

Recording Requested by and
When Recorded Return to:

Gladstone & Vettel
Penthouse, 177 Post Street
San Francisco, CA 94108
Attn.: Steven L. Vettel

OCT 16 1998

CONFIRMED COPY of document recorded on _____
as No. **G451000**
at _____
THE DOCUMENT HAS NOT BEEN COMPARED WITH
THE ORIGINAL
SAN FRANCISCO ASSESSOR RECORDER

Block 4318, Lot 20

Now known as 1578 Indiana

**NOTICE OF SPECIAL RESTRICTIONS
UNDER THE SAN FRANCISCO PLANNING CODE**

Apparel Unlimited, Inc., a California corporation ("Owner"), the owner of that certain real property situated in the City and County of San Francisco, State of California, more particularly described on the attached Exhibit A herewith,

BEING Assessor's Block 4318, Lot 20, identified as 1588 Indiana Street, San Francisco, California (the "Property"), hereby give notice that there are special restrictions on the use of the Property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to the approval by the Planning Department of Building Permit Application No. 9712479 for the construction of 12 Live/Work units and, except for the offer to designate two affordable units for the benefit of California Lawyers for the Arts set forth in paragraph 10, are conditions that had to be so attached in order that said application could be approved under the Planning Code.

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

1. The project approved contains 12 Live/Work units, defined under Section 102.13 of the San Francisco Planning Code. A copy of Planning Code Section 102.13 is attached herewith as Exhibit B. Section 102.13 limits residential occupancy to not more than 4 adults and defines Live/Work units as living space with an integrated work space principally used by one or more of the residents.

2. Section 102.7 of the Planning Code states that for purposes of the Planning Code, a Live/Work unit is not considered a dwelling unit. The use of said property for solely residential use would be a violation of the Planning Code. The subject property is located in an M-2 zoning

district where residential occupancies are only permitted as a conditional use. The conversion of use for solely residential purposes would require a conditional use permit with associated fees and public hearings and which may not be granted.

3. Each Live/Work unit shall be used as a work space for an authorized arts activity (as defined in Section 102.2 of the Planning Code) by at least one of the adults residing there. The project shall meet these and all other applicable provisions of the San Francisco Planning Code.

4. Section 102.2 defines arts activities which are permitted as work activities in the subject Live/Work units. A copy of Planning Code Section 102.2 is attached herewith as Exhibit B.

5. At least one occupant of each Live/Work unit, whether occupying the unit as an owner or tenant, shall hold and maintain a valid and active San Francisco Business License, registered for the project location. The Business License shall authorize an arts activity as defined in Planning Code Section 102.2.

6. The project is located in a Heavy Industrial district which is characterized at all hours of the day and night by: loud noise, heavy vehicular traffic, fumes, odors, vibration, glare and other environmental products of industrial activity which can be considered offensive to residential use. The Municipal Railway (MUNI) operates or intends to operate two diesel bus yards nearby which have heavy traffic at all hours, and bio-technical and medical research laboratories may also move into this area. These industrial uses and the jobs they generate are important to San Francisco and such activities are permitted and to be expected in the industrial districts. The art activities required to be ongoing in the subject Live/Work units may also generate noise, fumes, etc. which may be considered offensive to residential uses.

7. The MUNI's proposed Woods Yard, a diesel bus storage and maintenance facility located on the east and wide sides of Indiana Street at 23rd Street, is north of the project site. One parcel of the Woods Yard is on the block bounded by 22nd, Indiana and 23rd Streets and the 280 freeway. The other parcel of the Woods Yard is bounded by 22nd, Indiana, Tubbs and Tennessee Streets. Bus maintenance activities at the Woods Yard generate noise and exhaust emissions from idling buses. Operations at the Woods Yard occur and generate noise around the clock.

In September 1999, the MUNI is scheduled to start Phase I of its operations at its new Islais Yard. That yard is bounded by Ceasar Chavez and Indiana Streets, India Basin Channel and the 280 freeway, immediately south of project site. When that yard is fully operational it will be a facility for operations and maintenance of diesel buses. Once operations begin at the new Islais Yard, there will be a substantial pull-in and pull-out traffic of diesel buses from this facility as well as some shuttling between the Woods Yard and the Islais Yard. That traffic will have impacts similar to those at the existing Woods Yard.

