

**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
FRIENDS OF THE MISSION GREENWAY, )  
Appellant(s) )  
vs. )  
DEPARTMENT OF BUILDING INSPECTION, )  
PLANNING DEPARTMENT APPROVAL Respondent )

Appeal No. **23-008**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on March 14, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on March 2, 2023 to 17th and Peralta LLC, of an Alteration Permit (replace damaged gate in kind, north of lot; approximately 16 feet wide and 8 feet tall) at 957 Treat Avenue.

**APPLICATION NO. 2023/03/02/2910**

**FOR HEARING ON April 26, 2023**

Address of Appellant(s):

Address of Other Parties:

Friends of the Mission Greenway, Appellant(s) c/o Elizabeth Creely, Agent for Appellant(s) 2700 22nd Street San Francisco, CA 94110	17th and Peralta LLC, Permit Holder(s) c/o Alex Menendez, Agent for Permit Holder(s) 933 Treat Avenue San Francisco, Ca 94110
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Date Filed: March 14, 2023

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT FOR APPEAL NO. 23-008**

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I / We, **Friends of the Mission Greenway**, hereby appeal the following departmental action: **ISSUANCE** of **Alteration Permit No. 2023/03/02/2910** by the **Department of Building Inspection** which was issued or became effective on: **March 2, 2023**, to: **17th and Peralta LLC**, for the property located at: **957 Treat Avenue**.

**BRIEFING SCHEDULE:**

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **April 6, 2023, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org), [tina.tam@sfgov.org](mailto:tina.tam@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org) and [amen@monkeybrains.net](mailto:amen@monkeybrains.net)

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **April 20, 2023, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org), [matthew.greene@sfgov.org](mailto:matthew.greene@sfgov.org), [tina.tam@sfgov.org](mailto:tina.tam@sfgov.org), [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org) and [themissiongreenway@gmail.com](mailto:themissiongreenway@gmail.com).

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, April 26, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org). Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

**Please note** that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at [www.sfgov.org/boa](http://www.sfgov.org/boa). You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

**The reasons for this appeal are as follows:**

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See attachment to the Preliminary Statement of Appeal

**Appellant or Agent:**

Signature: Via Email

Print Name: Elizabeth Creely, agent for appellant

To the Board of Appeals: We, Friends of the Mission Greenway, a 501c3 non-profit, are requesting that DBI permit no. 202303022910 be rescinded for the following reasons:

The applicant of this permit, Alejandro (Alex) Menendez states on the application to be both "owner" and "agent" of 957 Treat Ave, through his LLC 17th & Peralta. Fact is: he is neither. He falsely titled himself as such in order to build a private gate along a property he does not own.

To make matters worse, two further false statements were made: the replacement will be "in-kind". Facts are: the existing gate is made of chain link. The hired contractor, Gomez Iron Works, does not use chain link, merely iron. Thus, the new gate will not be replaced "in-kind". Furthermore: The statement that the gate needs to be replaced because it is "damaged", is false.

Of course, these two latter arguments are additional, as lying about ownership should cancel this permit all-together, but these two further fabrications make the application even more grievous. We request that any future permit applications for this parcel made by Menendez, any of his LLCs, or by any other parties, will not be granted until legal ownership of this parcel is established. We request that this parcel, 3639-036 and its three sub-parcels get red-flagged by the DBI in order to prevent similar fraudulent permit applications.

Last month, Menendez' LLC also paid five years of back-taxes over the majority of this parcel, which are tax-assessed sub-parcels 36a and 36c. All facts in this statement show a clear attempt at adverse possession of this property, which has no recorded owner(s) on city records. Additional acts, such as removing shared access of this parcel and leveling a section of this parcel with heavy machinery, further proves a corporate power-grab attempt in order to take over this abandoned land for private use. We, being the local community, your office, and our city's agencies need to prevent this.



APPROVED D
Dept. of Building Insp.
- San Francisco -

MAR 02 2023

Signature of Patrick O'Riordan
PATRICK O'RIORDAN
INTERIM DIRECTOR
DEPT. OF BUILDING INSPECTION

APPROVED FOR ISSUANCE

BLDG. FORM 318

APPLICATION NUMBER
20230302-2910

OSHA APPROVAL REQ'D

6/17 2023 3838

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION
APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

FORM 3 [ ] OTHER AGENCIES REVIEW REQUIRED FEE
FORM 8 [x] OVER-THE-COUNTER ISSUANCE FEE
0 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

Table with fields: DATE FILED (3/2/2023), FILING FEE RECEIPT NO., (1) STREET ADDRESS OF JOB (957 Treat Ave SF, CA 94110 3639-0360), BLOCK & LOT, RECEIPT NO. (29038521), ISSUED (3/2/23), (2A) ESTIMATED COST OF JOB (\$14,000.00), (2B) REVISED COST, BY, DATE (3/2/23)

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

Table with fields: (4A) TYPE OF CONSTR. (Lot), (5A) NO. OF STORIES OF OCCUPANCY, (6A) NO. OF BASEMENTS AND CELLARS, (7A) PRESENT USE (Lot), (8A) OCCUP. CLASS (79), (9A) NO. OF DWELLING UNITS

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

Table with fields: (4) TYPE OF CONSTR., (5) NO. OF STORIES OF OCCUPANCY, (6) NO. OF BASEMENTS AND CELLARS, (7) PROPOSED USE (LEGAL USE) (Lot), (8) OCCUP. CLASS (79), (9) NO. OF DWELLING UNITS

Table with fields: (10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?, (11) WILL STREET SPACE BE USED DURING CONSTRUCTION?, (12) ELECTRICAL WORK TO BE PERFORMED?, (13) PLUMBING WORK TO BE PERFORMED?

Table with fields: (14) CONTRACTOR (Gomez Iron Works), ADDRESS (1195 Hillside Blvd, Daly City, CA 94014), PHONE (650-992-7610), CALIF. LIC. NO. (253834), EXPIRATION DATE (7/31/2023)

Table with fields: (15) OWNER (17th & Peralta LLC), ADDRESS (933 Treat Ave, SF, CA 94110), PHONE (415-200-8703)

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
Replace Damaged Gate In-Kind North of Lot APPROX 10' L x 8' FT HIGH.

ADDITIONAL INFORMATION

Table with fields: (17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?, (18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT, (19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING?, (20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA

Table with fields: (21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?, (22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?, (23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN), (24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?

Table with fields: (25) ARCHITECT OR ENGINEER (DESIGN [ ] CONSTRUCTION [ ]), ADDRESS, CALIF. CERTIFICATE NO.

Table with fields: (26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN"), ADDRESS

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.
No portion of building or structure or scaffolding used during construction is to be closer than 6" to any wire containing more than 750 volts. See Sec 385, California Penal Code.
Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.
Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.
ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.
BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.
APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).
THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.
In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
[ ] OWNER [ ] ARCHITECT
[ ] LESSEE [x] AGENT
[ ] CONTRACTOR [ ] ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.

- I hereby affirm under penalty of perjury one of the following declarations:
( ) I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
( ) II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier
Policy Number
( ) III. The cost of the work to be done is \$100 or less.
( ) IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
( ) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent
Date

OFFICIAL COPY



CONDITIONS AND STIPULATIONS

REFER TO: APPROVED:

MA

DATE: 3/2/23

INSPECTOR: OK TO process

M. HERNANDEZ

BUILDING INSPECTION DIVISION

HOUSING INSPECTION DIVISION, DEPT. OF BLDG. INSPECTION

APPROVED:

Reple existing grade at north of lot.

APPROVED BY DAKOTA SPYCHER

MAR 02 2023

DATE:

INSPECTOR:

DEPARTMENT OF CITY PLANNING

ELECTRICAL INSPECTION DIVISION

APPROVED:

Jimmy Cheung, DBI

MAR 02 2023

DATE:

INSPECTOR:

PLAN REVIEW SERVICES, DEPT. OF BLDG. INSPECTION

PLUMBING INSPECTION DIVISION

APPROVED:

MA

DATE:

INSPECTOR:

CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

CODE ENFORCEMENT SERVICES

APPROVED:

DATE:

INSPECTOR:

MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED:

DATE:

INSPECTOR:

SAN FRANCISCO FIRE DEPARTMENT

APPROVED:

DATE:

INSPECTOR:

SF DEPARTMENT OF PUBLIC WORKS / MAYOR'S OFFICE OF DISABILITY (CROSS ONE OUT)

APPROVED:

DATE:

INSPECTOR:

SF PUBLIC UTILITIES COMMISSION

APPROVED:

DATE:

INSPECTOR:

DEPT. OF PUBLIC HEALTH / OCII (CROSS ONE OUT)

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

OWNER'S AUTHORIZED AGENT

**Permit Details Report**

**Report Date:** 3/14/2023 4:45:26 PM

Application Number: 202303022910  
 Form Number: 8  
 Address(es): 3639 / 036 / 0 957 TREAT AV  
 Description: REPLACE DAMAGED GATE IN KIND, NORTH OF LOT. APPROX. 16FT WIDE AND 8FT TALL.  
 Cost: \$14,000.00  
 Occupancy Code:  
 Building Use: 79 - VACANT LOT

**Disposition / Stage:**

Action Date	Stage	Comments
3/2/2023	TRIAGE	
3/2/2023	FILING	
3/2/2023	FILED	
3/2/2023	APPROVED	
3/2/2023	ISSUED	

**Contact Details:**

**Contractor Details:**

License Number: 253834  
 Name: SATURNINO R. GOMEZ  
 Company Name: GOMEZ IRON WORKS  
 Address: 1195 HILLSIDE BL \* DALY CITY CA 94014  
 Phone:

**Addenda Details:**

**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSP	3/2/23	3/2/23			3/2/23	HERNANDEZ MAURICIO	ok to process
2	INTAKE	3/2/23	3/2/23			3/2/23	YU ZHANG REN	
3	CP-ZOC	3/2/23	3/2/23			3/2/23	SPYCHER DAKOTA	Approved. Replace existing security gate at north of lot (approx. 8 feet). Dual swing gates inward. - D.Spycher
4	BLDG	3/2/23	3/2/23			3/2/23	CHEUNG JIMMY	APPROVED.
5	CPB	3/2/23	3/2/23			3/2/23	YU ZHANG REN	

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking](#) home page.

**Technical Support for Online Services**

If you need help or have a question about this service, please visit our FAQ area.

# BRIEF SUBMITTED BY THE APPELLANT(S)

April 6, 2023

To the Board of Appeals:

A building permit was issued to an applicant who doesn't own the property and provided misleading information on the application. We ask the Board to revoke permit 202303022910.

**1. The applicant isn't the owner.**

17th & Peralta LLC isn't named in a deed on file at the Assessor-Recorder's office for the lot on the application, APN 3639-036. (Exhibit A, Deeds.)

Elsewhere, the applicant didn't claim to be the owner. The applicant, or a business associated with the applicant, paid delinquent property tax for the lot on February 1, 2023. Soon after, the applicant told a Mission Local journalist, "If taxes are paid, there's no longer an issue of, 'This is not being attended to right now.' There's an organization that obviously is invested enough that it is willing to pay taxes." (See Exhibit B-6, "Monkeybrains buys Heinzer warehouse, butts heads with gardeners," Mission Local, February 21, 2023).

**2. The applicant planned work beyond the scope of the permit.**

Even if the applicant were somehow eligible to apply, we believe that the applicant was planning to install a different gate than described on the application. The application stated that an "in-kind" replacement was being applied for. It is important to note that the current gate and



fence are basic chain-link. However, the contractor listed on the application, Gomez Iron Works, doesn't install chain-link gates. (Exhibit C, Contractor.)

The application also states that the gate is "damaged." Though bent in one place, the gate is still safe and working. If the applicant wants to repair this small bend in the gate, we have no objection.

Notably, the applicant didn't attempt to add their own padlock to the daisy-chained padlocks that existed on the gate and which allowed access to the parcel, when the applicant first arrived two months ago as new, adjacent property owner. Instead, the applicant removed the shared lock system, locked the gate with their own chain lock, and continues to do so. We suspect that a new gate would be, in effect, a larger version of the applicant's chain lock, something that only the applicant can open.

**3. Beyond the gate is the possibility of a green community space.**

For more than a decade, this lot has been seen as a worthy successor to other parks and publicly accessible spaces created along the line of the former Southern Pacific Railroad. Parque Niños Unidos and Juri Commons, and a new project, the Bernal Cut, were created through community initiatives and are all sited along the former right-of-way. We see, and neighbors agree, that this lot should join those spaces, which would create a semi-contiguous greenway starting at 22nd Street.

The gate opens onto a 60-foot-wide lot, almost half an acre in area, that curves through the block where trains once ran. Some railroad tracks are still present. Immediately inside the gate is dirt and gravel, but a large concrete slab covers part of the lot, and asphalt covers other parts. Besides planting native shrubs, about two dozen garden beds, containing vegetables, herbs, and flowers, were placed by Friends of the Mission Greenway, a non-profit (tax # 92-1157795).

The properties lining the parcel have changed dramatically over the past decade. Where there used to be a plywood company and adjacent warehouse, are now 40 apartment units, along Harrison Street between 22nd Street and 23rd. Where there used to be a roofing company is a new preschool. Another 6 units were built along this parcel just two years ago. An 89 unit apartment building is proposed on the corner of Treat Ave and 23rd Street.

#### **4. The community needs it.**

The Mission District is a historically underserved community with relatively little green space to begin with. The Mission Area Plan speaks extensively on this lack of space:

“The Mission has a deficiency of open spaces serving the neighborhood. Some portions of the Mission historically have been predominantly industrial, which has meant that many areas are not within walking distance to an existing park and many areas lack adequate places to recreate and relax. Moreover, the Mission has a concentration of family households with children -- almost 50% -- which is significantly higher than most neighborhoods in the city. With the addition of new residents, this deficiency will only be

exacerbated. Thus, one of the primary objectives of this Plan is to provide more open space to serve both existing and new residents, workers and visitors. Analysis reveals that a total of about 4.3 acres of new space should be provided in this area to accommodate expected growth.” (<https://generalplan.sfplanning.org/Mission.htm> and Exhibit D, Mission Area Plan, Objective 5, Streets & Open Space.)

In 2017, the Board of Supervisors passed a resolution “reaffirming...support for urban agriculture and urging the evaluation and allocation of appropriate properties for urban agriculture.” (Exhibit E, Board of Supervisors Resolution.) In addition, we believe our Mission Greenway aligns with the San Francisco General Plan and the Department of the Environment’s Strategic Plan.

The community has shown excitement and relief at the prospect of productive use for this blighted lot. We host skillshare events and music. Recently we were part of the local, long-standing free event series organized by MAPP. (Exhibit F, Event Photos.) Because the parcel is within two blocks of two elementary schools, George Moscone Elementary and Cesar Chavez Elementary School, as well as the Las Americas Early Education school, the site lends itself well to outdoor programs that focus on gaining basic gardening and urban agricultural skills. Toward that end, the Friends of the Mission Greenway have hosted programs for children and teens from other schools, such as the Urban School and Paul Revere Elementary School. Working collaboratively with teachers, we’ve initiated a weekly community service hour for high school volunteers. (Exhibit G, Service Learning Contract.)

Historically, this parcel has been used by the public as a pedestrian path. Long-time neighbors visiting the garden tell us they regularly walked through the lot before the gate went up and continued even after the gates were installed, due to the fact that the chain link gate was often open. The chain link gate itself was erected when Southern Pacific incorrectly assumed they had clear title. Southern Pacific attempted to sell the land in 1991; however, after a protracted court case, the presiding judge ruled against Southern Pacific in 1996, stating they had only had easement rights. (Exhibit H, Statement of Decision, Superior Court.) The gate is a remnant from that era.

#### **4. The effort continues.**

In the 1980s, Tree Rubenstein, a longtime Mission resident and community organizer, placed garden boxes on the 22nd-to-Treat right-of-way. He made a \$1 lease agreement with Southern Pacific Railroad. Sadly, the prior owners of the applicant's building, who were customers of the railroad, pressured the railroad to cancel the lease after a week. By 1991 the railroad stopped using the track.

For more than a decade, Tree worked with Dave Bracker from the neighborhood group Calle 22 to acquire the land and transform the empty lot across the street cornering 23rd St. and Treat Ave, which became Parque Niños Unidos in 2003, another former railroad right-of-way. To this day, Tree continues to volunteer at the Treat Commons garden in Parque Niños Unidos, the All-in-Common Garden on 23rd and Shotwell and the weekly Free Farm Stand.

In 2013, Tree sought a lease from Union Pacific, which was the successor to Southern Pacific. At first they replied, “The property is available for lease.” Later they replied, “There is a question as to title . . . . at this time I cannot lease the property to any party per instructions from our Legal Department.” (Exhibit I, Union Pacific emails.)

In 2017, Tree pitched the story to a local historian and journalist, Elizabeth Creely, who now is a member of the Friends of the Mission Greenway and who filed this appeal. (Exhibit B-1, “Parcel 36: the lot San Francisco’s county, city, and tax collector forgot,” Mission Local, December 27, 2017.) That historical investigation led to the Mission Greenway group forming in early 2018. (Exhibit B-2, “SF neighbors organize to create a greenway in the Mission,” Mission Local, February 7, 2017.) The historical investigation also led to the Assessor-Recorder’s office sending property tax bills for the first time. (Exhibit B-3, “San Francisco sticks nonexistent company with tax bill for contested plot of Mission land,” Mission Local, February 12, 2019.)

In 2018, Friends of the Mission Greenway held our first event on the land to encourage people to think about its future. We cleaned up part of the land and added plants. (Exhibit B-4, “SF Mission group elicits design ideas for a greenway on old rail line,” Mission Local, April 9, 2018.) In 2022, after discussion of the suggestion made by Tree, the Friends of the Mission Greenway placed garden boxes on the land. (Exhibit B-5, “Guerrilla gardening action on unclaimed Mission parcel draws joy, anger,” Mission Local, October 25, 2022.)

**5. The existing gate works as a compromise.**

We are sensitive to the feelings of the adjacent residents and have committed to work with them to ensure that the gate is locked at night. Our communications with adjacent and nearby residents have been productive and have built trust. We want to reach agreement with the applicant about daisy-chained locks and hours that the gate is open. We want to cooperate with the applicant as a neighbor. Ideally, we'd like to work with all the nearby property owners, which include several residences along Treat Avenue, who are, in the main, supportive of creating a green space. Based on our conversations with neighbors, there is broad agreement that the parcel should become a community resource, not a private lot.

The reason for canceling the permit is simple. The applicant does not own the gate or the parcel that the gate exists on. Our reason for appealing the permit is generous. We want to restore public access to this parcel and transform this blighted lot into a greenway for Mission and city residents.

**6. The community supports the Mission Greenway.**

We have gained the support of more than a dozen local businesses, organizations and other green initiatives:

Arizmendi Bakery Panaderia & Pizzeria, Artillery Ceramics Studio, The Association of Ramaytush Ohlone, The Bernal Cut Project, Florence Fang Community Farm, IntegrArte SF, Kid Safe SF, Medicine for Nightmares Bookstore & Gallery, Mission Arts & Performance

Project (MAPP), The New Farm, Philz Coffee, Precita Eyes Muralists, Radio Habana Social Club, San Francisco Mime Troupe, and WalkSF. (<https://missiongreenway.org/faq/>)

Through a combination of petitioning and canvassing the neighborhood, we've gained more than 1,600 petition signatures in the last three months. Our petition states:

“Parcel 36 is a 23,522-square-foot former railroad lot in the Mission District, connecting Treat Avenue and 22nd Street. This land has no owners according to city records. Nonetheless, it is fenced and locked by a small number of adjacent residents and businesses, for their exclusive use. As the Mission continues to grow, it is more vital than ever that the few remaining open spaces such as this be converted to uses that welcome the entire community and represent the culture and history of the past and present people here. We, the undersigned, support developing this vacant, historic railroad right-of-way land into a public, car-free pedestrian pathway surrounded by greenery such as trees, pollinator habitats and edible landscaping.” (<https://www.change.org/SFgreenway>)

We will close this appeal by sharing a few of the 40+ petition comments:

“Mission needs more trees, green spaces and parks for the public to enjoy. I support this 100% and hope to soon be able to enjoy it along with everyone else.”

“It will be transformed from a derelict wasteland to a beautiful greenway.”

“This piece of land has been vacant and underused for aaaages, and isn’t really a lot you can build housing on. And there’s even a group of residents who have volunteered to turn it into a productive and beautiful public garden! Food and greenery for the community.”

“I live across the street from Parcel 36 and have desperately wanted something beautiful to be done with it for the last 15 years.”

Submitted by Elizabeth Creely from Friends of the Mission Greenway



## **Exhibit A**



# City and County of San Francisco Assessor-Recorder Public Index

Clear All

0

Document Type

Officials ▾

Grantor/Grantee Name

Grantor/Grantee Name

Grantor or Grantee ▾

Titles

--All Types-- ▾

Document Date

To

Document Number

To

Old Doc Number

To

Block

Lot

Search

Basic Search

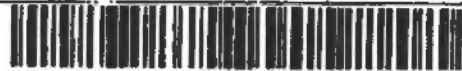
Custom Sort by

## Search Result: 2 Documents

[Criteria: OfficialRecords, 01/02/1990, 03/31]

10 / Page ▾

Document Number ↑↓ ()	Document Date ↑↓ ()	SearchFilingCode ↑↓ ()	Names
2003449802	5/30/2003	DEED	(R) HEINZER JAMES WATSON (E) JAMES W & BARBARA G HEINZER AB LVG TR
1991016418	10/24/1991	DEED	(R) CENTER GEORGE ALLAN (E) HEINZER ERNEST R



Recording requested by

JAMES WATSON HEINZER

and when recorded, please return this deed and tax statements to:

JAMES WATSON HEINZER & BARBARA GULDIN HEINZER  
767 DOLPHIN DRIVE  
DANVILLE, CA. 94526

San Francisco Assessor-Recorder  
Nabel S. Teng, Assessor-Recorder  
DOC- 2003-H449802-00

Check Number 1876

Friday, MAY 30, 2003 08:31:02

Tel Pd \$9.00

Nbr-0002172630

REEL I398 IMAGE 0584

oad/ER/1-1

for recorder's use only

### California Grant Deed

EP

- This transfer is exempt from the documentary transfer tax
- The documentary transfer tax is \$ 0 and is computed on:
  - the full value of the interest in the property conveyed
  - the full value less the value of liens of encumbrances remaining at the time of sale

The property is located in an  unincorporated area.  the city of SAN FRANCISCO

For a valuable consideration, receipt of which is hereby acknowledged,

JAMES WATSON HEINZER

hereby grant(s) to

THE JAMES WATSON HEINZER AND BARBARA GULDIN  
HEINZER AB LIVING TRUST

the following real property in the City of SAN FRANCISCO, County of SAN FRANCISCO, state of California:

A REVERSIONARY RIGHT OF FEE SIMPLE OWNERSHIP AND EASEMENT OF PART OF MISSION BLOCK #139; ALSO REFERRED TO AS PART OF LOT #36, BLOCK 3639, VOLUME #24 IN THE OFFICIAL RECORDS OF THE ASSESSOR.

Date: 5/29/2003

*James Watson Heinzer*

Date: \_\_\_\_\_

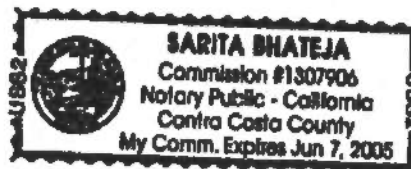
State of CALIFORNIA

County of CONTRA COSTA ss:

On May 29<sup>th</sup>, 2003, before me, SARITA BHATEJA, a notary public in and for said state personally appeared JAMES WATSON HEINZER, personally-known-to-me (or proved to me based upon satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged that (s)/he/they executed the same in his/hers/their signature on the instrument the person(s) or entity on behalf of which they acted, executed the instrument.

*Sarita Bhatija*  
Signature of Notary

NOTARY SEAL



RECORDING REQUESTED BY  
Ernest R. Heinzer &  
James W. Heinzer

SAN FRANCISCO, CA RECORDER'S OFFICE  
Bruce Jamison, Recorder  
DOC- F016418

AND WHEN RECORDED MAIL TO

Name Ernest R. Heinzer &  
Street James W. Heinzer  
Address P.O. Box 410007  
City San Francisco, CA, 94141-0007  
State  
Zip

Thursday, October 24, 1991 02:06:06 PM  
Rec 3.00 --- Ps 1.00  
StF --- Mic 1.00  
Amt 5.00 ---  
TOTAL -> \$5.00  
REEL F488 IMAGE 0583

MAIL TAX STATEMENTS TO

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Name Same as above  
Street  
Address  
City  
State  
Zip

DOCUMENTARY TRANSFER TAX: NONE (see Tax Affidavit)  
--- COMPUTED ON FULL VALUE OF PROPERTY CONVEYED,  
--- OR COMPUTED ON FULL VALUE LESS LIENS AND  
--- ENCUMBRANCES REMAINING AT TIME OF SALE.

Signature of Declarant or Agent determining tax. Firm Name  
*James W. Heinzer*

# QUITCLAIM DEED

(Escrow No .....

By this instrument dated October 23, 1991, for a valuable consideration,

**GEORGE ALLAN CENTER**

do hereby remise, release and forever quitclaim to **ERNEST R. HEINZER & JAMES W. HEINZER,**  
as tenancy in common,

the following described Real Property in the State of California, County of San Francisco & City of San Francisco

Commencing at the point formed by the Westerly line of Harrison Street and the Southerly line of 22nd Street; running thence Southerly along the Westerly line of Harrison Street a distance of 7.25 feet; thence at an obtuse angle running Southwesterly a distance of 278 feet; thence at an obtuse angle running Westerly a distance of 98.5 feet (more or less); thence at an obtuse angle running Northeasterly a distance of 125 feet (more or less); thence at an obtuse angle running Easterly a distance of 9.26 feet; thence at an obtuse angle running Northeasterly a distance of 71.983 feet; thence at an acute angle running Westerly a distance of 8.973 feet; thence at an acute angle running Northeasterly a distance of 142.4 feet to the Southerly line of 22nd Street; thence at an obtuse angle running Easterly along the Southerly line of 22nd Street a distance of 62.5 feet to the point of beginning.

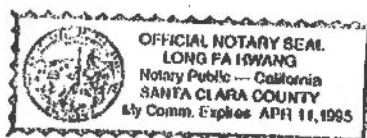
Being part of Mission Block #139; also referred to as part of Lot #36, Block 3639, Volume #24, in the Official Records of the Assessor of the City and County of San Francisco, State of California.

*George Allan Center*  
GEORGE ALLAN CENTER

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) SS.

On this 23rd day of October, 1991, before me, the undersigned Notary Public in and for said County and State, personally appeared GEORGE ALLAN CENTER

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument and acknowledged that he executed it.



*Long Fa Hwang*  
Notary Public in and for said County and State  
LONG FA HWANG

## **Exhibit B-1**

**TRENDINGSF**

Union time at California Academy of Science?

Valencia center bike line: few like it, but it will likely pass

Where to get fentanyl test strips and Narcan in the Mission

Distillations: Bar Part Time

Stuff to do: Poetry month, greenway gathering, park pop-up

Local news needs you!

FEATURED, FRONT PAGE, HOUSING, MOBILE, NEWSLETTER, TODAY'S MISSION

# Parcel 36: the lot San Francisco's county, city and tax collector forgot

by **ELIZABETH CREELY**  
DECEMBER 27, 2017



Parcel 36. Photo by Elizabeth Creely

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Listen To The Article



ADAURIS

Parcel 36 is a vacant lot occupied by a colony of feral cats, redolent with the scent of wild fennel and other, less pleasing odors. Two distinctive buildings stand on either side of the 22nd Street entrance: The wedge-shaped Western Plywood building and the Atlas Stair Company, a quaintly turreted building that wouldn't look out of place in Disneyland.

Just inside the chain-link fence that separates the property from the 22nd street sidewalk, an odd metal implement is embedded in the ground. Rusted and corroding, it merges vertically with the stalks of wild fennel which surround it. It's an old railroad switcher. Next to it, sections of iron rail track are still visible.

Although the 2,245-square-foot lot has been city property since 2007, there is no title or deed on file at the Office of the Assessor-Recorder of the City and County of San Francisco. For more than a decade, it has eluded both mention in the city rolls and an assessment of its taxable value. Consequently, it has never been taxed.

The lot twists in a southwesterly direction and emerges on Treat Street, next to a fenced-off cottage. Both Western Plywood and the tattered cottage are already part of the Mission's past. Both buildings are slated for demolition and, by next year, two four-story residential buildings will rise on the footprint of Western Plywood and 953 Treat Ave, encasing Parcel 36 between them and partially erasing it from sight.

Vacant lots are often seen as desolate, vaguely menacing places. Tree Rubenstein, a Mission resident for 30 years and an award-winning urban gardener, sees Parcel 36 differently. Where stalks of wild fennel now grow, Rubenstein envisions orchards of fruit trees and raised garden beds.

"My idea has been to have a small farm. A greenway," Rubenstein said one muggy morning in August. "We need more open space as the city gets more dense. It's short-sighted not to keep some space open."

He knows of what he speaks. A decade ago, Rubenstein successfully lobbied the city to create Parque Ninos Unidos, on the site of an old building materials site on the corner of 23rd and Folsom streets. The park's northeast corner hosts an urban garden and the Sunday Free Food Farmstand. Rubenstein sees no reason that the weedy, litter-strewn lot across the way shouldn't have the same fate.



Tree Rubenstein. Photo by Elizabeth Creely.

[clear]

## Some railroad history and a new investigation

Parcel 36 started life in 1860 as the right-of-way for the short-lived San Francisco and San Jose Railroad Company. According to train historian Dennis Evanosky, the railroad was built to carry



passengers and freight — crops, mostly — from San Jose and ten other peninsular cities to the port of San Francisco. It made stops at stations in Bernal Hill and the Mission.

Carol Deasy, who lives on Harrison Street, remembers the sights and sounds of the trains as they ran through the Mission. “In 1975, my husband and I purchased property across the street from the shrouded railroad tracks, between 22nd and 23rd on Harrison. At night, we loved hearing the cargo train tooting, with wheels squealing against tracks. It was quite a romantic reminder of earlier days.”



Railway switch. Photo by Elizabeth Creely

[clear]

Two San Francisco parks, Parque Ninos Unidos and Juri Commons, between San Jose and Guerrero, owe their existence to the railroads. The city has taken note of this history and has, to

some extent, concurred with Rubenstein's vision: In a 2010 draft document, the San Francisco Planning Department refers to Treat Avenue as "railroad row" and contemplates turning the wedge-shaped junction of Treat Avenue where it intersects with Harrison Street into a plaza that acknowledges and "celebrates" the old railroad corridor.

In housing-starved San Francisco, land usage and productivity get measured in ways that have nothing to do with the yield of a fruit tree. It wouldn't be surprising if the owners of Parcel 36 are entertaining development offers. Rubenstein and other neighbors would like to know. But there's one problem. No one — not the Planning Department and, until recently, not the San Francisco Assessors and Recorder's office — knows who owns Parcel 36.

Because railroads are designated as utilities, the parcel was overseen by the California State Board of Equalization until 2006 and was last appraised by them, that year, for \$1,242,890. According to Jack McCool, Supervising Property Appraiser at the Equalization Board, property assessments are done on "behalf" of California's 52 counties. It's up to San Francisco County Controller's office and the County Tax Collector to prepare and deliver the actual bill. This never happened. According to Roberto Mercado, Senior Administrative Analyst at the San Francisco Office of the Controller, no tax bill was ever sent to anyone by the County Controller's office. No taxes were ever paid.

Carmen Chu's office has confirmed that it is opening a potentially year-long investigation, with the help of the city's attorney, to untangle the history of the property.

"We understand how important property taxes are for our city," said Chu in a statement to Mission Local. "Our office oversees over 210,000 parcels in San Francisco and look to the community as partners to provide us information we may not have. We're in the process of looking into this issue. If it is determined the parcel is taxable, we plan to add back value as far back as the law allows us to."

Untangling that history will not be easy. The vexing question of who owns it needs to be determined first.

### **An ownership trail strewn with produce and vegetables**

There's no mystery about the first owner of the parcel. That was a man named John Center, an immigrant from Scotland, called the Father of the Mission in his 1908 obituary. Center arrived in San Francisco in October 1849, two months before the end of the first fabled year of California's Gold Rush.

Center concluded that his time was better spent supplying the city with produce and began purchasing real estate in the Mission District. In an early version of Rubenstein's vision, Center planted gardens and orchards across the "fertile plain" of the Mission District, using Mission Creek for irrigation and cultivating apple and peach trees, strawberries and onions — all highly desirable produce in a city where San Franciscans often lived on beer, biscuits and salt pork.

The profits of his gardens and orchards allowed Center to go on a spending spree in the Mission District. "*There is scarcely an abstract of title to a Mission Lot upon which his name does not appear,*" remarked Horatio Stoll, a San Francisco Call reporter, who claimed that Center once cleared \$30,000 in one year from one acre of onions.

One of the lots that Center purchased was located within the former precincts of the Union racecourse, which encompassed Mission, Harrison, 19th and 24th streets. In the early 1860s, Center subdivided this land and sold the lots at a profit. However, he held onto some of the land. He was looking for something other than his orchards for wealth, foreseeing correctly that transportation was the key to a profitable future.

Center had already constructed two plank roads that wound through the mud flats of the San Francisco Bay and into the Mission District, and had invested in the North Beach and Mission railroad company. In 1860, he and 11 other men invested in another: the San Francisco and San Jose Railroad.

Three years later, Center donated the land between 22nd, 23rd and Harrison Street and Treat Avenue to the railroad. It turned out to be his least profitable investment. The railway made no money. In October 1870, the Southern Pacific Transportation Company, whose monopolistic tendencies earned them the moniker "the Octopus," snapped up the San Francisco San Jose Railway company.

### **The trail of ownership stopped after Center**

Center was the last clear owner and possessor of a deed. Today, only wildly contradictory information about the real owner exists. According to Gina Simi, communications manager for the San Francisco Planning Department, the Southern Pacific Transportation Company (SPTC) owns it. This isn't possible: that company was acquired in 1996 by Union Pacific Railroad Corporation, a publicly traded company.

However, Union Pacific doesn't own parcel 36 any longer. In 2007, one year after its final assessment, the Board of Equalization was notified by Union Pacific that they had sold it to an

owner identified in a Statement of Land Changes form as “Heinzer” for an undisclosed sum of money. Union Pacific refused to confirm this transaction, saying only, in a statement to Mission Local, that they “do not claim an ownership interest in the property.”

