## Discretionary Review Full Analysis

**HEARING DATE JANUARY 12, 2017** 

Date: December 30, 2016

Case No.: 2016-011482DRP, DRP-02 Project Address: 1928 MISSION STREET

Permit Application: 2016.08.19.5522

Zoning: Mission Street NCT (Neighborhood Commercial Transit)

45-X / 80-B Height and Bulk District

*Block/Lot:* 3554 / 059

Project Sponsor: Thomas Tunny, Attorney

Reuben, Junius & Rose, LLP One Bush Street, Suite 600 San Francisco, CA 94104

Staff Contact: Seema Adina – (415) 575-8722

Seema.Adina@sfgov.org

Recommendation: Do not take DR and approve the project as proposed

#### PROJECT DESCRIPTION

The proposal ("Project") includes a change of use from a vacant 1,434 square foot retail tenant space to a large institutional use for a non-profit organization (d.b.a. Sisters of the Fraternite Notre Dame, "Sisters") on the ground floor of an existing mixed-use four-story condominium building. The proposed use will provide on-site soup kitchen services for lunch three days a week from 10:30am to 2:30pm, dinner for 10-15 children once a week from 5pm to 7pm, be used to prepare baked goods throughout the week for sale at farmer's markets, and used to prepare dinners for service at the United Nations Plaza and in the Bayview neighborhood. The Project also includes interior tenant improvements, including the addition of a commercial electric kitchen, ventless hood, and food service preparation area.

#### SITE DESCRIPTION AND PRESENT USE

The Project is located on the west side of Mission Street between 15th and 16th Streets on the ground floor of a four story condominium building built in 1993. The Project Site ("Site") is approximately 19,825 square feet, with two ground-floor commercial condominiums, and 15 residential condominiums on subsequent floors. The adjacent commercial condominium is occupied by The City 420 Doctor, which provides medical marijuana services (i.e. evaluations, health services, ID cards, etc.), as distinct from a Medical Cannabis Dispensary.

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Site is located within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District in the Mission Area Plan. The immediate context is mixed-use in character, with a variety of office-uses,

1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception: 415.558.6378

Fax.

415.558.6409

Planning Information: **415.558.6377**  residential-mixed use, industrial, and commercial space, and a Navigation Center adjacent to the Site. The immediate neighborhood includes a vacant industrial one-story development and three-to-four story mixed-use residential properties to the north, a series of three-to-five story mixed-use residential developments to the west, a mixed-use office development to the south, a Walgreens to the southwest, and the 16th Street BART station on the same block.

#### **BUILDING PERMIT APPLICATION NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
312 Notice	30 days	October 10, 2016 - November 11, 2010	November 8, 2016	January 12, 2017	65 days

#### **HEARING NOTIFICATION**

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 2, 2017	December 30, 2016	13 days
Mailed Notice	10 days	January 2, 2017	December 30, 2016	13 days

#### PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	-	15	-
Other neighbors on the			
block or directly across	-	2	-
the street			
Neighborhood groups	2	-	-

The Project has completed the Section 312 notification. During the 312 notification period, two Discretionary Reviews were filed on November 8, 2016. A Discretionary Hearing date was scheduled for January 12, 2017.

To date, the Department has received 42 letters of support for the proposed use and a petition of support with over 3,000 signatures. Organizations such as the Mission Economic Development Agency and the Mission Neighborhood Health Center are among neighborhood groups that have indicated their support of the proposed use. The Department has also received eleven phone calls and four letters of opposition. The opposition outlines similar concerns as indicated in the DR Requestor's submittal delineated below.

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#### DR REQUESTOR (1 OF 2)

The first DR Requestor is the 1930 Mission Street Home Owner's Association. The DR Requestors are homeowners located on the subject site on floors 2-4, and include the 15 residential condominiums on the subject site.

#### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: The DR Requestor is concerned that the proposed use as institutional will not preserve the property's commercial use on the ground floor, nor will it provide for future residential employment opportunities.

Issue #2: The DR Requestor is concerned that the proposed use will cause lines outside the business because it is comparable in size to the current soup kitchen run by the Sisters on Turk Street. The Requestor suggests that a soup kitchen should be approved in a building that is large enough to accommodate the people who seek its services, in an affordable area such as in Alameda County, or through a "homeless food truck" where there will be no impact to homeowners, residents, and business owners. The DR Requestor has also indicated the project's denial would not impact those services being received by people who need them as other indigent services are located within ¾ a mile or more.

Issue #3: The DR Requestor is concerned that the proposed use violates Articles 803.4 and 804.5 of the Planning Code governing Good Neighbor Policies in the Eastern Neighborhood Mixed Used and South of Market Mixed Use Districts in that adequate waiting areas are not provided.

Issue #4: The DR Requestor is concerned that the proposed use would result in an introduction of hundreds of homeless people into the immediate area, and asserts this is contrary to conserving and protecting the diversity of housing and neighborhood character in that it will hamper and deter future development.

Issue #5: The DR Requestor is concerned that the Sisters did not undertake any studies or community outreach demonstrating a specific need for their services in the community or its impact on the neighborhood or neighbors.

Issue #6: The DR Requestor is also concerned that the Sisters' current operation on Turk Street is not permitted and is continuing a pattern of disregard for City procedures.

Issue #7: The DR Requestor is concerned that the proposed use violates the Covenants, Conditions, and Restrictions of the 1930 Mission Street Homeowners Association in that it is not a commercial use and that a complete set of plans have not been submitted to the HOA for review and approval.

Reference the Discretionary Review Application for additional information. The Discretionary Review Application is an attached document.

#### **PROJECT ANALYSIS**

Department staff has reviewed the DR Requestors' concerns with the proposed project and presents the following comments:

DR Requestor 1 of 2 – Issue #1: Planning Code Section 736.16 and 145.4 indicate that to support active, pedestrian-oriented commercial uses on important commercial streets, there is a requirement for mandatory ground-floor commercial use in the Mission Street NCT Zoning District. Table 145.4 in the Planning Code indicates an Institutional Use as an approved ground floor commercial use. The Sisters' proposed use as an "Other Large Institution," per Planning Code Section 790.50(a) satisfies the preservation of ground floor commercial use governing the Mission Street NCT Zoning District. Additionally, the project site has been vacant for a number of years, thus there is no displacement of any retail tenant.

**DR Requestor 1 of 2 – Issue #2:** The proposed use is principally permitted in the Mission Street NCT Zoning District per Planning Code Section 790.50 which does not regulate nor require minimum floor area for proposed ground-floor active uses. Additionally, the Planning Department cannot require the relocation of a permitted use to elsewhere in the City nor to other Bay Area jurisdictions, nor can it require the proposed use to operate as a temporary mobile facility.

**DR Requestor 1 of 2 – Issue #3:** The proposed use is located within the Mission Street NCT Zoning District which is governed by Planning Code Section 736. Planning Codes Section 803.4 governs the South of Market and Eastern Neighborhoods Mixed Use Districts, and Section 803.5 governs uses in all Mixed Use Districts; neither of those Planning Code Sections are applicable to the subject property. As outlined in Planning Code Section 201, the Mission Street NCT is not considered a Mixed Use District, and thus falls outside the purview of the aforementioned governing codes for Mixed Use Districts.

DR Requestor 1 of 2 – Issue #4: The Planning Department does not review nor discriminate upon a proposed use based on the perceived clientele of the proposed use. In fact, the General Plan's Mission Area Plan cites the need to provide essential community services and facilities throughout the Mission (Objective 7.1), and to ensure the continued support for human service providers throughout the Eastern Neighborhoods (Objective 7.2). Furthermore, the General Plan's Community Facilities Element states that "expanding community responsiveness to meeting social needs and enriching human life requires the development of adequate and flexible facilities to house needed services".

The San Francisco Board of Supervisors has also acknowledged that Food Security is a paramount public health concern through its establishment of the Food Security Task Force (FSTF) in 2005. The FSTF is mandated with the responsibility to track data regarding food security and hunger, including the demand for federal food programs and community based organizations' meal programs throughout San Francisco. In 2013, the FSTF published a report on this District, District 9, that indicates roughly 31% of residents are at risk for food insecurity. This number includes both homeless and low-income individuals making the soup kitchen a very much needed land use within the neighborhood.<sup>1</sup>

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<sup>(</sup>Assessment of Food Security in San Francisco, 2013)

**DR Requestor 1 of 2 – Issue #5:** The Planning Department does not require project sponsors to undergo a needs assessment study for uses that are principally permitted in the proposed zoning district. Given that the use is permitted per the Planning Code, it is assumed that the proposed use is necessary for the community being served. Furthermore as mentioned above, the San Francisco Food Security Task Force has identified that approximately 31% of District 9 residents are at risk for food insecurity<sup>2</sup>.

**DR Requestor 1 of 2 – Issue #6**: Though the Planning Department does not consider the Sisters' current operation on Turk Street relevant information to the change of use application at hand, the use on Turk Street was reviewed and received a recommendation of approval in January of 2009, from the Planning Department to the Department of Public Health as a principally permitted use in the Residential-Commercial High Density Zoning District.

**DR Requestor 1 of 2 – Issue #7:** The Planning Department does not have jurisdiction over contractual agreements between private parties.

#### DR REQUESTOR (2 OF 2)

The second DR Requestor is Sahu Brothers LLC, dba 1924 Mission Street Properties, owner of the adjacent property at 1924 Mission Street. This property is currently undergoing Planning review for a change of use from an autobody shop to a new mixed- use residential and commercial building

#### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

**Issue #1:** The DR Requestor is concerned that the proposed use is specifically purposed to serve a clientele that has "proven to bring crime, graffiti, substance abuse, and panhandling," and cast a "long, dark shadow" over the Mission District.

**Issue #2:** The DR Requestor is concerned that the proposed use violates the Residential Design Guidelines in that it would change the neighborhood character by discouraging and halting the construction of housing and retail space in the neighborhood.

**Issue #3:** The DR Requestor is concerned that the proposed use should not be located in any area of the Mission in that it does not comply with the Planning Code's and the Mission Area Plan's objectives and priorities.

Reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application* is an attached document.

#### **PROJECT ANALYSIS**

Department staff has reviewed the DR Requestors' concerns with the proposed project and presents the following comments:

SAN FRANCISCO
PLANNING DEPARTMENT

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<sup>&</sup>lt;sup>2</sup> (Assessment of Food Security in San Francisco, 2013)

DR Requestor 2 of 2 - Issue #1: The Planning Department does not review nor discriminate upon a proposed use based on the perceived clientele of the proposed use.

DR Requestor 2 of 2 – Issue #2: Section 311(c)(1) of the Planning Code provides that the Residential Design Guidelines are applicable to the construction of new residential buildings and alteration of existing residential buildings in RH, RM, and RTO Zoning Districts. The Site is located within the Mission Street NCT and is thus not governed by the Residential Design Guidelines. Moreover, there is neither new construction nor proposed exterior alterations to the Site that would trigger any design review as part of this Project.

DR Requestor 2 of 2 – Issue #3: The Planning Department cannot require the relocation of a permitted use to elsewhere in the City. The Project is consistent with the Mission Area Plan and the Community Services Element in that it continues to serve the needs of low-income households (Mission Area Plan Policy 1.8.2) and encourages supportive services and facilities (Mission Area Plan Policy 2.3.4)

Reference the Discretionary Review Application for additional information. The Discretionary Review Application is an attached document.

#### PROJECT SPONSOR'S RESPONSE

Reference the Response to Discretionary Review for additional information. The Response to Discretionary Review is an attached document.

#### **ENVIRONMENTAL REVIEW**

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(1)(4) and 15303(a).

#### RESIDENTIAL DESIGN TEAM REVIEW

The proposed Project is not located within a residential zoning district, and is not subject to the Residential Design Guidelines. Therefore, the proposed project was not reviewed by the Residential Design Team.

#### BASIS FOR RECOMMENDATION

- The Project complies with the Planning Code and advances the policies of the General Plan.
- The Project activates a ground-floor commercial space that has been vacant for over three years.
- The Project would serve a marginalized community in need of the proposed services and will complement similar social services in the vicinity.
- There are no exceptional or extraordinary circumstances that warrant an otherwise Codecompliant project from being modified or disapproved.

**RECOMMENDATION:** Do not take DR and approve the project as proposed.

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#### **Attachments:**

Environmental Determination Block Book Map Sanborn Map Zoning Map Aerial Photographs Context Photos Section 312 Notice

2013 Assessment of Food Security in San Francisco: District 9

DR Application #1 DR Application #2

Response to DR Application dated December 27, 2016

Letter Exhibits

Reduced Plans

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## **Environmental Determination**

Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional



Project Address

## SAN FRANCISCO PLANNING DEPARTMENT

### **CEQA Categorical Exemption Determination**

Block/Lot(s)

#### PROPERTY INFORMATION/PROJECT DESCRIPTION

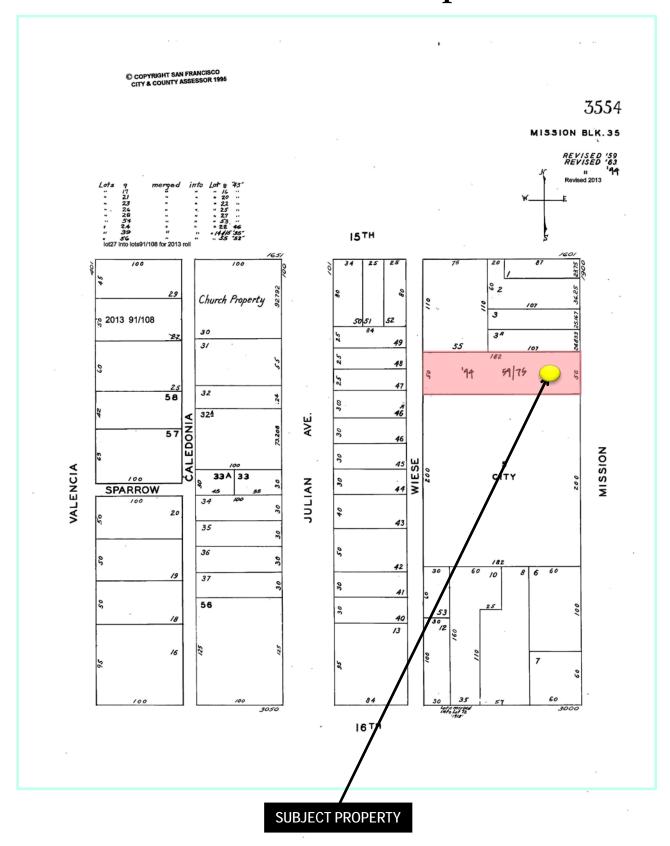
Case No.	Permit No.		Plans Dated		
Addition/ Demolition Alteration (requires HRER if over 45 years old)		New Construction	Project Modification (GO TO STEP 7)		
Project descr	iption for Planning Depart	ment approval.			
	EMPTION CLASS IPLETED BY PROJECT PI	ANNER			
*Note: If ne	ither class applies, an <i>Envi</i>	ironmental Evaluation Appl	lication is required.	*	
	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.				
	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family				
	residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; .;				
	change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000				
	sq. ft. if principally permitted or with a CU.  Class				
	QA IMPACTS				
TO BE COM	IPLETED BY PROJECT PI	ANNER			
If any box is	checked below, an Enviro	onmental Evaluation Applic	ation is required.		
	Air Quality: Would the pa	roject add new sensitive rece	eptors (specifically, s	schools, day care facilities,	
	hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone?				
	Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel				
	generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents</i> documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and				
	documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP _ArcMap >				
	CEQA Catex Determination Layers > Air Pollutant Exposure Zone)				
	Hazardous Materials: If the	he project site is located on t	he Maher map or is	suspected of containing	
	hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy				
	manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards				
	or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be				
	checked and the project applicant must submit an Environmental Application with a Phase I				
	Environmental Site Assessment. Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the				

Revised: 4/11/16

	Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography</i> )
	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required.</b>
	<b>Seismic:</b> Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
	are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Application is required, unless reviewed by an Environmental Planner.</u>
	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments	and Planner Signature (optional):
	OPERTY STATUS – HISTORIC RESOURCE MPLETED BY PROJECT PLANNER
	( IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)
	ategory A: Known Historical Resource. GO TO STEP 5.  ategory B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
-=-	ntegory C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

	9. Other work that would not materially impair a historic district (specify or add comments):				
	(Requires approval by Senior Preservation Planner/Prese	ervation Coordinator)			
	, , , , , , , , , , , , , , , , , , , ,	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation			
	Coordinator)  Reclassify to Category A Reclassify	to Category C			
	a. Per HRER dated: (attach HRE	9			
	b. Other (specify):				
Not	e: If ANY box in STEP 5 above is checked, a Preservation				
	Further environmental review required. Based on the Environmental Evaluation Application to be submitted. G	1 1 1			
	Project can proceed with categorical exemption revier Preservation Planner and can proceed with categorical	• ,			
Com	ments (optional):				
Prese	ervation Planner Signature:				
СТГІ	P 6: CATEGORICAL EXEMPTION DETERMINATION				
	BE COMPLETED BY PROJECT PLANNER				
	Further environmental review required. Proposed project does not meet scopes of work in either (check				
	all that apply):				
	Step 2 – CEQA Impacts				
	Step 5 – Advanced Historical Review				
	STOP! Must file an Environmental Evaluation Applicati	on.			
	No further environmental review is required. The project is categorically exempt under CEQA.				
	Planner Name:	Signature:			
	Project Approval Action:				
	MD: W D : 1 ( at D) : C :				
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the				
	project.				
	Once signed or stamped and dated, this document constitutes a categori of the Administrative Code.	cal exemption pursuant to CEQA Guidelines and Chapter 31			
	In accordance with Chapter 31 of the San Francisco Administrative Cod	e, an appeal of an exemption determination can only be filed			
	within 30 days of the project receiving the first approval action.				

## **Block Book Map**



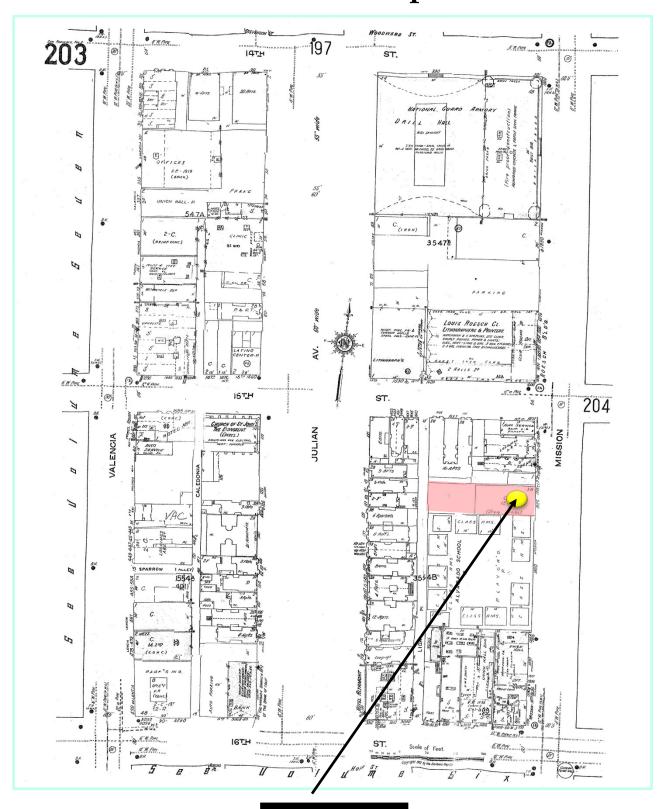


Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

## Sanborn Map\*



SUBJECT PROPERTY

\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

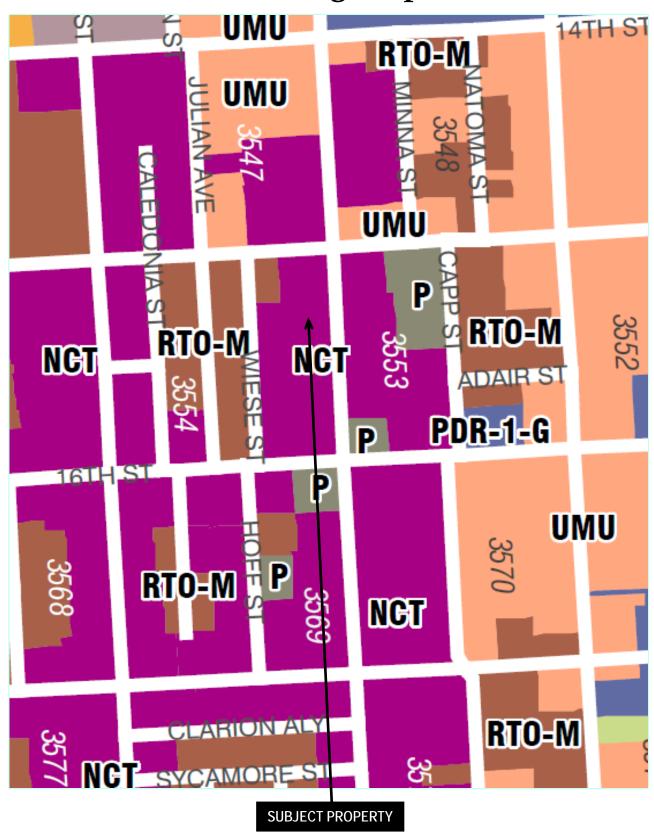


Case Number 2016-011482DRP, DRP-02

Discretionary Review

 $Change\ of\ Use: Retail\ to\ Institutional$ 

## **Zoning Map**



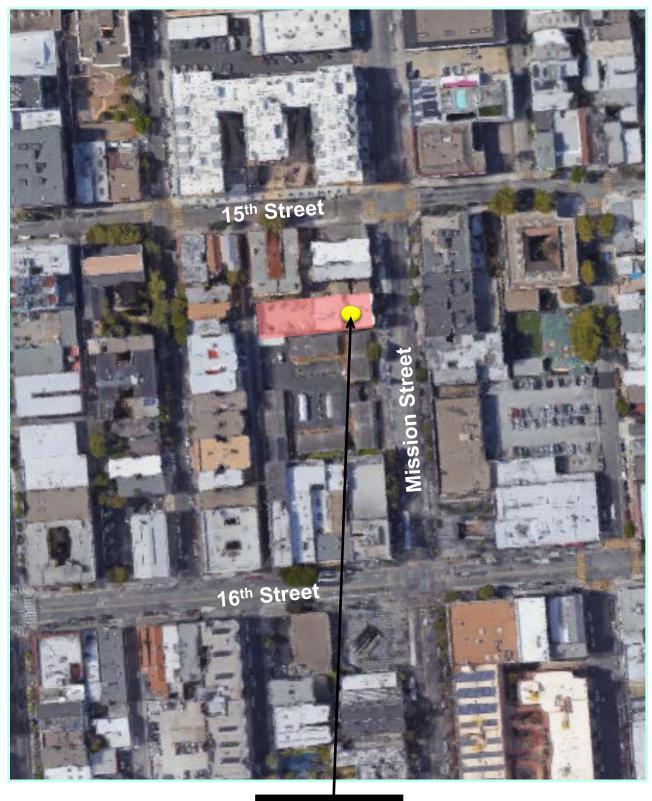


Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

## **Aerial Photograph**



SUBJECT PROPERTY

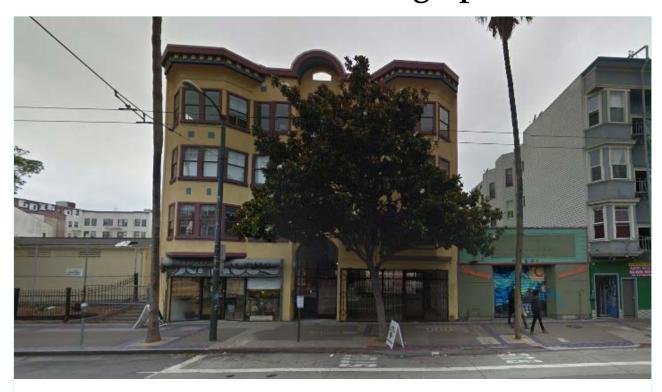


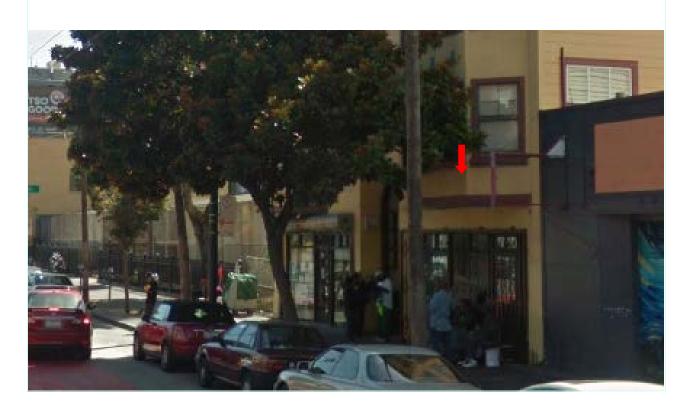
Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

## **Contextual Photographs**





Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

## **Section 312 Notification**

Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On **August 19, 2016**, the Applicant named below filed Building Permit Application No. **2016.08.19.5522** with the City and County of San Francisco.

PROPERTY INFORMATION		APPL	APPLICANT INFORMATION	
Project Address:	1928 Mission Street	Applicant:	Steven Suzuki	
Cross Street(s):	15 <sup>th</sup> and 16 <sup>th</sup> Streets	Address:	1245 Howard Street	
Block/Lot No.:	3554 / 059	City, State:	San Francisco, CA 94103	
Zoning District(s):	NCT / 80-B	Telephone:	(415) 575-0423	

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

	PROJECT SCOPE	
☐ Demolition	□ New Construction	☐ Alteration
■ Change of Use	☐ Façade Alteration(s)	☐ Front Addition
☐ Rear Addition	☐ Side Addition	☐ Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Retail	Institutional, Large (Social Service)
Building Height	40 feet	No Change
Number of Stories	4	No Change
Number of Dwelling Units	15	No Change
Number of Parking Spaces	14	No Change
Commercial Storefronts	2	No Change
Commercial/Retail	3,030 square feet	No Change
	PROJECT DESCRIPT	ION

The proposal is to convert the existing ground floor retail, most recently used as a supply store, to a large institutional use for a non-profit organization, providing on-site soup kitchen services. The project includes remodeling of the interior, including the addition of a commercial electric kitchen, ventless hood, and food service prep area.

The issuance of the building permit by the Department of Building Inspection would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

#### For more information, please contact Planning Department staff:

Planner: Seema Adina Telephone: (415) 575-8722

Telephone: (415) 575-8722 Notice Date: 10/11/16
E-mail: seema.adina@sfgov.org Expiration Date: 11/10/16

# 2013 Assessment of Food Security in San Francisco: District 9

Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

#### **DEMOGRAPHIC INFORMATION**

Population (Estimates)	
Total	76,720
Households	26,880
Average household size	2.8 persons
% family households	52%
% households with children	28%
% households with single person	30%
Seniors	
60+	12,584
65+	8,716
% living alone	30%
Children (0-17)	10,578 (4th highest)

Income and Poverty (Estimates)	
Median Income by Household	\$67,989 (7th highest)
Per Capita Income	\$33,703 (9th highest)
All residents below 200% of poverty level*	31% (4th highest)
Residents below 100% of poverty level**	11%
Homeless	
Total sheltered and unsheltered	571 (3rd highest)
Total unsheltered	247 (6th highest)
Seniors (65+) below 200% of poverty level <sup>9</sup>	38%

Employment	
Employed residents	47,820
Unemployment rate	7%

Housing (Estimates)	
# of Housing Units	28,680
Units lacking complete kitchens***	1,766

#### Continued on next page

<sup>\*</sup>Given the high cost of living in San Francisco, individuals and families whose income is below 200% of the Federal Poverty Guidelines are at risk for food insecurity. For a family of four in 2013, their income would be no more than \$47,100.

<sup>\*\*</sup>In 2013 at 100% of the Federal Poverty Guidelines, income for a family of four would not exceed \$23,550.

<sup>\*\*\*</sup>A "complete kitchen" must contain a sink with a faucet; a stove or range; and a refrigerator.

#### PROGRAMS AND SERVICE COVERAGE (continued from previous page)

Food Resources	
CalFresh	
All individuals receiving	4,649 (8% of all cases Citywide), 4th highest
Seniors (60+)	395
Children (0-17)	2,240 (4th highest)
Women, Infants and Children (WIC) All individuals receiving	2,511 (3rd highest)

<sup>\*</sup>Non-disabled seniors are eligible for CalFresh. However, at 65, low-income seniors – those who do not have earnings-based Social Security to draw from - receive SSI instead. In California (only), SSI recipients are ineligible for CalFresh. This policy explains in part the low numbers for CalFresh participation by seniors.

Food Access	
School Meals (daily)*	(Total enrollment: 5,557 in 12 schools)
# eligible for free or reduced priced meals	4,445 (80% of enrolled)
# eating school lunch	2,867 (52% of enrolled)
# eating school breakfast	702 (13% of enrolled)
Summer Lunch for Children	
# of sites (SFUSD/DCYF)	8/10
# of children/day (average SFUSD/DCYF)	767/463
# days open (average SFUSD/DCYF)	22/36 days
On-site Lunch (City funded)	
# of meals/day; 5 days/week	
For Seniors	156 (9th highest)
For Young Disabled Adults (18-59)	0 (tied for last with 4 other Districts)
Home-delivered Meals (City funded)	
# of meals/day; 6 days/week	
For Seniors	227 (8th in the City)
For Young Disabled Adults (18-59)	8 (6th in the City)
Food Pantries	
Weekly food pantries	28
Residents served	18,063 (23.54% of residents), 2nd highest
Free Dining Rooms	Data not available

<sup>\*</sup>Note that children may not reside in the same District where they attend school.

#### Continued on next page

#### PROGRAMS AND SERVICE COVERAGE (continued from previous page)

Shelter Meals funded by HSA	
(approximately 2 meals per day; 7 days/week)	101
Retail	
Supermarkets (total number)	8
- Number that accept CalFresh EBT	8 (100%)
- Number that accept WIC	3 (37%)
Grocery Stores (total number)	15
- Number that accept CalFresh EBT	14 (93%)
- Number that accept WIC	1 (7%)

#### **Key Challenges and Recommendations**



#### **Challenges key to this District**

District 9 residents have the seventh highest median income by household in the City - about \$68,000 compared to the City's median household income of \$71,416.

About 31% of District 9 residents (approximately 23,500) have incomes of less than 200% of poverty and are at risk for food insecurity. The income of 11% of residents in District 9 falls below 100% of the poverty level – around 8,400 residents. While it is not possible to ascertain precisely how many District 9 residents are eligible for CalFresh, at least 7,711 appear qualified based on income and age, not accounting for other disqualifiers.<sup>xi</sup> However, there are only 4,650 people receiving CalFresh benefits in the District. District 9 has the third largest number of WIC recipients in the City.

Impressively, all of the District's eight supermarkets, and 93% of its 15 grocery stores accept CalFresh EBT benefits. However, only three of the supermarkets and one of the grocery stores accept WIC benefits.

xi Not accounting for other disqualifiers such as receipt of SSI benefits by people under 65 years of age, minimally 8,439 residents are qualified based on incomes below 100% of the poverty level (this sum does not include those residents whose income is between 100% and 130% of the poverty level, also qualified by income for CalFresh). From this number are subtracted the 728 seniors, aged 65 or over (low-income seniors without Social Security to draw from, receive SSI, rendering them ineligible for CalFresh benefits).

#### **FOOD RESOURCES**

#### **Recommendations key to this District**

- Increase enrollment in CalFresh especially for families with children, families receiving WIC benefits, working adults and households with mixed immigration status.
- Develop a local food assistance supplement for food insecure San Franciscans beginning with SSI-recipients (like "Healthy SF" for health access).



#### **FOOD ACCESS**

#### **Challenges key to this District**

Food pantry access is the second highest in the City - while 31% of District 9 residents are at risk for food insecurity, food pantries serve 23.54% of the population.

Nearly 80% of the 5,557 K-12 students attending schools in District 9 qualify for free or reduced meals. On average, 2,867 students in District 9 schools eat lunch and 702 eat breakfast each day, leaving an opportunity to serve more students healthy school meals. Children's food security suffers when school is out for the summer. In District 9, 1,230 eat at summer lunch programs. There are approximately 55 weekdays during summer break; summer lunches are available in this District on average between 22 days (SFUSD) and 36 days (DCYF) of the summer break.

The seniors at risk of food insecurity in District 9 require 9,971 meals a day, but only 3,122 are provided by City and nonprofit agencies, including CalFresh, leaving up to 6,849 daily to be funded for this most vulnerable population.<sup>9</sup>

Shelters provide 101 meals per day for the 324 homeless individuals residing in shelters in District 9.

Adults (18-59) with disabilities are served through an average of six home-delivered meals (3rd lowest in the City). There are no on-site, congregate meal programs for this population in District 9.

There is one national chain restaurant in District 9 that accepts CalFresh benefits, adding to the inaccessibility of prepared meals to people who are homeless or otherwise unable to cook. <sup>31</sup>

There are 15 community gardens in District 9.42

#### **Recommendations key to this District:**

- Increase outreach to ensure 90% of supermarkets, grocery stores and other affordable food outlets accept EBT cards, and 90% of supermarkets accept WIC benefits.
- Increase number and variety of CalFresh Restaurant Meal Program vendors, including local restaurants that bring cultural, nutritional and geographical choices to beneficiaries.
- Develop ways to meet high demand for neighborhood-based food programs that are the most respectful and least disruptive for the clients and neighborhoods in which they live.

#### **FOOD ACCESS**

- Increase funding for successful programs (home delivered meals, home delivered groceries, shelter meals, free dining rooms).
- Fund a mandate that all seniors and adults with disabilities on the citywide waitlist for homedelivered meals are served within 30 days.
- Incorporate affordability into the analysis of the "accessibility" of food at retail establishments.
- Explore options to continue to increase participation in school meals breakfast and lunch programs.
- Develop a plan to expand summer lunch and afterschool meal programs.



#### FOOD CONSUMPTION

#### **Challenges key to this District**

• Over 6% of the housing units in District 9 do not have complete kitchens, compromising 1,766 household's abilities to prepare nutritious food.

#### **Recommendations key to this District**

- Significantly increase the number of complete kitchens in housing units.
- Increase culturally appropriate nutrition and cooking education.
- Create and maintain a centralized city resource website for healthy food access and preparation in San Francisco. Include special recommendations for those without complete kitchens and locations of grocery stores, healthy corner stores, and information on EBT and WIC acceptance.
- Support educational efforts around healthy food choices, healthy food preparation, nutrition, and how to find/access affordable healthy food outlets.
- Improve food recovery for use in food programs, and reduce food waste.

#### **Needs of Vulnerable Subpopulations in this District**

- **Seniors and Adults with Disabilities:** 38.1% of seniors living in the District have incomes below 200% of the poverty level, the 4th highest percentage in the City. Seniors in District 9 may benefit from additional meal programs.
- **Children and Families:** 36% of the households in this District have children, double the citywide average of 18%. 2,240 children receive CalFresh benefits, the fourth highest number in San Francisco. District 9 has over 7,000 children between 5-17 years that may benefit from additional meal programs during the summer and after school.
- **People Who are Homeless:** District 9 has the third largest number of homeless people, and sixth largest number of unsheltered homeless residents. A full 43% of the District's homeless population is unsheltered, meaning that they have no access to shelter meals, or to cooking facilities.

# Discretionary Review Application (1 of 2)

Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

# Discretionary Review Application

## **Applicant**

1930 Mission Street Owner's Association

**Building Permit Application** 

No. 2016.08.19.5522

CASE NUMBER: For Staff Use only 2016 - 0114820RP

## **APPLICATION FOR** Discretionary Review NOV ~8 2016

RECEIVED

<ol> <li>Owner/Applicant In</li> </ol>	formation		UITY & W. PLANNING	UNIY UN Department	
DR APPLICANT'S NAME: 1930 Mission Street Ho	omeowner's As	sociation		PIC	
DR APPLICANT'S ADDRESS:			ZIP CODE:	TELEPHON	IF,
1930 Mission Street, S	San Francisco,	CA	94103	i	984-8508
PROPERTY OWNER WHO IS DOING Associates 1 Apian W		ICH YOU ARE REQUEST	TING DISCRETIONARY REVIEW NAME:		
ADDRESS:			ZIP CODE:	TELEPHON	IE:
1928 Mission Street, S	San Francisco,	CA	94103	(415)	567-9000x432
CONTACT FOR DR APPLICATION:					
Same as Above D Jeffrey	H. Belote, Esq	., Morris, Polic	h & Purdy LLP		
ADDRESS:			ZIP CODE:	TELEPHON	IE:
One Embarcadero Ce	enter, Fourth Flo	oor	94111	(415)	984-8508
E-MAIL ADDRESS: jbelote@mpplaw.com	3				
2. Location and Class street address of project: 1928 Mission Street, S cross streets:	an Francisco, (	CA			ZIP CODE:   94103
Between 15th and 16t		· · · · · · · · · · · · · · · · · · ·			
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK	DISTRICT
3554 / 059	182' x 50'	9100 SF	NCT-Mission Street		Mission Street
Additions to Building: Present or Previous Use: _ homeles	nge of Hours 🗌 Rear 🔲 Fro retail	New Constru ont □ Heigh		Demolition	☐ Other ☐
Proposed Use:	2016.08	3.19.5522		9/10	)/16
Building Parmit Applicati	on No		Data	Ettad. 8/19	7/ TO

4.	Actions	Prior to	a Discre	etionary	Review	Request
----	---------	----------	----------	----------	--------	---------

Prior Action	YES	NO
Have you discussed this project with the permit applicant?		
Did you discuss the project with the Planning Department permit review planner?	B	
Did you participate in outside mediation on this case?		<b>₽</b>

5.	Changes	Made to	the Pro	ject as	a Result	of Mediation
----	---------	---------	---------	---------	----------	--------------

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.				
N/A				

CASE NUMBER: 2016 - 011482DRP

### Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1.	What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.
	See attached letter of Jeffrey H. Belote.
2.	The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:
_5	See attached letter of Jeffrey H. Belote
_	
3.	What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?
_	See attached letter of Jeffrey H. Belote.
_	
_	

### Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.

c: The other information or applications may be required.

Signature:

Date:

Print name, and indicate whether owner, or authorized agent:

Jeffrey H. Belote, Esq. attorney for applicant

Owner / Authorized Agent (circle one)

CASE NUMBER: For Staff Use only

## Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent.** 

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	□ <b>Z</b>
Address labels (original), if applicable	Ø
Address labels (copy of the above), if applicable	8
Photocopy of this completed application	U
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	Ø
Letter of authorization for agent	
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	

NO.	TEC.
INC	IEO.

□ Required Material		Required	Material
---------------------	--	----------	----------

NOV - 8 2016
CITY & COUNTY OF SA

For Department Use Only
Application received by Planning Department:

BY: KINT ROLL

Date: 11/8/16

Optional Material.

O Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.



www.mpplaw.com

November 7, 2016

Jeffrey H. Belote jbelote@mpplaw.com (415) 984-8508

San Francisco Planning Department Planning Information Center 1660 Mission Street, First Floor San Francisco, CA 94103

> Re: Discretionary Review Application of 1930 Mission Street Owner's Assn.

Concerning 1928 Mission Street, San Francisco, CA Building Permit Application No. 2016.08.19.5522

Dear Sir or Madam:

We write on behalf of 1930 Mission Street Homeowner's Association ("Association") located at 1930 Mission Street, San Francisco, CA, 94103. This letter comprises the bases for the Application for Discretionary Review, the form of which is submitted herewith and incorporated herein by reference.

The Association property consists of a mixed-use 15 unit residential condominium building with two commercial/retail condominiums located on the first floor. (See, photographs provided herewith marked as Exhibit "A".) The planned project is located at 1928 Mission Street, San Francisco, CA, 94103, the commercial unit on the right facing the property ("Project Site"). The commercial unit on the left at 1932 Mission Street, San Francisco, CA contains The City 420 Doctors, a medical marijuana dispensary.

It is the Association's understanding that Fraternite Notre Dame Mary of Nazareth ("Fraternite") currently operate a homeless soup kitchen located at 54 Turk Street, San Francisco and that Tony Robbins has graciously sought to underwrite the costs of moving the soup kitchen to a new location. We understand that the Fraternite is seeking to purchase the commercial condominium which comprises the Project Site and is undertaking this permit for a change of use from "Other Retail and Services (Sec. 790.102) to "Other Institutional – Large" (Section 750.5). We understand the Fraternite has not yet purchased the Project Site.

While the purpose of the soup kitchen is commendable and Mr. Robbin's assistance admirable, locating such a facility within the Association property is not advisable for a number of reasons set forth herein and is opposed by the Association as well as a number of neighbors, home owner associations and other groups.

San Francisco Planning Department Planning Information Center

Morris Polich & Purdy LLP

Re: Discretionary Review Application of 1930 Mission Street Owner's Assn.
1928 Mission Street, San Francisco, CA
Puilding Remait Application No. 2016 08 10 5522

Building Permit Application No. 2016.08.19.5522
November 7, 2016

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## 1. The Project Does Not Comport With the City's General Plan and the Planning Code's Priority Policies

Pursuant to Section 101.1 of the General Plan, certain Priority Policies have been established.

## a. The Project Has A Significant Negative Impact Upon Preserving and Enhancing Retail and Commercial Businesses

Section 101.1 (b)(1) of the General Plan states the existing neighborhood-serving retail uses shall be preserved and enhanced and future opportunities for residential employment in and ownership of such businesses enhanced.

Converting the subject condominium Property Site from retail/commercial use to an institutional use for a homeless soup kitchen does not preserve or enhance the property's use as retail or enhance or preserve the future opportunities for residential employment.

The general area surrounding the Project Site is mixed-use in character. It contains stores, shops, services, housing, small offices and PDR businesses. Obviously, encouraging small and moderate size retail establishments in the neighborhood provides a positive influence on the neighborhood and is in conformity with the General Plan. For instance the 1906 Mission Hotel is located at 1906 Mission Street, San Francisco, CA. In conjunction with the hotel, an Italian restaurant is planned for 1910 Mission Street. (See, building permit application 2016.06.01.8809). Neither of these enterprises will be enhanced by proposed project.

## (1) The Project Site Is The Same Size As The Current Turk Street Location And Will Cause Outside Queues and Lines

The current location of the Fraternite's soup kitchen at 54 Turk exemplifies why the proposed conversion will negatively impact commercial and retail use at the street level in the proposed neighborhood. The undersigned has visited the Turk Street site and observed its use as a soup kitchen. According to discussions with the attorney for the Fraternite, the kitchen in its current location generates over 150 lunches a day. The current location creates queues and lines outside and such line was observable on the day the undersigned visited.

The current Turk Street site accommodates about 40 persons inside the location. Four to six persons cook the meals and serve the prepared food. That allows seating for 35 additional persons inside. The current Turk Street site requires queuing and lines on the sidewalk outside. Homeless mill around outside the Turk Street site both before and after utilizing the services. (Attached hereto as **Exhibit "B"** is a picture taken from Google Maps from 2014 that

Morris Polich & Purdy LLP

Re: Discretionary Review Application of 1930 Mission Street Owner's Assn.

1928 Mission Street, San Francisco, CA

Building Permit Application No. 2016.08.19.5522

November 7, 2016

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demonstrates that lines routinely form outside for entry. Indeed, according to neighbors, the lines sometimes contain as many as 50 people or more.

According to the plans for the soup kitchen at the Project Site, it will serve both lunch and dinner meals and accommodate 40 persons. (See, Mary of Nazareth House Kitchen Project Plans for the proposed Project Site dated as of August 11, 2016 attached hereto as **Exhibit "C"**.)

As with the current location on Turk Street, at least 4-5 persons are necessary to operate and run the soup kitchen, therefore leaving only seating for 35-36 inside the Project Site at one time, a number similar to the current Turk Street site. Others seeking entry to the Project Site, like the current location, will need to line up or wait outside.

#### (2) The Proposed Site Is In Violation Of The Good Neighbor Policies

Section 803.4 of the Municipal Code covers Uses Prohibited in South of Market and Eastern Neighborhoods Mixed Use Districts. Section 803.5 of the Municipal Code deals with eating and drinking uses in mixed use districts and subsection 803.5(c) is entitled "Good Neighbor Policies for Programs Serving Indigent Transient and Homeless Populations Within South of Market Mixed Use District. Section 803.5(c)(3) dictates that service providers shall provide adequate waiting areas within the premises for clients and prospective clients such that sidewalks are not used for queuing and waiting areas. Section 803.5(c)(7) states sidewalks are to be maintained in the vicinity in a clean and sanitary condition.

It is apparent that the project as currently proposed with 40 occupants including servers and which is proportionate with the current Turk location will not reasonably accommodate the number of homeless that are currently visiting the Turk Street site on a daily basis. Neither can the condominium Project Site accommodate a greater number of homeless. At only 1,434 square feet in size, the Project Site is commensurate in size with the current Turk Street location and inappropriate for the planned use.

#### b. The Proposed Project Will Significantly Conflict With The Existing Housing and Neighborhood Character and the Economic Diversity of the Neighborhood

Section 101.1(b)(2) of the Priority Policies states that existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of the neighborhood.

It is apparent from previous and current housing projects in the neighborhood that production of affordable housing is one of the main goals of the Mission Area Plan, which is part

San Francisco Planning Department Planning Information Center

Morris Polich & Purdy LLP

Re: Discretionary Review Application of 1930 Mission Street Owner's Assn. 1928 Mission Street, San Francisco, CA
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of the General Plan. (See, General Plan, Mission Area Plan, Section 2, "Housing".) To that end, the Planning Department has approved the construction of a number of apartments and condominiums in the neighborhood. For instance, the Association is comprised of 15 residential units. 1587 15<sup>th</sup> Street/905 Mission Street Homeowner's Association has 24 residential condominiums.

The City's year-old Navigation Center located at 1924 Mission Street provides housing for homeless but is the future site of a 165-unit affordable housing development for families which will begin construction in 2017. The automobile repair shop at 1900 Mission is slated to be torn down and replaced with condominiums.

