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

Appeal of	Appeal No. <b>20-040</b>
1900 BRYANT STREET INVESTORS, LLC,	
Appellant(s)	)
VS.	)
ZONING ADMINISTRATOR,	
Respondent	<del></del>

#### **NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on June 15, 2020, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on May 29, 2020, of a Letter of Determination (determination that Building Permit No. 201210193467 changed the previous Restaurant use to two separate principal uses: Catering and Other Retail Sales and Services (Planning Code Section 890.102); the Catering use has a total of 6, 408 square feet; despite being on separate properties, the Catering and Retail use on Lot 002 could be converted to an accessory cafeteria for a Laboratory use on Lot 005 pursuant to Planning Code Section 803.3(b)(1)(C), however, such a project would result in the conversion of 5,000 square feet or more of PDR use (i.e., Catering) on a property that was zoned UMU as of July 1, 2016; as such, the project would be required to replace 0.75 square feet of PDR space for every one square foot of PDR space converted, pursuant to Planning Code Section 202.8) at 535 Florida Street.

#### APPLICATION NO. 2020-001656ZAD

#### FOR HEARING ON February 17, 2021

Address of Appellant(s):	Address of Other Parties:
1900 Bryant Street Investors, LLC, Appellant(s) c/o Nick Roosevelt, Attorney for Appellant(s) J. Abrams Law, PC One Maritime Plaza, Suite 1900 San Francisco, CA 94111	N/A



Date Filed: June 15, 2020

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

# PRELIMINARY STATEMENT OF APPEAL

I / We, 1900 Bryant Street Investors, LLC, hereby appeal the following departmental action: ISSUANCE of Letter of Determination No. 2020-001656ZAD by the Zoning Administrator which was issued or became effective on: May 29, 2020, to: Brett Gladstone, for the property located at: 535 Florida Street.

## **BRIEFING SCHEDULE:**

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time. Appellant's Brief is due on or before: **July 30, 2020**, **(no later than three Thursdays prior to the hearing date)**The brief shall be a maximum of12 pages in length, double-spaced, with unlimited exhibits, with an electronic copy emailed to: <a href="mailto:boardofappeals@sfgov.org">boardofappeals@sfgov.org</a>, julie.rosenberg@sfgov.org and the other parties by 4:30 pm on the due date.

Respondent's and Other Parties' Briefs are due on or before: **August 13, 2020**, **(no later than one Thursday prior to hearing date)**. The brief shall be a maximum of 12 pages in length, doubled-spaced, with unlimited exhibits, with an electronic copy emailed to: <a href="mailto:boardofappeals@sfgov.org">boardofappeals@sfgov.org</a>, <a href="mailto:julie.rosenberg@sfgov.org">julie.rosenberg@sfgov.org</a> and the other parties by 4:30 p.m. on the due date. An electronic copy must be delivered to the other parties the same day.

The parties are not required to submit hard copies of their briefs to the Board Office at this time.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: Wednesday, August 19, 2020, 5:00 p.m., via Zoom Meeting.

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

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. An electronic copy should be emailed to: <a href="mailto:boardofappeals@sfgov.org">boardofappeals@sfgov.org</a>. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

**Please note** that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The	reasons	for this	anneal	are a	as follows:
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One page statement attached

Appellant or Agent (Circle One):
Signature: Appeal filed by email
Print Name:Nicholas Roosevelt, Esq

# Statement of Appeal of Zoning Administrator Letter of Determination Record No. 2020-001656ZAD

This statement of appeal pertains to the above-referenced Zoning Administrator Letter of Determination dated May 29, 2020, regarding 535 Florida Street (the "Property"). This firm represents the owner on whose behalf a request for a Letter of Determination regarding the Property was filed on February 21, 2020 (the "LOD Request"). The LOD Request sought a Zoning Administrator determination regarding the classification of existing approved uses within a building located on the Property and whether any such uses are subject to the PDR conversion provisions of Planning Code Section 202.8, commonly referred to as Prop X.

In reaching his determination, the Zoning Administrator referenced a Building Permit Number 201210193467<sup>1</sup> that had not been included in the LOD Request. The Zoning Administrator analyzed building spaces and associated square footages apparently contained within that permit's plans and relied on that analysis to reach his conclusions. In reviewing the Zoning Administrator's analysis, we respectfully submit that the Zoning Administrator may have erred in interpreting Building Permit Number 201210192467, as well as other finally approved building permits and approved plans relating to the Property that pertain to its last legal uses and whether those uses are subject to Prop X.

The Property owner hereby appeals the above-referenced Letter of Determination on the grounds that the Zoning Administrator may have erred in determining the apportionment of approved uses within the Property, including between various existing principal and accessory retail, office and catering uses within the building.

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<sup>&</sup>lt;sup>1</sup>We believe this was meant to be a reference to Building Permit 20121019<u>2</u>467.

# **Letter of Determination**

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

May 29, 2020

Brett Gladstone G3MH 1388 Sutter Street, Suite 1000 San Francisco, CA 94109

> Record Number: 2020-001656ZAD Site Address: 535 Florida Street

Assessor's Block/Lot: 4017/002

Zoning District: UMU, Urban Mixed Use

Dear Brett Gladstone:

This letter is in response to your determination request submitted on January 22, 2020 and a supplemental request submitted on February 24, 2020. Those submittals request the following determinations regarding the building at 535 Florida Street, which is one of several buildings on the subject property:

- 1. That the last legal use of the subject space on the property is retail;
- 2. Whether a prospective tenant (i.e. a Laboratory use) on the separate property at 575 Florida Street could use the subject space at 535 Florida Street as an accessory cafeteria for its employees; and
- 3. Whether such accessory cafeteria would require a Conditional Use Authorization or be subject to the provisions of Proposition X (i.e. Planning Code Section 202.8).

#### BACKGROUND

Building Permit (BP) No. 201210193467 (Permit) for the subject space at 535 Florida Street was approved by the Planning Department on November 8, 2012, issued by the Department of Building Inspection (DBI) on November 13, 2012, and completed on March 6, 2013. While copies of that permit and plans were not provided with your request, they are on file at DBI and available for review. The Permit listed the Present Use as "Restaurant," and the Proposed Use as "Commercial Kitchen/Retail." The description of work was listed as "INTERIOR T.I. OF (E) RESTAURANT INTO (N) COMMERCIAL KITCHEN AND RESTAURANT. WORK INCLUDES (N) PARTITIONS, FIXTURES, FINISHES, EQUIPMENT. MEP & FIRE PROTECTION UNDER SEPARATE PERMIT. NO EXTERIOR CHANGES." The Planning Department approval of the Permit stated "T.I. FOR NEW COMMERCIAL KITCHEN, RETAIL STORE & OFFICE @ SECOND STORY. NO EXTERIOR CHANGES TO BLDG. NO OUTDOOR ACTIVITY AREA PROPOSED."

May 29, 2020 Letter of Determination 535 Florida Street

The cover sheet of the Permit plans (Sheet A0.01) was titled "Charles Chocolates Tenant Improvement Permit Set." The Project Description on the cover sheet stated "INTERIOR TENANT IMPROVEMENT OF EXISTING 2-STORY BAR AND RESTAURANT SPACE INCLUDING INSTALLATION OF THE FOLLOWING:

- 1. FIRST FLOOR COMMERCIAL KITCHEN
- 2. FIRST FLOOR RETAIL/SALES/OUTDOOR EATING AREAS
- 3. SECOND FLOOR OFFICE SPACE"

The total area of the subject space within the building at 535 Florida Street is most accurately reflected in the Room Occupancy Loads tables on Sheets A0.11 and A0.12. These tables, along with the associated floor plans, provide detailed area calculations for each room in the subject space. Those calculations were used to create an area table for this response, which is enclosed as Exhibit A. Based on these floor plans and tables, the space in question has a total area of 7,179 square feet.

#### **PLANNING CODE ANALYSIS**

The Permit changed the legal use of the subject space from a Restaurant use to a Catering use (i.e. commercial kitchen) and Retail use. Both uses are principally permitted in the UMU Zoning District. Pursuant to Planning Code Section 102, Catering is considered a Production, Distribution, and Repair (PDR) use.

Planning Code Section 202.8 was established pursuant to Proposition X, which was approved by the voters on November 8, 2016. In areas that were zoned UMU on July 1, 2016, any project that removes or converts 5,000 square feet or more of PDR use must include replacement PDR space in the project at a ratio of 0.75 square foot for every 1 square foot of PDR removed.

The Permit established two principal land uses: Catering (i.e. commercial kitchen) and Retail. The Permit did not distinguish which type of retail use was permitted. While the permit lists "Retail" as a proposed use, the description of work references a restaurant. However, the Permit plans describe that use as "Retail Sales" and "Retail Store." Additionally, you indicated to me that the retail store sold some chocolates produced on site in the commercial kitchen, but also sold chocolates that were produced at other facilities.

Neither the Permit nor associated plans provide a Planning Code analysis of the areas for these uses. The only area in the plans that are clearly part of the Retail use are the areas on Sheet A0.11 labeled as Number 101 "Retail Store" and Number 104 "Closet," which have a total area of 771 square feet. All other parts of the space in question appear to be part of the Catering use (i.e. "Kitchen," "Walk-In Refrigerator," "Dishwashing," "Walk-In Cooler," "Shipping," "Office," "Toilets," etc.), which have a total area of 6,408 square feet.

Your request and associated documents provide a variety of ways to consider accessory uses for the space in question. The Accessory Use provisions of Planning Code Sections 102, 204, and 803.3 apply to the space in question. No accessory use may occupy more than one third of the total use size, and any accessory use is considered a part of the underlying principle use. Based on the Permit and associated

May 29, 2020 Letter of Determination 535 Florida Street

plans, the 1,827 square feet of Office are considered an accessory use to the Catering use, representing 29 percent of the total Catering use area.

Your request states that the Retail use also used the shipping area for shipments, the second floor toilets for retail employees and patrons, and the second floor office space for administration. The Permit and associated plans do not provide any guidance as to if or how the Retail use uses other portions of the subject space. However, there are internal connections between the Retail and Catering use areas, and the cover sheet of the plans includes a note stating "Patrons Are To Use Upstair Restrooms."

The Planning Code provides no guidance on how to apportion shared or common areas (i.e. corridors, lobbies, restrooms, etc.) between uses with regards to determining use sizes. But it is longstanding practice to divide the areas of such common areas proportionally, based on the sizes of the uses sharing those common areas. However, that practice relies on a context where such spaces are truly separate and shared. In this case, the shipping area, toilets, and office space are not separate common areas that are independently accessed by multiple uses, but are instead clear and necessary components of the Catering use. So while the Retail use may rely on portions of the Catering use for its operations, and such areas may be considered part of the Retail use in an overlapping manner, these areas would not be proportionally removed for the overall use size of the Catering use.

Your request is based on a proposal to use the Catering use area as an accessory cafeteria to a Laboratory use at the separate property at 575 Florida Street. While these two properties (Block 4017, Lots 002 and 005) are under the same ownership, they are physically separated by Lots 003 and 004, which are also currently under the same ownership. You reference Planning Code Section 803.3(b)(1)(C), which states:

"In order to accommodate a Principal Use which is carried out by one business in multiple locations within the same general area, such Accessory Use need not be located in the same structure or lot as its Principal Use provided that (1) the Accessory Use is located within 1,000 feet of the Principal Use; and (2) the multiple locations existed on April 6, 1990. Accessory Uses to non-office uses (as defined in Section 890.70) may occupy space which is noncontiguous or on a different Story as the Principal Use so long as the Accessory Use is located in the same building as the Principal Use and complies with all other restrictions applicable to such Accessory Uses. Any use which does not qualify as an Accessory Use shall be classified as a Principal Use."

Lot 002 is within 1,000 feet of Lot 005, and your request states that the two lots were owned and used collectively by the Best Mayonnaise company for manufacturing and accessory uses as of April 1990. The building at 535 Florida Street was used as employee break areas and bathrooms facilities for those working in the manufacturing areas. You also provided supporting documentation to this effect.

#### **DETERMINATION**

Based on the information provided in your requests, above, and in Exhibit A, it is my determination that BP No. 201210193467 changed the previous Restaurant use to two separate principal uses: Catering and Other Retail Sales and Services (Planning Code Section 890.102). The Catering use has a total area of 6,408 square feet. Despite being on separate properties, the Catering and Retail use on Lot 002 could be

May 29, 2020 Letter of Determination 535 Florida Street

converted to an accessory cafeteria for a Laboratory use on Lot 005 pursuant to Planning Code Section 803.3(b)(1)(C). However, such a project would result in the conversion of 5,000 square feet or more of PDR use (i.e. Catering) on a property that was zoned UMU as of July 1, 2016. As such, the project would be required to replace 0.75 square feet of PDR space for every 1 square foot of PDR space converted, pursuant to Planning Code Section 202.8.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

**APPEAL**: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

Corey A. Teague, AICP Zoning Administrator

6717m

**Enclosure**: Exhibit A – Floor Areas

cc: Neighborhood Groups

**Property Owner** 

Xinyu Liang, Senior Planner

Rich Sucre, Team Leader, SE Quadrant

# Exhibit A 535 Florida Street Floor Areas Per BP No. 201210193467

Floor 1		
Number*	Name	Area (SF)
101	Retail Store	743
104	Closet	28
105	Kitchen	2,342
106	Shipping	494
107	Walk-In Refrigerator	293
108	Dishwashing	260
109	Walk-In Cooler	127
110	Toilet, Men's	125
111	Closet	209
112	Toilet, Women's	7
111A	Closet	15
112	Janitor's Closet	23
113	Stair 1	46
114	Stair 2	154
	AREA SUBTOTAL	4,866

Floor 2		
Number	Name	Area (SF)
201	Office	1,732
202	Corridor	57
203	Toilet, Women's	49
204	Toilet, Men's	60
205	Stair 1	131
206	Lockers	116
207	Mechanical	73
208	Office	95
	AREA SUBTOTAL	2,313

TOTAL AREA 7,17
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<sup>\*</sup>There was no Numbers 102, 103, or 115, and Number 116 is not included because it is exterior, unenclosed area.

# **BRIEF(S) SUBMITTED BY APPELLANT(S)**

J. ABRAMS LAW, P.C.

One Maritime Plaza Suite 1900

San Francisco, CA 94111

From: Jim Abrams and Nick Roosevelt

To:

President Ann Lazarus and Clerk of the San Francisco Board of Appeals, 49 Van Ness Avenue,

San Francisco, California 94103

Re:

Appellant's Brief Requesting Grant of Appeal No. 20-040 and Partial Reversal of

Determinations made in Zoning Administrator Letter of Determination for 535 Florida Street

Date: October 29, 2020

Dear President Lazarus and Clerk of the Board:

This firm represents 1900 Bryant Street Investors, LLC (the "Appellant"), owner of the two-story

building commonly referred to as 535 Florida Street in San Francisco, California, Block/Lot 4017/002

(the "Property"). The Appellant respectfully requests that the Board of Appeals ("Board") partially amend

a May 29, 2020 Zoning Administrator ("ZA") Letter of Determination ("May 2020 LOD", Exhibit A)

that was requested by prior counsel for the Appellant on February 21, 2020 ("LOD Request", Exhibit B).

We respectfully submit that the May 2020 LOD was partially issued in error, in part due to an incomplete

and confusing record of facts provided to the ZA by prior counsel. Most significantly to your

determination, the LOD Request failed to clarify and provide evidence, including the plain language on

the face of the controlling building permit, that the planned, approved and actual use of the office space

on the second floor of the Property was a principal, not accessory, use for the corporate headquarters of

Charles Chocolates, a confections company with significant wholesale business requiring accounting,

marketing, sales, management, human resources, and other corporate functions to oversee a regional and

national sales base (including Whole Foods and Starbucks), as well as other facilities in the region.

Before turning to the specifics of our request, we note that the Board's decision is critically

important to the value and allowable uses of the Property, and that a consequence of the May 2020 LOD

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is the significant and likely permanent depreciation of the Property's value. This is because changes in the Planning Code—instituted *after* Charles Chocolates' tenancy commenced—create a practical impossibility to converting the Property to any other use that is permitted under the Property's existing UMU zoning (such as Laboratory or Restaurant), but not classified as a Production, Distribution, and Repair ("PDR") use. In light of these changes to the Planning Code, what may have been brushed-over details in the permitting record at the time Charles Chocolates' headquarter office use was established in 2012 are now of paramount importance to the allowable uses within the Property. We respectfully ask the Board to weigh the legal and policy implications of this decision when considering the evidence discussed below.

#### **Appeal Request**

We request that the Board reverse the ZA's determination that the last legal uses of the Property consisted of 771 square feet of Retail and 6,408 square feet of Catering uses and that, therefore, Planning Code Section 202.8 applies to future changes of use at the Property. We respectfully submit that the pertinent building permit (Number 201210192467) on its face, supported by record evidence presented in the attached exhibits, gives the Board grounds to reverse the Zoning Administrator's determination described above. In granting this appeal, Appellant's requested relief (the "Requested Relief") is that the Board direct the ZA to replace the errant determinations with the following revised determinations instead:

- (1) that the last legal use of the Property included at least 1,827 square feet of principal—not accessory—office space for the sole headquarters of tenant, Charles Chocolates; and,
- (2) that the last legal PDR use in the Property—which amounted to no more than 4,581 square feet—was Light Manufacturing as opposed to Catering, thereby further supporting that the office uses in the Property were a principal and not accessory use and also establishing that Code Section 202.8 would not apply to a future change of use at the Property.

We briefly summarize undisputed permit history set forth in the May 2020 LOD, before detailing the reasons for the Board to grant the appeal as requested above.

#### **Undisputed Permit History**

As accurately set forth in the May 2020 LOD, the building permit records reflecting the last legal use of the Property are Building Permit 201210192467¹ (the "Building Permit", Exhibit C) and the plans attached thereto (the "Permit Plans", Exhibit D). The permit was filed in November 2012 and completed in March 2013. The May 2020 LOD also correctly summarizes that the face of the Building Permit reflects that Planning Department staff expressly approved the proposed uses as "NEW COMMERCIAL KITCHEN, RETAIL STORE & OFFICE @ SECOND STORY" and that the cover sheet of the Permit Plans describes the proposed project as installation of: "(1) First Floor Commercial Kitchen[;] (2) First Floor Retail/Sales/Outdoor Eating Areas[; and] (3) Second Floor Office Space."

The May 2020 LOD correctly notes that the Permit Plans reflect that the intended user of the Property was Charles Chocolates, although the May 2020 LOD only briefly summarizes the function of the retail space and does not generally describe the nature of Charles Chocolates' planned and actual use of the Property. Finally, the May 2020 LOD correctly states that the clearest record of approved floor areas within the Property is on Sheets A0.11 & A0.12 of the Permit Plans (excerpted in the attached **Exhibit E**).

The May 2020 LOD correctly states that these sheets support that the Property was permitted to have 771 square feet of Retail space on the first floor of the Property and 1,827 square feet of office space on the second floor, with the remainder of the Property—approximately 4,581 square feet—used either for commercial kitchen-oriented activity (kitchen, walk-in coolers, etc.) or facilities shared by

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<sup>&</sup>lt;sup>1</sup> The description of the Building Permit on p.1 of the May 2020 LOD contains a typo; however, the analysis in the May 2020 LOD clearly establishes the ZA was referring to Permit No. 201210192467.

each of the noted retail, office and commercial kitchen activities (restrooms, stairs, *etc.*).<sup>2</sup> While, technically speaking, Appellant would argue that a reasonable reading of the Permit Plans and understanding of Charles Chocolates' actual use of the Property supports that there were more than 1,827 square feet of office uses on the second floor (and, correspondingly, less square footage of commercial kitchen activities), for purposes of simplifying and focusing the key issues on appeal, the Appellant accepts as undisputed fact that the last-legal square footage of activities in the Property can be summarized as follows in **Table 1**:

	TABLE 1	
Activity	Location	Square Footage
Retail Storefront	1 <sup>st</sup> Floor	771
Office	2 <sup>nd</sup> Floor	1,827
Commercial	1 <sup>st</sup> and 2 <sup>nd</sup> Floor	4,581
Kitchen and		
Shared Facilities		
Total		7,179

#### Argument

We agree with the ZA on the above facts, but assert that the May 2020 LOD errantly determined that the second-floor office was an accessory use to the commercial kitchen activity (thereby counting as part of the commercial kitchen square footage), because:

<sup>&</sup>lt;sup>2</sup> The 4,581 square foot figure excludes a 177 square foot garbage/waste storage room on the first floor, which the ZA did not include in his summary of the Property's square footage. Whether the garbage/waste storage room should count as part of the commercial kitchen-oriented and/or as a shared facility in the Property is not material to the questions raised in the present appeal.

- 1. The plain language of the Building Permit and Permit Plans, as well as other record evidence, supports that the second-floor office space was a principal use (corporate headquarters of Charles Chocolates), rather than accessory use (*i.e.*, a subsidiary office space incidental to the management of activities on the first floor). Specifically, the Building Permit and Permit Plans state that the space is "office" rather than "accessory office."
- 2. The commercial kitchen activity on the ground floor was a Light Manufacturing, not Catering use, which is significant because there is a long-standing policy set forth in the Planning Code to regulate office functions of manufacturing uses as principal, not accessory, office.

Argument #1 -- The plain language of the Building Permit and Permit Plans supports that the second-floor office space was a principal use, not an accessory use.

For two reasons, the May 2020 LOD incorrectly characterized the office space on the Property's second floor as an accessory use to the PDR commercial kitchen activity (we discuss the proper Planning Code classification of the commercial kitchen in our Argument #2 below) rather than a principal Office use (as that term is defined in Planning Code Section 890.70 included in **Exhibit F**). First, the face of the Building Permit describes the second floor use as "office", *not* "accessory office." Second, to be appropriately categorized as an accessory use, the office space on the second floor would have had to be a "related minor use" necessary to either the operation or enjoyment of the other principal uses in the Property (confection manufacturing and retail), but the Permit Plans and other facts clearly demonstrate that the office space was designed and used to serve as Charles Chocolates' corporate headquarters, for marketing, sales and management of a business entity that operated at a national scale and operated other facilities in the region. We elaborate on the two points below.

First, the plain language of the Building Permit established a principal office use on the second floor of the Property. As recited in the May 2020 LOD, the Planning Department's approval of the

Building Permit expressly stated (in accordance with the project description on the cover sheet of the approved Permit Plans) that the approved uses were a "NEW COMMERCIAL KITCHEN, RETAIL STORE & OFFICE @ SECOND STORY." The Department's sign off on the Building Permit did not (nor did anything in the Permit Plans) describe any of the commercial kitchen, retail or office uses as accessory, as that term is used in the Planning Code. Yet the May 2020 LOD concludes, without detailed justification, that the retail storefront activity was a *non*-accessory use, while the office use was an *accessory* use. We submit that it would be unfair to read the Building Permit as effectuating a use other than that stated plainly on its face. Doing otherwise suggests that the applicant would have to add counterfactual statements to permits, such as "office use, not accessory office use".

Another notable reason supporting that the plain language of the Building Permit established a principal, not accessory office use within the Property is that Planning's sign off expressly noted that the office use was on the second floor. This is relevant, because in the UMU zoning district in which the Property is located, office uses that are not primarily open to the general public or otherwise located in a landmarked building may only be located on expressly designated upper levels of a building and not on the ground floor. Specifically, pursuant to Planning Code Section 803.9(f) (excerpt attached as **Exhibit G** hereto), a two-story building such as the Property may have one floor designated for office uses (*i.e.*, the second floor). The designation must occur prior to issuance of a building permit for the use. This occurred, as is reflected on the face of the Building Permit by Planning's approval language and on the Permit Plans themselves which clearly call out "Second Floor Office" on the cover sheet. We also note that the accessory versus principal distinction would not have changed the impact fees due as a result of the permit (*i.e.*, they would have been the same for a principal office or accessory office use).

Appellant acknowledges that Code Section 803.9(f)(4)(C) requires that a "notice of designation" be recorded against title to fully comply with the Code provision and that such recordation did not occur

due to miscommunication between Appellant and the tenant. We underscore, however, that this is an unusual Code provision, as the Code typically does not require subsequent recordation of a use *already* approved by a building permit. Further, the lack of recorded notice of designation should not prejudice the otherwise properly permitted office use. The apparent intent of the recordation requirement in Code Section 809.9(f)(4)(C) is to put subsequent building owners on notice regarding use restrictions applicable to a property. Here, the Property has remained under the same ownership for almost 25 years and has been used in accordance with the Building Permit, meaning there has been no harm to third parties or the City. Further, because the Property is two stories, the second floor is the only place general offices uses could be located under applicable zoning regulations, meaning a third party would have a publicly accessible and readily discernable means of ascertaining the only floor on which office uses could be located in the Property. Appellant will record such a notice of designation in the event the Board grants the appeal and establishes the second-story office space as a principal use.

In summary, to ensure predictability and avoid arbitrary enforcement, Planning's classification of the Planning Code uses on a Building Permit should be read as it is plainly stated on the face of the permit in substantial compliance with pertinent zoning controls. Here, the Building Permit clearly states that one of the three approved uses was office space designated on the second floor of the Property (at least 1,827 square feet), where such use was principally permitted under applicable zoning.

Second, the Permit Plans and facts regarding the nature of the office use support that the planned and actual use of the office was not accessory. In addition to the plain language argument set forth above, details of the Permit Plans and other pertinent facts support that the planned and actual use of the second floor office space was for an executive headquarters for Charles Chocolates, not office incidental to the uses downstairs. As an initial matter, the only stated justification in the May 2020 LOD as to why the office space in the Property was accessory is that the office floor space was less than one-

third of the overall floor space of the Property (a requirement for a use to be an allowable accessory use under Planning Code Section 803.3, excerpted in **Exhibit H**). That the office space constituted less than one-third of the overall floor space in the Property is not dispositive, but instead means it *could have* complied with quantitative restrictions on allowable accessory uses (*e.g.*, the Property's Retail space was determined to be non-accessory, but also constitutes less than one-third of the Property's floor area).

Instead, the key, qualitative consideration for determining a principal versus accessory use under UMU zoning regulations (Planning Code Section 803.3) is whether the use in question is a "minor use" either necessary to the operation or enjoyment of another principal use in the building or is otherwise "appropriate, incidental, and subordinate" to such use. Here, the Permit Plans show a predominantly "open office" floor plan on the second floor, befitting a standalone business office use rather than a minor space incidental to the operation of the uses downstairs. This is because Charles Chocolates' planned and actual use of the second floor was as a corporate headquarters, conducting marketing and sales activities and managing operations of a company, which produced and packaged confections sold not only in the retail storefront on the first floor of the Property, but also wholesale to retailers across the country. The attached Exhibit I shows Charles Chocolates' list of current retailers selling Charles Chocolates products that are spread across the country. The attached **Exhibit J** is a contemporaneous news story on Charles Chocolates' plans for the space, which details how the founder of the company viewed his plans for the Property to serve not only as a production space, but also as a business incubator where he could teach understudies about "marketing, sales and the "economics of the industry." The attached Exhibit K is a sworn statement of facts from the President of Appellant, who was closely familiar with Charles Chocolates plans for and use of the Property while the company leased the Property. The attached Exhibit L is a sworn statement of facts from Chuck Siegel, the founder and President of Charles Chocolates. The sworn statements of facts support that Charles Chocolates' planned and actual use of the second floor office was to manage the business side of a food manufacturing company, including overseeing marketing, sales and operations at other two storage and shipping logistics sites operated by the company in other parts of the city and region. That is, Charles Chocolates' business model at the time the Property was permitted—a model that had already been implemented with significant success before a bankruptcy forced the company to temporarily suspend operations—centered on generating the bulk of its revenue from wholesales, which required additional off-site space for storage and logistics, all overseen and directed from a headquarters office space.

This evidence supports that Charles Chocolates' intended and actual use of the second-floor office space was not a "minor use" incidental to the commercial kitchen or retail storefront uses below, but rather a standalone headquarter office use, which directed not only the operation of the storefront and commercial kitchen below, but also the operation of a business with a regional and national footprint. Under this set of facts, as supported by the plain language on the face of the Building Permit, the office space is most appropriately classified as a principal use, meaning the May 2020 LOD incorrectly determined that the second-floor office use was accessory and should, as such, be reversed.

Argument #2—The commercial kitchen activity in the Property was a Light Manufacturing, not Catering use, which further supports categorizing the second-floor office use as non-accessory.

An additional reason why the second-floor office space in the Property should be classified as a non-accessory, principal office use is that ground-floor commercial kitchen activity in the Property was a Light Manufacturing use under the Planning Code, rather than a Catering use as stated in the May 2020 LOD. This distinction is important, because it is a longstanding policy—reflected in Proposition M controls on office set forth in Planning Code Section 320 *et seq.*—that office functions of manufacturing uses be considered principal office space rather than accessory. *See* the definition of office in **Exhibit F**.

Both the Permit Plans and an understanding of the nature of Charles Chocolates' business activity—readily discernable at the time the Building Permit was reviewed and approved by the Planning Department—makes clear that Charles Chocolates manufactured packaged confectionary goods for both wholesale and sale in their retail storefront, rather than for catering of meals and special events. For instance, at the time Charles Chocolates was applying for the Building Permit, it had just received news coverage regarding how plans it had for a "factory" and retail space in a different location in the City had fallen through. *See* Exhibits 1 & 2 to Exhibit K. Charles Chocolates' plans to establish a confection-making home in San Francisco even drew the attention of then-Mayor Gavin Newsom who cited Charles Chocolates as an example of the "resurgence and resilience of manufacturing businesses in the city, particularly artisanal manufacturing" and as "part of a wave that is bringing manufacturing to the center of innovation and creativity that is San Francisco." *See* Exhibit M.

On this record, it is clear that Charles Chocolates' use of the commercial kitchen described in the Building Permit (which is not a defined use classification in the Planning Code) should have been classified in the May 2020 LOD as a Light Manufacturing use rather than a Catering use, as a Catering use is defined as a service involving "preparation and delivery of goods", whereas Light Manufacturing involves the "production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises." *See* Planning Code Section 890.25 and 890.54 in **Exhibit N.** While a portion of Charles Chocolates' confections manufactured on the Property were sold in the retail storefront on the Property, this explains why the Planning Department correctly classified the retail storefront as a principal, rather than accessory Retail use under the Planning Code (*i.e.*, to establish that confections made on the Property were sold "off the premises.").

That the commercial kitchen activity noted on the Building Permit was a Light Manufacturing use rather than a Catering use is significant, as the Planning Code Section 320 definition of what

constitutes "office space" for purposes of the City's Proposition M restriction on new office space expressly includes "the office functions of manufacturing and warehousing businesses." While it is possible for a Light Manufacturing use to have accessory office space under the Planning Code (*e.g.*, back of house office space used to catalog recipes, materials, *etc.*), we respectfully submit that Code Section 320 creates a presumption that office space associated with a manufacturing use is a standalone principal office use rather than an accessory use. And based on the other facts and circumstances described in Argument #1 above, that presumption should hold in the case of this appeal, meaning, again, that the May 2020 LOD incorrectly determined that the commercial activity was a Catering use and that the second-floor office use at the Property was accessory. These determinations should be reversed and replaced with a determination, based on the undisputed facts summarized in **Table 1**, that the last-legal uses of the Property were 771 square feet of Retail uses, 1,827 square feet of principal Office uses and no more than 4,581 of Light Manufacturing uses.<sup>3</sup>

#### **Note regarding LOD Request and May 2020 LOD**

We note that the ZA's incorrect determinations might have resulted from confusion based on how the record was presented to the ZA in the LOD Request. Most importantly, the LOD Request did not include the actual Building Permit or Permit Plans relevant to the LOD Request. We brought this to the attention of the ZA by presenting clarified facts and arguments set forth in this brief and, on behalf of Appellant, we expressed our regret that misunderstandings and miscommunications involving Appellant's prior counsel may have led to the incorrect determinations in the May 2020 LOD and need for the instant appeal. Ultimately, any such misunderstandings and miscommunications involving prior counsel should

-

<sup>&</sup>lt;sup>3</sup> We say "no more than" per the note above that, technically speaking, a proper allocation of the shared facilities in the building amongst the three uses would likely result in the square footage figures for the Retail and Office uses being slightly higher and the Light Manufacturing use being lower; however, the question of exact square footage allocation in not material to this appeal based on the undisputed fact that there was no more than 4,581 square feet of Light Manufacturing and shared facility uses.

not prejudice Appellant's right to an accurate determination regarding the Property's last legal uses and Planning Code requirements that apply to the Property as a result of those last legal uses.

#### **Important Policy Implications**

The outcome of this appeal has significant implications for the value and use of the Property. This is because Planning Code Section 202.8—enacted *after* Charles Chocolates instituted its use in 2012—requires the actual construction of *net new* Production Distribution and Repair ("PDR") building space, when more than 5,000 square feet of PDR space is converted to another permitted, but non-PDR use. In this case, if the second-story office use is considered as accessory to the manufacturing use on the first floor (a PDR use), *then the office use is itself considered a PDR use*. As noted in the May 2020 LOD, this results in the Property containing slightly more than 5,000 square feet of PDR use, effectively prohibiting the Property's conversion to non-PDR uses otherwise principally permitted in UMU districts (such as Laboratory uses or the previous Restaurant use at the Property prior to Charles Chocolates' occupancy). We ask the Board to weigh the record and any perceived grey areas in the Building Permit and Permit Plans with these important policy considerations in mind.

#### **Conclusion**

In sum, we respectfully request that the Board partially reverse and amend the May 2020 LOD and grant the Requested Relief stated on page two above.<sup>4</sup>

Sincerely,

Jim Abrams

Nicholas Roosevelt

Wish V. Rel-

<sup>&</sup>lt;sup>4</sup> For purposes of preserving the Appellant's right to legal recourse, we assert that the arguments set forth herein adequately detail due process, equal protection and takings claims, both because of the ZA's errant determination and the ZA's application of Proposition X (Planning Code Section 202.8), which does not adequately balance the public interest in preserving PDR space in comparison to the severity of the deprivation of Appellant's right to use the Property.

### EXHIBIT A

#### **MAY 2020 LOD**

# **Letter of Determination**

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

May 29, 2020

Brett Gladstone G3MH 1388 Sutter Street, Suite 1000 San Francisco, CA 94109

> Record Number: 2020-001656ZAD Site Address: 535 Florida Street

Assessor's Block/Lot: 4017/002

Zoning District: UMU, Urban Mixed Use

Dear Brett Gladstone:

This letter is in response to your determination request submitted on January 22, 2020 and a supplemental request submitted on February 24, 2020. Those submittals request the following determinations regarding the building at 535 Florida Street, which is one of several buildings on the subject property:

- 1. That the last legal use of the subject space on the property is retail;
- 2. Whether a prospective tenant (i.e. a Laboratory use) on the separate property at 575 Florida Street could use the subject space at 535 Florida Street as an accessory cafeteria for its employees; and
- 3. Whether such accessory cafeteria would require a Conditional Use Authorization or be subject to the provisions of Proposition X (i.e. Planning Code Section 202.8).

#### BACKGROUND

Building Permit (BP) No. 201210193467 (Permit) for the subject space at 535 Florida Street was approved by the Planning Department on November 8, 2012, issued by the Department of Building Inspection (DBI) on November 13, 2012, and completed on March 6, 2013. While copies of that permit and plans were not provided with your request, they are on file at DBI and available for review. The Permit listed the Present Use as "Restaurant," and the Proposed Use as "Commercial Kitchen/Retail." The description of work was listed as "INTERIOR T.I. OF (E) RESTAURANT INTO (N) COMMERCIAL KITCHEN AND RESTAURANT. WORK INCLUDES (N) PARTITIONS, FIXTURES, FINISHES, EQUIPMENT. MEP & FIRE PROTECTION UNDER SEPARATE PERMIT. NO EXTERIOR CHANGES." The Planning Department approval of the Permit stated "T.I. FOR NEW COMMERCIAL KITCHEN, RETAIL STORE & OFFICE @ SECOND STORY. NO EXTERIOR CHANGES TO BLDG. NO OUTDOOR ACTIVITY AREA PROPOSED."

May 29, 2020 Letter of Determination 535 Florida Street

The cover sheet of the Permit plans (Sheet A0.01) was titled "Charles Chocolates Tenant Improvement Permit Set." The Project Description on the cover sheet stated "INTERIOR TENANT IMPROVEMENT OF EXISTING 2-STORY BAR AND RESTAURANT SPACE INCLUDING INSTALLATION OF THE FOLLOWING:

- 1. FIRST FLOOR COMMERCIAL KITCHEN
- 2. FIRST FLOOR RETAIL/SALES/OUTDOOR EATING AREAS
- 3. SECOND FLOOR OFFICE SPACE"

The total area of the subject space within the building at 535 Florida Street is most accurately reflected in the Room Occupancy Loads tables on Sheets A0.11 and A0.12. These tables, along with the associated floor plans, provide detailed area calculations for each room in the subject space. Those calculations were used to create an area table for this response, which is enclosed as Exhibit A. Based on these floor plans and tables, the space in question has a total area of 7,179 square feet.

#### **PLANNING CODE ANALYSIS**

The Permit changed the legal use of the subject space from a Restaurant use to a Catering use (i.e. commercial kitchen) and Retail use. Both uses are principally permitted in the UMU Zoning District. Pursuant to Planning Code Section 102, Catering is considered a Production, Distribution, and Repair (PDR) use.

Planning Code Section 202.8 was established pursuant to Proposition X, which was approved by the voters on November 8, 2016. In areas that were zoned UMU on July 1, 2016, any project that removes or converts 5,000 square feet or more of PDR use must include replacement PDR space in the project at a ratio of 0.75 square foot for every 1 square foot of PDR removed.

The Permit established two principal land uses: Catering (i.e. commercial kitchen) and Retail. The Permit did not distinguish which type of retail use was permitted. While the permit lists "Retail" as a proposed use, the description of work references a restaurant. However, the Permit plans describe that use as "Retail Sales" and "Retail Store." Additionally, you indicated to me that the retail store sold some chocolates produced on site in the commercial kitchen, but also sold chocolates that were produced at other facilities.

Neither the Permit nor associated plans provide a Planning Code analysis of the areas for these uses. The only area in the plans that are clearly part of the Retail use are the areas on Sheet A0.11 labeled as Number 101 "Retail Store" and Number 104 "Closet," which have a total area of 771 square feet. All other parts of the space in question appear to be part of the Catering use (i.e. "Kitchen," "Walk-In Refrigerator," "Dishwashing," "Walk-In Cooler," "Shipping," "Office," "Toilets," etc.), which have a total area of 6,408 square feet.

