

From: [Colin McDonald-Smith](#)
To: [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Marstaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Haneystaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Waltonstaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); sfgrubstake@gmail.com
Subject: Support Rebuilding Grubstake Diner
Date: Tuesday, October 19, 2021 8:44:16 AM

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

Dear Supervisor Peskin and Supervisors,

The Grubstake Diner holds great importance to the LGBTQ+ community, and I am pleased to express my support for the rebuilding of this community treasure. After waiting over six-years to redevelop the site with 21-units of middle-income housing over a new Grubstake Diner, the project continues to face opposition from adjacent residents who only recently moved into the neighborhood.

The Grubstake team has worked tirelessly to address its next-door neighbors' concerns, including having a light analysis prepared that found the project meets CEQA requirements and the units would still receive light from the interior courtyard which with a matching lightwell on the project would be greater than 25 by 25 feet. Additionally, even though residents of the Austin will receive sufficient sunlight and the project does not pose a health and safety hazard, the project sponsor has in good faith voluntarily added UV lights to its building, timed to match daylight hours to enhance the light in the interior courtyard further.

Despite these efforts, some owners at the Austin have continued their years-long abuse of the City's land use entitlement process, appealing the Mitigated Negative Declaration granted for the project by the Planning Commission, citing the impact on the light, air, and private terraces of the existing building's units, as well as the project's lack of parking, and the "over-supply of housing in the neighborhood."

The residents of the neighboring Austin condominium building have tried in every way possible to file appeals to various aspects of the project while their sole intent is to block any additional height adjacent to their building. It is important to note that all owners at the Austin were required to sign pre-sale disclosures stating the Grubstake site would be developed, and that light, air, and views on the eastern side of the building where the lightwell exists would be impacted.

The project sponsor is using the State Density Bonus Program (SDBP), which encourages developers to elevate the height and development capacity of a project in order to generate increased housing in urban neighborhoods. The SDBP provides more flexibility in planning and financing new home development and will help ensure the viability of this important LGBTQ+ preservation project.

The Grubstake team has made every attempt possible to address any issues brought forth by the Austin residents and we hope that you see the value of this project in its proposed form and deny this frivolous appeal.

Sent from my iPhone

From: [Kinann](#)
To: [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Marstaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Haneystaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Waltonstaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); sfgrubstake@gmail.com
Subject: Support Rebuilding Grubstake Diner
Date: Monday, October 18, 2021 9:27:49 PM

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

Dear Supervisor Peskin and Supervisors,

The Grubstake Diner holds great importance to the LGBTQ+ community, and I am pleased to express my support for the rebuilding of this community treasure. After waiting over six-years to redevelop the site with 21-units of middle-income housing over a new Grubstake Diner, the project continues to face opposition from adjacent residents who only recently moved into the neighborhood.

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APPLEMEISTER
APPLE PRODUCTS AND
PROFESSIONAL REPAIR
Surf: Applemeister.co
eMail: hello@Applemeister.co
Call: 855 88 APPLE
Visit us: 658 Grant Ave
C h i n a T o w n
San Francisco, CA

94108 : U S A

From: [Fernando Olivera](#)
To: [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Marstaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Haneystaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Waltonstaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); sfgrubstake@gmail.com
Subject: Support Rebuilding Grubstake Diner
Date: Monday, October 18, 2021 6:12:26 PM

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

Dear Supervisor Peskin and Supervisors,

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The Grubstake team has made every attempt possible to address any issues brought forth by the Austin residents and we hope that you see the value of this project in its proposed form and deny this frivolous appeal.

Sent from my iPhone

From: [Linda](#)
To: [Board of Supervisors, \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [MelgarStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Cc: [Hepner, Lee \(BOS\)](#); [Souza, Sarah \(BOS\)](#); [David P. Cincotta](#); [Sue Hestor](#); [Mari Eliza](#); [Charles Head](#); [Glenn Rogers](#); [Howard](#); [Bernard Choden](#); [Howard" via SF Preservation Consortium](#); [loishscott85@gmail.com](#); [David Elliott Lewis](#); [Michael Nulty](#); [John of San Francisco](#); [Lotus Yee Fong](#); [Hene Kelly](#); [Tina Martin](#); [Kathie Piccagli](#); [Freddy Martin](#); [DPH-btraynor](#); [DPH-jessica](#); [Mike Buhler](#); [Woody LaBounty](#)
Subject: OCTOBER 19 Special Order 3PM Appeal of Mitigated Negative Declaration Fw: 1525 Pine. Fw: Responding to the query from CSFN -- Legal options
Date: Monday, October 18, 2021 3:52:39 PM

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

Supervisors:

Please consider acting to reverse the bizarre approvals granted to demolish a landmark-worthy civic treasure for the prospect of **uninhabitable dwellings: TWO buildings.**

I count on this Appeal of the Mitigated Negative Declaration to afford City Planners who were overcome by intimidation and "the long con" opportunity for restoring credibility and respect for law to our planning decisions.

Linda Chapman
1316 Larkin St 94109
516 5063

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

From: Linda <licwa@yahoo.com>
To: David P. Cincotta <davidc@dpclawoffices.com>

CSFN officers got legal consultation on **damages due to interfering with the neighbors' light.**

See my additional questions below.

Linda

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

From: Linda <licwa@yahoo.com>
To: Hillis Rich (CPC) <rich.hillis@sfgov.org>; commissions.secretary@sfgov.org <commissions.secretary@sfgov.org>; Sue Hestor <hestor@earthlink.net>
Sent: Monday, October 18, 2021, 12:34:51 PM PDT
Subject: 1525 Pine.