The introduction of hundreds of homeless people on a daily basis to the Project Site and its sidewalk is contrary to conserving and protecting the diversity of the housing and neighborhood character. It will hamper and deter future development. The location of the Navigation Center has already increased the number of homeless in front of 1930 Mission. Many residents of 1930 Mission Street routinely have to step over homeless sleeping in their entry doorway to gain or exit the entry to their property. A number of residents of the Association are concerned for their personal safety in coming home and having to confront persons blocking entry to their homes. It is reasonable to assume these homeless individuals will not remain once the Navigation Center is no longer present. Allowing a permanent but too small location for the homeless to congregate outside of the Project Site does not preserve or enhance the housing in the area and certainly does nothing to promote economic diversity. Putting the homeless soup kitchen at the Project Site conflicts with the affordable housing planned at 1924 Mission Street as well as the existing and planned condominium developments. (See, Section 101.1(b)(3).)

## 2. The Project Would Cause Unreasonable Impact To The Neighborhood And The Association

The planned use is contrary to creating a safe and prosperous residential and retail/commercial environment and will adversely affect existing homeowners as well as any planned development. Allowing a permanent site for the homeless to line up outside on a daily basis for lunch and dinner will deter further condominium development in the neighborhood. It will also deter retail and commercial enterprises coming in like the Italian restaurant that is slated for 1910 Mission Street.

#### 3. There Are Reasonable Alternatives For Both The Homeless and the Fraternite

The Fraternite has not purchased the Project Site. The undersigned has met with the attorney for the Fraternite and has communicated with that attorney on numerous occasions over

San Francisco Planning Department Planning Information Center

Morris Polich & Purdy LLP

Re: Discretionary Review Application of 1930 Mission Street Owner's Assn. 1928 Mission Street, San Francisco, CA
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the last four to five months, both in writing and in person. The Association has accommodated the Fraternite by allowing it and its consultants and attorneys access to the Association common areas. Any soup kitchen that is approved for the Fraternite should be located in a building that is sufficiently large enough to accommodate the size of the persons who seek services. The Project Site does not. Alternately, were the Fraternite to situate their kitchen in Alameda County at a far less costly per square foot location such as in the East Bay and utilize a 'homeless food truck', they could operate in numerous locations throughout the City at no impact to homeowners, residents, and business owners. In fact, such an idea is not being utilized anywhere in the nation to the undersigned's knowledge and could be a model for homeless kitchens all over the country.

## 4. Numerous Other Indigent Services Are Located Nearby And Denial Will Not Impact Those Services Being Received By the Persons Who Need Them

The homeless will not be impacted if the project is not approved. There are multiple services located nearby. The San Francisco and Marin Food Bank is at 900 Pennsylvania and is only 2.3 miles away from the Project Site. The Martin de Porres House of Hospitality at 225 Potrero Avenue is only ¾ of a mile from the Project Site. Project Open Hand is at 730 Polk and is only 1.3 miles from the Project Site. Glide Memorial is at 330 Ellis Street and is only 1.6 miles from the Project Site. St. Anthony's is at 150 Golden Gate and is only 1.5 miles from the Project Site.

## 5. The Fraternite Has Demonstrated A Disregard For City Rules And Procedures And Has Failed To Undertake Any Studies To Support The Project

The Fraternite has demonstrated a disregard for City rules and procedures and this application continues that legacy. Attached hereto as Exhibit "D" is a true copy of the listing from the Secretary of State website for the Fraternite. It lists the address for the Fraternite as 54 Turk Street, San Francisco, CA. However, an inspection of the Department of Building Department website shows that no such address exists with the City. The Fraternite did not obtain permits for its current site and did not undertake any studies demonstrating a specific need in the community. The Fraternite did not meet with its proposed neighbors prior to simply opening its doors. Likewise, the Fraternite has undertaken no studies for the proposed site to demonstrate its need or its impact on the neighborhood. The Fraternite has not undertaken any community outreach to meet or accommodate its proposed new neighbors. The fact that it plans to open a soup kitchen of the same size as currently it operates demonstrates that it is not concerned with preventing the queuing and lines that form outside of its current location. While the goal of the Fraternite is a positive one, it should not ignore its obligation to the community it serves.

San Francisco Planning Department Planning Information Center

Morris Polich & Purdy LLP

Re: Discretionary Review Application of 1930 Mission Street Owner's Assn.
1928 Mission Street, San Francisco, CA
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#### 6. The Project Fails To Comply With the CC&Rs of the Association

Attached hereto as **Exhibit "E"** is a true copy of the CC&Rs of the Association. Historically, the Project Site has only been used for retail/office use. It has never been used as a restaurant. The current owner did submit a set of plans to the City seeking a permit in the past but at no time did the owner submit the plans to the architectural committee or Board of the Association for approval. The plans as submitted would have not, in all likelihood, passed Association and member approval because much of the construction depended upon building in common areas of the property at 1930 Mission Street. The Fraternite was made aware of this problem. However, no complete set of plans has been submitted to the Association which demonstrates that the Fraternite would not seek to convert common area owned by all the members of the Association into exclusive use easement areas.

One of the primary purposes in enacting CC&Rs is to ensure that no one owner causes arbitrary or unpermitted actions contrary to the good of the other unit owners and the Association. In that regard, the CC&Rs are designed to positively maintain and regulate the unit owners. The CC&Rs specifically dictate against the use sought by the Fraternite. Specifically, in the CC&Rs, Article VII, Section 1, on page 23, it specifically provides:

"The use of the units designated on the Map as "retail" shall specifically be restricted to general commercial purposes including but not limited to, retail shops, restaurants, bars and offices."

Converting the Project Site into an "institutional – large" use is not a commercial or retail undertaking specifically provided for in the CC&Rs.

#### Conclusion

The proposed project conflicts with the General Plan and the Priority Policies. The neighborhood is in flux with hundreds of new apartments and condominiums planned. These endeavors to provide more affordable housing, and more housing generally, are strongly supported by the General Plan and the Priority Policies. The ground floor retail services in the neighborhood appears to be on the upswing as evidenced by the Italian restaurant planned for the hotel nearby.

The Association does not dispute that feeding the homeless is a wonderful thing to do. However, the Project Site is not the appropriate location. There is simply no way to accommodate the hundreds of homeless persons who will congregate outside at the location to

San Francisco Planning Department Planning Information Center

Morris Polich & Purdy LLP

Re: Discretionary Review Application of 1930 Mission Street Owner's Assn.

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November 7, 2016

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gain entry to the 35 seats inside. Like the current Turk Street location, those seeking service will be waiting outside. With 1,434 square feet of space in the Project Site, much of which will be required for storage and cooking, there is no way to design around that problem.

The Fraternite has prepared no studies to demonstrate that the Project Site is appropriate. The Fraternite has prepared no studies demonstrating that other nearby facilities offering similar services could not handle the homeless that would be serviced at this location. The proposed project is contrary to conserving and enhancing the housing and culture of the neighborhood. The use should be denied.

Very truly yours,

MORRIS POLICH & PURDY LLP

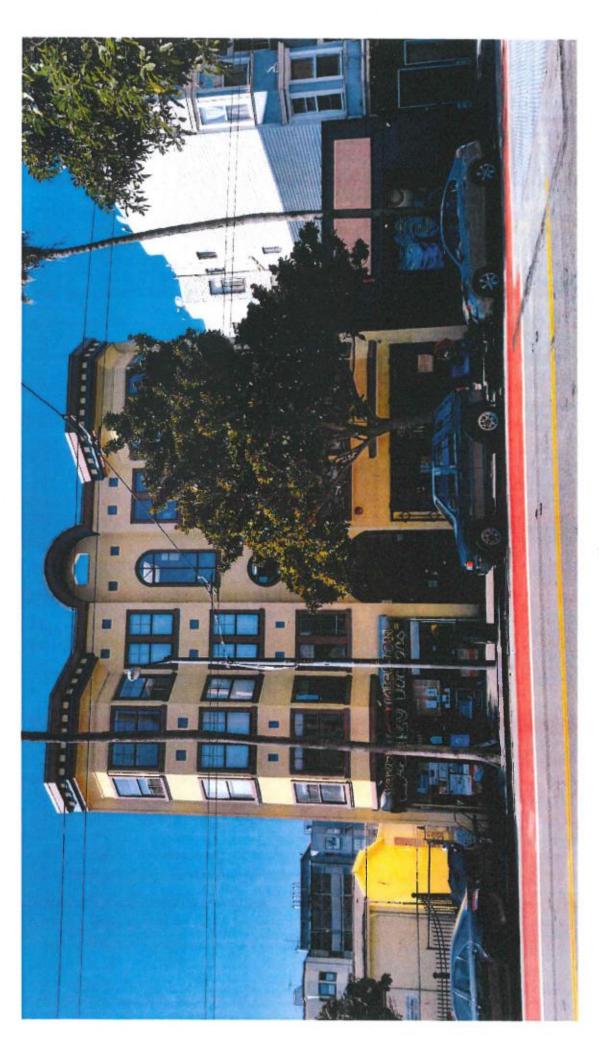
effrav H. Belote

cc: client

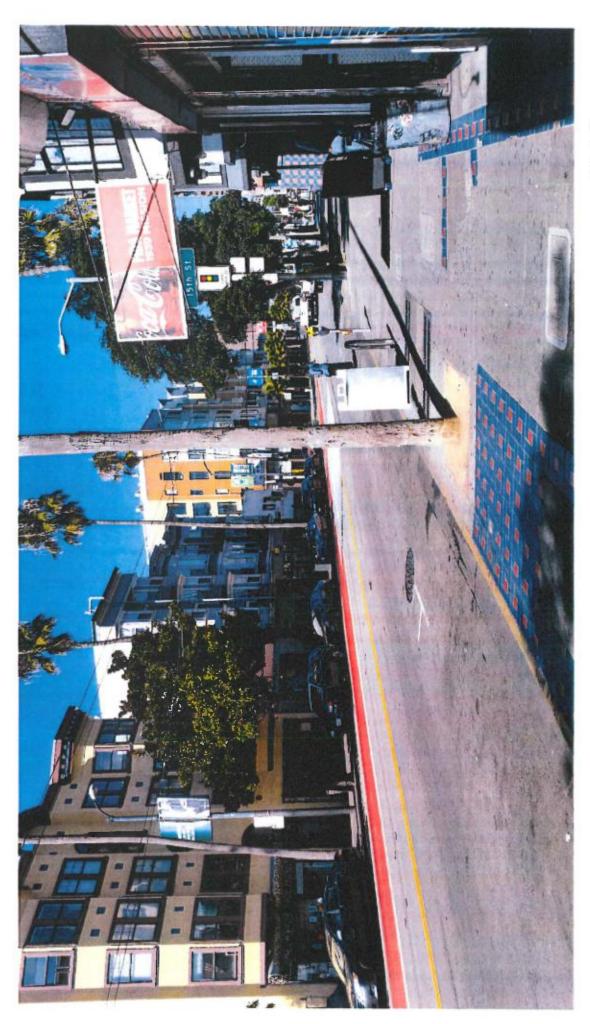
JHB/amc

## Exhibit A

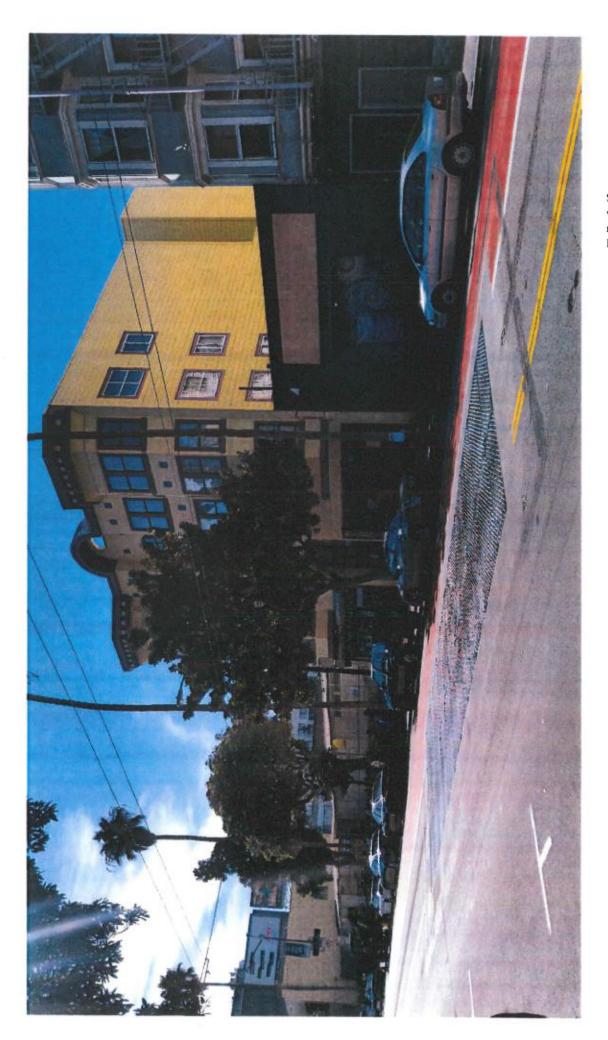
## Photographs of the Subject Property



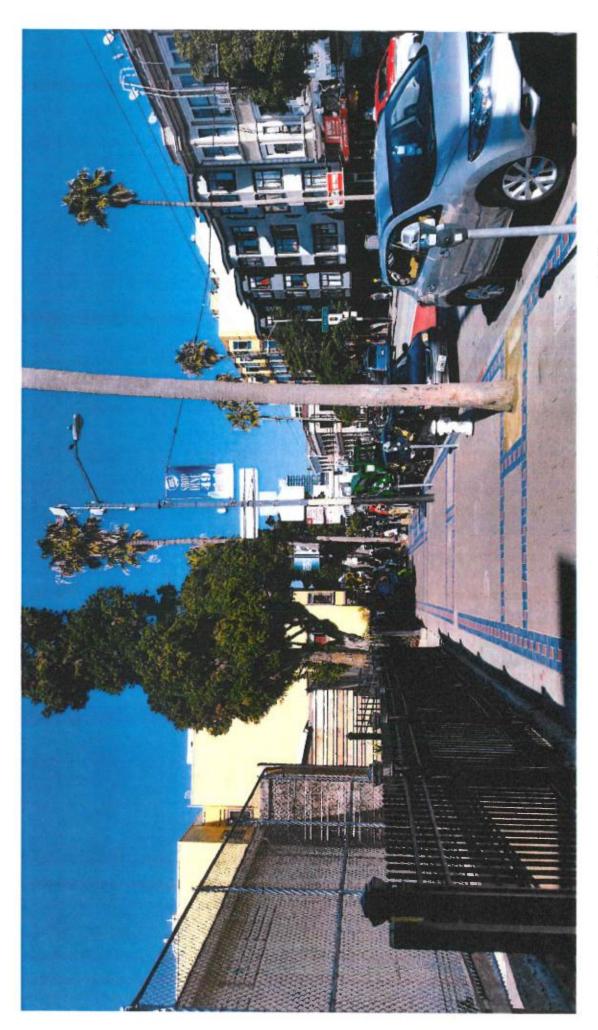
Subject Property



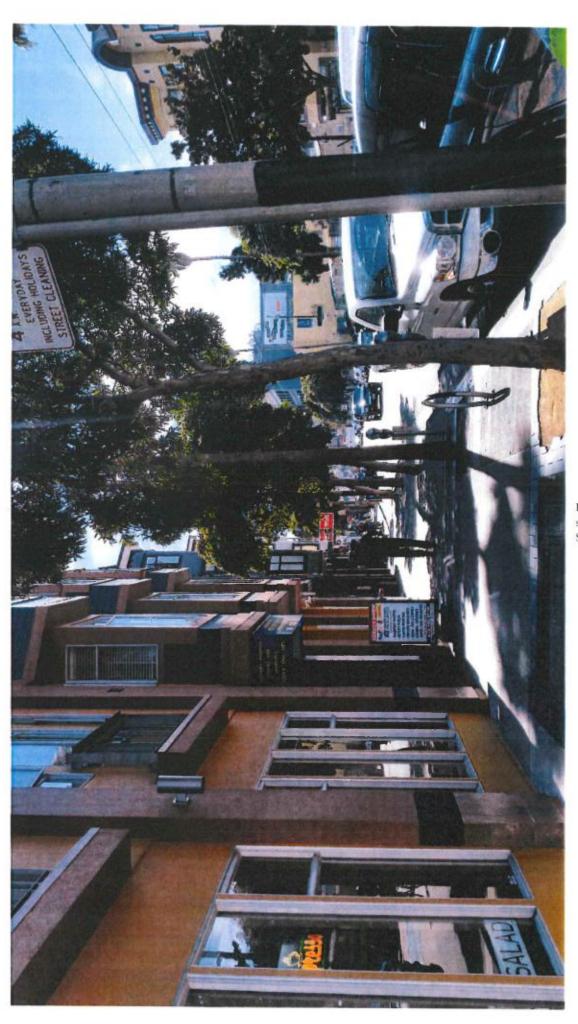
Subject Property with view of neighbors to right,



Subject Property with view of neighbors to left.



View of properties across street from Subject Property.



Properties across street from Subject Property.

## Exhibit B

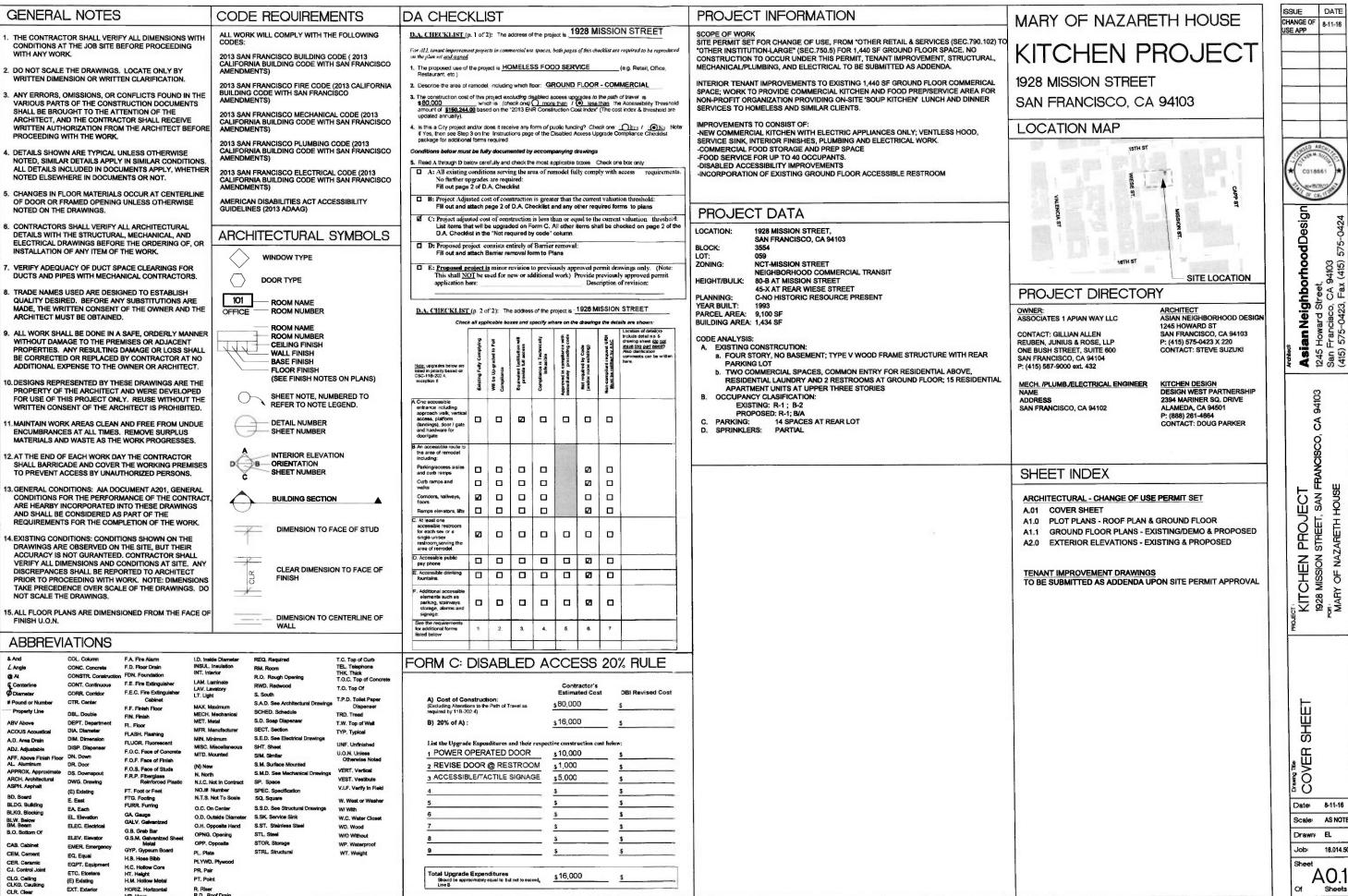
## Photographs of current site located at 54 Turk Street



54 Turk Street Google Maps 2014

### Exhibit C

## Mary of Nazareth House Kitchen Project Plans



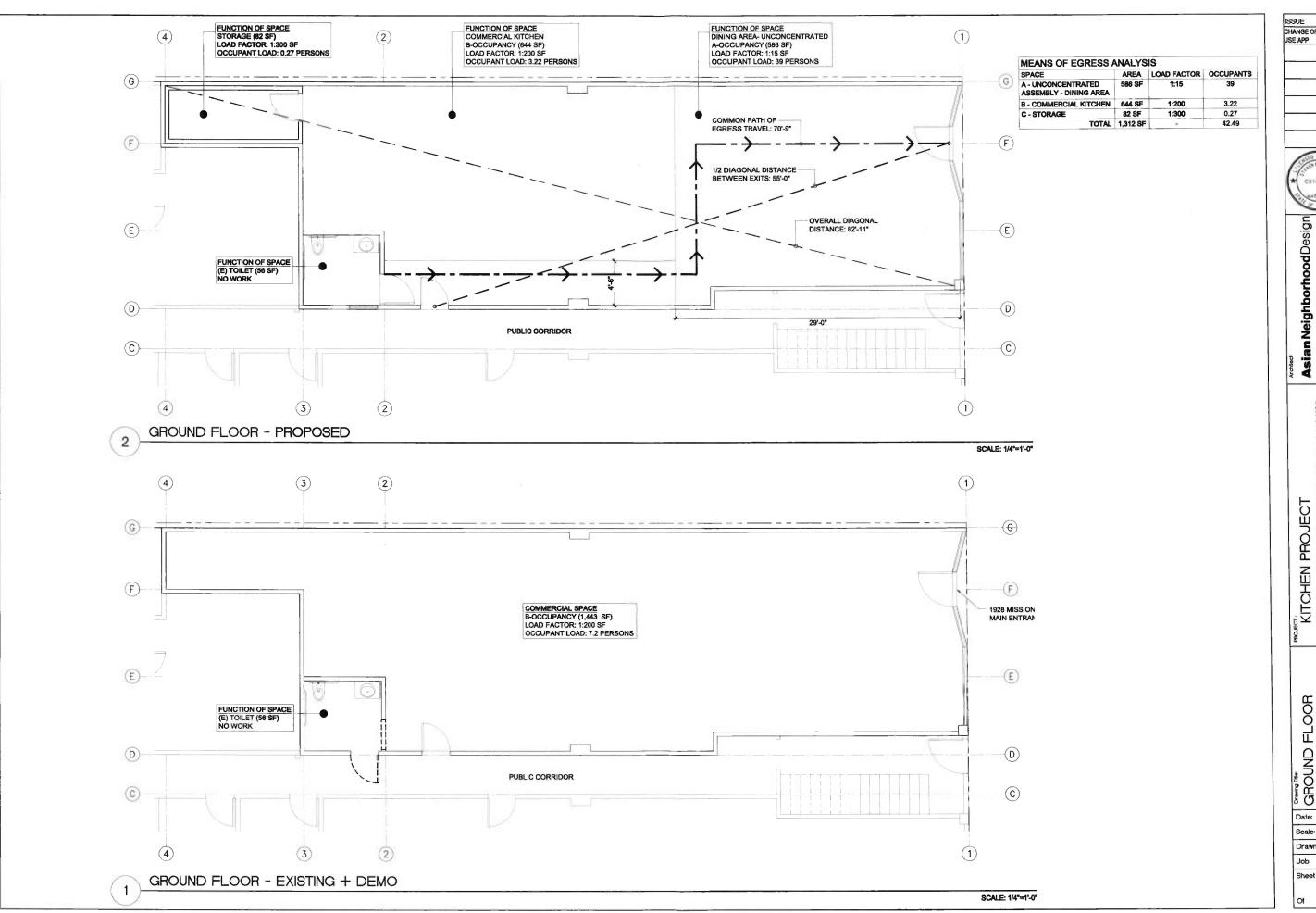
CHANGE OF 8-11-16

NAZARETH 9

AS NOTE

18.014.50





ISSUE DATE CHANGE OF 8-11-16 USE APP





**Asian Neighborhood**Design 1245 Howard Street, San Francisco, CA 94103 (415) 575-0423, Fax (415) 575-0424

94103 CA KITCHEN PROJECT 1928 MISSION STREET, SAN FRANCISCO, FOR INTERPRECED HOUSE

GROUND FLOOR EXISTING + DEMO PROPOSED Date: 8-11-16

Scale: AS NOTED Drawn: EL

16.014.50

Sheet A1.1 Sheets



ISSUE DATE
CHANGE OF 8-11-16
USE APP Asian Neighborhood Design 1245 Howard Street, San Francisco, CA 94103 (415) 575-0423, Fax (415) 575-0424 94103 S KITCHEN PROJECT
1928 MISSION STREET, SAN FRANCISCO, CA

EXTERIOR ELEVATION EXISTING + PROPOSED

Date: 8-11-16 Scale: AS NOTED

Drawn: EL Job: 16.014.50

### Exhibit D

# Fraternite Notre Dame, Inc. CA Secretary of State Corporate Status

#### **Results Detail**

Last statement filed on: 3/22/2016

Corporation				
FRATERNITE NOTRE DAME, INC.				
<b>Number:</b> C2608000	Incorporation Date: 3/12/2004	Status: Active		
<b>Jurisdiction:</b> NY	Type: Foreign Nonprofit			
Address				
54 TURK STREET,				
SAN FRANCISCO, CA 94102				
Agent For Service Of Process				
SISTER MARIE BINIDICTE FRANGOISE				
OUVRARD				
54 TURK STREET,				
SAN FRANCISCO, CA 94102				

Please review this information to determine if you have located the correct corporation.

Search Results

Continue Filing

New Search

## Exhibit E

Declaration of Covenants, Conditions
And Restrictions of
1930 Mission Street
A Condominium Project

#### INDEX

#### DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF

#### 1930 MISSION STREET -

#### A CONDOMINIUM PROJECT

			PAGE
ARTICLE	I:	DEFINITIONS	2
ARTICLE	II:	DESCRIPTION OF PROJECT, DIVISION OF PROPERTY, AND CREATION OF PROPERTY RIGHTS	5
ARTICLE	III.	HOMEOWNERS ASSOCIATION, MEMBERSHIP AND VOTING RIGHTS	6
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#### DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF

#### 1930 MISSION STRET - A CONDOMINIUM

THIS DECLARATION is made on the date hereinafter set forth by ROBERT L. MCLENNAN AND KIM S. MCLENNAN, HUSBAND AND WIFE, AS TO AN UNDIVIDED 2/3 INTEREST AND RICHARD G. STATLER, AN UNMARRIED MAN, AS TO AN UNDIVIDED 1/3 INTEREST (hereinafter called "Declarant" or "Grantor").

WHEREAS, Grantor is the owner of all that certain real property located in the City and County of San Francisco, in the State of California, more particularly described as follows:

All of that certain real property as shown in that certain Subdivision Map entitled "Map of 1930 MISSION STREET - A Condominium Project" in the Office of the Recorder of the City and County of San Francisco, State of California, recorded on the 18th day of December 1992, in Book 38 of Condominium Maps at Pages + , (hereinafter referred to as "the Map).

\*148 to 151, inclusive, WHEREAS, the Plan is a "Project" within the meaning of California Civil Code Section 1351 (f) and is subject to the provisions of the Davis-Stirling Common Interest Development Act (Title 6, Civil Code Sections 1350-1372, inclusive); and

WHEREAS, it is Grantor's intention to impose upon the property mutually beneficial restrictions under a general plan of improvement for the benefit of all of said commercial and residential condominiums and the owners thereof; and

WHEREAS, Grantor hereby establishes by this Declaration a plan for the individual ownership of both residential and commercial real property estates, consisting of the area of space contained in each unit as well as the co-ownership by the individual owners as hereafter set forth of all the remaining portions of the Project (hereinafter called the "Common Area").

NOW THEREFORE, Grantor hereby declares that the property is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved, subject to the following limitations, restrictions, covenants and conditions, all of which are declared and agreed to be in furtherance of a plan for the improvement of the property and the division thereof into both

residential and commercial condominiums and are established and agreed upon for the purpose of enhancing and perfecting the value, desirability and attractiveness of the Project and every part thereof. All of the limitations, covenants, restrictions, and conditions shall run with the real property and shall be binding upon all parties having or acquiring any right, title, or interest therein or any part thereof, and shall be for the benefit of each owner of any portion of said Project or any interest therein, and shall inure to the benefit of and be binding upon each successor in interest.

#### ARTICLE I

#### DEFINITIONS

- 1. The "Association" means the 1930 Mission Street Condominium Association, a non-profit mutual benefit corporation, membership in which shall be limited to owners (as hereinafter defined) and in which all owners have a membership interest.
- 2. "Beneficiary" means and refers to a mortgagee under a mortgage or a beneficiary under a deed of trust encumbering a unit.
- 3. "Board" or "Board of Directors" means the governing body of the Association.
- 4. "By-Laws" shall mean the By-laws of the Association which are or shall be adopted by the Board.
- 5. "Common Area" means and refers to those portions of the property, to which title is held by all of the owners in common, not located within any individual condominium unit. The common area includes, without limitation: all staircases (except staircases for the exclusive use of a particular unit) and light wells, roofs, foundations, pipes and ducts for the mutual use of adjoining units, flues, chutes, conduits, columns and girders to the unfinished surface thereto, all regardless of location within said units.

The owner of each unit shall own an undivided interest in the Common Area as shown on the Table on Sheet 4 of the Map (Exhibit  $^{"}A"$ ).

- 6. "Condominium" means an estate in real property as defined in California Civil Code Section 1351 (f) consisting of an undivided interest in a Common Area together with an interest in a unit including certain easements appurtenant to such unit. For the purpose of this Declaration, the ownership of each condominium includes a unit together with the easements appurtenant to such unit, the respective undivided interests in the Common Area and a membership in the Association (as hereinafter defined).
- 7. "Declarant" means and refers to Robert L. McLennan & Kim S. McLennan, husband and wife, as to a 2/3 interest, and Richard G. Statler, an unmarried man, as to a 1/3 interest, and any successors and assigns of Declarant, if such successors and assigns acquire more than one unit for the purpose of resale to another.
- 8. "Declaration" means and refers to the within Declaration of Covenants, Conditions and Restrictions.
- 9. "Director" means and refers to a member of the Board of Directors.
- 10. "Eligible Mortgage Holder" means and refers to those holders of a first mortgage on a unit estate who have requested the Association to notify them on any proposed action that requires the consent of a specified percentage of eligible mortgage holders.
- 11. "Exclusive Use (restricted) Common Areas" means and refers to those portions of the Common Area set aside for exclusive use of one or more but less than all of the unit owners, as hereinafter set forth.
- 12. "Institutional Lender" shall mean any bank, savings and loan association, insurance company, or other financial institution holding a recorded first mortgage on any unit.
- 13. "Map" refers to that certain Subdivision Map entitled "Map of 1930 Mission Street, a Condominium Project" filed in Book 38 of Condominium Maps at pages 148-151, in the Office of the Recorder of the City and County of San Francisco, State of California, on December 18, 1992, which Map is attached hereto and described as Exhibit "A" and made a part hereof.
- 14. "Member" means and refers to those unit owners who are members of the Association pursuant to Article III hereof.
- 15. "Mortgage" means a deed of trust as well as a mortgage.
- 16. "Mortgagee" means a beneficiary under or holder of a deed of trust as well as a mortgage.
- 17. "Owner" or "Owners" mean the holder or holders of record of fee title to a condominium, and a contract vendee of a condominium, including Grantor.

- 18. "Plan" shall mean and refer to those certain diagrammatic floor plans of the units built on the property which identify each unit and show its dimensions pursuant to Civil Code Section 1351 (f), as shown on the Map of 1930 Mission Street a Condominium Project, attached hereto as Exhibit "A".
- 19. "Project" and "Property" means the entire parcel of real property divided or to be divided into residential and commercial condominiums including all present and future structures thereon.
- 20. "Rules" means the Rules adopted by the Association pursuant to this Declaration.
- 21. "Unit" means the elements of a condominium which are not owned by the Association or in common with the owners of other condominiums in the project. Each unit is a numbered parcel as shown on the Map. The boundaries of each unit are the interior unfinished surfaces (exclusive of paint, paper, wax, tile, enamel, walls, floor, fireplaces, ceilings, windows and window frames, doors and door frames and trim) and includes both the portions of a building so described and the air space so encompassed, pursuant to California Civil Code Section 1351 (f).

Each unit is subject to such encroachments as are contained in the building, whether the same now exist or may be later caused or created in any manner referred to in Article X of this Declaration. In interpreting deeds and plans, the then existing physical boundaries of a unit, whether in its original state or reconstructed in substantial accordance with the original plans thereof will be conclusively presumed to be its boundaries rather than the boundaries expressed in the deed or the Map, regardless of settling or lateral movement of the building and regardless of minor variance between boundaries shown on the Map or the deed and those of the building.

#### ARTICLE II

DESCRIPTION OF PROJECT, DIVISION OF PROPERTY, AND CREATION OF PROPERTY RIGHTS

Section 1. Property Subject to Declaration: All of the real property shown on the Map of "1930 Mission Street - a Condominium Project" is hereby declared to be subject to this Declaration.

Section 2. Partition Prohibited: The Common Area will remain undivided as set forth above. Except as provided by California Civil Code Section 1359, no owner shall bring any action for partition. It is agreed that this restriction is necessary in order to preserve the rights of the owners with respect to the operation and management of the project. Judicial partition by sale of a single unit owned by two or more persons and division of the sale proceeds is not prohibited hereby but physical partition of a single unit is prohibited.

Section 3. Common Area Ownership: There will be conveyed with each respective unit an undivided interest in the Common Area in accordance with the percentages as set forth in the Map (Exhibit "A"). The undivided interests in the Common Area established hereunder and to be conveyed with the respective Units cannot be changed, and Declarant, its successors, assigns and grantees covenant and agree that the undivided interests in the Common Area, and the fee title to the respective Units conveyed therewith, will not be separated or separately conveyed, and each such undivided interest is to be deemed conveyed or encumbered with its respective Unit even though the description in the instrument of conveyance or encumbrance may refer only to the fee title to the Unit. Each Unit and each Unit Owner will share the expense of the Common Area proportionately as more particularly set forth in Article V.

Section 4. Exclusive Use (restricted) Common Areas: Certain serially numbered portions of the Common Area, as shown on the Map (Exhibit "A") are hereby set aside and allocated for the exclusive use of the owner of the unit to which they will be assigned.

Said exclusive use common areas consist of the exclusive easement to use, for vehicle parking purposes, the parking spaces specifically designated on the Map as P - (followed by a number), to be assigned and granted as an appurtenance to a particular unit by the Declarant.

Notwithstanding any other provision in this Declaration, the internal and external telephone wiring designed to serve a separate Unit are restricted (exclusive use) areas allocated exclusively to that particular Unit.

A Unit owner shall be entitled to reasonable access to the Common Area for the purpose of maintaining the internal and external telephone wiring made part of a Restricted (exclusive use) Common Area pursuant to this section. Such access shall be subject to the consent of the Board of Directors of the Association, whose approval shall not be unreasonably withheld, and which may include the Board's approval of telephone wiring upon the exterior of the Common Area, and other conditions as the Board determines reasonable.

#### ARTICLE III

HOMEOWNERS ASSOCIATION, MEMBERSHIP AND VOTING RIGHTS

Section 1. Organization: The Association is a Non-Profit Mutual Benefit Corporation charged with the duties and empowered with the rights set forth herein and in the By-Laws and Articles of Incorporation. Its affairs shall be governed by this Declaration, the Articles, the By-Laws and the Rules of the Association. In the event that the Association as a corporate entity is dissolved, a non-profit, unincorporated association shall forthwith and without further action or notice be formed to succeed to all the rights and duties of the Association. The affairs of such unincorporated association will be governed by the laws of the State of California and, to the extent consistent the Association as if they were created for the purpose of governing the affairs of an unincorporated association.

Section 2. Membership: The owner of a unit shall automatically, upon taking title to a unit, be a member of the Association and shall remain a member thereof until such time as his ownership ceases for any reason, at which time his membership in the Association will automatically cease. Membership is to be held in accordance with the Articles and By-Laws of the Association.

Section 3. Transferred Membership: Membership in the Association may not be transferred, pledged, or alienated in any way, except upon the sale or encumbrance of the unit to which it is appurtenant, and then only to the purchaser, in the case of a sale, or mortgagee, in the case of an encumbrance of such unit. A mortgagee does not have membership rights until he becomes an owner by foreclosure or deed in lieu thereof. Any attempt to make a prohibited transfer is void.

Section 4. Voting Classes: The Association shall have two (2) classes of voting membership:

- (1) Class A: Class A members shall be all owners with the exception of the Declarant, and Class A members shall be entitled to one vote for each unit owned. When more than one person holds an ownership interest in any unit, all such persons shall be members; provided, however, that with respect to any matter requiring the vote or consent of members, no more than one vote shall be cast with respect to any unit. The vote for such unit shall be exercised as the members holding an interest in such unit among themselves determine. In the event of disagreement, the decision of members holding a majority of interest in such unit shall govern.
- (2) Class B: The Class B member(s) shall be the Declarant, and Declarant shall be entitled to three (3) votes for each unit owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs first:
  - l. when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or
  - 2. the second anniversary of the first conveyance of a subdivision interest in the development.

Any action by the Association (with the exception of enforcing a bond) which must have the approval of the members other than the Declarant before being undertaken shall require the vote or written assent of fifty-one percent (51%) of each class of membership during the time that there are two outstanding classes of membership. When only a single class exists after conversion of Class B to Class A, any action by the Association which is subject to the approval of members other than the Declarant shall require the vote or written assent of fifty-one percent (51%) of the total voting power of the Association as well as the vote or written assent of fifty-one percent (51%) of the total voting power of members other than the Declarant.

Voting rights attributable to Unit ownership shall not be vested until assessments against the particular Unit have been levied by the association.

Section 5. Voting Procedures and Meetings: Voting procedures and the notice, quorum requirements and location of meetings of the Association shall be as provided for in the By-Laws.

Section 6. Board of Directors: The Board shall undertake all duties and responsibilities of the Association and the management and conduct of the affairs thereof, except as expressly is reserved herein to a vote of the Members. The initial Board of

the Association consisting of three Directors shall be appointed by Declarant.

Such Board shall hold office until the first regular meeting of the members is held pursuant to the By-Laws. At said meeting a new Board of three (3) Directors shall be elected by secret written ballot to serve until the next regular annual meeting of the Association members or until their successors are elected. The number of Directors may be changed by amendment of the By-Laws.

#### ARTICLE IV

#### DUTIES AND POWERS OF THE ASSOCIATION

Section 1. Duties: In addition to the duties enumerated in its By-Laws or elsewhere provided for in this Declaration, and without limiting the generality thereof, the Association shall perform the following duties:

Subsection 1.1 Maintenance: The Association shall maintain, repair, replace, restore, operate and manage all of the common area and all facilities, improvements, furnishings, equipment and landscaping thereon (subject to the provisions of the following paragraph), and all property that may be acquired by the Association.

The Association shall maintain all utility installations located in the Common Area except those installations maintained by utility companies, public, private or municipal. The Association shall pay all charges for utilities supplied to the Project except those metered and charged separately to the Condominium Units.

Maintenance shall include (without limitation): painting, maintaining, repairing and replacing of all common areas, and the exterior and interior glass surfaces not serving an individually owned unit. Glass surfaces serving individual units shall be cleaned, maintained and repaired by each Owner.

The responsibility of the Association for maintenance and repair shall not extend to repairs or replacements arising out of or caused by the willful or negligent act or neglect of an owner, or his guest, tenants or invitees, the cost of which is not covered by insurance. The repair or replacement of a condominium unit exterior resulting from such excluded items shall be the responsibility of each individual owner. However, if an owner fails to make the repairs or replacements which are the

responsibility of such owner, as provided above, then, upon a vote of a majority of the Board of Directors, and after not less than thirty (30) days notice to the owner, and hearing, the Association shall have the right, but not the obligation, to enter the condominium and make such repairs or replacements. The cost thereof shall be added to any amount due to the Association and shall be payable to the Association by the owner of such condominium.

Subsection 1.2 Repair and Maintenance of Common Area Damaged by Pests and Organisms: The Association shall be responsible for repairing, replacing, or maintaining the Common Area, other than Restricted (exclusive use) Common Areas, with respect to any damage caused by the presence of wood-destroying pests or organisms.

Each owner of a Unit shall bear the costs of any damage to his Unit residence caused by the presence of wood-destroying pests or organisms. However, by a majority vote of all Unit owners, such responsibility may be delegated to the association which in turn may levy a special assessment to recover such costs. In the event such a vote is taken, and the Association assumes responsibility for such maintenance and repair, the following shall apply:

- (1) The Association may cause the temporary summary removal of any occupant of a Unit for such periods and at such times as may be necessary for prompt, effective treatment of wood-destroying pests or organisms; and
- (2) The costs of temporary relocation during the repair and maintenance of the areas within the responsibility of the Association shall be borne by the individual Unit owner; and
- (3) The Association shall give notice of the need to temporarily vacate a Unit to the occupants and to the owner(s), not less than fifteen (15) days nor more than thirty (30) days prior to the date of the temporary relocation. The notice shall of the reason for the temporary relocation, the date and time of the beginning of the treatment, the anticipated date and time of termination of treatment, and that the occupants will be responsible for their own accommodations during the temporary relocation; and
- (4) Notice by the Association shall be deemed complete upon either personal delivery of a copy of the notice to the occupants, and sending a copy of the notice to the owners, if different than the occupants, by first-class mail, postage prepaid at the most current address shown on the books of the Association or by sending a copy of the notice to the occupants at the Unit address and a copy of the notice to the owners, if different than the occupants, by first-class mail, postage prepaid, at the most current address shown on the books of the Association.

For purposes of the above sections, "occupant" means an owner, resident, guest, invitee, tenant, lessee, sublessee, or other person in possession of the Unit residence.

Subsection 1.3 Insurance: The Association shall maintain a policy or policies of fire and casualty insurance, with extended coverage endorsement, for the full insurable value of the Units and Common Area, payable to the Association and held for the benefit of the owners, mortgagees and such other persons as their interests may appear, or such other fire and casualty insurance as the Board shall determine gives substantially equal or greater protection to the Owners and their mortgagees, as their respective interests may appear. Each policy shall provide that it shall not be cancelled without at least thirty (30) days prior written notice to the Association and to each of the Unit Owners. Each such policy may be for a period of not to exceed three (3) years provided that the policy permits short rate cancellation by the insured. The Board shall review the limits of such insurance for adequacy at least every year, and shall increase or adjust the same, if necessary, to provide such coverage and protection as is customarily carried by prudent property owners in the City and County of San Francisco. Said policy or policies shall provide for a separate loss payable endorsement in favor of the mortgagee or mortgagees of each Condominium, if any.

The Association shall maintain a policy or policies of comprehensive public liability insurance insuring the Association, the Declarant, the Board, the Owners and any Manager appointed as hereinafter provided against any liability to the public or to the Unit Owners incident to the ownership and/or use of the Project and to protect against any liability to the public or to any Unit Owner incident to the use of, or resulting from any accident or intentional act occurring in or about, any Unit or the common area. The minimum limits of such insurance shall be One Million Dollars (\$1,000,000) and established to provide such coverage and protection as is customarily carried by prudent owners of similar commercial and residential property in the City and County of San Francisco. Each such policy may be for a period of not to exceed three (3) years provided that the policy permits short rate cancellation by the insured. The Board shall permits short rate cancellation by the insured. The Board shall review the limits and coverage of such insurance at least every year and shall increase or adjust the same, if necessary, to provide adequate coverage and protection to the Association, Board, Manager, if any, and Unit Owners. Said policy or policies shall provide cross liability endorsement wherein the rights of a named insured thereunder shall not be prejudiced as respects any action by one insured thereunder against another named insured.

The Association shall maintain a policy of Workers' Compensation Insurance to the extent necessary to comply with all applicable California law or the regulations of any governmental body having jurisdiction over the Project, and any other types of insurance, or insurance in amounts in excess of the limits provided above if the Board shall determine the same to be necessary in its sole discretion to fully protect the interest of the Unit Owners. Any

insurance acquired by the Board may be taken in the name of the Association, as trustee, for the use and benefit of the Board, the Manager, if any, and all Unit Owners.

Subsection 1.4 Discharge of Liens. The Association shall discharge by payment, if necessary, any lien against the common area, and assess the cost thereof to the member or members responsible for the existence of said lien. Prior to any Board decision to discharge a lien, the Owner shall be given written notice and an opportunity for a hearing before the Board in order to present any defenses which may exist.

Subsection 1.5 Assessments The Association shall fix, levy, collect and enforce assessments as set forth in Article V hereof.

Subsection 1.6 Payment of Expenses: The Association shall pay all expenses and obligations incurred by the Association in the conduct of its business including, without limitation, all licenses, taxes or governmental charges levied or imposed against the property of the Association.

Subsection 1.7 Enforcement: The Association shall enforce this Declaration.

Subsection 1.8 Budget and Annual Report: Regardless of the number of members or the amount of assests of the Association, the Board shall cause to be maintained a full set of books and records and statements in accordance with the provisions of the By-laws, Article V, Section 2, Subsection 2.3.

Section 2. Powers: In addition to the power enumerated in its Articles and By-Laws, or elsewhere provided for herein, and without limiting the generality thereof, the Association shall have the following powers:

Subsection 2.1 Easements: The Association shall have authority to grant easements where necessary for utilities and sewer facilities over the common area to serve the common and open space areas and the condominium units.

Subsection 2.2 Access: The Board and its agents or employees shall have the exclusive right to enter a unit as necessary in connection with construction, maintenance or emergency repair for the benefit of the common area or the owners in common. Except in case of emergency, forty-eight (48) hours notice shall be given to the Owner or the occupant.