Your request and associated documents provide a variety of ways to consider accessory uses for the space in question. The Accessory Use provisions of Planning Code Sections 102, 204, and 803.3 apply to the space in question. No accessory use may occupy more than one third of the total use size, and any accessory use is considered a part of the underlying principle use. Based on the Permit and associated

May 29, 2020 Letter of Determination 535 Florida Street

plans, the 1,827 square feet of Office are considered an accessory use to the Catering use, representing 29 percent of the total Catering use area.

Your request states that the Retail use also used the shipping area for shipments, the second floor toilets for retail employees and patrons, and the second floor office space for administration. The Permit and associated plans do not provide any guidance as to if or how the Retail use uses other portions of the subject space. However, there are internal connections between the Retail and Catering use areas, and the cover sheet of the plans includes a note stating "Patrons Are To Use Upstair Restrooms."

The Planning Code provides no guidance on how to apportion shared or common areas (i.e. corridors, lobbies, restrooms, etc.) between uses with regards to determining use sizes. But it is longstanding practice to divide the areas of such common areas proportionally, based on the sizes of the uses sharing those common areas. However, that practice relies on a context where such spaces are truly separate and shared. In this case, the shipping area, toilets, and office space are not separate common areas that are independently accessed by multiple uses, but are instead clear and necessary components of the Catering use. So while the Retail use may rely on portions of the Catering use for its operations, and such areas may be considered part of the Retail use in an overlapping manner, these areas would not be proportionally removed for the overall use size of the Catering use.

Your request is based on a proposal to use the Catering use area as an accessory cafeteria to a Laboratory use at the separate property at 575 Florida Street. While these two properties (Block 4017, Lots 002 and 005) are under the same ownership, they are physically separated by Lots 003 and 004, which are also currently under the same ownership. You reference Planning Code Section 803.3(b)(1)(C), which states:

"In order to accommodate a Principal Use which is carried out by one business in multiple locations within the same general area, such Accessory Use need not be located in the same structure or lot as its Principal Use provided that (1) the Accessory Use is located within 1,000 feet of the Principal Use; and (2) the multiple locations existed on April 6, 1990. Accessory Uses to non-office uses (as defined in Section 890.70) may occupy space which is noncontiguous or on a different Story as the Principal Use so long as the Accessory Use is located in the same building as the Principal Use and complies with all other restrictions applicable to such Accessory Uses. Any use which does not qualify as an Accessory Use shall be classified as a Principal Use."

Lot 002 is within 1,000 feet of Lot 005, and your request states that the two lots were owned and used collectively by the Best Mayonnaise company for manufacturing and accessory uses as of April 1990. The building at 535 Florida Street was used as employee break areas and bathrooms facilities for those working in the manufacturing areas. You also provided supporting documentation to this effect.

#### **DETERMINATION**

Based on the information provided in your requests, above, and in Exhibit A, it is my determination that BP No. 201210193467 changed the previous Restaurant use to two separate principal uses: Catering and Other Retail Sales and Services (Planning Code Section 890.102). The Catering use has a total area of 6,408 square feet. Despite being on separate properties, the Catering and Retail use on Lot 002 could be

May 29, 2020 Letter of Determination 535 Florida Street

converted to an accessory cafeteria for a Laboratory use on Lot 005 pursuant to Planning Code Section 803.3(b)(1)(C). However, such a project would result in the conversion of 5,000 square feet or more of PDR use (i.e. Catering) on a property that was zoned UMU as of July 1, 2016. As such, the project would be required to replace 0.75 square feet of PDR space for every 1 square foot of PDR space converted, pursuant to Planning Code Section 202.8.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

**APPEAL**: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

Corey A. Teague, AICP Zoning Administrator

6717m

**Enclosure**: Exhibit A – Floor Areas

cc: Neighborhood Groups

**Property Owner** 

Xinyu Liang, Senior Planner

Rich Sucre, Team Leader, SE Quadrant

# Exhibit A 535 Florida Street Floor Areas Per BP No. 201210193467

Floor 1		
Number*	Name	Area (SF)
101	Retail Store	743
104	Closet	28
105	Kitchen	2,342
106	Shipping	494
107	Walk-In Refrigerator	293
108	Dishwashing	260
109	Walk-In Cooler	127
110	Toilet, Men's	125
111	Closet	209
112	Toilet, Women's	7
111A	Closet	15
112	Janitor's Closet	23
113	Stair 1	46
114	Stair 2	154
	AREA SUBTOTAL	4,866

Floor 2		
Number	Name	Area (SF)
201	Office	1,732
202	Corridor	57
203	Toilet, Women's	49
204	Toilet, Men's	60
205	Stair 1	131
206	Lockers	116
207	Mechanical	73
208	Office	95
	AREA SUBTOTAL	2,313

TOTAL AREA 7,17
-----------------

<sup>\*</sup>There was no Numbers 102, 103, or 115, and Number 116 is not included because it is exterior, unenclosed area.

# EXHIBIT B

### LOD REQUEST





GOLDSTEIN, GELLMAN, MELBOSTAD, HARRIS & McSPARRAN LLP

1388 SUTTER STREET
SUITE 1000
SAN FRANCISCO
CALIFORNIA 94109
[415] 673:5600 TEL
[415] 673:5606 FAX

www.g3mh.com

February 21, 2020

#### By Email Only

Corey.Teague@sfgov.org

Corey Teague, Zoning Administrator Planning Department 1650 Mission St. San Francisco, CA 94102

Re.

535 Bryant Street – Request for LOD

Dear Zoning Administrator:

We are seeking a Request for Determination that the above referenced premises can be used, together with a Laboratory Use at 575 Florida Street, as accessory meal preparation and dining for the building that a tenant with a laboratory use would fully occupy next door at 575 Florida Street. This letter supersedes our previous letter labeled Request for Letter of Determination.

I attach the plans that were stamped as "approved". The work shown was signed off under the Certificate of Occupancy we previously sent you. We verified these plans to be the approved set by looking at the microfiche. I

Based on the Health Department permit and the alteration permit for the last tenant at 535 Florida Street, you stated that the legal uses at 535 Florida Street are Retail Sales and Services (of the Limited Restaurant kind) and commercial kitchen (which you have referred to as the code category of Catering).

We also attach a color overlay drawn over these same plans. The intent of the coloring is to show the how the retail space and kitchen space was used, and how much accessory office space existed upstairs. We ask that you review the color overlay for two purposes (1) to give us your determination that Prop X would not be triggered because the actual kitchen was less than 5,000 square feet and (2) to give us a determination that what our client proposes as future uses in that

<sup>&</sup>lt;sup>1</sup> You may notice that the square footage shown on the cover sheet to the plans differs from the total square footage one gets by adding up the square footage of each individual room. We believe that occurs because (1) the cover sheet counted Gross Square Feet even though the "GSF" abbreviation does not appear and/or (2) the hatched area on the plans was counted in the number of gross square feet on the cover sheet, even though the hatched areas were to show areas where no work was to be performed.

space would be approvable by your Department under the Planning Code once drawings were submitted and given review under other provisions of the Planning Code.

The chart contains a fourth color that is neither office space, retail space or catering space. That orange/brown color shows space used by two or three of the other types of uses. It has been the custom and practice of the Department to allow space that several uses shared to be allocated to different uses on the premises for determining whether proposed changes in use would be approved. The Department has made determinations based on these color overlays when I and other consultants have asked the Department to do so in the past and we request the same analysis.

The color yellow represents the kitchen catering area; the color blue shows where retail space (including the outdoor seating called out by the Plan Cover Sheet) existed. That outdoor space was exclusively used by retail customers. Please see attached photo of that space.

For example, the bathroom areas at the right side of the first floor were used both by retail customers and kitchen workers. The area at the bottom of the drawing next to the blue colored area was the demonstration kitchen. Retail customers would go into that portion of the kitchen to watch chocolate being made. The top of the color drawing shows space that consists of loading dock area and storage area. The goods brought into the loading dock (and kept in the storage area next door) were large sheets of chocolate manufactured elsewhere in the City by the Guittard Company. The chocolate there would be purchased by the retail customers, and eaten by retail customers in the dining area at the bottom of the drawing, but that chocolate was also processed into candy and boxed for offsite sales, so that area has been attributed to both the retail/dining area and the kitchen. Please keep in mind that some boxes of chocolate were purchased by retail customers in the store, some were packaged for delivery elsewhere. The stairs on the bottom left of the drawing were used by retail customers but also used by kitchen employees and administrative staff upstairs.

I also attach an excel chart of what the square footages of each of those spaces are, including the square footage of space (around the perimeter) used by all the legal uses at the time the chocolatier vacated the premises last year.

I also attach a document labeled Plan Cover Sheet Statement that states what is found on the cover sheet of the approved plans, verbatim.

The last color represents upstairs office space that was used by the business owner for his own office space, as well as for his administrative staff.

If you review the excel spread sheet and the color overlay, you will find that the square footage of the Catering area did not exceed 5,000 square feet.

Our client proposes to submit plans which would use Section 803.3, specifically the portion of the section that allows two separate buildings (whether on one lot or two) to be used together for a single user nearby as long as the buildings are within 1000 feet of each other and as long as the buildings were used together as of April 1990. We have attached information showing that the two

February 21, 2020 Page 3

buildings were owned and used together by the Best Mayonnaise company for manufacturing and accessory uses, as of April 1990. The building at 535 Florida Street was used as employee break areas and bathroom facilities for those working in the manufacturing areas next door. As you know, there is no Code requirement that the building continued to be used by a single user continuously after April 1990.

The intent is that both the former retail space and the former catering space will together be accessory to the building at 575 Florida Street. When one looks at the square footage of all of 535 Florida Street, one sees that it is less than one third of the square footage of 575 Florida Street, and thus does not violate the maximum accessory use square footage. The new uses at 535 Florida Street (as explained in more detail below) would be incidental, related to and subordinate to the Laboratory Use at 575 Florida Street.

The 535 Florida Street building's uses would change as following: (1) the Catering service area, which the excel chart shows to be about 38% of all space in the building, would be reduced slightly in size and its use would be recategorized as a kitchen accessory to the use next door; (2) the former retail area (which also includes outdoor patio seating on the approved plans) would be recharacterized on plans as dining area accessory to the use next door at 575 Florida Street. The second-floor office space would become additional dining area as well.

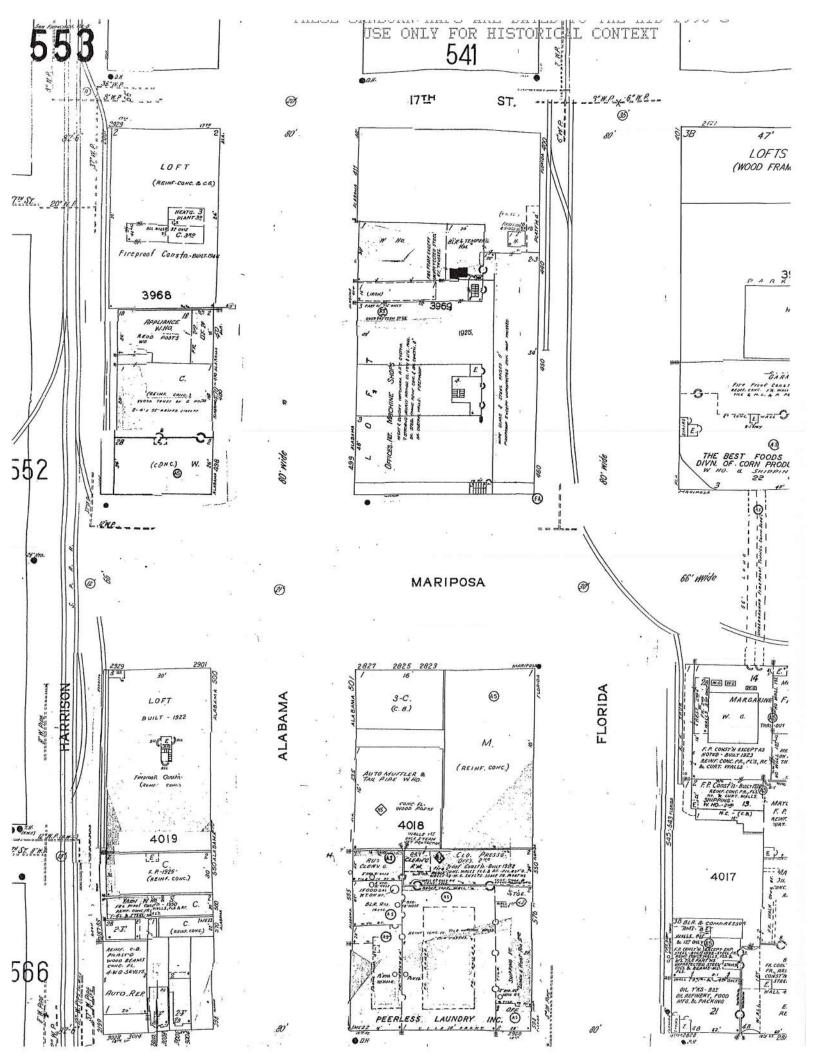
We ask that you determine that assuming our client's proposed plans meet other portions of the Planning Code, the joint use of the two buildings would satisfy Section 803.3 and that the recategorization of the spaces at 535 Florida Street do not violate Proposition X.

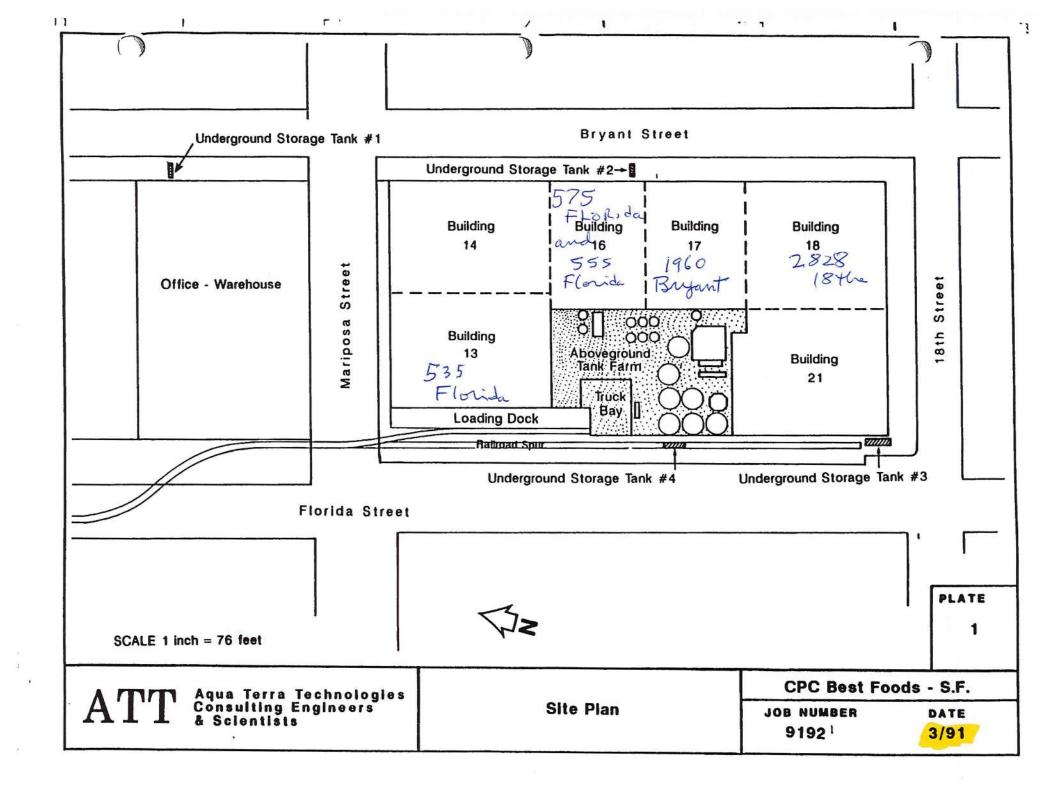
For the purpose of this request for Letter of Determination, we are accepting that what the ZA has determined to be catering space is an appropriate categorization. We believe (and reserve the right to take the position) that a portion of that area was "Sales and Services, Non-Retail". That is defined as a commercial use that involves the sale of goods or services to other businesses rather than the end user. In the case of this chocolatier, boxes of finished product were directly delivered to other businesses in the Bay Area and those businesses then sold to end users such as members of the public.

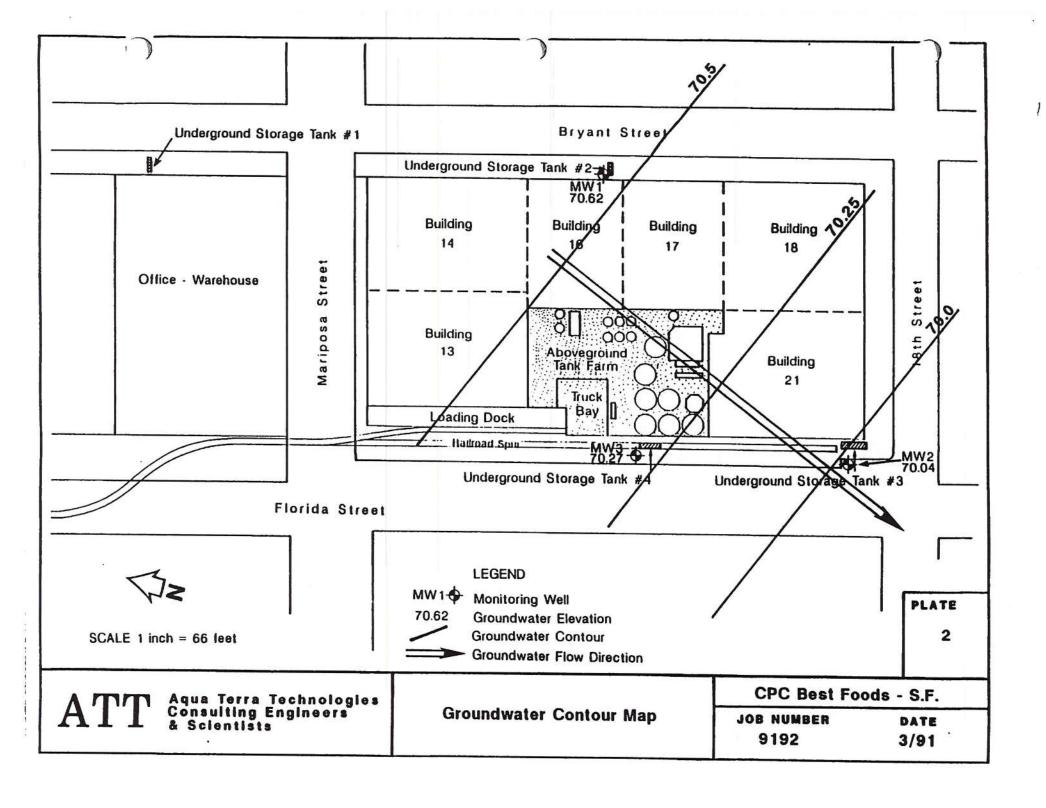
Very Truly Yours,

M. Brett Gladstone

MBG/bhdls Encl.







# Approved Plans Cover Sheet Statement

Total Building Area: 7,913 SF

Type III-A

:

Occupancy:

F-1 at First Floor, Commercial Kitchen: 3,907SF

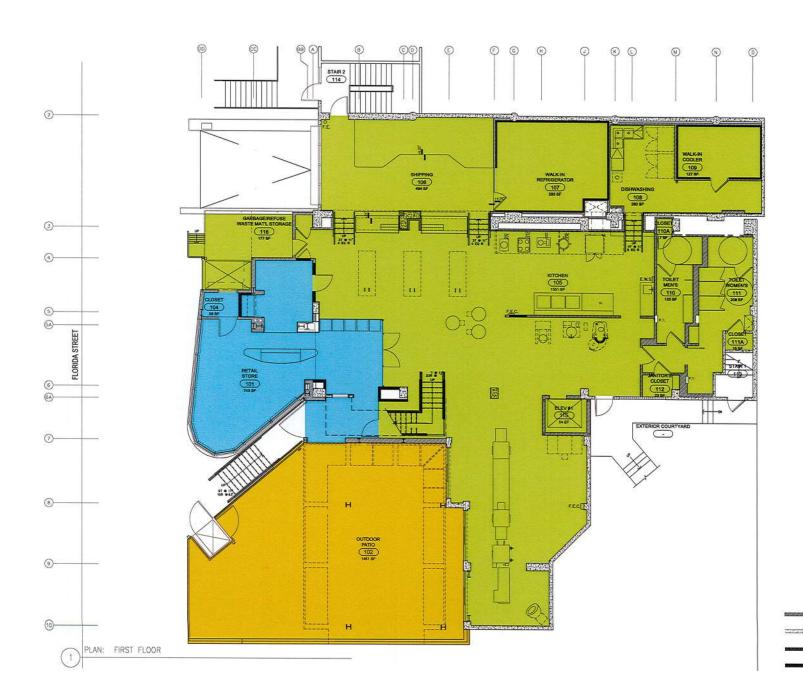
Accessory:

B at Second Floor: 2,351SF

M at First Floor: 827SF

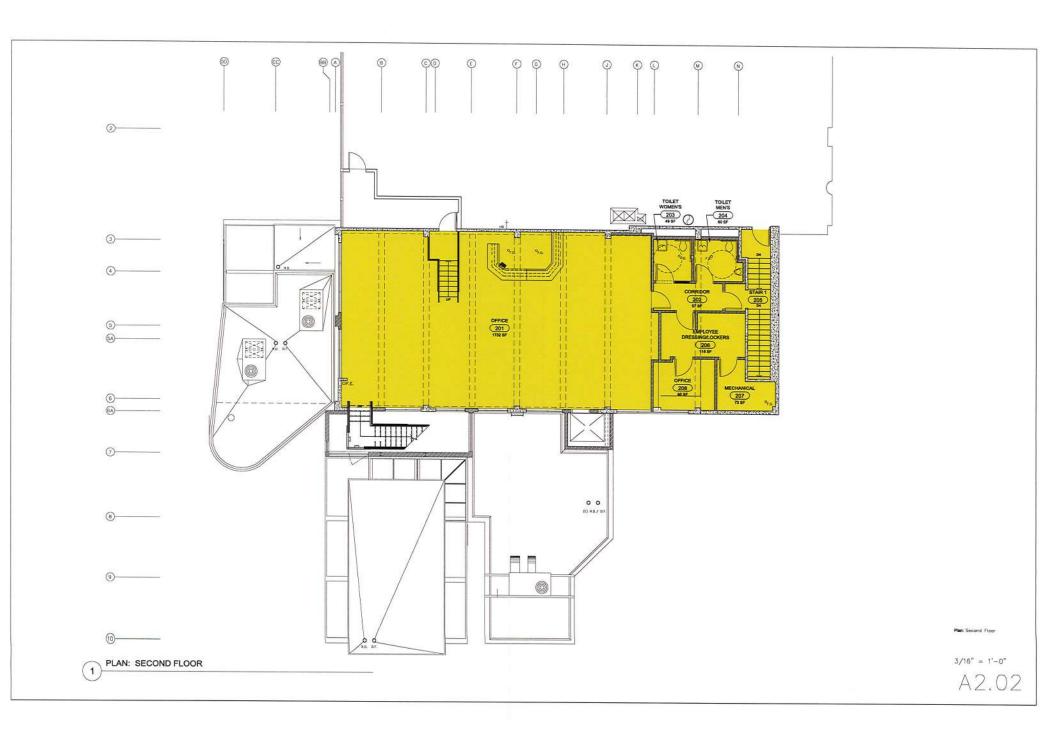
A-2 at First Floor (Outdoor Seating): 1,461SF

Total



Plan: First Floor

3/16" = 1'-0" A 2.01



## **535 FLORIDA**

## **AREA CALCS**

	Occupancy Type	Room Tag	Room Name	Square Feet	
_					
	RETAIL (M)	101	RETAIL STORE	743	SF
		104	CLOSET	28	SF
		110	TOILET-MEN'S	62.5	SF
		111	TOILET-WOMEN'S	104.5	SF
	1		Subtotal - Retail	938	SF
	(A-2)	102	OUTDOOR SEATING	1,461	SF
5	KITCHEN (F-1)	105	KITCHEN	2,342	SF
LEVEL	The second secon	106	SHIPPING	494	SF
>		107	WALK-IN REFRIG.	293	SF
		108	DISHWASHING	260	SF
		109	WALK-IN COOLER	127	SF
		110	TOILET-MEN'S	62.5	SF
	-	110A	CLOSET	7	SF
		111	TOILET-WOMEN'S	104.5	SF
		111A	CLOSET	15	SF
		112	JANITOR'S CLOSET	23	SF
		116	GARBAGE / REFUSE	177	SF
			Subtotal - kitchen	3,905	SF

	Subtotal - Common	2,323 SF
	207 MECHANICAL	73 SF
	206 EMPLOYEE LOCKERS	116 SF
<u> </u>	205 STAIR #1	141 SF
	204 TOILET-MEN'S	60 SF
	203 TOILET-WOMEN'S	49 SF
7	202 CORRIDOR	57 SF
	208 OFFICE	95 SF
OFFICE (B)	201 OFFICE	1732 SF

## **EXHIBIT C**

## **BUILDING PERMIT 201210192467**





NOV 1 3 2012



NOVED FOR JUNUA <u>ب</u>

2012

3/8

N.V.

lom C. Hui TOM C. HUI, S.E.
ACTING DIRECTOR
PRIOR OF BLUE DING LYSPECTION

SFFD INSP. FEES REQ.

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF APPLICATION IN REPERT MALE TO THE BENATTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS BUBINITIED HEREWITH AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREMAFTER SET PORTH.

FORM 8 SO OVER-THE COUNTER ISSUANCE NUMBER OF PLAN SETS

APPLICATION FOR BUILDING PERMIT

ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 OTHER AGENCIES REVIEW REQUIRED

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#### IMPORTANT NOTICES

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APPLICANT'S CERTIFICATION

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FC.	CONTRACTOR AND DESCRIPTION OF THE PROPERTY OF	

OF SAN FRANCISCO

BUILDING INSPECTION Construction Company

1758 30th Avenue

San Francisco, California 94122

Tel. # (415) 564 - 4451 Fax # (415) 564 - 4451

License # 823205

Email: sfgconstruction@aol.com

Date: October 21st 2012

Central Permit Bureau Department of Building Inspection, 1600 Mission Street San Francisco, California 94103

Re: 535 Florida Street

Block / Lot: 4017 / 001

I am the contractor for the above referenced property. Gary Bell and Associates is herby authorized to purchase all permits as our agent for the above nated project. Should you have any questions please feel free to contact me at (415) 559 - 6025.

Sincerely,

Patrick Frank Kenny



. Edwin M. Lee, Mayor Vivian L. Day, C.B.O., Director

# PERMIT APPLICANT AND AUTHORIZED AGENT DISCLOSURE AND CERTIFICATION

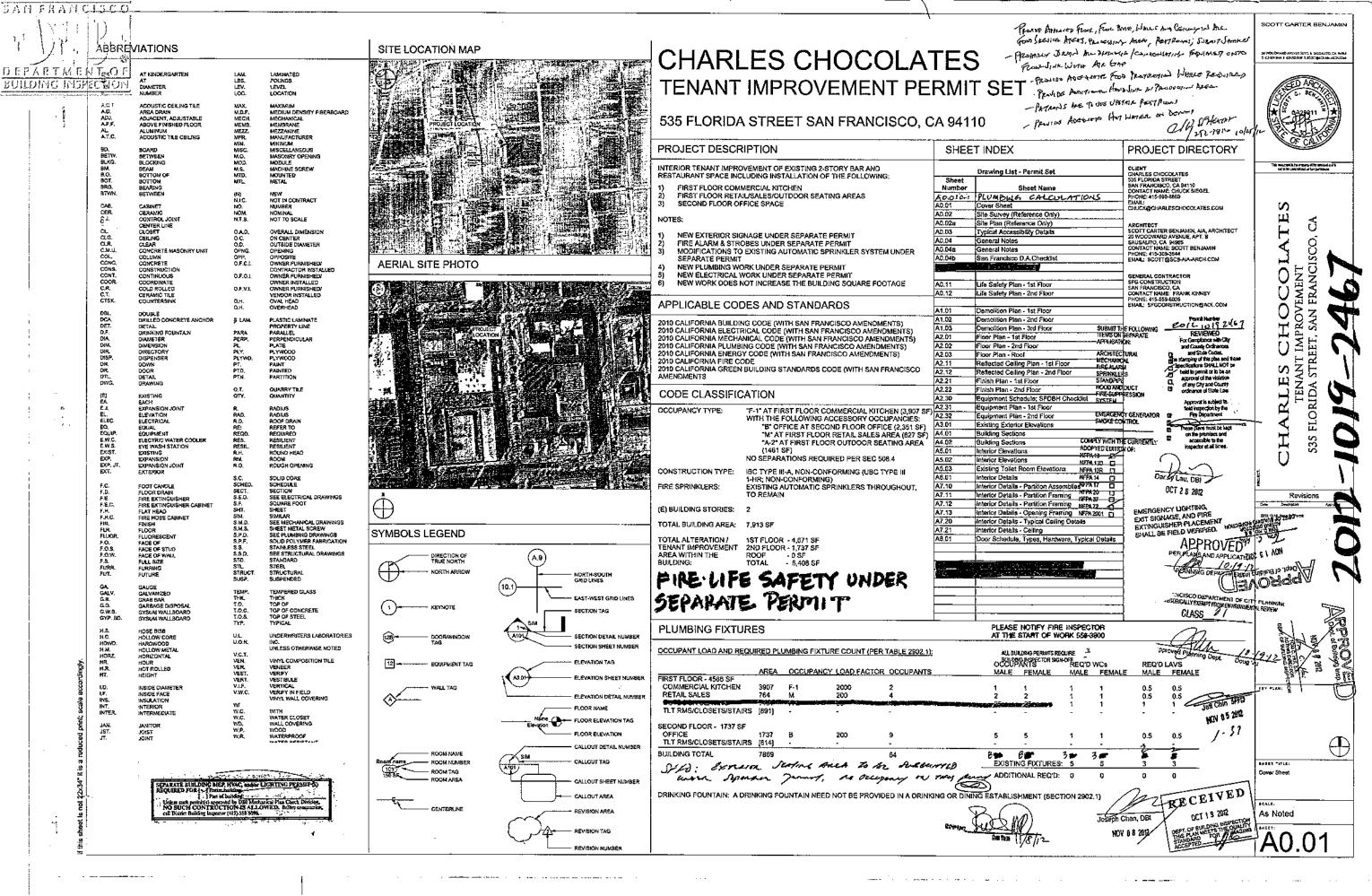
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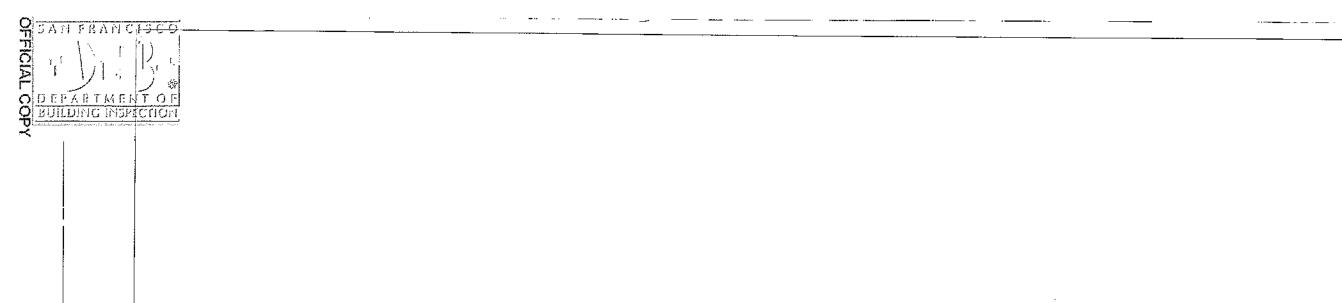
## EXHIBIT D

## PLANS ATTACHED TO BUILDING PERMIT 201210192467



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CHARLES CHOCOLATES
TENANT IMPROVEMENT
535 FLORIDA STREET, SAN FRANCISCO, CA

RECEIVED

NOV DE ZO12

DEPT. OF BUILDING INSPECTION OF THIS PLAN MEETS THE QUALITY BYANDARD FOR REPRODUCTION ACCEPTED.

	MIXED OCCUPANCY CODE ANALYSIS PER TABLE 503 (for Type IIIA Construction)										
-	OCCUPANCY GROUP	ARÉA (ALLOWABLE)	AREA (ACTUAL)	STORIES ABOVE GRADE PLAN (ALLOWABLE)	STORIES ABOVE GRADE PLAN (ACTUAL)	BUILDING HEIGHT ABOVE GRADE PLAN (ALLOWABLE)	BUILDING HEIGHT ABOVE GRADE PLAN (ACTUAL)				
	F-1 B M	19,000 SF 28,500 SF 18,500 SF	3907 SF 1337 SF 1337 SF	3 5 4	1 1 1	65' 65'	5'-6" MAX. (VARIES SLIGHTLY W/GRADE) 18'-0" MAX. (VARIES SLIGHTLY W/GRADE) 5'-6" MAX. (VARIES SLIGHTLY W/GRADE)				

NOTE: NO REQUIRED FIRE SEPARATIONS BETWEEN F-1, B AND M OCCUPANCIES IN THIS SPRINKLERED BUILDING, PER TABLE 508.4. EXISTING ATTIMED 1-HR. SEPARATION BETWEEN BELOW-GRADE (STAFF-ONLY) S-2 PARKING AREA AND LEVEL ONE'S F-1 AND M OCCUPANCIES TO REMAIN

Dept. of Building Age.

NOV 19 2012

TOTAL CHARLES ACTIVE OFFICE OF BUILDING INSPECTION

Revisions

Date Description

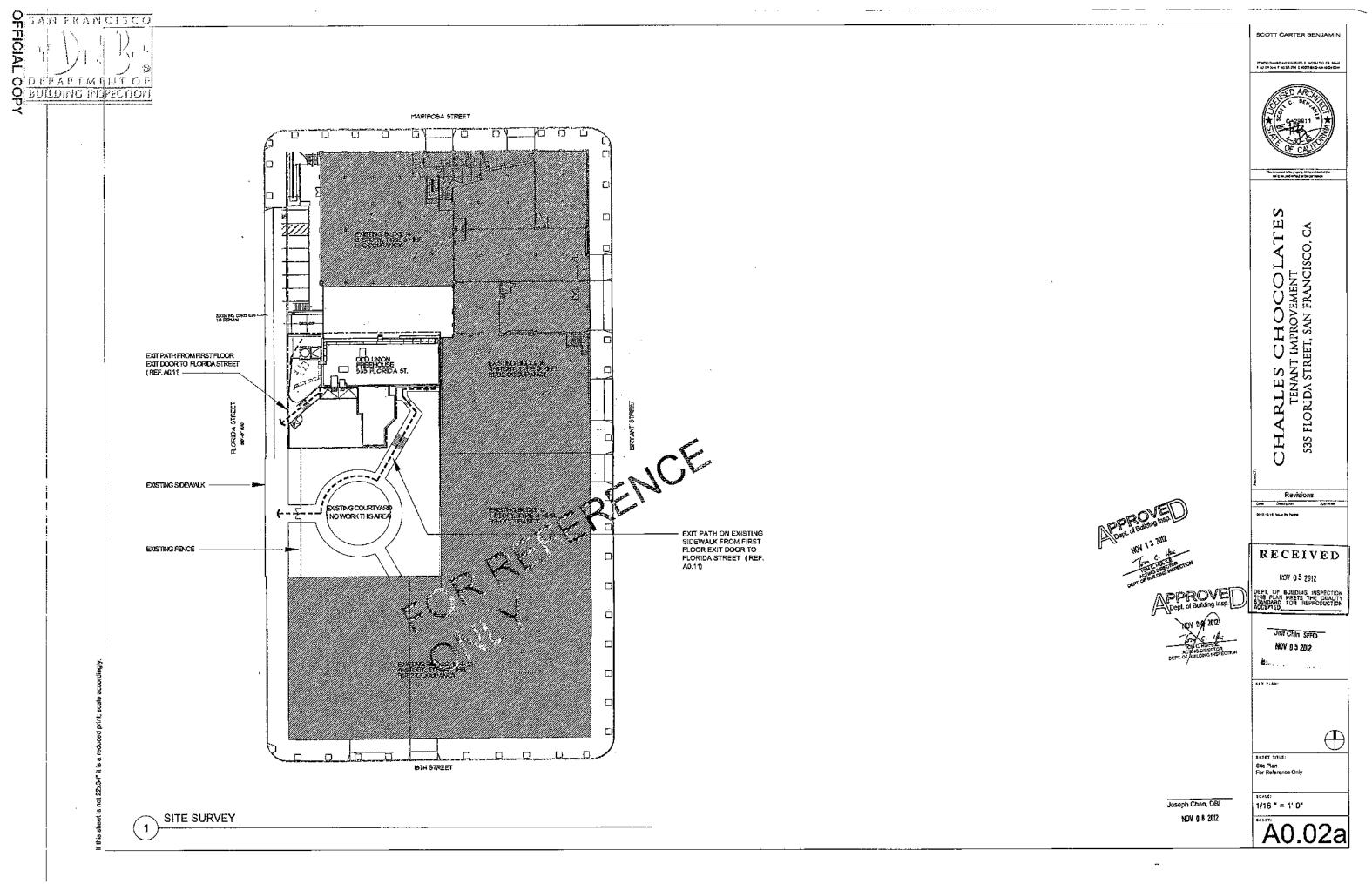
PLUMBING FIXTURES OCCUPANT LOAD AND REQUIRED PLUMBING FIXTURE COUNT (PER TABLE 2902.1): OCCUPANTS
MALE FEMALE REQ'D LAVS MALE FEMALE REQ'D WCs MALE FEMALE FIRST FLOOR - 4588 SF COMMERCIAL KITCHEN RETAIL SALES 39D7 764 0.5 0.5 TLT RMS/CLOSETS/STAIRS [891] SECOND FLOOR - 1737 SF
OFFICE 1737
TLT RMS/CLOSETS/STAIRS [614] 200 0.5 0.5 BUILDING TOTAL 7869 8 8 EXISTING FIXTURES: ADDITIONAL REQ'D: 0

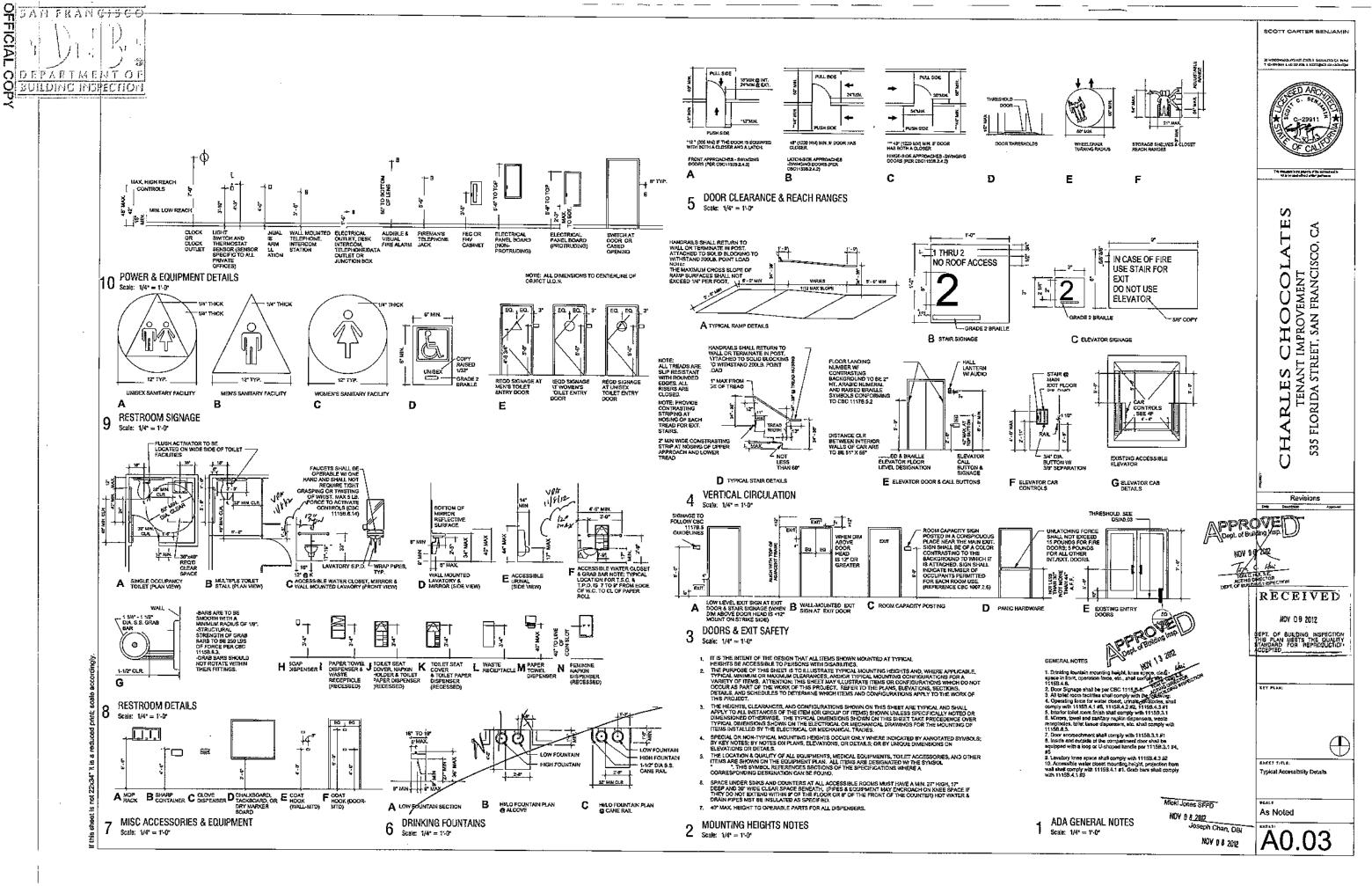
> Micki Jones SFFD NOV 0 8 20121

Joseph Chan, DBJ NDV 0 8 2012 SHEET TITLE:
Required Plumbing Flature Count;
Mixed Occupancy Code Analysis

As Noted

Ã0.01a





OFFICIAL

A DOCUMENT 201, GENERAL CONDITIONS FOR THE BUILDING INSPECTION PERFORMANCE OF A CONTRACT, ARE HEREBY
INCORPORATED INTO THESE DRAWINGS & SHALL BE CONSIDERED AS PART OF THE REQUIREMENTS FOR THE

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GENERAL NOTES

COMPLETION OF WORK.