CSFN officers confirmed another prospect for litigation under California law: Solar Control Act.

It is our intent to I raise **energy conservation issues** around this proposal to substitute electric power for natural light and air.

Also raise the potential for causing deaths.

City officials again make San Francisco a laughingstock.

First the School Board. Next City Planners.

Will our Supervisors be next?

Will Supervisors agree that artificial light and AC can replace an obsolete building feature --

The Window?

CSFN adds information from legal consultation about **the Solar Control Act.**

"COMPARABLE COMPENSATION" could be due from persons diminishing light to the neighbors' property.

State law raises so many issues for damages that could be charged to the project at 1525 Pine.

Exceeding the 65 ft height limit affects solar for the neighboring small buildings is one thing--

But what about putting 20 of the Austin dwellings in shadow that reduces their light up to 90%?

Responding to CSFN Query about Construction Defects Litigation:

As a layman, I can offer general information--

1. Austin HOA could sue **Austin Developers** for adverse conditions due to acts and omissions-- which should include **waiving "unit exposure"** (or other regulations of Planning and Building Codes).
2. Typically, 10 years is the statute of limitations for Construction Defects.
3. Litigation is common in California, a specialty practice for Common Interest Development lawyers.
4. Not being a lawyer-- I told Planning Commissioners who grant waivers they need to consider whether **a lawyer** arguing that decisions of city officials caused harm could fail to consider damages available from the potential parties.
5. On several occasions, **before and after waivers for Grubstake and other projects, I urged:**

Consult our City Attorney.

Challenge the sponsors who demand waivers "as of right."

Consider that Planning Code Section 303--Conditional Use, and other

provisions for health, safety, "livable" cities most likely COULD NOT be negated by legislation intended for SDB and ADU flexibilities.

David Chiu confirmed that state laws (specifically, SDB, ADU, SB9, SB10) **do not negate Code** provisions I mentioned.
Info@UUSF.org -- video shows this dialogue).

6. I suppose a lawyer litigating the original **construction defects affecting the Austin** (deviations from Code) that subsequently **are exacerbated by willful acts of Grubstake developers** will consider prospects for recovering damages from other potential parties.

7. **Austin owners were referred for consultation and briefings with a panel of attorneys who are CID specialists--** my intervention for the mental distress of my neighbors.

8. **No one should be suffering anguish as a result of intimidation and threats that I witnessed in public meetings with the Grubstake development group.**

9. **Homeowners need to know their alternatives for pursuing developers, should corrective actions by city officials fail.**

10. My charge is to help our officials understand **additional causes for legal action-** - should the ill advised decisions to accommodate abusive development proposals cause harm.

11. **Our Appeal for EIR analysis opens an opportunity for walking back the absurd decisions.**

Planning Commissioners (I believe) now better understand some consequences of allowing a new project that harms Austin owners-- next door to the condominium where the Department previously dismissed rules that protect health and safety.

Not to mention, they forgot about **the norms for dwellings--** in San Francisco or other American cities.

What precedents could planners cite for installing electric lights at the roof line--
At the 83 foot structure proposed for 1525 Pine?
At the adjacent 130- foot Austin condominium?
For replacing functions we normally associate with **THE WINDOW?**

The Electric Mitigation! (Don't get me started)

Commissioners only voted approval for the non-complying project at 1525 Pine on condition that lights at the roof line (at the Grubstake project? at the high rise Austin?)

will be "full spectrum."

From the video archive, you can hear Commissioners discuss: **"Full spectrum light is important for health."**

The absurdity of accepting "Mitigation" proposed by "Lower Polk" officers to earn their money from the Grubstake speculators is apparent the moment you ask--

"How does lighting on the roof actually work?"

MITIGATION ACCEPTED BY PLANNING COMMISSIONERS-- FIRST IS IMPOSSIBLE TO DELIVER-- THEN NO PROVISIONS ASSURE PERPETUAL MAINTENANCE.

Some questions that remain to be answered:

What arrangements will guarantee who manages and pays for electric service, maintenance, emergency work? (Life of the Building)

How do planners define "Life of the Building"?

Nearby, my building is 113-- heirs count on 50-75 more years at least !

What is the experience of San Francisco buildings-- how long do Victorians live?

Did planners analyze common area electric costs?

I DID. As Treasurer of a co-op (12-13 stories high, like the Austin).

Analyzing BIG bills, I found the only potential savings was 24-hour lights required for common area (outweighing all other uses by far).

No significant savings are available-- with no source for natural light.

Supervisors consider MANDATES for environmentally sound practices-- like buildings without gas.

How do recent policies square with substituting electric lights on the roof-- and artificial AC-- for functioning windows?

What is in store for residents in TWO buildings where Grubstake developers offered "Mitigation"

-- as the city experiences climate change?

Same question is raised by temporary (or long-term) power outages-- and mechanical breakdowns that cut off AC and artificial light.

How many deaths are acceptable for accommodating the Grubstake speculators?

How many trips to the hospital?

How many vulnerable persons will abandon their homes-- considering the TWO buildings affected?

Under current conditions: A BMR condo, "unit exposure" waived, was evacuated during a month of AC breakdowns at the Austin.

Of course the Austin HOA can never be saddled with electric expense because Grubstake speculators demand to locate systems on the roof for "accommodating" the neighbors.

No HOA could lawfully allow any private intrusion on their property that is adverse to unit owners.

CC&Rs are required to strictly define rights for access and altering property to accommodate utilities.

Hard to imagine the HOA will alter CC&Rs to provide for a neighboring rental owner to control wiring or lighting affecting the Common Interest Development !

