



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE FEBRUARY 1, 2018

Date: January 25, 2018
Case No.: 2017-009668DRP
Project Address: 2567 Mission Street
Permit Application: 2017.05.19.7190
Zoning: Mission Street NCT (Neighborhood Commercial Transit) Zoning District
65-B / 40-X Height and Bulk District
Block/Lot: 3615/079
Project Sponsor: Bin Lei
1605 Hunt Drive
Burlingame, CA 94010
Staff Contact: Michael Christensen – (415) 575-8742
Michael.Christensen@sfgov.org
Recommendation: **Do not take DR and approve the project as proposed.**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project proposes to establish a limited restaurant use at the ground floor of the subject building at the Mission Street frontage. The use is proposed as a café, dba Klatch Coffee, and would replace space which is currently used as a non-public café which is accessory to the office use that exists on the project site.

SITE DESCRIPTION AND PRESENT USE

The site is developed with a three-story, approximately 15,018 square foot structure used for offices. All levels are currently office use, with an accessory café area on the ground floor which is not public serving.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding neighborhood is very diverse, with structures ranging from two to seven story structures. The immediately adjacent properties were last occupied by Doc’s Clock, a bar, and Balancoire, a restaurant use. The block is generally developed with ground floor commercial uses with residential uses common on upper floors.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
312 Notice	October 10, 2017 – November 9, 2017	November 9, 2017	February 1, 2018	84 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 22, 2018	January 22, 2018	10 days
Mailed Notice	10 days	January 22, 2018	January 22, 2018	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	0	0

No public comments were received prior to publication of the Commission packet.

DR REQUESTOR

The request for Discretionary Review was received from Jack Wilger, on behalf of the Mission Economic Development Agency, located at 2301 Mission Street.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

The DR Requestor contends that the project is not consistent with Priority Policy #2:

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

Specifically, the DR Requestor contends that establishment of a limited restaurant use on the site would exacerbate an overconcentration of eating and drinking uses in the area, altering the neighborhood character to be more of a tourist destination area and less serving of the existing working class Latino community in the immediate area.

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

PROJECT SPONSOR’S RESPONSE

The Project Sponsor’s response to the DR Request contends that while there are other restaurant uses in the vicinity, there are no coffee shops or cafes similar to the limited restaurant use that is proposed as part of the project. Additionally, the response contends that as the use is small in scale and does not replace any existing neighborhood serving uses, the project will not contribute to gentrification in the area or have any impact to neighborhood character.

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

PROJECT ANALYSIS

The project entails the establishment of a limited restaurant use on the ground floor of an existing building currently used as an office, with the ground floor partially used as an accessory café which is not open to the public. As the proposed limited restaurant use is a principally permitted use of the site, the prior use was not a neighborhood serving use, and the project does not involve any physical changes to the exterior of the structure (other than signage), the Department has not found an exceptional or extraordinary circumstance.

The DR Requestor contends that the immediate vicinity is becoming over concentrated with eating and drinking establishments. The parcels in the immediate area are subject to the Mission Interim Controls, which require a Conditional Use Authorization to establish a Restaurant use but do not require a Conditional Use Authorization to establish a Limited Restaurant use. As such, the project is not subject to the eating and drinking concentration limits of Planning Code Section 303(o). However, the balance of uses in the immediate area can impact the viability of the commercial corridor. Department staff examined the concentration of eating and drinking establishment uses in the immediate area (within 300' of the project site and within the same zoning district) and determined the existing concentration to be approximately 22.2%, with the full eating and drinking frontage devoted to Restaurant uses including El Techo, Lolinda, Alamo Drafthouse Cinema, and the two parcels directly adjacent to the project site which were last occupied by Doc's Clock and Balancoire. The project would increase the concentration to approximately 24.6%.

ENVIRONMENTAL REVIEW

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

URBAN DESIGN ADVISORY TEAM REVIEW

Department staff reviewed the project, and based on the lack of any exterior physical modifications to the structure, no exceptional or extraordinary circumstance was found. Additionally, as the proposed use would replace existing office space, no impact to the availability of neighborhood serving uses was found.

Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, as this project involves a change in the use of the property.

BASIS FOR RECOMMENDATION

The Department recommends that the Commission does not take DR and approves the project as proposed for the following reasons:

- The proposed use is a principally permitted use in the subject zoning district.

- No existing neighborhood serving uses would be replaced as part of the project.
- No physical changes to the exterior of the structure are proposed.
- The proposed limited restaurant use is appropriately sized for the district.

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

Attachments:

