

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

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

Appeal No. **23-028**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on June 20, 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 June 2, 2023 to 17th and Peralta LLC, of an Alteration Permit (demolish interior non-structural partitions; create new exit passageway and entry hall) at 931 Treat Avenue.

APPLICATION NO. 2023/04/13/5665

FOR HEARING ON August 2, 2023

Address of Appellant(s):

Address of Other Parties:

<p>Friends of the Mission Greenway, Appellant(s) c/o Lara Hanna, Agent for Appellant(s) 2700 22nd Street San Francisco, CA 94110</p>	<p>17th and Peralta LLC, Permit Holder(s) c/o Alex Menendez, Agent for Permit Holder(s) 931 Treat Avenue San Francisco, CA 94110</p>
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BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
FRIENDS OF THE MISSION GREENWAY, _____)
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DEPARTMENT OF BUILDING INSPECTION, _____)
Respondent

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The substance or effect of the decision or order appealed from is the ISSUANCE on June 2, 2023 to 17th and Peralta LLC, of an Alteration Permit (demolish interior non-structural partitions; remodel two existing restrooms, add two new restrooms, remodel existing kitchenette, create new interior entry hall) at 933 Treat Avenue.

APPLICATION NO. 2023/04/13/5668

FOR HEARING ON August 2, 2023

Address of Appellant(s):

Address of Other Parties:

Friends of the Mission Greenway, Appellant(s) c/o Lara Hanna, 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) 931 Treat Avenue San Francisco, CA 94110
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Date Filed: June 20, 2023

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

PRELIMINARY STATEMENT FOR APPEAL NO. 23-028

I / We, **Friends of the Mission Greenway**, hereby appeal the following departmental action: **ISSUANCE** of **Demolition Permit No. 2023/04/13/5665** by the **Department of Building Inspection** which was issued or became effective on: **June 2, 2023**, to: **17th and Peralta LLC**, for the property located at: **931 Treat Avenue**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **July 13, 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, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org, matthew.greene@sfgov.org and amen@monkeybrains.net.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **July 27, 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 doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org, tina.tam@sfgov.org, matthew.greene@sfgov.org and 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, August 2, 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.

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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. 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:

See attachment to the preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Lara Hanna, agent for appellant

The permits 202304135665 and 202304135668 relate to permit holder's property on 931-933 Treat Ave.

However, the building plans show the adjacent property, 3639-036 aka parcel 36, designated as "loading area" via "loading doors". Permit holder holds no legal rights over this adjacent property.

As a previous BOA hearing concluded on April 26, 2023, the permit holder is neither the owner nor the owner's agent. They hold no easements over this property. They have no legal rights to this property that they have labeled as their "loading area".

Permit holder has also described this parcel in various media outlets as their future fleet parking lot.

This parcel has not been permitted as a loading area or parking lot by city legislation; it has not gone through any approval process.

It is highly concerning that permit holder repeatedly tries to operate outside of the law and ignore city departments, such as the Planning Department, which has legislation in place for anyone who seeks to create parking lots and loading areas in residential zones.

Additionally, the permits' plans mention rear "loading doors". These doors, just as a make-shift loading dock adjacent to one of these doors, have never been permitted and the loading dock is not even built on permit holder's property.

The community seeks the city's help in preventing this unpermitted parking lot and loading area.

Permit Details Report**Report Date:** 6/20/2023 12:09:13 PM

Application Number: 202304135665
 Form Number: 8
 Address(es): 3639 / 030 / 0 931 TREAT AV
 Description: DEMO INTERIOR NON STRUCTURAL PARTTTOINS. CREATE NEW EXIT PASSAGEWAY AND ENTRY HALL.
 Cost: \$300,000.00
 Occupancy Code: S-2
 Building Use: 20 - WAREHOUSE,NO FRNITUR

Disposition / Stage:

Action Date	Stage	Comments
4/13/2023	TRIAGE	
4/13/2023	FILING	
4/13/2023	FILED	
6/2/2023	APPROVED	
6/2/2023	ISSUED	

Contact Details:**Contractor Details:**

License Number: 941111
 Name: NELSON JAMESON
 Company Name: NELSON JAMESON CONSTRUCTION INC
 Address: 1207 PALM AV * SAN MATEO CA 94402-0000
 Phone:

Addenda Details:**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSP	4/13/23	4/13/23			4/13/23	ZENG VAN	
2	INTAKE	4/13/23	4/13/23			4/13/23	BUFKA SUSAN	
3	BLDG	5/25/23	5/25/23			5/25/23	WONG IRENE	5/25/23:OTC APPORVED.
4	MECH	4/13/23	4/13/23			4/13/23	ORTEGA REYNALDO	N/A
5	MECH-E	5/19/23	5/19/23			5/19/23	MASCK ED	Comments issued OTC. Comments stapled to the back of routing slip. Copy of comments given to customer. Plans returned to customer.
6	MECH-E	5/25/23	5/25/23			5/25/23	MASCK ED	Approved OTC.
7	SFFD	5/25/23	5/25/23			5/25/23	CARREIRA BELA	PLANS N/A.
8	CPB	6/2/23	6/2/23			6/2/23	VICTORIO CHRISTOPHER	

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
0			IE21	NRCI-LTI-E INDOOR LIGHTING	

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.

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

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JUN 02 2023

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

Green Halo
Tracking Number
Required
G.H. 4536-800 6500

APPROVED FOR ISSUANCE

BLDG. 3/8
FORM

APPLICATION NUMBER
APPROVAL NUMBER
OSHA APPROVAL REQ'D

BID 2023-06590

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
7 NUMBER OF PLAN SETS

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.

▼ DO NOT WRITE ABOVE THIS LINE ▼

DATE FILED 4/13/23	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 933 931 Treat Ave	BLOCK & LOT 3639/030
PERMIT NO. 22062911	ISSUED JUN 02 2023	(2A) ESTIMATED COST OF JOB \$12,000	(2B) REVISED COST: BY: 300,000 - 14W DATE: 5/25/23

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING								
(4A) TYPE OF CONSTR. 3B	(5A) NO. OF STORIES OF OCCUPANCY: 2	(6A) NO. OF BASEMENTS AND CELLARS: 0	(7A) PRESENT USE: Warehouse			(8A) OCCUP. CLASS S-2	(9A) NO. OF DWELLING UNITS: 0	
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION								
(4) TYPE OF CONSTR. 3B	(5) NO. OF STORIES OF OCCUPANCY: 2	(6) NO. OF BASEMENTS AND CELLARS: 0	(7) PROPOSED USE (LEGAL USE) warehouse			(8) OCCUP. CLASS S-2	(9) NO. OF DWELLING UNITS: 0	
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		(9) NO. OF DWELLING UNITS: 0
(14) GENERAL CONTRACTOR Nelson Jameson		ADDRESS 419 Voelke Dr. San Mateo		ZIP 94401	PHONE 415 710 8656	CALIF. LIC. NO. 94111	EXPIRATION DATE 12/31/23	
(15) OWNER - LESSEE (CROSS OUT ONE) 17th + Pesalta LLC		ADDRESS 1611 17th St		ZIP 94607	BTRCH#	PHONE (FOR CONTACT BY DEPT.) 415 200-8703		
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)								
Dem interior non structural partitions Create new exit passageway and entry hall								

ADDITIONAL INFORMATION

(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	(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 SQ. FT.
(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. ON 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		CALIF. CERTIFICATE NO.	
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") NA		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"0" 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

<input type="checkbox"/> OWNER	<input type="checkbox"/> ARCHITECT
<input type="checkbox"/> LESSEE	<input type="checkbox"/> AGENT
<input type="checkbox"/> CONTRACTOR	<input type="checkbox"/> 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.

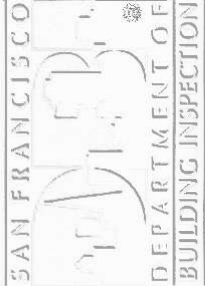
NOTICE TO APPLICANT

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: State Fund
Carrier: State Fund
Policy Number: 9028881
 - () 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 therewith 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.

Patrick O'Riordan
Signature of Applicant or Agent
Date: 4-13-2023



CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED:  Irene Wong, DBI MAY 25 2023	DATE: 4/13/23 REASON: OK TO PROCESS V. ZENG NOTIFIED MR.
<input type="checkbox"/>	APPROVED: DEPARTMENT OF CITY PLANNING	DATE: REASON: NOTIFIED MR.
<input type="checkbox"/>	APPROVED: N/A  Bela Carreira, DBI MAY 25 2023	DATE: REASON: NOTIFIED MR.
<input type="checkbox"/>	APPROVED:  Edward Masck, DBI MAY 25 2023	DATE: REASON: NOTIFIED MR.
<input type="checkbox"/>	APPROVED: CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: REASON: NOTIFIED MR.
<input type="checkbox"/>	APPROVED: BUREAU OF ENGINEERING	DATE: REASON: NOTIFIED MR.
<input type="checkbox"/>	APPROVED: DEPARTMENT OF PUBLIC HEALTH	DATE: REASON: NOTIFIED MR.
<input type="checkbox"/>	APPROVED: REDEVELOPMENT AGENCY	DATE: REASON: NOTIFIED MR.
<input type="checkbox"/>	APPROVED: HOUSING INSPECTION DIVISION	DATE: REASON: NOTIFIED MR.

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.

Number of attachments

OWNER'S AUTHORIZED AGENT





Date Filed: June 20, 2023

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

PRELIMINARY STATEMENT FOR APPEAL NO. 23-029

I / We, **Friends of the Mission Greenway**, hereby appeal the following departmental action: **ISSUANCE** of **Demolition Permit No. 2023/04/13/5668** by the **Department of Building Inspection** which was issued or became effective on: **June 2, 2023**, to: **17th and Peralta LLC**, for the property located at: **933 Treat Avenue**.

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Appellant or Agent:

Signature: Via Email

Print Name: Lara Hanna, agent for appellant

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However, the building plans show the adjacent property, 3639-036 aka parcel 36, designated as "loading area" via "loading doors". Permit holder holds no legal rights over this adjacent property.

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This parcel has not been permitted as a loading area or parking lot by city legislation; it has not gone through any approval process.

It is highly concerning that permit holder repeatedly tries to operate outside of the law and ignore city departments, such as the Planning Department, which has legislation in place for anyone who seeks to create parking lots and loading areas in residential zones.

Additionally, the permits' plans mention rear "loading doors". These doors, just as a make-shift loading dock adjacent to one of these doors, have never been permitted and the loading dock is not even built on permit holder's property.

The community seeks the city's help in preventing this unpermitted parking lot and loading area.