8. Prior to the sale, rental or sublease of any Live/Work unit, the potential purchaser, tenant or subtenant shall be delivered a copy of this Notice of Special Restrictions and shall execute before a notary public, under penalty of perjury, an affidavit in the form attached hereto as Exhibit

C, stating that he/she has read and understands this Notice of Special Restrictions, agrees to comply with the restrictions contained herein, including, without limitation, the requirement that at least one resident of each unit must be engaged, as a principal use of the space, in arts activity as defined by Planning Code Section 102.2, and designating the person who will be so engaged. No Live/Work unit shall be sold, rented or subleased unless the potential purchaser, tenant or subtenant has submitted such affidavit, and such affidavit has been filed with the condominium owners' association established by Owner in connection with the subdivision of the project into a condominium project (the "Owners' Association"), and, in the case of the two BMR Units (as defined in paragraph 10 below), also with the California Lawyers for the Arts ("CLA") or such other third party agreed to by CLA and Owner. In addition, it shall be a condition of close of escrow for the sale of a Live/Work unit that each potential purchaser shall have executed such an affidavit, and the title insurance company shall be required to deliver such affidavit to the Owners' Association, and, in the case of the two BMR Units, also to CLA or such other third party agreed to by CLA and Owner.

The pull-in route of busses traveling to the Woods Yard and the Islais Yard includes buses driving along Indiana Street, as well as on Ceasar Chavez and other local streets. The pull-out route of busses leaving the Islais Yard includes buses driving along Indiana Street. Although a specific count has not been conducted, at present approximately 200 bus trips per day occur along this pull-in route, along Indiana Street between Ceasar Chavez and the Woods Yard. About 60-80 of these bus trips occur in the evening, between the hours of 10 p.m. and 2 am. A similar pull-out route of buses occurs as they leave the yard very early in the morning and routinely travel on Pennsylvania Avenue, 24th, Ceasar Chavez and Indiana Streets. Operation of these diesel buses also generates noise; diesel buses are noisier than electric buses.

9. The governing documents for any subdivision of the project into a condominium project shall provide that the project is subject to the terms of this Notice of Special Restrictions and that the project shall be operated and managed in compliance with this Notice of Special Restrictions. Any lease or sublease for a Live/Work unit shall provide that it is subject to the terms of this Notice of Special Restrictions.

10. The Owner has offered to designate a total of two Live/Work units for the benefit of CLA as affordable units as follows:

(a) Two of the Live/Work units shall be designated as BMR units to be leased or sold upon subdivision of the project into a condominium project, to tenants or purchasers whose gross annual income, adjusted for household size, does not exceed 100% of the median income for the SMSA (in the case of sale) or 80% of median income for the SMSA (in the case of lease).

(b) If sold, the two BMR units shall be sold to first time home-buyer households, as defined in the Affordable Housing Monitoring Procedures Manual ("Procedures Manual") published and adopted by Resolution No. 13405 on September 10, 1992, by the City Planning Commission, whose gross annual income

meets the requirements set forth in subsection (a) above.

(c) The sale price, base rent and permitted rental increases shall be calculated in accordance with the Procedures Manual at the time of sale or rental. For purposes of such calculations, the BMR units to be leased or sold shall each be deemed to be two (2) bedroom units.

(d) The restrictions contained in this paragraph 10 shall apply for a 30 year period from the issuance of the first Certificate of Temporary Occupancy.

(e) Upon subdivision of the Project into condominiums, a notice of these BMR restrictions shall be recorded against the title to the two BMR units.

(f) The references in this paragraph 10 to the Procedures Manual are solely for the purpose of establishing the procedures to be followed by Owner and his successors and assigns in connection with the sale and rental of the BMR units, and shall not impose any obligation on the City and County of San Francisco, the Mayor's Office of Housing, the Planning Commission or any other agency or department of the City and County. In the event that any agency or department of the City and County of San Francisco is able and agrees to enforce the restrictions of this paragraph 10 in the future, the right to enforce these restrictions shall be transferred to the City and County and CLA shall have no further right of enforcement.

11. Each of the 12 Live/Work units shall have at least one off-street parking space, whether deeded or leased, designated for its sole use. If, after offering parking spaces to project residents there are spaces which remain unassigned, the Owner may offer them to members of the community on a month-to-month rental basis. Leases of parking spaces to parties which do not reside in the project shall contain a clause allowing for termination of the lease on thirty-day notice in order to make parking available to building residents.

12. Street trees shall be provided according to the plans filed with the building permit application.

13. The Owner or any person applying for any permit to alter a Live/Work unit shall submit a disclosure form to the Department of Health describing the location, amount and type of hazardous materials, if any, that are located within the building or lot.

14. The Owner shall install a plaque, diagram or other appropriate signage in a prominent, well-lit place at the building entrance which would be clearly visible to City emergency personnel from the street. This plaque would notify emergency personnel of the existence of Live/Work units within the building. A similar sign indicating the location of Live/Work units within the building should be accessible to emergency personnel inside the building.

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 Planning Code, this document would no longer be in effect and would be null and void; and except that unless and until the restrictions of paragraph 10 become enforceable by the City and County, a violation of said restrictions shall not constitute a violation of the City Planning Code.

Dated: Sept. 25, 1998, at San Francisco, California

APPAREL UNLIMITED, INC., a
California corporation

By 
Eddic K. Yim, President

This signature must be acknowledged by a notary public before recordation; add Notary Public Certification and official Notarial Seal below.