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photos

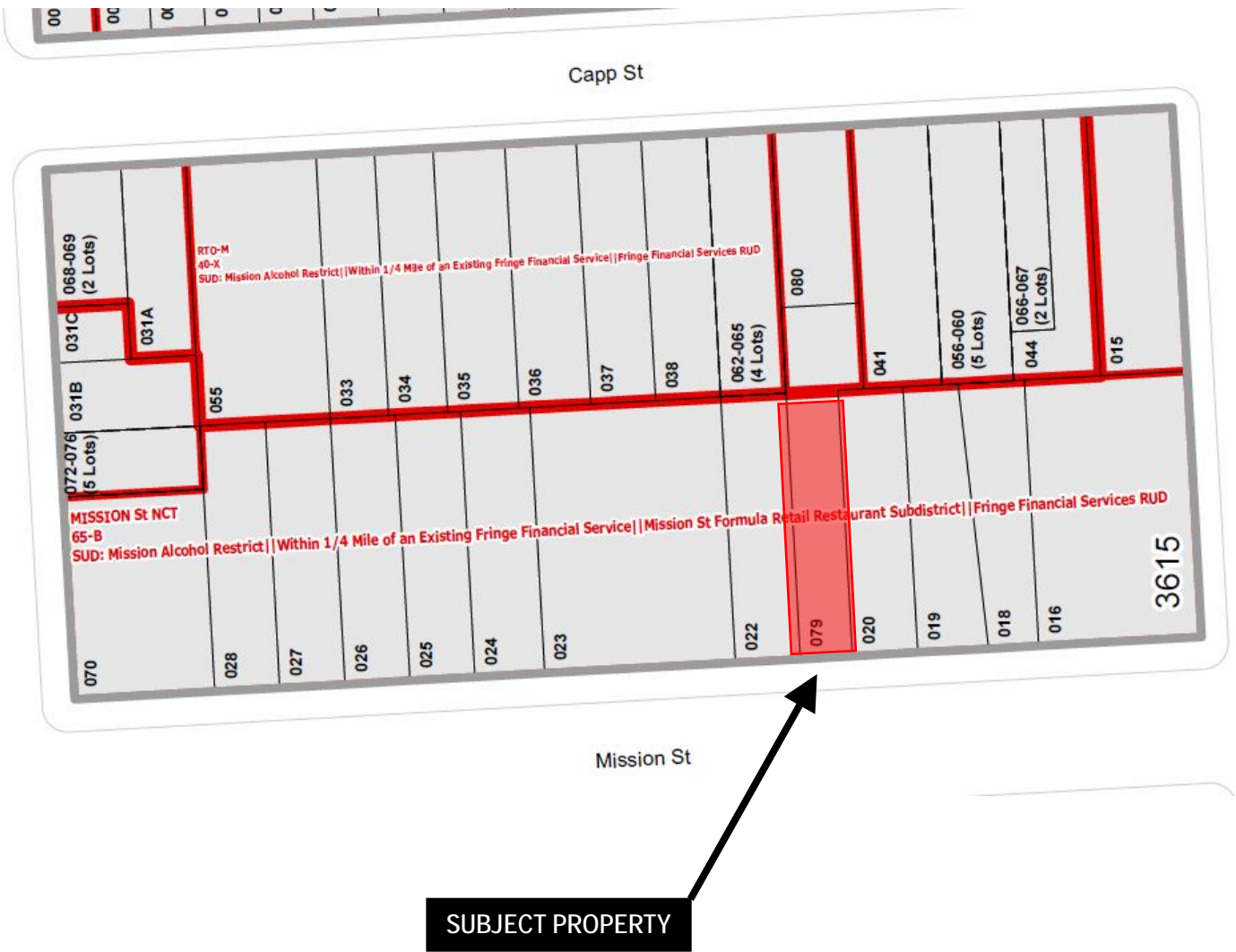
Section 311 Notice

DR Application

Response to DR Application dated January 23, 2018

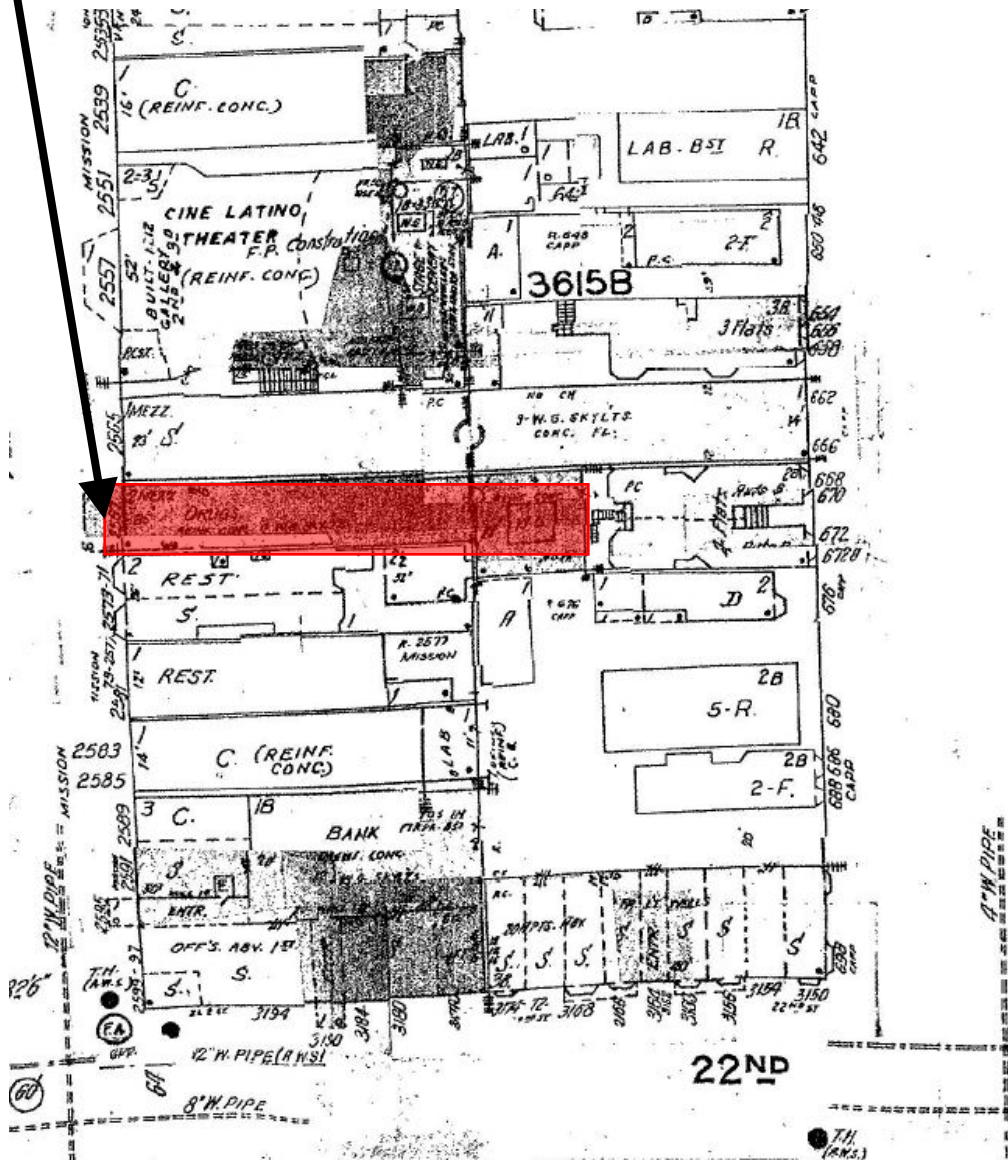
Reduced Plans

Block Book Map



Sanborn Map*

SUBJECT PROPERTY

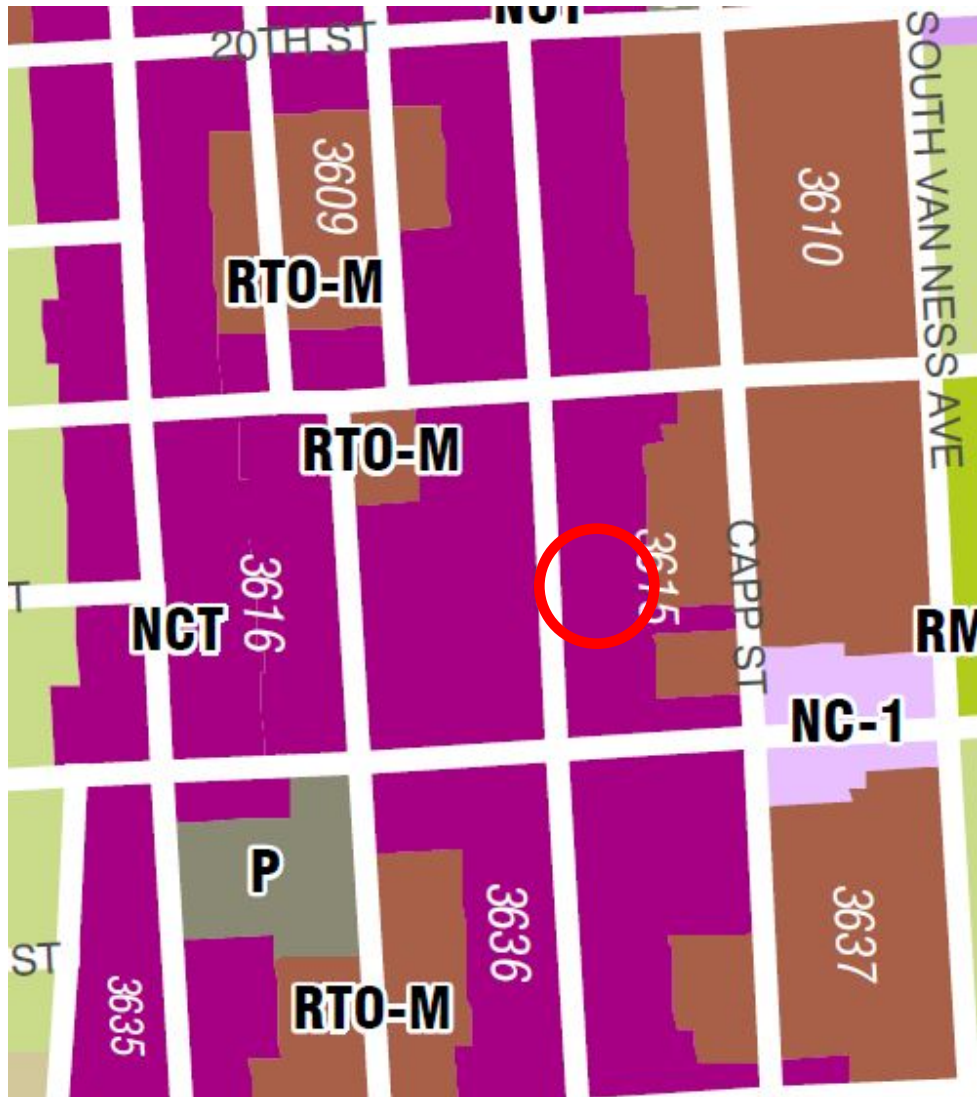


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing
Case Number 2017-009668DRP
Klatch Coffee
2567 Mission Street

Zoning Map



Aerial Photo



SUBJECT PROPERTY



Site Photo



SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2017-009668DRP
Klatch Coffee
2567 Mission Street



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On **July 14, 2017**, the Applicant named below filed Building Permit Application No. **2017.0519.7190** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	2567 Mission Street	Applicant:	Bin Lei
Cross Street(s):	21st and 22nd Streets	Address:	1605 Hunt Dr.
Block/Lot No.:	3615 / 079	City, State:	Burlingame, CA 94010
Zoning District(s):	NCT / 65-B & 40-X	Telephone:	(415) 246-8228
Record No.:	2017-009668PRJ	Email:	abcadd@sbcglobal.net

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		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Office (with accessory café)	Office & Limited Restaurant (public café)
PROJECT DESCRIPTION		
The proposal is to convert the existing accessory office café (currently only accessible to office employees and visitors) to a public café. No changes are proposed to the exterior of the structure. See attached plans.		
The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing 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: Michael Christensen
 Telephone: (415) 575-8742
 E-mail: michael.christensen@sfgov.org

Notice Date: 10/10/17
 Expiration Date: 11/9/17

CASE NUMBER: 2017-009608DRP
For Staff Use only

APPLICATION FOR Discretionary Review

RECEIVED

NOV 09 2017

1. Owner/Applicant Information

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P.L.C.