Permit Details Report**Report Date:** 6/20/2023 12:13:31 PM

Application Number: 202304135668
 Form Number: 8
 Address(es): 3639 / 029 / 0 933 TREAT AV
 Description: DEMO INTERIOR NON STRUCTURAL PARTITIONS. REMODEL TWO (E) RESTROOMS, ADD TWO NEW RESTROOMS, REMODEL (E) KITCHENETTE/BREAKROOM, CREATE INTERIOR ENTRY HALL.
 Cost: \$700,000.00
 Occupancy Code: S-2
 Building Use: 20 - WAREHOUSE,NO FRNITUR

Disposition / Stage:

Action Date	Stage	Comments
4/13/2023	TRIAGE	
4/13/2023	FILING	
4/13/2023	FILED	
6/2/2023	APPROVED	
6/2/2023	ISSUED	

Contact Details:**Contractor Details:**

License Number: 941111
 Name: NELSON JAMESON
 Company Name: NELSON JAMESON CONSTRUCTION INC
 Address: 1207 PALM AV * SAN MATEO CA 94402-0000
 Phone:

Addenda Details:**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	INTAKE	4/13/23	4/13/23			4/13/23	BUFKA SUSAN	
2	BLDG	5/25/23	5/25/23			5/25/23	WONG IRENE	5/25/23:OTC APPROVED.
3	MECH	4/13/23	4/13/23			4/13/23	ORTEGA REYNALDO	re-approved OTC, plans back to customer for CPB issue Approved OTC, plans back to customer for MECH-E review
4	MECH-E	5/19/23	5/19/23			5/19/23	MASCK ED	Comments issued OTC. Comments stapled to the back of routing slip. Copy of comments given to customer. Plans returned to customer.
5	MECH-E	5/25/23	5/25/23			5/25/23	MASCK ED	Approved OTC.
6	SFPUC	5/19/23	5/19/23			5/19/23	IMSON GRACE	05/19/2023 - Capacity Charge not applicable. No change in meter size, not enough fixtures added to warrant a larger meter. Plans with the applicant. Route to MECH-E
7	SFFD	5/3/23	5/3/23			5/3/23	MARSULLO EDWIN	03 MAY '23, EFM. N/A for SFFD, low-rise S2. Plans to client, ended in queue.
8	CPB	6/2/23	6/2/23			6/2/23	VICTORIO CHRISTOPHER	

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
6/21/2023	AM	CS	Clerk Scheduled	ROUGH FRAME	1

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			IE1	CF2R-LTG-01-E - LIGHTING - SINGLE FAMILY DWELLINGS	

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

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[Contact SFGov](#) [Accessibility](#) [Policies](#)
City and County of San Francisco © 2023

APPROVED
Dept. of Building Insp.
- San Francisco -

JUN 0 2 2023

Capacity Charges

Water: 8
Wastewater: 8
62 03-19-23

Green Halo
Tracking Number
Required
646 03 321 27 734

APPROVED FOR ISSUANCE

BLDG. 3/8
FORM

APPLICATION NUMBER

OSHA APPROVAL REQ'D
APPROVAL NUMBER

BLD 202021901
PATRICK O'RIORDAN
DIRECTOR

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

FORM 8 OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE 933 TREAT AVE

DATE FILED 4/13/23	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 933-933 Treat Ave	BLOCK & LOT 3639/029; 3639/029
PERMIT NO. 23062912	ISSUED JUN 0 2 2023	(2A) ESTIMATED COST OF JOB 120,000	(2B) REVISED COST: BY: 700,000 DATE: 5/25/23

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. 3B	(5A) NO. OF STORIES OF OCCUPANCY: 2	(6A) NO. OF BASEMENTS AND CELLARS: 0	(7A) PRESENT USE: WAREHOUSE, no fin	(8A) OCCUP. CLASS S-2	(9A) NO. OF DWELLING UNITS: 0
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. 3B	(5) NO. OF STORIES OF OCCUPANCY: 2	(6) NO. OF BASEMENTS AND CELLARS: 0	(7) PROPOSED USE (LEGAL USE) warehouse, no fin	(8) OCCUP. CLASS S-2	(9) NO. OF DWELLING UNITS: 0
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>
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(14) GENERAL CONTRACTOR Nelson Jameson 419 Voelker Dr San Mateo 9440 415 710 8656 94111 12/31/23

(15) OWNER - LESSEE (CROSS OUT ONE) 17th + Peralta LLC 1611 17th St Oakland 94607 415 200-8703

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
restrooms
Demo interior non-structural partitions. Remodel two (E) bathrooms; add 2 bathrooms; remodel (E) kitchen & break room; create new interior entry hall.

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN CONSTRUCTION) ADDRESS CALIF. CERTIFICATE NO.

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") NA 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 6'0" 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 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 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 therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
2 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 THERETO WILL BE COMPLIED WITH.

Signature of Applicant or Agent: [Signature] Date: 4/13/2023

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED: <u>Irene Wong</u> Irene Wong, DBI MAY 25 2023 _____ BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: <u>4/13/23</u> REASON: <u>OK TO process MM</u> <u>M. Hernandez</u> NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: <u>N/A</u> <u>Edwin Marsullo</u> Edwin Marsullo, SFFD MAY 03 2023 _____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: <u>Edward Masck</u> Edward Masck, DBI MAY 25 2023 _____ MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: <u>Grace Imson</u> SFPUC REDEVELOPMENT AGENCY 05-19-23	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR.

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.

Number of attachments

OWNER'S AUTHORIZED AGENT



BRIEF SUBMITTED BY THE APPELLANT(S)

Brief from Friends of the Mission Greenway for Appeal 23-028 and 23-029

To the Board of Appeals,

July 12th 2023

Permits 202304135665 and 202304135668, relating to a warehouse on 931-933 Treat Ave, were issued to '17th and Peralta LLC', which is the real estate company of Alex Menendez en Rudy Rucker, also CEOs of internet company Monkeybrains. We will refer to Alex Menendez, acting as agent for his LLC on the permit applications, as permit holder.

The building plans for these permits show the adjacent property, nicknamed parcel 36 (3639-036) designated as "loading area". Permit holder's intended use of the adjacent property as "loading area", has not received approval by the Planning Department or any other Department, because permit holder withheld said intended use on the permit applications. The plans for any loading area require proper approval and compliance with regulations set forth by the Planning Department. The failure to disclose this intent on the permit application exposes permit holder seeking to operate a private loading area, completely outside of the boundaries of the rules and regulations established by the Planning Department and other regulatory entities.

A prior Appeal, 23-008, which took place on April 26, 2023, concluded: the permit holder is neither the owner nor the owner's agent of this adjacent parcel. He holds no legal rights over this property that he has designated as his "loading area" on his building

plans. Permit holder has also described this parcel in various media outlets as his future fleet parking lot, with the wish to “load, unload, park cars overnight”, as he confirms in an NBC piece from May 30th, 2023¹, among other outlets.

Permit holder’s “loading area” plans have not been reviewed and approved by any city entity. The City and County of San Francisco has established procedures in place to assure residents of their safety and well-being. Letting a business build and use a loading/parking lot on property they do not own, do not lease, and do not have any approval for by any city authority, would be utterly irresponsible and negligent. Please do not allow this to happen, for the safety and well-being of the neighborhood.

We hope that the Board of Appeals, the Planning Department and any other relevant departments will prevent this loading area for the reasons stated above. We strongly urge the Planning Department to ensure its own compliance with the established Code regarding review, approval and compliance of development and land use in San Francisco.

We would like to share more information about the parcel, the neighbourhood and our concerns regarding this matter below.

SAFETY & QUALITY OF LIFE

A loading and parking operation at this location would be highly unsafe and irresponsible. This parcel is frequented by foot traffic for recreation purposes.

¹ <https://www.nbcbayarea.com/news/local/san-francisco/land-dispute-san-francisco/3241181/> (comment at 0:43)

Pedestrians walk through this intended loading area on a daily basis. In fact, this parcel has always been used as a pedestrian through-way since its inception in the 1860s. This parcel is surrounded by two new apartment buildings with 40 apartment units. The tenants of one of these buildings have direct access to the parcel and use it recreationally, including children who run around where permit holder wishes to drive cars and trucks. Parents and children from the adjacent preschool, another business that is operating an unauthorized parking lot on this parcel, which is currently being investigated as a violation, walk on this parcel everyday. The 22nd St parcel entrance that permit holder wishes to use for his loading operations, has never even been used by the predecessors of his warehouse. Harrison Street has a marked bike lane, while 22nd St is a marked bike route². 22nd Street has been a planned SFMTA Slow Street too, as well as a proposed 'Green Connection Street' by the San Francisco General Plan. A 400+ student school, Moscone Elementary, is located across the street from this parcel entrance.

Many CEQA (California Environmental Quality Act) regulations exist surrounding *impacts* such as transportation impacts, "automobile trip generations", air pollutants, emissions, the removal of open space, etc. These impacts on quality of life are reviewed when a proposal, such as a loading/parking lot, is being submitted in California. These impacts are especially important factors in a densely populated neighborhood such as the Mission District.

The surrounding blocks of this parcel are in the highest density bracket of both 'Children and Youth per Acre', and 'Potential New People by 2040'. The immediate neighborhood is

² https://www.sfmta.com/sites/default/files/pdf_map/2020/04/sf_bike_map2019_5.31.19.pdf

also in one of the lowest income brackets; that being 50% - 80% of the SF Household Median Income.³ As such, it is considered a “high needs area”, for which the San Francisco General Plan's ‘Recreation and Open Space Element’, and the ‘Mission Area Plan’ have specific policies in place (Exhibit A, B):

“Throughout the country, safe, green open spaces are in short supply in dense communities, where low-income and minority populations tend to be concentrated, as well as large numbers of children and seniors. In the more densely populated, older areas of San Francisco, people often have less mobility and fewer financial resources to seek recreation outside of their neighborhood. People in less dense parts of the City may enjoy use of private yards and patios, while residents in denser neighborhoods may not have that option. Finally, studies have found that the need for a park as a restorative “oasis” is most critical in dense urban areas.”

The San Francisco General Plan ‘Mission Area Plan’ further recognizes the need for additional open space in this neighbourhood:

“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

³ https://generalplan.sfplanning.org/I3_Recreation_and_Open_Space.htm

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.”

We have shared with the Board, during Appeal 23-008 in April 2023, the importance of open green space and the opportunity of this parcel to serve the community as a greenway, rather than private loading/parking for non-owners, thus we will not expand on that again, outside of sharing these SF General Plan policies above and as exhibits.

THE PARCEL

The parcel in question, a former railroad right-of-way, is a triangular lot that runs from the corner of 22nd St and Harrison St, SW to Treat Ave, near 23rd St. It is more than half an acre in size, 400 feet long and on average 60 feet wide. In 2007, the State of California delegated tax authority over this parcel to the City and County of San Francisco. The parcel remained untaxed for a full decade. In 2017, the Assessor finally assessed the majority of this parcel, which at that point was divided in three, to the John Center Company; a company that dissolved in 1934. As of yet, there are zero owners of this parcel recorded with the City. There are a few people claiming ownership of subparcel B, but share that ownership with a bulk of other (living or dead) parties, and as such - as a

percentage of owners - cannot claim any ownership privileges, such as selling or renting out their subparcel. As such, speaking of “owners” is misleading, as these individuals do not possess the typical rights that come with ownership.

Permit holder attempted to lock out the community by falsely obtaining a permit to install a private iron gate along the 22nd St entrance, which was the subject of Appeal 23-008, in which the Board of Appeals, DBI and Planning Department unanimously voted to rescind that permit. Ever since, the 22nd St gate has been locked by permit holder by a “monster lock”, as another attempt to gain private access and push out the community. Ironically, part of the chainlink fence had to be cut by permit holder in order to make this giant lock fit.