[ATTACH ACKNOWLEDGEMENT]

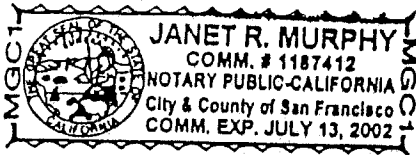
State of California

County of San Francisco

On Sept. 25, 1998 before me, JANET R. MURPHY
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared EDDIE K. YIM
NAME(S) OF SIGNER(S)

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/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.



WITNESS my hand and official seal.

Janet R. Murphy
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL
 CORPORATE OFFICER
President
TITLE(S)

PARTNER(S) LIMITED
 ATTORNEY-IN-FACT GENERAL
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Notice of Special Restrictions Under the 57 Planning Code
TITLE OR TYPE OF DOCUMENT

5 pages, plus exhibits
NUMBER OF PAGES

September 25, 1998
DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

Apparel Unlimited, Inc., a Calif. corp.

SIGNER(S) OTHER THAN NAMED ABOVE

re 1588 Indiana Street.

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Block 4318, Lot 20

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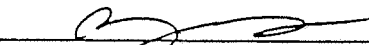
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The use of said property contrary to these special restrictions shall constitute a violation of the City Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records 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 Planning Code, this document would no longer be in effect and would be null and void; and except that unless and until the restrictions of paragraph 10 become enforceable by the City and County, a violation of said restrictions shall not constitute a violation of the City Planning Code.

Dated: Sept. 25, 1998, at San Francisco, California

APPAREL UNLIMITED, INC., a
California corporation

By 
Eddie K. Yim, President

This signature must be acknowledged by a notary public before recordation; add Notary Public Certification and official Notarial Seal below.

[ATTACH ACKNOWLEDGEMENT]

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

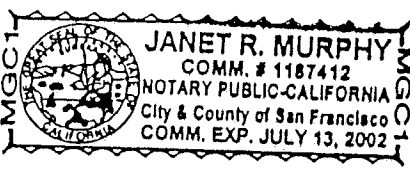
State of California

County of San Francisco

On Sept. 25, 1998 before me, JANET R. MURPHY
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared EDDIE K. YIM
NAME(S) OF SIGNER(S)

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/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.



WITNESS my hand and official seal.

Janet R. Murphy
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

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President
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- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

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TITLE OR TYPE OF DOCUMENT
5 pages, plus exhibits
NUMBER OF PAGES

September 25, 1998
DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

Apparel Unlimited, Inc., a Calif. corp.

SIGNER(S) OTHER THAN NAMED ABOVE

re 1588 Indiana Street

EXHIBIT B

SAN FRANCISCO PLANNING CODE SECTION 102.2

Policies established above. For any such permit issued or legislation adopted after January 1, 1988 the City shall also find that the project is consistent with the City's Master Plan. (Added by Proposition M, 11/4/86)

SEC. 102. DEFINITIONS. For the purposes of this Code, certain words and terms used herein are defined as set forth in this and the following sections. Additional definitions applicable only to Article 7, Neighborhood Commercial Districts, are set forth in Section 790. Additional definitions applicable only to Article 8, Mixed Use Districts, are set forth in Section 890. Additional definitions applicable only to the Bernal Heights Special Use District are set forth in Section 242. All words used in the present tense shall include the future. All words in the plural number shall include the singular number and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. Whenever any of the following terms is used it shall mean the corresponding officer, department, board or commission of the City and County of San Francisco, State of California, herein referred to as the City: Assessor, Board of Supervisors, Department of City Planning, Department of Public Works, Director of Planning, City Planning Commission, Zoning Administrator. In each case, the term shall be deemed to include an employee of any such officer or department of the City who is lawfully authorized to perform any duty or exercise any power as a representative or agent of that officer or department. (Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord. 32-91, App. 1/25/91)

SEC. 102.1. ALLEY. A right-of-way, less than 30 feet in width, permanently dedicated to common and general use by the public. (Amended by Ord. 443-78, App. 10/6/78)

SEC. 102.2. ARTS ACTIVITIES AND SPACES. Arts activities shall include performance, exhibition (except exhibition of films), rehearsal, production, post-production and schools of any of the following: Dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glass works, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance and sound arts and crafts. It shall include commercial arts and art-related business service uses including, but not limited to recording and editing services, small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale and rental of theatrical wardrobes; and studio property production and rental companies. Arts spaces shall include studios, workshops, galleries, museums, archives and theaters, and other similar spaces customarily used principally for arts activities, exclusive of theaters subject to Section 221(d), dance halls subject to Section 221(f), adult entertainment subject to Section 221(k) of this Code, and any other establishment where liquor is customarily served during performances. (Added by Ord. 412-88, App. 9/10/88)

SEC. 102.3. BUILDING. Any structure having a roof supported by columns or walls. (Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88)