DR APPLICANT'S NAME: JACK WILGER FOR MISSION ECONOMIC DEVELOPMENT AGENCY		
DR APPLICANT'S ADDRESS: 2301 MISSION ST., SUITE 301 SF CA	ZIP CODE: 94110	TELEPHONE: (408) 307-1523

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: BIN LUI		
ADDRESS: 1605 HUNT DR. BURLINGAME CA	ZIP CODE: 94010	TELEPHONE: (415) 246-8228

CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS:		

2. Location and Classification

STREET ADDRESS OF PROJECT: 2567 MISSION ST	ZIP CODE:
CROSS STREETS: 21 ST AND 22ND	

ASSESSORS BLOCK/LOT: 3615 / 079	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT: NCT	HEIGHT/BULK DISTRICT: 65-B-40-X
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3. Project Description

Please check all that apply.
Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard

Present or Previous Use: **ACCESSORY OFFICE CAFE**

Proposed Use: **LIMITED RESTAURANT (PUBLIC CAFE)**

Building Permit Application No. ~~2017-009668 PRJ~~
2017.0519.7190

Date Filed: **10/10/17**

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

NONE

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 PAGE)

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:

(SEE ATTACHED PAGE)


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 PAGE)

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: 11/9/17

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

Jack Wilger
Owner / Authorized Agent (Circle one)

Discretionary Review Request

2567 Mission St – Klatch Coffee franchise

1. What are the reasons for requesting Discretionary Review?

This project represents an exceptional and extraordinary circumstance as it is in not in accordance with important elements of the City General Plan, would bring harmful impacts to working-class Latino families in the Mission, and is in conflict with important Planning Code Priority Policies, and chiefly Priority Policy 2:

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

This project is in direct conflict with Priority Policy 2. Allowing the public conversion of this space to a private franchise coffee shop, Klatch, will exacerbate the gentrification and cultural displacement problem as this area is starting to turn from a community-serving retail area for Latino working-class families to a tourist destination area based on a growing density of fancy coffee shops, restaurants, and bars.

With proposals to open new food-service spaces both at 2567 Mission St and also across the street at and Nov 16th across the street (Foreign Cinema's new wine bar), this coffee shop could become the *eighth food and drink space on this block of Mission St.*

We believe it is well within Planning Commission's discretion to re-establish balance to a critical working-class family shopping corridor to help create a safer and healthier community outcome by halting the current destabilizing land use trend that is facilitating higher-end tourism outcomes.

This ongoing conversion of spaces is creating an escalating upward price pressures on surrounding commercial tenants, most of whom are on month-to-month leases, and builds upon a viscous cycle of gentrification and displacement, where the neighborhood surges towards a "highest best use" of alcohol, cannabis, and food service for tourists and wealthy newcomers, driving the existing working-class community and the mom and pop stores that serve them from the area.

3. What alternatives or changes to the proposed project...would reduce the adverse effects noted above in question #1?

Mission community groups met with the project sponsor and attempted to sign a Memorandum of Understanding that would mitigate the impacts of this project in significant ways and allow the project to go forward with community support. We are disappointed to have not yet reached an agreement, and are hopeful that this yet be accomplished, as our goal is to seek healthy and equitable growth for our working-class families and robust culture of small businesses to support and be supported by this community.

Principle issues we have been seeking to resolve revolve around the culture and character of this coffee shop, affordability, and opportunities for empowerment and advancement of our local workforce. Given the overwhelming density of bars, restaurants, and coffee shops on this block, community groups feel it is critical that we settle these issues with a high level of equity to mitigate the impacts of the projects and encourage stabilization of our family corridor.

Application for Discretionary Review

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	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input type="checkbox"/>
Covenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>

NOTES:

Required Material.

Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: Jonathan DiSilvo

Date: 4/9/17

RESPONSE TO
DISCRETIONARY
REVIEW (DRP)



San Francisco
Planning

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

Project Information

Property Address: 2567 Mission St Zip Code: 94110
Building Permit Application(s): _____
Record Number: 2017-009668 PRJ Assigned Planner: Christensen

Project Sponsor

Name: Bo Thiara Phone: 415-823-0953
Email: bthiara@peninsulalp.com

Required Questions


- Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)
The key question for the Commission is whether we are displacing a business that provides essential services to local families such as a bodega or a laundromat. The DR requester, MEDA, the Planning Department and we all agree that that is NOT the case. No existing business is being replaced. In fact, the space has been closed down to the public for close to 6 years and prior to that it served as a porn shop from what I have been told. The landlord had completely restored the building over a period of years and had built out the street-level space as a company café.
- What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.
We are willing to work directly with MEDA to address their concerns, but the DR process is not the right venue for this. The basic message of MEDA's request is that businesses and merchants need to work with and help empower the local population. I've been active in the Mission for 17 years in providing scholarships and other aid to City College students as I believe that education is the best way to empower the underserved. I have been recognized as a forward thinking employer in another heavily Hispanic area – the Otay Mesa border crossing. I will do the same as an employer in the Mission.
- If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.
Our project will not have an adverse effect on the surrounding properties. Our project will actually bring this space into compliance with the Code as a street-level, retail space will once again be open to the public. Since the space was already built out and utilized as a café, it's continued use as a café, but for public use, is the least invasive use change possible. We are not proposing a full restaurant or a bar, but a limited restaurant (cafe) which will be open from 6AM to 6PM. There are no other coffee shops on the block and the closest coffee shop, Grand Café, is the equivalent of a kiosk with limited service.

Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)		no change
Occupied Stories (all levels with habitable rooms)		
Basement Levels (may include garage or windowless storage rooms)		
Parking Spaces (Off-Street)		
Bedrooms		
Height		
Building Depth		
Rental Value (monthly)		
Property Value		

I attest that the above information is true to the best of my knowledge.

Signature: 	Date:
Printed Name: Bo Thiara	<input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Authorized Agent

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

- 1) *MEDA is asking local merchants to be supportive of the local community. Without any MOU or a DR, I have been doing exactly that for the last 17 years. My wife and I have provided scholarships and other aid to local City College students since 2000 when my wife joined the Board of Trustees of the SF City College Foundation of which she's still a member. During this period, we have funded various initiatives such as providing childcare for working mothers who want to attend the City College. Also, we were a seed donor of the "Osher Scholarship Program" which uses donor proceeds to help fund tuition and book costs. A letter of reference from the Chairman of the CCSF Foundation is attached.*
- 2) *I also have a demonstrated history of working with members of the Hispanic community as customers, employees, business partners and suppliers. I currently own and operate a business at the Otay Mesa border crossing in San Diego that provides jobs to residents on both sides of the border. A letter of reference from an Hispanic-owned business with which I partner is attached.*
- 3) *Also attached is the most recent version of the MOU dated January 9th, 2018 that was presented to me by representatives of MEDA. As you can see, the MOU has serious flaws one of which violates federal law. Over the last 3 months I have had discussions in good faith to bridge the differences regarding the MOU, but MEDA and its representative have failed to address both the legality of the document as well our concerns on it infringing on our civil rights.*