At Appeal 23-008, not a single adjacent property owner was able to produce a recorded easement. The lack of an easement conveniently allows anyone to claim whatever size of the parcel they desire, while in reality, recorded easements are narrow in scope and location. It is obvious to us that permit holder seeks the opposite: a use that can be loosely interpreted and extend over the majority of this parcel; something a judge would not approve.

The parcel is surrounded by new housing. Two old warehouses made way for the earlier mentioned 40 apartment units, built less than a decade ago along Harrison St. An old single family home recently made way for 6 condo units along Treat Ave, around the same time a roofing company made way for a preschool. Adjacent to the preschool, on the corner of 23rd and Treat, sits a huge vacant warehouse, which the owners want to

turn into a 6 story, 90 unit apartment building⁴. Suffice to say that this block has undergone incredible change in the last decade and has attracted a ton of new residents. None of this new development has come with any *mid-block open space*, something which is encouraged for larger new development, which the parcel would be perfect for.

INTIMIDATION

Only this year have we been able to effectively reach out to City Departments. Since day and age, a divide exists between the public and their government. For the longest time, community members were frustrated but didn't know, for example, that the Planning Department investigates parking enforcement complaints. These complaints generally come from the public. The City relies on the public to discover misuse, neglect, etc, but the road to get there has been long, and not without risk. For example, we have been targeted for filing complaints, which is something we want to speak about.

We have spoken out about the issues relating to this parcel, and specifically the unauthorized parking and loading, and we have had to deal with intimidation and harassment for close to a year now, from various parties.

Permit holder has consistently engaged in threatening behavior towards the community. This includes making explicit demands to an older Latino volunteer: stating that their access to the parcel would be contingent upon accepting employment as a Monkeybrains gardener. When that didn't deter the gardener, he was threatened with a

⁴ <https://sfyimby.com/2022/09/preliminary-plan-for-housing-at-3050-23rd-street-san-francisco.html>

restraining order.

Permit holder's co-CEO, Rudy Rucker, has threatened gardeners that he could get them fired from their jobs, and even threatened to call ICE on volunteers. We have provided our Supervisor with audio evidence of the aforementioned incident. In response, the Supervisor's Office told us that they informed the CEOs to immediately cease using ICE as a threat against the community. Threatening to call ICE is one of the most heinous forms of verbal intimidation. Rudy Rucker has exerted physical violence onto volunteers, which in one instance was reciprocated. Rudy Rucker then hired a PR-team in order to plant false stories in the press.

In addition, permit holder and Rudy Rucker have engaged in intimidation of volunteers in order to stop them from filing complaints. They have explicitly admitted to retrieving identities of complainants and have used this information in ongoing legal harassment, to try to convince a judge that a few community members deserve restraining orders for filing complaints: *"Many complaints are anonymous, but the complaints follow a pattern. We did obtain a copy of one complaint and it was submitted by Lara Hanna."*

And to clear up one of many pieces of misinformation: what Rudy Rucker has stated to you in his public comment letter from June 3rd 2023 is incorrect, as of right now nobody has received any restraining order.

In May 2023, we learned from a number of greenway-supporters that they had received unsolicited emails from permit holder, in which he asked if he could meet them in private, while having continually refused to meet the community at a public meeting. Their email-addresses had been extracted from the letters of support sent regarding the prior Appeal, 23-008. These emails came after permit holder canceled a public meeting,

detailed in a Mission Local article from February 21st 2023⁵. The email promotes Monkeybrains as a powerful company with many city connections. It contains statements from permit holder such as *“We are only trying to secure our use”* and *“Including community green space along with our use of the land is totally doable from our perspective.”* He is speaking as if he is owner of this property, additionally insinuating he has the right to circumvent city legislation when it comes to his euphemistic “securing our use”.

One community member shared with us: *“I found it disturbing to be contacted by him. I feel that his email was unsolicited and unwelcome as it didn’t acknowledge any wrong but claimed to be for the community”*.

Permit holder has placed a monster lock on the 22nd St entrance of the parcel. On the Treat side, Monkeybrains has repeatedly placed private locks in order to keep the community out, and have added Monkeybrains stickers across the gate, the locks, and planter boxes. Hate slurs against community members have been written across the fence, and those too are marked with Monkeybrains stickers. Community members are being yelled at by Monkeybrains staff, in one instance being called a “f*cked up r*tard” (Exhibits C).

THE QUESTION OF SPACE

During the hearing of Appeal 23-008, permit holder spoke about needing the parcel in order for his business Monkeybrains to function successfully. Monkeybrains’ current San Francisco headquarters, at 286 12th St., is only 2,000 sq feet, with one roll up door in

⁵

<https://missionlocal.org/2023/02/monkeybrains-heinzer-warehouse-parcel-mission-greenway-parcel-36-dispute/>

front. Monkeybrains' new headquarters has two roll up doors in front, and is a whopping 6.5 times bigger, at nearly 13,000 sq feet.

In spite of possessing two roll-up doors evidently designed for vehicle entry, and acquiring a property that is 6.5 times larger than his current one - which would definitely allow for indoor loading and parking - permit holder still tries to strong-arm more land into his control, despite lacking any need for it.

In fact, Rudy Rucker has not only stated in a comment below a Mission Local article⁶ that "our warehouse is more space than we need" they have even offered part of their warehouse to their old friend Buck Bito, who has built a venue called "Napsugar" behind one of the two roll up doors, and is hosting ticketed shows there, advertised on <http://napsugar.us/>. Leading up to Appeal 23-008, Buck Bito distributed flyers at local venues to try to enthruse the audience to support Monkeybrains' parcel use, in order to secure his venue inside of Monkeybrains' new warehouse (Exhibit D).

It is profoundly ironic to witness Monkeybrains seizing land that could benefit the entire neighbourhood, all the while transforming a section of their enormous warehouse into a "community space". A number of our friends have been repeatedly asked by permit holder to host shows at the new warehouse and declined, as they don't want to feel used as a tool to make a hostile business look "community-friendly".

It is evident to us that the purported need for additional loading/parking space to support local business Monkeybrains is a ruse for permit holder to expand his real estate portfolio. This portfolio contains at least two warehouses with a combined value of

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<https://missionlocal.org/2023/02/monkeybrains-heinzer-warehouse-parcel-mission-greenway-parcel-36-dispute/>

nearing 10 million dollars. We find that permit holder's primary motivation lies in capitalizing on property acquisition rather than addressing a legitimate space requirement for his business.

His actions demonstrate a clear intention to gain possession of the parcel through dubious means. This includes paying off five years' worth of delinquent property taxes, attempting to install a private gate and locking off access to other users while altering the property, all of which are typical tactics associated with the path towards adverse possession - aka the practice of stealing property from an absent owner, similar to squatting.

A DBI inspector shared that permit holder and/or his co-CEO specifically requested a list of building projects that do not require a permit. Rudy Rucker then proceeded to pour concrete on the parcel, explaining his action in a Mission Local piece from May 25, 2023 with: "the current landscaping project on our easement does not require a permit". The concrete was poured after they excavated part of the parcel in February to level and hardscape their desired "loading area" (Exhibit E).

The truth being of course, that even if an easement existed, one cannot start pouring concrete on a property without the owner's approval. An owner who in this case conveniently does not exist. This concrete wall serves as yet another glaring example of permit holder and his co-CEO taking advantage of the legal vacuum surrounding this parcel for their personal benefit.

These actions, and everything else mentioned in this Brief, heighten our concerns regarding this LLCs ulterior motive, their disregard for rules and regulations and their unrelenting fixation on using this parcel at the expense of the safety and quality of life of the community they are moving into. We seek help from you; the Board of Appeals and all relevant Departments in order to prevent unauthorized and unsafe use of disputed land. The community deserves better.

We wish to close with some comments of the more than 2000 supporters of our online greenway petition, which is Exhibit F.

Thank you.

On behalf of the concerned community and Friends of the Mission Greenway,

Lara Hanna

Exhibit A

Even in neighborhoods that have open spaces within walking distance, higher density and lower income populations may mean demand in these areas exceeds the capacity of local open spaces. As these communities continue to grow, open space improvements and acquisition are needed to maintain access to this limited resource. This objective, and the policies that follow, are aimed at addressing these deficiencies through new or improved open space provision.

POLICY 2.1

Prioritize acquisition of open space in high needs areas.

Throughout the country, safe, green open spaces are in short supply in dense communities, where low-income and minority populations tend to be concentrated, as well as large numbers of children and seniors. In the more densely populated, older areas of San Francisco, people often have less mobility and fewer financial resources to seek recreation outside of their neighborhood. People in less dense parts of the City may enjoy use of private yards and patios, while residents in denser neighborhoods may not have that option. Finally, studies have found that the need for a park as a restorative “oasis” is most critical in dense urban areas.

Priority for acquisition of new space to address open space inequities should be given to high need areas, defined as places where there is low access to open space (illustrated in *Map 4: Walkability*), a conglomeration of high density, high percentages of children, youth, seniors, and low income households (illustrated in *Map 5: Population Density, Household Income, Concentration of Children and Youth, Concentration of Seniors*), and in which the most growth is projected to occur between now and 2040 (illustrated in *Map 6: Areas of Potential Additional Population Growth, 2040*).⁵ Future areas with adopted master plans or Redevelopment plans, such as Mission Bay, Park Merced, Hunters Point Shipyard/ Candlestick, and Treasure Island (See *Map 4D: Walkability: Proposed Open Spaces in Large Plan Areas*) have identified site specific open spaces and recreational facilities, along with funding and implementation strategies for those parks and recreation facilities. These proposed site-specific parks and open spaces would support the planned population growth and therefore these proposed parks are incorporated into the analysis as existing park spaces. Layering all of these factors results in *Map 7: High Needs Areas: Priority Acquisition & Renovation Areas*. This map and analysis should be updated periodically using updated decennial US Census data.

5. The Planning Department Land Use Allocation distributes projected housing and employment growth as determined by the Association of Bay Area Governments to 981 Traffic Analysis Zones (TAZ). These zones vary in size, from a block around downtown to several blocks in more outlying areas. The allocation of TAZ-specific growth is based on the current development pipeline (development projects under construction, approved or under review) and an estimate of additional development potential for each TAZ.



MAP 5 - Population Density, Household Income, Concentration of Children and Youth, Concentration of Seniors



MAP 6 - Areas of Potential Additional Population Growth (2040)



MAP 7 - High Needs Areas: Priority Acquisition & Renovation Areas

Recreation and Parks Department maintains an Acquisition Policy, as required by the City Charter (Section 16.107) and the Park Code (Section 13.02), aimed at facilitating acquisition of open space in high needs areas. The Acquisition Policy provides guidance to promote equitable recreational and open space opportunities through several criteria: location in High Needs Areas, available funding sources that may be leveraged, inter-jurisdictional cooperation, and community support. In order to maintain new acquisitions, the policy also acknowledges the need to identify and leverage resources for continued maintenance and operational support.

New acquisitions should continue to consider the composition of current and projected neighborhood populations. There are both demographic and cultural differences in how people use parks: preschoolers, school age children, teenagers, adults, and senior citizens have distinct open space needs that should be accommodated, that may also vary according to social and economic groups. Design of new spaces should rely on the specific needs and values of its user communities, by using a participatory community design process.