- 2 THE WORK SHALL CONFORM TO ALL GOVERNING CODES AND DRDINANCES.
- CONTRACTOR SHALL APPLY FOR, OBTAIN & PAY FOR ALL LICENSES & INSPECTIONS AS REQUIRED TO COMPLY WITH ALL CITY AND LOCAL CODES & LAWS
- PRIOR TO COMMENCING WORK, THE CONTRACTOR, IN CONFERENCE WITH THE BUILDING MANAGER SHALL PREPARE A LIST OF HIS ACTIVITIES THAT WILL NOT, IN ANY WAY EFFECT THE NORMAL OPERATIONS OF THE BUILDING & NEIGHBORING TENANTS. PROTECTIVE MEASURES & SCHEDULING SHALL BE ESTABLISHED. TO MINIMIZE DISRUPTION & PROTECT PROPERTY NOT RELATED TO THIS PROJECT, PROVIDE THE ARCHITECT WITH A COPY OF THE SCHEDULE & DESCRIPTION OF PROTECTION.
- THE CONTRACTOR IS RESPONSIBLE FOR CHECKING CONTRACT DOCUMENTS, FIELD CONDITIONS & DIMENSIONS FO ACCURACY & CONFIRMING THAT THE WORK IS BUILDABLE AS SHOWN BEFORE PROCEEDING WITH CONSTRUCTION, IF THERE ARE ANY QUESTIONS, THE CONTRACTOR IS RESPONSIBLE FOR INFORMING THE ARCHITECT IN WRITING & OBTAINING CLARIFICATION FROM THE ARCHITECT BEFORE PROCEEDING WITH WORK IN QUESTION OR RELATED WORK. REQUESTS FOR ADDITIONAL CHARGES WILL NOT BE ENTERTAINED FOR THE CONTRACTOR'S FAILURE TO FORESEE MEANS OF INSTALLING EQUIPMENT INTO POSITION INSIDE STRUCTURES.
- REFERENCES TO MAKES, BRANDS, AND MODELS IS TO ESTABLISH TYPE AND QUALITY DESIRED. SUBSTITUTIONS OF ACCEPTABLE EQUALS WILL NOT BE PERMITTED UNLESS SPECIFICALLY APPROVED IN WRITING BY THE ARCHITECT.
- THE DESIGN CONCEPT OF THIS PROJECT IS BASED ON THE COLOR, DESIGN & TEXTURE OF FINISHED PRODUCTS SPECIFIED. IF THE CONTRACTOR FAILS TO ORDER MATERIALS IN SUFFICIENT TIME FOR ORDERLY INSTALLATION THE ARCHITECT WILL NOT ENTERTAIN ANY REQUEST FOR MATERIAL SUBSTITUTION. INSTEAD, THE CONTRACTOR SHALL PROVIDE & INSTALL TEMPORARY FINISHES OR MATERIALS SATISFACTORY TO THE ARCHITECT & PROVIDE & INSTALL THE SPECIFIED FINISHES OR MATERIALS UPON THEIR ARRIVAL, MONIES WILL BE WITHHELD PENDING SATISFACTORY INSTALLATION OF SPECIFIED FINISHES & MATERIALS.
- 8 THE CONTRACTOR SHALL CONFIRM ALL LEAD TIMES FOR FINISH MATERIALS AT TIME OF BIDDING TO ASSURE AVAILABILITY OF MATERIALS FOR THE PROJECT, AS SCHEDULE REQUIRES. ANY COST FOR SPECIAL HANDLING OR AIR FREIGHT OF MATERIALS ORDER TO MEET REQUIRED DEADLINES IS THE RESPONSIBILITY OF THE CONTRACTOR.
- 9 ALL CLEAR DIMENSIONS SHALL BE EXACT WITHIN 1/8" TOLERANCE ALONG FULL HEIGHT AND FULL WIDTH OF WALLS.
- 10 THE CONTRACTOR SHALL PROMPTLY REPORT TO THE ARCHITECT DISCREPANCIES FOUND BETWEEN EXISTING CONDITIONS AND THOSE SHOWN ON THE DRAWINGS SO THAT
- THE CONTRACTOR SHALL PREPARE ALL EXISTING SURFACES AS REQUIRED TO RECEIVE SPECIFIED FINISH, SHOP DRAWINGS & SUBMITTAL MUST BE PROVIDED FOR ARCHITECTS APPROVAL BEFORE BEGINNING ANY MILLWORK FABRICATION AND PRIOR TO ORDERING ALL MATERIALS
- 12 THE CONTRACTOR SHALL PATCH OR OTHERWISE FURNISH AND INSTALL MATERIALS REQUIRED TO MATCH EXISTING CONDITIONS AS NOTED & AS A RESULT OF THE WORK, ANY CONDITIONS REQUIRING DETAILING SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT, NEW GYPSUM BOARD CONSTRUCTION MEETING EXISTING CONSTRUCTION IN THE SAME PLANE SHALL BE FLUSH, WITH NO VISIBLE JOINTS
- 13 GENERAL CONTRACTOR SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE BUILDING AS TO HOURS OF AVAILABILITY OF ELEVATORS AND/OR LOADING DOCKS FOR THE PURPOSES OF DELIVERY AND ALSO AS TO THE MANNER OF HANDLING MATERIALS, EQUIPMENT AND DEBRIS, TO AVOID CONFLICT AND INTERFERENCE WITH NORMAL BUILDING OPERATION, ALL WORK SCHEDULING SHALL BE SUBMITTED TO BUILDING MANAGER AND TENANT FOR REVIEW AND APPROVAL PRIOR TO COMMENCEMENT OF WORK.
- ALL HEIGHTS ARE DIMENSIONED FROM TOP OF FINISH FLOOR (A.F.F.), UNLESS OTHERWISE NOTED.
- 15 ALL CONCEALED BLOCKING TO BE FIRE-TREATED WOOD OR SHEETMETAL.

**GENERAL NOTES** 

- 15 THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTING ANY DEFECTS FOUND IN EXISTING BASE BUILDING CONSTRUCTION. THIS INCLUDES BUT IS NOT LIMITED TO, UNEVEN SURFACES AND FINISHES AT PLASTER OR GYP, BD. THE GENERAL CONTRACTOR SHALL PATCH AND REPAIR SURFACES TO MATCH ADJACENT ADJOINING SURFACES.
- 16 IN CASE OF CONFLICT SETWEEN ARCHITECTS AND ENGINEERS DRAWINGS IN LOCATING MATERIALS/EQUIPMENT, THE ARCHITECTURAL DRAWINGS SHALL GOVERN AND THE GENERAL CONTRACTOR SHALL NOTIFY ARCHITECT REGARDING THESE
- 17 CONTRACTOR SHALL COORDINATE WITH TENANT/OWNER THE SCHEDULE FOR ALL TELEPHONE COMPANY INSTALLATIONS.
- 18 ALL WORK SHALL BE PERFORMED DURING REGULAR BUSINESS. HOURS WHENEVER POSSIBLE, WORK INVOLVING EXCESSIVE NOISE OR DUST, OR WHICH WOULD OTHERWISE INTERFERE WITH THE NORMAL OPERATION OF BUSINESS FOR TENANTS SHALL BE DONE ON AN OVERTIME, NON-REGULAR BUSINESS HOURS BASIS TO BE COORDINATED WITH THE BUILDING. MANAGER AND TENANT.
- 19 CONTRACTOR SHALL NOTIFY ARCHITECT IMMEDIATELY OF ALL UTILITIES DETERMINED IN THE COURSE OF CONSTRUCTION AS BEING NECESSARY TO BE REMOVED WHICH HAVE NOT OTHERWISE BEEN NOTED FOR REMOVAL IN THE CONSTRUCTION DOCUMENTS, CONTRACTOR SHALL REMOVE SUCH UTILITIES ONLY AFTER CONSULTATION WITH ARCHITECT, OWNER & TENANT, WHETHER PREDETERMINED IN THE CONSTRUCTION DOCUMENTS OR DETERMINED LATER IN FIELD, DISCONNECT, OUT BACK TO SOURCE, AND CAP ALL UTILITY SERVICES REMOVED. SEAL ALL PENETRATIONS CREATED BY REMOVAL OF UTILITIES TO MATCH ADJACENT CONSTRUCTION
- 20 "ALIGN" SHALL MEAN TO ACCURATELY LOCATE FINISH FACES IN
- PRIOR TO DISCONNECTION OF ANY ELECTRICAL RISER, LIFE SAFETY DEVICE, HVAC RISER, ETC. BUILDING REPRESENTATIVE IS TO BE NOTIFIED. CONTRACTOR TO SUBMIT A WRITTEN REQUEST FOR EACH SHUT DOWN, ADEQUATE TIME IS TO BE GIVEN FOR REVIEW AND APPROVAL OF SUCH REQUESTS.
  CONTRACTOR IS TO ADHERE TO APPROVED SCOPE OF WORK & SCHEDULE DURING EACH APPROVED SHUT DOWN.
- 22 "TYPICAL" OR "TYP" SHALL MEAN THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR (OR SIM.) CONDITION THROUGHOUT, UNLESS OTHERWISE NOTED, DETAILS ARE USUALLY KEYED AND NOTED "TYP" ONLY ONCE, WHEN THEY RST OCCUR, "SIMILAR" MEANS COMPARABLE CHARACTERISTICS FOR THE CONDITIONS NOTED
- 23 WORK WITHIN "BUILDING CORE AREAS" SHALL BE NIC UNLESS OTHERWISE NOTED.
- 24 WORK AREAS ARE TO REMAIN SECURE AND LOCKABLE DURING CONSTRUCTION. CONTRACTOR SHALL COORDINATE WITH TENANT AND BUILDING MANAGER TO ENSURE SECURITY
- 25 THE CONTRACTOR SHALL MAINTAIN FOR THE ENTIRE DURATION OF THE WORK ALL EXITS, EXIT LIGHTING, FIRE PROTECTIVE DEVICES AND ALARMS IN CONFORMANCE WITH ALL APPLICABLE CODES AND ORDINANCES. PROVIDE TEMPORARY SUPPORT IF
- 26 THE SCOPE OF WORK AND ADJACENT AREAS (INCLUDING "PATH OF ACCESS\* AND LOBBY WHERE IT APPLIES TO THIS WORK) SHALL BE PROTECTED FROM ANY DAMAGE THAT OCCURS BECAUSE OF THIS WORK, ANY DAMAGE THAT OCCURS SHALL THE FINANCIAL RESPONSIBILITY OF THE CONTRACTOR.
- 27 ALL MANUFACTURED ARTICLES, MATERIALS AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED. CLEANED AND CONDITIONED PER MANUFACTURER'S INSTRUCTIONS. IN CASE OF DIFFERENCES BETWEEN THE MANUFACTURER'S INSTRUCTIONS AND THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT, IN WRITING, BEFORE PROCEEDING.
- 28 ALL WORK NOTED "BY OTHERS" OR "NIC" SHALL BE PROVIDED BY OWNER/TENANT OR UNDER SEPARATE CONTRACT, INCLUDE SCHEDULE REQUIREMENTS FOR THIS "OTHER" WORK IN CONSTRUCTION PROGRESS SCHEDULE AND COORDINATE AS REQUIRED TO ASSURE ORDERLY SEQUENCE OF INSTALLATION.
- 29 EXAMINATION OF THE SITE AND PORTIONS THEREOF WHICH WILL EFFECT THIS WORK SHALL SE MADE BY THE GENERAL CONTRACTOR, WHO SHALL COMPARE IT WITH THE DRAWINGS AND SATISFY HIMSELF AS TO CONDITIONS UNDER WHICH WORK IS TO BE PERFORMED, HE SHALL AT SUCH TIME ASCERTAIN AND CHECK LOCATIONS OF THE EXISTING STRUCTURES AND EQUIPMENT WHICH MAY AFFECT HIS WORK. NO ADDITIONAL ALLOWANCES SHALL BE MADE AFTER THE CONTRACT IS SIGNED FOR ANY EXTRA EXPENSES DUE TO FAILURE OR NEGLECT ON HIS PART TO MAKE SUCH EXAMINATION.

GENERAL NOTES

- 30 CONTRACTOR SHALL THOROUGHLY EXAMINE THE PREMISES AND SHALL BASE HIS BID ON THE EXISTING CONDITIONS, NOTWITHSTANDING ANY INFORMATION SHOWN OR NOT SHOWN ON THE CONSTRUCTION DRAWINGS, ARRANGEMENTS TO VISIT THE PREMISES SHOULD BE MADE WITH THE BUILDING MANAGEMENT.
- 31 CONTRACTOR SHALL PROTECT THE AREA, NEW AND/OR EXISTING MATERIALS AND ALL FINISHES FROM DAMAGE WHICH MAY OCCUR FROM CONSTRUCTION, DEMOLITION, DUST, WATER, ETC. AND SHALL PROVIDE AND MAINTAIN TEMPORARY BARRICADES, ETC., AS REQUIRED TO PROTECT THE PUBLIC DURING THE PERIOD OF CONSTRUCTION, DAMAGE TO NEW AND/OR EXISTING MATERIALS, FINISHES, STRUCTURES AND EQUIPMENT SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE TENANT AT THE EXPENSE OF THE GENERAL CONTRACTOR.
- 32 ANY REQUEST FOR SUBSTITUTION SHALL BE SUBMITTED IN ADEQUATE TIME TO ALLOW FOR REVIEW AND APPROVAL BY THE ARCHITECT AND FOR THE POSSIBILITY OF HAVING TH SUBSTITUTION REJECTED AND THUS NEEDING TO PROVIDE THE ORIGINAL SPECIFIED ITEM, ITEMS SHALL NOT BE PURCHASED OR INSTALLED WITHOUT PRIOR WRITTEN APPROVAL OF THE ARCHITECT.
- 33 ALL CONSTRUCTION WORK, ARCHITECTURAL, MECHANICAL, ELECTRICAL, ETC., SHALL CONFORM TO ALL GOVERNING BUILDING CODES AND REGULATIONS. ALL FINISH MATERIALS MUST MEET ALL APPLICABLE FIRE, LIFE SAFETY AND BUILDING
- 34 ALL WORK LISTED, SHOWN OR IMPLIED, ON ANY CONSTRUCTION DOCUMENTS SHALL BE SUPPLIED AND INSTALLED BY THE GENERAL CONTRACTOR EXCEPT WHERE NOTED OTHERWISE, THE GENERAL CONTRACTOR SHALL CLOSELY COORDINATE HIS WORK WITH THAT OF OTHER CONTRACTORS. SUBCONTRACTORS AND/OR VENDORS TO ASSURE THAT ALL SCHEDULES ARE MET AND THAT ALL WORK IS DONE IN CONFORMANCE TO MANUFACTURER'S
- 35 THE GENERAL CONTRACTOR SHALL SUBMIT SHOP DRAWINGS (2 SET OF PRINTS) FOR FABRICATED ITEMS, CUTS OF ALL FIXTURES AND EQUIPMENT, AND SAMPLES OF ALL FINISHES CALLED FOR TO THE ARCHITECT FOR APPROVAL PRIOR TO FABRICATION/PURCHASING, ETC. PROVIDE ENOUGH OUT SHEETS AND/OR SAMPLES SO THAT THE ARCHITECT CAN RETAIN (2) FOR RECORD AND DISTRIBUTION, THIS APPLIES TO ALL ABOVE STANDARD ELEMENTS ONLY.
- 36 THE GENERAL CONTRACTOR SHALL BE REQUIRED TO SUBMIT ALL SMOKE DENSITY AND FLAME SPREAD U.L. APPROVED (OR EQUIVALENT AS ACCEPTED BY THE BUILDING DEPARTMENT). ABEL CERTIFICATES TO THE BUILDING DEPARTMENT WHEN AND WHERE REQUESTED BY THE BUILDING DEPARTMENT
- THE GENERAL CONTRACTOR SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DOCUMENTS ON THE JOBSITE DURING ALL PHASES OF CONSTRUCTION FOR THE USE OF ALL TRADES AND SHALL PROVIDE ALL SUBCONTRACTORS WITH CURRENT CONSTRUCTION DOCUMENTS. THE GC IS TO PROVIDE A SET OF AS-BUILT DOCUMENTS TO THE TENANT AND
- 38 THE GENERAL CONTRACTOR SHALL REMOVE ALL RUBBISH AND WASTE MATERIALS OF ALL SUBCONTRACTORS AND TRADES ON A DAILY BASIS AND SHALL EXERCISE STRICT CONTROL OVER JOB CLEANING TO PREVENT ANY DIRT, DEBRIS OR DUST FROM AFFECTING THE WORK OR COMMON AREAS OF THE BUILDING IN ANY FINISHED AREAS IN OR OUTSIDE JOBSITE, THE BUILDING REFUSE FACILITIES SHALL NOT BE USED FOR THIS PURPOSE
- 39 UPON COMPLETING THE JOB, THE CONTRACTOR SHALL LEAVE THE PREMISES AND ALL AFFECTED AREAS CLEAN AND IN AN ORDERLY MANNER READY FOR MOVE-IN. THIS IS TO INCLUDE CLEANING OF ALL GLASS (INCLUDING INSIDE OF EXTERIOR SLASS) AND FRAMES, BOTH NEW AND EXISTING.
- 40 RESOLUTION OF ALL QUESTIONS OR VARIANCES MUST BE MADE THROUGH THE ARCHITECT AND CONFIRMED IN WRITTEN
- 41 REPETITIVE FEATURES NOT NOTED ON DRAWING SHALL BE COMPLETELY PROVIDED AS IF DRAWN IN FULL.
- 42 PUNCH LIST REVIEW IMMEDIATELY PRIOR TO MOVE-IN, CONTRACTOR WILL SUBMIT HIS PUNCH LIST (PER AIA CONTRACT A201, SECTION 9.8.2) TO TENANT ARCHITECT AND BUILDING REPRESENTATIVE FOR A WALK THROUGH AT THE

#### PLUMBING NOTES

1 ENSURE THAT ALL NEW FIXTURES ARE PROVIDED WITH ANTI-SIPHONAGE DEVICES AS REQUIRED BY CODE.

ENSURE THAT SURFACES THAT ARE TO RECEIVE FINISHES ARE CLEAN, TRUE, AND FREE OF IRREGULARITIES. DO NOT PROCEED WITH WORK UNTIL UNSATISFACTORY CONDITIONS HAVE BEEN CORRECTED. STARTING OF WORK SHALL INDICATE INSTALLER'S ACCEPTANCE OF SUBSTRATE.

**FINISH NOTES** 

- 2 UNLESS OTHERWISE NOTED PROVIDE MINIMUM 3-COAT PAINT SYSTEMS AS SPECIFIED FOR EACH SUBSTRATE: REFER TO FINISH SCHEDULE FOR COLORS AND SHEENS.
- 3 ALL WALL PAINT SHALL BE LATEX, EGGSHELL FINISH, U.O.N. PAINT SYSTEM: ONE COAT RIMER 2 COATS FINISH PAINT.
- 4 REPAIR AND PREPARE EXISTING SURFACES SHOWN TO REMAIN AS REQUIRED FOR APPLICATION OF NEW FINISHES.
- 5 TRANSPARENT FINISHED WOOD DOORS, ARCHITECTURAL WOODWORK, AND CABINETRY SHALL BE SHOP FINISHED, AS NOTED.
- 5 THE FLOOR UNDER THE CARPETED AREAS MUST BE FREE OF SEALERS, CURING COMPOUNDS, OIL, DIRT AND DUST
- . 7 WHERE MORE THAN ONE (1) SHEET VINYL COLOR HAS BEEN PROVIDED FOR FLOORING, CONTRACTOR TO REFER TO LAYOUT, U.O.N.
- 8 CARPET SEAMING DIAGRAM TO BE SUBMITTED TO ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO PLACING ORDER.
- ALL SURFACES SHALL BE IN PROPER CONDITION TO RECEIVE THE SPECIFIED FINISH. PAINT GRADE WOOD, OR METAL SHALL BE HAND SAND PAPERED AND DUSTED CLEAN.
  ALL KNOT HOLES, PITCH POCKETS OR SAPPY PORTIONS SHALL BE SCRAPED AND FITTED, OR SEALED WITH SEALER, NAIL HOLES, CRACKS OR DEFECTS SHALL BE CAREFULLY PUTTIED AFTER FIRST COAT WITH PUTTY MATCHING COLOR OF STAIN OR PAINT FINISH. REMOVE ANY OIL OR GREASE WITH MINERAL SPIRITS.
- 10 INTERIOR GYPSUM WALLBOARD SURFACES SHALL BE WIPED WITH A DAMP OLOTH JUST PRIOR TO APPLICATION OF THE FIRST COAT, IN ORDER TO LAY FLAT ANY NAP WHICH MAY HAVE FORMED IN SANDING PROCESS.
- 11 ELECTRICAL SWITCH AND OUTLET COVER PLATES, SURFACE HARDWARE, ETC. SHALL BE INSTALLED AFTER PAINTING.
- 12 THE CONTRACTOR SHALL, UPON COMPLETION, REMOVE ALL PAINT FROM WHERE IT HAS SPILLED, SPLASHED OR SPLATTERED ON EXPOSED ADJACENT SURFACES.
- 13 PRIOR TO PURCHASE OR INSTALLATION OF ANY FINISH MATERIALS SUBMIT SAMPLES TO ARCHITECT FOR REVIEW IN CONFORMANCE WITH SPECIFIED PROCEDURES, ALLOW TIME FOR SUBMITTAL REVIEW AND FOR RESUBMITTALS IF REQUIRED.
- 14 CONTRACTOR SHALL SUPPLY 5% OVER ENTIRE SQUARE FOOTAGE OF CARPET AND RESILIENT FLOORING TO TENANT FOR FUTURE PATCHING STOCK.
- ALL NEW AND EXISTING FINISHES SCHEDULED TO REMAIN SHALL BE PROTECTED 15 DURING CONSTRUCTION. ANY DAMAGE SHALL BE REPAIRED BY CONTRACTOR INVOLVED AT HIS COST WITH NO COST TO OWNER AND/OR TENANT.
- 16 ALL METAL SURFACES SUCH AS ACCESS DOORS STRUCTURAL STEEL COLUMNS, BRACING AND SEISMIC FITTINGS, ETC. SHALL RECEIVE ONE COAT METAL PRIMER AND 2 COATS ALKYD BASED PAINT, COLOR TO MATCH ADJ, SURFACES OR AS SPECIFIED IN THE FINISH SCHEDULE.
- 17 IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM THE AVAILABILITY AND DELIVERY DATES OF ALL FINISH MATERIALS. NO SUBSTITUTIONS OF FINISH MATERIALS WILL 8E MADE WITHIN SIX WEEKS OF THE SCHEDULED COMPLETION DATE, ALL FINISH MATERIALS WILL BE ON SITE AT LEAST TWO WEEKS PRIOR TO INSTALLATION, ANY PROBLEMS REGARDING AVAILABILITY OF FINISH MATERIALS ARE TO BE BROUGHT TO THE ARCHITECT'S ATTENTION IMMEDIATELY.
- 18 THE CONTRACTOR SHALL EXAMINE ALL FINISH SURFACES AFTER COMPLETION OF WORK (INCLUDING TELEPHONE INSTALLATION & CARPET) AND PROCEED WITH
- 19 THE CONTRACTOR SHALL MODIFY EXISTING FLOOR SURFACES AS REQUIRED TO INSTALL NEW FLOORING MATERIALS THUS PREVENTING NOTICEABLE LUMPS, OR DEPRESSIONS WHICH MAY CAUSE UNUSUAL WEAR TO NEW MATERIALS.
- 20 PAINT ALL ACCESS PLATES & PANEL BOXES TO MATCH ADJACENT PAINTED SURFACES

- 22 ALL (E) AND/OR RELOCATED DOORS SHALL BE CLEANED FREE OF ALL FOREIGN MATERIAL, SANDED AND REFINISHED TO RECEIVE BUILDING STANDARD FINISH UP TO PROCEED AND REFINISHED TO RECEIVE BUILDING STANDARD FINISH UP TO PROCEED AND THE ARCHITECT POWER AND/OR SAMPLES OF PROCEEDING WITH INSTALLATION AND/OR APPLICATION.
- 24 THE MILLWORK CONTRACTOR SHALL TAKE FIELD MEASUREMENTS PRIOR TO
- 26 MILLWORK CONTRACTOR AND GENERAL CONTRACTORS TO COORDINATE THE INSTALLATION OF ALL LOCAL CODE APPROVED BLOCKING AND BACKING TO SECURE MILLWORK TO PARTITIONS ETC.
- 27 ALL FINISH MATERIALS MUST MEET ALL APPLICABLE FIRE, LIFE SAFETY, AND BUILDING

Joseph Chan, OBJ NOV 0 8 2012

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As Noted

POWER/DATA NOTES

A SEE MECHANICAL AND SLECTRICAL DRAWINGS FOR ADDITIONAL NOTES AND ODEPARTMENT OF SHARMON WHERE CONFLICTS OCCUR, ARCHITECTURAL DRAWINGS SHALL PRECEDENCE FOR LOCATION.

BUILDING INSPECTION 2. NORWATED DIMENSIONS ARE TO THE CENTERLINE OF THE OUTLET OR CLUSTER OF THE OWNER PLATES SHALL BE ONE-PIECE OUTLETS, UNLESS OTHERWISE NOTED; GANG COVER PLATES SHALL BE ONE-PIECE

- 3 DO NOT MOUNT OUTLETS BACK-TO-BACK ON OPPOSITE SIDES OF PARTITION; MAINTAIN MINIMUM 3 INCH SEPARATION AND PACK OUTLETS WITH ACOUSTIC
- 4 VERIFY ALL EQUIPMENT MOUNTING REQUIREMENTS OF ALL ELECTRICAL, TELEPHONE AND OTHER EQUIPMENT
- 5 FURNITURE SHOWN IS FOR GENERAL REFERENCE ONLY.
- 6. ALL CORING LOCATIONS SHALL BE REVIEWED IN FIELD BY ARCHITECT AND COORDINATED WITH BUILDING MANAGER, FURNITURE DEALER AND TENANT PRIOR
- 7 COORDINATE INSTALLATION OF TELEPHONE AND SECURITY SYSTEMS UNLESS
- 8 ARCHITECTURAL ORAWINGS ARE SCHEMATIC IN NATURE, ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS, COMPLYING WITH ALL APPLICABLE CODES, FOR PROPER SIZING AND CIRCUITING
- 9 REMOVE ALL FLOOR MONUMENTS PRIOR TO CARPET INSTALLATION, REMOVE COVER PLATES FROM ALL PREVIOUSLY CAPPED OUTLETS. ALL CAPPED OUTLETS
- 10 ALL NEW DEDICATED OUTLETS SHALL BE IDENTIFIED BY THE LETTER "D". THE HALF OF EACH FOURPLEX OUTLET THAT IS TO BE ON A DEDICATED CIRCUIT SHALL BE IDENTIFIED BY A "D". ALL DEDICATED OUTLETS TO BE COLORED ORANGE.
- 11 OBTAIN EQUIPMENT SPECIFICATIONS, INCLUDING POWER AND INSTALLATION REQUIREMENTS FROM TENANT TO ENSURE PROPER REQUIREMENTS ARE MET.
- 12 ALL ELECTRICAL WORK SHALL CONFORM TO CURRENTLY ADOPTED I.B.C. WITH AMENDMENTS AND OTHER ORDINANCES OF LOCAL, CITY, STATE AND FEDERAL
- 13 ALL ELECTRICAL MATERIALS AND EQUIPMENT SHALL BE LISTED BY UNDERWRITERS
- 14 ALL FLOOR PENETRATIONS SHALL BE FIREPROOFED AS REQUIRED BY CODE.
- 15 ELECTRICAL MECHANICAL & PLUMBING DESIGN/BUILD SUBCONTRACTOR SHALL FURNISH AND INSTALL COMPLETE, ALL MATERIALS, EQUIPMENT AND LABOR, AS SHOWN AND AS NECESSARY FOR COMPLETE WORKABLE SYSTEM, ALL MATERIALS
- 15 CONTRACTOR TO VERIFY SPECIAL CONSTRUCTION REQUIRING SPECIAL OUTLETS, SWITCHES OR MOUNTING ON ONE HOUR FIRE RATED WALLS.
- 17 NOTIFY THE ARCHITECT IMMEDIATELY FOR RESOLUTION OF ANY DISCREPANCIES BETWEEN THE ARCHITECTURAL DRAWINGS, M.E.P. DRAWINGS AND FIELD
- 18 ELECTRICAL MECHANICAL AND PLUMBING CONTRACTORS ARE RESPONSIBLE FOR ALL INFORMATION ON ARCHITECTURAL DRAWINGS.
- 19 GENERAL CONTRACTOR IS TO COORDINATE ALL SUB CONTRACTORS FOR COMMUNICATIONS/DATA TO VERIFY REQUIREMENTS AND TO SCHEDULE PULLING OF CABLES. ALL ELECTRICAL AND TELEPHONE INSTALLATION SHALL BE IN STRICT ACCORDANCE WITH ALL BUILDING DEPARTMENT AND FIRE DEPARTMENT CODES AND ORDINANCES AS WELL AS TITLE 24 ENERGY REQUIREMENTS.
- 20 EACH CONDUIT TO RECEIVE ONLY ONE TYPE OF CABLE; TELEPHONE, ELECTRICAL,
- 21 LOCATE SWITCHES AT +44\* A.F.F., U.O.N.
- 22 ALL OUTLETS TO BE MOUNTED 18" AFF, U.O.N
- 23 ALL WALL OUTLETS ARE TO BE MOUNTED VERTICALLY, U.O.N. ANY ELECTRICAL WALL OUTLET HIGHER THAN 18" SHALL BE MOUNTED HORIZONTALLY-U.O.N.
- 24 A MINIMUM OF 2" CLEAR MUST BE MAINTAINED FOR ANY FLOOR OUTLET ADJACENT
- 25 ELECTRICAL CONTRACTOR SHALL VERIFY AND COORDINATE CONDUIT RUNS CIRCUITING, AND WIRING AS REQUIRED TO PROVIDE COMPLETE ELECTRICAL INSTALLATION. AS BUILT RECORDS OF CIRCUIT AND WIRING SHALL BE PREPARED
- 26 ALL OUTLETS AT OR ABOVE COUNTERS WITHIN 6'-0" OF A SINK SHALL BE GFI TYPE.
- 27 ELECTRICAL CONTRACTOR TO PROVIDE TEMPORARY LIGHTING THROUGHOUT
- 28 ALL ELECTRICAL WIRING IN EXPOSED CEILING, WALL AND OR CEILING LOCATIONS SHALL UTILIZE THIN WALL METAL CONDUIT (EMT) OR AS REQUIRED BY CODE. THE USE OF FLEXIBLE METAL CONDUIT RUNS IN EXPOSED CEILING AREAS SHALL BE POSITIONED AND SECURED SO AS TO BE AS INCONSPICUOUS AS POSSIBLE. DIAGONAL RUNS ACROSS THE UNDERSIDE OF THE CEILING FRAMING SHALL NOT BE PERMITTED, WHERE CONDUIT RUNS PERPENDICULAR TO JOISTS, RUNS SHALL SE LOCATED ADJACENT TO BEAMS. WHERE CONDUIT RUNS PARALLEL TO JOISTS, RUNS SHOULD BE LOCATED AND MOUNTED TO THE SIDES OF THE JOISTS. PENETRATIONS THROUGH BLOCKING AT BEAM LOCATIONS MAY BE PERMITTED

POWER/DATA NOTES

- 29 TELEPHONE AND DATA CABLE TYPE TO BE VERIFIED BY OWNER. ALL PORTS TO HAVE REDUNDANT WIRING U.O.N. TELEPHONE AND DATA CABLE TO BE DISTINGUISHED BY COLOR.
- 30 ALL OUTLETS, SWITCHES, AND COVERPLATES TO BE WHITE U.O.N.
- 31 ALL OUTLETS, SWITCHES, AND COVERPLATES ON WOOD MILLWORK TO BE BLACK
- 32 ALL ELECTRICAL AND TELEPHONE INSTALLATION SHALL BE IN STRICT ACCORDANCE WITH ALL BUILDING DEPARTMENT AND FIRE DEPARTMENT CODES AND ORDINANCES AS WELL AS TITLE 24 ENERGY REQUIREMENTS

**CEILING NOTES** 

- REFER TO MECHANICAL IELECTRICAL AND PLUMBING DRAWINGS AND SPECIFICATIONS FOR DESIGN OF THESE SYSTEMS (DUCT SIZES, CIRCUITING, ETC.), HOWEVER, LOCATIONS OF FIXTURES, SWITCHES, ETC. SHALL BE AS SHOWN ON ARCHITECTURAL LANS AND ELEVATIONS. NOTIFY ARCHITECT OF ANY CONFLICTS PRIOR TO COMMENCING CONSTRUCTION.
- VERIFY FIELD CONDITIONS AND LOCATIONS OF ALL PLUMBING, DUCTS, STRUCTURAL ELEMENTS, AND OTHER APPLICABLE ITEMS, ARRANGE AND MODIFY NON-VISIBLE ITEMS TO INSURE ADEQUATE CLEARANCES FOR CEILING LAYOUT AS SHOWN.
- IN AREAS WITH ACOUSTICAL CEILING TILE, ALL REGISTERS AND LIGHTING FIXTURES SHALL OCCUR WITHIN GRID LINES AND SPRINKLER HEADS (WHERE APPLICABLE). INCANDESCENT FIXTURES, OR OTHER CEILING ELEMENTS SHALL BE LOCATED ON THE CENTERLINE OF ACOUSTICAL UNITS, U.O.N.
- G.C. TO COORDINATE WITH BUILDING OWNER ANY ACCESS ISSUES WITH REGARDS TO BASE BUILDING HVAC, ELECTRICAL, PLUMBING, AND LIFE SAFETY THAT MUST REMAIN UNOBSTRUCTED AND/OR REASONABLY ACCESSIBLE FOLLOWING TENANT MOVE IN.
- CEILING FIXTURES ARE LOCATED IN ACCORDANCE WITH CEILING GRID SHOWN ON THE RCP. IF INSTALLED CEILING GRID DIFFERS FROM WHAT IS SHOWN ON THIS DRAWING, CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH ARCHITECT THE FIXTURE LOCATIONS WITHIN THOSE SPACES, UNAPPROVED WORK IS SUBJECT TO REINSTALLATION WITHOUT ADDITIONAL COST TO THE PROJECT.
- QUANTITY AND APPROXIMATE LOCATIONS OF THERMOSTATS SHALL BE DETERMINED BY M.E.P. DESIGN BUILD CONTRACTOR. LOCATIONS SHALL BE SUBMITTED TO
- LIGHT SWITCHING SHALL CONFORM TO TITLE 24 REQUIREMENTS, DOUBLE SWITCH WITH EACH SWITCH CONTROLLING 50% OF LAMPS PER FIXTURE ALL ROOMS/AREAS OF
- EXIT SIGNS SHALL BE VISUALLY UNOBSTRUCTED BY EXISTING OR NEW CONSTRUCTION, LOCATION PER ELECTRICAL DRAWINGS.
- CONTRACTOR SHALL NOTIFY ARCHITECT OF ANY CONFLICTS WITH SUSPENDED GRID SYSTEM OR HVAC, PLUMBING, LIFE SAFETY, ETC. PRIOR TO INSTALLATION.
- ABSOLUTELY NO CHANGES ARE TO BE MADE TO LAYOUT OF CEILING FIXTURES WITHOUT REVIEW AND APPROVAL BY THE ARCHITECT.
- WHERE THE ACOUSTIC CEILING TILES AND GRID SYSTEM ARE FOR NEW DESIGN AND CONSTRUCTION ALL CEILING TILES INSTALLED SHALL BE NEW MATERIAL AND FREE FROM DEFECTS AND ANY CAULKING MATERIAL,
- ELECTRICAL CONTRACTOR SHALL FIELD CHECK THE PREMISES AND VERIFY ALL CLEARANCES AS REQUIRED FOR ANY AND ALL LIGHTING FIXTURES BEFORE PROCEEDING WITH ANY INSTALLATION. REPORT ANY DISCREPANCIES TO ARCHITECT OR TENANT REPRESENTATIVE FOR RESOLUTION BEFORE ANY FIXTURES ARE INSTALLED ARCHITECT RESERVES THE RIGHT TO RELOCATE FIXTURES SHOWN ON PLAN TO INSURE PROPER DISTRIBUTION OF LIGHT IF CONTRACTOR DOES NOT POINT OUT DISCREPANCY BEFORE ANY FIXTURES ARE INSTALLED.
- ELECTRICAL, MECHANICAL AND PLUMBING CONTRACTORS MUST COORDINATE INSTALLATION AND REQUIRED CLEARANCES OF THEIR EQUIPMENT.
- THE CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND DIMENSIONS AND SHALL BE RESPONSIBLE FOR ACHIEVING THE NECESSARY CLEARANCES FOR ALL SPECIFIED
- MECHANICAL, ELECTRICAL AND PLUMBING DESIGN-BUILD DRAWINGS ARE RESPONSIBLE FOR SPECIFICATIONS AND LAYOUTS OF EQUIPMENT, AND DESIGN OF THESE RESPECTIVE SYSTEMS. INFORMATION INCLUDING BUT NOT LIMITED TO LIGHTING, WIRING, SWITCHING AND HVAC.
- ALL WIRING FOR LIGHT FIXTURES, EXIT SIGNS OR OTHER ELECTRICAL DEVICES SHALL BE U.L. APPROVED AND INSTALLED IN ACCORDANCE WITH APPROPRIATE CODES.
- ALL CEILING FIXTURES SHALL BE CERTIFIED U.L. APPROVED PRIOR TO INSTALLATION.
- MOUNTING HEIGHTS FOR THERMOSTATS SHALL BE 44" A.F.F. U.O.N
- LIGHT SWITCHES LOCATED ON WALL PERPENDICULAR TO DOOR SHALL BE 39\*
- WHERE SWITCHES ARE SHOWN ADJACENT TO EACH OTHER, THEY SHALL BE GANGED AND COVERED BY A SINGLE PLATE, U.O.N.
- 21 FOR SWITCH & COVERPLATE COLORS-SEE POWER/DATA NOTES #30 & 31.