Subsection 2.3 Manager: The Association shall have the authority to employ a manager or other persons and to hire independent contractors or employees to perform all or any part of the duties and responsibilities of the Association, provided that any contract with a firm or person appointed as a manager or managing agent, or any contract providing for services by the developer, sponsor or builder, shall not exceed a one (1) year

term, shall provide for termination by either party without cause on ninety (90) days or less written notice, and shall provide for the right of the Association to terminate the same for cause on thirty (30) days' written notice.

Subsection 2.4 Association Rules: The Board may, from time to time, and subject to the provisions of this Declaration, the By-laws, and the Articles of Incorporation, adopt rules for the management of the Project in accordance with the provision set forth in the By-laws, Article V, Section 1, Subsection 1.1. A copy of the Rules so adopted shall be furnished to each Unit Owner, and each Unit Owner, his family, guests, employees, invitees, licensees and tenants shall comply with such Rules.

Subsection 2.5 Enforcement of Rules and Restrictions: Board shall have the power, obligation and duty to enforce the provisions of this Declaration, the By-Laws and the Rules. In the event of a breach of any of the restrictions contained in this Declaration or of any Rules by a Unit Owner, his family, guests, employees, invitees, licensees or tenants, the Board may enforce the obligations of each Owner to obey such Rules or restrictions in any manner provided by law or in equity, including but not limited to, appropriate legal action, suspension of the Owner's voting right and right to use the common facilities of the Project; provided, however, such suspension may not be for a period in excess of thirty (30) days, and may not be imposed without notice and hearing as herein provided, for an infraction of such Rules. In addition to the other remedies herein set forth, the Board, by majority vote, may levy a fine against such Owner, after appropriate notice and hearing as herein provided, in an amount not to exceed Fifty Dollars (\$50.00) for each such violation. The right to levy fines, hold disciplinary hearings or otherwise impose discipline on members under this section is vested solely in the Board and may not be delegated to any Director, officer, or manager or other employees of the Board or Declarant.

Prior to making any decision that a breach has occurred or to impose any penalty provided herein for breach of any Rules enacted hereunder or restrictions in this Declaration, the Board shall send written notice, at least fifteen (15) days prior to any discipline to be imposed, which contains the reasons for the imposition of possible discipline, to the Lot Owner specifying the nature of the infraction and provide an opportunity to the Lot Owner for a hearing before the Board not less than five (5) days before the effective date of the imposition of any discipline. In the event that the Board determines that an infraction has occurred and that a penalty shall be imposed, the determination of the Board shall be final.

Notwithstanding anything to the contrary in this Declaration, neither the Board nor the Association of Members shall have the power to cause a forfeiture or abridgement of an Owner's right to the full use and enjoyment of his individually owned Unit, including access thereto over and across the Common Area, because

of such Owner's failure to comply with the provisions of this Declaration or of the By-Laws or any Rules adopted by the Association relating to the operation of the Common Area or Common Area facilities except when such loss or forfeiture is the or on account of a court or a decision out of arbitration herein for failure of the Owner to pay the assessments levied pursuant to the provisions of this Declaration. In the event legal action is instituted by the Board pursuant to this section, court costs and reasonable attorneys' fees.

A monetary penalty or reimbursement charge imposed by the Association as a disciplinary measure for failure of a member to comply with the governing instruments or as a means of reimbursing the Association for costs incurred by the Association the repair of damage to common areas and facilities for which the member was allegedly responsible or in bringing the member and his unit into compliance with the governing instruments may an assessment which may become a lien against the member's unit enforceable by a sale of the unit in accordance with Section 2924 et seq. of the California Civil Code.

The provisions of the above paragraph do not apply to charges imposed against an owner consisting of reasonable late payment penalties for delinquent assessments and/or charges to reimburse the Association for the loss of interest and for costs reasonably incurred (including attorneys' fees) in its efforts to collect delinquent assessments.

Subsection 2.6 Acquisition of Property: The Association shall have the power to acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association. However, except with the vote or written assent of a majority of the voting power of the Association residing in members other than the Declarant, the Board is prohibited from (1) incurring aggregate expenditures for capital improvements to the common area in any fiscal year in excess of five percent (5%) of the budgeted gross expenses of the Association for that fiscal year and (2) selling during any fiscal year property of the Association having an aggregate fair market value greater than five percent (5%) of the budgeted gross expenses of the Association for that fiscal year.

Subsection 2.7 Loans: The Association shall have the power to borrow money and, with the assent (by vote or written consent) of three-fourths (3/4) of each class of members, to mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred.

Subsection 2.8 Dedication: The Association shall have the power to dedicate, sell or transfer all or any part of the common area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by three-fourths (3/4) of each class of members; or three-fourths (3/4) of the total voting membership other than the Declarant after conversion to a single class of members, agreeing to such dedication, sale or transfer.

Subsection 2.9 Contracts: The Association shall have the power to contract for goods and/or services for the common area(s), for the common facilities or interests of the owners or the Association, subject to limitations elsewhere set forth in the Condominium Documents.

Subsection 2.10 Delegation: The Association shall have the power to delegate certain portions of its authority and powers to committees, officers or employees of the Association. However, the authority to levy fines, hold hearings, impose discipline, make capital expenditures, file suit on behalf of the Association, record a claim of lien or institute foreclosure proceedings for failure to pay assessments, may not be delegated to an officer, employee or committee.

Subsection 2.11 Power of Attorney: Each owner, for himself, his successors and assigns, shall be deemed upon purchasing his condominium to have appointed the officers of the Association, or any of them, as his true and lawful attorney, in his name, place and stead, to prosecute, settle and/or release ownership of the common areas of the project. Such power shall be utilized only upon express authorization of the Board given by members are given advance written notice specifying the nature of utilized.

#### ARTICLE V

#### **ASSESSMENTS**

Section 1 Covenants for Maintenance Assessments: Declarant hereby covenants and agrees for each Condominium owned by it within the Project, and each Owner of any Condominium, by acceptance of a deed is deemed to covenant and agree, to pay to Declarant and each Owner thereby vest in the Association the right to bring all actions for the collection of such charges and for the enforcement of the lien created hereby. Such right land so that each successive Owner or Owners of record of a assessments which become a lien during the time they are the record Owner of any unit in the Project.

Each assessment levied by the Association under this Article constitutes a separate assessment. Each assessment, together with interest thereon, costs of collection and reasonable attorneys' fees, will be a charge on the Condominium and be a continuing lien upon the Condominium against which each such assessment is made. The Association, as the agent of all Unit Owners, has a separate lien, and a separate lien with power of sale is hereby created, upon each Condominium against which an assessment is made to secure the payment of any assessments under this Article. Each such lien for any particular month's charge will also secure interest thereon, if the same is not paid when due, and costs of suit and reasonable attorneys' fees to be fixed by the court if action or suit is brought to collect such charge. The priority of all such liens shall be in inverse order so that upon foreclosure of the lien for a particular month's charge, any foreclosure sale pursuant thereto will be made subject to all liens securing the respective monthly charge on such Condominium for succeeding months.

Each assessment, together with interest, attorneys' fees and costs of collection, shall also be a separate, distinct and personal obligation of the Owner of the Condominium at the time when the assessment fell due. The personal obligation for delinquent assessments will not pass to a Unit Owner's successor for such delinquent assessment shall remain and, if unpaid by such successive Unit Owner, may be foreclosed as provided in this bush successive Unit Owner, may be foreclosed as provided in this his Condominium, he will not be liable for any charge thereafter assessed against such Condominium. A contract seller of any Condominium will continue to be liable for all such charges until a conveyance by him of the Condominium subject to the assessment is recorded in the Official Records of the City and County of San Francisco.

Section 2 Regular Monthly Assessments: The Board shall establish regular monthly assessments for operation and maintenance of the Project by the procedures established in this section. The assessments shall be due and payable in monthly installments on the first day of each month commencing on the first day of the first month following close of escrow of the sale of the first Condominium. Budget items for insurance, gas, water, paint, roof, and water heater reserves shall be profootage of each unit; i.e., each unit shall pay a percentage of that unit by the total square footage of all the units.

Not less than sixty (60) days prior to the beginning of each fiscal year, the Board shall estimate the total charges to be paid out of the maintenance fund during such year (including a reasonable reserve for contingencies) and distribute a copy of a pro forma operating statement (budget) to each member; provided, assent of a majority of the voting power of the Association residing in members other than Declarant, impose a regular annual (20%) greater than the regular assessment per Condominium unit which is more than twenty percent for the immediately preceding fiscal year. All funds budgeted, capital improvements shall be designated and used solely for those specific purposes.

Within one hundred and twenty (120) days after the end of each fiscal year, the Unit Owners shall receive an accounting of 4 months assessment receipts and disbursements for that fiscal year.

Section 3 Special Assessments: In addition to the regular assessments authorized herein, the Board may, at a meeting duly called for that purpose, levy in any fiscal year, a special assessment applicable to that year for capital improvements, whole or in part, the cost of any construction, reconstruction, area and such other matters as the Board may deem appropriate; such special assessments shall not exceed five percent (5%) of assent of the membership in accordance with the voting such special assessment shall be levied upon the same basis as except that:

(a) A special assessment against owners to raise funds for the rebuilding or major repair of the structural common area housing units of the project shall be levied upon the basis of the ratio of the square footage of the floor area of the Unit to be assessed to the total square footage of the floor area of all Units to be assessed; and

(b) The provisions hereof with respect to special assessments do not apply in the case where a reimbursement charge against a member is a remedy utilized by the Board of Directors to reimburse the Association for costs incurred in bringing the member and his unit into compliance with the provisions of this Declaration, the By-laws, or the Association Rules.

Section 4 Reimbursement Charges: The Board shall levy a reimbursement charge against any Unit Owner and the Condominium owned by such Owner whose failure to comply with this Declaration, the By-Laws, Articles of Incorporation or the Rules has necessitated an expenditure of monies by the Association from the maintenance fund to bring such Owner and Condominium into compliance with said instruments or in otherwise performing its functions under this Declaration. Such reimbursement charge shall be for the purpose of reimbursing the Association, and shall be due and payable to the Association when levied.

Section 5 Non-Waiver of Assessments: The omission by the Board, before the expiration of any year, to fix the assessments for that or the next year shall not be deemed a waiver or modification in any respect of the provisions of this Declaration or a release of any Unit Owner from the obligations to pay the assessments, or any installment thereof, for that or any subsequent year. In the instance of such omission, the assessment fixed for the preceding year shall continue until a new assessment is fixed. No Unit Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the common area, abandonment of the Condominium or any attempt to renounce rights in the common area.

Section 6 Enforcement: Each Unit Owner of a Condominium, upon becoming such Owner, shall be deemed to covenant and agree to pay to the Association every assessment provided for in this Declaration and shall be deemed to agree to the enforcement of all such assessments in the manner specified herein. event an attorney is employed for collection of any assessment or to enforce compliance with the terms and conditions of this Declaration, each Unit Owner agrees to pay reasonable attorneys' fees and any other costs thereby incurred, in addition to any other amounts due or any other relief or remedy to which the Association is entitled. Any assessment not paid when due will be deemed to be delinquent. Any assessment not paid within thirty (30) days after the date on which it becomes due shall thereafter earn interest from the date of delinquency at the rate of ten percent (10%) per annum. In addition to any other remedies herein or by law provided, the Association, or its authorized representative, may enforce the obligations of the Owners to pay the assessments provided for in this Declaration, and each of them, in any manner provided by law or in equity, by either or both of the following procedures.

Subsection 6.1 Enforcement by Suit: The Association may commence and maintain a suit at law against any Unit Owner or Owners personally obligated to pay assessments for such

delinquent assessments and such suit will be maintained in the name of the Association. Any judgment rendered in any such action shall include the amount of the delinquency, together with interest thereon, costs of collection, court costs and reasonable attorneys' fees in such amount as the court may adjudge against the delinquent Unit Owner. Suit to recover judgment for unpaid assessments shall be maintainable without foreclosing or waiving the lien provided for in the following Subsection. The delinquent assessment.

Subsection 6.2 Enforcement by Lien: lien, with power of sale, on each Condominium to secure payment There is a present to the Association of any and all assessments levied against such Condominium pursuant to this Declaration, together with interest thereon, and all costs of collection which may be paid or incurred by the Association including reasonable attorneys' fees. No action shall be brought to foreclose the lien securing an unpaid assessment until Notice of Assessment Due signed by the Board or its designated representative, or by any Unit Owner if the Board fails or refuses to act, has been delivered to the Unit Owner of the Condominium subject to such assessment, and a copy of such notice has been recorded in the Office of the Recorder of San Francisco County. Said notice shall state the amount of the assessment together with the interest, costs and reasonable attorneys' fees, a description of the Condominium against which the assessment has been made and the name or names of the record Unit Owner or Owners thereof. After the expiration of thirty (30) days from the date such Notice of Assessment Due has been recorded, an action may be commenced in the name of the Association to foreclose the lien, or such action may be commenced by any Unit Owner if the Association fails to act. Upon the declaration of an assessment and the recording of notice thereof, the Association may, at its option, declare the entire balance of all sums then due from the Unit Owner due and payable, which total sum may then be included in any suit, action or proceeding brought to collect said sum, including all costs, charges and attorneys' fees. Notwithstanding anything contained in this Declaration to the contrary, no action may be brought to foreclose the lien created hereunder, whether judicially, by power of sale or otherwise, until the expiration of ten (10) days after a copy of said Notice of Assessment Due, showing the date of recordation thereof, has been mailed to the Unit Owner of the Condominium which is described in such Notice.

Each Unit Owner does hereby waive, to the extent of any liens created pursuant to the Declaration, whether such liens are now in existence or are created at any time in the future, the benefit of any homestead or exemption laws of the State of California now in effect, or in effect in the future.

Section 7 Power of Foreclosure and Sale: Each of the Unit Owners does hereby appoint the Association, as trustee, to enforce any lien created pursuant to this Declaration and to foreclose such lien by private power of sale as provided in

Division III, Part 4, Title 14, Chapter 2, Article I of the Civil Code of the State of California and Civil Code Section 1367, as such statutes may be revised, amended or altered from time to time, or by judicial foreclosure, and does further grant the Association, as such trustee, the power to sell the Condominium of any such defaulting Unit Owner, or any part thereof, for lawful money of the United States, to the highest bidder to satisfy such lien.

The lien provided for herein shall be in favor of the Association, shall be for the benefit of all Unit Owners and shall secure payment of all sums set forth in the Notice of Assessment together with all sums becoming due and payable in accordance with this Declaration after the date of recordation of said Notice of Assessment. The Association shall have the power to bid at any foreclosure sale and to purchase, acquire, hold, foreclosure is by action in court, reasonable attorneys' fees, court costs, title search fees, interest and all other costs and expenses shall be allowed to the extent permitted by law.

Section 8 Transfer of Unit by Sale or Foreclosure: Sale or transfer or any Unit shall not affect the assessment lien, except as hereinafter provided, and shall not relieve the new owner, whether it be the former beneficiary of the first encumbrance or another person from liability for any assessments thereafter becoming due or from the lien thereof.

Where the mortgagee of a first mortgage of record or other purchaser of a Unit obtains possession or title to the Unit by virtue of foreclosure of the mortgage, or by deed or assignment in lieu of foreclosure, or by purchase at a foreclosure sale, such acquirer of title, his successor and assigns, shall take the unit free of any claims for unpaid assessments and charges comes into possession of the Unit, except for claims for a prorata share of such assessments or charge resulting from a prorata reallocation of such assessments or charge to all Units

Section 9 Release of Lien: Upon payment of the delinquent assessment or the satisfaction thereof, the Association shall record, in the same manner as the Notice of Assessment, a further certificate stating the satisfaction and release of the lien.

Section 10 Status of Assessment Lien: Upon request by any Owner, the Association will furnish, for the benefit of any prospective purchaser or present or prospective encumbrancer of a Unit, a statement showing all amounts then due which are secured by such lien. A reasonable fee, not to exceed Fifty Dollars (\$50.00), may be charged for the preparation of such statement.

Section 11 Subordination of Lien to Encumbrance: Notwithstanding any provision to the contrary in this Declaration, the lien for assessments created by this Declaration shall be subject and subordinate to and shall not affect the rights of the holder of any recorded first mortgage or first deed of trust upon such Condominium made in good faith and for value.

In the event any lien imposed under the provisions hereof is destroyed by reason of the foreclosure of any mortgage or deed of trust on the Condominium subject to such lien, there shall be a lien on the interest of the purchaser at such foreclosure sale to secure all assessments, whether regular or special, charged to such Condominium after the date of such foreclosure sale, which lien shall have the same effect and be enforced in the same manner as provided herein.

For purposes of this Section, a mortgage or deed of trust may be given in good faith or for value even though the mortgagee or the beneficiary of such mortgage or deed of trust has constructive or actual knowledge of the assessment lien provisions of this Declaration.

No amendment of this Section shall affect the rights of the holder of any mortgage or deed of trust recorded prior to recordation of such amendment unless the mortgagee or beneficiary joins in the execution of such amendment.

Section 12 Association Funds: The assessments collected by the Association shall be held in trust by the Association for and on behalf of each Unit Owner and shall be used solely for the operation, care and maintenance of the Project as provided in this Declaration. The Board shall allocate a portion of said funds as collected for the annual maintenance and operation of the Project as specified in the annual budget and the Board shall contingencies, replacement and deferred maintenance of the capital improvements of the Project as specified in the annual budget.

Said funds shall be deposited, as allocated, into the appropriate bank accounts and said accounts shall be separately maintained by the Association. Upon sale or transfer of any Unit by any Owner, the Owner's interest in the trust funds shall be deemed automatically transferred to the successor or transferee of such Owner.

In the event that the Board retains a professional management service, the Board may delegate the authority to deposit or withdraw funds to responsible representatives of the professional management agent so retained. The professional management agent may additionally be authorized to establish a common trustee account for deposit of assessments as collected. Any funds deposited in such a common trustee account shall be allocated as previously specified herein.

Section 13 Books of Account: The board shall maintain full, complete and correct books of account of the operation of the Project and vouchers supporting expenditures. Any Unit Owner, or

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the duly authorized representative thereof, may at any time and at his own expense cause an audit or inspection to be made of the books and records of the Association.

### ARTICLE VI

### EASEMENTS

Section 1 Generally: There are hereby specifically reserved for the benefit of the Units and Unit Owners, in common and for each Unit and Unit Owner severally, and for the Association, as their respective interests apply, the easements, reciprocal negative easements, secondary easements and rights of way as particularly identified in this Article.

Section 2 Easements for Utilities and Maintenance: The rights and duties of the owners of condominiums within the Project with respect to sanitary sewer, water, electricity, gas and telephone lines and facilities, and heating facilities shall be as follows:

- (a) Whenever sanitary sewer, water, electricity, gas, television reception, telephone lines or connections, heating or air-conditioning conduits, ducts, or flues are installed within or upon condominiums owned by other than the owner of a condominium served by said connections, the owners of any are hereby granted an easement to the full extent necessary therefore, to enter upon the condominiums to repair, replace and generally maintain said connections as and when necessary; and
- (b) Whenever sanitary sewer, water, electricity, gas, or telephone lines or connections, heating or air-conditioning conduits, ducts, or flues are installed within the property which connections serve more than one condominium, the owner of each condominium served by said connection shall be entitled to the full use and enjoyment of such portions of said connections as service his condominium; and
- (c) In the event of a dispute between owners with respect to the repair or rebuilding of said connections, or with respect to the sharing of the cost thereof, then upon written request of one of such owners addressed to the Association, the matter shall be submitted to the Board of Directors who shall decide the dispute, and the decision of the Board shall be final and conclusive on the parties; and
- (d) Easements over and under the property for the installation, repair, and maintenance of electric, telephone, water, gas, and sanitary sewer lines and facilities, heating and

air-conditioning facilities, cable or master television antenna lines, drainage facilities, walkways, and landscaping as shown on the recorded map of the property, and as may be hereafter required or needed to service the property, are hereby reserved by Declarant and his successors and assigns, including the Association. Following sale of the first unit, the Declarant and its successors and assigns shall only have those powers which result from its voting rights.

Section 3 Ingress and Egress: There is hereby reserved to each Unit, as dominant tenement, a non-exclusive easement appurtenant to each Unit over and across the Common Area, as servient tenement, for ingress, egress, use and enjoyment of said Common Area subject to the limitations provided in this Declaration.

Section 4 Parking Spaces: Each Unit and Unit Owner shall have an exclusive easement, and such exclusive easement is hereby granted, for the use, possession and enjoyment of any Restricted (exclusive use) Common Area parking space assigned to it by Declarant or the Association. Said exclusive easement shall be subject, however, to the right of the Association to enter in and upon said parking spaces for the purposes of maintaining and repairing the same, or any other portion of the Common Areas pursuant to this Declaration, and enforcing the terms hereof.

Section 5 Encroachment Easements: Each condominium within the property is hereby declared to have an easement over all adjoining condominiums and the common area for the purpose of accommodating any encroachment due to engineering errors, errors in original construction, settlement or shifting of the building, or any other cause. There shall be valid easements for the maintenance of said encroachments as long as they shall exist, and the rights and obligations of owners shall not be altered in any way by said encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of an owner or owners if said encroachment occurred due to the wilful misconduct of said owner or owners. In the event a structure is partially or totally destroyed, and then repaired or rebuilt, the owners of each condominium agree that minor encroachments over adjoining condominiums or the common area shall be permitted and that there shall be valid easements for the maintenance of said encroachments so long as they shall exist.

#### ARTICLE VII

## USE RESTRICTIONS

In addition to all of the covenants contained herein, the use of the property and each condominium therein is subject to the following:

Section 1 Condominium Use: No condominium shall be occupied and used for purposes by the Owners, tenants, guests, invitees, etc., except for those uses and purposes permitted pursuant to the applicable (zoning) laws and ordinances of the City and County of San Francisco as they shall exist from time to time.

The use of the units designated on the Map as "retail" shall specifically be restricted to general commercial purposes including but not limited to, retail shops, restaurants, bars and offices.

Declarant, its successors or assigns, may use any unit owned by Declarant for a model home site and display and sales office until the last unit is sold by Declarant.

No tent, shack, trailer, basement, garage, outbuilding or structure of a temporary character shall be used at any time as a residence or for commercial purposes, either temporarily or permanently.

Section 2 Nuisances: No noxious, illegal, or offensive activities shall be carried on in any condominium, or on any part of the property, no offensive odor shall be permitted in any area of the Project, nor shall anything be done thereon which may be or may become an annoyance or a nuisance to or which may in any way interfere with the quiet and peaceful enjoyment of each of the owners of his respective unit, or which shall in any way increase the rate of insurance for the project, or cause any insurance policy to be cancelled or to cause a refusal to renew a policy, or which will impair the structural integrity of any building.

Section 3 Vehicle Restrictions: No trailer, camper, mobile home, commercial vehicle, truck (other than standard size pickup truck), inoperable automobile, boat or similar equipment shall be permitted to remain upon any area within the property, without the written permission of the Board of Directors. Commercial vehicles shall not include sedans or standard size pickup trucks which are used both for business and personal use, provided that any signs or markings of a commercial nature on such vehicles are unobtrusive and inoffensive as determined by the Board. Parking by commercial vehicles for the purpose of making deliveries shall

be permitted in accordance with the Association Rules. No noisy or smoky vehicles shall be operated on the property. No off-road unlicensed motor vehicles shall be operated upon the property.

Section 4 Signs: No signs shall be displayed to public view on the commercial units except such signs as are approved by the Board. "For Sale" or "For Rent" signs shall be allowed provided they are reasonable in size (not exceeding six (6) square feet), and are posted at appropriate locations on the owner's unit.

Signs and window displays on or in the commercial units shall be regulated by Association Rules and the applicable laws and ordinances of the City of San Francisco. All commercial exterior signs shall be displayed only in the designated areas and all three-dimensional signs protruding more than eight (8) inches outside a Unit are prohibited.

Section 5 Animals: No animals or birds of any kind, shall be raised, bred, or kept in any condominium, or on any portion of the property, except that no more than one (1) usual and ordinary household pet such as a dog, cat, bird, etc., may be kept so long as it is not kept for any commercial purpose, and provided it is kept under reasonable control at all times. No pet may be kept on the property which results in a nuisance as prohibited in Section 2 of this Article. No pets shall be allowed in the common area except as may be permitted by rules of the Board. No dog shall enter the common area except while on a leash which is held by a person capable of controlling it. Any owner may cause any unleashed dog found within the common area to be removed to a pound or animal shelter under the jurisdiction of the City and County of San Francisco. No dog which disturbs other owners shall be permitted to remain on the property. Owners shall prevent their pets from soiling any portion of the common area.

Prior to any decision by the Board pursuant to this section that an Owner is responsible for the maintenance of a nuisance or any decision to remove a pet from the Project, the Owner shall be provided with written notice specifying the nature of the infraction and an opportunity for a hearing before the Board. The remedies for an alleged nuisance shall not include any measures which may be characterized as "private self-help action" and any Board action in connection with this section shall be in compliance with this Declaration's Article IV, Section 2.5.

Section 6 Garbage and Refuse Disposal: All rubbish, trash and garbage shall be regularly removed from the property, and shall not be allowed to accumulate thereon. Trash, garbage and other waste shall not be kept except in sanitary containers in designated areas, which shall be kept screened and sealed from view of other Units, streets and Common Areas.

Section 7 Radio and Television Antennas, Satellite Dishes: No alteration to or modification of the central television antenna system or any subsequent cable or other system for television

reception as maintained by the Association, shall be permitted, and no owner may be permitted to construct and/or operate his own external radio and/or television antenna or satellite dish without the consent of the Board.

Section 8 Right To Lease: The Units shall not be rented for transient or hotel purposes, which shall be defined as (a) rental for any period less than six (6) months, or (b) any rental if the occupants of the unit are provided customary hotel service such as room service for food and beverage, maid service, or furnishing laundry and linen.

Subject to the foregoing restrictions, the owners of Units shall have the absolute right to lease or rent a Unit provided that any lease or rental agreement shall contain a clause which states that such lease (or rental agreement) is subject to the covenants, conditions, restrictions, limitations and uses contained in this Declaration, the By-Laws and Association Rules, and any failure to abide by such provisions shall be a default under the lease or rental agreement.

Section 9 Clothes Lines: No exterior clothes lines shall be erected or maintained and there shall be no outside laundering or drying of clothes.

Section 18 Ploor Coverings: Each room in a residential unit shall have carpeting or floor coverings which at least match the specifications, thickness etc. as the floor coverings originally installed in such units and which therefore provide at least the amount of noise insulation as the original coverings in order to reduce noise and maximize quiet and peaceful enjoyment of other Owners.

Section 11 Utility Usage: If any Owner requires hot water (or any utility service paid by the Association) in excess of that generally supplied for the use of the units as general commercial space, such Owner shall first procure the written consent of the Association to such use, and the Association may cause a separate water or gas meter to be installed in the unit to measure the amount of water or gas consumed. The cost of installation, maintenance and repair of any such meter, and the cost of such utility, shall be paid by the Owner. If a separate may be established and adjusted from time to time by an estimate made by a utility company or engineer.

Section 12 Overloading: No machinery, apparatus, appliance or equipment shall be located in any unit or the Common Area which will in any manner structurally overload the building, or in any manner vibrate, shake or otherwise damage any portion of the building or Common Area.

Section 13 Power Equipment and Car Maintenance: No major power equipment, hobby shops, or car maintenance (other than emergency work) shall be permitted except with prior written approval of

the Board. Approval shall not be unreasonably withheld and in deciding whether to grant approval the Board shall consider reasonable commercial use, the effects of noise, air pollution, dirt or grease, fire hazard, interference with radio or television reception, and similar objections.

Section 14 Liability of Owners for Damage to Common Area: The owner of each unit shall be liable to the Association for all damages to the common area or improvements thereon caused by such owner or guest, invitee, occupant of his unit, except for that portion of said damage, if any, fully covered by insurance. Liability of an owner shall be established only after notice to the owner and a hearing before the Board.

Section 13 Window coverings: All window coverings visible from the street or common area shall be white or off-white, unless a variance is approved in writing by the Board.

## ARTICLE VIII

## ARCHITECTURAL CONTROL

Section 1 Committee Purpose and Organization: No building, fence, wall, obstruction, balcony, patio or cover, tent, awning, carport, carport cover, improvement, or structure of any kind shall be commenced, erected, painted or maintained nor shall any alteration of any ducts, heating, ventilation, air conditioning systems, or alteration or penetration of the roof and or its membrane be made or improvement of any kind be made thereto until the same has been approved in writing by the Architectural Control Committee which shall consist of three (3) persons.

Any proposed change which may affect any ducts, heating, ventilation, air conditioning systems, the roof or its membrane, or the structural integrity of the building shall be reviewed by a competent professional who shall submit a written opinion to the Architectural Control Committee along with the application for a change. The professional shall be paid by the Owner applying for the change.

Notwithstanding the above paragraph, the owner of two contiguous commercial units, if any, may remove a non-bearing wall, for the purpose of expanding the usable commercial space, without the approval of the Architectural Control Committee. In the event such units are sold to separate individuals, it shall be the responsibility of the individual owners to replace the walls which were removed in accordance with the specifications of the original construction.

Section 2 Appointment, Removal and Term of Office: Declarant shall appoint all replacements to the Architectural Control Committee until the first anniversary of the issuance of the original Final Subdivision Public Report for the Project. Declarant shall have the right to appoint and remove a majority of the members of the Architectural Control Committee until such (90%) or more of the Units within the Project or five (5) years after the issuance of the original Final Subdivision Public Report of the Department of Real Estate for the Project, whichever occurs first.

After one year from the date of issuance of the original Final Public Report for the Project, the Board shall have the right to appoint one member to the Committee. When Declarant waives or no longer has the right to appoint and remove the members of the Committee, said right shall be vested solely in the Board. All members appointed by the Board shall be Unit Owners. Exercise of the right of appointment and removal, as set forth herein, shall be evidenced by the specification in the Minutes of the Association of each new Committee member appointed and each member replaced or removed from the Architectural Control Committee. Vacancies on the Architectural Control Committee, whichever then has the power to appoint members.

Section 3 Duties: It shall be the duty of the Architectural Control Committee to consider and act upon such proposals or plans submitted to it pursuant to the terms of Section 5 Hereof, to adopt Architectural Control Committee Rules, to perform other duties delegated to it by the Association and to carry out all other duties imposed upon it by this Declaration.

Section 4 Meetings: The Architectural Control Committee shall meet from time to time as necessary to properly perform its duties hereunder. The vote or written consent of any majority of the Committee shall constitute an act by the Committee unless the unanimous decision of its members is otherwise required by this Declaration. The Committee shall keep and maintain a record of all actions taken by it at such meeting or otherwise. The Architectural Committee and its members shall be entitled to reimbursement for reasonable out-of-pocket expenses incurred in the performance of any Architectural Committee function.

Section 5 Application for Approval of Improvements: Any Unit Owner, except Declarant and its designated agents, proposing to perform any work of any kind whatever which requires the prior approval of the Architectural Control Committee shall apply to such Committee for approval by notifying the Architectural Control Committee of the nature of the proposed work in writing and furnishing such information as the Committee may require.

Section 6 Approval: All approvals shall be in writing; provided, however, that any request for approval which has not been rejected within thirty (30) days from the date of submission

thereof to the Architectural Control Committee shall be deemed aproved.

Section 7 Liability: Neither the Architectural Control Committee nor any member thereof shall be liable to the Association or to any Unit Owner for any damage, loss or prejudice suffered or claimed on account of: (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective, (b) the construction or performance of any specifications, (c) the development of any property within the Project, or (d) the execution and filing of an estoppel provided, however, that such member has acted in good faith on the basis of such information as may be possessed by him.

#### ARTICLE IX

## MORTGAGEE RIGHTS AND PROTECTION

Notwithstanding any other provisions of this Declaration to the contrary:

Section 1 Mortgage Permitted: Any Condominium Owner may encumber his condominium with a mortgage. For purposes of this Declaration a "mortgage" means a deed of trust as well; and a "mortgagee" also means the beneficiary under a deed of trust. A "first mortgage" similarly also means "a first deed of trust".

Section 2 Subordination: Any lien created or claimed under the provisions of this Declaration is expressly made subject and subordinate to the rights of any first mortgage that encumbers all or a portion of the Project, or any Condominium, made in good faith and for value, and no such lien shall in any way defeat, invalidate, or impair the obligation or priority of such first mortgage unless the mortgagee expressly subordinates his interest, in writing, to such lien.

Section 3 Amendment: No amendment to this Declaration, the Articles or the By-Laws shall affect the rights of any mortgagee under any mortgage made in good faith and for value and recorded before the recordation of any such amendment unless the mortgagee either joins in the execution of the amendment or approves it in writing as a part of such amendment.

Section 4 Rights of Institutional Lenders: No breach of any of the Covenants, Conditions and Restrictions herein contained nor the enforcement of any lien provisions herein, shall render invalid the lien of any first mortgage (meaning a mortgage with first priority over any other mortgage) on any Unit made in good

faith and for value, but all of said Covenants, Conditions and Restrictions shall be binding upon and effective against any owner whose title is derived through foreclosure or trustee's sale or otherwise. Notwithstanding any provision in the Declaration to the contrary, institutional lenders shall have the

- A. All institutional lenders that have filed with the Association a request for notice of default, shall be entitled to receive written notice from the Association of any default by the trustor of any deed of trust on a Unit (the beneficial interest in which is held by said institutional lender) in the performance of such trustor's obligations under the governing documents, which is not cured within thirty (30) days.
- B. The Association shall discharge its obligation to notify institutional lenders by sending written notices required herein to the lender or lenders requesting notice, at the address given on the current request for notice.
- C. First mortgagees of individual Units may, jointly or singly, pay taxes or other charges which are in default and which may have become a charge against any association common property and may pay overdue premiums on hazard insurance policies, or secure new hazard insurance coverage on the lapse of a policy, for such common property and first mortgagees making such payments shall be owed immediate reimbursement therefor from the Homeowners Association. Entitlement to such reimbursement shall be reflected in an agreement in favor of all first mortgagees of Units duly executed by the Homeowners Association.
- D. Any institutional lender will, upon request, be entitled to (a) inspect the books and records of the Association during normal business hours, and (b) receive an annual audited financial statement of the Association within ninety (90) days written notice of all meetings of the Association, and (c) permitted to designate a representative to attend all such meetings.
- E. Association dues or charges shall include an adequate reserve fund for maintenance, repairs and replacement of those common area improvements that must be replaced on a periodic basis, and shall be payable in regular installments rather than by special assessments.
- F. Each holder of a first mortgage lien on a Unit who comes into possession of the Unit by virtue of foreclosure of the mortgage, or any purchaser at a foreclosure sale under a first deed of trust, will take the Unit free of any claims for unpaid assessments and charges against the Unit which accrue prior to the time such holder comes into possession of the Unit except for claims from a pro rata reallocation of such assessments or charges to all project Units including the mortgaged Unit, and except for assessment liens recorded prior to the mortgage.

- G. Any agreement for professional management of the project, or any other contract providing for services of the developer, sponsor or builder, may not exceed one (1) year. Any such agreement must provide for termination by either party for cause on thirty (30) days written notice or without cause and without payment of a termination fee on ninety (90) days or less written notice.
- H. The Project governing instruments contain no provisions creating a "right of first refusal," but should any such rights be created in the future, any such rights shall not impair the rights of any institutional lender to: (1) foreclose or take title to a condominium unit pursuant to the remedies provided in the mortgage, or (2) accept a deed (or assignment) in lieu of foreclosure in the event of a default by a mortgagor, or (3) interfere with a subsequent sale or lease of a unit so acquired by the mortgagee.

Section 5 Consent to Action: Except as provided by statute or by other provision of the project documents in case of substantial destruction or condemnation of the project, and further excepting any reallocation of interests in the common area(s) which might occur pursuant to any plan of expansion or phased development contained in the original project documents:

- (a) The consent of owners of units to which at least sixty-seven percent (67%) of the votes in the Association are allocated and the approval of eligible mortgage holders holding mortgages on units which have at least sixty-seven percent (67%) of the votes of units subject to eligible holder mortgages, shall be required to terminate the legal status of the project as a condominium project.
- (b) The vote required to terminate tha legal status of the project after substantial destruction or condemnation of the project shall be sixty-seven percent (67%) of the total voting power of the Association and fifty -one percent (51%) of the votes allocated to units which are subject to first mortgages held by eligible holders (those lenders that have filed with the Association pursuant to Section 4 A. of this Article).
- (c) The consent of owners of units to which at least sixty-seven percent (67%) of the votes in the Association are allocated and the approval of eligible mortgage holders holding mortgages on units which have at least fifty-one percent (51%) of the votes of the units subject to eligible holder mortgages, shall be required to add or amend any material provisions of the project documents which establish, provide for, govern or regulate any of the following: (i) voting; (ii) assessments, assessment liens or subordination of such liens; (iii) reserves for maintenance, repair and replacement of the common area(s) (or units if applicable); (vi) responsibility for maintenance and repair of the several portions of the project; (vii) expansion or contraction of the project or the addition, annexation or withdrawal of property to or from the project (except as provided

in the first paragraph above); (viii) boundaries of any unit; (ix) the interests in the general or restricted common areas; (x) convertibility of units into common areas or of common areas into units; (xi) leasing of units; (xii) imposition of any right of first refusal or similar restriction on the right of a unit owner to sell, transfer, or otherwise convey his or her unit; (xiii) holders, eligible mortgage holders, or eligible insurers or guarantors of first mortgages on units.

(d) An addition or amendment to such document shall not be considered material if it is for the purpose of correcting technical errors, or for clarification only. An eligible mortgage holder who receives a written request to approve additions or amendments who does not deliver or post to the requesting party a negative response within thirty (30) days shall be deemed to have approved such request.

Section 6 Distribution of Insurance and Condemnation Proceeds: No condominium owner, or other party, shall have priority over any right of first mortgagees of units pursuant to their mortgages in case of a distribution to condominium owners of insurance proceeds or condemnation awards for losses to or a taking of condominium units or any common area. Any provision to the contrary in this Declaration or in the By-Laws or other applicable fire and all physical loss or extended coverage insurance policies shall contain loss payable clauses acceptable to the affected mortgagees naming the mortgagees, as their interests may appear.

Section 7 Notices to Mortgagees of Record: On any loss to any unit covered by a mortgage, if such loss exceeds Two Thousand Five Hundred Dollars (\$2500.00), or on any loss to the common area, if such loss exceeds Ten Thousand Dollars (\$10,000.00), or any taking of such Common Areas, notice in writing of such loss or taking shall be given to each mortgagee of record. If any Owner of a condominium unit is in default under any provision of this Declaration, or the By-Laws, or the rules and regulations adopted by the Association, which default is not cured within thirty (30) after written notice to such owner, the Association shall give to the mortgagee of record of such owner written notice of such default and of the fact that said thirty (30) day Common Area is made the subject matter of any condemnation or eminent domain proceeding or is otherwise sought to be acquired by a condemning authority, then the first mortgagee on such condominium unit shall be given timely written notice by the Association of such proceeding or proposed acquisition.

### ARTICLE X

## DAMAGE, DESTRUCTION OR CONDEMNATION OF COMMON AREA IMPROVEMENTS

Section 1 Damage and Destruction: In the event of damage or destruction of the property of the Association, or any part thereof, it shall be the responsibility of the Association to repair or replace the same in substantial accordance with the original plans and specifications of the Project.

Subsection 1.1 Insured Losses: If the damage or destruction to the Association property is an insured loss the loss shall be handled as follows:

- A. Minor Casualties: If the insurance proceeds initially offered or paid by the insurer do not exceed Fifty Thousand Dollars (\$50,000) such insurance proceeds shall be paid to the Association in accordance with Article IV, Section 1, Subsection or rebuild the damaged portions of the Association's property in substantial accordance with the original plans and specifications of the Project, obtain bids in accordance with the following paragraphs, and the insurance funds held by the Association shall be used for such reconstruction.
- B. Major Casualty: If the insurance proceeds initially offered or paid by the insurer exceed Fifty Thousand Dollars (\$50,000), then:
- (1) All insurance proceeds shall be paid to the Association and deposited in a newly-created account, and held for the benefit of the Owner(s) of the relevant unit and their mortgagees as their respective interests may appear.
- (2) The Board shall obtain firm bids from two or more responsible contractors to rebuild the relevant portion of the Project in accordance with its condition prior to damage and destruction, modified at the direction of the Board to comply with the building codes and construction standard in effect at the time of the rebuilding. To be considered, any contractor's bid shall include the premium payable for a performance, labor and material payment bond from a reputable bonding company.
- (3) The Board shall then call a meeting of all Owners whose Units have been damaged to review all such submitted bids. A simple majority vote of these affected Owners will be required to accept or reject any bid. The failure by such Owners to either accept a bid or reject all bids shall authorize the Board to accept an unrejected bid it considers most favorable, or seek further bids.

Subsection 1.2 Uninsured or Insufficiently Insured Losses: If any damage or destruction is uninsured or if the insurance proceeds are insufficient to cover the cost of repairs or replacement of the property damaged or destroyed, the Board will make a Special Assessment, in accordance with the provisions outlined in Article V, Section 3 of this Declaration, to cover such cost. Such special assessment is in addition to any other regular assessments and is subject to the rules herein relating rebuilding or major repair work of the structural common area housing units of the Project will be levied upon the basis of the total square footage of floor area of all units to be assessed.

Subsection 1.3 Full Insurance Settlement: Notwithstanding any provision of this Article X, if the insurance carrier offers the full amount required to repay and restore all of the damage, then the Board shall contract to repair or rebuild the damaged portions of all affected condominiums and apartments and the buildings containing same in the manner provided in Subsection 1.1 of this Article X for a minor casualty.

Subsection 1.4 Emergency Repairs: Without waiting to obtain insurance settlements or bids, the Board may undertake such emergency repair work after a casualty as it may deem necessary or desirable under the circumstances, and the Board may charge the operating accounts for the cost thereof. In the event of a casualty, there is a substantial possibility that immediate emergency repairs will be required to eliminate defective or dangerous conditions and to comply with applicable laws, ordinances and regulation, pending settlement of insurance claims and prior to procuring bids for performance of restoration work.

Subsection 1.5 Decision Not to Rebuild: The decision not to rebuild will require the affirmative vote or written assent of seventy-five percent (75%) of each class of Owner. Upon conversion of Class B membership to Class A membership as provided in this Declaration, the affirmative vote or written assent of seventy-five percent (75%) of the votes of members other than the Grantor shall be required for the decision not to rebuild. In the event the membership elects not to rebuild, the proceeds received by the Association as a result of such decision and their respective mortgagees according to the respective fair market values of the units at the time of destruction. The fair market value shall be determined by taking the average of two independent appraisals as commissioned by the Association.

Section 2 Distribution of Funds in Event of Condemnation: A condemnation affecting all or part of the structural common area of the Project which is not apportioned among the owners by a court judgment or by agreement between the condemning authority and each of the affected Owners, shall be distributed among the Owners of Units and their respective mortgagees according to the respective fair market values of the units at the time of

destruction. The fair market value shall be determined by taking the average of two independent appraisals as commissioned by the Association.

## ARTICLE XI

## GENERAL PROVISIONS

Section 1 Enforcement of Bonded Obligations: When common area improvements have not been completed prior to the issuance of the first final public report for the Project and the Association is "Bond") to secure performance of the commitment of Declarant to complete the improvements, the following provisions relative to the initiation of action to enforce the obligations of Declarant and the surety under the Bond shall pertain:

- (A) The Board shall consider and vote on the question of action by the Association to enforce the obligations under the Bond with respect to any improvements for which a Notice of Completion has not been filed within sixty (60) days after the Completion date specified for that improvement in the Planned Construction Statement appended to the bond. If the Association common area improvements, the Board shall be directed to consider and vote on the question if a Notice of Completion has not been extension.
- (B) There shall be a special meeting of the Members for the purpose of voting to override a decision by the Board not to initiate action to enforce the obligations under the Bond or on the failure of the Board to consider and vote on the question. The meeting shall be required to be held not less than thirty-five (35) nor more than forty-five (45) days after receipt by the Board of a petition for such a meeting signed by Members representing not less than five percent (5%) of the total voting power of the Association.
- (C) There shall be a vote by Members of the Association other than Declarant at the special meeting called. A vote of the majority of the voting power of the Association residing in Members other than Declarant to take action to enforce the obligations under the Bond shall be deemed to be the decision of the Association and the Board shall thereafter implement this decision by initiating and pursuing appropriate action in the name of the Association.

Section 2 Invalidity of any Provision: Should any provision or portion hereof be declared invalid or in conflict with any law of the jurisdiction where this project is situated, the validity of all other provisions and portions hereof shall remain unaffected and in full force and effect.

Section 3 Term: The covenants and restrictions of this Declaration shall run with and bind the property, and shall inure to the benefit of and shall be enforceable by the Association or the owner of any condominium subject to this Declaration and his legal representatives, heirs, successors and assigns, for a term of thirty (30) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless an instrument in writing, signed by a majority of the then owners of the condominiums, has been recorded within the year preceding the beginning of any successive period of ten (10) years, agreeing to change said covenants and restrictions in whole or in part or to terminate the same.

Section 4 Amendments: This Declaration may be amended only by the affirmative vote or written assent of seventy-five percent (75%) of each class of Association membership.

Upon conversion of Class B membership to Class A membership as provided in this Declaration, the affirmative vote or written consent of seventy-five percent (75%) of the total voting power of the Association, and seventy-five percent (75%) of the votes of members other than the grantor, shall be required for amendment of this Declaration. The percentage of voting power necessary to amend a specific clause or provision shall not be less than the percentage of affirmative votes prescribed for the action to be taken under that clause or provision. Any amendment must be recorded and shall become effective upon being recorded in the Recorder's Office of the City and County of San Francisco.

Section 5 Development Rights: Declarant is undertaking the work of developing for sale residential Units and certain improvements within the Project. The completion of that work and the sale, rental and other disposal of said residential Units is essential to the establishment and welfare of the property as a residential community. In order that this work may be completed and said property be established as a fully occupied residential community as rapidly as possible, nothing in this Declaration shall be understood or construed to:

- (A) Prevent Declarant, its contractors or subcontractors from obtaining reasonable access over and across the common area of the Project or from doing within any unsold Unit owned by it whatever is reasonably necessary or advisable in connection with the completion of said work;
- (B) Prevent Declarant or its representatives from erecting, constructing and maintaining within the Common Area such structures as may be reasonably necessary for completing said work and conducting its business of establishing said property as a residential community and disposing of the same in parcels by sale, lease, or otherwise.