P. O. BOX 40488 • SAN FRANCISCO, CA 94140 • PHONE: 415.452.5134

To: United to Save the Mission
From: Edward Eschbach, Chairman of the Board, City College of San Francisco Foundation
Re: Dawn Vroegop and Bo Thiara - Klatch Coffee Initiative

I am writing to serve as a reference for Dawn Vroegop who has served as a volunteer for the City College of San Francisco Foundation since 2000. She and her husband, Bo Thiara, have supported the Foundation financially each year, including becoming part of the "Osher Scholarship Program" which uses donor proceeds to support a student's tuition and book costs each year.

Dawn's leadership as a Trustee on the Board of the Foundation over the last 17 years has helped the organization increase its foundation assets, leading to greater scholarships for students to support tuition, books, meals and transportation. These scholarships help all students, including Mission Campus students.

Dawn has shown commitment to the College by successfully putting its money to work, in support of scholarships for CCSF students. I am confident that Dawn and Bo will continue their support of CCSF as they have done for the last 17 years.

Given their demonstrated long-term commitment to the mission to educate ALL at City College San Francisco, I am confident they will contribute similarly as responsible small business people in the Mission District.

If you need additional information, please contact me.

Regards,

Edward Eschbach
Chairman of the Board
The Foundation of the City College of San Francisco
ed@edeschbach.com
415 235 1510

Edward Eschbach, President • Marie Lipman, Vice President • Sheila Larsen, Secretary • Dawn Vroegop, Treasurer
Dr. Mark Rocha, Chancellor • Kat Anderson • Bill Brinton • Steven Brown • Debra Dooley, Auxiliary President
Barbara Kaufman • Jaelyn Liu • John Mahoney • Rafael Mandelman, Trustee • Naomi Mann • Haig Mardikian •
Ellen Magnin Newman • William Powers • James Rogers • Venetta Rohal • George Rush • Betty Schafer • Joanne Schultz
Sharon Seto • Kevin Shanahan • John Warda, CFO • Bouthania Belaydi, Student Trustee

Tax ID#: 94-1682567 • The Foundation of City College is a Not-for-Profit Organization 501(c)3



December 5, 2017

United to Save the Mission:

I am writing to serve as a reference for Bo Thiara. Our company, Sombrero Mexican Food, is a leading family-owned Mexican food restaurant chain in the greater San Diego area, focusing on authentic Mexican food since 1984. Our company is minority owned and operated and over 90% of our employees are Hispanic.

Since 2013, Mr. Thiara has operated a Sombrero Mexican Food restaurant at his truck stop at the Otay Mesa border crossing opposite Tijuana, BC. During this time, we have found him to be professional, open-minded and progressive in his approach to his Hispanic clientele and his hiring practices. His workforce is almost entirely Mexican-American from both sides of the border. Given our experience with Mr. Thiara and his track record in Otay Mesa, I feel that he will be a socially responsible small business owner in the Mission District.

Sincerely,

A handwritten signature in blue ink, appearing to read "Javier Correa Jr.", is written over a light blue horizontal line.

Javier Correa Jr.

Vice President

Sombrero Mexican Food

MEMORANDUM OF UNDERSTANDING

Bo Thiara, Klatch Coffee franchisee

&

United to Save the Mission member organizations

Jan 9, 2018

Purpose

This agreement arises out of the concerns of Mission Community groups regarding the rapid conversion of the Mission St. corridor away from family-serving retail shops and into coffee shops, bars, restaurants, and wine bars, and the gentrification and displacement impacts these conversions have on the historic working-class and Latino families of the Mission who rely on these shops.

As such, this agreement affirms the intention of both Bo Thiara, franchisee of Klatch Coffee at 2567 Mission St., and signed Mission community groups from United to Save the Mission to reach the mutual goal of ensuring that this new cafe is a community-serving coffee shop that serves the existing Mission working-class and Latino families and contributes to the historic culture of the Mission community.

Agreement

1. Welcoming Environment. In order to ensure a welcoming environment, the shop will provide a bicultural, bilingual environment for Mission families including menus and signage in Spanish in equal font size to the English (posted inside and outside, coffee or pastry terms can be left as is in their French, Italian, etc. names), a welcoming space design including items reflecting the local culture such as Chicano/Latino art or murals on the interior walls from a community-approved neighborhood artist, free internet, regular tables and chairs, an awning if possible, no host, and menus posted on the outside doors.

We are agreeable to this provision but parts of it infringe on our agreements with the landlord, 2567 Mission Street LLC, and the licensor, Klatch Roasting, which both dictate the décor of the café space.

2. Workforce Agencies; Local Hire. Klatch Coffee management will work with the Women's Building, MEDA, MLVS, Mission Hiring Hall, and City College of SF Mission Campus to fill their job openings with the goal of an 80-85% bilingual (English/Spanish) local staff composed of workers who live in the Mission and demographically similar neighboring areas, defined as zip codes 94110, 94103, 94107, 94124, 94134, and 94131, as well as individuals whose families are part of the Mission Promise Neighborhood family and similar area programs.

We will institute programs to involve the local community in hiring and actively recruit

local residents. This provision violates the Equal Employment Opportunity Commission Compliance Manual on the prohibition of hiring quotas based on language and residency. Also, it violates the Title VII of the 1964 Civil Rights Act, the bedrock of equal rights in the US.

3. Competitively Priced, Affordable Goods. Products offered including coffee, beverages, and snack foods will be kept at moderate price points, with products at prices no higher than either the nearest Starbucks or Peet's coffee shops, to ensure that these products are accessible to working-class families in the neighborhood.

Our products will be competitively and affordably priced. However, this provision infringes on our agreement with Klatch Roasting on pricing guidelines.