**PARTITION NOTES** 

- DO NOT SCALE DRAWINGS, WRITTEN DIMENSIONS GOVERN, ALL PARTITION LOCATIONS, DIMENSIONS AND TYPES, ALL DOOR AND WINDOW LOCATIONS SHALL BE AS SHOWN ON CONSTRUCTION PLAN. IN CASE OF IMMEDIATELY, CONSTRUCTION PLAN BY ARCHITECT SUPERSEDES ALL OTHER PLANS
- ALL PARTITIONS ARE DIMENSIONED FROM FINISH FACE TO SINISH FACE, UNLESS OTHERWISE NOTED, ALL DIMENSIONS MARKED "CLEAR" SHALL BE MAINTAINED AND SHALL ALLOW FOR THICKNESS OF ALL FINISHES INCLUDING CARPET (AND CUSHION), CERAMIC TILE, VCT, ETC.
- DIMENSIONS LOCATING DOORS BY EDGE ARE TO THE INSIDE EDGE OF JAMB, UNLESS OTHERWISE NOTED.
- COLUMN CENTER LINES (OR GRID LINES) ARE SHOWN FOR DIMENSIONING ONLY, VERIFY EXACT LOCATIONS
- CONTRACTOR SHALL CHALK LOCATIONS OF PARTITIONS AND DOORS ON FLOOR FOR REVIEW BY ARCHITECT PRIOR TO INSTALLATION. REVIEW WILL BE FOR DESIGN INTENT, CONTRACTOR SHALL COORDINATE AND VERIFY ALL CONDITIONS TO ENSURE PROPER FIT.
- AT ACOUSTICAL PARTITIONS, STAGGER ALL JOINTS IN GYPSUM BOARD AND PROVIDE LOW DENSITY ACCUSTICAL BATT INSULATION: FOUR POUNDS PER CUBIC INCH, 2-1/2" THICK, UNFACED FIBERGLASS INSULATION OWENS-CORNING NOISE BARRIER, USG THERMAFIBER OR APPROVED EQUAL, WHERE BATT INSULATION IS INDICATED. FLAME SPREAD AND SMOKE DENSITY FOR INSULATION SHALL BE PER CBC
- VERIFY ALL DIMENSION SHOWN ON DRAWINGS BY TAKING FIELD MEASUREMENTS; PROPER FIT AND ATTACHMENT OF ALL PARTS ARE REQUIRED, BEFORE COMMENCING WORK, CHECK ALL LINES AND LEVELS INDICATED AND OTHER SUCH WORK AS HAS BEEN COMPLETED, SHOULD THERE BE ANY DISCREPANCIES, REPORT IMMEDIATELY TO THE ARCHITECT FOR CORRECTION OR ADJUSTMENT. IN EVENT OF FAILURE TO DO SO, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTION OF ANY ERRORS.
- CONTRACTOR SHALL COORDINATE ALL WORK WITH MECHANICAL ELECTRICAL AND PLUMBING DESIGN BUILD SUBCONTRACTORS AND REPORT IMMEDIATELY TO THE ARCHITECT ANY DISCREPANCIES FOR CORRECTION OR ADJUSTMENT. NO ALLOWANCE WILL BE MADE FOR INCREASED COSTS INCURRED DUE TO LACK OF PROPER COORDINATION.
- ALL PARTITIONS SHALL BE ANCHORED FIRMLY AND BRACED AS REQUIRED BY CODE. SEE DETAILS.
- ALL GLAZING SHALL MEET REQUIREMENTS OF GOVERNMENTAL CODES AND ORDINANCES, AND MEET DESIGN STRESS REQUIREMENTS FOR SIZE, SUBMIT SAMPLES OF GLASS TO ARCHITECT FOR REVIEW PRIOR
- CONTRACTOR WILL INSPECT AND LEVEL FLOOR WHERE REQUIRED, AND INSTALL "LEVELING" UNDERLAYMENT AT VCT, WOOD FLOORS AND BUILT-IN FILE LOCATIONS TO ASSURE LEVEL SURFACE AND
- ALL WORK SHALL BE INSTALLED AS SHOWN ON DRAWINGS PLUMB, LEVEL, TRUE TO LINE AND SECURELY
- ALL MILLWORK SHALL CONFORM TO THE STANDARDS OF THE W.I.C. FOR QUALITY AND CRAFTMANSHIP. STANDARD CLASSIFICATIONS: P. LAM. -W.I.C. CUSTOM. CUSTOM WD. - W.I.C. PREMIUM.
- PARTICLE BOARD SHALL BE PREMIUM GRADE, WHERE PARTICLE BOARD IS TO BE PAINTED, IT IS TO BE PRE-FILLED, SANDED AND READY FOR FINISHING.
- CONTRACTOR SHALL INSTALL DOORS COMPLETE WITH ALL HARDWARE FITTINGS AND ACCESSORIES AS REQUIRED FOR SPECIFIC INSTALLATION AND FURNISH ANY SPECIAL ITEMS REQUIRED FOR CODE CONFORMANCE (SUCH AS ADA) AT EVERY DOOR LOCATION,
- ALL DOORS TO BE UNDERCUT 1/4" OVER CARPET AND VINYL TILE (EXCEPT FIRE-RATED DOORS) AT FINISH
- ALL LABELED (FIRE RATED) DOORS SHALL BE INSTALLED WITH MINIMUM CLEARANCE ABOVE THRESHOLD OR
- ALL DOORS DESIGNATED TO BE FIRE-RATED SHALL BE LABELED AS REQUIRED BY CODE
- THE FINISH HARDWARE SUPPLIER SHALL EXAMINE THE DRAWINGS, SCHEDULES, AND SPECIFICATIONS AND FURNISH PROPER HARDWARE WHETHER LISTED OR NOT. HE SHALL ALSO SUPPLY A COMPLETE HARDWARE LIST AND SCHEDULE TO THE ARCHITECT FOR REVIEW,
- ALL HARDWARE SHALL BE INSTALLED ACCORDING TO THE STANDARDS OF THE SPECIFIC MANUFACTURERS USED,
- 21 ALL FRAMES TO HAVE DOOR SILENCERS.
- REFER TO DOOR SCHEDULE, DOOR TYPES AND FINISH HARDWARE GROUPS FOR SPECIFIC DOOR
- ALL PERMANENT AND TEMPORARY BLOCKING, HARDWARE, AND ALL OTHER MISCELLANEOUS MATERIAL. TOOLS, AND TECHNIQUES IMPLIED BY THE DRAWINGS SHALL BE INCLUDED IN THIS WORK SO AS TO PRODUCE A COMPLETE AND FINISHED PRODUCT
- ALL INTERIOR OPEN JOINTS, PENETRATIONS AND OTHER OPENINGS SHALL BE SEALED, CAULKED, GASKETED OR WEATHER-STRIPPED TO LIMIT AIR LEAKS.
- WHERE GYPSUM WALL BOARD MEETS EXISTING CORNER, REMOVE (E) METAL CORNER BEAD PRIOR TO INSTALLATION OF NEW GYPSUM WALLBOARD.
- ALIGN NEW PARTITION SURFACES WITH THE (E) ADJACENT OR ADJOINING SURFACES, TAPE AND SAND THE JOINTS SMOOTH WITHOUT ANY VISIBLE JOINTS, PATCH AND REPAIR SURFACES TO MATCH ADJACENT OR
- COORDINATE LOCATIONS AND PROVIDE ADEQUATE BLOCKING WITHIN PARTITIONS FOR ALL CABINETS, COUNTERS, SHELVES AND ANY WALL MOUNTED ITEMS.
- CHECK CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS FOR ACCURACY AND COORDINATION BEFORE PROCEEDING WITH CONSTRUCTION, IF THERE ARE ANY QUESTIONS REGARDING THESE OR ANY OTHER COORDINATION QUESTIONS, OBTAIN A CLARIFICATION FROM THE ARCHITECT BEFORE PROCEEDING WITH WORK IN QUESTION OR RELATED WORK
- 29 ALL NEWLY INSTALLED GYPSUM WALL BOARD PARTITIONS SHALL BE NON-TEXTURED, SMOOTH WALL FINISH

SCOTT CARTER BENJAMIN



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გ ROVEMENT SAN FRANCISCO, STREET, TENANT FLORIDA STR

Revisions 2012/18 IS SHOW for Party

PPROVE Dept. of Building Insp. 140V 01 2012

Joseph Chan, DBI NOV 0 8 2012 1

Jeff Chin SPFO HON 0 2 SOUT

SHEET TITLE:

RECEIVED OCT 1 9 2012 DEPT, OF BUILDING INSPECTORS NOTED
THIS PLAN MEETS THE GUARTY
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SAN FRANCISCO DISABLED ACCESS CHECKLIST

OLATE ð TENANT IMPROVEMENT FLORIDA STREET, SAN FRANCISCO, CHARL

Revisions Section.

San Francisco D.A. Chacklist

As Noted

The address of the project is \_\_535 FLORIDA STREET, SAN FRANCISCO, CA

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

- 1. The proposed use of the project is COMMERCIAL KITCHEN W/ACCESSORY OFFICE AND RETAIL (e.g. Retail, Office, Restaurant, etc.) 2. Describe the area of remodel, including which floor: INTERIOR ONLY RENOVATIONS TO THE FOLLOWING: 1ST FLOOR IMPROVEMENTS TO (E)

  COMMERCIAL KITCHEN AND (N) RETAIL/SALES SPACE; 2ND FLOOR OFFICE SPACE
- 3. The construction cost of this project excluding disabled access upgrades is \$ 300,000.00 (check one) more than I less than the Accessibility Threshold amount of \$136,060.00 based on the "2011 ENR Construction Cost Index" (The cost index & threshold are updated annually).
- 4. Is this a City project and/or does it receive public funding? Check one: Q Yes / Note: If Yes, then see Step 3 on the Instructions page for additional forms required.

Conditions below must be fully documented by accompanying drawings

- 5. Read A through G below carefully and check the most applicable box (one box only):
- A: All existing conditions serving the area of remodel fully comply with access requirements. No further upgrades are required.
- B: All existing conditions serving the area of remodel that do not fully comply with access requirements will be fully upgraded with this project.
- C: Proposed project (check one) 🗆 is less than the threshold / 🖸 is over the threshold & falls under CBC 1134B.2.1 Ex. 2; Partial upgrades, including Equivalent Facilitation will be provided up to 20% of the project value as itemized on Form C. Priority of upgrades are to be considered in the order listed on p. 2 of the D.A. Checklist. Fill out Hardship request form(s) for non-faily complying items, including for Equivalent Facilitation items. Checking box C means there are still non-complying items serving the area of remodel.
- D: Access features will either fully comply or be provided with Code defined Equivalent Facilitation. Submit an Unreasonable Hardship Request (UHR) for the Equivalent Facilitation items.
- ☐ E: Hardship appeal to be filed with Access Appeals Commission (AAC). Note: Plan check of items not under AAC consideration will continue while resolution of AAC decision is sought.
- F: Consisting only of Barrier Removal, Notice of Accessibility Violation (NOV) Compliance or Exempted Work; Fill out Form F.
- G: Minor revision to previously approved permit drawings only. (Note: This shall NOT be used for new or additional work) Provide previous approved permit application here: Description of revision;

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**D.A. CHECKLIST** (p. 2 of 2):

	Check	all applica	ble boxe:	s and spec	cify wher	e on the d	rawings ti	ne details	are shown:
ades below are listed ity based on CBC 34B.2.1 Ex1	Existing Fulty Complying	Fult	Upgrade /	Facilitation/	1	None existing & not regid by Code	Access Appeals Commis- sion	Barrier Removal/ NOV	Location of detail(s)-include detail no. & drawing sheet ( <u>de not leave this part blant</u> t). Also clarification comments can be written here.
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travel	×						□		A2.01, A2.02
						区	□		NA
yr .	×						□		A2.01. A2.02 E.F.L/A0.03
if no elevator)	□		Œ	_ co					NA
) WHEELCHAIR LIFT	×		₽			□			A2.01
one accessible I for each sex the area of remodel.	×	D.	<b>G</b>	0					A2.01. A2.02 A503 A0.03
ale public pay		B		0	a	×		Ö	NA
ole drinking s (hi-low).					0	×	□	0	NA
	溟								EXISTING SIGNAGE FULLY COMPLIANT A0.03
arm.	Ø								EXISTING HORM/STROBE
Parking		<u> </u>				X			NA
h from parking area			П			×			NA
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	ity based on CBC 34B.2.1 Ext 34B.2.1 Ext exsible entrance he area of remodel. is should be a entrance. AddT may be required if it exible route to the ramodel it ravel  if no elevator)  if no elevator)	ades below are listed by based on CBC 34B.2.1 Ex1 Complying essible entrance he area of remodel, is should be a entrance. Add't may be required if it is sible route to the remodel travel if no elevator)  If no	ades below are listed by based on CBC 34B.2.1 Ex1 Complying Complying Complying Compliance he area of remodel. It is should be a sentrance. Add't may be required if it if it is sible route to the remodel it ravel Complying Compliance if it is should be a sentrance. Add't may be required if it if it is sible route to the remodel it ravel Complying Compliance if it is said to the remodel Compliance Complia	ades below are listed by based on CBC 34B.2.1 Ext  34B.2.1 Ext  essible entrance he area of remodel, is should be a entrance. Add't may be required if it if	ades below are listed by based on CBC 34B.2.1 Ex1  Sable 2.1 Ex1  essible entrance he area of remodel, is should be a entrance. Add1 may be required if it if if no elevator)  Wife ELCHAIR LIFT  One accessible for each sex he area of remodel.  In the public pay  De drinking  Shower  De parking  Description  Existing Fully Complying  Fully Complying  Fartial Ligarde / Facilitation/ Facilitatio	ades below are listed by based on CSC 34B.2.1 Ext	ades below are listed by based on CBC 34B.2.1 Ext  Sabs.2.1 Ext  Complying Fully Compliance  Full Upgrade / Facilitation/ Hardship  Facilitation/ Hardship  Code  Code	ades below are listed by based on CBC 34B.2.1 Ext  Sable 2.1 Ext  Complying Complying Compliance Fully Compliance Hardship Facilitation/ Hardship Hardship Radio Received by Complying Code Partial Upgrade / Facilitation/ Hardship Radio Received by Code Partial Upgrade / Facilitation/ Hardship Radio Received by Code Partial Requirements of the remodel. It is should be a entrance. Add1 may be required if it sable route to the remodel it ravel  If no elevator)  If	ades below are fisted by based on CSBC 34B.2.1 Ext  34B.2.1 Ext  Complying Compliance   Fullty Compliance

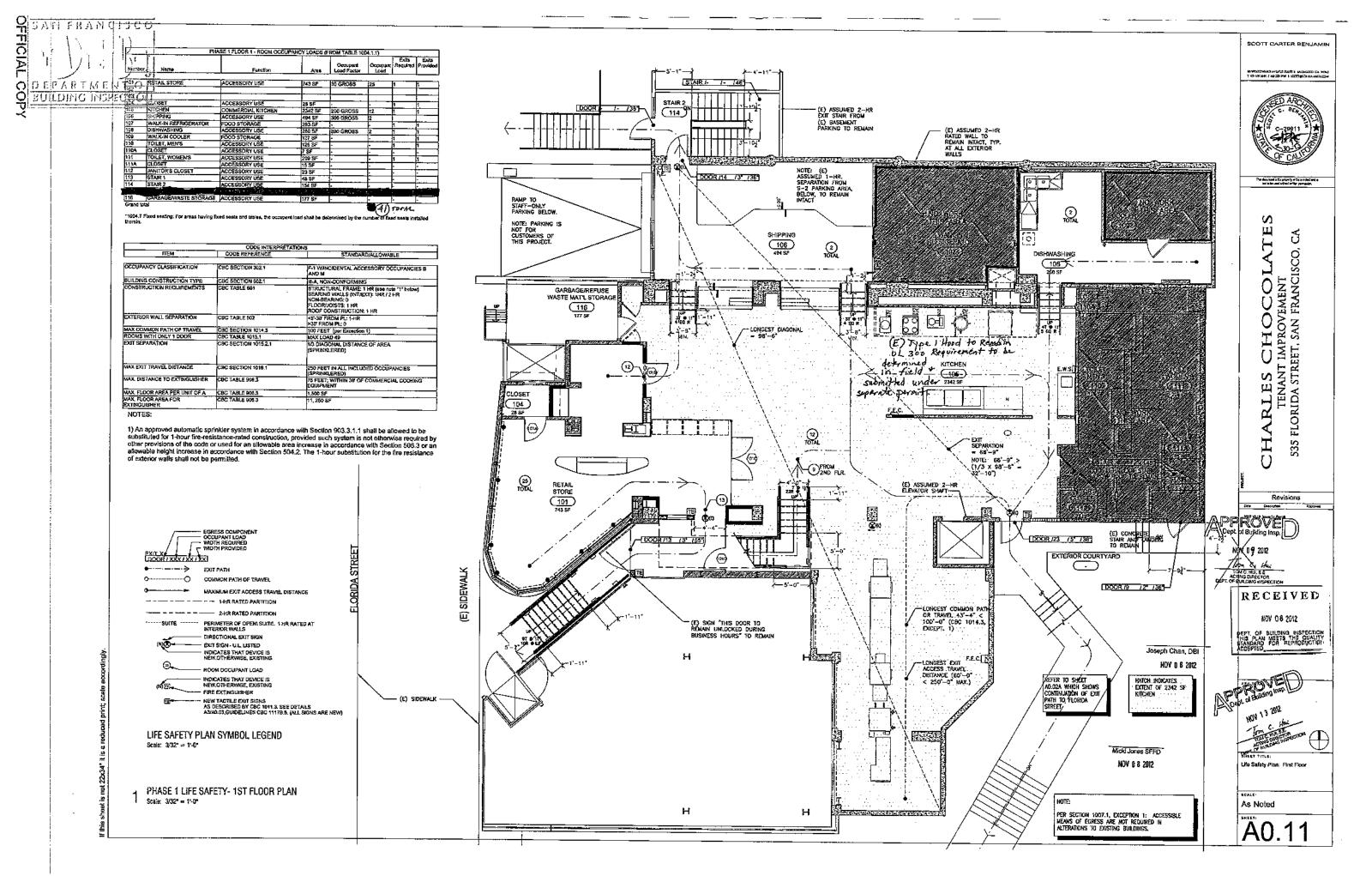
If details are provided from a set of City approved reference drawings, provide its permit application num

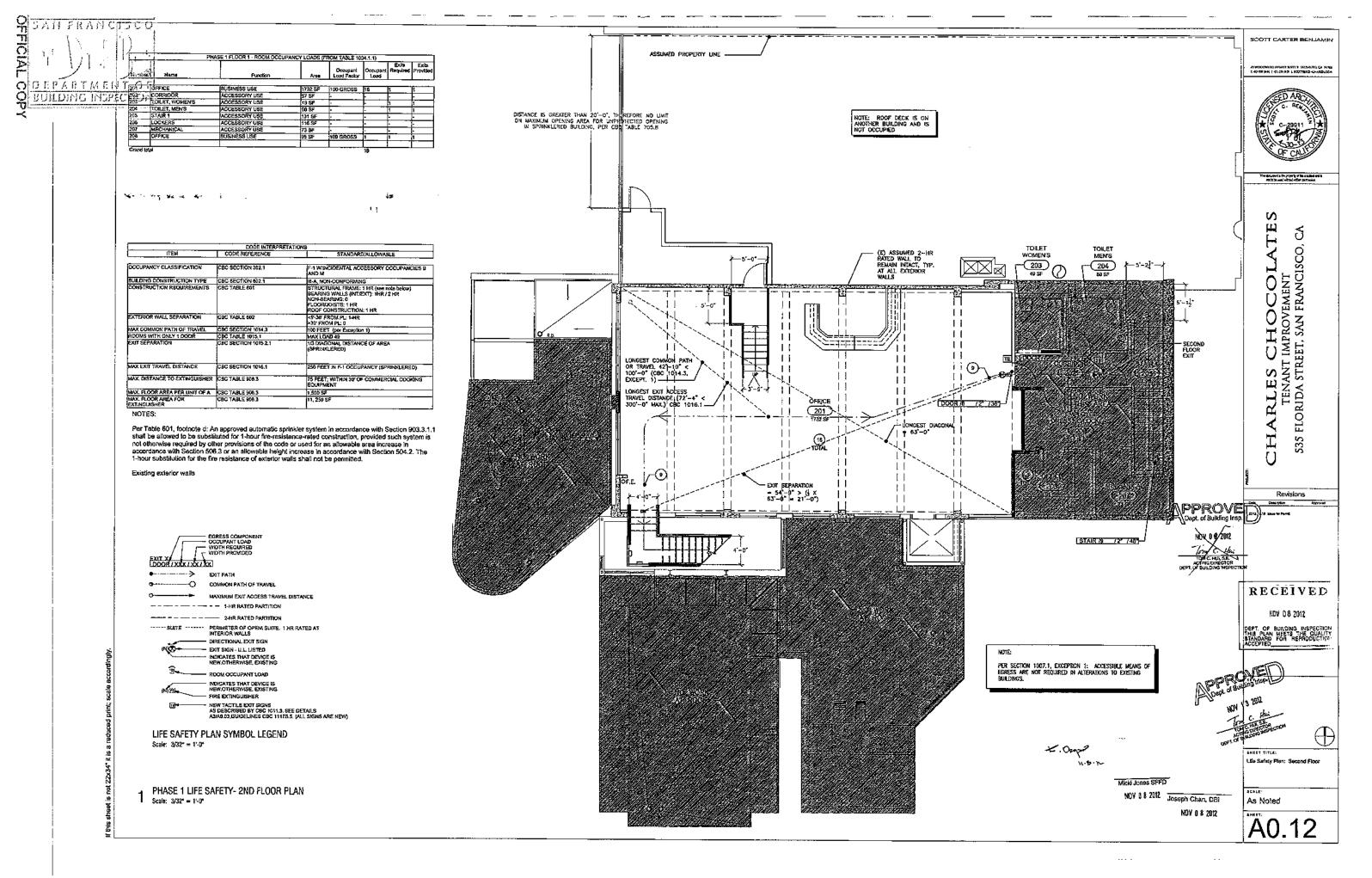
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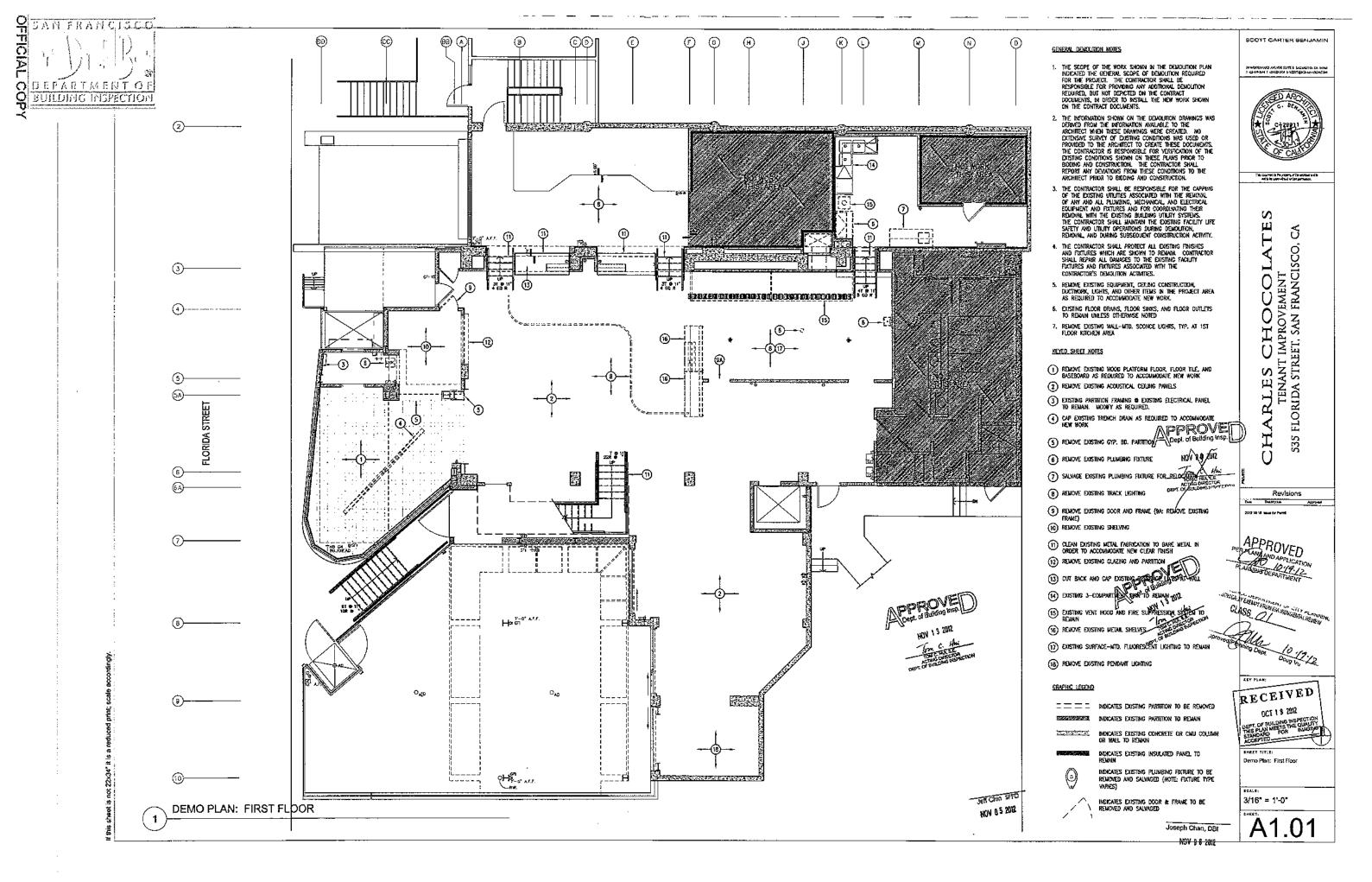
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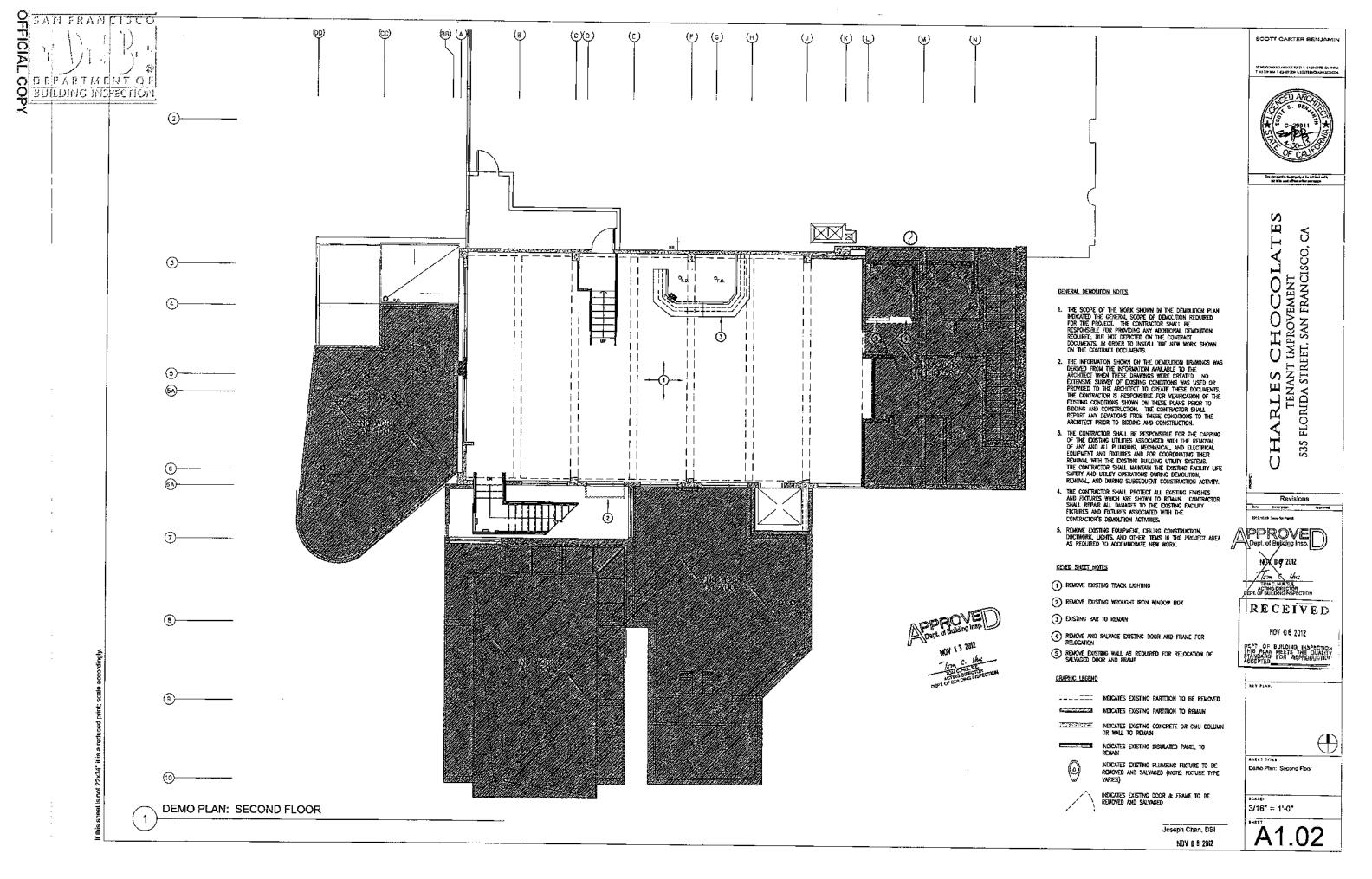
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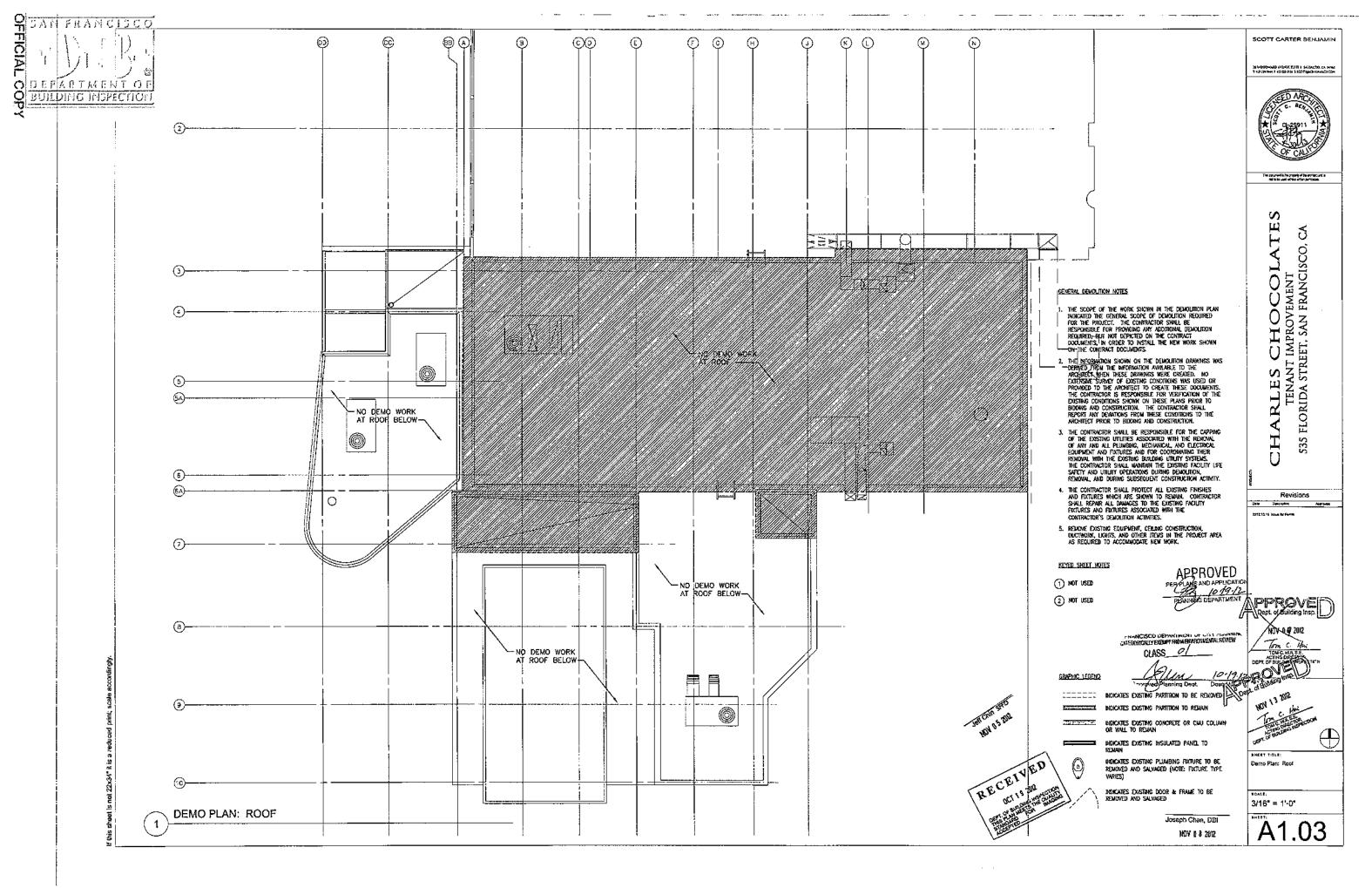
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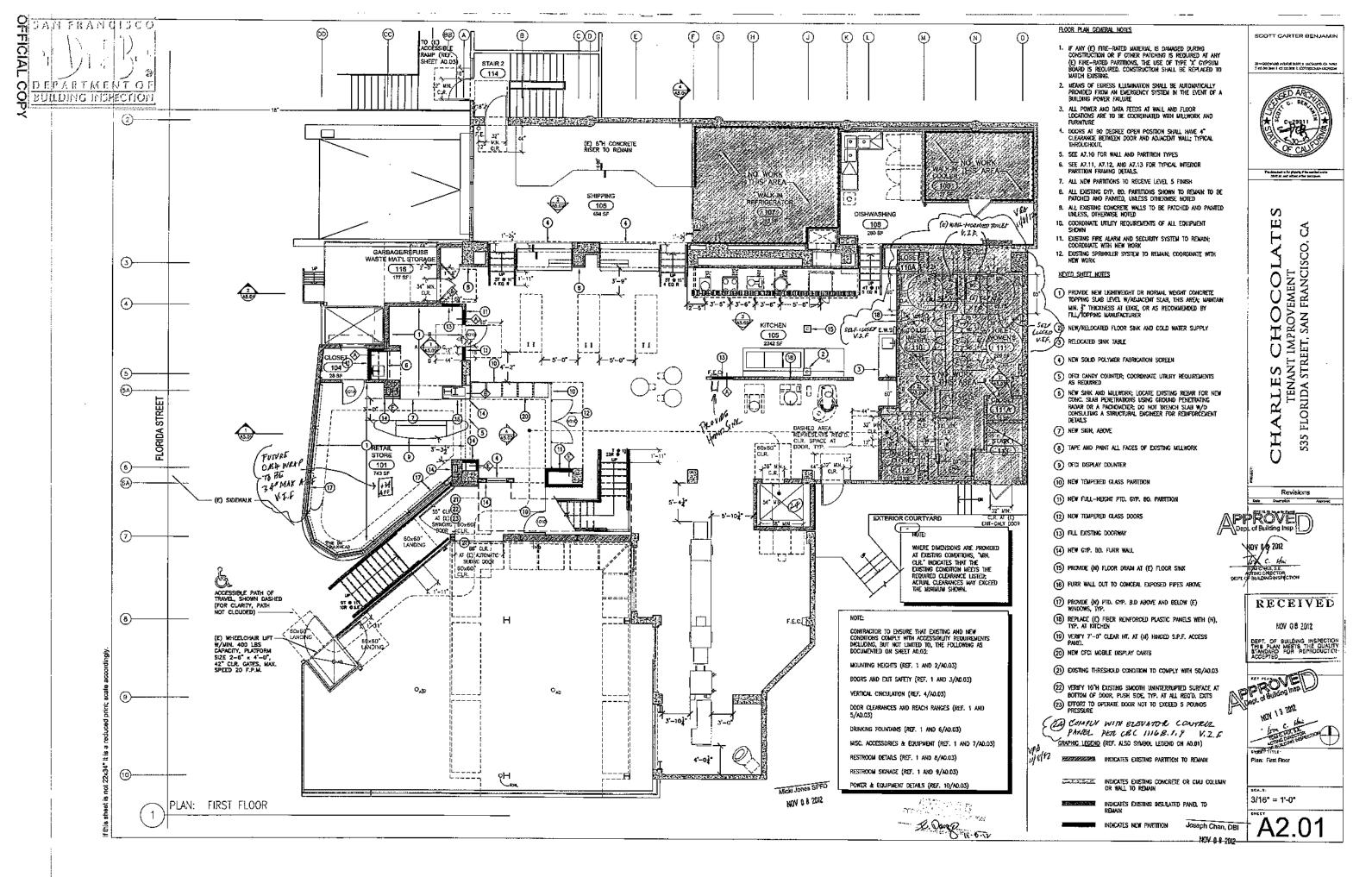