### **The freight trains come to a halt and ownership of Parcel 36 gets complicated**

In 1991, a man named George Allen Center filed a quitclaim on Parcel 36, granting it to Earnest and James W. Heinzer, presumably the same “Heinzer” noted on the Statement of Land Use Change form on file with the state. Quitclaim deeds are dubious instruments for granting property, a sort of hedged bet or admission that there may be other claims on the land and that the possession of the property isn’t “warranted,” according to Michael Barnacle, Head of Zephyr Realtors Association.

The two Heinzer brothers who own property on Treat Avenue, with its own 215-foot rail spur, have a contentious and litigious history with federal and state regulatory agencies and the Union Pacific railroad.

In the early nineties, the Heinzers engaged in a protracted dispute with the Southern Pacific Transportation Company (SPTC), which was trying to end service on its line in San Francisco. California Public Utility Commission documents show, remarkably, that the SPTC ran a train providing freight service through the Mission District until 1990.

Known as the “Old Main Line,” the last Southern Pacific train in service in San Francisco rumbled down Harrison Street, limping to a profitless end. That fate became certain after its best customer, Best Foods, closed its processing plant on Florida Street on June 30, 1990.

Business on the freight line plunged from 349 carloads a year in 1988 to just six in 1990. The only customer left in the Mission was Ernest A. Heinzer and Sons Company, which since 1953 had manufactured furniture at its factory, a green concrete warehouse located at 933 Treat avenue.

The Heinzer Company had been receiving shipments from Southern Pacific for 40 years, but those shipments were shrinking. The CPUC estimated that the Heinzers only received freight five to seven times a year between 1981 to 1988. In 1989, the Heinzer Company received one last shipment from the railroad.



Faced with the loss of demand, Southern Pacific had made a pragmatic decision to stop freight operations. James W. and Earnest Heinzer immediately filed a lawsuit against the SPTC with the California Public Utilities Commission in June of 1991, alleging that the financially beleaguered railroad was illegally abandoning its track agreement with them and, moreover, that the entirety of the Old Main Line should be considered as an extension of the Heinzer's 215-foot private rail spur — and therefore not open to abandonment by the SPTC.

Neither the commission or the Interstate Commerce Commission found this claim to be true. Moreover, the CPUC decision found that the Heinzers were allowing two other businesses which edged the parcel, the Western Plywood Company and Surber & Associates, to use their spur, hoping to artificially boost the number of freight deliveries on the line — and contesting the Southern Pacific's claim that business on the line was so scant as to be “vestigial.” The Heinzers, like the other businesses, had been receiving the majority of their shipments from “motor” freight throughout the eighties.

According to Southern Pacific's plaint and the utility commission's findings, the Heinzer brothers wanted one of two outcomes: either Southern Pacific should be forced to continue delivering freight, or it should sell them the right-of-way.

Southern Pacific offered to sell the Old Main Line to the Heinzer brothers for \$3,536,950 million if — and only if — the brothers took responsibility for track maintenance and the business of running a freight train. In return, the Heinzers offered \$11,950 for the right-of-way, which was valued at \$2.5 million by the commission.

Unsurprisingly, the SPTC declined the Heinzers' offer, contending that the brothers were only interested in the “rent-free use of Southern Pacific real estate.” The CPUC concurred with this belief, stating that the Heinzers' offer “failed to meet” federal standards and that their offer to purchase was not “bona fide.”

The Heinzers lost their case with the California Public Utility Commission and the Interstate Commerce Commission, which granted the Southern Pacific the right to discontinue service. This didn't deter the Heinzer brothers. Four months later, in October of 1991, they filed the quitclaim to the parcel, paying no transfer tax at the time of filing. Sixteen years later, they may have purchased it for an undisclosed sum of money from Union Pacific. It will be the work of the Office of the Assessor-Recorder to locate this deed — and the owner.

## **Life after the Quitclaim**



Since then, the lot has been used informally as a sort of social and financial commons by surrounding businesses. Tenants of the Heinzer warehouse have access to the parcel. The concrete deck that used to be a loading dock is now in use as a patio, complete with deck chairs. Tenants of the Heinzers use the weedy grounds for recreation, and are often seen by this reporter kicking a soccer ball around the old railroad tracks.

Some business owners appear to be making a profit from the parcel, despite having no publicly recorded right to or claim on the land. The Safeway Roofing and Siding Company, owned by a man named Eldon Verette, charges the Little Giant Lighting and Grip Company “rent” to park their trucks inside the gate that fences off the parcel on Treat avenue, according to an employee of the Little Giant Lighting and Grip Company who wished to remain anonymous. It’s not clear how Safeway Roofing obtained the right to rent parking spaces within the parcel, nor how many individuals or businesses controls access in and out of the place. Emails and phone calls to James and Ernest Heinzer, and the Safeway Roofing and Siding business, were unanswered.

The past of Parcel 36 — railroads and fruit orchards — could inform its future. There’s strong neighborhood support for conserving open space as density and infill creep into the Mission District, and a belief that all needs, commercial and communal, need to be carefully weighed as priorities shift and emerge with each new building development.

“In a city as dense as San Francisco, every parcel is precious,” said Hillary Ronen, supervisor for District 9, said. “I’m glad this open space is back on the city’s radar.”

Before anything thing can be planned, the owner must be identified and taxes on the parcel paid. Carol Scott, who lives at 24th and Folsom, is eagerly anticipating that discovery. “I’m a huge fan of Tree and his vision of transforming the property. He is truly a visionary in the way he sees possibilities that might not be obvious to others.”

Scott, who volunteers at the Free Food Farm stand, agrees with Tree Rubenstein and his vision of an open space dedicated to the community. “In the 19th and 20th centuries, railroads transformed the country by enabling people to come together more easily,” she said. “It would be fitting to use this parcel to bring people closer together in the 21st century, too.”





Photo by Elizabeth Creely.

*This story has been corrected to reflect that the lot measures 23,522, not 2,245, square feet.*



**Thomas J. Busse**

January 2, 2018 at 10:58 am

The parcel would have been a state-assessed parcel on the Unitary Roll – in other words, it would fall to the Board of Equalization, not the City and County, and tax would be collected directly by the State.



**nelsonminar**

December 28, 2017 at 11:18 am

I think the Juri Commons is a great model for how to turn this strip of land in to a park.





**Britta**

December 27, 2017 at 9:41 pm

I've wondered about this parcel for a long time – thank you for putting together this great explanation. I hope this article adds good pressure to turning this vacant land into something useful for the neighborhood, whether it becomes a park, more housing, or something else. I'd love for the new use to mention/feature the railway history in some way, since it's fun and interesting.

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## **Exhibit B-2**



TRENDING

- 510 units—but no parking—in Potrero
- Valencia center bike lane pilot approved
- SJPOA gave money to SFPOA while exec allegedly dealt dope
- Audit rips mayor’s housing office for poor reporting
- Local news needs you!

LOCAL HISTORY

# SF neighbors organize to create a greenway in the Mission

by ELIZABETH CREELY  
FEBRUARY 7, 2018



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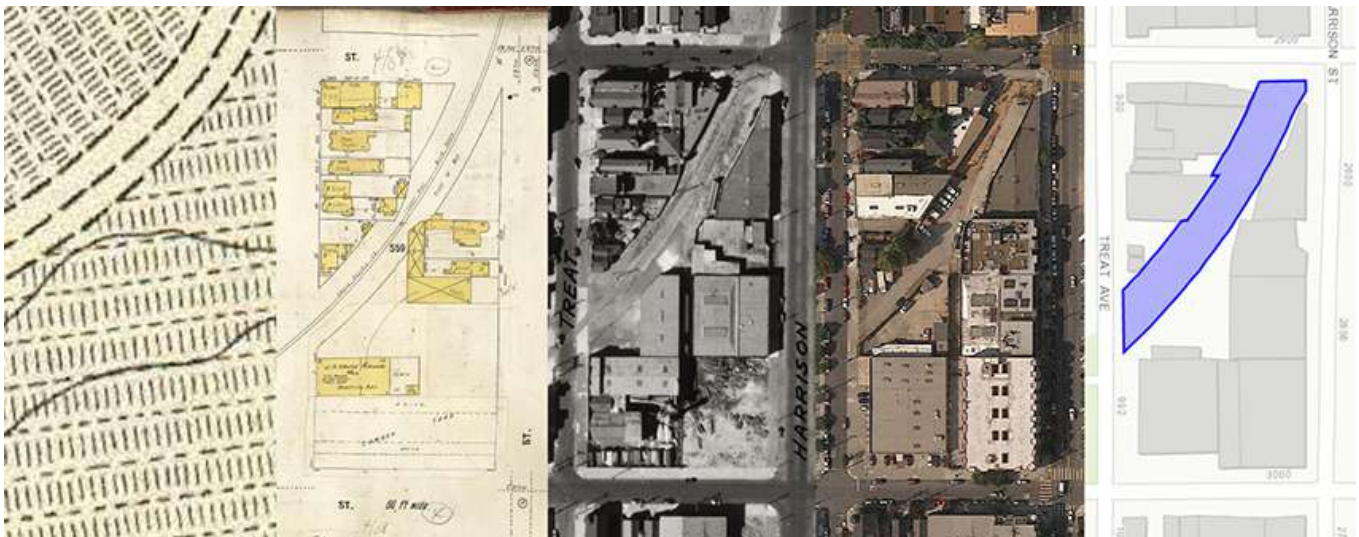
The organizers of a greenway proposal Carol Deavy, Tree Rubenstein, Freddie Kirchner, Dan Matarozzi, John Peattie, and Sharon Hawley. Photo by Elizabeth Creely

Neighbors of the old Southern Pacific right-of-way between Harrison Street and Treat Avenue have formed the Mission Greenway group to preserve the parcel's history as a railroad right-of-way and transform the vacant lot into a green space.

“We chose the name Mission Greenway because this was formerly a railway and because there are so many other greenways in the city,” said Freddie Kirchner, a realtor and Mission resident who lives on Treat Avenue and is one of six neighbors active in the group.

Mission Greenway is collecting signatures from nearby neighbors and preparing to work with open space advocates and city officials to shape the future of the parcel where the Southern Pacific railway once ran.

“We’re inviting others to collaborate to make this parcel into open space. It should be possible. Otherwise, this blighted part of our neighborhood will remain useless,” Kirchner said.



The maps show the same block in 1869, 1905, 1938 and now.

Credit: David Rumsey Map Collection; Google Earth; San Francisco Property Information Map.

Already it has been forgotten. As Mission Local [wrote earlier](#), there is no title or deed on file with the city, and the parcel has never been taxed.

That anonymity became apparent during Mission Local's investigation into the status of the property. The Office of the Assessor-Recorder **simply did not know** who owned it and has since

launched an investigation to determine its ownership.

For its part, the Mission Greenway group would like to see the parcel's distinctive steam-rail legacy preserved.

A part of that history vanished sometime in late December or early January, when the most visible artifact, an old railway switcher or “throw bar,” which protruded from the ground, was removed. It's unclear who removed it, or why, although profit may have been a motivation. There is a brisk trade in old railroad parts, or “[railroadiana,](#)” on [eBay](#).



Left: Railway switch in December 2017. Right Gone by January 2018. Photos by Elizabeth Creely.

Organizers would like to combine Parcel 36 with the property that borders it, which has been for sale for the last year, according to R.C. Hildebrand, the listing agent for HC&M Commercial. Safeway Roofing Company, located at 969 Treat St., has been on the market since 2017 for \$3.3 million for 8,237 square feet.

Hildebrand described the owner, Eldon Verette, as “not overly motivated.”



**The railroad right of way**

**Two parcels for a greenway project proposal.**



**The parcel for sale for \$3.3 million that the Mission Greenway Group would like to combine with the right-of way.**

The Mission Greenway group will meet with Supervisor Hillary Ronen’s legislative staff on Thursday, and the group has also contacted Assessor Carmen Chu, asking her to clarify how the Assessor-Recorder’s office will investigate.

“I know she’s not going to be digging through boxes of records to find a deed,” said Tree Rubenstein. “So I asked, specifically, what she’s going to do. Are they going to see if the courts can determine who the owner is?”

Both Kirchner and Rubenstein acknowledge that, while the process of finding the owner may take a while, the time to conserve space is now.

“We need the city behind us to free this land,” said Rubenstein, who has run the Free Food Stand on Sundays at nearby Parque de los Niños for many years. “It’s been locked up for years.”

The group is concerned that the frenzied pace of development in the neighborhood will outpace conservation of the rapidly dwindling open space in the Mission District.

Parcel 36 is 24,243 square feet of undeveloped land — a rarity in a neighborhood that has absorbed the development of 2,451 dwelling units and a population increase of at least 8,764 since February 2016, according to San Francisco Planning Department statistics.

The Mission District lags behind the citywide average for park acreage with 0.75 acres of neighborhood parks per 1,000 residents. The citywide average is 1.1 acres per 1,000 residents, according to the Eastern Neighborhoods Rezoning and Area Plans, the San Francisco Planning Department document that lays out the future of development in the Mission District.

Open land is “getting harder to find,” said Brendan Moriarty, Senior Project Manager for the Land Conservation Program at The Trust for Public Land. “Undeveloped parcels are few and far in between. We have to be more creative.”

Open space and the pressing need for new housing are competing priorities, Moriarty acknowledged, but when the opportunity arises for a new park or greenway, “you gotta seize those opportunities.”

The linear plots of land left behind by railroads are often too narrow and irregularly shaped to develop as traditional residential housing or commercial real estate. According to Moriarty, this is what makes them so uniquely suited for recreational trails and bike and pedestrian corridors.

The [Rails to Trails](#) Conservancy, a national organization, lists 673 miles of potential rail trails in the state. Should the Mission Greenway be transformed from an empty lot into a greenway, it would join 123 other rail-trails in the state, including the Ohlone Greenway in the East Bay, which is nested within the remnants of two transit systems: the old Key System streetcar line and the Santa Fe Railway.

“Railway right-of-ways present unique benefits as parks and greenways because of their linear nature,” said Moriarty. “What was dead urban space can be turned into a greenway that provides connectivity and opportunities for people to travel through their neighborhoods to other destinations.”

Moriarty likes the idea of a public greenway in the heart of the Mission. “It seems like there’s park potential there,” he said, pointing out the proximity of the parcel to Parque Ninos Unidos. “The fact that it’s adjacent to the other park is really nice. The ability to expand that space could create some good synergies. The key question is, given that there’s a need for housing, can you

design a park or greenway not just to serve new residents, but the community that's already there?"

John Peattie, who lives across from the 22nd street entrance to the parcel, has the same question. Peattie is involved with the Mission Greenway group and knows that Mission residents will have different ideas about what, exactly, the parcel could be.

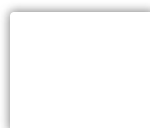
"Selfishly, as a dog owner who feels there are no enclosed dog parks close to home, the space has always struck me as a good plot for a small dog park," said Peattie, who pointed out that Parque Ninos Unidos serves the neighborhood's need for a park.

He'd like to see something there, even if it isn't a dog park. "I'm not picky. Any sort of public park would be amazing, compared to the space's current state." Peattie likes the idea of a trail that preserves the visual reminders of its history as a railroad right-of-way, and hopes that the old rail tracks, now the only remaining evidence of the railroad's history, can be protected.

"I knew that this was an old right-of-way, part of the same track as Juri Commons and the path over by the SPCA because of the old rail tracks," he said. "If there's a way to preserve the rails as a part of San Francisco's old railroad history, I would love that."

*Anyone interested in helping out, contact Tree at [iamtree99@gmail.com](mailto:iamtree99@gmail.com).*

*Parcel 36, the plot that San Francisco's city, county and tax collector forgot*, December 27, 2017





Parcel 36, looking towards 22nd Street. Photo by Elizabeth Creely.



**Jon Voss (@jonvoss)**

February 11, 2018 at 10:47 am

Sounds like a great effort! here are some shots of the area throughout history:

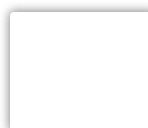
<https://www.historypin.org/en/explore/geo/37.75566,-122.412093,17/bounds/37.75314,-122.41456,37.758179,-122.409625/paging/1/pin/255041>



**Sally yu**

February 7, 2018 at 9:44 pm

Can get behind this effort!







**Edward Lop**

February 7, 2018 at 7:46 pm

Great to see the Mission community organize around something other than hatred of their neighbors!



**Marco**

February 7, 2018 at 6:46 pm

Where can i sign this petition?



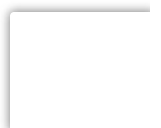
**Elizabeth C. Creely**

February 8, 2018 at 10:30 am

Marco, contact Tree Rubenstein at [iamtree99@gmail.com](mailto:iamtree99@gmail.com) for more details.

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## **Exhibit B-3**



TRENDING

510 units—but no parking—in Potrero

Valencia center bike lane pilot approved

SJPOA gave money to SFPOA while exec allegedly dealt dope

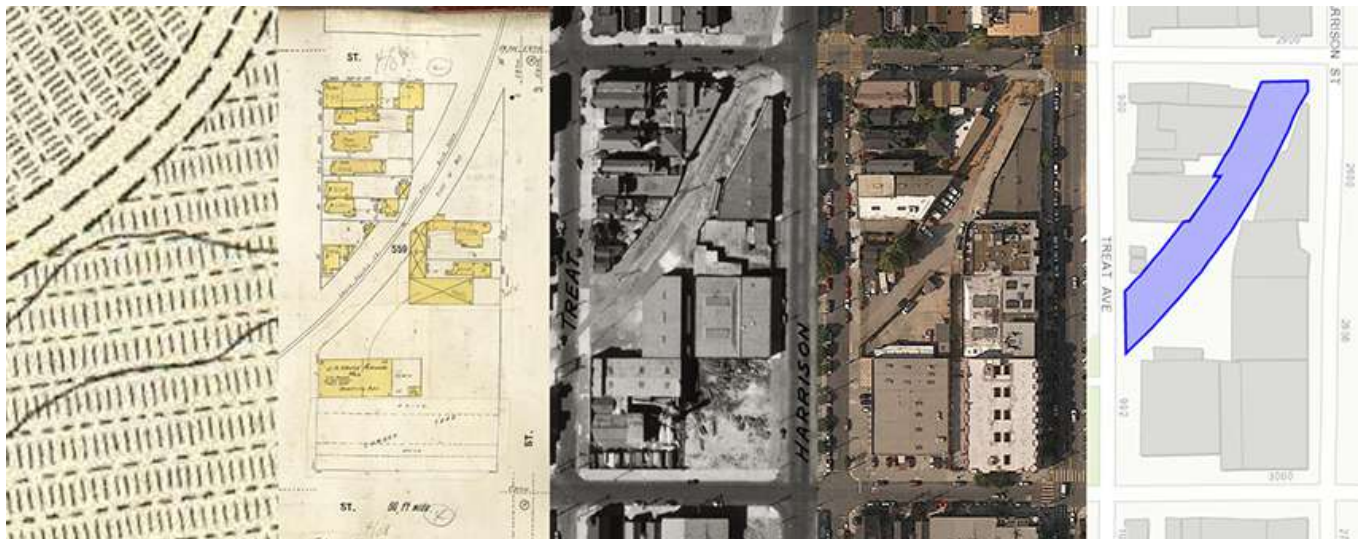
Audit rips mayor’s housing office for poor reporting

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TODAY'S MISSION

# San Francisco sticks nonexistent company with tax bill for contested plot of Mission land

by ELIZABETH CREELY  
FEBRUARY 12, 2019



The maps show the same block in 1869, 1905, 1938 and now. Credit: David Rumsey Map Collection; Google Earth; San Francisco Property Information Map.

Following a 12-month investigation, the city of San Francisco has billed the Southern Pacific Transportation Company \$17,425.57 in unpaid taxes on a vacant parcel of land between 22nd Street and Treat Avenue that was once part of its railroad right-of-way through the Mission.

And yet, Southern Pacific doesn’t exist. And hasn’t for quite some time.

Privacy - Terms

The company halted all freight service on the line in 1991 and was purchased and merged with Union Pacific five years later.

Hannah Bolte, a spokeswoman for Union Pacific, said Southern Pacific has “no people, no offices, no property.”

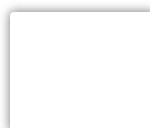
She declined to comment on whether Union Pacific would pay the back taxes on the land, known as “Lot 36.”

“If San Francisco were to send a bill to Southern Pacific Transportation Company, we can’t definitively say where it would be delivered or if we’d ever be on the receiving end of it,” Bolte said.

Union Pacific has consistently denied owning the property.

Whoever does could be in for quite the windfall: The assessed value of Lot 36 is \$277,948, which dwarfs the back taxes. But that assessment is just a fraction of its current market value, conservatively estimated to be worth at least \$5 million by Michael Barnacle, a managing broker at Zephyr Real Estate.

He said the 23,522-square-foot parcel could be worth as much as \$10 million, depending on the developer and the circumstances under which development commences.





“Parcel 36.” Photo by Elizabeth Creely.

The Mission Greenway, an organization of the parcel’s neighbors, are hoping that development is minimal.

Other vacant parcels in the Mission have sold for hefty sums. Recently, Lucca Ravioli Company sold its 4,132-square-foot parking lot for \$3.2 million dollars.

If the current tax bill remains unpaid for five years, the parcel could be auctioned for non-payment of back taxes after July 1, 2024, according to Amanda Fried, a spokeswoman for the San Francisco office of the Treasurer and Tax Collector.

The yearlong investigation has deepened rather than resolved the mystery of just who owns this parcel.

It’s far from clear that an actual owner has been found. The “assessee,” Southern Pacific, is not necessarily the owner of the parcel, according to Nicole Agbayani, Director of Community Affairs for Assessor Carmen Chu.

“The term ‘assessee’ is not the same as the owner. They might own, claim, possess or control the property. The assessee doesn’t necessarily have the right to sell the property. There’s some confusion around that,” Agbayani said, noting that the assessor’s office wouldn’t be responsible for determining the owner, either.

“That’s a question for a land-use lawyer,” Agbayani said.

**Any land-use lawyer who takes on untangling the history of ownership of the parcel will have their work cut out for them.** No city official will go on record to discuss the numerous legal actions between the Southern Pacific Transportation Company, whose assets are now owned by Union Pacific, and nearby property owners.

The Assessor’s office won’t describe which documents or individuals were consulted by the city in its investigation. The decision to not disclose the methods it used to identify Southern Pacific was upheld by the City Attorney’s office.



Rusting tracks reveal the past lives of Parcel 36. Photo by Elizabeth Creely.

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The move to keep confidential the discovery process rankled the members of the Mission Greenway group, who have been waiting for a year for an update.

During the period when the first round of tax bills was prepared, Greenway member Daniel Matarozzi asked for updates of the investigation from the Assessor's office, but was told that assessee had not yet been identified. Later, he filed requests for information citing the city's Sunshine Ordinance, but they were refused.

Matarozzi is angered by the lack of disclosure that has shrouded the process and prevented the Mission Greenway group from getting answers.

“What in hell is the Assessor's office doing by pretending they didn't know who the real owner is?” said Matarozzi.

Tree Rubenstein, who has tried to identify the owner of the parcel since the 1980s, is dismayed by the lack of disclosure and confused by the Assessor's decision.

"I really didn't know what to expect in terms of outcomes of our work on this matter," said Rubenstein. "I was hoping for the least as to having some clarity on who owns the land and how we can move forward as a neighborhood group. Unfortunately, we seem to be in the same place we were a year ago."



A railway switch protrudes from Parcel 36. Photo by Elizabeth Creely.

Both Matarozzi and Rubenstein faulted not only the Assessor's office but Supervisor Hillary Ronen's office as well.

"She needs to do something," said Daniel Matarozzi. "We've been waiting and asking for months whether or not there would be a way to transfer the land to public use. It's a logical locale — it's



adjacent to Parque Nino Unidos and would make a continuous greenway that the neighborhood needs.”

Ronen sounded a note of support for neighborhood efforts to determine the future of Lot 36.

“This oddly-shaped parcel is a rare bit of undeveloped space in the Mission,” Ronan said in a prepared statement. “I appreciate that there are community folks who want to see it preserved as public open space. Once the Assessor completes its task of untangling the complex ownership history, I would love to see if there’s a way we can work together to make the community’s wish come true.”

Currently, the parcel’s future is in a stalemate: To date, none of the tax bills have been paid. It can’t be sold at public auction until five years have elapsed. In the meantime, the Mission Greenway group is determined to resolve the mystery. They’re seeking a land-use lawyer to end the uncertainty over the parcel’s past and uncertain future.

“This whole situation has been very confusing and mysterious,’ group member Carol Scott said. “It has been disappointing how hard it has been to get answers about this forgotten piece of land.”



**NightFogHorn**

February 12, 2019 at 12:25 pm

A perfect location for an RV safe-parking site.



**Alex Corns**

February 12, 2019 at 8:45 am

It would be great if this parcel was used for a community garden and a little history about the Mission my parents brought me here in 1951. We lived at Mission and Bosworth my mother used to load all 6 of us up for a walk down mission to Sears or Graysons ,Kresses, Woolworths or the 88 cent store immigrants were welcome and rents were affordable. I still walk and look at the changes but the working people have a very hard time living and working in San Francisco. I would like to see all future housing built for people who need it not market value who could afford that.



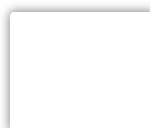
**TODESGELIEBTER**

February 12, 2019 at 3:50 pm

I agree, you can never have too much green space in a neighborhood as dense as ours.

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## **Exhibit B-4**

TRENDING

Audit rips SF housing office for poor reporting

What did 82 Valencia businesses say about proposed bike lanes

No se puede: Supe Dorsey blasted at Cesar Chavez breakfast

In record year for scams, SF asks for public's help

Local news needs you!

MOBILE

# SF Mission group elicits design ideas for a greenway on old rail line

by ELIZABETH CREELY  
APRIL 9, 2018



Landscape architect Jane Martin. Photo by Todd Sanchioni

Privacy - Terms

## Group asks to hear from those who want — and oppose — the greenway idea

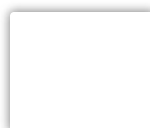
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A steady stream of about 50 Mission residents walked through an open gate on Treat Avenue Saturday to participate in a design and planning session organized by the neighborhood group, Friends of the Mission Greenway.

Tree Rubenstein, the lead organizer, handed out nametags made of green tape while a volunteer set up a table loaded with pasta salad and hummus. A bicycle-powered blender was parked nearby in the small gravel lot.

Landscape architect Jane Martin walked through the crowd, distributing black-and-white renderings of the parcel, a plot of land **with uncertain ownership and a chunk of unpaid back taxes**. “We’re soliciting input from people who are interested in the development of this parcel,” Martin said, making it clear she wanted to hear from everyone, including those opposed to the project.

Eleven-year-old Adriel Rosenblum had already drafted his own landscaping plans. “It has a footpath, a bike, skateboard and scooter path, and a place for public gardening,” he said, referring to the plans he had tucked into a folder.





Adriel Rosenblum, 11 showing his design ideas for a greenway to landscape architect Jane Martin. Photo by Todd Sanchioni.

Two men, Kevin Keany and Adam Feibelman, deep in conversation, strolled up to join the growing crowd. Keany, a landscaper and artist, wants the parcel to be developed into a public green space. Feibelman was less certain. He was tasked with representing the opposition: the 23 artists who work in the Heinzer warehouse.

“I came out to meet the people who have similar ideas in creating green space, but also to have the concerns of the artists in the building heard,” he said. “That way, we can figure it out together, and work together.” Feibelman said that he and the artists want any development of a greenway to take place at the northern end of the parcel, close to the intersection of Harrison and 22nd streets and away from the loading dock inside the parcel, which the artists use for deliveries.

There’s a whole lot of figuring-out going on these days, both in the neighborhood and in the City Assessor’s office. The status of Parcel 36 is uncertain, although property around it was recently demolished in preparation for development. There is no known owner or assessed value, and the parcel remains untaxed. To that end, the Mission Greenway group was going to end the event

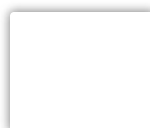
with a dash of political theater. A large check symbolizing back taxes was going to be presented by Rubenstein to city officials in absentia. “We count on our elected officials to sort these things out,” said Rubenstein. “There’s some thought that if the back taxes are paid, that you can own the land.” Rubenstein confirmed that there was no current campaign to raise money to purchase the land. “We’re doing it to raise awareness.”

As the volunteers continued to set up, Christine Wolheim, one of the artists, walked to the table and hugged a bearded man who was setting out food. “Oh my God, it’s so good to see you!” he said, giving her an enthusiastic hug.

But tensions simmered under the surface of the sunny day. “This makes me really uncomfortable,” Wolheim said a few minutes later, visibly angry. “The way this was done was rude and presumptuous,” she said referring to the gathering. “This is our backyard. We’ve paid for this legal easement.”

Wolheim said that her rights of access, which included the use of a loading dock adjacent to the right-of-way, were included in her rental contract with James and Ernest Heinzer, whom she identified as her landlords and the owners of 933 Treat Avenue. “We didn’t have to let this happen,” she said, gesturing to the gathering. “We didn’t have to let any of you in. We could have locked the gate.” She doesn’t support the use of the parcel as a green space, she said.

Neither does her landlord, James Heinzer, who was on site, surveying the party. When asked if he owned the parcel, he said no, disputing his identification as an owner by the California Board of Equalization. “That’s a mistake. That never happened.”





Adam Feibelman, Christine Wolheim, both tenants in the Heinzer building, and their landlord, James Heinzer. Photo by Todd Sanchioni.

Heinzer said that the heirs of John Center and George Crim own it, “but they’ve never stepped forward.” He says that he has rights of access and use to the parcel in perpetuity because he obtained prescriptive easement rights — a legal right to property that is secured by open, continuous and “notorious” use. Heinzer said that his use goes back 50 years. “My parents got a deed from the Southern Pacific in the ’50s to build a spur.”

His easement claim is bolstered, he says, by a 1996 finding by the California Supreme Court which determined that the Southern Pacific Transportation Company didn’t own the land. “We believe we have prescriptive easements. We’d like to see them preserved for the tenants we have.”

Any challenge to his assertion would have to be “contested,” he said. He’s unconcerned by the investigation underway by Assessor-Recorder Carmen Chu and the City Attorney. “From my perspective, I don’t see why the city would support this. They’re more interested in developing housing than supporting a bunch of tomato growers.” Both he and Wolheim were unconcerned by the untaxed status of the parcel.



Feibelman said Parcel 36's status represents some challenges. "I think property owners should pay taxes. But if the city has lost all semblance of control over this space ... " he hesitated. "I don't think it's any of my business. It's between the owner and the city."

Back at the gathering, Rubenstein hoisted a large check into the air. "We're calling on the city to find out who owns this land and who owes the taxes on it."

Onlookers whooped in support. Jane Martin, who was clutching a sheaf of design options created on-site, said she thought that a well thought out design could reconcile the apparently conflicting needs of the artists with the greenway proponents. "I do think for a very long time that this has been an under-utilized property." She supports design that allows the artists in the Heinzer warehouse to continue to use the loading dock. "I think that a park that is thoughtfully designed can accommodate all of these uses. They're not mutually exclusive, for sure."



Neighbors listen to different ideas on the greenway. Photo by Todd Sanchioni.



Tree Rubenstein and a check with the taxes that have not been paid. Photo by Todd Sanchioni.





Future greenway? Photo by Todd Sanchioni.

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**Robert Hernandez**

January 14, 2023 at 9:18 pm

This is hysterical. A bunch of people who don't own the land just think they are going to take it over? And they'll pay for removing the toxic soil? And they'll pay to keep the open space clean? The whole premise is ridiculous.



**Ann Hess**

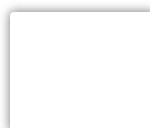
April 10, 2018 at 5:21 pm

Because so many people asked at the event, here is the hummus recipe! I used dried beans, not canned.

<https://www.thespruce.com/hummus-with-sesame-oil-2355627>

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## **Exhibit B-5**



TRENDING

- 510 units—but no parking—in Potrero
- Valencia center bike lane pilot approved
- SJPOA gave money to SFPOA while exec allegedly dealt dope
- Audit rips mayor’s housing office for poor reporting
- Local news needs you!

PARKS

# Guerrilla gardening action on unclaimed Mission parcel draws joy, anger

*Neighbors have long advocated for turning the 23,522-square-foot area into a public green space.*



by DAVID MAMARIL HOROWITZ  
OCTOBER 25, 2022



Privacy - Terms

Members of the neighborhood advocacy group Mission Greenway put a raised garden bed at Parcel 36, the 23,522-square-foot space between Harrison and 22nd streets and Treat Avenue and 23rd Street, on Oct. 22, 2022. Photo courtesy of Elizabeth Creely.

This weekend, about a dozen neighbors placed around 10 raised beds, fresh soil and plants at Parcel 36, the railroad right-of-way that cuts diagonally from Harrison and 22nd streets to 23rd Street and Treat Avenue — 23,522 square feet of space without a title-holder that has, for decades, been claimed and fenced off by neighbors who have used it for parking.

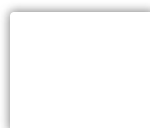
The group of neighbors behind the Saturday action, Mission Greenway, had planned to enter through the southwestern fence, which is often open, said Tree Rubenstein, who has, for many years, envisioned turning the space into a greenway, and who started a Sunday market nearby where free produce is distributed.

When the gate wasn't open, the group sawed through a locked chain link at the northeastern fence and added their lock around the previous lock, creating a daisy chain lock that allows those able to open either lock to open the fence.

“It’s kind of like putting a flag up, saying, ‘We think it’s better these days to have this space ... a green walking space, and the cars and parking or driving through there is not compatible,’” said Rubenstein, an urban agriculturalist and public greenway advocate who was also behind the creation of Parque Ninos Unidos. “This temporary garden is just to, first of all, give people an idea of an alternative, rather than the way it’s been for years.”

Neighbors in the surrounding blocks overwhelmingly support the idea of transforming the space into a public greenway, members of Mission Greenway said. But there is also a minority of stakeholders next to Parcel 36 — the Mission Kids preschool, condominium tenants and the owner of the historic warehouse adjacent to the lot, James Heinzer — who have keys to the southwestern fence and have declined to share a copy of those keys with Mission Greenway.

Zach Klein, the co-founder of Vimeo and a neighbor at Mission Greenway, had posted videos of the Saturday action on Twitter on Monday and drew numerous mixed responses.



There's a 26,000 sqft lot in SF with no known owner. This weekend some neighbors and I opened the fence.

The story starts more than a hundred years ago. [pic.twitter.com/dskOyzQGRX](https://pic.twitter.com/dskOyzQGRX)

— Zach Klein (@zachklein) [October 25, 2022](#)

“Their desire to use it as private parking is no more entitled than our right to make it a green space, and so in this moment where there’s a lack of clarity about who owns that land, we think it is important that we try to demonstrate a use case that has a greater benefit for the most number of neighbors,” he told Mission Local. “We’re proposing that in this time of unclarity that there be a conversation and that we invite input.”