While open space acquisition should not be limited by the City’s inability to maintain additional parkland, the City should recognize that acquisition will require an on-going commitment of additional resources for maintenance. In appropriate cases, the City should acquire the property and develop low cost maintenance techniques and programs for open space that are not used for intensive recreation, or should hold the land vacant until development and maintenance funds are available.

POLICY 2.2

Provide and promote a balanced recreation system which offers a variety of high quality recreational opportunities for all San Franciscans.

Exhibit B

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

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.

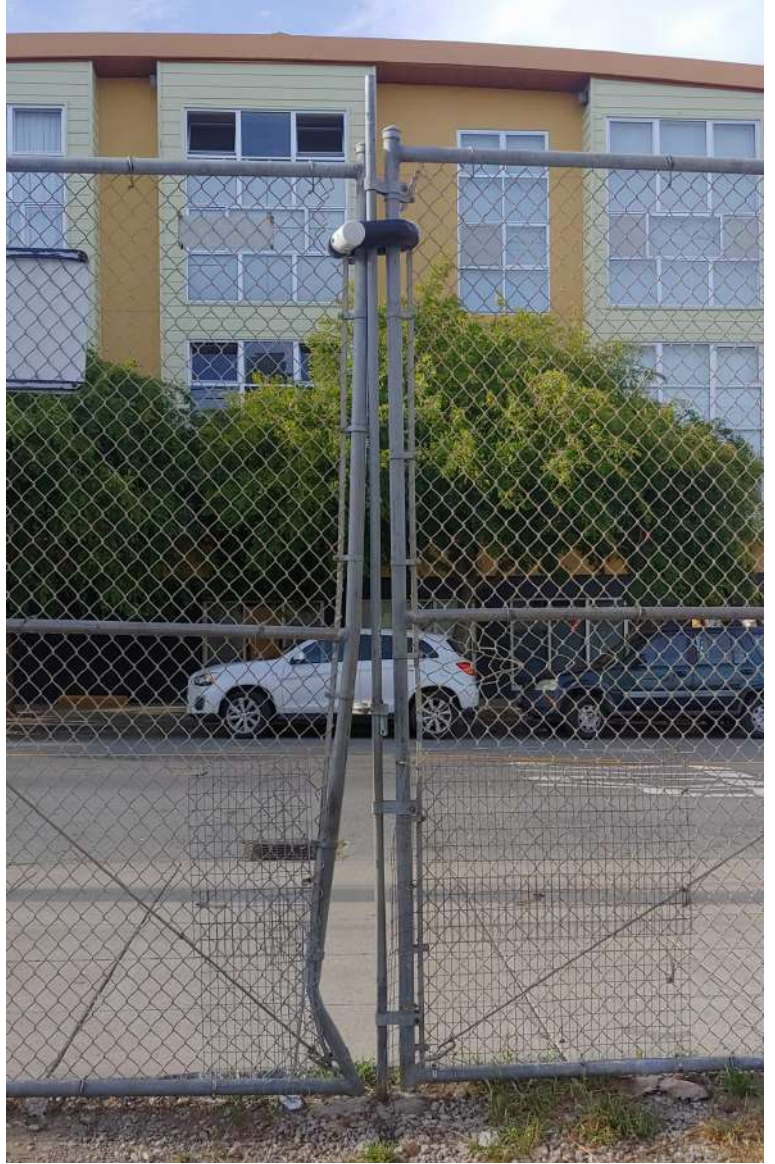
Exhibit C



Monkeybrains' overt harassment by placing locks on the property, adorned with their stickers as signature, plastered around the parcel (June 2023)



Redacted hate-speech written over posters with Monkeybrains sticker along Treat Ave gate (June 2023)



Monkeybrains' monster-lock on the 22nd St gate (June 2023)

Exhibit D

**Support Monkeybrains and
light industry in the Mission!**

Write an email in support of Monkeybrains
continuing the historical use of a railroad right
of way as a loading area and fleet parking at
their new HQ in the Heinzer building on Treat.

More info at napsugar.us/news/
or email me (Buck Bito) at:
buck@movettefilm.com

Nascent art/performance space, **napsugar**, was to
be housed at this location and the future of this
project depends on a strong showing of community
support for Monkeybrains.

Leading up to BoA Appeal 23-008 in April of 2023, Buck Bito distributed flyers at local venues to try to entuse the audience to support Monkeybrains' parcel use, in order to secure his venue within Monkeybrains' warehouse.

napsugar is the Hungarian word for "sunbeam"

napsugar is a word which an English-speaker would pronounce quite similarly to the proper Hungarian pronunciation!

napsugar is a hybrid space for performance, workshops, events, visual arts, learning and community.

napsugar is just getting started...

Upcoming events at napsugar

Jay-J-Nap Series

2023-07-15, 5pm - 9pm: Saturday



Top half of napsugar.us homepage, promoting shows at a new venue inside of the Monkeybrains warehouse at 931 Treat.



July 15th

- Nine Dog Dick
- Psyched Out!
- Stuxworm

Napsugar: 931 Treat San Francisco
All Ages
Doors: 5pm, Show: 6pm
\$10 Suggested Donation

Bottom half of napsugar.us homepage, promoting shows at a new venue inside of the Monkeybrains warehouse at 931 Treat.

Sound

Light

Space

Time

1 Year Special

BFO V13

931 Treat



Visuals by Luke Lasley

A.K.Aye

J.R. Shan

6/17

AMillionBeats

Aantlerz

4-9

Nowandformerly

\$10-20

Sliding

DJ Support From DJ Astral I + KnoWhi

Live Painting By Trypy + More

Another promotion for a show in the Monkeybrains venue, from www.napsugar.us, June 2023.

Exhibit E

These images, from February 2023, show Monkeybrains excavating parcel 36 after which they laid gravel, in order to build their loading / parking lot. In May, they started pouring cement.

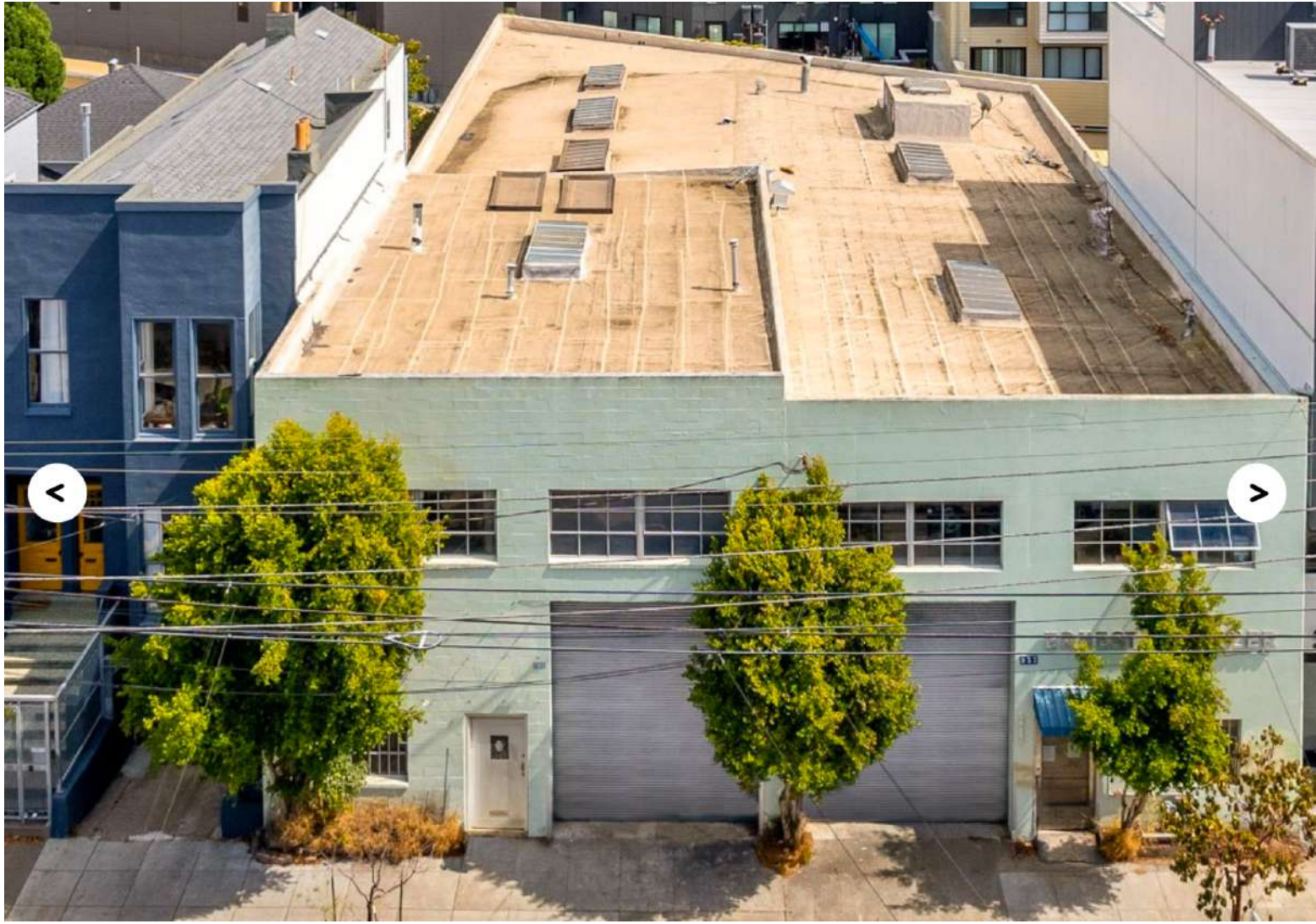












Front of the Monkeybrains warehouse with two tall roll-up garage doors.