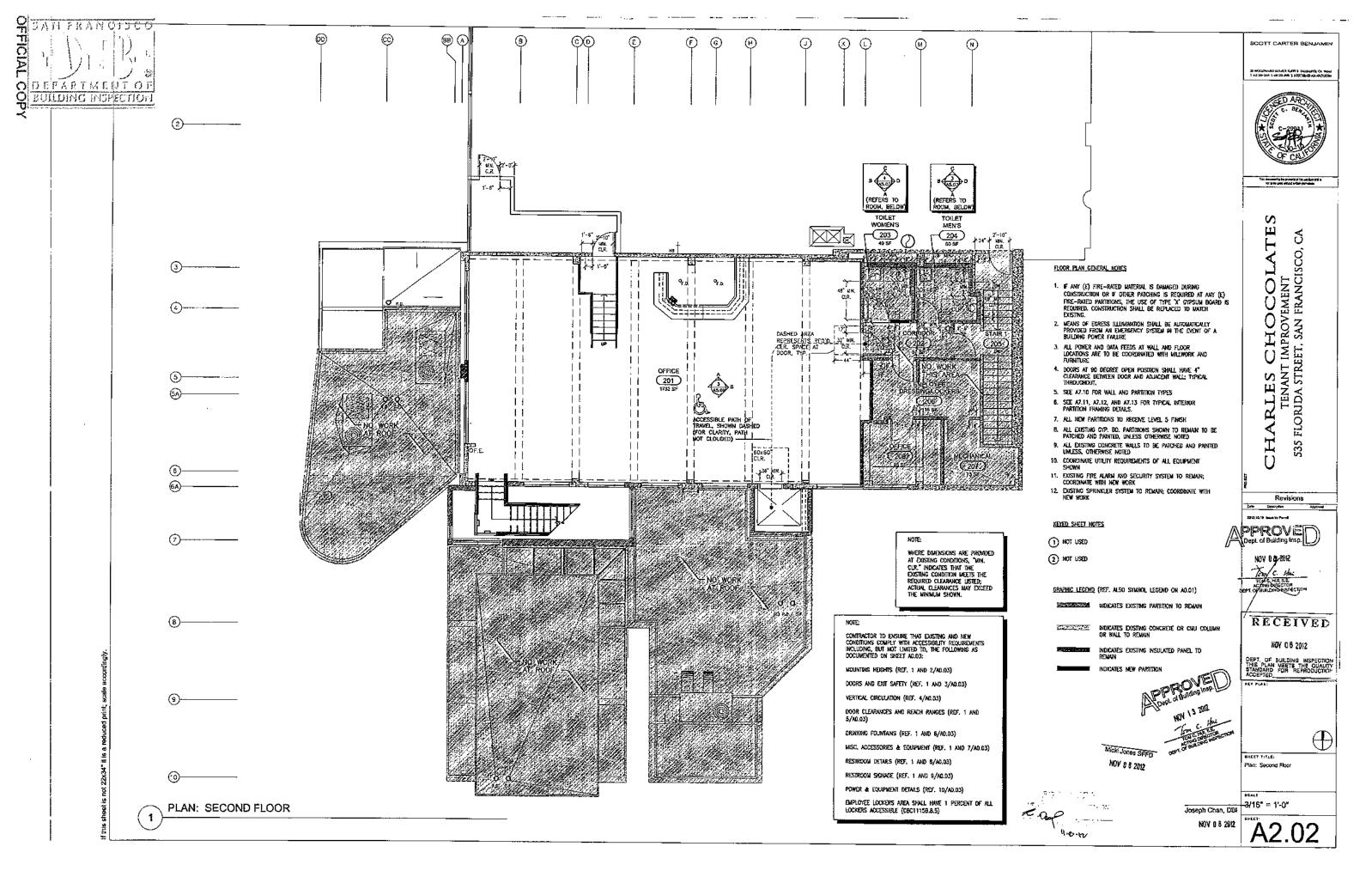


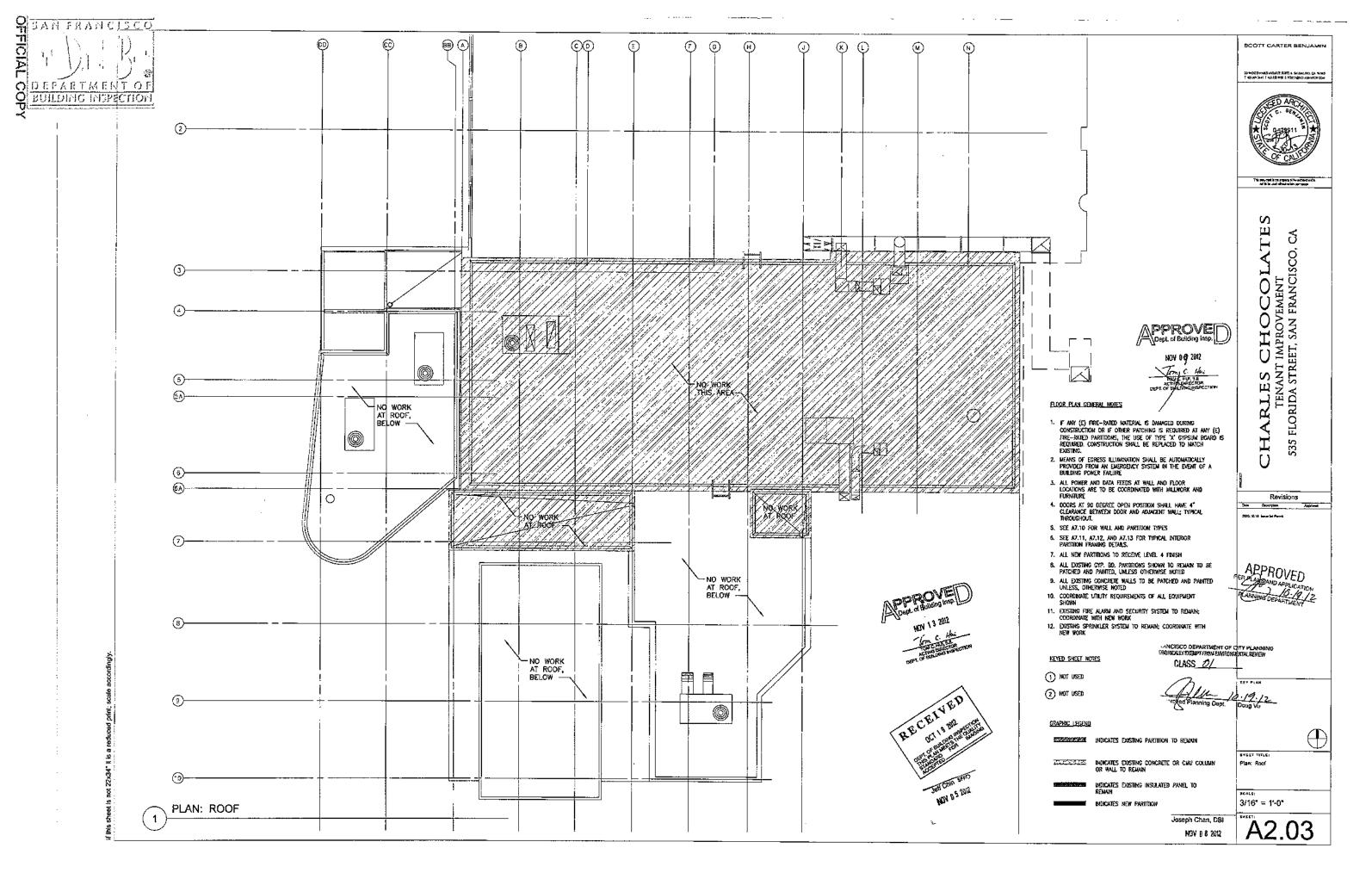


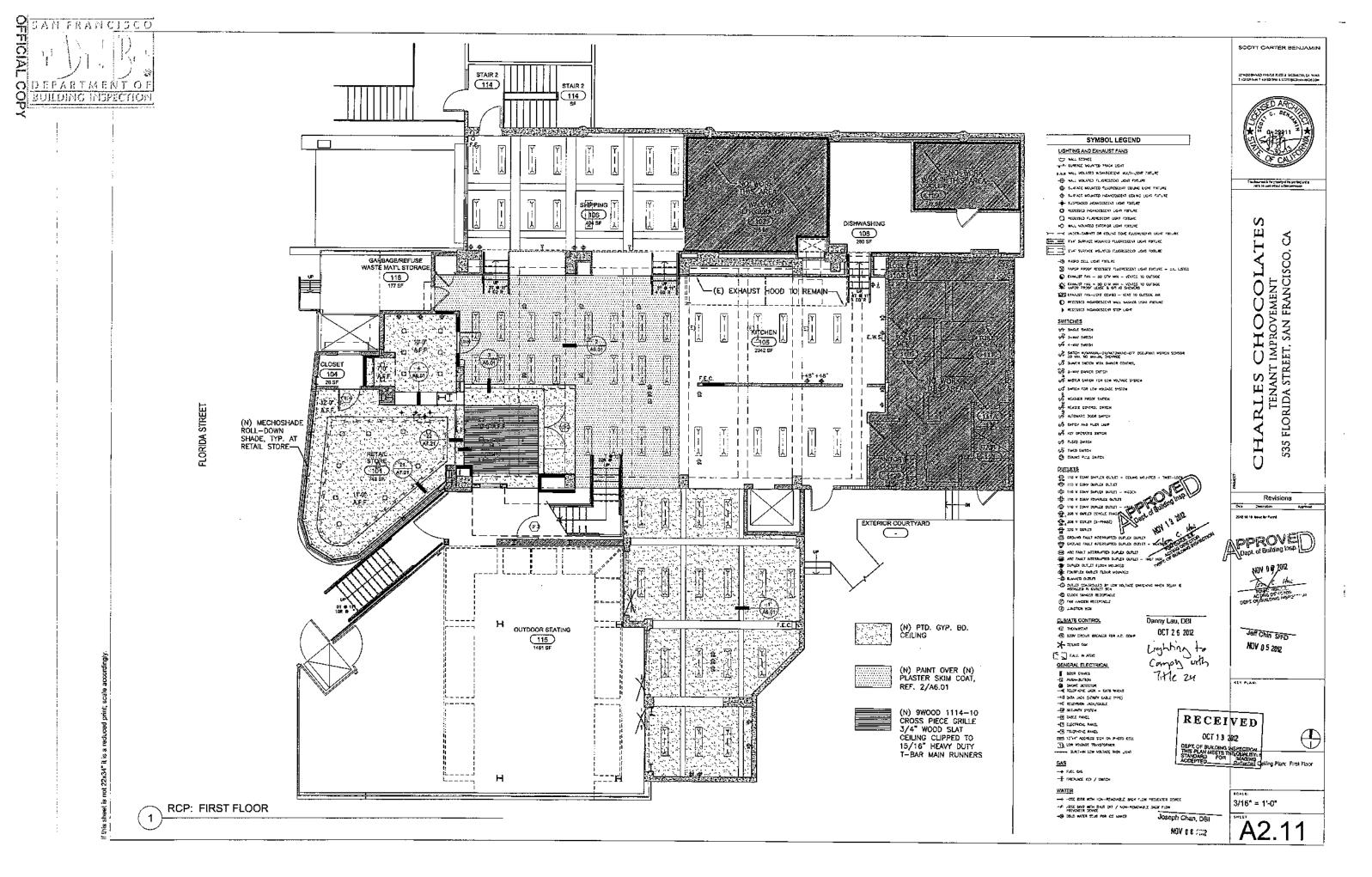


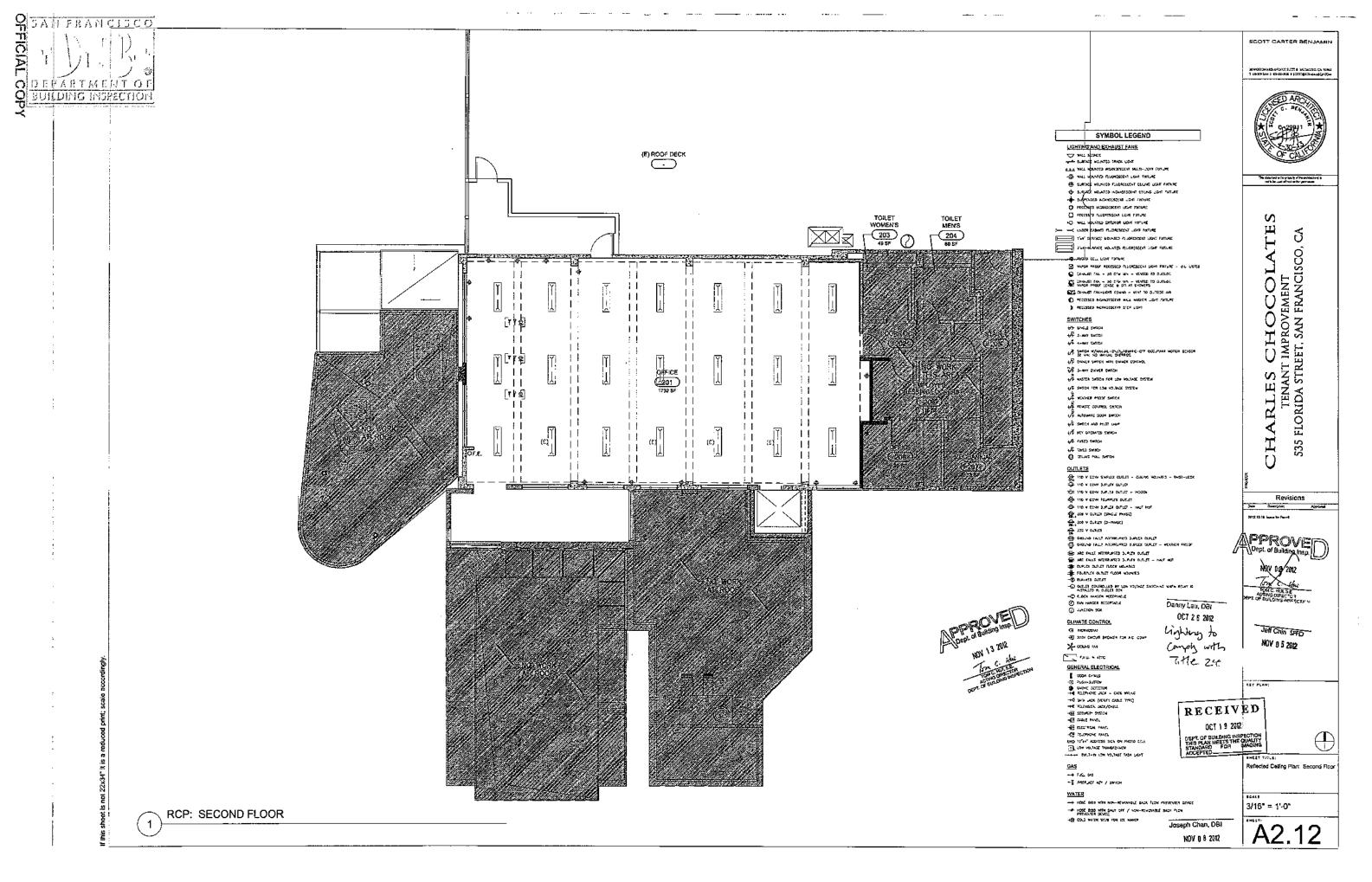


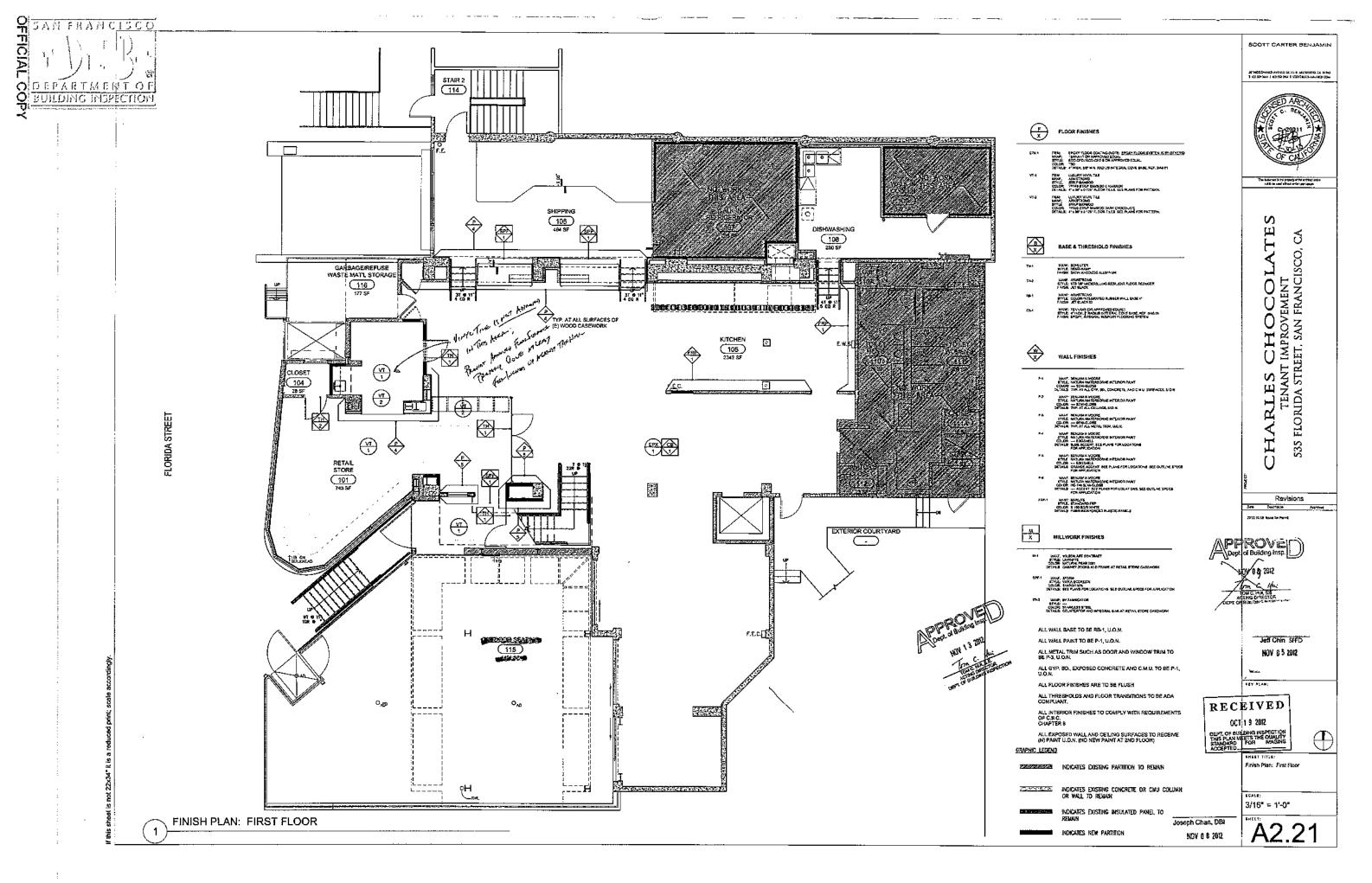


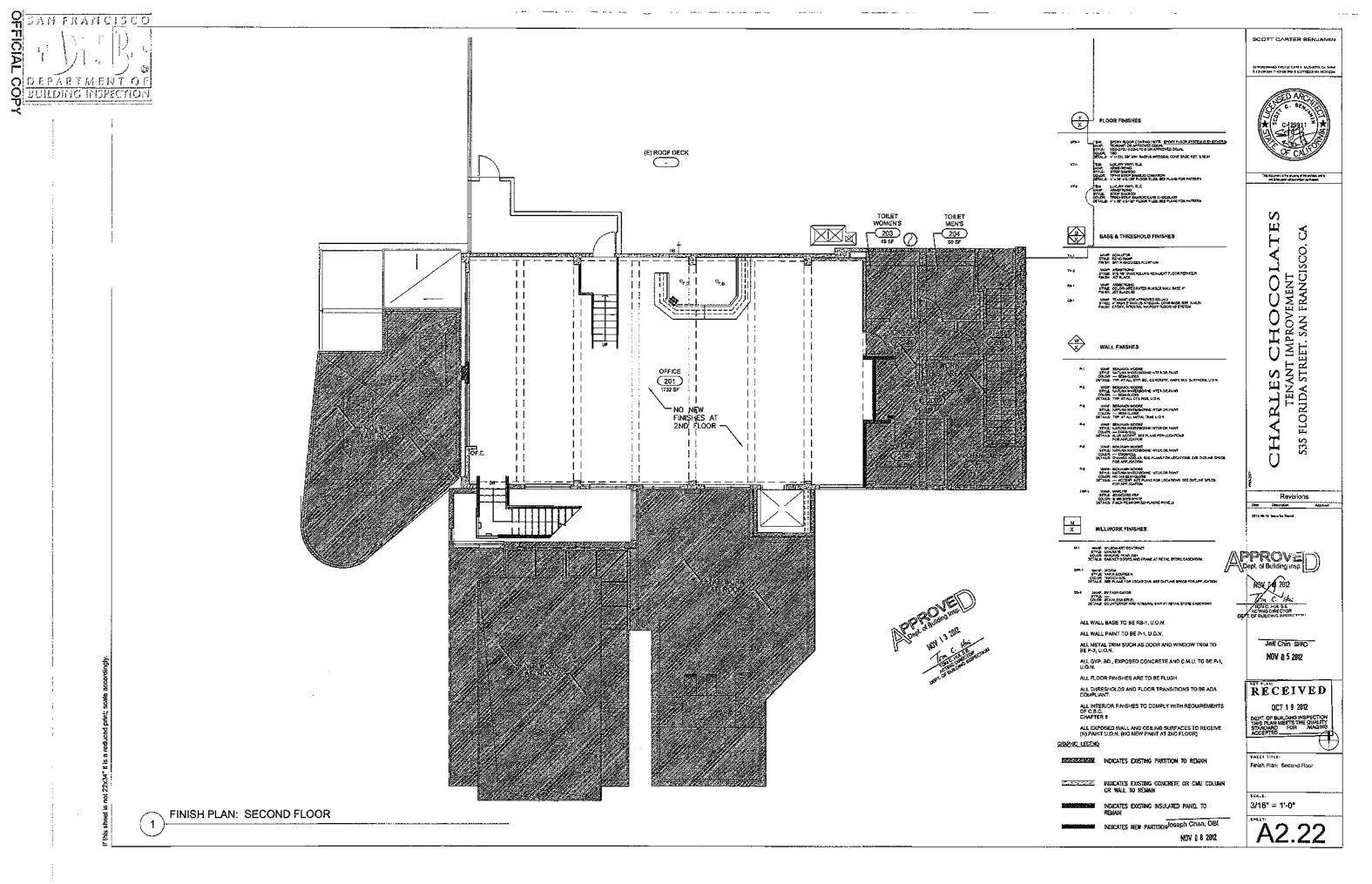












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Colument Layout	
1 UTENSIL WASHING FACILITIES—KITCHEN A2.01 (E) 3—COMPARTMENT SINK W/METAL DRAINBOARDS PROVIDED W/(E) F.R.P. BACKSPLASH  2 MECHANICAL WASHING FACILITIES—KITCHEN A2.01 —  3 FOOD PREPARATION SINK A2.01 DEDICATED FOOD PREPARATION SINK  4 HANDWASHING FACILITIES A2.01 —  5 JANITORIAL FACILITIES A2.01 —  6 FLOORS A2.21, A6.01 FLOORS NON-ABSORBENT, EASILY CLEANABLE; 4" COVE BASE W/MIN. 3/8" RADIUS; FLOOR DRAINS WHERE FLOORS WATER-FLUSHED FOR CLEANING  7 WALLS AND CEILINGS A2.21 WALLS OF DURABLE, SMOOTH, NON-ABSORBENT, WASHABLE, LIGHT—COLORED MATERIAL  A2.11, A6.01 CEILINGS OF DURABLE, SMOOTH, NON-ABSORBENT, WASHABLE, LIGHT—COLORED MATERIAL  WALL AREAS ADJACENT TO COOKING EQUIPMENT DURABLE TO RESIST HEAT	
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4 HANDWASHING FACILITIES A2.01 - 5 JANITORIAL FACILITIES A2.01 - 6 FLOORS A2.21, A6.01 FLOORS NON-ABSORBENT, EASILY CLEANABLE; 4" COVE BASE W/MIN. 3/8" RADIUS; FLOOR DRAINS WHERE FLOORS WATER-FLUSHED FOR CLEANING  WALLS AND CEILINGS A2.21 WALLS OF DURABLE, SMOOTH, NON-ABSORBENT, WASHABLE, LIGHT-COLORED MATERIAL A2.11, A5.01 CEILINGS OF DURABLE, SMOOTH, NON-ABSORBENT, WASHABLE, LIGHT-COLORED MATERIAL A5.01 WALL AREAS ADJACENT TO COOKING EQUIPMENT DURABLE TO RESIST HEAT	
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8 EQUIPMENT AND UTENSIL STANDARDS A2.31 COOKING EQUIPMENT DESIGNED/INSTALLED TO ALLOW CLEANING ACCESS UNDER AND AROUND	
9 TOILET FACILITIES A2.01, A2.02 TOILET ROOMS CONVENIENTLY LOCATED TO EMPLOYEES AND AVAILABLE TO PATRONS	
10 VENTILATION A1.01, A2.11. A5.01 MECHANICAL VENTILATION AT EXHAUST HOOD OVER COOKING EQUIPMENT AND TOILET ROOMS IS EXISTING	
11 FOOD PROTECTION A2.01 _	
12 FOOD STORAGE A2.01 -	
13 GARBAGE/REFUSE/WASTE MATERIAL STORAGE A2.01 -	
14 RODENT-PROOFING/INSECT-PROOFING/VERMIN-PROOFING (EXISTING CONDITIONS COMPLIANT) NO NEW EXTERIOR DOORS OR INSECT SCREEN PROVIDED	
15 EMPLOYEES' DRESSING ROOM AND LOCKERS A2.02	
16 WATER A2.31 —	
17 BACKSIPHONAGE PREVENTION AND DRAINAGE A0.04, A2.31 -	
18 LIGHTING E2.01, E2.02 –	
19 LINEN STORAGE A2.02 PROVIDE CLEAN/SDILED LINEN STORAGE CARTS IN EMPLOYEE ORESSING/LOCKER ROOM	

SCOTT CARTER BENJAMIN

CHARLES CHOCOLATES
TENANT IMPROVEMENT
535 FLORIDA STREET, SAN FRANCISCO, CA

AS NOTED

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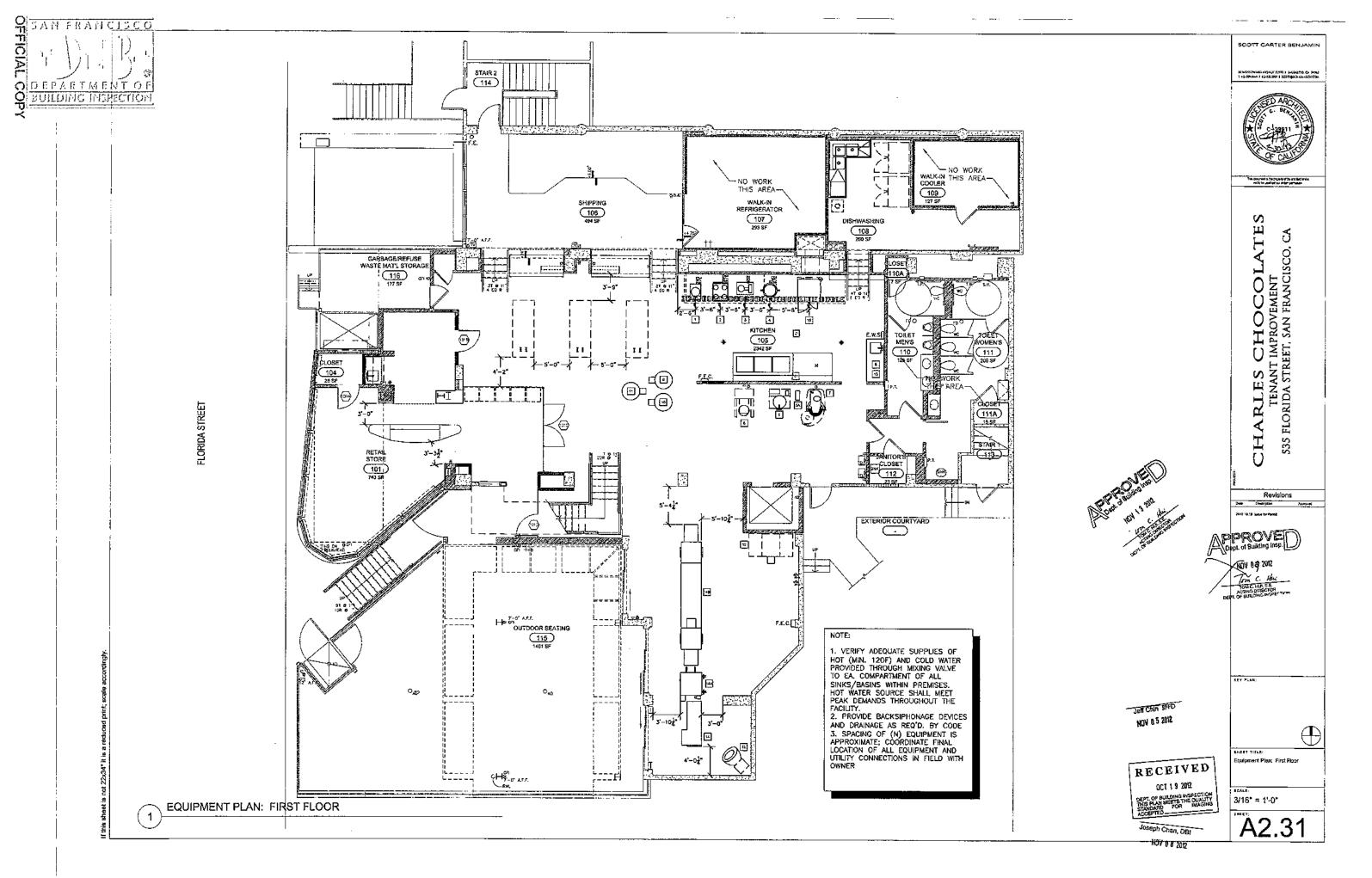
Joseph Chan, DBI