The Twitter post rubbed some the wrong way. Max, a resident of the Treat Street condominium adjacent to Parcel 36, said he felt the action was intended to create a spectacle.

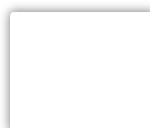
Klein told Mission Local that he has since spoken with numerous neighbors and felt sympathetic to how people are afraid of change. He said that people who initially seemed in opposition tended to ease up once they understood how long Mission Greenway had been attempting to make headway on transforming the space.

“I’ve received a lot of support, some negativity, but the negativity has been mostly in the minority,” he said

As of Tuesday morning, more than a dozen cars were lined up next to the preschool and the condominium in the southwestern corner of the parcel.

On the other end of the parcel, someone had removed the Mission Greenway lock. Rubenstein said the group hasn’t yet made plans to replace the lock, but Mission Greenway plans to enter through the frequently open southwestern fence to tend to the temporary garden.

Elizabeth Creely, who reported on the parcel extensively for Mission Local and later became a member of Mission Greenway, [wrote](#) in 2017 that the parcel had “started life in 1860 as the right-of-way for the short-lived San Francisco and San Jose Railroad Company.”





## CATCH UP

### Parcel 36: the lot San Francisco's county, city and tax collector forgot

Parcel 36 is a vacant lot occupied by a colony of feral cats, redolent with the scent of...



by [ELIZABETH CREELY](#) DECEMBER 27, 2017

### SF Mission group elicits design ideas for a greenway on old rail line

Group asks to hear from those who want — and oppose — the greenway idea A steady stream...



by [ELIZABETH CREELY](#) APRIL 9, 2018

### A 132-year-old cottage is demolished on Treat Avenue — condos to come

Dilapidated 'workingman's cottage' gives way to proposed pair of four-story condo buildings A 132-year old house located at...



by [ELIZABETH CREELY](#) FEBRUARY 1, 2019

Creely wrote that a man named John Center “was the last clear owner and possessor of a deed. Today, only wildly contradictory information about the real owner exists. According to Gina Simi, communications manager for the San Francisco Planning Department, the Southern Pacific Transportation Company (SPTC) owns it. This isn't possible: That company was acquired in 1996 by Union Pacific Railroad Corporation, a publicly traded company.”

“They might have right of use because no one can arrest them, but an easement is a formal decision rendered by a court, and to the best of my knowledge, no such decision since 1994 has been made,” Creely told Mission Local on Tuesday. “There are lots of claims and lots of people's ideas, and none of them have moved through a judicial prism.”

The Assessor-Recorder's Office and the Office of Supervisor Hillary Ronen didn't immediately respond to a request for comment.

Saturday's action came after around a decade during which Rubenstein and other neighbors reached out to community members and attempted to gain access to the parcel, a space where they have as much entitlement to as the neighbors who have long claimed the space for themselves, the group has said. But to the neighbors who live adjacent to it — tenants of the adjacent condominium on Treat Street, and the Mission Kids preschool — the Saturday action represented a violation of trust and concerns about safety, respectively.

“We all like the idea of having a nicer space back there, because right now it's kind of abandoned,” said Max, who lives in the condominium. “We told them we'll help you plant, and

they kind of just went rogue, which was very surprising to us.”

It also comes after artists who had opposed the transformation were evicted, with the warehouse going up for sale in September, which meant it could be an opportunity to raise awareness that the space could be used for something other than parking, Rubenstein said.

---

READ MORE

### Historic warehouse will sell, upending its artist community

“It felt like a place that was hidden away, and the last kind of vestige of a funkier San Francisco,”...



by [ANNIKA HOM](#) AUGUST 16, 2022

### Delays, Disagreements and Disconnects

With no city authority giving guidance about who actually has claim to the lot, and with no clear title to the space, those with the key to the fences ultimately control who can access the parcel.

Around 18 cars or so will park there on weekdays, the majority of them owned by parents and teachers of children at the preschool, and a few owned by condo residents, Rubenstein told Mission Local.

Members of Mission Greenway had met with the condominium owners on Oct. 5, but it appears that the two groups had divergent ideas of what to temporarily do with the space and didn't make much headway. There seemed to also be a lack of clear communication on some points of the meeting, with the two groups on different pages about what would happen next, especially concerning parking and security.

The tenants had concerns about the security of their buildings, the maintenance of the plants and a rodent problem being worsened if edible plants were in the space, according to Max, the condo resident. And whereas one of the condo residents, James, had submitted a rendering, Rubenstein said the measurements of the sketch that concerned parking didn't appear accurate, and he requested another one but hadn't heard back; the groups had also disagreed on how much parking should be allotted for the tenants, said Rubenstein and Lara, a neighbor of Mission Greenway.

Meanwhile, Christina Maluenda and Heather Lubeck, co-directors at Mission Kids, told Mission Local that that previous breaches to the fence during construction next door led to “immediate

and significant increase in trash, needles, condoms and other detritus left behind and within children's reach.”

They said it “seems that the illegal actions of a few people have put our students in harm's way. Unsecure fencing of the spur could lead to attempted break-ins along our side yard fence line which was not designed or built to be facing out to public land.”

Rubenstein said he didn't understand the concern, given that the preschool has a fence around its property and a gate.

To Lara, the preschool has been overly cautious about people having access to the parcel — on Monday, she was stopped from taking pictures of the parcel and numerous cars parked next to the preschool's outdoor fence with the cars obscuring any kids from the camera, being told not to take pictures of children.

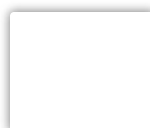
“It's a really aggressive tactic to make it seem that the school feels unsafe with anyone in the parcel, and thus trying to lay claim on the parcel, for ‘the children's safety.’ While these children are behind a rigid fence. All the while the school constantly posts images of children on their public Instagram page,” Lara said. “Some preschools I am familiar with don't even have any outdoor space, such as the Haight Ashbury Nursery, who's doors open directly onto a public playground. But Mission Kids, with their multiple private outdoor spaces, still find ways to complain about feeling ‘unsafe.’”

## **Moving Forward**

Rubenstein said he'd be open to having mediator if that would help with community meetings. Max, the condo resident, said he's open to attending further meetings to rebuild trust that he felt had been violated.

In the meantime, area residents appear to overwhelmingly support the idea of a long-term green space.

The rare instances of opposition seen by Mission Greenway tend to come from a minority of neighbors who live just around the parcel, whereas neighbors who live farther away in the neighborhood tend to be more supportive, according to Creely.



Jemil Ezzet and Janet DeMartini, two neighbors who live on Treat Avenue along the lot, said they would support having it turned into a green space.

“I would definitely love it to be a public green area,” Ezzett said.

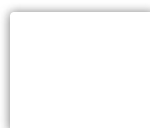
Evie, another neighbor on the block, was vehemently opposed to the area becoming a public space.

From Friday to Sunday, she said, it’s normal to see people who are drunk or drug-dealing along the block, often hanging out in front of the condominium or at Parque Ninos Unidos.

“I don’t think the parcel should be open to the public. I don’t want another park,” she said. “This is my house. This is my neighborhood. No. Do it somewhere else.”

Klein, of Mission Greenway and Vimeo, said he had spoken with parents, who told him they love the convenience of being able to park there and that it created a quiet space inside the school that allowed their children to nap. He had also heard from residents who said they wanted a seat at the table to discuss the parcel.

“Right now, they can’t be confident that we are the best partners, even though we feel we are good partners because of our intentions and capabilities,” he said. “I think the burden is on us to distinguish ourselves and make ourselves a trustworthy and creative partner that they can collaborate with.”



## **Exhibit B-6**



TRENDINGSF

Union time at California Academy of Science?

Valencia center bike line: few like it, but it will likely pass

Where to get fentanyl test strips and Narcan in the Mission

Distillations: Bar Part Time

Stuff to do: Poetry month, greenway gathering, park pop-up

Local news needs you!

PARKS

# Monkeybrains buys Heinzer warehouse, butts heads with gardeners



by WILL JARRETT  
FEBRUARY 21, 2023



Monkeybrains van parked on parcel 36. Photo by Chuqin Jiang.



Listen To The Article



ADAURIS

*2/23 Update: The proposed meeting between Mission Greenway and Monkeybrains, which had been tentatively scheduled for this week, has been nixed. Mission Greenway reportedly wanted a public meeting while Monkeybrains wanted a private meeting; no agreement was found.*

In another twist to the **parcel 36 saga**, local internet service provider **Monkeybrains** has bought the **Heinzer warehouse**, a large commercial property that abuts the northwest edge of the contested lot.

As well as buying the warehouse, the company has staked its claim to the adjoined parcel. At the start of February, it paid over \$20,000 in back taxes on the land. Before this payment, the parcel had been largely delinquent for several years.

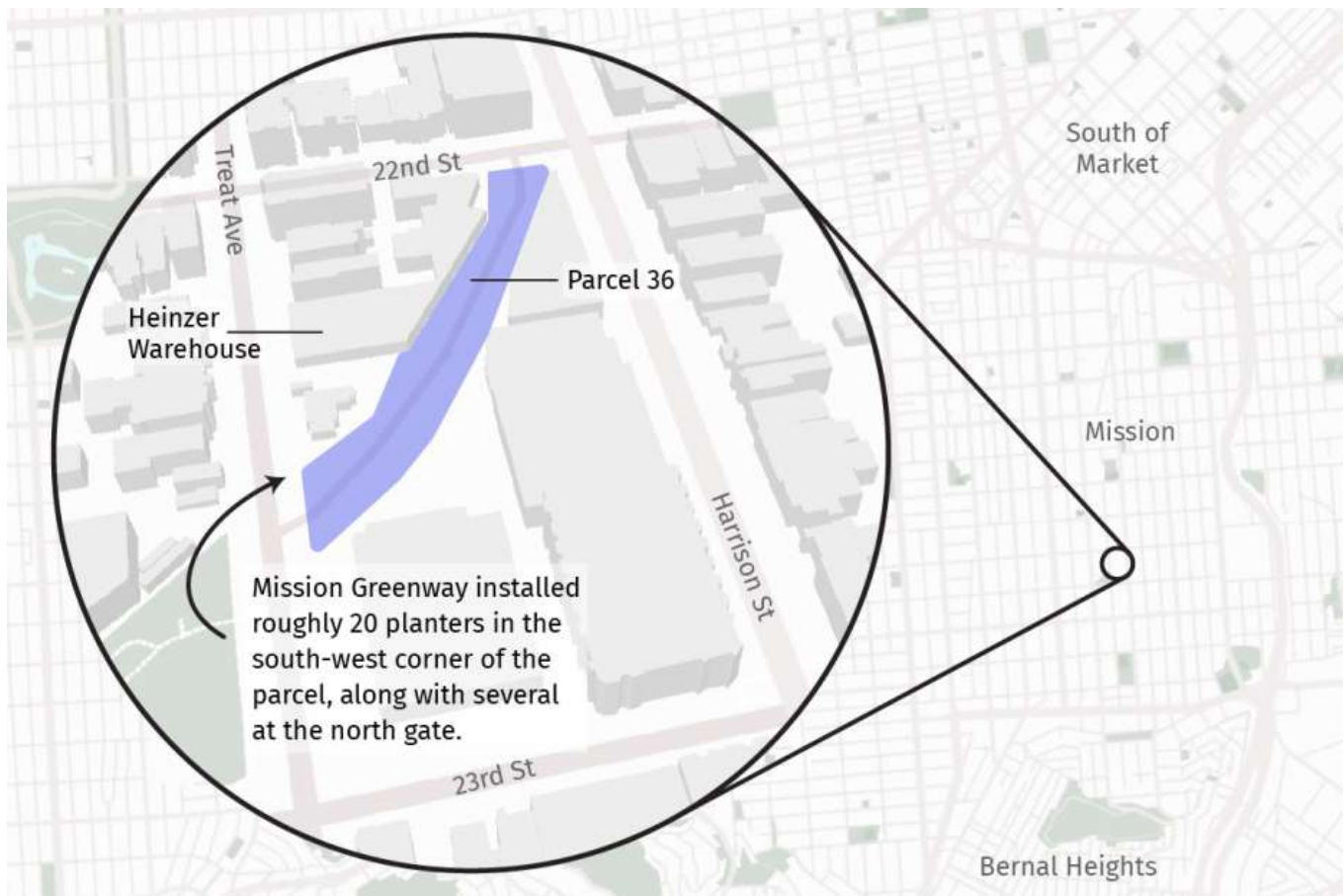
“We do want right-of-use, which we believe is intrinsically there,” said Alex Menendez, co-owner of Monkeybrains. “The space allows for loading and unloading. The warehouse has a very strong historical use argument.”

But the company’s intended use for the parcel, which primarily involves parking space for vehicles and access to two of the building’s three loading docks, brings it into conflict with Mission Greenway, the group of guerilla gardeners that set up planters there last October. Mission Greenway has been organizing for years to convert the space into a publicly accessible green space.

“We see this as predatory,” said Elizabeth Creely, former contributor to Mission Local and a current member of Mission Greenway. “They are plonking down money to secure land they do not own. It is supremely arrogant.” Creely sees Monkeybrains’ proposed use of the property as incompatible with a greenway, which would ultimately be pedestrianized.







Map by Will Jarrett. Basemap from [Mapbox](#).

Ownership of parcel 36 has been a fraught question for a **long time**. Originally the path of a rail line, the Assessor-Recorder said that Southern Pacific was the land's owner until at least 2017, even though the company folded in the 1990s. Until **Mission Greenway's arrival** last year, the parcel had been used as private parking for decades. Now, some members of the group perceive Monkeybrains' tax payment on the parcel as the first salvo of a "hostile takeover."

A representative for the San Francisco **Treasurer and Tax Collector** told Mission Local that there is no rule against paying taxes on a parcel you do not own, but was unsure if there was any legal benefit.

According to a local land-use lawyer who asked to remain anonymous, paying tax on a delinquent parcel confers no ownership status, but could help with an "adverse possession" claim over the land. This is an uncommonly used element of property law which allows a non-owner to claim a parcel if they have openly used it for five years and have paid taxes on it for the same period.

Any claim of ownership would need to come at least five years in the future, explained the lawyer, as Monkeybrains would need to use the parcel for that long for a claim to be valid. But paying off taxes now means that other groups cannot do so later, he added.

“I am not a land-use attorney, and we haven’t retained a land-use attorney,” said Monkeybrains’ Menendez. He said that he did not see paying the tax as a step toward ownership, but as a way of bringing “stability” to the plot.

“I’m interested in being able to use the parcel the way that I believe it has historically been used, and how current zoning allows it to be used,” said Menendez. “If taxes are paid, there’s no longer an issue of, ‘This is not being attended to right now.’ There’s an organization that obviously is invested enough that it is willing to pay taxes.”

Monkeybrains has been in business in San Francisco since 1998 and employs more than 60 people, with tentative aspirations to expand now that more space is available. Menendez said that the company will end its current lease at 12th and Folsom streets and shift all its San Francisco operations to the Heinzer warehouse, where it hopes to remain for “several decades.” Menendez added that the property cost between \$3.7 and \$4 million, with the exact final figure still unclear due to the tabulation of various fees.

The warehouse came up for sale last August, following the death of co-owner Ernie Heinzer. For two decades prior, the space had served as cheap space for artists’ studios.

Members of Mission Greenway said that they have been trying to contact Monkeybrains to discuss its plans for the warehouse and parcel 36 for weeks. Menendez and Rudy Rucker, the company’s other co-owner, said that they had received “aggressive emails” from Mission Greenway members but did not engage in any formal conversations.

“They refuse to respond,” said Lara Hanna, a member of Mission Greenway who emailed the company. “They refuse to talk to the neighborhood about what they are trying to do.”

The first time members of the gardening group met with Rucker and Menendez in person was on Friday afternoon, when the pair, along with a few employees, visited the warehouse as owners for the first time.

The meeting did not get off to a fortuitous start. Two police officers arrived on the parcel around the same time as the co-owners. Menendez believes they were called by the warehouse’s realtor,

Louis Cornejo, and neighbors who were unhappy with the addition of new planters.

“We didn’t call the police,” said Menendez. According to Hanna, the officers left when no one was able to prove ownership of the contested parcel.



Rucker and Menendez speaking with two police officers on the parcel. Photo by Lara Hanna.

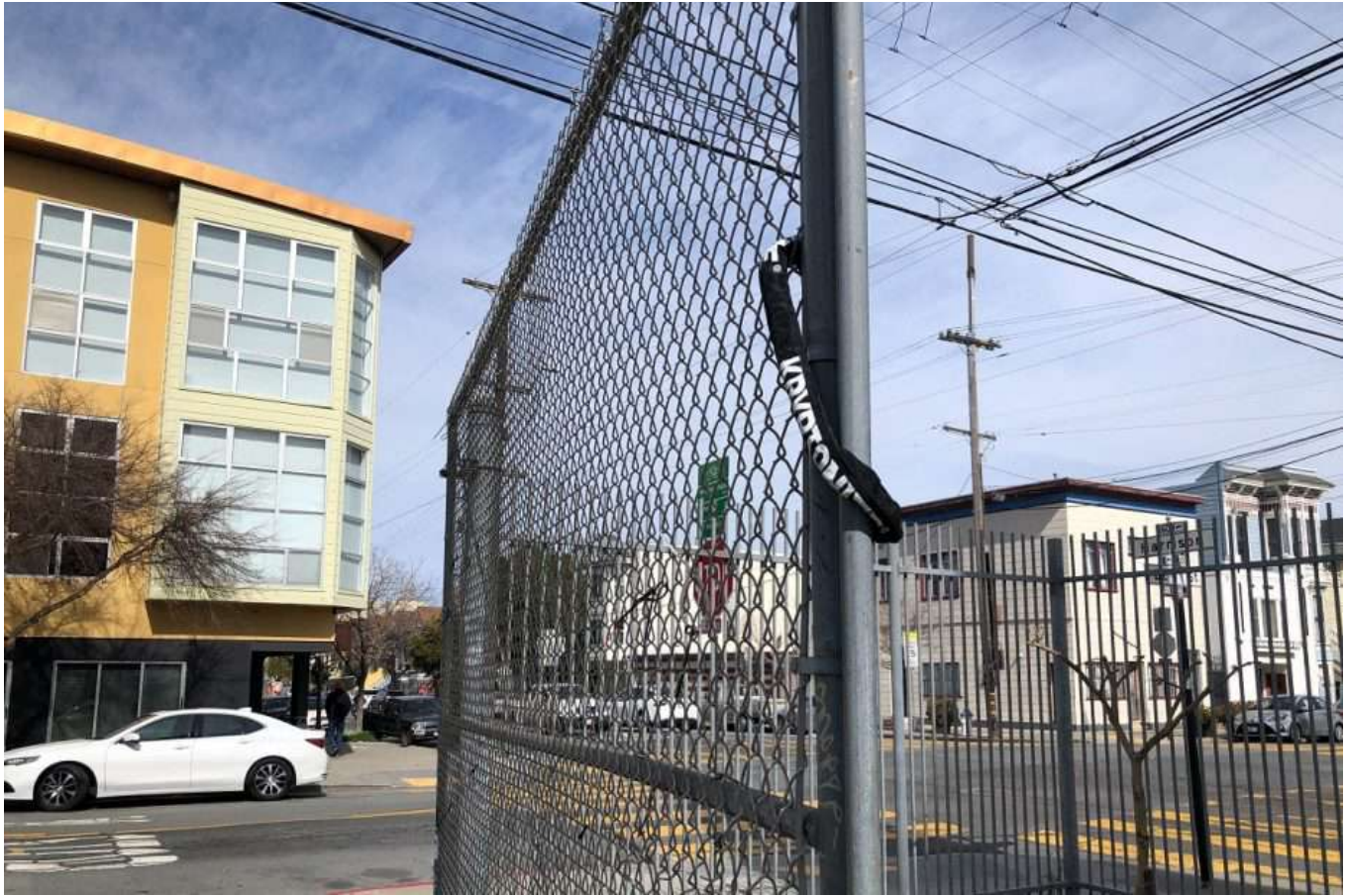
Today, Monkeybrains began working on the space in earnest, bringing in gardeners to chop weeds, and using heavy machinery to remove debris and shore up access to the warehouse’s loading dock. Members of Mission Greenway were on the site and spoke with Rucker and Menendez, asking them not to disrupt any planters.

Monkeybrains also attached a new lock to the 22nd Street entrance, near the loading docks.



Heavy machinery working on parcel 36. Photo by Chuqin Jiang.





Monkeybrains added a new lock to the 22nd Street entrance today. Photo by Chuqin Jiang.

Both groups claim that they want to nurture the parcel after years of neglect, and both claim that their use of the lot will benefit the community. Neither claims to own the parcel.

Menendez said that Monkeybrains will clear up parts of the site that have long been derelict. He added that as a sign of goodwill to neighbors, the company intends to extend an offer of free or discounted internet to the blocks around its new property.

Creely from Mission Greenway said that the gardeners' efforts have grassroots support. While there is ongoing **tension** between the group and some neighboring businesses, more than 1,200 people have signed a **petition** in favor of the greenway. In January, a **community event** attracted a stream of supporters, and another gathering is planned for March.

“You are seeing here two instances of squatting,” said Creely. “Our squatting is done in an attempt to open up the land to public access. Their squatting is done to shut that down.”

“They are destroying a years-long community effort,” she added. “It is unconscionable.”

Trevor Chandler is a neighbor to the parcel and a mayoral appointee to the Eastern Neighborhoods Citizens Advisory Committee. He has been keeping up with issues surrounding the parcel for the last couple of months and, after spotting commotion on the parcel today, attempted to broker a peace.

Chandler asked Rucker not to move or damage any planters on the southwest side of the parcel, and not to damage the planters at the 22nd Street entrance. He also asked Rucker to join a community meeting to try and figure out a solution that Monkeybrains and Mission Greenway could both get on board with.

According to Chandler, Rucker agreed to both suggestions. Chandler and Mission Greenway member Jorge Romero are now organizing a public meeting.

“The main thing stopping a win-win scenario is a lack of communication,” said Chandler. “This shouldn’t have to be a big ordeal.” He added that one of the major drivers of tension was a lack of clarity from the city regarding ownership of the parcel.

Earlier in the day, Menendez said that confrontations over the past week had made him more reluctant to try and find a compromise with members of Mission Greenway. But he did not rule out the possibility.

“Am I saying no to talking in the future?” said Menendez. “Absolutely not.”

The public meeting arranged between Rucker and Chandler is tentatively scheduled for Thursday at 5:30 p.m., with a location still to be confirmed.

*Additional reporting by Chuqin Jiang. Disclosure: Mission Local and Monkeybrains have a barter arrangement exchanging advertising for service.*



## Tensions mount between guerrilla gardeners and neighboring businesses



by [WILL JARRETT](#) JANUARY 14, 2023

## Guerrilla gardening action on unclaimed Mission parcel draws joy, anger



by [DAVID MAMARIL HOROWITZ](#) OCTOBER 25, 2022

## Parcel 36: the lot San Francisco's county, city and tax collector forgot



by [ELIZABETH CREELY](#) DECEMBER 27, 2017



**Scott F**

March 4, 2023 at 7:58 pm

I think there's a little bit of confusion in this comments section about what the Mission Greenway is all about.

The "Stop Mission Greenway" petition says, "Let's [...] look to the city to create a park or housing or whatever is truly best for everyone."

But that's exactly the point of the Mission Greenway effort! The Mission Greenway petition itself says:

"As the Mission continues to grow, it is more vital than ever that the few remaining open spaces such as this be converted to uses that welcome the entire community and represent the culture and history of the past and present people here. We, the undersigned, support developing this vacant, historic railroad right-of-way land into a public, car-free pedestrian pathway surrounded by greenery..." (<https://www.change.org/p/let-s-create-a-greenway-for-everyone-to-enjoy-on-abandoned-land-in-san-francisco>)

In other words, both petitions are saying that the land should be used for the public good, benefiting all, with the specific uses to be determined together by the Mission community.

I have met a number of the gardeners and organizers involved with the greenway effort and, consistently, the main point is this land being in public hands, not a private parking lot. I do not think people are dogmatic beyond that. If you don't like the vegetables that they're growing there right now, well, let's talk about it and get your vision included as well! What matters is \*public, community-serving use\* of the parcel and it seems like both petitions are actually in agreement on that.

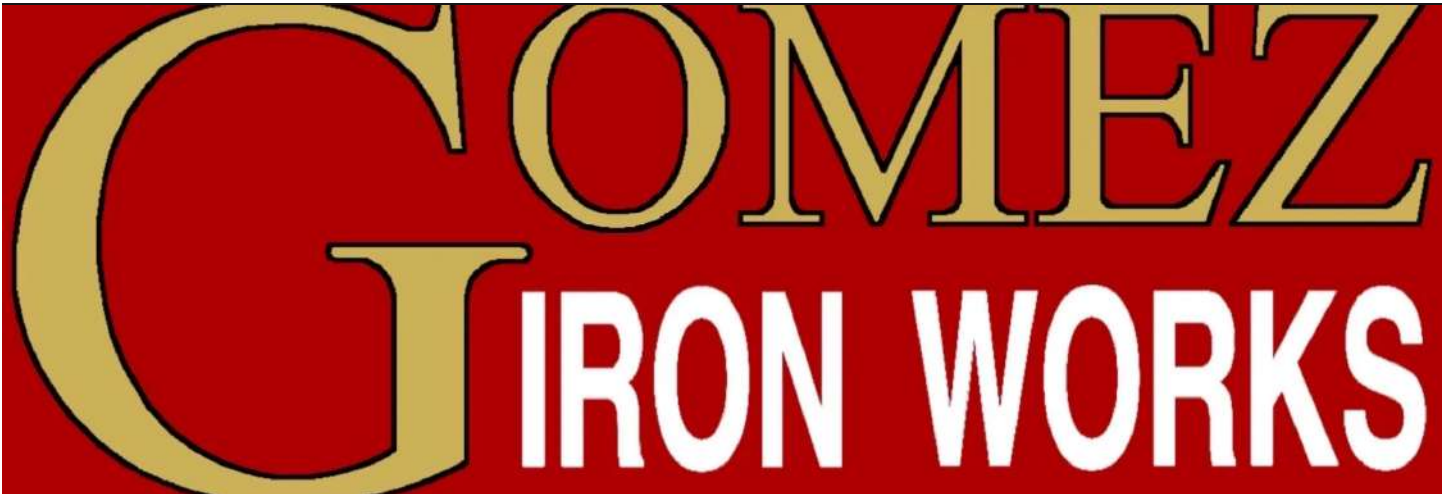
Tomorrow, Sunday, in the afternoon, gardeners will be on the parcel and it'll be a great time to stop by and talk about the greenway effort, its history, and possibilities for the parcel. I encourage anyone who is interested to stop by.



## **Exhibit C**



# GOMEZ IRON WORKS



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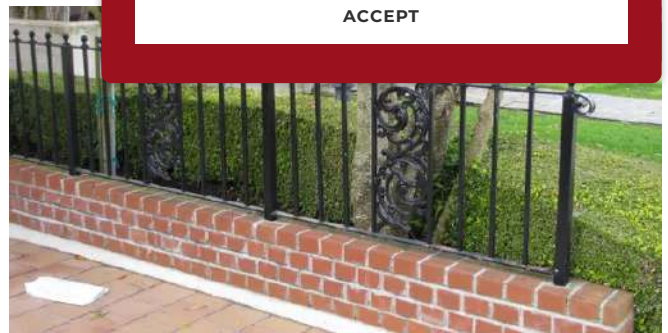
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CONTACT US





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**chain link fence**

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**Gomez Iron Works** <info@gomezironworks.com>  
To:

Mon, Mar 13, 2023 at 11:18 AM

Apologies but we work only in Iron. But, we have used & recommended Dan's drilling & fencing (650) 994-4057 a local small business like our own. Please let him know we recommended him to ensure better pricing. We wish you luck with your project & hope you will reach out when you have any iron needs.

Kindly,  
Elizabeth

---

**From:**  
**Date:** Monday, March 13, 2023 at 11:04 AM  
**To:** Gomez Iron Works <info@gomezironworks.com>  
**Subject:** chain link fence

Hi there Gomez Iron Works!

Quick question. Do you replace chain-link fences, in San Francisco? From your website it seems you may not? Just double-checking.

Thanks a lot!

## **Exhibit D**

#### POLICY 4.10.1

As part of the Eastern Neighborhoods Public Benefits Program, pursue funding for transit, pedestrian, bicycle and auto improvements through developer impact fees, in-kind contributions, community facilities districts, dedication of tax revenues, and state or federal grant sources.



**MAP 3 – Eastern Neighborhoods Public Transit Improvements Concept**



**MAP 4 – Eastern Neighborhoods Pedestrian/Bicycle/Traffic Calming Improvements**

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## 5. Streets & Open Space

The Mission has a deficiency of open spaces serving the neighborhood. Some portions of the Mission historically have been predominantly industrial, which has meant that many areas are not within walking distance to an existing park and many areas lack adequate places to recreate and relax. Moreover, the Mission has a concentration of family households with children -- almost 50% -- which is significantly higher than most neighborhoods in the city. With the addition of new residents, this deficiency will only be exacerbated. Thus, one of the primary objectives of this Plan is to provide more open space to serve both existing and new residents, workers and visitors. Analysis reveals that a total of about 4.3 acres of new space should be provided in this area to accommodate expected growth. This Plan proposes to provide this new open space by creating at least one substantial new park site in the Mission. In addition, the Plan proposes to encourage some of the private open space that will be required as part of development to be provided as public open space and to utilize our existing rights-of-way to provide pocket parks.

### OBJECTIVE 5.1

#### **PROVIDE PUBLIC PARKS AND OPEN SPACES THAT MEET THE NEEDS OF RESIDENTS, WORKERS AND VISITORS**

In a built-out neighborhood such as this, finding sites for sizeable new parks is difficult. However, it is critical that at least one new substantial open space be provided as part of this Plan. The Planning Department will continue working with the Recreation and Parks Department to identify a site in the Mission for a public park and will continue to work to acquire additional open spaces.

In order to provide this new open space, significant funding will need to be identified to acquire, develop, and maintain the space. One source of funds would be impact fees or direct contributions from new development. New residential development directly impacts the existing park sites with its influx of new residents, therefore new residential development will be required to either pay directly into a fund to acquire new open space.

Commercial development also directly impacts existing park sites, with workers, shoppers and others needing places to eat lunch and take a break outside. Existing requirements in the Mission for commercial development establish a minimum amount of open space to be provided on-site, or project sponsors may elect to pay an in-lieu fee. Because these fees are low, project sponsors often elect to pay the fee. This Plan proposes to maintain the current requirements for commercial development to provide adequate, usable open space, but increase the in-lieu fee if project sponsors choose not to provide this space. This in-lieu fee will be used to provide publicly accessible open space.

The policies to address the objective above are as follows:

#### **Policy 5.1.1**

**Identify opportunities to create new public parks and open spaces and provide at least one new public park or open space serving the Mission.**

#### **Policy 5.1.2**

**Require new residential and commercial development to contribute to the creation of public open space.**

### OBJECTIVE 5.2

#### **ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY, PRIVATE OPEN SPACE**

In addition to the publicly accessible open space requirements, another tool for making the Mission greener is to require additional private open space. Currently, residential developments are required to provide open space accessible to residents. Because of its more industrial past, this requirement is currently much lower in the Northeast Mission than other parts of the Mission. This Plan increases the open space required as part of new developments to be similar to what is currently required in other neighborhoods that allow residential redevelopment.

Additionally, commercial development is currently required to provide open space in SoMa. These existing requirements establish a minimum amount of open space to be provided on-site, or project sponsors may elect to pay an in-lieu fee. Because these fees are low, project sponsors often elect to pay the fee. This plan proposes to reexamine the current requirements for commercial development in SoMa to provide adequate, usable open space, and it proposes to expand them and apply them to projects in the Mission.

In small-scale residential developments in this area, open space is provided as backyards. Currently many of the blocks, especially the alleys and neighborhood commercial streets of Mission and Valencia, have a rear yard pattern similar to many of the residential neighborhoods in the city. Taken together in the center of a block, these rear yards provide a sense of visual relief and access to open space in this part of the city. In areas where the existing pattern is one of rear yards, this pattern should be maintained. However, in areas where rear yards do not predominate, new residential developments should provide open space in a manner that best fits the characteristics of the particular site, while still ensuring high quality open space design.

The quality of the private open space is also being reexamined in the Mission District. Currently, open space is often provided as sterile hardscape atop a building's podium. By employing the new performance-based evaluation tool, discussed in greater detail in the Built Form section of this Area Plan, required open space will be made greener, more ecologically sustainable, and more enjoyable for residents.

The policies to address the objective above are as follows:

**POLICY 5.2.1**

**Require new residential and mixed-use residential development to provide on-site, private open space designed to meet the needs of residents.**

**POLICY 5.2.2**

**Establish requirements for commercial development to provide on-site open space.**

**POLICY 5.2.3**

**Encourage private open space to be provided as common spaces for residents and workers of the building wherever possible.**

**POLICY 5.2.4**

**Encourage publicly accessible open space as part of new residential and commercial development.**

**POLICY 5.2.5**

**New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels has flexibility as to where open space can be located.**

**POLICY 5.2.6**

**Ensure quality open space is provided in flexible and creative ways, adding a well used, well-cared for amenity for residents of a highly urbanized neighborhood. Private open space should meet the following design guidelines: A. Designed to allow for a diversity of uses, including elements for children, as appropriate. B. Maximize sunlight exposure and protection from wind C. Adhere to the performance-based evaluation tool.**

In new mixed-use developments, common, unenclosed residential open space areas can be provided as a rear yard, rooftop garden, central courtyard, balcony, or elsewhere on the lot or within the development so long as it is clearly accessible and usable by residents. Landscaping visible from the street is encouraged. Common spaces are encouraged over private spaces.

**OBJECTIVE 5.3**

**CREATE A NETWORK OF GREEN STREETS THAT CONNECTS OPEN SPACES AND IMPROVES THE WALKABILITY, AESTHETICS AND ECOLOGICAL SUSTAINABILITY OF THE NEIGHBORHOOD.**

In a built out neighborhood such as the Mission, acquiring sites for new large parks can be difficult. For this reason, in addition to the acquisition of at least one park site in the neighborhood, the Mission Area Plan proposes an open space network of "Green Connector" streets, with wider sidewalks, places to sit and enjoy, significant landscaping and gracious street trees that would provide linkages between larger open spaces and diffuse the recreational and aesthetic benefits of these spaces into the neighborhood.

Green Connector streets are proposed throughout the Mission to connect the Mission east to Potrero Hill and eventually the Bay as well as west to Dolores Park and Noe Valley. Although the specific locations will be addressed in the upcoming Mission Public Realm Plan, connections are desirable in the northern part of the Mission (e.g. 16th or 17th Streets), in the center of the Mission (e.g. 20th or 21st Streets) and through the southern part of the Mission (e.g. 24th, 25th or Cesar Chavez Streets). Additionally, north-south connections are being considered for Potrero Avenue (See [Map 5 - Eastern Neighborhoods Streets and Open Space Concept Map](#)). Reconfiguring many of the Mission's wide, heavily trafficked streets that currently satisfy the needs of private vehicles over the needs of pedestrians and cyclists would go far to create a more livable neighborhood for residents, workers, and visitors.

