

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

### LAND USE AND TRANSPORTATION COMMITTEE

### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Mark Farrell, Chair  
Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: July 18, 2017

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, July 18, 2017

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 18, 2017. This item was acted upon at the Committee Meeting on Monday, July 17, 2017, at 1:30 p.m., by the votes indicated.

**Item No. 42                      File No. 170783**

Resolution extending interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

#### **AMENDED**

Vote: Supervisor Mark Farrell - Aye  
Supervisor Aaron Peskin - Aye  
Supervisor Katy Tang - Aye

#### **RECOMMENDED AS AMENDED AS A COMMITTEE REPORT**

Vote: Supervisor Mark Farrell - Aye  
Supervisor Aaron Peskin - Aye  
Supervisor Katy Tang - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy Director  
Jon Givner, Deputy City Attorney

File No. 170783

Committee Item No. 4

Board Item No. 47

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 17, 2017

Board of Supervisors Meeting  
Cmte Board

Date July 18, 2017

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

**OTHER (Use back side if additional space is needed)**

- Referral CEQA 063017
- Referral FYI 070517
- Response CEQA 070317
- Hearing Notice 070717
- Committee Report Request
- COMMITTEE REPORT MEMO OFFICE
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Completed by: Erica Major Date July 14, 2017  
 Completed by: [Signature] Date 7/18/17

1 [Extending Interim Zoning Controls - Indoor Agriculture]

2

3 **Resolution extending interim zoning controls to require conditional use authorization**  
4 **for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor**  
5 **agriculture uses in Production, Distribution and Repair zoning districts; making**  
6 **findings of consistency with the eight priority policies of Planning Code, Section 101.1;**  
7 **and affirming the Planning Department’s determination under the California**  
8 **Environmental Quality Act.**

9

10 WHEREAS, Planning Code, Section 306.7 provides for the imposition and extension of  
11 interim zoning controls to accomplish several objectives, including preservation of residential  
12 and mixed residential and commercial areas in order to preserve the existing character of  
13 such neighborhoods and areas, and development and conservation of the commerce and  
14 industry of the City in order to maintain the economic vitality of the City, to provide its citizens  
15 with adequate jobs and business opportunities, and to maintain adequate services for its  
16 residents, visitors, businesses and institutions; and

17 WHEREAS, Policy 2 of the eight priority policies of the General Plan and of Planning  
18 Code, Section 101.1 establishes a policy “That existing housing and neighborhood character  
19 be conserved and protected in order to preserve the cultural and economic diversity of our  
20 neighborhoods”; and

21 WHEREAS, Indoor Agriculture uses, as defined in Planning Code Section 102, and  
22 other indoor agriculture uses frequently involve cultivation of medical cannabis; and

23 WHEREAS, California’s Proposition 64, the Adult Use of Marijuana Act (AUMA), was  
24 passed by the voters on November 8, 2016, permitting commercial cultivation of cannabis for  
25 nonmedical purposes, subject to a state licensing requirement; and

1           WHEREAS, Production, Distribution and Repair (PDR) zoning districts are areas in  
2 which commercial cannabis cultivation businesses may wish to locate; and

3           WHEREAS, The office of Mayor Edwin M. Lee, the Planning Department, the Office of  
4 Economic and Workforce Development and industry stakeholders are considering the  
5 recommendations of the San Francisco Cannabis State Legalization Task Force and  
6 engaging in broader discussions about amending and updating the existing Planning Code  
7 land use controls to allow for cultivation, manufacturing and distribution while ensuring San  
8 Francisco's policy goals for PDR-zoned areas are maintained; and

9           WHEREAS, An over-concentration of commercial cannabis cultivation businesses may  
10 have a negative impact on the character of neighborhoods within PDR zoning districts, and on  
11 the commerce and industry of the City, including within PDR zoning districts; and

12           WHEREAS, It is important that commercial cannabis cultivation operations adequately  
13 address public health, safety and general welfare concerns, for example, by having adequate  
14 security measures; and

15           WHEREAS, On January 24, 2017, the Board adopted Resolution No. 15-17, which  
16 imposed interim zoning controls requiring that any proposed indoor Agriculture use, as  
17 defined in Planning Code Section 102, as well as any other proposed indoor agriculture use,  
18 that is located in a PDR zoning district must obtain conditional use authorization from the  
19 Planning Commission, pursuant to Planning Code Section 303; and

20           WHEREAS, The circumstances that led to the adoption of Resolution No. 15-17 still  
21 persist today; and

22           WHEREAS, The extension of the interim zoning controls adopted by the Board in  
23 Resolution No. 15-17 advances and is consistent with Policy 2 of the priority policies set forth  
24 in Planning Code Section 101.1, in it addresses the impacts of proposed cannabis cultivation  
25 businesses on neighborhood character in PDR zoning districts; and