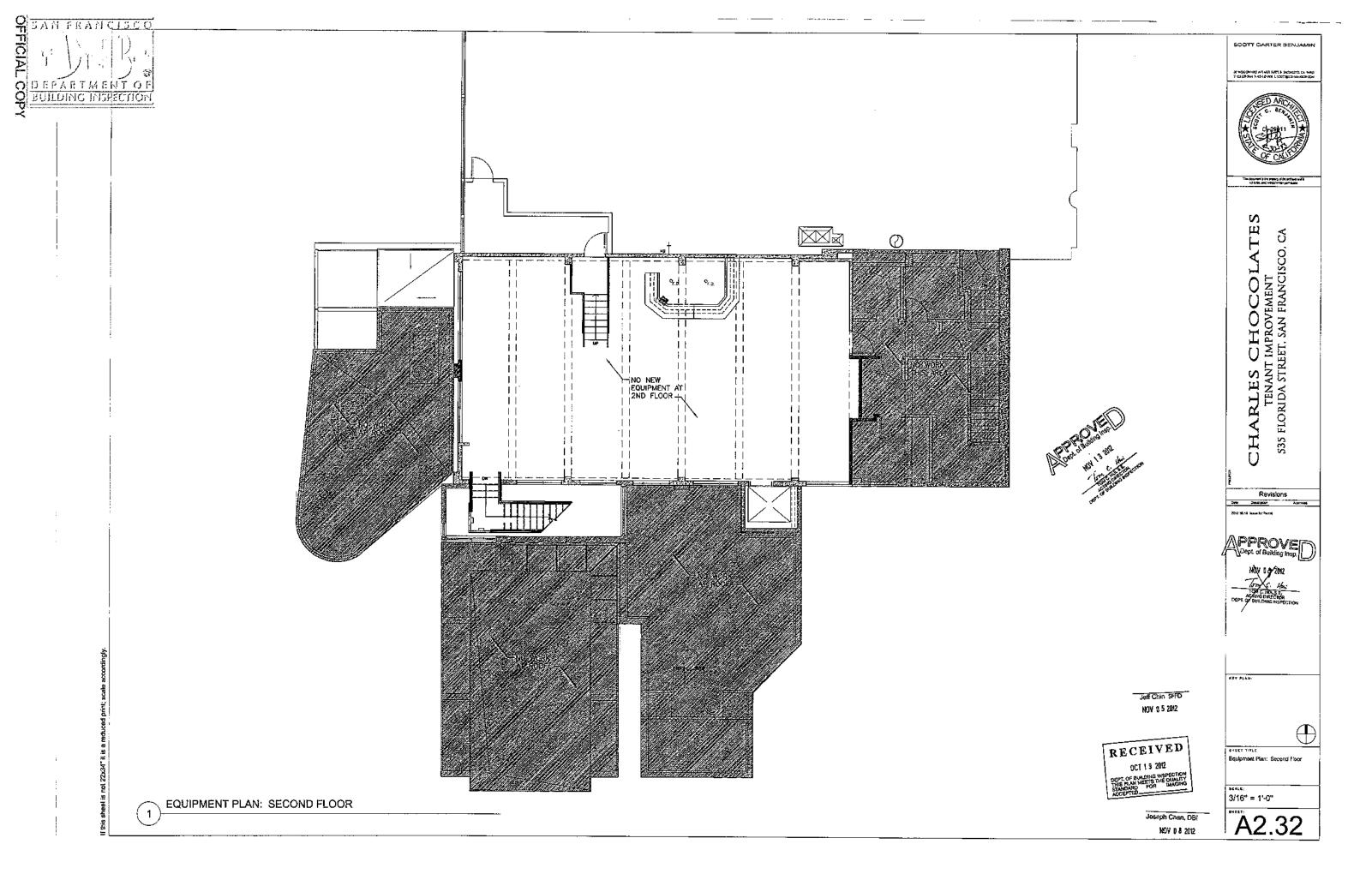
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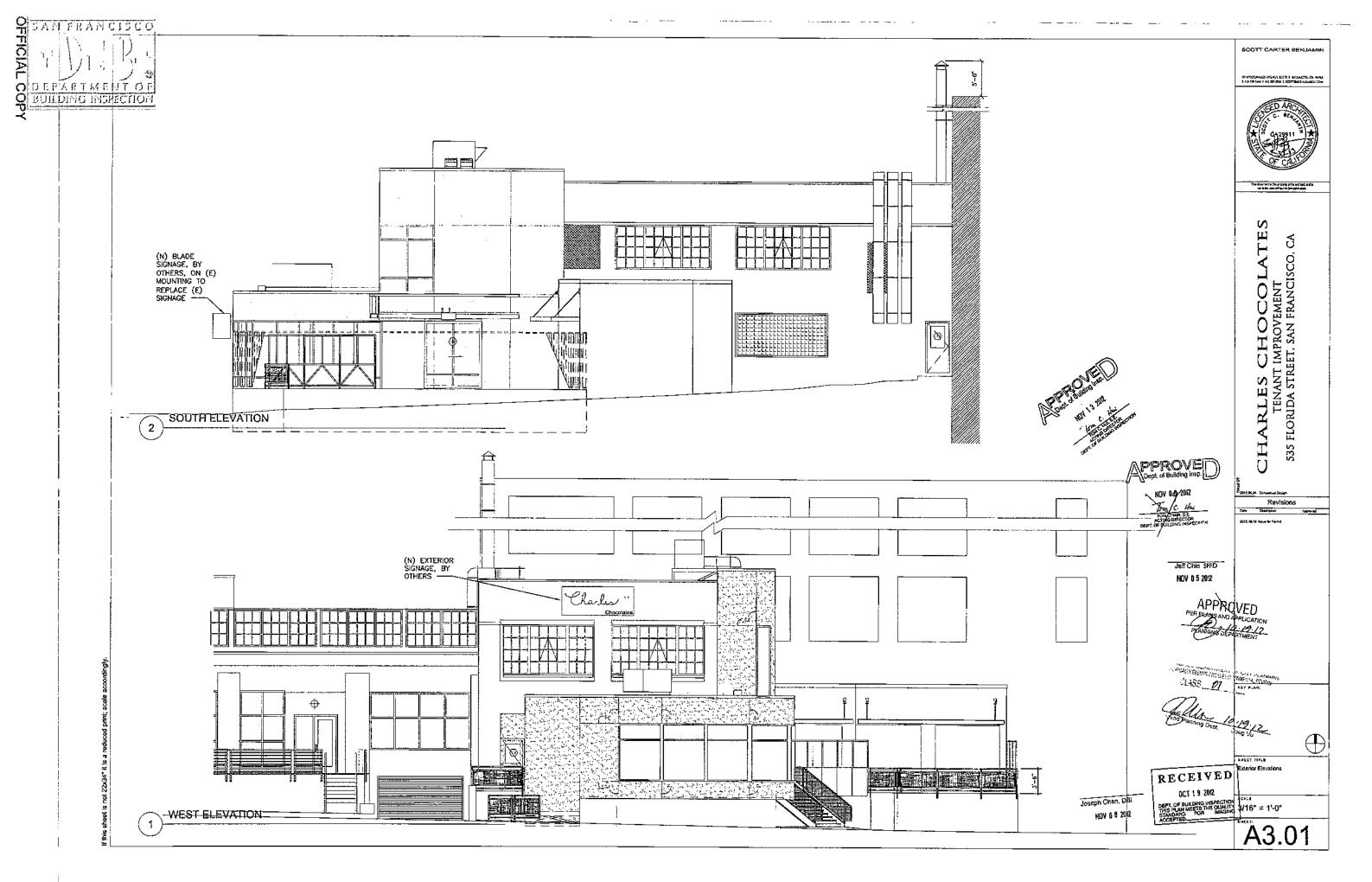
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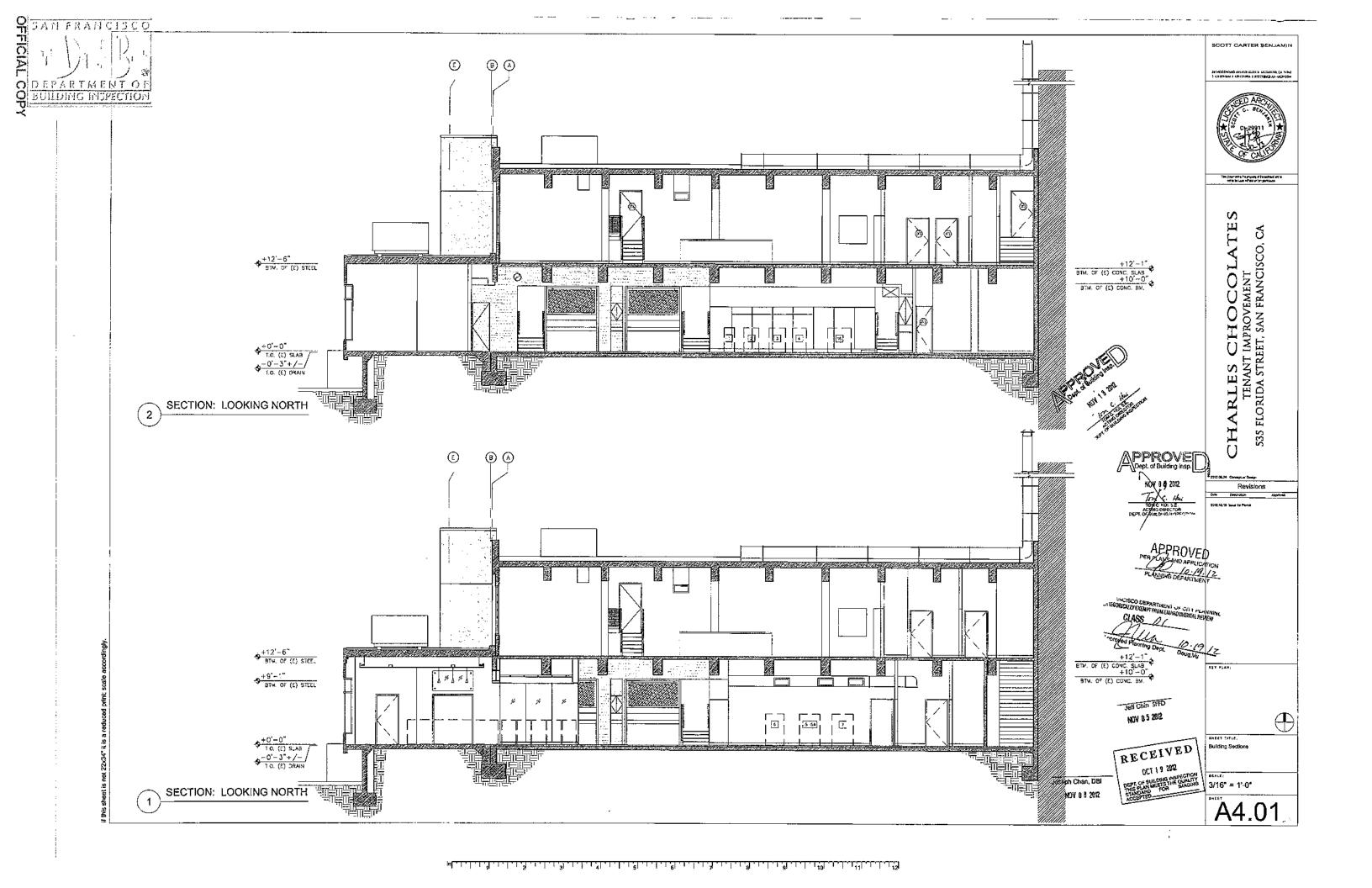
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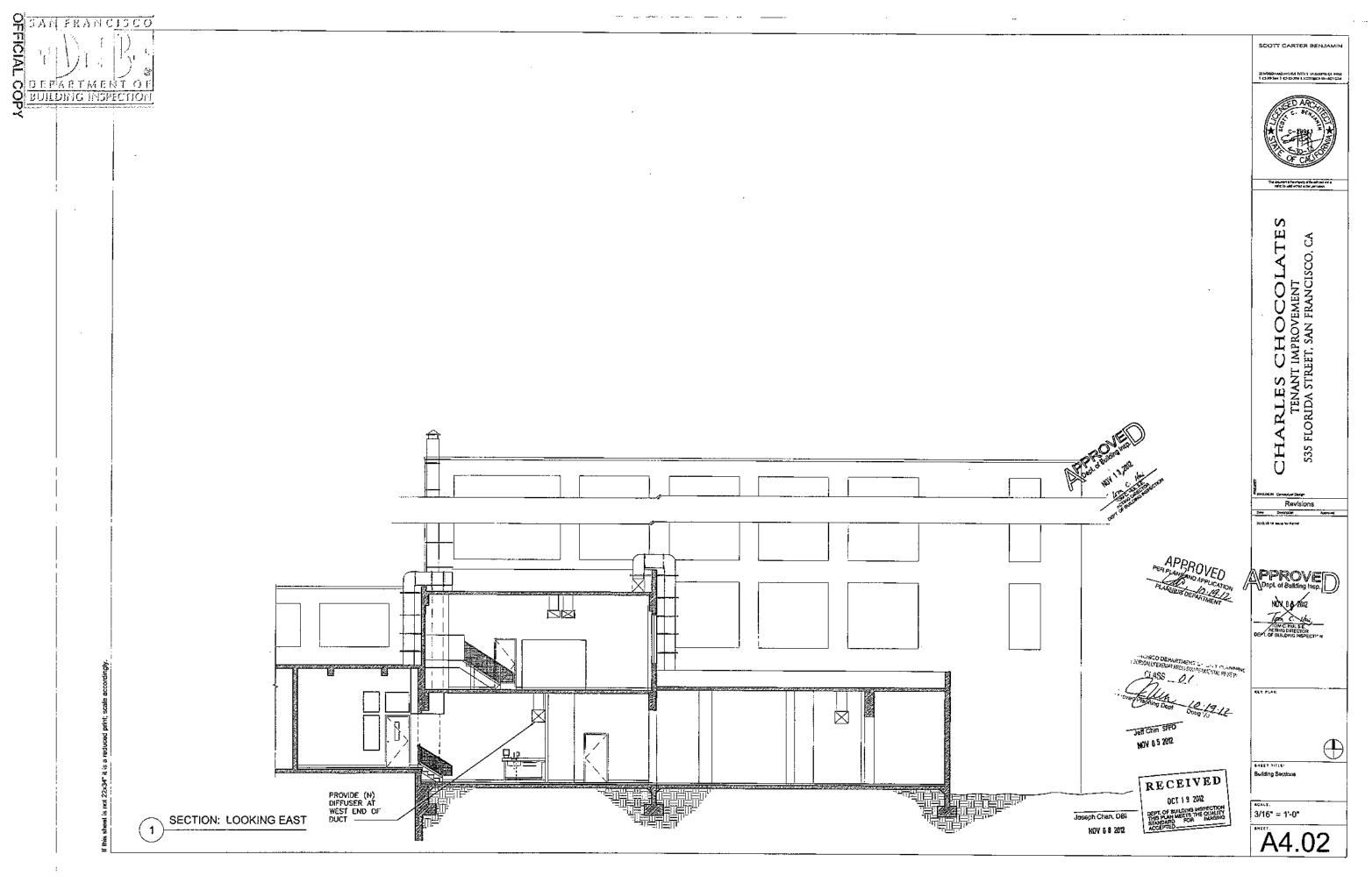
ERIPTION  LE STOCK POT BURNER  URNER GAS STOVE  D. FOR 4-BURNER GAS STOVE	MANUFACTURER WOLF	MODEL	SIZE	CONNECTIONS	BTU	AMPS						Revisions
URNER GAS STOVE						AMFS	HZ	VOLTS	PHASE	WATTS	NOTES / V	Outs Description Approved
URNER GAS STOVE		_		3/4" GAS	N/A	N/A	N/A	N/A	N/A	N/A		25722.10.10 Lake to Serve
D FOR 4-BURNER GAS STOVE	WOLF	170-84E	_	3/4° GAS	N/A	N/A	N/A	N/A	N/A	N/A		<del></del>
C TON T-DOMINEN OND BIOTE	WOLF			N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	MPPROVED
LE CANDY BURNER	SAVAGE BROTHERS	ECONOMY 20		3/4" GAS	N/A	N/A	N/A	N/A	N/A	N/A		Oapt of Building Inep
LE CANDY BURNER	SAVAGE BROTHERS	FIRE MIXER S92-0320	_	3/4" GAS	130K	15	N/A	220	3	N/A	_	
ICAL VACUUM MIXER	STEPHAN	VCM44E	-	1-1/2" HOSE TO PUMP	N/A	50 FUSE	N/A	220	1			
IUM PUMP	SIEMAN HINSCH	AF8012C11		1" CONDENSATE LINE	N/A	4.2	60	480/200-277	1		FLOOR DRAIN/SINK FOR CONDENSATE	TOM CHIN SE ACTING DIRECTOR OF BUILDING MEST STANDA
R	WELBILT	VARIMIXER W150	<u>-</u>	1" CONDENSATE LINE	N/A	N/A	N/A	330	N/A	N/A	_	ACTING DIRECTON
R	HOBART	80 QT.	-						<u>, , , , , , , , , , , , , , , , , , , </u>		•	
R	HOBART	20 QT.										
		200 LB.	_	N/A	N/A	N/A	N/A	120	N/A	N/A	WATER LINE (HOSE AND DRAIN ACCESS)	<del> </del>
R JACKETED CHOCOLATE TANK	SAVAGE BROTHERS	200 LB.	-	N/A	N/A	N/A	N/A	120	N/A	N/A	WATER LINE (HOSE AND DRAIN ACCESS)	Jeff Chin SFFD
R JACKETED CHOCOLATE TANK	SAVAGE BROTHERS	300 LB.		N/A	N/A	N/A	N/A	120	N/A	N/A	WATER LINE (HOSE AND DRAIN ACCESS)	NOV 0 5 2012
TER		550	<b>–</b>	N/A	N/A	N/A	N/A	220	3	N/A		1
	ROBOT COUPE	_		N/A	N/A	N/A	N/A	220	1	N/A		
TABLE	HILLIARD			N/A	N/A	N/A	60	120	N/A	N/A	_	KEY PLAN.
BER HEAD	HILLIARD		<b>-</b>	N/A	N/A	N/A	60	120	N/A	N/A	-	7
ING TUNNEL	HILLIARD		_	N/A	N/A	N/A	60	120	N/A	N/A	CONTAINS A/C UNIT	
PANNER			-	N/A	N/A	N/A	-		N/A	N/A	<del>-</del>	<del></del>
16 STEAM KETTLE	CLEVELAND	KET-12	-	N/A	. N/A	27.2	60	220	3	981	-	
												<u> </u>
												SHEET TATLE
						-						Equipment Schedule; SEOPH Checklist
選 川 R R R R R T C (音) として	CAL VACUUM MIXER  JM PUMP  R JACKETED CHOCOLATE TANK R JACKETED CHOCOLATE TANK R JACKETED CHOCOLATE TANK R PROCESSOR D TABLE BER HEAD NG TUNNEL ANNER	CAL VACUUM MIXER  STEPHAN  JM PUMP  SIEMAN HINSCH  WELBILT  HOBART  HOBART  HOBART  AVAGE BROTHERS  Z JACKETED CHOCOLATE TANK  SAVAGE BROTHERS  E JACKETED CHOCOLATE TANK  SAVAGE BROTHERS  ER  RONDO  PROCESSOR  PROCESSOR  TO TABLE  HILLIARD  MG TUNNEL  ANNER	CAL VACUUM MIXER STEPHAN VCM44E  JM PUMP SIEMAN HINSCH AF8012C11  WELBILT VARIMIXER W150  HOBART 80 QT.  HOBART 20 QT.  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 200 LB.  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 200 LB.  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB.  PROCESSOR ROBOT COUPE —  D TABLE HILLIARD —  SER HEAD HILLIARD —  ANNER —  ANNER ———————————————————————————————————	CAL VACUUM MIXER         STEPHAN         VCM44E         -           JM PUMP         SIEMAN HINSCH         AF8012C-11         -           WELBILT         VARIMIXER W150         -           HOBART         80 QT.         -           R JACKETED CHOCOLATE TANK         SAVAGE BROTHERS         200 LB.         -           R JACKETED CHOCOLATE TANK         SAVAGE BROTHERS         200 LB.         -           R JACKETED CHOCOLATE TANK         SAVAGE BROTHERS         300 LB.         -           FER         RONDO         550         -           PROCESSOR         ROBOT COUPE         -         -           D TABLE         HILLIARD         -         -           DISTRIBLE         HILLIARD         -         -           ANNER         -         -         -	CAL VACUUM MIXER	CAL VACUUM MIXER         STEPHAN         VCM44E         -         1-1/2" HOSE TO PUMP         N/A           JM PUMP         SIEMAN HINSCH         AF8012C-11         -         1" CONDENSATE LINE         N/A           WELBILT         VARIMIXER W150         -         1" CONDENSATE LINE         N/A           HOBART         80 QT.         -         -           R JACKETED CHOCOLATE TANK         SAVAGE BROTHERS         200 LB.         -         N/A         N/A           R JACKETED CHOCOLATE TANK         SAVAGE BROTHERS         200 LB.         -         N/A         N/A           R JACKETED CHOCOLATE TANK         SAVAGE BROTHERS         300 LB.         -         N/A         N/A           R JACKETED CHOCOLATE TANK         SAVAGE BROTHERS         300 LB.         -         N/A         N/A           R FROMDO         550         -         N/A         N/A         N/A           PROCESSOR         ROBOT COUPE         -         -         N/A         N/A           D TABLE         HILLIARD         -         N/A         N/A         N/A           ANDER         -         N/A         N/A         N/A         N/A           ANDER         -         N/A         N/A	CAL VACUUM MIXER   STEPHAN   VCM44E   -   1-1/2" HOSE TO PUMP   N/A   50 FUSE	CAL VACUUM MIXER   STEPHAN   VCM44E   - 1-1/2" HOSE TO PUMP   N/A   50 FUSE   N/A	CAL VACUUM MIXER   STEPHAN   VCM44E   - 1-1/2" HOSE TO PUMP   N/A   50 FUSE   N/A   220	CAL VACUUM MIXER STEPHAN VCM44E - 1-1/2* HOSE TO PUMP N/A 50 FUSE N/A 220 1  JM PUMP SIEMAN HINSCH AF8012C-11 - 1* CONDENSATE LINE N/A 4.2 60 480/200-277 1  WELBILT VARIMINER W150 - 1* CONDENSATE LINE N/A N/A N/A 330 N/A  HOBART 80 QT  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 200 LB N/A N/A N/A N/A N/A 120 N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 200 LB N/A N/A N/A N/A N/A 120 N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A 120 N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A 120 N/A  R PROCESSOR ROBOT COUPE - N/A N/A N/A N/A N/A N/A 220 3  PROCESSOR ROBOT COUPE - N/A N/A N/A N/A N/A N/A 220 1  D TABLE HILLIARD - N/A N/A N/A N/A 60 120 N/A  NG TUNNEL HILLIARD - N/A N/A N/A N/A 60 120 N/A  PANNER - N/A N/A N/A N/A N/A N/A 60 120 N/A  PANNER - N/A	CAL VACUUM MIXER STEPHAN VCM44E - 1-1/2" HOSE TO PUMP N/A 50 FUSE N/A 220 1 N/A  JM PUMP SIEMAN HINSCH AF8012C-11 - 1" CONDENSATE LINE N/A 4.2 60 480/200-277 1 N/A  WELBILT VARIMIXER W150 - 1" CONDENSATE LINE N/A N/A N/A N/A 330 N/A N/A  HOBART 80 QT  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 200 LB N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 200 LB N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A N/A N/A N/A N/A N/A 120 N/A N/A  R JACKETED CHOCOLATE TANK SAVAGE BROTHERS 300 LB N/A	CAL VACUUM MIXER  STEPHAN  VCM44E  - 1-1/2" HOSE TO PUMP  N/A 50 FUSE  N/A 220 1 N/A -  IN P/A N/A N/A N/A N/A N/A N/A N/A N/A N/A N

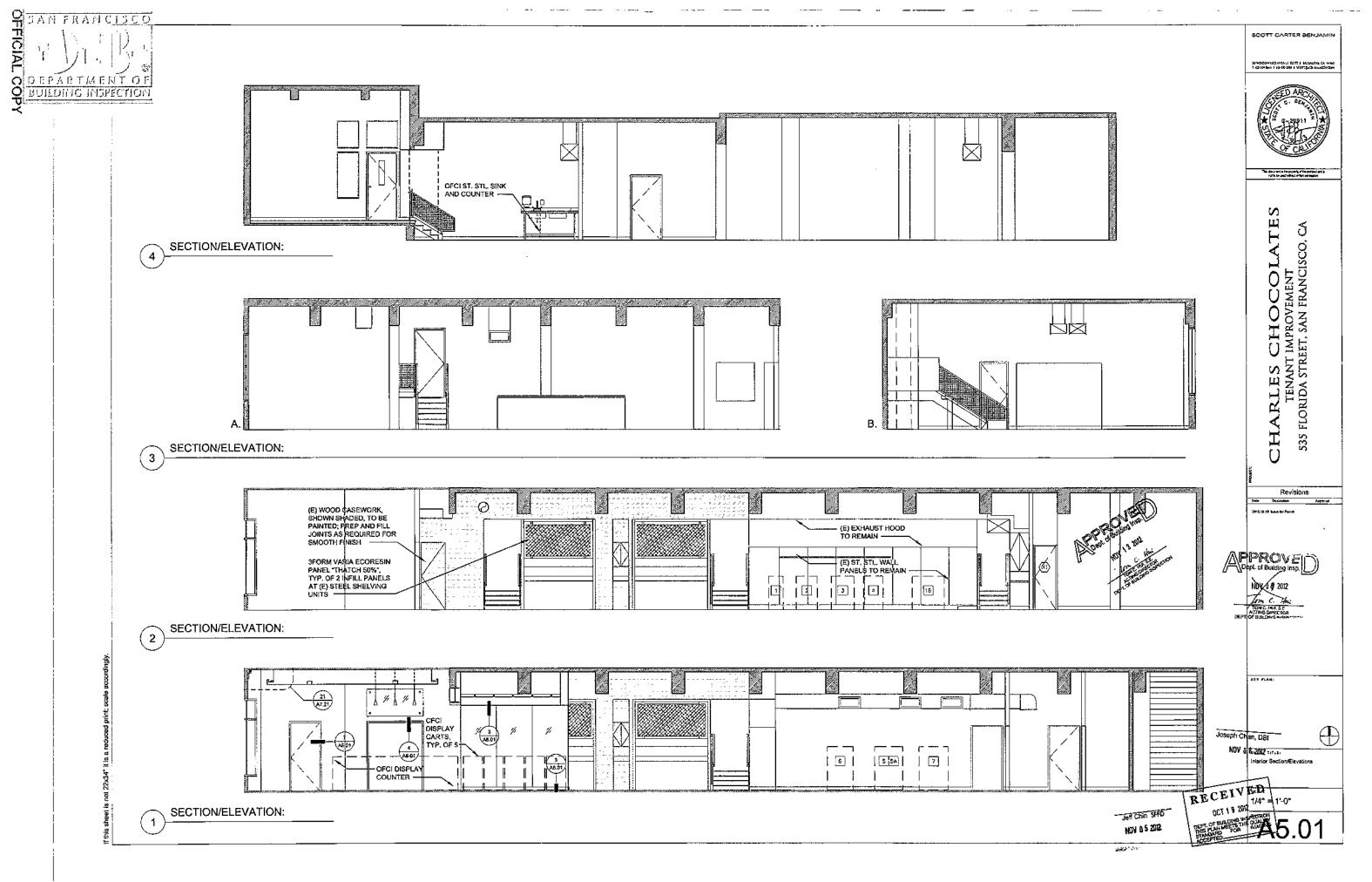


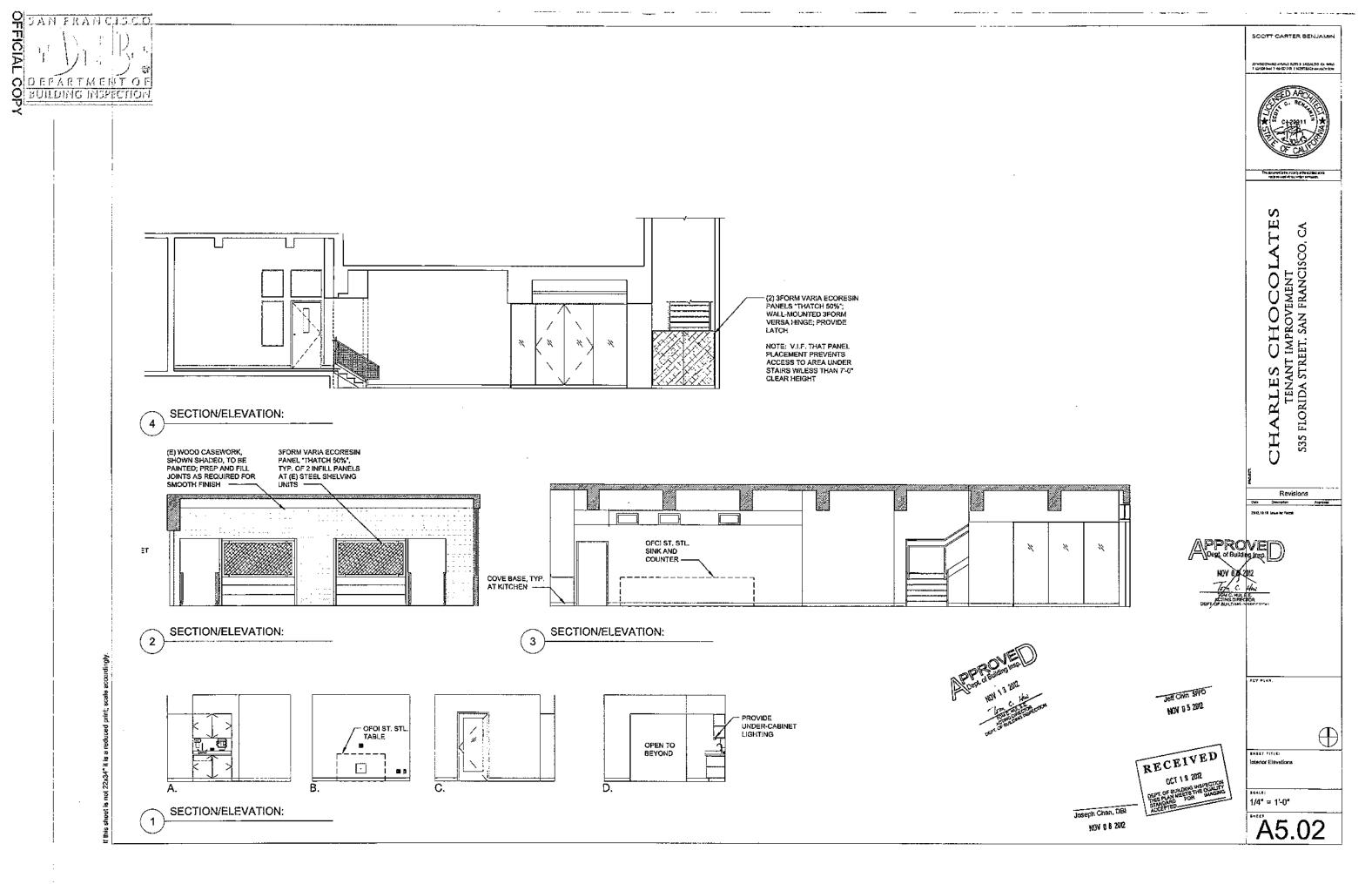


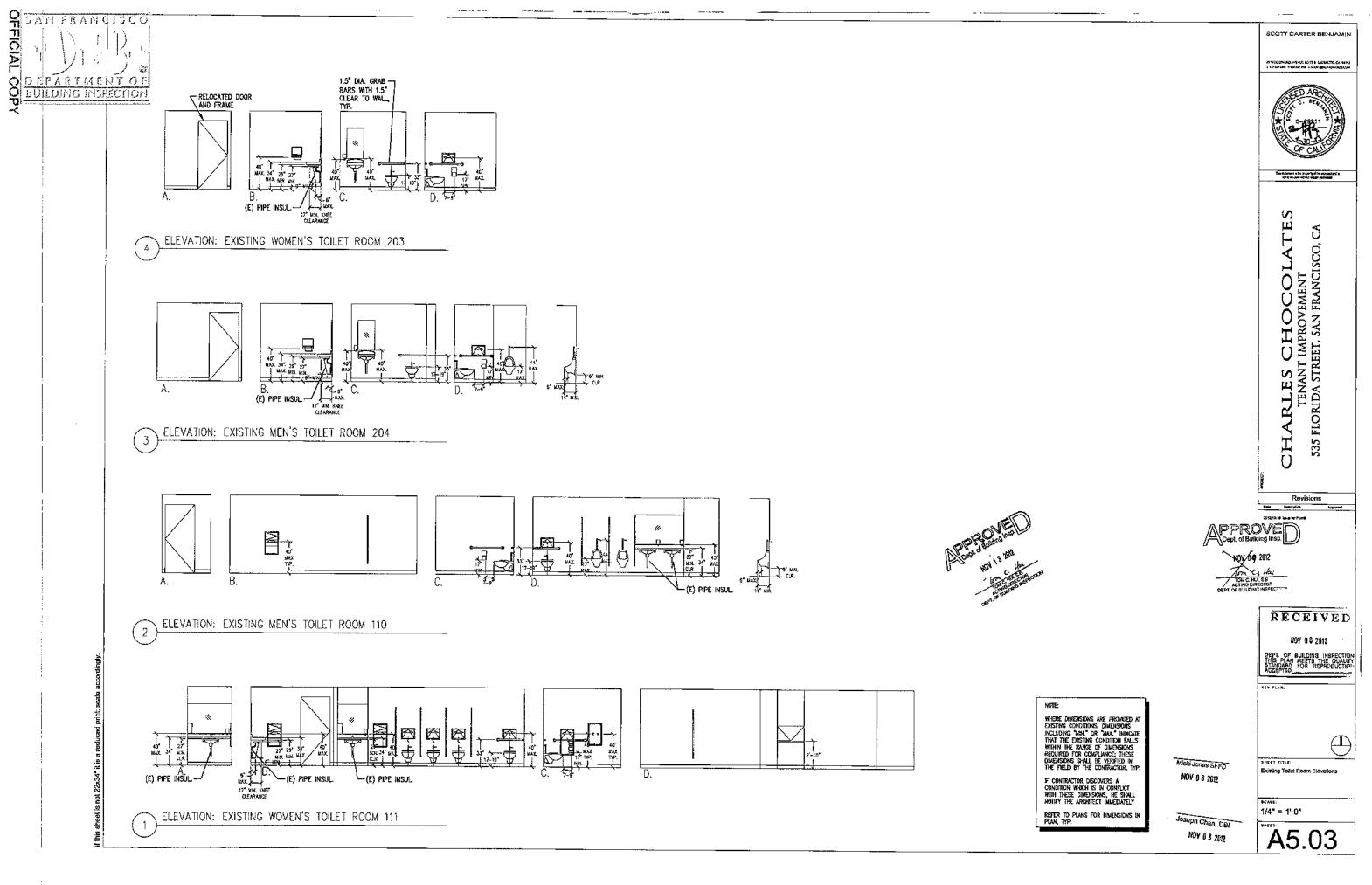


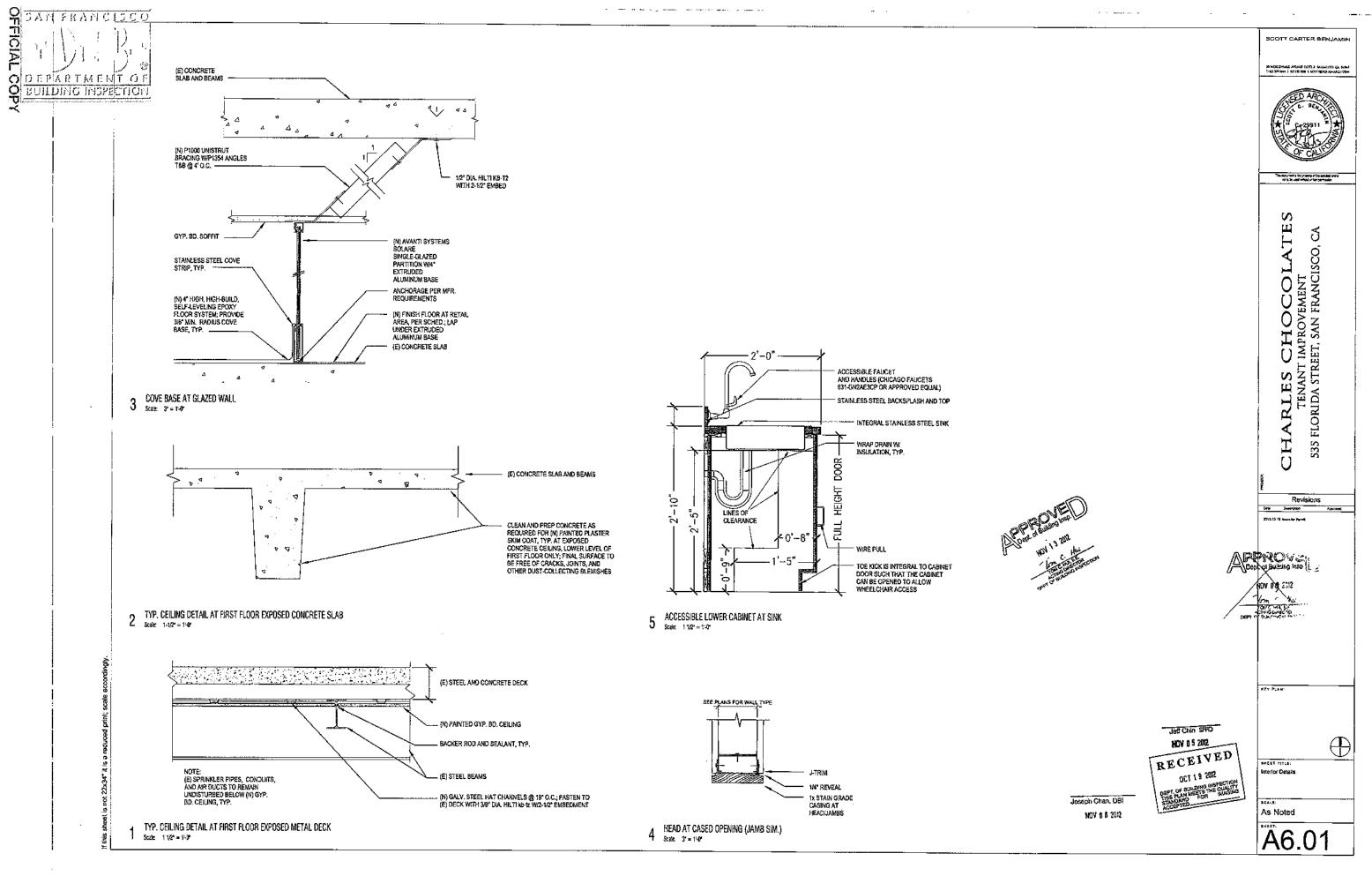


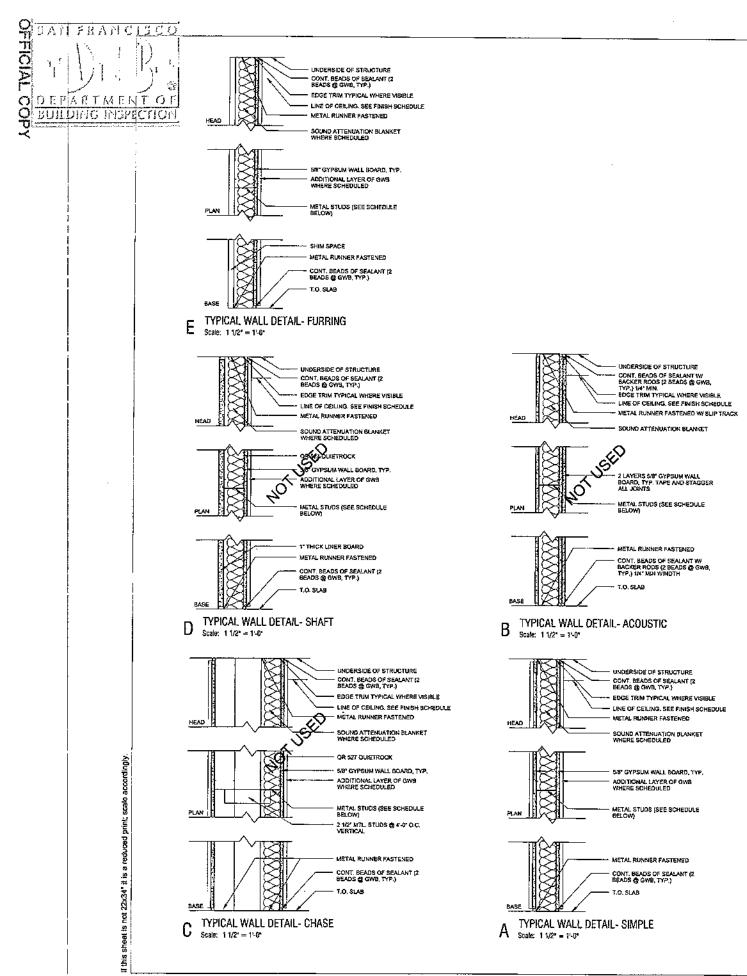












	PARTITION TYPE SCHEDULE							
Type Mark	Туре	Stud Spacing	Max, Height	Insulation	STC Rating	Fire Rating	Design Number	Remarks
A10	INTERIOR-3 5/8" METAL STUD-A10	16° O.C.	17'-11"	3" BATT	N/A	NONE	NONE	GW8 TO SLAB ABOVE
A12	INTERIOR- 3 5/8" METAL STUD 1 HR. RATED-A12	16" O.C.	17'-11'	3" BATT	N/A	NONE	NONE	GWB TO SLAB ABOVE
B10	INTERIOR-3 5/8" METAL STUD-B10	16" O.C.	17:-11"	3" BATT	N/A	NONE	NONE	GWB TO SLAB ABOVE
B14	INTERIOR-3 5/8" ACOUSTIC METAL STUD-B14	16" O.C.	17'-11"	3" BATT	47			GWB TO SLAB ABOVE
B16	INTERIOR-3 5/6" ACOUSTIC METAL STUD NON-RATED-816	15" O.C.	17'-11"	3" BATT	51	NONE	NONE	GWB TO SLAS ABOVE
D14	INTERIOR-SHAFT WALL-D14	24° O.C.	17-6	3° BATT	52	2 HOUR	UL U438	SHAFTS AND ELEVATOR CORES
E02	INTERIOR-FURRING 1 5/8" METAL STUD-E02	16* O.C.	8'-3"	1 1/2" BATT	IN/A	NONE	NONE	GWB TO SLAB ABOVE
E12	INTERIOR-FURRING 2 1/2" METAL STUD-E12	16" O.C.	11'-0"	NONE	N/A	NONE	NONE	GWB TO SLAB ABOVE
-22	INTERIOR-FURRING 3 5/8" METAL STUD-E22	16" O.C.	14'-6"	3 BATT	N/A	NONE	NONE	GWB TO SLAB ABOVE
	EXTERIOR-6" MTL. STUD W/ CEM, PL, FIN.	).C.	14'-6"	6" BATT	N/A	2 HOUR	NONE	GWB TO SLAB ABOVE
X1	INTERIOR-8" CONCRETE WALL	N/A	12'-7"	NONE	N/A	NONE	NONE	]
Х3	INTERIOR-10" CONCRETE WALL	N/A	11'-4"	NONE	N/A		NONE	

PARTITIONS NOT DESIGNATED BY PARTITION SYMBOLS SHALL BE PARTITION TYPE AS INDICATED IN THIS TABLE U.O.N. OR DETAILED.