The Mission Area Plan calls for a fundamental rethinking of how the city designs and uses its streets. In addition to Green Connector streets, smaller streets and alleys can provide a welcomed respite from the busy activities along major streets. These alleyways are proposed to be converted into "living streets," where through-traffic is calmed and paving and landscaping are designed to reflect what is envisioned as the pedestrian primacy of these streets. (See [Map 5 - Eastern Neighborhoods Streets and Open Space Concept Map](#)).

In dense neighborhoods such as the Mission District, it is increasingly clear that streets can and should provide important and valued additions to the open space network and aesthetic quality of the area. The design and maintenance of all other streets throughout the Plan Area should be guided by the forthcoming *Better Streets Plan*, a policy document that will provide direction on how to improve the overall urban design quality, aesthetic character, and ecological function of the city's streets while maintaining safe and efficient use for all modes of transportation. The *Better Streets Plan* will provide guidance for both public and private improvements to the streetscape. The Mission Area Plan, in addition to the *Better Streets Plan*, will generate amendments to the Planning Code to make more explicit the requirements of private developers to construct and maintain a more enjoyable, more beautiful pedestrian environment.

In addition to these general streetscape improvements along streets, specific design interventions should also be considered for major intersections. To better foster a sense of place and to improve the pedestrian experience, at important intersections, significant public space improvements - such as bulb-outs and landscaping treatments - should be focused at these intersections. Additionally, as described in the Built Form chapter of this Plan, specific effort should be paid to improving the quality, design, massing, and scale of corner buildings to better reflect the civic importance of major street intersections.

The Mission Area Plan also calls for two primary interventions that are aimed at connecting the Mission's open space network to that of the city as a whole. The first is a Civic Boulevard such as Folsom Street, connecting the emerging Transbay and Rincon Hill Areas, East and West SoMa, and the Mission District. A Civic Boulevard would be a green street linking public open spaces, cultural and social destinations, and transit connections. It would be heavily landscaped with a strong design aesthetic, with pocket parks, plazas, and with wide sidewalks and a distinctive lighting character. Through the Mission, Folsom street is a more residential in character than in SoMa and the improvements proposed would reflect this more residential character.

Second, primary pedestrian connections between neighborhoods are to be strengthened. Sixteenth, 24th, Mission, and Valencia Streets are currently designated pedestrian connectors between the Mission, SoMa, Upper Market, and the Castro. Potrero and South Van Ness should be added to this street classification. Primary pedestrian streets should aim to foster an enjoyable pedestrian environment, such as minimizing shade, maximizing sidewalk width, and providing agreeable pedestrian amenities such as lighting and street furniture.

The forthcoming Mission Public Realm plan will focus in detail on the Mission District's streets and public spaces. This Plan will define how best to define the street typologies found in the Mission, with the goals of reducing private vehicle primacy, fostering walking, and strengthening economic vitality of neighborhood commercial streets. The Mission Public Realm Plan will serve as the implementing document for the streetscape improvements proposed in this Area Plan.

The policies to address the objective outlined above are as follows:

**POLICY 5.3.1**

**Redesign underutilized portions of streets as public open spaces, including widened sidewalks or medians, curb bulb-outs, "living streets" or green connector streets.**

**POLICY 5.3.2**

**Maximize sidewalk landscaping, street trees and pedestrian scale street furnishing to the greatest extent feasible.**

**POLICY 5.3.3**

**Design the intersections of major streets to reflect their prominence as public spaces.**

**POLICY 5.3.4**

**Enhance the pedestrian environment by requiring new development to plant street trees along abutting sidewalks. When this is not feasible, plant trees on development sites or elsewhere in the Plan Area.**

**POLICY 5.3.5**

**Significant above grade infrastructure, such as freeways should be retrofitted with architectural lighting to foster pedestrian connections beneath.**

#### **POLICY 5.3.6**

**Where possible, transform unused freeway and rail rights-of-way into landscaped features that provide a pleasant and comforting route for pedestrians.**

#### **POLICY 5.3.7**

**Improve the Mission District's streets and sidewalks for all users in accordance with the Mission District Streetscape Plan.**

The Mission District Streetscape Plan (MDSP) provides a framework for the improvement of Mission District streets and sidewalks to improve pedestrian safety and comfort, increase the amount of usable public space in the neighborhood, and support environmentally-sustainable stormwater management. The MDSP identifies 30 priority projects to achieve these goals.

Over time, the City should seek funding to build out the projects identified in the MDSP. As City agencies and others maintain and repair Mission District streets and sidewalks, they should improve and rebuild these streets according to the vision of the MDSP as feasible. Where significant new development occurs adjacent to a project identified in the MDSP, the project sponsor should improve the streetscape in accordance with the MDSP.

### **OBJECTIVE 5.4**

#### **THE OPEN SPACE SYSTEM SHOULD BOTH BEAUTIFY THE NEIGHBORHOOD AND STRENGTHEN THE ENVIRONMENT**

Open space not only provides places to recreate and relax, but also provides a means to strengthen the environmental quality of the neighborhood. As discussed in the Built Form chapter of this plan, one tool for greening private open spaces is the performance-based evaluation tool. This tool requires all new development to meet a defined standard for on-site water infiltration, and offers developers a large number of strategies to meet the standard.

Ecological sustainability is also a key goal in the development of public spaces. Some new public spaces will be created through the reclamation of the excess street right-of-ways throughout the Mission. Turning these concrete and impermeable surfaces into pocket parks and plantings will not only beautify the street, it will also provide greater on-site water filtration. Additionally, new public parks that are being acquired will consider incorporating ecological sustainability elements, such as bioswales and natural areas.

In addition to the on-site menu of options available to project sponsors as part of the performance-based evaluation tool, there are many additional measures that can create a better environment. Built out, urban areas such as San Francisco can improve existing water quality of our bays and oceans by encouraging more on-site infiltration. Pervious surfaces, such as parking lots, are one of the main causes of pollution flowing directly into these water resources and one of the easiest sources to make more permeable. Permeability allows the water to be filtered through the soil before reaching the bay or the ocean. An ongoing master planning process being conducted by the San Francisco's Public Utility Commission (PUC) will provide guidance on how best to mitigate stormwater flow into the city's sewers, for example, by designing surface parking and loading areas to infiltrate rainwater onsite, rather than sending it into the drain.

Uncovering long-buried creeks would also substantially change the environment of the Mission. Mission Creek once meandered from the base of Twin Peaks down to through the Mission and along Division to Mission Bay. Future consideration should be given to daylighting some elements of this historic streambed.

Public art can be a component of existing and proposed open spaces that enhance the spaces and relate them to the existing neighborhoods. For example, a rotating art public art exhibit such as the one at Victoria Manolo Draves Park adds a locally relevant cultural element to the new park.

The policies to address the objective above are as follows:

#### **POLICY 5.4.1**

**Increase the environmental sustainability of the Mission's system of public and private open spaces by improving the ecological functioning of all open space.**

#### **POLICY 5.4.2**

**Explore ways to retrofit existing parking and paved areas to minimize negative impacts on microclimate and allow for storm water infiltration.**

#### **POLICY 5.4.3**

**Encourage public art in existing and proposed open spaces.**



#### POLICY 5.4.4

Explore opportunities to uncover Mission Creek's historic channel through the Mission.

### OBJECTIVE 5.5

#### **ENSURE THAT EXISTING OPEN SPACE, RECREATION AND PARK FACILITIES ARE WELL MAINTAINED**

Throughout the community planning process participants have given a high priority to maintaining and renovating existing park facilities. Maintenance needs will only become more apparent with the acquisition of a new park and as more open spaces such as green connector streets, living streets, and pocket parks are constructed. These types of spaces are often more complex and therefore generally more difficult to maintain on a per square foot basis than an open field, so the city should work to find space for maintenance equipment in the Mission area and to assure that maintenance funding and funding to renovate existing parks is provided with the development of these spaces.

This plan proposes to renovate at least one existing park by securing the funding through impact fees and other sources. Specifically in the Mission, the majority of the area's parks are in need of renovation including the Mission Playground (which is being prioritized for funds from the recently approved open space bond), Garfield Square, James Rolph Jr Playground, Juri Commons, Jose Coronado Playground, Franklin Square, Alioto Mini Park, and the Mission Recreation Center (See [Map 5 - Eastern Neighborhoods Streets and Open Space Concept Map](#)). Parque Niños Unidos, Kidpower Park, and 24th and York mini park were recently renovated, so are not prioritized for renovation at this time, but over the life of the Plan renovation is anticipated for these parks as well. The Recreation and Parks Department (RPD) is now using, safe, durable and long lasting materials and are designing facilities appropriately for the intended uses and these efforts will result in fewer repairs, longer and expanded usage periods and more reliable facilities. *New public parks and re-designs of existing public parks should maximize drought tolerant landscaping and minimize features that require regular irrigation. Native species are encouraged, where appropriate.*

There are also opportunities to more efficiently and creatively utilize existing facilities, such as school playgrounds, in the Mission. The Mayor's Office and the San Francisco Unified School District have recently begun a pilot program to open one school playground in each supervisorial district for use on weekends and select holidays. This program better utilizes our existing resources and the city should continue to work with the School District to expand this program.

The policies to address the objective above are as follows:

#### POLICY 5.5.1

**Prioritize funds and staffing to better maintain existing parks and obtain additional funding for a new park and new open space facilities.**

#### POLICY 5.5.2

**Renovate run-down or outmoded park facilities to provide high quality, safe and long-lasting facilities. Identify at least one existing park or recreation facility in the Mission for renovation.**

#### POLICY 5.5.3

**Explore opportunities to use existing recreation facilities, such as school yards, more efficiently.**



**[MAP 5 – Eastern Neighborhoods Streets and Open Space Concept](#)**

---

## **Exhibit E**

1 [Urging the Evaluation and Allocation of Properties for Urban Agriculture]  
2

3 **Resolution reaffirming the Board of Supervisors' support for urban agriculture and**  
4 **urging the evaluation and allocation of appropriate properties for urban agriculture.**  
5

6 WHEREAS, Urban agriculture provides proven benefits to San Franciscans by  
7 connecting City residents to the broader food system, providing green space and recreation,  
8 providing ecological benefits and green infrastructure, building community, and offering food  
9 access, public health, and workforce development potential; and

10 WHEREAS, Urban agriculture has been identified as a priority land use in the City and  
11 County of San Francisco on the basis of the aforementioned benefits through numerous policy  
12 developments; and

13 WHEREAS, Executive Directive 09-03 "Healthy and Sustainable Food for San  
14 Francisco (July 9, 2009), which report is on file with the Clerk of the Board of Supervisors in  
15 File No. 161323 and is hereby declared to be a part of this Resolution as if set forth fully  
16 herein states, "Food production and horticulture education will be encouraged within the City  
17 and, to the extent feasible, on City owned land, through urban agriculture including  
18 community, backyard, rooftop, and school gardens; edible landscaping, and agricultural  
19 incubator projects;" and

20 WHEREAS, The City and County of San Francisco further demonstrated its  
21 commitment to urban agriculture by modifying its Planning Code in April 2011 to allow urban  
22 agriculture in all zones throughout the city in its ordinance 66-11, which is hereby declared to  
23 be a part of this Resolution as if set forth fully herein; and

24 WHEREAS, The City and County of San Francisco created the Urban Agriculture  
25 Program and position of an urban agriculture coordinator in 2012 to provide technical and

1 coordination support to the urban agriculture sector in its ordinance 162-12, which is hereby  
2 declared to be a part of this Resolution as if set forth fully herein; and

3 WHEREAS, The City and County of San Francisco underscored the value of urban  
4 agriculture and the importance of land access and land tenure when it created the state's first  
5 Urban Agriculture Incentive Zone in 2014 through its implementation of Assembly Bill 551 in  
6 its ordinance 184-14, which is hereby declared to be a part of this Resolution as if set forth  
7 fully herein; and

8 WHEREAS, Urban farm lands are limited in the City and County of San Francisco and  
9 as our population grows and farms disappear, an increasing number of citizens are deprived  
10 of access to and understanding of working farmland and of their food system; and

11 WHEREAS, Demonstration of intensive urban food production connects city residents  
12 to larger food systems and offers space for agricultural collaboration between urban and rural  
13 sectors; and

14 WHEREAS, Secure land tenure has been demonstrated as an essential component to  
15 the near and long-term viability of urban farms; and

16 WHEREAS, Urban farms are an important element in realizing urban agriculture's  
17 immense social and environmental potential; now, therefore, be it

18 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
19 finds that urban farms are an important element in realizing urban agriculture's immense  
20 social and environmental potential; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors urges the Department of Real  
22 Estate, the Recreation and Park Department, the Planning Department, the Department of  
23 Public Health, Public Works, other City Departments, the Public Utilities Commission, and the  
24 San Francisco Unified School District to evaluate possible sites, including surplus properties  
25

1 and possible sites available for acquisition, for their potential suitability for urban agriculture,  
2 including, but not limited to sites that meet the following criteria:

- 3 - remain permeable,
- 4 - were previously zoned for agriculture,
- 5 - are prone to flooding,
- 6 - meet the criteria of blight as defined in Administrative Code Section 80.3, or
- 7 - have been identified by the City, community groups, community plans or other
- 8 interested parties as well-suited for urban agriculture; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors urges that such properties be  
10 evaluated with the intent of establishing urban agriculture projects that provide educational  
11 benefits to children and adults while also being potentially economically self-sustaining  
12 through commercial operations.



City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 161323

Date Passed: April 25, 2017

Resolution reaffirming the Board of Supervisors' support for urban agriculture and urging the evaluation and allocation of appropriate properties for urban agriculture.

December 13, 2016 Board of Supervisors - REFERRED

April 17, 2017 Land Use and Transportation Committee - RECOMMENDED

April 25, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

April 25, 2017 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE


Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

April 25, 2017 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 161323

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 4/25/2017 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

Unsigned

May 5, 2017

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo  
Angela Calvillo  
Clerk of the Board

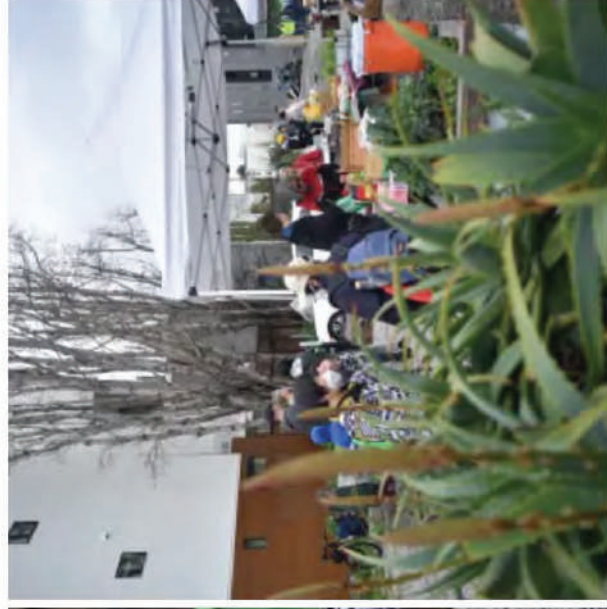
5/5/17  
Date

## **Exhibit F**



### January 2023:

On January 14th 2023 we hosted our first community event on the greenway! People brought tons of food, bands performed, children triumphed over the wasteland and it only rained for the last 30 minutes! There are some great music videos on our [instagram](#) and check out the photos below.



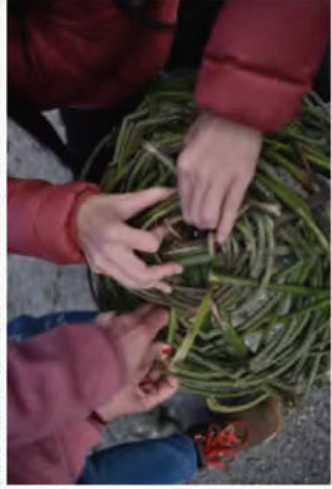
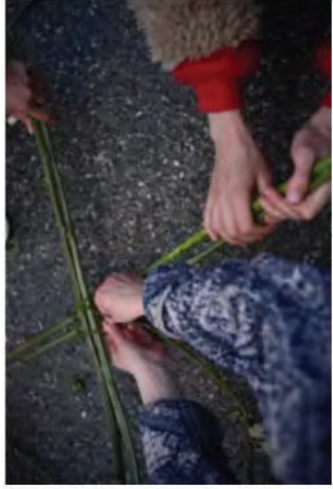
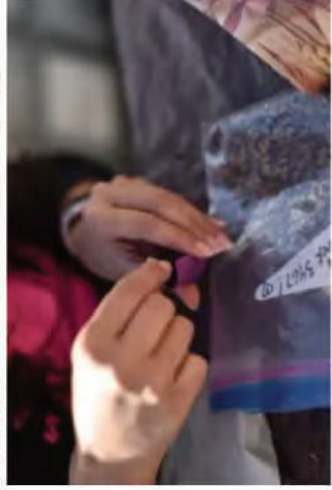
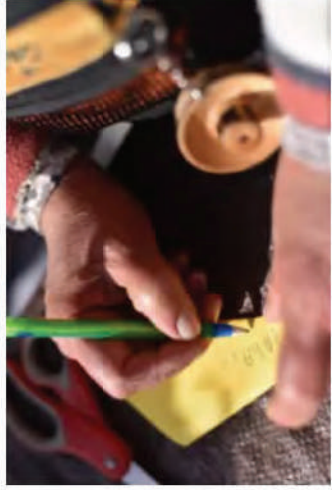


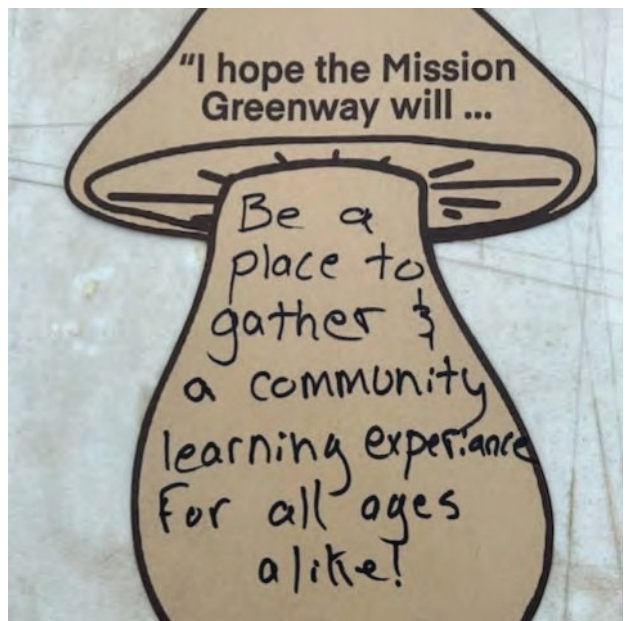
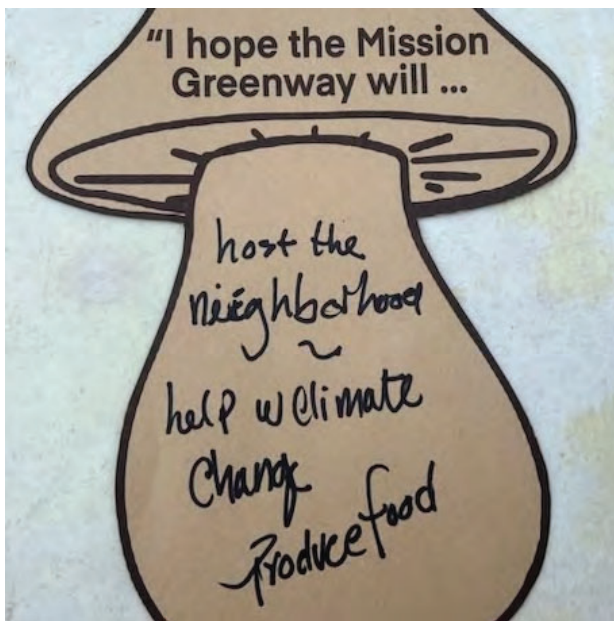
**March 2023:**

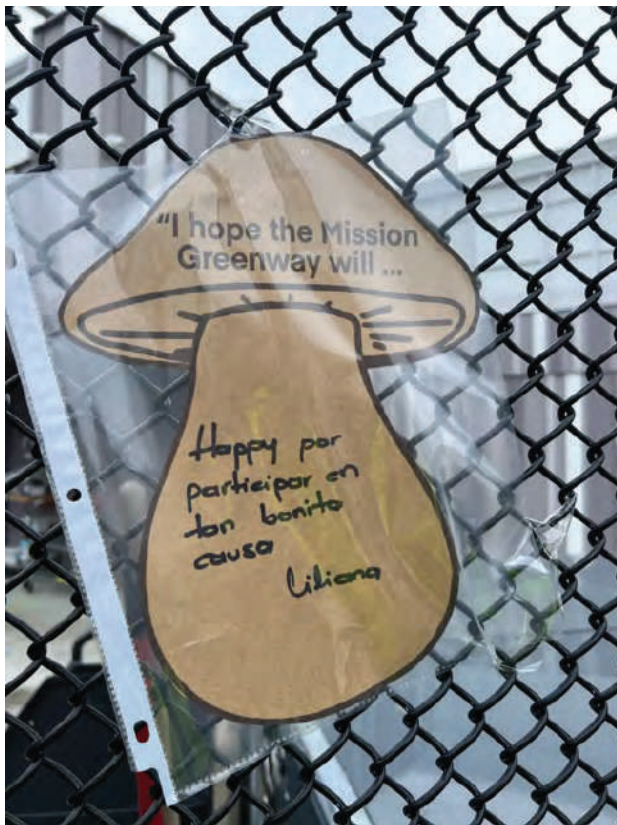
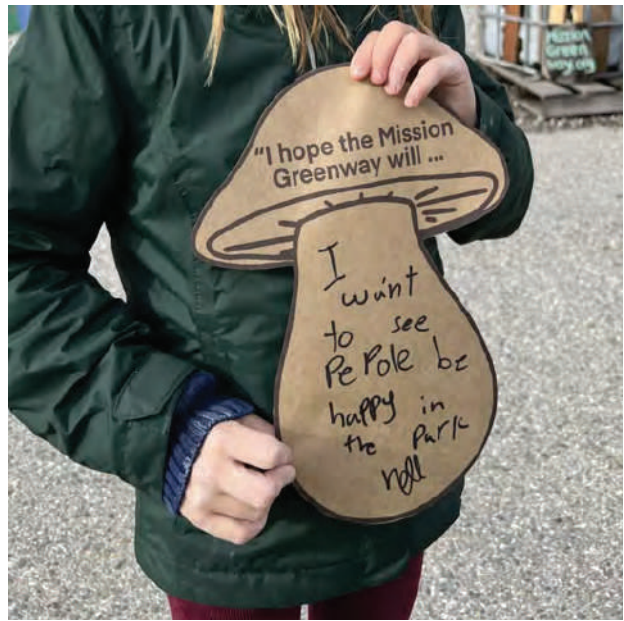
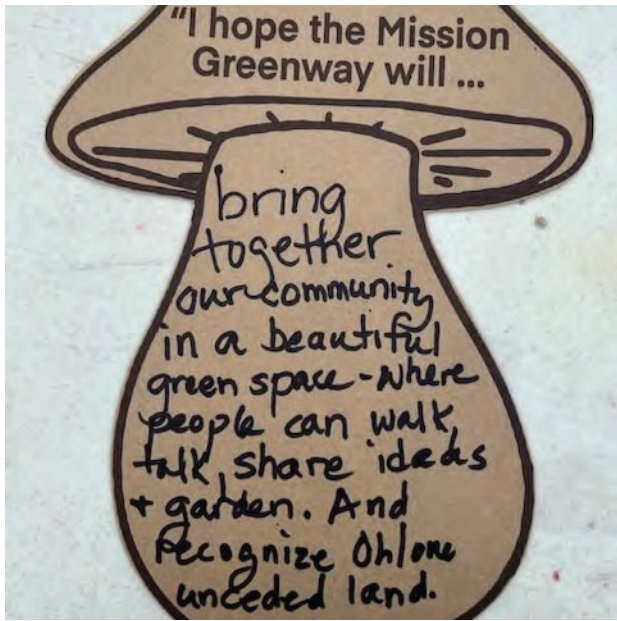
On March 18th, reduce plastic and make your own eco-friendly detergent and shampoo. BYO container. Ingredients will be provided. We'll also give out free toothpaste that comes in the form of tablets, to eliminate unrecyclable plastic tubes.

**February 2023:**

In early February, we gathered thornless blackberry vines from a backyard on Mission Street and created five baskets! It was magical. We shared food and seeds too. And made (big and tiny) seed packets. Come by on Sundays for more community events!







El barrio en el que queremos vivir empieza en la Vía Verde. Durante generaciones, el Distrito de la Misión ha sido una comunidad orgullosamente resiliente, e incluso después de varias oleadas de gentrificación y el COVID, que ha significado la pérdida del 35% de las familias trabajadoras del vecindario, todavía tenemos la oportunidad de JUNTARNOS para crear un espacio comunitario. para reunirnos, nutrirnos y celebrar.



# MAPP

Mission Arts Performance Project

Ven y únete a esta celebración. ¡Trae a tu familia, amigos, mascotas y un instrumento musical!

4:00 - 7:00 PM

APRIL 1<sup>ST</sup> DE ABRIL

SÁBADO SATURDAY

AT THE GREENWAY EN LA VÍA VERDE

Land connecting 22nd st to Treat Ave  
Terreno que conecta 22nd st y Treat Ave

missiongreenway.org

2023



A neighborhood that we want to live in starts on the Greenway. For generations, the Mission District has been a proud resilient community, and even after multiple waves of gentrification and COVID, which has meant losing 35% of the working families in the neighborhood, we still have the opportunity to COME TOGETHER to create a community space for gathering, for nurturing, and for celebration.

Come join this celebration. Bring your family, friends, pets, and an instrument!

4:00 - 7:00 PM

APRIL 1<sup>ST</sup> DE ABRIL

SÁBADO SATURDAY

AT THE GREENWAY EN LA VÍA VERDE

Land connecting 22nd st to Treat Ave  
Terreno que conecta 22nd st y Treat Ave

missiongreenway.org

2023



MAPP

Mission Arts Performance Project



## **Exhibit G**





### Service Learning Contract

> TO BE COMPLETED BY THE STUDENT

Name: \_\_\_\_\_ Term/ Period you have Service: \_\_\_\_\_ Spring/A

Advisor: \_\_\_\_\_ Grade: 12 Cell phone: 415-\_\_\_\_\_

Class Schedule (During Service Learning Term)

A: \_\_\_\_\_ Service \_\_\_\_\_ B: \_\_\_\_\_ Economics \_\_\_\_\_ C: \_\_\_\_\_ Astronomy \_\_\_\_\_ D: \_\_\_\_\_ Spanish 4B

E Period Commitments: \_\_\_\_\_ None

Other Commitments (theater, sports): \_\_\_\_\_ volleyball

Placement Site and Address: \_\_\_\_\_ <https://missiongreenway.org/>

Organization Mission Statement:

Friends of the Greenway is working with the Mission community to transform Parcel 36, a historic railroad thoroughway in the heart of the Mission, connecting Treat Ave to 22nd St., into a collaborative, visionary hub for pollinator gardens, small scale food production, education, connection, and environmental stewardship.

Site Supervisor (Adult at your Service Site who will be your main contact.)

NAME and CONTACT information (Email and/or Phone):

\_\_\_\_\_ail.com

When will you be volunteering with your organization? (This doesn't have to be during the double period if it doesn't work with your service site's schedule)  
During double periods

How will you get to your service site? (If public transportation is your method, please include bus lines):  
Driving



> **STUDENT/ COMMUNITY PARTNER/PARENT - READ AND SIGN BELOW**

**Service Learning Program Descriptions**

**9th Grade Service Learning: Identity and Ethnic Studies** is a 6-week Freshman course designed for students to explore their identity and culture, as well as examine historical factors that shape social constructions such as race, ethnicity, nationality and class. This is an introductory course to the four-year Service Learning Program at Urban.

**10th Grade Service Learning: Community Partnerships** is a 6-week course that prepares sophomores to become responsible and resourceful citizens who partner with non-profit agencies and organizations working to serve a range of local needs and issues. The course introduces students to frameworks for effective citizenship, community engagement, and professionalism.

**11th Grade Learning: Independent Internship and Synthesis Seminar** is a 12-week course where students pursue independent service learning internships in the larger community once a week and engage in a semi-weekly synthesis seminar to bring together their two previous years of coursework in the department.

**12th Grade Learning: Independent Service Learning Internship** is a 12-week course in which students pursue independent service learning internships in the larger community. The purpose of the course is to serve as a stepping-stone for students to become fully and independently engaged citizens beyond the walls of Urban.

> **AGENCY/ COMMUNITY PARTNER Agreement:**

Thank you for providing an invaluable opportunity for an Urban student to participate in work with your agency or project! A brief description of our program is included above and your student volunteer can answer any questions that you have about program specifics. In order to ensure an environment of safety and optimal learning, and to provide meaningful service to your agency/project, please observe the following:

- Read entire agreement and speak with student about learning goals and time commitments.
- Student performs service work under guidance and supervision of qualified staff or volunteer(s).
- Student receives adequate training to perform their service.
- Agency agrees to provide the student with an evaluation/ letter of recommendation outlining the student’s performance at the end of the service period.

**Supervisor Signature:** \_\_\_\_\_ **Date:** 3/23/2023  
DocuSigned by: [Redacted Signature] 9FDBE07E155747A...

> **STUDENT Agreement:** I understand and accept the conditions of this agreement. I plan to meet this commitment each week for the time period discussed with my supervisor. For the purpose of the Service Learning course, I must volunteer a minimum of 10 weeks. I have completed, reviewed and submitted the 12-week Service Learning Calendar with my supervisor. I will notify both the Urban Service Learning office and my placement site if there are unavoidable absences or schedule changes that occur.

**Student Signature:** \_\_\_\_\_ **Date:** 3/23/2023  
DocuSigned by: [Redacted Signature] AB0F5D131BDD4D8...

# Bienvenidos! Welcome!

Nos estamos reuniendo en la Vía Verde para aprender y cuidar del jardín e intercambiar conocimiento y cuidarnos mutuamente!



*Mira a tu alrededor, ¿qué ves?*

*Este es un espacio Multiuso*

*Muévete al ritmo de las plantas*

*Pregúntale a las plantas o la gente que está presente!*

*Disfruta del jardín y de la gente!*



Mira a tu alrededor, qué ves?



# Bienvenidos! Welcome!

We are gathering at the  
greenway to learn from  
and care for the garden,  
and each other!



Look around, what do you see?

*this is a multi-use space, in  
progress*

*move at the pace of the plants*

*ask questions to the plants and  
each other*



Look around, what do you see?



## **Exhibit H**

**FILED**  
San Francisco County Superior Court

AUG 17 1994

ALAN CARLSON, Clerk  
BY: [Signature]  
Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE CITY AND COUNTY OF SAN FRANCISCO

SOUTHERN PACIFIC  
TRANSPORTATION COMPANY,

Plaintiff,

v.

ERNEST R. HEINZER and JAMES W.  
HEINZER, d/b/a/ ERNEST A. HEINZER  
& SONS COMPANY; and DOES 1  
through 20,

Defendants.

AND RELATED CROSS-ACTIONS

No. 945470

STATEMENT OF DECISION

STATEMENT OF DECISION

The above-entitled matter came on regularly for trial on December 13, 1993 on the bifurcated issue of Plaintiff's record title of the parcel of real property known and referred to as "Parcel 50" in the judgment of the Court entered March 8, 1912. The matter was heard in Department Eighteen of the above-entitled Court, before the Honorable Daniel M. Hanlon, Judge presiding. Vicki Baer, Attorney at Law and Ken A. Kuwayti, Attorney at Law appeared as counsel for Plaintiff, and Arthur D. Levy, Attorney at Law and Theresa R.



1 Owens, Attorney at Law appeared as counsel for Defendants. Evidence was introduced and  
2 the matter was briefed, argued and submitted on December 16, 1993.

3 The Court finds that the parties are bound by the 1912 judgment entered pursuant  
4 to that action brought under the Destroyed Land Records Relief Law of 1906, commonly  
5 referred to as the McEnerney Act. Under the terms of the Act, a judgment is conclusive of  
6 a party's record title to property so adjudicated. (Code of Civil Procedure, section 751.15.)  
7 While some of its terms may be ambiguous, no admissible extrinsic evidence was proffered  
8 which is probative in interpreting the 1912 judgment.

9 Plaintiff's Exhibit #1 is the clerk's entry in the index of McEnerney judgments.  
10 While taking judicial notice of the index, the Court gives no weight to the document because  
11 it is not admissible to show the terms of the judgment and it does not establish that the  
12 judgment is unambiguous.

13 Plaintiff offered several documents at trial in an attempt to prove the terms of the  
14 1863 deed to which the 1912 judgment refers. Plaintiff's Exhibit #2 is an unsigned typed  
15 document which purports to be a true copy of the 1863 deed. This document is not admitted  
16 because the Court finds that it is without proper foundation. Plaintiff also offered two deeds  
17 executed in 1913 which purport to incorporate the terms of said 1863 deed in an effort to  
18 establish the terms of the 1863 deed. The Court finds that Exhibit #3 and Exhibit #4, both  
19 unsigned documents, are without proper foundation and are not to be considered. However,  
20 the Court finds that Exhibit #17, a certified copy of Exhibit #3, purporting to be an indenture  
21 from Southern Pacific to the John Center Company and the Crims may have been  
22 authenticated. Nevertheless, the Court finds that the document is irrelevant to this action  
23 because the indenture does not go to the parcel of property at issue before the court. The  
24 Court finds the gratuitous recitals in the exhibit which manifest an attempt to correct the  
25 McEnerney judgment inadmissible. The indenture reflected in Exhibit #17, appears to  
26 wholly incorporate Exhibit #2, the typed, unsigned copy of the 1863 deed. There was no  
27 evidence presented to establish that Exhibit 17 accurately states the terms of the 1863 deed.

28 Plaintiff offered pleadings in a 1908 action and a judgment, Exhibit #21, which

1 refers to the 1863 deed. The Court finds that this evidence is not probative as to the  
2 meaning of the 1912 judgment.

3 Defendants' offered Exhibit #8 and Exhibit #9 which are the pleadings in the  
4 1910 McEnerney action. These documents frame the issues in a general sense but are mere  
5 allegations and not probative as to the decision ultimately rendered. Similarly, the Court  
6 finds that the affidavits submitted in connection with a post-trial motion in the 1910  
7 McEnerney action are not probative, especially in light of the withdrawal of said motion.