- (C) Prevent Declarant from maintaining such signs on Units still owned by Declarant or on the Common Area as may be necessary for the sale, lease or disposition of the Units therein; or
- (D) Prevent Declarant from maintaining model homes, sales offices, storage facilities or related facilities in any unsold Units within the Project necessary or reasonable, in the opinion of Declarant, for sale or disposition of the Units. Declarant shall be entitled to reasonable use of the common areas and common area facilities for undertaking its sale of the Units.

The Declarant shall be obligated to pay a reasonable rental amount to the Association for use of the Common Area for marketing purposes.

The above rights of Declarant with respect to development and marketing shall be limited to a period of three (3) years from the date of the first conveyance of a Unit in the development.

Section 6 Enforcement: Notwithstanding any other provision in this document:

- (A) Except as otherwise provided herein, the Association or any Owner shall have the right to enforce any and all of the covenants, conditions and restrictions now or hereafter imposed by this Declaration upon the owners or upon any property within the Project; and
- (B) Any violation of any state, municipal or local law, ordinance or regulation pertaining to the ownership, occupation or use of any property within the Project is hereby declared to be a violation of this Declaration and subject to any or all of the enforcement procedures herein set forth; and
- (C) Each remedy provided by this Declaration is cumulative and not exclusive; and
- (D) The failure to enforce the provisions of any covenant, condition or restriction contained in this Declaration shall not constitute a waiver of any right to enforce any such provisions or any other provision here.

Section 7 Pair Housing: No Owner shall, either directly or indirectly, forbid or restrict the conveyance, encumbrance, leasing or mortgaging, or occupancy of his unit to any person or business entity for reasons of race, color, religion, sex, marital status, national origin, ancestry or adulthood of any vendee, lessee or occupant.

Section 8 Binding Arbitration: In case of any claim or dispute between the Declarant, its builder, general contractor, or broker, or their agents or employees, on the one hand, and any Unit owner(s), on the other hand, which claim or dispute related to the rights and/or duties of the parties under the project documents, or relates to the design or construction of the Project or any part thereof (except for disputes relating to alleged Common Area deficiencies), the procedure shall be as follows: The aggrieved party or parties shall notify the other party or parties of the grievance, in writing. When such a

notice is received by Declarant, it shall promptly respond with an investigation, inspection, meeting, discussion, or other action reasonably appropriate to the circumstances. Appropriate action shall include, without limitation, prompt communication with the aggrieved party or parties, and a proposed course of action to resolve the problem. All parties involved in the matter shall negotiate in a good faith attempt to amicably resolve the problem. If the parties are unable to resolve the problem within a reasonable period of time (not to exceed ninety (90) days after the first notice of claim or dispute) the matter shall be submitted to binding arbitration pursuant to Section 1280 et. seq. of the California Code of Civil Procedure, provided that if the dispute or claim involves a sum not in excess of the jurisdictional limit of the Small Claims Court, the matter shall be submitted to the Small Claims Court and the rules of such Court shall prevail.

IN WITNESS WHEREOF, the undersigned, being the Declarants herein, have executed this Declaration this 33 day of

Robert L McLennan

Kim S. McLennan

Richard G. Statler

#### ACKNOWLEDGMENT

STATE OF CALIFORNIA

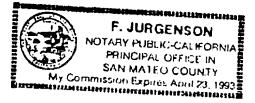
COUNTY OF SHALLINATEN

ss.

On 199, before me, the undersigned, a Notary Public in and for the County and State, personally appeared Robert L. McLennan & Kim McLennan and Richard G. Statler, known to me to be the persons who executed the within instrument, and acknowledged to me that such persons executed the same.

WITNESS my hand and seal.

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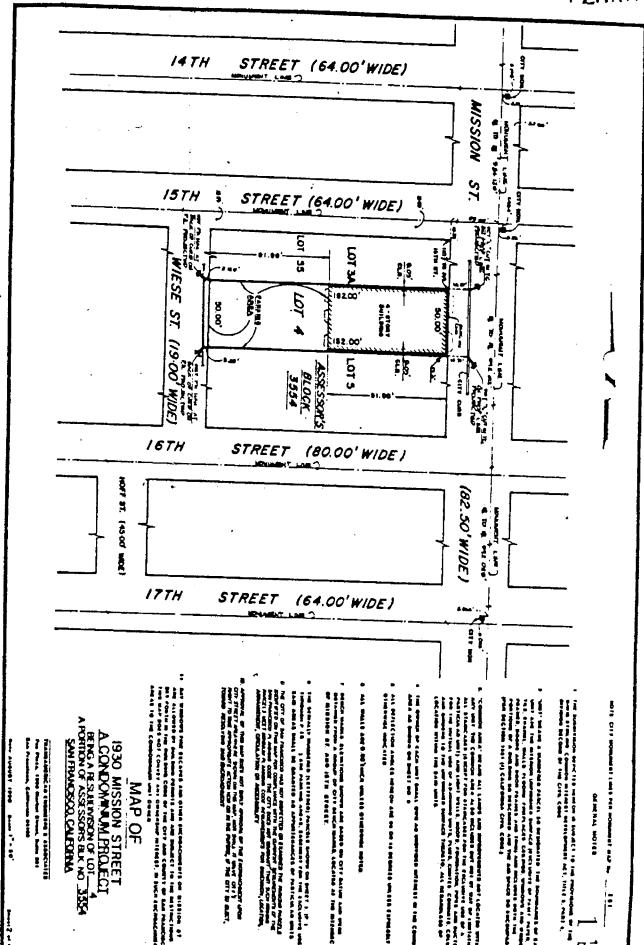


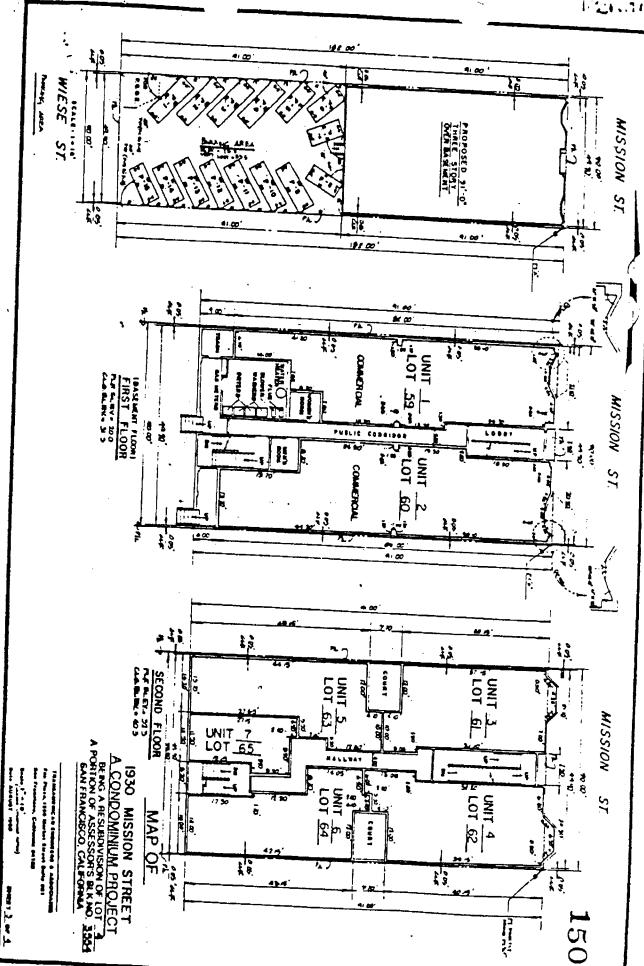
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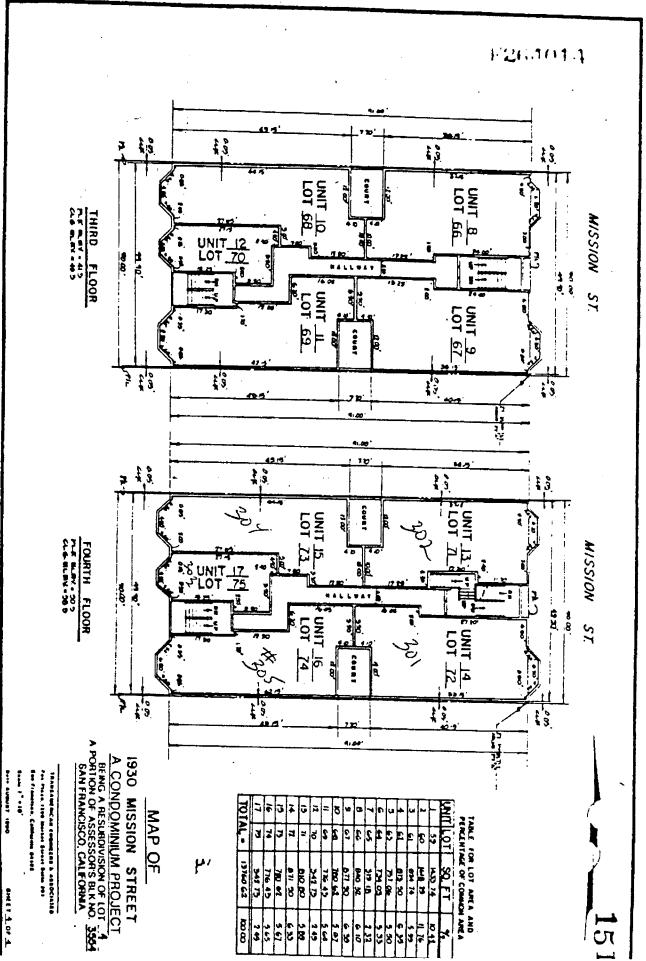
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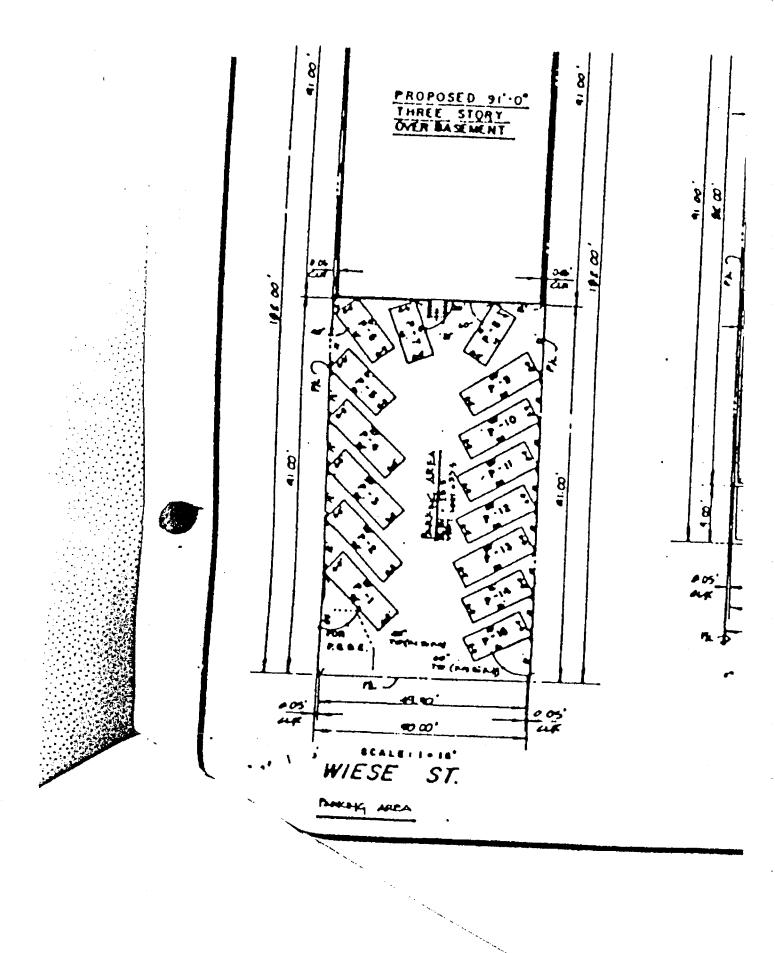




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# Discretionary Review Application (2 of 2)

Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

1928 Mission Street

## APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

очног, при	CATTE ITTE	J					
DR APPLICANT'S NAME:	- db= 10	224 Mission Stre	ot Droportics				
Sahu Brothers LLC	L, aba is	924 MISSION SUR	et Properties				
DR APPLICANT'S ADDRE	SS:			ZIP CO	DE:	TELEPHON	E:
1914 Golden Gate Avenue 94115			5	(415)	794-4616		
	IS DOING T	THE PROJECT ON WHIC	CH YOU ARE REQUEST	ING DISCRETIONARY REVIE	W NAME:		
Steven Suzuki							
ADDRESS:				ZIP CO	ALTERNATION OF THE PARTY OF THE	TELEPHON	E:
1245 Howard Str	eet, San	Francisco, CA		9410	3	(415)	575-0423
CONTACT FOR DR APPLI	CATION:						
Same as Above (	Gerry Ra	msey					
ADDRESS:				ZIP CO	DE:	TELEPHON	
1433 Sandpiper	1433 Sandpiper Spit, Point Richmond CA 94801				1	(510) 685-5516	
E-MAIL ADDRESS:							
gerry.ramsey@19	24msp.	com					
2. Location and STREET ADDRESS OF PR 1928 Mission Stre	ROJECT:	ication					ZIP CODE: 94103
CROSS STREETS:	12476						
15th & 16th Stree	ets						
ASSESSORS BLOCK/LOT		LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	н	EIGHT/BULK	DISTRICT:
3554 / 0	)59			NCT/80B			
3. Project Descr Please check all that apply Change of Use	Chang	ge of Hours 🗌				molition	□ Other □
Additions to Build	_	Rear Fro	nt 🗌 Heigh	t Side Yard			
Present or Previous	Use:	netali					
Proposed Use:	stitution	al, Large (Socia	l Service)				
Building Permit Ap	plication	n No. 2016.08.1	9.5522		Date File	d: Augu	ıst 19, 2016

## 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<b>X</b>	
Did you discuss the project with the Planning Department permit review planner?	<b>X</b>	
Did you participate in outside mediation on this case?		7

## 5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

Tom Tunny, the attorney that represents the Sisters of the Fraternity of Notre Dame, represented that the facility at 53 Turk Street as a model example of community change for the better. This in stark contrast to what is clearly apparent from their present location (see photos of 53 Turk Street). Planning staff stated "The proposed use is principally permitted in the Neighborhood Commercial Transit District, and it meets all requirements of the Planning Code, so I do not have land use reasons or the authority to deny the building permit", and suggested no resolution. In the Mission where housing is supposed to be encouraged, the proposed soup kitchen sends a highly contrasting message of drugs, crime, graffiti, and filth.

## Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

Under Prop M Section 101.1 for the SF PC's eight priority policies priority #1 "That the existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such business be enhanced". The proposed soup kitchen would be a jarring diminution of the existing neighborhood serving retail uses by forceful introduction of an institutional use specifically purposed to serve a clientèle that has already been proven to bring crime, graffiti, substance abuse, and panhandling to the neighborhood at 53 Turk Street where it is currently located. Allowing the proposed use will cast a long, dark shadow over the future of the otherwise bright future of the Mission District.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

Part II Neighborhood Character of the Residential Design Guidelines states "proposed projects must be responsive to the overall neighborhood context" The proposed institutional use project will adversely change the character of the neighborhood and its context by discouraging and halting the construction of housing and community retail space. It is unreasonable to expect that locating a soup kitchen for the homeless will not attract more displaced persons to the Mission community. Existing residents already live in fear of the illegal drug-induced, intrusive, and community disruptive activities of the existing displaced population that sleeps and blocks owner's doors, openly uses drugs, and leaves bodily filth for owners to clean from their sidewalks.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

There is no alternative for locating the proposed use in the Mission that complies with the Planning Code's, and Mission's Area Plan's objectives and priorities. The proposed use violates Mission Land Use Objectives 1.1, 1.2, 1.4, 1.5, 1.6, 1.7, and 1.8; Housing Objectives 2.1, 2.2, 2.4, 2.5, and 2.6; Transportation Objectives 4.1, 4.2, 4.4, 4.5, and 4.6. It is a use that undermines the neighborhood as a safe and attractive place to live and work. The proposed Soup Kitchen provides strong disincentives to builders, renters, families, and businesses to locate in the area thereby drying up the economic support the City of San Francisco seeks to implement in its objectives for the Mission.

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature:

Date:

Print name, and indicate whether owner, or authorized agent:

**Gerry Ramsey** 

Owner Authorized Agent (circle one

## Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent.** 

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	
Address labels (original), if applicable	0
Address labels (copy of the above), if applicable	0
Photocopy of this completed application	
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	
Letter of authorization for agent	
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	

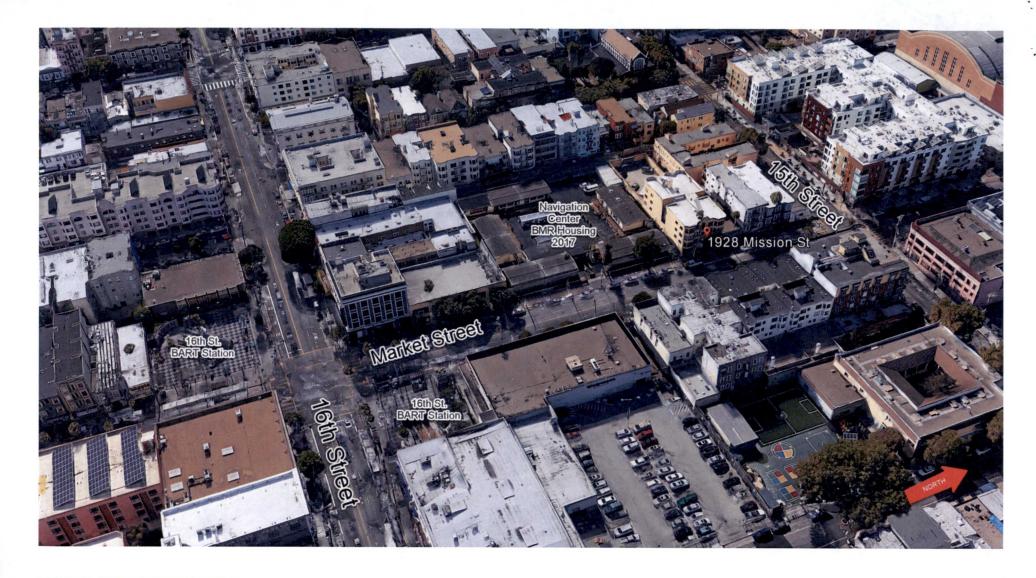
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For Department Use Only Application received by Planning Department:		
Ву:	Date:	

<sup>☐</sup> Required Material.

Optional Material.

O Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.



#### PRESENT COMMUNITY CONTEXT

1928 Mission Street is located on the East side of Market Street, in close proximity to the 16<sup>th</sup> Street BART Station. New mixed-use retail and residential projects are proposed at the current site of the Walgreens Drugstore on the West side of the street, and on the East side at 1924 Mission, and at the corner of 15<sup>th</sup> Street. The East side of the center of the block is an abandoned school site currently in use as The Navigation Center. In 2017, the Navigation Center will be replaced by a City backed BMR housing project.





Filth and scattered belongings front the soon to be closed Navigation Center (Figure 3 at left).

Though the applicant's submittal shows a clear, unobstructed storefront at 1928 Mission, these photos demonstrate a typical day's scene. Tarp wrapped possessions, trash, and human waste challenge all pedestrians.





1928 Mission Street San Francisco, CA 94103



The rendering above shows the proposed mixed-use project at adjacent 1924 Mission Street. The 1924 Mission Street proposal contains PDR retail and small non-luxury apartments designed to strongly support the following Mission Area Plan Objectives:

1.1 "Strengthen the Mission's Existing Mixed Use Character", 1.2 "Maximize Development Potential", 1.4 "Support a Role for Knowledge





PROPOSED AREA OF WORK

Sector Businesses", 1.5 "Minimize ... Noise", 1.6 "Improve Indoor Air Quality", 1.7 "Retain the Mission's Role as an Important Location for ... (PDR) Activities" 1.8 "Maintain and Strengthen... Neighborhood's Commercial Areas", 2.1 "Ensure .... New Housing Created ... Is Affordable to .... Wide Range of Incomes", 2.2 "Retain and Improve Existing Housing ...", 2.5 "Promote Health through.... Design and Location", 2.6 "Continue and Expand the City's Efforts to Increase ... Affordable Housing Production...", 3.1 "Promote ... Form that Reinforces Mission's ... Place", 3.2 "Promote Urban Form and Architectural Character that Supports Walking and Sustains a ... Safe Public Realm", 4.2 "Increase Transit Ridership...", 4.4 "Supports the Circulation Needs of .... PDR Uses ...", 4.6 "Support Walking as a Key Transportation Mode...", 4.8 "Encourage Alternatives to Car Ownership ...". All these objectives will, at best, be delayed being met if the proposed change of use is allowed to rip the urban fabric of the Mission's namesake thoroughfare. Is this area of the Mission District going to become the new Turk Street of the Tenderloin, or will it be a safe, healthy, and desirable place to live and work?

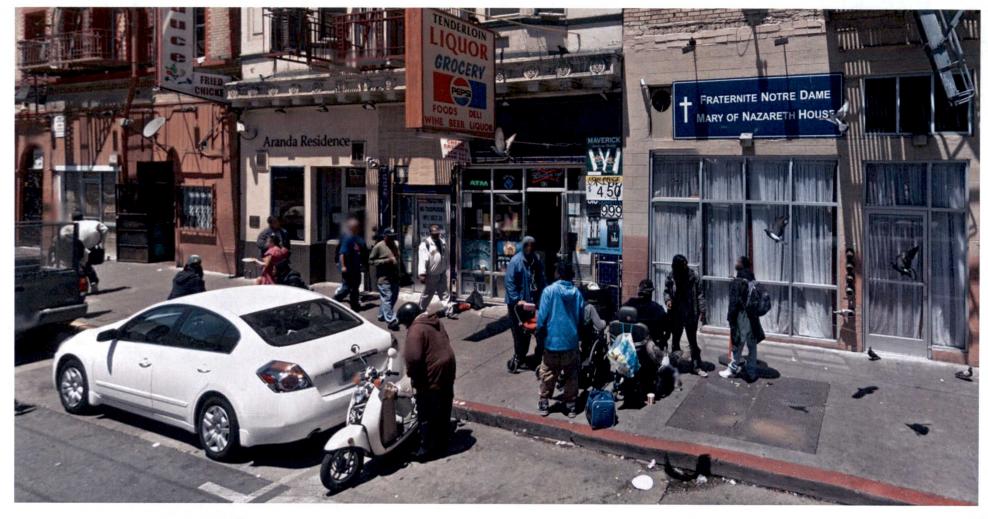


54 TURK STREET AT FREE LUNCH TIME MAY 2014 (GOOGLE MAPS)



1928 Mission Street San Francisco, CA 94103

KEY MAP FOR PHOTOS OF 54 TURK STREET



54 TURK STREET ON A NON-LUCH DAY MAY 2013 (GOOGLE MAPS)

1928 Mission Street San Francisco, CA 94103

# Project Sponsor Response to Discretionary Review Application

Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

1928 Mission Street

## REUBEN, JUNIUS & ROSE, LLP

December 27, 2016

President Rodney Fong San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: 1928 Mission Street

Discretionary Review of Proposed Soup Kitchen Planning Department Case No. 2016-011482DRP

Hearing Date: January 12, 2017

Dear President Fong and Commissioners:

We are working with the Sisters of the Fraternite Notre Dame (the "Sisters"), who are seeking to relocate their existing soup kitchen from 54 Turk Street to 1928 Mission Street. The Fraternite Notre Dame is a Traditional Catholic Religious Order, whose primary mission is service to the poor, the needy, and children, focusing particularly on soup kitchens, hospitals, schools and orphanages. The Sisters have operated their soup kitchen at 54 Turk Street since 2008. It has been an enormous success, providing a vital service to the community, but they have been forced out of the space due to a significant rent increase.

Assisted by the generosity of Tony Robbins, life and business strategist and philanthropist, the Sisters seek to move their soup kitchen to 1928 Mission Street. Two requests for Discretionary Review ("DR requests") have been submitted that set forth certain concerns with the soup kitchen. For the following reasons, we submit that the concerns of the DR requests are not warranted, and respectfully request that the Planning Commission approve the soup kitchen and allow the Sisters to perform their humble public service for our community's neediest.

- The Sisters and their soup kitchen will provide nourishment, care and support to low-income individuals and families with young children and the homeless. For many visitors to the soup kitchen, this meal is their only one of the day, and for low-income individuals and families with young children, these meals help them meet their budget and avoid homelessness;
- The Sisters will operate the soup kitchen as they currently do at the Turk Street location according to the Police Department's Tenderloin District Commanders, the soup kitchen is run in a clean, orderly, and efficient manner. (Please see quote from Cpt. Jimenez on p. 5.) The soup kitchen has never been cited for any code or

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin Tuija I. Catalano | Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben<sup>1</sup> | Thomas Tunny David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Chloe V. Angelis Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

San Francisco Office

One Bush Street, Suite 600, San Francisco, CA 94104 tel: 415-567-9000 | fax: 415-399-9480

Dakland Office

827 Broadway, Suite 205, Oakland, CA 94607 tel: 510-257-5589

regulatory violation. Contrary to the DR requests, the Sisters' operation of the soup kitchen will in fact help address any loitering and nuisances in the area. The Sisters run a "tight ship", work cooperatively with other social services such as Project Open Hand and the San Francisco Food Bank, and will do a great deal to help *improve* street-front conditions and the character of the neighborhood.

- The Sisters have conducted an extraordinary amount of community outreach and the proposed soup kitchen is widely supported by the immediate neighborhood and beyond, including, just to name a few representative organizations and individuals, Supervisor-elect Hillary Ronen, the Mission Economic Development Agency; Marc Benioff, Chairman and CEO of Salesforce.com; the Mission Neighborhood Health Center; Father Richard Smith of St. John's Episcopal Church and Father Paul Allick of the Church of the Advent; and Tenderloin Police District Commanders Cpt. Teresa Ewins and Gary Jimenez (ret.). The Sisters have received over 40 letters of support (Exhibit A) and petitions of support with over 3,100 signatures (Exhibit B; see also https://www.change.org/p/san-francisco-planning-commission-support-the-sisters-soup-kitchen-in-san-francisco);
- The Sisters have worked proactively and cooperatively with the Homeowners Association (the "HOA") at 1928-1930 Mission Street (one of the DR requesters) for over ten months in an attempt to address their concerns. One of the HOA's principal objections was that the soup kitchen could not have any oven vents occupying the building light wells or other common areas. At great expense, the Sisters came up with the solution of ventless stove and oven hoods. Yet the HOA continues to oppose the Sisters;
- When faced with eviction from their Turk Street location, the Sisters searched the City for a new location for their soup kitchen; 1928 Mission Street is the best and most practical one, and has been vacant for over three years. The location is ideal geographically. They are easily accessible to their clientele, particularly the Navigation Center (and proposed affordable housing project) next door, no other food service dedicated to the homeless is provided in the Mission District, and the closest similar service, the Martin de Porres House of Hospitality, is quite a distance away—

  ¾ mile.
- Finally, we note the provisions of the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA"). The RLUIPA bars local zoning regulations that impose a substantial burden on the religious exercise of an institution, which can include religious social services such as a soup kitchen (42 U.S.C §§ 2000cc et seq.).

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Oakland Office

827 Broadway, Suite 205, Oakland, CA 94607

tel: 510-257-5589

#### I. PROJECT BACKGROUND

The Fraternite Notre Dame was founded in 1977 by Bishop Jean Marie. The Fraternite describes itself and its mission as follows:

Bishop Jean Marie opened many religious houses throughout the world, to help destitute people and those who suffer: North America, the Caribbean, Africa, Europe, Asia and more. As a Religious Order, Fraternite Notre Dame and its members bring, along with the example of their Bishop Founder, the Most Reverend Jean Marie, a vivid response in the way of living one's faith.

As a Religious Order, Fraternite Notre Dame and its members put the Gospel into practice, by performing charitable works: soup kitchens, hospitals, schools, orphanages, aid to families and so on.

Whom does it turn to? It turns to everyone, with no distinction of race, class, sex or creed.

Who does it work with? It works with any organization or religious denomination, as long as help is provided to the least ones and to the poor, for it wants to be an Instrument of Peace, comprehension and unity with everyone.

(Additional background on the Fraternite Notre Dame is attached as Exhibit C; see also http://www.fraternitenotredame.com/2011 2 0/)

The Sisters began operating the soup kitchen at 54 Turk Street in 2008. The soup kitchen has been highly successful. (Photos of the soup kitchen are attached as Exhibit D.) The Sisters serve lunches three days per week, providing approximately 250 meals per day. Some people eat their meal at the soup kitchen, and some take their meal and eat elsewhere. Most people take multiple meals. The floor area of the space at 54 Turk Street is approximately 890 square feet.

The Sisters also bake pastries at 54 Turk Street, which they sell at farmers markets at the Crocker Galleria and elsewhere in the Bay Area to support their mission. The Sisters make dinners twice a week, which are not served on-site, but are brought to U.N Plaza and the Bayview neighborhood for service to the needy.

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1928 Mission Street is a ground floor commercial condominium in a four-story, mixed-use building located on the west side of Mission Street between 15<sup>th</sup> and 16<sup>th</sup> Streets. (Photos of the building and neighboring properties are attached as Exhibit E.) The property is located in the Mission Street Neighborhood Commercial Transit District. 1928 Mission is one of two approximately 1,400 sq. ft. commercial spaces on the ground floor, with fifteen residential units above. The other commercial space is occupied by The City 420 Doctor, which provides medical marijuana services. The condominiums are governed by a Declaration of Covenants, Conditions and Restrictions (the "CC&Rs").

At 1928 Mission Street, the Sisters propose to operate the soup kitchen much as they do on Turk Street. They would like to increase the number of days they serve lunches, if that proves feasible. The Sisters only bake and boil their foods; there is no frying. The soup kitchen's plans and drawings are attached as <u>Exhibit F</u> (we are attaching two sets of plans – the plans submitted for the change of use permit and an updated set).

# II. THE DR REQUESTERS' CONCERNS HAVE NO LEGAL, PUBLIC POLICY OR COMMON SENSE SUPPORT

The DR requesters' concerns about the soup kitchen are listed below, with our response following each concern.

A. The Soup Kitchen Will Cause Outside Queues and Lines to the Detriment of the Neighborhood and in Violation of the Planning Code's Good Neighbor Policies

The DR requesters' concern about a line forming outside of the soup kitchen is baseless. The Sisters at times have had a line outside their Turk Street location, but the line is orderly and does not cause problems in the neighborhood. The Sisters and their volunteers keep the sidewalk outside their space and their neighbors' spaces clean and trouble-free.

Moreover, the 1928 Mission Street space is significantly larger than the Turk Street space (1,400 sf v. 890 sf) and can hold more clients (the HOA's DR request incorrectly states that the spaces are the same size), which will reduce the need for a line outside the space. Also, there are measures that can be taken such as reducing the seating, expediting service, or lengthening the service time, that can address the lines.

Notwithstanding the foregoing, the DR requesters's concerns about a line forming outside the space borders on discriminatory because it is based only on the type of people in

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the line. When lines form outside popular restaurants or coffee shops, those businesses are generally considered to be a success. We expect the soup kitchen to be successful, too, in its service to our community's most in need.

Contrary to the DR requesters' assertions, the line outside the soup kitchen, if any, will have a minimal impact on the neighborhood, and the impact of the soup kitchen overall on the neighborhood character will be overwhelmingly positive. The soup kitchen integrates well with the existing mix of retail, restaurants, residential, and social service uses, and will provide a vital service to low-income families and the homeless that have existed in this neighborhood for a long time, and will undoubtedly persist.

The adjacent Navigation Center will benefit significantly from the soup kitchen, as will the affordable housing project proposed for the site. The soup kitchen already collaborates with compatible services, such as the San Francisco Food Bank and Project Open Hand, and will be able to expand these collaborations in the Mission District.

To describe the impact the soup kitchen will have on the neighborhood character, former Tenderloin Police District Captain Gary Jimenez said it best:

The establishment of their Soup Kitchen proved to be a good thing for the neighborhood. It not only provided food for the hungry but gave their patrons a clean place to eat and to take part in keeping the area clean and orderly. The Sisters by their example and love for the poor became a leading and positive influence on those who gathered gaining their cooperation in polite and considerate manners to all in the area. The front sidewalk was not only cleaned by the Sisters and their volunteers but expanded to their neighbors and to those who visited the kitchen regularly. Those who did not visit the Soup Kitchen but tended to gather for questionable behavior soon moved away from the kitchen's location improving the area's sanitation and appearance. The Sisters brought hope to the area and many of its residences and the impact on the homeless had a very positive influence on their behavior to others.

Finally, in support of its concern about lines outside the soup kitchen, the HOA's DR request cites to Planning Code Section 803.5(c). Although we have shown that the concerns about lines are unfounded, we note that Section 803.5(c) does not apply to the subject property. Section 803.5(c) applies only to the Eastern Neighborhoods Mixed Use Zoning Districts and South of Market Mixed Use Zoning Districts. 1928 Mission Street's Zoning District, the Mission Street Neighborhood Commercial Transit District, is not an Eastern

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Neighborhoods Mixed Use Zoning District or South of Market Mixed Use District. (Plan. Code § 201.)

#### B. Sufficient Similar Services Are Provided Nearby

The DR requesters assert that sufficient similar services are provided nearby, but this is not true. The nearest meal service is the Martin de Porres House of Hospitality, but this is located 34 mile away. According to the Mission Neighborhood Health Center, which supports the soup kitchen, the Mission District has no existing food service organizations serving the homeless. (Exhibit G)

The soup kitchen will fill a service void in the neighborhood, and will integrate well with other nearby social services. The Sisters are supported by the Mission Economic Development Agency and the Mission Neighborhood Health Center, who will serve as valuable resources for the soup kitchen in collaborating with other services in the neighborhood.

#### *C*. The Sisters Have Demonstrated a Disregard for City Rules and Procedures

The HOA's DR request alleges that the Sisters have disregarded City rules and procedures. This is wrong. The Sisters have a valid operating permit from the San Francisco Department of Public Health (see Exhibit H), and the soup kitchen has never been cited for a single code or regulatory violation.

D. The Soup Kitchen Violates the City's General Plan Policies and Priority General Plan Policies

Contrary to the DR requesters' allegations, the soup kitchen is consistent with, and promotes, the objectives and policies of the Mission Area Plan, as well as the Planning Code's Priority General Plan Policies, as set forth below.

#### Mission Area Plan

**OBJECTIVE 1.8** MAINTAIN AND STRENGTHEN THE MISSION'S NEIGHBORHOOD COMMERCIAL AREAS.

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**Policy 1.8.2** 

Policy 2.3.4

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low-income households.

The soup kitchen will serve the needs of the neighborhood's residents, including immigrant and low-income households. The Sisters propose providing free meals to those in the Mission Street Neighborhood Commercial Transit district. The neighborhood is home to many residents earning a lower income or who are otherwise food-insecure. Such residents are in most need of the Sisters' generosity and hot meals.

OBJECTIVE 2.3 ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES.

Encourage the creation of family supportive services, such as childcare

facilities, parks and recreation, or other facilities, in affordable housing or mixed-use developments.

The soup kitchen meets this policy by bringing new supportive services to the existing mixed-use development, in a long-vacant space. The particular service proposed here, a soup kitchen, is an essential safety net for vulnerable families and individuals. The Sisters provide hot, nutritious meals to those in need, which have increasingly included families and young children.

OBJECTIVE 7.2 ENSURE CONTINUED SUPPORT FOR HUMAN SERVICE PROVIDERS THROUGHOUT THE EASTERN NEIGHBORHOODS.

Policy 7.2.1 Promote the continued operation of existing human and health services that serve low-income and immigrant communities in the Eastern Neighborhoods.

The Sisters seek to serve the low-income and immigrant communities in the Eastern Neighborhoods. Prior to their uprooting, the Sisters were located in the Tenderloin. The proposal would allow the Sisters to continue to feed the City's most vulnerable, including those from the Mission District and elsewhere in the Eastern Neighborhoods.

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#### **Relevant Priority General Plan Policies**

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced:

The soup kitchen will occupy a space that has been vacant for over three years; hence, no retail use will be displaced. Moreover, the soup kitchen operates much like a retail use. with meals served to customers. In this case, no money is exchanged. In addition, volunteers in the soup kitchen gain valuable employment experience in the field of food service operations and management. Many of the soup kitchen's volunteers have used the experience to find food-service related employment.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

By virtue of its service to the needy and its contributions to neighborhood character, the soup kitchen will help preserve and enhance the cultural and economic diversity of the neighborhood.

#### E. The Soup Kitchen Violates the CC&Rs of the HOA

Although the CC&Rs are a private agreement outside the scope and jurisdiction of the Planning Commission's review, the proposed soup kitchen complies with the CC&Rs of the HOA. The Sisters submitted project plans to the HOA for review and approval on November 10, 2016.

In addition, the HOA's DR request correctly states that the CC&Rs limit the use of 1928 Mission Street to "commercial" uses. The soup kitchen is considered a commercial use. As just one source of legal authority, the Planning Code categorizes the soup kitchen as a commercial use. Under Planning Code Section 790.50(a), the soup kitchen is considered a Large Institution (Assembly and Social Service Use). Planning Code Section 145.4 requires ground floor spaces in the Mission Neighborhood Commercial Transit District to be occupied by commercial uses. Table 145.4 lists Large Institutions as qualifying ground floor "commercial" uses. Hence, the soup kitchen is a commercial use and complies with the CC&Rs.

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#### III. CONCLUSION

For all of the foregoing reasons, we respectfully request that the Planning Commission approve the Sisters' proposed soup kitchen at 1928 Mission Street. The Sisters seek to provide a vital service to our community's most vulnerable in an ideal location. The soup kitchen is overwhelmingly supported by the immediate neighborhood, City leaders, and beyond. They have a proven track record of clean, orderly and collaborative public service that will continue at 1928 Mission Street. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

Thomas Tunny

#### **Enclosures**

cc: Vice President Dennis Richards
Commissioner Rich Hillis
Commissioner Christine Johnson
Commissioner Joel Koppel
Commissioner Myrna Melgar
Commissioner Kathrin Moore
John Rahaim – Planning Director
Jonas Ionin – Commission Secretary
Seema Adina – Project Planner
1930 Mission Homeowners Association
Sisters of the Fraternite Notre Dame

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## **EXHIBIT A**

From: Sent:

Fr. Richard Smith [rector@saintjohnsf.org] Thursday, December 22, 2016 4;23 PM

To:

Thomas P. Tunny

Cc:

commissions.secretary@sf.gov

Subject:

In support of the Sisters of the Fraternite Notre Dame

I am the vicar of St. John's Episcopal Church in the Mission District. I am also a homeowner and live with my family in the Mission.

I'm writing to support the Sisters of the Fraternite Notre Dame who hope to open a much needed soup kitchen in my neighborhood at 1930 Mission Street. The sisters have been feeding the hungry "delicious, dignified meals" in the Tenderloin for the last eight years. Now that they've been forced to move from the Tenderloin, their presence in the Mission could bring a welcome service to a corner of the City with a growing number of unhoused and other poor people.

At the moment, the waiting list for homeless shelter beds in the City is at 1000. As much as we might like to ignore this tragedy, it's not going away anytime soon. We have to deal with it in a responsible and compassionate way by providing the unhoused the kinds of services they need to get back on their feet. As we see everyday at St. John's, one of the greatest needs is food--a need the sisters meet with an extraordinary amount of love. They would be welcome partners in my congregation's own ministry.

Please enable the sisters to perform this necessary work here in the Mission. I would be happy to discuss this with you at your convenience.

Regards,

Fr. Richard Smith
Vicar
St. John the Evangelist Episcopal Church
1661 15th Street
San Francisco, CA 94103
saintjohnsf.org



Subject:

FW: Planning Commission vote on 1930 Mission Street building

----Original Message-----

From: Barney Wiget < bwig@live.com > To: ttunney < ttunney@reubenlaw.com > Cc: raphael10 < raphael10@aol.com > Sent: Mon, Dec 19, 2016 12:50 pm

Subject: Planning Commission vote on 1930 Mission Street building

Mt. Thomas Tunney,

I sincerely hope that the Planning Commission will approve the 1930 Mission Street building to be used as a food service facility by the ministry of Fraternite de Nortre Dame. The need in the neighborhood is mammoth and the sisters have for many years done their work in the Tenderloin. I wholeheartedly support the proposal for their ministry relocating to Mission Street.

Sincerely,

Barney Wiget
Semi-retired Minister and San Francisco Resident
<a href="mailto:bwig@live.com">bwig@live.com</a>

Subject:

FW: LETTER in support of the Fraternity de Notre Dame to locate their food service location at 1930 Mission Street

----Original Message----

From: TheHomelessChurch < thehomelesschurch@ymail.com >

To: ttunney < ttunney@reubenlaw.com > Cc: raphael10 < raphael10@aol.com > Sent: Tue, Dec 20, 2016 1:17 am

Subject: LETTER in support of the Fraternity de Notre Dame to locate their food service location at 1930 Mission Street

Dear Mr. Thomas Tunney,

As pastor of the Homeless Church of The Assemblies of God in San Francisco I minister full time among the homeless and generally indigent of the City. I am writing to attest to the excellent care and service—not to mention some wonderful French pastries!—which the Fraternite de Notre Dame faithfully offer to the poor of the City.

As much as these servants at Fraternite de Notre Dame are a blessing to the needy in the City, they are also a credit to the City itself. In their great love for the poor and personal commitment to their welfare they truly exemplify the Heart of this City which bears the name of St. Francis of Assisi.

I am thankful that the generosity of one man, Tony Robbins, is funding the acquisition of the first floor of 1930 Mission Street. Mr Robbins is fully aware of the value and exemplary nature of their work.

I personally appeal to the Planning Commission to grant their permission and their blessing to the Fraternite de Notre Dame to locate their services to the poor at 1930 Mission Street.

In His grace,

Evan Prosser
Pastor
The Homeless Church
of the Assemblies of God

Office: 3230 San Bruno Avenue San Francisco CA 94134 Telephone: (415) 722-9517

From: Anandi Wonder [anandiwandi@gmail.com]
Sent: Tuesday, December 27, 2016 11:01 AM

To: Thomas P. Tunny

Subject: Mary of Nazareth soup kitchen

#### Dear Planning Commissioners,

Please support the Sisters of the Fraternite Notre Dame in their efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission Street. The Sisters provide an essential safety net for some of San Francisco's most vulnerable residents who are struggling to make ends meet or are currently living on the street.

I live at 26th and Bryant (Mission resident since 1999) and regularly encounter the nuns where they feed my homeless neighbors on Cesar Chavez near the freeway, just a couple of blocks from my home. They have a tidy well run operation that provides a terrific and desperately needed service to the community. I would be proud to have my neighborhood respond to the needs of it's most vulnerable residents by providing something like this in a more stable way.

I know there are constituents who complain of the homeless panhandling, not having proper toilet facilities, loitering etc; the solutions to these problems all involve providing services. A stable location providing food and facilities and somewhere to be, for however short a time, can only improve not just the lives of the homeless but also the appearance of the neighborhood, which some people seem to think is more important. Martin de Porres on Potrero is an excellent example- it is neither a blight nor a nuisance, and no one congregates around it's facility beyond normal coming and going during open hours.

As they have demonstrated since 2008, the Sisters know how to create a safe, controlled environment by running an efficient operation and by creating personal relationships with the people who come to them for help.

The Sisters represent all of the values that make San Francisco a welcoming place for all people.

I hope this excellent project receives the full support of the planning commission and the city of San Francisco.

Anandi Worden 2937 26th st #4 SF CA 94110 San Francisco Planning Commission

1650 Mission Street, Suite 400

San Francisco, CA 94103

Dear Planning Commissioners,

I am writing to urge you to support the sisters of Fraternite Notre Dame's Soup Kitchen at the new location of 1930 Mission Street in San Francisco.

They have been serving hot meals to the homeless and disadvantage people on the streets of san Francisco, especially the Tenderloin and Central Market residents which are mostly low-income residents throughout San Francisco, and is extremely important for them to get at least one serving of hot meals a day.

I am a project manager who works and lives in San Francisco and I see every day many people who are suffering and struggling on the streets. The sisters not only serve food to these people but also give them love and compassion which is why I believe that their presence in the neighbored will also help the disadvantage people who are battling drugs and alcohol in addition to being homeless.

A lot of people on the streets of San Francisco are counting on the sisters' help every day and that is the reason I strongly urge you to approve relocating the sisters of Fraternite Notre Dame's Soup Kitchen to the new address of 1930 Mission Street in San Francisco.

Sincerely,

Anoosheh E Tarassoly

Project Manager/Project Controller

Applied Technology & Science, A-T-S

5 3rd St., Suite 1010

San Francisco, CA 94103

Tel: 415-777-4287

Fax: 415-777-3287

To Planning Commission
JAMES Soup Kitchen 1930 Mission St SANFRANCISCO Dec 14, 2016 To The Planking Commission Me AND hundreds of Needy People Need FRATERNITE Notre DAMES Soup Kitchen To be expanded. They Feel so wany People AND have Such a small space To Do it in. Wany People Depend on Their I pepend on They I work harp and have small arount of money. So many People Heed Their Lelp. This soup Kitchen helps so many disabled and elderly People This is The The only way those in need can get a decent healthy Lovingly served good Meal. I Beg you to grant These Angels The space they need to continue Feeding the Body AND The Soul. When I Leave The sisters I Feel So good so blessed so enrichel. They help the dirt Poor The howeless People Those down on Their Luck. Those everyone has turned Their backs on. Proverbs 19-17 He who Pity on the POOR Lends to The Lorp. And hewill pay back what he has given

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December 13, 2016

#### San Francisco Planning Commission:

Along with several other concerned and socially responsible community citizens, I voice my support of the new Mission Street location for Fraternite' Notre Dame. The nuns in this organization have devoted their lives - full time - to assist the needy and less fortunate in San Francisco. I am amazed and encouraged by their dedication and love for their fellow human beings.

On several occasions over the past ten years I've had the good fortune and opportunity of serving meals at their Turk Street location. I've also helped provide a vehicle and kitchen equipment, and have repaired broken windows and doors as needed.