Did the city plan to enforce installing an electric system-- perpetual access to HOA property-- or what?

When a speculative rental building -- 1525 Pine-- changes owners (over the next 150 years)-- or when 1525 Pine converts to CID ownership-- who imposes charges for lighting located at (or serving) 1545 Pine, the adjacent owners?

Did planners explore technology for lights at the roof line (130 feet up? 83 feet up?) illuminating dwelling interiors many stories below?

What happens when residents of upper floors complain the artificial lights glare through their window?

WAIVERS

Waivers that are relevant to two unusual housing developments include standards for building set-backs, narrow alleys, usable open space (and more).

Grubstake sponsors--

Won the exceptions identified above--

Got up to TEN total waivers approved-- FALSELY claiming waivers "as of right," IAW the State Density Bonus.

Intimidated Planning Staff to implement their demands, for fear of precipitating litigation.

Threatened Commissioners about consequences to expect for "violating California law"-- in an astonishing display of coercion, during the public process intended to facilitate deliberations.

As a lay person, I must defer to lawyers to define whether or not "abuse of process" is a term of art that applies to the Pelosi/Grubstake activities before Planning Commission deliberations.
(Refer to CPC Video Archive for 1525 Pine hearings)

In case the conduct is not subject to prosecution, at least these tactics cannot be allowed to corrupt the proceedings of Planning Commissioners

Linda Chapman
1316 Larkin St 94109
516 5063

On Sunday, October 17, 2021, 1:14:42 PM PDT, zrants <zrants@gmail.com> wrote:
(from Mari Eliza, CSFN officer)

I already sent one letter and may send another based on the following. I will probably speak on the two issues I raised in the letters.

The single exist into an alley the "backdoor" policy that is highly offensive and fairly unprecedented in SF as far as I know.

The second is the removal of natural window light and air from existing homes, by building dense high walls blocking out their sun. This will forcing the neighboring residents to use and pay for more electric lights during the day. I think the residents may have use some existing law, i.e.: the solar control act to charge the new property owner for their additional electric lighting bills and perhaps any air flow system that they need to replace their the fresh air where their windows are blocked.

Sincerely,

Mari
zrants@gmail.com
415-626-6141

Begin forwarded message:

From: zrants <zrants@gmail.com>
Subject: Run this by an attorney who is familiar with the Solar Control Act
Date: October 17, 2021 at 11:49:41 AM PDT
To: Tom Soper <tsaia@sbcglobal.net>
Cc: Barish Jean <jeanbbarish@hotmail.com>, Chapman Linda <licwa@yahoo.com>

Linda Chapan mentioned

A CID law for Construction Defects - complaints filed by owners of property that is impaired by owners another property built in such a manner that the natural light and air circulation is impeded.

This got me to thinking of damages and reparations and this brought up the Solar Shade Control Act and the formula for accessing damage to the owners of a solar system. One document I know

of: https://www.sandiego.edu/law/documents/centers/epic/100329_SSCA_Final_000.pdf

I'm not suggesting another figure this out right now, but, the question may be raised on whether or not damages may be filed at some point in the future based on the laws that protect solar systems and mitigate the effects of shade.

In the case where the windows of a new construction "erase" all access to the sun and darken the units of neighbors to the point where they must run lights 24/7 instead of just at night, their electric bills will go up. That may be grounds for a complaint. In that case, the question may be something like this:

Can the owners of the original building (A) sue owners of the new building (B) or the city for the additional electric use of lights and air circulating system when building (B) creates removes access to natural sunlight? See the law regarding the loss of access to the sun where the solar systems are concerned by language that describes the right to solar access and the penalties that may be applied when that access is denied.

Does the Solar Control Act only apply to solar collectors or can it be applied to any action taken that knowingly removes solar access to any property owner and force them to pay for additional electricity for light during daylight hours?

If the Solar Control Act applies to any property owner deprived of access to sunlight for any reason, may the same process for calculating damage to a solar system owner be used by any impaired party to determine damages and request a similar relief?

I assume If one brings it up now, one may be able to use it later.

Mari

From: [Doug McKirahan](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: Re: 10/19/21 Meeting, Article 21092: 1525 Pine Street
Date: Monday, October 18, 2021 3:40:41 PM

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

To The SF Board of Supervisors:

Now more than ever, we need more medium-and-lower priced housing in our city, and the plan to build the 21 unit residence above the Grubstake on 1525 Pine Street is a very welcome one. Much like the Austin residents across the street from the proposed site, we're facing a growing segment of individuals in the city who are unable and unwilling to share space and care only about their personal needs, compared to the "big picture" of what we're all facing as a large group of people living in San Francisco. These individuals are rapidly changing the city from the diverse and welcoming harbor it's always been into yet another dog-eat-dog metropolis, and it's becoming increasingly alarming to see.

Approval of this Motion also pertains to the survival of the Grubstake restaurant at the same address, which is struggling to survive right now. The Grubstake has been a milestone restaurant that I still continue to frequent today; the small establishment continues to have all the charm and the family-like aura it had then. Besides being a gay landmark, this was a safe harbor for many of us during the 70's when the city was not as gay-friendly as it is now.

Please don't let the Grubstake and the opportunity to build more affordable condos be decimated due to some disgruntled residents who are concerned about "losing some of their light," and I sincerely hope you will vote 'No" on this motion. It's time we start to relay the message to people like this that if they're unwilling to share reasonable space in a city with others, then maybe a city is not the place for them.

Thank you very much for taking the time to read this.