1           WHEREAS, With respect to priority policies 1, 3, 4, 5, 6, 7 and 8, the Board finds that  
2 extending these interim zoning controls does not, at this time, have an effect upon these  
3 policies, and thus, will not conflict with said policies; and

4           WHEREAS, Adoption of this extension of interim zoning controls will allow the Board of  
5 Supervisors time to consider how to regulate commercial cannabis cultivation in PDR zoning  
6 districts; and

7           WHEREAS, The Board has considered the impact on the public health, safety, peace,  
8 and general welfare if the extension of interim zoning controls proposed herein is not  
9 imposed; and

10           WHEREAS, The Board has determined that the public interest will be best served by  
11 extension of these interim zoning controls at this time, to ensure that the legislative scheme  
12 that may be ultimately adopted is not undermined during the planning and legislative process  
13 for permanent controls; and

14           WHEREAS, The Planning Department has determined that the actions contemplated in  
15 this Resolution are in compliance with the California Environmental Quality Act (California  
16 Public Resources Code Section 21000 et. seq.); said determination is on file with the Clerk of  
17 the Board of Supervisors in File No. 170783 and is hereby affirmed and incorporated by  
18 reference as though fully set forth; now, therefore, be it

19           RESOLVED, That pursuant to Planning Code Section 306.7, the City hereby requires  
20 that, as of the effective date of this Resolution, any proposed indoor Agriculture use, as  
21 defined in Planning Code Section 102, as well as any other proposed indoor agriculture use,  
22 that is located in a PDR zoning district must obtain conditional use authorization from the  
23 Planning Commission, pursuant to Planning Code Section 303; and, be it

24           FURTHER RESOLVED, That the extension of these interim zoning controls advances  
25 and is consistent with Policy 2 of the priority policies set forth in Planning Code, Section

1 101.1, in that it requires consideration of a proposed cannabis cultivation business's impacts  
2 on neighborhood character in PDR zoning districts, by requiring conditional use authorization  
3 for this new use; and be it

4 FURTHER RESOLVED, That this extension of interim zoning controls shall remain in  
5 effect until December 31, 2017, or until the adoption of permanent legislation regulating  
6 commercial cannabis cultivation in PDR zoning districts, whichever first occurs; and be it

7 FURTHER RESOLVED, That this extension of interim zoning controls shall not apply to  
8 a building permit application for a new indoor Agriculture use, as defined in Planning Code  
9 Section 102, or for any other proposed new indoor agriculture use, where, on or before  
10 November 8, 2016, the permit applicant either (1) applied to the Department of Building  
11 Inspection (DBI) for the building permit, or (2) attempted to apply to the Department of Public  
12 Health for the building permit and was not referred to DBI until after November 8, 2016; and  
13 be it

14 FURTHER RESOLVED, That any expansion of an existing indoor Agriculture use, as  
15 defined in Planning Code Section 102, or of any other indoor agriculture use, shall not be  
16 subject to these controls so long as the space in which the expansion would occur is on the  
17 same parcel as, contiguous with, and accessed directly from, the existing establishment.  
18

19  
20 APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

21  
22 By:

  
VICTORIA WONG  
Deputy City Attorney

23  
24 n:\egana\as2017\1700739\01202301.docx  
25

# Prop 64 – Adult Use of Marijuana Act (AUMA)

On November 8, 2016 voters authorized Prop 64, the Adult Use of Marijuana Act (AUMA) with 57% of the vote.

AUMA legalizes cannabis cultivation and commercial sale to persons at least 21 years of age. Businesses will not be able to begin growing/making/selling marijuana under this law until January of 2018.

170983  
SUNSHINE  
FORWARD  
7/1/17

# PDR Zoning – Supporting Our Industrial Sector

San Francisco has taken bold steps to protect industrial space (PDR) throughout the city with the majority of this land being in the eastern part of our city – Bayview, Mission and SoMa

The retention and growth of industrial businesses is a constant focus for our city as the real estate landscape remains tight.

Cannabis is a new PDR sub-sector



# Interim Controls Extension

Requires that any new indoor agricultural uses continue to get a Conditional Use Authorization from the Planning Commission

# What's Next

Permanent controls will:

Help provide clarity about the process

Address safety concerns

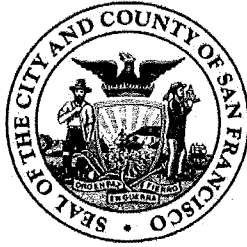
Consider over-concentration

Public outreach:

Business

Neighbors/community

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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 30, 2017

File No. 170783

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On June 27, 2017, Mayor Lee introduced the following proposed legislation:

**File No. 170783**

**Resolution extending interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org, c=US  
Date: 2017.07.03 15:40:40 -0700

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## MEMORANDUM

TO: John Rahaim, Director, Planning Department  
Todd Rufo, Director, Office of Economic and Workforce Development  
Mavis Asiedu-Frimpong, Cannabis State Legalization Task Force  
Barbara Garcia, Director, Department of Public Health  
Tom Hui, Director, Department of Building Inspection