TYPICAL PROJECT WALL TYPE	(§)	
TYPICAL PROJECT INTERIOR WALL STUD GAUGE	20 GA	
TYPICAL PROJECT SOFFIT STUD GAUGE	20 GA.	
TYPICAL PROJECT ACOUSTIC WALL STUD GAUGE	25 GA.	_
TYPICAL PROJECT STUD CENTER TO CENTER	16" O.C.	_

- REFER TO "PARTITION TYPES" FOR PARTITION TYPE MODIFIERS USED TO IDENTIFY ADDITIONAL REQUIREMENTS OR MODIFICATIONS TO EASIC PARTITION TYPES.
- GYPSUM BOARD SHALL BE 59" THICK UNLESS OTHERWISE NOTED, AT FIRE-RATED PARTITIONS GYPSUM BOARD SHALL BE TYPE AS INDICATED IN PARTITION TYPE DETAILS, SEE FLOOR PLANS FOR LOCATIONS OF RATED PARTITIONS.
- 4. FIRE RESISTIVE RATED PARTITIONS SHALL EXTEND UP TO AND CLOSE TIGHT WITH THE BOTTOM OF THE STRUCTURAL FLOOR ABOVE. PARTITIONS IN OR ADJOINING SPACES WITHOUT CERLING FINISHES SHALL EXTEND UP TO AND CLOSE TIGHT WITH THE BOTTOM SURFACES OF THE STRUCTURAL FLOOR OR ROOF ABOVE UNLESS OTHERWISE NOTED BY DETAIL.
- USE KINETICS 'PUTTY PADS' OR APPROVED EQUAL FOR ELECTRICAL CUTLETS IN ALL INSULATED AND ACQUISTICAL PARTITIONS AND FIRE RATED PUTTY PADS AT FIRE RATED PARTITIONS
- 6. USE FRPS FIRE RATED WALL ENCLOSURES OR APPROVED EQUAL AT ALL FIRE RATED WALL PENETRAL SUCH AS AT PILLAGENG FIXTURES, FIRE CABINETS, ECT.

  7. TYPICAL FLOOR PLAN DIMENSIONS ARE TAKEN FROM GUISIDE FACE OF FINISH TO OUTSIDE FACE OF FINISH LINESS OTHERWISE INDICATED.

  8. WHERE A CLEAR, MIN., OR MAX. DIMENSION OR OPENING IS REQUIRED OR NOTED THE DIMENSION THE PARTITION FINISH.

- 9. WHERE PARTITIONS AND/OR FURRING MEET, MAINTAIN A FLUSH SURFACE ON THE SIDE WHERE PARTITIONS ARE STRAIGHT OR CONTINUOUS U.O.N.
- 10. PENETRATIONS IN ACOUSTICALLY RATED AND FIRE RESISTIVE RATED PARTITIONS FOR OUTLET BOXES, ELEVATOR RECALL BOXES, FLOOR INDICATOR BOXES, FIRE EXTINGUISHERS, ETC., AND CONNECTIONS OF THE PARTITIONS TO OTHER PARTITIONS, SUPFACES OR THE STRUCTURE MESELF, SHALL BE IN ACCORDAN WITH THE DRAWINGS, APPLICABLE CODE AND LISTING REQUIREMENTS FOR THEIR FIRE TEST RATINGS.
  - ALL PENETRATIONS SHALL BE SEALED TO COMPLY WITH THROUGH PENETRATION FIRE STOP REQUIREMENTS OF THE CODE WITH SPECIAL ATTENTION TO COMPLIANCE WITH "F" & "T" PATING REQUIREMENTS OF SECTION 40M OF THE CALIFORNIA BUILDING STANDARDS CODE, RE: MECHANICAL, ELECTRICAL AND PLUMBING SHEETS FOR NOTES AND DETAILS.
- 11. WHERE A FIRE RESISTIVE RATED PARTITION IS INDICATED AND THE PROXIMITY OF CEILING PIFING OR DUCTWORK WILL NOT PERMIT THE INSTALLATION OF GYPSIM WALL BOARD, CONSTRUCT THE PARTITION PRIOR TO THE INSTALLATION OF DUCTWORK OR PLUBBING ANDORS PURSITIVET SHAFT WALL CONSTRUCTION OF THE SAME REQUIRED RATING WITH 587 GYPSIM BOARD APPLIED TO THE CORE BOARD SIDE OF THE SHAFT WALL BELOW THE LINE OF THE FINISH CEILING. COORDRATE THECKNESS AND CONSTRUCTION WITH ADJOINING CONSTRUCTION AND ITEMS INSTALLED IN OR ON PARTITION.
- 12. AT PARTITIONS SCHEDULED TO RECEIVE DERAMIC TILE FINISH, PROVIDE WATER RESISTANT TYPE GYPSUM BOARD, AT CERAMIC TILE SURFACES AT SHOWERS OR AT OTHER AREAS AS NOTED, PROVIDE TILE BACKER BOARD, INSTALLATION OF THE WATER RESISTANT GYPSUM BOARD OR BACKER BOARD ASSEMBLY SHOULD CONFORM TO THE REQUIREMENTS FOR FIRE RESISTATIVE RATINGS AS INDICATED.
- FIRE RESISTIVE ASSEMBLIES AND SMOKE BARRIERS SHALL HAVE ALL PENETRATIONS SEALED AT THEIR PERIMETER.

   PARTITIONS ARE TO BE ACQUISTICALLY AND HAVE SOUND ATTENUATION SLANKETS AS NOTED IN DRAWINGS, SEAL ALL GAPS WITH ACQUISTIC SEALANT.

   PARTITIONS WITHER "TWOOFFIRE THERMALLY INSULATED METAL STUD PARTITIONS SHALL HAVE INSULATION AS NOTED IN MODIFIER AND VAPOR BARRIER (ON WARM SIDE) UNLESS OTHERWISE NOTED.

- MOTED.

  6. SEE U.L. LISTING BOOK FOR COMPLETE DESCRIPTION OF COMPONENTS AND WALL ASSEMBLY FOR U.L. DESIGN NUMBER LISTED.

  17. It is anticipated that the underside of existing structural slass are irregular in places. Framing is to be installed without cutting or deformation of members. Where Irregular suppaces surface is encountered provide and install drilled in concrete anchors through metal. Shims.
- 18. FOR PARTITION TYPES WITH WALL CAVITY DEPTH GREATER THAN 8' FROVIDE VERTICAL DRAFT STOP 4' ON CENTER CONSISTING OF ONE LAYER TYPE X' GYPSUM BOARD.
- PROVIDE WATER RESISTANT GYPSUM WALL BOARD AT ALL TOLET ROOMS, MECHANICAL ROOMS, KITCHEN AREAS, AND OTHER WET AREAS; WET \$IDE(S) CMLY.
- 20. WHEN INSTALLING DRILLED-IN ANORDRS ANDICE POWDER DRIVEN PINS IN EXISTING NON-PRESTRESSED REINFORCED CONCRETE, USE CARE AND CAUTION TO AVOID CUTTING OR DAMAGING THE EXISTING REINFORCING BARS.
  21. EXISTING SPRAYED FIRE PROTECTION ON STRUCTURAL MEMBERS (BEAMS & STL. DECKING) IS NOT SHOWN IN SOME CASES FOR CLARTY, WHENE EXISTING SPRAYED FIRE PROTECTION IS REMOVED.
- 22. FOR TYPICAL HEADER DETAILS, SEE: A7.12 AND A7.13 FOR TYPICAL BACKING PLATE DETAILS, SEE: A7.11
- 23. FOR TYPICAL METAL STUD INTERFERENCE DETAILS, SEE: A7.11 AND A7.12

PARTITION FRAMING NOTES

Joseph Chan, DBI

NOV 0 8 2612

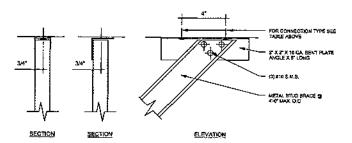
TO SEE HE I COMPANY FROM SECURITY OF WAS S HOCOLATE ð ARLES CHOCOLAT TENANT IMPROVEMENT FLORIDA STREET, SAN FRANCISCO, () Revisions Date Secrepture 2012 10:19 Name for Facult PPROVED
Dept. of Building Insp. NOY 04 2012 KET FLAN 1 Interior Details: Partition Assemblies

Jest Chin SSFD NOW THE THE RECEIVED

OCT 1 9 2012

DEPT OF BUILDING RISPECTION
THIS PLAN MEETS THE GUNLING
THIS PLAN MEETS THE GUNLING
AS NOTED

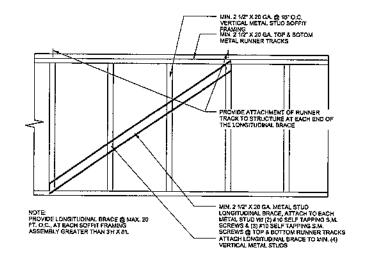
FASTENING BASE MATERIAL	TYPE OF FASTENER	MIN. EMBEDMENT
20 GAGE MIN. MÉTAL DÉCK WITH CONCRÉTE FILL - NORMAL WEIGHT - 3000 PSI MIN.	3.9го нит кв-тг	2-1/2
20 GAGE MIN. METAL DECK WITH CONCRETE FILL - LIGHT WEIGHT - 3000 PSI MIN.	3/8-19 HILTI KB-TZ	2-1/2"
CONCRETE SLAB / BEAM - NORMAL WEIGHT - 3000 PSI MIN.	3/8'9 HILT: KB-TZ	2-1/2*



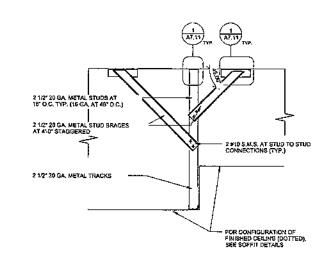
NOTE: SEE WEDGE ANCHOR CRITERIA SCHEDULE FOR ADDITIONAL ANCHOR TESTING INFORMATION

STUD BRACING ATTACHMENT TO SLAB (TYPICAL)1

CEILING JOIST CRITERIDEFLECTION <1/380 8 PSF WEIGHT OF ASSEMBLY 33 KSI END BEARING LENGTH, 1\*



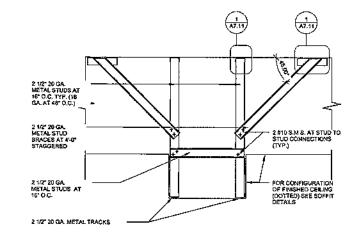
2 SOFFIT FRAMING LONGITUDINAL BRACE1



SOFFIT FRAMING WITH SINGLE HANGER1

· — · · · · ·

- - -



SOFFIT FRAMING WITH DOUBLE HANGER



NOTES: 1. WALL FRAMING ELEVATIONS ARE DIAGRAMMATIC AND MAY OR MAY NOT OCCUR. AS SAMMAN

REFERENCE PLANS AND ELEVATIONS FOR LOCATIONS OF FURNISHINGS, FIXTURES, EQUIPMENT AND BACKING PLATES.

4. REFERENCE DRAWING A7:10 PARTITION TYPES FOR SIZE AND GAUGE OF STUDS. 5. TYPICAL WALL FRAMING REQUIREMENTS APPLY FOR TEMPORARY CONSTRUCTION EARNIER WALLS,

> RECEIVED OCT 1 9 2012 DEPT, OF BUILDING INSPECTION THIS PLAN MEETS THE QUALITY STANDARD FOR IMAGING ACCEPTED

NOV 0 5 2012

OLATE ARLES CHOCOLATION TENANT IMPROVEMENT FLORIDA STREET, SAN FRANCISCO,

S

SCOTT CARTER BENJAMIN

Ü Revisions

Data Description

PPROVEL Dept. of Building Insp. ND)\*(0 B) 2012

Jeff Chin SFFD

Joseph Chan, DBI NOV 0 8 2012

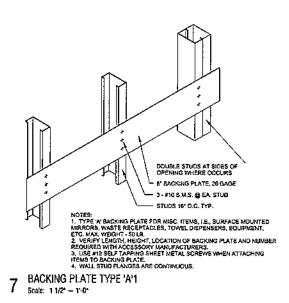
 $\bigoplus$ SHEET TITLE

Interior Cetails: Partition Framing

As Noted

**A**7.11

5 CEILING FRAMING1



BACKING PLATE - 6" X 1-1/4" 16 GA. TRACK, NOTCHED AROUND STUDS — 3 - #10 5.M.S. @ EA. STUD - STUDS 16" D.C. TYP. NOTES:

1. TYPE TO BACKING PLATE FOR UPPER WALL MUNG CARNETS
1. TYPE TO BACKING PLATE FOR UPPER WALL MUNG CARNETS
(UP TO 2 SHELVES), BASE CABINETS, SHELVING TO 7-D, WALL
HUNG BENCHES, NANDRALS, ETC. MAX. WEIGHT - 100 IBSET.
2. VERFY LENGTH, HEIGHT, LOCATION OF BACKING PLATE AND
NUMBER REQUIRED WITH ACCESSIONY MAYINFACTURES.
3. USE 112 SELF TAPPING SHEET METAL SCREWS WHEN
ATTACHING ITEMS 10 BACKING PLATE.
4. WALL STUD FLANGES ARE CONTINUOUS.

BACKING PLATE TYPE 'B'1

8 Scale: 1 1/2\* = 1-0\*

MATING END OF ASJACENT BACKING BACKING #10 S.M.S., TYP. WALL STUD AT 18" O.C. TYP. B\*X 1 1/4\* X 14 GA, METAL FLUSH MOUNT BACKING PLATE (Fy = 50 PSI)

NOTES:

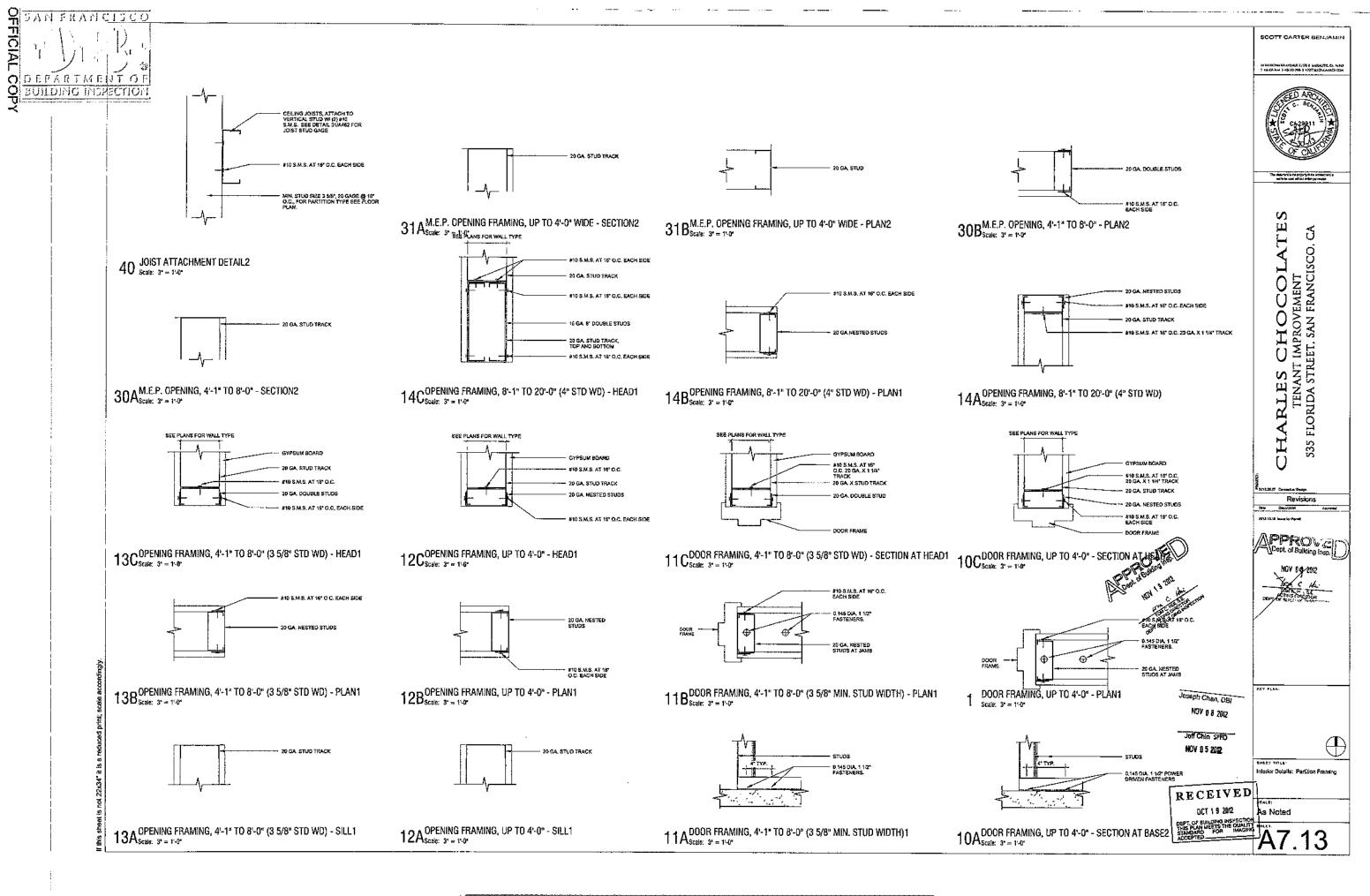
1. TYPE TO EACKING PLATE FOR SCRUB SINKS AND WALL HUNG LAVATORIES MAXIMUM WEIGHT - 850 LBSFT.

2. VERIFY LENGTH, HEIGHT, LOCATION OF BACKING PLATE AND NUMBER REDUIRED WITH ACCESSORY MANUFACTURERS.

BOTTOM OF STRUCTURE

9 PRE-MANUFACTURED BACKING PLATE2
Scale: 11/2" = 110"

NOTES1 6 NUTES 1 Scale: 3/8" = 1'-0"



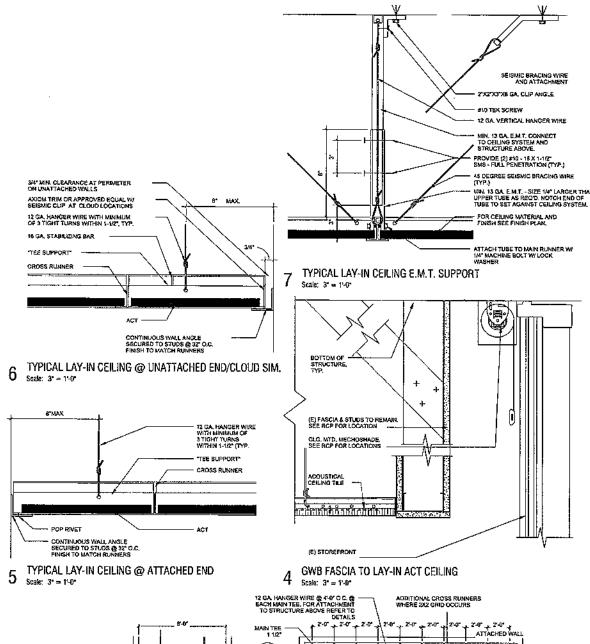
CULTIS DETAIL NOTES

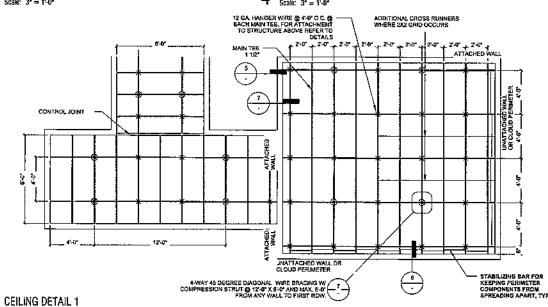
日日本作了从日刊下呼唤MM) HANGER WIRES MAY BE USED FOR UP TO AND INCLUDING 4-0" X 4-0" GRID SPACING ALL BE ATTACHED TO MAIN RUNNERS. BUILDING INSPECTION

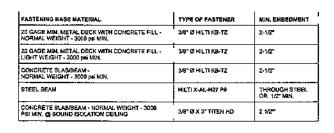
- PROVIDE #12 GAGE HANGER WIRES AT THE ENDS OF ALL MAIN AND CROSS RUNNERS WITHIN 6" OF THE SUPPORT OR WITHIN 1/4 OF THE LENGTH OF THE ENDITEE, WHICHEVER IS LEAST, FOR THE PERIMETER OF THE CEILING AREA. END CONNECTIONS FOR RUNNERS WHICH ARE DESIGNED AND DETAILED TO RESIST THE APPLIED VERTICAL AND HORIZONTAL FORCES MAY BE USED IN LIEU OF THE # 12 GAGE HANGER WIRES.
- 3. PROVIDE TRAPEZE OR OTHER SUPPLEMENTARY SUPPORT MEMBERS AT OBSTRUCTIONS TO TYPICAL HANGER SPACING, PROVIDE ADOMINAL HANGERS, STRUTS OR BRACES AS REQUIRED AT ALL CEILING BREAKS, SOFFITS OR DISCONTINOUS AREAS. HANGER WIRES THAT ARE MORE THAN 1 IN 6 OUT OF PLUMB ARE TO HAVE COUNTER-SLOPING WIRES.
- 4. CEILING GRID MEMBERS MAY BE ATTACHED TO NOT MORE THAN 2 ADJACENT WALLS. CEILING GRID MEMBERS SHALL BE AT LEAST 244" CLEAR OF OTHER WALLS. IF WALLS RUN DIAGONALLY TO CEILING GRID SYSTEM RUNNERS, ONE END OF MAIN AND CROSS RUNNERS SHOULD BE FREE, AND A MINIMUM OF 3/4" CLEAR OF WALL
- 5. AT THE PERIMETER OF THE CERUNG AREA WHERE MAIN OR CROSS RUNNERS ARE NOT CONNECTED TO THE ADJACENT WALL, PROVIDE INTERCONNECTION BETWEEN THE RUNNERS AT THE FREE END TO PREVENT LATERAL SPREADING. A METAL STRUT OR A #16 GAGE WIRE WITH A POSITIVE MECHANICAL CONNECTION TO THE RUNNER MAY BE USED. WHERE THE PERPENDICULAR DISTANCE FROM THE WALL TO THE FIRST PARALLEL RUNNER IS 12" OR LESS, THIS INTERLOCK IS NOT REQUIRED.
- BRACING WIRES ORIENTED 90 DEGREES FROM EACH OTHER AT THE FOLLOWING SPACING: 1.) FOR SCHOOL BUILDINGS, PLACE BRACING ASSEMBLIES AT A SPACING NOT MORE THAN 12-0" X 12-0" ON CENTER; 2.) FOR ESSENTIAL SERVICES BUILDINGS, PLACE BRACING ASSEMBLIES NOT MORE THAN 8:0° X 12-9" ON CENTER; 3 ) PROVIDE BRACING ASSEMBLIES AT LOCATIONS NOT MORE THAN 1/2 THE AFOREMENTIONED SPACINGS, FROM EACH PERIMETER WALL AND AT THE EDGE OF VERICAL CEILING. OFFSETS. THE SLOPE OF THESE WIRES SHALL NOT EXCEED 45 DEGREES FROM THE PLANE OF THE CEILING AND SHALL BE TAUT. SPLICES IN BRACING WIRES ARE NOT TO BE PERMITTED. 4.) SUSPENDED ACOUSTICAL CEILING SYSTEMS WITH A CEILING AREA OF 144 SQUARE FEET OR LESS, AND FIRE RATED SUSPENDED ACQUISTICAL CEILINGS BYSTEMS WITH A CEILING AREA OF 96 SQUARE FEET OR LESS, SURROUNDED BY WALLS WHICH CONNECT DIRECTLY TO THE STRUCTURE ABOVE, DO NOT REQUIRE BRACING ASSEMBLIES WHEN ATTACHED TO TWO ADJACENT WALLS.
- 7, FASTEN HANGER WIRES WITH MOT LESS THAN THREE (3) TIGHT TURNS, FASTEN BRACING WIRES WITH FOUR (4) TIGHT TURNS, MAKE ALL TIGHT TURNS WITHIN A DISTANCE OF 1-1/2", HANGER OR BRACING WIRE ANCHORS TO THE STRUCTURE SHOULD BE INSTALLED IN SUCH A MANNER THAT THE DIRECTION OF THE ANCHOR ALIGNS AS CLOSELY AS POSSIBLE WITH THE DIRECTION OF THE WIRE. NOTE: WIRE TURNS MADE BY MACHINE WHERE BOTH STRANDS HAVE BEEN DEFORMED OR BENT IN WRAPPING CAN WAIVE THE 1-1/2" REQUIREMENT, BUT THE NUMBER OF TURNS SHOULD BE MAINTAINED, AND BE AS TIGHT AS POSSIBLE.
- 8. SEPARATE ALL CEILING HANGER AND BRACING WIRES AT LEAST 6" FROM ALL UNBRACED DUCTS, PIPES, CONDUIT, ETC.
- B. WHEN DRILLED-IN CONCRETE ANCHORS ARE USED IN REINFORCED CONCRETE FOR HANGER WIRES, 1 OUT OF 10 MUST BE FIELD TESTED FOR 200 LBS. IN TENSION, WHEN DRILLED-IN CONCRETE ANCHORS ARE USED FOR BRACING WIRES, 1 OUT OF 2 MUST BE FIELD TESTED FOR 440 LBS, IN TENSION, SHOT-IN ANCHORS IN CONCRETE ARE NOT PERMITTED FOR BRACING WIRES, IF ANY SHOT-IN OR DRILLED-IN ANCHOR FAILS, SEE CBC, SECTION 1923A-3.5.
- 10. ATTACH ALL LIGHT FIXTURES AND CEILING MOUNTED AIR TERMINALS, TO THE CEILING GRID RUNNERS TO RESIST A HORIZONTAL FORCE EQUAL TO THE WEIGHT OF THE FIXTURES, SCREWS OR APPROVED FASTENERS ARE REQUIRED
- 11. FLUSH OR RECESSED LIGHT FIXTURES AND AIR TERMINALS, WEIGHING LESS THAN 55 LBS., MAY BE SUPPORTED DIRECTLY ON THE RUNNERS OF A HEAVY DUTY GRID SYSTEM BUT, IN ADDITION, THEY MUST HAVE A MINIMUM OF TWO (2) #12 GAGE SLACK SAFETY WIRES ATTACHED TO THE FIXTURE AT DIAGONAL CORNERS AND ANCHORED TO THE STRUCTURE ABOVE. ALL 450° X 450° LIGHT FIXTURES MUST HAVE SLACK SAFETY WIRES AT EACH CORNER.

ALL FLUSH OR RECESSED LIGHT FIXTURES AND AIR TERMINALS WEIGHING 56 LBS. OR MORE MUST BE INCEPENDENTLY SUPPORTED BY NOT LESS THAN FOUR (4) TAUT #12 WIRES, EACH ATTACHED TO THE FIXTURE AND TO THE STRUCTURE ABOVE REGARDLESS OF THE TYPE OF CEILING GRID SYSTEM USED. THE FOUR (4) TAUT #12 GAGE WIRES, INCLUDING THEIR ATTACHMENT TO THE STRUCTURE ABOVE, MUST BE CAPABLE OF SUPPORTING FOUR (4) TIMES THE WEIGHT OF THE UNIT.

- ALL FIXTURES AND AIR TERMINALS SUPPORTED ON INTERMEDIATE DUTY GRID SYSTEMS MUST BE. INDEPENDENTLY SUPPORTED BY NOT LESS THAN FOUR (4) TAUT #12 GAGE WIRES EACH ATTACHED TO THE FIXTURE OR TERMINAL, AND TO THE STRUCTURE ABOVE
- 13. SUPPORT SURFACE MOUNTED LIGHT FIXTURES BY AT LEAST TWO POSITIVE DEVICES WHICH SURROUND THE CEILING RUNNER AND WHICH ARE EACH SUPPORTED FROM THE STRUCTURE ABOVE BY A #12 GAGE WIRE. SPRING CLIPS OR CLAMPS THAT CONNECTIONLY TO THE RUNNER ARE NOT ACCEPTABLE PROVIDE ADDITIONAL SUPPORTS WHEN LIGHT FIXTURES ARE 8-0° OR LONGER.
- 4. SUPPORT PENDANT MOUNTED LIGHT FIXTURES DIRECTLY FROM THE STRUCTURE ABOVE WITH HANGER WIRES OR CASLES PASSING THROUGH EACH PENDANT HANGER AND CAPASLE OF WHERE THE PENDANT HANGER PENETRATES THE CEILING, SPECIAL DETAILS ARE REQUIRED TO ATTACH THE PENDANT HANGER TO THE BRACING ASSEMBLY TO TRANSMIT HORIZONAL FORCES.







SCOTT CARTER BENJAN

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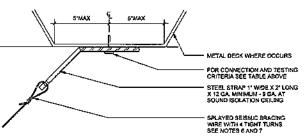
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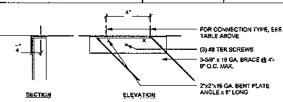
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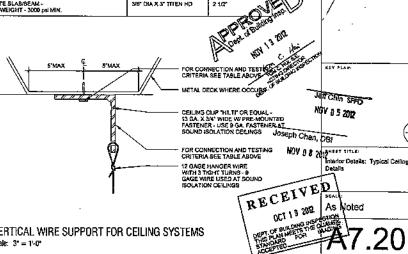
### ANGLED WIRE SUPPORT FOR CEILING SYSTEMS

FASTENING BASE MATERIAL	TYPE OF FASTENER	MIN. EMBEDMENT	
20 GAGE MIN. METAL DECK WITH CONCRETE FRL - NORMAL WEIGHT - 3000 pm MIN.			
20 GAGE MINL METAL DECK WITH CONCRETE FALL - LIGHT WEIGHT - 3000 per MIN.	3/8" Ø HRLTI KB-TZ	2-1/2"	
CONCRETE SLAS-BEAM - NORMAL WEIGHT - 3000 pai MIN.			



#### ANGLE BRACING TO STRUCTURE Scale: 3\* = 1\*-0\*

FASTEHING BASE MATERIAL	TYPE OF FASTENER	MINL EMBEDMENT
20 GAGE MIN. METAL DECK YOTH CONCRETE FILL - NORMAL WEIGHT - 3000 psi MIN.	3/6" Ø HILTI KB-12	2-1/2
20 GAGE MIN. METAL DECK WITH CONCRETE FILL - LIGHT WEIGHT - 3000 pm MIN.	3/8* Ø HILTI KB-1Z	2-1/2"
CONCRETE SLAB/BEAM - NORMAL WEIGHT - 3000 pai MIN.	3/8" Ø HILTI KB-TZ	2-1/2"
STEEL BEAM - FLANGE GREATER THAN OR EQUAL TO 3/4" THICK	HRLTI X-AL-H27 P8	1/2" MIN.
STEEL BEAM - FLANGE SETWEEN 3/8" AND B/18" THICK	HR TI X-AL-HZZ P8	THROUGH STEEL
CONCRETE SLAB/BEAM - NORMAL WEIGHT - 3000 psi Min.	3/8" DIA X 3" TITEN HD	2 1/2"



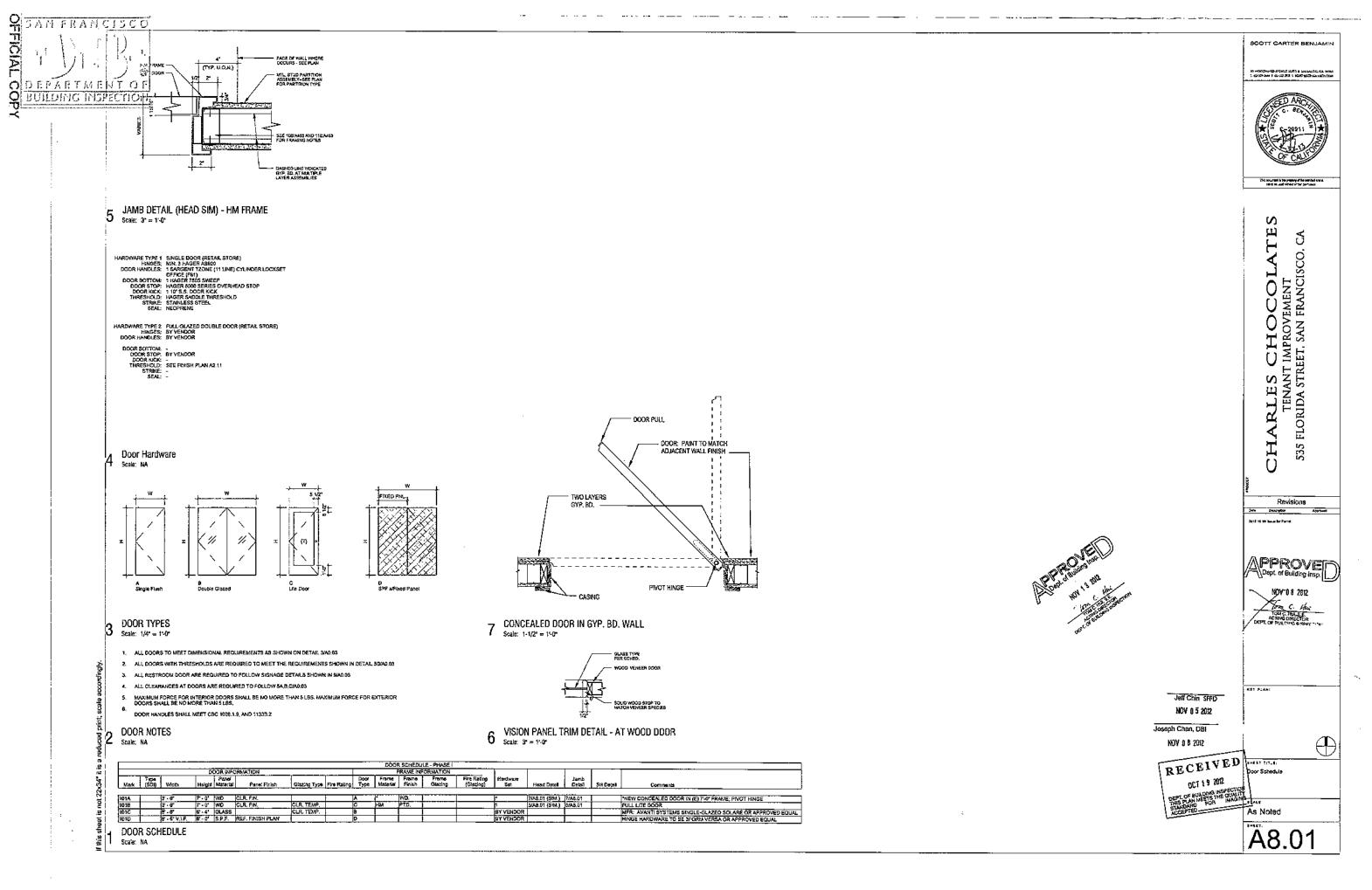
VERTICAL WIRE SUPPORT FOR CEILING SYSTEMS Scale: 3" = 1'-0"

CEILING NOTES1

Scale: 3/8" = 1"-0"

20 NOT USED

Ã7.21



### EXHIBIT E

### EXCERPTED USE SQUARE FOOTAGE DETAIL FROM SHEETS A0.11 & A0.12 OF PERMIT PLANS

<del></del>		HASE 1 FLOOR 1 - ROOM OCCU	PANCY LUAUS (	ROM TABLE 100	14.1.1)	r	
∖ Î Njimbi	er Name	Function	Area	Occupant Load Factor	Occupant Load	Exits Required	Exits Provided
101	RETAIL STORE	ACCESSORY USE	743 SF	30 GROSS	lac		
02		ACCESSION BE	/43 SF	30 GRUSS	25	1	1
C3 (	id:			<del></del>	<del> </del>		
M	ÍLLOSET	ACCESSORY USE	28 SF	<u> </u>	<del> </del>	4	4
C5	KITCHEN	COMMERCIAL KITCHEN	2342 SF	200 GROSS	12		4
D\$	SHIPPING	ACCESSORY USE	494 SF	300 GROSS	2	-	
107	WALK-IN REFRIGERATOR	FOOD STORAGE	293 SF	-	t	1	4
108	DISHWASHING	ACCESSORY USE	260 SF	200 GROSS	2	1	1
09	WALK-IN COOLER	FOOD STORAGE	127 SF	- COO CALOUD	<del>-</del>	<u> </u>	1
10	TOILET, MEN'S	ACCESSORY USE	125 SF	<del>1.                                      </del>	-	1	1
10A	CLOSET	ACCESSORY USE	7 SF		<u> </u>	-	<u></u>
11	TOILET, WOMEN'S	ACCESSORY USE	209 SF			1	-
11A	CLOSET	ACCESSORY USE	15 SF	<u> </u>		-	<u></u>
12	JANITOR'S CLOSET	ACCESSORY USE	23 SF	<b>_</b>			
13	STAIR 1	ACCESSORY USE	46 SF	<del> </del>	<del>[                                    </del>		
14	STAIR 2	ACCESSORY USE	154 SF	<u> </u>	L		
		GOVERNMENT OF STREET	etalies :	Content 2012			
16	GARBAGEWASTE STORAGE		177 SF	_		-	-
Seand (				<u></u>			
	? PH/	ASE 1 FLOOR 1 - ROOM OCCUP	ANCY LOADS (	FROM TABLE 10	04.1.1)		
ใ ให้มูกเปลี่	Name	Function	Area	Occupant Load Factor	Occupant Load	Exits Required	Exits Provide
<del>M)</del>	TOFFICE	BUSINESS USE	1732 SF	100 GROSS	18		1.
202- 1	Hardist distance the contract of the contract	ACCESSORY USE	57 SF	100 68033	110	1	1
03	TOILET, WOMEN'S	ACCESSORY USE	49 SF		<u> </u>	*	<u> </u>
<b>04</b>		ACCESSORY USE		<del></del>	<del> </del>	1	1
:05	STAIR 1	ACCESSORY USE	60 SF		ļ	1	1
 36	LOCKERS		131 SF	ļ	-		-
207	MECHANICAL	ACCESSORY USE	116 SF		-	-	-
208	OFFICE	ACCESSORY USE BUSINESS USE	73 SF	ļ	-	-	-
		MI ICINIECCI ICE	95 SF	100 GROSS		The state of the state of the state of	14

#### **EXHIBIT F**

#### PLANNING CODE DEFINITIONS OF "OFFICE"

### SEC. 890.70. OFFICE USE.

- (a) "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional; banking; insurance; management; consulting; technical; sales; and design; and the non-accessory office functions of manufacturing and warehousing businesses; all uses encompassed within the definition of "office" in Section 219 of this Code; multimedia, software development, web design, electronic commerce, and information technology; all uses encompassed within the definition of "administrative services" in Section 890.106 of this Code; and all "professional services" as proscribed in Section 890.108 of this Code excepting only those uses which are limited to the Chinatown Mixed Use District.
- (b) "Office use" shall exclude: retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

# SEC. 320. OFFICE DEVELOPMENT: DEFINITIONS.

(f) "Office space" shall mean space within a structure intended or primarily suitable for occupancy by persons or entities which perform for their own benefit or provide to others services at that location, including but not limited to professional, banking, insurance, management, consulting, technical, sales and design, or the office functions of manufacturing and warehousing businesses, but shall exclude the following: Retail use; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; any facility, other than physicians' or other individuals' offices and uses accessory thereto, customarily used for furnishing medical services, and design showcases or any other space intended and primarily suitable for display of goods. This definition shall include all uses encompassed within Section 102 of this Code.