Doug McKirahan

From: [Linda](#)
To: [Peskin, Aaron \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary](#); [Mar, Gordon \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Preston, Dean \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Cc: [Souza, Sarah \(BOS\)](#); [Hepner, Lee \(BOS\)](#); [David P. Cincotta](#); [Sue Hestor](#); [Woody LaBounty](#); [Zrants GM](#); [Bernard Choden](#); [Howard](#); [Shawn B. Farrell](#); [Patricia Rose](#); [Jimmy Choi](#); [Theresa Calderon](#)
Subject: Special Order October 19 3PM-- Appeal of Mitigated Negative Declaration Fw: 1525 Pine Criminal and ethical violations promote Grubstake project Fw: D2 Office Follow-up
Date: Monday, October 18, 2021 2:17:36 PM

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

Supervisors::

So pressed for time, I apologize for recycling to your office information that was prepared for lawyers, the Planning Department, and CSFN.

I understand a supervisor could not discuss with me issues surrounding our appeal of 1525 Pine. I would be glad of an opportunity to confer with Staff.

Returning the case to planners for preparing an EIR opens an avenue to reconsider approvals that were extracted under intimidation, and could precipitate a round of litigation following several paths.

I am trying to spare the Planning Department (where some discerned errors before I intervened); and now I am trying to spare our supervisors from allowing dishonesty, manipulation, and threats that originated with speculative developers make our city look like a laughingstock.

More information follows regarding **civil violations** surrounding this bizarre proposal for the Grubstake site, in addition to acts that could be criminal. This development group showed no qualms about acting before so many witnesses.

Don't let us forget criminal and ethical violations of the "Lower Polk" leaders-- who proposed the unique "mitigation" for 1525 Pine to earn their pay as unregistered permit expeditors Nothing new there.

Newsworthy yes. But not new.

Linda Chapman
1316 Larkin St 94109
516 5063

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

From: Linda <licwa@yahoo.com>

To: Zrants GM <zrants@gmail.com>; David P. Cincotta <davidc@dpclawoffices.com>; Patricia Rose;

Shawn B. Farrell; Theresa Calderon

Cc: Jimmy Choi; John of San Francisco <john33sf@yahoo.com>; David Elliott Lewis <ideazones@yahoo.com>; Michael Nulty <sf_district6@yahoo.com>; Hillis Rich (CPC) <rich.hillis@sfgov.org>

Sent: Monday, October 18, 2021, 10:46:25 AM PDT

Subject: 1525 Pine Criminal and ethical violations promote Grubstake project Fw: D2 Office Follow-up

High on my list -- after our hearing-- is reporting criminal violations some of you witnessed in Grubstake dealings at public meetings:
Including but not limited to the "community leaders" funded by our city while claiming D3 and D6 territory they call Lower Polk.

BOS has heard about extortion and bribes involving these Permit Expeditors in General Public Comment. Likewise Planning Commissioners (Thank you D6.)
Make sure Zoom witnesses get those Grubstake dealings into hearing testimony. I only get 3 minutes.

Linda..

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

From: StefaniStaff, (BOS) <stefanistaff@sfgov.org>

To: licwa@yahoo.com <licwa@yahoo.com>

Sent: Monday, October 18, 2021, 10:04:48 AM PDT

Subject: D2 Office Follow-up

Hello Linda,

Thank you for taking the time to speak with me on Friday. The FBI's San Francisco office can be contact at (415) 553-7400 and more information can be found on their website [HERE](#).

I can also be sure to share with my colleague Dominica that you would like to remain updated on the progress of the signs legislation and when it will be coming before committee and the full Board. Thank you again for reaching out.

Best,
Frankie

Frankie Falzon
Administrative Aide and Constituent Liaison
District 2 Supervisor Catherine Stefani
City and County of San Francisco
415-554-7752

From: [Nicholas Pigott](#)
To: [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Marstaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Haneystaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Waltonstaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Cc: [Hepner, Lee \(BOS\)](#); [Alexis Pelosi](#)
Subject: 1525 Pine Street (BOS File No 210901)
Date: Sunday, October 17, 2021 3:46:36 PM
Attachments: [1525 Pine Street - Letter from Project Sponsor re Grubstake Commitment Attachments \(BOS File No. 210901\) copy.pdf](#)

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

President Walton and Supervisors,

As the project sponsors and owners and operators of the Grubstake restaurant, we respectfully submit the attached letter expressing not only our commitment to the continued operation of the Grubstake restaurant but outlining our obligation under the approvals granted for the project to do so.

Nick and Jimmy

Nicholas Pigott
c. 206.920.7003

From: [Jimmy Consos](#)
To: [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Marstaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Haneystaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Waltonstaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: For Public Record: Grubstake Support!
Date: Friday, October 15, 2021 2:49:09 PM

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

Dear Board President Walton and Supervisors,

On behalf of Juanita MORE!, Empress of the Imperial Court of San Francisco, I am submitting an article from the Bold Italic, Let's Talk About the Grubstake Diner, written by Juanita MORE! I am sharing the article because it aptly captures the importance of preserving the Grubstake for current and future generations of the LGBTQ+ community.

The article can be viewed here: <https://thebolditalic.com/lets-talk-about-the-grubstake-diner-48dbb8007ff1>

Thank you, and please enter the article into the record for the Grubstake project.

Truly,

Jimmy Consos

Grubstake Diner

1525 Pine St., San Francisco, California 94109

Tel: 415.895.2130

From: [Susana Gonzales](#)
To: [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Marstaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Haneystaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Waltonstaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); sfgrubstake@gmail.com
Subject: Support Rebuilding Grubstake Diner
Date: Thursday, October 14, 2021 11:51:23 PM

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

Dear Supervisor Peskin and Supervisors,

The Grubstake Diner holds great importance to the LGBTQ+ community, and I am pleased to express my support for the rebuilding of this community treasure. After waiting over six-years to redevelop the site with 21-units of middle-income housing over a new Grubstake Diner, the project continues to face opposition from adjacent residents who only recently moved into the neighborhood.