I have great respect for the work of Fraternite' Notre Dame and urge you to approve their proposed project at the Mission Street location. Theirs is an organization providing much needed assistance to those who need it most. And San Francisco needs Fraternite' Notre Dame.

Sincerely,

Mark Flegel

President, Flegel's Home Furnishings Director, San Francisco Fleet Week

To whom it may concern,

My Name is Thomas Senicka and I currently reside at 540 Jones # 503 San Francisco, CA 94102.

I have known the sister at Faternite Notre Dame for 6 years now and through their generosity and nutritious support they have given me through their soup kitchen I've been able to leave homelessness acquire mental and physical health coverage sustainable housing i.e. SRO.

Without their support and the support they will provide for the future needs of the homeless in the Mission facility it would be a detriment to the needs of myself and other homeless and needy families.

And thanks to Sister Marie Benedict and the others who provide meals Monday, Tuesday and Wednesday afternoons and also deliver much needed food to homeless camps throughout the Bayview. The city's tireless effort will have that much more of the brunt to bear.

Please make all efforts in this heartfelt appeal to provide the nuns with any and all of the proper permits and requisites needed for their relocation. a much appreciated and worthy effort they have helped me though. Thank you.

Sincerely,

Thomas Senicka (A benefited homeless person)

Momas

Thomas

By the way my Buttley Dec 14,2016 us Jan 12 so listen + Keep Their open To: Planning Commission Dames Soup Kitchen 1930 Mission Street San Francisco Hello Planning Comission We need The sisters to be given The space They need To That depend on this home cooked food that is so tasty and Then food they serve us It news so much to me and my many prierds who eat with The sisters. I need This en my life my man Passed away Dec 16, 2016 and my dad passed been able to have any food This Tasty since They left. The Petite mixed race sister burl is so out standing with all of us She us special We need her to be able To continue To feed us all Please grant Their what They reed inher us Sencerelly Rosalinds Cisco my number us 0 H15 632-2173

December 17, 2016

San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Members of the Planning Commission,

There are almost 7,000 homeless individuals living on the streets of San Francisco in what has been described by many as a homelessness crisis. As a resident of the Mission district for over 5 years a mere 417 feet from the proposed location, I have been witness to this growing crisis outside my home as evidenced by the increase in encampments, human waste, and discarded syringes in the 13th to 16th Street corridor. In a city as prosperous as ours, this is unacceptable.

The sisters of Fraternité Notre-Dame propose to open a soup kitchen at 1930 Mission Street which is the epicenter of a rapidly growing homeless population. Homeless is not solved by evicting soup kitchens and rejecting their building permits; it is solved by providing a support infrastructure to help feed, shelter, and counsel homeless individuals. For eight years the sisters have provided warm meals and a sense of community to hundreds of people every day and you will hear from people who are now formerly homeless because of the support from the sisters.

You have an important decision to make and I urge you to allow the soup kitchen to operate. We have seen the blight that currently exists when buildings sit vacant such as the current state of 1930 Mission or the nearby Walden House. Allowing the sisters to occupy the space will simultaneously eliminate the open-air drug market that currently exists on that block, while also serving the homeless community which is so desperately in need.

Together with the navigation centers and other supportive services, the Fraternité Notre-Dame soup kitchen is an essential tool in dealing with our homelessness situation. It will be an embarrassment to our city if, because of NIMBYism, we evict these sisters who have dedicated their lives to helping the poor in our city. Please do the right thing and grant the sisters a permit to operate.

Thanks in advance,

Shan M Com

Shane Crosby

206 Marietta 5.F. CA 94127 Dec. 10, 2016

To whom it may concern,

This little is in support of the Fratern vite Notre Dame's soup kitchen.

Please allow the good Sisters to Please allow the good Sisters to continue working in the neighborhood continue working in the neighborhood they not evicting them from their lay not evicting them from They are 1930 mission St. location. They are doing a much needed job in helping doing a much needed job in helping the homeless people there.

Sincerely, Lillian Ho

DEAR SAN FRANCISCO PLANNING COMMISSION, I AM WRITING IN SUPPORT OF THE FRATERNITE NOTHE DAME. THESE WOINDERFUL NUNS FEED HOMELESS PEOPLE IT IS JUST NOT PIGHT THAT THEY SHOULD BE DISPLACED TWICE THE MISSION DISTRICT IS AN AREA OF MUCH DIVERSITY AND FINCH NEED, PHEASE SUPPORT THE NUN'S SOUP KITCHEN. THE WILL BE A BENEFIT TO SEL PEOPLE! THANK YOU FOR YOUR KIND AND OPEN CONSIDERATION ENSURING THE CITY OF SAN FRANCISCO IS A CITY FOR ALL PEOPLE.

THANK YOU, LAURA IVEY HALL

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Public Cold Storage

#### GENEVA REFRIGERATED TRUCK SERVICE INC.

2050 Galvez Avenue San Francisco, California 94124 Phone (415) 647-8383 Fax 415-647-1209 www.GenevaGrowers.com

12/12/16

San Francisco Planning Commission 1650 Mission Street Suite 400 San Francisco, CA 94103

Dear Planning Commission,

I am writing in support of Fraternite Notre Dame's request to relocate their soup kitchen to 1930 Mission Street. My third generation, family business has been providing services to Fraternite Notre Dame at no charge for the past 9 years. I've had the opportunity to get to know the nuns who run the food distribution services. They have been nothing but kind, courteous, professional and efficient in the way they handle their food supplies and distribution. They are hard working and well organized and they work tirelessly for the poor and homeless in the local community.

Although this plea asks the planning commission to allow the nuns to open a new kitchen at 1920 Mission Street, it really needs to be addressed to the neighbors of the community around 1920 Mission. If I could addressed it to them, I'd encourage them to realize they have an opportunity to make a difference in the lives of many people. Often, the poor and homeless are just like us, except they've been less fortunate or have made the wrong decisions somewhere along the road. I believe the nuns have the ability to bring out the good in most people and I am confident that a soup kitchen run by Fraternite Notre Dame will be a compassionate place in which the poor and homeless will be treated with respect, and in return, I believe those fed there will be grateful that they have a safe place in which to be nourished.

I am hopeful, for the nuns' sake, and the sake of the homeless in the community, that the planning commission will grant them permission to move into the 1930 Mission Street location.

Regards,

Kevin Baumsteiger

Cc: Mr. Thomas Tunny
Fraternite Notre Dame

From: tree <iamtree99@gmail.com>
To: raphael10 <raphael10@aol.com>
Subject: Soup kitchen in my neighborhood

Date: Sat, Dec 10, 2016 8:30 pm

Hi,

I am writing to say I support the nuns in their efforts to open a soup kitchen in our neighborhood. I have lived at 23rd and Shotwell St. since 1974 and I believe the more services for poor people the better, especially these days with such high rents. I have volunteered at another soup kitchen for over 20 years, at Martin de Porres. I remember when they were on 23rd and Bryant and they grew too big for their space and wound up,moving. There was at that time a minority of neighbors complaining about homeless people and any kind of services to help out the poor and those in need and things haven't changed. The services turn out to be much needed and help a lot of different kinds of people. I also run a non-profit that distributes fresh organic and local produce for free to low income neighbors (the Free Farm Stand) every week. I know there is great need in our city right now and that we are in a crisis situation. We need to do all we can to help those less fortunate than ourselves. Please support the nuns in their desire to share compassion and love for our most needy San Franciscans. Dennis "Tree" Rubenstein CEO of the No Penny Opera.

In navi Benedeele

December 18, 2016

San Francisco Planning Commission 1650 Mission St., Ste. 400 San Francisco, CA 94103

I wish to support the Sisters of the Fraternite Notre Dame in their efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission St. The sisters provide an essential safety net for some of San Francisco's most vulnerable residents who are struggling to make ends meet and/or are currently living on the street.

Since 2008 the Sisters have become an integral part of the San Francisco community, serving free meals from their previous location in the Tenderloin. Due to a dramatic rise in rent the Sisters are forced to find a new site in order to continue doing their good work in the City.

Through the generosity of those inspired by the Sisters' mission to serve the poor, the Sisters have secured this ideally suited new location at 1930 Mission St. As they have demonstrated over the years the Sisters know how to create a safe, controlled environment by running an efficient operation and by creating personal relationships with the people who come to them for help.

The Sisters represent all of the values that make San Francisco a welcoming place for all people and I urge you to support them as they strive to improve the lives of so many.

Sincerely,

Renato Farias

3724 St. San Francisco

December 18, 2016

San Francisco Planning Commission 1650 Mission St., Ste. 400 San Francisco, CA 94103

I hereby support the Sisters of the Fraternite Notre Dame in their efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission St. The sisters provide an essential safety net for some of San Francisco's most vulnerable residents who are struggling to make ends meet and/or are currently living on the street. They provide free meals to the most needy.

Since 2008 the Sisters have become an integral part of the San Francisco community, and have been serving free meals from their previous location in the Tenderloin. Due to a dramatic rise in rent the Sisters are forced to find a new site in order to continue doing their good work in the City.

Through the generosity of those inspired by the Sisters' mission to serve the poor, the Sisters have secured this new location at 1930 Mission St. and need to relocate to continue their good work. As they have demonstrated over the years the Sisters know how to create a safe, controlled environment by running an efficient operation and by creating personal relationships with the people who come to them for help and with the Sisters' supporters.

The Sisters represent all of the values that make San Francisco a welcoming place for all people and I urge you to support them as they strive to improve the lives of so many.

Sincerely,

3722 20th St., San Francisco

#### Carlo Andreani, Esq.

Attorney at Law 582 Market Street Suite 811

San Francisco, CA 94104 Telephone (415) 398-9870 • FAX (415) 398-9877

December 19, 2016

DEC 22 2016

Planning Commission c/o Fraternite Notre Dame P.O. Box 590805 San Francisco, CA 94129

Re: Letter Supporting

Fraternite Notre Dame's

1930 Mission Street Soup Kitchen

Honorable Members of the Planning Commission:

This letter is written in support of the Fraternite Notre Dame Soup Kitchen's proposed relocation to 1930 Mission Street.

I became acquainted with Sister Marie on Thursdays at the Crocker Galleria's farmer's market. Her warm, cheerful spirit while selling the delicious treats was uplifting. I became distressed to read in the Examiner that the soup kitchen the sisters provided was being evicted from 54 Turk Street. Thankfully, a generous benefactor came forward with financial assistance. The soup kitchen's relocation to 1930 Mission Street should be approved.

I want to address briefly potentially short-sighted objections that relocation adversely could affect the neighborhood. Quite the contrary, the Sisters' presence will improve and uplift the neighborhood. The food that they provide will financially assist struggling neighborhood members, often single mothers and parents with children, to help them stay in their homes and avoid being homeless and hungry.

Beyond their financial assistance, the Sisters' love and care will morally encourage and spiritually uplift individuals who often fearfully face hunger and homelessness.

These gentle, loving servants of God should be permitted to feed the hungry and support the community with care and compassion.

Thank you for your consideration and anticipated approval.

Respectfully Submitted,

Carlo Andreani (SBN 85100

2887 Folsom Street San Francisco, CA 94110 December 26, 2016

San Francisco Planning Commissioners 1650 Mission Street, Suite 400 San Francisco, CA 94103 (By email)

RE: 1930 Mission Street

**Dear San Francisco Planning Commissioners:** 

I have lived in the Mission District since January, 1992, always as a renter, twice no fault evicted. Since February, 2011, I have volunteered regularly with San Francisco Food Not Bombs (<a href="https://sffnb.org/">https://sffnb.org/</a>) at our Thursday sharing at the 16<sup>th</sup> & Mission BART Plaza.

I write to express my support for the Fraternite Notre Dame Mary of Nazareth's proposed Soup Kitchen at 1930 Mission Street.

As everyone should know, many poor, hungry people exist in San Francisco; some housed, others homeless. Almost every week, I help share food with a long line of people at the 16<sup>th</sup> & Mission BART Plaza, with the line lengthening throughout the month as more people run short of or completely out of money.

I applaud anyone's work to feed hungry people. I look forward to welcoming the Fraternite Notre Dame Mary of Nazareth's Soup Kitchen into our neighborhood.

Thank you for letting me share my thoughts with you and for your future approval of the Fraternite Notre Dame Mary of Nazareth's Soup Kitchen at 1930 Mission Street.

Sincerely, Edward Stiel

Cc: Fraternite Notre Dame Mary of Nazareth
John Rahaim, Director, SF Planning Department
Supervisor Elect Hillary Ronen
Laura Waxmann, Mission Local

From: Molly Smith-Olsson [mollysmitholsson@yahoo.com]

Sent: Monday, December 26, 2016 12:05 PM

To: Thomas P. Tunny

Subject: Sisters of Fraternite Notre Dame

Lawyer: ttunny@reubenlaw.com

Subject: Letter of support for the Sisters of Fraternite Notre Dame

Dear Planning Commissioners-

Please support the Sisters of the Fraternite Notre Dame their efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission Street. The sisters provide an essential safety net for some of San Francisco's most vulnerable residents who are struggling to make ends meet or are currently living on the street.

Through the generosity of those inspired by the sister's mission to serve the poor, the sisters have secured this ideally suited new location at 1930 Mission. As they have demonstrated over the years, they sisters know how to create a safe, controlled environment by running an efficient operation and by creating personal relationships with the people who come to them for help.

The sisters represent all the values that make San Francisco a welcoming place for all people. Please support then as they strive to improved the lives of so many.

Sincerely,

Molly Smith-Olsson 838 Moraga Road Lafayette, CA . 94549

From: Chris Coyne [ccoyne@feed6.org]
Sent: Sunday, December 25, 2016 5:55 AM

To: Thomas P. Tunny

Subject: Sisters of the Fraternite Notre Dame

Dear Mr. Tunny

I have been a supporter of the Sisters' soup kitchen since I read of their rental dilemma a year ago.

Our Feed6 movement has generated millions of meals for under-nourished and food insecure individuals in the Chicago area - and we are aligned in mission, heart, and soul with the Sisters' work in San Francisco.

We add our prayers and voice to theirs in requesting that their new location be approved by the City - and that their work among neighbors in need thrives.

Many Blessings, Chris Coyne

Chris Coyne, Co-Founder The Feed6 Movement www.Feed6.org

EMAIL: ccoyne@Feed6.org CELL: 954.478.5400 1314 E. Las Olas Blvd.#1096 Fort Lauderdale, FLA 33301, USA



Learn about Feed6: www.Feed6.org

Check out our video collection at: www.feed6.org/event-videos.html

Learn about Outreach: www.outreachprogram.org

Watch the Outreach Story: http://www.feed6.org/media.htm



From: Amy Smith [2amysmith@gmail.com]
Sent: Saturday, December 24, 2016 9:59 AM

To: Thomas P. Tunny

**Subject:** Letter of Support Sisters of the Fraternite Notre Dame

#### Dear Planning Commissioners-

Please support the Sisters of the Fraternite Notre Dame their efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission Street. The sisters provide an essential safety net for some of San Francisco's most vulnerable residents who are struggling to make ends meet or are currently living on the street.

Through the generosity of those inspired by the sister's mission to serve the poor, the sisters have secured this ideally suited new location at 1930 Mission. As they have demonstrated over the years, they sisters know how to create a safe, controlled environment by running an efficient operation and by createing personal relationships with the people who come to them for help.

The sisters represent all the values that make San Francisco a welcoming place for all people. Please support then as they strive to improved the lives of so many.

Sincerely, Amy Smith 783 Augusta Dr Moraga, CA 94556

Amy E. Smith, RN, JD 2amysmith@gmail.com Cell: 510.432.4268

www.amysmithhealth.squarespace.com

Dear Planning Commissioners.

"The poor you will always have with you." A very prophetic statement made by Jesus some 2000 years ago. No amount of government spending seems to ever be enough. Reliance upon the generosity of volunteers is a safety valve that has worked for decades to fill the gaps that exist to help those disadvantaged and forgotten.

The Mary of Nazareth Soup Kitchen run by the Sisters of the Fraternite Notre Dame have been one of those volunteer organizations that has stepped up to fill in some of the gaps with charity, grace and dignity for some 8 years in the city. They don't ask for money, but just permission to move their existing operation to a new address at 1930 Mission and continue their work. Their current operation has provided a safe environment for those less fortunate and the new location would be no different. The areas less fortunate will find a place filled with love, freshly prepared food, compassion and a modicum of dignity.

It would seem counter-productive to deny their request to continue this compassionate service with our brothers and sisters of lesser means when it is obvious the need is greater than what is currently being done. Plus this location is near the areas Homeless Service Center and would be complimentary to the other services provided.

My wife and I financially support the Sisters in their charitable work and pray you will see their effort as reasonable, safe, productive and deserving of approval to operate as they continue to implement Pope Francis' admonition; "Amid the challenges of our day, see the human face of those you earnestly seek to help."

Sincerely,

John & Sann Schultz P.O. Box 649 Boonville, CA 95415



San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco California 94103

Dear Planning Commissioners,

We support the relocation of the Sisters of the Fraternité Notre Dame to 1930 Mission. Their history in the Tenderloin demonstrates their ability to provide an essential service in a safe and orderly manner. Their work is essential to many people who often have to choose between food and rent. They are an example of how important social services are being displaced by dramatically increasing rents. If they are not allowed to relocate, we are afraid that they will be completely displaced from the City. They represent the best of San Francisco as a place that cares for its neighbors.

Our organization has personally worked with the Sisters. The sisters are consistent in attending the Tenderloin Police Community meetings the last Tuesday of every month. They have proven to work in collaboration with the police department and the neighborhood on safety issues.

We believe that the Sisters will be an asset to a neighborhood that is experiencing the tensions of income inequality and other displacement pressures.

Rev. Dr. Timothy Paul Svoboda

Total Parl Jobode

Youth With A Mission

357 Ellis street

San Francisco CA 94102

From: Allan S. Manalo [ajjmanalo@gmail.com]
Sent: Thursday, December 22, 2016 7:33 PM

To: Thomas P. Tunny

**Subject:** Please save the Sisters of the Fraternite Notre Dame!

Dear Mr. Tunny and the Planning Commissioners,

Please support the Sisters of the Fraternite Notre Dame in their efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission Street. The Sisters provide an essential safety net for many of San Francisco's most vulnerable residents who are struggling to make ends meet or are currently living on the street.

Since 2008, the Sisters have become an integral part of the San Francisco community, serving free meals from their previous location in the Tenderloin. Due to a dramatic rise in rent, the Sisters must find a new site in order to continue doing their necessary work for the good of our communities and the City of San Francisco.

Through the generosity of those inspired by the Sisters' mission to serve the poor, the Sisters have secured this ideally-suited new location at 1930 Mission. As they have demonstrated over the years, the Sisters know how to create a safe, clean and controlled environment by running an efficient operation, by creating personal relationships with the people who come to them for help. The Sisters represent all of the values that make San Francisco a welcoming place for all people, regardless of their income or situation.

Please vote yes to their project, supporting them as they strive to improve the lives of our most susceptible population in our San Francisco community.

Please do the right thing!

Allan S. Manalo Concerned San Francisco Citizen

From: Carlota Del Portillo [carlotadelportillo@yahoo.com]

Sent: Thursday, December 22, 2016 3:17 PM

To: Thomas P. Tunny

Subject: Sisters of the Fraternité Notre Dame,s soup kitchen

Mr. Tunny,

I write in support of the Sisters of the Fraternité Notre Dame's efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission Street.

The Sisters have demonstrated over the years that they know how to create a safe environment and help those hungry and often homeless. The Sisters run an efficient operation that affects the common good and provides a much needed service.

These Sisters represent the best that San Francisco has to offer in providing a safe place, welcoming and feeding those with the greatest need.

I look forward to seeing you on January 12th at the Planning Commission Meeting. Dr.Carlota del Portillo

From: Anne Bluethenthal [abdprod@me.com]
Sent: Thursday, December 22, 2016 10:20 AM

**To:** Thomas P. Tunny **Subject:** Sisters of Notre Dame

Dear Planning Commission,

We at ABD Productions have been deeply involved in artistic and social practice in the Tenderloin and Central Market for the past 6 years. During this time, we have witnessed the extraordinary and extraordinarily important, generous, and far reaching work of the sisters of the Fraternité Notre Dame and are very concerned that this work could be another casualty of the mounting pressures on our most marginalized communities.

We support the relocation of the Sisters of the Fraternité Notre Dame to 1930 Mission. Their history in the Tenderloin demonstrates their ability to provide an essential service in a safe and orderly manner. Their work is essential to many people who often have to choose between food and rent. They are an example of how important social services are being displaced by dramatically increasing rents. If they are not allowed to relocate, we are afraid that they will be completely displaced from the City. They represent the best of San Francisco as a place that cares for its neighbors.

We believe that the Sisters will be an asset to a neighborhood that is experiencing the tensions of income inequality and other displacement pressures.

Sincerely, Anne Bluethenthal Artistic Director, ABD Productions

Associate Professor, MFA Creative Inquiry California Institute of Integral Studies <a href="https://www.abdproductions.org">www.abdproductions.org</a> <a href="mailto:abdprod@me.com">abdprod@me.com</a>

"In the End, we will remember not the words of our enemies, but the silence of our friends." Martin Luther King, Jr.

"Compassion is not a relationship between the healer and the wounded. It's a relationship between equals. Only when we know our own darkness well can we be present with the darkness of others. Compassion becomes real when we recognize our shared humanity" Pema Chodran

Mary Kate & Luis Bacalao 163 Laidley Street San Francisco, CA 94102

December 22, 2016

San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Dear Madam or Sir:

We support the relocation of the Sisters of the Fraternité Notre Dame to 1930 Mission Street in San Francisco. Their history with Tenderloin-based service demonstrates their experience and qualifications to provide equally essential and excellent services in the Mission.

In our view, the Homeowners Association ("HOA") at 1930 Mission Street is appealing the Sisters' permit on the basis of NIMBYism rather than what is rational or right. Their major objections to the permitted uses of the space illustrate this.

First, the difference between a restaurant business and a free restaurant service is disposable income – which restaurant patrons have, and which free food service patrons do not. The HOA is making a specious distinction between a restaurant and a free food service to justify overt discrimination against our city's most vulnerable residents.

Second, the building location at 1930 Mission Street is located conveniently across the street from the Navigation Center at 1950 Mission Street. The Sisters would be serving a built-in community of people experiencing homelessness, an efficiency that underpins their permitted uses of the space. The HOA's arguments about attracting undesirable people to the neighborhood are factually baseless and ethically unsound.

Third, the Sisters run an orderly and professional service that would improve rather than disrupt the neighborhood. By providing kindness and nourishment, the Sisters would be satisfying the basic human right to food as well as contributing to the overall health and well-being of their patrons. Additionally, the Sisters would be modeling the compassion that represents San Francisco to all neighborhood residents – including the HOA members, who seem like they could use a good example.

Please uphold the Sisters' permitted uses of the space at 1930 Mission Street.

Sincerely,

Mary Kate & Luis Bacalao

December 22, 2016

Dear Planning Commissioners,

My name is Avni Desai and I live in District 8, adjacent to the Mission. I work as a public policy manager for Community Housing Partnership, a non-profit organization that helps homeless people in San Francisco secure housing and become self-sufficient. Writing this letter, I do not represent Community Housing Partnership; these are my personal viewpoints given my experience having worked in the Tenderloin and Mission.

It is imperative that we as a City support the relocation of the Sisters of the Fraternité Notre Dame to 1930 Mission. Through their selfless giving and service, they have served numerous residents of the Tenderloin with necessary and crucial support and social services. Their history in the Tenderloin demonstrates their ability to provide an essential service in a safe and orderly manner. Their work is essential to many people who often have to choose between food and rent. They are an example of how important social services are being displaced by dramatically increasing rents. If they are not allowed to relocate, we are afraid that they will be completely displaced from the City. They represent the best of San Francisco as a place that cares for its neighbors.

Additionally, the City's dialogue around homelessness has become front and center in policy discussions. We need to ensure we have all the needed services to help our homeless population in San Francisco. With over 6,800 homeless people in San Francisco and under-resourced City Departments and service providers, the Sisters provide an unmet need in the community, especially at 1930 Mission.

I believe that the Sisters will be an asset to a neighborhood that is experiencing the tensions of income inequality and other displacement pressures. They remind us that San Francisco is a city for all, not just the wealthy.

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Avni Desai

From: Sam Dennison [sam.dennison.01@gmail.com]
Sent: Sam Dennison [sam.dennison.01@gmail.com]
Thursday, December 22, 2016 10:31 AM

To: Thomas P. Tunny

Subject: Support for the Sisters of the Fraternité Notre Dame

### **Greetings Planning Commissioners:**

The crisis of affordable housing is causing a ripple effect through out the city, as you well know. The most recent case is that of the Sisters of the Fraternité de Notre Dame whose landlord raised rents astronomically causing them to move to the Mission where concerns about property value are causing neighbors to object to having the Sisters as their new neighbors. The Sisters are a critical part of the free food network that keeps many low income people, especially families, housed. By providing food, these families are can stretch their budgets further and they can pay rent in tenuous circumstances.

Given how important they are in the landscape of the City, helping to keep the population diverse, I am urging you to support their move to 1930 Mission St. They have proven themselves to be good neighbors over the last 8 years as many people in the Tenderloin can attest, so their new neighbors have little to fear from this new use of the space.

Please support Sisters knowing how well they manage their work and the environment in which they serve others.

Peace to you and yours in coming days of the New Year, Sam Dennison Faithful Fools

From: Tim Stewart [tstewart@mccallssf.com]
Sent: Wednesday, December 21, 2016 3:30 PM

To: Thomas P. Tunny Subject: Sisters of Norte Dame

Hello,

I would like to give my support to the Sisters of the Fraternite Nortre Dame.

I am the kitchen Manager for production for McCall's Catering/ Events Management.

When we have food that has been in our kitchen and needs to used, We call Food Runners and the Sisters to pick it up and utilize our overproduction. They will take it back to their kitchen and work with it a little to get it ready for service to their clients. We also produce food for the sisters during Thanksgiving and Christmas time. During each those two times of the year, our staff we prepare food for 800 to 2000 servings for the Sisters to provide for our community.

I urge you to go see what they do for the community. I see how hard they work to provide a safe, clean, sanctuary for people in San Francisco. I have seen the Sisters go out into Bay Point and provide food and conversation to people living under the freeways. They go to where the people are that need some kind word or some food. They hold the people that come into their soup kitchen accountable to be friendly and respectful in their area. They have provided the community a place to be safe, secure and enlightened.

Thank you,
Tim Stewart
Kitchen Manager
McCall's Catering/Events Management
2720 17th Street
San Francisco, CA.
94110
415 437-9871 kitchen
415 312-3142 cell

Gary P. Jimenez 1906 Powell Street #4, San Francisco California 94133, Ph# (415) 533-3945 email: <a href="mailto:qpjimenez@Yahoo.Com">qpjimenez@Yahoo.Com</a>

December 16, 2016

To: San Francisco Planning Commission

Regarding: Fraternite Notre Dame Sister's Soup Kitchen Permit at 1928 Mission Street

**Dear Commissioners** 

I feel obligated to write you regarding the Fraternite Notre Dame Sister's request for a Soup Kitchen Permit at 1928 Mission Street, as I feel I have direct knowledge and experience to the positive effect the Sisters bring to a neighborhood. I am a retired Police Captain of the San Francisco Police Department and commanded the Tenderloin Police District between 2006 and 2009. In 2008 the Sisters opened their present Soup Kitchen at 54 Turk Street I recall I was apprehensive regarding the opening of another charitable store front in a district with so many already established and the problems surrounding a gathering place for the poor. The establishment of their Soup Kitchen proved to be a good thing for the neighborhood. It not only provided food for the hungry but gave their patrons a clean place to eat and to take part in keeping the area clean and orderly. The Sisters by their example and love for the poor became a leading and positive influence on those who gathered gaining their cooperation in polite and considerate manners to all in the area. The front sidewalk was not only cleaned by the Sisters and their volunteers but expanded to their neighbors and to those who visited the kitchen regularly. Those who did not visit the Soup Kitchen but tended to gather for questionable behavior soon moved away from the kitchen's location improving the area's sanitation and appearance. The Sisters brought hope to the area and many of its residences and the impact on the homeless had a very positive influence on their behavior to others. The operation of their kitchen and the charitable work the Sisters do allow them to reach out to many other areas in the City so that their positive work affects many of the poor in our City.

As a District Police Captain in the Tenderloin, it was important to further Community Policing to all segments in the District and I found that the Sisters were more than cooperative participants in this effort attending meeting, show concern for the community and making every effort to be a positive influence in the neighborhood. I cannot say enough about how they lead by example and how effective they are in obtaining cooperation from those who they have contact with. If I were to suggest a most convincing argument in their favor I would have you all visit 54 Turk Street and see for your selves how well and orderly the Sisters run their present kitchen, how many of those who visit are so positively influenced by their charity and example.

Sincerely,

Captain Gary P. Jimenez, Retired San Francisco Police Department

Gary Jimenez, Broker Jimenez & Associates Real Estate (415) 533-3945

From: Joanna Shenk [joanna@menno.org]

Sent: Wednesday, December 21, 2016 2:55 PM

To: raphael10@aol.com; Thomas P. Tunny

Cc: Commissions.Secretary@sfgov.org

Subject: Support for Franternite Notre Dame's Soup Kitchen at 1930 Mission Street

Dear Fraternite Notre Dame and Attorney Tunny (copy to SF Planning Commission),

I write to express my strong support for your proposed soup kitchen at 1930 Mission Street. As a resident of the Mission and as a pastor in the Mission at First Mennonite Church of San Francisco, I believe you are providing a much needed place of hospitality. It is only becoming increasingly difficult for people experiencing homelessness to survive in San Francisco. Your ministry offers them not only food, but also relationship and connection. Rather than being ignored or seen as a problem, you recognize them as neighbors and friends. For those of us who have the means to live in San Francisco, it is our responsibility to look out for those who are less fortunate. The housing situation in our city is unjust. Your soup kitchen is a beacon of justice in this harsh landscape.

Thank you for doing this important work. Sincerely,

### Joanna Shenk

associate pastor, First Mennonite Church of San Francisco joanna@menno.org

"I live my life in widening circles that reach out across the world. I may not complete this last one, but I give myself to it..." -Rainer Maria Rilke

### December 19.2017

Son Francisco Planning Commission 1650 Mission Street, Suite 466 Son Francisco, OA 94103

Dear Planning Commissioners.

I am writing for your kind consideration for the approval of the Sisters of the Fraternite Notre Dames efforts to relocate the Mary of Nazoreth Say Kitchen to 1930 Mission Street, San Francisco. The Sisters dedication to offer and serve the less ifiortunate people of San Francisco of one of the basic human needs, food...; is just a big help for those starving people living on the street.

Issues

I am aware of a few about the location by which The Soup Kitchen to be operated. However. my strong support for This relocation of the Soup Kitchen is based on the feasibility and viability of the project for the number of people who are in need of heartful meals in the surrounding area, hundreds of them so to speak.

I volunteer for the Sisters of the Fraternite Notre Dame for three years now. Since then I am cheeply touched by the Liveless work of the Sisters to be of help to the City of San Francise, it's people, it's local government. The Sisters demonstrated their contribution to the community by preserving the quality of their service and their ability to create and maintain a safe haven for the Soup kitchen to operate is always in accordance to the City's implementing guidelines.

For the Sisters to serve the poorest of the poor mis priceless.

Please Support the Sisters of the Fratermitte of Notice Dames efforts to relocate it's Mary of Nazarath Soup Kitchen to 1930 Mission street.

Respectfully yours, Orlando Orobio 1188 Missim Street #124 San Francisco, CA 92103 To whom this may concern,

This letter is to express the SF-Marin Food Bank's support of Fraternite Notre Dame's efforts to find a permanent location for their community meal program. Fraternite Notre Dame has been working to increase food security in the Tenderloin since 2008, providing over 1550 meals to some of the most vulnerable members of the community each week. A permanent location would ensure that they can continue to serve meals to a population that has come to depend on them for nourishment and support.

The SF-Marin Food Bank has been partnering with Fraternite Notre Dame since 2010 to provide healthy, fresh, nutritious foods in out community through their meal programming. Throughout the last 6 years, Fraternite Notre Dame has been a valued partner that actively works towards achieving the Food Bank's mission of ending hunger in our community. Their dedication to serving the community is commendable and necessary.

Please feel free to contact me if you have any questions.

In Community,

Sheila Kopf

Program Director

skopf@sfmfoodbank.org

(415) 282-1907 x 238

Alkf

776 Bush Street # 305 San Francisco, CA 94108-3423 December 15, 2016

Fraternite Notre Dame P.O. Box 590805 San Francisco. CA 94129

Dear Members of the Planning Commission:

I have been informed that support is needed for the relocation of the soup kitchen that the Sisters have been maintaining on Turk Street for eight years. I not only live close to the neighborhood but also work in the area so I have seen the needs which have been addressed by this program.

The Mission District location is another area that sadly is crying out for help in these difficult times. There is a growing number of individuals who are displaced and under employed by the gentrification movement. As a volunteer in two Mission District feeding programs and a member of the Interfaith council I am aware of the desperation of many individuals who rely on the food programs to feed themselves and their families.

Food is a basic need for everyone. The alternative to providing meals for the hungry is to increase the number of folks forced to eat out of trash cans, panhandle, and/or steal in order to survive.

I hope that you realize that the decision you make will reflect on what and who we are as San Franciscans. In these times of greed and self interest may we remember our humanity.

Sincerely,

Jessica Rauscher

cc:Mr. Thomas Tunny, Attorney

Jessica Rauscher

From: Metropolis Front Desk [metropolisfrontdesk@haiyi-hotels.com]

Sent: Tuesday, December 20, 2016 1:59 PM

To: Thomas P. Tunny Subject: Thomas P. Tunny fraternite Notre Dame

Dear Planning Commissioners,

Please support the Sisters of the Fraternite Notre Dame in their efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission St.

The Sisters provide an essential safety net for some of San Francisco's most vulnerable residents who are struggling to make ends meet or are currently

Living on the street.

Since 2008, the Sisters have become an integral part of the San Francisco community, serving free meals from their current location in the tenderloin.

Due to a dramatic rise in rent, the Sisters must find a new site in order to continue doing their good work in the city.

Through the generosity of those inspired by the Sisters mission to serve the poor, The Sisters have secured this ideally-suited new location at 1930

Mission St.. As they demonstrated over the years, the Sisters know how to create a safe, controlled environment by running an efficient operation and

By creating personal relationships with the people who come to them for help.

The sisters all of the values that makes San Francisco a welcoming place for all people. Please support them as they strive to improve the lives of many.

Luis Morales,

General Manager.



Hotel Metropolis Front Desk 25 Mason Street San Francisco, CA94102 Tel. (415) 775-4600 Fax (415) 775-4606

From: Robert Biggs [bobbiggs@gmail.com]
Sent: Sunday, December 18, 2016 10:23 AM

To: Thomas P. Tunny

Subject: Mary of Nazareth Soup Kitchen

Please support the Sisters of the Fraternite Notre Dame in their efforts to relocate their soup kitchen from the Tenderloin to 1930 Mission Street. They must be supported to continue to serve our marginalized community and continue doing their good work. Thank you.

\_\_

Best Regards,

Robert Biggs

Founder / CEO Papi Chulo Salsa

Cell: 415-336-0491 Office: 650-992-7399



### CALIFORNIA FARMERS' MARKETS ASSOCIATION

3000 Citrus Circle, Suite 111, Walnut Creek, CA 94598 (925) 465-4690 Fax (925) 465-4693

Daly City Serramonte Center

> Los Altos Downtown

> > Moraga

Morgan Hill

Mountain View Top 5 in the Nation Overall

San Francisco Crocker Galleria Top 5 in the Nation Boutique Category

San Francisco Fort Mason Center

San Jose Princeton Plaza

San Leandro Bayfair Center

Saratoga

Walnut Creek Diablo Valley Shadelands

Top 3 in California

Walnut Creek Rossmoor December 16, 2016

Planning Department City of San Francisco

Re: Fraternite Notre Dame application to operate a soup kitchen at 1930 Mission Street, San Francisco

Dear Planning Department:

California Farmers' Markets Association (CFMA) operates 14 certified farmers' markets in the San Francisco Bay Area, managing over 1100 farmer and vendor stalls per week, feeding nearly 25,000 families.

In the course of operating and managing these markets with over 300 farmers and food purveyors we depend on the cooperation and valiant efforts of our members to help make these markets run smoothly and in a safe manner for both the public and our sponsored market sites. The bakers and market salespeople of the Fraternite Notre Dame's Kitchen, mostly Catholic Nuns, have been model participants in our organization. This organization is trustworthy, hardworking, and amazingly upbeat.

CFMA has been before the Planning Department on various occasions to open farmers' markets in the Marina District and the Financial District. It is important for the Planning Department to know that their applicants are of strong character and will carry out the provisions of their agreements with the City. This is clearly the case with the operation of the Fraternite Notre Dame in San Francisco. It is with utmost sincerity that CFMA supports the approval of the Fraternite Notre Dame's Kitchen at 1930 Mission Street, San Francisco, California.

Doug Hayden

President

Sincerely

December 15, 2016

To the Planning Commission of the City of San Francico in Support of Fraternite Notre Dame's Soup Kitchen Located at 1930 Mission Street in San Francscic.

I am writing in support of the important work being done by the Sisters of the Fraternite Notre Dame.

Their work is part of the solution to the issue of homelessness and poverty in our city. They are not only serving "soup" to people. They are serving wholesome meals along with love and support. They are showing respect and dignity to the most vulnerable in our community. Their presence among our people living in poverty can only bring hope. They not only serve those living on the street but some of our fellow citizens with two jobs who cannot feed themselves throughout the whole month.

In a recent visit I made to the kitchen, Sister Marie Benedicte told me that many of their guests after coming to the kitchen regularly start wanting to help clean up. Then they start learning a sense of "work" and eventually want to find ways to get their lives back on track.

The food is the beginning of a relationship helping our fellow citizens find hope, friendship, direction and a renewed sense of being part of our community.

Having the Fraternite move near to the Episcopal Community Services sponsored Navigation Center can only help the community heal from our fractured and embarrassing state of the haves and the have nots in our city.

Sincerely,

Father Paul Allick (a resident of the Civic Center) Church of the Advent of Christ the King 261 Fell Street San Francisco, CA 94102 (415) 431-0454

From: Melanie Hanly [melaniehanly@gmail.com]
Sent: Tuesday, December 13, 2016 6:07 PM

To: Thomas P. Tunny

Cc: commissions.secretary@sf.gov
Subject: Sisters of the Fraternite Notre Dame

Mr. Thomas Tunny:

The Sisters of the Fraternite Notre Dame are performing selfless acts of kindness for their community. It is outrageous that they should be challenged to not perform their work. I believe that good in the world should be spread. Owners who fear that their property value will decline are full of greed and that is sickening. Where are the nuns supposed to go? The attitude of "they can go anywhere but here" is what is wrong with the world.

Someone has to help and do the work, and Sisters of the Fraternite Notre Dame are doing that.

-Melanie Hanly 1579 Disc Drive Sparks, NV 89408 408-838-9204

From: buckleyinchauspe [buckleyinchauspe@aol.com]

Sent: Thursday, December 08, 2016 9:58 PM

To: Thomas P. Tunny Cc: Raphael10@aol.com

Subject: Fraternite Notre Dame Soup Kitchen

### To the Planning Commission:

As a San Francisco resident, I am writing to urge the Planning Commission to approve the Fraternité Notre Dame's Soup Kitchen at its new location at 1930 Mission Street.

In one of the most expensive cities in the country, a city with a foodie culture, obscenely expensive restaurants, food trucks, farmers markets and food banks, people do go hungry. There is incredible wealth in this city and incredible poverty. The soup kitchen feeds those in need, those who are hungry and poor. Please approve the new location for the soup kitchen.

Maureen Inchauspe

December 20, 2016

Via Electronic Mail

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Dear Planning Commissioners:

This letter is written to express support for the Sisters of the Fraternite Notre Dame in their efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission Street.

I live at 15<sup>th</sup> Street and Capp, just about a block away from where the Sisters intend to open their operation. When I first heard about their plans to move to 1930 Mission, I have to admit, I was skeptical and uncomfortable with the notion. I know that area is already troubled, and I thought that the Sisters' services would only make the situation worse.

However, after meeting personally with the Sisters and hearing about how they transformed their previous location in the Tenderloin, I now fully support their efforts to locate at 1930 Mission Street. I think that is the ideal location for them.

What I didn't know before I spoke with the Sisters is that services like theirs tend to humanize and give dignity to people who do not have the means to live indoors. The stories the Sisters (and their loyal followers) shared with me were examples of how when you treat people with respect, you open lines of communication with them that will allow for much more productive discourse and interaction. They shared that once the building was a dump: overrun with graffiti, trash, and human waste. Once the Sisters made personal connections with the "locals," those people began show respect for the Sisters and ensured that other people did not loiter around their building entrance. The locals also began to self-police activities to ensure the Sisters were treated well and the store front was protected. That's precisely what 1930 Mission needs.

I also learned that the Sisters feed non-homeless families as well. It was very touching to hear the stories about families who have benefitted from relying on the Sisters' services from time to time. The benefits they provide to housed families will be essential to our community and neighbors.

As a neighbor, I strongly support their allowance to operate at 1930 Mission Street. Thank you very much for your consideration.

Sincerely,

Travis Bonnheim

1540 15<sup>th</sup> Street San Francisco, CA 94103

### **EXHIBIT B**

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Please support the Sisters of the Fraternite Notre Dame in their efforts to relocate the Mary of Nazareth soup kitchen to the new site at 1930 Mission Street. Due to a dramatic rise in rent, the Sisters are no longer able to serve free meals from their previous location in the Tenderloin. Through the generosity of those inspired by the Sisters' mission to serve the poor, however, the Sisters have secured this ideally-suited new location to serve free lunches to those in need. On behalf of San Francisco's most vulnerable, please support the Sisters of the Fraternite Notre Dame.

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Please support the Sisters of the Fraternite Notre Dame in their efforts to relocate the Mary of Nazareth soup kitchen to the new site at 1930 Mission Street. Due to a dramatic rise in rent, the Sisters are no longer able to serve free meals from their previous location in the Tenderloin. Through the generosity of those inspired by the Sisters' mission to serve the poor, however, the Sisters have secured this ideally-suited new location to serve free lunches to those in need. On behalf of San Francisco's most vulnerable, please support the Sisters of the Fraternite Notre Dame.

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December 11, 2016

To the Planning Commission of San Francisco,

RE: In support of Fratemite Notre Dame Soup Kitchen to New Location

On behalf of the members of Golden West Lodge #322 Independent Order of Odd Fellows and their friends in San Francisco, we are writing to show our support for Fraternite Notre Dame Soup Kitchen's proposed new location from 54 Turk Street to 1930 Mission Street, San Francisco.

The new location is rent free, using the extra fund to serve more free meals to numerous poor people in our city. We believe that the new location will greatly benefit both Fratemite Notre Dame Soup Kitchen and the community-at-large they are serving for the past 8 years. We are writing to express our full support.

Golden West Lodge #322 is a non-profit fraternal organization whose main mission is to elevate the character of mankind. We, the undersigned, fully believe that through the humanitarian and noble work of Fraterniate Notre Dame Soup Kitchen, we will be able to reach out, help, and support in one way or another our less fortunate brothers and sisters in the City. Thank you for your consideration.

SIGNATURE
PRINT NAME

Golden Well Lodge 1822

Independent Order of Out Fellows

26 Seventh Street, San Francisco, CA 94103

Telephone: 415-256-2786

December 11, 2016

To the Planning Commission of San Francisco,

RE: In support of Fratemite Notre Dame Soup Kitchen to New Location

On behalf of the members of Golden West Lodge #322 Independent **Order of Gold Fellows and Busin** friends in San Francisco, we are writing to show our support for Fraterists Metre Danne Soup.

Kitchen's proposed new location from 54 Turk Street to 1930 Mission Street, Sam Francisco.

The new location is rent free, using the extra fund to serve more free media to commons geograpeople in our city. We believe that the new location will greatly benefit built Fratenite Marie Dame Soup Kitchen and the community-at-large they are self-ring for the past Sygars. We are writing to express our full support.

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#### Apollo Kodge #123

LO.O.F. 26 - 7th Street, Room 201 San Francisco, Calif 94103-1529 415.554.0476



Golden West Lodge #322 Independent Order of Odd Fellows 26 7th Street, San Francisco, CA 94103 Telephone: 415.255.4786

December 14, 2016

To the Planning Commission of San Francisco,

RE: In support of Fratemite Notre Dame Soup Kitchen to New Location

On behalf of the members of Apollo Lodge #123 and Golden West Lodge #322 Independent Order of Odd Fellows with their friends in San Francisco, we are writing to show our support for Fraternite Notre Dame Soup Kitchen's proposed new location from 54 Turk Street to 1930 Mission Street, San Francisco.

The new location is rent free, which the Fratemite will have extra fund serving more free meals to numerous poor people in our city. We believe that the new location will greatly benefit both Fraternite Notre Dame Soup Kitchen and the communityat-large they are serving for the past 8 years. We are writing to express our full support.

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Thank you for your consideration.

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December 11, 2016

To the Planning Commission of San Francisco,

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Independent Order of Odd Fellows 26 Seventh Street, San Francisco, CA 94103 Telephone: 415.255.4786

December 11, 2016

To the Planning Commission of San Francisco,

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RE: In support of Fraternite Notre Dame Soup Kitchen to New Location

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December 11, 2016

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26 Seventh Street, San Francisco, CA 94103 Telephone: 415.255.4786



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December 11, 2016

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Golden West Lodge #322 Independent Order of Odd Fellows 26 Seventh Street, San Francisco, CA 94103 Telephone: 415.255.4786

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Golden West Lodge #322 Independent Order of Odd Fellows 26 Seventh Street, San Francisco, CA 94103 Telephone: 415.255.4786

December 11, 2016

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RE: In support of Fraternite Notre Dame Soup Kitchen to New Location

On behalf of the members of Golden West Lodge #322 Independent Order of Odd Fellows and their friends in San Francisco, we are writing to show our support for Fratemite Notre Dame Soup Kitchen's proposed new location from 54 Turk Street to 1930 Mission Street, San Francisco.

The new location is rent free, using the extra fund to serve more free meals to numerous poor people in our city. We believe that the new location will greatly benefit both Fraternite Notre Dame Soup Kitchen and the community-at-large they are serving for the past 8 years. We are writing to express our full support.