Permit holder's warehouse

•Permit holder's intended loading / parking area, from 22nd St. •

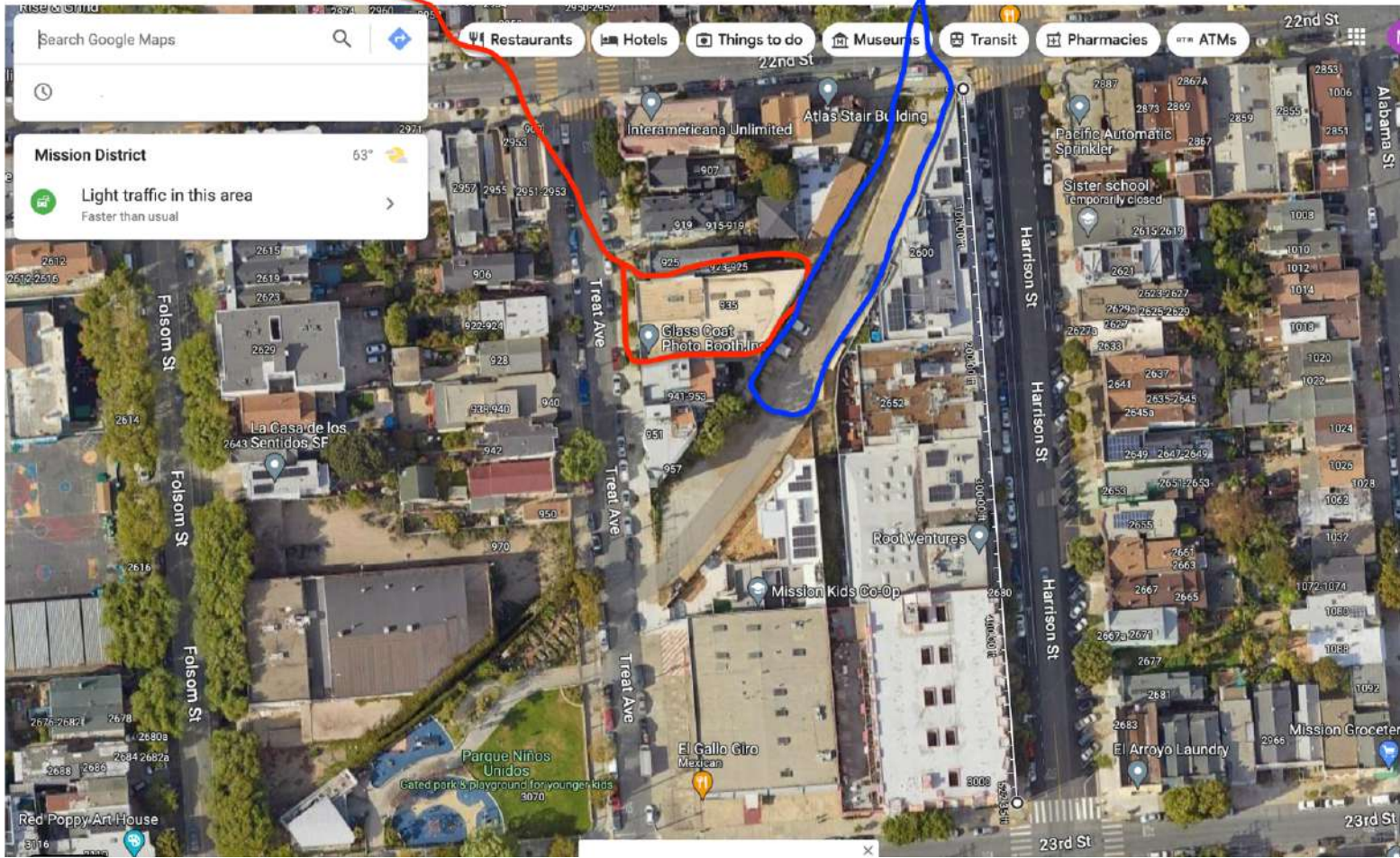


Exhibit F

These are a selection of comments written by the 2000+ supporters of the Mission Greenway petition. Find more comments at:
<https://www.change.org/p/let-s-create-a-greenway-for-everyone-to-enjoy-on-abandoned-land-in-san-francisco/c>

“In a City as small and dense as San Francisco, open space is critical for the health and quality of life for all residents. The Mission District is especially underserved with Green Spaces. Open areas such as these can play an important part in supporting keystone species of birds and pollinators through appropriate plantings. These are also beneficial for the surrounding residents.”

“I have always loved this space. It always used to be open, and it was a pleasure to visit, but recently it has been locked up and not always accessible. It should be a public green space for everyone to enjoy (like Juri Commons) not a place to park cars.”

“My family loves walking through the Greenway on our weekend walks 💎 We have to protect common space for the benefit of the greater community!”

“I love the idea for more safe walkways”

“For crying out loud!”

“I was born in San Francisco, and have worked 40 years in San Francisco's parks. I lived near Dolores and Coolbrith parks, and can say unequivocally, we need more parks (however small), not parking lots!”

“Because we need more public places, car-free pedestrian pathways surrounded by greenery in this city.”

“I want the greenway to be a reality”

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

“This should be a park not a parking lot”

“I’m a lifelong resident of the Mission. We need vacant land cleaned up and available for use! NOW!”

“Necesitamos mas espacios verdes!”

“I’ve often walked by the fences & wondered about the empty lots. They should be open to the public.”

“I live across the street and would like a greenspace.”

“We need more public spaces and parks in the Mission.”

“Living near the Juri Commons mini-park near Guerrero and 25th St has helped me appreciate the value of green space for all SF residents. Let’s make this greenway happen!”

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

“The Mission needs more community green spaces. And what better candidate than this vacant, unowned, difficult to develop lot? This unique shaped historic rail road lot could be a beautiful verdant greenway for the community to connect and walk through. The greenway could produce a bountiful supply of food using mission’s naturally high water table to help supply the treat street’s free farm stand which provides healthy, fresh food for people in need. We, the community are ready to make it happen.”

“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.”

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)

**Respondent’s Brief for Appeal 23-028 and 23-029 for
Permits 202304135665 and 202304135668**

INTRODUCTION

On June 2, 2023, 17th & Peralta LLC an affiliate of Monkeybrains, a San Francisco-based Internet Service Provider, SF Local Business Enterprise (“LBE”) and legacy small business (“Respondent”), owner of the warehouse property at 931-933 Treat Avenue, received and paid a total of \$14,642.00 for two permits for interior renovations of said warehouse, after several months of working with the Department of Building Inspection (“DBI”) on a fully vetted application and associated plan set. On June 20, 2023, a group that has become unreasonably hostile to our business, “Friends of Mission Greenway (herein “Appellants”), appealed both permits on the last possible day to do so after the Juneteenth Holiday. Appellants’ appeal has nothing to do with the substance of our permits, which solely involve interior renovations of the warehouse and bringing the building up to current electrical and fire codes. Instead, Appellants attempt to distract this board and the public by using the appeals process to publicize an irrelevant and false narrative with the hopes of furthering their land-use agenda. We don’t believe the public is well served by allowing a group to harass a legacy small business providing an essential service and to use this appeal’s process as a platform for propaganda. For all the reasons stated below, we respectfully request that the Board of Appeals deny the appeal and affirm DBI’s issuance of permits for our in-wall renovations.

CENTRAL ISSUE IN APPEAL

The permits in question propose absolutely no work outside of the interior walls of 931-933 Treat Ave. Appeal numbers 23-028 and 23-029 essentially take issue with use of the label “Loading” when referring to the area outside of the rear of our building known as “Parcel 36”. Therefore, the crux of these appeals must only be the use of the label “Loading” and what that might mean for the unknown future of “Parcel 36”. Since the Board of Appeals has stated several times, in regards to this

matter, that land-use is not in their purview but rather a civil matter, we will focus on the actual permits in question and the use of the word “Loading”, even though the label is ancillary to the proposed work and completely immaterial to the permits themselves.

- **The Label “Loading” Makes Sense**

When creating our plan set, our architect looked at several aspects of our building focusing on physical features and how they should be represented on the plans. When looking at the rear of our building one would see two large commercial doors on a commercial building, one of which opens up onto a dock (**Please See Exhibit A**). These building features can reasonably be described as “Loading Doors” and a “Loading Dock” as did our architect and as did Meridian Surveying Engineering, Inc. in a recorded survey from 2006 (**Please See Exhibit B**), where the survey clearly records the structure as a “Loading Dock”. Our architect consulted several publicly available documents when creating our plans, which included the 2006 survey and the information therein. It would appear that her use of the Label “Loading” is not only reasonable but the official way to refer to the “Loading” features at the rear of our building. Interesting aside – in 2006 Monkeybrains was writing our official operating agreement and changing our business from a sole proprietorship into a California LLC while renting a small office above an auto mechanic on Folsom St.. We retained a lawyer, did a ton paperwork, paid fees, registered the business and successfully opened a bank account on 4th and Brannan with the two co-owners on account. And we had no idea that two loading doors and a loading dock about a mile away would matter so much now. Nonetheless, we would have described them with the word “Loading” then as a registered surveyor did and as our architect does now.

- **Complainants and DBI Use the Word “Loading” Too!**

On June 6, 2023 a complainant filed DBI complaint number **202309266**, with very similar language used by Appellant, Lara Hannawi, on this appeal, protesting the existence of “Loading Doors” at the rear of our building saying they were an unpermitted addition to the building. We saw this complaint online and very quickly contacted the assigned building inspector and arranged a date and

time for him to come inspect the doors. The inspector visited the site on 07/05/2023 and determined that the “Loading Doors” had the same concrete edge profile (chamfered edge) as all the other window and door openings on the building, which indicates a “Loading Area” that has been in existence for the 70 years that this building has existed. The inspector subsequently closed the complaint on July 11, 2023 citing the doors as “*existing as built*”¹. Although the confirmation that the building has had a “Loading Area” since it was created is interesting, even more interesting is that the complainant themselves used the label “Loading” to describe the doors as did the inspector in the complaint’s case notes (**Please See Exhibit C**). It is actually difficult to not call these “Loading Doors” which can only exist near a “Loading Area” and that is clear in how these features are repeatedly referenced by complainants, building inspectors and the general public alike.

- **UMU (Urban Mixed Use) Zoning and Building Occupancy Involve “Loading” Activities**

The warehouse located at 931-933 Treat Ave has had a building occupancy classification of S-2 (Storage of non-hazardous materials) since its inception and will continue to have this classification post renovation. The permits in question will not change the function of this building in any way. The permits actually just improve health and safety in the neighborhood by bringing the building up to current electrical codes and adding fire sprinklers for fire suppression. The storage of materials on pallets will obviously involve “Loading” those materials into the warehouse for storage. Monkeybrains runs a telecom business that requires materials similar to what one would find in an electrician’s shop such as: wires, metal conduit, low voltage electronics, fasteners, washers, metal boxes, etc. This type of use is known as Production Distribution & Repair (PDR) and is appropriate for the occupancy type of this building and the “Loading” activities involved.

The zoning for the 931-933 Treat Ave warehouse and the surrounding lands is classified as Urban Mixed Use (UMU) (**Please see Exhibit D**), which is described in **Section 843** of the San Francisco General Plan as a district : “*intended to promote a vibrant mix of uses while maintaining*

¹ Department of Building Inspection - Complaint Tracking System – Complaint Number 202309266
<https://dbiweb02.sfgov.org/dbipts/default.aspx?page=AddressComplaint&ComplaintNo=202309266>

the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling.”² Given the classification of our building and the fact that our operations are considered PDR, our use and the location are appropriate and consistent for the district. And most importantly, in this case, the use of the word “Loading” is ubiquitous in **Section 843** of the San Francisco General Plan as can be seen in **Subsections 843.06 and 843.07**³ respectively.

- **PDR and the “Loading” Activities Associated are Protected by Proposition X**

San Francisco voters determined on November 8, 2016 that PDR was important to preserve with the passing of **Proposition X**, which added **Section 202.8** to the San Francisco General Plan. The SF Board of Supervisors affirmed the importance of PDR in associated **Motion No. M16-105** where the supervisors declared that: “*it is necessary for the City to aggressively pursue retention of PDR and its associated job sectors.*”⁴ Moreover, preservation of PDR is strongly tied to stabilizing communities of color in SF often susceptible to gentrification, which is why the Cultural District in our area – **Calle 24 Latino Cultural District**⁵ – supports Monkeybrains laying roots in the district and the associated blue color jobs we provide. As we mentioned in our last BoA brief, Monkeybrains’ employs a staff of 43% minorities/people of color and we provide 100% healthcare to our employees including spouses and dependents. We also provide a low cost to fully subsidized utility service to the public and continually participate in several philanthropic projects with city agencies and private anchor organizations in support of our great city. And this service requires the use of “Loading” materials into

² San Francisco Plan Sec. 843 UMU – Urban Mixed Use https://codelibrary.amlegal.com/codes/san_francisco/8603be9c-75e7-4ea5-be6f-d64d913f45ba/sf_planning/0-0-0-35898

³ San Francisco Plan Sec 843.06-07 Parking and Loading Access https://codelibrary.amlegal.com/codes/san_francisco/8603be9c-75e7-4ea5-be6f-d64d913f45ba/sf_planning/0-0-0-35898

⁴ SF Board of Supervisors File No. 160698 Motion No. M16-105 <https://sfgov.legistar.com/View.ashx?M=F&ID=4612551&GUID=5DDBE5E1-8128-4BAB-A702-FE21952DE281>

⁵ info@calle24sf.org <https://www.calle24sf.org/contact>

service vehicles and operating in a light industrial zone, as is the UMU classification of the lands surrounding 931-933 Treat Ave.