4. Local Baked Goods. A local baker or food-service organization will be used for exclusive onsite food sales as chosen from a community-submitted list of local businesses if they are available to provide daily delivery of the desired items 7 days a week before 6am.

We will be using locally, Mission-based suppliers. However, this provision infringes on our existing supply agreements dictated by our licensor, Klatch Roasting.

5. Equity and Worker Rights. This Klatch Coffee shop will provide opportunities for equity and promotion among its local staff and adhere to the San Francisco Retail Workers Bill of Rights.
6. Mission St Discounts. This coffee shop will offer 15% discounts to people working along the Mission St. corridor, with photo ID, to encourage shopping from the local community.

We will institute a promotional program for local residents and workers. However, this provision infringes on our agreement with Klatch Roasting on pricing guidelines.

7. Limited Service Restaurant. This coffee shop under its current or future entities will not convert to a "full service restaurant" as defined by the San Francisco Planning Code.
8. Noticing of Agreement. This agreement will be posted on the Klatch Coffee website and the agreement's intentions will be integrated into the mission statement and similar marketing materials of the business.

The website is the property of Klatch Roasting. We cannot dictate its content.

9. Terms of Agreement. This agreement will remain in effect for the length of Bo Thiara's and family/partner's ownership of this business, or the continuance of Klatch Coffee as a business at its Mission St. location. In the event business ownership, control, or name

transfers to another person or entity, Bo Thiara will immediately notify the above referenced community groups of the potential sale as far in advance as possible and give the above referenced community groups the opportunity to assist in replacement. Bo Thiara will make a good faith effort to retain this community agreement with the new owners.

We cannot notify any party who is not directly involved in the purchase/sale prior to the completion of the transaction as it violates our fiduciary duties to investors.

10. Enforcement. If either party in this agreement believes the other to be in breach of this agreement, the other party shall first request the opportunity to meet and try to resolve the conflict in good faith. The party will have up to 30 days to cure this breach unless failure to take action more quickly would result in significant harm to the other party. If this breach has not yet been cured this issue will be resolved by mediation through a local, nonprofit such as Community Boards.

Any mediation must be performed by an independent, third party mediator paid for by the aggrieved party or shared expenses.

11. Discretionary Review Appeal. In the event that these terms are met the undersigned community groups agree to withdraw the Discretionary Review of this project with the Planning Commission.

12. Severability. If any provision, or portion thereof, of this Agreement is, or becomes, invalid under any applicable statute or rule of law, it is to be deemed stricken and the rest of this Agreement shall remain in full force and effect.

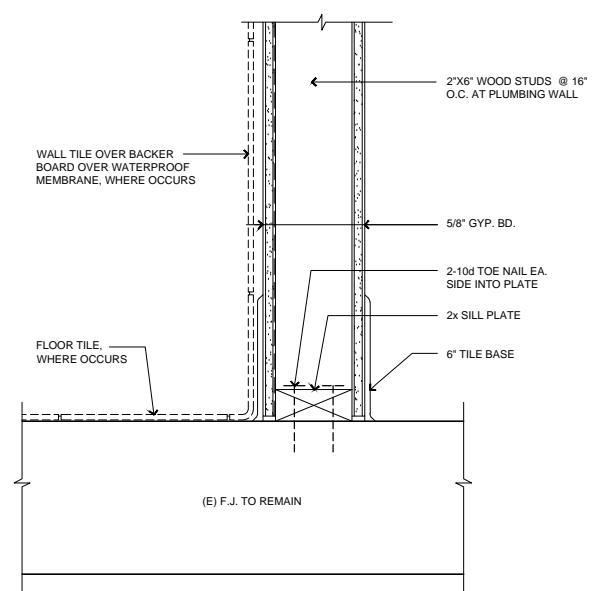
Our counsel will agree to an MOU only if the entire agreement is lawful and does not cause us to infringe on third party agreements.

Signed:

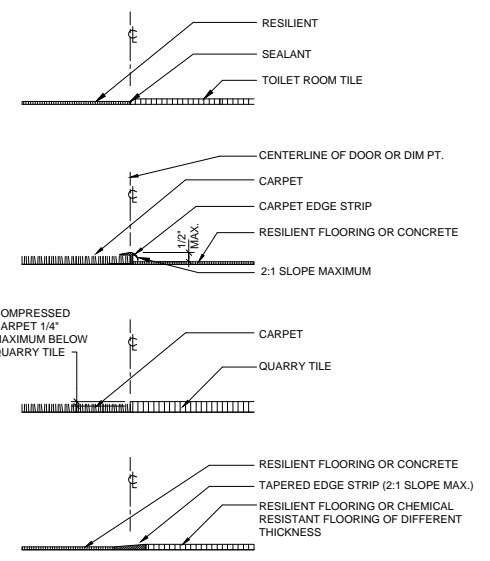
Bo Thiara, Klatch Coffee franchisee _____ Date _____

Mission Community Group Representatives:

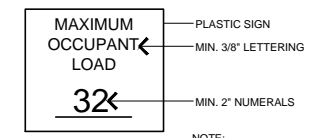
The signatory to the MOU must be MEDA or its legal representatives as it is the party that filed the DR Application.



1 TYP. TILES AT FLOOR & WALL
3"=1'-0"



2 TYP. FLOORING TRANSITIONS
N.T.S.



3 TYP. OCCUPANT LOAD SIGNAGE
N.T.S.

Project Location:
Coffee Shop
2567 Mission Street
San Francisco, CA
94110

Prepared by:

Bin Lei
1605 Hunt Dr.
Burlingame, CA

D.A. CHECKLIST AND DETAILS

PER PLANNING DEPT.
09/18/17

Drawn: **BL**

Scale: **AS NOTED**

Date: **5.17.17**

Sheet:
A2

D.A. CHECKLIST (p. 1 of 2): The address of the project is : 2567 Mission Street

For ALL tenant improvement projects in commercial use spaces, both pages of this checklist are required to be reproduced on the plan set and signed.