The Grubstake team has worked tirelessly to address its next-door neighbors' concerns, including having a light analysis prepared that found the project meets CEQA requirements and the units would still receive light from the interior courtyard which with a matching lightwell on the project would be greater than 25 by 25 feet. Additionally, even though residents of the Austin will receive sufficient sunlight and the project does not pose a health and safety hazard, the project sponsor has in good faith voluntarily added UV lights to its building, timed to match daylight hours to enhance the light in the interior courtyard further.

Despite these efforts, some owners at the Austin have continued their years-long abuse of the City's land use entitlement process, appealing the Mitigated Negative Declaration granted for the project by the Planning Commission, citing the impact on the light, air, and private terraces of the existing building's units, as well as the project's lack of parking, and the "over-supply of housing in the neighborhood."

The residents of the neighboring Austin condominium building have tried in every way possible to file appeals to various aspects of the project while their sole intent is to block any additional height adjacent to their building. It is important to note that all owners at the Austin were required to sign pre-sale disclosures stating the Grubstake site would be developed, and that light, air, and views on the eastern side of the building where the lightwell exists would be impacted.

The project sponsor is using the State Density Bonus Program (SDBP), which encourages developers to elevate the height and development capacity of a project in order to generate increased housing in urban neighborhoods. The SDBP provides more flexibility in planning and financing new home development and will help ensure the viability of this important LGBTQ+ preservation project.

The Grubstake team has made every attempt possible to address any issues brought forth by the Austin residents and we hope that you see the value of this project in its proposed form and deny this frivolous appeal.

From: [Evelyn Ramirez](#)
To: [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Marstaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Haneystaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Waltonstaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); sfgrubstake@gmail.com
Subject: Support Rebuilding Grubstake Diner
Date: Thursday, October 14, 2021 11:05:18 PM

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Dear Supervisor Peskin and Supervisors,

The Grubstake Diner holds great importance to the LGBTQ+ community, and I am pleased to express my support for the rebuilding of this community treasure. After waiting over six-years to redevelop the site with 21-units of middle-income housing over a new Grubstake Diner, the project continues to face opposition from adjacent residents who only recently moved into the neighborhood.

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The Grubstake team has made every attempt possible to address any issues brought forth by the Austin residents and we hope that you see the value of this project in its proposed form and deny this frivolous appeal.

- Evelyn Reyes

From: [Hepner, Lee \(BOS\)](#)
To: [BOS-Operations](#); [BOS Legislation, \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#)
Subject: FW: Background on The Grubstake
Date: Tuesday, October 19, 2021 2:22:46 PM

Please include the below correspondence in the public file for the 1525 Pine St. appeal on this afternoon's agenda.

Thanks,

Lee Hepner
Legislative Aide
Supervisor Aaron Peskin
(415) 554-7419 | *pronouns: he, him, his*

[District 3 Website](#)

Sign up for our newsletter [here!](#)

From: Gerard Koskovich <gkoskovich@gmail.com>
Sent: Friday, October 15, 2021 11:35 AM
To: Hepner, Lee (BOS) <lee.hepner@sfgov.org>
Subject: Background on The Grubstake

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

Lee,

At the end of this email you'll find my partial list of sources demonstrating the importance of The Grubstake as a historic element of the built environment in representations of San Francisco's queer culture.

Among other things, you'll see that the diner has inspired two songs — a rap song and a transgender ballad — that have been released as recordings with music videos portraying the actual location.

Here's the national organization I mentioned:

Dining Car Society
<https://www.diningcarsociety.org/>

Here's a Facebook post from the Preserving LGBTQ Historic Sites in California group for which Shayne and I are administrators — with a quote from a talk about missing and endangered queer historic sites in the city which I've given in a number of venues including at Birkbeck University of London:

<https://www.facebook.com/PreservingLGBTHistory/posts/1635685189885261>

And here's a Facebook post about the meeting the GLBT Historical Society Historic-Places Working Group had with Jimmy Consos and his team:

<https://www.facebook.com/PreservingLGBTHistory/posts/1888634967923614>

Let me know if I can be of further assistance.

Best,

Gerard

MEMOIRS

Bambi Lake. *The Unsinkable Bambi Lake: A Fairy Tale Containing the Dish on Cockettes, Punks, and Angels* (Manic D Press, 1996), page 30. Bambi Lake met Hibiscus, the star of *The Cockettes*, for the first time at the Grubstake in the early 1970s. Includes the diner in her poem "The Golden Age of Hustlers," pages 85–91 (later adapted into a song). A revised edition of the book was issued in 2017.

Cleve Jones. *When We Rise: My Life in the Movement* (Hachette Books, 2016), page 30. Cleve Jones frequented the diner when he first moved to San Francisco.

GUIDES (SELECTED)

André Gayot, Jeffrey Hirsch & Laura Reiley. *The Best of San Francisco and Northern California* (Gault Millau, 1994): "The burgers here are no more than decent, but they taste just fine at 4 a.m., when *San Francisco's* dining options are limited in the extreme."

Featured in a "Clip-n-Save Sleaze Tour" in ***Curve: The Lesbian Magazine***, vol. 12 (2002): 28.

Laura Borman. *Discovering Vintage San Francisco: A Guide to the City's Timeless Eateries, Bars, Shops and More* (Rowman & Littlefield, 2015): 61–64.