FALSE NARRATIVE & DIVISIVE PROPAGANDA

The appellant group's brief very quickly deviates from anything remotely substantive in regards to our permits after addressing the label "Loading" which, for the reasons above, we also believe lacks merit. However, the myriad of unrelated topics introduced in the brief seem to only have the purpose of distracting and fueling a divisive agenda with a goal of polarizing our community and gaining publicity in the process. Is the public well served by allowing a group of people to use a public process to distribute false information about a local small business that has done well by the community for two decades? Should we really be reduced to getting into a hate loop shouting match addressing completely unrelated and random accusations ranging from – the square footage of our current rental to a subsidized community event program being run responsibly with permits? Should one of our owners – a first generation Cuban American – really get into it about how he has nothing but respect for an immigrant's journey and is insulted by any reference to the contrary? Even the way Appellant repeatedly refers to our leadership team as "CEOs" is patently incorrect. 17th & Peralta LLC and Monkeybrains are both California LLCs with no "Cs" to speak of. Our leadership team has always identified themselves as either Owners or Managing Members. We are intentionally not structured as a Corporation, which would have C level leadership. But who cares about the truth! It is much better for Appellant to create a cliché narrative where Monkeybrains with their "CEOs" are portrayed as the Monsanto of the Mission and obscure the years of commitment to our community and the valued service we provide. Appellants had a role to fill in their land use soap opera and would have opposed any organization that moved into 931-933 Treat Ave, as Elizabeth Creely (former/current? Board Member of Mission Greenway) confirmed in person during a conversation on May 24, 2023 before assaulting Managing Member – Rudy Rucker.

Take for example **Exhibit F** below. This is a copy of the newsletter that the Friends of Mission Greenway distributed to their email list in regards to this very appeal. If I knew nothing about the actual permits involved and received this email, I would think that permit numbers **202304135665** and **202304135668** were for construction of a parking lot on Parcel 36 or maybe even two parking lots because there are two permits! In reality the permits are for demolition of interior walls, remodeling of two bathrooms, addition of two bathrooms, remodeling of a kitchen, upgrading electrical and adding fire sprinklers. Is it OK to engage in this level of public deception in order to cause reputational harm to good local company just to further an agenda? Not in the community we want to live. The neighborhood definitely deserves better than people whose interest is to cause conflict, divide a community, disrupt local small businesses, disseminate false propaganda and to habitually break the law in their efforts. Please see **Exhibit E** where we have recorded all infractions to date by Friends of Mission Greenway.

CONCLUSION

Monkeybrains is a company born in San Francisco that has grown organically from 2 to now 64 and has done so lawfully, with integrity, with accountability and with a deep respect for the city and the people that have given us the opportunity to thrive. We are empathetic and inclusive of our community and want nothing more but to be contributors to our district. Our business type is considered a value add to the neighborhood and is even protected by the San Francisco General Plan as dictated by you the voters of San Francisco. We are supported by the cultural districts that protect against gentrification in the Eastern Neighborhoods. We are happy to coexist in a mixed use zone and work with residents and businesses to achieve a neighborhood balance. And our needs for “Loading” are part of that balance and appropriate for the building we wish to renovate. We respectfully ask the BoA to consider the aforementioned and please affirm DBI’s issuance of permit numbers **202304135665** and **202304135668**.



Alejandro Menendez
Managing Member
Monkeybrains.net
July 25, 2023



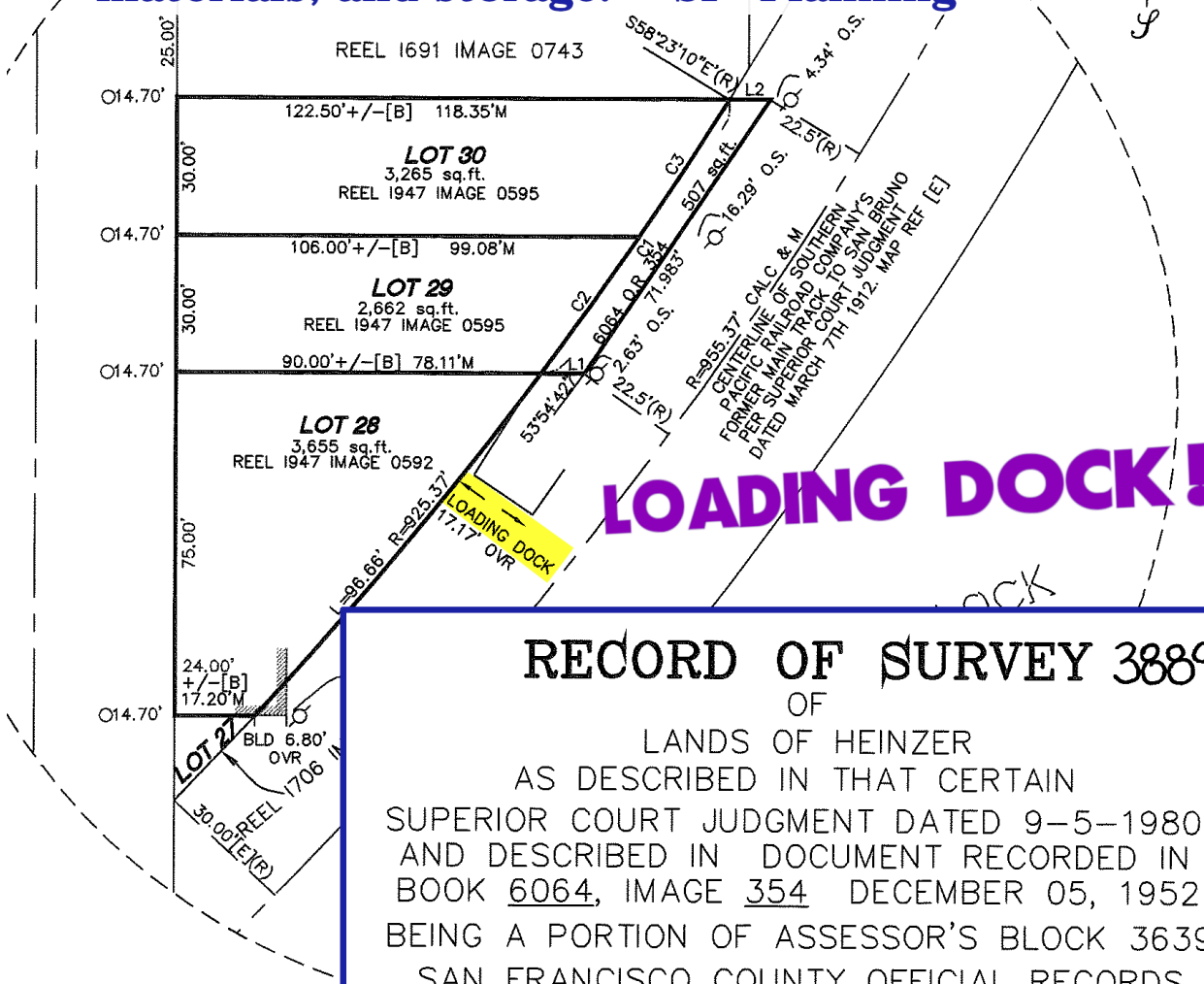
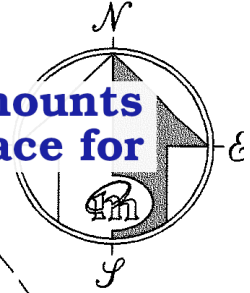
Rudy Rucker
Managing Member
Monkeybrains.net
July 25, 2023

Exhibit A – Loading Zone

931-933 Treat Ave



Different PDR activities need different amounts of open land. ... PDR activities require space for parking trucks, loading and unloading materials, and storage. - SF Planning



RECORD OF SURVEY 3889

OF
LANDS OF HEINZER
AS DESCRIBED IN THAT CERTAIN
SUPERIOR COURT JUDGMENT DATED 9-5-1980
AND DESCRIBED IN DOCUMENT RECORDED IN
BOOK 6064, IMAGE 354 DECEMBER 05, 1952
BEING A PORTION OF ASSESSOR'S BLOCK 3639
SAN FRANCISCO COUNTY OFFICIAL RECORDS

CITY & COUNTY OF SAN FRANCISCO
05095.DWG

CALIFORNIA
JULY, 2006




MERIDIAN SURVEYING ENGINEERING, INC.


LINE TABLE	
LINE	LENGTH
L1	9.26'
L2	8.79'

CURVE TABLE

⁶ San Francisco Planning – Industrial Land in San Francisco: Understanding Production, Distribution and Repair Page 39
https://sfplanning.org/sites/default/files/resources/2019-06/Industrial_Land_in_San_Francisco_PDR_SF_2002.pdf

Exhibit C – Loading Doors Deemed “As Built”





WEAPONIZING DBI

Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Source: WEB FORM
Assigned to: BID
Division: BID

Description: date last observed: 08-JUN-23; time last observed: permanent issue; floor: ground flo; exact location: Rear Bldg; building type: Commercial/Business OTHER BUILDING; ; additional information: this warehouse has two unpermitted "loading doors"; one door is in the rear and one on the side and are only visible from the adjacent vacant lot which the business has no legal relation to, yet uses for construction/staging/parking purposes. no permits for these doors exist at the records office.;

Instructions: **EXISTING LOADING DOORS**

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	GUAIUAMI	6356		

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
06/09/23	OTHER BLDG/HOUSING VIOLATION	INS	Guaiumi	CASE UPDATE	case reviewed and assigned to complaint investigation team per cm;jy
06/09/23	CASE OPENED	BID	Eisenbeiser	CASE RECEIVED	
06/12/23	OTHER BLDG/HOUSING VIOLATION	BID	Guaiumi	CASE UPDATE	Permit research and will review plans. JG
07/05/23	OTHER BLDG/HOUSING VIOLATION	BID	Guaiumi	CASE UPDATE	Site inspection. Loading doors appear to match design of windows with chamfered edges. Need to further review 931 and 933. JG
07/11/23	OTHER BLDG/HOUSING VIOLATION	BID	Guaiumi	CASE CLOSED	doors are existing as built. no new openings built. JG

Address: 969 TREAT AV

Please select among the following links, the type of permit for which to

Electrical Permits Plumbing Permits Building Permits

(Complaints matching the selected address.)