- The proposed use of the project is Existing Coffee Shop (e.g. Retail, Office, Restaurant, etc.)
- Describe the area of remodel, including which floor: Ground Floor
- The construction cost of this project excluding disabled access upgrades to the path of travel is \$ 25,000.00, which is: (check one) more than / 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).
- Is this a City project and/or does it receive any form of public funding? Check one: Yes / No. Note: If Yes, then see Step 3 on the Instructions page of the Disabled Access Upgrade Compliance Checklist package for additional forms required.

Conditions below must be fully documented by accompanying drawings

- Read A through D below carefully and check the most applicable boxes. Check one box only:
 - A:** All existing conditions serving the area of remodel fully comply with access requirements. No further upgrades are required. Fill out page 2 of D.A. Checklist
 - B:** Project Adjusted cost of construction is greater than the current valuation threshold: Fill out and attach page 2 of D.A. Checklist and any other required forms to plans
 - 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.
 - D:** Proposed project consists entirely of Barrier removal: Fill out and attach Barrier removal form to Plans
 - E:** Proposed project is minor revision to previously approved permit drawings only. (Note: This shall NOT be used for new or additional work) Provide previously approved permit application here: Description of revision:

CBC chapter 2 section 202 Definitions:
Technically Infeasible. An alteration of a building or a facility, that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

Unreasonable Hardship. When the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:
1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility which would be gained or lost.
5. The nature of the use of the facility under construction and its availability to persons with disabilities

The details of any Technical Infeasibility or Unreasonable Hardship shall be recorded and entered into the files of the Department. All Unreasonable Hardships shall be ratified by the AAC.

D.A. CHECKLIST (p. 2 of 2): The address of the project is : 2567 Mission Street

Check all applicable boxes and specify where on the drawings the details are shown:

	Existing Fully Complying	Will be Up-graded to Full Compliance	Equivalent Facilitation will provide full access	Compliance is Technically Infeasible	Approved in compliance with immediately preceding code	Not required by Code (and/or none existing)	Non-compliance requires UHR (Unreasonable Hardship)	Location of detail(s)- include detail no. & drawing sheet (do not leave this cell blank). Also clarification comments can be written here.
A. One accessible entrance including: approach walk, vertical access, platform (landings), door / gate and hardware for door/gate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Sheet A3
B. An accessible route to the area of remodel including: Parking/access aisles and curb ramps Curb ramps and walks Corridors, hallways, floors Ramps elevators, lifts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Sheet A3
C. At least one accessible restroom for each sex or a single unisex restroom serving the area of remodel.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Sheet A3
D. Accessible public pay phone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. Accessible drinking fountains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F. Additional accessible elements such as parking, stairways, storage, alarms and signage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
See the requirements for additional forms listed below	1.	2.	3.	4.	5.	6.	7.	

- No additional forms required
- No additional forms required
- Fill out Request for Approval of Equivalent Facilitation form for each item checked and attach to plan.
- Fill out Request for Approval of Technical Infeasibility form for each item checked and attach to plans.
- Provide details from a set of City approved reference drawings, provide its permit application number here: ADP-#: 2013.1105.1195 and list reference drawing number on plans.
- No additional forms required
- Fill out Request for an Unreasonable Hardship form for each item checked and attach to plan. All UHR must be ratified by the Access Appeals Commission (see UHR form for details)

Project Location:
Coffee Shop
 2567 Misson Street
 San Francisco, CA
 94110

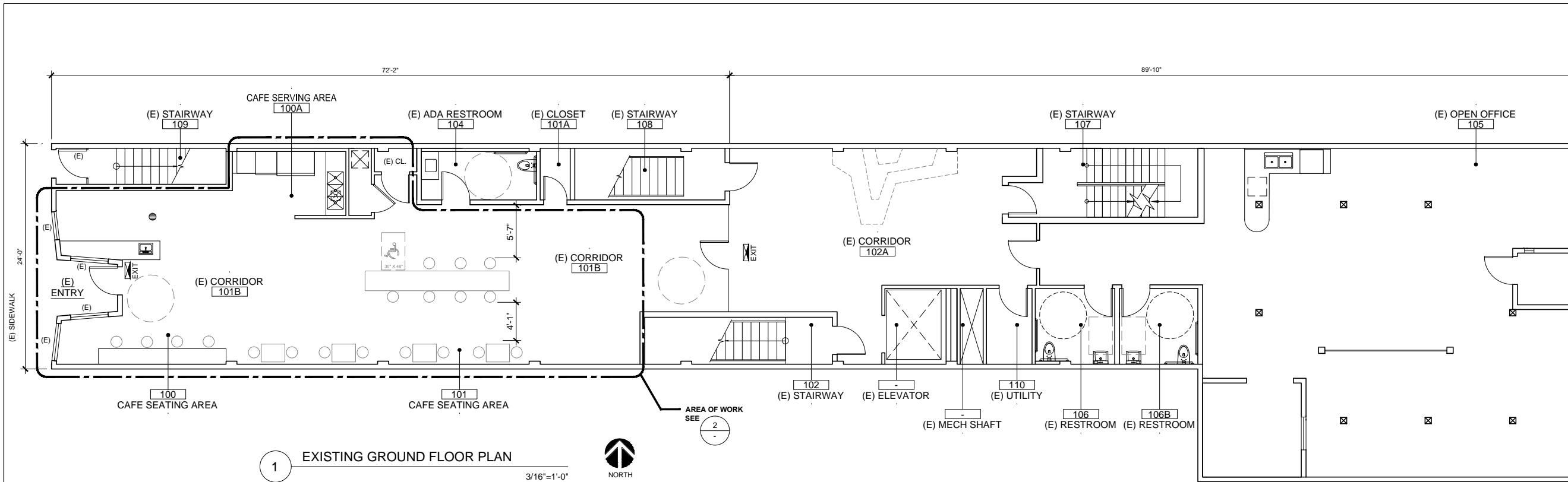
Prepared by:
 Bin Lei
 1605 Hunt Dr.
 Burlingame, CA