8 Interpreting the 1912 judgment from its four corners, the Court finds that the  
9 judgment gave Plaintiff's predecessor an easement rather than a fee. In referring to  
10 Parcel 50 (Parcels 27, 28, and 29 of the complaint), the judgment states that the ". . .  
11 Defendants, . . . are and at the time of the commencement of this action were the owners of  
12 the fee to said parcels of land . . . subject only to the right of way of Plaintiff herein for  
13 railroad purposes, . . . ." The judgment never declares the Plaintiff to be the "owner of the  
14 fee" to these parcels. Instead, Plaintiff is described as being "in possession" of the property.

15 Plaintiff points the Court to language in the judgment which explains that,  
16 ". . . said parcels of land were conveyed by John Center, in the year 1863, to the  
17 San Francisco and San Jose Railroad Company, predecessor of Plaintiff, for the right of way  
18 for its railroad; . . . ."

19 Although the term "parcels of land" might suggest conveyance of a fee rather  
20 than an easement, in the next breath the Court refers to ". . . the deed of conveyance of said  
21 right of way, . . ." which suggests conveyance of an easement.

22 The judgment goes on to explain that the deed of conveyance provided that:  
23 ". . . in the event the use of said land as a right of way for said railroad should  
24 be at any time abandoned or should at any time be discontinued for a period of six months,  
25 the tile and right to the possession thereof should revert to the grantor, to-wit, John Center,  
26 . . . ."

27 Plaintiff submits that the use of the term "revert" is inconsistent with the finding  
28 of an easement because abandoned easements do not "revert" but are extinguished.

1 However, the term "revert" is frequently used in connection with the abandonment of  
2 railroad easements. (Johnson v. Ocean Shore Railroad (1971) 16 Cal.App.3d 429 and Public  
3 Utilities Code section 7554.) Such an interpretation is more consistent with the judgment as  
4 a whole.

5 Plaintiff also submits that because an easement is a nonpossessory interest in land  
6 which does not create title, the judgment's use of the terms "title" and "right to possession"  
7 is inconsistent with the finding of an easement. However, this Court is interpreting a  
8 judgment, not a deed. Construing the judgment as a whole, the Court finds that the language  
9 in the beginning of the relevant paragraph describes the right of way or easement and its  
10 scope, and then the latter portion of the paragraph contains the finding that Defendants are  
11 the owners of the fee, the greater interest, subject to the Plaintiff's easement, the lesser  
12 interest. To construe the judgment's declaration of Defendants as "owners of the fee" to  
13 refer to a future interest is to adopt a strained interpretation of the ordinary meaning. The  
14 Court notes that in another portion of the judgment, regarding Parcel 45 (Parcel 2 of the  
15 complaint) the judgment clearly describes the holder of the future interest not as owner of the  
16 "fee" but of the "reversion."

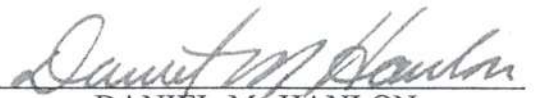
17 For the reasons stated, the Court finds that under the judgment, Plaintiff took an  
18 easement for the right of way and not a fee interest in the property.

19

20 Dated: August 17, 1994

21

22

23 By:   
24 DANIEL M. HANLON  
25 Judge of the Superior Court  
26  
27  
28

## **Exhibit I**

MISSION GREENWAY HISTORY

Austin Fearnow Manager - Property Management | Real Estate  
Union Pacific Railroad | 1400 Douglas St. STOP 1690 | Omaha, NE 68179  
Austin Fearnow [afearno@up.com](mailto:afearno@up.com)  
Wed, May 8, 2013, 6:05 AM

Dennis-

The property is available for lease. The parking on that property is an unauthorized use, something we are aware of and taking steps to remedy. I do, however, have another party inquiring about a portion of the property towards the north end, however you have indicated you also are interested only in a portion of the property, so hopefully we can make it work for all interested parties.

Union Pacific does have a small office in San Francisco, however the parties there are with our Sales Group, for all land leases I am your primary point of contact.

Thank you-  
Austin Fearnow

Dennis-

I will begin the approval review process for this lease. Please note, I need to send it to a few departments within Union Pacific for review, I appreciate your patience as I work through that process.

I did discuss the potential of a sale of this property with our Sales Group, and was informed, at this time, this property is not available for sale by Union Pacific...

Given this information, if you still wish to pursue a lease of this property please advise. If you have any questions or wish to discuss further please contact me at your convenience.

Thank you-Austin Fearnow

Then the lease fell through:

Austin Fearnow [afearno@up.com](mailto:afearno@up.com)  
9/12/13 to me

Dennis-

I apologize, I thought I had emailed you previously about this. I spoke to our Law Department, and they advised against leasing this property to any party at this time. There is a question as to title, which is why another party is contemplating a quiet title lawsuit to have the courts decide who owns the property. While Union Pacific may believe we have title, and if a quiet title action is filed our Law Department will review and determine the best course of action and response, at this time I cannot lease the property to any party per instructions from our Legal Department. I will keep you contact information on file and keep you updated on the progress of this matter.

Thank you-

## **BRIEF SUBMITTED BY THE PERMIT HOLDER(S)**

**Respondent’s Brief for Appeal 23-008 of Alterations Permit  
for Fence at 22<sup>nd</sup> St & Harrison St**

**INTRODUCTION**

On March 2, 2023, 17th & Peralta LLC an affiliate of Another Corporate ISP, LLC dba Monkeybrains, a San Francisco-based Internet Service Provider (“Respondent”), owner of the warehouse property at 931-933 Treat Avenue, applied for and received an alterations permit to replace the damaged fence on the former railroad right-of-way abutting its property, known as “Parcel 36” and referred to within the permit application as 957 Treat Ave. On April 6, 2023, a local group of “guerrilla gardeners,” Friends of Mission Greenway (herein “Appellants”), appealed DBI’s issuance of the fence permit. Appellants’ appeal is based on a number of factual misstatements and a claim of public entitlement to the use of a private lot, which goes far beyond the scope of this alterations permit for a simple fence repair. For all the reasons stated below, we respectfully request that the Board of Appeals deny Appellants’ appeal and affirm DBI’s issuance of a permit to replace the damaged fence.

**FACTUAL BACKGROUND**

A. Parcel 36 and Surrounding Neighborhood

The fence that we seek to repair and replace is located at the northern end of a parcel that cuts diagonally from Harrison and 22nd Streets to 23rd Street and Treat Avenue, which was historically APN 3639-036 and is now three subparcels, APNs 3639-036A, 3639-036B, 3639-036C (collectively referred to herein as “Parcel 36”). The current owner of Parcel 36 is unknown, and for decades it has been used by the neighboring parcels for parking and loading operations and fenced off from both the abutting public streets.<sup>1</sup> Some of the property owners whose lots adjoin Parcel 36 have recorded easements over Parcel 36; other adjoining property owners, like ourselves, have prescriptive easements

---

<sup>1</sup> Respondents have been informed by the former owners of 933 Treat Ave that neighbors adjoining the parcel erected fences around Parcel 36 in the 1980s after a dead body was found on the lot. (See letter of support from Jim Heinzer sent to the BOA.)

over Parcel 36 based on decades of open and notorious use. Our predecessor, the Heinzer family, and its tenants used the Parcel 36 lot for parking and/or loading for over 50 years.<sup>2</sup>

B. Purchase of 931-933 Treat Ave Based on Longstanding Commercial Uses of Parcel 36 and Operations within San Francisco

In February 2023, after a long search for a warehouse property in San Francisco, we purchased the 931- 933 Treat Avenue —one of an increasingly small number of “PDR” (Production Distribution & Repair) properties left in San Francisco. Historically, the lots adjacent to Parcel 36 have been used for various PDR and commercial activities, consistent with the zoning of the area (Urban Mixed Use or “UMU”). The 931-933 Treat Avenue Property has two loading docks abutting/on Parcel 36 (*See Exhibit B*) that have reportedly been in use by our predecessors for nearly one hundred years. The use of these loading docs and the abutting Parcel 36 was included in the leases provided by the Heinzer Family to their tenants,<sup>3</sup> and we purchased the 931-933 Treat Avenue warehouse property in reliance on its predecessor’s longstanding use of and claim to Parcel 36.

Our continued use and development of the 931-933 Treat Avenue warehouse is necessary for the expansion of our operations in and around the City. Our company – Another Corporate ISP, LLC (dba Monkeybrains) – has been in operation in the Bay Area for 25 years. We are self-funded and have grown organically from a company of two to now a company of 60 employees—41% of which are minorities and people of color. We provide a 100% health care benefit to all employees and any of their dependents—currently 90 people! Our job roles range from trades workers to administrative staff behind computers. Our core business involves providing low cost Internet connectivity to residents and business in the Bay Area and currently operate a network of 22,000 subscribers which range from single family homes to class A high rises downtown. We also provide zero cost Internet to over 8000 units of subsidized housing via a joint program with Mayor’s Office of Housing and the Department

---

<sup>2</sup> See <https://missionlocal.org/2018/04/sf-mission-group-elicits-design-ideas-for-a-greenway-on-old-rail-line/>, attached to Appellants’ brief as Exhibit B-4.

<sup>3</sup> See <https://missionlocal.org/2018/04/sf-mission-group-elicits-design-ideas-for-a-greenway-on-old-rail-line/>, attached to Appellants’ brief as Exhibit B-4.



Technology<sup>4</sup>. Additionally, through the federal Affordable Connectivity Program we provide free Internet to eligible residents not in subsidized housing. Businesses rely on us as well – we were the ISP that got Uber and AirBNB off the ground.

We also do a significant amount of work with anchor organizations such as KQED, Glide Foundation, Rec & Park, Conservatory of Flowers, UCSF, SF Aids Foundation, SF Port Authority, SF Department of Elections, SF Symphony, SF Ballet, Pride, Bayview Opera House, Castro Theater, TNDC, Immigration Center for Women & Children, Global Fund for Women and MEDA to name a few. During the pandemic we worked with City agencies to provide emergency connectivity at no cost to COVID isolation facilities, testing facilities and vaccination centers across the city. When the City issued the Stay At Home order in March of 2020, our staff bravely showed up and business was as ‘unusual’. We masked, gloved, and were on the front-line without a break. Our service was essential for remote workers, student Zoom sessions, tele-medicine, and watching Tiger King. We are an organization deeply rooted in the San Francisco Bay Area and are committed to servicing our community for years to come now from our new location on Treat Ave.

C. Ongoing Conflicts with Appellants

In October of 2022, after the former 931-933 Treat Avenue tenants vacated the property now owned by our company, Appellants reportedly sawed through a locked chain link on Parcel 36 and added their lock around the previous lock, and for the first time installed planter boxes on Parcel 36.<sup>5</sup> Appellants’ lead spokesman, Tree Rubenstein, likened the group’s efforts to “putting a flag up, saying, ‘We think it’s better these days to have this space ... a green walking space, and the cars and parking or driving through there is not compatible.’”<sup>6</sup> Appellants intended that their “temporary garden is just to, first of all, give people an idea of an alternative, rather than the way it’s been for years.”<sup>7</sup> Appellants

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<sup>4</sup>SF Board of Supervisors File # 220350 <https://sfgov.legistar.com/LegislationDetail.aspx?ID=5548594&GUID=0574C1C9-B7C4-4BF3-9374-7609B92CE62C>

<sup>5</sup> <https://missionlocal.org/2022/10/mission-greenway-mission-kids-parcel-36-railroad-right-of-way/>, attached to Appellants’ Brief as Exhibit B-5.

<sup>6</sup> Appellants’ Exhibit B-5.

<sup>7</sup> Appellants’ Exhibit B-5.

are correct that the use they envision for Parcel 36 is not compatible with the recorded and prescriptive easements over the parcel that span back many decades.

The owners of the properties adjoining Parcel 36 object to Appellants' continued occupancy of Parcel 36, and support our efforts to repair the fence enclosing the lot over which they have recorded and prescriptive easement rights. (See Letters of Support submitted from neighbors Celia Saino, John O'Connor and Mission Kids Preschool, attached as **Exhibit I, J & K** respectively.) These owners have attempted unsuccessfully to resolve the ongoing disputes with Appellants, and the police have been called to Parcel 36 on more than one occasion to respond to altercations between Appellants and Parcel 36's neighbors.

Since the purchase of 931-933 Treat Ave just two months ago, Appellants have filed 10 unfounded DBI complaints which have all been promptly cleared with the exception of this appeal which is still under review. (See **Exhibit H.**) During a recent visit to DBI with our architect on 04/13/2023 we were informed by the department of building inspection that a member of the Appellants had requested that: *"All permit requests by Monkeybrains.net and/or its affiliates for work inside or outside of their property located at 931-933 Treat should be denied until after the pending Board of Appeals hearing."* DBI explained that this was an unreasonable request attempting to combine unrelated matters. It appears that Appellants' motivation here is simply to obstruct our continued use of Parcel 36 and the development of our 931-933 Treat Avenue property, rather than raise a valid concern with the awarded permit.

#### **ARGUMENTS IN SUPPORT OF APPEAL DENIAL**

- A. Granting this appeal would effectively make Parcel 36 a public lot, without the benefit of public resources to protect it from blight.

Appellants' grounds for this appeal are "simple"— Respondent "does not own the gate or the parcel." (Appeal No. 23-008, P. 7.) But since the legal owner of Parcel 36 is unknown, Appellants effectively argue that *no one* has the right to fix the fence that has enclosed the lot for decades, and that

it must now be treated as public property—despite the fact that it is not owned by the City or any other public entity, and there will be no public resources to maintain Parcel 36 and protect it from blight.

The compromised fence, in its current state, is contributing to the very blight the Appellant has referenced in several communications online<sup>8</sup> and elsewhere about Parcel 36’s current condition. Our effort to repair and improve the fence through an alterations permit is a step towards addressing this blight in a lawful manner. Adjoining property owner, Celia Saino, who has a recorded easement over Parcel 36, submitted a letter of support for denial of Appellants’ appeal that describes the serious blight issues in the neighborhood. (See **Exhibit I.**) She describes over 20 requests to the City over the last year alone to clean up the public sidewalk in front of her property—including addressing issues with human feces, broken glass, dumped appliances, clothes and furniture as well as multiple instances of homeless encampments on the sidewalk and graffiti on our building. (See **Exhibit I.**) If Parcel 36 is left open to the public, one can expect all the same health and safety problems, and we and the adjoining property owners will be left to address these issues without any City support.

The City of San Francisco does not own Parcel 36, and a representative of the City Recreation and Parks Department has been quoted saying that that it has no plans to develop it or otherwise cooperate with Appellant’s “greenway plans” for the lot, “since we don’t own it.”<sup>9</sup>

There is strong legal authority to support the City’s issuance of the alterations permit we requested to repair the fence. The California Supreme Court has recognized that the owner of a lot with easement rights over an adjoining property may construct a fence along the easement right of way so long as the fence is not inconsistent with rights of the owner of the property on which the easement runs. *Dolske v. Gormley*, 58 Cal. 2d 513, 520 (1968). Our maintenance of a long-standing fence shared by all easement holders clearly does not interfere with rights of the unknown owner of Parcel 36.

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<sup>8</sup> “*Otherwise, this blighted part of our neighborhood will remain useless*” February 7, 2018 MissionLocal article by Elizabeth Creely: <https://missionlocal.org/2018/02/sf-neighbors-organize-to-create-a-greenway-in-the-mission/>

<sup>9</sup> <https://sfstandard.com/community/guerrilla-gardeners-want-to-take-over-this-san-francisco-lot-with-no-known-owner/>

California law generally presumes that “adjoining property owners will share equally in the responsibility for maintaining the boundaries and monuments between them.” Cal. Civ. Code § 841(a). The law also requires that “the owner of any easement in the nature of a private right-of-way[.] . . . shall maintain it in repair,” and states that where “the easement is owned by more than one person” (as is true), the owners of that easement may apportion the cost of maintaining it pursuant to any agreement they may reach. Cal. Civ. Code § 845(a)-(b). Here, the legal owner of Parcel 36 is unknown, so the repair and maintenance of the fences enclosing Parcel 36 must fall to the adjoining property owners who have recorded and prescriptive easement rights on the lot. These easement owners all agree with our efforts to repair the fence, and none have objected to this permit. Beyond the fencing, we are committed to improving the current state of the lot by scheduling regular maintenance and doing some level of landscaping that will allow for our continued use while improving the general aesthetic of the lot. We have the resources and proper insurance to hire local labor to do these improvements and/or pull from our staff who are licensed and bonded for trade’s work. Furthermore, we believe our intent to repair the fence is evidence of our commitment to improve the lot and do so in a lawful manner by obtaining proper permitting from the appropriate municipal agency.

B. Respondent seeks the fence permit in good faith and made no false statements in its permit application.

- i. Mr. Menendez clearly stated that 17th & Peralta LLC owned 933 Treat Ave, which was adjacent to the “vacant lot” known as Parcel 36.

Appellants wrongly claim in their appeal and on their website and social media that Alejandro Menendez falsely identified himself as the owner of 957 Treat Ave when obtaining a permit for replacing a fence and gate in-kind at the aforementioned address. This statement is patently untrue. The permit application clearly shows that 17th & Peralta LLC, of which Alejandro Menendez is a managing member, identified itself as the owner of 933 Treat Ave, a property adjacent to and with direct access and right of use to a “*Vacant Lot*”—a term that is used prominently throughout the application. (See Permit Application, **Exhibit A**.) Mr. Menendez also communicated this information verbally to DBI

during the permit process. The DBI representative entered the application into the system while adding their own notes on the handwritten application. (See Exhibit A.)

- ii. Mr. Menendez truthfully stated that he was an agent of the contractor, not of the lot.

Appellants additionally state that Alejandro Menendez falsely identified himself as an agent of 957 Treat Ave. This is also not accurate and possibly a misunderstanding by Appellant of the permitting process. Alejandro Menendez was given authorization by the contractor – Gomez Iron Works – to act as contractor’s agent to obtain the permit from the City. Appropriate paperwork was completed and submitted to DBI attesting to this during the permit process. Please see attached **Exhibit C** of the form submitted on 03/02/2023 with permit packet.

- iii. The fence Respondent seeks to repair will be an “in-kind replacement” as stated on the application.

Appellants assert that the application’s description of an in-kind replacement is not valid due to a potential lack of use of chain-link material. However, the Appellants neglect to mention that the existing eastern portion of the very fence that the gate is connected to is made of a galvanized iron material. Please see the photos attached to this statement as **Exhibit D**. Our scope of work for this replacement involves replicating the exact style, dimensions and material as can be currently seen on site for the permitted work, making this indeed an in-kind replacement. We also would like to note that the existing bi-parting swing of the gate will be preserved. Moreover, the permitted fencing material provides a more finished look that is consistent with other fencing in the neighborhood, notably the public park right across the street from this very lot – Parque Niños Unidos - as shown in **Exhibit E**.

- iv. The fence Respondent seeks to repair is clearly damaged and represents a security risk to adjoining property owners.

Appellants oddly state the gate is not damaged. However, one can clearly see in **Exhibit F** attached herein (an image taken from the Appellant’s website) that the fence is completely crushed on the lower center latch portion of the bi-parting gate. This damage defeats the structure’s purpose of

securing the area as a person can easily fit through the damaged section. Moreover, a DBI representative confirmed the gate was indeed damaged upon a site visit conducted on 03/15/2023 in response to the filed appeal. During this site visit the inspector recommended adding meshing material across the gap as a temporary solution which we promptly implemented on 03/16/2023. On 03/17/2023 the mesh and lock on the gate were cut, as captured in **Exhibit G** highlighting our continued struggle to secure the gate despite recommendations from the building department. To date, the gate has been compromised no fewer than eleven times and repeatedly left unlocked overnight—despite the fact that Appellants claim to “have committed to work with [adjacent residents] to ensure that the gate is locked at night.” (See Appeal at p. 8.)

C. Appellants’ claim to Parcel 36 cannot be resolved in this appeal, and they will not be prejudiced by its denial.

Appellants’ permit appeal relies on their claim to occupy Parcel 36, which raises issues that go beyond the scope of the alterations permit issued to us for repair of the northeastern Parcel 36 fence. This hearing is not the appropriate time or place to settle the use or ownership rights of the public or any party to this appeal as to Parcel 36. As we understand it, the only question before the Board of Appeals now is whether the City properly issued an alterations permit to us to repair a fence enclosing a private lot that has been there for years. Through our permit to repair the Parcel 36 fence, we seek only to maintain what has existed for decades. In appealing the issuance of the permit, Appellants, on the other hand, ask the Board of Appeal to transform Parcel 36 into a public lot, without any legal authority or City support for doing so.

Unlike us (the Respondent), Appellants will suffer no real prejudice as a result of the appeal’s denial. The northeastern Parcel 36 fence existed long before Appellants showed any interest in the parcel, and they have no legitimate reason to obstruct its repair.

**CONCLUSION**

We thank the commissioners of the Board of Appeals for your consideration in this matter and appreciate your service. For all the reasons stated above, we respectfully request that the Board of Appeals deny Appeal No. 23-008.



Alejandro Menendez  
Managing Member  
Monkeybrains.net  
April 19, 2023



Rudy Rucker  
Managing Member  
Monkeybrains.net  
April 19, 2023

# Exhibit A – Permit Application



**APPROVED**  
 Dept. of Building Insp.  
 - San Francisco -

MAR 02 2023

*Patrick O'Donoghue*  
 PATRICK O'DONOGHUE  
 INTERIM DIRECTOR  
 DEPT. OF BUILDINGS INSPECTION

APPROVED FOR ISSUANCE

BLDG. FORM **3/8**

APPLICATION NUMBER  
 2023-03-02-2910

OSHA APPROVAL (REQ'D)

619 202303838

**APPLICATION FOR BUILDING PERMIT  
 ADDITIONS, ALTERATIONS OR REPAIRS**

**CITY AND COUNTY OF SAN FRANCISCO  
 DEPARTMENT OF BUILDING INSPECTION**

FORM 3  OTHER AGENCIES REVIEW REQUIRED  
 FORM 8  OVER-THE-COUNTER ISSUANCE

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

0 NUMBER OF PLAN SETS  
 IDENTIFIED AS A VACANT LOT  
 DO NOT WRITE ABOVE THIS LINE

DATE FILED 3/2/2023	RECEIPT NO. 29038521	ISSUED 3/2/23	(1) STREET ADDRESS OF JOB 957 Treat Ave SF, CA 94110 3639-036A	BLOCK & LOT
			(2) ESTIMATED COST OF JOB \$14,000.00	(2B) REVISED COST
			BY: <i>ju</i>	DATE: 3/2/23

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

<b>LEGAL DESCRIPTION OF EXISTING BUILDING</b>		<b>DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION</b>	
(1) TYPE OF CONSTR. <b>Lot</b>	(2A) NO. OF STORIES OF OCCUPANCY	(3) TYPE OF CONSTR.	(4) NO. OF STORIES OF OCCUPANCY
(5) NO. OF BASEMENTS AND CELLARS	(6) NO. OF BASEMENTS AND CELLARS	(7) PROPOSED USE	(8) OCCUP. CLASS
(9) OCCUP. CLASS	(10) NO. OF DWELLING UNITS	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	(12) ELECTRICAL WORK TO BE PERFORMED?
(13) PLUMBING WORK TO BE PERFORMED?	(14) CONTRACTOR	(15) OWNER	(16) EXPIRATION DATE
(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(23) ANY OTHER EXISTING BLDG. OR LOT? IF YES, SHOW ON PLOT PLAN YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> ADDRESS: 1195 H. H. ... CA 9404		CALIF. CERTIFICATE NO. 253834	
(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")			
(27) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT) Repair Damaged Gate to Vacant Lot North of Lot APPROX 16' x 8' FT Height.			

Owner of 933 Treat. Crossout by DBI

**IMPORTANT NOTICES**

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Reuse Code.  
 No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 306, California Penal Code.  
 Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.  
 Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to the department for approval.  
 ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.  
 BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHICHEVER OCCURS.  
 APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).  
 THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.  
 In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.  
 CHECK APPROPRIATE BOX  
 OWNER  ARCHITECT  
 LESSEE  AGENT  
 CONTRACTOR  ENGINEER

**NOTICE TO APPLICANT**

**HOLD HARMLESS CLAUSE.** The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.  
 In conformity with the provisions of Section 3880 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (1) or (1b) designated below, or shall indicate their (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.  
 I hereby affirm under penalty of perjury one of the following declarations:  
 ( I ) I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.  
 ( II ) I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:  
 Carrier \_\_\_\_\_  
 Policy Number \_\_\_\_\_  
 ( III ) The cost of the work to be done is \$100 or less.  
 ( IV ) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply herewith with the provisions of Section 3880 of the Labor Code, that the permit herein applied for shall be deemed revoked.  
 ( V ) I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

**APPLICANT'S CERTIFICATION**  
 I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THEREIN WILL BE COMPLIED WITH.

Signature of Applicant or Agent \_\_\_\_\_ Date \_\_\_\_\_

REV 03/22

OFFICE COPY



Exhibit B – Lot Access

# 931-933 Treat Ave



# Exhibit C – Agent Authorization



London N. Breed, Mayor  
Patrick O'Riordan, C.B.O., Director

## LICENSED CONTRACTOR'S STATEMENT

Required documentation:  Government-issued photo ID  
 Current San Francisco Business License  
 Current State California contractor's license and classification (the pocket card)

Permit Application Number: 2023-03-02-2910  
Permit Application Address: 957 Treat Ave S.F., CA 94110  
Print Company Name: Gomez Iron Works  
Print Contractor Name: Albert Gomez  
CSLB Number: 253834 Contractor Class: C23 Expiration Date: 7/31/2023  
Contractor Mailing Address: 1195 Hillside Blvd Daly City, CA 94014  
Contractor Telephone: [REDACTED] Contractor Email: info@gomezironworks.com  
Contractor Signature: [Signature] Date: 3/2/2023

## AUTHORIZATION OF AGENT TO ACT ON CONTRACTOR'S BEHALF

As the contractor listed above, hereby authorizes Alejandro Menendez to obtain a building permit(s), including any supplemental permits, but not limited to electrical, plumbing or temporary street-use permits, on behalf of the company/contractor listed above, with the Department of Building Inspection for the City & County of San Francisco located at 49 South Van Ness Avenue, San Francisco, California 94103.

Print Named of Authorized Agent(s): Alejandro Menendez  
Address of Authorized Agent(s): 933 Treat Ave. S.F. Ca 94110  
Agent's Telephone: [REDACTED] Agent's Email: amen@monkeybrains.net

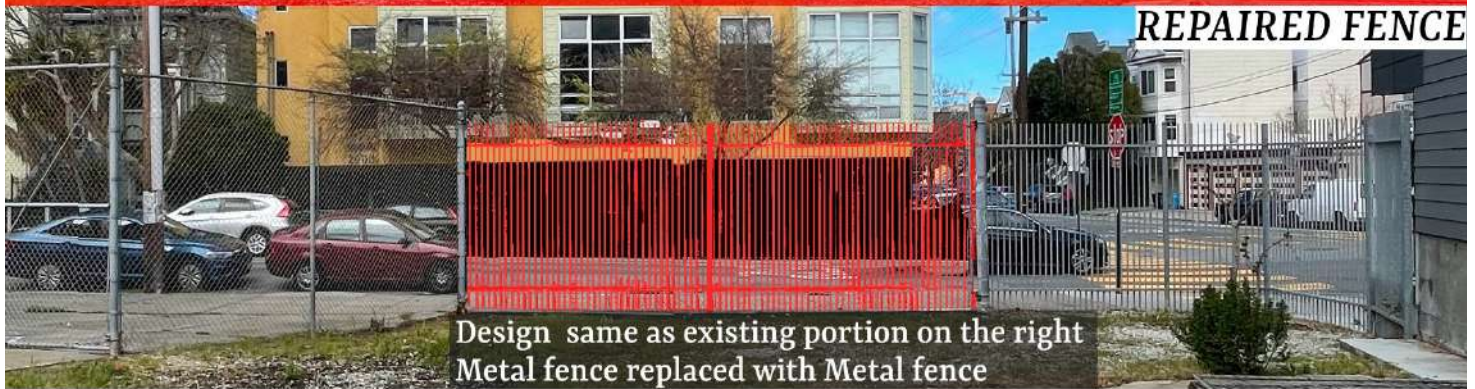
Pursuant to the Business and Professions Code Sec. 7031.5, I hereby affirm, under penalty of perjury, that I am licensed under the provisions of Chapter 9 (commencing with Sec. 7000) of Division 3 of the Business and Professions Code, and that my license is full force and effect.

Contractor Signature: [Signature] Date: 3/2/2023

Central Permit Bureau  
49 South Van Ness Avenue, Suite 200 – San Francisco CA 94103  
Office (628) 652-3240 – FAX (628) 652-3249  
[www.sfdbi.org](http://www.sfdbi.org)

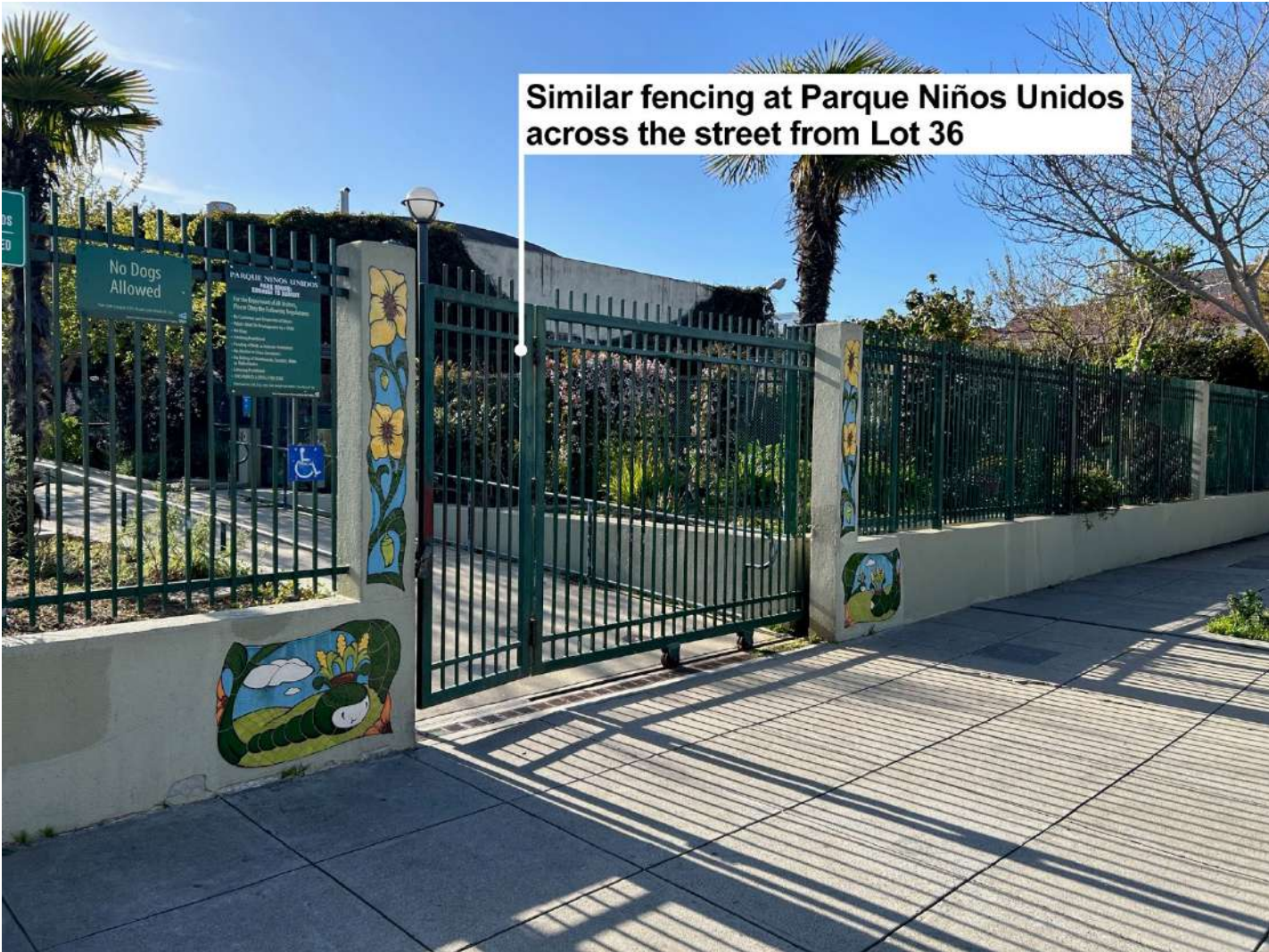
Revised 06/06/2022

**Exhibit D – Permitted Work**



Design same as existing portion on the right  
Metal fence replaced with Metal fence  
Replaced section highlighted in Red, actual color is Metal color.

**Exhibit E – Rec and Park Fence**



## Exhibit F – Damaged Gate

10



<sup>10</sup> Image Source: missiongreenway Accessed via: <https://www.instagram.com/missiongreenway/reels/>

**Exhibit G – Compromised Gate**



## **Exhibit H – 10 Complaints**

Home » Most Requested

**Welcome to our Permit / Complaint Tracking System!**

You selected:

Address: **957 TREAT AV** Block/Lot: **3639 / 036**

Please select among the following links, the type of permit for which to view address information:

[Electrical Permits](#) [Plumbing Permits](#) [Building Permits](#) [Complaints](#)

(Complaints matching the selected address.)

Complaint #	Expired	Date Filed	Status	Div	Block	Lot	Street #	Street Name
202304672		03/07/2023	CLOSED	BID	3639	036	957	TREAT AV
202304660		03/07/2023	ACTIVE	BID	3639	036	957	TREAT AV
202303935		02/23/2023	CLOSED	BID	3639	036	957	TREAT AV



Home » Most Requested

**Welcome to our Permit / Complaint Tracking System!**

You selected:

Address: **931 TREAT AV** Block/Lot: **3639 / 030**

Please select among the following links, the type of permit for which to view address information:

[Electrical Permits](#) [Plumbing Permits](#) [Building Permits](#) [Complaints](#)

(Complaints matching the selected address.)

Complaint #	Expired	Date Filed	Status	Div	Block	Lot	Street #	Street Name
202306590		04/10/2023	CLOSED	BID	3639	030	931	TREAT AV
202304540		03/03/2023	CLOSED	BID	3639	030	931	TREAT AV
202304024		02/24/2023	CLOSED	BID	3639	030	931	TREAT AV
202304025		02/24/2023	CLOSED	BID	3639	030	931	TREAT AV
201174313		12/02/2011	CLOSED	CES	3639	030	931	TREAT AV



Home » Most Requested

**Welcome to our Permit / Complaint Tracking System!**

You selected:

Address: **933 TREAT AV** Block/Lot: **3639 / 029**

Please select among the following links, the type of permit for which to view address information:

[Electrical Permits](#) [Plumbing Permits](#) [Building Permits](#) [Complaints](#)

(Complaints matching the selected address.)