Complaint #	Expired	Date Filed	Status	Div
202310430			CLOSED	BID
202309267			CLOSED	BID

Address: 931 TREAT AV

Please select among the following links, the type of permit for which to

Electrical Permits Plumbing Permits Building Permits

(Complaints matching the selected address.)

Complaint #	Expired	Date Filed	Status	Div
202306590		04/10/2023	CLOSED	BID
202304540		03/03/2023	CLOSED	BID
202304024		02/24/2023	CLOSED	BID
202304025		02/24/2023	CLOSED	BID

Address: 933 TREAT AV

Please select among the following links, the type of permit for which to

Electrical Permits Plumbing Permits Building Permits

(Complaints matching the selected address.)

Complaint #	Expired	Date Filed	Status	Div
202309266		06/09/2023	CLOSED	BID
202307310		04/27/2023	CLOSED	BID
202306372		04/05/2023	CLOSED	BID
202304137		02/27/2023	CLOSED	BID
202304032		02/24/2023	CLOSED	BID

Address: 957 TREAT AV

Please select among the following links, the type of permit for which to

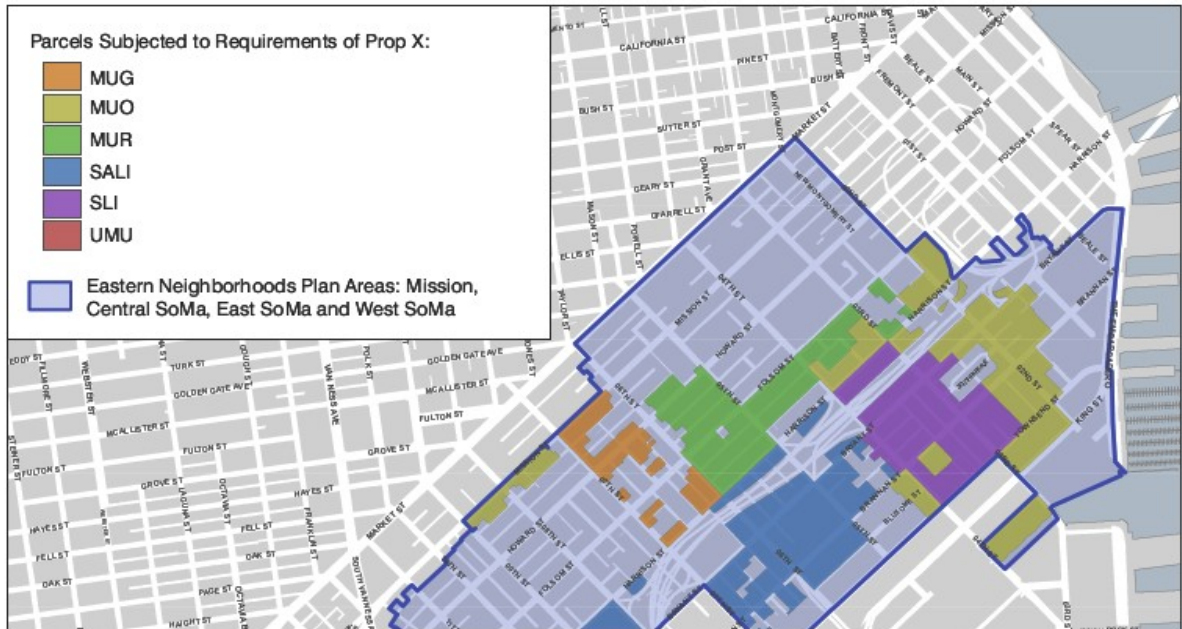
Electrical Permits Plumbing Permits Building Permits

(Complaints matching the selected address.)

Complaint #	Expired	Date Filed	Status	Div
202308759		05/30/2023	CLOSED	BID
202308760		05/30/2023	CLOSED	BID
202304660		03/07/2023	CLOSED	BID
202304672		03/07/2023	CLOSED	BID
202303935		02/23/2023	CLOSED	BID

Exhibit D – UMU Zoning involves Loading⁷

Proposition X: Requiring CU & Replacement of Certain PDR, Institutional Community & Arts Activity Uses



A diverse economy provides businesses and residents with the goods and services they need to thrive. PDR businesses contribute to that diversity and are a fundamental part of what makes San Francisco work. - SF Planning



Printed: 18 November, 2016



⁷ San Francisco Planning – Industrial Land in San Francisco: Understanding Production, Distribution and Repair – Page 4-5 https://sfplanning.org/sites/default/files/resources/2019-06/Industrial_Land_in_San_Francisco_PDR_SF_2002.pdf

Exhibit E – Infractions to Date

Lara Hannawi

Defamed business at 933 Treat (contacted clients and said they shouldn't do business with us) **CV §44**
Vandalism (Sledgehammer 5/25/2023) **PC § 594(a)(1)**
Petty theft (lumber - 5/24/2023) **PC § 484(a)**
Trespass (removing locks and entering lot) **PC § 602**
Malicious Mischief (Blocking Easement with planter, stumps, mulch piles) **§ 602.1**
Stole water from SF Rec and Park **PC § 498**
Making false reports with Department of Building Inspectors
Soliciting neighbor to vandalize our property on 5/25/2023

Jay Martin

Made true threats (arson threat 5/24/2023) **PC § 422**
Maliciously and willfully disturb business **PC § 602.1**
Disturbing the peace (was yelling for an hour 5/24/2023) **PC § 372**
Vandalism (breaking wood, disassembling structure 5/24/2023) **PC § 594(a)(1)**
Trespass (entering lot) **PC § 602**
Malicious Mischief (Blocking Easement with planters and stumps) **§ 602.1**

Elizabeth Creely

Assault and Battery (5/24/2023) **PC § 240** and **PC § 242**
Trespass (entering lot) **PC § 602**
Petty theft (no parking sign - 4/7/2023) **PC § 484(a)**
Malicious Mischief (Blocking Easement with planters and stumps) **§ 602.1**

Maurico Zambrano

Trespass (entering lot) **PC § 602**
Malicious Mischief (Blocking Easement with planters and stumps) **§ 602.1**
Stole water from SF Rec and Park **PC § 498**

Chiara Powers

Vandalism (Sledgehammer 5/25/2023) **PC § 594(a)(1)**
Trespass (removing locks and entering lot) **PC § 602**
Malicious Mischief (interfering with employees) **§ 602.1**

Friends of the Mission Greenway (non profit registered in California)

Leader, Tree Rubenstein, blogged trespass, vandalism, malicious mischief on 10/22/2022
All members listed above Conspired to vandalize **PC § 182**
Harassed residential neighbors and businesses.
Ran defamatory information on their Social Media account.
Served with Small Claim for \$1515 to repair vandalism.
Group **refused mediation** deciding they did not want to compromise on any access for businesses.
The group stated they would have **fought with any business** that bought 931 / 953 Treat Ave.

5/25/2023 Assault **PC § 240** – Police Case 230-362-096

5/25/2023 Vandalism **PC § 594** – Police Case 230-362-068

7/18/2023 Hit and Run **VC § 20002** – Police Case 230-499-699

Exhibit F – Mission Greenway Newsletter

----- Forwarded Message -----

From: Mission Greenway <missiongreenway@substack.com>

Date: July 23, 2023 at 6:39:53 PM PDT

Subject: Join our Appeal on Wednesday, August 2nd, 5 PM at City Hall

[Open in app or online](#)

Join our Appeal on Wednesday, August 2nd, 5 PM at City Hall

JUL 24

Dear Greenway Supporters, it's been a while

Come find us on Sundays, and scattered throughout the week, as we maintain a garden on the decades-long abandoned property, nicknamed parcel 36, between Treat Ave., Harrison St. and 22nd St. in San Francisco, which we all want to see put to better use for the entire neighborhood.

Our previous petition update informed you about a Board of Appeals hearing, back in April, and this email is to inform you of our next [hearing](#), on **Wednesday August 2nd at 5pm, Room 416 at City Hall**.

The last hearing dealt with a permit application on which the CEO of internet company Monkeybrains, Alex Menendez, falsely stated to own parcel 36, in order to build a private iron gate. That permit was unanimously rescinded by the Board of Appeals, the Planning Department and the Dept. of Building Inspection.

We were grateful that the Board chose to send a [letter](#) to various City Departments, including the Mayor, asking to end this legal vacuum; the lack of recorded ownership of this parcel. The Board even reprimanded Monkeybrains for installing *"a large, heavy lock on the gate that was the subject of the appeal, which implies an escalation of hostility"*.

That letter, written in part because so many of you were able to attend or call-in to the hearing, has not yet provided significant change, but this new Appeal is another opportunity to draw the City's attention, especially from the Planning Department.

This time, the Appeal deals with a permit that should have been looked at by the Planning Department but wasn't, as the permit application failed to mention the intended use of parcel 36 as "loading area", designated as such on Monkeybrains' building plans, viewable at the Records Management office of the DBI. Not informing the Planning Department of a "loading area" is an obvious attempt at circumventing the rules and regulations regarding land use.

The Planning Department prohibits unauthorized loading / parking lots, and we are urging them to prevent parcel 36 from being misused as such.

Monkeybrains' CEOs have also stated to various media outlets to plan to use the parcel as loading and parking area for their commercial fleet, yet they have no intention to go through the extensive regulatory process to do this legally, as they hold no legal claim to this property. Instead, they are trying to do it illegally, hoping no one will complain, pay a few more years of property taxes, push the community out and try to take ownership of the parcel, basically for free. We strongly oppose this land-grab attempt as it is unlawful on many levels, poses safety hazards and is devoid of any community input.

It is also hypocritical. Monkeybrains is moving from 2,000 sq ft to 13,000 sq feet of warehouse space, with two loading doors, and the CEOs have stated to Mission Local that they do not even have use for that much space. To prove their point, they've already turned part of their new warehouse into a music venue. Their questionable, suspicious tactics of paying property taxes over the parcel, trying to install a private fence, and most recently, starting to pour concrete, clearly show their determination at ignoring City and State rules and regulations in order to try to expand their real estate portfolio at the expense of the community.

Now...what can you do? For those of you who were part of the last Appeal; you know the drill!

Come speak as a member of the public at our second Board of Appeals hearing on Wednesday, August 2nd 2023 at 5pm at City Hall, Room 416. You can also join remotely via Zoom or telephone. Click [here](#) for the link.

But before that, write a public comment to the Board of Appeals! You can write anything you wish regarding this issue. The strict cut-off time to submit your comment is Thursday July 27th 4:30pm, at boardofappeals@sfgov.org Mention Appeal number 23-028/029.

Feel free to cc us at atthemissiongreenway@gmail.com

Your comment becomes part of the public record of this Appeal. After the last Appeal, Monkeybrains started targeting neighbors who emailed a comment, so you may prefer to do so anonymously, and/or without listing your home address.

Both efforts are extremely valuable in showing the Board of Appeals and the various Departments present at the hearing that you demand the city to step in and put an end to this land-grab for private gain. The neighbourhood deserves better. Main points you can include in your email, and we encourage you to add your own:

Appeal No. 23-028/029

I urge the Planning Department to implement their enforcement [rules](#) and prohibit unauthorized loading and parking on parcel 36. This land has always been accessible to the public and deserves a use that benefits the community.