EXISTING GROUND FLOOR PLAN
 PROPOSED GROUND FLOOR PLAN

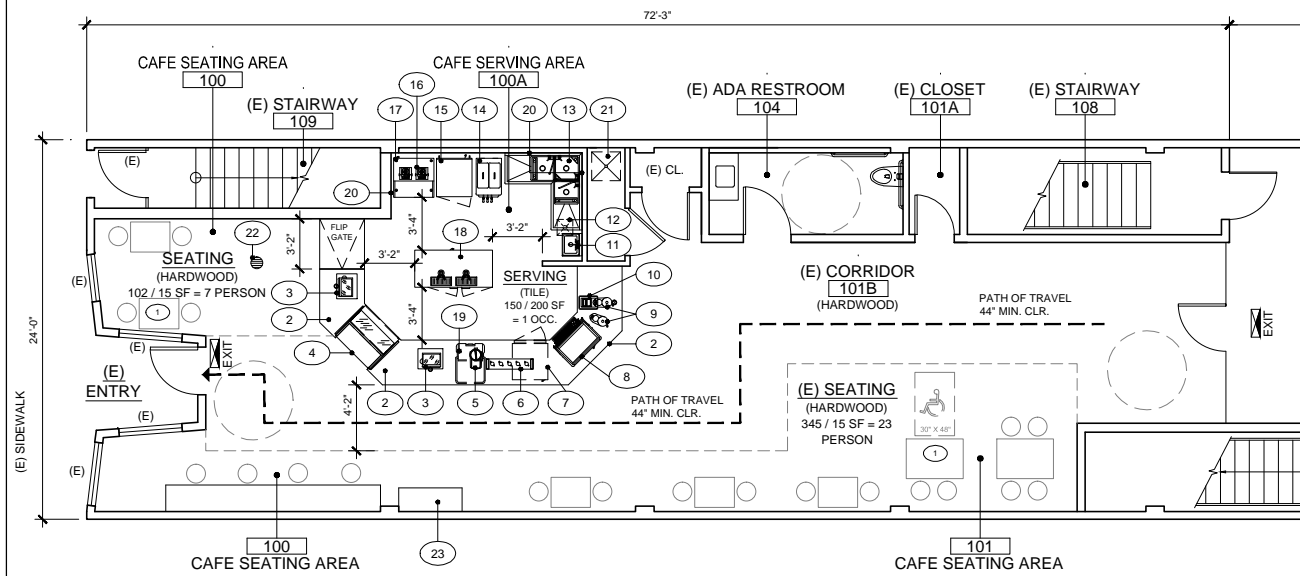
PER PLANNING DEPT.
 09/18/17

Drawn: **BL**
 Scale: **AS NOTED**
 Date: **5.17.17**
 Sheet:

A3



1 EXISTING GROUND FLOOR PLAN
 3/16"=1'-0" NORTH



2 PROPOSED GROUND FLOOR PLAN
 3/16"=1'-0" NORTH

EQUIPMENT LIST:

- | | |
|---|---|
| 1 (E) TABLES / CHAIRS. PROVIDE MINIMUM 1 HANDICAP ACCESSIBLE TABLE, 34" MAX. HIGH | 13 (N) CORNER 3-COMPARTMENT SINK |
| 2 (N) 34" DEEP, 34" HIGH COUNTER, TYP. | 14 (N) SOFT SERVE ICE CREAM |
| 3 CASH REGISTER BY OWNER | 15 (N) WORK TOP REFRIG |
| 4 (N) 3' REFRIG SELF SERVE DISPLAY | 16 (N) BLENDERS |
| 5 (N) REGULAR COFFEE GRINDER | 17 (N) UNDERCOUNTER ICE MACHINE |
| 6 (N) POUR STEADY | 18 (N) 34"H x 28"W x 59"L KEG COOLER |
| 7 (N) UNDERCOUNTER REFRIGERATOR | 19 (N) PULL-OUT TRASH |
| 8 (N) ESPRESSO MACHINE | 20 (N) STAINLESS STEEL WALL PANELS OR WALL TILES W/ QUARRY TILE FLOOR W/ COVE BASE, TYP. TO COMPLY W/ SAN FRANCISCO HEALTH DEPARTMENT'S REQUIREMENT & CODE (V.I.F.) |
| 9 (N) ESPRESSO GRINDER | 21 (E) MOP SINK |
| 10 (N) KNOCK CHUTE | 22 (E) FLOOR DRAIN |
| 11 (N) HAND SINK | 23 (N) SUGAR/CREAM STATION |
| 12 (E) FLOOR SINK | |

LEGEND:

- DEMOLITION WALL
- EXISTING WALL TO REMAIN
- NEW NONBEARING PARTITION
- PATH OF TRAVEL
- WALL OR CEILING MOUNT EMERGENCY LIGHTING UNIT W/ 90 MINUTE BATTERY BACK-UP
- EXIT SIGN
- OCCUPANT LOAD SIGNAGE
- PROPERTY ADDRESS POSTED AND VISIBLE FROM THE STREET (MINIMUM REQUIREMENT 4-INCH NUMBERS ON CONTRASTING BACKGROUND)
- SMOKE DETECTOR
- RECEPTACLE, +12" A.F.F.
- GFI
- NOT IN CONTRACT
- EXISTING
- NEW
- REMODEL
- WATER PROOF
- FLOOR DRAIN
- WALL SWITCH +42" A.F.F.

NOTE:
 EXISTING MECHANICAL, LIGHTING AND FIRE SPRINKLER SYSTEM TO REMAIN.

OCCUPANT LOAD CALCULATIONS:

OCCUPANCY = B
 NON-FIXED SEATS AREA = 102 + 345 = 480 SF
 OCCUPANT LOAD = 480 SF / 15 SF = 30
 SERVICE / KITCHEN = 150 SF / 200 SF = 1
 CASHIER = 1
 TOTAL OCCUPANT LOAD = 32