NOVELS

Setting for a scene in **Sheldon Siegel, *Final Verdict*** (Penguin Group, 2004), pages 141ff. A detective novel in the series featuring fictional San Francisco lawyer Mike Daley.

NONFICTION BOOKS

Michael R. Corbett. *Splendid Survivors: San Francisco's Downtown Architectural Heritage* (California Living Books, 1979), page 76.

Will Roscoe. *Queer Spirits: A Gay Men's Myth Book* (Beacon Press, 1995), page 291.

Leigh W. Rutledge. *The Gay decades: From Stonewall to the Present—The People and Events That Shaped Gay Lives* (Plume, 1992), page 90. In 1978, The Grubstake was one of several San Francisco enterprises targeted by an armed robber who held them up because, as he later confessed, he hated gay businesses.

TELEVISION & VIDEO

Diners, Drive-Ins and Dives starring Guy Fieri (Food Network, 2008).

"**Grubstake**" from the album "Are You Gonna Eat That?" by Hail Mary Mallon (Rhymesayers, 2011);
song & music video: <https://www.youtube.com/watch?v=Ch2Xvp1YPyU>

"**The Golden Age of Hustlers**" starring Obie winner and Tony nominee Justin Vivian Bond (2014); lyrics
by Bambi Lake; music video directed by Silas Howard: <https://www.youtube.com/watch?v=fwr0pFho32E>

Sticks and Stones: Bambi Lake (2015), documentary short directed by Silas Howard:
<https://vimeo.com/138625199>

The San Francisco Board of Supervisors,

152 people have signed a petition on Action Network telling you to Help Save the Grubstake!.

Here is the petition they signed:

Dear Supervisor Peskin and Supervisors,

We, the undersigned members of the LGBTQ+ community and allies, have been working with the Grubstake team for over six years on the meaningful rebuilding of the Grubstake Diner. The Grubstake holds great importance to our community. The project sponsor is using the State Density Bonus Program (SDBP), which encourages developers to elevate the height and development capacity of a project in order to generate increased housing in urban neighborhoods. The SDBP provides more flexibility in planning and financing new home development and will help ensure the preservation of this community treasure for future generations to enjoy while also building 21 units of middle-income housing in the Polk Gulch.

The Grubstake team has worked tirelessly to address the concerns of our next-door neighbors – including having a light analysis prepared that found the project meets CEQA requirements and the units would still receive light from the interior courtyard. Additionally, even though residents of the Austin will receive sufficient light and the project does not pose a health and safety hazard, the project sponsor has in good faith voluntarily added UV lights to their building, timed to match daylight hours to further enhance the light in the interior courtyard. Despite these efforts, some owners at the Austin have continued their years-long abuse of the City's land use entitlement process, appealing the Mitigated Negative Declaration granted for the project by the Planning Commission, citing the impact on the light, air, and private terraces of the existing building's units, as well as the project's lack of parking, and the "over-supply of housing in the neighborhood."

The residents of the neighboring Austin condominium building have tried in every way possible to file appeals to various aspects of the project while their sole intent is to block any additional height adjacent to their building. It is important to note that all owners at the Austin were required to sign pre-sale disclosures stating the Grubstake site would be developed, and that light, air, and views on the eastern side of the building where the lightwell exists would be impacted.

After six-plus years, it's time to finally move forward with this modest proposal and pave the way for the Grubstake to continue to survive and thrive. We respectfully request your denial of the baseless appeal of the project's Mitigated Negative Declaration.

You can view each petition signer and the comments they left you below.

Thank you,

Jimmy Consos

1. Matt Wade (ZIP code: 94117)

2. AJ Guest (ZIP code: 94103)

Save our culture!

3. Alex Berardino (ZIP code: 94102)

4. Andrew Slade (ZIP code: 94116)

5. Andy Gard (ZIP code: 94115)

The Grubstake is part of San Francisco history and culture. It's rich with character, and the City can hardly afford to lose any more of that!

6. Anderson Lee (ZIP code: 94114)

7. Angela Denman (ZIP code: 94107)

8. Angela Denman (ZIP code: 94107)

9. Tao A. (ZIP code: 94608)

Our historic buildings really need our protection now more than ever.

10. Alaina Valenzuela (ZIP code: 94706)

11. Daniel Filipkowski (ZIP code: 94105)

12. Human Avij (ZIP code: 94107)

13. Adam Warrick (ZIP code: 95037)

14. Bernadette Fons (ZIP code: 94114)

Grubstake Forever!!!

15. Don Berger (ZIP code: 94109)

I have been a customer for 35 years. I enjoy the restaurant & don't wish to see it gone. The Grubstake is one of the fine institutions of SF !

16. Betty Sullivan (ZIP code: 94114)

Please vote to override the appeal that is holding up the Grubstake development project. We have been working on this for more than 5 years and now, it has been held up once again by people who were fully informed before they signed up to move into the Austin condo building. Thank you!

Betty Sullivan

17. Leanne Borghesi (ZIP code: 94005)

18. Brian O Connell (ZIP code: 94587)

Whenever I got to a late night event in SF, no matter how out of the way, I always stop at Grubbstake on the way home!

19. James Mccarty (ZIP code: 94114)

Gone there for over 50 years. Back in the '70s, it was a wonderful late nite crossroads for all kinds of gay after the bars closed.

20. Carrie Tacla (ZIP code: 94109)

Please don't destroy a unique and special part of SF history!