I worry for my safety and the integrity of the legal process when a business can just designate any property as their loading area and fleet parking lot and even start pouring concrete, without any due

process and community input.

I agree with the San Francisco General Plan which emphasizes the need for more open green space in the Mission District, especially in increasingly dense areas like this block. Vacant land should not default into private parking, especially not to businesses who lack legal rights to such land.

Thank you! This has been a long process and your support means a ton. Don't hesitate reaching out via themissiongreenway@gmail.com or Instagram

Sign our petition and share! :)

© 2023 Mission Greenway
Treat Avenue between 22nd and 23rd Streets
San Francisco, CA 94110

Get the app Start writing

PUBLIC COMMENT

From: howardfallon@gmail.com
To: [BoardofAppeals \(PAB\)](#)
Cc: themissiongreenway@gmail.com
Subject: Appeal number 23-028/029
Date: Monday, July 17, 2023 10:12:26 AM

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.

I'm hoping the SF Planning Department will follow their own Planning Code and prohibit unpermitted loading/parking on Parcel 36.

I support the San Francisco General Plan which stipulates the Mission needs more open space, not more parking lots.

I'm concerned about Parcel 36, where I garden on weekends, being commandeered by an unknown number of trucks, without any due process and/or community input.

Howard Fallon
San Francisco, CA

From: [Alex Williams](#)
To: [Sara/Sara@monkeybrains.com](#)
Subject: Appeal number 23-028/026
Date: Tuesday, July 25, 2023 9:15:53 AM

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

Hello,

I am a neighbor of Parcel 36 and do NOT want Monkey Brains to build a private parking lot on land they don't own which has been serving the community as green space. Monkey Brains has a huge warehouse with TWO large front loading zones (pictured below, why can't they use those instead?) They have been using the back greenway area for their employee parking for months, deliberately obstructing and harassing community gardeners who are just trying to make more green space for our community. While I understand parking is hard in San Francisco, I believe public space should be prioritized.



Ideally, the city should use their power of Eminent Domain to end all this fighting and give this community a permanent green space. But at the least, I urge the Planning Department to implement their enforcement [rules](#) and prohibit unauthorized loading and parking on parcel 36. This land has always been accessible to the public and deserves a use that benefits the community.

I agree with the San Francisco General Plan which emphasizes the need for more open green space in the Mission District, especially in increasingly dense areas like this block. Vacant land should not default into private parking, especially not to businesses who lack legal rights to such land.

Sincerely,

Alex Williams

Sent from my iPhone

From: [Howard Thornton](#)
To: [BoardofAppeals \(PAB\)](#)
Cc: [Mission Greenway](#)
Subject: Appeal number 23-028/029
Date: Thursday, July 27, 2023 1:33:26 PM

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

Dear Appeals Board Members,

I support the efforts of Mission Greenway to keep Parcel 36 a public access green space. Ideally it would be acquired through the city's use of Eminent Domain and turned over to SF Park and Rec. Examples of using the railroad right of way for parks such as Parque Niños Unidos* and Juri Commons bring benefits to the residents of the Mission.

I appreciate the work by Tree Rubenstein of Community Garden, now with support of Mission Greenway folks, to create and maintain public access green spaces, and gardens in our neighborhood. Tree has been tirelessly working to designate parcel 36 as a greenway long before the recent construction abutting the parcel and Monkey Brains purchase of the building on Treat Ave.

I enjoy the mixed uses in the neighborhood of residential and business. I support Monkey Brains purchase of a building in the neighborhood. I was happy when Mission Kids built a school on Treat Ave.

I just don't support using this land that does not belong to anyone, for their parking, without a transparent due process with public input. I am afraid that once they use this "free" lot for parking, this valuable piece of land will be seen as theirs 10-20 years from now. This is not fair to the citizens of San Francisco.

My suggestion is to consider the SFUSD parking garage a block away at 21st St and Harrison St. I suggest that Monkey Brains and Mission Kids approach the school district about using empty spaces in that existing parking garage.

Thank you,
Howard Thornton
2573 Harrison St.

*(Parque Niños Unidos was supported by the neighborhood group Calle 22, working with Cesar Chavez Elementary and Tree Rubenstein of Community Garden through an application process with SF Park and Rec)

From: [gary leung](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal No. 23-028/029
Date: Thursday, July 27, 2023 2:23:56 PM

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

Appeal No. 23-028/029

hi,

As a neighbor across the street from the lot

I am here to voice my opinion that private businesses should not be able to use land they do not own as a private fenced parking lot.

The residents of the mission need to be uplifted with more public green-space and i hope eminent domain is a solution we can work towards.

-gary leung, mission resident 10 yrs.

I urge the Planning Department to implement their enforcement [rules](#) and prohibit unauthorized loading and parking on parcel 36. This land has always been accessible to the public and deserves a use that benefits the community.

I worry for my safety and the integrity of the legal process when a business can just designate any property as their loading area and fleet parking lot and even start pouring concrete, without any due process and community input.

I agree with the San Francisco General [Plan](#) which emphasizes the need for more open green space in the Mission District, especially in increasingly dense areas like this block. Vacant land should not default into private parking, especially not to businesses who lack legal rights to such land.

Sent from my iPhone

From: [Valentina Ramos](#)
To: [BoardofAppeals \(PAB\); themissiongreenway@gmail.com](#)
Subject: Appeal number 23-028/029
Date: Thursday, July 27, 2023 2:49:43 PM

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

Hello,

My name is Valentina Ramos. I am a latin, immigrant woman living in Boston, Massachusetts and I write to you today to share the grave concerns I have regarding the future of parcel 36.

I believe that the community deserves the right and freedom to access public green space. The Mission Greenway has a vision for a multi-use space that will allow for the community to meet one another, share skills and knowledge, strengthen bonds and support each other through gardening in an urban environment.

In this time of late stage, unregulated capitalism and greed, collective action for the greater good is vital for continuation of life and preservation of what makes us feel grounded and in tune with our own humanity; nature!

Current and future generations deserve trees to sit under and food to eat!

Give the People the freedom to grow, exist and thrive!

The people DO NOT need another parking lot!

It is wildly troubling to witness the attempted land grab by MonkeyBrains. They harass, intimidate, try to buy off the community with bribes and ultimately hold only their own interest in mind.

Please, take a moment to reflect on what future you would like to see. What are the seeds you are planting in this moment and what fruit will they bear? Will our children able to live and thrive in that future?

Your decision now will determine what this city represents to many. Is San Francisco for profit or for the people?

With great hope in my heart, I await for the outcome.

Sincerely,

Valentina

From: [Ian Hewitt](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal No. 23-028/029
Date: Thursday, July 27, 2023 3:49:44 PM

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

Hi my name is Ian Hewitt and I live in district nine quite close to parcel 36.

As a community member I would really love to see this parcel be turned into something for the public, rather than an unloading zone for a company that has antagonized community members on several occasions.

We do not need more private parking, and this parcel presents a fabulous opportunity for the city build another green space, or let the community turn it into one.

I urge the Planning Department to implement their enforcement [rules](#) and prohibit unauthorized loading and parking on parcel 36. This land has always been accessible to the public and deserves a use that benefits the community.

I agree with the San Francisco General [Plan](#) which emphasizes the need for more open green space in the Mission District, especially in increasingly dense areas like this block. Vacant land should not default into private parking, especially not to businesses who lack legal rights to such land.

All the best,

Ian Hewitt

From: [Hawes, Michael](#)
To: [BoardofAppeals \(PAB\)](#)
Cc: themissiongreenway@gmail.com
Subject: Letter of Support for Appeal # 23-028/029
Date: Thursday, July 27, 2023 3:51:07 PM

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

Hello,

I urge the Board of Appeals to revoke this permit. Monkeybrains is a corporation that is trying to expand and concentrate more wealth in the hands of its executives. One way it is doing so is by purchasing a large warehouse with an adjacent lot abandoned by the true legal owner. This was a clear move to save cash by circumventing the purchase of additional land they believe they need for their business operations. Monkeybrains has been acting as if they are the owners of the adjacent lot, Parcel 36, by listing the lot as a "loading zone" in their building plan, pouring concrete on the lot, paying back taxes on the property, and attempting to lock the rest of the community out of the space. These steps are clear indicators that the corporation is intending not on purchasing the property, but acquiring it through adverse possession. The fact that the permit application conveniently makes no mention of the "loading zone" or the concrete already poured is more evidence of the disingenuous land grab tactics the corporation is performing. The vacuum of legal ownership that Monkeybrains is taking advantage of exists due to decades of neglect and inaction by the city government. I implore the Board of Appeals to take action, halt the takeover of Parcel 36 by revoking this permit, and once again bring this situation and Monkeybrains' behavior to the attention of the Board of Supervisors and related city departments.

A corporation should not be able to take over a space that the community has been using as a pedestrian walkway and food garden. In fact, supporting community members' gardening work instead would have a much greater positive impact on the neighborhood. People who spend more time around green spaces have [reduced levels of stress, anxiety, and depression, and increased cognitive functioning and attention rates](#). Furthermore, supporting the growth of fresh produce would encourage healthy eating habits, which would in turn improve the overall health and resilience of the community. Leaving the space open as a walkway would also encourage maneuvering by foot rather than car, which could also benefit the cardiovascular and respiratory health of the people living nearby. And in an era where the climate crisis is so dire, any chance to support foot and bike transportation over the use of cars should be seen as an opportunity for positive change.

The roots of environmental racism are reflected in the Mission's relative lack of green spaces when compared to the west side of the city. San Francisco has made a commitment to provide the Mission with more public parks and open spaces that meet the needs of residents,

workers and visitors. Investing resources into the community garden on Parcel #36, and preventing it from being overtaken by a corporation for parking, is the perfect opportunity to live up to this commitment and combat environmental injustice.

For all of these reasons, I ask that the Board of Appeals revoke the Monkeybrains permit and work with the community to find a suitable alternative for Parcel #36.

Michael Hawes

From: [Carolina Dutton](#)
To: [BoardofAppeals \(PAB\)](#)
Cc: themissiongreenway@gmail.com
Subject: Appeal number 23-028/029 - Mission Greenway and Parcel 36
Date: Thursday, July 27, 2023 4:10:17 PM

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 resident and homeowner on Treat Ave in the Mission and have been here since 1974. For almost 50 years I have had access to parcel 36 between Treat Ave and 23rd St. and 22nd near Harrison, and have enjoyed walking through the old railroad right of way. I am so pleased that neighborhood residents are caring for and greening this public right of way. It is very disturbing to me that a private company, in this case Monkey Brains, would try to usurp a parcel that they do not own and that has been open for public use. They should not be allowed to put up fences, pour concrete, or any other actions that change the use of the parcel.

The Mission needs green space. Jury park is a good example of a beneficial use of the old railroad right of way. This parcel runs at an angle between San Jose and Guerrero past residences built at an angle to accommodate the railroad just like parcel 36. Residents in the community used to maintain this space as green space. Now it is a park maintained by the city. The community in our part of the Mission is trying to maintain parcel 36 as greenspace for all of us but Monkey Brains is trying to usurp the space for private gain. I hope that the city will not allow this and facilitate the continued use of this parcel for the public. We do not need parking lots and loading docks on public land. We need green space for the community.

Thank you very much,

Caroline Dutton
1189 Treat Ave
S.F, CA 94110