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: July 5, 2017

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on June 27, 2017:

**File No. 170783**

**Resolution extending interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

c: Scott Sanchez, Planning Department  
Lisa Gibson, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Joy Navarrete, Planning Department  
Laura Lynch, Planning Department  
Ken Rich, Office of Economic and Workforce Development  
Lisa Pagan, Office of Economic and Workforce Development  
Greg Wagner, Department of Public Health  
Colleen Chawla, Department of Public Health  
William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection

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June 30, 2017

**File No. 170783**

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On June 27, 2017, Mayor Lee introduced the following proposed legislation:

**File No. 170783**

**Resolution extending interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

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Tel. No. 554-5184  
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**NOTICE OF PUBLIC HEARING**  
**BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**  
**LAND USE AND TRANSPORTATION COMMITTEE**

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, July 17, 2017

**Time:** 1:30 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** File No. 170783. Resolution extending interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, July 14, 2017.

  
Angela Calvillo, Clerk of the Board

DATED/PUBLISHED/POSTED: June 7, 2017

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CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)  
1 DR CARLTON B GOODLETT PL #244  
SAN FRANCISCO, CA 94102

**COPY OF NOTICE**

Notice Type: GPN GOVT PUBLIC NOTICE  
Ad Description EDM 170783 Interim Zoning - Land Use and  
Transportation 7.17.2017

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

07/07/2017

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an

EXM# 3029280

**NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE**  
MONDAY, JULY 17, 2017 - 1:30 PM CITY HALL, LEGISLATIVE CHAMBER, ROOM 250 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 170783. Resolution extending interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, July 14, 2017.



President, District 5  
BOARD of SUPERVISORS



BOS-11, COB, Land Use Clerk  
Deputies, Dep City Attys,  
City Hall Mayor's Office  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7630  
Fax No. 554-7634  
TDD/TTY No. 544-5227

London Breed

**PRESIDENTIAL ACTION**

Date: July 10, 2017

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 170783 Mayor  
(Primary Sponsor)

Title. Extending Interim Zoning Controls - Indoor Agriculture

Transferring (Board Rule No 3.3)

File No. \_\_\_\_\_  
(Primary Sponsor)

Title. \_\_\_\_\_

From: \_\_\_\_\_ Committee

To: \_\_\_\_\_ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

London Breed, President  
Board of Supervisors

2017 JUL 10 PM 4:14  
BOARD OF SUPERVISORS  
SANDRA CALVILLO  
CLERK



Member, Board of Supervisor  
District 2



City and County of San Francisco

*COB  
Leg Dep, LU CLK*

**MARK FARRELL**

---

DATE: July 13, 2017  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
FROM: Supervisor Mark Farrell  
RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

---

*Mark S. Farrell*

RECEIVED  
JUL 13 AM 9:04  
LEGISLATIVE DEPARTMENT

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, July 18, 2017, as Committee Reports:

**170761 Public Works, Administrative Codes - Street Encroachment Permits and Maintenance Fund for Certain Permits**

Ordinance amending the Public Works Code to update provisions on street encroachment permits, establish appeals procedures and fees for such appeals, waive the annual public right-of-way occupancy assessment fee in lieu of the waiver for permit fee payment for certain permits, modify the street encroachment permit process for governmental entities, and create a temporary street encroachment permit for a maximum period of 30 months; amending the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an adjacent property owner; and affirming the Planning Department's determination under the California Environmental Quality Act.

**170692 General Plan Amendments - Implementing the City's Vision Zero Policy Regarding Pedestrian Safety**

Ordinance amending the Transportation and Urban Design Elements of the General Plan to implement the City's Vision Zero policy regarding pedestrian safety; making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

**170820 Planning Code - Valencia Street Neighborhood Commercial Transit District Zoning Control Table**

Ordinance amending the Planning Code to adopt the zoning control table for the Valencia Street Neighborhood Commercial Transit District, which was deleted inadvertently from Ordinance No. 129-17, the Article 7 Reorganization Ordinance; making environmental findings and findings of consistency with the General Plan, and the eight priority policies

of Planning Code, Section 101.1, and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

**170783      Extending Interim Zoning Controls - Indoor Agriculture**

Resolution extending interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, July 17, 2017, at 1:30 p.m.

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *for* Mayor Edwin M. Lee *[Signature]*  
RE: Extending Interim Zoning Controls - Indoor Agriculture  
DATE: June 27, 2017

---

Attached for introduction to the Board of Supervisors is a resolution extending interim zoning controls to require conditional use authorization for indoor Agriculture uses, as defined in Planning Code Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

I respectfully request that this item be calendared in Land Use Committee on July 10, 2017.

Should you have any questions, please contact Mawuli Tugbenyoh (415) 554-5168.

RECEIVED  
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SAN FRANCISCO  
2017 JUN 27 PM 3:48  
*[Signature]*