Complaint #	Expired	Date Filed	Status	Div	Block	Lot	Street #	Street Name
202306372		04/05/2023	CLOSED	BID	3639	029	933	TREAT AV
202304137		02/27/2023	CLOSED	BID	3639	029	933	TREAT AV
202304032		02/24/2023	CLOSED	BID	3639	029	933	TREAT AV
202021901		03/02/2020	ACTIVE	BID	3639	029	933	TREAT AV
201176319		12/13/2011	CLOSED	BID	3639	029	933	TREAT AV
201176320		12/13/2011	CLOSED	EID	3639	029	933	TREAT AV
201176315		12/13/2011	CLOSED	PID	3639	029	933	TREAT AV

1 2

Show all





## **Exhibit I – Letter of Support Celia Saino**

### **Response Letter Sent by Celia Saino (Property Owner 2660 Harrison St.)**

To whom it may concern:

We, the owners of parcel Parcel 3639/004A on Block 36 are writing to support the approval of Permit No. 2023/03/02/2910 to repair the fence and gate on the north end of Block 3639.

We purchased our building on Harrison Street in 2010 and strive to create a safe and clean environment for both our commercial and residential tenants and for the general public who use the sidewalk in front of our building. One of the improvements we made to the building was planting an extensive green space on the sidewalk in front of our building which we undertook by getting the necessary approvals through the SFPDW. Maintaining the cleanliness of this green space has turned out to be an ongoing struggle despite the daily efforts of the building owners and tenants. In the last year alone, we logged over twenty SF311 requests for clean up the sidewalk including addressing issues with human feces (five requests not including incidents we have taken care of ourselves), broken glass, dumped appliances, clothes and furniture as well as multiple instances of homeless encampments on the sidewalk and graffiti on our building.

We would be very surprised if the efforts of the Mission Greenway to encourage public access to Parcels 36a, 36b and 36c do not result in similar cleanliness and safety issues. Because Parcels 36a-c are not public sidewalks but instead are privately owned, Mission Greenway will not be able to enlist the services of SF311. We have not seen any plan or commitment from Mission Greenway to ensure that Parcels 36a-c are property maintained or a plan to address issues with safety and graffiti. On multiple occasions since Mission Greenway began cutting the locks on the north gate, we have observed the gate on the north side open and unattended due to their actions, a situation which we never observed in the 10+ years we have been on the block.

The safety and cleanliness of Parcels 36a-c has historically been maintained by the fences and gate and the north and west borders of the Parcels with access arranged by cooperation among the

building owners. The block has a long history of commercial use that continues today with the block's UMU zoning. The individuals who operate MonkeyBrains have in the short time since they became property owners on our block made efforts to support the local community and communicate with other property owners on our block. They held a fundraiser for a local business on 24th Street and stopped by our building beforehand to introduce themselves, invite tenants in our building, and provide contact information in case our tenants had any issues with noise (which was not an issue). Their latest efforts to invest in the security of our block is another example of their cooperative attitude and interest in improving conditions. We support their permit to repair and improve the fence and gate on Block 3639.

Haymishion LLC (owners of 3639/004A on Harrison St)

## Exhibit J – Letter of Support John O’Connor

April 18 2023

Appeal No: 23-008

Appeal Title: Friends of the Mission Greenway vs. DBI, PDA.

Subject Property: 957 Treat Avenue

Permit Type: Alteration Permit

Permit No. 2023/03/02/2910

Dear President Swig and members of the Board of Appeals.

We are writing in support of permit no.2023/03/02/2910. We request that you reinstate the permit so the applicant can replace the damaged gate to secure lot 36, otherwise known as 957 Treat Avenue.

We are the owners of 2600 Harrison St. and 2652 Harrison St., block 3639, lot 1 and lot 2.

Before purchasing the properties at Harrison Street, we were regular customers at the previously owned business “Western Plywood” which was located on lot 1, where we frequently purchased plywood and construction materials beginning in the early nineties till the business closed in 2013 and was demolished in 2018.

Over almost three decades we observed the historical industrial/commercial use of lot 36.

Throughout this time the gates were open for business hours and closed for security and safety reasons at the end of each working day.

The gate on 22<sup>nd</sup> street is currently damaged and needs to be replaced in order to secure the lot.

We respectfully ask the board to deny the appeal on the basis the permit was properly issued by the Department of Building Inspection.

Sincerely,

John O’Connor.

## Exhibit K – Letter of Support Mission Kids Preschool



April 10, 2023

Mission Kids, a city-funded child care facility serving primarily low- and moderate-income families, and owner of 969 Treat Ave. (Parcel 3639/25), supports the approval of Permit No. 2023/03/02/2910 to repair the fence and gate on the north end of Block 3639.

Since the 10/24/22 self-titled "guerilla action" by the Mission Greenway, posted on Twitter and reported in Mission Local, where group members initiated self-described guerilla access to Parcel 36, we have experienced a rapidly increasing number of safety, property, and preschool operations concerns.

Our preschool play yard is directly adjacent to the parcel rendered unsecure by the actions of the Mission Greenway, and our concerns for children's safety include what are now regular occurrences of the following near and along our shared fence line with Parcel 36:

- Conflicts with shouting and physical aggression
- Harassment of families and staff
- Drug paraphernalia
- Smoking
- Loud music
- Large gatherings of people
- Individuals experiencing mental illness
- Open flame cooking with charcoal
- Dogs off leash

In the wake of the ongoing and most recent school shootings nationwide, it is irresponsible to have this private space open to public access without typical security measures offered to all other public spaces in the city, including access to 311 and related services.

We support the initiative to secure Parcel 36. The ongoing health and safety issues resulting from the damaged fence and forced entry have been a tiring drain on our organization, which consists of primarily working families from the surrounding community.

We are in favor of the issued permit and respectfully ask that the repairs and the increased safety associated with them are allowed to proceed.

Regards,  
Mission Kids (owners of 3639/25)

969 Treat Avenue San Francisco CA 94110  
415.970.9027 [info@missionkidsco-op.org](mailto:info@missionkidsco-op.org) [www.missionkidsco-op.org](http://www.missionkidsco-op.org)

**Exhibit L - Letter of Support from Adam Feibelman (Former Tenant of 933 Treat Ave and Former Liaison with Greenway)**

Hello, my name is Adam Feibelman.

I am a former tenant of the 933 Treat Ave artist studios and was the direct liaison between 23 artists and the Mission Greenway Group. I am also a parent of a child at Mission Kids Co-op.

I am writing today to express my support for Monkey Brains in their efforts. The Mission Greenway Group has been nothing but BAD neighbors for a very long time. They have engaged in bullying, intimidation, and have completely ignored the concerns of the people who border the former Southern Pacific property. They have no shame in getting into yelling confrontations directly in front of the children at the preschool.

The Mission Greenway Group asserts that by occupying the property they should have the only say in its use when they have no reasonable easement claim. The preschool has no less than 80 children on a day-to-day basis, with hundreds of parents struggling to find a way to drop off their children on such a narrow street. The preschool is trying to stay neutral in these disagreements because they want to be good neighbors. However, the Mission Greenway Group doesn't care at all.

They show up around 1 PM to show face and have been inviting classrooms from other schools to come and see the plants on property that is not insured for that type of activity. The pass-through has easements for large trucks to reach the loading dock and has untested formerly industrial soil.

As much as they claim to be stewards of the land, they have only set up shop since October after artists who found their group toxic were evicted. As the lead on interacting with Mission Greenway our entire building was supportive of a green space until we caught members leaving dog excrement by our cars and front steps after several meetings where our concerns were shrugged off and we disagreed to work with them. One member even tried to get into a physical altercation with me while I was working on our loading dock cementing the fact that the group has become unhinged.

Since Monkey brains bought 933, they reached out to ask if the former artists would like to paint a mural. They have offered their ears to the preschool trying to find an appropriate way forward addressing their direct neighbors' concerns, and strike me as very reasonable, friendly, and wonderful new neighbors. It is high time for the city to make decisions surrounding the property so that a small group of people can't just name themselves dictators of property they have no reasonable claim too.

Please take this opinion into consideration in this matter.  
Thank you  
Adam Feibelman

# PUBLIC COMMENT

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** BoardofAppeals (PAB)  
**Sent:** Monday, March 20, 2023 11:22 AM  
**To:** Adam Feibelman  
**Cc:** Mejia, Xiomara (BOA); Rosenberg, Julie (BOA)  
**Subject:** RE: Monkey Brains and the Treat Ave at 23 st.

BOARD OF APPEALS  
MAR 20 2023  
APPEAL # 23-008

Thank you for your email. We will add your letter to the appeal file and give a copy to the commissioners of the Board.

Alec Longaway  
Legal Assistant, San Francisco Board of Appeals  
49 South Van Ness, Suite 1475  
San Francisco, CA 94103  
Work PH: 1-628-652-1152  
Cell: 1-415-746-0119

The Board's physical office is open to the public by appointment only. Please email [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) or call 628-652-1150 if you would like to meet with a staff member.

**From:** Adam Feibelman <adam5100@gmail.com>  
**Sent:** Monday, March 20, 2023 11:04 AM  
**To:** BoardofAppeals (PAB) <boardofappeals@sfgov.org>  
**Subject:** Monkey Brains and the Treat Ave at 23 st.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello, my name is Adam Feibelman.

I am a former tenant of the 933 Treat Ave artist studios and was the direct liaison between 23 artists and the Mission Greenway Group. I am also a parent of a child at Mission Kids Co-op.

I am writing today to express my support for Monkey Brains in their efforts. The Mission Greenway Group has been nothing but BAD neighbors for a very long time. They have engaged in bullying, intimidation, and have completely ignored the concerns of the people who border the former Southern Pacific property. They have no shame in getting into yelling confrontations directly in front of the children at the preschool.

The Mission Greenway Group asserts that by occupying the property they should have the only say in its use when they have no reasonable easement claim. The preschool has no less than 80 children on a day-to-day basis, with hundreds of parents struggling to find a way to drop off their children on such a narrow street. The preschool is trying to stay neutral in these disagreements because they want to be good neighbors. However, the Mission Greenway Group don't care at all.

They show up around 1 PM to show face and have been inviting classrooms from other schools to come and see the plants on property that is not insured for that type of activity. The pass-through has easements for large trucks to reach the loading dock and has untested formerly industrial soil.

As much as they claim to be stewards of the land, they have only set up shop since October after artists who found their group toxic were evicted. As the lead on interacting with Mission Greenway our entire building was supportive of a green space until we caught members leaving dog excrement by our cars and front steps after



several meetings where our concerns were shrugged off and we disagreed to work with them. One member even tried to get into a physical altercation with me while I was working on our loading dock cementing the fact that the group has become unhinged.

Since Monkey brains bought 933, they reached out to ask if the former artists would like to paint a mural. They have offered their ears to the preschool trying to find an appropriate way forward addressing their direct neighbors' concerns, and strike me as very reasonable, friendly, and wonderful new neighbors. It is high time for the city to make decisions surrounding the property so that a small group of people can't just name themselves dictators of property they have no reasonable claim too.

Please take this opinion into consideration in this matter.

Thank you

Adam Feibelman

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

<b>From:</b>	John Stokes <johnstokes1@mac.com>	BOARD OF APPEALS
<b>Sent:</b>	Friday, March 24, 2023 7:35 AM	MAR 24 2023
<b>To:</b>	BoardofAppeals (PAB)	APPEAL # 23-008
<b>Cc:</b>	missiongreenway@substack.com	
<b>Subject:</b>	Appeal of Department of Building Inspection permit #2023 03022910	

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Sincerely,

John Stokes  
162 Hearst Ave  
SF CA 94131

HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Linh Hoang <linhphoang@gmail.com>  
**Sent:** Friday, March 24, 2023 11:41 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS  
MAR 24 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

Please rescind the DBI permit #2023 03022910 issued on March 2, 2023. The applicant, Alejandro (Alex) Menendez, purposely lied on the permit when he stated that he is owner & agent of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta. There is no current owner of the parcel.

Until legal ownership is established, parcel 3639-036 and its three sub-parcels should be red-flagged by DBI in order to prevent other fraudulent permit applications as a means of hostile takeover. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the area.

Best Regards,

Linh Hoang

HD 4/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Billy Van Der Laar <bvanderlaar@gmail.com>  
**Sent:** Friday, March 24, 2023 11:55 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

MAR 24 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a much needed public greenspace, including a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Thank you,  
William Van Der Laar  
94110

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Matt Warren <matt@46hours.com>  
**Sent:** Saturday, March 25, 2023 1:26 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS  
MAR 25 2023  
APPEAL #: 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board Members:

My family lives near this area, and my children often play in the Parque Niños Unidos across the street. The greenway should be a greenway, not a private parking lot. And Monkeybrains should not be able to build a new fence to keep the community out. Especially not if they lie about it, which they did here.

Please reverse this permit and freeze any development related to this parcel until the ownership is clear and the city has a plan. That plan should be a greenway! But more importantly the city should not allow the private company to preempt any plan by lying about a permit.

Thank you for listening.

Respectfully Submitted,  
Matt Warren

—  
Matt Warren [matt@46hours.com](mailto:matt@46hours.com)

FILE HO 4/26/23

**Mejia, Xiomara (BOA)**

<b>From:</b>	howardfallon@gmail.com	BOARD OF APPEALS
<b>Sent:</b>	Monday, March 27, 2023 11:10 AM	MAR 27 2023
<b>To:</b>	BoardofAppeals (PAB)	#23-008
<b>Cc:</b>	themissiongreenway@gmail.com	
<b>Subject:</b>	Appeal of Department of Building Inspection permit #2023 03022910	

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Members of the SF Board of Appeals:

I'm a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Avenue to 22nd Street, into an urban greenway for community micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who falsified his permit request in order to build a private gate to enclose property he does not own so his company will have a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden & community greenway for the benefit of the neighborhood.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Howard Fallon  
333-27<sup>th</sup> Street  
San Francisco, CA 94131  
415.676.8990

HD 4/26/23

**Mejia, Xiomara (BOA)**

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**From:** Edward Hasbrouck <edward@hasbrouck.org>  
**Sent:** Monday, March 27, 2023 9:54 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Dept. of Bldg. Dear Board of Appeals Inspection permit #2023 03022910

APPEALS  
MAR 27 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals:

I am writing to request that you \*rescind\* Department of Building Inspection permit #2023 03022910, issued on March 2, 2023.

This permit was issued for construction of a new iron gate across the right-of-way at one entrance to the Mission Greenway, the former railway route abandoned by the railroad which connect Treat Ave. and 22nd St.

I believe that this permit was procured by fraud. The applicant for this permit, Mr. Alejandro (Alex) Menendez, knowingly falsely represented himself as the "owner" and "agent" of the site of the proposed gate.

In fact, the Mission Greenway right-of-way land, on and across which Mr. Menendez seeks to build a new gate, has \*no\* owner of record.

Owning land \*adjacent to\* a right-of-way is not a lawful basis for building on land you don't own, much less closing off a right-of-way, any more than having a home on Treat Ave. would give me authority to construct a gate across the street at the end of the block on which I live.

Mr. Menendez does not own the Mission Greenway any more than I own Treat Ave., and it would be unlawful for you to issue any permit him to build any structure on it or close it off to continued pedestrian traffic.

I have lived near the Mission Greenway at 1200 Treat Ave. (at 25th St.) from 1987-1996, and at 1130 Treat Ave. (between 24th and 25th) since 1996.

I remember when the railroad tracks were still occasionally used by trains. When they weren't used by trains -- which even then was most of the time -- the route along and beside the tracks was used as a pedestrian right-of-way and sometimes as open space for children to play. There was a chain-link fence with gates at each end that were sometimes open, sometimes closed to cars. But they did nothing to extinguish the historic pedestrian right-of-way, which remained in continuous use. Any pedestrian who wanted to could, and did, climb over the gate, even if it was closed, and walk through the Greenway, as is still true today.

I don't remember ever seeing anyone try to stop a pedestrian from climbing over the gate or walking through the Greenway. Nor do I remember ever seeing a sign prohibiting pedestrian passage through the Greenway, or a "no trespassing" sign at either end of the Greenway.

Even if an application for permit to build a gate closing off the Greenway were to be made by an owner of the land on which the gate is to be built

-- and I reiterate that, so far as is known, there is no such owner of record -- you would need to consider the existence of a historic and continuously used pedestrian right-of-way through the Greenway.

Extinguishing a public right-of-way would require a different procedure.

The existing gate is an encroachment and an obstruction of the historic pedestrian right-of-way that the City and County should remove.

The existing gate, like any new gate (and the permit application appears to for a larger and more solid gate, presumably to make it more difficult for pedestrians to exercise our right of passage through the Greenway) also interferes with nay effort by the City and County to deal with the other obstructions and encroachments within the Greenway.

In particular, two shipping containers with unknown contents have been abandoned in the middle of the Greenway, narrowing the right-of-way.

Given the previous uses of some of the buildings adjacent to the Greenway, I am concerned that these containers may contain toxic waste, perhaps in deteriorating containers. The gates closing off the Greenway interfere with the ability of the City and County to do its job of assessing the hazard and abating this nuisance by removing this abandoned material.

I support the removal by appropriate agencies of the City and County of obstructions to public pedestrian access to and through the Greenway, as well as its transformation into a garden path for the benefit of the neighborhood. I support the Mission Greenway's efforts to that end.

Sincerely,

Edward Hasbrouck  
1130 Treat Ave.  
San Francisco, CA 94110  
415-824-0214

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Edward Hasbrouck  
<edward@hasbrouck.org>  
<[https://url.avanan.click/v2/\\_\\_\\_https://hasbrouck.org\\_\\_\\_YXAzOnNmZHqyOmE6bzo2YjZiMjZlMjMzM2ViMjgxNzMzMdIlNGVjNTQ1MTQ5MjJo2OjhZDU6YjRkMjY4NTUxZDlmYjY2YWM3YWY4NTBkODdkNzM5N2UwZTcxNjA3NDFkNWY0NDZhMWExOGMxOTY4MmJlOTUyNDpwOIQ](https://url.avanan.click/v2/___https://hasbrouck.org___YXAzOnNmZHqyOmE6bzo2YjZiMjZlMjMzM2ViMjgxNzMzMdIlNGVjNTQ1MTQ5MjJo2OjhZDU6YjRkMjY4NTUxZDlmYjY2YWM3YWY4NTBkODdkNzM5N2UwZTcxNjA3NDFkNWY0NDZhMWExOGMxOTY4MmJlOTUyNDpwOIQ)>  
+1-415-824-0214 (voice/Signal)

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<[https://url.avanan.click/v2/\\_\\_\\_https://twitter.com/ehasbrouck\\_\\_\\_YXAzOnNmZHqyOmE6bzo2YjZiMjZlMjMzM2ViMjgxNzMzMdIlNGVjNTQ1MTQ5MjJo2OjVlYzU6OWI3ZDRlYzRlZGVjZWZkY2Y1M2U2ODk0MTA2ZWYxZDFmNzgyZWQ0NjhmYmE2MTBkMTAzM2EzZmY2N2RjMGM0ZjpwOIQ](https://url.avanan.click/v2/___https://twitter.com/ehasbrouck___YXAzOnNmZHqyOmE6bzo2YjZiMjZlMjMzM2ViMjgxNzMzMdIlNGVjNTQ1MTQ5MjJo2OjVlYzU6OWI3ZDRlYzRlZGVjZWZkY2Y1M2U2ODk0MTA2ZWYxZDFmNzgyZWQ0NjhmYmE2MTBkMTAzM2EzZmY2N2RjMGM0ZjpwOIQ)>

Consultant to The Identity Project:  
<[https://url.avanan.click/v2/\\_\\_\\_https://papersplease.org\\_\\_\\_YXAzOnNmZHqyOmE6bzo2YjZiMjZlMjMzM2ViMjgxNzMzMdIlNGVjNTQ1MTQ5MjJo2OjJhMDM6ZTc2ZWE5N2YwNDE4YzkyZGEzNWQ4YTgyZDk5YTg2ZjA2ZjM0OTkzMzY5OGFhZGE2YTYyMzI3YzJhODQ5N2Q2ODpwOIQ](https://url.avanan.click/v2/___https://papersplease.org___YXAzOnNmZHqyOmE6bzo2YjZiMjZlMjMzM2ViMjgxNzMzMdIlNGVjNTQ1MTQ5MjJo2OjJhMDM6ZTc2ZWE5N2YwNDE4YzkyZGEzNWQ4YTgyZDk5YTg2ZjA2ZjM0OTkzMzY5OGFhZGE2YTYyMzI3YzJhODQ5N2Q2ODpwOIQ)>



Travel privacy, surveillance, civil liberties, & human rights

<[https://url.avanan.click/v2/\\_\\_\\_https://hasbrouck.org/articles/travelprivacy.html\\_\\_\\_](https://url.avanan.click/v2/___https://hasbrouck.org/articles/travelprivacy.html___).YXAzOnNmZHQyOmE6bzo2YjZiMjZiMjMzM2ViMjgXNzMzMDIINGVjNTQ1MTQ5Mjo2Ojk4ZjA6OGZlM2E5YTBmNjZiMjJlOTNmMDU3MDcwY2Y0MDViM2ZiMGE1ZmI5YzIxMTcyYWEzNzUwZjg5NTZkODU0ZTpwOIQ>

Travel FAQ's, "How-Tos", & Explaners:

<[https://url.avanan.click/v2/\\_\\_\\_https://hasbrouck.org/faq/\\_\\_\\_](https://url.avanan.click/v2/___https://hasbrouck.org/faq/___).YXAzOnNmZHQyOmE6bzo2YjZiMjZiMjMzM2ViMjgXNzMzMDIINGVjNTQ1MTQ5Mjo2OmZlNDU6M2FIMDNhNzQzMTEkMjUyY2Y5OGY5ODQ2ZmQ0ZGY1NDc2YjY4MjE0YWZjZDFmOTYxYWEyZWVhYTY5YzlmMDMwMzpwOIQ>

The Practical Nomad blog:

<[https://url.avanan.click/v2/\\_\\_\\_https://hasbrouck.org/blog/\\_\\_\\_](https://url.avanan.click/v2/___https://hasbrouck.org/blog/___).YXAzOnNmZHQyOmE6bzo2YjZiMjZiMjMzM2ViMjgXNzMzMDIINGVjNTQ1MTQ5Mjo2OjEzYzU6NjBIMmEzYzZmNWZmODIzZGJiODhhYWQxNzZiZWVhZTkzNjUyYyNGUxNTcwODA1NTA3MTRmYWJkN2QyZjU3NTI0ZTpwOIQ>

The Practical Nomad's travel newsletter:

<[https://url.avanan.click/v2/\\_\\_\\_https://hasbrouck.org/newsletter/\\_\\_\\_](https://url.avanan.click/v2/___https://hasbrouck.org/newsletter/___).YXAzOnNmZHQyOmE6bzo2YjZiMjZiMjMzM2ViMjgXNzMzMDIINGVjNTQ1MTQ5Mjo2OjFmNTY6N2ZlY2U2MTBIMzYxZGJlY2Y3MzcyZjJlMzdmNTY1ZmE2YzY5MmMyNGMzOTI3YTBlYTU4NzRlMDgxY2VlMwZiMDpwOIQ>

"The Practical Nomad: How to Travel Around the World"

"The Practical Nomad Guide to the Online Travel Marketplace"

<[https://url.avanan.click/v2/\\_\\_\\_https://practicalnomad.com\\_\\_\\_](https://url.avanan.click/v2/___https://practicalnomad.com___).YXAzOnNmZHQyOmE6bzo2YjZiMjZiMjMzM2ViMjgXNzMzMDIINGVjNTQ1MTQ5Mjo2OmI3Yjg6NWRjZjNlMjMyYTY5ZGJhODNkNTlmMDA1Y2I3OGYyODAwMjVhM2FjYzVhNTI0YTBlODZjOGI4YTNmNTFhYjhhNzpwOIQ>

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Sharon Hawley <shawley@matpelbuilders.com>  
**Sent:** Tuesday, March 28, 2023 12:17 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Mission Greenway

BOARD OF APPEALS

MAR 28 2023

APPEAL # 23-008

To Whom it concerns:

I am an advocate for Friends of the Mission Greenway, a group of environmentalists and pro-community gardeners and activists who seek to make our city more livable for all – especially children! - by creating a healthier, more beautiful mission district. They aim to create a small farm to support food production, education and, above all, mother earth.

As you must be aware by now, Parcel 3639-036 is un-owned. It is a right of way connecting Treat and 22<sup>nd</sup> Streets with no record of ownership. I understand Alejandro Menendez recently applied for a permit as an "owner" of this land and I see he put up a gate to close the property from the public, ostensibly for his personal financial gain. This land has been rented out by faux-owners for parking to nearby businesses, including a school and construction companies, for years and years and years. Our Supervisor has not been helpful in this matter. No one has except this courageous group of Mission District citizens who feel a deep connection with plants, animals, and all beings. Providing this permit to a new Mission citizen who has not been forthcoming with truth is immoral. It is unethical. It is stealing. It rewards corruption, the kind of which we see over and over in this city government and, sadly, by some of its residents. It is unjust. It is wrong. And it harms above all the children of the Mission for whom so few park benefits accrue (just look at the parks in Pac Hts).

Please do your job. Rescind the Department of Building inspection permit #2023 03022910 issued March 2, 2023. Promote beauty and health and unity instead of rewarding profit-mongers. You will feel better when you do the right thing.

AD 4/26/23  
FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Pamela del Rio <pamelavdelrio@gmail.com>  
**Sent:** Tuesday, March 28, 2023 10:42 AM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Mission Greenway - Appeal of Department of Building Inspection permit #2023 03022910

MAR 28 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Thank you for your thoughtful consideration of this complicated issue - I've lived at 24th and Harrison for 23 years and I value the green space around us - Garfield Square, Parque Ninos, the street trees.....

Green space is so important to our city at large and the micro-neighborhoods - please walk this area and see the benefits the greenway would make.

The Heinzer's have been terrible stewards of this area - their properties have been in disrepair for decades - the worst. So grateful they have sued each other and the properties are moving - making a blighted area safer and habitable

Please rule on the side of quality of life, city vitality and livability. There is so much information and studies about the benefits of greenspace - please consider as you tease through the legalese. Thank you, thank you.

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

Thank you.