SIGNATURE	PRINT NAME
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#### **EXHIBIT C**

What's FND home

Mother House

Spirituality

Founder

contact

# What is Fraternite Notre Dame?

Home What is Fraternite Notre Dame?

Search

Q

Saint John 15:13

"No one has greater love than this, to lay down one's life for those one loves"

#### What's FND?

What is Fraternite Notre Dame?

History

The Apparitions

Succession

**Profession of Faith** 

About Spirituality

**About Liturgy** 

Mother House

contacts

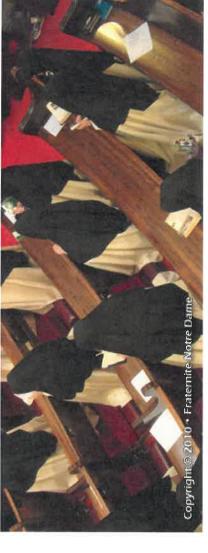
Founder

More...

Fraternite Notre Dame is a Traditional Catholic Religious Order, made of bishops, priests, deacons,

religious friars, missionary or contemplative religious nuns. None of these perceive a salary.

Founded in 1977 by <u>Bishop Jean Marie,</u> who received a divine inspiration to do so, we can even say,



# Fraternite Notre Dame | What is Fraternite Notre Dame

Ecce Homo

Online Store: Saint Mickael

Saint Roger Abbey

FNDTV: Fraternite Notre Dame TV

Missions



"ONE DOES NOT ASK A POOR MAN:

WHAT IS YOUR COUNTRY OR YOUR RELIGION? ONE SAYS TO

Ĭ

YOU SUFFER: THAT IS ENOUGH; YOU ARE MINE AND I SHALL RELEIVE YOU." Louis Pasteur December 27, 1822 - September 28, 1895

an urgent request from the Blessed Virgin Mary Herself. This founding occurred in a very troubled period of time, when society was greatly upset, as a response for a spiritual renewal. Bishop Jean Marie opened many religious houses throughout the world, to help most destitute people and those who suffer: North America, the Caribbean, Africa, Europe, Asia and more. As a Bishop Founder, the Most Reverend Jean Marie, a vivid response in the way of living one's faith, and Religious Order, Fraternite Notre Dame and its members bring, along with the example of their for the cult which is owed to God in the pure tradition of the Church, knowing how to harmoniously ally various modern means of communication, to the benefit of Tradition and the apostolate. As a Religious Order again, Fraternite Notre Dame and its members put the Gospel into practice, by performing charitable works: soup kitchens, hospitals, schools, orphanages, aid to families and

Whom does it turn to? It turns to everyone, with no distinction of race, class, sex or creed.

Who does it work with? It works with any organization or religious denomination, as long as help is provided to the least ones and to the poor, for it wants to be an Instrument of Peace, comprehension and unity with everyone.



# Fraternite Notre Dame is also:

# Fraternite Notre Dame | What is Fraternite Notre Dame

- A Non Governmental Organization associated with the Department of Public Information (DPI) at the United Nations.
- A Non Governmental Organization in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations.
- An active member of CONGO for the meeting of NGOs with ECOSOC.
- A member of the Committee for Education (CONGO).
- A NGO in Special Consultative Status with UNICEF.
- An International group in relationship with the High Commission for Refugees and the Committee for Human Rights in Geneva.
- Fraternite Notre Dame counts members at the Rotary Club of New York City (Manhattan #6).
- The Bishop Founder Most Rev. Jean Marie has been awarded and honored several times by Mister Giuliani, Mayor of the City of New York, and the various food banks of both New York and Chicago.
- Bishop Jean Marie has been honored by being included in the National Register of the Who's Who in America.
- Many other acknowledgements have been received during these past few years at the service of those who are miserable, children, poor families, the

# ALL CONTRIBUTIONS ARE TAX-DEDUCTIBLE (CLICK HERE TO DONATE) NOT-FOR-PROFIT ORGANIZATION 501 C 3

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Read this in:

#### **EXHIBIT D**













#### **EXHIBIT E**







### **EXHIBIT F**

#### GENERAL NOTES CODE REQUIREMENTS DA CHECKLIST D.A. CHECKLIST (p. 1 of 2): The address of the project is: 1928 MISSION STREET ALL WORK WILL COMPLY WITH THE FOLLOWING CODES: THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS WITH CONDITIONS AT THE JOB SITE BEFORE PROCEEDING For ALL tenant improvement projects in commercial use spaces, both pages of this checklist are required to be reproduced 2013 SAN FRANCISCO BUILDING CODE ( 2013) CALIFORNIA BUILDING CODE WITH SAN FRANCISCO AMENDMENTS) The proposed use of the project is <u>HOMELESS FOOD SERVICE</u> (e.g. Retail, Office, Restaurant, etc.) . DO NOT SCALE THE DRAWINGS, LOCATE ONLY BY WRITTEN DIMENSION OR WRITTEN CLARIFICATION. 2. Describe the area of remodel, including which floor: GROUND FLOOR - COMMERCIAL 2013 SAN FRANCISCO FIRE CODE (2013 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO The construction cost of this project excluding disabled access upgrades to the path of travel is \$50,000 which is, (check and) <u>norm than 10 less than</u> the Accessibility Threshold amount of \$150,244.00 based on the "2013 SNR Construction Cost Index" (The cost index & threshold are ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND IN THE VARIOUS PARTS OF THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE 2013 SAN FRANCISCO MECHANICAL CODE (2013) ARCHITECT, AND THE CONTRACTOR SHALL RECEIVE CALIFORNIA BUILDING CODE WITH SAN FRANCISCO AMENDMENTS) 4. Is this a City project and/or does it receive any form of public funding? Check are: (Check one: (Check) Note if Yes, then see Siep 3 on the Instructions page of the Disabled Access Upgrade Compliance Checklist package for additional forms required. WRITTEN AUTHORIZATION FROM THE ARCHITECT BEFORE PROCEEDING WITH THE WORK, 2013 SAN FRANCISCO PLUMBING CODE (2013 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO Conditions below must be fully documented by accompanying drawings . DETAILS SHOWN ARE TYPICAL UNLESS OTHERWISE NOTED, SIMILAR DETAILS APPLY IN SIMILAR CONDITIONS. ALL DETAILS INCLUDED IN DOCUMENTS APPLY, WHETHER i. Read A through D below carefully and check the most applicable boxes. Check one box only: 2013 SAN FRANCISCO ELECTRICAL CODE (2013 A: All existing conditions serving the area of remodel fully comply with access requirement NOTED ELSEWHERE IN DOCUMENTS OR NOT CALIFORNIA BUILDING CODE WITH SAN FRANCISCO AMENDMENTS) Fill out page 2 of D.A. Checklist CHANGES IN FLOOR MATERIALS OCCUR AT CENTERLINE B: Project Adjusted cost of construction is greater than the current valuation threshold AMERICAN DISABILITIES ACT ACCESSIBILITY OF DOOR OR FRAMED OPENING UNLESS OTHERWISE Fill out and attach page 2 of D.A. Checklist and any other required forms to plans NOTED ON THE DRAWINGS. **GUIDELINES (2013 ADAAG)** C: Project adjusted cost of construction is less than or equal to the current valuation—threshold: List items that will be upgraded on Form C. All other items shall be checked on page 2 of the D.A. Checklist in the "Not required by code" column. CONTRACTORS SHALL VERIFY ALL ARCHITECTURAL ARCHITECTURAL SYMBOLS DETAILS WITH THE STRUCTURAL MECHANICAL AND ELECTRICAL DRAWINGS BEFORE THE ORDERING OF, OR D: Proposed project consists entirely of Barrier remova Fill out and attach Barrier removal form to Plans INSTALLATION OF ANY ITEM OF THE WORK WINDOW TYPE ☐ E: Proposed project is minor revision to previously approved permit drawings only. (Note: VERIEV ADEQUACY OF DUCT SPACE OF FARINGS FOR Il NOT be used for new or additional work) Provide previously approved permit on here: Description of revision: DUCTS AND PIPES WITH MECHANICAL CONTRACTORS. DOOR TYPE TRADE NAMES USED ARE DESIGNED TO ESTABLISH 101 QUALITY DESIRED. BEFORE ANY SUBSTITUTIONS ARE - ROOM NAME MADE, THE WRITTEN CONSENT OF THE OWNER AND THE D.A. CHECKLIST (p. 2 of 2): The address of the project is: 1928 MISSION STREET ROOM NUMBER ARCHITECT MUST BE OBTAINED. ROOM NAME . ALL WORK SHALL BE DONE IN A SAFE, ORDERLY MANNER ROOM NUMBER WITHOUT DAMAGE TO THE PREMISES OR ADJACENT CEILING FINISH PROPERTIES. ANY RESULTING DAMAGE OR LOSS SHALL WALL FINISH BE CORRECTED OR REPLACED BY CONTRACTOR AT NO BASE FINISH ADDITIONAL EXPENSE TO THE OWNER OR ARCHITECT. FLOOR FINISH (SEE FINISH NOTES ON PLANS) O DESIGNS REPRESENTED BY THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND WERE DEVELOPED. SHEET NOTE, NUMBERED TO FOR USE OF THIS PROJECT ONLY. REUSE WITHOUT THE REFER TO NOTE LEGEND. WRITTEN CONSENT OF THE ARCHITECT IS PROHIBITED. Ø 1. MAINTAIN WORK AREAS CLEAN AND FREE FROM UNDUE DETAIL NUMBER ENCUMBRANCES AT ALL TIMES. REMOVE SURPLUS - SHEET NUMBER MATERIALS AND WASTE AS THE WORK PROGRESSES. INTERIOR ELEVATION 12. AT THE END OF EACH WORK DAY THE CONTRACTOR. SHALL BARRICADE AND COVER THE WORKING PREMISES -ORIENTATION Parking/access sistes and curb ramps SHEET NUMBER TO PREVENT ACCESS BY UNAUTHORIZED PERSONS. Curb ramps and 13. GENERAL CONDITIONS: AIA DOCUMENT A201. GENERAL Corridors, hallways, floors CONDITIONS FOR THE PERFORMANCE OF THE CONTRACT Z BUILDING SECTION ARE HEARBY INCORPORATED INTO THESE DRAWINGS. AND SHALL BE CONSIDERED AS PART OF THE REQUIREMENTS FOR THE COMPLETION OF THE WORK. DIMENSION TO FACE OF STUD [2] 4 EXISTING CONDITIONS: CONDITIONS SHOWN ON THE DRAWINGS ARE OBSERVED ON THE SITE, BUT THEIR ACCURACY IS NOT GURANTEED, CONTRACTOR SHALL Accessible public VERIFY ALL DIMENSIONS AND CONDITIONS AT SITE. ANY CLEAR DIMENSION TO FACE OF DISCREPANCES SHALL BE REPORTED TO ARCHITECT PRIOR TO PROCEEDING WITH WORK, NOTE: DIMENSIONS TAKE PRECEDENCE OVER SCALE OF THE DRAWINGS. DO NOT SCALE THE DRAWINGS. 15. ALL FLOOR PLANS ARE DIMENSIONED FROM THE FACE OF DIMENSION TO CENTERLINE OF WALL, ARREVIATIONS

ADDUE	AHONS								
& And  & Angle  @ At  & Centerline  © Dismeter  # Pound or Number  — Property Line  ABW Above  ACOUS Acoustice!  AD. Area Drain  ADJ. Adjustable  AFF. Above Finish Floor  AL. Aluminum  APPROX. Approximate  APCOM. Architectural	COL. Column CONC. Concrete CONSTR. Constructior CONT. Confilmuous CORR. Confilmuous CORR. Confilmuous CORR. Confilmuous CORR. Confilmuous DIL. Double DEPT. Department DIA. Diameter DIM. Dimension DISP. Dispenser DN. Down DR. Door DS. Downspout	F.E. Fire Extingulater F.E.C. Fire Extingulater Cabinet F.F. Finish Floor FIR. Finish FL. Floor FLASH. Flashing FLUOR, Fluorescent F.O.C. Face of Concrete F.O.F. Face of Finish F.O.S. Face of Studie F.O.S. Face of Studie	LD. Inside Diameter INSUL Insudation INT. Interior LAM. Laminate LAV. Lavistory LT. Light MAX. Maximum MECH. Mechanical MET. Metal MFR. Manufacturer MIN. Minimum MISC. Miscellaneous MTD. Mounted (N) New N. North N. I.C. Not in Contract	REQ. Required RM. Room R.O. Rough Opening RMD. Redwood S. South S.A.D. See Architectural Drawings SCHED. Schedule S.D. Soep Dispenser SECT: Section S.E.D. See Electrical Drawings SHT. Sheet SIM. Similar S.M. Sunface Mounted S.M.D. See Mechanical Drawings S.M. Sunface Mounted S.M.D. See Mechanical Drawings S.P. Sinance	T.C. Top of Curb TEL. Telephone THK. Thick T.O.C. Top of Concrete T.O. Top of Concrete T.O. Top of T.P.D. Tollet Paper Dispenser TRD. Tread T.W. Top of Wall TYP. Typical UNF. Unfinished U.O.N. Unleas Otherwise Noted VERT. Vertical VEST. Vestibule	F	A) Cost of Construction: (Excluding Abstrations to the Path of Travel as required by 110-202.4)  B) 20% of A):  List the Upgrade Expenditures and their respective properties of the Path of Travel as required by 110-202.4)  J. POWER OPERATED DOOR  REVISE DOOR @ RESTROOM  3. ACCESSIBLE/TACTILE SIGNAGE	Contractor's Estimated Cost §80,000	DBI Revised Cost \$
ARCH, Architectural ASPH, Asphalt BD, Board BLDG, Bullding BLKG, Blocking	DWG. Drawing (E) Existing E. East EA. Each	Reinforced Plastic FT. Foot or Feet FTG. Footing FURR. Furring	N.I.C. Not In Contract NO./# Number N.T.S. Not To Scale O.C. On Center	SP. Space SPEC. Specification SQ. Square S.S.D. See Structural Drawings	VEST, Vastibula V.I.F. Verify In Field W. West or Washer W/ With		4. 5.	\$ \$	\$ \$
BLW. Below BM. Beam B.O. Bottom Of CAB. Cabinet	EL. Elevation ELEC. Electrical ELEV. Elevator	GA. Gauge GALV. Galvanized G.S. Grab Bar G.S.M. Galvanized Sheet Metal	O.D. Outside Diameter O.H. Opposite Hand OPNG, Opening OPP, Opposite	S.SK. Service Sink S.ST. Stainless Steel STL. Steel STOR. Storage	W.C. Water Closet WD. Wood W/O Without WP, Waterproof		6. 7. 8.	\$ \$	\$ \$
CEM. Cernent CER. Ceramic CJ. Control Joint CLG. Celling	EMER. Emergency EQ. Equal EQPT. Equipment ETC. Etcetera (E) Existing	GYP. Gypsum Board H.B. Hose Blbb H.C. Hollow Core HT. Height H,M. Hollow Metal	PL. Plate PLYWD. Plywood PR. Pair PT. Point	STRL, Structural	WT, Weight		9.  Total Upgrade Expenditures Should be approximately equal to but not to exceed,	\$ \$16,000	\$
CLKG, Caulking CLR, Clear	EXT. Exterior	HORIZ. Horizontal	R. Riser				Line B		

### PROJECT INFORMATION

SCOPE OF WORK SITE PERMIT SET FOR CHANGE OF USE, FROM "OTHER RETAIL & SERVICES (SEC.790.102) T "OTHER INSTITUTION-LARGE" (SEC.750.5) FOR 1,440 SF GROUND FLOOR SPACE. NO CONSTRUCTION TO OCCUR UNDER THIS PERMIT, TENANT IMPROVEMENT, STRUCTURAL MECHANICAL/PLUMBING, AND ELECTRICAL TO BE SUBMITTED AS ADDENDA

INTERIOR TENANT IMPROVEMENTS TO EXISTING 1,440 SF GROUND FLOOR COMMERICAL SPACE: WORK TO PROVIDE COMMERCIAL KITCHEN AND FOOD PREP/SERVICE AREA FOR NON-PROFIT ORGANIZATION PROVIDING ON-SITE 'SOUP KITCHEN' LUNCH AND DINNER SERVICES TO HOMELESS AND SIMILAR CLIENTS.

IMPROVEMENTS TO CONSIST OF

-NEW COMMERCIAL KITCHEN WITH ELECTRIC APPLIANCES ONLY; VENTLESS HOOD, SERVICE SINK, INTERIOR FINISHES, PLUMBING AND ELECTRICAL WORK

-COMMERCIAL FOOD STORAGE AND PREP SPACE

-FOOD SERVICE FOR UP TO 40 OCCUPANTS.

-DISABLED ACCESSIBILITY IMPROVEMENTS

-INCORPORATION OF EXISTING GROUND FLOOR ACCESSIBLE RESTROOM

### PROJECT DATA

LOCATION: 1928 MISSION STREET,

SAN FRANCISCO, CA 94103 3554

BLOCK: ZONING:

NCT-MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT

HEIGHT/BUILK-80-B AT MISSION STREET

PLANNING: C-NO HISTORIC RESOURCE PRESENT YEAR BUILT:

PARCEL AREA: 9 100 SE BUILDING AREA: 1,434 SF

CODE ANALYSIS:

[2] 

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Z

A. EXISTING CONSTRUCTION:

a. FOUR STORY, NO BASEMENT: TYPE V WOOD FRAME STRUCTURE WITH REAR

b. TWO COMMERCIAL SPACES COMMON ENTRY FOR RESIDENTIAL ABOVE RESIDENTIAL LAUNDRY AND 2 RESTROOMS AT GROUND FLOOR; 15 RESIDENTIAL APARTMENT UNITS AT UPPER THREE STORIES

B. OCCUPANCY CLASIFICATION: EXISTING: R-1: B-2 PROPOSED: R-1; B/A

C. PARKING: 14 SPACES AT REAR LOT

D. SPRINKLERS: PARTIAL

MARY OF NAZARETH HOUSE

### KITCHEN PROJECT

1928 MISSION STREET SAN FRANCISCO. CA 94103

### LOCATION MAP



### PROJECT DIRECTORY

OWNER: ASSOCIATES 1 APIAN WAY LLC

CONTACT: GILLIAN ALLEN REUBEN, JUNIUS & ROSE, LLP ONE BUSH STREET, SUITE 600 SAN FRANCISCO, CA 94104 P; (415) 567-9000 ext, 432

MECH. /PLUMB./ELECTRICAL ENGINEER NAME

**ADDRESS** SAN FRANCISCO, CA 94102 ARCHITECT ASIAN NEIGHBORHOOD DESIGN 1245 HOWARD ST SAN FRANCISCO, CA 94103 P: (415) 575-0423 X 220 CONTACT: STEVE SUZUKI

CONTACT: DOUG PARKER

KITCHEN DESIGN DESIGN WEST PARTNERSHIP 2394 MARINER SQ. DRIVE ALAMEDA, CA 94501 P+ (888) 261-4664

### SHEET INDEX

#### ARCHITECTURAL - CHANGE OF USE PERMIT SET

A.01 COVER SHEET

A1.0 PLOT PLANS - ROOF PLAN & GROUND FLOOR

A1.1 GROUND FLOOR PLANS - EXISTING/DEMO & PROPOSED

A2.0 EXTERIOR ELEVATIONS - EXISTING & PROPOSED

#### TENANT IMPROVEMENT DRAWINGS TO BE SUBMITTED AS ADDENDA UPON SITE PERMIT APPROVAL

#### **ARCHITECTURAL**

A.01 COVER SHEET

A.02 PATH OF TRAVEL TO SITE & CODE ANALYSIS

A.03 ACCESS DETAILS

A1.0 PLOT PLANS - ROOF PLAN / GROUND FLOOR PLAN

A1.1 ENLARGED FLOOR PLANS - DEMO & NEW

A2.0 INTERIOR SECTION & FLEVATIONS

A3,0 EXTERIOR ELEVATIONS

A4.0 DETAILS

#### FOOD SERVICE

FS-1 COVER SHEET

FS-2 FOOD SERVICE EQUIPMENT PLAN, SCHEDULE, & NOTES

FS-3 FOOD SERVICE ELECTRICAL PLAN & SCHEDULE

FS-4 FOOD SERVICE PLUMBING PLAN & SCHEDULE

FS-5 SPECIAL CONDITIONS / ELEVATIONS

USE APP PROGRESS 11-01-16 DRAWINGS

DATE

8-11-16

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CHANGE OF



Asian Neighborhood Design 1245 Howard Street, San Francisco, CA 94103 (415) 575-0423, Fax (415) 575-0424

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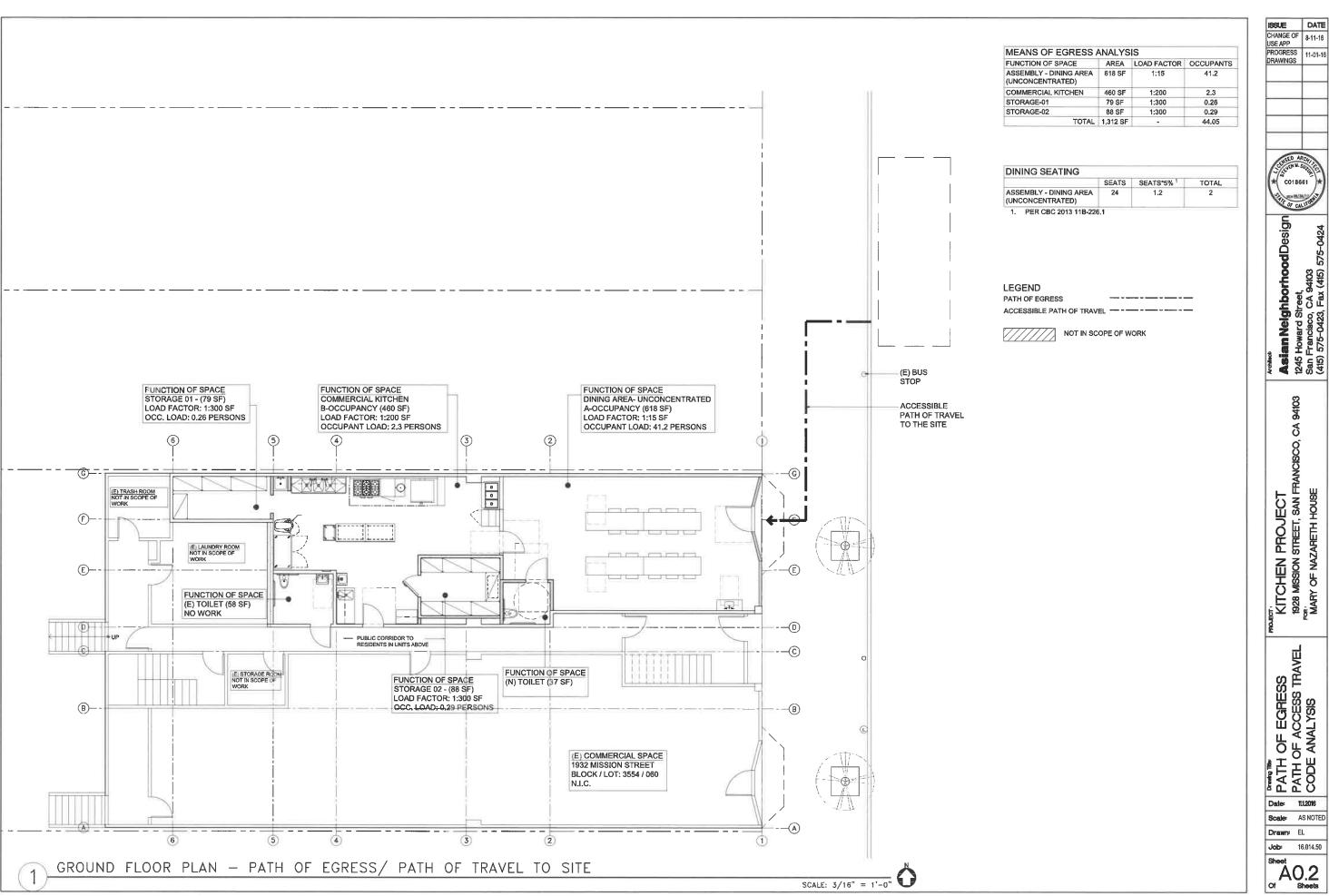
NAZARETH HOUSE SAN PROUI STREET, CHEN P 1928 M

岗 COVER

Date: 1112016 Scale: AS NOTES

Drawn: EL Job: 16,014,50

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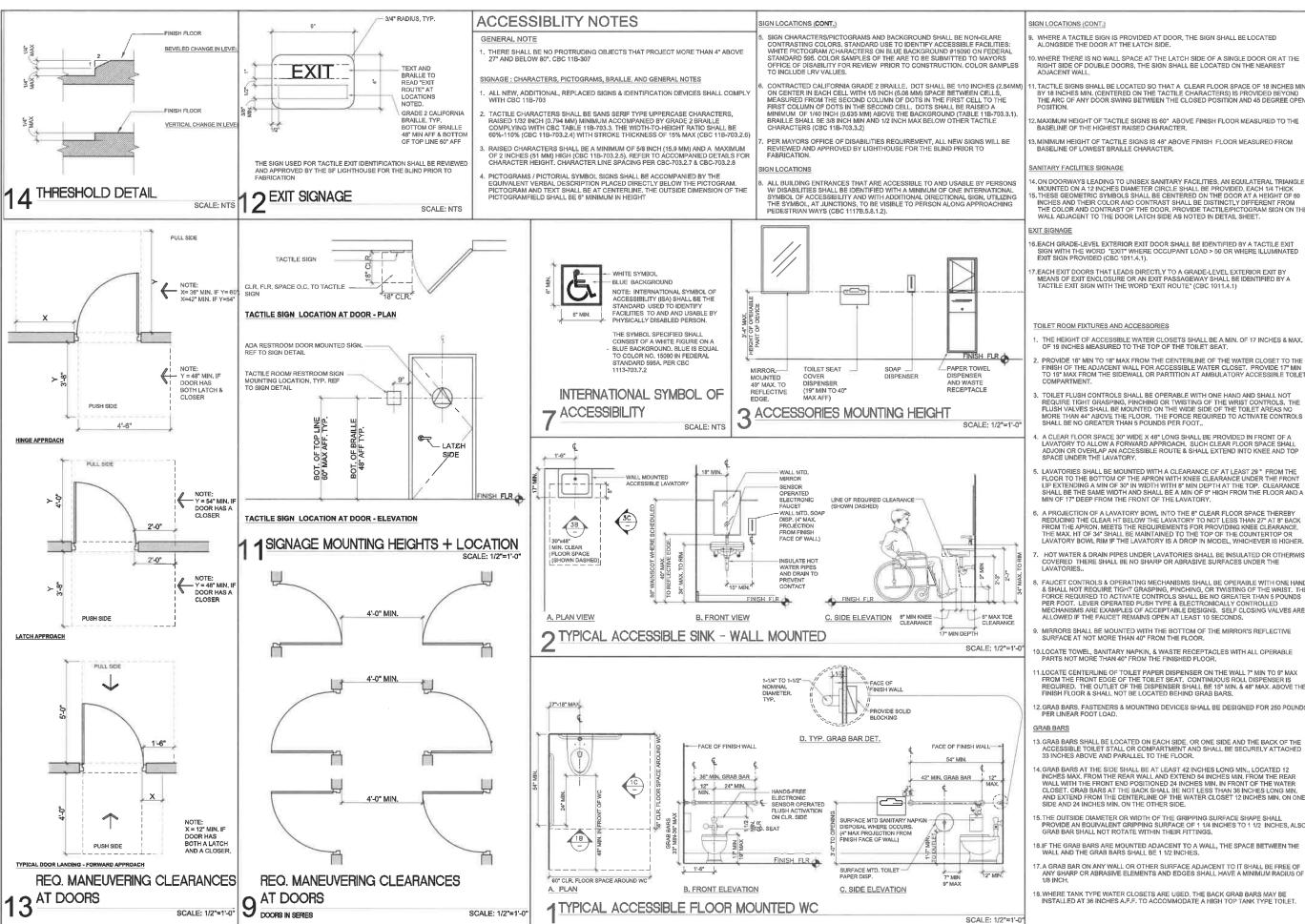
δ KITCHEN PROJECT 1928 MISSION STREET, SAN FRANCISCO, C PORT MARY OF NAZARETH HOUSE

PATH OF EGRESS
PATH OF ACCESS TRAVEL
CODE ANALYSIS

Date: 11.1.2016 Scale: AS NOTED

Drawn: EL Job: 16.014.50

AO.2



- WHERE A TACTILE SIGN IS PROVIDED AT DOOR, THE SIGN SHALL BE LOCATED
- WHERE THERE IS NO WALL SPACE AT THE LATCH SIDE OF A SINGLE DOOR OR AT THE RIGHT SIDE OF DOUBLE DOORS, THE SIGN SHALL BE LOCATED ON THE NEAREST
- TACTILE SIGNS SHALL BE LOCATED SO THAT A CLEAR FLOOR SPACE OF 18 INCHES MIN BY 18 INCHES MIN. (CENTERED ON THE TACTILE CHARACTERS) IS PROVIDED BEYOND THE ARC OF ANY DOOR SWING BETWEEN THE CLOSED POSITION AND 45 DEGREE OPEN RECEIVED.
- 2.MAXIMUM HEIGHT OF TACTILE SIGNS IS 60" ABOVE FINISH FLOOR MEASURED TO THE BASELINE OF THE HIGHEST RAISED CHARACTER.
- 3. MINIMUM HEIGHT OF TACTILE SIGNS IS 48" ABOVE FINISH FLOOR MEASURED FROM

4. ON DOORWAYS LEADING TO UNISEX SANITARY FACILITIES, AN EQUILATERAL TRIANGLE
MOUNTED ON A 12 INCHES DIAMETER CIRCLE SHALL BE PROVIDED, EACH 1/4 THICK
5. THESE GEOMETRIC SYMBOLS SHALL BE CENTERED ON THE DOOR AT A HEIGHT OF 60
INCHES AND THEIR COLOR AND CONTRAST SHALL BE DISTINCTLY DIFFERENT FROM
THE COLOR AND CONTRAST OF THE DOOR, PROVIDE TACTILE/PICTOGRAM SIGN ON THE

- 16.EACH GRADE-LEVEL EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORD "EXIT" WHERE OCCUPANT LOAD > 50 OR WHERE ILLUMINATED EXIT SIGN PROVIDED (OBC 1011.4.1)
- THE HEIGHT OF ACCESSIBLE WATER CLOSETS SHALL BE A MIN. OF 17 INCHES & MAX, OF 19 INCHES MEASURED TO THE TOP OF THE TOILET SEAT.
- PROVIDE 16" MIN TO 18" MAX FROM THE CENTERLINE OF THE WATER CLOSET TO THI FINISH OF THE ADJACENT WALL FOR ACCESSIBLE WATER CLOSET. PROVIDE 17" MIN TO 19" MAX FROM THE SIDEWALL OR PARTITION AT AMBULATORY ACCESSIBLE TOILET
- . TOILET FLUSH CONTROLS SHALL BE OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT GRASPING, PINCHING OR TWISTING OF THE WRIST CONTROLS. THE FLUSH VALVES SHALL BE MOUNTED ON THE WIDE SIDE OF THE TOILET AREAS NO MORE THAN 44" ABOVE THE FLOOR. THE FORE REQUIRED TO ACTIVATE CONTROLS SHALL BE NO GREATER THAN 5 POUNDS PER FOOT..
- LAVATORY TO ALLOW A FORWARD APPROACH. SUCH CLEAR FLOOR SPACE SHALL ADJOIN OR OVERLAP AN ACCESSIBLE ROUTE & SHALL EXTEND INTO KNEE AND TOP
- EAVAIORIES SHOLLE DE MOOINTEU WITH A VELENANCE OF AT LEAST 29 FROM THE FLOOR TO THE BOTTOM OF THE APRON WITH KNEE CLEARANCE UNDER THE FRONT LIP EXTENDING A MIN OF 30° IN WIDTH WITH 8° MIN DEPTH AT THE TOP. CLEARANCE SHALL BE THE SAME WIDTH AND SHALL BE A MIN OF 9° HIGH FROM THE FLOOR AND A MIN OF 17° DEEP FROM THE FRONT OF THE LAVATORY.
- A PROJECTION OF A LAVATORY BOWL INTO THE 8" CLEAR FLOOR SPACE THEREBY REDUCING THE CLEAR HT BELOW THE LAVATORY TO NOT LESS THAN 2" AT 8" BACK FROM THE APRON, MEETS THE REQUIREMENTS FOR PROVIDING KNEE CLEARANCE. LAVATORY BOWL RIM IF THE LAVATORY IS A DROP IN MODEL. WHICHEVER IS HIGHER
- HOT WATER & DRAIN PIPES UNDER LAVATORIES SHALL BE INSULATED OR OTHERW COVERED THERE SHALL BE NO SHARP OR ABRASIVE SURFACES UNDER THE
- . FAUCET CONTROLS & OPERATING MECHANISMS SHALL BE OPERABLE WITH ONE HAND & SHALL NOT REQUIRE TIGHT GRASPING, PINCHING, OR TWISTING OF THE WRIST. THE FORCE REQUIRED TO ACTIVATE CONTROLS SHALL BE NO GREATER THAN 5 POUNDS PER FOOT. LEVER OPERATED PUSH TYPE & ELECTRONICALLY CONTROLLED MECHANISMS ARE EXAMPLES OF ACCEPTABLE DESIGNS. SELF CLOSING VALVES ARE ALLOWED IF THE FAUCET REMAINS OPEN AT LEAST 10 SECONDS.
- MIRRORS SHALL BE MOUNTED WITH THE BOTTOM OF THE MIRROR'S REFLECTIVE SURFACE AT NOT MORE THAN 40° FROM THE FLOOR.
- 10.LOCATE TOWEL, SANITARY NAPKIN, & WASTE RECEPTACLES WITH ALL OPERABLE PARTS NOT MORE THAN 40" FROM THE FINISHED FLOOR.
- 11.LOCATE CENTERLINE OF TOILET PAPER DISPENSER ON THE WALL 7" MIN TO 9" MAX FROM THE FRONT EDGE OF THE TOILET SEAT. CONTINUOUS ROLL DISPENSER IS REQUIRED. THE OUTLET OF THE DISPENSER SHALL BE 15" MIN. & 48" MAX. ABOVE THE FINISH FLOOR & SHALL NOT BE LOCATED BEHIND GRAB BARS.

- 4. GRAB BARS AT THE SIDE SHALL BE AT LEAST 42 INCHES LONG MIN., LOCATED 12
  INCHES MAX, FROM THE REAR WALL AND EXTEND 54 INCHES MIN. FROM THE REAR WALL WITH THE FRONT END POSITIONED 24 INCHES MIN, IN FRONT OF THE WATER CLOSET GRAB BARS AT THE BACK SHALL BE NOT LESS THAN 36 INCHES LONG MIN AND EXTEND FROM THE CENTERLINE OF THE WATER CLOSET 12 INCHES MIN. ON ON
- 15. THE OUTSIDE DIAMETER OR WIDTH OF THE GRIPPING SURFACE SHAPE SHALL PROVIDE AN EQUIVALENT GRIPPING SURFACE OF 1 1/4 INCHES TO 1 1/2 INCHES, ALSO GRAB BAR SHALL NOT ROTATE WITHIN THEIR FITTINGS.
- 16.IF THE GRAB BARS ARE MOUNTED ADJACENT TO A WALL, THE SPACE BETWEEN THE WALL AND THE GRAB BARS SHALL BE 1 1/2 INCHES.
- 17.A GRAB BAR ON ANY WALL OR OTHER SURFACE ADJACENT TO IT SHALL BE FREE OF ANY SHARP OR ABRASIVE ELEMENTS AND EDGES SHALL HAVE A MINIMUM RADIUS OF
- INSTALLED AT 36 INCHES A.F.F. TO ACCOMMODATE A HIGH TOP TANK TYPE TOILET

188UE DATE USE APP ROGRESS 11-01-16



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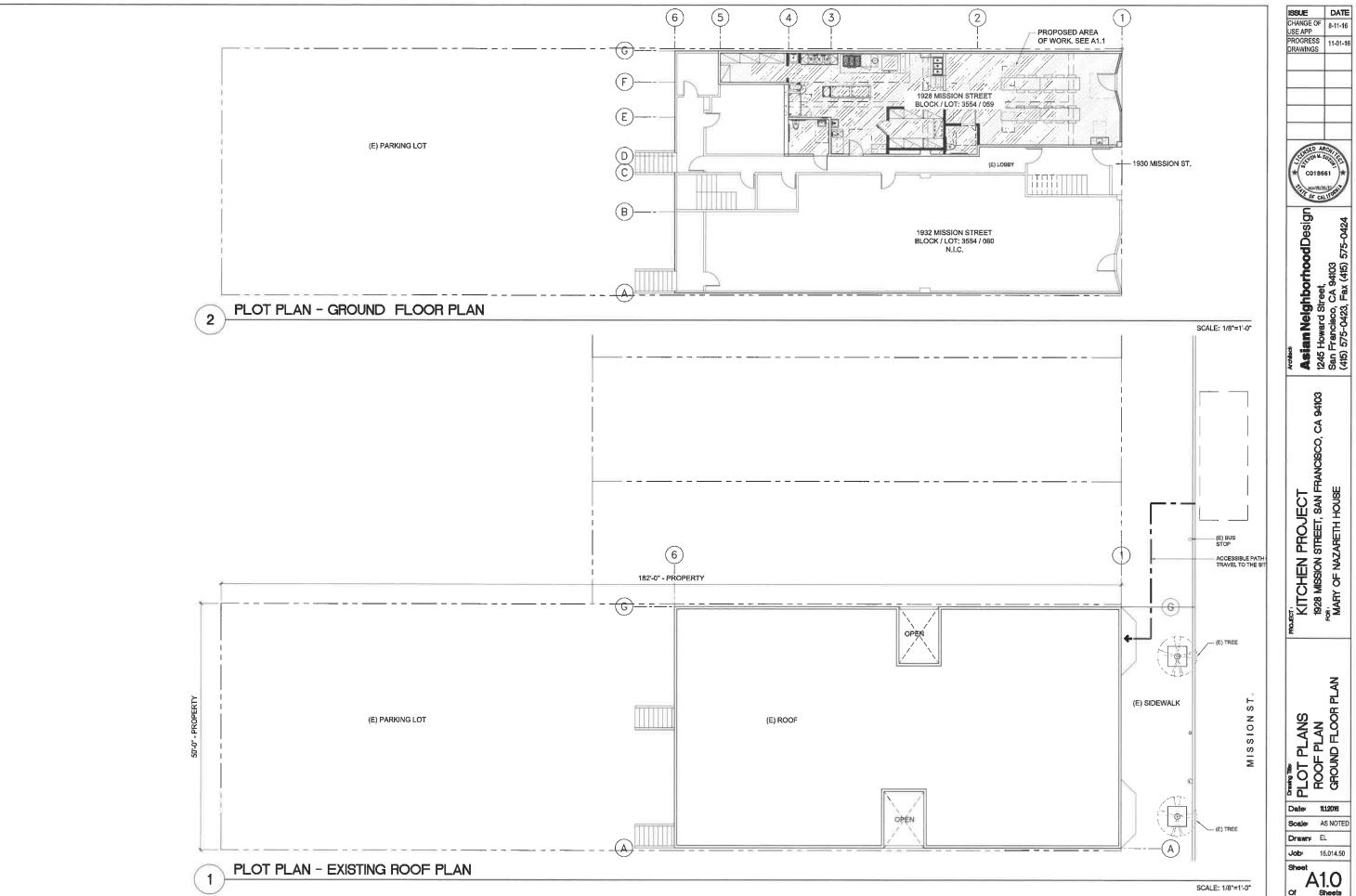
NAZARETH HOUSE PROJECT STREET, SAN F P 五 8 8 1928 M

S ACCESSIBILITY NOTES + DETAILS

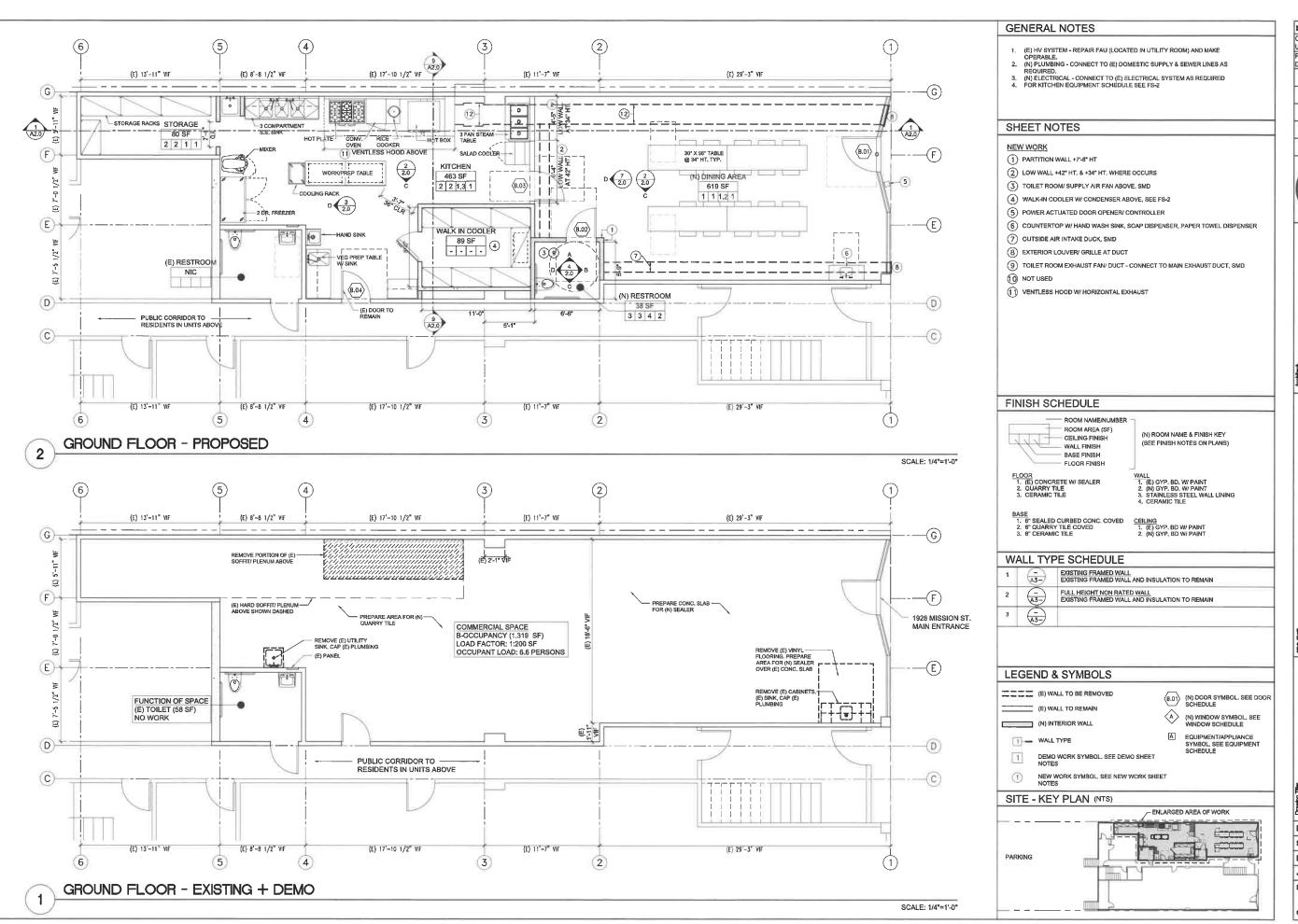
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Drawn: EL Job: 16,014,50

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ISSUE DATE CHANGE OF 8-11-16 USE APP PROGRESS 11-01-16 DRAWINGS



Asian Nelghborhood Design 1245 Howard Street, San Francisco, CA 94103 (415) 575-0423, Fax (415) 575-0424 94103

S PROJECT STREET, SAN FRANCISCO, JECT: KITCHEN F 1928 MISSION E 1928 MISSION E 1931 MARY OF NAZ

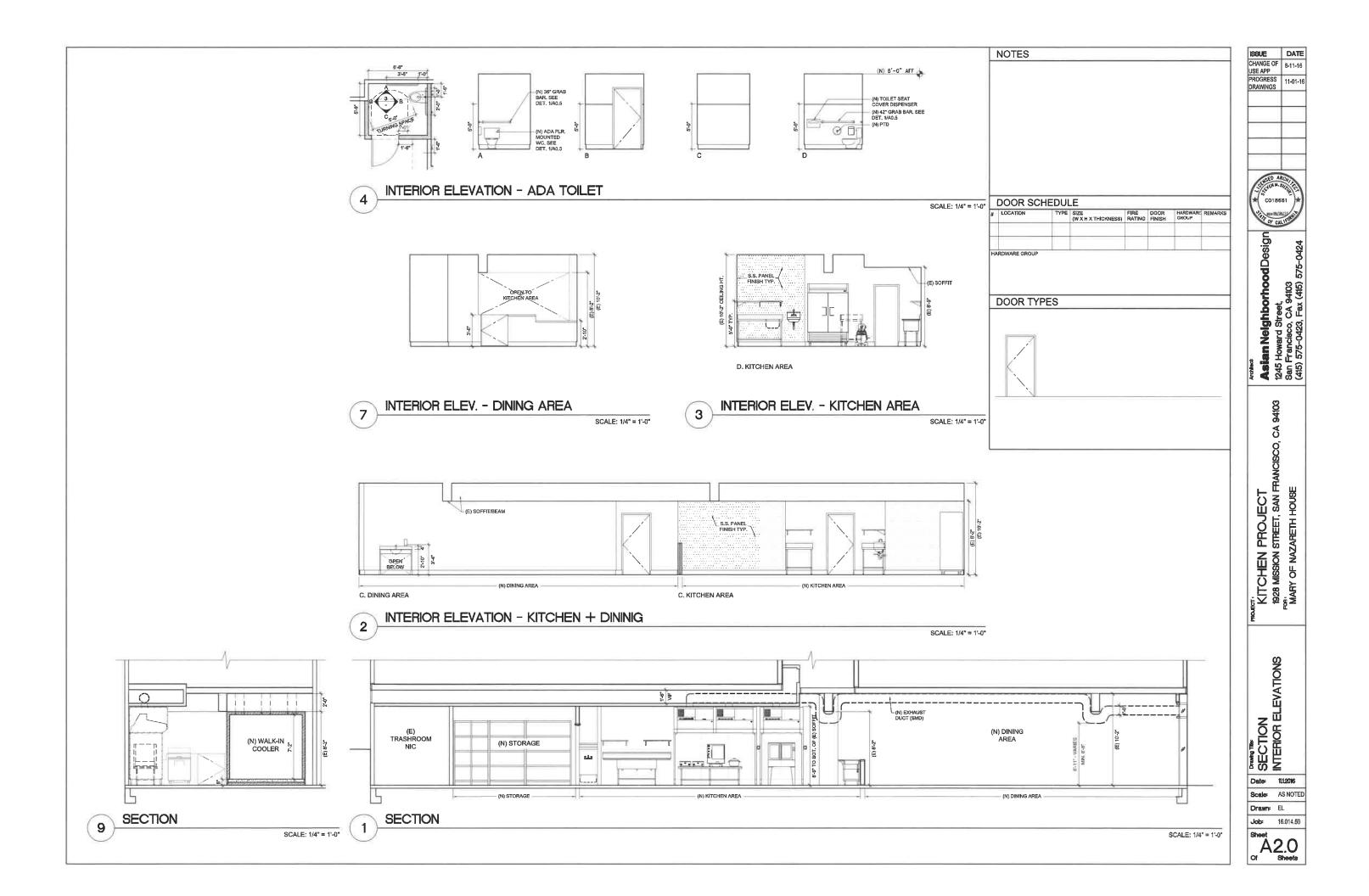
OF NAZARETH HOUSE

FLOOR DEMO GROUND F EXISTING + I PROPOSED

Date: 11.1.2016

Scale: AS NOTED Drawn: EL

Job: 16.014.50 Sheet Of Sheets





CHANGE OF USE APP
PROGRESS DRAWINGS

DATE

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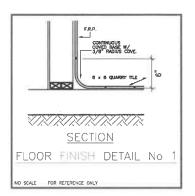
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1928 MISSION STREET, SAN FRANCISCO, CA
PORT
MARY OF NAZARETH HOUSE

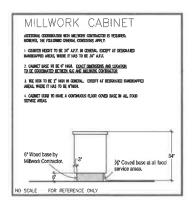
EXTERIOR ELEVATION EXISTING + PROPOSED

Date: 11.1.2016 Scale: AS NOTED

Drawn: EL Job= 16.014.50

Sheet A3.0 Sheets





#### ADDITIONAL HEALTH DEPARTMENT NOTES:

1. - ALL COUNTERS TO BE LIGHT COLORED AND FINISHED INSIDE AND OUTSIDE, INCLUDING THE UNDERSIDE OF COUNTERS, WITH NON-ABSORBENT MATERIAL WHICH IS SMOOTH AND CLEANABLE.