#### **EXHIBIT G**

#### PLANNING CODE SECTION 803.3 VERTICAL CONTROLS ON OFFICE USES

### SEC. 803.9. USES IN MIXED USE DISTRICTS.

#### (f) Vertical Controls for Office Uses.

- (1) **Purpose.** In order to preserve ground floor space for production, distribution, and repair uses and to allow the preservation and enhancement of a diverse mix of land uses, including limited amounts of office space on upper stories, additional vertical zoning controls shall govern office uses as set forth in this subsection (f).
- (2) **Applicability.** This Section shall apply to all office uses in the MUG and UMU Districts and all office uses in buildings in the PDR-1-D and PDR-1-G Districts that are designated as landmarks pursuant to <u>Article 10</u> of the Planning Code, where permitted.
  - (3) **Definitions.** Office use shall be as defined in Section 890.70 of this Code.
  - (4) Controls.
- (A) **Designated Office Story or Stories.** Office uses are not permitted on the ground floor, except as specified in Sections <u>840</u>.65A and <u>843</u>.65A. Office uses may be permitted on stories above the ground floor if they are designated as office stories. On any designated office story, office uses are permitted, subject to any applicable use size limitations. On any story not designated as an office story, office uses are not permitted. When an office use is permitted on the ground floor per Sections <u>840</u>.65A and <u>843</u>.65A, it shall not be considered a designated office story for the purposes of subsection (f)(4)(D) below.
- (B) **Timing of Designation.** In the case of new construction, any designated office story or stories shall be established prior to the issuance of a first building permit or along with any associated Planning Commission action, whichever occurs first. In the case of buildings that were constructed prior to the effective date of this Section, any such story or stories shall be designated prior to the issuance of any building permit for new or expanded office uses or along with any associated Planning Commission action, whichever occurs first.
- (C) **Recordation of Designation.** Notice of the designation of office stories shall be recorded as a restriction on the deed of the property along with plans clearly depicting the designated story or stories in relation to the balance of the building. A designated office story may only be re-allocated when the designated office story is first returned to a permitted non-office use and associated building modifications to the designated office story are verified by the Zoning Administrator.
- (D) **Maximum Number of Designated Stories.** The maximum number of designated office stories shall correspond to the total number of stories in a given building, as set forth in the table below. The designation of a particular story shall apply to the total floor area of that story and no partial designation, split designation, or other such subdivision of designated floors shall be permitted. For the purposes of the following table, the total number of stories in a given building shall be counted from grade level at curb and shall exclude any basements or below-grade stories.

# **Table 803.9(f)**

Total Number of Stories	Maximum Number of Designated Office Storie				
1-story	0 stories (office use NP)				
2 - 4 stories	1-story				
5 - 7 stories	2-stories				
8 or more stories	3-stories				

(E) For projects in MUG and UMU Districts with multiple buildings, consolidation of permitted office stories may be permitted, pursuant to the controls set forth in Section 329(d)(9).

#### **EXHIBIT H**

#### ACCESSORY USE PROVISIONS OF PLANNING CODE SECTION 803.3

# SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(C) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in All Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an Accessory Use is a related minor use which is either necessary to the operation or enjoyment of a lawful Principal Use or Conditional Use, or is appropriate, incidental, and subordinate to any such use, and shall be permitted as an Accessory Use in an Eastern Neighborhoods Mixed Use District. In order to accommodate a Principal Use which is carried out by one business in multiple locations within the same general area, such Accessory Use need not be located in the same structure or lot as its Principal Use provided that (1) the Accessory Use is located within 1,000 feet of the Principal Use; and (2) the multiple locations existed on April 6, 1990. Accessory Uses to non-office uses (as defined in Section 890.70) may occupy space which is noncontiguous or on a different Story as the Principal Use so long as the Accessory Use is located in the same building as the Principal Use and complies with all other restrictions applicable to such Accessory Uses. Any use which does not qualify as an Accessory Use shall be classified as a Principal Use.

No use will be considered accessory to a Principal Use which involves or requires any of the following:

- (i) The use of more than one-third of the total Occupied Floor Area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 156 and 303 of this Code;
- (ii) A Hotel, Motel, inn, hostel, Adult Entertainment, Massage Establishment, or Movie Theater use in a RED, RED-MX, SPD, DTR, MUG, WMUG, MUR, MUO, CMUO, WMUO, SALI or UMU District;
  - (iii) Any sign not conforming to the limitations of Section 607.2(f)(3).
  - (iv) Medical Cannabis Dispensaries as defined in 890.133.
- (v) Any Nighttime Entertainment use, as defined in Section <u>102</u>; provided, however, that a Limited Live Performance Permit as set forth in Police Code Section <u>1060</u>et seq. is allowed in any District except for an RED, RED-MX, MUR, or MUG District.
  - (vi) Cannabis Retail that does not meet the limitations set forth in Section 204.3(a)(3).
  - (vii) Catering Uses that do not meet the limitations set forth in Section 703(d)(3)(B).

#### **EXHIBIT I**

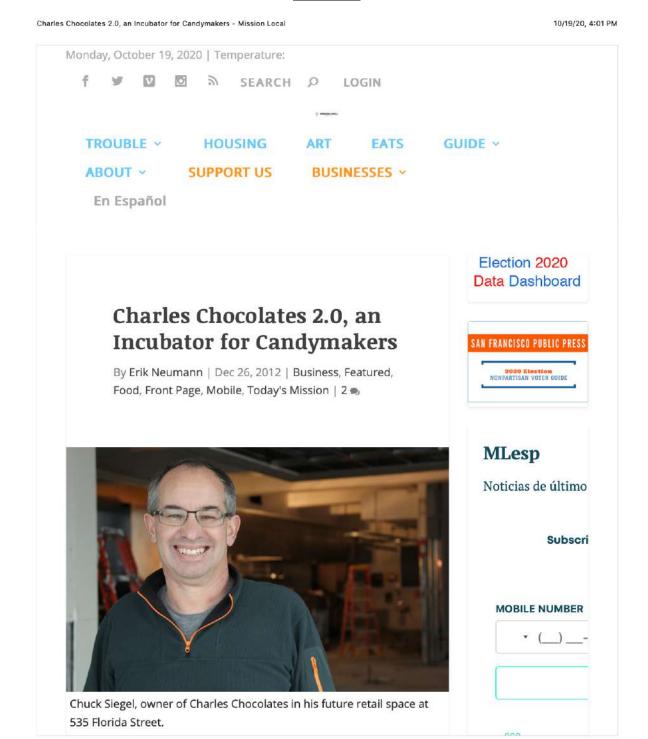
#### CHARLES CHOCOLATE WEBAGE RE RETAILER LOCATIONS

🔰 f 🖾 MY ACCOUNT Q 📜 CA HOME SHOP - COLLECTIONS -RETAILERS Please contact the stores directly for current product availability and shop hours. If you are a retailer (or you know of a retailer) who would like to carry our chocolates, please contact us. For Northern California Starbucks Retailers please click on the link below. Northern California Starbucks Retailers Enter a location SEARCH 26TH AND GUERRERO MARKET Q 1400 Guerrero Street, San Francisco, CA 94110, United States (415) 282-6274 View On Map 2BEANS 9 100 Park Ave, New York, NY 10017, United States **(**212) 937-8914 View On Map 6001 CALIFORNIA
Powered by StoreMapper Google MENU CONNECT ABOUT INFO Sign up for our newsletter and get About Us Shop & Factory information about events and the inside Blog FAQ scoop on coming products. Retailers News Starbucks Retailers Jobs Shipping SIGN UP Contact Legal © 2020 Charles Chocolates.

Retailers | Charles Chocolates

10/19/20, 3:50 PM

#### **EXHIBIT J**



https://missionlocal.org/2012/12/charles-chocolates-2-0-an-incubator-for-candy-makers/

Page 1 of 7

How many chocolatiers can San Francisco support? The more the merrier, says Chuck Siegel, owner of Charles Chocolates. Siegel's soon-to-open Mission District shop will feature not only a kitchen and a retail store, but also a business incubator, to add to the city's vibrant chocolate culture.

It's the second time around for the candymaker. Charles Chocolates opened in 2004, but when its Union Square store suddenly closed in 2011 after losing a major investor, Siegel decided to retool the business. A year later, with a few new products and \$53,000 raised through Kickstarter, the online fundraising tool, he's nearing opening day, slated for early February — before the key chocolate-lover's holiday, Valentine's Day.

"There were 400 donors who represented that

"Half of them we don't know," he said, "and to me that was the most exciting part of it."





18 Reasons: Exceptional Essentials: Potatoes

18 Reasons: Lamb Kofte Pita Sandwiches

October 20 @ 6:00 pm - 8:00 pm

18 Reasons: Teens Take On

https://missionlocal.org/2012/12/charles-chocolates-2-0-an-incubator-for-candy-makers/

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Page 2 of 7



Siegel started making chocolates in college, learning the chocolate trade over time. He describes himself as "self-taught with a bit of tenure."

"I've learned a lot in 20 years, both about the product side and the business side of making chocolates."

Now he hopes to extend that experience to others.

While candy companies usually grow out of mentor-apprentice relationships, Siegel noted a lack of information about the business side of running a confection company. To fill this need, his new store will serve as a business incubator, where individuals with a "stated intent" of starting a company down the road can learn about marketing, sales and the "economics of the industry."

#### Fall: Spices

October 22 @ 4:00 pm - 6:00 pm

#### 18 Reasons: Vegetarian Greek Stews

October 22 @ 6:00 pm - 8:00 pm

SOMArts Cultural Center: Living Legacies: Día de Los Muertos 2020

October 22 @ 7:00 pm - 9:00 pm



https://missionlocal.org/2012/12/charles-chocolates-2-0-an-incubator-for-candy-makers/

It's a plan inspired by his own path as a chocolatier.

When Siegel started Charles Chocolates, he knew how to make candy, but not all the subtleties of running a business. In 2004 he sought help from Bay Area chocolatiers Alice Medrich at Cocolat and Joseph Schmidt at Joseph Schmidt Confections.

"Not only did they give me valuable information that helped me start my company, but along the seven-year path of owning that business, I could call them pretty much any time and ask them questions."

San Francisco is home to an above-average number of chocolate companies, from large ones like Ghirardelli and Scharffen Berger to small ones like Dandelion Chocolate, which opened a retail shop on Valencia Street in the Mission District in mid-November.

"My vision is a little different than everyone else's," Siegel said, "and that's what makes it a fun and vibrant community of chocolatiers in the Bay Area."

"It's a market where all of us are forced to improve and innovate, and that's fantastic."

### Business Members

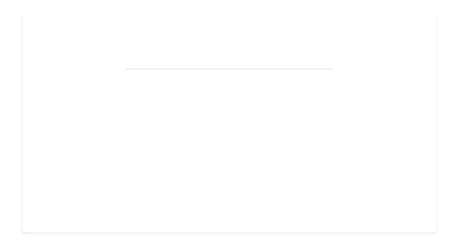
A Twitter list by @MLNe
Our premium subscribe

Brava Theater Retweeted



Reminder: Today, Octo is the deadline to regist #vote and update your registration info for the Election! Mailed registr cards must be postmar today, Oct 19. You can register online at registertovote.ca.gov u midnight. #SFElectionF

https://missionlocal.org/2012/12/charles-chocolates-2-0-an-incubator-for-candy-makers/



< PREVIOUS NEXT >

SNAP: Get Your Daily Dose of Spanish

Good Morning, Mission!



### 2 Comments



**Jeppy** on December 26, 2012 at 2:36 pm

cool!... although I think Scharffen Berger

https://missionlocal.org/2012/12/charles-chocolates-2-0-an-incubator-for-candy-makers/

Page 5 of 7

#### **EXHIBIT K**

#### RICHARD KAUFMAN SWORN STATEMENT OF FACTS

My name is Richard Kaufman and I am the President of Mariposa-Bryant Management, Inc., the manager of 1900 Bryant Street Investors, LLC ("Landlord"), owner of the property commonly referred to as 535 Florida Street in San Francisco, California, Block/Lot 4017/002 (the "Premises"). From 2012 to 2019, Landlord leased the Premises to Chocolate Holdings, Inc., a Delaware corporation doing business as Charles Chocolates. The intent of this letter is to provide a sworn statement of facts regarding Charles Chocolates permitted occupancy and activities at the Premises during the above-stated period.

As part of Landlord's due diligence to ensure Charles Chocolates would be a suitable and viable commercial tenant of the Premises, I inquired into the nature and health of its business and was able to readily determine that, as of 2012, the following was true:

- Charles Chocolates was founded in 2004 and handcrafts artisan chocolates and other dessert confections in decorative packaging.
- In addition to revenue generated through a "brick and mortar" retail storefront, a core component of Charles Chocolates' business model was to produce confections both for direct-to-customer internet sales and wholesale to retailers at a regional and national scale.
- Prior to leasing the Premises, Charles Chocolates had operated exhibition kitchens paired with retail storefronts in the San Francisco Bay Area, including a "chocolate factory" at 6529 Hollis Street in Emeryville, California, and the Westfield Shopping Centre on Market Street in San Francisco.
- During this period, Charles Chocolate had become a multi-million dollar business enterprise in significant part because it had established wholesale relationships with hundreds of retailers in the region and across the country, including prominent retailers such as Whole Foods. My

understanding was that the company's wholesale and internet sales demand resulted in the company requiring not only the production and packaging space located in the Premises, but also storage and shipping/receiving warehouses located elsewhere in San Francisco and South San Francisco.

- Around 2010, Charles Chocolates attempted to expand into a large factory and retail operation at
  the Westfield Centre, but plans fell through due to an investor issue, which led Charles
  Chocolates to temporarily suspend its business and file for Chapter 7 bankruptcy.
- Despite having no on-going business operations at the time of lease negotiations for the
   Premises, Charles Chocolates had a convincing plan to re-enter the market and recapture a
   portion of the confection-making market on the strength of its existing brand, including
   reestablishing its network of wholesale partnerships across the country.
- I understood that this business plan included using the ground floor of the Premises to reinstitute an exhibition kitchen with associated retail storefront to serve as the "front door" of the company, while using additional off-site locations to accommodate the logistics of its wholesale business, which I understood to be the most significant source of revenue for the company.
- Charles Chocolates planned to use the office space in the second floor of the premises as a headquarters for overseeing and directing the company's regional and national activities, including production, marketing, retail sales, wholesales, internet sales, accounting, human resources, *etc.*.

As mentioned above, most all of the bulleted facts above were not guarded business secrets, but instead publicly available facts based on repeated press coverage Charles Chocolate received, including from the San Francisco Chronicle. I have attached examples of such news coverage in **Exhibits 1 and 2** to this sworn statement of facts.

In lease negotiations with Charles Chocolates (specifically, its owner Chuck Siegel), I learned that Charles Chocolates desired to lease the Premises to establish a flagship presence in San Francisco that would include: (1) a ground-floor exhibition kitchen to manufacture its products; (2) a ground-floor retail storefront to serve as the "front door" of the company, where customers could buy and enjoy the company's confections on-site and view in to the exhibition kitchen to appreciate the artistry of confections-making; and (3) a second-floor headquarter office space where Chuck Siegal and staff could oversee the marketing, wholesales and online sales of its confections, as well as conduct day-to-day management of the company, including executive-level meetings, accounting, human resources and oversight of the company's off-site storage and shipping logistics location. As reflected in news coverage of Charles Chocolates' move into the Premises, the ability to develop a headquarters office space was a critical reason Charles Chocolates desired to move into the Premises, as Chuck Siegel had determined that success in the confections business required substantial attention to marketing and sales. As he did to a Mission Local reporter, Mr. Siegel expressed to me an intent to operate the Premises not only as his company's headquarters, but also as an business incubator where understudies could learn not only how to make high-quality confections, but also how to market and sale those confections as part of a successful business enterprise.

In 2012, with my high-level oversight and approval pursuant to the terms of the lease between Landlord and Charles Chocolates, consultants of Charles Chocolate submitted permit applications to the Department of Building Inspection (201210192467 and 201208167553) to facilitate tenant improvements to the Premises (which had been previously used as a brewpub for Potrero Brewing Co.). Under these approved permits, the following work was completed in the Premises:

• Improvement of an existing commercial-grade kitchen and conversion of a surrounding lounge/seating area on the first floor of the Premises into an "exhibition kitchen" where

confections would be made and packaged for wholesale, internet sale and retail sale on-site (the "Kitchen").

- Creation of a dedicated retail sales storefront on the first floor for the sale and receipt of small orders of our confections (the "Storefront"). The Storefront was developed so as to be separated from the Kitchen with transparent dividers that allowed the manufacturing space to meet applicable health code regulations, while allowing Storefront customers the ability to look into the production space and see the artistry of confection-making in progress.
- Conversion of the second floor (previously used as a pool room with a small office space for the restaurant manager) into a headquarter office space for Charles Chocolates, to facilitate the marketing, sales, human resources, accounting and other core business functions of the company (the "Office"). As mentioned above, I understood that the Office space would also be used to direct activities at least two off-site storage and shipping logistics warehouses located elsewhere in the region.

Attached as **Exhibit 3** to this sworn statement of facts, I have included a markup of the first- and second-level floor plan summarizing my understanding (based on repeated visits to the Premises over the course of Charles Chocolates time there) of how Charles Chocolates used the Premises.

It is my understanding that a Letter of Determination by the Zoning Administrator described Charles Chocolates' use of the Premises as primarily consisting of a Catering Use. In my opinion, this would be a factually inaccurate description of Charles Chocolates' use of the Kitchen. This is because Charles Chocolates, to my knowledge, did not provide catering services during its time leasing the Premises (*i.e.*, was not in the business of catering lunches, special events, *etc.*) and instead used the Kitchen to manufacture confectionary goods packaged for wholesale and direct-to-customer sale.

I attest to the truth and accuracy of the above statement of facts and the attached markup of the approved plan set associated with Permit Number 201210192467.

Sincerely, Docusigned by:

Kichard H. Laufman

- Richard Kaufman

President, Mariposa-Bryant Management, Inc., for 1900 Bryant Street Investors, LLC rick@city-core.com

#### EXHIBIT 1 TO RICHARD KAUFMAN SWORN STATEMENT OF FACTS

Charles Chocolates owner Chuck Siegel explains the sudden end - Inside Scoop SF

10/21/20, 11:12 AM

#### **INSIDE SCOOP SF**

#### **GUIDES**

#### Charles Charalates owner Church Siegal evaluing

By Paolo Lucchesi on March 7, 2011 at 4:03 PM



Chuck Siegel of Charles Chocolates. Photo: Deanne Fitzmaurice/The Chronicle, 2007

On Friday, **Charles Chocolates** shocked and saddened many locals when they **announced on Facebook** that after 6 1/2 years, all operations were shutting down, effective immediately.

Today, founder and owner **Chuck Siegel** does his best to explain what exactly happened.

"In a nutshell, we were trying to raise money for a remarkably cool project at Westfield. Basically, we weren't able to," Siegel says. "Being a small company, we bet the ranch on this project. It was all or nothing, and it turned out to be nothing."

The project Siegel is referring to is the **factory and retail shop** on the top floor of Westfield that was slated to replace the bygone East Bay factory.

Unfortunately, despite the **splashy announcement**, it won't be happening.

https://insidescoopsf.sfgate.com/blog/2011/03/07/charles-chocolates-owner-chuck-siegel-explains-the-sudden-end/

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Furthermore, the retail shop is closed, too.

"I always read in Inside Scoop about restaurants closing suddenly. Well, it does happens very very quickly," he continues. "The hardest — but also most heartening — part is reading all this incredible stuff on our Facebook page. It's incredible that people have responded the way they have."

So that's the obvious bad news. The tiny silver lining is that stores like Bi Rite and Whole Foods probably still have some Charles Chocolates inventory available for fans to pick up a few last bites. And if he has anything to do with it, you'll be hearing from Siegel again.

"There truly is nothing cooler than being part of the food industry. Getting to feed people is a thrill," he says. "It's hard to imagine not being part of that, so I'm not going to. I don't know where or when ... but it will be something."

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#### **EXHIBIT 2 TO RICHARD KAUFMAN SWORN STATEMENT OF FACTS**

10/21/20, 3:37 PM Dark days behind for Charles Chocolates Skip to main ounter READ MORE Business **Dark days behind for Charles Chocolates** RETAIL Charles Chocolates to reopen by the holidays Stacy Finz 0001 Out 30 3012 | Updated Out 30 2012 E48 p.m. Candy maker Chuck Siegel in what will be his new factory in San Francisco, Calif, on Wednesday, October 24, 2012. By 2010 Chuck Siegel had grown Charles Chocolates, a Bay Area confectionery, into a multimillion-dollar business. Then he was forced to shut his doors unexpectedly over an issue with an investor.

https://www.sfgate.com/business/article/Dark-days-behind-for-Charles-Chocolates-3994941.php

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The investor problems, which he is unable to disclose, occurred just as he was moving his operation from Emeryville and opening a store in Westfield San Francisco Centre that would have included an open kitchen where patrons could watch his candy being made.

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And just like that, he was out of business.

A year and a half later, the 50-year-old is ready to do it again. He's taken over the old Potrero Brewing Company space on Florida Street in the Mission and is trying to raise \$50,000 on the crowd-funding website Kickstarter. The money will help pay for potential overruns on his build-out of the 7,400-square-foot space, which will have a glassed-in kitchen for viewing purposes.

Sixteen days into funding, he has already raised close to \$18,000. Siegel plans to open at the end of November, in time for the holidays.

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But will being absent so long from the growing market of artisan chocolates

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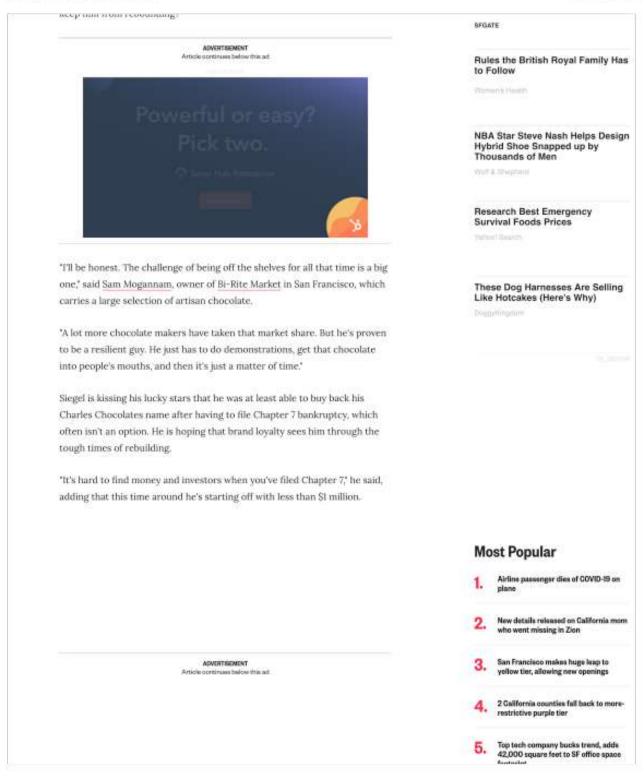
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"But before I went out of business, Charles Chocolates was a respected name in the candy business."

The Bay Area has long been an incubator for specialty chocolates and candy, going back to See's Candy, Ghirardelli Chocolate, Guittard and Joseph Schmidt Confections, and more recently brands such as Scharffen Berger, Recchiuti Confections and TCHO. Both Joseph Schmidt and Scharffen Berger were sold to Hershey in 2005, but Joseph Schmidt was shut down in 2009.

It took Siegel seven years to build his business at a time when expensive artisan chocolates were becoming hot in the marketplace. By the time he went under, he had 400 retail customers nationwide, including Whole Foods Market.

"We'll never be in the league of Hershey, Mars or Nestle," he said. "Nor do we want to be one of the chocolate Goliaths. There are enough of those already."

Still, he'd like to get back into those 400 specialty stores in record time.

Chocolatier Kathy Wiley, owner of San Francisco's Poco Dolce and Siegel's competition, said she doesn't think it will be a problem.

"Out of sight, out of mind is always a risk," she said. "But Charles Chocolates had a great, loyal fan base. I think those customers will be happy to have them back. The trick will be in getting the word out."

Siegel is working on a marketing plan, but making candy- well, that's in his blood. It started in <u>college</u> in Rochester, N.Y. Siegel was trying to impress a girlfriend, so he experimented with truffles.

They turned out so well that he began making and selling them for extra cash.

A year after moving to the Bay Area in 1986, before the artisan-food movement had powered up, he founded Attivo Confections in Emeryville. But it turned out that running a company at the same time as starting a family was more than he had bargained for, so he sold Attivo and took a job during the dot-com boom in finance and technology.

MID CONTENT



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Even so, he still couldn't let go, and continued to make candy at home. At that point, handmade chocolates started catching on with consumers.

In 2004, unable to resist, he founded Charles Chocolates and opened a kitchen at the  $\underline{\text{Jewish Community Center}}$  in San Francisco.

A year later, he moved the operation to Emeryville, where he grew 50 percent each year (except for 2008) for the next five years. Then came the bankruptcy.

"It was devastating," he said. "It's something you wouldn't wish on your worst enemy."

Siegel said he looked around for other opportunities, but in the end, he couldn't leave the candy business behind.

"There is a visceral pleasure from feeding people," he said. "And I'm good at making chocolates."

Wiley gets it.

"Even though money-wise he's starting from scratch, it's an identity issue," she said. "Who you are is entwined with what you have a passion for. Given that, it would take a lot to walk away."

Plus, Siegel said, he's looking forward to being the majority stakeholder of the company. As far as the risk: "Chocolate is good business," he said. "It's one of the most popular foods on the planet."

<u>Stacy Finz</u> is a <u>San Francisco Chronicle</u> staff writer. E-mail: <u>sfinz@sfchronicle.com</u> Twitter: <u>@sfinz</u>



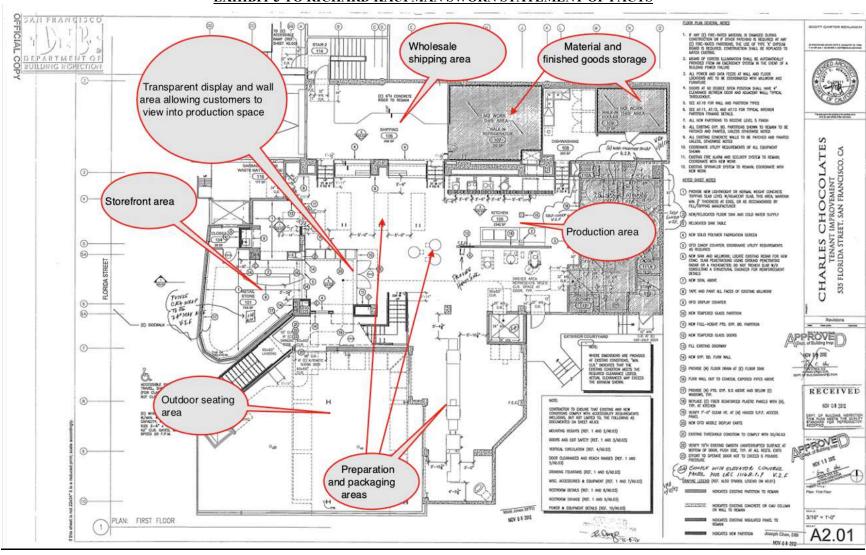
Stacy has worked at the San Francisco Chronicle as a reporter since 1997, when she moved to San Francisco after previously working at the Rocky Mountain News, Los Angeles Daily News, San Diego Union-Tribune and the Los Angeles Times. She started at the Chronicle as a general assignment reporter, covering breaking news, catastrophes, crime, criminal and civil trials. Later, she moved to the food and wine section, where she covered food and wine trends and news.

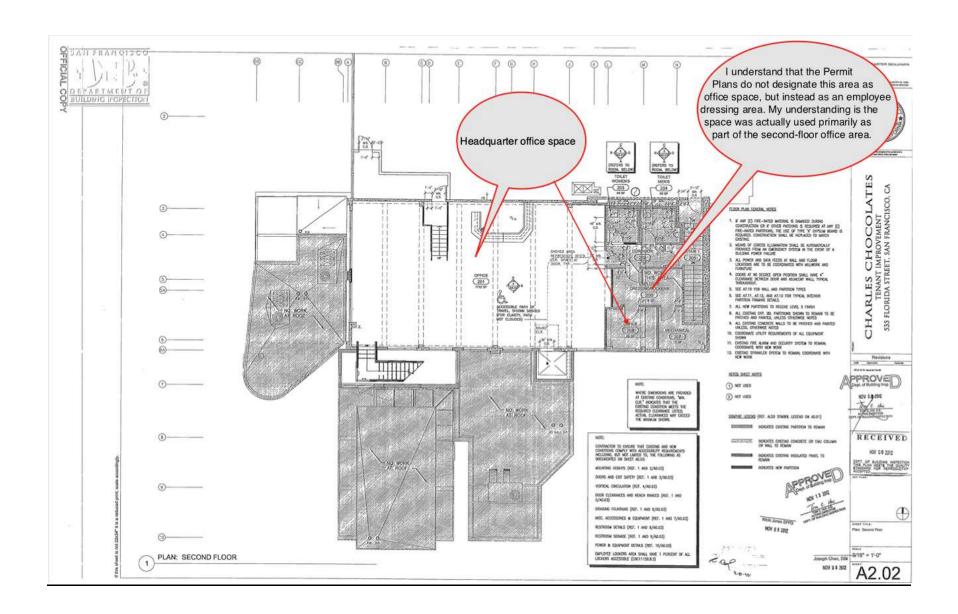
Her stories include full coverage of the Yosemite murders and the Scott Peterson case, the beleaguered Oalifornia olive industry and farming and ranching issues. Currently, she is a business reporter, covering the food and wine industries, agriculture and tourism.

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#### EXHIBIT 3 TO RICHARD KAUFMAN SWORN STATEMENT OF FACTS





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### EXHIBIT L

### CHUCK SIEGEL SWORN STATEMENT OF FACTS



To whom it may concern--

My name is Chuck Siegel and I am the President of Charles Holdings, Inc, a Delaware corporation (the "Company"). The Company, doing business as Charles Chocolates, was the tenant at 535 Florida Street (the "Premises") that filed and completed Building Permit 201210192467 (the "Building Permit") for purposes of constructing tenant improvements to the Premises for Charles Chocolates' use. The tenant improvements implemented through the Building Permit consisted of the following:

- Improvement of an existing commercial-grade kitchen and surrounding area on the first floor of the Premises (previously used a brewpub restaurant, and referred to herein as the "Kitchen") for production and packaging of Charles Chocolates' confectionary goods (the "Products").
- Creation of a retail storefront on the first floor (from where a customer could purchase Products and view the Kitchen) to serve as the "front door" of Charles Chocolates (the "Storefront").
- Conversion of the second floor of the Premises (the majority of which was previously used as a pool room, with a smaller space containing an office and employee space) to a headquarters office space for Charles Chocolates, in order to facilitate the marketing and wholesaling of the Products, together with other core business functions of the Company the "Office").

The Office use on the second floor of the Premises was an important part of why Charles Chocolates leased the Premises. A significant component of the Company's business since its creation in 2004 has involved developing and maintaining wholesale relationships with retailers in the Bay Area and across the country, including large companies such as Whole Foods and Starbucks, as well as hundreds of smaller retailers. The effective management of the Company's business requires dedicated office space.

Charles Chocolates' business at the time it instituted its use of the Premises was not simply to produce the Products in the Kitchen, sell them in the Storefront and administer the operation of the Kitchen and Storefront operations from the Second Floor Office. Instead, Charles Chocolates' planned and actual use of the Office was to oversee all of Charles Chocolates' business, which involved not only operation of the Kitchen and Storefront, but also regional and national wholesales, direct-to-customer internet sales and the management and oversight of a 10,000 square foot storage warehouse in South San Francisco and a 5,000 square foot shipping and receiving warehouse located up the street from the Premises, and other office and administrative functions extending beyond and independent from the use of the Kitchen and Storefront.

I attest to the truth and accuracy of the above statement of facts.

Sincerely.

Chuck Siegel President

# San Francisco Citizen

Captain of Games, Solid-Framed editor@SFCitizen.com

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## Gavin and the Chocolate Factory: Mayor Newsom Celebrates Charles Chocolates' "Artisanal Manufacturing"

Artisanal manufacturing – that's a new one on me.

All the deets, below.



SAN FRANCISCO, Aug. 18 — <u>Charles Chocolates</u> announced today that it has **signed a 10 year lease** with Westfield San Francisco Centre to begin building its **flagship retail store and open kitchen**. This agreement is the first step in creating the new home for Charles Chocolates' iconic open kitchen in the heart of San Francisco. Construction is scheduled to begin soon with a projected opening in January 2011; the retail portion of the store opens this November. Until then, the Charles Chocolates retail store can be found on the third floor of Westfield San Francisco Centre, Under the Dome.

"We are seeing a resurgence and resilience of manufacturing businesses in the City, particularly artisanal manufacturing," said Mayor Newsom. "Charles Chocolates not only represents the best in the art of chocolate making, but is part of a wave that is bringing manufacturing to the center of innovation and creativity that is San Francisco."

Charles Chocolates created the country's only completely open artisan chocolate kitchen 4 years ago in Emeryville, CA. Now they've taken what they've learned and are building an even more exciting confection production kitchen in a stunning new location on the fourth floor of Westfield San Francisco Centre, under the historic dome of the former Emporium department store. This concept is a collaboration between Chuck Siegel of Charles Chocolates, EDG Design and Lou Felthouse Architect. The real estate deal was brokered by Carol Gilbert of CGI Real Estate in San Francisco.

"We are excited to begin working on our new flagship retail store and open kitchen," commented Chuck Siegel, founder of Charles Chocolates. "The opportunity to bring the artisan confection making process front and center, allowing everyone who visits the chance to see what goes into creating the chocolates that they are enjoying, is a thrill for all of us."

The final project will be a combination of a confection shop and an open kitchen. The shop will include the complete selection of Charles Chocolates artisan products, handmade ice cream, house-made pastries and an espresso bar. Behind the shop will be a completely glassed in 5,000 square foot commercial confection kitchen which will allow anyone to watch how these confections are made. Upon opening the new space, Charles Chocolates' famous factory tours will once again take you through how their confections are created.

"Locating a chocolate factory in the heart of San Francisco's downtown shopping district will be a unique, imaginative and delicious attraction Under the Dome of Westfield San Francisco Centre," said Heather Almond, Westfield. "Charles' factory tours, cafe and award winning chocolates are the perfect combination of retail, dining and entertainment offerings popular with our guests. We're delighted to be part of a new concept in a city that thrives on fresh ideas."

All about Chuck, after the jump

#### **About Charles Chocolates**

Founded in 2004, Charles Chocolates began as one man's dedication to the art of chocolate, his pursuit of perfection and a complete and total passion for producing only the finest confections. Chuck (Charles) Siegel has been a part of the San Francisco chocolate scene since 1987 when he started his first premium chocolate company at the age of 25.

Charles Chocolates has set out to redefine the world of fine chocolate confections. The confections are made using the finest ingredients, including some of the world's best chocolates, organic herbs, fruits and nuts as well as organic cream and butter. Everything is made by hand in very small batches using traditional, artisanal techniques. Charles Chocolates products are available nationwide in more than 300 locations.

Awards include Sunset Magazine's "Best of the West", Editor's Pick by 7×7 Magazine, and "Best Chocolates" in East Bay Express. Charles Chocolates has many loyal customers for its classic line of products, and also excites customers with new innovations such as the company's signature edible chocolate boxes.

Charles Chocolates has been featured in the San Francisco Chronicle, Wallpaper Magazine, SF Weekly, PaperCity, the San Jose Mercury News, Los Angeles Times, ReadyMade Magazine, and online media including Daily Candy, Cooking With Amy, KQED's Bay Area Bites, the tablehopper, and Yelp.com.

Chuck Siegel has also made apperances on View From the Bay, Eye on the Bay, The Martha Stewart Show and multiple appearances on Martha Stewart Radio.

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Tags: 2010, 2011, artisanal, artisanal manufacturing, bay area, california, centre, charles, chocolate, chocolates, chrales, chuck, gavin newsom, mall, manufacturing, Mayor, San Francisco, under the dome, westfield

This entry was posted on Wednesday, August 18th, 2010 at 12:22 pm and is filed under <u>food and drink</u>. You can follow any responses to this entry through the <u>RSS 2.0</u> feed. Responses are currently closed, but you can <u>trackback</u> from your own site.

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#### **EXHIBIT N**

#### PLANNING CODE DEFINITONS OF "CATERING" AND "LIGHT MANUFACTURING"

# SEC. 890.25. CATERING SERVICES.

A service use which involves the preparation and delivery of goods including the following items: food, beverages; balloons, flowers, plants, party decorations and favors; or cigarettes/candy.

# SEC. 890.54. LIGHT MANUFACTURING, WHOLESALE SALES, STORAGE.

A commercial use, including light manufacturing, wholesale sales, and storage, as defined in Subsections (a), (b), (c), and (d) below.

- (a) **Light Manufacturing.** A nonretail use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials, when conducted in an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities as may be defined by the Standard Industrial Classification Code Manual as light manufacturing uses:
- (1) Food processing, not including mechanized assembly line production of canned or bottled goods;
  - (2) Apparel and other garment products;
  - (3) Furniture and fixtures;
  - (4) Printing and publishing of books or newspaper;
  - (5) Leather products;
  - (6) Pottery;
  - (7) Glass blowing;
- (8) Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks; and
- (9) Manufacture of cannabis products or cannabis extracts that are derived without the use of volatile organic compounds (License Type 6—Manufacturer 1, as defined in California Business and Professions Code, Division 10).

It shall not include the chemical processing of materials or the use of any machine that has more than five horsepower capacity, nor shall the mechanical equipment required for the use, together with related floor space used primarily by the operators of such equipment, in aggregate occupy more than ¼ of the total gross floor area of the use.

It shall be not include a trade shop, as defined in Section <u>890.124</u> of this Code, or a heavy industrial use subject to Section <u>226(e)</u> through (w) of this Code. It shall not include general or heavy manufacturing uses, not described in this Subsection (a).

- (b) **Wholesale Sales.** A nonretail use that exclusively provides goods or commodities for resale or business use, including accessory storage. This use includes cannabis distribution (License Type 11—Distributor, as defined in California Business and Professions Code, Division 10). It shall not include a nonaccessory storage warehouse.
- (c) Commercial Storage. A commercial use which stores, within an enclosed building, contractors' equipment, building materials or goods or materials used by other businesses at other locations. This use shall not include the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities.
  - (d) Self-Storage. Retail facilities for the storage of household and personal goods.