--

~~~~~

Pam

415-819-6934



NO 4/26/23

FILE

BOARD OF APPEALS



Florence Fang  
COMMUNITY  
FARM

MAR 28 2023

APPEAL # 23-008

Appeal of Department of Building Inspection permit #2023 03022910

To the Board of Appeals:

The Florence Fang Community Farm is San Francisco's community farm, with the most farmers and volunteers, serving Black, Asian and Latino communities. We are the only USDA-registered farm in San Francisco. We know the value of open green space to San Francisco residents.

I am writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a car-free green pathway supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, I insist that parcel 3639-036 and its three sub-parcels be red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Sincerely

Alicia Phung  
Executive Assistant  
Florence Fang Community Farm

Respectfully,

Dan Matarozzi

2700 22<sup>nd</sup> Street, S.F., 94110

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

|                 |                                                                   |                         |
|-----------------|-------------------------------------------------------------------|-------------------------|
| <b>From:</b>    | David Dranitzke <david@balmyalley.com>                            | <b>BOARD OF APPEALS</b> |
| <b>Sent:</b>    | Friday, March 31, 2023 12:27 PM                                   | <b>MAR 31 2023</b>      |
| <b>To:</b>      | BoardofAppeals (PAB)                                              | <b>APPEAL # 23-008</b>  |
| <b>Cc:</b>      | missiongreenway@substack.com                                      |                         |
| <b>Subject:</b> | Appeal of Department of Building Inspection permit #2023 03022910 |                         |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I am the owner of property at 1135-1137 Treat Ave one block away from the permit subject.

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Best,  
-David Dranitzke  
1135-1137 Treat Ave

HD 4/26/23

**Mejia, Xiomara (BOA)**

**From:** Glenn H. Martin <ghm@igc.org>  
**Sent:** Friday, March 31, 2023 4:25 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS

MAR 31 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, I must insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Regards,  
Glenn H. Martin  
3035 23rd Street  
San Francisco, CA 94110



FILE

HO 4/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Baby Langle <babylangle21@gmail.com>  
**Sent:** Friday, March 31, 2023 7:41 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

MAR 31 2023

23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*To the Board of Appeals:*

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

*Best,*

*Ling Langle*

HD 4/26/23

**Mejia, Xiomara (BOA)**

**From:** Sienna Hernandez <sienna\_hernandez@outlook.com>  
**Sent:** Saturday, April 1, 2023 11:15 AM  
**To:** BoardofAppeals (PAB)  
**Cc:** missiongreenway@substack.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

CF APPEALS  
APR 01 2023  
# 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*To the Board of Appeals:*

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

Sienna Hernandez

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Loren Bondurant <loren.bondurant@gmail.com>  
**Sent:** Monday, April 3, 2023 11:18 AM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS

APR 03 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

**I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.**

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Sincerely,  
Loren Bondurant

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Jennifer Friedenbach <jenniferfbach4@gmail.com>  
**Sent:** Tuesday, April 4, 2023 9:46 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS

APR 04 2023

PERMIT # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*Appeal of Department of Building Inspection permit #2023 03022910*

*To the Board of Appeals:*

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

Sent from my iPhone.

HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Kellie Menendez <kellie@halffull.life>  
**Sent:** Wednesday, April 5, 2023 10:26 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** In support of Monkeybrains fence permit and against Appeal 23-008

APR 05 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern,

I want to share a story of what it means to be successful and try to give back in San Francisco. Alex and Rudy, both SF homeowners that live life with integrity and give back to the city they live in are facing a story all too familiar.

Both were raised with the belief that "hard work and commitment" is how you get results. Alex is a first generation American, son of Cuban parents that escaped during the rise of Castro, and Rudy's mother walked over the border in Hungary leaving everything behind to escape oppression then dedicated her life to teaching adults English in America. Rudy grew up in the Bay Area, and both of them attended and graduated from UC Berkeley. The two co-owners believe in the underdog, in fact, Rudy met his wife at a protest. They believe in creating paths for equality, and giving back in a meaningful way. Rudy and Alex met while working together in San Francisco and realized that they wanted to create and do something different. With this inclination, they started Monkeybrains as an alternative option to large corporate internet companies that were expensive and created a digital divide amongst the marginalized working class. They have given free internet to low-income housing and have worked with the city to provide internet to its people whenever possible. For twenty plus years Monkeybrains has provided internet with integrity.

Committed to SF, they have always rented building space for Monkeybrains but when their company building flooded earlier this year they wanted to buy a home in San Francisco for Monkeybrains. They committed to the Mission neighborhood, specifically the Heinzer warehouse. The Mission is home to Alex and his family and very nearby to where Rudy and his family live in Bernal, it is also home to some of their employees.

When they purchased the building they were immediately called by Mission Local, who had been tipped off that they were moving into a building where a gang of squatters, called the Mission Greenway started spreading propaganda that Monkeybrains was unwilling to talk. The fact is that they were never contacted, that isn't the narrative that the Greenway Gang wanted to portray, one of collaboration so as with others in the area the gang leveraged a conflict strategy and spread mis-truths. Monkeybrains was open to discussions but were never reached out to for a meeting. Instead the gang started the engagement with backroom slander, intimidation tactics and a consistent false message of us against them. This is reminiscent of the growing disease in SF, that the people who commit, buy, raise their children, pay taxes and support the city by living here actually have little to no rights against organized groups that are nimble propagandizers.

In this story, a group of intimidators that is hiding behind pictures of babies, folk music, and growing strawberries who have no property near this entry point have created a hostile environment for the business owners, home owners, and schools that pay to be there. The businesses are not able to enter without conflict while the small collective steals water from Parque Niños across the street, locks the gate to the community on their own schedule, and claims to be the group in charge of access rights without any actual legal rights of their own.

While city officials have been supportive, and police have removed the physical abusers, hiding behind the guise of "gardeners," this is another tale of lawlessness and entitlement. Are the gardeners actually helping the community, have

they given something back or are they going to forcefully take and escalate until they inhabit? Who will inhabit this alley once the group loses interest? If the businesses are not allowed to enter in to the back of their buildings or to use it then who should be? Rec and Park is not interested in the alley, as there is already a park across the street though the group has falsely used Rec and Park's logo in signage.

San Francisco has the opportunity to stop one abusive relationship being faced by its committed inhabitants before a breaking point occurs. Currently, Mission Greenway has not committed to ownership, but has tried to gain the upper hand, by yelling and attacking with the goal of creating retreat. My prediction is that the Greenway Garden Gang will eventually become physical to the point of us reading about it in the paper and one of the employees or kids at the preschool will be the victim, but still nothing will change.

Please allow the DBI permit filed by Monkeybrains to replace a fence and invest properly in a community that needs it by rejecting this appeal made by people with no financial investment or adjacent ownership to this parcel.

Mission inhabitant,

Kellie

Kellie  
Half Full, LLC  
email: [kellie@halffull.life](mailto:kellie@halffull.life) <<mailto:kellie@halffull.life>> Ę  
phone: 415-218-8952  
<http://halffull.life/>  
<[https://url.avanan.click/v2/\\_\\_\\_http://halffull.life/\\_\\_\\_YXAzOnNmZHQyOmE6bzpmNjJmYjFjMzM3YjM2OTM4OWFmMGE1ODg3NWJiNDliOTo2Omi5MDY6Mmi5M2ZhOWNjMDIwNjEzYTNmMTk2YjYOMmRmMDAyMmVhYzA5OGEzMmZlODEzYTUzZWlONjNiM2U0MjJmODMzYjpoOIQ](https://url.avanan.click/v2/___http://halffull.life/___YXAzOnNmZHQyOmE6bzpmNjJmYjFjMzM3YjM2OTM4OWFmMGE1ODg3NWJiNDliOTo2Omi5MDY6Mmi5M2ZhOWNjMDIwNjEzYTNmMTk2YjYOMmRmMDAyMmVhYzA5OGEzMmZlODEzYTUzZWlONjNiM2U0MjJmODMzYjpoOIQ)>

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Chloe K <chloek387@gmail.com>  
**Sent:** Wednesday, April 5, 2023 10:07 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS

APR 05 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.



I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

HD 4/26/23

**Mejia, Xiomara (BOA)**

---

**From:** Andy Grounds <andy.grounds79@gmail.com>  
**Sent:** Thursday, April 6, 2023 4:18 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** In support of MonkeyBrains

BOARD OF APPEALS

APR 06 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi There,

I'm Andy, a resident of the Mission (near 23rd & Alabama) for almost 20 years. I am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP. I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel. I am advocating for their right to continue with the approved permits.

Thanks,  
Andy

HD 4/26/23

**Mejia, Xiomara (BOA)**

---

**From:** Ben Juodvankis <ben@benjuodvankis.com>  
**Sent:** Thursday, April 6, 2023 5:06 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Monkeybrains improvements

BOARD OF APPEALS

APR 06 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am a resident of the Mission District Neighborhood, living at 1005 Treat Ave, and am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP. I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel. I am advocating for their right to continue with the approved permits.

Thank you  
Ben juodvankis

HD 4/26/23

**Mejia, Xiomara (BOA)**

---

**From:** Logan Bonds <lbonds951@gmail.com>  
**Sent:** Thursday, April 6, 2023 6:44 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Support of Monkeybrains

BOARD OF APPEALS

APR 06 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I Logan Bonds, am a resident of the Mission District Neighborhood at 23rd and Harrison Street and am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP. I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel. I am advocating for their right to continue with the approved permits.

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Amelie Heurteux <agh301@stern.nyu.edu>  
**Sent:** Thursday, April 6, 2023 6:49 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Heizner Warehouse Monkeybrains Improvements

BOARD OF APPEALS

APR 06 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi there!

My name is Amelie, I am a resident of the Mission District Neighborhood at 23rd and Harrison St.

I am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP.

I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel.

I am advocating for their right to continue with the approved permits.

Thank you in advance for your consideration!

~Amelie

HD 4/6/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Linda Lagunas <stupidshoez@gmail.com>  
**Sent:** Friday, April 7, 2023 8:58 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Regarding the permit for the lock on the gate at new Monkey Brains building.

APR 07 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I have lived in the neighborhood for 25 years. First on Folsom and 20th and now at 20th and Florida. The site where Monkey Brains has relocated has always, always been PDR. There have always been loading docks and room for vehicles to load up.

I would not support just any tech company frankly because they have really taken so much from this city and given very little back. Monkey Brains is different. They provide low cost internet for our community and have donated free wifi and wifi set ups for underserved communities and organizations.

At a time where everything is converting to condos it is important to conserve PDR. Monkey Brains has been a repeated target of an organization called Mission Greenway who repeatedly break or circumvent and breach the locks on the gate. Monkey Brains is simply trying to protect their building and increasingly themselves from the the constant attacks on the property by these same people. Attacks that have also extended to Mission Kids Coop.

If there had been a way forward to work with this group I am sure they would have had the community's cooperation. But it is obvious they continue to ignore the will of their neighbors.

I am hoping that you will see fit to allow Monkey Brains to repair the lock that was broken.

As an aside, I wonder why they are pressing for all out 24/7 access to this property when they have the community garden at 3141 23rd st. (which also abuts disused railway land) is constantly locked, only opens for limited hours to the public, and can only be accessed with one key. Even the public park nearby at Niños Unidos is gate, has limited hours and is locked up after business hours.

Kinda Regards,

Linds Lagunas Atwood

FILE HD 4/26/23

**Mejia, Xiomara (BOA)**

**From:** Tim Berkley <tberkley@magrane.com>  
**Sent:** Friday, April 7, 2023 9:37 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal 23-008

BOARD OF APPEALS  
APR 07 2023  
APPEAL # 23-008

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals,

I live at 881 Shotwell Street 1 block away from this area and my family and I are in complete support of Monkeybrains securing the fence. We have witnessed people breaking into the fence on numerous occasions. Over the past 5 years we have had to deal with hundreds of homeless people, increased break-ins and increased violence. Having this area be unsecured will just allow more of the same behavior.

Mission Greenway is unfairly attacking a viable local, small business. Furthermore, they have no plan, and no support from our supervisor. They continue to break-in to the area which only leads to more homelessness, more violence and increased instability and all next to a children's park. Monkeybrains, the school, and the new building on Harrison all have prescriptive easement rights to get to their businesses and they all deserve to be able to do that safely.

Monkeybrains has brought their headquarters to the Mission and will be investing their money and time to our local area, which has been negatively impacted since covid. Their 60 plus employees will be eating in the local area everyday and will be a boost to our local economy. Monkeybrains need to be able to get to their loading docks in the rear of their Warehouse as all the previous owners have been able to do since the building's inception.

Thank you, please do not hesitate to contact me if needed.

Sincerely,

Tim Berkley  
owner of 881 Shotwell Street

HD 4/20/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Joel Dodge <dodgejoel@gmail.com>  
**Sent:** Friday, April 7, 2023 3:04 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Support for Mission Greenway Project - NOT for Monkey Brains control of public spaces

APR 07 2023

APPEALS # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am Joel Dodge and am a longtime resident of the Mission District Neighborhood at 22nd Folsom. I have lived in the area for close to a decade and I am writing in regards to the permitted Heizner Warehouse development plans. I would like it to be known by the SFPUC that I am in full support of the goals of the Missing Greenway Project and their desire to keep the community firmly in control of the greenway and their refusal to support further privatization of our public spaces in either letter or spirit. The goals and intentions documented here are in line with what I would like for my community: <https://missiongreenway.org/>

In addition, I am a MonkeyBrains customer and I want to let you know that this month they offered me 3 months of free internet for no apparent reason at all. In hindsight, it now seems likely that this was an effort to butter me - and other local residents - up in order to request that we write to you in support of their proposal. They wrote to me to request that I write to you and even provided a pre-formatted template to send. An organization that was truly operating in the spirit of the community and doing what the people wanted would not have to do this sort of thing.

Joel Dodge  
2611 Folsom St.  
646-491-0776



HO 4/6/23

**Mejia, Xiomara (BOA)**

---

**From:** devdutt shastri <devdutt@mac.com>  
**Sent:** Friday, April 7, 2023 3:13 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Monkeybrains in the 'hood

BOARD OF APPEALS

APR 07 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Greetings.

I, Devdutt Shastri, am a resident of the Mission District Neighborhood (21st and Harrison) and have been using Monkeybrains as my ISP since 2010.

I am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP. I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel. I am advocating for their right to continue with the approved permits.

Warmly,

Devdutt

HO 4/26/23

**Mejia, Xiomara (BOA)**

---

**From:** Amy Tang <amytang0@gmail.com>  
**Sent:** Friday, April 7, 2023 3:49 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Heizner Warehouse Improvements

BOARD OF APPEALS

APR 07 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I, Amy Tang, am a resident of the Mission District Neighborhood at 22nd and Harrison and am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP. I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel. I am advocating for their right to continue with the approved permits.

Thank you,  
Amy Tang

FILE

**Mejia, Xiomara (BOA)**

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**From:** Benjamin Malone <benjmalone@icloud.com>  
**Sent:** Friday, April 7, 2023 9:19 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Supporting 933 treat Ave

BOARD OF APPEALS  
APR 07 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am a resident of the Mission District Neighborhood on Harrison and 21st and am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP. I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave  
<[https://url.avanan.click/v2/\\_\\_\\_https://www.google.com/maps/search/933+Treat+Ave?entry=gmail&source=g\\_\\_\\_YXAzOnNmZHQyOmE6bzpkYzFkMDM5NTAzMzVlNGJlYjA1YzdlnzQ1NzlxYzY1Nzo2OjFkNDY6MmVmNTVhNzdhZjUyMTE4MjQxMTY2ZWZhOWUwM2EyM2M3ZDJkMTZhM2Q3ZGUyZjMwYzYzM3NjJlZWUyZTZlMzQ1ZDpoOIQ](https://url.avanan.click/v2/___https://www.google.com/maps/search/933+Treat+Ave?entry=gmail&source=g___YXAzOnNmZHQyOmE6bzpkYzFkMDM5NTAzMzVlNGJlYjA1YzdlnzQ1NzlxYzY1Nzo2OjFkNDY6MmVmNTVhNzdhZjUyMTE4MjQxMTY2ZWZhOWUwM2EyM2M3ZDJkMTZhM2Q3ZGUyZjMwYzYzM3NjJlZWUyZTZlMzQ1ZDpoOIQ)> and the adjacent Parcel. I am advocating for their right to continue with the approved permits.

Sent from my iPhone

HD 4/26/23

**Mejia, Xiomara (BOA)**

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**From:** Enno <ennochian@protonmail.com>  
**Sent:** Saturday, April 8, 2023 1:07 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Monkeybrains ISP Warehouse Appeal

BOARD OF APPEALS

APR 08 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I, Enno Liu, am a resident of the Mission District Neighborhood (22nd x Harrison) and am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP. I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel. I am advocating for their right to continue with the approved permits.

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

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**From:** Julie Aleman <julie.younger.aleman@gmail.com>  
**Sent:** Monday, April 10, 2023 10:51 AM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS  
APR 10 2023  
APPEALS 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a neighbor and supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, and the gate will act to signify ownership although he doesn't own Parcel 36.

**I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.** My family is a neighbor to this parcel, and we'd use it to get to Parque Ninos Unidos and other places in our neighborhood.

Until legal ownership of this parcel is established, I insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Sincerely,

Julie Aleman, Mission resident

HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Chris McGee <chris@tracktribe.com>  
**Sent:** Tuesday, April 11, 2023 5:25 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** RE: Appeal 23-008

BOARD OF APPEALS

APR 11 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern,

I am writing in regard to the appeal filed against the permit to repair the gate at the north end of lot 36 associated with the warehouse recently acquired by Monkeybrains. I would like to express my support for Monkeybrains, and their effort to repair and upgrade that space and the surrounding area.

Monkeybrains is a standout example of a successful small San Francisco business. They have been around since the late 90s, and have provided a valuable service to thousands of SF and east bay residents, including myself. This company was built from nothing by 2 guys with a lot of determination and a clear purpose to provide value to the community. They have often over the years given free internet connectivity to underserved and low income communities. I know that they continue to pursue hiring people of color, and LGBTQ community members as part of their hiring practices. I know that they even go so far as to hire ex-felons in an effort to give them a second lease on life. Not many companies can say this.

Additionally, I have heard several reports recently concerning interactions between the greenway folks and the surrounding community members, including the faculty at the nearby Mission Kids facility. Obviously intimidation of children and staff in any capacity is a non-starter for me in terms of the credibility of any organization. Also uncontrolled drug use in the middle of a neighborhood, especially next to a school is a ridiculous idea, and should not be tolerated.

Once again I would like to express my support for Monkeybrains and their current efforts, and ask that you deny the appeal to stop their construction permit.

Thank you.

Chris McGee | Technology | [tracktribe.com](http://tracktribe.com)



HD 4/26/23

FILE

BOARD OF APPEALS

APR 10 2023

APPEAL # 23-008



April 10, 2023

Mission Kids, a city-funded child care facility serving primarily low- and moderate-income families, and owner of 969 Treat Ave. (Parcel 3639/25), supports the approval of Permit No. 2023/03/02/2910 to repair the fence and gate on the north end of Block 3639.

Since the 10/24/22 self-titled "guerilla action" by the Mission Greenway, posted on Twitter and reported in Mission Local, where group members initiated self-described guerilla access to Parcel 36, we have experienced a rapidly increasing number of safety, property, and preschool operations concerns.

Our preschool play yard is directly adjacent to the parcel rendered unsecure by the actions of the Mission Greenway, and our concerns for children's safety include what are now regular occurrences of the following near and along our shared fence line with Parcel 36:

- Conflicts with shouting and physical aggression
- Harassment of families and staff
- Drug paraphernalia
- Smoking
- Loud music
- Large gatherings of people
- Individuals experiencing mental illness
- Open flame cooking with charcoal
- Dogs off leash

In the wake of the ongoing and most recent school shootings nationwide, it is irresponsible to have this private space open to public access without typical security measures offered to all other public spaces in the city, including access to 311 and related services.

We support the initiative to secure Parcel 36. The ongoing health and safety issues resulting from the damaged fence and forced entry have been a tiring drain on our organization, which consists of primarily working families from the surrounding community.

We are in favor of the issued permit and respectfully ask that the repairs and the increased safety associated with them are allowed to proceed.

Regards,  
Mission Kids (owners of 3639/25)

HD 4/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Josh Gnass <joshgnass@gmail.com>  
**Sent:** Thursday, April 13, 2023 3:21 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

APR 13 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To those with the power:

I'm asking that you defer to will of the public and rescind/deny the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. If nobody owns the property (parcel 3639-036), how can they be issued a permit to block it off? Seems logical to me.

I've lived near the corner of 22nd and Harrison for over 20 years. The current gate was put up illegally without proper permits simply because people who had lots adjacent to parcel 3639-036 didn't want people passing through the old train right of way. So many old-timers know this and will attest to it. I confess that I used to go in there with my kid when the gate was open, or we'd just hop the fence, to practice his pitching way back in the day. I was rarely confronted, but when someone said something, I'd politely say "Please prove you own this place and I'll leave." They couldn't, so they left. There is no need for another gate there to replace the two that were illegally installed in the first place (one on 22nd, the other on Treat).

The city has for too long ignored the confusing status of this land that nobody owns, and now somebody is laying claim to it. Nah. Why not have the city step in and make it a park with public access during the day? If a gate ever goes up, it should be run by Rec and Parks just like the one at Niños Unidos.

Thanks for your consideration.

Respectfully,

Josh Gnass



FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Paul Lufkin <plufkin@gmail.com>  
**Sent:** Friday, April 14, 2023 9:20 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Please note my support for the creation/preservation of the "Mission Greenway" (re: permit #2023 03022910)

APR 14 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

4/14/23

SF Board of Supervisors/appeals:

Dear Friends:

Please stand up for green space in the Mission and reverse the fraudulently-obtained permit for this parcel. As a SF resident/voter and your constituent, I strongly agree with the following points being made by concerned activists:

- We need to immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023 based on the false information supplied by applicant Alejandro (Alex) Menendez. There are no owners on record for Parcel 3639-036, including Menendez, and the gate he wants will act to signify ownership although he doesn't own Parcel 36.
- Until legal ownership of this parcel is established, I strongly urge that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.
- I am very concerned that historic public access is fully restored. A commercial parking lot behind an iron gate is the antithesis of this vision. I very much want to see transformation of the site into a garden for the benefit of the neighborhood.
- Our City needs to take its own vision of green, car-free spaces seriously. This is the moment for the Board of Supervisors and the Planning Dept to act boldly, call an end to the fruitless search for an owner and work with the neighborhood to create a greenway, in line with other green spaces carved from the same right of way.

Thank you very much for noting my support of these views.

Sincerely,

Paul Lufkin  
 240 Cumberland Street, #302  
 San Francisco, CA 94114  
 415 515 1593

FILE

HD 4/26/23

**Mejia, Xiomara (BOA)**

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**From:** Erik Elder <elder.erik@gmail.com>  
**Sent:** Sunday, April 16, 2023 2:05 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Support for DBI permit no. 202303022910

BOARD OF APPEALS

APR 16 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals-

I am a local Mission resident and have noticed a decline in overall safety and security in the neighborhood. I believe that better fences and gates to keep business operators and children safe, are always a good thing. That is why I am appalled there is an appeal for DBI permit no. 202303022910.

The business owners that are funding the repairs for the gate at Parcel 36 (DBI permit no. 202303022910) are increasing safety and minimizing the incidence of destruction of property, vandalism and vagrancy.

Sincerely,

Erik Elder  
748 South Van Ness SF, CA 94110

HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

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**From:** joshua richardson <j.e.richardson@outlook.com>  
**Sent:** Sunday, April 16, 2023 3:48 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Regarding Appeal 23-008, Supporting Monkeybrains

BOARD OF APPEALS  
APR 16 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I support adjacent stakeholders taking the initiative to use, maintain and improve parcel 36. I trust Monkeybrains as a 20+ year old San Francisco business to be a reliable and responsible partner with other interested parties, including Mission Kids Co-op and members of the greenway project, to ensure the safety, cleanliness, security and beautification of the disputed parcel while its legal disposition plays out. I sincerely hope that unless and until the City acts to take responsibility for the parcel or determines another responsible party that the adjacent stakeholders are allowed to take responsible actions to secure and maintain it.

Sincerely,

Joshua Richardson  
San Francisco, CA

Sent from my iPhone

AD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** jlaw@laughingsquid.com  
**Sent:** Sunday, April 16, 2023 1:14 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Regarding Appeal 23-008, Supporting Monkeybrains

APR 16 2023

APPEAL # 83-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern,

As cofounder of the Burning Man Festival and a creative artist/organizer/prankster in San Francisco since 1976, I am no stranger to collaboration and working with various groups and individuals in order to create a better world. I believe in putting extreme ideology aside and working with sincere parties to effect positive community creation both locally and beyond. There is always an idea of perfection in any community based project. There is also the reality of living and dealing with those around you, and making the small compromises that are necessary in order to actually create a successful community.

My extensive experience with Rudy Rucker Jr and Monkey Brains has shown me that compromise for a larger good is absolutely part of their philosophy and process.

I have been acquainted with Monkey Brains since it began.

Rudy Rucker Jr., who is a fellow member of local bike club, Cyclecide Bike Rodeo, and a longtime supporter of the Doggie Diner Dogheads, local icons that I am steward for, is one of the most community minded people I know. Long before co-helming a successful ISP/Internet company, Rudy lived and worked in collective situations. He was always the first guy to show up if there was a disaster, if you needed to move your stuff or were in some kind of bind. Before his companies financial success (after years and years of very hard work) Rudy would go out of his way to use whatever small resources at his command to help members of the community.

Rudy, always a loud and exuberant character, larger than life really, is always quiet and humble about his largesse when it comes to helping out other people. Very much like a big kid, he wears his heart on his sleeve. Rudy, and his company have always been aware of neighborhood needs and their efforts have always held local culture and community interests to heart.

Rudy Rucker Jr is a really good guy. You couldn't have a better or more ethical company than Monkey Brains in your neighborhood.

From what I understand of the ongoing conflict, Monkey Brains has been reasonable and willing to work with anyone and not averse to compromise over the use of the potential greenway properties in question.

Please feel free to contact me at any time with any questions about my unequivocal endorsement of Rudy, Alex and Monkey Brains.

cheers, JL

John Law,  
Russian Hill/North Beach  
San Francisco

Office/studio:  
CENTRAL SERVICES  
Tribune Tower  
409 13th Street, Floor #22

Oakland, CA 94612

Cell: 510-543-5054

Email: [john@laughingsquid.com](mailto:john@laughingsquid.com)

Email: [jlaw@central-services.org](mailto:jlaw@central-services.org)

Web: [https://url.avanan.click/v2/\\_\\_\\_https://johnlaw.com\\_\\_\\_YXAzOnNmZHQyOmE6bzphMTBiMThjMmU1OWZkMDc3YmE2NjE3N2Q1OTAxMjA4Zjo2OmFiMjQ6ZGIwYjgxMwVIMzg2YTlhYWVmNTE2ZDhmM2Y1ZGI5MjdIZDkwYmZlYjQ4OTRjNGFIMGZkYjgzOWI2NmVjZDdkZjp0OIQ](https://url.avanan.click/v2/___https://johnlaw.com___YXAzOnNmZHQyOmE6bzphMTBiMThjMmU1OWZkMDc3YmE2NjE3N2Q1OTAxMjA4Zjo2OmFiMjQ6ZGIwYjgxMwVIMzg2YTlhYWVmNTE2ZDhmM2Y1ZGI5MjdIZDkwYmZlYjQ4OTRjNGFIMGZkYjgzOWI2NmVjZDdkZjp0OIQ)

Instagram: @johnwilliamlaw

Facebook: @johnwilliamvincentlaw

Twitter: @johnlaw

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

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**From:** BoardofAppeals (PAB)  
**Sent:** Tuesday, April 11, 2023 1:57 PM  
**To:** Laura Prince-Mcgee; BoardofAppeals (PAB)  
**Subject:** RE: Monkey Brains-Mission Greenway

BOARD OF APPEALS

APR 11 2023

APPEAL # 23-008

Thank you, your email will be provided to the commissioners.

Julie Rosenberg  
Executive Director  
San Francisco Board of Appeals  
49 South Van Ness Avenue, Suite 1475  
San Francisco, CA 94103  
Phone: 628-652-1151  
Email: julie.rosenberg@sfgov.org

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**From:** Laura Prince-Mcgee <laurapmcg@gmail.com>  
**Sent:** Tuesday, April 11, 2023 12:09 PM  
**To:** BoardofAppeals (PAB) <boardofappeals@sfgov.org>  
**Subject:** Monkey Brains-Mission Greenway

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing regarding Appeal 23-008 filed against a permit obtained for the repair of a gate located on the North end of lot 36, I am in support of fixing the damaged fence and improving security in the areas surrounding lot 36. I live in the neighborhood at 22nd and Hampshire with my 2 young children and walk past this Greenway when I take my children to the park on Treat and 23rd.

I would also like to highlight that I have personally known the owners of Monkeybrains for many years. The owners have lived in our neighborhood at 23rd and Capp for 20 years. Alex Menendez (owner) is a first-generation Cuban American. He and his family live in a 1000-square-foot carriage house that is part of a TIC. Their home is right next to a group home for people suffering from psychotic disorders and they accept and embrace these mentally impaired persons as their neighbors. Alex Menendez sends his child to a public elementary school, as they are committed to supporting our public school system. They also sent their child to a cooperative preschool in Mission. I often saw them caring for other children in the community at our local parks. Monkeybrains focuses on equality as they try to hire LGBTQ, and men / women of color. They also employ previously convicted felons and contribute to their rehabilitation programs. Also, during the Covid-19 pandemic, Monkeybrains gave free internet to children in the Bayview and Mission so they could attend online school. They have consistently demonstrated a desire to provide support for their community.

Monkeybrains are not "classist Techies" riding around in Teslas trying to get more money. They have been part of this wonderful, diverse, and often complicated fabric of the Mission for many years. I trust this is not an issue of greed and convenience, but rather one of safety. Monkeybrains (owners Alex and Rudy) are extremely down-to-earth, kind, and generous people and business owners.

I am in support of a fence being fixed so that the businesses there can use it as intended. Without a proper gate, this alleyway will likely become an abandoned lot for storage of trash, a collection of drug paraphernalia, home to individuals with mental illness, and a place for large gatherings of people harboring conflict and shouting against the employees and

homeowners of said lot. I do not believe that allowing public access without city approval, maintenance and oversight is in the best interest of our neighborhood. I encourage you to come down and see this precarious alleyway.

As a longtime resident of the Mission, I am happy to see that Monkeybrains has an interest in lot 36 and has taken the initiative to improve safety by using proper municipal channels such as obtaining a DBI permit. Please approve the permit for Monkeybrains.

Sincerely,  
Laura Prince  
Hampshire @ 22nd  
San Francisco

HD 4/28/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Arya Zarrinkelk <arya.zarrinkelk@gmail.com>  
**Sent:** Friday, April 14, 2023 5:07 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

APR 14 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*To the Board of Appeals:*

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

---  
Arya Zarrinkelk, MPP  
RPCV '09-'11

949.370.5309

Acta Non Verba



HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Janet Stillman <janetstillman@gmail.com>  
**Sent:** Monday, April 17, 2023 10:01 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 17 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am a Mission district resident avidly in favor of better green space and better infrastructure for our crowded, challenged neighborhood. Parcel 3639-036 presents a great opportunity to improve our area. As you are probably already well aware, the city recognizes no formal owner of that property. But a local opportunist is trying to take advantage by pretending he does.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, which we in the community had until recently, when various non owners began to close it off. I also support the Mission Greenway project, which is attempting transformation of the parcel into a garden for the benefit of the neighborhood.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels be red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Best,

*Janet Stillman*

*979 Alabama St*

-----

**Sent from my iPhone**

AD 4/26/23

**Mejia, Xiomara (BOA)**

---

**From:** Mark Kurkowski <mark.kurkowski@hotmail.com>  
**Sent:** Monday, April 17, 2023 10:25 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 17 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

From,  
Mark Kurkowski

#0 4/26/23

FILE

Mejia, Xiomara (BOA)

**From:** Fabrice Corminboeuf <corminbo@gmail.com>  
**Sent:** Monday, April 17, 2023 11:38 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 17 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good morning Board of Appeals,

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Best regards,

Fabrice Corminboeuf

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Georgy Avakov <georgy.avakov@gmail.com>  
**Sent:** Monday, April 17, 2023 10:19 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS  
APR 17 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.*

Georgy Avakov

1943 Page Street, Apt 6, SF, CA 94117

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Noam Szoke <noam@maccounsel.com>  
**Sent:** Monday, April 17, 2023 9:29 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS  
APR 17 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I'm writing as a neighbor and supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

I'm writing to ask that you rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who gave misleading information in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

thank you,

Noam Szoke  
3080 22nd Street

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Alex Williams <luxwilliams@gmail.com>  
**Sent:** Monday, April 17, 2023 6:45 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** APPEAL FILED NO. 23-008 @ 957 TREAT AVENUE

BOARD OF APPEALS  
APR 17 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*To the Board of Appeals:*

*I live across the street from this proposed fence replacement. Not only is the fence NOT on property owned by the people trying to replace it, it will serve as a means to lock out community members who want to access Mission Greenway (see below). I would prefer to have a community garden accessible to all, rather than let a private businesses use it for parking.*

*Mission Greenway are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order*

*to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

*thank you,*

*Alex of 2900 22nd st. SF*

**Sent from my iPhone**



HD 4/26/23

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Gary Leung <garyleungusa@gmail.com>  
**Sent:** Monday, April 17, 2023 6:08 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** APPEAL FILED NO. 23-008 @ 957 TREAT AVENUE

APR 17 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*To the Board of Appeals:*

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

*thank you,*

Gary

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** vxchang <vxchang@protonmail.com>  
**Sent:** Monday, April 17, 2023 2:04 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

APR 17 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I have lived in the Mission District for 13 years. I love this vibrant neighborhood and its diverse community. I treasure the gathering spaces that exist here, from the official parks and playgrounds to the more ephemeral that arise through performances and the like in parklets and gardens.

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end. The Mission has few green spaces, and this is a rare and powerful opportunity not only to create a community garden, but also to respond to the desires of the community.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Thank you.

Kind regards,  
Vanessa Chang  
1037 Florida St  
San Francisco, CA 94110

HD 4/26/23

**Mejia, Xiomara (BOA)**

---

**From:** Douglas Hilsinger <dahilsinger@gmail.com>  
**Sent:** Monday, April 17, 2023 9:59 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Regarding Appeal 23-008, Supporting Monkeybrains

BOARD OF APPEALS

APR 17 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Regarding Appeal Number 23-008 and supporting Monkeybrains.

As musician, event booker and bartender in the Mission and surrounding neighborhoods for 30+ years I support adjacent residents and businesses taking the initiative to use, maintain and improve parcel 36. I trust Monkeybrains as a 20+ year old San Francisco business to be a reliable and responsible partner to ensure the safety, security and beautification of the disputed parcel while its legal disposition plays out. I sincerely hope that unless and until the City acts to take responsibility for the parcel or determines another responsible party that adjacent stakeholders such as Monkeybrains are allowed to take responsible actions to secure and maintain it.

Sincerely,

Doug Hilsinger

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Matt Hill <mattdh666@gmail.com>  
**Sent:** Tuesday, April 18, 2023 10:11 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 18 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Thank you,  
Matt Hill

FILE

HD 4/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Chintan Mistry <chintan.mistry@gmail.com>  
**Sent:** Tuesday, April 18, 2023 11:02 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Support of Heizner Warehouse improvements by Monkeybrains ISP

APR 18 2023

APPEAL: 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Board of Appeals,

I, Chintan Mistry, am a resident of the Mission District Neighborhood (23rd/Harrison) and am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP.

I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel. I am advocating for their right to continue with the approved permits.

Thank you

HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** kristen panti <kristenpanti@gmail.com>  
**Sent:** Tuesday, April 18, 2023 11:35 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 957Treat--Mission Greenway

BOARD OF APPEALS  
APR 18 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am writing in support of the Mission Greenway at 957 Treat/23rd St. and against the application by the Monkey Brains internet company to build a fence at the 22nd St. entrance.  
I am a neighbor of the parcel and have lived here since 1989. We have seen a lot of negative changes in the neighborhood (luxury housing, mainly) and a few positive ones--for example the Parque Niños Unidos, which was also an abandoned lot that was turned into a park when my son was little and a student at César Chávez school.  
I really cannot comprehend the ugly campaign by the Mission Kids preschool against the Greenway--what we need in the neighborhood is MORE green spaces for families, not parking spaces for wealthy parents, who may not even live in the neighborhood!  
Please use your power to help residents in the neighborhood who recognize that a little piece of green for all is better than cement for cars of the few.  
Thank you! Kristen Panti

AD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Rachel Sheinbein <rachel.sheinbein@gmail.com>  
**Sent:** Tuesday, April 18, 2023 10:01 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal No 23-008 957 Treat Ave regarding Permit No. 2023/03/02/2910

APR 18 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am writing in support of the approval of Permit No 2023/03/02/2910 to repair the fence and gate on the north end of Block 3639. As a neighbor living within 150 feet of the property mentioned and as a parent of a pre-school child at Mission Kids, a child care facility adjacent at 969 Treat Ave, I support the initiative to secure Parcel 36. The preschool has experienced increased safety, property and operational issues as a result of the 'guerilla' access to Parcel 36.

I am in favor of the issued permit and would appreciate the repairs and ask that the increased safety associated with them are allowed to proceed.

Respectfully,

Rachel Sheinbein  
2621 Harrison St Unit 1



FILE

HO 4/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Benjamin Amundson <bamundson180@gmail.com>  
**Sent:** Tuesday, April 18, 2023 9:16 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

APR 18 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*To the Board of Appeals:*

*To award a building permit to an unlawful owner opens up a set of liabilities for the permit issuers (they can and will be held personally liable as well), plus creates a situation which put the city at risk for publicly undermining climate change initiatives. The neighborhood residents are willing to stand up for this space and will not be backing down.*

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

FILE

**Mejia, Xiomara (BOA)**

**From:** Brigitte Cowell Moyne <bcowell@gmail.com>  
**Sent:** Tuesday, April 18, 2023 6:54 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS

APR 18 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*To the Board of Appeals:*

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

*I live on 22nd Street, on the block across the street from this parcel of land. It has always been an eyesore and a wasted opportunity for a community greenspace. It would add so much to our neighborhood to open this area up and use it for the community good, versus as a messy parking and storage lot for businesses that do not own the land. I cannot believe that the city should support stealing a piece of land for someone's personal benefit. If no owner is identified for this land parcel, it should be used for the community instead.*

Sincerely,

Brigitte Cowell Moyne.

--

Brigitte Cowell Moyne  
Director, Savannah Rescue  
[www.svrescue.com](http://www.svrescue.com)

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** jack friel <jackbfriel@gmail.com>  
**Sent:** Tuesday, April 18, 2023 2:52 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Regarding Appeal #23-008

BOARD OF APPEALS

APR 18 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern,

My name is Jack Friel, lifetime SF resident in the Mission/Potrero area and employee of Monkeybrains ISP. I'm writing in support of Monkeybrains' efforts to repair the damaged fence on the Harrison end of parcel 36. Considering no other entity intends to fix the fence, and the improvement won't alter the access arrangement for the space, it sounds like a no-brainer.

Thank you for reading!  
Jack

HD 4/26/23

PDR

**Mejia, Xiomara (BOA)**

---

**From:** Mason Carroll <mason@monkeybrains.net>  
**Sent:** Tuesday, April 18, 2023 2:12 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal# 23-008

BOARD OF APPEALS  