- 2. ALL WALLS IN ALL ROOMS SHALL BE OF A DURABLE, SMOOTH, NON-ABSORBENT AND EASILY CLEANABLE SURFACE (PAINTED, CONCRETE BLOCK IS NOT ALLOWED)
- 3. ALL WALLS BEHIND SINKS MUST BE PROTECTED WITH AT LEAST 8"-0"H WATER RESISTANT MATERIAL MEASURED FROM THE TOP OF COVE BASE UP.

### LIGHTING NOTE:

SUFFICIENT NATURAL OR ARTIFICIAL LIGHTING SHALL BE PROVIDED TO PRODUCE THE FOLLOWING LIGHT INTENSITY, WHILE THE AREA IS IN USE:

- LIGHT INTENSITY, WHILE THE AREA IS IN USE:

  (A) AT LEAST 16-FOOT CANDLES AT A DISTANCE OF 30 INCHES ABOVE THE FLOOR, IN DRY FOOD STORAGE AREAS.

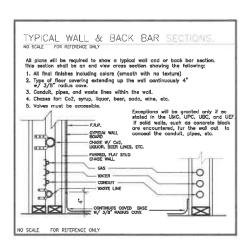
  (B) AT LEAST 26-FOOT CANDLES FOR THE FOLLOWING:

  (1) AT A SURFACE WHERE FOOD IS PROVIDED FOR CONSUMER SELF-SERVICE OR WHERE FRESH FRODUCE OR PREPACAGED FOODS ARE SOLD OR OFFERED FOR CONSUMPTION.

  (2) INSIDE EQUIPMENT SICH AS REACH HA AND UNDER-COUNTER REPRIDERATIORS.

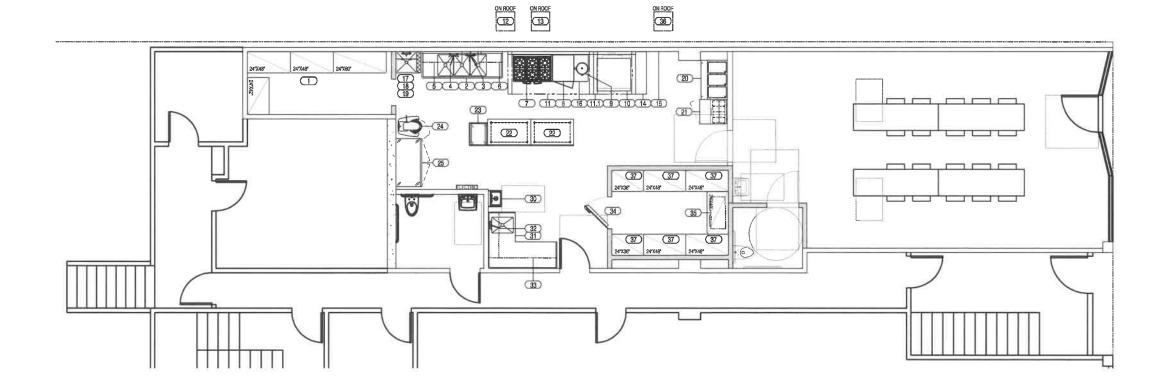
  (3) AT A DISTANCE OF 30 INCHES AROWETHE FLOOR IN AREAS USED FOR HANDWASHING, WHEREWASHING, AND EQUIPMENT AND UTBESIL STORAGE, AND IN TOILET ROOMS.

  (CLAT LEAST 35-FOOT CANDLES AT A SURFACE WHERE A FOOD OFFER OFES WORDHING WITH
- (C) AT LEAST 50-FOOT CANDLES AT A SURFACE WHERE A FOOD EMPLOYEE IS WORKING WITH FOOD OR WORKING WITH LITENSILS OR FOURMENT SUCH AS KNIVES. WHERE EMPLOYEE SAFETY IS A FACTOR AND IN OTHER AREAS AND ROOMS DURING PERIODS OF CLEANING.

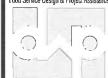


### **EQUIPMENT SCHEDULE**

ITEM NO.	QTY.	SUPPLY BY	DECRIPTION	REMARKS	MANUFACTURER	MODEL NUMBE
1	4	KEC	SHELVING, WIRE, 5-TIER	DRY STORAGE	METRO	BR SERIES
2	1	KEC	THREE COMPARTMENT SINK	S/S	FABRICATED	CUSTOM
3	1	KEC	PRE-RINSE UNIT	SPLASH MOUNT	T&S BRASS	B-0133-ADF12-B
4	1	KEC	FAUCET	SPLASH MOUNT	T&S BRASS	B-0231
5	2	KEC	SHELVING	WALL MOUNTED	FABRICATED	CUSTOM
6	2	KEC	SHELVING	WALL MOUNTED	FABRICATED	CUSTOM
7	1	KEC	HOTPLATE	ELECTRIC, COUNTER TOP	WELLS	HC125
8	1	KEC	STEAMER	ELECTRIC, COUNTER TOP	GROEN	XS208
9	1	KEC	RICE COOKER	ELECTRIC, COUNTER TOP	PANISONIC	SR42
10	1	KEC	CONVECTION OVEN	ELECTRIC, ON STAND W/ CASTERS	BLODGETT	SHO-100E
11	1	KEC	S/S EXHAUST HOOD, TYPE I, VENTLESS	FABRICATED	WELLS	WVU-96
11.1	1	KEC	S/S EXHAUST HOOD, TYPE I, VENTLESS	FABRICATED	WELLS	WVU-48
12	1	G.C.	EXHAUST SYSTEM	NIKEC	-	_
13	1	G.C.	MAKE-UP AIR SYSTEM	NIKEC	-	-
14	1	KEC	FIRE SUPPRESSION SYSTEM	WALL MOUNTED	CAPTIVE AIRE	ANSUL R102
15	1	KEC	S/S WALL LINING	S/S	FABRICATED	CUSTOM
16	1	KEC	S/S EQUIPMENT STAND	S/S	FABRICATED	CUSTOM
17	1	KEC	MOP SINK W/ S/S SPLASH GUARDS	FLOOR MODEL	GSW USA	SE2424FM
18	1	KEC	SERVICE FAUCET W/ VACUUM BREAKER	WALL MOUNT	T&S	B-0665-BSTP
19	1	KEC	S/S UTILITY SHELF W/ MOP & BROOM HOLDER	WALL MOUNT	ADVANCE TABCO	K-245
20	1	KEC	HOT FOOD, SERVING COUNTER	ELECTRIC	DUKE	E303SW
21	1	KEC	REFRIGERATED COUNTER, SANDWICH TOP	SELF CONTAINED, ON CASTERS	TRUE	TSSU-27-08
22	2	KEC	WORK TABLE	S/S	FABRICATED	CUSTOM
23	1	KEC	BUN PAN RACK	MOBILE	NEW AGE	1331
24	1	KEC	MIXER, PLANETARY	FLOOR MOUNT	HOBART	HL200-10STD
25	1	KEC	FREEZER, REACHIN	SELF CONTAINED, ON CASTERS	TRUE	T-49F-HC
26			SPARE NUMBER		-	
27	-	-	SPARE NUMBER	2	-	al.
28	-	- 52	SPARE NUMBER	5	2	20
29	-	ā	SPARE NUMBER	5	-	<u> </u>
30	1	KEC	HAND SINK W/ SOAP & TOWEL DISPENSER	WALL MTD.W/ S/S SPLASH GUARDS	ADVANCE	7-PS-66
31	1	KEC	WORK TABLE W/ PREP SINK	S/S	FABRICATED	CUSTOM
32	1	KEC	FAUCET	DECK MOUNT	T&S BRASS	B-0221
33	4	KEC	SHELVING	WALL MOUNTED	FABRICATED	CUSTOM
34	1	KEC	WALK-IN COOLER	FABRICATED	DURACOLD	CUSTOM
35	1	KEC	EVAPORATOR COIL FAN	WALL MOUNTED	DURACOLD	CUSTOM
36	1	KEC	REMOTE CONDENSING UNIT	ON ROOF	DURACOLD	CUSTOM
37	7	KEC	WIRE SHELVING UNIT W/ POSTS	COLD STORAGE	METRO	NK SERIES



#### design west partnership Food Service Design & Project Assistance



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### NAZARETH HOUSE SOUP KITCHEN

#### SAN FRANCISCO, CA

Date	10-3-201
Designed	D
Drawn	С
Scale	1/4" = 1'-

### **Drawing History**

Prelim # 1 Prelim # 2 Prelim # 3 Check Set

Submittal Set & Revisions

FOOD SERVICE EQUIPMENT PLAN, SCHEDULE, & NOTES

### **ELECTRICAL NOTES**

E1, ALL ROUGH-IN SHOWN RELATE TO FOOD SERVICE EQUIPMENT ONLY, SEE ARCHITECTURAL / ENGINEERING PLANS FOR ADDITIONAL ELECTRICAL REQUIREMENTS.

E2. FINAL CONNECTIONS, INCLUDING MATERIALS, TO ALL EQUIPMENT BY ELECTRICAL CONTRACTOR.

E3, ALL LOADS INDICATED ARE ACTUAL AND NOT CIRCUIT BREAKER SIZE UNLESS OTHERWISE NOTED.

E4, ALL CONVENIENCE OUTLETS TO BE SET HORIZONTALLY.

E5. ALL ROUGH-IN HEIGHTS INDICATED FROM FLOOR TO THE CENTER LINE OF THE OUTLET. FLOOR ROUGH-INS TO BE STUBBED UP 6" ABOVE FINISHED FLOOR

E6. ELECTRICAL CONTRACTOR TO PROVIDE SHUNT TRIP BREAKERS FOR EQUIPMENT UNDER HOOD AND INTERWIRE TO FIRE PROTECTION SYSTEM, PER

E7. FINAL CONNECTIONS TO EQUIPMENT JUNCTION BOX OR PULL-BOX AND ELECTRICAL WORK FROM PANEL BOARDS, TO BE BY THE ELECTRICAL

EB. VERIFY ALL ELECTRICAL ROUGH-INS AND LOCATIONS WITH OWNER, VENDOR OR G.C. ON EXISTING EQUIP. OR OTHER EQUIPMENT NOT SPECIFIED BY DESIGN

E9. ELECTRICAL CONTRACTOR TO FURNISH AND INSTALL THE FOLLOWING AS PER

A. ALL JUNCTION BOXES, ELECTRICAL OUTLETS, COVER PLATES, SWITCHES, ETC., NOT BUILT INTO FIXTURES OR EQUIPMENT. ALL OUTLETS, JUNCTION BOXES, COVER PLATES, ETC., IN LAUNDRY AREAS DISH ROOM OR AS INDICATED ON SCHEDULES, MUST BE VAPOR PROOF, OR AS PER LOCAL CODE.

B. ALL PLUGS AND CORDS AS NOTED ON SCHEDULE. ALL CORDS. SHALL BE N.E.M.A. RATED AND U.L. APPROVED FOR MANUFACTURED AND/OR

C. DISCONNECTS OR OTHER DEVICES AS REQUIRED BY CODES.

D. ALL REQUIRED BULBS FOR FIXTURES.

E, PLUG MOLDS SUPPLIED AND INSTALLED WHERE INDICATED,

E10. ELECTRICAL CONTRACTOR TO PROVIDE CONDUIT WIRING INSTALLED ELECTRICAL COMPONENTS AND INTER WIRE BETWEEN THE FOLLOWING.

A. REMOTE REFRIGERATION EQUIPMENT TO EVAPORATOR COILS AND FOR

B. CONTROL PANELS TO VENTILATORS AND EXHAUST/SUPPLY FANS PER MANUFACTURERS INSTRUCTIONS.

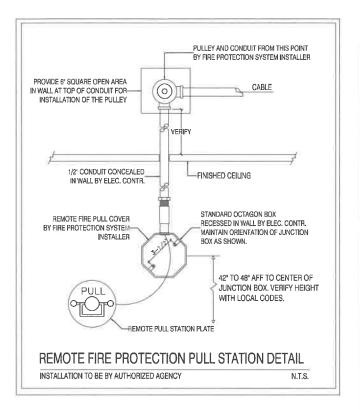
C. KITCHEN EXHAUST HOOD / VENTILATORS TO FIRE CONTROL SYSTEM AND

D. CALL LIGHTS AND WAITRESS CONTROL SYSTEMS.

E, LIGHT FIXTURES, CHANDELIERS, ETC., LAMPS FOR ANY LIGHT FIXTURE ARE TO BE PROVIDED AND INSTALLED BY THE ELECTRICAL CONTRACTOR UNLESS INDICATED ON THE LIGHTING SCHEDULES OR DRAWINGS.

F. MODULE COUNTERS AND COMPONENTS OR EQUIPMENT MOUNTED ON COUNTERS.

CONTRACTORS PLEASE NOTE
CONDUITS INSTALLATION PER HEALTH DEPARTMENT CODE CONDUITS OF ALL TYPES SHALL BE INSTALLED WITHIN WALLS AS PRACTICAL, WHEN OTHERWISE INSTALLED, THEY SHALL BE MOUNTED OR ENCLOSED TO FACILITATE CLEANING (SUCH AS AT FLOORS), MULTIPLE RUNS OR CLUSTERS OF CONDUITS OR PIPES SHALL BE INSTALLED WITHIN WALLS OR ENCASED, EXPOSED OVERHEADS SEWER OR WASTEWATER LINES ARE NOT PERMITTED, HOLES AND GAPS MUST BE SEALED.



### **ELECTRICAL SCHEDULE**

UTILITY NO.	QTY	POWER TYPE	VOLTAGE PHASE	AMPS	K,W.	H,P.	DESCRIPTION	REMARKS
E-7	1	SPECIAL	208/1	9.0			HOT PLATE	12 , NEMA 6-15P REQUIRED
E-8	1	SPECIAL	208/1	38.5			STEAMER	12 , NEMA 6-50P REQUIRED
£-9	1	D-RECEP	120/1	12.9			RICE COOKER	1,11
E-10	1	D-RECEP	208/1	51.0			CONVECTION OVEN	3,11
E-11	1	J-BOX	208/240/1	8.0		1 1/2	S/S EXHAUST HOOD, TYPE I VENTLESS	3,11
E-11.1	1	J-BOX	208/240/1	3.5		3/4	S/S EXHAUST HOOD, TYPE I VENTLESS	3,11
E-12	1	J-BOX	VERIFY	VERIFY			EXHAUST SYSTEM (NIKEC)	6, 10, VERIFY REQUIREMENTS W/ MECHANICAL ENGINEER
E-13	1	J-BOX	VERIFY	VERIFY			MAKE-UP AIR SYSTEM (NIKEC)	6, 10, VERIFY REQUIREMENTS W/ MECHANICAL ENGINEER
E-14	1	J-BOX	120/1	20.0			FIRE SUPPRESSION SYSTEM	4,9, VERIFY REQUIREMENTS W/ SHOP DRAWINGS
E-20	1	SPECIAL	120/1	18.8			HOT FOOD SERVING TABLE	12 , NEMA L5-30P REQUIRED
E-21	1	D-RECEP	120/1	4.9		1/5	REFRIGERATED COUNTER, SANDWICH TOP	1,11
E-24	1	O-RECEP	120/1	8.0		1/2	MIXER, PLANETARY	1,11
E-25	1	D-RECEP	120/1	12.5		3/4	FREEZER, REACH-IN	1,11

#### **ELECTRICAL LEGEND** SPECIAL RECEPTACLE ROUGH-IN JUNCTION BOX ROUGH-IN = (J-BOX) LOCAL DISCONNECT SWITCH \$ WALL SWITCH DUPLEX RECEPTACLE ROUGH-IN = (D-RECEP.) - VAPOR PROOF LIGHT FIXTURE → SINGLE RECEPTACLE ROUGH-IN = (S-RECEP.) FL FLUORESCENT LIGHT FIXTURE DROP DOWN POWER FROM ABOVE = (DROP DN.) ■ POS DATA LINE ROUGH-IN ABBREVIATIONS

(JBOX) = JUNCTION BOX ROUGH-IN (S.U.) = STUB UP POWER FROM FLOOR (D.R.) = DUPLEX RECEPTACLE ROUGH-IN (D.D.) = DROP POWER DOWN FROM ABOVE (S.R.) = SINGLE RECEPTACLE ROUGH-IN (S.P.O.) = SPECIAL RECEPTACLE ROUGH-IN

NOTE: ALL ROUGH-IN LOCATION DIMENSIONS ARE FROM FINISHED FLOOR TO CENTER OF PIPE AND FROM FINISHED WALLS AND/OR COLUMN LINES TO CENTER

**6** 

HOOD LIGHTS & FAN CONTROLS, REFER TO

### **ELECTRICAL REMARKS**

- 1. MOUNT RECEPTACLE IN WALL, UNIT PROVIDED
- W/ CORD & PLUG (NEMA 5-15P)
- 2. MOUNT RECEPTACLE IN CABINET, UNIT PROVIDED W/ CORD & PLUG (NEMA 5-15P)
- 3. MOUNT J-BOX IN WALL, RUN SEAL TIGHT FLEX CONDUIT TO UNIT 4. - MOUNT J-BOX IN CEILING, RUN SEAL TIGHT FLEX CONDUIT TO UNIT
- 5. MOUNT J-BOX IN CABINET, RUN SEAL TIGHT FLEX CONDUIT TO UNIT
- 6. MOUNT WEATHERPROOF J-BOX OUTDOORS
- RUN SEAL TIGHT FLEX CONDUIT TO UNIT
- 7. STUB POWER SUPPLY UP FROM FLOOR (+6\* A.F.F.) 8. DROP POWER SUPPLY DOWN FROM ABOVE
- 9. MICROSWITCH J-BOX SHUT-OFF FOR ALL ELECTRIC EQUIPMENT
- CONTROLLED BY FIRE SUPPRESSION SYSTEM UNDER HOOD (EMPTY BOX)
- 10. PROVIDE LOCAL DISCONNECT 11. - DEDICATED CIRCUIT REQUIRED
- 12. SPECIAL OUTLET REQUIRED (SEE REMARKS FOR NEMA CONFIG.)



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### NAZARETH HOUSE SOUP KITCHEN

#### SAN FRANCISCO, CA

CS Drawi 1/4" = 1'-0"

**Drawing History** 

Prelim # 1 Prelim #3

E-20 +18 MANUAL FIRE PULL STATION (E-21)+18 +18\* (E-24) LOCATION TO BE DETERMINED BY INSTALLER AND LOCAL FIRE MARSHAL NOTE: ANY ADDITIONAL POWER REQUIREMENTS FOR EQUIPMENT NOT PROVIDED BY KEC AND/OR ADDITIONAL CONVENIENCE OUTLETS TO BE COORDINATED BETWEEN THE OWNER & +18' E-25 (E-34) E-35 IN CEILING

FOOD SERVICE ELECTRICAL PLAN AND SCHEDULE

### -PLUMBING NOTES

P1. ALL ROUGH-INS RELATE TO FOOD SERVICE EQUIPMENT ONLY. SEE ARCHITECTURAL/ENGINEERING PLANS FOR ADDITIONAL PLUMBING

P2. FINAL CONNECTION TO ALL EQUIPMENT TO BE BY PLUMBING CONTRACTOR, INCLUDING REQUIRED MATERIALS, SUCH AS STOPS, VALVES, FILTERS, TRAPS, CHECK VALVES, PRESSURE REDUCING VALVES, PIPING, ESCUTCHEON PLATES, TUBING ETC.

P3. VERIFY ALL PLUMBING ROUGH-INS AND LOCATION WITH OWNER VENDOR OR G.C. ON EXISTING EQUIPMENT OR OTHER EQUIPMENT NOT

P4. PLUMBING CONTRACTOR TO FURNISH AND INSTALL THE

A ALL WATER WASTE GAS AND STEAM SERVICE TO POINT OF ROUGH-IN AS SHOWN ON PLAN . ROUGH-IN OUTLETS TO STUB 4" OUT OF WALLS AT HEIGHT INDICATED FROM FINISHED FLOOR TO CENTER LINE OF OUTLET. ALL CURBS AND FLOOR OPENINGS ARE TO BE SEALED WATERTIGHT.

B. PRESSURE REDUCING AND/OR REGULATING VALVES FOR DISHWASHERS, BOOSTER SEDIMENT BUCKETS SET FLUSH WITH FINISHED FLOOR, UNLESS NOTED OR AS PER LOCAL CODE.

C. ALL FLOOR SINKS, COMPLETE WITH TOP GRATES INDICATED AND REMOVABLE SEDIMENT BUCKETS SET FLUSH WITH FINISHED FLOOR, UNLESS NOTED OR AS PER LOCAL CODE.

D. ALL WASTE LINES, DIRECT OR INDIRECT, EXCEPT AS NOTED, SHALL BE PITCHED DOWNWARD, ALL WASTE LINES SHALL HAVE ADEQUATE CLEAN-OUT PROVISIONS.

E. INDIRECT WASTE LINES FOR WALK-IN REFRIGERATOR/FREEZERS. PITCHED 1/4" TO 1"-0 (MINIMUM) AND WITH A "P" TRAP AT MINIMUM 2" ABOVE FLOOR SINK.

F. HEATER TAPE WITH 35 WATTS PER LINEAL FOOT OF DRAIN LINE AND INSULATION OF ALL DRAIN LINES INSIDE FREEZER COMPARTMENTS.

G. INSTALL FIRE CONTROL GAS SHUT-OFF VALVES AS PER SUPPLIED BY FIRE PROTECTION SYSTEM CONTRACTOR (IF GAS COOKING EQUIPMENT IS USED)

H. VACUUM BREAKERS AS REQUIRED.

I. CLEAN-OUT VALVES FOR STEAM CONDENSATE AND AIR LINES.

J. ALL PIPING TO AND FROM EQUIPMENT SHALL BE KEPT AT A MINIMUM OF SIX INCHES (6") CLEAR ABOVE FINISHED ELOOR. TO ALLOW FOR CLEANING, OR PREVAILING LOCAL CODES.

K. IN LINE WATER EILTERS ARE RECOMMENDED FOR THE FOLLOWING EQUIPMENT: WATER FILTER BY P.C. UNLESS
OTHERWISE NOTED) COFFEE EQUIPMENT, STEAM EQUIPMENT, SODA SYSTEMS, SINK HEATERS, GLASS WASHERS, ICE MAKING MACHINES.

P5. PLUMBING DIVISION TO INTERCONNECT DISH MACHINE WITH BOOSTER HEATER AND WATER-TYPE VENTILATORS WITH CONTROL PANELS AS PER MANUFACTURER'S INSTRUCTIONS, WHEN APPLICABLE AND NOTED.

P6. ALL VENT PIPES ARE TO BE CONCEALED IN WALLS OR COLUMN

P7, GREASE TRAP TO BE SPECIFIED AND LOCATED BY MECHANICAL ENGINEER AND PROVIDED AND INSTALLED BY MECHANICAL OR

PRIA GAS PRESSURE REGULATOR FOR EACH PIECE OF GAS FIRE EQUIPMENT SHALL BE PROVIDED AND INSTALLED BY P.C. UNLESS OTHERWISE NOTED. IN ADDITION A HIGH PRESSURE GAS REGULATOR (VENTED) SHALL BE PROVIDED AND INSTALLED BY P.C. WHEN NECESSARY.

P9. FLEXIBLE GAS CONNECTIONS WITH OR WITHOUT QUICK DISCONNECT FEATURE SHALL BE PROVIDED WITH SHUT-OFF VALVE BY P.C/THIS VALVE TO HAVE PERMANENT HANDLE, AND NOT BE LESS THEN THE NOMINAL SIZE OF THE CONNECTOR AND BE INSTALLED AT THE GAS PIPING OUTLET IMMEDIATELY AHEAD OF THE FLEXIBLE GAS CONNECTION.

P10. PLUMBER SHALL PROVIDE ALL DRAINS FROM FIXTURES INCLUDING WALK-IN BOX EVAPORATORS.

P11. IF REQUIRED BY THE BUILDING DEPARTMENT, THE PLUMBER, UNDER HIS PERMIT APPLICATION, SHALL PROVIDE DRAWINGS OR DIAGRAMS OF PIPING LAYOUT, SEWER PIPE SIZES, VENTING CONNECTIONS, ETC.

P12. PLUMBER SHALL DETERMINE AND BE RESPONSIBLE FOR THE TOTAL PROJECT REQUIREMENTS AND VERIFY SIZE OF SERVICE REQUIRED FOR GAS OR WATER.

#### PLUMBING CONTRACTOR PLEASE NOTE:

GREASE TRAP MAY BE REQUIRED If a grease trap is required by local health and/or plumbing codes, Mechanical Engineer and/or plumbing contractor to provide all details, exact location and specifications for trapping devise. Also, verified with local agencies exact installation method: Recessed and flushed with floor, or floor mounted.

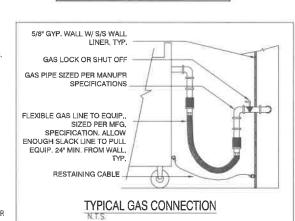
FLOOR DRAINS

Floor drain(s) shown in these drawings are for general placement only, to facilitate cleaning in Food Service Areas. This information is not intended to be complete and/or inclusive of full requirements by local codes. Verify with Mechanical Engineer exact number, size and location of such fixtures, as well as, installation method and compliance with code regulations.

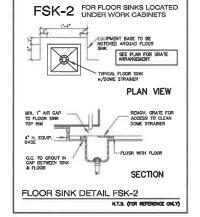
INSTALLATION OF INDIRECT WASTE LINE(S) Please notice that drain lines (Denoted as A.G.D.) from equipment to Floor Sink indicate general direction only and not installation method. There are two ways to run Indirect Waste Lines:

1. Inside the walls.

2. Surface mounted on walls. If method # 2 is used, lines must be either sealed to the wall(s) or installed at least one inch(1") away from wall surface. "Plumbing Contractor to choose method."



### FSK-1 FOR AREAS FOR FLOOR SINK IS FULLY ACCESSIBLE SEE PLAN FOR GRATE TYPICAL FLOOR SINK w/DOME STRAINER PLAN VIEW G.C. TO GROUT IN GAP BETWEEN SINK FLUSH WITH FLOOR SECTION FLOOR SINK DETAIL FSK-1



### PLUMBING SCHEDULE

UTILITY NO.	QTY	HOT H20	COLD H20	DIRECT	INDIRECT WASTE	GAS SIZE	B.T.U. LOAD	CHILLED SUPPLY	CHILLED RETURN	DESCRIPTION	REMARKS
P-2	1	(2) 1/2"	(2) 1/2*	1 1/2"						THREE COMPARTMENT SINK	1,3,13
P-17	1	1/2"	1/2"	21						MOP SINK	1,3,13
P-20	1				(3) 1/2**					HOT FOOD SERVING COUNTER	4
P-30	1	1/2"	1/2"	1 1/2"						HAND SINK W/ SOAP & TOWEL DISPENSER	1,3,13
P-31	1	1/2"	1/2"		1 1/2"					WORK TABLE W/ PREP SINK	1,4,13
P-35	1				3/4°					EVAPORATOR COIL FAN FOR COOLER	4

### PLUMBING REMARKS

- 1. PROVIDE SHUT-OFF VALVE FOR SUPPLY ROUGH-IN 2. PROVIDE GAS SHUT-OFF FOR SUPPLY ROUGH-IN
- 3. RUN DRAIN(S) TO DIRECT WASTE CONNECTION
- 4. RUN DRAIN(S) TO INDIRECT WASTE RECEPTACLE
- 5. STUB UP SUPPLY LINE FROM FLOOR
- 6. DROP DOWN SUPPLY LINE FROM ABOVE 7. PROVIDE A.G.A. CERTIFIED GAS HOSE W/ QUICK DISCONNECT BY KEC (UNIT PROVIDED W/ PRESSURE REGULATOR)
- 8. SOLID PIPE GAS CONNECTION (UNIT PROVIDED W/ PRESSURE
- 9. PROVIDE REDUCING FITTING TO MATCH EQUIPMENT CONNECTION
- O. COMPRESSOR FOR AIR SUPPLY TO BE PROVIDED BY OTHERS 11. - PROVIDE REMOTE REFRIGERATION LINES BY KEC
- 12. RUN SUPPLY THROUGH WATER FILTRATION THEN TO UNIT 13. - PLUMBING CONTRACTOR TO INSTALL FAUCET(S)

PLUMBING LEGEND											
19/5 2013	(F.S.) - FULL GRATE FLOOR SI	NK O	DIRECT WASTE CONNECTION								
31.12 3668	(F.S.) - 3/4 GRATE FLOOR SINK		DRAIN CONNECTION POINT								
×	(F.S.) - 1/2 GRATE FLOOR SINK	8	STEAM SUPPLY								
φ-	(F.D.) - AREA FLOOR DRAIN	<b>9</b>	STEAM RETURN								
•	(F.F.D.) - FUNNEL FLOOR DRAI	N 😝	GAS ROUGH-IN								
Ø	COLD WATER ROUGH-IN	ф-	REMOTE REFRIGERATION CONNECTION								
0	HOT WATER ROUGH-IN	0	COMPRESSED AIR ROUGH-IN								

CHILLED WATER SUPPLY

CHILLED WATER RETURN

NOTE: ALL ROUGH-IN LOCATION DIMENSIONS ARE FROM

INISHED FLOOR TO CENTER OF PIPE AND FROM FINISHED WALLS AND/OR COLUMN LINES TO CENTER OF

### SAN FRANCISCO, CA

NAZARETH HOUSE

SOUP KITCHEN

design west partnership

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Alameda - CA 94501 Phone: 888.261.4664 Fax: 510.523.1566

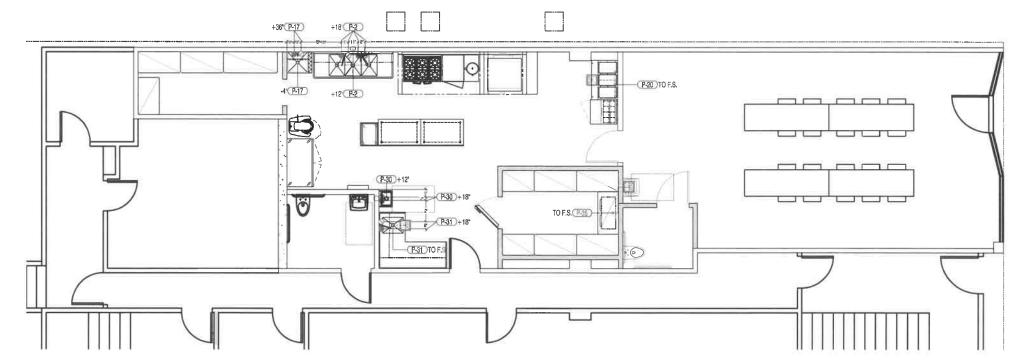
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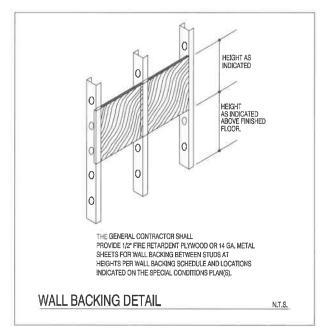
Designed CS  $1/4^{n} = 1'-0^{n}$ 

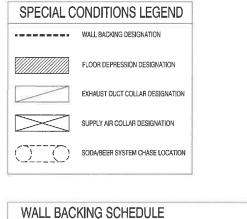
### Drawing History

Prelim # 1 Prelim#2 Prelim#3 Check Set

FOOD SERVICE PLUMBING PLAN AND SCHEDULE



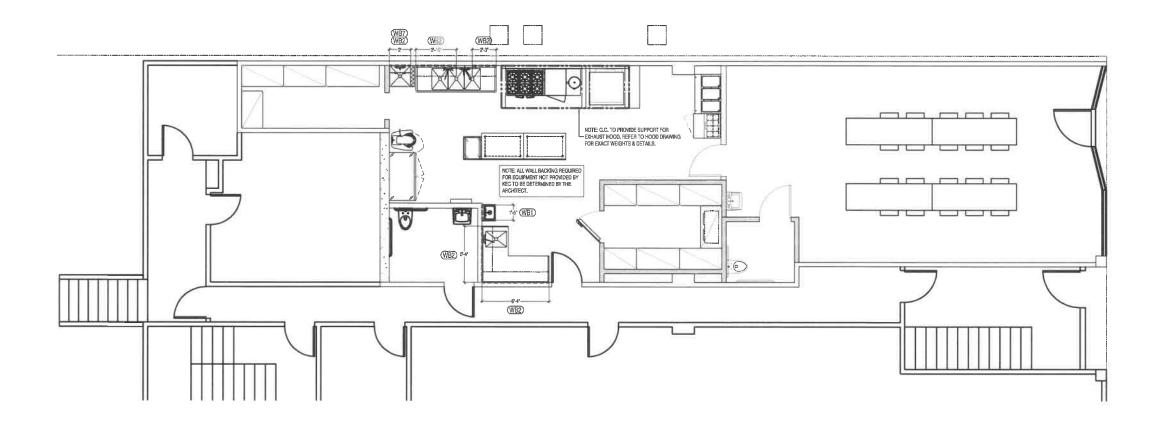




- PADE SUKE OF THE MALE ADDING RECORDING VARIENCE AND THE PROJECT.

  SEE PLAN FOR LOCATIONS AND HOTES WHERE THESE WAY APPLY.

  WIBT WALL BACKING FOR HAND SINKS TO BEGIN AT 30" AFF UP TO 55" AFF.
- WB2 WALL BACKING FOR DOUBLE WALL SHELVES TO BEGIN AT 50° AFF UP TO 78° AFF.
- WB3 WALL BACKING FOR WALL CABINET TO BEGIN AT 48" AFF UP TO 84" AFF,
  WB4 WALL BACKING FOR WATER FILTRATION SYSTEMS TO BEGIN AT 72" AFF UP TO 90" AFF.
- WB5 WALL BACKING FOR WATER FILTRATION SYSTEMS TO BEGIN AT 18" AFF UP TO 30" AFF.
- W86 WALL BACKING FOR WALL MOUNTED PRE-RINSE SPRAY FAUCETS TO BEGIN AT 50' AFF UP TO 60' AFF.
  W87 WALL BACKING FOR SERVICE FAUCET TO BEGIN AT 36' AFF UP TO 54' AFF.
- WB8 WALL BACKING FOR FIRE PROTECTION SYSTEMS TO BEGIN AT FINISHED CEILING DOWN 30° AFF.



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### NAZARETH HOUSE SOUP KITCHEN

### SAN FRANCISCO, CA

10-3-2016 CS  $1/4^n = 1'-0^n$ 

#### Drawing History

Prelim # 1 Prelim # 2 Prelim # 3 Check Set

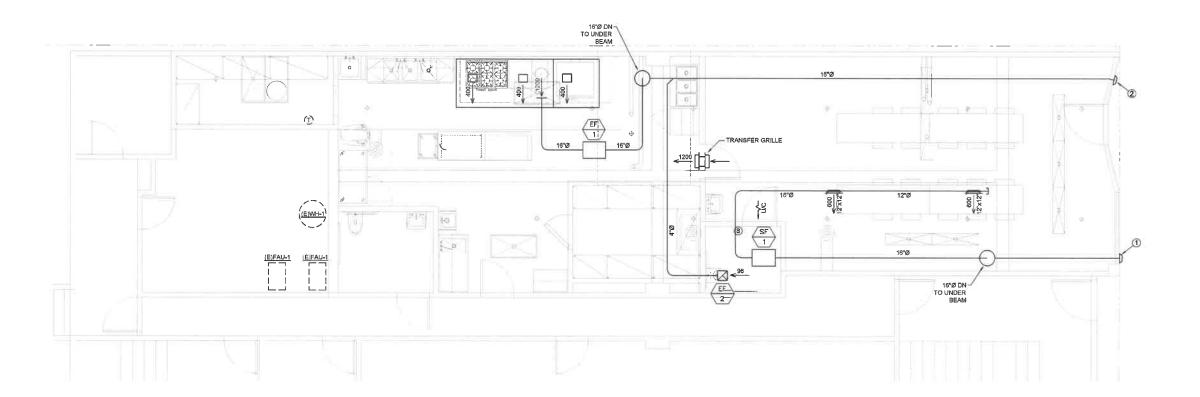
Submittal Set & Revisions

SPECIAL CONDITIONS / ELEVATIONS

### SHEET NOTES:

① AIR INTAKES SHALL HAVE MINIMUM 10 FEET OF CLEARANCE FROM EXHAUST DISCHARGE, FLUES, PLUMBING VENTS, ETC. (TYP.)

② ENVIRONMENTAL EXHAUST DISCHARGE SHALL HAVE MINIMUM 3 FEET OF CLEARANCE TO ADJACENT BUILDINGS, PROPERTY LINES, AIR INTAKES, ETC. (TYP.)



1

1/4"=1'-0"

MECHANICAL FLOOR PLAN



3450 3rd Street, Suite 4B San Francisco, CA 94124 T 415:282:3100 | F 415:282:3101 www.mkengrs.com



ISSUED	DA
	-

MARY OF NAZARETH

1928 MISSION ST SAN FRANCISCO, CA 94103

PROJ. NO.	16118
DATE	09,19.16
DRWN BY	C.Y.
CHK'D BY	M.K.
SCALE	AS NOTED

SHEET DESCRIPTION
MECHANICAL

FLOOR PLAN

HEET NO

MP1.1

#### **GENERAL NOTES** CODE REQUIREMENTS DA CHECKLIST D.A. CHECKLIST (p. 1 of 2): The address of the project is: 1928 MISSION STREET ALL WORK WILL COMPLY WITH THE FOLLOWING CODES: THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS WITH CONDITIONS AT THE JOB SITE BEFORE PROCEEDING For ALL tenant improvement projects in commercial use spaces, both pages of this checklist are required to be reproduced 2013 SAN FRANCISCO BUILDING CODE ( 2013 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO AMENDMENTS) The proposed use of the project is HOMELESS FOOD SERVICE (e.g. Retail, Office, Restaurant, etc.) . DO NOT SCALE THE DRAWINGS. LOCATE ONLY BY WRITTEN DIMENSION OR WRITTEN CLARIFICATION. 2013 SAN FRANCISCO FIRE CODE (2013 CALIFORNIA 2. Describe the area of remodel, including which floor: GROUND FLOOR - COMMERCIAL 8. The construction cost of this project excluding disabled access upgrades to the path of travel is \$50,000 which is ; (sheck one) \_\_\_more than 1 (0) less than the Accessibility Threshold amount of \$150,244.00 based on the "2013 ENR Construction Cost Index" (The cost Index & threshold are updated annually). BUILDING CODE WITH SAN FRANCISCO . ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND IN THE VARIOUS PARTS OF THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE 2013 SAN FRANCISCO MECHANICAL CODE (2013) ARCHITECT, AND THE CONTRACTOR SHALL RECEIVE CALIFORNIA BUILDING CODE WITH SAN FRANCISCO 4. Is this a City project and/or does it receive any form of public funding? Check one: 17 kc; / 10 kg. Note if Yes, then see Step 3 on the Instructions page of the Disabled Access Upgrade Compliance Checklist package for additional forms required. WRITTEN AUTHORIZATION FROM THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. 2013 SAN FRANCISCO PLUMBING CODE (2013 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO Conditions below must be fully documented by accompanying drawings DETAILS SHOWN ARE TYPICAL UNLESS OTHERWISE NOTED, SIMILAR DETAILS APPLY IN SIMILAR CONDITIONS Read A through D below carefully and check the most applicable boxes. Check one box only: ALL DETAILS INCLUDED IN DOCUMENTS APPLY, WHETHER 2013 SAN FRANCISCO ELECTRICAL CODE (2013 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO A: All existing conditions serving the area of remodel fully comply with access requirem NOTED ELSEWHERE IN DOCUMENTS OR NOT. AMENDMENTS) Fill out page 2 of D.A. Checklist CHANGES IN FLOOR MATERIALS OCCUR AT CENTERLINE B: Project Adjusted cost of construction is greater than the current valuation threshold AMERICAN DISABILITIES ACT ACCESSIBILITY GUIDELINES (2013 ADAAG) OF DOOR OR FRAMED OPENING UNLESS OTHERWISE Fill out and attach page 2 of D.A. Checklist and any other required forms to plans NOTED ON THE DRAWINGS. PROJECT DATA C: Project adjusted cost of construction is less than or equal to the current valuation threshold: CONTRACTORS SHALL VERIFY ALL ARCHITECTURAL List items that will be upgraded on Form C. All other items shall be checked on page 2 of the D.A. Checklist in the "Not required by code" column. ARCHITECTURAL SYMBOLS DETAILS WITH THE STRUCTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS BEFORE THE ORDERING OF, OR D: Proposed project consists entirely of Barrier removal BLOCK: Fill out and attach Barrier removal form to Plan INSTALLATION OF ANY ITEM OF THE WORK. WINDOW TYPE ZONING: ☐ E: <u>Proposed project is</u> minor revision to previously approved pennit drawings only. (Note: This shall <u>NOT</u> be used for new or additional work) Provide previously approved permit VERIFY ADEQUACY OF DUCT SPACE CLEARINGS FOR DUCTS AND PIPES WITH MECHANICAL CONTRACTORS. DOOR TYPE HEIGHT/BULK: application here: Description of revision: . TRADE NAMES USED ARE DESIGNED TO ESTABLISH PLANNING: 101 QUALITY DESIRED. BEFORE ANY SUBSTITUTIONS ARE - ROOM NAME MADE, THE WRITTEN CONSENT OF THE OWNER AND THE D.A. CHECKLIST (p. 2 of 2): The address of the project is : 1928 MISSION STREET OFFICE — ROOM NUMBER PARCEL AREA: 9,100 SF ARCHITECT MUST BE OBTAINED. BUILDING AREA: 1,434 SF ROOM NAME ALL WORK SHALL BE DONE IN A SAFE, ORDERLY MANNER ROOM NUMBER include detail no. 8 drawing sheet (do not leave for part Menty). Also clarification WITHOUT DAMAGE TO THE PREMISES OR ADJACENT **CEILING FINISH** A. EXISTING CONSTRUCTION: PROPERTIES ANY RESULTING DAMAGE OR LOSS SHALL WALL FINISH a. FOUR STORY, NO BASEMENT; TYPE V WOOD FRAME STRUCTURE WITH REAR BE CORRECTED OR REPLACED BY CONTRACTOR AT NO ADDITIONAL EXPENSE TO THE OWNER OR ARCHITECT. ELOOR FINISH b. TWO COMMERCIAL SPACES, COMMON ENTRY FOR RESIDENTIAL ABOVE, (SEE FINISH NOTES ON PLANS) RESIDENTIAL LAUNDRY AND 2 RESTROOMS AT GROUND FLOOR; 15 RESIDENTIAL APARTMENT UNITS AT UPPER THREE STORIES 0. DESIGNS REPRESENTED BY THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND WERE DEVELOPED SHEET NOTE: NUMBERED TO B. OCCUPANCY CLASIFICATION: FOR USE OF THIS PROJECT ONLY. REUSE WITHOUT THE REFER TO NOTE LEGEND. EXISTING: R-1: B-2 WRITTEN CONSENT OF THE ARCHITECT IS PROHIBITED. ZI. 1. MAINTAIN WORK AREAS CLEAN AND FREE FROM UNDUE - DETAIL NUMBER C. PARKING: ENCUMBRANCES AT ALL TIMES. REMOVE SURPLUS MATERIALS AND WASTE AS THE WORK PROGRESSES. - SHEET NUMBER - INTERIOR ELEVATION 12. AT THE END OF EACH WORK DAY THE CONTRACTOR SHALL BARRICADE AND COVER THE WORKING PREMISES - ORIENTATION Parking/access aisles and curb ramps Ø SHEET NUMBER TO PREVENT ACCESS BY UNAUTHORIZED PERSONS. 2 13. GENERAL CONDITIONS: AIA DOCUMENT A201, GENERAL CONDITIONS FOR THE PERFORMANCE OF THE CONTRACT **BUILDING SECTION** Ø ARE HEARBY INCORPORATED INTO THESE DRAWINGS Ø AND SHALL BE CONSIDERED AS PART OF THE C At least one REQUIREMENTS FOR THE COMPLETION OF THE WORK DIMENSION TO FACE OF STUD Ø 4 EXISTING CONDITIONS: CONDITIONS SHOWN ON THE DRAWINGS ARE OBSERVED ON THE SITE, BUT THEIR ACCURACY IS NOT GURANTEED, CONTRACTOR SHALL 0 0 Ø VERIFY ALL DIMENSIONS AND CONDITIONS AT SITE. ANY CLEAR DIMENSION TO FACE OF DISCREPANCES SHALL BE REPORTED TO ARCHITECT. E. Accessible drinking П PRIOR TO PROCEEDING WITH WORK, NOTE: DIMENSIONS FINISH TAKE PRECEDENCE OVER SCALE OF THE DRAWINGS. DO [7] 5. ALL FLOOR PLANS ARE DIMENSIONED FROM THE FACE OF DIMENSION TO CENTERLINE OF WALL **ABBREVIATIONS** COL. Column F.A. Fire Alarm REQ. Required T.C. Top of Curb FORM C: DISABLED ACCESS 20% RULE CONC. Concrete F.D. Floor Drain INSUL. Insulation RM. Room ∠ Angle INT, Interior THK, Thick T.O.C. Top of Concret CONSTR. Construction FDN, Foundation R.O. Rough Openin F.E. Fire Extinguish LAM, Laminate CONT. Continuous RWD, Redwood Contractor's T.O. Top Of F.E.C. Fire Extinguish **DBI Revised Cost** LT, Light T.P.D. Toilet Page A) Cost of Construction # Pound or Number CTR Center S.A.D. See Architectus \$80,000 (Excluding Alterations to the Path of Travel as required by 11B-202.4) MAX. Maximus F.F, Finish Floor Property Line SCHED, Schedule DBL. Double MECH. Mechanica TRD. Tread FIN. Finish \$16,000 MET, Metal S.D. Scap Dispense B) 20% of A): T.W. Top of Wall FI Floor SECT. Section ACOLIS Acquistical DIA. Diameter TYP. Typical FLASH, Flashing S.E.D. See Electrical Drawings MIN. Minimum A.D., Area Drain FLUOR, Fluorescen UNF, Unfinished SHT, Sheet U.O.N. Unless Otherwise Not ADJ. Adjustable DISP, Dispense F.O.C. Face of Concrete POWER OPERATED DOOR \$10,000 MTD. Mounted SIM. Similar AFF. Above Finish Floor DN, Down F.O.F. Face of FlnIsh S.M. Surface Mounted REVISE DOOR @ RESTROOM \$1,000 (N) New F.O.S, Face of Studs VERT, Vertical PPROX, Approximate S.M.D. See Mechanical Drawings DS. Downspoul 3 ACCESSIBLE/TACTILE SIGNAGE F.R.P. Fiberglass Reinforced \$5,000 ARCH. Architectural DWG. Drawing SP. Space ASPH. Asphalt V.I.F. Verify In Flek

FT. Foot or Feet

FTG. Footing FURR. Furring

GALV. Galvanized

G.S.M. Galvanized Sheet Metal GYP, Gypsum Board

G.B. Grab Bar

H.B. Hose Blbb

H.C. Hollow Core

HT. Height H.M. Hollow Metal

GA. Gauge

(E) Existing

EA, Each

ELEC, Electrical

ELEV. Elevator

EQ. Equal

EMER. Emergency

EQPT. Equipment

ETC. Etceters

(E) Existing

BD. Board

BLDG. Building

BLKG, Blocking

B.O. Bottom Of

CAB, Cabinet

CEM, Cement

CER. Ceramic CJ. Control Joint

CLG, Celling CLKG, Caulking

NO,/# Number

O.D. Outside Dismeter

O.H. Opposite Hand

OPNG, Opening

OPP, Opposite

PLYWD, Plywood

Pl Plate

PR. Pair

PT. Point

SPEC. Specification

S.S.D. See Structural I

S.SK. Service Sink

STOR. Storage

STRL, Structural

S.ST. Stainless Stee

W. West or Washe

W/ With

WD. Wood

W/O Without

WT, Weight

Total Upgrade Expenditures
Should be approximately equal to, but not to exceed, Line B

### PROJECT INFORMATION

SITE PERMIT SET FOR CHANGE OF USE, FROM "OTHER RETAIL & SERVICES (SEC.790.102) 1 "OTHER INSTITUTION-LARGE" (SEC.750.5) FOR 1.440 SF GROUND FLOOR SPACE, NO CONSTRUCTION TO OCCUR UNDER THIS PERMIT, TENANT IMPROVEMENT, STRUCTURAL, MECHANICAL/PLUMBING, AND ELECTRICAL TO BE SUBMITTED AS ADDENDA

INTERIOR TENANT IMPROVEMENTS TO EXISTING 1,440 SE GROUND FLOOR COMMERICAL SPACE: WORK TO PROVIDE COMMERCIAL KITCHEN AND FOOD PREP/SERVICE AREA FOR NON-PROFIT ORGANIZATION PROVIDING ON-SITE 'SOUP KITCHEN' LUNCH AND DINNER SERVICES TO HOMELESS AND SIMILAR CLIENTS.