21. Catherine Wu (ZIP code: 94109)

22. Craig Gordon (ZIP code: 97520)

Lived on

russian hill for 27 years retired and moved up to Oregon due to cost of living...

grubstake always been a must stop and still is on my visits back, don't let the rich take away another SF lichen

23. chris hastings (ZIP code: 94110)

24. Charles Myers (ZIP code: 95436)

25. Sid Franks (ZIP code: 94803)

Save our gay heritage

26. Patricia Wheeler (ZIP code: 94115)

Keep SF unique! __

Grubstake is original SF ..

Save our neighborhood jewels!!!

We want our affordable fun food!

Polk Gulch needs Grubstake,,,

27. Christopher Vasquez (ZIP code: 94114)

Grubstake is an LGBTQ safe space and needs to be protected!

28. Chris Sandell (ZIP code: 94131)

29. Charles Ford (ZIP code: 94110)

30. Derek Boehringer (ZIP code: 94102)

31. Dennis Harvey (ZIP code: 94109)

32. David Differding (ZIP code: 94114)

33. Donna Sachet (ZIP code: 94114)

34. Duncan Ley (ZIP code: 94109)

We need the housing. let's go!

35. Emily Weisensee (ZIP code: 94110)

Stop ripping the heart & soul out of SF!

36. Cedric Lavina (ZIP code: 94117)

37. hrayr khanjian (ZIP code: 94110)

38. Eric Stern (ZIP code: 94114)

Please save this beloved space - one that has historical importance to San Francisco's queer community. Thank you!

39. susan goodfellow (ZIP code: 94109)

there is a reason that tourists come to sf and people who live want to have our historic famed institutions The Grubstake is one of them just look at it ! tell how many dinning places in SF look like it ! If you take away places like the Grubstake you hurt more people in real estate values, Tourist money and local long time residents ! LOOK at the big picture rather than some developer to put up a sliver over valued housing no one's coming here to see that !

40. Brian Busta (ZIP code: 94114)

41. Joey Ereñeta (ZIP code: 94110)

42. gary johnson (ZIP code: 94109)

43. Gary Contreras (ZIP code: 94103)

The grubstake has been around for a long time. It has been on this lot 1525 Pine Street from my understanding over 30 years.

44. Gerry McBride (ZIP code: 92264)

45. Nancy Mollenauer (ZIP code: 95492)

46. Gypsy Love (ZIP code: 94402)

Save Grubstake!

47. James Harrison (ZIP code: 94115)

48. mark chambers (ZIP code: 94114)

save the history. it will be shiny new for the rich queens next door.

49. Tracy Dietz (ZIP code: 94611)

50. Ian Renner (ZIP code: 94103)

More affordable housing now!

51. Isa DeFusco (ZIP code: 94702)

52. Richard Lopez (ZIP code: 94114)

53. Isabel Whittaker Walker (ZIP code: 94102)

54. Jeff Rombouts (ZIP code: 90810)

55. Jackalope Bar (ZIP code: 94109)

We love you!

56. jane ganim (ZIP code: 94109)

Please save the Grubstake!

57. Janet Witkosky (ZIP code: 94109)

58. JEFFREY NIGH (ZIP code: 94127)

59. Jason Lam (ZIP code: 94108)

60. Jason Hudak (ZIP code: 94103)

61. Joseph Engle (ZIP code: 95825)

Grubsteak was an important part of many of us in recovery in SF Fellowship after AA/NA meetings in the area. I got sober in SF starting in 2001.

62. John Christophel (ZIP code: 94122)

63. Jimmy Consos (ZIP code: 94109)

64. Juan Davila (ZIP code: 94102)

I think be great for all and bring more community for better City

65. John Goldsmith (ZIP code: 94114)

This is culturally significant, save our precious lgbt affirming spaces from gentrification.
#SaveHarveyMilkPlaza

66. James Seeman (ZIP code: 94109)

67. Joseph Roybal (ZIP code: 94110)

68. Jonathan Weisman (ZIP code: 94131)

69. Joni Weinstein (ZIP code: 94109)

Please save The Grubstake and allow the new affordable units to be built. Don't let gentrifiers suck the local color out of the neighborhood. We need to preserve the small gems that make San Francisco what it is.

70. Joseph Barajas (ZIP code: 94109)

71. Joshua Alvarez (ZIP code: 94109)

72. Justin Elliott (ZIP code: 94114)

Yes to grubsteaks proposal!

73. John Twomey (ZIP code: 94109)

74. Jesse West (ZIP code: 94103)

THIS IS BY FAR THE BEST PROPOSAL I HAVE SEEN FOR A BUILDING IN SF!

75. Kenneth Henderson (ZIP code: 94115)

The Grubstake is an SF institution with a long history of supporting the LGBT community and other segments. After nearly 6 years of addressing concerns by neighbors, it is time to move on and approve the Grubstake's plans to preserve this important landmark.

76. Michael Kovacs (ZIP code: 94109)

screw those morons and their overpriced condos. they knew what they were getting into

77. Ken Walczak (ZIP code: 94122)

78. Liz Ver (ZIP code: 94142)

Keep this Project going! Grubsteak is a Staple to Frisco's night light. Best place to get a fire ass burger and just some good ass food after partying on Polk Street. The 3am Grub stop. Keep The City The City PERIOD!

GRUBSTEAK??

GRUBSTEAK??

GRUBSTEAK?

79. Lauren Gibson (ZIP code: 94117)

80. Lesley Kraechan (ZIP code: 94133)

81. Madelaine Healey (ZIP code: 95032)

82. MaryAnne Kayiatos (ZIP code: 94109)

83. Robert Mansfield (ZIP code: 94107)

84. Mary Lahey (ZIP code: 94109)

85. Melissa Moss (ZIP code: 94117)

Save a SF institution!