APR 18 2023  
APPEAL# 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

RE: Appeal# 23-008

I have lived in district 9 since 2001 and have worked at Monkeybrains since 2010.

Recently Monkeybrains bought the property at 933 treat street. This PDR space is perfect for our operations. Most importantly it has a loading dock along an alley on the back of the building. This loading dock needs reliable access. Monkeybrains is seeking to repair an existing gate that provides access to the loading dock.

A group of newcomers is now seeking to claim this area. Please do not impede the efforts of monkeybrains to improve and maintain this area.

This area has no owner because its been used as a loading doc for the adjacent buildings for 100 years. Please do not impede the efforts of the neighbors to use their buildings.

-Mason.

HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Buck Bito - Movette <buck@movettefilm.com>  
**Sent:** Tuesday, April 18, 2023 12:49 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008 - Supporting Monkeybrains

BOARD OF APPEALS  
APR 18 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals members,

I am writing in support of Alex Menendez, Rudy Rucker and their company, Monkeybrains, in light of the appeal filed against building permit # 202303022910.

(  
[https://url.avanan.click/v2/\\_\\_\\_https://dbiweb02.sfgov.org/dbipts/default.aspx?page=Permit&PermitNumber=202303022910\\_\\_\\_YXAzOnNmZHQyOmE6bzpjZWE0YTAxMDFiYzc3NDNkMGMzYzZmMjE0OWI1MDo2OjY5YTQ6MzJkZmZjMGEzM2NhYzM3N2FmNWQzODI0OWFjMTVmMzAyZWJmZmI4MDczOTZjYzRkYjAzZmU5MTRkNDUxOTc3OTpwOIQ](https://url.avanan.click/v2/___https://dbiweb02.sfgov.org/dbipts/default.aspx?page=Permit&PermitNumber=202303022910___YXAzOnNmZHQyOmE6bzpjZWE0YTAxMDFiYzc3NDNkMGMzYzZmMjE0OWI1MDo2OjY5YTQ6MzJkZmZjMGEzM2NhYzM3N2FmNWQzODI0OWFjMTVmMzAyZWJmZmI4MDczOTZjYzRkYjAzZmU5MTRkNDUxOTc3OTpwOIQ)  
)

I have been a resident of the Mission district since 1988, a Mission district business owner since 2003 and a Mission district property owner since 2011. I have also known the founders of Monkeybrains, Alex Menendez and Rudy Rucker, since before they started their company and have been a customer of Monkeybrains since 1999. Over the course of the roughly 25 years that I have known Alex and Rudy I have developed the utmost respect for and confidence in them and subsequently the company they developed to offer San Franciscans a San Francisco-based alternative to the major national internet providers.

I have been made aware of controversies concerning the ownership of the parcel that provides access to the loading docks of their new headquarters building at 931-933 Treat Ave. I expect that the City will allow adjoining property owners such as Monkeybrains to continue to use this parcel as it has been for the last 3 decades, that is as a commercial right-of-way, providing for the loading and storage of the fleet of vehicles that Monkeybrains uses to install and maintain the equipment used for providing end-user internet access throughout San Francisco.

My understanding is that ownership of and responsibility for the former railroad parcel serving their loading docks is presently in question and unless and until a binding determination is reached concerning the disposition of that parcel I strongly urge the City to allow responsible adjacent business and property owners to take the initiative to ensure the safety, cleanliness and security of it.

My long experience with the founders of Monkeybrains and the company itself give me full confidence that they will be responsible, long-term, community-minded partners in the security and maintenance of this parcel and I request that this appeal be denied so that Monkeybrains can go forward with the originally approved permit to repair a gate and improve the security and appearance of this access point to the parcel.

- Sincerely,  
-- Lawrence "Buck" Bito - 4/18/2023

Lawrence "Buck" Bito

Movette Film Transfer  
1407 Valencia St.  
San Francisco, CA 94110  
(Valencia at 25th St.)  
415-558-8815

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HD 4/26/23

FILE

BOARD OF APPEALS

April 18 2023

APR 18 2023

APPEAL # 23-008

Appeal No: 23-008

Appeal Title: Friends of the Mission Greenway vs. DBI, PDA.

Subject Property: 957 Treat Avenue

Permit Type: Alteration Permit

Permit No. 2023/03/02/2910

Dear President Swig and members of the Board of Appeals.

We are writing in support of permit no.2023/03/02/2910. We request that you reinstate the permit so the applicant can replace the damaged gate to secure lot 36, otherwise known as 957 Treat Avenue.

We are the owners of 2600 Harrison St. and 2652 Harrison St., block 3639, lot 1 and lot 2.

Before purchasing the properties at Harrison Street, we were regular customers at the previously owned business "Western Plywood" which was located on lot 1, where we frequently purchased plywood and construction materials beginning in the early nineties till the business closed in 2013 and was demolished in 2018.

Over almost three decades we observed the historical industrial/commercial use of lot 36.

Throughout this time the gates were open for business hours and closed for security and safety reasons at the end of each working day.

The gate on 22<sup>nd</sup> street is currently damaged and needs to be replaced in order to secure the lot.

We respectfully ask the board to deny the appeal on the basis the permit was properly issued by the Department of Building Inspection.

Sincerely,

John O'Connor.



HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Celia Saino <celia.saino@gmail.com>  
**Sent:** Wednesday, April 19, 2023 8:15 AM  
**To:** BoardofAppeals (PAB)  
**Cc:** DPH-workplaces-406  
**Subject:** Support letter for permit 2023/03/02/2910

BOARD OF APPEALS  
APR 19 2023  
APPEAL 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Appeal No.: 23-008  
Appeal Title: Friends of the Mission Greenway vs. DBI , PDA Subject Property: 957 Treat Avenue Permit Type: Alteration  
Permit Permit No.: 2023/03/02/2910

To whom it may concern:

We, the owners of parcel Parcel 3639/004A on Block 36, are writing to support the approval of Permit No. 2023/03/02/2910 to repair the fence and gate on the north end of Block 3639.

We purchased our building on Harrison Street in 2010 and strive to create a safe and clean environment for both our commercial and residential tenants and for the general public who use the sidewalk in front of our building. One of the improvements we made to the building was planting an extensive green space on the sidewalk in front of our building which we undertook by getting the necessary approvals through the SFPDW. Maintaining the cleanliness of this green space has turned out to be an ongoing struggle despite the daily efforts of the building owners and tenants. In the last year alone, we logged over twenty SF311 requests to clean up the sidewalk including addressing issues with human feces (five requests not including incidents we have taken care of ourselves), broken glass, dumped appliances, clothes and furniture as well as multiple instances of homeless encampments on the sidewalk and graffiti on our building.

While we appreciate the intentions behind the Mission Greenway project, we would be very surprised if their efforts to encourage public access to Parcels 36a, 36b and 36c do not result in similar cleanliness and safety issues. Because Parcels 36a-c are not public sidewalks but instead are privately owned, Mission Greenway will not be able to enlist the services of SF311. We have not seen a plan from Mission Greenway to ensure that Parcels 36a-c are properly maintained or a plan to address issues with safety, homeless encampments or graffiti. The city of San Francisco has not committed to providing these services as far as we know. On multiple occasions since Mission Greenway began cutting the locks on the north gate, we have observed the gate on the north side open and unattended outside of business hours, a situation which we never previously observed in the 10+ years we have been on the block.

The safety and cleanliness of Parcels 36a-c has historically been maintained by the fences and gates on the north and west borders of the Parcels with access arranged by cooperation among the building owners. The block has a long history of commercial use that continues today with the block's UMU zoning. The individuals who operate MonkeyBrains who are seeking to improve the fence and gate have in the short time since they became property owners on our block made efforts to support the local community and communicate with other property owners on our block. They held a fundraiser for a local business on 24th Street and stopped by our building beforehand to introduce themselves, invite tenants in our building, and provide contact information in case our tenants had any issues with noise (which was not an issue).

Their latest efforts to invest in the security of our block is another example of their cooperative attitude and interest in improving conditions. We support their permit to repair and improve the fence and gate on Block 3639.

Haymishion LLC (owners of 3639/004A on Harrison St)

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Lawrence Hood <lhood916@gmail.com>  
**Sent:** Tuesday, April 18, 2023 1:10 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal for Monkeybrains ISP #23 - 008

BOARD OF APPEALS  
APR 18 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I, Lawrence, am writing in regards to Appeal# 23-008 executed by Monkeybrains ISP. I would like it to be known by the Board of Appeals that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel. I am advocating for their right to continue with the approved permit.

Thanks,  
Lawrence Hood

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Brett Bertocci <bertocci@gmail.com>  
**Sent:** Wednesday, April 19, 2023 8:59 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Sincerely,

Brett Bertocci  
D8 resident

HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Ed Parillon <eparillon@gmail.com>  
**Sent:** Wednesday, April 19, 2023 9:08 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

AD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Patrick Lindley <patlindley@gmail.com>  
**Sent:** Wednesday, April 19, 2023 9:11 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Sincerely,

Patrick Lindley  
San Francisco

AD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Lian Chang <lian.c.chang@gmail.com>  
**Sent:** Wednesday, April 19, 2023 9:11 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS  
APR 19 2023  
APPEALS 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Lian Chang

Sent from my iPhone

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Alonso Salas <alonsosalas312@gmail.com>  
**Sent:** Wednesday, April 19, 2023 9:28 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS  
APR 19 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.



HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Michael Smith <msmithtransit@gmail.com>  
**Sent:** Wednesday, April 19, 2023 9:50 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

APR 19 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

It is important for the community for you to do the right thing and rescind the permit.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Michael Smith

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Mark Hogan <markhogan@openscopestudio.com>  
**Sent:** Wednesday, April 19, 2023 9:51 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008 support letter

BOARD OF APPEALS  
APR 19 2023  
23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Sanae Rosen <sanae.rosen@gmail.com>  
**Sent:** Wednesday, April 19, 2023 9:51 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS  
APR 19 2023  
APPEAL NO. 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

HD 4/26/23

**Mejia, Xiomara (BOA)**

**From:** Jerry Reiva <lightwriter11@gmail.com>  
**Sent:** Wednesday, April 19, 2023 9:53 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

APR 19 2023  
23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Kind Regards,  
Jerry Reiva

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Bruce Halperin <bhalperin28@gmail.com>  
**Sent:** Wednesday, April 19, 2023 1:30 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship. Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta. There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use. I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end. Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

HO 4/26/23

F I F

**Mejia, Xiomara (BOA)**

**From:** Lynae Zebest <lmartmonkey@gmail.com>  
**Sent:** Wednesday, April 19, 2023 1:31 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I live 1 block from this parcel. I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Kind regards,  
Lynae Zebest  
3015A 23rd St, San Francisco, CA

HD 4/26/23

FILE

BOARD OF APPEALS  
APR 19 2023  
APPEAL # 23-008

**Mejia, Xiomara (BOA)**

**From:** Mary Davis <threejavelinas@gmail.com>  
**Sent:** Wednesday, April 19, 2023 1:32 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Best,  
Mary Davis

325B Capp St.

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Lara Klemens <lalasfo@me.com>  
**Sent:** Wednesday, April 19, 2023 1:47 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm a lifelong resident of San Francisco for the last 50 years, writing as a supporter of Friends of the Mission Greenway.

Friends of the Mission Greenway is a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Thank you for your attention to this matter.

Sincerely,

Lara Klemens



HbD 4/26/23

FILE

BOARD OF APPEALS

**Mejia, Xiomara (BOA)**

**From:** Alex Lantsberg <lantsberg@gmail.com>  
**Sent:** Wednesday, April 19, 2023 2:20 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

APR 19 2023

23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

I join others in echoing their appeal of Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Thank you,

Alex Lantsberg

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Samantha Kotta <skotta@berkeley.edu>  
**Sent:** Wednesday, April 19, 2023 2:23 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS  
APR 19 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship. Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta. There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use. I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end. Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Samantha Kotta (she/her)  
Classroom Tutor II  
English Major at UC Berkeley



(925) 818-4652  
kottasammi@gmail.com



HO 4/26/23

**Mejia, Xiomara (BOA)**

---

**From:** Gabriela Tirado <gabriela.a.tirado@gmail.com>  
**Sent:** Wednesday, April 19, 2023 4:18 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals,

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Gabriela Tirado  
San Francisco Resident

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Jeff Yip <jeff.yip@gmail.com>  
**Sent:** Wednesday, April 19, 2023 7:48 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern,

I am a neighbor to the gate on the 22nd St side of Parcel 36. I have lived across the street from the gate (within 150 feet of it) since 2015.

Monkeybrains recently purchased the old Heinzer building, and they are clearly making an attempt to take over and acquire the adjacent parcel (presumably through adverse possession). Such a huge parcel of land in this neighborhood is worth millions of dollars, and Monkeybrains is making a grab for it.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

I would like to see the parcel opened to the public. It seems logical to me to restore the historic use of this parcel as a pedestrian pathway. It could become an extension of the Parque Niños Unidos, and follow the same hours.

The city will be making a grave mistake by approving this permit, setting a precedent for this private interest to act as an owner to this parcel which the city should rightly take control over.

There is effectively no real owner of this parcel. Records indicate that the John Center Co. is the owner of the parcel; however, the John Center Co. was dissolved in 1934. A quick search on the California Secretary of State website confirms this:



**Request  
Certificate**

|                                                |                                                                  |
|------------------------------------------------|------------------------------------------------------------------|
| <i>Initial Filing Date</i>                     | <b>04/22/1908</b>                                                |
| <i>Status</i>                                  | <b>Terminated</b>                                                |
| <i>Standing - SOS</i>                          | <b>Good</b>                                                      |
| <i>Standing - FTB</i>                          | <b>Good</b>                                                      |
| <i>Standing - Agent</i>                        | <b>Not Good</b>                                                  |
| <i>Standing - VCFCF</i>                        | <b>Good</b>                                                      |
| <i>Inactive Date</i>                           | <b>04/25/1934</b>                                                |
| <i>Formed In</i>                               | <b>CALIFORNIA</b>                                                |
| <i>Entity Type</i>                             | <b>Legacy Corporation</b>                                        |
| <i>Principal Address</i>                       | <b>N/A</b>                                                       |
| <i>Mailing Address</i>                         | <b>N/A</b>                                                       |
| <b>i</b> <i>Statement of<br/>info Due Date</i> | <b>01/01/0001</b>                                                |
| <i>Agent</i>                                   | <b>Individual<br/>NO AGENT<br/>AGENT RESIGNED OR<br/>INVALID</b> |

Why this land hasn't gone up for tax auction is a mystery. The city should use the power of eminent domain to make this into a park so that the whole community can benefit from it. Surely, there must be something like a statute of limitations for shareholders of the John Center Co. to make a claim to the company's assets.

The opposition to the idea of a park might complain that there are issues with encampments in the neighborhood, but in fact, this is a reason to make this space into a park. There are no issues with encampments in the adjacent Parque Niños Unidos because it has set hours and is closed at night. Parks and green spaces are an essential respite from the often harsh urban environment that we live in, especially for the many young children, like those who attend the nearby George R. Moscone and César Chávez Elementary schools. There is a mental health crisis afflicting the youth of this country, and more green space could certainly help with this.

There have been times when the gates have been open, and this unique parcel has served as a community hub where I have been able to meet many neighbors who I would not have otherwise. There are plenty of underutilized industrial spaces in other neighborhoods in the city that would be great for parking utility trucks.

This unique space should be a park for all to enjoy.

Thanks,  
Jeff Yip

HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Kevin Liu <kliu@openhand.org>  
**Sent:** Wednesday, April 19, 2023 5:27 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS  
APR 19 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals,

I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Sincerely,  
**Kevin Liu, RD (he/him)**  
Call/text: 415-447-2418  
Project Open Hand  
730 Polk St, SF, CA

HD 4/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** misc <miscellania@roseviolet.ink>  
**Sent:** Wednesday, April 19, 2023 6:10 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of Department of Building Inspection Permit #2023 03022910

APR 19 2023

APPEALS 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Noriko Nakano

HD 4/26/23

**Mejia, Xiomara (BOA)**

**From:** Carol Brownson <cdbrownson@gmail.com>  
**Sent:** Wednesday, April 19, 2023 5:40 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who wants to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Thank you,

Carol Brownson

*Carol Brownson*



HO 4/26/23

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Alex Holt <alexholt@proton.me>  
**Sent:** Wednesday, April 19, 2023 10:26 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Support of Appeal of Department of Building Inspection permit #2023 03022910

APR 19 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Board of Appeals,

As a local resident, I am writing to present my views regarding the use of Parcel 3639-036, between 22nd St, 23rd St, Harrison St and Treat St in the Mission District San Francisco.

It has come to my attention that Alejandro Menendez has claimed this land deceitfully and I support the Friends of the Mission Greenway's appeal (Friends of the Mission Greenway vs. DBI , PDA / #23-008) to overturn his claim. I insist that parcel 3639-036 and its three sub-parcels be red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Furthermore, as Parcel 3639-036 appears unowned and highly contested, I am writing to object to any commercial use of this land. Instead, I favor turning this disused plot into a much needed green-way for the enjoyment and use by the local community to enhance the area. My understanding is that adjacent operators, such as Monkeybrains ISP, intend to gate off this plot and use it to park cars and commercial fleet vehicles and I object to this for various reasons.

Firstly, this area already has too much traffic. We are inundated with vehicles of commercial, utilities, public transit and emergency operators, all of which have depots in our area. This causes traffic congestion along with noise and air pollution. An additional commercial vehicle depot will only further exacerbate these problems.

Secondly, I want this area to become more comfortable for its current residents rather than serving the commercial interests of a bygone era. The Mission District's factories, warehouses and dumping yards are turning into residential apartments and I want to see more green-ways to complement this change.

In conclusion, I support this appeal because I want to see the Mission District continue to become more comfortable for its growing number of local residents.

Best,

Alexander Holt  
1037 Florida St  
San Francisco, CA 94110

to 4/26/23

**Mejia, Xiomara (BOA)**

---

**From:** Liliana Zambrano <lilianaz415407@gmail.com>  
**Sent:** Thursday, April 20, 2023 12:18 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** missiongreenway@gmail.com  
**Subject:** Inspection permit #2023 03022910

BOARD OF APPEALS  
APR 20 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco, April, 20 of 2023.

Mrs.

Board Appeal of Department of Building Inspection.

San Francisco County

Subject: Inspection permit #2023 03022910

To the Board of Appeals:

I'm Liliana Zambrano, resident in San Francisco 25 years ago, I writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Cordially

**Liliana Zambrano.**

HO 4/26/23

FILE

**Mejia, Xiomara (BOA)**

---

**From:** Meredith Nelson <meredithgn@gmail.com>  
**Sent:** Thursday, April 20, 2023 12:08 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 20 2023

APPEAL # 23-008

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I'm writing as a supporter of Friends of the Mission Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Sent from my iPhone

HD 4/26/23

**Mejia, Xiomara (BOA)**

---

**From:** Patricia Reischl Crahan <prcrahan.sf@gmail.com>  
**Sent:** Thursday, April 20, 2023 12:17 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Parcel 36; Treat Avenue to 22nd Street

BOARD OF APPEALS

APR 20 2023

APPEAL 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Morning, Board of Appeals:

We are writing to you as residents of the Mission District since 1978 to voice our solidarity with the Mission Greenway Project. There has been significant high density housing built over the last few decades in the Mission District with still more in the planning stages. It is critical that the district expand all open space possible. The Mission Greenway Project intends to preserve and enhance this parcel.

This railroad right-of-way needs to be recognized and posted as public land. Locked gates, vehicle parking, equipment and storage container drop off must cease. This is public land.

There is precedent right here for railroad right-of-way conversion to public space in our very own district. Please see the history of Juri Commons in the link below.

Yours truly,  
Michael and Patricia Crahan

<https://www.sfparksalliance.org/our-parks/parks/juri-commons>

HD 4/26/23

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

**From:** Carolina Dutton <carolionsf@gmail.com>  
**Sent:** Thursday, April 20, 2023 1:34 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal of DBI permit #2023 03022910 which will block access to the Mission Greenway

APR 20 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern at the Board of Appeals,

I urge you to rescind the permit to build a gate closing off public access to the Mission Greenway (the old railroad right of way). This right of way has no owner and has been used as a right of way by residents of the neighborhood for many decades. It is not right as well as unfair and unjust for a private company that is not the owner of a property to obtain a permit to close off public access to a property to which the public has consistently had access for for many decades.

I am a longtime resident and homeowner in the Mission. I bought my house at 1189 Treat Ave in 1974. Before that, I rented an apartment at the corner of Lilac Alley and 24th Street. My building on Lilac was built with a diagonal wall facing 24th Street. The old railroad line was not running anymore but I discovered that it was built that way to accommodate the railroad right of way . I have always walked and explored the Mission and I have walked around discovering the railroad line and its history. I have always walked through the Mission Greenway before it had that name. Unfortunately some of the old railroad right of way is no longer open space but other parts of it are. Next to my old apartment building on Lilac alley and 24th is a public parking lot which is often used as a place to set up tents for community services such as Covid testing and vaccination. I have also attended cultural music and dance events there. The continuation of the old railroad right of way between San Jose Avenue and Guerrero Streets is now Jury Park which contains a children's playground area as well as beautiful plants and a path to walk from San Jose Ave. to Guerrero Street. I remember when I first discovered it, Jury Park was a greenway maintained by people from the neighborhood. Now I believe it is a park maintained by the city. I am hoping this is what can happen to the Mission Greenway between 23rd and Treat and 22nd and Harrison. The Mission needs more common community space, especially green space. People in our neighborhood have been caring for this space for years and we deserve the right to continue creating green space there and residents and families need more space for recreation, walking and play.

A private company that just bought an adjacent property should not have rights to build anything or block public access on an unowned property that has been used by the neighborhood for years. This right of way should be for use of the public.

Please repeal the permit to build a gate to block public access to the Mission Greenway.

Thank you very much,  
Caroline Dutton  
1189 Treat Ave.  
San Francisco, CA 94110

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Fred Messbarger <fmessbarger@yahoo.com>  
**Sent:** Thursday, April 20, 2023 1:54 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Neighbor feedback on Heizner warehouse and Greenway

BOARD OF APPEALS  
APR 20 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

My name is Fred Messbarger and I've lived in the Mission District for over 20 years. My family resides at the intersection of Treat Ave and 22nd Street. and am writing in regards to the permitted Heizner Warehouse improvements being executed by Monkeybrains ISP. I would like it to be known by the SFPUC that I am in support of Monkeybrains ISP and the good efforts being made at 933 Treat Ave and the adjacent Parcel. I am advocating for their right to continue with the approved permits.

The plight of "The Greenway" has gone to far and the members I have had several odd (and almost aggressive) exchanges with them trying to get me to sign their petition. They don't seem to understand the problems that exist in the neighborhood that an open green space would cause and compound. I've read about their actions (cutting locks to get into the space) and personally seen their behavior towards me and the local business owners Monkeybrains who just purchased the property on Treat as well as the existing child care center. It seems all or none to them. Don't get me wrong, I would love more greenspace in our city but their idea of a green space is idealistic and they do not seem to understand or fully accept the complications that their plans can have down the line when their members leave the neighborhood, city or even pass away. Having children I've seeing increased issues that happened to Ninios Park on 23rd and Treat. The loitering, crime and homeless encampments that happen around the park is not curtailed by even a gated child's park. It has sadly become more often that not that we need to walk our child in the street or go to the other side of the street to walk down our street to the child's park in order to find space to avoid tents, stolen bike parts and bottles of excrement. By having another open space, I feel it too will be even more overrun with encampments unless the city is going to devote resources to patrolling, cleaning up and making sure it does not become blighted by the ongoing problems of our society.

Please let the local business continue to flourish and not chase out more good people from this city. I feel the greenway team need to compromise with the surrounding businesses in order to make it work for everyone. Enough of this all or none approach and demonizing ("cancelling") of people they disagree with.

Fred (close neighbor to the site in question)

HD 4/26/23

PAB

**Mejia, Xiomara (BOA)**

**From:** Zachary Bondurant <zbbondurant@gmail.com>  
**Sent:** Thursday, April 20, 2023 2:35 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS  
APR 20 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end. The few green, public areas in our neighborhood provide outsized benefits to the quality of life of our neighborhood community. I personally know several neighbors that have spent years now making improvements to the site, welcoming neighbors to enjoy the shared space, and tirelessly advocating for continued public access. That this incredible project might be jeopardized by an improper private seizure of the space is deeply troubling.

Until legal ownership of this parcel is established, parcel 3639-036 and its three sub-parcels should be red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.

Thank you for your consideration,  
Zachary Bondurant, neighbor  
[zbbondurant@gmail.com](mailto:zbbondurant@gmail.com)



HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

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**From:** Ayelet Schrek <awschrek@gmail.com>  
**Sent:** Thursday, April 20, 2023 2:37 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Support Greenway Project in the Mission

BOARD OF APPEALS

APR 20 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board,

I'm writing to express my support of the Greenway Project in the Mission District of SF. As someone who was born and has lived my entire life in this city, I recognize the value of green space in the Mission, especially in this pandemic world, where meeting outdoors has become important to some and essential to others. I hope you will do everything you can to support this project.

Thanks,  
-Ayelet Schrek

---  
Pronouns: they/them  
Theatre Artist and Educator  
[www.ayeletschrek.com](http://www.ayeletschrek.com)

LD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

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**From:** Chi Chase <powersbuild@gmail.com>  
**Sent:** Thursday, April 20, 2023 3:03 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal Number 23-008

BOARD OF APPEALS

APR 20 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I am a supporter of Friends of the Greenway, a non-profit that is working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a public pedestrian right-of-way supporting small-scale food production, education, and environmental stewardship.

Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information when he stated that he is both "owner" and "owner's agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.

There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a 24/7 parking lot and loading zone for private use.

I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighbourhood and support the Mission Greenway's efforts to that end.

Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties.

Thank you,

Chi

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Paul Wermer <paul@pw-sc.com>  
**Sent:** Thursday, April 20, 2023 3:31 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** appeal of DBI permit #2023 03022910 for parcel 3639-036

BOARD OF APPEALS

APR 20 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals:

I ask that you overturn DBI Permit 2023-03022910 for lot 3639-036, 957 Treat Ave, as requested by the appellants.

Having followed the discussion in the news, I also took advantage of the Property Information Map to see what I could find - and, given that property tax has not been paid in some time, it seems that the property was effectively without an owner through at least 2019.

And it also seems clear that the property was used by the community for various beneficial (to the community) purposes for many years.

To allow an entity to then assume control what is a vacant, empty lot without a publicly noticed process is inappropriate in many ways. To remove access to open space in a high density neighborhood without a public process is wrong. This neighborhood does not need more parking. In fact, this area is listed as a Air Pollutant Exposure Zone - and encouraging more traffic increases the adverse health impacts.

Creation of a green space, on the other hand, actively reduces air pollutants.

I urge you to support the appeal and overturn the permit.

Sincerely,

Paul Wermer

--  
Paul Wermer  
2309 California Street  
San Francisco, CA 94115

+1 415 640-1028  
[paul@pw-sc.com](mailto:paul@pw-sc.com)

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

**From:** Andrew Gillis <candymansf@yahoo.com>  
**Sent:** Thursday, April 20, 2023 3:46 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** Mission Greenway  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS  
APR 20 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of Appeals:

*I am a long time resident of The Mission having moved to Florida and 22nd Street in 1996. I now live on Dolores and 23rd Street and my life has always been centered in the Mission. I shop, eat and go to bars on 24th, Valencia and throughout the Mission. I've attend many MAPP events, go to many shows at The Red Poppy, visit friends living in this area, and am always biking to Rainbow via 23rd, Folsom and Harrison streets.*

*In the years I've lived in The Mission I have seen the rapid gentrification of my neighborhood, and many friends and neighbors have been evicted (sometimes illegally) or bought out and many wealthy people and investment firms have taken over these homes and doubled or tripled the rents making The Mission and SF more and more unaffordable. This has had a severe impact on my community and unfortunately the trend continues to this day.*

*Those wealthy people and corporations, while having seriously damaged my community have become far wealthier and have also become bigger players in local politics contributing to campaigns of more conservative, corporate candidates and ballot measures.*

*The issues surrounding Parcel 36, which I and many of my neighbors wish to see turned into the Mission Greenway, are directly related to the gentrification trend and in particular, this is a case of the needs of a wealthy few versus the needs of the greater community.*

*San Francisco and The Mission in particular needs more public space, not less. This is a very rare opportunity to create more public space. I can't express how important and unique this is and why the City must act in the interests of the whole Mission District and the City.*

*The few people and the corporation opposing the Greenway want to establish a 24 hour parking lot which would be used by a fleet of vans. We don't need yet more vehicular traffic in this area and as a cyclist and pedestrian who uses these streets almost daily, my safety and that of all other residents should be a significant consideration. And if SF is serious about reducing emissions and actively fighting climate change then paving over this space and providing infrastructure for more vehicles should be dismissed out of hand.*

*And in the short term, the falsifying of information on the Monkeybrains application to build a new gate should result in an automatic rejection. And their harassment of community volunteers and vandalism of the plants and planters should also be taken into consideration in any future proposals by this company which appears to have a lot to learn about how to be a good neighbor - intimidation and vandalism should not be rewarded.*

*I think it's sad that a few businesses and some parents of the adjoining preschool who want parking, feel their own narrow interests should supersede the desperate need of the whole community for green public spaces and the future of our planet.*

*I recently dropped by for a Sunday afternoon jam session with a few other musicians at The Mission Greenway and while we created tunes in the sun, others picked snap peas from the lush bushes, some sang along, kids played and at one point a bunch of people formed a dance circle to one of our tunes. This is the kind of thing I would love to see far more of in The Mission and giving the Greenway a solid legal footing by the City would be one way to ensure this happens.*

*I also agree with the two letters I've attached below.*

Sincerely,

Andy Gillis

1002 1/2 Dolores Street  
San Francisco, CA 94110

628-399-0284

Letters I also agree with:

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels are red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

To the Board of Appeals regarding Appeal #23-008

This Appeal concerns a permit that was fraudulently obtained by the CEO of Monkeybrains. Alex Menendez, who is neither owner nor owner's agent, yet claims to be both on his permit application. This is a form of fraud and should be penalized as such. This corporation has been harassing the Greenway volunteers ever since they purchased an adjacent warehouse in February 2023.

After their warehouse purchase closed, the two CEOs arrived with police, and attempted to remove volunteers present on this property, which, as we know, has no recorded ownership. The volunteers heard the police say: "but you don't have any documentation to prove that?" The CEOs of Monkeybrains, Alex Menendez and Rudy Rucker, seemed to be claiming they had a certain legal right over this property, and were trying to convince the police that the volunteers had no authority to be there. When the police understood they were being lied to by the CEOs, they left.

Monkeybrains has stated that they want to move their commercial fleet of trucks onto this abandoned property and use it as a 24/7 loading and parking lot. They are going to use their power as a multi-million dollar corporation to continue bullying the community volunteers and vandalize their garden. It is an obscene show-off of wealth and power: a company expects to be able to push out neighbours who have been advocating for so long for this property to become usable by the community, as a park.

Vacant land in the Mission District; a historically underserved neighbourhood with very little green space to begin with, should not be turned into a parking lot. This block is not industrial anymore: two warehouses have been turned into 40 apartment units. One industrial lot has been turned into a preschool. Another abandoned property has been turned into 6 apartment units. All these changes have happened adjacent to this abandoned parcel, in just the last couple of years. Another 90 unit apartment building is planned around the corner.

**A commercial parking lot is a complete misuse of precious open space in the increasingly dense Mission District.**

The city has told the Greenway volunteers for years that they had to wait for the property to rack up enough tax-delinquency years in order for the property to be able to be auctioned. Two months ago, Monkeybrains paid all those years of back-taxes, while initially denying it to a reporter, in order to stop a future auction and as a likely move toward adverse possession. This desired private gate is part of their playbook of removing community access to this property, to further their agenda of privatizing a property they have no legal rights to at all.

Some facts:

-This loading dock that they supposedly need access to is not part of the purchase of their warehouse. It was built on someone else's property.

-There is no historic use of the area of the parcel they are attempting to strong-arm into their free, private, parking lot. This has always been abandoned land.

-No one in the community, save for the people whose paycheck depends on the two companies extracting capital from this parcel, want to see a commercial parking lot there with trucks driving in and out seven days a week.

-Nearly 2000 concerned community members have signed the Greenway petition. These people deserve to be communicated to, not ignored.

HD 4/26/23

FILE

**Mejia, Xiomara (BOA)**

BOARD OF APPEALS

**From:** Laurie Wen <lauriewen@gmail.com>  
**Sent:** Thursday, April 20, 2023 4:18 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

APR 20 2023

APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

*To the Board of Appeals:*

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.*

*Please immediately rescind the Department of Building Inspection permit #2023 03022910 issued on March 2, 2023. The applicant of this permit, Alejandro (Alex) Menendez, knowingly supplied false information on the permit when he stated that he is both "owner" and "agent" of 957 Treat Ave (parcel 3639-036) through his LLC 17th & Peralta.*

*There are no owners on record for Parcel 3639-036, including Menendez, who lied in order to build a private gate to enclose property he does not own to build a parking lot for private use.*

*I support the restoration of public access to this parcel, as well as its transformation into a garden for the benefit of the neighborhood and support the Mission Greenway's efforts to that end.*

*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels be red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

*Sincerely,*

*Laurie Wen*

*Mission Greenway neighbor*

#D 4/26/23

**Mejia, Xiomara (BOA)**

**From:** Alexander Irwin <alecirwinfb@gmail.com>  
**Sent:** Thursday, April 20, 2023 4:21 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** themissiongreenway@gmail.com  
**Subject:** Appeal of Department of Building Inspection permit #2023 03022910

BOARD OF APPEALS

APR 20 2023

23-008

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To the Board of Appeals:

*I'm writing as a supporter of Friends of the Mission Greenway, who are working with the Mission community to transform Parcel 36, a historic railroad right-of-way connecting Treat Ave to 22nd St., into a micro-farm supporting small-scale food production, education, and environmental stewardship.*

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*Until legal ownership of this parcel is established, we insist that parcel 3639-036 and its three sub-parcels be red-flagged by the Department of Building Inspection in order to prevent other fraudulent permit applications. There should be no future permit applications for this parcel approved for Menendez, any of his LLCs, or for any other parties bordering the parcel.*

*Sincerely,*

*Alec Irwin*

*Mission Greenway neighbor*



HD 4/26/23

## Mejia, Xiomara (BOA)

**From:** Catharine Harbour <catharineharbour@proton.me>  
**Sent:** Thursday, April 20, 2023 4:31 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** support for Appeal #23-008

BOARD OF APPEALS  
APR 20 2023  
APPEAL # 23-008

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

### To the Board of Appeals regarding Appeal #23-008

This Appeal concerns a permit that was fraudulently obtained by the CEO of Monkeybrains. Alex Menendez, who is neither owner nor owner's agent, yet claims to be both (!) on his permit application. This is a form of fraud and should be penalized as such.

Monkeybrains has stated that they want to move their commercial fleet of trucks onto this abandoned property and use it as a 24/7 loading and parking lot. They are going to use their power as a multi-million dollar corporation to continue bullying the community volunteers and vandalize their garden. It is an obscene show-off of wealth and power: a company expecting to be able to push out neighbours who have been advocating for so long for this property to become usable by the community as a much needed open green space.

Vacant land in the Mission District; a historically underserved neighbourhood with very little green space to begin with, should not be turned into a parking lot.

This parcel exists between 22nd and 23rd St, and Harrison and Treat. This block is not industrial anymore: two warehouses have been turned into 40 apartment units along Harrison St at 22nd. One industrial lot has been turned into a preschool along Treat near 23rd. Another abandoned property has been turned into 6 apartment units along Treat near 23rd. All these changes have happened right along this abandoned parcel, in just the last couple of years. Another 90(!) unit apartment building is planned at the corner of Treat and 23rd.

**A commercial parking lot is a complete misuse of precious open space in our increasingly dense Mission District.**

This corporation has been harassing the Greenway volunteers ever since they purchased an adjacent warehouse in February 2023. Volunteers are yelled at, have been offered money by Alex Menendez in return to stop volunteering and their raised beds and plants have been repeatedly damaged.

After their warehouse purchase closed, the two CEOs arrived with police, and attempted to remove volunteers present on this property, which, as we know, has no recorded ownership. The volunteers heard the police say: "but you don't have any documentation to prove that?" The CEOs of Monkeybrains, Alex Menendez and Rudy Rucker, seemed to be claiming they had a certain legal right over this property, and were trying to convince the police that the volunteers had no authority to be there. When the police understood they were being lied to by the CEOs, they left.

The city has told the Greenway volunteers for years that they had to wait for the property to rack up enough tax-delinquency years in order for the property to be able to be auctioned. Two months ago, Monkeybrains paid all those years of back-taxes, while initially denying it to a reporter, in order to stop a future auction and as a likely move toward adverse possession. This desired private gate is part of their playbook of removing community access to this property, to further their agenda of privatizing a property they have no legal rights to at all.

Some facts:

-No other adjacent property owner has shown any concern with this slightly dented gate. Google Streetview shows the gate being dented as early as April 2019.

-In recent weekends, the gate was often left open by the roofing laborers hired by Monkeybrains, who have stated to Greenway volunteers that they weren't given a lock to lock up the gate with. Greenway volunteers have offered combination locks to Monkeybrains while sharing the code. These locks have simply been removed by Monkeybrains, after which the gate was also just left unlocked overnight by Monkeybrains' workers.

-This loading dock that they supposedly need access to is not part of the purchase of their warehouse. It is not their property.

-There is no historic use of the area of the parcel they are attempting to strong-arm into their free, private, parking lot. This has always been abandoned land.

-No one in the community, save for the people whose paycheck depends on the companies extracting capital from this parcel, want to see a commercial parking lot on this property with trucks driving in and out seven days a week.

-Nearly 2000 concerned community members have signed the Greenway petition. These people deserve to be communicated to, not ignored.

Why are we in this situation in the first place? Because the Assessor's office chose, for the majority of this parcel (it is subdivided in three pieces for "tax purposes only") to assess a business that closed down a hundred years ago. This was a mistake, and it is up to the city to correct this and keep this parcel, currently stuck in a legal vacuum and abused as such by corporate interests, from being strong-armed into a free commercial parking lot. The neighbourhood deserves better.

Thank you,  
Catherine