IMPROVEMENTS TO CONSIST OF:

-NEW COMMERCIAL KITCHEN WITH ELECTRIC APPLIANCES ONLY; VENTLESS HOOD, SERVICE SINK, INTERIOR FINISHES, PLUMBING AND ELECTRICAL WORK.

-COMMERCIAL FOOD STORAGE AND PREP SPACE -FOOD SERVICE FOR UP TO 40 OCCUPANTS.

-INCORPORATION OF EXISTING GROUND FLOOR ACCESSIBLE RESTROOM

1928 MISSION STREET

NCT-MISSION STREET

PROPOSED: R-1; B/A

80-B AT MISSION STREET

45-X AT REAR WIESE STREET

SAN FRANCISCO, CA 94103

NEIGHBORHOOD COMMERCIAL TRANSIT

C-NO HISTORIC RESOURCE PRESENT

14 SPACES AT REAR LOT

### MARY OF NAZARETH HOUSE KITCHEN PROJECT

1928 MISSION STREET SAN FRANCISCO, CA 94103

### LOCATION MAP



### PROJECT DIRECTORY

OWNER: ASSOCIATES 1 APIAN WAY LLC

CONTACT: GILLIAN ALLEN REUBEN, JUNIUS & ROSE, LLP ONE BUSH STREET, SUITE 600 SAN FRANCISCO, CA 94104 P: (415) 567-9000 ext. 432

MECH, /PLUMB,/ELECTRICAL ENGINEER

ADDRESS SAN FRANCISCO, CA 94102 1245 HOWARD ST SAN FRANCISCO, CA 94103 P: (415) 575-0423 X 220

KITCHEN DESIGN DESIGN WEST PARTNERSHIP 2394 MARINER SQ. DRIVE ALAMEDA, CA 94501 P: (888) 261-4664 CONTACT: DOUG PARKER

ARCHITECTURAL - CHANGE OF USE PERMIT SET

A.01 COVER SHEET

A1.1 GROUND FLOOR PLANS - EXISTING/DEMO & PROPOSED

31	EE	Т	INC	EX		
						_

A1.0 PLOT PLANS - ROOF PLAN & GROUND FLOOR

A2.0 EXTERIOR ELEVATIONS - EXISTING & PROPOSED

TENANT IMPROVEMENT DRAWINGS TO BE SUBMITTED AS ADDENDA UPON SITE PERMIT APPROVAL

SAN PROJ STREET, NAZARETH CHEN P 下 下 1928

S

ISSUE

CHANGE OF

C018661

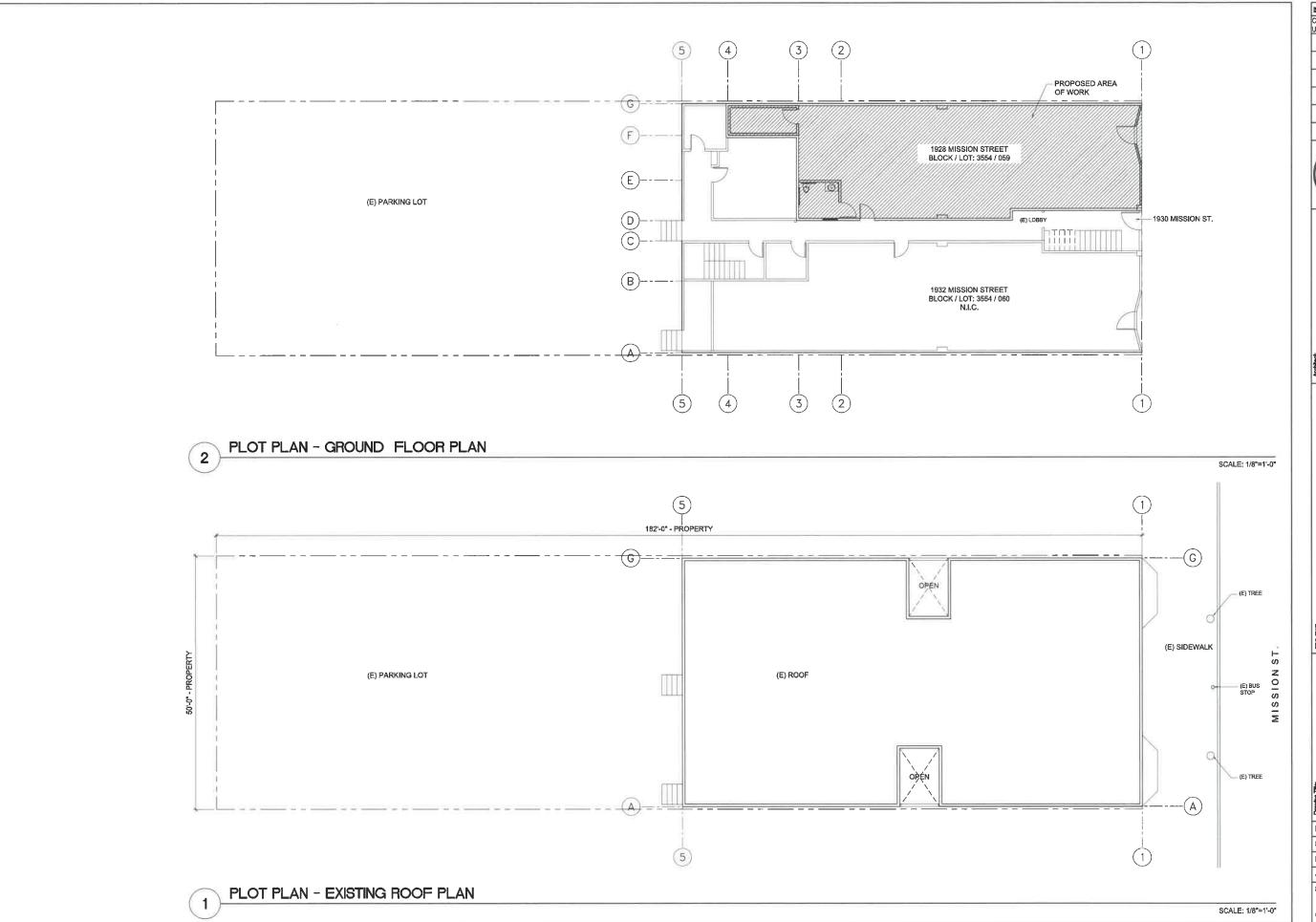
Asian Neighborhood Desigr 1245 Howard Street, San Francisco, CA 94103 (415) 575-0423, Fax (415) 575-0424

访 COVER

Date: 8-11-16 Scale: AS NOTED Drawn: EL

Job: 16 014 50

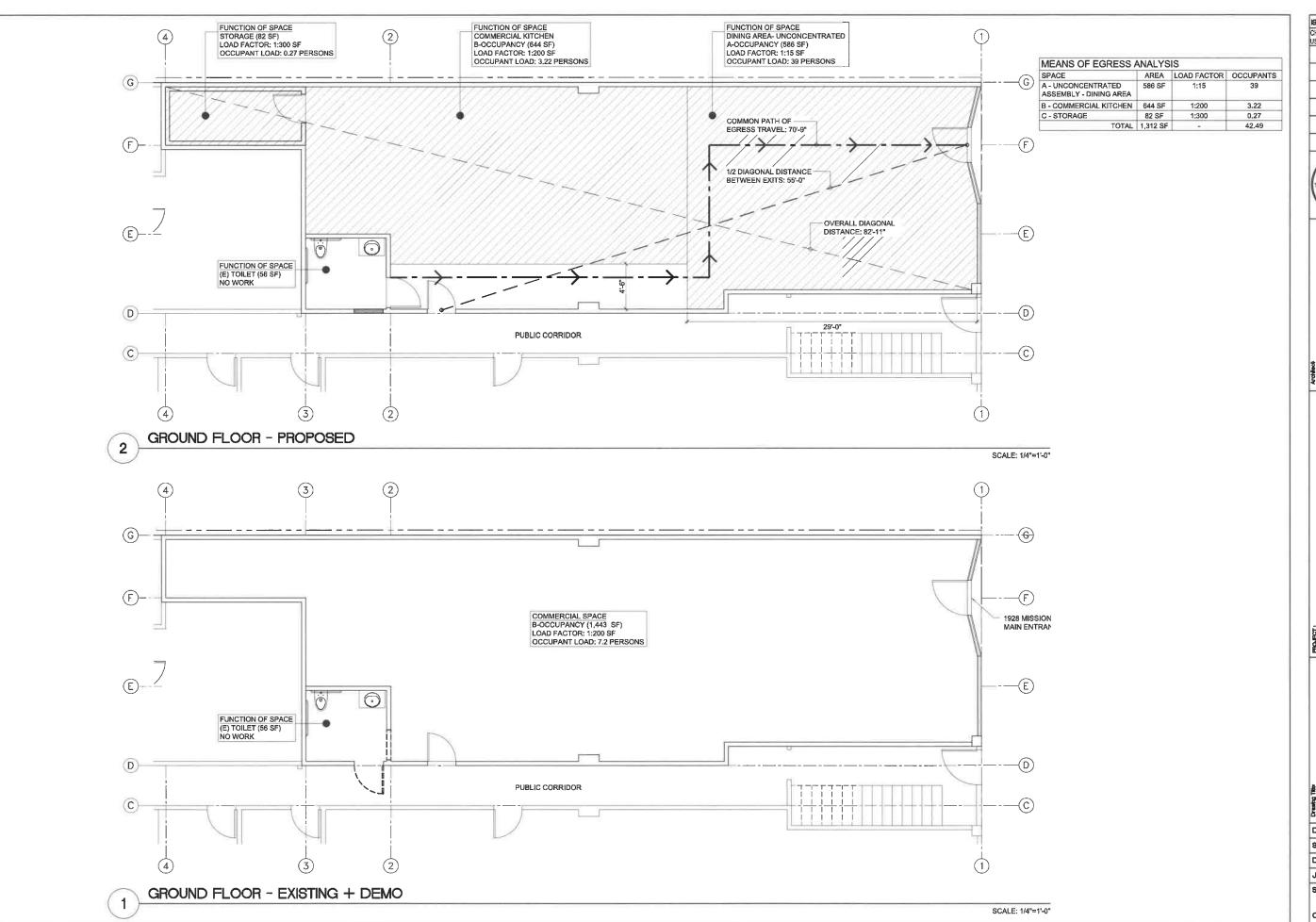
Sheet Sheets



CHANGE OF USE APP C018661 Asian Neighborhood Design (\$1245 Howard Street, San Francisco, CA 94103 (415) 575-0423, Fax (415) 575-0424 δ KITCHEN PROJECT
1928 MISSION STREET, SAN FRANCISCO, CA PLOT PLANS
ROOF PLAN
GROUND FLOOR PLAN Date: 8-11-16 Scale: AS NOTED

Drawn: EL Job: A1.0

16.014.50



ISSUE CHANGE OF 8-11-16



**Asian Neighborhood**Design 1245 Howard Street, San Francisco, CA 94103 (415) 575-0423, Fax (415) 575-0424

S KITCHEN PROJECT 1928 MISSION STREET, SAN FRANCISCO, C. ROB: MARY OF NAZARETH HOUSE

GROUND FLOOR EXISTING + DEMO PROPOSED

Date: 8-11-16

Scale: AS NOTED

Drawn: EL Job: 16.014.50

Sheets



CHANGE OF USE APP B-11-16



Asian NeighborhoodDesign 1245 Howard Street, San Francisco, CA 94103 (415) 575-0423, Fax (415) 575-0424

S KITCHEN PROJECT
1928 MISSION STREET, SAN FRANCISCO, C/
1928 MISSION STREET, HOUSE
1929 MARY OF NAZARETH HOUSE

EXTERIOR ELEVATION
EXISTING + PROPOSED

Date: 8-11-16 Scale: AS NOTED

Drawn: EL Job: 16.014.50

### **EXHIBIT G**

# MNHC Mission Neighborhoed Health Center

### Mission Neighborhood Health Center - Homeless Resource Center

165 Capp Street, San Francisco, CA 9410 - Phone (415) 869-7977 - Fax: (415)241-9758 info@mnhc.org - www.mnhc.org

December 22, 2016

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Dear Planning Commissioners,

The Mission Neighborhood Resource Center (MNRC) supports the Sisters of the Fraternite Notre Dame in their efforts to relocate the Mary of Nazareth soup kitchen to 1930 Mission Street. The Mission Neighborhood Resource Center is a safe and clean space for the homeless communities of the Mission district in San Francisco, and we advocate for housing and shelter to enhance the physical, social, emotional, and economic health of homeless residents of the neighborhood. The Mission district presently lacks any food service organization dedicated to our homeless communities, who need to transport themselves each day to the Tenderloin or the Bayview Hunters Point areas to get fed for lunch and dinner. Food access—along with housing and shelter, is a basic human right and critical to our Mission homeless communities' survival.

Since 2008, the Sisters have become an integral part of the San Francisco community, serving free meals from their previous location in the Tenderloin. Due to a dramatic rise in rent, the Sisters must find a new site in order to continue doing their good work in the City. Through the generosity of those inspired by the Sisters' mission to serve the poor, the Sisters have secured this ideally-suited new location at 1930 Mission. As they have demonstrated over the years, the Sisters know how to create a safe, controlled environment by running an efficient operation and by creating personal relationships with the people who come to them for help.

The MNRC is looking forward to be the Sisters' partner in this effort at 1930 Mission, as we currently serve 250 homeless individuals at the MNRC that could benefit from a warm meal in our neighborhood. We are looking forward to the Planning Commission's approval of this essential service so our community may survive and thrive.

Very Sincerely,

Laura Guzman, Director Mission Neighborhood Resource Center 165 Capp Street, San Francisco, CA 94110 lauraguzman@mnhc.org.

### **EXHIBIT H**

### PERMIT TO OPERATE

### AND CERTIFICATE OF SANITARY INSPECTION

D 6225

Issued according to provisions of the San Francisco Health Code

AUTHORIZING conduct of the following class of premises:

Non-profit Kitchen/feeding site H23

**ISSUED** 

January 8, 2009

Fraternite Notre Dame Sister Marie Madeleine dba: FRATERNITE NOTRE DAME 54 Turk Street San Francisco, CA 94102

THIS PERMIT TO OPERATE MAY BE REVOKED OR SUSPENDED FOR CAUSE AND IS NOT TRANSFERABLE CHANGE OF OWNERSHIP MUST BE REPORTED IMMEDIATELY.

**DEPARTMENT OF PUBLIC HEALTH**City and County of San Francisco

Principal Inspector

Director of Public Health

Bureau Chief

DEPARTMENT OF PUBLIC HEALTH - 1390 MARKET STREET, SAN FRANCISCO, CALIFORNIA 94102

F1602 D

Display this permit prominently. This margin may be trimmed for standard 6 x 8 frame. WD #2 CT 125

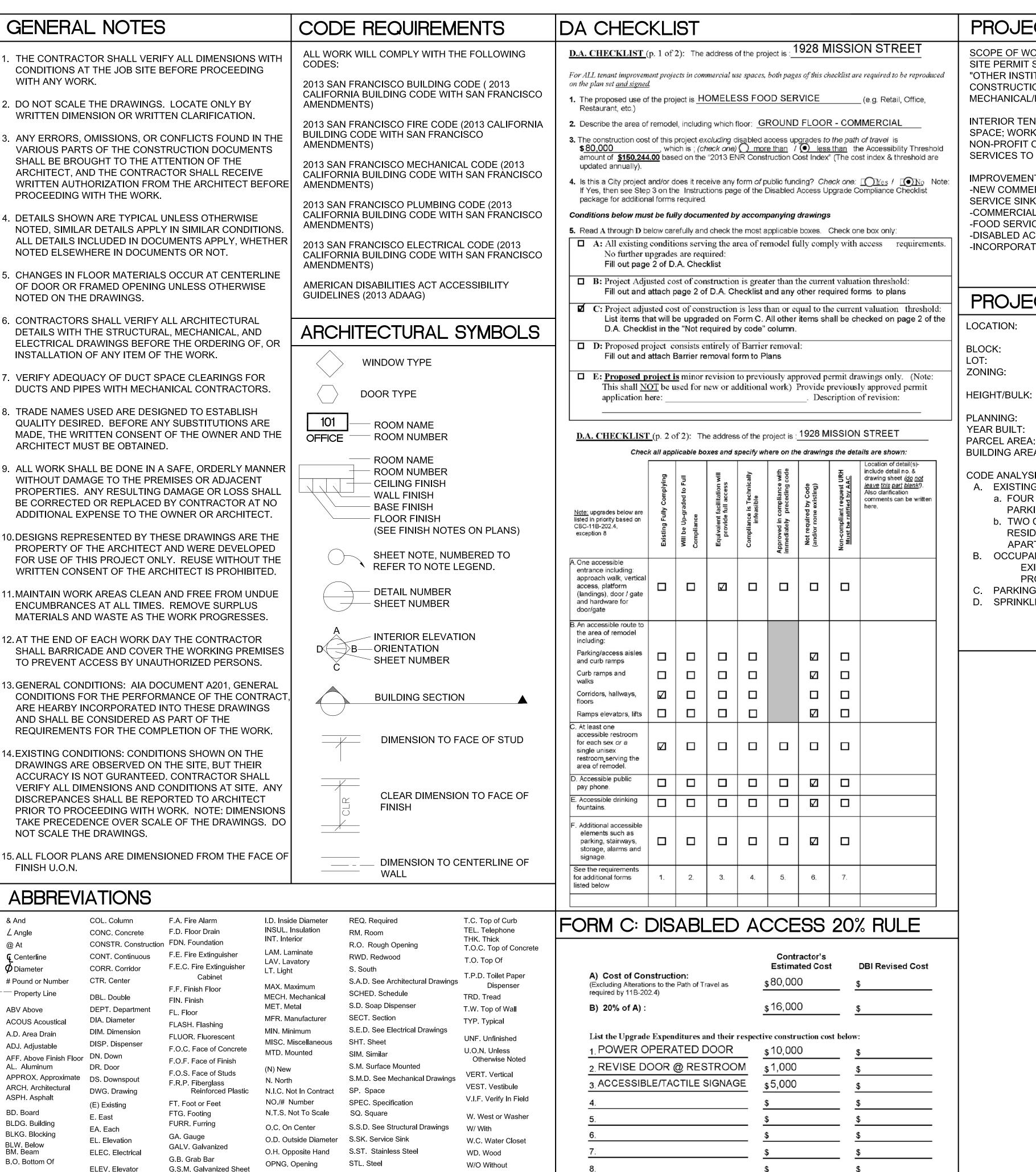
### **Reduced Plans**

Case Number 2016-011482DRP, DRP-02

Discretionary Review

Change of Use: Retail to Institutional

1928 Mission Street



@ At

CAB. Cabinet

CEM. Cement

CER Ceramic

CLG. Ceiling

CLR. Clear

CJ. Control Join

CLKG. Caulking

EMER. Emergency

**EQPT** Equipment

ETC. Etcetera

(E) Existing

**EXT** Exterior

EQ. Equal

GYP. Gypsum Board

H.B. Hose Bibb

HT Height

H.C. Hollow Core

H.M. Hollow Metal

HORIZ. Horizontal

OPP. Opposite

PLYWD. Plywood

R.D. Roof Drain

PL. Plate

PR Pair

PT Point

R. Riser

STOR. Storage

STRL. Structural

WP. Waterproof

Total Upgrade Expenditures

Should be approximately equal to, but not to exceed,

\$16,000

WT Weight

### PROJECT INFORMATION

SCOPE OF WORK

SITE PERMIT SET FOR CHANGE OF USE, FROM "OTHER RETAIL & SERVICES (SEC.790.102) TO "OTHER INSTITUTION-LARGE" (SEC.750.5) FOR 1,440 SF GROUND FLOOR SPACE. NO CONSTRUCTION TO OCCUR UNDER THIS PERMIT, TENANT IMPROVEMENT, STRUCTURAL, MECHANICAL/PLUMBING. AND ELECTRICAL TO BE SUBMITTED AS ADDENDA.

INTERIOR TENANT IMPROVEMENTS TO EXISTING 1,440 SF GROUND FLOOR COMMERICAL SPACE: WORK TO PROVIDE COMMERCIAL KITCHEN AND FOOD PREP/SERVICE AREA FOR NON-PROFIT ORGANIZATION PROVIDING ON-SITE 'SOUP KITCHEN' LUNCH AND DINNER SERVICES TO HOMELESS AND SIMILAR CLIENTS.

**IMPROVEMENTS TO CONSIST OF:** 

-NEW COMMERCIAL KITCHEN WITH ELECTRIC APPLIANCES ONLY; VENTLESS HOOD, SERVICE SINK, INTERIOR FINISHES, PLUMBING AND ELECTRICAL WORK.

-COMMERCIAL FOOD STORAGE AND PREP SPACE -FOOD SERVICE FOR UP TO 40 OCCUPANTS.

-DISABLED ACCESSIBILITY IMPROVEMENTS

-INCORPORATION OF EXISTING GROUND FLOOR ACCESSIBLE RESTROOM

### PROJECT DATA

LOCATION: 1928 MISSION STREET SAN FRANCISCO. CA 94103

**NCT-MISSION STREET** 

NEIGHBORHOOD COMMERCIAL TRANSIT 80-B AT MISSION STREET

45-X AT REAR WIESE STREET

PLANNING: C-NO HISTORIC RESOURCE PRESENT YEAR BUILT: 1993

PARCEL AREA: 9,100 SF **BUILDING AREA: 1,434 SF** 

**CODE ANALYSIS:** 

A. EXISTING CONSTRUCTION:

a. FOUR STORY, NO BASEMENT: TYPE V WOOD FRAME STRUCTURE WITH REAR PARKING LOT

b. TWO COMMERCIAL SPACES, COMMON ENTRY FOR RESIDENTIAL ABOVE, RESIDENTIAL LAUNDRY AND 2 RESTROOMS AT GROUND FLOOR; 15 RESIDENTIAL APARTMENT UNITS AT UPPER THREE STORIES

B. OCCUPANCY CLASIFICATION: EXISTING: R-1; B-2 PROPOSED: R-1; B/A

C. PARKING: 14 SPACES AT REAR LOT

D. SPRINKLERS: PARTIAL

MARY OF NAZARETH HOUSE

## KITCHEN PROJECT

1928 MISSION STREET SAN FRANCISCO, CA 94103

### **LOCATION MAP**



### PROJECT DIRECTORY

ASSOCIATES 1 APIAN WAY LLC

CONTACT: GILLIAN ALLEN REUBEN, JUNIUS & ROSE, LLP ONE BUSH STREET, SUITE 600 SAN FRANCISCO. CA 94104 P: (415) 567-9000 ext. 432

MECH. /PLUMB./ELECTRICAL ENGINEER

**ADDRESS** SAN FRANCISCO, CA 94102

ASIAN NEIGHBORHOOD DESIGN 1245 HOWARD ST SAN FRANCISCO, CA 94103 P: (415) 575-0423 X 220 **CONTACT: STEVE SUZUKI** 

**ARCHITECT** 

KITCHEN DESIGN **DESIGN WEST PARTNERSHIP** 2394 MARINER SQ. DRIVE ALAMEDA, CA 94501 P: (888) 261-4664 **CONTACT: DOUG PARKER** 

### OLICET INDEV SHEET INDEX

ARCHITECTURAL - CHANGE OF USE PERMIT SET

A.01 COVER SHEET

A1.0 PLOT PLANS - ROOF PLAN & GROUND FLOOR

GROUND FLOOR PLANS - EXISTING/DEMO & PROPOSED

A2.0 EXTERIOR ELEVATIONS - EXISTING & PROPOSED

TENANT IMPROVEMENT DRAWINGS TO BE SUBMITTED AS ADDENDA UPON SITE PERMIT APPROVAL

ARCHITECTURAL

A.01 COVER SHEET

A.02 PATH OF TRAVEL TO SITE & CODE ANALYSIS

ACCESS DETAILS A.03

PLOT PLANS - ROOF PLAN / GROUND FLOOR PLAN

A1.1 ENLARGED FLOOR PLANS - DEMO & NEW

A2.0 INTERIOR SECTION & ELEVATIONS

**EXTERIOR ELEVATIONS** 

A4.0 DETAILS

### FOOD SERVICE

COVER SHEET

FS-2 FOOD SERVICE EQUIPMENT PLAN, SCHEDULE, & NOTES

FOOD SERVICE ELECTRICAL PLAN & SCHEDULE

FOOD SERVICE PLUMBING PLAN & SCHEDULE

FS-5 SPECIAL CONDITIONS / ELEVATIONS

AS NOTE Scale:

16.014.50

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PROGRESS

**DRAWINGS** 

C018661

REN 09/30/17

an Neighborhood Design Howard Street,

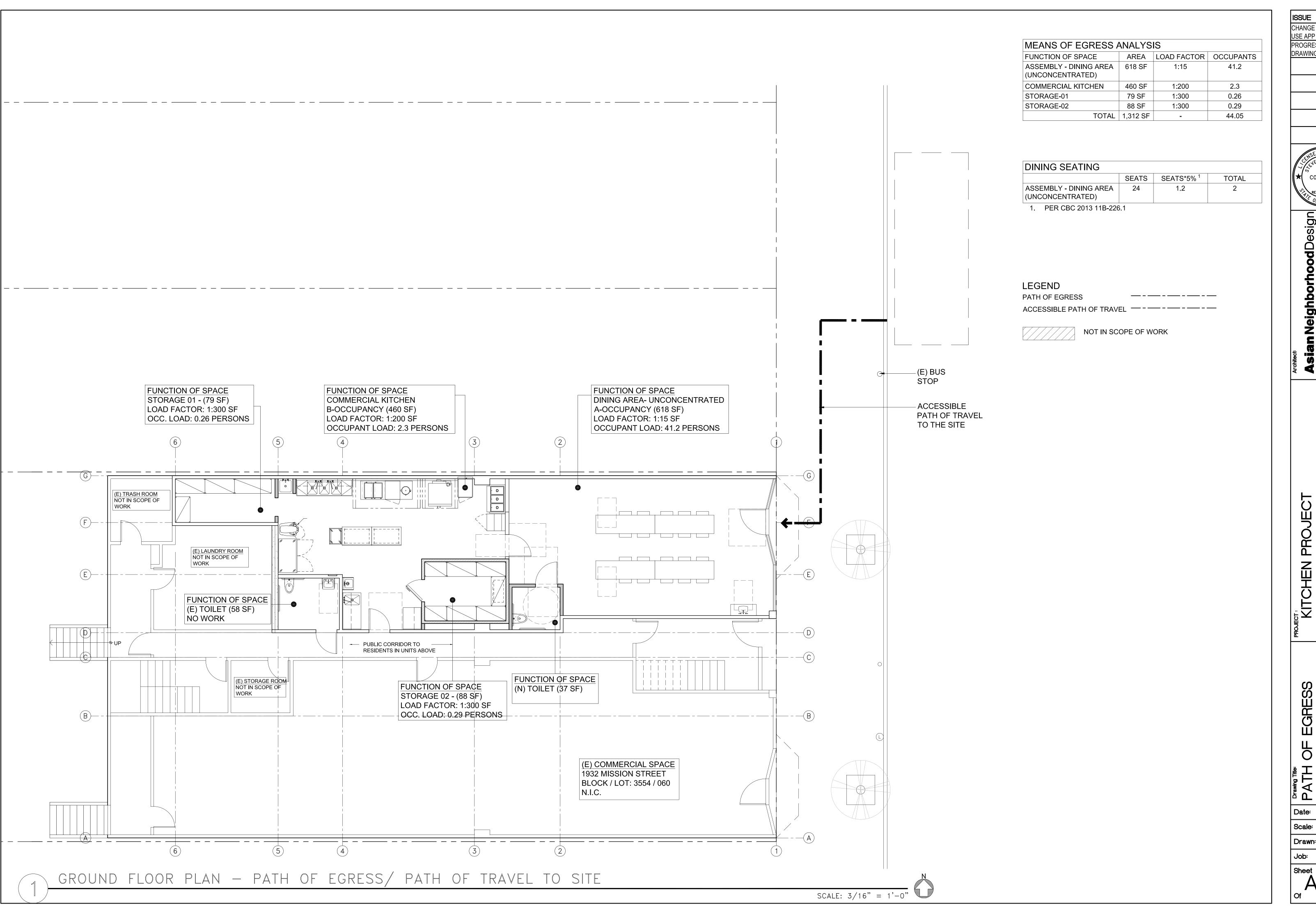
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DATE

11.1.2016 Date:

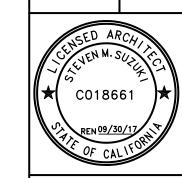
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Job: Sheet



CHANGE OF USE APP
PROGRESS DRAWINGS

11-01-16



hood Design | ★ C018661 | ★ C

Asian Neighborhood 1245 Howard Street,
San Francisco, CA 94103 (415) 575-0423, Fax (415) 575

KITCHEN PROJECT
1928 MISSION STREET, SAN FRANCISCO
FOR:
MARY OF NAZARETH HOUSE

PATH OF EGRESS

PATH OF ACCESS TRAVEL

CODE ANALYSIS

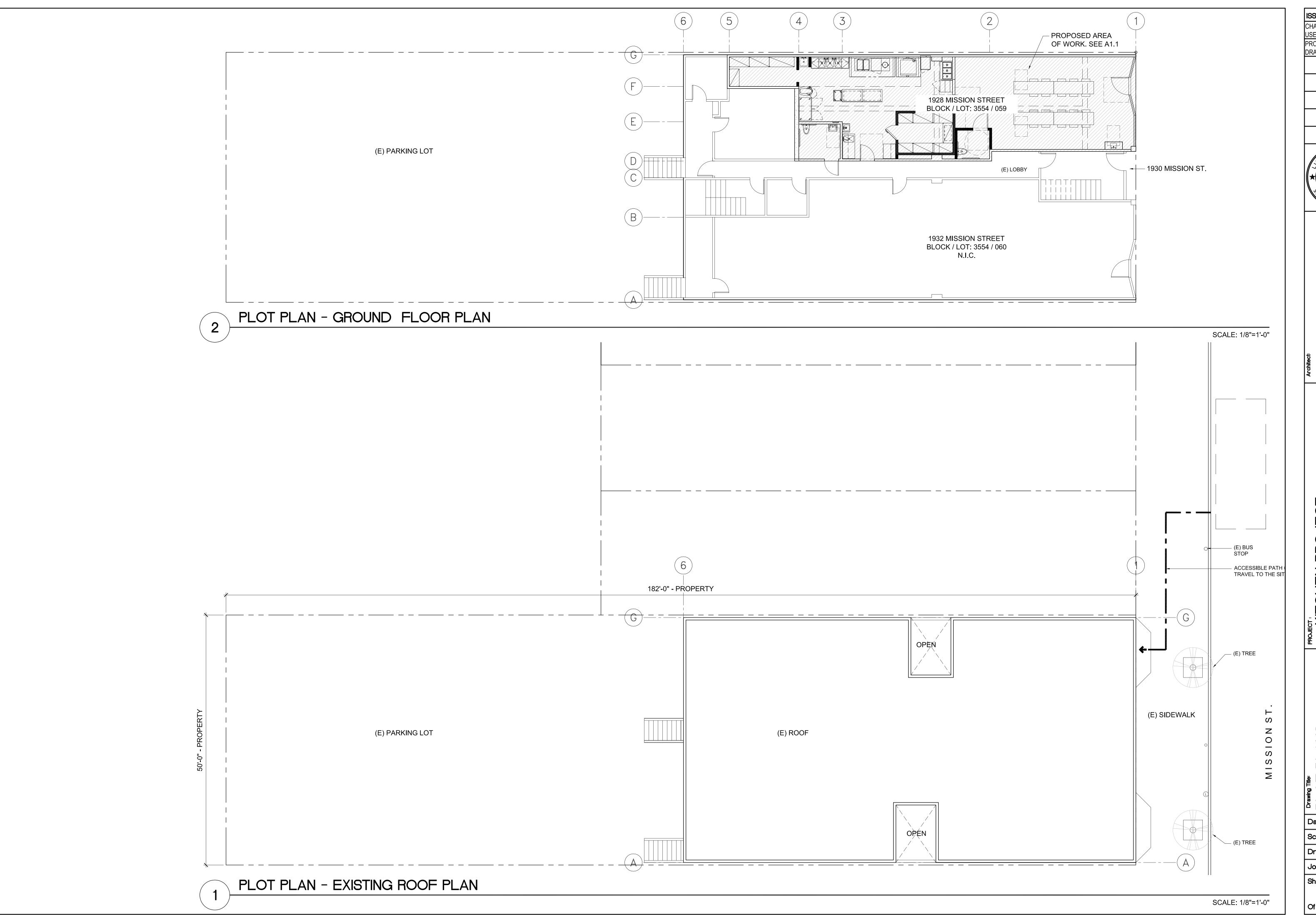
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Scale: AS NOTED

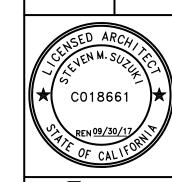
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Of Sheets



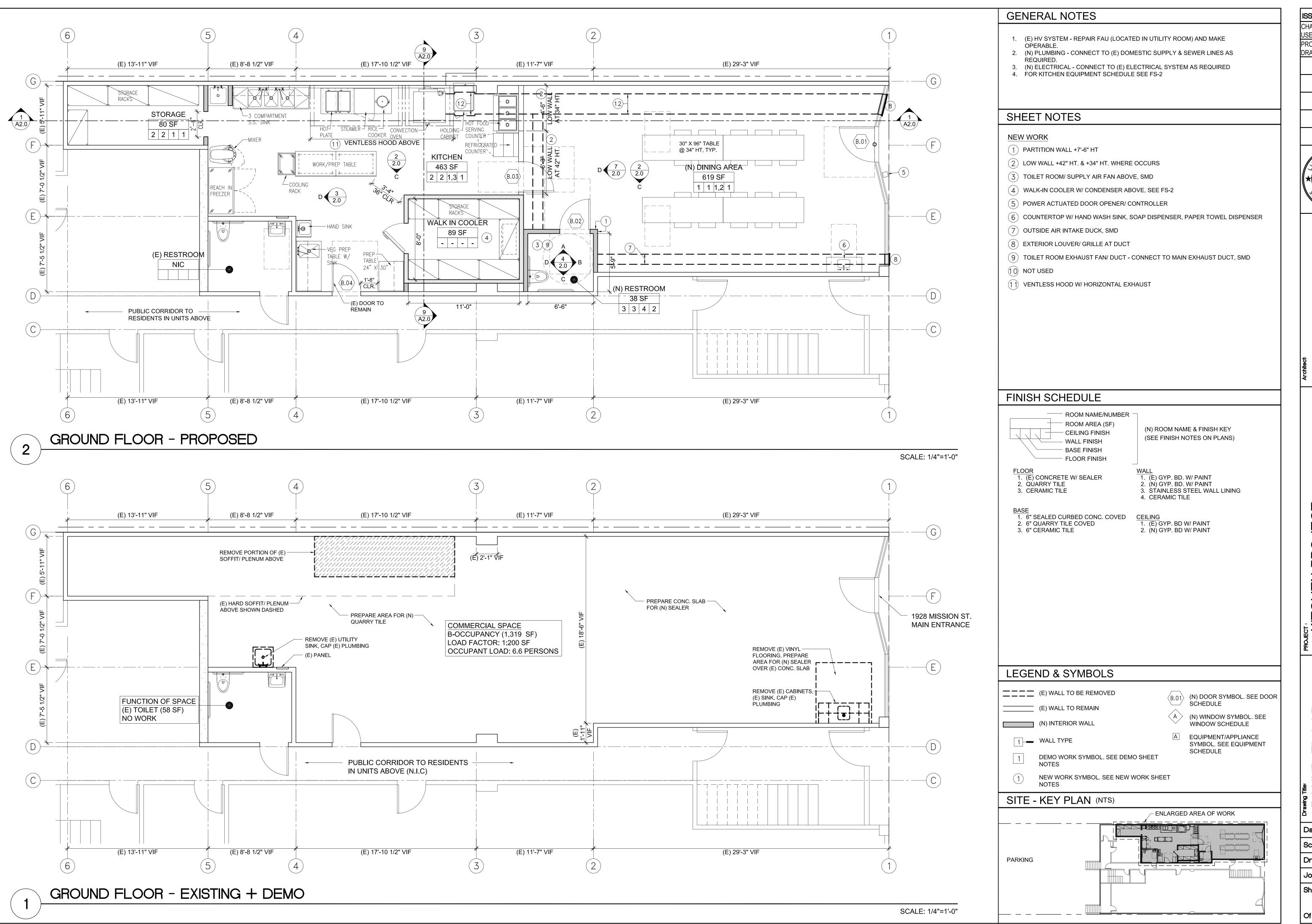
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Scale: AS NOTED

Drawn: EL Job: 16.014.50

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ISSUE DATE CHANGE OF 8-11-16 USE APP PROGRESS DRAWINGS

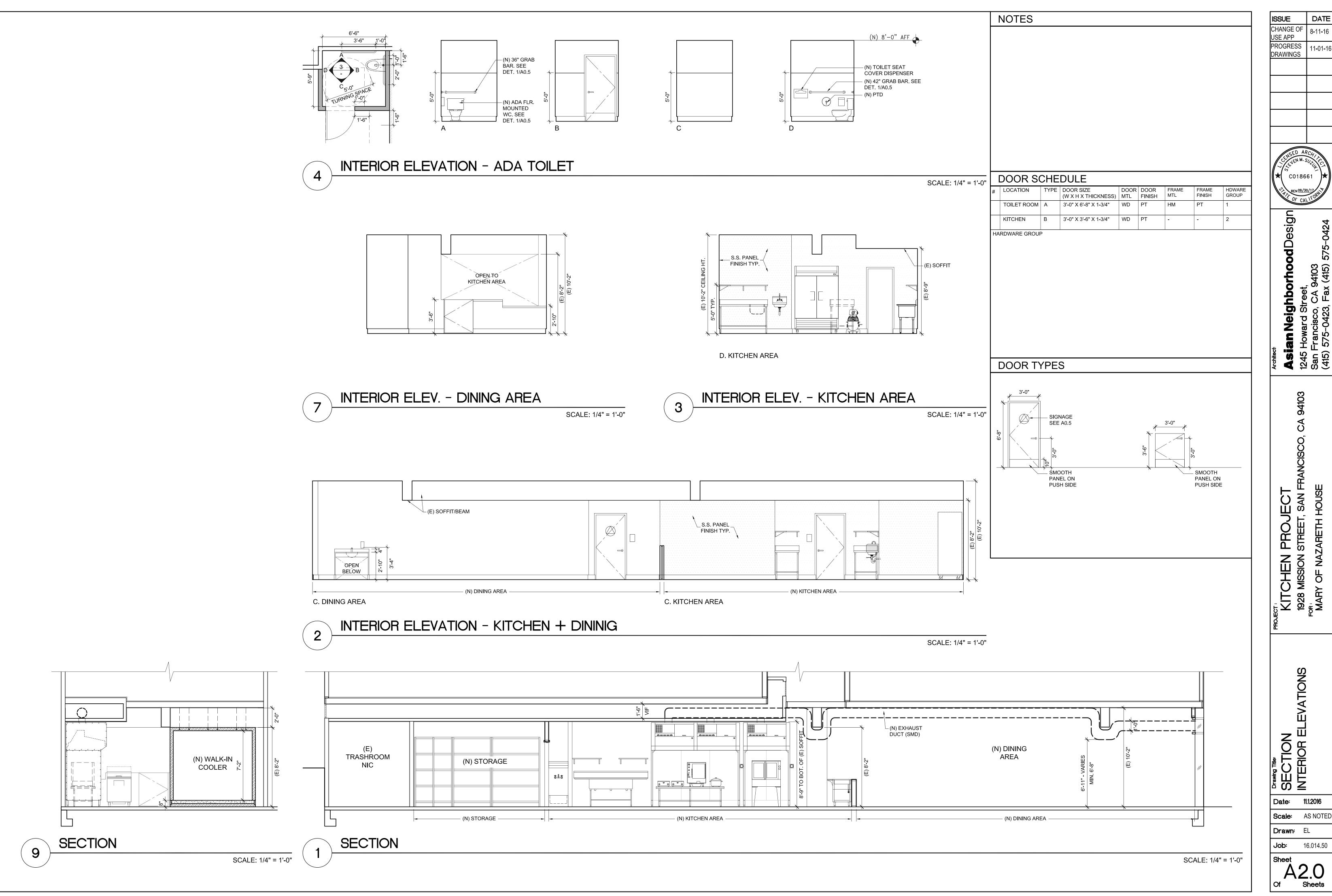


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Date: 11.1.2016 Scale: AS NOTED

Drawn: EL

16.014.50 Job: Sheet A1.1



DATE CHANGE OF 8-11-16 PROGRESS DRAWINGS 11-01-16



I PROJECT N STREET, SAN FRAN

Date: 11.1.2016

16.014.50

A2.0



Date: 11.1.2016 Scale: AS NOTED

Drawn: EL Job: 16.014.50