86. Julianna Keller (ZIP code: 94123)

87. Michael Sano (ZIP code: 94103)

88. Mike Linshi (ZIP code: 94102)

89. Aura Vulcano (ZIP code: 94118)

The Grubstake was there for people before me; it was there for me and my loved ones, hurtling out of a hospital in the wee hours of the morning; it should be there, as silly as it sounds, after us.

90. Millie Tovar (ZIP code: 94129)

We need more housing! And we certainly need LGBTQI+ to continue to flourish in San Francisco.

91. Matthew Perifano (ZIP code: 94124)

92. Edgardo Moncada (ZIP code: 94117)

PLEASE SAVE THE GRUBSTAKE!

93. Gary Virginia (ZIP code: 94114)

San Francisco continues to lose LGBTQ+ venues including safe-haven, queer-friendly, late night restaurants that also cater to nightlife industry workers & patrons, & tourists. (Sparky's Diner & It's Tops have closed.) Help save historic Grubstake Diner. Stop the endless delays of 5+ years!

94. Ricardo Beas (ZIP code: 92154)

95. Natarajan Subbiah (ZIP code: 94110)

96. David Perry (ZIP code: 94114)

97. Nic Hunter (ZIP code: 94114)

98. An anonymous signer (ZIP code: 95630)

99. Onllwyn Dixon (ZIP code: 94103)

I encourage the Board of Supervisors to reject the Austin residents' relentless tactics to delay this modest proposal and deny the meritless appeal.

100. Laura Overmann (ZIP code: 94010-5141)

101. Paul Quiroga (ZIP code: 94590)

102. PJ Nachman (ZIP code: 94102)

103. Terry Penn (ZIP code: 94114)

104. Linda Ayres-Frederick (ZIP code: 94117)

Let's keep the best of SF alive. The Grubstake is a landmark for locals and visitors. It's time to keep the best of our unique past preserved for future generations.

105. Patrick Esteban (ZIP code: 94086)

106. Brian Shire (ZIP code: 94103)

107. Esta Liederman (ZIP code: 94122)

Please save some of San Francisco's soul and provide housing for not just the rich.

108. Philip Stover (ZIP code: 94114)

109. Doug McKirahan (ZIP code: 94121)

110. Rene Colorado (ZIP code: 94109)

111. Joseph Roland (ZIP code: 94102)

112. Roxanne Lucas (ZIP code: 94107)

Love, love, love Grubstake; spent many late nights eating here in the early 2000's. So many significant places in SF have disappeared. It would be a tragedy if this gathering place disappeared as well.

113. Ryan VanZuylen (ZIP code: 94102)

This is precisely what San Franciscans and the BOS clamor for: preservation of cultural institutions that our City is known for and more affordable housing. Please consider voting against this appeal and allowing the full 8 stories of new housing and rehabilitation of this landmark diner.

114. Saara Muscat (ZIP code: 94109)

115. Sally Spencer (ZIP code: 94115)

116. Samantha Snook (ZIP code: 94121)

Love this gem!

117. Sandra Derian (ZIP code: 94109)

118. Sangeeta Sarkar (ZIP code: 94619)

119. Juliette Schlesinger (ZIP code: 94114)

120. Deana Hemrich (ZIP code: 94114)

121. Scott T (ZIP code: 95436)

122. Setg Abrahamson (ZIP code: 94114)

Keep grubstake alive!!!

123. Sean Mamola (ZIP code: 94105)

124. Selby Schwartz (ZIP code: 94109)

Juanita MORE! is absolutely right: no luxury condo development should get in the way of preserving and sustaining LGBTQ+ history in our neighborhood.

125. Susan Englander (ZIP code: 94110)

The Grubstake and the planned housing above it will be a contribution to the physical and cultural community of San Francisco. Please do not honor this appeal. High-density housing is needed in SF and so is the Grubstake!

126. Mark Cooper (ZIP code: 94131)

127. Shao-Lun Chien (ZIP code: 94102)

Design failure can not be the reason to block this project. Next door should find their architect to fix the mistake of only have light and ventilation from a light well.

128. Sharon McKnight (ZIP code: 90046)

129. Sharryl Rieth (ZIP code: 95358)

Grubsteaks is soon good and a fixture in the city! Taking it out would be a sad day in history

130. Kevin O'Neal (ZIP code: 94102)

131. Douglas Hudson (ZIP code: 94115)

132. Stacy Thomas (ZIP code: 94608)

I live in Oakland but used to live on Pine Street at Polk in SF. The Grubstake should be preserved and

affordable housing built. Just as more should be made available in Oakland. Its shameful that people who can afford high rents attempt to block housing for those who can not. Both SF and Oakland and all cities have a responsibility to do better for it's less affluent citizens.

133. Stephanie Zambrano (*ZIP code: 94112*)

134. Steve Gallagher (*ZIP code: 94114*)

135. Susan Whitney (*ZIP code: 93933*)

The best of luck goes to you ?

136. Theresa Lee (*ZIP code: 94118*)

137. David Tao (*ZIP code: 94102*)

138. BARRY LAWRENCE (*ZIP code: 94954*)

Out of townner who enjoys the drive to the city to eat here.

139. Tim O'Bayley (*ZIP code: 92262*)

The Grubstake is an icon in the City!

140. Timothy Tieu (*ZIP code: 94114*)

141. Christina Collins (*ZIP code: 94121*)

I love this place. So many after-hours post work fun. Thank you for that. I hope to visit again.

142. Tony Huynh (*ZIP code: 94102*)

143. Vacharish Chanasit (*ZIP code: 94114*)

144. Daniel Weaver (*ZIP code: 94109*)