3(b), 703.4, and 730.42 within the Inner Sunset NCD (Neighborhood Commercial District) and 40-X Height and Bulk District; in general conformance with plans, dated March 07, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1420C and subject to conditions of approval reviewed and approved by the Commission on April 5, 2012 under Motion No 18586. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use 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 subject property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 5, 2012 under Motion No 18586.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18586 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

Conditions of approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the Project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed Project and conveys no independent right to construct the Project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained 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 diligently to completion. The Commission may also consider revoking the approvals 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.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

3. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

4. **Final Design.** The Project Sponsor shall continue working with Planning staff to revise the interior layout of the restaurant in order make the display cases more visible from the sidewalk, and to make the three bays more differentiated.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

MONITORING - AFTER ENTITLEMENT

5. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

6. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

7. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

9. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org*

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

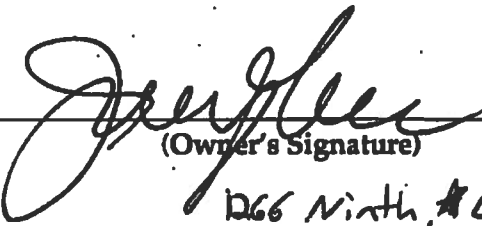
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, www.sf-police.org

10. **Community Liaison.** Prior to issuance of a building permit to construct the Project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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: 5/30/12 at San Francisco, California



(Owner's Signature)
D66 Ninth, LLC

(Agent's Signature)

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

EW:gwf

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:

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APN: Lot 043; Block 1742.

lac

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County of Alameda } SS.

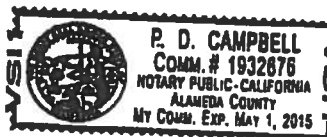
On May 30, 2012 before me, P.D. Campbell, notary public, personally
(insert name and title of the officer)

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.

P.D. Campbell
[Notary Signature]



(Seal)